



Planning and Development Committee Report

To: To the Chair and Members of Planning and Development Committee
From: Kayla DeLeye, Senior Planner
Date: November 2, 2021
Subject: RPT-21-253, Official Plan & Zoning By-Law Amendment Application OPA1-21-KD & ZBA5-21-KD, 1044 Colborne Street West, Geographic Township of Brantford
Purpose: For Approval

Recommendation

That Application **OPA1-21-KD & ZBA5-21-KD** from MHBC, Agent, on behalf of Lafarge Canada Inc. Applicant/ Owner of Part of Lot 12, Concession 5, County of Brant, in the geographic Township of Brantford, located at 1044 Colborne Street West, proposing to change the Official Plan land use designation from Agricultural to Resource and change the zoning on the subject lands from Agricultural Zone (A) to Resource Extraction (EX) to permit the extension of an aggregate pit, **BE APPROVED;**

And that the reason(s) for approval are as follows:

- The application is consistent with the policies of *Provincial Policy Statement* and in conformity to the policies of the Growth Plan for the Greater Golden Horseshoe.
- The application conforms to the policies of the Official Plan and is in keeping with the intent of the Zoning By-Law.
- The application further includes all of the information and studies required by the Aggregate Resources Act Provincial Standards.

Strategic Priority

6. Sustainable and managed growth

Financial Considerations

None.

Executive Summary

The purpose of this report is to provide Council and the public with information from the aggregate pit expansion application to amend the County of Brant Official Plan & Zoning By-Law 61-16.

This application was presented to the Planning and Development Committee on April 6, 2021 for information purposes.

Official Plan & Zoning By-Law Amendment Application **OPA1-21/KD & ZBA5/21/KD** is proposing to change the Official Plan land use designation from Agricultural to Resource and to change the zoning on the subject lands from Agricultural Zone (A) to Resource Extraction (EX) to permit the extension of the existing Lafarge aggregate pit located directly east of the subject lands. Similarly to the existing pit, extraction is proposed to occur above and below the established water table, and will occur sequentially in three phases.

As part of this complete application, several studies as well as a Site Plan were completed to assess the potential impacts of the proposed Brantford Pit Extension, on natural heritage features, water resources, as well as adjacent and surrounding sensitive uses. The Agent / Applicant has submitted the following:

- Planning Justification Report and ARA Summary Statement MHBC Planning -July 2020
- Level 1 and Level 2 Hydrological Investigation MTE Consultants Inc. -July 2020
- Level 1 and 2 Natural Environment Technical Report and Environmental Impact Study Golder Associates Ltd. -July 2020
- Noise Impact Analysis Aercoustics Engineering Ltd. -June 2020
- Stage 1 and 2 Archaeological Assessments Stantec Consulting Ltd. -January 2019
- Air Quality Study RJ Burnside & Associates Ltd.- August 2020
- Traffic Operations Assessment LEA Consulting Ltd.- August 2020
- Agricultural Impact Assessment MHBC Planning -July 2020
- Site Plans MHBC Planning- August 2020

The planning analysis focuses on literature review of applicable policy (i.e. *Planning Act*, *Provincial Policy Statement* (2020), Growth Plan for the Greater Golden Horseshoe (2020), County of Brant Official Plan (2012), and County of Brant Zoning By-Law), consultation with departments, and an inspection of the surrounding area. This report recommends that Zoning By-Law Amendment Application **OPA1-21/KD & ZBA5/21/KD** be **Approved**.

Location

The Subject Lands are located along the south side of Colborne Street West in the geographic Township of Brantford, County of Brant.

The Subject Lands currently have a total area of 19.9 hectares (49 acres). The property currently contains an existing dwelling and is primarily used for agricultural production at this time. Surrounding land uses include the existing Brantford pit directly east, and agricultural and rural residential uses to the south, west and north. The proposed expansion is located further west of the existing cluster of homes that abut the existing Brantford pit to the east.

Report

Provincial Policy Statement (2020)

The *Provincial Policy Statement* (PPS) provides policy direction on matters of Provincial interest regarding land use planning and development and sets the policy foundation for regulating land use and development of land. All decisions affecting planning matters shall be 'consistent with' policy statements issued under the *Planning Act*.

Section 1.1.5 of the Provincial Policy Statement speaks to Rural lands in Municipalities and states that on rural lands located in municipalities, permitted uses are: a) the management or

use of resources... Section 1.1.5.2 further adds that “development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical extension of this infrastructure.” (1.1.5.5)

The subject lands are located on Rural lands within the County, and the proposed aggregate use is a permitted use.

Section 1.1.5.7 states “Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resources-related uses and directing non-related development to areas where it will minimize constraints on other uses.”

The proposed aggregate pit expansion will support the local economy, protect the resources available in this area, and ensures the pit remains in close proximity to local markets and haul routes. The proposal supports diversifying the local rural economy.

Section 1.2.6 speaks to Land Use Compatibility and states that “major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities.

Through the required Aggregate Resources Act (ARA) process, the applicants have been required to design a site plan that takes into account additional measures to ensure compatibility with surrounding properties. Some of these requirements include setbacks from property lines, enhanced berming and landscaping and adhering to the recommendations of the technical reports.

Section 1.7 Long Term Economic Prosperity states that Long-term economic prosperity should be supported by:

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

The proposal represents an example of opportunity to optimize the long term availability of aggregate resources in the County of Brant as there is an existing pit already operating at the adjacent site. The site proposes to make use of the existing infrastructure and haul routes that exist today at the Lafarge operation.

Section 2 of the PPS speaks to “Wise Use and Management of Resources”

Section 2.1 .1 states “Natural features and areas shall be protected for the long term.”

The subject lands are zoned Agricultural and currently used for Agricultural purposes. No comments of concern were raised by the County’s Environmental Planner in respect to Natural Heritage features on site. It was noted in the Planning Justification Report that the Natural Environment Report (Golder, July 2020) confirmed that there were no natural heritage features present on the site, except for the habitat of Barn Swallow which will be addressed through the requirements of the Endangered Species Act (ESA) with appropriate mitigation measures.

Section 2.1.2 states “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.”

As noted in the supporting materials of this application, the long-term ecological function and biodiversity of area’s natural heritage system will be improved through the implementation of the Rehabilitation Plan for the existing pit and pit extension which will create an open-water feature and naturalized areas. This is a requirement of the ARA process.

Section 2.2.2 speaks to Water resources and that’s that “Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored. Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore sensitive surface water features, sensitive ground water features, and their hydrologic functions.”

As part of a complete application Level 1 and 2 Hydrogeological Reports were completed, which determined that there will be no adverse hydrogeological impacts to water resources. In addition, it is noted by the agent that a monitoring and mitigation program will be implemented to ensure that the quality and quantity of both local groundwater and surface water will be maintained.

Section 2.3 of the PPS speaks to Agriculture and states that “Prime agricultural areas shall be protected for long-term use for agriculture” Further, it states in section 2.3.1 that “Prime agricultural areas are areas where prime agricultural lands predominate. Specialty crop areas shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the prime agricultural area, in this order of priority.”

Although the lands are not considered a specialty crop area, the lands are comprised of mostly class 2 soils as indicated in the Planning Justification Report and the Agricultural Impact Assessment completed for this application. Planning staff are satisfied that the PPS contemplates for this aggregate extraction below water table, on prime agricultural lands, as noted below in policy 2.5.4.

Section 2.5.2 speaks to the Protection of Long-Term Resource Supply. Section 2.5.2.1 states that “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”.

It is planning staff understanding that the aggregates resources extracted from the site will primarily be used to service the local County of Brant and City of Brantford construction markets.

Section 2.5.2.2 states that “Extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts.”

Planning staff recognize the ARA process and site plan as the mechanism to ensure minimal impact on the surrounding communities.

Section 2.5.3 speaks to Rehabilitation. Section 2.5.3.1 states that “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. Further, Section 2.5.3.2 Comprehensive rehabilitation planning is encouraged where there is a concentration of mineral aggregate operations. Section 2.5.3.3 states that “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”.

As noted in the justification report, the ARA process requires the proposed pit extension to be comprehensively rehabilitated with the existing pit. The common set-back area between the two pits will be extracted to form one open-water area across both properties. The surrounding side-slopes areas will be seeded with a native seed-mix.

Section 2.5.4.1 of the PPS speaks to “Extraction Below the Water Table on Prime Agricultural Land. Further, section 2.5.4.1 states “In prime agricultural areas, on prime agricultural land, extraction of mineral aggregate resources is permitted as an interim use provided that the site will be rehabilitated back to an agricultural condition.”

Complete rehabilitation to an agricultural condition is not required if:

a) Outside of a specialty crop area, there is a substantial quantity of mineral aggregate resources below the water table warranting extraction, or the depth of planned extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible;

Staff note the subject lands are not considered specialty crop area and further it was noted in the supporting materials that investigation of bore hill drilling concluded that there is a substantial quantity of high-quality aggregate resources located below the water table.

b) In a specialty crop area, there is a substantial quantity of high quality mineral aggregate resources below the water table warranting extraction, and the depth of planned extraction makes restoration of pre-extraction agricultural capability unfeasible; **Staff note the subject lands are not considered specialty crop area.**

c) Other alternatives have been considered by the applicant and found unsuitable. The consideration of other alternatives shall include resources in areas of Canada Land Inventory Class 4 through 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 Class 1, 2 and 3 lands; and

Staff note that Lafarge has provided consideration of alternatives related to this application for an extension to the existing Brantford Pit. Consideration of alternatives focused on this location providing the opportunity to allow for both licenses to be operated and rehabilitated comprehensively. The existing pit has been in operations since the 1950's and is an established use in the area with an existing entrance and haul route. Further, it was noted by the consultant that through site-specific resource investigations, the aggregate deposit on the subject lands has a composition and depth that qualifies it as a Class 1 deposit. According to the justification report, Class 1 deposits are considered to be the most favorable for commercial development.

d) Agricultural rehabilitation in remaining areas is maximized.

Staff note that because the majority of the resources are below water table, full Agricultural rehabilitation is not feasible. The aggregate operation will be phased, allowing as much land in agricultural use for as long as possible prior to extraction. Through the ARA process and site plan, the site will be rehabilitated to an open-water feature with surrounding naturalized areas

Section 2.6.2, Cultural Heritage and Archaeology states that “Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.”

It should be noted that as part of the complete application, the applicant was required to submit assessment reports in this regard. Archaeological Assessment Stage 1 and 2 were completed for the proposed extension area. No areas of archaeological potential were identified. No further archaeological assessment was recommended following the completion of the Stage 1 and 2 Report.

In summary, based on the review of the Provincial Policy Statement, this proposal for the extension of the existing Brantford Pit Aggregate extraction is consistent with the policies of the PPS as noted above. Overall, it is my professional opinion that the request is consistent with the policies of the Provincial Policy Statement.

A Place to Grow: Growth plan for the Greater Golden Horseshoe (2020)

The GGH is a dynamic and diverse area, and one of the fastest growing regions in North America. By 2051, this area is forecast to grow to, at a minimum, 14.8 million people and 7.0 million jobs. The *Planning Act* requires that all decisions that affect a planning matter shall ‘conform with’ Provincial plans, including but not limited to the Growth Plan.

In reviewing the Growth Plan, it states in Section 4 that the “GGH contains a broad array of important hydrologic and natural heritage features and areas, a vibrant and diverse agricultural land base, irreplaceable cultural heritage resources, and valuable renewable and non-renewable resources”.

Section 4.1 states “Building compact communities and the infrastructure needed to support growth requires significant mineral aggregate resources. The Aggregate Resources Act establishes the overall process for the management of mineral aggregate operations, and this Plan works within this framework to provide guidance on where and how aggregate resource extraction can occur, while balancing other planning priorities. The GGH contains significant

deposits of mineral aggregate resources, which require long-term management, including aggregate reuse and recycling. Ensuring mineral aggregate resources are available in proximity to demand can support the timely provision of infrastructure and reduce transportation-related greenhouse gas emissions.”

Staff note that the Growth Plan policies noted above have consideration for the protection of aggregate resources and their role in providing for a sustainable and competitive economy for the County of Brant.

Section 4.2.8 Mineral Aggregate Resources states “1. Municipalities will develop and implement official plan policies and other strategies to conserve mineral aggregate resources, including: a) the recovery and recycling of manufactured materials derived from mineral aggregate resources for reuse in construction, manufacturing, industrial, or maintenance projects as a substitute for new mineral aggregate resources; and b) the wise use of mineral aggregate resources, including utilization or extraction of on-site mineral aggregate resources prior to development occurring.

Staff note that the County of Brant Official Plan provides further policy direction as it related to aggregate resources. The proposed pit extension ensures the County is able to take advantage of the high quality resources in the area, while ensuring that the lands are rehabilitated in the long term.

Section 4.2.8.3 states “In prime agricultural areas, applications for new mineral aggregate operations will be supported by an agricultural impact assessment and, where possible, will seek to maintain or improve connectivity of the Agricultural System. (4.2.8.3)

Staff note that as part of a complete application, an Agricultural Impact Assessment was completed for the proposed Brantford Extension Pit. The AIA concluded that no impacts are anticipated to the surrounding and adjacent agricultural uses or operations as a result of the proposed operations.

It is my professional opinion that the request conforms to the policies of the Growth Plan.

Source Water Protection

Source protection plans contain a series of locally developed policies that, as they are implemented, protect existing and future sources of municipal drinking water. Municipalities, source protection authorities, local health boards, the Province and others, are responsible for implementing source protection plan policies.

This property is located within a (Wellhead Protection Area) WHPA-C with an associated vulnerability score of 8 and a WHPA-D with an associated vulnerability score of 4. The applicants were required to complete a Restricted Land Use Screening Form in this regard. Comments from Cambium are included as part of this report. The applicant and agent are aware of the Source Water Protection requirements and have provided a signed copy of the Section 59 Screening Form. In accordance with the Prescribed Conditions developed to support the Aggregate Resources Act, a spills contingency plan will be developed prior to site preparation.

County of Brant Official Plan (2012)

The subject lands are designated Agricultural in the County of Brant Official Plan. The subject lands are also identified as Aggregate Resource of Tertiary Significant on Schedule E (Aggregate and Petroleum Resources) in the Official Plan.

Section 1.11.2.6.2(a) of the County of Brant Official Plan recognizes the agricultural industry as an important component of the County's economic base and as a contributor to the County's rural character.

The subject lands are currently being farmed with cash crops but are proposed to transition to aggregate resource extraction which will contribute to the economic prosperity of the County and surrounding areas.

Section 1.11.2.6.2(b) of the County of Brant Official Plan speaks to protecting the County's prime agricultural area for long term agricultural purposes.

New non-agricultural uses are not permitted in the Agricultural designation unless specifically permitted (Policy 2.2.3.4 b); therefore, an Official Plan Amendment is required to re-designate the subject lands to *Resource Development* to permit aggregate extraction

Planning staff are satisfied that the proposed Aggregate use is contemplated on lands designated as Agricultural and further that the extraction of resources is considered an important secondary use in the Agricultural Designation.

Section 2.3.4.2 speaks to Mineral Aggregate Resources and states that there are known mineral aggregate resource areas within the County that are not currently licensed for extraction, but have the potential for exploration and extraction. These areas are identified on Schedule E of this Plan. For lands that are not designated Resource Development, but have potential, the following policies shall apply.

a. As much of the mineral aggregate resource shall be made available to supply mineral resource needs, as close to market as possible. ***Lafarge noted that the Brantford Pit will continue to serve the surrounding markets.***

b. The County shall generally not permit new mineral aggregate operations within the Natural Heritage System designation, as identified on Schedule A and in accordance with the policies for this designation in Section 3.16. Prior to the development of new mineral aggregate operations within or adjacent to other natural heritage features and areas, an EIS shall be prepared to determine the significance of features and which demonstrates that there will be no negative impacts on significant natural features or their ecological functions. ***The Natural Environment Report assessed the subject lands and adjacent lands and concluded that there will be no negative impacts to any significant natural features and functions based on the proposed operations. The Hydrogeological Report also confirmed that the pit extension is not predicted to adversely affect groundwater quality or quantity.***

c. The establishment of a new licensed mineral aggregate operation shall be required to obtain Official Plan and Zoning By-law Amendments. Applications shall be reviewed based on the following, as required by the County: i. compatibility with the surrounding land uses; ii. impact of the proposed truck haul routes; iii. potential impact on groundwater quality and quantity, and Provincially significant, natural heritage features; iv. . potential impact on groundwater quality and quantity, and Provincially significant, natural heritage features; v. environmental impact and hydrogeological assessments of the area, as required, vi. . . noise, dust and vibration assessments in accordance with the Provincial Standards of the Aggregate Resources Act, and ability to implement the attenuation and mitigation measures as

recommended by the assessments; vii. rehabilitation plans; viii. matters raised by the Province or the appropriate Conservation Authority; ix. . archaeological significance; and ***The issues noted above have been addressed through the technical reports, and the additional ARA measures in place to ensure no negative impacts as a result of this proposal. Planning staff are satisfied that the submission material adequately addresses the risks involved.***

d. Where extraction is proposed on prime agricultural land, rehabilitation of the site shall be carried out so that the same areas and the same average soil quality for agriculture are restored. ***The Rehabilitation Plan for the proposed pit extension has been submitted. Because the proposal includes extraction of aggregate above and below the water table, an open-water area will be created and the side-slope and setback areas will be naturalized with non-invasive vegetation. In addition, a shallow littoral area will be created at the north end of the pit, surrounded by nodal tree and shrub plantings.***

e. Where extraction is proposed in the Agriculture designation, rehabilitation of the site shall be carried out so that the same areas and same average soil quality for agriculture are substantially restored. ***As noted above, due to the extraction below the water table, a comprehensive rehabilitation plan was created.***

f. Where extraction is proposed below the water table, the following criteria shall be satisfied:

- i. a Permit To Take Water, in accordance with the Ontario Water Resources Act shall be required from the MOE where more than 50,000 litres a day of groundwater/surface water will be drawn. A hydrogeological study shall be conducted for aggregate operations that intend to use groundwater to wash aggregate and will use greater than 50,000 litres per day during this washing process;
- ii. in prime agricultural land, a substantial quantity of mineral aggregate is located below the water table warranting extraction below the water table;
- iii. in prime agricultural land, other alternatives have been considered by the applicant and have been found unsuitable. Other alternatives include resources on land committed to future urban uses, areas of Canada Land Inventory Class 4 to 7 soils, and resources in the Agricultural Area where rehabilitation to agricultural uses is possible; and
- iv. in prime agricultural land, in those areas remaining above the water table following extraction, agricultural rehabilitation shall be maximized.

It is noted in the submission materials that extraction at the proposed pit extension will employ sub-aqueous methods. No dewatering will occur and no aggregate washing is proposed. Therefore, a permit to take water will not be required.

g. Development and changes in land use which would preclude or hinder the establishment of new mineral aggregate operations or access to resources shall not be permitted in or adjacent to mineral aggregate resource areas unless it has been demonstrated that:

- i. resource use would not be feasible; or
- ii. the proposed land use or development serves a greater long term public interest; and
- iii. issues of public health, public safety and environmental impact are addressed.

Planning staff are satisfied that mitigation measures are in place to ensure development proceeds in a matter that serves the public interest. As noted in the planning justification report, the Operations Page of the proposed ARA Site Plan identifies and implements all of the recommendations of the Noise and Air Quality Assessments; including berms, set-backs, processing restrictions, and mitigation measures. Additionally, the proposed Site Plan has been developed to ensure that all of the requirements of the Provincial Standards are met.

h. Applicants for development or land use change within or adjacent to a mineral aggregate resource areas shall be required to submit an Aggregate Impact Assessment which provides

information assessing the potential impact of the proposed development on the resource in accordance with i. to iii. above. ***Planning staff are satisfied that the applicants have submitted the required information as required by planning staff and by the ARA process.***

Overall, it is my professional opinion that for reasons noted above, the application conforms to the policies of the County of Brant Official Plan respecting aggregate resource extraction.

County of Brant Zoning By-Law 61-16

The subject lands are currently zoned Agricultural (A) within the County of Brant Zoning By-Law 61-16.

This application proposes to change the zoning of the subject lands to the *Resource Extraction (EX)* zone which aligns with the proposed lands use designation.

The following uses are permitted in the EX zone:

- Existing uses
- Agricultural use
- Mineral aggregate operation
- Mineral aggregate resource conservation
- Pit
- Quarry
- Shipping container, in accordance with Section 4.35

It is my professional opinion that the request is appropriate and maintains the intent of the County of Brant Zoning By-Law (61-16).

Interdepartmental Considerations – *Staff note that the applicants are aware of all agency comments and have provided a response to comments. Planning staff are satisfied with the response.*

Development Engineering: RECOMMENDATIONS:

- That the submitted “Traffic Operation Assessment”, prepared by LEA Consulting Ltd, dated August 2020, shall be updated to include the left turn lane warrant analysis at the development entrance.
- The existing road allowance width for Colborne Street West is sufficient based on the County of Brant Official Plan (Sept 2012) – Section 5.3.2.1.3, Schedule B (Rural Arterial Road: 24 to 45m). A widening is required across of Colborne Street West. No road widening is required across the frontage of Colborne Street West.
- The Subject Lands are currently serviced by private water supply and private sanitary disposal system.

COMMENTS:

- Development Engineering Staff have re viewed the submitted “Traffic Operation Assessment”, prepared by LEA Consulting Ltd, dated August 2020. The report does not provide the left turn lane warrants for the 2025 and 2030 horizon years at the development entrance. This analysis is required and if found to be warranted, a functional design of the westbound lane will be required for our review.

- A Site Alteration Permit may be required under the County By-Law 130-17 for any fill being brought into or being removed from the Site prior to the execution of the Development Agreement and/or Site Plan Approval.
- Through the Site Plan Application, additional documents will be required upon submission such as: Stormwater Management Report, Sedimentation & Erosion Control Plan, and a Lot Grading Plan.
- The existing residential entrance at 1044 Colborne Street West will need to be removed. An approved Public Works Permit will be required and will be included in the Development Agreement.

FINANCIAL CONSIDERATIONS

- An approved Public Works Permit for the removal of the existing residential access at 1044 Colborne Street West and will be in a Schedule in the Development Agreement.
- The applicant be advised that the above reports/plans are to be completed in accordance with the County of Brant Development and Engineering Standards. (as amended).

Environmental Planning: *Planning staff note that comments regarding the natural heritage zone will be addressed through a future County initiated zoning by-law amendment*

Environmental Planning staff have reviewed the following:

- Natural Environment Level 1 and 2 Report prepared by Golder in July 2020
- Planning Justification Report prepared by MHBC in August 2020
- ARA Site Plans prepared by MHBC (existing conditions, operational plan, rehabilitation plan)

General Comments

It is the understanding of staff that the Natural Environment Report will be reviewed by ecologists at MNRF. Accordingly, staff will primarily rely on their expertise with regard to the proposed licence.

Other than the presence of barn swallow confirmed to be nesting on site, staff are satisfied that there are no significant natural heritage or hydrologic features located within or in close proximity to the subject lands. Approvals with regard to barn swallow will be addressed through permits required under the *Endangered Species Act*.

Staff are supportive of the proposed ecologically based rehabilitation plan to naturalize the subject lands that will consist of a lake surrounded by nearshore, riparian and upland habitats. The proposed plan will result in an improvement to the long-term ecological functions and biodiversity of the site. Recommendations are provided below with regards to ensuring that the lands are zoned and designated as natural heritage subsequent to the licence being surrendered.

Official Plan Amendment

Recommend that a site-specific provision be added to that would require the lands to be designated as Natural Heritage System once the Aggregate Resources Act licence has been surrendered. For example:

- When the site is licensed under the Aggregate Resources Act the provisions of the Resource Development designation are in force and effect. Upon the surrender of the Aggregate Resources Act licence, the site on Schedule A will be designated as Natural Heritage System and the Natural Heritage System provisions will be in force and effect.

Zoning By-Law Amendment

Once the Aggregate Resource Act Licence has been surrendered, the County will Re-zone the natural heritage features on the property, created through rehabilitation, to an appropriate Open Space zone through the County's zoning by-law update process.

Recommend that the following site-specific provision be added to the text of the Zoning By-Law Amendment. For example:

- When the site is licensed under the Aggregate Resources Act the provisions of the Resource Extraction (EX) Zone are in force and effect. Upon the surrender of the Aggregate Resources Act licence, the site on Map 89 of Schedule A will be zoned Natural Heritage (NH) and the Natural Heritage (NH) Zone provisions will be in force and effect.

Aggregate Resources Act – Site Plans

Operational Plan - Berms

- The existing tree screen should be preserved and enhanced adjacent to Colborne Street West. Species should be selected on their ability to minimize dust, noise, and emissions from truck traffic.
- Recommend that the berm in Phase 3 have undulating topography for aesthetic purposes. In addition, it is recommended that screening in the form of native trees and shrubs be planted on and/or adjacent to the outside of the berm. Species should be selected on their ability to minimize dust, noise, and emissions from truck traffic.

Rehabilitation Plan 3 of 3:

- Staff are supportive of the concept in the Rehabilitation Plan.
- As per Section 8.1 of the Natural Environmental Report, all new planting will include locally native, non-invasive species. It is recommended that this wording be reflected in the Rehabilitation Plan where relevant. For example:
 - o Under Proposed Vegetation, add 'locally native' prior to non-invasive species.
 - o Similarly, under Slope Creation and Rehabilitation Landform, add 'locally native' prior to non-invasive.
 - o The Nodal Planting Detail should indicate that all species are to be locally native non-invasive species.

Energy Plus:

Energy+ Inc. has no objection to the proposal by the Applicant for an OPA and ZBA to facilitate an extraction operation.

The Applicant/Owner will be required to enter into an agreement with Energy+ Inc. to establish the terms and conditions to service the extraction operation, if required as a result of this Application. As per Energy+ Inc., Current Conditions of Service, latest edition, only one service per property is permitted.

The Applicant /Owner will be responsible for all costs to upgrade or relocate existing electrical plant, if required, as a result of this Application at 100% Customer Cost. All ESA and Energy+ Inc. approved clearances to existing and proposed hydro plant must be maintained.

If easements are required as a result of this proposal the Applicant/Owner will be responsible for all costs. Early consultation with Energy+ Inc.'s Legal Coordinator is recommended.

If this application requires Site Plan approval additional conditions may be placed on the application

Field Services: Field Services Staff have no objection or comments on the application at this time. Field Services Staff will provide detailed comments at the time of the engineering submission.

Should site alteration be required prior to obtaining a registered development agreement contact field services for the requirements of a site alteration permit.

Ministry of Municipal Affairs and Housing: The ministry will not be providing comments.

Operations: Reviewed -No Comments

Parks: It is mentioned that "the proposed pit extension will be screened along the northern portion of Colborne Street, through acoustic berming to minimize visual & acoustical impacts" – I'd recommend to also consider some vegetative screening here as well.

The progressive rehabilitation plan seems sound, though I would also recommend considering some rehabilitative plantings along the western property lines – it appears there is about a 15m setback between the sloping of the pit and the neighbouring property, which would be plenty of room.

Planning staff note that the agent has attempted to include all landscaping suggestions from Parks and Environmental Planning into the updated site plan wherever feasible.

Source Water Protection (Cambium): Please see the attached source protection review letter for the proposed development at 1044 Colborne St. W. As detailed therein, this property is located within a WHPA-C with an associated vulnerability score of 8 and a WHPA-D with an associated vulnerability score of 4. The enclosed s.59 Restricted Land Use Screening Form is required to be submitted.

Additionally, the proposed extractive activities creates potential for a transport pathway (disturbs the surface above an aquifer). As such, the municipality is required to notify the Source Protection Authority and Source Protection Committee of creation of a potential transport pathway under O. Reg 287/07. We will provide further guidance on this in cooperation with GRCA.

Canada Post: Please be advised that Canada Post does not have any comments on this application to expand the gravel pit and take over 1044 Colborne St W.

Fire: When the new site is being put into operation, ensure access is created and maintained in the event that an emergency situation may occur.

The following departments/agencies did not provide any comments as part of the circulation of this application:

- Building
- Economic Development
- Union Gas
- Six Nation/Mississaugas of the Credit
- Bell Canada

Public Considerations

As part of this information meeting circulation, the following public comments were received and included as part of the attachments for review. It should be noted that the applicant and agent, along with planning staff have responded to the public comments and not further feedback has been provided at this time this report was written:

- Chris Sguigna
- Kim Mulligan

Notice of the November 2nd, 2021 recommendation meeting for this application was circulated by mail on October 11th 2021 to all property owners (Six) within 125 metres of the subject lands in accordance with the *Planning Act*. The posting of the Public Notice sign was completed on October 11th, 2021.

- At the time of writing this report, no further public comments or correspondence have been received.

Conclusions and Recommendations

An Official Plan & Zoning By-Law Amendment Application is required in order to facilitate the expansion of the existing Lafarge Brantford Pit Operation.

The Official Plan & Zoning By-Law Amendment request is consistent with the *Provincial Policy Statement* and Growth Plan as the policies contemplate for Aggregate Resource Extraction on prime agricultural lands provided the proper mechanisms are in place to ensure compatibility proper rehabilitation. The ARA process is the additional mechanism to ensure the site developments as per the site plan as there is no municipal site plan process.

The Official Plan & Zoning By-Law Amendment request conforms to the Official Plan criteria for Aggregate Resource Extraction within the Rural Area and on Prime Agricultural lands as this application proposes to amend the Official Plan & Zoning By-Law to permit the use and will be subject to the recommendation reports and studies to ensure the proposal develops in an appropriate manner.

The planning justification and recommendation provided in this report is supported by the comments received as part of the technical circulation to internal and external agencies. Technical comments also reflect the understanding that details related to drainage, grading, rehabilitation, noise and buffering etc. will be facilitated through subsequent permits and through the ARA site plan approval process.

It is my professional opinion that the request is appropriate and represents good planning and therefore I recommend that the Official Plan & Zoning By-Law Amendment Application be Approved.

Attachments

- 1. Zoning Map
- 2. Official Plan Map
- 3. Aerial Map
- 4. Public Comments Received
- 5. Response to Comments- MHBC October 7th2021
- 6. Updated Site plans, received October 15, 2021.

Copy to

- 1. Pam Duesling, General Manager of Development Services
- 2. Mat Vaughan, Director of Development Planning
- 3. Heather Boyd, Clerk/Manager of Council Committee Services
- 4. Alyssa Seitz, Planning Administrative Assistant
- 5. Applicant/Agent

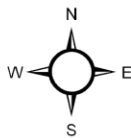
File # OPA1-21/KD & ZBA5-21-KD

In adopting this report, is a bylaw or agreement required?

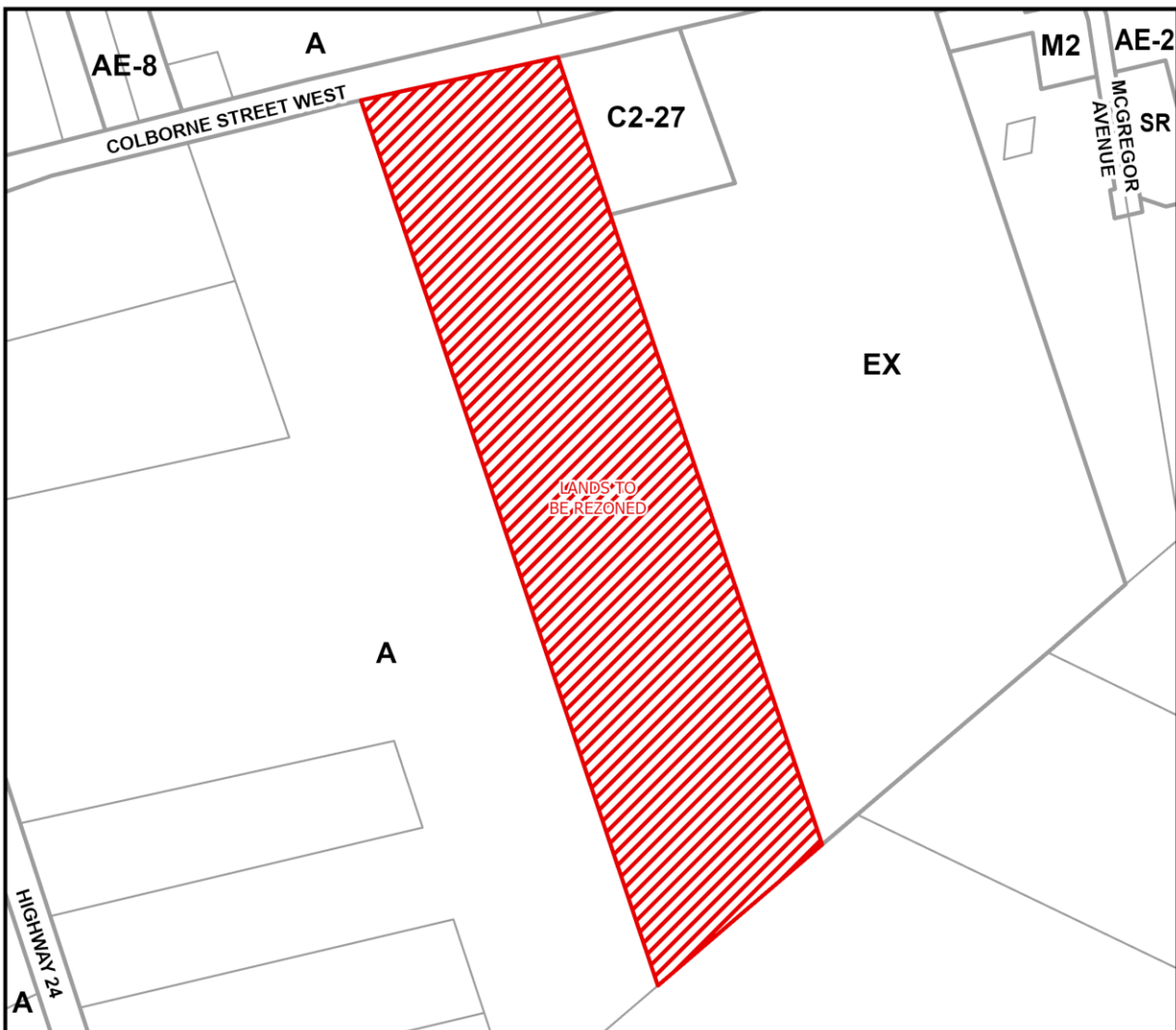
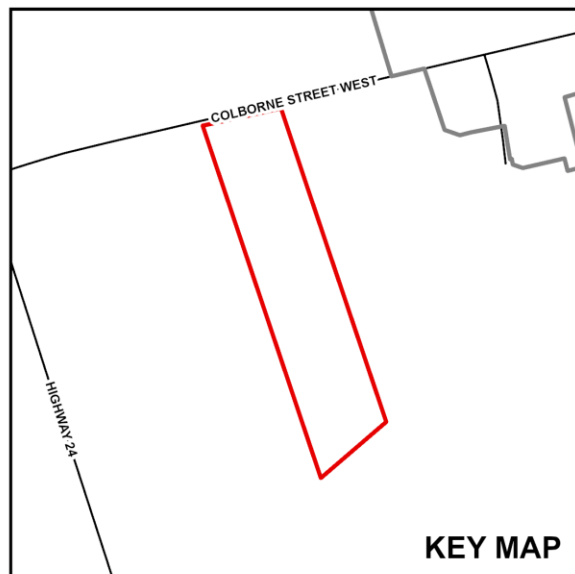
By-Law required	(Yes)
Agreement(s) or other documents to be signed by Mayor and /or Clerk	(No)
Is the necessary By-Law or agreement being sent concurrently to Council?	(Yes)

MAP 1: ZONING MAP
FILE NUMBER: OPA1-21-KD & ZBA5-21-KD

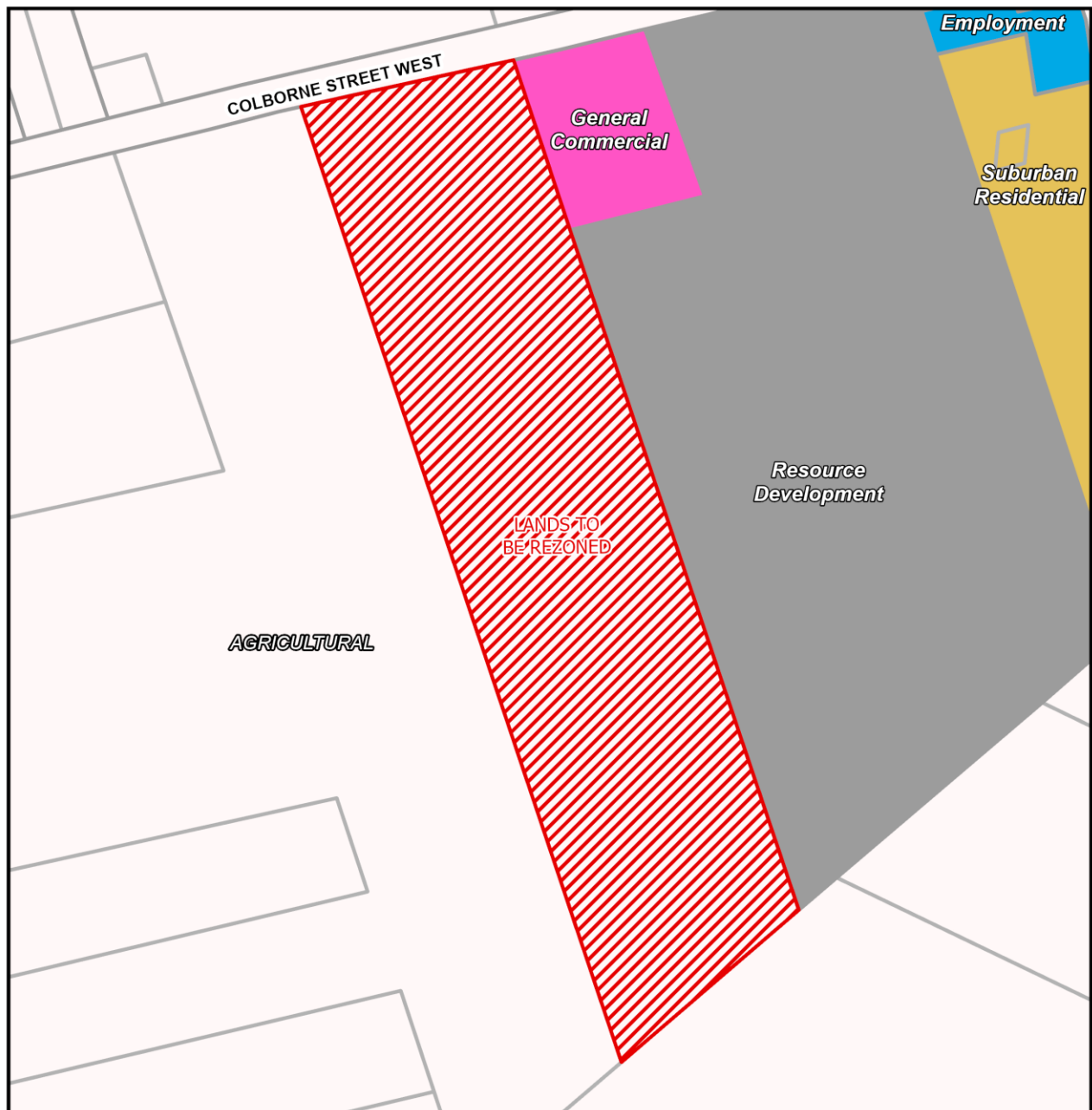
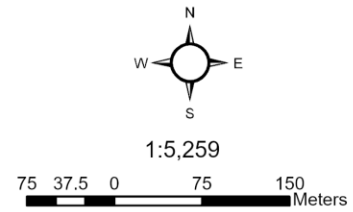
Former Township of
BRANTFORD



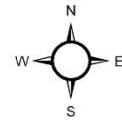
1:6,344
100 50 0 100 200 Meters



Map 2: Official Plan Map
Address: 1044 Colborne Street West
Former Township of Brantford



Map 3: Aerial Map
Address: 1044 Colborne Street West
Former Township of Brantford



1:5,259

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Meters

