

**Summary of Comments – County of Brant Official Plan – December 1, 2009**

#	Section	Agency	Comment/Concern	County Comments	Action
1	General	MOE	It is noted that policies for the protection of water resources have been included, but there is no statement of sourcewater protection as an Objective of the Plan. Given the relationship between sourcewater protection and land use planning policies and instruments, it seems appropriate to state sourcewater protection as both an objective (Section 1.11.2) and, once completed, for the Sourcewater Protection Plan for the County to be included as a component guiding the County Planning Strategy (Section 2.0).		
2	General	MNR, MAH	The current layout and organizational framework of the OP contains a great deal of repetition, and a lack of consistent phrasing or use of defined terminology. We encourage the County to minimize repetition and use consistent language in order to ensure that the OP is easily readable and maximizes the protection of natural heritage features and systems.		
3	General	MNR	MNR recommends that vegetation protection zones may be appropriate with respect to the protection of natural heritage features, areas and systems, where an appropriate naturalized setback/buffer is afforded to the identified features from adjacent development. Potential policy would reinforce that an Environmental Impact Statement shall propose a vegetation protection zone, which (i) has sufficient width to protect the natural heritage features and its ecological functions from impacts of the proposed development or site alteration, and where possible, restores or enhances the natural heritage features and/or its ecological functions, and (ii) is established to achieve, and be maintained as natural self-sustaining vegetation. The minimum width of the vegetation protection zone, if applied, should be clearly stated to ensure minimum thresholds are understood.		
4	General	MNR	With respect to the Special Floodplain Policy Areas Section 2.3.5.2 and Schedule C, it is noted that while no geographic or boundary changes are being proposed on Schedule C, changes are being made to the policies applying to the special policy area within Section 2.3.5.2 of the OP. While some of these changes appear to be minor in nature, several policies have been removed and others re-organized and appear to apply more broadly to all development within floodplains. In keeping within Section 3.1.3a) of the PPS, MNR would like an opportunity to discuss with MAH the process for approving the proposed changes and the County's awareness of this process.		
5	General	MTO	The Schedules and Appendices have County roads 2, 5, 24A, 53, 54, 99 labeled as highways. These roadways are not classified as Provincial Highways and shall not be identified as such as it creates confusion within the public as to jurisdiction. All references to these non-provincial roads as "Highways" through out this document should be modified to read as "Provincial Highway".		

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6	General	MNR	<p>It is understood that the County of Brant has identified Wellhead Protection Areas (WHPA) and groundwater recharge areas, which are to be illustrated on Schedule A of the OP. MNR notes that this is the County's approach to source water protection and has also included source water protection policies within the OP. This approach is proceeding in advance of provincial source protection planning processes under the <i>Clean Water Act</i> (CWA). MNR's concerns relate specifically to the treatment of mineral aggregate operations and related uses including asphalt, concrete/tar plants in WHPA and ground water recharge areas and the use of prohibitions on mineral aggregate operations and related uses in a number of these areas.</p> <p>In addition, clarification should be provided defining what characterizes WHPAs within the County of Brant. Further the OP should also clarify the approach undertaken to determine to groundwater recharge and source water protection areas shown on Schedule A, including the travel times used to establish proposed boundaries.</p> <p>The use of prohibitions is an extreme measure. Prohibitions preclude 'due process' under both the <i>Aggregate Resources Act</i> and <i>Planning Act</i>, each of which requires (or allows opportunities to require) studies to be completed to assess the potential impacts of asphalt and concrete/tar plants and determine whether or not they are viable. Although MOE continues to develop guidance materials for the establishment of source protection plans under the CWA, it is the MNR's understanding that there will likely be limitations placed on the circumstances under which the prohibition of land uses may be used as a policy approach; these circumstances have yet to be defined. MNR suggests that it is not reasonable to adopt a policy framework that prohibits asphalt and concrete/tar plants in certain WPSA in the absence of this direction and a comprehensive threat identification and risk assessment as part of, or in a manner consistent with, provincial watershed-based source protection planning processes.</p>		

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7	General	MNR	<p>MNR generally recommends that natural features, areas and systems schedules incorporate a two category mapping overlay or designation approach for natural heritage, pursuant to policies 2.1.3 and 2.1.4 of the PPS. MNR suggests that a one-category approach may potentially make it difficult to interpret the land use schedules (i.e. provincially significant wetlands vs. non-provincially significant wetlands) with respect to where development may or may not occur. Under this type of approach, one category defines policies for features where development and site alteration are not permitted and a second category addresses natural heritage features where development may occur subject to demonstrating no negative impacts. This comment equally applies to the schedules and appendices of the OP.</p> <p>In addition, it should be understood that the mapped boundaries for PSWs by MNR are determined through a specific scientific evaluation process under the Ontario Wetland Evaluation System (OWES). Further, this equally applies to Areas of Natural and Scientific Interest (ANSIs). The delineation of ANSIs is completed through the science based ANSI confirmation process. It should be made clear that the boundaries of these features are not “conceptual illustrations”, but are the recognized boundaries of a wetland, wetland complex or ANSI. If in site specific cases a review of the existing mapped boundaries is warranted, MNR can provide assistance with this process.</p>		
8	1.11.2.6.2 c)	MMAH	<p>Wording in this section needs to be changed so that it reads “... industries that are directly related to and compatible with ...”.</p>		
9	1.11.2.9.2	MNR	<p>With respect to subsection a) it is recommended that the word “enhance” be added so that the objective is to “identify, protect, maintain, <i>enhance</i> and restore” natural heritage features.</p> <p>In addition, it is recommended that a subparagraph be added to the objectives to provide clarity and consistency with the approach used throughout the OP. This additional subparagraph (g) should reflect an objective “<i>to monitor and periodically assess the condition of the County’s natural heritage features, areas and systems</i>”.</p>		

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10	1.11.2.11	MNR	<p>The resource development context subsection describes unconsolidated mineral aggregate deposits/resources (sand and gravel) in the context of the plan. However, MNR suggests that petroleum resources also warrant discussion in the context of the plan’s ‘resource development.’ MNR recommends that the County review the Ontario Oil, Gas and Salt Resources Library for information about known well and pool locations (<a href="http://www.ogsrlibrary.com/">http://www.ogsrlibrary.com/</a>) of petroleum in the County of Brant, and integrate it into the OP accordingly. This library is the most accurate source of petroleum resource information available. Mineral and petroleum resources are also to be protected for long-term use within Section 2.4 of the PPS.</p>		
11	1.11.2.11.2	MNR	<p>Subparagraph c) addresses the long term protection of aggregate resources in the County. It is recommended that subparagraph c) be clarified to more clearly recognize petroleum resources along with aggregate resources in the County of Brant.</p> <p>In addition, MNR staff recommend adding an additional subparagraph (i) addressing “<i>the conservation of mineral aggregate resources will be promoted by making provisions for the recovery of these resources, where feasible</i>”. As this better recognizes section 2.5.2.3 of the PPS.</p>		
12	2.2.1.1	MEI	<p>Projections in the County Official Plan must be in conformity with Schedule 3 of the Growth Plan.</p>		
13	2.2.3.1	MEI	<p>A modification is needed to reflect the built boundary delineated by the province.</p>		
14	2.2.3.1.2	MMAH	<p>Discussion is needed about whether or not the Highway 403 and County Road 25 Interchange employment areas are considered as settlement areas.</p>		
15	2.2.3.1.2 c)	MMAH	<p>Discussion is needed about whether or not permitting minor rounding out in this section contributes to intensification.</p>		
16	2.2.3.1.3	MMAH	<p>Is it appropriate to use the word “or” in the phrase “which is initiated or adopted by the County”? Doing so would appear to invite the possibility of considering privately initiated amendments, which is inconsistent with the concept of municipal comprehensive review.</p>		
17	2.2.3.1.3 c)	MEI	<p>A modification is needed to add the phrase “and the density target for the designated greenfield area” to the end of the existing section.</p>		
18	2.2.3.2	MMAH	<ul style="list-style-type: none"> <li>i) In subsection vii, the word “Province’s” needs to be deleted.</li> <li>ii) In item c) in subsection viii), the phrase “and/or minor rounding out” needs to be deleted.</li> </ul>		
19	2.2.3.3	MMAH	<ul style="list-style-type: none"> <li>i) In subsection a), the concept that rounding out must be minor, needs to be added.</li> <li>ii) Item ii) in subsection a) appears to contradict the policy of subsection d).</li> </ul>		

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20	2.2.3.4	MMAH	In subsection b), the word “the” needs to be added so that the policy reads “... otherwise designated, the use of ...”.		
21	2.2.4	MEI	Is this the section of the official plan that provides direction about the density, form, scale and type of development proposed for designated greenfield areas?		
22	2.2.4.2 (Area Study Process) and 2.2.4.3 (General Area Study Req'ts)	MNR	<p>Section 2.2.4.2 b) addresses the preparation of the detailed terms of reference and sets out the specific details of the Area Study process. MNR requests that an additional point be added acknowledging consideration of mineral aggregate resource and petroleum deposits when establishing Area Study boundaries.</p> <p>MNR also requests that an additional point be added requiring the delineation of existing mineral aggregate operations and known deposits of minerals aggregate resources as a general requirement for an Area Study (Section 2.2.4.3 c)). This should include a requirement to demonstrate how mineral aggregate operations are protected from development and do not preclude/hinder the expansion or continued use of these operations; or alternatively, how the extraction of the aggregate resource use would not be feasible, how the proposed development serves a greater long-term public interest and how issues of public health and safety and environmental impact are addressed; in keeping with Section 3.14.3 – Land Use Policies in the OP and Sections 2.5.2.4 and 2.5.2.5 of the PPS.</p>		
23	2.2.4.3 c) iii.	MEI	<p>This policy establishes a DGA density target of 35 p+j/ha.</p> <ul style="list-style-type: none"> <li>a) The County must submit a request for an alternative DGA density target to MEI;</li> <li>b) A policy must be included to specify that the density of the DGA will be measured in accordance with GP policy 2.2.7.3;</li> <li>c) A policy must be included to specify that new development taking place in designated greenfield areas will be planned, designated, zoned and designed in a manner that i) contributes to creating complete communities; ii) creates street configurations, densities and an urban form that support walking, cycling and early integration and sustained viability of transit services; iii) provides a diverse mix of land uses to support vibrant neighbourhoods; and iv) creates high quality public open spaces with site design and urban design standards that support opportunities for transit, walking and cycling; and,</li> <li>d) Include phasing policies, and other strategies, for designated greenfield areas to achieve the intensification target and density targets.</li> </ul>		
24	2.2.5.1	MEI	A modification is needed to reflect the built boundary delineated by the province.		

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25	2.2.5.1 a)	MEI	<p>This policy establishes an intensification target of accommodating 25% of all residential development occurring over a 5 year period in the intensification areas by 2015.</p> <p>The County must submit a request for an alternative intensification target to the Minister of Energy and Infrastructure. Submission must substantiate why the alternative target is more appropriate for the size, location and capacity of the built up areas of the County. The request should provide information about the County's work to assess intensification potential, including how much residential development is currently inside the built boundary, how much vacant land is available, how much residential development is possible on vacant lands and through redevelopment, and the reasonable timing and phasing of this development.</p>		

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26	2.3.2	MNR	<p>This section begins to define the context of planning for Natural Heritage Systems (NHS – as suggested by the terminology ‘natural heritage features, <u>areas and systems</u>’), but MNR understands that the content of this section is very feature centric. As such, MNR recommends amending a description of natural heritage system planning to section 2.3.2 of the plan, pursuant to policy 2.1.2 of the PPS.</p> <p>In addition, MNR considers planning for NHS to be a means of achieving an ecosystem-based solution to the protection of natural heritage features and of factoring in their relationship to surface and groundwater. The identification of natural heritage features and significant surface and groundwater features, as inter-related components to a more complete NHS, are noted in Sections 2.2.1(c and e) of the PPS.</p> <p>While the draft policies of the plan acknowledge the necessity of protecting groundwater and water resources, MNR notes that it may be also appropriate to acknowledge this relationship between natural heritage features and surface and groundwater features in the description of NHS planning.</p> <p>With respect to referencing of natural heritage features within the plan, clarification is required throughout the natural heritage policies in the OP; to better identify when policies are referring to Provincially Significant Wetlands (PSWs), or referring to locally significant wetlands as identified by the County. While it is understood that both features are included within the wetlands designation in the OP, the PPS treats PSWs and locally significant wetlands differently, as such this needs to be equally reflected and addressed within the OP.</p> <p>In addition, Section 2.1 of the PPS addresses significant valleylands and does not allow for development and site alternation unless it is demonstrated that no negative impacts on the features or its ecological functions will occur. It is unclear to MNR staff whether references to “Valleylands/Slopes” are intended to address the policies relating to significant valleylands as per Section 2.1 of the PPS or natural hazards under section 3.1 of the PPS.</p>		
27	2.3.2.1 a)	MNR	<p>MNR notes that subsection a) would only apply to those natural heritage features that have been identified and delineated shall be protected. Given the variety of natural heritage features identified within policies of the OP, but are as of yet unmapped (i.e. endangered and threatened species habitat, significant wildlife habitat, unevaluated wetlands) it is recommended that this policy be revised to apply to all natural heritage systems and features.</p>		

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28	2.3.2.1 b)	MNR	With respect to subsection b) it should be clarified that PSWs are identified by the Ministry of Natural Resources. The term ‘significant wetland’ has not been readily established or defined in the context of the OP (i.e. Glossary). As previously mentioned, it is also recommended that if the County has also identified locally significant wetlands they be identified separately both with respect to policies and mapping. It will be important to demonstrate that the policies regarding non-provincially significant wetlands are consistent with provincial interests outlined in the PPS; particularly the relationship to mineral aggregate extraction.		
29	2.3.2.1 d)	MNR	Subsection d) addresses the Significant Woodlands and Vegetation designation. It is unclear to MNR staff what additional features are being included within this designation as ‘vegetation’. Clarification is required.		
30	2.3.2.1 e)	MNR	Subsection e) includes ANSIs, Environmentally Significant Areas (ESAs), water courses, and Valleylands/Slopes which have been subsequently identified and delineated by the County. It should be understood that MNR is responsible for the identification and delineation of provincially significant ANSIs. The boundaries between provincial and municipal responsibilities regarding natural heritage feature identification should be clearly stated within the OP. Further, as ANSI delineations exist outside the <i>Planning Act</i> process; it should also be understood that municipalities have no formal role in the delineation of these features. It is noteworthy that the conceptual illustration of these features is provided within Appendix 1 of the Plan, for more information please see the Ministry’s comments on Appendix 1 below.		
31	2.3.2.1	MNR	MNR recommends amending an additional policy, stating that: Numerous natural features, areas and systems, such as the significant habitat of endangered and threatened species and significant wildlife habitat, are not identified on the schedule mapping at this time. These features may be identified through appropriate studies, such as a sub-watershed plan or an Environmental Impact Study (EIS). The policies protecting these features shall apply, notwithstanding the designations illustrated on the schedules.		

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32	2.3.2.2	MNR	<p>It is unclear to MNR staff what rationale was used to develop the conditions under which development or site alteration may be permitted, and how these conditions are consistent with provincial policy. For example, section 2.1 of the PPS does not allow for development or site alteration in significant habitat of endangered or threatened species and PSW under any circumstances. In addition, the PPS requires the demonstration of no negative impacts, pursuant to 2.14 and 2.16 of the PPS, which is not equivalent to 'no negative impacts that cannot be adequately mitigated'. Significant revisions need to be made to policy 2.3.2.2 (c), and reflected within Table 2.2, to be consistent with provincial policy.</p> <p>Further, Table 2.2 also references "Significant Valleylands/ Slopes". This is inconsistent with earlier phrasing referring to the OP's designation as "valleylands/ slopes", and as noted above, should be clarified as to whether this reference applies to Significant Valleylands or Natural Hazards.</p> <p>Table 2.2 also references significant natural areas and wildlife habitat (including prairies) but states that these features are not included on Schedule A or Appendix 1. It is unclear what the County would recognize as a significant natural area. It is also unclear what the County would recognize as "significant wildlife habitat" or how prairie communities would be recognized. It is recommended that additional policy and/or definitions be added to better explain how these features would be identified, recognized and protected through the official plan. MNR suggests reviewing the Natural Heritage Reference Manual (1999) and Significant Wildlife Habitat Technical Guide (2000) for further direction regarding significant wildlife habitat identification and considerations.</p> <p>Subparagraph (i) – MNR requires further clarification as to the meaning of the term 'species-at-risk' (i.e. reference to federal or provincially listed species). In addition, the Ministry notes that the County is not responsible for the 'preparation' of species recovery strategies, pursuant to provision 11 of the Endangered Species Act (2007). The Ministry recommends that subparagraph (i) be revised to reflect that: <i>'the County acknowledges the significance of species recovery strategies in accordance with the Endangered Species Act (2007), with respect to the protection and recovery of endangered and threatened species listed on the Species at Risk in Ontario list'</i>.</p>		
33	2.3.2.2 e)	MMAH	<p>This proposed policy requires further discussion as the PPS does not contemplate consents for the purposes of retaining/enhancing natural heritage features/areas.</p>		

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34	2.3.3.1 h) ii)	MOE	<p>This policy is potentially misleading as it suggests that a permit or licence will be issued for water takings in excess of 10,000 l/day. The County may require hydrogeological studies to assess the impact of such takings, while recognizing the provincial approval for water taking is triggered by a volume of 50,000 l/day or more. As the province would not issue a permit until the 50,000 l/day threshold is reached, it is not clear as to what permit or licence is being referred to in this clause.</p>		
35	2.3.3.3	MNR	<p>Subsection c) xiv) prohibits mineral aggregate operation related uses, such as asphalt and concrete/tar plants, from within WHPA and groundwater recharge areas. It should be noted that the list of prohibited uses and activities is significantly different from the list of identified threats contained within the list of prescribed drinking water threats under Section 1.1 of <i>General Regulation 287/07</i> under the <i>Clean Water Act, 2006</i>.</p> <p>In addition, subsection h) prohibits aggregate resource operations operating below the water table in WHPA. Further it also requires that any excavation to remain a minimum of one meter above the high water table. MNR has concerns with this approach and questions a municipality's authority to use vertical zoning (or any other means) to control or regulate the depth of mineral aggregate resource extraction. Extraction below the water table is controlled through the licensing and site plan amendment process under the <i>Aggregate Resources Act</i> (ARA). Municipalities are circulated and may comment on such applications, but aside from general amendments to reflect a change in use to aggregate extraction there are no corresponding approvals required under the <i>Planning Act</i>.</p> <p>In addition, it is unclear to MNR staff what information was used by the County to establish the one meter above the water table standard. This standard is inconsistent with MNR practices for the licensing of operations for above water table extraction. For your information applications made under the ARA require that pit extraction occur no closer than 1.5 meters above the water table, and the quarry extraction occur no closer than 2 meters above the water table.</p>		
36	2.3.3.3 i)	MOE	<p>A minor amendment is recommended to indicate that additional uses and activities may be added to that list in order to protect WHPA and groundwater recharge areas.</p>		
37	2.3.3.3 i)	MOE	<p>A minor amendment is recommended to indicate that the required hydrogeological study will be to determine "... the suitability of the land for groundwater extraction <b>and for private subsurface sewage disposal systems.</b>"</p>		

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38	2.3.4.2	MNR	<p>Known areas of mineral aggregate resources within the County, not currently licensed for extraction are currently identified on Appendix 2 of the OP. As mentioned above in relation to natural heritage, MNR staff have concerns with areas of mineral aggregate resources, as per Section 2.5 of PPS, being identified and mapped in a document other than the Official Plan. As such it is recommended that all policies and mapping for mineral aggregate resources, as identified in the PPS appear with the OP and/or on the schedules of the OP and not in the Appendices. This comment equally applies to Section 3.14 – Resource Development Designation.</p> <p>Subsection e) outlines criteria for mineral aggregate extraction occurring below the water table outside of WHPA. With respect to criteria ii), iii) and iv), it should be understood that as per Section 2.5.4.1 of the PPS the criteria are only applicable in prime agricultural areas. This should be clarified in Section 2.3.4.2 of the OP.</p> <p>It should be understood that Section 2.1 of the PPS does not permit development or site alteration in PSWs or significant habitat of endangered or threatened species. Further it does not allow for development or site alteration in significant woodlands, significant valleylands, significant wildlife habitat and significant areas of natural and scientific interest, unless it has been demonstrated that there will be no negative impact on the natural features of their ecological functions. Subsection b) needs to be revised to reflect this.</p> <p>In addition it should be understood and clarified that subsections e) ii), iii), and iv) only apply in prime agricultural areas as per Section 2.5.4 of the PPS.</p>		

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39	2.3.4.2 c) i. and ii.	MOE	<p>Some modification to these clauses is recommended. The key environmental issues related to the production of hot mix asphalt are air emissions. The main pollutant is particulate, which may be emitted from mixing drums and dryers, as well as from fugitive sources such as conveyors and stock piles. Other air contaminants associated with asphalt facilities include nitrogen oxides, sulphur oxides, carbon dioxide and volatile organic compounds. Noise is also a concern in the asphalt sector. Accordingly, it is recommended that item i. be amended to clarify that MOE does not permit asphalt plants. Rather, it regulates and approves equipment for the purposes of controlling air emissions which may include noise. Therefore, the approval issued by MOE is a Certificate of Approval (Air) pursuant to Section 9 of the <i>Environmental Protection Act</i>. Also, waste that is improperly stored may leach additives into the ground.</p> <p>With respect to clause ii., MOE does not have minimum separation distances for asphalt plants. It is the County's prerogative to require minimum separation distance between portable asphalt plants and residences. However, reference that this is a requirement of MOE should be removed.</p>		

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40	2.3.4.3	MNR	<p>Section 2.5.5 of the PPS permits wayside pits and quarries, portable asphalt plants and portable concrete plants used on public authority contracts without the need for an official plan amendment, rezoning or development permit under the <i>Planning Act</i> in all areas, except those areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities. As such subsection b) needs to be revised to reflect Section 2.5.5 of the PPS. The Ministry would recommend revising subsection b) as:</p> <p align="center"><i>“Subject to the above policy, wayside pits and quarries, portable asphalt plants and portable concrete plants shall not be permitted within areas designated as provincially significant wetlands, or within significant habitat of endangered or threatened species or areas of existing development. They will only be permitted in significant woodlands, significant valleylands and significant wildlife habitat where it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions”.</i></p> <p>It is also unclear to MNR staff what relation subsections e) and f) have to wayside pits, quarries or portable asphalt or concrete plants. As such, clarification is requested.</p> <p>MNR staff understands that wayside pits and quarries, portable asphalt plants and portable concrete plants are subject to site plan control through Section 2.3.4.3 of the official plan. It should be understood that wayside pits and quarries are subject to site plan approvals under the <i>Aggregate Resources Act</i>. As such it is recommended that this section recognize the requirements under the <i>Aggregate Resources Act</i> and identify how the OP requirements will complement approvals under the <i>Aggregate Resources Act</i>.</p>		
41	2.3.5.2.1 d)	MMAH	The phrase “the physically or mentally handicapped” needs to be changed to “persons with physical or mental disabilities”.		
42	2.3.5.4.1 d)	MOE	Replace reference to the <i>Guidelines for Use at Contaminated Sites in Ontario</i> with reference to Brownfields Legislation and in particular O.Reg. 153/04.		
43	2.3.5.4.3 l)	MMAH	Delete the word “Province’s”.		
44	2.4.2 c)	MMAH	While the specific target of 400 dwelling units is laudable, i) is this the appropriate target; and ii) will it create problems for the County if it is not?		

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45	2.4.3 b)	MMAH	The PPS requires implementation of affordable housing targets and, as a result, the open and general nature of this section is not in keeping with the PPS. More specifically, the statement “may be completed” is problematic. It may be better to i) state that the implementation of specific targets will take place when the County Housing Strategy is completed; and ii) develop an interim target based on current baseline data until the more specific targets from the Strategy are developed.		
46	2.4.5.1	MEI	This policy needs to be amended to allow accessory residential dwelling units only in single detached residential dwellings in the settlement area, and preferably within the built up area, to provide for more intensification here rather than elsewhere.		
47	2.4.5.2	MEI	This policy needs to be amended to allow garden suites only in the settlement area, and preferably within the built up area, to provide for more intensification here rather than elsewhere.		
48	2.5	MEI	<ul style="list-style-type: none"> <li>• Given that the March 2009 report “Municipal Comprehensive Review of Brant County Employment Lands” indicates that there is more than enough land designated for employment purposes in Brant, it is necessary for the County to prioritize which lands are most important for economic activity.</li> <li>• It is important to differentiate employment areas from land where employment uses are permitted so it is clear where Growth Plan policy 2.2.6.5 (employment land conversion) applies.</li> <li>• It is important to define and designate regeneration areas if there is a desire to activate GP policy 2.2.6.6</li> </ul>		
49	2.6.1 a) ii	MOE	While it is important that services accommodate and sustain the development that is proposed on a specific site, broader environmental impacts need to be considered. In this regard, the phrase “without resulting in unacceptable impact to the environment” should be added to the end of the existing statement.		
50	2.6.2	MMAH	<ul style="list-style-type: none"> <li>i) In subsection b), alternative wording is needed in place of the word “notwithstanding”, which gives the impression that the ability to provide servicing overrides the designation and zoning of the subject lands.</li> <li>ii) Discussion is required regarding subsection f) in order to clarify the intention of this policy.</li> </ul>		
51	2.6.3.1 b)	MMAH	Playing fields are not permitted “as of right” in prime agricultural areas. In order to do so, the tests of Section 2.3.5.1 c) of the PPS must be met.		
52	2.6.5.2 c)	MMAH	In order to provide clarity, the word “this” should be deleted and replaced with the word “avoidance”.		

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53	3.2	MNR	<p>Similar to the comments above relating to Section 2.3.4.3 county buildings, services and public/private utilities are not permitted within areas designated as PSW, or within significant habitat of endangered or threatened species. They may be permitted in significant woodlands, significant valleylands and significant wildlife habitat where it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. It is also unclear why “county activities” are included within this policy. It is MNR’s understanding that under the <i>Planning Act</i>, official plans may regulate land uses, and not activities. This should also be clarified. In addition, when referring to public services and infrastructure references should be made acknowledging that these projects are subject to approval under the <i>Environmental Assessment Act</i>.</p> <p>Subsection h) makes reference to “potential resource” policies in Section 2.3 of the plan; it would appear that this should read as “potential resource development”.</p>		
54	3.2 c)	MEI, MMAH	This policy need to be change to delete the provision to permit County buildings, activities and services in any land use designation. New County buildings, activities and services should be directed settlement areas, particularly to land within the built up area.		
55	3.2 d)	MEI, MMAH	This subsection states that Community Parks, public recreational facilities, and community facilities of any size shall be permitted within any land use designation. This policy should be deleted. New Community Parks, public recreational facilities and community facilities should be directed to settlement areas, particularly to land within the built up area.		
56	3.3.1 f) v.	MTO	<p>MTO requests that the following general MTO provision for Home Occupations be included within the Permitted Uses section 3.3.1 (f) (v) Home Occupations</p> <p><i>“Entrances serving home occupations, industry or businesses located adjacent to provincial highways require the approval of the Ministry of Transportation. Typically, the Ministry of Transportation will require that the property owner obtain an entrance permit and a sign permit if necessary. As a condition of these permits, the Ministry of Transportation requires the property owner to acknowledge that the use of their existing entrance cannot be converted to a commercial entrance in the future and that an additional entrance will not be permitted to accommodate the home occupations, industry or business. In addition, the Ministry of Transportation would not support a future severance that would result in a separate entrance to a business and one for the retained parcel.”</i></p>		
57	3.3.1 i)	MMAH	In order to provide clarity, the phrase “agriculture related commercial and industrial” needs to be changed either to “agriculturally related commercial and agriculturally related industrial” or “agriculturally related commercial/industrial” through out this section.		

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#	Section	Agency	Comment/Concern	County Comments	Action
58	3.3.1 k)	MMAH	Additional discussion is required regarding this proposed policy.		
59	3.3.1 m) vii)	MNR	MNR staff note that Subsection m) vii) states that “if in the development of a pond for a fish farm there is removal of material that can be processed as sand or gravel, a license under the <i>Aggregate Resources Act</i> shall be required”. It is recommended that the end of this statement be changed to “may be required” as depending on the circumstances and overall purpose for the excavation of materials, the removal of such materials may not require a license under the <i>Aggregate Resources Act</i> in all cases.		
60	3.3.1 o) and p)	MMAH	Additional discussion is required with OMAFRA on these sections.		
61	3.3.2.1 a)	MMAH	The references to the MDS requirements are confusing and unclear. The first three sentences of this section must be deleted and replaced with the following:  “In order to avoid land use conflicts with the Agricultural Designation, it is the policy of this Plan that the Minimum Distance Separation (MDS) Formulae be used to establish appropriate standards for separating proposed uses from existing livestock facilities (MDS I) and for applying appropriate standards for the separation of new or expanding livestock facilities from existing adjacent uses (MDS II).”		
62	3.3.2.1 e)	MMAH	Additional discussion is required with OMAFRA on this section.		
63	3.3.2.2	MMAH	It is understood that this is the current standard of the existing official plan. If not, additional discussion is required with OMAFRA.		
64	3.3.2.3 vi)	MMAH	As written, this section does not appear to be consistent with the policies of the PPS. Additional discussion is required with OMAFRA.  Further, an additional item 4 must be added to address the requirements of the PPS that no new residential dwellings are permitted on any vacant remnant parcel.		
65	3.7.3	MMAH	To provide clarity, would it be best to provide cross-references in this section to the other applicable sections of the plan (ie. justification, servicing)?		
66	3.9.3	MEI	A policy should be included to encourage the provision of facilities that would make developments on these lands more pedestrian and bicycle friendly.		
67	3.10.3	MEI	A policy should be included to encourage the provision of facilities that would make developments on these lands more pedestrian and bicycle friendly.		

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#	Section	Agency	Comment/Concern	County Comments	Action
68	3.11.3	MEI	A policy should be included to encourage the provision of facilities that would make developments on these lands more pedestrian and bicycle friendly.		
69	3.12	MMAH	<p>The policies of Section 1.3.2 of the PPS regarding employment land conversion do not appear to be addressed in this section of the Plan.</p> <p>Further, we would like to have further discussions with the County regarding distinguishing employment areas from traditional industrial areas. (See similar comments from MEI – item #48 in this list.)</p>		
70	3.12.2	MEI	Daycare services and fitness centres should not be permitted on land in Employment Designation outside settlement areas. Direct these uses to settlement areas to contribute to the vitality of these areas and enable more people to walk or drive shorter distances to these services.		
71	3.12.3	MEI	A policy should be included to encourage the provision of facilities that would make developments on these lands more pedestrian and bicycle friendly.		
72	3.12.3 n)	MTO	<p>MTO requests that Section 3.12.3 n) be re-worded to the following:</p> <p align="center"><i>Access to a Provincial Highway and County Road if in the close proximity (within the provincial permit control area) to an intersection or interchange of a Provincial Highway shall require approval from the Province and the County.</i></p> <p align="center"><i>Access to a County Road beyond the Provincial permit control area shall require approval from the County.</i></p>		
73	3.14.3 h)	MOE	In order to provide more detail, a minor modification is needed to indicate that the provincial requirement governing proper well abandonment is O.Reg. 903 made under the <i>Ontario Water Resources Act</i> . It is also suggested that proper well decommissioning be a requirement of official plan policy within all land use designations, not just for lands designated “Resource Development”.		

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#	Section	Agency	Comment/Concern	County Comments	Action
74	3.14	MNR	<p>As mentioned above, mapping of areas of aggregate and petroleum potential needs to be within the Official Plan, and not referred to appendices. In addition, and as mentioned previously, more detailed recognition of petroleum resources within the general “intent” of this section should be included.</p> <p>MNR staff noted that subsection e) makes reference to the establishment of “new resource development activities”. It is unclear why the term activities is being used, and as such it is recommended that that be rephrased to “new resource development land uses”.</p> <p>With respect to subsections i) through k), MNR recommends that where development occurs within 300m of a known aggregate pit operation or within 500m of a known bedrock quarry operation applicants provide information on the potential impact of the proposed development on the continued use or expansion of any mineral aggregate operation or adjacent land and the long term availability of mineral aggregate resources on the site of the development application and adjacent lands.</p> <p>Subsection l) ii) addresses requirements relating to rehabilitation of pits and quarries. The last paragraph in the subsection states that “sites may also be rehabilitated to good wildlife habitats using native species for vegetation”. It is unclear to MNR staff what the County means by “good wildlife habitats”, where further clarification if the reference to good habitat is equivalent to significant wildlife habitat would be helpful. Further, MNR would recommend promoting the planting of native species that are indigenous to the site or the surrounding area as a means of promoting comparable species composition to what existed on the site prior to extraction.</p>		
75	3.15.2	MEI	<p>This policy permits a range of uses on land in the Institutional designation, including major institutional uses, such as hospitals, clinics and treatment facilities, secondary schools, post-secondary facilities, educational facilities, community facilities, government offices, places of worship, cemeteries, government-operated institutions, places of worship, nursing and retirement homes, museums and other cultural establishments, and private clubs.</p> <p>New major institutional uses, such as hospitals, clinics and treatment facilities, secondary schools, post-secondary facilities, educational facilities, community facilities, government offices, places of worship, cemeteries, government-operated institutions, places of worship, nursing and retirement homes, museums and other cultural establishments, and private clubs should be directed to settlement areas.</p>		

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#	Section	Agency	Comment/Concern	County Comments	Action
76	3.16.2	MEI	New public recreation facilities, community centres, exhibition grounds, golf courses and commercial facilities that are largely established for commercial gain such as amusement parks should be directed to settlement areas.		
77	3.17	MNR	<p>While it is understood that both provincially significant wetlands and locally significant wetlands have been included within the “significant wetlands” designation in the OP, the PPS provides additional protection to PSWs and this needs to be clearly reflected within the OP. As such, MNR recommends that PSWs be mapped and referenced separately from those identified by the County as locally significant.</p> <p>Subsection 3.17.2a) – Permitted Uses, allows for passive open space uses within the significant wetlands designation. It is unclear to MNR staff what the County considers as passive open space uses, clarification about the general types of uses this would include either in the definitions or this section of the OP is recommended.</p> <p>In addition, subsection e) states that development and site alteration, including aggregate extraction, shall not be permitted in the significant wetlands designation. This section needs to be clarified to state that development and site alteration shall not be permitted in PSWs in order to be consistent with Section 2.1 of the PPS.</p>		

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#	Section	Agency	Comment/Concern	County Comments	Action
78	3.17.3	MNR	<p>Subsection a) identifies conservation authorities as the source for obtaining PSW mapping; it is recommended that MNR also be included.</p> <p>In addition, subsection a) states that the addition or removal of PSWs shall require an amendment to the OP. Further it is noted that as per Section 2.3.2.1i) of the OP the refinement of natural heritage features, areas and systems does not require an amendment to the OP. It is unclear to MNR staff what purpose requiring an OPA for updating PSW mapping to add or remove newly assessed features would serve, and this should be clarified. It should be understood that the MNR evaluation and recognition of PSWs is based on a scientific process outside the realm of the <i>Planning Act</i>. In the event a wetland was to be evaluated as a PSW, this classification would apply to the wetland regardless of whether the feature appears on the County's OP schedule. As such it is recommended that this subsection be modified to recognize that the OP schedule mapping will be amended/ updated as new features, including PSWs, are identified.</p> <p>With respect to subsection c) this policy would appear to have been previously established through the general policies in Section 3.2 - Policies Applicable to All Designations. As state above services and public/ private utilities are not permitted within areas designated as provincially significant wetlands, or within significant habitat of endangered or threatened species, they may however be permitted within locally significant wetlands. As such it is recommend to streamline and clarify this policy with Section 3.2.</p> <p>In addition, subsection e) refers to allowing bonusing for development projects adjacent to wetlands in primary or secondary urban areas. Bonusing would be awarded for "creating more interesting development as well as assisting in the creation of innovative site design that shall enhance the wetland characteristics. It is unclear to MNR staff what is meant by "creating more interesting development and innovative site design", and what relation this would have to the adjacent wetland. It is also recommended that the end of the policy be rephrased to "<i>enhance, restore and improve ecological and/or hydrological form and function of the wetland</i>".</p>		

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#	Section	Agency	Comment/Concern	County Comments	Action
79	3.18	MNR	<p>Section 3.18.1 speaks to the intent of the significant woodlands and vegetation designation. The OP recognizes that the County currently has 13% woodland/ forest cover and that over 25% of the woodlands in the County are comprised of 5 individual features. However, it is noted that no threshold or rationale for identifying significance is provided. While it is understood that the approaches for compiling and assessing significant woodlands is dependant on the type resources and information available, more detail is needed within the OP to clarify how significant woodlands were identified.</p> <p>Further it is unclear what rationale has been used to include other vegetation communities within this designation, or how their significance was determined. It would appear that prairies may be included as an additional vegetation community; however Table 2.2 of the OP also identifies prairies as significant natural areas and wildlife habitat, which are unmapped. Additional detail is needed to explain the rationale behind including these areas in the OP. For the purposes of the PPS, prairie communities are typically considered as potential areas of significant wildlife habitat, as such it is recommended that prairies be included within the significant wildlife habitat policies/ mapping.</p> <p>As part of the permitted uses policies, subsection e) prohibits development and site alteration, including aggregate extraction within the significant woodlands and vegetation designation. This approach is unclear as Table 2.2 of the O.P would allow for development and site alteration provided no negative impacts would result. Further, Section 2.1.4 of the PPS prevents development and site alteration in significant woodlands and significant wildlife habitat unless it can be demonstrated that there will be no negative impact on the natural feature(s) or their ecological function(s). As such this policy would appear to be overly restrictive and revisions are recommended.</p>		

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#	Section	Agency	Comment/Concern	County Comments	Action
80	3.18 (cont.)	MNR	<p>Subsection 3.18.3 a) requires development proposals to first determine if the features mapped as significant woodlands on Schedule A are in fact significant. Subsection b) requires linkages to other natural heritage features, functions and systems to be considered within the evaluation. However, no other criteria or polices are provided describing the rationale expected to be applied in order to evaluate the significance of woodlands for the purposes of this policy. As mentioned previously no threshold for determining significance is provided within the OP. It is unclear to MNR staff what process was used by the County to map the significant woodlands and vegetation designation. Additional clarification is needed to better establish the work completed by the County to date, and to ensure consistency when evaluating significance of these features.</p> <p>MNR staff believe the intent of the subsection d) is to address Section 2.1.6 of the PPS. As such it is recommended that the subsection be revised, MNR staff suggest the following:</p> <p align="center"><i>“In accordance within Section 2.3.2.2 of this Plan development and site alternation shall not be permitted on adjacent lands to a significant woodland unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.”</i></p> <p>In addition, it is unclear as to why this policy appears here for Significant Woodlands but doesn't appear for wetlands or other natural heritage features included within the OP. On this basis it is recommend that this policy either be replicated for all of the natural heritage feature designations/ policies, or that it be moved and included in the general natural heritage policies found within Section 2.3.2.2 of the OP, and made applicable to all natural heritage features/ systems.</p> <p>Subsection j) addresses the retention of trees with relation to infrastructure expansions and/or upgrades. MNR recommends including a reference to the identification and protection of endangered or threatened tree species.</p>		

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#	Section	Agency	Comment/Concern	County Comments	Action
81	<b>Significant Valleylands, ANSIs, Significant Wildlife Habitat, Significant Habitat of Endangered Species</b>	<b>MNR</b>	As noted above, while it is understood that the conceptual illustration of these features is provided within Appendix 1 of the Plan, it is understood that Appendix 1 does not comprise part of the OP. MNR staff have concerns with the apparent lack of natural heritage features and systems policies pertaining to significant valleylands, ANSIs, significant wildlife habitat, significant habitat of endangered and threatened species contained within the OP. Municipal authorities are required to ensure these features are appropriately protected, pursuant to the PPS. As such clear and consistent policies and mapping pertaining to these features should be added within the OP.		
82	<b>4.0</b>	<b>MMAH</b>	The location of a number of these special policy areas is not clear, particularly the Employment Policy Areas. We would ask that the County clarify that these policies are to be applied only to areas within the approved settlement areas.		
83	<b>4.2.7</b>	<b>MTO</b>	In Section 4.2.7 Employment Policy Area 2, it would appear as though this section of the text does not relate to Schedule 'A'. Please review and update where required.		

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#	Section	Agency	Comment/Concern	County Comments	Action
84	4.2.8	MTO	<p>In Section 4.2.8 Employment Policy Area 3, the text would appear to relate to the lands adjacent to Garden Avenue north and south of Highway 403. Either Schedule 'A' or the text should be reviewed and updated where required.</p> <p><i>The Ministry of Municipal Affairs and Housing has appealed a decision of the County of Brant with respect to lands within this policy area (OMB Case No. PL090536 &amp; OMB File No. PL090537). The Ministry of Transportation has consistently advised that direct access to Garden Avenue within prescribed limits would not be permitted. The following statement, which is consistent with the County of Brant Transportation Master Plan should be added to this section</i></p> <p><i>(b)No new full movement public road, private road, or commercial access connections will be permitted from Garden Avenue between the Highway 403 westbound ramp terminal and Lynden Road. All access to Garden Avenue north of Highway 401 shall be provided via Lynden Road.</i></p> <p><i>No new full movement public road, private road, or commercial access connections will be permitted from County Road 18 south of Highway 403 between the Highway 403 eastbound ramp terminal and Henry Street. Access to the lands in the southeast quadrant of the interchange shall be provided via an extension of Henry Street.</i></p>		
85	4.2.20	MTO	<p>In Section 4.2.20 Resource Development Policy Area 5, access to these lands currently is obtained via Bethel Road and a private access to Highway 24, south of the Highway 402 interchange. Should the employment lands identified in southwest quadrant of the interchange be constructed while the resource is still viable, suitable access shall be provided via Bethel Road.</p> <p>The following statement should be added:</p> <p><i>b) Full or partial build-out of the Employment lands in the southwest quadrant of the Highway 403 and Highway 24 interchange will require the removal of the private access located mid-block between the interchange and Bethel Road. Suitable access to Resource Development Policy Area 5 shall be obtained via the intersection of Highway 24 and Bethel Road intersection, subject to the review and approval of a Traffic Impact Study.</i></p>		

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#	Section	Agency	Comment/Concern	County Comments	Action
86	5.2	MMAH	<p>There are references to the extension of full County services in these policies. Since full County services may also be provided through the development of new facilities, rather than the extension of existing facilities, it may be appropriate to change the phrase to “extend or develop full County services”.</p> <p>Also, the policies of Section 5.2.3.3 Partial Servicing Requirements and 5.2.3.4 Private Servicing Requirements overlap each other and are confusing. In addition, recognition needs to be included regarding the 5 lot limit of Section 1.6.4.4 of the PPS.</p>		
87	5.2.3.1 b)	MEI	<p>This policy requires all servicing systems to be provided and maintained in a manner that is integrated with the planning process, sustainable, financially viable, and protects human health and the environment. The policy needs to be changed, or a new policy added, to specify that the County will strive to generate sufficient revenue to recover the full cost of providing municipal water and wastewater systems.</p>		
88	5.2.3.2 v.	MOE	<p>A modification is recommended to require owners to properly decommission any private services that have been used in the interim, when full municipal services are eventually extended into an area. The clause as written only requires a connection to the services.</p>		
89	5.2.3.3 f)	MOE	<p>See comments regarding 5.2.3.2 v.</p>		
90	5.2.3.3 j)	MOE	<p>This section needs to be corrected to indicate that jurisdiction for individual septic tank and weeping tile systems are under the jurisdiction of the County, pursuant to the Ontario Building Code, unless the system has a treatment capacity exceeding 10,000 l/day.</p>		
91	5.2.3.4 c)	MOE	<p>See comments regarding 5.2.3.2 v.</p>		
92	5.3	MTO	<p>Section 5.3 Transportation Systems references illustrations on Schedule “B”, however this schedule was not within the submitted data thus comments are pending.</p>		

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#	Section	Agency	Comment/Concern	County Comments	Action
93	5.3.1.1 (c)	MTO	<p>Request that the following general provision shall be included within the Transportation Systems section 5.3.1.1 (c) Truck Routes:</p> <p>The designation of Provincial Highways is the domain of the Ministry's and not the municipality's. While it is correct that part of the function of Provincial Highways is the efficient transport of goods, they are open to all users and any designation otherwise may negatively impact perception. As such, any reference to segments of Provincial Highways as part of a "Haul" or "Truck Route" should be removed from the document.</p>		
94	5.3.4	MNR  MTO	<p>MNR staff notes that subsection g) commits particular attention to trail systems associated with natural assets including the Grand River waterfront, parks and natural heritage features. It is recommended that the County clarify what is considered as a "natural asset". In addition it is also recommended that the planting of locally native species along trail way areas be promoted where applicable.</p> <p>MTO request the following be inserted:</p> <p><i>Any public or private trail crossing a Provincial Highway is subject to approval and restrictions of the Province. Trails running along the Provincial Highway will not be permitted.</i></p>		
95	5.6	MOE	<p>This section does not provide specific direction on two questions:</p> <ul style="list-style-type: none"> <li>• Does the County anticipate that no new waste management facilities will be required for the lifespan of this Plan?</li> <li>• Should a private sector company wish to establish facilities within the County, what policies will direct the consideration of this type of application?</li> </ul>		
96	6.4	MMAH	<p>The phrase "have due regard" may be confusing in relation to the "have regard for" standards found in the <i>Planning Act</i>. In addition, the "have regard for" and "be consistent with" standards are applied to the actual action of making a decision, not to the matters which will be considered in the process of making a decision. As a result, the word "consider" may be more appropriate.</p>		

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#	Section	Agency	Comment/Concern	County Comments	Action
97	6.4	MNR	<p>Section 6.4 lays out requirements for consideration when considering an amendment to the County's OP, including changes to settlement areas boundaries. Subsection e) addresses lands designated "significant wetlands" within the OP and the results of an environment impact study. Subsection k) address locally significant natural features and whether an environment impact study should be required. MNR staff would appreciate further justification to the intent of these two subsections, as neither fully addresses the full complement of natural heritage features and systems identified within the PPS or within Table 2.2 of the OP. As such, it is recommended that subsection e) be revised to recognize PSW, significant woodlands, significant valleylands, ANSIs, significant wildlife habitat and significant habitat of endangered and threatened species. Subsection k) should be revised to recognize locally significant features and the results of any studies prepared in relation to those features. Given the layout of the OP, the requirement for the preparation of an EIS study for locally significant features should be within Section 2.3.2.2, Table 2.2 – adjacent lands policies, or the complete application policies within the OP.</p>		
98	6.5.1.2	MMAH	<p>To be consistent with Sections 6.5.1.3, 6.5.1.5 and 6.5.3 of the Plan, reference to Section 36 of the <i>Planning Act</i> may be appropriate in this section.</p>		
99	6.5.1.4	MMAH	<p>To be consistent with Sections 6.5.1.3, 6.5.1.5 and 6.5.3 of the Plan, reference to Section 38 of the <i>Planning Act</i> may be appropriate in this section.</p>		
100	6.5.1.5	MNR	<p>As noted above, Section 3.17.3 of the OP addresses bonusing for development adjacent to wetlands; however no reference to this section or how these options fit within the broader bonusing policies is made within Section 6.5.1.5. As such, it is recommended that the intent of these policies be clarified.</p>		
101	6.5.2	MTO	<p>In Section 6.5.2 Plans of Subdivision/Condominium, we request that the following be added:</p> <p><i>Where a draft plan of subdivision is proposed adjacent to a provincial highway, the layout of the subdivision should be designed such that the lots back onto the provincial highway and front onto a local internal street. Subdivision layouts where a local road runs parallel to a provincial highway, with no lots between the local road and provincial highway, often restrict the province from effectively acquiring land for future highway improvements. Ideally, rear yards should back onto a provincial highway.</i></p>		

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#	Section	Agency	Comment/Concern	County Comments	Action
102	6.5.4.2	MNR	<p>Subsection h) appears to contain policies pertaining to surplus dwelling severances in agricultural areas. It is unclear to MNR staff why the significant wetlands or significant woodlands designation is included within this policy. It should be understood that development, as defined within the PPS, includes the creation of lots. Further, Section 2.1 of the PPS does not allow for development or site alteration within significant habitat of endangered or threatened species and provincially significant wetlands, and only allows for development in significant woodlands, significant valleylands, ANSIs, and significant wildlife habitat where it has been demonstrated that no negative impacts on the feature or its ecological functions will occur. As such, this section should be revised to better reflect the policies of the PPS.</p>		
103	6.5.9	MNR	<p>The complete application policies are intended to identify supporting studies, information and materials required as part of a development application. Subsection c) provides a list of identified studies that may be required as part of a submission for a development application. With respect to xix) tree survey and protection report, MNR would like clarification regarding the intent and level detail expected to be provided within such a report. MNR also suggests adding a tree retention plan to be included with xix).</p> <p>In addition, MNR also recommends requiring an aggregate impact assessment for all development within 300 meters of an existing aggregate pit or known deposit, and within 500 meters of an existing quarry or known bedrock deposit, as is mentioned in our comment regarding Section 3.14 above.</p> <p>It is recommended that a sub section be added under subparagraph c) recognizing that a review of the potential for significant habitat of endangered or threatened species may be required as part of an EIS. It should be further understood that at part of this review the County may collaborate with the Province during the early stages of the planning process, to ensure that the significant habitat of endangered or threatened species on lands affected by or contiguous to any proposed development or site alteration is properly evaluated and identified. In addition, requirements for examining potential for significant wildlife habitat and unevaluated wetlands should also be clearly identified as parts of an EIS exercise.</p>		
104	7.2	MMAH	<p>It is understood that the definitions found in this section of the Plan are consistent with and do not conflict with those found in the PPS and the Growth Plan.</p>		

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#	Section	Agency	Comment/Concern	County Comments	Action
105	7.2	MNR	<p>MNR staff recommended that the following terms/ definitions be added within Section 7.2 and applied consistently through out the official plan.</p> <p><b>Mineral aggregate operation</b> - lands under license or permit, other than for <i>wayside pits and quarries</i>, issued in accordance with the <i>Aggregate Resources Act</i>, or successors thereto; and, associated facilities used in extraction, transport, beneficiation, processing or recycling of <i>mineral aggregate resources</i> and derived products such as asphalt and concrete, or the production of secondary related products.</p> <p>In addition it should be ensured that throughout the OP references are made to mineral aggregate operations, and not ‘activities’.</p> <p><b>Mineral aggregate resources:</b> meaning gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the <i>Aggregate Resources Act</i> suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the <i>Mining Act</i>.</p> <p><b>Provincially Significant Wetlands:</b> areas identified as provincially significant by the Ontario Ministry of Natural Resources using evaluation procedures established by the Province, as amended from time to time for features that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens.</p> <p><b>Significant Habitat of Endangered or Threatened Species:</b> means the habitat, as approved by the Ministry of Natural Resources, that is necessary for the maintenance survival and/or recovery of naturally occurring or reintroduced populations of species at risk and where those areas of occurrence are occupied or habitually occupied by the species during all or any part(s) of its life cycle. To identify which species are endangered or threatened, the County will refer to the Species at Risk in Ontario list (SARO) that is prepared and updated by the Ministry of Natural Resources.</p>		

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#	Section	Agency	Comment/Concern	County Comments	Action
106			<p><b>Significant Wildlife Habitat:</b> means areas where plants, animals and other organisms live and find adequate amounts of food, water, shelter and space needed to sustain their populations. Significance may be demonstrated when wildlife habitat is ecologically important in terms of features, functions, representation, or amount and contributes to the quality and diversity of the greater natural heritage system. Significant wildlife habitat areas are defined as consisting of one or more of the following:</p> <ul style="list-style-type: none"> <li>a) Habitat areas that provide for seasonal concentrations of animals;</li> <li>b) Wildlife movement corridors;</li> <li>c) Rare vegetation communities or specialized habitats for wildlife; and/or</li> <li>d) Habitats for species of conservation concern.</li> </ul>		
107	Schedules – “A” Series	MMAH	It is understood that the designations in the “A” series of schedules reflects the existing designations and settlement boundaries of the current official plan.		
108	Schedule “A”	MTO	<p>On Schedule ‘A’ Land Use Plan, it makes reference to Special Policy Area 12, while no text could be found within the document. The following has been addressed in the County of Brant Transportation Master Plan and can be inserted into the text:</p> <p>Special Policy Area No. 12</p> <p><i>No new full movement public road, private road, or commercial access connections will be permitted from Highway 24 (Rest Acres Road) between Bethel Road and Powerline Road. All access to Highway 24 (Rest Acres Road) shall be via Bethel Road and Powerline Road. Existing access for the current use and zoning will be permitted to remain.</i></p> <p><i>Highway improvements necessitated by land development within MTO’s permit control area as specified in the PTHIA will generally be the responsibility, financially and otherwise, of stakeholders and municipalities. Improvements shall be based on the recommendations of a MTO approved Traffic Impact Study (TIS), which shall identify the transportation needs and traffic impacts that land use development will have on the surrounding highway network including the interchange of Highway 24 and Highway 403. The cost of a TIS is the financial responsibility of the stakeholder.</i></p>		
109	Schedule “A”	MEI	The two areas along Highway 403 which only contain lands designated as “Employment” are inappropriately designated as Settlement Areas. Settlement areas must include land use designations that enable a mix of land uses.		

**Summary of Comments – County of Brant Official Plan – December 1, 2009**

#	Section	Agency	Comment/Concern	County Comments	Action
110	Schedule “A”	MNR	With respect to Schedule A, it is noted that mapping has been provided for ground water and source water protection areas. However, no identifiable mapping showing wellhead protection areas have been included. Given the restrictive policies within wellhead protection areas proposed in Section 2.3.3.3 these areas should be clearly identified and separate from ground water recharge areas. Further it is unclear what would qualify as a “source water protection area” as this term is not defined or used consistently else where within the OP.		
111	Schedules – “B” Series	MMAH	This schedule was missing from the June 2009 draft plan which was provided to us.		
111	Schedules – “C” Series	MMAH	The accuracy and appropriateness of this schedule must be confirmed in discussions with the GRCA.		
113	Schedule “D”	MEI	A modification is needed to specifically delineate the built boundary delineated by the province in addition to the settlement area boundaries.		
114	Schedules and Appendices	MNR	With respect to schedules and appendices, it is noted that Section 1.0 of the draft OP states that the appendices are intended to enhance the understanding of the strategies, land use and policies of the plan and are intended to assist in the interpretation of the policies of the plan, but are not part of the Official Plan document. MNR staff has concerns with natural heritage features and systems approach included within Section 2.1, and the inclusion of aggregates within Section 2.5 of PPS, being identified and conceptually illustrated in a document other than the Official Plan. This approach raises concerns with respect to the implementation of the OP policies relating to Appendix 1 – Natural Heritage Features and Natural Hazards; and Appendix 2 – Aggregate Resources. As such it is required that all mapping for natural heritage features and systems, and mineral aggregates identified in the PPS appear on the schedules or maps within the Official Plan and not in the Appendices.		

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115	<b>Appendix 1 – Natural Heritage Features and Natural Hazards</b>	MNR	<p>It is unclear what features and systems have been identified within Appendix 1. In part, no natural hazards are listed within the legend of the map. However, a review of the layer shown in light blue and labeled as “ANSI” would appear to include other features or systems beyond only Areas of Natural and Scientific Interest (ANSI). This category should be broken out to show each individual category, and should include: ANSI’s, significant valleylands, significant wildlife habitat, significant habitat of endangered and threatened species, and natural hazards. In addition, Table 2.2 of the draft OP states that Environmentally Significant Areas (ESA’s) are also to be illustrated on Appendix 1, and also do not appear to have been included, this should be corrected.</p> <p>As stated above regarding to the layer of “Significant Wetlands”, this layer must clearly identify PSWs separate from locally significant wetlands. In addition the south-west corner of the map appears to be missing several PSW features, including the Hatchley Swamp wetland complex. It is recommended this be corrected so that all PSWs are easily identifiable. These comments equally apply to all of the other schedule maps where the wetland layer is included. Finally it is unclear why the wetlands and woodlands and vegetation mapping was included on Appendix 1 as Table 2.2 states that wetlands would be mapped on Schedule A.</p>		
116	<b>Appendix 2 – Aggregate Resources</b>	MNR	<p>a) The mapping for mineral aggregate resources and petroleum resources needs to appear as a schedule to the official plan, not as an appendix.</p> <p>b) MNR notes some differences in the mapping of secondary significance resources when comparing it to MNR’s data layers. MNR would appreciate the opportunity to review the mineral aggregate information sources used by the County to development this mapping.</p> <p>c) It is noted that “inactive licensed pits and quarries” have also been included within Appendix 2. It is unclear to Ministry staff what has been mapped as an “inactive licensed pit or quarry” or how this term is defined. It is recommended that the County clarify the rationale behind this category and define the term within the OP.</p> <p>d) It is also noted that no mapping has been included with respect to petroleum resources; Section 2.4 of the PPS requires incorporation of policies and mapping for petroleum resources. As mentioned in our comments on Section 1.11.2.11 Resource Development above, it is recommended that the County incorporate the mapping and additional information that is available.</p>		

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117	Appendix 3	MNDMF	<p>There are three known sites of previous mining activities in the County related to past gypsum mining. These sites are documented in the Abandoned Mines (AMIS) database. A one kilometer buffer surrounds each site and is to be considered within the buffer. In some cases, a smaller buffer can be justified around specific sites. These decisions will be made on a case-by-case basis in consultation with the Ministry of Northern Development, Mines &amp; Forestry.</p> <p>From the AMIS database, the following sites should be indicated in Appendix 3, as mentioned in Section 2.3.5.4.1 (g) Human Made Hazards</p> <ul style="list-style-type: none"> <li>• 04893 Paris Plaster Mine, Brantford Township, Lot 13, Concession 1</li> <li>• 04903 Hamilton Mine, South Dumfries Township, Lot 30, Concession 1</li> <li>• 04905 Torrence Prospect, Brantford Township, Lot 16, Concessions 1</li> </ul> <p>Published reports and Mineral Deposit Inventory and Abandoned Mines records are available for viewing through the Geology Ontario portal using the following link:  <a href="http://www.geologyontario.mndm.gov.on.ca/">http://www.geologyontario.mndm.gov.on.ca/</a></p>		
118	Appendix 3	MNDMF	<p>Historically, the Paris Plaster Mine was the first gypsum mine opened in Ontario that operated between 1822 and 1905, producing approximately 68,000 tons of gypsum. The Ministry of Culture may also have additional information concerning heritage values for these sites.</p>		