

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: March 23, 2018

CASE NO(S): PL160012

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Golf North Properties Inc.
Subject: Application to amend Zoning By-law No. 110-01 - Neglect of the County of Brant to make a decision

Existing Zoning: Holding provision Residential Type One A with a special exception (h-R1A-3), Open Space with a special exception (OS-3), Environmental Protection (EP), and Environmental Protection with a special exception (EP-1)

Proposed Zoning: Residential First Density with a special exception (R1-___), Residential Multiple First Density (R4), Residential Multiple Second Density (R5), and Open Space (OS)

Purpose: To permit a development of 400 residential units comprising of 300 single detached dwellings and 100 multi-unit dwellings

Property Address/Description: Concession 1 & 2, Part Lots 27, 28 & 29
Municipality: County of Brant
Municipality File No.: ZBA47-13-MD
OMB Case No.: PL160012
OMB File No.: PL160012
OMB Case Name: Golf North Properties Inc. v. Brant (County)

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Golf North Properties Inc.
Subject: Proposed Plan of Subdivision - Failure of the County of Brant to make a decision

Purpose: To permit a development of 400 residential units comprising of 300 single detached dwellings and 100 multi-unit dwellings

Property Address/Description: Concession 1 & 2, Part Lots 27, 28 & 29

Municipality:	County of Brant
Municipality File No.:	PS4/13/MD
OMB Case No.:	PL160012
OMB File No.:	PL160013

Heard: February 16, 2018 in Paris, Ontario

APPEARANCES:

Parties

Counsel

Paris Grand Estates Inc.	I. Banach
County of Brant	N. Smith
CRH Canada Group Inc. (Dufferin Aggregates)	S. Ferri

MEMORANDUM OF ORAL DECISION DELIVERED BY S. JACOBS ON FEBRUARY 16, 2018

[1] This was the sixth Pre-hearing Conference (“PHC”) concerning appeals to the Ontario Municipal Board (the “Board”) by Paris Grand Estates Inc. (“Paris Grand”) of the failure of the County of Brant (the “County”) to make decisions regarding its applications for a Zoning By-law Amendment and Draft Plan of Subdivision.

[2] Subsequent to the Board’s previous PHC, the County held an information session for the public to learn about Paris Grand’s revised development proposal. The purpose of this PHC was to determine whether there are additional persons interested in the Board proceeding as a result of the revised proposal. The Board’s Order from its January 23, 2018 PHC required those interested in party status to file motion material; as the Board received no notices of motion, the focus of this PHC was to determine which individuals are interested in obtaining participant status for the upcoming hearing.

[3] The Board heard from several individuals who are interested in this matter. Each individual spoke briefly to outline their concerns with the proposal; many of them expressed concerns about the traffic that would be generated from the revised proposal. The Board encouraged these individuals to work together to compile their traffic-related concerns, and to perhaps elect one spokesperson to speak to traffic-related concerns at the hearing. On this basis, and on the consent of the parties, the Board granted participant status to the following individuals:

- David Clement
- Myles Rusak
- Christopher Tracy
- Margaret Thompson
- David McLean
- Rick O'Brien
- George Hatton
- Drew Skuce

[4] Ms. Smith and Mr. Banach advised the Board that they have been working to narrow the issues for the hearing, and anticipated submitting a revised Procedural Order ("PO") and Issues List to the Board by March 8, 2018. The Board notes that the revised PO and Issues List did not receive the consent of all parties until March 19, 2018. The revised PO and Issues List is included here as Appendix 1.

[5] During the PHC, Ms. Smith reminded participants that, in accordance with the PO, they must file written participant statements no later than March 29, 2018. The

Board notes, that due to the revisions to the PO, this date has been extended so that participants must file their statements no later than **Tuesday, April 10, 2018**.

Participants should email their statements to Board's Case Coordinator / Planner, Leesa Kwong (Leesa.Kwong@ontario.ca) and copy the parties on that email.

[6] The Board understands that the parties may be interested in mediation, and the Board explained that the possibility for mediation remains open, subject to scheduling and discussions with the new participants about the possibility of mediation. If the parties are indeed interested in Board-assisted mediation, they should advise the Board as soon as possible, and at least 30 days prior to the hearing scheduled to commence on **Monday, May 14, 2018**.

[7] The Board Orders that the Procedural Order set out as Appendix 1 to this Order shall be in full force and effect for the purpose of governing the required procedure leading up to and including the Hearing scheduled to commence on May 14, 2018.

[8] This panel is not seized, however, remains available for the case management of this matter.

"S. Jacobs"

S. JACOBS
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board

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APPENDIX 1

ONTARIO MUNICIPAL BOARD *Commission des affaires municipales de l'Ontario*

PROCEEDING COMMENCED UNDER Subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant/Appellant: Golf North Properties Inc.
Subject: Application to amend Zoning By-law No. 110-01 - Neglect of the County of Brant to make a decision
Existing Zoning: Holding provision Residential Type One A with a special exception (h-R1A-3), Open Space with a special exception (OS-3), Environmental Protection (EP), and Environmental Protection with a special exception (EP-1)
Proposed Zoning: Residential First Density with a special exception (R1-___), Residential Multiple First Density (R4), Residential Multiple Second Density (R5), and Open Space (OS)
Property Description: Concession 1 & 2, Part Lots 27, 28 & 29
Municipality: County of Brant
Municipality File No.: ZBA47-13-MD
O.M.B. Case No.: PL160012
O.M.B. File No.: PL160012
O.M.B. Case Name: *Golf North Properties Inc. v. Brant (County)*

PROCEEDING COMMENCED UNDER Subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant/Appellant: Golf North Properties Inc.
Subject: Proposed Plan of Subdivision - Failure of the County of Brant to make a decision
Property Description: Concession 1 & 2, Part Lots 27, 28 & 29
Municipality: County of Brant
Municipality File No.: PS4/13/MD
O.M.B. Case No.: PL160012
O.M.B. File No.: PL160013

PROCEDURAL ORDER

The Board Orders that:

1. The Board may vary or add to this Order at any time either on request or as it sees fit. It may amend this Order by an oral ruling or by another written Order.

Organization of the Hearing

2. The Hearing will begin on **Monday, May 14, 2018 at 10:00 a.m. and continue until Tuesday, June 26, 2018** at the Municipal Building, Council Chambers, 7 Broadway Street West, Paris, Brant, Ontario, N3L 2R2. The Board will not sit on May 21, 2018 (Victoria Day). The Board may not sit on an additional date, to be determined at a later time, as a result of the Board's professional development schedule. All Parties and Participants shall attend the first day of the Hearing.
3. **The Board will conduct a 4th Prehearing Conference on February 16, 2018 at 11:00 a.m. at the Municipal Building, Council Chambers, 7 Broadway Street West, Paris, Brant, Ontario, N3L 2R2. The purpose of this Prehearing Conference is to hear requests for Participant Status or motions for Party Status, if necessary.**
4. The length of the Hearing will be **30 days**. The length of the Hearing may be shortened as issues are resolved or settlement is achieved.
5. The Parties and Participants (see **Attachment 1** for the meaning of these terms) identified at the Prehearing Conference are listed in **Attachment 2** to this Order.
6. The Issues are set out in the Issues List attached as **Attachment 4**. There will be no changes to this list unless the Board permits. A Party who asks for changes may have costs awarded against it. Notwithstanding the foregoing, if the Applicant proposes substantive changes to the Zoning By-law Amendment and/or Plan of Subdivision that the Applicant is currently seeking approval of (which are included at **Attachment 5**), any Party may raise additional issues arising out of those changes within 15 days of receipt of notice of same.
7. The order of evidence at the Hearing is listed in **Attachment 3** to this Order. The Board may limit the amount of time allocated for opening statements, evidence in chief (including the qualification of witnesses), cross-examination, evidence in reply and final argument. The length of written argument, if any, may be limited either on consent or by Order of the Board.

Requirements Before the Hearing

8. All Parties and Participants (or their representatives) shall provide a mailing address, email address, and telephone number to the Board. Any such person who retains a representative (legal counsel or agent) subsequent to the Prehearing Conference must advise the other Parties and the Board of the representative's name, mailing address, email address and phone number.
9. A Party who intends to call witnesses, whether by summons or not, shall provide to the Board, the other Parties and to the County Clerk a list of the witnesses and the order in which they will be called. This list must be delivered on or before **Wednesday, February 21, 2018**. For expert witnesses, a Party is to include a copy of the *curriculum vitae* and the area of expertise in which the witness is proposed to be qualified. Any challenges to the qualifications of a witness to give opinion evidence in the area of expertise proposed should be made by motion in accordance with the Board Rules on or before **Monday, March 28, 2018**.
10. Expert witnesses in the same field shall have at least one (1) meeting on or before **Monday, April 16, 2018** to try to resolve or reduce the issues for the Hearing. The experts must prepare a list of agreed facts and the remaining issues to be addressed at the Hearing, and provide this list to all of the Parties and the County Clerk on or before **Friday, April 20, 2018**.
11. An expert witness shall prepare an expert witness statement that shall include: an acknowledgement of expert's duty form, the area(s) of expertise, any reports prepared by the expert, and any other reports or documents to be relied on at the Hearing, and a list of the issues which he or she will discuss and the witness' position on the issues. Copies of this must be provided as in Section 14. Instead of a witness statement, the expert may file his or her entire report if it contains the required information. If this is not done, the Board may refuse to hear the expert's testimony.
12. A Participant must provide to the Board and the Parties a participant statement on or before **Tuesday, April 10, 2018**, or the Participant may not give oral evidence at the Hearing.
13. Expert witnesses who are under summons but not paid to produce a report do not have to file a witness statement; but the Party calling them must file a brief outline of the expert's evidence and his or her area of expertise, as in Section 14.
14. On or before **Tuesday, April 10, 2018**, the Parties shall provide copies of their witness and expert witness statements to the other Parties and to the County Clerk.

15. The Parties shall prepare a Joint Document Book, the reasonable cost of which to be shared by the Parties on or before **Friday, April 27, 2018**, and which will be filed with the Board on the first day of the Hearing. A paper copy of any document proposed to be entered into evidence or relied upon shall be provided at the Hearing unless ordered otherwise by the presiding Member.
16. On or before **Monday, April 30, 2018**, the Parties shall provide copies of their visual evidence to all of the other Parties. If a model is proposed to be used the Board must be notified before the Hearing. All Parties must have a reasonable opportunity to view it before the Hearing.
17. Parties may provide to all other Parties and to the County Clerk a written response to any written evidence on or before **Monday, April 30, 2018**.
18. A person wishing to change written evidence, including witness statements, must make a written motion to the Board in accordance with the Board's Rules 34 to 38.
19. A Party who provides the written evidence of a witness to the other Parties must have that witness attend the Hearing to give oral evidence, unless the Board and the Parties are notified on or before **Monday, May 7, 2018** that the written evidence is not part of the record.
20. Documents may be delivered in person, by courier, by facsimile or registered or certified mail, or by email, or otherwise as the Board may direct. The delivery of documents by fax and email shall be governed by the Board's Rules 26 to 31 on this subject. Material delivered by mail shall be deemed to have been received five business days after the date of registration or certification.
21. No adjournments or delays will be granted before or during the Hearing except for serious hardship or illness. The Board's Rules 61 to 65 apply to such requests.
22. The County of Brant, in consultation with the Parties and the Board, shall prepare a Hearing Communication Strategy that may include website posting and a witness work plan posting at the Hearing. Strategy elements will include the best information available to further public engagement but will caution all on the unpredictability of the Hearing process and anticipated scheduling.

This Member is not seized.

SUMMARY OF DATES

DATE	EVENT
Friday, February 16, 2018	Prehearing Conference
Friday, February 21, 2018	Exchange of witness lists (names, disciplines and order to be called)
Tuesday, April 10, 2018	Exchange of witness statements, summoned witness outlines, expert reports and participant statements
Monday, April 16, 2018	Experts meeting prior to this date
Friday, April 20, 2018	Circulation of Agreed Statement of Facts
Friday, April 27, 2018	Finalize Joint Document Book
Monday, April 30, 2018	Exchange of reply witness statements (if any)
Monday, April 30, 2018	Exchange of visual evidence (if any)
Monday, May 14, 2018	Hearing commences

Attachment 1: Purpose of the Procedural Order and Meaning of Terms

Prehearing conferences usually take place only where the Hearing is expected to be long and complicated. If you are not familiar with the Hearing process you should prepare by obtaining the Guide to the Ontario Municipal Board, and the Board's Rules, from the Board Information Office, 15th Floor, 655 Bay Street, Toronto, M5G 1E5, 416-326-6800 or Toll Free 1-866-887-8820, or from the Board website at www.O.M.B..gov.on.ca.

The Parties should discuss the draft Procedural Order before the Prehearing conference and identify the issues and the process they propose the Board order following the Prehearing. The Board will hear submissions about the content of the Procedural Order at the Prehearing.

Meaning of terms used in the Procedural Order:

Party *is an individual or corporation permitted by the Board to participate fully in the Hearing by receiving copies of written evidence, presenting witnesses, cross-examining the witnesses of the other Parties, and making submissions on all of the evidence. If an **unincorporated group** wishes to become a Party, it must appoint one person to speak for it, and that person will become the Party and assume the responsibilities of a Party as set out in the Procedural Order. Parties do not have to be represented by a lawyer, and may have an agent speak for them. The agent must have written authorization from the Party.*

Participant *is an individual, group or corporation, whether represented by a lawyer or not, who may attend only part of the proceeding but who makes a statement to the Board on all or some of the issues in the Hearing. At the Hearing, a Participant may be asked questions by the Parties about their statements. Participants do not normally receive notice of a mediation or conference calls on procedural issues and cannot ask for costs, or review of a decision as Parties can.*

Written and Visual Evidence:

Written evidence *includes all written material, reports, studies, documents, letters and witness statements which a Party or Participant intends to present as evidence at the Hearing. These must have pages numbered consecutively throughout the entire document, even if there are tabs or dividers in the material.*

Visual evidence *includes photographs, maps, videos, models, and overlays which a Party or Participant intends to present as evidence at the Hearing. If a model forms part of the evidence, photographs of the model shall also be filed.*

Witness Statements:

*A **witness statement or a participant statement** is a short written outline of the person's background, experience and interest in the matter; a list of the issues which he or she will discuss and the witness' or Participant's opinions on those issues; and a list of reports that the witness will rely on at the Hearing.*

*An **expert witness statement** should include his or her (1) name and address, (2) qualifications, acknowledgement of the expert's duty, and specific area(s) of expertise (3) a list of the issues he or she will address, (4) the witness' opinions on those issues and the complete reasons for the opinions and (5) a list of reports that the witness will rely on at the Hearing.*

The Procedural Order will set out when and how witness statements are to be exchanged.

Additional Information

Summons: *A Party must ask a Board Member to issue a summons. This request must be made before the time that the list of witnesses is provided to the Board and the Parties (see Rules 45 and 46 on the summons procedure.) An affidavit may be requested indicating how the witness' evidence is relevant to the Hearing. If the Board is not satisfied from the affidavit, it will require that a motion be heard to decide whether the witness should be summoned.*

The order of examination of witnesses: *is usually direct examination, cross-examination and re-examination in the following way:*

- *direct examination by the Party presenting the witness;*
- *direct examination by any Party of similar interest, in the manner determined by the Board;*
- *cross-examination by Parties of opposite interest;*
- *re-examination by the Party presenting the witness; or*
- *another order of examination mutually agreed among the Parties or directed by the Board.*

Role of Participants: *Participants are identified at the start of a Prehearing or at the start of a Hearing. Participant statements should be filed with the Board and the Parties in accordance with the direction set out in the Board's Procedural Order. If a Participant does not attend the Hearing and only files a written statement, the Board may not give it the same attention or weight as submissions made orally. The reason is that Parties cannot ask further*

questions of a person if they merely file the material and do not attend.

Attachment 2: Parties and Participants

Appellant/Party	Counsel/Agent	Contact
Paris Grand Estates Inc.	Michael Melling Isaiah Banach	Davies Howe LLP 10th Floor 425 Adelaide Street West Toronto, Ontario M5V 3C1 <i>MichaelM@davieshowe.com</i> <i>IsaiahB@davieshowe.com</i> P: 416-977-7088
County of Brant	Nancy Smith	Turkstra Mazza Associates 15 Bold Street Hamilton, ON L8P 1T3 <i>nsmith@tmalaw.ca</i> P: 905-529-3476
CRH Canada Group Inc.	Quinto Annibale Steven C. Ferri	Loopstra Nixon LLP 135 Queens Plate Drive, Suite 600 Toronto, ON M9W 6V7 <i>sferri@loonix.com</i> P: 416-748-4752 <i>qannibale@loonix.com</i> P: 416-748-4757

Participant	Contact
Joan Faux	Email: <i>mom2jnp@gmail.com</i>
Pamela Nickell	Email: <i>dapnickell@rogers.com</i>
David Clement	Email: <i>dclement@waterousholden.com</i>

Myles Rusak	Email: <i>Myles.Rusak@Bigbrothersbigsisters.ca</i>
Christopher Tracy	Email: <i>christopher.tracy@granderie.ca</i>
Margaret Thompson	Email: <i>margaret@thompsonprint.com</i>
David McLean	Email: <i>dave.mclcorvette@gmail.com</i>
Rick O'Brien	Email: <i>rickobrien1122@gmail.com</i>
George Hatton	Email: <i>georgeahatton@gmail.com</i>
Drew Skuce	Email: <i>drew@myvalleyworkshop.com</i>

Attachment 3: Order of Evidence

1. Paris Grand Estates Inc.
2. County of Brant
3. CRH Canada Group Inc.
4. Paris Grand Estates Inc. (Reply, if any)

Note: ***The Hearing panel will determine the timing for the evidence of Participants.***

Attachment 4: Issues List

COUNTY OF BRANT

Planning

1. Do the applications for a Zoning By-law Amendment and Draft Plan of Subdivision have regard to matters of provincial interest?
2. Are the proposed Zoning By-law Amendment and Draft Plan of Subdivision applications consistent with the Provincial Policy Statement (PPS), 2014 and do they conform to the County of Brant Official Plan?
3. Does the proposed development conform with Policies 2.3.4.2 (Aggregate Impact Assessment) and 3.13.3 (Geotechnical Study) of the Official Plan?
4. Is the proposed development premature given the ongoing Class EA Study for Grand River Street North as it relates to the following?
 - (a) Including but not limited to:
 - (i) The serviceability plan to accommodate future growth of build out of the development lands; and
 - (ii) Whether the roundabout for the intersection of Grand River Street North and Paris Links Road/Silver Street should be changed to an aligned four leg signalized intersection.
5. Should the Applicant commence the Stage 2 Archeological Assessment as soon as possible, particularly on areas with key municipal servicing (ie. SWM Pond Blocks and the Sanitary Sewer Lift Station Block)?
6. Should the Planning Justification Report prepared by GSP include a figure for Block 23 which includes concept plans for access to the areas from the main development?
7. Does the proposed development represent good land use planning?
8. Are there other conditions which should be imposed by the Ontario Municipal Board if development is approved for the subject lands?

Draft Plan of Subdivision

9. Does the proposed Draft Plan of Subdivision meet the requirements of 51(24) of the Planning Act?
10. Is a road widening required to Paris Links Road, over the existing 20 metre ROW, to accommodate an increase in the Average Daily Traffic?
11. Is the sanitary sewer pumping station (Block 27) appropriately located relative to the SWM Block, taking into account accessibility and separation from the residential area?
12. Should Park Block 23 be connected to the subdivision and existing developed areas to make efficient use of it?
13. Is the 20 metre minimum for the centerline radii appropriate and is it met?
14. Should Block 20 (Stage 1) and Block 11 (Stage 2) provide access to Streets A and M, respectively, in order to minimize direct access to Paris Links Road? Should a 0.3 m reserve be placed along the Paris Links Road Frontage?
15. Can the SWM Pond at Block 26 be completed without encroaching into the Regional Floodplain Limit?
16. Has the Applicant provided a 0.3 metre reserve along all flankages and daylight triangles for the following:
 - (a) Stage 1: Blocks 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 20 [Paris Links Road], 21;
 - (b) Stage 2: Blocks 1, 2, 4, 5, 6, 8, 10, 11; and
 - (c) Stage 3: Blocks 2, 3, 4, 10, 11, 12, 13.
17. Has the Applicant provided adequate site distances for the driveways along Blocks 16,17,18,19 and 22 (Stage 1)?
18. Can the routing of the drain from Street A to Gilbert Creek be adjusted to the south to intercept the drainage branch that leads to Gilbert Creek (not to run under the storm pond) so that an easement is no longer required?
19. As the Class EA for Grand River Street North has not been completed, should the road network be reverted to a previous version which depicted a road connection to the Dufferin lands to the north west of the site (railway corridor)?

20. Should the walkway that was shown along the westerly edge of Block 5 be reinstated as it allows for a more direct connection to the Open Space, Block 24?

Paris Grand Area Study

Residential Units

21. Are the Preliminary Trail Routes in Figure 4 of the Area Study prepared by GSP based on the up to date subdivision layout?

Water Servicing

22. Are the values in Table 1 and Table 2 of the Planning Justification Report prepared by GSP correct?
23. Has the Applicant demonstrated that there is sufficient capacity in the Airport Aquifer?

Financial

24. Are the conclusions in the Altus Fiscal Impact Analysis, with respect to financial benefits of the development, up to date considering the significant changes that have been made to the proposed development?

Traffic, Roads and Parking

25. Does the traffic analysis include a review of storage length requirements for the left turn lanes for Paris Pinks Road and Silver Street at the intersection of those left turn movements?

Grading and Stormwater Management

26. With respect to the overland flows of the northeast portion of the site over Paris Links Road, does the Applicant demonstrate that the 2-100 year flows do not enter Gilbert Creek as per the Gilbert Creek Sub-Watershed Study without having quantity control for 72 hours?
27. Has the Applicant for the development confirmed the hydraulic capacity of the 100-year storm sewer?
28. Has the Applicant for the development confirmed the catchbasin capacity calculation depth that can be achieved with respect to the road grading and cross section?

29. Has the Applicant for the development:
 - a. Provided a cross section at the sag point of Paris Links Road Station 0+505;
 - b. Provided overland flow elevation and flow path to Gilbert Creek;
 - c. Ensured that the overland flows are only engaged above the 100-year storm event;
 - d. Demonstrated how the overland flow routes for major storm events from the north easterly portion of the proposed development will be conveyed across Gilbert Creek and onto Street F without overflowing to Gilbert Creek;
 - e. Demonstrated what the depth of flows will be on Street G, Paris Links Road and Street F;
 - f. Ensured that the overland flows do not compromise the structural integrity of the retaining wall and has been accounted for within the retaining wall design; and
 - g. Ensured that the ROW width of Paris Links Road allows sufficient room for any replacement/extension of the culvert on Gilbert Road.
30. Has the Applicant for the development clarified if a 50% reduction of opening area is used for the catchbasin at sag calculation to estimate inlet capacity?
31. Has the Applicant for the development provided confirmation that the depth of flow over the road does not exceed 150 mm over the crown in the 100-year storm?
32. Has the Applicant determined the existing drainage conditions accurately?
33. Has the Applicant confirmed the hydraulic grade lines at the following 90 degree bends and junctions:
 - a. Street M and Paris Links Road;
 - b. Street G and Paris Links Road;
 - c. Street F and Paris Links Road; and
 - d. Street F and Street E.

34. Has the Applicant ensured that when flowing full, there will be no backwater effects or pop manhole lids due to surcharging at the following locations:
 - a. Street M and Paris Links Road;
 - b. Street G and Paris Links Road;
 - c. Street F and Paris Links Road; and
 - d. Street F and Street E.
35. Do the SWMF 1 and SWMF 2 Access Roads provide adequate space to turn around and the ends and access to the outlets/infiltration gallery (SWMF 1) for maintenance purposes?
36. Has the Applicant for the development confirmed the major overland flow route for external pond SWM P6? If so, has the Applicant ensured that the overland flow route does not include private property?
37. Has the Applicant for the development clarified whether SWMF P6 will have 72 hour quantity controls and/or cooling trench provided?
38. Has the Applicant for the development provided Regional Flood Elevations on the drainage and grading plans?
39. Has the Applicant for the development confirmed that the grading does not extend outside of the site limits? Does SWM Pond F2 need to be extended north and east?
40. Has the Applicant for the development confirmed the impacts of the Regional Flood elevation on SWM F1 and connected sewer network? Does the size of the SWM Block need to be expanded to the west?
41. Does the GRCA accept the modeling that was performed using a 24 hour Type II SCS Storm?
42. Has the storm modeling been completed as per the County of Brant Development and Engineering Standards (May 2014) – Section 8.1.01?
43. Has the Applicant for the development confirmed that the SWM F1 characteristics in Table 5.1 of the Preliminary Stormwater Management Report match the values provided in Figures 5.1 and 5.2?
44. Has the Applicant provided supporting calculations for roads and developed areas?

45. Is the proposed development located outside of the floodplain (ie. SWM Ponds 1,2 and Street G)?
46. Are the development setbacks at the tributary near SWM Ponds 1 and 2 the same in the MTE drawings and in the Preliminary Geotechnical Investigation Report prepared by LVM, dated June 22, 2012?
47. Has the Applicant ensured that the proposed development does not include grading beyond the LVM recommended slope setback for the:
 - (a) SWM Ponds 1 and 2;
 - (b) Grading at Paris Links Road; and
 - (c) Sanitary pumping station?
48. Has the Applicant ensured that the modeling for stormwater management has an overall identical pre and post development study limits?
49. Has the Applicant confirmed the accuracy of the catchments along the railway and to POI 740 (drawings ST1.1 and ST2.1)?
50. Should the pre-development catchment 407-3 flow towards the Grand River rather than Gilbert Creek?
51. Has the catchment area for SWM Pond 1 (catchment 5405) been included in the post development model?
52. Has the Applicant provided, in table 5.3 of the Stormwater Management Report, the drawdown time for the increase in volume from the 100-year storm, rather than from the larger volume?
53. Has the Applicant made a splitter manhole for SWM Pond 1 apparent?
54. Has the Applicant calculated the dispersion length for the forebays using the inlet pipe capacity?

Sanitary

55. Has the Applicant demonstrated that the infrastructure is in place to support the proposed development from a sanitary servicing capacity?
56. Has the Applicant correctly calculated and confirmed the flows to the Sanitary Pumping Station?

57. Has the Applicant for the development addressed the equalization tank and/or Sanitary Pumping Station oversizing concerns (ie. generation of odours)?
58. Is there sufficient water and sanitary sewer capacity for the development, taking into account the estimated flows in the Paris Master Servicing Plan?
59. Has the Applicant determined whether upgrades are required to the existing forcemain for 800 units?
60. Has the Applicant determined if the 800 units will further impact the downstream system?
61. Has the Applicant for the development provided updated data of the sanitary analysis based on the sanitary sewer flow monitoring program?
62. Has the Applicant run the Paris Grand System Hydraulic model to confirm the watermain sizing for the proposed development layout and increased density?
63. Has the Applicant provided details of roadway width, boulevard width and sidewalk requirements, parking expectations so the appropriate ROW width for Paris Links Road can be determined?
64. Does the Draft Plan of Subdivision support the identified linkages in Figure 4 of the Paris Grand?
65. Has the Applicant considered links to existing developed area to the parkland areas between existing Lots 214 and 215 on Riverview Terrace?
66. Why does the per unit runoff depth, ET and infiltration in the spreadsheet decrease post development?
67. Why does the water balance sheet have an area of 1.84 ha while drawing ST2.1 shows an area of 1.15 ha?
68. Has the Applicant included the post development catchment 245-5 and local depression in the total to Paris Links Road?
69. Has the Applicant correctly included the post development catchment 247-1 in the existing calculations for local runoff to wetland 3?
70. Has the Applicant included catchment 407-2 in the existing conditions calculation for local runoff to wetland 3?

71. Has the Applicant revised the MOECC Infiltration spreadsheet in Appendix D so that it does not double count the roof area for catchment 245-2?
72. Do the proposed revisions to the road profile of Paris Links Road along the frontage of the development meet TAC standards for vertical curves?
73. Has the Applicant defined the impact of the centerline profile revisions on the existing trunk watermain along Paris Links Road?

Water Supply

74. Was the Azimuth report updated in 2017 to reflect a modified water demand?
75. Should the Applicant be relying on the findings of the Azimuth Study without the criteria of the Tier 3 Study on the Whiteman's creek watershed applied to it?
76. Does the Applicant's Water Supply Study adequately consider all components of water supply, including but not limited to storage and the distribution system's ability to move water from the source to the points of demand?
77. Is the County of Brant's average daily demand standard of 350 L/day per capita reflective of the current usage?
78. Has the Applicant for the development applied updated design criteria to maximize design flows?
79. Has the Applicant for the development conducted a hydraulic analysis of the proposed distribution system in the Draft Plan of Subdivision to reflect the conditions that are currently proposed?
80. Has the Applicant provided/identified a suitable and sustainable source for the required water supply and investigated the North Paris Upper Aquifer and the Glen Morris Bedrock Aquifer as possible sources for potable water supply?
81. Has the Applicant for the development provided updated reports to those referenced in the Paris Grand Final Functional Servicing Report?
82. Does the Water Supply Study and Functioning Servicing Report submitted by the Applicant distinguish between the existing water supply and the Airport aquifer?

83. Has the Applicant included the changes in infiltration within each wetland catchment separately, rather than just an overall site change?
84. Has the Applicant summarized and discussed the change in annual infiltration to each wetland using the results from the GAWSER model and the MOECC method (hydrologic cycle component values)?
85. Has the Applicant modelled lands outside of this application as existing conditions?
86. Has the Applicant included flows from upstream of the site in its assessment of change in flow in Gilbert Creek?

Environmental

87. Has the Applicant for the development provided additional information with respect to the adequacy of pavement structure and current condition and width for the proposed pedestrian trail system?
88. Has the wetland boundary on the newly acquired Locke property been field reviewed by the GRCA and subsequently surveyed and included on site plan drawings?
89. Does the proposed development include a 30 metre buffer from the wetland boundary and a 30 metre buffer from the watercourse? Have these buffers been applied to the Locke property as well?
90. Has the Applicant provided groundwater balance for each wetland catchment? If so, have changes in the groundwater balance for each wetland been discussed as part of the EIS along with potential impacts and mitigation measures?
91. Has the Applicant clearly identified all areas of proposed buffer encroachment or proposed encroachments into natural heritage features on a map?
92. Has the Applicant provided a map highlighting the areas of proposed changes in the new draft plan in relation to natural heritage features?
93. Has the Applicant corrected the labelling errors between the EIS Addendum (Section 2.0 and 3.0) and labelling on Map 2?
94. Has the Applicant revised the trail alignment to avoid encroachments into the wetland feature and to provide a suitable buffer?
95. Has the Applicant completed monitoring of the bank erosion within the watercourses and SWMF outfall erosion? Has this erosion monitoring

- been included as part of the comprehensive monitoring plan and submitted to the GRCA for review?
96. Is the Applicant proposing tree removal with SWMF 1, Block 27 (Map 2), ELC community WODM5-3? If so, has the Applicant identified the extent of this tree removal on a figure and completed a tree inventory and preservation plan?

Noise/Air Quality

97. Does the Environmental Noise Assessment completed by Novus Environmental reference the receptor locations accurately in Figure 3 and Figure 4 of the Report?
98. Has the Applicant entered into an agreement with Dufferin Pit confirming that Dufferin Pit will undertake or allow the Applicant to undertake the required noise mitigation work to the berms within the existing Dufferin Pit?
99. Has the Applicant provided sufficient analysis with respect to the required noise mitigation measures along Paris Links Road as they relate to Outdoor Living Areas that occur on the end units on Blocks 2, 3, 4, 7, 8, 9, 10 and 11 etc?
100. Has the Applicant provided guidance on what offset to an Outdoor Living Area would be required if the arrangement of units on Block 20 or Block 11 exposed rear yard amenity areas to Paris Links Road?
101. Has the Applicant entered into an agreement with CRH Canada Group Inc. (Dufferin Aggregates) that provides for the necessary noise mitigation berms and the buy-sell agreement for homes on the north side of Paris Links Road in Stages 1 and 2 which are to include MOECC Noise Warning Clause "Type E"?

CRH CANADA GROUP INC.

Note: CRH Canada Group Inc. adopts the Issues of the County of Brant, and raises the following Issues as well.

1. Do the Zoning By-law Amendment and Draft Plan of Subdivision applications have regard to matters of Provincial Interest? In particular:
 - (a) the conservation and management of natural resources and the mineral resource base;
 - (b) the orderly development of safe and healthy communities;
 - (c) the resolution of planning conflicts involving public and private interests;
 - (d) the protection of public health and safety; and,
 - (e) the appropriate location of development.

2. Are the Zoning By-law Amendment and Draft Plan of Subdivision applications consistent with the Provincial Policy Statement (PPS), 2014? In particular:
 - (a) 1.1.1
 - (b) 1.2.6
 - (c) 1.7.1
 - (d) 2.2.2
 - (e) 2.5.1
 - (f) 2.5.2
 - (g) 3.2.1

3. Do the Zoning By-law Amendment and Draft Plan of Subdivision applications conform to the County of Brant Official Plan? In particular:
 - (a) 1.9
 - (b) 1.11.2.1.2
 - (c) 1.11.2.10.2
 - (d) 1.11.2.11.2

- (e) 2.3.4.2
 - (f) 2.3.6.4
 - (g) 2.7.2
 - (h) 2.7.8
 - (i) 3.4.3
 - (j) 3.13.3
4. Have the Zoning By-law Amendment and Draft Plan of Subdivision applications demonstrated that the use will not preclude or hinder the continued use or expansion of Dufferin Aggregate's Paris Pit (the "Pit")?
 5. Has the Applicant for the development submitted an Aggregate Impact Assessment as required by the County of Brant Official Plan? If so, has the Aggregate Impact Assessment demonstrated that:
 - (a) the resource use would not be feasible; or
 - (b) the proposed land use or development serves a greater long-term public interest; and
 - (c) issues of public health, public safety and environmental impact are addressed.
 6. Has the Applicant for the development evaluated potential incompatibilities between the Pit operations and the proposed development, such as surface and groundwater, dust, vibration, noise and traffic routes, as required by the County of Brant Official Plan and otherwise?
 7. Has the Applicant for the development demonstrated that any land use conflict between the Pit and the proposed development, can be fully mitigated prior to the residential use being approved?
 8. Does the Applicant's noise impact study appropriately address NPC 300 and the building heights permitted in the Zoning By-law application and does it take into consideration the permissions established on the *Aggregate Resources Act* site plan for the Pit?
 9. Has the Applicant conformed with policy 3.13.3(i) of the Official Plan with respect to consultation with the Province regarding the proximity to the Pit and other Identified Aggregate Resource Areas?
 10. Has the Applicant demonstrated that the proposed development will not cause adverse impacts to groundwater quantity?

PARIS GRAND ESTATES INC.

1. Does the current operation of the Pit comply with the *Environmental Protection Act*, Ministry of the Environment and Climate Change (“MOECC”) Guideline NPC-300 and the County’s Noise By-law?
2. If “yes” to issue 1, will planned or proposed expansion of the Pit do so?
3. If “no” to any of issues 1 or 2, what mitigation measures must be employed by the operator of the Pit?
4. Who is responsible for mitigating incompatibilities between the Pit and the proposed development?