

# PLANNING JUSTIFICATION REPORT:

## HARRINGTON PIT

Applications to Amend the Township of Zorra Zoning By-law to permit a sand and gravel pit operation

PART LOT 30, CONCESSION 1  
GEOGRAPHIC TOWNSHIP OF WEST ZORRA  
TOWNSHIP OF ZORRA  
OXFORD COUNTY

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## 1.0 Introduction

Esher Planning Inc is submitting an application on behalf of 100039452 Ontario Inc.. to amend the Zoning by-law for the Township of Zorra, in order to permit a sand and gravel pit operation (Harrington Pit). An application has also been submitted to the Ministry of Natural Resources (MNR) under the Aggregate Resources Act (ARA) for Class A, Pit Above Water License application.

The proposed pit is located in Part of Lot 30, Concession 1, at the southwest corner of Road 96 (Hwy 28) and 31<sup>st</sup> Line. The subject lands are designated as “Agriculture Reserve” as shown on Schedule Z-1 (Township of Zorra Land Use Plan) of the County of Oxford Official Plan. The proposed pit is also located in a “Sand and Gravel Resource Area” identified on Official Plan Schedule 2-1 “Mineral and Petroleum Resources”.

Sand and gravel extraction and ancillary uses are permitted as an interim use in the Agricultural designation in accordance with the to the policies outlined in Section 3.4 (Resource Extraction) of the Oxford County Official Plan, which applies to the Township of Zorra. The current zoning of the property is “General Agricultural” (A2). An Amendment to the Township of Zorra Zoning Bylaw is required to permit the proposed pit.

The Planning Act and Aggregate Resources Act applications are supported by a series of technical studies which have assessed the impact of the proposed operation on neighbouring residents, the natural environment, the agricultural capabilities of the land, the impact on roads, and municipal water supply. The Site Plans detail the manner in which operations will be carried out as described by the sequence of mining and progressive rehabilitation.

The following information and reports have been prepared in support of this application:

- Maximum Predicted High-Water Table Report: Groundwater Science Corp.
- Natural Environment Report: Dance Environmental Inc.
- Noise Impact Assessment Report: Aercoustics Engineering Ltd.
- Cultural Heritage/Archaeology Report: Archaeological Research Associates Ltd.
- Transportation Study: R.J. Burnside & Associates Ltd.
- Aggregate Resources Act Summary Statement: Harrington McAvan Ld.
- Site Plans: Harrington McAvan Ltd.

The proposed pit operation has been designed in accordance with current industry best practices and reflects the recommendations of the accompanying technical reports. The operational notes on the license site plans under the Aggregate Resources Act, have incorporated conditions to reflect specific recommendations and measure to mitigate any negative environmental effects.

This report provides an overview of the applications and an analysis of the proposed pit in the context of current provincial and municipal planning policy.

1.1 LOCATION AND SURROUNDING LANDS

The subject property is located in Part Lot 30, Concession 1 as shown on **Figure 1**. The proposed pit licence area consists primarily of an agricultural field with the west edge of the site featuring a steeply sloped and currently wooded area. Natural environment features, including a wetland and drainage channel, occur at the base of the western slope, within a wide valley feature. The east slope of the ridge is more moderately sloped and is currently is cropped. A farm house and associated buildings are located on this eastern slope, near 31st Line.

**FIGURE 1: SITE LOCATION**



Other lands in the immediate surrounding area consist of operational licenced gravel pits (to the south and southwest), agricultural fields, and rural residential properties. The community of Harrington is located to the east and the community of Lakeside is south of the site.

**FIGURE 2: SURROUNDING LANDS**



## 2.0 Description of the Proposal

The application will permit the establishment of a sand and gravel pit, with extraction above the water table. The total area to be licensed is 27.8 hectares with a proposed extraction area of 24.2 hectares. The proposed annual tonnage limit is 500,000 tonnes. The operational design and rehabilitation of the pit is based on the recommendations of a multi-disciplinary technical team to address provincial policies and regulations. The technical reports assessed the potential impacts of the proposed pit operation on groundwater, natural heritage and cultural heritage features on the site and adjacent lands.

Extraction would occur sequentially in phases as shown in the Site Plans, starting in Area 1 and proceeding to Area 2 with extraction moving from north to south across the site. Existing topsoil and overburden soils will be stockpiled along the north limits and the southeast limit of the site, to

provide noise attenuation as outlined in the Noise Impact Assessment Report. There is also a storage berm for topsoil and overburden along the east limit of the site. The material in the berms will be used for rehabilitation of the site.

The operations will maintain a minimum 30 metre setback from Road 96 and the 31<sup>st</sup> Line. There is an entrance proposed at the north end of the site, onto Road 96.

The areas of the site that are not being actively extracted will remain in agricultural use.

The aggregate operations will include excavation of sand and gravel, using excavators, loading with front end loaders and transporting by truck to the processing area. Portable and stationary processing equipment for screening and crushing will be used on site and will generally be located on the pit floor. Other equipment may include excavators, bulldozers and conveyors.

The proposed hours of operation are 7 a.m. to 7 p.m for processing and shipping, 7 a.m. to noon on Saturdays with no operations on Sundays or Statutory holidays.

Rehabilitation of the site will restore the extracted lands to an agricultural after use, compatible with the surrounding lands. The agricultural land shall be returned to soil capabilities that are the same as the present capabilities. Rehabilitated grades will be coordinated with the rehabilitation plans for the existing pit licence. The current agricultural uses shall continue on this site as long as possible during pit operations.

Please refer to the ARA Site Plans for further details about the pit operations and rehabilitation and the corresponding conditions.

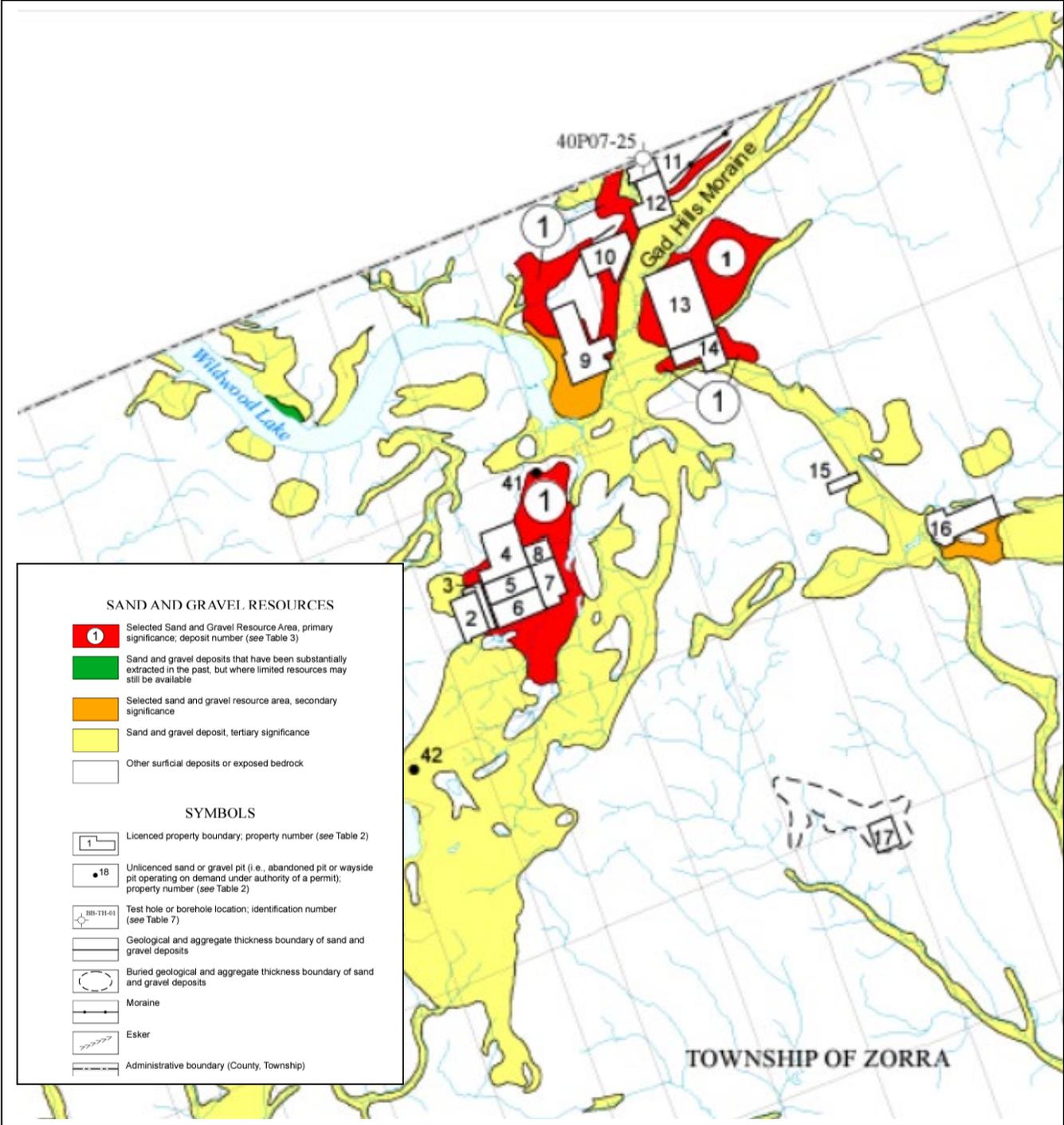
## 2.1 AGGREGATE RESOURCE OVERVIEW

The proposed area to be licensed and zoned for extraction is within a Selected Sand and Gravel Resource Area which features a series of glaciofluvial ice-contact deposits, identified in the Aggregate Resources Inventory Paper for Oxford and Brant County (ARIP 179) and is identified as an area of primary significance (see **Figure 3**). The deposit consists of sand and gravel, and the material is suitable for a range of construction products including Granular A and Granular B, as well as asphalt sand and stone.

The quality and quantity of the aggregate resource within the area to be licensed was confirmed by on-site test pits which indicate the surficial sand/gravel resource varies from approximately 6-7 m in thickness. The area to be licensed contains an estimated 5 million tonnes of aggregate resource.

The Official Plan mapping is based on provincial resource mapping which is derived from existing surficial geology maps of the area or from aerial photograph interpretation in areas where surficial mapping is incomplete. The exact limits of the deposit can vary on the ground. Field investigations have confirmed the aggregate deposit on the property and the area to be licenced is based on the extent of the resource identified in the field. There are a number of existing licenced pits located adjacent to the site and to the south.

**FIGURE 3: AGGREGATE RESOURCE INVENTORY MAPPING**



## 3.0 Planning Considerations

The subject lands fall within the Planning jurisdiction of the County of Oxford and the Township of Zorra. This report evaluates the proposed land use within the context of the County Official Plan which includes policies for the Township of Zorra, as well as within the context of Provincial legislation including the Planning Act, and the Provincial Policy Statement (2020).

The protection and management of aggregate resources has been deemed to be of provincial significance and their development is regulated by specific legislation. In addition to the Aggregate Resources Act (ARA), the development of aggregate extraction operations must respect the provisions of the Planning Act and give appropriate consideration to the policy framework established by the regional and municipal planning documents.

When making any land use planning decision, it is necessary to review provincial interests and determine how they may be impacted through development. In the case of aggregate development, often more than one provincial interest exists, and it is the goal of sound land use planning to balance and protect these competing interests in the most effective manner, keeping in mind the long term planning horizon.

The proposed pit is located in an area which is designated as “Agriculture Reserve” as shown on Schedule Z-1 (Township of Zorra Land Use Plan) of the County of Oxford Official Plan (see **Figure 4**). The proposed licence is also located in a “Sand and Gravel Resource Area” identified on Schedule 2-1 “Mineral and Petroleum Resources” (see **Figure 5**). The proposed pit will require an amendment to the Township of Zorra Zoning By-law to rezone the lands from “General Agricultural” (AG2) to “Aggregate Industrial” (ME) to permit the proposed use (see **Figure 6**).

The following analysis provides an assessment of the proposed Harrington Pit in the context of relevant Provincial and Local planning policies. For ease of reference, the following tables review the proposal against the applicable current planning policies. The evaluation is based on the findings of the technical studies forming part of the application submission, an evaluation and an analysis of the surrounding land use, and the environmental impact of the proposal.

### 3.1 PLANNING ACT

When carrying out its responsibilities under the Planning Act, a municipality or any other authority which affects a planning matter must have regard for the provincial interests as identified in Section 2 of the Planning Act.

The provincial interests contained in Section 2 of the Planning Act are outlined in the table below. The Harrington Pit proposal has been evaluated in the context of these prescribed provincial interests:

**Planning Act, Section 2 Evaluation**

| Provincial Interests   | Harrington Pit Proposal  |
|--|--|
| <p><i>2(a) The protection of ecological systems, including natural areas, features and functions.</i></p>                                  | <p>The proposed extraction operations and associated development activities for the Harrington Pit application have been assessed for impacts on the natural environment. The Dance Environmental report provides a number of recommendations to protect natural heritage features and habitats on and near the site. Mitigative measures, which include silt fencing along the southwest part of the area to be licenced and a restrictions on vegetation clearing during the breeding bird season (April 1-Sept 30) have been incorporated as Site Plan conditions. The Dance report concludes that there are no expected negative impacts on natural heritage features or functions from the proposed pit operations.</p> |
| <p><i>2(b) The protection of the agricultural resources of the Province</i></p>  | <p>The proposed rehabilitation of the site to agricultural uses allows for the interim use of the site for aggregate extraction while returning the lands to an appropriate use once extraction is complete. Ecological enhancements along the western slope are also proposed as recommended in the Natural Environment Report. This represents wise resource management with rehabilitation plan that will protects the agricultural resources of the area for the long term.</p>  |
| <p><i>2(c) The conservation and management of natural resources and the mineral resource base.</i></p>                                     | <p>Aggregate resources are a provincial interest and should be protected from incompatible land uses and developed responsibly. The proposed pit will provide a high quality supply of mineral aggregate material to the local and regional markets.</p>   |
| <p><i>2(d) The conservation of features of significant architectural, cultural, historical, archaeological or scientific interest.</i></p> | <p>The Archaeology Assessment Report prepared by Archaeological Research Associates Ltd. evaluated the presence of archaeological features on the site. There were no features of archaeological significance identified on this property. The report has been provided the Ministry of Citizenship and Multiculturalism (MCM) for review.</p>   |

| Provincial Interests   | Harrington Pit Proposal  |
|--|--|
| <p><i>2(e) The supply, efficient use and conservation of energy and water</i></p>                                  | <p>Ground and surface water features have been studied and documented in the Maximum Predicted Water Table Report prepared by Groundwater Science Corp. Mitigation measures included on the Operations Plan such as, groundwater level monitoring and restriction of surface activities will minimize the potential for groundwater disturbance or contamination in accordance with provincial guidelines.</p>                           |
| <p><i>2(k) The adequate provision of employment opportunities.</i></p>   | <p>The proposed pit will provide local employment opportunities in the Township.</p>   |
| <p><i>2(l) The protection of the financial and economic well-being of the Province and its municipalities.</i></p> | <p>The Township and the County will see an ongoing source of revenue through property tax assessment and annual tonnage contributions (TOARC) fees.</p>  |
| <p><i>2(m) The coordination of planning activities of public bodies.</i></p>                                       | <p>The interests of public bodies and agencies are considered by the circulation requirements of the Planning Act and the ARA.</p>   |
| <p><i>2(n) The resolution of planning conflicts involving public and private interests.</i></p>                    | <p>The land use planning process, as well as the ARA licensing process, enables municipalities, agencies and the public to participate in the evaluation of this proposal.</p>   |
| <p><i>2(o) The protection of public health and safety.</i></p>   | <p>The operational plan contains a variety of mitigation measures which have been developed to minimize the social impact of the proposed pit operation. The requirements of the Operation Plan and site plan notes therein are legally binding as per the ARA.</p>  |
| <p><i>2(p) The appropriate location of growth and development.</i></p>   | <p>Rural areas are prime location for the development of this non-renewable resource. On- site investigation has confirmed the quality and extent of this resource. The proposed pit supply the local market with construction materials. No significant natural or cultural heritage features will be negatively impacted by the proposed pit operation, and the rehabilitation plans will return the lands to an agricultural use.</p> |

### 3.2 PROVINCIAL POLICY STATEMENT (PPS) 2020

The Minister of Municipal Affairs and Housing, under Section 3 of the Planning Act, can issue policy statements that provide direction to other ministries, municipalities and agencies on matters of provincial interest as they relate to land use planning. These policy statements are developed in consultation with other ministries and are updated from time to time. The latest PPS came into effect on May 1, 2020 and any land use decision by any authority that affects a planning matter must be consistent with the PPS. The 2020 Provincial Policy Statement provides a policy-led planning approach that recognizes the complex inter-relationship among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrates and long-term approach to planning and recognizes linkages among policy areas.

The 2020 Provincial Policy Statement provides a policy-led planning approach that recognizes the complex inter-relationship among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrates and long-term approach to planning and recognizes linkages among policy areas. (Part III)

The PPS recognizes that the Province’s natural heritage resources, water, agricultural lands, mineral aggregate resources, cultural heritage and archaeological resources provide important environmental, economic and social benefits. The wise use and management of these resources over the long term is a key provincial interest. The province must ensure that its resources are managed in a sustainable way to conserve biodiversity, protect essential ecological processes and public health and safety, provide for the production of food and fiber, minimize environmental and social impacts and meet its long term economic needs. (PPS, Part IV)

The subject property contains resources that are considered to be of provincial significance: a high-quality aggregate resource, and agricultural land. The operations and progressive rehabilitation plans have been designed to achieve the balance required to manage these overlapping provincial interests.

The following table provides an evaluation of the proposal in the context of the relevant policies of the PPS. The evaluation is based largely on findings of various technical studies referenced previously in this report.

#### Provincial Policy Statement – Consistency Analysis

| PPS (2020) Policies  | Harrington Pit Proposal  |
|--|--|
| <p><i>1.1.4. Rural Areas in Municipalities</i></p> <p><i>Healthy, integrated and viable rural areas should be supported by:</i></p> <p><i>f) promoting the diversification of the economic base and employment opportunities through goods and services,</i></p> | <p>The proposed pit is located in a rural area. The sustainable management or use of mineral aggregate resources contributes to the local economic base. The proposed pit and the return of the lands to an agricultural use post extraction represents sustainable resource management.</p> |

| PPS (2020) Policies   | Harrington Pit Proposal  |
|---|--|
| <p><i>including value-added products and the sustainable management or use of resources.</i></p>  |  |
| <p><i>1.1.5 Rural Lands in Municipalities:</i></p> <p><i>permitted uses are:</i></p> <p><i>a) to the management or use of resources;</i></p>  | <p>The proposed pit represents to the use of a provincially significant natural resource (mineral aggregate) and is an appropriate rural land use. The lands are identified in the County Official plan as a Mineral Aggregate Resource Area.</p>  |
| <p><i>1.2.6 Land Use Compatibility</i></p> <p><i>1.2.6.1 Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.</i></p> | <p>The site plans for the proposed pit have been designed to ensure that appropriate mitigation measures are in place to minimize the effects of noise and dust from the operation.</p>  |
| <p><i>1.7.1 Long-term economic prosperity should be supported by:</i></p> <p><i>b) optimizing the long-term availability and use of land, resources, infrastructure, and public service facilities;;</i></p>  | <p>The proposed pit will allow for a local, family owned business to supply local construction markets.</p> <p>The progressive rehabilitation plan ensures that the subject lands will be returned to an agricultural use, compatible with the surrounding landscape. In addition to employment, the pit will provide a source of revenue from TOARC levies and property taxes over the life of the operation.</p> |
| <p><i>2.1.1 Natural features and areas shall be protected for the long term.</i></p>  | <p>The Natural Environment Report has evaluated the impacts of the proposal on significant wetlands, woodlands, fish habitat, and habitat of endangered species and threatened species. The</p>  |

| PPS (2020) Policies   | Harrington Pit Proposal  |
|---|--|
|   | <p>recommended mitigative measures and enhanced habitat creation as part of the rehabilitation plan, are incorporated to ensure no negative impacts on these natural features or their functions.</p>  |
| <p><i>2.2.1 Planning authorities shall protect, improve or restore the quality and quantity of water by:</i></p> <p><i>b) minimizing potential negative impacts, including cross-jurisdictional and cross-watershed impacts;</i></p> <p><i>f) implementing necessary restrictions on development and site alteration to:</i></p> <ol style="list-style-type: none"> <li><i>1. protect all municipal drinking water supplies and designated vulnerable areas; and</i></li> <li><i>2. protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions;</i></li> </ol> | <p>No municipal drinking water sources are located within the proposed licensed area.</p> <p>Operational best practices have been included on the Operations Plan in order to minimize any potential for surface activities to impact groundwater quality. These include groundwater level monitoring, and restriction of surface activities (fuel storage and refueling, spills plan, etc.) in accordance with provincial guidelines.</p> <p>The Groundwater Science Corp. report concluded that the proposed gravel pit will not have any adverse effect on surface and groundwater in the area.</p> |
| <p><i>2.3 Agriculture</i></p> <p><i>2.3.1 Prime agricultural areas shall be protected for long-term use for agriculture.</i></p> <p><i>2.3.6 Non-Agricultural Uses in Prime Agricultural Area</i></p> <p><i>2.3.6.1 Planning authorities may only permit non-agricultural uses in prime agricultural areas for:</i></p> <ol style="list-style-type: none"> <li><i>a) extraction of minerals, petroleum resources and mineral aggregate resources in accordance with policies 2.4 and 2.5</i></li> <li><i>b) limited non-residential uses</i></li> </ol>   | <p>The subject property is identified in the Canada Land Inventory Agricultural Capabilities Mapping as predominantly class 3 and 4 soils. The proposed extraction of sand and gravel, and progressive rehabilitation to an agricultural after use, is consistent with the PPS section 2.3.6.</p>  |

| PPS (2020) Policies   | Harrington Pit Proposal   |
|---|---|
| <p><i>2.5.2.3 Mineral aggregate resource conservation shall be undertaken, including through the use of accessory aggregate recycling facilities within operations, where feasible.</i></p>   | <p>The technical studies prepared in support of the proposed Harrington Pit demonstrate that no natural or cultural heritage features will be impacted by the development. The hydrogeological study has confirmed groundwater elevations and a series of operational practices designed to restrict activities which could present threats to groundwater have been included on the operations plan. Adherence to provincial standards for noise and dust will minimize any potential social impacts and nuisances. The TOARC contributions will provide a sustained fund to the Township for road maintenance along the proposed haul route and ensure safe vehicular access to and from the site is provided over the long-term with minimal disruption to existing traffic flows.</p> |
| <p><i>2.5.3 Rehabilitation</i></p> <p><i>2.5.3.1 Progressive and final rehabilitation shall be required to accommodate subsequent land uses, to promote land use compatibility, to recognize the interim nature of extraction, and to mitigate negative impacts to the extent possible. Final rehabilitation shall take surrounding land use and approved land use designations into consideration.</i></p> | <p>The proposed rehabilitation to an agricultural use, with the same soil capabilities that exist pre-extraction, is consistent with provincial policy.</p>   |

| PPS (2020) Policies  | Harrington Pit Proposal   |
|--|---|
| <p><i>2.5.4 Extraction in Prime Agricultural Areas</i></p> <p><i>2.5.4.1 In prime agricultural areas, on prime agricultural land, extraction of mineral aggregate resources is permitted as an interim use provided that the site will be rehabilitated back to an agricultural condition.</i></p> | <p>Agricultural uses will continue on the areas of the property that are not being extracted during the life of the operation and the site will be progressively rehabilitated to an agricultural after use.</p> <p>The proposal is consistent with the PPS in this regard.</p> |
| <p><i>2.6 Cultural Heritage and Archaeology</i></p> <p><i>2.6.2 Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.</i></p>                 | <p>An Archeological Assessment was completed by Archaeological Research Associates Ltd. and will be reviewed by the MCM. There are no significant archaeological resources identified on the subject lands. The proposal is consistent with the PPS in this regard.</p>         |

### 3.3 OFFICIAL PLAN POLICIES: OXFORD COUNTY

The Oxford County Official Plan is the policy document that establishes the overall land use strategy for both the County and the eight area municipalities that comprise the County. The policies and land use schedules contained in the Official Plan establish locational and development review requirements for various land uses (residential, commercial, industrial, institutional, parks, etc.), set out how agricultural land and other natural features and cultural heritage resources are to be protected and provide direction on how environmental constraints are to be addressed.

In January 2017, the County adopted Amendment No. 205. This Amendment is primarily an update of the County’s resource extraction policies, developed through a comprehensive examination of the County’s existing Official Plan aggregate resource extraction policies and informed by extensive consultation with stakeholders, Provincial Ministries, and the public.

The subject property is currently designated as “Agricultural Reserve” County of Oxford Official Plan. The property is also identified as a “Sand and Gravel Resource Area” on Appendix 2-1 of the Official

Plan. Within the Agricultural Reserve designation, sand and gravel extraction and ancillary uses are permitted without an amendment to the OP, provided that the proposal complies with the policies related to resource extraction (OP Section 3.4) and environmental protection (OP Section 3.2). An analysis of the proposal in the context of the relevant OP policies is summarized below.

| County of Oxford OP Policy  | Harrington Pit Proposal   |
|---|---|
| <p><b>2.1.2 Environmental and Cultural Integrity</b></p> <p>In recognition that the quality of life for Oxford County residents is directly related to the integrity of natural systems (air, water, soil, wildlife and plants) and the built and cultural environment, it is a principle of County Council to ensure that development, site alteration and the use of land does not unreasonably affect and, wherever possible, enhances the natural, built and cultural environment. It is intended that this Plan will promote, protect and improve the state of the County's natural, built and cultural environment and the health and well-being of the residents of Oxford County through appropriate land use planning.</p> <p>Environmental considerations will be integrated into the land use planning and decision making processes to ensure that new development occurs where it has been demonstrated that there will be no negative impacts on natural heritage features and areas or their ecological functions and it is in accordance with applicable provincial and federal requirements.</p> | <p>The Natural Environment Report prepared by Dance Environmental includes a screening and field survey to identify any natural heritage features including wetlands, woodlands, fish habitat, significant wildlife habitat and habitat for species at risk. The assessment identified woodlands, habitat for wildlife, and species at risk within the subject lands and 120 metre adjacent land area.</p> <p>The Natural Environment Report proposes a number of mitigative measures to protect the natural features on and near the site. In addition, the rehabilitation plan has incorporated habitat enhance along the western slope adjacent to the existing woodland west of the area to be licenced.</p> <p>The Dance Environmental report concludes that there will be no negative impacts to natural heritage features or ecological functions associated with the proposed mineral aggregate operation. The rehabilitation plan has been designed with the objective to achieve a net environmental benefit.</p> |

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| <p><b>2.1.3 Protect Agriculture and Rural Natural Resources</b></p> <p>The extraction of non-renewable resources including mineral aggregates, petroleum and gypsum deposits shall be undertaken in a manner which minimizes social, economic and environmental impacts.</p> <p>Extraction sites shall be rehabilitated in a manner that promotes land use compatibility, takes into consideration surrounding land uses and land use designations, mitigates negative impacts to the extent possible and ensures a net environmental gain is achieved. Extraction sites shall be rehabilitated to an agricultural condition wherever possible and proposed after-uses shall be in conformity with the applicable policies of the relevant land use designation.</p> | <p>The proposed Harrington Pit is consistent with the OP policies related to protection of mineral aggregate resources. The proposed rehabilitation takes into consideration the surrounding land uses and is consistent with the OP policies related to protection of agricultural resources and enhanced rural natural resources.</p>  |
| <p><b>2.1.5 Responsible Water and Waste Management</b></p> <p>The quality and quantity of water will be protected, improved and restored by identifying important groundwater features, hydrologic functions, natural heritage features and areas and surface water features, maintaining the linkages and related functions among such features and minimizing potential negative impacts from single, multiple or successive development or site alteration activities.</p>  | <p>No surface water features, hydrologic features or municipal drinking water sources are located within the area to be licenced.</p> <p>Operational best practices have been included on the Operations Plan in order to minimize any potential for surface activities to impact groundwater quality. These include restriction of surface activities (fuel storage and refueling, spills plan, etc.) in accordance with provincial guidelines.</p> <p>The Hydrogeology report concludes that the proposed gravel pit will not have any adverse effect on surface and groundwater in the area, including domestic water supply.</p> |

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| <p><b>2.1.7 Public Participation</b></p> <p>The requirement to provide a wide range of opportunities for individuals and interest groups in the community to express opinions on planning issues associated with Official Plan amendments and review initiatives, secondary planning, monitoring exercises and development and zoning matters.</p> <p>A commitment to provide the public with accurate information in a timely manner.</p> <p>The requirement to consider any response from the public and interest groups and to ensure such opinion is considered in the development of planning policy and in development and zoning matters.</p>  | <p>Public consultation on the proposal includes notification as required under the Aggregate Resources Act (ARA) and an information session will be held to provide interested community members with details about the proposal. A newspaper ad, as well as letters to surrounding residents within 120 metres of the site will be provided as part of the ARA notification and circulation.</p> <p>The applicant is committed to responding to any further questions and concerns that may arise from the public as part of the review of the Planning Act application (rezoning).</p> |
| <p><b>3.1 Agricultural Land Resource</b></p> <p>Prevent situations of land use conflict in the agricultural designations by careful management of non-farm uses, including rural residential development, recreational uses, commercial and industrial uses and aggregate resource extraction.</p> <p><b>3.1.2 Strategic Approach</b></p> <p>Preserve and protect lands designated as Agricultural Reserve on all Land Use Schedules for agricultural and resource extraction uses, and particularly farming uses. Prevent situations of land use conflict in the agricultural designations by careful management of non-farm uses, including rural residential development, recreational uses, commercial and industrial uses and aggregate resource extraction.</p> | <p>The subject property features overlapping agricultural and mineral aggregate resources. The proposed pit will provide access to recover the mineral aggregate resource on site, as an interim use, and the site will be progressively rehabilitated to an agricultural after use, compatible with the surrounding area.</p>   |

|  |  |
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| <p><b>3.1.4 Policies for Agricultural Uses in the Agricultural Reserve</b></p> <p>Sand and gravel, oil, gas and gypsum extraction and ancillary uses are also permitted as interim uses in accordance with the policies in Section 3.4, Resource Extraction Policies.</p> <p>Uses permitted will comply with the Environmental Resource Protection policies and the Environmental Constraints policies of Section 3.2.</p> | <p>The proposed pit has been reviewed in the context of OP policies in Section 3.4 and 3.2 of the OP. Further discussion of the proposed pit in relation to these policies is included below.</p>  |
| <p><b>3.4.1 Mineral Aggregate Resource</b></p> <p>Mineral aggregate resources are a fixed location, non-renewable resource and their effective management is essential to the economy of the County and Province. It is equally important to ensure that mineral aggregate resources extraction is environmentally and socially responsible.</p>   | <p>The proposed pit makes available an important mineral aggregate resource, and the pit has been designed to minimize social, economic and environmental impacts.</p> <p>The proposed pit will provide a significant supply of commercially viable aggregate material for the local and regional market. The proposed pit will increase access to close-to-market supply of aggregates in local construction markets.</p> |
| <p><b>3.4.1.1 Strategic Initiatives and Objectives</b></p> <p>Ensure the orderly extraction and optimum utilization of the limestone and sand and gravel resources to provide for local and regional needs and to contribute to provincial needs while minimizing negative environmental, financial, social and land use impacts on the County and its residents.</p>  | <p>The Harrington Pit is located within a sand and gravel area of primary significance according to provincial ARIP mapping and is recognized in the County OP as a Mineral Aggregate Resource area. The proposed pit will allow for these materials to supply local and regional construction material needs.</p>   |
| <p>Protect prime agricultural areas for long-term use for agriculture and ensure that as much prime agricultural land as possible is kept in agricultural production for as long as possible and that extraction occurs in a coordinated and progressive manner. Impacts from mineral aggregate extraction on surrounding agricultural operations and lands are to be mitigated to the extent feasible.</p>                | <p>The rehabilitation plans are designed to ensure that agricultural uses can continue on areas of the site that are not actively being extracted, and ensures that the progressive rehabilitation returns the site to agricultural use. There are no impacts anticipated on surrounding agricultural operations as a result of the proposed pit operation.</p>  |

**3.4.1.1 Strategic Initiatives and Objectives**

Ensure, to the greatest possible extent, that mineral aggregate operations will protect natural features and areas for the long term and will maintain, restore, or where possible, improve the diversity and connectivity of natural features in an area and the long-term ecological function and biodiversity of the natural heritage system. Further, ensure that mineral aggregate operations are not permitted within significant wetlands and will not otherwise have negative impacts on significant natural heritage features and areas or their ecological functions. Best management practices and appropriate mitigative measures shall be incorporated into all pit or quarry license applications, pursuant to the Aggregate Resources Act and/or municipal planning approvals, for new or expanding operations to protect natural heritage features and areas and minimize negative impacts on the broader natural heritage system during extraction. Positive improvements to the quality and/or areal extent of natural heritage features and areas and the broader natural heritage system will be achieved through rehabilitation measures.

There will be no negative impacts to natural heritage features or ecological functions as a result of the proposed pit operation.

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| <p><b>3.4.1.1 Strategic Initiatives and Objectives</b></p> <p>Improve mineral aggregate resources conservation and management in Oxford County through cooperation between the aggregate industry and other stakeholders with a view to facilitating efficient aggregate operations and minimizing negative impacts on settlements and the rural/agricultural community with respect to the municipal transportation system; natural heritage features and areas and the natural heritage system; the quality and quantity of surface water and groundwater and on domestic and municipal drinking water supplies; agricultural resources and operations; noise, dust and particulate matter and air quality; cultural heritage resources; and other social and economic impacts.</p> | <p>The proposed Harrington Pit represents to the use of a provincially significant natural resource (mineral aggregate) and is an appropriate rural land use.</p> <p>Ground and surface water features have been studied and documented. Mitigation measures included on the Operations Plan such as, groundwater level monitoring and restriction of surface activities will minimize the potential for groundwater disturbance or contamination in accordance with provincial guidelines.</p> <p>The site plans have been designed to ensure that appropriate mitigation measures are in place to minimize the effects of noise and dust from the operation.</p> |
| <p><b>3.4.1.1 Strategic Initiatives and Objectives</b></p> <p>Ensure that the extraction of mineral aggregate resources is viewed as an interim use of land and that the timely and progressive rehabilitation of pits and quarries is carried out in a manner that promotes land use compatibility in the context of surrounding land uses and designations.</p> <p>The County is committed to the rehabilitation of prime agricultural lands to an agricultural condition as a first priority as well as the restoration and, where possible, improvement of the natural heritage system in accordance with the concept of net environmental gain.</p> <p>Comprehensive rehabilitation in areas with concentrations of mineral aggregate operations shall be encouraged.</p>        | <p>The Harrington Pit proposal is consistent with the County OP policies related to rehabilitation to an agricultural condition as a first priority in agricultural areas, as well as restoration and enhancement of the natural heritage system.</p>  |

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| <p><b>3.4.1.2 Land Use Designations and Mapping</b></p> <p>The areas shown on Appendices 2-1 and 2-2 as the Sand and Gravel Resource Area are those lands where high quality sand and gravel deposits exist and represents the area where possible future extraction activity is most likely to occur.</p> <p>The Sand and Gravel Resource Area is identified on Appendices 2-1 and 2-2 for reference purposes and does not represent a land use designation. Further, it is not intended that sand and gravel extraction be limited to the Resource Areas identified on the above-noted appendices, as sand and gravel extraction is permitted within all land use designations outside of settlements in accordance with the relevant policies of this Plan.</p>                                | <p>The Harrington Pit is identified on Appendix 2-1 as a Sand and Gravel Resource Area. The County OP allows for sand and gravel extraction within all land use designations in accordance with the relevant policies of the OP.</p> |
| <p><b>3.4.1.3.1.2 Sand and Gravel Resource Extraction</b></p> <p>During the operational life of the aggregate operation, the extraction of sand and gravel and all accessory uses, buildings and structures essential to this use, as outlined in, and in accordance with, Section 3.4.1.3.1.1 above are permitted within all land use designations outside of settlements in accordance with the relevant policies of this Plan.</p> <p>During the operational life of the sand and gravel extraction operation, aggregate recycling operations and uses ancillary to the extraction of sand and gravel, such as asphalt and concrete batching plants, aggregate transfer stations and similar uses, may be permitted within licensed extraction operations subject to site-specific zoning.</p> | <p>The operations plan for the Harrington Pit outlines the phasing and sequence of extraction as well as the accessory uses on site.</p>   |

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| <p><b>3.4.1.3.1.4 General Use and Zoning</b></p> <p>In addition to the policies of Section 3.4, all uses permitted in Sections 3.4.1.3.1.1 and 3.4.1.3.1.2 shall comply with the applicable policies of Section 3.2, Environmental Resource policies, Section 3.3 Cultural Resource Policies and all other applicable policies of this Plan.</p>   | <p>The Harrington Pit proposal complies with all the applicable policies of the County of Oxford OP and OPA 205.</p> <p>Please see the section below this chart for a discussion related to impacts and cumulative impacts of the proposed pit.</p> |
| <p>The proposed rehabilitation plan will provide net environmental gain in accordance with the policies of Section 3.4.1.3.6;</p> <p>The proposed rehabilitation plan is technically feasible, environmentally sound and would be in compliance with the permitted uses and policies of the underlying land use designation or applicable overlay.</p>   | <p>The proposed rehabilitation proposes a an agricultural after use. The proposed after use complies with the policies of the OP and is consistent with the underlying Land Use designations.</p>   |
| <p><b>3.4.1.5 Land Use Compatibility</b></p> <p>To ensure that mineral aggregate extraction, including limestone extraction and sand and gravel extraction, is generally compatible with adjacent planned development and with existing development.</p>   | <p>The Harrington Pit is within an area of agricultural and mineral extractive land uses. The pit is compatible with the existing and planned development in the area.</p>  |
| <p><b>3.4.1.6 Natural and Cultural Features</b></p> <p>To conserve and protect the quality of the natural environment and cultural heritage resources by ensuring that mineral aggregate extraction is carried out with a view to minimizing environmental impact, including <i>cumulative impacts</i>, and conserving <i>archaeological resources</i>, <i>built heritage resources</i> and <i>cultural heritage landscapes</i>.</p> | <p>The protection of natural heritage and cultural heritage features has been addressed in the Natural Heritage Report and the Archaeology Report for the Harrington pit.</p>   |

The Development Review Policies in Section 3.4.1.3.2 of OPA 205 outline the criteria for approval and information that County Council and the Township of Zorra Council will take into consideration when considering a new or expanding mineral aggregate operation. The charts contained in this report demonstrate that the proposed Harrington Pit is consistent with the principles, strategic initiatives, objectives and policies of the County Official Plan and is consistent with the Provincial Policy Statement (PPS 2020).

Impacts, and cumulative impacts have been addressed in the technical reports prepared for this application and are summarized below:

### **Traffic Impacts**

A Transportation Study was completed by R.J. Burnside & Associates at the request of the County. The access to the site is proposed from Oxford Road 28 along the north side of the property and trucks would travel east or west from the entrance. Based on the anticipated market, it is expected that the majority of trucks will travel east. The operations plan proposes the entrance be located about 180 metres west of the intersection of Oxford Road 28 and 31<sup>st</sup> Line which meets the County's entrance spacing requirements. Consideration of relocating the access further to the east may be made to maximize the separation from houses located on the north side of County Road 28 and to improve the sight distances to the west.

The Pit license proposes an annual maximum material extraction of 500,000 tonnes. The pit is forecast to generate approximately 16 two-way trips per hour in the a.m. and p.m. peak hours. The Burnside report concludes that the proposed pit operations are expected to have minimal impacts on the existing traffic on Oxford Road 28. An eastbound right turn taper is suggested as well as sight triangles at the access to improve conditions for truck turning movements.

### **Natural Heritage Features**

The Natural Environment report prepared by Dance Environmental and the Hydrogeological Assessment prepared by Groundwater Science Corp. have examined, in detail, the potential for negative effects on natural features and functions within and adjacent to the Harrington Pit property. These reports have demonstrated that, with the proper mitigative measures in place, there will be no negative impacts to the natural heritage features or ecological functions identified both on and off site. No cumulative negative impacts on the natural environment are anticipated in association with the proposed Harrington Pit.

### **Water Resources**

A hydrogeology study was completed in accordance with the requirements of the Aggregate Resources Act. Drilling and monitoring well installations were completed in August 2022 by Englobe Corp. as part of the resource assessment that was completed for the site. There are 3 monitoring wells on the site and water level monitoring has been ongoing for approximately 2 years. Extraction will not occur within 1.5 metres of the maximum predicted high water table.

Based on the results of the impact assessment, and, proposed monitoring and mitigation plan, the proposed aggregate operation above the water table will not have any adverse effects on local water resources including domestic water wells, and natural environmental features in the area.

A monitoring program is included as a Site Plan condition and includes quarterly water level measurements, with a summary report submitted annually to MNRF. A well water interference protocol is outlined in the report and included on the Site Plans.

### **Agricultural Impact Assessment**

The Soil Capability for Agriculture mapping for the area, from the OMAFRA Agricultural Information Atlas, indicates that Canada Land Inventory (CLI) for the site is class 3 and class 4. Presently the site is in agricultural use, with the majority of the site cultivated for cash crops. The rehabilitation plans are designed to ensure that agricultural uses can continue on areas of the site that are not actively being extracted. The proposed pit will be progressively rehabilitated back to an agricultural use, with the same soil capabilities as pre-extraction. No impacts on the surrounding agricultural uses are anticipated as a result of the proposed pit operation.

### **Noise and Vibrations**

HCG Engineering completed a Noise Study for the proposed pit to evaluate the impact on neighbouring residences and recommend mitigation measures. Sound level limits were developed based on the MECP noise guidelines. Calculations were then carried out to determine the worst-case noise impact for each phase of the aggregate pit operation, at each noise-sensitive receptor. Where noise predictions indicated the potential of exceedance of the MECP sound level limits, noise control recommendations were provided.

The report provides a series of recommendations including construction of berms to attenuate noise from the processing operations. These measures have been incorporated as conditions on the Site Plans. With the mitigation measures in place, the Noise report concludes that the pit operations will be at or below the provincial standards for noise emissions.

### **Dust and Air Quality**

Dust control in pits is now a common requirement and control includes paved entrances, vegetated berms, sequential rehabilitation to minimize disturbed areas and mechanical controls on processing equipment. It is the responsibility of the applicant to contain dust and appropriate dust control measures have been included in the site plans.

The site plans have been designed to minimize the open areas which are potential dust sources and require vegetation on all berms and progressive rehabilitation of the site to eliminate dust sources. Dust suppression measures in the processing area and on the haul road will include watering and, calcium chloride. The plant machinery is equipped with dust controls as required by the Ministry of the Environment Conservation and Parks (MECP). The haul roads are treated with dust suppressants when required. Only MECP approved dust suppressants are used, the most common of which is water.

## **Cultural Heritage Resources**

Archaeological Associates Ltd. completed Stage 1 and 2 archaeological assessments for the Site in November 2022 and April 2023. This Stage 1-2 archaeological assessment was conducted to meet the requirements of the Aggregate Resources Act and in accordance with the Standards and Guidelines for Consultant Archaeologists (MTC 2011).

The Stage 1 assessment determined that the study area comprised a mixture of areas of archaeological potential and areas of no archaeological potential. The Stage 2 assessment resulted in the discovery of one location of archaeological materials: Site 1 (AhHf-10). Site 1 was found to be of no further CHVI. It is recommended that no further assessment be required within the study area. The remainder of the property does not require additional assessment as part of the subject project. These lands were not assessed and may require further assessment if development is contemplated in the future.

The report has been provided to the Ministry of Citizenship and Multiculturalism (MCM) for review.

## **Visual Impact**

The setback from Oxford Road 28 and 31<sup>st</sup> Line together with the proposed berms on the site in relation to nearby residences and roads means that there are no direct or indirect sight lines into the pit from surrounding residences. The pit operations will not create a visual impact and no specific screening measures are warranted for this operation.

## **5.0 Township of Zorra Zoning By-law**

An application for a zoning by-law amendment to the Township of Zorra, Zoning By-law 35-99 is required, to rezone the lands from "Agricultural - General" (A2) Zone to Aggregate Industrial (ME) Zone to permit the establishment of a Class A, pit above the water table license.

## **6.0 Planning Conclusion**

To permit the establishment of a Class A pit license, above the water table, to be operated in the Township of Zorra, County of Oxford, 100039452 Ontario Inc. is submitting an application (Harrington Pit) for an amendment to the Township of Zorra, Zoning By-law 35-99, to rezone the lands from "Agricultural - General" (A2) to Aggregate Industrial (ME).

The zoning by-law amendment and ARA license applications are supported by the land use planning analysis in this report together with the ARA Summary Statement, Site Plans and the associated technical reports referenced in this document. Based on these submissions it is concluded that:

The proposed pit is located in a recognized mineral aggregate resource area, and contains a substantial quantity of commercial aggregate resource, above the water table.

The deposit can be extracted in such a manner that potential environmental and social impacts are minimized.

The matters of provincial interest as identified in Section 2 of the Planning Act have been properly assessed and the proposal has appropriate regard to these provincial interests.

The proposed pit, through its Operations Plan, Rehabilitation Plan and the recommendations of the supporting technical reports, is consistent with provincial policy as set out in the 2020 Provincial Policy Statement.

The Provincial Policy Statement 2020 contains policy requiring mineral aggregate resources to be protected and that as much of the resource as possible be made available as close to market as is possible. The proposal is consistent with this provincial objective as well as provincial policy related to the protection of natural heritage, water and cultural resources and the protection of public health and safety.

The proposal is consistent with the relevant policies of the County of Oxford Official Plan with regard to amendments for new aggregate extraction applications.

The ARA site plans, prepared by taking into consideration the technical studies, surrounding land uses and legislative requirements, will minimize any environmental and social impacts in accordance with the Provincial Standards established under the ARA.

The modifications proposed to the local municipal planning documents represent good rural land use planning principles.

The proposed pit operation has been carefully designed and reflects recommendations of the accompanying technical reports. The operational notes on the license site plans under the Aggregate Resources Act, have incorporated conditions to reflect specific recommendations and measure to mitigate any negative environmental effects.

In my professional opinion, the proposal represents good land use planning.

Report Prepared By:

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Esher Planning Inc.

June 2024

# Appendix A

## Figures

FIGURE 4: COUNTY OF OXFORD OFFICIAL PLAN

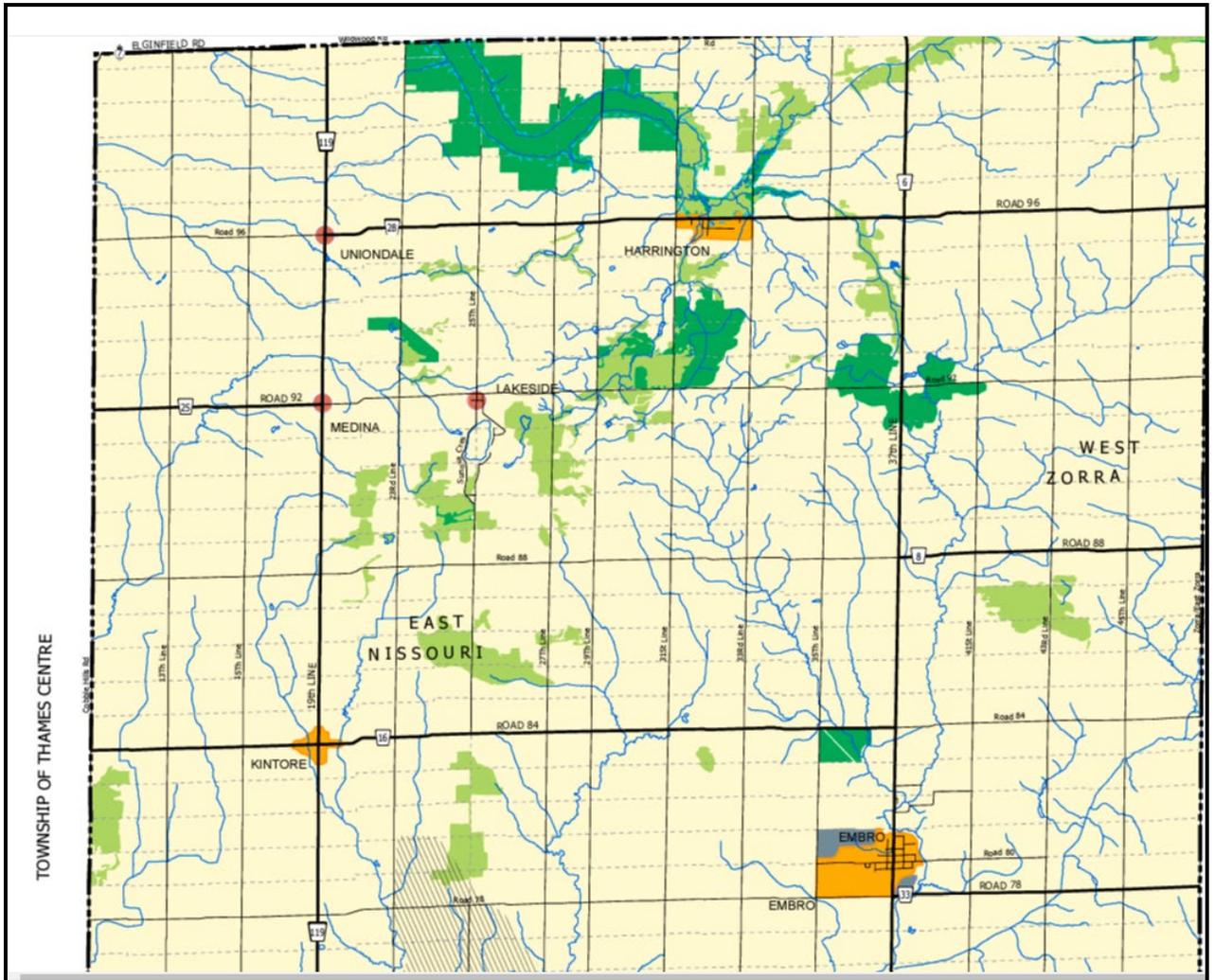


FIGURE 5: COUNTY OF OXFORD OFFICIAL PLAN: APPENDIX 2.1 MINERAL AND PETROLEUM RESOURCES



FIGURE 6: TOWNSHIP OF ZORRA ZONING BY-LAW

