

Planning Justification Report

Part of Lot 13, Concession 2

537086 Main Street

Township of Melancthon, County of Dufferin

Angelo Carnevale

Draft Plan of Subdivision

Zoning By-law Amendment

July 2024



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Prepared for:
Angelo Civerio

Prepared by:
GSP Group Inc.
72 Victoria Street South, Suite 201
Kitchener, ON
N2G 4Y9



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1. Introduction

1.1 Background

GSP Group Inc. on behalf of Angelo Carnevale (the “**Owner**”) has prepared the following Planning Justification Report in support of a Draft Plan of Subdivision and Zoning By-law Amendment being proposed for 537086 Main Street in Horning’s Mills within the Township of Melancthon (the “**Site**”).

The Site is approximately 10.2 hectares in area and is located in the southwest area of the Community of Horning’s Mills, between Dufferin Road 124 and Main Street. The Site is currently being farmed (wheat in 2023). There is a hedgerow that divides the north and south portions of the Site.

The owner is proposing to create 26 single detached lots (Lots 1-26), a stormwater management facility (Block 1); future parkland (Block 2), emergency access (Block 3) and two municipal right-of-ways (Street ‘A’ and Street ‘B’) within a plan of subdivision (the “**Proposed Development**”).

The Site is located within a Community Settlement Area as per Schedule A of the County of Dufferin Official Plan. According to the County of Dufferin Official Plan, Community Settlement Areas include small villages and rural hamlets that may continue to experience limited growth through appropriate infilling and development of vacant lands.

The Township of Melancthon Official Plan identifies the lands as being within the Niagara Escarpment Development Control Area and designates the lands as Community and Environmental Conservation. The purpose of the Community land use designation is to recognize small settlement areas and to provide for a range of appropriate land uses. Uses permitted in the Community designation include detached dwellings; home occupations; commercial use servicing the local area or the travelling public; and small-scale industrial uses among other related uses. Permitted uses within the Environmental Conservation designation include legally existing uses; low impact and passive recreational uses such as walking trails.

The Site is currently zoned Development (D) as per Schedule A in the Township Zoning By-law 12-1979, amended by By-law 12-1982. The D zone permits existing uses and minor extensions; a farm, but not a specialized farm; the erection of 1 single family detached dwelling on a vacant lot existing at the date of approval of the By-law; and a home

occupation and uses accessory to the above permitted uses. To facilitate the Proposed Development, a Zoning By-law Amendment will be required.

The Proposed Development was discussed with the Township of Melancthon through the pre-consultation process and comments were received on September 29, 2022. See **Appendix A**. Staff identified that a Planning Justification Report, Archaeological Assessment, Functional Servicing and Stormwater Management Report, Environmental Impact Study, Tree Preservation Plan, Hydrogeological Study, Aggregate Resource Assessment Geotechnical Assessment, Urban Design Guidelines, and Visual Impact Assessment would be required as apart of a complete application.

This Report has been prepared to satisfy the requirements of a complete application.

1.2 Purpose and Scope

This report has been prepared in support of the submitted Draft Plan of Subdivision and Zoning By-law Amendment Applications. The objectives of this report are as follows:

- To provide a description of the Subject Property existing conditions and its context within Melancthon Township and the immediately surrounding neighbourhood (Section 2);
- To outline the proposed planning applications for the Proposed Development (Section 3);
- To provide an overview of the Supporting Plans and Studies submitted alongside this Planning Justification Report (Section 4);
- To provide an overview and analysis of the relevant Provincial and Municipal planning policy and regulatory context relevant to the proposed application, as well as to demonstrate consistency with or conformity to such policies and provisions (Section 5); and
- To provide a Summary of Conclusions drawn by this report (Section 6).

The Pre-application Consultation Record is included in this report as **Appendix A**. The draft Zoning By-law Amendment is included in **Appendix B**.

2. Site Context

2.1 Site Description and Surrounding Land Uses

The Site is municipally known as 537086 Main Street. It has an area of 10.2 hectares with 100.50 metres of frontage onto Main Street. It is legally described as Part of Lot 13, Concession 2, Township of Melancthon, County of Dufferin.

The Site is located approximately 8.6 kilometres from the urban centre of the Town of Shelburne in a rural community called Horning's Mills. The Site is located in the southwest corner of Horning's Mills and is bounded by Main Street to the east and Dufferin Road 124 to the west (**Figure 1**).

The Site has historically been used for agricultural purposes, but also contains wooded lands and natural heritage features south-east of the Site. There are no buildings or structures on the Site. Vegetation on the Site consists of trees and hedgerows. The Township Official Plan identifies a deciduous woodland and floodplain in the southeast corner of the Site.

A house and farm structure exist north of the Site. South of the Site contains agricultural uses and a wooded area contiguous with the natural heritage features existing on the Site. To the east is Main Street and further east lies an existing rural residential development. The Site immediately abuts Dufferin Road 124. Further to the west of Dufferin Road 124 is a rural residential community (**Figure 2**).

The Site is located within the jurisdiction of the Nottawasaga Valley Conservation Authority (the "**NVCA**"). The Site includes lands subject to O. Reg. 41/24 – "Regulations of Development Interference with Wetlands and Alterations to Shorelines and Watercourses" by the NVCA. Under Regulations 41/24, the NVCA may require that approvals be obtained for any proposed development or site alteration within areas regulated under the Conservation Authority's jurisdiction.

2.2 Land Use Compatibility Assessment

The Site is bordered by Dufferin County Road 124 to the west, Main Street to the east and vacant and residential developed properties to the north and south. As per Schedule B of the Township of Melancthon Official Plan, the Site and most of the surrounding property is within the Community land use designation. The property to the south is in a "Light Industrial" land use designation. According to Schedule D of the Dufferin County Official Plan and Schedule H of the Township of Melancthon Official Plan, the Site is located within a Sand





and Gravel Resource Area. An Aggregate Assessment was completed to address policies with the Provincial Policy Statement, County and Township Official Plans and demonstrate that the resource use is not feasible; or the proposed land use or development services a greater long-term public interest; and issues of public health, public safety and environmental impact are addressed.

The results of the aggregate assessment concluded that the bedrock encountered on the Site was relatively deep and would not be feasible for quarry operations. The overburden consisted of a mix of gravelly, silty sand. The results indicated that the silt and clay content across the Site are not suitable for aggregate use or applications.

The nearest aggregate extraction operations are approximately 900 metres northwest of the Site and includes the St Marys Kasaks sand and gravel aggregate pit, and sand and gravel aggregate pits as part of the Strada Aggregates operations located 1.5 km west of the Site. These aggregate pit operations are located at a greater elevation than the Site. Typically, feasible aggregate pits are located along the peak of topographic ridges due to coarse-grained soils deposited via glacial progression/regression. The existing floodplain and drainage setbacks at the Site would limit any aggregate extraction operations. Furthermore, the existing wetland complexes and tributaries near the Site would reduce the area available for possible aggregate extraction operations.

In summary, it has been determined that the Site is not feasible for aggregate extraction. Furthermore, the proposed use of the Site for residential purposes is compatible with the surrounding area and will protect existing natural features on and near the Site.

2.3 Growth Analysis

With its proximity to major urban centers like Toronto, coupled with accessible transportation networks, the County of Dufferin has become an increasingly desirable destination for both businesses and residents seeking a balance between urban amenities and a rural setting. Moreover, the County of Dufferin has witnessed a steady influx of population, drawn by its affordable housing options, scenic landscapes, and growing urban settlements in areas such as Orangeville, Shelburne, and Grand Valley. As per the draft Land Needs Assessment Report dated July 13, 2022, prepared by WSP, it states the population in Dufferin County is expected to grow by 26,700 people by 2051. Within the Township of Melancthon, the population is expected to grow by 1,100 people. The total dwelling demand from 2021 to 2051 in Melancthon is 227 units (99 outside of the settlement area and 129 inside the settlement area). Based on the Land Needs Assessment, there is expected to be continued growth in Melancthon especially within the settlement areas. Based on these statistics, the proposed 26 lots to be created within the Draft Plan of Subdivision will contribute toward the housing needs in the Township of Melancthon.

3. Proposed Applications

3.1 Plan of Subdivision Application

The proposed Plan of Subdivision would result in the creation of the following:

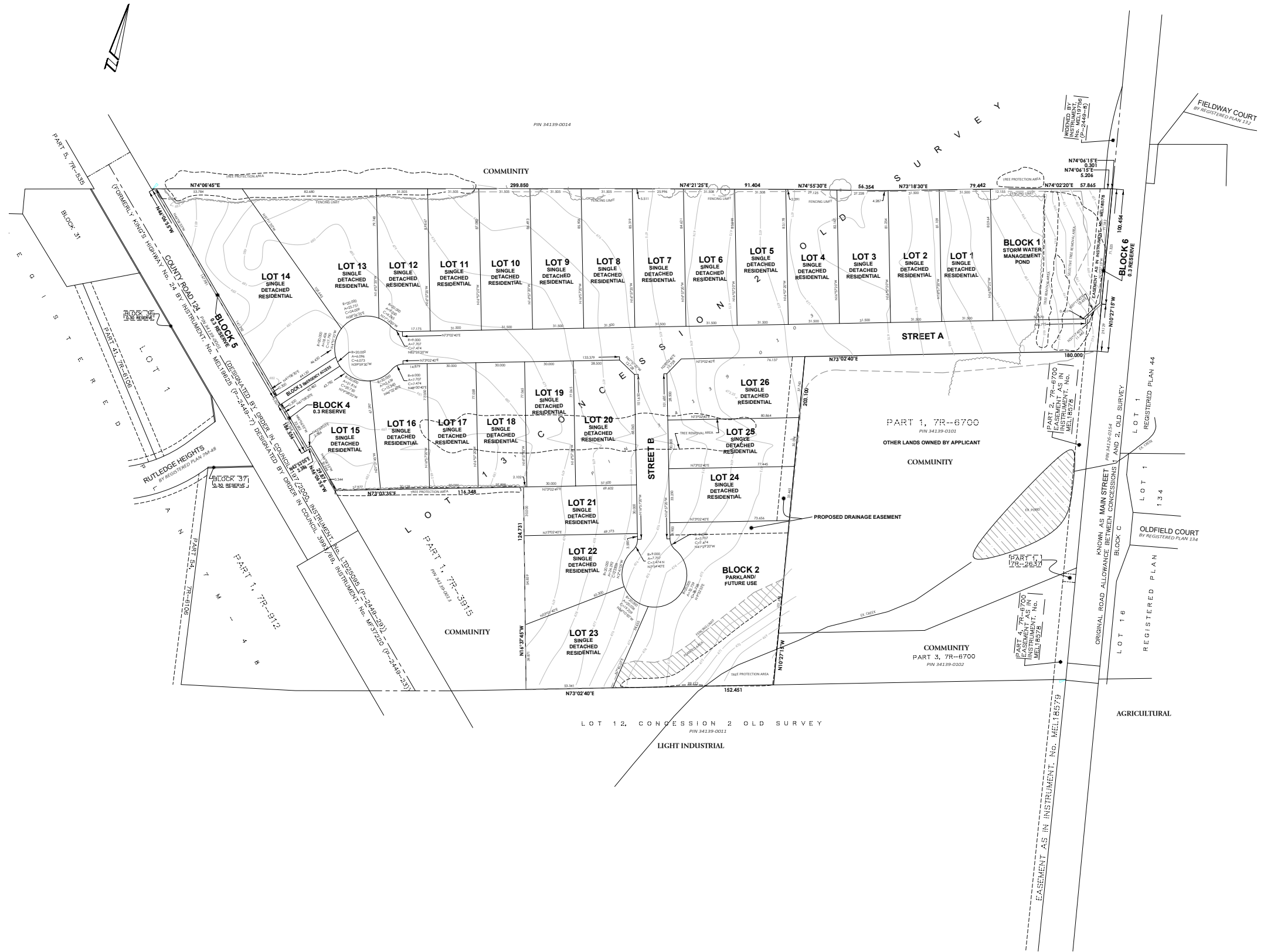
- 26 single detached residential lots (Lots 1-26).
- A stormwater management facility (Block 1).
- A future park lot (Block 2).
- A 6-metre wide emergency access to Dufferin Road 124 on the West side of the property, stemming from the proposed cul de sac.
- 0.3 metre reserve; and
- Two municipal right-of-ways (Street 'A' and Street 'B').

The Draft Plan of Subdivision includes the limits of the NVCA regulated area as well as floodplain mapping as identified in the Township Official Plan. The significant woodlot and 10 metre buffer have also been illustrated on the draft plan (**Figure 3**).

3.2 Zoning By-law Amendment

The Site is currently zoned Development (D) as per Schedule A in the Township Zoning By-law 12-1979, amended by By-law 12-1982. A Zoning By-law Amendment is required to rezone the Site to site-specific Hamlet Residential (R1-XX) Zone and Open Space Conservation Zone (OS2) to recognize the proposed residential lots, stormwater management facility and significant woodlot within the Proposed Development. The site-specific provision would permit a reduced lot frontage on Lots 13, 15, and 23 from the required 30 metres.

The proposed Zoning By-law Amendment is included as **Appendix B**.



4. Supporting Plans and Studies

4.1 Environmental Impact Study

Azimuth Environmental Consulting, Inc. was retained to prepare an Environmental Impact Study (the “EIS”) to address potential environmental concerns related to the proposed development. This study conducted background research, corresponded with appropriate environmental agencies such as the Nottawasaga Valley Conservation Authority, conducted a field program summary, reviewed vegetation community mapping and surveys, surveyed for species at risk, breeding birds, amphibian breeding, and fish and fish habitat. This study then assessed the impact of the proposed development on habitats of threatened or endangered species, wetlands, significant woodlands, and candidate significant wildlife habitat.

The deciduous woodland located in the southwest corner of the Site was identified to have potential to provide maternity roost habitat for SAR bats. As such, it was recommended that the woodland be retained post-development and a 10-metre setback be applied. Therefore, there will be no direct impacts to the woodland or potential SAR bat habitat.

There is also a meadow marsh identified in the northwest corner of the Site that will not be impacted by the Proposed Development. A minimum setback of 5 metres is proposed from the limit of disturbance associated with the SWM Pond as it related to the meadow marsh.

Overall, the study concluded that the Proposed Development is not expected to negatively impact the ecological functions of the identified natural features if the appropriate mitigation measures outlined in the Report.

4.2 Aggregate Resource Assessment

Cambium Inc. was retained to provide an Aggregate Resource Assessment to address impacts of potential aggregate resources on the Proposed Development.

The assessment advanced seven boreholes throughout the site for the geotechnical investigation at predetermined locations confirmed with the Owner of the lands and staked by Cambium Inc. These boreholes were investigated to characterize the native soil and subsurface conditions of the site. Soil samples were collected at approximately 0.75 m intervals in the upper 4.0 mbgs and at 1.5 m intervals below that depth. Soil samples were then catalogued by soil type, moisture content, odour, and signs of water table presence.

The bedrock encountered was relatively deep in the area and would not be feasible for quarry operations. The overburden consistency was generally found to be mixes of gravelly, silty sand. The grain-size analysis indicates that all samples were composed of more than 21 % silt and clay with the content of fine-grained particle ranging between 21% to 88%. These results indicate the silt and clay content is consistently greater than 4% across the Site and therefore the soil materials are not suitable for aggregate use or applications.

Overall, the assessment concluded that the Site is not feasible for development as an extractive aggregate operation; therefore, the proposed residential development is an acceptable use of the land. Further analysis can be found within the Report.

4.3 Hydrogeological Assessment Report

Cambium Inc. was retained to prepare a Hydrological Assessment Report to assess the impacts of hydrogeological conditions on the Proposed Development.

The report utilized a background information review, borehole investigation, site survey, and physical laboratory testing to assess geological, hydrogeological, and wastewater conditions. Conditions were evaluated relating to geological and hydrogeological setting including topography and drainage, physiography, overburden geology, bedrock geology, vulnerable and regulated areas, MECP water well records, subsurface conditions, grain size analysis, and the shallow aquifer system. Conditions evaluated as part of the conducted wastewater assessment include available dilution and predictive assessment.

The report concluded that the topography at the Site slopes west to east and local drainage flows to the northeast-east to the small ponds and ultimately to the north into Pine River. It is assumed that the ground water flow of the shallow unconfined aquifer will be the east-northeast of the Site. There are 37 water wells located within a distance of 500 metres of the Site. It is anticipated that there are moderate yield aquifer(s) in the area of the Site. The Proposed Development is therefore suitable for the development of a network of private water supply wells. Hydraulic testing indicated the wells will produce sustainable yields. The values were all greater than 13.7 L/min which is the minimum requirement for the MECP D-5-5 assessment procedures. Therefore, there is adequate water supply resources at the Site to support the Proposed Development.

The wastewater assessment resulted in a nitrate concentration of 8.76 mg/L at the Site boundary, which is less than the 10 mg/L permitted by the D-5-4 guidelines. The Proposed Development is therefore expected to maintain acceptable nitrate concentration thresholds at property boundaries.

4.4 Vegetation Protection and Restoration Plan

Azimuth Environmental Consulting Inc. was retained to prepare a Vegetation Protection and Restoration Plan to assess the state of and impact to vegetation on the Site. This report highlights that while 69 individual trees are inventoried, most tree removals will occur within certain areas where preliminary Ash species in fair to poor condition will be removed. It is recommended that removed trees should be compensated with native species within the southwest portion of the Site as illustrated in the Vegetation Restoration Plan. Despite the proposed tree removals, efforts will be made to preserve significant portions of the existing vegetation, particularly around the Site's periphery and on neighboring properties. The plan recommends establishing Vegetation Protection Zones (VPZs) around trees that will remain, using heavy-duty fencing to prevent construction damage. It specifies that no alterations or disturbances should occur within these zones, including the storage of materials or movement of vehicles.

The Restoration Plan concludes with the implementation of tree protection and mitigation strategies, the preserved vegetation will continue to thrive post-development. The plan emphasizes compensating for removed trees with native species plantings.

4.5 Functional Servicing Report

Pearson Engineering Ltd. was retained to prepare a Functional Servicing Report (the “FSR”) to identify existing site characteristics, provide design for stormwater conveyance and detention, and create best management policies for the Proposed Development.

The FSR concludes that the Proposed Development is feasible in terms of servicing each lot with individual water and sanitary systems, managing stormwater effectively through a specially designed pond system. The design strategies outlined are compliant with local and provincial regulations, ensuring both environmental protection and functionality of the development.

Quantity control will be provided through the use of a proposed dry SWM pond controlling post-development flows to pre-development levels. Quality control is provided by an OGS treatment unit and SWM pond. To reduce phosphorous levels leaving the Site, a treatment train approach will be implemented consisting of rooftop infiltration, dry SWM pond and OGS treatment unit.

4.6 Geotechnical Investigation Report

Cambium Inc. was retained to prepare a geotechnical investigation report aimed at providing geotechnical engineering recommendations based on subsurface conditions observed through various methods including borehole drilling and laboratory testing.

The Site primarily consists of non-cohesive soil deposits above the groundwater table, with dense to very dense layers suitable for supporting shallow footings. Groundwater levels varied across the site, with some boreholes dry and others indicating water levels around 4.6 meters below ground surface. Percolation rates, crucial for assessing drainage properties of the soils, were estimated and reported. Slope stability assessments were conducted to ensure the site's suitability for development without significant geological risks.

In conclusion, the report supports the Site's development for residential use, given the low potential for slope instability and the absence of karst conditions that would complicate construction. Recommendations for foundation design, excavation practices, and groundwater management are provided to guide the development process. For any changes in site conditions or project scope, further review and updates to the report are advised.

4.7 Urban Design Guidelines

GSP Group was retained to prepare Urban Design Guidelines for the proposed subdivision. The report covers the surrounding and planning context that inform the new neighbourhood's design, outlines public realm guidelines for streets, provides design guidelines for site level considerations for lot types, street relationship, and garage configurations, provides general architectural directions for new buildings, and provides general landscape design guidelines for key landscape features.

4.8 Archaeological Assessment

A Stage 1 and Stage 2 Archaeological Assessment was originally conducted by Amick Consultants Limited for the Site. The result of the Stage 2 assessment of the Site concluded that no archaeological resources were encountered. Therefore, it was recommended that no further archaeological assessment of the Site is warranted.

A second Stage 1 and Stage 2 Archaeological Assessment was conducted by Fischer Archaeological Consulting at the request of the Saugeen Ojibway Nation (SON). The background research indicated high archaeological potential for both Indigenous and Euro-Canadian materials. However, no artifacts, features or sites were found during either the pedestrian survey or the shovel testing. Therefore, it was concluded that the Site has been adequately assessed, and since nothing having Cultural Heritage Value or Interest was found, no further archaeological work is required.

4.9 Visual Impact Assessment

A Visual Impact Assessment was prepared by Baker Turner Inc. ("BTi") at the request of the Niagara Escarpment Commission ("NEC"). The results include fields for the examination

of the viewpoint locations during leaf-off conditions for the viewshed mapping of the Proposed Development. The work is pursuant to the Stage 2 Terms of Reference (TOR) which is comprised of further viewshed mapping, photographic capture of existing conditions, production of line-of-sight cross section, and the related analysis.

5. Planning Rationale

5.1 Provincial Policy Statement (2020)

5.1.1 Development and Land Use Patterns

Section 1.1.1 of the Provincial Policy Statement (PPS) states that:

Healthy, liveable and safe communities are sustained by:

- a) *promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) *accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- c) *avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- d) *avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*
- e) *promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*
- f) *improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;*
- g) *ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;*
- h) *promoting development and land use patterns that conserve biodiversity; and*
- i) *preparing for the regional and local impacts of a changing climate.*

Policy 1.1.3 of the Provincial Policy Statement further states that settlement areas shall be the *focus of growth and development*.

Policy 1.1.3.2 also states that land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) *efficiently use land and resources.*
- b) *are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available and avoid the need for their unjustified and/or uneconomical expansion.*
- c) *minimize negative impacts to air quality and climate change and promote energy efficiency*
- d) *prepare for the impacts of a changing climate.*
- e) *support active transportation.*
- f) *are transit-supportive, where transit is planned, exists, or may be developed.*

Response: The Proposed Development is in an identified settlement area within the Township of Melancthon. The Proposed Development is a modest residential intensification on an underutilized property that can be serviced with private water and individual septic systems. The Site is strategically located within a settlement area and within an area with existing residential uses. The inclusion of a designated stormwater management lot within the development will mitigate potential environmental and public health concerns by controlling and treating runoff, thus reducing flood risks. The Proposed Development avoids development within the floodline, and natural heritage features present on the Site. Parkland/open space is proposed on the southern portion of the Site for recreational purposes. The Proposed Development will facilitate the creation of single detached dwellings which will conform to required accessibility standards of the Ontario Accessibility Act (AODA). In our opinion, the Proposed Development is consistent with Section 1.1 of the PPS.

5.1.2 Rural Areas in Municipalities

Section 1.1.4.1 c) of the Official Plan states that “*Healthy, integrated and viable rural areas should be supported by... accommodating an appropriate range and mix of housing in rural settlement areas*”.

Section 1.1.4.2 of the Official Plan states that “*In rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted*”.

Response: The Proposed Development will result in the creation of residential lots within a rural settlement area and will contribute to the range of housing in the Township of Melancthon. The Proposed Development will provide residential intensification within a rural settlement where growth and development should be directed. Therefore, it is our opinion that the Proposed Development is consistent with Section 1.1.4 of the PPS.

5.1.3 Housing

According to Policy 1.4.3 of the PPS planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

- b) *permitting and facilitating:*
 - i. *all housing options required to meet the social, health and well-being requirements of current and future residents, including special needs requirements; and needs arising from demographic changes and employment opportunities.*
- c) *Directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs.*
- d) *Promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed.*

Response: The Proposed Development will create residential lots that will facilitate the construction of single detached homes. The proposed housing type is appropriate to the level of infrastructure available to service the lots and is also compatible with the existing homes in the area. The Proposed Development will make efficient use of an underutilized lot that will support existing public services in the area including schools, trails, etc. Based on the reasons above, it is our opinion that the Proposed Development is consistent with Section 1.4.3 of the PPS.

5.1.4 Cultural Heritage and Archaeology

Section 2.6.2 of the PPS states that “*Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved*”.

Response: The Stage 1 and 2 Archaeological Assessments prepared for the Site have indicated that nothing having Cultural Heritage Value or Interest was found, therefore, no further archeological work is required. Therefore, it is our opinion that the Proposed Development is consistent with Section 2.6.2 of the PPS.

5.1.5 Infrastructure and Public Service Facilities

Section 1.6 of the PPS describes provincial direction for the provision of infrastructure and public service facilities, stating:

1.6.6.4 *Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts.*

1.6.6.7 Planning for stormwater management shall:

- a) *be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term.*
- b) *minimize, or, where possible, prevent increases in contaminant loads.*
- c) *minimize erosion and changes in water balance and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure.*
- d) *mitigate risks to human health, safety, property and the environment.*
- e) *maximize the extend and function of vegetative and pervious surfaces; and*
- f) *promote stormwater management best practices, including stormwater attenuation, and re-use, water conservation and efficiency, and low impact development.*

Response: The Proposed Development will be serviced with a private water well on each lot. Each proposed lot will be equipped with individual private septic systems to provide wastewater treatment. Where municipal services are not available, the PPS does support individual on-site sewage services and on-site water services provided that site conditions are suitable for the long-term provision of such services with no negative impacts.

The FSR prepared for the Site concluded that the Proposed Development is feasible in terms of servicing each lot with individual water and sanitary systems, managing stormwater effectively through a specially designed pond system. Therefore, it is our opinion that the Proposed Applications are consistent with Section 1.6.6.4 and 1.6.7 of the PPS.

5.1.6 Natural Heritage

Section 2.1.1 of the PPS directs for the long-term protection of natural features.

Section 2.1.7 of the PPS states that “*Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements*”.

Response: An EIS was conducted by Azimuth Environmental Consulting that identified a deciduous woodland in the southwest corner of the Site. It is recommended that this

woodland be retained post-development and a 10-metre setback be applied. Therefore, there will be no direct impacts to the woodland or potential SAR bat habitat.

There is also a meadow marsh in the northwest corner of the Site. It is recommended that a minimum setback of 5 metres be applied from the limit of disturbance associated with the SWM Pond as it related to the meadow marsh.

Overall, the EIS concluded the Proposed Development is not expected to negatively impact the ecological functions of the identified natural features if the appropriate mitigation measures are implemented as outlined in the Report. Therefore, it is our opinion the Proposed Application are consistent with Section 2.1 of the PPS.

5.1.7 Mineral Aggregate Resources

Section 2.5.2.5 of the PPS states that if mineral aggregate resources are known and on adjacent lands, development and activities that would preclude the establishment of new operations or access shall only be permitted if:

- a) resource use would not be feasible; or*
- b) the proposed land use or development services a greater long-term public interest; and*
- c) issues of public healthy, public safety and environmental impact are addressed.*

Response: The Mineral Aggregate Assessment prepared for the Site advanced seven boreholes throughout the site. These boreholes were investigated to characterize the native soil and subsurface conditions of the site. The bedrock encountered was relatively deep in the area that would not make the Site feasible for quarry operations. The overburden consistency was generally found to be mixes of gravelly, silty sand. The grain-size analysis indicates that all samples were composed of more than 21% silt and clay with the content of fine-grained particle ranging between 21% to 88%. These results indicate the silt and clay content is consistently greater than 4% across the Site and therefore the soil materials are not suitable for aggregate use or applications. Further justification to support that the Site is not suitable for aggregate use can be found in the Aggregate Resource Assessment Report (the “**ARA**”). Based on the ARA for the Site, it is our opinion that the Proposed Development conforms to Section 2.5.2.5 of the PPS.

5.2 Growth Plan for the Greater Golden Horseshoe (2020)

5.2.1 Managing Growth

The Growth Plan for the Greater Horseshoe (the “Growth Plan”) builds on the policy directions contained in the PPS and in this regard, is intended to function as a policy framework for achieving strong and prosperous communities by managing growth in the Greater Golden Horseshoe (GGH) Region. The policies contained in the Growth Plan guide land uses, transportation, and infrastructure with the goal of enhancing the quality of life of residents. All decisions made within the GGH that affect planning matters are to conform to the policies in the Growth Plan.

Section 2.2.1 of the Growth Plan directs development to serviced settlement areas to promote the achievement of complete communities. A diverse mix of land uses is encouraged. The Growth Plan promotes intensification on sites near transit, active transportation and parks.

Section 2.2.6 of the Growth Plan prescribes Provincial direction for the provision of housing.

Subsection 2.2.6.2 states municipalities are to support the achievement of complete communities by:

- a) *planning to accommodate forecasted growth to the horizon of this Plan.*
- b) *planning to achieve the minimum intensification and density targets in this Plan.*

Response: The Proposed Development will provide for modest residential intensification in a rural community, providing growth and contributing to housing in the area. The Proposed Development is strategically located in an optimal location for walking or bicycle trips to the Horning Mills Community Hall located 50 metres from the Site. The Horning’s Mills Market is located at the community hall and throughout the season there is a variety of vendors from the area, artisans, farmers, crafters and small businesses that attend the market. It is also located approximately 65 metres to the Market in the Mills, a general store that serves the community.

The Proposed Development contains a park/recreational area providing a publicly accessible open space for the residents of Horning’s Mills. The Proposed Development is also located near Pine River Provincial Fish Area, Rockhill Park and Trail, Shelburne Golf and Country Club and Boyne Valley Provincial Park.

Based on these reasons, it is our opinion that the Proposed Development conforms to Sections 2.2.1, 2.2.6 and 2.2.6.2 in the Growth Plan.

5.2.2 Rural Areas

Policy 2.2.9.6 states that “*New multiple lots or units for residential development will be directed to settlement areas*”.

Response: The Proposed Applications will facilitate the creation of multiple new lots for residential development within a Rural Settlement Area. It is our opinion that Proposed Applications conforms to Section 2.2.9.6 of the Growth Plan.

5.2.3 Housing

Policy 2.2.6.1 a) i) of the Growth Plan states that “*municipalities, the province, and other appropriate stakeholders will... support housing choice through the achievement of the minimum intensification and density targets in this Plan*”.

Response: The Proposed Development would result in the creation of 26 detached dwellings, creating an ideal opportunity for the Township of Melancthon and County of Dufferin to support intensification for the purpose of approaching the intensification targets for the municipality. It is our opinion that the Proposed Development conforms to Section 2.2.6.1 of the Growth Plan.

5.2.4 Natural Heritage and Key Hydrologic Features

Section 4.2.2 of the PPS contains policies that require new development and site alteration within the natural heritage system to demonstrate that there are no negative impacts on key natural heritage features or key hydrological features.

Response: The deciduous woodland identified in the southwest corner of the Site has potential to provide maternity roost habitat for SAR bats. The woodland will be retained post-development and a 10-metre setback will be applied. Therefore, there will be no direct impacts to the woodland or potential SAR bat habitat. There is also a meadow marsh in the northwest corner of the Site that will not be impacted by the Proposed Development. A minimum setback of 5 metres is proposed from the limit of disturbance associated with the SWM Pond as it relates to the meadow marsh. Overall, the EIS prepared for the Site concluded that the Proposed Development is not expected to negatively impact the ecological functions of the identified natural features if the appropriate mitigation measures are applied. Based on these findings, it is our opinion that the Proposed Development conforms to Section 4.2.2 of the Growth Plan.

5.3 Dufferin County Official Plan

The Site is located within a Community Settlement Area on Schedule A – Provincial Plan Areas and on Schedule B – Community Structure and Land Use of the County of Dufferin Official Plan (**Figure 4 & Figure 5**).

5.3.1 General Settlement Area Policies

Policy 3.3.1 a) of the Dufferin County Official Plan (“ROP”) states that *“The majority of growth will be directed to the County’s settlement areas to focus public and private investment in built-up areas and to preserve the agricultural area and conserve the natural heritage features and areas”*.

Section 3.3.1 b) of the Dufferin County Official Plan states that *“Settlement areas will provide for development patterns that efficiently use land, resources, infrastructure, and public service facilities. Settlement areas promote the development of healthy and sustainable communities through compact urban forms, efficient use of infrastructure, and the provision of a range of land uses”*.

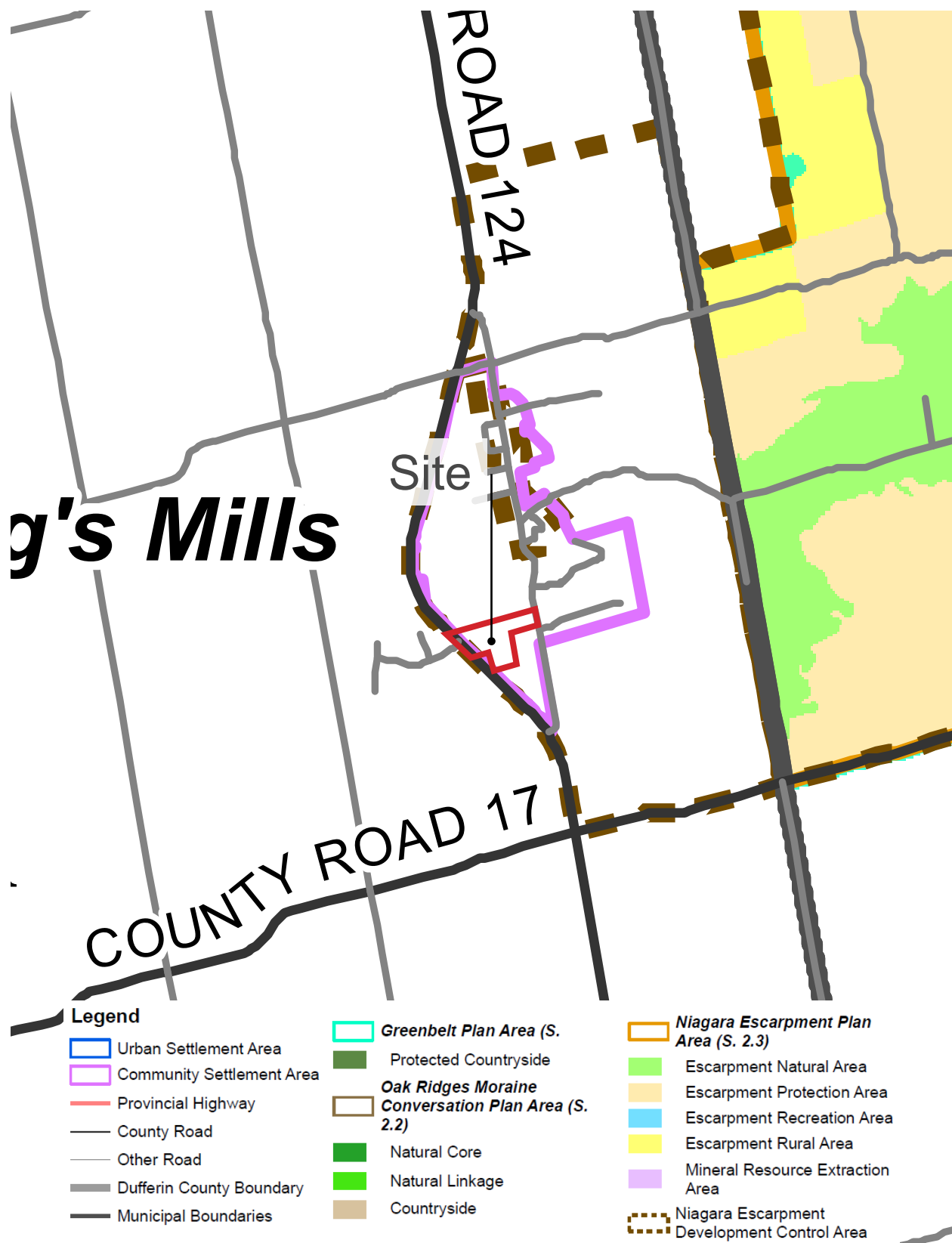
Response: The Proposed Development makes use of underutilized lands within a Rural Settlement Area, making efficient use of land. The Proposed Development provides efficient use of infrastructure by expanding roads within the existing community of Horning Mills. The Proposed Development includes detached dwellings, roads, an emergency access, stormwater management pond, and an open/recreational park space, providing a range of land uses. It is our opinion that the Proposed Development conforms to the general settlement area policies in the County Official Plan.

5.3.2 Community Settlement Areas

Policy 3.3.3 c) of the ROP states that *“The range of permitted uses and associated land use policies will be established in the local municipal official plans and in accordance with the policies of this Plan”*.

Section 4.4 of this Report discusses the designation of the Site in the Township of Melancthon Official Plan, including the proposed land uses and the permitted uses of the municipal Official Plan designation.

Policy 3.3.3 b) of the ROP states that *“Community settlement areas may continue to experience limited growth through infilling and development of vacant lands by way of consents or plans of subdivision as appropriate, in addition to limited residential intensification”*.





Response: The Proposed Development provides an opportunity for intensification within a Community Settlement area. As the Proposed Development will not necessitate the development of municipal servicing, the proposed intensification is in an appropriate location for residential growth. Therefore, it is our opinion that the Proposed Development does conform to Section 3.3 of the County Official Plan.

5.3.3 Housing

Policy 3.7.2 c) i) of the ROP states that *“The County will encourage the provision of affordable housing, where appropriate, [by]... supporting increased residential densities in appropriate locations and a full range of housing types, provision of adequate land supply, and through redevelopment and residential intensification opportunities, where appropriate;”*

Response: The Proposed Development will take advantage of an intensification opportunity within a Rural Settlement Area. Intensification within a rural area is typically associated with more affordable prices than urban areas and will contribute to the overall range of housing types available in the County. Therefore, it is our opinion that the Proposed Applications conform to the Section 3.7.2 c) of the County Official Plan.

5.3.4 Mineral Aggregate Resource Areas

The Subject property is located within a Sand and Gravel Resource Area on *Schedule D – Mineral Aggregate Resource Areas* of the County of Dufferin Official Plan (**Figure 6**).

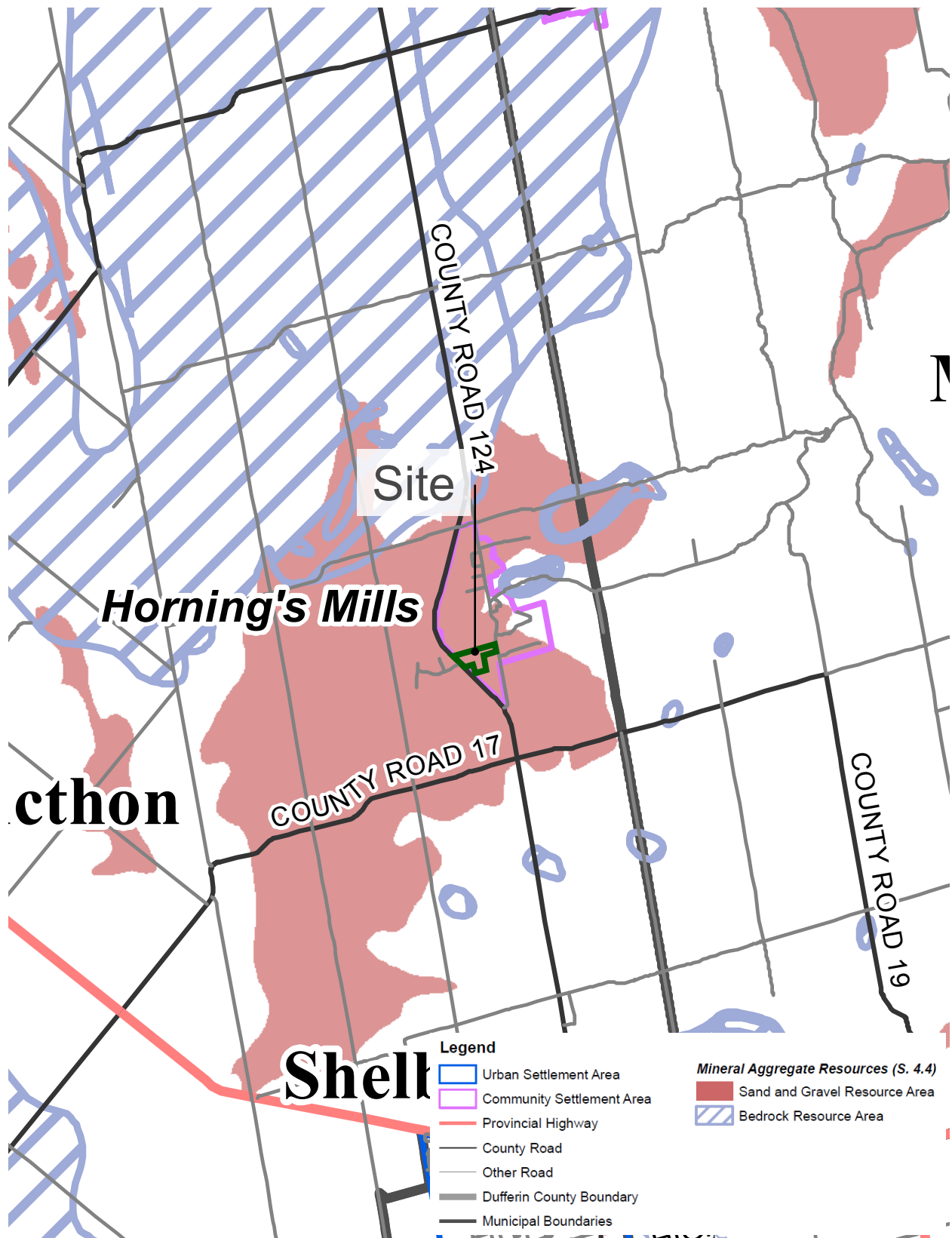
As per Section 4.4.1 of the Dufferin County Official Plan, one of the objectives in the management of minerals and mineral aggregate resources is to protect these resources.

An ARA was prepared in 2024 by Cambium Inc. This report conducted background research, evaluated surrounding water well records, conducted borehole tests, and conducted an aggregate assessment. The report concluded that *“..the Site is not feasible for development as an extractive aggregate operation; therefore, the proposed residential development would be deemed an acceptable use of the land”*.

Response: Based on the reasons above, it is our opinion that the Proposed Applications are consistent with the policies in Section 4.4.1 of the County of Dufferin Official Plan.

5.3.5 Cultural Heritage

Section 3.10.2 c) of the County Official Plan states *“Archeological assessments carried out by consultant archaeologists licensed under the Ontario Heritage Act, will be required as a condition of any development proposal affecting areas containing a known archaeological site or considered an area of archaeological potential.”*



Response: The Stage 1 and 2 Archaeological Assessments prepared for the Site concluded there was nothing found to have Cultural Heritage Value or Interest. No further archeological work is required for the Site. Therefore, it is our opinion that the Proposed Development is consistent with Section 2.6.2 of the PPS.

5.3.6 Natural Heritage

The objectives of 5.0 of the County Official Plan is to protect and restore natural resources that are of importance to the County. Section 5.3 of the County Official Plan states that an ecological site assessment will be required for development applications where natural vegetation or features exist on or adjacent to the property. Where natural heritage features and areas are identified, a more detailed assessment of the feature will be undertaken to determine the significance of the natural heritage feature.

Response: The deciduous woodland identified in the southwest corner of the Site has potential to provide maternity roost habitat for SAR bats. The woodland will be retained post-development and a 10-metre setback will be applied. Therefore, there will be no direct impacts to the woodland or potential SAR bat habitat. There is also a meadow marsh in the northwest corner of the Site that will not be impacted by the Proposed Development. A minimum setback of 5 metres is proposed from the limit of disturbance associated with the SWM Pond as it relates to the meadow marsh. Overall, the EIS prepared for the Site concluded that the Proposed Development is not expected to negatively impact the ecological functions of the identified natural features if the appropriate mitigation measures are applied. Based on these findings, it is our opinion that the Proposed Development conforms to Section 5.0 of the County Official Plan.

5.3.7 Community Design

The County and local municipalities promote appropriate community design through the review of new development applications, including plans of subdivision. Section 3.9.1 c) of the County Official Plan states that local municipalities may require development proponents to submit design and architectural control guidelines with development applications, establishing how the policies of the Plan have been considered and addressed.

Response: Urban Design Guidelines for the Proposed Development have been prepared by GSP Group that informs the new neighbourhood's design; outlines public realm guidelines for streets; provides design guidelines for site level considerations for lot types; street relationship, and garage configurations; provides general architectural directions for new buildings; and provides general landscape design guidelines for key landscape

features. It is our opinion that the Urban Design Guidelines submitted in support of the Proposed Applications conform to the policy of the County of Dufferin Official Plan.

5.4 Township of Melancthon Official Plan

The Site is designated “Community” on Schedule B – Land Use & Road Plan of the Township of Melancthon Official Plan (**Figure 7**). A small portion of the Subject Property is located within an “Environmental Conservation” overlay on Schedule B – Land Use & Roads Plan of the Township of Melancthon Official Plan.

5.4.1 Community Designation

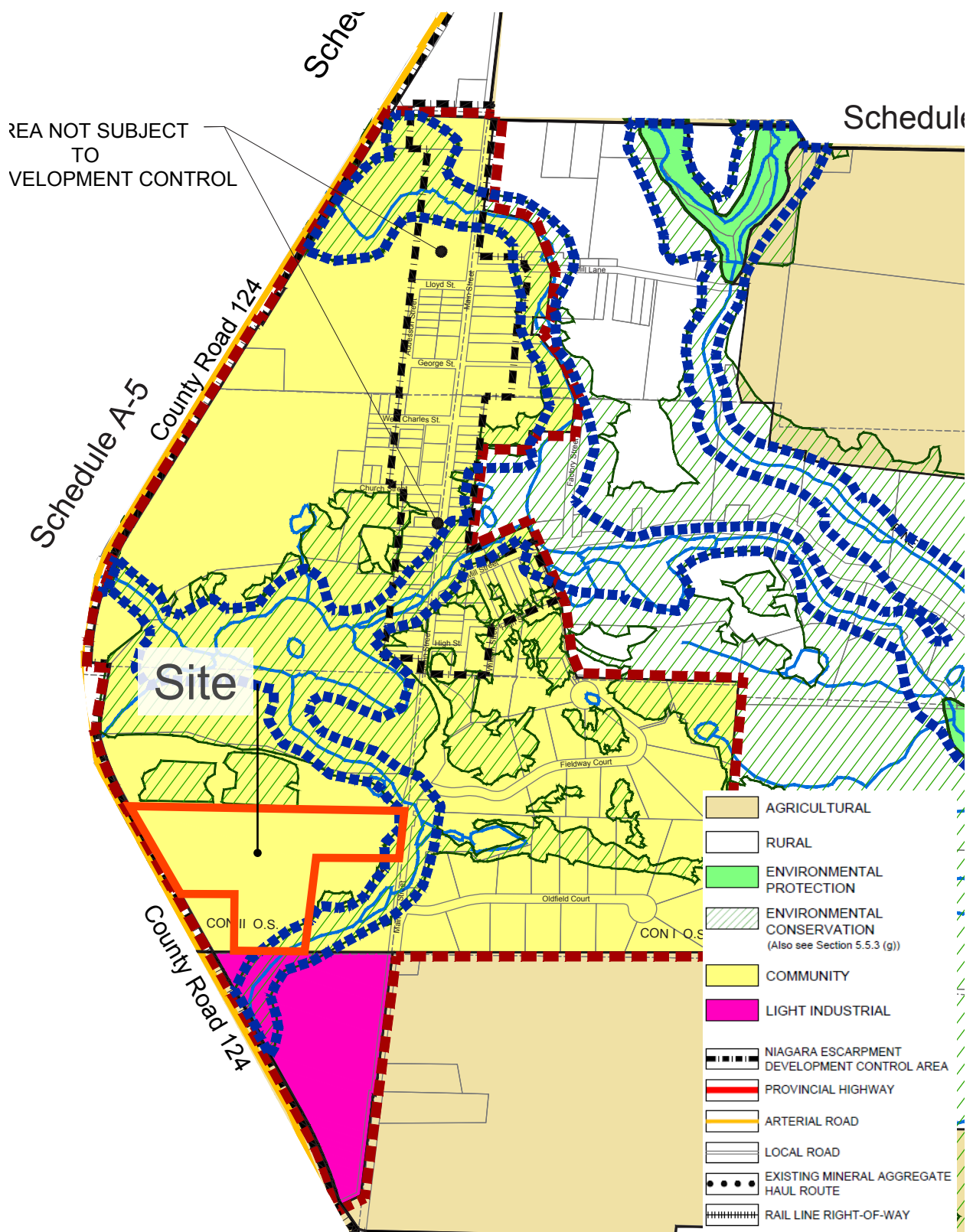
Policy 5.7.1 a) of the Township of Melancthon Official Plan (“Official Plan”) provides an overview of permitted uses in the Community designation, stating that *“Uses permitted in the Community designation include detached dwellings; home occupations; commercial uses serving the local area or the traveling public; small scale light industrial uses; institutional uses such as schools, churches, and government offices and agencies; community centres, community halls and libraries; parks and recreational uses; and bed and breakfast establishments. Permitted residential uses include second dwelling units that comply with the provisions of section 3.12”*.

The Proposed Development provides detached dwelling land uses, parkland, and a stormwater management facility. While the stormwater pond area is not explicitly listed in Policy 5.7.1 of the Official Plan, Policy 5.7.2 (a) clarifies that *“The policies of subsection 5.7.1 permit a range of both residential and nonresidential uses that are generally typical of smaller rural communities. While some intermixing in the siting of such uses is also typical of these communities and is permitted by these policies, the intent is to ensure that situations of land use incompatibility are not created by future development approvals in these areas”*.

Section 5.7.2 g) of the Official Plan states that *“The creation of new lots for permitted uses within the built community may occur by land severances up to a maximum of five new lots on a property existing at the time of approval of this Plan or by plans of subdivision”*.

Section 5.7.2 m) of the Official Plan states *“Lands within a floodplain boundary, as shown on Schedules B, C, and C-2, are also subject to policies 3.5 and 5.5.3 of this Plan”*.

Response: The Proposed Development conforms to the Community designation policies of the Township Official Plan as it is consistent with the type of residential complemented for the community. It will provide additional housing within a settlement area that is compatible with the surrounding area. The proposed lot sizes are appropriate to the level of infrastructure available to service the proposed single detached housing. The proposed



stormwater pond area is a complimentary use which helps prevent runoff on to other properties, increasing the compatibility of the proposed development. Section 5.4.2 and 5.4.3 of this Report addresses the associated floodplain boundary policies outlined in Section 5.7.2 m) of the Township Official Plan. Based on these reasons, it is our opinion that the Proposed Development conforms to the Community policies in the Township Official Plan.

5.4.2 Hazardous Lands and Sites

Section 3.5.1 (a) of the Official Plan states that *“It is a policy of this Plan that development and site alteration will generally be directed to areas outside of hazardous lands and sites. The creation of new lots by consent or by plan of subdivision will be prohibited within the flooding hazard limit or erosion hazard limit. The policies of this section and section 5.5 apply more specifically to these areas, particularly areas in floodplains or near watercourses”*.

Section 3.5.1 h) of the Official Plan states that *“Development will generally be directed to areas outside of lands having erosion hazards, either associated with a watercourse or otherwise”*.

Response: The Proposed Development is constrained by natural features on the Site including the presence of a watercourse on the south-eastern portion of the Site. No lots are proposed to be created within the floodline, although such restraints affect one residential property. The proposed dwelling for this property will be outside the bounds of the flood line. All dwellings are proposed to be located outside of the flood line boundary. The Geotechnical Report prepared by Cambium details a slope stability assessment. This report states that *“Based on slope stability rating chart results... the rating values indicate that both slopes can be classified as having a low potential for slope instability”*. The report concludes that *“From a geotechnical perspective and given the low potential for slope instability, the permitting authority can consider permitting the development at a distance of at least 6 metres (erosion allowance) from the top of the bank”*.

Based on the reasons above, it is our opinion that the Proposed Development conforms to Section 3.5.2 (a) and (h) of the Township Official Plan.

5.4.3 Floodplains, Watercourses and Drains Related Policies

Section 5.5.3 b) of the Official Plan states *“Development, and site alteration, other than that specifically permitted by the policies of this section, section 3.5.1 and section 5.5.1, will be set back from watercourses in order to protect the natural features and functions of the watercourse and related lands, protect fish habitat, provide riparian habitat and minimize the risk to public safety and property”*.

Section 5.5.3 e) of the Official Plan states that “*In general, development should be set back a minimum of 30 metres from a watercourse regardless of whether or not that watercourse is shown on the schedules to this Plan*”. Generally, development should be setback a minimum 30 metres from the watercourse unless assessed by a qualified consultant.

Response: As per the EIS prepared by Azimuth Environmental Consulting Inc., one watercourse feature (Horning’s Mills Creek) was identified on adjacent lands. Horning’s Mills Creek originates to the east of the Site in a forested area and drains into the Pine River approximately 500 metres downstream north of the Site. A drainage feature was also identified flowing in a northerly direction along the eastern property boundary and functions as a roadside ditch along the west side of Main Street.

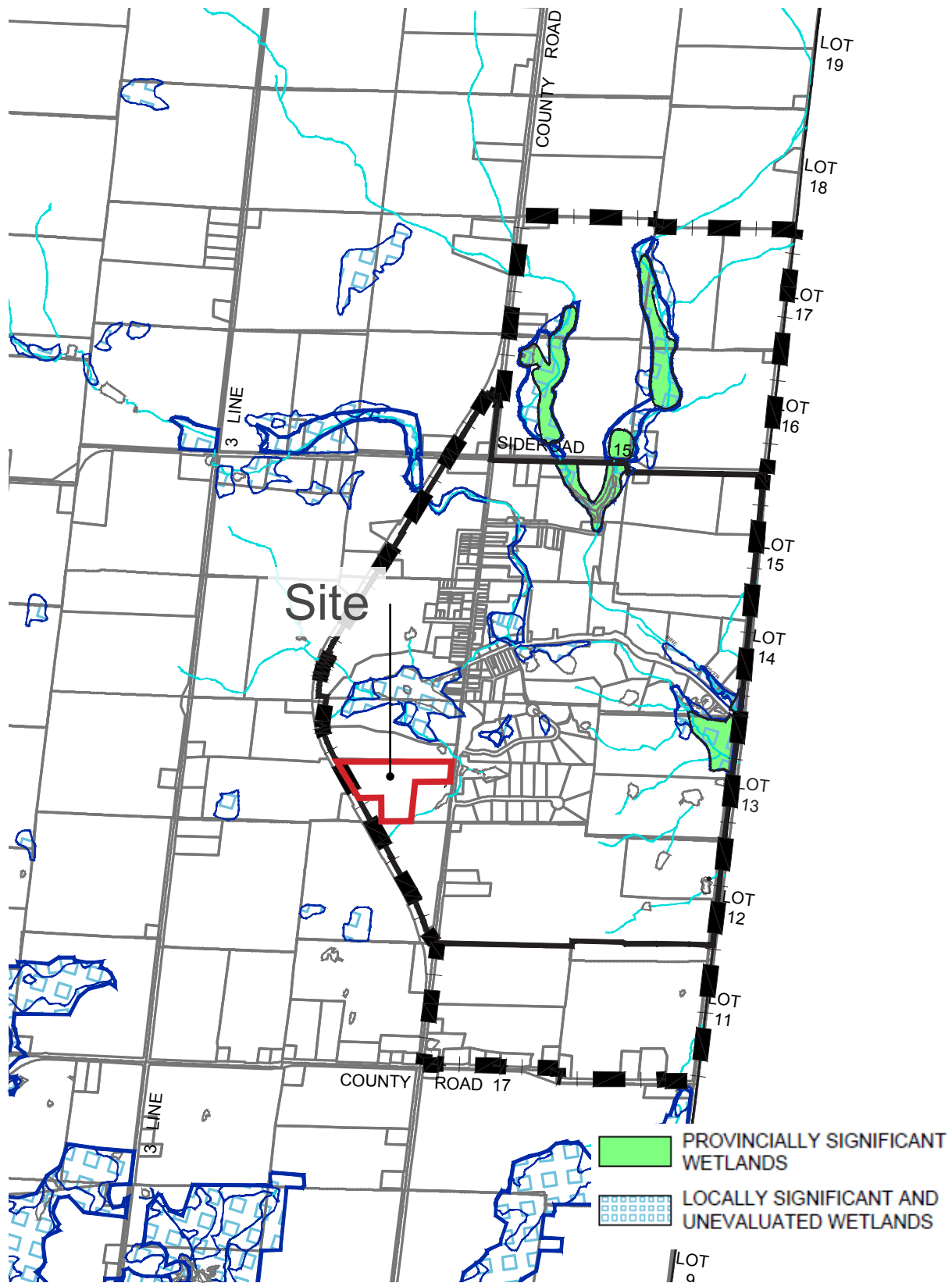
No in-water or near-water (i.e., within 30 metres) is proposed in proximity to Horning’s Mills Creek. Therefore, no direct impacts to fish or fish habitat are anticipated from the Proposed Development or construction activities. Any potential impacts are considered mitigable using standard erosion and sediment control measures and design considerations for SWM ponds.

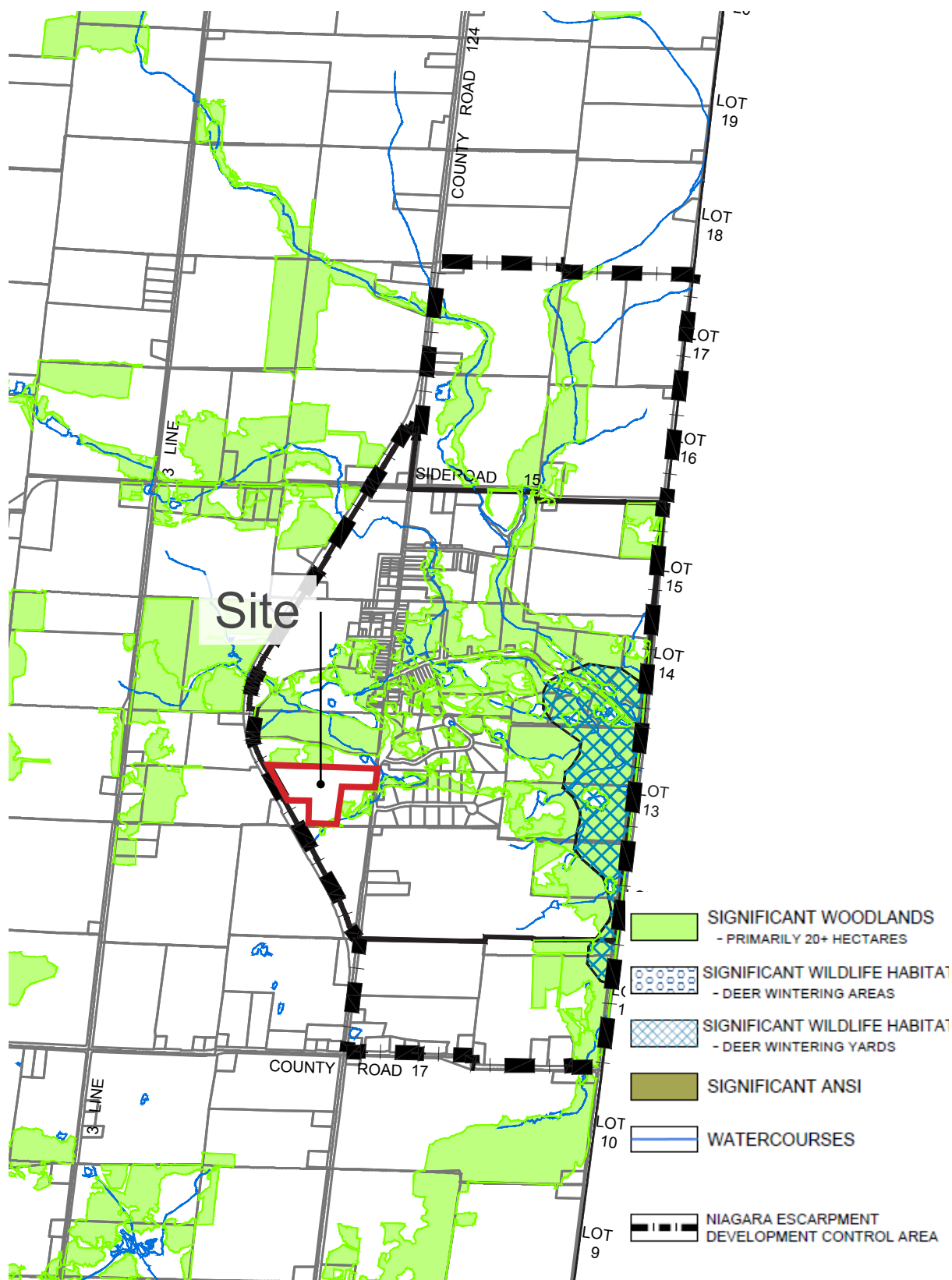
The drainage feature will be altered as a result of the Proposed Development. The drainage features will be extended to the west along Street A to capture roadside drainage along the Proposed Development. In addition, the SWM pond outlet will drain into the drainage feature. Potential impacts to fish habitat during in-water construction can be mitigated using standard Best Management Practices (BMPs) for working in-waterloo. No infilling or realigning of the existing drainage feature is proposed and the overall function of the feature should be maintained post-development. A 10-metre setback on an indirect dish habitat feature is suitable to preserve the form and function of the feature. Therefore, no significant or residual impacts to fish habitat are expected.

Based on the above, it is our opinion that the Proposed Development conform to Section 5.5.3 b) & c) of the Township Official Plan.

5.4.4 General and Natural Heritage Related Planning Policies

The Site contains “Locally Significant Wetlands” as shown on Schedule D – Natural Heritage 1 Wetlands of the Township of Melancthon Official Plan (**Figure 8**). The Subject Property contains “Significant Woodlands” and a “Watercourse” as shown on Schedule E – Natural Heritage 2 Woodlands, Wildlife, Habitat, and ANSI of the Township of Melancthon Official Plan (**Figure 9**).





Natural Heritage 2 Woodlands, Wildlife, Habitat, and ANSI

Figure

9

Source: Township of Melancthon Official Plan - Schedule E – Natural Heritage 2 Woodlands, Wildlife, Habitat, and ANSI (2017)

Section 5.5.2 h) of the Official Plan states that “*Locally significant wetlands and unevaluated wetlands are shown on Schedule D. Generally, locally significant wetlands shall be protected and maintained in a natural state*”.

Section 5.5.2 p) of the Official Plan states that “*Proposed development or site alteration in significant woodlands may be subject to site plan control and have a site plan agreement containing specific management details regarding the protection of existing trees*”.

Response: As per the EIS prepared for the Site, the deciduous woodland in the southwest corner of the Site has potential to provide maternity roost habitat for SAR bats. The woodland will be retained post-development and a 10-metre setback will be applied. Therefore, there will be no direct impacts to the woodland or potential SAR bat habitat.

There is also a meadow marsh in the northwest corner of the Site that will not be impacted by the Proposed Development. A minimum setback of 5 metres is proposed from the limit of disturbance associated with the SWM Pond as it relates to the meadow marsh.

Overall, the study concluded that the Proposed Development is not expected to negatively impact the ecological functions of the identified natural features if the appropriate mitigation measures outlined in the Report. Based on these reasons, it is our opinion that the Proposed Development conforms to Section 5.5.2 of the Township Official Plan.

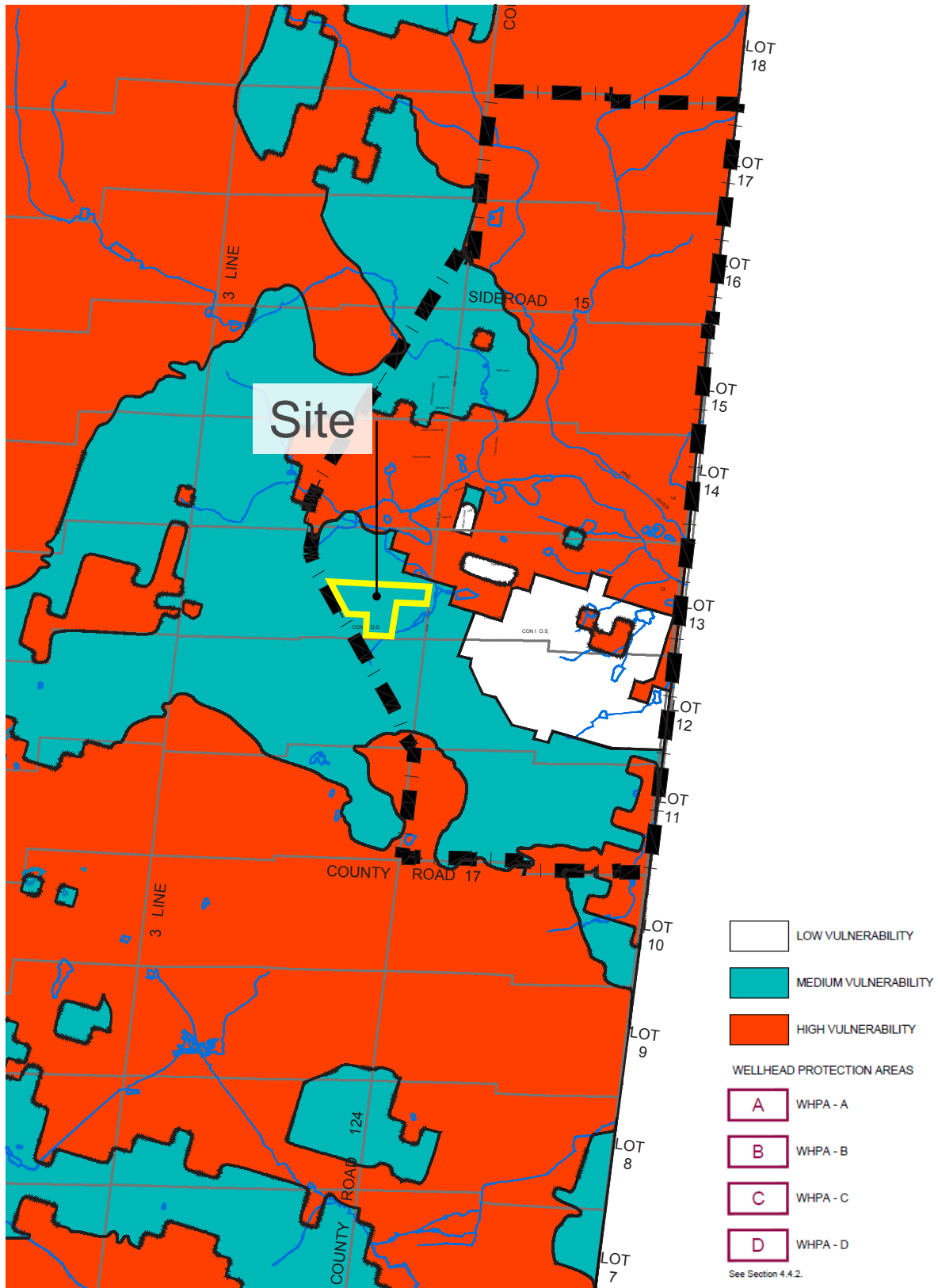
5.4.6 Wellhead Protection Area

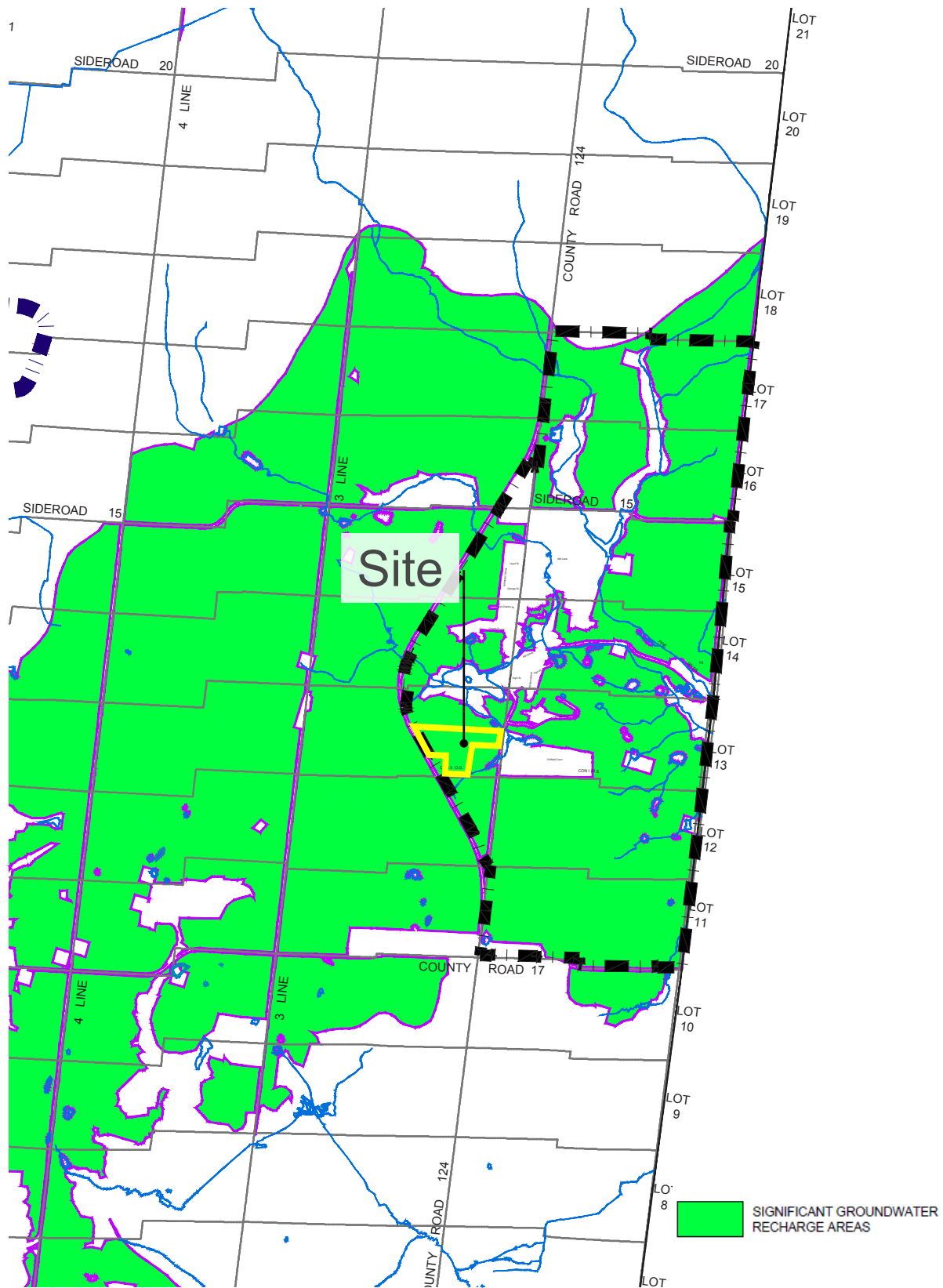
The Site is partially located within a “Medium Vulnerability” Aquifer and Wellhead area as shown on Schedule G – Aquifer Vulnerability and Wellhead Protection Areas of the Township of Melancthon Official Plan (**Figure 10**). The Site is partially located within a “Significant Groundwater Recharge Area” as shown on Schedule G1 – Significant Groundwater Recharge Areas of the Township of Melancthon Official Plan (**Figure 11**).

Section 4.4.1 c) of the Official Plan states that:

The following policies are intended to apply an appropriate level of protection for such aquifers and thereby implement this Plan’s many related and fundamental planning policies and objectives. These policies shall apply with regard to the aquifer vulnerability mapping as shown on Schedule G.

- i. Within the areas classified as “High Vulnerability” on Schedule G, any development proposal having the potential to adversely affect groundwater resources shall be required to provide an assessment of groundwater impacts in compliance with all related policies of this Plan.*





Significant Groundwater Recharge Areas

Source: Township of Melancthon Official Plan - Schedule G1 – Significant Groundwater Recharge Areas (2017)

Figure

11

- ii. *Approval for such development shall be given only if comprehensive, substantiated documentation confirms that there will be no negative effects on the quantity or quality of groundwater.*
- iii. *Within the areas classified as “Medium Vulnerability” on Schedule G, the policies of items i and ii above may apply depending on an evaluation of such factors as the nature of the proposed development, local drainage characteristics and the proximity to areas classified as High Vulnerability.*
- iv. *Utilizing this general policy framework as a basis, implementing documents and procedures, possibly including zoning by-law provisions, may identify, among other things, the types of development that will be subject to this policy and the nature of groundwater impact documentation to be required.*

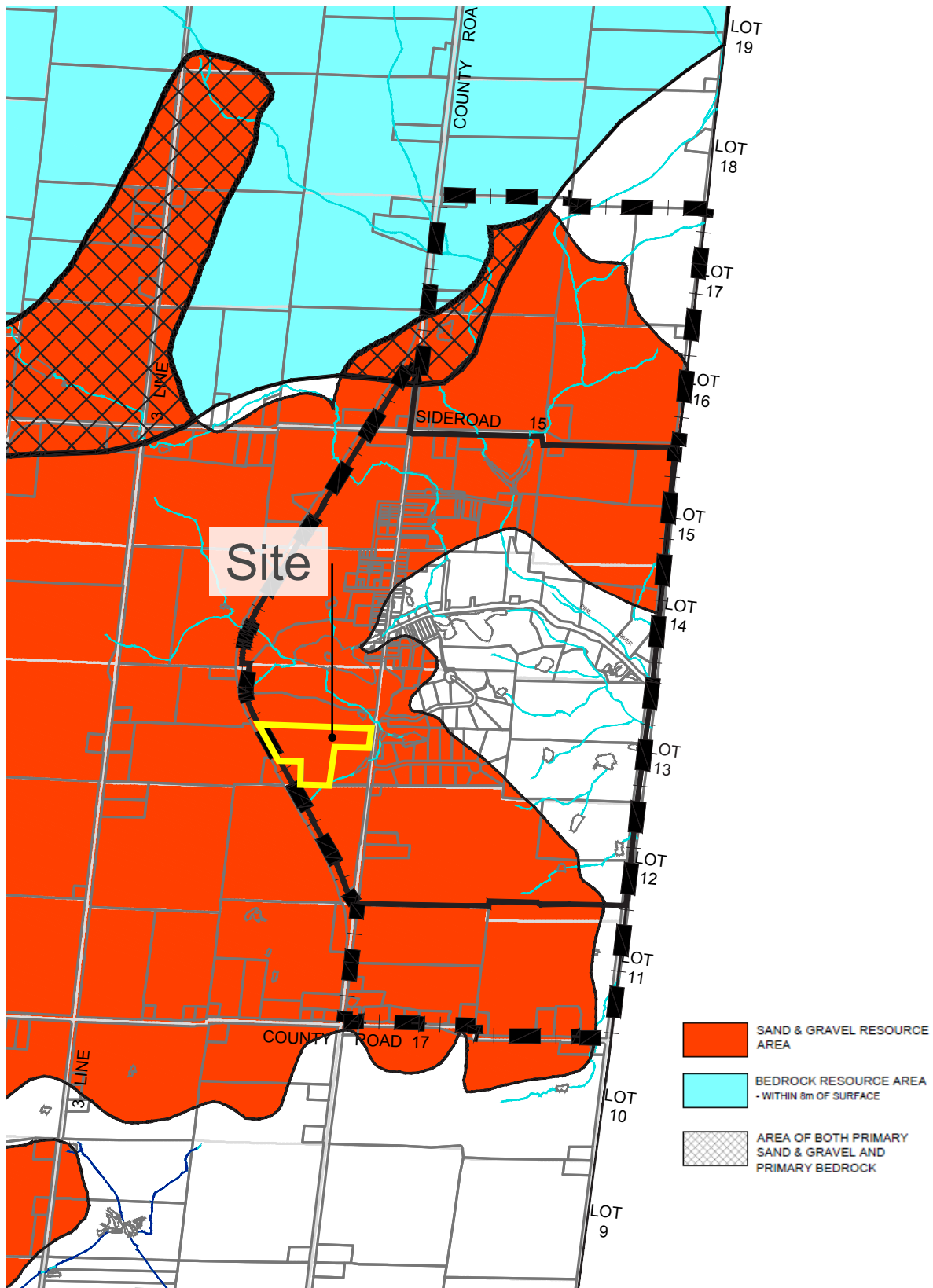
Response: As per the Hydrogeological Assessment Report prepared by Cambium, the Site is within a Significant Groundwater Recharge Area with a vulnerability score of 2. The report concluded that the topography at the Site slopes west to east and local drainage flows to the northeast-east to the small ponds and ultimately to the north into Pine River. It is assumed that the ground water flow of the shallow unconfined aquifer will be the east-northeast of the Site. There are 37 water wells located within a distance of 500 metres of the Site. It is anticipated that there are moderate yield aquifer(s) in the area of the Site. The Proposed Development is therefore suitable for the development of a network of private water supply wells. This will be confirmed through on-site investigation following MECP D-5-5 procedures, with hydraulic pumping tests of the on-site supply wells. Based on the reasons above, it is our opinion that the Proposed Development conforms to Section 4.4.1 c) of the Township Official Plan.

5.4.7 Primary Mineral Aggregate Resource Areas

The Site is partially located within a “Sand & Gravel Resource Area” as shown on Schedule H – Primary Mineral Aggregate Resource Areas of the Township of Melancthon Official Plan (**Figure 12**).

Section 3.17.2 of the Township Official Plan contains policies as it relates to Mineral Aggregate Resources. Section 3.17.2 f) states all new nonagricultural development within a primary mineral aggregate resource area or the adjacent lands that would have the effect or precluding or hindering the establishment of new or expanded mineral aggregates operations or access to the resources will only be permitted if:

- i. *the resource use would not be feasible; or*
- ii. *the proposed land use or development serves a greater long term public interest; and;*



- iii. *issues of public health, public safety and environmental impact are addressed in accordance with the policies of this Plan and all applicable Federal and Provincial laws, policies and regulations.*

Response: The Mineral Aggregate Assessment prepared for the site advanced seven boreholes throughout the site. These boreholes were investigated to characterize the native soil and subsurface conditions of the site. The bedrock encountered was relatively deep in the area and would not be feasible for quarry operations. The overburden consistency was generally found to be mixes of gravelly, silty sand. The grain-size analysis indicates that all samples were composed of more than 21 % silt and clay with the content of fine-grained particle ranging between 21% to 88%. These results indicate the silt and clay content is consistently greater than 4% across the Site and therefore the soil materials are not suitable for aggregate use or applications. Further justification to support that the Site is not suitable for aggregate use can be found in the Aggregate Resource Assessment Report. Based on the ARA for the Site, it is our opinion that the Proposed Development conforms to Section 3.17.2 f) of the Township Official Plan.

5.4.8 Cultural Heritage Resource

Section 3.8 f) of the Township Official Plan states that development on lands containing areas of archaeological potential shall only be permitted if the significant archaeological resource has been conserved by removal or documentation, or by preservation on site.

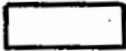
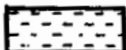
Response: The Stage 1 and Stage Archaeological Assessments conducted on the Site concluded nothing having Cultural Heritage Value or Interest was found. Therefore, no further archeological work is required. Based on this conclusion, it is our opinion that the Proposed Development conforms to Section 3.8 (f) of the Township Official Plan.

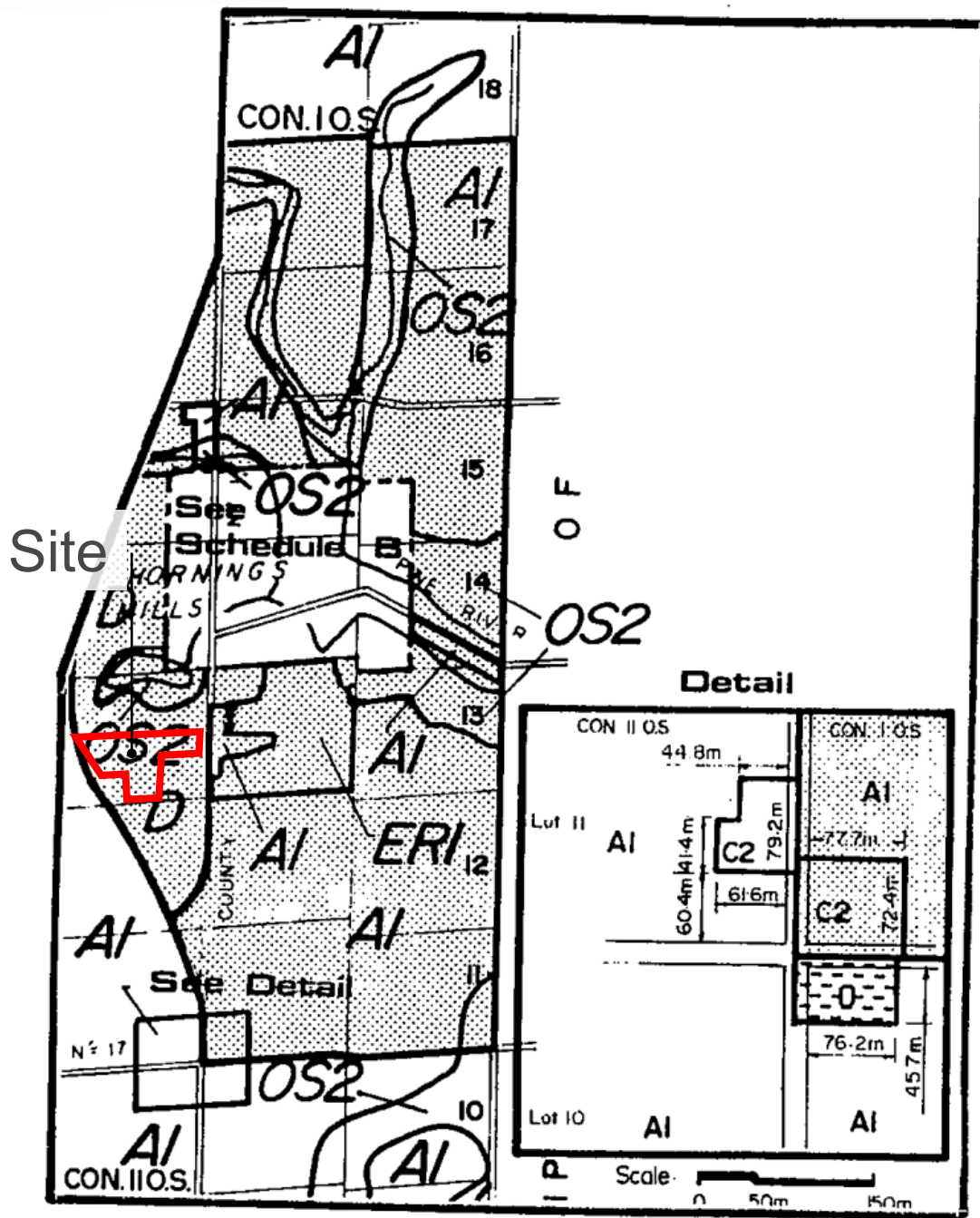
5.5 Township of Melancthon Zoning By-law

The Site is currently zoned Development (D) as per Schedule A in the Township Zoning By-law 12-1979, amended by By-law 12-1982. A Zoning By-law Amendment is required to rezone the Site to Hamlet Residential (R1) Zone and Open Space Conservation Zone (OS2) to recognize the proposed residential lots, stormwater management facility and significant natural features (woodlot) within the Proposed Development (**Figure 13**).

Response: The proposed lots meet the provision for minimum lot area required in the Township of Melancthon Zoning By-law. The minimum lot area without municipal water is 1,400 square metres (0.35 acres). The lots generally comply with the minimum lot frontage (without municipal water) of 30 metres. Site-specific provisions requested will permit a reduced lot frontage for Lots 13 (28 m); Lot 15 (29 m) and Lot 23 (25 m). The reduced lot

frontage request is minor in deviation from the required 30 metres and will not affect the streetscape within the community.

-  Area from which zone lines and symbols are deleted and replaced by "Niagara Escarpment Development Control Area"
-  Area rezoned from 'U' to 'A1'




6. Conclusions

The Owner of the Site is proposing to create 26 single detached residential lots, a stormwater management facility, and a future park lot through a Draft Plan of Subdivision and Zoning By-law Amendment. The Planning Justification Report concludes that the Draft Plan of Subdivision and Zoning By-law Amendment are justified for the following reasons:

- It is consistent with the policies of the Provincial policy Statement.
- It conforms with the policies of the Growth Plan.
- It conforms to the policies of the County of Dufferin Official Plan.
- It conforms to the Township of Melancthon Official Plan.
- The Proposed Development represents a modest residential intensification and is compatible with the surrounding area.
- The development will utilize private servicing for water and wastewater. Each lot is adequately sized to accommodate private services.
- The Proposed Development will contribute to a healthy and complete community by efficiently utilizing available land to create housing that will support the rural community of Horning's Hills.

Based on the foregoing, it is our opinion that the Draft Plan of Subdivision and Zoning By-law Amendment is appropriate, represents good land use planning and is in the public interest.

Sincerely,
GSP Group Inc.



Valerie Schmidt, MCIP, RPP
Senior Planner



Caleb Miller
Planner

APPENDIX A

PRE-CONSULTATION COMMENTS



The Corporation of **THE TOWNSHIP OF MELANCTHON**

157101 Highway 10, Melancthon, Ontario, L9V 2E6

Telephone - (519) 925-5525
Fax No. - (519) 925-1110

Website: www.melancthontownship.ca
Email: info@melancthontownship.ca

To Agent: **Valerie Schmidt**/GSP Group Applicant: Angelo Carnevale
From: Planning Department – Township of Melancthon
Re: MPC22-801 (537086 Main Street, Horning's Mills)
Draft Plan of Subdivision and Zoning By-Law Amendment Pre-Con application

This letter serves to confirm that the Planning Department has commenced a **preliminary** review of the above noted application against the Township applicable Land Use Planning Policies

Application Summary:

- File # MPC22-801
- Proposed residential subdivision consisting 20 lots (0.91-2.03 acres) in size
- 1 parkland block, 2 EP blocks, 2SWM blocks..
- Proposed entrance on Main St. & emergency access to county rd No.124.
- Rezone the lands from the current "D" to a Hamlet Residential zone with special provisions.

The Township Planning Staff has completed preliminary circulation of the subject file and is in receipt of comments from:

- Township of Melancthon Chief Administrative Officer (CAO)
- Township of Melancthon Fire Chief
- Township of Melancthon Planning Department
- Dufferin County Building Department
- Dufferin County Waste Services

Comments remain pending from the Dufferin County Planning, Dufferin County Engineering, Township of Melancthon Public Works. Contacts circulated for departments/agencies that have comments pending are provided below:

Dufferin County Engineering	mhooper@dufferincounty.ca
Melancthon Public Works: Roads	roads@melancthontownship.ca
NVCA	'Emma Perry' eperry@nvca.on.ca

All comments that are currently in receipt are provided and can be [found here](#):

Regards,

Silva Yousif
Senior Planner
Phone: 519-941-2816 Ext. 2509
syousif@melancthontownship.ca

Diksha Marwaha
Planning Coordinator
Phone: 519-939-3453 Ext. 2516
dmawaha@melancthontownship.ca



List of Required Studies		
Report / Study	Applicable	Comments
Planning Justification Report	√	
Land Use Compatibility Assessment	√	protection of the long-term resource supply to be included
Growth Analysis	√	
Employment Land Need Assessment	NA	
Market Research and Feasibility Study	NA	
Affordable Housing Report	NA	
Urban Design Guidelines	√	
Environmental Impact Study	√	
Environmental Site Assessment		
Record of Site Condition (RSC) Site Risk Assessment		
Heritage Assessment		
Archaeology Assessment	√	
Geotechnical Investigation Report	√	
Erosion and Sediment Control		
Hydrogeological Study	√	
Slope stability assessment	√	
Floodplain Hazard Assessment	√	
Functional Servicing Report	√	
Low Impact Development	√	
Servicing Options	√	
Servicing Feasibility	√	
Septic System Design	√	
Nitrate Loading Report	NA	
Stormwater Management Report		
Traffic Impact Study		
Sight Line Analysis		
Municipal Water Capacity Analysis	√	

Water Resource Management Report	√	
Tree Inventory & Preservation Plan / Report	√	
Viewshed or Visual Impact Assessment	√	
Illumination Study		
Noise, Vibration and Dust Impact Assessment		
Agricultural Impact Assessment		
Minimum Distance Separation Calculation		
Mineral Aggregate Assessment	√	

Valerie Schmidt

From: Silva Yousif <syousif@melancthontownship.ca>
Sent: Tuesday, November 15, 2022 12:02 PM
To: Valerie Schmidt
Subject: Fw: NVCA Comments for Carnevale Pre-Consultation Application
Attachments: Carnevale Preconsultation Package.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Caution! This message was sent from outside your organization.

[Allow sender](#) | [Block sender](#)

Good Morning Valerie

See below from NVCA

thanks
S



Silva Yousif | Sr.Planner | Township of Melancthon
| syousif@melancthontownship.ca | www.melancthontownship.ca |

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From: Denise Holmes <dholmes@melancthontownship.ca>
Sent: Tuesday, November 8, 2022 1:13 PM
To: Silva Yousif <syousif@melancthontownship.ca>
Cc: Diksha Marwaha <dmarwaha@melancthontownship.ca>; Kaitlin Chessell <kchessell@melancthontownship.ca>
Subject: FW: NVCA Comments for Carnevale Pre-Consultation Application

FYI

Denise B. Holmes, AMCT
CAO/Clerk, Township of Melancthon
519-925-5525 Ext. 101

From: Amy Knapp <aknapp@nvca.on.ca>
Sent: Tuesday, November 8, 2022 12:41 PM
To: Denise Holmes <dholmes@melancthontownship.ca>

Subject: NVCA Comments for Carnevale Pre-Consultation Application

Importance: High

Good Afternoon Denise,

Nottawasaga Valley Conservation Authority [NVCA] staff has reviewed the above noted pre-consultation application for a proposed redevelopment of the site for residential purposes as contained within the Carnevale Preconsultation Package (attached).

Staff has reviewed this application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 172/06. The application has also been reviewed through our role as a public body under the Planning Act as per our CA Board approved policies and our Municipal Partnership and Service Agreement.

Ontario Regulation 172/06

1. The property falls partially within an area affected by Ontario Regulation 172/06 (the Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation) where a permit is required from the NVCA under the Conservation Authorities Act prior to development.
The area is affected by the regulation due to Horning's Mill Creek, floodplain and erosion hazard areas and associated buffers).

Natural Hazard - Regulatory Comments

2. Policies contained within the PPS restrict development to areas outside of hazardous lands adjacent to shorelines and large inland lakes as well as river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards.
3. A natural hazards assessment should be completed in support of the proposed development.
4. A geotechnical study may be required in support of the development application which outlines the following;
 - a. On-Site Soils;
 - b. The feasibility of the use of low impact development measures;
 - c. The feasibility of the stormwater detention design as per Section 2.3 of the NVCA SWM standards;
 - d. Confirmation as to whether there are any hazardous soils on site and any mitigation measures that may be required;
 - e. Identify the stable top-of-bank and confirmation of stable slopes.
5. In general, NVCA's Planning and Regulations Guidelines requires a 6 metre access allowance from natural hazard limits and valleylands top of bank.

Natural Heritage and Ecology - Advisory Comments

6. Due to the presence of confirmed and candidate significant natural heritage features within proximity to the proposed development, an scoped EIS will be required to assess the potential impacts of development on such features, and evaluate conformity of the proposal with relevant natural heritage-related policies. The applicant will be required to retain a qualified ecologist to prepare this submission, at which point the consultant shall contact NVCA planning staff to discuss the appropriate scope of required studies

Additional Advisory Comments

Stormwater Management:

7. A stormwater management report and associated plans will be required to current standards. More information can be found in the NVCA engineering guidelines available on our website at nvca.on.ca.

Hydrogeology

8. The applicant is encouraged to complete the Hydrogeological Assessment check List intended to support development applications, Found on Table 1 (page 6 and 7) of the document entitled "Hydrogeological Assessment Submissions, Conservation Authority Guidelines for Development Applications" June 2013 which is attached for reference.

Land Use Planning

9. In order to accurately determine the appropriate limits to development, NVCA staff request that a *scaleable* drawing be provided which illustrates the following items (as applicable):
 - i. The wetland/woodlot boundaries and width of buffers
 - ii. All applicable hazard limits (shoreline, erosion etc.) plus the 6 metre access allowance);
 - iii. The floodplain limit plus the 6 metre access allowance;
 - iv. The proposed site plan fabric.

This information should be accompanied by an appropriate and complete legend. Constraint lines, access allowances, and buffer setbacks should be labelled. Please confirm that all works are outside of the limits of development. (i.e. all natural hazards, access allowances, natural heritage features and associated buffers and setbacks).

The limits to development will be determined by the furthest extent of the hazard plus the required access allowance or the natural heritage feature and appropriate buffer; whichever is the greatest constraint.

10. Please provide copies of all draft by-law documents, including schedules for NVCA to review and provide comment.

Submission Requirements

11. NVCA staff request that all submissions materials be provided in digital format only.

Fees

12. NVCA will provide a formal request for fees upon submission and circulation of a Planning Act application.

Conclusion

NVCA staff appreciates the opportunity to comment at this stage in the process. These comments should be considered valid at the time of issuance and preliminary in nature. The information presented herein is based on a preliminary concept plan and should not be considered NVCA final comments at this time. We will require additional information (full application submission) in order to complete our review and additional comments may be provided in the future. The NVCA may at any point change our comments should new information become available which raises concerns pertaining to the NVCA core mandate.

Should you require any further information, please feel free to contact the undersigned.

Amy Knapp (she/her/hers)
Supervisor, Planning Services

Nottawasaga Valley Conservation Authority

8195 8th Line, Utopia, ON L0M 1T0

T 705-424-1479 ext.233

aknapp@nvca.on.ca | nvca.on.ca

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From: Emma Perry <eperry@nvca.on.ca>

Sent: Tuesday, August 23, 2022 10:50 AM

To: Planning Dept <Planning@nvca.on.ca>

Subject: FW: Carnevale Pre-Consultation Application - Comments Requested

Importance: High

I received this pre-con package for comment – does not appear as though any fees have been charged.

Note: this pre-con will require engineering and ecology review:



DEVELOPMENT CONCEPT

537080 MAIN STREET, HORNING'S MILLS

Emma Perry, B. Sc., GCER (she/her/hers)
Planning Ecologist

Nottawasaga Valley Conservation Authority
8195 8th Line, Utopia, ON L0M 1T0
T 705-424-1479 ext. 244
eperry@nvca.on.ca | nvca.on.ca

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From: Denise Holmes <dholmes@melancthontownship.ca>
Sent: Monday, August 22, 2022 3:53 PM
To: Becky MacNaughtan <bmacnaughtan@dufferincounty.ca>; Ralph Snyder <rsnyder@sdfd.ca>;
necowensound@ontario.ca; Emma Perry <eperry@nvca.on.ca>; Roads <roads@melancthontownship.ca>
Cc: Silva Yousif <syousif@dufferincounty.ca>; Diksha Marwaha <dmawaha@dufferincounty.ca>; Donna Funston
<dfunston@melancthontownship.ca>
Subject: Carnevale Pre-Consultation Application - Comments Requested

Good afternoon,

Attached is a Pre-consultation Application package for a proposed rezoning and subdivision located at 537086 Main Street in Horning's Mills.

The Township Planning Department is formally requesting a preliminary review for comments from you on this application. The deadline for comments is Friday, September 16, 2022.

Should you have any questions, please feel free to contact Silva Yousif, Senior Planner at the email address above.

Thank you.

Regards,
Denise Holmes



Denise B. Holmes, AMCT | Chief Administrative Officer/Clerk | Township of Melancthon |
dholmes@melancthontownship.ca | PH: 519-925-5525 ext 101 | FX: 519-925-1110 |
www.melancthontownship.ca |

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Date: August 26, 2022

To: Denise Holmes, CAO
Township of Melancthon

Re: Pre-Consultation Application for a proposed rezoning & subdivision.

Angelo Carnevale
Concession 2 OS, Part Lot 13
Township of Melancthon
File No.: MPC22-801

This letter serves to confirm that I have commenced a preliminary review of the application and other information submitted with your request for comments.

Please be advised that the proposed rezoning & subdivision for the above noted address has not revealed any issues. Please keep in mind that each lot must maintain septic clearances to property lines, structures, and wells.

The Building Department has no other comments at this time.

If you should have any questions pertaining to this letter, please do not hesitate to contact the undersigned. Please note that construction shall not commence prior to obtaining a building permit.

Regards,

Rita Geurts, M.A.A.T.O., CBCO
Building Inspector / Plans Examiner
T: 519-941-2816 ext. 2704
rgeurts@dufferincounty.ca





September 9, 2022

Denise Holmes, Chief Administrative Officer/Clerk
Township of Melancthon
157101 Highway 10
Melancthon, ON., L9V 2E6

Dear Denise,

**RE: 537086 MAIN STREET HORNING'S MILL ZONING BY-LAW AMENDMENT AND
DRAFT PLAN OF SUBDIVISION
Township of Melancthon
(ANEGLO CARNEVALE) PRE-CONSULTATION**

The Niagara Escarpment Commission (NEC) has reviewed the material provided for the above noted location and offer the following pre-consultation comments:

1. The subject lands are within R.R.O. 1990, Regulation 826 Designation of Area of Development Control for the Niagara Escarpment but outside of the Niagara Escarpment Plan (NEP) Area. Any development on the subject lands requires a development permit application to be submitted to the NEC and the issuance of a Development Permit prior to any development or site alteration occurring.

The NEP Part 2 Development Criteria are not in effect based on the location of the subject lands. The application will be reviewed with an approach of achieving development that is compatible with the escarpment natural environment. The application will also be reviewed against policies contained within the Provincial Policy Statement, as well as, County of Dufferin, and Township of Melancthon Official Plans, and applicable zoning provisions as they may apply to new residential development, including lot creation.


2. The subject lands are identified as being within an area of "Mineral Aggregate Resource", specifically sand and gravel, as captured in Schedule 'D' of the Dufferin County Official Plan. The PPS provides that mineral aggregate resources shall be protected for the long-term use. A Planning Justification for the application shall be required to include reasoning on how the proposed development conforms to the PPS for protection of the long-term resource supply.
3. An Archaeological Impact Study shall be undertaken. This deliverable works to fulfill the objective and policies respecting cultural heritage resource conservation in the PPS.

4. The escarpment brow traverses the subject land in the north easterly corner near Main Street. The crest or brow of the slope shall be established on site by means of a site inspection and plotted on the proposed development plans so that appropriate development setbacks can be considered as part of the development plans.
5. The following additional plans/studies are required as part of a subdivision application:
 - a) A Visual Impact Assessment is required to assess how new lots will maintain and enhance the existing community and open landscape character of the escarpment. Our Visual Assessment Guidelines can be referenced on the NEC website at <https://escarpment.org/land-use-planning/niagara-escarpment-commission-policies-guidelines-and-technical-criteria/>.
 - b) Proposed development is required to protect and where possible enhance the existing hydrological and natural heritage features as well as their functions. Based on a desktop analysis, staff notes that portions of the subject lands are within the Nottawasaga Valley Conservation Authority Regulated Area and a tributary traverses the southern property boundary. An Environmental Impact Study and/or Hydrological Study will be required to assess what hydrologic; natural hazards and natural heritage features exist on and adjacent to the subject land including Species at Risk and vegetation assessment; and will be required to demonstrate how the features and their functions will be protected from negative impacts as well as protecting for public health and safety. The results of these studies will inform the final subdivision design.
 - c) A Vegetation Preservation and Landscaping/Planting Plan. The NEC Vegetation Protection Plan Guidelines are attached for your reference.
 - d) The subject lands appear to be within a potential karst area. A geotechnical study is required to confirm the existence and extent of karst.
 - e) It is staff's understanding that the lots are intended to be serviced by private well and septic systems. Additional information will be required with respect to the potential for negative cumulative impact on groundwater resources and surrounding lands based on servicing of these lots by private water and sewage systems.

In the context of the PPS objectives and policies respecting climate change, the NEC requests the submission of additional information with respect to how this proposal will encourage reduced energy consumption, improved air quality, reduced greenhouse gas emissions and work towards the long-term goal of low-carbon communities and increased resilience to climate change, including through maximizing opportunities for the use of green infrastructure and appropriate low impact development.

Thank you for the opportunity to comment on this formal pre-consultation application. If a complete application is submitted to the Township, the NEC requests to be circulated as a commenting agency. Please don't hesitate to contact me with further questions. I can be reached at 226-668-5247 or Janet.Sperling@ontario.ca.

Sincerely, _____



Janet Sperling
Senior Planner



References to the 2005 Niagara Escarpment Plan policies, included in this document, have been superseded by the approval of the June 1, 2017 Niagara Escarpment Plan. Please see the policies contained in the June 1, 2017 Niagara Escarpment Plan found at www.escarpment.org; contact Niagara Escarpment Commission staff if there are any questions.

This document will be updated in the future to align with the Plan that is now in effect.

Draft 2012, Revised September 2015 and July 11, 2017

NIAGARA ESCARPMENT COMMISSION

GUIDELINE FOR THE PREPARATION OF VEGETATION PROTECTION PLANS:

Purpose:

The purpose of the Guideline is to outline standards for the preparation of reports and drawings for Niagara Escarpment Plan (NEP) Development Permit Applications where protection of existing vegetation (woodlots, hedgerows, trees) is required. These measures are an important part of ensuring development is in keeping with the *Niagara Escarpment Planning and Development Act* and the policies of the NEP.

This process applies to proposed development that is identified as a Permitted Use and an Environmental Impact Study (EIS) is not required. Environmental Impact Studies may be required where development is proposed in or adjacent to natural areas or features and where information is required to assess whether the proposed development might be expected to impact these features or areas.

Introduction:

The *Niagara Escarpment Planning and Development Act* (the Act) established a planning process to ensure that the Escarpment and lands in its vicinity are protected. From this emerged the Niagara Escarpment Plan which serves as a framework of objectives and policies to strike a balance between development, preservation and the enjoyment of the Escarpment. The Purpose of both the Act and the Plan states the following:

The purpose of this Plan is to provide for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment, and to ensure only such development occurs as is compatible with that natural environment. R.S.O. 1990, c. N.2, s.2.
(Emphasis added)

Vegetation in woodlots, tree stands, hedgerows and individual trees on a property provide ecological, cultural and visual attributes important to the environment of the Niagara Escarpment.

The NEP addresses vegetation protection both directly and indirectly within the above noted Purpose, the Plan Objectives, Land Use Designations and related Permitted Uses, Development Criteria and Definitions.

Application of the Guidelines:

Steps identified in this Guideline do not supersede or replace situations where an EIS has been identified as being required. When an EIS is undertaken, the recommendations regarding vegetation protection and management identified in an approved EIS, would be incorporated into the scope of work for a Vegetation Protection Plan.

The Guideline is comprehensive setting out a broad range of requirements. Not all of the steps outlined would necessarily be required for a development proposal.

1. The determination that a Vegetation Preservation Plan is necessary, to ensure the impact of proposed development is either avoided or minimized, will be made by the Niagara Escarpment Commission (NEC).
2. NEC staff will advise which Sections of the Guideline apply as well as the specific scope of work within each Section for a given application.
OR
NEC staff in consultation with other regulatory agencies (e.g., conservation authorities, municipalities) will provide direction on the scope of work required consistent with the Guidelines and in accordance, where applicable, with the recommendations of any environmental investigations associated with a given application.
3. The report and/or plans are to be prepared by a professional with expertise in these matters. Landscape Architects, ISA Certified Arborists and Ecologists represent professions where this kind of expertise can be found. In the context of this guideline, the person preparing the documents shall be referred to herein as the Consultant or expert.
4. The scope of work for all investigations shall include identification of the presence of vegetative **Species At Risk**. Where vegetative **Species at Risk** are found, they shall be reported to the Ministry of Natural Resources and Forestry (MNRF) and the NEC by the Consultant. The MNRF will provide technical advice (i.e., requirements under the *Endangered Species Act*, 2007), and further assessment of the NEP ~~Part 2.8 Wildlife Habitat~~ policies will be undertaken.
5. The Vegetation Protection Plan may be required prior to a Development Permit Application recommendation and decision and/or as a Condition of Approval.

6. The requirement for the submission/completion of the reports and/or plans for the protection of vegetation would be included as a Condition of Approval for a Development Permit (to be satisfied normally prior to the issuance of a Development Permit).
7. Where Vegetation Protection Plans are required, the Conditions for Approval shall include the following:

Prior to the issuance of a Development Permit by the Niagara Escarpment Commission, a Vegetation Protection Plan shall be prepared by a qualified expert, for the approval of the Niagara Escarpment Commission. The plan shall address vegetation preservation requirements and shall include but not be limited to a detailed inventory, assessment, protection and management measures in accordance with the standard practices of the implementing authority. Stipulations:

- a) Prior to commencement of any construction the protective fencing shall be installed and inspected by the consultant and a letter confirming the same provided to the implementing authority;
- b) Any vegetation noted for preservation and damaged from the construction process shall be reported and replaced; trees 150mm and over DBH shall be replaced on a per caliper basis. Replacement shall be to the satisfaction of the implementing authority;
- c) Subsequent to the completion of the works, including mitigation and management, a letter certifying the work has been completed in accordance with the approved plan shall be provided to the implementing authority by the consultant.

Guideline Sections:

There are three Sections to this Guideline; Sections A & B set out a broad range of requirements. As noted, not all of the steps outlined in the Guideline would necessarily be required for a development proposal. Section C contains definitions for terms utilized in the Guideline.

Section A – Woodlots, Tree Stands and Hedgerows

This Section sets out the inventory and impact assessment requirements when development is proposed within or in proximity to a woodlot (edge or greater) tree stand or hedgerow. The process aims to establish a record of what is present; identify what is proposed for removal, and assess any potential impact on the vegetation to remain outside of the proposed construction envelope.

~~Part 2 of the NEP contains Development Criteria that speaks specifically to wooded areas. This includes but is not limited to; Part 2.2 General Development Criteria, Part 2.5 New Development Affecting Steep Slopes and Ravines, Part 2.7 New Development Within Wooded Areas, Part 2.8 Wildlife Habitat (see Species At Risk herein) and Part 2.9 Forest Management. See June 2017 Niagara Escarpment Plan.~~

In some cases, an EIS may have been required, to assess natural heritage features, earlier in the process. Much of the inventory and assessment information may already be documented in an EIS. Further, any EIS recommendations regarding vegetation protection and management would be incorporated directly in to the scope of work for a Vegetation Protection Plan.

Specifications for Woodlots, Tree Stands and Hedgerows:

1. The inventory and assessment is to include a plan to scale identifying the full extent of the woodlot, tree stand or hedgerow, property limits, construction envelope and access routes. The following information shall be documented on the plan and where necessary, within a report.
2. Identify a zone of impact, within the woodlot/tree stand or along a hedgerow, where it is anticipated change or impact to the vegetation due to the proposed development will occur. The determination as to the geographical extent (i.e., depth into the woodlot beyond the construction envelope) for the investigation must consider, at a minimum:
 - The proposed construction works (vegetation removal, grading, excavation, drainage, haul roads etc.),
 - The characteristics of the woodlot, tree stand or hedgerow,
 - The height of the trees within proximity of the construction envelope,
 - The presence of **Species At Risk**,
 - The presence of invasive species, and
 - Individual trees over 150mm DBH (see Section B).

As an example; for a development proposed within the perimeter of a wooded area, a distance of 15 to 20 metres beyond the construction envelope is often utilized.

3. Inventory the vegetation in the area proposed for clearing (construction envelope) and the zone of impact. If the area to be investigated encompasses more than one vegetation unit, identify all the units. Each unit shall be examined and the conditions recorded with respect to the following:
 - Vegetation units / ELC vegetation communities,
 - Size (area in metres squared or hectares),
 - Species present described by their botanical and common names,
 - Estimate percentage of each species within the strata; canopy, sub-canopy, understorey,
 - Estimate range of size – height and/or calliper per strata,
 - Estimate of the density of each strata,
 - Estimate of the ground level coverage present, e.g., herbaceous layer or duff (bare ground),
 - Crown cover as a rating: i.e., dense, scattered, discontinuous or nil,
 - Health,
 - Hazardous or liability issues,
 - Site Drainage (including any area where erosion is occurring),
 - Soil Types,
 - Slope; slope percentage/degree/ratio,

- See item A – 4 and Section B herein for inventory requirements regarding individual trees 150 mm DBH and over in the zone of impact only,
 - Delineate on the plan the specific area to be cleared for the construction envelope.
4. Assess the impact of construction on the vegetation units within the zone of impact and make recommendations regarding:
 - a) Protection measures to be in place prior to and throughout the construction process i.e., protective fencing, mulch, water weekly;
 - b) Measures to manage, mitigate or rehabilitate areas impacted or disturbed by construction. When planting is recommended, plant material shall be comprised of native species suitable to the existing conditions;
 - c) Delineation of the limits of development including the depth and composition of any required buffer zones. This may require revisions to the proposed development;
 - d) Delineate on a “to scale” Vegetation Protection Plan all of the above;
 - e) See item B-4 for types of protective fencing.
 5. Where trees 150 mm calliper DBH or greater are present in the zone of impact, follow the process set out for individual trees in Section B.

Section B - Individual Trees

This Section sets out the inventory and impact assessment requirements for individual trees where Section A does not apply. The trees to be investigated are:

- Individual trees 150mm calliper or greater in proximity to or within the construction envelope and at risk of impact from the changes resulting from the proposed development, and/or
- Individual trees 150mm calliper or greater within the zone of impact only.

Specifications for Individual Trees:

The Vegetation Protection Plan would include, but is not limited to, the following:

1. A plan, to scale, identifying the construction envelope with grading, servicing and all built form including construction haul roads and the zone of impact where applicable.
2. Assessment of the individual trees for their capacity to withstand the impacts of the proposed development. Capacity to withstand development is evaluated based on the inventory, changes proposed and the impact anticipated. The assessment would result in a delineation of the limits of development including the depth and composition of any required buffer zones. Revisions to the proposed development may be required as a result of this step.
3. Inventory all trees, 150mm calliper and greater. This information is to be contained in a chart form where the total quantity of inventoried trees on the site exceeds ten (10). The inventory is to include:
 - Surveyed location (or GPS),

- Species, botanical and common names,
 - Identify **Species At Risk**,
 - Identify invasive species,
 - Calliper size or DBH (diameter at breast height),
 - Condition/health,
 - Delineate (to scale) the extent of the crown or dripline,
 - Elevations at the dripline – existing and proposed,
 - Recommendations to mitigate impacts such as root disruption during and after construction, and
 - Inventory number / field tag.
4. The trees for removal including trees at risk or existing hazard trees. As an example, a tree at risk is one within the zone of impact and, as such, at risk of demise due to the changes to grade, excavation and/or compaction associated with the proposed development. Existing hazard trees are those that are in decline or dead already.
- Note: In certain situations hazard trees may provide habitat opportunities; as such, limbing and topping may remove the hazard to people and property while retaining the habitat component.
5. Delineate the location and extent of all preservation fencing and the type to be utilized:
- a) Light duty preservation fence: 1.2 metre high plastic (or equal) construction fence fabric attached to 1.2 metre high (above grade) T bars, 2.0 metres on centre;
 - b) Heavy duty preservation fence: 1.2 metre high page wire (farm) fence attached to 100mm wood posts 2.5 metres on centre. Heavy duty preservation fencing is utilized in situations where a tree or stand of trees is to be preserved and the construction envelope either surrounds or abuts the dripline of the trees;
 - c) Heavy duty preservation fence: 1.2 metre high page wire (farm) fence attached to T bars 2.0 metres on centre with every 3rd and/or at all turning points a 100mm wood post. Heavy duty preservation fencing is utilized in situations where a tree or woodlot is to be preserved and the construction abuts the dripline of the trees;
 - d) Preservation fencing in a continuous manner along the extent of the construction envelope.

Section C – Definitions:

The following are descriptions/definitions of terms utilized in this document. They are provided to assist, for the purposes of this Guideline, with the preparation of the investigation:

1. Construction envelope: the total area required to complete all of the proposed works including the work area. The proposed works could include, but not be limited to, all of the built form (e.g., residence and garage), retaining walls, septic and other services, geothermal loops, driveway and the necessary area to be

graded to accommodate the proposed works. The work area includes, but is not limited to, a haul road (may be different than the driveway), access to build surrounding the built form, material storage areas and temporary facilities such as a construction trailer.

2. Dripline or Crown: the furthest horizontal extent of the branches of a tree or tree shrub.
3. DBH: Tree d.b.h. is the outside bark diameter at breast height. Breast height is defined as 1.3 meters above the forest floor on the uphill side of the tree. For the purpose of determining breast height, the forest floor includes the duff layer that may be present, but does not include unincorporated woody debris that may rise above the ground line.
4. Calliper: Tree calliper is a term largely utilized when describing the diameter of new trees or nursery grown trees in accordance with the Canadian Standards for Nursery Stock. It can also be used instead of DBH to describe the diameter of a tree.
5. Per Calliper Basis: Replacement requirement utilized when a tree to be protected/preserved dies as a result of the failure to implement the protective and management measures set out within an approved preservation plan. This means smaller trees are planted to replace the lost tree(s). The following example is offered to demonstrate how the replacement would be calculated:
Existing tree at 400mm calliper
Divided by the size of the replacement trees at 50mm calliper
Equals 8 new trees to replace the tree that died
6. Woodlot also means forest or wooded areas.
7. ISA means the International Society of Arboriculture.

END

**THE COUNTY OF DUFFERIN
WASTE COLLECTION BY-LAW 2012-36**

Consolidated Version

Amended by:

By-law 2014-14, March 13, 2014

Amends:

Schedule “A” – to amend the allowable number of garbage bags set out for collection, per household.

By-law 2013-53, December 12, 2013

Amends:

Section 1(1) (II) - definition of “*Privacy Bag*”

Schedule “A” – to amend the allowable number of privacy bags

Schedule “D” – to amend acceptable recycling

CORPORATION OF THE COUNTY OF DUFFERIN

BY-LAW NUMBER 2012-36

A BY-LAW TO PROVIDE FOR THE COLLECTION OF WASTE WITHIN THE COUNTY OF DUFFERIN.

WHEREAS County of Dufferin By-law 2010-29 empowers the County of Dufferin to assume authority for the establishment, operation and delivery of waste collection and treatment programs and services for the County and all its constituent lower-tier municipalities;

WHEREAS section 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, authorizes a municipality to provide any service that the municipality considers necessary or desirable for the public;

AND WHEREAS the County considers the management and collection of waste as being necessary or desirable for the public;

AND WHEREAS paragraph 11(2) 7 of the *Municipal Act, 2001* authorizes a municipality to pass by-laws respecting services that the municipality is authorized to provide under subsection 11(1);

AND WHEREAS clauses 8(3)(a) and (b) of the *Municipal Act, 2001* provide that a by-law under section 11 respecting a matter may regulate or prohibit respecting the matter and may require persons to do things respecting the matter;

AND WHEREAS Council has determined that waste which is in such a condition that it can be blown in the wind, allows odour to escape, is likely to attract animals, including, but not limited to, insects or birds, or presents a health, safety or fire risk, is, or could become or cause a public nuisance;

AND WHEREAS subsection 446(1) of the *Municipal Act, 2001* provides that if a municipality has the authority under a by-law to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense;

AND WHEREAS Council acknowledges the authority of the lower-tier municipalities to enact by-laws, pursuant to section 127 of the *Municipal Act, 2001*, dealing with enforcement for littering and property standards and Council respects this authority.

NOW THEREFORE BE IT ENACTED BY THE COUNCIL OF THE CORPORATION OF THE COUNTY OF DUFFERIN AS FOLLOWS:

INTERPRETATION

1. (1) For the purposes of this By-law, the following terms shall have the corresponding meanings:
 - (a) **“Automated Collection Method”** means the collection of Waste by means of the mechanical lifting and tipping of Carts into specially designed collection vehicles, used at a Multi-Residential Property or an IC&I Property;
 - (b) **“Bag Tag”** means the County issued tag that shall be clearly affixed to the exterior of a bag or other acceptable container containing household Garbage that has been set out for collection, as per Schedule F;
 - (c) **“Bulky Item”** means a large or heavy article such as a sofa, chair, table, mattress, and the like;
 - (d) **“By-law”** means this By-law including any Schedules forming part of it, together with any amendments to this By-law or its Schedules;
 - (e) **“Cart”** means a Waste Container, approved by the Director of Public Works, designated for the Automated Collection Method for a Multi-Residential Property or an IC&I Property;
 - (f) **“Certified Compostable Bag”** means:
 - (i) a bag or liner certified as compostable and displaying the Biodegradable Product Institute logo on the packaging containing the bag or liner;
 - (ii) a paper bag; or
 - (iii) another acceptable certified compostable bag or liner as may be approved by the Director of Public Works;
 - (g) **“Collection Day”** means the day on which your Waste has been scheduled to be collected, as determined by the Director of Public Works, and subject to change;
 - (h) **“Collection Point”** means that part of a property which has been designated by the Director of Public Works for the setting out and collection of Waste;
 - (i) **“Container”** means a container that can contain Waste, and includes a Cart, bin, a Reusable Container and a Single-Use Container;

- (j) **“Council”** means the council of the County of Dufferin;
- (k) **“County”** means The Corporation of the County of Dufferin;
- (l) **“County Waste Collection Service”** means collection of Waste by or on behalf of the County;
- (m) **“County Waste Collection Service Agreement”** means an agreement between a Waste Generator or Property Owner and the County;
- (n) **“County Waste Collector”** means a Person who, on behalf of the County, collects, removes, transports or disposes of Waste;
- (o) **“Director of Public Works”** means the Director of Public Works of the County or his or her designate;
- (p) **“Downtown Collection Area”** means an area in the downtown core of a lower-tier municipality within the County;
- (q) **“Dwelling Unit”** means any building or structure, or any part of a building or structure consisting of a room or suite of rooms, that is used, or designed or intended to be used, for residential living purposes;
- (r) **“Electronic Waste”** means materials regulated under Ontario Regulation 393/04, and includes laptop and desktop computers, monitors, cables and all related peripherals, audio or video systems, televisions, fax machines, printers, scanners, cell phones, tablets, and the like, and does not include White Goods;
- (s) **“Garbage”** means Waste, other than Organics, Recyclables and Special Collection Waste, that is collectable pursuant to this By-law, and includes, but is not limited to, the materials set out in Schedule “A” to this By-law;
- (t) **“Goods Exchange Event”** means a day or event, designated by the Director of Public Works, when Waste Generators occupying Residential Properties may place usable unwanted materials at Collection Points for removal by other members of the public;
- (u) **“Green Bin”** means a bin provided to Residential Properties by the County for the purposes of collecting residential Organics;
- (v) **“IC&I Property”** means an industrial, commercial, and/or institutional property, including, but not limited to, a retail shopping

establishment or complex, office building, restaurant, hotel, motel, hospital, educational institution or manufacturing facility;

- (w) **“Jute Bag”** means a bag constructed of jute, or like material;
- (x) **“Kraft Bag”** means a large bag constructed of easily decomposable paper;
- (y) **“Manual Collection Method”** means the collection of Waste by means of the manual lifting of Waste and the manual lifting and tipping of Waste containers and/or bags into collection vehicles;
- (z) **“Municipal Hazardous or Special Waste”** means municipal hazardous or special waste as defined in Ontario Regulation 542 under the *Waste Diversion Act, 2002*, S.O. 2002, c. 6, and includes, but is not limited to, a wet or dry cell battery, pressurized container, aerosol container, propane container, portable fire extinguisher, fertilizer, pesticide, oil filter, fluorescent light bulb or tube, pharmaceutical, medical syringe, mercury switch or thermostat, household cleaner or detergent, wax or polish;
- (aa) **“Multi-Residential Property”** means a property, including, but not limited to, an apartment, row house, townhouse complex or condominium property, which contains six (6) or more Dwelling Units;
- (bb) **“Non-Collectable Waste”** means Waste other than Garbage, Organics, Recyclables or Special Collection Waste, and includes, but is not limited to, the materials set out in Schedule “B” to this By-law;
- (cc) **“Occupant”** means any Person apparently in occupation of property, or any portion thereof, or of a building or structure or any portion thereof;
- (dd) **“Officer”** means a by-law enforcement officer appointed by the County to enforce the provisions of this By-law, an officer of the Ontario Provincial Police, and a police officer of one of the lower-tier municipalities’ police services;
- (ee) **“Order”** means an order or direction issued pursuant to this By-law;
- (ff) **“Organics”** means solid non-hazardous Waste derived from plants or animals, including Waste consisting of compounds of carbon, all readily biodegradable, and limited to the materials listed in Schedule “C” to this By-law;

- (gg) **“Organics Cart”** means a Cart for Organics, used in a Multi-Residential Property or an IC&I Property;
- (hh) **“Outdoor Waste Storage Receptacle”** means a container in which Waste is stored outdoors;
- (ii) **“Paper Bag or Liner”** means a bag or liner constructed of easily decomposable paper;
- (jj) **“Person”** includes an individual, partnership or corporation;
- (kk) **“Plastic Bag”** means a transparent plastic bag;
- (ll) **“Privacy Bag”** means a non-transparent bag of Garbage, placed inside a colourless, transparent Plastic Bag, set out for collection. The Privacy Bag shall be of no greater size than 51 x 56 centimeters (20 x 22 inches) in any dimension.
- (mm) **“Private Waste Collection Service”** means collection of Waste by or on behalf of a Person other than the County;
- (nn) **“Property Owner”** means the registered owner of property, including leased premises, and the owner’s agent or property manager, or any other Person having charge or control of the property;
- (oo) **“Recyclables”** means Waste, other than Garbage, Organics, Special Collection Waste or Non-Collectable Waste, capable of being recycled, and including, but not limited to, the materials set out in Schedule “D” to this By-law;
- (pp) **“Recyclables Cart”** means a Cart for Recyclables, used in a Multi-Residential Property or an IC&I Property;
- (qq) **“Refuse”** means Waste which appears to have been abandoned;
- (rr) **“Refuse Constituting a Public Nuisance”** means any Refuse that is in such a condition that it can be blown in the wind, allows odour to escape, is likely to attract animals, pests or rodents, including insects or birds, or presents a health, safety or fire risk;
- (ss) **“Residential Property”** means a property which contains 1 to 5 Dwelling Units;
- (tt) **“Reusable Container”** means a durable container, including a County-Issued blue box or green bin (where applicable), capable of being reused to contain Waste in the Manual Collection Method;

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- (uu) **“Sharp Object”** includes broken glass, a razor or other blade, sewing needle, clinical glass, knife, scissors, straight razor, screw, nail, axe, hatchet, lawn mower blade and the like;
 - (vv) **“Single-Use Container”** means a Plastic Bag, Cord, Kraft Bag, Paper Bag or Liner or Jute Bag capable of containing Waste and intended to be disposed of along with the Waste it contains;
 - (ww) **“Source Separation Program”** means a program to facilitate the separation of Garbage, Organics, Recyclables, Special Collection Waste and Non-Collectable Waste at the source of generation;
 - (xx) **“Special Collection Waste”** means Waste collected under a program designated by the County for the Collection of Bulky Items, White Goods, Yard Waste, or other Waste as designated by the Director of Public Works;
 - (yy) **“Waste”** includes Garbage, Organics, Recyclables, Special Collection Waste and Non-Collectable Waste;
 - (zz) **“Waste Collection Method”** means a specific Waste collection method and includes the Automated Collection Method, the Manual Collection Method and any other method or combination of methods, as designated by the Director of Public Works;
 - (aaa) **“Waste Generator”** means any Person who generates Waste and includes a Property Owner and an Occupant;
 - (bbb) **“White Goods”** means an item such as a refrigerator, freezer, humidifier, air conditioner, stove, washer, dryer, dishwasher, hot water tank, bath tub, solid metal desks, barbeques (not including propane tanks); and
 - (ccc) **“Yard Waste”** includes a mixture of leaves, brush, branches, tree limbs, hedge trimmings, Christmas trees, and woody plants including vines, rose bushes and the like.
- (2) In this By-law, words importing the singular number shall include the plural and *vice versa* and words importing one gender shall import the other genders, unless the context requires otherwise.
 - (3) If a court of competent jurisdiction declares any provision of this By-law to be invalid, illegal, unenforceable or of no force and effect, the remainder of this By-law shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

- (4) Any reference herein to any statute, regulation, by-law or other law shall be construed as a reference thereto as amended or re-enacted from time to time or as a reference to any successor thereto.
- (5) This By-law shall not be interpreted as exempting any Person from the requirement to comply with any other by-laws of the County. In the event of conflict between the provisions of this By-law and any other by-laws of the County, the provisions which are more protective of the environment shall apply.

REQUIREMENTS FOR SETTING OUT WASTE FOR COLLECTION

Waste Set Out for Collection

- 2. Every Waste Generator and Property Owner shall ensure that:
 - (a) ashes are not set out for collection until at least 7 days after they have been removed from fire and are kept separate from other Waste;
 - (b) Waste is drained of liquids before it is placed in a Container for collection;
 - (c) Recyclables are free of any solid, semi-solid or liquid contaminant which would render them non-recyclable;
 - (d) Waste set out for collection is separated into Garbage, Organics, Recyclables and Special Collection Waste; and
 - (e) each type of collectable Waste (Garbage, Organics, Recyclables and Special Collection Waste) is placed in a separate Container, bag, or otherwise, in accordance with this By-law, when set out for collection.

Times to Set Out Waste for Collection

- 3. (1) Every Waste Generator and Property Owner shall ensure that Waste set out for collection:
 - (a) is not set out before 5:00 p.m. on the day preceding the day scheduled for collection; and
 - (b) is set out no later than 7:00 a.m. on the day scheduled for collection.
- (2) No Waste Generator or Property Owner shall set out, or permit to be set out, any Waste for collection, except in accordance with the times described above.

Removal of Waste Not Collected and Containers

4. Every Waste Generator and Property Owner shall ensure that any Waste not collected and that all Containers are removed from the Collection Point before 7:00 p.m. on the day of collection.

Container Requirements For Setting Out Waste

5. Every Waste Generator and Property Owner shall ensure that:
- (a) every Reusable Container set out for Garbage collection is:
 - (i) rust-resistant;
 - (ii) non-absorbent;
 - (iii) water-tight;
 - (iv) in good repair and good working order;
 - (v) covered with a close-fitting lid or cover;
 - (vi) equipped with at least two handles;
 - (vii) in compliance with the Schedules of this By-law;
 - (b) every Plastic Bag set out for Waste collection is:
 - (i) capable of carrying the Waste contained therein without tearing or splitting;
 - (ii) secured so as to prevent spillage; and
 - (iii) in compliance with the Schedules of this By-law;
 - (c) every Cart set out for Waste collection at a Multi-Residential Property or IC&I Property is:
 - (i) approved by the Director of Public Works;
 - (ii) in good repair and good working order; and
 - (iii) of a capacity of no more than 360 litres (95 U.S. Gallons), unless otherwise specified by the Director of Public Works;
 - (d) no Waste is set out for collection in such a manner that it is on top of, underneath or abutting a Cart;

- (e) every Waste Generator or Property Manager shall ensure that collection of Yard Waste is limited to 20 Bags, bundles, or Reusable Containers per household, per pick up;
- (f) every Waste Generator or Property Owner shall ensure that Yard Waste is set out for collection from a Residential Property or Multi-Residential Property, as follows:
 - (i) loose in a Reusable Container identifying the contents as Yard Waste;
 - (ii) loose in a Kraft Bag or Jute Bag;
 - (iii) securely tied with twine in a separate bundle no more than 1.2 metre (4 feet) in length, or 20kg (44 pounds) in weight; and
 - (iv) loose in a Green Bin or Green Cart, but only to “top-up” the bin;
- (g) no Waste is set out for collection in such a manner that:
 - (i) it is accessible to any animal or can be blown by wind, and
 - (ii) any liquid leaks from such Waste.
- (h) no Plastic Bag, Reusable Container or Cart is set out for collection filled with Waste above the top of such Plastic Bag, Reusable Container or Cart; and
- (i) no Reusable Container or Cart of Waste is set out for collection unless it is securely closed with a tight-fitting lid or cover.

Location for Waste to be Set Out

- 6. (1) Every Waste Generator and Property Owner shall ensure that all Waste set out for collection is set out at a Collection Point located on, adjacent to or in front of the property where the Waste was generated.
- (2) Unless otherwise determined by the Director of Public Works, the Collection Point for a property is where pedestrian traffic is not impeded and where the property is:
 - (a) beside a road and the road has a curb, within 0.3 metres (12 inches) away from the road behind the curb;
 - (b) beside a road and the road has a gravel shoulder, at the outside edge of the shoulder;

- (c) beside an alley, as close as possible to the edge of the alley; and
 - (d) in a Downtown Collection Area, on the sidewalk directly adjacent the curb, so as not to impede pedestrian traffic.
- (3) Every Waste Generator and Property Owner shall ensure that:
- (a) all Waste set out for collection is placed so as not to impede or obstruct pedestrian or vehicular traffic or road maintenance operations, or so as to endanger the safety of the County Waste Collector or any other Person;
 - (b) no Waste is set out for collection on top of any snow bank exceeding 0.3 metres (1 foot) in height, and the area in which such Waste is placed is clear of snow and ice to provide for ready and safe access by the County Waste Collector;
 - (c) all Special Collection Waste that is permitted to be set out for collection is placed adjacent to, but apart from, any Garbage, Organics or Recyclables set out for Collection;
 - (d) all Containers of containing each of the foregoing types of Waste are placed apart from all Containers of each of the other foregoing types of Waste; and
 - (e) any bundled cardboard or rigid container of Sharp Objects set out for Collection is placed adjacent to, but apart from, any other Containers or bags set out for collection.
- (4) Every Waste Generator and Property Owner in a Multi-Residential Property or IC&I Property participating in the Automated Collection Method shall ensure that any Cart set out for collection, is placed so that there is at least 1.0 metre (3 feet) of clearance on each side of the Cart and at least 5.0 metres (16.4 feet) clearance above the Cart.

DUTIES OF WASTE GENERATORS AND PROPERTY OWNERS

General

7. Every Waste Generator and every Property Owner shall comply with all applicable provisions of this By-law.

Compliance with Collection Method

8. (1) Every Waste Generator and Property Owner shall ensure compliance with the provisions of this By-law respecting the Waste Collection Method which is applicable to the Waste Generator's or Property Owner's property.

(2) Every Waste Generator and Property Owner of a Multi-Residential Property or an IC&I Property, shall ensure that a Private Waste Collection Service is employed in respect of Waste generated on its property, unless such Waste Generator or Property Owner enters into a County Waste Collection Service Agreement in respect of the property.
9. For every property which is leased, the Property Owner shall provide, for the communal use of every tenant, sufficient Reusable Containers (if the property is participating in the Manual Collection Program) or sufficient Carts (if the property is participating in the Automated Collection Program) for Garbage, Organics and Recyclables.
10. Every Waste Generator and Property Owner to whom a Recyclables Cart, Organics Cart or Green Bin has been provided by the County shall:
 - (a) ensure such Cart/bin is kept in good condition, and not in a condition that is noxious, offensive or dangerous to public health;
 - (b) ensure the safekeeping of such Cart/bin;
 - (c) promptly notify the Director of Public Works if such Cart/bin is lost or stolen;
 - (d) be responsible for the cost of repairing such Cart/bin if it is damaged, or of replacing such Cart/bin if it is lost or stolen, if either occurs through the negligence of the Waste Generator or Property Owner, or if the damage or loss is not covered by warranty; and
 - (e) promptly return each Cart/bin to the Director of Public Works upon request.
11. Every Property Owner of a leased property shall:
 - (a) designate and identify to the Director of Public Works, an individual who shall be responsible for ensuring the management of Waste for such property; and
 - (b) ensure that source separation instructions, provided by the Director of Public Works, are posted on such Property.

Source Separation

12. Every Waste Generator shall ensure that Waste set out for collection is separated into Garbage, Organics, Recyclables and Special Collection Waste as provided in this By-law.

Participation in County Waste Collection Service

13. (1) Every Waste Generator and Property Owner who participates in the County Waste Collection service shall ensure that all Waste that is collectable by the County as part of the County Waste Collection Service is set out for collection in accordance with this By-law.
- (2) Where a Waste Generator or Property Owner of a Multi-Residential Property or IC&I Property opts out of the County Waste Collection Service for one or more types of collectable Waste, he or she shall provide written notice to the Director of Public Works, in a form satisfactory to the Director of Public Works, that the Waste Generator or Property Owner of a Multi-Residential Property or IC&I Property shall withdraw his or her specified property from collection by the County of the specified type or types of Waste, effective on a specified date.
- (3) If a Waste Generator or Property Owner of a Multi-Residential Property or IC&I Property provides Organics or Recyclables generated on his or her property to any Person other than the County, without first opting out as set out in this section, the Director of Public Works may determine that the County shall not provide any County Waste Collection Service to that property.
- (4) Where the quantity of Waste generated exceeds the level of service defined in this By-law, or where the Waste Generator or Property Owner of a Multi-Residential Property or IC&I Property desires a higher level of service, or an alternate method of collection, the Waste Generator or Property Owner of a Multi-Residential Property or IC&I Property may contract a Private Waste Collection Service with properly licensed contractors. The Waste Generator or Property Owner is responsible to pay for the removal and disposal of such Waste.

DUTIES OF THE PUBLIC

No Scavenging

14. No Person shall pick over, interfere with or remove any Waste set out for collection pursuant to this By-law, whether on public or private property, without the consent of the Director of Public Works and the applicable Property Owner.
- (1) Section 16(1) does not apply to a Goods Exchange Event.

- (2) No person shall scatter any Waste set out for collection pursuant to this By-law, whether on public or private property.

No Depositing of Refuse

15. (1) In addition to and without limiting the provisions of any other County by-law, no person shall throw, place or deposit Refuse and/or Refuse Constituting a Public Nuisance on any public or private property in the County, including but not limited to County-owned property, except with the consent of the Property Owner of such property.
- (2) No Person shall:
- (a) place, permit to be placed or permit to remain on or in any street or road allowance abutting the property which the Person owns or occupies, any Waste, unless authorized by this By-law and in accordance with applicable County and lower-tier municipal by-laws;
 - (b) throw, cast or otherwise deposit, or permit any contractor, agent or employee to throw, cast or otherwise deposit, any Refuse whatsoever on or in any street or other public property, except as expressly authorized in this By-law;
 - (c) place Refuse on public property for collection as part of a Private Waste Collection Program, unless approved by the Director of Public Works; or
 - (d) dep
 - (e) osit Refuse generated by the Person on private property, into any type of receptacle on a public street or in a park.

DUTIES OF WASTE TRANSPORTERS

16. (1) No Person engaged in the business of collecting, removing or transporting Waste shall transport such Waste within the County unless such Person has received a Certificate of Approval from the Ministry of the Environment and does so with a vehicle specifically designed, constructed and intended for such purpose, and unless such vehicle has an enclosed body or a covering securely fastened to the body of the vehicle or, in the case of a packer-type vehicle, has hopper doors tightly and securely closed so as to prevent the escape of the contents of the vehicle to the outside.
- (2) No Person shall transport any Waste within the County in an open vehicle of any kind, including a trailer, unless such Waste is completely covered

by a tarpaulin, canvas covering or the like and such covering is secured to the vehicle in such a manner as to prevent the escape of the contents of the vehicle to the outside.

POWERS OF THE COUNTY

Inspections

17. The Director of Public Works, Officers and other designated Staff may conduct all inspections (including the monitoring of Waste) necessary to administer and ensure compliance with the provisions of this By-law.

Orders

18. Any Person who is issued an Order pursuant to this By-law shall comply with such Order no later than midnight on the date set out for compliance in the Order.
19. If an Officer finds Waste which is not set out in accordance with the provisions of this By-law, the Officer may issue an Order to the responsible Waste Generator or Property Owner, requiring the Waste described in the Order to be removed at the expense of the Waste Generator or Property Owner, or to be properly set out in accordance with the provisions of this By-law.

Remedial Actions

20. If an Officer finds Refuse thrown, placed or deposited on property without the consent of the Waste Generator or Property Owner, the Officer may, in the case of a municipal road allowance or County-occupied land, cause the Refuse to be removed from the property at the expense of the Person who threw, placed or deposited it thereon, and the County may recover the costs of so doing from such Person;
21. If an Officer finds Waste which is not set out in accordance with the provisions of this By-law, the Officer may, instead of issuing an Order, and without any prior notice to the Waste Generator or Property Owner, cause the area identified to be cleared of such Waste at the expense of the Waste Generator or Property Owner, and the County may recover the costs of so doing from any such Waste Generator or Property Owner. In the case of the Property Owner, the County may recover such costs by adding the costs to the tax roll for the property and collecting them in the same manner as property taxes.
22. If a Waste Generator or Property Owner fails to ensure that no Waste leaks any liquid onto a municipal road allowance, an Officer may cause such land to be cleaned of the liquid at the expense of the Waste Generator, and the County may recover the costs of so doing from the Waste Generator. In the case where the Waste Generator is also the Property Owner of the property on which the Waste

was generated, the County may recover such costs by adding them to the tax roll for the property and collecting them in the same manner as property taxes.

23. If the Person who is the subject of an Order issued pursuant to this By-law fails to comply with such Order by the time set out for compliance, the County may have the matter or thing directed or required in the Order, done at the Person's expense, and the County may recover the costs of doing the matter or thing from the Person who is issued the Order, or, if such Person is the Property Owner of the property to which the Order relates, the County may recover such costs by adding them to the tax roll and collecting them in the same manner as taxes.

Service Discontinuance

24. Where a Waste Generator or Property Owner has not complied with any applicable provision of this By-law, the County may discontinue the collection of Waste from that Waste Generator's or Property Owner's property. If service is to be discontinued, the County will provide notice, and an effective end-date of service will be indicated.

OFFENCE

25. (1) Any Person who contravenes any provision of or Order issued pursuant to this By-law is guilty of an offence.
- (2) Any director or officer of a corporation who knowingly concurs in the contravention by the corporation of any provision of or Order issued pursuant to this By-law is guilty of an offence.
- (3) Every offence under this By-law is designated as a continuing offence.
- (4) Any person who hinders or obstructs or attempts to hinder or obstruct any Officer who is exercising a power or performing a duty under this By-law or an Order issued under this By-law is guilty of an offence.
26. Where a Person is convicted of an offence for contravening this By-law or an Order pursuant to this By-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the Person convicted

PENALTY

27. Except as otherwise provided in this By-law, any Person who is convicted of an offence under any provision of this By-law shall be liable to a fine not to exceed \$10,000 per day, or each part of a day, that the offence continues.

28. Despite Section 27, where the Person convicted is a corporation, the maximum fine shall not exceed \$25,000 per day, or each part of a day, that the offence continues.

SERVICE OF DOCUMENTS

29. An Order, or any other notice or document provided pursuant to this By-law, shall be served upon the Person to be served by means of:
- (a) personal service, in which case it shall be deemed to have been served on the date and at the time when hand-delivered in accordance with this By-law;
 - (b) facsimile transmission or email transmission, in which case it shall be deemed to have been served on the date and at the time when it is so transmitted;
 - (c) regular mail, in which case it shall be deemed to have been delivered on the fifth business day after the day it is mailed; or
 - (d) registered mail, in which case it shall be deemed to have been delivered on the date and at the time set out on the Canada Post confirmation record indicating successful delivery.
30. Personal service of a document may be provided as follows where the Person to be served is:
- (a) an individual, by hand-delivering a copy of the document to that individual or an individual who appears to be at least sixteen (16) years of age, at the last known address of the individual, or, if the individual to be served is to be served in the capacity of Waste Generator or Property Owner in respect of a property, the document may be left with an individual who appears to be at least sixteen (16) years of age, at the property; or
 - (b) a corporation or partnership, by hand-delivering a copy of the document to an officer thereof or an individual who appears to be in charge of an office of the corporation or partnership, or, if the corporation or partnership to be served is to be served in the capacity of Waste Generator or Property Owner in respect of a property, the document may be left with an individual who appears to be in charge of the property.

GENERAL PROVISIONS

Delegation

31. (1) The Director of Public Works and all persons designated by the Director of Public Works are hereby authorized to administer and enforce the provisions of this By-law.
- (2) An Officer is authorized to enforce the provisions of this By-law and any Orders issued pursuant to this By-law. Effective Date of By-Law
32. This By-law shall come into effect on the 1st day of June, 2013.

Schedules

33. The following Schedules form part of this By-law:
- (a) Schedule "A" – General Provisions and examples of materials included in the definition of "Garbage"
 - (b) Schedule "B" – General Provisions and examples of materials included in the definition of "Non-Collectable Waste"
 - (c) Schedule "C" – General Provisions and examples of materials included in the definition of "Organics"
 - (d) Schedule "D" – General Provisions and examples of materials included in the definition of "Recyclables"
 - (e) Schedule "E" – General Provisions and examples of materials included in the definition of "Yard Waste"
 - (f) SCHEDULE "F" – Bulky items and white goods collection
 - (g) SCHEDULE "G" – Rebates

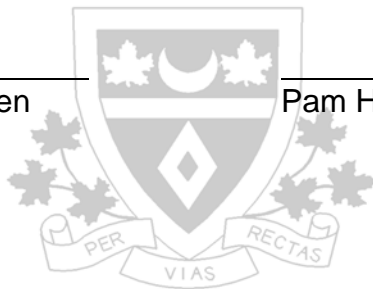
Short Title

34. This By-law may be referred to as the “Waste Collection By-law”.

Read a first, second and third time and finally passed this _____ day of _____
_____, 2012.

Walter Kolodziechuk, Warden

Pam Hillock, Clerk



SCHEDULE "A" - GARBAGE

General Provisions

1. Every Waste Generator or Property Owner shall ensure that:

- Amended by
By-law 2014-13
on March 13,
- (a) no more than the allowable limit of one (1) bag of Garbage per week are set out for collection, per household, per Collection Day;
 - (i) Waste Generator or Property Owner may set out an additional bag(s) and/or container(s) of Garbage for collection, by purchasing a County-issued Bag Tag, and affixing it to the exterior of a bag or other acceptable container containing the Garbage. The cost of a Bag Tag is subject to the County's Fee By-law.
 - (b) Garbage is set out for collection, as follows:
 - (i) loose (un-bagged) in a Reusable Container identifying the contents as Garbage,
 - (ii) in a colourless, transparent Plastic Bag placed inside a Reusable Container identifying the contents as Garbage,
 - (iii) in a colourless, transparent Plastic Bag;
 - (c) any Sharp Objects set out for collection are set out in a separate rigid container, no larger than 0.6 metres (2.0 feet) in any dimension, securely taped to secure the contents, clearly labelled as containing Sharp Objects;
 - (d) no Reusable Container or Single-Use Container containing Garbage including contents, weighs more than 20 kilograms (44 pounds);
 - (e) no Reusable Container set out for Garbage collection is greater than 125 Litres (33 gallons); and
 - (f) no colourless, transparent Plastic Bag set out for Garbage collection exceeds 79 centimeters (31 inches) x 107 centimeters (42 inches).

2. A Waste Generator is permitted to place ~~one (1)~~ two (2) non-transparent Privacy Bag in each bag of Garbage set out for collection. The Privacy Bag shall be of no greater size than ~~38 centimeters (15 inches) in any dimension,~~ 51 x 56 centimeters (20 x 22 inches), and the contents of which shall adhere to Schedule "A", Section 3 of this By-law.

Amended by
By-law 2013-53
- December 12,
2013

3. A Waste Generator may apply to receive permission to exceed the limits described in Section 1 (a) **and 2** of Schedule A of this By-law. Applications will be made available on the County's website or from the Public Works Department at 55 Zina Street, Orangeville.

Acceptable Materials

4. Every Waste Generator or Property Owner shall ensure that Garbage set out for collection is consistent with the following:

- (a) pet feces, litter, litter waste and bedding waste, whether separate or intermingled enclosed in a Plastic Bag or bag;
- (b) artwork, a poster, vellum, a cleaned paint brush, and the like;

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- (c) ~~an empty plastic bag~~, cookie bag, cereal box liner, coffee package, foil pouch or packet, milk bag, absorbent meat tray pad, butter wrapper, potato chip bag, piece of carbon paper, plastic wrap, candy wrapper, wrapper, and the like;
- (d) waxed paper, plastic lined fibre, a poly-coated coffee cup;
- (e) balloon, crayon, sticker, piece of sporting equipment, toy, and the like;
- (f) binder, calculator, piece of chalk, elastic band, marker, overhead transparency, paper clip, pencil, pen, staple, piece of tape, and the like;
- (g) coat hanger, empty pot or pan, disposable razor, scouring pad, twist tie, utensil, tool, shovel, a piece of cutlery, jewellery, wire, rope, cord, hardware, and the like;
- (h) curtain, blind, dish cloth, glove, scarf, sheet, pillow, rag, shoe, boot, sponge, table cloth, towel, a piece of clothing, fabric, leather, linen, nylon, yarn, and the like;
- (i) small appliance no greater than 5 kilograms in weight, such as a hair dryer, kettle, toaster, clock, and the like;
- (j) candle, empty cooler, cork, dryer sheet, furnace filter, lawn chair, match, photographic negative, picture frame, rubber glove, plastic straw, toothpick, piece of string, rubber or water softener salt, and the like;
- (k) hair brush, comb, toothbrush, empty toothpaste tube, item of cosmetics, deodorant, soap, and the like;
- (l) piece of lint, dirt, dust, vacuum bag contents, and the like;
- (m) condom, piece of dental floss, and the like;
- (n) dressing, bandage, gauze, swab, pipette, cast, speculum, urine, colostomy or enema bag, intravenous bag, catheter or other tubing, dentures, alginate impression or like material, piece of surgical clothing including a gown, mask, glove, patient bib or sheet, from a Residential Property only, and the like;
- (o) any type of diaper, feminine hygiene product, sanitary product, wipe, and the like;
- (p) polylactic acid plastic (PLA), biodegradable plastic, certified compostable plastic (including a container, utensil, plate), and the like;
- (q) petri dish, test tube, microscope slide, scope, electrode, and the like; and
- (r) plastic bags, plastic grocery sacks;
- (s) polystyrene and styrofoam packaging, food and beverage containers; and
- (t) any other item designated as Garbage by the Director of Public Works.

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Unacceptable Material

5. Every Waste Generator or Property Owner shall ensure that Garbage set out for collection does not contain Recyclables, Organics, Special Collection Waste, or any other item in accordance with the provisions of this By-law.

SCHEDULE “B” – NON-COLLECTABLE WASTE

Materials

1. Every Waste Generator or Property Owner shall ensure that Non-Collectable Waste is not set out for collection and shall include the following:
 - (a) explosive or highly combustible material such as a celluloid cutting, moving picture film, or an oil-soaked or gasoline-soaked rag and the like;
 - (b) carpet, carpet under padding, plaster, drywall, fibreglass insulation, lumber, concrete, a boulder or other waste residue resulting from construction, building renovation or a demolition operation;
 - (c) soil, a rock, stone, gravel, and the like;
 - (d) stool sample, flesh or tissue from any animal or human, bodily fluid-stained material, infectious or otherwise, including clothing and bedding, an incontinence or feminine hygiene product known to be infectious, a liquid or solid medicine including a pill or vaccine, a container or vial from which a pill or vaccine is extracted that contains any amount of such pill or vaccine, surgical equipment, any of which is generated from a clinic, hospital, surgery, an office of a physician, surgeon, dentist, veterinarian or the like;
 - (e) hay, straw, manure or night soil;
 - (f) pet feces, litter, litter waste and bedding waste from a non-residential property, such as a veterinary clinic, commercial kennel, and the like, whether separate or intermingled;
 - (g) an animal carcass, other part or any portion thereof of any dog, cat, fowl or any other creature with the exception of *bona fide* kitchen or food waste;
 - (h) Waste brought into the County from outside its boundaries;
 - (i) Municipal Hazardous or Special Waste, including plastic containers containing automotive chemical wastes, chemical sprays and the like, as regulated under Ontario Regulation 542/06;
 - (j) Electronic Waste;
 - (k) Garbage, Organics, Recyclables or Special Collection Waste which has not been drained, prepared or packaged for collection in accordance with the provisions of this By-law;
 - (l) any material which may be classed as a “designated substance” pursuant to the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1;
 - (m) tire, car battery, automotive part or body;
 - (n) any material which is frozen or stuck to a Waste receptacle or container and cannot be removed by shaking manually, or by the automated arm in the Automated Collection System;
 - (o) any material or substance which may cause damage to the natural environment;
 - (p) any septic tank pumping, raw sewage, sewage sludge or industrial process sludge;

- (q) any tree limb, trunk or the like having a diameter greater than 5 centimetres (2 inches);
- (r) any radioactive material;
- (s) ashes from properties other than Residential Properties;
- (t) solidified cooking oils and cooked or raw grease and fats from properties other than Residential Properties; and
- (u) any other item designated as a Non-Collectable Waste by the Director of Public Works.

SCHEDULE “C” - ORGANICS

General Provisions

1. Every Waste Generator or Property Owner shall ensure that:
 - (a) Organics are set out for collection from a Residential Property as follows:
 - (i) loose (un-bagged) in a Reusable Container identifying the contents as Organics;
 - (ii) in a Certified Compostable Bag, Paper Bag or Liner placed inside a Reusable Container identifying the contents as Organics;
 - (b) Organics are set out for collection from a Multi-Residential Property or IC&I Property as follows:
 - (i) loose in an Organics Cart;
 - (ii) in a Certified Compostable Bag, Paper Bag or Liner placed inside an Organics Cart.
 - (c) No Reusable Container or Single-Use Container containing Organics including contents, weighs more than 20 kilograms (44 pounds);

Acceptable Materials

2. Every Waste Generator or Property Owner shall ensure that Organics set out for collection are consistent with the following list:
 - (a) *bona fide* kitchen or food waste: fruit, vegetable and general table scraps, meat and fish/shellfish products, dairy products, eggs and egg shells, herbs, nuts and seeds, sugars and spices, confectionery products, sauces, bones, pet food, bread, grains, rice, pasta, flour, coffee grounds and tea bags;
 - (b) solidified cooking oils and cooked or raw grease and fats from Residential Properties only;
 - (c) paper fibres: soiled paper towels, facial tissues, paper plates, cotton balls, coffee filters, microwave popcorn bags, soiled paper food packaging items such as boxboard, cardboard, newspaper, and other paper fibre packaging materials, and shredded paper;
 - (d) flowers, houseplants (soil removed), hair, pet fur, sawdust, wood chips and wood shavings;
 - (e) small amounts of Yard Waste or brush, to “top up” Green Bin only; and
 - (f) any other item designated as Organics by the Director of Public Works.

Unacceptable Material

3. Every Waste Generator or Property Owner shall ensure that Organics set out for collection does not contain Recyclables, Garbage, Special Collection Waste, or any other item in accordance with the provisions of this By-law.

SCHEDULE “D” - RECYCLABLES

General Provisions

1. Every Waste Generator or Property Owner shall ensure that:
 - (a) Recyclables are set out for collection from a Residential Property as follows:
 - (i) loose (un-bagged) in a Reusable Container identifying the contents as Recyclables; and
 - (ii) in a blue-tinted, transparent Plastic Bag, as overflow from a Reusable Container, identifying the contents as Recyclables;
 - (b) Recyclables are set out for collection from a Multi-Residential Property or IC&I Property, as follows:
 - (i) loose in a Recyclables Cart;
 - (ii) in a blue-tinted Plastic Bag, as overflow from a Recyclables Cart;
 - (c) any cardboard set out for collection is broken down and is no more than 1.2 metres (4 feet) in any dimension;
 - (d) no Reusable Container or Single-Use Container containing Recyclables including contents, weighs more than 20 kilograms (44 pounds); and
 - (e) no Plastic Bag set out for Recyclables collection exceeds 79 centimeters (31 inches) x 107 centimeters (42 inches).

Acceptable Materials

2. Every Waste Generator or Property Owner shall ensure that Recyclables set out for collection are consistent with the following:
 - (a) aluminum: foil, plate, tray, pop can, and the like;
 - (b) boxboard: a tissue or cereal box, paper towel roll, frozen juice container, and the like;
 - (c) cardboard: a flattened box that is less than 122 centimeters(48 inches) in any dimension, pizza box, brown Kraft Bag, and the like;
 - (d) glass: a container, bottle or jar (any colour), and the like;
 - (e) newsprint: a newspaper including a flyer or insert, an egg carton or flat, a magazine or catalogue, a telephone book, and the like;
 - (f) paper: writing paper, an envelope (includes windowed), calendar (spiral binding removed), book (covers removed), and the like, shredded paper is not permitted;
 - (g) gable top: a milk or juice carton, and the like;
 - (h) aseptic container: a juice or other drink box (tetra pack), and the like;
 - (i) empty plastic bottles and jars (soft drink, detergent, juice, water, bleach), and the like;

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- (j) PET plastic container: any plastic container, such as a bottle or jar, food or beverage container, and the like;
- (k) HDPE bottles and jugs;
- (l) plastic bags, plastic grocery sacks;
- (m) polystyrene and Styrofoam packaging, food and beverage containers (clean);
- (n) plastic tubs and lids (margarine, yogurt, ice cream, etc.), and the like;
- (o) other small plastic containers (#1-7) which are less than 1 litre;
- (p) steel: food or beverage can or tin (soup, juice, etc.) with lids;
- (q) aerosol can (empty);
- (r) empty, dry paint can (lid removed); and
- (s) any other item designated as a Recyclable by the Director of Public Works.

Unacceptable Material

3. Every Waste Generator or Property Owner shall ensure that Recyclables set out for collection does not contain Garbage, Organics, Special Collection Waste, or any other item in accordance with the provisions of this By-law.

SCHEDULE “G” – Rebates

General Provisions

1. Notwithstanding Section 13(4), residential condominium corporations may apply for a rebate towards the cost of their Waste disposal via a Private Waste Collection Service. To be eligible to receive this rebate, the following conditions must be met:
 - (a) only residential condominium corporations may apply for the rebate;
 - (b) the residential condominium corporation must own and maintain the containers;
 - (c) all of the Waste generated by the condominium must be disposed of via the Private Waste Collection Service, unless such Waste Generator or Property Owner enters into a County Waste Collection Service Agreement in respect of the property;
 - (d) the residential condominium corporation must have Source Separation Programs in place for the storage, set out, collection and disposal of Recyclables, Organics, and Special Collection Waste, in addition to that of Garbage, and such program shall be to the satisfaction of the Director of Public Works;
 - (e) the residential condominium corporation must apply to be considered for the rebate no later than January 30 of the calendar year for which the rebate will apply (which application can be obtained at the Public Works Department, 55 Zina Street, Orangeville); and
 - (f) requests for payment shall be submitted on the appropriate form, shall include copies of invoices in a form acceptable to the Director of Public Works, and shall be submitted in January following the calendar year for which the rebate is being paid.
2. The following restrictions shall apply:
 - (a) if the County implements a full user pay system for Waste collection, the rebates shall cease immediately; and
 - (b) the rebates will be paid only towards Waste collection costs incurred after January 1, 2013, and will be paid only to the condominium corporation.

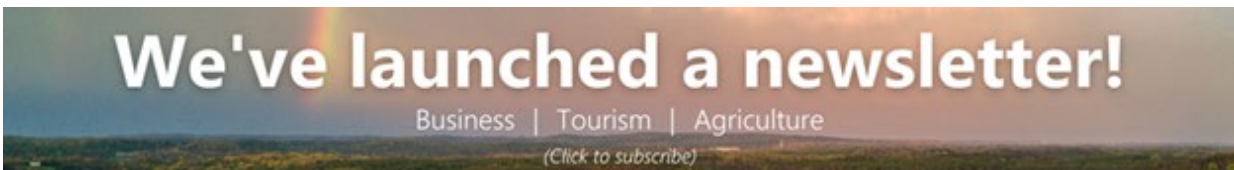
From: [Diksha Marwaha](#)
To: dholmes@melancthontownship.ca
Cc: [Silva Yousif](#)
Subject: FW: Carnevale Pre-Consultation Application - Comments Requested
Date: Monday, September 12, 2022 11:11:32 AM
Attachments: [image002.png](#)
[Bylaw 2012-36 Waste Collection By-Law- Consolidate1.pdf](#)

Hello,

Please see below and attached the comments from the County Waste Services.

Thanks,

Diksha Marwaha, Planning Coordinator | Development and Tourism | County of Dufferin
Phone: 519-941-2816 Ext. 2516 | dmarwaha@dufferincounty.ca | 30 Centre St, Orangeville, ON
L9W 2X1



DufferinCounty.ca | JoininDufferin | DufferinMuseum.com

From: Chris Fast <cfast@dufferincounty.ca>
Sent: Monday, September 12, 2022 11:07 AM
To: Diksha Marwaha <dmarwaha@dufferincounty.ca>
Cc: Scott Burns <sburns@dufferincounty.ca>
Subject: RE: Carnevale Pre-Consultation Application - Comments Requested

Hey there,

Sorry for the delay.

From the perspective of waste collection by the County of Dufferin, the following are the general parameters that are required to be adhered to:

- 1) No backing up within the site by waste collection vehicles. A turn around must be in place (hammerhead, or otherwise).
- 2) Turning radii of 5 meters.
- 3) Minimum road width of 6m.
- 4) Access to collect on both side of the road.
- 5) For corner radii and turnaround dimensions, we default to that of the standards for Fire Services vehicles.
- 6) Sections 2 - 13 of our Waste Collection By-law spell out some further details that you should be

aware of (as attached).

Can you please provide me with the specifications of the turnarounds?

Thanks,

**Chris Fast (he/him) | Collections Coordinator, Waste Services | Public Works Department
County of Dufferin** | 519.941.2816 x2623 | cfast@dufferincounty.ca | 30 Centre Street,
Orangeville, ON L9W 2X1

From: Diksha Marwaha <dmawaha@dufferincounty.ca>

Sent: Tuesday, August 23, 2022 11:05 AM

To: Scott Burns <sburns@dufferincounty.ca>; Mike Hooper <mhooper@dufferincounty.ca>; Brad Gibbons <bgibbons@dufferincounty.ca>; Chris Fast <cfast@dufferincounty.ca>; Becky MacNaughtan <bmacnaughtan@dufferincounty.ca>

Subject: FW: Carnevale Pre-Consultation Application - Comments Requested

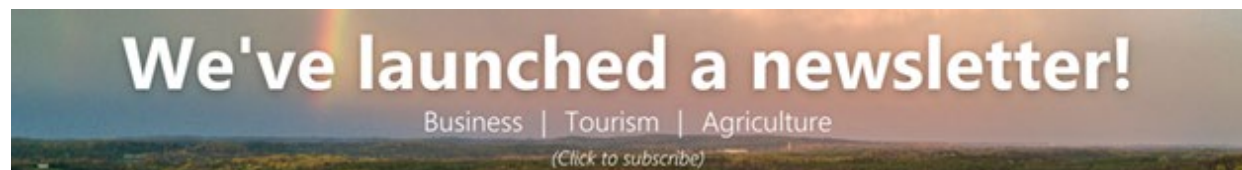
Hello,

Please see below and attached the request for comments for a Pre-Consultation Application for a proposed rezoning and subdivision.

Please provide your comments by September 9, 2022.

Thanks,

Diksha Marwaha, Planning Coordinator | Development and Tourism | County of Dufferin
Phone: 519-941-2816 Ext. 2516 | dmawaha@dufferincounty.ca | 30 Centre St, Orangeville, ON
L9W 2X1



DufferinCounty.ca | JoininDufferin | DufferinMuseum.com

From: Denise Holmes <dholmes@melancthontownship.ca>

Sent: Monday, August 22, 2022 3:53 PM

To: Becky MacNaughtan <bmacnaughtan@dufferincounty.ca>; Ralph Snyder <rsnyder@sdfd.ca>; necowensound@ontario.ca; 'Emma Perry' <eperry@nvca.on.ca>; Roads <roads@melancthontownship.ca>

Cc: Silva Yousif <syousif@dufferincounty.ca>; Diksha Marwaha <dmarwaha@dufferincounty.ca>; Donna Funston <dfunston@melancthontownship.ca>

Subject: Carnevale Pre-Consultation Application - Comments Requested

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the contents to be safe.

Good afternoon,

Attached is a Pre-consultation Application package for a proposed rezoning and subdivision located at 537086 Main Street in Horning's Mills.

The Township Planning Department is formally requesting a preliminary review for comments from you on this application. The deadline for comments is Friday, September 16, 2022.

Should you have any questions, please feel free to contact Silva Yousif, Senior Planner at the email address above.

Thank you.

Regards,
Denise Holmes



Denise B. Holmes, AMCT | Chief Administrative Officer/Clerk | Township of Melancthon | dholmes@melancthontownship.ca | PH: 519-925-5525 ext 101 | FX: 519-925-1110 | www.melancthontownship.ca |

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APPENDIX B

DRAFT ZONING BY-LAW

THE CORPORATION OF THE TOWNSHIP OF MELANCTHON
BY-LAW NO. _____

Being a By-law to amend By-law No. 12-79, as amended, the Zoning By-law for the Township of Melancthon for lands located in Part of Lot 13, Concession 2, O.S in the Township of Melancthon, County of Dufferin.

WHEREAS the Council of the Corporation of the Township of Melancthon is empowered to pass By-laws to regulate the use of land pursuant to Section 34 of the Planning Act, 1990;

AND WHEREAS Angelo Carnevale has submitted an application to amend the Township's Zoning By-law to permit rural residential land uses;

AND WHEREAS the Council of the Corporation of the Township of Melancthon deems its advisable to amend By-law 12-79, as amended;

NOW THEREFORE the Council of the Corporation of the Township of Melancthon enacts as follows:

1. Schedule 'A' to Zoning By-law No. 12-79 as amended, is further amended by zoning lands located at Part of Lot 13, Concession 2, O.S. from Development (D) Zone to site-specific Hamlet Residential (R1-XX) Zone and Open Space Conservation Zone (OS2), all which is shown on Schedule A-1 attached hereto, which forms part of this By-law.
2. Furthermore, Zoning By-law No. 12-79 as amendment, is further amended by inserting the following exemption zone after subsection 6.4:

6.5 Hamlet Residential Exception XX (R1-XX) Zone:

6.5.1 On lands zoned R1-XX no person shall use any land or erect, alter or use any building or structure for any purpose except in accordance with the provisions of subsection 6.4, with the following exceptions:

- i. Minimum Lot Frontage*
(Single Detached Dwelling)
 - a. Lot 13 28 m
 - b. Lot 15 29 m
 - c. Lot 23 25 m

3. In all other respects, the provisions of By-law 12-79, as amended shall apply.

This By-law shall come into effect upon the date of passage hereof, subject to the provisions of Section 34(30) and (31) of the Planning Act (Ontario).

READ A FIRST AND SECOND TIME on the _____ day of _____.

READ A THIRD TIME and finally passed this _____ day of _____.

Mayor

Clerk