



By-law Number 2024-016

A by-law to adopt Amendment Number C-2023-008 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 2024-016 as follows:

1. Amendment Number C-2023-008 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 7th day of March, 2024

Chris Peabody
Warden

Linda White
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-2023-008 to the Bruce County Official Plan.

The Official Plan Amendment is to incorporate some valuable amendments to the Bruce County Official Plan. The proposed changes affect all of Section 6, Implementation, and all of Section 7, Interpretation, of the Plan. Further amendments are proposed to selected portions of Section 4, General Policies, related to policies for Servicing and the Niagara Escarpment Plan. Overall, the amendment will make the plan more concise, and easy to use, while making the policies of the plan more effective. This amendment applies to all of Bruce County.

The Amendment

1. The Bruce County Official Plan is amended by deleting Section 4.7.3.2 and replacing it with the following:

4.7.3.2 The intent of the sharing of diversion responsibilities is to take advantage of economies of scale and expertise offered by County involvement as well as utilizing the services of the local municipality. Successful operation of the diversion system is based on communication, cooperation and the recognition of the common goal of maximum diversion from landfill.

2. The Bruce County Official Plan is amended by deleting Section 4.7.3.7 and replacing it with the following:

4.7.3.7 No new lots shall be created within 500 metres of the fill area of an open or closed landfill unless it has been demonstrated that there is no adverse off-site impact from the landfill that would affect the development. This policy shall generally not prohibit development on existing lots of record or within fully serviced urban areas.

3. The Bruce County Official Plan is amended by deleting Section 4.7.5.2 and replacing it with the following:

4.7.5.2 Multi Year Sewage and Water Servicing Plan – Local Official Plans

- .1 A Multi-Year Sewage and Water Servicing Plan shall be prepared in support of any new Local Official Plan and/or as part of any review or update to an existing Local Official Plan as required by Provincial legislation and regulation (e.g. Environment Assessment Act). A Multi-Year Sewage and Water Servicing Plan shall be prepared with reference to applicable Provincial Guidelines. The Local Official Plan shall take direction from the conclusions and recommendations of the Multi-Year Sewage and Water Servicing Plan, the Provincial Policy Statement and any other background studies carried out in support of the Servicing Plan.
- .2 Where a Multi-Year Sewage and Water Servicing Plan has been prepared all development approvals shall be consistent with that Plan.

4. The Bruce County Official Plan is amended by deleting Section 4.7.5.3 and replacing it with the following:

4.7.5.3 Water & Sewer Servicing Study – Planning Applications

- .1 Where a Multi-Year Sewage and Water Servicing Plan has been prepared as part of a master planning process in accordance with the Municipal Class Environmental Assessment under the Municipal Class Environmental Assessment Act in accordance with Section 4.7.5.2 all development approvals shall be consistent with that Plan.
- .2 Where a Multi-Year Sewage and Water Servicing Plan has not been prepared in accordance with Section 4.7.5.2 then
 - i) A Water and Sewer Servicing Study shall be prepared at the discretion of the County of Bruce in support of:
 - (a) A Local Official Plan Amendment proposing major new development on lands that have not been reviewed as part of a Multi-year Sewage and Water Servicing Plan or similar type of study; or
 - (b) An application to expand a settlement area boundary where the lands to be incorporated within the settlement area have not been previously reviewed as part of a Multi-Year Sewage and Water Servicing Plan; or
 - (c) Any planning application that has the potential for significant environmental health risks that need to be addressed; or
 - (d) Any planning application which has the potential to significantly affect the carrying capacity of the regional groundwater system in providing potable drinking water and/or the assimilative capacity of a receiving water body for sewage waste disposal.
- .3 The policy direction for an Official Plan Amendment, or planning approval of any type, shall be consistent with the conclusions and recommendations of the Water & Sewer Servicing Study and any other background studies carried out in support of the Study.
- .4 The Water & Sewer Servicing Study shall be completed to the satisfaction of the County, the local municipality and the County of Bruce and may include the following:
 - i) An assessment of the appropriate type and level of servicing necessary to support future growth and development including financing, phasing and administrative requirements;
 - ii) An analysis of the hydrology and hydrogeology to determine the capability of surface and groundwater water resources to provide sufficient quantity and quality of water supply and to accept sewage effluent in consideration of the ecological function of water resources in achieving the Environmental Goals and Objectives of this plan;
 - iii) Where municipal services exist an assessment of existing servicing systems, their capacities and their condition, and identify requirement upgrades, and/or expansion;
 - iv) Where subsurface sewage treatment and disposal is proposed, an assessment of the long term suitability of the soil conditions;

- v) An identification of existing or potential restrictions to future growth and development;
- vi) An assessment of the potential impact of new growth and development on the natural environment; and
- vii) An assessment of the economic feasibility of the proposed servicing.

5. The Bruce County Official Plan is Amended by deleting Section 4.7.5.4 and replacing it with the following:

4.7.5.4 Interim Servicing – Primary Urban Communities

Walkerton	Mildmay	Ripley	Lucknow
Kincardine	Tiverton	Southampton	Port Elgin
Warton	Chesley	Tara/Invermay	Paisley

Where a Multi-Year Sewage and Water Servicing Plan as required by Section 4.7.5.2 [Multi-Year Sewage and Water Servicing Plan – Local Official Plans] does not exist AND where full municipal services are not feasible (environmentally or economically), as determined by a Water and Servicing Study as detailed in Section 4.7.5.3 if deemed necessary by the Approval Authority, within a portion of the settlement boundaries of a full services Primary Urban Community, new development may be permitted on partial services as an interim solution (i.e., 3-7 years) provided that:

- i) The development is infilling within a developed area that is currently partially serviced or is the development of existing lots of record that is surrounded by an area that is currently partially serviced. Major new development is not considered to be infilling and major development shall only be permitted if the development is serviced by municipal or communal water and sewer services;
- ii) The uses shall be limited to those that would not normally require excessive amounts of water or generate large volumes of wastewater;
- iii) All new lots are to be of a size, dimension and orientation that would permit said lots to be divided to create two or more lots in conformity with the local zoning by-law for lots serviced with municipal water and sewer services. The new lots shall be subject to a site-specific zoning amendment that regulates the location of all new development in order to ensure that a future lot severance is possible;
- iv) A Nitrate Study as per Section 4.7.5.8 [Servicing Reports, Studies, Plans and Statements] concludes that the development will not have a negative impact on the groundwater;
- v) Any other Studies or Reports as required by County of Bruce and/or municipality are submitted.

6. The Bruce County Official Plan is amended by deleting Section 4.15 and replacing it with the following:

4.15 Niagara Escarpment Plan

- .1 The purpose of the Niagara Escarpment Plan is to provide for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment, and to ensure

only such development occurs as is compatible with that natural environment.

- .2 Policies for the use of land within the Niagara Escarpment Plan Area are set out in the Niagara Escarpment Plan, and are generally regulated by the Niagara Escarpment Commission through the Niagara Escarpment Planning and Development Act, and its regulations and local municipal zoning by-laws where Development Control is not in effect. All development, changes of use and lot creation within the Niagara Escarpment Plan Area shall conform to the Land Use Policies and Development Criteria of the Niagara Escarpment Plan, and the appropriate policies of the Bruce County Official Plan and local Official Plans where they exist and are not in conflict with the Niagara Escarpment Plan.
- .3 Lands within the boundary of the Niagara Escarpment Plan Area, a World Biosphere Reserve, as illustrated on Schedule A, Schedule C and Schedule D are subject to the goals, objectives, policies and development criteria of the Niagara Escarpment Plan. The boundary of the Niagara Escarpment Plan Area as illustrated on Schedules A and C, and the designations shown on Schedule D, shall be interpreted in accordance with Section 1.1 [Interpretation of Boundaries] of the Niagara Escarpment Plan.
- .4 The Niagara Escarpment Plan contains Land Use Policies (Part 1) and Development Criteria (Part 2) which determine where and how proposed development should occur within the Niagara Escarpment Plan Area. The policies and development criteria of the Niagara Escarpment Plan apply to all lands within its boundary and take precedence over the policies of the County Official Plan except where the policies of the County of Bruce Official Plan are more restrictive than, but not in conflict with, the Niagara Escarpment Plan.

Development Policy

- .5 Development proposals within the Niagara Escarpment Plan Area are expected to conform to the criteria of the Niagara Escarpment Plan, the applicable policies of this Plan, and any applicable Local Official Plan, and with the zoning provisions that would be in effect were the area subject to municipal zoning.
- .6 Where a proposal meets the criteria of the Niagara Escarpment Plan but would deviate from zoning provisions that would be in effect if the proposal were subject to municipal zoning, the commission should consider:
 - i) Whether the deviation is necessary to address a site constraint;
 - ii) Whether the development maintains the intent of this official plan and any local official plans in effect;
 - iii) Whether the development maintains the intent of the zoning provisions that would be applicable if the proposal were subject to municipal zoning;
 - iv) Whether the deviation is appropriate and desirable for the use of the land; and

v) Whether the deviation is minor in nature.

.7 Where the appropriate analogous zoning is unclear, Commission staff may seek clarification from the municipal zoning administrator.

7. The Bruce County Official Plan is amended by deleting Section 5.2.2.4.3 and replacing it with the following:

.3 The local Official Plans for the Primary Urban Communities may refer to the implementation policies of this plan or provide detailed policies dealing with the following issues:

- i) Amendments to the local Official Plan;
- ii) Comprehensive Zoning By-laws and amendments;
- iii) Minor variances;
- iv) Legal non-conforming and non-complying uses;
- v) Plans of Subdivision;
- vi) Site Plan Control;
- vii) Consents;
- viii) Property maintenance and occupancy;
- ix) Public consultation;
- x) Servicing and phasing;
- xi) Relationship to the County Official Plan; and
- xii) Other by-laws pursuant to the Planning Act.

8. The Bruce County Official Plan is amended by deleting Section 5.2.3.1 and replacing it with the following:

5.2.3.1 Area of Application

.3 The local Official Plans for the Primary Urban Communities may refer to the implementation policies of this plan or provide detailed policies dealing with the following issues:

- i) Amendments to the local Official Plan;
- ii) Comprehensive Zoning By-laws and amendments;
- iii) Minor variances;
- iv) Legal non-conforming and non-complying uses;
- v) Plans of Subdivision;
- vi) Site Plan Control;
- vii) Consents;
- viii) Property maintenance and occupancy;
- ix) Public consultation;

- x) Servicing and phasing;
- xi) Relationship to the County Official Plan; and
- xii) Other by-laws pursuant to the Planning Act.

9. The Bruce County Official Plan is amended by deleting Sections 5.6.8, 5.6.8.1, and 5.6.8.2.

10. The Bruce County Official Plan is amended by deleting Section 6.0 Implementation and replacing it with the following:

6.0 Implementation

6.1 Preamble

.1 This section describes how the Plan will be implemented. Local Official Plans may also rely upon this Plan as the applicable policy framework.

.2 Reference within this Section, or elsewhere in this Plan, to “provincial direction” shall mean any Act or Regulation of the Province of Ontario (e.g. the Planning Act or the Municipal Act and their regulations), Provincial Policies, (e.g. the Provincial Policy Statement), Guidelines published by the Province of Ontario (e.g. Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas or Minimum Distance Separation (MDS) Formulae). The required level of conformity with Provincial Direction shall be as outlined in that direction or its enabling Act.

6.2 Indigenous Communities

.1 Recognizing and respecting Indigenous Peoples as holders of constitutionally protected Aboriginal and treaty rights within the municipal boundaries of Bruce County, Bruce County will:

- i) Pursue stewardship of lands within the County in partnership and collaboration with Indigenous peoples, especially Saugeen Ojibway Nation, guided by the principles of trust, mutual respect, openness and transparency, responsiveness and good faith;
- ii) Meaningfully engage in early and ongoing consultation at all stages in the development, implementation and amendment of this Plan, and in relation to all matters addressed in the Plan, including but not limited to development proposals; local Official Plans, Secondary Plans, Guidelines, Community Planning Permit Systems, Plans of Subdivision, and Consents.
- iii) Freely share and exchange all relevant County-held information as part of County consultation and engagement processes;
- iv) Fully inform itself of and give consideration to concerns and perspectives regarding potential and consequential impacts on Aboriginal and treaty rights, and on Indigenous peoples’ aspirations and needs; and
- v) Meaningfully consider and demonstrably integrate, as part of County decision making processes for the Plan, reasonable

responses to and accommodations of those concerns and perspectives.

- .2 The County commits to co-development of mutually acceptable processes and protocols that facilitate notification and ongoing engagement of Indigenous peoples in land use and related planning processes of the County.

6.3 Public Participation

- .1 Recognizing the importance of transparent and inclusive planning processes, the County is committed to meaningful and timely public participation in accordance with the Planning Act. The following policy outlines the County's approach to public engagement:

- i) For all planning applications the requirements of the Planning Act for public consultation and notice will be met. In addition, the approval authority will strive to make notices and information pertaining to these applications available online.
- ii) Applicants will be required to submit a public consultation plan where required by provincial direction.

- .2 The County and/or local municipalities will provide a tailored consultation approach, where appropriate. In those cases the following will be taken into consideration:

- i) A range of communication methods and activities to facilitate broad participation and input;
- ii) Accessibility of venues for individuals of different ages and abilities;
- iii) Engaging the community in gathering spaces, such as farmers markets, fairs, festivals, public libraries, parks, and other popular locations;
- iv) Collaborating with local community organizations and service providers to encourage participation from diverse communities;
- v) Employing virtual, in-person, or hybrid meeting formats; and
- vi) When relevant, conducting public consultation in proximity to the geographic areas most impacted or affected by the matter under consideration.

- .3 Alternative public consultation measures to notify prescribed persons and public bodies of proposed development may be adopted by By-Law outside of this Plan provided the By-Law is approved by the approval authority with appropriate public input.

- .4 The approval authority may delegate its authority to administer these procedures to an appointed committee, officer, or employee identified by by-law.

6.4 Guideline Documents

- .1 Provincial direction will be used, as applicable, for implementing this Plan or a local official plan.

- .2 County Council or its delegate or Local Municipalities may develop guideline documents to support this Plan's implementation or the implementation of a Local Official Plan in accordance with the following:
- i) Guidelines address regulatory issues and may contain policies, standards, and performance criteria in greater detail than is typically covered in an official plan;
 - ii) Guidelines may guide the preparation and review of development proposals, specific studies required for proposals, conditions for development approval, or infrastructure and community services improvements;
 - iii) Guidelines may be prepared to further clarify expectations for Indigenous consultation and engagement;
 - iv) Development proposals will be assessed for conformity with applicable guidelines and Provincial direction, and conditions may be imposed where authorized by the Planning Act;
 - v) Council, or its delegate may allow deviations from guideline document provisions if they maintain the general intent of this Plan or a local official plan;
 - vi) Input from interested agencies, associations, and individuals is encouraged during the preparation of guideline documents;
 - vii) Guideline documents can only be adopted by Council resolution;
 - viii) Council may hold public meetings to gather input before adopting a guideline document; and
 - ix) Approved guidelines will be listed under an appendix to this plan and may be updated without amendment to this plan.

6.5 Legal Non-Conforming Uses

- .1 This Plan recognizes that existing land uses may not conform with the designations and long-term vision for the County that is outlined in this Plan or that municipalities have outlined in local Official Plans. This plan recognizes rights to legal non-conforming uses outlined in the Planning Act.
- .2 An existing, legal, non-conforming use may continue regardless of this Plan and the zoning by-law as provided in the Planning Act. Legal non-conforming buildings or structures may be repaired, renovated, or reconstructed provided there are no increases to extent of non-conformity with permitted uses or non-compliance of the use, building, or structure with provisions of the zoning by-law. In the case of non-conforming uses in natural hazard, including shoreline areas, reconstruction may occur in a different location provided it is further from the source of the natural hazard including the shoreline. Height and volume may be increased for the purpose of addressing floodproofing or other hazards.
- .3 An existing non-conforming use may be extended, enlarged or changed to a similar or more conforming use by the municipal

Committee of Adjustment, as provided in the Planning Act. In considering such applications the following should be considered as the intent of this Plan.

- i) The development must be appropriate in scale and avoid new or increased adverse impacts, including visual impacts to the surrounding lands or the environment;
- ii) Safe access shall be evaluated relative to the degree of change or intensity of use;
- iii) Consultation with relevant conservation authorities will determine requirements for permits in accordance with Conservation Authority regulations;
- iv) Each case will be reviewed individually by the Council or Committee of Adjustment and may be subject to site plan control and/ or conditions of approval, where permitted by the Planning Act; and
- v) For extension or enlargement in Hazard, including Shoreline areas, the following additional policies apply:
 - (a) The development should contribute to a net environmental gain through measures such as reducing hard surfaces, controlling runoff, and enhancing riparian vegetation;
 - (b) The potential for future compliant septic systems to be located away from the shoreline and sensitive environmental features should not be negatively affected;
 - (c) The setback from the highwater mark or source of a natural hazard should be maximised, considering the physical constraints of the lot and proposals shall not further increase deficiencies;
 - (d) Efforts shall be made to minimize the impact of new construction on the natural aesthetic and environmental qualities of the area;
 - (e) The development must not negatively alter existing drainage patterns, directing runoff into nearby water bodies or neighboring properties. Proposals affecting waterfront lands shall incorporate mitigation measures, including low-impact development, eaves troughing, vegetated buffers, and other features that manage runoff, improve water quality, and prevent off-site drainage; and
 - (f) The amount of structural coverage within the immediate shoreline area and within the 30-meter zone adjacent to water bodies should be minimized. Options for offsetting environmental and aesthetic impacts by removing, downsizing, or relocating structures with deficient water setbacks shall be explored.

- .4 A legal non-conforming use may be recognized through a local zoning by-law amendment if it meets the following criteria:
- i) The use is compatible with and does not harm or present risk to the surrounding land uses;
 - ii) The use does not affect the planned future use of nearby lands;
 - iii) The Minimum Distance Separation Formulae (MDS) has been considered;
 - iv) The use must not be located within an area affected by flooding or other natural hazard;
 - v) The means of access to the public road network is acceptable to the appropriate authority;
 - vi) Recognizing the legally existing use through a zoning by-law would not establish precedent to encourage similar non-conforming land uses within the municipality.
- .5 In the Agriculture and Rural designations, where a use has been recognized as a legal use in accordance with Section 6.5.4, the Councils of the local municipalities may zone to permit the continuation, expansion or enlargement of a legally existing use, or a change to a similar use, provided that:
- i) The proposed use is permitted in either the 'Rural' or 'Agricultural' designations;
 - ii) The existing use of the land, buildings or structures is a legal use currently recognized in the implementing comprehensive zoning by-law or is a legal nonconforming use under Section 34(9) of the Planning Act;
 - iii) The proposed use does not require large volumes of water nor generate large volumes of effluent;
 - iv) The proposed use is subject to any conditions that may be contained in a local Municipal Official Plan; and
 - v) The proposed use must be in appropriate proportion to the size of the existing use.

6.6 Public Works

- .1 In the interest of providing high-quality community services, the following policies shall apply to Capital and Public Works within the County:
- i) In accordance with the Planning Act, public works, extensions or developments will comply with the policies of this Plan.
 - ii) Long-term infrastructure asset management studies may be prepared and adopted by County Council or its delegate or local municipalities to identify new or improved infrastructure needed to implement this Plan.

- iii) To ensure fair distribution of public improvement costs, County Council or its delegate or local municipalities may levy charges on benefiting properties for public infrastructure, services, and facilities and may establish agreements accordingly.

6.7 Land Acquisition

The County or a local municipality may acquire land to implement any policy of this Plan in accordance with the provisions of the Planning Act, Municipal Act, or any other Act.

6.8 Municipal Finance

- .1 This Section, along with the other policies in this Plan, aims to ensure the long-term financial and environmental well-being of the County and local Municipalities in their role as approval authorities for development.
 - .2 The Approval Authority will avoid actions that pose significant financial risks to the County and Local municipalities.
 - .3 The County and Local municipalities will responsibly manage financial resources and handle growth and development thoughtfully to maintain fiscal sustainability.
 - .4 The Approval Authority may use its financial authority, as allowed by relevant legislation like the Planning Act, Development Charges Act, and Municipal Act, to support the Plan's implementation.
 - .5 Budgets will be regularly prepared, considering forecasts, to invest in necessary infrastructure and community services for expected growth.
 - .6 If a proposed development requires infrastructure and community services that are financially unfeasible, it may be refused.
 - .7 When reviewing a development application, the Approval Authority will assess its financial impact by considering:
 - i) Scale of development relative to its infrastructure requirements;
 - ii) ability of property tax values to support life cycle costs of infrastructure associated with the project;
 - iii) How it affects the tax levy,
 - iv) Its potential to generate revenue, and
 - v) Any other financial factors deemed necessary by the approval authority.
 - .8 The approval authority commits to ensuring efficient service delivery and implementing this Plan effectively.
- #### 6.9 Local Official Plans
- .1 This Plan sets the framework for growth and development in Bruce County, including local municipalities. Local Municipalities may have Official Plans to further define areas for land uses and

appropriate policies. Where they exist, the following policies apply to local official plans:

- i) Local municipalities must review their official plans as required by the Planning Act.
- ii) County Council or its delegate is the approval authority for local official plans and plan amendments.
- iii) Local municipalities may adopt policies aligning with this Plan that are more restrictive, where permitted by the province.
- iv) In case of conflict, the more restrictive policy between this Plan and a local official plan will prevail, provided the more restrictive policy does not conflict with the intent of this plan or provincial direction.
- v) To ensure consistency and adaptability to change, Local Official Plans may rely upon the County Official Plan as the applicable policy framework as outlined in Section 5.2.2.4.3 as an alternative to including the same policies within the Local Official Plan.

6.10 Secondary Plans

- 1. Secondary Plans are detailed policies that provide guidance for long-term community development and growth management. They aim to offer a more comprehensive and specific level of land use planning than this Plan.
- 2. Secondary Plans may be prepared for major developments or specific areas where a comprehensive study is necessary to ensure organized and logical development. The preparation of Secondary Plans shall involve consultation with the community and follow the procedures outlined in the Planning Act.
- 3. Upon adoption, Secondary Plans shall become amendments to the local official plan or this plan if they are not within an area covered by a local official plan. Implementation of a Secondary Plan shall be in accordance with the Planning Act, or other applicable legislation.

6.11 General Policies

- .1 County Council or its delegate and local municipalities have the power to administer various planning and development tools under the Planning Act, Municipal Act and other statutes as may be applicable to support the goals of this plan. The County and Local Municipalities may use all such tools available under their authority to carry out the policies of this Plan.
- .2 Unless otherwise required by statute, an amendment to this Plan or a local official plan is not required to pass a by-law that implements this plan or a local official plan.
- .3 The following policies provide further direction for the use of these tools in addition to that provided by Provincial direction.

- .4 Some tools are available to carry out the policies of this plan that do not require further implementation policies to be provided in this plan. These tools are described separate from the policy text in boxes entitled “Did you Know?”.

6.12 Local Zoning By-laws

Zoning by-laws are important tools used by municipalities to implement land use regulations in accordance with the Planning Act. The following policies apply to zoning by-laws:

- .1 Existing zoning by-laws shall be amended where needed to conform with this plan and the applicable local official plan, as required by the Planning Act.
- .2 Zoning by-laws may be amended through a process outlined in provincial direction and this Plan, provided the amendments conform to this Plan and any local Official Plan.
- .3 As provided by the Planning Act, Local municipalities may delegate the authority to pass minor by-laws to a committee or an authorized municipal officer, provided that all notice and public meeting requirements are met and in accordance with the following:
 - i) Delegated authority is limited to the following:
 - (a) applying or removing Holding ‘H’ symbols;
 - (b) temporary use by-laws; and
 - (c) minor administrative amendments, such as zoning amendments to reflect minor lot boundary adjustments.
- .4 Council may apply conditions to its delegation of authority.
- .5 Zoning by-laws may include provisions which implement the policies of this plan and allow other provisions to come into effect with the approval of certain planning applications. For example, a provision may be included in a zoning by-law to automatically prohibit a residence on the retained land following the approval of a consent for a surplus farm residence severance, and for zoning schedules to be updated accordingly.

6.13 Provincial Minimum Distance Separation

- .1 New land uses, expansions of non-agricultural uses, and new or expanding livestock facilities must comply with the MDS Guideline and Formulae.
- .2 Cemeteries that are closed, receive low levels of visitation, or are not connected to a place of worship are considered a Type A land use.
- .3 MDS is not required to be applied for the establishment of on farm diversified uses or agricultural related uses except where the use will introduce the potential for conflict with surrounding uses due to a high level of human activity, including but not limited to, a high number of visitors or overnight accommodations.

- .4 Relief from MDS requirements can be obtained through a Minor Variance or Zoning By-law Amendment. Where relief is sought, the intent and purpose of the Plan is to consider the circumstances where relief is appropriate as outlined in the MDS Guideline and Formulae.

6.14 Holding Provisions

- .1 A local municipality can use a zoning by-law to apply a "Holding H" Symbol to ensure that specific criteria or conditions are met before allowing development, subject to the policies of this Plan, the local official plan, and the implementing zoning by-law.
- .2 When the "Holding H" Symbol is applied to certain lands through a zoning by-law, the by-law may specify uses that are permitted while the holding provision is in effect, such as:
 - i) Agricultural uses, excluding livestock and new building construction;
 - ii) Existing uses that were legal at the time the Holding By-law was passed;
 - iii) Open space and conservation-related uses; and
 - iv) Other appropriate uses as identified by the Council, as long as they do not conflict with or limit the future development potential of the land, or cause land disturbance that may negatively impact archaeological resources or the natural environment, where applicable, and are compatible with neighboring land uses.
- .3 If in the opinion of the Council of the local municipality or their delegate the criteria for removing the holding have been met, the holding may be removed by amendment to the Zoning By-law.
- .4 Criteria for removal of a "H" Holding provision may include, but are not limited to, the following:
 - v) Availability of services consistent with the municipal servicing strategy;
 - ii) extension of roads, or where agreements are in place with respect to permanent access; or
 - iii) The completion of studies or plans including but not limited to, archaeology, natural heritage, stormwater management.
- .5 By-laws may use specific or general holding provisions to offer direction on applicable criteria. The criteria for removing the "H" Holding should be clearly stated in the Zoning By-Law provisions used to apply the "H" holding.

6.15 Community Planning Permit Systems

- .1 In accordance with the Planning Act, municipalities may use a Community Planning Permit System to regulate development. The following policies outline the development and implementation of a Community Planning Permit System:

- v) All designations within the County or Local Official Plans may be Community Planning Permit areas as established by By-Law in accordance with Provincial direction.
- ii) The Council of a local municipality or its delegate is the approval authority for a Community Planning Permit.
- iii) The scope of the authority that may be delegated by a Council to its delegate is not limited by this plan.
- iv) A Community Planning Permit may be used to implement the goals, objectives and policies of this Plan or a Local Official Plan.
- v) Any use that conforms to this Official Plan and a Local Official Plan may be considered as a class of development or land use that can be permitted through a Community Planning Permit or exempted from the requirement to obtain a permit.
- vi) Conditions and evaluation criteria may be specified within the Community Planning Permit Planning System By-Law provided those criteria conform with this Official Plan and the Local Municipal Official Plan.
- vii) Complete application requirements may be specified within the Community Planning Permit System By-law and may include the complete application requirements outlined in Section 6.26 [Other Information to be Submitted In Support of a Planning Application of this plan.

6.16 Inclusionary Zoning

- .1 If permitted by the Province, inclusionary zoning may be implemented in one or more municipalities in Bruce County to require affordable housing units through the development process and ensure their affordability for a specified time period.
- .2 Local municipalities are encouraged to partner with the County in implementing inclusionary zoning, where available.

6.17 Community Improvement

- .1 Any area within the County can be designated as a community improvement project area for the purpose of carrying out comprehensive improvements in specific areas of a community.
- .2 These improvements are meant to enhance the social, economic and/ or environmental vitality of the community and can involve various projects, including but not limited to improving the natural or built environment, and building affordable housing.
- .3 Local municipalities are encouraged to establish Community Improvement Areas and adopt Community Improvement Plans in accordance with the Planning Act and provincial direction and the policies of this plan. Municipalities may, but are not required to, provide additional Community Improvement policies within their official plans.

- .4 County Council may make grants or loans to one or more local municipalities, for the purpose of carrying out a community improvement plan.
- .5 When authorized by the provincial government, County Council may identify a community improvement project area or areas for purposes prescribed by provincial direction such as affordable housing. When Bruce County is authorized to implement a community improvement plan local municipalities may make loans or grants to Bruce County for the purpose of carrying out a community improvement plan.

6.18 Preservation of Topsoil

Topsoil shall be preserved to support a strong agricultural industry. Topsoil shall not be removed within the County except in accordance with Provincial direction.

6.19 Community Benefits Charges

Local Municipalities may implement Community Benefits Charges in accordance with the Planning Act.

6.20 Site Plan Control

- .1 The Site Plan Control policies of this Plan may form the basis of policies for local municipalities within Bruce County, and therefore local official plans are not required to establish Site Plan Control policies. Local Municipalities may establish additional, or more detailed Site Plan Control policies.
- .2 All land use designations in this Plan are proposed as Site Plan Control Areas, in accordance with the definition of development provided by the Planning Act.
- .3 Specific areas and uses where Site Plan Control will be applied as well as criteria for exemption, will be designated by By-Laws.
- .4 Applicants must provide necessary information and materials to the local municipality to address matters within the scope of Site Plan Control as outlined in the Planning Act, including an application and site plan drawing, conformity with the Zoning By-law and applicable development standards, assessments or reports, and details concerning land abutting County highways. The approval authority may also require any information outlined in Section 6.26 [Other Information to Be Submitted in Support of a Planning Application].
- .5 Applicants may be required to provide land for the widening of highways that are under the jurisdiction of the County as described in this plan in Schedule B at no expense to the County in accordance with the Planning Act.

6.21 Temporary Use By-laws

Municipalities may pass temporary use By-Laws in accordance with the Planning Act.

6.22 Interim Control By-laws

A Local Council may pass an interim control by-law in accordance with the Planning Act.

6.23 Maintenance and Occupancy By-laws

- .1 A local Council may pass maintenance and occupancy by-laws in accordance with Provincial legislation and in accordance with the policies of this plan.
- .2 A local official plan may have more detailed or restrictive maintenance and occupancy policies than those outlined in this plan.

6.24 County-Approved Planning Applications

County Council or its delegate has the authority from the Province to approve various Planning Act applications, such as Plan of Subdivision, Plan of Condominium, Part Lot Control By-laws, and Consent for land severance. The following policies govern the County's role in the planning and development application and approval process.

6.24.1 Pre-Submission Consultations

- .1 See Section 6.25 [Pre-Submission Consultations] for more information on the pre-consultation process that may be required to support County-Approved Planning Applications.

6.24.2 Other Information To Be Submitted In Support Of A County-Approved Planning Application

- .1 See Section 6.26 [Other Information to Be Submitted In Support Of A Planning Application] for more information on assessments, evaluations, reports, statements, studies or plans that may be requested to support County-Approved Planning Applications.

6.24.3 Applications to Amend the Bruce County Official Plan

- .1 The policies of this Plan can be changed through a County Official Plan Amendment in accordance with the Provincial direction and the policies of this Section. Changes may be required to:
 - i) Modify the types of land uses allowed in this Plan.
 - ii) Redesignate specific lands.
 - iii) Adjust policies if their interpretation or impact changes.
- .2 Applicants seeking to amend this Plan must address the following to the County's satisfaction:
 - i) Compliance with provincial direction
 - ii) Alignment with the intent of this Plan and other relevant County plans, guidelines, and by-laws.
 - iii) Sufficient infrastructure and community services as outlined in this Plan.
 - iv) Potential for financial impact on the County or local municipalities.
 - v) The proposal's effect on the County's ability to meet density targets set in this Plan.

- vi) Any additional criteria set by the County in consultation with relevant authorities.
- .3 Applications to amend this Plan will be circulated as prescribed by provincial direction and in accordance with Section 6.2 [Indigenous Communities] and Section 6.3 [Public Participation].
- .4 County Council or its delegate will also consider the cumulative impact of past amendments when evaluating new applications to ensure the policy objectives of this Plan are met.

6.24.4 Development Applications

- .1 County Council or its delegate is responsible for approving Plans of Subdivision or Plans of Condominium as per the Planning Act. Applications are expected to conform with the policies of this Plan and any applicable Local Official Plan.
- .2 For any new major development proposal, the applicant must demonstrate to County Council or its delegate and the local municipality how the proposed development will impact the municipal servicing system. This includes having sufficient density to efficiently provide infrastructure and community services.
- .3 A Plan of Subdivision may be required when the application meets one or more of the following criteria as deemed applicable by the County:
 - i) Requires new roads, extensions of existing roads, or municipal infrastructure/services;
 - ii) Creates four or more lots at once, or the retained land contains sufficient developable area for four or more lots in total to be created;
 - iii) Needs centralized services instead of on-site services for individual lots;
 - iv) Requires various studies, reports, and justifications to assess its suitability
 - v) Long-term monitoring and implementation of development conditions is required; and/or
 - vi) It is deemed in the public interest to require a plan of subdivision to ensure proper integration and compatibility with neighboring lands.
- .4 An application for Plan of Subdivision must address the following matters to the County's satisfaction:
 - i) Matters of provincial interest according to Provincial direction including but not limited to the criteria for plans of Subdivision in the Planning Act;
 - ii) Meeting the form and density requirements for this plan including the following:
 - (a) Residential development on municipal or communal services must have a density of no less than 15 'dwelling units' per 'gross developable hectare' (6.1

dwelling units per acre). Where justified and appropriate the County may consider a lower density. An applicant/developer requesting a reduced density must provide a planning justification at the time of application. Local Official Plans may set a higher density requirement.

- (b) In areas serviced by municipal or communal services development sites that can accommodate 10 or more 'dwelling units' must include at least to have a minimum of 30% of the proposed 'dwelling units' 30% 'medium density' (or higher density where appropriate) 'dwelling units'. The County may grant approval for developments with a reduced percentage of 'medium density' when appropriate and justified. An applicant/proponent/developer requesting a reduced percentage must provide a planning justification at the time of application. Local Official Plans may require a higher percentage; and
- iii) Providing affordable and attainable housing to support this Plan's targets and/or in accordance with provincial direction.

.5 The physical layout of a Plan of Subdivision must consider the following matters to the County's satisfaction:

- i) Universal design principles, including accessibility needs;
- ii) Lot configuration, avoiding lots with direct access to roads under Provincial or County jurisdiction;
- iii) Provision of municipal servicing, utilities, and community facilities, including schools;
- iv) Dedication of land for public purposes like parks and trails;
- v) Proximity and access to public and active transportation, including trails, where applicable;
- vi) Access to existing or planned transportation networks for safe and efficient movement of people and goods;
- vii) Energy conservation;
- viii) Physical layout of the draft plan, and without limitation including street patterns;
- ix) Low impact development and regard for climate change resilience;
- x) Snow removal, refuse collection, and emergency vehicle maneuverability;
- xi) Outside of fully serviced urban areas, no new lots that facilitate new residential development shall be created within 500 metres of the fill area of an open or closed landfill unless it has been demonstrated that there is no adverse off-site impact from the landfill that would affect the development; and
- xii) All other relevant policies of this Plan, as may be applicable.

- .6 Applicants for Plans of Subdivision and Plans of Condominium must undergo pre-submission consultation and provide necessary information and materials to complete the application as per this Plan's requirements.
- .7 The draft approval of Plans of Subdivision or Plans of Condominium will be subject to conditions that must be met before final approval. These conditions may be modified before final approval in accordance with the Planning Act.
- .8 A Local Municipality can pass a by-law under the Planning Act to exempt certain lands within a Plan of Subdivision from Part Lot Control. This allows the creation of lots within the plan, minor boundary adjustments, and establishment of easements, as applicable. County Council or its delegate is the approval authority for part lot control by-laws passed by the local municipality.
- .9 A Draft approval will include conditions which must be met before final approval can begin. The County has the authority to specify a date by which conditions must be met for initial and subsequent phases, as provided by the Planning Act. If an applicant does not meet the conditions in time the draft approval will lapse. There may be circumstances where an extension to the draft approval lapsing date, or a deeming of a lapsed draft approval not to have lapsed is appropriate.
- .10 County Council or its delegate may extend the expiry date, or deem a lapsed approval not to have lapsed at its discretion, provided:
 - i) The applicant has made significant progress towards registering the Draft Plan of Subdivision or Draft Plan of Condominium; and
 - ii) Exceptional circumstances beyond the applicant's control prevent them from applying for Final Approval on time.
- .11 Before deciding whether to approve or refuse a request to extend draft approval or deem draft approval not to have lapsed, County Council or its delegate will consult with the relevant local municipality. County Council or its delegate may also seek written support from the municipality for its decision.

6.24.5 Land Division Policies

- .1 County Council or its delegate is responsible for approving consent applications, as per the Planning Act. The following policies apply to applications for dividing land or interest in land within the County. These policies provide overall direction for the land division process. For specific land use designations, refer to subsequent Sections in addition to these general policies.
- .2 An application for consent must address matters of provincial interest according to Provincial direction including but not limited to the criteria for plans of Subdivision in the Planning Act
- .3 Severed and retained lots must front on existing public or common element condominium roads that are open and maintained year-round. These roads must be constructed to a standard of construction capable of handling the additional traffic from the proposed development.

- .4 Servicing for the severed and retained lots must comply with this Plan's policies.
- .5 Access to County Highways designated as Arterial Road or Collector Road on Schedule B will be restricted in accordance with the following:
 - i) A Traffic Impact Assessment approved by the County is required for access to an Arterial Road.
 - ii) Only two lots per original Township lot, including the retained lot, may have direct access from an Arterial Road. Exceptions may apply for development within Primary or Secondary Urban Communities, at the County's discretion.
 - iii) Access to County Roads designated as Collector Road or Proposed Collector Road on Schedule B may be allowed if it can be demonstrated to the satisfaction of the County that the development doesn't create traffic hazards or impede traffic flow.
 - iv) Before creating a new lot with access to a Provincial Highway, the Province must approve access for both the severed and retained lots.
 - v) A consent will only be granted if it conforms to the land use designations and policies of this Plan, as well as local official plans and zoning by-laws, where applicable.
- .6 Creating lots in areas prone to flooding, erosion, or other environmental constraints is not permitted unless it is clear that the proposed use will not negatively impact these constraints or be negatively impacted by these constraints.
- .7 When a consent is granted, conditions may be imposed on the severed and retained lots to ensure proper development. This may include, without limitation, stormwater management plans, lot grading plans, tree management plans, parkland dedication, road widening dedication, archaeological assessment, and servicing requirements.
- .8 The application must represent an orderly and efficient use of land, not hindering development of the retained lands.
- .9 Recreating the original Township lot layout is allowed, provided both the severed and retained lots meet the minimum lot area requirements and have access to an open, maintained municipal road. A Township lot that has been the subject of a previous severance or other land division, generally comprises most of the original parcel, and meets lot area requirements of the appropriate designation in this plan, is considered an original Township lot.
- .10 Land acquisitions or disposals by the Province, Conservation Authorities, the County, Indigenous organizations such as Saugeen Ojibway Nation, or non-profit corporations implementing this Plan's policies need not adhere to lot area requirements of this plan or maximum number of severances from a crown lot. Where such acquisitions are for conservation purposes access may be obtained over other public lands or by permanent registered easement over

private lands. Such land acquisitions or disposals must conform to the applicable Zoning By-Law.

- .11 Outside of a designated settlement area, a severance will not be permitted in or within 120 metres of lands identified as a Mineral Resource Area as shown on Schedule C, or and existing licensed site for mineral extraction or within 210 metres of a licenced quarry, except as follows:
- i) Lots 40 hectares or more in the Agriculture or Mineral Resource designations;
 - ii) Lots 20 hectares or more in the Rural designation;
 - iii) A residence surplus to a farming operation per section 6.24.5.4.5;
 - iv) a severance that does not result in new lot creation such as for a lot boundary adjustment or re-creation of merged lots;
 - v) A non-residential use per 6.24.5.4.4; or
 - vi) A severance for an existing non-residential use.
- .12 Outside of fully serviced urban areas, a severance will not be permitted to facilitate the establishment of a new residential use within 500 metres of the fill area of an open or closed landfill unless it has been demonstrated that there is no adverse off-site impact from the landfill that would affect the development.

6.24.5.1 Merged and Undersized Lots (BCOPA250)

County Council acknowledges that some types of lots can merge on title if they have the same owner and may not meet current planning criteria for severance. County Council wishes to provide opportunities for lots to be re-created or to have boundary adjustments in certain circumstances.

The policies of this section apply to consent applications that propose:

- To re-create lots merged on title; or
- To provide lot additions to or between existing undersized lots.

.1 Merged Lots:

- i) Merged lots may be re-created by consent if the lots conform to Land Division Policies of the Plan;
- ii) Further to policy 6.5.3.1.xiii, the re-creation of one or more original Township lots by consent is not considered to be creating new lots. Such consents are not intended to be subject to information requirements and/or conditions of approval related to future uses unless such uses are proposed as part of the application.
- iii) Where more than one dwelling or use exists on the same lot, lots may be re-created for the additional dwelling or use

despite policies to the contrary so long as the following criteria are met:

- (a) The owner/applicant/agent must satisfy the zoning administrator that each and every lot to be severed or retained has existing development that was legally established; this policy does not permit the creation of vacant lots;
- (b) The additional dwelling/use on the lot must have occurred as a result of lots merging on title, and not as a result of additional uses being constructed on a lot in accordance with the zoning by-law (for example a detached accessory dwelling on a commercial lot or a garing on a lot for farm help);
- (c) The Chief Building Official of the Municipality confirms that the dwelling or use is habitable / usable at the time of application;
- (d) Where a connection to municipal or communal sewage disposal systems is not available, each and every proposed lot must be able to accommodate its own sewage disposal system within the property. Although not preferred, existing shared wells may be permitted, and easements may be established for existing shared wells;
- (e) When re-creating merged, developed lots in accordance with this policy, the approval authority may approve consent(s) with different boundaries than the original lots where such boundaries better accommodate buildings, structures, services, access, or a more even distribution of land between lots; and
- (f) Where the resulting lots are smaller than 4000 square metres, a zoning “holding” provision or development agreement must be registered on title of the undersized lots to prevent further intensification of the use by way of enlargement or increase of total plumbing fixtures beyond 20 (twenty) fixture units unless the lot is connected to a municipal or communal sewer system with capacity or the proposed development is supported by a nitrate study as outlined in Section 4.7.6.8 of this Plan.

6.24.5.2 Lot Adjustments and Additions

- .1 Lot adjustments and additions within the Agricultural designation are allowed per Section 6.24.5.4 [Consents to Sever Land in Agricultural Areas].
- .2 In all other designations, lot adjustments are permitted for legal and technical reasons. These adjustments are limited to purposes like easements, correcting deeds, quit claims, and minor boundary adjustments. This policy does not allow for new lots to be created.
- .3 Regardless of servicing or lot area policies, boundary adjustments and lot additions from lots with private sewage disposal systems smaller than 4,000 square meters (or the minimum lot area for their

designation) are allowed. However, the lot addition cannot make the enlarged parcel significantly larger than the one becoming smaller except where necessary to correct an encroachment. Lot additions together with easements may be used to minimize the land that is fully transferred.

- .4 If two or more independently transferable lots consolidate into fewer total lots, the resulting lots may be certified even if they remain undersized.
- .5 Boundary adjustments and lot additions cannot add lands from outside a settlement area to lands within a settlement area.

6.24.5.3 Consents to Sever Land in Urban and Hamlet Communities

- .1 Consents to sever land in Urban and Hamlet Communities will only be allowed when the development potential of the site does not require a full plan of subdivision to ensure efficient and orderly development
- .2 If major service extensions are necessary to support the development, then the application may be required to proceed as a plan of subdivision.
- .3 Development by consent will be subject to the servicing policies of Section 4.7 [Services And Utilities] of this plan.

6.24.5.4 Consents to Sever Land in Agricultural Areas

- .1 An original Crown surveyed lot can only be divided into two parcels, including the retained portion. However, the following cases are not counted in the two-parcel limit:
 - i) When a residence is severed from a farm due to farm consolidation;
 - ii) Minor adjustments for access and servicing purposes that don't create new lots or increase development potential;
 - iii) Reconfiguration of lot lines for parcels meeting minimum lot area requirements; and
 - iv) When a road divides a Crown surveyed lot:
 - (a) A lot entirely zoned hazard is not considered a new lot.
 - (b) Developable parcels created by roads will be considered new lots.
- .2 Lands designated as Agricultural should generally have a minimum lot area of 40 hectares to support farming operations and minimize impacts on the farming community.
- .3 Notwithstanding the 40 hectare lot area minimum, smaller farm parcel sizes may be allowed if the owner can prove:
 - i) Both the proposed severed and retained lots will primarily be used for agriculture, and similar-sized lots within a 25-kilometer radius are unavailable for the intended use;

- ii) The size of both severed and retained parcels suits the type of agriculture proposed for each; and
- iii) The proposed lots are suitable for common agricultural uses in the area and flexible enough for future changes in farming operations.

.4 Within the Agricultural designation, one non-farm lot may be severed from an Original Crown lot if it's for an agriculture-related use as defined by Provincial direction, subject to the following policies:

- i) The use is not able to locate in a settlement area;
- ii) The new non-farm lot should generally not exceed 4 hectares in area. If the proposed lot is over 0.81 hectares in area, a planning report to justify the proposed area will be required. The minimum lot area will generally be 0.4 hectares;
- iii) The severed and retained parcels must comply with all other applicable policies of this Plan and Provincial direction;
- iv) Both the severed and retained parcels must be viable for their proposed future use;
- v) The width-to-depth or depth-to-width ratio of the new lot will not generally exceed a maximum of 1:3, and will conform to the appropriate zoning requirements for lot frontage, which may be achieved by variance where appropriate;
- vi) For uses that generate a high human activity or public visitation, Minimum Distance Separation (MDS I) must be met for the severed lot.

.5 One non-farm lot may be severed for existing residences surplus to a farming operation due to farm consolidation, provided the following policies are met:

- i) The owner of the lands to be severed is a 'bona fide farmer'. For the purposes of this policy, the 'bona fide farmer' must:
 - (a) Own and farm the lands on which the surplus dwelling is proposed to be severed from;
 - (b) Own and farm other lands; and
 - (c) Own a residence elsewhere, or reside as a tenant elsewhere, therefore rendering the residence on the subject farm surplus to their needs.
- ii) In situations where the agricultural portion of the subject lands is rented in whole or in part to others, the owner of the subject lands will not qualify as a 'bona fide farmer'. A 'bona fide farmer' will be defined as to include a limited company, sole proprietorship, incorporated company, numbered company, partnership, non-profit and other similar ownership forms;
- iii) The lot proposed for the residence and buildings surplus to the farming operation will be limited in area and will only be

of sufficient size to accommodate the residence surplus to the farming operation, accessory buildings (where including accessory buildings does not render the lot excessively large), a well and a sewage disposal system, while ensuring that as little land as possible is removed from the agricultural lands;

- iv) The remnant agricultural lands will be rezoned to prohibit the future erection of a residential dwelling of any type on the agricultural lands provided that a residential dwelling does not exist at the time of severance;
- v) MDS I Formula requirements are to be met for the proposed severed lot if livestock facilities or anaerobic digesters exist on the retained farmlands. MDS I does not apply to existing barns on separately titled lots;
- vi) Setback requirements to Mineral Resource Area, Aggregate/Quarry Operation or sanitary landfill site will not apply to the severed or retained lands; and
- vii) The existing surplus dwelling/residence must be habitable at the time of application.

.6 Consents for lot adjustments for easements, deed corrections, or minor boundary changes are allowed, as long as no new lot is created.

.7 Lot enlargements may be permitted in the Agriculture designation subject to the following:

- i) No new lot is created;
- ii) If lands designated Hazard are to be included in the lot enlargement, there must be sufficient developable area outside of the Hazard designation, including applicable environmental setbacks, for the proposed development;
- iii) lot enlargements to expand a non-farm use will be limited in area and will only be of sufficient size to accommodate the residence, accessory buildings (where including accessory buildings does not render the lot excessively large), a well and a sewage disposal system, while ensuring that as little acreage as possible is removed from the agricultural lands. The enlarged lot size will generally not exceed 0.81 hectares.
- iv) A lot enlargement for the purpose of enlarging an agriculture use as a smaller specialized farm lot is permitted subject to the policies of Section 6.24.5.4.3, for enlargements of the expansion of an existing agricultural-related use as per Section 6.24.5.4.4, or existing institutional use as per Section 5.5.10 [Institutional Uses]. Such lot enlargements will be limited in area and will only be of sufficient size to accommodate the agriculture use, agricultural-related use, or institutional use, accessory buildings (where including accessory buildings does not render the lot excessively large), a well and a sewage disposal system, while ensuring that as little acreage as possible is removed from the agricultural lands.

- .8 When reviewing consent applications, the requirements of the MDS Formulae will apply.

6.24.5.5 Consents to Sever Land in Rural Areas

- .1 The policies of Section 6.24.5.3 [Consents to Sever Land in Agricultural Areas] apply to lands designated Rural with the exception that an additional parcel from an original crown lot is permitted for a total of three parcels.
- .2 Consent for Agricultural uses is permitted in accordance with Section 6.24.5.4, however the minimum area will be generally 20 hectares. In order to be eligible for a 20 hectare severance, a lot of record must have a minimum of 90% of its land area within the 'R – Rural' designation.
- .3 Consent for Non-farm Lots and Non-Farm Residential Lots in the Rural Area will be allowed in accordance with the following:
- i) New non-farm lots can have a maximum area of 4.0 hectares and a minimum area of 0.4 hectares;
 - ii) A Planning Justification Report is required for lots larger than 0.81 hectares;
 - iii) The severed and retained parcels must be viable for their proposed uses;
 - iv) Parcels will not generally exceed a width-to-depth or depth-to-width ratio of 1:3 and should conform to zoning requirements for lot frontage, which may be achieved by variance where appropriate;
 - v) New lots must be located on year-round maintained Municipal roads;
 - vi) There must be a minimum of 100% of the original Crown surveyed lot within the 'R – Rural' designation; and
 - vii) All new non-farm lots must comply with MDS I.
- .4 Lot Adjustments and Enlargements are permitted in the Rural Area, subject to the following:
- i) Lot adjustments for legal or technical reasons are permitted but cannot create new lots;
 - ii) Enlargements for existing non-farm lots or non-farm residential lots are limited to a maximum lot size of 4.0 hectares. A planning justification report is required for a lot enlargement that creates a greater than 0.81 hectare enlarged lot;
 - iii) Lands to be severed and merged with an existing lot of record must be designated Rural excepting however when the existing lot of record is smaller than 0.4 hectares in size, lands designated Agricultural may be added to a maximum total lot area of 0.81 hectares;
 - iv) In determining the designation of a lot of record for compliance with clause c) above, the designation(s)

underlying the Hazard designation, if present on a lot, will also be used.

- v) If lands designated Hazard are to be included in the lot enlargement, there must be sufficient developable area outside of the Hazard designation, including applicable environmental setbacks, for the proposed development;
- vi) The retained parcel must be viable for the proposed use;
- vii) Parcels will not generally have a width-to-depth or depth-to-width ratio exceeding 1:3 and should conform to zoning requirements for lot frontage, which may be achieved by variance where appropriate; and
- viii) The enlarged lot must comply with MDS I.

6.24.5.6 Consents to Sever Land in Rural Recreational Areas

The severance of land within Rural Recreation Area and Inland Lakes Area may be considered subject to the following:

- .2 To ensure appropriate area for servicing the minimum lot area will 4,000 square metres, unless a local official plan has specified a different lot size, municipal or communal wastewater treatment services are available, or a groundwater quality impact assessment has been completed in accordance with Section 4.7.5.8 [Servicing Reports, Studies, Plans and Statements]. Areas below the Ordinary High Water Mark will not be included in the calculation of minimum lot area.
- .3 Waterfront lots should generally have a width-to-depth ratio not exceeding 1:3 to avoid narrow, linear parcels. Any deviation from this ratio requires a Planning Justification Report submitted as part of a complete application. The lot must also comply with zoning by-law requirements for minimum lot frontage, which may be achieved by variance where appropriate.
- .4 The Land Division Committee may request information and technical studies similar to those for a plan of subdivision when reviewing lot approvals;
- .5 New Non-waterfront lots must be within 1 kilometre of a shoreline access point;
- .6 New lots shall provide for a minimum setback of 30 metres from the Ordinary High Water Mark (OHWM), except for minor infilling or rounding out in the existing built-up area for the creation of a maximum of two additional building lots. The minimum setback to the OHWM should not be less than 10 metres in any case;
- .7 Natural vegetation between the lake and any building or structure will be preserved, where possible; and
- .8 Minimum Distance Separation (MDS I) Formulae apply.

6.24.5.7 Consents to Sever Land in Open Space Areas

Lot creation within the Major Open Space Area designation other than for public authority acquisitions such as those outlined in Section 6.24.5.10 shall have a minimum lot area of 20 hectares.

6.24.5.8 Consents to Sever Land in the Niagara Escarpment Planning Area

- .1 The Niagara Escarpment Plan contains specific policies for creating new lots in the Escarpment Natural, Escarpment Protection, and Escarpment Rural Area designations. Consent applications must comply with the Permitted Uses and Development Criteria outlined in the Niagara Escarpment Plan for all designations and the general consent policies of this Plan.
- .2 Before applying for consent, the applicant must first apply for a development permit from the Niagara Escarpment Commission for lands within their jurisdiction.
- .3 County staff will review Development Permit Applications and provide feedback on their adherence to the Official Plan and applicable development standards.
- .4 Consent will not be granted until a development permit is granted by the Niagara Escarpment Commission.

6.25 Pre-Submission Consultations

The pre-submission consultation process aims to provide clarity and certainty to both the County and applicants for certain Planning Act applications. Early consultation with the County and local municipalities helps identify and resolve issues, streamlines the planning approvals process, and supports better land use planning decisions.

- .1 Pursuant to the Planning Act, County Council or its delegate and local Municipalities may pass by-laws to require pre-submission consultation for the application types or circumstances as may be defined in the by-law.
- .2 Local municipal staff are encouraged to participate in pre-submission consultation. Other affected agencies, like Conservation Authorities, may participate in the pre-submission consultation at the County's discretion. Rights holding groups such as Saugeen Ojibway Nation may join or require separate engagement to address their rights and interests.
- .3 At the sole discretion of the County, an application may be considered premature if pre-submission consultation has not been completed.
- .4 Information and materials that may be required for an application are specified in Section 6.26 [Other Information to be Submitted In Support of a Planning Application], and are subject to refinement during pre-submission consultation.
- .5 The County may waive or modify required information based on the application's complexity, as determined through pre-submission consultation.
- .6 The County may refuse to deem an application complete where supporting materials are not prepared in accordance with County standards.

- .7 An application will only be deemed complete pursuant to the Planning Act when all of the following have been provided to the satisfaction of the County:
- i) A complete application package which contains all of the specified information, material and documents identified through the pre-submission consultation process, the prescribed application fees, and any additional or supporting information that was identified by the County, a local municipality or agency that participated in the pre-submission consultation process, which may be required to be submitted electronically in accordance with the Accessibility for Ontarians with Disabilities Act (AODA) standards; and
 - ii) Peer review of any or all studies has been completed, if required by the County.
- .8 The County may set an expiration date for the pre-submission consultation and complete application requirements, which will not be sooner than one year from that date that formal pre-submission consultation meeting minutes are issued, except where there is a significant change to the proposal, provincial direction, or County or Municipal plans or zoning that would impact the proposal. If the complete requirements expire, the County may require another meeting.
- .9 If an amendment to a local official plan also affects this Plan, applicants are encouraged to request a joint pre-submission consultation meeting with the County and the local municipality.
- 6.26 Other Information To Be Submitted In Support Of A Planning Application
- .1 As per Section 22(5) (Other Information) and/or Section 34(10.2) (Other Information) and/or Section 51(18) (Other Information) and/or Section 53(3) (Other Information) of the Planning Act R.S.O. 1990, c.p.13, as amended to March 30, 2007 a person, public body or applicant shall provide together with an amendment or application, in addition to the information prescribed by the Planning Act, or Regulations thereto, any or all of the following Assessments, Evaluations, Reports, Statements, Studies or Plans as requested by the Province of Ontario, County of Bruce, any lower tier municipality or any agency at the sole discretion of the County of Bruce:
- i) Adjacent Land Compatibility Study
 - ii) Agricultural Lands Impact Study
 - iii) Aggregate Studies (As related to/and in compliance with the requirements of the Aggregate Resources Act including rehabilitation for new and expansions to existing pits and quarries)
 - iv) Aggregate Licence Compatibility Assessment
 - v) Aggregate Potential Assessment
 - vi) Air Quality/Dust/Odour Study

- vii) Airport Impact Study
- viii) Arborist Report
- ix) Archaeological Assessment
- x) Blasting Impact Study
- xi) Completed Application Form
- xii) Daylight, Sunlight and Overshadowing Report
- xiii) Endangered Species Assessment
- xiv) Environmental Impact Statement/Environmental Impact Study
- xv) Environmental Site Assessment (Phase 1 and Phase 2, Record of Site Condition)
- xvi) Erosion and Sedimentation Control Plan
- xvii) Fisheries Impact Assessment
- xviii) Floodplain and Erosion Hazard Study
- xix) Groundwater Impact Study / Well Interference Study
- xx) Heritage Impact Study
- xxi) Housing Affordability/Issues Report
- xxii) Hydrogeological Study/Hydrology Study
- xxiii) Landscape Character Assessment
- xxiv) Landscaping Plan
- xxv) Lot Grading and/or Drainage Plan
- xxvi) Market Impact Assessment/Retail Impact Study
- xxvii) Master Drainage Plan
- xxviii) Master Road Network Plan
- xxix) Minimum Distance Separation I or II (MDS I or MDS II) Calculations
- xxx) Natural Heritage Study:
- xxxi) Nitrate Study
- xxxii) Ornithological Impact Assessment/Avian/Bird/Study
- xxxiii) Parking and/or Loading Study
- xxxiv) Planning Justification Report
- xxxv) Sanitary and/or Storm Sewer Study
- xxxvi) Septic System Impact Assessment

- xxxvii) Servicing Capacity Report
- xxxviii) Servicing Options Statement
- xxxix) Significant Woodlands Study
- xl) Site Plan Application
- xli) Soils/Geotechnical Assessment (Slope Stability Study)
- xl ii) Stormwater Management (Quality & Quantity) Report
- xl iii) Structural Engineering Analysis (Existing Buildings and Structures)
- xl iv) Surface Water Impact Assessment
- xl v) Terrestrial Wildlife Environment Assessment
- xl vi) Tree Preservation/Retention Plan
- xl vii) Traffic Impact Study
- xl viii) Urban Design Study
- xl ix) Vibration and/or Noise Impact Report
- l) Wetland Evaluation

- .2 As per Section 41 (3.4) (Other Information) of the Planning Act, R.S.O. 1990, as amended April 14, 2022, a person, public body or applicant shall provide to the local municipality any information or materials that may be required by the municipality to ensure that matters within the scope of Site Plan Control are addressed to the satisfaction of the Municipality. Such information may include any information outlined in Section 6.19.121 that relates to site plan control, and may further include but is not limited to:
- i) A completed application;
 - ii) A survey, plans, drawings, and/or checklists in sufficient detail to demonstrate conformity with the zoning by-law and any applicable development standards established by the Municipality;
 - iii) Assessments, reports, or other information necessary for the Municipality to identify and establish conditions related to any elements outlined in Section 41 (7), as may be amended from time to time, including to identify required easements, agreements, and/or securities related to fulfillment of conditions of site plan approval; and
 - iv) Details that may be required by the upper-tier municipality where the land abuts a highway under the jurisdiction of the upper-tier municipality to address road widenings, access, or other matters outlined in Section 41 (8) of the Planning Act, as may be amended from time to time.
- .3 The specific submission requirements for any given application will be determined depending on the phase and/or scale of the proposal, its location, its location in relation to other land uses, and

whether the proposal implements other planning approvals that may have been previously obtained, prior to consideration of the specific application.

.4 All Assessments, Evaluations, Reports, Statements, Studies or Plans shall be prepared/conducted by an individual(s) qualified in the subject under study by their respective governing body or an individual(s) who is competent by virtue of training and experience to engage in practices that would also constitute professional practice. Such qualifications shall be submitted with the Assessments, Evaluations, Reports, Statements, Studies or Plans.

.5 The Terms of Reference for an Assessment, Evaluation, Report, Statement, Study or Plan shall:

- i) Be determined through consultation and direction from the County of Bruce and/or the local municipality and/or any relevant agency and/or the Province of Ontario; or
- ii) Be prepared in accordance with applicable industry standards, norms, practices and/or government guidelines/regulations. All Terms of Reference shall be approved by the County of Bruce or the local Municipality in its role as approval authority.

All Terms of Reference shall be approved by the County of Bruce or the local Municipality in its role as approval authority.

.6 Peer reviews of an Assessment, Evaluation, Report, Statement, Study or Plan or any other study required to support a development application or proposal may be required by the County of Bruce or the local Municipality, at the cost of the proponent.

.7 Notwithstanding the required studies and assessments listed above, the approval authority (County or local municipality) may ask for any additional information that is considered reasonable and necessary in order to make a decision on a planning application.

11. The Bruce County Official Plan is amended by deleting Section 7 and replacing it with the following:

7.0 Interpretation

.1 The aim of these policies is to guide the interpretation and ongoing administration of this Plan. It's crucial for the long-term success of the Plan to review, update, and consolidate it regularly to keep it relevant and useful.

.2 The County will annually incorporate Plan amendments through Office Consolidations, making it more convenient for all users of the Plan.

.3 Applications will be reviewed in accordance with the policies in effect when the complete application was submitted.

.4 The text, tables, schedules, and a glossary of terms contained in this Plan constitute the Bruce County Official Plan.

.5 All County public works and by-laws must comply with this Plan.

- .6 Major deviations from the text and schedules require an Amendment to this Plan, unless specified otherwise within this Plan.
- .7 Schedules A to C show the extent and boundaries of land use designations established by this Plan; accordingly:
- i) The boundaries on all schedules are not intended to be rigid, except where they coincide with physical features such as roads, rights-of-way, lot line, concession lines and watercourses, a departure from such boundaries will require an amendment to this Plan; and
 - ii) Where boundaries do not coincide with physical features the exact determination of the boundary will be provided by the County and the County may permit minor departures through interpretation, provided the intent of the Plan is maintained and the departure is advisable and reasonable.
- .8 Minor adjustments to settlement area boundaries can be allowed without an amendment to the Plan to create one lot that meets the minimum lot area requirements of this Plan or a local Official Plan.
- .9 Where a parcel of land is subject to one or more land use designations, development proposals must follow all relevant policies, with more restrictive policies taking precedence in case of conflicts.
- .10 Permitted uses identified in this Plan provide guidance for local official plans and zoning by-laws, and do not represent a comprehensive list of conforming land uses.
- .11 The following technical revisions will not require an amendment to this plan, provided the intent remains unchanged:
- i) Changing the number, cross-referencing and arrangement of the text, tables, and Schedules;
 - ii) Altering punctuation or language for consistency;
 - iii) Correcting grammatical, dimensional and boundary, mathematical or typographical errors that do not affect the intent of policies or Schedules;
 - iv) Adding technical information to Schedules;
 - v) Changing format or presentation; and
 - vi) Consolidation of approved Official Plan Amendments in a new document without altering any approved policies or Schedules.
- .12 Certain elements like margin notes and illustrations are for reference only and can be added, modified or removed without amendment to the Plan.
- .13 Conflicts between this Plan, Provincial legislation, or local official plans will be resolved by applying the more restrictive requirement, except where such restriction would conflict with provincial direction.
- .14 The County may provide supplementary guidance material in line with this Plan's policies to aid in its implementation and interpretation.

.15 Guidance material issued by the Province or other jurisdictions will be used to support implementing this Plan's policies.

.16 If this Plan references any guideline or manual, it includes future versions that may amend or replace the referenced document.

.17 References to outdated legislation or agencies will transfer to new ones without needing an amendment to this Plan.

7.1 Review of the Plan

.1 This Plan is required to be consistent with Provincial direction. To maintain consistency, the County will regularly review and monitor the Plan to address legislative changes or emerging community needs. The purpose is to ensure that it continues to comply with Provincial direction, stays relevant to the County's changing land use priorities, and is being implemented as intended.

.2 During the review, the following aspects will be considered:

- i) Changes in legislation and policies, including Provincial direction;
- ii) Relevance of the assumptions and strategic directions of this Plan;
- iii) Effectiveness in achieving strategic directions and objectives;
- iv) Whether development aligns with the Plan's guiding principles;
- v) Availability of different types of housing, including attainable and affordable options;
- vi) Availability of employment land to match job creation forecasts; and
- vii) Changes in demographics, economy, employment, social factors, environment, and technology.

.3 The County may prepare a monitoring report with key indicators and measures related to the Plan's policies to aid in the review.