

To:	Warden Halliday and Members of Grey County Council
Committee Date:	May 24, 2018
Subject / Report No:	County Official Plan Amendment 42-07-060-OPA-142 / Report PDR-CW-20-18
Title:	Orchard Pit Official Plan Amendment Merit Report
Prepared by:	Scott Taylor
Reviewed by:	Randy Scherzer
Lower Tier(s) Affected:	Township of Southgate
Status:	Recommendation adopted by Committee as presented as per Resolution 141-18 on May 24, 2018; Endorsed by County Council on June 14, 2018 per Resolution CC57-18.

Recommendation

1. That Report PDR-CW-20-18 regarding a proposed County Official Plan Amendment be received; and
2. That the proposal proceeds to a Public Meeting to consider an amendment to the County of Grey Official Plan on lands designated 'Agricultural', 'Rural' and 'Hazard Lands' on Schedule A, and partially designated as 'Aggregate Resources Area' on Schedule B, to permit a gravel pit operation on lands described as Part Lot 15, Concession 1, Divisions 2 – 3 geographic Township of Egremont, in the Township of Southgate.

Executive Summary

A proposed County official plan amendment application (42-07-060-OPA-142) has been received to permit a new gravel pit operation. The subject lands are designated as 'Agricultural', 'Rural', 'Hazard Lands', and 'Aggregate Resources Area' in the County Official Plan. The proposed pit would be mostly within the existing Aggregate Resources Area, but partially outside the mapped boundaries of this designation. Based on how County staff have applied the Official Plan policies for new pit operations, a County official plan amendment is required here to permit the pit. The Township of Southgate has already adopted a Township official plan amendment, and passed a zoning by-law amendment to permit the pit.

Background and Discussion

The County has received an application, referred to as Official Plan Amendment (OPA) 142, also known as the Orchard Pit, to amend the Grey County Official Plan. On Schedule A to the County Official Plan the subject lands are designated as 'Agricultural', 'Rural', and 'Hazard Lands'. Schedule B maps the majority of the property as 'Aggregate Resources Area'. The amendment would allow for the pit operation on the subject lands, including a portion of the lands that are outside the Aggregate Resources Area.

The proposed pit will be approximately 29.8 hectares in size, with the total size of the property being 33.1 hectares. The total area for extraction will be approximately 9.9 hectares in size, in three pockets on the property. It is estimated that there are approximately 650,000 tonnes of resource to be extracted on this site. The proponent has applied for a Class A, Category 3 license from the Ministry of Natural Resources and Forestry (MNR) to extract 100,000 tonnes or less per year. The proposed license will require this pit operation to remain at least 1.5 metres above the water table.

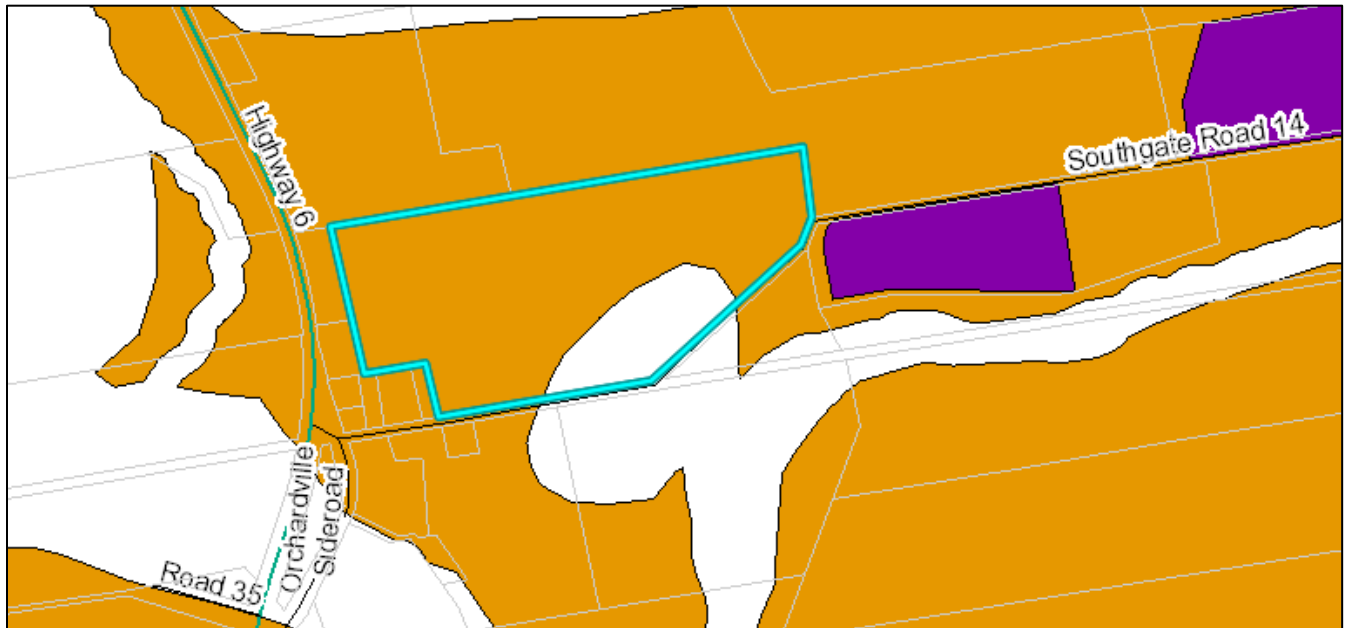
The subject lands are located at Part Lot 15, Concession 1, Divisions 2 – 3 geographic Township of Egremont, in the Township of Southgate. Currently, the subject lands are primarily farmed, with a wooded portion on the west end of the property. The woodlands will not be re-designated and will remain outside of the licensed area. Access to the property will come from Southgate Road 14, with the haul route proceeding west to Highway 6.

The surrounding lands are predominantly used for agricultural purposes, with some other pit and residential uses also nearby.

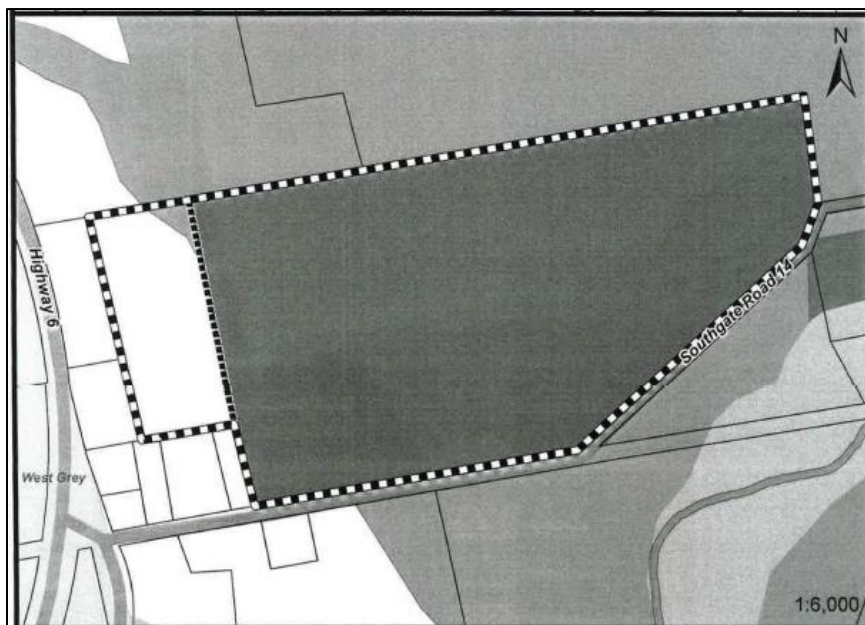
Map 1 below shows an airphoto of the subject lands and surrounding area. Map 2 shows the mapped Aggregate Resource Areas on-site (in orange), while Map 3 shows lands subject to the official plan amendment (shaded in dark gray).



Map 1: Airphoto of the Subject Lands



Map 2: Aggregate Resources Area on the Subject Lands



Map 3: Lands Subject to the Amendment

The Township of Southgate has already adopted the associated OPA to the Township Plan (LOPA 12), and passed an amendment to the Township of Southgate zoning by-law to permit

the pit. The zoning amendment has not been appealed, and the County has not yet approved Township LOPA 12. A haul route agreement has also recently been passed for the subject lands.

In 2012, applications were submitted to both the County and the Township to permit the pit operation. At that time, a County OPA application was applied for, known as OPA 116. OPA 116 was later withdrawn, at the recommendation of County Planning Staff. When OPA 116 was initially submitted, the County's five year review OPA 80, had not yet been fully approved by the Ontario Municipal Board (OMB). OPA 80 implemented the County's Aggregate Resources Area mapping, and no longer required an OPA to permit a gravel pit in the mapped resource lands. When OPA 80 was approved, County staff advised the proponent that an OPA was no longer needed to the County Plan, and they withdrew their application. In hindsight, this advice was given in error, as a portion of the proposed pit lands are outside of the mapped resource area in the County Plan.

This inadvertent error was only recently realized, when the County went to process the adopted Township LOPA 12. The approval of LOPA 12 has been placed 'on hold' pending the processing of County OPA 142.

K. Smart Associates Limited have submitted a Planning Justification Report in support of the proposal. Additional background studies, as well as the operational and rehabilitation plans have also been submitted. A copy of the technical reports and background materials can be found at the below link:

[Link to Background Materials](#)

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 Southgate local official plan, and any Provincial plans in force and effect.

A detailed planning analysis has not been undertaken at this stage. Following the public process, and agency comments, a thorough analysis and staff recommendation will be provided. 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 section 2 of the *Planning Act*, which must be considered.

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

There are identified Significant Woodlands near the subject property, in addition to the wooded area on the lands which will not be removed. A small pond also exists on-site.

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

The subject property is designated 'Agricultural', 'Rural', and 'Hazard' lands as per Schedule A of the County Official Plan. The pit operation, should it be approved, is proposed to be rehabilitated back to an agricultural end use.

(c) the conservation and management of natural resources and the mineral resource base,

As noted above, the subject lands have been primarily mapped as having high quality aggregate resources on-site. Should the pit application be approved approximately 9.9 hectares of resource will be permitted for extraction. There are a number of other pits already in this area, in addition to other resource lands.

(f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems,

The proposed haul route would be west on Southgate Road 14 to Highway 6, and then north or south on the Provincial Highway. As noted above, the Township of Southgate has recently approved a haul route agreement for the proposed haul route.

Provincial Policy Statement (PPS 2014)

Section 2.3.1 of the PPS requires prime agricultural areas to be protected for long-term use for agriculture. The subject lands will be rehabilitated back to a farm use. In accordance with the PPS, the lands will not be removed from the Agricultural designation in the County Plan; but rather identified on Schedule B for aggregate extraction.

Similar to the *Planning Act*, the PPS also contains policies under section 2.1 protecting the natural environment. Section 2.5 of the PPS also provides for the protection and utilization of the Province's mineral aggregate resource base. Although there are already some other pits in the area, section 2.5.2.1 of the PPS states;

“Demonstration of need for mineral aggregate resources, including any type of supply/demand analysis, shall not be required, notwithstanding the availability, designation or licensing for extraction of mineral aggregate resources locally or elsewhere.”

County of Grey Official Plan

The County Plan contains many similar policies to the PPS and the *Planning Act*.

Aside from the Agricultural, Rural, and natural environment sections of the County Plan, the most pertinent official plan policies to this application are the Mineral Resource Extraction designation policies. Within section 2.7.4 of the Plan, it permits new pit operations under the following circumstances;

- 1) Without an amendment to the Plan, where the lands are mapped as Aggregate Resources Area, and
- 2) With an amendment to the Plan, where the lands are mapped outside, or partially outside of the Aggregate Resources Area.

Based on the proposed pit being partially outside of the Aggregate Resources Area, an official plan amendment has been deemed necessary for this operation. As explained above, when OPA 80 to the County Plan was first approved, this proponent was incorrectly advised to withdraw their OPA 116 application, based on a misinterpretation of the new County policy and mapping by County Planning staff.

Section 6.3 of the County Plan contemplates amendments to the Plan, provided the criteria of the relevant sections of the Plan can be addressed.

Township of Southgate Official Plan

As noted above the Township has already adopted LOPA 12 to permit the proposed pit. LOPA 12 is awaiting a decision from the County; however the decision on OPA 142 needs to come first.

As noted above, following the public and agency processes, a thorough planning analysis and staff recommendation will be provided.

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. County staff has suggested the waiving of the requisite application fee and peer review deposit for this application, based on our own staff error with their earlier OPA 116 application.

Relevant Consultation

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

Appendices and Attachments

None