

THE DISTRICT MUNICIPALITY OF MUSKOKA

BY-LAW 2021-37

Being a by-law to adopt
Amendment 53 to the Official Plan of the Muskoka District Area
(Moose Deer Point Community Water Intake Protection)

WHEREAS the Community and Planning Services Committee has recommended to the Council of The District Municipality of Muskoka that Amendment 53 to the Official Plan of the Muskoka District Area ("Official Plan Amendment 53") be adopted;

AND WHEREAS the Council of The District Municipality of Muskoka has fulfilled the applicable requirements of Sections 17(15) to 17(21) of the Planning Act, R.S.O. 1990, as amended;

AND WHEREAS the Council of The District Municipality of Muskoka is satisfied that the proposed Official Plan Amendment 53 attached hereto is suitable for adoption;

AND WHEREAS pursuant to Section 17(9) of the Planning Act and O. Reg. 525/97 amendments to the Official Plan of the Muskoka District Area do not require the approval of the Minister of Municipal Affairs and Housing;

AND WHEREAS it is desirable to adopt the proposed Official Plan Amendment 53;

THEREFORE the Council of The District Municipality of Muskoka enacts as follows:

1. The proposed amendment to the Official Plan of the Muskoka District Area consisting of the text as attached hereto as Schedule "A" shall be and is hereby adopted as Official Plan Amendment 53.
2. The Commissioner of Community and Planning Services Development, or their delegate, shall be and is hereby authorized, directed and empowered to give notice of the decision in accordance with Section 17(23) of the Planning Act and sign all such declarations as may be necessary to comply with O. Reg. 543/06 and Section 17(28) of the Planning Act.
3. This By-law shall come into force and take effect on the date it receives third reading.
4. Official Plan Amendment 53 shall come into force and take effect in accordance with the provisions of the Planning Act.

Enacted and Passed this 15th day of November, 2021

THE DISTRICT MUNICIPALITY OF MUSKOKA

Per:


Deputy District Chair G. Smith


District Clerk A. Back

Schedule "A"

AMENDMENT 53
TO THE MUSKOKA OFFICIAL PLAN
(Moose Deer Point Community Water Intake Protection)

SECTION 1. TITLE AND COMPONENTS OF THE AMENDMENT

Section 5 herein shall constitute Amendment 53 to the Official Plan of the Muskoka District Area.

Sections 1, 2, 3 and 4 herein do not constitute part of the Amendment but provide more detailed information respecting the Amendment.

SECTION 2. BACKGROUND AND PURPOSE OF THE AMENDMENT

2.1 PURPOSE

The purpose of proposed Muskoka Official Plan Amendment 53 (OPA 53) is to protect the Moose Deer Point First Nation intake in a similar manner to a municipal intake outside of a regulated sourcewater protection plan. The effect of OPA 53 is to:

- add a new subsection directing consultation with the appropriate Indigenous Community if land use changes are being proposed within the potential area of influence of a community drinking water intake;
- update Schedule D to show the identified Moose Deer Point community drinking water intake, and the associated 1,000 metre development buffer; and
- streamline language pertaining to Indigenous consultation.

2.2 BACKGROUND

In 2019, all municipal water intakes and outfalls within the District were identified in the Muskoka Official Plan (MOP) as features to be protected from incompatible uses. Only a small number of the identified intakes along the southern boundary of the District are governed by either the South Georgian Bay Simcoe or Trent Source Protection Plans under the Clean Water Act. Although just three intakes/wellheads are within formally legislated Source Protection Plan areas, the remaining intakes are protected by identifying a 1,000 metre potential influence area around the infrastructure. Accordingly, the MOP directs that development is not permitted within 1,000 metres of a municipal water supply intake unless the District is satisfied that the proposal will have no detrimental impact on source water or human health and safety.

Through the Muskoka Area Indigenous Leadership Table and Duty to Consult Working Group, District staff were made aware of the community drinking water intake serving the Moose Deer Point First Nation and located in Twelve Mile Bay. Protection of this infrastructure from potential drinking water threats was identified as a priority by the Moose Deer Point Community. In response, staff have been working in consultation with the Moose Deer Point representatives and Ministry of Environment, Conservation and Parks (MECP) staff to determine the intake's exact location and to establish an appropriate potential influence area. An Official Plan Amendment is proposed in order to recognize this intake and ensure relevant Muskoka Official Plan (MOP) policies apply to development in the vicinity that could potentially affect source water.

SECTION 3. LAND SUBJECT TO THE AMENDMENT

The policies in this Amendment apply to the lands located within 1,000 metres of the identified community drinking water intake.

SECTION 4. IMPLEMENTATION AND INTERPRETATION

The changes to the Muskoka Official Plan as described in this Amendment shall be implemented in accordance with the applicable policies in Section A (Plan Basics: Applicability, Purpose and Organization of the Official Plan) and Section M (Implementation and Administration) of the Plan.

SECTION 5. THE AMENDMENT

- 5.1 Amend Section D15.8. by:
 - a) deleting the word "All" from the title;
 - b) deleting the word "Municipal" from the title and replacing it with the word "Major";
 - c) adding "or Indigenous Community" after "of a municipal" in the first sentence;
 - d) deleting the second occurrence of the word "municipal" in the first sentence;
 - e) adding the word "/community" after the third occurrence of the word "municipal" in the first sentence; and
 - f) adding the phrase "or, if applicable, the Indigenous Community" after "District of Muskoka" in the first sentence.
- 5.2 Amend Section M10 b) by adding "are notified, engaged and/or consulted on:" after "Metis nation of Ontario" and by replacing "shall" with "must".
- 5.3 Amend Section M10 b) i) by deleting "Receive Notice and be circulated on".
- 5.4 Amend Section M10 b) ii) by deleting "Are consulted on".
- 5.5 Amend Section M10 b) iii) by deleting "Are consulted prior to".
- 5.6 Amend Section M10 b) iv) by deleting "Are notified of".
- 5.7 Amend Section M10 b) v) by deleting "Are consulted on" and the second occurrence of "and".
- 5.8 Amend Section M10 b) vi) by deleting "Are consulted and provided the opportunity for input on" and ".", and adding "; and" at the end of the sentence.
- 5.9 Add Section M10 b) vii) as follows:

"Any proposed development within a potential area of influence for a community drinking water intake".
- 5.10 Delete Schedule D and replace it with the revised Schedule D attached hereto to include the identified Moose Deer Point First Nation community drinking water intake and associated potential influence area.