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OAK RIDGES MORaine WELLHEAD PROTECTION AREA POLICY AND MAPPING - MINOR REVISIONS

The Planning and Economic Development Committee recommends the adoption of the recommendations contained in the following report, December 2, 2005, from the Commissioner of Planning and Development Services:

1. RECOMMENDATIONS

It is recommended that:

1. Regional Council adopt the proposed second paragraph for Policy 2.5.19 and the modification to Map14 –Wellhead Protection Areas on the Oak Ridges Moraine attached to this report as *Figure 2*.
2. The Ministry of Municipal Affairs and Housing be requested to approve the second paragraph for Policy 2.5.19 and the modification to Map14 –Wellhead Protection Areas on the Oak Ridges Moraine under the *Oak Ridges Moraine Conservation Act, 2001*.

2. PURPOSE

The purpose of this report is to introduce and obtain Council adoption of a Policy to govern further minor revisions to Wellhead Protection Area mapping and a very minor modification to Map 14 –Wellhead Protection Areas on the Oak Ridges Moraine and to submit the modified Policy and Map to the Ministry of Municipal Affairs and Housing as a modification to ROPA 41.

3. BACKGROUND

The Oak Ridges Moraine Conservation Plan (ORMCP) requires both upper and lower tier municipalities to incorporate municipal Wellhead Protection Area mapping and policies into their Official Plans.

Regional Amendment 41 – The Oak Ridges Moraine Conformity Amendment, was approved by the Minister on October 21, 2004, save and except for several deferrals, including a deferral of Policy 2.5.19 to permit the inclusion of Wellhead Protection Area mapping and policies in the future.

Regional Council, at its meeting of September 2, 2004 adopted Clause 3 of Report 8 of the Regional Planning and Economic Development Committee which contained Map 14 - Oak Ridges Moraine Wellhead Protection Areas.

The adopted Map 14 was submitted to the Ministry of Municipal Affairs and Housing for their approval. Ministry staff has recently advised the Region that favourable comments have been received from the Ministry of the Environment on the Wellhead Protection Area mapping and the background technical reports and the Ministry of Municipal Affairs and Housing is prepared to proceed with the approval of Map 14.

Since the original adoption however, there has been a refinement of the modelling exercise which has resulted in a very minor changes to the wellhead protection area for the Nobelton well. This refinement, which is described in the following section of this report, requires that a modified Map 14 be submitted to the Ministry for approval. As well, in order to accommodate future minor changes to wellhead protection area a policy modification is also proposed. Since this is a modification to a policy deferred by the Minister in the Regional Plan and a Map that is not yet approved, a statutory public meeting is not necessary prior to Council adoption of the modification.

4. ANALYSIS AND OPTIONS

Policy Modification

When Regional Amendment 41 was approved by the Ministry in September 2004, Policy 2.5.19 was deferred to permit the inclusion of more detailed wellhead protection area mapping and policies at a future date. Policy 2.5.19 states:

19. To identify and incorporate wellhead protection area mapping and policies for lands on the Oak Ridges Moraine into this Plan and area municipal official plans and zoning by-laws, in consultation with area municipalities.

Some of the wellhead protection area policies were included at the time of the original adoption; however, a policy governing minor changes to delineations was not included. Without a Policy such as this, even minor changes involving a reduction in the area of a wellhead protection area or a time-of-travel zone would require an amendment to the Regional Official Plan.

It is therefore recommended that Policy 2.5.19 of the Regional Official Plan be modified by the addition of a new paragraph 2 as follows:

2.5.19, Paragraph 2:

Where additional information or changes in assumptions used to delineate wellhead protection areas result in minor reductions in the wellhead protection area or the time-of travel zones within a Wellhead Protection Area, such changes will not require an amendment to this Plan. An amendment to this a Plan will be required where a new Wellhead Protection Area is to be delineated on Map 14 or where additional information or changes in assumptions results in the expansion of a Wellhead Protection Area or time-

of-travel zone. In both circumstances consultation with the Province shall be required prior to any changes being made to the Wellhead Protection Area mapping.

This policy addition would permit minor revisions that reduce the area of a wellhead protection area or time of travel zone to proceed without an Amendment to the Official Plan, however, new wellhead protection areas and those revisions which increase either the area of delineation or time of travel and thereby may be expected to impact individual property rights would proceed to a Regional Official Plan Amendment in accordance with the *Planning Act*.

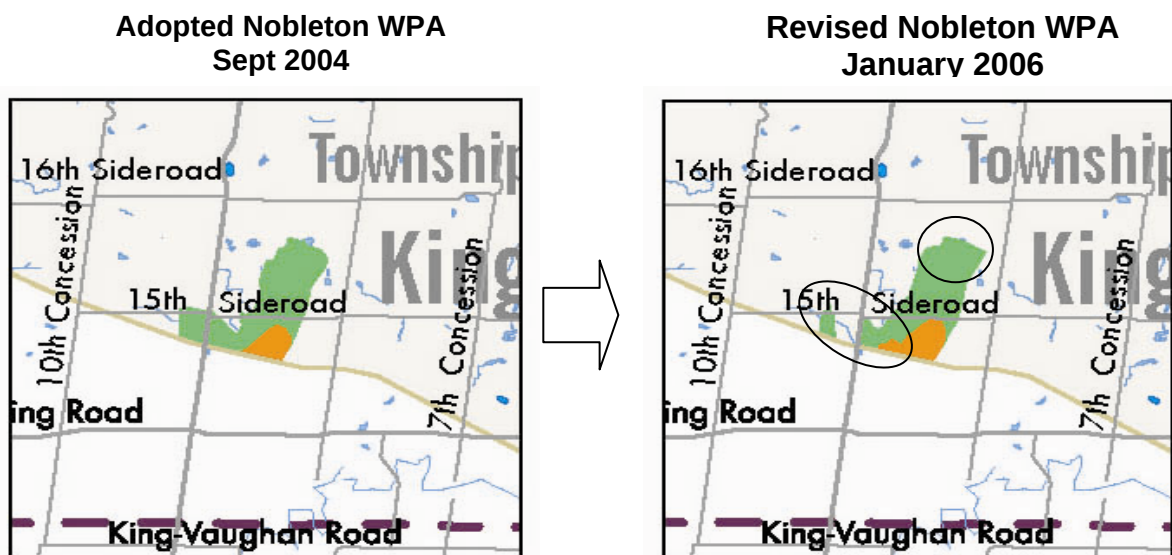
Mapping Modification

Map 14 to the Regional Plan was based on a regional-scale numerical groundwater flow model that simulates groundwater flow conditions and includes the ability to identify the area which can potentially contribute water to Regional wells. After the Oak Ridges Moraine Conservation Plan (ORMCP) was introduced in 2002, York Region revised the scope of the municipal groundwater studies to include the delineation of Wellhead Protection Areas (WPAs) around all operating municipal wells.

Refinement of the modelling of wellhead protection areas since the original adoption last year has resulted in a very minor modification to the adopted wellhead protection area for the Nobleton wells.

The area where changes have occurred is shown on Figure 1 below and resulted in a minor reduction of the wellhead protection area on the west side of Highway 27 and a very minor increase in northeast area of the protection area.

Figure 1



Since a portion of Regional Amendment 41 was deferred to permit the inclusion of Wellhead Protection Area mapping and the previously adopted Map 14 has not yet been approved, this minor change can be considered as a modification and no statutory public meeting is required under the *Planning Act*. A copy of the Revised Map 14 – Wellhead Protection Areas on the Oak Ridges Moraine is appended to this report as *Figure 2*.

Wellhead Protection Areas Outside the ORMCP Area

When the original Map 14 was adopted in 2004, reference was made in the report to the extensions of Wellhead Protection Areas outside of the ORMCP and a figure for information purposes showing the locations of these areas.

Work is continuing to review the assumptions made in delineating these zones and to determine the appropriate policies for protection outside of the ORMCP within these zones. York Region staff anticipates that further direction regarding requirements for wellhead protection will come from the Province in conjunction with proposed *Clean Water Act*. Regional staff and is working toward a schedule for planning and implementation in York Region that will ensure compliance with provincial initiatives and minimize the need for future revisions of the wellhead protection policies and mapping.

4.1 Relationship to Vision 2026

Wellhead protection is a key initiative to preserve and maintain the quality of groundwater resources used for municipal water supplies. This intent is consistent with the objectives of Vision 2026 toward ensuring clean water, securing a green York Region and promoting conservation.

5. FINANCIAL IMPLICATIONS

Programs outlined in the 10 year capital plan of the Transportation and Works Department include budget allocations for the development of wellhead protection areas and policy and implementation of wellhead protection. The continued refinement and modelling exercise as well as the preparation of wellhead mapping modifications have been undertaken within existing budgets and staff complements.

6. LOCAL MUNICIPAL IMPACT

Wellhead Protection Areas on the Oak Ridges Moraine have been included in the ORMCP conformity amendments for King Township and East Gwillimbury. The Township of King's Conformity Amendments are not yet approved and the Ministry is in a position to modify the delineation.

Regional staff has discussed these changes with staff of the Ministry of Municipal Affairs and Housing, and the Township of King and they concur with our approach.

7. CONCLUSION

The Oak Ridges Moraine Conservation Plan (ORMCP) requires both upper and lower tier municipalities to incorporate municipal Wellhead Protection Area mapping and policies into their Official Plans.

The majority of Regional Amendment 41 – The Oak Ridges Moraine Conformity Amendment was approved by the Minister on October 21, 2004, except for several deferrals, including a deferral to permit the inclusion of Wellhead Protection Area policies and mapping in the future.

Some of the wellhead protection area policies were included at the time of the original adoption; however, without a Policy governing minor changes to Wellhead Protection Area or time-of-travel delineations, an amendment to the Regional Official Plan would be required by minor revisions.

It is therefore recommended a second paragraph be added to Policy 2.5.19 to permit minor revisions that reduce the area of a wellhead protection area or time-of-travel zone without an Amendment to the Official Plan. New wellhead protection areas and those revisions which increase either the area of delineation or time of travel and thereby may be expected to impact individual property rights would proceed to a Regional Official Plan Amendment in accordance with the *Planning Act*.

Regional Council, at its meeting of September 2, 2004 adopted Clause 3 of Report 8 of the Regional Planning and Economic Development Committee which contained Map 14 - Oak Ridges Moraine Wellhead Protection Areas. Since that time further refinements of the model have resulted in changes to the delineation of the Wellhead Protection Area for the Nobleton wells.

It is recommended that Council adopt the proposed second paragraph for Policy 2.5.19 and the modification to Map14 –Wellhead Protection Areas on the Oak Ridges Moraine attached to this report as *Figure 2* and request the Ministry of Municipal Affairs and Housing to approve the Policy addition and the modified Map 14.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause is attached to this report.)