



Staff Report to Council - Planning Application

Title: County Official Plan Amendment C-2024-006 Bruce Peninsula Stone Ltd. Recommendation

From: Jack Van Dorp, Director of Planning and Development

Date: May 15, 2025

Report Number: PD-2025-007

Staff Recommendation:

That application C-2024-006 Bruce Peninsula Stone Ltd. c/o Cuesta Planning Inc. for lands described as CON 1 EBR LOT 4, Albemarle Township, be approved; and

That the Director or Manager be authorized to approve Town of South Bruce Peninsula Official Plan Amendment L-2024-010 when it has been adopted by the Town.

Report Summary:

Council considered application C-2024-006 at a Public Meeting on December 19, 2024. The application proposes to amend the County Official Plan to permit a dimension stone quarry use on the subject parcel. The applicant applied to the province for a Class 'A' licence application under the Aggregate Resources Act (ARA). The ARA application proposes to licence 40.04 hectares of which 26.50 hectares would occur over four phases at a rate of up to 50,000 tonnes per year.

The property is located entirely within a mapped mineral resource constraint area, which is where the Official Plan identifies mineral resources being present. If approved, the proposed amendment would permit the quarry use and recognize that it is within 65 m of a dwelling.

The Town of South Bruce Peninsula Council considered related applications L-2024-010 and Z-2024-061 at a Public Meeting on December 17, 2024. A report recommending approval of those applications was presented to Town Council on May 6, 2025.

This report should be read in conjunction with the December 19, 2024 [report](#) presented to Council at the public meeting. Several concerns were raised at both the County and Town's Public Meetings by neighbours and Council. Those concerns are relevant to both the County and Town applications and were addressed by the applicant as detailed in this report.

Aerial photo:



Concerns Raised at the Public Meetings

1. Noise

The concern is related to noise generated by the activity on-site and generated by the trucks into and out of the site.

Response: Noise generated on-site is related to back-up beepers and the operation of a limited number of pieces of equipment. There is no blasting proposed as part of this operation due to the type of product being extracted. The noise study prepared for the proposal identifies measures to mitigate noise including a berm constructed along the frontage of the lot abutting The Bury Road with an acoustic fence positioned atop a portion of that berm (where spatial constraints limit berm height) that will remain on site throughout operations. Noise is also regulated through hours of operation from 7 am - 7 pm Monday to Friday, 9 am to 2 pm on Saturdays with no operations permitted on Sundays. The Ministry of Natural Resources and Forestry (MNRF) is responsible for responding to noise complaints related to the operations on-site.

2. Wells

Concern was expressed regarding the quality and quantity of well water and protection of the water source. Residents expressed concerns with their wells running dry and asked for a response plan if that were to happen. A survey of wells within 500m of the licensed limit has been conducted and included background testing and water level testing on some of those wells. As part of the operating license, there are monitoring wells on site. There is no expected change to the quantity of water or quality of water in the area wells from this operation.

To address concerns outlined by members of the public and council, the operator has amended the Operations Plan by adding the following Note 33, which has been reviewed and accepted by the MNRF:

“In the event a well complaint is received by the licensee for a private well located within the 500 metres of licensed area, the licensee shall Implement the following well complaint response protocol:

- A. A representative of the licensee shall meet with the resident within 24 hours and discuss the complaint.
- B. If the issue raised by the resident is related to a loss of water supply, the licensee shall have a consultant / well contractor determine the likely causes of the loss of water supply. If warranted, the resident shall be immediately supplied a temporary water source within 24 hours. This Assessment process would be carried out at the expense of the aggregate operator licensee and the results of the assessment shall be provided to the resident.
- C. If it has been determined that the aggregate extraction is the likely cause of the well interference, then reasonable methods shall be reviewed with the resident and the best course of action shall be decided in order to restore an equivalent water supply to the resident, and it shall be implemented at the licensee's expense. If the consultant / well contractor determines that the issue has been caused by reasons unrelated to the aggregate extraction, such as pump failure or extended use of the well, it is not the licensee's responsibility to remedy.
- D. If the issue raised by the resident is related to water quality, the licensee shall have a consultant/contractor determine the likely causes of the change in water quality, and review monitoring results at the quarry and background monitoring results from the baseline well survey to determine if there is any potential correlation with the quarry. If it has been determined that the aggregate extraction has caused a water quality issue, the quarry shall continue to supply water at the licensee's expense until the problem is rectified and the licensee shall be responsible for the expense to restore the water quality.”

The approach to addressing well water was sent to the four neighboring properties with one confirming that it was an acceptable response, two did not respond and one indicated dissatisfaction with the approach. Ministry of Environment and Climate Change (MOECC) review concluded that no proposed on-site activities are recognized as threats to the drinking water of local water supply wells, provided extraction only extends to depths

associated with the permanent (low) water table elevation, as proposed. Extraction depths are noted in the Operation Plan and restricted by the Aggregate Resources Act (ARA) licence approval.

3. County OP Setback from Quarry to Dwelling

A member of Council questioned the required 215m setback from the extraction area to a dwelling.

Response: The Official Plan includes this setback with the intent to provide a buffer between the land uses and reduce the impact of the quarry activity on the dwelling. The ARA licence process also includes required setback distances to mitigate conflict. At this site, the extraction is proposed in phases and the Operation Plan implements distance buffers and a berm between the operation and the residences.

The setback noted in the County Official Plan conflicts with the Aggregate Resources Act which states:

“Act overrides municipal by-laws, etc.

66 (1) This Act, the regulations and the provisions of licenses and permits and site plans apply despite any municipal by-law, official plan or development agreement and, to the extent that a municipal by-law, official plan or development agreement deals with the same subject-matter as this Act, the regulations or the provisions of a licence or permit or a site plan, the by-law, official plan or development agreement is inoperative. 1999, c. 12, Sched. N, s. 1 (4); 2019, c. 14, Sched. 15, s. 17.

Same

(2) Subsection (1) applies even if the by-law, official plan or development agreement came into force before the day subsection 1 (4) of Schedule N to the Red Tape Reduction Act, 1999 came into force. 1999, c. 12, Sched. N, s. 1 (4).”

This means that within the licenced area, the County setback would not be applicable.

It is important to note that residential dwellings are not encouraged within Mineral Resource Areas in both the County and Town Official Plans as they have the potential to hinder future extraction. The plans recognize existing dwellings and provide some parameters to reduce land use conflicts.

4. Extraction Depth

Walker Aggregates who is the owner of the adjacent quarry to the north requested clarification of the depth of the quarry.

The applicant provided the following response:

“The hydrogeological assessment report established the maximum predicted water table and permanent water table elevations at the Site. The quarry bottom elevations have been developed based on the findings of the report.

The water table is not static; it rises and falls depending on seasonal variations, which includes rainfall and evapotranspiration, and other factors. The maximum predicted water table is the highest level the groundwater table is anticipated to reach under normal conditions, considering factors like rainfall and the site's geology. The minimum (permanent) water table elevation refers to the lowest level the water table reaches during a specific period. Below this elevation the soils will stay permanently saturated year-round. Above this elevation the soils will vary between saturated and unsaturated depending on the time of year and seasonal variations.

Extraction is to occur dynamically at the Site, following the actual occurrence of the water table at any given time. Only unsaturated rock will be mined during periods of low water table elevation, typically in the late summer and early fall months. No dewatering or water diversion is proposed as part of the extraction process. On-going groundwater monitoring is and will continue to occur at the Site during operations. The water level monitoring program has been added to the Operations Plan notes to ensure all extraction is occurring above the permanent water table elevation. The following precautionary site plan note has been included on the Operations Plan.

“Extraction will not proceed past the depth where water enters the excavation. Should water enter the excavation area, the water level elevation should be noted, and adjacent excavations stopped approximately 0.30 metres above the water table.””

5. Entrances

Questions regarding the northern entrance and potential to close the entrance or reduce access through it.

Response: The applicant responded that the access was intended for infrequent use by service/maintenance vehicles only and staff on occasion; it is not the quarry truck entrance. The Operations Plan (attached) has been amended to indicate the north entrance is an emergency access only. The primary entrance is located at the southwest corner of property.

6. Improvements to The Bury Road and Limberlost Road

Question regarding cost sharing of improvements to the roads.

Response: As noted by Director of Public Works, Brianna Collins, the Town receives a dollar amount per ton to address wear and tear on the road. The Bury Road and Limberlost Roads are existing haul routes for the adjacent quarry. Changes made to the Aggregate Resources Act in the recent past now mean that long-term road costs cannot be addressed through a quarry application. However, the Town receives fees for haulage and those fees can be used by the Town for maintenance. The application indicates an estimated 2-16 trucks per day from the proposed operation, which is considered a low traffic volume. The intersections are noted as having an excellent level of service, and no offsite works are required through this proposal. All site lines are satisfactory.

Outstanding Comments

At the Public meeting to consider the application, comments from Saugeen Ojibway Nation (SON) remained outstanding. SON has communicated that SON accepts the recommendations made in the archaeology report that an assessment be required for the balance of the lands that were not assessed in the report. Staff note that the assessment was conducted for the proposed licenced area and that the balance of the lands were not cleared for extraction or investigated for archaeological potential because the Environmental Impact Study (EIS) indicated that they should not be altered. Including the balance of the lands into the licenced area will require an amendment to the ARA licence and trigger opportunity for an archaeological assessment.

Conclusion

The conservation and management of Mineral Aggregate resources is identified as a Provincial Interest in Section 2 of the Planning Act. The Provincial Planning Statement (PPS) 2024 directs that the resources shall be protected for long term use and be available as close to market as possible. The proposed quarry is located entirely within a mapped mineral resource constraint area.

The recommended amendment is attached and applies a site-specific 'Pits and Quarries' overlay, permits 40.04 hectares of the lot to be licensed and 26.50 hectares to be extracted, and permits a dimension stone quarry within 65 metres of a structure used for human habitation. The operations on site will be regulated by the MNRF through the license issued under the Aggregate Resources Act.

The studies, reports and plans submitted in support of this application have been reviewed by Ministry, County and Town staff and the applications are consistent with the PPS 2024 and the County Official Plan.

Financial/Staffing/Legal/IT Considerations:

Potential Appeal to Local Planning Appeal Tribunal

Report Author:

Jenn Burnett, Senior Development Planner

Departmental Approval:

Jack Van Dorp, Director of Planning and Development

Approved for Submission:

Claire Dodds, Commissioner of Community Development

Attachments:

Attachment 1 - November 22, 2022 MECP Correspondence -Bruce Harman

Attachment 2 - Operations Plan Revised 2025-04-07

Attachment 3 - Comments submitted since Public Meeting

Attachment 4 - County Official Plan Amendment By-law