

Region of Waterloo
Planning, Development, and Legislative Services
Community Planning

To: Planning and Works Committee
Meeting Date: October 10, 2023
Report Title: Recommendation Report – Regional Official Plan Amendment for 63 Benjamin Street, New Dundee (Township of Wilmot)

1. Recommendation

That the Regional Municipality of Waterloo take the following action with respect to the proposed amendment to the Regional Official Plan:

- a) Adopt the proposed amendment to the Regional Official Plan as set out in Attachment 'B' to Report PDL-CPL-23-029 dated October 10, 2023 to:
 - i. Revise Section 6.G – Countryside Settlements of the Regional Official Plan (ROP) to add Special Policy 6.G.11 as follows:

6.G.11 Notwithstanding Policy 5.B.8, the lands shown on Figure 19 in the Township of Wilmot, located at 63 Benjamin Street in the New Dundee Rural Settlement Area may be developed to a maximum of six (6) lots using tertiary wastewater treatment systems, subject to all other policies of this Plan.
- b) Direct staff to prepare the implementing by-law for the proposed amendment to the Regional Official Plan as set out in Attachment 'C' to Report PDL-CPL-23-029 dated October 10, 2023 for consideration by Regional Council

2. Purpose / Issue:

This report recommends Regional Council approve a site specific amendment to the Regional Official Plan (ROP) that would establish a special policy for the lands municipally addressed as 63 Benjamin Street to permit the use of alternative individual wastewater treatment systems (herein referred to as tertiary treatment systems) on six existing lots of record that cannot otherwise accommodate a traditional septic system.

3. Strategic Plan:

The proposed application supports Strategic Priorities of the Region's Corporate

Strategic Plan 2023-2027, including Homes for All and Climate Aligned Growth.

4. Report Highlights:

- An application for a site-specific amendment to the Regional Official Plan for 63 Benjamin Street, Township of Wilmot, was deemed complete and circulated in accordance with the Planning Act. The statutory public meeting was held on September 12, 2023.
- The amendment would facilitate the future development of six existing lots of record using a tertiary treatment system.
- Policy 5.B.8 of the ROP only permits the use of a tertiary treatment system where the proposed lot size would accommodate a traditional septic system.
- The intent of Policy 5.B.8 is to ensure that should the tertiary treatment system fail, the lot is of a suitable size to minimize any potential impact to nearby wells and allow for replacement with a traditional septic system, if needed.
- Due to the small lot sizes, the nature of soils on site, and the volume of sewage predicted to be generated, a traditional septic system is not feasible for the six existing lots of record at 63 Benjamin Street. Therefore, tertiary treatment system(s) have been proposed for the subject lands.
- The applicant submitted a Hydrogeology Study and Site Servicing Report prepared by MTE (2021). Regional staff were satisfied with the recommendations of the study that nearby private drinking water sources would not be impacted by the use of septic systems on six existing lots of record.

If approved, the recommended amendment would establish a special policy that would allow the subject lands at 63 Benjamin Street to be developed using tertiary treatment system (s) despite not being of sufficient size to accommodate a traditional septic system to a maximum of six lots.

5. Background:

The ROP establishes the long-term framework for where and how Waterloo Region will grow and develop in the future. Since 1976, it has guided strategic decisions for profound transformation of this Region, including the development of the ION light rail transit system, protection of agricultural lands, groundwater resources and the natural environment, and maintenance of our high quality of life for all residents.

The subject lands are designated in the ROP as Prime Agricultural and are within the Rural Settlement Area of New Dundee. They are designated as Settlement Core within the Township of Wilmot Official Plan. It is the site of the former New Dundee Creamery and is currently vacant.

Basis of the Amendment

The recommended amendment would facilitate the development of six existing lots of record located within the New Dundee Rural Settlement Area. The lots would be serviced by municipal water supply and tertiary treatment systems.

A development application proposing the use of a private septic system is required to demonstrate conformity with Policy 5.B.7 of the ROP, which states the following:

“Prior to the approval of any development applications proposing the use of individual wastewater treatment systems, studies prepared in accordance with the provisions of the Regional Implementation Guideline for Source Water Protection Studies and approved by the Region, must have demonstrated that such system(s) can operate satisfactorily on the site and will not have a negative impact on groundwater resources.”

Regional Official Plan Policy 5.B.8 addresses the use of alternative individual wastewater treatment (i.e. tertiary treatment) systems:

“Development applications proposing alternative individual wastewater treatment systems will only be permitted where the proposed lot size would accommodate a conventional individual wastewater treatment system.”

The intent of Policy 5.B.8 is to ensure that should a tertiary treatment system fail, the lot is of a suitable size to minimize any potential impact to nearby wells and allow for replacement with a traditional septic system, if needed. This is not a requirement of the Ontario Building Code and tertiary treatment systems exist on undersized lots in other locations within the Region.

A Hydrogeology Study and Site Servicing Report was submitted by MTE (2021) for the subject lands. The subject property lies outside of the Region’s source water protection areas.

The purpose of the study was to determine whether the existing lots, and associated new septic systems, will cause adverse impacts to nearby wells. The study demonstrated that existing nearby water supply wells have a degree of hydraulic isolation from the proposed new septic systems, which protects them from adverse impacts. The report concluded that impacts are not anticipated as a result of new proposed septic systems.

However, due to the small lot sizes, the nature of soils on site, and the volume of sewage predicted to be generated, traditional septic systems are not feasible. Therefore, tertiary treatment systems have been proposed for the subject lands. A technical brief was submitted by MTE (January 2022) confirming there is sufficient space available on site to facilitate future repair or replacement of the system with a new tertiary treatment system.

The recommended amendment for the subject lands would permit the use of tertiary treatment systems on a maximum of six lots where a traditional septic system cannot be accommodated, notwithstanding ROP Policy 5.B.8

Tertiary treatment systems are permitted under the Ontario Building Code (OBC). The regulation of tertiary treatment systems requires effluent quality criteria targets. Tertiary treatment systems require an annual maintenance contract with a licensed service provider to ensure the treatment unit is maintained and the system is functioning as designed. Annual maintenance reports are required to be filed with the Area Municipality.

It will be the responsibility of future owners to maintain the system as per the Ontario Building Code. As an added protection, should a consent application be required the Region would require an agreement to be registered on title advising future owners the property contains a tertiary treatment system and the related obligations under the OBC.

Provincial Policy Statement

The Provincial Policy Statement, 2020 (PPS) came into effect on May 1, 2020. The PPS provides policy direction on matters of provincial interest related to land use planning and development. The PPS is to be read in its entirety and the relevant policies are to be applied to each situation. Planning decisions must be consistent with the PPS.

The proposed amendment to the ROP meets the objectives of and is consistent with PPS as detailed below:

The policies in Chapter 5 of the Regional Official Plan reflect the intent of the PPS in terms of permitting private services in Rural Settlement Areas or areas not serviced by municipal water or wastewater, if demonstrated there is no impact to the subject lands or surrounding areas. The submitted technical work demonstrated that there would not be impacts to down-gradient water supply wells as a result of shallow sewage loading and that existing water supply wells would not be impacted.

The subject lands will be serviced by a municipal water supply and private septic. PPS Policy 1.6.6.5 states:

“Partial services shall only be permitted in the following circumstances:

b) within settlement areas to allow for infilling and minor rounding out of existing development on partial services provided that site conditions are suitable for the long-term provision of such services with no negative impacts.”

The proposed development constitutes an infill development of existing lots of record in the rural settlement area of New Dundee where it has been demonstrated there would be no negative impacts from the inclusion of the private septic system(s).

A Place to Grow: Growth Plan for the Greater Golden Horseshoe

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) came into effect on May 16, 2019, with Amendment 1 coming into effect on August 28, 2020. The Growth Plan is a long-term plan that seeks to manage growth, build complete communities, curb sprawl and protect the natural environment. Planning decisions must conform to or not conflict with the Growth Plan.

The proposed ROP amendment conforms to or does not conflict with the Growth Plan as detailed below:

Section 2.2.9 of the Growth Plan specifically addresses Rural Areas which include rural settlements. The Growth Plan does not contained a detailed policy framework regarding Rural Settlements, however they are defined as “existing hamlets or similar existing small settlement areas that are long-established and identified in official plans. These communities are serviced by individual private on-site water and/or private wastewater systems, contain a limited amount of undeveloped lands that are designated for development and are subject to official plan policies that limit growth...”

In the Region of Waterloo, Rural Settlement Areas are delineated in the Area Municipal Official Plans. The ROP provides policy direction that permits minor infill development within these areas on partial or private servicing.

6. Communication and Engagement with Area Municipalities and the Public:

Under the Planning Act, a public meeting is required before Regional Council can consider any proposed amendments to the ROP. The Statutory Public Meeting was held on September 12, 2023 at the Planning and Works Committee meeting (Report PDL-CPL-23-026).

Agency Comments

Township of Wilmot Staff were circulated the proposed application and have indicated that they have no objection to the proposed Regional Official Plan Amendment. The Ministry of Municipal Affairs and Housing (MMAH) were circulated the proposed amendment and have not provided any comments to date.

Canada Post, Waterloo Region Catholic District School Board, and the Grand River Conservation Authority all responded to the proposed amendment and have indicated no comments or concerns. No other agency responses have been received to date.

The comments received to date are included as Attachment ‘D’.

Public Comments

Regional Staff received correspondence via email from three members of the public. Two residents inquired for further details on the proposal but no further comment was

received once staff provided the available information. All correspondence from the public is included as Attachment 'E'.

One member of the public submitted a formal letter dated August 9, 2023 in support of the proposed amendment and made a presentation at the September 12, 2023 public meeting. Two additional members of the public made a presentation at the public meeting in support of the proposed site specific amendment.

To summarize, public comments were primarily in support of the proposed amendment as future development would improve the character of the community of New Dundee, remove a potential safety concern of the vacant lands; promote infill development; and support the policy direction of the Province to build more homes.

7. Financial Implications:

Nil.

8. Conclusion / Next Steps:

Regional Staff recommends that the proposed ROP Amendment be adopted as the applicant has adequately demonstrated through the submission of the Hydrogeology Study and Site Servicing Report, prepared by MTE (2021), that there is sufficient separation between the septic system and existing private wells. As a result, nearby private drinking water sources would not be negatively impacted by the use of tertiary treatment system(s) on the subject lands at 63 Benjamin Street. Due to the small lot sizes, the nature of soils on site, and the volume of sewage predicted to be generated, a traditional septic system is not feasible.

Further, tertiary treatment systems require an annual maintenance contract with a licensed service provider to ensure the treatment unit is maintained and the system is functioning as designed. Annual maintenance reports are required to be filed with the Area Municipality.

Regional staff are satisfied that matters of Regional interest have been addressed and it would be the responsibility of any future purchaser of the lots to inform themselves of the type of septic system servicing the property.

Lastly, the recommended amendment to the Regional Official Plan is consistent with the Provincial Policy Statement, 2020 and conforms or does not conflict with the Growth Plan.

Following Regional Council's decision, Staff will issue a Notice of Decision to all circulated agencies and any party who submitted a written request to be notified of Council's decision.

9. Attachments:

Attachment A	Map of Subject Lands –63 Benjamin Street
Attachment B	Recommended Regional Official Plan Amendment No. 7 – 63 Benjamin Street
Attachment C	Draft Adopting By-Law – 63 Benjamin Street
Attachment D	Agency Comments
Attachment E	Public Comments

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