



## Committee Report

**To:** Warden Mitch Twolan  
Members of the Planning and Development Committee

**From:** Kara Van Myall  
Director of Planning and Development

**Date:** June 20, 2019

**Re:** BCOPA 237-18.06 Campbell Pit

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### Recommendation:

Subject to the review of objections and submissions arising from the Public Meeting:

That Bruce County Official Plan Amendment 237 be approved; and,

That the By-Law be forwarded to County Council for adoption

### Executive Summary:

The subject lands are located approximately 6 km northwest of Teeswater, and about 2 km west of the Teeswater River. The land is legally described as Part of Lot 29, Con. 11, geographic Township of Culross and is on the north side of Concession Road 10.

The application proposes to amend the Bruce County Official Plan to permit a sand and gravel pit. More specifically, this site-specific amendment would:

- Change the designation from Rural to Pits and Quarries;
- Allow extraction within 30 m and within 15 m of a watercourse or Hazard Land area; and
- Allow extraction within 135 m of a residence.

Neighbours have submitted letters objecting to the proposed pit and one neighbor is noted as an objector to the pit license under the Aggregate Resources Act process.

The applicant submitted technical studies with the application and the commenting agencies that provide technical review have no outstanding concerns. A recommendation to approve the related rezoning application was passed by South Bruce Council. The zoning includes a Holding provision that will be lifted only after a Haul Route Agreement has been completed to the satisfaction of South Bruce. If County Council adopts this Official Plan Amendment, the related By-Law would then be put on an agenda of South Bruce Council for approval.

Planning staff are satisfied that the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, conforms with the County Official Plan and is good land use planning.

## Background:

The northern part of the subject lands is part of the Greenock Swamp and is not in the area to be licensed. The southern part to be licensed is about 23 ha and the area to be extracted is about 15 ha. Most of the site is either cash cropped or grasslands. There is a driveway to the existing farm cluster (house and three accessory buildings) from Concession Road 10. The site is hummocky with complex topography. The surrounding lands are generally agricultural or natural areas and there are several existing dwellings within 500m.

## Airphoto with Proposed License Boundary



Proposed Pit  
Norman Campbell Construction Ltd.  
Part Lot 29, Concession 11  
Geographic Township of Culross  
Municipality of South Bruce  
County of Bruce

**RD** RON DAVIDSON  
LAND-USE PLANNING CONSULTING  
OWEN SOUND, ONTARIO  
SCALE 1:7000

## Description of Proposal

The proposal is to permit a Category 3, Class A above the water table licensed sand and gravel pit. Approximately 1,500,000 tonnes of sand and gravel may be available for extraction. The applicant has submitted an application for the pit license under the Aggregate Resources Act. This Official Plan Amendment would change the designation from Rural to Pits and Quarries, and:

- Extraction in certain areas shall be prohibited within 30 m and 15 m lands designated Hazard Land or a watercourse;
- A licensed pit shall be located no closer than 70 m from a residence and extraction shall be no closer than 135 m from a neighbouring residence; and
- Extraction shall not occur within 1.5 m of the established water table.

Additional details from the Site Plans or the applicant's submissions are listed below:

- Lands proposed to be licensed are owned by Norman Campbell Construction;
- Maximum removal per year is 100,000 tonnes;
- Material to be extracted is sand and gravel and extraction is to be carried out in three phases;
- Activities and equipment for daily use may include: hydraulic excavators, dozers, loaders, skid steers, grader, crusher, screener, generators, air compressors, pumps and trucks;
- There is to be no fuel storage or outdoor storage of scrap;
- Depth to water table is to be a minimum of 1.5 metres above the established groundwater table;
- Site will be progressively rehabilitated mostly to croplands as well as an area of wildlife habitat;
- Haul route: primarily east on Concession Road 10 to County Road 4: (approximately 5.5 km)
- Visual screening will be berms to be built along the southern, eastern and western boundaries;
- Topsoil and overburden will be stripped in advance of excavation operations and used for the berms and progressive site rehabilitation; and
- There is to be no diversion or discharge of surface water from the site.

The applicant provided supporting Reports and Studies related to the joint Official Plan Amendment and Rezoning applications, as follows:

1. Planning Report;
2. Hydrogeological Study;
3. Natural Environment Technical Report, and addendum letter to the MNR;
4. Noise Impact Assessment;
5. Archaeological Assessment; and
6. Site Plans.

## Provincial Interests

In provincial policy terms, the subject lands are rural lands (lands outside of settlement areas and not in the prime agricultural area). The area to be licensed does not contain, but is adjacent to, significant natural features (significant wetland, fish habitat, habitat of an endangered or threatened species, and an area of natural and scientific interest). The most relevant PPS policies are set out below. A detailed list of the applicable PPS policies is provided in Appendix 1.

Policy direction for Rural Areas (Section 1.1.4) includes:

- Promoting diversification of the economic base and employment opportunities through goods and services, including ... the sustainable management or use of resources; and
- Conserving biodiversity and considering the ecological benefits provided by nature.

Permitted uses on Rural Lands (Section 1.1.5.2) include:

- The management or use of resources and limited residential development.

In terms of cultural heritage and archaeology, Section 2.6 includes direction that:

- Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

Key policy directions on Natural Heritage are cited below.

- Development and site alteration shall not be permitted in significant wetlands (Section 2.1.4);
- Development and site alteration shall not be permitted in fish habitat or in habitat of endangered and threatened species, except in accordance with provincial and federal requirements (Section 2.1.6 and 7);
- Development and site alteration shall not be permitted in significant wildlife habitat or in areas of natural and scientific interest, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions (Section 2.1.5); and
- Development and site alteration shall not be permitted on adjacent lands to the above-noted features, unless the ecological function of the adjacent land has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions (Section 2.1.8).

Protection of Long-Term Resource Supply (Section 2.5.2)

- As much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible
- Demonstrated need for resource (supply/demand) shall not be required;
- Extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts.



Progressive and Final Rehabilitation (Section 2.5.3) is required to:

- Accommodate subsequent land uses and promote land use compatibility
- Recognize the interim nature of extraction
- Mitigate negative effects to the extent possible
- Take into consideration surrounding land uses and designations.

#### **Comment:**

The PPS considers mineral aggregate operations to be permitted interim uses on rural lands provided that: cultural and natural heritage protection is addressed; and, the application will be carried out in a manner that minimizes social, economic and environmental impacts. Taking into account that there are no outstanding concerns of agencies that comment on the technical reports related to the PPS requirements, planning staff are satisfied these criteria are met. Therefore, the Official Plan Amendment would be consistent with the PPS. Impacts are discussed further in this report under the Planning Analysis section.

#### **County Official Plan**

The Bruce County Official Plan designates the property as Rural Area and Hazard Land Area. The pit is proposed on the lands designated Rural Area, with a small area within the Hazard Land Area. The lands are outside of the area identified on Schedule C as Mineral Resource Area. There is an area identified as having archeological potential on the subject lands.

The applicant submitted a Planning Report with an extensive review of the relevant County Official Plan policies with which we are generally in agreement; rather than duplicate that analysis here, the analysis is attached in Appendix 2.

Key points with regard to Official Plan conformity follow:

- Test pitting confirmed that there is a large high-quality sand and gravel resource, and this meets the requirement for proposals located outside of the Mineral Resource Area on Schedule C;
- The Plan recognizes that the Hazard Land boundaries on Schedule A are not hard and fast lines but are accepted as being flexible to some extent. The limits of the Hazard Land Area on the ground should be determined through consultation with the appropriate Conservation Authority, the appropriate Provincial authority, the local municipality, and by a site inspection and evaluation. The Hazard Land boundary revision is supported by the Natural Environment Report and would align with the Environmental Protection Zone boundary which the Saugeen Valley Conservation Authority confirmed is correct;
- The Official Plan requires a 50 m setback from Hazard Lands or watercourses. Where smaller setbacks are proposed, an amendment is required and the reduced setback must be justified by technical studies. This application includes a number of areas with 30m and 15m setbacks from the Hazard Land boundary, as revised, and watercourses. This reduction is included in the proposed site-specific Official Plan Amendment through reference to the license site plans and justification for the reduced setbacks was provided in the Natural Environment Report;

- Technical studies submitted in support of the application on natural heritage, groundwater resources or cultural heritage resources concluded that no negative impacts are anticipated, and mitigation measures are included on the license site plans; and
- The noise study required by the Official Plan concluded that the proposed operation would meet provincial guidelines provided that the recommended noise control measures are implemented.

**Comment:**

Based on the foregoing and taking into account that there are no outstanding concerns of agencies that comment on the technical reports related to the Official Plan requirements, the proposed Official Plan Amendment conforms with the Bruce County Official Plan. Impacts are discussed further in this report under the Planning Analysis section.

**Zoning by-law**

The subject lands are zoned ‘General Agriculture (A1)’ and ‘Environmental Protection (EP)’. The proposed pit is located in the area zoned General Agriculture which permits a range of agricultural and related uses but does not permit an aggregate extraction use. The Zoning By-Law Amendment proposes to change the zoning to Extractive Industrial (M2) with site-specific provisions.

Permitted uses in the M2 Zone are:

- Agriculture
- Pit
- Portable asphalt plant, portable concrete plant
- Quarry
- Building and structures accessory to a permitted use (i.e. open storage, scales, pump buildings, administration, equipment storage, and fuel pumps)
- Processing of natural materials extracted from the site including screening, sorting, washing, crushing, storing, portable ready mix/concrete, asphalt plant, and other similar operations allied to a Pit or Quarry operation.

Residential uses are prohibited. The minimum lot area is 1 ha and the minimum lot frontage is 30m. The applicable setback for buildings and structures from a watercourse is 30m.

**Comment:**

Removal of the existing house will be required before pit operations begin. The proposed Zoning By-Law Amendment would meet the above-noted zoning provisions and would include a Holding provision to require a Haul Route Agreement. The Haul Route Agreement is discussed further in this report under Planning Analysis.

## Agency Comments

### South Bruce:

- Chief Building Official: need confirmation that existing house will be demolished as the M2 Zone does not permit a residence.
- Operations Manager: questioned the ability of certain sections of Concession 10 to take heavy truck loads.

### Conservation Authority:

- It appears that all of the recommendations outlined in the Environmental Impact Study and Hydrogeological Report have been incorporated into the aggregate application's Operational Plan and Restoration Plan;
- It is SVCA staff's opinion that the applications are in conformance with the County's natural heritage and natural hazards policies and associated PPS policies.

### Bruce County Transportation and Environmental Services:

- The County does not have any issues or comments concerning the rezoning of this property from rural to pit and quarries as it is along a concession road and the closest County Road is 4 (full load). Only possible comment would be intersection improvements on concession road where it meets county road with larger paved radius for truck turning.

### Historic Saugeen Metis:

- no objection or opposition.

### Bruce-Grey Catholic District School Board:

- No comments.

## Public Comments

At the time of writing this report, four letters from the public were submitted in opposition to the proposal (attached in Appendix 7). Verbal comments were also made at the Public Meeting for the Zoning By-Law Amendment at South Bruce. Concerns are generally related to noise, traffic, effect on quality of life and the condition of Concession Road 10.

## Planning Analysis and Comments:

New pits introduce changes to the rural landscape. These changes create the need for a wide range of technical studies and proactive planning and design. While all of the technical studies and agency comments were taken into account, the following main points are discussed from a land use planning standpoint: noise; groundwater; natural heritage; cultural heritage; agriculture; and roads.

### Noise

A key consideration in whether extraction can be carried out with minimal impacts is compliance with provincial noise standards. The province has set out guidelines for noise impacts on sensitive receptors (nearby residences in the case of this application) from mineral aggregate operations. The Noise Impact Assessment prepared for this application considered impacts on the receptors shown below (which is an excerpt from the Site Plan package, drawing number 3). The study considered both existing (R1, R2, etc.) and potential future receptors (VL1, VL1, etc.).



The noise study recommended twelve measures to mitigate noise to acceptable levels, including such things as: limiting hours of operation; building 5m berms; directing the order and direction of the extraction work to take advantage of the pit face; and using stockpiles as noise shields for crushing and screening activities. According to the noise study, the proposed pit with the recommended noise mitigation measures would meet the provincial guidelines for a new pit in a rural setting. The mitigation measures are set out on Drawing 3 of the Site Plan package. The Official Plan Amendment includes a 135 metre setback from the nearest house and this is consistent with the license site plans.

## **Groundwater**

Groundwater is a potential concern depending on the nature of the landform change that will result from the pit. The groundwater study looked at the water table and wells in the vicinity of the subject lands in relation to the proposed extraction. The main conclusion of the groundwater study is:

“Based on the proposed extraction of aggregate to depths that are 1.5 m or greater above the water table with no proposed dewatering or water diversion, the occurrence of clay or till soils overlying the bedrock or sand and gravel systems used to supply water, and in consideration of the required setback distances, it is reasonable to expect that the proposed aggregate extraction would not impact the local water supply wells or surface water features in the area.”

The study recommended mitigation measures that are included on the license site plans. The technical review agencies have no outstanding concerns with the groundwater assessment.

## **Natural Heritage**

The applicant prepared a Natural Environment Report to address the requirement to protect natural heritage features and functions. The main conclusion in the report is:

“This report has demonstrated that with the proper mitigative measures in place, no measurable negative impacts should occur to the natural heritage features or ecological functions identified both on- or off-site. This Level 2 assessment has also demonstrated that the Natural Environment Technical Report mitigative measures recommended for the establishment of the Extraction Limit is considered to be in compliance with Aggregate Resource Act standards, ESA 2007, the Provincial Policy Statement and the Bruce County Official Plan environmental policies.”

The study recommended mitigation measures and setbacks that are included on the license site plans. The technical review agencies have no outstanding concerns with the natural environment report.

## **Cultural Heritage**

The applicant prepared a Stage 1 -2 Archaeological Assessment to address the requirement to conserve archaeological resources. The Stage 1 -2 Archaeological Assessment found that: no further archeological assessment of the study area is warranted; the provincial interest in archaeological resources has been addressed; and the proposal is clear of any archaeological concern.

The technical review agencies have no outstanding concerns with the archaeological assessment.

## **Agriculture**

The subject lands are part of an area of South Bruce where agricultural uses are interspersed with natural features. Agricultural uses are important to the economy of South Bruce and Bruce County. We note that most of the pit will be rehabilitated to agriculture use.



**Roads:**

According to the applicant's planning report, "trucks leaving the site will primarily head east on Concession Road 10 toward County Road 4. For local deliveries, other roads in the area may be utilized."

The pit will require an Entry Permit from South Bruce. In response to the agency circulation for this application, South Bruce noted that this part of Concession 10 has a swamp through it with poor sections that may not be able to take a lot of heavy loads. The picture below shows Concession 10 facing west towards the subject lands.



In follow-up, staff noted that some sections are underlain by corduroy road and loaded trucks from the pit would likely break the road up more quickly than with current use.

In order to address this concern, planning staff recommended that the applicant be required to enter into a Haul Route Agreement that would allocate the costs of road works that may be needed in the future. To this end, South Bruce passed a recommendation to approve the Zoning By-Law Amendment with a Holding provision that has wording to the effect that the symbol may be removed upon the approval by South Bruce of a Haul Route Agreement between the pit licensee and the Municipality of South Bruce.

## **Planning Analysis Summary**

The proposal addresses key land use planning considerations of noise, groundwater, natural heritage, cultural heritage, agriculture, and roads.

### **Conclusion:**

Planning staff are satisfied that the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, conforms with the County Official Plan, and is good land use planning.

### **Financial/Staffing/Legal/IT Considerations:**

Potential Appeal to Local Planning Appeals Tribunal

Written by:

Mark Paoli, M.Sc., RPP

Senior Planner, Planning and Development

## Appendix 1 - Provincial Policy Statement 2014

Applies?	Section	Policy	Comment
	<b>1.0</b>	<b>Building Strong Communities</b>	
	1.1	Managing & Directing Land Use To Achieve Efficient Development & Land Use Patterns	
	1.1.3	Settlement Areas	
x	1.1.4	Rural Areas in Municipalities	
	1.2	Coordination	
	1.3	Employment Areas	
	1.4	Housing	
	1.5	Public Spaces, Parks and Open Space	
	1.6	Infrastructure and Public Service Facilities	
	1.6.4	Sewage and Water	
x	1.6.5	Transportation Systems	
	1.6.6	Transportation and Infrastructure Corridors	
	1.6.7	Airports	
	1.6.8	Waste Management	
	1.7	Long-Term Economic Prosperity	
	1.8	Energy and Air Quality	
	<b>2.0</b>	<b>Wise Use and Management of Resources</b>	
x	2.1	Natural Heritage	
x	2.2	Water	
	2.3	Agriculture	
	2.3.3	Permitted Uses	
	2.3.4	Lot Creation and Lot Adjustments	
	2.3.5	Removal of Land from Prime Agricultural Areas	
x	2.4	Minerals and Petroleum	
x	2.4.2	Protection of Long-Term Resource Supply	
x	2.4.3	Rehabilitation	
x	2.4.4	Extraction in Prime Agricultural Areas	
x	2.5	Mineral Aggregate Resources	
x	2.5.2	Protection of Long-Term Resource Supply	
x	2.5.3	Rehabilitation	
x	2.5.4	Extraction in Prime Agricultural Areas	
	2.5.5	Wayside Pits/Quarries, Portable Asphalt Plants / Concrete Plants	
x	2.6	Cultural Heritage and Archaeology	
	<b>3.0</b>	<b>Protecting Public Health and Safety</b>	
	3.1	Natural Hazards	
	3.2	Human-made Hazards	

## Appendix 2 - Applicant's Bruce County Official Plan Analysis

*Norman Campbell Construction Ltd.  
Licensed Pit*

### **5.1 County of Bruce Official Plan**

#### **5.1.1 Existing Land Use Designation**

The lands proposed to be licensed are designated predominantly 'Rural' on Schedule A to the County of Bruce Official Plan, as shown on Figure 3 to this Planning Report. A very small portion of the licensed area appears to be designated 'Hazard'; however, this mapping appears to be incorrect and does not reflect the more accurate zoning of the site.

The 'Rural' land use designation generally permits agriculture, forestry and conservation. A licensed gravel pit is not allowed without an amendment to the Official Plan.

#### **5.1.2 Official Plan Policies Pertaining to Extractive Industrial Operations**

Section 4.8 MINERAL RESOURCE of the County of Bruce Official Plan is very clear in its intent to protect and promote the mineral resources within the County. This section states:

#### *4.8 MINERAL RESOURCE*

##### *4.8.1 Objectives*

- i) utilize the aggregate resources of the County in an efficient environmentally sustainable manner;*
- ii) encourage the orderly site extraction of mineral resources and the appropriate development in these areas to ensure the utilization of mineral aggregate resources is not negatively affected;*
- iii) encourage the orderly site extraction of mineral resources and the appropriate development in these areas that would negatively affect the utilization of mineral aggregate resources; and*
- iv) encourage the proper rehabilitation and reuse of extracted sites.*

Comment: These objectives promote the utilization of the County's mineral resources such as sand and gravel while ensuring that such extraction occurs with minimal impact on the natural environment and that extracted sites are appropriately rehabilitated.

#### 4.8.2 Identified Areas

1. *Schedule "C" shows primary and secondary sand and gravel resources and primary bedrock resources as derived from mapping completed by the Department of Mines and Northern Development and utilized by the Ministry of Natural Resources in its Aggregate Resources Inventory. Tertiary sand and gravel resources should be considered as part of any justification for any change of land use status not related to agriculture, forestry or conservation.*
2. *County Council, in conjunction with the Province of Ontario, has identified likely sources of mineral aggregates and bedrock resources on Schedule "C", which forms part of this Plan.*
3. *It is the policy of County Council to protect the Mineral Resource Areas shown on Schedule "C", by not allowing development or land uses, which would hinder the future extraction of the resource with the exception of Urban Areas, Rural Recreational Areas, and Inland Lakes Areas. Extraction of mineral aggregate and bedrock resources are subject to the Aggregate Resources Act.*

Comment: The subject lands are not identified within the 'Mineral Resource Area' on Schedule C to the Official Plan, as illustrated on Figure 4 to this Planning Report, although a series of test pitting has confirmed the existence of a large quantity of top-quality sand and gravel across the site.

#### 4.8.3 Permitted Uses

1. *Within the Mineral Resource Areas shown on Schedule "C", uses in accordance with the underlying land use designation on Schedule "A" are permitted subject to the policies of this Plan. Land Uses, which would sterilize the mineral resource, are not permitted except as provided for in Section 4.8.2 of this Plan.*
2. *When seeking an approval for a new pit or quarry or the expansion of an existing pit or quarry, the permitted uses associated with such pit or quarry are deemed to include sand and gravel pits, quarries, aggregate storage areas, crushing plants, concrete batching plants and saw houses as well as uses directly related and essential to the primary operation.*

Comment: In addition to the extraction of sand and gravel, the proposed licensed operation will also include crushing and screening.



#### 4.8.4 General Policies

1. *All existing licensed or approved pits and quarries are designated on Schedule "A" by a symbol. The expansion of an existing pit or quarry, as identified on Schedule "A", by a symbol, may proceed by way of an Amendment to the Local Zoning By-Law provided it does not conflict with the site specific policies contained in Section 4.8.7 "Exceptions" of this Plan.*
2. *The establishment of a pit or quarry on lands not designated for such use on Schedule "A" shall be subject to the policies of Section 4.8.5 (Establishment/Expansion of New Pits and Quarries) and shall also require an Amendment to this Plan, and an Amendment to the Local Zoning By-Law.*
3. *Prior to making a decision on an Amendment to the Official Plan or Zoning By-Law to permit a new extractive use, or to allow for the expansion of an existing extractive use, the applicant shall provide information in support of the application addressing the issues outlined in Section 4.8.5 (Establishment/Expansion of New Pits and Quarries).*

**Comment:** An application to amend the County Official Plan has been filed with the County. The amendment would change the land use designation of the licensed area from 'Rural' to 'Pits and Quarries'. An application to amend the Municipality of South Bruce Comprehensive Zoning By-law has also been submitted.

#### 4.8.5 Establishment/Expansion of New Pits and Quarries

##### 4.8.5.1 Supporting Information Requirements

1. *It is the policy of County Council that for lands not designated Pits and Quarries on Schedule "A", all applications to establish a pit or quarry shall be accompanied by a justification report for a Class "A" license or Site Plan for a Class "B" license, prepared in accordance with the requirements of the Aggregate Resources Act.*

**Comment:** GM BluePlan Engineering has processed the Aggregate Resources Act application to the greatest extent possible at this time. As part of the submission of the application to the various government agencies, a series of backgrounds reports were provided including a Summary Statement, Hydrogeological Study, Natural Environment Technical Report, Noise Impact Assessment and an Archaeological Assessment.

2. *In addition to the requirements of the Aggregate Resources Act, the applicants shall also prepare a report addressing the following issues:*
  - i) *impact on adjacent land uses and residents;*

Comment: In addition to the studies required under the Aggregate Resources Act, this Planning Report has been prepared to demonstrate compliance with the various relevant policies of the County of Bruce Official Plan and those of the Provincial Policy Statement.

With regard to potential impact on adjacent land uses and residents, please consider the following:

The Hydrogeological Study and Natural Environment Report were commissioned by the applicant to address potential impacts on nearby residents, natural heritage features on the site and adjacent lands, groundwater and surface water. Provided the pit operations follow the recommendations contained within these background studies, there should be no measureable impacts on the adjacent land uses. The recommendations have been carried forward onto the Site Plans, and therefore the pit operations will be required to comply with the recommended mitigation measures.

Of note, such mitigation measures include the berming of the pit and appropriate setbacks of the processing equipment from the closest residences in order to eliminate potential noise impacts. The proposed pit will comply with requirements regarding noise attenuation under the Aggregate Resources Act.

To ensure that the neighbours are not impacted by dust, the pit operator will apply water or other dust suppressant approved by the Ministry of the Environment and Climate Change on the internal haul road.

The Hydrogeological Assessment has determined that the neighbours' wells will not be impacted by the pit.

- ii) *impact on the physical and natural environment, including ground water and surface water impacts, noise, vibration and dust impacts;*

Comment: The Natural Environment Technical Report, as explained in Section 3.5.2 of this Planning Report, has studied the physical and natural environment of this area and has concluded that the pit would have no noticeable impact on the natural heritage features identified in the study area, provided a series of recommendations are followed. Those recommendations have been incorporated into the Site Plans.

With regard to potential impacts on the ground water, the proposed pit will not involve extraction within 1.5 metres of the established watertable and therefore no impact on the groundwater should occur, as confirmed by the Hydrogeologist. With regard to groundwater monitoring, water level measurements will be obtained from four on-site monitoring well locations on an annual basis for the life of the pit

The Hydrogeologist and the Biologist have also concluded that the proposed pit operations should have no measureable impacts on the surface water features in the area including the adjacent wetland and seeps.

No blasting within the pit will be necessary; and, as such, no vibration impacts should occur.

The day-to-day operations of this proposed pit - like any gravel pit - will generate some noise. The operation, however, will employ noise attenuation measures to ensure that the noise is mitigated to the greatest extent possible, as per the requirements of the Ministry of the Environment and Climate Change (MOECC).

Pits can also create dust; however, with the proper application of water or other MOECC-approved dust suppressant, the dust should not be a problem for the neighbours.

iii) *compatibility for agriculture and other land uses;*

Comment: Agriculture and gravel pits can co-exist. The aggregate operation is an interim use and the lands will revert primarily to agriculture through progressive and final rehabilitation efforts. Some lands will revert to a natural state, as per the recommendations of the Natural Heritage Technical Report.

iv) *impact on the transportation system;*

Comment: The site is located within a geographic area that is accessible by well-maintained transportation routes that allow for the aggregate to be shipped efficiently throughout the general area.

Most of the trucks leaving the site will travel east along Concession Road 10 until reaching County Road 4. At that point, the trucks will head either north or south, depending on the destination. For local deliveries, some trucks leaving the site will travel west along Concession Road 10.

v) *impact on any existing or potential municipal water supply resource areas;*

Comment: Schedule C-2 (Constraints) to the County of Bruce Official Plan identifies the intake protection zones and the wellhead protection areas pertaining to municipal water supplies. The subject lands are not located in such areas.

vi) *the manner in which the operation will be carried out;*

## Appendix 2 - Applicant's Bruce County Official Plan Analysis

Norman Campbell Construction Ltd.  
Licensed Pit

Comment: Section 3.2 of this Report explains in detail the manner in which the proposed pit operations will be carried out.

iii) *the nature of the rehabilitation work that is proposed;*

Comment: As discussed in Section 3.2 of this Report, the extracted lands will revert mostly to an agricultural use through progressive and final rehabilitation. Some lands must return to a natural state, as required by the Natural Environment Technical Report.

All topsoil and overburden originating on the site will be retained and used for rehabilitation purposes. The licensee will minimize the mixing of soils during the stripping operations of the pit. The site could be rehabilitated utilizing all of the onsite topsoil and overburden including any unmarketable aggregate; however, it is possible that materials will be imported to achieve restoration. Following the application of topsoil to the rehabilitated areas, the lands will be prepared for seeding by fine grading or agricultural tilling.

viii) *if the proposal is located outside of the Mineral Resource Area on Schedule "C", the applicant must demonstrate the quantity and quality of the resource on the proposed site;*

Comment: None of the proposed licensed lands is situated within a 'Mineral Resource Area' on Schedule C to the Official Plan, as shown on Figure 4 to this Planning Report. Test pitting has been conducted throughout the site to confirm the existence of a large quantity of top-quality sand and gravel. Approximately 1,500,000 tonnes of sand and gravel could be made available for extraction from the proposed pit.

ix) *any other matters deemed necessary by Council; and,*

Comment: If other pertinent issues are raised by Municipal Council, they will be addressed by the team of consultants.

x) *when there is a proposal to extract below the water table an assessment of the impacts on the ground water will be required and the results will have to demonstrate no negative impact on quality, quantity and other uses of the resource.*

Comment: The pit will not involve extraction below the watertable. A minimum 1.5 metre buffer between the pit floor and the watertable will be established.

3. *In considering these matters, the evaluation will be premised on the fact that, notwithstanding the need for mineral aggregate, it is essential to ensure that aggregate extraction is carried out with minimal social and environmental disruption.*

## Appendix 2 - Applicant's Bruce County Official Plan Analysis

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Comment: All efforts are being made to ensure that the proposed pit is carried out with minimal social and environmental impacts, as discussed earlier in this Report.

### 4.8.5.2 Locational Criteria

*The establishment of new pits or quarries or the expansion of existing pits or quarries shall be subject to the following locational criteria:*

- i) *in order to preserve the scenic beauty and amenity of the area, extractive operations will be screened from public view, where possible;*

Comment: Berms will be constructed along the southeastern, southern and southwestern boundaries of the site, at a height of five metres, as shown on the Operational Plan. This will effectively screen the pit from public view.

- ii) *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: A detached dwelling is located on the property to the immediate east, approximately 100 metres from the extraction area boundary. An amendment to the above policy is therefore necessary. The following is rationale for reducing the required setback by 25 metres:

The Noise Impact Assessment was conducted because of the proximity of this detached dwelling to the proposed extraction operation. A series of recommendations were provided in the Assessment to buffer this dwelling from any noise impacts, including the requirement to erect a five metre high berm and controlling the screening and crushing operations on the site. The consultant concluded that the proposed pit will, under worst case operating scenarios, comply with the Ministry of Environment and Climate Change provided the recommended noise control measures are implemented.

Dust control measures will be carried out in order to not impact any of the residents in the neighbourhood. As stated previously in this Planning Report, dust will be mitigated on site. Water or other provincially approved dust suppressant will be applied to internal haul roads, processing and stockpile areas and equipment as often as required to mitigate dust. Regular visual inspections of the site will be undertaken by the pit operator during dry weather periods to identify potential dust emissions and determine the necessary mitigation measures to be applied. The existing



treed area located on the neighbouring property, between the proposed pit and the dwelling in question, will also assist in mitigating potential dust problems, should they arise.

The Hydrogeologist has determined that the proposed pit operations, which will not involve extraction below the groundwater table, will not impact any water supplies in the area including the well associated with the dwelling located 100 metres to the east of the proposed pit.

The majority of the traffic associated with the proposed pit will be travelling east on Concession Road 10, i.e. in front of the detached dwelling on the property to the east. Whether the pit is located 100 metres from the neighbour's dwelling or 125 metres from this house does not appear to be relevant, as it pertains to the haulage Route. What is important, however, is the location of the pit entrance. The original proposal was to utilize an existing field entrance for the entrance/exit of the pit, with said existing entrance being located approximately 144 metres from the mutual property boundary. In an attempt to address the concerns of this particular neighbour during the Aggregate Resources Act application process, the proposed entrance/exit was moved farther west such that the existing entrance to the house on the subject property is now proposed as the pit entrance/exit. This entrance is approximately 211 metres west of the mutual property boundary. Moving the entrance and driveway further from the neighbour's dwelling should reduce the perceived impact on these residents.

Based on the forgoing, the proposed reduction in the required separation distance between the pit and the adjacent dwelling from 125 metres to 100 metres should not create any problems.

- iii) *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;*

Comment: The extraction area of the proposed pit will be in accordance with the above policy.

- iv) *no aggregate operation shall be located closer than 50 metres to any body of water or watercourse, or Hazard Land Area;*

Comment: As noted earlier in this Planning Report, the 'Hazard Land' boundary as shown on Schedule A of the Official Plan appears to encroach slightly into the proposed licensed area; however, this hazard mapping would appear to be incorrect and is more accurately depicted on the Zoning By-law

schedule (see Figure 5) where it shows the hazard line (i.e. 'EP' zone boundary) as approximately following the boundary of the licensed area. A 30 metre buffer area between the hazard boundary and the closest point of the extraction area will be maintained along most of the site, although a 15 metre setback from the "wetland finger" is proposed and has been justified. In this regard, an exemption from the above policy is necessary.

- v) *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 subject lands are designated 'Rural\ and not 'Agricultural' on Schedule A to the County Official Plan (see Figure 3

- vi) *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: As noted above, the subject lands are not designated 'Agricultural'.

### 5.1.3 Official Plan Policies Pertaining to the Natural Environment

Section 4.3 of the Bruce County Official Plan states the following policies with regard to protecting the natural environment:

#### 4.3 THE ENVIRONMENT

##### 4.3.1 Objectives

- i) *identify and protect the County's unique natural resources and environment;*

- ii) *identify, conserve, and where possible enhance the natural environment to ensure that natural systems are sustained, which will also serve to maintain human health;*
- iii) *maintain, enhance and protect aquatic habitat in and around Bruce County;*
- iv) *promote environmentally sound watercourse management that enhances the quality of lakes and rivers;*
- v) *protect ground and surface water quality;*
- vi) *work in conjunction with local conservation authorities, local municipalities and the public to develop a long-term comprehensive drinking water source protection plan for the County;*
- vii) *recognize the role of forests and wetlands in ground and surface water rehabilitation;*
- viii) *protect headwater areas of rivers and streams;*
- ix) *protect identified significant woodlands;*
- x) *protect natural areas along shorelines and rivers;*
- xi) *restrict or prohibit development on lands subject to environmental hazards;*
- xii) *ensure that growth does not exceed the carrying capacity of the natural environment;*
- xiii) *maintain the character of the Niagara Escarpment, a World Biosphere Site by abiding by the Niagara Escarpment Plan and the Niagara Escarpment Planning and Development Act;*
- xiv) *collaborate with adjacent municipalities in the preservation of the natural environment;*
- xv) *encourage the use of alternate energy sources, such as wind, solar, biomass and hydroelectric;*
- xvi) *discourage land uses and activities which are noxious in nature and may contribute to air, water or land pollution;*
- xvii) *identify, protect and enhance all Provincially significant wetlands and Areas of Natural and Scientific Interest (ANSI's);*

- xviii) *identify and preserve areas of Environmentally Significant Areas (E.S.A.'s);*
- xix) *encourage the preservation of locally significant Environmentally Significant Areas (E.S.A.'s); and,*
- xx) *protect the habitat of endangered and threatened species;*
- xxi) *encourage the preparation of watershed and subwatershed plans, where they are deemed necessary; and,*
- xxii) *discourage the extraction of groundwater that exceeds the recharge capacity of the aquifer.*

Comment: A significant amount of research and field work by the team of experts has gone into the designing of the proposed pit in order to ensure that any impact on the natural environment is minimal. Detailed assessments of the environmental issues listed above are provided in the Natural Environment Technical Report.

#### 4.3.2 General Policies

1. *The natural resources of the County shall be protected and managed in order to maintain and preserve a healthy living environment for existing and future generations.*
2. *County Council recognizes that natural areas or features within Bruce County provide a wide range of benefits to the residents of the County. Those areas shall be protected from the negative effects of development.*
3. *Some natural features, such as ANSI and Provincially Significant Wetlands, Escarpment Natural Areas, some Locally Significant Wetlands and areas of Karst topography have been identified and are shown on the Schedules of this Plan. Other features, such as significant ravines, valley, river and stream corridors, significant woodlands, significant portions of threatened and endangered species habitat, significant fish habitat and significant wildlife habitats have not been specifically identified. Dynamic beaches are considered to be significant natural features, yet may or may not be mapped. As more detailed mapping of these natural features becomes available, the appropriate Schedules will be updated to include this more detailed information.*
4. *In the absence of mapping showing the various components of the natural areas, this Plan will rely on Environmental Hazard mapping, ANSI mapping and Wetland mapping to achieve much of the County's environmental goals and objectives. Therefore, new development proposed in or adjacent to these areas must also address all of the applicable natural environment features.*
5. *For some environmentally sensitive areas new development may be permitted within and adjacent to them, provided it can be demonstrated that the development will not*

*have an adverse or negative impact on the area. For other areas such as Environmental Hazard Lands, significant habitat of threatened and endangered species and Provincially Significant Wetlands, new development and site alteration is not permitted.*

6. *In the review of site development proposals the proponent and/or review agencies may identify natural heritage features, which have not been incorporated in the Schedules to the Plan. In these instances, the policies of Section 4.3 and 5.8 will apply and the applicant must demonstrate protection of the natural heritage functions and features.*

Comment: This Planning Report demonstrates compliance with these general policies and the specific policies of Sections 4.3 and 5.8, as explained in the comments below.

#### 4.3.2.1 Cold and Warm Water Streams

1. *No development shall be permitted within 30 metres of the banks of a cold water stream or 15 metres of a warm water stream. Landowners are encouraged to forest the area within 30 metres of any stream to maintain and improve fish habitat, ecological function of the stream and to increase natural connections.*

Comment: The proposed pit will be set back in accordance with the above minimum standards.

#### 4.3.2.2 Drinking Water Source Protection

1. *The Province of Ontario has established the Drinking Water Source Protection (DWSP) program that is guided by the Clean Water Act, 2006. The purpose of this Act is to protect existing and future sources of drinking water. Under this program, it is the responsibility of a Source Protection Committee to develop Assessment Reports and Source Protection Plans for a Source Protection Region.*
2. *This program is generally designed to protect Municipal Wellhead Protection Areas (WHPA), and Intake Protection Zones (IPZ), as well as Highly Vulnerable Aquifers (HVA) and Significant Groundwater Recharge Areas (SGRA). The Assessment Reports will delineate these areas, determine their vulnerability, and identify and assess threats to these areas. The Source Protection Plans will include policies to be followed by municipalities, landowners, and other, to discuss significant threats to these areas.*
3. *The County will support the work of the Source Protection Committee as it prepares Source Protection Plans. Once the Source Protection Plans have been completed (legislated deadline: Aug 2012) and approved, the County will assist with the implementation of the Plan by incorporating the appropriate Source Water Protection Plan policies in the Official Plan.*

Comment: This site is situated within any of the above-noted constraint areas.



#### 4.3.2.3 Areas of Natural or Scientific Interest (ANSI)

1. *County Council recognizes that most ANSI are held in private ownership. The objective of the policies of this section will therefore be to provide for the continued private use while encouraging landowners to voluntarily protect and manage the unique environmental resources of their land. This encouragement can be achieved by demonstrating wise environmental management of public land, the distribution of information concerning the establishment of new ANSI and the management of environmental features found within the ANSI.*
2. *County Council is in a position to influence the nature of development occurring within and contiguous to ANSI. The policies of this Plan seek to protect and improve the natural environment of ANSI affected by the development of land in recognition of the fact that:*
  - i) *the protection, management and renewal of ANSI is essential if the County's natural heritage is to survive;*
  - ii) *some forms of development may be accommodated within and contiguous to ANSI;*
  - iii) *when development and environmental objectives cannot be reconciled, the County shall attempt to protect the affected area by requesting a public agency or non-profit Corporation or the Conservation Authority to acquire the land, or to permit re-evaluation of the ANSI designation, or refuse to approve the development;*
  - iv) *the policies and objectives of this Section can complement the actions of other agencies in the protection and wise management of the natural environment; and*
3. *the distribution of information on the state of environmental conditions is essential to ensure the survival of the County's natural heritage. County Council has designated on Schedule C those areas identified and judged by the Province of Ontario as Areas of Natural or Scientific Interest (ANSI) of Provincial significance.*
4. *County Council is prepared to consider mapping of ANSI at an improved scale to more accurately represent or determine the lands designated ANSI on Schedule C. Such mapping shall be used in the application of policies associated with this Plan and shall be revised as improved information and Environmental Impact Statements indicate more precise boundaries. Where more accurate mapping becomes available, this mapping will be incorporated by Amendment to this Plan.*
5. *It is the policy of County Council to consider the use of land within an ANSI identified on Schedule C in accordance with the underlying land use designation on Schedule A,*

*provided it can be shown that the development would not adversely impact upon the ANSI. In order to further clarify the intent of this policy, the following use of land and buildings as they existed on the date of adoption of this Plan may continue:*

- i) farming operations and the expansion of the same in accordance with the Minimum Distance Separation Formula;*
  - ii) management and harvesting of timber in accordance with sound forest management practices;*
  - iii) construction or expansion of a residence on a legally separated parcel of land existing on the date of the adoption of this Plan, provided that measures are taken to minimize negative impacts on the ANSI and subject to other policies of this Plan, the local Municipal Zoning By-Law and the applicable policies and regulations of other agencies or Government ministries; and,*
  - iv) the existing use of the area for public recreational uses.*
- 6. It is the policy of County Council that when a change in the use of land not in conformity with the above policy is proposed for lands within the ANSI such that adverse effects on the ANSI are likely to occur, a full, scoped or check list, Environmental Impact Statement (EIS) in regard to the merits of the proposal as determined by the appropriate Council, shall be prepared prior to the consideration of approval of the proposal according to the policies of Section 4.3.3. Where it cannot be shown that the development proposal will have minimal impacts on the ANSI, such proposal shall be refused.*
- 7. ANSI are identified by the Province of Ontario. It is the policy of County Council to ensure that an EIS is reviewed with respect to the merits of the proposal. A recommendation will then be submitted to the County and/or local municipality for consideration of the proposed change in the use of the land.*
- 8. It is the policy of County Council that the lands identified as ANSI, which are privately owned, are not free and open for the public to use. Public access to ANSI on privately owned lands may occur by permission of the land owner, and the use of other mechanisms such as Land Trusts or Conservation Easements.*
- 9. County Council recognizes that the existing statutory powers of the County to fully achieve the objectives of environmental protection are inadequate.*
- 10. In order to supplement the provisions of the above policies, County Council may from time to time consider:*
- i) the acquisition (by donation) of ANSI that may be suitable for the extension of existing County forests or for the establishment of new County forests;*

- ii) *negotiating with the owners of an ANSI to have all or part of it privately preserved or managed in accordance with sound environmental practices, or conveyed by the owner to a public authority;*
- iii) *the use of conservation measures such as Land Trusts or Conservation Easements; and,*
- iv) *requesting the public agency or non-profit Corporation, or the Conservation Authority, having jurisdiction to acquire such ANSI.*

Comment: The Natural Environment Technical Report provides recommended setbacks between the proposed pit and the adjacent natural heritage features, including the Life Science ANSI. With these setbacks in place, no negative impacts to the ANSI are anticipated.

#### 4.3.2.5 Provincially Significant Wetlands

1. *Schedule C to this Plan identifies Provincially Significant Wetlands. The following policies apply to those wetlands.*
2. *It is the policy of County Council that development except for infrastructure permitted by the Provincial Policy Statement shall not be permitted within Provincially Significant Wetlands.*
3. *It is the policy of County Council that development may be permitted on adjacent lands only if it does not result in any of the following:*
  - i) *a loss of wetland function;*
  - ii) *subsequent demand for future development, which will negatively impact on existing wetland functions;*
  - iii) *conflict with existing site specific wetland management practices; and*
  - iv) *loss of contiguous wetland areas.*
4. *Wetland Area is a single continuous wetland, which may be composed of one or more wetland types.*
5. *Adjacent lands are those lands within 120 metres of an individual wetland area.*
6. *It is the policy of County Council that the policies of Section 4.3.2.5.e i), ii), iii) and iv) shall be addressed by an Environmental Impact Study (EIS), prepared in accordance with established procedures and carried out by the proponent. The EIS shall be subject to review and comment by the appropriate Provincial authority, the Conservation Authority, where one exists, and other public authorities having jurisdiction.*

7. *Development proposals may be considered on adjacent lands without an Amendment to this Plan, in accordance with the abutting land use designation if supported by a site specific EIS indicating how the above policy has been met.*
8. *It is the policy of County Council that wetlands shall be designated in local Official Plans where they exist, and that policies be included to preclude new development within Provincially Significant Wetlands.*
9. *It is the policy of County Council that Provincially Significant Wetlands shall be zoned in the local Municipal Zoning By-Law to preclude new development within Provincially Significant Wetlands.*

Comment: No negative impact on the Provincially Significant Wetland is anticipated, provided the mitigation measures listed in the Natural Heritage Technical Report and stipulated on the Operational Plan and Rehabilitation Plan are followed.

#### 4.3.2.6 Significant Woodlands

1. *It is the intent of County Council to protect significant woodlands as they are one of the key components of our natural heritage areas. Wood lands provide significant economic value as well as habitat for wildlife, erosion control and maintenance of the 'cold water' for fish habitat.*
2. *Although significant wood lands have not been mapped in this Plan, the following policies shall apply to the protection of wood lands:*
  - i) *For Townships with less than 30% forest cover, wood lots of 40 hectares or greater are considered significant. Prior to development being permitted in these areas the proponent of the development shall be required to undertake an Environmental Impact Study.*
  - ii) *For municipalities with greater than 30% forest cover, an Environmental Impact Study shall only be required for developments that propose four or more lots in one development, or that involve the removal of more than 1.0 ha of forest cover in a single proposal. In certain instances, where the County may be concerned about cumulative losses to a significant wood lot, an EIS may also be required.*
3. *Where it cannot be demonstrated through the preparations of an Environmental Impact Study that the proposed development will not impact on the habitat/resource function of the wood lot, the development shall be refused.*
4. *The County recognizes that the evaluation of significant woodlands on a case-by-case basis may no longer be adequate. In this regard, the County shall endeavour to*

*undertake a countywide evaluation of woodlands, provide required mapping, and update this section as required.*

Comment: The Natural Environment Technical Report provides recommended measures, including minimum separation distances, to protect the woodland features on the adjacent lands to the north and east and their associated functions.

#### 4.3.2.7 Threatened and Endangered Species

1. *Detailed mapping showing the significant portions of the habitat for threatened and endangered species in the county is not included on Schedule C to this Plan. Until such mapping becomes available and is incorporated in the Plan, these heritage resources shall require protection in accordance with the following policies where they are identified by the proponent and/or review agencies as being on or adjacent to a development proposal through individual review. The following policies apply to significant habitat of threatened and endangered species.*
2. *When mapping does become available, it is the policy of County Council to designate such areas in the County Plan. It may be difficult to maintain up-to-date mapping showing significant habitat of endangered species and threatened species given that the listing of the species and their respective rankings change often. Reference should be made to the Ministry of Natural Resources official species at risk list, as updated and amended from time to time.*
3. *It is the policy of County Council that development except for infrastructure permitted by the Provincial Policy Statement shall not be permitted within significant portions of the habitat of threatened and endangered species.*
4. *It is the policy of County Council that development and site alteration may be permitted on adjacent lands only if it has been demonstrated through an EIS, carried out by the proponent, that there will be no negative impacts on the natural features or on the ecological functions for which the area is identified.*
5. *Adjacent lands are those lands within 50 metres of an identified area.*
6. *Development proposals may be considered on adjacent lands without amendment to this Plan, in accordance with the abutting land use designation if supported by a site specific EIS indicating how the above policies have been met.*
7. *It is the policy of County Council that significant habitat of threatened and endangered species be designated in local Official Plans where they exist, and that policies be included to preclude new development within such areas.*

8. *It is the policy of County Council that significant portions of habitat of threatened and endangered species shall be zoned in the local Municipal Zoning By-law to preclude new development within such areas.*

Comment: The Natural Environment Report identified the grasslands on the southern one-third of the subject property as Bobolink habitat, which is a threatened species. The Report provides a series of recommendations intended to protect this habitat through controlled disturbance and progressive rehabilitation. Through discussions with the Ministry of Natural Resources and Forestry, however, it has been deemed acceptable to provide off-site compensation on another property owned by Norman Campbell Construction Ltd. in accordance with the Endangered Species Act, as explained in the July 18, 2108 prepared by AWS Environmental Consulting Inc.

#### 4.3.2.8 Significant Valleylands

1. *Detailed mapping showing significant valleylands is not included on Schedule C to this Plan. Until such mapping becomes available and is incorporated in the Plan, significant valleylands are identified on a case-by-case basis.*
2. *When mapping does become available, it is the policy of County Council to designate such areas in the County Plan.*
3. *It is the policy of County Council that no development or site alteration may be permitted within or adjacent (50 metres) to a significant valleyland unless it has been demonstrated through an EIS, carried out by the proponent, that there will be no negative impacts on the natural features or the ecological function of the significant valleylands.*

Comment: The Natural Environment Technical Report confirmed that the subject lands are not situated within a Significant Valleyland.

#### 4.3.2.9 Deer Wintering Areas

1. *Detailed mapping showing deer wintering areas in the County is not included on Schedule C to this Plan. The deer wintering areas are identified on a case-by-case basis.*
2. *In the interim, it the policy of County Council that development or site alteration may be permitted within or adjacent (120 metres) to deer wintering areas only if it has been demonstrated through an EIS, carried out by the proponent that there will be no negative impacts on the deer wintering area.*

Comment: The Wintering Dear Yards on the subject property and adjoining properties are identified in 8A of the NETR. With the recommended setbacks in place, no impact on these areas is anticipated

#### 4.3.2.10 Significant Wildlife Habitat

1. Detailed mapping showing significant wildlife habitat in the County is not included on Schedule C to this Plan. Until such mapping becomes available and is incorporated in the Plan, these heritage resources are identified on a case-by-case basis.
2. It is the policy of County Council that no development except for essential municipally owned infrastructure shall be permitted within areas of significant wildlife habitat provided no adverse environmental impact will result.
3. It is the policy of County Council that no development or site alteration may be permitted within 120 metres to a significant wildlife habitat unless it has been demonstrated through an EIS, carried out by the proponent, that there will be no negative impacts on the natural features or the ecological functions for which the area is identified.

Comment: Situated on the subject property are deer wintering yards, seeps which influence the fish habitat of the unnamed watercourse, amphibian breeding habitat and movement corridors. These Significant Wildlife Habitat features are located outside of the licensed areas, except for the secondary deer movement corridor. The NETR has determined that the proposed aggregate operation will not negatively impact any of these features provided the recommended mitigation measures are followed. Such measures are stated on the Operational Plan and Rehabilitation Plan which form part of the Aggregate Resource Application license.

#### 4.3.2.11 Karst

1. The Bruce-Grey Regional Groundwater Study identifies areas of karst topography. This mapping is at a regional scale and therefore all areas may not be adequately shown. Development or site alteration in areas have karst topography shall not proceed in the absence of a detailed evaluation. The evaluation shall investigate the potential threat of the proposed development or site alteration on groundwater resources and shall be completed by an individual who specializes in karst topography. Development shall be prohibited unless it can be shown that these threats can be overcome through mitigation resources.

Comment: The site has not been identified as exhibiting karst topography, as confirmed by the Hydrogeological Study.

#### 4.3.2.12 Headwater/Recharge Areas (The Environment)

1. It is the intent of County Council to protect headwater areas, groundwater recharge areas and aquifers as one means of protecting groundwater and surface water from degradation. In doing so, the County acknowledges that comprehensive mapping indicating the location of these areas for the entire County is not available from the

*appropriate Provincial authority. Where mapping or site specific studies or observations for headwater areas, groundwater recharge areas is made available by the proponent and/or review agencies, new development will be required to demonstrate protection of these sensitive water resources and that the associated environment and any water resource uses are not detrimentally impacted.*

2. *County Council will encourage consultation and communication between the County, local municipalities, the appropriate Provincial authority, interested agencies, and development interests to identify and protect headwater areas, groundwater recharge areas and aquifers.*

**Comment:** The extraction setbacks and the controlled depth of the pit (i.e. 1.5 metres above the watertable) will ensure that extraction will not affect groundwater or surface waters in the area.

#### 4.3.3 Requirements for Environmental Impact Studies

1. *In order to achieve County objectives for the protections of the natural environment, development proponents shall be required to prepare an EIS for any proposal that is:*
  - i) *In, or within 120 metres of, a provincially significant wetland;*
  - ii) *In, or within 60 metres of, a locally significant wetland;*
  - iii) *In, or within 120 metres of, the habitat of endangered or threatened species*
  - iv) *In, or within 120 metres of, a significant woodland, significant valleyland, significant wildlife habitat, deer wintering area;*
  - v) *In, or within 120 metres of, fish habitat;*
  - vi) *Within the '100 Metre Buffer Zone' or 2 Year Time of Travel (WHPA-b) for Wellhead Protection Areas or within the 'Intake Protection Zone 1 (IPZ-1)' or 'Intake Protection Zone 2 (IPZ-2)' for Intake Protection Zones;*
  - vii) *Within known areas of karst topography;*
  - viii) *In, or within 50 metres of, Areas of Natural and Scientific Interest (ANSI) Earth Science.*
2. *Regardless if any of the above appear on Schedules of this Plan or are identified by the proponent and/or review agencies.*
3. *The EIS shall be prepared prior to any development approvals and any site alteration (except as may be necessary for the preparation of pre-development studies or surveys) or development. In considering the loss of functions or features, particularly with*



*regard to wetlands and fish habitat, the proponent is also advised to consult with the First Nations to determine potential impacts on resource utilization, aboriginal interests, and other cultural values.*

4. *The proponent is encouraged to consult early in the application process with the County and other appropriate agencies regarding the specific EIS requirements.*
5. *Should review of the EIS determine that the natural features or functions can not be protected development will not be approved.*
  - i) *Be completed by a qualified professional;*
  - ii) *the study shall consist of:*
    - a) *A description of the purpose of the undertaking, the duration of impacts to the site, as well as the possible effects of the proposed undertaking.*
    - b) *A description and statement of the rationale for:*
      - 1) *the undertaking;*
      - 2) *the alternative methods of carrying out the undertaking; and,*
      - 3) *the alternatives to the undertaking.*
    - c) *A description of:*
      - 1) *the environment that will be affected or that might reasonably be expected to be affected, directly or indirectly;*
      - 2) *the effects that will be caused or that might reasonably be expected to be caused to the environment; and,*
      - 3) *the actions that are necessary or that may be reasonable expected to be necessary to prevent, change, mitigate or remedy the effects or the effects that might reasonably be expected upon the environment by the undertaking.*
    - d) *An evaluation of the undertaking's advantages and disadvantages.*
    - e) *The cost for preparing an EIS shall be the responsibility of the proponent.*
6. *It is the policy of County Council to involve the affected Conservation Authority, the Province, and the local municipalities whenever an EIS is required.*

7. *The County may allow for the waiving of the requirement for the preparation of an EIS when: a) a development is subject to a duplicate or similar environmental assessment process; or b) a development is minor in nature; or c) the site conditions for a development are such that the preparation of an EIS would serve no useful purpose for the protection of the significant environmental features. The County may seek outside independent advice as to whether the proposed development is minor OR advice as to whether an EIS would serve any useful purpose.*

Comment: The Natural Environment Technical Report prepared by AWS Environmental Consulting Inc. satisfies the aforementioned requirements of an Environmental Impact Study.

#### **5.1.4 Official Plan Review Summary**

Based on the foregoing, the proposed pit is in compliance with the relevant policies of the County of Bruce Official Plan.

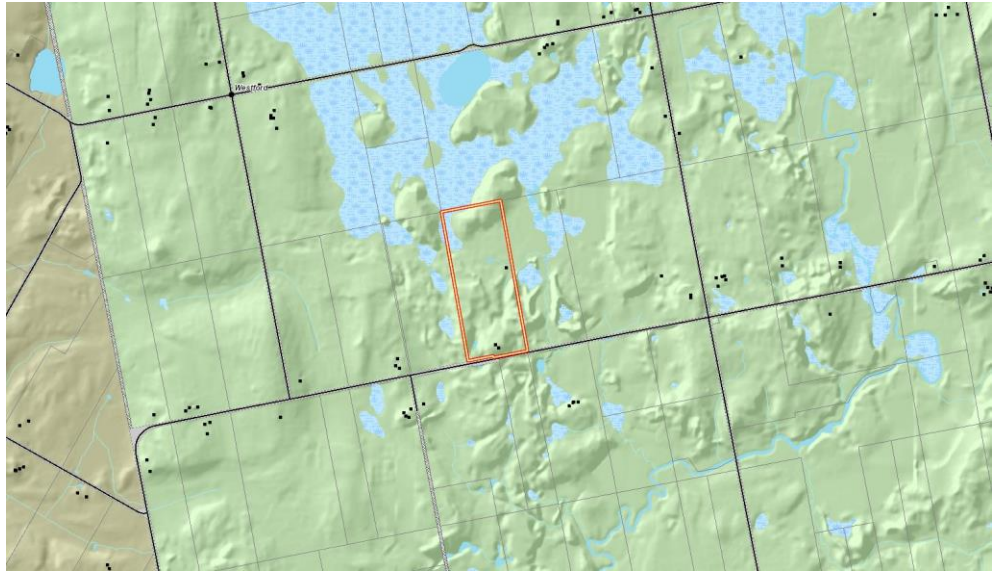
The proposed Official Plan Amendment would change the land use designation of the proposed licensed area from 'Rural' to 'Pits and Quarries'. The amendment would shift the 'Hazard Lands' boundary to reflect the 'EP' zone boundary of the Zoning By-law, which appears to generally follow the boundary of the proposed licensed area.

The requested amendment would also provide the following exceptions:

- relief from Section 4.8.5.2 (ii) which requires a pit to be located at least 125 metres from a residential dwelling. The extraction area would be situated 100 metres from the closest house; and,
- relief from Section 4.8.5.2 (iv) which requires a pit to be located 50 metres from any watercourse or 'Hazard Lands' designation. The extraction area would be situated 15 metres, at its closest point, from a water feature and the 'Hazard Lands' designation.

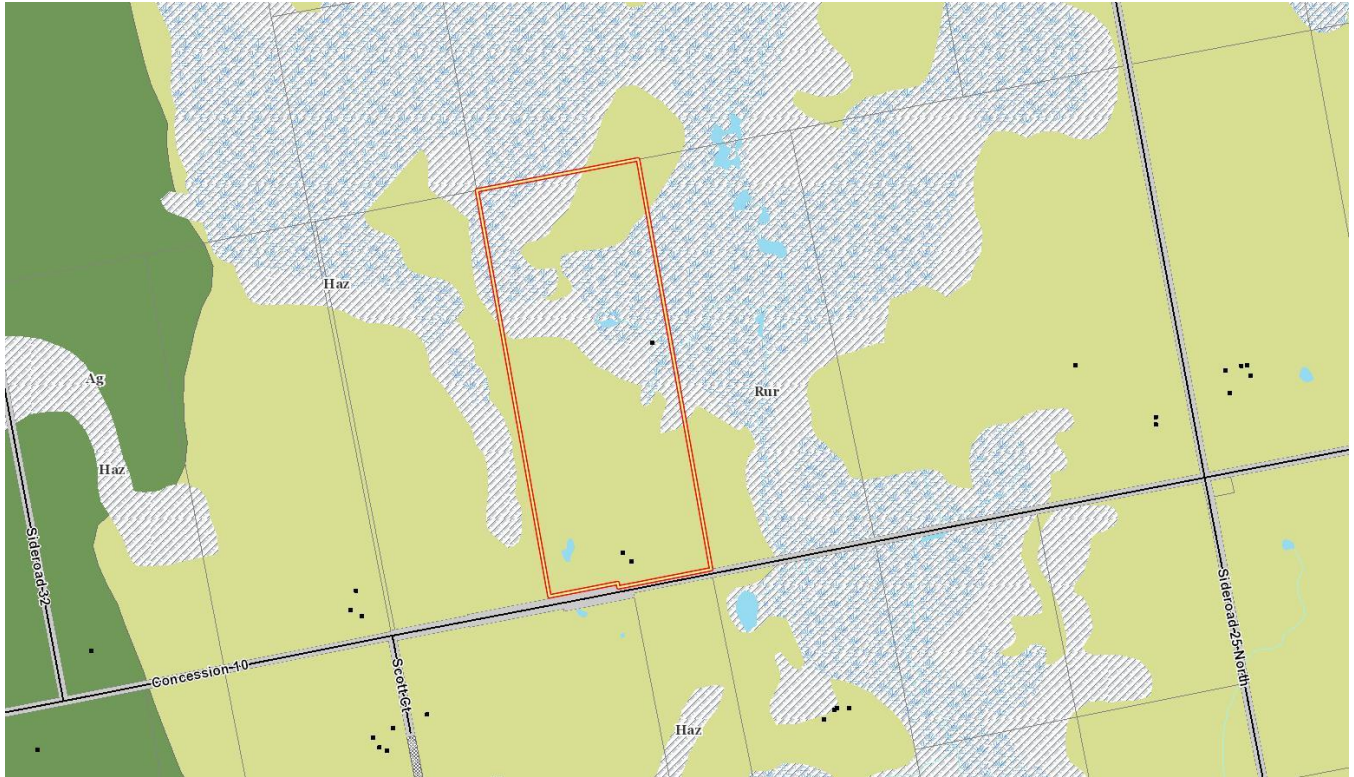
### Appendix 3 - Background

<b>Development Proposal</b>	<p>The purpose of the proposed Official Plan Amendment is to re-designate a portion of the subject lands, +/- 23.34 ha (57.67 ac), from 'Rural Area' to 'Pits and Quarries' to permit a mineral aggregate operation.</p> <p>The purpose of the proposed Zoning By-law Amendment is to rezone a portion of the subject lands from 'General Agricultural (A1)' to 'Extractive Industrial (M2)' to permit a mineral aggregate operation.</p>
<b>Supporting Documents</b>	<p>The following Reports and Studies have been provided in support of the applications:</p> <ol style="list-style-type: none"> <li>1. Planning Report - Ron Davidson, Land Use Planning Consultants - November 2, 2018;</li> <li>2. Hydrogeological Study - GM Blue Plan Engineering - October 2014, Revised August 29, 2016;</li> <li>3. Natural Environment - Level 1 &amp; 2 Report - AWS Environmental Consulting - October, 2014;</li> <li>4. EIS Addendum - July 18, 2018;</li> <li>5. Stage 1 - 2 Archaeological Assessment - AMICK Consultants Limited - January 27, 2016;</li> <li>6. Noise Impact Assessment - HGC Engineering - July 26, 2016;</li> <li>7. Existing Features Plan (September 4, 2018);</li> <li>8. Operational Plan (September 4, 2018);</li> <li>9. Noise Impact Assessment Recommendations (September 4, 2018);</li> <li>10. Rehabilitation Plan (September 4, 2018); and,</li> <li>11. Cross Sections (September 4, 2018).</li> </ol>
<b>County Official Plan</b>	Rural Area and Hazard Land Area
<b>County Official Plan Amendment</b>	To re-designate a portion of the subject lands from Rural Area to 'Pits and Quarries' with site-specific policies to allow extraction: 100 m from the closest house; and 15 m from the Hazard Land Area designation
<b>Zoning By-law</b>	'General Agriculture (A1)', 'Environmental Protection (EP)'
<b>Zoning By-Law Amendment</b>	Rezone the proposed licensed area from 'General Agriculture (A1)' to 'Extractive Industrial (M2)'
<b>Related File</b>	Municipality of South Bruce Zoning By-law Amendment <b>Z-75-18.06</b>
<b>Owner</b>	Paul and Susan Campbell
<b>Applicant</b>	Ron Davidson, Land Use Planning Consultant
<b>Legal Description</b>	Part of Lot 29, Concession 11, geographic Township of Culross

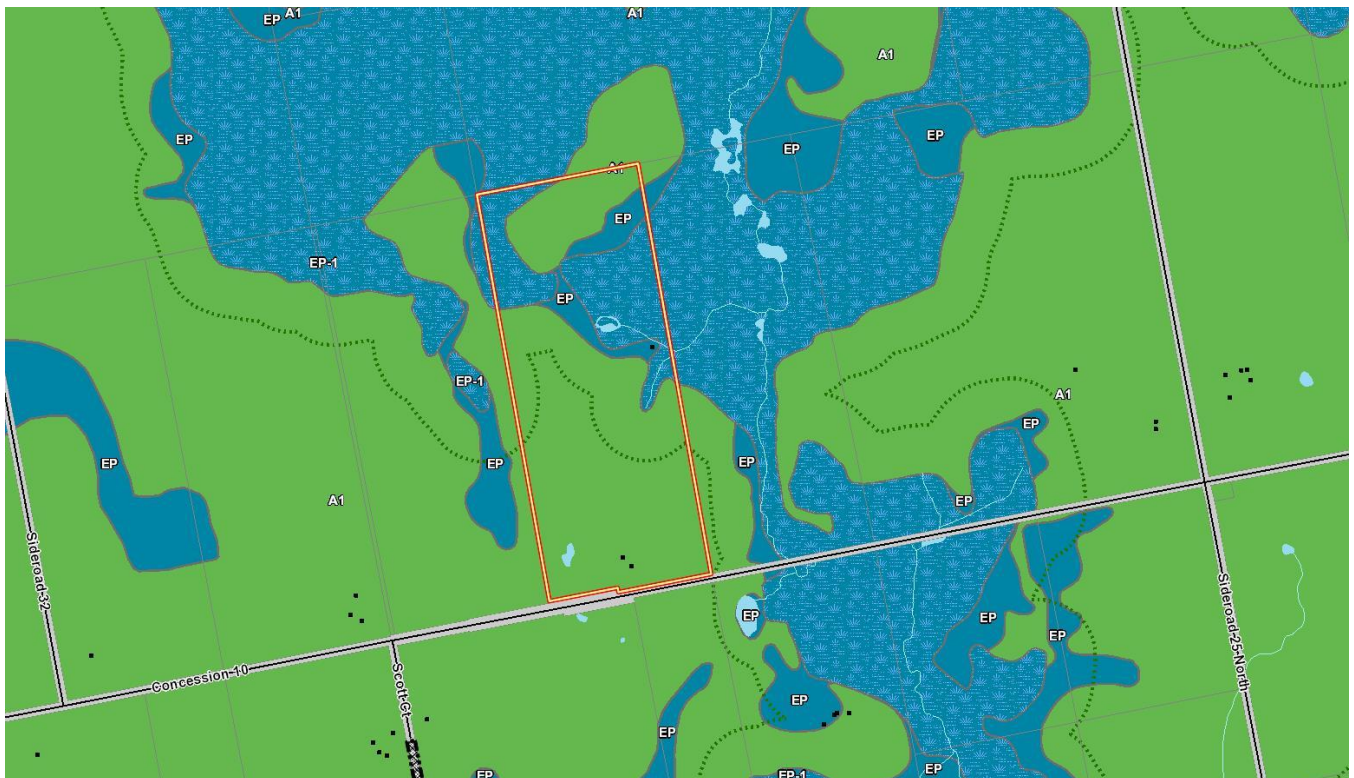
<b>Municipal Address</b>	<b>1604 Concession 10</b>
<b>Lot Dimensions</b>	<b>Entire Lot</b>
<b>Frontage</b>	+/- 404.9 m (1328.41 ft)
<b>Width</b>	+/- 404.9 m (1328.41 ft)
<b>Depth</b>	+/- 1020.3 m (3347.44 ft)
<b>Area</b>	+/- 40.69 ha (100.54 ac)
<b>Uses Existing</b>	Agriculture (cash cropping) with residence and 3 accessory buildings, plus a wetland
<b>Uses Proposed</b>	Sand and gravel extraction; crushing and screening
<b>Servicing Existing</b>	Private water and Septic
<b>Access</b>	Concession 10, a year-round municipal road
<b>Surrounding Land Uses</b>	Wetland and small cropped field to the North; Detached dwelling, wetland and small cropped field to the East; Two predominantly cropped lots, one with a detached dwelling, to the South; and Cropped lands with an agricultural building to the West.
<b>Subject Lands</b>	



## Appendix 4 - Official Plan - Land Use Schedule A



## Appendix 5 - Zoning By-law



## Appendix 6 - Agency Comments



1078 Bruce Road 12, P.O. Box 150, Formosa ON Canada N0G 1W0  
Tel 519-367-3040, Fax 519-367-3041, publicinfo@svca.on.ca, www.svca.on.ca

SENT ELECTRONICALLY ([bcplwa@brucecounty.on.ca](mailto:bcplwa@brucecounty.on.ca))

February 12, 2019

Corporation of the County of Bruce  
Planning and Development  
30 Park Street, Box 848  
Walkerton, ON N0G 2V0

ATTENTION: Candace Hamm, Applications Technician

Dear Mrs. Hamm,

RE: Proposed County Official Plan Amendment: BCOPA 237-18.06  
Proposed Zoning By-law Amendment: Z-75-18.06  
1604 Concession 10  
Roll No. 410506000306300  
Part of Lot 29, Concession 11  
Geographic Township of Culross  
Municipality of South Bruce (Ron Davidson)

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the proposed amendments in accordance with the SVCA's mandate, SVCA's Environmental Planning and Regulations Policies Manual, amended October 16, 2018, and the Memorandum of Agreement between the Authority and the County of Bruce relating to Plan Review. Please be advised, SVCA staff finds both the Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) acceptable.

It is SVCA staff's understanding the purpose of the proposed Official Plan Amendment (OPA) is to re-designate a portion of the subject lands, from 'Rural Area' to 'Pits and Quarries' to facilitate a license for aggregate extraction. Additionally, based on our review of s. 5.1.4 of the Planning Report (Ron Davidson, November 2, 2018), the applicant proposes to amend the 'Hazard Lands' boundary in two locations on the Property to reflect the 'Environment Protection (EP)' zone as delineated on Schedule A of the Municipality of South Bruce Zoning By-law. It is the opinion of SVCA staff the EP zone accurately reflects the hazard boundary as exists on-site (see below for more information.) The zoning amendment will rezone the corresponding portion of the proposed licensed area from 'General Agriculture (A1)' to 'Extractive Industrial (M2)' to facilitate the licensing for the proposed extraction. There is no change proposed to the EP zone as part of this application.

SVCA staff have reviewed the following reports and plans that were submitted in support of the proposed amendments:

1. Planning Report, Ron Davidson Land Use Planning Consultants Inc., dated November 2, 2019;
2. Hydrogeological Study, GM BluePlan, October 2014, revised August 29, 2016;
3. Natural Environment – Level 1 and 2 Report, AWS Environmental Consulting, October 2014;



Watershed Member Municipalities  
Municipality of Arran-Elderslie, Municipality of Brockton, Township of Chatsworth, Municipality of Grey Highlands,  
Town of Hanover, Township of Howick, Municipality of Morris-Turnberry, Municipality of South Bruce,  
Township of Huron-Kinloss, Municipality of Kincardine, Town of Minto, Township of Wellington North,  
Town of Saugeen Shores, Township of Southgate, Municipality of West Grey

4. Natural Environment Report Addendum, AWS Environmental Consulting, July 18, 2018;
5. Existing Features Plan, revised September 4, 2018;
6. Operational Plan, revised September 4, 2018;
7. Rehabilitation Plan, revised September 4, 2018; and,
8. Cross Sections, revised September 4, 2018.

Please note, SVCA staff finds the above-noted reports and plans acceptable. We did not review the Stage 1 -2, Archaeological Assessment by AMICK Consultants nor the Noise Impact Assessment and Recommendations by HGTC Engineering as it is not in our current mandate and policies to do so.

#### **Natural Hazards**

In the opinion of SVCA staff, the subject property is affected by wetlands. Wetlands are flood prone lands that contain unstable organic soils not suitable for development. Both the County Official Plan (OP) Hazard Lands designation, Schedule A, and the EP zoning delineated on Schedule A-1 of the Municipality of South Bruce are a generally accurate depiction of the hazard land boundary. However, as noted above, Schedule A of the OP does require a minor adjustment to the Hazard lands boundary to reflect the EP zone. SVCA staff finds the applicants proposal for Hazard land boundary adjustment acceptable.

Based on our review of the application, it appears all aggregate extraction is located outside the hazard lands boundary.

#### **Natural Heritage**

In the opinion of SVCA staff the subject property features Provincially Significant Wetland (PSW), Area of Natural and Scientific Interest (ANSI), Significant Woodlands, Significant Wildlife Habitat, Fish Habitat, and Habitat of Endangered Species and Threatened Species. Proposed limits of extraction are located on adjacent lands approximately 15 metres to 50 metres from these features, except Habitat of Endangered Species and Threatened Species, which is confirmed on the property. The property also features a Headwater and Groundwater Recharge Area and Dear Wintering area. The AWS Natural Environment Report, October 2014 confirms the aforementioned natural heritage features. Please be advised, the AWS Natural Environment Report is also referred to as Environmental Impact Study (EIS) in this report.

#### **Environmental Impact Study (EIS)**

Section 4.3.3 of the County of Bruce Official Plan (OP) requires an applicant to undertake an Environmental Impact Study (EIS) for development proposed on lands adjacent to the above-noted natural heritage features. As per these policies, the EIS must demonstrate the development will not have an impact on the natural features or functions of the significant natural heritage features. Adjacent land definitions are defined in s. 4.3.3 of the OP. The adjacent lands policies of the County OP are in general conformance with s. 2.1, Natural Heritage Policies of the Provincial Policy Statement (PPS, 2014).

As such, the applicant retained the services of AWS Environmental Consulting Inc. to carry out the EIS, titled "Natural Environment Technical Report-Level I & II", dated October 2014. In general, the EIS concludes "This report and the Campbell Pit Hydrogeological Assessment (GM BluePlan Engineering) have examined in detail, the potential for negative effects on natural features and functions with and beyond the subject Study Lands. This report has demonstrated that with the proper mitigative measures in place, no measureable negative



impacts should occur to the natural heritage features or ecological functions identified both on and off-site.” SVCA staff has reviewed the EIS and finds the conclusions and recommendations acceptable. All recommendations provided in the EIS have been included on the Operation Plan and Restoration Plan for the proposed aggregate license application.

#### Provincially Significant Wetland (PSW)

Located on the property is a portion of the Greenock Swamp Provincially Significant Wetland Complex. This wetland is delineated on SVCA mapping and Schedule C of the County of Bruce Official Plan (OP). Section 4.3.2.5.3 of the County OP does not support development on adjacent lands to a PSW unless the development does not result in; a loss of wetland function; subsequent demand for future development, which will negatively impact on existing wetland functions; conflict with existing site specific wetland management practices; and, result in a loss of contiguous wetland area. The EIS for this proposal has demonstrated the proposed extraction will be in conformance with this policy, provided their recommendations are implemented.

#### Area of Natural and Scientific Interest (ANSI)

Located within the confines of the PSW is an Area of Natural and Scientific Interest (ANSI). This feature is identified on SVCA mapping and Schedule C of the County OP. As noted above, s. 4.3.3 of the OP does not support development on adjacent lands to an ANSI unless it can be demonstrated the development will not impact the natural features and functions of the feature. The EIS for this proposal has demonstrated the proposed extraction should not impact the natural features and functions of this feature; and therefore, the application is in conformance with this policy, provided recommendations outlined in the EIS are implemented.

#### Significant Wildlife Habitat

While mapping showing significant wildlife habitat is not included in the County OP, it has been demonstrated via EIS that the property features Significant Wildlife Habitat. Section 4.3.2.10.3 of the County OP does not support development within adjacent lands to this feature unless it has been demonstrated through an EIS that there will be no negative impacts on the natural features or the ecological functions for which the area is identified. However, the EIS for this proposal has demonstrated the proposed extraction should have no negative impacts on the natural features and ecological functions of this feature; and therefore, the application will be in conformance with this policy, provided recommendations outlined in the EIS are implemented.

#### Fish Habitat

As per the EIS, Fish Habitat has been confirmed within an unnamed tributary to the McGlinn Creek, just beyond the proposed license boundary’s north perimeter. Section 4.3.3 of the OP does not support development on adjacent lands to Fish Habitat unless it can be demonstrated the development will not impact the natural features and functions of this feature. The EIS for this proposal has demonstrated the proposed extraction should not impact Fish Habitat; and therefore, the application is in conformance with this policy, provided recommendations outlined in the EIS are implemented.

#### Habitat of Threatened or Endangered Species

It has come to the attention of SVCA staff and is further confirmed in the EIS, that Habitat of Endangered Species or Threatened Species are located on the property. Section 4.3.2.7 of the County OP does not support



development within Habitat of Endangered Species or Threatened Species. These policies are in conformance with s. 2.1.7 of the PPS, 2014. It is the responsibility of the applicant to ensure the endangered species and threatened species policy referred to in the PPS are appropriately addressed in accordance with provincial and federal requirements.

#### Headwater/Recharge Area

Three seeps have been identified adjacent to the proposed aggregate license boundary, which suggests the subject lands represent a general groundwater discharge area. As per GM BluePlan's Hydrogeological Study (August 2016), data collected implies that this is an area wide feature, as opposed to a specific or point-source feature. Section 4.3.2.12 of the County OP requires that new development demonstrate protection of these sensitive water resources and that the associated environment and any water resource uses are not detrimentally impacted. Based on SVCA staff review of both the EIS and Hydrogeology Report, recommendations have been made to mitigate the impacts to this feature. Provided the mitigation measures are implemented, the application will be in conformance with County OP policy 4.3.2.12.

#### Deer Wintering Area

The EIS has identified wintering deer yard habitat within the Study Lands. However, no deer wintering area is located within the proposed licensed boundary. Section 4.3.2.9 of the County OP permits development within or adjacent to deer wintering areas provided an EIS shows no negative impacts on the deer wintering area. The EIS for this proposal has demonstrated the proposed extraction should not impact this feature; and therefore, the application is in conformance with this policy, provided recommendations outlined in the EIS are implemented.

#### **SVCA Regulation**

As previously noted, the subject property features wetlands and watercourse. Wetlands plus 120 metres from the boundary of a PSW, and watercourses plus 15 metres are SVCA regulated areas pursuant to the SVCA's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (*Ontario Regulation 169/06, as amended*). This Regulation is made in accordance with Section 28 of the *Conservation Authorities Act*, R.S.O. Chap. C. 27, and requires that a person obtain the written permission of the SVCA prior to any "development" in a Regulated Area or alteration to a wetland or watercourse.

Subject to subsection 28(25) of the *Conservation Authorities Act* defines "development" is defined as:

- a) *the construction, reconstruction, erection or placing of a building or structure of any kind,*
- b) *any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure increasing the number of dwelling units in the building or structure,*
- c) *site grading, or*
- d) *the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.*

And further that;

“Alteration”, according to s. 5 of *Ontario Regulation 169/06*, as amended, generally includes the straightening, diverting or interfering in any way the existing channel of a river, creek, stream or watercourse, or the changing or interfering in any way with a wetland.

Notwithstanding the above, and pursuant to s. 28 (11) of *the Conservation Authorities Act*, a requirement for permission of the SVCA under *Ontario Regulation 169/06* does not apply to an activity approved under the *Aggregate Resources Act*. As such, this clause would apply to lands on the property within the approved licensed boundary only.

### **Conclusion**

All of the plan review functions listed in SVCA’s Environmental Planning and Regulations Policies Manual and the Memorandum of Agreement between the Authority and the County of Bruce relating to Plan Review have been assessed by SVCA staff with respect to this proposal. Based on our review of the aforementioned reports and plans, it appears all recommendations outlined in the EIS and Hydrogeological Report have been incorporated into the application’s Operational Plan and Restoration Plan. It is SVCA staff’s opinion the applications are in conformance with the County’s natural heritage and natural hazard policies (s. 4.0 and s. 5.8) and associated PPS, 2014 policies (s. 2.1 and 3.1).

We trust you find these comments helpful. Should questions arise, please do not hesitate to contact this office. Please provide a copy of these comments to the applicant for their information.

Sincerely,

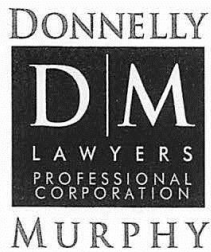


Brandi Walter  
Environmental Planning Coordinator  
Saugeen Conservation

BW/

cc: Mark Goetz, SVCA Member (via email)

## Appendix 7 - Public Comments



Reply to: **Gregory F. Stewart**

18 Courthouse Square  
Goderich, ON N7A 3Y7  
Tel: 519-524-2154 x209  
Fax: 519-524-8550  
Email: [gstewart@dmlaw.ca](mailto:gstewart@dmlaw.ca)  
Assistant: Victoria (x206)

May 17, 2019

VIA EMAIL [bcplwa@brucecounty.on.ca](mailto:bcplwa@brucecounty.on.ca)

Bruce County Planning and Development Department  
30 Park Street  
Walkerton, ON N0G 2V0

**Attention: Candace Hamm, Applications Technician**

Dear Ms. Hamm:

**RE: Proposed Zoning By-law Amendment; File Z-75-18.06;  
1604 Concession 10, Part of Lot 29, Concession 11, Geographic Township  
of Culross  
Owner: Paul and Susan Campbell  
Our File #20871**

---

We have been retained by Nick and Sarah Filsinger with respect to the above-noted application for a Zoning By-law Amendment. Mr. and Mrs. Filsinger are the owners of lands located at 1576 Concession 10 and thereby stand to be impacted by the application. I am writing to confirm my clients' opposition to this Zoning By-law Amendment.

The lands in question are currently zoned General Agriculture (AG1) and Environment Protection (EP) under the Municipality's Zoning By-law. The proposed amendment would re-zone a portion of the subject lands from General Agriculture (AG1) to Extractive Industrial (M2) to permit licensing for Aggregate Extraction. The existing zoning of these lands is characteristic of the use of surrounding lands which are predominately wetlands, cropped fields and detached dwellings. As such, the amendment which is being sought is totally out of character for this primarily agricultural and wetland area.

The creating of an aggregate extraction facility on these subject lands will have an adverse effect upon the surrounding lands thereby being contrary to the requirements of Provincial Policy Statement. "Adverse Effect" is defined by the *Environment Protection Act* and outlined in Section 6 of the Provincial Policy Statement to have the following impacts:

Problem Solved.  
Right Here.

GODERICH ▪ GRAND BEND ▪ KINCARDINE ▪ PORT ELGIN  
[www.donnellymurphy.com](http://www.donnellymurphy.com)

- (a) impairment of the quality of the natural environment for any use that can be made of it,
- (b) injury or damage to property to plant or animal life,
- (c) harm or material discomfort to any person,
- (d) an adverse effect on the health of any person,
- (e) impairment of the safety of any person,
- (f) rendering any property or plant or animal life unfit for human use,
- (g) loss of enjoyment or normal use of property, and
- (h) interference with the normal conduct of business.

It is the position of my clients that introduction of the proposed aggregate operation into this agricultural, wetland and residential area will very likely have one or more of these adverse effects.

In addition to the above adverse effects, Mr. and Mrs. Filsinger have the following specific concerns:

1. My clients indicate that their quality of life is inherently a function of enjoyment of their lands as they have historically been used and enjoyed. They want to ensure the continued use of the lands as in the past so that their family can continue to enjoy that use in the future. The installation of an aggregate extraction operation and its attendant impacts on the area will undoubtedly have an adverse effect on the Filsingers' property and their ability to enjoy its use as in the past.
2. Living in close proximity to an aggregate operation would be clearly less desirable than the uses that currently exist. This will result in the decrease of the value of my clients' property.
3. Concession Road 10 which would be the route for traffic for the aggregate operation is a road assumed by the Municipality. Unlike most roads assumed by Bruce County, Concession Road 10 has never been widened to deal with modern traffic, let alone the degree of traffic that would result from an aggregate operation. The travel portion of the road appears to be tar and chip (chipseal). It is approximately 22 feet across and has very limited shoulders. The current traffic on the road is local and involves large farm machinery which services the surrounding farms. Increasing the number and size of vehicles travelling this road, considering the nature and condition of the road, increases the potential for traffic hazards thereby potentially jeopardizing the safety of all concerned.
4. Due to the nature of the road, the shoulders of the road are very narrow or in some places almost non-existent. Snapping turtles have been observed using the shoulders of the road for nesting. The increased traffic on the road raises the potential for disrupting or destroying this nesting activity. Snapping turtles are considered at risk and all attempts should be made not to disturb their habitat. These turtles have also been observed crossing the road at various periods.
5. The increased traffic on the road from the aggregate haul trucks will prove to be a disturbance. This will be the source of increased noise as well as noise from idling trucks and the application of airbrakes on trucks in the vicinity. There will be further noise resulting from construction equipment from the site itself which would be involved in the processing of the



aggregate. Our clients advise that when they purchased their lands, one of the significant attractions was the tranquility of a rural (agricultural and environmental) area, the predominance of natural sounds and minimal traffic. This will be adversely impacted by an aggregate operation.

6. It is of note that although a proposed aggregate operation would be installed, there appears to be no monitoring program with respect to water quality or quantity.

Basically my clients are opposed to the rezoning to permit an aggregate operation because of the overall adverse effect it will have on their property and their way of life as referred to above.

We ask that this letter be included in the record as the written submission on behalf of our clients respecting this proposed zoning amendment. We would further request that we be provided with Notice of the Decision of Council on the Application as well as being included in the circulation list on all documents on this matter in the future, including the upcoming documents respecting the related Official Plan Amendment Application.

Yours very truly,

**DONNELLY MURPHY LAWYERS PC**



Per:

Gregory F. Stewart

GFS/vm

*c.c. client*

To whom it may concern,

We have recently received notice from a neighbour, of an application for a gravel pit at 1604 Concession 10 and wish to express our concerns.

We reside at 1154 Concession 10 and feel the likelihood that we and our neighbours will be impacted in a negative way if this application goes through.

Our concerns are as follows in order of priority:

- a) This proposed gravel pit is surrounded by swamp, an environmentally sensitive area. The history of building the road on concession 10 west of the 25th sideroad involved great risk and challenge. It is a sink hole with no good bottom. Residents have already expressed concern with the increased traffic in recent years. Our main concern that additional gravel truck traffic pounding the road, will very likely cause significant road damage. We fear that damage in the sinkhole area could be irreparable or at the very least be of huge expense and inconvenience. Repair will result in road closure for an unknown period of time.

In addition to the concern about the sinkhole and general wear and tear on the road, we know that the bridge closest to highway # 4 crossing the Caslick Drain has a crumbling foundation. Additional heavy traffic will reasonably result in the need for closure and repair.

We have already been impacted by the damage to the bridge on the 25th sideroad between Con 10 and 8 which has not been fixed because of insufficient funds. We are not confident that if there is major damage to our road that it will be covered by the municipality or the taxes supplied by the project. In a nutshell what guarantee will we have that the road that we deem important to us, will not be impacted in serious ways?

- b) Gravel pits result in loss of value to neighbouring properties. We are particularly concerned for the damaging effect to the beautiful new build east of 1605. We feel that no one on Con. 10 W will benefit from this proposed pit other than the land owner. Is there reasonable compensation for individuals whose property values are impacted?

- c) There are numerous effects to local residents. Families with young children will need to take additional measures to ensure that their children are safe on roads used by gravel trucks. Many laneways including ours will be more hazardous. Dust, noise, and increased traffic will impact all of us. No one can take away those concerns if the project goes through.

It would appear that the landowner would have all of the benefits and none of the negative implications mentioned. To our knowledge they are not part of the neighbourhood they would be impacting if this proposal goes through.

Although we recognize the value to this project, we feel there are definitely sufficient concerns that need to be taken into consideration. We are disappointed that many neighbours like ourselves who will be impacted were not adequately informed.

Alan and Elizabeth Grant

R.R. # 1 1154 Con 10 W


Formosa, On N0G 1W0



JOHN LEITCH  
RR1 FORMOSA ONT.  
1125 CONC. 10  
NOG1W0

TO WHOM IT MAY CONCERN,

THIS IS IN REGARDS TO THE PLANNED GRAVEL  
PIT AT LOT 29 CONC. 11 IN CULROSS TOWNSHIP. THE  
CONCRETE BOX CULVERT ON CONC. 10 AT LOT 17 IS  
BEGINNING TO DISINTEGRATE. IT TAKES A BEATING  
FROM THE LARGE TRUCKS USING THIS ROAD AT HIGH  
SPEEDS - MORE HEAVY GRAVEL TRUCKS WILL MAKE  
IT WORSE. I BELIEVE THE PRICE OF THE  
CULVERT REPLACEMENT. SHOULD BE INCLUDED  
IN THE COST ESTIMATE OF THE GRAVEL PIT  
APPLICATION. THANK YOU.

YOURS TRULY,  




**From:** [Vickey Scott](#)  
**To:** [Planning Applications Walkerton](#)  
**Subject:** File #BCOPA 237-18.06  
**Date:** Thursday, May 30, 2019 7:06:45 PM

---

Attention: Candance Hamm

We would like our opinion submitted regarding the proposed Gravel Pit on 1604 Concession 10 Culross Township.

We are opposed to this development.

We aren't interested in the constant noise and dust this development will create.

Our roads aren't capable of handling the extra traffic and heavy equipment this endeavour will cause.

Brent & Vickey Scott  
24 Scott Crt  
RR1  
Holyrood, Ontario  
NOG 2BO

Sent from [Mail](#) for Windows 10

## Appendix 8

### Draft By-law Number 2019-xx

#### A by-law to adopt Amendment Number 237

#### to the County of Bruce Official Plan

Authority is provided in Sections 17 and 21 of the Planning Act, R.S.O. 1990, as amended.

**THE COUNCIL FOR THE CORPORATION OF THE COUNTY OF BRUCE ENACTS BY-LAW 2019-XX AS FOLLOWS:**

1. Amendment Number 237 to the County of Bruce Official Plan, attached and forming part of this by-law is approved.
2. That this By-law come into force and take effect on the day of the final passing thereof, subject to the provisions of the Planning Act, R.S.O. 1990, as amended.

Passed this \_\_ day of \_\_\_\_\_, 2019

---

Warden

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Clerk

## **Part B - The Amendment**

### **Introductory Statement**

All of this part of the document entitled “Part B - The Amendment” and consisting of the following text, and attached map designated as Schedule “A”, constitutes Amendment Number 237 to the Bruce County Official Plan.

### **The Amendment**

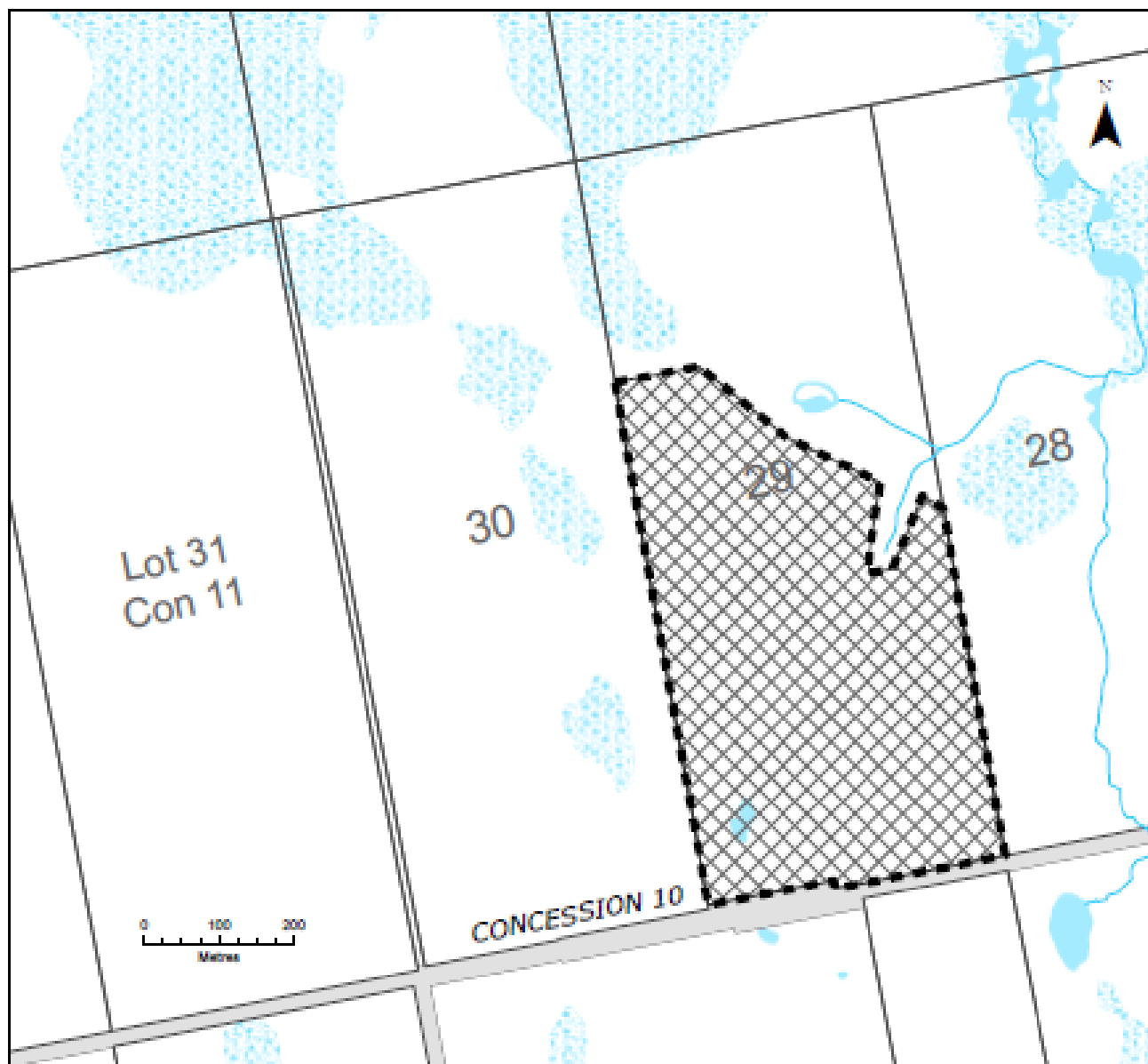
1. Schedule A: Land Use is amended by changing the designation on the lands at Part of Lot 29, Con. 11, geographic Township of Culross, Municipality of South Bruce to ‘Licensed Aggregate/Quarry Operation’ which indicates the lands are approved as a licenced pit.
2. The Bruce County Official Plan is amended by adding the following subsection to Section 4.8.7.

#### **4.8.7.XX**

Notwithstanding the policies of Section 4.8 (Mineral Resource) of this Plan, the lands subject to Site Specific Policy Area 4.8.7.XX and designated ‘Licensed Aggregate/Quarry Operation’ on Schedule ‘A’ Land Use shall be subject to the following:

- i)* a licensed sand and gravel pit may be permitted no closer than 70 m from the dwelling as it existed on November 5, 2018 at Lot 28, Con. 11, geographic Township of Culross, Municipality of South Bruce;
- ii)* mineral aggregate extraction may be permitted no closer than 135 m from the dwelling as it existed on November 5, 2018 at Lot 28, Con. 11, geographic Township of Culross, Municipality of South Bruce;:
- iii)* mineral aggregate extraction shall be subject to hazard land and watercourse setbacks as set out in the plans approved through the License issued under the Aggregate Resources Act; and
- iv)* mineral aggregate extraction may be permitted no closer than 1.5 m above the water table.

## Schedule 'A'



**Schedule 'A'**  
to  
**Amendment NO. 237**  
**Bruce County Official Plan**

**Part Lot 29, Concession 11**  
**1604 Concession 10)**  
**Municipality of South Bruce**  
**(geographic Township of Culross)**  
**County of Bruce**



Lands subject to Section 4.8.7.XX -  
Exceptions - Pits and Quarries

File: BCOPA 237-2018.08  
2-75-2018.08

Applicant: Paul & Susan Campbell  
c/o Ron Davidson, Land Use Planning Consultant

Date: June, 2018