

New Official Plan Project Frequently Asked Questions

This document provides answers to frequently asked questions for the new Official Plan Project. This information is also available online on the Perth County website: www.perthcounty.ca/NewOP-FAQ

More information about the New Official Plan project can be found on our website: www.perthcounty.ca/NewOP

If you have a question that doesn't appear on this page or if you have a site-specific question you'd like to discuss, please contact us:

Phone: 519-271-0531 ext 419

Email: newofficialplan@perthcounty.ca

Table of Contents

General Questions.....	2
OP Designations and Zoning By-law Questions	5
Agriculture Questions.....	6
Natural Environment Questions	7
Forestry Conservation By-law Questions.....	14
Housing and Growth Questions.....	15





General Questions

Q: What is an Official Plan?

A: The Official Plan is a strategic planning document that guides the long-term vision for the growth and development of the land within Perth County communities including the Municipalities of North Perth and West Perth, and the Townships of Perth East and Perth South. The Official Plan determines how community needs for various uses such as agriculture, growth, housing, employment, and natural environment will be managed both now and into the future. For more information on the development of Perth County's New Official Plan: www.perthcounty.ca/NewOP.

Q: Why a new Official Plan?

A: Our current Official Plan was created in the late 1990's. Since then, policy direction from the Province has changed; most recently in the 2020 Provincial Policy Statement (PPS). The County needs a new vision and policy document that both reflects these updates and the current community's priorities and values. As well, the New Official Plan will act as a guidance document for municipalities across the County to implement land use and social policies that are aligned with the needs of the community in present day. This will ensure consistent policy implementation across the County and an easier to navigate planning framework.

The Province requires that an update to an Official Plan is required every 10 years in the case of a new comprehensive Official Plan or every 5 years where the Official Plan is not being replaced in its entirety (an update). For more information about Official Plans in Ontario, please visit www.ontario.ca/document/citizens-guide-land-use-planning/official-plans

Q: How can I appeal the new official plan?

A: The Minister of Municipal Affairs and Housing is the approval authority for the new Perth County Official Plan. Section 17(34) of the *Planning Act* allows the approval authority to approve, modify or refuse to approve a new Official Plan. Section 17(36) indicates that anyone who makes oral submissions at a public meeting or written submissions prior to adoption by Council has the ability to appeal an official plan. However, Section 17(36.5) states that, "there is no appeal in respect of a decision of the approval authority under subsection (34), if the approval authority is the Minister."

Therefore, in this specific case where the Minister is the approval authority for the new Official Plan, members of the public do not have the ability to appeal the decision.

You may have seen a statement about appeal rights in our flyers for the Public Open Houses, that statement is required under the *Planning Act*, Regulation 543/06, Section 3 (15) 6, even though in this case members of the public do not have the ability to appeal the decision.

That said, Perth County Council and staff are committed to receiving feedback through the public consultation process and working to address any issues that are raised.

Q: I'd like to make a comment about the new official plan, who do I contact and what is the deadline?

A: If you have a comment to make about the new official plan please email newofficialplan@perthcounty.ca or call 519-271-0531 ext. 419 with the applicable section you have comments about along with your proposed solution. You can make comments up to the date of the public meeting, but in order to best incorporate your feedback into the draft new Official Plan please send your comments as soon as possible. Currently, the public meeting is not yet scheduled, but is anticipated to be in the Spring or Fall of 2024.

Q: I'd like to see a bigger version of the designations on my property, how do I do that?

A: A map viewer will be available in the Spring of 2024. The map viewer will provide an opportunity for landowners to view their properties and the associated draft new Official Plan designations at a closer scale. You will still have time to submit comments once the map viewer is published. In light of the feedback received at the open houses, updates are being made to our draft new Official Plan designations and these updates will be available with the upcoming map viewer.

If you would like to view your property now, please email a request to newofficialplan@perthcounty.ca or or call 519-271-0531 ext. 419, noting your property address and the land owner on title. If you do not have an email address to send to, we can have the mapping sent to your closest local municipal office. Again, please be aware that we are currently making updates to the draft new Official Plan designations and any map that you receive at this time is subject to change.

Q: I have site-specific comments or general comments on the draft new Official Plan, where do I send those?

A: Please email newofficialplan@perthcounty.ca or call 519-271-0531 ext. 419 with your property address, land owner on title, and question or area of concern. If you have a comment on the policy, please reference the specific policy of concern and provide any comments or suggestions that you may have.

Q: Where can I get a paper copy of the draft new Official Plan?

A: Paper copies of the draft Official Plan, mapping and supporting documents are available for viewing at the following locations. Paper copies are available at the municipal offices by request:

- West Perth Municipal Office, 160 Wellington Street Mitchell
- Mitchell Public Library, 105 St. Andrew Street, Mitchell
- Perth East Township Office, 25 Mill Street, Milverton
- Perth East Public Library, 19 Mill Street East, Milverton
- North Perth Municipal Office, 330 Wallace Ave North, Listowel
- North Perth Building Department, 620 Wallace Avenue South, Listowel
- Listowel Public Library, 260 Main Street W, Listowel
- Atwood Public Library, 218A Main Street, Atwood
- Monkton Public Library, 200 Nelson St. Monkton
- Perth South Township Office, 3191 Road 122, St. Pauls
- Stratford Public Library, 19 St. Andrew Street, Stratford
- St. Marys Public Library, 15 Church Street North, St. Marys



OP Designations and Zoning By-law Questions

Q: What is the difference between a designation and zoning?

A: An Official Plan sets out land use categories which are called designations. Zoning is the term used to describe the category in a Zoning By-law that is a tool used to implement the policies of the Official Plan.

The Official Plan is a visionary document that outlines the goals and objectives of the County's future. The Official Plan ensures that new development and growth considers a broad range of interests and perspectives and that land use planning reflects local values. The Official Plan focuses on long term growth forecasts, future development patterns and strategies for protecting resources.

Zoning By-Laws must be consistent with the Official Plan and provincial policies. Zoning By-Laws put the Official Plan into effect and provide for its day-to-day administration by identifying permitted uses in each zone and establishing development requirements to ensure compatibility with surrounding uses. Zoning By-Laws are legally enforceable, if construction or new development does not comply with a Zoning By-law then it will not be allowed without a Zoning By-law amendment.

Once the Official Plan is approved by the Province, the Zoning By-laws for the lower-tier municipalities will be required to be updated in accordance with the County Official Plan.

Q: What if my property does not adhere to the new designation?

A: Following the approval of the Official Plan by the Ministry of Municipal Affairs and Housing, the local Zoning By-laws will be updated. If your property does not conform to the current zoning, the existing uses on your property will be deemed legal non-conforming and your property will continue its current use in perpetuity.

Q: Will the Zoning By-laws be updated following the approval of the new Official Plan?

A: Yes. Section 26(9) of the Planning Act requires that Zoning By-laws be updated within three years of following the approval of a new Official Plan to ensure they conform with the new official plan. Updates to the Zoning By-laws will involve revising the mapping to be consistent with the Natural Environment designations, and reviewing the permitted uses to be consistent with the Natural Environment policies in Section 3.7 of the draft new Official Plan.



Agriculture Questions

Q: What type of passive recreation is allowed in the Agriculture designation, as indicated in 3.5.1f?

A: As stated in Section 3.5.1, the Agriculture designation supports healthy, integrated and viable agricultural activities through several objectives, including “Provide opportunities for sustainable and diversified agri-tourism and passive recreation, including leveraging historical, cultural, natural, agricultural and recreational assets.”

Passive recreation activities are ones that do not require prepared sports facilities, and include things like trail walking/running/cycling, cross country skiing, and bird watching. These activities are not expected or required on agricultural properties, but are permitted should a landowner wish to have these activities on their property.

Q: How does a Natural Heritage (Environment) designation affect my ability to use agricultural lands?

A: If your property is designated Agriculture and also has a Natural Environment designation on those lands, agricultural practices take precedence. Section 3.7.5 of the draft Official Plan states, “Nothing in this Plan is intended to limit the ability of agricultural uses to continue on lands within or adjacent to lands designated Natural Environment.” Meaning you can continue to farm directly alongside natural environment designations.

However, if you are planning to remove or cut down any trees in a woodlot that is at least 0.2 hectares (0.5 acres) in size, the woodlot is subject to the Forestry Conservation By-law. For more information on the Forestry Conservation By-law, please view our Forestry Conservation By-law FAQs. The Forestry Conservation Program was established in 1947 and is in effect regardless of a Natural Environment designation in the Official Plan.



Natural Environment Questions

Q: Who completed the Natural Resources Environment mapping for the current (1999) Official Plan?

A: The majority of the mapping for the current (1999) Official Plan came from the Ministry of Natural Resources (Provincial government). Wetlands were mapped by the Ministry in the early 1980's and southwestern Ontario was mainly completed by 1985. The policy standards for evaluating and mapping natural heritage features along with the roles of local and County municipalities, Conservation Authorities, and the Ministry of Natural Resources have changed and so it is necessary to update with the new Official Plan.

Q: Who completed our current Natural Heritage (Environment) mapping for the draft new Official Plan (2024) and why has it increased?

A: The landscape has changed since the previous mapping was completed in the mid-1980's and mapping technology has improved. The policy standards for evaluating and mapping natural heritage features have been altered by the Provincial government and the Ministry of Natural Resources ceased to provide mapping services. The mapping used for the draft new Official Plan comes from the Perth Natural Heritage Systems. The Upper Thames Region Conservation Authority took the lead on this project as they are the Conservation Authority with the largest portion of Perth County and had experience as the lead on projects in Oxford, Middlesex, and Huron Counties. Their initial mapping was based on air photography from 2015 and later updated by air photography in 2020.

In the previous mapping, the criteria for mapping Natural Heritage features included mapping wetlands, woodlands, valley lands and environmentally sensitive areas. However, with an update to the Provincial Policy Statement in 2014, requiring municipalities to identify Natural Heritage Systems, we can see an increase in the designation as we are now not only mapping individual features but entire systems. Parts of the systems may include connective features, areas in proximity to significant features, and other natural features, in accordance with the criteria set out in the Perth Natural Heritage Systems Study.

Q: I have questions about the natural environment designation on my property, who do I contact?

A: A map viewer will be available in the Spring of 2024. The map viewer will provide an opportunity for landowners to view their properties and the associated draft new Official Plan designations at a closer scale. You

will still have time to submit comments once the map viewer is published. Currently, updates are being made to our draft new Official Plan designations and these updates will be available with the upcoming map viewer.

If you would like to view your property now, please email a request to newofficialplan@perthcounty.ca or or call 519-271-0531 ext. 419 noting your property address, the land owner on title, and your area of concern. If you do not have an email address to send to, we can have the mapping sent to your closest local municipal office. Again, please be aware that we are currently making updates to the draft new Official Plan designations and any map that you receive at this time is subject to change.

Q: Is an Environmental Impact Study a new requirement?

A: No. The current Perth County Official Plan requires an Environmental Impact Study for development within a natural environment feature (in the current Official Plan it is referred to as the “Natural Resources/Environment” designation), and for lands adjacent to natural environment features with a planning application.

It is important to note that an EIS is not required at the building permit stage, if the proposed building is permitted in the zone on the property. For example, a farm property with a woodlot could be zoned both A (Agriculture) and NRE (Natural Resources Environment). A barn proposed within the A zone, within the adjacent lands to the woodlot would not require an Environmental Impact Study for a building permit.

Q: Is an Environmental Impact Study required at the building permit stage?

A: No. If the proposed building is permitted in the zone on the property an Environmental Impact Study is not required. For example, a farm with a woodlot could be zoned A (Agriculture) and NRE2 (Natural Resources Environment 2). A barn proposed within the A zone would not require an Environmental Impact Study for a building permit

Q: What is the difference between ‘Natural Environment’ and ‘Natural Hazards’ and what are the restrictions?

A: Natural Hazards are risks associated with naturally occurring processes. These risks include the protection for loss of life, property damage, social disruption as well as environmental impacts. Flood plains, unstable slopes and erosion are natural occurring hazardous processes.

The Natural Environment is the natural ecology across the landscape. This includes forested areas (including plantations), wetlands, meadows, shrubby areas and watercourses. Natural Environment also includes the wildlife that lives within the natural environment features on the landscape.

Development and site alteration are not permitted within the floodplain. The Provincial Policy Statement does allow development and site alteration to be on hazardous lands and hazardous sites where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards. Conservation Authorities are responsible to review development that are in areas that are identified as natural hazards. A land use permit must be issued prior to the municipality issuing a building permit.

Development and site alteration are not permitted on natural environment areas or on adjacent lands to natural environment features unless the ecological function of the adjacent lands have been evaluated through an Environmental Impact Study.

However, the Environmental Impact Study is not required at the building permit stage. Please view the FAQ: Is an Environmental Impact Study a new requirement? for more details.

Q: Are plantations designated ‘Natural Environment’?

A: Plantations will remain in the proposed Natural Environment designation and will be treated as a woodlot if they meet the size criteria (1ha) and proximity criteria (within 100m of another natural feature that is considered significant) in the Perth Natural Heritage System Study (PNHSS). As plantations mature, they become part of the natural environment system and can be considered as Significant Woodlands and Significant Wildlife Habitat.

The current Perth County Official Plan and the Forestry Conservation By-Law do not differentiate between woodland areas that are planted, or have grown up through natural succession, if they have met the size requirement for a “woodlot”. As defined in the Forestry Conservation By-Law a woodlot larger than 0.5 acres or 0.2 hectares in size is subject to the by-law.

According to the Forestry Conservation By-law, selective harvesting of these areas is appropriate and permitted if discussed with the Forestry Conservation By-law Officer. Please see this webpage for more information: www.perthcounty.ca/Forestry

Q: What are plantations?

A: Plantations are trees that have been planted. Most plantations start as planted rows of conifers, but in time deciduous trees fill in. These areas typically have a distinguishable boundary.

Q: How was the ‘Natural Environment’ designation identified?

A: The Perth Natural Heritage Systems Study (PNHSS) relied on established provincially recognized best practices to identify and evaluate natural environment features within Perth County. The study utilized 2015

aerial imagery and modelling to measure and locate the changes to the natural environment since the last evaluation conducted in the late 1990s. The PNHSS mapping was used for the natural environment mapping.

In October 2022, the Planning Department sent notices to all property owners where the proposed new Natural Environment designation was 1 acre or 1% increase in natural environment features on their respective properties. Approximately 2700 notices were sent.

In response to the mailing, 416 landowners contacted the Planning Department by phone, e-mail or drop in. In total:

- 246 paper copies of mapping were mailed in response to landowners requests
- 118 property reviews were completed either by in person site visits or through review of air photos by a Perth County planner
- 25 ecologist site visits were completed by a consulting ecologist
- Site visits started at the end of 2022, and mainly took place in the summer of 2023.
- The ground truthing exercise improved the accuracy of the mapping.

Q: How does a Natural Heritage (Environment) designation affect my ability to use agricultural lands?

A: If your property is designated Agriculture and also has a Natural Environment designation on those lands, agricultural practices take precedence. Section 3.7.5 of the draft Official Plan states, “Nothing in this Plan is intended to limit the ability of agricultural uses to continue on lands within or adjacent to lands designated Natural Environment.” Meaning you can continue to farm directly alongside natural environment designations. Building permits may also be issued for buildings and structures in the appropriate zones.

However, if you are planning to remove or cut down any trees you are subjected to the Forestry Conservation By-Law if the woodlot is at least 0.5 acres or 0.2 hectares in size. For more information on the Forestry Conservation By-Law, please view our Forestry Conservation By-Law FAQs.

Q: What happened to the old mapping (with pink, orange and green areas) for Natural Environment?

A: That mapping webpage was taken down in October 2023 as the information on the map became out of date. Updates have been completed based on the 2022-2023 Natural Environment Public Consultation, including site specific changes based on site visits and the removal of meadows and thickets.

The most up to date mapping that includes the above updates has been incorporated into our draft new Official Plan maps.

A map viewer will be available in the Spring of 2024. The map viewer will provide an opportunity for landowners to view their properties and the associated draft new Official Plan designations at a closer scale. You will still have time to submit comments once the map viewer is published. Currently, updates are being made to our draft new Official Plan designations and these updates will be available with the upcoming map viewer.

Q: What changed as a result of the 2022-2023 Natural Environment Public Consultation?

A: In response to discussions with landowners through the public consultation, and with further research and policy review, meadows and thickets were removed from the Natural Environment designation in the new Official Plan.

Meadows, thickets and other areas of natural cover will be identified as potential areas for enhancement, restoration and/or linkages that should be studied as part of a development application.

Q: What are meadows and thickets?

A: Meadows are areas that are predominantly grasses and flowering plants. Meadows can also be areas that were used as pasture and have since grown out.

Thickets are areas that are comprised of mainly shrub cover. Shrubs are woody plants that are not capable of reaching heights of several metres

Q: Can man-made features be considered ‘Natural Environment’?

A: Yes, areas that are man-made are part of the overall natural environment system. Even though they are areas that are man-made, they include vegetation that have important ecological functions such as diversity, habitats, as well as feeding and breeding grounds for various species.

Q: Does this mean I can’t develop on areas that are within the proposed ‘Natural Environment’ designation?

A: No, it means that when development is proposed through a planning application such as a zone change, consent, Official Plan amendment or draft plan of subdivision, there may be a need for the landowner/developer to do an Environmental Impact Study (EIS) to learn whether or not there would be any negative impacts on the natural area or its ecological function and how those impacts can be mitigated.

However, development is not permitted in Provincially Significant Wetlands. Also, as per the Forestry Conservation By-Law in Perth County, trees protected by the by-law cannot be removed for the purpose of development. For more information on our Forestry Conservation By-Law, please view our FAQ section on the Forestry Conservation By-Law.

Q: An area along the drainage ditch on my property is identified on the map as 'Natural Environment', will I still be able to maintain/clean it?

A: The current and new Official Plan will not regulate the maintenance of drainage ditches and therefore the proposed Natural Environment designation will not impact activities in and around drainage ditches.

Q: How will this impact clearing or logging of trees?

A: The destruction or injuring of trees in woodlands and woodlots in the County is conducted through the County's Forestry Conservation By-Law. The current and new Official Plan will not have policies relating to destruction and injuring of trees as this will continue to be conducted through the by-law.

For more information on the by-law, including who to contact for further questions, please see the County's dedicated webpage: www.perthcounty.ca/Forestry or please view our FAQ section on the Forestry Conservation By-Law.

Q: I still want a site visit, can I request one?

A: The Natural Environment public consultation is now closed and we are no longer accepting site visit requests. You can submit comments through the public consultation period for the New Official Plan.

If you have a comment to make about the new official plan please email newofficialplan@perthcounty.ca or call 519-271-0531 ext. 419 with the applicable section you have comments about along with your proposed solution. You can make comment up to the date of the public meeting, but in order to best incorporate your feedback into the draft new Official Plan please send your comments as soon as possible. Currently, the public meeting is scheduled to take place in the late Spring/early Fall of 2024.

A map viewer will be available in the Spring of 2024. The map viewer will provide an opportunity for landowners to view their properties and the associated draft new Official Plan designations at a closer scale. You will still have time to submit comments once the map viewer is published. Currently, updates are being made to our draft new Official Plan designations and these updates will be available with the upcoming map viewer.

Q: Do the 'Natural Environment' policies apply to trees along fence lines?

A: No.

Q: I don't think the draft new Official Plan mapping matches the physical features found on my property and I missed responding during the Natural Environment Public Consultation, what do I do?

A: Get in touch with us at newofficialplan@perthcounty.ca or by calling 519-271-0531 ext. 419 for detailed mapping and provide aerial photography or a land survey that clearly delineates the features on your property. If you are able to provide a marked-up map of where the feature's extent is, please do so.



Forestry Conservation By-law Questions

Q: What is the Forestry Conservation program?

A: The Forestry Conservation Program was created in 1947 with the original By-law 851. In contrast to other municipal forestry conservation By-laws, Perth County's Program does not issue a permit (or require a fee). Rather, all actions by landowners (and their agents) must be in compliance with the By-law itself and a Notice of Intent must be sent to Legislative Services. For further information or specific questions on woodlots please visit the Forestry Services page (www.perthcounty.ca/forestry) or contact Marvin Smith, Forestry By-law Enforcement Officer at 519-291-2236.

The Forestry Conservation By-law applies to woodlots that are a minimum of 0.5 acres or 0.2 hectares regardless of whether the woodlot is designated Natural Environment in the Official Plan.

Q: How does the Forestry Conservation by-law apply?

A: The by-law regulates the destruction or injuring of trees. Every person who intends to destroy or injure trees located in the County shall complete and deliver a signed Notice of Intent containing the required information by the form.

As defined in the Forestry Conservation By-Law a woodlot larger than 0.5 acres or 0.2 hectares in size is subjected to the by-law. The by-law does permit appropriate selective harvesting that does not impact the overall health of the woodlot. For more details, please view the by-law or contact our Forestry Conservation By-law Enforcement Officer, Marvin Smith at 519-291-2236.

Q: How long has the Forestry Conservation by-law been in place?

A: The Forestry Conservation Program was created in 1947 and the initial Forestry Conservation by-law was passed in January 1947. The current by-law is No. 3836-2021 (link - <https://www.perthcounty.ca/en/living-here/resources/files/Forestry-Services/3836-2021-Regulate-the-Destruction-or-Injuring-of-Trees---Consolidated.pdf>).



Housing and Growth Questions

Q: The draft housing policies do not promote enough density for the indicated growth that will occur in Perth County in the upcoming years. How will the County continue to plan for the growing population?

A: County planning staff are currently revising the housing policies based on comments that were received during our 4 Open Houses. The revisions will include more support for infill and intensification to increase residential densities.

If you have a specific comment with a policy that you do not think was addressed at our Open Houses, please email a request to newofficialplan@perthcounty.ca or call 519-271-0531 ext. 419 indicating the policy in question, a clear explanation, and any suggestions you may have.

Q: My property has changed in designation and is now proposed to be employment, who can I contact to discuss this problem?

A: If you have a concern with a designation on your property, please email a request to newofficialplan@perthcounty.ca or or call 519-271-0531 ext. 419 noting your property address, the landowner on title, and a detailed explanation on your concern with the designation change. Our team is constantly working towards making any appropriate changes if there is any error or confusion in our policies or mapping.

You are able to make comment up to the date of the public meeting, but in order to best incorporate your feedback into the draft new Official Plan please send your comments as soon as possible. Currently, the public meeting is not yet scheduled, but is anticipated to be in the Spring or Fall of 2024.

Last Updated: March 8, 2024