

PLANNING JUSTIFICATION REPORT

APPLICATION TO AMEND THE MUNICIPALITY OF WEST GREY COMPREHENSIVE ZONING BY-LAW PROPOSED LICENSED PIT JT EXCAVATING LTD. / DON TREMBLE

**LOT 22, CONCESSION 5
GEOGRAPHIC TOWNSHIP OF BENTINCK
MUNICIPALITY OF WEST GREY
COUNTY OF GREY**

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1. BACKGROUND

1.1 The Proposal

JT Excavating Ltd. is seeking approval to operate a licensed aggregate pit on a property located within the Municipality of West Grey, in Grey County.

1.2 Approvals Required

In order to establish the pit, the following approvals are required:

- an amendment to the Municipality of West Grey Comprehensive Zoning By-law under The Planning Act; and,
- a Class 'A' license to extract aggregate material above the water table under The Aggregate Resources Act.

The amendment to the Municipality of West Grey Zoning By-law would rezone the subject lands from 'A1' (Agricultural) to 'M4' (Extractive Industrial).

The Class 'A' Pit License would permit extraction of aggregate material within an identified area 1.5 metres above the established water table. The maximum amount of material to be extracted annually is 300,000 tonnes. GEI Consultants (formerly GM Blue Plan Engineering) has processed the license application in accordance with the regulations of the Aggregate Resources Act to the extent possible at this time. All concerns raised by the commenting agencies have been addressed to the satisfaction of those agencies. With regard to the general public, there were 13 objectors to the proposed license at the time of writing this Planning Justification Report. If these objections cannot be resolved, the Ministry of Natural Resources and Forestry has the authority to refer the matter to the Ontario Land Tribunal.

1.3 Purpose of this Report

Ron Davidson Land Use Planning Consultant Inc. has been retained by JT Excavating Ltd. to provide a Planning Justification Report that evaluates the proposed rezoning within the context of sound land use planning principles.

2. SUPPORTING BACKGROUND STUDIES AND SITE PLANS

A team of consultants representing various disciplines has prepared Site Plans and various reports in support of the proposed pit. The following is a description of those documents:

2.1 Site Plans (GEI Consultants)

A series of Site Plans were prepared by GEI Consultants showing existing conditions, proposed operations, consultants' recommendations, progressive and final rehabilitation, and cross-sectional views of the site. The Site Plans form the basis of the pit license application under the Aggregate Resources Act and also form an integral part of the review process of the application to amend the Municipality's Zoning By-law. The Site Plans are labelled as follows:

- i) Existing Features Plan (Drawing 1);
- ii) Operations Plan (Drawing 2);
- iii) Progressive Rehabilitation Plan (Drawing 3); and,
- iv) Cross Sections (Drawing 4).

The Site Plans were prepared taking into consideration the requirements of the Aggregate Resources Act, the County of Grey Official Plan, and the Provincial Planning Statement, as well as the recommendations of the experts retained on behalf of JT Excavating Ltd.

2.2 Summary Statement (GEI Consultants)

GEI Consultants also prepared a Summary Statement to provide an overview of the proposed development as required by the Aggregate Resources Act. The document includes a description of the soil type, an estimate of the amount of aggregate available for extraction, an explanation of the intended operation and rehabilitation, a summary of the recommendations of the other background studies, a statement regarding the proposed haulage route, etc.

Since the writing of the original Summary Statement, some of this information has changed, and GEI Consultants has prepared an updated version.

2.3 Maximum Predicted Water Table and Hydrogeological Assessment Report (GEI Consultants)

GEI Consultants was also retained to assess the proposed pit's potential for significant impacts to local groundwater aquifers, natural environment features, or water supply associated with the operation. Based on the assessment, the consultant concluded that there is no potential for significant adverse effects to groundwater and surface water resources and their uses, and that there is no potential for significant impacts to local groundwater aquifers, natural environment features including the nearby Saugeen River, or water supply associated with the proposed pit.

The Assessment recommended well monitoring to confirm water table elevations on a seasonal basis, and this recommendation is stated on the Operations Plan.

For more detailed information regarding GIS Consultant's findings and recommendations, please read the Maximum Predicted Water Table and Hydrogeological Assessment.

2.4 Natural Environment Technical Report (AWS Environmental Consulting Ltd.)

AWS Environmental Consulting Ltd. conducted the Natural Environment Technical Report to determine whether any natural heritage features exist on or within 120 metres of the site and to address the potential impact of the pit on such features. The Natural Environment Technical Report also serves as an Environmental Impact Study.

The report determined that the following exist on the subject lands or within 120 metres:

- Habitat for Endangered Species;
- Adjacent lands to a Significant Valleyland;
- Candidate Significant Woodlands;
- Significant Wildlife Habitat; and,
- Locally Significant Wetland.

The consultant provided a series of recommendations (found in Section 20 of the Study) that would ensure that no negative impacts occur on any of these features or functions. Those recommendations have been incorporated into the design of the pit operations shown on the Site Plans and have been specifically listed in the notes on the Operations Plan.

For a more detailed description of the findings, comments, and recommendations of AWS Environmental Consulting Ltd., please read the Natural Environmental Technical Report.

2.5. Noise Impact Study (Valcoustics Canada Limited)

Although not required under the Aggregate Resources Act due to the proximity of the closest sensitive receptors, a Noise Impact Assessment was undertaken by Valcoustics Canada Limited to identify the potential noise sources, predict the resulting sound levels at noise sensitive receptors due to the operation of the pit, and recommend mitigation measures to meet the Ministry of the Environment, Conservation and Parks (MECP) environmental noise guideline limits, where required.

The consultant's recommendations included the construction of a series of berms, limiting the hours of operations during the daytime (i.e. 7:00 am to 7:00 pm), utilizing alternative technologies such as broadband alarms as opposed to back-up beepers on the equipment, and conducting a noise audit after six months to ensure that the pit is operating within acceptable limits. Valcoustics Canada Limited concluded that the worst-case operations of the pit on the site will be in compliance with the MECP noise guideline limits.

For more detailed information regarding Valcoustics Canada Limited's findings and recommendations, please read the Noise Impact Study.

2.6 Transportation Study (Paradigm Transportation Solutions Limited)

Paradigm Transportation Solutions conducted an operation analysis and sightline review. Based on the anticipated truck traffic associated with the new pit, the consultant forecasted that the Concession 4 NDR / Mulock Road intersection will continue to operate well without any problems. It was recommended that a few trees located within the road allowance at the northwest corner of the intersection be removed in order to provide site distance and that the gravel shoulder at the southwest corner of this intersection be paved to better accommodate truck movements. Both are existing conditions and are not introduced by the proposed development.

For more detailed information regarding Paradigm Transportation Solutions Limited's findings and recommendations, please read the Transportation Study.

2.7 Stage 1 and 2 Archaeological Assessment (Archaeological Research Associates Ltd.)

Archaeological Research Associates Ltd. conducted a Stage 1 and Stage 2 Archaeological Assessment for the subject property. The Stage 1 assessment concluded that the site has potential for the discovery of archaeological resources, and therefore a Stage 2 survey consisting of a combined test pit and pedestrian survey was recommended and subsequently carried out. The Stage 2 assessment resulted in the identification of an archaeological materials location where a further assessment (i.e. Stage 3) would be required. After consideration, JT Excavating Ltd. decided to exclude this location from the area to be extracted, plus a 20-metre buffer, thus avoiding the need for a Stage 3 assessment. This constraint is shown on the Operations Plan. No further archaeological assessment was recommended.

For more detailed information regarding this matter, please read the Stage 1 and 2 Archaeological Assessment.

SUBJECT LANDS AND SURROUNDING LAND USES

3.1 Property Location and Description

The subject property is located along the north side of Concession 4 NDR, in the former Township of Bentinck, as illustrated on Figure 1 of this Planning Justification Report. The site is situated approximately 12 kilometres northwest of Durham and 13.5 kilometres northeast of Hanover.

The subject property is owned by Donald Tremble. The proposed pit will operate in the name of his son's business, JT Excavating Ltd.

The entire parcel comprises 41.16 hectares of land. The licensed area will apply to 30.79 hectares, whereas the actual area of extraction will be 20.7 hectares. The forested lands at the north end of the property and the lower-lying cropped fields in the southwest corner are not included within the licensed area.

Approximately 29 hectares of the site are currently cash-cropped, as illustrated on the aerial photograph provided on Figure 2 of this Planning Justification Report. The north and south cropped fields are separated by a low-lying vegetated area that includes a seasonal pond. The most northerly 7.8 hectares of the subject property are forested. The vegetation on the property is more thoroughly described in the Natural Environment Technical Report. A barn exists near the south end of the property. A driveway extending from Concession Road 4 NDR has been constructed down the middle of the property.

3.2 Surrounding Land Uses

Agriculture and forested lands appear to be predominant features within the general vicinity of the subject lands, with other uses also existing nearby including a campground to the northeast and a few non-farm residences to the west, along Allan Park Road. Another prominent feature is the Saugeen River, which meanders around the westerly, northerly, and easterly sides of the subject property, within about 120 metres of the site at its closest point.

4. THE PROPOSED PIT

4.1 The Material

According to the Summary Statement prepared by GEI Consultants, there are approximately 1,492,830 tonnes of sand and gravel available for extraction.

4.2 The Operation

Extraction will occur in five phases, in the manner illustrated on the Operations Plan.

The low-lying, seasonally wet area in the central section of the property will separate the south and north extraction areas. The existing driveway will remain and serve as the main internal road for all phases.

Phase 1 will commence within the northeast quadrant of the proposed licensed area, with extraction occurring in a northward manner. Phase 2 will begin in the northwest quadrant and also move northerly, as shown with the directional arrows on the Operations Plan.

Extraction within Phase 3 will begin on the east side of the property, immediately south of the seasonal ponding area, and will move southward into Phase 4. Phase 5 will occur on the west side of the property and also involve extraction in a southward manner.

No extraction will occur within 30 metres of the municipal road. A 3.0-metre high berm will be constructed within this setback.

All berms required for each phase will be constructed using topsoil and overburden prior to extraction occurring within those phases. The location and height of those berms are shown on the Operations Plan.

The details involving each of the five phases are provided in Note No. 17 on the Operations Plan.

Extraction will occur no deeper than 1.5 metres above the established water table.

A maximum of 300,000 tonnes of material will be trucked from the site each year.

Equipment used within the pit will include processing equipment for crushing and screening, trucks, loaders, graders, dozers, skid steers, etc.

No recycling of concrete or asphalt products will occur on the site.

The proposed hours of operation are Monday to Friday, 7 a.m. to 7 p.m., and Saturdays, 7:00 a.m. to 2:00 p.m.

The area proposed to be licensed is 30.79 hectares. The actual area to be extracted comprises 20.7 hectares.

Additional information regarding the operation of the proposed pit is provided on the Operations Plan and the Cross Sections drawing.

4.3 Haulage Route

All vehicles entering/exiting the new pit will utilize the property's existing entrance.

Upon leaving the property, the loaded trucks will head east along Concession Road 4 NDR until reaching Mulock Road, at which point the vehicles will travel south to County Road 4. Alternative routes will be taken only for local deliveries.

4.4 Rehabilitation

Progressive rehabilitation will occur as the material within each phase is depleted. It is the intent of the operator to substantially rehabilitate a phase before moving onto the next.

The lands will revert to an agricultural use. The topsoil and overburden that was stripped and stored separately to make berms will be used in the rehabilitation of the site. Replaced topsoil will be vegetated with grasses or agricultural crops such as wheat, beans, corn, or native grass mix. Additional seeding will occur on a regular basis until sufficient vegetative cover is achieved. Upon restoration, the soil quality and drainage are expected to be similar to existing conditions. After full restoration and where harvest is not planned for the next season, the field is to be seeded with standard cover crop to promote soil fertility.

The final grade of the side slopes will be no steeper than 3:1 (horizontal to vertical).

Additional information regarding the rehabilitation of the site is provided in the Summary Statement and on the Progressive Rehabilitation Plan.

5. LAND USE POLICY ANALYSIS OF THE APPLICATION

The subject lands fall within the planning jurisdiction of the County of Grey Official Plan.

This Planning Justification Report provides an evaluation of the proposed extraction operation within the context of the County Official Plan and the Provincial Planning Statement.

5.1 County of Grey Official Plan

The Grey County Official Plan includes mapping (i.e. schedules and appendices) and policies that are relevant to the proposed aggregate operation on the subject property, as explained below.

5.1.1 Existing Land Use Designation

The lands proposed to be licensed are designated primarily 'Agricultural' on Schedule A to the County of Grey Official Plan, as shown on Figure 3 of this Planning Justification Report.

The central portion of the property, where the seasonal ponding occurs, is designated 'Hazard Lands'. Although this area falls within the licensed area, no extraction will actually occur. The only pit-related activity proposed within the 'Hazard Lands' area will be the use of the existing driveway.

According to Section 5.2 *Agricultural Land Use Type*, permitted uses in the 'Agricultural' designation include:

- a) *Sand and/or gravel operations proposed within Aggregate Resource Areas on Schedule B to this Plan;*

Comment: The subject lands in their entirety are shown on Schedule B of the Official Plan as being situated within the 'Aggregate Resource Area', as illustrated on Figure 4 of this Planning Justification Report.

5.1.2 Aggregate Resource Extraction

Section 5.6 *Aggregate Resources Area and Mineral Resource Extraction Land Use Types* states the following (edited for relevancy):

5.6.1 Background

Grey County contains substantial quantities of high quality, provincially significant mineral aggregates, including bedrock-derived crushed stone and naturally occurring sand and gravel. Bedrock is extracted (removed) in quarries, while sand and gravel are extracted in pits. Both pits and quarries require licenses from the Ministry of Natural Resources and Forestry (MNR), and may require local development applications including official plan and zoning amendments.

In 2004, the County completed an Aggregate Resources Inventory Master Plan (ARIMP) to identify the location of high quality areas of sand and gravel deposits that have limited constraints on them. These sand and gravel deposits are to be protected from incompatible land uses, such that they may be available for extraction. The Aggregate Resource Areas shown on Schedule B to this Plan reflect the recommended protected area identified in the ARIMP.

The Province also released mapping in 2009, the Aggregate Resources Inventory Paper which maps sand, gravel, and bedrock resources. Bedrock resources from this mapping are shown on Appendix E to this Plan. Shale Resources mapping is also available in a Provincial dataset from 2012, and this mapping is shown on Appendix E to this Plan.

The County recognizes that mineral resources are a fixed location, non-renewable resource found throughout Grey, and that their effective management is essential. A balance is needed between the competing priorities for the protection of the mineral resource and the need to address the other goals of the Official Plan including agricultural resources, the natural environment, and encouraging growth.

Comment: This policy speaks to the recognized importance of aggregate resources in Grey County. The entire subject property is identified on Schedule B as 'Aggregate Resource Area', as illustrated on Figure 4 of this Planning Justification Report.

5.6.2 Aggregate Resources Area Policies

- 1) *The Aggregate Resource Area land use type on Schedule B act as overlays on top of other land use types shown on Schedule A to the Plan. Where the Aggregate Resource Area overlaps an Agricultural, Special Agricultural, Rural, or Hazard Lands land use type, the policies and permitted use of the underlying land use types shall apply until such time as the site is licensed for sand, gravel, or bedrock extraction.*
- 2) *Once an extraction operation in the Aggregate Resources Area is licensed by the Ministry of Natural Resources and Forestry, the conditions and permitted uses on the Ministry's license will apply.*

- 3) *Sand and/or gravel operations are permitted within the Aggregate Resource Areas and within Mineral Resource Extraction land use types identified on Schedule B without a change to this Plan. A municipal official plan amendment will not be required for all new or expanding sand and/or gravel operations within areas identified as Aggregate Resource Areas on Schedule B. A zoning by-law change will be required for all new or expanding mineral aggregate operations that are not currently licensed.*
- 4) *An official plan amendment is required for all proposed quarry operations and quarry expansions as well as sand and/or gravel operations proposed outside of the areas identified as Aggregate Resource Areas or Mineral Resource Extraction on Schedule B.*

Comment: The license requested of the Ministry of Natural Resources and Forestry will be attached to the approved Site Plans. All operations and rehabilitation shall occur in accordance with the Site Plans.

Because the entire area to be licensed is located within the 'Aggregate Resources Area' on Schedule B, an Official Plan Amendment is not required.

5.6.4 Policies for the Establishment of New Mineral Resource Extraction Land Use Types

- 1) *The following proposed mineral aggregate extraction operations will require an amendment to the County Official Plan except for those proposed within the Niagara Escarpment Plan Area as shown on Schedule A-Maps 1, 2 and 3:*
 - a) *All new or expanding quarry operations proposed within the County of Grey;*
 - b) *All new sand and/or gravel operations proposed outside of the areas identified as an Aggregate Resource Area shown on Schedule B, or within Core Areas shown on Schedule C; and,*
 - c) *All proposed expansions beyond the areas identified as an Aggregate Resource Area on Schedule B*

For new or expanding sand and/or gravel operations proposed within the Aggregate Resource Area identified on Schedule B, a County Official Plan Amendment and a local municipal official plan amendment will not be required. Should the proposed operation receive a license under the Aggregate Resources Act, the Mineral Resource Extraction area will be identified on Scheduled B at the time of the next update to this Plan. A zoning by-law amendment will be required.

- 2) *Where a new or expanded pit operation is proposed partially within an Aggregate Resource Area and partially outside of an Aggregate Resource Area, an amendment to this Plan is required for those areas outside of the Aggregate Resource Area. If the proposed extraction area is within the Aggregate Resource Area, an amendment to this Plan is not required.*
- 3) *Where pit or quarry operations are being proposed in close proximity to one another, in a similar timeframe, cumulative impacts need to be addressed. Background and technical reports will be reviewed simultaneously and a joint third party peer reviewer may be requested to review the studies. If a pit or quarry operation is being proposed in an area where there are already existing pit and quarry operations within close proximity, cumulative impacts such as traffic and noise may be considered in the technical reports. These requirements will be outlined further at the time of pre-submission consultation.*
- 4) *The following studies/reports, prepared by qualified individuals, shall be provided to support applications for new or expanded pits or quarries. These studies/reports shall meet the requirements of the Planning Act, Provincial Policy Statement, Niagara Escarpment Plan (if within the Niagara Escarpment Plan area), County Official Plan, and municipal Official Plans (where applicable):*
 - a) *Submission of copies of all documentation provided to the Ministry of Natural Resources and Forestry as required for licensing, pursuant to the Aggregate Resources Act;*
 - b) *A planning report prepared by a Registered Professional Planner, addressing the requirements of the Planning Act, Provincial Policy Statement, Niagara Escarpment Plan (if within the Niagara Escarpment Plan area), County Official Plan, and municipal Official Plans (where applicable);*
 - c) *A noise impact study in accordance with the Aggregate Resources of Ontario: Provincial Standards;*
 - d) *A Traffic Impact Study and/or road assessment, unless otherwise waived at the discretion of municipal, County, or Provincial road authorities, based on the amount of traffic involved, or the existing construction of the haul route roads;*
 - e) *For mineral aggregate operations proposing to remain above the established water table level as identified in the Aggregate Resources of Ontario: Provincial Standards, a letter of opinion shall be provided by a qualified individual estimating the current water table level, determining whether the proposed operation will have any impacts to the quality or quantity of the surface or groundwater resources, as well as how any*

impacts relate to natural areas, features and systems;

- f) A hydrogeological study for proposed aggregate operations looking to proceed below the established water table level identified in the Aggregate Resources of Ontario: Provincial Standards;*
- g) An environmental impact study, however a Level 2 – Natural Environment Report required under the Aggregate Resources Act can act as a substitute for an environmental impact study. Where there are discrepancies between the terms of reference for a Natural Environment Report or an environmental impact study, as defined by this Plan, the more protective study requirements shall be considered applicable;*
- h) An archaeological assessment prepared by a qualified individual;*
- i) An Agricultural Impact Assessment, if the proposed new or expanding extraction operation is within the Agricultural or Special Agricultural land use types, that evaluates the potential impacts on agriculture, including agricultural operations, agricultural uses, and prime agricultural areas and recommends ways to avoid or, if avoidance is not possible, minimize and mitigate adverse impacts, as well as inform future rehabilitation of a proposed mineral aggregate operation;*
- j) A progressive rehabilitation plan, including the use of maximum disturbed area provisions where feasible.*

The requirements of this section do not prejudice a municipality from asking for additional studies/reports in support of a pit or quarry application, where official plan policies require such studies/reports. Where there is a discrepancy between a defined study/report in this Plan, the Planning Act, or the Provincial Policy Statement, and the Aggregate Resources of Ontario: Provincial Standards under the Aggregate Resources Act (or any successor thereto), the more protective standard shall be applied, unless deemed by the Ministry of Natural Resources and Forestry to be in conflict with Provincial legislation or regulation. The County requires that the proponent consult with the County and the local municipality prior to submitting any pit or quarry application to determine the scope of the studies that are required.

- 5) Lands may not be excluded from the Agricultural or Special Agricultural land use types for the creation of a new extraction operation. Where an extraction operation is proposed in the Agricultural or Special Agricultural land use types, the lands will remain Agricultural or Special Agricultural but may also allow for extraction if the required aggregate license and applications are approved.*

- 6) *In Karst areas identified on Appendix A, an environmental or hydrogeological study will be required. This study should make recommendations on mitigation measures and any precautionary measures to be included in the licensed operational plan to ensure that any chemical or gas spills from equipment are prevented. Should a spill occur, clean-up procedures shall be identified within the licensed operational plan.*
- 7) *New pits or quarries are not permitted within Core Areas on Schedule C to this Plan, except via amendment to this Plan. New pits or quarries may be permitted within Linkages identified on Schedule C, provided the rehabilitation plan restores the Linkage. Expansions to existing pits or quarries can be considered in Core Areas or Linkages, subject to meeting all applicable policies of this Plan.*
- 8) *Within areas identified as Significant Woodlands as shown on Appendix B, cutting of the woodland to facilitate a pit or quarry operation may be permitted where it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. If this can be demonstrated, cutting of the woodland should be minimized and the woodland area cleared for extraction shall be progressively rehabilitated back to a woodland use. Permitted pit or quarry operations shall be carried out in a manner that is environmentally sensitive to the remaining portions of the Significant Woodland in-line with the recommendations from the environmental impact study as required by this Plan.*
- 9) *Independent peer reviews, at the expense of the proponent, of these technical studies/reports may be required at the discretion of County and/or municipal staff; where staff or agency technical review is insufficient to determine the adequacy of the conclusions of these reports/studies. Where simultaneous County and municipal applications are being processed, individual County/municipal peer reviews will be discouraged, in favour of a joint peer review serving both parties.*
- 10) *Notwithstanding the provisions of section 5.6.4 to the Plan, for those lands described as Part Lot 36, Concession 2, Township of Georgian Bluffs (geographic Township of Sarawak), and indicated on Schedule 'B' to this Plan, the following shall apply:*

The extraction of aggregate, and all other permitted uses listed in Section 5.6.3 shall be permitted, subject to a license from the Ministry of Natural Resources and the appropriate zoning from the Township of Georgian Bluffs. (OPA # 2 Recolour Grey)

Comment: With regard to the above, please consider the following:

- The entire area to be licensed falls within the 'Aggregate Resource Area' on Schedule B, and therefore an amendment to the Grey County Official Plan is not required;

- Another gravel pit is proposed for a property located 650 metres to the southwest of the subject lands and is known as the “B.J. & S. Enterprises and J. & K. Agro Services Inc. Pit”. In addition, the “Redford Pit” exists 940 metres to the west. In a letter to the County of Grey dated December 19, 2023, GM BluePlan Engineering (now GEI Consulting) addressed cumulative impact from the perspective of noise, dust, and traffic. The County accepted the conclusions of the GM BluePlan Engineering’s correspondence in their letter dated February 27, 2024. A copy of the correspondence between the GM BluePlan Engineering and the County is provided in Appendix A of this Planning Justification Report;
- A series of reports and drawings have been prepared by a team of experts. The concerns of all agencies participating in the Aggregate Resources Act application have been addressed;
- An Agricultural Impact Assessment has not been prepared as a stand-alone document; however, the issue of impact on agriculture is addressed as follows:
 - Whereas the lands are designated ‘Agricultural’ on Schedule A of the Grey County Official Plan, the soils have only a Class 3 rating on the Canada Land Inventory Soil Capability for Agriculture. The soils have moderately severe limitations that restrict the range of crops suitable for the site. The soils have low fertility and moisture limitations. It must be understood that the Official Plan does allow for aggregate extraction in the ‘Agricultural’ designation;
 - The topsoil and subsoil will be stored separately on site while aggregate operations are occurring. As part of the rehabilitation, these materials will then be carefully applied to the pit floor and side slopes, and planted with vegetative crops, as explained earlier in this Report. Upon restoration, the soil quality and drainage are expected to be similar to existing conditions. After full restoration and where harvest is not planned for the next season, the field is to be seeded with standard cover crop to promote soil fertility;
 - Given that the lands will be restored to an agricultural use, the loss of agricultural land will only be temporary. In addition, the extraction will occur in phases, which means that only a limited amount of land will be out of agricultural production at any given time; and,

- The operation of a pit on the subject lands should not have a negative impact on adjacent farming operations;
- The subject lands are not identified as having karstic features on Appendix A of the Official Plan;
- The subject lands are not located within a 'Natural Heritage System: Core' on Schedule C;
- The 'Significant Woodland' constraint has been applied to the forested area of the property to the immediate east, according to Appendix B. This natural heritage feature was addressed in the Natural Environment Technical Report by recommending a 15-metre setback. This is reflected on the Operations Plan; and,
- The Natural Heritage Technical Report has been peer reviewed by the County Ecologist.

5.6.5 Mineral Resource Extraction Development Criteria Policies

- 1) *Where an applicant wishes to undertake a sand and/or gravel or quarry operation other than a wayside pit and quarry, the local municipality or the County of Grey, may require the applicant to enter into a development agreement with the municipality or the County. The agreement shall be entered into prior to local Council's enactment of the implementing zoning by-law amendment, or as a condition of a holding 'h' symbol in the by-law.*

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.*

Information should be provided by the applicant identifying the proposed haul route, estimating the average number of trucks per day, the potential impacts to traffic and road conditions on the proposed haul route, as well as a cost estimate for any necessary upgrades required to the proposed haul route. Where the haul route has existing deficiencies and has existing traffic, cost-sharing will be considered between the applicant and the road authority. Costs to upgrade the haul road that are directly attributable to the proposed extractive operation, (for example, but not limited to, turning lanes into or out of the extractive operation, or climbing lanes on steep hills) shall be the responsibility of the applicant and will be based on use of the haul route.

- 2) *Access to pit or quarry operations shall be from a public road that is of a construction and standard to service the traffic associated with the use. Haul routes should be identified to minimize the impact of truck traffic on residential uses and avoid existing settlement areas where practically feasible.*

The County recognizes that Provincial Highways and County Roads shall constitute the majority of the haul routes with Grey County. There are instances where haul routes will be required to pass through settlement areas, based on the need to use Provincial Highways and County Roads. The above policy shall not be interpreted so as to prohibit haul routes through settlement areas using Provincial Highways and County Roads.

- 3) *All pit and quarry operations shall comply with the Aggregate Resources Act and its most current regulations.*
- 4) *All pit and quarry operations shall satisfy the legal requirements of the Ministry of the Environment, Conservation and Parks or the authority having jurisdiction over water supply, disposal of liquid wastes, and the control of air pollution.*
- 5) *When a pit or quarry operation has been depleted and is rehabilitated in-line with the licence, a zoning by-law amendment will be required for any use not permitted in Section 5.6.2 and 5.6.3. Upon the surrender of the licence, and the passing of a zoning by-law amendment, the policies of the applicable land use type for the subject property identified on Schedule A apply. Any rezoning will trigger the requirement to meet Provincial MDS formulae. The lands identified as Mineral Resource Extraction on Schedule B are then removed at the time of the next review of the County Official Plan.*
- 6) *Measures to conserve and recycle mineral aggregate resources are encouraged including the utilization or extraction of on-site mineral aggregate resources prior to development. Where environmental and locational site conditions are feasible, such as being located on suitable roads, extractive operations are encouraged to include aggregate recycling facilities where the public, businesses, and/or municipal waste collection systems may deposit aggregates, stone, porcelain, asphalt, concrete, and similar substances for processing for reuse as aggregates.*
- 7) *Asphalt plants and concrete batching plants may be permitted in the Mineral Resource Extraction land use type as accessory use to a licensed extractive operation subject to the following items being addressed through the Aggregate Resources Act site plan amendment process:*

It is a non-permanent use and will cease to operate once the aggregate material has been completely removed or the operator stops removing material from the site on a regular basis;

- a) *If required, a Traffic Impact Study is provided to the satisfaction of the County and the local municipality;*
- b) *The applicant shall demonstrate that the proposed location is appropriate and that impacts to the social, cultural heritage, and natural environment can be minimized; and*
- c) *Noise, odour, and dust studies are provided which satisfy the Ministry of the Environment, Conservation and Parks (MECP)'s standards.*

- 8) *Outside of settlement area land use types an official plan amendment will be required for asphalt plants and concrete batching plants proposing to locate outside of the Mineral Resource Extraction areas identified on Schedule B or aggregate licensed operations approved under the Aggregate Resources Act.*

Within settlement area land use types, the municipal official plan and/or zoning by-law shall determine the permissions for asphalt plants and concrete batching plants.

- 9) *The County requires the progressive rehabilitation of pit or quarry operations back to agricultural uses. Maximum Disturbed Area provisions should be included on the license, where feasible, to ensure progressive rehabilitation. Progressive and final rehabilitation is required to:*
- a) *Accommodate subsequent land uses;*
 - b) *To promote land use compatibility; and*
 - c) *To recognize the interim nature of extraction, in accordance with the rehabilitation plans as part of the license.*

Progressive rehabilitation is required where feasible. Final rehabilitation shall take surrounding land uses and approved land use types into consideration.

- 10) *Comprehensive rehabilitation is required between neighbouring pit or quarry operations where feasible.*

- 11) *Extraction of mineral aggregate resources may be permitted as an interim use in the Agricultural and Special Agricultural land use types as identified on Schedule A of this Plan, so long as rehabilitation of the site is back to an agricultural condition. Complete rehabilitation to an agricultural condition will not be required if the following occurs:*

- a) *Outside of the Special Agricultural land use type, a substantial quantity of the aggregate is below the water table warranting extraction or the extraction is*

- at a depth which would make restoration of pre-extraction agricultural capability unfeasible;*
- b) Within the Special Agricultural land use type, there is a substantial quantity of high quality mineral aggregate resources below the water table warranting extraction, and the depth of planned extraction makes the restoration of pre-extraction agricultural capability unfeasible;*
 - c) In the Agricultural and Special Agricultural land use types other alternatives have been considered and found unsuitable by the applicant. The consideration of other alternatives shall include resources in areas of Canada Land Inventory Class 4 to 7 lands, resources on lands identified as designated growth areas, and resources on prime agricultural lands where rehabilitation is feasible. Where no other alternatives are found, prime agricultural lands shall be protected in this order of priority: specialty crop areas, Canada Land Inventory Classes 1, 2 and 3 lands; and*
 - d) Agricultural rehabilitation in remaining areas will be maximized.*
- 12) Where it is not feasible to return the lands to agriculture, priority should be given to assessing the feasibility of rehabilitation to a use that provides social and environmental benefits, and that is compatible with surrounding land use types. The use should result in environmental improvement or net environmental gain. Features such as woodlands, wetlands, fish and wildlife habitat areas, integrated water systems, or passive recreational opportunities may be appropriate.*
- 13) In the case of adjacent pit or quarry operations owned by different property owners, the County will, wherever practical, encourage the removal of all economically viable material between the pits or quarries. This may include eliminating the property line setbacks between the operations. Such operations are encouraged to utilize continuous and harmonious rehabilitation.*
- 14) Where pit or quarry operations are separated by a County or municipal road, the feasibility of allowing the producers to temporarily re-route and then replace the road at a lower elevation will be considered to enable operators to remove viable material between the operations. An agreement will be needed to address timing, re-construction, and compensation for the materials under the road.*
- 15) Existing licensed mineral aggregate extraction operations are permitted and shall be recognized in local zoning by-laws. Licensed mineral aggregate extraction operations are identified on Schedule B of this Plan as Mineral Resource Extraction.*

Comment: With regard to the above, please consider the following:

- If required by the Municipality of West Grey, the owner will enter into a development agreement to deal with the haulage route and the minor road improvement required at the Concession 4 NDR / Mullock Road intersection;
- The Site Plans have been prepared in accordance with the provincial standards for aggregate operations and will form part of the license;
- Following the depletion of the aggregate and the final rehabilitation of the site, the license will be surrendered, and the owner will apply to change the zoning back to 'A1';
- JT Excavating Ltd. has no desire to use the pit for recycling of concrete or asphalt materials;
- A ready-mix plant or asphalt plant will not operate on the site; and,
- Progressive rehabilitation will occur as the pit moves from phase to phase, as explained on the Operations Plan. The site will return to an agricultural use. As noted above, the lands have a Class 3 soils rating, which is at the low end of the scale for prime agricultural lands.

5.1.3 Natural Environment

Section 7 *Natural Grey* of the Grey County Official contains policies for various aspect of the natural environment. This Planning Justification Report will focus on those features that have been recognized by the Ecologist in his Natural Environment Technical Report, which are:

- Habitat for Endangered Species;
- Significant Wildlife Habitat;
- Adjacent lands to a Significant Valleyland;
- Candidate Significant Woodlands; and,
- Other Wetland.

In this regard, the following policies are relevant:

5.1.3.1 Habitat for Endangered Species / Significant Wildlife Habitat

7.10 Other Natural Features

The policies in this Section address specific significant natural areas within the County for which mapping is generally not available or is incomplete at present, including Habitat of Threatened and Endangered Species, and Significant Wildlife Habitat.

- 1) Development and site alteration is not permitted within, Significant Wildlife Habitat (including Deer Wintering Yards), and their adjacent lands, unless it has been demonstrated through an acceptable environmental impact study, completed in accordance with Section 7.11 of this Plan, that there will be no negative impacts on the natural features or their ecological functions.*
- 2) No development or site alteration will be permitted within the Habitat of Threatened / Endangered Species adjacent lands except in accordance with provincial and federal requirements. No development or site alteration will be permitted within the adjacent lands to these areas unless it has been demonstrated through an environmental impact study that there will be no negative impacts on the natural features or their ecological functions. The adjacent lands are defined in Section 9.18 of this Plan and through provincial and federal requirements.*
- 3) When the more detailed identification of areas of threatened and endangered species, and significant wildlife habitat has been completed by the County or appropriate authority, they will be recognized by amendment to this Plan.*

Comment: The Natural Environment Technical Report identified a Black Ash colony, which has an 'Endangered' classification, within the low-lying central portion of the property where excavation will not be occurring. The recommended 30-metre setback between the extraction area and the ponding area will adequately protect this colony.

The Report also recognized the forested area at the north end of the subject property, which is outside of the licensed area, as habitat for Eastern Wood-peewee (Significant Wildlife Habitat). The Ecologist concluded that the proposed extraction area setback of 15 metres will protect this habitat.

5.1.3.2 Significant Valleylands

7.7 Significant Valleylands

Significant Valleylands were identified in the County's Natural heritage system Study –

Green in Grey (January 2017). They were identified by the participating conservation authorities and have been mapped as 200 metre wide corridors. Detailed delineations of Significant Valleylands should be evaluated on a site specific basis through an environmental impact study using the following criteria:

- *The valley must be ≥ 100 metres wide and ≥ 2 kilometres long.*
 - *The valley banks must be ≥ 3 metres in height (extrapolated from 5 metre contours at 1:10,000 or better information where available).*
 - *Where valley slope is 3:1 on one side with no slope on the opposite side of the watercourse, the opposite valley limit is delineated using either 100m from centreline of the watercourse or the limit of the floodplain to create a continuous valley feature.*
 - *Where 3:1 valley slopes occur on both sides of the river, but they are not continuous, the floodplain limit (or contour information and professional judgment) is used to delineate a continuous valley feature.*
- 1) *No development or site alteration may occur within Significant Valleylands or their adjacent lands unless it has been demonstrated through an environmental impact study that there will be no negative impacts on the natural features or their ecological functions. The adjacent lands are defined in Section 9.18 of this Plan.*
 - 2) *Significant Valleylands will not be required to be mapped in municipal zoning bylaws, as these features are generally already covered by Hazard Land and Regulated mapping across the County.*

Comment: The Natural Environmental Technical Report recognizes that the 120-metre buffer of the valleyland associated with the Saugeen River juts slightly into the northwest, southwest, and northeast corners of the property but concludes that there will be no negative impact since those particular areas of the property have no ecological connection to that feature. It should also be noted that no extraction or site disturbance will be occurring within the full 120-metre buffer. The 'Significant Valleylands' feature is mapped in Appendix B of the Official Plan and is shown on Figure 5 of this Planning Justification Report.

5.1.3.3 Significant Woodlands

7.4 Significant Woodlands

Significant Woodlands mapping as shown on Appendix B was developed by the County of Grey with assistance from the Ministry of Natural Resources and Forestry

(MNRF). The identification was primarily a desktop based Geographic Information Systems (GIS) exercise and the County acknowledges that inaccuracies or omissions in the mapping may be present. As a result, site visits by qualified individuals may be required at the application stage to scope any potential studies.

The Significant Woodlands layer was refined in 2017 by using data collected as part of the Natural Heritage Systems Study – Green in Grey, data from the MNRF and through airphoto analysis. Once the refinement occurred, it was then assessed through the original criteria used when creating the original woodlands layer and adjusted accordingly. This has improved the accuracy of the data; however errors and omissions could still exist.

In order to be considered significant, a woodland shall be either greater than or equal to forty (40) hectares in size outside of settlement areas, or greater than or equal to four (4) hectares in size within settlement area boundaries. If a woodland fails to meet the size criteria outside a settlement area, a woodland can also be significant if it meets any two of the following three criteria:

- Proximity to other woodlands i.e. if a woodland was within 30 metres of another significant woodland, or
 - Overlap with the boundaries of a Provincially Significant Wetland and Significant Coastal Wetlands, Core Area, Significant Valleylands, or a Significant Areas of Natural and Scientific Interest , or
 - Interior habitat of greater than or equal to eight (8) hectares, with a 100 metre interior buffer on all sides.
- 1) No development or site alteration may occur within Significant Woodlands or their adjacent lands unless it has been demonstrated through an environmental impact study, as per Section 7.11 of this Plan, that there will be no negative impacts on the natural features or their ecological functions. Adjacent lands are defined in Section 7 and 9.18 of this Plan. Projects undertaken by a municipality or conservation authority may be exempt from the environmental impact study requirements, provided said project is a public work or conservation project.
 - 2) Where it can be proven that a woodland identified as significant has ceased to exist, or ceased to exhibit characteristics of significance, an environmental impact study may not be required. Site photographs or a site visit by a qualified individual may be necessary to determine that a woodland no longer exists.
 - 3) Tree cutting and forestry will be permitted in accordance with the County Forest Management By-law (or successor thereto), and guided by the policies of Section 5.5 of this Plan.

- 4) *Fragmentation of significant woodlands is generally discouraged.*
- 5) *Significant Woodlands are not meant to include orchards, nurseries, or holiday tree plantations. Where it can be demonstrated that the mapping inadvertently mapped an orchard, nursery, or holiday tree plantation, an EIS will not be required for new development or site alteration.*
- 6) *Not all mapped Significant Woodlands are naturally occurring. In some cases, plantations have begun to transform into more naturalized woodlots, or fallow fields have over-grown to include early woodland features. Where these circumstances have occurred, an EIS may not be required for new development or site alteration, subject to the advice of a qualified professional, MNRF, conservation authority staff, or municipal/County staff. Where a significant amount of time has passed, and such plantation woodlands may now hold further natural value, an EIS may still be required.*

Comment: Appendix B of the Grey County Official Plan acknowledges the forested lands to the west as 'Significant Woodland', as shown on Figure 5 of this Planning Justification Report. The Natural Environmental Technical Report states that the 15-metre setback, which is currently cropped and provides no ecological benefit to the woodland, will adequately protect this feature.

5.1.3.4 Other Wetlands

- 7.3.2 Other Wetlands
- 1) *No development or site alterations are permitted within Other Wetlands or their adjacent lands, shown on Appendix B, or as identified by conservation authorities, unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.*

Comment: The seasonal pond located in the low-lying, central area of the property is recognized on Appendix B of the Official Plan as 'Other Wetlands', as illustrated on Figure 5 of this Planning Justification Report. The County Official Plan recommends a 30-metre setback for development and site alteration, and therefore a 30-metre separation distance between the feature and the extraction area is being provided. The Natural Heritage Technical Report states that the wetland feature will be protected.

5.1.4 Summary of Official Plan Conformity

Based on the foregoing, it is evident that the proposal conforms with the County of Grey

Official Plan.

5.2 The Provincial Planning Statement

The Provincial Planning Statement (PPS) provides policies that are designed to protect planning matters of interest to the Ontario Government. Provided below is an evaluation of the proposed development within the context of the PPS policies that are relevant to a pit or quarry operation:

5.2.1 Mineral Aggregate Resources

Section 4.5 *Mineral Aggregate Resources* states:

4.5.1 General Policies for Mineral Aggregate Resources

1. *Mineral aggregate resources shall be protected for long-term use and, where provincial information is available, deposits of mineral aggregate resources shall be identified.*

Comment: This policy is implemented through the Grey County Official Plan, which identifies the subject property on Schedule B as having a primary source of aggregates and promotes the extraction of the aggregate.

4.5.2 Protection of Long-Term Resource Supply

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. *Extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts.*
3. *Mineral aggregate resource conservation shall be undertaken, including through the use of accessory aggregate recycling facilities within operations, wherever feasible.*
4. *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. Where the Aggregate Resources Act applies, only processes under the Aggregate Resources Act shall address the depth of extraction of new or existing mineral aggregate operations. When a license for extraction or operation ceases to exist, policy 4.5.2.5 continues to apply.

5. *In known deposits of mineral aggregate resources and on adjacent lands, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:*
- a) *resource use would not be feasible; or*
 - b) *the proposed land use or development serves a greater long-term public interest; and*
 - c) *issues of public health, public safety and environmental impact are addressed.*

Comment: The extraction of aggregate material will occur in accordance with the Site Plans. These drawings take into account the recommendations of the Natural Environment Technical Study, Hydrogeological Assessment Report, and the Noise Impact Study, as well as the various policies of the County Official Plan that are intended to minimize the social and environmental impacts of a pit.

No recycling of materials is planned for this site.

These policies recognize the importance of aggregate resources in Ontario and strive to ensure that other developments do not occur on or near potential aggregate sites before the deposit is removed from the ground.

4.5.3 Rehabilitation

1. *Progressive and final rehabilitation shall be required to accommodate subsequent land uses, to promote land use compatibility, to recognize the interim nature of extraction, and to mitigate negative impacts to the extent possible. Final rehabilitation shall take surrounding land use and approved land use designations into consideration.*

2. *Comprehensive rehabilitation planning is encouraged where there is a concentration of mineral aggregate operations.*
3. *In parts of the Province not designated under the Aggregate Resources Act, rehabilitation standards that are compatible with those under the Act should be adopted for extraction operations on private lands.*

Comment: Progressive rehabilitation will occur as extraction moves along. The lands will be reverted to an agricultural use, which will complement the adjacent land uses.

4.5.4 Extraction in Prime Agricultural Areas

1. *In prime agricultural areas, on prime agricultural land, extraction of mineral aggregate resources is permitted as an interim use provided that:*
 - a) *impacts to the prime agricultural areas are addressed, in accordance with policy 4.3.5.2; and,*
 - b) *the site will be rehabilitated back to an agricultural condition.*
2. *Despite policy 4.5.4.1.b), complete rehabilitation to an agricultural condition is not required if:*
 - a) *the depth of planned extraction makes restoration of pre-extraction agricultural capability unfeasible; and*
 - b) *agricultural rehabilitation in remaining areas is maximized.*

Comment: No impact on adjacent agricultural activities is expected.

The extraction of the material from the site is an interim use. The lands will be rehabilitated and reverted to agriculture.

5.2.2 Natural Heritage Features

Section 4.1 *Natural Heritage* states:

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

3. *Natural heritage systems shall be identified in Ecoregions 6E & 7E¹, recognizing that natural heritage systems will vary in size and form in settlement areas, rural areas, and prime agricultural areas.*
4. *Development and site alteration shall not be permitted in:*
 - a) *significant wetlands in Ecoregions 5E, 6E and 7E¹; and*
 - b) *significant coastal wetlands.*
5. *Development and site alteration shall not be permitted in:*
 - a) *significant wetlands in the Canadian Shield north of Ecoregions 5E, 6E and 7E¹;*
 - b) *significant woodlands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)¹;*
 - c) *significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)¹;*
 - d) *significant wildlife habitat;*
 - e) *significant areas of natural and scientific interest; and*
 - f) *coastal wetlands in Ecoregions 5E, 6E and 7E that are not subject to policy 4.1.4.b),*

unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.
6. *Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.*
7. *Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.*
8. *Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 4.1.4, 4.1.5, and 4.1.6 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.

9. *Nothing in policy 4.1 is intended to limit the ability of agricultural uses to continue.*

Comment: A Natural Environment Technical Report, which also serves as an Environmental Impact Study, was conducted, and some natural heritage features were found on the subject property and adjacent lands, as explained earlier in this Planning Justification Report. The consultant provided a series of recommendations that would ensure that no negative impacts occur on any of these features or functions. Those recommendations have been incorporated into the design of the pit operations shown on the Site Plans and have been specifically listed in the notes on the Operations Plan.

5.2.3 Water

Section 4.2 *Water* states:

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 integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;*
 - b) *minimizing potential negative impacts, including cross-jurisdictional and cross-watershed impacts;*
 - c) *identifying water resource systems;*
 - d) *maintaining linkages and functions of water resource systems;*
 - e) *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, and their hydrologic functions;*
 - f) *planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality; and*

- g) ensuring consideration of environmental lake capacity, where applicable.*
- 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, which may require mitigative measures and/or alternative development approaches.*
- 3. Municipalities are encouraged to undertake, and large and fast-growing municipalities shall undertake watershed planning to inform planning for sewage and water services and stormwater management, including low impact development, and the protection, improvement or restoration of the quality and quantity of water.*
- 4. Despite policy 4.2.3, where planning is conducted by an upper-tier municipality that includes one or more lower-tier large and fast-growing municipalities, the upper-tier municipality shall undertake watershed planning in partnership with lower-tier municipalities, including lower-tier large and fast-growing municipalities.*
- 5. All municipalities undertaking watershed planning are encouraged to collaborate with applicable conservation authorities.*

Comment: The Hydrogeological Assessment Report Study concluded that the proposed pit operations should have no impact on surface water or ground water features in the vicinity of the subject lands.

5.2.4 Archaeology

Section 4.6 *Cultural Heritage and Archaeology* states:

- 1. Protected heritage property, which may contain built heritage resources or cultural heritage landscapes, shall be conserved.*
- 2. Planning authorities shall not permit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved.*
- 3. Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property unless the heritage attributes of the protected heritage property will be conserved.*

4. *Planning authorities are encouraged to develop and implement:*
 - a) *archaeological management plans for conserving archaeological resources; and*
 - b) *proactive strategies for conserving significant built heritage resources and cultural heritage landscapes.*
5. *Planning authorities shall engage early with Indigenous communities and ensure their interests are considered when identifying, protecting and managing archaeological resources, built heritage resources and cultural heritage landscapes.*

Comment: The Stage 2 component of the Archaeological Assessment conducted for the subject property resulted in the identification of an archaeological location near the extraction area's northerly limit. Rather than conduct a Stage 3 assessment in that area, those lands have been removed from the extraction area and a 70-metre buffer is being provided, as shown on the Operations Plan.

5.2.5 Summary of Provincial Planning Statement Review

Based on the foregoing, the proposed pit is consistent with the Provincial Planning Statement.

5.3 Summary of Policy Evaluation

The proposed gravel extraction operation conforms to the various policies of the County Official Plan and is consistent with the Provincial Planning Statement.

6. Municipality of West Grey Zoning By-law

6.1 Existing Zoning

The lands proposed to be licensed under the Aggregate Resources Act are currently zoned predominantly 'A1' (Agricultural) according to the Municipality of West Grey Zoning By-law, as shown on Figure 6 of this Planning Justification Report. The central area of the property where the seasonal pond exists is zoned 'NE' (Natural Environment).

Aggregate extraction is not permitted within the 'A1' or 'NE' zones.

6.2 Proposed Zoning

The proposed amendment to the Zoning By-law would rezone the 'A1' lands to 'M4' (Extractive Industrial). The 'NE' lands would remain as such, given that no extraction is proposed within this area.

The 'M4' zone permits an extractive pit or quarry licensed under the Aggregate Resources Act.

A map showing the proposed zoning is provided on Figure 7.

7. **CONCLUSIONS**

JT Excavating Ltd. has retained the services of several experts to properly plan a new aggregate extraction operation.

The team of experts, which included an ecologist, hydrogeologist, noise expert, aggregate consultant, traffic engineer, and archaeologist, studied the subject lands and surrounding area and collectively designed a gravel pit proposal that would:

- be as compatible with the adjacent properties as possible;
- have no noticeable impact on the natural environment;
- have a minimal impact on the social environment of the area;
- maintain the intent and purpose of the County of Grey Official Plan; and,
- be consistent with the Provincial Planning Statement.

Based on the foregoing, it is evident that this proposed extraction operation, as presented on the series of site plans, will represent appropriate land use planning.

8. **RECOMMENDATION**

This Planning Report has provided a thorough evaluation of the proposed gravel pit development. In view of the conclusions provided in Section 7, it is my professional opinion that approval should be given to the requested amendment to the Municipality of West Grey Comprehensive Zoning By-law.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Ron Davidson', is positioned above the printed name.

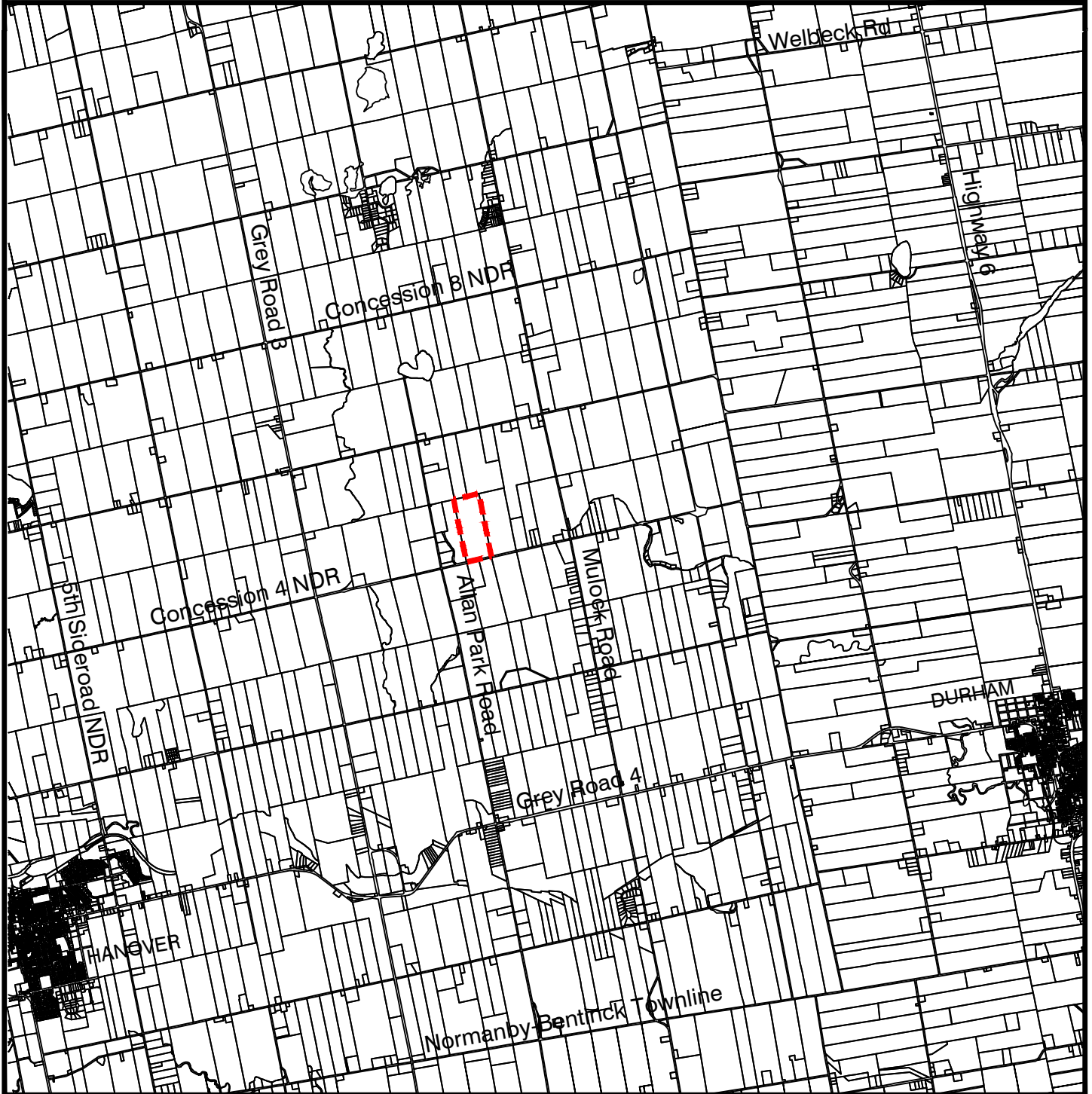
Ron Davidson, BES, MCIP, RPP

FIGURES

- Figure 1: Location of Subject Property
- Figure 2: Aerial Photograph (2020)
- Figure 3: Grey County Official Plan Schedule A
- Figure 4: Grey County Official Plan Schedule B
- Figure 5: Grey County Official Plan Appendix B
- Figure 6: Municipality of West Grey Zoning By-law Schedule A
- Figure 7: Proposed Zoning

Figure 1: Location of Subject Property

 Subject Property



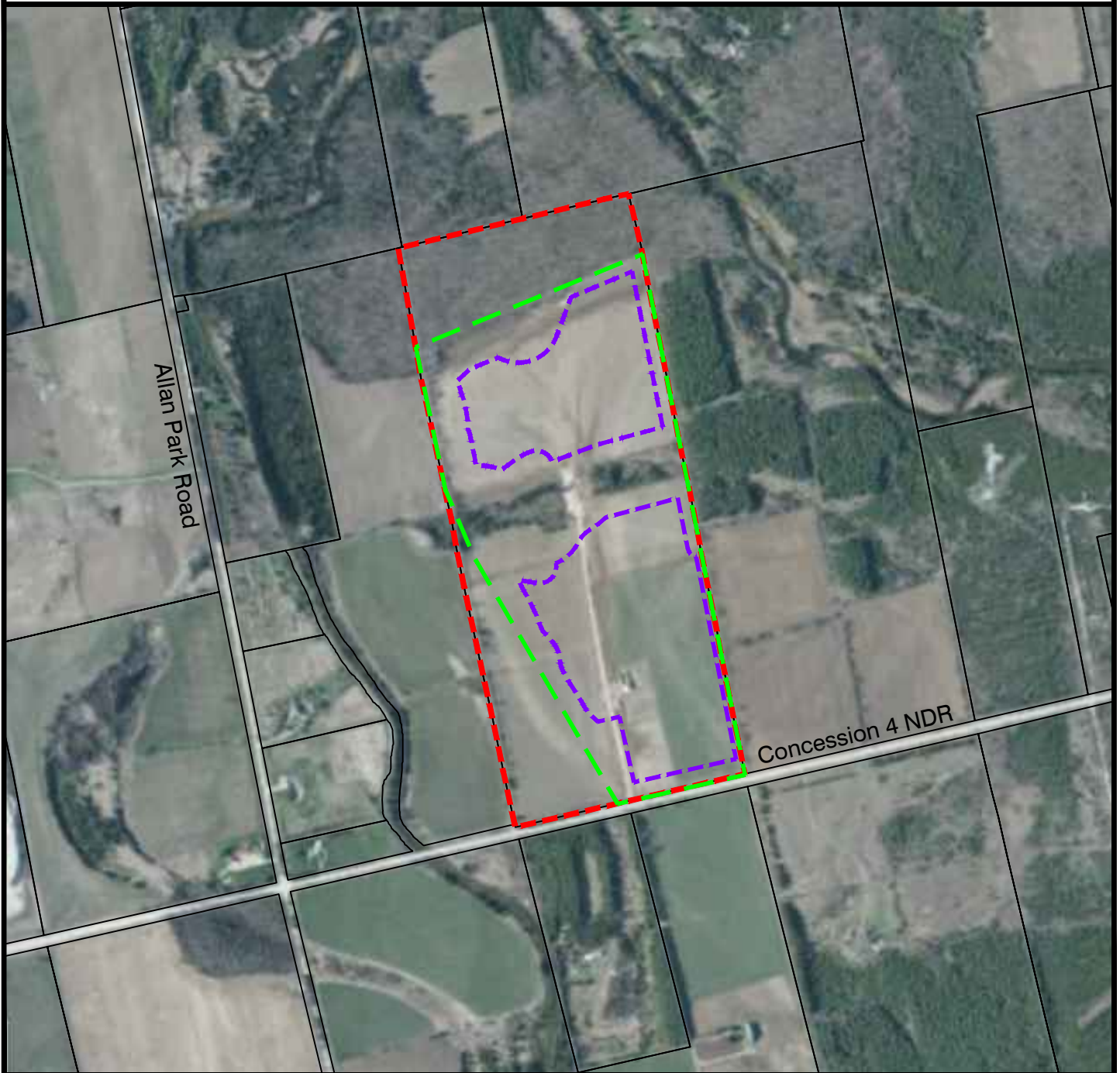
Lot 22, Concession 5
Geographic Township of Bentinck
Municipality of West Grey

RD **RON DAVIDSON**
LAND USE PLANNING CONSULTANT INC
OWEN SOUND, ONTARIO
SCALE 1:90 000

Figure 2: Aerial Photograph (2020)



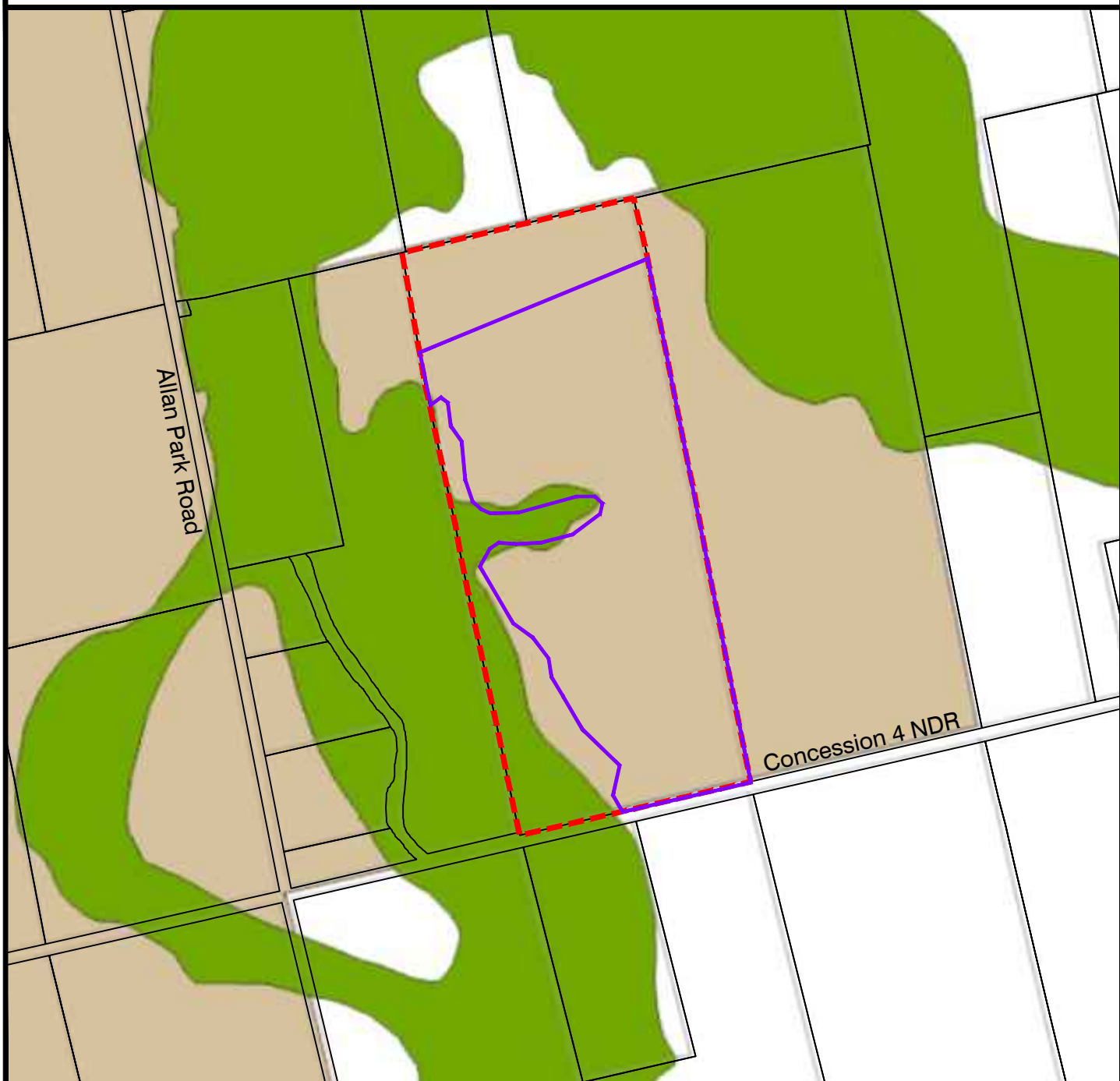
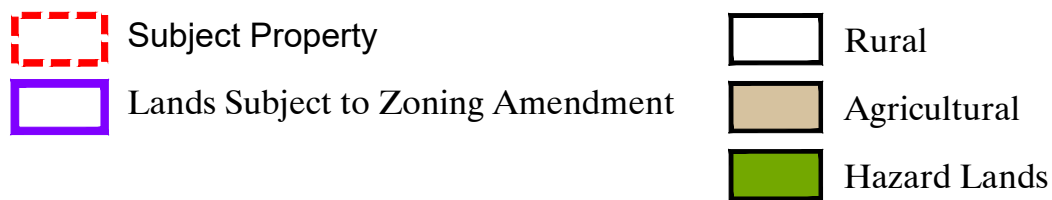
-  Subject Property
-  Area to be Licensed
-  Area to be Extracted



Lot 22, Concession 5
Geographic Township of Bentinck
Municipality of West Grey

RD **RON DAVIDSON**
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OWEN SOUND, ONTARIO
SCALE 1:10 000

Figure 3: Grey County Official Plan Schedule A



Lot 22, Concession 5
Geographic Township of Bentinck
Municipality of West Grey

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SCALE 1:10 000

Figure 4: Grey County Official Plan Schedule B

- | | |
|---|--|
|  Subject Property |  Mineral Resource Extraction Area |
|  Lands Subject to Zoning Amendment |  Aggregate Resource Area |

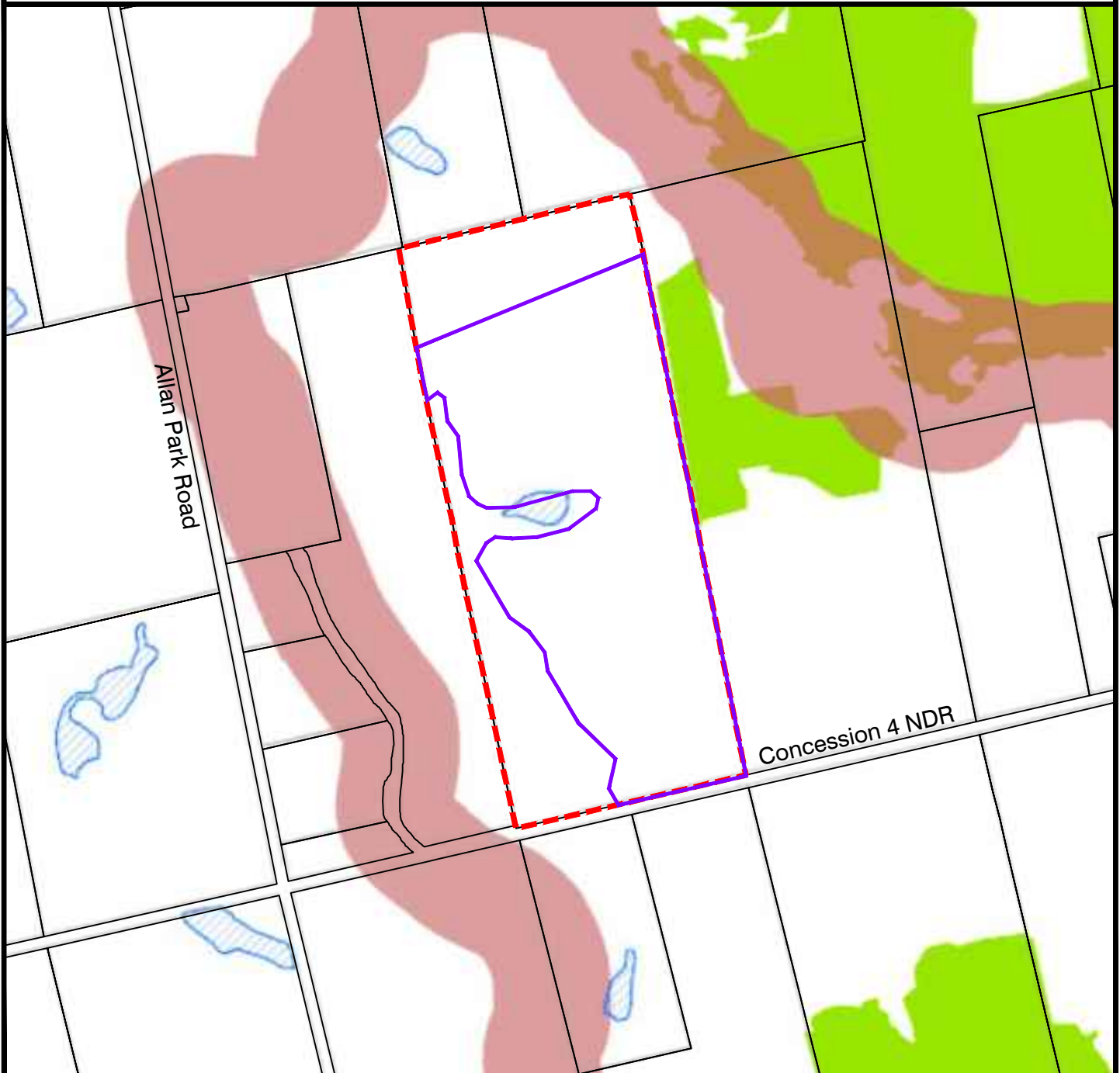


Lot 22, Concession 5
Geographic Township of Bentinck
Municipality of West Grey

RD **RON DAVIDSON**
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SCALE 1:10 000

Figure 5: Grey County Official Plan Appendix B

- | | |
|---|---|
|  Subject Property |  Other Wetland |
|  Lands Subject to Zoning Amendment |  Significant Valleylands |
| |  Significant Woodlands |

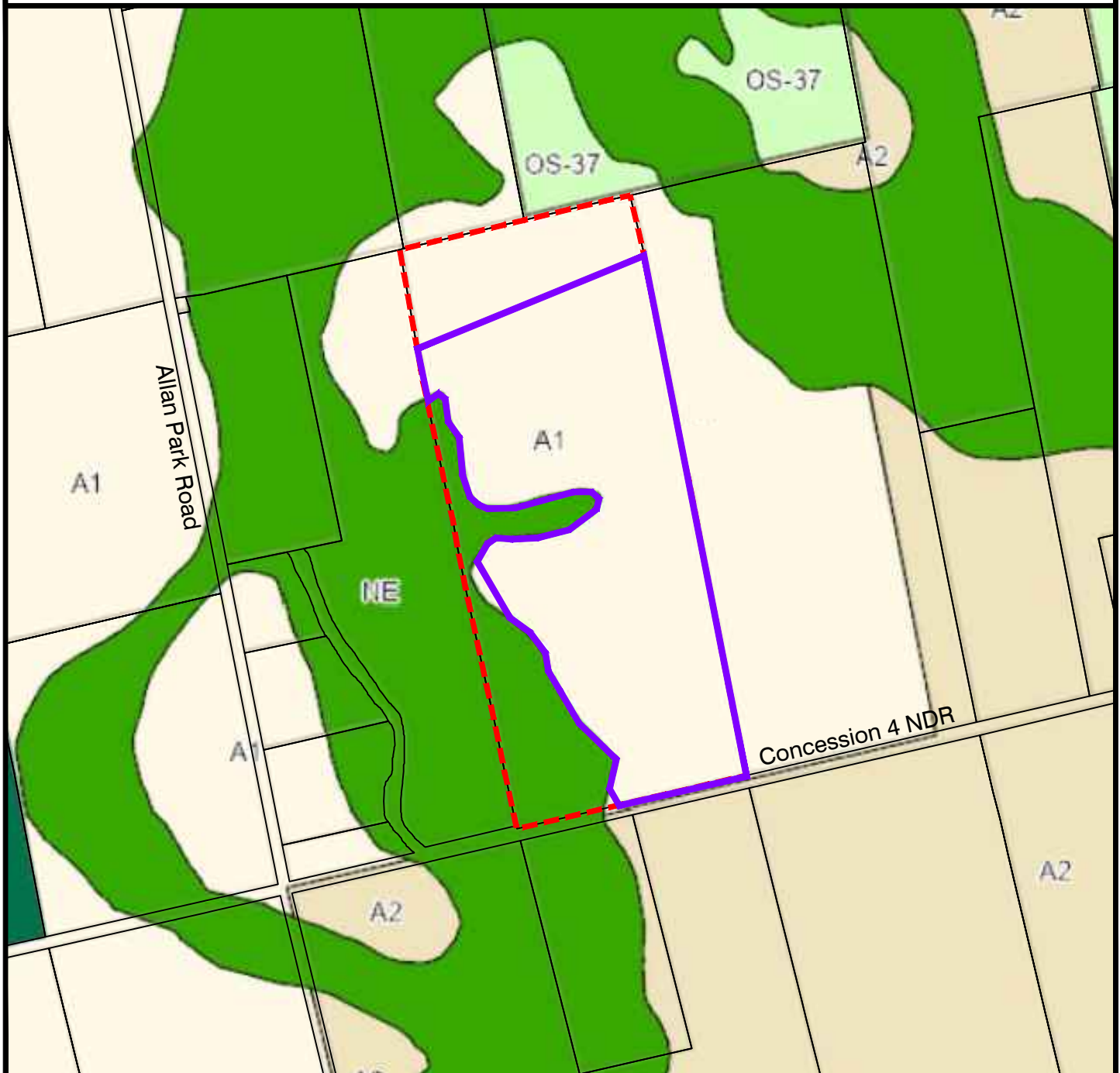


Lot 22, Concession 5
Geographic Township of Bentinck
Municipality of West Grey

RD **RON DAVIDSON**
LAND USE PLANNING CONSULTANT INC
OWEN SOUND, ONTARIO
SCALE 1:10 000

Figure 6: Municipality of West Grey Zoning By-law Schedule A

-  Subject Property
-  Lands Subject to Zoning By-law Amendment



Lot 22, Concession 5
Geographic Township of Bentinck
Municipality of West Grey

RD **RON DAVIDSON**
LAND USE PLANNING CONSULTANT INC
OWEN SOUND, ONTARIO
SCALE 1:10 000

Figure 7: Proposed Zoning

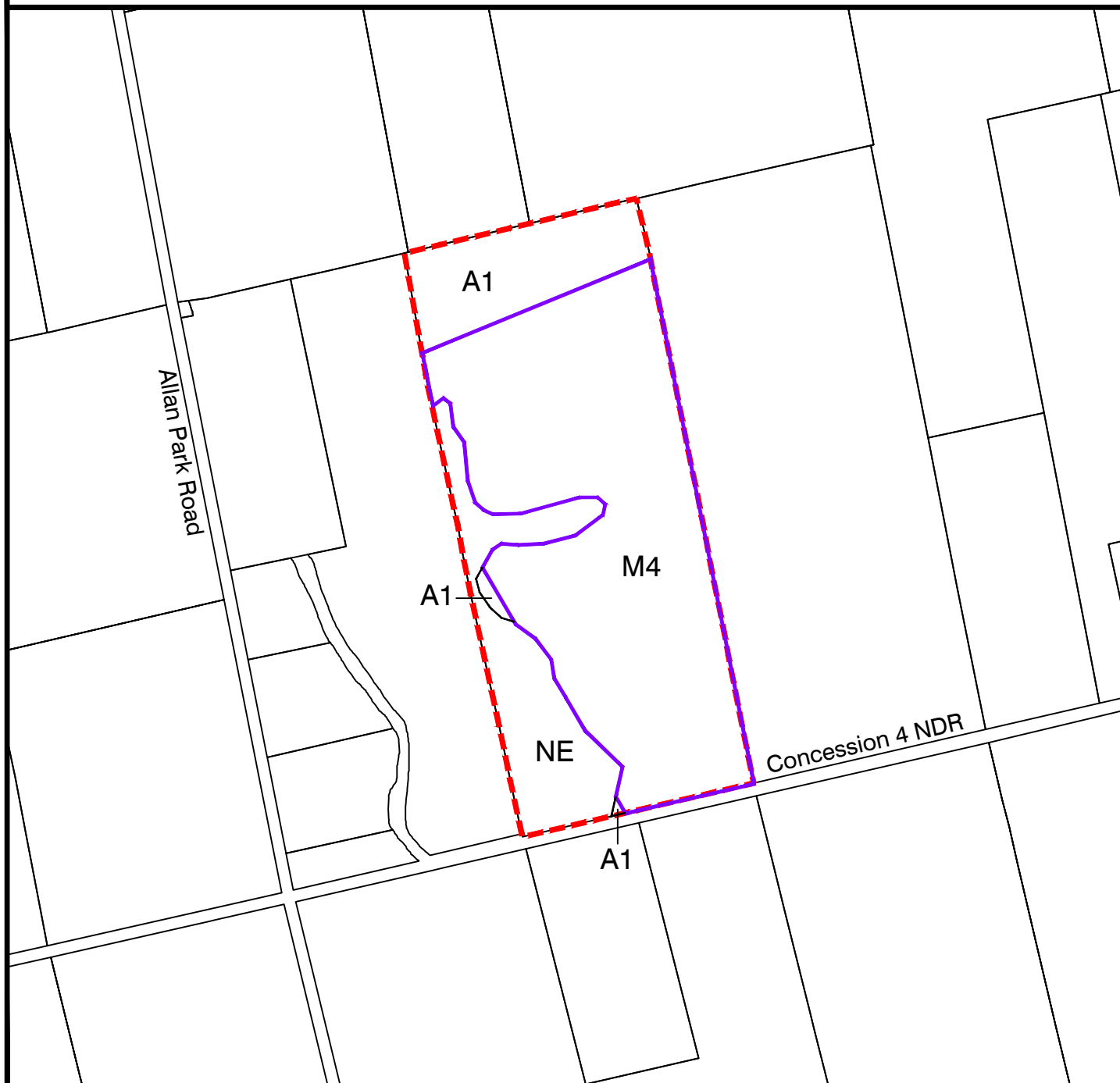
 Subject Property

 Lands Subject to Zoning By-law Amendment

A1 Agricultural

M4 Extractive Industrial

NE Natural Environment



Lot 22, Concession 5
Geographic Township of Bentinck
Municipality of West Grey



RON DAVIDSON
LAND USE PLANNING CONSULTANT INC
OWEN SOUND, ONTARIO
SCALE 1:10 000

APPENDICES

Appendix A: Correspondence Between Aggregate Consultant and Grey County Regarding Cumulative Impact



December 19, 2023
GMBP File No. 220135

Via Email: Stephanie.Lacey-Avon@grey.ca

County of Grey
595 9th Ave. E
Owen Sound, ON N4K 3E3

Attention: Stephanie Lacey-Avon
Senior Planner

Re: Response to November 27, 2023
Grey County Correspondence
J.T. Excavating Ltd. Pit
ARA Application #626593
Lot 22, Concession 5
Geographic Township of Bentinck
Municipality of West Grey

Dear Stephanie:

This letter is provided in response to the amended Grey County correspondence dated November 27, 2023, providing comment on the pit licence application and associated Site Plans, as well as a follow-up to our discussions via Microsoft Teams on the morning of December 6, 2023. The original November 27, 2023 Grey County correspondence letter is attached for reference.

Our responses to the provided comments are presented below:

- i. "Section 5.6.4 of the County OP speaks to the provisions that should be reviewed when considering the establishment of new mineral resource extraction land use types. Section 5.6.4(3) states:

'3) Where pit or quarry operations are being proposed in close proximity to one another, in a similar timeframe, cumulative impacts need to be addressed. Background and technical reports will be reviewed simultaneously and a joint third-party peer reviewer may be requested to review the studies. If a pit or quarry operation is being proposed in an area where there are already existing pit and quarry operations within close proximity, cumulative impacts such as traffic and noise may be considered in the technical reports. These requirements will be outlined further at the time of pre-submission consultation.'

County staff are aware of a proposed pit that is currently being processed through the ARA process, known as B.J.&S. Enterprises and J.&K. Agro Services Inc. located in proximity to the J.T. excavating pit application (application subject to these comments). The location of the B.J.&S. Enterprises and J.&K. Agro Services Inc. pit is Lot 20, Concession 4 NDR., ~450 metres from the J.T. excavating pit. There is also an active, in operation pit known as the Redford Pit located at Lot 19, Concession 5, 4 NDR. Staff are recommending that in consultation with the proponent (GM Blue Plan), a review of the existing studies be complete (more specifically as it relates to noise, dust, and traffic) to see whether there are any impacts observed offsite that overlap in area with any anticipated areas of impact observed offsite from the B.J.&S Enterprises and J.&K. Agro Services Inc. pit. This review may result in the requirement for additional mitigation measures being incorporated as part of both proposals to assist in addressing any offsite concerns. An additional review will also be completed by our planning ecologists to assess whether there are any matters as it relates to the SWM, or EIS that would need to be reviewed through a cumulative lens. Confirmation should be provided by the proponent that the existing conditions as it relates to traffic, noise, etc. of the Redford Pit have been accounted for through the completed existing technical studies."

We are aware of a number of nearby landowners who have been asking for an assessment of the cumulative impacts of the proposed J.T. Pit, the proposed B.J.&S Enterprises and J.&K. Agro Services Inc. Pit, and the existing Redford Pit. These other pit properties are located 420 m southwest and 830 m west of the J.T. Pit property and licence boundaries, respectively. However, it is noted that the actual distance between the proposed extraction boundaries of these pits is at least 650 m and 940 m, respectively.

Potential for Noise Impacts

Since the distribution of the initial consultation package was provided to Grey County, a Noise Impact Assessment (NIA) was conducted by Valcoustics Canada Ltd. for the J.T. Pit. The findings of the NIA are provided in the reported titled, *"Noise Impact Study, Bentinck Gravel Pit, 382063 Concession 4 NDR, West Grey, ON"*, dated August 17, 2023.

It is noted that since no sensitive noise receptors are present within 150 metres of the proposed extraction boundary, a noise assessment report was not required under the Aggregate Resources Act (ARA) application standards. This noise study was completed for due diligence purposes to provide insight on the best onsite mitigative measures to implement to reduce the potential for negative noise impacts to surrounding landowners / receptors.

As part of this report, it was recommended that additional 3- and 4-metre-high topsoil berms be constructed on the western and northern extraction boundaries in order to further mitigate noise generated by onsite operations. These recommendations were incorporated into the new revised operations plan (attached).

Ultimately, with the mitigative recommendations provided by Valcoustics, the resultant noise levels at the defined receptors were below the Class 3 Exclusion Limit identified in the MECP Environmental Noise Guideline (NPC-300; Oct 2013). From consultation with Valcoustics personnel, it is our understanding that the resultant noise levels presented in the report are indicative of the absolute maximum level (i.e. assuming the loudest equipment situated in the worst location onsite for maximum noise propagation, and the atmospheric conditions being ideal with receptors located directly downwind). In reality, the majority of operations are expected to have lower noise levels than presented in the report.

From a cumulative noise generation perspective, assuming similar noise generation on the nearby proposed southwestern and existing western pits, the resultant noise levels would likely only be increased by a few decibels since cumulative sound is not directly additive (i.e. noise accumulates from different sources logarithmically). Inherently, if no impacts are caused by the J.T. Pit, there can't be an accumulative affect.

Local Cumulative Traffic Impacts

The primary haul routes for the existing Redford pit and the proposed B.J.&S Enterprises and J.&K. Agro Services Inc. Pit are reported to be west on Concession Road 4 to Grey Road 3. Whereas the proposed primary haul route for the proposed JT Pit is east on Concession Road 4 to Mulock Road, and south on Mulock Road.

These haul routes do not overlap and the exits from the pits are expected to be approximately 880 metres apart. Considering the distance between the exits from the pits and the lack of overlap between the JT Pit and the other area pits, there is not considered to be a cumulative traffic impact associated with the primary haul route of the JT Pit.

A traffic impact study was completed for this proposed pit, which is provided for your reference.

Dust Impacts

Similar to the above discussion, there is approximately 650 m of lands between the proposed JT Pit and the proposed B.J.&S Enterprises and J.&K. Agro Services Inc. Pit. Also, the JT Pit extraction boundary and the existing Redford pit extraction boundary are in the range of 940 m from each other.

The standard practice on licenced aggregate pits is to have mitigative measures in place to monitor and manage potential fugitive dust emissions from onsite pit operations. For the JT Pit, the Operations Plan indicates that dust is to be mitigated onsite when required using water or a provincially approved dust suppressant.

It is of particular note that the volume of dust generated on the site is not expected to be significant due to the nature of the granular soil deposit on the Site. The overburden onsite, directly observed and documented as part of the drilling program to facilitate the hydrogeological assessment, was found to consist of generally coarse sand and gravel with very little silt and clay content (i.e. fines that would have the potential to become airborne). Therefore, the generation of airborne fine particles from onsite operations is expected to be nearly negligible.

Some dust may be generated onsite from the use of a portable crusher or the access roadway. However, these sources are expected to be generally localized and are likely to only remain in suspension onsite. Further, no sensitive receptors are present within greater than 150 metres from the property. The closest residence is located approximately 330 metres from the closest area of extraction on the Site.

It is reasonable to assume that dust generated on the westerly proposed and existing pits would not reach the vicinity of the proposed JT Excavating pit. Further, the prevailing wind in this area is generally toward the east, which would reduce the potential for dust from the JT Pit migrating west toward the other two pits and receptors in that direction. As such, the potential for a cumulative impact to surrounding lands from dust generation associated with the JT Pit is expected to be low.

Cumulative Impacts

Overall, the traffic and dust impacts from the JT Pit are not considered to overlap with the traffic and potential dust generation on the proposed B.J.&S Enterprises and J.&K. Agro Services Inc. Pit or the existing Redford Pit due to the lack of overlap of primary haul routes and distance between the pits.

The noise impact assessment that was completed for the Site recommended mitigative measures to be incorporated into the operation of the Site, which have been added to the revised operations plan. Based on this assessment, no impacts from the J.T. Pit to the sensitive receptors to the west are expected. Consequently, cumulative impacts are not expected.

Therefore, it is reasonable to expect that there are no cumulative impacts from the separate applications. The primary reasons related to primary haul routes in separate directions and the noise mitigation measures employed at the J.T. Pit to reduce the potential for noise impacts.

Regardless of the requirement, we recommend that the consideration for a cumulative impact review be addressed during the Zoning By-law Amendment process, and not under the ARA process. It is noted that Section 66 of the ARA indicates that it overrides Municipal By-Laws and County Official Plans:

“This Act, the regulations and the provisions of licenses and permits and site plans apply despite any municipal by-law, official plan or development agreement and, to the extent that a municipal by-law, official plan or development agreement deals with the same subject-matter as this Act, the regulations or the provisions of a licence or permit or a site plan, the by-law, official plan or development agreement is inoperative.”

Since there are specific Standards related to addressing traffic, dust, and noise impacts directly in the Aggregate Resources Act, during the ARA application process, specific Zoning By-Law or Official Plan sections associated with the same subject matter are considered to be superseded by the ARA requirements, during the ARA process currently under way. As discussed, we are currently under the ARA application consultation process, and will proceed to the planning amendment application matters once the ARA process has addressed Agency comments as many objectors as possible. .

The ARA process specifically relates to proposed onsite operations.

- ii. *"All setbacks and mitigation recommendations outlined in the Natural Environmental Technical Report be implemented"*

All of the setbacks and mitigation recommendations in the Natural Environment Technical Report (NETR) have been implemented in the Operational drawings.

- iii. *"That comments be received from Saugeen Valley Conservation Authority regarding the hydrogeological study"*

The SVCA provided their review and comments to the full application package. Each of their comments and recommendations were addressed and the Operational plans were revised to reflect these comments.

- iv. *"That the Archeological Assessment be circulated to all First Nations and Metis for their review and comments"*

It is our understanding that the Archaeological Assessment was circulated to the Saugeen Ojibway Nation (SON) and the Metis for review and comment.

We trust that the above responses and revised, attached documents are sufficient to satisfy the concerns of the Grey County regarding this proposed aggregate pit application.

Based on our discussions, the comments above, and the impending planning application process that will be required, we are not considering the County to be an official Objector under the ARA. Please contact us if this is not consistent with your status.

if you would like to discuss anything further, please do not hesitate to contact me via email or cell phone at corbin.sweet@gmblueplan.ca or 519-373-2802, to discuss.

Yours truly,

GM BLUEPLAN ENGINEERING LIMITED,
Per:

A handwritten signature in blue ink, appearing to read 'Corbin Sweet'.

Corbin Sweet, P. Geo.
CJS/md
Encl.

cc: GMBP: Matthew Nelson - matthew.nelson@gmblueplan.ca
Davidson Planning: Ron Davidson - ronalddavidson@rogers.com
File No. 220135



Planning and Development

595 9th Avenue East, Owen Sound Ontario N4K 3E3
519-372-0219 / 1-800-567-GREY / Fax: 519-376-7970

February 27th, 2024

Applicant: J.T. Excavating Ltd.
C/O GM BluePlan Engineering Ltd.
Sent via email to Corbin.Sweet@gmblueplan.ca

RE: Aggregate Resource Act Application – J.T. Excavating Pit Application
Legal Description: Lot 22, Concession 5, former Township of Bentinck,
Municipality of West Grey
Address: 382063 Concession 4 NDR
Roll Number: 420528000604300

Dear Mr. Sweet,

This correspondence is in response to the above noted application. We have had an opportunity to review the application in relation to the Provincial Policy Statement (PPS) and the County of Grey Official Plan (OP). We offer the following comments.

County planning staff have provided comments on the subject application April, September, and November of 2023. The latest correspondence (December 2023) from the consultants working on behalf of the client for the subject pit (GM Blue Plan) have offered an analysis of the cumulative impacts for this development in relation to the proposed pit by B.J.&S Enterprises and J.&K. Agro Services Inc. on Lot 20, Concession 4, 4 NDR, and the currently in operation Redford Pit located at Lot 19, Concession 5, 4 NDR. This would help address County official plan policy 5.6.4(3).

The technical areas covered through the cumulative analysis include noise impacts, local traffic impacts, and dust impacts.

Noise: Regarding the potential noise impacts, staff understand that there are no sensitive receptors within 150 metres of the proposed extraction boundary of the pit. This is the identified threshold for completion of a noise assessment report outlined under the Aggregate Resources Act (ARA). But as a manner of due diligence, a noise assessment was completed and included several mitigation and recommendation measures that aid in alleviating any observed off-site noise impacts. These recommendations from the noise study have been incorporated into the latest operations plan. Staff are of the understanding that the noise impacts from this subject pit proposal will be entirely managed on-site (within the allowable limits of 45 dBA as

per Table 4) and therefore, will not have the effect of contributing to any cumulative noise off-site. Staff would also note that one of the key recommendations from this noise assessment that will assist in confirming the accuracy of these findings, is the off-site noise audit to be completed within 6 months of the start of extraction. Staff are satisfied that any cumulative noise considerations as part of this development have been addressed.

Traffic: The primary haul route for the J.T. Excavating Pit will be different from the proposed pit by B.J.&S Enterprises and J.&K. Agro Services Inc. and the existing Redford Pit. J.T. excavating pit. The haul route is proposed to travel east on Concession Road 4, to Mulock Road, and south on Mulock Road to Grey Road 4. Whereas the other two pits are either using or proposing to use a more westerly route, travelling west on Concession Road 4 to Grey Road 3. Given the separate haul routes from these operations, County staff do not see any concerns from a cumulative impact perspective. Generally, the TIS recommends improvements be made to the municipal intersection Concession 4 and Mulock Road. County transportation staff have no concerns with the overall maximum tonnage extracted per year.

Dust: the operation plan indicates that dust will be mitigated on-site (when required), using water or a provincially approved dust suppressant. As further discussed in the response letter provided by GM Blue Plan, December 2023 – the volume of dust on the site is not expected to be significant due to the nature of the granular soil deposit. It was also noted that the prevailing winds in this area tend toward the east, reducing the potential for dust from the J.T. Excavating Pit migrating westerly toward the other two pits. County staff have no concerns regarding the potential for cumulative, offsite impacts from dust.

Hydrology: County staff have reviewed the hydrogeological assessment and find it acceptable provided the site control recommendations within the report are adhered to as follows:

- 1) To generally maintain surface water flows to the same low-lying locations, sloping of the restored grades to maintain similar catchment areas (pre- and post-development) shall be conducted.
- 2) Water levels shall continue to be measured during the application process so that direct measurement of the “high” water level can be confirmed, and the pit floor elevation be updated accordingly.

Staff understand that the natural features, groundwater, and surface water will not be negatively impacted nor cumulatively negatively impacted as part of this overall development proposal.

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February 27th, 2024

County planning staff will continue to request to be made aware of any updates regarding this file.

If you wish to discuss this matter further, please contact me.

Yours truly,

A handwritten signature in black ink, appearing to read "Stephanie" followed by a stylized flourish.

Stephanie Lacey-Avon
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