

**THE CORPORATION OF THE COUNTY OF PRINCE EDWARD**



**CONSULTANT TERMS OF REFERENCE**

**FOR THE PEER REVIEW OF AGGREGATE RESOURCES ACT  
AND PLANNING ACT APPLICATIONS TO PERMIT A CATEGORY  
7- CLASS "B" PIT ABOVE WATER**

**1002 RIDGE ROAD**

**PART OF LOTS 6, 7, CONCESSION 1 MILITARY TRACT  
HALLOWELL**

**PRINCE EDWARD COUNTY**

**Municipal Files Nos. Z71-17 & OPA2-2017  
Date: March 27, 2018**

**Prince Edward County  
Development Services Department  
280 Picton Main Street  
K0K 2T0**

**The Corporation of the County of Prince Edward  
Terms of Reference  
for  
The Peer Review of Aggregate Resource Act and Planning Act  
Applications to Permit a Category 7-Class “B” Pit Above Water on the  
Property Located at 1002 Ridge Road, Prince Edward County**

**Municipal File No Z71-17 & OPA2-2017**

**TABLE OF CONTENTS**

1	Introduction
2	Objectives
3	Scope of Consulting Services
4	Project Team
5	Deliverables
6	Submission Requirements

March 27, 2018

The Corporation of the County of Prince Edward

Consultant Terms of Reference

Peer Review of Proposed Aggregate Pit

## 1. INTRODUCTION

### 1.1 Purpose

The Terms of Reference (TOR) defines the scope of work required from the Consultant selected to peer review the *Aggregate Resources Act* and *Planning Act* applications to permit a Category 7- Class "B" Pit Above Water on the property located at 1002 Ridge Road in the County of Prince Edward (herein referred to as the "subject lands").

The project will include a review of the applications and supporting materials submitted to the County of Prince Edward for an Official Plan Amendment and Zoning By-law Amendment under the *Planning Act*.

If the Official Plan Amendment and Zoning By-law Amendment are enacted and adopted by the County of Prince Edward, the consultant will assist Municipal Staff in their review of the Aggregate License Application submitted under the *Aggregate Resources Act* to ensure the license conditions appropriately address issues of municipal interest such as road infrastructure and land use compatibility.

#### A. Planning Act Applications:

The selected Consultant will also be responsible for reviewing the Official Plan Amendment and Zoning By-law Amendment applications received under the *Planning Act* to ensure that the proposed aggregate pit is compatible with neighbouring land uses as outlined in Part IV, Policy 9.4.1. of the County of Prince Edward Official Plan.

The peer review of the Official Plan Amendment and Zoning By-law Amendment applications will include a review of the following technical materials submitted in support of the applications:

- Natural Environmental Technical Report Level 1 and Level 2;
- Noise Impact Study; and,
- Traffic Impact Study;

The selected Consultant will review the above noted materials and make appropriate recommendations based on the policies of the Ministry of Environment and Climate Change (e.g. Noise and Stormwater Management), the policies of the Provincial Policy Statement and the County Official Plan and industry best practices.

The Hydrogeological Assessment and the Water Balance and Stormwater Management Letter will be peer reviewed by the hydrogeologist at Quinte Conservation.

#### B. Aggregate Resources Act Application:

If the Official Plan Amendment and Zoning By-law Amendment are enacted and adopted by the County of Prince Edward, the Consultant selected to undertake the peer review will assist Staff in their review of the application submitted under the *Aggregate Resources Act Application* to ensure that the aggregate license issued by MNRF appropriately addresses issues of municipal interest such as road infrastructure and land use compatibility.

March 27, 2018

The Corporation of the County of Prince Edward

Consultant Terms of Reference

Peer Review of Proposed Aggregate Pit

The peer review of the *Aggregate Resources Act* application will include a review of the following materials:

- Aggregate Resources Act Site Plan; and,
- Aggregate Resources Act Summary Statement

The selected Consultant will be responsible for reviewing the application and the above noted materials to ensure the requirements of the *Aggregate Resources Act* and the Provincial Standards of Ontario for a Category 7- Class B Pit Above Water are appropriately addressed as it pertains to municipal matters.

## 1.2 Location

Prince Edward County is located approximately 200 kilometers east of Toronto and directly south of and adjacent to the City of Belleville. The County is a single tier municipality with a geographical area of 1,050 square kilometers and is comprised of 16 distinct Settlement Areas surrounded by rural, agriculture and tourism areas.

The subject lands are located approximately 7 kilometers southwest of the Settlement Area of Picton in an area comprised of agriculture, aggregate extraction and rural residential land uses.

The subject lands are municipally known as 1002 Ridge Road, described as Part of Lot 6 and 7, Concession 1 Military Tract, Hallowell. Ridge Road is located at the top of a ridge landform comprised of a geological deposit of sand and gravel known as an esker. Due to the geological formation of the ridge, a long established history of pit uses are located along Ridge Road, including eight (8) active pit operations licensed under the *Aggregate Resources Act*.

The subject lands are located on the north side of Ridge Road, immediately north of the existing Greer Pit and Leavitt Pit. The majority of the subject lands are occupied by agriculture land being used for the growing and cultivation of asparagus. The remainder of the subject lands is forested with a small area recently tiled-drained and planted with rye-grass for future asparagus.

## 1.3 Background

The County of Prince Edward received applications for an Official Plan Amendment (Municipal File No. OPA2-2017) and Zoning By-law Amendment (Municipal File No. 71-17) from Paul and Sandi Greer to permit a Category 7- Class "B" pit above the water table on the subject lands. The applicant also submitted an application to the Ministry of Natural Resources and Forestry for a Category 7- Class "B" Pit Above Water license under the *Aggregate Resources Act*. A Class "B" License permits the removal of 20,000 tonnes or less of aggregate annually. MHBC Planning Inc. is acting as the Agent for both the *Planning Act* and *Aggregate Resources Act* applications.

The subject lands are currently designated as "*Prime Agricultural*" as in accordance with Schedule E- Land Use of the County of Prince Edward Official Plan. An aggregate pit is not permitted within the *Prime Agricultural* Designation. An Official Plan Amendment is required to permit the expansion, establishment or re-establishment of any aggregate operation on land not designated as *Aggregate* on Schedule E of the Official Plan (Part

March 27, 2018

The Corporation of the County of Prince Edward

Consultant Terms of Reference

Peer Review of Proposed Aggregate Pit

IV, Policy 9.1.3). The requirement of an Official Plan Amendment provides the County, interested government agencies and the land owners in a vicinity of the application an opportunity to assess the nature of the operation, the appropriateness of the site and its potential impacts on the environment, adjacent land uses and the road system.

The Consultant selected to undertake the peer review will be responsible for assessing the *Aggregate Resources Act* and *Planning Act* applications and technical materials submitted in support of the proposed aggregate pit operation to ensure that the proposed operation is compatible with surrounding land uses and will have no negative impacts on the environment, adjacent land uses or the County's road system.

The subject lands are currently zoned the "Rural 2 (RU2) Zone" and the *Environmental Protection (EP) Zone*." The portion of the subject lands proposed for the aggregate pit is zoned the "Rural 2 (RU2) Zone." A pit is not permitted within the RU2 Zone. A Zoning By-law Amendment is required to permit a pit and the crushing, screening or washing of aggregates on the property.

The Consultant selected to undertake the peer review will be responsible for reviewing the proposed zoning by-law amendment and recommending appropriate zoning standards.

#### 1.4 Available Information

Appended to this document are copies of the following materials that were received in support of the *Planning Act* and *Aggregate Resources Act* applications:

- Aggregate Resources Act Site Plan;
- ARA Summary Statement, including Hydrogeological Evaluation;
- Natural Environment Technical Report;
- Stage 1 & 2 Archaeological Assessment;
- Traffic Impact Study;
- Noise Impact Study;
- Stormwater Management and Water Balance Analysis Letter; and,
- Landscape Plan

The Municipality will make available to the Consultant the County's Official Plan and Zoning By-law as well as existing available (with executed Data Sharing Agreement) information relevant to the work. This includes:

- Existing topographic Lidar data in GIS format;
- Digital Aerial photography;
- Base Mapping for the area;
- Zoning and planning information related to the land areas;

#### C. Scope of Consulting Services

Section 2 of the TOR provides details of the scope of services required from the Consultant to complete the assignment.

The following is a summary of the overall objectives of the Work:

March 27, 2018

The Corporation of the County of Prince Edward

Consultant Terms of Reference

Peer Review of Proposed Aggregate Pit

**A: Planning Act Applications:**

- To complete a comprehensive peer review of the Official Plan Amendment and Zoning By-law Amendment applications and supporting technical materials (Natural Environment Technical Report Level 1 & Level 2, Noise Impact Study and Traffic Impact Study) to assess the conformity of the applications to the intent of the Provincial Policy Statement Official Plan policies, good Zoning By-law standards and generally acceptable best planning practices.
- To evaluate the possible effect of the proposed operation of the pit on the environment, nearby communities, ground and surface water resources, agriculture resources, main haulage routes and to recommend potential mitigation mechanisms that can be incorporated into the Official Plan Amendment and Zoning By-law.
- To evaluate the suitability of the progressive rehabilitation and final rehabilitation plans for the site to determine if the plans are consistent the Extraction in Prime Agricultural Areas (Policy 2.5.4) policies of the 2014 Provincial Policy Statement.
- To identify the scope and focus of any agreements that the County may require to be entered into with the applicant in order to implement conditions within the scope of the Municipality's jurisdiction.

**B. Aggregate Resources Act Application:**

- Assist Municipal Staff in their review of the Aggregate Resources Act Application to ensure appropriate conditions are prescribed in the aggregate license to appropriately address municipal concerns regarding haulage routes and other matters that are considered appropriate.

**D. Tasks:**

The Consultant selected to undertake the peer review will be required to conduct a thorough review of the technical studies submitted in support of the applications received under the *Planning Act* and *Aggregate Resources Act* and to make recommendations in relation to the proposed aggregate pit within the scope of the Municipality's jurisdiction.

The Consultant will be expected to undertake the following tasks:

- Review this Terms of Reference and make recommendations for any changes as appropriate to ensure efficient project management and good outcomes in land use planning;
- Review and understand the applications and supporting technical materials received under the *Aggregate Resources Act* and *Planning Act*;
- Review public comments from the Public Open House conducted by the proponent under the *Aggregate Resources Act* to evaluate and understand the public's concerns with the proposed aggregate pit;

March 27, 2018

The Corporation of the County of Prince Edward

Consultant Terms of Reference

Peer Review of Proposed Aggregate Pit

- Visit the site and surrounding area with County Staff to become familiar with the area;
- Review relevant policies in the Provincial Policy Statement, County of Prince Edward Official Plan and the County of Prince Edward Comprehensive Zoning By-law 1816-2006 to develop comments on the applications received under the *Planning Act* and *Aggregate Resources Act*;
- Advise Municipal Staff regarding any supplementary application information, if required;
- Meet with the proponent for giving an orientation of the peer review process;
- Advise Municipal Staff as to appropriate comments to be given to the Ministry of Natural Resources and Forestry (MNR) that would ensure that County's interest in road infrastructure and land use compatibility is maintained;
- Make recommendations to Municipal Staff regarding an appropriate Official Plan Amendment including any special policies;
- Make recommendations to Municipal Staff regarding an appropriate Zoning By-law Amendment including any special provisions; and,
- Advise Municipal Staff regarding recommendations to the Ministry of Natural Resources and Forestry (MNR) for ensuring a good site plan including a license change management provision if appropriate.

#### 4.0 PROJECT TEAM

##### 4.1 Client Project Team

The Primary Contact for the Client Project Team will be Mr. Paul Walsh, MCIP, RPP. Manager of Planning. Other Staff within the Development Services Department may be appointed as necessary.

##### 4.2 Consultant Project Team

The successful Consultant will be a firm of Consulting Engineers with a Certificate of Authorization in the Province of Ontario. The Consultant Project Team will consist of professional and technical staff with the required experience to carry out the tasks required by the Terms of Reference. The Consultant's Primary Contact and Project Manager for this project shall be a Professional Engineer licensed to practice in the province of Ontario, with a minimum five (5) years professional experience in the approval of aggregate resources applications.

The Consultant Project team will include staff and sub-consultants with Ontario professional accreditation and experience in the following fields as a minimum:

- Land Use Planning;
- Civil Engineering
- Geotechnical Engineering
- Traffic Engineering

March 27, 2018

The Corporation of the County of Prince Edward

Consultant Terms of Reference

Peer Review of Proposed Aggregate Pit

- Acoustic Engineering;
- Other professionals as required to successfully complete the assignment

#### **5. Deliverables:**

The Consultant selected to undertake the peer review will be responsible for delivering the following materials:

- A Report with a list of comments and recommendations on the technical materials received with the applications under *Aggregate Resources Act* and *Planning Act*,
  - A Draft Official Plan Amendment and Zoning By-law Amendment document based on generally accepted best planning practices for Municipal Staff and Council Consideration; and,
  - A Draft Agreement (i.e. road user agreement) to ensure that the Municipality's interest in road infrastructure and land use compatibility is maintained;
- \* Please note that if the applications are appealed to the Ontario Municipal Board or Local Planning Appeal Tribunal, a separate proposal for professional services will be required.

#### **6. Submission Requirements:**

Please provide us with your proposal for Consulting Services by March XX, 2018. The proposal shall include a list of tasks that are to be undertaken as well as a budget for services.

For further information, please contact:

**Mr. Paul Walsh, MCIP, RPP**

Manager of Planning

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