

Essex County Council Special Meeting Agenda

Date: Wednesday, September 7, 2022
Time: 5:30 PM - Public Meeting - Essex County Official Plan Amendment No. 2 - (Erie Sand & Gravel)
Location: Council Chambers, 2nd Floor
360 Fairview Avenue West
Essex, Ontario N8M 1Y6
<https://video.isilive.ca/countyofessex/live.html>

Accessible formats or communication supports are available upon request. Contact Clerk's Office, clerk@countyofessex.on.ca, 519-776-6441 extension 1335

Pages

1. Call to Order
2. Recording of Attendance
3. Disclosure of Pecuniary Interest
4. Purpose of Public Meeting and Confirmation of Notice
<https://www.countyofessex.ca/en/news/notice-of-complete-application-and-public-meeting-opa-02-erie-sand-and-gravel.aspx>

4.1. Reports and Questions

4.1.1. County of Essex Official Plan Amendment No. 2

Report number 2022-0907-IPS-R03-RB, County of Essex Official Plan Amendment No. 2, dated September 7, 2022 from Rebecca Belanger, Manager, Planning Services

3

5. Comments from the Applicant
6. Presentations from the Public
No requests were received.
7. Comments from the Public
No written submissions were received.

8. Closing Comments

Recommendation:

Moved by _____

Seconded by _____

That Essex County Council receive report 2022-0907-IPS-R03-RB, County of Essex Official Plan Amendment No. 2 - Erie Sand & Gravel, and pending comments received at this public meeting, that Essex County Council, at the September 7, 2022 Regular Meeting, adopt By-law No. 2022-27, and associated Official Plan Amendment No. 2.

9. Adjournment

Recommendation:

Moved by _____

Seconded by _____

That the September 7, 2022 Public Meeting regarding the County of Essex Official Plan Amendment No. 2 (Erie Sand & Gravel) be adjourned at (time).



Administrative Report

Office of the Manager, Planning Services

To: Warden McNamara and Members of Essex County Council

From: Rebecca Belanger, MCIP, RPP
Manager, Planning Services

Date: Wednesday, September 07, 2022

Subject: County of Essex Official Plan Amendment No. 2 - Erie Sand & Gravel

Report #: 2022-0907-IPS-R03-RB

Purpose

To provide County Council with information concerning a proposed amendment to the County of Essex Official Plan requested from Erie Sand & Gravel. Further, pending public and/or agency comments received at this public meeting, to recommend that the associated amendment and by-law be advanced for approval as part of the regular meeting agenda.

Background

The County is in receipt of an application for an Official Plan Amendment from HRK Realty Services Ltd. representing Erie Sand & Gravel Ltd. and Sterling Acre Farms. The requested amendment would expand the Mineral Aggregate Resources Overlay shown on Schedule "E1" of the County of Essex Official Plan for approximately 54ha of land located east of County Road 31 and north of County Road 34 (see maps below), in the Municipality of Leamington.

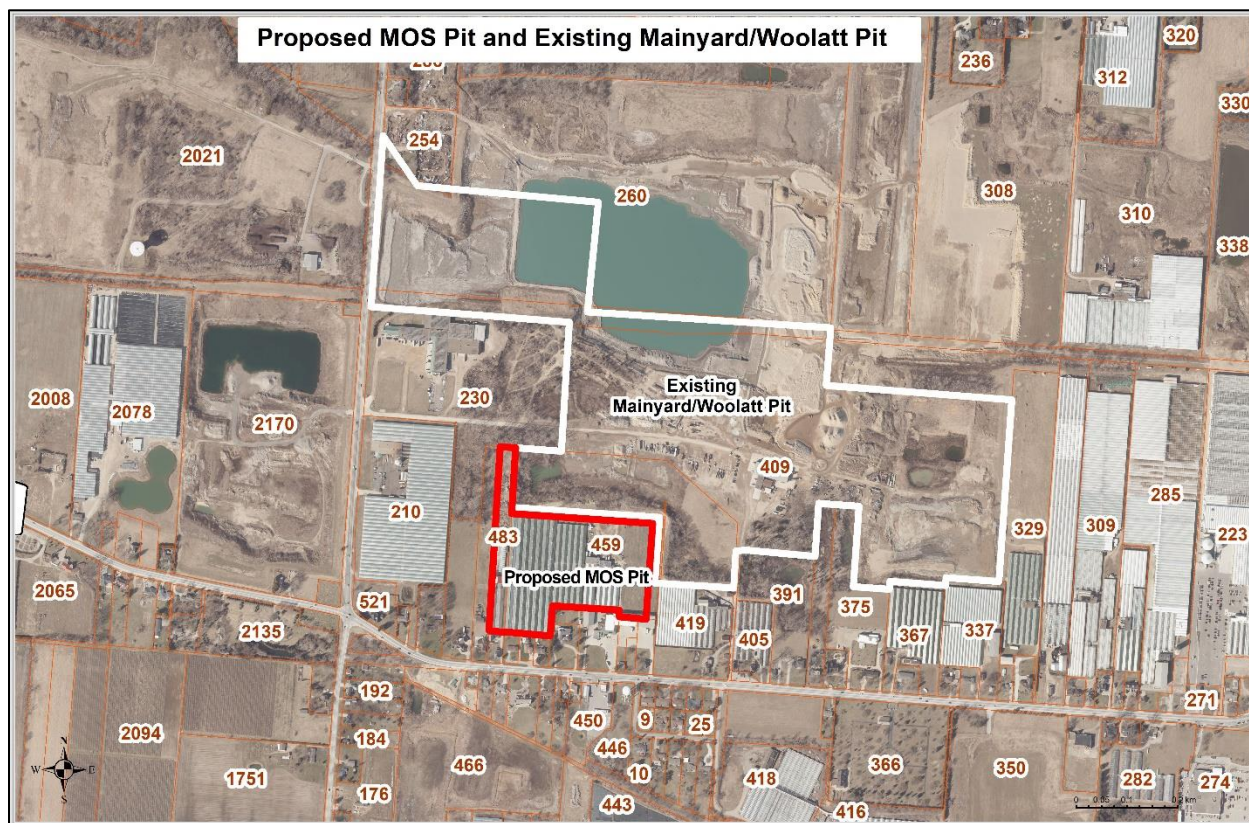
Erie Sand & Gravel Ltd. and Sterling Acre Farms Ltd. own and operate a 76.51 ha licensed sand pit known as the Mainyard/Woolatt Pit, which has its main access at 220 County Road 31 in the Municipality of Leamington. They are currently pursuing a license from the Ministry of Natural Resources and Forestry (MNRF) to expand extraction to the south on the properties located at 459 and 483 Talbot Street West. This proposed sand pit is referred to as

the MOS Pit and will be approximately 7.3 ha. The property at 459 Talbot Street West is under the same ownership as the Mainyard/Woolatt Pit and

483 Talbot Street West is owned by Villacanale Farms Ltd. Both properties will require the demolition of the existing greenhouses and supporting structures to allow for mineral (sand) extraction.

The Official Plan Amendment, if approved would amend the mapping on Schedule "E1" of the County's Official Plan that would recognize the expansion to the Mainyard/Woolatt Pit. The mapping update would also permit mineral (sand) extraction on adjacent lands to the south at the proposed MOS Pit, Erie Sand & Gravel Ltd.

Map 1: Erie Sand & Gravel Existing Mainyard/Woolatt Pit and Proposed MOS Pit



The Ministry of Natural Resources and Forestry (MNR), who oversee the licensing process for aggregate resources in accordance with the *Aggregate Resources Act*, requires confirmation that local land use planning policies accommodate mineral extraction on lands to be licensed. In order to obtain a mineral extractive license for the new sand pit, referred to as the MOS Pit, and recognize the expansion of the Mainyard/Woolatt Pit, the owners require

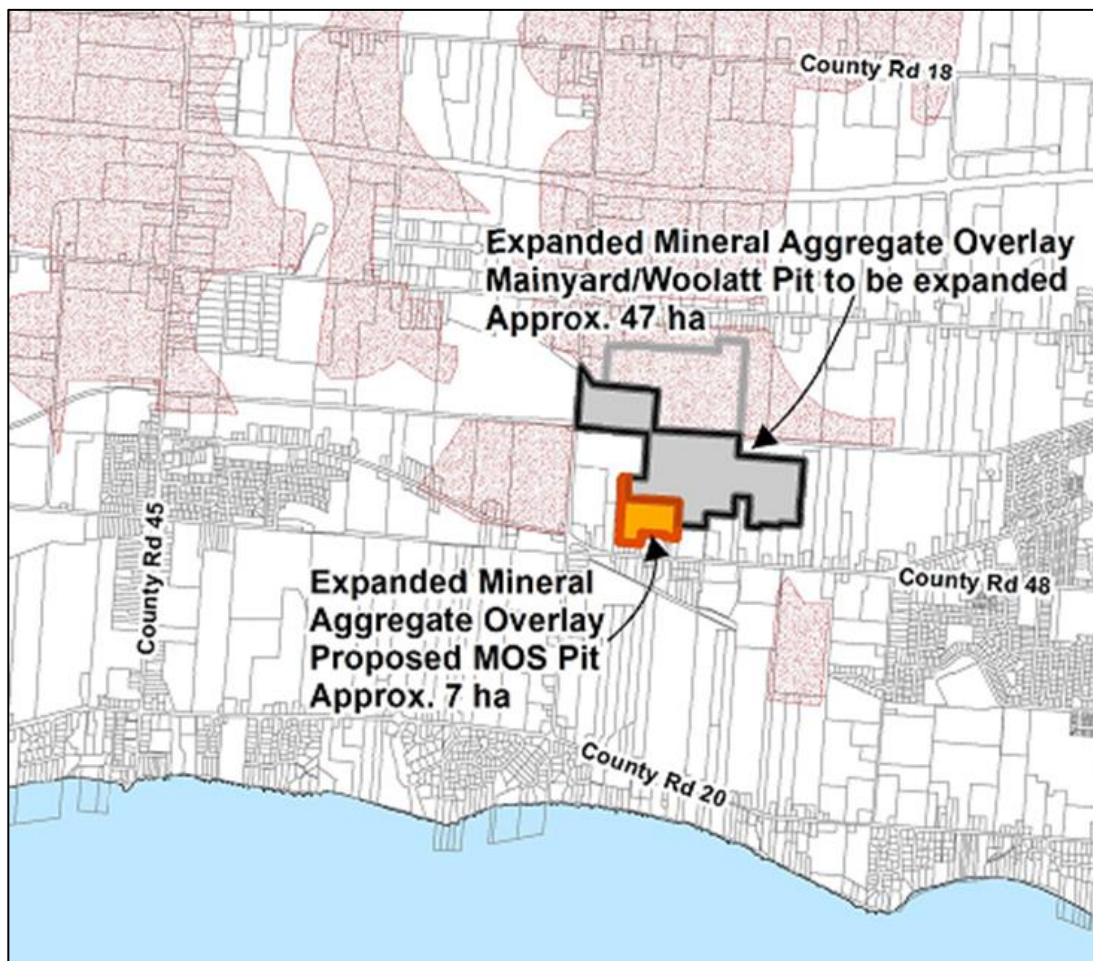
a County Official Plan Amendment, Municipal Official Plan Amendment and a Zoning By-law Amendment.

On April 26, 2022, the Municipality of Leamington adopted Official Plan Amendment No.13 and passed Zoning By-law Amendment No.243. The County's Official Plan Amendment will support the approval of Leamington's Official Plan Amendment No.13 and Zoning By-law Amendment No.243.

Discussion

During the preparation of the application for a license by the owners, it was identified that a portion of the existing licensed Mainyard/Woolatt Pit and the entire area of the proposed MOS Pit were not shown on the Mineral Aggregate Resources Overlay on Schedule "E1" in the County of Essex Official Plan.

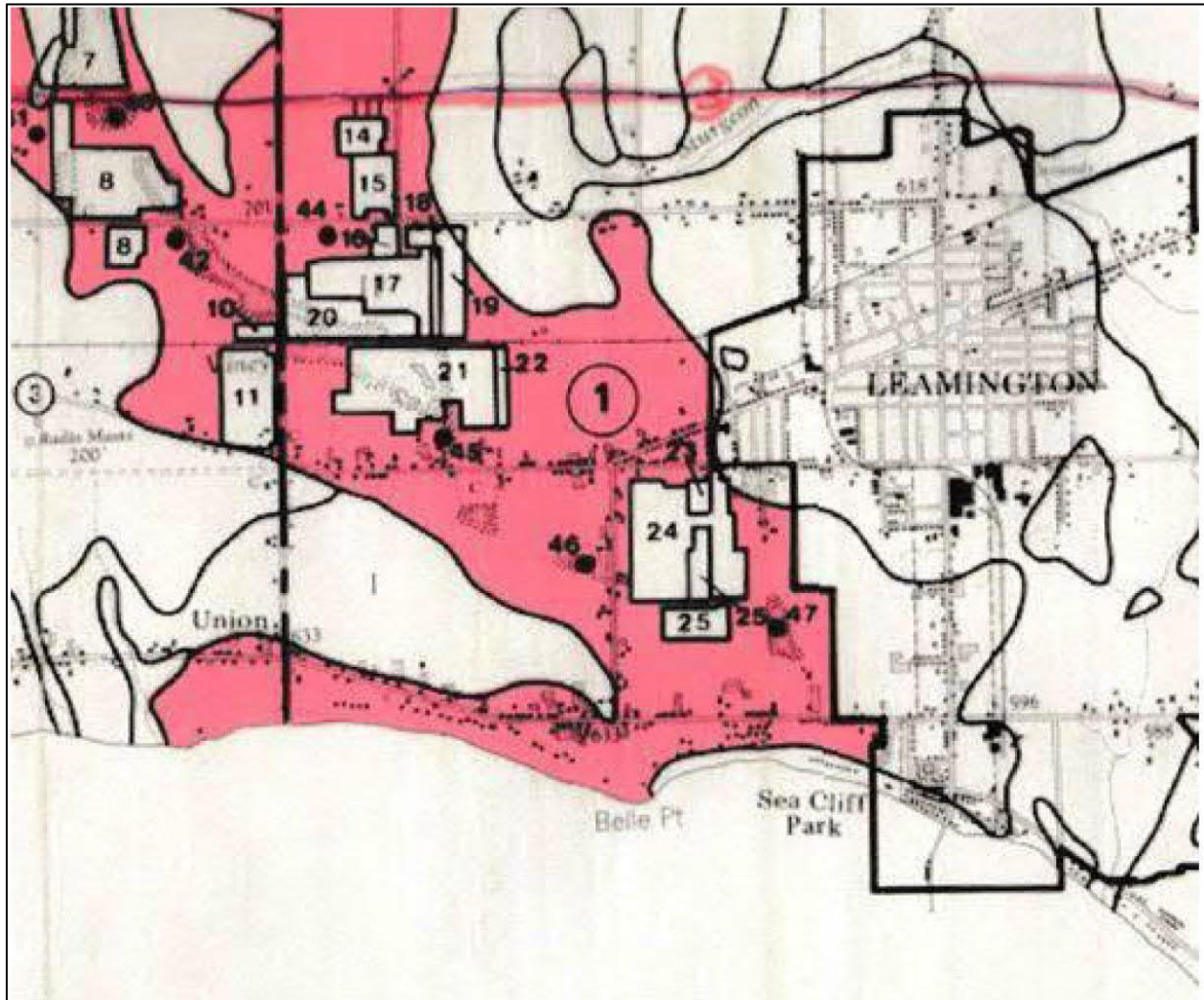
Map 2: Proposed Area to be expanded in Schedule "E1", County of Essex Official Plan



This did not coincide with the mineral aggregate resources mapping from the Ministry of Northern Development, Mines, Natural Resources and Forestry used for approvals under the *Aggregate Resources Act* (see below).

Map 3: Ministry of Northern Development and Mines, Selected Sand and Gravel Resource Areas, Essex County

Parcels 17-21 are the existing Mainyard/Woolatt Pit



As such, the County has received an Official Plan Amendment Application which seeks to expand the Mineral Aggregate Resources Overlay area on Schedule "E1" of the County of Essex Official Plan.

The following studies and plans were submitted as part of the application:

- A Planning Justification Report prepared by HRK Realty Services Ltd., dated January 26, 2022

- Exterior Features, Operation, and Rehabilitation Plan;
- Operational Plan, MHBC Planning, September 2021;
- Natural Environment Level 1 and 2 Technical Report, Goodban Ecological Consulting Inc., July 2021;
- Environmental Noise Assessment for Category 3, Class "A" Aggregate Extraction, O2E Inc., Environmental Consultants, June 30, 2021;
- Hydrogeologic Assessment Report, Groundwater Science Corp., June 2021; and
- Stage 1-2 Archaeological Assessment, Stantec Consulting Ltd, December 20, 2017.

The Municipality of Leamington has already adopted Official Plan Amendment OPA No.13 through By-law 21-22 on April 26, 2022, which amended Schedule "B" to extend the Resource Overlay in the Leamington Official Plan. OPA No.13 has been submitted to County Planning to be approved by the Manager of Planning Services. This amendment will be approved and come into effect following the approval of this Official Plan Amendment (OPA No.2) by County Council.

Zoning By-law Amendment No.243 through By-law 22-22 was also approved by the Municipality of Leamington on April 26, 2022, to establish a site-specific rezoning for the subject properties to permit a licensed extractive operation and establish site-specific setbacks from the limit of excavation and to recognize the existing agri-related uses on the non-licensed land.

There were no oral or written comments received from the public pertaining to Leamington OPA No.13 or ZBA No.243. There were comments received from agencies including ERCA which have been reviewed and considered in the preparation of this report.

Mapping provided by the applicants from the Ministry of Northern Development, Mines, Natural Resources and Forestry indicates that the subject lands are part of the sand and gravel resource area. The County confirmed with the Ministry of Natural Resources and Forestry (MNRF), who is responsible for issuing extractive licensing under the *Aggregate Resources Act*, that the historical mapping is acceptable to support the Official Plan Amendment. All of the background studies and plans were taken into consideration when determining support for the Official Plan Amendment.

A Site Plan Application will be processed concurrently by MNRF for the proposed MOS Pit, with the Municipality and the County acting as commenting agencies. As the County is requested to review the site plan from the MNRF, there will be the opportunity for the County of Essex Infrastructure Services Division to ensure that County Roads 31 and 34 are not negatively impacted by the expansion to extractive operations. With that being said, the Planning Justification Report (PJR) indicates that there will

not be a negative impact to transportation movement or infrastructure. The PJR states that the proposed MOS Pit will share access/egress locations with the existing Mainyard/Woolatt Pit and that there will not be an increase in truck traffic generated by the combined pits, nor will any current traffic routes be altered. The County may request a Traffic Impact Assessment to support Site Plan Approval through the Aggregate Resources License process.

County OPA No.2 to expand the Mineral Aggregate Resources Overlay shown on Schedule "E1" of the County of Essex Official Plan can be supported as it is consistent with the Provincial Policy Statement and the County of Essex Official Plan.

Financial Implications

N/A

Consultations

- Stephanie Bergman, Planner, Ministry of Municipal Affairs and Housing
- Stephen Douglas, Aggregate Resources, Ministry of Natural Resources and Forestry
- Danielle Truax, Municipality of Leamington
- Jerry Behl and Kris Balallo, Transportation Planning, County of Essex Infrastructure and Planning Services

Recommendation

That Essex County Council receive report 2022-0907-IPS-R03-RB, County of Essex Official Plan Amendment No. 2 - Erie Sand & Gravel, and pending comments received at this public meeting, that Essex County Council, at the September 7, 2022 Regular Meeting, adopt By-law No. 2022-27, and associated Official Plan Amendment No. 2.

Approvals

Respectfully Submitted,

Rebecca Belanger

Rebecca Belanger, MCIP, RPP, Manager, Planning Services

Concurred With,

Allan Botham

Allan Botham, P.Eng., Director, Infrastructure and Planning Services

Concurred With,

Mike Galloway

Mike Galloway, MBA, CMO, Chief Administrative Officer

Appendix Number	Title
Appendix A	Proposed By-law No. 2022-27 and Official Plan Amendment No. 2

AMENDMENT NUMBER 2
TO THE OFFICIAL PLAN FOR THE COUNTY OF ESSEX

AMENDMENT NUMBER 2 TO THE OFFICIAL PLAN
FOR THE COUNTY OF ESSEX

I, Mary S. Birch, Clerk of the County of Essex, certify that this is a/the original/duplicate original/certified copy of Amendment Number 2 to the Official Plan for the County of Essex.

Dated this day of , 2022

Mary S. Birch, Clerk

The Corporation of the County of Essex

By-Law Number 2022-27

**Being a By-law to adopt Official Plan Amendment Number 2
To the County of Essex Official Plan**

Whereas the Planning Act permits municipal Councils to adopt amendments to Official Plans in accordance with the procedure outlined in the Act and corresponding regulations; and

Whereas the Council of the Corporation of the County of Essex supports amendments to the Official Plan as provided herein;

Now therefore the Council for the Corporation of the County of Essex, in accordance with the provisions of Sections 17 and 21 of the Planning Act, R.S.O. 1990, hereby enacts as follows:

1. Amendment Number 2 to the Official Plan for the County of Essex, consisting of the attached schedule, is hereby adopted.
2. That the Clerk is hereby authorized to notify the Ministry of Municipal Affairs and Housing of the approval of Amendment Number 2 to the Official Plan for the County of Essex;
3. This By-law shall come into force and take effect on the day of the final passing thereof.

**Read a first, second and third time and Finally Passed this day
of September, 2022.**

Gary McNamara, Warden

Mary S. Birch, Clerk

I, Mary S. Birch, Clerk of the Corporation of the County of Essex, do hereby certify that the foregoing is a true and correct copy of **By-law Number 2022-27** passed by the Council of the said Corporation on the day of **September, 2022**

Mary S. Birch, Clerk
Corporation of the County of
Essex

AMENDMENT Number 2
TO THE OFFICIAL PLAN
FOR THE COUNTY OF ESSEX

INDEX	PAGE
The Statement of Components	1
Part "A" - Preamble.....	2
Purpose.....	2
Basis of the Amendment	2
Map 1.....	3
Part "B" - The Amendment.....	3
Details of the Amendment	4
"Schedule E1 Resources Plan- County of Essex Official Plan"	5
Part "C" - Appendices	6
Appendix 1 –September 7, 2022, Planning Report attached to the Amendment	
Appendix 2 - The minutes from the public meeting held to consider this Amendment	

AMENDMENT Number 2
TO THE OFFICIAL PLAN
FOR THE COUNTY OF ESSEX

STATEMENT OF COMPONENTS

PART "A" - THE PREAMBLE does not constitute part of this amendment.

PART "B" - THE AMENDMENT consisting of the following attached Schedule "E1" Resources Plan, constitutes Amendment Number 2 to the Official Plan for the County of Essex.

PART "C" - APPENDICES does not constitute part of this amendment. These appendices contain the background information and planning considerations associated with this amendment.

PART "A" - PREAMBLE

Purpose

The purpose of Official Plan Amendment No. 2 is to modify and expand the mapping of the Mineral Aggregate Resources Overlay identified on Schedule "E1" to include the subject lands (See Map 1 for the location of the subject lands in the Municipality of Leamington).

The subject lands are proposed to be amended in the land use schedules to include a Mineral Aggregate Overlay in conjunction with the underlying designations of Agricultural and to a lesser extent Settlement Area, in accordance with Section 2.3 Management of Mineral Resources Policy Section of the Official Plan.

Basis of the Amendment

The owners of the licensed and operating sand pit known as the Mainyard/Woolatt Pit are proposing to expand their operations onto the adjacent lands to the south (shown on Map 1). The new sand pit is referred to as the MOS Pit and will have an area of approximately 7.3 hectares. In preparation of obtaining the extractive license from the Ministry of Natural Resources and Forestry (MNRF) for the expanded area (MOS Pit), it was identified that the MOS Pit lands were not identified within Mineral Aggregate Resources area on Schedule "E1" to the County of Essex Official Plan. Furthermore, a large portion of the existing Mainyard/Woolatt Pit was also not shown on Schedule "E1".

During the five year review of the County of Essex Official Plan, the County's consultant prepared all land use schedules. At that time, the Ministry of Municipal Affairs and Housing (MMAH) acted as the one-window and through that, consulted with various Provincial Ministries during the development of the new Official Plan. At that time, there was no concern expressed regarding the Mineral Aggregate Resources Mapping as proposed. Recent consultation with MNRF confirmed that there is historical mapping that shows that the subject lands are within a sand and gravel resource area (see Appendix 1) and has confirmed that the mapping update is appropriate.

The County's Official Plan requires that for the establishment of new extractive operations outside of the areas identified as "Mineral Aggregate Resources" on Schedule "E1", or on lands designated as "Settlement Areas" or "Natural Environment" on Schedule "A1" will require an amendment to this Plan. Therefore, the Official Plan Amendment proposes to expand the Mineral Aggregate Resources Area identified on Schedule "E1" to include the area of the existing Mainyard/Woolatt Pit that is not currently identified on Schedule "E1" as well as to include the area of the proposed MOS Pt.

It is the opinion of the County of Essex that this amendment is appropriate and represents good planning. Several studies including a Planning Justification Report, Noise Impact Study, Hydrogeological Study, Archaeological Study and an Environmental Impact Study, have demonstrated that the expansion of the extractive area is appropriate in this location with minimal impacts to adjacent sensitive land uses.

MAP 1

The subject lands to be shown within the Mineral Aggregate Resources Area on Schedule "E1", in accordance with Section 2.3.2, Mineral Aggregate Resources, of the Official Plan.

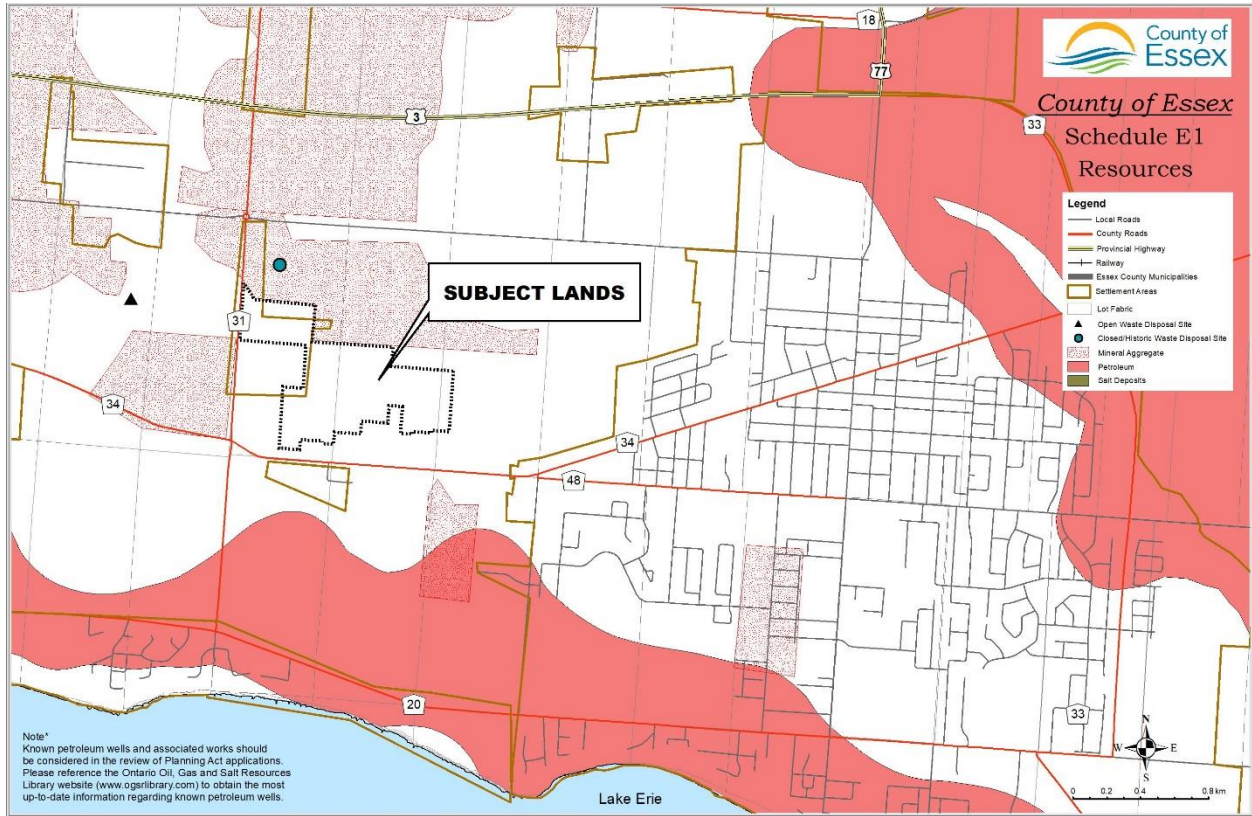


PART "B" - THE AMENDMENT

Details of the Amendment

The Official Plan for the County of Essex is amended as follows:
That Schedule "E1" Resources Plan, as attached hereto and forming part of this amendment, is hereby amended by expanding the Mineral Aggregate area to include the lands shown on Map 1 in the Municipality of Leamington.

Amendment to Schedule:
"Schedule E1" Resources Plan - County of Essex Official Plan
The subject lands are to be included in the Mineral Aggregate Resources
Area of the Official Plan.



PART "C" - APPENDICES

The following appendices do not constitute part of Amendment No. 2 but are included for information supporting the amendment.

APPENDIX 1 – September 7, 2022 Planning Report (attached).

APPENDIX 2 - The minutes from the public meeting held to consider this amendment are attached.