

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