

2026 February 25

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**Re: *Planning Justification Letter***  
***Regional Official Plan Amendment and Township Official Plan Amendment***

On behalf of Robert McMaster (the “Owner”), we are pleased to submit a Regional Official Plan Amendment and a Township Official Plan Amendment for land known legally as LT 1, LT 2, LT 3, PT LT 4 PT 5 N/S HUGHSON ST, CON 7, Township of North Dumfries, Region of Waterloo.

Township of North Dumfries Roll# 300104000106500

***Purpose of Plan Amendments***

The applicant is proposing to sever the subject property, creating one new rural residential lot. The retained lot would contain the existing residential dwelling and in-ground pool, while the proposed severed lot will be available for the construction of a single-detached residential dwelling. Both the existing and new lots are fronting onto Hughson Street.

The approximate dimensions of the retained and severed lots are shown in the table below.

	<b>Lot Area</b>	<b>Lot Width / Frontage</b>
<b><i>Retained Lot</i></b>	± 2000 m <sup>2</sup>	± 34.24 m
<b><i>Severed lot</i></b>	± 2351 m <sup>2</sup>	± 13.0 m

The Owners have completed the Pre-Consultation process with the Township of North Dumfries (See attachment: 5 Hughson Street - PC-09-25 - Record of Pre-Consultation.pdf) . In addition to the typical requirements for Consent application, Township staff have asked for a scoped Hydrogeological Assessment to assess impacts on groundwater and nearby septic systems.

The Hydrogeological Assessment (see attachment: 5 Hughson - WSPA and NIA - 2026 FEB 15.pdf) provides a Nitrate Impact Assessment per MECF Procedure D-5-4 to assess the potential impact of sewage effluent discharge to the subsurface beneath the subject property. During

our preliminary investigation, it has been determined that a tertiary treatment system will be required to meet the D-5-4 nitrate impact assessment requirements.

The land-use planning framework for Waterloo Region and the Township of North Dumfries does not consider the use of tertiary treatment systems for residential lots. However, the Ontario Building Code (Article 8.6.2.2 Class 4 (tertiary) treatment units) recognizes the use of enhanced tertiary treatment systems and have been approved in Ontario.

On this basis, and in advance of the submission of the Consent Applications, the Owner is requesting a Regional Official Plan Amendment (“ROPA”) and a Township Official Plan Amendment (“OPA”) to permit the use of tertiary treatment system to meet the Nitrate loading requirement defined by the Ontario Drinking Water Quality Standard (ODWQS) for Nitrate-N loading.

### ***Proposed Regional Official Plan Amendment (ROPA) and Township Official Plan (OPA) text***

#### **Regional Official Plan Amendment**

Site-specific policy in Section 6.G.12 of Regional Official Plan:

*Notwithstanding Section 5.B.8, a tertiary treatment system may be permitted for the creation of new lots for the purposes of residential uses, subject to the completion of a Hydrogeological / Nitrate Impact Assessment.*

#### **Township Official Plan Amendment**

Site-specific policy in Section 2.9.2.18.3 of Township Official Plan:

*Notwithstanding Section 3.4.1.4, a tertiary treatment system may be permitted for the creation of new lots for the purposes of residential uses, subject to the completion of a Hydrogeological / Nitrate Impact Assessment.*

### **Site Information**

The “Subject Property”, municipally addressed as 5 Hughson Street, is located on the north side of Hughson Street in North Dumfries, abutting the intersection of Hughson Street and King Street in the Branchton Rural Settlement Area. (“Site”).

The existing property has an approximate lot area of 4,351 square meters with a corresponding lot frontage of 47.24 m (155 ft.) onto Hughson Street. The property currently contains an existing single-detached residential dwelling, and two accessory structures.

The surrounding area contains predominantly rural residential uses, due to the property’s location within the Branchton Rural Settlement Area. A map showing the location of the subject property is included in Figure 1 below.

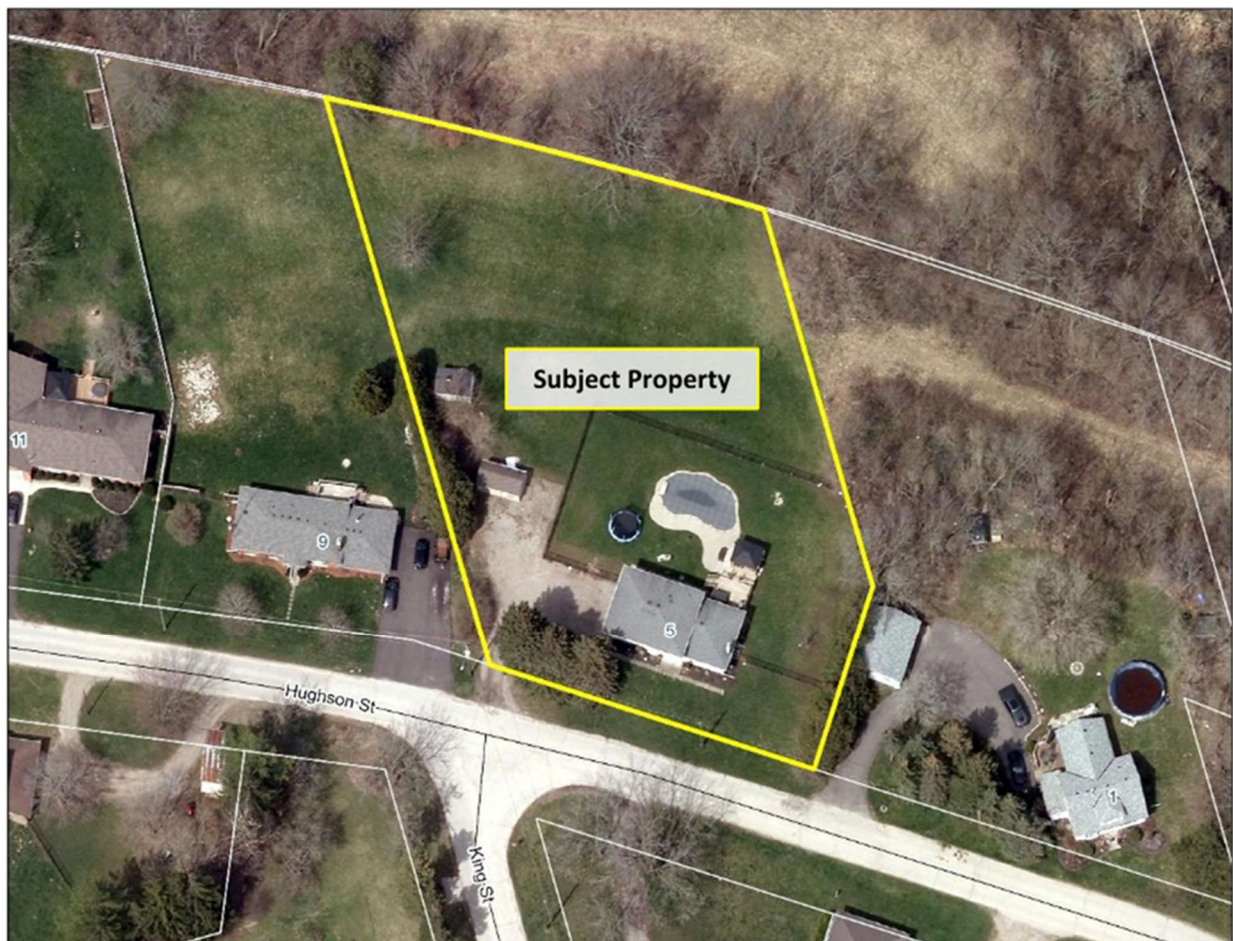


Figure 1: Location Map

**Proposed Consent Application**

The Owner purchased the property in November of 2016 and it has been occupied by the Owner since that time. The Owner is applying to sever a 2,351m<sup>2</sup> to form a new residential lot. The existing house and 2,000m<sup>2</sup> will form the retained land.

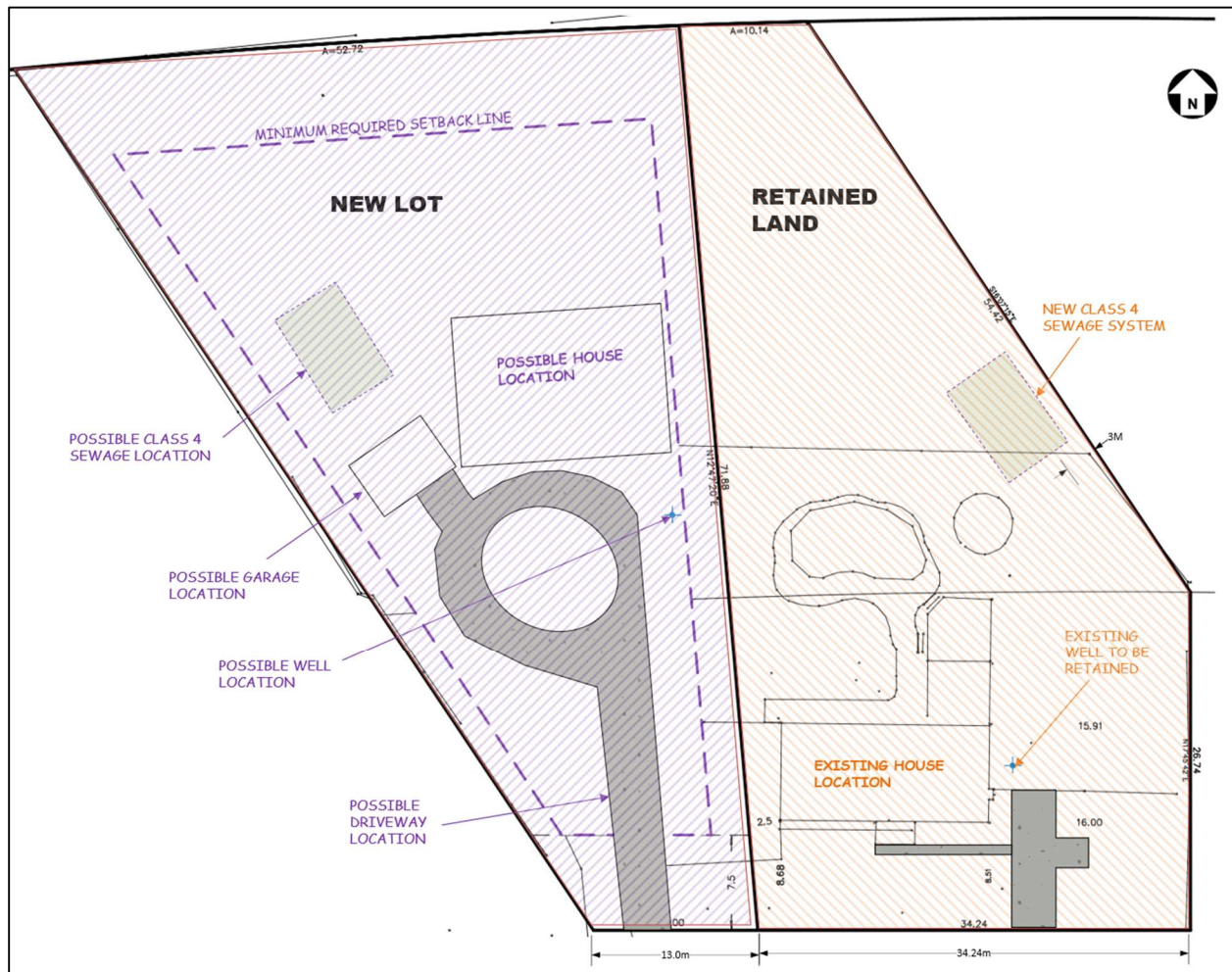


Figure 2: New Lot and Retained Land

**NEW LOT**

Lot Area = 2,350m<sup>2</sup> (2,000m<sup>2</sup> minimum is required)  
 Lot frontage = 13.0m (30m minimum is required)  
 Interior side yard = 2.4m (minimum required)  
 Rear yard setback = 7.5m (minimum required)

**RETAINED LAND**

Lot Area = 2,000m<sup>2</sup>  
 Lot frontage = 34.24m  
 Interior side yard = 2.5m  
 Rear yard setback = 55.4m

Upon *conditional approval* of the ROPA and OPA applications, the Owner will submit applications for;

- a) *Consent Application* for the creation of the new lot, and concurrently;
- b) *Minor Variance Application* to recognize the reduced frontage of the new lot, contrary to the Zoning By-law 689-83, Section 8.3 which requires a minimum frontage of 30m.
- c) Access Permits to recognize and establish driveways for both lots.

To comply with Ontario Building Code requirements, several property adjustments will be undertaken for the retained lot;

- d) Relocation of existing pool fencing to comply with Zoning By-law side yard set-back requirements.
- e) Decommissioning the existing Class 4 septic system on the retained lot as it will not meet the minimum setback requirements.
- f) Design, permit and construction of a new Class 4 septic system



*Figure 3: Existing Residence*

The property is in the rural settlement area known as Branchton. It is designated as Zone 3 in the official plan for North Dumfries.

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## ***Planning Policy Framework***

This section of the Planning Justification Letter provides an overview and assessment of the relevant planning policies for the proposed ROPA and OPA Applications.

### Planning Act, R.S.O. 1990, CHAPTER P.13

In our opinion, the Applications have regard for matters of provincial interest provided in the Planning Act, R.S.O. 1990, CHAPTER P.13 including:

- (f) the adequate provision and efficient use of communication, transportation, *sewage and water services* and waste management systems
- (h) the orderly development of safe and healthy communities
- (o) the protection of public health and safety
- (p) the appropriate location of growth and development

This Application provides the opportunity to service proposed lots within a defined settlement area with an onsite sewage system that is permitted by the Ontario Building Code and determined by the Province of Ontario to be a safe and suitable form of treatment. The use of tertiary systems enables a more efficient land use pattern, optimizing the development of identified lands within a defined settlement area by facilitating more reasonably sized building lots.

In this regard, this Application provides for the protection of public health and safety, while also ensuring the appropriate location for growth and development.

### Provincial Planning Statement, 2024

The Provincial Planning Statement (PPS’), 2024 is a province-wide policy document that sets out the government’s land use vision for the built environment and the management of land and resources. The overarching intent of the PPS is to facilitate appropriate development while protecting the resources of provincial interest, public health and safety, and the quality of the natural and built environment. The following policies are relevant for consideration of the Applications.

#### *Rural Areas*

Section 2.5 of the PPS sets out the policies related to rural areas in municipalities, stating that an appropriate range and mix of housing in rural settlement areas is to be promoted (subsection c). The proposed development of the two (2) lots are located in a defined rural settlement area. The use of the proposed tertiary systems reduces the area of land area needed to meet provincial standards, providing the efficient use of land resources.

#### *Servicing*

The PPS outlines the policies related to servicing, including water and sewage in Section 3.6 of the PPS. Planning for sewage and water shall ensure that the services are provided in a manner that (Section 3.6.1 b)):

1. can be sustained by the water resources upon which such services rely;
2. is feasible and financially viable over their life cycle;
3. protects human health and safety, and the natural environment, including the quality and quantity of water; and
4. aligns with comprehensive municipal planning for these services, where applicable.

In our opinion, the proposed lots address the requirements noted above. The Nitrate Impact Assessment confirms that an enhanced tertiary system meets Ministry standards and Ontario Building Code thereby safeguarding human health and safety.

The proposed sewage treatment system will be privately owned and maintained; therefore, there are no cost implications to the Township.

Given the rural context of the area, there is no intent for municipally supplied sewage and water services for the settlement area. Private services as proposed are required to accommodate development.

The PPS does not require the use of conventional septic beds for individual wastewater systems; instead, it focuses on ensuring that any wastewater system is viable and safe. Based on the foregoing, it is our opinion that the Application is consistent with the PPS, 2024.

### Region of Waterloo Official Plan, 2009

The Region of Waterloo Official Plan (ROP) designates the Site as “Rural Area” and “Protected Countryside” on Map 7 to the Region of Waterloo Official Plan (2009). The Rural Area includes Rural Settlement Areas, such as Ranchlands, which provide opportunities for living and working in a rural setting. These areas generally have private wells and individual wastewater treatment systems with limited growth potential. Future growth will generally be achieved through infilling, consistent with the rural character.

Section 6.G.6 of the ROP states that “development applications may be approved provided that any new lots can be appropriately serviced by private wells and individual wastewater treatment systems.”

Policies related to servicing properties are provided in Section 5.B of the ROP and state the following:

*5.B.7 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 Guidelines for Hydrogeological Studies for Privately Serviced Developments 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.*

*5.B.8 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 use of an enhanced tertiary system on the two (2) proposed lots allows for efficient use of land within the Branchton settlement area. The creation of the new lot is in keeping with the lotting pattern on Hughson Street.

In our opinion, the permission within the Ontario Building Code for all new developments in the Province to use tertiary treatment systems, combined with the site-specific Nitrate Impact Assessment, demonstrates that the proposed system is safe and effective.

### Township of North Dumfries Official Plan, 2018

The subject lands are within the Branchton Rural Settlement Area and are designated Settlement Residential and Ancillary, with a small area at the rear identified as Environmental Constraint / Core Environmental Feature in the Township Official Plan. Creation of one additional lot for a single-detached residential use within a Rural Settlement Area can be considered through Settlement Residential & Ancillary Official Plan policies, subject to:

- demonstrating that lots are of sufficient size to accommodate private water and wastewater services;
- maintaining the rural character and existing pattern of lotting and built form along Hughson Street; and
- ensuring that development on the lot does not negatively impact the identified strip of Core Environmental Feature lands at the rear of the property. No buildings or accessory structures will be permitted within this Core Environmental Feature area at the rear of the subject property.

Section 2.9.1.4 of the OP states that the Township may approve development proposals within Rural Settlement Areas and Rural Employment Areas provided that

- a. any new lots can be appropriately serviced by private wells and individual wastewater treatment systems.

- b. any new development is compatible with the surrounding land uses in form and function; and
- c. the development proposal conforms to all other applicable policies of this Plan

Section 3.4.1.4 explicitly authorizes individual wastewater treatment systems to support the servicing of new lots. At the same time, the policy limits the use of sewage treatment systems to *conventional* systems.

Tertiary treatment units began to appear in Ontario regulations in the mid-1990s. Formal recognition was codified in amendments to O. Reg 358 Sewage Systems under the Environmental Protection Act around 1997. The Ontario Building Code introduced the use of *tertiary treatment* units in the 2006/2007 update. As of January 1, 2017, the Ontario Building Code implemented standards requiring advanced/tertiary treatment units to meet the national CAN/BNQ 3680-600 standard.

As written, the policies in the Regional ROP and Township OP have not adopted the advanced treatment systems now commonly in use in other jurisdictions and accepted by the Ontario Building Code and the Ministry of the Environment.

#### Township of North Dumfries Zoning By-law 689-83

The lands are zoned Z.3 – Rural Residential in General Zoning By-law No. 689-83. A single-detached dwelling and accessory structure(s) are permitted uses within the Z.3. zone.

Subject to consideration and approval of the requested ROPA and OPA, the Owner will submit a Zoning By-law Amendment to provide site-specific policies for the new lot with the following site-specific provisions:

- To permit a minimum frontage of 13.0 metres, whereas a minimum lot frontage of 30.0 metres is required.

#### **Summary**

Based on the foregoing and the attached Nitrate Impact Assessment, it is our opinion that an enhanced tertiary wastewater treatment system will meet the intent of the land-use planning framework for Waterloo Region and the Township of North Dumfries. The use of advanced/tertiary sewage treatment units will meet the Ontario Drinking Water Quality Standard within the proposed 0.2Ha lot size.

The use of tertiary treatment system will lead to superior effluent quality by removing nutrients and pathogens at levels that exceed those achieved through conventional treatment. Enabling a proven tertiary treatment system aligns North Dumfries with provincial goals for sustainable growth, water-quality protection and responsible rural development.

The Owner will be required to select a treatment unit that meets CAN/BNQ 3680-600 standard and is recognized in the Ontario Building Code. A certified installer will install the system under a building permit issued by the Township of North Dumfries. In addition, the Owner will obtain a system maintenance contract from a competent supplier to monitor and ensure long-term safeguards.

In support of this Application, please find the following attached documents:

1. 5 Hughson - OPA Planning Justification Letter - 2026 FEB 25.pdf
2. The completed and signed Township of North Dumfries Official Plan Amendment Application form (5 Hughson 2026-official-plan-amendment-application.pdf)
3. Preconsultation with North Dumfries (5 Hughson Street - PC-09-25 - Record of Pre-Consultation.pdf)
4. Conceptual Severance Sketch, prepared by J.D. Barnes Limited (5 Hughson - Severance sketch - 2026FEB25.pdf)
5. The Nitrate Impact Assessment, prepared by HCS (5 Hughson - WSPA and NIA - 2026 FEB 15.pdf)
6. The proposed OPA amendment text (5 Hughson - Proposed ROPA and OPA Amendment Text - 2026 FEB 25.pdf)
7. The Township of North Dumfries Application Fee (2026), being \$18,500 and a deposit fee of 7,000;

Please feel free to contact the undersigned to review and schedule the Preconsultation meeting.



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