

STAFF REPORT: Town of The Blue Mountains Planning Department



REPORT TO: Mayor and Members of Council

MEETING DATE: Monday, June 2, 2008

REPORT NO.: PL.08.57 - **REVISED**

SUBJECT: Applications for Official Plan Amendment and Zoning By-law Amendment – Miller Paving Limited
Part Lot 29, Concession 11;
Parts 1 to 9, 16R-7644;
788213 Grey Road 13;
Town of The Blue Mountains

PREPARED BY: Bryan Pearce,
Planner I
Robert Armstrong,
Manager of Development Planning & IS

A. Recommendations

THAT Council receive Planning Staff Report No. PL.08.57 with regard to the Applications for Official Plan Amendment and Zoning By-law Amendment to permit the expansion of an existing pit operation; for those lands being described as Part Lot 29, Concession 11; Parts 1 to 9, 16R-7644; Town of The Blue Mountains;

AND THAT Planning Staff support the adoption of an Official Plan Amendment (No. 13) to the Town of The Blue Mountains Official Plan to re-designate the subject lands from “Agriculture” (A) and “Special Agriculture” (SA) to “Extractive Industrial” (EI); and notwithstanding the provisions of Section 4.24.3(3), the minimum southerly interior side yard setback from the southerly limit of extraction shall be 0 metres at a distance of 350 metres from the front lot line and enacting of a Zoning By-Law Amendment to rezone the subject lands from the “General Rural” (A1) Zone to “Extractive Industrial” (M4-h) Zone and “Hazard” (H) Zone and permitting extraction to be located 0 metres from the southerly lot line;

AND FURTHER THAT the Planning Staff Report be forwarded to the Ontario Ministry of Natural Resources as the Town’s comments to the Aggregate License Application, subject to the following conditions:

- 1. That prior to obtaining the Aggregate License, the proponent revise the plan drawings to indicate a 3:1 slope is maintained from the limit of extraction to the pit floor for rehabilitation purposes, except where abutting another extractive industrial use;**
- 2. That prior to obtaining the Aggregate License, the Official Plan Amendment Number 13 be approved by the County of Grey; and**
- 3. That prior to obtaining the Aggregate License, the decisions of the By-laws for Official Plan Amendment and Zoning By-law Amendment become final and binding in accordance with the *Planning Act* R.S.O. 1990, c-P.13, as amended.**

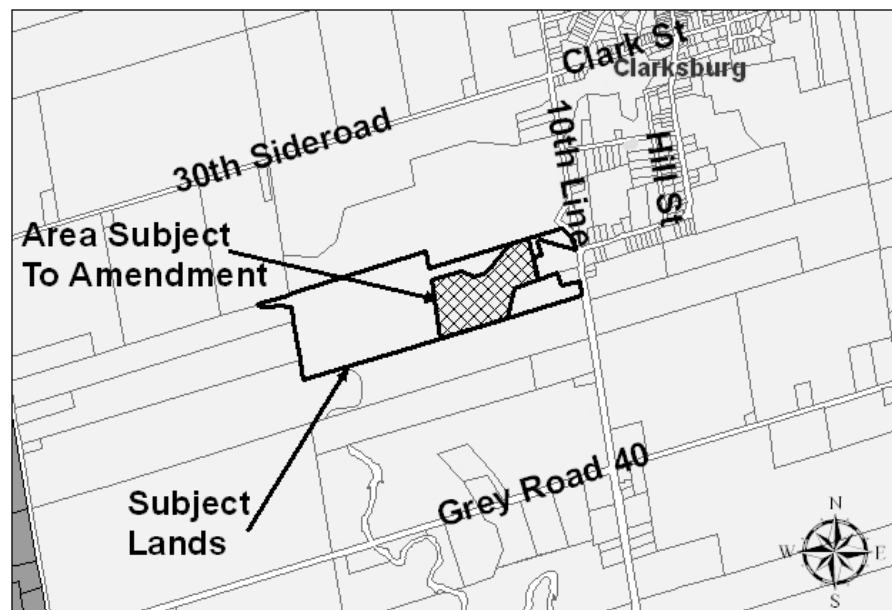
B. Background

In August 2007, the Town received Applications for Official Plan and Zoning By-law Amendments to permit the expansion of an existing pit operation. The proponent has also applied for a County Official Plan Amendment from the County of Grey. The intent of these applications is to permit the expansion of the existing pit operation.

E.C. King Contracting Ltd. is a subsidiary of Miller Paving Limited which operates several pits throughout Grey and Bruce Counties over and above this existing O'Neil Pit on the subject lands.

The 47 hectare subject lands are located on the west side of Grey Road 13, just south of the Community of Clarksburg with a civic address of 788273 Grey Road 13. The existing entrance would be maintained and used with this proposal.

The subject property does not front municipal water and sewage services.



Surrounding land uses of the Amendment area include specialty agricultural lands cropped in apple orchards to the south and southeast, the existing O'Neil Pit containing a ready-mix concrete plant with the Beaver River and orchard lands beyond to the west, the Clendenan Dam Conservation Area lands to the north, and the Community of Clarksburg's southerly extent of residential lands to the northeast and east.

The proposed licensed area would be expanded by 7.62 hectares, totalling 12.03 hectares of the subject property. The proposed pit expansion would be divided into three phases.

It should be noted that as part of the process, the proponents require approval from the Ontario Ministry of Natural Resources (MNR) on an Aggregate Resources Act License Application for the expansion of this Category 3, Class "A" Pit Above Water.

In support of the applications, Planning Staff received the following documents:

- Planning Justification Report

- Cuesta Planning Consultants, Inc.;
Dated: May 2007
- Summary Statement – Category 3, Class A Pit Above Water
 - Henderson Paddon & Associates
Dated: February 2004
- Hydrogeological Review
- Archaeological Assessment – Stage 1,2 and 3
 - Scarlett Janusas Archarological & Heritage Consulting and Eduction
Dated: April 2003
- Natural Environment Technical Report – Level II
 - Aquatic and Wildlife Services
Dated: September 2006

Planning Staff deemed the local applications complete the 2nd day of October, 2007 once updates to the plans were addressed in regards to demonstrating that the extraction area was setback a minimum distance of 150 metres from a sensitive receptor (in this scenario being a dwelling).

B1. Statutory Public Meeting

The County and Town held a joint statutory public meeting on the 3rd day of December, 2007 at the L. E. Shore Memorial Library providing comments to the County of Grey - Planning and Community Development Committee and Town Council on the county and local official plan amendments and the Township of Collingwood Zoning By-law 83-40.

B2. County of Grey Official Plan Amendment Application

The County Planning Staff took a recommendation report to the Planning and Community Development Committee on the 10th day of April, 2008. The Committee approved the recommendation as noted in Report PDR-PCD-37-07 and subsequently County Council adopted the By-Law No. 4511-08 on the 6th day of May, 2008 for Amendment No. 78 to the County of Grey Official Plan.

B.3 Provincial Policy Statement (PPS)

The Provincial Policy Statement (2005) came into effect March 1, 2005 in which provides better direction on planning issues from the previous statement of 1997. In reviewing the policies as it relates to this development proposal, Planning Staff have considered Section 2.1 Natural Heritage, Section 2.2 Water, Section 2.5 Mineral Aggregate Resources, Section 2.6 Cultural Heritage and Archaeology and are satisfied that this application is consistent with the PPS.

B.4 Official Plan

The area subject to the proposed amendment is currently designated Agriculture (A) and Special Agriculture (SA) within the Town of the Blue Mountains Official Plan. The subject area requires to be re-designated to Extractive Industrial (EI) to permit the

expansion of the existing pit operation. The purpose of the Extractive Industrial designation is to identify lands licensed under the Aggregate Resources Act whereon mineral aggregates including sand, gravel, shale, clay, bedrock and other similar materials may be excavated and processed.

i) Location Policies

The land use designation policies for Extractive Industrial address the location of the use within Section 4.24.3.

The operational plan submitted indicates that there will be a minimum 30 metre setback between the residential parcels to the east and the extraction area to the west; and a 15 metre setback would be maintained from adjacent properties, except for the proposed southern limit of extraction, where the proposed setback is 0 metres.

According to the operational plan, the limit of extraction starts approximately 380 metres back from the front lot line; and on John Ardiel's property to the south, the Extractive Industrial (M4) Zone begins 465.4 metres back from the front lot line. Therefore, the amendment will recognize this deficiency from 350 metres to 465.4 metres from the front lot line along the interior side lot line bordering these two properties, as there appears to be no compatibility issue in regard to the pit being extracted to a zero lot line to optimize the resource since it abuts up to the apple orchard use on Ardiel's property.

ii) Development & Rehabilitation Policies

Section 4.24.4 of the Official Plan has land use policies with regards to the development and rehabilitation of the extractive industrial operations.

Based on the policies there would appear to be continuous extraction between the existing and proposed pit expansion to ensure that the extraction of the resource is optimized and that non-functional linear ridges are avoided in the rehabilitation. The operational plan indicates berms and tree screens to limit the exposure of the pit operation to surrounding dwellings and Grey Road 13 to the east, mitigating visual and noise impacts of the surrounding area. In review of the rehabilitation plan and the cross-sections, there appears to be an issue of concern with the 3:1 slope from the limit of extraction to the pit floor. Therefore, Planning Staff requires the proponent to revise the plan drawings to indicate a 3:1 slope is maintained from the limit of extraction to the pit floor for rehabilitation purposes, except where abutting another extractive industrial use, as part of the Aggregate License. These final slopes would use onsite material.

With regard to rehabilitation as indicated in the Summary Statement, the Ministry of Agriculture, Food and Rural Affairs requires that the same acreage of the same specialty crops at the same level of productivity must be the result of the rehabilitation – consistent with the PPS (2005). Ecological Services for Planning Natural Environment Study has concluded that the land is capable of being successfully rehabilitated to apple production after closure of the proposed gravel extraction operation. In more detail this requires:

- The soil must be rehabilitated in accordance with the progressive rehabilitation techniques outlined in the Ministry of Natural Resources Industrial Mineral Background Paper No. 6 “Rehabilitation of Sand and Gravel Pits for Fruit Production in Ontario”. This will require separate stripping of topsoil, subsoil and overburden layer so that the topsoil and subsoil are not mixed. Soil compaction would be alleviated through deep ripping of the pit floor prior to reapplication of subsoil and top soil layers in separate operations. The recommendations for soil conditioning through the growth of forage crops and plow down of green manure should be followed prior to the reestablishment of an apple orchard.
- Final contours of the site should result in adequate slope to ensure that cold air drains freely though the site in order to prevent frost damage to apple blossoms and potential winter kill. The exact slope required to achieve this cold air drainage will vary according to slope lengths and temperature variation but a minimum of 1% is recommended.
- The final elevation of the rehabilitated soil surface should be a minimum of 1.2 metres above the average water table level in order to ensure an adequate rooting depth for apple trees.

The existing apple orchard trees will be removed in phases as the operation proceeds with the wood being chipped and used as mulch in the rehabilitation process. This will result with an elevation of approximately 3 metres lower than the current lands. The Development Agreement will require the Developer to maintain the existing orchard.

The Planning Justification Report indicates that the proposed licensed area would have an estimated 457,300 tonnes of aggregate with the permit allowing a maximum removal rate of 100,000 tonnes per annum. At this maximum rate it is expected that the pit would have an active life of 5 years. It was noted that the current extraction rate is around 20,000 tonnes per year, but can fluctuate as the market demands within the 100,000 tonne limitation. It should be noted that most pits are developed to have a twenty year lifespan. The aggregates extracted would be generally used within a one hour driving radius of the pit.

The rezoning of the subject area will implement the holding –h symbol in accordance with Section 4.24.4(7), until a development agreement is executed between the proponent and the Town addressing these matters amongst others, as detailed in this report.

A development setback is required from the hazard lands, associated with the Beaver River and conservation lands to the north. The Grey-Sauble Conservation Authority deemed 15 metres to be an acceptable minimum development setback from the hazard lands.

The operational plan indicates that one berm is to be constructed on the east side as shown to a minimum height of 2.5 metres; placement of a tree screen behind the residential property to the east (poplars at a 3 metre spacing); and an additional 3.5 metre berm is required on the north side of the new entrance off of Grey Road 13. All

berms would be planted with grass seed for vegetative coverage. The north side of the site is forested providing suitable screening, as it is associated with the Beaver River and the Conservation Lands. It would appear that these plantings and berms have been established.

The proposal includes rehabilitation of each phase to agricultural use prior to commencing the next phase for extraction. The overburden would be used to re-grade the final slopes to a maximum slope of 3:1, therefore not requiring any off-site material.

iii) Amendment Criteria Policies

Section 11.16.2 of the Official Plan establishes Amendment Criteria for both Official Plan Amendments and Zoning By-law Amendments.

Planning staff have reviewed the “Planning Justification Report”, together with analysis of Section 11.16.2 by the consultant and generally concur that the proponent does meet the Amendment criteria of the Official Plan.

Based on the comments contained herein Planning Staff can consider the proposed Amendments meets the overall intent and direction of the Official Plan including the Amendment criteria thereto, subject to the minimum southerly interior side yard setback from the southerly limit of extraction being reduced to 0 metres at a distance of 350 metres from the front lot line; and the proponent revising the plan drawings to indicate a 3:1 slope is maintained from the limit of extraction to the pit floor for rehabilitation purposes, except where abutting another extractive industrial use, prior to obtaining the Aggregate License.

B.4 Zoning

The area subject to the proposed amendment is currently zoned General Agriculture (A1) within the Township of Collingwood Zoning By-Law 83-40. Permitted uses include agricultural uses, a single detached dwelling on one lot, forestry and conservation, as well as uses, buildings and structures accessory to those uses.

The proposed use of a pit operation does not conform to the provisions of the Zoning By-Law. A Zoning By-Law Amendment is required to rezone the subject lands from General Rural (A1) to Extractive Industrial (M4-h), as the Extractive Industrial Zone would permit extractive industrial activities on the subject lands. The holding –h symbol will be used to require the proponent to enter into a development agreement with the Town, as per policies of the Official Plan, against the lands.

Section 22.2(c) of the Extractive Industrial (M4) Zone regulations state that no extraction is permitted within 15 metres of any existing right-of-way or adjoining property. There appears to be a compliance issue with the proposed southerly interior side yard as the 0 metre side yard setback for the limit of extraction on the operational plan starts approximately 380 metres back from the front lot line, not maintaining the 15 metre minimum setback. Being that Map 5 of Schedule A to the Zoning By-Law indicates that

the M4 Zone on John Ardiel's property (bordering the Miller Pit to the north) begins 465.4 metres back from the front lot line, there appears to be no compatibility issue in regard to the pit being extracted to a zero lot line to optimize the resource. Therefore, the amendment will recognize this deficiency to 350 metres from the front lot line along the interior side lot line bordering these two properties, so that the 15 metre setback would be maintained.

The amendment will also need to rezone the development setback of the hazard lands from General Rural (A1) Zone to Hazard (H) Zone, as commented by Grey Sauble Conservation Authority and indicated on the operational plan. This will restrict any extraction from occurring within this area.

The Zoning By-Law will also need to include a provision that the by-law will not come into effect until the Official Plan Amendment is approved by the County of Grey.

Based on the comments contained herein Planning Staff can consider the proposed Official Plan Amendment and Zoning By-Law Amendment meets the overall intent and direction of the Township of Collingwood Zoning By-Law 83-40, subject to the minimum southerly interior side yard setback from the southerly limit of extraction being reduced to 0 metres at a distance of 350 metres from the front lot line.

B.5 Statutory Public Meeting

At the joint public meeting issues of concern raised from the public that staff and consultants responded to were with regards to traffic volumes and rehabilitation plans of the proposal. The consultant noted that it was not anticipated to increase activity, but simply continue operations and truck traffic should be as it is at present. With regard to the rehabilitation plan, the topsoil and overburden is extracted and stored, then replaced following excavation, with legume crops planted as phases progress. It is anticipated that the change in elevation following extraction would be approximately 3 metres below present with 3:1 slopes to allow for agricultural use.

Other questions raised include the following:

- i) whether a possible public use of the hazard lands along the river could be linked to the Town's trail system;

Planning Staff notes that a public use of the hazard lands along the Beaver River could link into the Town's trail system in association with Clendenan Dam Conservation Area lands to the north. We have undertaken discussions with the Developer to dedicate a portion of the lands to the Conservation Authority. This will be further explored through the Development Agreement.

- ii) whether consultation had occurred with First Nations in regards to the artifacts found through the assessment;

Planning Staff notes that County Planning Staff indicated that a copy of the archaeological assessments was forwarded to the First Nations, with the request to provide comments no later than the 29th day of February, 2008. No comments were received on this matter. It is our opinion, that it is appropriate to rely on the County with regard to consultation on this matter as there was an upper tier approval that preceded our approval.

In addition, comments were received from the County of Grey - Transportation and Public Safety; and Grey Sauble Conservation Authority. The County of Grey - Transportation and Public Safety indicates that they have no objections to the proposed official plan and zoning by-law amendments. The Grey Sauble Conservation Authority indicates that they have no objection, based on the comments provided during the Aggregate License Operations process.

B.6 Development Agreement

A new Development Agreement would replace the existing development agreement that was executed the 29th day of August, 2005 for the relocation of the driveway and entrance to the far southern portion of the property, mitigating the effects on the residential parcels to the east of the existing pit. In addition, the Development Agreement would address other applicable matters identified in the Official Plan.

B.7 Aggregate License

As part of the licensing requirements of the MNR, we are to provide comments to MNR as part of their License process. In this regard, this report should be forwarded to the MNR as part of the Town's supporting comments to the Aggregate License Application, subject to the following conditions:

1. That prior to obtaining the Aggregate License, the proponent revise the plan drawings to indicate a 3:1 slope is maintained from the limit of extraction to the pit floor for rehabilitation purposes, except where abutting another extractive industrial use;
2. That prior to obtaining the Aggregate License, the Official Plan Amendment Number 13 be approved by the County of Grey; and
3. That prior to obtaining the Aggregate License, the decisions of the By-laws for Official Plan Amendment and Zoning By-law Amendment become final and binding in accordance with the *Planning Act* R.S.O. 1990, c-P.13, as amended.

B.8 Summary

It is the opinion of Planning Staff that the proposed Official Plan and Zoning By-law Amendment is consistent with the PPS(2005); that it conforms with the County of Grey Official Plan, as amended by Amendment No .78 that was passed by County Council on the 6th day of May, 2008; that it conforms to the intent and direction of the Town of The Blue Mountains Official Plan, Township of Collingwood Zoning By-law and represents good planning. Therefore Planning Staff support these applications for Official Plan and Zoning By-law Amendments, as noted in this report.

C. The Blue Mountains' Strategic Plan

The recommendation in this Planning Staff Report PL.08.57 is consistent and supports the following Strategic Plans Goals:

"1. Managing growth to ensure the ongoing health and prosperity of the community", and

"3. Preserving and enhancing natural and environmental features, and cultural heritage of the community".

D. Environmental Impacts

The proposed Site Plan Amendment does not appear to generate any significant environmental impacts that can be regulated by the Town.

E. Budget Impact

NIL

F. Attached

1. Draft Official Plan Amendment No. 13
2. Draft Zoning By-law Amendment

Respectfully submitted,

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THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS
BY-LAW NO. _____

**Being a By-law to adopt Amendment No. 13 to the
Official Plan of the Town of The Blue Mountains**

The Council of the Corporation of the Town of The Blue Mountains in accordance with the provisions of Sections 17 and 21 of the Planning Act, R.S.O.1990, hereby enacts as follows:

1. Amendment No. 13 to the Official Plan of The Town of The Blue Mountains, is hereby adopted.
2. The Clerk is hereby authorized and directed to submit Amendment No. 13 together with the required record, to the appropriate Approval Authority for approval.
3. This By-law shall come into force and take effect on the day of the final passing by Council, subject to any approval necessary pursuant to the Planning Act R.S.O. 1990, as amended.

AND FURTHER that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this _____ day of _____, 2008.

Duncan McKinlay, Deputy Mayor

Corrina Giles, Deputy Clerk

I hereby certify that the foregoing is a true copy of By-law No. _____ as enacted by the Council of the Corporation of the Town of The Blue Mountains on the _____ day of _____, 2008.

DATED at _____

this _____ day of _____, 2008.

Signed: _____
Corrina Giles, Deputy Clerk

AMENDMENT NO. 13
TO THE
OFFICIAL PLAN
OF THE
TOWN OF THE BLUE MOUNTAINS

DRAFT

May 2008

**AMENDMENT NO. 13 TO THE
OFFICIAL PLAN OF THE
TOWN OF THE BLUE MOUNTAINS**

INDEX	PAGE
The Constitutional Statement	(i)
PART A - THE PREAMBLE	
Purpose	(ii)
Location	(ii)
Basis	(ii)
PART B - THE AMENDMENT	
Introductory Statement	1
Details of the Amendment	1
Schedule A-13 - Land Use Plan	
Implementation and Interpretation	2
PART C - THE APPENDICES	
Explanation and Contents	3

**AMENDMENT NO. 13 TO THE
OFFICIAL PLAN OF THE
TOWN OF THE BLUE MOUNTAINS**

THE CONSTITUTIONAL STATEMENT

PART A - THE PREAMBLE does not constitute a part of this Amendment.

PART B - THE AMENDMENT consisting of the following text and maps constitutes Amendment No. 13 to the Official Plan for the Town of The Blue Mountains.

PART C - THE APPENDICES which does not constitute part of this Amendment. These Appendices contain background data, planning considerations and public involvement associated with this Amendment.

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PART A - THE PREAMBLE

PURPOSE

The purpose of this Amendment is to redesignate the subject lands from the "Agricultural" and "Special Agricultural" designation to the "Extractive Industrial" designations in order to permit a commercial gravel pit operation in accordance with the requirements of Section 4.24 of the Town of The Blue Mountains Official Plan. The Hazard "H" designation is remaining in place on the subject lands. Special provisions are also established under this Amendment dealing with extraction limits and protection of the "Late Woodland Site".

LOCATION

The lands subject of this Amendment is located on Part Lot 29, Concession 11 in the Town of The Blue Mountains (formerly the Township of Collingwood).

BASIS

The area of the property subject to this Amendment is currently designated Agricultural and Special Agricultural with the Town of The Blue Mountains Official Plan. The Hazard designation is not affected by this Amendment. The redesignation to Extractive Industrial would permit the proposed commercial pit while the Hazard designation recognizes the steep slope down to the Beaver River.

The area to be licensed comprises 7.62 hectares of a 12.03 hectares of the subject property. The proposed pit expansion would be divided into three phases.

The land is situated west of County Road 13 on the south-west limits of the Village of Clarksburg. The site is primarily flat with a gentle slope to the east portion of the property. A steep embankment runs along the north portion of the property which leads down to the Beaver River. Currently the site is used as an apple orchard. A paved laneway that is used by the gravel pit operation to the west (Miller Paving) bisects the property.

A partially rehabilitated gravel pit is located to the south of the subject property, while lands to the south-east are used for orchard production and contain a dwelling. The Miller gravel pit is located to the west and includes a concrete plant and weigh scale. An existing gravel pit is also located to the southwest of the subject property.

The Holding -h symbol will be used under the implementing Zoning By-law that will require the proponent to enter into a suitable Development Agreement with the Town that includes those matters contained within Section 4.24 of the Official Plan.

Particular attention under this proposal is to be given to agricultural rehabilitation for orchard use. The proponent has indicated that rehabilitation will be in accordance with the Ministry of Natural Resources Industrial Mineral Background Paper No. 6 "Rehabilitation of Sand and Gravel Pits for Fruit Production in Ontario".

It is also necessary to coordinate certain extraction features with rehabilitation of

surrounding gravel pit operations. Appropriate provisions are to be included under the Development Agreement to deal with these coordination matters. It may also be necessary to make modifications to the existing licenses for these other areas, subject to approval by the Ministry of Natural Resources. Although this process is contingent upon cooperation between various operators and entails a more complicated approval process, it is the opinion of Council that such efforts are necessary and appropriate to ensure optimum conditions for final rehabilitation.

An Amendment to the Township of Collingwood Zoning By-law, being By-law 8340, is also being processed concurrently with this Amendment.

The proponent has also applied to the Ministry of Natural Resource for a Class "A" pit licence under Section 9 of the Aggregate Resources Act. Provisions for rehabilitation and coordination of rehabilitation are also to be included under this licence approval.

In support of the applications, we have received the following documents:

- Planning Justification Report
 - Cuesta Planning Consultants, Inc.;
 - Dated: May 2007
- Summary Statement – Category 3, Class A Pit Above Water
 - Henderson Paddon & Associates;
 - Dated: February 2004
- Hydrogeological Review
- Archaeological Assessment – Stage 1,2 and 3
 - Scarlett Janusas Archarological & Heritage Consulting and Eduction;
 - Dated: April 2003
- Natural Environment Technical Report – Level II
 - Aquatic and Wildlife Services;
 - Dated: September 2006

PART B - THE AMENDMENT

All of this part of the document entitled “Part B - The Amendment” consisting of the following text constitutes Amendment No. 13 to the Official Plan of The Town of The Blue Mountains.

DETAILS OF THE AMENDMENT

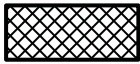
The Official Plan is hereby amended as follows:

- Item 1:** **Schedule “A” – Land Use Plan, Map 3** is hereby amended by deleting the “Agricultural A” designation and the “Special Agricultural SA” designation and replacing it with “Extractive Industrial EI” designation in the manner shown on Part Lot 29, Concession 11, Town of The Blue Mountains.
- Item 2:** Notwithstanding the provisions of Section 4.24.3 (3), the minimum setback from the southerly limit of extraction shall be 0 metres.
- Item 3:** In addition to the policies of Section 4.24 of the Town of The Blue Mountains Official Plan, the following policies shall apply to the lands identified in Item 1 of this Amendment:
- (1) The “Late Woodland Site” located on the subject lands shall be protected from all extraction activities.
 - (2) Rehabilitation shall be coordinated with the adjacent property owner to the south adjacent to the extraction area.
 - (3) Rehabilitation shall be in accordance with the Ministry of Natural Resources Industrial Mineral Background Paper No. 6 “Rehabilitation of Sand and Gravel Pits for Fruit Production in Ontario”.
 - (4) Appropriate setbacks from the steep bank adjacent to the Conservation area shall be established under the implementing By-law.
 - (5) The Development of the lands shall be subject to a Development Agreement that addresses those matters contained within Section 4.24.4 and the applicable special provisions noted herein.

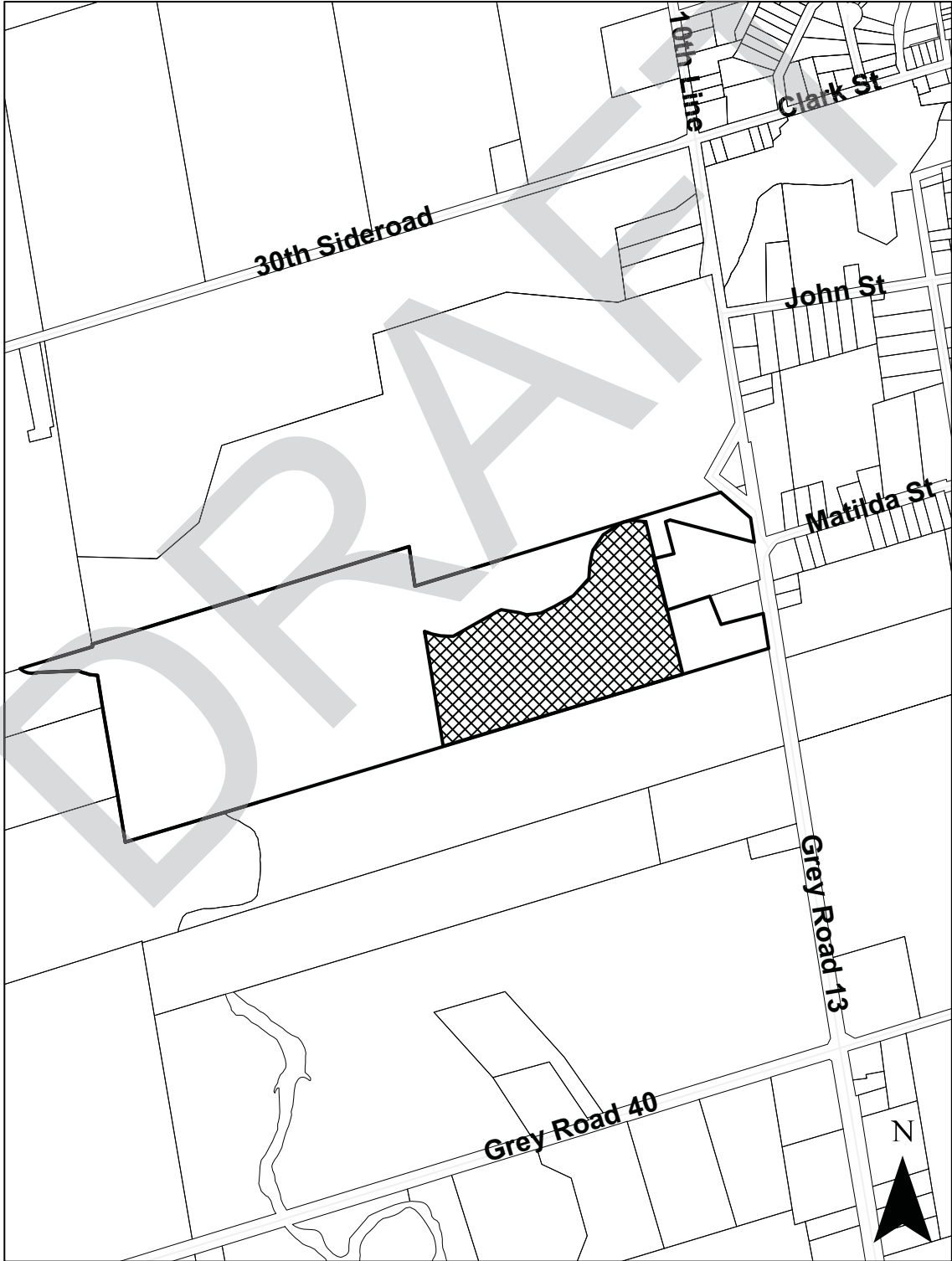
Schedule "A-13" to Amendment No. 13 to the Town of The Blue Mountains Official Plan



Subject Lands of the Amendment



Area to be Re-designated from Agriculture (A) and
Special Agriculture (SA) To Extractive Industrial (EI)



IMPLEMENTATION AND INTERPRETATION

The implementation and interpretation of this Amendment shall be in accordance with the respective policies of the Official Plan, as well as through a Zoning By-law Amendment for the subject lands under Section 34 and 36 of the Planning Act R.S.O. 1990.

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PART C - THE APPENDICES

The following Appendices do not constitute part of this Amendment. Such are included as information only supporting the Amendment.

1. Town of The Blue Mountains Planning Staff Report PL.08.57; Dated June 2, 2008
2. Planning Justification Report
 - Cuesta Planning Consultants, Inc.; Dated: May 2007
 - (Filed at the Town of The Blue Mountains, Clerks Department)*
3. Summary Statement – Category 3, Class A Pit Above Water
 - Henderson Paddon & Associates; Dated: February 2004
 - (Filed at the Town of The Blue Mountains, Clerks Department)*
4. Hydrogeological Review
 - (Filed at the Town of The Blue Mountains, Clerks Department)*
5. Archaeological Assessment – Stage 1, 2 and 3
 - Scarlett Janusas Archarological & Heritage Consulting and Education;
 - Dated: April 2003
 - (Filed at the Town of The Blue Mountains, Clerks Department)*
6. Natural Environment Technical Report – Level II
 - Aquatic and Wildlife Services; Dated: September 2006
 - (Filed at the Town of The Blue Mountains, Clerks Department)*

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

BY-LAW NO. _____

Being a By-law to amend Zoning By-law No. 83-40
which may be cited as "The Township of Collingwood
Zoning By-law".

WHEREAS the Council of the Corporation of the Town of The Blue Mountains deems it necessary in the public interest to pass a by-law to amend By-law No. 83-40;

AND WHEREAS pursuant to the provisions of Section 34 and 36 of the Planning Act, the By-law may be amended by Council of the Municipality;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS ENACTS AS FOLLOWS:

1. Map 5 to Schedule 'A', of the Township of Collingwood Zoning By-law, being By-law 83-40, as amended, is hereby further amended by rezoning the subject lands from the General Rural (A1) Zone to the Extractive Industrial (M4-h) Zone and Hazard (H) Zone for those lands lying and being in the Town of The Blue Mountains, comprised of Part Lot 29, Concession 11, in the manner shown on the attached key map Schedule "A-1".
2. Notwithstanding the provisions of Section 22.2(c) for the Extractive Industrial (M4) Zone to the Zoning By-Law of the Township of Collingwood, being By-law 83-40, the minimum southerly interior side yard setback from the southerly limit of extraction shall be 0 metres at a distance of 350 metres from the front lot line for those lands described above.
3. In accordance with the provisions of Section 36 of the *Planning Act* R.S.O. 1990, c-P.13, as amended, the holding -h symbol shall not be removed from the whole or part of the lands until such time as the following has been completed:
 - a. A Development Agreement has been executed with the Town in accordance with the provisions of the Official Plan.
4. This By-law shall come into full effect upon the date of approval of the Town of The Blue Mountains Official Plan Amendment No. 13.
5. Schedule "A-1" is hereby declared to form part of this By-law.

AND FURTHER that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this _____ day of _____, 2008.

Duncan McKinlay, Deputy Mayor

Corrina Giles, Deputy Clerk

I hereby certify that the foregoing is a true copy of By-law No. _____ as enacted by the Council of the Corporation of the Town of The Blue Mountains on the _____ day of _____, 2008.

DATED at _____

this _____ day of _____, 2008.

Signed: _____
Corrina Giles, Deputy Clerk

Town of The Blue Mountains

Key Map Schedule A-1

By-Law No. _____



Subject Lands of the Amendment



Area to be Rezoned from General Rural (A1) To Hazard (H)



Area to be Rezoned from General Rural (A1) To
Extractive Industrial (M4-h)

