

September 22, 2022

Claire Dodds
Director of Planning and Development
30 Park Street PO Box 70
Walkerton, ON N0G 2V0

Dear Ms. Dodds:

Re: Growth Management Official Plan Amendment

We would like to thank-you for giving us the opportunity to provide our feedback on the proposed official plan amendment changes for growth management.

As you may be aware, the local municipality is responsible for the administration and enforcement of private sewage systems with a sewage design capacity of up to 10,000 litres per day as per the Ontario Building Code/Act. For sewage systems with sewage design capacities over 10,000 litres per day, the authority then becomes the responsibility of the Ministry of Environment, Conservation and Parks (MECP).

We acknowledge the County's opinion and perspective on nitrate study requirements; however, we ask that the nitrate study requirements are removed from the Official Plan so that the appropriate principal authority i.e. the Chief Building Official or the MECP can continue to administer and enforce the applicable and appropriate regulation.

A planning application, regardless of the type, size, or complexity, should not trigger the requirement for a nitrate study as there are different variables for all applications to consider.

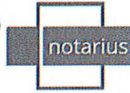
Please also find enclosed for your reference, a letter prepared by the Town of South Bruce Peninsula to Mr. Paoli dated April 19, 2022 regarding nitrate study requirements.

We ask that through this amendment, any references to nitrate study requirements in the Official Plan are removed and that the need for such will be under the discretion of the Municipality or MECP.

Sincerely,

Dwayne McNab

Signed with ConsignO Cloud (2022/09/22)
Verify with verifio.com or Adobe Reader.



Dwayne McNab
Chief Building Official
Municipality of Kincardine
519-396-3468 ext. 7126

A handwritten signature in blue ink, appearing to read "Patrick Johnston".

Patrick Johnston
Chief Building Official
Municipality of Arran-Elderslie
519-363-3039 ext. 106

A handwritten signature in blue ink, appearing to read "Tara Davis".

Tara Davis
Chief Building Official
Town of South Bruce Peninsula
519-534-1400 ext. 140

Enclosed

cc: Bruce County Council



April 19, 2022

Mark Paoli, Director of Planning and Development
30 Park Street, PO Box 70
Walkerton ON N0G 2V0

Dear Mr. Paoli:

**Re: Nitrate Study Requirements and Minimum Acreage Provisions Included in
Bruce County By-Law 2021-067**

The Town of South Bruce Peninsula is currently preparing to file an application to amend our Official Plan and Zoning By-Law in order to make provisions for secondary dwelling units. Our Council has been looking forward to these amendments as they are in favour of increasing our housing supply and are very supportive of secondary dwelling units on properties.

In preparation for the filing of our planning application, we have reviewed Bruce County By-Law 2021-067 wherein the Council amended its Official Plan to address secondary dwelling units. The by-law is attached to this correspondence for ease of reference. One item of particular concern to the Town is clause 2 (f). This clause imposes "that an additional residential dwelling unit is not permitted on a lot that is legally non-conforming with respect to lot width or lot area." A main objective of adding secondary dwelling units is to be able to support affordable housing. This clause will immensely restrict the use of secondary dwelling units in our Municipality as we have numerous existing undersized lots. If a secondary dwelling unit can comply with all of the required zone provisions including but not limiting to yard setbacks, lot coverage etc., the secondary dwelling unit should be permitted. The existing lot area and lot frontage should not restrict the use of a secondary dwelling unit if it can comply with all of the other required zone provisions.

Clause 2 (f) also imposes the requirement for a Nitrate Study to support the development of a secondary dwelling unit on a lot that is smaller than 0.4 hectares and on a lot where there are two residential units on a lot that is smaller than 0.6 hectares, where private on site sewage disposal is required.

The Town finds the imposition of the requirement for a Nitrate Study to be unnecessary and extremely problematic. As you may be aware, the Ontario Building Code regulates sewage systems and in Bruce County is enforceable by the Municipal Building Division or the Ministry of Environment, Conservation and Parks (when the daily sewage flow exceeds 10,000 litres/day). There are many provisions such as setbacks, size, distances to wells, watercourses etc. that are reviewed in accordance with the Ontario



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Building Code. If compliance with the Ontario Building Code can be achieved, a secondary dwelling unit should be permitted without having to provide a nitrate study. What is the difference between a dwelling that has a daily sewage flow of 2500 litres/day or two dwellings that have a combined daily sewage flow of 2500 litres/day? To also note, nitrate removal is not enforceable through the Ontario Building Code. For a planning document to prohibit development where the Ontario Building Code may permit it, is needlessly restrictive. The performance of a Nitrate Study does not ensure against sewage system failure. A properly designed sewage system, able to accommodate the development is a better indicator of whether or not a secondary dwelling unit should be permitted.

The Nitrate Study requirement included in the Bruce County Official Plan Amendment By-Law 2021-067 places a financial burden on property owners when the intention of the Province is for municipalities to embrace the creation of additional housing units. With today's innovations in sewage treatment, it is entirely possible for a property to accommodate a sewage system using current or even new technology, supported by the Ontario Building Code and approved by Chief Building Officials without the requirement for a Nitrate Study. The imposition of studies which are not required seems to be counter productive when considering the need for affordable and attainable housing.

In reviewing clause 2 (f) against properties in South Bruce Peninsula, we find that entire communities will be eliminated from the possibility of adding secondary dwelling units. While we appreciate and thank Bruce County for quickly acting to change its Official Plan to permit secondary dwelling units, we feel that each Bruce County municipality would be much better served if the individual municipality could impose its own restrictions in its respective Official Plan and Zoning By-Law. As each municipality has its own vision for growth and development, we ask that the County consider our needs to be unique.

In addition to the Nitrate Study provisions, the minimum acreage provisions may prove to be overly restrictive. As we have removed the minimum ground floor area requirements for dwellings, we anticipate that people will be building smaller homes. This would mean that the overall footprints of these homes would take up less area and thus, a smaller sized lot could conceivably accommodate smaller dwelling units without issue. The prohibition including a lot area may not be required.

We do apologize that we did not provide comment before the passing of this Bruce County Official Plan Amendment. At this time, we respectfully request that as Bruce County continues to make amendment to its Official Plan, that the clause in By-Law 2021-067 is reconsidered and a further amendment is processed which removes reference to Nitrate Studies and to the lot area.



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Furthermore, where there are any other references to Nitrate Studies included in the Bruce County Official Plan, we ask that these provisions be removed as sewage systems are enforceable through the Ontario Building Code and that consultation is undertaken with the Chief Building Officials in the local municipalities to discuss their position with regard to the requirement for Nitrate Studies being included in planning documents. These studies have been an active topic of discussion among municipalities whose residents are serviced by private on-site services.

We look forward to hearing from you in this regard.

Yours very truly,

Angie Cathrae
Director of Legislative Services/Clerk
angie.cathrae@southbrucepeninsula.com
519-534-1400 ext 122

Tara Davis
Chief Building Official
tara.davis@southbrucepeninsula.com
519-534-1400 ext 140

Enclosure

cc: Bruce County Council, Bruce County Chief Building Officials



By-law Number 2021-067

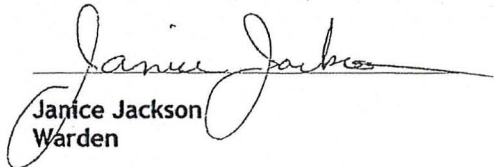
**A by-law to adopt Amendment Number C-2021-015
to the County of Bruce Official Plan**

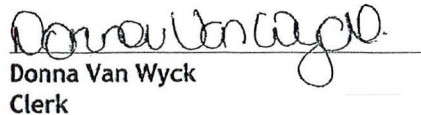
Authority is provided in Sections 17 and 21 of the Planning Act, R.S.O. 1990, as amended.

The Council for the Corporation of the County of Bruce enacts By-law 2021-067 as follows:

1. Amendment Number C-2021-015 to the County of Bruce Official Plan attached and forming part of this by-law is approved.
2. That this By-law come into force and take effect on the day of the final passing thereof, subject to the provisions of the Planning Act, R.S.O. 1990, as amended.

Passed this 5th day of August, 2021


Janice Jackson
Warden


Donna Van Wyck
Clerk

Part B - The Amendment

Introductory Statement

All of this part of the document entitled "Part B - The Amendment" and consisting of the following text, constitutes Amendment Number C-2021-015 to the Bruce County Official Plan.

The Official Plan Amendment is to revise existing policies and add new policies to permit Additional Residential Units in accordance with the direction outlined in Section 16 (3) of the Planning Act, having due regard for provincial planning direction and the planning context of Bruce County.

The Amendment

1. The Bruce County Official Plan is amended by replacing part 'b' and adding part 'f' to Section 4.4.4.1 General Housing Policies (x) as follows:
 - b) Garden Suites must be permitted within the Residential designation of local official plans and may be permitted in any designations where residential uses are permitted as a primary use or in the Agricultural designation, subject to the requirements of the Niagara Escarpment Plan, local Official Plan where one exists and the Comprehensive Zoning By-law, where the zoning by-law permits a detached, semi-detached, or rowhouse dwelling.
 - f) Garden suites may be converted to permanent additional residential units where they conform to the additional residential unit policies of the County Official Plan, Local Official Plan (where applicable) and zoning by-law.
2. The Bruce County Official Plan is amended by deleting Section 4.4.4.1 General Housing Policies (xi) and replacing it with the following:
 - a) The term Additional Residential Unit means a separate residential unit that is located within a detached house, semi-detached house, or rowhouse or within a building or structure that is ancillary to a detached house, semi-detached house, or rowhouse.
 - b) Additional residential units must be permitted within the Residential designation of local official plans and may be permitted in any designations where residential uses are permitted as a primary use or in the Agricultural designation, subject to the requirements of the Niagara Escarpment Plan, local Official Plan where one exists and the Comprehensive Zoning By-law, where the zoning by-law permits a detached, semi-detached, or rowhouse dwelling.
 - c) In the Rural Recreation Area and Inland Lake Development designation, only one Additional Residential Unit may be permitted, and only within a building containing a primary residential dwelling.
 - d) In the Agricultural designation, only one Additional Residential Unit is permitted whether in the building containing the primary residential dwelling or in a detached building. Temporary Farm Accommodation, as a building or park model trailer used for seasonal accommodation of workers is also permitted.
 - e) The Comprehensive Zoning By-law may provide Additional Residential unit regulations which:

- 1) Address compatibility with the main dwelling and surrounding land uses;
 - 2) Regulate or prohibit business or commercial enterprises within the Primary or additional residential unit(s);
 - 3) Set out restrictions involving the unit size, alteration to the outside of the principal dwelling, parking requirements, and water and sewer/septic servicing requirements;
- f) An Additional Residential Unit is not permitted on a lot that is legally non-conforming with respect to lot width or lot area. An Additional Residential Unit proposed on a lot that is smaller than 0.4 hectares in size, or 2 additional residential units on a lot smaller than 0.6 hectares, or on a lot that does not meet greater lot area requirements of the Rural Recreation or Inland Lake Development Designations with private onsite sewage disposal must be supported by a Nitrate Study completed in accordance with Section 4.7.5.8.
- g) The principal and Additional Residential Unit(s) must share the parking area and minimum setbacks for the principal dwelling unit, and no new driveway may be created;
- h) The combined total of a Primary residential unit, additional residential unit(s) and a garden suite shall not exceed three units on a lot, or two units on a lot in the 'Rural Recreation' and 'Agriculture' designations.
- i) Notwithstanding (h) above, a local Official Plan may include policies within settlement areas to permit more than two additional residential units on a property, and/or more than one additional residential unit in the primary building or ancillary buildings, and/or an additional residential unit in association with a duplex dwelling.

The Bruce County Official Plan is amended by adding the text underlined below, and deleting the struck through (~~strikethrough~~) text below, from Section 4.4.4.1 General Housing Policies:

- .2 Local Official Plans, where they exist, shall have regard to site specific characteristics for neighbourhood compatibility ~~in order to~~ address matters relating to the physical character of infill or redevelopment projects. Such matters as building height, lot coverage and parking, should be addressed in local Plans to guide the approval of zoning, site plans, and/or minor variances, which occur as a result of infill or intensification projects.
- .3 Where local Official Plans do not exist, the County Official Plan shall have regard to the same site-specific characteristics for neighbourhood compatibility ~~in order to~~ address matters relating to the physical character of infill or redevelopment projects.

To this end, the County may adopt Guidelines for development including for additional residential units which address streetscape and neighbourhood compatibility

- 3. The Bruce County Official Plan is amended by replacing 'may' with 'must' and 'accessory apartments' with 'additional residential units' in Section 4.4.4.2.5 (iii) (d) Affordable Housing Policies, to read:

"Local Official Plans must permit additional residential units in appropriate residential zones and/or neighbourhoods subject to appropriate standards of health and safety and the provision of municipal water and sanitary sewers;"

4. The Bruce County Official Plan is amended by adding “additional residential units in accordance with Section 4.4.4.1” in Section 5.2.3.5 (i) (a) Residential [Secondary Urban Areas], to read:

“Single detached dwellings, additional residential units and garden suites in accordance with Section 4.4.4.1 and home occupations shall be the predominant form of housing. Where sanitary sewers are available and subject to site plan control, multiple-attached dwelling units may be considered provided provisions for open space and parking are made, and the servicing requirements of the appropriate approval authority or its agent are met. [...]”

5. The Bruce County Official Plan is amended by adding “additional residential units and garden suites in accordance with Section 4.4.4.1” as item (ii) in Section 5.2.4.3 Permitted Uses [Hamlet designation], and re-numbering the subsequent permitted uses accordingly.
6. The Bruce County Official Plan is amended by adding “and additional residential units” at the end of item (i) in Section 5.2.2.4 [Local Official Plans], to read:

The local Official Plans for Primary Urban Communities shall contain, as a minimum, land use policies dealing with the following:

i) Residential, including low, medium and high density residential uses, affordable housing, special needs housing, infilling and intensification, and additional residential units.”

7. The Bruce County Official Plan is amended by adding “An Additional Residential Unit may be permitted within a building containing a residential dwelling in accordance with Section 4.4.4.1 (xi).” In Section 5.3.3 Permitted Uses - Rural Recreation designation, to read:

.1 “Permitted uses in the Rural Recreational Area shall include seasonal and permanent residential dwellings; public parks and open space uses; commercial uses in accordance with Section 5.3.7 [Commercial Policies (Rural Recreational Area)]; home occupations; home industry; and bed and breakfast establishments. Institutional uses shall also be permitted but shall be limited solely to places of worship. An Additional Residential Unit may be permitted within a building containing a residential dwelling in accordance with Section 4.4.4.1 (xi).”

8. The Bruce County Official Plan is amended by adding the text underlined below, and deleting the struck through text below, from Section 5.5.4 Permitted Uses - Agriculture Designation:

.2 Agricultural Areas shall permit agriculture, aquaculture, apiaries, agro-forestry, maple syrup production, home occupations, home industries, and farm-related uses including the use of lands, buildings or structures for the raising of animals, the growing of plants for food production and nurseries. Retail stands for the sale of agricultural products produced on the farm unit upon which the retail stand is to be located, and bed and breakfast establishments shall also be permitted within Agricultural Areas. Permitted uses also include the primary ~~and secondary~~ farm residence, Garden Suite and/or Additional Residential Unit on the same lot as part of the farm unit, forestry, public conservation, public open space, passive recreation, and temporary farm accommodation.

9. The Bruce County Official Plan is amended by deleting Section 5.5.12 - Secondary Farm Residence and replacing it with the text below:

5.5.12 Additional Residential Unit and Garden Suite and Temporary Farm Accommodation

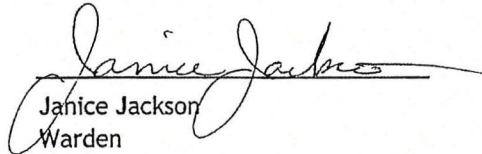
- .1 A Garden Suite and / or Additional Residential Unit, and/or Temporary Farm Accommodation may be permitted together with a primary farm residence on a farm lot. In addition to the Policies of Section 4.4.4.1, the garden suite and/or Additional Residential unit and/or Temporary Farm Accommodation:
 - i) Must be located within the existing farm building cluster and in very close proximity to the existing primary farm residence; and
 - ii) Shall not be considered for future severance from the farming operation.
 - .2 These uses shall be regulated through the Zoning By-Law and may include a semi-detached dwelling or duplex dwelling.
10. The Bruce County Official Plan is amended by adding “including Additional Residential Units in accordance with 4.4.4.1 (xi) and Section 5.5.12” to Section 5.6.4 (vii) and deleting “and” and making item 5.6.4 (viii) singular, to read:
- “The Rural Area shall permit:
- vii) Non-Farm Residential use, including Additional Residential Units in accordance with 4.4.4.1 (xi) and Section 5.5.12; [...]
 - viii) Seasonal Residential Use.”
11. The Bruce County Official Plan is amended by adding “including Additional Residential Units in accordance with 4.4.4.1 (xi) and Section 5.5.12” to Section 5.6.4 (vii) and deleting “and” and making item 5.6.4 (viii) singular, to read:
- and additional residential units in accordance with Section 4.4.4.1 where supported by appropriate servicing
12. The Bruce County Official Plan is amended by adding and additional residential units in accordance with Section 4.4.4.1 where supported by appropriate servicing to section 5.7.2 Permitted Uses - Estate Residential, to read:
- “5.7.2 Permitted Uses**
- The use of land designated Estate Residential shall be single family detached dwellings at a low density. Other permitted uses shall be limited to home occupations, open space and passive recreational uses and additional residential units in accordance with Section 4.4.4.1 where supported by appropriate servicing.”

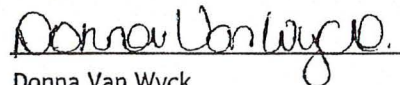
Decision

With respect to a County Official Plan Amendment
Subsection 17(34) of the Planning Act, R.S.O. 1990

The Approval Authority of the County of Bruce hereby approves Amendment
Number C-2021-015 to the Bruce County Official Plan.

Dated at the County of Bruce this 5th day of August, 2021.


Janice Jackson
Warden


Donna Van Wyck
Clerk

Owner: N/A
Applicant: Bruce County
Agent: N/A
Municipality: Bruce County
File Number: C-2021-015