



Committee Report

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

From: Derrick Thomson
Acting Director of Planning and Development

Date: July 14, 2022

Re: Bruce County Official Plan Amendment C-2021-008 (Teeswater
Concrete)

Staff Recommendation:

That Bruce County Official Plan Amendment C-2021-008 (Teeswater Concrete) be approved; and,

That the By-law be forwarded to County Council for adoption.

Summary:

The purpose of the application is to amend the County Official Plan by adding a site-specific 'Licenced Aggregate / Quarry Operation' overlay to a portion of the subject lands at 1185 Concession 8 (Culross), in the Municipality of South Bruce. A related Zoning By-law Amendment (File Z-2021-036) will be considered by the local Municipality on July 26, 2022. The amendments would facilitate the establishment of a sand and gravel extraction operation, subject to the issuance of a licence by the Ministry of Natural Resources and Forestry under the Aggregate Resources Act.

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

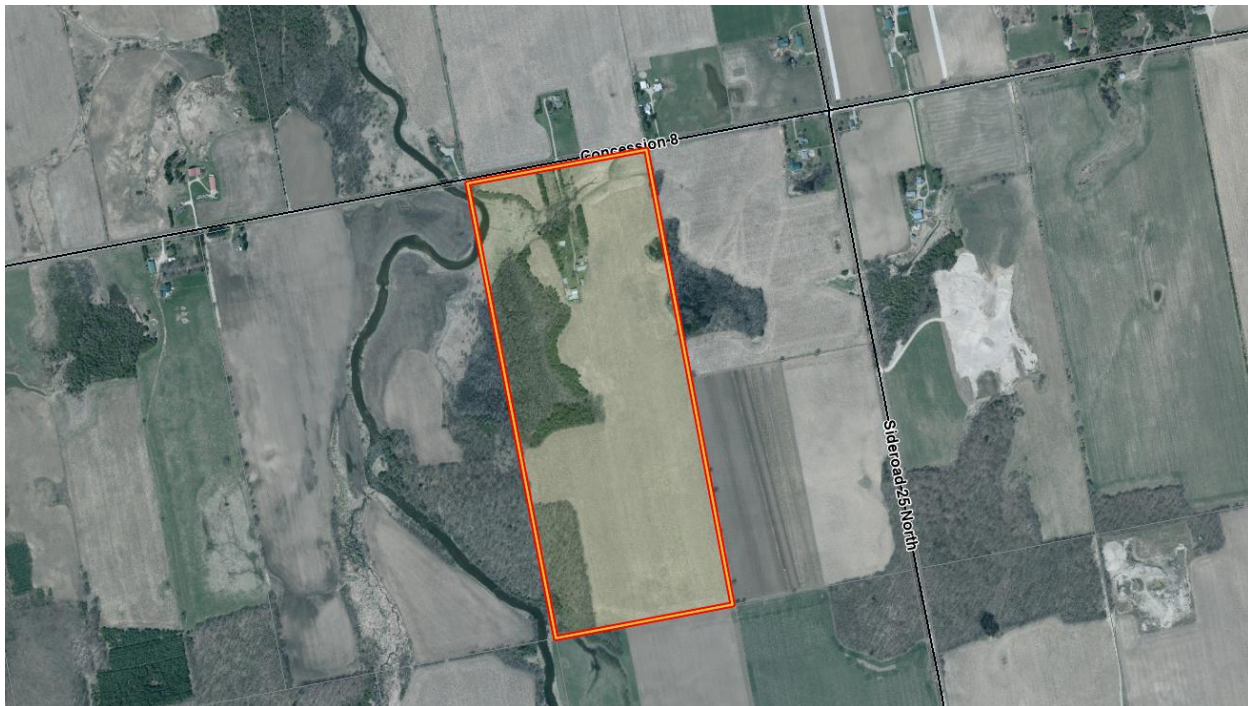
- Not applicable
- Not aligned
- Aligned
- Strongly aligned

The proposal is aligned with the Good Growth and Business principles in that additional land resource use activities are proposed within a cluster of similar activities which supply aggregate resources to the area.

The proposal is aligned with the Natural Legacy principle in that it facilitates extraction of a natural resource, while applying mitigation measures to address potential adverse environmental impacts.






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

Airphoto



Context Plan

Figure 3: Bruce County Official Plan Schedule A

-  Lands to be designated Pits and Quarries
-  Agricultural
-  Rural
-  Hazard
-  Licensed Aggregate / Quarry Operation



"McPherson Pit"
Teeswater Concrete Ltd.
Lot 27, Concession 8
Municipality of South Bruce
Geographic Township of Culross
County of Bruce

RD **RON DAVIDSON**
LAND USE PLANNING CONSULTANT INC
OWEN SOUND, ONTARIO
SCALE 1:15 000

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) and planning policy sections. A detailed review of Official Plan location criteria for pits and quarries is also provided as an appendix to this report.

Efficient Use of Mineral Resources

Mineral aggregate resources are used for a wide range of applications, primarily related to construction activities.

Both the Provincial Policy Statement (PPS) and the Bruce County Official Plan have policies that support the protection of mineral aggregate resources for long-term uses. Mineral aggregate resources are to be made available as close to markets as possible. Extraction should occur in a manner that minimizes social, economic and environmental impacts.

Primary aggregate resources are identified by the Province through an aggregate resource inventory and mapped in the County Official Plan for protection from incompatible uses. The subject lands are identified as a 'Sand and Gravel' resource area in the Official Plan.

The total proposed licence area comprises 24.56 hectares. The area of extraction is approximately 17.97 hectares in size and is primarily located in the south-central portion of the site. There is an estimated 1,508,080 tonnes of material available for extraction. All extraction would be at least 1.5 metres above the high water table.

The proposal would remove topsoil and overburden above the aggregate resource, which would then be used to construct a berm along the northern limit of the pit in the first phase. Any remaining topsoil is to be stockpiled on the site with vegetative cover and then replaced as part of the rehabilitation works. The aggregate extraction is proposed to occur in three phases, with progressive rehabilitation occurring as extraction is completed.

Agricultural Activities

The subject property is currently being used for agricultural purposes, most recently for corn and wheat production. There is an existing dwelling, two barns and two accessory structures on the site. These structures are currently not in use. A 30 metre setback will be maintained between the pit and these structures.

The dwelling may be used as an office for the operation while aggregate extraction is occurring. There are special provisions proposed in the related Zoning By-law Amendment to allow the office use until the licence is surrendered and property returned to an agricultural zone.

Mineral aggregates extraction is permitted as an interim use in the Agricultural Areas designation provided the same areas and same average soil quality for agriculture are restored where reasonably possible. In this case, the site will be restored for agricultural purposes using on-site materials (i.e., stored topsoil) and imported materials if required.

Hydrogeology

Aggregate extraction activities can have impacts on surface water flows and on groundwater quality and quantity. A Hydrogeological Study was completed to review surface water and groundwater features on the property and to assess potential impacts to these features.

The report noted that the Teeswater River is situated at the southwest and northwest portions of the property. There is a floodplain associated with the watercourse. There is also a low lying, saturated area associated with two small wetlands adjacent to the northeast property boundary, and a seasonal drainage feature that extends across the northern portion of the site. These surface water features will be protected and buffered from extraction activities.

The Hydrogeological Report also identified the location of the water table across the site. The groundwater table roughly mimics the existing topography (i.e., it slopes to the west toward the Teeswater River).

Extraction is to occur a minimum of 1.5 metres above the water table and at least 50 metres from any water body. Outlet elevations and controls to surface water features will be maintained during the extraction activities. The site will be rehabilitated to ensure surface water is directed to the same low-lying locations. The Hydrogeological Report concluded that with these mitigation measures in place, the proposed pit will not negatively impact the surface water or groundwater resources in the area.

Natural Hazards

The subject property is affected by flooding and erosion hazards associated with the Teeswater River, and flood prone lands and organic soils associated with the adjacent wetlands. Saugeen Valley Conservation Authority (SVCA) staff have confirmed the proposed extraction limits are located outside the hazardous lands on the property and, therefore, operations should not be impacted by flooding and erosion. There will also be no interference with the form and function of the features that comprise the hazardous lands. As such, it is not expected that the proposed works will exacerbate existing hazards. The application is in conformance with the natural hazard policies of the Province and the Bruce County Official Plan.

Natural Heritage

The natural heritage features identified on and adjacent to the site include significant wildlife habitat, fish habitat, locally significant wetlands, and potentially the habitat of endangered and threatened species. The Bruce County Official Plan generally prohibits development within the natural heritage features and their adjacent lands unless it has been demonstrated that there will be no negative impacts to the natural features or their ecological functions.

An Environmental Impact Study was prepared for the project. The report was found to be acceptable by SVCA staff, who provide natural heritage review comments on behalf of the County. The report concluded that with mitigative measures (e.g., avoiding significant features, providing extraction setbacks, limiting vegetation removals to certain times of the year, implementing erosion and sediment controls, undertaking progressive rehabilitation, and retaining farm buildings for barn swallows and bat colonies), the proposed aggregate operation will not create negative impacts on the above-noted natural heritage features on

the site or within 120 metres of the proposed pit. The study also proposed ongoing monitoring to ensure no impacts on habitat for amphibian breeding, terrestrial crayfish, snapping turtles, and monarch butterflies. The mitigation measures are detailed on the Operations Plans and will need to be conducted in accordance with the licence requirements under the Aggregate Resources Act.

The Historic Saugeen Metis comments affirmed the importance of the environmental monitoring program outlined by the biologist and included in the Operations Plans. Staff has a few minor questions to ensure that the monitoring program can be effectively implemented and will address these with the applicant through the Zoning By-law Amendment and aggregate licencing process.

Traffic

Traffic concerns are often raised related to aggregate extraction operations. In this case, the primary site access is proposed to the east, across a neighbouring property to Sideroad 25 North. Trucks would then travel south to Bruce Road 6 but would divert through another licenced pit on the east side of Sideroad 25 North just before accessing the County road. This is to avoid the weight restricted bridge at the south end of Sideroad 25 North. This haul route is currently used by other licenced pits in the area.

The primary access will require an easement or other form of agreement between the applicant and the neighbouring landowner. The County is in receipt of a Consent application (File B-2020-014) for this purpose. This file is currently on hold pending approval of this County Official Plan Amendment and the related Zoning By-law Amendment, and issuance of the licence under the Aggregate Resources Act. The applicant will then re-engage with the neighbour to secure this access route.

A secondary access to the site is also proposed to the north along the existing driveway. This access will be used as the primary access until eastern access is secured. This access will also be used for workers, deliveries and services. The Municipality has advised that upgrades to the driveway may be required to facilitate truck movement in this location. Trucks leaving from the secondary access will travel east to Sideroad 25 North and then south on Sideroad 25 North to Bruce Road 6.

Both the County and Municipality have identified potential load restrictions and requirements related to the proposed haul route, which the applicant has acknowledged.

Nearby Residential Uses

Gravel pits within 125 metres of any residential zone or structure used for human habitation shall not normally be permitted. There are four dwellings located within the vicinity of the proposed pit, one on the property and three on separate parcels to the north.

The dwelling on the subject property is vacant and may be used as an office for the duration of the aggregate extraction activities. As noted earlier, there are special provisions proposed in the related Zoning By-law Amendment to allow the office use until the licence is surrendered and property returned to an agricultural zone.

Visual screening from Concession 8 and the three residences to the north is currently provided by established vegetation along the northern limit of the site. The applicant is also

proposing a 3 metre high berm along the northern licence limit. This vegetation along with the proposed berm will provide a visual and noise buffer between the pit and the existing residential dwellings which are all at least 125 metres from the proposed licence area.

Summary of Analysis

The application proposes to extract aggregate resources within a 'Sand and Gravel' resource area. Supporting information has been provided and incorporated into the Operations Plans to address potential impacts to water, natural heritage features, and surrounding uses. The proposed development is consistent with the Provincial Policy Statement (2020), conforms with the County Official Plan criteria for new aggregate operations and represents good land use planning.

Financial/Staffing/Legal/IT Considerations:

Potential Appeal to the Ontario Land Tribunal.

Report Author:

Coreena Smith
Senior Development Planner

Departmental Approval:

Derrick Thomson
Acting Director, Planning and Development

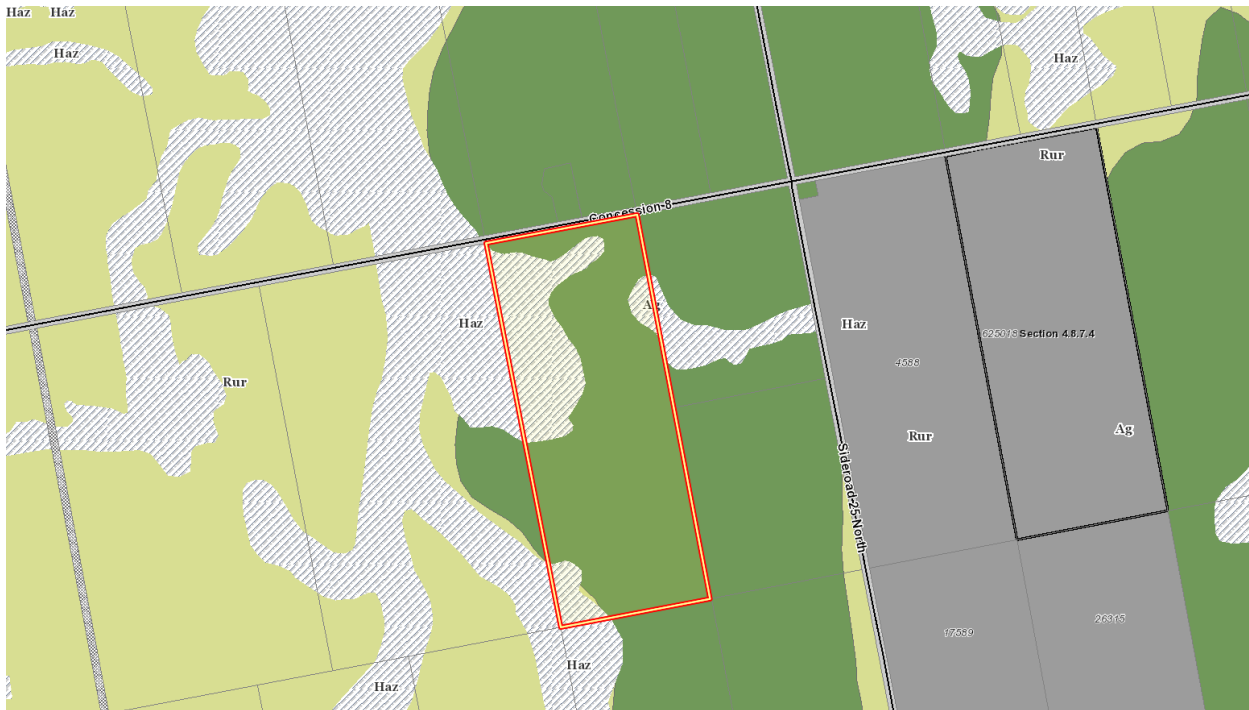
Approved for Submission:

Derrick Thomson
Chief Administrative Officer

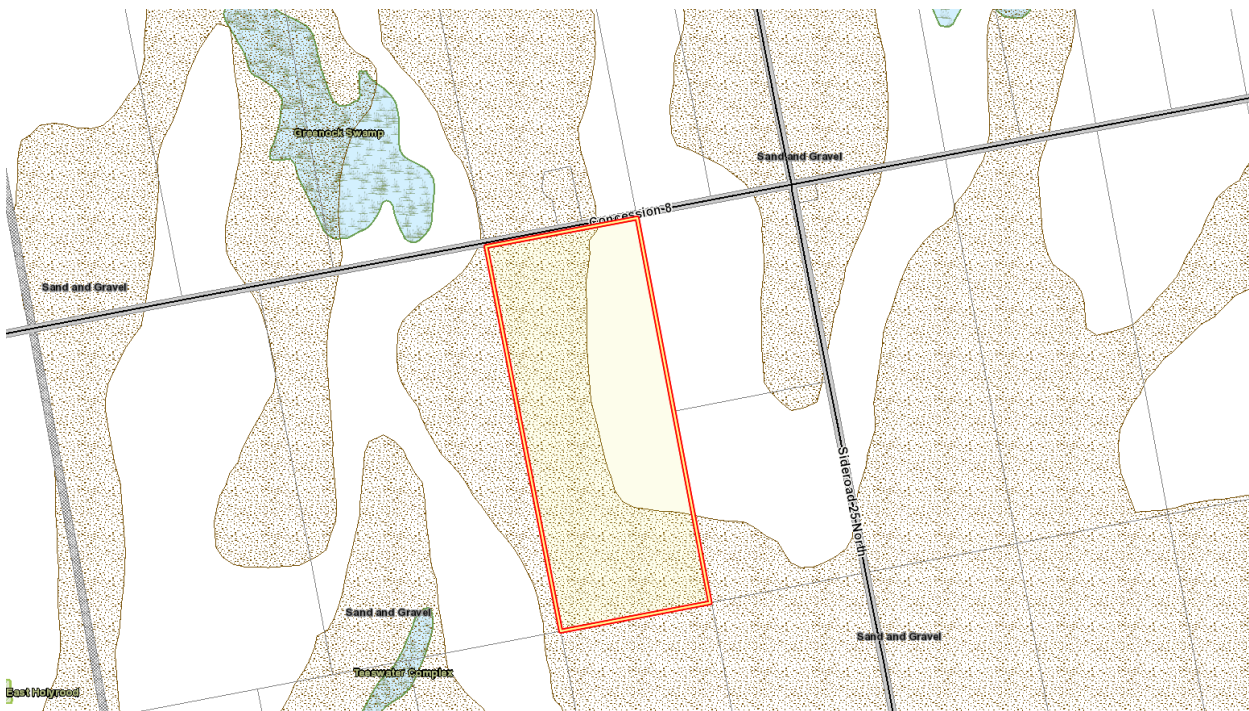
Appendices

- County Official Plan Maps
- Local Zoning Map
- List of Supporting Documents and Studies
- Agency Comments
- Review of Official Plan Criteria for Pits and Quarries
- Public Notice
- Decision Sheet
- Draft By-law and Schedule

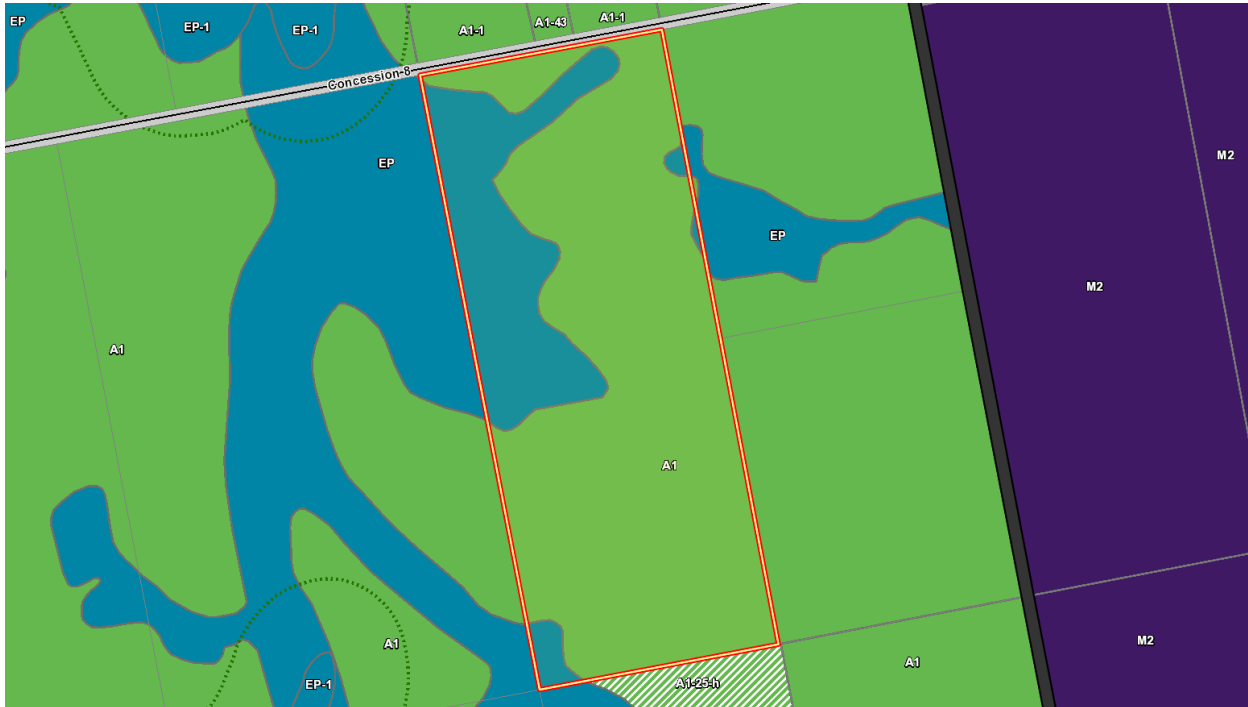
County Official Plan Map (Designated Hazard Land Areas, Agricultural Areas and Rural Areas)



County Official Plan Map (Mineral Resource Area Constraint)



Local Zoning Map (Zoned A1 - General Agriculture and EP - Environmental Protection)



List of Supporting Documents and Studies

- Summary Statement
- Planning Justification Report
- Natural Environment Technical Report & Environmental Impact Study
- Revised Archaeological Assessment
- Revised Hydrogeological Study
- Revised Existing Features Plan
- Revised Operations Plan
- Revised Operations Plan A
- Revised Progressive Rehabilitation Plan
- Revised Cross Sections

Agency Comments

Municipality of South Bruce:

- Chief Building Official:
 - East entrance easement to be registered on title.
 - Roadside planting strip required.
 - Existing dwelling to be permitted or removed.
 - M2 zoning to encompass the entire property with the exception of the Environmentally Protected lands and noted that the aggregate extraction can only occur in the licenced area like the surrounding M2 zones (note: confirmed with the applicant that the zoning must match the area to be licenced).
- Operations Manager:
 - No winter maintenance on sideroad.

- Weight restricted bridge to the south on Sideroad 25 North.
- Weight restricted bridge to the west on Concession 8.
- Entrance permit required.
- Confirmation of haul route through pit owned by Teeswater Concrete is required even when it is no longer their property. The haul route does not automatically go back to Sideroad 25 North.
- Fire Chief:
 - No comments.

Bruce County Transportation and Environmental Services (TES): TES comments dated March 10, 2021 on the related Aggregate Resource Act licence application still apply:

- Bruce Road 6 is a load posted road from Teeswater to Holyrood. The operator/owner will have to adhere to the load restrictions that may be in effect during certain times of the year identified by the County. An exemption may be granted with a written request submitted to the County, but only for that section of road from the town of Teeswater to Teeswater Concrete on Bruce Road 6. No exemption to the load restrictions would be granted during the specified times on Bruce Road 6 from Teeswater Concrete to Holyrood. The County reserves the right to close the road for maintenance and/or ask for contribution to upgrade sections of the road if it believes the integrity of the road is being compromised by the additional heavy loads.
- Also, the County intends to have a section of Bruce Road 6 closed in 2021 to replace the Reid Bridge situated between Teeswater and Sideroad 25 and subsequently that section of road will then be upgraded to a full load road within our 5 year plan. This will still leave the section on Bruce Road 6 from Teeswater Concrete to Holyrood as a load restricted road at certain times of the year.

Historic Saugeen Métis (HSM): The HSM Lands, Resources and Consultation Department has reviewed the reports related to the County Official Plan and Zoning By-law Amendment for the proposed McPherson Pit and has no objection or opposition to the proposed amendments. HSM strongly supports the implementation of the statement in the Natural Environment Report that recommends “ecological monitoring be undertaken during the first four years of operation to ensure that no significant impacts occur as a result of extraction.”

Bruce-Grey Catholic District School Board: No comments.

Saugeen Valley Conservation Authority (SVCA): In general, SVCA staff find the proposed applications acceptable, provided there are no changes to the County Hazard Lands designation, and the Municipality’s Environmental Protection Zone on the property (full letter attached).

Bruce County Official Plan Locational Criteria for Pits and Quarries (Section 4.8.5.2)

Policy: In order to preserve the scenic beauty and amenity of the area, extractive operations will be screened from public view, where possible.

Comment: Visual screening is provided to the north by existing vegetation which will be augmented by a proposed berm. No visual screening is proposed on the remainder of the site due to the existing topography and vegetation around the property, and the extensive sight distances to nearby roads and residences. More specifically, the clear sight distance to Sideroad 25 North, when not blocked from view by vegetation or topographic features, is approximately 400 metres. The clear sight distance to the nearest residential dwelling to the south is approximately 890 metres.

Policy: 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.

Comment: The existing dwelling on the property will not be used for residential purposes for the duration of the aggregate licence. The three dwellings to the north of the site are at least 125 metres from the proposed pit.

Policy: 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 licenced operations abut each other.

Comment: All of the required setbacks will be provided and are shown on the Operations Plans.

Policy: No aggregate operation shall be located closer than 50 metres to any body of water or watercourse, or Hazard Land Area.

Comment: The consultants reduced the licence limits to account for the 50 metre buffer from any bodies of water and 30 metres to the hazard land areas, including the Teeswater River and its floodplain and valley slopes.

Policy: 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.

Comment: The lands will be progressively rehabilitated back to an agricultural use.

Policy: In the Agricultural area, on prime agricultural land, if extraction is proposed below the water table and complete agricultural rehabilitation is not required, only if it is demonstrated that:

- a) There is substantial quantity of mineral aggregate below the water table warranting extraction;
- b) Or the depth of planned extraction in a proposed quarry makes restoration of pre-extractive agricultural capabilities unfeasible;
- c) There will be minimal impacts on surrounding wells and ponds due to extraction below the water table;
- d) In those areas remaining above the water table following extraction, agricultural rehabilitation will be maximized; and
- e) Other reasonable alternatives have been considered by the applicant and found unsuitable.

Comment: Extraction below the water table is not proposed on this site.