

CORPORATION OF THE COUNTY OF DUFFERIN

BY-LAW NUMBER 2019-03

**A BY-LAW TO APPROVE OFFICIAL PLAN AMENDMENT
NO. 1 TO THE TOWNSHIP OF MELANCTHON OFFICIAL
PLAN.**

WHEREAS the Planning Act, R.S.O. 1990, c.P.13, as amended, permits the County of Dufferin to approve an Official Plan or amendments thereto;

AND WHEREAS County Council at its meeting on January 10, 2019, decided to approve Official Plan Amendment No. 1 to the Township of Melancthon Official Plan;

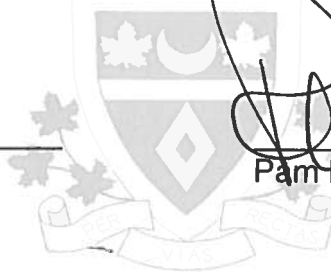
BE IT ENACTED BY THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE COUNTY OF DUFFERIN AS FOLLOWS:

1. Official Plan Amendment No. 1 to the Township of Melancthon Official Plan, as adopted by By-Law 56-2018 by the Township of Melancthon, as attached as Schedule A, is hereby approved.

READ a first, second and third time this 10th day of January, 2019.


Darren White, Warden


Pam Hiltok, Clerk



**AFFIDAVIT TO
THE CORPORATION OF THE
TOWNSHIP OF MELANCTHON
BY-LAW NO. 56-2018**

IN THE MATTER OF Section 17 of the Planning Act, R.S.O. 1990, Chapter P.13;

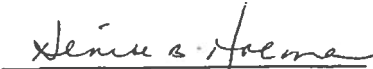
AND IN THE MATTER OF By-Law No. 56-2018 of the Council of The Corporation of the Township of Melancthon.

I, Denise Holmes, Clerk of The Corporation of the Township of Melancthon, in the County of Dufferin, make oath and say as follows:

1. THAT I am the Clerk of The Corporation of the Township of Melancthon and therefore have knowledge of the matters hereinafter deposed to.
2. THAT on the 15th day of November 2018, the Council of The Corporation of the Township of Melancthon adopted By-Law No. 56-2018, being a By-Law to adopt Official Plan Amendment 1 to the Township of Melancthon Official Plan. A Certified True Copy is attached hereto and marked as Exhibit "A" to this, my Affidavit.
3. THAT in accordance to Subsection 14 (1)(b)(i) of O.Reg 543/06, Notice of a Public Meeting to Inform the Public of a Proposed Official Plan Amendment, was given in accordance with Section 3 (4) of O. Reg. 543/06. A copy of which Notice is attached hereto and marked as Exhibit "B" to this, my Affidavit.
4. THAT in accordance with 14 (1)(b)(iii) of O.Reg 543/06, the persons and agencies who provided comments is listed and attached hereto and marked as Exhibit "C" to this, my Affidavit.
5. THAT the requirements for giving notice of adoption have been complied with in accordance with subsection 14 (1)(b)(ii) of O. Reg 543/06, a copy of which Notice is attached hereto and marked as Exhibit "D" to this, my Affidavit.
6. THAT the decision of Council is consistent with the policy statements issued under subsection 3 (1) of the Planning Act and does not conflict with any applicable provincial plan or plans.
7. THAT a public meeting was held on November 17, 2017 and a copy of the minutes of the public meeting are appended as Exhibit "E" to this, my affidavit.
8. THAT a planning report dated November 8, 2018 was presented to Council on November 15, 2018 and is attached hereto as Exhibit "F" to this, my affidavit.
8. THAT the information, materials and consultation required by paragraph 10 of section 7 was compiled and consultations undertaken.

9. THAT the prescribed materials and information under clauses 17 (15) (a) and (b) of the Planning Act were provided to the approval authority for consultation and the prescribed public bodies were consulted.

SWORN before me at the
Township of Melancthon
in the County of Dufferin
this 29th day of November, 2018.


CLERK


A COMMISSIONER, ETC.

Exhibit "A"
Certified True Copy of By-law 56-2018
and
OPA 1 to the Township of Melancthon Official Plan



OFFICIAL PLAN AMENDMENT TWO (OPA 1) FOR THE TOWNSHIP OF MELANCTHON

Certified that this is a true copy of By-law No. 56-2018 as enacted and passed by the Council for the Corporation of the Township of Melancthon on the 15th day of November 2018.

Denise Tolma

CLERK



**THE CORPORATION
OF THE
TOWNSHIP OF MELANCTHON
BY-LAW NO. 56-2018**

**A By-law to adopt an Official Plan Amendment (OPA 1) for the Township of Melancthon to
Incorporate Policies to Address Source Water Protection**

WHEREAS Section 17 of the Planning Act, R.S.O., 1990, c.P.13 authorizes Council to adopt and an Official Plan that applies to the Township;

AND WHEREAS, the Council of the Corporation of the Township of Melancthon deems it to be in the public interest to pass a by-law to adopt an Official Plan Amendment to incorporate provisions of the approved Source Protection Plans related to the Grand Valley and Nottwasaga Valley watersheds in the Official Plan;

NOW THEREFORE the Council of the Corporation of the Township of Melancthon, in accordance with the provisions of the Planning Act, R.S.O., 1990, c.P.13, as amended, hereby enacts as follows:


1. THAT Official Plan Amendment 1 (OPA 1) to the Township of Melancthon Official Plan, being the attached text is hereby adopted.
2. AND FURTHER THAT the Clerk is hereby authorized and directed to make application to the County of Dufferin for approval of the aforementioned Official Plan Amendment for the Township of Melancthon to provide such information as required by The Planning Act, R.S.O., 1990, c.P.13, as amended.

This By-law shall come into force and take effect on the day of passing thereof, subject to the approval of the Council of the County of Dufferin.

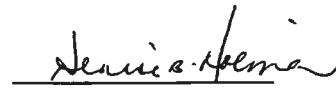
READ a first and second time this 15th of November, 2018.

READ a third time and finally passed this 15th day of November, 2018.

THE CORPORATION OF THE TOWNSHIP OF MELANCTHON



MAYOR



CLERK (SEAL)

CERTIFICATE FOR OFFICIAL PLAN AMENDMENT

OFFICIAL PLAN AMENDMENT ONE (OPA 1) FOR THE TOWNSHIP OF MELANCTHON

The attached Official Plan Amendment, constituting Official Plan Amendment 1 for the Township of Melancthon, was prepared by Council for the Township of Melancthon and was adopted by By-law No. 56 2018 in accordance with the provisions of Section 17 and 22 of the Planning Act, R.S.O., 1990, c.P.13 on the 15th day of November 2018.

Heather S. Helmer
Clerk

Corporate Seal Of Township

Official Plan Amendment 1 (OPA 1) for the Township of Melancthon which has been prepared and adopted by Council for the Township of Melancthon is hereby approved in accordance with the provisions of Section 17 and 22 of the Planning Act, R.S.O., 1990, c.P.13 as "OPA 1 for the Township of Melancthon."

County of Dufferin

Date



**AMENDMENT NO. 1
TO THE TOWNSHIP OF MELANCTHON
OFFICIAL PLAN**

This Amendment applies to:

**Lands located in the Township of Melancthon and identified as a wellhead protection area
by the South Georgian Bay Lake Simcoe and Grand River Source Protection Plans**

(Final for Adoption - November 8, 2018)



CONSTITUTIONAL STATEMENT

The following Amendment to the Official Plan of the Township of Melancthon 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 constitutes Amendment No. 1 to the Official Plan for the Township of Melancthon.

Part C - The Appendices.



PART A - THE PREAMBLE

PURPOSE

The purpose of this Amendment is to implement recommendations of the South Georgian Bay Lake Simcoe and Grand River Source Protection Plans as required by the *Clean Water Act*.

LOCATION

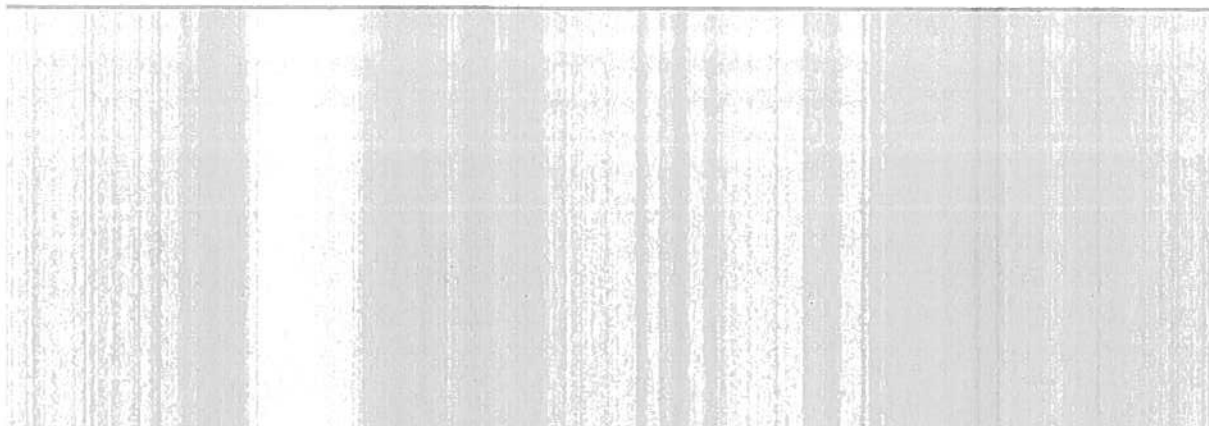
The Amendment affects the following specific areas in the Township of Melancthon:

1. Lands located adjacent to the settlement of Dundalk in the Township of Southgate; and,
2. Lands located adjacent to the Town of Shelburne;

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;
4. The South Georgian Bay Lake Simcoe Source Protection Plan prepared for the Nottawasaga Valley Source Protection Area, which identified three vulnerable areas in the Township of Melancthon and was approved on January 26, 2015;
5. The Grand River Source Protection Plan (Lake Erie Protection Region) prepared for the Grand River Source Protection Area, which identified one vulnerable area in the Township of Melancthon and was approved on November 26, 2015.



PART B – THE AMENDMENT

Section 4.4.2, Wellhead Protection Areas is hereby deleted and replaced with the following new text in the Township of Melancthon Official Plan.

4.4.2 SOURCE WATER PROTECTION

4.4.2.1 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 as well as the South Georgian Bay Lake Simcoe and Grand River Source Protection Plans, which have identified vulnerable areas known as Wellhead Protection Areas in the Township.

4.4.2.2 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 July 1, 2015 for lands within the NVCA watershed and July 1, 2016 for lands within the GRCA watershed;
 - ii) An agricultural activity (as defined by the TSP) that has been engaged in at some time since July 1, 2005 for lands within the NVCA watershed and July 1, 2016 for lands within the GRCA watershed;
 - 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 July 1, 2015 for lands within the NVCA watershed and July 1, 2016 for lands within the GRCA watershed; or
 - iv) An activity that is related to an application made for the issuance or amendment of a prescribed instrument prior to July 1, 2015 for lands within the NVCA watershed and July 1, 2016 for lands within the GRCA watershed.
- 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 for lands within the NVCA watershed and July 1, 2016 for lands within the GRCA watershed.
- 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. 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.
- m) Vulnerable Area** means Wellhead Protection Areas around or adjacent to municipal drinking water sources where activities may be a significant drinking water threat now or in the future. These areas are shown on Schedule G to the Official Plan.

- 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 wellhead.

4.4.2.3 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 Township of Melancthon, there are four WHPAs, which are identified on Schedule G 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 which provide the greatest protection to the water system shall apply.

The WHPAs identified on Schedule G has been spatially illustrated as zones, referred to as A, B, C or D. The purpose of these zones 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 5-year travel time for a contaminant to reach the municipal wellhead if released into the environment; and,
- d) WHPA-D identifies a 25-year travel time for a contaminant to reach the municipal wellhead if released into the environment.

4.4.2.4 Development Policies

Where development and/or site alteration within vulnerable areas identified on Schedule G 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, prior to the granting of the municipal approval, determine if the proposed activity constitutes a significant drinking water threat. In making this determination, the Risk Management Official may, prior to the issuance of a Notice, 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 G as a Wellhead Protection Area if such uses constitute 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 or handle or manage or stockpile agricultural source material, non-agricultural source material, commercial fertilizer, pesticides, road salt, snow, dense non-aqueous phase liquid, liquid fuels and organic solvents; and,
- c) facilities and yards designed to confine or pasture livestock and that will generate agricultural source material or the application of 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 Schedule G, however such land use activities may be subject to a Risk Management Plan, if the Risk Management Official deems the land use to be an activity that warrants the preparation of 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, if so, the applicable Source Protection Plan policies may apply to a development proposal.

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. Similarly in an effort to minimize future land use conflicts between existing agricultural uses and new municipal wells, the establishment of a new municipal well shall avoid prime agricultural areas, unless, through an Official Plan Amendment, the need for the well has been demonstrated and it has been established that there is no reasonable alternative location for the well.

4.4.2.5 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.

4.4.2.6 Sewage Systems and Facilities

The Source Protection Plan requires new development to be serviced by a municipal sewage collection system, where connection is feasible given financial and technical constraints. However, given that the Township does not possess a municipal sewage collection system, all sewage servicing will be accommodated by on-site sewage systems.



New sewage systems defined in Section 1 of O. Reg. 350/06 (Building Code), where deemed a significant drinking water threat, shall not be located within a vulnerable area identified on Schedule G 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.

Wastewater collection facilities that collect or transit sewage containing human waste that would be a future significant drinking water threat and require the approval of the MOECC are not permitted unless the facility complies with construction standards that will ensure the activity is not a significant drinking water threat.

Planning approvals shall not be given to proposed land uses dependent upon systems that collect, store, transmit, treat or dispose of sewage that would require an approval by the MOECC and would be a future significant drinking water threat. Exceptions to this policy may be made where only in cases 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.

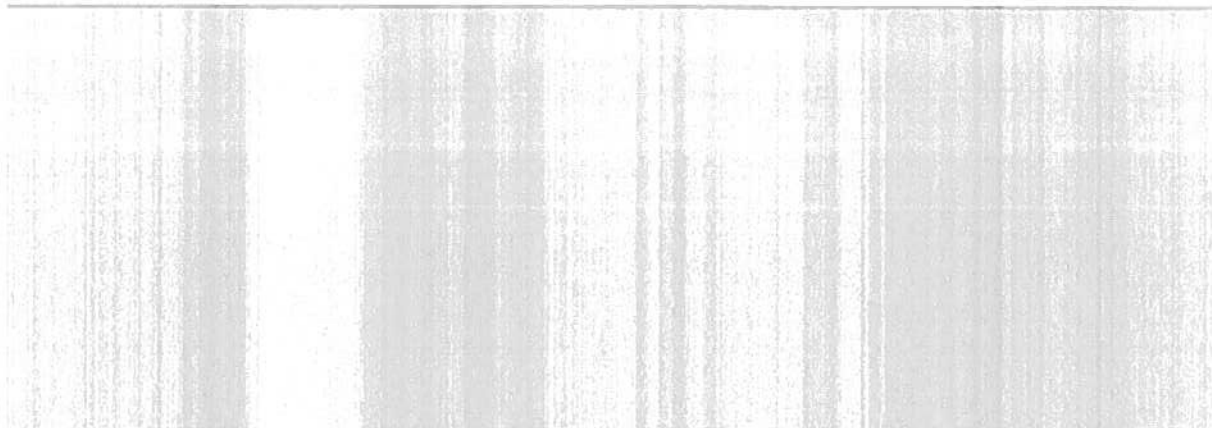
4.4.2.7 Pre-consultation and Planning Act Approvals

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 Schedule G are required to pre-consult with the Township, 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.

4.4.2.8 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.

The Township may 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 Township 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 Township 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.

4.4.2.9 Stormwater Management Facilities

Stormwater management facilities are prohibited within wellhead protection areas identified on Schedule G.

4.4.2.10 Education and Outreach

The Township will collaborate with the Source Protection Authority for the purpose of undertaking and coordinating education and outreach programs designed to engage and communicate with individuals, associations, and businesses with respect to the application, handling and/or storing of agricultural source material, non-agricultural source material, commercial fertilizer, pesticides as well as the keeping of livestock.

The intent of such collaboration will be to promote best management practices to safeguard municipal drinking water supplies.



PART C - THE APPENDICES

There are no appendices at this time.

