



Planning Advisory Committee Report

Report Number:	PLAN2021-010
Meeting Date:	March 10, 2021
Title:	Amend the Mariposa Zoning By-law 94-07 at 1095 White Rock Road – Bedard Sand and Gravel Limited
Description:	To change the Extractive Industrial (M3) Zone to an Extractive Industrial Exception (M3-*) Zone to permit a quarry operation on the subject land in addition to the existing permitted sand and gravel pit operation and to request a recyclables storage area as a permitted use.
Type of Report:	Regular Meeting
Author and Title:	Mark LaHay, Planner II, MCIP, RPP.

Recommendation(s):

That Report PLAN2021-010, **respecting Part Lot 10, Concession 12, Geographic Township of Mariposa, Bedard Sand and Gravel Limited – Application D06-2020-004**, be received;

That a Zoning By-law, respecting application D06-2020-004, substantially in the form attached as Appendix C to Report PLAN2021-010 be approved for adoption by Council; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The statutory public meeting was held by the Planning Advisory Committee on August 12, 2020, which adopted the following recommendation:

PAC2020-024

Moved By Councillor Veale

Seconded By J. Willock

That Report PLAN2020-031, **respecting Part Lot 10, Concession 12, Geographic Township of Mariposa, Bedard Sand and Gravel Limited – Application D06-2020-004**, be received; and

That the application respecting the proposed Zoning By-law Amendment be referred back to staff until such time as all comments have been received from all circulated agencies and City Departments, and for further review and processing.

Carried

At the Council Meeting of August 20, 2020, Council adopted the following resolution:

CR2020-231

Moved By Deputy Mayor O'Reilly

Seconded By Councillor Veale

That the Minutes of the August 12, 2020 Planning Advisory Committee Meeting be received and the recommendations, included in Section 8.3 of the Agenda, save and except for Item 8.3.2, be adopted.

Carried

This report addresses that direction.

The subject lands are located approximately 6 km northwest of the community of Oakwood on the south west corner of White Rock Road and Black School Road in the geographic Township of Mariposa. The owner currently operates a sand and gravel pit on the subject site, which abuts another licensed pit immediately to the west. This existing license encompasses the entire site area with an extraction area of 23.4 ha. approved for extraction below the water table. The owner is proposing a quarry operation which will encompass the entire licensed boundary; however, the extraction area for the quarry will be limited to 19.5 ha. to properly maintain rehabilitated pit slopes and required setbacks. The current license permits a maximum limit for

extraction of 907,000 tons/year, which will not increase with the proposed quarry operation.

The current operation is accessed via the existing haul route on White Rock Road. The existing access driveway and White Rock Road will continue to operate as the haul route for the proposed quarry operation and therefore, no alternative route is proposed. Processed materials will continue to be transported down to Highway 7.

The surrounding land uses includes Black School Road to the north, an existing licensed sand and gravel pit to the west and agricultural uses to the east and to the south as well as further north and west. At least four residences with associated out buildings exist within 500 metres of the site.

Owner:	Bedard Sand and Gravel Limited
Applicant:	D.M. Wills Associates Limited (previously Landmark Associates Limited)
Legal Description:	Part Lot 10, Concession 12, being Part 1, Registered Plan 57R-6739, geographic Township of Mariposa
Official Plan:	"Aggregate" in the City of Kawartha Lakes Official Plan
Zoning:	Extractive Industrial (M3) Zone in the Township of Mariposa Zoning By-law 94-07
Site Size:	29.98 ha (74.08 ac.) MPAC
Site Servicing:	No new buildings are proposed and therefore, servicing is not required
Adjacent Uses:	North: Black School Road/Agricultural East: White Rock Road/Agricultural South: Agricultural West: existing licensed pit operation

Rationale:

The owner is seeking a site specific zoning amendment to permit a proposed quarry operation for the extraction of limestone, which would occur in two phases along with a recyclables storage as illustrated on the Quarry Operational Site Plan (see Appendix 'B3'). The current use on the proposed site is a sand and gravel pit operation, which may occur simultaneously with the proposed quarry operation.

According to the Planning Justification Report, extraction methods for the pit operation will remain unchanged from those currently established on the property. Extraction of the limestone will require both drilling and blasting. Aggregate will continue to be stockpiled and processed on site. No additional buildings/structures are proposed at this time. Progressive rehabilitation has occurred on site as extraction has advanced which reduces the grade of the slope and introduces vegetation. The final plan would serve to create a small lake in the quarried area once the aggregate resource has been exhausted from the property as illustrated on the Progressive/Final Rehabilitation Site Plan (see Appendix 'B4').

The owner will subsequently apply for a Category 1 and 2 Aggregate License, being a Class "A" pit and quarry operation below the water table under the Aggregate Resources Act (ARA) once the application for rezoning to permit a quarry operation use is in place. However, a license will not be issued unless the appropriate zone is approved and in effect.

A number of studies have been submitted by the owner in support of the application. These include the following:

1. Planning Justification Report prepared by D.M. Wills Associates Limited (Landmark Associates Limited), and dated December, 2019. This report provides a planning analysis in the context of provincial and local planning policies pursuant to the Aggregate Resources Act to support an application to amend the Township of Mariposa Zoning By-law 94-07.
2. Addendum to Planning Rationale Report prepared by D.M. Wills Associates Limited, dated July 29, 2020. This addendum updates the previously submitted Planning Rationale Report in relation to the policies of the now in-effect 2020 PPS.
3. ARA Summary Statement prepared by Dennis C. Simmons and Land Management Consulting Services and dated March 19, 2019. This summary provides an overview of the proposed operation and references studies and requirements for a license application.
4. Level 1 and Level 2 Natural Environment Technical Report prepared by D Bell Environmental Services and dated May, 2013. The nesting habitat of bank swallows was found on the licensed property at pit face locations along the north limits of extraction. A mitigation plan has been prepared as directed by the Ministry of Natural Resources and Forestry (MNR) to ensure suitable nesting habitat during the nesting season. In addition, Bobolink and Eastern Meadowlark were observed in pasture land within 120 metres of the licensed pit to the southwest. Extraction setbacks have been increased from 15 to 50 metres along

a portion of the west licensed boundary to reduce impacts.

5. Stage 1 and 2 Archaeological Assessment prepared by Northeastern Archaeological Associates and dated October 21, 2018. The assessment concluded that the licensed pit property possesses no cultural heritage value. A clearance letter dated January 9, 2019 was provided by the Ministry of Tourism, Culture and Sport.
6. Hydrogeological Assessment prepared by Alpha Environmental Services Inc. and dated November 30, 2018. The report estimates that the water table is at an elevation of 274.71 masl, whereas extraction of blasted limestone will be undertaken to a depth of 260 masl and there will be no pumping of ground water. The report indicated that groundwater flow from the surrounding wells within a 500 metre radius would occur towards the on-site wash pond and concluded no groundwater monitoring is necessary since the proposed quarry operations will not impact existing wells or related hydrogeological functions. Notwithstanding, notes have been included on the operational site plans to ensure water wells within 500 metres of the site are to be sampled and analyzed.
7. Updated Hydrogeological Assessment prepared by Alpha Environmental Services Inc. and dated August 12, 2020. The report concluded that no impact on local water resources is anticipated from this below water table proposal that will not include any pumping of water from the extracted area. Extraction will take place using an excavator/drag line, as appropriate. Recommendations included implementing well monitoring and reporting programs, which shall be included in the Operational Notes on the Site Plans. The City's peer reviewer advised that they are satisfied with the changes made and described in the August 12, 2020 Hydrogeology report.
8. Noise Impact Study prepared by HGC Engineering Limited and dated February 5, 2019. The report considered potential effects on neighbouring noise sensitive receptors (residences) from drilling, extraction, processing and transportation sources. The report concluded that sound levels produced by on-site activities and associated equipment will comply with Ministry of Environment, Conservation and Parks (MECP) guidelines. Localized noise barriers would be required for the drilling equipment during a certain stage of quarry/drilling activities if the equipment exceeded a certain sound power level; however, no other operational noise preventive measures will be required.
9. Updated Noise Impact Study prepared by HGC Engineering Limited and dated November 5, 2020. The revised report concluded that sound levels from the proposed quarry, predicted under worst case operating scenarios and with the implementation of recommended noise control mitigation measures, are expected to comply with MECP guidelines. The recommendations have been accepted by the City's noise peer reviewer and these recommended measures

have also been incorporated on the operational site plans for the quarry.

10. Blast Impact Study prepared by DST Consulting Engineers and dated July 17, 2019. The report identifies blast parameters and procedures to be followed to ensure no impact on neighbouring properties, including monitoring for vibration and overpressure at two of the closest receptors. The report concluded that blasting can meet MECP regulations provided the recommended blast parameters are implemented and that blast induced vibrations at the proposed quarry will not affect water wells in the area, however, well monitoring was recommended.
11. Updated Blast Impact Study prepared by DST Consulting Engineers and dated July 13, 2020. The City's peer reviewer has advised that their recommendations have been implemented and they are satisfied with the current state of the blast impact analysis, and they have no further comments or recommendations at this time.
12. Existing Features Plan, Pit Operational Site Plan, Quarry Operational Site Plan and Progressive/Final Rehabilitation Site Plan prepared by Coe Fisher Cameron Land Surveyors and dated October 9, 2019 and further revised January 25, 2021.

All of the reports and plans submitted have been circulated to the applicable agencies and City Departments for review and comment. Staff has reviewed the Planning Rationale Report and Addendum that was prepared and filed in support of the applications and accepts the planning rationale provided in the context of the relevant Provincial and City of Kawartha Lakes policies and plans.

Applicable Provincial Policies:

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan):

The 2019 Growth Plan directs development to settlement areas except where the policies of the Plan permit otherwise.

In accordance with Section 2.2.9, within Rural Areas, development is permitted for the management and use of resources, which would include both the pit and quarry operations on the subject lands.

In accordance with Section 4.2.2, the subject land is located outside of the Natural Heritage System mapping prepared by the Province and the proposed development is not within a key natural heritage feature nor within 120 metres of a key natural heritage feature within the Natural Heritage System or within 120 metres of a key

hydrologic feature and therefore not subject to the applicable policy requirements related to the Natural Heritage System.

Section 4.2.6 provides for the retention of agricultural uses and preservation of agricultural land. Although the subject lands have been identified as prime agricultural in the Province's mapping, the policies do not apply as they are designated "Aggregate" within the City's Official Plan. Notwithstanding, no negative impacts are anticipated to surrounding agricultural uses.

Section 4.2.7 pertains to preserving Cultural Heritage resources. The submitted Archaeological Assessment did not identify the property as having cultural heritage value.

Under Section 4.2.8.1, mineral aggregate resources, such as sand, gravel and limestone are to be protected with an emphasis on recovery and recycling of materials derived from these resources for reuse. Sections 4.2.8.3, 4.2.8.4 and 4.2.8.5 provide guidance for rehabilitation and appear to be specific to new mineral aggregate operations as well as those located within prime agricultural lands or the Natural Heritage System, which are not applicable as it is not identified in the City's Official Plan. Furthermore, the proposed quarry operation would appear to be an additional use within an existing mineral aggregate operation and not necessarily a new mineral aggregate operation.

Notwithstanding the above, the submitted Planning Justification Report had regard for the rehabilitation policies of Section 4.2.8.4, which are specific to new operations outside the Natural Heritage System and identified that the soil profile of the property would not have been ideal for agricultural uses, specifically cropland. Therefore, the disturbed area of the site will be rehabilitated to a small lake, which is considered of greater ecological value than the previous existing state of the land, providing a natural feature not prevalent to the area; and which may otherwise provide an opportunity of a different form of agriculture being fish farming/aquaculture. The resulting lake is intended to either provide an agricultural opportunity, or otherwise form a natural ecosystem.

In consideration of the above, the application appears to conform with the policies of the Growth Plan.

Provincial Policy Statement, 2020 (PPS):

The Provincial Policy Statement (PPS) provides policy direction for the appropriate development of land, while protecting resources of provincial interest, public health and

safety, and the quality of the natural environment. This application considers a number of Provincial policy interests including mineral aggregate resource availability from a close to market location, protection of significant natural heritage features and areas of ecological functions, the protection of groundwater and surface water resources, operational design to ensure no adverse impacts on adjacent sensitive land uses and protecting significant cultural heritage and agricultural resources.

Policies 1.1.4 and 1.1.5 of the PPS directs that upon rural lands within rural areas, permitted uses and activities are to relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses and development that is compatible with the rural landscape that can be sustained by rural service levels.

Development and site alteration shall also be directed in accordance with the policies of Section 2.1 (Natural Heritage) and 3.1 (Natural Hazard) of the PPS. The PPS prohibits development and site alteration on lands adjacent to natural heritage features, unless it has been demonstrated there will be no negative impacts on the natural features or their ecological functions. The proposed development does not appear to be within or adjacent to any natural heritage features as identified in Section 2 of the PPS, and does not appear to be located within any natural hazards, as identified in Section 3 of the PPS.

Section 2.2 provided polices to the protection of water quality and quantity. Both the Hydrological Assessment and the Blast Impact Assessment concluded that no impacts are anticipated to local wells.

Section 2.5.2 provides protection for mineral aggregate long term resource supply and Sections 2.5.2.1, 2.5.2.2, 2.5.2.3 and 2.5.2.4 provide the following:

- As much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible;
- Extraction shall be undertaken in a manner which minimized social and environmental impacts;
- Mineral aggregate resource conservation shall be undertaken including through the use of accessory aggregate recycling facilities within operations, wherever feasible.
- Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impacts.

Section 2.5.3 provided policy with respect to Rehabilitation, where progressive and final rehabilitation shall be required to accommodate subsequent land uses, to promote land use compatibility, and to recognize the interim nature of extraction. Progressive rehabilitation is being actively achieved in the current pit operation and will continue to be instituted as outlined on the site plans.

Section 2.6 provides that significant cultural heritage landscapes are to be conserved. According to the findings of the Archeological Assessment, the property does not hold any cultural heritage value.

In consideration of the above, the application appears to be consistent with the PPS.

Official Plan Conformity:

The existing designation under the City of Kawartha Lakes Official Plan is "Aggregate". This designation permits pits and/or quarries licensed pursuant to the Aggregate Resources Act.

In addition, accessory uses such as crushing, screening, washing, stockpiling, and blending, weight scales, operational maintenance/repair facilities, and offices and associated facilities are permitted as well as associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products. Furthermore, dimensional stone quarry operation with crushing and blasting operation within a licensed quarry and recycling may be permitted in a site-specific by-law for the recycling only of inert materials such as asphalt, concrete, brick, porcelain and reclaimed aggregate products.

The Official Plan requires appropriate studies where a quarry is proposed to ensure that the impact is acceptable and the City may peer review the studies to determine if the findings are acceptable. As indicated in this report, the applicant has submitted various studies to satisfy the pre-consultation requirements and additional studies required by the MNRF and MECP to obtain the necessary aggregate license. The technical studies concluded that no impacts are anticipated to water resources and potential noise and vibration impacts can be mitigated in accordance with MNRF and MECP guidelines and a mitigation plan has been prepared with respect to ensuring protection for Species at Risk (SAR) on the site. The City has obtained all peer review comments and is satisfied that the recommendations can be appropriately implemented. Formal comments from MNRF and MECP will be provided through the review of the ARA License Application, once submitted.

In this regard, Section 23.5.4 of the Official Plan requires the City to be satisfied that the site plans submitted to the Province under the Aggregate Resources Act satisfies all the City's concerns prior to the approval of a zoning amendment for an aggregate operation. All required comments and/or recommendations are to be included on the submitted site plans. The recommended Holding symbol for the proposed zoning by-law discussed below will ensure conformity with the Official Plan.

Aggregate Policy Review:

The City is currently engaged with receiving and reviewing public and stakeholder submissions to provide input into this process as well as monitoring any changes to Provincial policies and regulations.

Zoning By-Law Compliance:

The application proposes to change the zone category on this property from the Extractive Industrial (M3) Zone to, in this case, an Extractive Industrial Exception Nine (M3-9) Zone. This will permit a quarry operation, in addition to the existing sand and gravel pit operation, and ancillary uses to the operation such as recyclables storage area as a permitted use. In this regard, reclaimed materials such as asphalt, concrete and brick may be imported to the property and temporarily stored, with the intent to sell those materials.

The existing pit operation currently meets or exceeds all zone provisions of the 'M3' Zone with the exception of the excavation setback to the rear lot line that shares a common boundary where there is a separate licensed pit operator. No changes to the existing excavation or stockpile setbacks are proposed as part of the rezoning application. Otherwise, excavation setbacks meet and stockpile setbacks exceed the minimum requirement to all relevant properties.

At this time, a Holding (H) symbol is recommended until the owner/applicant files the appropriate application to the MNRF for the approval of a license under the Aggregate Resources Act. In addition, prior to removal of the holding symbol to permit the proposed use, Staff will need to ensure that the aggregate site plans adequately address any requirements of the submitted studies and reports, including comments by the City's peer reviewers. In this regard, the majority of the comments on the site plans have been updated, with minor additional comments to be made with respect to hydrogeology, blasting and monitoring.

Other Alternatives Considered:

No other alternatives have been considered at this time.

Alignment to Strategic Priorities:

The Council Adopted 2020-2023 Strategic Plan identifies these Strategic Priorities:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life
- A Healthy Environment
- Good Government

This application aligns with the Healthy Environment strategic goal as it protects water quality and natural features and functions while managing aggregate resources.

Financial/Operation Impacts:

There are no financial considerations unless Council's decision to adopt or its refusal to adopt the requested amendment is appealed to the Local Planning Appeal Tribunal. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

Servicing Comments:

The proposed use does not require water or sanitary services and therefore, such servicing is not considered in this report.

Consultations:

Notice of this application was circulated to persons within a 500 metre radius, agencies, and City Departments which may have an interest in the application. To date, we have received the following comments:

Public Comments:

On July 20, 2020, an inquiry from S. Thomas was made with respect to the proposed quarry operation and the location of the recyclables storage area as the family owns property at 657 Peniel Road.

On August 11, 2020, C. Mulock who lives south of the proposed quarry called with concerns about hydrogeology, blasting time frames and what recourse he has if his well goes dry. In response, Mr. Mulock was advised that timeframes could be set for blasting

within the ARA approval notes and the operator can send out a notice to abutting residents in advance of when the blasts would occur. With respect to the well, if it is impacted by the quarry operation, Bedard Sand and Gravel Limited will be required to provide a water supply (i.e. drilling another well).

In addition, in response to address public concern regarding the use of Jake brakes, Planning has requested through Public Works for consideration of signage to prohibit the use of these devices for area truck traffic in the White Rock Road and Black School Road area.

Agency Review Comments:

On July 20, 2020, the Engineering and Corporate Assets Department advised they had no objection to the proposed zoning by-law amendment application.

On July 21, 2020, the Building Division advised they had no concerns with the application.

On July 27, 2020, the Community Services Department advised they had no concerns or comments regarding the application.

On August 11, 2020, the Agriculture Development Officer advised of no concerns beyond those provided during pre-consultation seeking no impact to water sources or nearby agricultural lands or operations. The Agriculture Development Officer is supportive of the rehabilitation plan to return the property to a vegetated and partly forested state with a small pond suitable for fish farming.

On January 25, 2021, the Ministry of Natural Resources and Forestry (MNRF) advised that they primarily utilize the ARA process to provide comments on a proposal. The Integrated Aggregate Resources Section now handles all applications under the ARA. The MNRF subsequently advised that once an application is received their ecologists and other staff would review it and offer comments on any impacts to natural heritage. They also noted on their mapping that there is an evaluated wetland nearby that is not considered a Provincially Significant Wetland.

Development Services – Planning Division Comments:

The appropriate background studies in support of the application have been submitted and circulated to the appropriate Agencies and City Departments for review and comment. The application for Zoning By-law Amendment demonstrates consistency with the Provincial Policy Statement and conformity to the Growth Plan and general conformity with the Official Plan. The proposed Zoning By-law amendment will appropriately facilitate an application for a Category 1 and 2 Aggregate License, being a

Class "A" pit and quarry operation below the water table and to permit a recyclables storage area use, upon the removal of the holding symbol, which will be contingent on the owner/applicant filing the appropriate application to obtain a License under the ARA for the proposed use and the City being satisfied with the ARA Site Plans.

Conclusion:

The application would conform to the policies of the 2019 Growth Plan and be consistent with the Provincial Policy Statement and generally conforms to the policies of the City of Kawartha Lakes Official Plan. The application has been reviewed in consideration of comments from the circulated agencies, relevant provincial policies, the City of Kawartha Lakes Official Plan, and the Township of Mariposa Zoning By-law. In consideration of the comments contained in this report, Staff respectfully recommends that the proposed rezoning application be referred to Council for approval.

Attachments:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Mark LaHay, Planner II, (705) 324-9411 ext. 1324.



Appendix 'A'
PLAN2021-010.pdf



Appendix 'B1'
PLAN2021-010.pdf



Appendix 'B2'
PLAN2021-010.pdf



Appendix 'B3'
PLAN2021-010.pdf



Appendix 'B4'
PLAN2021-010.pdf



Appendix 'C'
PLAN2021-010.pdf

Appendix 'A' – Location Map

Appendix 'B1' - Existing Features Plan

Appendix 'B2' - Pit Operation Site Plan

Appendix 'B3' - Quarry Operation Site Plan

Appendix 'B4' - Progressive/Final Rehabilitation Site Plan

Appendix 'C' – Draft Zoning By-law Amendment

Department Head email: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall

Department File: D06-2020-004