THE REGIONAL MUNICIPALITY OF YORK

BILL NO. 81

BYLAW NO. 2013-79

A bylaw to adopt Amendment No. 5
to the Official Plan for The Regional Municipality of York

WHEREAS the Planning Act, R.S.O. 1990, c.P.13, as amended, permits The Regional Municipality of York to adopt an Official Plan or amendments thereto;

AND WHEREAS Regional Council at its meeting on October 17, 2013 decided to adopt Regional Official Plan Amendment No. 5 to the York Region Official Plan – 2010;

The Council of The Regional Municipality of York HEREBY ENACTS as follows:

1. Regional Official Plan Amendment No. 5 to the York Region Official Plan – 2010 (ROPA No. 5) consisting of text and figures in the attached Schedule “A” is hereby adopted.

2. ROPA No. 3, by virtue of Ontario Regulation 525/97, is exempt from approval by the Minister of Municipal Affairs and Housing.

3. Schedule “A” shall form part of this Bylaw.

ENACTED AND PASSED on October 17, 2013.

Regional Clerk

Regional Chair

Authorized by Report 3, of the Committee of the Whole, adopted by Regional Council at its meeting on October 17, 2013.
Amendment 5

to the

Official Plan

for the

Regional Municipality

of York
AMENDMENT 5
TO THE OFFICIAL PLAN
FOR
THE REGIONAL MUNICIPALITY OF YORK

PART A - THE PREAMBLE

1. **Purpose of the Amendment:**

   This Amendment provides updated mapping for Wellhead Protection Areas and Intake Protection Zones, Significant Groundwater Recharge Areas and Highly Vulnerable Aquifers in York Region and policies to reflect new source water protection information.

2. **Location:**

   The amendment applies throughout the entire Regional Municipality of York

3. **Basis:**

   Following the Walkerton tragedy, the Province introduced the *Clean Water Act (CWA)*, 2006 to prevent the contamination and overuse of municipal drinking water sources. As part of this approach, Source Protection Committees were created and tasked with preparing Assessment Reports to identify and evaluate existing and future threats to municipal water supply.

   Assessment Reports applicable to York Region are now approved by the Ministry of the Environment (MOE) and have resulted in updated mapping for Wellhead Protection Areas, Intake Protection Zones, Highly Vulnerable Aquifers (outside of the Oak Ridges Moraine) and Significant Groundwater Recharge Areas. With MOE approval, Wellhead Protection Areas, Intake Protection Zones, Significant Groundwater Recharge Areas and Highly Vulnerable Aquifers identified in Assessment Reports are considered vulnerable areas under the Provincial Policy Statement (PPS). As a result, the York Region Official Plan requires amendment to ensure alignment with the PPS and CWA.

   As early as 2005, the York Region Official Plan (ROP) included wellhead protection policies and mapping consistent with the *Oak Ridges Moraine Conservation Act, 2001* and later the *Greenbelt Act, 2005*. When the York Region Official Plan, 2010 was approved, policies and mapping were extended to all wellhead protection areas to ensure adequate protection for all municipal drinking water supplies as an interim measure until the Assessment Reports, and ultimately, the Source Protection Plans were complete.

   The completion and approval of the assessment reports under the Clean Water Act as well as the development of several new wells in York Region has resulted in a need to amend the York Region Official Plan, 2010.
PART B - THE AMENDMENT

All of the Amendment entitled PART B - THE AMENDMENT, consisting of the following policy and map changes, constitutes Amendment 5 to the Official Plan for the Regional Municipality of York (York Region).

The York Region Official Plan, 2010 is amended by the following:

1. Chapter 2 A Sustainable Natural Environment, Section 2.3 Water Systems is amended as follows:

   a) Policy 2.3.4 is deleted in its entirety with renumbering of subsequent polices.

   b) Policy 2.3.4 (formerly policy 2.3.6) is amended by deleting the word “prepare” on line 1 to be replaced by the word “implement” in the same location; and by deleting the word “Water” between “Source” and “Protection” on line 1, to read as follows:

   “2.3.4 To implement Source Protection Plans as required by Provincial legislation, with the Province, local municipalities, and conservation authorities to protect the quality and quantity of Regional water supply from incompatible uses and sources of contamination.”

   c) Policy 2.3.5 (formerly policy 2.3.7) is amended by inserting “Assessment Reports” before “Source Protection Plans” on line 1; by deleting the word “Water” between “Source” and “Protection” on line 2; and correcting punctuation to read as follows:

   “2.3.5 To amend mapping and policies to reflect new requirements, assessments and recommendations from the Assessment Reports, Source Protection Plans and Oak Ridges Moraine Conservation Plan by amendment to this Plan.”

   d) By the addition of a new policies 2.3.6 and 2.3.7, with renumbering of subsequent policies, to read as follows:

   “2.3.6 That significant groundwater recharge areas are identified on Map 13.”

   “2.3.7 That in significant groundwater recharge areas development will maintain pre-development recharge rates to the fullest extent possible.”

   e) Policy 2.3.8 (formerly policy 2.3.5) is amended by deleting the words “That notwithstanding policy 2.3.4,”; deleting the word “a” after “within” on line 1; by deleting the words “environmental impact study” to be replaced with the words “Infiltration Management Plan” on line 3; and by deleting the words “that the groundwater recharge functions will be protected, improved or restored” on line 4
to be replaced by the words “pre-development recharge rates will be maintained for industrial, commercial, institution, medium and high density residential development, as deemed necessary by the local municipality”

“2.3.8 An application for major development within significant groundwater recharge areas shall be accompanied by an Infiltration Management Plan that demonstrates pre-development recharge rates will be maintained for industrial, commercial, institutional, medium and high density residential development, as deemed necessary by the local municipality.”

f) By the addition of a new policies 2.3.9, 2.3.10 and 2.3.11, to read as follows:

“2.3.9 That highly vulnerable aquifers are identified on Map 14.”

“2.3.10 An application for major development within highly vulnerable aquifers (as shown on Map 14) involving the manufacturing, handling and/or storage of bulk fuel or chemicals (activities prescribed under the Clean Water Act), shall be accompanied by a Contaminant Management Plan, as deemed necessary by the local municipality.”

“2.3.11 That in wellhead protection areas, intake protection zones, significant groundwater recharge areas and highly vulnerable aquifers best management practices are encouraged for all development proposals that involve:

a. manufacturing, handling, and/or storage of organic solvents and dense non-aqueous phase liquid (DNAPLS); and

b. application, storage, and/or handling of road salt on private roadways, parking lots, and pedestrian walkways while recognizing that maintaining public safety is paramount.”

2. Chapter 7 Servicing Our Population, Section 7.3 Water and Wastewater Servicing is amended as follows:

a) Policy 7.3.9 is amended by deleting the word “and” after “wells” on line 1; by adding “wellhead protection areas” after “wells” on line 1; by adding the words “significant groundwater recharge areas and highly vulnerable aquifers” between the words “zones” and “to” on line 2; by adding the words “and quantity” after “quality” on line 2; and correcting punctuation to read as follows:

“7.3.9 To require local official plans to identify all Regional wells, wellhead protection areas, intake protection zones, significant groundwater recharge areas and highly vulnerable aquifers to protect drinking water quality and quantity.”
b) The preamble to Section 7.3 Wellhead and Intake Protection is amended by deleting the first and second paragraphs and replacing with the following:

“Wellhead Protection Areas are zones around wells where land uses must be planned to protect the quality and quantity of the water supply. Intake Protection Zones are zones established to protect the quality and quantity of water entering lake based municipal water supply intakes. In these areas, it may be necessary to restrict or even prohibit certain land uses due to their potential to impact drinking water quality and quantity. Source water protection planning is evolving and will result in the refinement of the policies and mapping of this Plan.”

c) Policy 7.3.35 is amended by the following:

- deleting the word “the” on line 1;
- adding the words “and Intake Protection Zones” after “Wellhead Protection Areas” on line 1;
- by adding “are” after “Intake Protection Zones on line 1;
- by deleting “are based on time of travel zones as follows:” on line 2; and
- by deleting subsections a to d, to read as follows:

“7.3.35 That Wellhead Protection Areas and Intake Protection Zones are shown on Map 6.

d) Policy 7.3.36 is amended by inserting the words “and Intake Protection Zones” between the words “Area” and “policies” on line 1, to read as follows:

“7.3.36 To require local municipalities to incorporate Wellhead Protection Area and Intake Protection Zone policies and mapping into local official plans and zoning by-laws, in consultation with the Region.”

e) That Policy 7.3.37 is deleted in its entirety with renumbering of subsequent polices.

f) Policy 7.3.37 (formerly policy 7.3.38) is amended by inserting the words “and Intake Protection Zones” between the words “Areas” and “for” on line 2; and between the words “Areas” and “or” on line 3; and by deleting the word “wells” and replacing with “water supplies” on line 3, to read as follows:

“7.3.37 To update wellhead studies and modeling at least every 5 years to refine the location and extent of Wellhead Protection Areas and Intake Protection Zones for all municipal water supplies. Changes to the Wellhead Protection Areas and Intake Protection Zones or policies will require an amendment to this Plan.”

g) Policy 7.3.38 (formerly policy 7.3.39) is amended by deleting the words “outside the Oak Ridges Moraine” on line 1; by inserting the words “and Intake Protection Zones” between the words “Areas” and “outside” on line 2; and by
deleting the words “a Risk Assessment shall be conducted as prescribed by the Clean Water Act, 2006, and a Risk Management Plan” to be replaced with the words “a Source Water Impact Assessment and Mitigation Plan will” in the same location, to read as follows:

“7.3.38 That in Wellhead Protection Areas and Intake Protection Zones, a Source Water Impact Assessment and Mitigation Plan will be prepared and approved prior to the establishment of new land uses that involve the storage or manufacture of:

a. petroleum-based fuels and or solvents;
b. pesticides, herbicides, fungicides or fertilizers;
c. construction equipment;
d. inorganic chemicals;
e. road salt and contaminants as identified by the Province;
f. the generation and storage of hazardous waste or liquid industrial waste, and waste disposal sites and facilities;
g. organic soil conditioning sites and the storage and application of agricultural and non-agricultural source organic materials; and,
h. snow storage and disposal facilities.”

h) Policy 7.3.39 (formerly policy 7.3.41) is amended by deleting the words “outside the Oak Ridges Moraine, where existing land uses” on line 1; by inserting the words “and Intake Protection Zones” between the words “Wellhead Protection Areas” and “and areas” on line 2; by deleting the words “and areas with high potential for groundwater contamination” on line 2; by inserting the words “, where existing land uses” between the words “Zones” and “involve” on line 3; and by deleting the words “Risk Assessment and Risk Management Plan” to be replaced with the words “Source Water Impact Assessment and Mitigation Plan” in the same location, to read as follows:

“7.3.39 That in Wellhead Protection Areas and Intake Protection Zones, where existing land uses involve the storage, manufacture or use of materials detailed in policy 7.3.38, a Source Water Impact Assessment and Mitigation Plan may be required.”

i) Policy 7.3.40 (formerly policy 7.3.42) is amended by the following:

• adding the words “activities involving” after “That” on line 1;
• deleting the words “including the siting and development of stormwater management ponds and infiltration basins” on lines 1 and 2;
• making the remaining policy following the word “is” on line 4 into new clauses a) and b) with appropriate punctuation changes; and,
• by adding a new subsection “c) within the 1 kilometre intake and up to 120m inland from the Lake Simcoe shoreline (IPZ-1), as shown on Map 6” to read as follows:
“7.3.40 That activities involving the storage or use of pathogen threats by new land uses, except for the storage of manure for personal or family use, is:

a. prohibited within the 100m pathogen zone (WHPA-A) around each municipal well;

b. may be restricted within the 100m to 2-year time of travel (WHPA-B); and

c. prohibited within the 1 kilometre zone of the municipal intake and up to 120m inland from the Lake Simcoe shoreline (IPZ-1), as shown on Map 6.”

j) Policy 7.3.41 (formerly policy 7.3.43) is deleted in its entirety and replaced by the addition of new policies 7.3.41, 7.3.42, 7.3.43 to read as follows:

“7.3.41 That expansion of existing incompatible activities, as outlined in policy 7.3.38, within the 100m (WHPA-A) pathogen zone is prohibited around each municipal well, as shown on Map 6.”

“7.3.42 That the expansion of existing incompatible activities, as outlined in policy 7.3.38, within the 100m to 5 year time of travel zone (WHPA-B), as shown on Map 6, will be discouraged subject to an approved Source Water Impact Assessment and Mitigation Plan.”

“7.3.43 Redevelopment of incompatible activities, as outlined in policy 7.3.38, within Wellhead Protection Areas and Intake Protection Zones to more compatible uses is encouraged subject to an approved Source Water Impact Assessment and Mitigation Plan.”

k) Policy 7.3.44 is amended by adding the words “and Intake Protection Zones” after the words “Wellhead Protection Areas” in the last line, to read as follows:

“7.3.44 To investigate the need for undertaking risk management planning, including spills response, contaminant recovery, aquifer rehabilitation plans and public education in consultation with other partners, where existing land uses involve the storage of contaminants identified in policy 7.3.38 in Wellhead Protection Areas and Intake Protection Zones.”

l) Policy 7.3.45 (formerly 7.3.40) is amended by being relocated within this policy section.

m) The section “Aquifer Vulnerability” is amended by renaming the subsection to “ORMCP Aquifer Vulnerability”; and by amending the preamble by inserting the following words “as defined by the Oak Ridges Moraine Conservation Act between the words “and natural sources” and “Map 7” on line 2; and by adding the following words “The following policies apply to lands located within the Oak Ridges Moraine Plan Area” between the existing first and second sentences of the paragraph, to read as follows:
“ORMCP AQUIFER VULNERABILITY
Aquifer Vulnerability refers to the shallow groundwater aquifer’s susceptibility to contamination from both human and natural sources as defined by the Oak Ridges Moraine Conservation Act. The following policies apply to lands located within the Oak Ridges Moraine Plan Area. Map 7 identifies the location of areas of high and low Aquifer Vulnerability.”

3. Section 8.3 Table 3 is amended by adding the following:
   • “Contaminant Management Plan to the list of possible planning studies and by adding “Major Development within Highly Vulnerable Aquifers” as the circumstance of when the study would be required;
   • “Infiltration Management Plan” to the list of possible planning studies and by adding “Major Development with Significant Groundwater Recharge Areas” as the circumstance of when the study would be required; and
   • “Source Water Impact Assessment and Mitigation Plan” to the list of possible planning studies and by adding “Development within Wellhead Protection Areas and Intake Protection Zones” as the circumstance of when the study would be required, to read as follows:

<table>
<thead>
<tr>
<th>Planning Study</th>
<th>Circumstance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contaminant Management Plan</td>
<td>Major Development within Highly Vulnerable Aquifers</td>
</tr>
<tr>
<td>Infiltration Management Plan</td>
<td>Major Development with Significant Groundwater Recharge Areas</td>
</tr>
<tr>
<td>Source Water Impact Assessment and Mitigation Plan</td>
<td>Development within Wellhead Protection Areas and Intake Protection Zones</td>
</tr>
</tbody>
</table>

4. That the DEFINITIONS section of the Plan is hereby amended by the following:
   a) By the deleting of the definitions Sensitive Groundwater Features, Risk Assessment and Risk Management Plan.
   b) By the addition of the following definitions in an appropriate location:

   “Contaminant Management Plan – A report that demonstrates how development proposals involving the manufacturing, handling and/or storage of bulk fuels or chemicals (activities prescribed under the Clean Water Act) that demonstrates safety measures will be implemented in order to help prevent contamination of groundwater or surface water supplies. The Contaminant Management Plan must include a list of all chemicals used on the subject lands and within any structures and demonstrate how the risk of release to the environment will be mitigated and managed.”

   “Highly Vulnerable Aquifer (HVA)–As defined under the Clean Water Act, is an aquifer that can be easily changed or affected by contamination from both human activities and natural processes as a result of (a) its intrinsic
susceptibility, as a function of the thickness and permeability of overlaying layers, or (b) by preferential pathways to the aquifer.”

“**Infiltration Management Plan** – A report that demonstrates how the development proposal maintains pre-development recharge rates and does not impair groundwater quality.”

“**Source Water Impact Assessment and Mitigation Plan** - A Source Water Impact Assessment and Mitigation Plan is a report completed by a qualified person that examines the relevant hydrologic pathways and qualitatively evaluates the level of risk associated with the land uses or land use activities that may pose a threat to the quantity or quality of a municipal drinking water supply. It proposes a plan for the mitigation and management of the identified risks, and outlines an emergency response to be executed in the event that a risk is realized.”

“**Significant Groundwater Recharge Areas** - The area where an aquifer is replenished from (a) natural processes, such as the infiltration of rainfall and snowmelt and the seepage of surface water from lakes, streams and wetlands, (b) from human interventions, such as the use of storm water management systems, and (c) whose recharge rate exceeds a threshold specified in the Clean Water Act.”

5. That Map 6 – Wellhead Protection Areas is amended, as follows:
   a) By renaming the Map as “Wellhead Protection Areas and Intake Protection Zones”
   b) By the addition of source protection naming conventions for wellhead protection zones to the legend, as follows:
      • by inserting “(WHPA-A)” after “100 Metre Zone”;
      • inserting “(WHPA-B)” after “0-2 Year Zone”;
      • inserting “(WHPA-C)” after “2-5 Year Zone”;
      • inserting “(WHPA-C1)” after “5-10 Year Zone”; and,
      • inserting “(WHPA-D)” after “10-25 Year Zone”.
   c) Changes to Wellhead Protection Areas and the addition of Intake Protection Zones as shown on the attached Figures 1 to 6 being excerpts from Map 6 – Wellhead Protection Areas and Intake Protection Zones.

6. That a new Map 13 – Significant Groundwater Recharge Areas, dated January, 2013, attached as Figure 7 to this amendment be added to the York Region Official Plan, 2010.

7. That a new Map 14 – Highly Vulnerable Aquifers, dated January, 2013, attached as Figure 8 to this amendment be added to the York Region Official Plan, 2010.
Figure 1

TO ROPA 5

Active Wellhead
100 Metre Zone (WHPA-A)
0-2 Year Zone (WHPA-B)
2-5 Year Zone (WHPA-C)
5-10 Year Zone (WHPA-C1)
10-25 Year Zone (WHPA-D)

Intake Protection Zone 1
Intake Protection Zone 2

Urban Area
Towns and Villages
Hamlet
Municipal Boundary
Oak Ridges Moraine Conservation Plan
Oak Ridges Moraine Boundary
Oak Ridges Moraine Plan Area
Greenbelt Plan
Greenbelt Plan Area Boundary
Greenbelt Protected Countryside / Hamlet
Area Subject to the Lake Simcoe Protection Plan
Provincial Highways
Existing
Controlled Access Highway
Under Construction

10.5 0 1 Km

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Figure 2

To ROPA 5

Active Wellhead
100 Metre Zone (WHPA-A)
0-2 Year Zone (WHPA-B)
2-5 Year Zone (WHPA-C)
5-10 Year Zone (WHPA-C1)
10-25 Year Zone (WHPA-D)
Intake Protection Zone 1
Intake Protection Zone 2

Urban Area
Towns and Villages
Hamlet
Municipal Boundary
Oak Ridges Moraine Conservation Plan
Oak Ridges Moraine Boundary
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Note: Local road network added to this Figure for clarity and context. Map 6 to ROP 2010 does not show local roads.
Figure 3
TO ROPA 5

Active Wellhead
100 Metre Zone (WHPA-A)
0-2 Year Zone (WHPA-B)
2-5 Year Zone (WHPA-C)
5-10 Year Zone (WHPA-C1)
10-25 Year Zone (WHPA-D)

Intake Protection Zone 1
Intake Protection Zone 2

Urban Area
Towns and Villages
Hamlet
Municipal Boundary
Oak Ridges Moraine Conservation Plan
Oak Ridges Moraine Boundary
Oak Ridges Moraine Plan Area
Greenbelt Plan
Greenbelt Plan Area Boundary
Greenbelt Protected Countryside / Hamlet
Area Subject to the Lake Simcoe Protection Plan

Existing Provincial Highways

Controlled Access Highway

Under Construction

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Figures 4 and 5

TO ROPA 5

Active Wellhead
- 100 Metre Zone (WHPA-A)
- 0-2 Year Zone (WHPA-B)
- 2-5 Year Zone (WHPA-C)
- 5-10 Year Zone (WHPA-C1)
- 10-25 Year Zone (WHPA-D)

Intake Protection Zone 1

Intake Protection Zone 2

Urban Area

Towns and Villages

Hamlet

Municipal Boundary

Oak Ridges Moraine Conservation Plan

Oak Ridges Moraine Boundary

Oak Ridges Moraine Plan Area

Greenbelt Plan

Greenbelt Plan Area Boundary

Greenbelt Protected Countryside / Hamlet

Area Subject to the Lake Simcoe Protection Plan

Provincial Highways

Existing

Controlled Access Highway

Under Construction

Note: Local road network added to this Figure for clarity and context. Map 6 to ROP 2010 does not show local roads.
Significant Groundwater Recharge Areas

- Boag Road
- Rutherford Road
- Steeles Avenue East
- Steeles Avenue West
- Rutherford Road
- 18th Sideroad
- Township of King
- King Road
- Davis Drive West
- 16th Sideroad
- Township of Newmarket
- Newmarket
- Town of Aurora
- Bloomingtown Road
- St. John's Sideroad
- Vandorf Sideroad
- Town of Whitchurch-Stouffville
- Bethesda Sideroad
- Highway 7
- Langstaff Road
- John Street
- Highway 7
- 407th Avenue
- 52.5
- 48
- 400
- 404
- 427
Figure 8
TO ROPA 5
MAP 14
HIGHLY VULNERABLE AQUIFERS

- Highly Vulnerable Aquifers
- Oak Ridges Moraine Conservation Plan
- Oak Ridges Moraine Boundary
- Oak Ridges Moraine Plan Area

Provincial Highways:
- Existing
- Controlled Access Highway
- Under Construction

Municipal Boundary

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