



# Municipality of Northern Bruce Peninsula Planning Report



**File:** NBP OPA 13-16.66

**Meeting Date:** October 10, 2017

**From:** Jakob Van Dorp, Senior Planner  
County of Bruce Planning and Development

**Subject:** 5 Year Review and Update to Northern Bruce Peninsula Official Plan

## 1. Recommendations:

Subject to matters arising from this public meeting Staff recommends:

*That this report be received for information.*

*That Council direct staff to undertake the further amendments to the proposed Official Plan update as outlined below.*

*That the updated proposed Official Plan be published and notice circulated for a final public meeting in respect of the Official Plan Update in accordance with the Planning Act.*

## 2. Background:

This report is an addendum to the report prepared for the September 25, 2017 Public Meeting (available online at: <https://northernbrucepeninsula.civicweb.net/filepro/documents/174>)

This report addresses comments received since that report was written in respect of the Official Plan update, and outlines changes to the proposed Official Plan update which Council may wish to consider.

## 3. Attachments:

Agency and Public Comments received in respect of the Official Plan Update and proposed Zoning By-law are attached as Correspondence to this agenda.

## 4. Matters Arising from Agency Comments

### Ministry of Transportation (MTO)

MTO comments relate to the importance and protection of arterial functions of its corridor. Staff reviewed the policies with MTO and noted that several are general requests that are not applicable to the Official Plan Area. Staff recommends the

following changes to the proposed Official Plan Update could be made to clarify the role of the MTO in development approvals, including:

- Replacing the following policy (3.2.3.13 - Commercial and Light Industrial – General Development Policies)

“Prior to the establishment of any new Commercial / Light Industrial use on Highway 6, the landowner must obtain a Commercial Entrance permit from the Ministry of Transportation. Permits may also be required for development on local roads in proximity to the Highway.”

With:

“In addition to all the applicable municipal requirements, all proposed development located adjacent to and in the vicinity of a provincial highway within MTO's permit control area under the Public Transportation and Highway Improvement Act (PTHIA) will also be subject to MTO approval. Early consultation with the MTO is encouraged to ensure the integration of municipal planning initiatives with provincial transportation planning. Any new areas in the municipality identified for future development that are located adjacent to or in the vicinity of a provincial highway or interchange/intersection within MTO's permit control area will be subject to MTO's policies, standards and requirements.”

- Amending 4.4.3.1 (Transportation - Road Classification) to read:

“Roads in the Plan area shall be classified into the following categories:

Arterial Roads are designed to handle high volumes of traffic within or through Municipality. Right-of-way width is 30 metres (100 feet) or as determined by MTO”

- Adding the following new policies (4.4.4.5 and 4.4.4.6) under Transportation – General Road policies:

.5 Where a draft plan of subdivision is proposed adjacent to a provincial highway, the layout of the subdivision should be designed such that the lots back onto the provincial highway and front onto a local internal street.”

.6 Entrances serving home occupations, industry or businesses located adjacent to provincial highways require the approval of the Ministry of Transportation. Typically, the Ministry of Transportation will require that the property owner obtain an entrance permit and a sign permit if necessary. As a condition of these permits, the Ministry of Transportation requires the property owner to acknowledge that the use of their existing entrance cannot be converted to a commercial entrance in the future and that an additional entrance will not be permitted to accommodate the home occupations, industry or business. In addition, the Ministry of Transportation would not support a future severance that

would result in a separate entrance to a business and one for the retained parcel.

- Adding the following new policy to Section 5 .11 Site Plan Control Policies:
  - .8 The MTO may have its own interests in Site Plan Approval for permit requirements including but not limited to Stormwater Management Facilities adjacent to or in the vicinity of a Provincial Highway.

### Grey Bruce Health Unit

GBHU comments request additional attention to accessibility, active transportation and aging-in-place, community gardens, tree protection and planting.

- Accessibility is addressed in Community Goals, and Site Plan Control policies and could be added to Community Improvement Goal 4.3.1 as suggested by GBHU.
- Staff recommend that the Residential 'Actions' suggested by GBHU be implemented as follows:

#### 3.1.2 Actions

Replace

- .6 To require new residential developments to provide pedestrian and bicycle links between the residential areas, the downtowns and the harbour areas.

with:

- .6 Improve active transportation connections in existing and new development areas to provide safe and convenient access between residential areas and to community facilities, schools, parks, trails, recreational and institutional facilities, the downtowns, and harbour areas

ADD

- .10 Promote the creation of housing units that support aging in place, such as those with no-step entrances and single floor living amenities and that 'community gardens' be noted as a use compatible with residential neighbourhoods.

- Tree Retention could be added as a consideration under 'Site Plan Control' policies, as follows:
  - vi) landscaping including tree retention;
- Transportation 'General Road Policies' (Section 4.4.6) could include the following as new policies the following:
  - .7 Ongoing road maintenance, reconstruction, new construction and associated infrastructure shall consider the needs of pedestrians, cyclists and motorists; and
  - .8 The Municipality may require large-scale developments with new roads or in areas where streetscape infrastructure is deficient to provide street

furniture including shaded sitting areas, lighting, and low-level greenery, to create a vibrant, safe, and accessible pedestrian environment.

## 5. Matters arising from Public Comments:

### Cuesta Planning Consultants

- Expressed concern about the need for the Municipality to establish a Site Plan Control by-law, and use of Site Plan Control for addressing natural heritage considerations.

Comment: This has been recommended as a separate process following the adoption of the Official Plan Update and new Zoning By-law.

- Identified minor changes (deletion of “to” in Policy 4.1, delete duplicate policy 4.2.3.1.3, include “Under section 41 of the *Planning Act*”) in various locations

Comment: Staff recommend that these changes be made

- Suggested that rounded numbers be used (for example 4000 square metres vs. 4047 square metres).

Comment: These numbers are taken directly from the County Official Plan servicing policies.

- Suggest that Nitrate study requirements be waived where advanced sewage systems reduce nitrate concentrations below 10mg/L.

Comment: Difficult to implement as it may not be possible determine that a system would meet the threshold without the study.

The proposed policies provide for some consideration of advanced sewage systems and using background information that is available to avoid nitrate studies, but as previously discussed (July 31 Council Report) we recommend that advanced systems present an opportunity to address existing deficiencies but should not be relied upon to justify new development.

Proposed servicing policies may require review pending Council’s direction on advanced sewage disposal system provisions in the proposed zoning by-law.

- Suggested that Heritage Conservation policies include a provision enabling archaeological assessments within 300m of a navigable waterway or shoreline.

Comment: This concept could have merit, but refers only to one of the criteria for archaeological potential identified by the Ministry of Tourism, Culture, and Sport which are applied development applications. An alternate approach could be the following policy, which reflects current practice:

### **4.5.2 Action**

- .1 Require Archaeological Assessments to be completed in association with development applications where Ministry of Tourism, Culture, and Sport criteria indicate high potential for archaeological resources.

- Suggested that the typical time limit for development associated with Minor Variance applications to be completed be indicated in the policies of the Local Official Plan.

Comment: This is reasonable from a communication perspective. Staff suggests the following be added Section 5.6 “Minor Variances to the Comprehensive Zoning By-law”

.6 Minor Variance conditions may include a requirement that development authorized by the variance be substantially completed within a two years. The Committee of Adjustment has the discretion to establish an alternate time period if warranted by the circumstances of an application.

- Suggested that the plan area boundaries indicated on the Schedules to the Official Plan use roads, other man-made features, or natural features to establish boundaries to increase flexibility in interpretation of the Plan.

Comment: The Boundaries of the settlement area match those of the Bruce County Official Plan and the Niagara Escarpment Plan. Section 2.3.1 of the Plan provides that:

*The boundaries between land use designations on Schedules ‘A’, ‘B’ and ‘C’, the Land Use Plan, are to be considered approximate, except where they coincide with roads or clearly defined geographical boundaries. The boundaries of the Plan Area are exact, however.*

*It is the policy of the Municipality that a Plan Amendment shall not be necessary to make minor adjustments to the land use boundaries, provided that the general intent of the Plan is maintained.*

#### Source Water Protection on Official Plan Schedules

Subsequent to publishing the schedules a member of the Public brought to our attention that a small amendment is required to include the letters for the various Wellhead Protection Area designations that correspond to their associated time of travel to the wellhead.

### **6. Servicing Policies**

We have recommended that, as an alternative to current policies which require Holding provisions and nitrate studies, the Official Plan include a provision that “the Municipality may outline requirements for advanced individual onsite sewage treatment systems through the comprehensive Zoning By-law where warranted by site conditions, lot area, and intensity of use.”

We recommended that advanced sewage treatment systems be required in the zoning by-law for lots smaller than below 2400 square metres where Municipal water is available, and 3700 square metres be applied where no services are available.

The zoning by-law amendment report on this agenda includes options for Council to consider as regards implementation of these provisions. Pending Council’s direction as

regards implementation of these policies, staff will review and may recommend changes to these servicing policies for Tobermory, Lion's Head and Ferndale.

## **7. Next Steps**

We have reviewed agency and public comments which suggest changes to the proposed update may be warranted.

We have not yet been able to arrange for consultation with the Saugeen Ojibway Nation.

Staff recommends that these changes be made and published and that the proposed amended plan be brought forward for a public meeting, tentatively proposed for early December to satisfy the requirements of the *Planning Act*.

Respectfully Submitted,

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Senior Planner

Bruce County Planning and Development