



COUNTY OF WELLINGTON

PLANNING AND DEVELOPMENT DEPARTMENT
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June 27, 2014

Meaghen Reid, Clerk
Township of Guelph/Eramosa
8348 Wellington Rd 124
P.O. Box 700
Rockwood, ON N0B 2K0

Dear Ms. Reid:

**Re: Zoning By-law Application - File ZBA 01/14
To permit an aggregate extraction operation
Part Lot 14, 15 & 16, and Lots 17 & 18, Con. B
6939 Wellington Road 124 (Former Township of Guelph)
Proposed Spencer Pit – Tri City Lands Limited**

We provide the following comments in response to your circulation of the Notice of Complete Application for the above-referenced zone change application.

We understand that the purpose of the rezoning application is to permit the subject land to be used for aggregate extraction (above the water table). Based on the site plans filed by the applicant, the land to be licenced for aggregate extraction is approximately 51.16 hectares (126.4 acres) with the area of extraction being approximately 42.45 hectares (105 acres).

The applicant has also submitted a Class 'A' Category 3 (Pit Above Water) licence application with the Ministry of Natural Resources pursuant to the Aggregate Resources Act. The licence is to allow for aggregate extraction above the water table to a maximum annual production limit of 650,000 tonnes.

The applicant is required to demonstrate that the proposed land use change is consistent with the Provincial Policy Statement (PPS). Some of the provincial matters to be addressed include: extraction in prime agriculture areas; protection of water quality and quantity; protection and utilization of mineral aggregate resources; protection of natural heritage features, protection of cultural heritage and archaeology resources; and potential impacts on adjacent sensitive land uses.

According to Schedule A3 (Guelph/Eramosa) of the County Official Plan, the subject land is designated PRIME AGRICULTURAL. Lands immediately adjacent to the subject property (illustrated as 'Other lands owned by the Applicant') are within the CORE GREENLANDS designation. According to the applicant's site plans, the Core Greenlands areas are not part of the proposed extraction areas and are not areas to be rezoned to an extractive industrial category.

The County Official Plan identified the subject property as having the MINERAL AGGREGATE AREA boundary as the Official Plan existed the day the zone change application was deemed complete. Accordingly, an amendment to the Official Plan is not necessary to consider a zone change request to permit aggregate extraction. However, in assessing this rezoning application, the proponent must address the applicable policies of the County Official Plan and in particular those provided under Section 6.6 - Mineral Aggregate Areas.

Section 6.6.5, New Aggregate Operations, of the County Official Plan states: “In considering proposals to establish new aggregate operations, the following matters will be considered:

- a) the impact on adjacent land uses and residents and public health and safety;
- b) the impact on the physical (including natural) environment;
- c) the capabilities for agriculture and other land uses;
- d) the impact on the transportation system;
- e) the impact on any existing or potential municipal water supply resource area;
- f) the possible effect on the water table or surface drainage patterns;
- g) the manner in which the operation will be carried out;
- h) the nature of rehabilitation work that is proposed; and
- i) the effect on cultural heritage resources and other matters deemed relevant by Council.”

The applicant has submitted technical reports in support of their aggregate proposal. The Township should be satisfied that the applicant has adequately addressed all applicable Provincial and County policies and ensure that aggregate extraction, if approved, is carried out with as little social and environmental impact as practical. Provincial standards and guidelines should be used to assist in minimizing any potential impacts.

The following sections refer to specific matters that, in our view, require further information and consideration by the proponent.

Entrance on County/Regional Roads

The subject land is situated west side of the Township of Guelph/Eramosa on the boundary with the City of Cambridge and Township of Woolwich. The subject property has frontage on Wellington Road 124 and Hespeler Road (Regional Road 24). As such, the proposed entrance for the proposed use will need to be reviewed by both the County and Region of Waterloo. Separate comments on this matter will be provided by the County Engineering Department.

Proposed Removal of the Woodland Feature

There is a large hardwood bush on the south side of the subject property that the applicant intends to remove. The Natural Environment Report prepared by Stantec indicates that “the wooded area in the proposed license area (as delineated by the FOD5-1, FOD3-1 and CUW1-3 complex) is approximately 6.03 ha in area. This area is below the size required for significance in the Wellington County Official Plan. As such, it has not been included in the Greenlands system as shown on Schedule A3 of the Wellington County Official Plan.”

Within the current County Official Plan, woodlands of 10 hectares or larger are deemed to be significant. However, Section 5.5.4 states: “Smaller woodlots may also have local significance and, where practical, these smaller woodlots should be protected”. We would also note that in 2013 County Council adopted Official Plan Amendment 81 which reduced the size requirement for significant woodlands to 4 hectares. Official Plan Amendment 81 was approved by the Ministry of Municipal Affairs in April 2014 (but appealed in relation to site specific property concerns).

According to mapping provided to us from the Ministry of Natural Resources, the subject woodlot is identified as being less than 4 ha and was not mapped as Greenlands. However, based on Stantec's more detailed mapping, the woodland feature is approximately 6 ha in size which would have been designated Greenlands under our updated Official Plan mapping and deemed a significant natural heritage feature. Based on the above, Stantec should re-assess the status of the woodlot on the subject land.

Recycling Facility within Proposed Licenced Area

According to the applicant's Operational Plan (Phases B-E), an area of approximately 5 acres within the proposed extraction area is to be used for "recycling". It is not clear what materials are to be "recycled", what equipment or facilities are to be used for this purpose, and why such a relatively large area is required for this activity. The applicant should provide information regarding this proposed land use.

Rehabilitation of Prime Agricultural Land

There are existing hydro transmission lines and towers on the subject land that, according to the applicant's site plans, are to remain on the property during extraction and post-extraction. Currently, the land at the base of the towers and immediately surrounding the towers are used for farming. In areas of prime agricultural land, the Provincial Policy Statement requires the applicant to demonstrate that "the site will be rehabilitated back to an *agricultural condition*".

According to the applicant's rehabilitation plan, the subject land is to be progressively rehabilitated to agricultural. However, the plan shows transmission towers elevated (due to removal of aggregate) with large portions of land at the base of these towers containing steep slopes and access lanes. The perimeter of the property will also contain steep slopes. As a result, it would appear that portions of the property, currently used for farming, will not be used for agricultural purposes in the future. The proponent should demonstrate how their proposed rehabilitation plan is consistent with the Provincial Policy Statement which requires that "substantially the same areas for agriculture are restored".

We trust that these preliminary comments are of assistance. We plan to attend the statutory public meeting, when arranged, and also wish to be notified of any subsequent public meetings or information sessions regarding this application.

Yours truly,



Aldo L. Salis, M.Sc., MCIP, RPP
Manager of Development Planning

copy by email: G. Ough, Wellington County Engineering Services
B. Hermsen, MHBC Planning