

**CORPORATION OF THE COUNTY OF DUFFERIN**

**BY-LAW NUMBER 2018-43**

**A BY-LAW TO APPROVE OFFICIAL PLAN AMENDMENT NO. 5  
TO THE TOWNSHIP OF EAST GARAFRAXA OFFICIAL PLAN.**

WHEREAS the Planning Act, R.S.O. 1990, c.P.13, as amended, permits the County of Dufferin to approve an Official Plan or amendments thereto;

AND WHEREAS County Council at its meeting on September 13, 2018, decided to approve Official Plan Amendment No. 5 to the Township of East Garafraxa Official Plan;

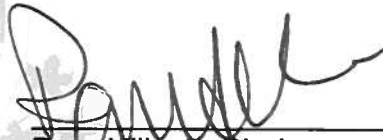
BE IT ENACTED BY THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE COUNTY OF DUFFERIN AS FOLLOWS:

1. Official Plan Amendment No. 5 to the Township of East Garafraxa Official Plan, as adopted by By-Law 27-2018 by the Township of East Garafraxa is hereby approved.

READ a first, second and third time this 13<sup>th</sup> day of September, 2018.

  
Paul Mills, Warden



  
Pam Hillock, Clerk

**AMENDMENT NUMBER 5**  
**TO THE OFFICIAL PLAN**  
**FOR THE**  
**TOWNSHIP OF EAST GARAFRAXA**

**PART A – THE PREAMBLE**

**1.0 LOCATION**

This Amendment applies to East Part of Lots 2, 3, and the West Part of Lot 3, Concession 18 in the Township of East Garafraxa.

**1.1 PURPOSE OF THE AMENDMENT**

The purpose of this amendment to the Official Plan is to re-designate lands described as East Part of Lots 2, 3, and the West Part of Lot 3, Concession 18 from Agricultural to Extractive Industrial Special Policy 2 to permit the establishment of a mineral aggregate operation licenced under the Aggregate Resources Act as a Category 3 – Class A Pit Above Water being an operation which is restricted to extracting aggregate no closer than 1.5 metres above the established groundwater table. As well, a portion of East Part of Lot 3, Concession 18 will be re-designated from Agricultural to Environmental Protection to identify and protect significant natural heritage features (i.e. woodlot and stream corridor) as shown on Schedules “A-1”, “A-2” and “A-3” attached hereto.

The lands are subject to the Greenbelt Protected Countryside overlay and shall remain subject to the corresponding policies of the Official Plan.

**1.2 BASIS OF THE AMENDMENT**

The Tri-County Pit consists of portions of two properties: a) former Nodwell Estate is located on the East Part of Lots 2 and 3, Concession 18, and b) the Kamphuis Farm is located on the West Part of Lots 3 and 4, Concession 18. For the Kamphuis Farm, only a portion of the West Part of Lot 3 is being redesignated under this Amendment. Both properties are designated Agricultural in the Township of East Garafraxa Official Plan.

As per Section 5.1.3, the proposed Category 3 – Class A Pit Above Water mineral aggregate operation is not a permitted use within the Agricultural designation. Therefore, Official Plan Amendment No. 5 will add an Extractive Industrial designation Special Policy 2 to the subject properties. The Extractive Industrial Special Policy 2 designation is an interim designation with the underlying Agricultural designation remaining pursuant to section 5.1.5 f) of the Official Plan as amended by Official Plan Amendment No. 4 as modified. Additionally, certain lands on the former Nodwell Estate as shown on the mapping to this Amendment shall be re-designated from Agricultural to Environmental Protection. The Extractive Industrial designation Special Policy 2 will permit the operation of a mineral aggregate operation whereby extraction is limited to a depth 1.5 m above the established groundwater table. Extraction is permitted on an interim basis only and the site will be rehabilitated progressively back to agriculture. Upon the rehabilitation being final and the surrender of the licence being accepted by the Ministry of Natural Resources and Forestry the interim designation for Extractive Industrial shall cease and shall have no further force and effect.

The Tri-County Pit will be licensed under the Aggregate Resources Act as a Category 3 – Class A Pit Above Water. The Site Plan under the Aggregate Resources Act are a legally enforceable document to ensure that Progressive Rehabilitation and Final Rehabilitation is achieved. The Site Plan clearly set out

the requirements to restore, rehabilitate and where possible, improve the agricultural productivity of the Tri-County Pit.

The Township of East Garafraxa and County of Dufferin require the owners of the subject properties to enter into a Development Agreement with the owners of the subject properties. The Development Agreement sets out requirements to improve the 17<sup>th</sup> Line and the intersection with County Road 3 to ensure that this municipal road and the intersection is maintained as a haul road for the Tri-County Pit. Additional matters included within the Development Agreement relate to (but are not limited to) the following: mitigation and monitoring requirements, hours of operation, complaint protocol and rehabilitation standards.

The lands to be designated Environmental Protection represent a significant woodland and stream corridor located in the northeast portion of the lands owned by the applicant. As part of the agency review of the application, the Credit Valley Conservation recommended that the woodland and stream be designated such that the features would be recognized in the Official Plan and protected accordingly. The Environmental Protection designation and associated mapping will achieve this.

The lands are subject to the Greenbelt Protected Countryside overlay and the redesignations conform with the provisions of the Greenbelt Plan.

**AMENDMENT NUMBER FIVE  
TO THE  
OFFICIAL PLAN  
FOR THE  
TOWNSHIP OF EAST GARAFRAXA**

**PART B – THE AMENDMENT**

**2.0 INTRODUCTION TO THE AMENDMENT**

**2.1 DETAILS OF THE AMENDMENT**

The Official Plan of the Township of East Garafraxa is amended as follows:

1. Schedule “A” to the Official Plan of the Township of East Garafraxa is amended by changing the following:

- a) The land use designation of the subject lands being the East Part of Lots 2 and 3 and the West Part of Lot 3, Concession 18, in the Township of East Garafraxa as shown on Schedule “A1” attached hereto is re-designated as follows:

For the lands shown as mapped as Extractive Industrial Special Policy 2, (MX-2), Extractive Industrial Special Policy 2 is added to the existing Agricultural designation, subject to the policies of this Amendment; and,

For the lands shown as mapped as Environmental Protection, the lands are re-designated from Agricultural to Environmental Protection.

2. Schedules “B” and “E” to the Official Plan of the Township of East Garafraxa are amended by changing the following:
  - a) For the lands shown as mapped as Environmental Protection as shown on Schedule “A1”, Schedule “B” is amended to add Significant Forest Area and Wetland as shown on Schedule “A2” attached hereto and Schedule “E” is amended to add Wooded Areas as shown on Schedule “A3” attached hereto.

3. Extractive Industrial Special Policy 2

- a) **Section 5.6.7 Special Policy 2 for East Part of Lots 2, 3, and the West Part of Lot 3, Concession 18”** is added to the Official Plan for the Township of East Garafraxa as Extractive Industrial Special Policy 2 (MX-2). The following polices are applicable to Extractive Industrial Special Policy 2 (MX-2):
  - i. Extraction of sand and gravel shall be permitted as an interim land use together with crushing, processing, **washing**, screening and haulage of the extracted aggregate;
  - ii. Extraction shall be permitted to a maximum depth of 1.5 m above the established groundwater table, i.e. pit above water table;
  - iii. Limited importation, being no more than 5% per annum of the annual production, is only permitted as part of blending of aggregate with such blending limited to the importation of sand and gravel, but the recycling and/or importation of concrete and/or asphalt shall not be permitted;

- iv. The area disturbed on the site shall be limited as much as possible through the use of staged stripping, extraction and progressive rehabilitation operations, with a maximum disturbed area to be 32.2 ha;
- v. Development Agreement(s) shall be entered into with the Township and the County of Dufferin to the satisfaction of each respective municipality;
- vi. The importation of topsoil only for the purposes of backfilling for final rehabilitation slopes – and with all other importation of fill prohibited save and except for iii. above or as specifically authorized otherwise as per the Development Agreement with the Township;
- vii. The hours of operation shall be as per the Development Agreement with the Township;
- viii. Uses such as a permanent or portable concrete batch plant or permanent or portable asphalt batch plant or any other extractive industrial use not specifically permitted or enumerated above shall not be permitted;
- ix. Agricultural use is permitted as set out in the implementing zoning by-law;
- x. Rehabilitation shall to be to an agricultural condition;
- xi. Upon the agricultural rehabilitation being final and the surrender of the licence being accepted by the Ministry of Natural Resources and Forestry, the interim designation for Extractive Industrial Special Policy 2 shall cease and shall be removed from Schedule “A” to the Official Plan for the Township of East Garafraxa and the underlying Agricultural designation shall remain and shall be shown on the subsequent mapping of Schedule “A” to the Official Plan for the Township of East Garafraxa.

b) Section **5.6.7 Zoning** is renumbered section **5.6.8 Zoning**.

#### 4. Environmental Protection

The existing policies of the Environmental Protection designation, including existing agricultural operations being permitted shall be applicable in this Amendment to the lands being designated in Environmental Protection in this Amendment.

#### 5. Greenbelt Protected Countryside

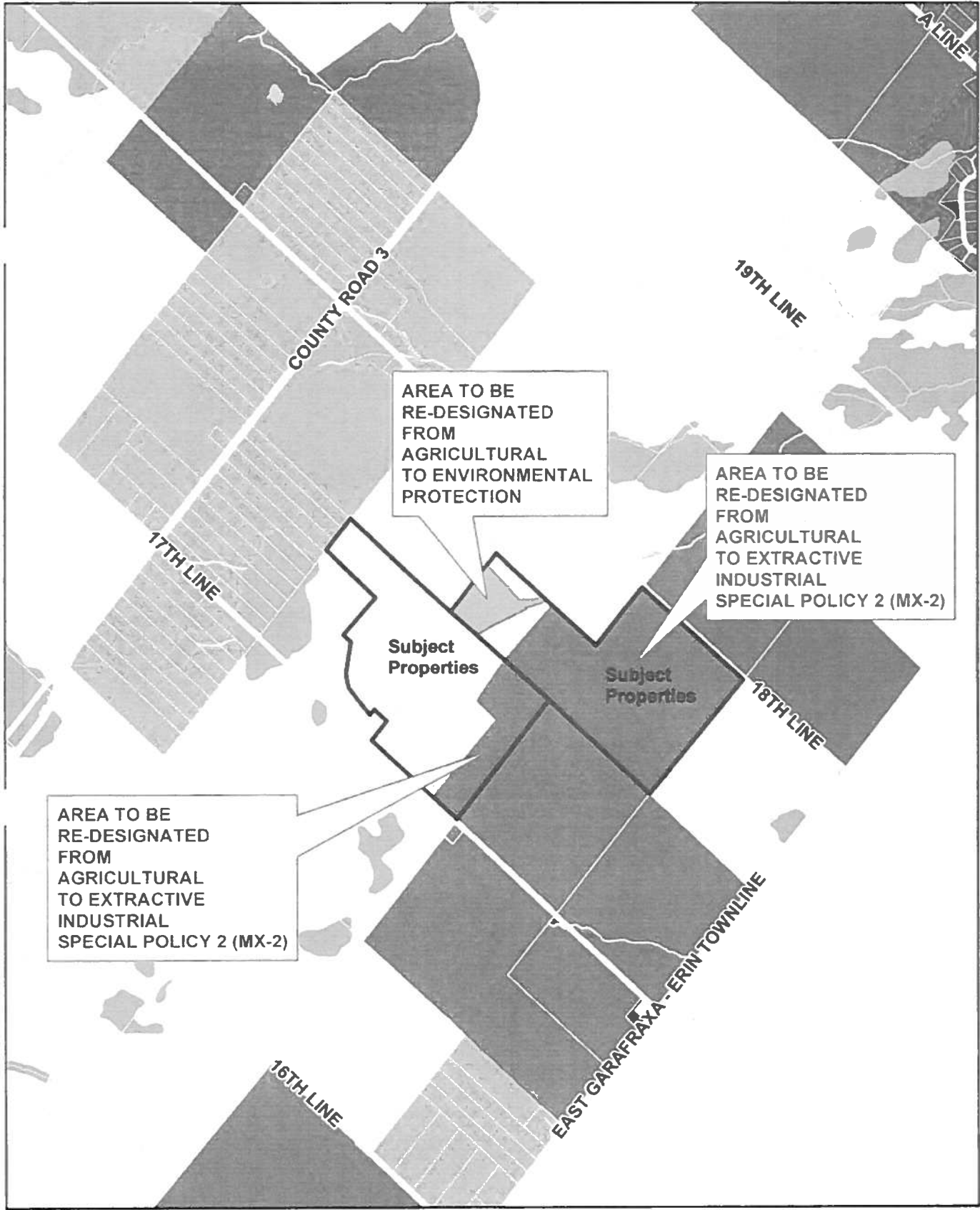
The lands as mapped on Schedules “A1”, “A2” and “A3” are subject to the Greenbelt Protected Countryside overlay in the Official Plan and shall remain subject to the corresponding policies.

#### 2.2 IMPLEMENTATION

Section 9 “Implementation” of the Official Plan shall apply to the implementation of this Amendment.

#### 2.3 INTERPRETATION

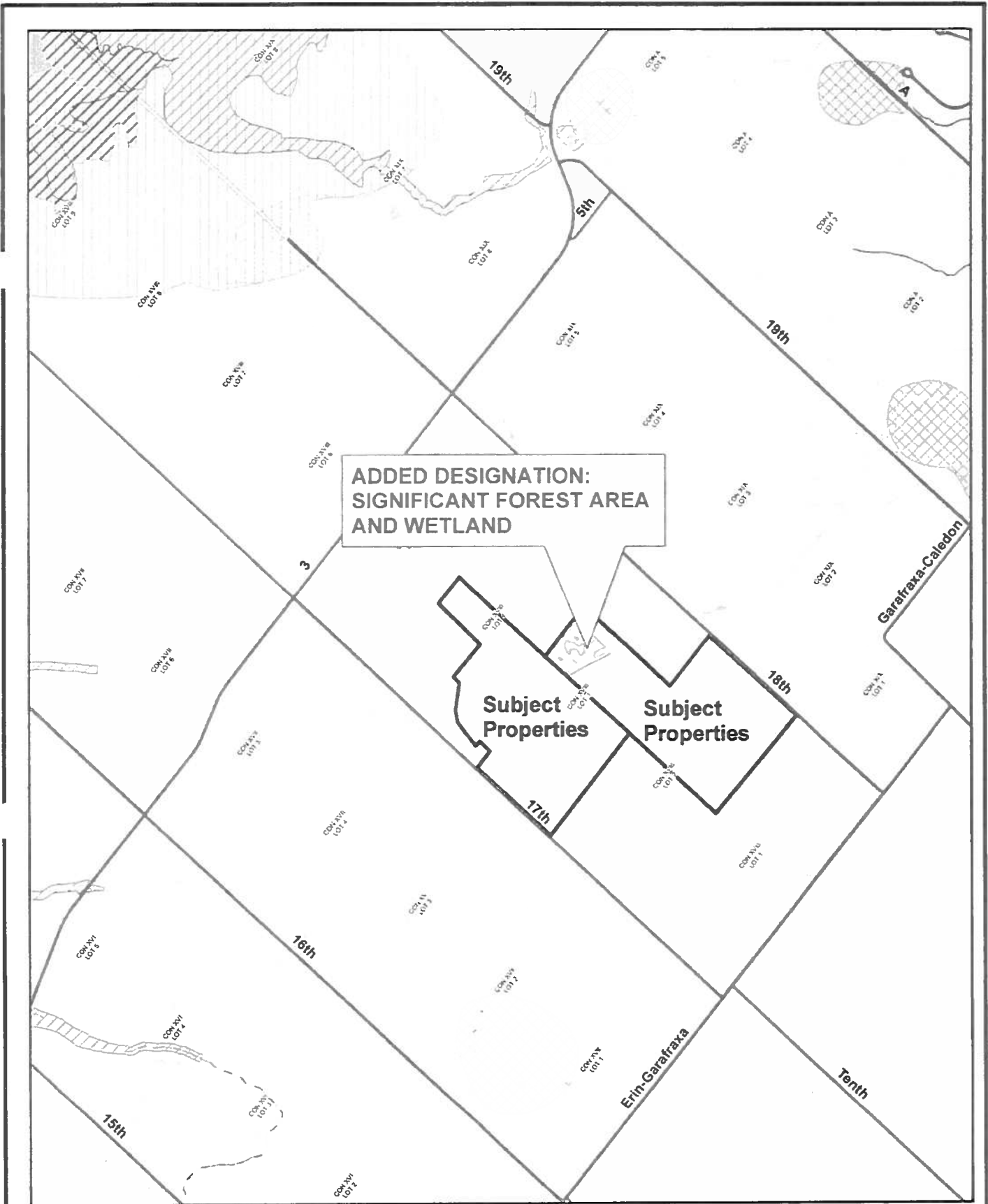
The provisions of the Official Plan, as amended from time to time, regarding the interpretation of the Plan shall apply with respect to this Amendment.



**SCHEDULE A - LAND USE AND TRANSPORTATION  
TOWNSHIP OF EAST GARAFRAXA OFFICIAL PLAN**



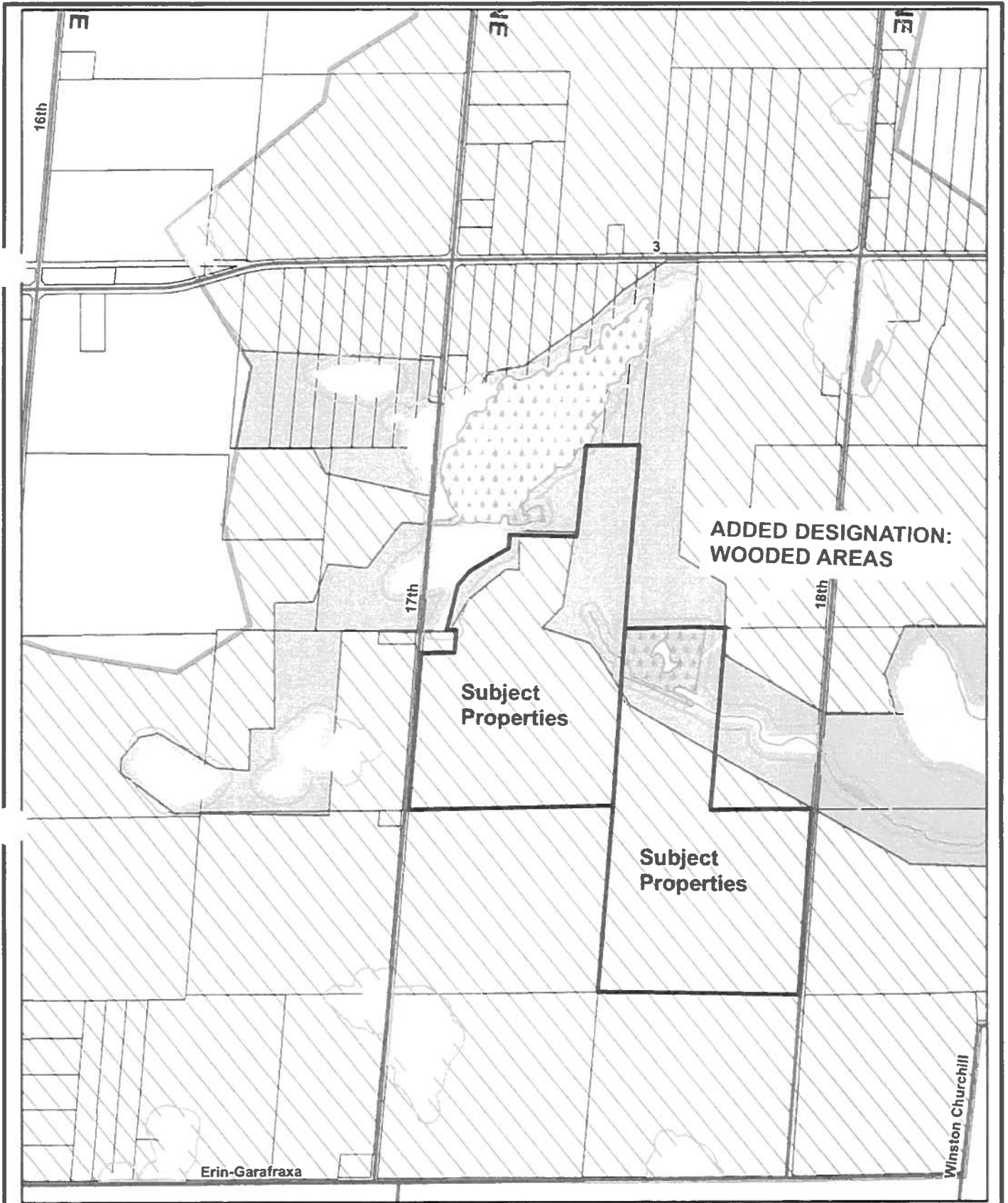
**SCHEDULE 'A1' TO  
OFFICIAL PLAN AMENDMENT NO. 5**



**SCHEDULE B - ENVIRONMENTAL FEATURES  
TOWNSHIP OF EAST GARAFRAXA OFFICIAL PLAN**

**SCHEDULE 'A2' TO  
OFFICIAL PLAN AMENDMENT NO. 5**





**SCHEDULE E - GREENBELT NATURAL HERITAGE FEATURES  
TOWNSHIP OF EAST GARAFRAXA OFFICIAL PLAN**

**SCHEDULE 'A3' TO  
OFFICIAL PLAN AMENDMENT NO. 5**

