



**Ministry of  
Municipal Affairs  
And Housing**

**Ministère des  
Affaires municipales  
et du Logement**

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Kingston ON K7M 9A8  
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Fax: (613) 548-6822  
Toll Free: 1-800-267-9438

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RECEIVED  
LANARK  
COUNTY  
OCT 23 2015  
Clerk's Department

October 19, 2015

Mary Kirkham  
Planning Administrator  
County of Lanark  
99 Christie Lake Road  
Perth, ON K7H 3C6

**Re: Notice of Decision on Official Plan Amendment No. 3 to the Official Plan for the  
County of Lanark  
MMAH File No.: 9-OP-151306**

Dear Ms. Kirkham;

Please find enclosed a Notice of Decision given on October 20, 2015, under subsection 17(34) and (35) of the Planning Act with respect to Amendment No. 3 to the Official Plan for the County of Lanark. A copy of the decision is also attached.

You will receive final confirmation of the status of the decision on the Official Plan Amendment following the 20 day appeal period.

Should you have any questions regarding the above information, please contact me at 613-545-2121, or [Damien.Schaefer@ontario.ca](mailto:Damien.Schaefer@ontario.ca).

Yours truly,

Damien Schaefer, Planner  
Municipal Services Office - Kingston

File No.: 9-OP-151306  
Municipality:  
Applicant: County of Lanark  
Subject Lands: Entire County

Date of Decision: October 16, 2015  
Date of Notice: October 19, 2015  
Last Date of Appeal: November 8, 2015

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# NOTICE OF DECISION

## With respect to an Official Plan Amendment Subsection 17(34) of the Planning Act

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A decision was made on the date noted above to approve all of Amendment No. 3 to the Official Plan for the County of Lanark as adopted by By-law No. 2015-17.

### **Purpose and Effect of the Official Plan Amendment**

The purpose of this Official Plan Amendment is to amend the Lanark County Sustainable Communities Official Plan (SCOP) to be consistent with the policies of the recently approved Mississippi-Rideau Source Protection (SPP). The subject OPA also includes policies which implement Provincial interests related to source protection planning.

### **When and How to File an Appeal**

Any appeal to the Ontario Municipal Board must be filed with the Minister of Municipal Affairs and Housing no later than 20 days from the date of this notice as shown above as the last date of appeal.

The appeal should be sent to the attention of the Area Planner, at the address shown below and it must,

- (1) set out the specific part of the proposed official plan amendment to which the appeal applies,
- (2) set out the reasons for the request for the appeal, and
- (3) be accompanied by the fee prescribed under the Ontario Municipal Board Act in the amount of \$125.00 payable by certified cheque to the Minister of Finance, Province of Ontario.

### **Who Can File An Appeal**

Only individual, corporation or public bodies may appeal a decision of the approval authority to the Ontario Municipal Board. A notice of appeal may be filed by an unincorporated association or group. However a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

No persons or public body shall be added as a party to the hearing of the appeal unless, before the plan was adopted, the person or public body made oral submission at the public meeting or written submission to the council or, in the

opinion of the Ontario Municipal Board, there are reasonable grounds to add the person or public body as a party.

### **When the Decision is Final**

The decision of the Minister of Municipal Affairs and Housing is final if a Notice of Appeal is not received on or before the last date of appeal noted above.

### **Other Related Applications:**

None

### **Getting Additional Information**

Additional information about the application is available for public inspection during regular office hours at the Ministry of Municipal Affairs and Housing at the address noted below or from the County of Lanark.

### **Mailing Address for Filing a Notice of Appeal:**

Ministry of Municipal Affairs & Housing  
**Municipal Services Office - Eastern**  
8 Estate Lane, Rockwood House  
Kingston, ON K7M 9A8

Submit notice of appeal to the attention of  
Damien Schaefer, Planner.

Tele: (613) 545-2121

Fax: (613) 548-6822

# DECISION

## With respect to County of Lanark Official Plan Subsection 17(34) of the Planning Act

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I hereby approve the County of Lanark Official Plan Amendment No. 3 as adopted by Council of the County of Lanark by By-law No. 2015-17, subject to the following modifications:

1. **Part B – The Amendment - Details of the Amendment** is hereby modified by:

- a. Deleting the current 5.5.8 and replacing it with the following:

***“5.5.8 Surface and Ground Water Protection and Enhancement Areas in the County have been identified as Highly Vulnerable Aquifers (HVAs) and Significant Groundwater Recharge Areas (SGRAs) in the Mississippi-Rideau Source Protection Plan (SPP). Where applicable, local Official Plans shall identify HVAs and SGRAs and refer the reader to the Mississippi-Rideau Source Protection Plan for information about these areas. Within HVAs and SGRAs, applications for development may require additional studies or reports to assess the impacts of the proposal, or demonstration of how best management practices will be used to reduce the impact of the development, on the quality and quantity of groundwater.***

***In HVAs, groundwater is vulnerable to surface contaminants; therefore the County will work with the Source Protection Authority to ensure the proper consideration of the HVA when reviewing development applications. HVAs extend across the majority of the County. In SGRAs, groundwater is vulnerable to depletion; therefore the County will work with the Source Protection Authority to ensure the proper consideration of the SGRA when reviewing development applications. SGRAs are identified on Schedule B.”***

- b. Deleting the current 5.5.9 – 2 and replacing it with the following:

***“2. Municipal official plans shall identify areas where all Planning Act applications shall require a notice from the Risk Management Official in accordance with Section 59 of the Clean Water Act, 2006 prior to submission.”***

- c. Inserting a new 5.5.9- 5 which states:

***“5. To protect sources of municipal drinking water, stormwater management facilities and other types of sewage works shall not be permitted in WHPA-A and IPZ Scored - 10 where these would be significant threats. This includes the discharge outlets for sewage treatment plants, industrial***

*sewage, combined sewers, and sewage bypasses, as well as the storage of sewage. Stormwater management facilities may be permitted in WHPA-A where exempt as per the Mississippi-Rideau Source Protection Plan. The areas where these facilities would be significant threats in WHPA-A and IPZ Scored - 10 are identified on Schedule B and should be identified in Municipal Official Plans where applicable."*

And renumber accordingly.

2. **Schedule B** is hereby modified by:

***"Deleting Schedule B dated January 2015 and replacing it with a new schedule B dated – September 2015- attached hereto"***

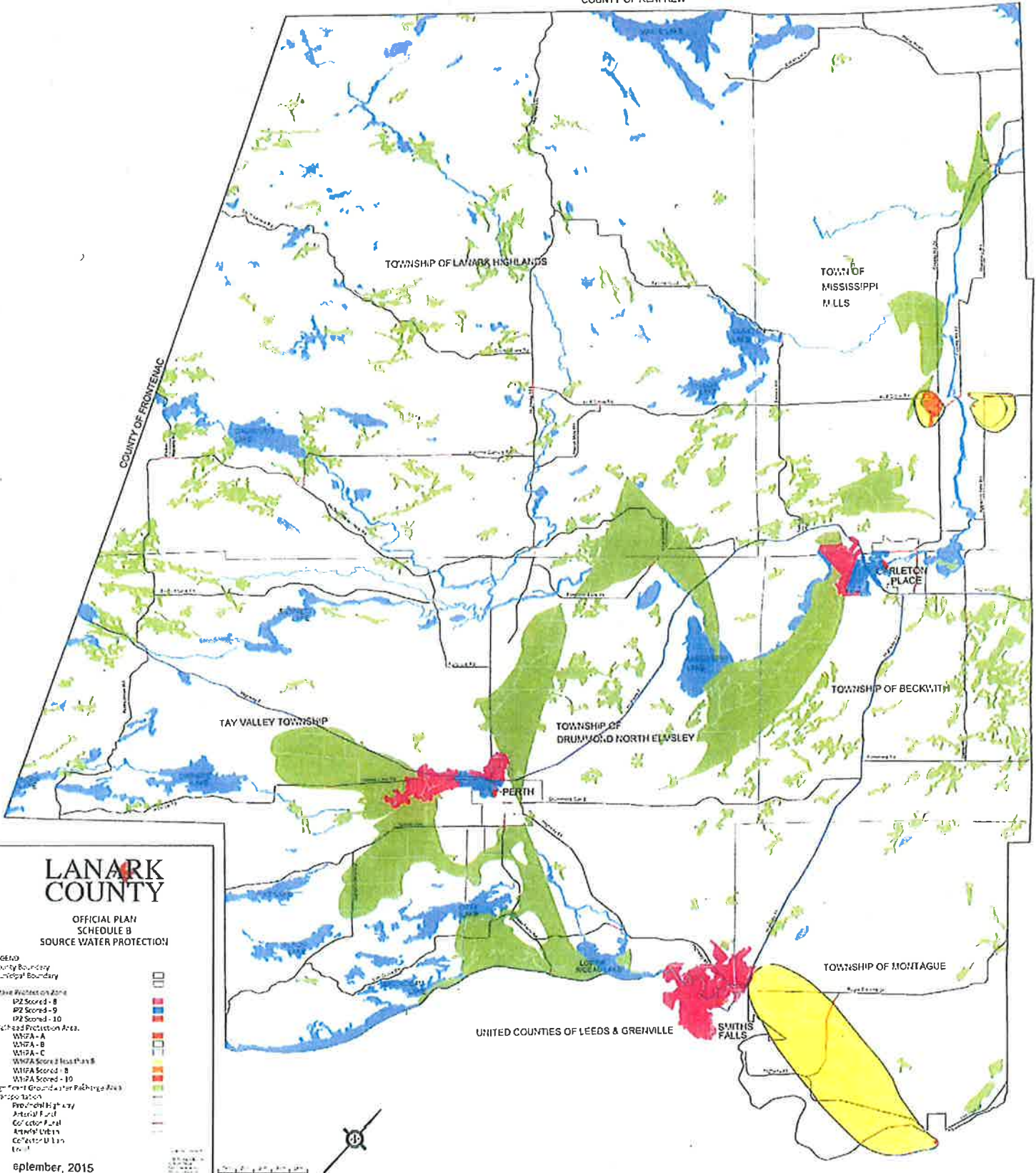
Dated at Kingston, this 16<sup>TH</sup> of OCT., 2015.



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Allan Scott  
Regional Director  
Municipal Services Office - Eastern

COUNTY OF RENFREW



# LANARK COUNTY

## OFFICIAL PLAN SCHEDULE B SOURCE WATER PROTECTION

- LEGEND**
- County Boundary
  - Municipal Boundary
  - Water Protection Zone
    - WPA Scored - 8
    - WPA Scored - 9
    - WPA Scored - 10
  - Water Protection Area
    - WHPA - A
    - WHPA - B
    - WHPA - C
    - WHPA Scored less than 8
    - WHPA Scored - 8
    - WHPA Scored - 10
  - Significant Groundwater Protection Area
  - Transportation
    - Provincial Highway
    - Articled Road
    - Collector Rural
    - Arterial Urban
    - Collector Urban
    - Local



September, 2015

**APPENDIX No. 1**

**AMENDMENT NO. 3 TO THE LANARK COUNTY SUSTAINABLE COMMUNITIES  
OFFICIAL PLAN**

INDEX

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THE STATEMENT OF COMPONENTS

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**PART A – THE PREAMBLE** does not constitute part of this Amendment.

## **PART A – THE PREAMBLE**

### **Purpose and Effect of the Official Plan Amendment**

The purpose of Official Plan Amendment No. 3 is to ensure conformity of the Lanark County Sustainable Communities Official Plan (SCOP) with the policies of the recently approved Mississippi-Rideau Source Protection Plan (SPP). The proposed amendments to the SCOP will also ensure that all local Official Plans and Zoning By-laws are amended to comply with the relevant policies of the SPP.

The proposed amendment applies to all lands within the County identified in the SPP as having the potential to affect vulnerable drinking water sources.

### **Basis of the Amendment**

The SPP was approved on August 27, 2014 and came into effect on January 1, 2015. Section 40 of the *Clean Water Act, 2006* requires that municipal Councils within the jurisdiction of a Source Protection Plan amend their Official Plans to conform with the policies of the Source Protection Plan.

The SPP contains both legally binding and non-legally binding policies. Legally binding policies apply to activities and land uses that are identified as drinking water threats as defined in the *Clean Water Act, 2006* (Ontario Regulation 287/07). The legally-binding policies include restrictions on certain land uses that could pose a threat to drinking water sources, requirements for processing *Planning Act* applications, and actions that municipalities, including Lanark County, must undertake to implement the policies of the SPP. The current amendment of the SCOP includes both legally binding and non-legally binding policies, with a more flexible standard of implementation for the non-legally binding policies (e.g., “as resources permit”).

For simplicity and clarity, the proposed amendments to the SCOP reference the SPP as a guiding document, and accordingly readers of the proposed SCOP policies should refer to the SPP and the *Clean Water Act, 2006* for detailed information and guidance.



**PART B – THE AMENDMENT**, consisting of the following, constitutes the amendment to the Lanark County Sustainable Communities Official Plan.

## **PART B – THE AMENDMENT**

### **The Introductory Statement**

All of this part of this document entitled “Part B – The Amendment” constitutes Amendment No. 3 to the Lanark County Sustainable Communities Official Plan.

### **Details of the Amendment**

The Lanark County Sustainable Communities Official Plan is hereby amended as follows:

1. By adding the attached schedule, “Official Plan - Schedule B - Source Water Protection” as a schedule to the Plan.
2. Section “5.5.8 Surface and Groundwater Protection and Enhancement” is deleted in its entirety and replaced with the following:

#### **“5.5.8 Surface and Groundwater Protection and Enhancement**

Areas in the County have been identified as Highly Vulnerable Aquifers and Significant Groundwater Recharge Areas in the Mississippi Rideau Source Protection Plan. Where applicable, local Official Plans shall refer the reader to the Mississippi Rideau Source Protection Plan for information about these areas.

3. Section “5.5.9 Municipal Source Water Protection and Enhancement” is deleted in its entirety and replaced with the following:

#### **“5.5.9 Mississippi-Rideau Source Protection Plan**

The Mississippi-Rideau Source Protection Plan was approved on August 27, 2014 and came into effect on January 1, 2014. Section 40 of the *Clean Water Act, 2006* requires that municipal Councils within the jurisdiction of a Source Protection Plan amend their Official Plans to conform with the policies of the Source Protection Plan. The following policies apply:

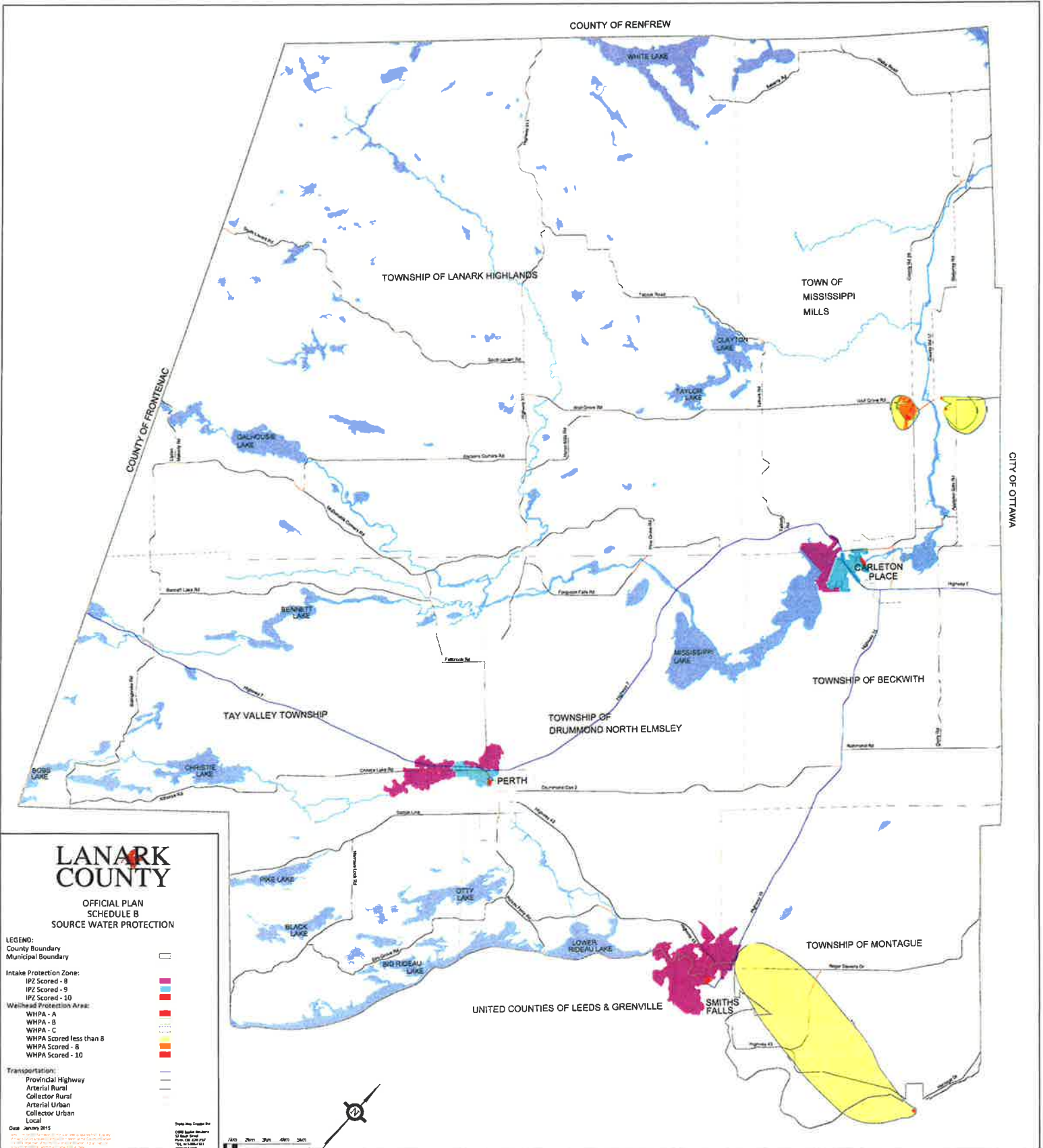
1. All decisions of County Council, including decisions on matters related to Planning Act applications, shall conform to the Mississippi Rideau Source Protection Plan.
2. All *Planning Act* applications prescribed by Subsection 59.1(a) of the *Clean Water Act, 2006* that, based on the policies of the Mississippi Rideau Source Protection Plan, would permit a land use designated as a restricted land use under Section 59 of the *Clean Water Act, 2006* shall require a notice from the Risk Management

Official in accordance with Section 59(2) of the *Clean Water Act, 2006* prior to approval. Notwithstanding the foregoing, a land use is not designated as a restricted land use if it can be demonstrated to the satisfaction of the planning authority that a significant drinking water threat activity will not be engaged in for the purposes of sections 57 and 58 of the *Clean Water Act, 2006*.

3. Notwithstanding anything in this plan to the contrary, Mississippi Rideau Source Protection Plan policies addressing existing activities apply to a drinking water threat activity when it is determined to meet the transitional, interruptions, and expansions policies of the Mississippi Rideau Source Protection Plan.
4. Notwithstanding the policies and land use designations of this plan to the contrary, land uses identified in the Mississippi Rideau Source Protection Plan as being prohibited shall not be permitted.
5. Within one year of the Mississippi Rideau Source Protection Plan taking effect, County Council shall initiate an education and outreach program in accordance with the policies of the Mississippi Rideau Source Protection Plan.
6. As resources permit, and in accordance with the requirements of the Mississippi Rideau Source Protection Plan, County Council may undertake the following actions to comply with applicable non-legally binding policies of the Mississippi Rideau Source Protection Plan:
  - a. Where the County applies road salt within an area identified as a Highly Vulnerable Aquifer in the Mississippi Rideau Source Protection Plan, prepare and implement a Road Salt Management Plan in accordance with Environment Canada's *Code of Practice for the Environmental Management of Road Salts*;
  - b. Promote smart salt practices to municipal staff, private contractors and managers of private facilities in collaboration with the Source Protection Authorities, and by using resources available through the Smart About Salt Council;
  - c. Purchase, install, and maintain signs along roads and waterways in accordance with the Mississippi Rideau Source Protection Plan, to identify the locations of Wellhead Protection Areas and Intake Protection Zones;
  - d. In collaboration with the Source Protection Authorities, initiate an education and outreach program targeted at businesses that transport potential drinking water contaminants in vulnerable areas;
  - e. Ensure that first responders have information about the Wellhead Protection Areas and Intake Protection Zones (which will be marked by road and waterway signs), and update Emergency Response Plans accordingly;
7. By February 1 of each year (beginning in 2018), County Council shall provide the Source Protection Authorities with a summary of implementation activities for the previous calendar year related to the legally binding policies where the County is responsible for implementation. As resources permit, County Council may also provide a summary related to implementation of non-legally binding policies.
8. All lower-tier municipal Official Plans shall be amended as follows:
  - a. To identify Wellhead Protection Areas and/or Intake Protection Zones as

established by the Mississippi Rideau Source Protection Plan on a schedule to the plan; and

- b. To amend the policies of the plan to comply with Mississippi Rideau Source Protection Plan by the compliance date set out in the Mississippi Rideau Source Protection Plan.
9. Policy 5.5.9(8) applies to local Zoning By-laws, where amendments to a Zoning By-law are required to comply with the Mississippi Rideau Source Protection Plan.
10. Nothing in this plan limits the ability of local Official Plans or Zoning By-laws to be more restrictive in the protection of drinking water sources.
11. Where applicable, future amendments to the Mississippi Rideau Source Protection Plan shall be implemented by an amendment to this plan.”



## **PART C – IMPLEMENTATION AND INTERPRETATION**

### **Implementation**

The Implementation of this Amendment to the Official Plan shall be in accordance with the policies of the Lanark County Sustainable Communities Official Plan and the relevant policies of the Mississippi-Rideau Source Protection Plan.