



Oak Ridges Moraine Conservation Plan Conformity Report

**In Support of an Application to Place Fill
18725 McCowan Road
Part Lots 8&9, Concession 7
East Gwillimbury**

Rice Commercial Group Ltd.

GHD | 65 Sunray Street Whitby Ontario L1N 8Y3 Canada
11139891 | August 15 2017



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1. Introduction and Purpose

GHD was retained by the Rice Commercial Group Limited to prepare a report regarding an application to place fill within the property located at 18725 McCowan Road in East Gwillumbury and the proposal's conformity to the Oak Ridges Moraine Conservation Plan (ORMCP). The location of the subject property is shown on Figure 1. Within the property the area which is proposed to be filled is illustrated on Figure 2.

The property was formerly licensed with the Ministry of Natural Resources for aggregate extraction. The license was completed and the property rehabilitated in 2007. It is noted that the rehabilitation restored grass vegetation to the site. However the rehabilitation did not restore the site to its original grade. The purpose of the fill permit is to allow filling of the former area of extraction and return of the area near to its original topography. The site will also be filled such that agricultural use may continue to be made of the property.

It is estimated that the fill operation would return a quantity of fill material to the site ranging between 1.0 and 1.3 million cubic metres. The precise amount will be determined following detailed topographical review and development of a final grading plan. Both of which would be submitted with the application.

The site is located within an area which is governed by the provisions of the ORMCP. Therefore the proposal must be assessed in regard to the policies of the ORMCP.

The report will also briefly review some of the other governing land use policies affecting the site.

1.1 Oak Ridges Moraine Conservation Plan (ORMCP)

The Oak Ridges Moraine Conservation Act was approved by the Province in 2001 and established by regulation. The ORMCP governs land use and land use activities within the area defined as the Oak Ridges Moraine. The following discusses the policies of the ORMCP which apply to the subject site and proposed filling activity.

The existing site was a licensed aggregate extraction area and extraction was completed a number of years ago. The application is to deal with the placement of fill and the further rehabilitation of the former extraction site. The ORMCP encourages the rehabilitation of former extraction sites. The subject proposal is intended to do this in as much as it will return the ground to approximately its original topography.

The applicable policies of the ORMCP are discussed below.



1.2 Prohibition

The prohibition provided in Section 5 of the ORMCP sets out the application of the plan to all lands contained within the Oak Ridges Moraine area.

Part 1 Section 5.

“No person shall, except as permitted by this Plan,

- (a) use land or any part of it,
- (b) undertake development of site alteration with respect to land: or
- (c) erect, move, alter or use any building or structure or any part of it”.

The type of activity proposed for the site specifically falls under the definition of site alteration in the plan which includes activities such as filling and grading.

1.3 Part II Land Use Designation

The plan provides land use designations or categories covering all areas of the moraine. The subject site is designated Countryside Area within the ORMCP. This is shown on Figure 3 which illustrates the site on an excerpt from Map 4 of the plan.

The Countryside Areas designation provides for a range of uses which includes mineral aggregate operations.

The objectives for the Countryside designation are set out in Section 13 as are the permitted land uses. Part II Section 13. (3) 11. indicates that mineral aggregate operations are a permitted use. While the extraction component of the original operation is complete, the return of the site to original topography is not. Rehabilitating the site to original grade would be included as a component of mineral aggregate operations and would be permitted by the ORMCP.

It is also noted under this section that the purpose of Countryside Areas is to encourage agricultural use and agricultural uses are listed as a permitted use under subsection 13 (3) 3. The filling operation will be undertaken such that use of the property for agriculture may occur following completion of the site alteration activity.

1.4 Part III Protecting Ecological and Hydrological Integrity

Part III of the plan indicates that it is a purpose of the ORMCP to integrate environmental planning and land use planning to maintain and improve the environmental integrity of the plan area.

Part III Section 19. (2) specifies those policy sections regarding the protection of ecological and hydrogeological integrity which apply to land within Countryside Areas. The sections specified are; 20 to 26, 27 (1) and (2), 28, 29 and 30 (1) to (12).

The Table which is part of Part III also applies.



The majority of the sections do not apply to the site or the proposal for the following reasons;

- The policies deal with key natural heritage features and minimum protection areas to these features which are not present on the site,
- They provide specifications and requirements for municipal plans such as establishing water budget,
- They apply to hydrological features not present on the site, (i.e. streams),
- They deal with prohibited uses related to wellhead protection areas and the site is not located in such an area nor does it involve a prohibited use,
- The Table included as part of Section III prescribes areas of influence for key natural heritage and hydrologically sensitive features which are not applicable to the site.

The provisions which are applicable are discussed below.

1.5 Part III 20 Supporting Connectivity

Sub-section 20 indicates that every application for site alteration shall identify practices that ensure the alterations do not impede the movement of plants and animals. A natural environment review will be undertaken for the project which will look at the vegetation on the site as well as migratory birds. Findings and recommendations addressing this requirement will be addressed in the review. If there are any findings related to the movement of plants and animals, these will be included as requirements in the fill permit.

1.6 Part III 26 Hydrogeological Sensitive Features

This section defines certain hydrogeological features to which the section applies. These features are not part of the area of proposed site alteration. None the less, a hydrogeological study will be undertaken of the site alteration area to ensure that the existing conditions are not interfered with.

1.7 Part III 30 Landform Conservation Areas

Section 30 deals with specific Landform Conservation Areas as defined by mapping prepared by the Province. A small strip of the property fronting on McCowan Road appears to be mapped as a Category 2 Landform Conservation Area. However it is noted that the development and site alteration restrictions for Landform Conservation Areas do not apply in respect of mineral aggregate operations. Notwithstanding this the portion of the site that appears to be mapped as Category 2 is a narrow strip along McCowan Road and this area does not need to be altered.

1.8 Part IV Specific Land Use Policies

This section provides specific policies for the land use categories established under the plan. It indicates that Sections 32 to 47 apply to Countryside Areas. For the most part these sections do not apply to the subject site or proposed fill activity for reasons noted below;

- The provisions relate to lot creation, accessory agricultural uses, transportation facilities, commercial, recreational and trail uses all of which are not part of the application,



- They set out guidelines for municipal policy in Official Plans,
- They address development on full or partial sanitary and water services which is not relevant to the project.

There are a couple of sections which do apply to the proposal.

1.9 Part IV 35 Mineral Aggregate Operations

Section 35 deals specifically with conditions for mineral aggregate operations. As noted the mineral extraction was completed and the license surrendered a number of years ago. However some elements of this section could be considered to apply to a filling proposal. Specifically the policy indicates that ground and surface water quantity and quality should be maintained. Hydrogeology and subsurface geotechnical studies will be undertaken which will assist in determining existing conditions and how these can be at a minimum maintained. The second provision encourages the rehabilitation of former aggregate operations and specifically in prime agricultural areas the return of the lands so that it can be used for agriculture. While the area is not designated as a prime agricultural area, a primary surrounding land use is agriculture and the lands may be returned to this use following the site alteration.

It is also noted that 35 (6) (a) required that areas from which mineral aggregates are extracted are rehabilitated to establish a landform character that blends with the surrounding landforms. As the site will be returned to near original grades, the site will blend with surrounding landscape as it had in its original form.

1.10 Part IV Section 36 Comprehensive Rehabilitation Plans

This section encourages municipalities to work with the aggregate industry to implement rehabilitation plans for areas affected by extraction. As noted the rehabilitation of the extraction area was accepted in 2007. Filling of the excavated area could be considered a further rehabilitation program as it will return to the site to near original grade and the filling operation itself must address environmental objectives of the plan and provide the land in a finished form which makes it suitable for agricultural uses. These issues will be addressed through the site alteration approval process.

1.11 Part IV Section 45 Stormwater Management

Sub-section 45 (2) indicates that every application for site alteration must demonstrate that its planning design and construction practices will protect water resources. This should address the following;

- Minimizing removal of vegetation, grading and soil compaction,
- Keeping eroded sediment within the site,
- Restoring vegetative cover as soon as possible
- Minimizing the chemical applications to suppress dust, pests and vegetation.



Given the nature of the operation removal of existing grass vegetation and grading of fill material will be necessary. A sedimentation control plan will be required in order to address the requirement that sediment be captured on site. Restoration of the fill area will of course be undertaken and the timing or staging of this will be addressed in the site alteration permit. Minimizing the use of chemicals to suppress dust, pest and vegetation should also be a requirement of the site alteration permit. Generally use of chemicals should only be considered as a contingency to a major pest outbreak should this occur. This will also be noted through the site alteration permit process.

While the applicable provisions of this section do not necessarily specify the requirement for a storm water management plan, such a plan will be developed for the project. The plan would set out erosion and sedimentation controls to be applied during the operation and a drainage plan which indicates the proposed grades including outlets from the property. It is noted that since the site will be returned to agricultural uses that a treatment train of storm water management facilities is not being required.

1.12 Related Policy - Town of East Gwillimbury Official Plan – Oak Ridges Moraine Area

Schedule A of the Official Plan designates those areas that are included in the Oak Ridges Moraine. The Official Plan provides general policy guidelines for lands within the Oak Ridges Moraine and indicates that planning decisions shall reflect the objectives of the ORMCP.

The Official Plan also further designates lands within the moraine on Schedule C. On this schedule the proposed fill area is site is designated as an Aggregate Extraction Area. The balance of the site is designated Countryside Area.

It is noted that the site is not identified in Schedule D-2 as forming a feature or area with the Oak Ridges Moraine Natural Heritage System. A narrow strip for the site along its frontage on McCowan Road is designated Land Form Conservation Area – Category 2, this mirrors the land form mapping of the ORMCP. Generally the policies of the Official Plan follow the policy provisions of the ORMCP with respect to Countryside Areas and aggregate extraction uses.

Aggregate Extraction and Resource Areas policies are included in the Official Plan in Section 4.13. This section indicates that licensed extraction areas are shown on Schedule C, which includes designation of the subject site. As noted previously the license for the site has been surrendered and no further extraction will occur. The policies of this section encourage progressive rehabilitation of extraction sites.

1.13 Related Policy – Town of East Gwillimbury Fill By-law #2103-066

The Town of East Gwillimbury has a by-law governing the placement of fill. The by-law applies to the entire municipality and it prohibits the placement of fill or altering of grades without obtaining a permit under the by-law. An application under this by-law will be required for the proposed filling operation. The by-law specifies an extensive range of items which must be included in a full application (4.2).



Further it is noted that under Part 5 of the by-law there are an extensive number of considerations and requirements which may be applied to the approval of a permit as conditions. There are also special conditions in Section 7 which must be met when filling in in excess of 10,000 cubic metres which is planned in this case.

Finally, Part 9 of the by-law specifies that for quantities in excess of 10,000 cubic metres that a public meeting must be held prior to approving an application.

1.14 Suggested Conditions for Compliance to the ORMCP

As noted the municipality's fill by-law provides for the imposition of a range of conditions for an application to place fill. While there could be a very broad range of matters not related to the ORMCP (i.e. truck traffic management), it is recommended that the following matters should be included as conditions in the site alteration permit in order to maintain compliance with the requirements of the ORMCP.

1. That the surface soils and grades provided for the filled area be adequate to permit agricultural use of the site.
2. That a natural environment review be undertaken and submitted in support of the application and that the review addresses the requirements of Part III 20 of the ORMCP.
3. That a hydrogeology and subsurface geotechnical studies be undertaken and that the studies address techniques to maintain water quality on the site,
4. That a dust, mud and erosion control plan be prepared in support of the application, and that this especially address sedimentation and erosion control on the site during the filling operation.

2. Summary and Conclusion

This report has briefly examined a proposal for site alteration at 18725 McCowan Road in East Gwillimbury in terms of applicability to the Oak Ridges Moraine Conservation Plan and its compliance with the plan. The report identifies the provisions which would apply to the proposal. For the most part the applicable provisions would permit the type of site alteration contemplated. That said in order to ensure compliance with the plan there are four key recommendations that should be applied at the time of issuance of the permit for fill and site alteration. These are listed above.

All of which is Respectfully Submitted,

GHD

Steve Edwards, R.P.P.

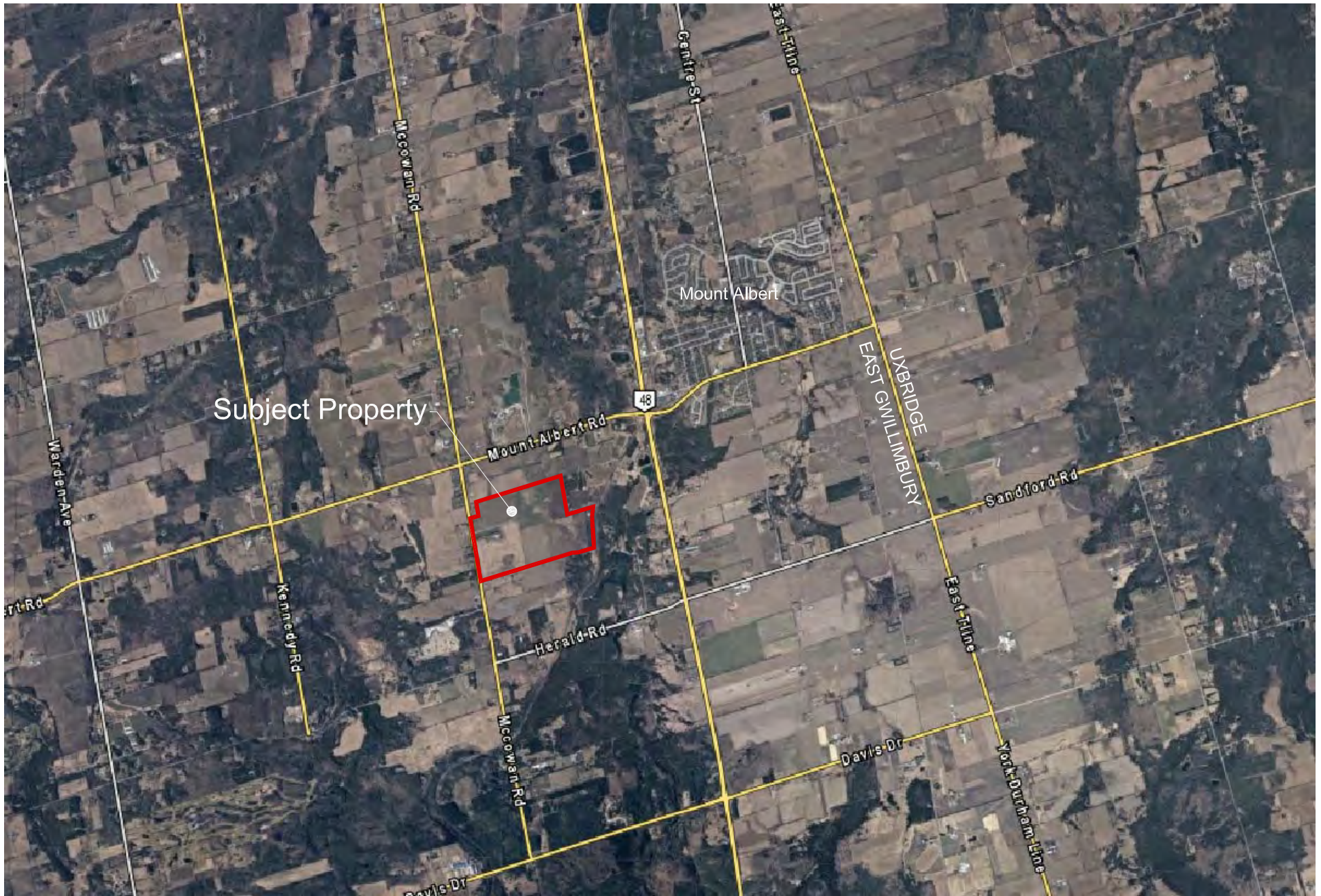
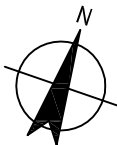


IMAGE 2016 PROVIDED BY FIRST BASE SOLUTION



RICE GROUP LIMITED
18725 McCOWAN RD
EAST GWILLIMBURY

LOCATION PLAN

Job Number | 11139891
Revision | A
Date | 08/2017

Figure 01

65 Sunray Street, Whitby Ontario L1N 8Y3 T 1 905 686 6402 F 1 905 432 7877 E info@ghdcanada.com W www.ghd.com



IMAGE 2016 PROVIDED BY FIRST BASE SOLUTION



RICE GROUP LIMITED
 18725 McCOWAN RD
 EAST GWILLIMBURY

FILL MANAGEMENT/
 SITE ALTERATION AREA

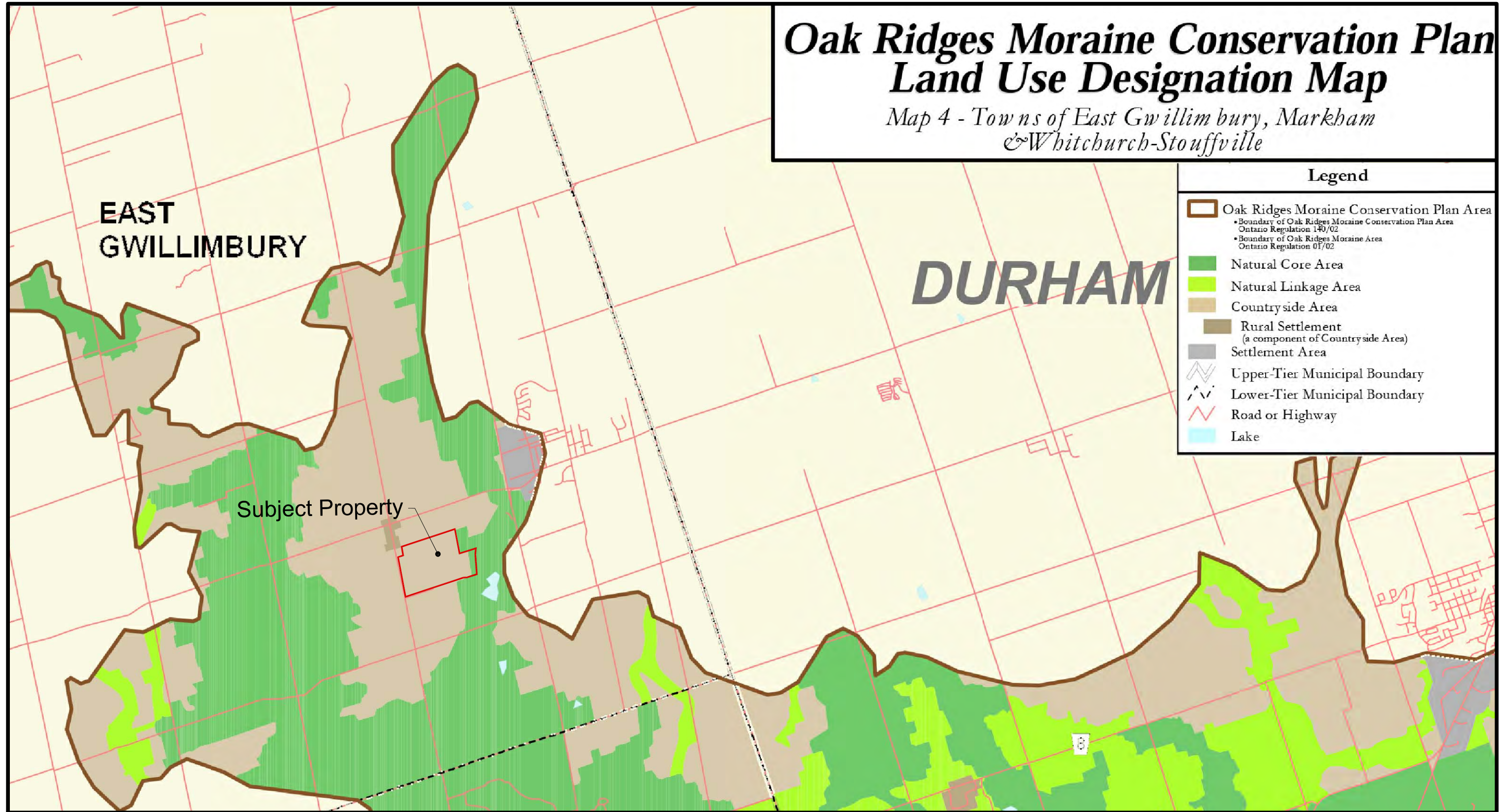
Job Number | 11139891
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Figure 02

65 Sunray Street, Whitby Ontario L1N 8Y3 T 1 905 686 6402 F 1 905 432 7877 E info@ghdcanada.com W www.ghd.com

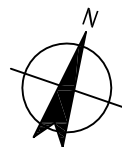
Oak Ridges Moraine Conservation Plan Land Use Designation Map

Map 4 - Towns of East Gwillimbury, Markham
& Whitchurch-Stouffville



Legend	
	Oak Ridges Moraine Conservation Plan Area
	• Boundary of Oak Ridges Moraine Conservation Plan Area Ontario Regulation 140/02
	• Boundary of Oak Ridges Moraine Area Ontario Regulation 01/02
	Natural Core Area
	Natural Linkage Area
	Countryside Area
	Rural Settlement (a component of Countryside Area)
	Settlement Area
	Upper-Tier Municipal Boundary
	Lower-Tier Municipal Boundary
	Road or Highway
	Lake

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Date | 08/2017

LAND USE MAP IN
OAK RIDGES MORaine AREA **Figure 03**

65 Sunray Street, Whitby Ontario L1N 8Y3 T 1 905 686 6402 F 1 905 432 7877 E info@ghdcanada.com W www.ghd.com

Plot Date: 15 August 2017 - 1:58 PM Plotted by: Agnes Gruszka

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