



## **PLANNING REPORT for the TOWN OF MINTO**

Prepared by the County of Wellington Planning and Development Department

**DATE:** September 11, 2018  
**TO:** Bill White, C.A.O.  
Town of Minto  
**FROM:** Linda Redmond, Manager of Planning & Environment  
County of Wellington  
**SUBJECT:** **Drinking Water Source Protection  
Zoning By-law Amendment**

### **PLANNING OPINION**

We recommend approval of this proposed Zoning Amendment that would bring the Minto Zoning By-Law into conformity with applicable Source Protection Plans and the County Official Plan. A Draft By-Law is attached.

### **PROPOSAL**

The purpose of the proposed amendment is to bring the Minto Zoning By-Law into conformity with the Maitland Valley and Saugeen Valley Source Protection Plans.

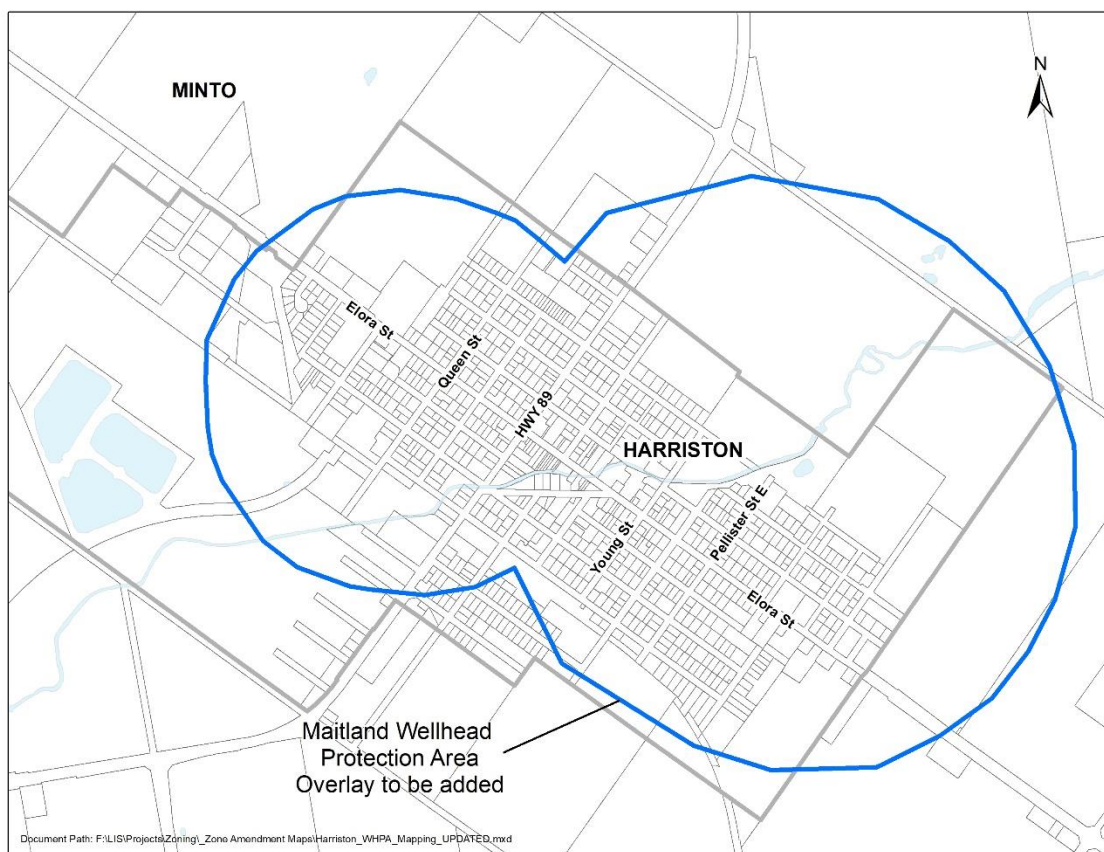
### **BACKGROUND**

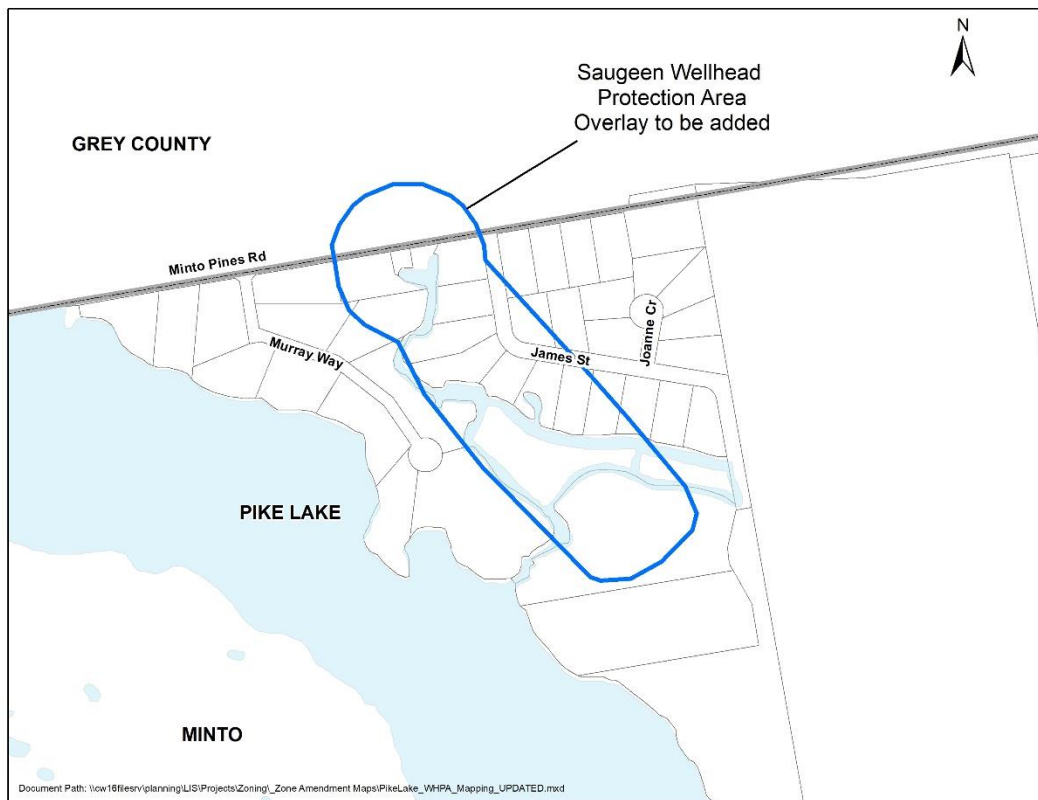
The *Clean Water Act*, 2006 introduced a new level of protection for Ontario's drinking water resources and new requirements for protecting vulnerable drinking water resources at-source. One requirement is that each Source Protection Area (based on watersheds) must produce a Source Protection Plan.

The Harriston and Palmerston municipal wells are in the Maitland Valley Source Protection Plan and the Clifford and Pike Lake municipal wells are in the Saugeen Valley Source Protection Plan. County Council amended the Official Plan to conform with all of the Source Protection Plans in Wellington through Official Plan Amendment No. 98 (OPA 98). OPA 98 was Adopted in May, 2016.

### **SUBJECT LANDS**

The lands subject to the amendment are the lands within the Wellhead Protection Areas shown on the maps below.





The lands subject to the Saugeen Valley (SVCA) Wellhead Protection Overlay is in the Clifford Urban Centre and are mostly zoned: Central Commercial (C1); Mixed Use (MU1 and MU2); Highway Commercial (C2); Shopping Centre Commercial (C4); Industrial (M1); the full range of Residential Zones; Institutional (IN); Future Development (FD); and Natural Environment (NE). Pike Lake (Minto Pines) is also subject to the SVCA overlay and include lands zoned Estate Residential (ER).

The lands subject to the Maitland Valley Wellhead Protection Overlay are in the Harriston and Palmerston Urban Centres and are zoned mostly: Central Commercial (C1); Mixed Use (MU1 and MU2); Highway Commercial (C2); Shopping Centre Commercial (C4); Industrial (M1); the full range of Residential Zones; Institutional (IN); Future Development (FD); and Natural Environment (NE).

### **SOURCE PROTECTION PLANS**

Source Protection Plans identify tools for implementing each policy for each specific threat. The implementation tools can include: prescribed instruments (such as Ministry of Environment Certificates of Approval); prohibition or risk management by the Risk Management Official under the *Clean Water Act*; and land use policy or regulation under the *Planning Act*.

#### **Saugeen Valley Source Protection Plan**

The Saugeen Valley Source Protection Plan relies on land use policy and regulation to prohibit land disposal of waste in vulnerable areas.

The Saugeen Valley Plan also contains policies to be addressed related to: sewer requirements for new lots; stormwater management review requirements; separation of combined sewers; and prevention of infiltration of waste water into groundwater aquifers. These policies are already in the Official Plan where they are more appropriately addressed, and are outside the scope of Zoning By-Law powers in our view.

The Saugeen Valley Source Protection Plan also requires the Official Plan and Zoning By-Law to include:

- mapping that identifies the vulnerable areas (in Minto these are Wellhead Protection Areas A through C) where activities would be significant threats (future activities);
- text that identifies that policies within the Source Protection Plan may apply to activities in these areas.

### **COUNTY OFFICIAL PLAN**

The County Official Plan shows the relevant Wellhead Protection Areas in Minto on Schedule B6 and the main policies that relate to these areas are excerpted below:

#### **Section 4.9.5.3 Land Use and Activity Prohibitions, Regulations and Restrictions within Vulnerable Areas**

Notwithstanding the land uses permitted by the underlying land use designation in this Official Plan:

- Permitted land uses that involve a significant drinking water threat within a vulnerable area identified in Schedule B to this Plan may be either prohibited or regulated by the applicable Source Protection Plan;
- The County's Risk Management Official shall determine whether a new land use or activity is, or involves, a significant drinking water threat in accordance with the *Clean Water Act*, 2006 and whether the use or activity is prohibited or regulated through a Risk Management Plan in accordance with the applicable Source Protection Plan; and

***Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan Area***

The following policies shall apply to lands within the County that are located within the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan Area as identified in Appendix 4:

- a) The following waste disposal facilities shall be prohibited within WHPAs with a vulnerability score of 8 or 10, and IPZs with a vulnerability score of 10, where they would be considered a significant drinking water threat:
  - i. Land disposal of petroleum refining waste within the meaning of clause (d) of the definition of "land disposal" in section 1 of Regulation 347 (General – Waste Management) R.R.O. 1990 made under the *Environmental Protection Act*;
  - ii. Land disposal of municipal waste, hazardous waste, liquid industrial waste, or processed liquid industrial waste, within the meaning of clauses a) and b) of the definition of "land disposal" in section 1 of Regulation 347 (General – Waste Management) R.R.O. 1990 made under the *Environmental Protection Act*; and
  - iii. Land disposal of liquid industrial waste, industrial waste, or commercial waste within the meaning of clause (c) of the definition of "land disposal" in section 1 of Regulation 347 (General – Waste Management) R.R.O. 1990 made under the *Environmental Protection Act*.
- b) Where the establishment, operation or maintenance of a septic system within WHPAs and IPZs with a vulnerability score of 10 would be considered a significant drinking water threat, new lots created through severance or subdivision under the Planning Act shall only be permitted by the approval authority where the lots will be serviced by a municipal sewage system.
- c) The local area municipality shall consider establishing or continuing programs that reduce infiltration of waste water into groundwater aquifers from sanitary sewers and

related pipes or discharge from a stormwater management facility within a WHPA with a vulnerability score of 10.

## **PLANNING DISCUSSION**

When a building permit or planning application is submitted, it is screened at the Town (or County for consents) as to whether it is in a Wellhead Protection Area. If the subject lands are in a Wellhead Protection Area and it meets other screening criteria, the application is forwarded to the Risk Management Official for review. The Risk Management Official then determines what requirements, if any, need to be addressed by the applicant. The forms and procedures for this process, which are already in place at the Town and the County, will not need to change as a result of the proposed amendment.

When dealing with drinking water source protection it is helpful to recognize that there is a difference between a "land use" and an "activity that would be a significant drinking water threat". Depending on the specific nature of the business, a "land use", such as Industrial, may or may not include a significant threat activity. For example, while manufacturing may be a permitted industrial *use*, a risk management plan detailing measures on chemical handling and storage *activities* may be required prior to *Planning Act* approval or Building Permit issuance. Equally, if the proposed industrial use will not involve any significant drinking water threat activities, then there would be no additional requirements.

The Zoning By-Law currently has provisions that prohibit a landfill/waste disposal site across the Town; the wording of these provisions is somewhat dated. The Saugeen Valley Source Protection Plan also has policies that prohibit land disposal of waste in the vulnerable areas. The terminology related to waste disposal was reviewed and is proposed to be changed to: bring the terminology up to date; and, to conform with the Saugeen Valley Source Protection Plan. The amended By-Law would exceed the Saugeen Plan requirements in our view because the provisions would apply Town-wide.

## **DRAFT ZONING BY-LAW**

The Draft Zoning By-Law Amendment that has been circulated for comments would:

- i) Add the Saugeen Valley and Maitland Valley Wellhead Protection Area Overlays to Maps 2, 3, 4 and 6;
- ii) Add provisions that any use that is, or would be, a significant drinking water threat is required to conform with all policies of the applicable Source Protection Plan and, as such, may be prohibited, restricted, or otherwise regulated by the applicable Source Protection Plan;
- iii) Revise Section 6.35.2 Restricted Uses to update the wording and to conform with Saugeen Source Protection Plan significant threat policies on waste disposal; and

iv) Include new definitions as needed.

A draft Zoning By-law Amendment has been prepared for public and agency review and Council's consideration, and is attached to this report.

Respectfully submitted

County of Wellington Planning and Development Department

A handwritten signature in cursive script, appearing to read "L. Redmond".

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Linda Redmond

Manager of Planning and Environment