

**TOWNSHIP OF MELANCTHON**  
**AMENDMENT NO. 17 TO THE OFFICIAL PLAN**

**BY-LAW NO.**  
**OF THE CORPORATION OF**  
**THE TOWNSHIP OF MELANCTHON**

WHEREAS there is an approved Official Plan for the Township of Melancthon;

AND WHEREAS the Council of the Corporation of the Township of Melancthon has received a request to amend the Official Plan as amended, and is in agreement with this request;

AND WHEREAS authority is granted under sections 21 and 17 of the Planning Act;

NOW THEREFORE be it enacted as a By-law of the Corporation of the Township of Melancthon the following:

1. The attached explanatory text and map schedules, which constitute Amendment No. 17 to the Official Plan for the Township of Melancthon, is hereby adopted.
2. The Clerk is hereby authorized and directed to make application to the Minister of Municipal Affairs and Housing for approval of Amendment No. 17 to the Official Plan for the Township of Melancthon.

This By-law shall come into force and take effect on the day of final passing thereof.

READ A FIRST AND SECOND TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
, 2010.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

READ A THIRD TIME AND FINALLY PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
, 2010.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

**AMENDMENT NO. 17 TO THE OFFICIAL PLAN  
FOR THE TOWNSHIP OF MELANCTHON**

The attached explanatory text and map schedules, constituting Amendment No. 17 to the Official Plan for the Township of Melancthon, was prepared and adopted by the Council of the Corporation of the Township of Melancthon by By-law No. \_\_\_\_\_ in accordance with the provisions of Sections 17 and 21 of the Planning Act, R. S. O. 1990, as amended.

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MAYOR

CORPORATE SEAL OF  
THE MUNICIPALITY

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CLERK

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**AMENDMENT NO. 17  
TO THE OFFICIAL PLAN  
FOR THE TOWNSHIP OF MELANCTHON**

**The Constitutional Statement**

The following Amendment to the Official Plan for the Township of Melancthon consists of three parts.

**Part A - The Preamble**

The Preamble consists of the purpose, location and basis for the Amendment and does not constitute part of the actual Amendment.

**Part B - The Amendment**

The Amendment, consisting of the following text and map schedules, constitutes Amendment No. 17 to the Official Plan for the Township of Melancthon.

**Part C - The Appendices**

The Appendices consist of the information pertinent to this Amendment in the form of background information and analysis or related references thereto. This section does not constitute part of the actual Amendment.

APPENDIX 1: List of Background Reports and Materials

APPENDIX 2: Minutes of Public Meeting

## **Part A - The Preamble**

### **1.0 Purpose**

The purpose of Official Plan Amendment No. 17 is to change the land use designations on an area from “Rural” and “Environmental Protection Area High Hazard Land” to “Industrial” and to add policies to the Plan specifically addressing matters relating to the development of an extractive industrial use on the lands being redesignated. Subject to specific policies, the Amendment would permit part of the subject lands to be used for an extractive industrial operation.

### **2.0 Location**

The Amendment applies to lands in part of the West Half of Lots 11 and 12, Concession 3, Old Survey.

### **3.0 Basis**

#### **Background**

Strada Aggregates Inc. (Strada) has applied for Official Plan and Zoning By-law amendments relating to lands in part of the West Half of Lots 11 and 12, Concession 3, O. S. The Official Plan amendment application requested the redesignation of the subject lands to “Industrial” from “Rural” and the refinement of the Environmental Protection Area designation on a portion of the lands. The Zoning By-law amendment application sought a zone change from the General Agricultural (A1) Zone on the subject lands to the Extractive Industrial (M2) zone and a refinement of the boundary of the Open Space Conservation (OS2) zone on part of the lands. The amendment would permit the use of the subject property for an above the water table extractive industrial operation.

The applicant’s June, 2008, Planning Report, along with other documentation on such matters as hydrogeology, environmental impact, noise emissions and traffic impacts provided detailed information on the proposed extractive industrial use. An updated application package submitted in April, 2010, included the same information and expanded several components of that material. The following text utilizes this and other available information to summarize the proposal, the key planning concerns and the principal factors forming the basis for this amendment. A list of the reports submitted with the applications is provided in Appendix 1.

## The Proposed Extractive Industrial Use

The requested planning amendments would permit the use of the subject lands for an extractive industrial operation in the form of a gravel pit, including associated processing and accessory facilities. The proposed licensed area, as identified in the associated application to the Ministry of Natural Resources for a Category 3, Class A license, consists of a total licensed area of 47.6 hectares (117.6 acres) which includes the entire subject property. The area of excavation totals 37.6 hectares (92.9 acres). The subject lands abut the east side of the Fourth Line and the north side of County Road 17 in part of the west half of Lots 11 and 12, Concession 3, O.S.

The Aggregate Resources Act application is for a licence limiting the depth of excavation to 1.5 metres above the watertable. It is proposed that the use would share the annual excavation limit of 1,250,000 tonnes that now applies to the Strada pit to the north in the west half of Lot 13, Concession 3, O.S. Reserves in that pit are nearing depletion and the proposed extractive industrial use is intended to initially supplement and then replace that pit. The applicant's recently submitted Planning Report indicates that there is approximately 4.6 million tonnes of extractable mineral aggregates on the subject lands above the watertable. The site is situated within a large area identified as having primary significance for good quality sand and gravel resources in the Aggregate Resources Inventory of Dufferin County prepared by the Ministry of Mines and Northern Development.

Extraction would proceed generally from north to south in areas of the site outside any environmentally significant features. Rehabilitation will be progressive. Two portable crushing plants, one screening plant, one wash plant and four loaders will be involved, as needed, in the extraction and associated on-site operations. Berms would be erected along the portions of the site abutting roads as well as along the southern part of the eastern property boundary and the western half of the northern boundary. Vehicular access to the site would be off the Fourth Line with the haul route for the existing Strada pit also being used for the proposed pit.

## The Site, the Area and Agricultural Lands

The site consists of primarily agricultural lands with a portion of a potentially provincially significant wetland area extending into the eastern side of the property. That wetland will be buffered from the extractive operations. The property includes two farm/residential building complexes, one of which will be removed while the dwelling in the other building cluster will be retained.

Approximately 88 percent of the site consists of lands having Classes 1 or 2 soil capability for agriculture. Most of the site is in agricultural production. The topography of the lands varies from gently to steeply sloping. The lands are considered to be within a prime agricultural area.

The applicant's soil study indicated that, with proper rehabilitation techniques, approximately 74 percent of the site's agricultural lands could be returned to agricultural use with those soils having substantially the same average soil quality as existed prior to the extractive use. Enhancing and expanding the site's environmental linkage function was a contributing factor to the somewhat reduced extent of the agricultural rehabilitation. The peer review generally supported the findings of the applicant's study.

The property is situated in a rural and agricultural area with agricultural lands and operations found in adjacent areas. There are a number of residences, both farm and non-farm in the vicinity of the site and, slightly further north, are other extractive industrial uses, including the existing Strada operation.

#### Water Resource Aspects

The applicant's hydrogeological study has documented the water related features of the site and area and has concluded that the proposed use would have no significant impact on groundwater or surface water. The peer review of that study supported that conclusion although it noted concerns about details such as preferred revisions to aspects of the monitoring program and initial questions about the need for a washing plant operation. These concerns were subsequently addressed to the peer reviewer's satisfaction.

The proposed site plans and the policies of the Official Plan amendment address the water resource related issues. Extraction would be set back from the site's key surface water features, the wetland and two adjacent small ponds. Also, extraction will be prohibited from proceeding any closer than 1.5 metres above the watertable. A groundwater monitoring program, well interference protocol and spills contingency plan will be implemented.

#### Traffic and Haul Route Aspects

Because the pit would share the tonnage limit now applicable to the existing Strada pit to the north, there would be no significant increase in traffic as a result of the proposed pit. The only changes would be that the peak levels of traffic associated with the existing pit would continue for a longer period, until the resources in the proposed pit are depleted. Also, a new truck access point to the Fourth Line would be needed.

An agreement would be required to address all issues relating to the use of Township roads including the provision of a new truck access point, related ongoing road improvements and maintenance, and the owner's funding responsibilities. That agreement would also ensure that the proposed pit uses the same haul route as the existing Strada pit.

#### Site Related Noise and Dust Impacts

The noise study provided with the application indicates that, with the proposed perimeter berms and appropriate restrictions on the pit operations, the development would meet applicable Ministry of the Environment noise emission standards. The peer review found that the study was satisfactory. Dust mitigation will be a requirement of the pit license from the Ministry of Natural Resources.

#### Natural Heritage

A study of the site's natural environment was prepared by the applicant's consultants in accordance with provincial standards. A potentially provincially significant wetland was identified as extending onto the subject lands from the adjacent property to the east. Possible linkages between that feature, adjacent ponds and a forested area to the north were identified and recommendations made with regard to protecting those features and functions during the pit operation, and preserving and possibly enhancing them in the site rehabilitation.

The peer review of the study supported its conclusion that, with proper mitigation, the extractive operation could proceed without adversely affecting the site's natural features and functions. Policies in the Amendment will ensure the protection of the site's wetland feature and the related ecological features and functions.

#### Cultural Heritage

A stage 1 and 2 archeological assessment of the property found the majority of the site to be free of any archeologically important features. However, a stage 3 assessment is required for a small part of the site. That recommendation is reflected in the notes on the licensing related site plans which require the completion of such an assessment prior to any excavation in that part of the subject lands. The study recommended full documentation of the agricultural building complexes and residence before removal and the relocation of a remnant orchard in order to retain it outside the area of extraction. These matters can also be addressed as part of the Ministry's licence.

## Summary

After carefully considering all relevant available information and evaluating the comments received from the public and agencies, Council has determined that, with the related policies of this amendment in place, appropriate portions of the subject property can be redesignated to permit its use for the proposed extractive operation. In summary, the basis for this amendment includes the following principal factors or considerations:

- (a) With appropriate berming or other buffer features where necessary, the site is appropriate for the proposed use in terms of land use capability, being situated in a predominantly rural and agricultural area with other extractive industrial uses being located approximately 300 metres to the north.
- (b) While the site contains prime agricultural lands, site rehabilitation following completion of the extractive operation can substantially restore the property's agricultural capability.
- (c) The amendment provides sufficient policies to ensure that proper groundwater monitoring is implemented, groundwater resources are protected as much as possible, adverse groundwater impacts, if any, are rectified and any parties adversely affected by groundwater impacts are compensated.
- (d) There will be no substantial increase in traffic on local roads and the existing haul route for the pit to the north will continue to be used with the new pit.
- (e) The amendment provides sufficient policies to ensure that both the County Roads and the Township road forming the haul route are maintained and improved where necessary.
- (f) The noise impacts from the extractive industrial operation can be satisfactorily mitigated through berms and controls on the actual extractive operation.
- (g) Appropriate dust mitigation measures can be implemented through the Ministry requirements relating to the pit license.
- (h) The site's important environmental features can be protected and preserved through mitigation measures, primarily involving the provision of setbacks and berms or fencing around these features.
- (i) In keeping with the Provincial Policy Statement and proceeding within the context of appropriate planning policies, the proposed development would assist in providing

mineral resources from an area identified as having aggregate resources of primary significance.

- (j) Based on the considerations and factors summarized herein, there is general compliance with the applicable policies of the Township's Official Plan.

## **Part B - The Amendment**

### **1.0 Introduction**

All of this part of the document entitled Part B - The Amendment, consisting of the following text and the attached map schedule, constitutes Amendment No. 17 to the Official Plan for the Township of Melancthon.

### **2.0 Details of the Amendment**

The Official Plan is amended as follows:

- (a) Schedule “A”, Land Use Plan, to the Official Plan for the Township of Melancthon, as amended, is hereby further amended by deleting an area in part of the West Half of Lots 11 and 12, Concession 3, O.S., with the subject lands to be referenced by the words “See Schedule A-1”, all as shown on Schedule “A” attached hereto and forming part of this amendment.
- (b) The Official Plan for the Township of Melancthon, as amended, is hereby further amended by the addition, following Schedule “A”, of Schedule “A-1” attached hereto and forming part of this amendment, with such schedule including the subject lands in a site specific Industrial designation and a reconfigured and now site specific Environmental Protection Area High Hazard Lands designation.
- (c) The Official Plan for the Township of Melancthon, as amended, is hereby further amended by the addition of the following text, being “(iii) Policies Relating to part of West Half of Lots 11 and 12, Concession 3, O.S.”, following subsection 4(d)(ii):

“(iii) Policies Regarding part of West Half of Lots 11 and 12, Concession 3, O.S.

In addition to the other policies of this section and the policies of this Plan applicable to extractive industrial uses, the following policies shall apply with regard to the lands designated “Industrial” in part of the West Half of Lots 11 and 12, Concession 3, O.S.

- a. Notwithstanding the “Low Hazard Lands” overlay designation covering portions of the subject lands on Schedule “E”, and the use related policies of section 4(d), if a Class A, Category 3 licence is issued under the provisions of the Aggregate Resources Act, these lands may be used for only an extractive industrial use in accordance with the applicable policies of this Plan and the site specific polices of this subsection, or agriculture or forestry. If there is a

conflict between the general and the site specific policies, the most restrictive shall apply.

- b. No aggregate recycling processes are permitted as part of an extractive industrial use. No concrete batching plant or other industrial or similar use is permitted as either a principal use or an accessory use.
- c. The maximum depth of extraction shall be limited to 1.5 metres above the water table.
- d. All recommendations of the hydrogeological study of the site and the peer review of that study shall be implemented through the conditions of any licence issued under the Aggregate Resources Act and through the municipal planning process. As part of that implementation process, the land owner shall enter into an agreement with the Township which shall include at least the following components.
  - (1) A groundwater monitoring program meeting the Township's requirements relating to such matters as the location and characteristics of monitoring wells, and the reporting procedures.
  - (2) A requirement to immediately notify the Township of any detection, through the monitoring program or otherwise, of any toxic substances.
  - (3) A well interference protocol which, among other matters, establishes both the level of adverse groundwater impact at which remedial action is required and a procedure for the related remedial work and compensation.
  - (4) Provisions specifying the responsibility of the land owner to undertake any required remedial work and to compensate any party adversely affected by significant groundwater deterioration resulting from the industrial use.
- e. All aspects of the extractive industrial use shall be designed and operated to ensure the highest level of protection of groundwater resources. This will be a particularly important component of the Spills Contingency Program required as a prescribed licence condition. A secure refuelling site shall be provided at a location separate from the excavation area. The land owner shall

provide the proposed Spills Contingency Program to the Township for review prior to the commencement of extractive industrial operations.

- f. The recommendations of the site's archeological study shall be implemented through the operational plan to form part of the licensing conditions for the extractive use and other appropriate means. The required Stage 3 Assessment of a portion of the site shall be completed prior to the commencement of excavation and its findings reflected in the related operational and rehabilitation plans.
- g. The recommendations of the Natural Environment Level 1 and 2 Technical Report for the site along with those of the peer review of that report shall be implemented both through the licencing process under the Aggregate Resources Act and through the municipal planning process, including the rezoning of the subject lands. In particular, the implementing zoning by-law amendment shall ensure that no development or site alteration will occur in the identified wetland and other significant environmental features on the subject lands. Appropriate setbacks from that wetland area and the associated features shall be included in the zoning by-law amendment.
- h. The development agreement shall include provisions requiring Township review of any proposed environmentally related monitoring program and requiring regular reporting to the Township on the results of that monitoring.
- i. Key environmental features, buffers and linkages, as identified in the site specific environmental documents, are to be preserved and, if possible, enhanced in the pit rehabilitation plan and processes. Site plan control may be applied to assist in this aspect of the rehabilitation process.
- j. The recommendations of the Surficial Soil Study, including those arising out of the associated peer review process, shall be implemented through the rehabilitation plan and any other appropriate means. The site shall be rehabilitated so as to restore substantially the same areas and same average soil quality for agriculture as existed prior to the extractive industrial use.
- k. The development agreement shall include provisions requiring monitoring of the agricultural rehabilitation program and also requiring regular reporting to the Township on the results of that monitoring.

- l. To the extent possible, progressive rehabilitation shall be implemented through the licencing of the pit under the Aggregate Resource Act.
- m. Any use of the site after rehabilitation other than for agriculture or reforestation will require an amendment to this Official Plan. Permission for any other use of the site or the adoption of any related amendment shall not occur until Council is satisfied that appropriate rehabilitation is in place to restore, protect or enhance all key environmental and water resource related features and functions. A holding zone or site plan control may be applied in the implementation of this policy.
- n. Appropriately designed berms shall be provided along the property's road frontages and, where necessary, along any other open portion of the site's perimeter. Such berms shall screen the extractive industrial use from public view along the adjacent roads and from ground floor views, as a minimum requirement, at adjacent residences. These berms shall also attenuate noise generated by the extractive operation to levels in compliance with the applicable Ministry of the Environment standards.
- o. The Township shall be provided with the results of any noise monitoring program and a related provision may be included in the development agreement.
- p. Partially as a method of noise mitigation, the Township may include provisions in the development agreement limiting the hours of operation on the site.
- q. The land owner shall enter into an agreement with the Township concerning the haul route for trucks carrying aggregate from the site. As a minimum requirement, that agreement shall identify the haul route, address required haul route improvements and maintenance resulting from pit related traffic, require the land owner to fund these improvements and maintenance, and include undertakings on the part of the owner that drivers hauling from the site will be instructed to use the defined route, to refrain from arriving at the site prior to start of the hours of operation, and to refrain from parking on the Fourth Line at any time.
- r. Subject to any required approvals from the County of Dufferin, the haul route shall be the same as that applying to the site designated industrial to the north of the subject lands, in part of Lot 13, Concession 3, O.S."

- s. The development agreement shall include a provision requiring the proponent to notify the Township of any proposed and Ministry of Natural Resources approved changes to the license or the nature or extent of the use on the subject lands beyond that shown or described on the set of four site plan drawings dated October 19, 2010.”

### 3.0 Implementation

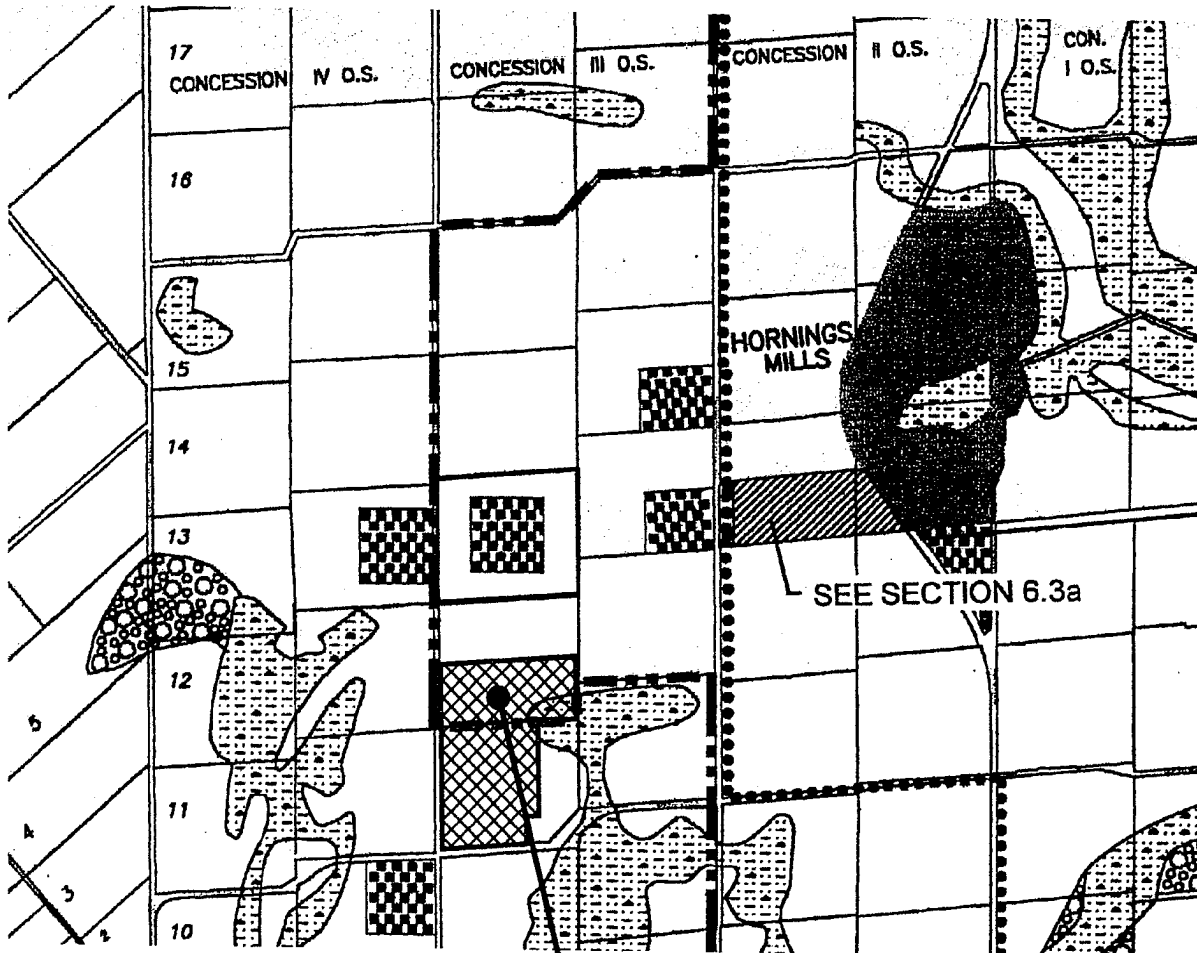
The provisions of the Official Plan regarding the implementation of that Plan shall also apply to this amendment. The rezoning of the subject lands and the use of such measures as development and road related agreements may form part of the implementation process. At the appropriate time, the Township may designate the site as an area of site plan control as a means of implementing these Official Plan policies. The specific approval and implementation of the extractive industrial operation is the responsibility of the Ministry of Natural Resources, in accordance with the Aggregate Resources Act and as referenced in Official Plan section 4(d), paragraph 7.







### 4.0 Interpretation

The provisions of the Official Plan regarding the interpretation of that Plan shall also apply to this amendment.

**TOWNSHIP OF MELANCTHON**  
**OFFICIAL PLAN AMENDMENT NO. 17**

**SCHEDULE "A"**



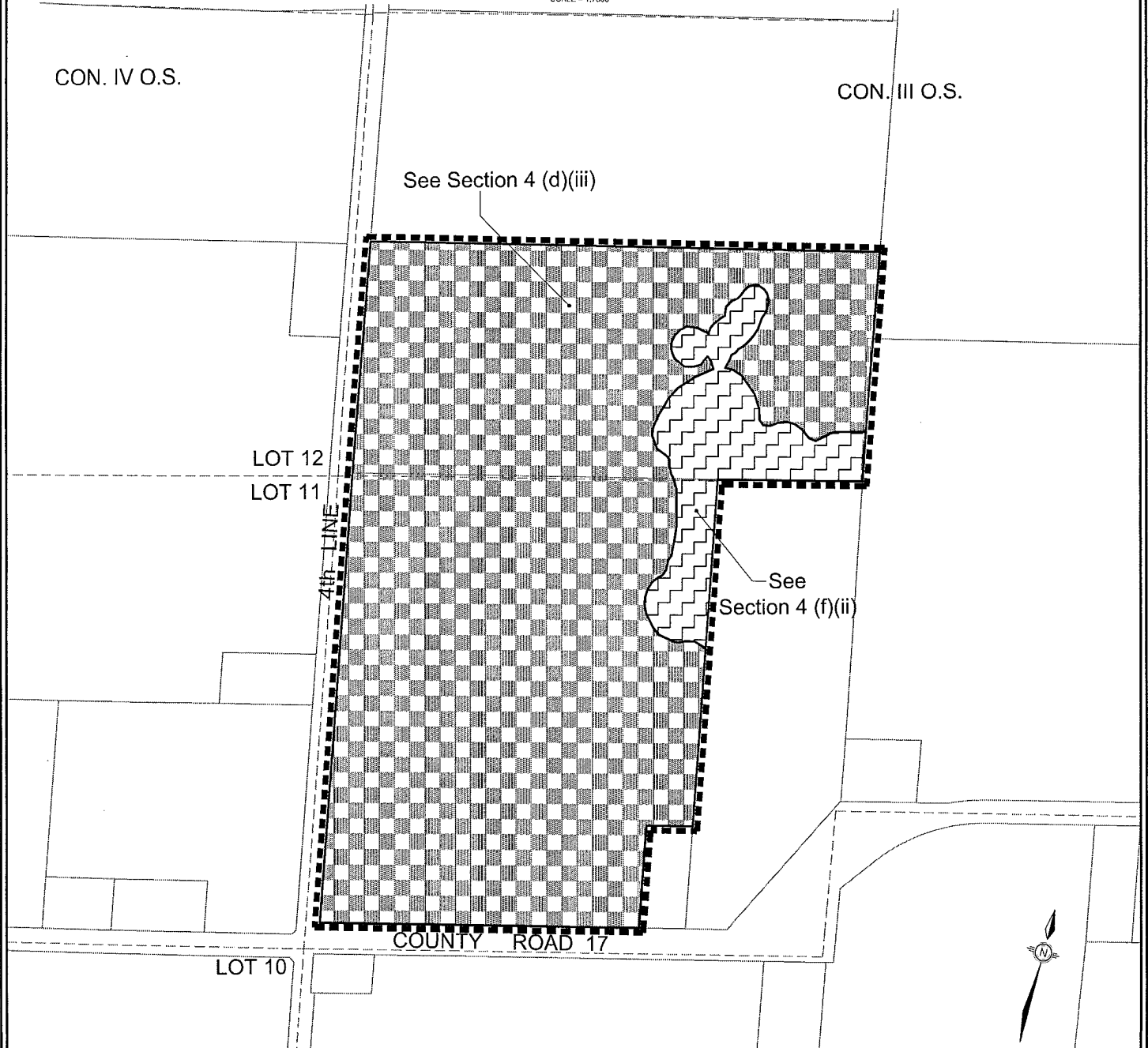
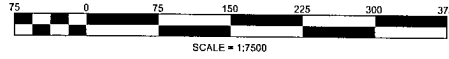
-  RURAL
-  RURAL SPECIAL
-  RESIDENTIAL HAMLETS
-  INDUSTRIAL
-  ENVIRONMENTAL PROTECTION HIGH HAZARD LAND
-  OPEN SPACE RECREATION

**AREA DELETED FROM  
 SCHEDULE A AND  
 REPLACED WITH  
 THE REFERENCE  
 "SEE SCHEDULE A-1"**



# TOWNSHIP OF MELANCTHON OFFICIAL PLAN AMENDMENT NO. 17 SCHEDULE 'A-1'

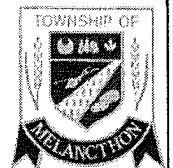
Part of the west half of Lots 11 & 12,  
Concession 3 O.S.



 SCHEDULE BOUNDARY

 INDUSTRIAL

 ENVIRONMENTAL PROTECTION AREA  
HIGH HAZARD LAND



## **APPENDIX 1**

### **List of Background Reports and Material**

## APPENDIX 1

### **Background Reports and Material**

The following material has been provided as background information on the extractive industrial proposal. This material is available for viewing at the Township offices.

1. Planning Report and Aggregate Resources Act Summary Statement - Strada Aggregates Proposed Melancthon Pit, MHBC Planning, April, 2010
2. Surficial Soils Study, DBH Soil Services Inc., May, 2008
3. Hydrogeological Assessment Report, Whitewater Hydrogeology Ltd, March, 2010
4. Natural Environment Level 1 & 2 Technical Report, Natural Resource Solutions Inc., March, 2010
5. Stage 1 & 2 Archaeological Assessment and Built Heritage and Cultural Landscape Assessment, Archaeological Services Inc., January, 2010
6. Melancthon Pit Traffic Study, iTrans Consulting Inc., September, 2010
7. Noise Control Study, Aercoustics Engineering Limited, March, 2010
8. Aggregate Resources Act Site Plans, MHBC Planning, October, 2010

**APPENDIX 2**

**Minutes of Public Meeting**

**BY-LAW NO.**  
**OF THE CORPORATION OF**  
**THE TOWNSHIP OF MELANCTHON**

WHEREAS By-law No. 12-79 as amended is the main governing Zoning By-law of the Corporation;

AND WHEREAS the Council of the Corporation of the Township of Melancthon has received a request to amend By-law 12-79 as amended, and is in agreement with this request;

AND WHEREAS authority is granted under Section 34 of the Planning Act, to enact such amendments;

NOW THEREFORE be it enacted as a By-law of the Corporation of the Township of Melancthon the following:

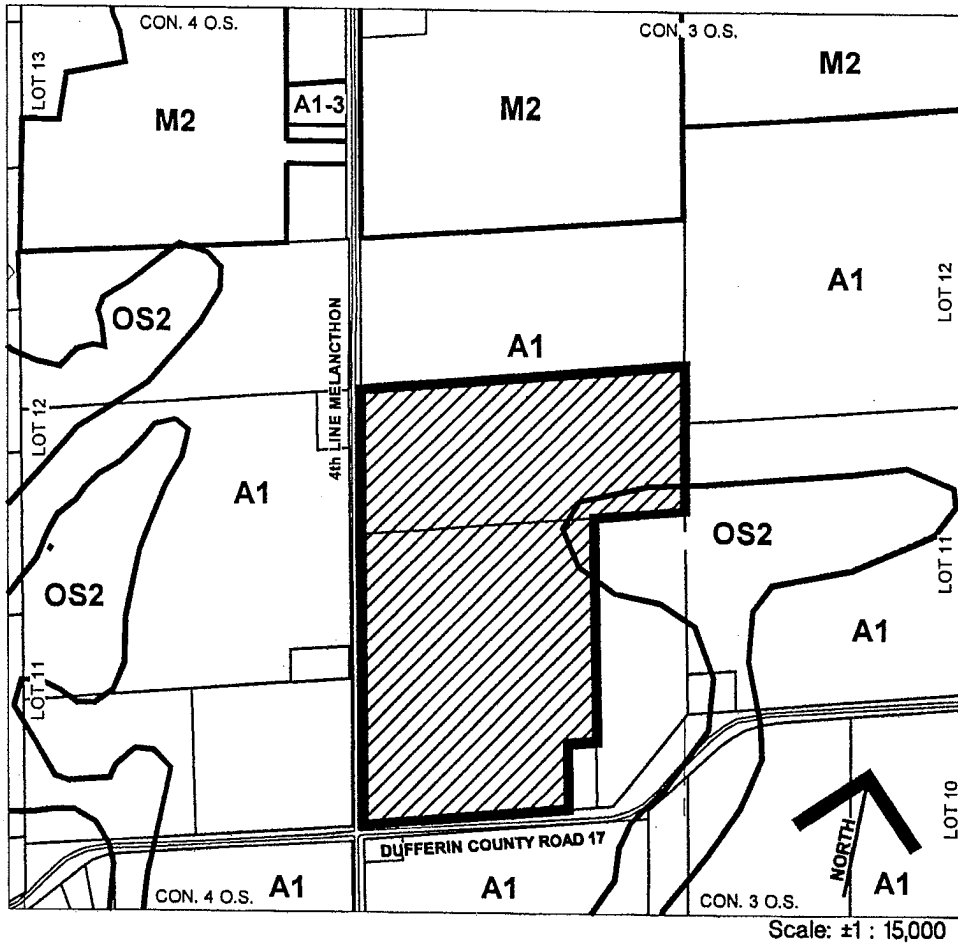
1. Schedule "A" to By-law 12-79, as amended, is hereby further amended by deleting an area as shown on Schedule "A" in part of the west half of Lots 11 and 12, Concession 3, O.S., with the subject lands being referenced by the words "See Schedule A-14" in accordance with Schedule "A" attached hereto and forming part of this By-law.
2. By-law 12-79, as amended, is further amended by the addition, following Schedule "A-13", of Schedule "A-14" attached hereto and forming part of this By-law, with such schedule including the subject lands in an Extractive Industrial Exception (M2-3) Zone and an Open Space Conservation Exception (OS2-1) Zone.
3. Section 13.5, Extractive Industrial Exceptions, is hereby amended by adding the following subsection after subsection 13.5 b):
  - "c) Notwithstanding the permitted uses of section 13.2, the lands located in part of the west half of Lots 11 and 12, Concession 3, O.S., and zoned M2-3 on Schedule "A-14", shall be used for only the following uses: an above the groundwater table gravel extraction operation approved by the Ministry of Natural Resources under the Aggregate Resources Act, uses accessory to a gravel extraction operation including facilities for washing, sorting, screening and crushing the materials extracted; agriculture, and reforestation. No aggregate recycling is permitted as part of a gravel extraction operation. No concrete batching plant or other industrial or similar use is permitted as either a permitted use or an accessory use. Notwithstanding the zone regulations of section 13.3, the minimum setbacks and related provisions for the gravel extraction and accessory uses permitted on the subject lands shall be those applied in association with any licence issued under the Aggregate Resources Act. Any agricultural use shall comply with the applicable provisions of section 4.3."
3. Section 18, Open Space Conservation (OS2) Zone, of By-law 12-79, is amended by adding the following subsection after subsection 18.4.

"18.5 EXCEPTIONS

- a) Notwithstanding the permitted uses of subsection 18.2 and the zone regulations of subsection 18.3, the lands included in the area zoned OS2-1 on Schedule "A-14" in part of the west half of Lots 11 and 12, Concession 3,



# TOWNSHIP OF MELANCTHON Schedule 'A' BY-LAW

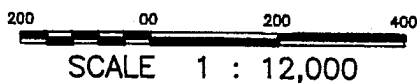


 AREA DELETED FROM SCHEDULE "A" AND MARKED AS "SEE SCHEDULE A-14"

This is Schedule 'A' to By-Law  
passed the            day of  
Signatures of Signing Officers

Mayor \_\_\_\_\_

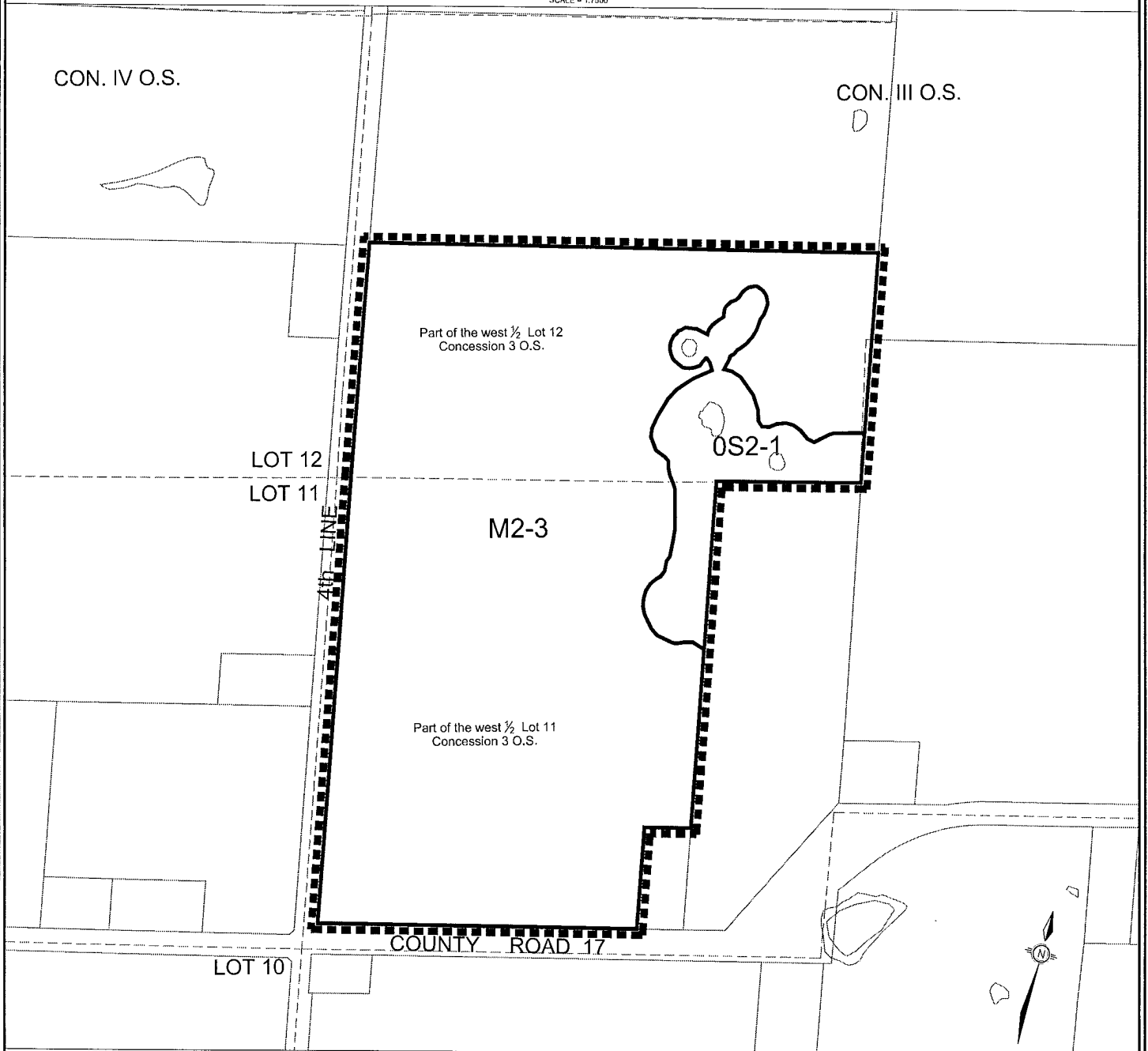
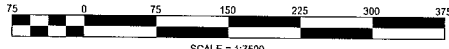
Clerk \_\_\_\_\_



TOWNSHIP OF MELANCTHON  
SCHEDULE 'A-14'

BY-LAW NO. \_\_\_\_\_

Part of the west half of Lots 11 & 12,  
Concession 3 O.S.



 SCHEDULE BOUNDARY

This is Schedule 'A' to By-law \_\_\_\_\_  
passed the \_\_\_\_\_ day of \_\_\_\_\_

Signatures of Signing Officers

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

