



Committee Report

To: Councillor Steve Hammell, Chair and
Members of the Planning and Development Committee

From: Mark Paoli
Director of Planning and Development

Date: November 18, 2021

Re: South Bruce Peninsula Official Plan Amendment L-2021-004 Crigger

Staff Recommendation:

That South Bruce Peninsula Official Plan Amendment L-2021-004 be approved; and

That the Director or Manager of Land Use Planning be authorized to sign the decision sheet.

Summary:

The purpose of the application is to permit the expansion of an existing aggregate operation with extraction above the water table, subject to the issuance of a license under the Aggregate Resources Act by the Ministry of Natural Resources & Forestry. The proposal would involve licensing 2.0 ha for extraction above the water table. The applications propose to amend the Local Official Plan by changing designation of the proposed extraction site from Potential Extractive Industrial and Rural to Extractive Industrial. The South Bruce Peninsula Official Plan Amendment was adopted on Oct 19, 2021. This application is before the Planning & Development Committee as there are outstanding public objections regarding the continued use of the existing haul route for the proposed aggregate operation expansion.

Alignment with Guiding Principles:



GOOD GROWTH

To put growth in the right locations with the right services



AGRICULTURE

To support our key economies, including supporting a thriving agriculture community



CONNECTING

To improve our ability to move people, goods, and information between communities



HOMES

To increase the supply and mix of homes



BUSINESS

To create opportunities for a diversity of businesses, jobs, and employers



COMMUNITIES

To create wellbeing through access to healthy complete communities



HERITAGE

To identify and manage our cultural heritage resources



NATURAL LEGACY

To manage natural resources wisely for future generations

● Not applicable

● Not aligned

● Aligned

● Strongly aligned

The proposal is aligned with the 'Good Growth' and 'Business' principles as the additional extraction would support growth and development within the community, as well as provide the opportunity for a diverse business.

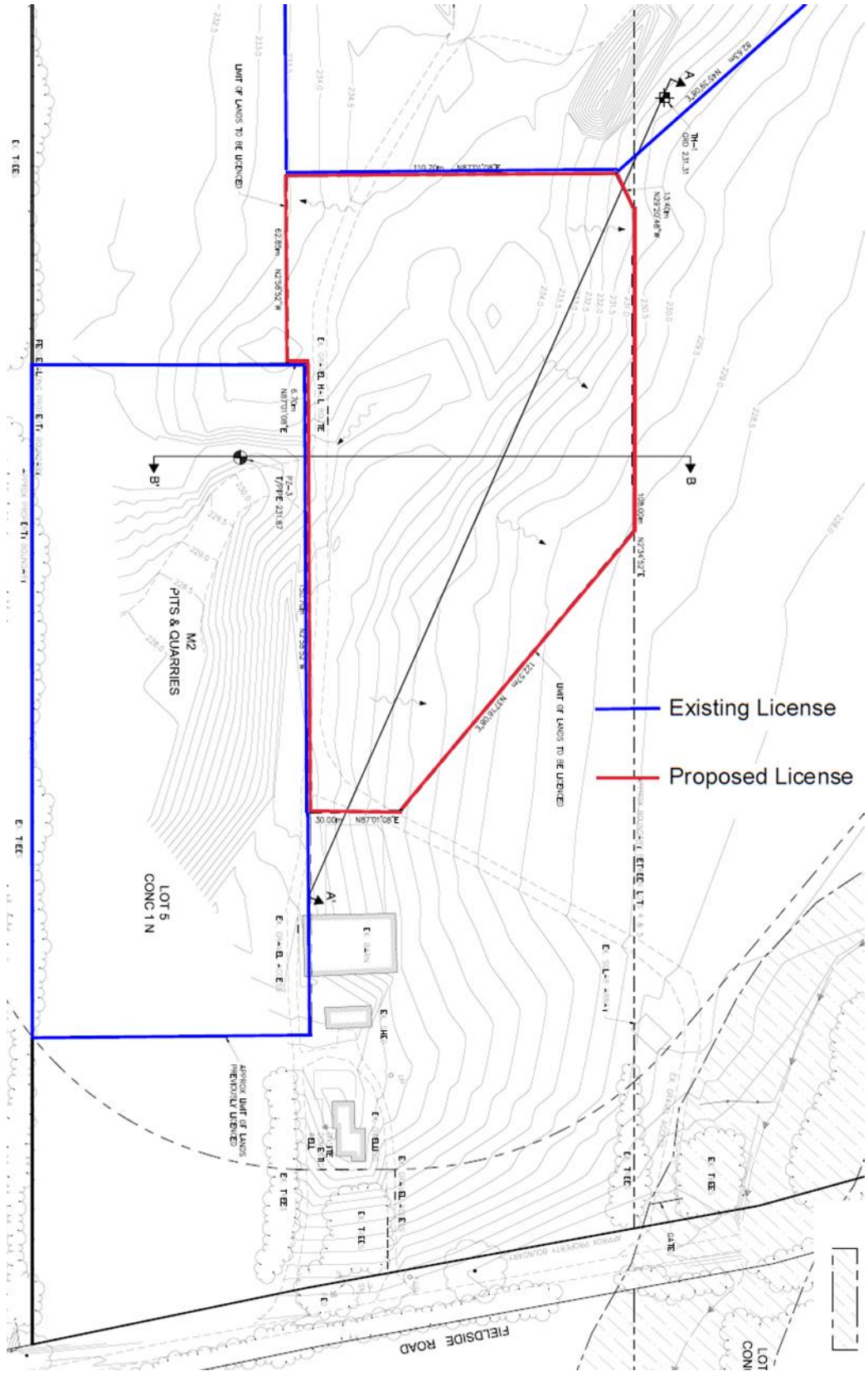
The proposal is aligned with the Natural Legacy principle as the application facilitates the utilization of natural resources, while addressing potential environmental impacts through the proposed mitigation measures.

On balance, this proposal is aligned with the Guiding Principles and the Vision of a healthy, diverse and thriving future.

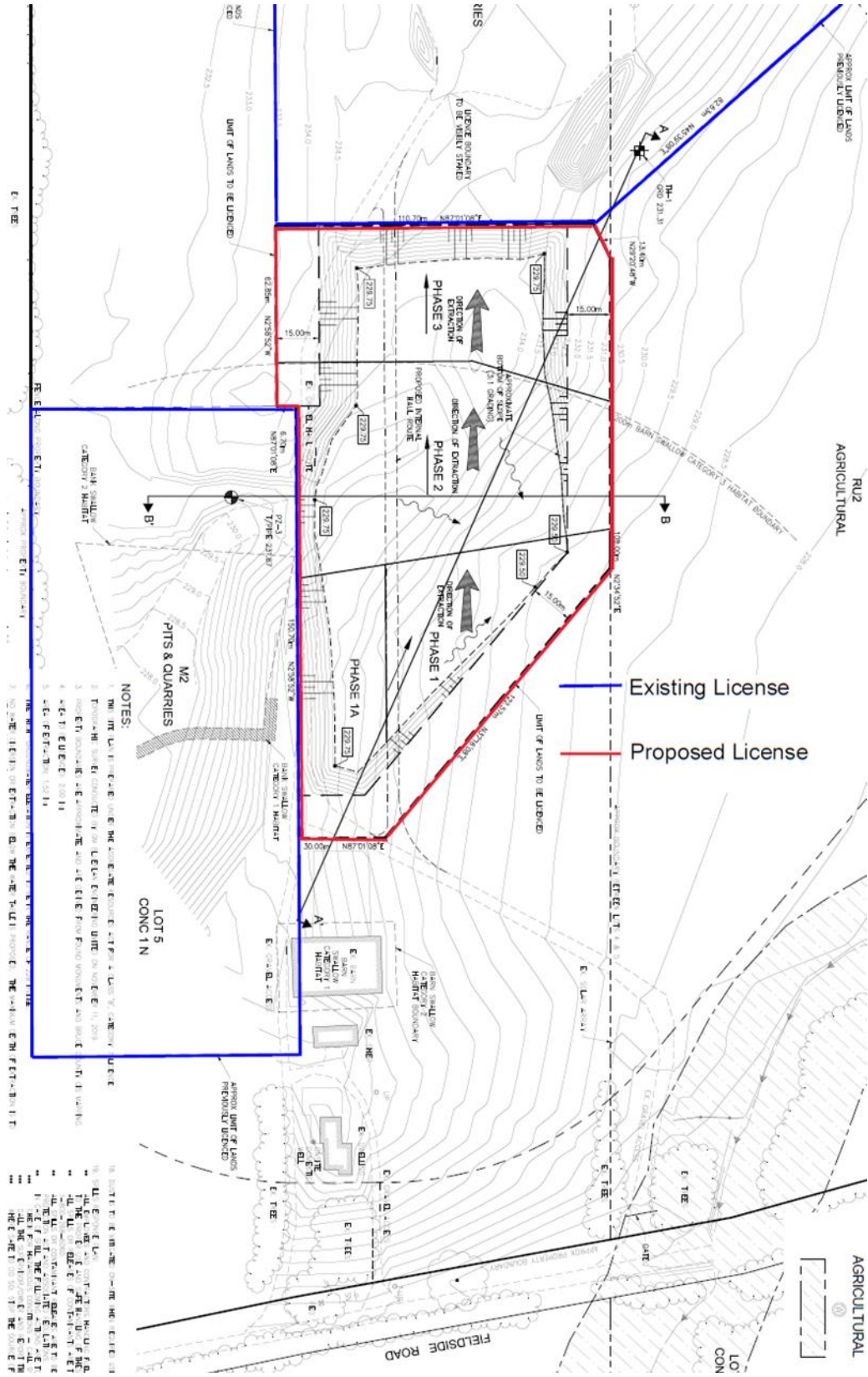
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Site Plan - Existing Features



Site Plan - Operations



Planning Analysis

The following section provides an overview of the planning considerations that were factored into the staff recommendation for this application, including relevant agency comments (attached), public comments (attached) and planning policy sections.

A detailed review of Bruce County Official Plan (BCOP) and South Bruce Peninsula Official Plan (SBPOP) location criteria for pits and quarries is also provided as an appendix to this report.

Efficient Use of Mineral Resources

The applications proposes to expand the existing aggregate operation to continue extraction from a sand and gravel deposit that runs across the subject property from the southwest to the northeast. The proposed licensed area is between two currently licensed areas.

The Provincial Policy Statement (PPS) states that mineral aggregate resources shall be protected for long-term use. It is the intent of the PPS that these resources are to be made available as close to markets as possible and extraction shall be undertaken in such a manner which minimizes social, economic, and environmental impacts.

The proposed site of extraction is designated 'Potential Extractive Industrial' which includes land containing consolidated and unconsolidated mineral aggregate. The purpose of this designation is to recognize and protect these resources for possible future extraction and set out criteria for this use.

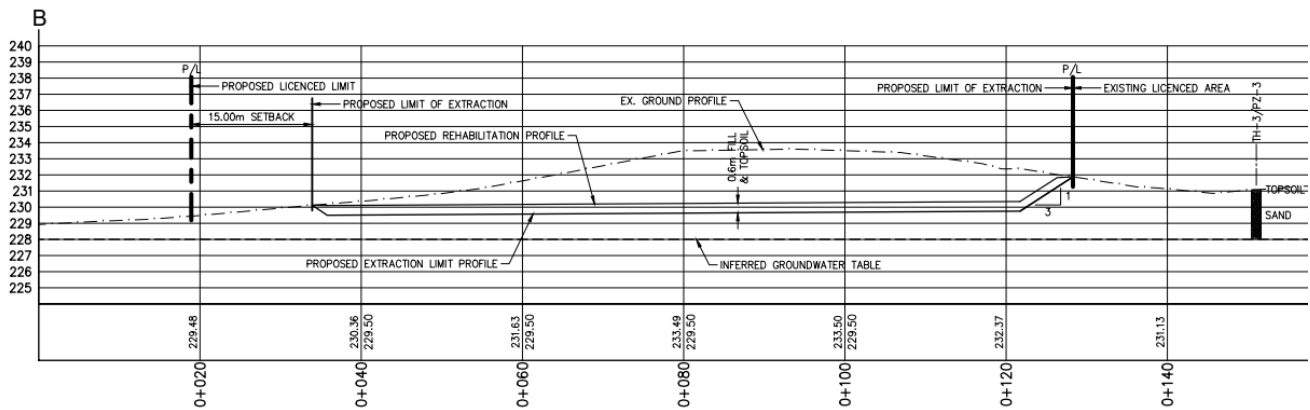
Hydrogeology

A Hydrogeological Study was required as part of the applications to assess potential impacts to the quantity and quality of surface and groundwater features.

In addition to existing data from the currently licensed aggregate operations, test holes were drilled ranging from 3 metres to 5.5 metres below the ground surface to locate the ground water table. Additionally, a watercourse was identified that runs along the eastern boundary of the property.

The Hydrogeological Study concluded that the high-water table elevation is expected to be 228 metres above mean sea level (masl) and recommends that aggregate extraction take place no deeper than 229.5 masl. Since extraction is only proposed above the water table and the pit operations would not include dewatering or groundwater diversion, it is not anticipated that there would be negative impacts on groundwater.

The site elevation below shows the inferred water table in a cross section running from east to west across the proposed extraction area.



Pit operations would be outside of and setback from the GSCA regulated area related to the watercourse. The pit operations are not anticipated to alter the groundwater flows to the watercourse.

The report recommends that the slope between the proposed extraction and the watercourse be vegetated while in operation, as well as the site be rehabilitated to similar conditions that existed prior to extraction.

The Grey Sauble Conservation Authority has no objection to the conclusions and mitigation measures provided in the hydrogeological study. There are no anticipated impacts on surface and groundwater provided the recommendations and mitigation measures of the hydrogeology report are implemented.

Natural Heritage

A Natural Environment Technical Report was submitted with the application and identified significant wildlife habitat for threatened species of bank swallows and barn swallows which are on the property but outside of the proposed extraction area. Barn swallow nesting and rearing habitat was identified in the existing barn to the south of the proposed extraction area. Bank swallow habitat was identified in the westerly existing licensed area.

Forage habitat for these species was identified in the proposed extraction area. To ensure that there are no negative impacts on the threatened species' forage habitat, the operation of the site is proposed to take place in three separate phases progressing in a northward direction. No more than 50% of the forage habitat within the licensed area would be disturbed at any one time. Once extracted, the lands would be rehabilitated back to open pasture or cash crop production.

Traffic & Haul Route

The annual extraction limit of the proposed licensed area would be 20,000 tonnes. Additional traffic generated is anticipated to be minimal given the size of the aggregate pit. The current aggregate operation is licensed for 20,000 tonnes annually so there would not be an increase in annual tonnage removed from the site.

Trucking and haulage for the proposed aggregate operation would utilize the existing driveway and entrance onto Fieldside Road. No changes are proposed in the haul route, which currently proceeds west from the subject property along Fieldside Road to Sideroad 5.

Trucks would then proceed south to Highway 21. In some cases, trucks may use other roads to make local deliveries.

Comments from neighbours (attached below) object to use of Sideroad 5 as a haul route noting road quality, noise, and dust issues and recommending an alternate route. For historical background, the original applications were appealed to the Ontario Municipal Board. At that time, the haul route was the primary issue of the appeal. Prior to the hearing, the neighbours withdrew their appeal. The appeal by the proponent (due to time to make a decision) was allowed and the pit was established with the current haul route. The original OMB decision is attached as an appendix.

[Archaeological Potential](#)

Stage 1 and Stage 2 Assessments were completed and found no archaeological sites, cultural features, or materials within the proposed area of extraction. No further assessment was required.

Financial/Staffing/Legal/IT Considerations:

Potential Appeal to Ontario Land Tribunal

Report Author:

Eric Steele
Planner

Departmental Approval:

Mark Paoli
Director of Planning & Development

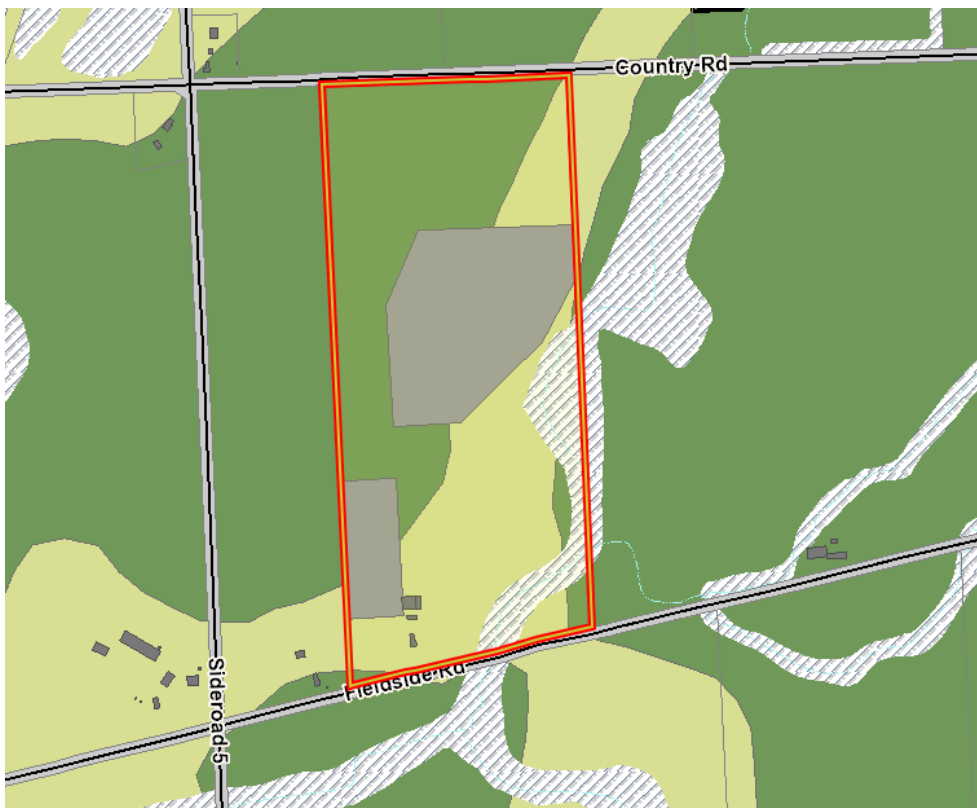
Approved for Submission:

Sandra Datars Bere
Chief Administrative Officer

Appendices

- County Official Plan Map
- Local Official Plan Map
- Local Zoning Map
- List of Supporting Documents and Studies
- Agency Comments
- Public Comments
- Detailed Review of Locational Criteria for Pits and Quarries
- OMB Decision for Planning Applications prior to establishment of the original pit license
- Public Meeting Minutes, October 5, 2021
- By-law, adopted October 19, 2021

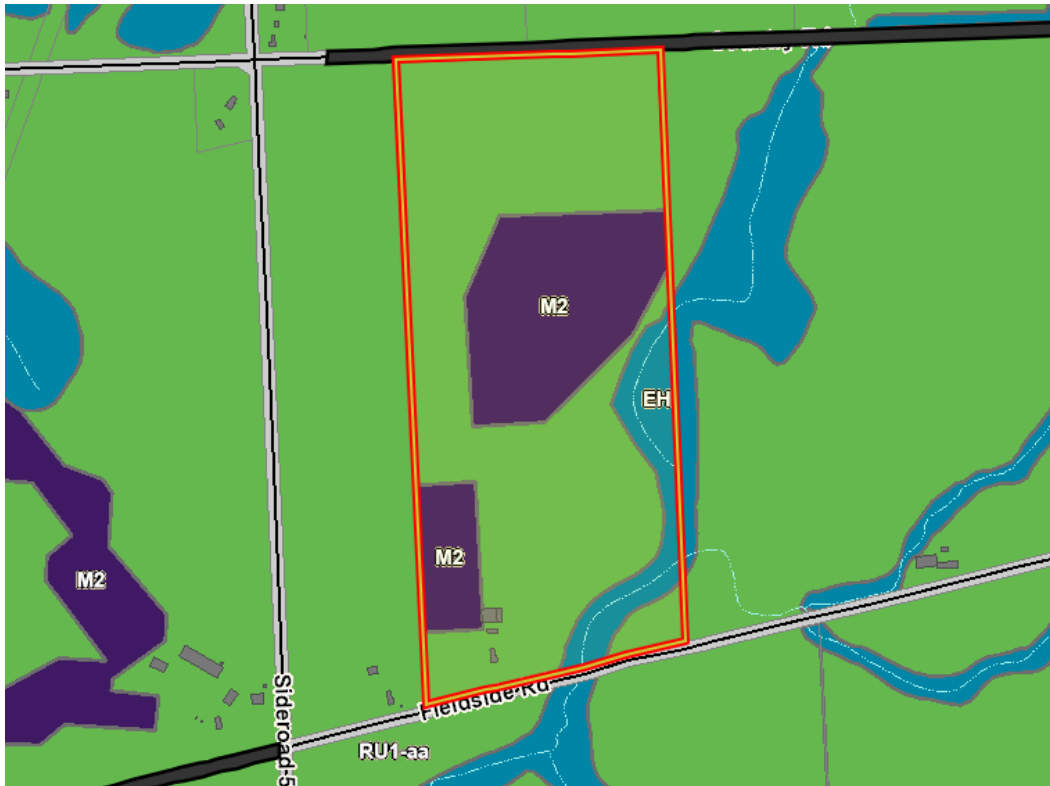
County Official Plan Map (Designated Agriculture, Rural, Hazard Lands, Aggregate License)



Local Official Plan Map (Designated Agriculture, Rural, Extractive Industrial, Potential Extractive Industrial, Environmental Hazard)



Local Zoning Map (Zoned General Rural 'RU1, Extractive Industrial 'M2', Environmental Hazard 'EH')



List of Supporting Documents & Studies

Planning Justification Report (July, 2021)

Summary Statement (February 2020)

Hydrogeological Study (February 2020)

Natural Environment Technical Report (December 2019)

Archaeological & Cultural Heritage Assessment (May, 2020)

Site Plans including: Existing Features, Operations, Rehabilitation, and Elevations (December 2019)

Agency Comments

Town Legislative Services: The preliminary site plan references the property as zoning as RU2 where it should be RU1.

Town Public Works: We understand that the proposal in the application does not represent an increase in removed tonnage nor the frequency of trucks hauling material from the site. While we acknowledge the concerns raised by the adjacent residents, bearing in mind that this is an existing operation and no increases are proposed, and that the Town has not experienced any disproportionate condition issues with the existing haul route, it appears the haul route is appropriate for the proposed continued use.

Grey Sauble Conservation Authority (Attached): No objection to the proposed application.

Public Comments

John & Sharlene Gibbons: Met with Planning Staff to discuss and clarify the purpose of the applications. Subjects discussed included:

- Traffic generated from expansion, whether any changes to the haul route were proposed, and concerns of poor condition of roads.
- Hours of operation for the site
- Whether any extraction was proposed below the water table
- Uses on the property outside of the existing licensed area
- Whether any blasting or concrete batching was proposed
- The lifespan of the proposed pit and the quantity of material that would be removed

Syd & Cathy Wilkie, Heather & Ryan Billings, Meghan Gyorffy (attached): Raised concerns regarding continued noise, dust, and poor condition of Sideroad 5 from truck traffic and object to the use of Sideroad 5 as part of the proposed haulage route.

Bruce County Official Plan Location Criteria for Pits & Quarries (Section 4.8.5.2)

County Plan Policy	Comment
<p>In order to preserve the scenic beauty and amenity of the area, extractive operations, will be screened from public view, where possible;</p>	<p>The proposed pit would be screened from view by berms constructed for the existing licensed operations and the topography of the surrounding area.</p>
<p>Gravel pits within 125 m and stone quarries within 215 m of any residential zone or structure used for human habitation shall not normally be permitted. Pits or quarries proposed within such areas shall require an amendment to this Plan. Any proposed amendment to these setbacks shall be supported by an impact study addressing noise, dust, groundwater and traffic impact on the neighbouring residential use or uses.</p>	<p>The proposed expansion area would not be located within 125 metres of a dwelling. The closest dwelling to the proposed pit expansion is approximately 228 metres to the southwest.</p>
<p>No excavation or processing shall be allowed so that its edge is at a point less than 15 metres from the boundary of the site, or 30 metres from any residential structure, highway or such greater distance that the municipality feels warranted. Setbacks may be reduced or eliminated where two licensed operations abut each other;</p>	<p>A 15-metre setback is proposed between the extraction area and the license boundary, except where the proposed area of extraction abuts the existing licensed areas.</p>
<p>No aggregate operation shall be located closer than 50 metres to any body of water or watercourse, or Hazard Land Area;</p>	<p>The proposed expansion area is located approximately 121 metres away from the Hazard Land designation surrounding the seasonal watercourse.</p>
<p>In the Agricultural area, on prime agricultural land, extraction of mineral aggregates is permitted as an interim use provided that rehabilitation of the site will be carried out whereby substantially the same areas and same average soil quality for agriculture are restored where reasonably possible.</p>	<p>Approximately 50% of the expansion area is designated 'Agricultural' on Schedule A, while the remainder is designated 'Rural'. The entire area will be rehabilitated to an agricultural use.</p>

South Bruce Peninsula Official Plan Criteria for Pits & Quarries (Section 4.13.3.1)

Local Plan Policy	Comment
<p>The Municipality shall require documentation to be submitted with an Official Plan amendment application. Required studies shall be based on predictable, measurable, significant, objective effects on people and the environment. Such studies will be based on provincial standards, regulations and guidelines and will consider and identify methods of addressing the anticipated impacts in the area affected by the extractive operation.</p>	<p>Relevant studies submitted and reviewed.</p>
<p>Commitments have been made for the specific rehabilitation of the subject lands after use, or in stages during use;</p>	<p>Rehabilitation plans identify progressive rehabilitation for the site.</p>
<p>Council is assured that a procedure to address public / municipal concerns is in place and will be used by the extractive industry in an effort to maintain the latest and highest standards of the industry.</p>	<p>Further processes for compliance, complaints, and inspections exist under the Aggregate Resources Act.</p>
<p>The selection of the appropriate haul routes and all financial arrangements with respect to the upgrade and maintenance of the routes to be used for haulage have been agreed to by Council;</p>	<p>The proposed expansion would continue to use the main haul route that currently exist.</p>
<p>Timing of blasting operations is set out on an acceptable schedule;</p>	<p>Not Applicable - no blasting operations proposed.</p>
<p>Arrangements for a tree buffer and/or berming to provide an effective visual buffer between any proposed excavations and any road, including unopened road allowances and adjacent residential uses have been made;</p>	<p>Vegetative buffers and berms required are noted within operations plans and planning reports.</p>
<p>Provision that no new excavation or other processing shall take place until such buffering has been effectively established;</p>	<p>Rehabilitation plans note rehabilitation to occur in phases. Extraction would not commence on next phase until the current phase has been rehabilitated.</p>
<p>Provision that water from washing or screening operations shall not be discharged into any creek, watercourse or wetland without the necessary treatment in accordance with the legislative requirements of the Ministry of the Environment.</p>	<p>Hydrogeological report proposed measures to confirm no anticipated impacts to water quality and quantity of seasonal watercourse located on the property.</p>

<p>Buildings and structures associated with an extractive operation shall be set back from property lines and adjacent uses. Such setbacks will be set out on the site plan required for the license.</p>	<p>No buildings proposed.</p>
<p>The Town shall notify all landowners within 240 metres of the boundary of the pit or quarry and make the Site Plan and Development Agreement available for public review prior to amending the Official Plan or Zoning By-law to permit the extractive operation.</p>	<p>Notice circulated to landowners within 240 metres of the subject property.</p>
<p>In order to reduce the wastage of material, where two pits or quarries abut each other, Council may allow relief of compliance which would waive the required setback from lot lines to permit the removal of all economically viable materials between the pits and quarries.</p>	<p>Proposed aggregate extraction complies with setbacks to lot lines.</p>