

OFFICIAL PLAN AMENDMENT NO. XX
OFFICIAL PLAN OF THE
TOWNSHIP OF HAMILTON

BALTIMORE SETTLEMENT AREA SERVICING

Prepared For:

The Corporation of
the Township of Hamilton

Prepared By:

Fotenn Planning + Design
Kingston, Ontario

March 12, 2021

**THE CORPORATION OF
THE TOWNSHIP OF HAMILTON**

BY-LAW NO. 2021-XX

Being a By-law passed pursuant to the provisions of Section 17 and 21 of the *Planning Act*, R.S.O. 1990, as amended.

The Council of the Corporation of the Township of Hamilton, in accordance with the provisions of Sections 17 and 21 of the *Planning Act*, R.S.O. 1990, as amended, hereby enacts as follows:

1. Amendment **No. XX** to the Official Plan of the Township of Hamilton, consisting of the attached explanatory text, is hereby adopted.
2. The Clerk is hereby authorized and directed to make application to the County of Northumberland for approval of Amendment **No. XX** to the Official Plan of the Township of Hamilton.
3. The Clerk is hereby authorized and directed to proceed with the giving of notice under Section 17(23) of the *Planning Act*.
4. This By-law shall come into force and take effect on the day of final passing thereof.

Enacted and passed this _____ day of _____, 2021.

Signed: _____

Mayor, Bill Cane

CORPORATE SEAL OF
MUNICIPALITY

Signed: _____

Municipal Clerk, Kate Surerus

**CERTIFICATE
AMENDMENT NO. XX
OFFICIAL PLAN OF THE
TOWNSHIP OF HAMILTON**

The attached explanatory text, constituting Amendment No. XX to the Official Plan of the Township of Hamilton, was prepared by the Council of the Township of Hamilton and was adopted by the Council of the Township of Hamilton by By-law No. 2021-XX in accordance with the provisions of Sections 17 and 21 of the *Planning Act*, R.S.O. 1990, on the _____ day of _____, 2021.

Signed: _____

Mayor, Bill Cane

CORPORATE SEAL OF
MUNICIPALITY

Signed: _____

Municipal Clerk, Kate Surerus

This Amendment to the Official Plan of the Township of Hamilton, which has been adopted by the Council of the Township of Hamilton, is hereby approved in accordance with the provisions of Sections 17 and 21 of the *Planning Act*, R.S.O. 1990, as Amendment No. XX to the Official Plan of the Township of Hamilton.

Date

Nancy MacDonald
Clerk
County of Northumberland

**AMENDMENT NO. XX
TO THE
OFFICIAL PLAN OF THE
TOWNSHIP OF HAMILTON**

TABLE OF CONTENTS

	PAGE
ADOPTION BY-LAW	
CERTIFICATE	
TABLE OF CONTENTS	1
INTRODUCTION	2
PART 'A' – THE PREAMBLE	3
1. Purpose of the Amendment	3
2. Basis of the Amendment	3
PART 'B' – THE AMENDMENT	4
1. Introductory Statement	4
2. Details of the Amendment	4
3. Implementation and Interpretation	4
PART 'C' – APPENDICES	5
Appendix No. 1 Baltimore Settlement Area – Servicing Options Report	6
Appendix No. 2 Presentation to Council dated November 10, 2020	16
Appendix No. 3 Planning Report (Fotenn) dated March 12, 2021	20

OFFICIAL PLAN AMENDMENT NO. XX

PART “A” – THE PREAMBLE does not constitute part of this Amendment.

PART “B” – THE AMENDMENT consisting of the following text constitutes Amendment No. **XX** to the Official Plan for the Township of Hamilton.

Also attached is **PART “C” – APPENDICES** which do not form part of this amendment. The appendices contain copies of the Baltimore Settlement Area – Servicing Options Report from Fotenn Planning + Design, which provides the basis and recommendations relating to the amendment, a copy of the Presentation to Council dated November 10, 2020 regarding the servicing report, as well as a Planning Report (Fotenn) dated March 12, 2021.

PART A – THE PREAMBLE

PURPOSE

The purpose of the Official Plan Amendment (OPA) is: (1) to amend Section 3.3.ii) (Settlement Area – Sanitary Sewer and Water Servicing) of the Township of Hamilton Official Plan to remove the requirement for a Secondary Plan for new residential development occurring by Plan of Subdivision within the Baltimore Settlement Area; and (2) to allow development to proceed on full private services.

BASIS

In December of 2019 the Township of Hamilton retained Fotenn Planning + Design to undertake a review of alternative servicing options for the Baltimore settlement area, review the servicing policies associated with the Settlement Area, review the Water Systems Capital Needs Assessment Report, and provide recommendations for future Baltimore servicing options. A presentation to Council was held on November 10, 2020 to share background research and preliminary policy recommendations, as well as receive comments from Council and the public. The report presented to Council and the presentation provided to Council are included as **Part C – Appendix**.

Currently, the Official Plan requires the completion of a Secondary Plan to permit development by plan of subdivision in the Baltimore Settlement Area and requires development to occur via municipal water and private sewage disposal systems. Consequently, this restricts the development potential of the Baltimore Settlement Area. The Official Plan Amendment, contained herein, will provide improved flexibility for prospective developers and the public regarding the development potential of the Baltimore Settlement Area.

PART B – THE AMENDMENT

1. INTRODUCTORY STATEMENT

All of this Part of the document entitled Part B – The Amendment consisting of the following text constitutes Amendment No. "XX" to the Official Plan of the Township of Hamilton.

2. DETAILS OF THE AMENDMENT

The Official Plan of the Township of Hamilton is hereby amended as follows:

1. Section **3.3.ii) SETTLEMENT AREA – SANITARY SEWER AND WATER SERVICING** is hereby amended by deleting and replacing the text, which shall read as follows:

“There is limited reserve water system capacity in the Baltimore water system. Therefore, Baltimore will primarily be developed with private water and private sewage disposal systems subject to the appropriate hydrogeological and terrain analysis. Development by plan of subdivision may occur with municipal water and private sewage disposal systems with upgrades and expansion to the existing municipal water system at the full cost of the developer. Minor infill development may be considered for connection to the water system to be determined on a case by case basis.”

3. IMPLEMENTATION AND INTERPRETATION

The implementation and interpretation of Official Plan Amendment **No. XX** shall be in accordance with the respective policies of the Official Plan of the Township of Hamilton.

PART C – THE APPENDICES

The following appendices do not constitute part of Official Plan Amendment No. XX, but are included as information supporting the Amendment.

- **Appendix No. 1** **Baltimore Settlement Area – Servicing Options Report**
- **Appendix No. 2** **Presentation to Council dated November 10, 2020**
- **Appendix No. 3** **Planning Report (Fotenn) dated March 12, 2021**

Appendix 1
Fotenn Planning + Design
Baltimore Settlement Area – Servicing Options Report

Baltimore Settlement Area – Servicing Options Report

Township of Hamilton

Introduction

Fotenn Planning + Design was engaged by the Township of Hamilton in December 2019 to undertake a review of alternative servicing options for the Baltimore settlement area. To date, our services have consisted of conducting research regarding servicing options, including communal servicing, requirements, and full on-site private servicing, and upgrading the existing municipal water system. Based on our review, an Official Plan amendment is necessary to introduce and permit alternative servicing options and remove the requirement for a Secondary Plan for new residential development within Baltimore. A zoning by-law amendment may also be required, based on the chosen future servicing option, to introduce a Holding Symbol for the Baltimore settlement area to review new development and servicing on a case-by-case basis prior to amending the required minimum lot areas. Options for alternative servicing as well as necessary Official Plan amendments are included in this report.

Background

The Baltimore settlement area is currently serviced through a municipal water system and private individual sewage systems. The current Creighton Heights water system has known limitations and requires upgrades to continue servicing the existing residents and would require significant upgrades to provide additional capacity to service new lots. The system currently services approximately 500 users and has limited remaining capacity. Current development pressure within the Baltimore settlement area requires the Township to consider future alternative servicing direction and options, while also considering vitality and livability of the community.

GM BluePlan Engineering was retained by the Township of Hamilton to prepare a Water Systems Capital Needs Assessment Report to assess the condition of existing water systems and develop a 10-year capital spending projection for its water systems, comprising two water treatment plants and three distribution systems. The report reviewed the Creighton Heights Water Treatment Plant and Distribution System, Camborne Water Treatment Plant and Distribution System, and Cobourg Distribution System. The report confirms that the Creighton Heights Water Treatment Plan and Distribution System has chronic issues related to well performance, water quality and treatment complexity, and operator concerns regarding meeting demand in peak period. It also confirms that the original equipment is aging and approaching end of service life, indoor standby power generator does not meet latest TSSA/CSA B139 code and will have to be upgraded or replaced to meet current code, the roof of the original building may be reaching the end of life, and most water meters are out of date and should be upgraded. The report indicates that significant upgrades and changes will be needed to the existing Creighton Heights Water Treatment Plan and Distribution System within the next few years and it has the highest forecasted spending over the next few years, compared to the other reviewed systems.

As a result of the necessary upgrades, GM BluePlan Engineering recommended four alternatives to explore technical and financial considerations in developing a new water supply to replace the Creighton Heights water supply wells and treatment plant located at 9235 Dale Road (County Road 74).

Alternative No. 1 recommends the construction of a new water treatment facility including new wells at a suitable location in the community. This capacity would remain the same as the existing plant but there would be physical space at a new site to drill more wells or expand the treatment facility if demand warrants it. Alternative No. 2 recommends re-establishing a connection to the Cobourg water supply system to deliver treated water from their system to the Township. This connection would be from an underground pipeline along Baltimore Road under Highway 401. Alternative No. 3 is similar to the second alternative except that it would include booster pumping at a high head to a new elevated water tank, and the existing Creighton Heights water treatment plant would be completely decommissioned. Alternative No. 4 recommends the construction of elevated storage independently of the water supply source for Creighton Heights.

None of the above recommended alternatives are financially viable for the Township to undertake on its own, without financial assistance from either the Provincial or Federal Government. No extension, further expansion or replacement of the existing Creighton Heights Water Treatment Plant and Distribution System are feasible. As a result, costs associated with maintaining and upgrading the municipal water system constrain the potential for growth within the settlement area to continue on partial services.

Therefore, without financial assistance to support the municipal water system, future development of the Baltimore settlement area and surrounding area needs to occur via private water and sanitary services. Baltimore is a settlement area and it will continue to be an area of growth within the Township of Hamilton and alternative servicing options should be considered.

The *Provincial Policy Statement* (2020) only permits partial services to address failed individual on-site water services in existing development or to allow infilling and minor rounding out of existing development on partial services (s. 1.6.6.5). The PPS (2020) defined the preferred servicing hierarchy within a municipality as such:

1. Municipal sewage services and municipal water services (s. 1.6.6.2);
2. Private communal sewage services and private communal water services (s. 1.6.6.3)
3. Individual on-site sewage services and individual on-site water services (s. 1.6.6.4)
4. Partial services (in identified circumstances) (s. 1.6.6.5)

As such, the current partial servicing of the Baltimore settlement area, or the continued partial servicing of Baltimore, if feasible, is not an ideal situation per the PPS (2020).

The PPS (2020) provides the following language referencing communal servicing:

1.6.6.3 Where municipal sewage services and municipal water services are not available, planned or feasible, private communal sewage services and private communal water services are the preferred form of servicing for multi-unit/lot development to support protection of the environment and minimize potential risks to human health and safety.

Overall, while the policies of the PPS (2020) prioritize municipal sewage services and municipal water services, and where this is not feasible, support and provide preference for communal services is provided. While partial servicing is meant to address a known problem, full private and communal services are encouraged and required in areas where more dense development is expected, such as in the Baltimore settlement area.

Analysis + Considerations

The Township Official Plan provides the following policies regarding development within the Baltimore settlement area:

Section 3.3.ii) There is reserve water system capacity in the Baltimore water system to accommodate new residential development and associated commercial activity. Therefore, Baltimore will continue to develop on a limited basis with municipal water and private sewage disposal systems. In this regard only small-scale development in Baltimore will take place in accordance with the severance policies of this plan. Development by plan of subdivision will only be permitted following the preparation of a Secondary Plan for the area which will address such issues as sustainability of existing systems, impact of additional septic effluent on groundwater resources, the cost effectiveness and need to service lots large enough to have a septic system and the justification for growth on the basis of two levels of servicing. A long term servicing strategy should be completed as part of the Secondary Plan.

This policy states that new development is required to be serviced by municipal water and private sewage disposal. As well, completion of a Secondary Plan is necessary for development proposed by plan of subdivision in Baltimore to review the proposed servicing and necessary requirements. Due to the known municipal water servicing constraints associated with the Creighton Heights water system, the existing policy regulating development in Baltimore is not supportive of future development. Additional Official Plan policies and amendments to existing policies are necessary to allow development to proceed through alternative servicing.

Beyond traditional municipal or partial servicing, there are alternative servicing options which would allow and support development within the Baltimore settlement area. Further policies of the Township's Official Plan allow these alternative servicing options, including private individual servicing and private communal servicing:

Section 11.16.2 Within the majority of the Settlement Areas, and Rural designations, development has taken place and will continue to take place on the basis of private individual services. All development on private services must receive approval from the appropriate approval authority. The minimum lot size for such development will be in accordance with any relevant Sections of this Plan and the Zoning By-law although the municipality or the subdivision approval authority may increase these minimum standards and impose other conditions or restrictions where necessary in the interests of the health and safety of the residents of the Township. Any required servicing studies, including servicing options reports, will be provided by the developer to the satisfaction of the Municipality and appropriate approval agency.

Section 11.16.3 All lands within the Settlement Area or Rural designations may be developed on the basis of private communal services. Any such system will have to meet the requirements of the Municipality and this Plan and the Ministry of Environment, as well as the approval processes under the Environmental Assessment Act and the Planning Act. Such systems will be owned by the Municipality although the Township could choose to enter into operating agreements with the developer under terms and conditions set out in an agreement between the parties. The Township, in approving any private communal system, will have particular regard for the documented performance of the proposed systems, the financial securities which are to be provided, the long term maintenance requirements and the operation and administration requirements for the systems. In reviewing proposals for development on private communal systems, the Township will also determine the number and types of communal systems that will be accepted by the Township. In general, the Municipality shall only accept developments on communal systems when it can be clearly

demonstrated that such systems will not create an unacceptable financial burden on the Township and when it deems it appropriate to do so.

These policies indicate that the municipality is currently supportive of alternative servicing options, including full individual private and full communal private servicing in other locations of the Township.

Alternative servicing options, such as private communal servicing and private individual servicing, have been reviewed.

1. Private On-Site Individual Servicing

Low population density or lack of municipal servicing capacity requires municipalities and landowners to often rely on private individual on-site servicing. Private individual services consist of on-site individual wells and on-site individual septic systems. Currently, the Township of Hamilton is serviced entirely by private on-site septic systems. Generally, areas outside the Township's settlement areas are currently serviced by private on-site wells.

Full private servicing is common in many Ontario municipalities which include rural or low population density areas. Servicing and maintenance of private on-site wells or septic systems are the responsibility of landowners, and the municipality does not have any associated financial responsibility. The Haliburton, Kawartha, Pine Ridge District Health Unit provides free well water testing for properties in the Township of Hamilton. Ministry of the Environment, Conservation and Parks (MOECP) records for existing wells may be reviewed to ensure potable water is available for a site prior to a well being dug.

Development of private individual on-site wells, in addition to the required individual on-site sewage systems, often results in larger required lot areas, due to the spatial requirements of individual systems and necessary health and safety setbacks. This results in lower density development and commonly a monochromatic pattern of built form comprised solely of single detached dwellings.

Private individual on-site wells, in addition to the existing required private individual on-site sewage systems, is an alternative servicing option for new development within Baltimore. The disadvantages to utilizing only private services is the large lot requirements and the risk of impacting the character and form of the Baltimore settlement area.

2. Private Communal Servicing Systems

The County of Frontenac has recently undertaken a Communal Services Study (2019) which provides information related to communal servicing. The purpose of this study is to encourage the use of alternative services to increase density within their settlement areas and maintain a village form rather than conversion to estate residential.

Communal services are systems that can provide water and sewage systems to clusters of residences or businesses. Communal services can be a more environmentally friendly option compared to private on-site individual services, as they enable reduced lot areas which can support development on smaller lots, higher density, compact built form, alternative built forms (i.e. semi-detached dwellings, row dwellings), and support improved affordability within rural areas. Communal servicing can provide municipalities and developers with flexibility and innovative development and servicing options to meet housing needs. Considering a broad range of communal servicing will provide the most diversity to Hamilton Township. Allowing both communal water and communal sewage systems for a proposed development would reduce the required lot area even further for individual lots.

Private communal servicing is often associated with a Municipal Responsibility Agreement (MRA). The Township of Rideau Lakes, in association with McIntosh Perry Consulting Engineers, prepared a report titled *A Fresh Look: Alternative Servicing Models for Ontario's Village* which assessed servicing options and their management requirements. The report indicates that the risk of municipal assumption as per an MRA is minimal due to extensive engineering design and inspections, Ministry of Environment, Conservation and Parks (MOECP) approval requirements, Condominium Act imposed reserve fund studies and related cash requirements. MRAs are required if the communal system services five lots or more. Communal systems servicing four or fewer lots do not require an MRA.

Should the Township not wish to assume responsibility of communal systems, policies could be introduced which require four or less dwellings utilizing a private communal servicing system to be identified as Parcels of Tied Lands (POTLs) that are legally tied under the Condominium Act to a Common Elements Condominium, of which all parcels have a shared responsibility of the servicing system through a Condominium Agreement.

Based on a review of the Township's Official Plan, policies are generally permissive of communal private and individual private servicing, however, partial servicing is prioritized in the settlement area of Baltimore. It may be beneficial to introduce permission for alternative servicing options to provide Baltimore with flexibility to accommodate future growth, which may include communal servicing, full private services and infill development on partial services.

Options

Based on the lack of financial feasibility to undertake expansion of the existing Creighton Heights water system, the following four servicing options are offered for future development in the Baltimore settlement area:

Option 1 – Communal Well & Communal Sewage Disposal Systems

Allow Baltimore to develop on full communal well and communal sewage disposal systems, but require small infill development on existing lots or lots created via severance to occur on partial servicing with municipal water and private sewage disposal system.

This option would provide a new alternative servicing option for future development including partial for infill on existing lots and lots created by severance, which is supported by the Provincial Policy Statement, and may encourage new development within the settlement area that maintains the existing hamlet character of Baltimore.

While supporting studies would continue to be required for new development, removing the financial barrier associated with upgrading or expanding the municipal water system may ease the process for new development and may encourage development of larger scale. With the permission for communal well and communal sewage servicing, this option has the benefit of supporting development with higher densities, despite being serviced by private systems.

As discussed previously, communal servicing supports smaller lot areas and allows higher density developments. Per the Township's Zoning By-Law 2001-08, properties zoned Urban Residential First Density (UR1) Zone on private wells and properties zoned Urban Residential First Density (UR1) Zone require a minimum lot area of 4,050 square metres. Permitting communal services would allow properties to utilize communal wells and communal sewage disposal systems which require less lot area per property than 4,050

square metres to accommodate necessary servicing. Refer to the Recommendation Section below for a breakdown of proposed lot areas for each of the servicing options provided.

Option 2 – Communal Well & Individual Private Sewage Disposal Systems

This option is not supported by the Provincial Policy Statement for new development. The PPS defines partial servicing as “*a) municipal sewage services or private communal sewage services combined with individual on-site water services; or b) municipal water services or private communal water services combined with individual on-site sewage services.*” Part ‘b’ of the definition describes Option 2 and is considered partial servicing.

Section 1.6.6.5 states partial services shall only be permitted in the following circumstances:

- a) where they are necessary to address failed individual on-site sewage services and individual on-site water services in existing development; or*
- 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*

As a result, the PPS does not support new development to occur on communal wells and private sewage disposal systems. Existing development which has failed private individual servicing or minor rounding out of existing lots can occur on communal wells and private sewage disposal systems. Required lot areas have been provided in the Recommendation Section for Option 2.

Option 3 – Private Well & Communal Sewage Disposal Systems

Allow Baltimore to develop on private wells and communal sewage disposal systems, but require small infill development on existing lots or lots created via severance to occur on partial servicing with municipal water and private sewage disposal system.

Similar to the previous Options, this option would provide a new alternative servicing option for future development and may encourage new development within the settlement area that maintains the existing character of the Baltimore settlement area. Amendments to the Official Plan, described in the Recommendations section below, would remove the financial barrier associated with upgrading or expanding the municipal water system and would likely ease the process for new and larger scale developments. With the permission for communal well, this option has the benefit of supporting development with higher densities, despite being serviced by private systems.

Similar to Option 2, lots serviced by private individual wells and communal sewage disposal systems require a slightly greater lot area than lots serviced fully by communal services, but less lot area than lots serviced fully by individual private services. Refer to the Recommendation Section below for a breakdown of proposed lot areas for each of the servicing options provided.

Option 4 – Private Well & Individual Private Sewage Disposal Systems

Allow Baltimore to develop on full private services, where partial servicing is unfeasible or undesired, but require small infill development on existing lots or lots created via severance to occur on partial servicing with municipal water and private sewage disposal system.

This option would not take away the permission to connect to the municipal water system at the cost of the developer or landowners, but where municipal servicing is not available or demonstrated to be financially unfeasible, alternative servicing options for future development will be permitted. This may encourage new development within the settlement area. While supporting studies would continue to be required for new development, removing the financial barrier associated with upgrading or expanding the municipal water system may ease the process for new development and may encourage development of larger scale.

The Township's Zoning By-law 2001-08 currently contemplates lot areas for dwellings located with fully private services. Generally, these requirements will remain. Refer to the Recommendation Section below for a breakdown of proposed lot areas for each of the servicing options provided.

In order to permit servicing via any of these options, applications for Official Plan amendment and zoning by-law amendment are necessary.

Recommendation + Conclusion

Based on our review, we recommend that applications for Official Plan amendment and zoning by-law amendment be completed to allow servicing of future Baltimore area development to occur via Options 1, 3, and 4, as well as Option 2 in identified PPS circumstances. This would diversify the permitted servicing options, allow both private individual and communal servicing water and sewage disposal systems, and may encourage new development within the Baltimore settlement area. It is anticipated that infill via severance may also be partially serviced. Through the allowance of communal servicing, smaller lot sizes would be required which would maintain the character of the community and the existing village form.

The following amendments to the Official Plan would be necessary to support these options:

- a. Remove the requirement for the preparation of a Secondary Plan for development occurring by plan of subdivision in Baltimore
- b. Remove the requirement for development to occur on a limited basis with municipal water and private sewage disposal system
- c. Introduce text to allow development to occur on either:
 - Communal well and communal sewage disposal systems;
 - Private well and communal sewage disposal systems;
 - Private well and individual private sewage disposal systems;
 - Communal well and individual private sewage disposal systems, for failed private individual wells or minor rounding out of existing lots; or
 - Municipal water and private sewage disposal system, at the cost of the landowner or developer.
- d. Introduce text to allow infill development on existing lots and lots created by severance to proceed on a limited basis with municipal water and private (individual or communal) sewage disposal system
- e. Introduce greater policy direction and clarification for private communal servicing, such as the requirements for a Municipal Responsibility Agreement (MRA), requirement for Plan of Condominium, costs required by the municipality, required supporting studies. This would not be required for Option 4.

It should be noted that an Official Plan Amendment would not remove the permission to expand or upgrade the municipal water system, but these amendments would allow new development to occur within Baltimore via alternative private or communal servicing options.

The following amendments to the Zoning By-law would be necessary to support these options:

- a. Introduce a holding provision for the Baltimore settlement area to consider development on a case-by-case basis prior to undertaking an amendment to vary the required lot sizes based on proposed servicing; or
- b. Introduce four new Baltimore specific zones that provide lot area and lot frontage requirements specific to the four servicing options provided. This would introduce new zones but would not pre-zone any

lots, requiring landowners or developers to undertake a zoning by-law amendment prior to proceeding with these alternative servicing options:

- Baltimore Urban Residential First Density Zone (BUR1)

a)		For the Property	Single Detached	
	i).	Lot area with communal well and communal sewage disposal	2,500 m ² (26,910 ft ²)	Minimum
	ii).	Lot frontage with communal well and communal sewage disposal	25 m (82.02 ft)	Minimum
	iii).	Lot area with communal well and individual private sewage disposal	3,750 m ² (40,365 ft ²)	Minimum
	iv).	Lot frontage with communal well and individual private sewage disposal	35 m (114.83 ft)	Minimum
	v).	Lot area with private well & communal sewage disposal	3,750 m ² (40,365 ft ²)	Minimum
	vi).	Lot frontage with private well & communal sewage disposal	35 m (114.83 ft)	Minimum
	vii).	Lot area with private well and individual private sewage disposal	4,050 m ² (1 acre)	Minimum
	viii).	Lot frontage with private well and individual private sewage disposal	45.76 m (150 ft)	Minimum

- Baltimore Urban Residential Second Density Zone (BUR2)

a)		For the Property	Single	Semi/Detached	Converted	
	i).	Lot area with communal well and communal sewage disposal	2,500 m ² (26,910 ft ²)	3,500 m ² (37,673.7 ft ²)	875 m ² (9,418.42 ft ²) / unit	Minimum
	ii).	Lot frontage with communal well and communal sewage disposal	25 m (82.02 ft)	40 m (131.2 ft)	Nil	Minimum
	iii).	Lot area with communal well and individual private sewage disposal	3,750 m ² (40,365 ft ²)	4,500 m ² (48,437 ft ²)	1,125 m ² (12,109.4 ft ²) / unit	Minimum
	iv).	Lot frontage with communal well and individual private sewage disposal	35 m (114.83 ft)	50 m (164.0 ft)	Nil	Minimum
	v).	Lot area with private well & communal sewage disposal	3,750 m ² (40,365 ft ²)	4,500 m ² (48,437 ft ²)	1,125 m ² (12,109.4 ft ²) / unit	Minimum
	vi).	Lot frontage with private well & communal sewage disposal	35 m (114.83 ft)	50 m (164.0 ft)	Nil	Minimum
	vii).	Lot area with private well and individual private sewage disposal	4,050 m ² (1 acre)	6,000 m ² (64,585.6 ft ²)	1,400 m ² (15,070 ft ²) / unit	Minimum
	viii).	Lot frontage with private well and individual private sewage disposal	45.76 m (150 ft)	60 m (196.9 ft)	nil	Minimum

- Baltimore Urban Multiple Residential Zone (BUMR)

a)		For the Property	Lot as a Whole	Per Dwelling Unit on a Lot	
	i).	Lot area with communal well and communal sewage disposal	5,000 m ² (53,819.6 ft ²)	875 m ² (9,418.42 ft ²) / unit	Minimum
	ii).	Lot frontage with communal well and communal sewage disposal	40 m (131.2 ft)	Nil	Minimum
	iii).	Lot area with communal well and individual private sewage disposal	6,500 m ² (69,965.4 ft ²)	1,125 m ² (12,109.4 ft ²) / unit	Minimum
	iv).	Lot frontage with communal well and individual private sewage disposal	50 m (164.0 ft)	Nil	Minimum
	v).	Lot area with private well & communal sewage disposal	6,500 m ² (69,965.4 ft ²)	1,125 m ² (12,109.4 ft ²) / unit	Minimum
	vi).	Lot frontage with private well & communal sewage disposal	50 m (164.0 ft)	Nil	Minimum
	vii).	Lot area with private well and individual private sewage disposal	8,000 m ² (86,111.3 ft ²)	1,400 m ² (15,070 ft ²) / unit	Minimum
	viii).	Lot frontage with private well and individual private sewage disposal	60 m (196.9 ft)	Nil	Minimum

- Baltimore Rural Residential Zone (BRR)

a)		For the Property	Single Detached	
	i).	Lot area with communal well and communal sewage disposal	2,500 m ² (26,910 ft ²)	Minimum
	ii).	Lot frontage with communal well and communal sewage disposal	25 m (82.02 ft)	Minimum
	iii).	Lot area with communal well and individual private sewage disposal	3,750 m ² (40,365 ft ²)	Minimum
	iv).	Lot frontage with communal well and individual private sewage disposal	35 m (114.83 ft)	Minimum
	v).	Lot area with private well & communal sewage disposal	3,750 m ² (40,365 ft ²)	Minimum
	vi).	Lot frontage with private well & communal sewage disposal	35 m (114.83 ft)	Minimum
	vii).	Lot area with private well and individual private sewage disposal	4,050 m ² (1 acre)	Minimum
	viii).	Lot frontage with private well and individual private sewage disposal	45.76 m (150 ft)	Minimum

Once the desired path forward and servicing options for Baltimore have been confirmed, text for the Official Plan Amendment and Zoning By-law Amendment will be drafted for Township Staff and Council's review.

Appendix 2
Fotenn Planning + Design
Presentation to Council (November 10, 2020)

Baltimore Servicing Strategy

The diagram illustrates three servicing options for Baltimore: Private Onsite Systems (individual green squares), a Communal System (a network of blue lines), and a Conventional municipal system (a larger network of blue lines). A central blue area represents the settlement area.

FOTENN
Planning + Design

November 10, 2020

4

- Baltimore is currently serviced through the Creighton Heights Water System (CHWS) and private individual sewage systems.
- The system currently services approximately 500 users and has limited remaining capacity.
- Current development pressure within the Baltimore settlement area requires the Township to consider future alternative servicing direction and options, while also considering vitality and livability of the community.

Background **FOTENN**

2

- Fotenn was retained by the Township in December 2019 to undertake a review of alternative servicing options for the Baltimore settlement area.
- Services have consisted of:
 1. Conducting research regarding servicing options;
 2. Reviewing the Water Systems Capital Needs Assessment Report; and
 3. Providing recommendations for future servicing options for Baltimore.

Introduction **FOTENN**

5

- GM BluePlan Engineering was retained by the Township to prepare this report.
- Confirms that the CHWS has chronic issues and significant upgrades will be needed within the next few years.

The image shows the cover of the 'Water Systems Capital Needs Assessment Report' prepared by GM BluePlan Engineering for the Township of Hamilton. The report is dated August 2020.

Water System Capital Needs Assessment **FOTENN**

3

The map shows land use designations for Baltimore. A blue circle highlights the Baltimore settlement area. A red area indicates an employment area. A legend at the bottom identifies Settlement Areas (yellow), Employment Areas (red), and Wellhead Protection Areas (green).

- Baltimore is identified as a rural settlement area.
- Provincial Policy Statement (2020):
 - 1.1.4.2 In rural areas, rural settlement areas shall be **the focus of growth and development and their vitality and regeneration shall be promoted.**
- Area where growth is directed.

Baltimore Settlement Area **FOTENN**

6

- None of the Assessment recommendations are financially viable for the Township to undertake on its own, without financial assistance from either the Provincial or Federal Government.
- Future development of Baltimore needs to occur via private services.

Creighton Heights Water System **FOTENN**

7

- Preferred servicing hierarchy within a municipality
 1. **Municipal** sewage services and municipal water services (s. 1.6.6.2);
 2. **Private communal** sewage services and private communal water services (s. 1.6.6.3)
 3. **Individual on-site** sewage services and individual on-site water services (s. 1.6.6.4)
 4. **Partial** services (in identified circumstances) (s. 1.6.6.5)
 - Municipal sewage or private communal sewage combined with individual on-site water
 - Municipal water services or private communal water services combined with individual on-site sewage

Provincial Policy Statement (2020) FOTENN

10

1. Communal Well & Communal Sewage Disposal Systems
 - Maintains existing hamlet character
 - Requires smaller lot areas
 - Supports higher densities and alternative built forms
2. Communal Well & Private Sewage Disposal Systems
 - Considered partial servicing, not supported by the PPS
 - Only permitted in limited circumstances
3. Private Well & Communal Sewage Disposal Systems
 - Considered partial servicing, not supported by the PPS
 - Only permitted in limited circumstances
 - In unique circumstances would allow slightly larger lot areas and support higher densities
4. Private Well & Individual Private Sewage Disposal Systems
 - Larger lot areas and lower densities
 - Generally only single detached dwellings

Alternative Servicing Options FOTENN

8

- Section 3.3.ii) *There is reserve water system capacity in the Baltimore water system to accommodate new residential development and associated commercial activity. Therefore, Baltimore will continue to develop on a limited basis with **municipal water and private sewage disposal systems**. In this regard only small-scale development in Baltimore will take place in accordance with the severance policies of this plan. **Development by plan of subdivision will only be permitted following the preparation of a Secondary Plan for the area which will address such issues as sustainability of existing systems, impact of additional septic effluent on groundwater resources, the cost effectiveness and need to service lots large enough to have a septic system and the justification for growth on the basis of two levels of servicing. A long term servicing strategy should be completed as part of the Secondary Plan** [our emphasis added].*

Hamilton Township Official Plan FOTENN

11

Amend Official Plan:

- Remove the requirement for a Secondary Plan.
- Remove the requirement for development to occur via municipal water and private sewage.
- Allow servicing via alternative options.
- Allow infill development and severances to proceed with municipal water and private septic.
- Introduce clarification for Municipal Responsibility Agreements, costs, and supporting studies for individual private and communal servicing options.

Amend Zoning By-law:

- Introduce holding provision for Baltimore for development on a case-by-case basis; or
- Introduce Baltimore specific zones for new lot areas and lot frontages.

Summary – Recommendation FOTENN

9

Private On-Site Individual Servicing	Private Communal Servicing
Individual on-site wells and individual on-site septic systems	Provides services to clusters of residences
Often necessary when municipal servicing is unavailable and common in Ontario municipalities with rural or low population density areas	Provides an alternative for private individual services
Results in larger lot areas due to spatial requirements and health and safety setbacks	Supports smaller lots, higher densities, compact built forms, and alternative built forms (semi-detached dwellings, row dwellings) which can support improved affordability in rural areas
Servicing and maintenance is the responsibility of landowners	Municipal Responsibility Agreements and Condominium Agreements
Risk of impacting character and form of Hamlet areas	Assists with maintaining hamlet forms rather than converting to estate residential areas

Private Vs. Communal Servicing FOTENN

12

- Confirm direction from Council
- Conduct a Public Open House
- File applications for Official Plan Amendment and Zoning By-law Amendment

Summary – Next Steps FOTENN

13

Questions & Comments



- Alternative 1: **Construction of a new water treatment facility** including new wells at a suitable location in the community. This capacity would remain the same as the existing plant but there would be physical space at a new site to drill more wells or expand the treatment facility if demand warrants it.
- Alternative 2: **Re-establishing a connection to the Cobourg water supply system** to deliver treated water from their system to the Township. This connection would be from an underground pipeline along Baltimore Road under Highway 401.
- Alternative 3: Similar to the second alternative except that it would **include booster pumping at a high head to a new elevated water tank**, and the existing Creighton Heights water treatment plant would be completely decommissioned.
- Alternative 4: **Construction of elevated storage** independently of the water supply source for Creighton Heights.

Appendix 3
Fotenn Planning + Design
Planning Report (March 12, 2021)

Planning Report

Township of Hamilton, Baltimore Settlement Area Servicing Official Plan Amendment

Introduction

Fotenn Planning + Design was engaged by the Township of Hamilton in December 2019 to undertake a review of alternative servicing options for the Baltimore Settlement Area, as well as to review the servicing policies associated with the settlement area. Through this process, our services have consisted of conducting research regarding servicing options and their requirements including communal servicing, full on-site private servicing and upgrading the existing municipal water system, reviewing the Water Systems Capital Needs Assessment Report, and providing recommendations for future Baltimore servicing options. A presentation was provided to Council at the November 10, 2020 Committee of the Whole meeting to inform Council of these alternative servicing options for Baltimore. At this meeting, Council provided direction to undertake an amendment to the Baltimore Settlement Area servicing policies. Based on our review, we are recommending that the Township undertake an amendment to Section 3.3.ii) of the Township of Hamilton Official Plan to remove the requirement for a Secondary Plan for new residential development occurring by Plan of Subdivision within the Baltimore Settlement Area and to allow development to proceed on full private services.

Background

The Baltimore Settlement Area is currently serviced through a municipal water system and private individual sewage systems. The current Creighton Heights water system has known limitations and requires upgrades to continue servicing the existing residents and would require significant upgrades to provide additional capacity to service new lots. The system currently services approximately 500 users and has limited remaining capacity. Current development pressure within the Baltimore Settlement Area requires the Township to consider future alternative servicing direction and options, while also considering vitality and livability of the community.

GM BluePlan Engineering was retained by the Township of Hamilton to prepare a Water Systems Capital Needs Assessment Report to assess the condition of existing water systems and develop a 10-year capital spending projection for its water systems, comprising two water treatment plants and three distribution systems. The report reviewed the Creighton Heights Water Treatment Plant and Distribution System, Camborne Water Treatment Plant and Distribution System, and Cobourg Distribution System. The report confirms that the Creighton Heights Water Treatment Plan and Distribution System has chronic issues related to well performance, water quality and treatment complexity, and operator concerns regarding meeting demand in peak period. It also confirms that the original equipment is aging and approaching end of service life, the indoor standby power generator does not meet latest TSSA/CSA B139 code and will have to be upgraded or replaced to meet current code, the roof of the original building may be reaching the end of life, and most water meters are out of date and should be upgraded. The report indicates that significant upgrades and changes will be needed to the existing Creighton Heights Water Treatment Plan and Distribution System within the next few years and it has the highest forecasted spending over the next few years, compared to the other reviewed systems.

As a result of the necessary upgrades, GM BluePlan Engineering recommended four alternatives to explore technical and financial considerations in developing a new water supply to replace the Creighton Heights water supply wells and treatment plant located at 9235 Dale Road (County Road 74).

Alternative No. 1 recommends the construction of a new water treatment facility including new wells at a suitable location in the community. This capacity would remain the same as the existing plant but there would be physical space at a new site to drill more wells or expand the treatment facility if demand warrants it. Alternative No. 2 recommends re-establishing a connection to the Cobourg water supply system to deliver treated water from their system to the Township. This connection would be from an underground pipeline along Baltimore Road under Highway 401. Alternative No. 3 is similar to the second alternative except that it would include booster pumping at a high head to a new elevated water tank, and the existing Creighton Heights water treatment plant would be completely decommissioned. Alternative No. 4 recommends the construction of elevated storage independently of the water supply source for Creighton Heights.

None of the above recommended alternatives are financially viable for the Township to undertake on its own, without financial assistance from either the Provincial or Federal Government. No extension, further expansion or replacement of the existing Creighton Heights Water Treatment Plant and Distribution System are feasible. As a result, costs associated with maintaining and upgrading the municipal water system constrain the potential for growth within the settlement area to continue on partial services. Therefore, without financial assistance to support the municipal water system, future development of the Baltimore settlement area and surrounding area needs to occur via private water and sanitary services.

The *Provincial Policy Statement (2020)* only permits partial services to address failed individual on-site water services in existing development or to allow infilling and minor rounding out of existing development on partial services (s. 1.6.6.5). The PPS (2020) defines the preferred servicing hierarchy within a municipality as such:

1. Municipal sewage services and municipal water services (s. 1.6.6.2);
2. Private communal sewage services and private communal water services (s. 1.6.6.3)
3. Individual on-site sewage services and individual on-site water services (s. 1.6.6.4)
4. Partial services (in identified circumstances) (s. 1.6.6.5)

As such, the current partial servicing of the Baltimore settlement area, or the continued partial servicing of Baltimore, if feasible, is not an ideal situation per the PPS (2020).

Overall, while the policies of the PPS (2020) prioritize municipal sewage services and municipal water services, support is provided for private communal services and individual on-site services. Full private and communal services are encouraged and required in areas where more dense development is expected, such as in the Baltimore Settlement Srea. Baltimore is a settlement area and it will continue to be an area of growth within the Township of Hamilton and the Township's Official Plan policies related to servicing should reflect this.

Analysis + Considerations

As a result of the lack of financial feasibility necessary to undertake expansion of the existing Creighton Heights water system, alternative servicing options, such as private communal servicing and private individual servicing, for the Baltimore Settlement Area were explored through our background analysis.

1. Private On-Site Individual Servicing

Low population density or lack of municipal servicing capacity requires municipalities and landowners to often rely on private individual on-site servicing. Private individual services consist of on-site individual wells and on-site individual septic systems. Currently, the Township of Hamilton is serviced entirely by private on-site septic systems. Generally, areas outside the Township's settlement areas are currently serviced by private on-site wells.

Full private servicing is common in many Ontario municipalities which include rural or low population density areas. Servicing and maintenance of private on-site wells or septic systems are the responsibility of landowners, and the municipality does not have any associated financial responsibility. The Haliburton, Kawartha, Pine Ridge District Health Unit provides free well water testing for properties in the Township of Hamilton. Ministry of the Environment, Conservation and Parks (MOECP) records for existing wells may be reviewed to ensure potable water is available for a site prior to a well being dug.

Development of private individual on-site wells, in addition to the required individual on-site sewage systems, often results in larger required lot areas, due to the spatial requirements of individual systems and necessary health and safety setbacks. This results in lower density development and commonly a monochromatic pattern of built form comprised solely of single detached dwellings.

Private individual on-site wells, in addition to the existing required private individual on-site sewage systems, is an alternative servicing option for new development within Baltimore. The disadvantages to utilizing only private services is the large lot requirements and the risk of impacting the character and form of the Baltimore settlement area.

2. Private Communal Servicing Systems

The County of Frontenac has recently undertaken a Communal Services Study (2019) which provides information related to communal servicing. The purpose of this study is to encourage the use of alternative services to increase density within their settlement areas and maintain a village form rather than conversion to estate residential.

Communal services are systems that can provide water and sewage systems to clusters of residences or businesses. Communal services can be a more environmentally friendly option compared to private on-site individual services, as they enable reduced lot areas which can support development on smaller lots, higher density, compact built form, alternative built forms (i.e. semi-detached dwellings, row dwellings), and support improved affordability within rural areas. Communal servicing can provide municipalities and developers with flexibility and innovative development and servicing options to meet housing needs. Considering a broad range of communal servicing will provide the most diversity to Hamilton Township. Allowing both communal water and communal sewage systems for a proposed development would reduce the required lot area even further for individual lots.

Private communal servicing is often associated with a Municipal Responsibility Agreement (MRA). The Township of Rideau Lakes, in association with McIntosh Perry Consulting Engineers, prepared a report titled *A Fresh Look: Alternative Servicing Models for Ontario's Village* which assessed servicing options and their management requirements. The report indicates that the risk of municipal assumption as per an MRA is minimal due to extensive engineering design and inspections, Ministry of Environment, Conservation and Parks (MECP) approval requirements, Condominium Act imposed reserve fund studies and related cash

requirements. MRAs are required if the communal system services five lots or more. Communal systems servicing four or fewer lots do not require an MRA.

Should the Township not wish to assume responsibility of communal systems, policies could be introduced which require four or less dwellings utilizing a private communal servicing system to be identified as Parcels of Tied Lands (POTLs) that are legally tied under the Condominium Act to a Common Elements Condominium, of which all parcels have a shared responsibility of the servicing system through a Condominium Agreement.

Based on a review of the Township's Official Plan, policies are generally permissive of communal private and individual private servicing, however, partial servicing is prioritized in the settlement area of Baltimore. It may be beneficial to introduce permission for alternative servicing options to provide Baltimore with flexibility to accommodate future growth, which may include communal servicing, full private services and infill development on partial services.

Through direction received from both Township staff and Council, these alternative servicing options were not reviewed further. The proposed amendments to Section 3.3.ii) of the Official Plan provide flexibility for these alternative servicing options, should developers or landowners choose to proceed with them.

Recommendation

The Township Official Plan provides the following policies regarding development within the Baltimore settlement area:

Section 3.3.ii) There is reserve water system capacity in the Baltimore water system to accommodate new residential development and associated commercial activity. Therefore, Baltimore will continue to develop on a limited basis with municipal water and private sewage disposal systems. In this regard only small-scale development in Baltimore will take place in accordance with the severance policies of this plan. Development by plan of subdivision will only be permitted following the preparation of a Secondary Plan for the area which will address such issues as sustainability of existing systems, impact of additional septic effluent on groundwater resources, the cost effectiveness and need to service lots large enough to have a septic system and the justification for growth on the basis of two levels of servicing. A long term servicing strategy should be completed as part of the Secondary Plan.

This policy states that new development is required to be serviced by municipal water and private sewage disposal. As well, completion of a Secondary Plan is necessary for development proposed by plan of subdivision in Baltimore to review the proposed servicing and necessary requirements.

Due to the known municipal water servicing constraints associated with the Creighton Heights water system, the existing servicing policy associated with Baltimore is not supportive of future development. An amendment to this policy is necessary to allow development to proceed through alternative servicing options.

It is proposed to amend Section 3.3.ii) (Settlement Area – Sanitary Sewer and Water Servicing) of the Township Official Plan as follows:

By deleting the words: "There is reserve water system capacity in the Baltimore water system to accommodate new residential development and associated commercial activity. Therefore, Baltimore will continue to develop on a limited basis with municipal water and private sewage disposal systems. In this regard only small-scale development in Baltimore will take place in accordance with the

severance policies of this plan. Development by plan of subdivision will only be permitted following the preparation of a Secondary Plan for the area which will address such issues as sustainability of existing systems, impact of additional septic effluent on groundwater resources, the cost effectiveness and need to service lots large enough to have a septic system and the justification for growth on the basis of two levels of servicing. A long term servicing strategy should be completed as part of the Secondary Plan.”

By replacing it with “There is limited reserve water system capacity in the Baltimore water system. Therefore, Baltimore will primarily be developed with private water and private sewage disposal systems subject to the appropriate hydrogeological and terrain analysis. Development by plan of subdivision may occur with municipal water and private sewage disposal systems with upgrades and expansion to the existing municipal water system at the full cost of the developer. Minor infill development may be considered for connection to the water system to be determined on a case by case basis.”

The proposed amendments to this policy, including the introduction of “*private water and private sewage disposal*” and removal of the requirement of a Secondary Plan for development proceeding by plan of subdivision will provide flexibility to allow either individual on-site private servicing or communal on-site private servicing for future development and will alter the policy to be more supportive of development within the Baltimore Settlement Area.

Existing policies of the Township’s Official Plan are supportive of private individual servicing and private communal servicing within other settlement areas and rural designated lands:

Section 11.16.2 Within the majority of the Settlement Areas, and Rural designations, development has taken place and will continue to take place on the basis of private individual services. All development on private services must receive approval from the appropriate approval authority. The minimum lot size for such development will be in accordance with any relevant Sections of this Plan and the Zoning By-law although the municipality or the subdivision approval authority may increase these minimum standards and impose other conditions or restrictions where necessary in the interests of the health and safety of the residents of the Township. Any required servicing studies, including servicing options reports, will be provided by the developer to the satisfaction of the Municipality and appropriate approval agency.

Section 11.16.3 All lands within the Settlement Area or Rural designations may be developed on the basis of private communal services. Any such system will have to meet the requirements of the Municipality and this Plan and the Ministry of Environment, as well as the approval processes under the Environmental Assessment Act and the Planning Act. Such systems will be owned by the Municipality although the Township could choose to enter into operating agreements with the developer under terms and conditions set out in an agreement between the parties. The Township, in approving any private communal system, will have particular regard for the documented performance of the proposed systems, the financial securities which are to be provided, the long term maintenance requirements and the operation and administration requirements for the systems. In reviewing proposals for development on private communal systems, the Township will also determine the number and types of communal systems that will be accepted by the Township. In general, the Municipality shall only accept developments on communal systems when it can be clearly demonstrated that such systems will not create an unacceptable financial burden on the Township and when it deems it appropriate to do so.

These policies indicate that the municipality is currently supportive of alternative servicing options, including full individual private and full communal private servicing in other locations of the Township. Therefore, the changes proposed to Section 3.3.ii) (Settlement Area – Sanitary Sewer and Water Servicing) align with other policies currently in place.

Conclusion

Based on our review, we recommend that an Official Plan Amendment be completed to allow future servicing of Baltimore development to occur via servicing options beyond municipal water and private sewage systems and that the requirement of a Secondary Plan be eliminated for development occurring via plan of subdivision. It should be noted that this Official Plan Amendment would not remove the permission to expand or upgrade the municipal water system, but would allow new development to occur within Baltimore via alternative private servicing options.

This amendment would diversify the permitted servicing options, allow both private individual and private communal servicing water and sewage disposal systems, and may encourage new development within the Baltimore Settlement Area. It is anticipated that infill via severance may occur by partially service and connection to the municipal water system.

It is our professional planning opinion that this Official Plan Amendment represents good planning. If you have any questions or should you require any additional information, please do not hesitate to contact the undersigned at 613.542.5454.

Respectfully,



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