

# Hidden Quarry Application Review Planning Report

Presentation  
Township of Guelph/Eramosa  
Special Council Meeting September 10, 2015

## Presentation Outline

- ▶ Purpose
- ▶ Application
- ▶ Application Review Process
- ▶ Planning Context and Status
- ▶ Technical Review
- ▶ Public Input and Review
- ▶ Evaluation
- ▶ Recommendation

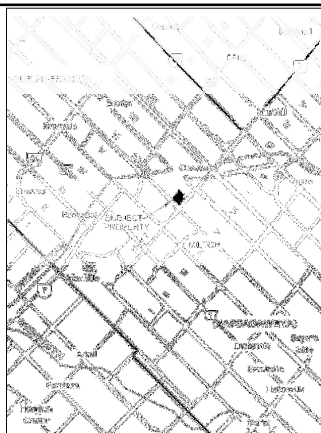
## Purpose

To review the planning report dated September 1, 2015 with respect to Application ZBA 09/12.

The purpose of the report is to make a determination as to the appropriateness of the zoning amendment application based on the information and review carried out to date.

## Application

- ▶ Application under the Planning Act.
- ▶ Quarry with extraction below the water table.
- ▶ 39.4 ha (100 acre ) site at Highway 7 & 6<sup>th</sup> Line.
- ▶ Review commenced December 7, 2012.
- ▶ There is also an application under the Aggregate Resources Act with Ministry of Natural Resources.



## Review Objective

- ▶ **Objective:**  
To ensure that a complete and comprehensive review was carried out as a basis for any decision by Council with respect to the proposal.

### Technical Review – Issues

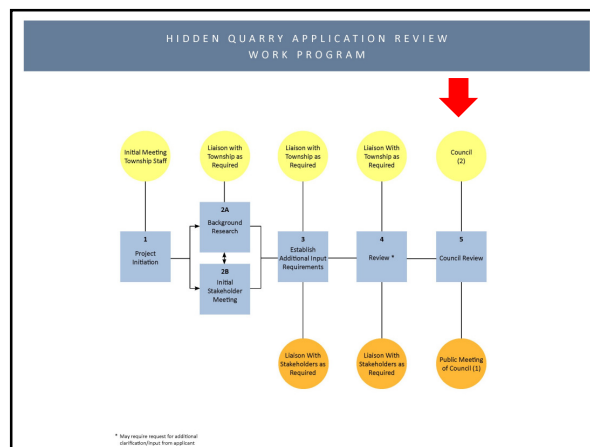
- ▶ Hydrogeology
- ▶ Natural Environment
- ▶ Air Quality
- ▶ Traffic
- ▶ Haul Route
- ▶ Noise/Blast Vibration
- ▶ Archaeology
- ▶ Cultural Heritage
- ▶ Visual
- ▶ Agriculture
- ▶ Economic Impact

### Township Technical Review Team

- ▶ **R.J. Burnside and Associates**  
Hydrogeology, Natural Environment, Traffic Impact, Haul Route, Air Quality
- ▶ **Novus Environmental Inc.**  
Noise/Blast Vibration
- ▶ **Unterman McPhail Associates**  
Cultural Heritage

### Township Technical Review Team

- ▶ **Brook McIlroy Inc.**  
Visual
- ▶ **Economic Impact**  
Altus Group Economic Consulting

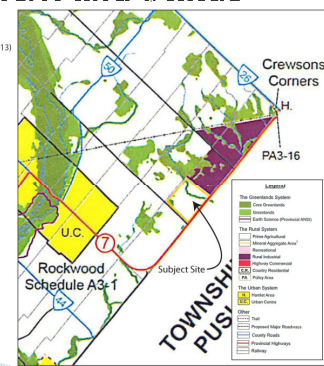


### Planning Context and Status

- ▶ **Applicable policies:**
  - Provincial Policy Statement 2014
  - Places to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan)
  - County of Wellington Official Plan.
- ▶ The County Official Plan designates the subject site with a Mineral Aggregate Area Overlay designation.

### Planning Context and Status

Figure 1  
Excerpt County of Wellington Official Plan  
(Amendments made to February 12, 2013 Last Revision May 15, 2013)



## Planning Context and Status

- ▶ The Provincial Policy Statement and Official Plan(OP) both indicate that:

“As much of the mineral aggregate resources as is realistically possible should be made available as close to the markets as possible.”

## Planning Context and Status

- ▶ Provincial and Official Plan policy framework also make it clear that planning decisions must properly balance all the competing objectives.
- ▶ Fundamental question that must be addressed in evaluating the quarry is:

*Can the development be permitted in a manner which provides an appropriate balance between all the goals and objectives of the Province and local community?*

## Planning Context and Status

- ▶ To assist in addressing this question, a detailed technical review of the background studies submitted by the Applicant was carried out on behalf of the Township, including an economic impact study.
- ▶ In addition, the application was reviewed by:
  - Ministry of Natural Resources and Forestry
  - Ministry of Environment and Climate Change
  - Grand River Conservation Authority
  - County of Wellington
  - Ministry of Transportation
  - Union Gas.
- ▶ Reviews were also initiated by the Region of Halton, Town of Halton Hills and Town of Milton.

## Technical Review

- ▶ **Hydrogeology (Water)**
- ▶ Burnside concerns generally addressed including:
  - water levels in upgradient domestic wells,
  - water quality in downgradient domestic wells and
  - impacts on Rockwood Well 4.
- ▶ Their opinion is subject to the imposition of a number of conditions including an on- and off-site monitoring program
- ▶ MNR, MOE, GRCA all indicate that they have no further concerns regarding hydrogeology.

## Technical Review

- ▶ **Hydrogeology (Water)**
- ▶ Burnside reviewed Halton Region comments and concurred with the majority including:
  - Requirement to monitor domestic wells in Halton in 500 + metre zone
  - Applicability of well complaint protocol in Halton.
- ▶ Burnside review of Regional input reflected in their ongoing review and recommended conditions.
- ▶ Finalization of conditions in consultation with the Region.

## Technical Review

- ▶ **Natural Environment**
- ▶ Burnside concerns have been addressed, including protection of Wetlands, as well as Species At Risk and their habitat, subject to conditions.
- ▶ MNR and GRCA indicate that they have no further concerns.
- ▶ County's consultant supports ecological measures which are in the ARA Site Plan subject to refinements.

## Technical Review

- ▶ **Natural Environment**
- ▶ Burnside reviewed Halton Region comments and identified issues that appear to have been addressed.
- ▶ Finalization of conditions in consultation with the Region.

## Technical Review

- ▶ **Air Quality**
- ▶ Burnside have indicated that the air quality review is based on reasonable assumptions and there is nothing that would indicate that the site could not receive an Environmental Compliance approval.

## Technical Review

- ▶ **Traffic**
- ▶ Burnside concerns addressed subject to conditions.
- ▶ MTO review complete subject to submission of additional information and other requirements for MTO approval

## Technical Review

- ▶ **Haul Route**
- ▶ Burnside review of August 20th Haul Route Study concludes that matters remain outstanding.
- ▶ Support document which should be completed to the satisfaction of the Township in consultation with Halton Region, Halton Hills and Milton and its recommendations implemented as a condition of development.

## Technical Review - Status

- ▶ **Noise/Blast Vibration**
- ▶ Novus has concluded that the analyses were satisfactory subject to conditions including blast monitoring, provision of records to the Township and a third party acoustical audit in first year of operation.
- ▶ Union Gas establishes conditions on vibrations and blasting adjacent to their pipeline.

## Technical Review

- ▶ **Archaeology**
- ▶ Ministry of Tourism, Culture and Sport satisfied with assessment. Stage 3 assessment for area on the west side of site required as a condition of approval.
- ▶ **Cultural Heritage**
- ▶ Unterman McPhail indicates that no additional work is required at this time.
- ▶ **Visual**
- ▶ Brook McIlroy concludes that visual information fairly represents the ability of the public to view the proposed operation.

## Technical Review

### ▶ Agriculture

The Assessment concludes that if the recommendations in the technical reports are followed impacts on agriculture will be minimal. Monitoring program and complaint protocol should specifically identify the need to address potential impacts on agricultural operations.

## Technical Review

### ▶ Economic Impact

The report establishes that local economic impacts would be positive including an increase in annual net revenue of \$43,500 to the Township.

- ▶ Report concludes that there is no conclusive evidence, or strong reason to conclude that there will be a "diminutive effect on local property values".

## Public Input and Review

- ▶ Significant public input and input ongoing
  - 135 written submissions from 95 individuals
  - Written submissions and 24 delegations from CRC.
- ▶ Issues considered through the technical review.
- ▶ CRC has also chosen to retain consultants or have made submissions themselves on technical issues.

## Public Input and Review

### ▶ Hydrogeology

Submissions were received from G. Hunter to which the applicant's consultant responded, and Burnside deemed the responses reasonable. A number of additional conditions are proposed to be established through the ARA licence application based on the submissions. Burnside concurs with proposed conditions.

## Public Input and Review

- ▶ **Natural Environment: Species At Risk**  
Applicant's consultant and Burnside identify no need for further work based on submission, but a number of additional conditions of development are proposed by the Burnside.
- ▶ **Natural Environment: Brydson Creek**  
Based on the review of the report by Burnside, no additional conditions of development, other than those already proposed for hydrogeology, are proposed.

## Public Input and Review

### ▶ Air Quality

Burnside have confirmed that based on their review of the submission on behalf of CRC, and the Applicant's consultant's response, the original air quality review was based on reasonable assumptions.

## Public Input and Review

### ▶ **Blasting/Flyrock**

Novus have concluded that the analysis and conclusions with respect to blasting were satisfactory. This is supported by additional information submitted by the applicant including a review by Golder and additional information on flyrock from Explotech.

## Public Review and Input

### ▶ **Traffic Impact and Haul Route**

CRC comments were submitted on an earlier version of the Haul Route Study. Burnside have reviewed the most recent version and requested additional work.

### ▶ **6<sup>th</sup> Line**

The issues identified have been addressed through the peer reviews of the Traffic Impact Study, Haul Route Study, blasting study and cultural heritage study and related conditions of development.

## Public Review and Input

- ▶ **Radon Gas:** No impacts anticipated. Applicant has indicated that they will provide further response.
- ▶ **Cumulative Impacts:** Burnside advises that such a study not considered appropriate.
- ▶ **Financial Protection Against Damages:** Various approaches will be established to protect landowners.
- ▶ **Natural Environment Report:** Report was subject to extensive review and conditions of development address any concerns.
- ▶ **Agricultural Impact:** Detailed response provided by Applicant's consultant and no changes identified.

## Evaluation

- ▶ Technical review indicates that the proposed quarry, based on revised plans which reflect technical input, can be permitted from a technical perspective as it would be anticipated to have minimal impacts with respect to the identified issues.

## Evaluation

- ▶ Approval would be subject to establishment of detailed conditions of development to the satisfaction of the Township, in consultation with respect to specific issues with the Region of Halton, Town of Halton Hills, Town of Milton and County of Wellington, as well as other agencies as appropriate.
- ▶ The precise range and nature of the conditions, including implementation mechanisms, will require additional consideration and consultation particularly with the adjacent municipalities regarding cross-jurisdictional issues.

## Evaluation

- ▶ In addition to the technical review, an extensive public review was carried out. Arising from this review a number of changes have been proposed to the application including conditions related to hydrogeology and natural environment. Additional work is also required to the Haul Route Study.

## Evaluation

- ▶ Based on the policy and extensive technical and public review, it is my opinion that the proposed quarry can, in principle, be developed in a manner which provides an appropriate balance between all the goals and objectives of both the Province and local community given:
  - Its proximity to the key GTA market; and,
  - The fact that based on the technical review, together with consideration of public input, extraction can be undertaken in a manner which minimizes social, economic and environmental impacts.

## Evaluation

- ▶ However, this result can only be achieved provided appropriate conditions of development are established through the ARA licence approval, the zoning by-law amendment and through other available mechanisms. The precise range and nature of the conditions will require additional consideration and consultation particularly with the Region of Halton, Town of Halton Hills and Town of Milton regarding cross jurisdictional issues.

## Recommendation

- ▶ That the Planning Report re: Zoning By-law Amendment Application Township File ZBA 09/12 James Dick Construction Ltd. – Hidden Quarry Proposal dated September 2, 2015 be received;
- ▶ And that the request to amend the Township of Guelph/Eramosa Zoning By-law, O.M.B. Case File No. PL140985, be recommended to the Ontario Municipal Board for approval in principle, subject to detailed conditions of development being developed to the satisfaction of the Township in consultation with the Region of Halton, Town of Halton Hills and Town of Milton and County of Wellington, as well as other agencies if appropriate, and established through the Aggregate Resources Act licence approval, an amendment to the Township Zoning By-law Amendment and through other available mechanisms;
- ▶ And that Council direct the Township Solicitor and consultants to attend any Ontario Municipal Board proceeding which may take place in connection with the Planning Act and Aggregate Resources Act applications, in support of the recommendations outlined in Planning Report Re: Zoning By-law Amendment Application Township File ZBA 09/12 James Dick Construction Ltd. – Hidden Quarry Proposal dated September 1, 2015; and,
- ▶ And that Council provide the Township Solicitor with authority to engage in settlement discussions with the applicant (and other parties to the Ontario Municipal Board hearing) and to make a request for mediation in this matter to the Ontario Municipal Board.