



Staff Report

Administration

Report To: Committee of The Whole
Meeting Date: September 10, 2018
Report Number: PDS.18.103
Subject: Gibraltar Pit Update
Prepared by: Shawn Everitt, Interim CAO

A. Recommendations

THAT Council receive Staff Report PDS.18.103 entitled "Gibraltar Pit Update" for information purposes.

B. Overview

This report provides Council and residents a status update on the current Gibraltar Pit Expansion appeal process.

C. Background

In February 2016, an application was made to the Town for Official Plan and Zoning By-law amendments to redesignate the "Pit Lands" from "Rural" to "Extractive Industrial" under the Town Official Plan with exceptions (the Town Plan) and from "General Rural Exception 209 (A1-209)" to Extractive Industrial (M4)" under the Town Zoning By-law 83-40 (together the "Planning Applications"). The Planning Applications were deemed to be complete by the Town on March 7, 2016.

At the April 4th, 2018 Committee of the Whole meeting, Staff report PDS.18.18 "OPA and Zoning By-law Amendment (Gibraltar Pit Expansion)" was brought forward to Committee of the Whole with the following recommendations:

THAT Council receive Staff Report PDS.18.18 Official Plan and Zoning By-law Amendments (Gibraltar Pit Expansion) for the lands known as North Part of Lot 6, Concession 4, RP 16R9097 Part 1, Town of The Blue Mountains;

THAT Council adopt Official Plan Amendment No. 2 to re-designate a portion of the subject lands from Rural to Mineral Resource Extraction Area; and

THAT Council enact a Zoning By-law Amendment to rezone a portion of the Subject Lands from General Rural Exception 209 (A1-209) to Extractive Industrial (M4), to permit expansion of the Gibraltar Pit.

Committee of the Whole modified the recommendation made by staff at the April 4th, 2018 meeting with the following motion;

THAT Council receive Staff Report PDS.18.18 Official Plan and Zoning By-law Amendments (Gibraltar Pit Expansion) for the lands known as North Part of Lot 6, Concession 4, RP 16R9097 Part 1, Town of The Blue Mountains;

THAT Council REFUSE the application for Official Plan Amendment to re-designate a portion of the subject lands from Rural to Mineral Resource Extraction Area; and

THAT Council REFUSE the application for Zoning By-law Amendment to rezone a portion of the Subject Lands from General Rural Exception 209 (A1-209) to Extractive Industrial (M4), to permit expansion of the Gibraltar Pit, Carried.

At the April 16th, 2018 meeting of Council, the following recommendation was made and is the most recent direction to staff.

THAT Council receive Staff Report PDS.18.18 Official Plan and Zoning By-law Amendments (Gibraltar Pit Expansion) for the lands known as North Part of Lot 6, Concession 4, RP 16R9097 Part 1, Town of The Blue Mountains;

AND THAT Council refer this matter back to the Planning Department for a staff report, including all options available to Council, including limiting the area to be approved, considering the concerns of the deputations received.

D. Analysis

There are currently two files open related to Gibraltar Pit at the Local Planning Appeal Tribunal. The case files are as follows;

PL180443-OPA 135 – Conn Pit Expansion - North Part of Lot 6, Concession 3

OPA 135 – PL180443 represents the Appeal filed by the Town respecting the County of Grey OPA 135.

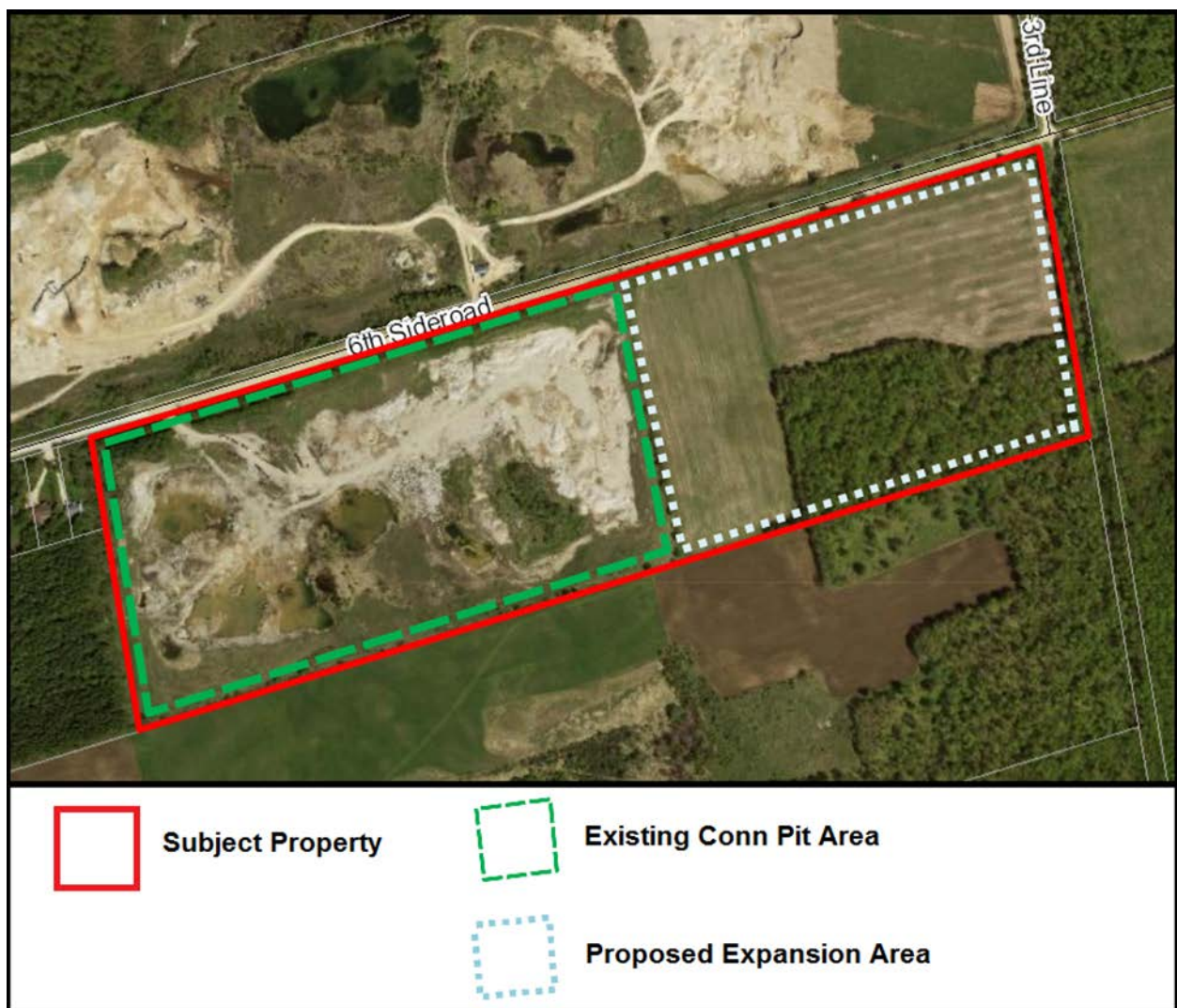
PL180555 – Gibraltar Pit, Conn Pit Expansion – North Part of Lot 6, Concession 4

PL180555 relates to the appeals filed by the pit owner due to the Town failing to process the Official Plan Application and the Zoning By-law application within the timeframes set out under the Planning Act.

Staff have confirmed that a Case Management Conference will be held on November 20, 2018 respecting the appeals in File PL180555. A Case Management Conference through the Local Planning Appeal Tribunal is essentially the same as a pre-hearing through the former Ontario Municipal Board that the Local Planning Appeal Tribunal replaced.

Staff have reached out to the proponents to consider options and/or modification to the Applications for the Pit Expansion. The options that might possibly be considered by the proponents may include the following;

- a) Reduce the area of overall expansion;
- b) Phase in the expansion application, leaving the Southern section of the pit expansion to the last phase;
- c) Ensure that the buffering of vegetation to the Southern portion of the property adjacent to Ministry land "Pretty River Valley" remains untouched with a buffering of an area that could be negotiated;
- d) Consider selling lands;
- e) Continue on with Application as submitted.



During the process, Council has received a number of deputations from residents who oppose the expansion of the Pit and have provided a significant amount of information supporting their concerns. In addition, The Friends of the Pretty River Valley are very interested in keeping apprised of the status of the process.

Expressed public concerns were generally within the following topic areas:

- Potential negative impacts on the Natural Environment, including the Pretty River Park
- Potential negative impacts on tourism, cycling – including safety of roads
- Devaluation of area properties due to the expansion of the pit in the area and this proposal
- The extraction below the Water Table, including potential for negative impact to wells in the area
- Increases in truck traffic, dust and noise from trucks
- Noise from the Pit operations and hours of operation
- Whether there was justification or need for another pit in the area
- Concerns regarding conformity with the Official Plan Policies and Town's Strategic Plan
- Concerns regarding conformity with the Town's Sustainable Path

Staff have reached out to the legal counsel of the owner of Gibraltar Pit to discuss potential options. At this point, staff does not have any further options for Council to consider.

Staff have secured the services of Aird & Berlis LLP to represent the Town's Appeal to the County of Grey as well represent the Town on the appeals to the Local Planning Appeal Tribunal on the Town's failure to process the application.

E. The Blue Mountains Strategic Plan

Goal #1: Create Opportunities for Sustainability

Objective #1 Retain Existing Business

Objective #3 Promote a Diversified Economy

Goal #2: Engage Our Communities & Partners

Objective #1 Improve External Communication with our Constituents

Objective #3 Strengthen Partnerships

Goal #3: Support Healthy Lifestyles

Objective #1 Promote the Town as a Healthy Community

Objective #3 Manager Growth and Promote Smart Growth

Objective #4 Commit to Sustainability

Goal #4: Promote a Culture of Organizational & Operational Excellence

Objective #3 To Consistently Deliver Excellent Customer Service

Objective #4 To Be a Financially Responsible Organization

Objective #5 Constantly Identify Opportunities to Improve Efficiencies and Effectiveness

Goal #5: Ensure Our Infrastructure is Sustainable

Objective #3 Implement Best Practices in Sustainable Infrastructure

Objective #4 Ensure that Infrastructure is Available to Support Development

F. Environmental Impacts

The review of application for amendments to County and Town Official Plans and Zoning By-laws must reflect good planning policy and long term Community and land sustainability.

G. Financial Impact

Costs for Appeal Process will be incurred through the Local Planning Appeal Tribunal Process. Cost of that process are not known at this time.

H. In consultation with

John Metras, Town Solicitor Acting as Director of Planning and Development Services

Leo Longo, Legal Representative "Aird & Berlis LLP"

I. Public Engagement

The topic of this Staff Report has been subject to a Public Meeting and/or a Public Information Center. Those who provided comments at the Public Meeting and/or Public Information Centre, including anyone who has asked to receive notice regarding this matter, has been provided notice of this Staff Report.

J. Attached

None at this time

Respectfully Submitted,

Shawn Everitt
Interim Chief Administrative Officer

For more information, please contact:
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