

**The Corporation of the City of Kawartha Lakes**  
**Agenda**  
**Agricultural Development Advisory Committee Meeting**

**ADAC2020-03**

**Thursday, November 26, 2020**

**9:00 A.M.**

**Council Chambers**

**City Hall**

**26 Francis Street, Lindsay, Ontario K9V 5R8**

**Members:**

**Councillor Andrew Veale**

**Robert Bonis**

**Phil Callaghan**

**Alex Cameron**

**Will MacArthur**

**Guy Masters**

**Michelle Murphy-Ward**

**Rebecca Parker**

**Matthew Pecoskie**

**Adam Shea**

**Alice VanVught**

**Shawn Westland**

**Note: This will be an electronic participation meeting and public access to Council Chambers will not be available. Please contact Kelly Maloney, Economic Development Officer - Agriculture, at [kmaloney@kawarthalakes.ca](mailto:kmaloney@kawarthalakes.ca) should you wish to view the proceedings of the meeting electronically through Zoom.**

**Accessible formats and communication supports are available upon request. The City of Kawartha Lakes is committed to accessibility for persons with disabilities. Please contact [AgendaItems@kawarthalakes.ca](mailto:AgendaItems@kawarthalakes.ca) if you have an accessible accommodation request.**

1. **Call to Order** 5 - 11

Welcome to guests as well as new members of the Committee appointed by Council since the last meeting of this Committee: Alex Cameron, Will MacArthur, Guy Masters, and Alice VanVught.

Note that this meeting is by electronic participation only and will be recorded as per the updated Terms of Reference attached.
2. **Administrative Business**
  - 2.1. Adoption of Agenda

**That** the agenda be adopted as circulated.
  - 2.2. Declaration of Pecuniary Interest
  - 2.3. Adoption of Minutes 12 - 14

Adoption of the minutes of the March 10, 2020 meeting of the Agricultural Development Advisory Committee.

**That** the minutes of the Agricultural Development Advisory Committee meeting held on March 10, 2020, be adopted as circulated.

### **3. Deputations/Presentations**

#### **3.1. Regulation of Nuisance Associated with Cannabis Cultivation and Processing Operations within the City of Kawartha Lakes 15 - 25**

City of Kawartha Lakes Committee of the Whole passed the following motion at the meeting of November 3, 2020:

That Report LGL2020-011, Regulation of Nuisance associated with Cannabis Cultivation and Processing Operations within the City of Kawartha Lakes, be received;

That a by-law to amend the Property Standards By-law in the form attached as Appendix "A" be placed before the Agricultural Development Advisory Committee for review and comment;

That an amendment to the Fees and Charges By-law substantially in the form attached as Appendix "B" be forwarded to Council for adoption;

That a further report come forward from Development Services, to discuss potential by-law amendments to the various Zoning By-laws in force and effect throughout the municipality, following statutory public consultation; and

That these recommendations be forwarded to Council for consideration at the next Regular Council Meeting.

This committee is asked to review the Report LGL2020-011 and provide comment back to council regarding proposed amendments to the Property Standards By-law as in Appendix "A". Staff from Municipal Law Enforcement and Planning will be in attendance to help guide the discussion.

#### **3.2. Backyard Chickens 26 - 28**

Council has requested recommendations regarding backyard chickens. The Manager of Municipal Law Enforcement and Licensing will be in attendance, provides the attached Memo and seeks feedback from the Committee.

The City of Kawartha Lakes is required by the Clean Water Act to enact policies and by-laws as outlined in the local Source Water Protection Plans. Council passed the proposed amendments at their meeting of November 17, 2020. This Committee is encouraged to watch the recording of the presentation to Planning Committee as it will not be presented during this meeting. The YouTube recording of the presentation can be found at:  
<https://www.youtube.com/watch?v=qN01UiK7Y9w&t=6338s> Begin watching the recording at 1 hour and 18 minutes to see the Source Water Protection presentation which is approximately 10 minutes in length. Policy Planning staff will be in attendance at the ADAC meeting for discussion and questions.

#### **4. Correspondence**

#### **5. New or Other Business**

#### **6. Update from Economic Development Division**

6.1. Economic Recovery Task Force - verbal update

6.2. Skills Advance Ontario - Agriculture and Manufacturing project - verbal update

6.3. Kawartha Choice FarmFresh Website and Training - verbal update

6.4. Shop Kawartha Lakes Campaign - verbal update

6.5. Spotlight on Agriculture in Kawartha Lakes - verbal update

6.6. Kawartha Farmfest - verbal update

#### **7. News and Updates from Members**

#### **8. Next Meeting**

Meetings of the Committee are typically held bi-monthly on the second Thursday at 9:00 am with a minimum of three meetings per year as per the Terms of Reference. As per this schedule, next meeting options for the Committee to consider would be December 10, January 14 or February 11.

#### **9. Adjournment**

## **Terms of Reference**

### **Name: Agricultural Development Advisory Committee**

Date Established by Council: The Agricultural Development Advisory Board initially operated under the guidance of the County of Victoria and was officially established by the Corporation of the City of Kawartha Lakes in 2004.

(Terms of Reference revised December 11, 2018)

### **Mission:**

The Agricultural Development Advisory Committee (ADAC) is established to provide advice and recommendations to Council and Economic Development on matters affecting the agriculture and food sector and in areas by which the Committee's involvement can benefit the overall agricultural prosperity of the City.

### **Roles and Responsibilities:**

It is the responsibility of all appointed members to comply with:

- the City Code of Conduct for Committee Members
- the City Procedural By-law
- Other applicable City by-laws and policies
- Municipal Act
- Municipal Freedom of Information and Protection of Privacy Act
- Municipal Conflict of Interest Act

No individual member or the Committee as a whole has the authority to make direct representations of the City to Federal or Provincial Governments.

Members shall abide by the rules outlined within the Municipal Conflict of Interest Act and shall disclose any pecuniary interest to the Recording Secretary and absent himself or herself from meetings for the duration of the discussion and voting (if any) with respect to that matter.

The Committee will abide by any terms and conditions which may be set out by the City's Council, CAO, City Clerk, City Solicitor, Auditor and/or Insurer for any activities relating to Committee business in keeping with the Committee's Terms of Reference and established Policies.

**Activities:**

The following represent the general activities of the Committee:

- a) To prepare an annual written report to Council by the end of Q1 each calendar year to outline the Committee's achievements from the previous year in line with their approved work plan and to present to Council their current year work plan to include details on promotion of public education programs, review of other government reports, programs and legislation for any impacts on the City or its programs, and future City policy direction all with the view of advancing the City's adopted strategic priorities and the proposed budget.
- b) To make recommendations to Council on strategy, policies and various issues to achieve Council's strategic priorities and to optimize economic growth and the advancement of the agricultural sector while relating to the Committee's established scope of work as defined in the Terms of Reference.
- c) Review and advise Council and staff on matters related to the farm and the agricultural industry as they relate to the overall rural community.
- d) Provide such other initiative, assistance, and advice either unsolicited or as Council or staff may request.

**Composition:**

The Committee shall be comprised of a maximum of 11 members consisting of up to 10 members of the public and 1 Council representative(s) all of whom will have full authority to debate and vote. The Committee shall consist of a minimum of 8 members. Committee members will be appointed by Council in accordance with established policy.

**Appointment of Officers:**

The Committee shall, at its first meeting in each year, elect from its membership a Chair, and Vice-Chair. It is acknowledged that there are no per diems for any Committee positions and it is acknowledged that none of the above positions shall be paid for their services. All Committee members are considered volunteer positions.

**Term of Appointment:**

Unless exempted by legislation, members will be appointed for a term of four years with terms expiring at either the mid-term or full term of Council. Members shall continue to serve beyond the end of their term until the appointments of their successors have been approved by Council.

**Resources:**

The Economic Development Division will provide support in the form of advice, day-to-day liaison with the City, updates on program and promotional ideas and initial assistance in their implementation to the degree resources are available. The liaison department will also assist in the preparation and submission of budget recommendations/grant submissions, if needed and attend meetings of the Committee.

A member of staff shall be designated as Recording Secretary by the liaison department. The Recording Secretary shall prepare and publish agendas; attend all formal business Committee Meetings for the purpose of taking Minutes; and prepare and publish minutes in an accessible format acceptable to the City Clerk's Office.

The Recording Secretary shall ensure that a current Terms of Reference for the Committee has been provided to the City Clerk's Office and is posted on the City website.

**Timing of Meetings:**

Meetings will be held on a set day and time as may be determined by the Committee or at the call of the Chair.

**Location of Meetings:**

The location of the meetings will be set by the Committee and must be held in an accessible City facility.

**Meetings:**

The Committee shall hold a minimum of 3 meetings in each calendar year. The Chair, through the liaison department, shall cause notice of the meetings, including the agenda for the meetings, to be provided to members of the Committee and posted to the City website a minimum of three (3) business days prior to the date of each meeting through the Recording Secretary. Quorum for meetings shall consist of a majority of the members of the Committee. No meeting shall proceed without quorum.

At the first meeting of each year, an Orientation Session shall be held for new members.

Working meetings throughout the year to advance the efforts of the work plan shall be held at the call of the Chair with the Chair providing notice of the working meetings to all members of the Committee a minimum of three (3) business days prior to the date of each meeting. No formal minutes are required to be taken at working meetings; however, notes shall be taken.

### **Procedures:**

Procedures for the formal business meetings of the Committee shall be governed by the City's Procedural By-law and Legislation or, where both of these are silent, by Robert's Rules of Order.

### **Electronic Participation:**

The following procedural rules are established for electronic participation meetings:

1. City Council, Local Board or Committee members may participate in an open or closed session by electronic participation and be counted for the purpose of establishing quorum.
2. In the case of an interruption in the communication link to the member(s) participating electronically, the meeting will recess to a maximum of 15 minutes until it is determined whether or not the link can be re-established. If communications are not re-established, the meeting will resume without the electronic participant(s).
3. A Member participating by Electronic Means shall inform the Chair about their intentions to leave the meeting either on a temporary or permanent basis.

4. A Member participating by Electronic Means will be deemed to have left the meeting when they are no longer electronically connected to the meeting.
5. If a member loses electronic connection temporarily to the meeting, that member shall be treated as if they left the physical room of a traditional meeting and the time noted by the City Clerk or Recording Secretary.
6. All votes shall be by show of hands or by verbal consent (yes or no).
7. That subject to direction from the Head of Council or Chair to the City Clerk or Recording Secretary, the meeting will proceed without deputations. Written correspondence received from the public may be circulated to Council members prior to the start of the meeting electronically;
8. For public notice purposes, the location of the meeting published on the agenda shall be the physical location of the City Clerk or Recording Secretary during the meeting; If the location of the City Clerk can not be open to the public, the City Clerk shall provide notice to the electronic location of where the meeting can be viewed;
9. Members shall be provided instruction by the City Clerk, Recording Secretary, Chief Administrative Officer, or their delegate how to access the meeting by means of electronic participation.
10. A recording of the open session of the meeting shall be preserved for a period of time determined by the Records Retention by-law for the public record.
11. All electronic meetings will be available on Livestreaming or other video technology.

\*Enacted through By-law 2020-056, July 28, 2020

### **Closed Meetings:**

The Committee shall not be permitted to hold Closed Meetings.

### **Agendas and Minutes:**

A copy of the Agenda shall be provided to the City Clerk's office at the same time it is provided to Committee Members. The City Clerk's office will distribute the agenda to Council members as per established procedures.

Minutes of all formal business meetings and notes from working meetings of the Committee shall be forwarded to the liaison department, and to the City Clerk's Office, not later than two weeks after the meeting. Action

items requested of staff and/or Council will be brought to the attention of the Economic Development Division at that time. The City Clerk's Office will electronically circulate the formal business meeting minutes to all members of Council for their information. The City Clerk's Office will maintain a set of printed minutes on file for public review.

The Recording Secretary shall ensure that all Committee Agendas and Minutes are posted to the City website at the same times as they are circulated to the City Clerk's Office.

### **Reports:**

One written report to Council is required per year from the Committee, being the work plan/budget and the previous year's annual report.

If there are recommendations of the Agricultural Development Advisory Committee that fall outside of this report, they are to be forwarded to Council, through the liaison department in a formal written report on the City report template. It will be the responsibility of the Committee Chair to provide a memo to the liaison department identifying the Committee recommendations for final preparation of the report.

### **Purchasing Policy:**

This Committee has no purchasing or procurement responsibilities.

### **Insurance:**

The City of Kawartha Lakes' General Liability Policy and Errors and Omissions Liability Policy will extend to this Committee and its members. The applicable insurance policies extend to Committee members while in the performance of his/her duties and to those activities authorized by the City of Kawartha Lakes and Council. Members must adhere to the policies and procedures of the City of Kawartha Lakes and Council, including the Terms of Reference.

The Committee must provide, via the liaison department an annual updated listing of all members, including member positions, to the City of Kawartha Lakes to ensure the applicable insurance coverage remains in force.

Committee members are not entitled to any benefits normally provided by the Corporation of the City of Kawartha Lakes, including those provided by

the Workplace Safety and Insurance Board of Ontario (“WSIB”) and are responsible for their own medical, disability or health insurance coverage.

**Expulsion of Member:**

Any member of the Committee who misses three consecutive formal business meetings, without being excused by the Committee, may be removed from the Committee in accordance with adopted policy.

Any member of the Committee may be removed from the Committee at the discretion of Council for reasons including, but not limited to, the member being in contravention of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act, the Provincial Offences Act, The Municipal Conflict of Interest Act or the Code of Conduct for Committee Members; disrupting the work of the Committee; or other legal issues. The process for expulsion of a Committee member is outlined in the City’s **Council Committee, Board and Task Force Policy**.

**Terms of Reference:**

The Recording Secretary shall ensure that a current Terms of Reference for the Committee has been provided to the City Clerk’s Office and is posted on the City website.

Any responsibilities not clearly identified within these Terms of Reference shall be the responsibility of the City of Kawartha Lakes. Council may, at its discretion, change the Terms of Reference for this Committee at any time. Any changes proposed to these Terms of Reference by the Committee shall be recommended to Council via the liaison department through a report to Council.

**At the discretion of Council the Committee may be dissolved by resolution of Council.**

# **The Corporation of the City of Kawartha Lakes**

## **Minutes**

### **Agricultural Development Advisory Committee Meeting**

**ADAC2020-02**  
**Tuesday, March 10, 2020**  
**9:00 A.M.**  
**Lindsay Service Centre - 2nd Floor**  
**180 Kent Street West**  
**Lindsay, ON K9V 2Y6**

**Members Present:**  
**Councillor Andrew Veale**  
**Robert Bonis**  
**Paul Brown**  
**Michelle Murphy-Ward**  
**Rebecca Parker**  
**Adam Shea**  
**Tim Webster**

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#### **1. Call to Order**

Chair R. Parker called the meeting to order at 9am. Councilor A. Veale and Members R. Bonis, P. Brown, M. Murphy-Ward, A. Shea, and T. Webster and were in attendance.

Guests: B. Webster, and a Fleming Student observing a public meeting.

Absent/Regrets: P. Callaghan, M. Pecoskie, S. Westland

## **2. Administrative Business**

### **2.1 Adoption of Agenda**

**Moved By** R. Bonis

**Seconded By** P. Brown

**That** the agenda be adopted as circulated.

**Carried**

### **2.2 Declaration of Pecuniary Interest**

There were no declarations of pecuniary interest disclosed.

### **2.3 Adoption of Minutes**

Adoption of the minutes of the February 13, 2020 meeting of the Agricultural Development Advisory Committee.

**Moved By** A. Shea

**Seconded By** R. Bonis

**That** the minutes of the Agricultural Development Advisory Committee meeting held on February 13, 2020, be adopted as circulated.

**Carried**

## **3. Deputations/Presentations**

## **4. Correspondence**

### **4.1 Rural Zoning By-law Project - Discussion Paper**

The members were asked to review the document and submit comments by March 15, 2020.

**Moved By** P. Brown

**Seconded By** T. Webster

**That** the February 2020 correspondence from Janet Wong, regarding request to review the Rural Zoning By-law Discussion Paper, be received.

**Carried**

## **5. New or Other Business**

### **5.1 Farm Tax Ratio**

This item was Deferred from February 13, 2020. Councilor Veale reviewed two charts showing Tax Class Share of Tax Burden over time from 2001 to 2020.

**Moved By** P. Brown

**Seconded By** R. Bonis

**That** the material presented by Councillor Veale be received; and

**That** the ADAC committee recommends that Council adjusts the percentage of the residential class that the farmland class pays, in order to keep the percentage of the total tax burden that farmland pays the same as the 2019 levels. The request aims to maintain the percentage of the total tax burden for farmland, rather than continuing to result in an increasing share of the total tax burden.

**Carried**

**6. Update from Economic Development Division**

The Agricultural Development Officer thanked the Committee members for their participation at the East Central Farm Show.

**7. News and Updates from Members**

None

**8. Next Meeting**

The next meeting will be Thursday, April 9, 2020 at 9:00am in the Economic Development Boardroom, 180 Kent Street, Lindsay.

**9. Adjournment**

The meeting was adjourned by the Chair at 9:50am.

# **The Corporation of the City of Kawartha Lakes**

## **Committee of the Whole Report**

**Report Number LGL2020-011**

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**Meeting Date:** November 3, 2020

**Title:** Regulation of Nuisance associated with Cannabis Cultivation and Processing Operations within the City of Kawartha Lakes

**Description:** Proposed amendments to the Zoning By-law and Property Standards By-law to address odour and light pollution associated with Cannabis Cultivation and Processing Operations. Proposed amendments to the Fees and Charges By-law re seized cannabis.

**Ward Number:** All

**Author and Title:** Robyn Carlson – City Solicitor  
Aaron Sloan – Manager of Municipal Law Enforcement  
Jonathan Derworiz – Planner II

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### **Recommendations:**

**That** Report RS2020-011 Regulation of Nuisance associated with Cannabis Cultivation and Processing Operations within the City of Kawartha Lakes, be received;

**That** a by-law to amend the Property Standards By-law in the form attached as Appendix “A” be placed before the Agricultural Development Advisory Committee for review and comment;

**That** an amendment to the Fees and Charges By-law substantially in the form attached as Appendix “B” be forwarded to Council for adoption;

**That** a further report come forward from Development Services, to discuss potential by-law amendments to the various Zoning By-laws in force and effect throughout the municipality, following statutory public consultation; and

**Department Head:**\_\_\_\_\_

**Legal/ Finance/ Other:**\_\_\_\_\_

**Chief Administrative Officer:**\_\_\_\_\_

**That** these recommendations be forwarded to the agenda for the next Council meeting for adoption.

## **Background:**

By way of Council Resolution CW2020-095, Council on June 23, 2020 passed the following resolution:

That the Memorandum from Councillor Richardson, regarding the Regulatory Considerations for Managing Cannabis Cultivation in the City of Kawartha Lakes, be received;

That Staff be directed to provide information and options for zoning by-law regulations for both personal medical and commercial cultivation operations;

That Staff be directed to provide information and options for enforcement measures when commercial or personal medical cultivation operations exceed Federal approvals, or when the impact of the operation exceeds lot coverage percentages and post production/ processing brings a commercial element to otherwise residential or farm dwellings; and

That staff report back to Council with their proposals by the end of Q3 2020.

This Report addresses that direction. This Report does not address retail Cannabis sales, which are permitted in the General Retail category of Commercial zones. This Report addresses cannabis cultivation and processing operations, either through a federal commercial license (allowing sale to the government) or for personal use as a medical license.

## **Rationale:**

If a member of the public is concerned with the legality of a cannabis operation, they should contact the police. The City is not privy to personal medical licenses, nor is it privy to commercial production licenses, both of which are issued by the federal government.

The City is entitled to regulate cannabis cultivation and production to the extent that this regulation falls within the City's ability to regulate land use within Zoning By-laws, enacted for valid planning purposes, and Property Standards By-laws.

The City is entitled to draft and enforce these by-laws to regulate property development to minimize nuisance, such as odour and light pollution. However, it cannot be the intent of these by-laws to supplement the criminal framework set

out in the Criminal Code and Cannabis Act. Perceived increase in crime as a result of the land use is not something that can be regulated under the Planning Act. It is important that all levels of government work together to ensure that residents feel safe in both the rural and urban settings.

### *Medical Marijuana and Planning Regulation*

Medical marijuana can only be accessory to a residential use if the person with the license lives on the property.

### *Licensing for Commercial Cultivation and Processing*

Health Canada is the governing body responsible for reviewing licence applications of prospective commercial cannabis growers. There are two types of licenses available that have tiers based on cultivation area and output:

Cultivation licenses allow the growing of cannabis indoors or outdoors, and if authorized, the sale and distribution to other licence holders and licensed retailers.

- 1) Standard Cultivation – no maximum cultivation area. License can authorize produce fresh and dried cannabis, cannabis plants and seeds. Accessory uses include drying, trimming and milling.
- 2) Micro Cultivation – 200m<sup>2</sup> maximum cultivation area. Permitted uses are the same as the Standard Cultivation license.
- 3) Nursery – license can permit production of cannabis plants and plant seeds. Accessory uses include drying.

Processing licenses permit the processing of cannabis indoors, and if authorized, the sale and distribution to other license holders and licensed retailers. Processing activities include extraction and refinement to create topicals, extracts and edibles.

- 1) Standard Processing – no maximum processing amount per year.
- 2) Micro Processing – permitted to process up to 600kg of dried flower, or equivalent, per year.

### *Land Use Issues and Planning Implications*

Under the Cannabis Act, interested cultivators or processors are not required to obtain support from a municipality prior to applying for a license. Successful proponents are required to notify the municipality, copying the Minister, when a license is issued. While the Cannabis Act does not require any consultation with the municipality, under the Planning Act, municipalities are granted the authority to regulate land uses. From a land use planning perspective, cannabis crops, grown either indoor or outdoor, have land use planning implications the same as

mainstream agricultural or industrial uses. Staff have identified the following issues and options that require further analyses in determining the most appropriate course of action for regulating cannabis cultivation and processing in the City of Kawartha Lakes. This list is not exhaustive and, as this is an emerging industry, additional issues may arise:

- Distinguishing cannabis cultivation from production by way of defining such uses in Zoning By-laws;
- Amending existing definitions (i.e., Agricultural) or carving out new use-specific definitions.
- Determining an appropriate definition for the uses;
- Determining appropriate separation distances from residential uses and other sensitive land uses;
- Requiring Dark Sky compliance to mitigate light pollution;
- Applying Site Plan Control to each cultivator or producer; and,
- How and when to require studies pertaining to odour, stormwater and noise to minimize potential concerns from neighbouring property owners.

There are various options to address the issues outlined above. Brock, Uxbridge, Clarington and Scugog were examined in a municipal scan and are all currently exploring regulatory options for cannabis cultivation and production. This includes determining appropriate zones and zone requirements, enforcement measures and licensing. Brock and Scugog have both implemented Interim Control By-laws prohibiting the uses in the meantime while regulations are developed. Staff has obtained studies on cannabis cultivation and production from Georgina and Ramara and will be considering findings as regulations are built out. Staff are monitoring the progress made in these municipalities.

Along with odour and servicing, Staff are aware of concerns pertaining to a potential increase in criminal activity as a result of the land use. With regard to any land use, enforcement of applicable laws and maintaining a generally comfortable perception of safety requires a multifaceted approach from the respective municipality.

Planning will be reviewing minimum lot sizes in the agricultural zone to see if it is sufficient for cannabis growing (both indoor and outdoor). Planning will be reviewing agricultural, light industrial and residential lot coverage maximums that currently exist in the zoning by-laws that are in force and effect throughout the municipality to determine if they are sufficient for indoor cannabis cultivation.

#### *Proposed Amendments to the Property Standards By-law*

The proposed amendments to the Property Standards By-law should address the odour and light pollution issues associated both with residential cultivation of cannabis pursuant to medical license, the commercial cultivation of cannabis in

the agricultural zone, and the commercial processing of the cannabis plant into product in the industrial zone. The proposed amendments consider regulation of the nuisance issues associated with cannabis cultivation, and maintaining the safety of those in residential buildings where cannabis cultivation is occurring pursuant to a medical license. Proposed additional definitions and sections amendments are as follows:

“Noxious Odour” mean odours from activities emanating from a property that is persistent or continuous and is likely to interfere with the normal and reasonable use of another property;

“Odour Abatement Protocol” means a combination of methods, practices, equipment and technologies designed for the purpose of eliminating the emission and emanation of Noxious Odours from a property.

Light Penetration: Every Owner shall provide and maintain effective barriers to prevent the light from lamp standards, signs, vehicle head-lamps and other sources from shining directly into a Dwelling Unit or onto a neighbouring property.

Cannabis Related Activity: Where a Cannabis Related Activity is permitted on a property which occurs in a green house or building or other structure, the Owner or Occupier shall ensure that a ventilation system is installed to filter and exhaust the Noxious Odours

Exhaust of Noxious and Other Substances: Where a system of mechanical ventilation or Odour Abatement Protocol which exhausts noxious fumes, odours, gases, dust or sawdust from a Building is installed, the Owner shall ensure that the discharge from the system terminates above the roof line of the Building, and not less than three (3) metres (equivalent to nine point eight (9.8') feet) clear of any skylight, window, ventilator or other opening into that or another Building, and is operated in a manner so as not to constitute a Nuisance.

See Appendix “A” for a full list of proposed amendments. These proposals will be put before the Agricultural Development Advisory Committee for its review and comment before returning to Council.

#### *Proposed Amendments to the Fees and Charges By-law*

Enforcement of the Criminal Code with respect to illegal cannabis cultivation can be expensive, as the Ontario Provincial Police and the Kawartha Lakes Police are currently subject to the City’s tipping fees when attempting to landfill cannabis plants that have been seized. The by-law amendments to the City’s Fees and Charges By-law proposed at Schedule B provide a waiver of these costs for the enforcement authorities.

### **Other Alternatives Considered:**

No other alternatives have been considered.

### **Financial/Operation Impacts:**

Additional operation impacts will be felt by the Municipal Law Enforcement Office, as the enforcement of these added Property Standards provisions will fall to them. No additional staff is being proposed for that Office, so will result in additional workload for existing staff. Staff in that department are currently at/over capacity, so this is intended to increase wait times for responses. That department currently has a wait time of 2 months for some investigative issues and response.

A waiver of tipping fees will result in reduced revenue by the City.

### **Relationship of Recommendations to the 2020-2023 Strategic Plan:**

This report and recommended resolutions aligns with the Guiding Principle of service excellence. Moreover, this report and recommendations support the strategic priority of good government.

### **Review of Accessibility Implications of Any Development or Policy:**

N/A

### **Consultations:**

Director of Development Services  
Manager of Municipal Law Enforcement  
Manager of Planning

### **Attachments:**



LGL2020-011  
Appendix A - Proper

Appendix A – Proposed Amendments to the Property Standards By-law to Address Nuisance Associated with Cannabis Growth and Processing Operations



LGL2020-011  
Appendix B - By-Law

Appendix B – Proposed Amendments to the Fees and Charges By-law to  
Address costs associated with police enforcement of illegal cannabis cultivation

**Department Head E-Mail: [rtaylor@kawarthalakes.ca](mailto:rtaylor@kawarthalakes.ca)**

**Department Head: Ron Taylor**

# **The Corporation of the City of Kawartha Lakes**

## **By-Law 2020-xxx**

### **A By-Law To Amend By-Law 2016-112 Being a By-Law to Regulate and Govern The Standards For Maintaining And Occupying Property Within Kawartha Lakes.**

#### **Recitals**

1. The federal Cannabis Act authorizes residents and commercial business to grow cannabis as regulated, on certain properties in the City of Kawartha Lakes.
2. The City of Kawartha Lakes' Municipal Law Enforcement Division and other enforcement agencies have seen an increase in farm and residential properties being used to grow Cannabis.
3. Council considers it advisable to amend Property Standards By-Law 2016-112 in order to regulate property use so that cannabis cultivation occurs in a manner that addresses public nuisance and health.
4. While the existing Property Standards By-Law provides amelioration of odours and light in industrial zones, it fails to address these concerns on residential and agricultural property.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2020-xxx.**

#### **Section 1.00: Definitions and Interpretation**

**1.01 Definitions:** Section 1.01 will be amended to include the following definitions:

- (a) **“Cannabis”** shall have the same meaning as Cannabis as defined in the Cannabis Act.
- (b) **“Cannabis Processing”** means an operation that includes the application of manual, mechanical or chemical methods, it is transformed into another form.
- (c) **“Cannabis Related Activity”** means growing, harvesting, processing, extracting, packaging, or otherwise making ready for sale, testing, destroying, storing, shipping, permitting consumption or sale of cannabis or cannabis products.
- (d) **“Noxious Odour”** mean odours from activities emanating from a property that is persistent or continuous and is likely to interfere with the normal and reasonable use of another property

- (e) **“Odour Abatement Protocol”** means a combination of methods, practices, equipment and technologies designed for the purpose of eliminating the emission and emanation of Noxious Odours from a property,

## **Section 2.00: Amendments to the Standards for All Properties**

### **2.01: Section 3.28 “Light Penetration” which reads:**

“Every Owner shall provide and maintain effective barriers to prevent the light from lamp standards, signs, vehicle head-lamps and other sources from shining directly into a Dwelling Unit” will be amended by adding the word “or” following the word “Unit”, by replacing “on” with “onto a”, so that it reads as follows: “Every Owner shall provide and maintain effective barriers to prevent the light from lamp standards, signs, vehicle head-lamps and other sources from shining directly into a Dwelling Unit or onto a neighbouring property.”

- 2.02 Section 5.04, “Ventilation Requirement”, will be removed from section 5, which applies only to non-residential and mixed-use buildings, and placed in new section 3.28, as section 3 applies to all buildings. The paragraph will be amended so that it reads as follows: “Every Owner of a Residential, Non-residential or Mixed Use Building shall ensure that it is adequately ventilated by natural or mechanical means and with regard to the operations carried on within the Building, to ensure that persons within the Building are not exposed to conditions harmful to their health or safety.”

- 2.03 Section 5.06 **“Ventilation Equipment”**, will be removed from section 5 and placed in new section 3.29. The paragraph will be amended so that it reads as follows: “Every Owner of a Residential, Non-residential or Mixed Use Building shall ensure that all of the mechanical ventilating equipment and the supports for that equipment are maintained in good repair and in a safe mechanical condition.”

- 2.04 A new section 3.30 will be added: **“Cannabis Related Activity:** Where a Cannabis Related Activity is permitted on a property which occurs in a green house or building or other structure, the Owner or Occupier shall ensure that a ventilation system is installed to filter and exhaust the Noxious Odours.”

- 2.05 Section 5.07 will be removed from section 5 and placed in new section 3.31, with amendments so that it reads as follows: **“Exhaust of Noxious and Other Substances:** Where a system of mechanical ventilation or Odour Abatement Protocol which exhausts noxious fumes, odours, gases, dust or sawdust from a Building is installed, the Owner shall ensure that the discharge from the system terminates above the roof line of the Building, and not less than three (3) metres (equivalent to nine point eight (9.8’) feet) clear of any skylight, window, ventilator or other opening into

that or another Building, and is operated in a manner so as not to constitute a Nuisance.”

### **Section 3.00: Administration and Effective Date**

**3.03 Effective Date:** This By-law shall come into force and take effect on the date it is passed.

By-law read a first, second and third time, and finally passed, this xx day of xxx, 2020.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

# **The Corporation of the City of Kawartha Lakes**

## **By-Law 2020-**

### **A By-law to Amend By-Law 2018-234, Being a By-law to Establish and Require Payment of Fees for Information, Services, Activities and Use of City Property in The City of Kawartha Lakes (known as the Consolidated Fees By-law)**

#### **Recitals**

1. By-laws may be passed to establish and require the payment of fees for information, services, activities and use of municipal property.
2. Section 391 of the Municipal Act 2001, S.O. 2001, as amended, provides for a municipality to pass by-laws imposing fees or charges on persons for services and activities provided or done by or on behalf of it, for cost payable by it for services or activities provided or done by or on behalf of any other municipality or local board, and for the use of its property including property under its control.
3. By-law 2018-234 consolidates all fees charged by the municipality into one by-law.
4. Waiver of landfill tipping fees for cannabis plants seized by the Ontario Provincial Police or the Kawartha Lakes Police will aid in law enforcement efforts relating to illegal cannabis cultivation by reducing the costs of such enforcement.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2020- .**

#### **Section 1.00: Amendments to By-Law 2018-234**

**1.01 Amendment:** A new row will be added to Schedule F – Waste Management Fees in By-law 2018-34, stating that “Cannabis plants seized by the Ontario Provincial Police or the Kawartha Lakes Police” will not be subject to tipping fees.

#### **Section 3.00: Effective Date**

**3.01 Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this \_\_\_\_ day of \_\_\_\_\_, 2020.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

## Backyard Chickens – an update memo from Aaron Sloan for ADAC Meeting, Nov 26, 2020

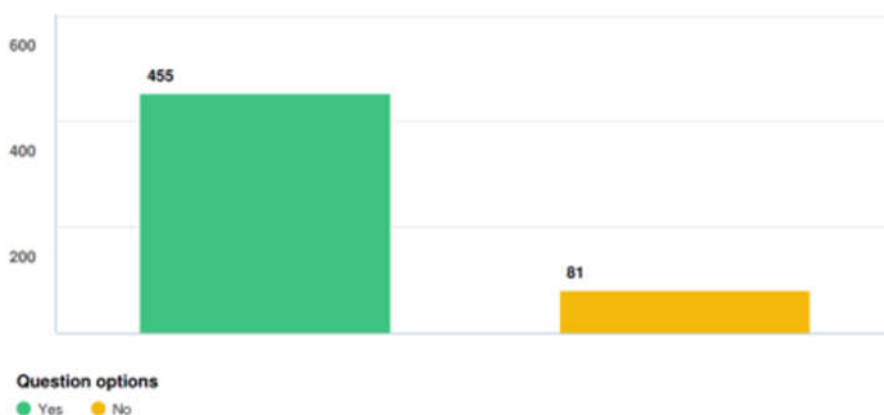
It is anticipated that the (Jan 2021) Staff Report to Council will contain the following:

In late 2019, a petition was presented to Council to propose an amendment to the current by-law to regulate animals in the City of Kawartha Lakes to allow for the keeping of backyard chickens. The author recommended a permit system be considered as a potential revenue source to the City and shared information about care and behavior, mitigation of predation and benefits of backyard chickens, including the importance of preserving the local agricultural history of the area. They advised that a petition with over 400 signatures has been submitted in support of the matter.

That the matter be referred to **staff to bring forward options to allow backyard chickens** by the end of Q3 2020.

Chickens back yard chickens have been a Council topic a few times over the years and were permitted for a brief period in Lindsay. The intention of this consultation is to provide some high level information/data for discussion and to receive comments of support or non-support for a backyard chicken program from the ADAC. I do realize the biosecurity will be a primary concern and OMAFRA and CFIA information has been included in my draft report. Part of the future program will include an education component for the use.

A public survey was completed in September 2020 and the survey received a good response rate of 536. The 1<sup>st</sup> question Currently, chickens are only permitted on agriculturally zoned properties. Should backyard chickens be permitted in residential areas, such as towns, villages and hamlets, with some limitations?



The 2021 report to council will not have a by-law to accompany it, because I am unsure if Council is prepared to pass one in the form that is being suggested and we are working to find the right fit for this issue. My feeling is that we will present some of the

suggested regulation to them but the bylaw that is created will be part of the animal control by-law in a future amendment.

A number of resources have been consulted and support for the backyard coops is occurring. Municipalities across Ontario including Toronto, Kingston and Orillia have already established safe healthy programs.

In my report draft, I will be trying to address issues such as coop size, chicken limits (4-6), vet care (health and welfare in general) rooster prohibition, odours, noise, set backs, minimum property size, manure management, laying nest, winter heat, pest control, dead stock, harvest (slaughter at an approved location and not a residential property) sales of eggs and meat and we may have a licensing component or inspections. It will be important to note to the ADAC that these coops are going to be residential and the regulations in this bylaw will not apply to agricultural properties or farming operations except perhaps the at large provision (not everyone like free range in their yard).

## Conclusion

The survey results and consultations appear to indicate public desire to allow backyard chickens with regulation to control the activity and nuisance related issues. By-law 2017-039 being a by-law to regulate animals in the City of Kawartha Lakes Schedule "A" currently prohibits chickens (gallinaceous birds) except in areas zoned for the agricultural use.

In review of by-laws in use by other municipalities, the following list of items have been considered or established as policy or regulation:

- Chicken limits;
- Prohibition of roosters;
- Minimum chicken age;
- Chickens must be enclosed in a coop with a run;
- Minimum run, coop dimensions and nesting area;
- Licensing, registration of coops;
- Minimum lot coverage including setbacks from the property lines and prohibition of placement in the front yard of a property;
- Standards for cleanliness, odours and vermin;
- Prohibition of meat and egg sales;
- Application process – includes permission from property owner in the case of a tenant,
- Veterinary and health requirements; and,
- Source Water Protection Areas.

Options at this time are as follows:

Status quo – Continue to prohibit chickens in residential locations that are not agricultural in nature or limited by zoning. Chickens would continue to be viewed as livestock.

Option 2 (recommended option) – 2-3 year trial program and by-law with limitations to certain areas of the city such as hamlets and villages with lots bigger than ½ acre or even simply limited coop numbers to an amount that can be inspected and approved without negative impact to current staff work load. Limits on the chicken number to 4 or 5 hens and prohibition of roosters etc. Some provisions similar to option 3 but 2-3 year trial.

Option 3 will basically be a full program for all non agricultural areas. 4-5 hens, Amendment to the By-law to Regulate Animals by removing Chickens as a prohibited animal and adding provisions to regulate and license coops to ensure that the coop locations are tracked and appropriate based on property size, coop is adequately sized, has a lockable door, is roofed and has nest boxes. The by-law amendment will also prohibit sale of meat and eggs, limit number of hens, prohibit roosters, prohibit noise, provide guidance for manure management, provide guidance for health and dead chicken disposal, welfare and provide for an inspection of the coop prior to the use and issuance of the license. The licensing of coops will be similar, to how we license dog kennels requiring a yearly inspection.

**Aaron Sloan**

Manager, Municipal Law Enforcement and Licensing

City of Kawartha Lakes

705-324-9411 ext. 1223

# **The Corporation of the City of Kawartha Lakes**

## **Planning Advisory Committee Report**

**Report Number PLAN2020-043**

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**Meeting Date:** November 4, 2020

### **Public Meeting**

**Title:** Source Water Protection Official Plan and Zoning By-law Amendments

**Description:** Amendment to the City of Kawartha Lakes Official Plan No. 35 (OPA 35) and Amendment to 14 Zoning By-laws to protect vulnerable areas in accordance with the Clean Water Act

**Ward Number:** All Wards

**Author and Title:** Anna Kalnina, Planner II

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### **Recommendation(s):**

That Report PLAN2020-043, respecting Source Water Protection Official Plan and Zoning By-law Amendments, be received;

That a By-law to implement the proposed Official Plan Amendment, substantially in the form attached as Appendix A to Report PLAN2020-043, be referred to Council for adoption;

That the Zoning By-law Amendment, substantially in the form attached as Appendix B to Report PLAN2020-043, be referred to Council for adoption; and

That the Mayor and Clerk be authorized to execute any documents required by the approval of these applications.

**Department Head:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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## **Background:**

In 2006, the Clean Water Act established the Source Water Protection Program. The purpose of the Program is to safeguard human health and the environment by protecting existing and future sources of municipal residential drinking water. Protecting water at its source is the first line of defense in a multi-barrier approach that protects drinking water from contamination and overuse.

As part of the Program, multi-stakeholder source protection committees were formed to develop science-based Assessment Reports and Source Protection Plans. Where a Source Protection Plan has taken effect, the Clean Water Act requires that planning matter decisions conform with significant threat policies and have regard to other policies set out in a Source Protection Plan. Furthermore, sections 40(1) and 42 of the Clean Water Act require that municipalities amend their official plans to conform with the applicable Source Protection Plans and modify zoning by-laws as necessary.

The proposed OPA 35 and the proposed amendment to the 14 Zoning By-laws address the requirements of the Clean Water Act.

## **Rationale:**

There are three Source Protection Plans that apply to the geography of the City of Kawartha Lakes: Trent Source Protection Plan, South Georgian Bay Lake Simcoe Source Protection Plan and Ganaraska Source Protection Plan. The Ganaraska Source Protection Plan applies to a small area in the southern part of the City, within which there are no vulnerable areas. Therefore, this report and the proposed amendments consider the two Source Protection Plans that identify and protect vulnerable areas in the City.

Municipalities are required to conform with the requirements in the Source Protection Plans within 5 years of their respective approval dates. The Trent Source Protection Plan was approved on January 1, 2015 and the South Georgian Bay Lake Simcoe Source Protection Plan was approved on July 1, 2015. The City's conformity deadline was January 1, 2020 and July 1, 2020, respectively. With the shifting priorities due to the pandemic, the conformity work associated with the Amendments can now be completed.

Between the two Source Protection Plans, there are 23 key vulnerable areas in the City. The key vulnerable areas have been delineated through the source protection committees' Assessment Reports using technical and scientific information to determine the length of time for specific contaminants to reach a municipal drinking water source if they were released into the environment as a result of a spill or leak. There are two types of key vulnerable areas identified through the proposed amendments: wellhead protection areas (WHPAs) and intake protection zones (IPZs). WHPAs are vulnerable areas delineated around groundwater wells and IPZs are vulnerable areas delineated around surface

water intakes. Additionally, areas in Lindsay and Bobcaygeon are vulnerable to road salt. The proposed amendments identify and protect these areas.

As part of the development of the proposed Amendments, Planning Staff analyzed all of the requirements under the Source Protection Plans identified as a responsibility of a municipality, an approval authority under the Planning Act or various parties. Based on an extensive review of source water protection conformity exercises in adjacent municipalities and discussions with the City's Risk Management Official, Planning Staff tailored the requirements to the City. Applicable requirements were translated into the definitions, policies, zone provisions and schedules proposed for approval (Appendix A and Appendix B).

### **Provincial Policy Statement, 2020 (PPS)**

Section 2.2.1 of the PPS requires that planning authorities protect, improve or restore the quality and quantity of water. One of the ways planning authorities are required to achieve this is through necessary restrictions on development and site alternation to protect all municipal drinking water supplies and designated vulnerable areas. The PPS further requires that planning authorities protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions.

In accordance with the Source Protection Plans, the proposed Amendments list and prohibit land use activities that would pose a significant threat to drinking water sources. The draft OPA also recommends best management practices to minimize or eliminate significant drinking water threats.

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (APTG)**

Policy 4.2.1 in APTG directs the City to identify and protect water resource systems that consist of ground water features and areas, surface water features, and hydrologic functions. The proposed Amendments are limited in scope to vulnerable areas, only. However, the proposed policies would support and augment the existing direction in the Official Plan regarding protection of water resource systems.

### **Oak Ridges Moraine Conservation Plan, 2017 (ORMCP)**

Of the 23 vulnerable areas in the City, 3 are within the ORMCP. Section 42 of the ORMCP requires that the Official Plan contain policies that establish WHPAs. There are differences in how WHPAs are described and delineated in the Trent Assessment Reports from the ORMCP requirements in policy 42.(2).

Section 39(4) of the Clean Water Act, provides that where there is a conflict between a provision in the source protection plan and a provision in a plan or policy, including the ORMCP, the provision that provides the greatest protection to the drinking water source prevails. In this case, both, the Trent Assessment

Report and ORMCP identify a zone of contribution up to 25 years to protect these areas from significant threat to the municipal drinking water, human health and the environment.

The proposed Amendments apply the methodology from the Trent Assessment Report to all vulnerable areas in the City to ensure consistency in definitions and approach across the City. Staff are of the opinion that the Trent Assessment Report maintains the intent of the ORMCP, and relies on the most recent, scientific information available to the City.

### **City of Kawartha Lakes Official Plan, 2012 (OP)**

The OP currently has policies in section 3.4 referred to as Wellhead Protection Zones. The Schedule "C" delineates Wellhead Protections Zones in accordance with the best available data in 2004. The existing policies and mapping with respect to vulnerable areas are incomplete and outdated, and are proposed to be deleted and replaced with new objectives, goals and current policy and mapping as described in Appendix A. The policies are categorized into prohibited uses and exemptions, sewage systems and facilities, waste disposal, transport pathways, road salt, stormwater management facilities, stewardship, monitoring, and definitions.

### **Zoning By-laws**

The vulnerable areas in the City fall within 14 of the City's 19 Zoning By-laws. The proposed Amendment is intended to implement the companion OPA 35, and includes new definitions, general provisions and the addition of an overlay on the Schedules that identifies vulnerable areas in the corresponding Zoning By-laws. The area within the overlay would be prohibited from establishing land uses and activities that are considered a future significant drinking water threat in accordance with the Source Protection Plans, unless a Risk Management Official determines otherwise in accordance with Section 59 of the Clean Water Act. The proposed overlay does not change the underlying existing Zoning and is not intended to prohibit standard volumes of dense non aqueous phase liquids (i.e. paint stripper, varnish, aerosols, pharmaceuticals, etc.) used for personal or domestic activities.

### **Other Alternatives Considered:**

In addition to the proposed Amendments, there are additional planning tools that could further support the objectives of the Source Protection Plans:

- Through Site Plan Approval process, the City could require management of impervious surfaces and landscaping; and
- Place a Holding Provision on properties in vulnerable areas.

## **Financial/Operation Impacts:**

There are no financial/operational considerations unless Council's decision is appealed to the Local Planning Appeal Tribunal. In the event of an appeal, there would be costs. However, in accordance with the Planning Act s.17(36.4), there are appeal limitations to a part of an official plan that identifies an area as being within the boundary of a vulnerable area.

## **Relationship of Recommendation(s) to the 2020-2023 Strategic Plan:**

The Council Adopted Strategic Plan identifies four Strategic Priorities:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life
- A Healthy Environment
- Good Government

The proposed Amendments directly align with a healthy environment, as they meet the goal of protecting and enhancing water quality by creating policy and by-law framework for continued protection of municipal drinking water sources.

The proposed Amendments also align with a good government, as they meet the goal of increasing efficiency and effectiveness of service delivery by incorporating and streamlining applicable requirements into the City's policies and by-laws.

## **Consultations:**

City Staff collaborated with the Risk Management Official at Kawartha Conservation in developing the proposed Amendments.

The proposed Amendments were circulated for comments to the City's Environmental Services, Engineering, Public Works, Building Division, Economic Development, Municipal Law Enforcement, all Conservation Authorities with jurisdiction in the City, and the Ministry of Municipal Affairs and Housing.

Public Notice was issued in regional Newspaper publications and the draft Amendments are available on the Planning page of the City's website for broader consultation.

All comments received have been considered and incorporated into the draft Amendments as appropriate.

## **Attachments:**

## Appendix A – Proposed Official Plan Amendment No. 35



Appendix A - Draft  
OPA 35.pdf

## Appendix B – Proposed Zoning By-law Amendment



Appendix B - Draft  
ZBA.pdf

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**Department Head E-Mail:** [cmarshall@kawarthalakes.ca](mailto:cmarshall@kawarthalakes.ca)

**Department Head:** Chris Marshall, Director of Development Services

**Department File:** D00-99-003

**CITY OF KAWARTHA LAKES**

**ZONING BY-LAW AMENDMENT NO. 2020-XX**

**SOURCE WATER PROTECTION**

**November 2, 2020 DRAFT**



# **The Corporation of the City of Kawartha Lakes**

## **By-Law No. 2020-XX**

### **A By-law to amend multiple Zoning By-laws in accordance with Source Water Protection Official Plan Amendment No. 35**

#### **Affected By-laws:**

Village of Bobcaygeon Zoning By-Law No. **16-78**  
Township of Eldon Zoning By-Law No. **94-14**  
Township of Emily Zoning By-Law No. **1996-30**  
Township of Fenelon Zoning By-Law No. **12-95**  
Village of Fenelon Falls Zoning By-Law No. **89-25**  
Townships of Laxton, Digby, Longford Zoning By-Law No. **32-83**  
Town of Lindsay Zoning By-Law No. **2000-75**  
Township of Manvers Zoning By-Law No. **87-06**  
Township of Mariposa Zoning By-Law No. **94-07**  
Oak Ridges Moraine Zoning By-Law No. **2005-133**  
Village of Omemee Zoning By-law No. **1993-15**  
Township of Ops Zoning By-Law No. **93-30**  
Township of Somerville Zoning By-Law No. **78-45**  
Township of Verulam Zoning By-law No. **6-87**

This By-law enacts new Definitions, General Provisions and Schedules in accordance with Section 34 of the Planning Act and Section 42 of the Clean Water Act

#### **1.0 DEFINITIONS:**

**ANAEROBIC DIGESTION** shall mean a process used to decompose organic matter by bacteria in an oxygen-limited environment.

**DENSE NON AQUEOUS PHASE LIQUID** shall mean chemicals that are both denser than water and do not dissolve readily in water. Because of these traits, DNAPLs tend to sink below the water table and only stop when they reach impenetrable bedrock. This makes them difficult to locate and cleanup. Commonly used DNAPLs include, but are not limited to paint strippers, varnishes, aerosols, and pharmaceuticals.

**DRINKING WATER THREAT** shall mean an activity or condition that adversely affects or has the potential to adversely affect the quality or quantity of any water that is or may be used as a source of drinking water, and includes an activity or condition that is

prescribed by the regulations as a drinking water threat. Refer to the Clean Water Act for the prescribed 22 drinking water threats.

**INCIDENTAL VOLUME** means standard size containers that are used for personal or domestic activities. This excludes larger volumes used in activities, such as hobbies and home businesses.

**INTAKE PROTECTION ZONE** shall mean the vulnerable area delineated around surface water intakes for municipal drinking water systems and is comprised of subzones:

- IPZ-1: The area immediately adjacent to the intake and is considered the most vulnerable area due to its proximity to the intake. IPZ-1 is the area within a 1,000m radius when centered on the intake, and where IPZ-1 extends onto or touches land, land within a 120m setback of the high water mark.
- IPZ-2: A secondary protection area that is located upstream of the IPZ-1 and represents the extent to which a contaminant could travel to the municipal intake within 2 hours of its release into the environment (due to a spill or leak).

**MUNICIPAL DRINKING WATER SYSTEM** shall mean a drinking water system or part of a drinking water system,

- a) That is owned by a municipality or by a municipal service board established under the Municipal Act, 2001;
- b) That is owned by a corporation established under Sections 9, 10, and 11 of the Municipal Act, 2001 in accordance with Section 203 of the Act;
- c) From which a municipality obtains or will obtain water under the terms of a contract between the municipality and the owner of the system; or,
- d) That is in a prescribed class.

**RISK MANAGEMENT OFFICIAL** shall refer to the person appointed under Part IV of the Clean Water Act, 2006 and who is responsible for making decisions about risk management plans and risk assessments and must meet the prescribed criteria in the regulations under the Clean Water Act, 2006.

**SIGNIFICANT DRINKING WATER THREAT** shall mean an activity which poses or has the potential to pose a significant risk to the source of a municipal drinking water system.

**SIGNIFICANT DRINKING WATER THREAT, EXISTING** shall mean a significant drinking water threat where an activity that has been engaged in prior to the date that the Source Protection Plan took effect and continues to occur; an agricultural activity that has been engaged in at sometime within the 10-year period prior to the date that

the Source Protection Plan takes effect; an activity that is related to a development proposal where an application was made under the Planning Act, Condominium Act, or Building Code Act on a day before the source protection plan takes effect; or an activity that is related to an application made for the issuance or amendment of a prescribed instrument on a day before the source protection plan takes effect.

**SIGNIFICANT DRINKING WATER THREAT, EXPANSION** shall mean an increase in the scale of an activity that is considered a significant drinking water threat already taking place on a property. The increase in scale may include, but is not limited to:

- a) Increasing the area of land where an activity is taking place;
- b) Increasing the amount of effluent or discharge from an activity;
- c) Increasing the quantity of chemical or pathogen-containing material handled or stored; or,
- d) Increasing the quantity of chemical or pathogen containing material applied.

**SIGNIFICANT DRINKING WATER THREAT, FUTURE** shall mean an activity that is considered a significant drinking water threat that is proposed to commence after the date the applicable Source Protection Plan takes effect and is not an existing activity.

**SOURCE MATERIAL, AGRICULTURAL** shall mean a variety of materials that may be sources of nutrients or pathogens, such as:

- Manure produced by farm animals, including bedding materials
- Runoff from farm-animal yards and manure storages;
- Wash water that has not been mixed with human body waste;
- Organic materials produced by intermediate operations that process the above materials (e.g., mushroom compost);
- Anaerobic digestion output that does not include sewage biosolids or human body waste; and
- Regulated compost that is derived from compost containing dead farm animals.

**SOURCE MATERIAL, NON-AGRICULTURAL** shall mean 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 as:

- Pulp and paper biosolids;
- Sewage biosolids;
- Anaerobic digestion output where less than 50% of the total material is on-farm anaerobic digestion materials; and
- Any other material that is not from an agricultural source (i.e. materials from dairy product or animal food manufacturing).

**VULNERABLE AREA** shall mean Wellhead Protection Areas and Intake Protection Zones around municipal drinking water sources where activities may be a significant drinking water threat now or in the future.

**WASTE DISPOSAL SITE** within the meaning of Part V of the Environmental Protection Act shall mean:

- a) any land upon, into, in or through which, or building or structure in which, waste is deposited, disposed of, handled, stored, transferred, treated or processed, and
- b) any operation carried out or machinery or equipment used in connection with the depositing, disposal, handling, storage, transfer, treatment or processing referred to in clause a).

**WELLHEAD PROTECTION AREA** shall mean the vulnerable area delineated around groundwater wells. The delineation helps to identify the length of time it would take most contaminants to travel from the location of a spill or leak to the associated well.

- WHPA-A: The area within a 100m radius from a wellhead, considered the most vulnerable area for groundwater intakes
- WHPA-B: The area within which the time to travel to the well (within the aquifer) is up to and including 2 years
- WHPA-C: The area within which the time to travel to the well (within the aquifer) is up to and including 5 years
- WHPA-D: The area within which the time to travel to the well (within the aquifer) is up to and including 25 years
- WHPA-E: A well that is influenced by surface water and is referred to as groundwater under direct influence of surface water

## **2.0 GENERAL PROVISIONS FOR SOURCE WATER PROTECTION:**

- 2.1 All development will comply with the Clean Water Act through the applicable Source Protection Plans, as amended from time to time.
- 2.2 For all applicable terms, refer to the Definitions Section of this By-law. Refer to the applicable Source Protection Plans for terms not defined herein.
- 2.3 Wellhead Protection Areas (WHPAs) and Intake Protection Zones (IPZs) are identified as an overlay layer on Schedule “A” and include all levels of vulnerability for municipal water sources serving the City.
  - a) In the case of WHPAs the extent of the vulnerable area encompasses WHPA-A through WHPA-E.

- b) In the case of IPZs the extent of the vulnerable area encompasses subzones IPZ-1 and IPZ-2.
- 2.4 Notwithstanding the uses permitted by the underlying zone category in this By-law, the following land use activities shall be prohibited in the vulnerable areas identified on Schedule 'A' to this By-law where they would constitute a future significant drinking water threat under the Clean Water Act, unless stated otherwise in the applicable Source Protection Plans:
- a) Waste disposal sites
  - b) On-site sewage systems (in excess of 10,000 L)
  - c) The application, storage or management of agricultural source material
  - d) The application, handling or storage of non-agricultural source material
  - e) The application, handling or storage of commercial fertilizer
  - f) The application, handling or storage of pesticide
  - g) The handling or storage of road salt
  - h) The storage of snow
  - i) The handling or storage of fuel
  - j) The handling or storage of a dense non aqueous phase liquid
  - k) The handling or storage of an organic solvent
  - l) The use of land as livestock grazing or pasturing land, an outdoor confinement area or a farm-animal yard
- 2.5 Notwithstanding the list of prohibited land use activities in Section 2.4, a Risk Management Official may issue a written decision enabling the City to determine that a site-specific land use activity is permitted in accordance with Section 58 and Section 59 of the Clean Water Act based on location, amount and extent of the threat.
- 2.6 Within the vulnerable area illustrated on Schedule 'A', as it applies to dense non aqueous phase liquids, Section 2.4 shall not apply to incidental volumes used as part of a residential use.
- 2.7 Where a conflict may arise between Source Water Protection provisions in this By-law and any other provisions herein, the provision(s) that afford the greatest protection to surface and groundwater shall prevail to the extent necessary to resolve the conflict.

### **3.0 SCHEDULES:**

The applicable vulnerable area has been added as an overlay to Schedule 'A' of each Zoning By-law identified above.

By-law read a first, second and third time, and finally passed, this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Andy Letham, Mayor

\_\_\_\_\_  
Cathie Ritchie, City Clerk

**CITY OF KAWARTHA LAKES**

**OFFICIAL PLAN AMENDMENT NO. 35**

**SOURCE WATER PROTECTION**

**November 2, 2020 DRAFT**



## Introduction

The City of Kawartha Lakes Official Plan is proposed to be amended as follows:

1. By adding Environment Goal 3.1.4 and Objective 3.2.j)
2. By deleting Section 3.4 Wellhead Protection Zones in its entirety and replacing it with a new Section 3.4 Source Water Protection
3. By adding new definitions to Section 30 Definitions
4. By replacing Schedules “C-1” to “C-14” Wellhead Protection Zones with new Schedules “C-1” to “C-23” Wellhead Protection Areas and Intake Protection Zones, and updating Section 35.4.2. Section C accordingly.

## Background

Section 40(1) and Section 42 of the Clean Water Act, 2006 require that municipalities amend their official plans to conform with the applicable source water protection plans to protect existing and future sources of municipal drinking water, and make necessary amendments to zoning by-laws. There are two source water protection plans that apply in the City of Kawartha Lakes: **Trent Source Protection Plan** and **South Georgian Bay Lake Simcoe Source Protection Plan**. Official Plan Amendment No. 35 implements these plans.

The Amendment impacts the lands within two key vulnerable areas, being Wellhead Protection Areas (WHPAs) and Intake Protection Zones (IPZs). In the City of Kawartha Lakes, there are 23 WHPAs and IPZs, with 2 of these WHPAs belonging to systems outside of the City. Of the 23 vulnerable areas, 3 WHPAs are within the Oak Ridges Moraine Conservation Plan (ORMCP) area. The following text and schedules constitute the proposed Official Plan Amendment No. 35, to be implemented through companion amendments to the 14 affected Zoning By-laws across the City.

All WHPAs are delineated and defined in the proposed Amendment in accordance with the Approved Trent Assessment Report. The vulnerable areas have been delineated through technical studies to identify the length of time for selected contaminants to reach a municipal drinking water source if they were released into the environment. Within vulnerable areas, certain land use activities pose a significant threat to municipal drinking water, human health and the environment. Protecting water at its source is the first line of defense in a multi-barrier approach that protects drinking water from contamination and overuse.

## Details of the Amendment

The City of Kawartha Lakes Official Plan, 2012 is hereby amended as follows:

**1. Subsection 3.1 Goals is amended by adding goal 3.1.4. as follows:**

- 3.1.4. To protect existing and future sources of municipal drinking water in accordance with the applicable source protection plans and implemented through the applicable zoning by-laws.

**2. Subsection 3.2 Objectives is amended by adding objective 3.2.j) as follows:**

- j) Identify vulnerable areas in accordance with section 3.4.1., and prohibit or mitigate activities within vulnerable areas that pose drinking water threats.

**3. Subsection 3.4. Wellhead Protection Zones is deleted in its entirety and replaced with the following:**

**3.4. SOURCE WATER PROTECTION**

- 3.4.1. Vulnerable areas are identified on Schedule “C” Wellhead Protection Areas and Intake Protection Zones, and drinking water systems within the City include:

Wellhead Protection Areas (WHPAs)

- Birch Point Estates (Pigeon Lake), geographic Township of Emily
- Canadiana Shores (Lake Scugog), geographic Township of Mariposa
- Janetville, geographic Township of Manvers
- King’s Bay (Lake Scugog), geographic Township of Mariposa
- Manorview, geographic Township of Manvers
- Mariposa Estates, geographic Township of Mariposa
- Pinewood, geographic Township of Manvers
- Pleasant Point (Lake Scugog) geographic Township of Mariposa
- Sonya, geographic Township of Mariposa
- Victoria Glen / Omemee, geographic Village of Omemee and geographic Township of Emily
- Victoria Place (Pigeon Lake), geographic Township of Verulam
- Western Trent (Canal Lake), geographic Township of Eldon
- Woodfield, geographic Township of Manvers
- Woods of Manilla, geographic Township of Mariposa

- Woodville, geographic Township of Mariposa

Two additional wells are located outside of the City, but their influence areas extend into the City:

- Cannington / Arena, geographic Township Mariposa
- Lansdowne / Fraserville, geographic Township of Emily

#### Intake Protection Zones (IPZs)

- Bobcaygeon (Sturgeon Lake), geographic Village of Bobcaygeon and geographic Township of Verulam
- Fenelon Falls (Cameron Lake), geographic Village of Fenelon Falls and former Township of Fenelon
- Kinmount (Burnt River), geographic Township of Somerville
- Lindsay (Scugog River), geographic Town of Lindsay and geographic Township of Ops
- Norland (Gull River), geographic Townships of Laxton and Somerville
- Southview Estates (Sturgeon Lake), geographic Township of Fenelon

3.4.2. The following land use activities shall be prohibited in vulnerable areas where they are considered under the Clean Water Act a future significant drinking water threat unless stated otherwise in the applicable Source Protection Plan and with consideration of section 3.4.3:

- a) Waste disposal sites within the meaning of Part V of the Environmental Protection Act (including untreated septage, waste disposal, mine tailings, but excluding storage of wastes described in the Act, or the definition of hazardous waste (O.Reg 347) and storage of hazardous or liquid industrial waste)
- b) On-site sewage systems in excess of 10,000 L as required by the South Georgian Bay Lake Simcoe Source Protection Plan
- c) The application, storage or management of agricultural source material
- d) The application, handling or storage of non-agricultural source material
- e) The application, handling or storage of commercial fertilizer
- f) The application, handling or storage of pesticide
- g) The handling or storage of road salt
- h) The storage of snow
- i) The handling or storage of fuel
- j) The handling or storage of a dense non-aqueous phase liquid (DNAPLs)
- k) The handling or storage of an organic solvent

- l) The use of land as livestock grazing or pasturing land, an outdoor confinement area or a farm-animal yard
- 3.4.2.1. Generally, the land use activities listed in Section 3.4.2 are not intended to prohibit typical household uses or practises.
- 3.4.2.2. For all applicable terms, see Section 30 Definitions. Refer to the applicable Source Protection Plans for all terms not defined in this Plan.
- 3.4.3. Despite the list of prohibited activities in Section 3.4.2, a Risk Management Official may issue a written decision enabling the City to determine that a site-specific land use activity is permitted in accordance with Section 59 of the Clean Water Act based on location, amount and extent of the threat.
- 3.4.4. 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 through appropriate studies, as determined by the approval authority, that they do not pose a significant drinking water threat.
- 3.4.5. A complete Planning Act application proposing development within identified vulnerable areas shall include a Notice issued by a Risk Management Official under Section 59(2) of the Clean Water Act, 2006, as amended.

## **SEWAGE SYSTEMS AND FACILITIES**

- 3.4.6. The applicable Source Protection Plans require new development to be serviced by a municipal sewage collection system where feasible, with consideration of financial and technical constraints, within 18 metres of the lot..
- 3.4.7. Where connection to a municipal sewage collection system is not feasible, new development will be serviced by a sewage system constructed in accordance with Part 8 of the Ontario Building Code to ensure that the activity is not a significant drinking water threat.
- 3.4.8. New sewage systems as defined in the Ontario Building Code shall not be located within a vulnerable area identified on Schedule “C”, unless such system complies with requirements established by the approval authority for such system.
- 3.4.9. Wastewater collection facilities that collect or transmit sewage containing human waste that would be a future significant drinking water threat and require

the approval of the Ministry of Environment, Conservation and Parks are not permitted unless the facility complies with construction standards that will ensure the activity is not a significant drinking water threat.

## **WASTE DISPOSAL**

- 3.4.10. Future waste disposal sites within the meaning of Part V of the Environmental Protection Act that require Ministerial approval are prohibited where they would be a significant drinking water threat, except a PCB waste destruction unit where that unit will be used for the sole purpose of the on-site destruction of PCB waste that originated on that site.

## **TRANSPORT PATHWAYS**

- 3.4.11. All activities that will result in the creation of a new transport pathway are prohibited in areas identified on Schedule “C” as IPZ-1’s and WHPA-A’s in accordance with the City’s Transport Pathway By-law 2016-237, or its successor.
- 3.4.12. The City shall give the appropriate Source Protection Authority and the Source Protection Committee notice of a proposal for 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.

When informing the Source Protection Authority and the Source Protection Committee about a proposed new or modified transport pathway, notice must include:

- a) A description of the proposal;
- b) The contact information of the person responsible for the proposal; and,
- c) A description of the approvals the person requires to engage in the proposed activity.

## **ROAD SALT**

- 3.4.13. The application of road salt is a significant drinking water threat within Lindsay and Bobcaygeon, as shown on Schedules “C-2” and “C-10”.
- 3.4.14. During review of development applications, consideration shall be given to the City’s design standards and alternative surfacing materials that minimize the

amount of new impervious land surfaces constructed in vulnerable areas for vehicular traffic and parking, and pedestrian paths.

- 3.4.15. Grading, maintenance activities and drainage designs that reduce ponding and direct any run-off outside the vulnerable areas shall be encouraged.

## **STORMWATER MANAGEMENT FACILITIES**

- 3.4.16. New stormwater management facilities shall be designed to reduce the risk of contaminating drinking water, and where possible direct the discharge of stormwater outside of vulnerable areas. A Functional Servicing Report may be required as part of a complete Planning Act application that demonstrates no threats will be located in vulnerable areas in association with new stormwater management facilities.

- 3.4.17. Stormwater management facilities are encouraged to locate outside vulnerable areas identified on Schedule "C".

## **STEWARDSHIP**

- 3.4.18. The City may consider the use of alternative protection measures within the most vulnerable areas, which may include land acquisition, land management and/or entering into conservation easements, agreements and development of stakeholder partnership programs to minimize or eliminate significant drinking water threats.

- 3.4.19. The City shall encourage the use of haulage routes for transportation of chemicals and volatile materials that avoid WHPAs and areas of high aquifer vulnerability within the Oak Ridges Moraine Policy Area as identified on Schedule 8 within Schedule "G" Oak Ridges Moraine Plan Amendment to this Plan.

- 3.4.20. Best management practices are encouraged for all development proposals in vulnerable areas. Development proponents are encouraged to contact the Kawartha Region Conservation Authority to determine appropriate best management practices prior to making an application.

## **MONITORING**

- 3.4.21. The City shall report annually by February 1 of each year to the Source Protection Authority on the implementation progress of the applicable Source Protection Plans.

4. **Section 30. Definitions is amended by adding the following definitions in alphabetical order:**

### **30. DEFINITIONS**

#### **Anaerobic Digestion**

A process used to decompose organic matter by bacteria in an oxygen-limited environment.

#### **Dense Non-Aqueous Phase Liquid**

Chemicals that are both denser than water and do not dissolve readily in water. Because of these traits, DNAPLs tend to sink below the water table and only stop when they reach impenetrable bedrock, making them difficult to locate and cleanup. Commonly used DNAPLS include, but are not limited to, paint strippers, varnishes, aerosols, and pharmaceuticals.

#### **Drinking Water Threat**

An activity or condition that adversely affects or has the potential to adversely affect the quality or quantity of any water that is or may be used as a source of drinking water, and includes an activity or condition that is prescribed by the regulations as a drinking water threat. Refer to the Clean Water Act for the prescribed drinking water threats.

#### **Intake Protection Zone**

The vulnerable area delineated around surface water intakes for municipal drinking water systems and is comprised of subzones:

- IPZ-1: The area immediately adjacent to the intake and is considered the most vulnerable area due to its proximity to the intake. IPZ-1 is the area within a 1,000m radius when centered on the intake, and where IPZ-1 extends onto or touches land, land within a 120m setback of the high water mark.
- IPZ-2: A secondary protection area that is located upstream of the IPZ-1 and represents the extent to which a contaminant could travel to the municipal intake within 2 hours of its release into the environment (due to a spill or leak).

#### **Municipal Drinking Water System**

A drinking water system or part of a drinking water system,

- a) That is owned by a municipality or by a municipal service board established under the Municipal Act, 2001;
- b) That is owned by a corporation established under Sections 9, 10, and 11 of the Municipal Act, 2001 in accordance with Section 203 of the Act;
- c) From which a municipality obtains or will obtain water under the terms of a contract between the municipality and the owner of the system; or,
- d) That is in a prescribed class.

### **Risk Management Official**

The person appointed under Part IV of the Clean Water Act, 2006 and the person who is responsible for making decisions about risk management plans and risk assessments and must meet the prescribed criteria in the regulations under the Clean Water Act, 2006.

### **Significant Drinking Water Threat**

An activity which poses or has the potential to pose a significant risk to the source of a municipal drinking water system.

### **Significant Drinking Water Threat, Existing**

A significant drinking water threat where:

- a) An activity that has been engaged in prior to the date that the Source Protection Plan takes effect and continues to occur;
- b) An agricultural activity that has been engaged in at sometime within the 10-year period prior to the date that the Source Protection Plan takes effect;
- c) An activity that is related to a development proposal where an application was made under the Planning Act, Condominium Act, or Building Code Act on a day before the Source Protection Plan takes effect; or,
- d) An activity that is related to an application made for the issuance or amendment of a prescribed instrument, as defined by the applicable Source Protection Plan, on a day before the Source Protection Plan takes effect.

### **Significant Drinking Water Threat, Expansion**

An increase in the scale of an activity that is considered a significant drinking water threat already taking place on a property. The increase in scale may include, but is not limited to:

- a) Increasing the area of land where an activity is taking place;
- b) Increasing the amount of effluent or discharge from an activity;
- c) Increasing the quantity of chemical or pathogen-containing material handled or stored; or,
- d) Increasing the quantity of chemical or pathogen containing material applied.

### **Significant Drinking Water Threat, Future**

An activity that is considered a significant drinking water threat that is proposed or intended to commence after the date the applicable Source Protection Plan takes effect and is not an existing activity.

### **Significant Groundwater Recharge Areas**

Areas that are characterized by porous soils and that help maintain the water level in an aquifer.

### **Source Material, Agricultural**

A variety of materials that may be sources of nutrients or pathogens, such as:

- Manure produced by farm animals, including bedding materials
- Runoff from farm-animal yards and manure storages
- Wash water that has not been mixed with human body waste
- Organic materials produced by intermediate operations that process the above materials (e.g., mushroom compost)
- Anaerobic digestion output that does not include sewage biosolids or human body waste
- Regulated compost that is derived from compost containing dead farm animals

### **Source Material, Non-Agricultural**

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 as:

- Pulp and paper biosolids
- Sewage biosolids
- Anaerobic digestion output where less than 50% of the total material is on-farm anaerobic digestion materials
- Any other material that is not from an agricultural source (i.e. materials from dairy product or animal food manufacturing)

## **Transport pathway**

A condition of land resulting from human activity that increases the vulnerability of a raw water supply of a drinking water system contained in the Trent Source Protection Plan. 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, and sanitary sewer and water distribution system infrastructure
- For surface water systems: storm drainage infrastructure (e.g. storm sewer lines, culverts, ditches), and tile drains

## **Vulnerable Area**

Wellhead Protection Areas and Intake Protection Zones around municipal drinking water sources where activities may be a significant drinking water threat now or in the future.

## **Waste Disposal Site**

Within the meaning of Part V of the Environmental Protection Act includes:

- a) any land upon, into, in or through which, or building or structure in which, waste is deposited, disposed of, handled, stored, transferred, treated or processed, and
- b) any operation carried out or machinery or equipment used in connection with the depositing, disposal, handling, storage, transfer, treatment or processing referred to in clause a).

## **Wellhead Protection Area**

The vulnerable area delineated around groundwater wells. The delineation helps to identify the length of time it would take most contaminants to travel from the location of a spill or leak to the associated well.

- WHPA-A: The area within a 100m radius from a wellhead, considered the most vulnerable area for groundwater intakes
- WHPA-B: The area within which the time to travel to the well (within the aquifer) is up to and including 2 years
- WHPA-C: The area within which the time to travel to the well (within the aquifer) is up to and including 5 years

- WHPA-D: The area within which the time to travel to the well (within the aquifer) is up to and including 25 years
  - WHPA-E: A well that is influenced by surface water and is referred to as groundwater under direct influence of surface water
5. **Schedules “C-1” to “C-14” Wellhead Protection Zones are deleted in their entirety and replaced with the following Schedules “C-1” to “C-23” Wellhead Protection Areas and Intake Protection Zones.**