

SECTION 11 - NATURAL RESOURCES/ENVIRONMENT

11.1 INTRODUCTION

Land use activities and land clearing practices that occurred years ago throughout the County have resulted in a situation where the amount of remaining natural resource/environment areas are quite small. From the time that the County was first settled in the 1800's, significant amounts of wooded areas were cleared and wet areas were drained in the pursuit of agricultural and farming practices. In more recent years, local planning policy has emphasized the importance of the remaining natural areas and the need to protect, preserve, and enhance them.

The remaining natural resource/environment areas in the County consist of wetland areas, woodlands, some water course and valley land areas, and environmentally sensitive areas. These areas have in the past and should continue to provide benefits at the property owner level and at the general public level. The County recognizes the important role and functions that the remaining natural resource/environment areas have and through this Official Plan is taking steps to ensure their continued existence.

It is the intent of this Plan, through the "Natural Resources/Environment" designation, to provide policy directed towards the preservation and protection of the remaining natural resources/environment areas and to provide a policy framework which encourages the enhancement and improvement of these areas. The County wishes to promote the wise stewardship and management of all natural resource/environment areas and to encourage the re-establishment of natural environment areas in appropriate locations.

11.2 GOALS

The following goals are established for the "Natural Resources/Environment" designation:

- (a) To identify natural resources/environment features in the County which are of provincial and local significance;
- (b) To ensure the long-term protection, conservation, and enhancement of the identified "Natural Resources/Environment" areas;
- (c) To protect, preserve, and enhance the various features comprising the "Natural Resources/Environment" designation by prohibiting incompatible development and by controlling and regulating compatible development;
- (d) To provide a process whereby development proposals can be reviewed and assessed with respect to their potential impact on "Natural Resources/Environment" areas;

- (e) To encourage the re-establishment or naturalization of "Natural Resources/Environment" areas;
- (f) To promote the wise stewardship and management of "Natural Resources/Environment" areas;
- (g) To encourage co-operation among the County, local municipalities, government agencies, landowners and others involved with natural resources/environment matters; and
- (h) To protect the remaining forest cover of the County and encourage rehabilitation through management and stewardship initiatives; and
- (i) To protect water resources, the County will encourage rehabilitation through storm water management and stewardship initiatives.

11.3

LAND USE DESIGNATION AND MAPPING

Policies for the "Natural Resources/Environment" designation shall apply to the areas shown as "Natural Resources/Environment" on Schedule "A" (Land Use Plan) to this Official Plan.

The areas shown as "Natural Resources/Environment" on Schedule "A" are based on information from various sources, including studies, reports, and maps prepared by the Ministry of Natural Resources, Conservation Authorities, the County, and other agencies.

The lands adjacent to the "Natural Resources/ Environment" have been shown as an overlay rather than a designation in the Plan.

11.4

DEFINITION/PERMITTED USES

The "Natural Resources/Environment" designation as established by this Plan includes the following features:

- (a) Provincially significant wetland areas and adjacent lands;
- (b) Locally significant wetland areas;
- (c) Significant habitat of threatened and endangered species;
- (d) Significant wildlife habitats;
- (e) Significant areas of natural and scientific interest (Life Science ANSI's);
- (f) Significant woodlands;
- (g) Significant valley lands;
- (h) Fish habitat;
- (i) Environmentally sensitive areas; groundwater recharge areas; and other natural resource areas; and
- (j) Natural watercourses.

It is the intent of this designation that the natural resource and environment features and their attributes be protected, preserved, and enhanced for the benefit of present and future generations of Perth County residents. As a general rule, uses such as conservation, forestry, wildlife areas, and passive recreation are permitted uses. Where additional uses are to be permitted, the specific policy dealing with the various components of the "Natural Resources/Environment" designation shall identify those additional uses.

ADDED BY OPA # 47 Some of the "Natural Resources/Environment" features as shown on Schedule "A" to this Plan are based on aerial photography taken in the mid-1980's under the Ontario Base Mapping program (OBM) program. Where watercourse and/or woodlot locations have changed and are not properly shown on the Schedule "A", the policies of this Section shall apply to the proper locations of the watercourse and/or woodlot locations.

In situations where, due to the scale of Schedule "A", the exact location of each feature or the nature of each feature is unclear, the source files at the County of Perth Planning and Development Office should be consulted and are available for review.

11.5 **SPECIFIC FEATURE POLICIES**

11.5.1 **Wetland Areas**

11.5.1.1 **Provincially Significant Wetlands**

The "Natural Resources/Environment" designation includes those wetland areas that have been identified as provincially significant wetlands by the Ministry of Natural Resources and their adjacent land areas within 120 metres of the wetland area. Presently there are five provincially significant wetland areas in the County - the Little Lakes Complex, the Ellice Huckleberry Swamp, the Conroy Woods, the Gads Hill Swamp South, and the Ratzburg Complex. Where additional provincially significant wetland areas in the County are identified, this Plan shall be amended as appropriate to recognize such additional area. Specific policies for the provincially significant wetland areas and their adjacent lands are as follows:

- (a) Development and site alteration shall not be permitted within the wetland area;
- (b) Development and site alteration may be permitted within the 120 metre adjacent land area provided that such development will not result in negative impacts on the natural features or ecological functions of the wetland. An environmental impact study or other appropriate study shall be required in order to assess the impact of the development and site alteration;

- (c) Notwithstanding the policy of paragraph (a) above, agricultural activities appropriate to woodlots such as maple syrup production and the harvesting of mature trees are permitted in a Provincially Significant Wetland.

Notwithstanding the policy of paragraph (b) above, agricultural activities including plowing, seeding, harvesting, grazing, animal husbandry, and existing buildings associated with farming activities are permitted on adjacent lands without the need for an environmental impact study or other appropriate study; and

- (d) Local municipal Zoning By-laws shall zone wetland areas so as to preclude development and site alteration.

11.5.1.2 **Locally Significant Wetlands**

The "Natural Resources/Environment" designation includes those wetland areas that have been identified as being locally significant wetlands. These consist of the 26 wetland areas identified by the Ministry of Natural Resources which are not provincially significant wetlands. Specific policies for these locally significant wetland areas are as follows:

- (a) Development and site alteration shall not be permitted within the wetland area;
- (b) Notwithstanding the policy of paragraph (a) above, agricultural activities appropriate to woodlots such as maple syrup production and the harvesting of mature trees, and existing recreational snowmobile trails, shall be permitted without an environmental impact study or other appropriate study. Such activities are to be carried out in an environmentally sensitive manner which preserves the woodland and wetland functions. Extensions to existing snowmobile trails may be permitted subject to an environmental impact study or other appropriate study; and
- (c) Local municipal Zoning By-laws shall zone locally significant wetland areas so as to preclude development and site alteration, excepting that permitted by paragraph (b) above.

11.5.2 **Significant Habitat for Threatened or Endangered Species**

ADDED BY The "Natural Resources/Environment" designation recognizes and
OPA # 47 acknowledges that there are a number of significant habitats for threatened or endangered species in the County of Perth.

It is not the intent of this Official Plan to specifically designate these sites, but rather to provide a commitment to work with the Ministry of Natural Resources and the local municipalities in the County to prepare an acceptable implementation framework and administrative procedure for the protection of the habitats of these species. The implementation framework and administrative procedure should establish a suitable review mechanism whereby development proposals in the vicinity of the sites can be assessed with respect to their impact on the site and species and address any necessary mitigation measures.

- (a) Development and site alteration shall not be permitted within the habitat area;
- (b) Development and site alteration may be permitted on adjacent lands provided that such development will not negatively affect natural features or the ecological function of the habitat area. In order to allow for the assessment of impacts, the adjacent land area should be 50 metres in width and if the development may impact the ecological function of the habitat area, an impact assessment may be required. An environmental impact study or other appropriate study shall be required in order to assess the impact of the development and site alteration; and
- (c) Notwithstanding the policy of paragraph (b) above, agricultural activities including plowing, seeding, harvesting, grazing, animal husbandry, and existing buildings associated with farming operations are permitted on adjacent lands without a study. In the case of new buildings and structures involving the housing of livestock/poultry, manure storage, or corn dryers or other similar structures, an appropriate study may be required to show that such development will not negatively affect natural features of the ecological function of the habitat area.

11.5.3

Significant Wildlife Habitats

The "Natural Resources/Environment" designation is intended to include other significant wildlife habitat. Where the Ministry of Natural Resources has identified lands providing significant wildlife habitat, such areas shall be appropriately recognized on the land use schedules forming part of this Plan. Specific policies for significant wildlife habitats are as follows:

- (a) Development and site alteration within the habitat area or on adjacent lands that are within 30 metres of these areas may be permitted provided that such development will not negatively affect the natural features or ecological function of the habitat area. An environmental impact study or other appropriate study shall be required in order to assess the impact of the development and site alteration;
- (b) Notwithstanding the policy of paragraph (a) above, agricultural activities including plowing, seeding, harvesting, grazing, animal husbandry, and existing buildings associated with farming operations are permitted on adjacent lands without a study. In the case of new buildings and

structures involving the housing of livestock/poultry, manure storage, or corn dryers or other similar structures, an appropriate study may be required to show that such development will not negatively affect the natural feature or the ecological function of the habitat area.

11.5.4 **Significant Areas of Natural and Scientific Interest (ANSI's) - Life Science**

The "Natural Resources/Environment" designation includes one significant area of natural and scientific interest (ANSI) as identified by the Ministry of Natural Resources. This particular ANSI is a life science ANSI and it is identified as the Molesworth Woods in Wallace Township.

Specific policies for life science ANSI's are as follows:

- (a) Development and site alteration may be permitted within a life science ANSI and on adjacent lands within 30 metres of a life science ANSI provided that such development will not negatively affect the natural features or ecological function of the life science ANSI. An environmental impact study or other appropriate study shall be required in order to assess the impact of the development and site alteration; and
- (b) Notwithstanding the policy of paragraph (a) above, agricultural activities including plowing, seeding, harvesting, grazing, animal husbandry, and existing buildings associated with farming operations are permitted on adjacent lands without a study. In the case of new buildings and structures involving the housing of livestock/poultry, manure storage, or corn dryers or other similar structures, an appropriate study may be required to show that such development will not negatively affect the natural feature or other ecological feature of the life science ANSI.

11.5.5 **Significant Woodlands**

ADDED BY OPA # 47 In determining what constitutes a significant woodland, the County recognizes the scarcity of this important feature and has moved beyond the 4.0 hectare woodlot size criterion as recommended by the Ministry of Natural Resources from the implementation guidelines of the Provincial Policy Statements in an effort to protect as much of the woodland area as possible. Accordingly, woodland areas that are 1.0 hectare or larger in size are designated "Natural Resources" in this Plan. This 1.0 hectare criterion shall be applied based on contiguous woodland area and not on the basis of property ownership.

ADDED BY OPA # 47 While woodlands that are 1.0 hectare or larger in size have been identified as significant woodlands and are therefore designated "Natural Resources/Environment", this Plan acknowledges that many of these significant woodlands form and function as part of larger farm properties. Approximately one-third of the woodland areas in the County are less than 1.0 hectare in size and therefore are not designated "Natural Resources/Environment". In order to protect all woodlands, the County has passed a By-law to regulate the destruction of trees by cutting, burning or other means. It is a policy of this Plan that all woodlots be

retained and that the clearing of woodlots will not be permitted with the exception of any clearing permitted in accordance with the provisions of the County of Perth's Forest Conservation By-law. For those woodland areas located in the "Agriculture" designation, the policies of Section 5.5.5 of this Plan also apply.

Specific policies for significant woodlands are as follows:

- ADDED BY* (a) With the exception of the specific activities noted in Clause (b) below, development and site alteration shall not be permitted in significant woodland areas;
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- (b) Notwithstanding the policy of paragraph (a) above, agricultural activities such as maple syrup production and the harvesting of mature trees, and recreational snowmobile trails are considered as appropriate activities in woodlots and therefore are permitted without an environmental impact study or other appropriate study. Such activities are to be carried out in an environmentally sensitive manner so as to preserve the overall woodlot function;
- (c) Generally, mineral aggregate extraction should not occur within significant woodlands. Where the extraction of aggregate material from a significant woodland area is justified and where a license for such extraction has been obtained under the provisions of the Aggregate Resources Act, the cutting of woodland to facilitate the extraction shall be permitted provided that only the minimum amount of woodland cutting occurs and that the extraction area is rehabilitated back to woodland use during and following the aggregate removal. Further, the permitted mineral aggregate extraction must be carried out in a manner which is environmentally sensitive to the remaining woodland area; and
- ADDED BY* (d) The local municipality's Zoning By-law shall zone significant woodlands in a manner so as to preclude development and site alteration excepting that permitted (a) and (b) above. The local municipality may zone other woodlands in a manner consistent with the surrounding lands (e.g. agricultural) but shall be encouraged to zone all woodland areas with appropriate regulations to provide long term protection to the woodland areas.
OPA # 47
- ADDED BY* (e) Development may be permitted within the 30 metre adjacent land/buffer area provided that such development will not result in negative impacts on the significant woodland. An environmental impact study or other appropriate study may be required in order to assess the impact of development.
OPA # 47

11.5.6 **Significant Valley Lands**

ADDED BY OPA # 47 The "Natural Resources/Environment" designation is intended to include significant valley land areas. While no such areas have yet been identified in Perth County, it is recognized that further study of valley land areas is required in order to determine whether any of the valley land areas in Perth County are considered to be significant. Where significant valley land areas are identified, such areas shall be appropriately recognized and specific policies for such areas will be developed through the Official Plan Amendment process.

11.5.7 **Fish Habitat**

The "Natural Resources/Environment" designation is intended to include fish habitat areas in the County as identified by the Ministry of Natural Resources. Specific policies for fish habitat areas are as follows:

(a) Development and site alterations shall not adversely affect any fish habitat. Generally, development or site alterations are most likely to create adverse impacts within 30 metres of the water body. Development will not be permitted within 15 metres of a watercourse. Where development is proposed within 30 metres of a water body, it must be demonstrated that there is no negative impact;

ADDED BY OPA # 47 (b) Notwithstanding the policy of paragraph (a) above, the clean out of municipal drains shall be permitted in accordance with applicable regulations;

(c) Notwithstanding the policy of paragraph (a) above, extensions or enlargements of existing buildings and structures in the adjacent land area may be permitted provided that it is demonstrated to the satisfaction of the Ministry of Natural Resources or other appropriate regulatory agency that such extension or enlargement will have no negative impact on the fish habitat;

(d) It is a policy of this Plan to encourage the re-establishment of naturally vegetated buffer strips along water bodies and headwater areas; and

(e) Although storm water management and drainage measures are often located some distance from a watercourse these measures impact the water quality and quantity of the watercourse and affect the fish habitat. When evaluating storm water management and drainage activities, consideration shall be given to impacts upon fish habitat.

(f) Notwithstanding clauses (a), (b) and (c), the development proponent/land owner must ensure that their activities will not harm, alter, disrupt or destroy fish habitat as defined in the Federal Fisheries Act. The advice of the Department of Fisheries and Oceans or their delegate should be sought where any proposal may potentially impact fish habitat. In instances where a proposal may result in a harmful alteration, disruption

or destruction of fish habitat the proponent may be required to submit an environmental impact study or other appropriate study for review by the Department of Fisheries and Oceans or their delegate.

- (g) Local municipal Zoning By-laws shall zone fish habitats and their adjacent land areas so as to preclude development and site alteration excepting that permitted by paragraphs (b) and (c) above.

11.5.8 **Environmentally Sensitive Areas, Ground Water Recharge and Discharge Areas, and Other Natural Resource Areas**

The "Natural Resources/Environment" designation also includes environmentally sensitive areas, ground water recharge and discharge areas, and other natural resource areas that have been designated for environmental protection purposes in previous local Official Plan documents in the County. The environmentally sensitive areas were identified in a 1982 study conducted by the University of Waterloo for Perth County and include 29 identified areas. The ground water recharge areas have been identified through studies such as those conducted by the Maitland Valley Conservation Authority for the Elma and Wallace Township area and which were incorporated into recent local Official documents for these municipalities. Other natural resource areas identified in previous local Official Plan documents and which were deemed worthy of continued preservation/protection are also included. Specific policies for these environmentally sensitive areas, ground water recharge areas, and other natural resource areas are as follows:

- (a) Development and site alteration may be permitted on such lands provided that such development will not have a negative impact on the natural resource feature of the subject area or the ecological and hydrological functions. An environmental impact study or other appropriate study shall be required in order to assess the impact of the development and site alteration. With respect to ground water recharge areas, development shall not result in a loss of ground water quantity or quality. The terms of reference for the environmental impact study should be submitted to the County for review and approval; and
- (b) Notwithstanding the policy of paragraph (a) above, agricultural activities appropriate to woodland areas such as maple syrup production and the harvesting of mature trees shall be permitted without the need for an environmental impact study or other appropriate study; and
- (c) Local municipal Zoning By-laws shall zone environmentally sensitive areas, ground water recharge areas, and other identified natural resource areas so as to preclude development and site alteration, excepting that permitted by paragraph (b) above.

Concerning groundwater recharge areas, this Plan encourages the provincial agencies and the Conservation Authorities in the County to carry out such studies in order to identify ground water recharge areas throughout the County.

11.5.9 **Natural Watercourses**

ADDED BY OPA # 47 The "Natural Resources/Environment" designation is intended to include watercourses identified on Schedule "A". It is the intention of the County to develop specific policies for watercourse areas and that these will be added to this Plan by amendment at a future date.

11.6 **GENERAL POLICIES**

11.6.1 **Purpose**

The "Natural Resources/Environment" designation contains those lands which perform important ecological functions and/or which protect biological diversity and life supporting systems that would be lost or degraded if such areas were developed or altered. The primary purpose of this designation is to preserve, protect, and enhance important environmental areas and features while protecting them from land use impacts that would reduce their size and physical form, impair their ecological functions, or degrade their quality.

11.6.2 **Boundary Identification**

The boundaries of the "Natural Resources/Environment" designation area general in nature and are intended to be approximate only. More specific boundary identification will occur when local municipal Zoning By-laws are revised/updated to implement the County Official Plan document. Amendments to this Official Plan shall not be required to incorporate boundary refinements/adjustments into local municipal Zoning By-laws.

11.6.3 **Private Ownership**

Many of the areas designated "Natural Resources/Environment" are held in private ownership. Nothing in this Plan implies an intention on the part of the County or the local municipalities to acquire such lands nor to make such areas available for public use.

11.6.4 **Overlapping Features**

Many of the individual "Natural Resources/Environment" areas as shown on Schedule "A" (Land Use Plan) are comprised of two or more specific features listed in Section 11.4 above. Where there is a difference between the policies for each of the specific features, it is a policy of this Plan that the most restrictive of the policies are to be applied.

11.6.5 **Natural Connections**

In order to protect those lands which perform important ecological functions and/or to protect bio diversity and life supporting systems, and to enhance important environmental areas and features, those areas which form natural connections between these areas should be identified and protected.

11.7 **CONSENT/SEVERANCE POLICIES**

The following specific policies shall apply to consent applications which involve land within the "Natural Resources/Environment" designation as shown on Schedule "A" (Land Use Plan). They are intended to implement the foregoing goals and policies and are to be applied in addition to the general consent/severance policies set forth in Section 16.3 of this Plan.

11.7.1 **New Lot Creation**

As a general rule, the severing of lands in the "Natural Resources/ Environment" designation for the purpose of creating new lots shall not be permitted. An exception to this general rule may be applied where a conservation oriented group is proposing to sever an area for the purpose of conserving, preserving, enhancing, and/or improving the natural resource/ environment area. Such applications will be carefully reviewed and conditions, as appropriate, will be imposed to ensure conformity to the goals, objectives and policies of this Plan over the long term.

11.7.2 **Agriculture and Land Uses**

Where a severance of agricultural land within the "Agriculture" designation is being considered and a part of the land use extends into the "Natural Resources/ Environment" designation, such application may be approved provided it is demonstrated that there will be no significant impact on the "Natural Resources/ Environment" area. Consideration will be given to appropriate zoning by-law regulations or development controls to prohibit or regulate buildings and structures which could have negative impacts on the natural resource/ environment feature.

11.7.3 **Lot Boundary Adjustments/Corrections**

Consents involving lot boundary adjustments/corrections may be permitted provided that such adjustment/corrections are minor in nature and provided they have no significant impact on the natural resources/environment feature. Consideration will be given to the provisions of Section 50(3) and (5) of the Planning Act, R.S.O. 1990 and the provisions of the local municipality's implementing By-law when dealing with such applications.

11.7.4 **Easements and Rights-of-Way**

Consents to create easements and/or rights-of-way may be permitted provided that no new lots are created, that the need is substantiated and acceptable to the consent granting authority, and provided that there is no significant impact on the natural resource/environment feature.

11.8 **New Site Specific Amendments**

The following policies are site specific amendments which have been adopted and approved since the approval of this Official Plan.

ADDED BY OPA No. 113

- (2) Part of Lot 5, Concession 7, North Easthope Ward,
Township of Perth East (Schedule "A-111"):

Notwithstanding the policies of this Official Plan to the contrary, a non-farm residential use consisting of a single-detached dwelling and accessory uses shall be permitted in the south-east corner of the subject property subject to meeting the following criteria:

- (a) an amendment to the Township of Perth East Zoning By-law to permit the proposed non-farm residential use;
- (b) prior to the adoption of any amendment to the Township of Perth East Zoning By-law to permit the proposed non-farm-residential use, prior to the issuance of any permits for buildings/structures for the proposed non-farm residential use, and prior to any site preparation for the proposed non-farm residential use, the owner/proponent shall prepare an updated Environmental Impact Study (EIS) to address current Provincial policies. The updated EIS must reference the Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement, 2005, Second Edition, dated March 18, 2010 and it must also address any impacts on the wetlands located on and adjacent to the subject property. Approval of the Terms of Reference for the updated EIS is required from the Grand River Conservation Authority, the County of Perth, and the Township of Perth East prior to commencing work on the updated EIS. Upon its completion, the updated EIS must be submitted to and approved by the Grand River Conservation Authority, the County of Perth, and the Township of Perth East and such approvals are required prior to the adoption of any amendment to the Township of Perth East Zoning By-law to permit the proposed non-farm-residential use, prior to the issuance of any permits for buildings/structures for the proposed non-farm residential use, and prior to any site preparation for the proposed no-farm residential use;

- (c) approval of the driveway access to the proposed non-farm residential use from the applicable municipal road authority;
- (d) obtaining approval for the individual on-site services that are required for the proposed non-farm residential use (i.e. water supply, sewage treatment) from the applicable authority;
- (e) preparation of and engineered grading and drainage plan for the proposed non farm residential use acceptable to the Grand River Conservation Authority and the Township of Perth East;
- (f) approval from the County of Perth in respect to any tree removal that may be required to accommodate the proposed non-farm residential use.

ADDED BY OPA No. 113

- (3) Part of Lot 40, Concession 4, North Easthope Ward, Township of Perth East (Schedule "A-138"):

Notwithstanding the policies of this Official Plan to the contrary, an existing shop located within a small clearing may be replaced with a larger shop containing a residential loft, subject to meeting the following criteria:

- (a) That the proponent obtain an amendment to the Township of Perth East Zoning By-law to regulate the proposed use, size and scale of the development; and
- (b) That prior to the adoption of the Zoning By-law Amendment, the Township shall consider the following criteria:
 - i. the proposed development shall be in compliance with the Edge Management Plan prepared July 11, 2014 by Dougan and Associates;
 - ii. the proposed development shall acquire approval from the County of Perth in respect to any tree removal that may be required that is specifically not in compliance with the Edge Management Plan prepared July 11, 2014;
 - iii. that notwithstanding any other provisions to the contrary, no future enlargement of the proposed structure shall be permitted, and no accessory structures shall be permitted;
 - iv. that the proponent shall acquire the necessary approval for the proposed new driveway access to the proposed development from the applicable municipal road authority;

- v. that the proponent shall obtain approval from the applicable authority for the individual on-site services that are required for the proposed development (i.e. water supply, sewage treatment); and
- vi. that the proposed development shall be in compliance with an engineered grading and drainage plan prepared to the satisfaction of the Upper Thames River Conservation Authority and the Township of Perth East.