

# PLANNING JUSTIFICATION REPORT

## MELANCTHON PIT EXPANSION

DUIVENVOORDEN HAULAGE LTD.

IPS NO. 18-802

February 2021



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437202 4<sup>th</sup> Line & 437138 4<sup>th</sup> Line  
Part of the East Half of Lots 13 and 14, Concession 4.

**TOWNSHIP OF MELANCTHON,  
DUFFERIN COUNTY**

APPLICATION FOR

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**OFFICIAL PLAN AMENDMENT, ZONING BY-LAW  
AMENDMENT & ARA APPLICATION**

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PREPARED BY  
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ON BEHALF OF  
**DUIVENVOORDEN HAULAGE LTD. (DHL)  
MELANCTHON PIT EXPANSION**

February, 2021

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- Appendix 1: Draft Official Plan Amendment & Schedule
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## **1.0 INTRODUCTION**

Innovative Planning Solutions (IPS) has been retained by Duivenvoorden Haulage Ltd. (DHL) to complete a Planning Justification Report for an aggregate pit expansion to their Melancthon Pit (License No. 3726). The expansion would permit a Class 'A' (Category 3 – Pit Above Water Table) License under the Aggregate Resources Act.

Two (2) properties are subject to the application, municipally known as 437202 and 437138 4th Line in the Township of Melancthon.

The applicant Duivenvoorden Haulage Ltd. was established in 1975 and has been involved in the aggregate field for over 45 years, supplying considerable volumes of aggregate materials to the market.

This Report will review the subject applications in the context of applicable Provincial and Municipal policies to provide necessary rationale for the approval of the proposed aggregate pit expansion.

This Report will review the following documents to demonstrate consistency:

- Planning Act
- Provincial Policy Statement
- Growth Plan for the Greater Golden Horseshoe
- Dufferin County Official Plan
- Township of Melancthon Official Plan
- Township of Melancthon Zoning By-law
- Aggregate Resources Act (ARA) and Provincial Standards of Ontario

## **2.0 APPLICATION**

### **2.1 PROJECT DESCRIPTION**

The subject applications include two (2) parcels of land, municipally known as 437202 and 437138 4th Line, and legally known as Part of the East Half of Lots 13 and 14, Concession 4. The properties are located along the west side of the 4<sup>th</sup> Line, approximately 1.2 kilometres north of County Road 17 and approximately 600 metres south of Side Road 15.

DHL currently operates an aggregate pit at 437138 4th Line, licensed as a Class 'A' pit (Category 3 – Above Water Table) under the Aggregate Resources Act (License No. 3726). The current operations hold an authorized area of 28.35 hectares (70 acres) for extraction and a maximum annual tonnage of 199,550. The property is approximately 39 hectares (96.4 acres) and was licensed in the early 1990's. Life expectancy of the existing pit is based on market demand, with approximately 500,000 tonnes of material left or around 3-5 years of operations.

**Figure 1** illustrates the existing land uses and operations on the 437138 4<sup>th</sup> Line property.

The proposed Aggregate Resources Act (ARA) application is for a Class A' License, Category 3 application, for a pit above the water table. The proposed license would permit extraction of 500,000 tonnes annually between the existing and proposed operations.

The subject applications would grant a license to permit aggregate extraction to expand north onto the 437202 4th Line property. The expansion would also proceed north-east to a portion of land on the 437138 4<sup>th</sup> Line property, along the 4th Line adjacent to the existing operations that is not part of the current licensed area.

**Figure 2** provides an aerial illustration of the lands subject to the applications, shown in a yellow outline.

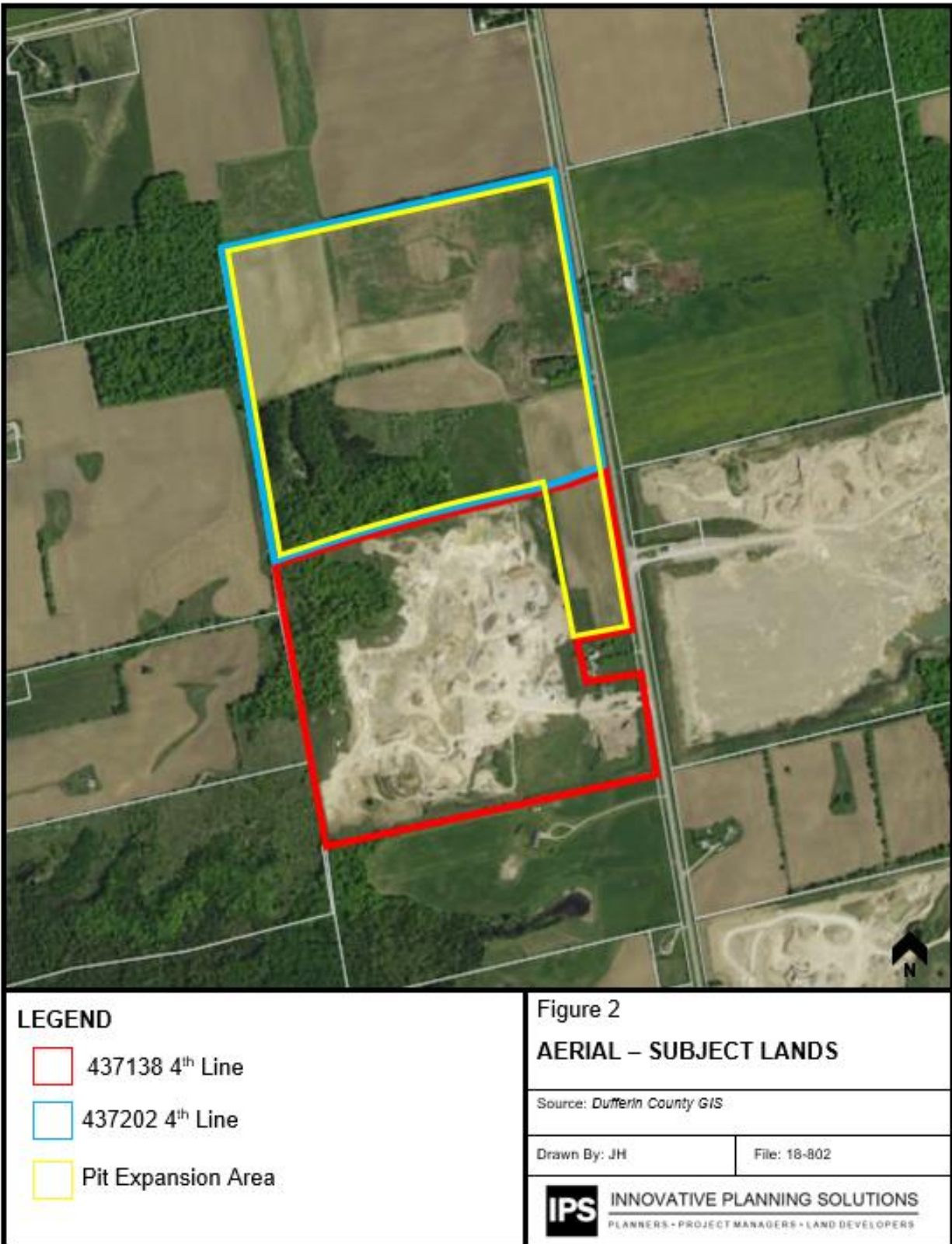
The lands subject to the application would permit an additional 45 hectares (111.1 acres) of land to be licensed, with a proposed extraction area of 34.5 hectares (85.2 acres).

The ARA Site Plans, and extraction limits have been established through extensive site visits, assessments, discussion's and recommendations from the consultants and their technical reports included with the application.

Lands not included in the proposed areas for extraction will be used for setbacks, mitigation measures, and retained natural areas. Extraction setbacks includes a 30 metre setback to the 4<sup>th</sup> Line, a 15 metre setback to the north and west property lines, and a 30 metre setback to the retained natural area. A 0.0 metre setback is requested between the lands of the existing pit and the expansion lands, to permit the expansion and extraction across the property lines.

No new entrances to 4th Line will be established. The existing entrance located at the south-east corner of the existing operations would remain as the access point for both properties, utilizing the existing haul route (4<sup>th</sup> Line). Internal haul routes will be utilized to haul the aggregate through the site.





## 2.2 ARA SITE PLANS

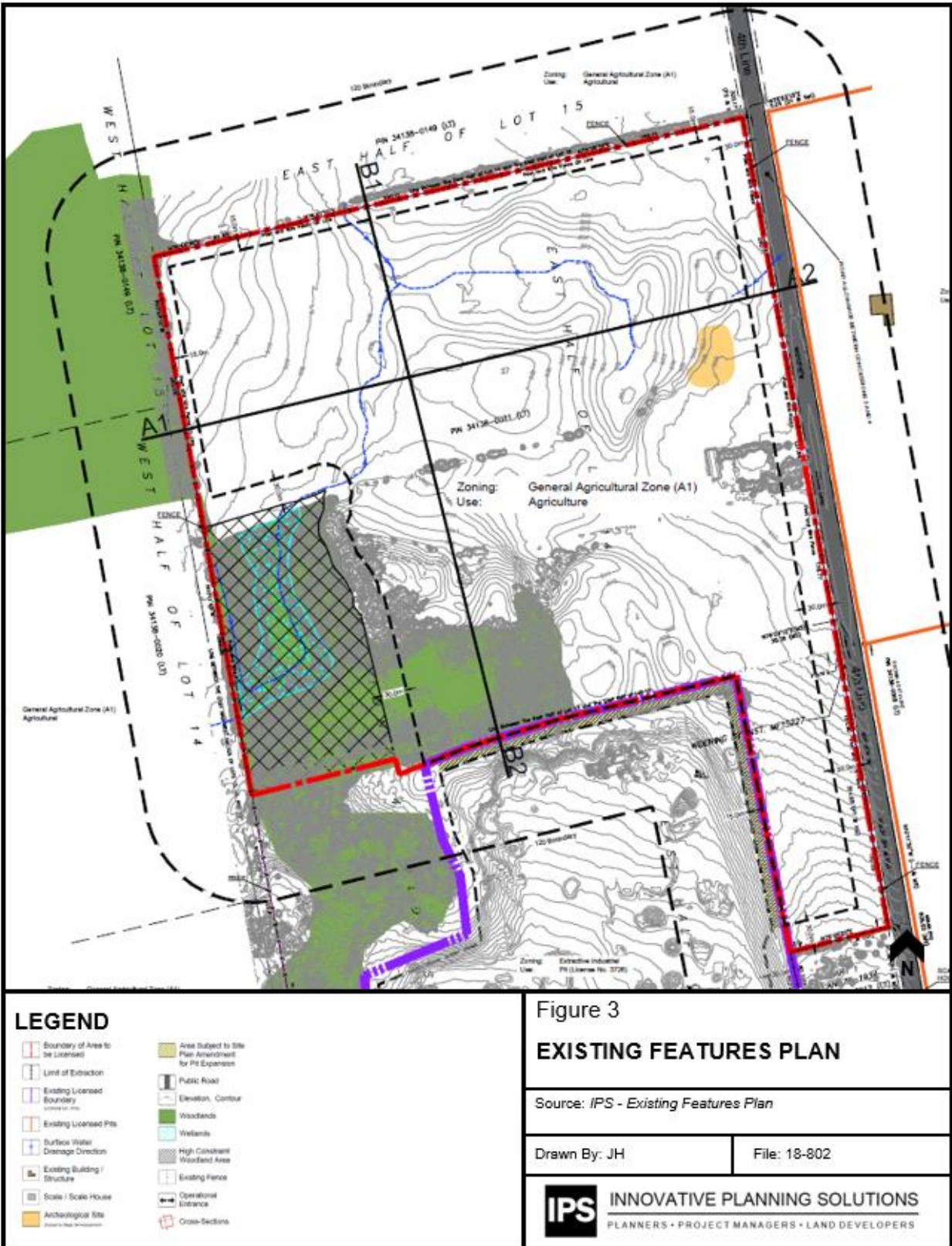
ARA Site Plans are required for a Class A pit licence, restricted to extracting aggregate material no closer than 1.5 metres above the established groundwater. The following ARA Site Plans are included with the application:

1. Existing Features
2. Operational Plan
3. Rehabilitation Plan
4. Cross-Sections

The Existing Features plan is required to show the features on the lands subject to the application, extraction limits, and a number of other considerations. Key elements of the Existing Features plan include the following:

- The lands subject to the expansion and associated applications are outlined in red.
- The existing licensed aggregate operations on the 437138 4<sup>th</sup> Line property are outlined in purple (License 3726). Adjacent operations are further displayed.
- The required setbacks and limits of extraction are displayed in a hatched black line.
- Identified surface water drainage patterns are included with a blue hatched line.
- The identified archaeological site is illustrated with an orange overlay, subject to further Stage 3 assessment in spring 2021.
- The existing woodlands are identified with a green overlay, including a grey 15 metre buffer.
- The Retained Natural Area is demonstrated with a hatched overlay, based on findings and recommendations established through the Natural Heritage Evaluations.

The Existing Features Site Plan is included as **Figure 3**.



## 2.3 REQUIRED APPLICATIONS

The following applications are required to permit the proposed pit expansion:

- Amendment to the Township of Melancthon Official Plan to redesignate the subject lands from '*Agricultural*' and '*Environmental Conservation*', to '*Extractive Industrial*'.
- Amendment to the Township of Melancthon Zoning By-law to rezone the subject lands from the '*General Agriculture (A1)*' zone to the '*Extractive Industrial Exception (M2-XX)*' and '*Open Space Conservation (OS2)*' zones.
- Application for a Class 'A' License under the Aggregate Resources Act, for a Category 3 – Pit Above Water.

## 2.4 SUPPORTING DOCUMENTS

The following key technical reports and supporting documents have been prepared to support the license and planning applications:

1. ARA Site Plan's – Existing Features Plan, Operational Plan, Rehabilitation Plan and Cross Sections - IPS
2. Archaeological Assessment Stage 1 and 2 – ASI
3. Archaeological Assessment Stage 3 – ASI (forthcoming spring 2021)
4. Natural Environmental Level 1 Technical Report – Birks Natural Heritage Consultants
5. Natural Environmental Level 2 Technical Report – Birks Natural Heritage Consultants
6. Agricultural Impact Assessment – Orion Environmental Solutions
7. Level 1 and 2 Hydrogeological Assessment – Azimuth Environmental Consulting
8. Traffic Impact Assessment (TIS) – Tatham Engineering
9. Noise Impact Study – Trinity Consultants
10. Stormwater Management Brief – WMI Engineering

### 3.0 LOCATION & SURROUNDING LAND USES

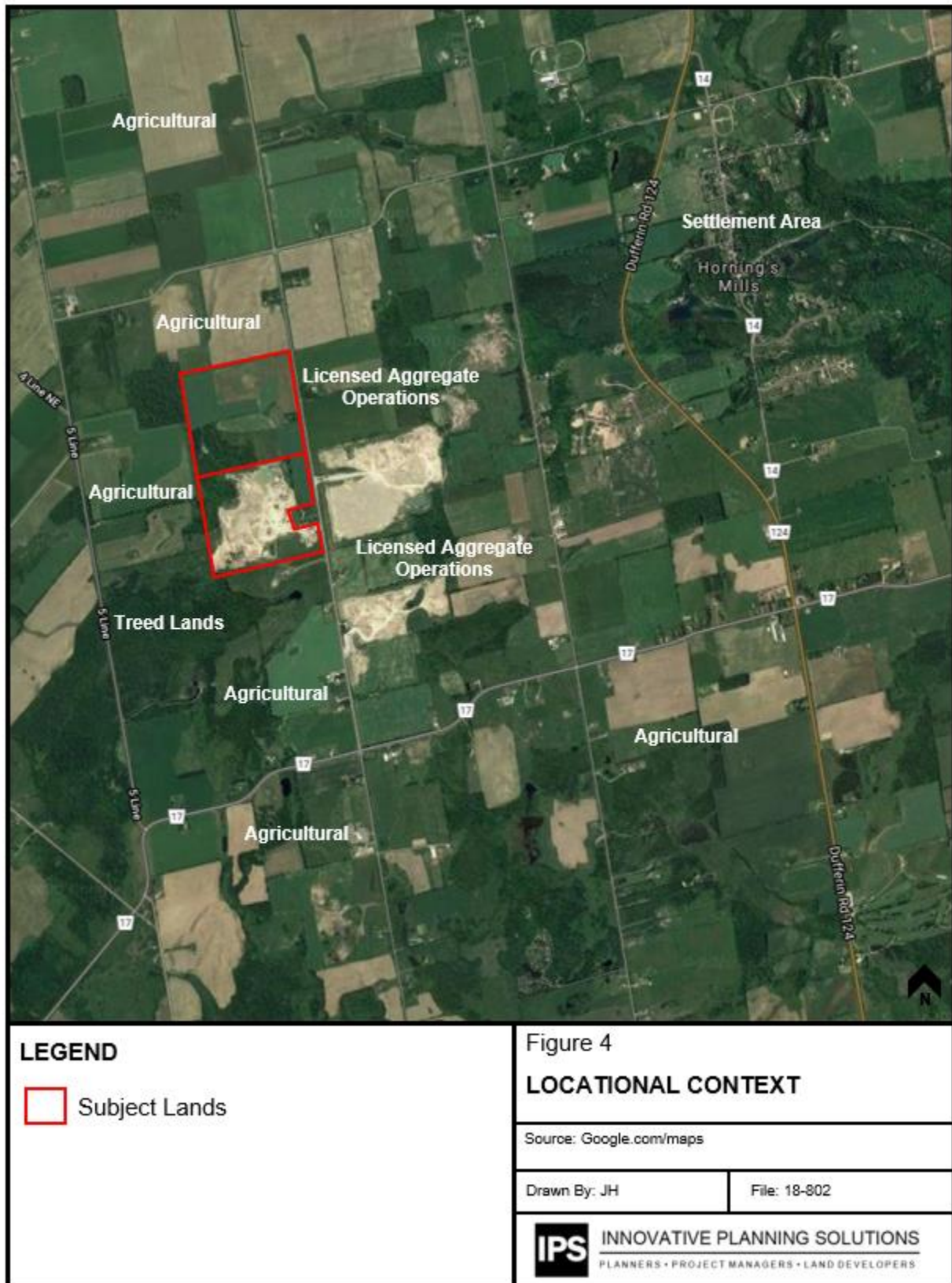
The subject lands are located within a predominantly rural and agricultural area of the Township of Melancthon with existing aggregate operations. The hamlet of Horning's Mills is located two concessions to the east along County Road 14.

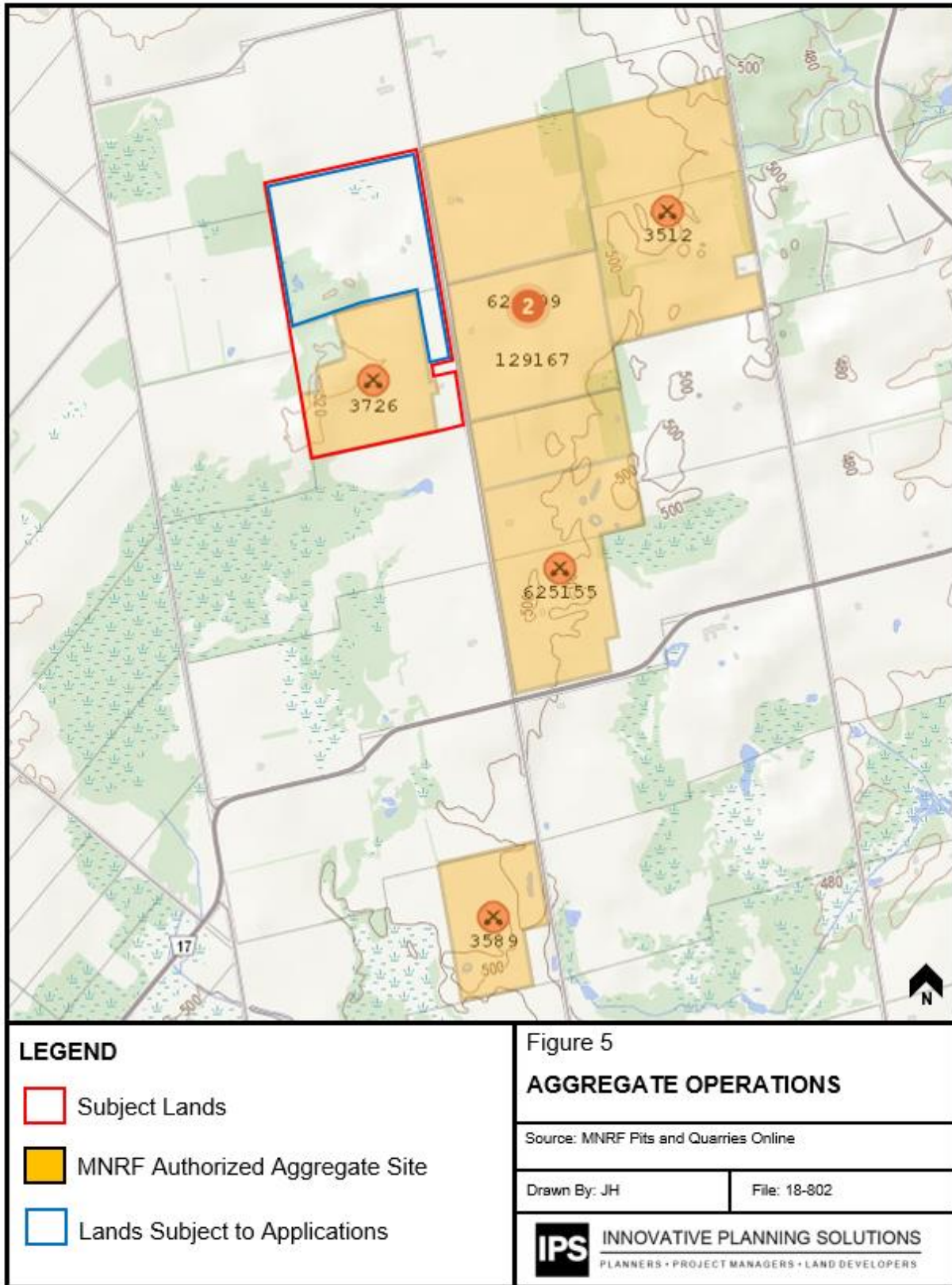
Surrounding land uses to the application includes:

- North: Agricultural lands.
- East: Strada Aggregates Inc. Melancthon Pit
- South: The existing DHL (License 3726) pit. Agricultural, environmental, and rural land uses are further south.
- West: Agricultural, rural, and environmental lands.

The properties are illustrated on **Figure 4**, in a locational context.

The area surrounding the 4th Line contains a concentration of aggregate pits, demonstrated on **Figure 5**, illustrating the adjacent and surrounding aggregate operations.





## **4.0 PRE-CONSULTATION**

A Pre-consultation application was submitted to the Township of Melancthon in May 2020. Various consultation has occurred between the Township and the applicant's representatives (IPS) relating to the proposal.

The Township's planner prepared a Pre-consultation Memo (September 11, 2020) and submitted it to Mayor White and Members of Council. The Memo overviewed the application and included preliminary comments from the Township.

The Pre-consultation application was presented before Council by the Township's planner on September 17, 2020, to introduce the application and provide a preliminary overview. Representation was made by IPS on behalf of the applicant DHL. A number of items were discussed with Council including traffic, rehabilitation, demand to expand, haul route improvements, and environmental considerations.

The Pre-consultation package was also circulated to the Nottawasaga Valley Conservation Authority (NVCA) and the County of Dufferin for review and comments. The County is the approval authority for local Official Plan Amendment's.

The Ministry of Natural Resources and Forestry (MNRF) were consulted early on in the process in May 2018. The MNRF will be involved throughout the application process.

The comments and requirements established through the Pre-consultation process have been included and addressed by the subject application.

### **4.1 FIRST NATIONS CONSULTATION**

Consultation was discussed with the Ministry of Natural Resources and Forestry (MNRF) in May 2018, with correspondence dated May 24, 2018 regarding obligation to consult. The MNRF notified the applicant that upon receipt of an application under the ARA, the MNRF would notify the local Aboriginal communities.

It was established that the subject lands fall within the traditional territory of the Saugeen Ojibway Nation (SON).

Various correspondence has occurred with SON including a site meeting with the applicant and the Manager of Resources and Infrastructure from the SON environment office on July 10, 2018. The applicant then worked to obtain a Letter of Agreement with SON (signed September 5, 2019), with respect to a mutual goal to set out a framework for consultation and accommodation with SON regarding the proposed pit expansion within their traditional territory.

Through the subject application, further consultation will be required with Saugeen Ojibway Nation, including engagement and peer review by SON of the technical reports and plans with the application.

## 5.0 PROJECT OVERVIEW

### 5.1 AGGREGATE RESOURCES

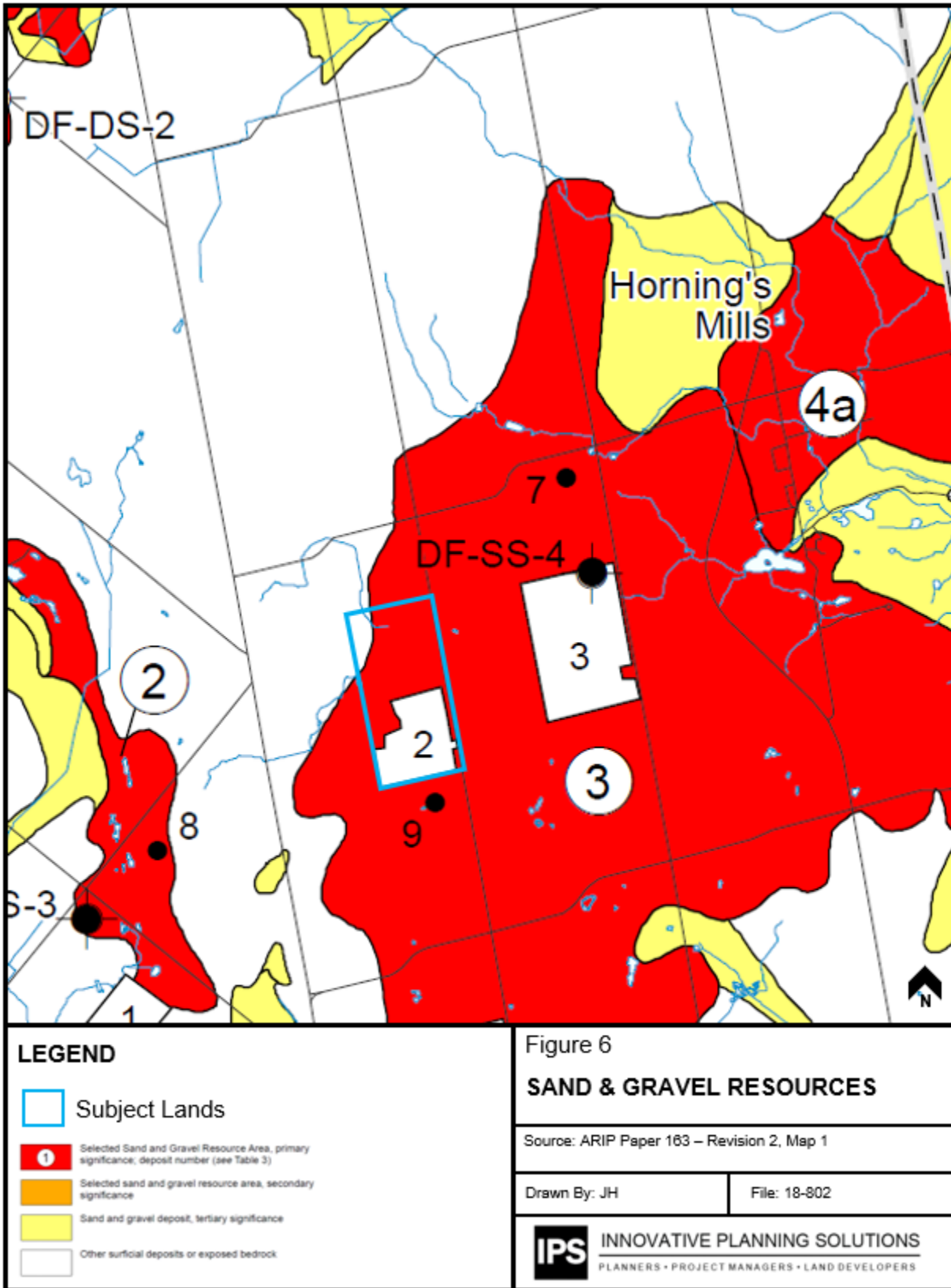
The subject lands are located within a concentrated area of sand and gravel resources. This is evident by the various aggregate operations in the surrounding area of the Township shown previously on **Figure 5**.

The subject lands are identified by the Dufferin County Official Plan (Schedule D – Mineral Aggregate Resource Areas) as '*Sand and Gravel Resource Area*', and by the Township of Melancthon Official Plan (Schedule H – Primary Mineral Aggregate Resource Areas) as '*Sand & Gravel Resource Area*'.

The subject lands are located in an area identified in the Aggregate Resources Inventory Paper (ARIP 163 – Revision 2, 2014, Map 1) for Dufferin County as Sand and Gravel Resources, designated as '*Selected Sand and Gravel Resource Area, Primary Significance*' (**Figure 6**).

In Dufferin County, a total of twenty (20) Selected Sand and Gravel Resource Areas of primary significance have been selected and identified for possible resource protection. The Selected Sand and Gravel Resource Areas represent areas in which a major resource is known to exist and may be reserved wholly or partially for extractive development and/or resource protection. The mapping reflected in the ARIP is reflected in the Municipal Official Plans, as areas of primary resources and protection.

The lands are located within '*Primary Resource Area 3*' according to ARIP 163, stating that much of Primary Resource Area 3 is suitable for a range of applications and consists of "*medium sand with some gravel and pebbly sand*" deposits. In terms of aggregate markets and transportation, ARIP 163 provides that Primary Resource Area 3 is located within close proximity to several local markets and access by both rail and road is available. Selected Sand and Gravel Resource Area 3 occupies a potential resource area of 1,588 hectares. As discussed in ARIP 163, *assuming an average deposit thickness of 8 m, possible sand and gravel resources are estimated to be 225 million tonnes*. The aggregate resources assessment indicates that there are approximately 3 million tonnes of material to be extracted from the expansion lands.



## 5.2 AGRICULTURAL RESOURCES

The subject lands are recognized as within a ‘*Prime Agricultural Area*’ and ‘*Prime Agricultural Lands*’ by the Provincial, County, and Municipal plans and designations.

According to agricultural land base and soils mapping by the Ministry of Agriculture, Food and Rural Affairs (OMAFRA), the subject lands contain ‘*Class 1*’ (*type 1*) and ‘*Class 2*’ (*type 2 FM*) soils, as demonstrated on **Figure 7**.

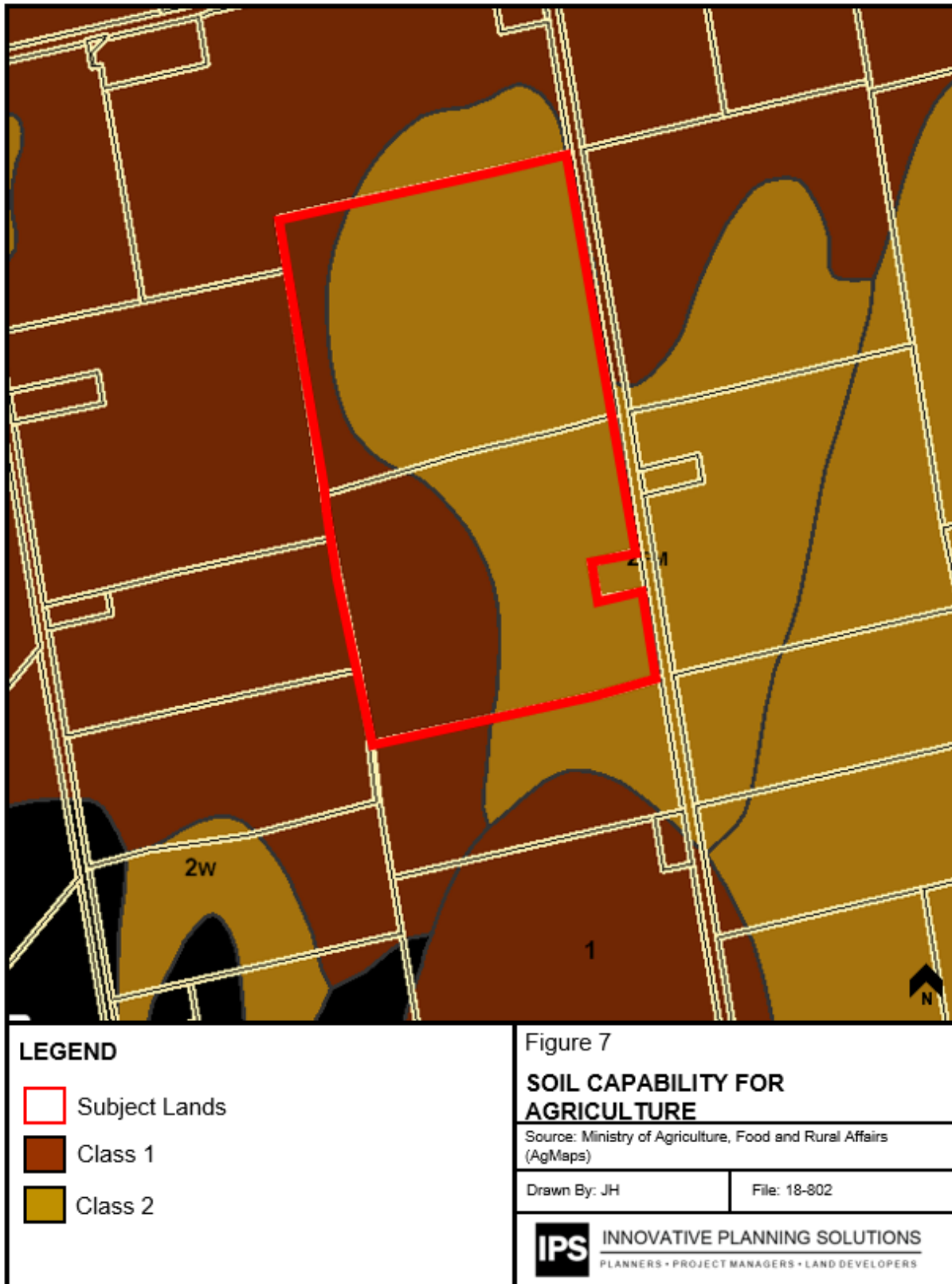
The OMAFRA guidelines states that Class 2 soils have moderate limitations that reduce the choice of crops or require moderate conservation practices. These soils are deep and may not hold moisture and nutrients as well as Class 1 soils. *The limitations are moderate, and the soils can be managed and cropped with little difficulty. Under good management they are moderately high to high in productivity for a wide range of common field crops.*

The OMAFRA guidelines states that Class 1 soils have moderate limitations that reduce the choice of crops or require moderate conservation practices. Soils in Class 1 are level to *nearly level, deep, well to imperfectly drained and have good nutrient and water holding capacity. They can be managed and cropped without difficulty. Under good management they are moderately high to high in productivity for the full range of common field crops.*

The Ministry of Agriculture, Food and Rural Affairs online mapping (AgMaps) reveals that the soils on the lands are ‘*Honeywood Silt Loam*’ and ‘*Caledon Fine Sandy Loam*’ (*HYW D2 and CAD E1*). The mapping further details that the lands contain ‘*High – A*’ and ‘*Moderate – B*’ Hydrologic Soil Group.

The property is designated for aggregate extraction, which confirms the intention to remove the lands from agriculture for the utilization of the resource. Once extraction is complete, the subject lands will be rehabilitated back to an agricultural condition in which substantially the same areas and same average soil capability for agriculture will be restored. It is recommended that the conditions of the lands be assessed near the completion of extraction to further evaluate rehabilitation requirements.

An Agricultural Impact Assessment (AIA) is included with the application under separate cover. Refer to this study for a detailed analysis.



### 5.3 WATER RESOURCES

A Level 1 and 2 Hydrogeological Assessment was prepared for the applications by Azimuth Environmental Consulting. The investigation was completed to determine the suitability of the extraction of aggregate from above the water table. There will be no water diversion or dewatering to maintain dry pit operating conditions and the depth of extraction will not occur less than 1.5 metres above the seasonal high ground water table. There is no anticipated impact to the local domestic water wells or surface water features. The assessment concludes that the lands subject to the expansion are suitable for above water table aggregate extraction.

Refer to the Azimuth Report for the complete assessment.

A Stormwater Management Brief was also prepared for the application by WMI & Associates Limited. The assessment evaluates drainage conditions, infiltration and other aspects associated with extraction. A number of considerations have been recommended by the consultant and will be implemented as a potential means of dealing with stormwater during extraction.

Refer to the Brief for the complete assessment.

### 5.4 NATURAL HERITAGE

Natural Environment Level (NEL) 1 and 2 reports have been prepared for the proposed expansion by Birks Natural Heritage Consultants.

The Level 1 assessment was prepared to address the requirements by the Province for a NEL Level 1 technical report, to identify and assess the potential natural heritage features and functions within the study area. The NEL Level 1 was issued to identify opportunities and constraints for the proposed pit expansion and to assist in the creation of the extraction plan's and limits. The Level 1 report concluded that a Level 2 evaluation was required, as natural heritage features were identified to warrant further evaluation.

The Level 2 provides an assessment of potential impacts to those features identified within the Level 1 evaluation, provides mitigation, compensation, and rehabilitation measures to reduce those potential impacts, along with a conformity review of applicable documents and policies. Subject to the recommendations of the assessment are followed, there are no anticipated impacts to the identified natural heritage features and functions.

An area of the subject lands has been preserved as the Retained Natural Area, removed from areas of extraction to maintain key natural heritage features identified.

Refer to the Level 1 and 2 reports for the complete assessment.

## 5.5 CULTURAL HERITAGE

A Stage 1 and 2 Archaeological Assessment was completed ASI.

The Stage 1 assessment entailed consideration of the proximity of previously registered archaeological sites and the original environmental setting of the property, along with nineteenth and twentieth-century settlement trends. This research led to the conclusion that there is potential for the presence of pre-contact Indigenous and historical Euro-Canadian archaeological resources.

The Stage 2 field assessment determined that small portions of the property had no potential for archaeological sites. Assessment of the remaining areas was conducted by means of pedestrian survey employed at 5 m intervals and test pit survey at 5 m intervals. During the course of the pedestrian survey, one historical Euro-Canadian site was encountered.

The James Taggart site represents a nineteenth-century historical occupation. Based on the archival research and the dating of the site materials, the site (BaHb-19) meets the criteria for cultural heritage value or interest, where the level of CHVI will result in a recommendation to proceed to Stage 4 mitigation

Therefore, it is recommended that the site be subject to a comprehensive Stage 3 Archaeological Assessment to identify the character, extent, and significance of the archaeological deposit. The results of the Stage 3 assessment will be used to evaluate the significance of the site and to develop a series of recommendations concerning any further mitigative options that may be necessary.

The Stage 3 assessment will be completed in Spring 2021 and submitted as an addendum.

The Stage 1 and 2 assessment was entered into the Ministry of Heritage, Sport, Tourism, Culture Industries registry; letter dated November 9, 2019.

Refer to ASI's technical report for the full evaluation.

## 5.6 TRAFFIC REVIEW

A Traffic Review has been completed by Tatham Engineering for the application. The traffic review addresses the site access, site traffic volumes, and the potential impacts to the adjacent road network. Access to the existing site is provided via the 4th Line

which runs north-south along the eastern boundary of the property, and is designated as an existing haul route. The expansion will continue to utilize the existing access off the 4th Line.

The assessment has determined that the adjacent road network is operating with excess reserve capacity and can readily accommodate the additional traffic volumes associated with an increase in the operations from the expansion. No intersection or access improvements are considered necessary from an operations perspective. DHL further intends to work with Strada Aggregates, operating the pits adjacent to the east, to contribute to any required road improvements of the 4<sup>th</sup> Line in the future.

Refer to the Traffic Review by Tatham Engineering for the detailed assessment.

## 5.7 NOISE IMPACT

A Noise Impact Study has been prepared by Trinity Consultants for the application. The study was completed to evaluate the sound levels associated with extraction, including modelling to determine the noise impacts at the sensitive receptors located near the site. Based on the results of the acoustic assessment, the noise impacts at the sensitive points of reception exceed the applicable noise criteria and will require implementation of mitigation measures.

To meet the MECP sound level limits, stockpile and setback control measures are implemented to achieve compliance at the receptors. Visual berms are also proposed adjacent to the 4<sup>th</sup> Line, which will further shield noise impacts on adjacent land uses to the east and south. The noise control measures are detailed on the ARA Site Plans with the application.

Refer to the Noise Impact Study by Trinity Consultants for the complete assessment.

## **6.0 PLANNING POLICY AND ANALYSIS**

### **6.1 PLANNING ACT – PROVINCIAL INTEREST**

The Planning Act (The Act) is provincial legislation that establishes the ground rules to describe how land uses are controlled, and by whom. The Act promotes sustainable development while balancing factors such as economic development, preservation of the natural environment and the creation of healthy communities, within a provincial framework focused on provincial interests and fairness.

The policies as set out in Section 2 of the Planning Act, inform the Provincial Policy Statement (PPS), Growth Plan, and other matters of provincial interest, ensuring consistency with the PPS.

Under Section 2 of the Act, key matters of provincial interest includes:

- The protection of ecological systems, areas, features and functions.
- The protection of agricultural resources.
- The conservation and management of natural resources and the mineral resource base.
- The conservation of cultural features.
- The efficient use and conservation of energy and water.
- The orderly development of safe and healthy communities.
- The appropriate location of growth and development.
- The protection of public health and safety.

The proposed pit expansion aims to preserve natural features, functions and cultural heritage resources, while permitting extraction to occur. The lands are further within an area where public health and safety is maintained. The lands are designated by Provincial and Municipal mapping for extraction, recognizing that the lands contain significant sand and gravel resources. These resources are required to support and sustain development, supported by the Province.

In our professional opinion, the proposed development aligns with the Province's interest's in land use planning.

## 6.2 PROVINCIAL POLICY STATEMENT (2020)

The Provincial Policy Statement (PPS) is a vital part of Ontario's policy-led planning system. The PPS provides the policy foundation that regulates development in order to protect resources, public health and safety, and the quality of the natural and built environment. The PPS contains policies that fall under three overarching sections, with the goal of fostering an effective and efficient land use planning system:

1. *Building Strong Healthy Communities*
2. *The Wise Use and Management of Resources*
3. *Protecting Public Health and Safety*

The PPS has been reviewed in its entirety relative to the proposed application. The analysis places emphasis on Section 2.0 which relates to the Wise Use and Management of Resources (Mineral Aggregate Resources).

### 6.2.1 AGRICULTURE

As outlined in Section 5.2 of this report, the lands subject to the expansion are classified as 'Prime Agricultural Lands' by the Province's Agricultural Land Base, with 'Class 1' and 'Class 2' soils (Figure 7).

The PPS recognizes that prime agricultural areas shall be protected for long-term use for agriculture (2.3.1). Prime agricultural areas are preserved for strictly agricultural uses; however, the extraction of mineral aggregate resources is permitted within prime agricultural areas (2.3.6.1).

Extraction on prime agricultural lands is detailed under Section 2.5.4 of the PPS. In accordance with the PPS, in prime agricultural areas and on prime agricultural lands, extraction of mineral aggregate resources is permitted as an interim use provided that the site will be rehabilitated back to an agricultural condition (2.5.4.1).

An Agricultural Impact Assessment (AIA) was completed by Orion Environmental Solutions for the proposed expansion, to address the implications of developing an aggregate extraction operation on existing agricultural lands. The AIA states that the use of the lands for extraction is appropriate and permitted. As the lands are identified by Provincial and Municipal plans and mapping with significant aggregate resources, this confirms the intention to provisionally remove the lands from agriculture for the utilization of aggregate resource extraction.

In accordance with the PPS, once extraction is complete, the subject lands will be rehabilitated back to an agricultural condition.

### 6.2.2 CULTURAL HERITAGE

The PPS places emphasis on cultural heritage and archaeological resources, as an important component of conservation. Under Section 2.6, significant built heritage resources and significant cultural heritage landscapes shall be conserved.

Development and site alteration is not permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved (2.6.2).

A Stage 1 and 2 Archaeological Assessment has been completed by ASI. As previously discussed under Section 5.5, the report evaluated the subject lands and concludes that there is potential for the presence of pre-contact Indigenous and historical Euro-Canadian archaeological resources. Classified as the James Taggart site, based on the archival research and the dating of the site materials, the James Taggart site (BaHb-19) meets the criteria for cultural heritage value or interest. Therefore, a comprehensive Stage 3 Archaeological Assessment will be completed to identify the character, extent, and significance of any archaeological deposits. The results of the Stage 3 assessment will be used to evaluate the significance of the site and to develop a series of recommendations concerning any further mitigative options that may be necessary.

The Stage 3 assessment will be completed in Spring 2021 and submitted as an addendum. Any findings and recommendations will be followed.

The local Indigenous community (SON) is involved in the application process and will be circulated the application, along with completing a peer review on the file. Their interests will be considered, and the applicant will closely work with their representatives throughout the process (2.6.5).

### 6.2.3 NATURAL HERITAGE

Natural heritage policies are contained under Section 2.1 of the PPS. Natural features and areas are to be protected for the long term (2.1.1). The diversity and connection of natural features shall be maintained, restored, or where possible improved (2.1.2). Development and site alteration is not permitted on adjacent lands to natural heritage

features, unless it has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features, areas, or their ecological function (2.1.5).

As discussed under Section 5.4 of this report, Level 1 and 2 Natural Heritage Evaluations were completed by Birks Natural Heritage Consultants. Subject to the recommendations of the Level 2 assessment, there are no anticipated impacts to the identified natural heritage features and functions.

The proposed extraction limits were determined through extensive consultation with Birks, to ensure that any key natural heritage features or related functions were retained, while permitting viable extraction on the lands. The extraction plans include mitigation measures to protect the identified natural heritage features and areas, illustrated as the Retained Natural Area. A 30.0 metre setback has been implemented to ensure protection.

#### *6.2.4 WATER RESOURCES*

Section 2.2 of the PPS includes policies for the protection, restoration or improvement of the quality and quantity of water. This includes the efficient use of groundwater and surface water resources, ensuring stormwater management practices are implemented. 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 (2.2.1).

The potential impacts of the operation relative to the quality and quantity of groundwater and surface water have been assessed through the Level 1 and 2 Hydrogeological Assessment by Azimuth Environmental Consulting. There will be no water diversion or dewatering to maintain dry pit operating conditions, and there is no anticipated impact to the local domestic water wells or surface water features. As the depth of extraction will not occur less than 1.5 metres above the seasonal high ground water table, no impacts are anticipated. The assessment concludes that the lands subject to the expansion are suitable for above water table aggregate extraction.

#### *6.2.5 AGGREGATE RESOURCES*

Section 1.1.1 of the PPS states that healthy, liveable, and safe communities are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term. In order to

meet these policies and build strong healthy communities, aggregate resources are required. By providing the resources close to market, haul trips are shortened, and costs are reduced creating more efficient development.

The proposed pit expansion has been appropriately designed and buffered to mitigate any impacts on nearby land uses, maintaining land use compatibility (1.2.6). The lands are located within a rural and agricultural area, with the advantage of having existing aggregate uses located to the east and south, with minimal land uses that would be impacted. Extraction and operations on site will be conducted to minimize any noise impacts, with mitigation measures in place. Setbacks and berming will provide sufficient visual buffering to the adjacent uses.

A Noise Impact Assessment by Trinity consultants is included with the application to assess noise impacts and considerations. Recommendations are implemented on the Operational Plan.

Providing aggregate resources as close to markets as possible is supported by Sections 1.6.7 and 1.6.8 of the PPS, which protects transportation systems, goods movement, and infrastructure corridors for the long term. The subject lands are located in close proximity to major goods movement corridors (County Road 17 and Highway 24) and adjacent to a designated haul route (4<sup>th</sup> Line), capable of supporting the movement of aggregate resources. Being close to market, the distance of haul routes is minimized and the impact on the road network is reduced. This supports long-term sustainability of transportation systems and reduced capital expenditures.

Tatham Engineering have completed a Traffic Review (TIS) for the application to address site access, site traffic volumes, and the potential impacts to the adjacent road network. The assessment has determined that the adjacent road network is operating with excess reserve capacity and can readily accommodate the additional traffic volumes associated with an increase in the operations from the expansion. DHL further intends to work with Strada Aggregates, operating the pit to the east, to contribute to any required road improvements of the 4<sup>th</sup> Line.

Section 1.8 of the PPS also recognizes the importance of energy conservation, air quality and climate change. There are a number of factors that can minimize the impacts of climate change, including to focus freight-intensive uses to areas where it can be accommodated. The aggregate operations are located in an area with designated haul routes and goods movement corridors. This allows efficiency in the movement of aggregate materials, but also directs hauling to a road network that can accommodate the transportation of these resources.

Section 1.7 of the PPS reinforces support for the application as it recognizes that long-term economic prosperity should be supported by promoting the long-term availability of resources.

Section 2.5 of the PPS speaks to mineral aggregate resources. Mineral aggregate resources are to be protected for long-term use (2.5.1). The subject lands have been designated and identified as containing significant aggregate resources, recognized for extraction.

The PPS encourages that as much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible (2.5.2.1). ARIP 163 states that the selected resource area is located within close proximity to several local markets, with access by both rail and road available. This is strengthened by the number of existing aggregate operations in the area, revealing a demand for aggregate.

The PPS encourages extraction to be undertaken in a manner which minimizes social, economic, and environmental impacts (2.5.2.2). The ARA Site Plans have been designed to minimize any impacts.

The PPS distinctly states that mineral aggregate operations shall be protected from development and activities would preclude or hinder their expansion or continued use (2.5.2.4). The PPS further goes on to state that where mineral aggregate resources are known, development and activities that would prelude or hinder the establishment of new operations or access to the resources is very limited (2.5.2.5). Resources have been identified on the subject lands and are protected to permit extraction.

Rehabilitation is required for all aggregate applications (Section 2.5.3). 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. This includes final rehabilitation which considers the surrounding land use and approved land use designations. Comprehensive rehabilitation is proposed for the existing operations and proposed expansion, encouraged by the PPS. Rehabilitation will bring the lands back to a similar condition of the existing land uses, considering the interim nature of extraction and provided to mitigate any impacts associated with aggregate operations.

As the lands have been identified and designated for aggregate extraction, the pit expansion demonstrates conformity and consistency with the goals, direction and policies provided in the PPS. Based on the above conformity review, the proposed pit expansion is supported by the Provincial Policy Statement.

### **6.3 GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE**

The Growth Plan for the Greater Golden Horseshoe (August 2020 Consolidation) has been prepared and approved under the Places to Grow Act. The Plan builds on the

PPS together with other Provincial Plans to inform decision-making regarding growth management and environmental protection.

### 6.3.1 AGRICULTURAL

The subject lands are considered '*Prime Agricultural Lands*' under the agricultural system mapping by the Province and Growth Plan, as overviewed under section 5.2 of this report. Section 4.6 of the Growth Plan states that retaining and preserving agricultural lands is encouraged, and these areas are to be protected for long-term use for agriculture. Development proposals are subject to an assessment to evaluate impacts on the agricultural uses of the lands and area (4.2.6).

An Agricultural Impact Assessment (AIA) was prepared by Orion Environmental Solutions. The assessment concludes that there is no expectation the utilization of the aggregate resources will have an adverse impact on the Township agricultural land base or the productivity of the adjacent farming operations. The lands will be rehabilitated back to an agricultural capability after extraction is complete.

Applications for new mineral aggregate operations are supported by the Growth Plan, where it has been assessed and will seek to maintain and restore the agricultural system (4.2.8.3).

### 6.3.2 ENVIRONMENTAL

Protecting the key hydrologic features and key natural heritage features is a priority of the Growth Plan. Outside of settlement areas, development and site alteration is not permitted in key natural heritage features that are part of the natural heritage system or in key hydrologic features, except for mineral aggregate operations (4.2.3.1). Proposals for new development or site alteration adjacent to these features or within 120 metres of any features, requires a natural heritage evaluation or hydrologic evaluation (4.2.4). The application will be required to demonstrate how the connectivity of features will be maintained, how any features could be replaced, how the water resources system will be protected, and other environmental considerations (4.2.8.2.b).

The subject lands are located outside of the Natural Heritage System (NHS) of the Growth Plan.

Natural Environment Level 1 and 2 reports have been completed by Birks Natural Heritage Consultants, discussed under Section 5.4 of this report. Extensive

assessment was completed, and a 30-metre setback is included to the extraction limits to ensure that there is no impact on the retained natural area and key features are maintained. The identified features are shown as the Retained Natural Area on the ARA Site Plans.

A Level 1 and 2 Hydrogeological Assessment was prepared for the applications by Azimuth Environmental Consulting. The assessment evaluated any potential impacts associated with the extraction of aggregate on water resources. The proposed extraction will occur above the water table which significantly decreases the potential for any impacts. As a result, the study findings conclude that the proposed extraction will have negligible impacts on the existing ground water and surface water.

A culture of conservation is supported by the Growth Plan to create sustainable practices. This includes the efficient use of water and reuse of water, energy, and other resources to support conservation (4.2.9). Aggregate operations can implement conservation through various considerations, including; reduced transportation routes to reduce emissions, strategies to reduce the waste of materials through processing and rehabilitation, incorporating best practices for the management of excess soil generated and fill received during the process, and mitigation measures to reduce impact on air quality.

### 6.3.3 CULTURAL HERITAGE RESOURCES

The Growth Plan places emphasis on the protection and conservation of cultural heritage resources in Section 4.2.7. The policies and strategies in place ensure that any resources are preserved. This includes strategies to identify and preserve any resources, which is implemented through the preparation of archaeological management plans and part of the decision-making process (4.2.7).

A Stage 1 and 2 Archaeological Assessment was completed for the expansion by ASI, as discussed under section 5.5 of this report. Further, a Stage 3 assessment will be completed to evaluate the significance of the identified site and to develop a series of recommendations concerning any further mitigative options that may be necessary.

### 6.3.4 AGGREGATE RESOURCES

Protecting what is valuable is an important component of the Growth Plan, which includes mineral aggregate resources. The Growth Plan includes growth targets and

recognizes that in order to meet these, infrastructure and communities will require significant amounts of mineral aggregate resources to support growth and development. The Greater Golden Horseshoe contains significant deposits of mineral aggregate resources, which requires long-term management of these resources to ensure that they are available in close proximity to demand and can be supplied in a timely manner to provide for growth (4.1).

Mineral aggregate resources are encouraged to be conserved, to promote the wise use and extraction of materials (4.2.8).

For rehabilitation of new mineral aggregate operations, a number of policies apply, and conformity must be demonstrated (4.2.8.4). In accordance with the requirements of the Growth Plan, the subject lands have been evaluated and through preparation of various assessments, including a Level 1 and 2 NHE, Hydrogeological Assessment, and an Agricultural Impacts Assessment. The key natural heritage features and areas will be maintained, during and after the extraction of materials. Portions of the lands are proposed to be maintained and buffered from extraction, to ensure protection and long-term retention of the identified features. The lands will also be rehabilitated back to similar conditions that existed prior to extraction. No impacts will occur on water resources and extraction will occur above the water table. The recommendations of the assessments are demonstrated on the ARA Site Plans with the application.

The Growth Plan provides a number of guiding principles in Section 1.2.1. The principles include the achievement of complete communities, providing flexibility to capitalize on new economic opportunities as they emerge including the resource-based sectors, protection of natural and cultural heritage resources, and the protection of prime agricultural areas. The subject application will support the guiding principles as it will provide aggregate close to market, required to support growth and development of our communities. Aggregate resources are recognized as an important economic value to the Province, and new opportunities to extract is supported on lands identified with significant resources.

Section 2 of the Growth Plan further states that the Greater Golden Horseshoe is a dynamic and diverse area, and one of the fastest growing regions in North America. The Growth Plan is about accommodating forecasted growth, and in order to meet the targets and goals set out by the Plan, a wave of development is required to accommodate the increase in growth. Aggregate is the foundation of the economy and society, as it is required to create the buildings, roads, and communities we need. As growth occurs, the demand for aggregate will also.

Based on the above, the application conforms to and is supported by the Growth Plan for the Greater Golden Horseshoe.

## 6.4 DUFFERIN COUNTY OFFICIAL PLAN

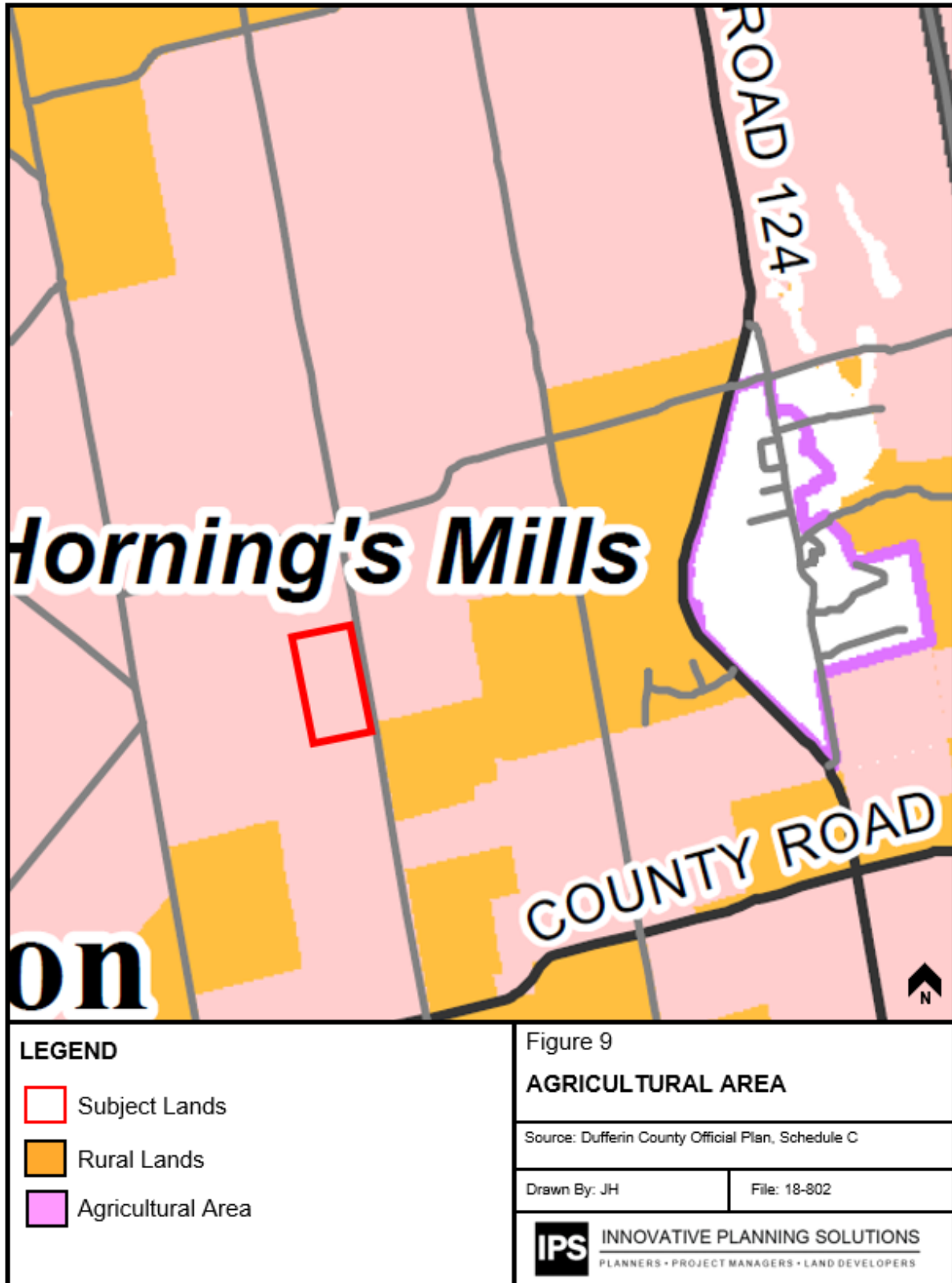
The Dufferin County Official Plan (July 2017) provides over-arching policy direction on matters of County significance. It provides direction which balances the demands for economic development, community building, resource development, agricultural preservation, and cultural and natural heritage preservation. It also provides a framework for coordinated planning between adjacent municipalities, stakeholder agencies, and other levels of government including Provincial Policy directives.

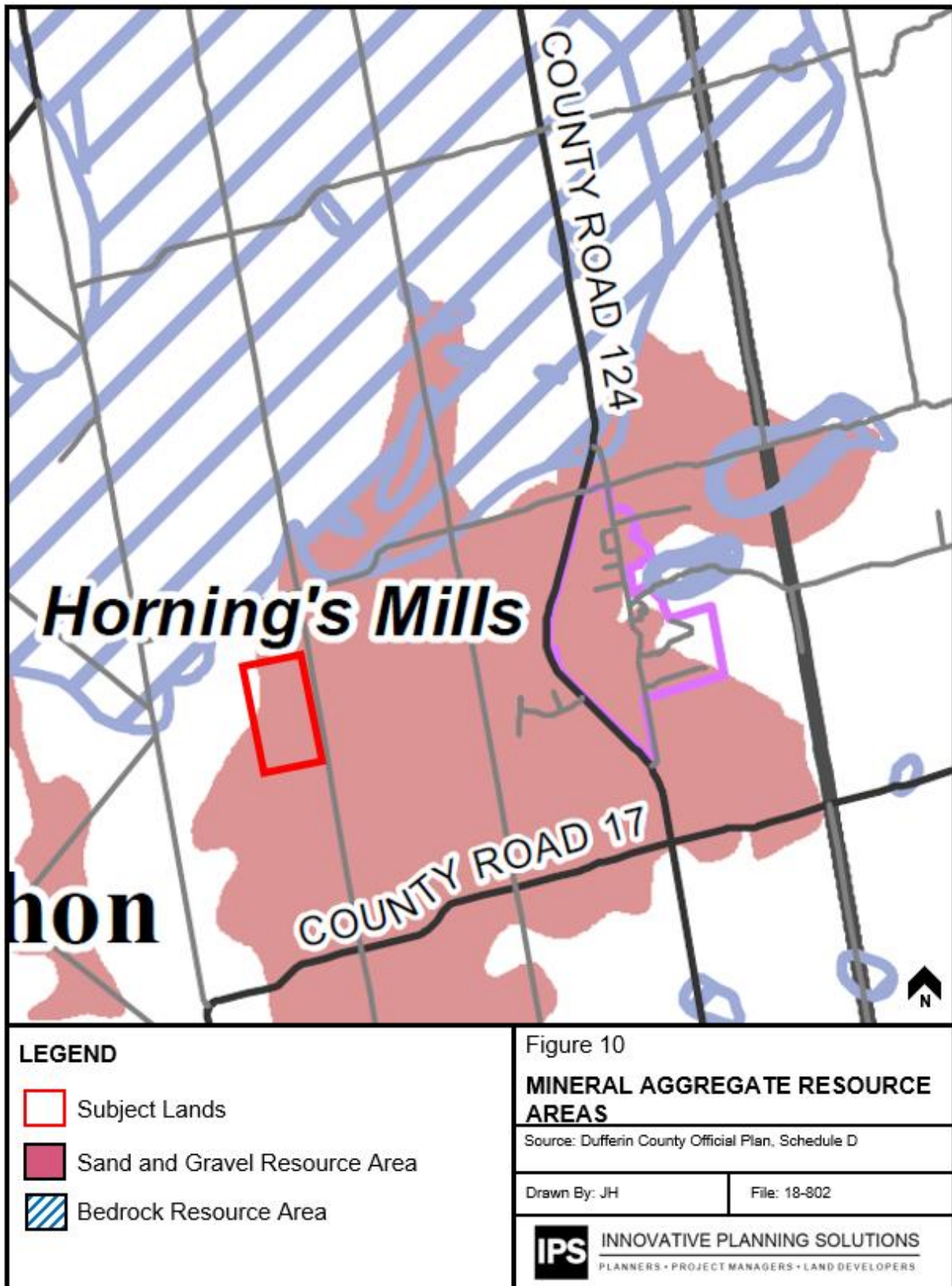
The subject lands are designated by the Dufferin County Official Plan as follows:

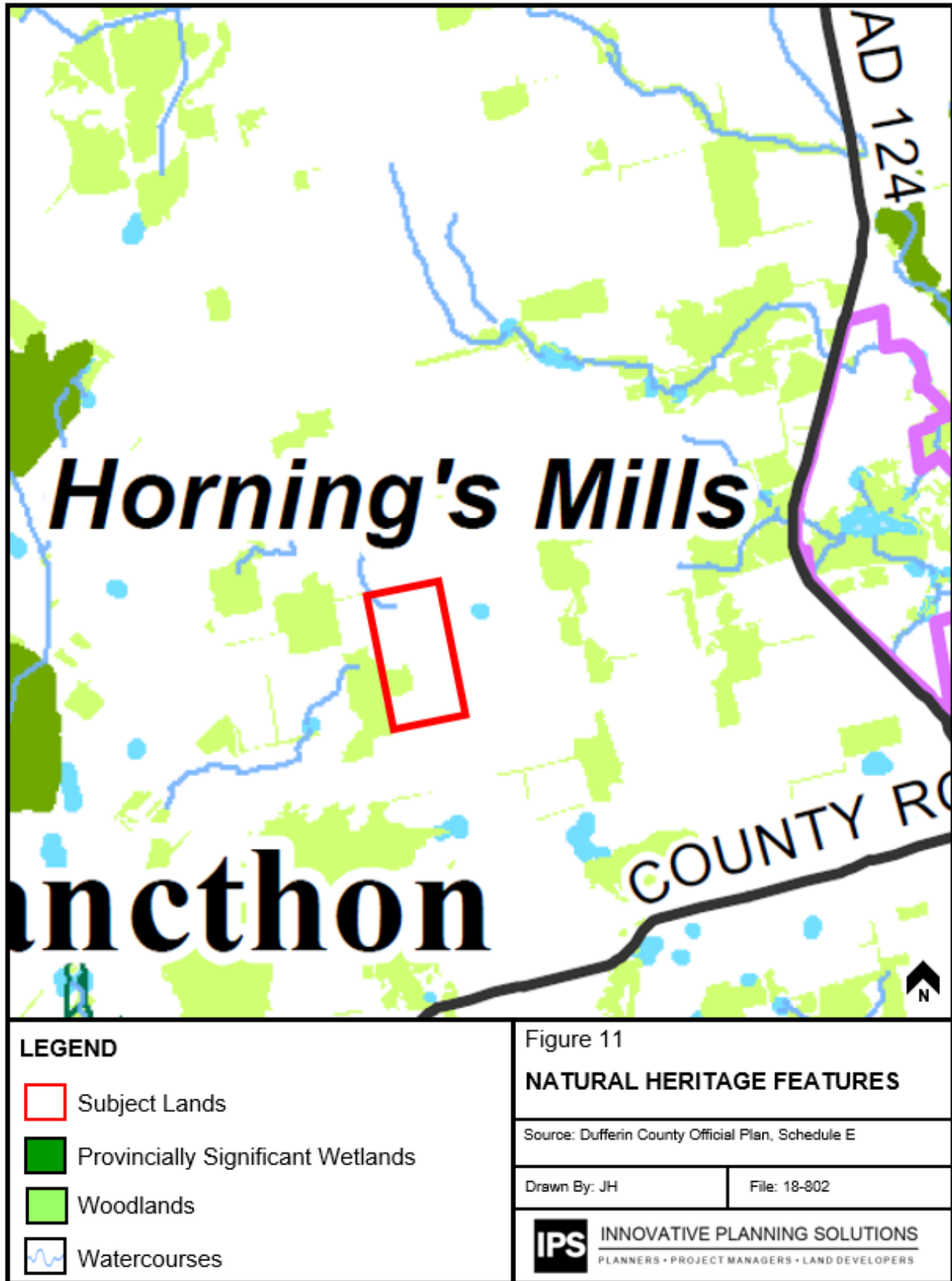
- Schedule B – Community Structure and Land Use: '**Countryside Area**'
- Schedule C – Agricultural Area and Rural Lands: '*Agricultural Area*'
- Schedule D – Mineral Aggregate Resource Areas: '**Sand and Gravel Resource Area**'
- Schedule E – Natural Heritage Features: '**Woodlands**' and '*Watercourses*'
- Schedule E1 – Natural Heritage System: '*County Preliminary Natural Heritage System*'

The key land use designations are shown on **Figures 8, 9, 10 and 11**.









#### 6.4.1 COUNTRYSIDE & AGRICULTURAL AREA

Section 4 of the Dufferin County Official Plan contains policies for the ‘*Countryside Area*’ land use designation(**Figure 8**). According to Schedule B of the Official Plan, the subject lands are further included in the ‘*Agricultural Area*’, a sub-designation under the Countryside Area (**Figure 9**).

The objectives of the Countryside Area designation is maintained by the subject applications (4.1). The rural character is maintained, while leveraging rural assets (aggregate resources) and protecting the natural environment. The protection of agricultural areas is also recognized, with complimentary uses supported. Growth and development is encouraged, where it provides opportunities for the management and use of resources. Diversification of the economic base is promoted through the sustainable use of resources and to provide opportunities to diversify the range of economic activities in the Countryside Area. Additionally, the designation aims to protect aggregate resources for their long-term use, in a manner that is socially and environmentally responsible.

Lands within the ‘*Agricultural Area*’ are designated to protect and preserve agricultural lands. Agricultural land uses shall be maintained unless appropriate justification is provided to permit alternative uses (4.2). Limited non-agricultural uses may be permitted in agricultural areas, including the extraction of mineral aggregate resources (4.2.3.1). In accordance with the Official Plan, an Agricultural Impact Assessment (AIA) has been completed for the subject application, summarized under Section 5.2 of this report.

The extraction of mineral aggregate resources in prime agricultural areas is permitted, through a site-specific Amendment to the local Official Plan, provided by the subject application. An Amendment to the County Official Plan is not required (4.2.3.1).

#### 6.4.2 AGGREGATE RESOURCES

Aggregate resources are a vital part of the economic prosperity and long-term economic success of the Region. The County Official Plan recognizes that mineral aggregate resources are in a fixed location, placing importance on ensuring the long-term protection of these resources and the appropriate management of the resource (4.4).

A number of objectives of the Official Plan for mineral aggregate resources supports the proposed expansion, as follows (4.4.1):

- The Official Plan states that aggregate resources must be protected, including the potential future extraction of these resources.

- The subject lands are located in an area close to the markets and as much of the mineral aggregate resources as is realistically possible will be made available to these markets.
- It is recognized that the expansion and continued use of pits is vital and uses that would hinder their expansion should be avoided.
- Natural heritage features and areas are retained and protected.
- Extraction will be carried out in a manner that minimizes potential negative social, economic, and environmental impacts.
- Progressive rehabilitation is proposed for the existing and expanded operations, with an appropriate after-use.

Deposits of mineral aggregate resources are identified by the Ministry of Northern Development and Mines in the Aggregate Resources Inventory of Dufferin County, Paper (163-Revision 2, 2014) and are identified on Schedule D of the Official Plan (4.4.2). In accordance with the Official Plan and ARIP mapping, significant identified mineral aggregate resources are identified, which includes significant sand and gravel resources (4.4.2.a). Refer to **Figures 6** and **10**.

Expanding or new mineral aggregate resource operations will be managed in a manner which minimizes social, economic, and environmental impacts and the appropriate use and management of mineral aggregate resources (4.4.2.1). New mineral aggregate resource operations or any expansion to an existing mineral aggregate resource operation requires an Amendment to the local municipal Official Plan and must conform to the policies (4.4.2.1.a). The local Official Plan conformity and Amendment is discussed later in this report under Section 6.4.

Under Section 4.4.2.1.d of the County's Official Plan, in considering new mineral aggregate resource operations or any expansion to an existing mineral aggregate resource operation, the County and local municipality must be satisfied that prior to approval of a local municipal Official Plan Amendment, that impacts are minimized with respect to the following:

- i. *surrounding land uses and siting of extraction operations, including demonstrating compatibility with the rural character and landscape including visual impacts.*
  - The proposed pit is compatible with the surrounding land uses and located within a rural area, with a concentration of mineral aggregate operations.
  - The subject lands are identified for aggregate resource extraction.

- Given the location, there is sufficient setbacks and buffering to surrounding land uses.
  - In terms of mitigating visual impacts the operations will be screened by visual berms, providing separation. Further, aggregate stockpiles, processing, transportation equipment and vehicles will be located on the pit floor and will largely be screened from surrounding uses as a consequence.
- ii. surrounding sensitive uses through adequate buffering, screening, and other mitigation measures.*
- The recommendations of the technical reports have been implemented to create mitigation measures.
- iii. transportation infrastructure, particularly as it relates to County Roads and Provincial Highways.*
- The maximum annual tonnage limit is proposed to be shared with the existing DHL pit (License No. 3726) at 500,000 tonnes.
  - There will be limited volume increase in truck traffic as a result of the proposed expansion.
  - Access to the expansion will be via the existing DHL pit entrance, with no new entrances proposed off the 4<sup>th</sup> Line. The haul route south to County Road 17 will remain unchanged.
  - DHL will enter into an agreement with Strada Aggregates to undertake any improvements required to the adjacent 4<sup>th</sup> Line haul route.
  - A detailed Traffic Review is included with the application.
- iv. surface water and groundwater quality and quantity, provincially significant natural features, natural heritage features and areas, and the environment.*
- Hydrogeological, Stormwater Management, and Natural Heritage assessment's were completed in support of the proposed pit extension. The assessments determined that there will be no negative impacts to the water resources, or natural heritage features and areas.
- v. social and community considerations.*
- It is imperative to recognize that the application represents the expansion of an existing use and that the extractive industrial nature of the development proposed is well separated from any designated settlement areas.

- Design and mitigation will minimize the impact of the proposed pit on any nearby rural residential uses.
- There are positive social and economic benefits to be derived from the development of mineral aggregate operations in close proximity to the geography served by the resources.

*vi. cultural heritage and archaeological resources.*

- An Archaeological Stage 1 and 2 assessment was completed for the expansion. A Stage 3 assessment is required, as potential areas of cultural significance were identified. The results of the Stage 3 assessment will be used to evaluate the significance of the site and to develop a series of recommendations concerning any further mitigative options that may be necessary.

*vii. noise, dust and vibration, in accordance with Provincial Standards.*

- The recommendations of the Noise Impact Study completed by Trinity Consultants have been implemented into the ARA Site Plans.
- Dust is required to be mitigated on site through mechanisms prescribed under the ARA. As a result of implementing these measures, it is not anticipated that dust will have any adverse impact on surrounding uses.
- No blasting is required as the application is for a Category 3 pit above the water pit.

*viii. the removal and placement of fill, topsoil or overburden.*

- Soil handling procedures as recommended by the Agricultural Impact Assessment and technical assessments have been implemented on the Site Plans.

*ix. demonstration that the final rehabilitation plan is consistent with the policies of this Plan and the local municipal official plan.*

- The subject properties will be rehabilitated back to an agricultural condition in which the preceding agricultural use will be substantially restored both in terms of size and average soil capability. This restoration will be in accordance with the PPS and upper tier and lower tier Official Plan documents.

*x. other matters identified by the Province, County, or local municipality, or identified in the local municipal official plan.*

- DHL has pre-consulted with the MNRF, Township, County and NVCA. Recommendations and comments provided by the agencies have been considered and addressed by the application.

*xi. requirements under the Aggregate Resources Act.*

- The licence application will be processed by the MNRF concurrently with the Planning Act applications.

### 6.4.3 REHABILITATION

The County requires the rehabilitation of mineral aggregate resource operations after the extraction and other related activities has ceased (4.4.2.2). Rehabilitation will occur through progressive phases and final rehabilitation has accommodated for the pre-extraction and surrounding land uses. This has been implemented to promote land use compatibility, to recognize the interim nature of extraction, and to minimize any associated impacts, to the extent possible (4.4.2.2.a). Further, the proposed rehabilitation will align with the Rehabilitation Plan for the existing operations and continue progressive rehabilitation in phases, to ultimately ensure unified connection of the two properties and suitable post-extraction land use conditions.

With the existing aggregate pit located adjacent, comprehensive and coordinated rehabilitation will occur (4.4.2.2.b). The proposed expansion would occur as an interim use on agricultural lands, therefore, rehabilitation will occur to return the lands back to an agricultural condition, as close to pre-extraction conditions as capable (4.4.2.2.c). The lands subject to the expansion will be combined with the larger agricultural holdings of the existing pit, creating viable agricultural lands after extraction is complete.

### 6.4.4 CULTURAL HERITAGE & ENVIRONMENT

The County Official Plan contains a number of objectives in Section 5.1 for natural heritage and waster resources. In general terms, the plan seeks to protect the natural resources and heritage features within the County, to support the overall diversity and interconnectivity of the features and areas. This includes directing development and site alteration away from these features, to ensure long term protection, restoration, and where possible enhancement of natural heritage features and related functions (5.3).

As identified on Schedule E (Natural Heritage Features) of the County's Official Plan, the lands are designated to include 'Woodlands' and 'Watercourses', shown previously on **Figure 11**.

In accordance with Section 5.3 of the Official Plan, development and site alteration is not permitted in or adjacent to significant woodlands or watercourses. Development is

only permitted where it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. Where natural heritage features and areas are identified, a more detailed assessment of the feature will be undertaken to determine the significance of the natural heritage feature and areas.

An assessment was completed in the form of a Natural Environment Level 1 and 2 assessments. As outlined by the executive summary under Section 5.4, there is no expectation that the proposed expansion would result in negative impacts to the identified natural heritage features and functions, with the proposed setbacks and extraction limits in place.

Section 5.3 states that the boundaries of the natural heritage features and areas are considered to be approximate, and their boundaries may be further refined without an amendment to the Official Plan. The setbacks and extraction limits proposed were closely developed with the environmental consultant through the assessments completed and to align with the technical report recommendations.

Refer to the NHE Level 1 and 2 reports submitted with the application for the detailed assessment.

Water resource protection is an important element of the Official Plan (5.4). Protection, restoration, management, and improvements of the watershed will lead to the long-term quality and quantity of water resources. Water resources has been evaluated through the preparation of the Hydrogeological Assessment for the proposed expansion. The results of the assessments determine that there is no impact anticipated on water resources.

Section 6.3.5 of the Official Plan also contains polices for human made hazards, which includes noise, vibration, odour, and other contaminants. Managing noise, vibration and odour levels is important to ensuring health and well-being, and in managing appropriate relationships between sensitive land uses. In preparation of the application, a Noise Report has been prepared by Trinity Consultants. The report includes a number of recommendations that are implemented into the ARA Site Plans to reduce and manage noise levels associated with the operations.

Cultural heritage resources are an important component of the County's history and community identity. It is the intent of the Official Plan that the County's significant built heritage resources and significant cultural heritage landscapes be identified, conserved, and enhanced, and that all new development occur in a manner that conserves the County's rich cultural heritage (3.10). A heritage impact assessment is required whenever cultural heritage resources may be impacted by a proposed development, which includes mitigation measures on how impacted cultural heritage resources will be conserved, if identified (3.10.1). As discussed under section 5.5 of this report, a Stage 1

and 2 Archaeological Assessment was completed, with a Stage 3 assessment to be completed in spring 2021. All recommendations of the assessments will be implemented and monitored.

No Amendment is required to the Dufferin County Official Plan to permit the pit expansion and aggregate extraction. The application's are consistent with the County's Official Plan.

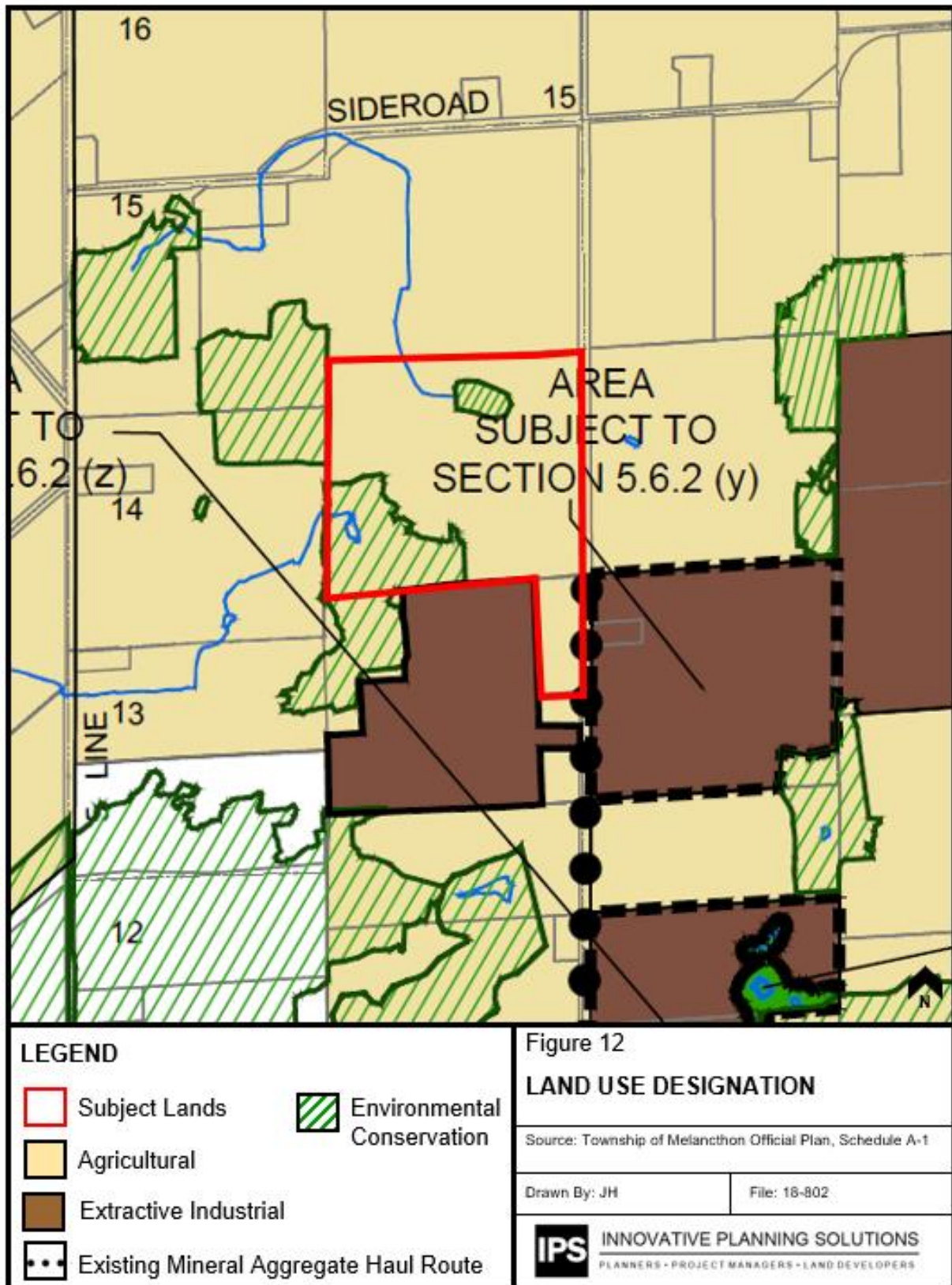
## 6.5 TOWNSHIP OF MELANCTHON OFFICIAL PLAN

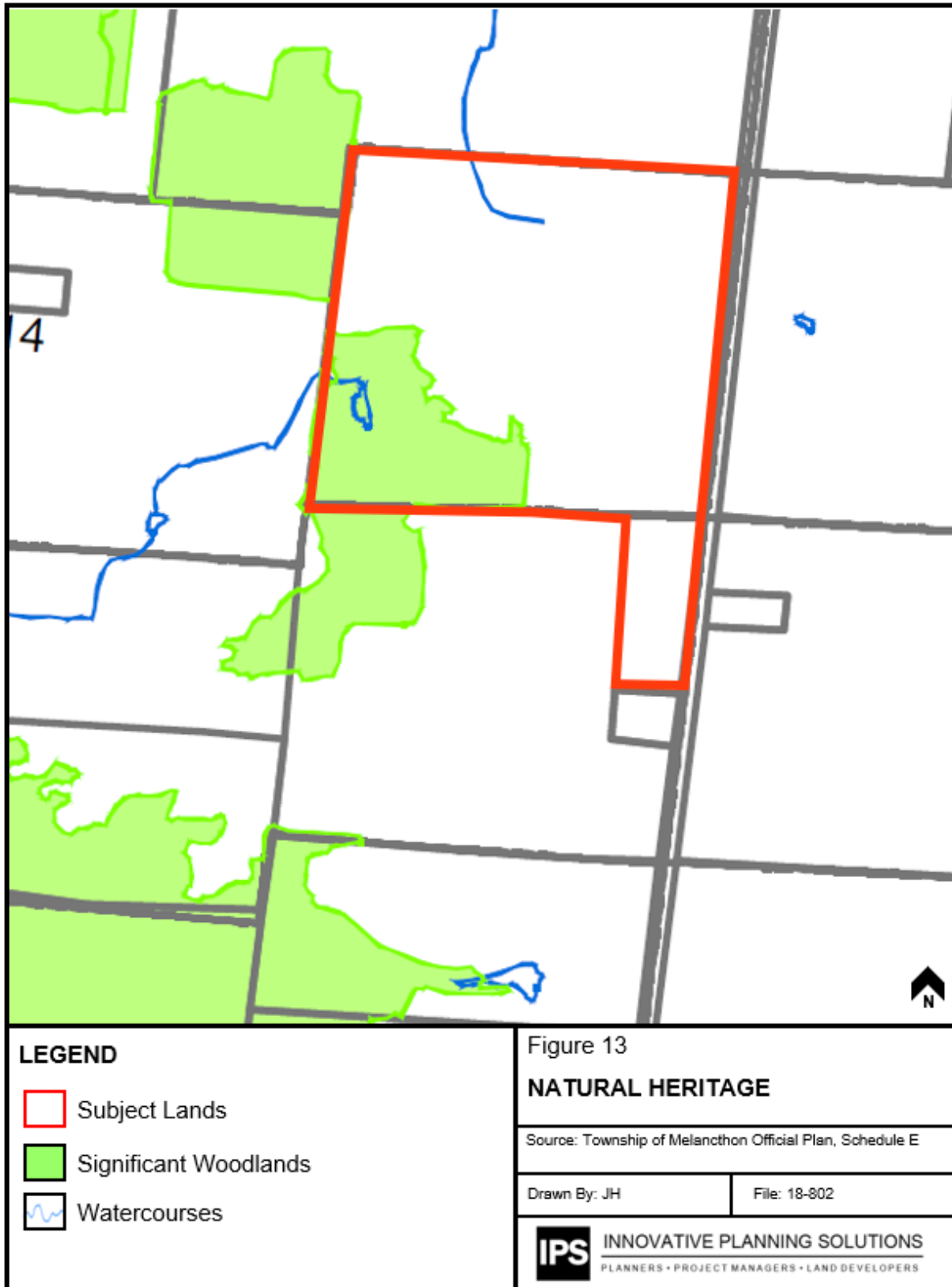
The Township of Melancthon Official Plan (August 14, 2014) provides the long term vision, planning goals and objectives for the Township and sets out policies to achieve them.

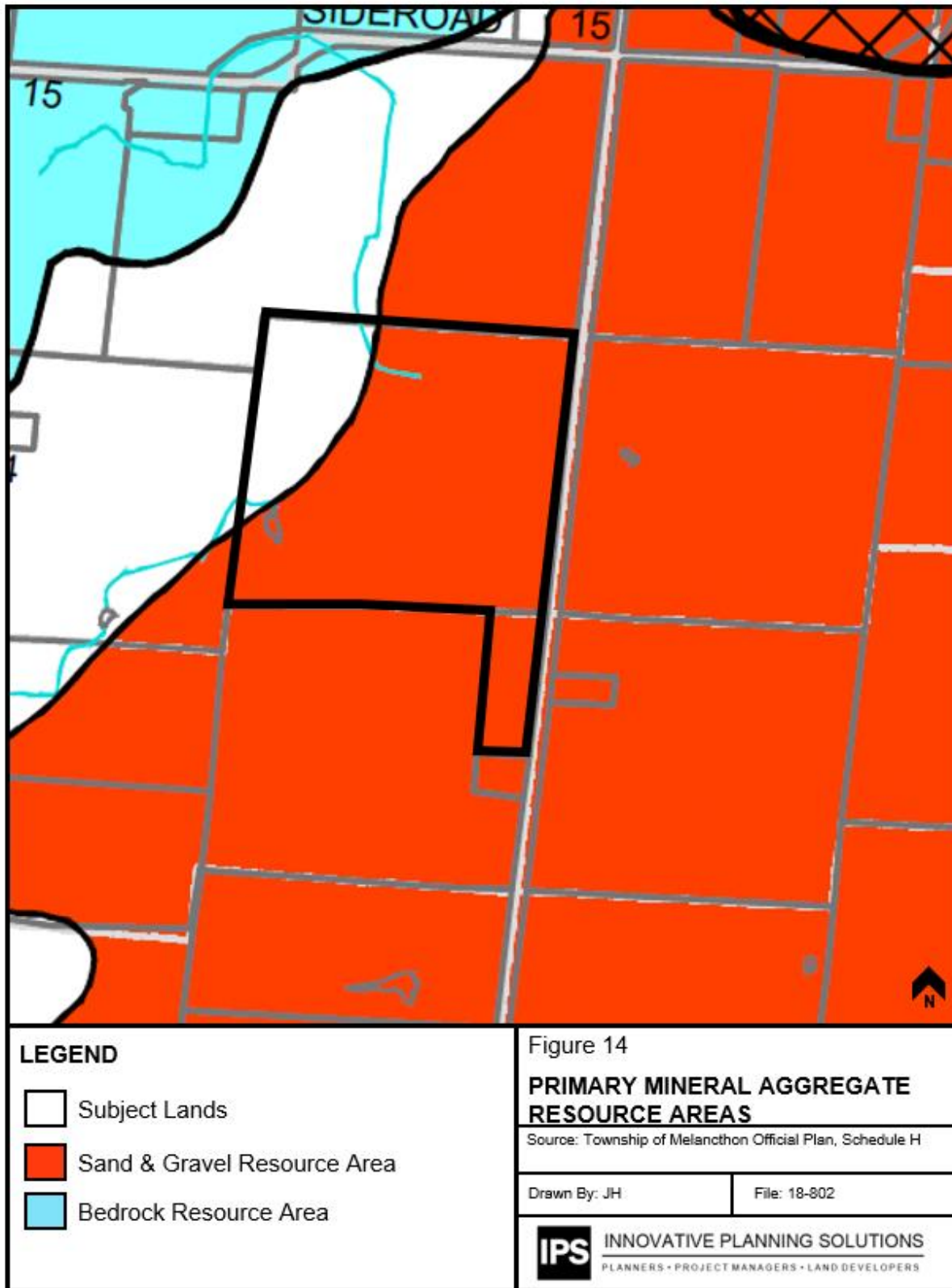
The subject lands are designated in the Township of Melancthon Official Plan as the following:

- Schedule's A1 – Land Use & Roads Plan: ***'Agricultural'*** and ***'Environmental Conservation'***.
- Schedule A5 – Land Use & Roads Plan: ***'Local Road'*** and ***'Existing Mineral Aggregate Haul Route'*** (4th Line).
- Schedule D – Natural Heritage 1 Wetlands: ***'Locally Significant and Unevaluated Wetlands'***.
- Schedule E – Natural Heritage 2 Woodlands, Wildlife Habitat and ANSI: ***'Significant Woodlands'*** and ***'Watercourses'***
- Schedule G – Aquifer Vulnerability and Wellhead Protection Areas: ***'Medium Vulnerability'*** and ***'High Vulnerability'***
- Schedule G1 – Significant Groundwater Recharge Areas: ***'Significant Groundwater Recharge Areas'***
- Schedule H – Primary Mineral Aggregate Resource Areas: ***'Sand and Gravel Resource Area'***

The key land use designations are demonstrated on ***Figures 12, 13 and 14.***







### 6.5.1 OFFICIAL PLAN AMENDMENT

An Official Plan Amendment (OPA) is required to the Township of Melancthon Official Plan to redesignate the subject lands from the ‘*Agricultural*’ designation and ‘*Environmental Conservation*’ overlay to the ‘***Extractive Industrial***’ designation.

A portion of the Environmental Conservation overlay is to remain, with a limited portion removed to permit extraction. The limits of the natural areas was determined through the natural heritage evaluations completed.

A Draft Official Plan Amendment and Schedule is included as **Appendix 1**.

The existing DHL pit (License 3726) is designated ‘*Extractive Industrial*’.

### 6.5.2 MINERAL AGGREGATE RESOURCES

The Township of Melancthon Official Plan contains a number of planning objectives for mineral aggregate resources including (2.2.5):

- To protect as much of the mineral aggregate resources as is realistically possible.
- To protect existing operations from uses that would hinder their continue use or expansion, or would be incompatiblr with such operations.
- To minimize any negative impacts of new or expanding operations on the environment, on existing land uses and the areas rural character.
- To encourage mineral aggregate resource conservation whenever feasible.

The Township encourages diversification in their economic base and supports appropriate forms of broadened economic development, in compliance with the policies of the Official Plan (3.2). Aggregate resources are viewed as an economic driver, as it supplies the local economy and supports the development and long-term viability of communities.

An Amendment is required to the ‘*Extractive Industrial*’ designation to permit the pit expansion and extraction (5.6.2). Schedule H of the Official Plan (Primary Mineral Aggregate Resource Area) designates the lands subject to the application as ‘*Sand and Gravel Resource Area*’. These areas have been identified by the Township and Province as having the best resources for use in the industry, road building and construction (3.17.1.e).

The mineral aggregate resource policies of the Official Plan consist of three principal components for new or expanding operations, which supports the subject expansion (3.17.1.i):

- 1) The proposed expansion is permitted through an Amendment to the Official Plan, as compliance has been demonstrated with all applicable policies.
- 2) The lands currently contain an ‘*Agricultural*’ land use designation. Mineral aggregate operations are permitted as an interim use, as compliance has been demonstrated through this report and the supporting technical documents with the application.
- 3) The subject application seeks to expand existing aggregate operations, supported by the policies of the Plan to protect aggregate resource areas for extraction.

Section 5.6 of the Official Plan contains policies for the ‘***Extractive Industrial***’ designation. The Extractive Industrial designation applies to all existing mineral aggregate operations and future operations through an Amendment to the Official Plan. The Plan states that the land use designation protects the existing mineral aggregate operations from the encroachment of uses that would preclude their expansion or continued operation (5.6.a).

The Extractive Industrial designation permits mineral aggregate operations, mineral aggregate resource conservation, agriculture, forestry, and non-intensive outdoor recreation uses (5.6.1).

In accordance with the Official Plan, the potential effects of new or expanded mineral aggregate operations on existing incompatible, sensitive or environmentally significant uses, areas or features is a primary consideration in the evaluation of any related application for Amendments to the Official Plan and the Zoning By-law (5.6.2.f/j). A number of required studies have been prepared with the application to address compatibility, land use, social and environmental considerations.

A Traffic Review (TIS) is included with the application, evaluating the existing haul routes (5.6.2.g). The haul route would follow the 4<sup>th</sup> Line, designated as an Existing Mineral Aggregate Haul Route by the Official Plan, and connect to County Road 17 to the south and Highway 124 to the east. The road network is suitable for the expansion and capable of handling the transportation of aggregate materials.

Where a new or expanded mineral aggregate operation is proposed for a site within the Agricultural designation, such use may be permitted only if documentation has been provided demonstrating to Council’s satisfaction that there is conformity with the

following criteria and policies, in addition to all other applicable policies of this Plan (5.6.2.k):

- i. *The use shall be interim in nature.*
  - The extraction of aggregate resources is recognized as an interim use.
- ii. *The site will be progressively rehabilitated to an agricultural condition.*
  - Once the aggregate is depleted, the lands will be progressively rehabilitated to an agricultural condition.
- iii. *Complete rehabilitation to an agricultural condition is not required if...:*
  - Rehabilitation to an agricultural condition is proposed.
- iv. *Impacts on surrounding agricultural operations and lands are to be mitigated to the extent possible.*
  - The area contains a concentration of aggregate operations, therefore agricultural impact is reduced. Surrounding agricultural operations would not be affected, with adequate separation maintained. Agricultural impacts are discussed in the AIA included with the application, overviewed previously in section 5.2.

The Official Plan contains a number of criteria to be satisfied for Amendments to the Official Plan (5.6.2.n):

- i. The application complies with all of the applicable policies of the Official Plan, evident by this report and supporting technical reports with the application.
- ii. The municipal planning related components for a license application under the Aggregate Resources Act is provided to the Township.
- iii. Natural Heritage Evaluation's have been prepared by Birks Natural Heritage Consultants. Retention and protection of the natural heritage features and areas is proposed. Recommendations are implemented on the ARA Site Plans.
- iv. A Level 1 and 2 Hydrogeological Assessment has been prepared by Azimuth Environmental Consulting. No negative impacts are anticipated on water resources. Recommendations are implemented on the ARA Site Plans.
- v. The applicant will enter into an agreement with the Municipality to undertake groundwater, environmental or other monitoring programs, where required. Required monitoring programs have been incorporated into the ARA Site Plans.
- vi. A Traffic Review has been prepared by Tatham Engineering. The assessment considers various matters including road improvements. The lands are located

adjacent to an Existing Haul Route (4<sup>th</sup> Line), where the hauling of aggregate can be accommodated.

- vii. The applicant will enter into any required operational agreements with the Township through the application process.
- viii. A Noise Report has been prepared by Trinity Consultants. Sound mitigation measures have been implemented into the ARA Site Plans.
- ix. As per the ARA requirements, dust emissions will be mitigated on site.
- x. All reports and studies identified by the Township and ARA requirements are provided with the application.
- xi. The rehabilitation proposed is progressive to minimize the extent of the disturbed area.
- xii. The proposed expansion will minimize impacts on surrounding land uses and views through setbacks, screening and buffers.
- xiii. All comments from the Pre-consultation process and preliminary review have been addressed through the application.

Visual impact and site rehabilitation related policies of the Official Plan must be considered to preserve the areas rural and scenic character (5.6.2.q). In accordance with the Official Plan, progressive rehabilitation is proposed to limit the extent of the disturbed areas by extraction, and reduced impacts are anticipated as aggregate operations are located to the south (DHL) and east (Strada) of the lands subject to the expansion. Setback and buffers are provided to the 4th Line and adjacent lands, providing visual separation. One central access point is provided of the 4th Line, further reducing visual impact from truck traffic associated with hauling. In addition, visual berms are proposed along portion of the expansion lands adjacent to the 4th Line, increasing visual separation and screening the operations from view.

### 6.5.3 MINERAL AGGREGATE RESOURCES – TRAFFIC & HAUL ROUTES

The Official Plan aims to maintain and improve the Township road system to meet current and future demands. Transportation and land use consideration should be integrated in all stages of the planning process (2.2.8). The Official Plan designates certain roads within the Township of Melancthon as mineral aggregate haul routes, including the 4th Line adjacent to the subject lands (6.2.1).

The Official Plan recognizes that there is a significant amount of mineral aggregates in the Township, however, this can impact the road network (6.2.5). The impacts of traffic

generated from the aggregate operations shall be minimized, with efforts to direct hauling to roads where it can be accommodated, such as arterial roads (County Road 17 and 124) and existing designated haul routes (4th Line).

In regard to Mineral Aggregate Haul Route policies of the Official Plan, this was considered and evaluated by the Traffic Review (5.6.2.p). The Review evaluated the local road network and capacity to accommodate the proposed expansion, with the conclusion that the road network available can accommodate the expansion. The haul route would follow the 4th Line, designated as an Existing Mineral Aggregate Haul Route in the Official Plan, and connect to County Road 17, an arterial road. Access to the expansion lands would be provided through the existing operations, with no new entrances proposed.

Road improvements required for the 4th Line haul route are currently underway by Strada Aggregates, where DHL is expected to contribute to the road improvement costs, through future discussion with the Township and Strada. As outlined in the Official Plan, the Applicant will enter into an agreement with the Township regarding haul routes, road improvements and other related matters (5.6.2/6.2.5/6.2.6).

#### 6.5.4 THE AGRICULTURAL DESIGNATION

The lands subject to the expansion are currently designated by the Township of Melancthon Official Plan as '**Agricultural**' (Figure 12).

The principal planning objective of the Agricultural designation is to protect prime agricultural areas for long term use for agriculture (2.2.4 / 5.2.a). The Agricultural designation includes areas of land having primarily Classes 1 to 3 Soil Capability for Agriculture ratings under the Canada Land Inventory (5.2.b). The subject lands are Class 1 and 2 soils, as shown on Figure 7.

The lands are recognized as a 'prime agricultural area' in the County and Township Official Plan documents and have been farmed with a variety of cash crops. In accordance with the Township of Melancthon Official Plan, an Agricultural Impact Assessment (AIA) is required as the proposed expanded aggregate operations are on lands within active agricultural areas.

Agricultural uses shall be given priority over all other uses, with the exception of new or expanding mineral aggregate operations. This is on the basis of a site-specific interim Amendment to the Official Plan, as proposed by the subject Official Plan Amendment (OPA) application (5.2.2.b). The aggregate use is permitted as interim.

Refer to the Agricultural Impact Assessment (AIA) included with the application for the full analysis. An overview is further provided under section 5.2 of this report.

#### 6.5.5 ENVIRONMENTAL CONSERVATION & WATER RESOURCES

The '**Environmental Conservation**' designation is an overlay that is intended to recognize and provide planning policies for important natural heritage features and areas, as well as lands and sites that are potentially hazardous (5.5.a).

The subject lands contain the '*Environmental Conservation*' overlay by the Township of Melancthon Official Plan (Schedules A-1 and A-5). This is illustrated previously on **Figure 12**.

The areas and features included within the Environmental Conservation overlay designation are the principal components of the natural heritage system found within the Township (3.4.1.f). The Official Plan objectives seek to protect significant features, functions, and areas (2.2.2). New development must consider the landscape character, maintain the features to the extent possible and be sensitive to the natural environment (5.5.2). Where it is determined that there is compliance with the requirements of the designation, development may be permitted on adjacent lands in accordance with the land use designation (5.5.2.iii).

The features included in the Environmental Conservation overlay designation are identified in greater detail on Schedules D, E and F of the Official Plan (5.5.d). The lands subject to the expansion contains the following feature overlays according to the Official Plan:

- Schedule D: '*Locally Significant and Unevaluated Wetlands*'.
- Schedule E: '*Significant Woodlands*' and '*Watercourses*'

The objectives of the Official Plan seek to maintain, improve, or restore the quality and quantity of ground water and surface water features and functions. Development is to ensure that there is no negative impacts on the features or their functions (2.2.3). Locally Significant and Unevaluated Wetlands, and Significant Woodlands and Watercourses identified by the Official Plan shall be protected and maintained. Loss to these lands should be avoided where possible (5.5.2).

Extraction is not permitted within lands that contain the Environmental Conservation overlay, except where it has been demonstrated that there will be no negative impacts on the features, areas, or their functions. In accordance with the Township of Melancthon Official Plan policies, Natural Environment Level 1 and 2 assessments were

completed for the pit expansion. As discussed throughout this report and overviewed under section 5.4, the evaluations were used to establish the environmental setbacks and extraction areas proposed by the subject application. The extraction limits shown on the supporting ARA Site Plan's will ensure protection of the identified features. The setbacks proposed include a 30-metre setback to the Retained Natural Area.

The lands subject to the expansion are identified on Schedule G (Aquifer Vulnerability and Wellhead Protection Areas) as '*Medium Vulnerability*' and '*High Vulnerability*'. The lands also contain '*Significant Groundwater Recharge Areas*' according to Schedule G1. Protecting and sustaining the Township's water resources is important for current and future generations. Development and site alteration within or near water resources must maintain the policies of the Official Plan. No proposals or development is permitted unless it has been demonstrated that there will be no negative impacts on water resources (4.0).

In line with the various policies of the Official Plan, the subject application has completed an assessment of groundwater impacts through a Level 1 and 2 Hydrogeological Assessment by Azimuth Environmental Consulting. As outlined under section 5.3 of this report, no impacts are anticipated on water resources and extraction will occur above the water table, reducing any impacts.

#### 6.5.6 CULTURAL HERITAGE

An important component of the Melancthon Official Plan is cultural heritage resources. Objectives includes conserving and protecting significant cultural and built heritage features, along with controlling development in areas having archaeological resources or potential (2.2.6 / 3.8). Areas identified as heritage or archaeological potential require an assessment to be completed to demonstrate that there is no impact and any resources have been protection or conserved (3.8.b).

As outlined under section 5.5 of this report, a Stage 1 and 2 Archaeological Assessment was completed by ASI. Based on the Stage 1 and 2 assessment, a Stage 3 assessment will be completed as an area of the site was identified as cultural heritage value or interest. The results of the Stage 3 assessment will be used to evaluate the significance of the site and to develop a series of recommendations concerning any further mitigative options that may be necessary.

Subject to the Official Plan Amendment, the expansion maintains the intent of the Township's Official Plan.

## 6.6 TOWNSHIP OF MELANCTHON ZONING BY-LAW

The Township of Melancthon Zoning By-law (12-1979) implements the objectives and policy direction of the Official Plan.

The lands subject to the applications are currently zoned as '*General Agriculture (A1)*', illustrated on **Figure 15**.

A Zoning By-law Amendment (ZBA) is required to permit extraction on the expansion lands. The ZBA proposed would rezone the lands to the '***Extractive Industrial Exception (M2-XX)***' and '***Open Space Conservation (OS2)***' zones.

The Extractive Industrial (M2) zone permits the following uses (13.2):

- a) *A sand, gravel, or rock quarry extraction operation.*
- b) *A sand, gravel or rock processing, washing, sorting, screening, or crushing operation.*
- c) *Uses accessory to the above permitted uses.*

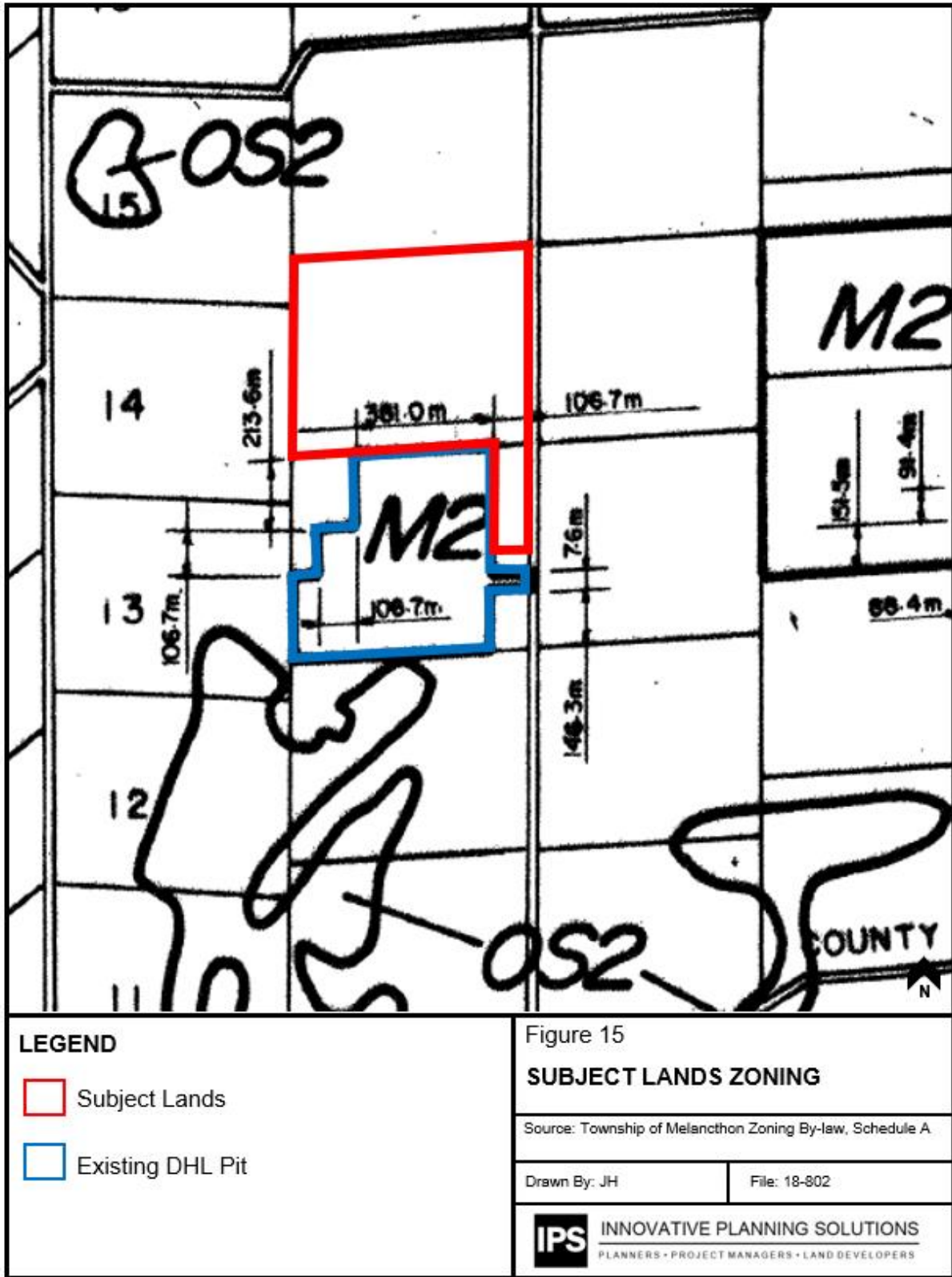
In accordance with the provision of the M2 zone, no sand or gravel extraction will proceed closer than 120 metres to any residential, commercial, institutional, or Industrial M1 or M3 zone, nor closer than 30 metres to a public road allowance (13.3.a.). No buildings or structures will be within the established setbacks of the By-law (13.3.d.).

The By-law states that no extraction is permitted within 15 metres to a property line, and a 15 metre wide strip of land is required for landscaping purposes between the Extractive Industrial (M2) zone and the adjoining property line (13.3.a/13.3.c.).

The subject application is seeking an Exception to the requirements of the By-law, to eliminate the 15 metre setback and permit a 0.0 metre setback. The Exception would remove the 15 metre setback requirement, permitting the expansion and allowing extraction to occur across the property lines between the existing operations and lands identified for future extraction.

The site-specific Amendment will be considered with the Zoning By-law Amendment (ZBA) required to permit extraction and rezone the lands to the Extractive Industrial (M2) zone.

A Draft Zoning By-law Amendment and Schedule is included as **Appendix 2**.



## **7.0 AGGREGATE RESOURCES ACT: SUMMARY STATEMENT**

The following section is intended to address required information under the ARA Provincial Standards of Ontario for a Category 3 – Class A Pit Above the Water Table.

### **7.1 STANDARD 2.1.1: PLANNING AND LAND USE CONSIDERATIONS**

The subject lands are located north of County Road 17 and contain frontage along the west side of the 4th Line. The lands subject to the expansion are directly adjacent to the existing DHL Melancthon Pit (License No. 3726).

The subject lands are identified as containing significant sand and gravel resources, in an area close to market. The subject lands are identified by the Dufferin County Official Plan and the Township of Melancthon Official Plan as a '*Sand and Gravel Resource Area*'. The subject lands are further located along a designated mineral aggregate haul route (4<sup>th</sup> Line). The lands are located in an area identified in the Aggregate Resources Inventory Paper (ARIP 163 – Revision 2, 2014, Map 1) for Dufferin County as sand and gravel resources, designated as '*Selected Sand and Gravel Resource Area, Primary Significance*'.

The Provincial, County and Township plans encourage protection of aggregate resources for extraction. The proposed pit expansion will further maintain the character and rural landscape of the area.

The technical reports and assessments prepared for the application have concluded that the proposed pit can operate in accordance with Provincial requirements while minimizing social and environmental impacts. The ARA Site Plans have incorporated the recommendations from these assessments.

Refer to Section 6.0 of this report for the complete analysis of planning and land use considerations.

### **7.2 STANDARD 2.1.2: AGRICULTURAL CLASSIFICATION**

The subject lands are recognized as within a '*Prime Agricultural Area*' and '*Prime Agricultural Lands*' by the Provincial, County, and Municipal plans and designations.

According to agricultural land base and soils mapping by the Ministry of Agriculture, Food and Rural Affairs (OMAFRA), the subject lands contain '*Class 1*' (*type 1*) and '*Class 2*' (*type 2 FM*) soils.

The Ministry of Agriculture, Food and Rural Affairs online mapping (AgMaps) reveals that the soils on the lands are '*Honeywood Silt Loam*' and '*Caledon Fine Sandy Loam*' (HYW D2 and CAD E1). The mapping further details that the lands contain '*High – A*' and '*Moderate – B*' Hydrologic Soil Group.

The Dufferin County Official Plan designates the subject lands as '*Countryside Area*' and the Township of Melancthon Official Plan designates the subject lands as '*Agricultural*'. The subject lands are currently zoned in the Township of Melancthon Zoning By-law as '*General Agriculture (A1)*'.

Once extraction is complete, the subject lands will be rehabilitated back to an agricultural condition.

An Agricultural Impact Assessment (AIA) is included with the application.

### 7.3 STANDARD 2.1.3: QUALITY AND QUANTITY OF AGGREGATES

The subject lands are designated and identified as being within a '*Sand and Gravel Resource Area*'. The quantity and quality of aggregate is reflected by the number of operations in the immediate area.

The subject lands are located in an area identified in the Aggregate Resources Inventory Paper (ARIP 163 – Revision 2, 2014, Map 1) for Dufferin County as sand and gravel resources, designated as '*Selected Sand and Gravel Resource Area, Primary Significance*'. The Selected Sand and Gravel Resource Areas represent areas in which a major resource is known to exist and may be reserved wholly or partially for extractive development and/or resource protection. The mapping reflected in the ARIP is reflected in the Municipal Official Plans as areas of primary resources and protection.

The lands are located within Primary Resource Area 3 (ARIP 163) provides that much of Primary Resource Area 3 is suitable for a range of applications and consists of "*medium sand with some gravel and pebbly sand*" deposits. In terms of aggregate markets and transportation, ARIP 163 provides that Primary Resource Area 3 is located within close proximity to several local markets and access by both rail and road is available.

The material to be extraction is high quality aggregate, comparable to the materials extracted from the existing DHL pit. The sand and gravel materials are suited for a range of applications, including Granular A and B, and winter sand. The drilling results on the expansion lands have confirmed that most of the materials consist of coarse sand and gravel, with some larger cobbles, which overlay the dolostone bedrock. This sand and gravel unit thins toward the south-west. The aggregate resources assessment

indicates that there are approximately 3 million tonnes of material to be extracted from the expansion lands. DHL is proposing to extract an annual tonnage of 500,000 tonnes, shared with the existing operations, currently permitted at 199,550 tonnes annually.

#### **7.4 STANDARD 2.1.4: HAUL ROUTES AND TRUCK TRAFFIC**

The proposed expansion lands will be accessed via the existing 4<sup>th</sup> Line entrance into the existing DHL pit. The existing entrance provides suitable sight lines to the north and south along the 4<sup>th</sup> Line. The scale / scale house is also located at the existing entrance.

The proposed expansion will utilize the designated haul routes in the area, adjacent to the 4<sup>th</sup> Line, a designated haul route by the Township. Direct connection is provided to County Road 17 and Dufferin Road 124 to the east.

A Traffic Review (TIS) was completed by Tatham Engineering for the subject application to review and address the transportation impacts associated with the proposed expansion. The proposed expansion can utilize the adjacent road network to accommodate the trips generated and road improvements are in place to accommodate increased traffic from the operations in the area.

#### **7.5 STANDARD 2.1.5: PROGRESSIVE AND FINAL REHABILITATION**

The proposed pit will be rehabilitated back to an agricultural condition in accordance with the Provincial Policy Statement (PPS). The rehabilitated lands will be compatible with the surrounding land uses and area.

Annual reporting is required at all stage of the rehabilitation process to document rehabilitation activities and compliance.

Progressive and final rehabilitation will be comprehensive to align with the existing operations and proposed expansion. Refer to the ARA Site Plans for detailed information regarding progressive and final rehabilitation.

#### **7.6 STANDARD 2.1.6: EXISTING SURFACE WATER AND PROPOSED DISCHARGE**

Azimuth Environmental Consulting completed a Level 1 and 2 Hydrogeological Assessment for the proposed expansion, to determine the suitability of the extraction of aggregate from above the water table. As there will be no water diversion or dewatering

to maintain dry pit operating conditions, and the maximum depth of extraction will not be less than 1.5 metres of the seasonal high water table, there be no measurable influence on the underlying water table aquifer. Therefore, there will be no anticipated impact to local domestic water wells. Surface water features (i.e., onsite wetland) will also not be impacted due to the lack of proposed changes to local catchment areas and that the pit excavation will somewhat increase infiltration. Considering all available data compiled during this assessment, the Duivenvoorden pit expansion lands are suitable for above water table aggregate extraction.

A Stormwater Management Brief was prepared by WMI & Associated Limited in support of the applications, to assess the operations from a stormwater management perspective. The proposed expansion of the pit does not include an increase in impervious area as it is simply the expansion of an existing earthworks operation. In order to extract the aggregate on-site while maintaining existing drainage patterns, all earthworks will ensure sufficient conveyance to and space for, stormwater ponding and infiltration as in the existing condition. A number of considerations established in the assessment will be considered to deal with stormwater during on-site earthwork activities.

Natural Environmental Level 1 and 2 assessments were completed by Birks Natural Heritage Consultants in support of the applications. Through field investigation a small marsh and adjacent thicket/deciduous swamp community was determined as present in the south-west corner of the property. The community is not part of a contiguous wetland complex and does not extend beyond the property limits. This area has been preserved outside of the limits of extraction and the proposed extraction is not expected to alter the surface water flows entering the wetland feature. A second wetland area was mapped at the northern portion of the property due to surface water drainage within agricultural lands. Through assessment these areas are not considered a wetland.

Detailed analysis is included in the supporting technical reports included with the application.

## **7.7 STANDARD 2.1.7: GROUNDWATER TABLE ELEVATION**

Based on the datalogger data, the water table elevations range between a high of approximately 507 masl and a low of approximately 493 masl across the site. These elevations equate to a high of approximately 5.0 mbgs and a low of approximately 19.0 mbgs. The water table elevation was determined based on monitoring wells on the subject lands and data from the existing pits in the area.

The proposed expansion would stay consistent with the existing pit license, which consists of a Class A Pit Above Water and restricts the extraction of aggregate material within 1.5 metres above the established ground water table. Based on the seasonal high water level elevations, the proposed pit floor elevations are in the range of 497 masl to 508 masl. The existing pit will have a future floor elevation of 500 masl.

Refer to the Azimuth Environmental Consulting Level 1 and 2 Hydrogeological Assessment for the complete analysis.

## 7.8 STANDARD 2.2: TECHNICAL REPORTS

In accordance with the ARA application standards, the following technical reports have been provided with the application:

- 2.2.1 Natural Environment Level 1 - Birks Natural Heritage Consultants.
- 2.2.2 Natural Environment Level 2 - Birks Natural Heritage Consultants.
- 2.2.3 Cultural Heritage Resource Stage 1 – ASI (Combined Stage 1 and 2 Archaeological).
- 2.2.4 Cultural Heritage Resource Stage 2 – ASI (Combined Stage 1 and 2 Archaeological).
- 2.2.5 Cultural Heritage Resource Stage 3/4 - ASI (Forthcoming Spring 2021).
- 2.2.6 Noise Assessment - Trinity Consultants.
- 2.2.7 Qualifications - Each report has been prepared and signed by the qualified and experienced professionals.

## 8.0 CONCLUSION

Duivenvoorden Haulage Ltd. (DHL) currently operates a pit located at 437138 4th Line (License No. 3726) in the Township of Melancthon. DHL is applying for a Class 'A' License (Category 3 – Pit Above Water) under the Aggregate Resources Act, to permit an aggregate pit expansion.

The license would permit aggregate extraction to expand north through the 437202 4th Line property and expand north-east to a portion of the 437138 4<sup>th</sup> Line property, adjacent to the existing operations.

An Official Plan Amendment (OPA) is required to re-designate the subject lands from '*Agricultural*' and '*Environmental Conservation overlay*', to the '*Extractive Industrial*' designation.

A Zoning By-law Amendment (ZBA) is required to rezone the subject lands from the '*General Agriculture (A1)*' zone, to the '*Extractive Industrial Exception (M2-XX)*' and '*Open Space Conservation (OS2)*' zones.

Mineral aggregate resources are protected for extraction and long-term use. The utilization of these resources is vital, as aggregate materials are limited and fixed in place. Operations are further protected from development and activities that would hinder their continued use, including expansions to existing operations.

The subject lands are identified for containing significant sand and gravel resources, supported for extraction. Located along a designated haul route with direct connection to County roads, the road network can accommodate traffic volumes associated with hauling of aggregate and the efficient movement of resources is provided, in close proximity to market.

Through the subject applications, various technical studies have been completed to demonstrate conformity and consistency with all levels of policy. The lands subject to the expansion are suitable for above the water table aggregate extraction, while maintaining preservation of water, natural heritage and related resources. Mitigation measures are implemented to ensure public health and safety, along with land use compatibility.

It is imperative to recognize mineral aggregate resources within the Township, as aggregate is an economic driver and provides employment opportunities in the industry. Aggregate is also viewed as the foundation of the economy and society, as it is utilized to build homes, roads, schools, hospitals, water filtration systems, and everyday household products.

In our professional opinion, the subject application represents a logical expansion to the existing aggregate operations, exemplifies the wise use and management of aggregate resources, and is located on lands suitable for extraction.

The subject application is consistent with all levels of planning policy and represents good planning.

Respectfully submitted,

**Innovative Planning Solutions**

A black ink signature of Darren Vella, featuring a stylized 'D' followed by a cursive 'Vella'.

Darren Vella, MCIP, RPP  
*President & Director of Planning*

A blue ink signature of James Hunter, written in a cursive style.

James Hunter, BURPI.  
*Senior Planner*

## APPENDICES

## **Appendix 1: Draft Official Plan Amendment & Schedule**

**AMENDMENT No. \_\_\_\_**  
**TO THE**  
**OFFICIAL PLAN FOR THE TOWNSHIP OF MELANCTHON**

WHEREAS Section 17 and 22 of the Planning Act, R.S.O., 1990, c.P.13 authorizes Council to adopt an Official Plan that applies to the Township and to adopt amendment to the Official Plan;

AND WHEREAS, the Council of the Corporation of the Township of Melancthon deems it to be in the public interest to pass a by-law to adopt an Official Plan Amendment to its current Official Plan to establish new lands for mineral aggregate extraction;

NOW THEREFORE the Council of the Corporation of the Township of Melancthon, in accordance with the provisions of the Planning Act, R.S.O., 1990, c.P.13, as amended, hereby enacts as follows:

1. THAT Official Plan Amendment \_\_\_\_ (OPA\_\_\_\_) to the Township of Melancthon Official Plan, being the attached text and Schedule 'A' is hereby adopted.
2. AND FURTHER THAT the Clerk is hereby authorized and directed to make application to the County of Dufferin for approval of the aforementioned Official Plan Amendment for the Township of Melancthon to provide such information as required by Section 17 (23) of the Planning Act, R.S.O., 1990, c.P.13, as amended.

READ a first and second time this \_\_\_\_ day of \_\_\_\_, 2021.

READ a third time and finally passed this \_\_\_\_ day of \_\_\_\_, 2021.

This By-law shall come into force and take effect on the day of passing thereof, subject to the approval of the County of Dufferin.

\_\_\_\_\_  
MAYOR

CORPORATE SEAL OF TOWNSHIP

\_\_\_\_\_  
CLERK

**AMENDMENT NO. \_\_\_\_\_**  
**TO THE TOWNSHIP OF MELANCTHON**  
**OFFICIAL PLAN**

This Amendment applies to:

Lands in Part of the East Half of Lots 13 and 14, Concession 4, in the Township of Melancthon,  
County of Dufferin.

Adopted \_\_\_\_\_, 2021.

**AMENDMENT No.\_\_\_\_**  
**TO THE**  
**OFFICIAL PLAN FOR THE**  
**TOWNSHIP OF MELANCTHON**

**THE CONSTITUTIONAL STATEMENT**

The following Amendment to the Official Plan for the Township of Melancthon consists of three (3) parts:

**PART A – THE PREAMBLE**

consists of the purpose, location, and basis for the Amendment, and does not constitute part of the actual Amendment.

**PART B – THE AMENDMENT**

which sets out the actual Amendment consisting of the text and Schedule 'A' which constitutes Amendment No.\_\_\_\_ to the Official Plan for the Township of Melancthon.

**PART C – THE APPENDICES**

consists of information pertinent to this Amendment in the form of background information. This Section does not constitute part of the actual Amendment.

## **PART A – THE PREAMBLE**

### **1.0 PURPOSE**

The purpose of this Official Plan Amendment is to redesignate lands located in Part of the East Half of Lots 13 and 14, Concession 4, in the Township of Melancthon to permit the extraction of mineral aggregate resources.

### **2.0 LOCATION**

The lands affected by this Amendment are located on the west side of the 4<sup>th</sup> Line, located in Part of the East Half of Lots 13 and 14, Concession 4, municipally known as 437138 4<sup>th</sup> Line and 437202 4<sup>th</sup> Line, which herein will be referred to as the ‘subject lands’.

The lands are shown more precisely on Schedule ‘A’ attached to this Amendment.

### **3.0 BASIS**

The basis and authority for the amendment is fundamentally derived from the following policy documents:

1. Section 17 and 22 of the Planning Act, which authorizes a Municipality to amend its Official Plan.
2. Section 2.5.4 of the Provincial Policy Statement, which permits mineral aggregate extraction in prime agricultural areas.
3. Section 4.2.8 of the Growth Plan for the Greater Golden Horseshoe which supports the extraction of identified mineral aggregate resources and permits extraction in prime agricultural areas.
4. Section 4.2.3.1 of the County of Dufferin Official Plan, which permits mineral aggregate extraction in prime agricultural areas, in accordance with the policies of Section 4.4.
5. Section 5.6.2 of the Township of Melancthon Official Plan, which permits mineral aggregate extraction in prime agricultural areas, subject to a number of policies to address and assess impacts of the operation.

In consideration of the above-mentioned policy documents, the Township of Melancthon finds the proposed amendment to be appropriate for the following reasons:

1. The identification, impact assessment, mitigation, and protection of the proposed pit on natural heritage features and functions has been suitably addressed as

demonstrated through the preparation of Natural Environment Level 1 and 2 assessments.

2. The assessment of the surface and groundwater features and functions has been suitably addressed through the Level 1 and 2 Hydrogeological Assessment and Stormwater Management Brief.
3. An assessment of noise impacts has been addressed and has been evaluated through the preparation and recommendations of the Noise Impact study.
4. The assessment of impacts on agricultural operations and the agricultural resource base has been considered through the preparation of a Agricultural Impact Assessment, and it has been concluded that the proposed extraction of mineral aggregate resources is not anticipated to have a significant impact on the long term agricultural uses and operations of the subject lands.
5. Cultural and heritage resources have been assessed through the preparation of a Stage 1 and 2 assessment, registered with the Ministry of Heritage, Sport, Tourism, Culture Industries. A Stage 3 assessment will be completed to further evaluate a portion of the lands and determine if any conservation initiatives are required. Extraction is not permitted until Ministry clearance is obtained.
6. The proposed pit expansion will utilize an existing designated haul route by the Township. All transportation considerations were evaluated through the preparation of the Traffic Review.
7. This amendment is considered to be consistent with Provincial Policy and has addressed applicable development policies of the County and Township Official Plans.
8. The applicant will enter into a Development Agreement with the Township to address matters including but not limited to haul route improvement contribution, haul route maintenance, operations, liability, rehabilitation, security, and monitoring of operations.

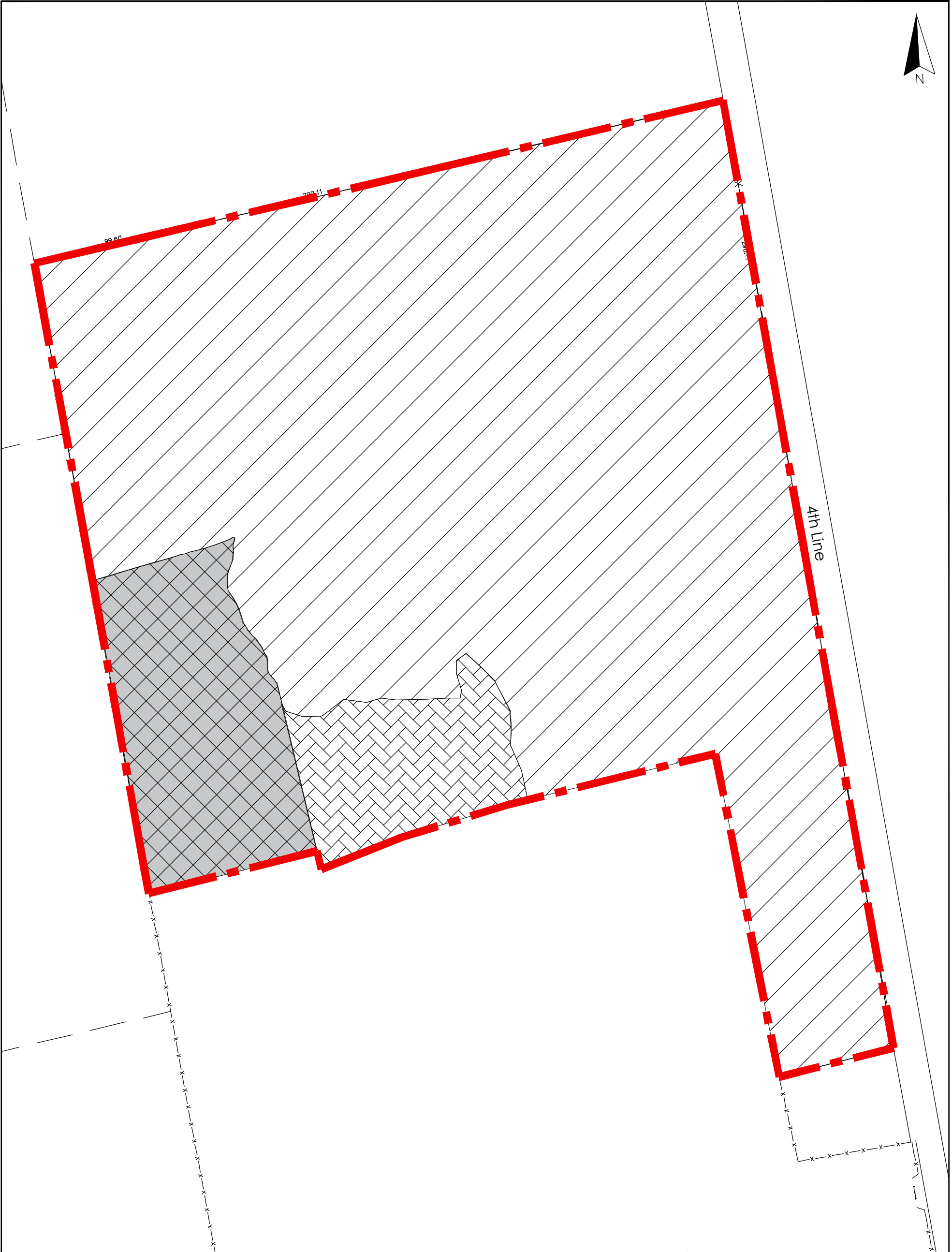
## **PART B – THE AMENDMENT**

Schedules A-1 and A-5 to the Township of Melancthon Official Plan are hereby amended by redesignating:

Lands located in Part of the East Half of Lots 13 and 14, Concession 4, from the Agricultural designation and Environmental Conservation Overlay designation, to the Extractive Industrial designation, as shown on Schedule 'A' attached hereto and forming part of this Amendment.

## **PART C – THE APPENDICES**

1. Planning Justification Report and ARA Summary Statement – IPS
2. Stage 1 and 2 Archaeological Assessment – ASI
3. Stage 3 Archaeological Assessment - ASI
4. Natural Environmental Level 1 Technical Report – Birks Natural Heritage Consultants
5. Natural Environmental Level 2 Technical Report - Birks Natural Heritage Consultants
6. Agricultural Impact Assessment – Orion Environmental Solutions
7. Combined Level 1 and 2 Hydrogeological Assessment – Azimuth Environmental Consulting
8. Traffic Review – Tatham Engineering
9. Noise Impact Study – Trinity Consultants
10. Stormwater Management Brief – WMI & Associates Limited
11. ARA Site Plans (Existing Features, Operational, Rehabilitation, Cross-Sections)  
- IPS



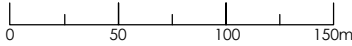
LEGEND

- Subject Lands  
(Area: 45.0ha)
- Lands to be redesignated from the 'Agricultural' designation to the 'Extractive Industrial' designation
- Lands to be redesignated from 'Environmental Conservation' to 'Extractive Industrial' designation
- Lands to remain in the 'Agricultural' designation
- Lands to remain in the 'Environmental Conservation' overlay

## SCHEDULE "A" OFFICIAL PLAN AMENDMENT

Part of East half of Lots 13 and 14, Concession 4,  
Twp. of Melancthon on RR#2,  
Ontario

Scale



Source: Township of Melancthon Official Plan, Sept., 5 2017  
Note: Information shown in approximate and subject to change.



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Date:	December, 2020	Drawn By:	A.S.
File:	18-802	Checked:	J.H.

## **Appendix 2: Draft Zoning By-law Amendment & Schedule**

**THE CORPORATION OF THE TOWNSHIP OF MELANCTHON**

**BY-LAW NO. \_\_\_\_\_ - 2021**

Being a By-law to amend By-law No. 12-79, as amended, the Zoning By-law for the Township of Melancthon for lands located in Part of the East Half of Lots 13 and 14, Concession 4 in the Township of Melancthon, County of Dufferin.

WHEREAS the Council of the Corporation of the Township of Melancthon is empowered to pass By-laws to regulate the use of land pursuant to Section 34 of the Planning Act, R.S.O 1990;

AND WHEREAS Duivenvoorden Haulage Ltd. has submitted an application to amend the Township's Zoning By-law to permit mineral aggregate extraction;

AND WHEREAS the Council of the Corporation of the Township of Melancthon deems it advisable to amend By-law 12-79, as amended;

NOW THEREFORE the Council of the Corporation of the Township of Melancthon enacts as follows:

1. Schedule 'A' to Zoning By-law No. 12-79 as amended, is further amended by zoning lands in Part of the East Half of Lots 13 and 14, Concession 4, from the General Agriculture (A1) zone, to the Extractive Industrial Exception (M2-XX) zone and the Open Space Conservation (OS2) zone, as shown on Schedule 'A' attached hereto, which forms part of By-Law 12-79 as amended.
2. Furthermore, Zoning By-law No. 12-79 is further amended by adding the following Exception as permitted by the M2-XX zone:
  - i. Notwithstanding the requirements of Section 13.3, a 0.0 metre setback to a property line shall be permitted for the expansion of a licensed mineral aggregate operation.
3. In all other respects, the provision of By-law 12-79, as amended shall apply.

This By-law shall come into effect upon the date of the passage hereof, subject to the provisions of Section 34 (30) and (31) of the Planning Act (Ontario).

READ A FIRST AND SECOND TIME on the \_\_\_\_\_ day of \_\_\_\_\_ 2021.

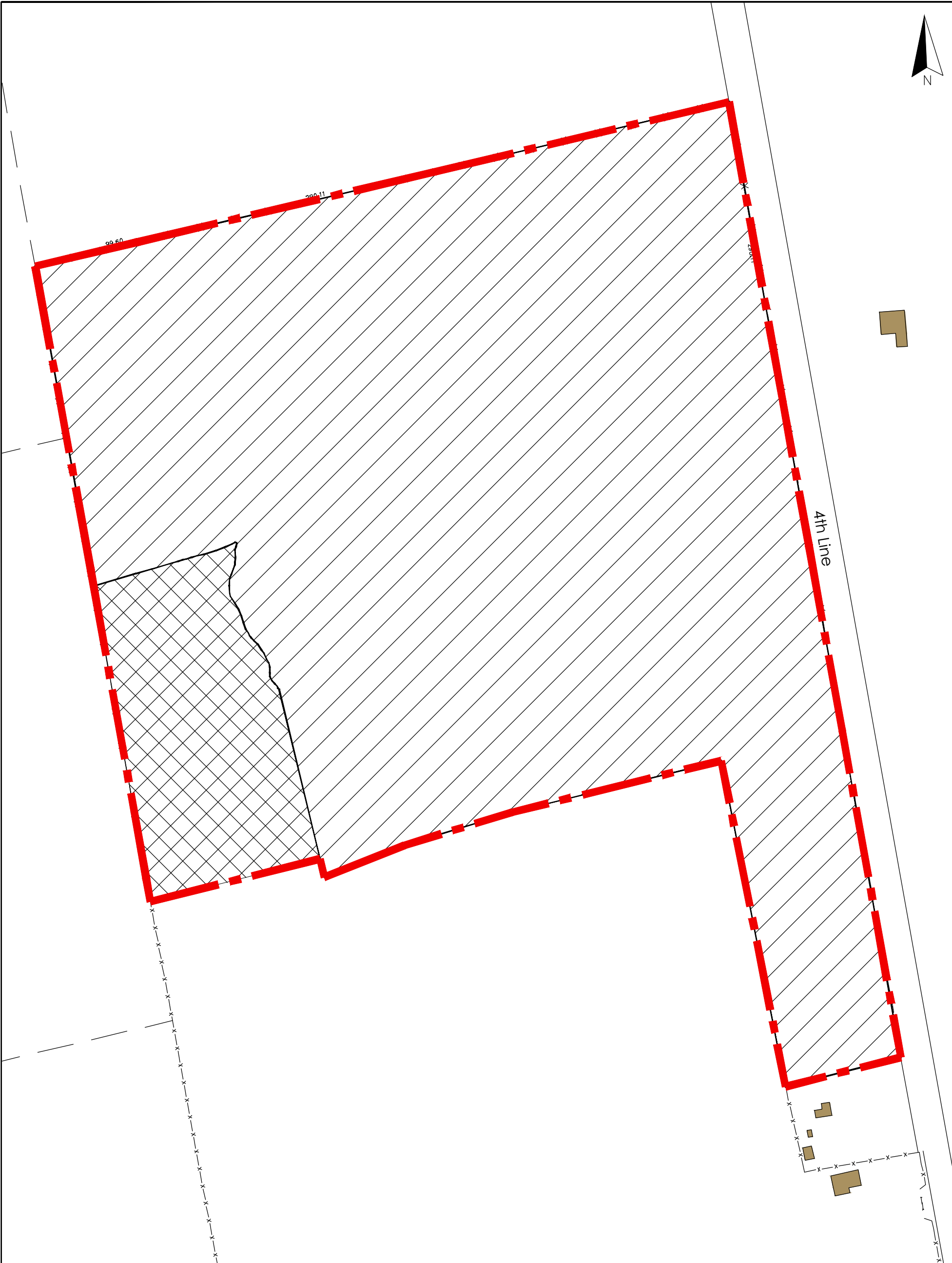
READ A THIRD TIME and finally passed this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

**The Corporation of the Township of Melancthon**


\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

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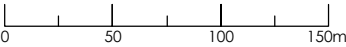
LEGEND

-  Subject Lands (Area: 45.0ha)
-  Lands to be rezoned from the 'General Agriculture (A1)' zone to 'Extractive Industrial Exception (M2-XX)' zone
-  Lands to be rezoned from 'General Agriculture (A1)' zone to 'Open Space Conservation (OS2)' zone

SCHEDULE "A"  
ZONING BY-LAW AMENDMENT

Part of East half of Lots 13 and 14, Concession 4,  
Twp. of Melancthon on RR#2,  
Ontario

Scale



Source: The Corporation of the Town of Shelburne Comprehensive Zoning By-Law No. 38-2007  
Note: Information shown in approximate and subject to change.

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Date:	December, 2020	Drawn By:	A.S.
File:	18-802	Checked:	J.H.



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