



PLANNING & DEVELOPMENT

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To: Township of Ashfield-Colborne-Wawanosh, Mayor, and Members of Council
From: Celina Whaling-Rae, Planner & Denise Van Amersfoort, Manager of Planning
Date: December 22nd, 2021

Re: Official Plan Review

This report is submitted to Ashfield-Colborne-Wawanosh (ACW) Council for the Special Council Meeting on January 11th, 2022.

RECOMMENDATION

It is recommended that:

- Council receive this report for information, and further that;
- Council schedule the final Public Meeting for the ACW Official Plan to take place on March 15th, 2022.

PURPOSE

Throughout the ongoing Official Plan review process, some items have been raised that require further comment from staff. The purpose of this report is to bring back information on these items for Council's information and direction before proceeding with a final public meeting.

COMMENTS

The following are topics for further review and staff's comments:

(1) Smaller Agricultural Parcels

In response to Council request, staff continued to review the topic of minimum lot sizes in the agricultural designation. Ultimately, staff do not see an avenue through which decreasing the minimum lot size for new agricultural parcels is supportable. Submitted with this report is correspondence previously sent from OMAFRA to the Municipality of Central Huron when a decrease in minimum agricultural lot size was proposed during a past Official Plan review. The correspondence indicates that a minimum lot size of less than 40 hectares (98 acres) is not consistent with provincial direction. During the most recent Huron County Official Plan Review, OMAFRA staff reiterated the same comments to the Planning Department, indicating that this position has not changed.

(2) De-Designation of Settlement Areas

The possibility of potentially de-designating some of the Township's smaller settlement areas through the Official Plan Review was previously discussed with Council. Council requested an overview of the advantages and disadvantages of this approach. The following are points for consideration:

If a residential property is within a settlement area:

- It is typically zoned 'Village/Hamlet Residential – Low Density (VR1)'
- Future structures are subject to smaller zone setbacks
- Properties are subject to the Village/Hamlet designation land division policies.
- An additional residential unit, home occupation, bed and breakfast establishment, and private market garden is permitted accessory to a main residence in the VR1 zone (subject to servicing availability).

If a residential property is outside of a settlement area:

- It is typically zoned 'Agricultural Small Holding (AG4)'
- Future structures are subject to larger zone setbacks
- Properties are subject to the Agriculture designation land division policies.
- An accessory livestock use, limited agriculture use, bed and breakfast establishment, and farm produce sales outlet are permitted accessory to a main residence in the AG4 zone.

With regard to taxation: the Municipal Property Assessment Corporation (MPAC) has their own taxation methodology that is not impacted by a property's designation or zoning. As such, whether a residential property is within or outside a settlement area should bear no impact on taxes.

Ultimately staff recommend leaving settlement areas 'as is' at this time. In further undertaking the land use designation review, there does not appear to be any significant advantages for property owners or the Township in de-designating smaller settlement areas and there is a recognition that these areas contribute to the rich cultural heritage of the Township.

(2) Cumulative Impact Assessments

Following the open house and in response to additional correspondence from interested landowners, additional research regarding cumulative impact assessments was conducted. It appears there are two matters at hand:

1. Cumulative impacts assessment on an application by application basis; and
2. The opportunity to create more understanding related to the licensing process for extractive activities, foster improved relationships and communications in regards to active and proposed pits.

Individual Application Impact Assessment

The process by which impacts are assessed involves a series of technical studies which account for existing conditions, the proposed impacts and the cumulative impacts. Potential impacts of extractive activities can include traffic, noise, dust, and impacts to natural heritage, natural hazard and cultural heritage resources.

For example, most applications for extractive pits are required to submit a Traffic Impact Study. The Study is required to conduct traffic counts, estimate the daily number of trips generated by the proposed pit and identify if any upgrades to entrances or intersections are necessitated by the application. Through this process, the existing traffic impact of

any neighbouring pits are considered as well as the traffic impacts of general traffic and any other large traffic generators in the vicinity (for example, a feed mill).

Similar approaches are taken for noise and dust studies.

For impacts on natural features, ecological assessments of potential impacts are employed to predict impacts, evaluate the significance of predicted impacts, assess the probability that the predicted impacts will occur, and employ ecologically meaningful mitigation measures to avoid where the potential for negative impacts exists. These assessments are conducted on the subject property but consider the wider natural system and thereby, integrates a cumulative impacts approach. The technical reports include specific recommends for site operation, maintenance and rehabilitation; for example, a technical report for a recently approved pit in Huron East was required to complete very specific grading as follows “The 30m wetland setback area shall be undisturbed by pit operations and remain as natural self-sustaining vegetation. Grading during final rehabilitation shall facilitate surface water runoff into the Eastern Wetland with the proposed setback immediately north of this feature”. This is one of many recommendations that ensures that during extraction the wetland and associated wildlife habitat will be protected and that after the life of the pit, the natural areas will be enhanced.

While the Site Plans are approved under the Aggregate Resources Act as opposed to Section 41 of the Planning Act, the site plans are submitted for review and must implement the recommendations of the various technical reports. For example, extraction which requires temporary fencing or a minimum depth of buffer zone must be depicted on the site plan. Site Plans include extensive notes regarding:

- extraction, processing, and hauling procedures;
- hydrogeological information such as water table variation and sediment control measures;
- noise mitigation measures including the hours of operation for various activities;
- air quality information including the frequency of application of water or calcium chloride to internal haul roads and processing areas to mitigate dust; and
- site management information including:
 - o protection of vegetation;
 - o fencing information
 - o topsoil /overburden storage
 - o berm requirements and importation of fill requirements.

It appears that what has been lacking in applications for aggregate extraction is an assessment as to the impact on the agricultural land base. Section 2.2.1 of the Provincial Policy Statement states that “Extraction of minerals and petroleum resources is permitted in prime agricultural areas provided the site will be rehabilitated”. Section 2.5.4.1 outlines the requirements for rehabilitation. For extractive proposals located in of the Provincial Plans (being Oak Ridges Moraine, Greenbelt, Places to Grow or Niagara Escarpment), an Agricultural Impact Assessment (AIA) is required for all applications. Because Huron does not fall within one of those areas, a full AIA cannot be required. However, it can be required that a discussion of agricultural impacts be incorporated within the Planning

Justification Report outlining how the proposed rehabilitation plan is consistent with the PPS direction be required. For example, if a pit is proposing below-water table extraction, the impact on the agricultural land base is considered permanent wherein if not below, would be considered interim. In interim cases, discussion of how fields of viable size, shape and soil health should be included. In terms of how this will be implemented, the applicant would rely on the recommendations of the Planning Justification Report to inform their Aggregate Resource Act Site Plan and Rehabilitation Plan.

Cumulative Impacts of Extractive Activities Overall

Planning staff had the opportunity to connect directly with a landowner who is interested in better understanding the licensing process for aggregate operations and the impacts of multiple operations within the Township. During that discussion, it was concluded that opportunities to promote improved education, communication and understanding around applications for aggregate operations would be beneficial. Further, it was discussed that the County's Aggregate Strategy (originally approved in 2005) is due for an update and that it could be requested by the Township that the County undertake that work in concert with opportunities for promoting better understanding between operators and neighbouring landowners.

(3) Extractive Resources

The County's GIS staff have compiled some mapping to show the extent to which properties designated Extractive in the Official Plan are active pits compared to those which are not. This mapping has been submitted with this report (Figures 1 through 3).

(4) Flood Hazard Designation

As part of the land use designation review, Council provided direction for staff to implement Maitland Valley Conservation Authority's (MVCA) flood hazard mapping into Township documents. The intent was to increase transparency with regard to building consideration(s) for properties deemed to be within the flood hazard. As per this direction, a portion of a number of properties bordering watercourses (i.e. the Maitland, Nine Mile, and Eighteen Mile River watersheds) were proposed to be re-designated to Flood Hazard.

Staff have received a number of concerns and objections from property owners affected by the proposed Flood Hazard designation. A main point of concern is the implication(s) of a Flood Hazard designation on property values and insurance rates.

Staff suggest at this time that Council consider a modified approach that would result in an approach similar to the 'Conservation Authority Regulated Lands (CARL)' overlay which is utilized in the ACW Zoning Bylaw. Under this approach, an overlay known as 'Flood or Flood Hazard' would be applied to existing land use designations as an overlay. The designations would be left as is, but the overlay would indicate that there are development considerations. Staff feel this will achieve the level of transparency being sought in the Official Plan document while addressing concerns about implications of a Flood Hazard designation. Samples of the original proposed approach versus the new proposed approach are contained below as Figures 4 through 7.

(5) Airport

The Town of Goderich Municipal Airport Committee recently submitted correspondence requesting that consideration be given to creating policy opportunity within the Airport designation to allow for the construction of hangar homes and other opportunities.

Staff have since had an opportunity to discuss the correspondence directly with Town of Goderich staff. It was advised that the Provincial Policy Statement (PPS) 2020 requires noise levels within airport regions be demonstrated and evaluated when considering proximate development. Staff agreed that, given the stage of the Official Plan review, it would be advisable for the Town to explore undertaking such noise evaluations and for a subsequent policy amendment to be potentially undertaken at a future date.

(6) Land Use Designation Review

Staff have provided for Council a PowerPoint in the Agenda package demonstrating (i) properties with proposed land use designation changes that have outstanding objection(s), and (ii) staff's final recommendation(s) on properties proposed to be designated within or outside of settlement areas. Staff are seeking direction on these properties in order to prepare for the final Public Meeting and bring the mapping component of the Official Plan closer to finalization.

MOVING FORWARD

Should Council be generally satisfied with the policy and mapping work completed for the Official Plan, it is recommended that Council proceed with scheduling the final mandatory public meeting for the Official Plan Review. Should this be the direction of Council, March 15th, 2022 is recommended as a possible date for this public meeting.

Respectfully,



Celina Whaling-Rae
Planner

'Original signed by'

Denise Van Amersfoort, Manager of Planning

Figure 1: Properties Designated Extractive versus Licensed Pits (Colborne)

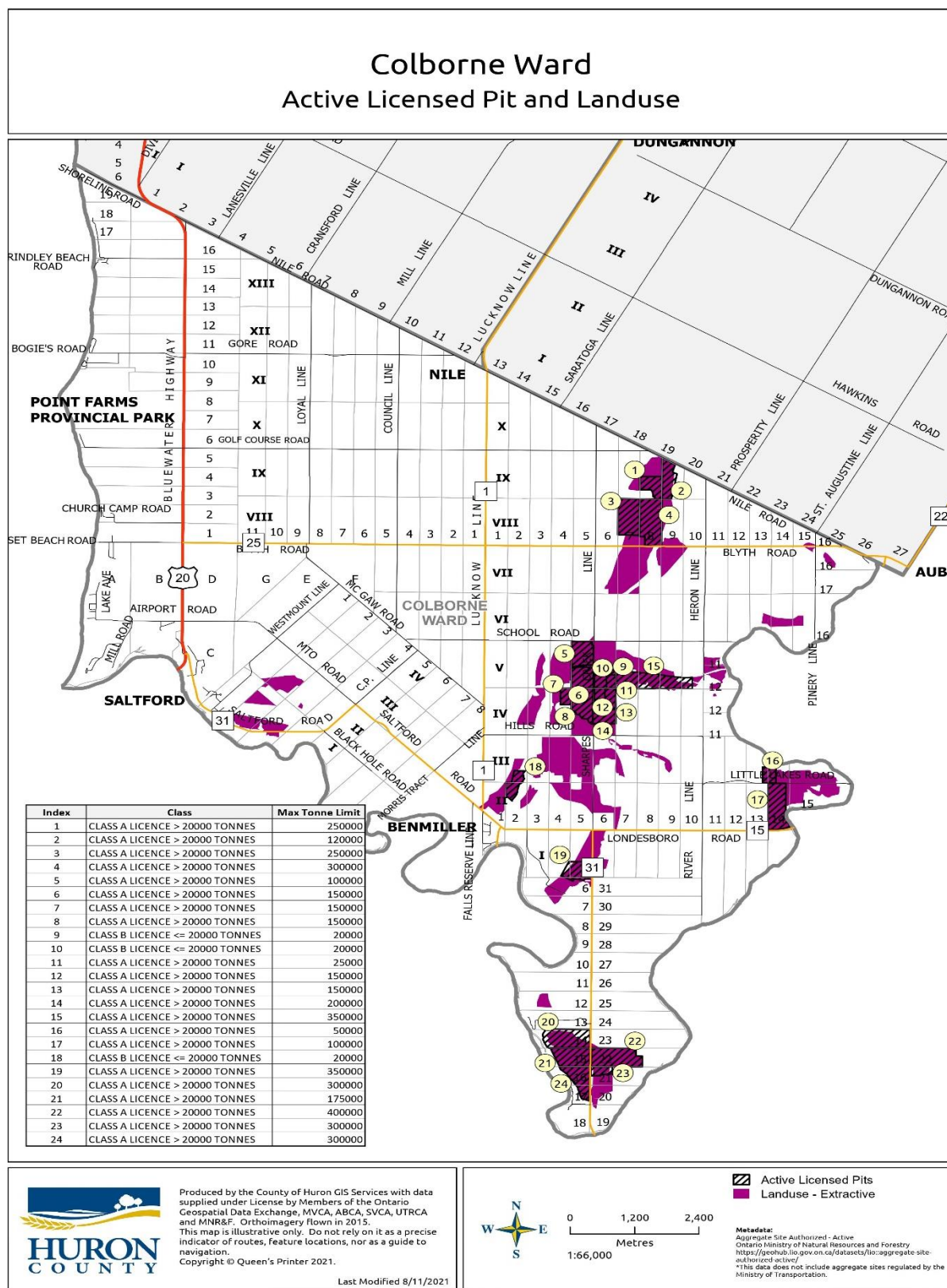


Figure 2: Properties Designated Extractive versus Licensed Pits (Ashfield)



Figure 3: Properties Designated Extractive versus Licensed Pits (West Wawanosh)

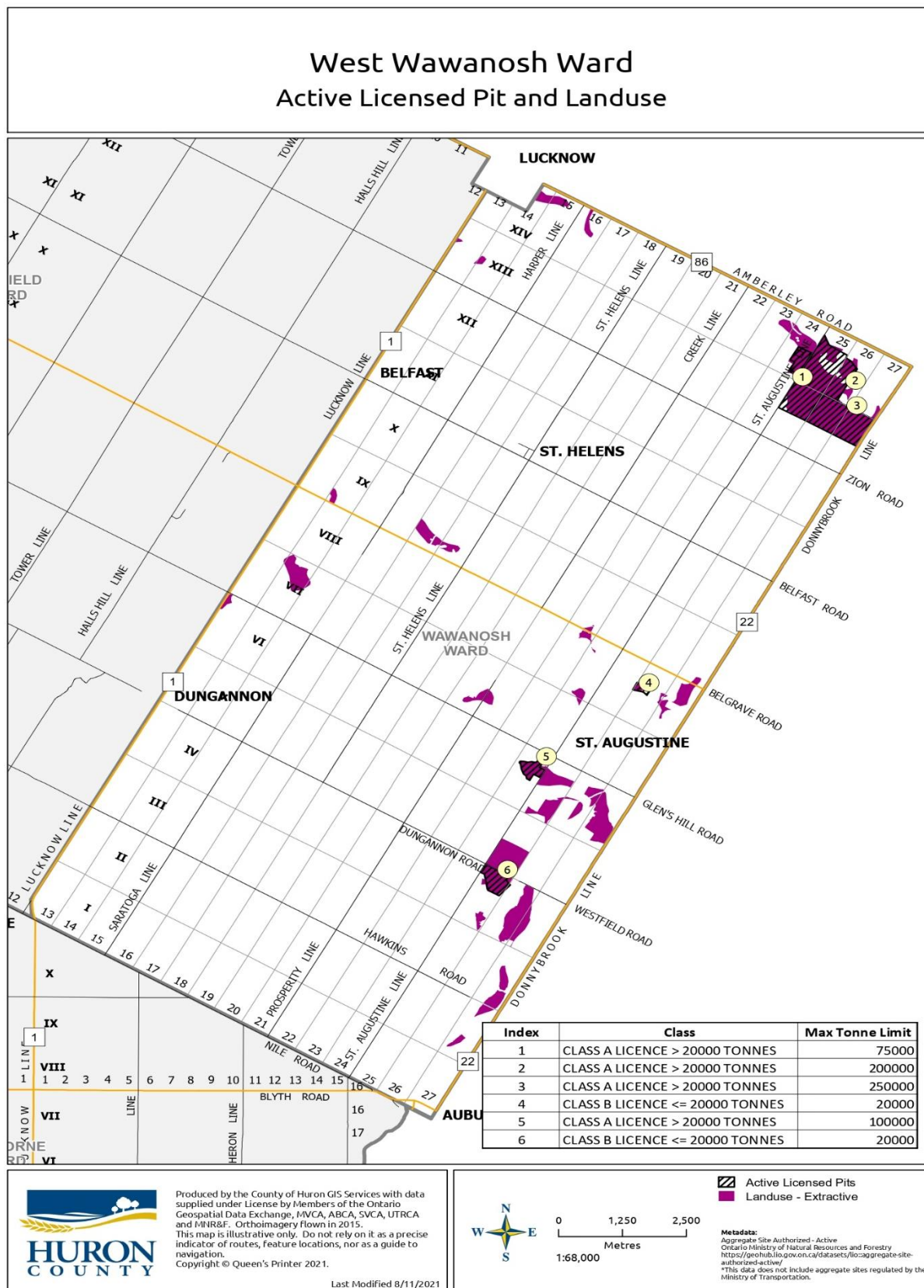


Figure 4: Original Flood Hazard Approach Proposed (Urban): Designated 'Flood Hazard'



Figure 5: Amended Flood Hazard Approach Proposed (Urban): Designated 'Village/Hamlet with Flood'



Figure 6: Original Flood Hazard Approach Proposed (Rural): Designated 'Flood Hazard'

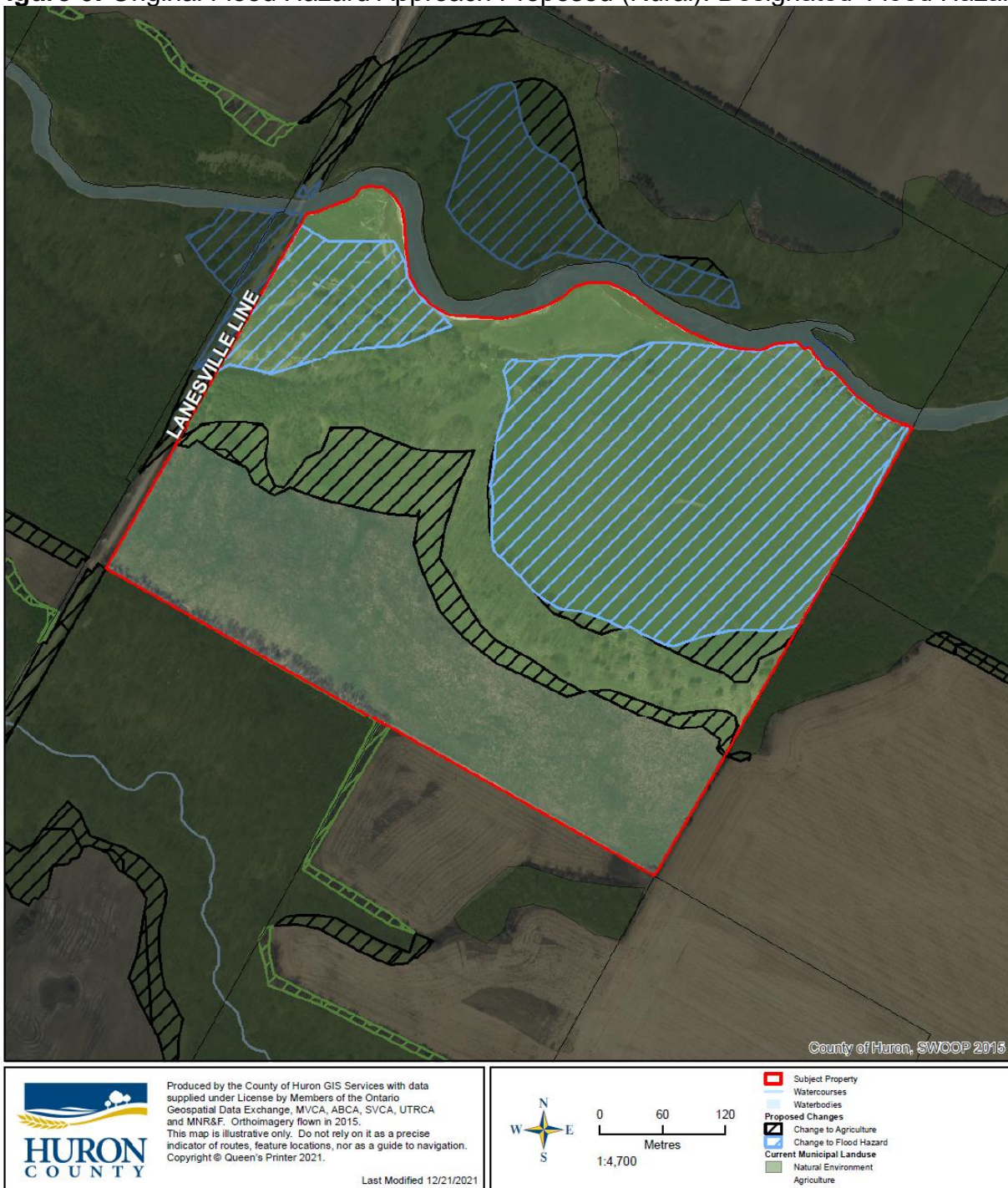


Figure 7: Amended Flood Hazard Approach Proposed (Rural): Designated 'Agriculture with Flood'



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Last Modified 12/21/2021



0 60 120
Metres
1:4,700

- Subject Property
- Watercourses
- Waterbodies
- Proposed Changes**
- Change to Agriculture with Flood
- Current Municipal Landuse
- Natural Environment
- Agriculture