



**CORPORATION OF THE TOWNSHIP OF MELANCTHON  
PUBLIC INFORMATION SESSION REGARDING THE  
PROCESSING OF THE HIGHLAND COMPANIES APPLICATIONS  
SATURDAY, MARCH 26, 2011 - 9:00 - 10:30 A.M.  
HONEYWOOD ARENA - UPSTAIRS**

---

**AGENDA**

1. Welcome and Call to Order (Mayor Bill Hill)
2. Introduction of Melancthon Council
3. Mayor Bill Hill:
  1. Purpose of Today's Information Session
  2. The Highland Companies Applications for an Official Plan Amendment and Zoning By-law Amendment
  3. Memorandum of Understanding Relating to Costs
  4. Resolution passed at March 24, 2011 meeting of Council requesting the Minister of Natural Resources to extend the deadline for comments under the Aggregate Resources Act on The Highland Companies' ARA application
  5. Advise of Delegations with Municipalities in Dufferin County, Southgate Township and Municipality of Grey Highlands
  6. Update on Rail Line Sale
4. Deputy Mayor Darren White:
  1. Update on the Delegations with the Minister's at ROMA/OGRA Conference
5. GW (Jerry) Jorden, Township Planner:
  1. Processing of Applications
6. Public Question Period (maximum half hour)
7. Adjournment of Information Session

**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>	<u>Aggregate Resources Act</u>	
-Official Plan and/or zoning Application and supporting Documentation submitted	-Circulation of the site plan and reports to review agencies	-The planning and approval process is governed by legislation -The Planning Act -The Planning Act Official Plan and Zoning Bylaw amendments
-Municipal review Consultation and notification Of public meeting to residents	-Notification to adjacent landowners notice in local newspapers and sign posted on site	-The Aggregate Resources Act- aggregate license -Provincial Policy Statement 2005 -Township Official Plan by-law 12-1979 as amended by 12-1982
-Public Meeting	-Consultation with public and review Agencies	*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.
-Council decision	-Information session  -Resolution of objections	
-Notification of decision To public and applicant	-If objections cannot be resolved referral to Ontario Municipal Board	
-Appeal period		
Ontario Municipal Board Hearing (OMB) OMB makes final decision and may recommend license conditions		
Decision on Application		

**\*\*\*\*\*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 Corporation of*  
**THE TOWNSHIP OF MELANCTHON**  
*R.R. # 6, Shelburne, Ontario, L0N 1S9*

*Denise B. Holmes, AMCT*  
*CAO/Clerk-Treasurer*

*Telephone - (519) 925-5525*  
*Fax No. - (519) 925-1110*  
*Website: [www.melancthontownship.ca](http://www.melancthontownship.ca)*  
*Email: [info@melancthontownship.ca](mailto:info@melancthontownship.ca)*

October 5, 2009

**TO WHOM IT MAY CONCERN:**

Moved by: "Crowe"  
Seconded by: "Kumprey"

**Whereas** The Highland Companies own approximately 7,500 acres in the Township. At an open house meeting on July 25, 2009, the Highland Companies indicated that they intended to pursue agriculture, aggregate extraction, wind energy generation and rail transportation initiatives;

**And Whereas** all of these are large-scale initiatives, impacting in a major way on our community, and perhaps beyond. All of these initiatives have positive and negative features;

**And Whereas** all members of Council have undertaken public service to better our community and to provide fair and just governance. All members of Council recognize that they have an obligation to be knowledgeable about matters coming before them and that they have to make independent and fair decisions that will, in their view, best serve the community. They all recognize that no decision will satisfy everyone;

**And Whereas** not everything that impacts on our community is within the sphere of governance given to Council. Nevertheless, even if Council does not have the legal authority to decide issues, Council will make its voice heard in the best interests of our community;

**And Whereas** a quarry application is expected to be submitted by the Highland Companies in the very near future, for a 2,400 acre operation, with extraction below the water table. To Council's knowledge there is no operation of this size and nature in Ontario. The application will trigger processes, involving Council, various ministries, agencies and First Nations. It is, clearly, a very complex matter, that will take some time to go through the processes;

**And Whereas** every member of Council is committed to be diligent in participating in the process, to become knowledgeable, to approach consideration of all the issues with an open mind, to listen to all sides, and to reserve judgment until the appropriate time, when all submissions are finally received;

**And Whereas** Council has already been asked to stake out positions on this initiative and various sub-issues, and no doubt, will be asked again in the future, but Council's position is as stated in the previous paragraph;

**Now Therefore Be It Resolved That** Council is soliciting constructive information and advice from all proponents and opponents of the initiative, both as to process and factual matters. Council is considering the best ways of structuring the process; for instance, whether to work towards a joint agency review approach, or to preserve total independence in regard to peer reviews. In any event, Council will work co-operatively with all parties to enable an expeditious, fair and thorough review of all the aspects of the initiative. Council is considering also the best way of adapting the processes to ensure input by the public. Council will be diligent in making sure that all reasonable peer reviews of the initiative are brought forward before decisions are made. Council is making sure that all costs of the initiative, considered reasonable, are borne by the proponent, and not by the general public. Council will not engage in exercises the sole purpose of which would appear to be to defeat the initiative. All of Council's actions will be in the broader context of considering what is best for our community overall.

**Carried.**

**Mayor "Debbie Fawcett"**



#10

Corporation of the Township of Melancthon

Moved by Darren White

Seconded by John Crowe

Date MARCH 24, 2011

Be it resolved that:

WHEREAS The Highland Companies have applied under the Aggregate Resources Act for a Class A, Category 2 Licence for a dolostone quarry on 2,316 acres located in Melancthon Township;

AND WHEREAS Melancthon Township is located at the Headwaters of five major rivers providing water to approximately one million people in Ontario;

AND WHEREAS if approved this quarry will be the second largest quarry in North America;

AND WHEREAS there were only two neighbouring municipalities circulated on the ARA Application Notice;

AND WHEREAS other neighbouring Municipalities have expressed concern after being made aware of the application, as the final date for comment to the Ministry of Natural Resources is April 26<sup>th</sup>, 2011 under the Act;

AND WHEREAS some Municipalities have indicated that they are having trouble finding subject matter experts to review the multitude of documents in such a short time primarily as a result of the number of people contracted by The Highland Companies to prepare their application and those contracted by the Township of Melancthon for the peer review process;

AND WHEREAS the significance of this project will affect generations of Ontarians to follow;

THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Township of Melancthon respectfully requests that the Minister of Natural Resources authorize a 120 day extension of the date for final comments until August 26<sup>th</sup> 2011.

AND FURTHER that this resolution be sent to all municipalities in Dufferin County, Township of Southgate and Municipality of Grey Highlands requesting that they send a letter of support to the Minister and Premier requesting an extension.

Recorded Vote

Yea

Nay

Mayor Bill Hill

Deputy Mayor Darren White

Councillor John Crowe

Councillor Janice Elliott

Councillor Nancy Malek

Carried/Lost: Bill Hill  
MAYOR

✓