

AMENDMENT NO. 1
OF THE OFFICIAL PLAN
FOR THE
COUNTY OF SIMCOE

Source Protection Implementation

CERTIFIED that the attached is a true copy of Official Plan Amendment No. 1 as adopted and passed by the Council of the Corporation of the County of Simcoe on the 13th day of September, 2016.



Clerk

OFFICIAL PLAN

FOR

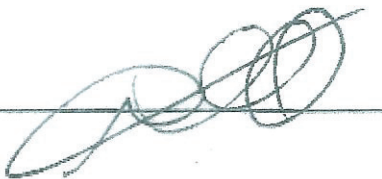
THE COUNTY OF SIMCOE

OFFICIAL PLAN AMENDMENT NO. 1

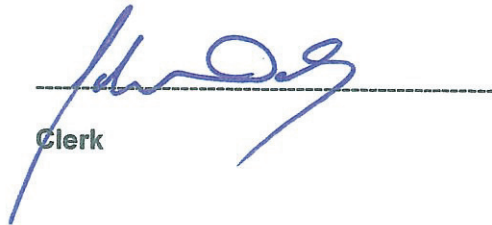
The attached explanatory text constitutes Amendment No. 1 to the Official Plan for the County of Simcoe.

This amendment was prepared and adopted by the Council of The Corporation of the County of Simcoe by By-law No 57 in accordance with Sections 17 and 21 of the Planning Act, R.S.O., 1990, c.P.13, as amended.

Warden

A handwritten signature in blue ink, consisting of several overlapping loops and curves, positioned above a solid horizontal line.

Clerk

A handwritten signature in blue ink, appearing as a series of connected strokes, positioned above a dashed horizontal line.

THE CORPORATION OF THE COUNTY OF SIMCOE

BY-LAW NO. 6576

A By-law to Adopt Official Plan Amendment No. 1 to the
Official Plan for the County of Simcoe

**THE COUNCIL OF THE CORPORATION OF THE COUNTY OF SIMCOE IN ACCORDANCE WITH
PROVISIONS OF THE PLANNING ACT, HEREBY ENACTS AS FOLLOWS:**

1. Amendment No. 1 to the Official Plan for the County of Simcoe, is hereby adopted.

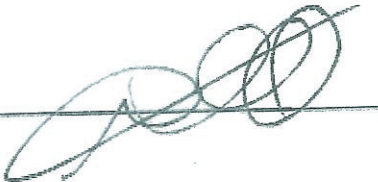
The Clerk is hereby authorized and directed to make application to The Ministry of Municipal Affairs for approval of the aforementioned Amendment No. 1 to the Official Plan for the County of Simcoe.

This By-law shall come into force and take effect on the day of the final passing thereof.

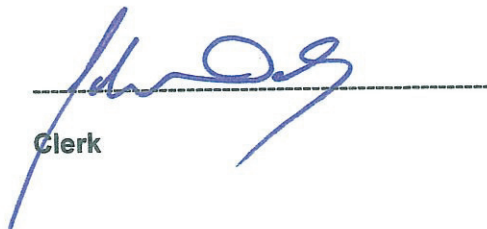
READ A FIRST AND SECOND TIME THIS 13th DAY OF Sept., 2016.

READ A THIRD TIME AND PASSED THIS 13th DAY OF Sept., 2016.

Warden



Clerk



**OFFICIAL PLAN AMENDMENT NO. 1
TO THE OFFICIAL PLAN
FOR THE COUNTY OF SIMCOE**

TABLE OF CONTENTS

THE CONSTITUTIONAL STATEMENT.....	5
PART A – THE PREAMBLE.....	6
TITLE.....	6
PURPOSE.....	6
LOCATION.....	6
BASIS.....	6
PART B – THE AMENDMENT	7
1.0 INTRODUCTION.....	7
2.0 DETAILS OF THE AMENDMENT	7
3.0 IMPLEMENTATION AND INTERPRETATION.....	14

THE CONSTITUTIONAL STATEMENT

The following Amendment to the Official Plan for the County of Simcoe consists of two parts.

PART A – THE PREAMBLE consists of the purpose, location and basis for the Amendment and does not constitute part of the actual Amendment.

PART B – THE AMENDMENT sets out the actual Amendment along with the specific policies to be added to the County of Simcoe Official Plan.

PART A – THE PREAMBLE

TITLE

The title of this Amendment is “Official Plan Amendment No. 1 to the Official Plan for the County of Simcoe”, herein referred to as Amendment No. 1.

PURPOSE

The purpose of Amendment No. 1 is to create policy to implement the Source Protection Plans within the County of Simcoe including the South Georgian Bay Lake Simcoe Source Protection Plan, CTC Source Protection Plan and the Saugeen, Grey Sauble, North Bruce Peninsula Source Protection Plan. In accordance with Section 40 of the *Clean Water Act*, the County of Simcoe is required to amend its Official Plan to conform with the Source Protection Plans and specifically with the significant threats set out in the Source Protection Plans.

LOCATION

Amendment No. 1 is a textual and mapping amendment and the policies apply to all lands located within the County of Simcoe.

BASIS

The *Clean Water Act* introduced a new level of protection for Ontario’s drinking water resources that establishes requirements for protecting drinking water resources at-source. The Act established roles and responsibilities for the Province, municipalities, and landowners in protecting drinking water resources for current and future generations.

Municipalities, including the County of Simcoe, are key partners in the Source Protection process and are represented on Source Protection Committees. Source Protection Committees led the process of implementing the *Clean Water Act* through the preparation of Risk Assessment Reports and Source Protection Plans for the areas they represent. Amendment No. 1 will ensure that the Official Plan for the County of Simcoe is consistent with the 2014 Provincial Policy Statement and in conformity with the South Georgian Bay Lake Simcoe Source Protection Plan, as required by Section 40 of the *Clean Water Act*.

PART B – THE AMENDMENT

1.0 INTRODUCTION

Part B – The Amendment, provides the following text and map schedules that constitutes Amendment No. 1 to the Official Plan for the County of Simcoe.

2.0 DETAILS OF THE AMENDMENT

The Official Plan for the County of Simcoe is hereby amended as follows:

- 2.1 A new Section ‘3.15’ entitled ‘Source Protection’ is hereby inserted after Section 3.14 with the following policies:**

“3.15 Source Protection

Source Protection Plans have been developed to protect existing and future supplies of municipal drinking water. In accordance with Section 40 of the *Clean Water Act, 2006*, *municipalities* are required to include source protection policies in their official plans to ensure that official plans conform to the significant threat policies of the Source Protection Plans. In addition, Section 39 of the *Clean Water Act, 2006* requires that all decisions under the *Planning Act* and *Condominium Act*, made by Council, must conform to the significant threat policies as set out in the Source Protection Plans.

Within the County of Simcoe, three Source Protection Plans apply. The South Georgian Bay Lake Simcoe Source Protection Plan applies to the majority of the lands within the County. The in-effect date of the South Georgian Bay Lake Simcoe Source Protection Plan is July 1, 2015.

The CTC Source Protection Plan applies to the southern portion of the Township of Adjala-Tosorontio and is generally associated with the lands subject to the Oak Ridges Moraine Conservation Plan within the County of Simcoe. The in-effect date of the CTC Source Protection Plan is December 31, 2015.

The Saugeen, Grey Sauble, North Bruce Peninsula Source Protection Plan applies generally to lands north and south of Highway 26 and east of Long Point Road and County Road 34 in the Town of Collingwood and north and south of County Road 91 and County Road 95 in the Township of Clearview. The in-effect date of the Saugeen, Grey Sauble, North Bruce Peninsula Source Protection Plan is July 1, 2016.

The Source Protection Plans and Assessment Reports identify vulnerable areas which are locations where threats to municipal drinking water resources could impact the quality and quantity of those sources.

Vulnerable Areas may include:

- Wellhead Protection Areas (WHPA-A, B, C, C1, D, E, Q1, Q2)
- Surface Water Intake Protection Zones (IPZ-1, 2, 3)
- Highly Vulnerable Aquifers (HVA)
- Significant Groundwater Recharge Areas (SGRA)

All official plans and zoning bylaws must conform to the Source Protection Plans, however, nothing in this *Plan* prevents a *local municipality* from being more restrictive in its official plan or zoning by-law, unless by doing so would conflict with any of the policies and objectives of the Source Protection Plans.

The major provisions of the Source Protection Plans relevant to the *County* level have been incorporated into this *Plan*; however, these policies must be read in conjunction with the detailed provisions of the Source Protection Plans and the local official plan and zoning bylaw.

The following policies apply only to those lands in the County of Simcoe that are identified within the South Georgian Bay Lake Simcoe Source Protection Plan, the CTC Source Protection Plan and the Saugeen Grey Sauble North Bruce Peninsula Source Protection Plan and are shown on Schedules 5.2.4, 5.2.5 and 5.2.6.

Despite Section 5.8, where the South Georgian Bay Lake Simcoe Source Protection Plan provides a definition of a term, the term is shown in bold in this *Plan*.

Objectives

- 3.15.1 To ensure the quality and quantity of municipal drinking water supplies are protected from incompatible land uses and activities.
- 3.15.2 To support *local municipalities* in implementing the Source Protection Plans through the identification of **vulnerable areas** and the development of policies and provisions to prohibit or restrict land uses that would be a significant threat to municipal drinking water supplies.
- 3.15.3 To encourage the development of education and community outreach programs in collaboration with the Source Protection Authority, *local municipalities* and the *Province* to promote **best management practices** to protect **surface water** and **groundwater** resources.

Policies

- 3.15.4 The policies of the South Georgian Bay Lake Simcoe Source Protection Plan, CTC Source Protection Plan, and Saugeen, Grey Sauble, North Bruce Peninsula Source Protection Plan apply to **vulnerable areas** in their respective source protection regions within the County of Simcoe. In accordance with Section 39 of the *Clean Water Act*, 2006, decisions under the *Planning Act* and *Condominium Act* are required to conform to the policies as set out in the

Source Protection Plans. **Vulnerable areas** include **Wellhead Protection Areas, Surface Water Intake Protection Zones, Highly Vulnerable Aquifers** and **Significant Groundwater Recharge Areas** as applicable. **Vulnerable areas** in the County are generally shown on Schedules 5.2.4, 5.2.5 and 5.2.6. More detailed mapping can be found in *local municipal* official plans or in the Source Protection Plans and Assessment Reports.

- 3.15.5 The *local municipal Risk Management Official*, or other qualified individual through the *Clean Water Act*, shall be responsible for determining when an existing or future land use or activity is, or may be, a significant **drinking water threat**.
- 3.15.6 *Local municipalities* are encouraged to develop a screening process and tools for *development* applications in a **vulnerable area** to assess potential risks to municipal drinking water resources and to determine if circulation to the **Risk Management Official** is required in accordance with policy 3.15.5.
- 3.15.7 *Local municipalities* are encouraged to enact pre-consultation by-laws that require pre-consultation on *Planning Act* applications within **vulnerable areas**.

Water Quality

- 3.15.8 Within **Wellhead Protection Areas** and **Surface Water Intake Protection Zones** as identified in *local municipal* official plans or in the South Georgian Bay Lake Simcoe Source Protection Plan and Assessment Reports, the following future land uses shall be prohibited, where they would be a significant **drinking water threat**:
- a) Waste disposal sites within the meaning of Part V of the *Environmental Protection Act* (excluding storage of wastes described in clauses (p), (q), (r), (s), (t), or (u) of the definition of hazardous waste (O.Reg.347) and storage of hazardous or liquid industrial waste);
 - b) Large (more than 10,000 Litre) on-site sewage system;
 - c) **Agricultural source material** storage facilities;
 - d) **Non-agricultural source material** storage facilities;
 - e) Commercial fertilizer storage facilities;
 - f) Pesticide storage facilities;
 - g) Road salt storage facilities;
 - h) Snow storage facilities;
 - i) Fuel storage facilities;
 - j) **Dense Non-Aqueous Phase Liquid (DNAPL)** storage facilities;
 - k) **Organic solvent** storage facilities; and
 - l) Outdoor confinement or farm animal yard in WHPA-A/IPZ-1.
- 3.15.9 All land uses, except residential, are designated for the purposes of Section 59 of the *Clean Water Act*. Any planning application for non-residential uses that are submitted on lands within **Wellhead Protection Areas** and **Surface Water Intake Protection Zones** in *local municipalities* as shown in official plans, local zoning bylaws or in the South Georgian Bay

Lake Simcoe Source Protection Plan and Assessment Reports, must include a Notice from the **Risk Management Official** as part of a complete application.

3.15.10 The design of **impervious** surfaces in **vulnerable areas** should incorporate measures such as low impact design and appropriate site grading to minimize the application of road salt and to reduce ponding and run-off. *Local municipalities* are encouraged to use **best management practices** and site plan control to manage the design of **impervious** surfaces in **vulnerable areas**.

3.15.11 **Highly Vulnerable Aquifers** can inform the vulnerability of **Wellhead Protection Areas** and where significant **drinking water threats** may occur within existing and future **Wellhead Protection Areas**. *Local municipalities* will develop policies to assess **major development** applications in **Highly Vulnerable Aquifers** involving land uses such as the storage of bulk fuels or chemicals as deemed necessary by the *local municipality*.

Within the Township of Adjala-Tosorontio, the municipality is encouraged to require a salt management plan as part of a complete application for development which includes new roads and parking lots in **Highly Vulnerable Aquifers** in the CTC Source Protection Region where the application of road salt would be a moderate or low **drinking water threat**. The salt management plan should include, but is not limited to, mitigation measures regarding design of parking lots, roadways and sidewalks to minimize the need for repeat application of road salt such as reducing ponding in parking areas and directing stormwater discharge outside of vulnerable areas where possible.

Stormwater Management and Sewage Systems

3.15.12 Where a *development* proposal includes new stormwater management facilities in a **vulnerable area**, a Master Servicing Study/Servicing Options Report shall be required as part of a complete application to ensure the design minimizes the risk of contaminating drinking water and directs the discharge of stormwater to lands outside the **vulnerable area**, where it would be a low, moderate or significant **drinking water threat**. *Local municipalities* are encouraged to use site plan control to manage the design and discharge of stormwater management facilities in vulnerable areas.

3.15.13 Where services and **reserve sewage system capacity** exist, *local municipalities* are encouraged to consider enacting bylaws to require mandatory connection to existing *municipal sewage services* in **vulnerable areas** where *individual on-site sewage services* are a significant **drinking water threat**.

3.15.14 New *private communal sewage services* or *municipal sewage services* that would be a significant **drinking water threat** should be located outside of **vulnerable areas**, where possible. Where a *development* proposal includes new *private communal sewage services* or *municipal sewage services* in a **vulnerable area**, a Master Servicing Study/Servicing Options Report shall be required as part of a complete application.

- 3.15.15 In **vulnerable areas** where a future *individual on-site sewage service* would be a significant **drinking water threat**, new *development* including lot creation, based on *individual on-site sewage services* may be permitted, only where the lot size for the proposed *development* is based on the most current version of Ministry of the Environment and Climate Change (MOECC) guidelines for individual on-site servicing. Lots of record that exist on the effective date of the South Georgian Bay Lake Simcoe Source Protection Plan are exempted.
- 3.15.16 New *individual on-site sewage services* shall not be permitted within the WHPA-A of the Georgian Sands & Lafontaine Nitrate Issues Contributing Area located in Tiny Township, except where permitted under the source protection transition policies set out in this *Plan* or in the South Georgian Bay Lake Simcoe Source Protection Plan.

Water Quantity

- 3.15.17 New **major development** (excluding single detached residential, barns and non-commercial structures that are accessory to an agricultural operation) that may reduce the recharge of an aquifer in a **WHPA-Q2** with a moderate or significant risk level are only permitted where it can be demonstrated through the submission of a Hydrogeological Study that the existing water balance can be maintained through the use of **best management practices** such as low impact design. Where necessary, implementation and maximization of off-site recharge enhancement within the same **WHPA-Q2** area to compensate for any predicted loss of recharge from the development shall occur.
- 3.15.18 The use of **best management practices** such as low impact design to maintain pre-development recharge rates for **non-major developments** or *site alterations* that would be a significant **drinking water threat** in a **WHPA-Q2** assigned a moderate or significant risk level shall be required.
- 3.15.19 **Significant Groundwater Recharge Areas** may be considered when evaluating **major development** applications to ensure **groundwater recharge** is not detrimentally affected through **impervious** surfaces. *Local municipalities* will require an assessment of the impacts of **major development** proposals on **groundwater recharge** and establish policies and **best management practices** to maintain pre-development **recharge** rates.

Water Taking

- 3.15.20 Where an application for an Official Plan Amendment is submitted to permit a land use that requires the removal of water from an **aquifer** without returning the water to the same **aquifer** in a **WHPA-Q1** that has a moderate or significant risk level, the following must be demonstrated:
- a) The taking of water would not cause draw down impacts beyond a safe level and preclude any *local municipality* from maintaining their municipal well(s) above a safe level of drawdown under the scenarios tested in the Tier 3 Risk Assessment as part of the South Georgian Bay Lake Simcoe Source Protection Plan; and

- b) That the increased water removal is sustainable as determined by the Ministry of the Environment and Climate Change (MOECC) in accordance with the South Georgian Bay Lake Simcoe Source Protection Plan and the *Ontario Water Resources Act*.

Settlement Area Boundary Expansion

3.15.21 *Settlement area* boundary expansions should avoid **WHPA-Q2**. If no alternative locations for expansion are available within a **WHPA-Q2**, the *County* will require that water supply servicing constraints be examined to demonstrate that the expansion will not become a significant threat to municipal drinking water resources or reduce the **recharge** of an **aquifer**.

Transitional Provisions

3.15.22 In accordance with the applicable source protection plans, future threat land uses that are prohibited will be treated and managed as existing threat land uses even though those land uses will commence after the Source Protection Plan comes into effect only where:

- a) A **drinking water threat** land use that is related to a *development* proposal where a complete application was made under the *Planning Act* or *Condominium Act* prior to the day the Source Protection Plan came into effect. This policy also applies to any further applications required under the *Planning Act*, *Condominium Act*, or prescribed instruments to implement the *development* proposal;
- b) A **drinking water threat** land use that is related to an application for a Building Permit, which has been submitted in compliance with Division C 1.3.1.3 (5) of the *Ontario Building Code Act* prior to the day the Source Protection Plan came into effect; or,
- c) A **drinking water threat** land use that is related to an application made for the issuance or amendment of a prescribed instrument prior to the day the Source Protection Plan came into effect.

Implementation

3.15.23 *Local municipalities* shall identify and/or map **vulnerable areas** and establish policies in their official plans and provisions in their zoning bylaws to implement the policies of the South Georgian Bay Lake Simcoe Source Protection Plan, CTC Source Protection Plan, and Saugeen, Grey Sauble, North Bruce Peninsula Source Protection Plan, as applicable, in accordance with the requirements of the *Clean Water Act*. **Vulnerable areas** include **Wellhead Protection Areas**, **Intake Protection Zones**, **Highly Vulnerable Aquifers** and **Significant Groundwater Recharge Areas**, as applicable.

3.15.24 For those lands where **Wellhead Protection Areas** of adjacent municipalities extend into the County, *local municipalities* shall ensure that comments are obtained from the appropriate municipality or source protection authority prior to approval being considered.”

2.2 In the existing Section 4.11.18 ‘Implementation’, the following is hereby inserted:

“(ff) Risk Management Plan (Source Protection)”

“(gg) Notice to Proceed from Risk Management Official (Source Protection)”

2.3 In the existing Section 4.11.18, the following change is hereby made:

Within the second paragraph, the reference to ‘ee)’ shall be replaced by ‘gg)’.

2.4 Within Part 5 ‘Schedules’, the following is hereby inserted:

“5.2.4 Wellhead Protection Areas and Surface Water Intake Protection Zones

5.2.5 Highly Vulnerable Aquifers

5.2.6 Significant Groundwater Recharge Areas”

2.5 That a new Map Schedule 5.2.4 – Wellhead Protection Areas and Surface Water Intake Protection Zones dated July 22, 2016, attached as Schedule A to this amendment be added to the County of Simcoe Official Plan.

2.6 That a new Map Schedule 5.2.5 – Highly Vulnerable Aquifers dated July 22, 2016, attached as Schedule B to this amendment be added to the County of Simcoe Official Plan.

2.7 That a new Map Schedule 5.2.6 – Significant Groundwater Recharge Areas dated July 22, 2016, attached as Schedule C to this amendment be added to County of Simcoe Official Plan.

2.8 In Schedule 5.8 ‘Definitions’, the following is hereby inserted after the second paragraph:

“Despite Section 5.8, where the South Georgian Bay Lake Simcoe Source Protection Plan provides a definition of a term, the term is shown in **bold** in this *Plan*.”

3.0 IMPLEMENTATION AND INTERPRETATION

The provisions of the Official Plan for the County of Simcoe, as amended from time to time, regarding the implementation and interpretation of the Plan shall apply in regard to this Amendment.