

**APPENDIX 1
PLANNING REPORT
FLANAGAN PIT NO. 2**

Planning report 1.0 INTRODUCTION

The Planning Report which follows has been prepared to satisfy the application requirements for County and local Official Plan and local Zoning by-law amendments which would permit the **expansion of an existing Class "A" Category 3 licence** by H. Bye Construction Limited, on a 59.4-hectare (146.84) holding in the former Township of Egremont, now part of the Township of Southgate in the County of Grey.

The Applicant submits under the ARA a Summary Report ARA 2.01.05 and a Planning Report under GOP 2.7.4 (3)(b). The MNR and Municipalities agree to accept one report titled "Planning Report" which combines criterion for an ARA Licence Application and for an Official Plan Amendment and Zoning by-law Amendment Applications.

ARA Policy 2.01.05 A Summary Report which may be prepared by applicant

- Application accompanied by appropriate studies i.e. ARA 2.01.03 to 2.01.09.
- Agricultural classification, using the Canada Land Inventory classes
- Quality and quantity of aggregate
- Haulage routes & proposed truck traffic to and from the site, and necessary entrance permits
- Progressive rehabilitation
- Surface water on and surrounding the site and proposed water diversion,
- storage and drainage facilities on the site and points of discharge to surface waters
- Determine the elevation of groundwater table within the site or demonstrate that the final depth of extraction is at least 1.5 metres above the water table

This planning report is based in part on a number of technical reports that have been submitted in conjunction with this report as well as part of the licence application submission under the Aggregate Resources Act. These technical reports include;

- "Natural Environment Technical Report, Level I" by AET, Environmental Consultants, Ecologists & Scientists (AET) .
- "Archaeological Assessment (Stages 1&2)" by William R. Fitzgerald and Angela Gunn.
- "Aggregate Resources Act Site Plans" by Hewitt and Milne Surveying Ltd.

It should be noted that, although the above noted reports are "stand-alone" reports supporting the subject pit expansion, the approval authority may also **opt to review the original reports which accompanied the initial pit application submitted in December, 2008**, as supplementary information. The original reports and mapping are noted below.

- "Hydrogeological Assessment" by HGI Services Ltd. (HGI)
- "Natural Environment Technical Report, Level I" by AWS Environmental Consulting. (AWS)
- "Archaeological Assessment (Stages 1 & 2)" by William R. Fitzgerald and Angela Gunn.
- "Planning Report" by Cuesta Planning Consultants Inc.
- "Aggregate Resources Act Site Plans" by Coyne and Whale Surveying Ltd.

Question #1: Should the Applicant reference technical reports and documents i.e. as required under ARA 2.01.04 to 2.01.09 and GOP 2.7.4?

ARA 2.01.03 Policy – Expansion of a Licenced Area

There is no provision in the legislation to add or expand an existing licenced site. New areas, not previously licenced, must be processed as a new licence application.

An expansion to an existing licenced area requires a new licence, site plan and technical reports (studies and documents must contain current data and current site conditions):

2.01.04 Site Plan Standards

- 2.01.05 Summary Statement Report Standards
- 2.01.06 Hydrogeological Report Standards
- 2.01.07 Natural Environment Report Standards
- 2.01.08 Cultural Heritage Resource Report Standards
- 2.01.09 Noise Assessment and Blast Design Report Standards

Question #2: Why would the Planning Report refer to the Flanagan Pit No. 2 as “*expansion of an existing Class "A" Category 3 licence*” which in itself is a misleading statement?

Comment: The Flanagan Pit No. 2 – 2011 ARA Licence Application is considered a new application in the MNR system, under Licence Application No. 625400 and will be considered a separate licence if issued – confirmed by Sarah DeBortoli MNR Aggregate Rechnical Specialist.

Comment: The Flanagan Pit No. 1 – 2008 ARA Licence Application Number is Licence No. 625041.

Question #3: Should the Report ask the approval authority to decide which technical studies are to be submitted when GOP 2.7.4 and ARA 2.01.03 to 2.01.09 provide standards for all documents required for the approval of OPA-124?

□ Planning Report - Grey County Official Plan

As background, the subject property has been identified as being within a "Primary Aggregate Resource Area" within the Aggregate Resource Inventory Master Plan for the County of Grey. Within this document, the subject lands have been identified as an aggregate resource area to be protected by the Planning Report February, 2012.

The County Public Meeting held on March 19, 2014 was called because there was a change in the location of the Flanagan Pit No. 2 originally located “within” Aggregate Resources Area has been changed to “outside” the Aggregate Recourses Area.

GOP 2.7.4 (3) (b) A Planning Report prepared by a qualified individual indicating whether or not the proposed mineral aggregate operation is consistent with the Provincial Policy Statement and conforms to the policies of the County of Grey Official Plan, as well as conformity to the Local Official Plan should one exist. The Planning Report shall also address the policies identified in Section 6.3(1) of the County Plan. With respect to Section 6.3(1)(a), the demonstration of need for mineral aggregate resources, including any type of supply/demand analysis, shall not be required;

GOP 2.7.4 Policies for the Establishment of New Mineral Resource Extraction Operations

(b) All new sand and/or gravel operations proposed outside of the areas identified as an Aggregate Resource Area shown on Schedule B; and,

(3) The following studies/reports must be provided in order to support the proposed mineral aggregate operations identified in Section 2.7.4(1) and Section 2.7.4(2):

(a) Submission of copies of all documentation provided to the MNR as required for licensing, pursuant to the Aggregate Resources Act;

The Applicant and County would have to review the ARA 2.01.03 to ARA 2.01.09 and in particular ARA 2.01.03 as described above.

In order to provide the above mentioned documents 2.7.4 (a) (studies, technical studies, reports, site plans) the County and Applicant must review the following Aggregate Resources Act Policies:

The County has incorporated the findings of this Aggregate Resource Inventory Master Plan into the County Official Plan through OPA 80. The area recognized as a Primary Aggregate area covers approximately 60% of the subject lands although there is a small portion of the property which contains hazard lands associated with the minor tributary of the Beatty Saugeen River which intersects the south-east corner of the property.

Question #4: How is it possible that Applicant, MNR and Municipalities identified the property within a “Primary Aggregate Resource Area” within the Aggregate Resource Inventory Master Plan” when the Planning Report provides a map to be reviewed by the County?

This portion of the property has been designated with a “Hazard Lands” designation. It is not anticipated that this hazard land area will be removed or affected by the proposed extraction and therefore, the designation could remain on this portion of the subject lands.

Currently, new or expansion to existing mineral aggregate operations are permitted only by an amendment to the County of Grey Official Plan.

Question #5: What does the Applicant mean “Currently, new or expansion to existing mineral aggregate operations are permitted only by an amendment to the County of Grey Official Plan?”

□ Township of Southgate Official Plan

The area proposed for licensing is designated on Schedule "A" to the Township of Southgate Official Plan as “Agricultural”. Reflecting the policy format of the upper tier plan, all new aggregate operations require an amendment to the Southgate Official Plan.

□ Township of Southgate Comprehensive Zoning By-law

The majority of the subject lands is zoned A1-“Agricultural” in the Township of Southgate Comprehensive Zoning By-law #19-2002 with a small sliver of EP - "Environmental Protection" reflecting the tributary of the Saugeen Beatty River located in the south-east corner of the property. A re-zoning from “Agricultural-A1” to “Extractive Industrial– M4” recently took place to reflect the creation of the existing on-site pit and another re-zoning will be required in order to permit the expansion to the existing aggregate operation.

Planning Report February, 2012. Expansion to Flanagan Gravel Pit Part Lot 1 Concession 16, Egremont

Question #6: Why has the Applicant not included GOP 2.7.3 Development Criteria Policies and SOP 5.6.2 Development Policies as a prerequisite for approval of Zoning-By Law?

SOP 5.6.2 Development Policies:

Policy 1. New sites to be designated Mineral Aggregate Extraction will require an amendment to this Plan and the County of Grey Official Plan.

Policy 2. An Applicant, who wishes to undertake an extractive operation other than wayside pit and quarry, **must enter into a **Development Agreement** with the local municipality. The Agreement shall be entered into prior to local Council’s enactment of the implementing Zoning By-law Amendment.**

□ Aggregate Resources Act

An application for a Class "A", Category 3 license under the Aggregate Resources Act has been tabled with the MNR in conjunction with this development application. A Category 3 License application reflects a Class A pit, 1.5 metres above the established water table. When licensed the provincial standards for a Category 3 License will apply to the expanded area of the established Flanagan pit. The applicant proposes to retain a license limit of a maximum of 40,000 tonnes annually.

1.3 Geographic Setting (Figure 1)

1.3.1 Land use on site

The proposed expansion is situated on an original Township lot which is used for an active farming operation as well as containing the existing Flanagan pit. A hydro-transmission corridor traverses the centre of the property which corresponds to the section of the property to be mined in the proposed expansion. The property is also currently being used for agricultural purposes and the land owner intends to continue farming and living on the property during the lifespan of the pit. Extraction limits will remain outside of 150 metres from the on-site dwelling as per the provincial requirements. It is intended that the licensed area will be rehabilitated to an agricultural use once the mineral resource has been depleted.

Question #7: Why would Applicant state “it is intended that the licensed area will be rehabilitated when a progressive and final rehabilitation Site Plan as required under ARA 2.01.04, GOP and PPS 2.4.3?”

1.3.2 Surrounding Land Use

The subject property is surrounded primarily by agricultural lands with some rural residential lots located to the east and west of the subject parcel along Grey Road 9 (Figure 1). The topography of the site permits the operation excellent buffering from neighbouring residences as well as from the county road.

Question #8: Did the Applicant perform visual impact tests to determine if the Flanagan Pit No. 2 can be seen from Grey Road 9, Southgate Side Road 47 and Base Line? The Flanagan Pit No. 2 is approximately 425 masl, a higher elevation than Flanagan Pit No. 1 which is approximately 418 masl. Flanagan Pit No. 2 is three times larger than Flanagan Pit No. 1. Flanagan Pit No. 2 is within a closer distance to Grey Road 9 and neighbouring residences than Flanagan Pit No. 1. Neighbours living on Southgate Road 47 are 445 masl and Flanagan Pit No. 2 may be visible from their home.

1.3.3 Topography

As outlined within the original planning report, the 59.4-hectare site contains of a moderate topographical high in the mid-east to mid-north section of the property with elevations rising from 418 masl to 425 masl. The highest elevation on the property is in the north-central section and contains a kame, a glacial-fluvial deposit generally reflecting a high quality gravel source. This kame is currently being mined and the operator intends to extract the additional aggregate resources from the area under parts of the Hydro One easement to the south-west of the existing pit while allowing the power lines to remain intact. As indicated earlier in this report, the new extraction limit will be closer to the house and barn on the site, however, appropriate setbacks can still be met by the proposal.

The lowest section of the property is in the east where a tributary of the Beatty Saugeen River is located. The entrance to the site is located in this general area.

1.4.1 Land Holdings

2.27 hectares (5.6 acres) of the property has been licensed with approximately 1.43 hectares (3.5 acres) currently under extraction. The expansion will add an additional 7.29 hectares (18 acres) to the licensed area with an additional 5.18 hectares (12.8 acres) being proposed for extraction. The area designated for extraction will generate approximately 400, 000 tonnes of sand and gravel. As per the provincial requirements of a Category 3 pit, no extraction will occur below the water table. Planning Report February, 2012.

Question #9: What is the reason for Site Plan indicating “Unlimited Tonnes” and the above mentioned text approximately 400,000 tones of sand and gravel?

Question #10: What is the quality of the aggregate and years of operation based on the anticipated rate of extraction, and proposed tonnage condition?

1.4.2 Description of Proposal

The existing and proposed operation is located within a selected sand and gravel deposit of primary significance, more particularly a gravel deposit in the form of a kame feature. This significant gravel and sand deposit is known as the Singhampton or sometimes, the Saugeen moraine. This moraine is characterized with kames, or hills, of gravel and sand deposits and spillways, or outwash areas of gravel. In the vicinity of Holstein the area is almost entirely covered by gravel terraces at several levels.

The original hydrogeological assessment for the existing pit established the water table at 414 masl. Extraction will remain at least 1.5 metres higher than the established groundwater level with the depth of mining established at 416 masl. Another monitoring well will be located on site in addition to the primary well established for the original pit proposal.

Question #11: Did a Professional Geoscientist determine the original Hydrogeological Assessment dated 2008 was substantial for the Applicant's 2011 Application as required under Summary Report Standards and ARA 2.01.06?

Question #12: What time of year did the Hydrogeologist perform site inspection i.e. April/May or September/October when water table levels are at their highest? The Hydrogeology Assessment dated 2008 states site was inspected but does not give the time of year.

Question #13: How can the original Hydrogeology assessment produced from 2006 to 2007 used to determine water table levels for the Flanagan Pit No. 1 2008 Applications, provide current data, current site conditions for Flanagan Pit No. 2 2012 Applications as required under the GOP 2.7.4, ARA 2.01.03, and 2.01.06?

Question #14: Why did the Hydrogeology Assessment not use methods as described in Summary Report Standards i.e. drilled test holes?

Question #15: Was a Hydrogeologist present when the developer's excavation of test pits for near surface deposits did not intersect the water table as technique to determine water table levels. What time of year was the excavation conducted?

Question #15(a): Why did two other applications submitted in 2011 use methods as described in ARA 2.01.05 Summary Report Standard and ARA 2.01.06 i.e. drill test holes?

Comment: Hydrogeology Assessment 2008 states "a brief well survey of nine wells of nearby residences, nine in total." Developer's excavation of test pits for near surface deposits did not intersect the water table as technique to determine water table levels. Was a Geoscientist present? What time of year was the excavation conducted?

Question #16: Have the approval authorities accepted the Hydrogeology Assessment 2008? The standard practice demonstrated in two other applications submitted in 2011 used methods as described in ARA 2.01.05 Summary Report Standard and ARA 2.01.06 i.e. drilled test holes.

Question #17: Why did Hydrologist not conduct drilled test holes i.e. installing stand pipes to determine water table levels in the Hydrogeology Assessment dated 2008?

Question #18 : Why did the Hydrologist Report state the Beatty Saugeen River as the only surface water on the property when in fact there is a pond or wetland to the east of the existing pit not included in Hydrogeology Assessment dated 2008?

Comment: Wetlands which are surface water would indicate the water table is close to or at the surface in that area of the property. Wetlands act like a sponge during heavy rains and flooding – removal or damage to a wetland would aggravate flooding.

Question #19: Why did the Hydrologist in 2008 study not conduct a base line study for the quality and quantity of surface and ground water in order to compare future tests?

Question #19 (a) Why was the first surface water evaluation for Flanagan Pit No. 1 was conducted November, 2013 by Gamsby and Mannerow Limited in accordance with Operation Drawing 2 “*Note 6. On an annual basis after first 12 months of operations the owner/operator...shall have qualified professional review river and floodplain adjacent to the haul route...conducted a study which only included surface water evaluation of the Beatty Saugeen River adjacent to the haul route near Grey Road 9 in November 2013?*”

Question #19 (b) Did the Applicant conduct a baseline surface evaluation in 2007 before commencement of Flanagan Pit No. in order to compare future surface evaluations?

Comment: Extensive site alterations (extraction, haul route grading, and stock piling) and increased truck traffic during 2009 to 2011 had occurred in a short period time from the Flanagan Pit No. 1 as a result of the Hydro One Project and it is not known how the site alterations may have effected the surface and ground water (wetlands, ponds and Beatty Saugeen River) during that period.

Question #20: What is the most suitable time of year conducted surface water quality?

Comment: The surface water evaluation was unable to make comparison to a baseline evaluation that was not conducted after first 12 months of operations.

The Beatty Saugeen River, adjacent wetland and riparian cover provide wild life and fish habitat for brown trout, brook trout and snapping turtles as well as Steelheaders down stream.

Question #21: What criterion was the evaluation of surface water i.e. Fisheries Act – Section 34 (2) Conservation Authority as authority to represent Deleterious Substances Cause Damage to Fish and Significant Wild Life Habitat; And Significant Woodlands. Dust, sediment, gasoline and oils from site alteration can be released into the watershed endangering fish habitat; trapped in fish gills and causing temperature moderation in watershed endangering fish habitat, wildlife habitat and vegetation. The watershed cold water temperature for brown and brook trout is required between the range of 12-20C, with 26C being fatal. The Fisheries Act carries penalties for destruction of Fish and Fish Habitat. (See *Deleterious (toxic) to Fish or Fish Habitat (Fisheries Act, Sections 34(1) and 36(3)) Deleterious substances include sediment, gasoline and oils.*)

Question #22: Did the Applicant request base line study to determine quality of surface and groundwater flow in order to evaluate any change in quality and quantity of water from 2008 and future studies?

Question #23: What a protecting the health and safety residents living in the Holstein who rely on private wells for safe drinking water who live amongst seven pits in close proximity to the Beatty Saugeen River and some applications do not have up to date or base line studies?

Comment: The gravel pit operator can only extract within 1.5 m of the water table which requires precise measurement for the extraction to avoid breaching the water table without a comprehension current Hydrogeology Study.

Phasing of Operations and Rehabilitation

The pit is to be developed in one phase with the extraction beginning in the north eastern licensed area and then move generally from the north and east to the southern and western limits proposed for extraction. The extraction will occur in one lift with a maximum height of nine metres. Rehabilitation will follow extraction, moving generally from the northeast in a south-westward direction. The pit is to be progressively rehabilitated to an agricultural use along with the retained hydro corridor use. The first priority will be to rehabilitate lands that abut actively cropped areas and this rehabilitation will take the form of grasslands in the north part of the property and forage grasses and legumes on any remaining slopes. .

Question #24: How is the Applicant able to determine there is sufficient topsoil, subsoil and over burden required to rehabilitate the site?

Question #25: What method is the applicant using to separate the above mentioned soil? i.e. Aerial photo of Flanagan Pit No. 1 shows one stock pile in the east corner of the pit.

Question #26: Who monitors that the quality of fill remains separated?

Comment: The subsoil layers lack the organic and microbial organisms necessary to sustain plants. If over burden is mixed in with top and subsoil it may not sustain plants.

2.0 RESOURCE SETTING

2.1 Overview

As described earlier within this report, the Flanagan lands are located within a kame moraine and outwash gravel deposit within the Singhampton Moraine, or Saugeen Moraine, which forms part of the Horseshoe Moraines. This moraine is an important aggregate area where a number of active licensed sand and gravel pits are located. The deposit on this particular site is in form of a kame which is a hill formation containing gravel resources. Official Plan amendment no. 80 (OPA 80) to the Grey County Official Plan identifies approximately 60% of the subject property as being within a selected sand and gravel deposit of primary significance. The area proposed for extraction falls within the deposit area. A soil analysis for the original pit proposal was conducted by Henderson Paddon & Associates Ltd. with the physical property testing carried out by Naylor Engineering Associates Ltd. This analysis concluded that the material found on site would be suitable to crush for Granular "A" and "B" material for road base/sub-base as there was a low percentage of fines in the retrieved samples. The success of the original proposal and the request for expansion testify to the fact that a good amount of high-quality aggregate has been confirmed as available on this site. During current pit operations, it became evident that additional high-quality aggregate existed on the Hydro One lands to the southwest of the existing pit as well as south and east of the easement.

Question #27: Why was a soil analysis for quality and quantity not conducted for new site "Flanagan Pit No. 2 to provide data required for ARA Licence Application?"

2.3 Natural Heritage Resources

A Natural Environmental Technical Report is always required under the Aggregate Resources Act, to determine if any of the seven natural heritage features specified in the Provincial Policy Statement (PPS) are located on the subject site or within 120 metres of the site. Should one or more of these features be identified within this study area, an additional Environmental Study (Level 2) is also required in order to determine the degree of impact the proposed aggregate operation may have on these features or their ecological function and to propose any mitigation or remedial measures that may be required in order to protect these features.

Les Misch of AET Ltd. was retained to prepare the natural resources inventory and the Natural Environment Study for the proposed pit expansion. Study of the site included field work as well as review of the appropriate provincial guidelines and requirements as well as a review of the original environmental work which was conducted at the time of the original pit proposal.

No natural features were identified on site and no additional environmental mitigation will be introduced as a result of the pit expansion.

Question #28: Why were no full-season, in-season or partial-season surveys of wildlife, fish and flora habitat (riparian cover, wetlands, rivers) not completed for the site and the adjacent lands within 120 metres of the subject lands as required under PPS 2.1.4, 2.1.5 and 2.1.6 ?

Question #29: Why did the Consultant conduct only two field studies November 23, 2011, August 17, 2012 which is not sufficient time given to study habitat for wild life, fish and flora?

Question #30: Why did the MNR not contact Grey County in June, 2012 after sending a letter dated June 25, 2012 to H. Bye Construction Limited's stating technical studies did not support a new ARA license or meet Provincial Standards in their June 25, 2012 letter to H. Bye Construction?

The NES 2011 contained one site inspection, November 23, 2011, and contained data extracted from NES 2008 a total of 13 pages and the NES 2012 two site inspections, November 23, 2011 and August 2012 plus a total of 50 pages. The obvious difference between the two NES would indicate more than a minor variance with GOP 2.7.4 and ARA 2.01.03 requirements for technical studies to support an Official Plan Amendment or ARA licence application. The MNR's June 25, 2012 states "The MNR must object to the ARA application based on the basis that insufficient information...as per the requirements of the Provincial Standards under the ARA." It would appear that an objection to an ARA licence application would indicate that there was more than a minor variance.

MNR's (ministry) as defined under PA Section 6(1)(2) - responsibility is to notify the Municipalities and the SVCA, when there is new natural heritage information relating to Applicant's technical studies which may affect any municipality and have regard for planning policies of the municipality.

PA Section 6 (1) "ministry" means any ministry or secretariat of the Government of Ontario and includes a board, commission or agency of the Government. R.S.O. 1990, c. P.13, s. 6 (1); 1998, c. 15, Sched. E, s. 27 (3).

PA Section 6 (2) Planning policies A ministry, before carrying out or authorizing any undertaking that the ministry considers, will directly affect any municipality, shall consult with, and have regard for, the established planning policies of the municipality. R.S.O. 1990, c. P.13, s. 6 (2).

CAA Policy 6.9 states that MNR has natural heritage responsibilities under the *PPS 2005* and some provincial plans (as outlined in appendix 4) for the delineation and technical support in the identification of natural heritage systems, the identification or approval of certain natural heritage features as significant or key features, and the identification of criteria related to these features.

2.4 Agrarian Resources (Figure 4)

The Ministry of Agriculture, Food and Rural Affairs, Canada Land Inventory (CLI) mapping classifies the area proposed for extraction as containing mainly non-prime (Class 5) soils. Soils in this class have severe limitations that restrict their capability to produce perennial forage crops. The soil sub-class is 5PT which would indicate stoney soils and an area characterized by steep slopes. The other class of soil which is on the property is a 3P class soil which indicates more moderately severe limitations which would reduce crop choices as the soils are stoney.

2.5 Archaeological Resources

An archaeological assessment of the subject lands was conducted by Dr. Bill Fitzgerald and Ms. Angela Gunn on the section being proposed for aggregate licensing. Both Stage 1 and Stage assessments were conducted on the site. The Stage 1 assessment had identified one registered site which actually stemmed from the initial quarry application when one culturally modified flake of chert was recovered by Dr. Fitzgerald and Ms. Gunn. At that time, the search around the area of discovery

was intensified but no other artefact was found and it was eventually determined that the cultural activity on site was likely quite limited. The artefact was registered with the Ministry of Culture. The second site inspection conducted for this proposed expansion did not recover any new artefacts.

Comment: The Applicant demonstrates knowledge of complying with ARA 2.01.03 and 2.01.08. This was the only technical study that demonstrated current data and current site conditions.

4 2.6 Groundwater & Surface Water Resources

An additional hydrogeological investigation has not been conducted for the proposed expansion as the groundwater table has been determined through the findings of Thomas Haygarth of HGI Services Ltd. (HGI) during the original application for the current operation. The original research conducted by HGI produced the following observations with regard to surface and groundwater water:

Question #31: Why did the Applicant not conduct a new Hydrogeology Assessment for Flanagan Pit No. 2 to determine quality, quantity of water i.e. such as minimum base flow, depth to water table, aquifer pressure, oxygen levels, suspended solids, temperature, bacteria, nutrients and hazardous contaminants, and hydrologic to create a base line study in order circumvent any water quality and quantity problems which many occur in the future?

The only surface water feature on the site is a tributary of the Saugeen River in the southeast portion of the property. The stream is located at 416 masl.

Question #32: How did the Hydrologist, MNR, SVCA and County not observe during site inspections, aerial photographs and site plan the wetland east of Flanagan Pit No.1.?

Comment: The Beatty Saugeen River is a tributary of the Saugeen River and it is not the only surface water feature on the site as there is a wetland east of the Flanagan Pit No. 1 and north east of Flanagan Pit No. 2.

This wetland may provide wild life habitat i.e. snapping turtles and mitigated measures must be considered to reduce the negative impact.

I request a site inspection to determine surface water on the site?

On-site drainage is expected to be toward the topographic lows to the north and east of the extracted area.

Question #33: Has the MNR requested mitigate measures i.e. use silt fencing as per Ministry of Labour and what are the silt fence standards?

There may be localized perched water tables within the overburden which would freely drain when intersected during excavation. Temporary drainage ditching may be required.

The perched water features are not used as a water supply and are isolated from the groundwater regime. Any shallow wells in the area are located within a different groundwater regime.

Question #34: How did the Applicant substantiate “there may be localized perched water tables” without a current Hydrogeological assessment and sufficient methods as described in ARA 2.01.06?

Question #35: Why would ditches for Flanagan Pit No. 2 not be in place before a perch water table is encountered during excavation and are the ditches located on the Site Plan?

Question #36: What mitigated measures are being used to prevent overflow of water from ditches, during heavy rainfall, from entering wetland and flood plain i.e. silt fencing as per Ministry of Labour Standards?

□ Pit activities will not affect the residential wells in the area as the excavation is to occur at least 1.5 metres above the established groundwater table

Question #37: How can the Applicant substantiate this comment when methods for determining ground water table as required under ARA 2.01.06 Hydrogeological Report Standards were not used in the Hydrogeology Assessment dated 2008?

The above noted findings and mitigation measures have been incorporated into the ARA existing features and operational site plan as well as the operational site plan notes for this expansion. An additional monitoring well will also be established on site to ensure the groundwater levels are identified and protected.

3.0 POTENTIAL LAND USE IMPACTS & MITIGATION MEASURES

3.1 Overview

The Flanagan pit and proposed expansion are located within an agricultural area of the Township of Southgate with approximately six rural residences within 1 kilometre of the proposal.

Question #38: How did the Consultant come up with “approximately six rural residences within 1 kilometre of proposal”?

Comment: There are residents living within 1 kilometre north of the pit site on Southgate 22, west on Baseline and east on Southgate 47 who have experienced noise?

3.2 Noise

The nearest sensitive receptor, which is the on-site farm residence, is located 150 metres from the area proposed for extraction. The owner of the licensed land resides within this residence. Provincial standards do not require a proponent in such circumstances to conduct a noise study and no noise complaints have been received in regard to pit operations on this site. The operator has installed a more modern version of the back-up beeper on his equipment which is considerably quieter than traditional back-up beepers which has greatly reduced off-site noise impacts to date.

Comment: The ARA 2.01.09 states “If the landowner leases his/her property and wishes to remain in the dwelling that is situated on the site, **a noise study is normally not required.**”

Comment: It is the County’s responsibility to protect the health and safety of the public which includes the landowner.

Question #38: Why is the Applicant not complying with GOP 2.7.4 (3) (c)(4) A Noise Impact Study prepared by a qualified individual which satisfies the Ministry of the Environment’s standards?

Question #39: Has the applicant satisfied legal requirements of MOE by providing an environmental engineering study for air quality, noise in compliance with MOE guidelines as required under GOP 2.7.4 (3)(c)(4)?

Question #40: How can the Applicant determine negative impact of noise without a noise study in order that extraction shall be undertaken in a manner which minimizes social and environmental impacts as required under PPS 2.5.2.1

Comment: The Public have made noise complaints to the MNR and the Municipality relating to the extraction and/or processing facilities.

Comment: It is our concern that the cumulative effect of the proposed Peyton Pit Application will only increase the level of noise extraction and processing facilities.
Further the increased elevation and size of Flanagan Pit No. 2 has the potential to produce more noise than Flanagan Pit No. 1.

3.3 Dust

Question #41: Why has an environmental engineering study demonstrating the effects on the surrounding area in terms of air quality through dust and particulate emissions and the potential for noise and vibration and levels and quality and quantity of surface water and ground water resources resulting in potential adverse effects to the residents living in close proximity to Flanagan Pit No. 2 and Peyton Pit:?

The families living in close proximity to proposed Flanagan Pit No. 2 and Peyton Pit are Flanagan family with children; Karrow family with children; and Mrs. Marilyn Ellis living on adjacent property, flanked on the west side by Flanagan Pit No. 2 and east side by Peyton Pit.

Question #42: Has the Public Health Ontario been to the site and reviewed the fact that there is a family with children living within 150m of Flanagan Pit No. 2?

Question #43: What mitigated measures have been made to reduce the negative impact on: clean air, wild life and fish habitat (vegetation, wetlands, Beatty Saugeen River)?

Comment: The Public have made complaints to the Guelph District Regional Office of the MNR and the Municipalities in respect to the release of contaminants to the atmosphere with regard the operation of Flanagan Pit No. 1 and the two applications (Flanagan Pit No. 2 and Orchard Pit) as well as the potential cumulative effect of seven gravel pits operating in 3.7 km radius of the Beatty Saugeen River.

D-4 STUDY is a study required determining the potential for negative impacts in compliance with the Guideline D-4 including, but not limited to, ground and surface water (hydrogeology and hydrology), noise, odour, and dust, methane gas migration, traffic impact, land use compatibility, and other studies as per GOP.

Comment: Such a study would demonstrate degree of compliance with environment, health and safety standards.

Comment: The criterion used by MNR approval of an ARA Licence Application (operation) differs from County's approval of an Official Plan Amendment and Zoning-By law Applications (land use, health and safety of Public and Natural Heritage).

Comment: Letter or certificate approval from MOE should become part of the Public Notice on the Municipalities'

Dust will be mitigated on site

Water or another provincially approved dust suppressant will be applied to internal haul routes as is required in order to mitigate dust

Comment: The mitigated process for diffusing dust during operating hours does not run 24 hours - 7 days a week and the community will be exposed to dust pollution when the pits are not in operation.

To equip processing equipment with dust suppression or collection devices where the equipment creates dust and is being operated within 300 metres of a sensitive receptor.

These requirements have been incorporated into the Operations Plan for the Flanagan pit expansion. As the extraction area is set back approximately 420 metres from the municipal roadway, it is anticipated that off-site dust impacts will not occur. As well, Planning Report February, 2012. Expansion to Flanagan Gravel Pit Part Lot 1 Concession 16, Egremont H. Bye Construction Ltd. 16 water or another Ministry of Environment dust suppressant such as calcium chloride will continue to be used on the laneway into the pit in order to decrease dust impacts. The operator has also paved a portion of the lane way closest to the road and river in order to further reduce the potential for dust impacts. The proponent has also established a complaint protocol in order to address any neighbourhood complaints with respect to dust in a timely manner.

Question #44: What are the mitigated measures to reduce the negative impact of dust and noise produced by processing equipment from receptors i.e. Flanagan Family and Mrs. Ellis?

3.4 Natural Environment

The results of the background review for the AET report were consistent with the findings of the 2007 AWS report. The AET on-site evaluation confirmed that this site is clear of any natural heritage concerns. The proximity of the laneway to the stream located on the property prompted one mitigation measure to be added to the original ARA site plans which was beyond the required minimum setback standards for surface water management and rehabilitation. This mitigation measure involved the establishment of a remedial tree planting zone along the river bank. In addition to this tree planting zone, the operator has moved the laneway further west and away from the river, paving a portion of the lane to reduce dust impacts on the surface water.

Question #45

Additionally, a one-foot berm was to be constructed along the east side of the new lane during the lane's construction in order to capture any sediment created through construction of the internal roadway.

3.5 Hydrology & Hydrogeology

As identified previously within this report, the findings of the hydrogeological assessment report prepared by HGI for the original proposal will be followed during this expansion. The mitigation measures currently being implemented are summarized below.

See comments above regarding Hydrogeological Assessment Report dated 2008 non-compliance with ARA 2.01.07.

Extraction must occur in areas at least 1.5 metres (415.5 masl) higher than the established ground water level (414 masl). (It should be noted that extraction limits have been marked at 416 masl on the ARA site plans).

See comments above regarding Hydrogeological Assessment Report dated 2008 non-compliance with ARA 2.01.07

Perched water tables will be controlled by localized ditching where it will be infiltrated into the subsurface.

See comments above regarding Hydrogeological Assessment Report dated 2008 non-compliance with ARA 2.01.07

4.0 LAND USE POLICY CONSIDERATIONS

Aggregates have been deemed to be of provincial significance and their development is regulated by specific legislation. In addition to the Aggregate Resources Act, aggregate development must take into consideration other provincial interests as prescribed in the Planning Act as well as Official Plan policy

of upper-tier municipalities and applicable lower-tier municipal land use policy. The following review outlines the requirements of the Planning Act and applicable municipal official plan policies.

4.1 The Planning Act, Sections 2 & 3

A municipality or any other approved authority, when carrying out its responsibilities under the Planning Act, is to have regard for provincial interests as outlined in Section 2 of the Act.

The Section 2 criteria have been identified in the following table, along with the manner in which the Flanagan expansion has addressed these provincial interests.

Question: #46: Did the municipality question the manner in which the Flanagan Pit No. 2 addressed provincial interests without substantiating compliance statements?

Table 3 - Provincial Interests: A Summary

PROVINCIAL INTEREST

FLANAGAN PIT

The protection of ecological systems, including natural areas, on the site.

No provincially significant features were found features and functions

The protection of the agricultural resources of the province

The Flanagan site will be returned to an agricultural use with a potentially higher CLI rating

The conservation and management of natural resources and the mineral resource base

The Flanagan pit proposal will contribute to the availability of a good quality aggregate supply which is of provincial interest. The pit is proposed in an area identified by the MNR as a selected sand and gravel area of primary significance. The pit will be developed in a controlled manner and rehabilitated progressively. Groundwater quality will be protected as proposed in the HGI hydrogeological report which formed part of the original submission.

How can this be determined with Hydrogeological Assessment dated 2008 with out of date data and no 2008 baseline surface water evaluation to compare future surface water evaluations

The conservation of features of significant architectural, historical, archaeological or scientific interest

The archaeological assessment did not cultural, identify any additional cultural resources on the property

Has the Applicant corresponded with First Nations and Metis on applications that will have the potential to infringe on aboriginal treaty rights and aboriginal interest?.

The supply, efficient use and conservation of energy and water

The ground and surface water features have been documented and will be protected during extraction. The close proximity to local markets minimizes fuel usage for transportation.

What documentation is the Applicant referring to? See comments above regarding surface water evaluation

The adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems

The haul route for the expansion of the Flanagan pit will remain the same. County and provincial roads will move truck traffic between the resource area and the market. These roads are intended to transport large volumes of traffic including truck traffic

The adequate provision and distribution of educational, health, social, cultural and recreational facilities

The pit will not create a demand for these services but will provide a financial contribution to their continuation.

Question: What is the amount of financial contribution for education, health, cultural and recreation facilities? See my revised levy of below of \$4,000 annually split between Province and municipalities.

The adequate provision of employment opportunities

Existing employment at the Flanagan pit will be maintained through the expansion of this pit.

The protection of the financial and economic well-being of the Province and its municipalities

In addition to providing employment and economic development in the community, the development of an additional source of high-quality aggregate will ensure competition in the market place. Securing an additional supply of high-quality aggregate for the construction industry compliments the economic well-being of the Province and the local municipality. Effective in 2007, the province and the municipalities could share up to approximately \$25,000.00 in aggregate levy revenues from the Flanagan pit per annum.

Question: Why did the Applicant not provide a current levy fee based on Planning Report 2011 40,000 tonnes annually which would yield approximately \$4,000 split between Province and municipalities? The 2007 Hydro One \$25,000 levy fee is not related to Flanagan Pit No. 2

The co-ordination of planning activities of public bodies

The interests of all agencies are considered by the circulation requirements of the Planning Act & the Aggregate Resources Act.

Question: Why did the Applicant not circulate the MNR's letters in 2012 & 2013 to Municipalities re: non-compliance with ARA and non-compliance with PA?

The resolution of planning conflicts involving public and private interests

The land use planning process, as well as the ARA licensing process, enables municipalities, agencies and the public to participate in the evaluation of this proposal. When conflicts occur, various mediation methods are employed to resolve issues and failing resolution, adjudication by the OMB is available. It should be noted, however that no objections were made during the initial application and no appeals were submitted to the OMB at that time. It is not

anticipated that any new concerns will be voiced during this expansion process.

Question: How can the Public present objections when they were not provided with Public Notice of the replacement Natural Environment Study 2012 or have the time to review ARA?

The protection of public health and safety

The pit design, fencing, access and control features, as well as dust controls are intended to provide appropriate public health and safety measures in keeping with various provincial standards.

Comment: The Applicant's Licensee Assessment Reports from 2011 to 2013:

-ARA B5 Site Protection -required 1.2m post with page wire fencing around site and **Applicant's remedial measure to mitigate non-compliance was to install an electrical wire fence around Flanagan Pit No.1.** The MNR's inability to review all Licensee Assessment Reports has placed the public safety at risk.*

The MNR Aggregate Technical Specialists has 200 pits to monitor – Staff inspect 1 pit every five years. The MNR first inspection of Flanagan Pit No. 1 and inspection of Flanagan Pit No. 2 site occurred 1 in October, 2013.

Note:MNR has 20 days to determine whether the application is complete.This period commences upon receipt of the application by MNR. The Aggregate Inspector should inspect the site to ensure that the site plan accurately reflects the site conditions, provided that the review can be undertaken within the 20-day period. MNR determined Flanagan Pit No. 2 complete February 13, 2012 – site inspection should have occurred 20 days later.

The appropriate location of growth and development

The provincial ARIP has identified the subject lands, as well as the surrounding area, as a significant sand and gravel resource area. The infrastructure in the area is able to accommodate the transportation needs of operation and maintain current and future levels of service that meet local, county and provincial standards

PROVINCIAL POLICY STATEMENT

The County conducts their own due diligence of the PPS which requires the PPS to be read in its entirety and all relevant policies are to be applied to each situation as per PPS 4.3. The County's

Official Plan is the most important vehicle for implementation of this Provincial Policy Statement as per PPS 4.5.

The policies of the PPS represent the minimum standards and PPS does not prevent planning authorities and decision makers from going beyond minimum standards...of this PPS as per PPS 4.6

The Applicant selects PPS and provides supporting data to substantiate compliance.

4.2 Provincial Policy Statement (PPS)

Under Section 3 of the Planning Act, the Minister of Municipal Affairs and Housing, in consultation with other Ministers, may issue policy statements that provide direction on matters of provincial interest related to land use planning and development. The latest Provincial Policy Statement (PPS) came into effect on March 1, 2005 and any decision, by any authority that affects a planning matter, "shall be consistent" with the PPS. The PPS is an elaboration of the provincial interests contained in Section 2 of Planning Report February, 2012. .

PPS 1.1.1 Healthy, liveable and safe communities are sustained by:

a) avoiding development and land use patterns which may cause patterns which may cause environmental or public health and safety concerns.

Comment: The cumulative effect of seven gravel pits within a 3 km radius in the Holstein area is fragmenting the Agricultural land use pattern as well as the negative impact on Public, wildlife and fish habitat due to the increased exposure to dust, gravel truck traffic, quality and quantity of surface and ground water since the Flanagan Pit No. 1 2008 OPA and ZBA Applications.

PPS 1.1.1 e) promoting cost effective development standards to minimize land consumption and servicing costs.

Question #47: Has the Township reviewed costs the Aggregate Industry incurs with regard to servicing costs i.e. repair of roads and bridges. The Township of Southgate collects an average annual level fee of \$27,000 from all gravel pits, approximately ten (10). The Township has not conducted a cost/benefit analysis to date.

PPS 1.2.1 A co-ordinated integrated and comprehensive approach should be used when dealing with planning matters with municipalities or which cross lower, single and/or upper tier municipal boundaries, Question: Has the County co-ordinated planning matters to avoid negative impact or adverse effects between Aggregate Industry and Agricultural, Recreational and Tourism to prevent unwanted land use patterns and ensure the health and safety of the public and natural heritage.

1.1.4.1 In rural areas located in municipalities:

- a) permitted uses and activities shall relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses;
- b) development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure;
- d) development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted;
- e) locally-important agricultural and resource areas should be designated and protected by directing non-related development to areas where it will not constrain these uses;

Development of the known and established selected sand and gravel deposit of primary significance on the Flanagan lands is an appropriate rural land use and is permitted under subsection a) of Section 1.1.4 of the PPS.

Question #48: Has the sand and gravel deposit changed from primary significance outside of the Aggregate Resources Area?

With respect to the use of municipal infrastructure (subsection b)), the Flanagan pit and the site proposed for expansion are located on County Road 9, which is maintained by the County on a year-round basis. Truck traffic generated by the pit is expected to remain at the current volumes. County roads, as are provincial highways, are designed to carry larger volumes of traffic than most local roads and it is not anticipated, based on current traffic, that it will be necessary to expand the municipal infrastructure. To date, there have been no concerns from the County of Grey in regard to use of this road by the pit operator and no need to expand or improve this roadway has been identified.

Question #49: Did the County take into account that traffic has increased due to the cumulative effect of the increased number pits operating in the Holstein area since the Flanagan Pit No. 1 2008 Applications?

As indicated within subsection d)) of Section 1.1.4 of the PPS, municipalities are encouraged to promote land use types that are compatible with the rural landscape and appropriate for rural service levels. The existing pit and the expansion area are set well back from the county road and the rolling topography at the south end of the property allows a visual buffer to the east and south of the proposed pit. The current pit operations are not visible from the entrance to County Road. 9. Areas that are extracted will be rehabilitated to an agricultural use and a service corridor in keeping with the agricultural designation and existing uses of the property.

The extraction of mineral resources is a land use which is usually permitted within rural environments as the deposits are generally unconstrained by urban development. It is important to be mindful of the fact that resource-based land uses, such as aggregate and agricultural activities, are dependent on a fixed resource. The deposit on the subject lands has been identified by the County of Grey as a source to be protected as it is not constrained by urban development, is in close proximity to local markets and contains a high-quality mineral deposit. This operation has been shown to be easily accommodated by rural service levels. Planning Report February, 2012. Expansion to Flanagan Gravel Pit Part Lot 1 Concession 16, Egremont H. Bye Construction Ltd. 22

Section 2, the "Wise Use and Management of Resources" outlines provincial policy related to protection and the wise management of areas of natural and cultural heritage as well as protection of its agricultural and mineral aggregate resources.

PPS 1.7 Long-Term Economic Property

Question #50: Why did the Planning Report not included mitigated measures to reduce adverse effects on items a) to h) as defined in Environmental Protection Act?

1.7.1 Long term economic prosperity should be supported by:

a) optimizing the long term availability and use of land, resources, infrastructure and public service facilities;

e) planning so that major facilities (such as airports, transportation/transit/rail infrastructure and ----/corridors, intermodal facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries and resource extraction activities) and sensitive land uses are appropriately designed, buffered, and/or separated from each other to prevent adverse effects from odour, noise and other contaminants and minimize risk to public health and safety;

Sensitive land uses are defined in the PPS as: means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated from a nearby major facility. Sensitive land uses may be part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities.

Adverse effects are defined in the PPS to mean: as defined in the *Environmental Protection Act*, means one or more of:

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

Question #51: Has council conducted their due diligence of PPS 1.7.1 which would be supported by: a Financial Analysis of Cost/Benefit, Natural Environmental Report, Hydrogeological Assessment, Noise Study, Dust Study, Traffic Study, reviewed or approved by appropriate agencies in order to determine adverse effects and mitigated measures as per GOP 2.7.4.

2.0 WISE USE AND MANAGEMENT OF RESOURCES

Ontario's long-term prosperity, environmental health, and social well-being depend on protecting natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for the economic, environmental and social benefits.

Accordingly:

2.1 NATURAL HERITAGE

2.1.1 Natural features and areas shall be protected for the long term.

2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

2.1.3 Development and site alteration shall not be permitted in:

- a) significant habitat of endangered species and threatened species;*
- b) significant wetlands in Ecoregions 5E, 6E and 7E; and*
- c) significant coastal wetlands.*

2.1.4 Development and site alteration shall not be permitted in:

- a) significant wetlands in the Canadian Shield north of Ecoregions 5E, 6E and 7E;
- b) significant woodlands south and east of the Canadian Shield;
- c) significant valley lands south and east of the Canadian Shield;
- d) significant wildlife habitat; and
- e) significant 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

2.1.5 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.

Question #52: What is the cumulative negative impact of seven pits in close proximity to the Beatty Saugeen watershed (wetlands and riparian cover) which provides fish habitat, potentially causing harmful alteration, disruption or destruction of fish habitat, except where, in conjunction with the

appropriate authorities, it has been authorized under the Fisheries Act, using the guiding principle of no net loss of productive capacity?

2.1.6 *Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.3, 2.1.4 and 2.1.5 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.*

Question #53: Why were no full-season, in-season or partial-season surveys of surface and ground water which supports wildlife and fish habitat (riparian cover, wetland, Beatty Saugeen River) and flora not completed for the site and the adjacent lands at least within 120 metres of the subject lands as required under Policies 2.1.4, 2.1.5 and 2.1.6 of the Provincial Policy Statement?

H. Bye Construction Ltd. retained AET in order to provide a Level 1 Natural Environment Technical Report for the proposed expansion. In addition to review the original environmental report associated with the first pit as well as conducting the background research necessary for a Level 1 report, AET staff also conducted a site visit. Identically to the original report, no locally, provincially or federally significant flora, fauna or habitat was identified on the lands or within 120 metres of the site. The initial report recommended a tree buffer be planted along the bank of the existing Planning Report February, 2012. The initial report recommended a tree buffer be planted along the bank of the existing stream in order to reduce dust impacts which may occur along the laneway from the entrance of the pit to the county road (approximately 220 metres) which has been completed. A protective barrier was also established on the site between the lane and stream in order to reduce sediment impact on water quality and a portion of the haul lane paved to reduce dust impacts on and off the site. Additionally, the lane way has been moved further west and away from the water feature. No additional mitigation measures will be required for the expansion.

The proposed pit expansion meets the policy requirements of Section 2.1 of the PPS. The pit is an interim land use and any impacts to natural habitat will be negligible and short term in nature. No impacts are anticipated with respect to significant flora or fauna species or their habitats during the lifespan of the pit. Through the rehabilitation process, it is anticipated that there will be a net gain, in regard to agricultural capability. The topographic alterations on the site will allow better and easier cultivation by the land owner.

2.2 Water

2.2.1 Planning authorities shall protect, improve or restore the quality and quantity of water by:

- a. *using the watershed as the ecologically meaningful scale for planning;*
- b. *minimizing potential negative impacts, including cross-jurisdictional and cross-watershed impacts;*
- c. *identifying surface water features, ground water features, hydrologic functions and natural heritage features and areas which are necessary for the ecological and hydrological integrity of the watershed;*
- d. *implementing necessary restrictions on development and site alteration to:*
 1. *protect all municipal drinking water supplies and designated vulnerable areas; and*
 2. *protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions;*
- e. *maintaining linkages and related functions among surface water features, ground water features, hydrologic functions and natural heritage features and areas;*

- f. *promoting efficient and sustainable use of water resources, including practices for water conservation and sustaining water quality; and*
- g. *ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.*

Question #54: Why hasn't the County addressed the water policies in Section 2.2.1 of the Provincial Policy Statement that require the watershed to be used as the ecologically meaningful scale for planning?

Comment: The MNR, the Ministry of the Environment, the SVCA and local municipalities have not undertaken to date a watershed study for the Beatty Saugeen River Watershed and associated wetlands and natural heritage features and functions. There is a disturbing lack of watershed and sub watershed information about the area and particular the Holstein area.

Ontario Wetland Evaluation System (OWES)

The MNR is responsible for determining which wetlands and wetland complexes (groups of individual wetland units which are functionally related in some important manner) are provincially significant, whether MNR or other qualified individuals conduct the evaluations. Wetlands are evaluated using the Ontario Wetland Evaluation System (OWES) Manual Policy A.R. 2.01.07 Page 3 of 9

(Northern or Southern), a science-based Provincial ranking system to identify provincially significant wetlands and wetland complexes.

Information on the status of specific wetlands is available from the local MNR office.

Unevaluated wetlands cannot be assumed to be non-significant unless agreed to by the local MNR office. If MNR cannot advise on significance through reconnaissance, it will advise the applicant regarding MNR's schedule to evaluate the wetland. The applicant can choose to wait until the MNR evaluation is completed or hire a trained wetland evaluator (trained in an MNR recognized OWES training course) to carry out an evaluation based on the criteria and procedures outlined in the OWES manuals. In the latter case, MNR will review the wetland evaluation file to confirm the wetland boundary and status and ensure the evaluation was completed to OWES standards.

The local planning authority may consider non-provincially significant wetlands to be 'regionally' or 'locally' significant. However, the applicant is not required to address these features within the Natural Environment report.

2.2.2 *Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored.*

Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore *sensitive surface water features, sensitive ground water features, and their hydrologic functions.*

2.5 MINERAL AGGREGATE RESOURCES

2.5.1 *Mineral aggregate resources shall be protected for long-term use.*

2.5.2 *Protection of Long-Term Resource Supply*

2.5.2.1 *As much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible.*

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.

2.5.2.2 *Extraction shall be undertaken in a manner which minimizes social and environmental impacts.*

Comment: The Applicant has not produced all studies and documents in order to minimize social and environmental impacts as required under GOP 2.7.4 and ARA 2.01.04 to 2.01.09.

2.5.2.3 *Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. Existing mineral aggregate operations shall be permitted to continue without the need for official plan amendment, rezoning or development permit under the Planning Act. When a license for extraction or operation ceases to exist, policy 2.5.2.5 continues to apply.*

2.5.3 Rehabilitation Planning Report February, 2012. Expansion to Flanagan Gravel Pit Part Lot 1 Concession 16, Egremont H. Bye Construction Ltd. 24

Comprehensive Rehabilitation Report:

See PPS Policy 2.4.3, 2.4.3.1, 2.5.3.1

Question #55: Why has the Consultant not provided a forecast of the Flanagan Pit No. 1 remaining supply of aggregate, remaining term to deplete pit and anticipated date to commence rehabilitation of Flanagan Pit No. 2?

Forecast of the Flanagan Pit No. 1 remaining supply of aggregate, remaining term to deplete pit and anticipated date to commence rehabilitation of Flanagan Pit No. 2 is required before approval of OPA and ZBA.

Question #56 What pit floor will the portable processing plant be stored on i.e. Flanagan Pit No. 1 or Flanagan Pit No. 2?

Comment: If extraction is an interim land use, and rehabilitation must be carried out on a timely basis, therefore, storing the portable processing plant on Flanagan Pit No. 1 pit floor throughout the lifespan Flanagan Pit No. 2 is not in compliance with PPS Policy 2.4.3, 2.4.3.1, 2.5.3.1.

Comment: Update Flanagan Pit No. 2 site plans to include Flanagan Pit No. 1 site alterations (grading, stock piling of soil etc.) required to accomplish rehabilitation in order to establish set backs to mitigate negative impact on surface water and wild life habitat (wetlands, ponds, flood plains).

Comment: All topsoil on the subject lands must be stored on site and used to maximize agricultural rehabilitation on the subject lands. The depth of topsoil is a major factor in maximizing agricultural rehabilitation on a pit site and re-establishing lands

Comment: Top soil must not be transferred from off site for use in rehabilitation of pit. Flanagan Pit No. 2 must not commence operation until rehabilitation on the existing pit has been completed and County Staff, SVCA and MNR have inspected rehabilitation site.

2.5.3.1 Progressive and final rehabilitation shall be required to accommodate subsequent land uses, to promote land use compatibility, and to recognize the interim nature of extraction. Final rehabilitation shall take surrounding land use and approved land use designations into consideration.

2.5.4 Extraction in Prime Agricultural Areas

2.5.4.1 *In prime agricultural areas, on prime agricultural land, extraction of mineral aggregate resources is permitted as an interim use provided that rehabilitation of the site will be carried out so that substantially the same areas and same average soil quality for agriculture are restored.*

The Flanagan lands are located within close proximity to Highway 6 (from Grey Road 9) and as was noted previously, the majority of the product has been used locally within the Mount Forest area, particularly for construction related to the new Hydro One transmission line currently being built and part of which traverses properties throughout the local municipality. The MNR and the County of Grey both classify the subject deposit as one of primary significance and continuing development of this resource will allow for a locally significant resource to supply the immediate surrounding area.

Question #57: What is the County 's classification of subject deposits now that Flanagan Pit No. 2 is outside Aggregate Resource Area?

The PPS states clearly that extraction is to occur in a manner which minimizes social and environmental impacts. Principal social impacts in regard to development of aggregate resources generally relate to air, noise and visual issues as well as haul route impacts.

Question #58: What studies has the Applicant conducted to minimize social and environmental impacts related to air, noise and visual issues as well as haul route as required under PPS 2.5.2.2.

Under the Aggregate Resources Act and its associated Provincial Standards, an operator is required to conduct a noise study for a Class "A", Category 3 license when a sensitive receptor is within 150 metres of the area to be extracted. In this instance, there are no sensitive receptors (residences) within 150 metres of the proposed expansion of the licensed area and therefore, a noise study was not conducted.

No noise attenuation measures, such as berms, were suggested for the original pit or the Planning Report February, 2012. Expansion to Flanagan Gravel Pit Part Lot 1 Concession 16, Egremont H. Bye Construction Ltd. expansion given the rural location, topography of the site and significant setback from the road and it is not anticipated that MNR will require any berms for the expansion.

No noise complaints have been received by the pit operator from neighbouring property owners to date. Dust will be mitigated on site as per the provincial requirements. Operations will be set back from Grey Road 9 approximately 420 metres. The entrance and part of the lane near the on-site stream have been paved and water or calcium chloride will be used to reduce dust along the remaining gravelled inner drive. Dust impacts to the on-site waterway have been controlled by a tree buffer and barricades along the east side of the new laneway which capture sediment. No complaints from neighbouring property owners in regard to dust impacts have been noted.

Any equipment which will be operated 300 metres or closer to a sensitive receptor must be equipped with dust suppressant equipment. This provincial requirement has been added to the Operations Plan site plan notes. Aggregate Resource Act site plans and the notes included therein are legally binding documents which the MNR enforces.

Traffic impacts to date, have been minimal and are expected to remain at the same level during expansion. The haul route remains as County Road no. 9 which is designed and intended to carry large volumes of traffic.

With respect to impacts on the ecology of the subject property and surrounding area, the plans and site plan notes will ensure that impacts will be mitigated on site. It is not anticipated that any significant species or natural heritage features will be impacted by this development as no significant natural features were identified by the biologist as part of the original proposal or the expansion proposal. It is the intent of the operator of the proposed pit, to rehabilitate the property to its former agricultural and retained hydro corridor uses.

In regard to rehabilitation, the site plans indicate that rehabilitation will commence immediately after excavation has been completed. Rehabilitation is to occur in a south and west direction and will continue to use stockpiled materials. Areas which abut active cropland will continue to remain the priority and rehabilitated first to farmland with grasses being planted in the flatter sections and remaining slopes covered in forage grasses and legumes. It is anticipated that the soil quality will actually increase following the rehabilitation process. The rehabilitated use can be considered as compatible with existing and future adjoining land uses which are primarily agricultural or rural in nature.

See Comments above comments under 2.5.3 Rehabilitation

The Flanagan pit expansion proposal, with respect to progressive and final rehabilitation, as well as land use compatibility, is consistent with section 5.3" Rehabilitation" and Section 5.4 of the PPS.

2.6 CULTURAL HERITAGE AND ARCHAEOLOGY

2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

2.6.2 Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity o the site may be permitted.

2.6.3 Development and site alteration may be permitted on adjacent lands to protected heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. Mitigative measures and/or alternative development approaches may be required in order to conserve the heritage attributes of the protected heritage property affected by the adjacent development or site alteration.

H. Bye Construction Ltd. retained Dr. William Fitzgerald to conduct both archaeological assessments on the Flanagan lands. No significant cultural remains, Planning Report February, 2012. Expansion to Flanagan Gravel Pit Part Lot 1 Concession 16, Egremont H. Bye Construction Ltd. 27 artefacts or sites were identified on the subject lands. A small piece of chert was found during the initial pit application which has been registered with the Ministry of Culture, however, it was not deemed as significant by either the project archaeologist or the Ministry.

In order to ensure consistency with the above noted section of the PPS, site plan notes have been added to the Operations Plan and should any artefacts or human remains be found on the site, the appropriate authority is to be contacted immediately.

4.3 County of Grey Official Plan

The County of Grey Official Plan was adopted by County Council in May of 1997 and finally approved by the Ontario Municipal Board (OMB) on August 30th, 2000. As discussed earlier in this report, the County of Grey Five Year review (OPA 80) has been adopted but not yet in effect as portions of this amendment have been appealed to the OMB.

The Flanagan lands contain three designations in the Official Plan; Agricultural and Hazard and Mineral Resource Extraction (Figure 5). The majority of the property also falls within an area designated as a Mineral Deposit area which has been identified as being of primary significance by the Province and within OPA 80.

The purpose of the following review of Official Plan policies is to demonstrate that the proposal meets the requirements of the County of Grey Official Plan with respect to establishing a new aggregate operation. Although the application represents an expansion to an active and established pit, any new

pit or pit expansion must meet the requirements for a new pit as outlined with the applicable County of Grey planning policy. This review will enable the subject property to be re-designated from an Agricultural designation to a Mineral Resource Extraction designation. The re-designation will permit a by-law to be passed, re-zoning the land in conformity with Official Plan policies.

When considering any amendment to the County of Grey Official Plan, the requirements of Section 6.3 are reviewed in order to ensure the amendment conforms to the general intent of this plan and the Provincial Policy Statement. The portions of Section 6.3 that pertain to this application (6.3 a,b,c) are as follows;

H. Bye Construction Ltd. 28 Planning Report February, 2012. Expansion to Flanagan Gravel Pit Part Lot 1 Concession 16, Egremont H. Bye Construction Ltd. 29

6.3 OFFICIAL PLAN REVIEW AND AMENDMENT

(1) In considering an amendment to this Plan the County will be guided by the basic intent of this Plan and by provincial policies along with:

The previous section of this report has verified that the OPAs and ZBA, when approved, will be consistent with the PPS.

(a) The need for the proposed change;

The 2005 PPS is specific with regard to the fact that no demonstration of need is required for the extraction of aggregates. As no areas for aggregate extraction are pre-designated on Schedule "A" there is a practical "need" to amend the Official Plan. It should be noted that OPA 80 has now identified primary resources of sand and gravel within the County of Grey on Schedule "A" to the plan. Following final approval of OPA 80, there will be no need to apply for an official plan amendment on lands designated as primary aggregate resources which would be the case in this instance.

The PPS also promotes the protection of the long-term supply of aggregate resources and indicates that as much aggregate as realistically feasible should be made available. The subject application promotes this provincial policy and will also fulfill a local need for the product.

(b) The effect of the proposed change on the demand for services and facilities;

Outside of the use of a County road, it is not anticipated that there will be a demand on any municipal services and facilities including recreation, libraries, police and fire protection. There have been no concerns raised by the County in regard to the existing pit and road use. We do not anticipate significant change to the present volume of traffic on Grey Road no. 9 after expansion. The County Official Plan contains a policy permitting municipalities to enter into a development agreement with the proponent to deal with road safety issues and potential upgrades to the haul routes roadways, however there is no such policy for County roads and no such agreement was entered into during the initial development of the pit.

(c) The implications the amendment may have on other policies of the Plan;

The protection of aggregate resources within the County of Grey and in particular, the Township of Southgate, is a key principle of rural land use planning and is reflected within the policies of both the County and local official plan. A review of the "other policies" of the plan and the implication that this proposal may have in regard to the relevant policies follows.

The Flanagan expansion proposal must meet the conformity tests established in the "Mineral Resource Extraction" policies of the Official Plan, in particular Section 2.7.3 "Development Criteria Policies" and Section 2.7.4 "Policies for the Creation of New Mineral Resource Designations". It should be noted that some of the policies found within the Official Plan are general in nature and are not intended to be applied to all pit and quarry applications indiscriminately as the policies were established prior to the latest provincial requirements established under the Aggregate Resources Act.

Question #59: Why would the Planning Report state "some policies found in Official Plan are general in nature and assume that because a development agreement was not entered into during the initial development of the pit that they do not anticipate entering development agreement.

The Flanagan Pit No. 2 Applications for OPA and ZBA and MNR ARA Licence Application new applications relating to a new site and have no relationship under compliance with Municipal and Provincial Policies.

The GOP 2.7.3 Development Agreement must comply with Township's 5.6.2 Development Policies Applicant regardless of what occurred under Flanagan Pit No. 1 2008 Application.

The Development Agreement's Capital arranges are not restrictive to haul routes and road ways.

Section 2.7.1 "Background" to the Mineral Resource Extraction Designation policies recognizes that; *"mineral resources are a fixed location non-renewable resource found throughout the Planning Area and that their effective management is essential. It is also recognized that a balance must be struck between the competing priorities for the protection of the mineral resource and the need to address the other goals of the Official Plan in encouraging growth and prosperity in the County"*

The County of Grey, through a Master Aggregate Resources Study and the incorporation of the study findings in OPA 80, has identified the on-site deposit as an aggregate resource to be protected as it has a low level of constraint. The subject lands are not constrained by urban development, nor are there significant natural habitat limitations. It is assumed that the constraint on this property would be that of the agricultural capability of the lands which will only be affected on an interim basis Planning Report February, 2012. and with which it is anticipated a net gain in regard to agricultural capability will occur. The general intent of Section 2.7.1 will be met by approval of this application.

The following is a review of the development criteria which are to be met in order to re-designate the subject property for aggregate extraction.

2.7.3 DEVELOPMENT CRITERIA POLICIES

(1) *It shall be a policy of this Plan that an applicant who wishes to undertake an extractive operation other than a wayside pit and quarry must, if requested to do so by the local municipality, enter into a Development Agreement with the local municipality. The Agreement shall be entered into prior to local Council's enactment of the implementing Zoning By-law Amendment. Such an Agreement may include:*

(a) *Capital arrangements regarding improvements beyond the boundary of the applicant's land, as they may be required by reason of the operation of that extractive industry, e.g. widening and improving roads; and*

(b) *Routes to be used by trucks carrying aggregate.*

The expanded pit will continue to use Grey Road 9 and provincial highway 6 as the principal haul route. It is anticipated that most of the gravel will be used locally, within the Mount Forest area and for the Hydro One transmission corridor construction.

(2) *All pit and quarry operations shall comply with The Aggregate Resources Act and its regulations as amended from time to time*

The proposed pit site plans have been submitted to the MNR, Guelph office as part of the license application under the Aggregate Resources Act.

Prior to a formal submission, the Ministry has had an opportunity, through pre-submission consultation, to review the site plans and provide preliminary comments. These comments have been incorporated into the site plans and as such, no issues of non-compliance with the Aggregate Resources Act are anticipated. Any additional issues raised by the Ministry staff through the formal submission will also be incorporated into the site plans and the accompanying notes. In addition to the site plans, the technical reports, required under the Act, have been completed.

Question #60: Why did the Planning Report/Summary Report state only site plans were submitted to the MNR for pre-submission consultation when technical studies as per ARA 2.01.01 Pre-Consultation and 2.01.04 to 2.01.09 were available?

Question #61: Why did the Planning Report not confirm "prior to making a decision on whether or not a County-level application is complete the Applicant is required to make a pre-consultation appointment with County as required under Grey County Official Plan Mandatory Pre-Consultation GOP 6.186.18 Complete Applications and Planning Actss. 22(3.1), 34(10.0.1), 41(3.1), and 51(16.1).

(3) *All pit and quarry uses shall satisfy the legal requirements of the Ministry of*

Environment or the authority having jurisdiction as to water supply and disposal of liquid wastes.

There is no anticipated need at this point, to apply for a Permit to Take Water for the subject aggregate application. The Site Plans have noted that no fuel is to be stored on the site and therefore, a certificate of approval from the Ministry of the Environment is not required in this regard.

(4) All pit and quarry uses shall satisfy the legal requirements of the Ministry of Environment, Air Management Branch, as to the control of air pollution.

It is the intent of the pit operator to continue to stockpile material on this site and once or twice a year, use a portable crusher to turn the material into a marketable product. This piece of machinery will need to be accompanied by a Certificate of Approval from the Ministry of the Environment in regard to noise and air quality. It is to the benefit of the operator to place the portable crusher on the pit floor as far away from sensitive receptors as is realistically possible.

(5) When an extractive area has been depleted and is rehabilitated in accordance with the Licence, an Official Plan Amendment will be required for any use not permitted in Section 2.7.2.

The subject pit will be rehabilitated to an agricultural use which is a permitted use within Section 2.72 of the Grey County Official Plan.

2.7.4 POLICIES FOR THE CREATION OF NEW MINERAL RESOURCE DESIGNATIONS

(1) It shall be a policy of this Plan that the County will undertake an aggregate resource inventory master plan for aggregate extraction. A primary objective of the undertaking will be to determine, in consultation with local municipalities, representatives of the aggregate industry and the appropriate agencies, the location of areas of mineral aggregate potential that are appropriate for protection. On completion of the aggregate resource inventory master plan, the areas identified for protection will be incorporated into this Official Plan by way of an

Official Plan Amendment. As indicated earlier within this report, the above referenced aggregate resource inventory was undertaken by the County of Grey, the results incorporated into OPA 80 within which the subject property was identified as containing a deposit of primary significance.

(2) In order to establish a new extractive operation or expand an extraction operation beyond the area currently designated Mineral Resource Extraction on Schedule A, an amendment to the County Official Plan will be required. Application to amend the County Official Plan or as specified within an approved Secondary Plan for a specific area or Municipality, should one exist, shall be required. Application to amend the County Official Plan must be accompanied by the following information and follow the following procedures:

(a) Submission of copies of all documentation provided to the Ministry of Natural Resources as required for licensing, pursuant to the Aggregate

Resources Act. The provincial standards have identified a number of requirements for a Category 3 license. These requirements include the following:

- Existing Features Plan
- Operations Plan
- Cross Sections
- Progressive and Final Rehabilitation

The above noted site plans have a number of requirements which need to be added to the plan via the drawings or through specific site plan notes. Additional information and notes may be added to the site plans as well, following the municipal, agency and public review.

- Summary Statement
- Natural Environment Technical Report Level 1 (proceeding to Level 2 when necessary)
- Cultural Heritage Resources Technical Report Stage 1 (proceeding to Stages 2,3 or 4 if deemed necessary)
- Noise Assessment (if a sensitive receptor falls within 150 metres of the extraction area)
- Qualifications of authors of the various reports

The above noted information forms part of this submission save and except for the Noise Assessment. As noted earlier a noise assessment is not required as no sensitive receptor is within 150 metres of the extraction area and this setback has been maintained as part of this expansion proposal.

(b) Submission of a hydrogeological study demonstrating that washing and screening operations will be carried out in accordance with established Provincial standards, regulations and guidelines.

Washing and screening activities will not be carried out on the site and therefore, this type of study does not form part of this application.

(c) Submission of a traffic study demonstrating that the movement on existing streets or roads will not be unduly obstructed or interfered with by aggregate carrying vehicles during the operation of the pit or quarry. A traffic study has not been completed for this application as it is not a requirement under the Aggregate Resources Act and there have been no concerns identified to date by the County in regard to traffic impacts on this haul route.

(d) Submission of an environmental engineering study demonstrating that the effects from the proposed aggregate extraction operation or from any associated processing operations upon land uses in the surrounding area in terms of air quality through dust and particulate emissions and the potential for noise and vibration levels and quality and quantity of surface water and ground water resources will not exceed limits established by Provincial standards, regulations and guidelines.

The applicant has submitted a Level 1 Environmental Technical Report for this expansion proposal which has identified no significant natural features or species on or within 120 metres of the subject property. Neither a noise or dust study has not been conducted as they are not provincial requirements in this instance and no complaints in either regard have been received to date.

(3) Mineral extraction may be permitted on agricultural and special agricultural lands so long as rehabilitation of the site will be conducted in order to restore substantially the same areas and the same average soil quality for agriculture. In such cases complete rehabilitation will not be required if the following occurs:

(a) a substantial quantity of the aggregate is below the water table; or

(b) the extraction is at a depth which would make restoration of pre-extraction Planning agricultural capability unfeasible; and

(c) other alternatives have been considered and found unsuitable; and

(d) agricultural rehabilitation in remaining areas will be maximized.

Rehabilitation to an agricultural use as per the recommendations of the Natural Environment Technical Report has already begun on the property. Essentially, through the current and proposed extraction process a large hill on the property will be flattened which will allow for the property's agricultural capability to be enhanced in the long-term. Gravel will also be extracted from parts the current hydro-one corridor easement although the lines will remain intact and appropriate grading will take place. Rehabilitation will use stored topsoil which will be seeded with a variety of grasses and legumes, allowing for nutrients to build up within the soil and to minimize dust.

2.7.5 IMPLEMENTATION

The goals and objectives and policies for the areas designated Mineral Resource Extraction will be implemented through the following methods:

(1) The Zoning By-law and amendments adopted by the local municipal Councils.

(2) The Aggregate Resources Act, and its Regulations as amended from time to time.

(3) The requirements of the authority having jurisdiction as to water supply, disposal of liquid wastes and the control of air pollution.

(4) The development by way of an Official Plan amendment by the County or by way of Local Official Plan and/or Secondary Plan, an aggregate resource inventory master plan on the location of the aggregate resource and the method

in which the aggregate would be protected for future extraction. A local Official Plan and Zoning By-law amendment will be required in order to permit expansion of the subject pit.

In summary, aggregate extraction is a permitted interim land use within areas designated as Agricultural within the County Plan. The lands will be restored to current on-site uses once the mineral resource has been depleted. The on-site tributary will continue to be protected through dust control

along the haul route. Less intrusive beepers will be installed on the pit equipment and dust will be mitigated on site. There are no sensitive receptors located within 150 metres of the extraction area. The proposal is consistent with the Provincial Standards of the *Aggregate Resources Act* for a Class "A", Category 3 license for a pit established above the water table and consistent with the PPS. The proposal also meets the requirements of the Grey County Official Plan, Section 2.7 "Mineral Aggregate Extraction Designation" and is therefore in conformity with this Plan.

4.4 Township of Southgate Official Plan

Section 5.6 of the Township of Southgate Plan indicates the requirements for establishing new pits and quarries within the Municipality. These policies are, for the most part, identical to the Grey County Official Plan and only those policies which differ significantly from the Grey County Official Plan are reviewed in this section.

5.6 Mineral Aggregate Extraction

The Mineral Aggregate Extraction designation identifies those lands that are designated for a licensed pit and quarry operation.

5.6.1 Permitted Uses

i. Lands designated Mineral Resource Extraction on Schedule A represent areas where the extraction of aggregate as defined in the Aggregate Resources Act and accessory and incidental uses thereto such as crushing, screening, blending, washing and stockpiling;

ii. Agriculture;

iii. Forestry;

iv. Wildlife and fisheries management;

v. Portable asphalt plants and wayside pits and quarries; and,

vi. Buildings or structures of a temporary or portable nature for the purpose of storage of machinery or equipment, or an office are permitted.

The subject aggregate use is a permitted use within this designation as is the proposed rehabilitated use.

5.6.2 Development Policies .

1. New sites to be designated Mineral Resource Extraction will require an amendment to this Plan and the County of Grey Official Plan. This report forms part of a submission to the County of Grey and the Township of Southgate to amend the two policy documents in order to permit a pit on the subject property.

2. An applicant who wishes to undertake an extractive operation other than wayside pit and quarry, must enter into a Development Agreement with the local municipality. The Agreement shall be entered into prior to local Council's enactment of the implementing Zoning By-law Amendment.

3. Such an agreement may include:

i. Capital arrangements regarding improvements beyond the boundary of the applicant's land, as they may be required by reason of the operation of that extractive industry (e.g. improving roads and road widening); and,

ii. Routes to be used by trucks carrying aggregates. The above noted provisions do not apply to this application as local roads will not form part of the principal haul route.

Question 62: The examples in 5.6.2 Development Policies are intended as examples of what may be included in a Development Agreement.

4. All pit and quarry operations shall comply with the Aggregate Resources Act and its regulations as amended from time to time.

As indicated previously, this application has been submitted to the MNR for pre-submission consultation. To date, there has been no indication from the Ministry that the project is not in compliance with the *Aggregate Resources Act*. All materials which are required as part of this submission, under the Provincial Standards have been completed and submitted for agency review. Any additional comments from these agencies will be incorporated into the ARA site plans and notes.

Question 63: Why was the Public not notified of the MNR's In 2011 Applicant presented only the Site Plans to the MNR pre-submission consultation with the MNR. The application was received by MNR on November 24, 2011. The application was deemed complete on February 13, 2012. During the 45 day public commenting/objection period, the MNR objected to the proposed application regarding the Natural Environment Report and concerns it failed to meet the Provincial Standards and policies. The revised document did not become part of the public record

5. All pit and quarry uses shall satisfy the legal requirements of the Ministry of Environment or the authority having jurisdiction as to water supply and disposal of liquid wastes.

The Operations Plan notes that no water is to leave the site. Water which is encountered during excavation will be drained, percolate back into the soil and remain on site. Fuel will not be stored on site.

6. All pit and quarry uses shall satisfy the legal requirements of the Ministry of Environment, Air Management Branch, as to the control of air pollution.

It is anticipated that the operation will continue to use a portable crusher on site once or twice a year. It will be necessary for the operator to retain a Certificate of Approval for the device prior to operation.

7. When an extractive area has been depleted and is rehabilitated in accordance with the Licence, an Official Plan Amendment will be required for any use not permitted in Section 5.6.1 above.

Agriculture and the service easement are permitted uses on the subject parcel and therefore an additional official plan amendment will not be necessary following the final mining of the resource.

.5.0 CONCLUSIONS

The expansion of the Flanagan gravel pit requires licensing under the Aggregate Resources Act as well as amendments to the Grey County Official Plan, Township of Southgate Official Plan and the Southgate Township Zoning By-law. These amendments and the licensing applications have been supported by the foregoing planning analysis, the Aggregate Resources Act site plans and the associated technical reports. Based on these submissions, it is concluded that:

1. The proposed expanded pit is located in a provincially recognized aggregate resource area.
2. The selected sand and gravel deposit is of primary significance and can be extracted economically with no impacts on municipal infrastructure.
3. The deposit can be extracted in such a manner that potential impacts on adjoining land uses are within provincial guidelines. It has been demonstrated through the operations of the existing pit that impacts on adjacent land uses and landowners have been negligible to date.
4. The proposed pit expansion will not impact on any surrounding agrarian activity.
5. The extraction is not anticipated to affect any domestic wells in the area or impact negatively on any natural features or their ecological functions. The expanded pit will remain 1.5 masl as required within the original hydrogeological report.
7. The proposed pit, through its site plans and rehabilitation plans is consistent with provincial policy as set out in the Provincial Policy Statement.
8. The proposed expansion conforms to the provisions of the County of Grey Official Plan and the Township of Southgate Official Plan for new or expanded aggregate operations.
9. The rehabilitation plan will enhance the agricultural capability of the subject lands.
10. The modifications to the County and Township Official Plan Schedules and the amendment to the Township Zoning By-law represent good rural planning principles

Genevieve Scott, Cuesta Planning Consultants Inc.

The County and Township must ensure a comprehensive due diligence process is conducted in compliance with Municipal and Provincial Policies for approval of all applications which if not in compliance might result in an appeal of OMB or lawsuit. The County and Township due diligence process will protect all of us from lawsuits: property owner, applicant, Municipalities and the Public

