



PUBLIC MEETING

Monday, August 13, 2012 at 7:00 p.m.

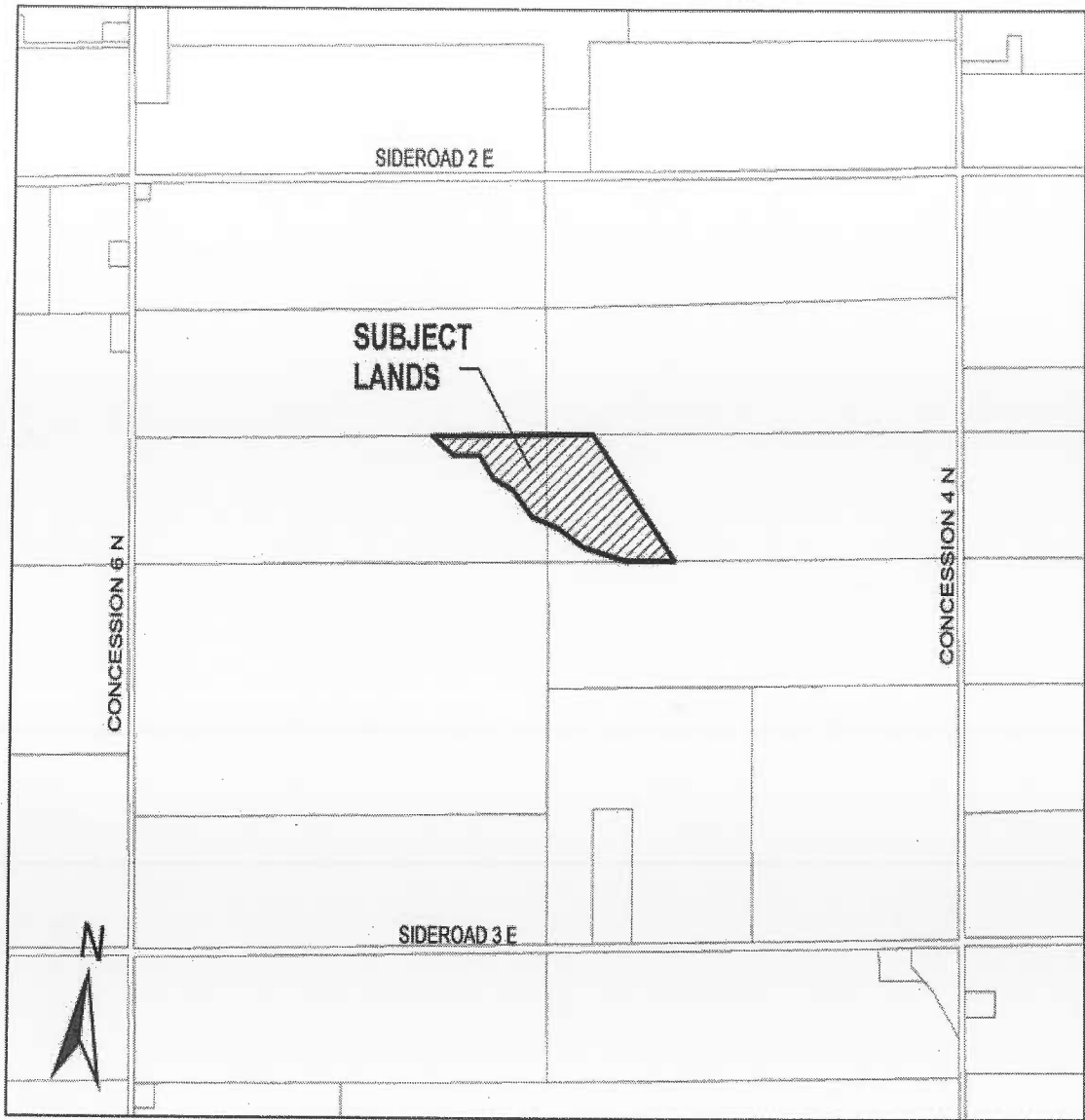
Municipal Office Council Chambers, Kenilworth

A G E N D A

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AGENDA ITEM	PAGE NO.
<p>The Mayor will call the meeting to order.</p> <p>Declaration of Pecuniary Interest.</p> <p>Owners/Applicant: David & Dianne Ferguson Laverne & Marlene Ferguson</p> <p>Location of the Subject Land The two properties subject to the proposed amendment are described as North Part of Lot 5, Concessions 5 & 6, geographic Township of Arthur, Township of Wellington North. The area to be rezoned is approximately 8.9 hectares (22 acres) in size and the location is shown on the map attached.</p> <p>The Purpose and Effect of the Application The purpose and effect of the proposed amendment is to rezone the subject lands to permit a sand and gravel pit operation. Extraction is to remain 1.5 meters above the water table. The maximum amount of extraction to be permitted in a year is 75,000 tonnes. The pit is to be rehabilitated back to agriculture.</p> <p>Please note – Section 34 (12) of the Planning Act.</p> <p>(12) Information. – At a meeting under subsection (12), the council shall ensure that information is made available to the public regarding the power of the Municipal Board under subsection (14.1) to dismiss an appeal if an appellant has not provided the council with oral submissions at a public meeting or written submissions before a By-law is passed.</p> <p>1. Notice for this public meeting was sent to required agencies and published in the Wellington Advertiser on July 20th, 2012.</p>	<p>01</p>

AGENDA ITEM	PAGE NO.
2. Presentations by: - Mark Van Patter, Senior Planner - See attached comments and draft by-law	02
3. Review of Correspondence received by the Township: - None	
4. The by-law will be considered at the regular council meeting following the public meeting. Persons wishing notice of the passing of the By-law must submit a written request.	
5. Mayor opens floor for any questions/comments.	
6. Comments/questions from Council.	
7. Adjournment	





COUNTY OF WELLINGTON

PLANNING AND DEVELOPMENT DEPARTMENT
GARY A. COUSINS, M.C.I.P., DIRECTOR
TEL: (519) 837-2600
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ADMINISTRATION CENTRE
74 WOOLWICH STREET
GUELPH, ONTARIO
N1H 3T9

August 2, 2012

Darren Jones, CBO
Township of Wellington North
7490 Sideroad 7 W
Kenilworth, ON N0G 2E0

Dear Mr. Jones:

**Re: Laverne Ferguson – Proposed Clare Creek Gravel Pit
N Pt. Lot 5, Concession 5 & 6 (Geographic Arthur Township)
Zoning By-law Amendment**

PLANNING OPINION

Given the Provincial Policy Statement and the County Official Plan, we are usually supportive of gravel pit applications, unless there are significant social or environmental impacts that cannot be satisfactorily mitigated. There does not appear to be any impacts or outstanding issues that I am aware of. Council should receive comments from the Road Superintendant Clark to make sure that he does not have any traffic / road concerns.

PURPOSE

The proposal is to rezone the land for a Category 3 (1.5 metres above the water table), Class "A" gravel pit.

LOCATION

The proposed pit is located in the North Part of Lot 5, Concessions 5 & 6, Geographic Township of Arthur. Approximately 1/3 of the proposed pit is to be in Concession 6 owned by Laverne Ferguson. The other 2/3 of the pit is to be in Concession 5, owned by son David Ferguson.

APPLICATION AND BACKGROUND

A detailed Site Plan and Summary Statement have been provided by Gibson Consulting Services. The proposed pit application has the following characteristics:

- Annual quantity material to be extracted – 75,000 tonnes (small to moderate size)
- Estimated total amount of resource present – 1 million tonnes
- Found in a Esker ridge formation
- Will remove 5 to 12 metres of sand and gravel, removing ridge
- Proposed licensed area – 8.9 hectares (22 ac.)
- Proposed extraction area – 6.7 hectares (16.6 ac.)
- Will remain at least 1.5 metres above water table, will not create depression
- Road access for pit would be Concession Road 4 N
- Haul routes – 50% north to Highway 89 and 50% south
- Canada Land Inventory for Soil Capability for Agriculture – predominantly Class 1 (Prime)
- Proposed after use – progressive rehabilitation to agricultural land

In support of the application, the applicants have provided the following documents:

- Planning Report (Ron Davidson, June, 2012)
- Summary Statement for license application (Gibson – October, 2011)
- Site Plans for Class A Pit License (Gibson - October, 2011)
- Natural Environment Level 1 and 2 Reports for Class A Pit License (Dance - March, 2011)
- Hydrogeological Assessment (ARL Groundwater Resources – February, 2011)
- Stage 1-2 Archeological Assessment (Amick Consultants - June, 2009)

The neighbouring lands consist of the following:

- Agricultural in all directions, except for South Tributary of Bethel Creek, running diagonally from Southeast to Northwest, just south of proposed pit
- Closest residential dwelling is David Ferguson house about 400 metres to east
- Next closest dwelling is about 800 metres to the south

PROVINCIAL POLICY STATEMENT (PPS)

Section 2.5.2 of the PPS says that “*as much of mineral aggregate resources as is realistically possible shall be made available as close to markets as possible*” and “*extraction shall be undertaken in a manner which minimizes social and environmental impacts.*” Generally, unless extraction goes below the water table, Prime Agricultural areas are to be rehabilitated back to prime agricultural soils.

WELLINGTON COUNTY OFFICIAL PLAN

The area of the proposed pit is designated Prime Agricultural. It immediately abuts an area to the south of Core Greenlands, which includes the South Tributary of Bethel Creek and forested, wetlands. Around the fringes of the Core Greenlands, some small amounts of Greenland significant forest are present as well.

For the most part, the area is within the “Mineral Aggregate Area” overlay designation. Given this, the County is not requiring an Official Plan amendment.

WELLINGTON NORTH ZONING BY-LAW

The proposed pit area is zoned Agricultural (A) in the Wellington North Zoning By-law. The South Tributary watercourse and abutting wetlands are zoned Natural Environment (NE). A rezoning is required to permit the proposed gravel pit land use. The pit license cannot be issued by the MNR until the Township Zoning permits the use.

PLANNING CONSIDERATIONS

Core Greenlands and Greenlands

An Environmental Impact Study was completed for the project. Mr. Davidson's Planning Report includes clearance letters from the MNR (March 20, 2012) and the Saugeen Valley Conservation Authority (May 28, 2012). I have no concerns in this respect.

Neighbourhood Compatibility

As noted, the closest sensitive receptor is David Ferguson house, about 400 metres to the east. The next closest dwelling is 800 metres plus from the proposed pit. Section 2.2.6 of the Aggregate Resources of Ontario: Provincial Standards states that "if extraction and / or processing facilities are within 150 metres of a sensitive receptor, a noise assessment is required to determine whether Provincial Guidelines can be satisfied." Given the separation distances and intervening forested, elevated areas, we have no concerns with potential noise impacts.

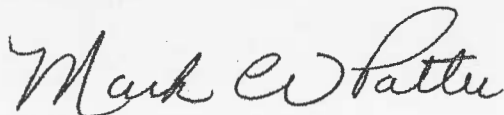
Traffic Impacts

The MNR license application is for 75,000 tonnes maximum extraction per year. This is a relatively small to moderate operation. Mr. Davidson indicates that this will generate about 1.6 trucks per hour, on a 30 week per year operating basis. The owner anticipates that half of the trucks will go north, and half south, on Concession Road 4N. Council should get comments from Road Superintendent Clark to determine whether he has any traffic / road concerns.

DRAFT ZONING BY-LAW

I have prepared a draft zoning amendment placing the proposed pit into the Extractive Industrial Exception Zone (EI-119). The exception zone is to prohibit the extraction depth to be closer than 1.5 metres to the high water table. This is a standard practice in Wellington County. Mr. Davidson in his Planning Report notes that there is at least 30 metres setback from the pond, watercourse and wetlands; therefore, the pit will comply with the setback requirements of Section 6.20 of the by-law.

Sincerely,



Mark Van Patter, RPP
Senior Planner

C: Bob Gibson, Aggregate Consultant for applicant by email
Ron Davidson, Planning Consultant for applicant by email
Dale Clark, Wellington North Road Superintendent by email

THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH
BY-LAW NUMBER _____.

BEING A BY-LAW TO AMEND ZONING BY-LAW NUMBER 66-01
BEING THE ZONING BY-LAW FOR THE TOWNSHIP OF WELLINGTON NORTH

WHEREAS, the Council of the Corporation of the Township of Wellington North deems it necessary to amend By-law Number 66-01;

NOW THEREFORE the Council of the Corporation of the Township of Wellington North enacts as follows:

1. THAT Schedule "A" Map 1 to By-law 66-01 is amended by changing the zoning on lands described as Part Lot 5, Concession 5 and 6, as shown on Schedule "A", attached to and forming part of this By-law from:

- **Agricultural (A1) to Extractive Industrial Exception (EI-119)**

2. THAT Section 33, Exception Zone 3 – Rural Areas, is amended by the inclusion of the following new exception:

33.119 Part Lot 5, Conc. 5 & 6	EI-119	Notwithstanding any other section of this by-law to the contrary, aggregate extraction within this zone shall not occur below, any point which is 1.5 metres above the high water table.
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3. THAT except as amended by this By-law, the land as shown on the attached Schedule 'A' shall be subject to all applicable regulations of Zoning By-law 66-01, as amended.
4. THAT this By-law shall come into effect upon the final passing thereof pursuant to Section 34(21) and Section 34(22) of The Planning Act, R.S.O., 1990, as amended, or where applicable, pursuant to Sections 34 (30) and (31) of the Planning Act, R.S.O., 1990, as amended.

READ A FIRST AND SECOND TIME THIS _____ DAY OF _____, 2012

READ A THIRD TIME AND PASSED THIS _____ DAY OF _____, 2012

MAYOR

CLERK

THE TOWNSHIP OF WELLINGTON NORTH

BY-LAW NO _____.

Schedule "A"



Rezone from Agricultural (A) to Aggregate Extraction Exception (EI-119)

Passed this ____ day of _____ 2012.

MAYOR

CLERK

EXPLANATORY NOTE

BY-LAW NUMBER _____.

Location of the Subject Land

The two properties subject to the proposed amendment are described as North Part of Lot 5, Concessions 5 & 6, geographic Township of Arthur, Township of Wellington North. The area to be rezoned is approximately 8.9 ha. (22 ac.) in size.

The Purpose and Effect of the Application

The purpose and effect of the amendment is to rezone the subject lands to Aggregate Extraction Exception (EI-119), to permit a sand and gravel pit operation. Extraction is to remain 1.5 metres above the water table. The maximum amount of extraction proposed in the Ministry of Natural Resources license application is 75,000 tonnes and the main haul routes will be north and south on Concession Road 4N. The pit is to be rehabilitated back to agriculture.