

The Corporation of the City of North Bay

By-Law No. 2015-81

Official Plan Amendment No. 12

Source Protection Plan Implementation

Whereas the Source Protection Plan for the North Bay-Mattawa Source Protection Area requires has been approved by the Province of Ontario;

And whereas Section 40 of the *Clean Water Act*, 2006, required Council to amend its Official Plan to conform to the significant threat policies set out in local Source Protection Plans;

And whereas it is deemed desirable to implement source water protection policies in the Official Plan of the North Bay Planning Area pursuant to Section 26 of the Planning Act R.S.O. 1990, as amended.

Now therefore the Council of The Corporation of the City of North Bay hereby enacts as follows:

- 1) The attached Schedules, explanatory text and appendix constitute Amendment No. 12 to the Official Plan of the City of North Bay Planning Area are hereby adopted.
- 2) The appendices constitute revisions to the appendices only of the Official Plan and shall not constitute part of this Amendment.
- 3)
 - a) Notice of this By-law shall be given by the Clerk in the manner and form and to the persons prescribed by Section 4 of O. Reg. 543/06 as amended.
 - b) Where no notice of appeal is filed with the Clerk of The Corporation of the City of North Bay within twenty (20) days after the day that the giving of written notice as required by the Act is completed, then this By-law shall be deemed to have come into force on the day after the last day for filing an appeal.
 - c) Where one or more notices of appeal are filed with the Clerk of The Corporation of the City of North Bay within twenty (20) days after the day that the giving of written notice as required by the Act is completed, setting out the objection to the By-law and the reasons in support of the objection, then this By-law shall not come into force until all appeals have been finally disposed of, whereupon the By-law shall be deemed to have come into force on the day after the last day all appeals have been finally disposed of.

Read a First Time in Open Council the 27th Day of July 2015.

Read a Second Time in Open Council the 27th Day of July 2015.

Read a Third Time in Open Council and Passed this 10th Day of August 2015.

Mayor, Allan McDonald

City Clerk Catherine Conrad

Amendment No. 12 to the Official Plan
of the Planning Area of the
City of North Bay

(Source Water Protection Plan Implementation)

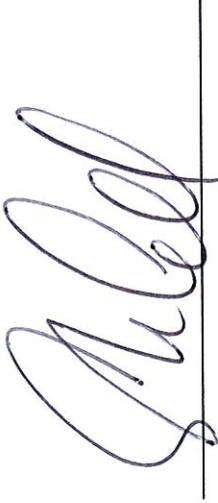
July 2015

The Corporation of the City of North Bay
North Bay, Ontario

Amendment No. 12 to the Official Plan
Of the Planning Area of the
City of North Bay

The attached Schedule "12-A" and explanatory text constitute Amendment No. 12 to the Official Plan of the City of North Bay. This Amendment was adopted by The Corporation of the City of North Bay by By-law No. 2015-81 in accordance with Sections 17 and 21 of the Planning Act, R.S.O. 1990 on the 10TH day of AUGUST, 2015.

Corporate Seal



Mayor Allan McDonald



City Clerk, Catherine Conrad

A) Purpose of the amendment

The purpose of this Amendment is to amend the City of North Bay land use policies for conformity with the Source Protection Plan for the North Bay-Mattawa Source Protection Area, as required by the *Clean Water Act*, 2006.

B) Location

The Amendment applies to the all lands within the North Bay Intake Protection Zone and the Callander Issue Contributing Area within the boundaries of the City of North Bay.

C) Basis of amendment

The intent of the Source Protection Plan is ensure that each threat to drinking water ceases to be or never becomes a significant threat through the implementation of the policies in the Plan. The implementation of the policies will help to provide adequate protection to drinking water sources within the Source Protection Area and ensure the continued access to clean and safe drinking water.

The *Clean Water Act* requires municipalities to comply with any obligation imposed on them to address a significant drinking water threat/condition. In addition the *Clean Water Act* requires that any decisions under the *Planning Act* and *Condominium Act* to conform to the policies in the Source Protection Plan.

The Provincial Policy Statement, 2014 (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS is issued under Section 3 of the Planning Act, which requires decisions affecting land use planning matters to be "consistent with" Policy Statements issued under the Act. Section 2.2 outlines policies to protect, improve or restore the quality and quantity of water and includes a direction to implement necessary restrictions on development and site alteration to protect all municipal drinking water supplies and designated vulnerable areas and to protect, improve or restore vulnerable surface and ground water features and their related hydrologic functions.

This amendment will include the incorporation of policies and schedules to identify vulnerable areas and prohibit land uses that would be considered a significant threat under the Source Protection Plan.

The proposed Amendment to the Official Plan seeks to include a new schedule 3B which will identify the Intake Protection Zone and Issue Contributing Area within the limits of the City of North Bay.

C) Details of the amendment

The Official Plan is hereby amended in accordance with the following:

Item No. 1 "Schedule 3B – Intake Protection Zone and Issue Contributing Area" be added as a new Schedule.

Item No. 2 New policy is being drafted where necessary to prohibit land uses that would be considered a significant threat under the Source Protection Plan. The new policy is as follows:

- 1) The second paragraph of Section 2.1.15 is hereby repealed and replaced with the following:

"It is the intent of this Plan to restrict uses that would pose a risk to the City's water supply. Risk will be evaluated within the context of the Source Protection Plan for the North Bay-Mattawa Source Protection Area and the policies contained in Section 4.12 of this Plan."

- 2) The third paragraph of Section 2.1.15 is hereby deleted.
- 3) The last sentence of Section 2.2.1.4.7 is hereby deleted.
- 4) The last sentence of Section 2.3.3 is hereby deleted.
- 5) The last three sentences of the first paragraph of Section 3.5 is hereby deleted and replaced with the following:

"The Source Protection Plan for the North Bay-Mattawa Source Protection Area sets out various policies that are to be implemented in the City of North Bay. The goal of a Source Protection Plan (SP Plan) is to manage or eliminate existing and future activities that could be significant drinking water threats.

One of the methods to implement the SP Plan is to use Land Use Planning tools to direct new development that could pose a threat to drinking water away from vulnerable areas to more appropriate locations.

Section 4.12 of this Plan outlines specific policies as it relates to the North Bay Intake Protection Zones and the Callander Issue Contributing Area."

- 6) That a new Section 4.9.5, be inserted after Section 4.9.4:

"4.9.5 New waste disposal sites shall not be permitted in vulnerable areas as shown on Schedule 3B where the activity would be considered a significant drinking water threat."

- 7) A new Section "4.12 Drinking Water Protection" is hereby inserted after Section 4.11 with the following policies:

"4.12 Drinking Water Protection"

- 4.12.1 Schedule 3B Drinking Water Vulnerable Areas identifies areas of vulnerability for drinking water sources including Intake Protection Zones (IPZs) and Issue Contributing Areas. Schedule 3B is intended to be used as an overlay to Schedules 1 and 2, where the following shall apply:

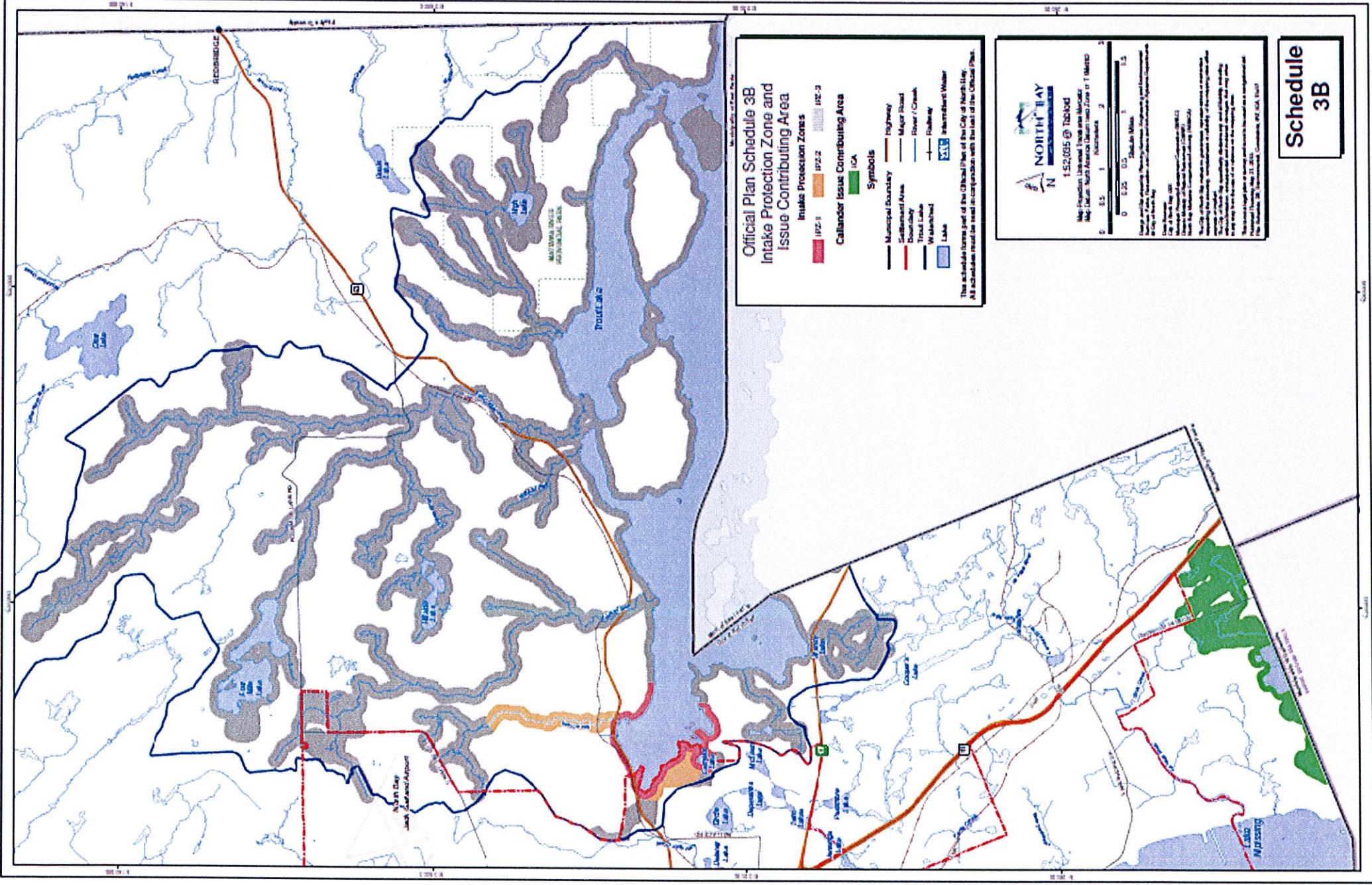
Intake Protection Zone (IPZ)

- 4.12.1.1 Within the Intake Protection Zone One (IPZ-1) development, site alteration and proposed land uses that involve the storage of agricultural source material, the handling and storage of non-agricultural source material, the handling and storage of commercial fertilizer and the use of land as livestock grazing or pasturing land, an outdoor confinement area or farm animal yard shall be prohibited in vulnerable areas identified on Schedule 3B, where they would constitute a significant threat as defined in the Source Protection Plan.
- 4.12.1.2 Any application under the Planning Act shall identify if the property is located within vulnerable areas identified on Schedule 3B prior to acceptance of the application as a complete application.
- 4.12.1.3 All lands located within the vulnerable area identified on Schedule 3B shall be subject to Site Plan Control including the lands located in the Callander Issue Contributing Area.

Issue Contributing Area

- 4.12.1.4 The City will work in partnership with the North Bay-Mattawa Conservation Authority, adjacent municipalities and the Source Protection Authority for the North Bay-Mattawa Source Protection Area, provincial ministries, the Health Unit and other partners to encourage and promote water conservation measures and build awareness of best practices through education and outreach programs in the Issue Contributing Area as identified on Schedule 3B.
- 4.12.1.5 Within the Issue Contributing Area development, site alteration and proposed land uses that involve the storage of tailings from mines if the activity is related to a circumstance containing phosphorus shall be prohibited in the Issue Contributing Area identified on Schedule 3B, where it would constitute a significant threat.”
- 8) Section 5.2.2.7 is amended by adding the following new subsection:
- “(g) New sewage treatment facilities shall not be permitted in vulnerable areas as shown on Schedule 3B where the activity would be a significant drinking water threat.”
- 9) Section 5.2.4 is amended by inserting the following new paragraph after the first paragraph:
- “The City of North Bay relies on surface water sourced from Trout Lake for its municipal drinking water. Long term protection of this valuable resource from overuse, contamination and from land uses that could threaten or hinder existing and future drinking water supply is essential to maintaining human health, economic prosperity and quality of life. The policies in Section 4.12 will be used in evaluating any development planned within the vulnerable area shown on Schedule 3B.”
- D) Implementation
- This Amendment to the Official Plan shall be implemented in accordance with the implementation policy contained in Part 5 of the Official Plan.
- E) Interpretation
- This Amendment to the Official Plan shall be interpreted in accordance with the interpretation policy contained in Part 6 of the Official Plan.

Schedule 12-A



**Schedule
3B**