

MEMORANDUM

TO: *Mayor Laura Ryan & Council Members*
FROM: *David Trotman, Director of Planning*
DATE: *September 7th, 2016*
SUBJECT: *OPA 2016-01 and ZBA 2016-02*
Greenwood Aggregates Co. Ltd.
Part of Lots 30, 31, and 32 Concession 4 EHS

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Further to Memorandum dated August 10, 2016, received by Council at it's August 23, 2016 meeting, this Memorandum serves to advise Council that Ron Davidson, Planning Consultant on behalf of Greenwood Aggregates Co. Ltd., filed a letter dated September 2, 2016, a copy of which is attached, with the Town. This letter formally requests that the Town's decision to deem the above-noted applications incomplete be referred to the Ontario Municipal Board (OMB) as per Section 22 (6.2) and Section 34 (10.5) of The Planning Act. The request does not deal with the merits of their proposed amendments to the Town's Official Plan and Zoning Bylaw 78-1.

The Planning Department has replied to Mr. Davidson, by letter dated September 7, 2016, advising that Appellant Form (A1) required by the Ontario Municipal Board has not been received, as well as a certified cheque for the requisite filing fee.

David Trotman
Director of Planning



**RON DAVIDSON
LAND USE PLANNING CONSULTANT INC.**

September 2, 2016

Town of Mono
347209 Mono Centre Road
Mono, ON
L9W 6S3

Attention: David Trotman, Director of Planning

Dear Sir:

**Re: Request for Ontario Municipal Board Involvement
Application to amend the Town of Mono Official Plan and Zoning By-law - Part Lots 30, 31 and 32, Concession 4 E.H.S., Town of Mono, County of Dufferin
(Greenwood Aggregates Limited)**

On behalf of Greenwood Aggregates Limited, I am formally requesting that the Town's decision to deem the above-noted application incomplete be referred to the Ontario Municipal Board (OMB) as per Section 22 (6.2) and Section 34 (10.5) of The Planning Act.

The reason for this request is as follows: Your letter dated August 5, 2016 stated five reasons for deeming the application incomplete. My response letter dated August 25, 2016 addressed these issues; however, I did not receive a formal follow-up letter from the Town advising that the application has now been deemed complete, and through my discussions with Mr. Greenwood, it is my understanding that the Town has not changed its position.

A copy of my August 25, 2016 letter is attached and should be included in the package of information being forwarded to the OMB. My position is stated clearly in that letter.

It would be beneficial to Mr. Greenwood and presumably the OMB if the Town could advise if any of the five issues raised in your August 5, 2016 have been addressed to your satisfaction.

Should you require any additional information regarding our request for OMB involvement, please contact the undersigned.

While we wait for the OMB to consider this matter, Mr. Greenwood's Aggregate Consultant, Craig Laing, will initiate the Aggregate Resources Act process.

Sincerely,



Ron Davidson, BES, RPP, MCIP

c.c. Sam Greenwood
Craig Laing
David White



**RON DAVIDSON
LAND USE PLANNING CONSULTANT INC.**

August 25, 2016

Town of Mono
347209 Mono Centre Road
Mono, ON
L9W 6S3

Attention: David Trotman, Director of Planning

Dear Sir:

**Re: Application to amend the Town of Mono Official Plan and Zoning By-law - Part Lots 30, 31 and 32, Concession 4 E.H.S., Town of Mono, County of Dufferin
(Greenwood Aggregates Limited)**

In response to your letter dated August 5, 2016 advising that the above-noted submitted application has deemed incomplete by the Town, I offer the comments below. Your five reasons for refusing the application are provided in italicized font for easy reference:

1. *Ministry of Transportation Ontario (MTO) advised that under current Provincial MTO policy no direct access to Highway 89 from the subject property is permitted per their comments (June 14 2016) as provided to yourself and your client at the site meeting on June 17 2016. Similar comments were provided to you in July 2015.*

As you are aware, a detailed Traffic Impact Assessment has been conducted to justify the proposed direct vehicular access onto the Provincial Highway. The Ministry of Transportation (MTO) has advised that this arrangement is not satisfactory. That notwithstanding, the Traffic Engineer is confident that this matter can be resolved and, in this regard, the Engineer is continuing to work with MTO on this matter.

I would respectfully argue that the submission requirement for a Traffic Impact Study has been satisfied. The fact that MTO doesn't agree with the Study at this time should

not, in fairness to the applicant, give cause for the Town to deem the application incomplete. The purpose of the required preconsultation process is to not necessarily have the various agencies actually accept the findings of the required reports but rather to have the agencies advise the applicant of the information required.

Section 22 (5) and Section (10.2) of the Planning Act refers to the submission of "*other information or material the council or planning board considers it may need*". This information or material (i.e. the Traffic Impact Study) has been provided; it simply hasn't been accepted by MTO as of yet.

2. *A key purpose of the complete application requirement under the Planning Act is to provide a substantive and meaningful review for the subject application including its supporting plans, studies and reports.*

I concur with this statement. Our recent submission to the Town allows for such a review.

3. *The application as submitted on July 15, 2016 does not address MTO's determination which precludes direct access to Highway 89 as outlined in their letter dated a month earlier. There is no clarification by either yourself in your Planning Report dated June 29 2016 or for that matter in the C.C. Tatham Traffic Review dated June 15 2015 (prepared one year earlier). The Applications must fully address this issue, accordingly, the following studies and reports may need to be revised to reflect the determination by MTO:*

- a) *Planning Justification Report*
- b) *Sound Impact Analysis*
- c) *Air Quality Assessment*
- d) *Traffic Review including impacts on any proposed improvements to Municipal Roads and any financial implications to such alternatives.*

As stated above, the Traffic Engineer is working with MTO to resolve this issue, and therefore the reports listed above will not be revised at this time. The fact that this vehicular access matter has not actually been resolved should not give cause for the Town to deem our application incomplete.

4. *The Applications did not include a Lighting Plan. Given the proposed hours of operation, a Lighting Plan is required to be filed in accordance with Section 25(11) under Development Impacts, item (d) in the Town's Official Plan.*

No lighting on this site is proposed. The hours of operation are mostly during daylight time. During late certain times of the year, some activity may occur after dusk and before dawn (during the hours of operation listed on the Operational Plan); however, that activity will primarily involve the loading of materials, and that can occur simply with the assistance of the vehicles' headlights. The berms around the perimeter of the pit will screen the headlights from public view. If deemed necessary, a note can be added to the Operational Plan to this effect.

5. *We also remind you that during your attendance at the June 17 | 2016 on-site meeting the Niagara Escarpment Commission requested a Visual Assessment Study for inclusion with the Applications. It is also noted that this is a requirement under Dufferin County's Official Plan - Section 4.4.2.1. The Town of Mono concurs; therefore a Visual Assessment Study must be included with a revised submission;*

At the meeting, the NEC did not formally request a Visual Assessment Study, although comments were made by the NEC about the screening of the pit along the west side of the site. It was Mr. Greenwood's intention to deal directly with the NEC on this matter during the OPA/ZBA review process. However, given that the Town is now requesting such a report, the Visual Assessment Study has been completed, ten copies of which are attached. Be advised that during the OPA/ZBA review process, Mr. Greenwood intends to meet with the NEC on the site to review the buffering measures proposed along the westerly lot line in the south pit.

I trust you will find this information acceptable and allow the application to move forward.

Mr. Greenwood and his team of consultants look forward to working with the Town on this project.

Sincerely,



Ron Davidson, BES, RPP, MCIP

c.c. Sam Greenwood
Craig Laing
David White



Town of Mono

347209 Mono Centre Road
Mono, Ontario L9W 6S3

By ordinary mail
and email to ronalddavidson@rogers.com

September 7, 2016

Mr. Ron Davidson
Land Use Planning Consultant Inc.
265 Beattie Street
Owen Sound ON N4K 6X2

Dear Mr. Davidson

RE: OPA 2016-01 and ZBA 2016-02
Greenwood Holdings Limited
Part of Lots 30, 31, and 32 Concession 4 EHS

This is to acknowledge receipt of your letter dated September 2, 2016 wherein you formally requested that the Town's decision to deem the above noted applications incomplete be referred to the Ontario Municipal Board.

The Town did not receive a completed Appellant Form (A1) required by the Ontario Municipal Board. This form can be found on the Environmental and Land Tribunals Ontario website.

This is also to confirm receipt of a cheque from Greenwood Aggregates Co. Ltd. in the amount of \$300.00, payable to the Minister of Finance, representing the filing fee. According to the instructions for preparing and submitting the Appellant Form (A1), the filing fee must be paid by certified cheque or money order.

We look forward to receiving the above items.

Yours very truly

TOWN OF MONO

David Trotman
Director of Planning

DT/jk