

AMENDMENT NO. 190
TO THE
CITY OF WINDSOR OFFICIAL PLAN

Part E (Details of the Amendment) of the following text constitute Amendment No. 190.

Also included, but not constituting part of the Amendment, are explanations of purpose, location, background, legislative and policy basis, public involvement, and implementation.

A. PURPOSE

The purpose of this amendment is to update the policies in the City of Windsor Official Plan specific to the implementation of the Essex Region Source Protection Plan and the Ontario *Clean Water Act, 2006*. The proposed amendments introduce a new *Schedule K – Source Water Protection Areas* and corresponding policies in Chapter 5 of the Official Plan. This amendment brings the Official Plan into conformity with Section 16(3) of the *Planning Act* and Part III s.39 of the *Clean Water Act*.

B. LOCATION

This amendment applies to the City of Windsor Source Water Protection areas as identified in the Essex Region Source Protection Plan and shown on Schedule “K” attached hereto.

C. BACKGROUND

The Province of Ontario introduced the *Clean Water Act* in 2006 with the mandate to create Source Protection Plans with the goal of providing a framework and policies to reduce the risk posed by water quality and quantity threats to sources of drinking water.

The Essex Region Source Protection Plan (SPP) was implemented in 2015 and as part of the plan, municipalities are required to periodically update their planning documents to be consistent with the policies of the Source Protection Plan (SPP).

The proposed Official Plan policies have been prepared in conformity with the Essex Region Source Protection Plan and will continue to implement the Source Protection Plan policies and ensure that planning decisions are in conformity with the policies that address significant drinking water threats as per Part III s.39(1) of the *Clean Water Act*.

D. LEGISLATIVE CONTEXT AND POLICY BASIS FOR THE AMENDMENT

The proposed Official Plan amendments are consistent with the Provincial Policy Statement, and City of Windsor Official Plan. Further details relating to the development of these lands will be reviewed through future development planning processes, including zoning by-law amendments and Site Plan Control.

Provincial Policy Statement 2024

The Provincial Policy Statement (PPS2024) provides policy direction on matters of provincial interest related to land use planning and development. In respect of the exercise of any authority that affects a planning matter, section 3 of the *Planning Act* requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the *Act*.

The PPS2024 places several obligations on municipalities related to source water protection features. Relevant excerpts from the PPS are provided below:

Chapter 4: Wise Use and Management of Resources

4.2 Water

1. Planning authorities shall protect, improve or restore the quality and quantity of water by:

a) using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;

b) minimizing potential negative impacts, including cross-jurisdictional and cross-watershed impacts;

c) identifying water resource systems;

d) maintaining linkages and functions of water resource systems;

e) implementing necessary restrictions on development and site alteration to:

1. protect all municipal drinking water supplies and designated vulnerable areas; and

2. protect, improve or restore vulnerable surface and ground water, and their hydrologic functions;

f) planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality; and

g) ensuring consideration of environmental lake capacity, where applicable.

2. Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored, which may require mitigative measures and/or alternative development approaches.

3. Municipalities are encouraged to undertake, and large and fast-growing municipalities shall undertake watershed planning to inform planning for sewage and water services and stormwater management, including low impact development, and the protection, improvement or restoration of the quality and quantity of water.

4. Despite policy 4.2.3, where planning is conducted by an upper-tier municipality that includes one or more lower-tier large and fast-growing municipalities, the upper-tier municipality shall undertake watershed planning in partnership with lower-tier municipalities, including lower-tier large and fast-growing municipalities.

5. All municipalities undertaking watershed planning are encouraged to collaborate with applicable conservation authorities.

Chapter 6: Implementation and Interpretation

6.2 Coordination

1. A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies, boards, and Service Managers including:

a) managing and/or promoting growth and development that is integrated with planning for infrastructure and public service facilities, including schools and associated child care facilities;

b) economic development strategies;

c) managing natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources;

d) infrastructure, multimodal transportation systems, public service facilities and waste management systems;

e) ecosystem, shoreline, watershed, and Great Lakes related issues;

f) natural and human-made hazards;

City of Windsor Official Plan (OP)

Chapter 5 (Environmental Management) currently includes policies regarding water quality and watershed planning.

Growth Concept, S 3.2.3.4, OP Vol 1:

HEALTHY ECOSYSTEM

Windsor will achieve greater harmony between human activities and natural systems. Attention will be given to establishing a flourishing natural environment, with clean air, land and water.

Environment, s. 5.0 of OP Vol. 1: Preamble

A healthy and sustainable environment represents a balance between human activities and natural features and functions. In order to attain this balance, Council will enhance the quality of Windsor's natural environment and manage development in a manner that recognizes the environment as the basis of a safe, caring and diverse community and a vibrant economy.

Environment, s. 5.3 of OP Vol. 1: Environmental Quality

WATER QUALITY

5.3.1.9 To improve the water quality of watercourses within Windsor.

WATERSHED PLANNING

5.3.1.10 To integrate water related resource management strategies and land use planning processes through watershed planning.

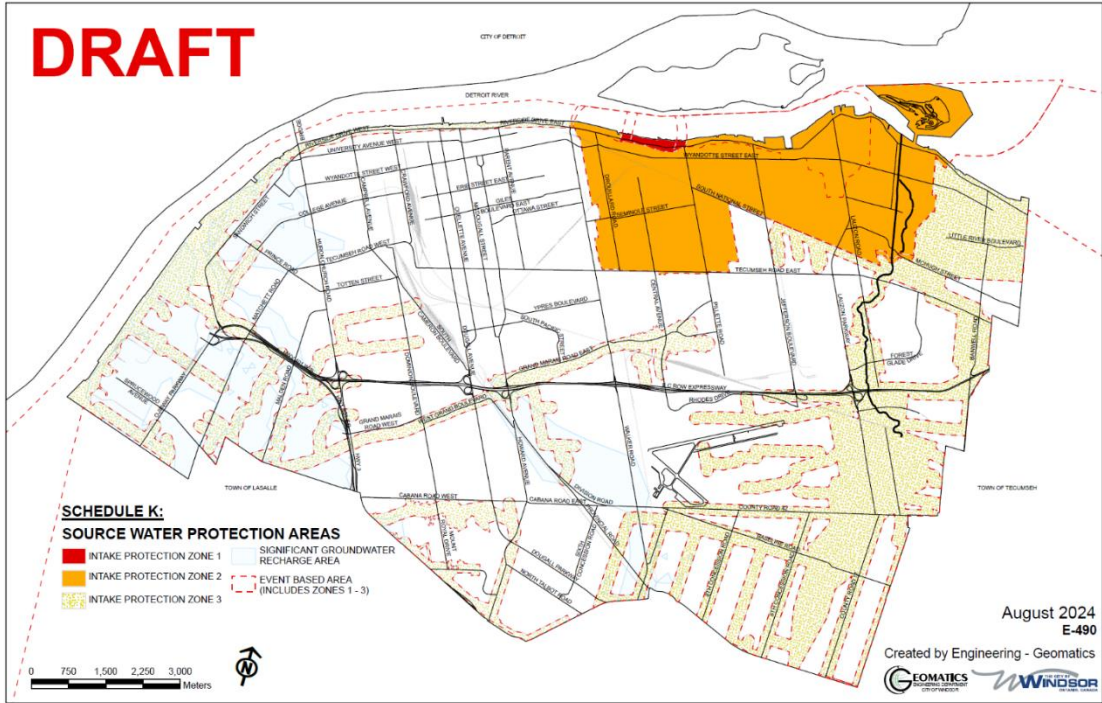
E. THE AMENDMENT

Summary of the Amendment

The proposed amendment will introduce Schedule K: Source Water Protection Areas and the corresponding definitions and policies regarding Source Water Protection in Chapters 2 and 5 in Volume 1: The Primary Plan.

Details of Official Plan Amendment

1. That Volume I, **Schedule K: Source Water Protection Areas** as shown on the attached map **BE ADDED**.



2. That Volume I: of the Official Plan, be **AMENDED** as follows:

Official Plan Section/Schedule	Current Policy	Amendment to Policy (Deletions in strikethroughs, additions in bold)
Chapter 5- Environment 5.0 Preamble	5.0 Preamble A healthy and sustainable environment represents a balance between human activities and natural features and functions. In order to attain this balance, Council will enhance the quality of Windsor’s natural environment and manage development in a manner that recognizes the environment as the basis of a safe, caring and diverse community and a vibrant economy.	5.0 Preamble A healthy and sustainable environment represents a balance between human activities and natural features and functions. In order to attain this balance, Council will enhance the quality of Windsor’s natural environment and manage development in a manner that recognizes the environment as the basis of a safe, caring and diverse community and a vibrant economy.

Official Plan Section/Schedule	Current Policy	Amendment to Policy (Deletions in strikethroughs, additions in bold)
	This chapter of the Official Plan provides goals, objectives and policies for the environmental designations identified on Schedule B: Greenway System; and Schedule C: Development Constraint Areas and should be read in conjunction with the other parts of this Plan.	This chapter of the Official Plan provides goals, objectives and policies for the environmental designations identified on Schedule B: Greenway System; Schedule K: Source Water Protection Areas , and Schedule C: Development Constraint Areas and should be read in conjunction with the other parts of this Plan.
Chapter 5 Environmental (ADD Section 5.39) 5.3.9 Source Water Protection	N/A	<p>Source water protection policies have been adopted under the Essex Region Source Protection Plan (2015; as amended); which implements the <i>Clean Water Act, 2006</i> directive to ensure that source drinking water is protected for existing and future sources of municipal drinking water.</p> <p>Source Water Protection Areas are identified by the approved Essex Region Source Protection Plan and mapped on <u>Schedule K: Source Water Protection Areas</u> of this plan.</p> <p>Source Water Protection Areas consist of vulnerable areas identified as ‘Intake Protection Zones (IPZs), Highly Vulnerable Aquifers (HVAs) and Significant Groundwater Recharge Areas (SGRAs). The City of Windsor has no HVAs.</p>

Official Plan Section/Schedule	Current Policy	Amendment to Policy (Deletions in strikethroughs, additions in bold)
		<p>These areas are significant in that they contribute, or are in close proximity to municipal drinking water intakes which are vulnerable to contamination and incompatible land uses.</p> <p>All municipal decisions under the <i>Planning Act</i> or <i>Condominium Act</i> within identified source water protection areas must conform to the applicable policies in an approved Source Protection Plan.</p>
5.3.9.1 Objectives	N/A	<p>To protect the quality and supply of existing and future drinking water sources.</p> <p>The City will implement Source Protection Plans under the provisions of the <i>Clean Water Act</i>, and this Plan will be amended, as required, to conform with relevant policies set out in the Source Protection Plan.</p>
5.3.9.2 General Policies	N/A	<p>Within areas identified in an approved Source Protection Plan any use or activity that is, or would be, a significant drinking water threat may be managed or otherwise restricted by Source Protection Plan Policies.</p>

Official Plan Section/Schedule	Current Policy	Amendment to Policy (Deletions in strikethroughs, additions in bold)
5.3.9.3 Intake Protection Zones (IPZs) and Events Based Areas	N/A	<p>Intake Protection Zones are areas of land and water, where run-off from streams or drainage systems, in conjunction with currents in lakes and rivers, could directly impact on the source water at the municipal drinking water intakes.</p> <p>Intake Protection Zones include Event Based Areas (EBA) where modeling has demonstrated that a spill from a specific activity can or could cause deterioration to the raw water quality at the drinking water system.</p>
5.3.9.4 Groundwater	N/A	<p>The City of Windsor recognizes a relationship between groundwater in terms of recharge and discharge functions. Groundwater and surface water is not confined to municipal boundaries. As such, the City will collaborate with local municipalities, and the relevant Source Protection Authorities as required to ensure the effective management of water resources.</p>
5.3.9.5 Source Water Protection Authority	N/A	<p>The City of Windsor shall collaborate with the Source Protection Authority in the</p>

Official Plan Section/Schedule	Current Policy	Amendment to Policy (Deletions in strikethroughs, additions in bold)
		<p>monitoring and implementation of the Source Protection Plan.</p> <p>Where required by policies in an approved Source Protection Plan, all applicable development applications or proposed land use changes within an Intake Protection Zone area shall be screened in keeping with the Source water protection plan policies and/or the Written Direction when provided by the Risk Management Official to satisfy the Source water protection plan policies.</p>
5.3.9.6 Source Water Impact Assessments	N/A	<p>The City of Windsor may require additional assessments and/or risk management plans to be prepared by a qualified professional as part of any development or site alteration application that is, or would be, a significant drinking water threat to identify, assess and mitigate any potential impacts within the Source Water Protection Areas.</p>
Chapter 2 Glossary Definitions	N/A	<p><u>Intake Protection Zone</u> – An area delineated in the Essex Region Source Protection Plan established around a surface water intake of drinking water as prescribed in the Technical Rules: <i>Clean Water Act, 2006</i>.</p>

Official Plan Section/Schedule	Current Policy	Amendment to Policy (Deletions in strikethroughs, additions in bold)
		<p><u>Risk Management Plan</u> - A plan for reducing a risk, prepared in accordance with the regulations and the rules under S58/59 of the <i>Clean Water Act, 2006</i>.</p> <p><u>Significant drinking water threat or significant threat</u> A prescribed activity under the <i>Clean Water Act, 2006</i> that, under specified circumstances, adversely affects, or has the potential to adversely affect, the quality and quantity of any water that is or may be used as a source of municipal drinking water.</p> <p><u>Source Protection Plan</u> - Means a drinking water source protection plan prepared under the <i>Clean Water Act, 2006</i>.</p> <p><u>Source Water</u>- Water in its natural or raw state, prior to being drawn into a municipal drinking water system.</p>
Chapter 1 – Schedules	N/A	ADD reference to Schedule K: Source Water Protection Areas

F. PUBLIC INVOLVMENT

Planning staff have consulted with the Coordinator of the Source Protection Plan Program and Public Works staff, regarding the proposed changes included in the amendment. In addition, the preparation of the Source Protection Plans incorporated an extensive process that included broad public consultation.

Public Notice: The statutory notice required under the Planning Act was provided in the Windsor Star prior to the Development & Heritage Standing Committee Meeting (DHSC) meeting.

G. IMPLEMENTATION:

The Amendment should be read and implemented in conjunction with the overall policies contained with the Official Plan.