

**TOWNSHIP OF WELLINGTON NORTH
PUBLIC MEETING - MINUTES
MONDAY, AUGUST 15, 2016 AT 7:35 P.M.**

The Public Meeting was held at the Municipal Office Council Chambers, Kenilworth to consider a Zoning Amendment application.

Present:

**Mayor: Andy Lennox
Councillors: Sherry Burke
Lisa Hern
Steve McCabe
Dan Yake**

Staff:

**Chief Administrative Officer: Michael Givens
Executive Assistant: Cathy Conrad
Chief Building Official: Darren Jones
Director of Public Works: Matthew Aston
Treasurer: Kimberly Henderson
Economic Development Officer: Dale Small
Tourism, Marketing, Promotion Manager: April Marshall
Manager of Planning and Environment: Mark Van Patter
Junior Planner: Elizabeth Martelluzzi
Summer Student – Assistant Archivist: Avery Reeves**

Absent:

Clerk: Karren Wallace

Mayor Lennox called the meeting to order.

Declaration of Pecuniary Interest:

No pecuniary interest declared.

OWNER/APPLICANT: Marlowe and Wendy Morris

LOCATION OF THE SUBJECT LAND

The property subject to the proposed amendment is described as Part Lot 9, Concession 9, Geographic Township of West Luther, with a civic address of 8388 Line 8. The property is 40.3 hectares (99.58 acres) in size.

PURPOSE AND EFFECT OF THE APPLICATION

The purpose and effect of the proposed amendment is to rezone the subject lands to restrict any future residential development on the retained agricultural portion of property and to permit the existing accessory structures totaling 460m² (4,951 ft²) to remain on the severed residential portion of property. This rezoning

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is a condition of severance application B3/16, that was granted provisional approval by the Wellington County Land

NOTICE

Notices were mailed to property owners within 120 m of the subject property as well as the applicable agencies and posted on the subject property on July 22, 2016 pursuant to the provisions in the *Planning Act*.

PRESENTATIONS

Elizabeth Martelluzi, Junior Planner, reviewed comments provided by Elizabeth Martelluzi, Junior Planner, dated July 22, 2016.

Planning Opinion The zoning amendment is required as a condition of provisional consent (B3/16) by the Wellington County Land Division Committee. The purpose of the application is to rezone the subject lands to restrict future residential development on the retained agricultural lot. We have no objections to implementing this decision. Both the PPS and County Plan provide for surplus farm dwelling severances, provided the agricultural lands are rezoned to prohibit future residential dwellings.

Additional zoning relief is also required for the existing accessory structures on the severed residential parcel. The existing driveway, garage, and new shop occupy a total lot coverage of 460m² (4,952 ft²). We would generally have no concerns with the relief requested provided Council is satisfied that the accessory buildings are intended for personal use and not for commercial purposes.

INTRODUCTION

The property subject to the proposed amendment is described as Lot 9, Concession 9, Geographic Township of West Luther, with a civic address of 8388 Line 8. The proposal is a condition of a recent severance application on the property, B3/16. The retained portion of the property is 39 hectares (96 acres) and the severed portion is 1.3 hectares (3.2 acres) in size.

PROPOSAL

The purpose of the application is to rezone the subject lands to restrict future residential development on the retained agricultural lot and to permit the existing accessory structures totaling 460 m² (4,951 ft²) the severed residential lot. This rezoning is a condition of severance application B3/16, that was granted provisional approval by the Wellington County Land Division Committee on March 10, 2016. The consent will sever the existing dwelling and accessory structures (1.3 hectares) from the agricultural parcel under the surplus farm dwelling policies.

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WELLINGTON COUNTY OFFICIAL PLAN

The subject lands are designated PRIME AGRICULTURE. This application is required as a result of a severance application. Section 10.3.4 of the Official Plan implements the PPS and requires that the remnant parcel be rezoned to prohibit dwellings. The intention of this policy is to allow farmers to reduce their costs of acquiring additional farm parcels where the impact on existing and future farm operations can be kept to a minimum.

ZONING BY-LAW

The subject lands are zoned Agricultural (A) and Natural Environment (NE). Section 6.1.4 allows a maximum lot coverage of 111.5 m² (1,200 ft²) for a lot of this size, whereas the existing driveshed, new shop and garage have a combined lot coverage of 460 m² (4, 952 ft²).

Two site specific zonings are required in order to accommodate the proposal. The first site specific (A-184) will prohibit a dwelling on the retained agricultural parcel. The second site specific (A-185) will address the floor area of the three accessory buildings with a total lot coverage of 460 m² (4, 952 ft²) on the severed residential parcel.

CORRESPONDENCE FOR COUNCIL'S REVIEW

No correspondence received.

REQUEST FOR NOTICE OF DECISION

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.

MAYOR OPENS FLOOR FOR ANY COMMENTS/QUESTIONS

Nathan Martin, Applicant's Agent, was present to answer any questions regarding the application.

COMMENTS/QUESTIONS FROM COUNCIL

Councillor McCabe stated that he is supportive of the amendment as it protects the farm land.

The Council of the Corporation of the Township of Wellington North considered all written and oral submissions received on this application, the effect of which has assisted Council to make an informed decision on this planning matter.

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OWNER/APPLICANT: Laverne B and Erma Weber

LOCATION OF THE SUBJECT LAND

The location of the subject land that the amendments relate to are described as Part Lot 4, Concession 5, Geographic Township of Arthur.

PURPOSE AND EFFECT OF THE APPLICATION

The purpose is to amend Schedule A6 of the County Official Plan by adding a Mineral Aggregate Area overlay designation to a 13.31 hectare area. At the same time, Schedule C – Mineral Aggregate Resource Overlay is to be amended to show this same area. The proposed Zoning By-law Amendment is to rezone this same area from Agricultural (A) to Extractive Industrial (EI). This will permit development of a gravel pit operation, through a license approval by the Ministry of Natural Resources and Forestry.

NOTICE

Notices were mailed to property owners within 120 m of the subject property as well as the applicable agencies and posted on the subject property on July 19, 2016 pursuant to the provisions in the *Planning Act*.

PRESENTATIONS

Mark Van Patter, Manager of Planning and Environment, reviewed his comments dated August 5, 2016.

The purpose of this report is to provide the Township with an overview of the proposed amendments. Consider these comments as preliminary.

LOCATION

The amendments relate to Part Lot 4, Concession 5, Geographic Township of Arthur, southwest corner of Sideroad 2E and Concession 4N. The subject lands are approximately 80.94 ha. (200 acres) in size.

THE PURPOSE AND EFFECT OF THE APPLICATIONS

The purpose of the application is to amend Schedule A6 of the County Official Plan, by adding a Mineral Aggregate Area overlay designation 13.31 ha. (32.89 acres) in size. At the same time, Schedule C – a Mineral Aggregate Resource Overlay designation is to be amended to show this same area. Some minor revision to the Core Greenlands designation may be required as per the detailed environmental report accompanying the application.

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The proposed Zoning By-law Amendment is to rezone this same area from Agricultural (A) to Extractive Industrial (EI). This will permit development of a gravel pit operation.

BACKGROUND

A pit license application was filed in 2015 with the Ministry of Natural Resources and Forestry (MNR). The licensed area is proposed to be 13.31 hectares and the area of extraction would be 11.10 hectares. The proposal is for a Category 3 Class "A" pit, meaning it will maintain a distance of 1.5 metres above the ground water level which is estimated to be at 442.5 metres.

The maximum annual volume to be extracted in the license application is 75,000 tonnes per year. It is estimated that approximately 1 million tonnes of aggregate are present.

The pit is to operate 7:00 am to 6:00 pm, Monday to Friday and from 9:00 am to 2:00 pm on Saturday. No processing equipment shall be located within 300 metres of a residence.

The primary haul route shall be east on Sideroad 2E, then north on Concession 4N to Highway 89.

The final rehabilitation of the site will mainly be to agricultural land with some environmental improvements provided along the watercourse.

SUPPORTING STUDIES

As part of the application, the applicants have provided the following supporting studies:

- Executive Summary (Bruce Fulcher)
- Summary Statement (April, 2015) GM Blueplan Engineering
- Planning Report (May, 2016) Cuesta Planning Consultants Ltd.
- Level 1 Hydrogeology Study (April 14, 2015) GM Blueplan Engineering
- Level 1 & 2 Natural Environment Technical Report (March, 2015) SPL Consultants Ltd.
- Stage 1-2 Archeological Assessment (May, 2015) York North Archaeological Services
- Acoustic Assessment Report (April, 2016) WSP Canada Inc.
- Transportation Review (July, 2015) CC Tatham & Associates Ltd.
- Transportation Review Addendum (March, 2016) CC Tatham & Associates Ltd.
- Site Plans for Class A Pit License (July, 2015) GM Blueplan Engineering

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CURRENT PLANNING STATUS

The site is currently designated Prime Agricultural and Core Greenlands in the Wellington County Official Plan. These areas are zoned Agricultural and Natural Environment in the Wellington North Zoning By-law. The site is not in a Well Head Protection Area – Schedule B6 of the Official Plan.

PLANNING CONSIDERATIONS

Aggregate Resources

The County Official Plan's Schedule C identifies Sand and Gravel Resources of Primary and Secondary Significance below.

The Official Plan relies on the Province's Aggregate Resources Inventory Paper (ARIP) for areas of potential sand and gravel resources. While the subject land is not identified as "Primary" or "Secondary", the GM Blueplan Summary Statement indicates that the quality and quantity of the aggregate resource has been estimated through testhole excavations and lab analysis. The volume of aggregate is estimated to be approximately 435,700 m³ or 1,050,037 metric tonnes. The aggregate is assumed to be associated with an esker deposit, where there is "...good potential for coarse-grained and sorted outwash (i.e. sand and / or gravel)".

Section 2.5 of the Provincial Planning Statement as well as Section 6.6 of the County Plan protects aggregate resource areas for extraction. It is important to note that the Provincial Policy Statement in Section 2.5.2 makes it clear that "need" for the resource does not have to be demonstrated:

"As much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible. Demonstration of 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 proponent, however, does have to demonstrate that aggregate extraction can occur in a manner whereby social, economic and environmental impacts can be mitigated to acceptable levels.

Ground Water

A Hydrogeological Study was prepared by GM Blueplan. The study estimates that the high water table elevation is 442.5 metres above sea level. The investigation has determined that

"there will be no impacts to or interference with groundwater resources. Based on a set-back of 30 m. or more and standard operational design requirements (including no water pumping or discharge), no impacts to Bethel Creek are expected."

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Core Greenlands

The areas designated Core Greenlands in the Official Plan are located to the southwest of the proposed gravel pit. Section 5.6.1 of the Official Plan allows consideration for aggregate development, provided in Section 5.6.2 that:

“there are no negative impacts on provincially significant features and functions and no significant negative impacts on other greenland features and functions;”

SPL Consultants Limited have provided a Level 1 and 2 Natural Environment Technical Report. The report indicates that while there are no provincially significant areas, there is a creek feature and nearby westerly forest. *“We set back the natural areas from pit development in varying dimension based on the area and linkage needs of individual species observed.”*

The applicant is proposing to enhance species habitat by providing:

- Snapping Turtle Habitat
- Grassland Bird Habitat Conservation Zone
- Bat Habitat
- Belted Kingfisher and Bank Swallow Habitat

The above requirements are to be contained in the MNR site plan, which is part of the license approval and controls the operation of pit.

The Saugeen Valley Conservation Authority (SVCA) made a site visit on October 16, 2015. Subsequent to that, the SVCA provided a letter on October 23, 2015, indicating that they had no objection to the pit application.

Noise - Neighbourhood Compatibility

The closest sensitive receptor (dwelling) is to the west at 7552 Sideroad 2E, approximately 200 m. from the nearest extraction boundary. 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."

WSP has provided an Acoustic Assessment Report in support of the application. The study indicates that:

“The noise assessment indicated that the sound emissions of the Weber Aggregate Extraction Pit are within applicable MOECC sound level limits during the predictable worst-case hours of operation for all the applicable points of receptions”.

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Traffic Impacts

C.C. Tatham & Associates Ltd. Produced a Transportation Review on behalf of the applicants.

The proposed entrance to the site is on Sideroad 2E, about 350 m. west of Concession 4N. Once trucks leave the site, the preferred haul route is to proceed to Concession 4N and then go north to Highway 89. The distance from the Sideroad 2E / Concession 4N intersection to Highway 89 is approximately 1.8 km.

The review calculates that the average number of loads leaving the site in Peak Season will be 1.6 per hour, with a peak number of loads being 3 to 4 per hour. These numbers are doubled to include both trucks coming as well as going.

The County requested that the applicants' consultant prepare an Addendum to review the cumulative truck traffic from both the Ghent Pit and the Stack Pit. It estimates a total of 20 trucks during peak hours (10 trucks in, 10 trucks out). The report goes on to note that both Highway 89 and Concession 4N are operating well below their capacities.

The above traffic is based on both pits extracting 100% of their annual license limits, 75,000 tonnes per year each. This may not be the case in that the quantity of gravel used will reflect market demand, which might be less.

I would recommend that Council receive comments from Mr. Aston, Director of Public Works, on the physical suitability of Sideroad 2E and Concession 4N to handle the traffic and whether any improvements, or a maintenance agreement, might be required.

Stage 1 – 2 Archaeological Assessment

An assessment was carried out by York North Archaeological Services Inc. *“There were no archaeological resources of either a historic or prehistoric nature with any significance ... no further archaeological assessment is warranted...”*. Pursuant to Section 48(1) of the Ontario Heritage Act, if any archaeological resources are found during extraction, work must cease and further fieldwork by an archaeologist undertaken.

ZONING BY-LAW AMENDMENT

In addition to the County of Wellington Official Plan Amendment, the applicant has applied to the Township of Wellington North for a zone amendment to consider rezoning the same area from Agricultural (A) to Extractive Industrial (EI). The Extractive Industrial zoning would limit extraction to 1.5 metres above the water table. As per the Planning Act, the Township cannot approve the

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associated zoning until adoption of the Official Plan Amendment by the County occurs. A separate draft zoning amendment will be presented in the near future.

DRAFT OFFICIAL PLAN AMENDMENT

The draft Official Plan amendment was appended to this report for Council's review. Please note that the Mineral Aggregate Area shown reflects the proposed license boundary.

CORRESPONDENCE FOR COUNCIL'S REVIEW

Candace Hamm, Environmental Planning Coordinator, Saugeen Valley Conservation Authority

- Proposed amendments are acceptable to SVCA staff.

REQUEST FOR NOTICE OF DECISION

The by-law will be considered at a future regular council meeting. Persons wishing to be notified of the adoption of the proposed Official Plan Amendment (OP-2015-06.) or of the refusal of a request to amend the official plan must make a written request to the Director, Planning and Development Department, County of Wellington, 74 Woolwich Street, Guelph, Ontario N1H 3T9. Persons wishing to be notified of the decision of the Township of Wellington North regarding the proposed Zoning By-law Amendment must make a written request to the Clerk, Township of Wellington North, 7490 Sideroad 7 West, P.O. Box 125, Kenilworth, Ontario N0G 2E0.

MAYOR OPENS FLOOR FOR ANY COMMENTS/QUESTIONS

Bruce Fulcher, Applicant's Agent, was present to answer any questions regarding the application. The most recent Saugeen Valley Conservation Authority approval is dated August 10, 2016. The intent of the amendment is to improve productivity of the farm land. The gravel must be moved under a pit licence.

Joanne Booi, 9592 Concession 4 North, expressed concern that there is no need to show a demand for the gravel, only that the gravel needs to be close to markets. Only about 10% of the gravel licensed to be used will be used. The haul route is a gravel road and with two pits in operation there will be one truck every three minutes. Concerns regarding the gravel surface vs. a paved surface include the time it takes a truck to stop; drivers have less control; loose gravel hitting windshields, pedestrians or cyclists; ruts, potholes and washboards; dust plumes impeding vision to oncoming traffic; health risk of fine particulate dust to people and livestock with increased hazard of calcium chloride; traffic noise levels. Mrs. Booi referred to Resolution 2016-006 passed by Council on January 11, 2016 requiring the haul route to be paved at the applicant's expense; and

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further that any future gravel pit applications using the haul route be apportioned a share of the costs.

Brett McHugh, 9391 Concession 4 North, commented that the applicants will need a road agreement. If there is no agreement the Official Plan Amendment has to be reversed. Mr. McHugh questioned if the Saturday hours could be removed from the application and if the applicants must adhere to the haul routes or if they can use other routes.

Gerald Booi, 9592 Concession 4 North, stated that the land is good farm land and has been farmed since 1920. There is no need to take the gravel to improve the farmland. Mr. Booi questioned who the pit operator will be. There is no need for this pit. If this pit and the Ghent pit are approved there will be three pits on the same road. Mr. Booi stated that the road is substandard for this use and a road agreement should be in place before the Official Plan Amendment is approved.

Victoria McHugh, 9391 Concession 4 North, voiced concerns about the number of trucks that will be using the road, the sustainability of the roadway, safety concerns for the children traveling to and from the Mennonite school and dust mitigation. Maintaining the road will be a drain on taxpayers.

Mr. Fulcher indicated the applicant is willing to enter into an agreement with the Township. Potentially the speed limit could be reduced on Concession 4 to Highway 89. The haul route from the Weber pit will not go past the school. As per the study, the road is being used at 6% capacity. The objective of the haul route is to get to the highway as quickly as possible. There will be a designated haul route; but, other routes may be used as well. The demand for the gravel is not a consideration of licencing. Mr. Weber will be improving productivity of the farmland. An operator is to be determined. Conditions of the Ministry of Natural Resources and Forestry will be complied with. There will be on site dust mitigation. The Official Plan Amendment has to be approved before applying for the licence. Saturday hours are part of the proposal for hauling only. Otherwise approval would be needed from the Ministry and Township every time gravel is to be hauled on a Saturday.

COMMENTS/QUESTIONS FROM COUNCIL

Councillor Burke commented that through Mr. Fulcher's work on the Ghent Pit, and now this one, he is aware that a paved road is needed. He is interested in a fair and equitable road agreement. Councillor Burke has concerns regarding dust and traffic and questioned if the Saturday hours could be reduced.

Councillor Hern questioned how the farmland will be improved and if any thoughts had been given to the Cornerstone Council Standards. Mr. Fulcher

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explained that the topography of the land is not conducive to yield. The gravel base will be there forever and the ecological system will be improved.

Councillor McCabe stated that he is not in favour of ruining farmland, especially with it not being in a prime resource area.

Mayor Lennox commented that although this type of application is hard to deal with Council has to address issues as they relate to the Planning Act and not personal opinion. The applicant has talked about entering into a road agreement.

Mark Van Patter stated that it is premature to pass a resolution. He suggested waiting for agency comments and to work on a road agreement sooner rather than later. There are many pits that do not operate on Saturday. The main issue seems to be the road. The biggest limitation to gravel is the cost of hauling. The logical stretch of road going north is about 1.8 km. It may not need paving but other remedial action. Mr. Van Patter reminded Council that they must deal with the policies in effect. There will be more time for commenting. He will provide further written comments at a later date.

The Council of the Corporation of the Township of Wellington North considered all written and oral submissions received to date on this application.

ADJOURNMENT

RESOLUTION 06

Moved by: Councillor Hern

Seconded by: Councillor Yake

THAT the Public Meeting of August 15, 2016 be adjourned at 8:35 p.m.

CARRIED

CLERK

MAYOR