



Staff Report to Council - for Direction

Title: New Bruce County Official Plan

From: Jack Van Dorp, Director of Planning and Development

Date: September 5, 2024

Report Number: PD-2024-018

Staff Recommendation:

That the Planning and Development Department be directed to begin public engagement on the New Bruce County Official Plan, including scheduling three regional open houses; and That staff be directed to bring forward a final draft of the Official Plan for Council's consideration prior to adoption.

Report Summary:

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

Work that has already been completed and adopted by Council as part of the [Plan the Bruce](#) project includes the [Agriculture Amendment](#), [Good Growth Amendment](#), and [Implementation Amendment](#). These policy updates and other portions of the Current Official Plan that were carried forward into the proposed Official Plan are shown in grey highlighted text in the draft. Where these policies have been modified it is illustrated in strikethrough for removed text and underlines for added text.

The work presented to Council today builds on this previous work to provide a complete draft of a new Official Plan. Overall, the plan has been shortened in length, with the goal of simplifying policy, improving readability and making the plan easier to use.

Background:

Through the extensive public consultation process for the New Bruce County Official Plan, known as Plan the Bruce GPS, eight guiding principles were identified. Each of these guiding principles were developed with a set of recommendations in a series of discussion papers. Where appropriate, the new Plan incorporates many of the recommendations from the Plan the Bruce GPS.

The attached matrix identifies where the recommendations have been addressed in the Draft New Official Plan. Where a few recommendations have not been carried out in the Draft Plan they were best addressed with a different planning tool, such local official plans

or the recommendations did not align with new Provincial direction, as outlined in the Provincial Planning Statement and Planning Act.

The following is a summary of key policy areas that have been addressed in the Draft Plan.

Housing

Housing remains a key area of focus in the proposed New Bruce County Official Plan.

Key policies to address the housing needs of Bruce County residents include:

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

Housing continues to be an important issue, not only at the County level, but Provincially and Federally. In recognition of the need to respond strategically in a timely manner to the issues, the Draft Plan recognizes the role of the Housing Action Plan and Housing and Homelessness Plan to take action on housing.

Good Growth

The Draft New Official Plan incorporates the policies of the Good Growth Amendment, which included growth and housing forecasts to the year 2046. Key policies related to good growth are found within Section 2 of the Draft Plan, and include policy for growth allocation, with the majority of new growth expected to occur in Primary and Secondary Urban Communities and Hamlets.

The Good Growth Amendment was approved on August 23rd, 2024 by the Province.

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

Agriculture

The Draft Plan recognizes agriculture as an important economic contributor to the County's economic prosperity. The policies of the Draft Plan protect the County's Prime Agricultural Areas for the long-term, which is based on an understanding that agricultural land is a non-renewable resource that will be needed for generations to come.

Many of the policy changes identified through public consultation were already incorporated as part of the Agriculture amendment. However, a new policy change has been added in response to the new 2024 Provincial Planning Statement to allow a maximum of two additional residential units (ARU) in the Agriculture designation, where at least one of the units is within or attached to the primary dwelling. This is an increase from the previous maximum of one ARU in the Agriculture designation.

Business

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

Connecting

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

Communities

The Draft Plan envisions Bruce County as a collection of complete communities within a thriving region. This means investing in the development of complete communities. Complete communities offer easy access to services, recreation, work opportunities and housing, without requiring long distance travel.

New policies to support complete communities include direction that new large-scale community facilities, such as large hospitals or schools are to be located in Primary or Secondary Settlement Areas, where smaller-scale facilities serving a local population may be located in Hamlets.

The Draft Plan recognises that complete communities support our ability to prepare for a changing climate.

Heritage

Bruce County has a rich history and inventory of cultural heritage resources. The Draft Plan recognises the importance of protecting built heritage resources, cultural heritage landscapes and archaeological resources.

The Bruce County Cultural Action Plan and the Archaeological Master Plan are recognized in the Draft Plan for the role they play in the preservation and enhancement of the County's diverse heritage.

The Draft Plan recognises the unique heritage, culture and artistic expressions of the Saugeen Anishnaabek and the indigenous peoples and communities that have traditional and historic ties to this land.

Natural Legacy

Bruce County is home to unique landforms, pristine shorelines, lakes and rivers, intact natural areas, rare habitats and species uncommon within Southern Ontario. The County is part of the Niagara Escarpment, a significant geological and ecological landform that is recognized as a UNESCO World Biosphere Reserve. Bruce County is part of an important migratory bird pathway along the Lake Huron shore, and is home to the Greenock Swamp, the largest forested wetland in Southern Ontario.

The Draft Plan builds on a history of policy-based protection for the natural environment and identifies a County-wide Natural Environment System, which is made up of the Natural Heritage System and the Water Resource System.

Together with the schedules, which are described later in this report. The natural environment system policies apply in addition to the policies of the land use schedule to protect the most sensitive environmental features, like wetlands, while allowing development that can be achieved without a negative impact to the features and functions of the natural environment system.

Drinking Water Protection

An important area of focus in the new Plan is helping municipalities to manage the risks associated with pressures for development and the need to protect drinking water. Planning and Development Department staff and local municipal staff have been working to identify solutions to address protection of water when development is proposed on private septic systems.

The principal issue is that the Province through the Planning Act, Provincial Policy Statement, and Ministry of Environment Guidelines direct municipalities to protect drinking water supplies and prescribe study requirements that address chemical contamination. This is chiefly in respect of nitrates which can cause adverse health effects when present in concentrations that exceed the Ontario Drinking Water Standard.

The Building Code principally addresses biological contamination, and does not include any clear regulatory mechanism to address nitrate concentrations.

The traditional approach has been for land use planning functions to set density for development on private services based on single-family dwellings and larger lots, with the requirement that wastewater from development can be diluted with rainwater and meet the provincial Drinking Water Standard at the lot line.

With increasing development in historically lower-growth and/or amenity-based areas that do not have municipal wastewater treatment services there is pressure for more intensive development on lots that were originally created prior to the emergence of the provincial Drinking Water Standard. In many cases these developments were created with small lots to support small seasonal dwellings. These small seasonal dwellings are gradually being replaced with larger dwellings, and with interest in additional residential units whether for family members or as an additional source of income. This amounts to development that may be too intensive for the land base to support private septic systems, while protecting groundwater.

Through a series of meetings with several local Chief Building Officials (CBOs) we have identified areas of general consensus that include:

- a need to advocate to the Province for clearer guidance and resolution of regulatory gaps between the planning function and the building code,
- consideration of communal services where appropriate, and
- potential for area-wide studies to investigate existing conditions.

In consultation with CBO's we have broadly identified some areas where the Official Plan can provide appropriate flexibility, including:

- Previously approved permissions for one Additional Residential Unit on lots larger than 0.4 hectares and up to 2 additional residential units in some areas on 0.6ha lots,
- Reconfiguring existing development (for example converting a 5-bedroom house into a 2-bedroom house with a 2-bedroom apartment) without triggering septic system performance reviews, and
- Adding an ADU to an undersized rural lot that has a 30m setback to any nearby well.

However, as a consequence of the ongoing regulatory gap between the building code and planning regulations the draft new Official Plan continues to require a Nitrate Study where reconfiguration of development would trigger a septic system performance review.

Advanced Wastewater Treatment Systems

The current plan permits the consideration of tertiary or advanced wastewater treatment systems where smaller lots are proposed, or development would otherwise be unable to maintain drinking water quality, so long as the zoning by-law or a registered agreement requires them to be used on the property.

These systems use additional technologies to improve wastewater quality before it is discharged to the filter bed. Several of these systems are approved for use under the Building Code and may be a good choice for a variety of reasons on various properties, often due to smaller lot sizes.

When it comes to allowing a development that can only maintain groundwater quality if one of these systems is installed and maintained to reduce nitrate concentrations in the wastewater, there are some significant concerns, including:

- Whether, despite an agreement or zoning provision, a CBO could legally refuse an application for a building permit for a conventional septic system on the property, if it complied with the Building Code,
- Whether a Municipality can sufficiently address the performance of a system in terms of nitrate removal, when its authority to regulate them through an agreement may be limited to construction, operation, and maintenance,
- The costs of enforcement (through the courts) in comparison to the ability to use orders under the Building Code, and
- The administrative challenges of ensuring that the owners of these systems (whether voluntarily installed or required to justify a development project) maintain annual service contracts required under the Building Code.

In many other jurisdictions the risk to the municipality of allowing development that is premised on the performance of advanced wastewater treatment systems is considered unacceptable and such applications are not supported.

The proposed plan recognizes that individual owners may choose to install advanced systems to service their developments, and proposes a balanced approach to addressing the concerns noted above.

This approach recognizes that there may be areas where the plan is seeking to facilitate modest intensification but where communal or municipal services are not anticipated to be available - such as hamlets or portions of settlement areas where municipal or communal wastewater treatment service are unavailable.

The plan would continue to contemplate support for approvals of development that relies upon these systems, provided a legal mechanism for monitoring and enforcement is applied.

In other areas, such as rural, agricultural, and shoreline and seasonal recreation areas, development that is reliant upon the utilization of these systems to facilitate multi-unit development would not be supported, although owners may continue to choose to install them to facilitate development permitted as-of-right.

The proposed changes take a risk-management approach to allow greater flexibility for additional residential units in un-serviced settlement areas than the current plan, and maintains opportunities for reasonable intensification in areas where it serves a community benefit.

Mapping: Land Use, Connections, and Constraints

Draft mapping schedules to accompany the policy text of the plan have also been prepared.

Schedule 'A' is the general land use Schedule and includes changes to the Prime Agricultural Land designation that reflect the work of the Land Evaluation and Area Review (LEAR) study, combining the Rural Recreation area, Inland Lake Development Area, and Travel Trailer Park and Commercial Campground designations into a single 'Shoreline and Rural Recreation' designation, expanding the use of the 'OS' Open Space designation to include lands exempt from municipal property taxes which are owned by various conservation organizations, and replacement of Niagara Escarpment Plan mapping with mapping indicating the extent of the Niagara Escarpment Plan. Current best available Hazard Land mapping is also incorporated into this schedule.

Schedule 'B' continues to indicate County and Local roads and Provincial highways within the County and Designated Settlement Areas

Schedule 'C' - Constraints - illustrates features on the landscape that may pose a constraint to development. Included are Mineral Aggregate Resources, which are non-renewable sand, gravel and rock resources that are found in limited areas and require protection for their use over the long term. Also mapped are closed and active landfills and water treatment plants, which require setbacks from sensitive uses, such as residential development. Natural constraints such as Areas of Natural and Scientific Interest and Wetlands are now moved to a new Schedule 'E' - Natural Heritage Systems

Natural Environment System: Natural Heritage and Water Resources

Schedule 'D' is proposed to comprise a set of maps, each showing a drinking water source protection schedule applicable within Bruce County, as it is found within each approved Source Protection Plan. These maps are not currently included in the draft but will be available to the public through the Plan the Bruce website and at the public open houses.

Schedule 'E' is the comprehensive Natural Heritage Systems map which is required by the Provincial Planning Statement and includes Provincially Identified natural heritage features and areas and other natural heritage features and areas that are classified as 'Key' and 'Supporting' features. The Natural Heritage System does not require changes to existing agricultural uses.

A summary of the features and applicable policy are included in the legend for the schedule.

Some features like significant valley lands continue to be unmapped at this time, and others like significant wildlife habitat and habitat of threatened and endangered species were not mapped specifically although mapped features include many of these areas.

Northern Bruce County includes 'Core' areas which are intended to enable conservation of large tracts of forest necessary for key species like deer and black bear while continuing to permit a range of permitted uses. Proposed 'Core area' policies are similar to those which are in effect in adjacent Grey County.

Schedule 'F' is the Water Resource System which the provincial planning statement requires municipalities to identify. Mapping includes surface water features such as rivers and lakes, which require protection beyond their function as fish habitat to providing a source of water that supports their surrounding ecology. Further, these water sources are protected for their contribution to the water-cycle and use by people, such as for recreation or drinking water. Mapping of Significant Groundwater Recharge Areas, which is largely derived from Source Water Protection Assessment Reports is also provided. These areas help to ensure water is returned to the aquifers, where municipalities and landowners source their well water. We have also identified karst-prone bedrock and known areas of karst which is more extensive than the karst found on the current schedule 'C' and laid out a risk management approach for these areas that facilitates addressing key areas of concern without requiring extensive study except where larger scale development is proposed.

A summary of the features and applicable policies are included in the legend for the schedule.

Boundary Expansions and Adjustments

Some requests for adjustments to boundaries of settlement areas and shoreline and rural recreation areas have been received from municipalities and from property owners. Staff has also identified some potential opportunities for boundary expansions and adjustments. The requests received to-date are provided in an accompanying document and are not included in the proposed official plan schedules at this time. Further adjustment requests may be received during the public consultation. Staff propose to bring a recommendation regarding settlement area boundary adjustments following public engagement.

Exceptions and Special Policy Areas

The policies of the current Bruce County Official Plan include over 175 special policy areas and policy exceptions that have been added to the plan through County Official Plan Amendments since the plan was first adopted in 1997. The policies of the New Official Plan have been drafted to reduce the need for County Official Plan

Amendments for applications that meet the intent of the plan. Planning and Development Department staff are currently reviewing each of these policy exceptions and special policy areas, with the objective of carrying forward all special provisions or exceptions that provide relief from land use policies of the new official plan.

To improve the readability of the plan, all exceptions and special policy areas will be included together in a separate section at the end of the new plan. This section will be incorporated into the draft plan prior to the open houses. The intent is to carry forward any special permissions previously granted by County Council as needed.

Draft Schedule 'A' currently includes various text boxes indicating special policies apply, but specific references have not been included at this time.

Next Steps

Staff has prepared a multi-media public engagement campaign to support public awareness of engagement opportunities on the draft plan, and a virtual viewer that provides opportunities to compare changes between the current and proposed Schedule A, B, and C and view the proposed new Schedules D, E, and F.

Engagement options include:

- direct email to planthebruce@brucecounty.on.ca,
- Three in-person open houses planned for early October
- Opportunity to book 1-on-1 or stakeholder group discussions with Planning staff
- Presentations to local Councils

Planning department staff will bring forward a final draft of the new Official Plan following public engagement. At the direction of Council staff will schedule a statutory open house and public meeting prior to adoption of the new Official Plan.

Financial/Staffing/Legal/IT Considerations:

Potential appeal to Ontario Land Tribunal. Public Engagement work was included in the 2024 budget.

Interdepartmental Consultation:

Economic Development -Consulted about Section 3.4 Economic Development.

Museum and Cultural Services -Consulted regarding the Cultural Heritage Plan, Reconciliation Framework and Saugeen Anishnaabek Reconciliation Pathway and Action Plan.

Transportation and Environmental Services -Consulted about Section 3.6 Connecting Our Communities.

Human Services -Consulted regarding Housing and Community Safety and Wellbeing.

Paramedic Services -Consulted regarding enabling language in the plan for community facilities and infrastructure risk and vulnerability assessments.

Community Development Office - Consulted on housing and energy.

In addition to interdepartmental consultation there has been ongoing consultation with external partners including Saugeen Ojibway Nation and local municipalities.

Link to Strategic Goals and Objectives:

Growth and Innovation - Promote responsible growth

Environment and Climate Change - Build capacity to adapt to and mitigate the impacts of climate change

Link to Departmental Plan Goals and Objectives, if any:

2024 Planning Department Business Plan includes completion of the New Official Plan

Report Author:

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Departmental Approval:

Jack Van Dorp, Director of Planning

Approved for Submission:

Claire Dodds, Commissioner of Community Development

Attachments:

Guiding Principles Comparison Matrix for OP

Draft New Bruce County Official Plan

Consolidated BCOP Schedules ABCEF includes:

- A1 Land Use - North
- A2 Land Use - Interior
- A3 Land Use - Lakeshore
- B County Structure and Connections
- C1 Resources and Constraints North
- C2 Resources and Constraints Interior
- C3 Resources and Constraints Lakeshore
- E1 Natural Environment System North
- E2 Natural Environment System Interior

- E3 Natural Environment System Lakeshore
- F Water Resource System

Consolidated BCOP Draft Boundary Expansions