

Macaulay Shiomi Howson Ltd.

PLANNING REPORT – 16/01

To: Township of Guelph/Eramosa Council
From: Elizabeth Howson, MCIP, RPP, Macaulay Shiomi Howson Ltd. (MSH)

Council Date: December 19, 2016

Subject: Zoning By-law Amendment Application
Township File ZBA 06/16
James Dick Construction Limited – Hidden Quarry Proposal

Location: Northeast quadrant of Highway 7 and 6th Line,
Part West Half Lot 1, Concession 6, Eramosa

Attachments: 1- County of Wellington Notice of Complete Application for Proposed
Official Plan Amendment OP-2016-09

SUMMARY:

James Dick Construction Limited has submitted a Zoning By-law Amendment application to amend the Township's Comprehensive Zoning By-law 40/2016 to permit a mineral aggregate extraction operation (pit/quarry). This application was submitted as a result of an order of the Ontario Municipal Board with respect to an appeal of a previous re-zoning application by James Dick Construction Limited. The Board order adjourned that appeal until it receives the requisite appeal of a zoning by-law amendment application made under the Township's new Zoning By-law 40/2016.

The current Zoning By-law Amendment application, similar to the previous application, requests that portions of the subject lands be rezoned from the "Agricultural Zone" and the "Environmental Protection Zone" to an appropriate "Extractive Industrial Zone" and "Environmental Protection Zone". This report reviews the submission and recommends that the application be declared complete.

RECOMMENDATION:

It is recommended that:

1. Council of the Township of Guelph/Eramosa receive Planning Report 16/01 regarding “Zoning By-law Amendment 06/16 – James Dick Construction Ltd. – Hidden Quarry Proposal”;
2. The Township proceed with the required notice of a complete application as per s. 34 (10.7) (a) of the *Planning Act* and Ontario Regulation 545/06; and,
3. The Zoning By-law Amendment application, together with the Notice of Complete Application, be circulated to the required agencies for comment as per the *Planning Act*.

PLANNING BACKGROUND:

The Township of Guelph/Eramosa received an application under the *Planning Act* from James Dick Construction Limited (JDCL) to amend the Township’s Comprehensive Zoning By-law 57/1999 to permit a quarry in 2012. The Township deemed the rezoning application complete on December 7, 2012. JDCL proposed to establish a Category 2 quarry (quarry with extraction below the proposed water table) with a Class ‘A’ license under the *Aggregate Resources Act* (ARA). JDCL also submitted an application to the Ministry of Natural Resources (now Ministry of Natural Resources and Forestry - MNR) under the ARA dated October 2, 2012.

The subject site is approximately 39.4 hectares (100 acres) in size and located in the northeast quadrant of Highway 7 and 6th Line. Approximately 24.8 hectares (61.3 acres) of the site is proposed to be used for extraction of aggregate material. The proposed quarry would include extraction above and below the established groundwater table at a rate of up to 700,000 tonnes of aggregate material annually.

The proposed quarry raised a number of complex technical issues which were reviewed by the Township and its consultants, as well as other agencies and the public commencing in December 2012.

On May 25, 2015 JDCL appealed the zoning amendment application to the Ontario Municipal Board (OMB), citing Council’s lack of decision on the application. On July 6, 2015, MNR referred the Licence Application to the OMB to resolve matters concerning the ARA licence application. That file was joined with the appeal of the zoning by-law application.

During the first day of the OMB hearing an issue arose as to whether the rezoning application was properly before the OMB because the Township had adopted a new Zoning By-law 40/2016 on August 8, 2016 which zoned the subject site

“Environmental Protection” and “Agricultural”. There were no appeals of By-law 40/2016 which is now in full force and effect.

On October 13, 2016, the OMB ruled that the:

“Hearing is adjourned sine die, to be reconvened at a date to be determined following receipt by the Board of the requisite appeals related to the Subject Property pursuant to s. 22 (if applicable) and 34 of the PA, and those appeals will then be heard along with the Licence Application.”

JDCL has now submitted the required Zoning By-law Amendment application to amend the Township’s Comprehensive Zoning By-law 40/2016. In accordance with the *Planning Act*, the Township is required to determine if the information and material required under subsections 10.1 and 10.2 of the *Planning Act* have been provided (i.e. if the application is complete).

PROPOSAL:

The application is to amend the Township’s Comprehensive Zoning By-law 40/2016 to permit a mineral aggregate extraction operation (pit/quarry) on the subject lands. Similar to the previous application, this current Zoning By-law Amendment application requests the rezoning of portions of the subject lands from Agricultural Zone and Environmental Protection Zone to an appropriate Extractive Industrial Zone and Environmental Protection Zone.

WELLINGTON COUNTY OFFICIAL PLAN:

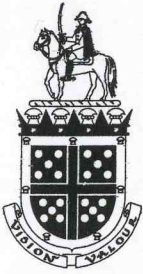
As a result of changes to the County of Wellington Official Plan since the submission of the previous application, an Official Plan Amendment is required. Therefore, JDCL has also submitted an application for an Official Plan Amendment to the County of Wellington for an amendment to add a Mineral Aggregate Area designation on Schedule ‘A3’ (Guelph/Eramosa) and to revise Schedule “C” (Mineral Aggregate Resource Overlay) with respect to the subject lands to permit a mineral aggregate extraction operation (pit/quarry). The Official Plan Amendment application was declared complete by the County on December 13, 2016 (See Attachment 1).

MATERIALS SUBMITTED:

The application relies on the technical studies submitted as part of the previous application together with the peer reviews conducted by the Township’s consultant team and the agency reviews, as well as the material in the Document Books prepared for the OMB hearing. In addition, any materials submitted to the County as part of the official plan will be considered.

CONCLUSION:

The application has been reviewed in terms of the *Planning Act* requirements for a complete application (Regulation 545/06, Schedule A) and the applicable provisions of the Zoning By-law. The application is **deemed to be complete**.



 COUNTY OF WELLINGTON

PLANNING AND DEVELOPMENT DEPARTMENT
 GARY A. COUSINS, M.C.I.P., DIRECTOR
 T 519.837.2600
 T 1.800.663.0750
 F 519.823.1694

ADMINISTRATION CENTRE
 74 WOOLWICH STREET
 GUELPH ON N1H 3T9

December 13, 2016

NOTICE OF COMPLETE APPLICATION

Greg Sweetnam
 James Dick Construction Limited
 P.O. Box 470
 BOLTON, ON L7E 5T4

Dear Mr. Sweetnam:

Re: Application for Official Plan Amendment, County File OP-2016-09

Land Owner: 634745 Ontario Limited (Mara Limestone Aggregates)
Applicant: James Dick Construction Ltd.
Location: Part of West ½ Lot 1, Concession 6, geographic Township of Eramosa, now Township of Guelph/Eramosa

Please be advised that the County of Wellington **considers this application to be complete as of December 9, 2016**, for the purposes of Section 22, subsections (4), (6) and (7) of the Planning Act, R.S.O. 1990 as amended.

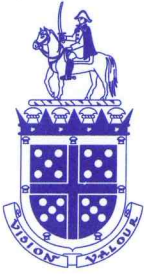
The County of Wellington's Manager of Development Planning, Aldo Salis, is the primary contact for this application. Please direct all enquiries to Mr. Salis at 519-837-2600, ext. 2100 or via email at aldos@wellington.ca. When referring to this application, please quote the County of Wellington's assigned file number noted above.

All agencies will be circulated to review the application and submit comments to the County of Wellington.

Yours truly,

Gary A. Cousins, MCIP, RPP
 Director of Planning and Development

cc—Meaghan Reid, Clerk Guelph/Eramosa Township
 Aldo Salis, Manager of Development Planning
 Doug Breen, Ward 8 Councilor



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Agencies and Persons Circulated

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Location: Part of West ½ Lot 1, Concession 6, geographic Township of Eramosa, now Township of Guelph/Eramosa

The County of Wellington has received an application to amend the County of Wellington Official Plan for the above noted property and the application was considered complete as of December 9, 2016 for the purposes of The Planning Act. This letter is a request for your review and comments on this proposal.

I am requesting that you provide comments on the proposed amendment to the County of Wellington's Official Plan by February 10, 2017. The Township of Guelph/Eramosa may submit its comments at a later date after the public meeting has been held.

The purpose of the proposed Official Plan Amendment is to revise Schedule A3 of the County of Wellington Official Plan (Township of Guelph/Eramosa) by adding a new Mineral Aggregate Area designation to the subject lands to permit the establishment of a mineral aggregate operation (Pit/Quarry) and . The details of the amendments are provided in the draft Official Plan amendment.

OTHER RELATED APPLICATIONS

The proponent has also filed an application to the Township of Guelph/Eramosa to amend the Township Zoning By-law (File No. ZBA06/16) to rezone portions of the subject land from the Agricultural Zone and the Environmental Protection Zone to an appropriate Extractive Industrial Zone and Environmental Protection Zone to permit a Mineral Aggregate Extraction Operation (Pit/Quarry).

NEED TO MAKE SUBMISSIONS

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Corporation of the County of Wellington before the proposed Official Plan amendment is adopted, the person or public body is not entitled to appeal the decision of the Corporation of the County of Wellington to the Ontario Municipal Board.

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Inquiries regarding these applications can be made to the County of Wellington's Planning and Development Department, telephone (519) 837-2600, ext. 2100 or ext. 2160.

REQUESTING NOTICE OF DECISION

As provided under the Planning Act, any person or public body may appeal a decision of the County of Wellington not later than 20 days after the day that the giving or written notice has been completed.

If you wish to be notified of the decision of the Corporation of the County of Wellington in respect of this proposed County Official Plan amendment, you must make a written request to the Director of Planning and Development, County of Wellington, 74 Woolwich Street, Guelph, Ontario, N1H 3T9.

GETTING ADDITIONAL INFORMATION

Additional information about the application is available for review during regular office hours at the County of Wellington Administration Centre, Planning and Development Department, 74 Woolwich Street, Guelph, Ontario; and at the Township of Guelph/Eramosa Municipal Office.

NOTE:

- 1) Your comments on the application are required on or before **February 10, 2017**.
- 2) If you have not submitted comments on the application on or before the above date, it will be assumed that you do not have any concerns in respect of this matter. If additional time is required, please contact this office prior to this date.

Please also send a copy of all responses to the local municipality, the Township of Guelph/Eramosa, Clerk – 8348 Wellington Road 124, (P.O. Box 700), Rockwood, Ontario, N0B 2K0, and the applicant – Greg Sweetnam, James Dick Construction Ltd. – P.O. Box 470, Bolton, Ontario, L7E 5T4.

Yours truly,



Gary Cousins, RPP, MCIP
Director of Planning and Development

cc—Meaghen Reid, Clerk Guelph/Eramosa Township
Aldo Salis, Manager of Development Planning
Doug Breen, Ward 8 Councilor



COUNTY OF WELLINGTON

NOTICE OF COMPLETE APPLICATION FOR A PROPOSED OFFICIAL PLAN AMENDMENT TOWNSHIP OF GUELPH/ERAMOSA COUNTY OF WELLINGTON

TAKE NOTICE that the County of Wellington has received an application for a proposed Official Plan Amendment pursuant to the *Planning Act*, R.S.O., as amended.

THE LAND SUBJECT to the proposed Official Plan Amendment (File No OP-2016-11) applies to W ½ Lot 1, Concession 6, geographic Township of Eramosa, now Township of Guelph/Eramosa as illustrated on the key map below.

THE PURPOSE of the proposed Official Plan Amendment is to revise Schedule A3 of the County of Wellington Official Plan (Township of Guelph/Eramosa) to add a new Mineral Aggregate Area designation to the subject land to permit the establishment of a mineral aggregate operation (Pit/Quarry) and to amend Schedule 'C' - Mineral Aggregate Resources Overlay to reflect the proposed area of extraction at this location.

IF YOU WISH to be notified of the adoption of the proposed County Official Plan amendment or of the refusal of a request to amend the Official Plan, you must make a written request to the Director of Planning and Development, Wellington County Planning Department (address below).

IF A PERSON or public body does not make oral submissions at a public meeting or make written submissions to the County of Wellington before the proposed Official Plan amendment is adopted, the person or public body is not entitled to appeal the decision of the Council of the County of Wellington to the Ontario Municipal Board.

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WE WOULD REQUEST that any written submissions from members of the public be copied to both the County of Wellington (below) and the Township of Guelph/Eramosa, Clerk, 8348 Wellington Road 124 (P.O. Box 700), Guelph, ON N0B 2K0.

*****Please refer to File No. OP-2016-09 when responding*****

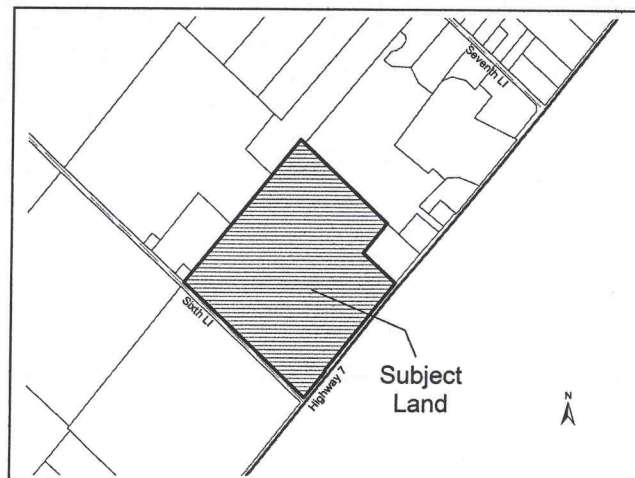
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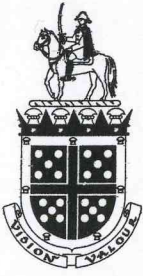
County of Wellington
Planning and Development Department
Administration Centre
74 Woolwich Street
Guelph, Ontario
N1H 3T9

519-837-2600 ext. 2160

Dated at the City of Guelph
This 13th day of December, 2016

Gary Cousins, MCIP, RPP
Director of Planning and Development
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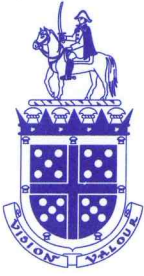
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Dated at the City of Guelph
This 13th day of December, 2016

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Director of Planning and Development
County of Wellington

