

July 28th, 2025

File No.: 2025-15

Michael Campos
Manager of Planning
106 Earl Thompson Road, 3rd Floor
P.O. Box 1060
Ayr, Ontario, NoB 1E0

**RE: Planning Justification Letter
Regional Official Plan Amendment and Township Official Plan Amendment
Part of Subdivision Lot 3, East of the Grand River, Concession 7, Township of North
Dumfries, Region of Waterloo**

On behalf of Dan Carreiro ("Owner"), we are pleased to submit a Regional Official Plan Amendment and a Township Official Plan Amendment for land known legally as Part of Subdivision Lot 3, East of the Grand River, Concession 7, Township of North Dumfries, Region of Waterloo ("Site"). The Site is legally known as 1231 Maple Manor Road, North Dumfries.

The Site is 9.55 hectares in size, with 120.1 metres of frontage on Maple Manor Road. There is an existing single-detached dwelling on the Site with a private conventional septic system. There are two (2) existing driveways connecting to Maple Manor Road.

The area surrounding the Site includes a smaller residential hamlet on Maple Manor Road referred to as "Ranchlands Settlement Area" and beyond the settlement is a prime agricultural area.

The portion of the Site fronting Maple Manor Road is designated as "Rural Area" and "Protected Countryside" on Map 7 to the Region of Waterloo Official Plan (2009) and "Settlement Residential and Ancillary" in the Township of North Dumfries Official Plan (2013). The area is considered a "Rural Settlement Area" in the context of the ROP and OP. The Site is zoned as "Z2a" and "Z1", with the portion of the Site fronting Maple Manor Road zoned as "Z2a" and the rear agricultural portion zoned "Z1".

The Owner is proposing to sever the Site to create two (2) new lots for residential purposes, while retaining the existing dwelling and farmland. As illustrated on the Consent Sketch, the two (2) new lots (herein referred to as the "Severed Parcels") are proposed as follows:

Parcel	Lot Frontage	Lot Depth	Lot Area
Severed Parcel #1	27.4m	121.92m	3,344.5 sq.m.
Severed Parcel #2	29.0m	121.865	3,529.7 sq.m.
Retained Parcel	62.1m	358.7m	88,673 sq.m.

To facilitate the Applications, the Owner retained HCS to prepare a Nitrate Impact Assessment (dated May 27, 2025) to confirm the suitability of the proposed lots to provide adequate sanitary treatment within the Ontario Drinking Water Quality Standard (ODWQS). Based on the findings of the Assessment, an enhanced tertiary treatment system is required for both lots.

In discussions with Township of North Dumfries staff, it is understood that the Ontario Building Code (Article 8.6.2.2 permits Class 5 (tertiary) treatment units) permits the use of enhanced tertiary treatment systems for residential lots; however, the land use planning framework has not been updated to align with the Ontario Building Code. The ROP, and by extension, the OP, do not permit the use of tertiary treatment systems for residential lots.

On this basis, in advanced 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 exempt the Site from the following policies to facilitate the creation of the lots and the submission of building permits under the Ontario Building Code.

Regarding the public consultation strategy, the Owner proposes to follow the statutory requirements under the Planning Act, providing notice to properties within a 120-metre radius. Both the Owner and Baker Planning Group would be pleased to speak with any property owners with questions and/or comments.

Regional Official Plan Amendment

Site-specific policy in Section 6.G.12:

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 Nitrate Impact Assessment

Township Official Plan Amendment

Site-specific policy in Section 2.9.2.18.3:

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 Nitrate Impact Assessment

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:

- (b) the protection of the agricultural resources of the Province*
- (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*

The Applications provide the opportunity to service proposed lots within a defined settlement area with a sanitary treatment 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, the Applications provide 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 two (2) lots is contemplated on the Site as the land is located in a defined rural settlement area, and the use of the proposed tertiary systems allows for an efficient use of land and removes the need to use a large area of land for a conventional septic bed.

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 protects human health and safety and is in compliance with ministry standards and the Ontario Building Code.

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

Given the context of the rural settlement area, there is no intent for comprehensive planning for services related to the overall settlement area, aside from stating that private services 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 Applications are 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 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 proposed two (2) lots allows for an efficient use of land within a defined settlement area, which is in keeping with the lotting pattern on Maple Manor Road and is of a similar size and lot frontage. It is noted that any existing lot within the settlement area would be permitted to construct a new single detached dwelling with an enhanced tertiary system, and the Owner is requesting a similar permission related to the new lots.

In our opinion, the permission within the Ontario Building Code for all new development in the Province to use tertiary 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 Township of North Dumfries Official Plan (OP) designates the front portion of the Site, fronting Maple Manor Road, as a "Settlement Residential & Ancillary" on Map 2.19. The remaining portion of the Site forms part of the agricultural area.

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 alternative individual wastewater treatment systems, thereby confirming the Township's willingness to utilize these technological innovations. At the same time, the policy mandates that every new lot must remain capable of accommodating a conventional individual wastewater system.

The Ontario Building Code does not require this contingency for enhanced tertiary systems. In practice, any existing lot unable to support a conventional system can proceed with a tertiary installation without a backup conventional system. It is our opinion that the current planning policies, which are approximately 7 to 8 years old, do not reflect the reliability and maturity of enhanced tertiary technologies, now widely deployed and rigorously tested, according to the Hydrogeologist. As written, the policies in the OP fail to adopt solutions that would lower costs, optimize land use, and streamline development within defined settlement areas.

Township of North Dumfries Zoning By-law 689-83

The Township of North Dumfries Zoning By-law (ZBL) zones the front portion of the Site as "Z2a" and the rear agricultural portion "Z1".

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 land fronting Maple Manor Road from "Z2a" to "Z2a-____" with the following site-specific provisions:

- To permit a minimum lot area of 3,300 square metres, whereas a minimum lot area of 4,000 square metres is required; and,
- To permit a minimum lot frontage of 27.0 metres, whereas a minimum lot frontage of 30.0 metres is required.

Summary

Based on the foregoing and the attached technical analysis, it is our opinion that enhanced tertiary wastewater treatment systems meet the requirements of the Ontario Building Code and have demonstrated their reliability. The Owner will be required to obtain manufacturer warranties and servicing that is comparable to conventional septic solutions to provide for long-term safeguards.

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

In support of the Applications, please find the following enclosed:

- The completed and signed Township of North Dumfries Official Plan Amendment and Zoning By-law Amendment Application form;
- Conceptual Severance Sketch, prepared by GRIT Surveying Inc.;
- The Nitrate Impact Assessment, prepared by HCS, and dated May 27th, 2025;
- The Township of North Dumfries Application Fee, being \$17,620 and a deposit fee of \$7,000; and,
- The Region of Waterloo Application Fee, being \$5,750.00.

Kind regards,



Caroline Baker, MCIP, RPP
Principal

c.c Owner