

DRAFT  
BY-LAW NUMBER 17-XX  
OF  
THE CORPORATION OF THE TOWNSHIP OF SPRINGWATER  
BY-LAW NO. XX-17

**Being a By-Law to Decide on a Proposed Water Servicing Project related to the Village of Midhurst**

WHEREAS the Corporation of the Township of Springwater is a lower-tier municipality within the meaning of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended;

WHEREAS the Corporation of the Township of Springwater is a municipality within the meaning of the *Planning Act*, R.S.O. 1990, c.P.13, as amended;

WHEREAS the Corporation of the Township of Springwater is a planning authority within the meaning of the Provincial Policy Statement, issued as O.C. 107/2014 under the authority of s.3 of the *Planning Act*;

WHEREAS the Corporation of the Township of Springwater is a municipality within the meaning of the *Environmental Assessment Act* R.S.O. 1990, c.E. 18, as amended, and the Municipal Class Environmental Assessment, approved by O.C. 1923/2000;

WHEREAS the Corporation of the Township of Springwater is the owner of a municipal drinking water system that must provide water that is potable within the meaning of the *Safe Drinking Water Act, 2002*, S.O.2002, c.32, as amended;

NOW THEREFORE, the Council of the Corporation of the Township of Springwater hereby enacts as follows:

**1. DEFINITIONS**

1.1. That, in this By-law,

- (a) “cumulative effect” means, in the absence of and subject to any definition in an applicable legal instrument, an effect on the environment from a project in combination with effects on the existing environment from human activities and other projects, and may include a combined effect on the environment from future human activities and other projects that are reasonably foreseeable;

- (b) “decision” means the exercise of power by Township Council or its lawful delegates;
- (c) “environment” has the same meaning as defined in the *Environmental Assessment Act* R.S.O. 1990, c.E.18, as amended;
- (d) “Municipal Class EA” means the Municipal class environmental assessment that is approved under Part II.1 of the *Environmental Assessment Act*, as amended, including its multi-phase planning and decision-making process;
- (e) “Natural environment” has the same meaning as defined in the *Environmental Protection Act* R.S.O. 1990, c.E.19, as amended;
- (f) “Proponent” has the same meaning as defined in the *Environmental Assessment Act* R.S.O. 1990, c.E.18, as amended;
- (g) “Township” means, as the context requires, the Corporation of the Township of Springwater or a physical territory identified as the Township of Springwater; and
- (h) “Water Servicing Project” or the “Project” means the infrastructure required to provide water, stormwater, and wastewater services to new development proposed for the Village of Midhurst.

## **2. PURPOSES**

### **2.1. The purposes of this By-law are:**

- (a) to consider the Water Servicing Project in relation to Township powers and responsibilities under applicable laws, regulations, approvals, and policies;
- (b) to require that a Township Council decision on the Water Servicing Project includes consideration of:
  - (i) the Project’s cumulative effects on the quality and quantity of water;
  - (ii) the Township’s responsibility to minimize potential negative impacts on quality and quantity of water;
  - (iii) risks to the Township’s economic, social and environmental well-being; and
  - (iv) risks to the health, safety and well-being of persons in the Township; and
- (c) to ensure that Township consultation of residents has occurred before a Township Council makes a decision on the Water Servicing Project

**3. TOWNSHIP POWERS AND RESPONSIBILITIES REGARDING THE WATER SERVICING PROJECT**

- 3.1. That, consistent with its status as a natural person, the Township has the legal capacity to be the proponent of the Water Servicing Project.
- 3.2. That, by the terms of the Municipal Class EA, the Township has been the proponent of the Water Servicing Project since April 2008 and has made all decisions required by the Municipal Class EA.
- 3.3. That, by the terms of the conditions of approval related to Ontario Municipal Board proceeding PL100139 issued October 29, 2014 ched with the Province, County and landowners related to proposed official plan amendments and subdivision applications under the *Planning Act*, the Township has exclusive responsibility to carry out and make decisions on the Water Servicing Project under the Municipal Class EA.
- 3.4. That the Township's role as proponent of the Water Servicing Project is consistent with its exclusive municipal authority over the sphere of jurisdiction that includes water production and treatment.
- 3.5. That the Township's role as proponent of the Water Servicing Project is consistent with its status as a planning authority responsible to protect, improve or restore the quality and quantity of water in the Township.
- 3.6. That, as a Township decision on the Water Servicing Project will involve the exercise of authority that affects a planning matter, the decision shall be consistent with the Provincial Policy Statement and conform with any applicable provincial plan, subject to ensuring that as concerns any conflict in policies, the provincial policy that provides greatest protection to the natural environment and human health prevails.

**4. TOWNSHIP INFORMATION GATHERED ON THE WATER SERVICING PROJECT**

- 4.1. That, since April 2008, the Township has carried out and completed the planning process required by the Municipal Class EA for the Water Servicing Project leading up to a decision by the Township on whether to accept the Environmental Study Report on the Water Servicing Project, and thereby produced numerous studies on the Water Servicing Project, including:
- 4.2. That, a more detailed list of studies produced by the Township in relation to the Water Servicing Project is attached to this By-law as Appendix A.

**5. CONCERNS WITH THE WATER SERVICING PROJECT**

- 5.1. That, based on the studies and information received on the Water Servicing Project, and consultation on the Water Servicing Project, Township Council declares that:

- (a) water in the Township is a precious, renewable, but finite resource;
- (b) the Water Servicing Project involves taking groundwater from aquifers that underlie the Township and other adjacent municipalities;
- (c) the amount of groundwater to be taken from aquifers for the Water Servicing Project is predicted to average over 2 million cubic metres of groundwater per year for Phase I and over 3.4 million cubic metres per year for full build-out;
- (d) based on groundwater mapping produced by the Ontario Geological Survey, the Water Servicing Project will withdraw groundwater from a deep aquifer that is covered by one or more aquitards;
- (e) existing wells that supply the Township with water withdraw groundwater from this deep aquifer;
- (f) existing residents of the Township withdraw groundwater from this deep aquifer as well as more shallow aquifers in the Township;
- (g) the City of Barrie withdraws groundwater from this deep aquifer;
- (h) within and outside the Township, coldwater fisheries, provincially significant wetlands and the Internationally recognized Minesing Wetland all receive groundwater from this deep aquifer;
- (i) groundwater modeling by the Township and other municipalities estimate zone of impacts of existing major water takings in the Township and near the Township;
- (j) this groundwater modeling shows overlapping zones of impacts from existing groundwater takings combined with future groundwater takings;
- (k) this groundwater modeling does not address the amount of groundwater that flows to coldwater fisheries, provincially significant wetlands, and the Minesing Swamp;
- (l) this groundwater modeling does not thoroughly address the cumulative effects on groundwater of the Water Servicing Project in combination with other existing and future effects on groundwater in the Township;
- (m) groundwater pumping tests show that the deep aquifer is connected to surficial aquifers in the Township;
- (n) groundwater quality testing shows that the water from the deep aquifer will require treatment to meet Ontario *Safe Drinking Water Act* standards for potable water;
- (o) as owner of the Water Servicing Project, the Township will be responsible to ensure that the Project causes no impacts to:

- (i) existing users of water or, where existing users of water are impacted, to take actions to redress impacts including provision of alternate sources of water;
  - (ii) the watershed and ecological functions provided by existing groundwater quantity and quality;
- (p) as owner of the Water Servicing Project, the Township will be responsible for paying for the operation of the Project and any costs arising from impacts of the Project or mitigating the impacts of the Project for present and future generations;
- (q) it is incumbent on Council to ensure that its decisions respect natural limits and do not commit the Township to actions that will jeopardize water quantity and quality for present and future generations.

5.2. That, based on the studies and information received on the Water Servicing Project, Township Council further declares that, if implemented, the Water Servicing Project will commit the Township to:

- (a) actions that will jeopardize water quantity and quality for present and future generations,
- (b) costs that will impact Township finances for present and future generations, and
- (c) responsibility for future liabilities whose costs are unknown but may be significant and potentially unaffordable for the Township and present and future generations of ratepayers in the Township.

## **6. DECISION ON THE WATER SERVICING PROJECT**

6.1. That Council has decided that:

- (i) Acceptance of the Water Servicing Project environmental assessment summarized in the Environmental Study Report, as amended, that has been received by Council is not consistent or in conformity with provincial policy that applies to Town decisions;
- (ii) Approval of the Water Servicing Project is not consistent or in conformity with provincial policy that applies to Town decisions;
- (iii) Refusal to accept the Water Servicing Project environmental assessment summarized in the Environmental Study Report, as amended, that has been received by Council is consistent or in conformity with provincial policy that applies to Town decisions;
- (iv) Rejection of the Water Servicing Project is consistent and in conformity with provincial policy that applies to Town decisions and also consistent with other Town powers and responsibilities; and

- (v) The Water Servicing Project environmental assessment is refused and the Water Servicing Project is rejected.

**7. EFFECTIVE DATE**

- 7.1. That this By-law shall come into force and take effect on the date of its final passing.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS X<sup>TH</sup> DAY OF MAY, 2017.

READ and PASSED this \_\_\_\_\_ day of May, 2017.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK