

**PLANNING DEPARTMENT
REPORT – 17/17**

TO: THE MAYOR AND MEMBERS OF COUNCIL

FROM: NEAL DERUYTER & DAN CURRIE

MEETING DATE: MONDAY MARCH 6, 2017

SUBJECT: Tri City Lands Ltd. Spencer Pit
Zoning By-law Amendment 02/17
Wellington County Official Plan Amendment OP-2016-11

LOCATION & WARD: 6939 Wellington Road 124, Ward 1

ATTACHMENTS: 1 – Location Map
2 – Draft Zoning By-law Amendment Schedule
3 – Tri City Lands Ltd. Township Planning Report, April 27, 2016
4 – Agency and Public Comments

RECOMMENDATION:

It is recommended that the Council of the Township of Guelph/Eramosa receive Planning Department Report 17/17 regarding “Tri City Lands Ltd. Spencer Pit, Zoning By-law Amendment 02/17, Wellington County Official Plan Amendment OP-2016-11”; and

That the Township consider Zoning By-law Amendment 02/17 at the Council meeting on Monday, March 20, 2017.

BACKGROUND:

In 2014, the Township of Guelph/Eramosa received a Zoning By-law Amendment application to rezone lands municipally addressed as 6939 Wellington Road 124 to permit an above the water table pit known as the Spencer Pit (Part of Lots 14, 15 & 16, and Lots 17 & 18, Concession B) (see Attachment 1).

On May 2, 2016, the Township approved By-law No. 26-2016 which rezoned the subject lands from Agricultural (A) to Extractive Industrial (M3) to permit the Spencer Pit. The By-law was appealed to the Ontario Municipal Board by an adjacent landowner. There

were also four landowners who maintained objections to the licence application under the Aggregate Resources Act (ARA). As a result, the Ministry of Natural Resources and Forestry (MNR) referred the licence application to the Ontario Municipal Board. The hearing on both matters was scheduled to commence in January 2017.

On August 8, 2016, the Township repealed and replaced its Comprehensive Zoning By-law (By-law 57/1999) with a new Comprehensive Zoning By-law (By-law 40/2016). The subject lands remained zoned Agricultural (A) in Zoning By-law 40/2016 as the Extractive Industrial (M3) Zone had not come into effect due to the outstanding appeal. As a result, Tri City Lands Ltd. has submitted a “housekeeping amendment” to permit the proposed pit under the new Comprehensive Zoning By-law (see Attachment 2 for Draft Zoning By-law Amendment Schedule). The zoning amendment is essentially the same application as the one approved by Council in May 2016.

In addition to the amendment to the new Comprehensive Zoning By-law, Tri City Lands Ltd. submitted an application to amend the County of Wellington Official Plan (County File OP-2016-11). The purpose of the application is to permit the pit and identify the lands within the Mineral Aggregate Area on Schedule A of the County’s Official Plan. The reasons for this application are further explained in the County Official Plan section of this report.

The County deemed the application complete on January 10, 2017 and requested that the Township give notice of and hold a public meeting on behalf of the County to obtain input on the proposed amendment to the County’s Official Plan.

On February 6, 2017, the Township deemed Zoning By-law Amendment Application 02/17 complete and resolved to host a joint public meeting for Zoning By-law Amendment Application 02/17 and County Official Plan Amendment OP-2016-11 on March 6, 2017.

The purpose of this report is to analyze the proposed Zoning By-law Amendment and County Official Plan Amendment applications in the context of the applicable policy framework and consider all agency comments received. No recommendation on the zoning application will be made at this time.

Following the public meeting, a final planning report will be provided to Council on March 20, 2017 (or as otherwise directed by Council). This final report will consider all comments received at the public meeting and make a recommendation on the Zoning By-law Amendment application for Council’s consideration.

The Township’s decision on Zoning By-law Amendment 02/17 will not come into force until a decision is made by the County of Wellington on Official Plan Amendment OP-2016-11.

PROVINCIAL POLICY STATEMENT:

As part of the review of the original Spencer Pit application, a planning report was prepared for Council's consideration in May 2016 which included a detailed review and analysis of the application relative to the applicable policy framework including the 2014 Provincial Policy Statement (please refer to Attachment 3). This review and analysis is still relevant to the proposed application.

As previously noted, the proposed zoning application is essentially the same application that was approved by Township Council last year. The only difference is that an application to amend the County's Official Plan is now included as a result of County Official Plan Amendment 81.

COUNTY OF WELLINGTON OFFICIAL PLAN:

In December 2014, the Ontario Municipal Board approved County Official Plan Amendment 81 (OPA 81) which included several new policies and policy revisions. The key difference between OPA 81 and the previous County Official Plan as it relates to the Spencer Pit application is that new or expanded aggregate operations now require an amendment to Schedule A of the County's Official Plan (Section 6.6.5).

The original Spencer Pit application that was submitted in 2014 was prior to OPA 81 coming into effect so the policy requiring an amendment to the County's Official Plan was not applicable at that time. However, the current application is subject to the policies of OPA 81 including the requirement for an amendment for new aggregate operations.

Tri City Lands Ltd. submitted an application to amend the County's Official Plan in November 2016. The County deemed the application complete on January 10, 2017 (County File OP-2016-11).

Tri City Lands Ltd. has included a Planning Addendum Report from Harrington McAvan Ltd. which reviews the policies of OPA 81. The applicant's planner concluded that the proposed applications conform to OPA 81. In addition, the applicant's technical experts provided correspondence that their respective reports address OPA 81.

TOWNSHIP OF GUELPH/ERAMOSAZONING BY-LAW 40/2016:

The subject lands are currently zoned Agricultural ('A') by Township Zoning By-law 40/2016. Similar to the previous application, the proposed Zoning By-law Amendment would rezone the subject lands to Extractive Industrial ('M3').

Permitted uses in the M3 zone are as follows: accessory use; accessory wholesale outlet or office; aggregate processing facility; agricultural use; conservation; pit; asphalt plant; quarry; wayside pit or quarry.

The same zoning provisions apply within the M3 zone as they did in the previous Zoning By-law 57/1999. The applicant is not proposing any variations to these zoning provisions.

AGENCY AND PUBLIC COMMENTS:

In addition to the standard public and agency circulation, the Zoning By-law Amendment application was also circulated to additional agencies and members of the public who provided comments on the original zoning application. The County also circulated the Official Plan Amendment application to agencies and the public for review and comment. Comments are enclosed in Attachment 4.

The following is a summary of the comments received to date on these applications (for a review of agency and public comments on the previous application, please refer to Attachment 3).

Agency Comments

City of Guelph

The City reviewed the application and found it similar to the previous zoning application circulated in 2014. The City has no concerns with the proposal at this time.

As with the previous application, the City provided comments on the potential presence of future Wellhead Protection Areas based on water quantity policies that are being developed. The applicant has been made aware of this.

CN

CN reiterated the comments that were previously provided on the proposed application dated February 15, 2016. We would note that some of these comments were and are still not applicable to the proposal (e.g. comments on blasting and rail crossings). The applicant responded to these comments on February 17, 2016.

County of Wellington – Planning

County planning staff noted that the zoning application is a resubmission of the previously approved ZBA 01/14. The County's comments remain essentially unchanged except to provide comments with regard to the following:

- Protecting species at risk (bat habitat in woodland)
- Mining below the water table (vertical zoning)
- Wellington Road 124 drainage

County planning staff noted that the Roads Department has raised concerns about drainage relative to Wellington Road 124 that should be addressed. This matter is discussed in the County Roads section.

It is the County's view that Council should satisfy itself that the rezoning, on its own, is consistent with the PPS relative to species at risk, and should not defer the matter to the ARA licence and site plan amendment process. The County recommends that the Township add a holding zone to the woodland such that Council could remove the hold after it is satisfied that the requirements of the Endangered Species Act have been met.

The County also noted that other municipalities in the County have approved site-specific regulations for holding provisions to limit extraction to a specified depth above the water table. They recommend that similar zoning tools be used with this application.

We have discussed these comments with the County and will continue to do so before preparing a final recommendation on the Zoning By-law Amendment application for Council's consideration. We note that the County did not raise these matters in their comments on the previous zoning application which Council approved less than a year ago.

The Endangered Species Act is administered by MNRF. They are no longer an objector to the ARA application and are satisfied with the applicant's approach to bat habitat as outlined on their site plan.

In our opinion, the previous zoning application was consistent with the PPS including the proposed approach to protecting species at risk. The zoning application before Council is essentially the same application. However, staff will evaluate the County's requests for a holding zone and provide a recommendation for Council's consideration when the zoning application returns to Council for decision on March 20.

County of Wellington – Roads

The County Roads Department noted that an agreement will be required with the County prior to an entrance permit or access being granted. The conveyance of additional land may be required for future road widening purposes.

The County stated the proposed site plan does not identify the existing culverts located along Wellington Road 124. The County requests that these be added and that the current Prescriptive Drainage Rights will have to be maintained.

These comments and requests have been brought to the applicant's attention.

Grand River Conservation Authority

The GRCA stated that they have no objection to the approval of the Official Plan Amendment or Zoning By-law Amendment as it has been demonstrated that the proposed extraction will not have an adverse impact on significant natural features.

GRCA provided advisory comments recommending that a letter from Stantec (applicant's ecologist) or MNRFB be provided to the County confirming the presence of the Little Brown Myotis (Little Brown Bat) in the on-site woodland. If the on-site woodland is confirmed to be habitat for Little Brown Myotis, the GRCA stated that the proposed Mineral Aggregate Area designation may not conform to the PPS or County's Official Plan.

Ministry of Natural Resources and Forestry

MNRFB advised that they are no longer an objector to the ARA licence application. They have no outstanding concerns with the proposed application.

Township of Guelph/Eramosa – Engineering Consultants (Burnside)

Burnside's previous comments on the application are still valid. There are no outstanding concerns with hydrogeology, natural environment, acoustic assessment, traffic and the site plans.

Township of Guelph/Eramosa – Public Works

Public Works has no comments regarding transportation or grading and servicing.

Upper Grand District School Board

The Upper Grand District School Board has no objection to the proposed application provided that a condition be added requiring the applicant to post notice signs at the pit entrance to advise drivers of potential school bus routes.

Public Comments

As of the date of writing this report, six members of the public provided comments on the proposed Official Plan Amendment and Zoning By-law Amendment applications. Three of the public comments came from the same address near the proposed pit while the other three comments came from the same address in Guelph.

The following concerns were raised with the proposed application:

- Potential negative economic impact due to recent MPAC gravel pit property value assessment changes

- Permanent loss of prime agricultural land
- Potential hazards to neighbouring wells - reduction in recharge rates and/or contamination of well water
- Public safety hazard due to increased truck traffic volume on Wellington Road 124 haul route
- Public health hazards due to dust and airborne particulate matter
- Negative visual impact of the proposed site
- Destruction of peaceful neighbourhood environment due to excessive noise
- Destruction of a significant woodland
- Cumulative impact of proposed and existing pits and quarries

The public will be provided with an additional opportunity to provide comments on the Official Plan Amendment and Zoning By-law Amendment applications through the public meeting required by the Planning Act. Public comments received to date in addition to any others will be considered prior to providing a recommendation to Township Council on the proposed Zoning By-law Amendment application.

CONCLUSION:

A final Planning Report will be provided to Township Council following the public meeting pursuant to the Planning Act. This final Planning Report will evaluate all public and agency comments and provide a recommendation to Council with respect to the Zoning By-law Amendment application. A recommendation will also be provided with respect to Council's position on the County Official Plan Amendment application.

It is recommended that the Township consider Zoning By-law Amendment 02/17 at the Council meeting on Monday, March 20, 2017.

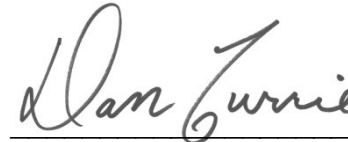
The Official Plan Amendment application will be reviewed by the County and a recommendation will be presented to the County's Planning Committee at a future date to be determined by County planning staff.

Respectfully submitted by:



Neal DeRuyter, BES
MHBC Planning

Reviewed and approved by:



Dan Currie, RPP, MCIP
MHBC Planning

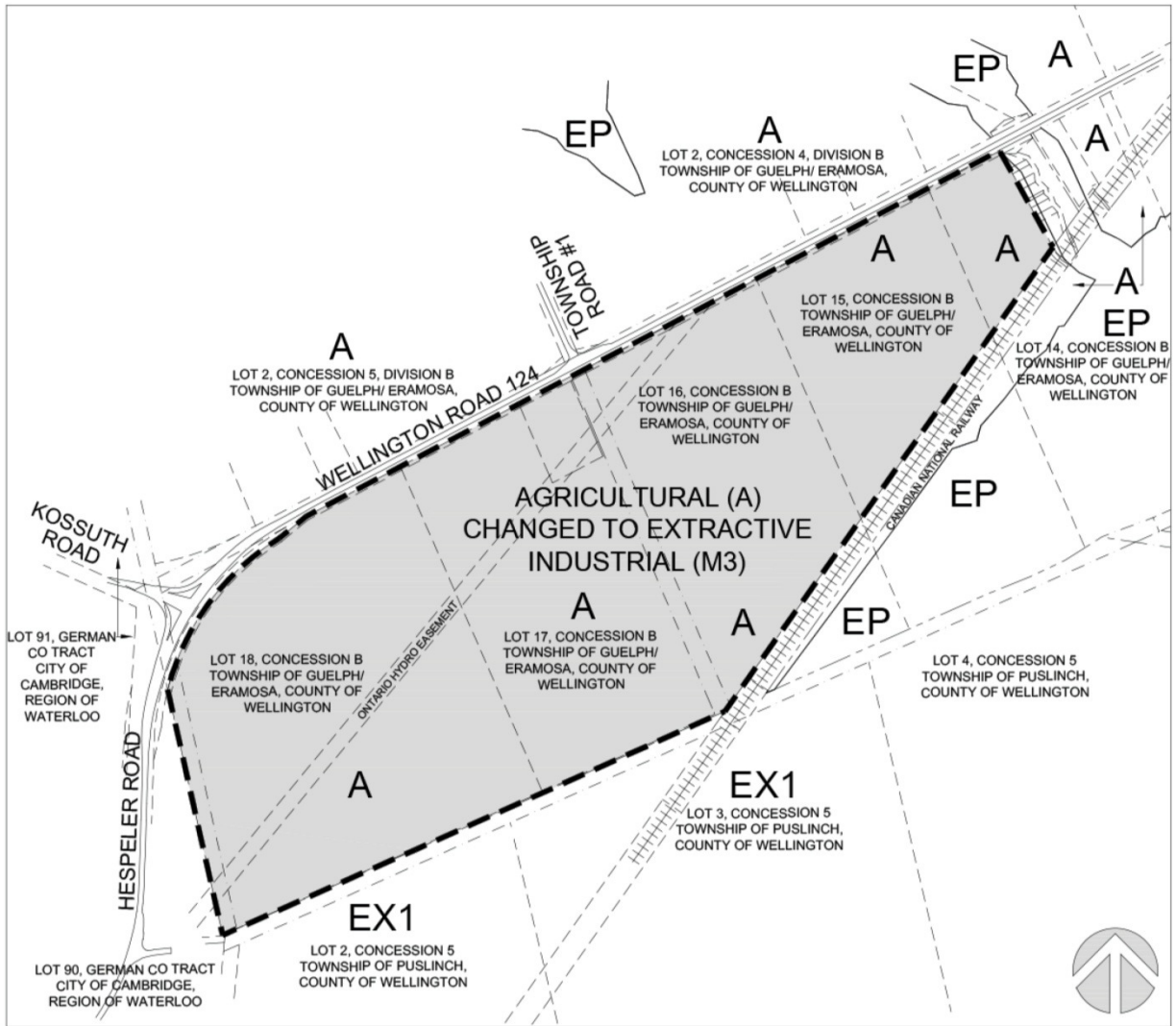
Reviewed by:

Ian Roger, P. Eng
CAO







ATTACHMENT 1: LOCATION MAP



ATTACHMENT 2: DRAFT ZONING BY-LAW AMENDMENT SCHEDULE
 (Provided by applicant)



LEGEND

- | | | | |
|---|--|---|---------------------------|
|  | AREA TO BE REZONED FROM AGRICULTURAL (A) TO EXTRACTIVE INDUSTRIAL (M3) |  | CANADIAN NATIONAL RAILWAY |
| H | HAZARD |  | ROAD ALLOWANCE |
| A | AGRICULTURAL |  | ONTARIO HYDRO EASEMENT |
| M3 | EXTRACTIVE INDUSTRIAL |  | LOT LINE |
| | |  | ZONE LINE |





TOWNSHIP OF GUELPH / ERAMOSA PLANNING REPORT

Prepared by MacNaughton Hermsen Britton Clarkson Planning Limited
MHBC File: 9902IZ Report Date: April 27, 2016

- Application:** Zoning By-law Amendment Application
File No. ZBA01/14
Tri City Lands Ltd. Spencer Pit
- Location:** 6939 Wellington Road 124
Part Lots 14-16 and Lots 17 & 18, Concession B, (Former Township of Eramosa),
Township of Guelph Eramosa, County of Wellington
- Council date:** May 2, 2016
- Attachments:**
1. Aerial Photograph
 2. Aggregate Resources Act Site Plan
 3. Draft Zoning By-law Amendment
 4. Agency Comments

TOTAL PAGES: 90

SUMMARY

The Township of Guelph/Eramosa received a Zoning By-law Amendment application from Harrington McAvan Ltd to amend the Township's Comprehensive Zoning By-law 57/1999 to rezone 6939 Wellington Road 124 from Agricultural (A) to Extractive Industrial (M3) in order to permit an above the water table pit. The Township deemed the application complete on April 17, 2014. An Aggregate Resources Act (ARA) application for a new pit licence has been filed with the Ministry of Natural Resources and Forestry (MNRF).

The purpose of this report is to provide a planning analysis of the proposed Zoning By-law Amendment in consideration of the applicable planning policy framework, and comments received from agencies and the public.

The application has been reviewed by Township staff and applicable review agencies. The applicant has revised the application in response to public and agency comments. Approval of the proposed Zoning By-law Amendment to permit a pit on the subject lands is recommended.

RECOMMENDATION

It is recommended that the Township of Guelph/Eramosa:

- Approve Zoning By-law Amendment Application ZBA01/14.
- Withdraw its objection to the related pit licence application under the Aggregate Resources Act and notify the applicant and Ministry of Natural Resources and Forestry.

Submitted by:

Dan Currie, MA, MCIP, RPP

Neal DeRuyter, BES

REPORT ORGANIZATION

The purpose of this report is to provide a planning analysis of the proposed Zoning By-law Amendment in consideration of the applicable planning policy framework, and comments received from agencies and the public.

This report is organized into the following sections:

1. Background
2. Review of Policy and Regulatory Context
3. Review of Agency Comments
4. Review of Public Comments
5. Recommendation

The Background outlines the application process and public consultation to date. The Review of Policy and Regulatory Context assesses the proposed application for conformity to the Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe, County of Wellington Official Plan and Township Zoning By-law.

The Review of Agency and Public Comments sections outline comments received by the Township and how the applicant has responded to these comments.

Lastly, the Recommendation on the proposed Zoning By-law Amendment application is provided for Council's consideration.

1. BACKGROUND

The Zoning By-law Amendment application was received by the Township on March 10, 2014 for the lands municipally known as 6939 Wellington Road 124 (the "subject lands") to permit an above water table pit. An aerial photograph illustrating the location of the subject lands is included as Attachment 1 to this report. The application was deemed complete on April 17, 2014.

A planning report providing an overview of the proposal and a summary of the application process was provided to Council at the February 1, 2016 meeting. Council approved the recommendation to schedule a public meeting under the Planning Act.

The public meeting was held on March 7, 2016 at the Marden Community Centre for the proposed Zoning By-law Amendment application. A planning report was presented for Council's information which included a planning analysis and overview of comments received by the Township.

Approximately 30 people attended the public meeting. Several members of the public expressed concerns with the proposed pit at the public meeting. Council requested that any additional public comments be provided to the Township by April 15, 2016.

Since the March 7, 2016 public meeting, additional comments were received from four residents, the City of Guelph and the applicant. These additional comments along with the comments received at the public meeting have been considered in the preparation of this report.

RELATED APPLICATION

Concurrent with the Zoning By-law Amendment application, Tri City Lands Ltd. submitted a new pit licence application to the Ministry of Natural Resources and Forestry under the Aggregate Resources Act (ARA). The ARA process included a similar public process as the Zoning By-law Amendment application.

The Township filed a formal objection to the ARA application on June 18, 2014 since the zoning did not permit a new pit. The Township objected to the licence until the municipal planning process had concluded and the required approvals were in place. The County filed a similar objection. The lands must be zoned to permit aggregate extraction before a licence can be issued by the MNRF.

A decision to approve the ARA licence application rests with the MNRF or the Ontario Municipal Board. If there are unresolved ARA objections, the MNRF may refer the application to the Ontario Municipal Board for a hearing.

2. REVIEW OF POLICY AND REGULATORY CONTEXT

PROVINCIAL POLICY STATEMENT

The 2014 Provincial Policy Statement (PPS) was issued by the Province in accordance with Section 3 of the Planning Act. The PPS applies to all decisions that affect a planning matter made on or after April 30, 2014. All decisions shall be consistent with the PPS.

Three sections of the PPS provide specific policy context for the proposed application including agriculture, mineral aggregate resources and natural heritage.

Agriculture – Section 2.3

The subject lands are located within a prime agricultural area. Section 2.3.1 of the PPS provides that prime agricultural areas shall be protected for long-term use for agriculture. In addition to agricultural uses, Section 2.3.6.1 of the PPS provides that the extraction of mineral aggregate resources is permitted in accordance with the policies of the PPS pertaining to mineral aggregate resources.

Mineral Aggregate Resources – Section 2.5

Section 2.5 of the PPS sets out policies with respect to mineral aggregate resources. Section 2.5.2.1 requires that as much of the mineral aggregate resource as is realistically possible shall be made available as close to market as possible. Demonstration of the need for mineral

aggregate resources, including any type of supply/demand analysis, shall not be required, notwithstanding the availability, designation or licensing for extraction of mineral aggregate resources locally or elsewhere.

The Planning Report prepared by the applicant in support of the proposed Zoning By-law Amendment demonstrates that the mineral aggregate resources extracted from the subject lands will be made available to nearby markets. The subject lands are located within a Selected Sand & Gravel Area of Primary Significance in accordance with the Aggregate Resources Inventory Paper. Site specific studies have confirmed the existence of the aggregate deposit.

Section 2.5.2.2 of the PPS states that extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts. Section 2.5.3 requires progressive and final rehabilitation of aggregate operations to accommodate subsequent land uses, promote land use compatibility, recognize the interim nature of extraction and mitigate negative impacts to the extent possible.

The technical reports prepared in support of the proposed application set out a broad range of mitigation measures in order to minimize impacts of extraction. These reports have been reviewed and accepted by the applicable review departments and agencies and the proposed mitigation measures have been determined to be acceptable. The mitigation measures are included on the Site Plans and are enforceable under the ARA.

With respect to extraction in Prime Agricultural Areas, Section 2.5.4.1 of the PPS permits the extraction of mineral aggregate resources as an interim land use, provided that the site will be rehabilitated back to an agricultural condition. The PPS defines agricultural condition in regard to prime agricultural land, outside of specialty crop areas, as follows: *“a condition in which substantially the same area and same average soil capability for agriculture are restored”*.

The ARA Site Plans demonstrate that the subject lands will be progressively rehabilitated back to agriculture. It is noted that some of the lands extracted will not be considered prime agricultural land based on the definition in the PPS as a result of slopes (i.e. lands adjacent to existing hydro towers and rehabilitated side slopes). However, the rehabilitated area not impacted by slopes is considered to be substantially the same area as the existing prime agricultural lands.

The progressive rehabilitation identified on the Site Plans demonstrates that the proposed aggregate extraction operation is an interim land use. As the lands will be rehabilitated to agriculture, the long term use of the subject lands will be agricultural.

Natural Heritage – Section 2.1

Section 2.1.5 of the PPS provides that development and site alteration shall not be permitted in significant natural features unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. Further, Section 2.1.7 of the PPS provides that development and site alteration shall not be permitted in habitat of

endangered or threatened species, except in accordance with provincial and federal requirements.

The subject lands feature a 6.03 hectare (14.9 acre) woodlot on the southern portion of the site. The woodlot has been assessed through the processing of the application and it has been determined that the woodlot does not satisfy the criteria for significance set out in the MRNF's Natural Heritage Reference Manual. However, it has been determined that the woodlot contains habitat for the Little Brown Myotis (Little Brown Bat). The Little Brown Bat is listed as endangered and therefore receives general habitat protection under the Endangered Species Act.

The proposed aggregate operation affords protection to the Little Brown Bat to the satisfaction of the MNRF. A more detailed discussion regarding the proposed protection will follow in the discussion section of this report.

The subject lands are also located adjacent to the Speed River Provincially Significant Wetland (PSW). Section 2.1.8 of the PPS provides that development and site alteration shall not be permitted on lands adjacent to PSWs unless the ecological function of the adjacent lands has been evaluated and there will be no negative impacts on the natural features or their ecological function.

The Natural Environment Report, prepared by Stantec, and the subsequent correspondence between the applicant and the GRCA, identifies that the distance between the limits of extraction and the boundaries of the Speed River PSW vary from between 85 m to 125 m. Included within this distance is a 30 m wide rail corridor. The applicant has determined that the proposed extraction will not result in a negative impact on the PSW which has been confirmed by the MNRF and GRCA.

Site specific investigations occurred on the subject lands to confirm the impact of the proposed pit on other species at risk. The barn located on the subject lands but outside of the area of extraction may contain Barn Swallow nests. The barn will remain intact and is setback approximately 50 m from the proposed area of extraction. Potential habitat for the Giant Swallowtail Butterfly will be maintained through the retention of American Prickly Ash in the area between the proposed limit of extraction and the CN Rail line. Maintenance of the woodlot within the setback between the CN Rail line and the extraction limits will also provide habitat for the Eastern Wood Pewee. The applicant provided documentation to the satisfaction of the GRCA, Burnside and the MNRF regarding species at risk.

PPS Summary

Based on the foregoing, the proposed Zoning By-law Amendment to rezone the site to Extractive Industrial to allow an above water table pit complies with the policies of the PPS.

GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE

The Growth Plan for the Greater Golden Horseshoe (Growth Plan) was approved by the Province on June 6, 2006. The Growth Plan applies to the Greater Golden Horseshoe, which includes the Township of Guelph/Eramosa. The Growth Plan applies to all decisions on matters, proceedings and applications made under the Planning Act.

The Growth Plan does not include specific policies that would apply to this proposed application. The Growth Plan states that a balanced approach to the wise use and management of all resources, including natural heritage, agriculture, and mineral aggregates, will be implemented.

The proposed pit makes available a provincially significant resource while proposing to rehabilitate the land back to prime agriculture. The proposed application conforms to the Growth Plan for the Greater Golden Horseshoe.

COUNTY OF WELLINGTON OFFICIAL PLAN

Since submission of the application, the County of Wellington has amended their Official Plan (OPA 81). However, as the application was submitted prior to adoption of OPA 81, the application must be considered in the context of the Official Plan policies that were in force at the time the application was filed.

The subject lands are designated Prime Agricultural by Schedule A3 of the County of Wellington Official Plan and are subject to a Mineral Aggregate Resource Overlay.

Prime Agriculture

Prime Agricultural Areas are defined by Section 6.4.1 of the Official Plan as Class 1, 2 and 3 agricultural soils, associated Class 4-7 soils and additional areas where there is a local concentration of farms which exhibit the characteristics of ongoing agriculture, and specialty crop lands. Section 6.4.3 sets out the uses permitted within Prime Agricultural Areas. Permitted uses include licensed aggregate operations.

Mineral Aggregate Resources

Section 6.6 of the Official Plan contains policies related to Mineral Aggregate Areas. Lands located within the Mineral Aggregate Resource Overlay are areas of high potential for mineral aggregate extraction that have been identified using information provided by the MNRF. The subject lands are located within this overlay.

With respect to the establishment of new mineral aggregate operations, Section 6.6.5 provides that new mineral aggregate operations may be established within Mineral Aggregate Areas subject to appropriate rezoning and licensing, and the following criteria:

"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) *existing and potential municipal water supply resources are protected in accordance with Section 4.9.5 of this Plan.*
- 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 matters identified in Section 6.6.5 are reviewed in the context of the proposed application:

- a) *The impact on adjacent land uses and residents and public health and safety*

An Acoustic Assessment Report, prepared by Conestoga-Rovers & Associates (now GHD) concluded that the attenuated sound levels will be below the site-specific sound level limits. The report provides a number of technical recommendations to ensure that on-site noise generation and off-site environmental noise impacts do not exceed the levels that were estimated in the report. Mitigation measures include the construction of acoustic berms along Highway 124, and the timing and phasing of operations. These mitigation measures have been implemented on the Site Plans.

A peer review of the Acoustic Assessment Report was undertaken by the Township's consultant (Burnside). Additional information was provided by GHD to the satisfaction of Burnside. Noise impacts resulting from the proposed pit will meet Provincial guidelines subject to implementation of the required mitigation measures.

In addition to creating an acoustic barrier, the proposed berms will also create a visual barrier. All berms will have a height of 4.0 m and slopes will not exceed 2:1. All berms will be seeded immediately after creation in order to minimize dust and erosion.

With respect to air quality impacts, the Site Plans state that water or calcium chloride will be applied to internal haul roads and processing areas as often as required to mitigate dust. It is a Provincial requirement that all dust generated at licenced pits be mitigated on site by the aggregate operator. The proposed dust mitigation measures represent accepted standard practice to suppress dust and ensure air quality is not adversely impacted by the proposed operation.

Transportation and water quality impacts are addressed in subsequent subsections.

b) The impact on the physical (including natural) environment

Through the processing of the application, the County and GRCA determined that the wooded area on the subject lands does not constitute a significant woodland. However, it has been determined that the wooded area contains habitat for the Little Brown Bat. The Site Plan was revised to include a conditional limit of extraction surrounding the wooded area. No extraction shall occur within the wooded area until a permit has been issued under the Endangered Species Act (ESA) to permit the removal of the woodland or it has been demonstrated to the satisfaction of the MNRF that the woodland no longer represents habitat for the Little Brown Bat. The issuance of authorization to remove the woodland under the ESA may require an amendment to the ARA Site Plans and would be reviewed and approved by MNRF.

The Natural Environment Report assessed the various significant natural features located within 120 m of the subject lands, including habitat for endangered and threatened species, the Speed River PSW, Fish Habitat, Deer Wintering Area and Amphibian Breeding Habitat, and determined that there will be no direct impacts to significant features within 120 m of the proposed licence area. Mitigation measures have been proposed to address potential indirect impacts. The mitigation measures proposed are included on the Site Plans.

The Natural Environment Report was reviewed by the GRCA, MNRF and Burnside. As a result of these reviews, additional fieldwork was undertaken and documentation was submitted. The review agencies have confirmed they are satisfied with the Natural Environment Report and supplementary information.

Based on the foregoing, the impacts on the physical (including natural) environment associated with the proposed pit will be appropriately mitigated. The natural features within 120 m of the subject lands and their ecological functions will be maintained over the long term.

c) The capabilities for agriculture and other land uses

The subject lands are currently used for agricultural purposes. The proposed aggregate operation is limited to above-water table extraction with the maximum depth of extraction to remain 1.5 m above the established water table. It is the intent of the applicant that the lands be progressively rehabilitated back to agriculture.

The applicant is required to rehabilitate the land so that substantially the same area and same average soil capability for agriculture are restored. The Rehabilitation Plan provides that the lands will be rehabilitated back to agriculture. It is noted that some areas of the subject lands will not be considered prime agriculture following rehabilitation due to 3:1 slopes. The areas that will not be considered prime agricultural following rehabilitation do not constitute a significant portion of the subject lands.

The County is satisfied that substantially the same areas for agriculture that currently exist can be restored to agriculture.

d) The impact on the transportation system

It is proposed that the pit entrance be located along Wellington Road 124, aligned with the existing Kossuth Road intersection. The new site access would form a four-legged intersection. Several improvements to the intersection are planned to accommodate the new pit entrance, including:

- A southbound left turn lane for inbound truck trips from the northeast
- A northbound right taper lane to provide a deceleration facility for inbound trucks to the pit
- Signalized intersection infrastructure to accommodate the proposed site access.

The proposed haul routes from the pit are as follows:

- Wellington Road 124 – to serve the local Guelph market
- Kossuth Road – to serve the local Kitchener market
- Hespeler Road – to provide a route south to Highway 401 and markets further east and west

The applicant retained GHD to conduct a Traffic Impact Assessment (TIA) to analyze the traffic impacts of the proposed pit. The TIA has been reviewed by the County and Burnside. As a result of these reviews supplementary information was provided. With respect to the anticipated traffic impact, the TIA and supplementary information determined the following:

- The proposed pit operation is expected to generate a seasonal / daily peak of 18 trips (11 inbound and 7 outbound) during the morning peak hour and 18 trips during the afternoon peak hour (11 inbound and 7 outbound). This represents about 1 percent of the future traffic flows along Wellington Road 124 or Kossuth Road.
- 2015 background traffic and the trips associated with the proposed pit can be accommodated by the existing roadway system with the implementation of exclusive left turn lane configurations at the pit entrance.
- The future (2020) traffic growth along Wellington Road 124, east of Kossuth Road, is expected to increase to approximately 1,600 vehicles per hour in the peak direction without traffic from the proposed pit. This increased traffic is in excess of the road's theoretical capacity as a two-lane arterial road. Accordingly, the TIA recommended that the road authority (County) consider widening Wellington Road 124 to four lanes to accommodate existing and future forecasted traffic.
- By 2020, provided that Wellington Road 124 is widened to four lanes, local traffic and future pit traffic can be accommodated with good levels of service through the Wellington Road 124/Kossuth Road intersection.

It is noted that need to widen of Wellington Road 124 is triggered by predicted growth in traffic flows and not the truck trips introduced by the proposed pit. The widening of Wellington Road 124 is recommended, regardless of the proposed pit. As Wellington Road 124 is a County Road, the decision to widen Wellington Road 124 rests with the County.

The County is also the approval authority for the proposed pit entrance. The County, in correspondence dated November 6, 2015, confirmed that there is no objection in principle to the request for a fourth leg to be added to the Wellington Road 124 and Kossuth Road intersection to accommodate the entrance to the proposed pit. The County has stated that if the pit is approved, detailed design and entrance approval will need to be addressed through the submission of a commercial entrance permit with the County.

Burnside noted that the intersection is in the County's jurisdiction and they do not object to the fourth leg. They also noted the need for the widening of Wellington Road 124 which is also under the County's jurisdiction. Burnside recommended that a by-law be passed to restrict right turns from the pit on red lights when the site plan is approved or driveway is built.

Residents living near the proposed pit have expressed concerns with the traffic impacts that will result from the proposed pit. In particular, residents were concerned with the road safety, increased congestion and the impact of a future road widening on adjacent properties.

The applicant prepared a TIA to assess the traffic impacts from the proposed pit. This report was reviewed by the County and Burnside. The County indicated that the location of the proposed entrance is suitable. A commercial entrance permit will be required from the County. Based on the applicant's materials and comments from Burnside and the County, it has been demonstrated that impacts on the transportation system as a result of the proposed pit are acceptable.

- e) Existing and potential municipal water supply resources are protected, in accordance with the policies of the Official Plan*

Schedule B3 of the County's Official Plan identifies Wellhead Protection Areas in the Township of Guelph/Eramosa. The subject lands are not located within a Wellhead Protection Area.

In comments dated March 15, 2016, the City of Guelph noted that the City's draft Wellhead Protection Area Q1/Q2 local area extends nearby the proposed pit. However, the City stated the delineation of the local area is still being refined and is subject to change. The City cautions the applicant that future water quantity policies may include limitations on certain activities associated with the subject application. The City concluded they have no concerns with the proposed application at this time. The Township's Source Water Protection Risk Management Official was made aware and reviewed the City's comments.

f) The possible effect on the water table or surface drainage patterns

The proposed extraction is to remain above the water table. No extraction is proposed within 1.5 m of the established groundwater table.

A Hydrogeological Assessment was prepared by Groundwater Science Corp. This report has been reviewed by the County, GRCA, the Township of Puslinch and Burnside. In response to comments received, supplementary information, including additional water level monitoring results were provided.

The analysis contained in the Hydrogeological Assessment was used to determine the established water table elevation. In order to determine the established water table elevation, ground water level monitoring occurred between October 2013 and December 2015. The maximum depth of extraction is illustrated on the Site Plan.

The Hydrogeological Assessment also provides an examination of the impact of the proposed extraction on the local groundwater system and determined that as the proposed extraction will remain above the water table, no direct water level effects are expected. The report identifies a number of indirect effects of the proposed extraction and rehabilitation related to changes in the on-site water balance (runoff and infiltration). A number of mitigation measures are proposed in order to address the potential impacts. The recommended mitigation measures are as follow:

- Water level monitoring using data loggers shall be obtained at four hour intervals, with manual measurements obtained on a quarterly basis
- Monitoring data shall be summarized in an annual report to the MNRF, GRCA and Township
- After licence approval, a door-to-door well survey shall be completed prior to the commencement of aggregate extraction activities
- The barn well that is within the proposed extraction area should be abandoned in accordance with the applicable regulations if the well is not utilized as a monitor or water supply well

In addition, the Site Plan requires a minimum of 1 m overburden cover over bedrock in refueling areas, recycling areas and scrap storage areas. The purpose of this requirement is to mitigate potential impacts to bedrock groundwater quality.

Residents living near the proposed pit have expressed concerns with the impact of the proposed development on their private wells. A detailed groundwater monitoring program will be in place for the life of the pit operation. In the case of any future water well interference complaint, sufficient on-site groundwater information will be available to show the effect (or lack thereof) of the above water table extraction.

The applicant's hydrogeologist provided a technical response to groundwater-related comments and concerns raised at the March 7, 2016 public meeting. The response concluded

that groundwater quality impacts are typically not observed at above water pits and that the proposed extraction will not directly interrupt the groundwater system or affect groundwater levels in the area.

As a result of these changes and additional information, applicable review agencies are satisfied with the Hydrogeological Assessment.

g) The manner in which the operation will be carried out

The proposed pit includes extraction above the water table at a rate of up to 650,000 tonnes of aggregate material annually. No extraction will occur within 1.5 m of the established groundwater table. Extraction is planned to occur in five phases with a total of 2 million tonnes aggregate expected to be extracted. No blasting or dewatering is proposed.

Following extraction, each phase will be progressively rehabilitated back to agriculture using overburden and topsoil from previous phases. Slopes (minimum 3:1) are to be rehabilitated by backfilling or the cut-fill method using overburden and topsoil from within the site. Additional topsoil may be imported for enhanced rehabilitation. Any imported fill must satisfy Ministry of Environment and Climate Change (MOECC) regulations.

A processing plant will be used to crush and wash aggregate at the site. Off-site materials (topsoil, aggregate, manure, organic peat) may be imported into the site for blending and custom products. Additional materials (brick, clay, glass and ceramic) may be imported for recycling and will be stored in stockpiles within the plant area. Recycling will not continue after extraction has ceased. All plant materials and equipment will be removed upon completion of extraction.

The proposed hours of operation for the aggregate extraction operation are as follows:

- Site Preparation and Rehabilitation - 7:00 am – 7:00 pm weekdays
- Excavation and Processing - 7:00 am – 7:00 pm weekdays; 7:00 am – 6:00 pm Saturdays
- Shipping - 6:00 am – 7:00 pm weekdays; 6:00 am – 6:00 pm Saturdays

On occasion, nighttime deliveries may be required for special public construction projects. Nighttime deliveries require municipal notification and approval. No other work (crushing, screening and extraction) is permitted during nighttime hours.

The Site Plans filed in support of the proposed application include the recommendations of the Technical Reports. The incorporation of these recommendations is intended to minimize impacts on surrounding properties and the natural environment.

h) The nature of rehabilitation work that is proposed

The Site Plans demonstrate that the subject lands will be rehabilitated back to agriculture following extraction. All existing topsoil and overburden on site will be stripped and

stockpiled separately in berms or stockpiles and replaced as quickly as possible in the progressive rehabilitation process.

The Operational Plans and Rehabilitation Plan identify the phases in which the planned progressive rehabilitation is to occur.

i) The effect on cultural heritage resources and other matters deemed relevant by the County

A Stage 1-2 Archaeological Assessment Report prepared by Stantec Consulting identified two archaeological sites on the subject lands. Both were determined to be of no cultural heritage value or interest and were not recommended for further assessment or mitigation. The Ministry of Tourism, Culture and Sport stated that the report has been reviewed and accepted into the Ontario Public Register of Archaeological Reports. Accordingly, the proposed extraction is not anticipated to impact any cultural heritage resources.

Based on the foregoing, the proposed application satisfies the criteria for establishing a new aggregate operation in accordance with the policies in Section 6.6.5.

Core Greenlands

Schedule A3 of the County Official Plan designates the lands located immediately east of the subject lands as Core Greenlands. These lands are specifically identified as a Provincially Significant Wetland (PSW) on Appendix 3 of the Official Plan as they form part of the Speed River PSW.

Section 5.6.3 of the Official Plan provides that where development is proposed adjacent to lands within the Greenlands System, the developer is required to: identify the nature of the natural heritage resource potentially impacted by the development; prepare an environmental impact assessment to address potential impacts; consider enhancements to the natural area; demonstrate that there will be no negative impacts on the natural heritage resources feature or on its ecological function. Lands located within 120 m of PSWs are considered to be adjacent, in accordance with Section 5.6.1 of the Official Plan.

The proposed aggregate operation does not propose development or site alteration within lands identified as a PSW. The Natural Environmental Report analyzed all significant features on and within 120 m of the subject lands including: habitat of endangered or threatened species, fish habitat, a PSW, deer wintering area and amphibian breeding habitat. This report concludes that there will be no direct impact on significant features within or adjacent to the subject lands and recommends a number of mitigation measures to mitigate any indirect impacts. Recommended mitigation measures are included on the Site Plans.

The report was reviewed by applicable commenting department and agencies including the GRCA, County, MNRF and Burnside. Through the review process additional analysis was undertaken and it was determined that while the woodlot located on the subject lands is not significant, it does contain habitat for the Little Brown Myotis (Little Brown Bat), an

endangered species. The Site Plans have been revised to include protection for the Little Brown Bat to the satisfaction of the MNRF.

County Official Plan Summary

Based on the foregoing, the proposed application conforms to the County’s Official Plan:

- The subject lands are designated Prime Agricultural and are subject to the Mineral Aggregate Resources Overlay.
- The proposed pit is permitted on lands designated Prime Agricultural subject to appropriate zoning.
- The proposed pit satisfies the ‘criteria’ for the establishment of new aggregate operations.
- The proposed pit will not impact any significant features within or adjacent to the subject lands, subject to mitigation measures.

TOWNSHIP OF GUELPH/ERAMOSIA ZONING BY-LAW 57/1999

The subject lands are currently zoned Agricultural (A) by the Township Zoning By-law 57/1999. The application proposes an amendment to the Zoning By-law in order to permit a pit and aggregate processing facility. The proposed Zoning By-law Amendment would rezone the subject lands to Extractive Industrial (M3).

Permitted uses in the M3 zone are as follows: accessory use; accessory single detached dwelling; aggregate processing facility; agricultural use; conservation; pit; quarry; portable asphalt plant; retail outlet, wholesale outlet or business office accessory to a permitted use; structure or machinery accessory to a permitted use; wayside pit or quarry.

The following table illustrates the Township Zoning By-law requirements for the M3 zone in relation to the proposed Site Plan.

Applicable Regulation	Zoning By-law Requirements	Proposed Development
Setback for excavation	Within 15 m (49.2 ft) of any lot line	The proposed extraction is set back at least 15 m from lot lines.
	Within 30 m (98.4 ft) from any part of the boundary of the site that abuts: a public road or highway or land zoned or used for residential purposes	The proposed excavation is set back 30 m from lot lines that abut Wellington Road 124 and lands used for residential purposes.
	Within 30 m (98.4 ft) from any body of water that is not the result of excavation below the water table	NA

Setbacks for buildings, structures and stockpiles	Within 30 m (98.4 ft) of any lot line	The proposed structures and stockpiles are set back greater than 30 m from any lot line.
	Within 90 m (295.3 ft) from any part of the boundary of the site that abuts land zoned or used for residential purposes	The proposed structures and stockpiles are set back greater than 90 m from lands zoned or used for residential purposes.
Maximum building height	25 m (82.0 ft)	The proposed maintenance building is less than 25 m in height.

The proposed application complies with the provisions of the Zoning By-law.

3. REVIEW OF AGENCY COMMENTS

The Zoning By-law Amendment application was circulated to the required agencies for review and comments. A summary of the comments received to date is included in the chart below (agency comments are enclosed in Attachment 4):

AGENCY COMMENTS		
Agency	Comment Summary	Concerns Addressed
Grand River Conservation Authority	Impact on natural heritage features	Concerns addressed by Stantec's further assessment of woodlot (Sept 17, 2015).
	Hydrogeological impacts	
	Impact on on-site woodland	
	Impact on wildlife	
Upper Grand District School Board	No objections	N/A
Region of Waterloo (Transportation Planning)	Region has no jurisdiction over proposed access	N/A
Township of Puslinch	Impact on private wells	Concerns addressed by revised site plan and supplemental information from Groundwater Science Corp. (Jan 11, 2016).
	Accuracy of water table elevation	
	Potential impacts to ground water	
	Monitoring Program / Mitigation	
County of Wellington (Emergency Management)	No comments	N/A
County of Wellington (Planning & Development)	Entrance on county road	Concerns addressed by Stantec's further assessment of woodlot and the revised site plans (Feb 26, 2016).
	Removal of woodlot	
	Recycling operations	
	Rehabilitation to prime agriculture	

County of Wellington (Roads Division)	Entrance location / design	No objection to entrance location in principle, additional information regarding Traffic Impact Study required prior to approval of entrance (Nov 6, 2015).
	Traffic on Wellington Road 124 intersection with Kossuth Road	
Township of Guelph/Eramosa (Engineering Consultants – Burnside)	Technical site plan comments	Applicant provided technical responses on site plan review, hydrogeology, noise, traffic and natural environment. Supplemental materials and responses address all remaining issues.
	Hydrogeological concerns, including: impact on water table/groundwater, impact on private wells, monitoring program, location of wash pond	
	Clarification regarding acoustic assessment	
	Widening of Wellington Road 124	
	Sight line analysis for truck traffic	
	Impact on habitat/wildlife	
CN	Extraction setbacks from rail line	Response from applicant provided, February 17, 2016. No further comments received from CN.
	Drainage patterns	
	Security and fencing	
Township of Woolwich	Vertical zoning	Response from applicant provided, March 29, 2016. No further comments received from Woolwich.
	Visual impacts	
	Air quality impacts	
	Impacts on County Road 124	
City of Guelph	Sourcewater protection	No concerns but noted potential presence of future Wellhead Protection Area (Mar 15, 2016).
Comments related to ARA Application		
Ministry of Natural Resources & Forestry	Removal of woodlands	Concerns addressed by revised site plans protecting species at risk habitat (Dec 24, 2015).
	Impact on Species at Risk and Endangered Species	
	Impact on natural heritage features	
	Adequacy of mitigation measures	
	Groundwater monitoring	
Ministry of Tourism, Culture and Sport	Ministry satisfied with archaeological assessment.	N/A
Six Nations of the Grand River	Interest in development relating to land, water and resources	Applicant met with representatives on October 1, 2014. No response received since meeting.
	Interest in archaeological information	
Hydro One	Access to transmission towers	Response from applicant provided, November 26, 2015.
	Extraction surrounding towers (face of undisturbed area)	

CN and the Township of Woolwich have not indicated that their concerns are resolved. CN's comments are more directly related to the ARA process and the Site Plans. However, the

applicant responded to their comments through the processing of the zone change. It was noted that several of CN's comments were related to the adjacent Carmeuse Lime Quarry site and not the subject application. CN has not provided comments in response to the applicant's supplemental information. CN did not object to the ARA application.

The Township of Woolwich provided comments prior to the public meeting on March 7, 2016. The applicant responded to these comments on March 29, 2016. The applicant has demonstrated that the berms will mitigate views into the pit from adjoining residences and public views. In addition to provincial requirements, the Site Plans include provisions for mitigating dust.

The appropriate zoning of the pit is a matter for the Township of Guelph/Eramosa to decide. Similarly, County Road 124 is under the jurisdiction of the County of Wellington. These matters have been appropriately considered as outlined in this report.

In summary, the following agencies have confirmed no objections to the proposed Zoning By-law Amendment application:

- City of Guelph
- County of Wellington
- GRCA
- Ministry of Natural Resources and Forestry
- Region of Waterloo
- Township of Puslinch
- Upper Grand District School Board

4. REVIEW OF PUBLIC COMMENTS

As a result of the notice of complete application, eight members of the public submitted comments on the application. In addition, public consultation as required by the ARA was undertaken by the applicant. A public information session for the ARA was held on June 11, 2014. Approximately 30 people attended.

Approximately 30 people also attended the public meeting required under the Planning Act held on March 7, 2016. The public expressed several concerns with the proposed application including:

- Questions were posed to the applicant why responses or follow-up had not been provided since the ARA public information session in 2014.
- Residents were concerned that extraction activities will affect water supply in private wells due to the applicant using water from the same aquifer. Concerns were also expressed regarding the potential for groundwater contamination and fuel spills.

- Residents questioned the need for another pit in the Township and cited impacts to property values as a key concern.
- Concerns were expressed regarding the loss of agricultural land and whether an aggregate operation could be rehabilitated back to an agricultural condition. Questions were raised regarding the management of topsoil.
- Dust, air quality and noise impacts as a result of the proposed pit were raised at the meeting. Residents stated that the applicant would not be able to mitigate dust and that there were too many homes in close proximity to the proposed pit.
- The lifespan of the proposed pit was raised as a concern in terms of how long the pit and related activities may be in operation, and whether rehabilitation would occur in a timely manner.
- Residents were concerned that existing traffic issues with Wellington Road 124 and Kossuth Road would be made worse due to additional trucks from the proposed pit.
- Concerns were expressed regarding impacts to natural features specifically the on-site woodlot. Questions were raised regarding the protection of species at risk habitat.

Following the public meeting on March 7, 2016, the Township directed that any additional comments or information be provided by April 15, 2016. Additional comments were received from four members of the public and the applicant.

In general, the additional comments were similar to the issues identified at the public meeting except for the following:

- Township obligated to refuse application based on provincial policy and legislation requiring protection of prime agricultural land.
- Impacts of berms on surface drainage patterns and potential flooding.

The following outlines the public comments identified above relative to the proposed application and responses from the applicant:

1. Lack of commitment and responses from the applicant

Following the public meeting, the applicant confirmed in writing that private well supplies will be maintained and outlined an action plan in the event of any interruptions caused by the pit. This documentation was provided to residents who expressed related concerns at the public meeting.

2. Impacts to private wells

The applicant's hydrogeologist provided a technical response to the concerns raised at the public meeting regarding groundwater impacts. The hydrogeologist stated that it is anticipated that there will be no adverse impacts to private wells as a result of the proposed pit.

According to the applicant's technical response, there are no residences or private wells located between the site and the discharge points downgradient of the site. Therefore there is no potential for any water quality impact to move from the site toward local private wells. The MNRF, County, GRCA, Township of Puslinch and Burnside have no concerns with the Hydrogeological Assessment and supplemental information provided by the applicant.

3. Impacts to property values

The subject lands are located within an area containing significant sand and gravel resources and are included within the County's Mineral Aggregate Resource Overlay. Aggregate extraction is permitted within these areas subject to meeting applicable criteria.

Property value is a complex matter given the number of variables involved and the subjective nature of the issues. The applicant is responsible to ensure the proposed pit does not result in adverse impacts on surrounding properties and their uses. The applicant has incorporated mitigation measures such as a groundwater monitoring program, and acoustic and visual berms which will minimize social impacts.

4. Loss of agricultural land

The subject lands are located within a prime agricultural area. The applicant has demonstrated through the ARA Site Plans that the site will be rehabilitated back to an agricultural condition in accordance with the PPS and County's Official Plan. The loss of agricultural lands will be temporary as the final land use will be returned to agriculture.

The County is satisfied that substantially the same areas for agriculture that currently exist can be restored to agriculture.

5. Dust, air quality and noise impacts

The ARA Provincial Standards require that dust be mitigated on site. The Site Plans state that water or calcium chloride will be applied to internal haul roads and processing areas as often as required to mitigate dust. The proposed dust mitigation measures represent accepted standard practice to suppress dust and ensure air quality is not adversely impacted by the proposed operation. The MNRF has no concerns with the proposed dust mitigation.

The applicant is proposing to construct 4 m acoustic berms around the perimeter of the site to mitigate noise impacts on nearby residences. The proposed phasing of the operation has

been designed in a manner to also mitigate noise impacts at source. Burnside peer reviewed the noise study and proposed mitigation, and has no further concerns.

6. Concerns with lifespan of operation

The applicant has indicated that the lifespan of the proposed pit will be approximately 5 to 10 years depending on market conditions. Following extraction, the site will be rehabilitated back to agriculture. The applicant will be required to remove all processing and recycling equipment following extraction.

The inclusion of time limits or 'sunset clauses' for aggregate operations have been contentious in other jurisdictions and opposed by the Province and the aggregate industry. If a pit has been approved to operate in accordance with all current applicable environmental standards, the best management of the aggregate resource would be to allow the material to be extracted rather than prematurely closing a site and moving extraction to another location. The Site Plans require ongoing progressive rehabilitation so that the disturbed and active areas of the pit are minimized to the extent possible. The Township has not previously regulated the time of extraction through a Zoning By-law.

7. Truck traffic and impacts to Wellington Road 124 and Kossuth Road

The applicant prepared a traffic study to assess impacts as a result of the pit. This report was reviewed by the County and Burnside. The County indicated that the location of the proposed entrance is suitable. A commercial entrance permit will be required from the County. Based on the applicant's materials and comments from Burnside and the County, it has been demonstrated that impacts on the transportation system as a result of the proposed pit are acceptable.

8. Impacts to natural features

The applicant was required to determine whether any significant natural features existed on or within 120 m of the site and if so, what mitigation measures are required to minimize impacts on these features. The applicant's consultant, Stantec, prepared a detailed Natural Environment Report with follow-up fieldwork and technical responses to initial concerns raised by agencies.

The GRCA, MNRF, County and Burnside are all satisfied that the proposed application will not adversely impact significant natural features. Mitigation measures are in place to ensure the protection of adjacent features and species at risk habitat including the Little Brown Bat.

9. Obligations to provincial policy and legislation requiring protection of agricultural land

The PPS must be read in its entirety and all applicable policies must be applied including the protection of prime agricultural lands and aggregate resources. The PPS and County's Official

Plan permit extraction on prime agricultural lands. The applicant has demonstrated that the lands will be returned to an agricultural condition following rehabilitation. The ARA Site Plans outline the methods and approach for progressive rehabilitation.

The proposed pit and Zoning By-law Amendment application are consistent with the PPS and conform to the County's Official Plan. The Township is satisfied that there will be no negative impacts on adjacent or surrounding properties as a result of surface drainage or runoff.

10. Impacts on surface drainage patterns

According to the applicant, the highly permeable sand and gravel soils underlying the site allow fairly rapid infiltration, and as a result, there are no permanent surface water drainage courses on the site. There will be relatively little surface runoff expected from the site except during heavy rainfall events and spring snow melt over frozen ground, which restricts the infiltration of surface water into the underlying soil and bedrock. Surface drainage is either internal or directed to the north or south to the lower areas within the fields to contribute to groundwater recharge.

According to the Site Plans, final surface drainage will be internal to the site and directed to the infiltration areas on the pit floor.

5. RECOMMENDATION

Tri City Lands Ltd. submitted an application to amend the Township's Zoning By-law to permit an above the water table pit at 6939 Wellington Road 124. The applicant also submitted an application for a new pit licence under the Aggregate Resources Act through the Ministry of Natural Resources and Forestry.

The proposed Zoning By-law Amendment application has been reviewed by Township staff, its consultants and applicable review agencies. The applicant has revised the application in response to public and agency comments. Except for the Township of Woolwich, the review agencies have no further concerns with the proposed application.

The proposed Zoning By-law Amendment application is consistent with the Provincial Policy Statement, conforms to the Growth Plan for the Greater Golden Horseshoe and the County of Wellington Official Plan based on the following:

- The site is located within an aggregate resource area containing close to market sand and gravel resources.
- The technical reports prepared in support of the proposed pit set out a broad range of mitigation measures in order to minimize impacts of extraction. These reports have been reviewed and accepted by the applicable review departments and agencies.
- The proposed pit will be rehabilitated back to an agricultural condition in accordance with the PPS and the County's Official Plan.

- Potential impacts on the natural environment will be appropriately mitigated. Natural features will be maintained over the long-term.
- The applicant has demonstrated to the satisfaction of applicable review agencies that impacts on the transportation system as a result of the proposed pit are acceptable.
- The proposed pit will not directly interrupt the groundwater system or affect groundwater levels in the area.

Based on the foregoing, the proposed application is in the public interest and represents good planning. It is recommended that the Township of Guelph/Eramosa approve Zoning By-law Amendment Application 01/14 as outlined in Attachment 3 and withdraw its objection to the related pit licence application under the Aggregate Resources Act.

Attachment 4 - Agency Comments

From: Harry Niemi

Sent: Friday, February 10, 2017 3:05 PM

To: Gaetanne Kruse

Cc: Dan Currie; Neal DeRuyter

Subject: RE: ZBA 02/17 ZONING BY-LAW AMENDMENT APPLN - TRI CITY LANDS LTD (SPENCER PIT), 6939 WELLINGTON ROAD 124

Public Works has received the above noted application.

Public Works has no comments regarding transportation or grading and servicing as a comprehensive review of the very various reports is anticipated through the various Township consultants and the application is not accessed from a Township road.

Regards,

Harry

Harry Niemi, P.Eng.

Director of Public Works

Township of Guelph Eramosa

T (519)856-9596 ext 109

hniemi@get.on.ca

www.get.on.ca



Attachment 4 - Agency Comments



400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

Phone: 519.621.2761 Toll free: 866.900.4722 Fax: 519.621.4844 Online: www.grandriver.ca

February 15, 2017

Gary Cousins, Director of Planning and Development
County of Wellington, 74 Woolwich Street
Guelph, ON N1H 3T9

Dear Mr. Cousins,

**Re: OP-2016-11 and ZBA02/17
Tri City Lands Ltd. Spencer Pit
Part of Lot 14, 15, 16, Lots 17 and 18, Division B- Township of Guelph/Eramosa**

The Grand River Conservation Authority (GRCA) has now had the opportunity to review the information submitted in support of the Official Plan Amendment and Zoning By-law Amendment. It is our understanding that the intent of the application is to revise Schedule A3 of the County of Wellington's Official Plan by adding a new Mineral Aggregate Area designation to the subject lands as well and amend the zoning on the property to permit the Spencer Pit.

Our office has no objection to the approval of the Official Plan Amendment or Zoning By-law Amendment as it has been demonstrated that the proposed extraction will not have an adverse impact on the significant wetlands or watercourse features located on and adjacent to the subject property.

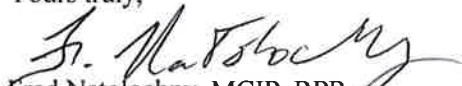
Advisory Comments:

Upon review of Drawing 1, Existing Features Plan, and the Planning Addendum Report prepared by Harrington McAvan Limited (November 2016) it was noted that the woodland on the subject lands contains habitat for the Little Brown Myotis, an endangered species. It is recommended that a letter from Stantec and or the Ministry of Natural Resources and Forestry (MNRF) confirming the presence of endangered species habitat for the Little Brown Myotis in the forest block be provided to the County of Wellington to allow Schedules A3 and C of the Wellington County Official Plan to be updated accordingly.

The Provincial Policy Statement (PPS, 2014) section 2.1.7 indicates that development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements. Additionally, Wellington County Official Plan section 5.4 Core Greenlands identifies habitat of endangered or threatened species as Core Greenland. As such, if the forest block is confirmed to be habitat for Little Brown Myotis as suggested in the submitted material the designation of the forest block as Mineral Aggregate Area may not conform to the PPS or the Wellington County Official Plan.

Should you have any questions regarding this letter, please contact Ashley Rye at 519-621-2763 ext. 2230.

Yours truly,


Fred Natolochny, MCIP, RPP
Supervisor of Resource Planning
Grand River Conservation Authority
FN/ar

c.c. Meaghen Reid, Clerk Township of Guelph Eramosa
Gaetanne Kruse, Planning Administrator, Township of Guelph Eramosa (email)
Neal DeRuyte and Dan Currie, MHBC Planning, Ltd. (email)
Melanie Horton, Harrington McAvan Ltd. 6882 14th Avenue, Markham Ontario, L6B 1A8

Attachment 4 - Agency Comments



COUNTY OF WELLINGTON

MEMORANDUM

TO: Mark Paoli, Manager Policy Planning – County of Wellington
Amanda Knight, Acting Clerk – Township of Guelph/Eramosa

FROM: Pasquale Costanzo, Technical Services Supervisor – County of Wellington

RE: Zoning By-law Amendment Application ZBA 02/17 (D14 TR)
Spencer Pit, Tri City Lands Ltd.
6939 Wellington Road 124, Part Lot 14, 15&16, Lots 17&18, Division B
Township of Guelph/Eramosa, County of Wellington

DATE: February 16, 2017

The County Roads has reviewed the submitted documents for the above noted Spencer Pit zoning by-law amendment application and have the following comments

- Access for the Spencer Pit will be provided at the Wellington Road 124 and Kossuth Road intersection. Details on the access have not yet been finalized. The proponent will be responsible for costs associated with the provision of their entrance. An agreement will have to be entered into by the proponent and the County prior to an entrance permit or access being granted.
- The provided site plan does not show the existing cross culverts located along Wellington Road 124 and will require them to be added. The current Prescriptive Drainage Rights will have to be maintained that currently cross through the proposed site.
- The conveyance of additional land may be required for future road widening purposes. Presently, the road redesign is underway and it is estimated that a ± 2.0 metre strip of land will be needed to accommodate the realigned ditch and drainage. Once the design is finalized more details will be provided.

Sincerely

A handwritten signature in black ink, appearing to read "P. Costanzo".

Pasquale Costanzo, C.E.T.
Technical Services Supervisor

Attachment 4 - Agency Comments



UPPER GRAND DISTRICT SCHOOL BOARD
500 Victoria Road North, Guelph, Ontario N1E 6K2
Phone: (519) 822-4420 Fax: (519) 822-2134

Martha C. Rogers
Director of Education

February 17, 2017

PLN: 17-15

File Code: R14

Sent by: mail & email

Gary Cousins, RPP, MCIP
Director of Planning and Development
County of Wellington
74 Woolwich Street
Guelph, Ontario N1H 3T9

Dear Mr. Cousins;

Re: OP-2016-011 - County of Wellington
ZBA 02/17 - Township of Guelph/Eramosa
6939 Wellington Road 124, Spencer Pit, Township of Guelph/Eramosa

Planning staff at the Upper Grand District School Board has received and reviewed the above applications for an Official Plan Amendment (County of Wellington) and Zoning By-law Amendment (Township of Guelph/Eramosa) to permit the establishment of a mineral aggregate operation in the Township of Guelph/Eramosa (Spencer Pit).

Be advised that the board has no objection to the proposed applications subject to the following condition:

- That the applicant be required to erect notice signs at the pit entrances/exits to remind drivers to proceed with caution as local roads are also potential school bus routes.

Should you require additional information, please feel free to contact me.

Sincerely,

Emily Bumbaco
Planning Technician
emily.bumbaco@ugdsb.on.ca

cc – Aldo Salis, Manager of Development Planning, County of Wellington *(by email)*
Amanda Knight, Acting Clerk, Township of Guelph/Eramosa *(by email)*
Gaetanne Kruse, Township of Guelph/Eramosa *(by email)*
Neal DeRuyter, Township Consultant *(be email)*
Dan Currie, Township Consultant *(by email)*
Glen Harrington, Agent *(by mail and email)*

Attachment 4 - Agency Comments

From: Tim.Donegani@guelph.ca [<mailto:Tim.Donegani@guelph.ca>]
Sent: Tuesday, February 21, 2017 11:18 AM
To: Amanda Knight
Cc: aldos@wellington.ca; Melissa.Aldunate@guelph.ca; Todd.Salter@guelph.ca;
Dave.Belanger@guelph.ca; Peter.Rider@guelph.ca; kdavis@centrewellington.ca
Subject: OP-2016-11 and ZBA 02/17

Dear Ms. Knight,

Attached please find the City's comments on the above notes files. Please do not hesitate to contact me with any questions or concerns.

Best,

Tim

Tim Donegani | Policy Planner
Planning, Urban Design and Building Services
City of Guelph
T 519-822-1260 x2521 | F 519-822-4632
E tim.donegani@guelph.ca

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Attachment 4 - Agency Comments



February 21, 2017

Amanda Knight
Acting Clerk/Director of Legislative Services
Township of Guelph/Eramosa
8348 Wellington Road 124, P.O. Box 700
Rockwood, Ontario
N0B 2K0

Dear Ms. Knight,

**RE: Zoning By-law and Official Plan Amendment application ZBA 07/02
and OP-2016-11 – Proposed Aggregate Extraction**

Thank you for circulating the notice of a public meeting for the above noted file. The City is generally concerned with the impacts of mineral aggregate operations adjacent to the City. Staff have reviewed the application and found it similar to the application ZBA 01-04, circulated in 2014. Again, the City has no concerns with the proposal at this time.

As the Township and County are aware, the Lake Erie Region Source Protection Committee will be developing water quantity policies over the coming years that will be integrated into the approved Grand River Source Protection Plan. We note that the City's draft WHPA Q1/Q2 local area extends nearby the proposed pit extraction area. The delineation of the local area is still being refined and is therefore subject to change. As a result, the Township may have responsibilities to protect the City's water supply from a water quantity perspective, should the WHPA Q1/Q2 local area encompass the subject property.

Accordingly, we would caution the proponent that future water quantity policies may include limitations on certain activities associated with the subject application.

Please notify the City of the Townships and County's decisions on these matters

City Hall
1 Carden St
Guelph, ON
Canada
N1H 3A1

T 519-822-1260
TTY 519-826-9771

guelph.ca

Attachment 4 - Agency Comments

Amanda Knight

February 21, 2017

RE: Zoning By-law Amendment application ZBA 01/14 – Proposed Aggregate
Extraction

Page 2 of 2

Sincerely,



Tim Donegani

Policy Planner

Infrastructure, Development and Enterprise
Planning, Urban Design and Building Services

T 519-822-1260 ext. 2521

F 519-822-4632

E tim.donegani@guelph.ca

C Aldo Salis, Director of Planning, Wellington County
Melissa Aldunate, Manager of Policy Planning and Urban Design
Dave Belanger, Water Supply Program Manager
Peter Rider, Risk Management Official
Todd Salter, General Manager of Planning, Urban Design and Building
Services
Kyle Davis, RMO, Wellington County

Attachment 4 - Agency Comments

From: McKenna, Tara (MNRF) [mailto:Tara.McKenna@ontario.ca]

Sent: Tuesday, February 21, 2017 9:40 AM

To: Gaetanne Kruse

Cc: Richardson, Seana (MNRF)

Subject: RE: ZBA02/17 6939 WELLINGTON RD 124 - TRI CITY LANDS LTD. (SPENCER PIT) NOTICE OF COMPLETE APPLN & PUBLIC MEETING

Gaetanne,

Thank you for the update. The Ministry of Natural Resources and Forestry is no longer an objector to the Spencer Pit *Aggregate Resources Act* licence application. Ministry comments on the application are available upon request.

Thank you,

Tara McKenna, M.Pl.
District Planner

Ministry of Natural Resources and Forestry, Guelph District
1 Stone Road West
Guelph ON, N1G 4Y2
(P) 519-826-4912
(F) 519-826-4929
email: tara.mckenna@ontario.ca

Attachment 4 - Agency Comments

R.J. Burnside & Associates Limited 292 Speedvale Avenue West Unit 20 Guelph ON N1H 1C4 CANADA
telephone (519) 823-4995 fax (519) 836-5477 web www.rjburnside.com



February 21, 2017

Via: Email

Ms. Kruse
Planning Administrator
Township of Guelph/Eramosa
P.O. Box 700
Rockwood ON N0B 2K0

Dear Gae:

**Re: Tri City Lands Ltd. - Spencer Pit
Zoning By-Law Amendment Application ZBA 02/17 (Township File: D14 TR)
6939 Wellington Road 124, Township of Guelph/Eramosa
Project No.: 300035544.0001**

It's our understanding that this submission is based on the new zoning bylaw; however, the documents enclosed are the same as those submitted under the previous zoning application ZBA 01/14. All comments previously provided are still valid. Below is a summary of previous correspondence.

Hydrogeology

- Burnside Comment Letters: January 27, 2016 and February 25, 2016.
- Harrington McAvan Ltd. Response Letter: Date March 1, 2016 – Burnside is satisfied with their response.
- No additional outstanding concerns.

Natural Environment

- Burnside Comment Letter: January 27, 2016.
- No additional outstanding concerns.

Acoustic Assessment Report

- Burnside Comment Letter: January 27, 2016.
- No additional outstanding concerns.

Traffic Report

- Burnside Comment Letters: January 27, 2016 and February 23, 2016.
- Harrington McAvan Ltd. Response Letter: Date March 1, 2016 – Burnside is satisfied with their response.
- No additional outstanding concerns.

Attachment 4 - Agency Comments

Ms. Kruse
February 21, 2017
Project No.: 300035544.0001

Page 2 of 2

Site Plans

- Burnside Comment Letter: January 27, 2016.
- No additional outstanding concerns.
- It is our understanding that site plan drawing 5 of 5 has been updated as per Hydro One comments – we have no concerns regarding the proposed changes.
- No additional outstanding concerns.

Please let us know if you have any questions regarding the above or if you require copies of previous correspondence.

Yours truly,

R.J. Burnside & Associates Limited



Morgan Pel, P.Eng., M.Eng.
MP/JK:sr



Jackie Kay, P.Eng., MBA

cc: Neil Deruyter, MHBC Planning (Via: Email)
Dan Currie, MHBC Planning (Via: Email)
Harry Niemi, Township of Guelph/Eramosa (Via: Email)

Attachment 4 - Agency Comments

From: Nadia ElDabee [mailto:Nadia.ElDabee@cn.ca]
Sent: Thursday, February 23, 2017 12:17 PM
To: Gaetanne Kruse
Cc: atena-russell@gwrr.com
Subject: RE: ZBA 02/17 ZONING BY-LAW AMENDMENT APPLN - TRI CITY LANDS LTD (SPENCER PIT), 6939 WELLINGTON ROAD 124

Hi Gaetanne,

Thank you for circulating CN on the application noted above.

CN would like to reiterate previous comments from February 15, 2015 which I have attached above.

Please note I have CCed Adrian Tena-Russell in case he has comments pertaining to this application.

Kind regards,
Nadia



Nadia El Dabee
Community Planning & Development
Planification et développement communautaires
nadia.eldabee@cn.ca
514-399-7844

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Attachment 4 - Agency Comments

Gaetanne Kruse

From: Raymond Beshro [Raymond.Beshro@cn.ca]
Sent: Thursday, February 23, 2017 10:20 AM
To: Nadia ElDabee
Subject: TR : 6939 Wellington Road 124 (File No. ZBA 01/14)
Attachments: Non-residential-BRANCH LINE.pdf

De : Helene Fleischer
Envoyé : 15 février 2016 14:52
À : mreid@get.on.ca
Cc : Raymond Beshro
Objet : 6939 Wellington Road 124 (File No. ZBA 01/14)

Good afternoon,

Thank you for circulating CN on this application.

We do note that the subject property is in close proximity to CN's railway right-of-way. While non-sensitive uses are more compatible than sensitive uses near railway operations, CN does pursue implementation of our habitual criteria for such developments. I will attach these criteria to this email. At a minimum, our focus for non-sensitive developments in proximity to our operations has been increasingly limited to:

- An adequate setback to build and maintain the structure off of the right-of-way;
- The provision of 1.83 meter chain link security fencing;
- Confirmation that there will be no adverse impacts to the existing drainage pattern on the railway right-of-way and that there will be no additional runoff to CN lands in the event of a 100-yr storm;
- A 30 meter setback of access points to avoid the potential for impacts to traffic safety when located near at-grade railway crossings.

Due to the fact that the subject property is to be rezoned for extraction purposes, we have additional concerns:

- We ask that there be no resource extraction within 75 m of CN's right-of-way, as to avoid adverse impacts on the integrity of the track bed. We note that there has been aggregate piled very high in close proximity to the rail corridor, which could lead to safety and drainage concerns on the right-of-way. If this has not already been resolved, the property owner needs to correct this;
- Extraction and other activities shall not generate vibration exceeding 100 mm/sec, as measured on the edge of the rail right-of-way, again for safety reasons;
- If resource is to be trucked over a nearby grade crossing, impacts of the added truck traffic need to be considered and addressed, subject to review and approval by CN Engineering.

Regards,
Helene Fleischer - **CN**
Planification et développement communautaires
Community Planning & Development
helene.fleischer@cn.ca
514-399-7211

Attachment 4 - Agency Comments

Railway Properties

1 Administration Rd
Concord, ON L4K 1B9
Telephone: 514-399-7627
Fax: 514-399-4296

NON-RESIDENTIAL DEVELOPMENT ADJACENT TO THE RAILWAY RIGHT-OF-WAY (Branch Lines)

CN recommends the following protective measures for non-residential uses adjacent Branch Lines (note some are requirements):

- A minimum 15 metre building setback, from the railway right-of-way, in conjunction with a 2.0 metre high earthen berm is recommended for institutional, commercial (ie. office, retail, hotel, restaurants, shopping centres, warehouse retail outlets, and other places of public assembly) and recreational facilities (i.e. parks, outdoor assembly, sports area).
- No specific minimum setback, from the railway right-of-way, is recommended for heavy industrial, warehouse, manufacturing and repair use (i.e. factories, workshops, automobile repair and service shops).
- A minimum 30 metre setback is **required** for vehicular property access points from at-grade railway crossings. If not feasible, restricted directional access designed to prevent traffic congestion from fouling the crossing may be a suitable alternative.
- A chain link fence of minimum 1.83 metre height is **required** to be installed and maintained along the mutual property line. With respect to schools and other community facilities, parks and trails, CN has experienced trespass problems with these uses located adjacent to the railway right-of-way and therefore increased safety/security measures must be considered along the mutual property line, beyond the minimum 1.83 m high chain link fence.
- Any proposed alterations to the existing drainage pattern affecting Railway property **require** prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.
- While CN has no specific noise and vibration guidelines that are applicable to non-residential uses, it is recommended the proponent assess whether railway noise and vibration could adversely impact the future use being contemplated (hotel, laboratory, precision manufacturing). It may be desirable to retain a qualified acoustic consultant to undertake an analysis of noise and vibration, and make recommendations for mitigation to reduce the potential for any adverse impact on future use of the property.
- For sensitive land uses such as schools, daycares, hotels etc, the application of CN's residential development criteria is **required**.
- There are no applicable noise, vibration and safety measures for unoccupied buildings, but chain link fencing, access and drainage requirements would still apply.

Attachment 4 - Agency Comments



COUNTY OF WELLINGTON

PLANNING AND DEVELOPMENT DEPARTMENT
GARY A. COUSINS, M.C.I.P., DIRECTOR
TEL: (519) 837-2600
FAX: (519) 823-1694
1-800-663-0750

ADMINISTRATION CENTRE
74 WOOLWICH STREET
GUELPH, ONTARIO
N1H 3T9

February 27, 2017

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

Dear Ms. Knight:

**Re: Zoning By-law Amend Application - File ZBA 02/17
Part Lots 14, 15 & 16, and Lots 17 & 18, Con. B
6939 Wellington Road 124 (Former Township of Guelph)
Proposed Spencer Pit – Tri City Lands Limited**

This is in response to your circulation of Notice of Complete Application and Public Meeting for the above-noted Zoning By-law Amendment application to change the Zoning on the subject lands from Agricultural to Extractive Industrial.

The Public Meeting is also being held for an application (OP-2016-11) to amend the County Official Plan to allow the proposed pit. Since the approval of OPA 81 by the Ontario Municipal Board in December, 2014, all new or expanded mineral aggregate operations require an amendment to the County Official Plan.

The lands proposed to be rezoned are designated 'Prime Agricultural Area' on the Guelph-Eramosa Schedule A-3. The Official Plan Amendment application proposes to add a Mineral Aggregate Resource Area overlay designation to Schedule A-3. The subject lands are located outside of the Wellhead Protection Areas and Issue Contributing Areas shown on Schedule 'B-3'. The subject lands are shown as having sand and gravel resources of primary and secondary significance and selected bedrock resources in the mineral aggregate resource overlay on Schedule 'C'. Accordingly, an amendment to Schedule 'C' is not required. We note that the Official Plan Amendment application included correspondence from the applicant's technical experts stating that their reports address the County Official Plan, as amended by OPA 81.

The rezoning application is a resubmission of the previously approved ZBA 01/14. Accordingly, comments from this office of February 2016 (attached) remain essentially unchanged except to provide the following comments with regard to:

- Protecting Species at Risk;
- Mining below the water table; and
- Wellington Road 124 drainage.

Attachment 4 - Agency Comments

Proposed Spencer Pit – Tri City Lands Limited
Township of Guelph/Eramosa

Protecting Species at Risk

Under the 2014 Provincial Policy Statement (PPS), development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements. The woodland on the subject lands contains habitat for the Little Brown Bat which is on the Species at Risk in Ontario List.

In their letters of June 27, 2014 and November 13, 2015, the Ministry of Natural Resources and Forestry (MNRF) advised that the Ministry objected to the proposed pit licence. Among other matters, MNRF had concerns about the impact that removing the woodland would have on Little Brown Bat habitat. As a result of further discussion and updated site plans, MNRF advised in December 24, 2015 that the updated site plans addressed their outstanding concerns in principle, including the concern about protection for bat habitat noted above.

The Township's planners (MHBC) noted in their May, 2016 Report to Township Council that:

- Site Plan was revised to include a conditional limit of extraction surrounding the wooded area;
- No extraction shall occur within the wooded area until a permit has been issued under the *Endangered Species Act* to permit the removal of the woodland or it has been demonstrated to the satisfaction of the MNRF that the woodland no longer represents habitat for the Little Brown Bat; and
- Authorization to remove the woodland under the *Endangered Species Act* may require an amendment to the *Aggregate Resources Act* Site Plans and would be reviewed and approved by MNRF.

Discussion

The Grand River Conservation Authority (letter attached) has raised a concern that designating the woodlot for extraction may not conform to Provincial and County policy related to Species at Risk.

Based on our review of the relevant policies and legislation, we note the following:

- Mineral aggregate operations are established under two provincial laws (the *Planning Act* and the *Aggregate Resources Act*) and this has created two approval authorities: Municipal Councils, and the MNRF;
- The *Aggregate Resources Act* requires appropriate *Planning Act* approvals to be in place before the MNRF can issue a licence for the operation. As a result, municipal councils are required to make a determination about the land use regulations first, and the MNRF licence decision comes after; and
- The *Planning Act* requires the land use decision to be consistent with the PPS.

Therefore, in our view, Council should satisfy itself that the rezoning, on its own, is consistent with the Species at Risk policies in the PPS, and should not defer the matter to the MNRF Licence and Site Plan Amendment processes.

Attachment 4 - Agency Comments

Proposed Spencer Pit – Tri City Lands Limited
Township of Guelph/Eramosa

County staff believe that the best solution to the endangered species issue would be to add a Holding Zone to the woodland, such that Council could remove the Holding Zone after it is satisfied that the *Endangered Species Act* requirements have been met. With this approach to the Zoning, the Official Plan Amendment application would not need to be changed to address the issue.

The other choice is to protect the woodland in the Official Plan but this would then create an issue for the Zoning By-law Amendment. We believe that the Holding Zoning approach works much better than the Official Plan in this instance as it provides a simpler way to resolve the issue.

Mining below the water table

We note for Council's information that other municipalities in the County have approved site-specific regulations or Holding provisions to limit extraction to a specified depth (typically 1.5 metres) above the water table, and we recommend that similar zoning tools be used to ensure that the extraction in this operation remains above the water table.

Wellington Road 124 Drainage

We note that the Wellington County Roads Department has raised concerns about drainage relative to Wellington Road 124 that should be addressed.

We trust that these comments are of assistance. We plan to attend the Public Meeting and wish to be notified of any subsequent meetings or Decisions regarding this application.

Yours truly,



Mark Paoli, M.Sc., MCIP, RPP
Manager of Policy Planning

copy by email: N. deRuyter, MHBC Planning
M. Horton, Harrington McAvan
F. Natolochny, GRCA
G. Ough, Wellington County Engineering Services

Attachment 4 - Agency Comments



400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

Phone: 519.621.2761 Toll free: 866.900.4722 Fax: 519.621.4844 Online: www.grandriver.ca

February 15, 2017

Gary Cousins, Director of Planning and Development
County of Wellington, 74 Woolwich Street
Guelph, ON N1H 3T9

Dear Mr. Cousins,

Re: **OP-2016-11 and ZBA02/17**
Tri City Lands Ltd. Spencer Pit
Part of Lot 14, 15, 16, Lots 17 and 18, Division B- Township of Guelph/Eramosa

The Grand River Conservation Authority (GRCA) has now had the opportunity to review the information submitted in support of the Official Plan Amendment and Zoning By-law Amendment. It is our understanding that the intent of the application is to revise Schedule A3 of the County of Wellington's Official Plan by adding a new Mineral Aggregate Area designation to the subject lands as well and amend the zoning on the property to permit the Spencer Pit.

Our office has no objection to the approval of the Official Plan Amendment or Zoning By-law Amendment as it has been demonstrated that the proposed extraction will not have an adverse impact on the significant wetlands or watercourse features located on and adjacent to the subject property.

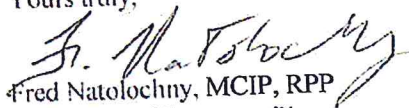
Advisory Comments:

Upon review of Drawing 1, Existing Features Plan, and the Planning Addendum Report prepared by Harrington McAvan Limited (November 2016) it was noted that the woodland on the subject lands contains habitat for the Little Brown Myotis, an endangered species. It is recommended that a letter from Stantec and or the Ministry of Natural Resources and Forestry (MNRF) confirming the presence of endangered species habitat for the Little Brown Myotis in the forest block be provided to the County of Wellington to allow Schedules A3 and C of the Wellington County Official Plan to be updated accordingly.

The Provincial Policy Statement (PPS, 2014) section 2.1.7 indicates that development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements. Additionally, Wellington County Official Plan section 5.4 Core Greenlands identifies habitat of endangered or threatened species as Core Greenland. As such, if the forest block is confirmed to be habitat for Little Brown Myotis as suggested in the submitted material the designation of the forest block as Mineral Aggregate Area may not conform to the PPS or the Wellington County Official Plan.

Should you have any questions regarding this letter, please contact Ashley Rye at 519-621-2763 ext. 2230.

Yours truly,


Fred Natolochny, MCIP, RPP
Supervisor of Resource Planning
Grand River Conservation Authority
FN/ar

c.c. Meaghen Reid, Clerk Township of Guelph Eramosa
Gaetanne Kruse, Planning Administrator, Township of Guelph Eramosa (email)
Neal DeRuyte and Dan Currie, MHBC Planning, Ltd. (email)
Melanie Horton, Harrington McAvan Ltd. 6882 14th Avenue, Markham Ontario, L6B 1A8

Attachment 4 - Agency Comments



COUNTY OF WELLINGTON

MEMORANDUM

TO: Mark Paoli, Manager Policy Planning – County of Wellington
Amanda Knight, Acting Clerk – Township of Guelph/Eramosa

FROM: Pasquale Costanzo, Technical Services Supervisor – County of Wellington

RE: Zoning By-law Amendment Application ZBA 02/17 (D14 TR)
Spencer Pit, Tri City Lands Ltd.
6939 Wellington Road 124, Part Lot 14, 15&16, Lots 17&18, Division B
Township of Guelph/Eramosa, County of Wellington

DATE: February 16, 2017

The County Roads has reviewed the submitted documents for the above noted Spencer Pit zoning by-law amendment application and have the following comments

- Access for the Spencer Pit will be provided at the Wellington Road 124 and Kossuth Road intersection. Details on the access have not yet been finalized. The proponent will be responsible for costs associated with the provision of their entrance. An agreement will have to be entered into by the proponent and the County prior to an entrance permit or access being granted.
- The provided site plan does not show the existing cross culverts located along Wellington Road 124 and will require them to be added. The current Prescriptive Drainage Rights will have to be maintained that currently cross through the proposed site.
- The conveyance of additional land may be required for future road widening purposes. Presently, the road redesign is underway and it is estimated that a ± 2.0 metre strip of land will be needed to accommodate the realigned ditch and drainage. Once the design is finalized more details will be provided.

Sincerely

A handwritten signature in black ink, appearing to read "P. Costanzo".

Pasquale Costanzo, C.E.T.
Technical Services Supervisor

Attachment 4 - Agency Comments



COUNTY OF WELLINGTON

PLANNING AND DEVELOPMENT DEPARTMENT
GARY A. COUSINS, M.C.I.P., DIRECTOR
TEL: (519) 837-2600
FAX: (519) 823-1694
1-800-663-0750

ADMINISTRATION CENTRE
74 WOOLWICH STREET
GUELPH, ONTARIO
N1H 3T9

February 26, 2016

Meaghen Reid
Clerk/Director of Legislative Services
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**

This office provided comments in 2014 in response to your circulation of the Notice of Complete Application. At that time, we raised some preliminary comments and concerns regarding the proposed driveway entrance, woodland feature, proposed recycling facility, and site rehabilitation. The proponent has since responded with additional reports and information and we provide the Township with these updated comments.

Entrance on County Road

The applicant is proposing to establish a truck entrance onto Wellington Road 124 and early discussions between the applicant and County Engineering Services have taken place. It is our understanding that an initial review by County Engineering suggests that the proposed pit entrance location is suitable. If the proposed land use is approved, detail design and entrance approval will need to be addressed through the submission of a commercial entrance permit with the County.

Woodland Feature

This office previously noted that the proposed aggregate extractive use would result in the removal of a large woodland area on the south side of the property. This woodland is not part of the GREENLANDS designation of the County Official Plan and our comment was based on the policy that "smaller woodlands may also have local significance and, where practical, these smaller woodlands should be protected". In response to our comment, the proponent's environmental consultant (Stantec) provided a supplementary review (August 19, 2015).

In that review, Stantec indicated that the woodland feature was assessed against the criteria for ecological functions for significant woodlands as provided in the Natural Heritage Reference Manual and concluded that "no criterion for significance is met". The Grand River Conservation Authority also reviewed this matter and agreed with Stantec's assessment. With that, our comments regarding the woodland feature are resolved.

Attachment 4 - Agency Comments

*Proposed Spencer Pit – Tri City Lands Limited
Township of Guelph/Eramosa*

Notwithstanding the above, the Township may wish to consider tree replacement at this site with the proponent. A tree replanting or ecological enhancement initiative at appropriate locations on the property could form part of the site plans of the aggregate licence currently under review.

Proposed Recycling Facility

According to the applicant, the proposed “recycling facility” identified on the Operational Plan, is solely for the purposes of processing/stockpiling of granular material from recycled asphalt and concrete from road beds. Further, it was suggested that the equipment used for this activity is essentially the same type of equipment that would be used elsewhere on the licenced site. We generally support the recycling of aggregate products and thus have no objection to this activity as an ancillary use.

Rehabilitation of Prime Agricultural Land

Our initial comments related to the proposed rehabilitation plans for the subject property have been addressed. We are satisfied that substantially the same areas for agriculture that currently exist can be restored to agriculture post-extraction as required by Provincial and County policy.

We trust that these additional comments are helpful in Council's consideration of this application. We would appreciate a notice of decision and copies of any amending documents for our files.

Yours truly,

A handwritten signature in black ink, appearing to read 'A. Salis', with a long horizontal line extending to the right.

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

Attachment 4 - Public Comments

Marie March
23 Edgehill Drive
Guelph, ON N1H 5E3

519-658-3288
marie.march@hotmail.com

January 25, 2017

Gary Cousins
Planning & Development Dept.
County of Wellington
74 Woolwich Street
Guelph, ON
N1H 3T9

Meaghen Reid
Clerk/Director of Legislative Services
Township of Guelph/Eramosa
8348 Wellington Road 124, P.O. Box 700
Rockwood, Ontario
N0B 2K0

Re: File No. OP-2016-11
6939 Wellington Road 124
Pt. Lots 14-16, and Lots 17 and 18, Div. B
Township of Guelph/Eramosa, County of Wellington
Tri City Lands Inc. – Proposed Spencer Pit

Dear Mr. Cousins and Ms. Reid,

This is a request to be notified of the adoption of the proposed County Official Plan amendment or of the refusal of the request to amend the Official Plan as instructed in the Notice of Complete Application that was received from the County office.

In addition, please give notification of the date of the public meeting and deadline to submit written concerns.

Sincerely,



Marie March

RECEIVED
JAN 30 2017
MAY 1 2017

Attachment 4 - Public Comments

February 24, 2017

Amanda Knight, Acting Clerk aknight@get.on.ca
Corporation of the County of Wellington
8348 Wellington Road 124
P.O. Box 700
Rockwood ON N0B 2K0

**Re: Reference: ZBA 02/17
Zoning By-law Amendment Application by Tri City Lands Ltd. (Spencer Pit)
6939 Wellington Road 124
Pt. Lots 14-16, and Lots 17 and 18, Div. B former Township of Guelph
Now Township of Guelph/Eramosa, County of Wellington**

Dear Ms. Knight,

I am writing to express my serious concerns regarding the proposed Spencer Pit and Tri City Lands Ltd.'s application to amend Wellington County's Official Plan and Guelph Eramosa Township's zoning bylaw.

Please include me on the list for notifications on the above file. My mailing address and contact information is as follows:

**Josephine Kus
6902 Wellington Road 124
Guelph, ON N1H 6J4
519-822-5382**

My concerns include but are not limited to:

- Potential negative economic impact due to recent MPAC gravel pit property value assessment changes
- Permanent loss of prime agricultural land
- Potential hazards to neighbouring wells - reduction in recharge rates and/or contamination of well water
- Public safety hazard due to increased truck traffic volume on Wellington Road 124 haul route
- Public health hazards due to dust and airborne particulate matter
- Negative visual impact of the proposed site
- Destruction of peaceful neighbourhood environment due to excessive noise
- Destruction of a significant woodland
- Cumulative impact of proposed and existing pits and quarries

Sincerely,



Josephine Kus

RECEIVED

FEB 27 2017

Township of Guelph/Eramosa

Attachment 4 - Public Comments

February 24, 2017

Amanda Knight, Acting Clerk aknight@get.on.ca
Corporation of the County of Wellington
8348 Wellington Road 124
P.O. Box 700
Rockwood ON N0B 2K0

**Re: Reference: ZBA 02/17
Zoning By-law Amendment Application by Tri City Lands Ltd. (Spencer Pit)
6939 Wellington Road 124
Pt. Lots 14-16, and Lots 17 and 18, Div. B former Township of Guelph
Now Township of Guelph/Eramosa, County of Wellington**

Dear Ms. Knight,

I am writing to express my serious concerns regarding the proposed Spencer Pit and Tri City Lands Ltd.'s application to amend Wellington County's Official Plan and Guelph Eramosa Township's zoning bylaw.

Please include me on the list for notifications on the above file. My mailing address and contact information is as follows:

**Glenn March
23 Edgehill Drive
Guelph, ON N1H 5E3
519-767-4996**

(Residence: 6902 Wellington Road 124, Guelph, ON N1H 6J4)

My concerns include but are not limited to:

- Potential negative economic impact due to recent MPAC gravel pit property value assessment changes
- Permanent loss of prime agricultural land
- Potential hazards to neighbouring wells - reduction in recharge rates and/or contamination of well water
- Public safety hazard due to increased truck traffic volume on Wellington Road 124 haul route
- Public health hazards due to dust and airborne particulate matter
- Negative visual impact of the proposed site
- Destruction of peaceful neighbourhood environment due to excessive noise
- Destruction of a significant woodland
- Cumulative impact of proposed and existing pits and quarries

Sincerely,

Glenn March

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February 24, 2017

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P.O. Box 700
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Now Township of Guelph/Eramosa, County of Wellington**

Dear Ms. Knight,

I am writing to express my serious concerns regarding the proposed Spencer Pit and Tri City Lands Ltd.'s application to amend Wellington County's Official Plan and Guelph Eramosa Township's zoning bylaw.

Please include me on the list for notifications on the above file. My mailing address and contact information is as follows:

Marie March
23 Edgehill Drive
Guelph, ON N1H 5E3
519-658-3288
marie.march@hotmail.com

(Residence: 6902 Wellington Road 124, Guelph, ON N1H 6J4)

My concerns include but are not limited to:

- Potential negative economic impact due to recent MPAC gravel pit property value assessment changes
- Permanent loss of prime agricultural land
- Potential hazards to neighbouring wells - reduction in recharge rates and/or contamination of well water
- Public safety hazard due to increased truck traffic volume on Wellington Road 124 haul route
- Public health hazards due to dust and airborne particulate matter
- Negative visual impact of the proposed site
- Destruction of peaceful neighbourhood environment due to excessive noise
- Destruction of a significant woodland
- Cumulative impact of proposed and existing pits and quarries

Sincerely,



Marie March

RECEIVED

FEB 27 2017

Township of Guelph/Eramosa

Attachment 4 - Public Comments

From: Sonya Kus [mailto:sonya_kus@yahoo.ca]

Sent: Monday, February 27, 2017 12:54 PM

To: Amanda Knight

Subject: Spencer pit proposal

Dear Ms. Knight

Attached is a letter stating my concerns in conjunction with the proposed Spencer Pit. Please send me an email confirming you received this letter.

Regards

Sonya Kus

sonya_kus@yahoo.ca

519-993-0136

Attachment 4 - Public Comments

February 24, 2017

Amanda Knight, Acting Clerk aknight@get.on.ca
Corporation of the County of Wellington
8348 Wellington Road 124
P.O. Box 700
Rockwood ON N0B 2K0

**Re: Reference: ZBA 02/17
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6939 Wellington Road 124
Pt. Lots 14-16, and Lots 17 and 18, Div. B former Township of Guelph
Now Township of Guelph/Eramosa, County of Wellington**

Dear Ms. Knight,

I am writing to express my serious concerns regarding the proposed Spencer Pit and Tri City Lands Ltd.'s application to amend Wellington County's Official Plan and Guelph Eramosa Township's zoning bylaw.

Please include me on the list for notifications on the above file. My mailing address and contact information is as follows:

**Sonya Kus
6902 Wellington Road 124
Guelph, ON N1H 6J4
519-993-0136**

My concerns include but are not limited to:

- Potential negative economic impact due to recent MPAC gravel pit property value assessment changes
- Permanent loss of prime agricultural land
- Potential hazards to neighbouring wells - reduction in recharge rates and/or contamination of well water
- Public safety hazard due to increased truck traffic volume on Wellington Road 124 haul route
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- Destruction of a significant woodland
- Cumulative impact of proposed and existing pits and quarries

Sincerely,

Sonya Kus

Attachment 4 - Public Comments

From: Nicholas March [<mailto:nmarch1992@gmail.com>]
Sent: Monday, February 27, 2017 2:27 PM
To: Amanda Knight
Subject: Letter of Concern to Township

Good afternoon,

I am contacting you today to voice my concern regarding the proposed amendment to the Wellington County's Official Plan as it pertains to the application put forward by Spencer Pit and Tri-City Lands Ltd.

Please find attached my letter of concern which explains in greater detail the specific reservations I have regarding this proposed amendment. I would also like to make a request for notification regarding any updates on the situation outlined therein. Additionally, I would greatly appreciate a **confirmation of receipt** regarding this matter to ensure that my concerns have been received and will be taken into consideration accordingly.

My preferred method of communication is via e-mail or, if the matter is urgent, please call me directly at (519) 658-3046. My business number (which you can leave a message at) is also included in the signature line on this e-mail. Thank you for your time and I look forward to hearing back from you.

Best Regards,

--

Nicholas March

Group Accounting & CFO
Neighbourhood Group of Companies
W [519.836.3948](tel:519.836.3948)
nicholas@neighbourhoodgroup.com



Attachment 4 - Public Comments

February 24, 2017

Amanda Knight, Acting Clerk aknight@get.on.ca
Corporation of the County of Wellington
8348 Wellington Road 124
P.O. Box 700
Rockwood ON N0B 2K0

Re: Reference: ZBA 02/17
Zoning By-law Amendment Application by Tri City Lands Ltd. (Spencer Pit)
6939 Wellington Road 124
Pt. Lots 14-16, and Lots 17 and 18, Div. B former Township of Guelph
Now Township of Guelph/Eramosa, County of Wellington

Dear Ms. Knight,

I am writing to express my serious concerns regarding the proposed Spencer Pit and Tri City Lands Ltd.'s application to amend Wellington County's Official Plan and Guelph Eramosa Township's zoning bylaw.

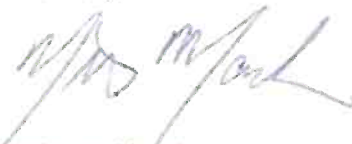
Please include me on the list for notifications on the above file. My mailing address and contact information is as follows:

Nicholas March
23 Edgehill Drive
Guelph, ON N1H 5E3
519-658-3046
nicholas@neighbourhoodgroup.com

My concerns include but are not limited to:

- Potential negative economic impact due to recent MPAC gravel pit property value assessment changes
- Permanent loss of prime agricultural land
- Potential hazards to neighbouring wells - reduction in recharge rates and/or contamination of well water
- Public safety hazard due to increased truck traffic volume on Wellington Road 124 haul route
- Public health hazards due to dust and airborne particulate matter
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- Destruction of a significant woodland
- Cumulative impact of proposed and existing pits and quarries

Sincerely,



Nicholas March

Attachment 4 - Public Comments

Amanda Knight

From: Michael March [mmarch@mail.uoguelph.ca]
Sent: Tuesday, February 28, 2017 10:08 AM
To: Amanda Knight
Subject: Concerns Regarding Spencer Pit

February 24, 2017

Amanda Knight, Acting Clerk aknight@get.on.ca

Corporation of the County of Wellington

8348 Wellington Road 124

P.O. Box 700

Rockwood ON N0B 2K0

Re: Reference: ZBA 02/17

Zoning By-law Amendment Application by Tri City Lands Ltd. (Spencer Pit)

6939 Wellington Road 124

**Pt. Lots 14-16, and Lots 17 and 18, Div. B former Township of Guelph
Now Township of Guelph/Eramosa, County of Wellington**

Dear Ms. Knight,

I am writing to express my serious concerns regarding the proposed Spencer Pit and Tri City Lands Ltd.'s application to amend Wellington County's Official Plan and Guelph Eramosa Township's zoning bylaw.

Please include me on the list for notifications on the above file. My mailing address and contact information is as follows:

Michael March

23 Edgehill Drive

Guelph, ON N1H 5E3

519-658-3015

mmarch@mail.uoguelph.ca

Attachment 4 - Public Comments

My concerns relating to the proposed Spencer Pit include economic, public safety and health, and environmental issues. Studies show that there is a negative economic impact on property values in close proximity to gravel pits and quarries. A study conducted in Southern Ontario by property appraiser Ben Lansink, showed an 8%-40% loss in property value that were in close proximity to pits and quarries. Increased truck traffic on the haul route including Wellington Road 124, which is already at capacity, poses a public safety hazard to local residents and travelers on this stretch of road. Public health hazards and hazards to livestock health due to dust and airborne particulate matter is a major concern, even with on-site water mitigating the dust. The negative visual impact of the proposed site and the noise pollution created from hundreds of trucks and equipment will destroy the peaceful neighborhood environment that is currently present and is another of my concerns. The destruction of a woodlot would fragment and destroy the natural habitat of wildlife. The permanent loss of prime agricultural land is my primary concern. Even though the proponent has a rehabilitation plan in place, I am not confident that the land will be restored to substantially the same growing capabilities that it has now. There are a lack controls to hold owners accountable and simply a lack of MNRF resources to enforce compliance. Please send a confirmation email stating that you have received it.

Sincerely,

Michael March