

CITY OF NIAGARA FALLS

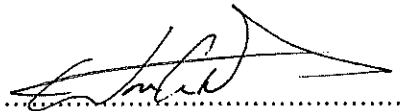
By-law No. 2017- 64

A by-law to provide for the adoption of Amendment No.124 to the City of Niagara Falls Official Plan.

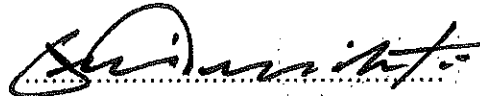
THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS, IN ACCORDANCE WITH THE PLANNING ACT, 1990, AND THE REGIONAL MUNICIPALITY OF NIAGARA ACT, HEREBY ENACT AS FOLLOWS:

1. The attached text and map constituting Amendment No.124 to the City of Niagara Falls Official Plan is hereby adopted.

Passed this thirteenth day of June, 2017.



BILL MATSON, ACTING CITY CLERK



JAMES M. DIODATI, MAYOR

First Reading: June 13, 2017
Second Reading: June 13, 2017
Third Reading: June 13, 2017

OFFICIAL PLAN AMENDMENT NO. 124

PART 1 – PREAMBLE

(i) Purpose of the Amendment

The purpose of the amendment is to protect the quality and quantity of the City's source of drinking water through the restriction of certain land uses within an identified intake protection zone area.

(ii) Location of the Amendment

The amendment applies to the Niagara Falls Intake Protection Zone 1 area identified by the Niagara Source Protection Plan and shown on Map 1 attached hereto.

(iii) Details of the Amendment

Map Change

The amendment adds the identification of the Niagara Falls Intake Protection Zone 1 (IPZ-1) to Schedule A of the Official Plan.

Text Change

The amendment adds a new Section 7 – Source Water Protection Policies under Part 3 – Environmental Management of the Official Plan.

(iv) Basis of the Amendment

In response to instances of contaminated drinking water resulting in illness and death to humans, the Province of Ontario introduced the Clean Water Act in 2006. A Niagara Source Protection Plan was created under the provisions of the Clean Water Act with the aim of providing a framework and policies to reduce the risk posed by water quality and quantity threats to drinking water. The attached policies have been prepared in conformity with the Source Protection Plan and the Niagara Region's policies on source water protection to protect existing and future sources of drinking water by preventing contaminants from entering sources of municipal drinking water.

PART 2 – BODY OF THE AMENDMENT

All of this part of the document entitle PART 2.– Body of the Amendment, consisting of the following text and attached map, constitute Amendment No. 124 to the Official Plan of the City of Niagara Falls.

DETAILS OF THE AMENDMENT

The Official Plan of the City of Niagara Falls is hereby amended as follows:

1. MAP CHANGES

SCHEDULE A – LAND USE PLAN of the Official Plan is amended by adding the Niagara Falls Intake Protection Zone 1 (IPZ-1) as shown on the attached map entitled "Map 1 to Amendment No. 124".

2. TEXT CHANGES

- i) PART 3 – ENVIRONMENTAL MANAGEMENT is modified with the addition of the following new Section 7:

SECTION 7 – SOURCE WATER PROTECTION POLICIES

Preamble

The following Source Water Protection policies have been developed under the Source Protection Plan for the Niagara Peninsula Source Protection Area which implements the Clean Water Act directive to ensure that source drinking water is protected for now and for the future.

The objective of the Source Protection Plan (SWP) is to identify potential risks to local water quality and water supply and to create a plan to reduce or eliminate these risks. The following policies implement the goal of the SWP through land use restrictions within the identified Municipal drinking water Intake Protection Zone.

Objectives

- To protect the quality and supply of existing and future drinking water sources.
- To ensure that activities that may be considered significant threats to drinking water are prevented or, if they exist, cease to be a significant threat.

Policies

1. Source Water Protection Policies shall apply to those lands identified as 'Niagara Falls Intake Protection Zone 1' (IPZ-1) as shown on Schedule "A".
2. The application of untreated septage to land is considered a significant drinking water threat. New waste disposal sites for the application of untreated septage to land shall not be permitted within the Niagara Falls Intake Protection Zone 1 (IPZ-1).
3. The discharge from new stormwater management facilities is considered a significant threat where the storm sewer drainage area is at least 100ha in size with the predominant land use being commercial or industrial. The following shall apply:
 - i) New stormwater management facilities which meet these criteria are not permitted to discharge into the Niagara Falls Intake Protection Zone 1 (IPZ-1); and
 - ii) New industrial or commercial land uses which meet the 100ha storm sewer drainage criteria are not permitted within the IPZ-1. For the purposes of this policy, new industrial or commercial land uses only includes industrial or commercial land uses which are not currently designated as such in the Official Plan.
4. The discharge from wastewater treatment plants or combined sewer overflows, or discharge of industrial effluent is considered a significant threat as defined under the applicable circumstances as outlined by the Ministry of Environment in Table 22 and Table 48 in Appendix C of the Assessment Report for the *Source Protection Plan (2013)*. Future combined sewers, wastewater treatment facilities, and industrial effluent systems shall not be permitted within the Niagara Falls Intake Protection Zone 1 (IPZ-1) where they would be a significant threat.
5. The storage, handling, and application to land of agricultural source material, and the lands used for livestock grazing/pasturing, farm animal yards and outdoor confinement areas, are considered significant threats therefore future agricultural land uses shall not be permitted within the IPZ-1.
6. The City shall cooperate with the Source Protection Authority in the monitoring and implementation of the Source Protection Plan for the Niagara Peninsula Source Protection Area.
- ii) PART 4 – ADMINISTRATION AND IMPLEMENTATION, SECTION 14 – GENERAL IMPLEMENTATION POLICIES is amended by adding the following sentence to the end of Policy 14.2.3: "This includes a storm sewer drainage or risk management plan required by a Risk Management Official within the Niagara Falls Intake Protection Zone 1 (IPZ-1)."

3. OTHER CHANGES

- i) APPENDICES, APPENDIX I - DEFINITIONS is amended by adding the following new definitions:

"Agricultural Source Material" - means treated or untreated materials, as defined by the Nutrient Management Act, other than compost that meets the Compost Guidelines, or a commercial fertilizer, if they are capable of being applied to land as nutrients.

"Industrial Effluent Systems" - Systems which convey and discharge the by-product from an industrial process that can contain contaminant from non-domestic wastes.

"Intake protection zone" - An area delineated in the Source Water Protection Plan for the Niagara Peninsula Source Protection Area that surrounds a municipal surface water intake and within which it is desirable to regulate or monitor drinking water threats.

"Risk Management Official" - A person appointed under Part IV of the Clean Water Act, 2006, by the Council of Niagara Region that has authority to pass by-laws respecting water production, treatment, and storage under the Municipal Act, 2001.

"Risk Management plan" - A plan for reducing a risk, prepared in accordance with the regulations and the rules under S. 58 of the Clean Water Act, 2006.

"Significant Drinking Water Threat or Significant Threat" - A threat that, according to a risk assessment, poses or has the potential to pose a significant risk to the quality of municipal drinking water;

"Source Protection Plan" - means a drinking water source protection plan prepared under of the CleanWater Act, 2006.

"Source Water" - Water in its natural or raw state, prior to being drawn into a municipal drinking water system.

"Stormwater Management Facility" - A facility for the treatment, retention, infiltration or control of stormwater.

"Waste disposal sites" - The application of untreated septage, the storage, treatment and discharge of tailings from mines and waste disposal sites as defined under Part V of the Ontario Environmental Protection Act with respect to Source Water Protection.

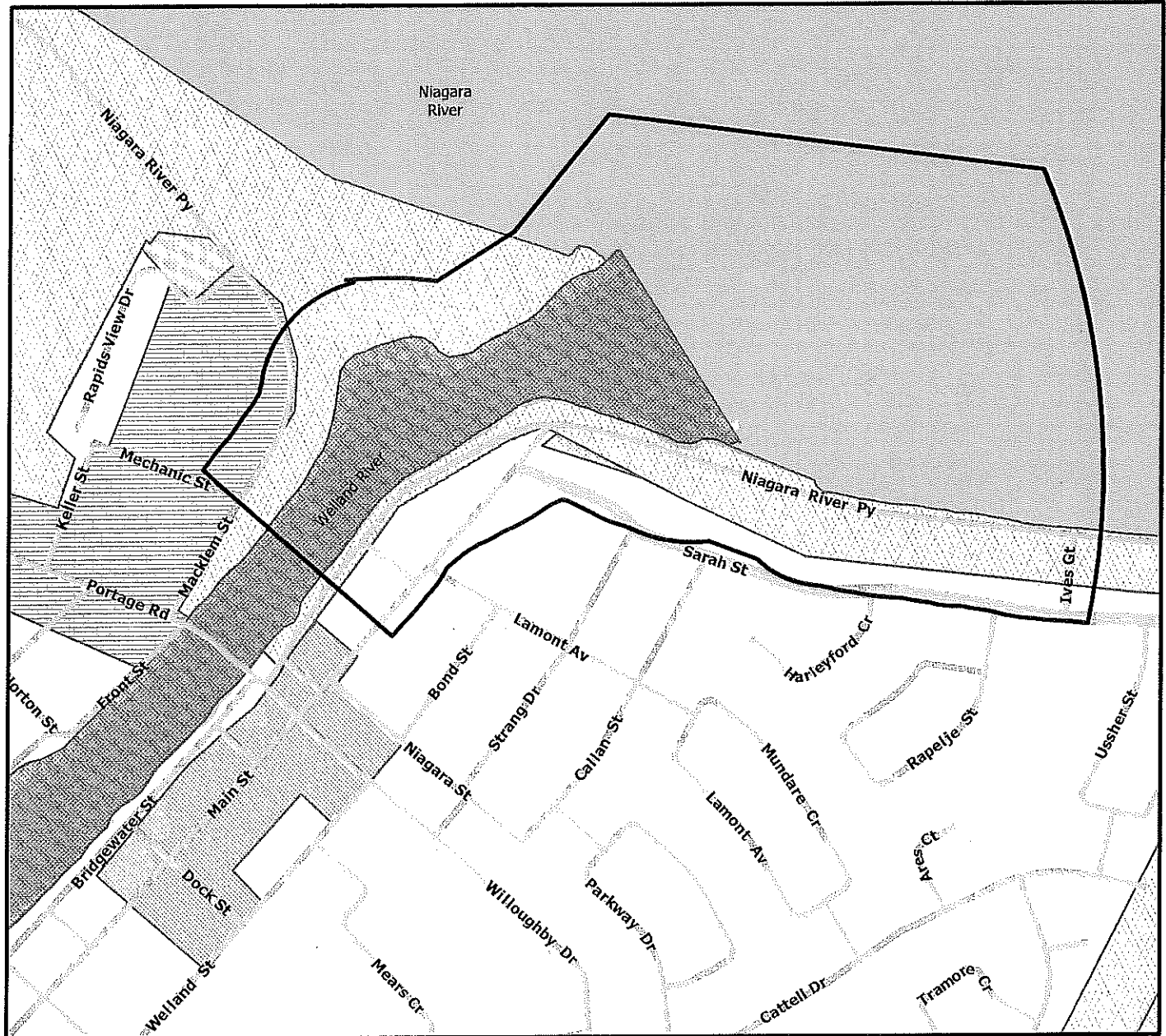
"Wastewater Treatment Plant/Facility" - The part of a sewage works that treats or disposes of sewage but does not include the part of the sewage works that collects or transmits sewage.

MAP 1 TO AMENDMENT NO. 124

SCHEDULE - A - TO THE OFFICIAL PLAN

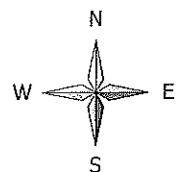
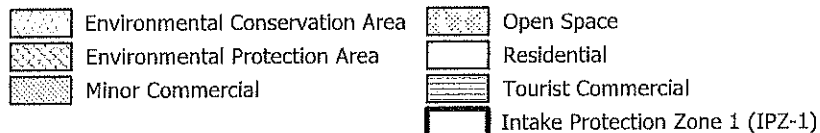
Area Affected by this Amendment 

Proposed Change To Add: *Niagara Falls Intake Protection Zone 1 (IPZ-1)*



CITY OF NIAGARA FALLS OFFICIAL PLAN

EXCERPT FROM SCHEDULE - A - FUTURE LAND USE PLAN



1:nts

NOTE: This schedule forms part of Amendment No. 124 to the Official Plan for the City of Niagara Falls and it must be read in conjunction with the written text.

AM-2017-007