

THE COUNTY OF OXFORD

BY-LAW NO. 6465-2022

BEING a By-Law to adopt Amendment Number 282 to the County of Oxford Official Plan.

WHEREAS, the County of Oxford has held a public meeting, and has recommended Amendment Number 282 to the County of Oxford Official Plan for adoption, and,

NOW THEREFORE, the County of Oxford pursuant to the provisions of the Planning Act, R.S.O. 1990, as amended, enacts as follows:

1. That Amendment Number 282 to the County of Oxford Official Plan, being the attached explanatory text, is hereby adopted.
2. 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 14th day of September, 2022.

READ a third time and finally passed this 14th day of September, 2022.

LARRY G. MARTIN, WARDEN

CHLOÉ J. SENIOR, CLERK

AMENDMENT NUMBER 282
TO THE COUNTY OF OXFORD OFFICIAL PLAN

the following plan and schedules attached hereto constitutes
Amendment Number 282 to the County of Oxford Official Plan.

1.0 PURPOSE OF THE AMENDMENT

The purpose of the Amendment is to update to policies of Section 3.2.7.2.3, Water Quality, to reflect the requirements of the Clean Water Act, 2006, as per the approved Source Protection Plans which apply within the County of Oxford.

2.0 LOCATION OF LANDS AFFECTED

This Amendment applies to all lands within the County of Oxford, subject to the applicability of the specific source protection policies.

3.0 BASIS FOR THE AMENDMENT

This amendment revises the existing policies within the Official Plan to reflect the requirements which are currently in place under the Clean Water Act, 2006. More specifically the amendment will incorporate the policies as contained within the four Source Protection Plans which apply in the County of Oxford.

This includes updating the schedules within the Official Plan to show those areas where Source Protection Plan policies may apply based on the approved technical information pertaining to Well Head Protection Areas (WHPAs) and/or Issue Contributing Areas (ICAs) contained in the applicable Assessment Report and/or Source Protection Plan.

4.0 DETAILS OF THE AMENDMENT

4.1 That the text within Section 3.2.7.2.3, Water Quality, but not including the subsequent subsections, is amended by deleting the existing text and replacing it with the following:

3.2.7.2.3 Water Quality

Protection, conservation and enhancement of water resources, including water quality and water quantity, are integral to sustaining the environmental, social and economic well-being of the Area Municipalities, and the County as a whole. Water resource protection and conservation helps ensure long term sustainability of both *surface water features* and *ground water features*. The specific measures identified in this Plan to protect existing and future municipal sources of drinking water are intended to reflect and support the implementation measures contained in the applicable Source Protection Plans (SPPs) and increase awareness of the SPP policies and their potential land use implications.

4.2 That the following policies are relocated from the end of Section 3.2.7.2.3.1 - Municipal Well Head Protection Area Policies, and added to the end of Section 3.2.7.2.3.2, General Water Quality Protection Policies.

PERFORMANCE
REQUIREMENTS

In addition to any of the foregoing requirements and any land use policies and *development* criteria contained in this Plan, the following performance requirements shall also apply to proposals on lands subject to development within WHPAs:

ABANDONED
WELLS

- Prior to *development*, proponents will be required to carry out an investigation for unused water and oil and gas wells on the subject lands and provide for the proper abandonment of same, in accordance with the policies of Section 3.3.3.4 of this Plan and/or relevant Provincial legislation and regulations.

REMOVAL OF
UNDERGROUND
STORAGE TANKS
OR SEPTIC
SYSTEMS

- Prior to *development*, proponents will be required to carry out an investigation on the subject lands for underground storage tanks or unused septic systems and provide for the removal and/or proper decommissioning of same.

BEST
MANAGEMENT
PRACTICES

- The County and/or Area Municipalities will use whatever legal authorities are available to ensure the implementation, maintenance and monitoring of structural *best management practices* that are identified during the development review process for new and expanding non-residential uses within WHPAs.

4.3 That the remainder of Section 3.2.7.2.3.1 - Municipal Well Head Protection Area Policies, is amended by deleting the existing subsection title and text and replacing it with the following:

3.2.7.2.3.1 Source Water Protection

SOURCE
PROTECTION
PLANS

It is crucial that the County's municipal drinking water supplies are protected in order to secure a long term, potable water supply to meet the needs of existing and future residents and businesses.

Given the costs and challenges associated with trying to address groundwater contamination and/or depletion once it has occurred, the focus of these policies is on prevention. One of the key means of prevention is to permit only those uses that do not represent a significant threat to municipal drinking water sources within *designated vulnerable areas*.

The Clean Water Act, 2006 is intended to ensure the protection of municipal drinking water supplies through watershed-based Source

Protection Plans (SPPs). Science-based Assessment Reports provide the detailed technical information that informs each of the SPPs and form part of the approved plans.

The Assessment Reports identify the *designated vulnerable areas* and associated *drinking water threats* and issues for the Source Protection Area to which they apply. The SPPs contain policies intended to eliminate or reduce the potential risks posed by those identified threats and issues.

There are four SPPs that apply within Oxford County:

- Grand River Source Protection Plan
- Catfish Creek Source Protection Plan
- Long Point Region Source Protection Plan
- Thames-Sydenham and Region Source Protection Plan

These four Source Protection Areas that correspond with these SPPs are shown on Schedule C-5.

DEFINED TERMS

In addition to the Definitions included in Section 1.6 of this plan, for the purposes of this subsection the meaning of the following italicized terms shall be as defined in the Clean Water Act, 2006:

- drinking water threat
- issue contributing area (ICA)
- prescribed instrument
- risk management official
- significant drinking water threat
- well head protection area (WHPA)

DRINKING WATER THREATS

Drinking water threats are prescribed by Ontario Regulation 287/07 of the Clean Water Act, 2006. The list below is intended to reflect those threats which have been prescribed and may be updated to reflect the applicable regulations, as amended, without amendment to this Plan.

Prescribed *drinking water threats* include:

- Waste disposal sites within the meaning of Part V of the Environmental Protection Act.
- The establishment, operation or maintenance of a system that collects, stores, transmits, treats or disposes of sewage.
- The application (to land) and/or handling and storage of:
 - agricultural source material,
 - non-agricultural source material,
 - application of commercial fertilizer, or

- pesticide.
- The management of agricultural source material.
- The application of road salt.
- The handling and storage of:
 - road salt,
 - fuel,
 - a dense non-aqueous phase liquid (DNAPL), or
 - organic solvent.
- The storage of snow.
- The management of runoff that contains chemicals used in the de-icing of aircraft.
- An activity that takes water from an aquifer or a surface water body without returning the water taken to the same aquifer or surface water body.
- An activity that reduces the recharge of an aquifer.
- The use of land as livestock grazing or pasturing land, an outdoor confinement area or farm-animal yard.

These prescribed *drinking water threats* can only be *significant drinking water threats* in the specific circumstances set out in the approved SPPs and, if so, may be prohibited, restricted, or otherwise regulated in accordance with the applicable SPP policies.

NITRATES

In Oxford County, nitrate issues have been identified in ICAs associated with County drinking water systems. As such, any land use activity that may pose a *drinking water threat* due to the presence of nitrates, as prescribed by Ontario Regulation 287/07 of the Clean Water Act, 2006, is considered to be a *significant drinking water threat* in these ICAs.

MAPPING

The mapping of the WHPAs and ICAs from the approved Assessment Reports for each of the respective SPPs has been incorporated into Schedule C-5 of this Plan for information and screening purposes. As potential development restrictions resulting from the application of the SPP policies is currently limited exclusively to *significant drinking water threats*, only the areas of WHPAs and ICAs where *significant drinking water threats* can occur are currently identified on Schedule C-5 as 'WHPA/ICA Significant Threat Screening Areas'.

The addition of new WHPAs or ICAs, changes to the extent of a WHPA or ICA, or removal of a WHPA or ICA, will be reflected on Schedule C-5 without requiring an amendment to this Plan. Mapping updates will only be completed based on mapping available from an approved Assessment Report and/or SPP.

In the event of a conflict between the mapping shown on Schedule C-5 and the mapping in an approved Assessment Report and/or SPP, the mapping in the applicable approved Assessment Report shall take precedence.

DEVELOPMENT
REVIEW PROCESS

The following development review policies are intended to ensure awareness of the applicable SPP policies and potential land use implications and support the integration of related SPP requirements into development review processes, as applicable.

In addition to any other applicable policies of this plan, the following SPP related policies apply to lands within the County of Oxford that are located within the 'WHPA/ICA Significant Threat Screening Areas' identified on Schedule C-5 of this Plan.

In the event of a conflict between these policies and those contained in an approved SPP, the policies in the SPP shall take precedence.

SIGNIFICANT
DRINKING WATER
THREATS

The specific policies and circumstances that apply to each *significant drinking water threat*, including any prohibitions through prescribed instruments or under Section 57 of the Clean Water Act, 2006, are set out in the applicable SPPs. The SPP policies generally require the management of existing *significant drinking water threats* and prohibit the establishment of new *significant drinking water threats*, with the goal of ensuring they cease to be, or never become, *significant drinking water threats*.

RESTRICTED LAND
USE POLICY

In accordance with Section 59(2) of the Clean Water Act, 2006, and where applicable in accordance with the applicable SPP policies, a Planning Act and/or building permit application for any use, except an exclusively residential use, within a portion of a WHPA or ICA where a *significant drinking water threat* could occur, shall not be deemed complete unless it includes the applicable notice issued by the *Risk Management Official*.

Through the notice process, the County *Risk Management Official* will determine whether a new use or activity is, or involves, a *significant drinking water threat* in accordance with the Clean Water Act, 2006 and, if so, whether that use or activity is prohibited, restricted or otherwise regulated by the policies of the applicable SPP.

SUPPORTING
STUDIES AND/OR
INFORMATION

In order to inform the issuance of the Section 59(2) notice and/or consideration of a development proposal, the *Risk Management Official* may require various information and/or technical studies prepared by a qualified professional, to assess for *drinking water threats*, determine where they may constitute *significant drinking water threats* and mitigate the potential impacts as part of a proposed development. Such information and/or studies may be required in advance of, or as part of, a complete application under the Planning Act.

Studies that may be requested include, but are not limited, to a Disclosure Report, Environmental Site Assessment (ESA), Hydrogeological Study, and a Spill Prevention and Contingency Plan. For the purposes of this policy, a Disclosure Report may include, but is not limited to, a threats inventory, a vulnerability analysis, risk analysis and, where applicable, an analysis of risk management measures which may be applied to mitigate the risks to drinking water sources.

PLANNING
DECISIONS

All planning decisions shall conform to the *significant drinking water threat* policies and have regard for other applicable policies (including low or moderate *drinking water threat* policies), as set out in the SPPs, as may be amended from time to time, in accordance with Section 39 of the Clean Water Act, 2006.

NEW SEPTIC
SYSTEMS AND
HOLDING TANKS

Uses, buildings and/or structures that would require a new septic system and/or septic system holding tank shall be prohibited in an area of a WHPA where these activities would be a *significant drinking water threat*. This prohibition shall not apply to new septic systems and/or septic system holding tanks that are required for a municipal water supply well or where located within an ICA, but outside of the area of the WHPA where it represents a *significant drinking water threat*. For the purposes of this policy 'new' shall have the same meaning as defined in the applicable SPPs.

The Area Municipalities shall amend their respective Zoning By-Laws to include any provisions required to conform with the policies of the approved SPPs including, but not limited to, provisions to prohibit uses, buildings and/or structures that would require a new septic system and/or septic system holding tank in the circumstances described above.

ENVIRONMENTAL
SITE
ASSESSMENTS OR
REMEDIAION
PROJECTS

For all environmental site assessments or remediation projects on lands within a WHPA, the County requires the application of a Potable Groundwater Condition as outlined in Soil, Ground Water and Sediment Standards for Use Under Part XV.1 of the Environmental Protection Act, as amended.

IMPLEMENTATION
SUPPORTS

Other tools and measures that may assist in the implementation of the SPPs and protection of municipal drinking water supplies include, but are not necessarily limited to, the following:

EDUCATION AND
OUTREACH

- The County will work collaboratively with Conservation Authorities, and other bodies wherever possible, to develop and implement education and outreach programs directed at any, or all, *significant drinking water threats*, where such programs are deemed necessary and/or appropriate by the County and subject to available funding.

OTHER POTENTIAL
ACTIONS

- The County may consider various other actions to protect drinking water identified in the applicable SPP policies including, but not limited to, placement of advisory signage, reviewing emergency response plans, restricting and/or reporting on the creation of new transport pathways, developing programs to identify and/or manage existing transport pathways etc.

MONITORING

- The County's *Risk Management Official* shall report to the appropriate Source Protection Authority on the actions taken to implement the policies of the relevant SPP on an annual basis, in accordance with applicable SPP policies.

4.4 That Schedule C-5 entitled "County Of Oxford Wellhead Protection Area Plan County Of Oxford Official Plan" is amended by deleting the existing Schedule C-5 and replacing it with a new Schedule C-5 entitled "County Of Oxford Source Water Protection Screening County Of Oxford Official Plan" and as included as Schedule "A" to this amendment.

4.5 That Schedules B-5, E-5, I-6, N-3, S-3, T-5, W-6 and Z-4, all entitled "wellhead protection area plan", are hereby deleted.

5.0 IMPLEMENTATION

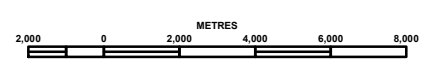
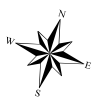
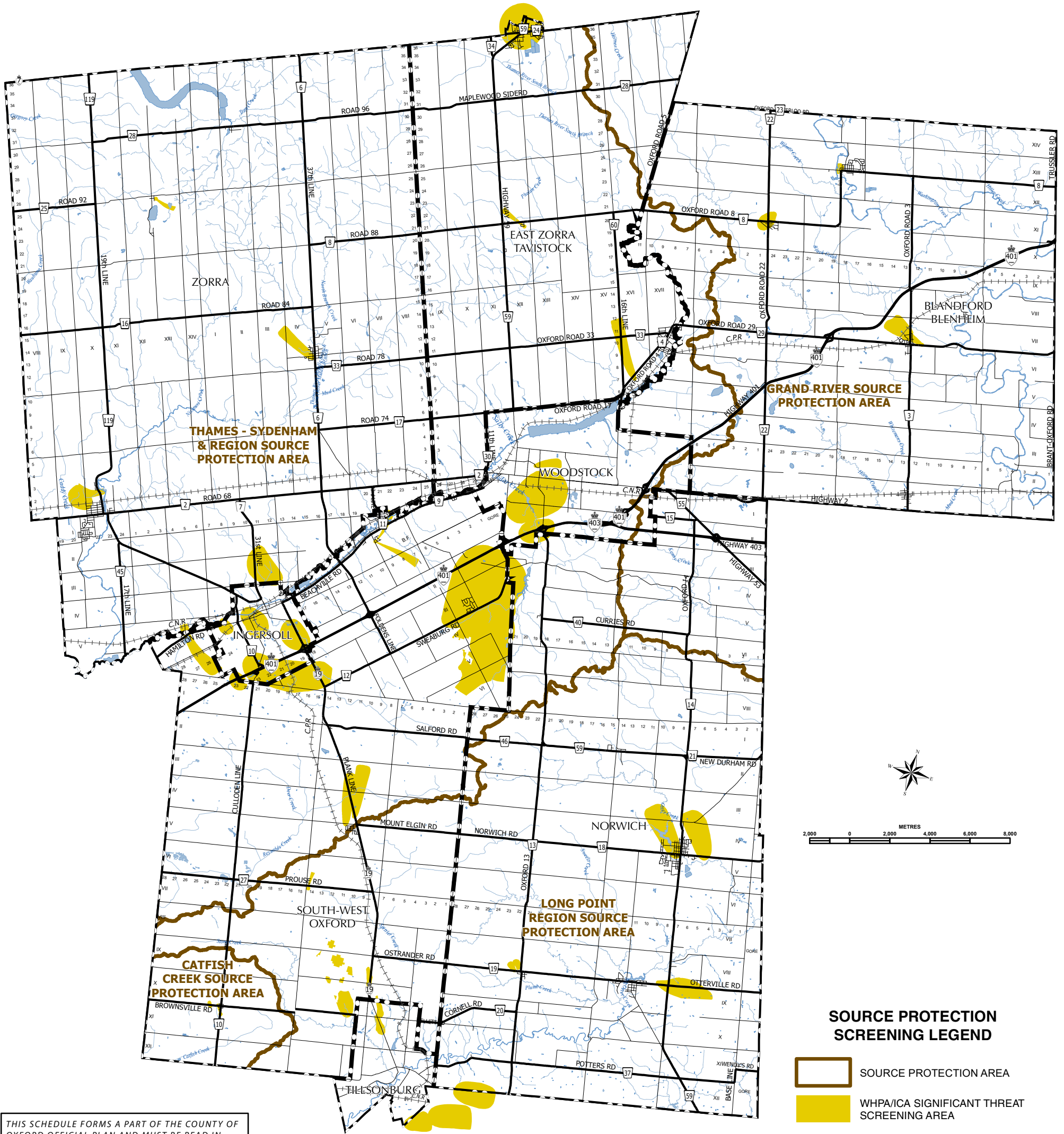
This Official Plan Amendment shall be implemented in accordance with the implementation policy of the Official Plan.

6.0 INTERPRETATION



This Official Plan Amendment shall be interpreted in accordance with the interpretation policy of the Official Plan.

SCHEDULE "A"
To Amendment No 282
to the
**COUNTY OF OXFORD
OFFICIAL PLAN**






SCHEDULE "C-5"
**COUNTY OF OXFORD
SOURCE PROTECTION SCREENING**



SOURCE PROTECTION SCREENING LEGEND

-  SOURCE PROTECTION AREA
-  WHPA/ICA SIGNIFICANT THREAT SCREENING AREA

BASE MAP LEGEND

-  MUNICIPAL BOUNDARY
-  MAJOR ROADS
-  OTHER ROADS
-  RAILWAY
-  WATERCOURSE

THIS SCHEDULE FORMS A PART OF THE COUNTY OF OXFORD OFFICIAL PLAN AND MUST BE READ IN CONJUNCTION WITH THE WRITTEN TEXT.

THIS IS AN OFFICE CONSOLIDATION PREPARED FOR CONVENIENCE ONLY. FOR ACCURATE REFERENCE RECOURSE SHOULD BE HAD TO THE ORIGINAL DOCUMENT AND AMENDMENTS HERETO.

NOTES: THIS MAP MAY INCORPORATE DATA UNDER LICENCE AGREEMENT(S) WITH THE UPPER THAMES RIVER CONSERVATION AUTHORITY, THE GRAND RIVER CONSERVATION AUTHORITY, THE LONG POINT REGION CONSERVATION AUTHORITY, THE MINISTRY OF ENERGY, NORTHERN DEVELOPMENT AND MINES, THE MINISTRY OF NATURAL RESOURCES AND FORESTRY AND THE QUEEN'S PRINTER OF ONTARIO. ©2022

COUNTY COUNCIL APPROVAL:

