

To: Warden and Members of County Council

From: Director of Community Planning

Source Protection Updates to the Official Plan

RECOMMENDATIONS

1. That Oxford County Council approve application OP 22-17-9 to amend Chapter 3, Section 3.2.7.2.3 – Water Quality, of the County Official Plan, to update the County’s source protection policies;
2. And further, that Council approve the attached Amendment No. 282 to the County of Oxford Official Plan;
3. And further, that the necessary by-law to approve Amendment No. 282 be raised.

REPORT HIGHLIGHTS

- The purpose of this report is to present County Council with updates to the water quality policies in the Official Plan specific to protection of the County’s municipal drinking water supplies in accordance with the Clean Water Act (i.e. source protection plans).
- The amendment, included in Attachment 1, incorporates source protection related policies into the Official Plan based on the requirements of the four approved Source Protection Plans which currently apply within Oxford County.
- Planning staff are recommending that County Council approve the proposed amendments to the Official Plan.

Implementation Points

The adoption of the recommendations contained in this report will amend the policies of the County Official Plan as they pertain to source protection requirements. The recommended amendment attached to this report includes updates which reflect and implement the applicable policies of the four Source Protection Plans (SPPs) which are in force and effect across Oxford County. Each of the SPPs include provisions which require the Official Plan to be updated to incorporate various requirements and supporting information.

Financial Impact







There are no financial implications associated with the recommendations in this report.

Communications

Planning staff have consulted with Public Works staff, including the Coordinator of the Source Protection Program, regarding the proposed changes included in the amendment. Public works staff are responsible for overseeing the implementation of SPP requirements.

All Planning Act requirements for public notice have been fulfilled. In addition, the preparation of the Source Protection Plans incorporated extensive community engagement in the development of the specific requirements for each of the four SPPs which apply in Oxford County. The proposed Official Plan amendments included in Attachment 1 are simply seeking to reflect, and support the implementation of, the requirements of these approved SPPs.

Strategic Plan (2020-2022)

					
<i>WORKS WELL TOGETHER</i>	<i>WELL CONNECTED</i>	<i>SHAPES THE FUTURE</i>	<i>INFORMS & ENGAGES</i>	<i>PERFORMS & DELIVERS</i>	<i>POSITIVE IMPACT</i>
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DISCUSSION

Background

The Clean Water Act, 2006 required the development of Source Protection Plans (SPP) based on detailed background technical studies with a view to protecting municipal drinking water supplies from drinking water threats. Protection of the County’s municipal drinking water supplies for the long term is crucial, in order to secure a long term, potable water supply to meet the needs of existing and future residents and businesses as the County continues to grow.

SPP development has been based on watershed-based approaches, including the preparation of Assessment Reports which 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 various drinking water threats and issues are defined by a series of technical rules which are set out as a regulation under the Clean Water Act, 2006.

The goal of the SPP policies is to ensure drinking water threats either never become, or cease to be, a significant drinking water threat. As such, the SPPs contain policies which are 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

Each Plan has been approved by the Province and have been in force and effect for some time. As such, the various requirements of the SPPs are already being applied to the review of development throughout the County. That said, each of the SPPs includes specific requirements for the applicable municipalities to update their Official Plans to reflect and incorporate the requirements of the SPP. Therefore, the proposed Official Plan amendment attached as Appendix 1 to this report is largely a technical conformity exercise to address this SPP requirement and increase overall awareness of the SPP requirements that may be applicable to development in Oxford and related processes.

Comments

The Official Plan currently includes policies addressing source protection which predate the development of the four SPPs and were intended as an interim policy measure until the SPPs were in place. As such these policies are in need of update to reflect the current legislative and regulatory framework pertaining the source protection and in particular, the four approved SPPs. In addition, these amendments are intended to increase awareness of the SPP policies that are applicable to development in Oxford, and assist in integrating specific SPP requirements into the development review process.

On this basis, the Official Plan amendment, included as Attachment 1 to this report, proposes revised source protection policies, which would update the current water quality policies contained in Section 3.2.7.2.3 of the Official Plan to better reflect and support the requirements now in place under the respective SPPs. This includes:

- Removing existing policies which predate the development of the SPPs and no longer reflect the requirements of the SPPs (e.g. various use prohibitions and place holder policies);
- Updating terminology to align with the SPPs and the Clean Water Act;
- Including a general list of the drinking water threats prescribed under the Clean Water Act to increase awareness of such treats and applicable SPP requirements;
- Recognizing that prohibitions can be applied to certain significant drinking water threats in accordance with Section 57 of the Clean Water Act, 2006 and/or by the County's Risk Management Official;
- Reflect the requirements of the SPPs, and Section 59 of the Clean Water Act 2006, that require a notice/letter of clearance from the Risk Management Official as part of a complete application where development is being proposed in an area where a significant threat to drinking water could occur;
- Ensuring consistency with the SPP policy that requires construction of a new septic system in a portion of a Well Head Protection Area (WHPA), where such system would be a significant drinking water threat, shall be prohibited through land use planning tools (e.g. OP and/or Zoning);
- Recognize that drinking water threats within the Issue Contributing Areas (ICAs) in the County that are associated with nitrates, may represent significant drinking water threats and be subject to additional requirements or restrictions.
- Incorporate updated mapping (Schedule C-5) for information and development screening purposes to increase awareness of where SPP requirements may apply in the County (the portions of WHPAs and ICAs where significant drinking water threats can occur);
- Incorporate other information to help educate readers on the role of SPPs, how they integrate with the development review process and the other complementary implementation tools (e.g. education and outreach, monitoring).

Overall, the changes to the Official Plan will help increase awareness of the applicable SPP requirements and support the on-going implementation of those requirements. The proposed policies will not result in new requirements for development, as these requirements have already been in place for some time through the approved SPPs.

That said, the updates to the Official Plan are intended to:

- Increase overall awareness of the applicable SPP requirements early, so that they are considered as early as possible in the land use and/or development decision making process;
- provide additional clarity with respect to the development review process as it relates to source protection;
- bring the Official Plan into alignment with the SPPs, and;
- fulfil the requirement within the SPPs that the Official Plan be updated.

In staff's opinion, these policy updates, as included in the Amendment in Attachment 1:

- Conform, or do not conflict with, any applicable provincial plan or plans;
- Have regard to matters of provincial interest; and
- Are consistent with the Provincial Policy Statement, 2020.

Conclusions

The Official Plan Amendment attached to this report is based on the requirements of the four respective SPPs which apply within Oxford County. The preparation of the Source Protection Plans included extensive community consultation with respect to the development of these specific requirements. The incorporation of the policies into the Official Plan is largely a technical exercise required to fulfill a specific requirement in the SPPs and will not add any new requirements for development beyond those already required by the SPPs and existing Official Plan policies. That said, a broader review of the County's water quality and quantity policies is expected to be undertaken in the future, as part of the next Phases of the County's Official Plan review process.

The proposed source protection policies, as included in the Amendment within Attachment 1, are consistent with current Provincial legislation, plans, policies, and guidelines, and also improve the overall intent, clarity and implementation of the policies and ensure they continue to reflect local planning goals and objectives.

SIGNATURES

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ATTACHMENTS

Attachment 1- OPA 282 to the Official Plan, September 2022