



Committee Report

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| To: | Warden Hicks and Members of Grey County Council |
| Committee Date: | July 14, 2022 |
| Subject / Report No: | Hog's Back Pit County Official Plan Amendment 16 Merit / Report PDR-CW-27-22 |
| Title: | Hog's Back Gravel Pit - Official Plan Amendment 16 Merit Report |
| Prepared by: | Becky Hillyer |
| Reviewed by: | Scott Taylor |
| Lower Tier(s) Affected: | Township of Southgate |
| Status: | |

Recommendation

1. That Report PDR-CW-27-22 regarding a proposed County Official Plan Amendment be received; and
2. That the proposal proceeds to a Public Meeting to consider an amendment to Schedule B of the County of Grey Official Plan to re-designate a portion of the subject property to Mineral Resource Extraction, in order to permit the establishment of a new aggregate resource extraction operation (gravel pit) on lands legally described as Lot 31, Concession 3, geographic Township of Proton, now in the Township of Southgate, provided the Township is prepared to hold a joint public meeting in consideration of the necessary local amendment requirements.

Executive Summary

A proposed County official plan amendment application (42-07-090-OPA-16) has been submitted to re-designate a portion of the subject lands to allow for the establishment of an aggregate resource extraction operation (gravel pit). The subject property is approximately 41.2 hectares (101.7 acres) in size and designated 'Rural,' 'Hazard Lands,' and 'Provincially Significant Wetlands' on Schedule A of the County Official Plan; 'Aggregate Resource Area' on Schedule B, and 'Core Area' on Schedule C. The purpose and effect of the proposed official plan amendment would be to amend Schedule B of the Official Plan, in order to add a 'Mineral Resource Extraction' designation on approximately 13.38 ha of the subject lands. The Official Plan Amendment is required as the pit area is proposed to be located within a 'Core Area' on

Schedule C, and would be located outside of the mapped Aggregate Resource Area, shown on Schedule B.

A concurrent application for a pit license under the *Aggregate Resources Act* has been submitted by the applicant to the Ministry of Northern Development, Mines, Natural Resources and Forestry. Concurrent applications have also been submitted to the Township of Southgate for an amendment to the Township's Official Plan, as well as a zoning by-law amendment.

Background and Discussion

The County has received an application from H. Bye Construction Limited, represented by Cuesta Planning Consultants, to amend the Grey County Official Plan as it applies to the subject lands. The application would amend Schedule B of the Official Plan, in order to add a 'Mineral Resource Extraction' designation on approximately 13.38 ha of the subject lands. The amendment would also recognize a pit within the Core Area on Schedule C to the County Plan. The subject lands are approximately 41.2 hectares (101.7 acres) in size.

The proposed development also requires an amendment to the Township of Southgate's Official Plan and Zoning By-Law, both of which have been submitted by the applicant concurrently with the subject County Official Plan Amendment (OPA). A concurrent application has been submitted to the Ministry of Northern Development, Mines, Natural Resources and Forestry (MNDMNRF) in order to attain a license for the pit operation, under the *Aggregate Resources Act*. The County would make the decision on the County and Township OPAs, should Southgate adopt the Township OPA, the Township would decide on the zoning by-law amendment (ZBLA), while the MNDMNRF would decide on the pit license application.

The subject property is legally described as Lot 31, Concession 3, in the Township of Southgate, geographic Township of Proton, which is locally known as 046365 Southgate Road 04. The lands are located along the north side of Southgate Road 04, approximately 2.5 kilometers west of Grey Road 8. The property is currently vacant, with the south-west portion (approximately 7 ha) being used for agricultural purposes. Aerial images show that between 2010 and 2020 significant tree removal (approximately 6.4 ha) occurred within the proposed pit area, by a previous owner of the property. Approximately 16 hectares are designated Provincially Significant Wetlands.

Surrounding land uses include another pit operation to the south-east (with an approximate licensed area of 8.4 ha), and large vacant properties including Conservation Authority-owned lands to the east, a managed forest to the west, and vacant farm lands to the north. There is a small (0.88 ha) vacant lot immediately abutting the subject lands to the west.

As part of the rehabilitation process, the applicant intends to convert the property into a passive recreational use (campground).

Map 1 below shows an aerial photo of the subject lands. Map 2 shows the existing designation of the lands, with 'Rural' shown in white, 'Hazard Lands' in green, and 'Provincially Significant Wetlands' in blue. Map 3 shows mapping from Schedule B of the Official Plan, including existing Aggregate Resource Area mapping in orange, the neighbouring Mineral Resource Extraction area in purple, as well as the proposed licensed area outlined in red.

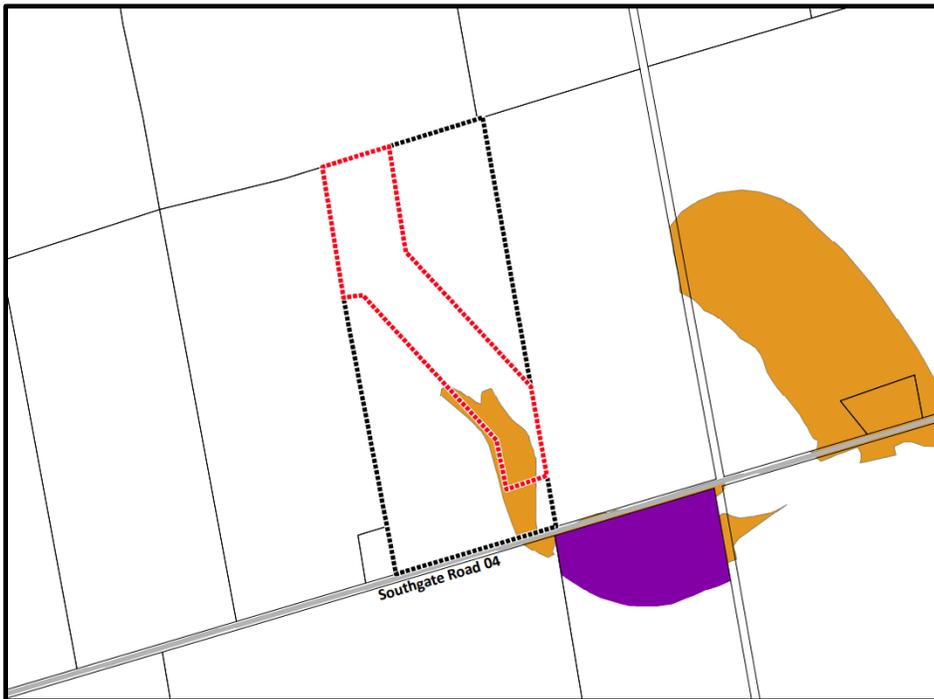
Map 1: Aerial photo of the Subject Lands



Map 2: Current Official Plan Schedule A Land Use Designation



Map 3: Schedule B & Proposed Licensed Area



A number of reports and studies have been submitted to support the application, including a Planning Justification Report, Site Plans, Archaeological Assessment, Hydrogeological Assessment, Natural Environment Technical Report, and Transportation Impact Study.

[Link to Background Materials](#)

A joint public meeting has been scheduled with the Township of Southgate for July 27th, 2022.

Analysis of Planning Issues

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

A detailed planning analysis has not been undertaken at this stage. Following the public process, and agency comments, a thorough analysis and staff recommendation will be provided. Key Provincial and County policies have been flagged below for consideration.

Provincial Legislation – The Planning Act

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

- (a) the protection of ecological systems, including natural areas, features and functions,
- (b) the protection of agricultural resources of the Province,
- (c) the conservation and management of natural resources and the mineral resource base;
- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- (m) the co-ordination of planning activities of public bodies,
- (o) the protection of public health and safety, and
- (p) the appropriate location of growth and development.

The above matters have been reviewed in the background reports accompanying this development. Following public and agency review, County staff will offer a thorough analysis of these matters.

Provincial Policy Statement (PPS 2020)

Section 1.1.5.2 of the 2020 Provincial Policy Statement notes that “the management or use of resources” is a permitted use on Rural Lands within municipalities.

Section 2.5(1) notes that “Mineral aggregate resources shall be protected for long-term use and, where provincial information is available, deposits of mineral aggregate resources shall be identified,” and 2.5.2.4 further notes that mineral aggregate operations shall be “protected” from activities and other forms of development that may hinder their potential for expansion or continued use. Section 2.5.3 also sets out requirements for “progressive and final rehabilitation” of such operations, following their lifespan.

Noting the important natural heritage features on the property (including Provincially Significant Wetlands, Woodlands), section 2.1 also speaks to protecting these natural features for the long-term. Section 2.1 also indicates that any development or site alterations within Provincially Significant Wetlands would not be permitted, nor in the habitat of fish or endangered or threatened species.

Section 2.2 speaks to the importance of preserving local water supplies, while Section 2.3 provides policy direction to protect prime-agricultural lands for long-term use.

County of Grey Official Plan

As noted, the subject lands are designated Rural, Provincially Significant Wetlands, and Hazard Lands on Schedule A of the County's Official Plan, a portion of the lands are in the Aggregate Resource Area on Schedule B, and portions of the lands are in the Core Area on Schedule C.

Section 5.2.1 notes that "sand and/or gravel operations proposed within *Aggregate Resource Areas* on Schedule B to this Plan" are permitted within the Rural designation. Generally, new development is directed away from Hazard Lands. In this case, the majority (or all) of the proposed extraction area would fall within the mapped Hazard Lands. Section 7.2(9) provides key policy direction in deciding whether new development could be considered within the Hazard Lands, which will be thoroughly considered at a detailed review phase.

Similar to the direction of the PPS, any development or alteration of the Provincially Significant Wetlands would not be permitted through this application. While the proposed pit is outside the Wetlands, the proposal would be located within the adjacent lands (120 m) of the Wetlands.

While the aggregate resource area mapped in Schedule B is implied to move northward across the property, the mapped area 'ends' as the lands transition into a Core Area (shown on Schedule C). As the subject application proposes to extend the licensed pit operation into the mapped Core Area (and outside of the aggregate resource area shown on Schedule B), a County Official Plan Amendment is required to meet the provisions of Section 5.6.4(1)(b).

The protection of the County's Core Area (in conjunction with the noted wetlands, wooded areas, etc.) is a key feature of this application, given the ecological significance of these areas, and their role in supporting diverse wildlife, plants, etc. To ensure that these natural features would not be harmed through potential approval of the proposed pit operation, a Natural Environment Technical Report has been completed, as well as a Hydrogeological Report.

As per Appendix B, the subject lands are largely covered in 'Significant Woodlands,' with a small area of 'other wetlands.' There is a water course towards the north of the property, as well as a mapped Area of Natural and Scientific Interest (ANSI) – Earth Science feature. It is noted that the ANSI feature is largely the site of the proposed extraction operation, as it is indicative of a unique rock formation that moves through the site. This area also overlaps with the Hazard lands designation.

To comply with the requirements noted in Section 5.6.4 (4) for a complete Planning Act application in relation to a new pit operation, the following reports and studies have been prepared and submitted with the subject application: Planning Justification Report, Archaeological Assessment, Hydrogeological Report, Traffic Impact Study, and a variety of Site Plans including a plan of Existing Features, future Operational Plan, and proposed Rehabilitation Plan.

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

Legal and Legislated Requirements

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

Financial and Resource Implications

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

Relevant Consultation

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

Appendices and Attachments

[Draft By-Law](#)
[Schedule A](#)