



Committee Report

To:	Warden McQueen and Members of Grey County Council
Committee Date:	November 12, 2020
Subject / Report No:	County Official Plan Amendment 42-03-580-OPA-2 / Addendum to report PDR-CW-14-20
Title:	Sarawak Quarry Expansion Official Plan Amendment Final Report
Prepared by:	Stephanie Lacey-Avon
Reviewed by:	Randy Scherzer
Lower Tier(s) Affected:	Township of Georgian Bluffs
Status:	Recommendation adopted by Committee as presented per Resolution CW203-20; Endorsed by County Council per Resolution CC93-20 November 26, 2020;

Recommendation

1. That Addendum to report PDR-CW-14-20 regarding a proposed County Official Plan Amendment be received; and
2. That the Committee support the proposed amendment to the County of Grey Official Plan on lands designated 'Agricultural' and 'Rural', to permit the expansion of an existing quarry at Part Lot 36, Concession 2, geographic Township of Sarawak, Township of Georgian Bluffs;
3. And further that the appropriate by-law be prepared for consideration by County Council.

Executive Summary

A proposed County official plan amendment application (42-03-580-OPA-2) has been submitted to amend the mineral resource extraction policies to permit the expansion of an existing quarry operation on lands designated 'Agricultural' and 'Rural'. Schedule B of the County Official Plan does not identify the subject lands as an 'Aggregate Resource Area'. County Official Plan aggregate resources and mineral resource extraction land use types policies require an amendment to the plan for all proposed quarry operations and quarry expansions as well as new or expanded sand and/or gravel pit operations proposed outside of an Aggregate Resource

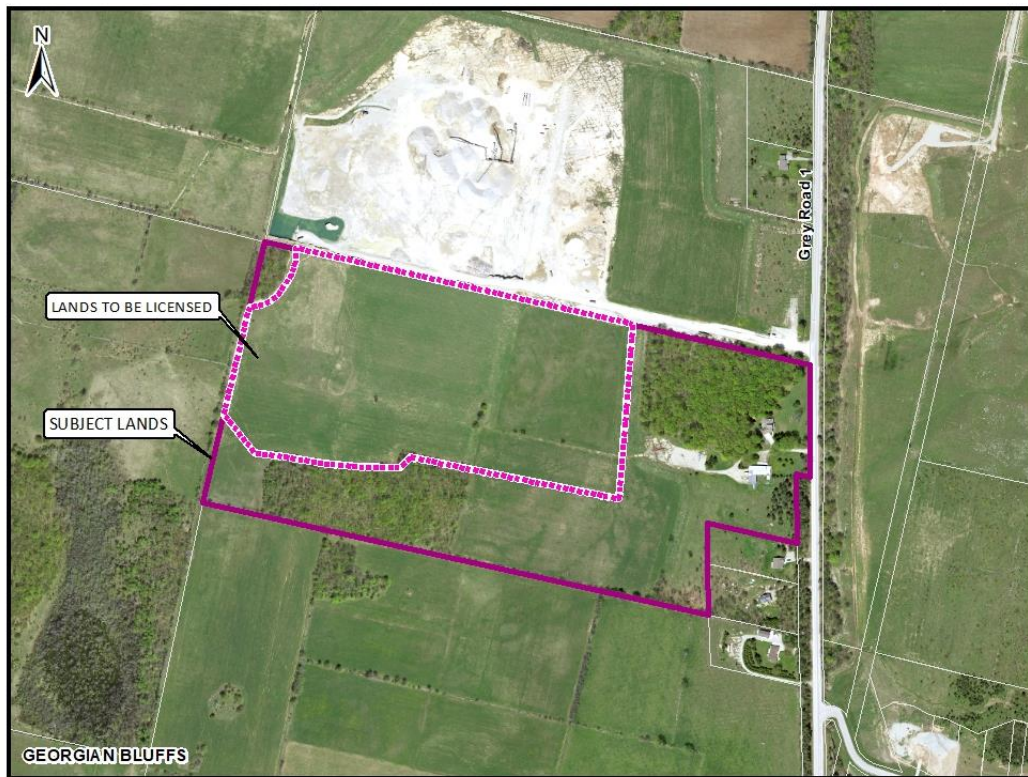
Area. This amendment application also involves a zoning by-law amendment application to the Township of Georgian Bluffs.

Background and Discussion

The County has received an application from Dave Munro (representing 660341 Ontario Inc. c/o Harold Construction Ltd.) to amend the Grey County Official Plan. The amendment would allow the expansion of an existing quarry operation onto lands that are not designated as an 'Aggregate Resource Area'. The existing quarry operation – Sarawak Quarry - is currently owned and operated by Harold Sutherland Construction Ltd. The subject lands are 32.5 ha (80.3 acres) in size. The proposed licensed area will apply to 15.55 hectares and only 14.4 hectares of this area is proposed for extraction.

The proposed development also requires an amendment to the Township of Georgian Bluffs zoning by-law.

The subject lands are located at Part Lot 36, Concession 2, geographic Township of Sarawak, Township of Georgian Bluffs. Map 1 illustrates the subject lands and the lands to be licensed.



Map 1: Airphoto of the Subject Lands

The subject property is designated 'Agricultural' and 'Rural'. The lands to be licensed are designated 'Agricultural'. The reason for this amendment is that Schedule B of the County Official Plan does not identify the subject lands as an 'Aggregate Resource Area' and Section 5.6.4(1)(a) of the County Official Plan requires an official plan amendment for all new or expanding quarry operations that are proposed within the County except for those proposed

within the Niagara Escarpment Plan Area. The subject lands were previously used for cash-crop purposes. Alternative locations were considered and reviewed for the proposed quarry expansion on lands that were not classified through the Canada Land Inventory Classes as Class 1,2,3 lands. Reasoning has been provided by the applicant explaining why the subject lands are well suited for the proposed quarry expansion.

The existing Aggregate Resource Act License for the operating quarry immediately to the north is a class A license, licensed to extract on an annual basis 400,000 tonnes. Including the proposed expansion, the cumulative extraction will remain 400,000 tonnes. This will limit the possibility of increasing traffic flow to and from the subject site. Haulage routes will continue to utilize the existing entrance located off Grey Road 1 for the expansion. The subject quarry expansion will be a below the water table operation.

The surrounding lands to the subject site are a mix of residential and agricultural uses. There is a residential subdivision located to the southeast of the subject lands along Ishwar Drive. The lands to the south and west are used primarily for agricultural purposes. The lands immediately to the north is the applicant's existing quarry.

The noise impact assessment and blast impact assessment identified 5 sensitive receptors (residential properties within 500 metres of the proposed licensed area). These sensitive receptors (residential) range approximately between 225 and 340 metres from the proposed expansion lands.

Ron Davidson, a land use planning consultant has submitted a Planning Justification Report in support of the proposal. The following background information has also been provided as part of the overall submission: site plans, combined level 1 & 2 hydrogeological study, natural environment technical report: level 1 & 2, noise impact assessment, blast impact assessment, karst hazard assessment, and a stage 1-2 archaeological assessment.

Dave Munro (representing Sutherland Construction) has also processed the Quarry License Application under the Aggregate Resources Act (ARA). There are no outstanding objections or concerns from any of the agencies or the general public. A copy of the report and background materials can be found at the below link:

[Link to Background Materials](#)

A joint public meeting between the Township and the County was held for the County Official Plan Amendment (OPA) as well as the Municipal Zoning By-law Amendment (ZBA) on August 5th, 2020. Minutes from that meeting can be found here:

[August 5th, 2020 Public Meeting Minutes](#)

Agency Comments Received

County Transportation Services

Comments were received February 19th, 2020 from the County's Transportation Services department. They have no concerns with the proposed quarry expansion. The haulage routes will remain unchanged.

Enbridge Gas Inc.

Enbridge indicated on February 12th, 2020 that they have no objections to the proposed application.

Grey Sauble Conservation Authority

Staff received comments March 16th, 2020 from GSCA. There were generally no concerns. GSCA had recommended that note 10 of the proposed rehabilitation drawing be updated to outline that 'random plantings' should be of native species. This recommendation was implemented in the updated plans submitted.

Historic Saugeen Métis

Comments were received February 18th, 2020 indicating the HSM has no objection or opposition to the subject application as presented.

Ministry of Municipal Affairs and Housing

In a letter dated June 1st, 2020, MMAH were satisfied with the stage 1 & 2 Archaeological Assessment Report, dated October 4th, 2017. Although, they requested completion of the Ministry of Heritage, Sport, Tourism and Cultural Industries (MHSTCI) *criteria for evaluating potential for built heritage resources and cultural heritage landscapes* checklist for review. A follow-up from the consultant was completed, and MHSTCI issued a response August 11th, 2020 indicating they were satisfied with the findings of the checklist (potential is low for built heritage and cultural heritage landscapes). MSTCI has no further concerns.

Ontario Ministry of Agriculture, Food and Rural Affairs

Comments were received November 13th, 2019 and December 18th, 2019 from OMAFRA, through the *Aggregate Resources Act* process. A clearance letter was issued December 18th, 2019.

Through the Aggregate Resources Act process, no comments were received from the general public within the 45-day timeline as a result of the Notices of Application placed in the Owen Sound Times newspaper by November 14th, 2019.

Public Comments Received

Written comments were received from the following individuals:

- Dale & Christine Mortimer
- Tim Oakley & Marcia Wilcox

The following is a summary of the concerns raised:

- Concerns around future noise disturbances from blasting,
- Worried about permanent damage to neighbouring properties from the vibrations caused by blasting,

- Potential increase in truck traffic related to the expansion,
- Ongoing outside storage (trailer, tractor, and machinery storage),
- Neighbouring property value decrease,
- Dust,
- Noise, &
- Berm obstructing view

Analysis of Planning Issues

In rendering decisions, planning authorities must have regard to matters of Provincial interest under the *Planning Act* and be consistent with the Provincial Policy Statement (PPS). Decisions within the County must also conform to the County of Grey Official Plan, and in this case the Township of Georgian Bluffs local official plan, and any Provincial plans in force and effect.

Staff are recommending approval of the subject County Official Plan Amendment. Key Provincial and County policies have been flagged below for consideration.

Provincial Legislation – The Planning Act

Most notable to this proposed official plan amendment are the following clauses from the *Planning Act*, which will need to be considered.

(a) the protection of ecological systems, including natural areas, features and functions,

Significant woodlands were identified on the subject lands along the southerly and easterly boundaries of the licensed area. A minimum 20-metre setback distance will be maintained from both woodlands.

(b) the protection of agricultural resources of the Province,

The subject lands are designated ‘Agricultural’ and ‘Rural’ as per Schedule A of the County Official Plan. The licensed area for the quarry operation will be entirely located in the lands designated ‘Agricultural’. As outlined by the Provincial Policy Statement and County Official Plan, specific policy provisions are required to be met prior to establishing a quarry operation on lands designated as ‘Agricultural’.

OMAFRA was consulted throughout the ARA process and they have no outstanding concerns.

(e) the supply, efficient use and conservation of energy and water,

A combined level 1 & 2 hydrogeological study has been submitted as part of this application. The report concluded that the estimated area of influence for the final extents of the current and proposed expansion will extend out approximately 100m from the quarry face. There are no domestic water wells within the predicted area of influence. The existing Sarawak Quarry was used to inform physical modelling efforts on the long-term effect(s) of the proposed development on the surrounding environment. Regular groundwater monitoring will take place throughout the duration of the active license of any onsite wells and domestic wells within 500 m of the proposed extraction area.

(o) the protection of public health and safety

The accompanying studies submitted (noise impact assessment, blast impact assessment, hydrogeological study) as part of this application aim to assess public health and safety matters in this proposal.

The Noise Impact Study identified 5 sensitive receptors, located between 225 and 340 metres from the expansion lands. Noise control measures have been proposed and will be implemented as part of the license in order to comply with the applicable noise limits of the MECP. HSCL has a blasting contractor who monitors all blasts to ensure they are within the MECP's guidelines for noise and vibration. It was noted that to date, no blasts in the existing Sarawak quarry operation exceeded these guidelines. The blast notification list has been updated to include Mr. & Mrs. Mortimer. Blast notifications are sent out a day in advance of any blasts. During the public meeting, it was requested that the Township be notified of any future blasts. This will be accommodated by the license holder. A berm will also be constructed along the east side of the property to help mitigate noise.

Hours of operation will be restricted to: 7am to 6pm Monday to Friday and from 8am to noon on Saturday. There will be no processing on Saturdays. The quarry will be closed Sundays.

The existing Aggregate Resource Act License for the operating quarry immediately to the north is a class A license, licensed to extract on an annual basis 400,000 tonnes. Including the proposed expansion, the cumulative extraction will remain 400,000 tonnes. This will limit the possibility of increasing traffic flow to and from the subject site. Haulage routes will continue to utilize the existing entrance located off Grey Road 1 for the expansion.

Provincial Policy Statement (PPS 2014)

Section 2.3.6.1 of the PPS outlines that non-agricultural uses in prime agricultural areas may only be permitted for extraction of minerals, petroleum resources and mineral aggregate resources. Part of the proposed licensed area lands are designated Agricultural.

Furthermore, section 2.5 details criteria for mineral aggregate resources and the extraction process. There is general support for mineral resource extraction. Subsection 2.5.4 specifies criteria required to review should resource extraction take place in prime agricultural areas. Complete rehabilitation to an agricultural condition is not required under certain circumstances. The proposed quarry expansion will be a below the water table operation, making the rehabilitation to a pre-extraction agricultural capability unfeasible.

County of Grey Official Plan

Section 5.6.4(1)(a) of the County Official Plan requires an amendment to the County Official Plan for all new or expanding quarry operations proposed within the County of Grey (except for those proposed within the Niagara Escarpment Plan Area).

Section 7 (Natural Grey) of the County Official Plan is also considered as part of the review of this application in order to account for any potential disturbances to the natural environment. A 20-metre setback will be maintained along both the southerly and easterly boundaries to the woodlots. This was a mitigation measure proposed through the *Natural Environmental Technical Report* in order to maintain the ecological functioning role and natural heritage features identified within the site lands.

Staff are recommending approval of the proposed County Official Plan Amendment. It appears that through both the ARA and Planning Act processes, significant review has been completed and amendments to the site plans have been made to ensure the safe expansion of the current Sarawak Quarry. The proposal would appear to conform with the County of Grey Official Plan and be consistent with the Provincial Policy Statement.

Legal and Legislated Requirements

The application will be processed in accordance with the Planning Act.

Financial and Resource Implications

There are no anticipated financial, staffing or legal considerations associated with the proposed official plan amendment, beyond those normally encountered in processing an amendment. The County has collected the requisite application fee and peer review deposit for this application.

Relevant Consultation

- Internal: Planning Staff
- External: Township of Georgian Bluffs, required agencies under the *Planning Act*, and the public

Appendices and Attachments

[Report PDR-CW-14-20](#)

[Draft Official Plan Amendment 2 Schedule A](#)

[Draft Official Plan Amendment 2](#)