



The Corporation of

THE TOWNSHIP OF MELANCTHON

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Denise B. Holmes, AMCT
CAO/Clerk-Treasurer

March 7, 2011

Sent By Fax and Registered Mail

Premier Dalton McGuinty
Legislative Building
Queen's Park
Toronto, Ontario
M7A 1A1

Dear Premier:

On Monday, February 28, 2011, Deputy Mayor White and I had the opportunity to meet Minister Linda Jeffrey, to discuss issues affecting our Township. It is with considerable concern and disbelief with how Minister Jeffrey received our Delegation, that has prompted this letter of formal protest.

Our Council is now faced with the submission of an Application to amend the Official Plan and Zoning By-law of the Township for a **"2,316 acre below the water table limestone quarry"**. This is the largest application ever submitted in the Province and possibly anywhere in Canada. Needless to say, there is overwhelming opposition to this project by our residents. In addition, our Township is at the Headwaters of five major rivers and the impact of this project will affect approximately ONE MILLION Ontarians downstream from our Township.

Our written submission (carefully crafted to outline the situation we face), was accepted by the Minister for her Ministry's information, but we feel that her comments and lukewarm attention to what was being relayed to her (the potential catastrophic consequences to our small rural municipality), were indicative of the fact that our submission did not interest her whatsoever. In fact, the impression we got, was that the ink was already on the rubber stamp.

We feel obligated to remind the Minister that our Council shall insist on a thorough review of this application following the most rigid standards available through proven science and technology. There are serious concerns about the impact of this project on our residents and surrounding municipalities, and this shall be carefully examined going forward.

After listening to our Delegation, your Minister offered the following: "It is too bad that this has split your community apart. It is your job to get your community together, get them to think long term about rehabilitation, because this will not be going back to agriculture, but maybe you could get a nice golf course". We were shocked and appalled by her comments.

Rest assured our residents and the citizens groups they have enlisted to halt this project, will not be satisfied with that type of bland attitude towards their well being, exhibited by a Minister of your Government. As a Council, we have to be open minded and objective and will be, but in the end we must listen to the voices of the people we represent and we are asking the same of you.

We are submitting the same information directly to you that was submitted to your Minister. We believe this deserves your personal attention and response.

We will be interacting with our local MPP, Sylvia Jones and all information forwarded to you and any of your Ministries will also be made available to her.

Respectfully,

A handwritten signature in black ink that reads "Bill Hill". The signature is written in a cursive, flowing style.

Bill Hill
Mayor

c. Sylvia Jones, MPP



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February 22, 2011

Ministry of Natural Resources
Suite 6630, 6th Floor Whitney Block
99 Wellesley Street West,
Toronto, Ontario
M7A 1W3

Attention: Honourable Linda Jeffrey

Dear Minister,

We appreciate the opportunity to tell you about our Township and some of the challenges it faces.

The Township of Melancthon was founded in 1853. It has an area of 315 square kilometres or 77,000 acres and is located about an hour Northwest of Toronto at the North end of Dufferin County. It is made up of a diverse group of people who have settled over the years in a highly productive agricultural heritage based area. It is generations of families living on the same piece of land and farming. It is fathers teaching sons and mothers showing daughters the skills of working the land passed down through the years. It has homesteads that bear the same family name across generations since the mid 1800s.

Melancthon has three settlement areas. Horning's Mills, the site of a once prosperous sawmill, grist mill and dam. It is named for Lewis Horning, a settler who in 1830 settled in the area from Hamilton. Horning's Mills is regarded as an important pioneer settlement of Ontario. The Pine River, which has its Headwaters in Melancthon was an excellent source of water power for the early settlers and continues to draw residents and visitors for trout fishing, hiking and striking scenery.

Riverview, which sits on both banks of the Grand River lies in the west part of the Township, and is a mix of residential and farming. The remaining Village of Corbetton sits in the middle of the Township and is named for James Corbett, the man who first settled there in the 1870s.

Corbetton at one time was a productive hub of the Canadian National Railway on the Orangeville to Owen Sound line. Many of the original buildings of the Village still remain as residences and one

particularly Historic Church was relocated to the grounds of the Dufferin County Museum and Archives where it stands proudly today. Many people from our Township and neighbouring areas still hold weddings and other ceremonies in this Historic Church.

The Township of Melancthon is host to the largest commercial wind farm in Ontario. There are 111 turbines in our Township and 22 in the neighbouring Township of Amaranth. In our view, the Green Energy Act virtually takes the voice of the people and local Councils out of the decision making process. When you take into account that there is no clear proof that the health issues reported by many are not related to turbines, as well as capped assessment on the value of the turbines, and lack of amenities agreements, it is no surprise that residents are frustrated and object to further developments. Your Government's Policies have put the people in rural Ontario at a financial and social disadvantage.

We find it interesting that in the last couple of weeks, the Government has reversed its position on wind farms on water. Your Government has been elected by the people to serve and protect and we in rural Ontario deserve and expect the same consideration given to urban municipalities.

As you are aware there have been considerable concerns raised about the potential health affects of turbines. Our Council passed a motion requesting that your Government place a moratorium on further development until such time as a ruling has been issued by the courts in a case in Prince Edward County which deals with the precautionary principle. The case was heard in late January with the judgement forthcoming and we request you comply with our resolution.

Our Township will soon be faced with an application for an Official Plan Amendment and Zoning Bylaw Amendment to allow a 2400 acre limestone quarry. The proponent plans to go 200 feet deep, well below the water table. The proponent has acquired over 8000 acres mostly in our Township and has removed several houses. We understand that they have lobbied several areas of the Government as they have access to greater resources than our small Township.

The proposed application has split our Township. Neighbours no longer talk. Businesses have moved or have had their livelihood seriously affected because they deal with "one side or the other". Strawberry suppers and beef bar-b-ques, the social fabric of a small farming community have been affected.

When pondering this potential quarry we are left to wonder if our Provincial Government is really looking to protect our interests. The 1999 ARIP (Aggregate Resources Inventory Paper) for Dufferin County has shown that there are substantial amounts of overburden at the site that is proposed for this mega-quarry. A more recent edition of the ARIP cuts that amount in half with no explanation or documentation. There has been no government study of the area, no work by the Conservation Authorities or any other independent body to substantiate such a drastic recalculation of the available overburden. The proponent of the quarry has been drilling and test boring extensively and has supplied the MNR with its data that the Ministry is accepting without justification. It is very much in the best interests of the proponent to establish as little overburden as possible at the site. We question the validity of the information as provided and the use of that information to establish current benchmarks.

Melancthon is referred to as “The Headwaters Region”. The Headwaters of five major Rivers, the Pine, Grand, Nottawasaga, Saugeen and Beaver all have their beginnings in our Township. Melancthon Township is an important recharge area for a number of rivers and streams. Our topography contributes greatly to drainage channels both at surface level and underground which in turn feed these important river systems. These systems flow outward from Melancthon in all directions feeding clean water to an estimated ONE MILLION Ontarians.

In addition to the tremendous importance of our surface river and stream resources, Melancthon sits firmly atop of the Amabel Lockport – Guelph aquifer, a significant water resource of the Greater Golden Horseshoe Region. This aquifer supplies some of the purest and cleanest water in this Region of North America. This aquifer, in the Southern Ontario Lowlands hydrological region of the Province, is directly adjacent to the Alliston aquifer, and is one of the highest yielding aquifers and one of the most productive.

The Geological Survey of Canada considers the Southern Ontario basin region and in particular the Niagara Escarpment region significant for the buried valleys found within. These buried valleys have been exploited for groundwater since the 1800’s as they are known to host high yield aquifers. These valleys occur as escarpment troughs, escarpment re-entrant valleys, and steep walled gorges.

The Grand River has the largest basin in South-western Ontario and drains most of the highest portions of the Niagara Escarpment. The Grand River is one of only two major rivers that flow into Lake Erie. The Saugeen River has the largest catchment area in South-western part of Ontario and drains some of the highest lands into Lake Huron. The Nottawasaga drains into Georgian Bay after having drained vast tracts of land along the Escarpment. This area and river are significant in that they are part of the Niagara Escarpment, a UNESCO World Biosphere Reserve. (Singer et al, 2003)

The Dundalk Dome, which is a large bedrock formation which dominates the underground topography in Northern Dufferin County and parts of Grey County rises as much as 480 m above sea level and directs water both surface drainage and groundwater flow out in all four directions. (Singer et al, 2003) In an assessment of groundwater resources, the Amabel formation is described as one of the most important and productive bedrock aquifers in Ontario. (Funk, 1979) Areas outside of large municipal centres which account for the highest well yields from the Amabel-Lockport-Guelph aquifer are located in towns such as Fergus, Elora, Arthur and Dundalk, Puslinch, Erin, Amaranth and East Luther. (Sibul, 1980) Given this information, it should be noted that this quarry proposal sits immediately south East of Dundalk. As the Guelph-Amabel aquifer has been judged to be an aquifer with high levels of vulnerability, it should be afforded special protections under the Clean Water Act, 2006. The purpose of the Act is to protect hydrologic systems, and in particular those that may be vulnerable, or have development proposals that may pose threats to safe and clean drinking water. When considering the planning issues surrounding mineral aggregate operations, perhaps a stronger approach such as that taken in the Oak Ridges Moraine Conservation Plan would be more prudent. Section 35.1 of that Plan state:

35.1 An application for a mineral aggregate operation or wayside pit shall not be approved unless the applicant demonstrates;

- a) *That the quantity and quality of groundwater and surface water in the plan area will be maintained, and where possible improved or restored;*
- b) *That as much of the site as possible be rehabilitated,*
 - i. *in the case of land in a prime agricultural area, by restoring the land so it can be used for agriculture,*
 - ii. *in all other cases, by establishing or restoring natural self sustaining vegetation.*
- c) *If there are key natural heritage features on the site or an adjacent land, that their health, diversity, size and connectivity will be maintained and, where possible maintained or restored;*
- d) *If there are areas of natural and scientific interest on the site or on adjacent land, that the geological or geomorphological attributes for which they were identified will be protected.*

Another issue we are facing with quarries and aggregate operations is “rehabilitation”. A recent OMB Decision has been very clear in stating that municipalities and ratepayers should under no circumstances be left to pay for the rehabilitation of pits and quarries. To date, there has only been limited success in rehabilitation to an alternate land use, often parkland etc. While there are some limited resources available through TOARC, these are primarily for the basic rehabilitation of pits that have been abandoned, or those that have had their licenses revoked.

Section 2.5.4.1(a) of the PPS deals with “*Extraction in Prime Agricultural Areas*” and suggests that: ‘*on prime agricultural lands, complete agricultural rehabilitation is not required if: depths of planned extraction in a quarry makes restoration of pre extraction agricultural capability unfeasible.*”

We believe that this is a travesty, both in removing the Class 1 Farmland from permanent production, and in allowing the operator to reap the profit and benefits of such a quarry while not insisting on appropriate rehabilitation back to a pre extraction use. These policies as they stand remove generational farms and destroy irreplaceable soils. We understand the need for aggregate, and growth, but these should not be more important than food and water.

As rural municipalities ponder current and future developments, they must consider the PPS in its entirety. There are several sections such as 2.2.1.9d2) and 2.2.1(f) that talk to the protection, improvement, and restoration of water quality. A 200 foot deep hole 2400 acres in size does not instill in us comfort about the quality of quantity of water that impacts ONE MILLION Ontario residents.

We have enclosed a copy of the several amendments to PPS that were submitted by our Township and would ask that you review and implement them in the current review and revision of PPS.

Our aim is to retain the arable Class 1 Soils found in this area and to keep them in farm production. The water resources need to be fully assessed and protected, as the karstic topography of the Region and in particular the immediate area allow for substantial drainage of surface and groundwater, a loss of which would prove devastating to the remaining farm operations. The water and soil resources are perhaps the most important resources that our Township possesses. The future growth, health and economic development of this area depend on retaining the agricultural heritage and the clean water of the Township of Melancthon.

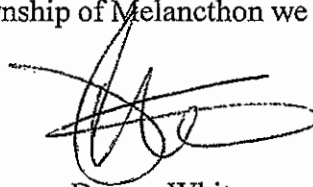
We would like to remind you of a Cree Indian prophecy which says: "Only after the last tree has been cut down, only after the last river has been poisoned, only after the last fish has been caught, only then will you find out that money cannot be eaten."

In closing, we would like to extend an invitation to you or any other member of your Ministry to visit our Township and learn first hand the impact of the provincial laws that have been passed in the last five years and the negative effects they have on the citizens you were elected represent and protect. We ask you to be aware of the importance of our region to the well being of the ONE MILLION Ontarians downstream that depend on the headwaters for their drinking water.

On behalf of the Council of the Corporation of the Township of Melancthon we thank you for your time.



Bill Hill
Mayor



Darren White
Deputy Mayor

REFERENCES

- Funk, G. 1979 Geology and water resources of the East and Middle Creeks IHD representative drainage basin; Water resources paper 12, Ontario Ministry of the Environment. 68 pgs.
- Sibul, U. Walmsley, D. Szudy, R. 1980 Groundwater Resources in the Grand River Basin; Technical report 10, Ontario Ministry of the Environment
- Singer, S. Cheng, C. 2001 A guide to the assessment of groundwater resources in a watershed; Environmental monitoring and reporting branch, Toronto, Ontario. 345 pgs
- Singer, S. Cheng, C. Scafe, M. 2003 The hydrogeology of Southern Ontario, second ed. Environmental monitoring and reporting branch. Ministry of the Environment.

Township of Melancthon

COMMENTS ON PROVINCIAL POLICY STATEMENT REVIEW

This submission on the Provincial Policy Statement review is provided by the Township of Melancthon. As a rural municipality in the northwestern part of Dufferin County, the Township's principal interest in the Provincial Policy Statement (PPS) relates to those provisions involving all aspects of rural development and planning. Those are the primary policy components addressed in this submission.

The submission focuses on issues, concerns and potential improvements. Sections of the PPS not addressed are those that either do not significantly affect rural municipalities or are viewed as being generally satisfactory in their present form.

The Approach to Rural Planning and Development

As is clear from the vision statement in Part IV and many of the policies, the PPS is a policy document primarily intended to concentrate growth and development in urban centers including large metropolitan areas. Other than seeking to ensure the protection of environmental features and functions and the protection and efficient use of agricultural land and other natural resources, there is very little consideration given to rural planning and development, including economic development.

The principal effect of the application of the document's policies, in combination with the requirements of the Growth Plan for the Greater Golden Horseshoe (Growth Plan), has been to significantly reduce or completely eliminate non-resource oriented development in rural areas, including rural settlement areas. While the few policies directly related to planning in rural areas appear to provide support for a limited amount of rural development, many of the other policies essentially contradict and negate these provisions. This is particularly evident when the policies of the PPS are combined with those of the Growth Plan.

For the most part, the specific comments provided herein have as their principal basis an interest in seeking a more reasonable, flexible and balanced approach to rural planning and development as we proceed into the second decade of the twenty-first century. There should be a place in the provincial planning framework for those residents and enterprises that need or prefer a rural setting rather than a highly intensified urban growth center.

Specific Concerns With the Current Policies

The preceding general comments relate, in part, to aspects of Parts I to IV of the PPS. The following comments address specific policies and the related definitions in Part V. For purposes of explanation or clarification, in some cases the comments briefly extend beyond a specific

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policy to reference either related points of concern or an associated component of the Growth Plan.

Section 1.1.3.1, Focusing Growth in Settlement Areas

This section proclaims the fundamental principle underlying the growth management related components of the PPS in its statement that “settlement areas shall be the focus of growth”. Over time and in combination with the Growth Plan, this has come very close to meaning that settlement areas shall be the location of all non-resource based growth. In the interest of providing a degree of fairness, openness and balance, it would be appropriate to add a second sentence to this section referencing the policies of section 1.1.4 that permit a limited range of both growth accommodation and land uses in rural areas including rural settlement areas.

Section 1.1.3.3, Intensification and Redevelopment

This section requiring all municipalities to promote intensification and redevelopment should be revised to encompass two policy areas.

1. Although addressed to some extent by the current wording, there should be a clear requirement that intensification and redevelopment must consider and, to the extent possible, complement existing neighbourhood character.
2. There should be a policy providing the flexibility needed in rural municipalities to permit more modest forms of intensification than would be expected in urban centers.

Section 1.1.3.7, New Development in Designated Growth Areas

This section addressing the form and location of new development in designated growth areas should be revised to acknowledge that physical features, infrastructure components or other factors may affect the location and form of new development. A drainage feature or steep slope may prevent the siting of new development immediately adjacent to or abutting the existing built area. Also, such features may affect the compactness of new development even though such development is appropriate in the context of the specific community or neighbourhood.

Section 1.1.3.9, Settlement Areas and their Expansion

This section contains planning policies relating to settlement areas and their expansion. We note the following with regard to these policies.

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1. The policies provide for the establishment of new settlement areas while the Growth Plan specifically prohibits them. Although section 4.9 gives priority to the Growth Plan in such situations of policy conflict, it is unclear why such a fundamental policy is completely reversed from one municipal jurisdiction to another. This policy should either be uniform throughout the province or the PPS should specifically reference the application of the prohibitive policy applying to the most populous part of Ontario.
2. A guideline and/or policy expansion should be provided addressing the term "comprehensive review" and the same term should be used in both the PPS and the Growth Plan. While the related definition is helpful, this is a term that will continue to be confronted and interpreted as municipalities consider potential future settlement area expansions. There should also be some flexibility provided for relatively minor expansions particularly those involving small rural settlement areas.

Section 1.1.4, Rural Planning and Development

This is the only section in the document that specifically addresses permitted uses in the rural areas of municipalities. It also provides most of the related planning and development criteria. The following comments relate to both the section's text and its ongoing and evolving interpretation by provincial ministries and agencies.

1. From the outset, the term "limited residential development" has been given a very narrow and restrictive interpretation by provincial review and approval agencies, no doubt relying, in part, on the apparently overriding urban oriented growth accommodation policies of section 1.1.3. In 2006 the Growth Plan specified that this form of development will be limited to a maximum of three lots or units. Notwithstanding the provisions of section 4.9, there should be consistency between the two policy documents on this important point. Well planned and sited rural residential development should be permitted on a more significant scale than 3 lots but if such development is deemed to be undesirable, then the PPS should reflect that perspective with wording that is specific and not verging on being misleading.
2. Apparently as a component of the province's push toward an almost fully urbanized future, the Growth Plan directs all development to settlement areas except certain resource based uses and "rural land uses that cannot be located in settlement areas". The approach is not to plan for those uses that are appropriate to rural areas but to permit in rural areas only those uses that are not appropriate in an urban area. If this is the new reality of rural planning and development in Ontario, then for consistency the PPS policy permitting "other rural land uses" should be changed to permit "other rural land uses that cannot be located in settlement areas". Policies or guidelines should be developed to

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provide examples of such uses and the related planning considerations. Notwithstanding these comments on the current unsatisfactory provincial approach to rural planning policy formulation, it continues to be the Township's intent to seek and support a more positive rural planning framework.

3. Part (d) of this section states that "development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted". This policy has been lost in the rush toward urbanization. Unless the PPS is revised to more comprehensively address the planning and development of rural areas, this policy should be changed to reflect the current interpretation of the PPS and the substantially more restrictive policies of the Growth Plan. An opening clause that places it in the context of the limited range of permitted uses may be appropriate if the current rural planning policy framework is to continue.
4. Part (f) of this section provides another example of the document's approach to rural development, an approach that views rural areas as the place for all the problem uses that are not wanted anywhere else. The reference in part (f) is to retaining "opportunities" in rural areas for locating uses "that require separation from other uses". If there is to be no change in this approach to rural planning, then this very generalized wording should be refined and clarified. How are rural municipalities to "retain opportunities" for siting potentially obnoxious uses? Are all such uses to be considered as permitted in all rural areas? This could be interpreted as being at least part of the intent of this somewhat unusual policy wording. If it is to be retained, the policy requires more clarity.
5. Part (g) states that "recreational, tourism and other economic opportunities should be promoted" in rural areas. While encouraging in its scope and potential, this statement is somewhat misleading when viewed in the more restrictive context of the document's full rural planning policy structure. Unless there are substantive changes to the other applicable rural related PPS planning policies, this policy should be reworded to more accurately reflect the restrictive nature of those other policies and the provisions of the Growth Plan. Again we would note our support for a more positive approach to rural planning and economic development.

Section 1.3, Employment Areas

The term "employment areas" as used in this section should either be more clearly defined or be replaced by another term. The definition, interpretation and ongoing use of the term imply that it is referencing areas included in some form of an Industrial land use designation in many official plans. The basic policy intent appears to be the retention of sufficient and appropriate lands to accommodate primarily industrial uses including large scale uses and other similar or

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compatible uses such as warehousing. In a post-industrial economy employment is found in many other areas such as the central business district, a variety of commercial centers and institutional areas. The use of the term "employment" has led to misinterpretation of this policy because it is too broad to properly address the apparent planning objectives. To some extent all agricultural lands are employment areas but such lands are not related to the planning objectives of this section of the PPS and would not be viewed as "employment areas" in the context of section 1.3. It would be preferable to use a term describing a land use rather than an activity.

Sections 1.6.4.2, 1.6.4.3 and 1.6.4.4, Servicing Hierarchy

These sections define a servicing hierarchy and provide important related planning policies. We note the following in regard to these policies.

1. We support the policies' servicing hierarchy including the recognition of the role that individual on-site services play in primarily rural development. We also support the policy in section 1.6.4.4 that permits the use of such services in new development involving a maximum of five lots or residences. This provision should remain in the PPS regardless of the previously referenced three lot rural development limit in the Growth Plan.
2. The above referenced five lot limit appears, in part, to reflect a general lack of policy recognition of the technological advances in on-site sewage servicing systems even in the five years since the last updating of the PPS. There are on-site systems that can now provide secondary and tertiary level treatment. Such systems can service industrial and commercial development in addition to residences. The development limits in both the PPS and the Growth Plan should be revised to reflect this technology and to provide for an appropriately expanded level of rural development within a more positive rural planning policy framework.
3. The last sentence in section 1.6.4.4 permits the use of individual systems for more than five lots or residences in "rural areas". Consistent with our comments above and notwithstanding the three lot maximum in the Growth Plan, this policy should remain in the PPS. The policy does not override the Growth Plan but does provide the flexibility to consider a future amendment to that Plan, if justified.
4. The definition of the term "rural areas" in the PPS does not include rural settlement areas. In light of this, the effect of the above referenced policy in section 1.6.4.4 permitting the use of individual systems for developments of more than five lots in "rural areas" is to prohibit such developments in rural settlement areas. As the PPS policies currently read, therefore, more than five individually serviced lots can be developed in rural areas but

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not in rural settlement areas. This inconsistency should be corrected by applying the referenced section 1.6.4.4 policy to both rural areas and rural settlement areas.

Section 1.6.4.5, Partial Services

This section prohibits the use of partial services in all but a few specific circumstances. In view of the technological improvements in individual on-site sewage servicing systems, this policy should be expanded to permit the general use of such systems in rural areas and rural settlement areas, subject to appropriate planning criteria.

Section 1.6.6, Transportation and Infrastructure Corridors

A subsection should be added to this part of the PPS requiring full consultation with involved municipalities when planning federal, provincial and upper tier municipal transportation and infrastructure corridors.

Section 1.6.6.4, Policy Compliance in Transportation and Infrastructure Planning

The policies in this section state that “consideration will be given” to certain other sections of the PPS when planning for corridors and rights-of-way for significant transportation and infrastructure facilities. By way of comparison, under the provisions of section 1.1.3.9 in planning for a settlement area expansion a municipality “shall apply the policies” of the appropriate sections of the PPS. That wording should be used in section 1.6.6.4 in order to provide consistency and eliminate what appears to be a different standard of policy compliance for “significant” transportation and infrastructure facilities than for municipal land use planning.

Section 1.6.7.2, Protection of Air Transportation Facilities

This section contains policies intended to protect “airports” from incompatible land uses and development. The definition of the term “airports” should be expanded to include private airfields or airstrips.

Section 1.6.8.1, Waste Management

The technology relating to waste management continues to expand and the definition of the term “waste management systems” should be correspondingly broadened. The term should be inclusive of systems like energy from waste technology and other methods such as those being considered in the County of Dufferin’s proposed Dufferin Eco-Energy Park. In addition, the wording of this section should be similarly expanded.

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Section 1.7.1, Long-Term Economic Prosperity

In keeping with our comments above regarding section 1.6.8.1, it would be helpful if the wording of part h) of this section included a reference to the types of energy generation methods contemplated for the Dufferin Eco-Energy Park in Dufferin County.

Section 1.8.1, Planning and Energy Efficiency

Parts a, b and c of this section should be modified to recognize the different circumstances that apply when considering the types of rural development apparently permitted by the provisions of sections 1.1.4 and 1.1.5. Public transit, for example, is not normally available in rural areas.

Sections 2.1.3, 2.1.4 and 2.1.5, Natural Heritage Related Policies

These policies address development in or near various significant natural heritage features and areas. They primarily prohibit development and site alteration in such areas. In view of the definition of the term "development" this prohibition applies to lot creation in addition to actual physical development. These policies and the related definition should be revised to permit lot creation in such areas subject to compliance with one of the following two criteria. Either there are no new lot lines created within the natural heritage feature or there is sufficient lot area outside the feature to meet the applicable development related municipal zoning standards and development is prohibited on those portions of the new lot extending into the feature area. In addition, the environmental assessment provisions of section 2.1.6 would continue to apply to any development on the lot in an area meeting the definition of adjacent lands to the natural heritage feature or area.

Also, point (c) of section 2.1.4 should be deleted since the term "significant valleylands" is unnecessary. The key parts of any valley containing a water feature would be included in one or more of the many other defined natural heritage features or natural hazards, primarily either wetlands or hazardous lands. The other parts of these valleylands outside such features do not require any special planning policies.

Section 2.2, Water Resource Related Planning

It is assumed this section addressing water resources will be updated to reflect the provisions of the Clean Water Act and the related regulations. It would also be helpful to more clearly differentiate between the terms "vulnerable areas" and "sensitive water features". The definitions appear to be very similar and it may be possible to consolidate some of this water related terminology.

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Section 2.3.1, Prime Agricultural Areas

This section states that prime agricultural areas are areas where prime agricultural lands predominate. The definition of such areas includes a reference to related evaluation procedures established by the Province. This municipality has not been provided with any such evaluation information and has been unable to obtain related material from the Ministry of Agriculture, Food and Rural Affairs. It would be helpful, for example, to have some clarity as to the method to be used to determine precisely where a soil type can be considered as being predominant, particularly in areas of mixed soils or areas fragmented by environmentally significant or hazardous features.

Section 2.3.2, Specialty Crop Areas

This section requires specialty crop areas to be designated in accordance with evaluation procedures established by the Province. No such procedures have been prepared to date. They should be provided by the Province with the updated edition of the PPS, if not sooner. In the interim, the Ministry of Agriculture, Food and Rural Affairs should be assisting in the delineation of specialty crop areas on an as-required site specific basis.

Section 2.3.4.1(c), Farm Consolidation and Lot Creation for Surplus Dwellings

The policy permitting lot creation for surplus farm dwellings resulting from farm consolidation has merit in terms of assisting in the preservation of rural residences. There are, however, two aspects of this section which require further consideration or clarification.

1. There is a need to put some limits on the interpretation of the term "farm consolidation". To avoid the potential creation of large areas of absentee owned farmland within a rural municipality, the policy should apply to only those consolidations in which the farm entity acquiring the subject property has its base of operations on a property owned and located within or abutting the subject municipality.
2. There is also a need for clarity in the interpretation and implementation of the policy. The reference to the severance being for a dwelling that is surplus "as a result of farm consolidation" has been interpreted to mean that the subject farm must first be purchased by the "consolidating" farm corporation or farmer who then applies to have a lot created for the on-site farm house. The farmer selling the property frequently wants to retire in that dwelling and this is a legally cumbersome and expensive process for that farmer. Under a revised edition of this policy it should be possible for the owner of a farm property to directly apply for a consent to sever the farm dwelling and to have such a consent approved with a mandatory condition that no new dwelling is to be permitted on

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the remnant lands. Such a condition would be consistent with the PPS and would assist in ensuring that those remnant farm lands were purchased by a farmer for consolidation with an existing farm operation.

Section 2.3.5, Removal of Land from Prime Agricultural Areas

This section should be revised to exclude aggregate extraction from specialty crop areas. These areas are too important to be disrupted and possibly permanently damaged by potentially massive and long term aggregate extraction operations that frequently are more than simply the interim uses referenced in sections 2.5.3.1 and 2.5.4.1 of the PPS. The potential for incomplete or unsuccessful rehabilitation is also an important consideration. Such a prohibition would be a cornerstone in implementing a balanced approach to resource planning and management. On a provincial basis such a policy should not unduly restrict aggregate resource extraction.

Section 2.4.3.1, Rehabilitation

In this section, the term “feasible” should be clarified or defined or the entire wording should be replaced by wording similar to that in section 2.5.3.1. Also, the term “rehabilitation” should be defined with that definition or a related policy ensuring that the use of the term requires, at a minimum, the restoration of a site’s entire landscape and soils to a condition equivalent to or better than that existing prior to the mineral mining, petroleum resource or mineral aggregate extraction operation.

Section 2.4.4.1, Extraction in Prime Agricultural Areas

The above comments concerning section 2.4.3.1 also apply to this rather brief section. The appropriately revised policies of section 2.5.4.1 concerning mineral aggregate extraction in prime agricultural areas should also be utilized in this section.

Section 2.5.2.1, Ensuring the Availability of Mineral Aggregate Resources

In a policy apparently intended to maximize the extraction of mineral aggregates the term “reasonably possible” is almost meaningless and open to potential misinterpretation. Although section 4.3 references the need to read and apply the PPS in its entirety, some form of similar wording should be added to this section. As a minimum, wording such as the following would assist in striking a balance between aggregate extraction and other important environmental and resource based policies.

“The extraction and processing of mineral aggregate resources in areas as close as possible to markets shall be supported provided there is consistency with all

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other relevant policies of this Provincial Policy Statement, including the following mineral aggregate related policies as well as the environmental and resource based policies of the Natural Heritage, Water and Agriculture sections.”

Also, the prohibition in this section on any need assessment for mineral aggregate extraction uses should be eliminated. This is the single such policy relating to any land use type in the entire policy document. It has the effect of eliminating any meaningful municipal control over the number, size, depth and locational aspects of all pits and quarries. Municipalities should have the authority to address such fundamental aspects of their rural communities and landscapes through their land use planning documents.

In this section or elsewhere, there should be a prohibition on the extraction of mineral aggregates below the watertable. If not applicable throughout the province, as a minimum such prohibition should apply in major ground water source areas including the headwater areas of major river systems and source areas as identified under the Clean Water Act and related regulations.

Section 2.5.2.3, Conservation of Mineral Aggregate Resources

This section requires the conservation of mineral aggregate resources whenever feasible. In view of the provisions of section 2.5.2.1, whether revised as suggested above or not, it would appear that this section is redundant and should be deleted. If it is retained, the term “feasible” should be addressed more fully to include not just economic feasibility but also environmental feasibility. This comment also applies to the use of this term in section 2.5.2.5.

Section 2.5.2.5, Protecting Deposits of Mineral Aggregate Resources

This section significantly limits development in and adjacent to known deposits of mineral aggregate resources. Such deposits are defined as including all resource areas identified in the Aggregate Resource Inventory Papers that have “sufficient quantity and quality to warrant present or future extraction”. This wording is sufficiently generalized to have the effect of protecting virtually all aggregate resource deposits. It should be revised to be consistent with the more targeted approach to aggregate resource protection applied in the other related policies. A balanced approach to resource planning and management would not require the protection and preservation of virtually all aggregate resources particularly in areas having important agricultural, environmental and water resources.

Section 2.5.4.1, Aggregate Extraction in Prime Agricultural Areas

In keeping with our comments on section 2.3.5, we note that this section should also be revised to include a specific prohibition on aggregate extraction in specialty crop areas. In general the

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section is rather vague, poorly worded and lacking clarity. In particular, the important provisions relating to the exemption from complete agricultural rehabilitation require clarification and more force either in the policy document or in a related guideline. The following lists some related concerns if the existing provisions are to be retained.

1. What constitutes “substantial” quarry excavation below the water table or a quarry depth that renders complete rehabilitation “unfeasible”, as referenced in point (a)? We would again note, as stated above in regard to section 2.5.2.1, that there should be a prohibition on mineral aggregate extraction below the watertable.
2. In part (b), the consideration of alternatives to prime lands should include areas both within and beyond the subject municipality. Aggregate resource areas frequently extend across municipal borders and it would be illogical to permit an extractive operation on site involving prime agricultural land in one municipality where there are similar resources underlying poorer agricultural lands or non-agricultural lands in an adjacent municipality.
3. Also in part (b) what party is responsible for establishing the range of options that are to be assessed and for determining that any or all alternatives are “unsuitable”. What mandatory factors would have to be addressed in making both of these decisions?
4. Does part (c) relate to part (b) only or is it a more general provision and exactly what is intended by the term “remaining areas” in reference to maximizing agricultural rehabilitation? This point and this section of the document requires some restructuring and clarification.

Also, the references in both this section and in section 2.5.3.1 to aggregate extraction as an interim use should be either deleted or substantially modified to recognize the potentially long term nature of many extraction operations. There are extractive operations in the province that have been established and active for over half a century.

Section 3.0, Protecting Public Health and Safety

The previous comments about the definition of the term “development” provided in addressing the policies of sections 2.1.3, 2.1.4 and 2.1.5, also apply to the use of that term in the provisions of the various subsections of section 3.0 relating to natural and man-made hazards.

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Section 4.2. The “Consistent With” Approach to Implementation

While it is acknowledged that the requirement for local planning and development decisions to be consistent with the Provincial Policy Statement is somewhat less rigid than an absolute conformity requirement, over the years it has become clear that provincial review and approval authorities are applying a “conformity” interpretation to the term “shall be consistent with”. This approach provides very little, if any, flexibility in tailoring planning and development decisions to often unique local circumstances. Either another term or phrase should be used or more flexibility should be built into the use of the current term through either expanded related policies or the provision of applicable guidelines.

Conclusion

There is clearly a need for substantial changes to the 2005 Provincial Policy Statement in terms of its policies relating to rural planning and development including resource related planning particularly as it applies to mineral aggregate resources. This municipality has a vital interest in these aspects of all provincial planning policies. We ask, therefore, that the Township be notified of any further public involvement in the process of updating the PPS and that it be given an opportunity to review and provide comments on any proposed draft of the revised document.