

**PLANNING DEPARTMENT  
REPORT – 18/10**

**TO:** THE MAYOR AND MEMBERS OF COUNCIL

**FROM:** RACHEL MARTIN, TOWNSHIP PLANNING CONSULTANT

**MEETING DATE:** MONDAY FEBRUARY 5, 2018

**SUBJECT:** ZONING BY-LAW AMENDMENT 01/18 – TOWNSHIP OF  
GUELPH/ERAMOSA SOURCE PROTECTION  
SCREENING AREAS

**LOCATION & WARD:** ALL OF THE LANDS IN THE TOWNSHIP OF  
GUELPH/ERAMOSA

**ATTACHMENTS:** 1 – COUNTY OF WELLINGTON OFFICIAL PLAN,  
SCHEDULE B3  
2 – DRAFT BY-LAW

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**RECOMMENDATION:**

It is recommended that the Council of the Township of Guelph/Eramosa receive Planning Department Report 18/10 regarding “ZONING BY-LAW AMENDMENT 01/18 – Township of Guelph/Eramosa Source Protection Screening Areas”; and

That the Township proceed with the required notice of a complete application and required notice of a public meeting as per s. 34 (10.7) and s. 34 (13) of the Planning Act and Ontario Regulation 545/06; and

That the Zoning By-law Amendment application, together with the Notice of Complete Application and Notice of Public Meeting, be circulated to the required agencies for comment as per the Planning Act; and

That the Township Planning Consultant proceed with preparing a supplementary Planning Report to be available at the Public Meeting.

## **BACKGROUND:**

The purpose of this Zoning By-law Amendment is to bring the Township's Zoning By-law into conformity with the County of Wellington Official Plan as required by the Province of Ontario Clean Water Act.

The Clean Water Act of 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 Lake Erie Source Protection Area produced the Grand River Source Protection Plan and the province approved the plan in November 2015. The Grand River Source Protection Plan, in turn, required the County of Wellington Official Plan to be brought into conformity.

The County amended the Official Plan to conform with the Grand River Source Protection Plan through Official Plan Amendment No. 98 (OPA 98). OPA 98 was adopted in May, 2016. The Grand River Source Protection Plan also requires Zoning By-Laws to be amended within two years from adoption of the Official Plan conformity amendment (May 2018).

The Township's Zoning By-Law currently has provisions for wellhead protection and a related map schedule based on the Official Plan mapping that was established in 2007 based on the best available technical studies at the time. These existing provisions and schedule now need to be replaced to reflect the Grand River Source Protection Plan and the recently updated County of Wellington Official Plan.

## **GRAND RIVER SOURCE PROTECTION PLAN:**

The Grand River Source Protection Plan does not rely directly on land use policy or regulation for implementation, relying instead on prescribed instruments or Risk Management Official powers for implementation.

Specifically, the Grand River Source Protection Plan requires the Official Plan and Zoning By-Laws of all member Municipalities to:

- Identify the vulnerable areas in which drinking water threats would be significant; and,
- Indicate that within these areas, any use or activity that is, or would be, a significant threat is required to conform with all applicable Source Protection Plans and, as such, may be prohibited, restricted or otherwise regulated by those policies.

### **COUNTY OFFICIAL PLAN:**

The County Official Plan was amended in 2016 to conform to and implement the Grand River Source Protection Plan. The County Official Plan shows the relevant Wellhead Protection Areas in Guelph/Eramosa on Schedule B3 (See Attachment 1), and new policy framework was put in place.

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

### **DRAFT ZONING BY-LAW:**

The proposed Zoning By-law Amendment is to replace the existing wellhead protection regulations found in Section 4.18 of the Township's Zoning By-law with new regulations that implement the new Source Water policies of the Official Plan. Specifically the By-law will:

- i. Add the "Source Protection Screening Area Overlay" to Schedule C.
- ii. Delete Section 4.18 Well Head Protection Areas and replace it with an updated title and section stating that any use or activity that is, or would be, a significant drinking water threat is required to conform with all applicable Grand River Source Protection Plan policies and, as such, may be prohibited, restricted, or otherwise regulated by that Source Protection Plan.
- iii. Revise Section 3 "Existing" definition to recognize new source protection provisions for existing uses.
- iv. Include new definitions related to the terminology of the Grand River Source Protection Plan.

A Draft Zoning By-law is attached.

**CONSULTATION:**

This Zoning By-law Amendment is initiated by the Township. The Township will follow the regular process of Notice and public meeting as required by the Planning Act. Additional public consultation is not required.

**MATERIALS SUBMITTED:**

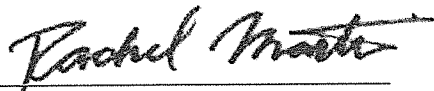
The following documentation in support of this application:

- Zoning By-law Amendment Application Form
- Public Consultation Strategy Form
- Draft By-law

**CONCLUSION:**

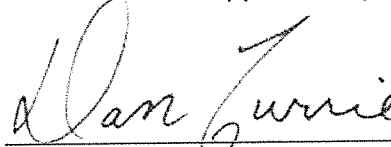
The application has been reviewed in terms of the Planning Act requirements for a complete application (Regulation 545/06, Schedule 1) and the applicable provisions of the Zoning By-law. The application is **deemed to be complete** and will be circulated and reviewed by relevant staff and agencies before being presented at a Public Meeting.

Respectfully submitted by:



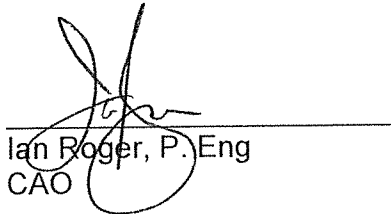
Rachel Martin, BES  
Township Planning Consultant

Reviewed and approved by:



Dan Currie, RPP, MCIP  
MHBC Planning

Reviewed by:

  
Ian Roger, P. Eng  
CAO

ATTACHMENT 1: COUNTY OF WELLINGTON OFFICIAL PLAN, SCHEDULE B3  
(NEXT PAGE)



# Where Significant Drinking Water Threat Policies Apply

Significant Drinking Water Threat Policy Categories	Vulnerability Scores on Map		
	10	8	2,4,6
1. Waste Disposal			
2. Sewage Systems			
3, 4. Agricultural Source Material			
6, 7. Non-Agricultural Source Material*			
8, 9. Commercial Fertilizer*			
10, 11. Pesticide			
12, 13. Road Salt*			
14. Storage of Snow			
15. Fuel			
16. DNAPLs			
17. Organic Solvents			
18. Aircraft De-icing			
21. Livestock Area			
Local Oil Pipelines			
Threat			

Note: This table provides a summary of the activities listed in the Clean Water Act (2008) that apply as Prescribed Drinking Water Threats (PDWT). For details refer to the text of the Source Protection Plan and the Ministry of the Environment Drinking Water Threats Tables.

\*Application of Commercial Fertilizer, Non-Agricultural Source Material, and Road Salt may not be a significant drinking water threat in some areas due to the % managed land, livestock density, and/or % impervious surface calculations for these areas. See the text of the Source Protection Plans for further details.

Significant Drinking Water Threat Policy Categories	Identified Issue		
	Chloride	Nitrate	Sodium
1. Waste Disposal	✓	✓	✓
2. Sewage Systems	✓	✓	✓
3, 4. Agricultural Source Material	✓	✓	✓
6, 7. Non-Agricultural Source Material	✓	✓	✓
8, 9. Commercial Fertilizer	✓	✓	✓
11, 13. Road Salt	✓	✓	✓
14. Storage of Snow	✓	✓	✓
16. DNAPLs	✓	✓	✓
21. Livestock Area	✓	✓	✓

Note: This table provides a summary of the activities listed in the Clean Water Act (2008) that apply as Prescribed Drinking Water Threats (PDWT) in the Issues Contributing Areas shown on this map. For details refer to the text of the Source Protection Plan and the Ministry of the Environment Drinking Water Threats Tables.

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Sources:  
County of Wellington, 2016.  
Ministry of Natural Resources, 2016.

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Document Path: F:\USProjects\Official Plan\Official Plan Schedules and Mapping\Schedule B-3\_Guelph-Eramosa.mxd

## Schedule B3 Guelph-Eramosa Township



### Legend

- Source Protection Plan Boundary
- Paris Galt Moraine Policy Area

### Wellhead Protection Area

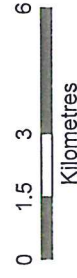
- A
- B
- C

### Vulnerability Score

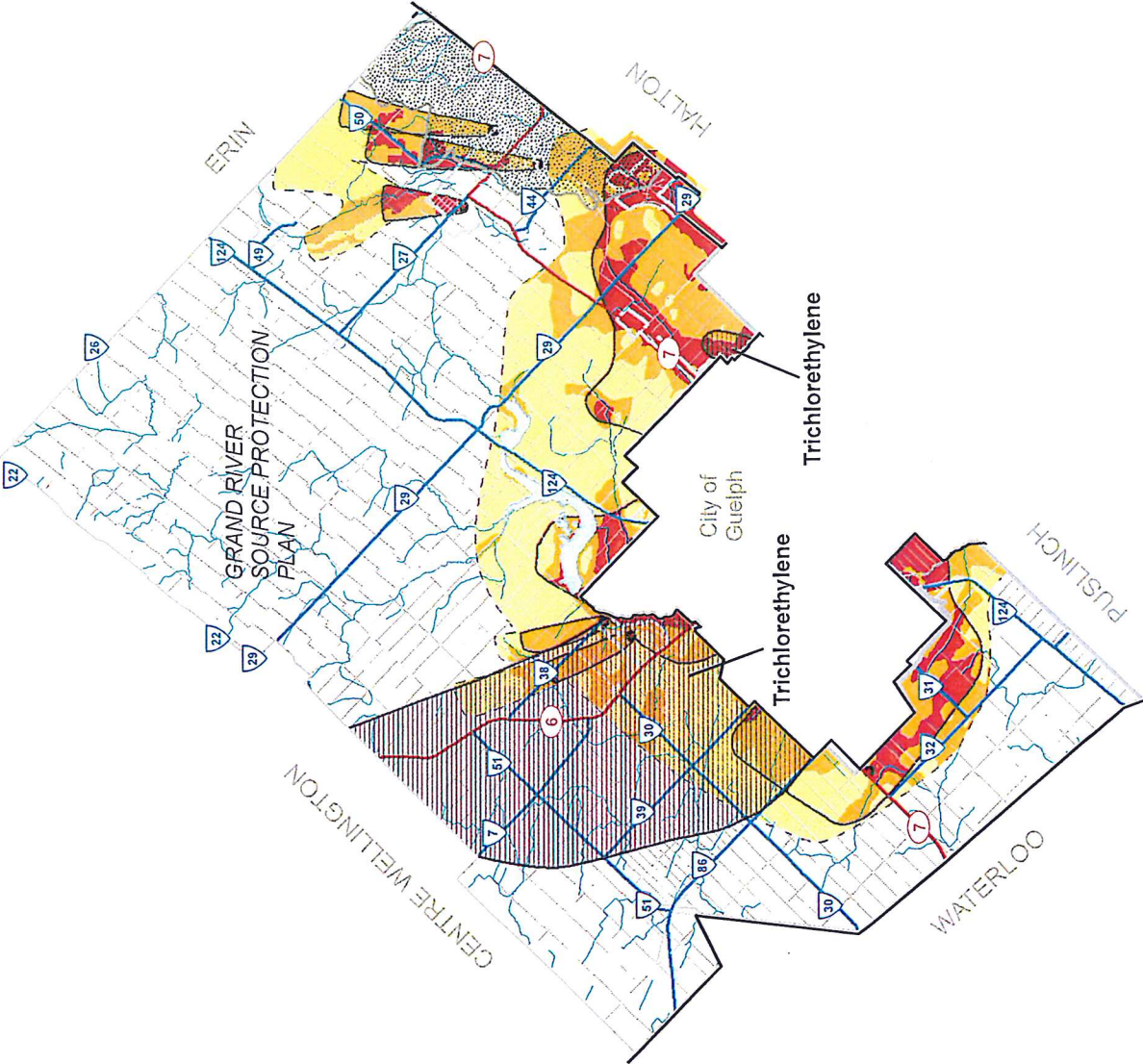
- 10
- 8
- 2,4,6

### Issues Contributing Area

NOTE: These areas can be viewed in greater detail at: <http://www.wellington.ca/en/discover/maps.f>  
Click on the "Sourcewater Protection" button



Printed: May 12, 2016.



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**ATTACHMENT 2: DRAFT BY-LAW (NEXT PAGE)**

**THE CORPORATION OF THE TOWNSHIP OF GUELPH/ERAMOSA  
BY-LAW NUMBER 2018-01**

**Being a By-law to amend By-law 40/2016, being a  
Zoning By-law for the Township of Guelph/Eramosa**

WHEREAS the Council of the Corporation of the Township of Guelph/Eramosa deems it desirable to amend said By-law Number 40/2016, as amended.

NOW THEREFORE the Council of the Corporation of the Township of Guelph/Eramosa enacts as follows:

1. THAT Section 3, Definitions is amended by including the following new definitions in alphabetical order:

**ACTIVITY** means one or a series of related processes that occurs within a geographical area and may be related to a particular land use.

**SIGNIFICANT DRINKING WATER THREAT** means a drinking water threat that, according to a risk assessment, poses or has the potential to pose a significant risk (Clean Water Act).

**SOURCE PROTECTION PLAN** means a drinking water source protection plan prepared under the Clean Water Act (Clean Water Act).

**WELLHEAD PROTECTION AREA** means an area that is related to a wellhead and within which it is desirable to regulate or monitor drinking water threats (Ontario Regulation 287/07).

**SECTION 59 NOTICE** refers to the requirement under Section 59 of the Clean Water Act, which requires issuance of a notice from the County's Risk Management Official before permitting an activity that is considered a restricted land use as identified in the Grand River Source Protection Plan.

2. THAT Section 3, Definitions – Existing, is amended by adding the following at the end:

“, except as provided for in Section 4.18.3 Source Protection Screening Areas as it relates to significant drinking water threats.”

3. THAT Section 3, Definitions – Category A Uses, Category B Uses, and Category C Uses, be deleted
4. THAT Section 4.18 WELL HEAD PROTECTION AREAS is amended by deleting the section in its entirety and replacing it with the following:

**4.18 SOURCE PROTECTION SCREENING AREAS**

Within the Source Protection Vulnerable Areas Overlay shown on Schedule 'C', any use or *activity* that is, or would be, a *significant drinking water threat* is required to conform with all applicable Grand River Source Protection Plan policies and, as such, may be prohibited, restricted, or otherwise regulated by that Source Protection Plan.

**4.18.1** An application for development, redevelopment, or site alteration within a Source Protection Vulnerable Area, where a drinking water threat could be significant, shall only be deemed complete under the *Planning Act* if submitted



with a Section 59 Notice issued by the Risk Management Official, in accordance with the *Clean Water Act, 2006* and the Grand River Source Protection Plan.

4.18.2 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 Grand River Source Protection Plan.

4.18.3 EXISTING USES IN SOURCE PROTECTION SCREENING AREAS

Within the Source Protection Screening Area Overlay shown on Schedule 'C', existing means:

- a) A use, activity, building or structure at a location in a vulnerable area that is in compliance with all applicable regulations on the effective date of the Grand River Source Protection Plan, or at some point prior to the effective date of the Grand River Source Protection Plan with a demonstrated intent to continue; or
- b) An expansion of an existing use or activity, which may include a new building or structure to service the existing use or activity, where the expansion reduces the risk of contaminating drinking water, unless such expansion is prohibited by any other provision of this By-Law; or
- c) The expansion, replacement or alteration of an existing building or structure associated with a significant drinking water threat that does not increase the risk of contaminating drinking water, unless such expansion, replacement or alteration is prohibited by any other provision of this By-Law; or
- d) The conversion of an existing use to a similar use, provided it is demonstrated that the conversion will reduce the risk of contaminating drinking water.

5. THAT Schedule C is deleted and replaced with the attached Schedule C.

6. This By-law shall come into effect on the final passing thereof by the Council of Corporation of the Township of Guelph/Eramosa, subject to compliance with the provisions of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

READ a first and second time this            day of            , 2018.

READ a third time and passed this            day of            , 2018.

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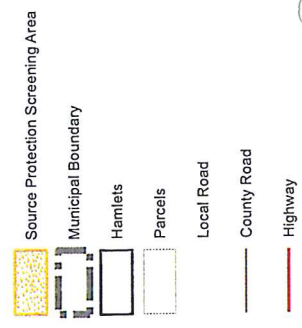
Chris White, Mayor

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Ian Rogers, CAO

# Schedule C

## Source Protection Screening Area Overlay



To be read in conjunction with Zoning Bylaw 402516  
 DO NOT SCALE THIS MAP  
 This map is for reference only and may not be accurate.  
 Some data gathered by Wellington County, 2016.  
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Consolidated to August 8, 2016

