

The Corporation of the Township of Minden Hills

By-Law No. 26-xx

Being a by-law of the Corporation of the Township of Minden Hills under the provisions of Section 34 of the Planning Act R.S.O. 1990, c. P. 13, as amended, to amend Comprehensive Zoning By-law No. 06-10.

WHEREAS, the Council of The Corporation of the Township of Minden Hills is empowered to pass By-laws to regulate the use of land pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P. 13, as amended,

AND WHEREAS, Section 42 of the Clean Water Act, 2006 requires the council of a municipality that has jurisdiction in an area to which the source protection plan applies to amend its zoning by-law to conform with the necessary modifications of the official plan pursuant to Section 40(1) of the Act, regarding significant threat policies set out in the source protection plan;

AND WHEREAS, a zoning by-law amendment has been initiated by The Corporation of the Township of Minden Hills to amend By-law No. 06-10, as amended;

AND WHEREAS, the Council of The Corporation of the Township of Minden Hills has held a public meeting to solicit input;

NOW THEREFORE, the Council of The Corporation of The Township of Minden Hills enacts as follows:

1. That Comprehensive Zoning By-law No. 06-10, as amended, is hereby further amended in the following manner:
 - a. **Section 3 - DEFINITIONS** is hereby amended by adding definitions for the following:

Intake Protection Zones (IPZ) means a vulnerable area delineated around surface water intakes, as identified on Schedule ___ to the Zoning By-law.

- IPZ-1: the area based on defined setbacks from a municipal intake pipe and includes land within 120 metres of the high-water mark or the conservation authority regulatory limit, whichever is greater.
- IPZ-2: the area within which surface water can flow to a municipal intake pipe in two (2) years or less (excluding IPZ-1), including land within 120 metres of the high-water mark or the conservation authority regulatory limit, whichever is greater.

- **IPZ-3:** the area which encompasses all surface water bodies that may contribute flows into the IPZ-2, including land within 120 metres of the high-water mark or the conservation authority regulatory limit, whichever is greater.

Risk Management Official (RMO) means the individual appointed under Part IV of the Clean Water Act, responsible for making decisions about risk management plans and risk assessments and who must meet the prescribed criteria in the regulations under the Clean Water Act.

Significant Drinking Water Threat means an activity that poses or has the potential to pose a significant risk to drinking water, as defined by the Clean Water Act or by the regulations.

Source Protection Area means an area established by subsection 4 (1) of the Clean Water Act, or by the regulations.

Source Protection Plan means a plan prepared under the Clean Water Act intended to protect existing and future sources of drinking water.

Transport Pathway means a condition of land resulting from human activity that increases the vulnerability of a raw water supply of a drinking water system set out in clause 15(2)(e) of the Clean Water Act. Transport Pathways redirect the natural flow of water to surface water sources or disturb the surface above an aquifer which increases the rate or quantity of flow to a groundwater source. In either case, a drinking water source may be impacted. Transport Pathways includes but are not limited to storm sewer lines, ditches, swales, storm water ponds, wells, pits, quarries and construction activities involving deep excavation.

Wellhead Protection Areas (WHPA) means a vulnerable area delineated around groundwater wells based on the length of time it takes for most water to move from the ground surface to the well. WHPA are as identified on Schedule ___ to the Zoning By-law.

- **WHPA-A:** the area within 100 metre radius of a municipal wellhead and is considered the most vulnerable area for groundwater sources of drinking water.
- **WHPA-B:** the area within which groundwater can flow to a municipal wellhead in two (2) years or less (excluding WHPA-A).
- **WHPA-C:** the area within which groundwater can flow to a municipal wellhead in five (5) years or less (excluding WHPAs A and B).
- **WHPA-D:** the area within which groundwater can flow to a municipal wellhead in (25) years or less (excluding WHPAs A, B and C).

- b. **Section 4 – GENERAL PROVISIONS** is hereby amended by inserting the following text at Subsection 4.40:

4.40 Source Water Protection: The Source Water Protection (SWP) Overlay applies to all lands identified within the Source Protection Area as being within either a Wellhead Protection Area (WHPA) or Intake Protection Zone (IPZ) for the municipal well systems that service the Village of Minden, Lutterworth Pines, and the Village of Kinmount.

Within a Source Water Protection (SWP) Overlay, no person shall use any land, erect, alter, enlarge, use or maintain any building or structure except in accordance with the following provisions:

4.40.1 Permitted Uses:

- a) Notwithstanding the permitted uses and zone provisions of any underlying zones, the following activities, where such activities pose a significant drinking water threat, shall be prohibited except in accordance with Section 4.40 (b):
- i. The establishment, operation or maintenance of a waste disposal site within the meaning of Part V of the Environmental Protection Act;
 - ii. The establishment, operation or maintenance of a system that collects, stores, transmits, treats or disposes of sewage;
 - iii. The storage and management of agricultural source material;
 - iv. The handling and storage of non-agricultural source material;
 - v. The handling and storage of commercial fertilizer;
 - vi. The handling and storage of pesticide;
 - vii. The handling and storage of road salt;
 - viii. The storage of snow;
 - ix. The handling and storage of fuel;
 - x. The handling and storage of a dense non-aqueous phase liquid;
 - xi. The handling and storage of an organic solvent;
 - xii. An airport and specifically the management of runoff that contains chemicals used in the de-icing of aircraft; and,
 - xiii. The use of land as livestock grazing or pasturing land, an outdoor confinement area or a farm-animal yard.
 - xiv. And any other prescribed threat as amended by the SPP.
- b) Any activity that would result in the creation of a new transport pathway is prohibited in any areas identified as a Wellhead Protection Area-A or Intake Protection Zone-1 unless it has been demonstrated by a qualified professional that the activity will not significantly increase the vulnerability of the municipal water source to being contaminated by land-based activities as identified in the Source Protection Plan.

- c) Prohibited uses identified in 4.40.1 a), which are legally existing as of the date of the passing of this By-law (date) shall be permitted to continue with an established Risk Management Plan to regulate the use.
- d) A land use prohibited in Section 4.40.1 a) or b) shall only be permitted in accordance with the provisions of the underlying Zone(s) and all other applicable provisions of the Zoning By-law, upon the Province issuing any related Provincial Instrument to permit the use or the Risk Management Official issuing a Restricted Land Use Notice under Section 59 of the Clean Water Act, and a Risk Management Plan is established to regulate the use if required.

READ A FIRST, SECOND AND THIRD TIME, passed, signed and the Corporate Seal attached hereto, this day of, 2026.

Bob Carter, Mayor

Vicki Bull, Clerk
