



The Corporation of the Municipality of Arran-Elderslie

Staff Report

Council Meeting Date: November 12, 2024

Subject: County of Bruce Official Plan

Report from: Emily Dance, Chief Administrative Officer

Appendices: [Link to Draft Official Plan Documents](#)

Recommendation

Be It Resolved that Council hereby,

1. Receives report SRCAO.2024.10 County of Bruce Official Plan and
2. Directs staff to forward the draft comments the County of Bruce regarding the New County Official Plan

Report Summary

Staff reviewed the proposed County of Bruce Official Plan. Overall staff is in support of the Official Plan as proposed.

Staff note concerns with amendments to current agricultural designations and request property owners with changed in designations be notified directly to ensure they are aware of impacts the change may have to their current and future needs.

Staff support the mapping as proposed; however, similar to above suggest all properties with a designation change be notified to alleviate future concerns being raised after the commenting period has lapsed and amendments are in effect.

Concerns from CBO's have been raised related to nitrate study requirements between the Building Code and planning regulations as it relates to requirements for a nitrate study being included in the OP. Staff encourages continued on-going communications between Planning Staff and CBO's on this matter.

The proposed changes related to advanced wastewater treatment systems take a risk-management approach to allow greater flexibility for additional residential units in un-

serviced settlement areas than the current plan, and maintains opportunities for reasonable intensification in areas where it serves a community benefit.

Staff support on-going communications between planning staff and CBO's to ensure the policies do not cause additional legislative requirements.

Staff would like to recognize the time and effort from Bruce County staff in preparing the New Official Plan and the consultation process.

Background

On September 23, 2024 the County of Bruce provided a presentation to Council on the new County Official Plan.

The new Official Plan sets the vision, goals and policies for land use planning in Bruce County to the year 2046. The Official Plan functions both as the upper-tier plan, and as the detailed land use plan in areas that are not covered by a local Official Plan, such as most Hamlets, Shoreline and Rural Recreation areas, and Agricultural, Rural, and Open Space areas outside of settlement areas.

The Municipality of Arran-Elderslie's local Official Plan covers the urban areas of Chesley, Paisley and Tara/Invermay with the remaining lands being part of the County of Bruce Official Plan.

Analysis

The New Bruce County Official Plan identified eight guiding principles. Staff have used the [County of Bruce staff report](#) from September 5, 2024 as a summary of the key points and have provided a staff comment at the bottom in italics.

Housing

- maintaining minimum density requirements where development is proposed on full municipal services
- supporting a broad range and mix of housing including a mixture of unit sizes and availability of rental units,
- facilitating as-of-right approvals for Additional Residential Units, where possible, and
- aiming to achieve affordable housing by identifying affordability targets.
- the Draft Plan recognizes the role of the Housing Action Plan and Housing and Homelessness Plan to take action on housing.

Staff is in support with the Housing principles as outlined.

Good Growth

- include policy for growth allocation, with the majority of new growth expected to occur in Primary and Secondary Urban Communities and Hamlets.

- New policy direction includes a target of 15% of growth to be through intensification, which means incorporating growth in existing built-up areas such as through redevelopment or infilling.
- New policies have been provided in this section to address municipal settlement boundary expansions, which are consistent with the policies of the 2024 Provincial Planning Statement.

Staff is in support of good growth as outlined. It should be noted that there are no proposed settlement boundary expansions proposed for Arran-Elderslie.

Agriculture

- The Draft Plan recognizes agriculture as an important economic contributor to the County's economic prosperity.
- The policies of the Draft Plan protect the County's Prime Agricultural Areas for the long-term, which is based on an understanding that agricultural land is a non-renewable resource that will be needed for generations to come.
- A new policy change has been added in response to the new 2024 Provincial Planning Statement to allow a maximum of two additional residential units (ARU) in the Agriculture designation, where at least one of the units is within or attached to the primary dwelling. This is an increase from the previous maximum of one ARU in the Agriculture designation.

Staff is in overall support of the policies as listed. Staff have concerns with any amendments to current agricultural designations and request property owners with changed in designations be notified directly to ensure they are aware and any impacts the change may have to their current and future needs.

Business

- Recognizing the need to create a competitive environment for business investment, the plan identifies Agriculture, Tourism and Energy as key strategic economic drivers.
- Further, the plan supports diversification of the economic base of the County to facilitate development of complete communities.

Staff is in support of the business policies as proposed.

Connecting

- The Draft Plan builds on the work of the Master Transportation Plan, which forms the basis of the County's transportation decisions and the County's role in public transportation services.
- The Plan recognizes the role of County and Local roads and Provincial highways to service the needs of business and the travelling public.
- To support the continued safety and integrity of the road network, the plan provides limits on how development can occur adjacent to highways, arterial roads and collector roads.

Staff is in support of the proposed policy as it related to transportation.

Heritage

- The Draft Plan recognises the importance of protecting built heritage resources, cultural heritage landscapes and archaeological resources.
- The Bruce County Cultural Action Plan and the Archaeological Master Plan are recognized in the Draft Plan for the role they play in the preservation and enhancement of the County's diverse heritage.
- The Draft Plan recognises the unique heritage, culture and artistic expressions of the Saugeen Anishnaabek and the indigenous peoples and communities that have traditional and historic ties to this land.

Staff is in support of the proposed policy as it relates to Heritage

Natural Legacy

- The Draft Plan builds on a history of policy-based protection for the natural environment and identifies a County-wide Natural Environment System, which is made up of the Natural Heritage System and the Water Resource System.
- The natural environment system policies apply in addition to the policies of the land use schedule to protect the most sensitive environmental features, like wetlands, while allowing development that can be achieved without a negative impact to the features and functions of the natural environment system.

Staff is in support of the proposed policy as it relates to Natural Legacy

Drinking Water Protection

- An important area of focus in the new Plan is helping municipalities to manage the risks associated with pressures for development and the need to protect drinking water.
- The Building Code principally addresses biological contamination, and does not include any clear regulatory mechanism to address nitrate concentrations.
- Through a series of meetings with several local Chief Building Officials (CBOs) the County has identified areas of general consensus that include:
 - a need to advocate to the Province for clearer guidance and resolution of regulatory gaps between the planning function and the building code,
 - consideration of communal services where appropriate, and
 - potential for area-wide studies to investigate existing conditions.
- Consultation with CBO's the County has broadly identified some areas where the Official Plan can provide appropriate flexibility, including:
 - Previously approved permissions for one Additional Residential Unit on lots larger than 0.4 hectares and up to 2 additional residential units in some areas on 0.6ha lots,
 - Reconfiguring existing development (for example converting a 5-bedroom house into a 2-bedroom house with a 2-bedroom apartment) without triggering septic system performance reviews, and
 - Adding an ADU to an undersized rural lot that has a 30m setback to any nearby well.
- However, as a consequence of the ongoing regulatory gap between the building code and planning regulations the draft new Official Plan continues

to require a Nitrate Study where reconfiguration of development would trigger a septic system performance review.

Staff agree there are concerns between the Ontario Building Code (OBC) and planning regulations as it relates to requirements for a nitrate study. Staff support continued on-going communications between Planning Staff and CBO's on this matter.

Advanced Wastewater Treatment Systems

- The current plan permits the consideration of tertiary or advanced wastewater treatment systems where smaller lots are proposed, or development would otherwise be unable to maintain drinking water quality, so long as the zoning by-law or a registered agreement requires them to be used on the property.
- When it comes to allowing a development that can only maintain groundwater quality if one of these systems is installed and maintained to reduce nitrate concentrations in the wastewater, there are some significant concerns, including:
 - Whether, despite an agreement or zoning provision, a CBO could legally refuse an application for a building permit for a conventional septic system on the property, if it complied with the Building Code,
 - Whether a Municipality can sufficiently address the performance of a system in terms of nitrate removal, when its authority to regulate them through an agreement may be limited to construction, operation, and maintenance,
 - The costs of enforcement (through the courts) in comparison to the ability to use orders under the Building Code, and
 - The administrative challenges of ensuring that the owners of these systems (whether voluntarily installed or required to justify a development project)
 - maintain annual service contracts required under the Building Code.
- The proposed plan recognizes that individual owners may choose to install advanced systems to service their developments, and proposes a balanced approach.
- The proposed changes take a risk-management approach to allow greater flexibility for additional residential units in un-serviced settlement areas than the current plan, and maintains opportunities for reasonable intensification in areas where it serves a community benefit.

Septic Systems are regulated and enforced by the OBC and/or MOECC (over 10,000 litres). The OBC regulates setbacks Structures, wells, lakes, ponds, rivers, springs, streams and property lines etc. Staff support on-going communications between planning staff and CBO's to ensure the policies do not add unnecessary regulations.

Mapping: Land Use, Connections, and Constraints

- Schedule 'A' is the general land use Schedule and includes changes to the Prime Agricultural Land designation that reflect the work of the Land Evaluation and Area Review (LEAR) study, combining the Rural Recreation area, Inland Lake Development Area, and Travel Trailer Park and Commercial Campground designations into a single 'Shoreline and Rural Recreation' designation, expanding the use of the 'OS' Open Space designation to include lands exempt from municipal property taxes which are owned by various conservation organizations, and replacement of Niagara Escarpment Plan mapping with mapping indicating the extent of the Niagara Escarpment Plan. Current best available Hazard Land mapping is also incorporated into this schedule.
- Schedule 'B' continues to indicate County and Local roads and Provincial highways within the County and Designated Settlement Areas
- Schedule 'C' – Constraints - illustrates features on the landscape that may pose a constraint to development. Included are Mineral Aggregate Resources, which are nonrenewable sand, gravel and rock resources that are found in limited areas and require protection for their use over the long term. Also mapped are closed and active landfills and water treatment plants, which require setbacks from sensitive uses, such as residential development.
- Schedule 'D' is proposed to comprise a set of maps, each showing a drinking water source protection schedule applicable within Bruce County, as it is found within each approved Source Protection Plan.
- Schedule 'E' is the comprehensive Natural Heritage Systems map which is required by the Provincial Planning Statement and includes Provincially Identified natural heritage features and areas and other natural heritage features and areas that are classified as 'Key' and 'Supporting' features. The Natural Heritage System does not require changes to existing agricultural uses.
- Schedule 'F' is the Water Resource System which the provincial planning statement requires municipalities to identify. Mapping includes surface water features such as rivers and lakes, which require protection beyond their function as fish habitat to providing a source of water that supports their surrounding ecology.

Staff support the mapping as proposed; however, suggest all properties with a designation change be notified to avoid future concerns being raised after the commenting period has lapsed.

Link to Strategic/Master Plan

6.3 Facilitating Community Growth

Financial Impacts/Source of Funding/Link to Procurement Policy

There are no financial impacts associated with this report.

Approved by: Emily Dance, Chief Administrative Officer