

MEMORANDUM

TO: *Mayor Laura Ryan & Council Members*
FROM: *David Trotman - Director of Planning*
DATE: *Tuesday August 10 / 2016*
SUBJECT: *Greenwood Proposed Aggregate Pit - Violet Hill*

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On July 15/2016 Greenwood Aggregates Limited filed Official Plan and Zoning Bylaw Amendments (Applications) on their lands described as Part Lots 30, 31 and 32, Concession 4 EHS in the Violet Hill area in Town of Mono.

In accordance with Planning Act regulations the Town has thirty (30) days to determine whether the Applications, as submitted July 15/2016, are complete in terms of Provincial, County and Municipal policies. The thirty (30) day deadline will have expired before this next Council Meeting, on August 23rd / 2016.

The Applications were reviewed with the Town’s Solicitor, Engineer and Aggregate Resources Specialist and subsequently were deemed to NOT be complete. The Town’s Planning Department issued a letter of Notice of Incomplete Applications dated August 05th/2016 to Greenwood’s Planning Consultant, Ron Davidson and copied to Greenwood Aggregates Limited and their Aggregate Licensing Consultant, C.D. Laing Aggregate Management Services Limited.

A copy of the correspondence date August 05th/2016 to Ron Davidson is attached.

Planning Department wishes to advise Mayor and Council without delay of the Planning Department’s letter and response because the Applicant now has opportunity to appeal the Notice of Incomplete Application to the Ontario Municipal Board (OMB) within thirty (30) days from date of our letter, to request a ruling solely in regard to the matter of whether the Applications are “complete” but not the merits of the Applications as a whole.

The Applications as submitted, including all site plans and technical reports, is premised on *direct* access to Highway 89, which is a Controlled Access Highway and therefore subject to approval of Ministry of Transportation (MTO). MTO issued three (3) letters confirming that *direct* access is not available; in June 2015, more recently dated June 14 / 2016 and again dated August 09th / 2016; copy attached.

In order to provide a balanced and transparent process for the general public, stakeholder groups and public commenting agencies, those with an interest or involvement should be satisfied that any associated application is not fundamentally flawed from outset.

Town Council, local citizens and various public agencies having jurisdiction over a proposal should have clarity regarding key matters such as significant vehicular access in order to preface their own responses with a meaningful perspective leading up to preparing their written comments; or in this case whether the Applications ultimately gains direct access abutting south side of Highway 89 or by an alternative route via Town and/or Dufferin County roads. Clarity on key matters such as this should be known upfront, not part of any peer review, for the broader

public benefit of providing written technical comments in a timely and cost effective basis.

Therefore a revised Traffic Report is required dealing with the vehicular access issues. The Planning Department also identified need for a Cultural Heritage/Visual Assessment Study and Lighting Plan as two (2) additional matters that were not submitted as part of the original submission; they are required in accordance with the Town's Official Plan and therefore must be filed as part of a complete application. In the interim Greenwood must seek to resolve the vehicular access issues.

The Planning Department's desired process is for Greenwood to prepare all requisite reports and studies rather than litigating the non-completeness issues; however that determination rests with Greenwood Aggregates Limited.

Once the Applications are deemed complete, the Town would have (180) days to make a decision on the complete application for the Official Plan Amendment and (120) days to make a decision on the complete application for the Zoning By-law Amendment. After those time periods, Greenwood has opportunity under Planning Act regulations to appeal their Applications to the OMB for a hearing on its merits.

It is also noted that as a proposed Aggregate extraction land use and operation, Greenwood separately submitted a companion licensing application to Ministry of Natural Resources & Forestry (MNR). Greenwood's petition to MNR for a license is subject its own process under the Aggregate Resources Act (ARA) and corresponding timeframe. If through the ARA process, there are objectors and those objections cannot be resolved, Greenwood's licence application can also be referred to the OMB for a hearing on the merits of the license. The Planning Department shall keep Mayor and Council apprised of this separate process as warranted in addition to the Applications pursuant to the Planning Act.

The following Resolutions are therefore put for forward for Council's consideration:

1. That Council receives the August 10th/2016 Memorandum from the Planning Director; and,
2. That Council confirms that the Applications as submitted July 15th/2016 by Greenwood Aggregates Limited be deemed incomplete in accordance with Section 22 (6.1) and Section 34 (10.4) of the Planning Act, for the reasons set out in the August 10th/2016 report from the Planning Director.

David Trotman
Director of Planning



Town of Mono

347209 Mono Centre Road
Mono, Ontario L9W 6S3

Friday August 5, 2016

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

Dear Mr. Davidson

Re: **Notice of Incomplete Applications**

Proposed Amendments to Town of Mono Official Plan and Zoning By-law
To permit an Aggregate Extraction Pit by Greenwood Aggregates Limited
For lands described as Part of Lots 30 31 and 32 - Concession 4 EHS (Violet Hill)
Town of Mono in Dufferin County

We are in receipt of the above cited Applications and requisite fees *hand delivered* by your client, Mr. Sam Greenwood, on Friday July 15 2016 at our Municipal Office.

At time of submission Mr. Greenwood asked me whether the (Applications) were deemed complete pursuant to provisions of the Planning Act. I advised Mr. Greenwood that I would make that decision once I had opportunity to review it in its entirety. I have now considered the Applications and Section 25(11) of the Town of Mono Official Plan. I must advise that the Applications are deemed to be incomplete pursuant to:

- a) Section 22 (6.1) of the Planning Act
- b) Section 34 (10.4) of the Planning Act

The Town of Mono considered several reasons for our position including:

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;
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.
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.
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.
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;

Based on all the above the Town of Mono advises that the Applications are deemed incomplete; however, we are amenable to receiving your client's revised studies and reports in anticipation of being able to reconsider the Applications as complete pursuant to Section 22(6.1) and Section 34(10.4) of the Planning Act.

David Trotman



Director of Planning
Town of Mono

cc

Mr. Zsolt Katzirz	Ministry of Transportation Ontario (MTO)
Ms. Seana Richardson	Ministry of Natural Resources & Forestry (MNR)
Mr. Daryl Lyons	Ministry of Municipal Affairs & Housing (MMAH)
Ms. Nancy Mott	Niagara Escarpment Commission (NEC)
Ms. Pam Hillock	Dufferin County Municipal Office
Mr. Randall Roth	Marshall Macklin Monaghan - Consulting Planner on behalf of Dufferin County of Dufferin
Mayor Laura Ryan	Town of Mono
Council Members	Town of Mono

Ministry of Transportation

Engineering Office
Corridor Management Section
West Region

659 Exeter Road
London, Ontario N6E 1L3
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Facsimile: (519) 873-4228

Ministère des Transports

Bureau du génie
Section de gestion des couloirs routiers
Région de l'Ouest

659, chemin Exeter
London (Ontario) N6E 1L3
Téléphone: (519) 873-4598
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August 9, 2016

Judy Kohne, AMCT

email: judyk@townofmono.com

Planning Assistant
Town of Mono
347209 Mono Centre Road
Mono, Ontario L9W 6S3

RE: **Greenwood Aggregates – Proposed Amendments to Town of Mono Official Plan OPA 2016-01 and Zoning By-law ZBA 2016-02 to permit a Proposed Licensed Pit by Greenwood Aggregates**

Part Lots: 30-32, Concession: 4 EHS
Dufferin County, Town of Mono, Highway 89

In review of the following documents:

- Planning Report dated June 29, 2016, prepared by Rob Davidson, Land Use Planning Consultants Inc.
- Greenwood- Violet Hill Pit Report

The Ministry of Transportation (MTO) would like to reiterate our comments provided on June 14, 2016 as well as July 10, 2015.

The subject site does **not** qualify for direct highway access. MTO will not provide a direct highway access for the proposed development.

MTO is only supportive of the proposed OPA and ZBA if acceptable site access and haul route is achievable and the proposed quarry does not negatively impact the functional integrity of Highway 89.

As the subject site is within the MTO Permit Control Area, MTO has interest in all site access and haul route options. Please submit all proposed access and haul route options for MTO's review and comment.

Should you have any questions, please contact our office.

A handwritten signature in black ink, appearing to read "Zsolt Katzirz".

Zsolt Katzirz
Corridor Management Planner (A)
Corridor Management Section
MTO - West Region, London