

TOWNSHIP OF WELLINGTON NORTH

PUBLIC MEETING - MINUTES

Monday, August 13, 2012

The Public Meeting was held Monday, July 9, 2012 at 7:00 p.m. at the Township of Wellington North Council Chambers, Kenilworth to consider two Zoning Amendment applications.

Present:

Mayor: Raymond Tout
Councillors: Sherry Burke
Mark Goetz
Andy Lennox
Dan Yake

Also Present:

Deputy Clerk: Cathy More
Executive Assistant: Cathy Conrad
Township Planner: Linda Redmond

Mayor Tout called the meeting to order.

Declaration of Pecuniary Interest:

None declared.

Owner/Applicant: David & Dianne Ferguson
Laverne & Marlene Ferguson

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.

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.

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Please note – Section 34 (12) of the Planning Act.

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.

1. Notice for the public meeting was sent to required agencies and published in the Wellington Advertiser on July 20, 2012.
2. Application for Zoning By-law Amendment
3. Presentation by:

Ron Davidson, Planning Consultant for applicant, explained that the proposed gravel pit will be located on properties owned by two families with an esker that runs through along the boundary of both farms. The intent is to establish a licenced pit. The process of obtaining a licence from the MNR under the Aggregate Resource Act requires a zoning amendment. The proposal is to shave off the esker so that the farm parcels will be flat and more suitable to agriculture. Rehabilitation will be progressive with only 3 hectares being disturbed at a time. The 3 hectares will shift until the end of the esker is reached. Top soil and overburden will be stripped and stock piled on site for rehabilitation. This is not a short process or an inexpensive process. A Biologist, hydrogeologist, archeologist and consultants have been involved along with the MNR. Clearance letters have been received from the Saugeen Valley Conservation Authority, Ministry of Natural Resources and the Ministry of Tourism. This zoning amendment is needed prior to the pit licence being issued.

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Mark Van Patter, Senior Planner, reviewed his comments dated August 2, 2012.

Given the Provincial Policy Statement and the County Official Plan, the planning department is 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. Council should receive comments from the Road Superintendent Clark to make sure that he does not have any traffic / road concerns.

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

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.

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

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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

Section 2.5.2 of the Provincial Policy Statement 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.

Under the 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.

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.

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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.

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, the planning department have no concerns with potential noise 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 Superintendant Clark to determine whether he has any traffic / road concerns.

A draft zoning amendment placing the proposed pit into the Extractive Industrial Exception Zone (EI-119) has been prepared. 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.

4. Review of Correspondence received by the Township:

- Saugeen Conservation Authority
 - Proposed Zoning By-law amendment acceptable

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5. Mayor Tout opened the floor for any questions/comments.

The Applicants were available to answer any questions.

6. Comments/questions from Council.

Councillor Lennox confirmed that this application is a continuation of the removal of an esker to the south of these properties.

7. Adjournment 7:10 p.m.

C.A.O./CLERK

MAYOR