

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

August, 2010

DRAFT

**G. W. Jorden Planning Consultants
80 Worsley Street, Barrie, Ontario**

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 schedule, which constitutes 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 schedule, 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.

MAYOR

DRAFT

CORPORATE SEAL OF
THE MUNICIPALITY

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 schedule, 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. 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

Strata 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 have been depleted 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 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. 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.

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 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 is a requirement of the official plan amendment and would also be required under the Ministry's licence approval process. 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 changing the land use designations on lands in part of the West Half of Lots 11 and 12, Concession 3, O.S., from Rural and Environmental Protection High Hazard Land to Industrial with the subject lands to be referenced by the words "See section 4(d)(iii)", 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 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", if a Class A, Category 3 licence is issued under the provisions of the Aggregate Resources Act, these lands may be used for extractive industrial uses in accordance with the applicable policies of this Plan and the site specific policies of this subsection.
- b. The maximum depth of extraction shall be limited to 1.5 metres above the water table.
- c. 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 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.
 - (3) 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.
- d. 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.
- e. The recommendations of the site's archeological study shall be implemented through the operational plan 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.
- f. 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 on part of the eastern side of the property. Appropriate

setbacks from that wetland area and the associated features shall be included in that zoning by-law amendment.

- g. 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.
- h. 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.
- i. To the extent possible, progressive rehabilitation shall be implemented through the licencing under the Aggregate Resource Act.
- j. Any use of the site after rehabilitation other than for agriculture or reforestation will require an amendment to this Official Plan. Permission for any 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.
- k. 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 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.
- l. 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 an undertaking on the part of the owner that drivers hauling from the site will be instructed to use the defined route. 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.”

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. The specific 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

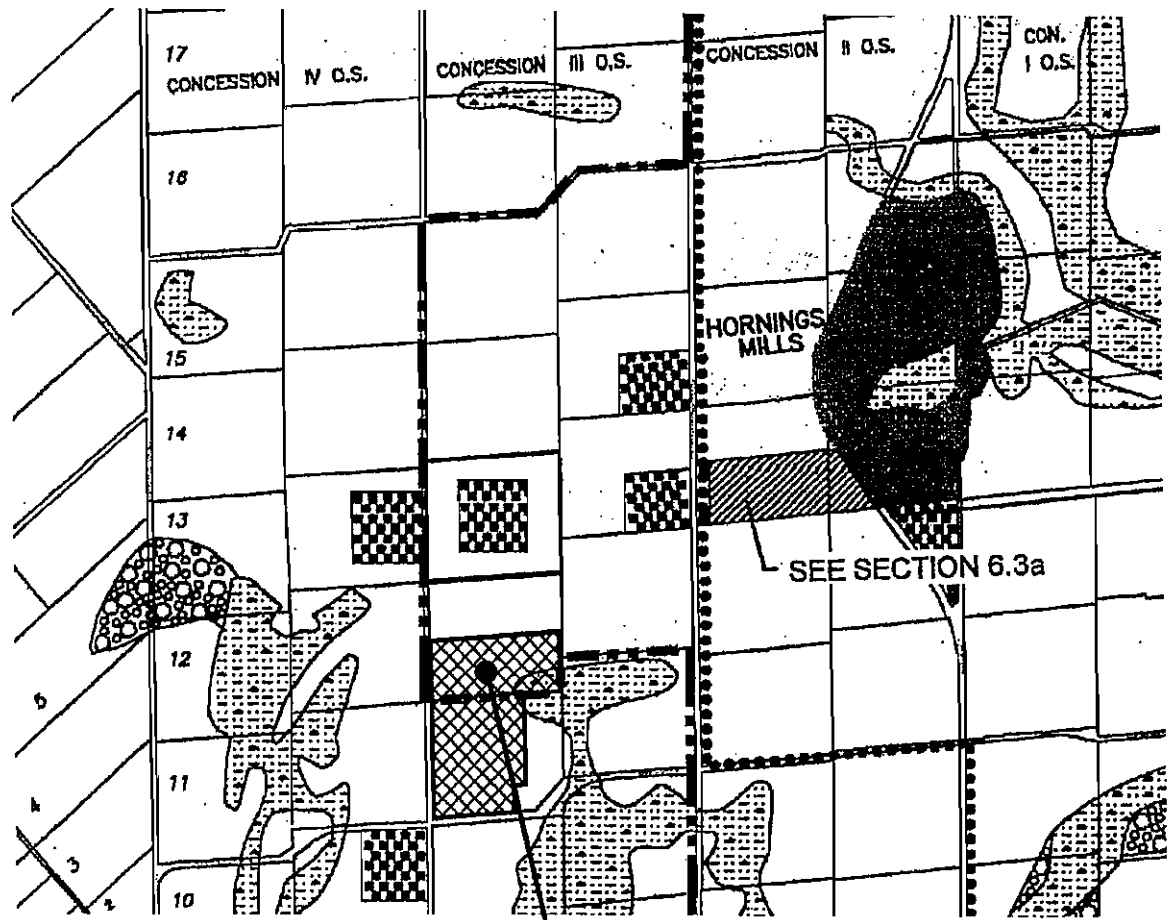
The provisions of the Official Plan regarding the interpretation of that Plan shall also apply to this amendment.







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TOWNSHIP OF MELANCTHON
 OFFICIAL PLAN AMENDMENT NO. 17

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SCHEDULE "A"



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

AREA REDESIGNATED FROM "RURAL" AND "ENVIRONMENTAL PROTECTION AREA HIGH HAZARD LAND" TO "INDUSTRIAL" AND TO BE REFERENCED AS "SEE SECTION 4 (d)(iii)"



THIS IS SCHEDULE "A" TO OFFICIAL PLAN AMENDMENT NO. 16

MAYOR _____

CLERK _____

APPENDIX 1

List of Background Reports and Material

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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, July, 2010

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