

County of Grey

Planning and Economic Development Department

595 9th Avenue East

Owen Sound, ON, N4K 3E3

Attn: Mr. R. Scherzer, Director of Planning and Development

Dear Mr. Scherzer

Please accept this letter as an objection to the passage of the new County of Grey Official Plan as it applies to the Municipality of West Grey, more specifically to the former Village of Neustadt. I have been trying to get approval for a recent application for Official Plan Amendment within the former village "Primary Urban Area" designation of the current County Plan for over two years. I have had draft approval for a plan of subdivision including a multiple townhouse portion but cannot proceed until matters pertaining to the assumption of services by the Municipality of West Grey are resolved and the services are assumed for public use by the municipality.

I note that the matter of municipal services in the new draft and soon to be adopted County of Grey Official Plan does not contain policies or directions to deal with this matter. The Plan, according to my Planning Consultant, is apparently very weak in relation to its directions to direct development to those areas where full municipal services are already available and paid for by the ratepayers in those communities. The Plan, as written, does not appear to recognize the financial investment of existing ratepayers nor the potential to better share the costs and reduce the burden on existing service users that can be achieved by adding new development to the urban area.

A further complicating factor in this matter is that the services already installed to the entrance location of my draft plan has not nor cannot be assumed as a public service until the legal matter surrounding its installation is resolved. Until the service is legally assumed into the municipal system by by-law, it is not available for legal use by anyone, including my own development proposals. Nor can I begin to negotiate any agreements that may reference the services until the underlying legal status is finalized.

On this basis, I must file my objection to any development or service policy that may impact the Primary Settlement Area of Neustadt until this matter is resolved.

Thank you for your attention to this matter.



Paul Gutzke

Neustadt

Sept 26 / 2018

CC: Municipality of West Grey

Mr. J. Uram

Warden, County of Grey

From: [Scherzer, Randy](#)
To: [Nunno, Kathie](#)
Date: Wednesday, October 3, 2018 9:59:50 PM

From: Anne Kurita [REDACTED]
Sent: September 26, 2018 1:26 PM
To: Taylor, Scott; Scherzer, Randy
Subject: Draft Official Plan

Good morning Scott, Randy and everyone at Planning!

I've started plowing my way through the new Draft Official Plan (leaving out those parts having to do with sewage or broad band and other mysterious wires under the ground) but I wanted to express my first impressions.

I watched the Rogers TV "Politically Speaking" show too. The Draft Official Plan is rarely if at all political. At least I can't interpret any of it so far as being a political document - in the sense that it reflects current political doctrine alone. It's just as strongly, if not more so, reflective of Grey County's societal character and institutions.

There's so much to think about. Of course I and the Team out here can happily point out to what extent our own ideas share the underpinning of a policy guideline here and there.

There's a sense of relief to see the rise of Public Health to the level of overseer and mentor of Safe and Healthy development in the County.

I have a question: would the Public Health Check Lists be available on the Planning Applications site for public viewing as other planning/land use application studies are?

If the idea of bleachers around skate board parks is not exactly a directive in planning it's certainly a strong indicator of what kind of reasoning is shaping communities in the countryside now and in the future. (like the word "countryside")

During the Individual Meeting I had with you both, Randy and Scott, many months ago, I pointed to the Draft Plan at the time and asked "Who are you speaking to?"

As with most official documents, there's a habit of addressing a faceless majority.

This Draft Official Plan speaks to everyone and on behalf of everyone. Farmers have their own voice as do the elderly, the youth and their families, the entrepreneurs, property owners and developers among so many acknowledged diverse members of Grey.

I hope that everyone who reads the Draft realizes the limits you've exceeded having

conversations with as many people as possible. We can hear all our voices. Geez, its inclusiveness is remarkable!

In addition, I back the idea that the Draft Official Plan apply to the County, its support staff, officials and elected representatives in the same way as it does to the folks outside the Administration offices.

I think the Draft is creating conditions in which the different sectors of the County can see each other's roles and activities as interdependent - seamlessly joined in common goals.

This is important because it creates pathways to knowledge and understanding between us all.

How we find each other depends on seeing, talking, hearing one another in a natural, easy flow and in common spaces - as natural as the way cores and linkages connect the lands and waters of the County.

Perhaps the identification of the different parts of the Draft Plan as "themes" rather than categories ties it all together....It's user friendly in other ways too.

I can see this in the Live Grey theme. The strongest language is "must". Not "shall". Instead there's lots of encouraging, committing, supporting and aiming phrases.

The section on Housing matters a lot to every sector of Grey County society as does Transportation. I appreciate very much the lack of segregation of needs and interests.

No one and no one group has been given a label which identifies them in a manner that creates lines of inequalities.

Certainly there are differences of interests. If it is possible to face the conflicts and contradictions of equality with firmness yet with sensitivity and even compassion, the Draft Official Plan makes a sincere effort.

While each interest should be of equal value to the County of Grey, it is granted that not all interests can be satisfied to the same extent due to feasibility.

However, it continues to be my view that no interest should be regarded as privileged. This remains a challenge to the supremacy of Balance.

For example: the term "stakeholders" implies that those individuals or groups who invest money or who have other goals which are directly supportive of development are privileged, that administrators of public and private agencies get priority attention.

In different ways, we are all stakeholders in the orderly functioning of society. We are all equally integral to economic and social profits. This is not a rhetorical statement.

Strong and Healthy communities protect and enhance the Quality of Life for everyone. It's truly a collaborative process.

I missed opportunities to have conversations with "stake holders". How can I or my neighbours sit in a room full of aggregate producers?

Of course all sectors need their private time with County planners but at some point we need to look and talk to each other regardless of perceived conflicting interests. Setting that up would take a lot of careful arrangements but if there's a will, there's a way.

It's not easy to break down those barriers you speak about. *We* are trying to do that against all odds.

Establishing a friendly relationship with Cornerstones has been beneficial both to the aggregate industry and to the communities who are hosts to pits and quarries.

We shared ideas with its Director, Nic Schultz, right here, in a neighbour's home. Township Councillors were invited and spoke their opinions as well. Cornerstones continues to keep in touch with us.

One day I'll tell you the story of how I exchanged wonderful ideas with Alan Kreisberg, former President and Director of Sustainable Environments of Lafarge/Holcim, Western Canada. Now retired and maybe writing a book. (I would give anything to have a chapter in that book! - unfortunately I can no longer reach him, the hoops are back up)

Thank you for re-instating the small villages and Hamlets such as Berkeley back onto the map of Grey.

My favourite word in the Draft is "**mixed**"


I have an idea....in the *last* survey, how about asking people to give *their* favourite word in the New Official Plan? Maybe we can string the favourite words together and make a foundational sentence to use in all kinds of promotional ways???

That kind of fun survey, aside from the more serious investigation of opinions, might stir people to enjoy reading it and perhaps with a little more thoroughness beyond their own personal interests.

Thank you! to you both and to everyone who worked so long and hard to transform our destinations.

You introduced the importance of a “sense of place” out of which you've made possible “pride of place”.

See you on October 11th for the applause you all so deserve.

Anne 

RECOLOUR Grey

Comments-Final Draft September 2018

While Grey County seeks approval for the new Official Plan based on PPS2005 and PPS2014, the Ministry of Municipal Affairs and Housing, mid 2018, posted a disclaimer on Provincial Policy Statement web sites.

Provincial Policy Statement, 2005

This information was posted under a previous government.

Provincial Policy Statement, 2014

This information was posted under a previous government.

This is upsetting to property owners who have filed comments justifying reconsideration in land use for past expropriation of rights based on interpretations of these PPS.

It is further troubling that the new draft OP introduces additional layers of restrictions on lands citing PPS in relation to the Natural Heritage System Study (NHSS), when the newly elected government is repealing previous policies which took away municipalities' planning rights.

Our community made numerous Recolour Comments: pages 114 – 128 including four areas of Concern. Where these Concerns Adequately Addressed?

Concern No. 1 "Ensured Rights/Notification"

Strong: Notification. On-line by sign up & subscribe. Final Sept notice by postal mail

Strong: Open Houses & Public Meeting well posted

Weak: Date of Public Meeting Mar 27/18 – Easter week, seasonal residents not returned

Weak: No procedure to notify land use change to property and neighbouring lands (NHSS)

Weak: When did "review" become "new" Official Plan and which was Recolour?

Weak: Why a "new" OP with 20 yr. span with new Prov. Gov't mandate?

Weak: Notification for "Green in Grey" (NHSS). Councils did not give it the attention and protest as with the NEP Expansion although the same push it north

Concern No. 2 "Transparency"

Strong: Material on web site, links, public able to view some comments

Strong: Recolour avoided the policy papers and committee approach as per OPA80

Weak: Mapping- (NHSS) -overwhelming, general sweep, property lines not identified

Weak: Recolour implied a refreshing, rather the 12 studies created a "new" Official Plan

Weak: In house press release recolours the findings. No media critique

Concern No.3 "Complexity & the Price Tag"

Strong: Digital communication has introduced the stakeholder into the process.

Strong: Planners and staff kept information current and concise

Strong: Opportunity to Comment throughout

Weak: Layers of land use designations and authority approvals continue to mount and make the application fees a financial strain for the non-commercial applicant

Concern No. 4 "Multiple Policy Makers"

Weak: Prov (PPS), Agencies, County, Municipality, Planner ~ landowner's comprehension?

Weak: Months of input, then a "staffer" with the Province negates the will of the elected officials and seals the fate of a community

Weak: The appeal process vanished, no OMB

Strong: Two year moratorium period be lifted which would come into effect following the approval of the new Official plan by the Province

Weak: Gov't which makes land use restrictions must take responsibility that the buyer is informed in writing at time of acquisition to avoid future unanticipated costs

Weak: A comprehensive review and lot justification needed to reinstate landowner's expropriated property rights leave no option but to resort to the property's crown patent and let the watercourse act as a natural severance according to the survey that was done at the time the crown patent was issued

Edith Galloway

Georgian Bluffs



Nottawasaga Valley
Conservation Authority

October 3, 2018

Randy Scherzer, Director of Planning
Grey County of
595 9th Avenue East
Owen Sound, ON N4K 3E3

Dear Mr. Scherzer:

RE: Grey County Official Plan Update

The Nottawasaga Valley Conservation Authority is in receipt of the draft County Official Plan (OP) document dated September 2018. NVCA staff provide the following comments for the County's consideration:

Previous suggestions related to Natural Hazards, Natural Heritage, Stormwater Management and Source Water have been incorporated into the final document and have no further comment.

We do encourage the County to include a schedule or appendix or web link to online mapping regarding conservation authorities regulation areas and associated mapping.

NVCA staff appreciates the opportunity to comment on the draft OP at this stage of the process. Please feel free to contact the undersigned should you have any questions on the above comments.

Regards,

A handwritten signature in blue ink that reads "Amy Knapp".

Amy Knapp
Planner II

Copy: Mr. Scott Taylor, County of Grey
Mr. Andy Sorenson, GSCA

From: [Scherzer, Randy](#)
To: [Nunno, Kathie](#)
Date: Wednesday, October 3, 2018 9:58:05 PM

From: dennis grein [REDACTED]
Sent: October 3, 2018 7:32 PM
To: Scherzer, Randy
Subject: Fwd: Green in Grey Draft OP.docx

Sorry it was noticed that a word was missed in the 2nd paragraph

b) Municipal Environmental Impact Study exceeds the PPS scope required MNR Level 2 Natural Environment Report. MNR may make comments and provide records to assist Municipal Planners but MNR does not have jurisdictional authority to review and determine Municipal technical studies are stand-alone under PA and PPS required for Official Plan Amendment.

Please amend . With thanks

Dennis and Lorri Grein

Sent from my iPad

Begin forwarded message:

-----Original Message-----

From: dennis grein [REDACTED]
Sent: September-27-18 3:17 PM
To: Randy.Sherzer@grey.ca
Cc: Morrison, Heather; Wingrove, Kim; Halliday, Stewart; anna-marie.fosbrooke@southgate.ca
Subject: Green in Grey Draft OP.docx

As you will note from the attachment.....The Draft Green in Grey Official Plan still has deficiencies.

Please note the comments in the attachment are relevant to a situation with the proposed Orchard Gravel Pit.

I am requesting that the Grey County Planner does not present a staff report to pass the Draft Green in Grey Official Plan with many deficiencies.

Dennis and Lorri Grein

[REDACTED]
[REDACTED]
Ayton, [REDACTED]
[REDACTED]

The "Draft Green in Grey Official Plan" must be clear and concise to all stakeholders (Staff, Council, Public, Applicant, Professional Consultants, Conservation Authority) with regard to PA Planning Application process:

a) Draft Official Plan Policy 5.6.4 Policies for amendments to the official plan (to change agricultural land use) for the Establishment of New Aggregate Mineral Resource Extraction attempts to combine Aggregate Resources Act for ARA Licence Application process with Planning Act (PA) "PA Planning Applications (ZBA & OPA)" by permitting the Applicant to submit ARA Licence documents for Municipal "Official Plan Amendment" is too erroneous for stakeholders.

OP Policy 5.6.4 has too many conflicting standards and scope between ARA and PA with regard to 2014 Provincial Policy Statement.

b) Municipal Environmental Impact Study exceeds the PPS scope required MNR Level 2 Natural Environment Report. MNR may make comments and provide records to assist Municipal Planners but MNR does not have jurisdictional authority to review and determine Municipal technical studies are standalone under PA and PPS required for Official Plan Amendment

c) All Applicant's must submit an Environmental Impact study that triggers PPS requirements it will streamline Municipal Staff's required explanation that official plan amendment is consistent with PPS and conformity with Official Plan for all land use changes including Aggregate Extraction Resources.

d) County/Municipal Official Plans must consider, for zoning and official plan amendments, the negative impacts from all Developments and site alteration (Aggregate Operations) to protect the health and safety of the Public and Natural Heritage Features in the context of the *Planning Act and 2014 Provincial Policy Statement*.

e) Third Party Peer Review of Applicant's technical studies, documents and site plans must be conducted when Municipal and Conservation Authority Staff do not have Professional Qualifications e.g. Hydrogeologist. Applicant's deposit for Peer Review should be increased if a development is identified in the 2014 PPS as a "Major Facility" under definitions "Aggregate Mineral Extraction is a Major Facility" which causes noise, dust cont

f) Clarification of OP Policy 3.6.1 Existing Exceptions (Holstein) seems to differ from other Secondary Settlement OP Policies **with regard to Aggregate Resources Area Schedule B?**

1) In the Secondary Settlement Area of Holstein identified of Schedule 'A' of this Plan, notwithstanding the provisions of Section 3.6 to the contrary, *no development that uses water, creates sanitary sewage, or negatively impacts flood control systems will be permitted to occur within the boundary of the Secondary Settlement Area of Holstein until: a) A hydro geological study has identified, and the appropriate authorities implemented, the steps necessary to ensure that:*

- *drinking water is safe*

- *sanitary sewage is treated and safely disposed of*
- *no sewage plume leaves any property in groundwater unless that groundwater and plume meet the standard of the Ontario Drinking Water guideline*
- *appropriate flood control systems are in place and remain intact*

b) *Appropriate official plan policies are in place, through an approved secondary plan or approved local official plan, including policies to address growth management, services, the staging of development, if necessary; and*

c) A zoning by-law coming into force. The extent and type of *development* within the boundary of the Secondary Settlement Area of Holstein has been included within Section 5.5.3 of the Township of Southgate Official Plan. **The *Aggregate Resource Areas shown on Schedule B and Section 5.6 will not apply within the Secondary Settlement Area of Holstein as established by this Plan.***

g) more language from Provincial Policy Statement (PPS) and Natural Heritage Reference Manual (Municipal guidelines for technical studies) required for all amendments to Official Plan must be implemented into Official Plan. **PPS Policy 2.5 Mineral Aggregate Resources Policies do not override the other policies of the Provincial Policy...2014 PPS.**

h) Natural Heritage Reference Manual guidelines from Municipal Environmental Impact Study cross referenced with PPS requirements as well as other cited works in NHRM must be implemented into Official Plan

i) References to County's Official Plan Policies, PPS Policies, and "amendments to Official Plan" must be made in all of the Applicant's technical studies, documents and correspondence e.g. "This "Technical Study" has been conducted for amendments to official plan and is consistent with 2014 PPS and conforms to Official Plan and Planning Act.

j) Site specific technical studies must be required for:

- constraints identified in the Natural Heritage System Study and,
- unidentified constraints must be assumed identified e.g. Wildlife Habitat (Environmental Impact Study), Ground water/Acquifer (Hydrogeology Study) and "Bedrock" (Geology Study).

k) Clarification of "PPS 2.1.9 Nothing in Policy 2.1 Natural Heritage Features is intended to limit the ability of agricultural uses to continue" (*Agricultural Community has raised concerns that Natural Heritage System could affect their Agricultural Land*)¹. What is meant by "No amendments will be allowed for two years after any part of the Plan comes into effect. Updates to the Official Plan would still require a five year review cycle (unless Council requests one earlier)?"¹. What is meant by "No amendments will be allowed for two years after any part of the Plan comes into effect. Updates to the Official Plan would still require a five year review cycle (unless Council requests one earlier)?"

l) OP Policy 9.1.7 Applicants "must make" a pre-submission consultation appoint....

Note: During Pre-Submission Consultation "Official Plan Maps - Aggregate" must be reviewed and signed off by Planners as part of the "Complete Process".

Grey County Official Plan - Comments

Background:

27 March 2018 - At the Grey County Council meeting members of the public asked about the status of Crown Letters Patent for private property. Planning Staff reported that they had recently received advice from the Ministry of Municipal Affairs and Housing (MMAH) advising that "it's not reasonable to suggest that the presence of a Crown Patent in relation to land, negates the application of Provincial Laws regulating land use, such as the Planning Act." A following aural public suggestion was put to the Council that, in view of the 2016 "Lynch vs St. John's" case law,

<http://www.cbc.ca/news/canada/newfoundland-labrador/expropriation-lynch-court-windsor-lake-watershed-1.3963602>

the Council should ask for indemnification from the source of that advise within the Provincial Government.

The source was later provided as the

ONE WINDOW PLANNING SERVICE REVIEW Recolour Grey – Draft County Official Plan Which is a document generated by MMAH to provide advise and feedback to relevant government entities. Full PDF attached

The following is an excerpt from page 56 of that document:

"As the Mackie case makes clear then, it is not reasonable to suggest that the fact that there is a Crown patent in relation to land, or that the owner is in possession of it, necessarily ousts the application of provincial laws regulating land use such as the Planning Act. Different Crown patents will reserve different matters for the Crown, thus the scope of an owner's rights in any particular context is a question of fact that turns on the contents of the particular patent." Note that the use of "necessarily" leaves the door open for the "possibility" and thereby precludes the author from responsibility of the event happening.

This statement could therefore be correctly paraphrased as follows:

Depending on the content of the document, a Crown Patent may have the ability to "oust" (supersede) Provincial Legislation. As a binding document of record, it states the rights of the property owner and any rights reserved for the Crown.

The advise provided in the One Window document could have been more clearly worded. The comments provided may have left Council members and Planning Staff with the impression that Crown Patents could be regarded as completely irrelevant to future Council decisions - thereby leaving Council and staff open to criticism or litigation as evidenced in the Lynch case. Planning

staffs throughout Ontario are, to a large degree, relying on information provided to them in this One Window document.

Considering the potentially large financial repercussions, as experienced by St. John's, there should be some method of adjudicating the validity of any Crown Patent issue prior to violating private property rights through property designation or zoning.

One consideration that could be inserted in the official plan to acknowledge the new information presented could be "consideration will be given to the wording of any Crown Land Patents brought forward". This could save legal action from being started by property owners or council in the future.

To pass a bylaw to accept the official plan at a time when Grey County council is in lame duck mode seems to be beyond it's authority at this time, even though the authority has been passed to the clerk. The provisions to delegate this authority was only intended to keep the county functioning, not to pass something of this magnitude that will affect so many people for so many years.

Thank you for your time in considering this matter

Bob Weirmeir

[REDACTED]

[REDACTED]

Oct. 3 2018

From: [Morrison, Heather](#)
To: [Morrison, Jacquelyn](#)
Subject: Fwd: Motion
Date: October-04-18 11:53:28 AM

From: "Burley, Dwight" <Dwight.Burley@grey.ca>
Date: October 4, 2018 at 11:51:41 AM EDT
To: "Morrison, Heather" <Heather.Morrison@grey.ca>
Subject: Re: Motion

Heather I have read new motion and I agree with it, and the process as suggested.

Sent from my iPad

That Section 5.4.3 Rural Consent Policies of the Grey County Official Plan, Table 9 be adjusted to increase the number of permitted rural lots and maximum lot density by one lot for 40 hectare, 60 hectare and 80 hectare original township lot size; and

That the rural lot density apply consistently across all municipalities in Grey County; and

That staff be directed to add a clause in Section 5.4.3 of the Official Plan to allow local municipalities through their local official plans to be more restrictive than the County Official Plan as it applies to maximum lot density in the Rural designation.

Correspondence (instead of a Notice of Motion on the Clerk's direction)

From: Councillor Fosbrooke

October 11, 2018

Some Comments & Proposed Amendments to Grey County Official Plan

Sept 27, 2018 version

**5.6.4 Policies for the Establishment of New Mineral Resource
Extraction *Land Use Types***

Amendment

Delete 5.6.4 1) and 2)

- 1) The following proposed mineral aggregate extraction operations will require an amendment to the County Official Plan except for those proposed within the Niagara Escarpment Plan Area as shown on Schedule A-Maps 1, 2 and 3: a) All new or expanding quarry operations proposed within the County of Grey; b) All new sand and/or gravel operations proposed outside of the areas identified as an Aggregate Resource Area shown on Schedule B, or within Core Areas shown on Schedule C; and, c) All proposed expansions beyond the areas identified as an Aggregate Resource Area on Schedule B For new or expanding sand and/or gravel operations proposed within the Aggregate Resource Area identified on Schedule B, a County Official Plan Amendment and a local municipal official plan amendment will not be required. Should the proposed operation receive a license under the Aggregate Resources Act, the Mineral Resource Extraction area will be identified on Scheduled B at the time of the next update to this Plan. A zoning by-law amendment will be required.

2) Where a new or expanded pit operation is proposed partially within an Aggregate Resource Area and partially outside of an Aggregate Resource Area, an amendment to this Plan is required for those areas outside of the Aggregate Resource Area. If the proposed extraction area is within the Aggregate Resource Area, an amendment to this Plan is not required.

Replace with

1) Proposed PA Applications to permit mineral aggregate extraction operations will require an amendment to the *County Official Plan* for:

- a) All new or expanding quarry operations proposed within the *County of Grey*;
- b) All new and expansion sand and/or gravel operations proposed outside and/ or partially inside or partially outside of the areas identified as an *Aggregate Resource Area* shown on Schedule B, or within *Core Areas* shown on Schedule C; and,
- c) With exceptions to Lands within the Niagara Escarpment Plan Area shown on Schedule A Maps, 1, 2, 3 In the event of a conflict between the policies of this Plan and the policies of the Niagara Escarpment Plan, those of the Escarpment Plan will prevail

2. PA Applications to permit mineral aggregate extractions will not require an amendment to the *County Official Plan* for:

- a) new or expanding sand and/or gravel operations proposed within the *Aggregate Resource Area* identified on Schedule B, a *County Official Plan Amendment* and
- b) if a local municipality has adopted *Aggregate Resource Area* identified on Schedule B in the

Municipal Official Plan, an amendment to the
Official Plan will not be required

Amendment

Delete 5.6.4. 3)

- 3) Where pit or quarry operations are being proposed in close proximity to one another, in a similar timeframe, cumulative impacts need to be addressed. Background and technical reports will be reviewed simultaneously and a joint third party peer reviewer may be requested to review the studies. If a pit or quarry operation is being proposed in an area where there are already existing pit and quarry operations within close proximity, cumulative impacts such as traffic and noise may be considered in the technical reports. These requirements will be outlined further at the time of pre-submission consultation.

Replace with

PA Application Mineral Aggregate Operations shall take into consideration cumulative impacts from other existing or proposed aggregate extraction operations in the vicinity as per the PPS.

Amendment

Delete 5.6.4 4)

The following studies/reports, prepared by qualified individuals, shall be provided to support applications for new or expanded pits or quarries. These 104 studies/reports shall meet the requirements of the Planning Act, Provincial Policy Statement, Niagara Escarpment Plan (if within the Niagara Escarpment Plan

area), County Official Plan, and municipal Official Plans (where applicable):

Replace with

(As Paragraph 4 lead) The following technical studies and documents, prepared by *qualified individuals*, shall be provided to support PA applications for new or expanded pits or quarries pursuant to PPS and integrated legislation within the PPS:

Explanation: Remove 5.6.4 4) a) Official Plan and include it 5.6.4 10) Official Plan Conformity

Amendment

Delete a) with no replacement

Submission of copies of all documentation provided to the Ministry of Natural Resources and Forestry as required for licensing, pursuant to the Aggregate Resources Act;

Keep b) as is

A planning report prepared by a Registered Professional Planner, addressing the requirements of the *Planning Act*, Provincial Policy Statement, Niagara Escarpment Plan (if within the Niagara Escarpment Plan area), *County* Official Plan, and municipal Official Plans (where applicable);

Amendment

Delete c)

A noise impact study in accordance with the Aggregate Resources of Ontario: Provincial Standards;

Replace with

A Noise Impact Study which satisfactorily demonstrates that the proposal will not have any unacceptable impacts as per PPS;

Amendment

Delete d)

A Traffic Impact Study and/or road assessment, unless otherwise waived at the discretion of municipal, County, or Provincial road authorities, based on the amount of traffic involved, or the existing construction of the haul route roads;

Replace with

A Traffic Impact Study and/or road assessment as per PPS.

Explanation: County cannot predict that an expansion pit which requires PA Planning Application will not be in close proximity to new existing pits which cumulative effect must be taken into consideration.

Amendment

Delete e) and f)

e) For mineral aggregate operations proposing to remain above the established water table level as identified in the Aggregate Resources of Ontario: Provincial Standards, a letter of opinion shall be provided by a qualified individual estimating the current water

table level, determining whether the proposed operation will have any impacts to the quality or quantity of the surface or groundwater resources, as well as how any impacts relate to natural areas, features and systems;

f) A hydrogeological study for proposed aggregate operations looking to proceed below the established water table level identified in the Aggregate Resources of Ontario: Provincial Standards;

Replace with

Hydrogeology Study as per PPS See Policy 7 in Natural Grey

DELETE g)

An environmental impact study, however a Level 2 – Natural Environment Report required under the Aggregate Resources Act can act as a substitute for an environmental impact study. Where there are discrepancies between the terms of reference for a Natural Environment Report or an environmental impact study, as defined by this Plan, the more protective study requirements shall be considered applicable;

Replace with

An *Environmental Impact Study* or equivalent study as per PPS. See Policy 7 in Natural Grey.

Explanation:

1. Environmental Impact Study per the PPS and the NHRM (triggered by EIS) is cross referenced with PPS ..EIS has a stronger test required PA Planning Applications. County cannot assume Level 2 NER is equivalent to EIS.

2. MNRF AR Provincial Standards state “Each category has a template of six major topics and all categories are developed to be proponent driven; AR Provincial Standards does not provide Proponent with decisive language with regard to County Official Plan

or PPS requirements 7.0 Natural Heritage Constraints; MNRF does not have jurisdictional authority with regard to PA Planning Applications.

Comment: The above technical studies are for the most part examples and do not represent all technical studies required for PA Planning Applications.

Leave h) as is

An archaeological assessment prepared by a *qualified individual*;

Leave i) as is

An *Agricultural Impact Assessment*, if the proposed new or expanding extraction operation is within the *Agricultural* or *Special Agricultural land use types*, that evaluates the potential impacts on agriculture, including agricultural operations, *agricultural uses*, and *prime agricultural areas* and recommends ways to avoid or, if avoidance is not possible, minimize and mitigate adverse impacts, as well as inform future rehabilitation of a proposed mineral aggregate operation;

Comment: Could specify soil/agricultural classification.

Leave j) as is

A progressive rehabilitation plan, including the use of maximum disturbed area provisions where feasible.

Amendment

Delete this section below from Draft Grey County Official Plan

The requirements of this section do not prejudice a municipality from asking for additional studies/reports in support of a pit or quarry application, where official plan policies require such studies/reports.

Where there is a discrepancy between a defined study/report in this Plan, the Planning Act, or the Provincial Policy Statement, and the Aggregate Resources of Ontario: Provincial Standards under the Aggregate Resources Act (or any successor thereto), the more protective standard shall be applied, unless deemed by the Ministry of Natural Resources and Forestry to be in conflict with Provincial legislation or regulation. The County requires that the proponent consult with the County and the local municipality prior to submitting any pit or quarry application to determine the scope of the studies that are required.

Amendment

INSERT

The PA Application requirements of this section do not prejudice a municipality from asking for additional studies/reports in support of a Mineral Aggregate Operation.

Explanation:

Clarification is required with regard the Ministry of Natural Resources and Forestry judicial role under PA Planning Applications to assume that the Ministry has the authority to determine discrepancy between PA applications and ARA Licence

Separate Peer Reviews would be required:

PA Planning Applications technical studies as per PA and PPS

ARA Licence Application technical studies pursuant to ARA and AR Provincial Standards.

Where in the ARA and AR Provincial is there a requirement that the Applicant must consider the PPS?

- 1. Council's PA application decisions must consistent with PPS with PA. Planning Act 17(24) OPA, 34(19) ZBA”***

2. Should the Tribunal Board determine that Council's decision was not consistent with the PPS and PA the Tribunal will enforce Local Planning Appeal Tribunal Local Rules of Practice and Procedure Rule 26 which would send the PA Planning Application back to the Municipality to make a new decision following the Order of the Tribunal.

Leave section below as is

The *County* requires that the proponent consult with the *County* and the local municipality prior to submitting any pit or quarry application to determine the scope of the studies that are required.

Question - Can the County restrict the Applicant from submitting an ARA Licence – I have found no Provincial Legislation that supports this.

Question – How is the Pre-Consultation By-law 4463-07 enforced?

Comment - The Financial Impact of Rule 26 could be extensive and Council must ensure PA Planning Applications decision are consistent with PPS and PA.

5.6.4 9)

Amendment

Delete 9)

Independent peer reviews, at the expense of the proponent, of these technical studies/reports may be required at the discretion of County and/or municipal staff; where staff or agency technical review is insufficient to determine the adequacy of the conclusions of these reports/studies. Where simultaneous County and municipal applications are being processed, individual County/municipal peer

reviews will be discouraged, in favour of a joint peer review serving both parties.

Replace with

Third Party peer reviews of PA application technical studies and documents pursuant to the PA and PPS, at the expense of the proponent, shall be required at the discretion of *County* and/or municipal staff; regardless of County/Municipal Staff professional qualifications. Where simultaneous *County* and municipal applications are being processed, individual *County*/municipal peer reviews will be discouraged, in favour of a joint peer review serving both parties.

Explanation: County, Municipality, Applicant, Public may considered “Parties” under the Tribunal Appeal Process and avoid **Rule 26 “new decision” which sends an PA Application back to the Municipality would have a financial impact on the County and Municipality**

Amendment

New Addition 5.6.4. 10)

INSERT

Official Plan Conformity:

A Planning Act application for license to open, establish or operate a pit or quarry r to expand an existing pit or quarry **shall be considered to be in conformity with this Official Plan only when:**

a) an application for license has been filed with the Ministry of Natural Resources and a copy of such application has been filed with the municipality.

b) Submission of copies of all documentation provided to the Ministry of Natural Resources and Forestry as required for licensing, pursuant to the *Aggregate Resources Act*;

11) **No application for license** to open, establish or operate a pit or quarry or to expand an existing pit or quarry **shall be considered to be in conformity with this Official Plan** where the Council of the County and Municipality has adopted a resolution to the effect that the operation of the pit or quarry would be against the interests of the public, taking into account:

a) the preservation of the features and functions of the environment;

b) the need, if any, for restricting excessively large total pit or quarry output in the locality;

c) the traffic density of local roads;

d) any possible effect on the water table or surface drainage pattern;

e) the nature and location of other land uses that could be affected by the pit or quarry operation; and

f) the character, location and size of nearby communities

Explanation: County/Municipalities must submit a Placeholder statement as a Government Agency under the ARA Licence Process until the PA Application process has been completed e.g. Under the AR Provincial Standards when the County/Municipality do not respond their non-response deemed an approval to an ARA Licence. Once the County/Municipalities' decision for a PA Planning Application is consistent with the PPS the Placeholder statement will be removed.

5.6.5 Mineral Resource Extraction *Development* Criteria Policies

Amendment

Delete **may**, replace with **shall**

- 1) Where an applicant wishes to undertake a sand and/or gravel or quarry operation other than a wayside pit and quarry, the local municipality or the *County* of Grey, **may** require the applicant to enter into a *development* agreement with the municipality or the *County*.

The agreement shall be entered into prior to local Council's enactment of the implementing zoning by-law amendment, or as a condition of a holding 'h' symbol in the by-law.

Amendment

Add '**but not limited to**'

Such an agreement may include: **but not limited to:**

a)Capital arrangements regarding improvements beyond the, proposed zoning-by-law amendment "boundary" of the applicant's land, as they may be required by reason of the operation of that .Mineral Aggregate Operation, e.g. widening and improving roads; and Routes to be used by trucks carrying aggregate.

Information should be provided by the applicant identifying the proposed haul route, estimating the average number of trucks per day, the potential impacts to traffic and road conditions on the proposed haul route, as well as a cost estimate for any necessary upgrades required to the proposed haul route. Where the haul route has existing deficiencies and has existing traffic, cost-sharing will be considered between the applicant and the road authority. Costs to upgrade the haul road that are directly attributable to the proposed extractive operation, (for example, but not limited to, turning lanes into or out of the extractive operation, or climbing lanes on steep

hills) shall be the responsibility of the applicant and will be based on use of the haul route.

Comment

There are concerns that County roads require improvements to handle gravel truck property.

See 2004 Mineral Aggregate Resources Master Plan OPA 80 – which indicated the haul routes, County/Municipal/Provincial need improvements.

Other Questions and Amendments (not aggregate related)

See 7.11.2 Scoped Environmental Impact Study

Each professional contributing to an EIS must demonstrate qualifications relevant to the scope of the assessment by submitting his or her resume with the final EIS report.

Question – how and who decides the scope of an EIS and with what qualifications?

How is protection of Endangered Species enforced if we are not aware of consultations with MNR and this is left to the proponent? Who is accountable?

What health risks have been considered with telecommunications towers and infrastructure?

What impact does this OP have on landowner rights?

How is the quality and quantity of Peer reviews expected to change with this OP?

7.7 Significant Valleylands – reference and LINK to Green in Grey?

How is our protection of water, land, and air expected to change with this OP?

What source data was used to establish our anticipated growth and how frequently will growth projections be updated over the 20 year span of this OP?

How does the OP address drainage management, impacts relating to extreme weather, and wetland conservation?

Where the province ‘approves’ the OP, who is accountable for ensuring it meets all applicable legislation?

Additional proposed Definitions;

Approval authority - See 7.2 11)

Clearance letter vs commenting agency

Commenting agency – what legislation addresses which agencies comment on what proposals, ie. Public Health?

Small scale

Secondary use

Value added

Qualified Individual

Other Wetlands

Provincially Significant Wetlands see 7.3.1 link to province mapping?

Other Amendments

8.9.2

Replace may with [shall](#)

2) Applicants **may** be required to submit studies or information relating to:

8.2 j.

Replace encouraged with [shall adopt these thresholds](#)

Local municipalities **shall adopt these thresholds** or develop alternate thresholds to ensure the safe access for vehicles and emergency vehicles.

7.2 11)

Replace 'after consultation with' with '[with approval of](#)' the conservation authority

1) Precise delineation of *Hazard Lands* will be shown in the local zoning by-laws. An amendment to the Official Plan will not be required to permit redefining of a Hazard Land boundary. Modifications to the *Hazard Lands* may occur through a zoning bylaw amendment **after consultation with** the *conservation authority* and the approval authority.

7.12 5)

Replace should with [shall](#)

The development of parkland and recreational facilities, and services **should** be done in consultation with local residents and in cooperation with other providers such as school boards.

7.11.3 a)

Replace similar with [equivalent](#)

a) A *development* is subject to a duplicate or **similar** environmental assessment process;

7.11.3 (second paragraph)

Replace independent advice with [qualified independent advice](#)

The *County* may seek outside **independent advice** as to whether the proposed *development* is minor in nature; an *environmental impact study* would serve any useful purpose; and/or the adequacy of a duplicate environmental assessment process.

7.11.1 First paragraph

Replace may with [shall](#)

The *County* in cooperation with member municipalities, and *conservation authorities* **may** develop an *environmental impact study* guideline which includes a terms of reference for both *environmental impact studies* and scoped environmental impact studies.

7.11.1

Add 6) Scope and limitations of the study

Motion to amend the main resolution;

Direct staff to bring back a report to Council with final One Window comments from the province for discussion and review.