

NOTICE TO RESIDENTS

-In recent months, residents of Melancthon have been hearing about a "quarry application" by the Highland Companies. At an in-house meeting with our planner G.W. Jordan on May 27/09- the Highland Companies confirmed their plan to submit an application for aggregate extraction below the water table on land which they own in the Township of Melancthon.

-Any such proposal must proceed through two approval processes, one to seek land use planning permission from both the Township and the Ministry of Municipal Affairs and Housing, and the other to seek license approval to operate a quarry below the water table from the Ministry of Natural Resources. Outlines of each of these two approval processes are provided below. Under the provisions of the Aggregate Resources Act, planning approvals must be in place before the Ministry of Natural Resources could issue a quarry license. Before a decision is made on the quarry license application by the MNR, a zoning by-law amendment and official plan amendment application must be submitted and processed through the procedure outlined below. If the official plan amendment and zoning by-law amendment are approved, a decision will be made by the MNR on the application for aggregate extraction below the water table following the related process as also outlined below. At this time, we are circulating this outline and time frames for these applications and **we encourage all residents to participate and make their concerns known (both positive and negative) particularly at the time when the procedure allows for public input.** Should you have any questions regarding these procedures, please contact the Township office at 519-925-5525.

-A customary pre-application meeting took place on June 24/09 between the Highland Companies, township staff and our planner, G.W. Jordan. The purpose of this meeting was to establish the studies that must be submitted in order for the Township to deem the applications complete. A voluntary public information open house session was held by the Highlands Company on July 25/09 at the Horning's Mills Hall.

CORPORATION OF THE TOWNSHIP OF MELANCTHON PLANNING APPLICATION PROCEDURES

OFFICIAL PLAN AMENDMENT & ZONING BY-LAW AMENDMENT (if approved, such amendments would permit the use of this land for a sand, gravel or rock quarry operation)

- Municipality receives planning application and forwards same to the Township Planner to review for completeness
- Municipality has 30 days from receipt of the application to deem the application complete (under the Planning Act) and this would include submission of studies as determined in the pre-application meeting between the applicant and township staff and planner.
- The Planner advises the municipality if the application is complete or requires further information
- If application is incomplete, the Township's Chief Administrative Officer (CAO) requests further information from the applicant
- When the application is deemed complete, the applicant is informed by the CAO
- Within 15 days of the CAO's letter to the applicant, the municipality must either send a "Notice of Complete Application" by ordinary mail to every owner within 120 metres of the subject property and post a notice on the property or publish a notice in the local newspaper that has sufficient general circulation in the area of the proposal. The notice is also sent to various agencies as required in the regulations to the Planning Act

At the same time as the Notice of Complete Application is processed, the information and material provided with the application is made available to the public

· The proposal and the submitted support material is thoroughly reviewed by Township staff and advisers and other involved agencies as necessary and, if and when Council deems it appropriate, a Township public meeting on the proposed planning amendments is scheduled. Although a public meeting is a requirement under the Planning Act, Council also may hold a public information meeting or open house session.

***The Notice of Public Meeting (under the Planning Act) and draft Official Plan and/or Zoning By law amendments are prepared by the Township Planner and sent to the Township for circulation. The Township must give 20 days advance notice before the Public Meeting is held to consider the draft amendments

***Persons and public bodies are given the opportunity to provide verbal or written submissions at the meeting and written submissions can be provided to be considered by Council at any time before Council makes a decision on the requested amendments

· Council considers the input from the public, agencies and its advisors and then makes a decision on the requested amendments

· If the Zoning By-law is passed, the Township has 15 days to circulate the "Notice of Passage/By law" and there is a 20-day appeal period following the circulation of the notice. During this 20 day period, persons or public bodies that have spoken at the public meeting or submitted written comments to Council prior to Council's decision may appeal all or part of the decision on the By-law to the Ontario Municipal Board - the Board's fee is \$125.00

· If Council refuses an application or fails to give notice of a decision on the Official Plan application within 180 days of receiving it or on the Zoning By-law application within 120 days of its receipt, the applicant can file an appeal to the Ontario Municipal Board under Section 17(40) or 34(11) of the Planning Act

· Although Council will make a decision on the Official Plan amendment, the Ministry of Municipal Affairs and Housing is the approval authority for such amendments. If a Zoning By-law amendment is passed by Council, it does not come into effect until and unless the Ministry approves the Official Plan amendment. As with the Zoning By-law amendment appeals made to the Ministry on the Official Plan amendment will be heard by the Ontario Municipal Board if they meet the relevant Planning Act criteria.

*******All expenses associated with submitting and processing a Planning Application are paid by the applicant - this would include such things as peer reviews of studies, site inspections, notice costs, legal fees,**

<u>THE APPROVAL PROCESS</u>		
<u>Planning Act</u> -Official Plan and/or zoning Application and supporting Documentation submitted	<u>Aggregate Resources Act</u> -Circulation of the site plan and reports to review agencies	-The planning and approval process is governed by legislation -The Planning Act Official Plan and Zoning Bylaw amendments -The Aggregate Resources Act- aggregate license -Provincial Policy Statement 2005 -Township Official Plan by-law 12-1979 as amended by 12-1982
-Municipal review Consultation and notification Of public meeting to residents	-Notification to adjacent landowners notice in local newspapers and sign posted on site	
-Public Meeting	-Consultation with public and review Agencies	
-Council decision	-Information session -Resolution of objections	*The 2004 draft Official Plan (found on the township website) has no legal status. It is currently undergoing extensive revisions to bring it into conformity with all of the provincial planning legislation, policies, plans and regulations that have been passed or issued since the draft.
-Notification of decision To public and applicant	-If objections cannot be resolved referral to Ontario Municipal Board	
-Appeal period		
<p>Ontario Municipal Board Hearing (OMB) OMB makes final decision and may recommend license conditions</p> <p>Decision on Application</p>		

*******KEEP IN MIND THAT REGULATING ACTS ARE MEANT TO BE TAKEN IN THEIR ENTIRETY**

MINISTRY OF NATURAL RESOURCES AGGREGATE ACT PIT AND QUARRY APPLICATION PROCEDURES

Step 1-Preparation/Pre-consultation-Applicant liaises with the Ministry of Natural Resources (MNR), agencies and public, completes report, summary statements and site plans and ensures application is in compliance.

Step 2-Submission/ Compliance.**20 day maximum**Applicant submits the extensive required information to MNR &MNR determines compliance/completeness under ARA within 20 days of receipt of the applicant's material****- incomplete/back to 1***complete proceed to Step 3

Step3-Notification/ Circulation

****45 day max. from public notice to 5(resolution of objections)**

Public notice-written notice to landowners within 120m -signage on property-publication local newspaper of notices of quarry license application and applicant's public information session
Agency circulation-circulate to agencies on or before publication of notice of quarry license application, the following

- Complete application package
- Notice of applicant's public information session

****20 day minimum requirement to publish notice prior to (4) public information session**

Step 4-Consultation

****10 day minimum period after public information session for public and agencies to provide written notice of objection and any such written notice of objection and the related reasons must be submitted within the above referenced 45 day public notification period**

Step 5-Resolution of Objections

- If objections, then applicant is required to attempt to resolve all objections
- If resolved applicant amends application and in consultation with MNR, secures withdrawal letters and submits documentation of notification and consultation to MNR
- If objections are not resolved applicant submits to MNR and objectors
 - list of unresolved objections
 - documentation of attempts to resolve objections
 - applicant's recommendations for resolving objections
 - notice of 20 day period for objector's to provide responses to the applicant and the MNR
 - documentation of Public Notice and Agency Circulation

****within 20 days****objectors respond to applicant and MNR giving their recommendations for resolution. If no response in that time period then the objection is VOID.

If no objections, then applicant submits documentation on the notification and consultation processes to MNR-If applicant fails to submit required information within 2 years of PUBLIC NOTIFICATION, application is considered withdrawn and all documentation is returned.

Step 6-Decision Process

MNR receives all info and evaluates/ scopes the issues

****within 30 days max. Recommendation to Minister or Referral to Board**

- if no objection or referral requests-recommendation to minister
- if objections or referral requests-if unfounded recommendation to minister -referral to board

1) IF HEARING-direct the minister to refuse or to issue license

2) IF NO HEARING-direct the minister to issue a license subject to prescribed

conditions and may recommend additional conditions

Recommendation to the Minister

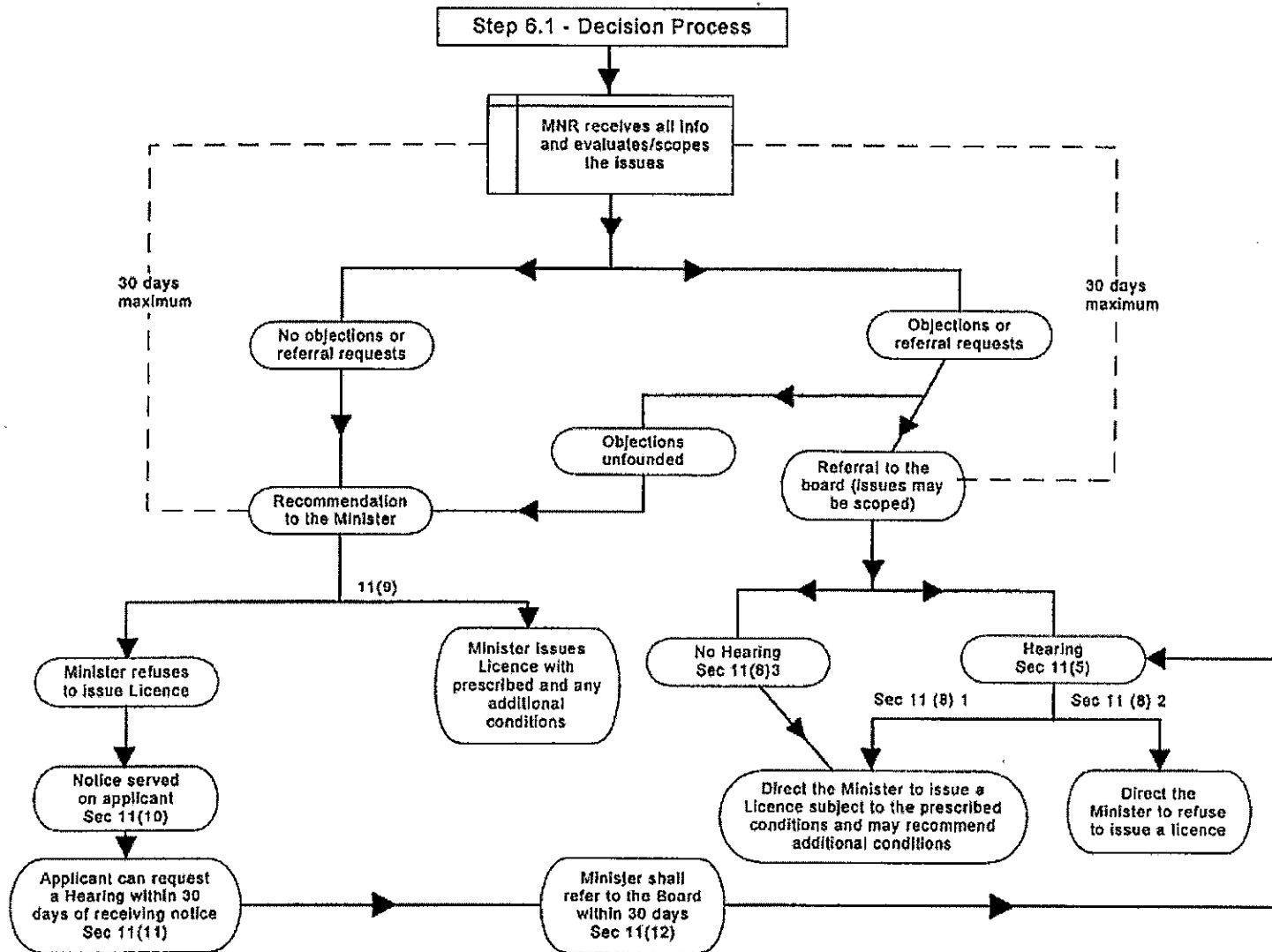
- Minister issues license with prescribed and any additional concerns OR
- Minister refused to issue license-notice served on applicant
- Applicant can request a hearing within 30 days of receipt of notice
- Minister shall refer to the board within 30 days
- Return back to hearing

The Council is in the process of setting up a public meeting and the following ministries will be in attendance and each will be allotted a 15 minute time slot to explain their role in this process. This will be followed by a ½ hour public question period regarding the process.

- ☐ Carol Neumann-OMAFRA (Ontario Ministry of Agriculture and Food)
- ☐ Craig Laing-MNR (Ministry of Natural Resources)
- ☐ Carl Slater-MOE (Ministry of the Environment)
- ☐ NVCA (Nottawasaga Valley Conservation Authority)
- ☐ MMAH (Ministry of Municipal Affairs and Housing)
- ☐ G.W.Jorden- Township Planner

Once the date has been confirmed, the Township will advise the Public of the date through the local newspaper and on the Township website.

LICENCE APPLICATION PROCESS UNDER THE ARA - CATEGORIES 1 TO 8 (chart 2 of 2)



LICENCE APPLICATION PROCESS

UNDER THE ARA - CATEGORIES 1 TO 8 (chart 1 of 2)

