

THE CORPORATION OF THE TOWNSHIP OF MELANCTHON
BY-LAW NO. 33 -2018

A By-law to adopt an Official Plan Amendment Two (OPA 2) for the Township of Melancthon

WHEREAS Section 17 and 22 of the Planning Act, R.S.O., 1990, c.P.13 authorizes Council to adopt an Official Plan that applies to the Township and to adopt amendments to the Official Plan;

AND WHEREAS, the Council of the Corporation of the Township of Melancthon deems it to be in the public interest to pass a by-law to adopt an Official Plan Amendment to its current Official Plan to establish new lands for mineral aggregate extraction;

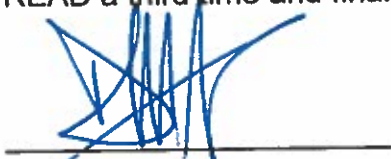
NOW THEREFORE the Council of the Corporation of the Township of Melancthon, in accordance with the provisions of the Planning Act, R.S.O., 1990, c.P.13, as amended, hereby enacts as follows:

1. THAT Official Plan Amendment Two (OPA 2) to the Township of Melancthon Official Plan, being the attached text and Schedule 'A' is hereby adopted.
2. AND FURTHER THAT the Clerk is hereby authorized and directed to make application to the County of Dufferin for approval of the aforementioned Official Plan Amendment for the Township of Melancthon to provide such information as required by Section 17 (23) of The Planning Act, R.S.O., 1990, c.P.13, as amended.

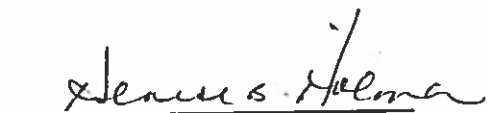
This By-law shall come into force and take effect on the day of passing thereof, subject to the approval of the County of Dufferin.

READ a first and second time this 5th of July, 2018.

READ a third time and finally passed this 5th day of July, 2018.



MAYOR



CLERK (SEAL)

**AMENDMENT NO. 2
TO THE TOWNSHIP OF MELANCTHON
OFFICIAL PLAN**

This Amendment applies to:

**Lands located in Part of the West Half of Lots 12 and 14, Concession 3 O.S. in the
Township of Melancthon**

(Adopted July 5, 2018)

CONSTITUTIONAL STATEMENT

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

Part A - The Preamble, consisting of the purpose, location and basis of the Amendment, does not constitute part of this Amendment.

Part B - The Amendment consisting of the noted text constitutes Amendment No. 2 to the Official Plan for the Township of Melancthon.

Part C - The Appendices.

PART A - THE PREAMBLE

PURPOSE

The purpose of this Amendment is to redesignate lands located in Part of the West Half of Lots 12 and 14, Concession 3 O.S. in the Township of Melancthon to permit the extraction of mineral aggregate.

LOCATION

The Amendment affects the following specific areas in the Township of Melancthon:

1. Lands located in the North-West Half of Lot 12, Concession 3 O.S; and,
2. Lands located in the West of Lot 14, Concession 3, O.S.

BASIS

The basis and authority for the amendment is fundamentally derived from the following policy documents:

1. Section 17 and 22 of The *Planning Act*, which authorizes a Municipality to amend its Official Plan.
2. Section 2.5.4 of The Provincial Policy Statement (2014), which permits mineral aggregate extraction in prime agricultural areas.
3. Section 4.2.8.7 of the Growth Plan for the Greater Golden Horseshoe which exempts new applications for mineral aggregate operations from the requirements of the Plan, provided the application was deemed complete by the Province prior to July 1, 2017.
4. Section 4.2.3.1 of the County of Dufferin Official Plan, which permits mineral aggregate extraction in prime agricultural areas, subject to the policies of Section 4.4.
5. Section 5.6.2 of the Township of Melancthon Official Plan, which permits mineral aggregate extraction in prime agricultural areas subject to a number of policies to address and assess impacts of the operation.

In consideration of the above-mentioned policy documents, the Township of Melancthon finds the proposed amendment to be appropriate for the following reasons:

1. The identification, impact assessment, and mitigation of the proposed pit on natural heritage features and functions has been suitably addressed as demonstrated by clearance letters provided by the Ministry of Natural Resources and Forestry and the Nottawasaga Valley Conservation Authority. Key natural areas have been identified and protected by this amendment.

2. The assessment of surface and groundwater features and functions has been suitably addressed as demonstrated by clearance letters provided by the Township's consultant hydrogeologist and the Nottawasaga Valley Conservation Authority.
3. Noise impacts have been assessed and have been demonstrated to be consistent with Provincial guidelines.
4. The assessment of impacts on agricultural operations and the agricultural resource base has been considered and it has been concluded that mineral aggregate extraction is not anticipated to have a significant negative impact on the long term agricultural uses and operations on the subject lands and within the primary/secondary study areas.
5. An assessment of cultural and heritage resources has been undertaken and the Ministry of Tourism, Culture and Sport has issued clearance letters to address Phase 1, 2 and 3 assessments. A Stage 4 assessment is still to be undertaken and extraction is not authorized in the affected area until this assessment has been completed and cleared by the Ministry of Tourism, Culture and Sport.
6. The proposed pits will utilize a Township road already designated as a haul route by the Township of Melancthon Official Plan.
7. The proponent has entered into a Development Agreement with the Township to address matters including but not limited to haul route reconstruction, haul route maintenance, operations, liability, rehabilitation, security, and monitoring of natural features, species and groundwater.
8. On balance, this amendment is considered to be consistent with Provincial Policy and has addressed applicable development policies of the County and Township Official Plans.

PART B – THE AMENDMENT

Schedule A-5 to the Township of Melancthon Official Plan is hereby amended by redesignating:





1. Lands located in Part Lot 12, Concession 3 O.S. from the Agricultural designation to the Extractive Industrial designation as shown on Schedule A attached hereto and forming part of this Amendment; and to,
2. Lands located in the West Part of Lot 14, Concession 3 O.S. from the Agricultural designation and Environmental Conservation Overlay designation to the Extractive Industrial designation as shown on Schedule A, attached hereto and forming part of this Amendment.

PART C - THE APPENDICES

1. Natural Environment Level 1 & 2 Technical Reports (*Natural Resource Solutions*)
2. Hydrogeological Assessment Level 1 & 2 (*Whitewater Hydrogeology*)
3. Noise Impact Analysis (*Aerocoustics*)
4. Stage 1 and 2 Archaeological Assessment (*ASI*)
5. Cultural Heritage Impact Assessment (*MHBC*)
6. Agricultural Impact Assessment (*MHBC*)
7. Planning Report and ARA Summary Statement (*MHBC*)
8. Traffic Review (*HDR*)
9. ARA Site Plans (Existing Features, Operations, Rehabilitation, Cross-Sections) prepared by MHBC, March 2018
10. Planning Report – Complete Application (*MPS Ltd*)
11. Planning Report – Status (*MPS Ltd*)
12. C.C. Tatham and Associates 4th Line Road Review, dated December 22, 2018
13. MTCS Clearance Letters P046-0261-2016, P449-0008-2016, P125-0240-2017
14. NVCA Clearance Letter dated April 30, 2018
15. MNRF Clearance Letter dated May 9, 2018
16. Engtec Consulting Inc. Geotechnical Investigation 4th Line North dated May 20, 2018

Schedule 'A-1'
Official Plan Amendment Two (OPA 2)
Part of the West Part of Lots 12 & 14, Concession 3 OS
Township of Melancthon



-  Lands to be redesignated from the Agricultural designation to the Extractive Industrial designation
-  Environmental Conservation Overlay to be Removed
-  Lands to remain in the Environmental Conservation Overlay
-  Lands to remain in the Agricultural designation