

**AMENDMENT NO. 2
TO THE MUNICIPALITY OF HIGHLANDS EAST
OFFICIAL PLAN**

This Amendment applies to:

**Lands located in the Municipality of Highlands East and identified as a vulnerable area by
the Trent Source Protection Plan**

(First Draft - November 16, 2016)

CONSTITUTIONAL STATEMENT

The following Amendment to the Official Plan of the Municipality of Highlands East consists of three parts.

Part A - The Preamble, consisting of the purpose, location and basis of the Amendment, does not constitute part of this Amendment.

Part B - The Amendment consisting of the noted text and mapping constitutes Amendment No. 2 to the Official Plan for the Municipality of Highlands East.

Part C - The Appendices.

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PART A - THE PREAMBLE

PURPOSE

The purpose of this Amendment is to implement recommendations of the Trent Source Protection Plan as required by the *Clean Water Act*.

LOCATION

The Amendment affects the following specific areas in the Municipality of Highlands East:

1. Lands located in and adjacent to the settlement of Cardiff Village; and,
2. Lands located in and adjacent to Dyno Estates.

BASIS

The basis and authority for the amendment is fundamentally derived from the following sources:

1. Section 3 of The *Planning Act*, which authorizes the Minister to issue policy statements;
2. Section 2.2 of the Provincial Policy Statement (2014), specifically Section 2.2.1 (e) which requires municipalities to protect municipal drinking water supplies and designated vulnerable areas;
3. Section 40 of The *Clean Water Act* which requires Official Plans to conform with local Source Protection Plans; and,
4. The Trent Source Protection Plan prepared for the Crowe-Valley Source Protection Area, which identified two vulnerable areas in the Municipality of Highlands East.

PART B – THE AMENDMENT

Section 2.1.7, Source Water Protection is hereby deleted and replaced with the following new text in the Municipality of Highlands East Official Plan.

2.1.7 SOURCE WATER PROTECTION

2.1.7.1 Purpose

The purpose of this section of the Official Plan is to establish policies designed to protect sources of drinking water as required by The *Clean Water Act*, The Provincial Policy Statement and the Trent Source Protection Plan, which has specifically identified two Wellhead Protection Areas in the Municipality.

2.1.7.2 Definitions

The following definitions are provided for terminology found referred to in this Section of the Plan:

- a) **Activity** refers to a land use activity.
- b) **Agricultural Source Material** means materials that may be sources of nutrients or pathogens such as:
 - i. Manure produced by farm animals, including bedding materials;
 - ii. Runoff from farm-animal yards and manure storages;
 - iii. Wash water that has not been mixed with human body waste;
 - iv. Organic materials produced by intermediate operations that process the above materials;
 - v. Anaerobic digestion output that does not include sewage biosolids or human body waste;
 - vi. Materials produced by aquaculture; and,
 - vii. Regulated compost that is derived from compost containing dead farm animals.
- c) **Municipal Drinking Water System** has the same meaning as in the *Safe Drinking Water Act, 2002*
- d) **Non-Agricultural Source Material:** includes a variety of materials that may be sources of nutrients or pathogens and are intended to be applied to land as nutrients, but are not necessarily produced on a farm. Such materials may include pulp and paper biosolids; sewage biosolids; anaerobic digestion output; and, materials from dairy product or animal food manufacturing.
- e) **Risk Management Official** means the risk management official appointed under Part IV of the *Clean Water Act 2006*.
- f) **Risk Management Plan** means a plan for reducing a risk prepared in accordance with the regulations prescribed under the *Clean Water Act 2006*.
- g) **Sensitive** means in regard to surface water features and ground water features, means areas that are particularly susceptible to impacts from activities or events including, but not limited to, water withdrawals, and additions of pollutants.

- h) **Significant Drinking Water Threat** means an activity that poses or has the potential to pose a significant risk to a drinking water system.
- i) **Significant drinking water threat, Existing, means:**
- i) An activity that has been engaged in prior to January 1, 2015;
 - ii) An agricultural activity (as defined by the TSPP) that has been engaged in at some time since January 1, 2005;
 - iii) An activity that is related to a development proposal where an application was made under the Planning Act, Condominium Act, or Building Code Act prior to January 1, 2015; or
 - iv) An activity that is related to an application made for the issuance or amendment of a prescribed instrument prior to January 1, 2015.
- j) **Significant drinking water threat, Expansion** means an increase in the scale of an activity already taking place on a property. The increase in scale may include, but is not limited to:
- i) Increasing the area of land where an activity is taking place;
 - ii) Increasing the amount of effluent or discharge from an activity;
 - iii) Increasing the quantity of chemical or pathogen containing material handled or stored; or
 - iv) Increasing the quantity of chemical or pathogen containing material applied.
- k) **Significant drinking water threat, Future** means an activity that is to commence after January 1, 2015.
- l) **Transport pathway** means a condition of land resulting from human activity that increases the vulnerability of a raw water supply of a drinking water system contained in the Trent Source Protection Plan. Transport pathways may include, but are not limited to, the following:
- For groundwater systems:
- Wells or boreholes;
 - Unused or abandoned wells;
 - Pits and quarries;
 - Mines;
 - Construction activities involving deep excavations (such as building foundations, basements, parking garages);
 - Underground storm sewer, sanitary sewer & water distribution system infrastructure.
- For surface water systems:
- Storm drainage infrastructure (e.g. storm sewer lines, culverts, ditches); and
 - Tile drains.
- m) **Vulnerable Area** means areas around municipal drinking water sources where activities may be a significant drinking water threat now or in the future. These areas are shown on the applicable Official Plan Schedules.
- n) **Wellhead Protection Area** means the vulnerable area delineated around groundwater wells that supply municipal drinking water systems and is

comprised of subareas. The WHPA-A (subarea) is the area that is closest to the municipal wellhead and is considered the most vulnerable area due to its proximity to the municipal wellheads.

2.1.7.3 Wellhead Protection Areas

A Wellhead Protection Area (WHPA) is a vulnerable area delineated around groundwater wells that supply municipal drinking water systems which could be impacted by migrating contaminants. In the Municipality of Highlands East, there are two WHPAs, both of which are identified on Schedules D1 and D2 to this Official Plan which are intended to function as an overlay to the primary land use designations identified on Schedule A to this Official Plan. The permitted uses and policies applicable to the primary land use designations shall generally prevail except where such policies are in conflict with this section in which case the policies of this section shall prevail.

The WHPAs identified on Schedules D1 and D2 have been spatially illustrated as sub-areas, referred to as A, B, C or E. The purpose these sub-areas is described below:

- a) WHPA-A identifies a 100 metre radius from the wellhead;
- b) WHPA-B identifies a 2-year travel time for a contaminant to reach a municipal wellhead if released into the environment;
- c) WHPA-C identifies a 10-year travel time for a contaminant to reach the municipal wellhead if released into the environment; and,

2.1.7.4 Development Policies

Where development and/or site alteration within vulnerable areas identified on Schedule D1 or D2 requires a municipal approval related to the construction, demolition or change of use of a building or structure or an application for planning approval, the Risk Management Official will determine if the proposed activity constitutes a significant drinking water threat. In making this determination, the Risk Management Official may require additional information which shall be the responsibility of the proponent.

Furthermore, in order to minimize threats to these vulnerable areas, the following land use activities shall not be permitted on lands which are located within areas identified on Schedule D1 and D2 as a Wellhead Protection Area if such uses are a future significant drinking water threat:

- a) new waste disposal sites and facilities within the meaning of Part V of the Environmental Protection Act, excluding storage of wastes described in clauses (p), (r), (s), (t) or (u) of the definition of hazardous waste (O.Reg 347);
- b) facilities designed to store, handle, manage or stockpile agricultural source material, non-agricultural source material, commercial fertilizer,

pesticides, road salt, snow, dense non-aqueous phase liquid, bulk fuels and organic solvents; and,

- c) facilities and yards designed to confine or pasture livestock and that will generate agricultural source material.

For the purpose of this policy, no land use activities that are an existing significant drinking water threat are prohibited within the areas identified on Schedules D1 or D2 however such land use activities may be subject to a Risk Management Plan.

During pre-consultation and development application review the County Planning Department, Risk Management Official and Local Municipal Staff will provide information related to source water protection to the proponent, to indicate whether the proposed application is within a vulnerable area and that Trent Source Protection Plan policies may apply.

As part of a complete application, development applications within identified vulnerable areas shall be accompanied by a Notice under Section 59(2) of the Clean Water Act, 2006, as amended.

New land uses, including the creation of lots, and new or expanding land use activities, shall not be permitted within vulnerable areas unless it can be demonstrated that they do not pose a significant drinking water threat.

Persons undertaking land use activities that are, or may be, a significant drinking water threat may be required to develop a Risk Management Plan.

2.1.7.5 Division of Land

Where a consent application proposes the division of land within a vulnerable area, the application shall be accompanied by a Notice issued under Section 59 of the Clean Water Act, 2006.

2.1.7.6 Bulk Water Extraction and Uses Requiring Significant Water Usage

The extraction of water for commercial sale, and uses that require a Ministry approval for significant water usage shall require an amendment to this Official Plan. In preparing an application the proponent shall provide a hydrogeological report which analyses the effect of drawdown caused by the taking and confirms that such drawdown and taking will not impact the water supplies of surrounding land uses. Where bulk water taking or significant water usage is proposed within the WHPAs identified on Schedules D1 and D2 the RMO shall be provided with a notice of complete application and notice of public meeting.

2.1.7.7 Private Sewage Systems

The Trent Source Protection Plan requires new development to be serviced by a municipal sewage collection system, where connection is feasible given financial and technical constraints.

New private sewage systems shall not be located within a vulnerable area identified on Schedules D1 or D2, unless such system complies with requirements established by the approval authority for such system, which may require a mandatory maintenance inspection once every five years by the approval authority that has jurisdiction in the vulnerable area.

Planning approvals shall not be given to proposed land uses dependent upon large sewage systems (more than 10,000L/day) such as wastewater treatment plants, communal septic systems and some types of industrial sewage treatment systems where they would be a significant drinking water threat. Exceptions to this policy may be made where the MOECC has determined that all of the following conditions are met:

- a) The proposed system is intended to replace an existing activity or activities;
- b) The proposed system would be more protective of drinking water; and
- c) The instrument for the proposed activity contains conditions that ensure that it does not become a significant drinking water threat.

2.1.7.8 Pre-consultation and Planning Act Approvals

The policies of this section shall be read in conjunction with all other development policies in this Plan. Proponents that require municipal approval related to the construction, demolition, change of use, or an application under the Planning Act within the vulnerable areas identified on Schedules D1 or D2 are required to pre-consult with the Municipality, County and the Risk Management Official to ensure the proponent is aware of submission requirements, which will include a Notice issued by the Risk Management Official under Section 59(2) of the Clean Water Act and may also require the proponent to enter into a Risk Management Plan with the Risk Management Official.

2.1.7.9 Transport Pathways

A transport pathway is a condition of land resulting from human activity that increases the vulnerability of a raw water supply of a drinking water system. In the case of groundwater systems, transport pathways may include, but are not limited to:

- a) Wells or boreholes;
- b) Unused or abandoned wells;
- c) Pits and quarries;
- d) Mines;
- e) Construction activities involving deep excavations, such as a building foundation; and,
- f) Underground storm sewer, sanitary sewer and water distribution system infrastructure.

In the case of surface water systems, examples of transport pathways include storm drainage infrastructure and tile drains.

The Municipality shall establish a by-law prohibiting the approval of a proposal to engage in an activity that will result in the creation of a new transport pathway

If the Municipality becomes aware of a new transport pathway or modification of an existing transport pathway through a development application or any other application that relates to the Vulnerable Area for the municipal drinking water source, the municipality shall give the Source Protection Authority and the Source Water Protection Committee notice of the proposal.

When informing the Source Protection Authority and the Source Water Protection Committee about a new or modified transport pathway, notice must include:

- a) A description of the proposal;
- b) The contact information of the proponent responsible for the proposal; and,
- c) A description of the approvals the proponent requires to engage in the proposed activity.

PART C - THE APPENDICES

There are no appendices at this time.

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