

PLANNING REPORT for the TOWN OF ERIN

Prepared by the County of Wellington Planning and Development Department on behalf of the Town of Erin

DATE: April 6, 2018
 TO: Nathan Hyde, CAO, Town of Erin

FROM: Aldo Salis, Director of Planning, County of Wellington
 SUBJECT: Zoning By-law Amendment Application Z16-04
 Town of Erin Official Plan Amendment Application OP16-01
 Wellington County Official Plan Amendment Application OP-2016-04

To permit the extension of an existing Aggregate Extractive Operation Pt. of Lots 12, Con. 10 & 11, Town of Erin (5345 & 5358 Tenth Line)
 Halton Crushed Stone Limited (Erin Pit)

Summary

The purpose of the applications before the County and the Town is to amend the applicable planning documents in order to allow for the proposed extension of the Erin Pit operated by Halton Crushed Stone Limited (HCS). If approved, the current pit would extend on both sides of the Tenth Line north from the 10th Sideroad up to the south side of Wellington Road 52. The request of aggregate extraction is limited to above water excavation only.

Provincial policy requires that municipalities identify and protect deposits of mineral aggregate resources and that “as much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible”. Further that “extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts”.

The subject land is identified as an area of primary sand and gravel resources. The applicant has submitted studies and technical assessments in support of their proposed pit extension. With these studies, peer review comments, and revised aggregate site plans, the applicant has demonstrated that they have addressed the applicable Provincial, County and local planning policies. Further, the applicant has demonstrated that through implementation of the prescribed conditions, technical recommendations, monitoring programs, and operational requirements as described on the revised site plans, the proposed use can be carried out in a manner that will reduce potential social, economic and environmental impacts.

Based on the information submitted and the technical reviews provided, staff is of the opinion that the proposed land use and necessary amendments to the planning documents are consistent with the Provincial Policy Statement, conform to the applicable Provincial Plans, are in keeping with the policies and objectives of the County Official Plan, and are considered appropriate and in the public interest.

Accordingly, we support the approval of the Official Plan amendments and zoning by-law amendment.

PROPOSAL

Introduction

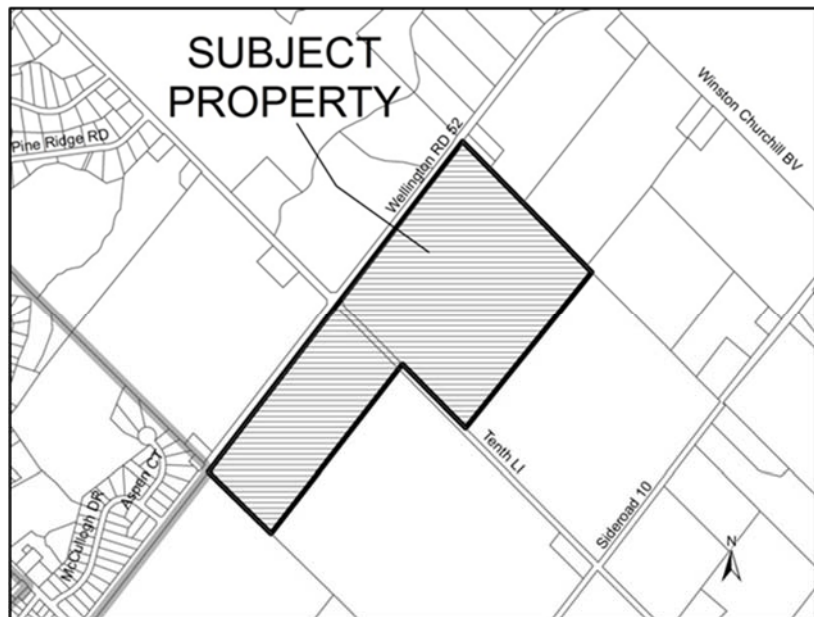
In 2016, Halton Crushed Stone Ltd. (HCS) submitted a Class 'A' License (Category 3 – Pit Above Water) application to the Ministry of Natural Resources and Forestry (MNRF) under the Aggregate Resources Act (ARA). HCS also submitted applications for Official Plan Amendments and a Zoning By-law Amendment with the County of Wellington and the Town of Erin for the land described as Part of Lots 11 and 12, Concessions 10 and 11. These applications propose to extend the existing Erin Pit to the west and east sides of Tenth Line, south of Wellington Road 52, in the Town of Erin.

This report provides a review of the supporting material, technical comments submitted through agency and peer review, public input, the applicant's responses to those comments and concerns, and a recommendation regarding the planning applications under consideration.

Location

The land subject to the proposed planning applications filed by Halton Crushed Stone Limited (HCS) is located to east of the village of Erin, on the south side of Wellington Road 52 (see Figure 1). Immediately southeast of the subject property, HCS operates a licensed aggregate extraction operation (the Erin Pit). The Erin Pit is an above-water operation that extracts aggregate resources from both the east and west sides of the Tenth Line (north of Sideroad 10). HCS's current proposal is to extend the Erin Pit to the northwest on both sides of the Tenth Line to Wellington Road 52.

Figure 1 – Property Location

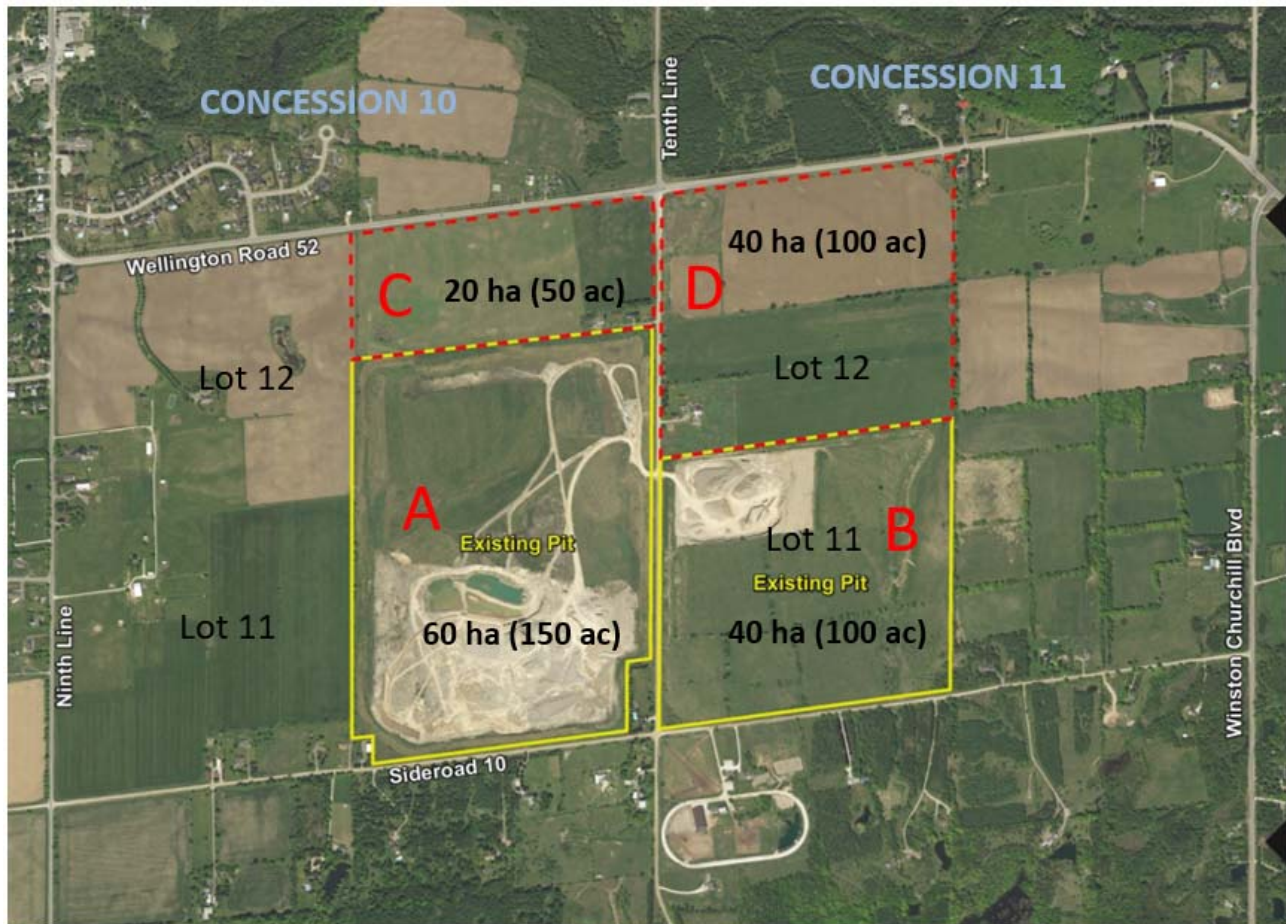


Purpose of Planning Applications

The applicant has requested amendments to both the County Official Plan and the Town of Erin Official Plan (including revising the Core Greenlands designation) in order to allow above water extraction. The purpose of the proposed Zoning By-law Amendment is to extend the Extractive Industrial (M4) Zone onto a portion of the subject land to permit aggregate extractive uses and to revise the existing EP2 Zone. A portion of the subject land is currently with the Extractive Industrial (M4) Zone.

Figure 2 is an aerial view of HCS's current Erin Pit identified by a yellow boundary line (areas A and B). The land subject to the planning applications is immediately to the north shown in a dashed red line (areas C and D). The proposed expansion area will move the operation to Wellington Road 52 and include approximately 60 hectares (150 acres) of agricultural land. After aggregate extraction is complete, the subject expansion lands are to be progressively rehabilitated and returned to agriculture.

Figure 2 – Lands under consideration for amendments



Request for Aggregate Licence

On June 6, 2016, HCS with their consultants hosted a public 'open house' meeting pursuant to the requirements of the Aggregate Resources Act (ARA). The license application filed with MNRF is to permit the proposed extension of the Erin Pit in order to continue to extract aggregate material at a maximum depth of 1.5 metres above the water table for the adjacent lands owned by the applicant.

HCS acquired the Erin Pit property (licenced and unlicenced portions) from Dufferin Aggregates in late 2014 and the ARA license was transferred in April 2015 (Licence #5598). As part of their application, HCS has requested a maximum annual production limit of 725,600 tonnes.

According to the Aggregate Resources Inventory for the County of Wellington prepared by the Ontario Geological Survey, the subject land and surrounding area is situated within the Caledon Outwash, which is an important sand and gravel deposit. HCS estimates that the proposed extraction area of the expansion lands contains approximately 4 to 5 million tonnes of mineral aggregate resources of primary significance.

The area of proposed license extension includes a portion of the northeast Half of Lot 12, Concession 10 and the West Part of Lot 12, Concession 11. Portions of the Tenth Line road allowance have been included within the proposed license area. The proposed licence and extraction areas are:

- Total Area to be licenced = approximately 62.3 hectares (154 acres)
- Total Area to be extracted = approximately 56.6 hectares (139.9 acres).

Existing and Proposed Aggregate Extractive Uses

The existing Erin Pit is approximately 100 ha (250 acres) in area and is located on the west and east sides of Tenth Line, north of Sideroad 10. The land use activities associated with the Erin Pit are primarily on the west side of the Tenth Line. Those uses include aggregate extraction, loading, crushing, sorting, washing, internal material hauling, stockpiling, weighing, and delivery to market. The proposed land uses for the extension land include extraction, loading and shipping, processing and rehabilitation (subject to licence restrictions and specific conditions). All major aggregate operations are to eventually move to the east side of the Tenth Line and remain there for the duration of aggregate extraction of the subject land.

If the proposed extension is approved, the front portion of the west side of Lot 12, Concession 10 will be extracted as the first phase. The details of the aggregate activities for the proposed expansion lands (such as phases of extraction, processing plant location, ancillary uses, internal haul routes, berm construction, etc.) are provided on the applicant's operational plans prepared by MHBC.

The applicant is also requesting the Ministry to allow for the recycling of aggregate material on the east side of the Tenth Line either near the processing plant site or nearby on the proposed expansion lands. It is proposed that the maximum amount of recycled materials that may be stored on site is 60,000 tonnes at any one time. Further, a 100,000 tonnes is the maximum amount of recycled materials that may be shipped from the site on an annual basis.

Progressive Rehabilitation and After Uses

Upon removal of the aggregate material from the site, the land is to be progressively rehabilitated to an agricultural after-use consistent with the after-uses on the licensed portions of the Erin Pit. The after-use and progressive rehabilitation of the proposed extension lands is illustrated on the applicant's Rehabilitation Plans (Drawing 3 of 4). Cross-sections of the proposed rehabilitation plans are found on Drawing 4 of 4.

Potential Extraction of the Tenth Line (Road Allowance)

In May 2016, Erin Council confirmed their support for including portions of the Tenth Line road allowance within HCS license application filed under the Aggregate Resources Act. The former Erin Pit operator (Dufferin Aggregates) had established a similar arrangement with the council of the day. If the proposed pit expansion and amended site plans are approved by MNRF, the removal of aggregate material from beneath the road allowance may be permitted subject to the Town and the pit operator (HCS) establishing an agreement regarding aggregate extraction, rehabilitation, and other requirements to the satisfaction of each party and the Ministry.

PLANNING POLICY

The identification, protection and eventual utilization of mineral aggregate resources is a matter of Provincial interest. In considering a request for aggregate extraction, the proponent is to demonstrate that the proposed land uses can be carried out in a manner that minimizes social, economic and environmental impacts. To address this requirement, the proponent is to identify sensitive features and uses, and assess potential impacts. Provincial standards, regulations and guidelines are used to minimize impacts. Council's decisions regarding these applications are to be consistent with the Provincial Policy Statement, conform to provincial plans, and be in keeping with municipal planning policies and objectives.

In support of their application and license request, HCS submitted various technical studies and plans, which describe existing conditions, the proposed aggregate extraction operation, and rehabilitation of the lands. The studies include:

- Archaeology
- Hydrogeology
- Natural environment

- Noise assessment
- Planning analysis

Supplementary studies and information were provided in response to comments through the review process include:

- Agriculture Impact Assessment
- Dust Management Plan
- Fuel storage protocol and spills contingency
- Significant wildlife habitat mitigation plans
- Traffic Impact Study
- Trucking policy
- Visual Impact Report

Provincial Policy Statement

The applicant is required to demonstrate that the proposed changes to the Official Plans and Zoning By-law are consistent with the Provincial Policy Statement (PPS). Matters of the provincial interest to be addressed include: extraction in prime agriculture areas, protection of water quality and quantity, protection and utilization of mineral aggregate resources, protection of natural heritage features, conservation of cultural heritage resources and archaeology resources, and addressing potential impacts on adjacent sensitive uses.

The provisions of the PPS that relate to mineral aggregate resources are found in Section 2.5. Subsection 2.5.1 states that Mineral aggregate resources shall be protected for long- term use. Subsection 2.5.2.1 states that “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.”

Subsection 2.5.2.2 states that “Extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts”. Subsection 2.5.3.1 states that “Progressive and final rehabilitation shall be required to accommodate subsequent land uses, to promote land use compatibility, to recognize the interim nature of extraction, and to mitigate negative impacts to the extent possible. Final rehabilitation shall take surrounding land use and approved land use designations into consideration.”

Subsection 2.5.4.1 states that “In prime agricultural areas, on prime agricultural land, extraction of mineral aggregate resources is permitted as an interim use provided that the site will be rehabilitated back to an agricultural condition.”

The HCS application will be evaluated based on the above policies and other applicable policies of the PPS.

Greenbelt Plan

According the Greenbelt Plan, the subject lands are located within the Agricultural System of the Protected Countryside. The Greenbelt Plan recognizes that the availability of aggregate resources close to market is important for both economic and environmental reasons. Within the Agricultural System, aggregate extraction is a permitted land use subject to the policies of Section 4.3 of the Greenbelt Plan.

The Greenbelt Plan was updated in 2017 and requires that all new aggregate extraction applications within prime agricultural areas be supported by an agricultural impact assessment. The applicant will need to demonstrate that they will provide progressive rehabilitation and that disturbed areas are minimized during the life of the operation. Further, proponents are to demonstrate that the quantity and quality of groundwater and surface water will be maintained to provincial standards.

Growth Plan (Places to Grow)

The Growth Plan recognizes the importance of the conservation of mineral aggregate resources and the recovery and recycling of manufactured materials derived from mineral aggregates. The Plan requires municipalities to develop and implement policies and strategies for these objectives. Similar to the Greenbelt Plan, new aggregate proposals within prime agricultural areas, must be supported by an agricultural impact assessment. The Growth Plan has extensive policies regarding aggregate proposals within the Natural Heritage System. The HCS application is outside of the Natural Heritage System.

On February 9, 2018, the Province issued the mapping associated with the Agricultural System and Natural Heritage System (NHS) for the updated Growth Plan (2017). The current land use designation of the subject land is Prime Agricultural and remains the same under the new Agricultural System. Again, the HCS lands are not within the Natural Heritage System.

County Official Plan

According to the land use schedule of the County Official Plan, the subject land is designated PRIME AGRICULTURAL. A portion of the subject property is also within the CORE GREENLANDS designation (in both the County and Erin Official Plans). This Core Greenlands designation is considered a mapping error by the proponent as the land does not contain any natural heritage features or functions. The applicant has requested that the designation for this small area be amended from Greenlands to Prime Agricultural.

Schedule "C" of the Wellington County Official Plan recognizes the subject land as being part of the MINERAL AGGREGATE RESOURCE OVERLAY (i.e. an area of sand and gravel resources of Primary and Secondary Significance). As such, the land is considered an area of "high potential for mineral aggregate extraction". However, this identification "does not presume that all conditions are appropriate to allow extraction or processing of the resource to proceed".

In considering a request for a new or expanding aggregate operation, proponents are to address the applicable policies of the County Plan including those under Section 6.6 - Mineral Aggregate Areas. More specifically, Section 6.6.5, New Aggregate Operations, of the County Official Plan states: "In considering proposals to establish new aggregate operations, the following matters will be considered:

- a) the impact on adjacent land uses and residents and public health and safety;
- b) the impact on the physical (including natural) environment;
- c) the capabilities for agriculture and other land uses;
- d) the impact on the transportation system;
- e) existing and potential municipal water supply resources are protected in accordance with Sections 4.9.5 and 4.9.5.9;
- f) the possible effect on the water table or surface drainage patterns;
- g) the manner in which the operation will be carried out;
- h) the nature of rehabilitation work that is proposed; and
- i) the effect on cultural heritage resources and other matters deemed relevant by Council."

The policies of the County Official Plan are to be considered in the evaluation of this aggregate application.

Town of Erin Official Plan

The Town's Official Plan designates the subject land as Prime Agricultural and Core Greenlands on Schedule A-1. Section 4.4.1 of the Plan states "mineral aggregate resources ... are necessary to the economic life of the Town, the County and the Province"....and the..."Town's objective is to ensure that aggregate resources remain available to meet the needs of consumers and can be extracted in a manner which minimizes disturbance to the community and the natural environment".

The Official Plan provides that the use of land for extraction will be guided by the policies of Section 6.6 of the County Official Plan. Accordingly, consideration of the HCS proposal is assessed under the applicable policies of the County Official Plan noted above. As raised earlier in this report, the small Core Greenlands area on the property does not accurately identify any natural features that warrant this land use designation.

Town of Erin Zoning By-law

The western portion of the subject lands are zoned Extractive Industrial - M4. The land on the east side of the 10th Line (Concession 11) is currently zoned Agricultural and requires rezoning to the M4 Zone. A small area along Wellington Road 52 at Concession 11 is zoned Rural Environmental Protection - EP2. This zoning reflects the Core Greenlands designation in the Official Plan. As noted earlier in this report, there are no natural features at this location that warrant the EP2 zoning.

COMMUNITY ENGAGEMENT AND PUBLIC INPUT

Statutory Public Meeting

The statutory public meeting for the Erin Pit expansion application was held on November 1, 2016. The meeting was well attended and many people raised concerns regarding the aggregate proposal. During and following the public meeting, area residents and others submitted written comments and concerns on a variety of social, environmental and technical matters including: noise, traffic, berms and landscaping, aggregate recycling, visual impacts, dust, haul routes, natural features, and water resources.

Applicant's Response Report and Site Visits

Following the November 1, 2016 Public Meeting, the applicant submitted a Question & Answer response for Council and the public. The applicant and their consultants prepared the responses to specific concerns raised by area residents. HCS with their consultants also arranged informal meetings for area residents in an attempt to resolve concerns raised at the public meeting or through written submissions on the planning applications or pursuant to the ARA process. The applicant also arranged site tours of the subject property and the existing Erin Pit, which included the extraction areas, processing plant site, rehabilitated lands, and along the frontage of WR 52. The site visits were held in October 2017 for Council, staff and interested area residents.

Applicant's Updated Response Report and Second Public Meeting

In November 2017, the applicant submitted an updated report in response to additional comments received from public agencies, peer review consultants, municipal staff, and the public. The 2017 document refers to new and updated technical studies that HCS commissioned. The report highlights a number of revisions to the Operational Plan and Rehabilitation Plan as a means of addressing outstanding questions and concerns. A second public meeting was held on March 6, 2018 at the Municipal Office where the applicant presented revisions to the application. The revisions are reviewed later in this report.

Notwithstanding, the results of the technical studies, peer review comments, supplementary information, and various revisions made to the application in an effort to mitigate or minimize potential impacts, some area residents remain opposed to the proposed pit extension.

TECHNICAL REVIEW AND FINDINGS

The land uses surrounding the subject land include residential, agriculture and natural heritage areas. Accordingly, the proponent is required to address potential adverse impacts in terms of the proposed pit extension. The health and safety of residents and property owners in the immediate area and potential impacts on the natural environment is to be studied. Some of the factors that could contribute to potential impacts are operational noise and dust, truck traffic, interference with agricultural activities, and alterations to the natural environment. This section of the report provides a summary of the technical matters addressed through the review process.

Noise Impact Assessment

In support of their proposal, HCS submitted a Noise Impact Study prepared by Aercoustics Engineering (April 2016). Noise predictions were provided for all phases of the proposed extraction at the various noise receptors (residential locations) adjacent to the subject land. Noise mitigation measures recommended by Aercoustics include acoustical berms, processing setbacks, and other measures and were added to the Operational Plan to achieve appropriate noise mitigation for the proposed pit operation.

The Town retained a noise consultant, Howe Gastmeier Chapnik Ltd. (HGC), to conduct a peer review of Aercoustics' study. In their report of January 25, 2017, HGC noted that they agreed with study methodology and recommended mitigation measures, but requested clarification and additional information. On June 27, 2017, Aercoustics provided the requested information and suggested revisions to the Operational Plan to address the peer review comments. Revisions include increased setbacks for receptors, reduced and prohibited processing areas, and modified hours of operation.

In their letter of August 28, 2017, HGC confirmed that they received the information and were satisfied with matters regarding the mitigation of noise for the proposed aggregate expansion. To ensure compliance with MOECC sound level limits, HGC recommended that an acoustical audit be conducted. This recommendation was also added to the Operational Plan.

Dust Management

It is a Provincial requirement that aggregate operators effectively mitigate dust generated at licenced sites. The most common method of dust mitigation is the application of water or other provincially approved dust suppressant to internal haul roads and processing areas. Progressive rehabilitation and the establishment of vegetative berms reduce potential dust impacts from an aggregate operation. Processing equipment that generates dust will also contain dust suppressing or collection devices as required by Provincial Standards.

For the proposed Erin Pit expansion, a Dust Management Plan was prepared by Halton Crushed Stone to ensure that dust is controlled and that potential impacts to nearby residents and the environment are minimized. The dust management plan includes procedures for suppressing dust on internal haul roads, during site preparation, aggregate extraction, processing and rehabilitation (e.g. sufficient water supply and water truck available on-site at all times, minimum disturbed areas, etc.).

The HCS Dust Management Plan also includes a process for submitting complaints regarding dust from the Erin Pit. The Plan requires HCS to respond to complaints and outline the cause of the potential dust impacts, operation considerations, potential mitigation measures, and follow-up. As part of this protocol, HCS will maintain a log of dust complaints. HCS will share this information with the Town upon request.

The Operational Plan (February 2018) contains a reference to the Dust Management Plan for the proposed pit expansion.

Road Network and Truck Traffic

Wellington Road 52 (WR 52) is an aggregate haul route for the Erin Pit, other licensed operations in the area, and local and commuter traffic. Wellington County Roads are generally designed and constructed for high traffic volume and heavy vehicles. A review of predicted traffic increases and the condition of the road network is required when considering a proposed land use change.

Vehicle access to the Erin Pit operation is from the Tenth Line with truck traffic moving north to the intersection at WR 52. This intersection was previously improved to accommodate turning movements for aggregate vehicles to/from the Erin Pit. It is the applicant's intent to maintain their driveways on the Tenth Line and therefore no entrances along WR 52 or Sideroad 10 are proposed for the expansion lands.

County Engineering Services (Roads Division) requested the completion of a traffic impact study to assess the adequacy of the road network based on the proposed pit expansion. The public also raised concerns about the adequacy of the local roads and bridges to accommodate heavy truck traffic.

HCS noted that traffic volumes would be consistent with the current volumes from the Erin Pit, but agreed to carry out the traffic assessment. In July 2017 Paradigm Transportation Solutions Limited filed a traffic study. Triton Engineering peer reviewed the applicant's report and supplementary traffic information and had no concerns with Paradigm's methodology and conclusions. They advised that road modifications including additional signage or speed reductions are not warranted as all intersections are operating at an acceptable level of service. In their memorandum dated January 15, 2018, County Roads Division stated that they had no additional comments or requirements regarding the proposed application.

To address questions and concerns related to aggregate trucks on public roads (in particular the independent haulers), Halton Crushed Stone developed a trucking policy that would apply to all vehicles hauling material from their current and expanded Erin Pit. With their Safe Work Practices/Procedures policy, HCS will have all truck brokers sign this requirements and enforcement procedures document before they are permitted to haul aggregate material from the Erin Pit. The trucking policy provides conditions and restrictions regarding loading, queuing, and parking on public roads. The policy also includes a process for addressing public complaints regarding safety issues or infractions by those trucks using the Erin Pit.

A comment was also raised about the potential traffic increases generated by the proposed James Dick aggregate expansion application (currently under consideration in the Town of Caledon). HCS was asked whether the potential increase in traffic from the James Dick operation was accounted for in the Traffic Report they prepared for the Erin Pit proposal.

HCS's traffic consultant (Paradigm) reviewed this matter and on September 6, 2017 provided the following response: "Taking into account existing James Dick trucking activity that already occurs on the road system, approximately 10 truck trips per hour are added as a result of the proposed expansion (during peak hours). The new James Dick truck trips have minor impact to the intersection capacity analysis." Triton Engineering peer reviewed Paradigm's assessment and had no concerns with their conclusions.

In a letter dated November 1, 2016, the Upper Grand District School Board recommended that the applicant erect notice signs at the pit entrances/exits to remind drivers to proceed with caution as local roads are also potential bus school routes. HCS agreed to install the signs and have amended their Operational Plan to include the signage wording recommended by the Board.

Natural Heritage Features and Functions

The subject lands are not located within the Natural Heritage System of the Growth Plan/Greenbelt Plan. However, other applicable Provincial and County planning policies require an applicant to demonstrate that the proposed development will not adversely affect natural heritage features or their ecological functions either on or adjacent to the subject land. The applicant prepared and submitted natural heritage and environmental impact assessments that were reviewed by Provincial and Conservation Authority staff. This section of the report highlights the findings of those reviews and the recommendations.

To address the natural heritage policies, the proponent's environmental consultant (WSP Canada) prepared Environmental Technical Reports (Level 1 and Level 2). WSP reported that significant wildlife habitat (SWH) for Eastern Meadowlark, Bobolink, Monarch Butterfly, Barn Swallow, and Milksnake were located on the HCS land. WSP also reported that within 120 metres of the subject land is the West Credit River and associated significant wetlands and woodlands. Wellington Road 52 is located between the wetland and woodlands and the subject lands. According to WSP, no other significant natural features or functions are on the subject land.

As mentioned, WSP identified Eastern Meadowlark and Bobolink (listed as *Threatened* under the *Endangered Species Act, 2007*) and Monarch Butterfly (listed as Special Concern under the ESA) on the subject land. WSP worked closely with MNRF and CVC staff to address the applicable provincial legislation and policies regarding these species and their habitat. To address Barn Swallow habitat, HCS was granted approval to construct replacement habitat on the rehabilitated lands of the existing pit in Concession 10. With respect to Milksnake, Credit Valley Conservation (CVC) advised that it is no longer considered a Species of Concern and “there is no significant wildlife habitat for this species on site”.

To address the Meadowlark, Bobolink and Monarch habitat, a proposed Bobolink and Eastern Meadowlark Habitat Management Plan was prepared and accepted by MNRF in October 2016. To address CVC comments regarding Monarch habitat, WSP modified the Habitat Management Plan “to provide plant and pollinator species to ensure that there is no negative impact to the Monarch Butterfly or its habitat”. In their comments dated February 12, 2018, CVC supported the WSP “proposal to create better quality Monarch habitat over a larger area in combination with the Eastern Meadowlark and Bobolink habitat creation...” and agreed that this would result in no negative impacts to Monarch habitat.

In their review of the application, CVC stated: “...the subject property contains no watercourses or wetlands; however, the West Credit River, a significant cold water fishery is located just outside the 120 m adjacent lands and the Provincially Significant West Credit River Wetland Complex is within 100 m of the subject property We are satisfied with the hydrogeological assessment undertaken for the local area and have no concerns with respect to the significant cold water fishery, Provincially Significant Wetland or the Wellhead Protection Areas”.

The implementation of the MNRF approved Habitat Management Plan and other requirements to ensure wildlife habitat restoration are provided on the applicant’s site plans.

Groundwater and Surface Water Resources

While an assessment of groundwater is not a provincial requirement for above water extraction applications, Halton Crushed Stone retained WSP to carry out a Level 1 Hydrogeological Study (April 2016). The assessment concluded that:

- no impacts on groundwater users from the existing pit operation and no impacts are anticipated with the proposed expansion;
- no impacts are anticipated on the nearby West Credit River and associated wetlands;
- water level monitoring will continue to ensure that pit excavation remains at least 1.5 metres above the established water table; and
- monitoring will continue for the existing water supply well and new supply well for the proposed wash plant to ensure on-going protection of water resources.

The Town’s groundwater consultant, Blackport Hydrogeology Inc. conducted a peer review of the WSP study. In his February 1, 2017 submission, Mr. Blackport concurred with the conclusions provided by WSP and that “no negative impacts to water resources are anticipated with the proposed expansion”. Further, Mr. Blackport provided recommendations regarding the applicant’s groundwater monitoring program including a request to keep the Town informed of the monitoring results on an annual basis. His recommendations were added to the applicant’s Operational Plans.

In their letter dated February 12, 2018 Credit Valley Conservation advised that “CVC has reviewed the supporting hydrogeological assessments undertaken for the application. We are satisfied with the hydrogeological assessment undertaken for the local area and have no concerns with respect to the significant cold water fishery, Provincially Significant Wetland or the Wellhead Protection Areas”.

The Risk Management Official for Wellington County member municipalities also reviewed the proposed application in terms of municipal source water protection. Kyle Davis reported that the proposed extraction operation is beyond the Well Head Protection Areas for the Town's municipal wells and "therefore, there are no applicable policies under the CTC Source Protection Plan". In his report, Mr. Davis encouraged the applicant to consider the implementation of best practices through the applicable regulatory authorities (i.e. MNRF). We have recommend some additional best practices measures for source protection and, as reported later in this report, the applicant has agreed to these provisions.

Agricultural Impact Assessment

The subject land is designated Prime Agricultural in the Official Plans for both the County and the Town. The land is within the Protected Countryside (Agricultural) of the Greenbelt Plan (2017). On February 9, 2018, the subject land became part of the Province's *Agricultural System* for the Greater Golden Horseshoe (Growth Plan). The existing Erin Pit and proposed extension are for above-water extraction and the land is to return to agriculture.

The updated to the Greenbelt Plan (2017) requires the completion of agricultural impact assessment as part of an application for aggregate extraction for land within the Protected Countryside. Consideration of agricultural impacts is also required by PPS, Section 4.2.8 of the Growth Plan, and the County Official Plan.

HCS submitted an Agricultural Impact Assessment prepared by MHBC in December 2017. The report states that the purpose of the Agricultural Impact Assessment is to "evaluate potential impacts on agriculture from the proposed aggregate extraction operation extension and identify mitigation measures to abate these impacts to the extent feasible". In addition, to provide information "to support the preparation and implementation of effective progressive rehabilitation plans for agricultural rehabilitation".

The comprehensive report concluded that the proposed pit extension "is not anticipated to have a significant negative impact on the long-term agricultural uses and operations on the subject lands" and within the immediate area. Further, the report contains recommendations for an "annual agricultural rehabilitation monitoring program" and best practices for rehabilitation purposes "...to ensure that the land is returned to an appropriate agricultural condition".

The recommendations of the Agricultural Impact Assessment have been added to the Operational and Rehabilitation Plans for the proposed pit extension lands.

Protection of Cultural Heritage Resources

To address the requirements of the Aggregate Resources Act and the applicable policies of the Provincial Policy Statement and the County Official Plan, the proponent retained Archaeologix Inc. to complete an archaeological assessment. A quantity of mid-19th century Euro-Canadian artifacts were discovered on the western portion of the subject property. Due to the type and large number of objects found, additional excavation and assessment was recommended. Archaeologix's report confirmed that the Stage 4 mitigation was completed and that no further archaeological fieldwork was required.

The Archaeologix report was filed with the Ministry of Tourism, Culture and Sport and in a letter dated May 17, 2016 the Ministry concluded that "the archaeological fieldwork and report recommendations are consistent with the conservation, protection and preservation of the cultural heritage of Ontario" ...and that the "site has now been fully investigated and no additional archaeological assessment is recommended".

Visual Impacts

Measures to eliminate or minimize potential visual impacts were required of the applicant following the public meeting in November 2016. At that meeting, the public raised concerns that the proposed pit expansion would be an unattractive feature at the gateway into Erin. Landowners near the subject land expressed concerns as to potential adverse visual impacts of the proposed pit from their homes. Accordingly, the applicant was asked to conduct a visual impact assessment to ensure that the proposed aggregate activities (if approved) would be adequately screened/buffered from the public roads and adjacent properties.

In July 2017, HCS submitted a Visual Impact Review (VIR) prepared by MHBC. The report provides landscape drawings and cross sections to demonstrate the extent of the proposed screening along WR 52 with various recommendations to mitigate the visual impacts to nearby residential properties and from the roads.

Following discussions with area residents and County staff, the applicant provided revisions to the proposed visual screening (berms) and landscaping plans. Area residents had expressed concerns that there seemed to be inadequate tree cover/visual screening from other nearby roads and properties. County staff requested the applicant to 'soften' the appearance of the berms that are proposed to extend the length of the property frontage along WR 52. The inclusion of landscaping or other modifications between the road allowance and base of the proposed berms along the WR 52 frontage should improve the overall appearance of the road leading to Erin. The revised drawings were shared with the Town, County staff and the public.

In early 2018, the Town of Erin retained WND Associates to peer review HCS's Visual Impact Review (VIR). WND Associates submitted their peer review report to the Town on March 2, 2018. In terms of the nearby homes, WND found that the applicant's Visual Impact Review "provides a cross section that illustrates the proposed expansion area will be visually screened from the residential dwellings, including views from the second storey of the dwellings, where applicable." In terms of the appearance and views into the proposed pit from WR 52, the "proposed berm heights, setbacks and planting are appropriate to adequately address the potential for visual impacts from Wellington Road 52". WND further stated that "...the proposed planting will contribute to reducing the potential visual impact of the proposed berms themselves, and as the planting matures, contribute to the further visual screening of the proposed expansion area".

With respect to concerns raised about potential visual impacts from 10th Line, particularly from the high points of the roadway north of the proposed expansion area, WND Associates noted that "the proposed berm and planning mitigation measures are appropriate and that, when coupled with the existing intervening vegetation, will adequately screen potential views from the high-points of 10th Line."

In their concluding statement, WND stated: "In our opinion the analysis provides adequate information to determine the extent of visual impacts and proposes appropriate mitigation plans for the views which will be affected. Further, in our opinion the potential visual impacts will be adequately mitigated by the proposed mitigation plans and the existing landscape and topography".

The various screening and landscaping changes introduced through the VIR and as recommended by the peer review consultant and others are included in the applicant's ARA site plans.

OTHER CONSIDERATIONS

Additional Site Plan Notes

To provide further environmental protection and land use compatibility, staff recommended that the operator include the following notes to the Operational Plan:

- Snow dumping" (i.e. the importing and storage of waste snow) on the subject land is not an accessory

land use under the M4 Zone in the Town of Erin or deemed ancillary to an aggregate operation. As such, snow dumping is not permitted at this licenced site.

- Asphalt plants and concrete plants are prohibited under the Town of Erin Zoning By-law and therefore are not permitted for the subject land. Accordingly, the introduction of asphalt or concrete production for this licenced site would require site specific zoning by the municipality. This restriction does not prohibit temporary facilities established in accordance with the requirements of the Provincial Policy Statement.
- Pesticides and herbicides shall be used only when required to control weed infestation and shall be applied by a licenced professional subject to prior notice given to the Town of Erin.

Halton Crushed Stone has agreed to include these additional notes on their aggregate site plans.

Duration of Extraction of Phase 1 Lands

Phase 1 of the proposed pit expansion refers to the area in the northwest part of the subject land (Area C on Figure 2). This area is zoned M4 - Extractive Industrial in the Town's Zoning By-law, but it is also the closest portion to the Bel-Erin subdivision. At the second public meeting, Council had raised the comment of limiting the duration of aggregate activities within Phase 1. More precisely, that if the proposed pit expansion be approved, the operator should be required to complete aggregate extraction within 2 years. We see merit in reducing the period of time that the Phase 1 lands remain an active aggregate site and would encourage Council and the applicant to discuss how best to achieve this objective.

Aggregate Site Plans

The day-to-day operations of an aggregate extraction operation are regulated by prescribed conditions and technical recommendations on site plans approved by the MNR. As a means of providing increased social and environmental protection for the proposed Erin Pit expansion lands, changes to the draft site operation and rehabilitation plans were requested or recommended by agencies, peer review consultants, the public, County staff, and others and agreed to by the applicant. Some of the revisions include:

- increased setbacks for extraction areas at northwest and southeast corners;
- restrictions/prohibition of aggregate processing and equipment use at specific locations;
- new tree planting and landscaping at strategic locations along WR52;
- inclusion of Trucking Policy requirements;
- inclusion Dust Management Plan requirements;
- noise abatement and acoustical audit of active operation (to confirm compliance with MOECC requirements);
- water level monitoring and reporting protocol;
- specific soil handling and agricultural rehabilitation measures including monitoring provisions;
- increased berm heights at the southwest and northeast corners;
- retention of existing trees and vegetative cover at specific locations of the property;
- placement of advisory signs for truck drivers regarding school buses and other vehicles on local roads;
- relocation of extraction limit further away from sensitive land uses;
- limitations regarding tonnage, placement and processing of recycled aggregate products on site;
- provisions regarding the restoration and compensation of significant wildlife habitat (SAR);
- appropriate on-site fuel handling and storage provisions;
- adherence to spill contingency plan established by WSP (hydrogeological report);
- limitations on the use of pesticides/herbicides for weed control purposes and requirement to notify the Town prior to application;
- prohibition of asphalt plants and concrete production; and
- prohibition of snow dumping (i.e. the importing and storage of waste snow).

The applicant's amended site plans have been reviewed and accepted by the review agencies, peer review consultants, and County staff. These changes will assist in minimizing social, economic and environmental impacts. Support of the planning applications should be subject to inclusion of the above-mentioned and all other technical requirements and notes agreed to by Halton Crushed Stone for their ARA site plans.

Recycling of Aggregate Material at the Erin Pit

Provincial planning policy support recycling as an ancillary use at mineral aggregate operations. HCS has requested permission to import and recycle asphalt, concrete and other aggregate products for the Erin Pit. Concerns were raised about the amount of material being imported and that the Provincial requirements related to storage of unprocessed recycled materials (i.e. must maintain at least 2m from the water table and 30m from surface water) seemed inadequate to address potential risks to public health.

We have reviewed this matter with MNRF staff and were advised that the contaminants that could leach from recycled products were at concentrations well below those of concern to human health. They also advised that the Ministry with MOECC are looking at a variety of ARA technical matters (as part of the Bill 39 review), but at this time there are no additional requirements regarding the storage of unprocessed recycled materials.

Correction of the Official Plan Mapping

As noted above, a mapping error is being addressed through this application process. The Official Plan and Zoning By-law schedules identify a small area as a natural feature. CVC has confirmed that no features or functions exist at this location. As such, the mapping in the municipal planning documents will be amended.

Zoning By-law Amendment

Concurrent with their planning applications, HCS submitted a Class 'A' Category 3 license application with the Ministry of Natural Resources and Forestry (MNRF). This license application is a request to extract aggregate material from the property to a maximum depth of 1.5 metres above the average groundwater elevation on site. The public raised a question regarding the means of prohibiting extraction below the water table for the extension lands.

A draft by-law for Council's consideration has been prepared. Our recommendation is to rezone these lands Extractive Industrial M4 Holding Zone that limits the depth of extraction to 1.5m above the water table. The Holding Zone that would allow only above water extraction. A request for licence amendment from MNRF to permit below water extraction would also necessitate the lifting of the Holding Zone by Council.

As previously discussed, a portion of the subject land has the EP zone. However, as confirmed by CVC there is no watercourse or other natural feature of concern and this area should not be zoned EP2. We will address this error in the amending by-law.

Community Liaison Committee

At the initial public meeting, HCS was asked if they would consider participating in a community liaison committee with area residents to review and address on-going community concerns related to day-to-day site operations, trucking concerns, etc. As we previously reported to Council, this approach has been implemented in other communities and has worked relatively well in addressing issues which may arise between aggregate operations and neighbours. We would encourage the applicant to consider this for the Erin Pit.

PLANNING POLICY REVIEW

In considering this proposal, Council shall ensure that the proposed land use change is consistent with Provincial policies and conforms with the applicable Provincial Plans, and the County and Town Official Plans.

The applicant's Planning Report (May 2016), prepared by MHBC Planning Limited, provides a comprehensive review of Provincial, County, and local planning policies that require consideration when assessing an application for aggregate extraction and provides a planning opinion regarding consistency and conformity with the applicable policies. We have reviewed the planning report and we are satisfied with the responses and conclusions.

The Greenbelt Plan was updated in 2017 and requires that all new aggregate extraction applications within prime agricultural areas be supported by an agricultural impact assessment. The applicant's Agricultural Impact Assessment (AIA) provided specific recommendations to address the requirements of the Greenbelt Plan. The applicant will need to work with MNRF to ensure that rehabilitation is progressive, disturbed areas are minimized during the life of the operation, and that disturbed areas will be rehabilitated to "a state of equal or greater ecological value", among other policy objectives. The HCS lands are not within Natural Heritage System of the Greenbelt Plan. Environmental conditions and monitoring requirements will address significant natural heritage functions during extraction and after the operations are complete.

In terms of the County Official Plan, the subject land is designated Prime Agricultural and is identified on Schedule "C" as a sand and gravel resource area. The proposed extraction will be limited to 1.5 metres above the water table. The land is to be progressively rehabilitated with minimum areas of disturbance pursuant to the recommendations of the Agricultural Impact Assessment consistent with Provincial and County agricultural policies. An annual agricultural monitoring program is to be established to ensure that the land will be rehabilitated back to "an agricultural condition".

Significant cultural heritage resources have been assessed and the archaeological objects discovered were collected and documented appropriately. On-going groundwater monitoring will be carried out to ensure no impacts on the adjacent natural areas and nearby domestic water supplies. Potential negative impacts on natural heritage features are not anticipated. As required by Provincial environmental planning objectives, a net gain of ecological health will be provided through the creation of species at risk habitat and habitat for other important species at the existing pit (which is greater in area than currently exists on the subject lands).

Traffic has been assessed and no impacts on the road network are anticipated. Potential adverse impacts from noise and dust have been assessed and peer reviewed. The measures to mitigate those impacts have been prepared and are to be implemented through the licence conditions and site plan requirements. A series of acoustical berms, buffers and landscape screening will be established to mitigate noise and shield the site from public roads and adjacent land uses. An acoustical audit will be conducted to confirm compliance with Provincial noise limits. Prescribed and recommended measures will be implemented to ensure that the aggregate extraction on the expansion lands operate within Provincial guidelines, standards and regulations to minimize impacts on the environment and nearby sensitive land uses as required under Section 6.6 of the County Official Plan.

In our view, this proposal is in conformity with the County and Town Official Plans and is consistent with the Provincial Policy Statement, in particular Sections 2.1, 2.2, 2.3, 2.5 and 2.6. The applicant has addressed matters related to the protection of natural heritage features and functions, protection of water quality and quantity, protection of prime agricultural land, protection and utilization of mineral aggregate resources, cultural heritage and archaeology resources, and have introduced appropriate licence conditions and design measures to minimize potential impacts on adjacent sensitive land uses.

SUMMARY AND RECOMMENDATIONS

The purpose of the proposed Official Plan Amendments and Amending Zoning By-law is to allow for the expansion of the existing Erin Pit as an interim land use. Extraction is to be limited to above the water table.

As discussed in this report, the identification, protection and utilization of mineral aggregate resources is a matter of Provincial interest. In considering an aggregate extraction proposal, the applicant is to demonstrate that the proposed land uses can be carried out in a manner that minimizes social, economic and environmental impacts. To address this requirement, the proponent is to identify sensitive features and uses and assess potential impacts. Provincial standards, regulations, guidelines, licence conditions, operating protocols, monitoring, and municipal zoning, are to be used to minimize impacts on the environment and the community.

The request by Halton Crushed Stone to extend the Erin Pit, has been reviewed by applicable public agencies. Agency input, and the peer reviews conducted on behalf of the County and Town, have all concluded that the proposed pit expansion is appropriate subject to various technical requirements which have been included on the applicant's aggregate site plans to be filed with the Ministry of Natural Resources and Forestry.

The proponent has demonstrated to the satisfaction of the review agencies that there will be no negative impacts on the natural heritage features or their ecological functions. The review agencies are also satisfied that specific ecological landscape enhancements will be provided to ensure the protection of significant wildlife habitat. Provincial requirements and specific technical recommendations (based on the predictable worst case) related to controlling noise from the proposed pit expansion were prepared and will be implemented through the ARA licence. A dust mitigation program based on accepted standards was prepared by the applicant to ensure that the proposed pit extension does not adversely impact air quality.

There are no proposed changes in traffic volume for the proposed pit extension and road authorities are satisfied that traffic can be adequately accommodated and without the need for any road improvements. The applicant has established a trucking policy to ensure that all vehicles hauling from the Erin Pit comply their safety rules and best practices. A process of responding to and addressing complaints was also developed.

Several revisions to operational and rehabilitation site plans were made to address concerns and comments raised during the review process. Increased setbacks from adjacent sensitive uses and restrictions on processing areas will be provided to address compatibility concerns. Earth berms will be established and maintained to provide a visual screen from public roads and surrounding land uses. The site plans show berm height, where they are to be located, and landscaping details. It is intended that aggregate extraction related activities on the expansion lands will not be visible from surrounding properties and public roads.

Groundwater monitoring and reporting will ensure that the continuation of aggregate extraction will not impact groundwater and surface water resources and areas wells (domestic and municipal). Rehabilitation will be progressive and disturbed areas are to be in accordance with Provincial requirements. Staff has reviewed the aggregate site plans prepared by MHBC and last revised February 2018. The recommended changes have been incorporated on the site plans.

In our view, the establishment of the proposed aggregate extractive use pursuant to the prescribed conditions, technical recommendations, monitoring programs, and operational requirements of the revised site plans will assist in ensuring that the proposed expansion site can be undertaken in a manner that will minimize social, economic and environmental impacts as required by Provincial requirements and the County Official Plan.

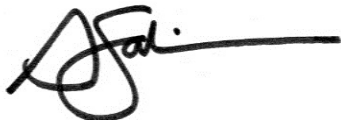
Based on the information submitted and the technical review provided, staff is of the opinion that the proposed land use and necessary amendments to the planning documents are consistent with the Provincial Policy Statement, conform to the Growth Plan and Greenbelt Plan, are in keeping with the policies and objectives of the County Official Plan, and are considered appropriate and in the public interest.

Accordingly, we recommend approval of the Official Plan amendments and the zoning by-law amendment.

RECOMMENDATIONS

1. That Council receive this report prepared by the County of Wellington Planning Department regarding the Erin Pit Extension applications filed by Halton Crushed Stone;
2. That Council support the proposed County Official Plan Amendment and advise the County of its position on the matter;
3. That Council adopt the proposed Erin Official Plan Amendment and approve the amending zoning by-law for the subject land upon adoption of the County Official Plan Amendment by County Council; and
4. That Council instruct staff to remove the Town's objection to the HCS's license application with the Ministry of Natural Resources and Forestry provided the applicant confirms that all technical recommendations and site plan notes, as agreed to by Halton Crushed Stone through the planning process, will be included on their ARA site plans to be submitted to Ministry for approval.

Respectfully Submitted,
COUNTY OF WELLINGTON PLANNING DEPARTMENT



Aldo L. Salis, BES, M.Sc., MCIP, RPP
Director of Planning and Development

**AMENDMENT NUMBER __
TO THE OFFICIAL PLAN FOR THE
COUNTY OF WELLINGTON**

DRAFT

**Halton Crushed Stone Limited
Proposed Erin Pit Extension
Part of Lot 12, Concessions 10 & 11
Town of Erin**

County File No. OP-2016-04

Revised March 2018

This amendment to the County of Wellington Official Plan was prepared by the applicant in support of their application. Please be advised that the amendment may be revised prior to final consideration by County Council.

**AMENDMENT NUMBER ____
TO THE
COUNTY OF WELLINGTON OFFICIAL PLAN**

INDEX

PART A - THE PREAMBLE

The Preamble provides an explanation of the proposed amendment including the purpose, location, and background information, but does not form part of this amendment.

PART B - THE AMENDMENT

The Amendment describes the changes and/or modifications to the Wellington County Official Plan, which constitute Official Plan Amendment Number ____.

PART C - THE APPENDICES

The Appendices, if included herein, provide information related to the Amendment, but do not constitute part of the Amendment.

PART A – THE PREAMBLE

PURPOSE

The purpose of the proposed Official Plan Amendment is to revise Schedule A2 of the County's Official Plan (Town of Erin) by adding a new Mineral Aggregate Area designation to the subject lands to permit an above water pit extension and replacing the Core Greenlands designation on the subject lands with the Prime Agricultural designation.

LOCATION

The proposed amendment applies to Part of Lot 12, Concessions 10 & 11 in the Town of Erin (5345 / 5358 Tenth Line).

BACKGROUND

Halton Crushed Stone Limited owns and operates the Erin Pit located at Part of Lots 11 & 12, Concessions 10 & 11 in the Town of Erin. The Erin Pit is an above the water table pit operation. Halton Crushed Stone Limited owns additional land adjacent to the existing Erin Pit (the subject lands).

Halton Crushed Stone Limited applied for a licence under the Aggregate Resources Act, and a Zoning By-law Amendment and Official Plan Amendments to permit aggregate extraction on the subject lands. Allowing the applications would permit the Erin Pit to be extended on to the subject lands.

BASIS

The County's Official Plan states that significant aggregate deposits will be identified and policies established to protect the resource and provide for appropriate extraction activities. The subject lands were identified within the Mineral Aggregate Area designation prior to OPA 81 and included within the Mineral Aggregate Resource Overlay on Schedule "C" of the current County Official Plan.

Existing licenced aggregate operations are permitted uses in Prime Agricultural Areas. Section 6.6.5 states that new or expanded aggregate operations shall only be established through amendment to the Mineral Aggregate Area shown on Schedule 'A' of the County Official Plan. Halton Crushed Stone Limited has applied for an amendment to the County Official Plan to permit the proposed pit extension by establishing the Mineral Aggregate Area on Schedule A2 (ERIN) for the subject lands.

In addition to permitting the proposed pit extension, the amendment seeks to update the land use designations applicable to the subject lands. The Core Greenlands designation applies to a discrete area in the western portion of Concession 11 on the subject lands. Through fieldwork, it was determined that this area does not contain a natural feature. County staff advised that the Core Greenlands designation was based on the presence of 'CVC Hazard Lands'. CVC staff

noted that there was no watercourse or other natural feature of concern in this area. As such, the amendment revises the designation to Prime Agricultural.

The operational design of the pit incorporates the recommendations of the technical reports prepared for the application in order that the pit can operate within the Provincial guidelines and minimize social and environmental impacts. The proposed Erin Pit Extension represents the wise use and management of provincially significant resources, is consistent with the Provincial Policy Statement, and conforms to the Greenbelt Plan, and the County of Wellington and Town of Erin Official Plans.

PART B – THE AMENDMENT

All of this part of the document entitled Part B – The Amendment, consisting of the following text and maps constitute Amendment No. ___ to the Official Plan for the County of Wellington.

DETAILS OF THE AMENDMENT

The Official Plan of the County of Wellington is hereby amended as follows:

- 1. THAT **SCHEDULE A2 (Erin)** is amended as shown on schedule “A”.

SCHEDULE ‘A’ OF OFFICIAL PLAN AMENDMENT NO. ___

