

# PLANNING JUSTIFICATION **REPORT** & AGGREGATE RESOURCES ACT SUMMARY **STATEMENT**

FREYMOND QUARRY

2287 Bay Lake Road  
Twp. of Faraday, Hastings County

Date:

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# TABLE OF CONTENTS

EXECUTIVE SUMMARY .....	1
1.0 INTRODUCTION.....	3
1.1 The Proposed Freymond Quarry.....	4
2.0 SUBJECT SITE AND SURROUNDING LAND USES.....	6
2.1 Description of the Subject Site .....	6
2.2 On-site Mineral Aggregate Resource .....	6
2.3 On-site and Adjacent Agricultural Uses .....	7
2.4 On-site and Adjacent Natural Heritage Features.....	7
2.5 On-site and Adjacent Water Resources.....	8
2.6 On-site and Adjacent Cultural Heritage Resources .....	9
2.7 Surrounding Land Uses .....	10
2.7.1 Water Wells.....	10
2.7.2 Noise.....	11
2.7.3 Blasting.....	12
2.7.4 Air Quality .....	12
2.7.5 Visual.....	13
2.7.6 Traffic .....	13
3.0 PLANNING ANALYSIS.....	14
3.1 Provincial Policy Statement (2014).....	14
3.2 County of Hastings Official Plan .....	15
3.3 Township of Faraday Zoning By-law.....	17
3.4 Aggregate Resources Act Summary Statement .....	17
3.4.1 Site Plans.....	18
3.4.2 Reports.....	18
3.4.3 Summary Statement: Required Information.....	18
3.4.3.1 Planning and Land Use Considerations – Standard 2.1.1 .....	18
3.4.3.2 Agricultural Classification of the Proposed Site – Standard 2.1.2 .....	19
3.4.3.3 Quality and Quantity of Aggregate On-site – Standard 2.1.3 .....	20
3.4.3.4 Main Haulage Routes – Standard 2.1.4 .....	20
3.4.3.5 Progressive and Final Rehabilitation – Standard 2.1.5.....	20
4.0 CONCLUSIONS .....	21

## LIST OF FIGURES

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- Figure 1      Location Map
- Figure 2      Existing Features
- Figure 3      Site Environs & Surrounding Land Uses
- Figure 4      Operation Plan
- Figure 5      Conceptual Phasing Plan
- Figure 6      Rehabilitation Plan
- Figure 7      County Land Use
- Figure 8      Canada Land Inventory Mapping
- Figure 9      Township Zoning

## LIST OF APPENDICES

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- Appendix 1    Freymond Quarry Update Newsletter, October 17, 2016.
- Appendix 2    Draft Official Plan Amendment (County of Hastings)
- Appendix 3    Draft Zoning By-law Amendment (Township of Faraday)
- Appendix 4    Provincial Policy Statement - Policy Analysis
- Appendix 5    County of Hastings Official Plan - Policy Analysis
- Appendix 6    Curriculum Vitae

# EXECUTIVE SUMMARY

Freymond Lumber Ltd. is applying for a Category 2, Class A quarry under the Aggregate Resources Act; an Official Plan Amendment from the County of Hastings; and a Zoning By-law Amendment from the Municipality of Faraday to permit a quarry at 2287 Bay Lake Road.

The site is located to the south of the Town of Bancroft, on lands described as Part of Lots 51 and 52, Concession W.H.R. in the Township of Faraday, County of Hastings.

Freymond Lumber Ltd. owns approximately 128 ha of land, of which only 33.3 ha is proposed to be licensed under the Aggregate Resources Act or designated/zoned to permit the quarry. Of the 33.3 ha site only 27.5 ha is proposed for extraction. The remainder of the applicant's property consists of an existing Class B sand and gravel pit, a lumber mill and forested lands.

The Official Plan Amendment application to permit the quarry was initially submitted to the County of Hastings in 2013 and Freymond Lumber Ltd. hosted a public open house on June 25, 2015.

The purpose of the public open house was to introduce the application to the community and receive public input.

As a result of public input, Freymond Lumber Ltd. spent the last year redesigning the proposed quarry, completing additional technical analysis, and updating all of the technical reports. The following is a summary of the main changes to the application:

- The extraction area has been reduced by almost 10 % (now 27.5 ha);
- A phased extraction plan was developed to minimize site disturbance and maximize rehabilitation;
- Processing of aggregate is now only permitted in Phases 1 and 2 and all processing equipment must be located on the quarry floor;
- The maximum annual tonnage limit has been reduced to 300,000 tonnes per year which equates to less blasting per year (only 3 -5 blasts per year), less equipment on-site and less truck traffic;
- The proposed hours of operation have been reduced and are consistent with the operating hours of Freymond's existing lumber business;
- A more sustainable rehabilitation plan has been designed which increases biodiversity of the site, benefits species at risk, minimizes disturbed areas and no longer requires the importation of fill; and
- All of the technical reports were updated (water resources, archaeology, natural environment, planning, traffic, noise, blasting and site plans) and these updated reports supersede the original reports. In addition, a Stage 2 archaeological assessment and visual impact assessment was completed.

In October 2016, Freymond Lumber Ltd. prepared a newsletter to update the community on the changes to the application and the next steps in the application process. This newsletter was

provided to the County of Hastings, Township of Faraday, surrounding residents and all members of the public who requested notice of the application.

See **Appendix 1** for a copy of the newsletter.

The updated Freymond Quarry represents good planning and is consistent with the Provincial Policy Statement (PPS) and conforms to the County of Hastings Official Plan for the following reasons:

- Making this site available for aggregate extraction represents the wise use and management of resources, providing economic benefits, while minimizing potential social and environmental impacts;
- The proposed Freymond Quarry contains approximately 15 million tonnes of a high quality aggregate resource suitable for most road building and construction projects that would supply the Town of Bancroft and surrounding local markets;
- The County of Hastings Official Plan recognizes that this area contains aggregate potential (lands immediately south of the subject site) and this general area is to be protected for future aggregate extraction;
- Aggregate extraction is already an established use in the area and there is an adjacent licensed gravel pit to the north of the proposed quarry and to the east of Hwy 62;
- The operation is appropriately designed, buffered and/or separated from sensitive land uses to minimize impacts;
- Surrounding domestic water supplies will be protected and the applicant will implement a private well monitoring program that consists of on-site wells and surrounding residential wells;
- Although no impacts to water supplies are predicted the applicant will implement a well interference complaint procedure to ensure that if any well is impacted by the quarry, the applicant will replace or restore the well at the expense of the applicant;
- Surrounding water resources will be protected and on-site water resources will be managed by a proposed stormwater management pond. Monitoring and discharge from the stormwater management pond will be in accordance with requirements from the Ministry of Environment and Climate Change;
- An annual water resources monitoring report will be completed and submitted to the Ministry of Natural Resources and Forestry and the Ministry of Environment and Climate Change;
- There will be no negative impact to significant natural features taking into consideration proposed mitigation measures and the rehabilitation plan;
- The site will be progressively rehabilitated for natural heritage purposes, including the establishment of a pond and watercourse on the quarry floor;
- The subject site is not considered a prime agricultural area and does not contain prime agricultural land;
- The aggregate from the proposed quarry will be shipped to market from the existing south entrance/exit for the lumber yard onto an existing truck route (Bay Lake Road);
- With improvements to the present southbound right turn taper at the Highway 62/Bay Lake Road intersection, the existing road network has sufficient capacity to accommodate both the roadway growth and traffic generated from the proposed quarry; and
- There are no significant cultural heritage resources on-site.

# 1.0 INTRODUCTION

Freymond Lumber Ltd. is applying for a Category 2, Class A quarry under the Aggregate Resources Act; an Official Plan Amendment from the County of Hastings; and a Zoning By-law Amendment from the Municipality of Faraday to permit a quarry at 2287 Bay Lake Road.

The site is located to the south of the Town of Bancroft, on lands described as Part of Lots 51 and 52, Concession W.H.R. in the Township of Faraday, County of Hastings. **See Figures 1 and 2.**

Freymond Lumber Ltd. owns approximately 128 ha of land, of which only 33.3 ha is proposed to be licensed under the Aggregate Resources Act or designated/zoned to permit the quarry. Of the 33.3 ha proposed quarry site only 27.5 ha is proposed for extraction. The remaining 5.8 ha will be used as setbacks, an overburden storage area that will be vegetated and planted with trees and a storm water management pond. The remainder of the applicant's property (94.7 ha) consists of an existing Class B sand and gravel pit, a lumber mill and forested lands. **See Figures 3 and 4.**

The Class B sand and gravel pit (License No. 624804) is located directly north of the proposed quarry. This pit is an above water pit and is permitted to ship a maximum of 20,000 tonnes of aggregate per annum and is used predominately to supply winter sand for logging roads in the area. The Freymond Lumber operation is located to the east of the proposed Freymond Quarry. The Freymond Lumber operation contains several buildings and offices associated with the lumber yard including a saw mill and log storage area. The remainder of the applicant's landholdings includes forested lands.

The following applications are required in order to permit the proposed Freymond Quarry.

- Aggregate Resources Act: Class A, Category 2 (below water) Licence for the proposed Freymond Quarry.
- Planning Act: An Official Plan Amendment from the County of Hastings is required to designate the site from "Rural" to "Extractive (Active)" and a Zoning By-law Amendment is required from the Municipality of Faraday to rezone the site from "Rural (RU)" and "Industrial (M)" to "Extractive Industrial (MX)" Exception Zone.

Attached as **Appendix 2** is a copy the proposed County of Hastings Official Plan Amendment and **Appendix 3** includes a copy of the proposed Municipality of Faraday Zoning By-law Amendment.

In addition to this Planning Report and Aggregate Resources Act Summary Statement, the following technical reports have been submitted as part of the application:

- Aggregate Resource Act Site Plans, by MHBC, December, 2016;
- Visual Impact Analysis, by MHBC, December, 2016;
- Stage 1 and 2 Archaeological Assessment, by Golder Associates Ltd, November 8, 2016;
- Level 1 and 2 Hydrogeologic Assessment, by MTE Consultants Inc, December 1, 2016;
- Level 1 and 2 Natural Environment Report, by Robin E. Craig, November, 2016;

- Traffic Assessment, by Tranplan Associates, November, 2016;
- Noise Assessment, by Hugh Williamson Associates Inc, December 15, 2016; and
- Blasting Assessment, by Explotech Engineering Ltd., December 13, 2016.

This report provides a summary of the proposed Freymond Quarry and the various technical reports. This report also provides a summary and analysis of applicable planning policy contained within the Provincial Policy Statement (PPS), County of Hastings Official Plan, Municipality of Faraday Zoning By-law and the Aggregate Resources Act.

## 1.1 The Proposed Freymond Quarry

The area of the proposed Freymond Quarry is 33.3 ha, of which 27.5 ha is proposed for extraction. The remaining 5.8 ha will be used as setbacks, an overburden storage area and a stormwater pond. See **Figure 4**.

The purpose of the proposal is to secure access to presently unlicensed, aggregate resources within proximity to the Town of Bancroft. The proposed Freymond Quarry is located to the west of Bay Lake Road, and west of Highway 62.

The proposed quarry contains approximately 15 million tonnes of aggregate and extraction is proposed to a maximum depth of +/-332 metres above sea level which includes extraction below the water table. Extraction within the proposed quarry would proceed in four phases, starting in the north-east corner, advancing west to the north-west corner, then advancing south to the south-west corner, and finally advancing east to the south-east corner of the site.

As part of site preparation a stormwater management pond would be constructed along the eastern boundary of the site. The stormwater management pond would passively drain the site to allow the site to remain dry during operations and following rehabilitation.

The proposed phasing plan has been designed to minimize site disturbance and maximize rehabilitation. The phasing plan will allow the existing forested area on-site to be maintained until the area is required for extraction and to maximize rehabilitation where extraction has occurred. See **Figure 5** for an illustration of how the operation will progress and the setbacks that will be maintained as existing forested area for the duration of the operation to screen the quarry from surrounding land uses.

The quarry is proposed to permit a maximum of 300,000 tonnes of aggregate to be shipped to market per annum. Considering the site contains 15 million tonnes of aggregate located within the proposed extraction area, the following timelines represent the duration of each phase assuming the maximum limit of 300,000 tonnes of aggregate is extracted each year. On average the quarry is predicted to produce less than 300,000 tonnes per year therefore the timelines below represent the soonest each phase would begin:

- Phase 1: 13 years of extraction
- Phase 2: Starts year 14 or later
- Phase 3: Starts year 27 or later
- Phase 4: Starts year 44 or later

The following are the hours of operation for the proposed quarry:

- Site preparation, rehabilitation, drilling and processing is permitted from 7:00 am to 5:30 pm Monday to Friday;
- Shipping is permitted from 6:00 am to 7:00 pm Monday to Friday for shipping and from 7:00 am to 12:00 pm on Saturdays;
- Blasting is permitted from 8:00 am to 5:30 pm Monday to Friday (during daylight); and
- No operations will take place on Sundays or statutory holidays.

These hours are consistent with the operating hours of the existing Freymond lumber yard located to the east of the site.

Aggregate processing will initially occur within phase 1 and will be located on the quarry floor. As the quarry advances to phase 2 the processing plant will be relocated to phase 2 and also be located on the quarry floor. There will be no processing in phases 3 or 4. All aggregate extracted within phases 3 and 4 will be transported on the quarry floor back to the processing plant where the aggregate will be processed, stockpiled and loaded into highway trucks. Highway trucks will use the internal haul route in phases 1 and 2 and then proceed south through the Freymond lumber yard. The trucks will utilize the existing south entrance/exit onto Bay Lake Road that is currently used by trucks as part of the Freymond lumber yard. **See Figures 4 and 5.**

Rehabilitation of the site will be progressive and, as soon as possible, depleted areas shall be restored to maximize rehabilitated areas and minimize disturbed areas. The rehabilitation plan has been designed to include:

- The quarry floor will be contoured using on-site soils and designed with a watercourse to convey water to the proposed stormwater management pond located along the eastern boundary of the site;
- The quarry floor in phase 1 will be vegetated with a grass/legume mixture and will be used to store logs from the Freymond Lumber business;
- The quarry floor in phases 2, 3 and 4 will be planted with Red Pine to create a forested condition;
- A shallow amphibian pond/wetland will be developed adjacent to the proposed watercourse on the quarry floor in phase 2;
- A minor portion of the quarry face will be backfilled at 2:1 sideslopes with on-site material to create talus slopes. These slopes will be planted with Red Pine and native shrubs. Logs, stumps and rocks will be placed among the plantings to increase habitat diversity; and
- Several Barn Swallow nesting structures and bat boxes will be installed adjacent to the proposed amphibian pond/wetland on the quarry floor in Phase 2 and adjacent to the storm water management pond along the eastern boundary of the site.

The rehabilitation plan developed for the site will ensure that a variety of habitats will occur, thus increasing biodiversity of the site. The plan will also ensure that ecological functions of the site will be restored in the long term. **See Figure 6.** For additional details on the proposed operation and rehabilitation please refer to the Aggregate Resources Act Site Plans prepared by MHBC.



# 2.0 SUBJECT SITE AND SURROUNDING LAND USES

## 2.1 Description of the Subject Site

The site is located to the south of the Town of Bancroft, on lands described as Part of Lots 51 and 52, Concession W.H.R. in the Township of Faraday, County of Hastings. The site is located within a rural area and is located west of Bay Lake Road and Highway 62, and is accessed from Bay Lake Road through the existing lumber operation.

The area of the proposed Freymond Quarry is 33.3 ha, of which 27.5 ha is proposed for extraction. The remaining 5.8 ha will be used as setbacks, an overburden storage area and a stormwater pond.

The site is predominately forested and ranges in elevation from 335 masl along the eastern boundary of the site to 392 masl along the western boundary of the site.

There is an existing sugar shack located within phase 4 and there are no other buildings or structures within the proposed licensed area.

See **Figures 2 and 3**.

## 2.2 On-site Mineral Aggregate Resource

Schedule A5-1 of the County of Hastings Official Plan identifies an Extractive (Reserve) area designated directly south of the site. See **Figure 7**. The Extractive (Reserve) area designation protects this area from incompatible land uses that would preclude or hinder future aggregate extraction.

The subject site is located directly to the north of the Extractive (Reserve) area designation and on-site testing has been completed to determine the quality and quantity of aggregate located on-site.

The detailed site investigation confirms the presence of a known deposit of mineral aggregate resources. In total, the proposed extraction contains approximately 15 million tonnes of a high quality aggregate that is suitable for most road building and construction projects.

## 2.3 On-site and Adjacent Agricultural Uses

The proposed Freymond Quarry and surrounding area is predominantly forested and is not used for agricultural purposes.

The Canada Land Inventory soil classification maps the site as Class 6 and 7 agricultural soils. See **Figure 8**. These soils are not considered prime agricultural soils and the site is not considered to be located within a prime agricultural area.

## 2.4 On-site and Adjacent Natural Heritage Features

Schedule A5-1 of the County of Hastings Official Plan designates the proposed quarry as Rural and does not identify any portion of the site as Environmental Protection, Environmentally Sensitive, Cold Water Fisheries or Significant Wetlands. See **Figure 7**.

A natural environment level 1 and 2 technical report was prepared by Robin E. Craig. The majority of the site and surrounding lands is forested. It was concluded that the site and the area within 120 metres of the site does not contain:

- Significant wetlands;
- Endangered or threatened species;
- Significant woodlands;
- Significant valleylands;
- Significant Areas of Natural and Scientific Interest; or
- Endangered or threatened species habitat.

Based on Robin E. Craig's detailed site investigation, a portion of the site is considered "Significant Wildlife Habitat" because of the presence of Eastern Wood Peewee habitat. Robin Craig concluded that the impact of land clearing for extraction will be a short term disturbance, and the habitat can be removed without causing negative impacts to the Eastern Wood Peewee habitat with the implementation of the following mitigation measures:

- Vegetation clearing will be conducted in phases to minimize the short term impact of forest removal on wildlife;
- No vegetation or clearing of land will occur between April 1 and July 31;
- A shallow pond/wetland will be created on the quarry floor; and
- The site will be graded to create a watercourse and a stormwater management facility will also benefit wildlife.

Robin E. Craig's detailed site investigation also confirmed there is no surface water or fish habitat on the site. However, there is a permanent stream located south-east of the proposed quarry which flows through the existing lumber mill. It was concluded that the mitigation and monitoring program recommended in the water resources report prepared by MTE Consultants

Inc. will ensure there are no negative impacts to the quality and quantity of water flowing from the site, and therefore there will be no negative impacts to fish or fish habitat.

Robin E. Craig has also reviewed the rehabilitation plan and concluded that the rehabilitation plan developed for the site will ensure that a variety of habitats will occur, thus increasing biodiversity of the site and the plan will ensure that ecological functions of the site will be restored in the long term. **See Figure 6.**

These recommendations have been incorporated on the Aggregate Resources Act Site Plans.

## 2.5 On-site and Adjacent Water Resources

A water resources assessment has been prepared by MTE Consultants Inc. The purpose of the report was to assess the geological, hydrogeological, and hydrological conditions and to identify any potential adverse effects on water resources, water uses and the natural environment as a result of the proposed quarry.

Based on the water resources assessment, MTE Consultants Inc. concluded:

- There are no surface water bodies or water courses on site;
- There are no springs on the site;
- There are three small ponds on the site. These ponds are not groundwater recharge features and the natural environment assessment has determined these ponds are not significant wildlife habitat;
- There are no significant groundwater recharge zones on the site;
- There are no Wellhead Protection Areas on the site or within the potential groundwater drawdown zone of influence;
- Well tests demonstrate that the bedrock has a low permeability and porosity which means the site does not transmit groundwater readily;
- There are no lakes within the potential groundwater drawdown zone of influence and as a result there will be no impacts to Spurr Lake, Bay Lake or other lakes in the area;
- The majority of wells in the study area are located outside of the groundwater drawdown area of influence, constructed at a depth below the quarry floor or in a different geological formation than the bedrock proposed to be extracted;
- There are only 2 private wells located within the groundwater drawdown zone of influence and based on the depth of the wells combined with minimal predicted drawdown, the proposed quarry will pose minimal risk to the bedrock aquifer and its ability to supply groundwater to these private wells; and
- The proposed quarry is not anticipated to have any adverse effects to groundwater/surface water resources and a monitoring program will be implemented to verify this. Annual reports will be submitted to the Ministry of Environment and Climate Change and Ministry of Natural Resources and Forestry.

MTE Consultants Inc. has recommended that the following measures be implemented for the proposed quarry:

- A well interference response plan;

- A spills plan;
- A monitoring program; and
- A stormwater management pond be built, operated and monitored in accordance with the Ministry of Environment and Climate Change requirements to manage on-site water resources and to allow water to continue to flow to the creek to the south of the site.

These recommendations have been incorporated on the Aggregate Resources Act Site Plans and the details are further outlined in the MTE Consultants Inc. report.

## 2.6 On-site and Adjacent Cultural Heritage Resources

Cultural heritage resources consist of archaeological resources, built heritage resources, and cultural heritage landscapes. Significant cultural heritage resources are identified in the Provincial Policy Statement as resources that are valued for the important contribution they make to our understanding of the history of a place, an event, or a person.

Provincial and County policies require that significant built heritage resources and significant cultural heritage landscapes be conserved and that significant archaeological resources are conserved by removal and documentation, or by preservation on site.

There are no significant built heritage resources and no identified significant cultural heritage landscapes identified on-site.

Golder Associates Ltd. conducted a stage 1-2 archaeological assessment for the proposed quarry in 2016. Based on the study there was no evidence of the existence of prehistoric or historic archaeological/heritage resources within the study area.

Golder Associates Ltd. concluded that:

- The site be considered free from further archaeological concern; and
- The Ministry of Tourism, Culture and Sport should issue a clearance of the archaeological/heritage condition in order to permit the proposed quarry.

Recommendations have been also incorporated on the Aggregate Resources Act site plans that require the applicant to stop work within the affected area in the event that buried archaeological material or human remains are found during the operation of the quarry including the steps that need to be undertaken to ensure cultural heritage resources are conserved.

Located to the northeast of the site is a cemetery. The cemetery will be protected by maintaining the existing trees adjacent to the cemetery and ensuring there is no site disturbance within 15 m of the cemetery. These measures have been incorporated on the Aggregate Resources Act site plans.

## 2.7 Surrounding Land Uses

Provincial and County policies require new mineral aggregate operations to minimize social impacts on surrounding sensitive land uses.

The County of Hastings Official Plan identifies the potential area of influence for a quarry as 500 m from the proposed extraction operation.

Land uses within 500 m of the quarry include: commercial uses (e.g. Timber Mart Lumber Yard, Cottage Docks, Rona Hardware Store), an office building, industrial uses (e.g. 2 sand and gravel pits, Freymond lumber yard), community uses (e.g. Bancroft Fish and Game Club, cemetery), and 21 residential uses. See **Figure 3**.

The surrounding residential uses are considered sensitive land uses and the proposed quarry as required by Provincial and County policies, has been appropriately designed, buffered and/or separated from sensitive land uses.

Based on the proposed phasing plan these surrounding residential uses will not always be located within 500 m from the active quarry area. For example the 14 residents located to the east and south will be within 500 m of the quarry for a portion of phase 1 and then operations will be more than 500 m for at least the next 35 years assuming the quarry produced its maximum limit each year.

The following sections of this report outline considerations related to water wells, noise, air, visual and traffic and how the operation has been designed to minimize impacts on surrounding sensitive land uses.

### 2.7.1 Water Wells

A water resources assessment has been prepared by MTE Consultants Inc. The purpose of the report was to assess any potential adverse effects on private wells as a result of the proposed quarry. As part of the assessment MTE Consultants Inc. contacted 20 property owners to obtain information on their wells. Seven well assessments were returned to MTE Consultants Inc. and for the other wells the Ministry of Environment and Climate Change well records were relied upon.

Based on the water resources assessment, MTE Consultants Inc. concluded:

- The majority of wells in the study area will not be impacted since they are located outside of the groundwater drawdown zone of influence, constructed at a depth below the quarry floor, or are in a different geological formation than the bedrock proposed to be extracted; and
- There are only 2 private wells located within the groundwater drawdown zone of influence. Based on the depth of the wells combined with minimal predicted drawdown, the proposed quarry will pose minimal risk to the aquifer and its ability to supply groundwater to these private wells.

MTE Consultants Inc. has recommended that the following measures be implemented to ensure the protection of wells:

- A well interference response plan; and
- A monitoring program.

The monitoring program includes the requirement to monitor on-site wells and private wells (both inside and outside of the area of influence) monthly while the quarry is in operation. The results of the monitoring program will be included in an annual water resources report that is submitted to the Ministry of Natural Resources and Forestry and Ministry of Environment and Climate Change.

In addition, MTE Consultants Inc. has also recommended a well interference response plan even though impacts to wells are not anticipated. The protocol requires:

- The applicant must immediately notify the Ministry of Environment and Climate Change in the event of a water supply or quality complaint;
- If the quarry cannot be immediately excluded as the cause, the applicant shall supply temporary water supply to the affected resident within 24 hours;
- The cause of the well interference shall be investigated at the expense of the applicant using an independent qualified professional and shall report to the Ministry of Environment and Climate Change and the affected party; and
- If the Ministry of Environment and Climate Change determines that the quarry did adversely affect the well, the licensee shall restore or replace the affected water supply to ensure that the historic water supply and/or water quality are restored at the applicant's expense.

The proposed groundwater monitoring program and well interference complaint protocol will ensure all water supplies are protected. These recommendations have been incorporated on the Aggregate Resources Act Site Plans and the details are further outlined in the MTE Consultants Inc. report.

### **2.7.2 Noise**

An acoustical assessment report was prepared by Hugh Williamson Associates Inc. to assess potential noise impacts from the proposed quarry on surrounding residential receptors.

Hugh Williamson Associates Inc. concluded that the quarry has been appropriately designed and/or separated to ensure the Ministry of Environment and Climate Change noise limits would be met at all surrounding residential receptors.

Hugh Williamson Associates Inc. has recommended that the following measures be included on the Aggregate Resources Act site plans:

- Site preparation, rehabilitation, extraction, drilling and processing may only be permitted from 7 am to 5:30 pm (Monday to Friday);
- The overburden storage area in the northeast corner shall be constructed to a minimum height of 6 m to provide an acoustical barrier;

- The processing plant may only be permitted within phases 1 and 2 on the quarry floor and shall include additional noise barriers;
- The rock drills must implement additional noise barriers in certain locations; and
- Sound emission levels for all equipment used in site preparation and rehabilitation must comply with the limits outlined in MOE Publication NPC-115.

These recommendations have been incorporated on the Aggregate Resources Act Site Plans.

### 2.7.3 Blasting

A blast impact assessment was prepared by Explotech Engineering. It is estimated that only 3 – 5 blasts will be required each year. The analysis concluded that the blasting operations for the proposed quarry can be carried out safely and within guidelines set by the Ministry of the Environment and Climate Change to protect surrounding buildings and structures.

Explotech Engineering has recommended that the following measures be included on the Aggregate Resources Act site plans:

- The applicant monitor all blasts for ground vibrations and overpressure at the closest privately owned residences to ensure compliance with current provincial guidelines for vibration and overpressure;
- An attenuation study shall be undertaken by an independent blasting consultant during the first 12 months of operation to assist in developing future blast designs;
- The extraction face shall be orientated so the direction of overpressure propagation is away from structures as much as possible;
- Blast designs shall be continually reviewed and modified as required to ensure compliance with current provincial guidelines; and
- Blasting is only permitted from 8:00 am to 5:30 pm during daylight hours (Monday to Friday).

These recommendations have been incorporated on the Aggregate Resources Act Site Plans.

### 2.7.4 Air Quality

There will be limited sources of dust at the proposed quarry since most activities will occur on the quarry floor and are well separated from surrounding residential properties.

At the proposed quarry aggregate will be blasted and then transported on the quarry floor to the processing plant in phases 1 or 2. The processing plant and stockpiles will be located on the quarry floor. Highway trucks will then be loaded at the processing plant and the trucks will utilize internal haul routes on the quarry floor in phases 1 and 2.

The Province has developed prescribed conditions that apply to all new quarries to ensure that air quality impacts are minimized on surrounding land uses. In accordance with the prescribed conditions established by the Province, the applicant is required to mitigate dust on-site, and apply water or another provincially approved dust suppressant on any internal haul route as often as required to mitigate dust and equipment that has the potential to create dust and is located within 300 m of a sensitive receptor must be equipped with dust suppressing devices.

### **2.7.5 Visual**

MHBC prepared a visual impact analysis of the proposed quarry from a total of 16 surrounding residences located on Gaebel Road, Bay Lake Road and Mill Street. The analysis was conducted using a digital elevation model that accounts for existing ground elevation and existing tree cover in the area.

The analysis confirmed that surrounding residents will not be able see the extraction, processing, stockpiling and shipping of aggregate on the site because these activities occur on the proposed quarry floor which is screened by the existing topography or tree cover.

Some of the residence locations, five in total, would be able to see a small area of the proposed quarry, during site preparation and drilling operations. These views will only be for a limited area of the site, for a limited duration, and will be located quite a distance from the surrounding receptor. Overall, a distant view of construction equipment is not uncommon in a rural area and the quarry has been designed and/or separated to minimize visual impacts since the majority of proposed quarry operation cannot be seen from surrounding receptors.

### **2.7.6 Traffic**

A traffic impact study was prepared by Tranplan Associates to confirm if the future traffic generated by the proposed quarry can be accommodated by existing roads and intersections.

The proposed quarry will utilize the existing south entrance/exit that is used by the Freymond lumber operation and the Class B sand and gravel pit (License No. 624804) for shipping, onto Bay Lake Road, then to Highway 62. Trucks may also travel south on Bay Lake Road to accommodate local deliveries to the surrounding community.

Tranplan Associates concluded that with improvements to the present southbound right turn taper at the Highway 62/Bay Lake Road intersection, the existing road network has sufficient capacity to accommodate both the roadway growth and traffic generated from the proposed quarry.



# 3.0 PLANNING ANALYSIS

The following is an assessment of the proposed quarry application relative to the policies and provisions of the following documents:

- Provincial Policy Statement;
- County of Hastings Official Plan;
- Township of Faraday Zoning By-law; and
- Aggregate Resources Act.

## 3.1 Provincial Policy Statement (2014)

The Provincial Policy Statement (PPS) was issued under Section 3 of the Planning Act and came into effect on April 30, 2014.

The PPS provides policy direction on matters of provincial interest related to land use planning and development. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. (Part 1, Preamble).

The PPS is a policy-led planning approach that recognizes the complex inter-relationship among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning and recognizes linkages among policy areas (Part III, How to Read the Provincial Policy Statement).

The PPS recognizes that the Province's natural heritage resources, water, agricultural lands, mineral aggregate resources, cultural heritage and archaeological resources provide important environmental, economic and social benefits. The wise use and management of these resources over the long term is a key provincial interest. The province must ensure that its resources are managed in a sustainable way to protect essential ecological processes and public health and safety, minimize environmental and social impacts, and meet its long-term economic needs (Part IV, Vision for Ontario's Land Use Planning System).

The following is a summary to demonstrate how the proposal is consistent with the PPS. See **Appendix 4** for a more detailed policy analysis.

- The management or use of mineral aggregate resources is a permitted use in the rural area (Policy 1.1.5.2);
- The proposed quarry represents an efficient use of existing infrastructure by utilizing the existing south entrance/exit of the Freymond lumber yard to access Bay Lake Road and utilize an existing truck route (Policies 1.1.5.5, 1.6.7.1, 1.6.7.2, 1.7.1 a);

- The proposed quarry optimizes the long term availability of mineral aggregate resources, utilizes existing infrastructure and has been appropriately designed, buffered and/or separated to prevent or mitigate adverse effects (Policy 1.2.6.1);
- Making this site available for aggregate extraction represents the wise use and management of resources, providing economic benefits, while minimizing potential impacts (Section 2.0);
- The proposed quarry will protect natural features and increase biodiversity in the long term and ensure no negative impact to significant natural heritage features (Policies 2.1.1, 2.1.2, 2.1.5, 2.1.6);
- There are no significant wetlands located on-site (Policy 2.1.4);
- There is no fish habitat located on-site (Policy 2.1.6);
- There is no habitat of endangered and threatened species on-site (Policy 2.1.7);
- The proposed quarry will protect the quality and quantity of water (Policy 2.2.1);
- There are no municipal drinking water supplies or designated vulnerable areas in the vicinity of the proposed quarry (Policy 2.2.1.e.1);
- There are no sensitive surface water or sensitive ground water features on site. Adjacent features will be protected (Policies 2.2.1.e.2, 2.2.2);
- The subject site is located directly north of an area identified as an Extractive Reserve area on Schedule A5-1 of the County of Hastings Official Plan. This general area is protected for future extraction (Policy 2.5.1);
- The proposal makes available a mineral aggregate resource that is located close to the Town of Bancroft and surrounding market areas (Policy 2.5.2.1);
- The operation has been designed in a manner which minimizes social, economic and environmental impacts (2.5.2.2);
- Rehabilitation of the site will be progressive, and the site will predominately be returned to a forested condition consistent with the adjacent lands (Policy 2.5.3.1);
- The proposed quarry is not within a prime agricultural area and rehabilitation to agriculture is not required (Policy 2.5.4.1);
- There are no significant cultural heritage resources located on site (Policies 2.6.1, 2.6.2, 2.6.3);
- There are no hazard lands on or adjacent to the site (Policies 3.1.1, 3.1.2); and
- The proposed quarry represents the wise use and management of an aggregate resource in an area directly adjacent to an existing sand and gravel pit, and is located directly north of an area identified for future extraction in the County of Hastings Official Plan (Policy 3.2.1).

## 3.2 County of Hastings Official Plan

The application for the proposed quarry is required to conform to the County of Hastings Official Plan.

As required by the County of Hastings Official Plan an Official Plan Amendment is needed to designate the site from "Rural" to "Extractive (Active)". Attached as **Appendix 2** is a copy the proposed County of Hastings Official Plan Amendment.

The application to amend the Official Plan was originally submitted to the County by Freymond Lumber Ltd. in 2013. Since that time, all of the technical reports have been updated based on a revised operational and rehabilitation plan and resubmitted to the County.

The following are the land use designations that currently apply to the proposed quarry based on Schedule A5-1 of the County of Hastings Official Plan. In summary, the proposed quarry site:

- Is designated as “Rural”;
- Is located directly north of an area identified as an “Extractive Reserve” and this area is protected for future extraction;
- Is not located within an “Environmental Protection”, “Environmentally Sensitive”, “Significant Wetlands” or “Cold Water Fisheries” designation;
- Is not located within a “Floodline” designation;
- Is not located within the “Agricultural” designation and not considered a Prime Agricultural Area; and
- Is located on a Municipal Road that is used as an existing truck route.

See **Figure 7**.

The following is a summary to demonstrate how the proposal conforms with the County of Hastings Official Plan. See **Appendix 5** for a more detailed policy analysis.

- Schedule A5-1 of the County of Hastings Official Plan identifies an Extractive (Reserve) area directly south of the site. Site specific investigations confirm the presence of a significant resource area on-site;
- The proposed extraction contains approximately 15 million tonnes of a high quality aggregate that is suitable for most road building and construction projects (Policy 3.8.3 a);
- Making this site available for aggregate extraction represents the wise use and management of resources, providing economic benefits to the County, while minimizing social and environmental impacts (Goals 2.3.1, 2.10.1, Objectives 2.10.2);
- Freymond Lumber Ltd. owns approximately 128 ha of land, of which only 33.3 ha is proposed to be designated/zoned to permit the quarry. Of the 33.3 ha site only 27.5 ha is proposed for extraction. Overall the subject site is well separated from adjacent roads, property boundaries and surrounding land uses. The setbacks from surrounding land uses have been determined by the technical impact assessments and the provisions of the Aggregate Resources Act (Policies 3.8.3 b, 3.8.7);
- The County of Hastings Official Plan identifies the potential area of influence for a quarry as 500 m from the proposed extraction operation. Technical studies as requested by the County of Hastings have been completed related to water wells, noise, air, visual and traffic and the quarry has been designed to prevent adverse impact on adjacent uses (Policies 3.8.2 c, 3.8.3 c);
- An environmental impact study was completed and the proposed quarry will not result in a negative impact to natural heritage features, areas and related ecological functions. In the long term the rehabilitation plan will promote biodiversity and restore ecological conditions (Goal 2.4.1, Policy 3.8.3 e);
- Schedule A5-1 of the County of Hastings Official Plan does not identify any portion of the site to be Environmental Protection, Environmentally Sensitive, Cold Water Fisheries or Significant Wetlands (Policy 3.2);

- The site is mapped as Class 6 and 7 agricultural land and is designated Rural in the County of Hastings Official Plan. The site and surrounding area has not been identified as a prime agricultural area and land uses in the area do not include agricultural operations (Goal 2.5.1);
- A water resources assessment was completed. The proposed quarry is not anticipated to have any adverse effects to groundwater/surface water resources and a monitoring program will be implemented to verify this. Annual reports will also be submitted to the Ministry of Environment and Climate Change and Ministry of Natural Resources and Forestry (Goal 2.6.1, Policy 3.8.3 e);
- There are no significant built heritage resources, cultural heritage landscapes or areas of archaeological potential on-site (Goal 2.7.1, Policy 3.8.3 d);
- A traffic impact study was completed and concluded that with improvements to the present southbound right turn taper at the Highway 62/Bay Lake Road intersection, the existing road network has sufficient capacity to accommodate both the roadway growth and traffic generated from the proposed quarry (Goal 2.8.1); and
- Rehabilitation of the site will be progressive and as soon as possible depleted areas shall be restored to maximize rehabilitated areas and minimize disturbed areas. The rehabilitation plan developed for the site will ensure that a variety of habitats will occur, thus increasing biodiversity of the site. The plan will also ensure that ecological functions of the site will be restored in the long term (Policy 3.8.3 e).

### 3.3 Township of Faraday Zoning By-law

The subject site is zoned Rural (RU) and Industrial (M) in the Township of Faraday Zoning By-law No. 21-2012. See **Figure 9**.

The subject is proposed to be zoned Extractive Industrial (MX) Exception Zone to permit the proposed quarry. The proposed exception zone is it to:

- add aggregate recycling as an additional permitted use to Section 4.13.1; and
- establish site specific setbacks to surrounding land uses based on the technical impact assessments and requirements of the Aggregate Resources Act as provided for by Section 3.8.7 of the Official Plan.

Attached as **Appendix 3** is a copy of the proposed Municipality of Faraday Zoning By-law Amendment.

### 3.4 Aggregate Resources Act Summary Statement

Freymond Lumber Ltd. is applying for a Category 2, Class A Quarry Below Water under the Aggregate Resources Act ("ARA"). The subject site is located to the south of the Town of Bancroft, on lands described as Part of Lots 51 and 52, Concession W.H.R. in the Township of Faraday, County of Hastings.

The applicant owns approximately 128 hectares of land, of which 33.3 hectares is proposed to be licensed and 27.5 hectares is proposed for extraction.

The quarry proposes to use the existing south entrance of the lumber mill to access Bay Lake Road. The proposed maximum tonnage limit for the proposed quarry is 300,000 tonnes per annum.

The complete Aggregate Resources Act application consists of the following:

### **3.4.1 Site Plans**

The Site Plans provide details of existing features, the operational plan, progressive rehabilitation, planned final rehabilitation and cross-sections of existing conditions and planned final rehabilitation of the site. The site plans are included in the application package.

### **3.4.2 Reports**

The following sections fulfill the study requirements of the Aggregate Resources Act:

- 2.2.1 & 2.2.2 Hydrogeological Level 1 and Level 2 Technical Report, MTE Consultants Inc.
- 2.2.3 & 2.2.4 Natural Environment Level 1 and 2 Technical Report, Robin E. Craig.
- 2.2.5 & 2.2.6 A Stage 1-2 Archaeological/Heritage Assessment, Golder Associates Ltd.
- 2.2.7 A Stage 3 and 4 Cultural Heritage Resource Report was not required;
- 2.2.8 A Noise Impact Analysis, Hugh Williamson Associates Inc.
- 2.2.9 Blasting Assessment, by Explotech Engineering Ltd.
- 2.2.10 Each Report includes the qualifications and experience of the individual (s) that have prepared the Report.

Although not required by the Aggregate Resources Act, a visual impact analysis and traffic study was also submitted.

### **3.4.3 Summary Statement: Required Information**

The following sections are structured to provide information required under the Provincial Standards Version 1.0 for a Category 2 - Class A Quarry Below Water, Aggregate Resources Act Summary Statement.

#### **3.4.3.1 Planning and Land Use Considerations – Standard 2.1.1**

The proposed quarry represents good planning and is consistent with the Provincial Policy Statement (PPS) and conforms to the County of Hastings Official Plan for the following reasons:

- Making this site available for aggregate extraction represents the wise use and management of resources, providing economic benefits, while minimizing potential social and environmental impacts;
- The proposed Freymond Quarry contains approximately 15 million tonnes of a high quality aggregate resource suitable for most road building and construction projects that would supply the Town of Bancroft and surrounding local markets;
- The County of Hastings Official Plan recognizes that this area contains aggregate potential (lands immediately south of the subject site) and this general area is to be protected for future aggregate extraction;
- Aggregate extraction is already an established use in the area and there is an adjacent licensed gravel pit to the north of the proposed quarry and to the east of Hwy 62;
- The operation is appropriately designed, buffered and/or separated from sensitive land uses to minimize impacts;
- Surrounding domestic water supplies will be protected and the applicant will implement a private well monitoring program that consists of on-site wells and surrounding residential wells.
- Although no impacts to water supplies are predicted the applicant will implement a well interference complaint procedure to ensure that if any well is impacted by the quarry the applicant will replace or restore the well at the expense of the applicant;
- Surrounding water resources will be protected and on-site water resources will be managed in a proposed stormwater management pond. Monitoring and discharge from the stormwater management pond will be in accordance with requirements from the Ministry of Environment and Climate Change;
- An annual water resources monitoring report will be completed and submitted to the Ministry of Natural Resources and Forestry and the Ministry of Environment and Climate Change;
- There will be no negative impact to significant natural features taking into consideration proposed mitigation measures and the rehabilitation plan;
- The site will be progressively rehabilitated for natural heritage purposes, including the establishment of a pond and watercourse on the quarry floor;
- The subject site is not considered a prime agricultural area and does not contain prime agricultural land;
- The aggregate from the proposed quarry will be shipped to market from the existing south entrance/exit for the lumber yard onto an existing truck route (Bay Lake Road);
- With improvements to the present southbound right turn taper at the Highway 62/Bay Lake Road intersection, the existing road network has sufficient capacity to accommodate both the roadway growth and traffic generated from the proposed quarry; and
- There are no significant cultural heritage resources on-site.

#### 3.4.3.2 Agricultural Classification of the Proposed Site – Standard 2.1.2

The proposed Freymond Quarry is predominantly forested and is mapped as Class 6 and 7 agricultural land. See **Figure 8**.

#### 3.4.3.3 Quality and Quantity of Aggregate On-site – Standard 2.1.3

The site contains approximately 15 million tonnes of high quality aggregate that can be used for a variety of construction uses.

#### 3.4.3.4 Main Haulage Routes – Standard 2.1.4

The proposed quarry would utilize the existing south entrance/exit at the Freymond lumber yard. This entrance/exit is an existing truck entrance/exit with access onto Bay Lake Road. Trucks would travel north on Bay Lake Road to Highway 62. This section of Bay Lake Road is an existing truck route.

#### 3.4.3.5 Progressive and Final Rehabilitation – Standard 2.1.5

Rehabilitation will be progressive generally in accordance with the phasing schematic shown in **Figure 5**. As soon as feasible, depleted areas shall be restored to maximize rehabilitated areas and minimize disturbed areas using on-site soils. The quarry floor will be graded using on-site soil and designed with a watercourse to convey water to the stormwater management pond located along the eastern boundary of the subject site. Water will be passively discharged from the subject site.

A shallow/amphibian pond will be developed adjacent to the proposed watercourse. Several barn swallow nesting structures and bat boxes will be installed adjacent to the shallow/amphibian pond and stormwater management pond to benefit species at risk. The quarry floor in Phase 1 will be planted with a grass/legume mixture and will be used to store logs from the lumber mill. The remaining phases will be planted with red pine to create a forested condition.

Excavation will occur in one to two benches and will vary in height. A minor portion of the quarry face will be backfilled at 2:1 sideslopes with on-site material to create talus slopes. These slopes will be planted with Red Pine and native shrubs. Logs, stumps and rocks will be placed among the plantings to increase habitat diversity.

The proposed Rehabilitation Plan is illustrated on **Figure 6**.

# 4.0 CONCLUSIONS

For the reasons set out in this report, the proposed Freymond Quarry represents good planning and:

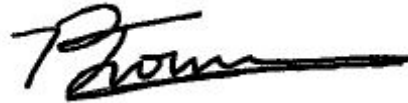
- Is consistent with the Provincial Policy Statement;
- Conforms to the County of Hastings Official Plan; and
- Addresses the requirements of the Aggregate Resources Act.

Respectfully submitted,

**MacNaughton Hermsen Britton Clarkson Planning Limited**



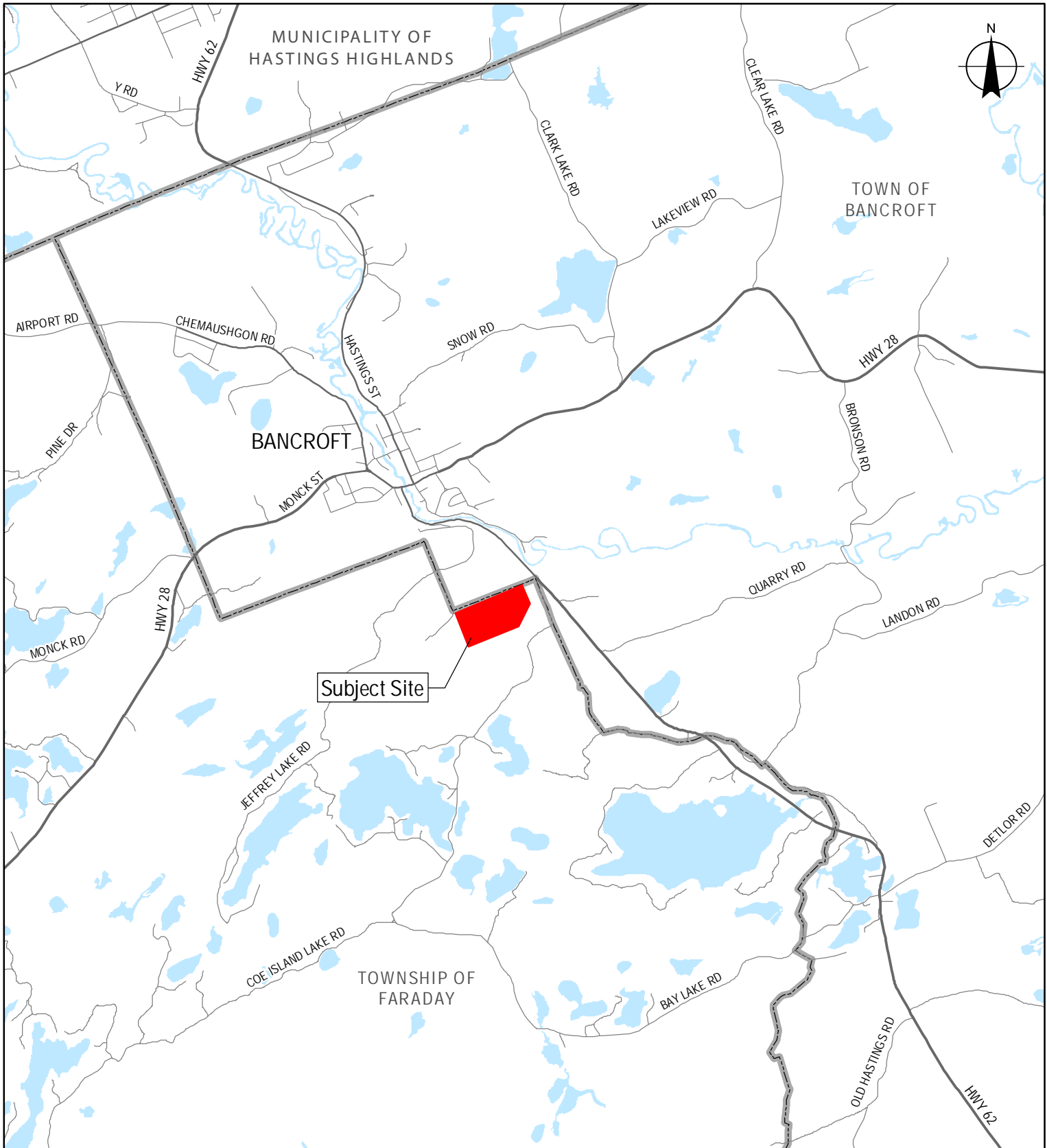
Brian Zeman, BES, MCIP RPP  
President



Patrick Townes, BA, Bed  
Planner







# Figures



**FIGURE 1  
LOCATION MAP**

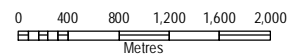
Freymond Quarry  
RR#1, 2287 Bay Lake Road  
Township of Faraday  
County of Hastings

**LEGEND**

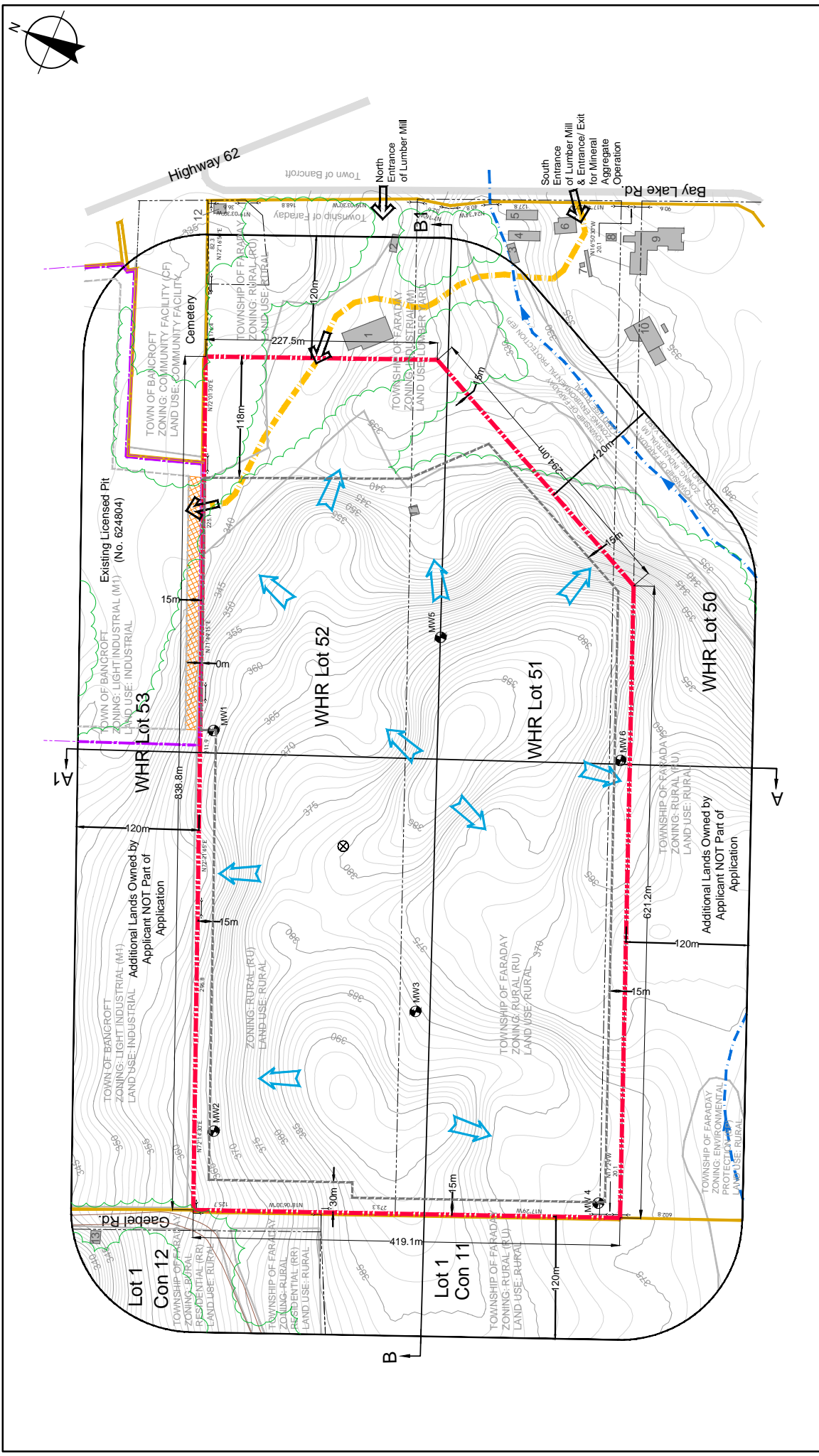
-  Municipal Boundary
-  Road
-  Subject Site
-  Waterbody

DATE **December, 2016**

SOURCES  
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Figures\GIS\Fig1\_LocationMap\_2016-12



### EXISTING FEATURES

**Freymond Quarry**  
 RR#1, 2287 Bay Lake Road  
 Township of Faraday  
 County of Hastings

**LEGEND**

	Proposed Licensed Boundary		Surface Drainage Direction
	Proposed Limit of Extraction		Existing Water Course
	Existing Licence Boundary		Existing Haul Route for Licence (No. 624804)
	Existing Limit of Extraction		Existing Building
	Boundary of Lands Owned by Applicant		Paved Road
	Municipal Zoning Boundary		Area Subject to Separate ARA Site Plan Amendment to Reduce Setback from 15m to 0m
	120m from Licence Boundary		Existing Tree Cover
			Existing Entrance/Exit

**FIGURE 2**

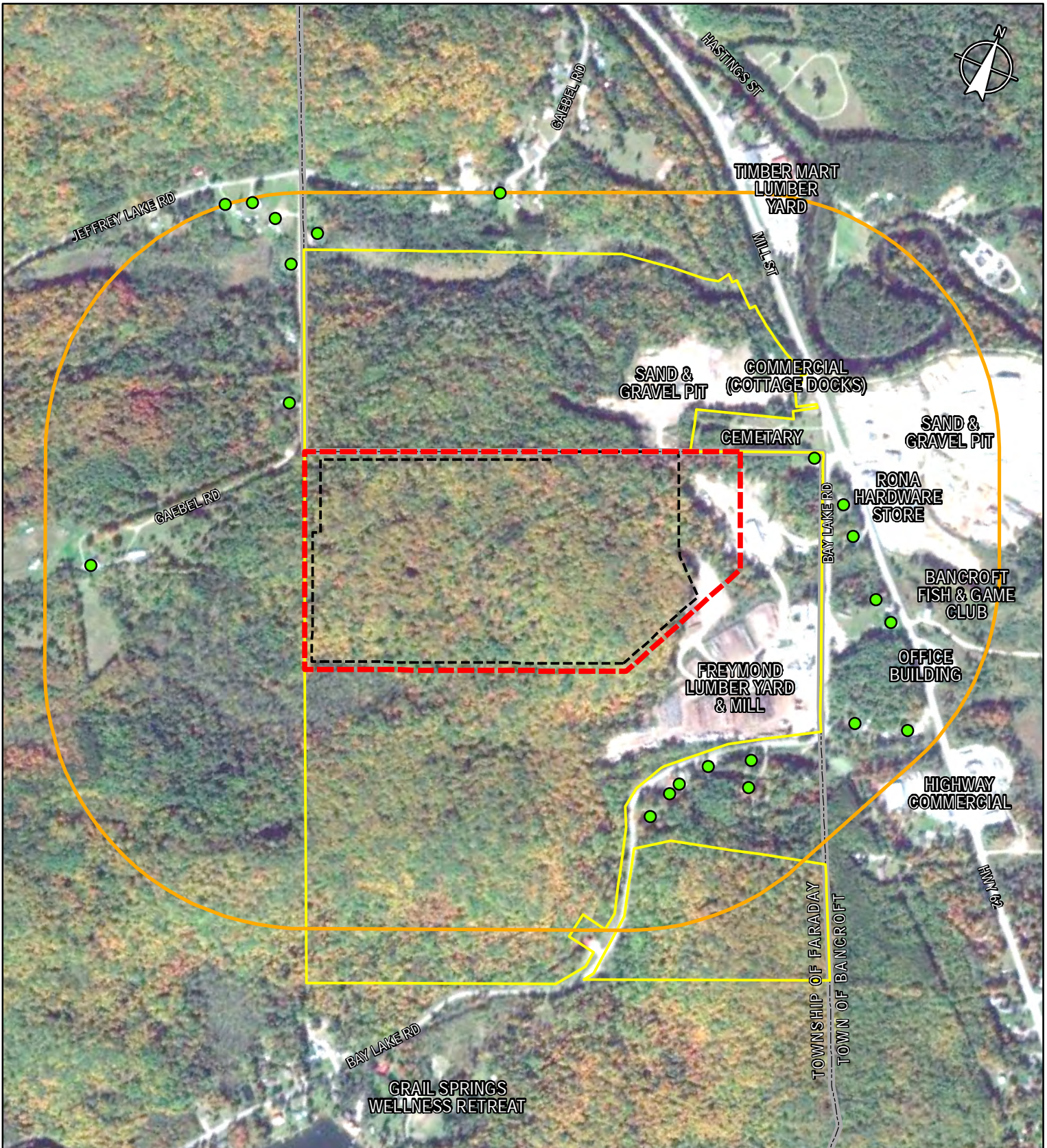
DATE: December, 2016

SOURCES: ARA - Existing Features

Scale: Not to Scale

Project Info: N:\B\15158\Drawings\Figures\Planning Report Figures\GIS\Fig2\_ExistingFeatures\_2016-12

Logo: **PLANNING URBAN DESIGN & LANDSCAPE**  
**MHBC ARCHITECTURE**



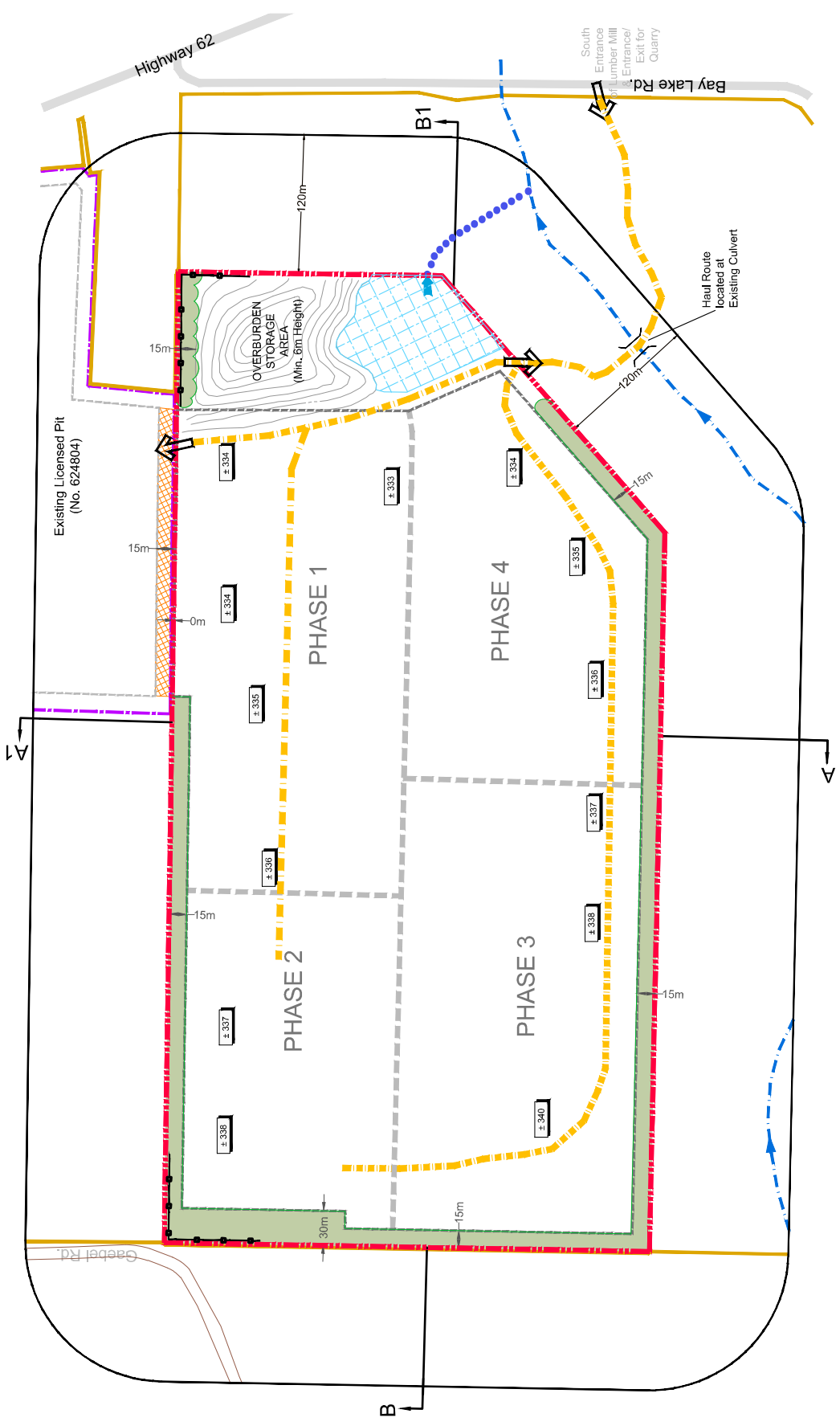
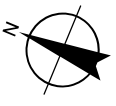
**FIGURE 3  
SITE ENVIRONS &  
SURROUNDING  
LAND USES**

Freymond Quarry  
RR#1, 2287 Bay Lake Road  
Township of Faraday  
County of Hastings

**LEGEND**

- Residential Buildings
- Proposed Licensed Boundary
- Proposed Extraction Limit
- 500m Boundary from License Area
- Additional Lands Owned by Applicant

DATE	December, 2016
SOURCES	Contains information licensed under the Open Government Licence - Ontario
	N:\Brian\15158\Drawing\Figure\Planning Report Figures\GIS\Fig3_Site Environs_2016-12

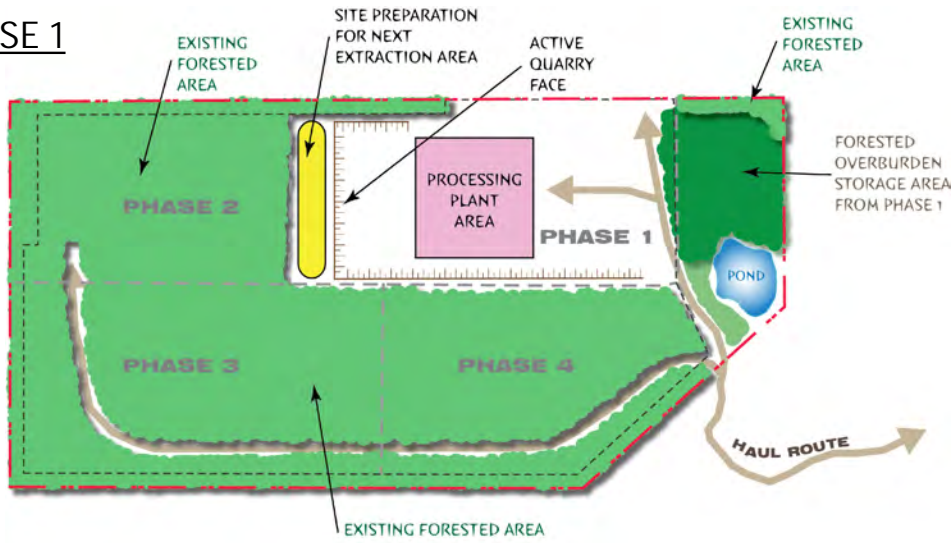


DATE	December, 2016
SOURCES	ARA - Operation Plan
	Not to Scale
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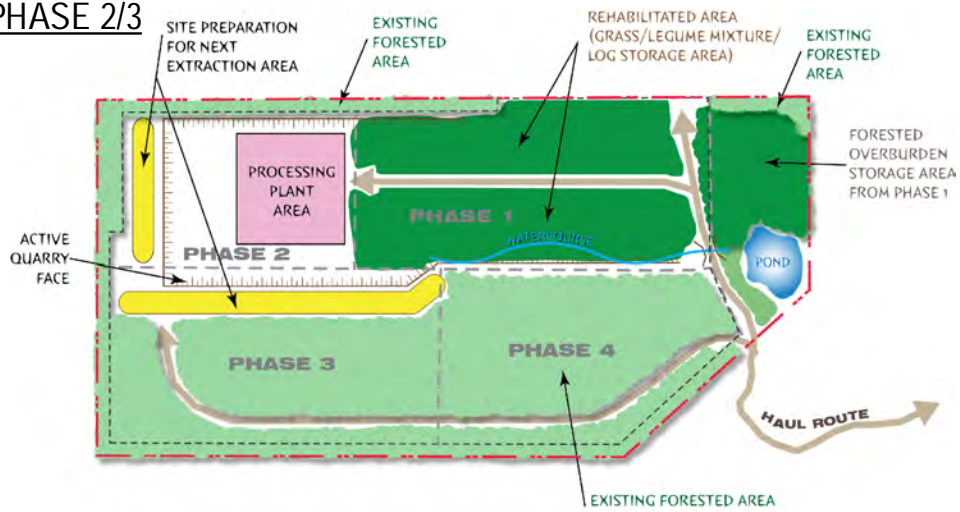
LEGEND	
	Proposed Licensed Boundary
	Proposed Limit of Extraction
	Existing Licence Boundary
	Existing Limit of Extraction
	Boundary of Lands Owned by Applicant
	120m from Licensed Boundary
	1.2m Fencing
	Phase Boundary
	Cross-Section
	Entrance/Exit
	Existing Watercourse
	Surface Water Discharge Point
	Connection from Stormwater Management Pond to Existing Watercourse (drainage Feature or Pipe)
	Paved Road
	Proposed Quarry Floor Elevation (m.a.m.s.l.)
	Approximate Location of Internal Haul Route
	Approximate Location of Stormwater Management Pond
	Existing Vegetation to remain
	Area Subject to Separate ARA Site Plan Amendment to Reduce Setback from 15m to 0m
	Area Subject to Separate ARA Site Plan Amendment to Reduce Setback from 15m to 0m
	Connection from Stormwater Management Pond to Existing Watercourse (drainage Feature or Pipe)

**FIGURE 4**  
**OPERATION PLAN**  
 Freymond Quarry  
 RR#1, 2287 Bay Lake Road  
 Township of Faraday  
 County of Hastings

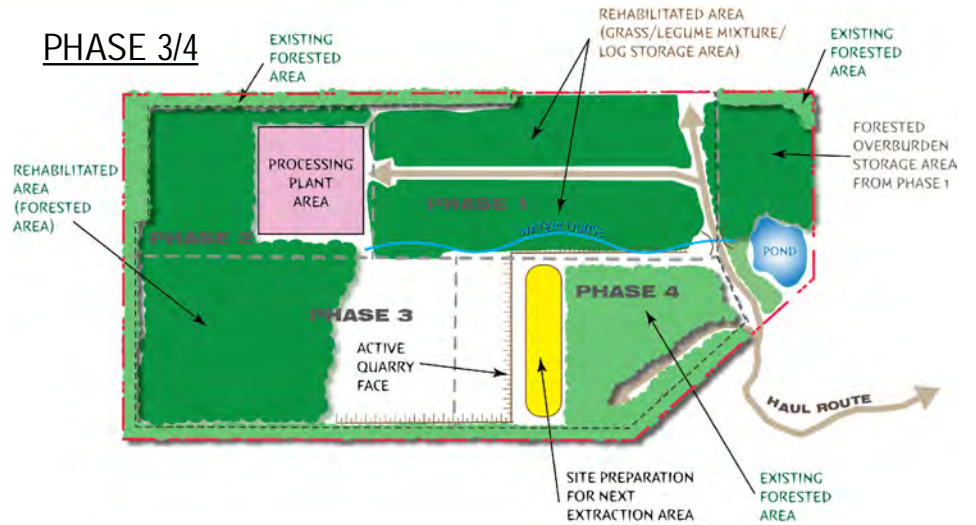
# PHASE 1



# PHASE 2/3



# PHASE 3/4



**FIGURE 5  
CONCEPTUAL  
PHASING PLAN**

Freymond Quarry  
RR#1, 2287 Bay Lake Road  
Township of Faraday  
County of Hastings

## LEGEND

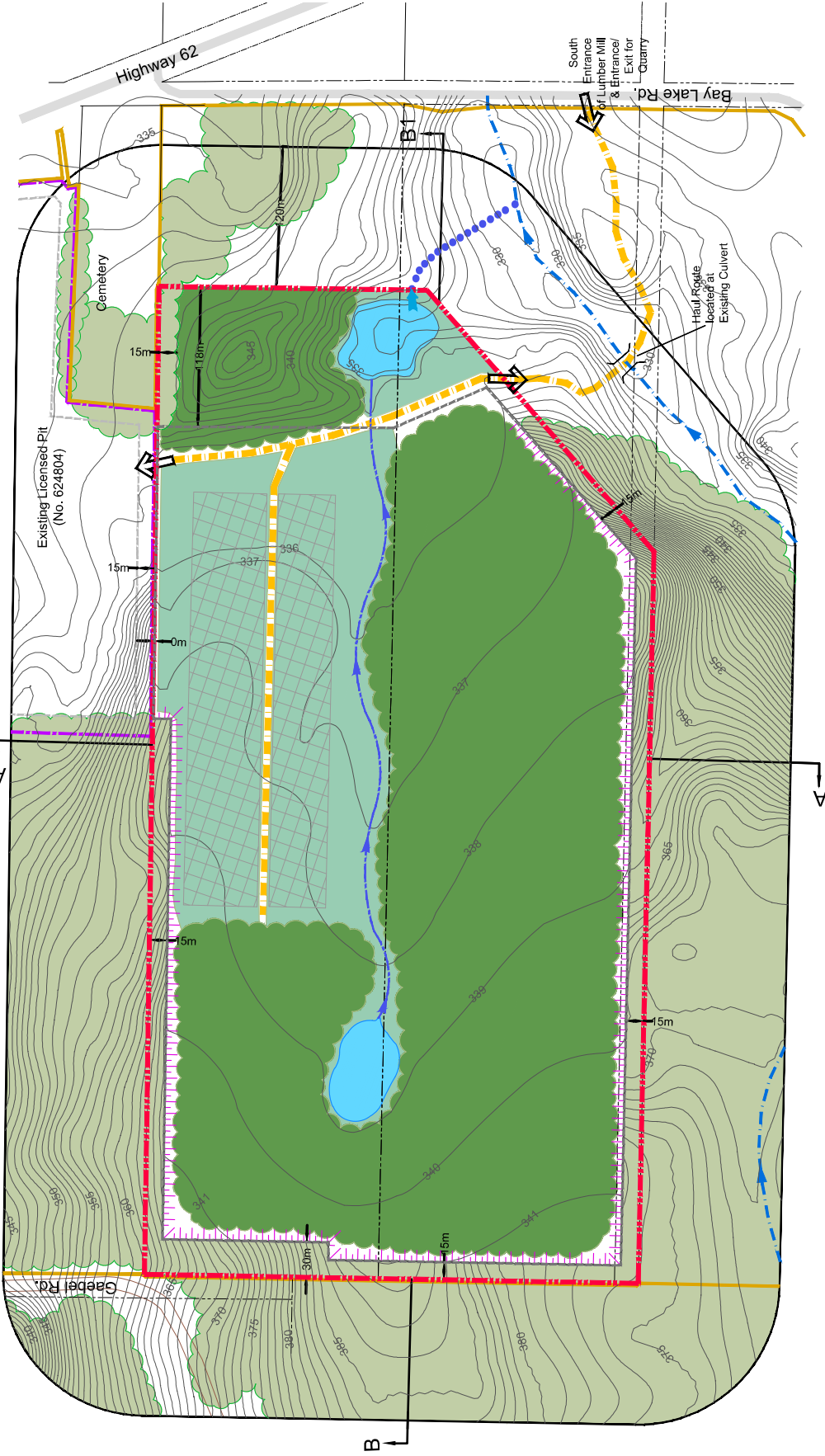
- Proposed Licensed Boundary
- Proposed Extraction Limit

DATE December, 2016

SOURCES ARA - Operation Plan

Not to Scale

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Figures\GIS\Fig5\_ConceptPhasing\_2016-12

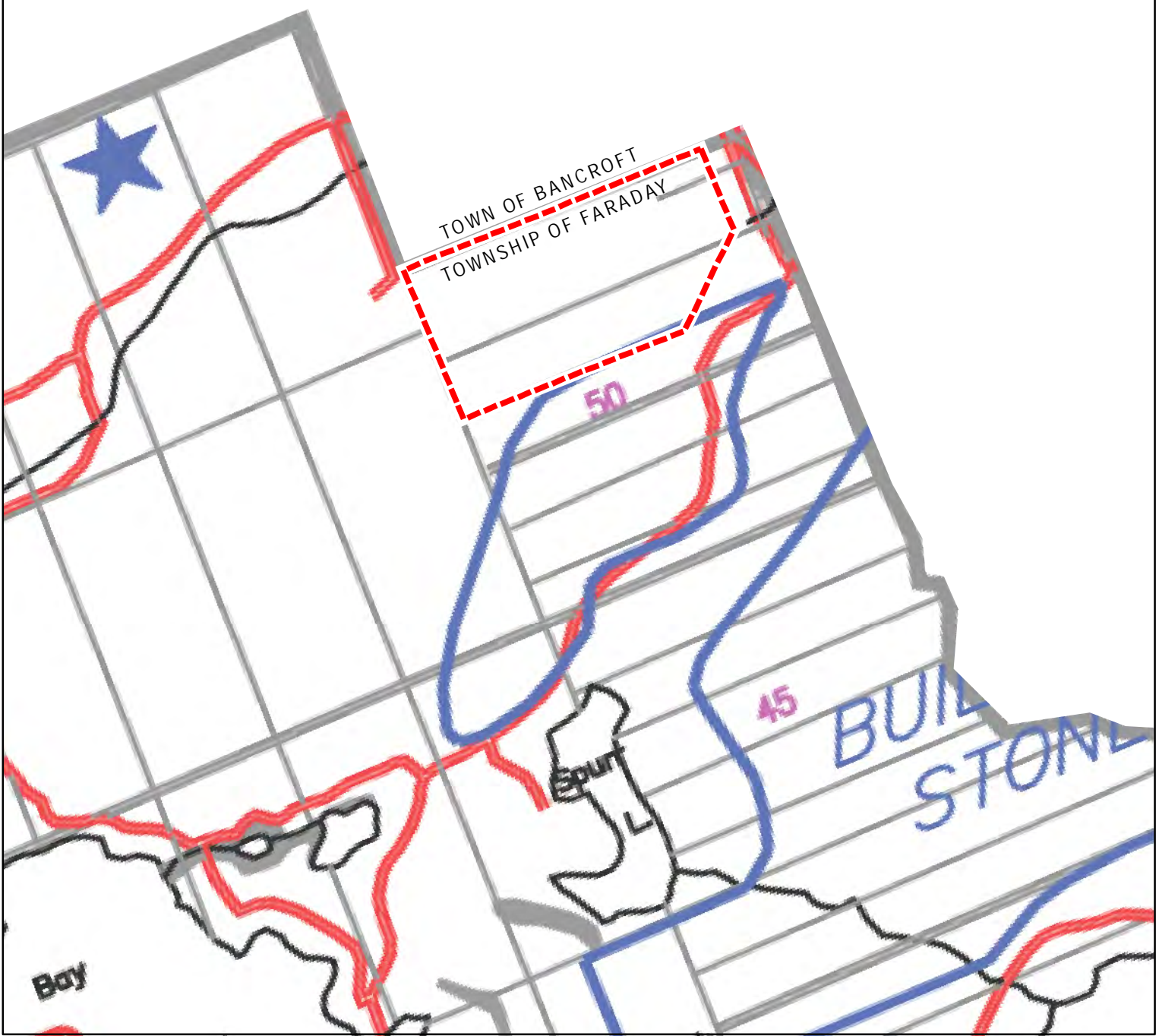
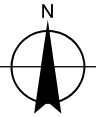


DATE	December, 2016
SOURCES	ARA - Rehabilitation Plan
	No 1 to Scale
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LEGEND	
	Proposed Licensed Boundary
	Proposed Limit of Extraction
	Existing Licence Boundary
	Existing Limit of Extraction
	Boundary of Lands Owned by Applicant
	120m from Licensed Boundary
	Cross-Section
	Contour Line
	Entrance/Exit
	Existing Water Course
	Proposed Watercourse
	Connection to Existing Watercourse (Water Feature or Pipe)
	Surface Water Discharge Point
	Approximate Location of Internal Haul Route
	Paved Road
	Pond (Approximate Location/Size)
	Quarry Face
	Existing Forested Area
	Proposed Forested Area (Red Pine)
	Grass/Legume Area
	Freymond Lumber - Storage Area for Logs








**FIGURE 6**  
**REHABILITATION PLAN**  
 Freymond Quarry  
 RR#1, 2287 Bay Lake Road  
 Township of Faraday  
 County of Hastings



**FIGURE 7**  
**COUNTY LAND USE**  
 COUNTY OF HASTINGS  
 OFFICIAL PLAN  
 SCHEDULE 'A5-1'

Freymond Quarry  
 RR#1, 2287 Bay Lake Road  
 Township of Faraday  
 County of Hastings

**LEGEND**

-  Subject Site
-  Extractive (Reserve)
-  Rural
-  Waste Disposal Site
-  Municipal / Private Roads
-  Unopened Road Allowances
-  Cold Water Fisheries

DATE December, 2016

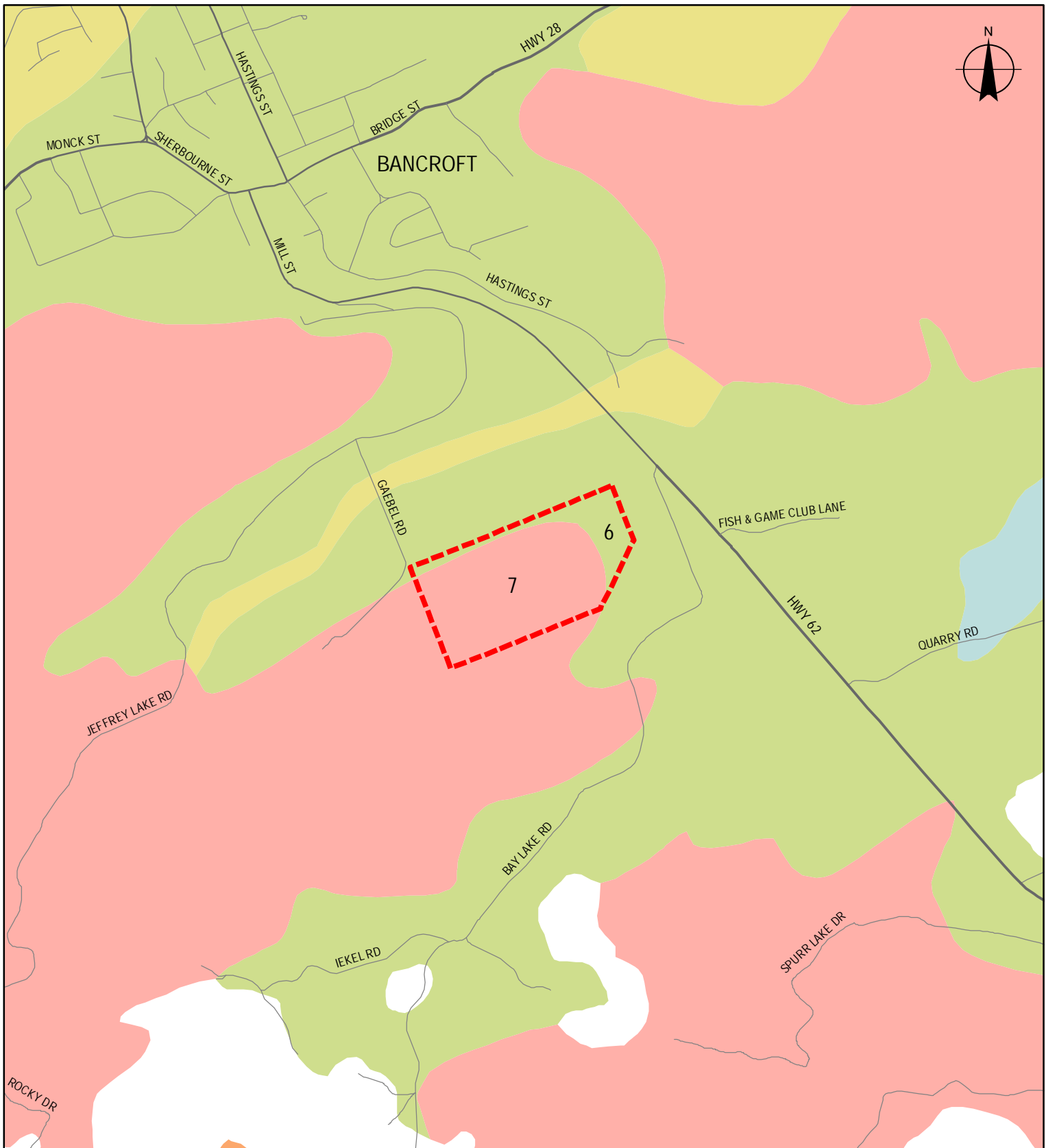
SOURCES  
 County of Hastings - Official Plan - Schedule 'A5-1'

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 Figures\GIS\Fig7\_CountyOP\_2016-12
















**FIGURE 8  
CANADA LAND  
INVENTORY MAPPING**

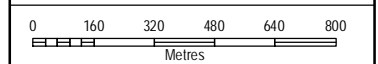
Freymond Quarry  
RR#1, 2287 Bay Lake Road  
Township of Faraday  
County of Hastings

**LEGEND**

-  Subject Site
-  Class 1 Soils
-  Class 2 Soils
-  Class 3 Soils
-  Class 4 Soils
-  Class 5 Soils
-  Class 6 Soils
-  Class 7 Soils
-  Organic Soils

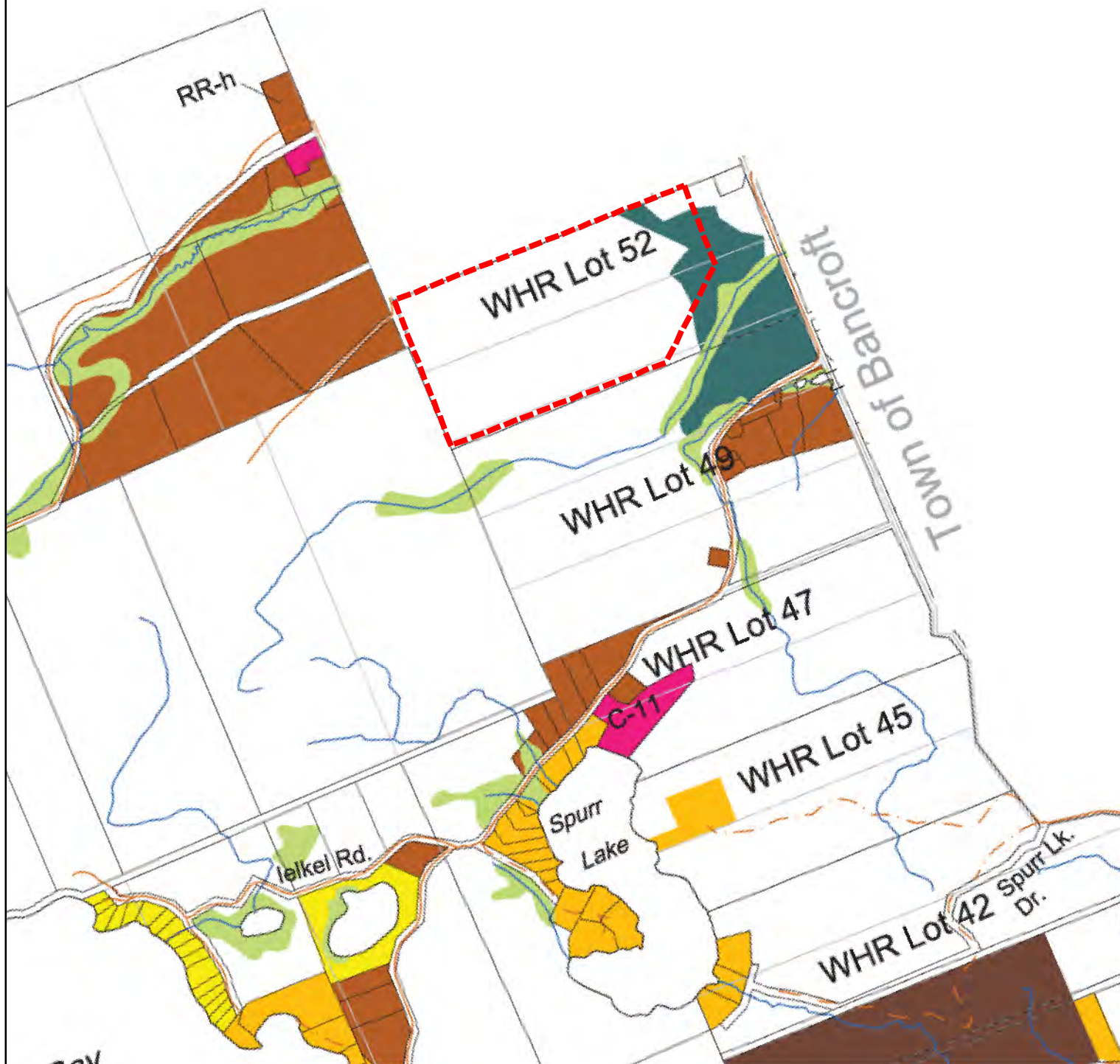
DATE December, 2016

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Canada Land Inventory



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Figures\GIS\Fig8\_CLI\_Map\_2016-12





**FIGURE 9**  
**TOWNSHIP ZONING**  
 TOWNSHIP OF FARADAY  
 ZONING BY-LAW No. 21-2012  
 SCHEDULE A - MAP 2

**Freymond Quarry**  
 RR#1, 2287 Bay Lake Road  
 Township of Faraday  
 County of Hastings

**LEGEND**

- Subject Site
- Rural (RU)
- Rural Residential (RR)
- Limited Service Residential (LSR)
- Waterfront Residential (WR)
- Commercial (C)
- Industrial (I)
- Extractive Industrial (MX)
- Environmental Protection (EP)

DATE December, 2016

SOURCES  
 Township of Faraday - Zoning By-law No. 21-2012  
 Schedule A - Map 2

Not to Scale

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 Figures\GIS\Fig9\_TownshipZBL\_2016-12



# Appendix 1

OCTOBER 17, 2016

# FREYMOND QUARRY UPDATE

## FREYMOND LUMBER LTD.

We would like to thank members of the community who attended our open house on June 25, 2015 regarding our proposed quarry at 2287 Bay Lake Road and those who also provided comments. We value the input from the community and over the past year we have been working hard to address these comments by completing additional technical analysis and revising our proposed quarry design and final rehabilitation plan. The following is an update on the application and anticipated next steps. At any time you are welcome to stop by our Lumber Yard and we would be happy to discuss our proposal.

Sincerely,  
Lou Freymond & Dan Freymond

### REDUCING OUR FOOTPRINT

Reduced the extraction area by almost 10% (now 27.5 ha).

Developed a phased extraction plan to minimize site disturbance and the active extraction area. This will allow us to retain existing vegetation until extraction in each phase begins and maximize our rehabilitation.

The following timelines represent the duration of each phase assuming the maximum limit of 300,000 tonnes is extracted each year:

- Phase 1: 13 years of extraction
- Phase 2: starts year 14 or later
- Phase 3: starts year 27 or later
- Phase 4: starts year 44 or later

In addition, processing will only be allowed in Phase 1 & 2 and processing equipment will be located on the quarry floor.

### REDUCING THE AMOUNT OF AGGREGATE EXTRACTED EACH YEAR

Previously we considered applying for the following maximum annual tonnage limit per year:

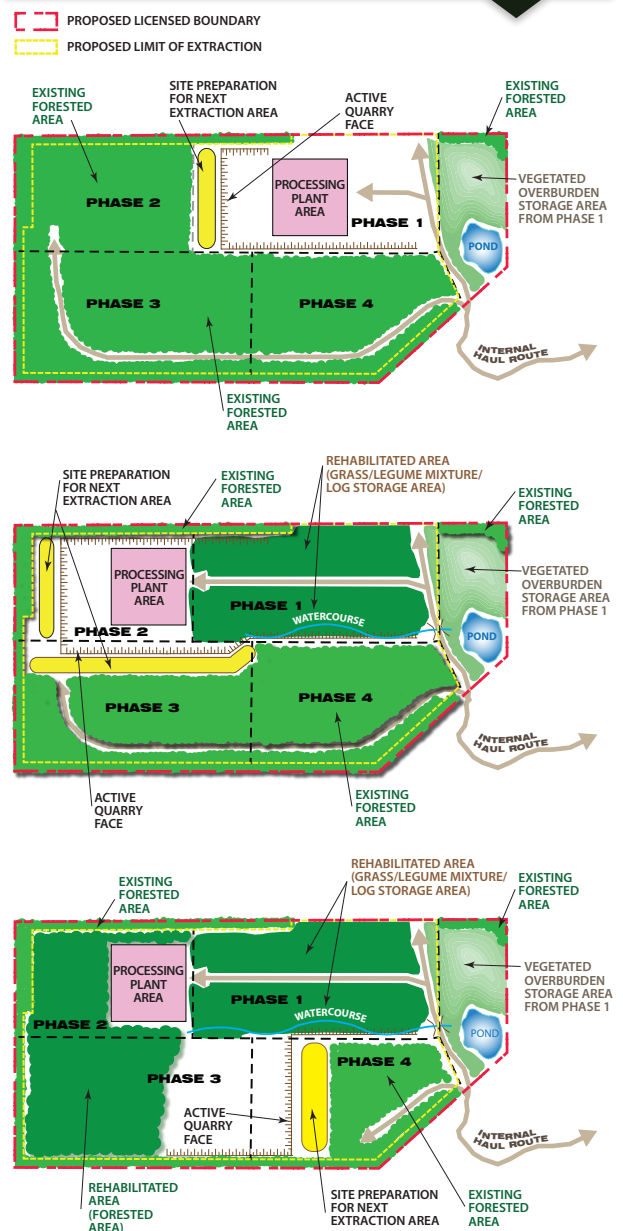
- Unlimited tonnage
- 1 million tonnes
- 400,000 tonnes

The updated application will limit the maximum annual tonnage limit to 300,000 tonnes per year.

This equates to:

- Less blasting per year (only 3-5 blasts per year).
- Less equipment on-site.
- Less truck traffic. The previous application contemplated a maximum of 30 trucks per hour. The new application is a maximum of 10 trucks per hour, however most of the time there will be a lot less trucks per hour.

### CONCEPTUAL PHASING PLAN



## REDUCED HOURS OF OPERATION

- Previously the site plans submitted proposed extraction and aggregate processing from 7:00 am to 7:00 pm Monday to Friday.
- The new site plans will restrict these activities from 7:00 am to 5:30 pm Monday to Friday.
- Shipping of aggregate is still proposed from 6:00 am to 7:00 pm Monday to Friday and 7:00 am to 12:00 pm on Saturday.
- These hours are consistent with Freymond Lumber's existing hours of operation.

## UPDATED TECHNICAL ANALYSIS

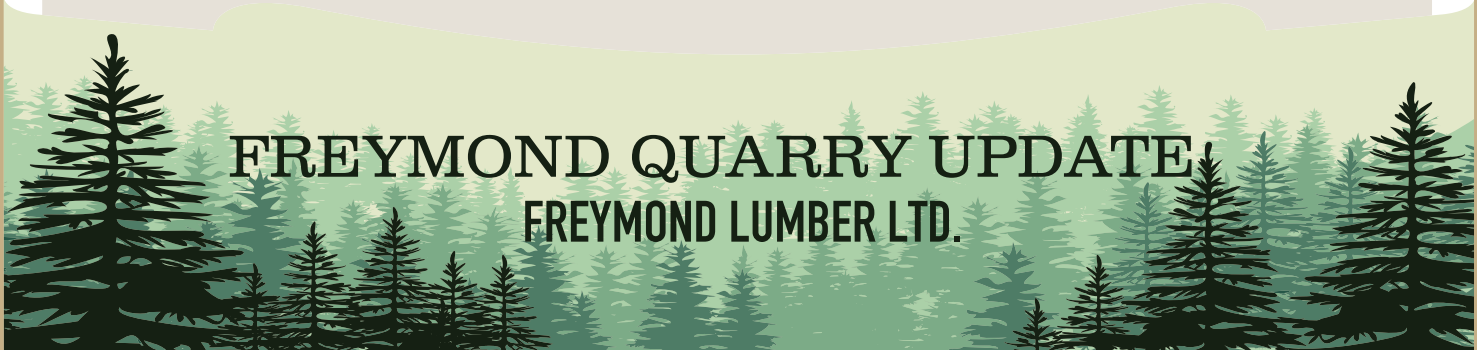
- Conducted updated noise, blasting and water resources modeling for the reduced extraction area and proposed phasing of the operation.
- Completed the Stage 2 archaeological assessment.
- Completed additional on-site water analysis including a pump test.
- Retained a new planning consultant who specializes in aggregate planning.
- Preparing a visual impact assessment.
- Updating all technical reports based on the revised operations (water resources, archaeological, environmental, planning, traffic, noise, blasting and site plans).

## PREPARED A MORE SUSTAINABLE REHABILITATION PLAN

- Increases biodiversity of the site by incorporating a variety of landforms (forests, cliffs, talus slopes, ponds, watercourse).
- Designing the site to benefit species at risk by adding Barn Swallow nesting structures and bat boxes.
- Phased operation plan to minimize disturbed area and maximize rehabilitation.
- No longer requires importation of fill.

## NEXT STEPS

- Updated technical reports will be finalized before the end of the year.
- Currently, Freymond has only submitted the Official Plan Amendment to the County of Hastings. Once the updated technical reports are available, the Aggregate Resources Act application will be submitted to the Ministry of Natural Resources and Forestry and the Zoning By-law Amendment application will be submitted to the Township of Faraday.
- This will allow for all levels of government to concurrently review the applications (County, Township, Ministry of Natural Resources and Forestry, Ministry of the Environment and Climate Change, and Quinte Conservation).
- As soon as the applications are submitted, Freymond will host a public information session for members of the community. Later in the process, the County and Township will also host a public meeting.
- Freymond commits to posting all of the technical reports on its website so they are available for the public to review.
- The County has indicated that they will also commission an independent third party peer review of the water resources report, natural environment report, noise report and blasting report to ensure that all applicable guidelines and standards are met to protect surrounding residents, surrounding lakes and the natural environment. We are supportive of this process and these reviews will be available to the public.



**FREYMOND QUARRY UPDATE**  
**FREYMOND LUMBER LTD.**

# Appendix 2

**OFFICIAL PLAN AMENDMENT NO. \_\_\_\_\_**

“Rural” to “Extractive (Active)”

Freymond Lumber Ltd.

Part of Lots 51 & 52, Concession W.H.R.  
2287 Bay Lake Road  
Township of Faraday

**FOR THE  
TOWNSHIP OF FARADAY  
IN THE  
COUNTY OF HASTINGS**

**Amendment No. \_\_\_\_ to the Official Plan of the  
County of Hastings**

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The attached explanatory text and map identified as Schedule "A", constituting Amendment No. \_\_\_\_ to the Official Plan of the County of Hastings, was prepared by the Council of the Corporation of the County of Hastings under the provisions of Sections 17 and 21 of the Planning Act, R.S.O. 1990, c.P.13, as amended.

The amendment was adopted by the Council of the Corporation of the County of Hastings by By-law No. \_\_\_\_\_ in accordance with Sections 17 and 21 of the Planning Act. R. S.O. 1990, c.P.13, as amended, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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**Jim Pine, CAO/Clerk**

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**Rick Phillips, Warden**



**The Corporation of the County of Hastings**

**BY-LAW NO. \_\_\_\_\_ - \_\_\_\_\_**

**Being a By-law to adopt an Amendment to the Official Plan of the Corporation of the County of Hastings**

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**WHEREAS** the Council of the Corporation of the County of Hastings is desirous of amending By-law No. 2000-0033, a By-law to adopt the Official Plan, for the future development of the County;

**WHEREAS AMENDMENT NO. \_\_\_\_\_** to the Official Plan of the County of Hastings has been considered and recommended for adoption by the County of Hastings Planning and Development Committee;

**AND WHEREAS** a Public Meeting regarding the proposed amendment has been held pursuant to the requirements of Section 17 of the Planning Act, R.S.O. 1990, c.P.13, as amended;

**NOW THEREFORE** the Council of the Corporation of the County of Hastings in accordance with the provisions of Sections 17 and 21 of the Planning Act, R.S.O. 1990, c.P.13, as amended, hereby orders and enacts as follows:

1. **THAT Amendment No. \_\_\_\_\_** to the Official Plan of the County of Hastings, consisting of the attached explanatory text and Schedule "A" is hereby adopted.
2. **THAT the CAO/Clerk** is hereby authorized and directed to make application to the Minister of Municipal Affairs and Housing for approval of Amendment No. \_\_\_\_\_ to the Official Plan of the Hastings County Planning Area.
3. **THAT Amendment No. \_\_\_\_\_** shall come into force and take effect in accordance with the provisions of Sections 17 and 21 of the Planning Act, R.S.O. 1990, c.P.13, as amended.

**THIS BY-LAW READ A FIRST, SECOND AND THIRD TIME, AND FINALLY PASSED IN OPEN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.**

\_\_\_\_\_  
**Jim Pine, CAO/Clerk**

\_\_\_\_\_  
**Rick Phillips, Warden**

**Amendment No. \_\_\_\_ to the Official Plan of the  
County of Hastings**

---

**1. Title and Contents:**

The following text and map identified as Schedule "A" constitutes Amendment No. \_\_\_\_ to the Official Plan of the Corporation of the County of Hastings. The Official Plan of the County of Hastings was approved by the Minister of Municipal Affairs and Housing, taking effect January 12, 2002 as modified by the Ontario Municipal Board Decision No. 0189, File No. O020014.

Also attached hereto but not forming a part of the amendment are:

**Appendix "A"** - Certified Statements and Declaration that:

- a. The Notice of Public Meeting and the holding of at least one public meeting have been complied with in accordance with the Planning Act;
- b. The Notice of Adoption of Official Plan Amendment No. \_\_\_\_ was given in accordance with the Planning Act; and,
- c. Official Plan Amendment No. \_\_\_\_ is consistent with the Provincial Policy Statement.

**Appendix "B"** - Copies of Notices

- d. Certified copies of the Notices of Public Meeting and Adoption; and,
- e. List of agencies and neighbouring land owners circulated and copies of written comments received.

**Appendix "C"** - Minutes of the Statutory Planning Committee Public Meeting held in regard to the Official Plan Amendment on \_\_\_\_\_, \_\_\_\_\_.

**Appendix "D"** - Hastings County Planning Staff Report dated \_\_\_\_\_, \_\_\_\_\_.

**2. Purpose and Effect of the Amendment:**

The purpose of Official Plan Amendment No. \_\_\_\_ to the Official Plan of the County of Hastings is as follows:

To re-designate 33.3 hectares of land owned by Freymond Lumber Ltd. located on Part Lots 51 & 52, Concession W.H.R. in the Township of Faraday from "Rural" to "Extractive (Active)" on Schedule "A5-1" of the County of Hastings Official Plan.

The effect of Amendment No. \_\_\_\_\_ will be to permit a quarry on the lands, including the permitted uses as listed in Section 3.8.2 of the County of Hastings Official Plan.

**3. Location of Lands Affected:**

The total land holdings owned by Freymond Lumber Ltd. are approximately 128 hectares and includes an existing gravel pit (License No. 624108) and an existing lumber mill operated by the owner. The subject lands are 33.3 hectares and represent the proposed licensed area under the Aggregates Resources Act, located on Parts 51 & 52, Concession W.H.R., Township of Faraday, County of Hastings. The property is municipally known as 2287 Bay Lake Road. The lands subject to Official Plan Amendment No. \_\_\_\_\_ are shown on Schedule "A".

**4. Basis of the Amendment:**

a) Existing Uses:

The subject lands currently contain one small sugar shack structure and are forested.

b) Proposed Uses:

The applicant proposes to designate the subject lands to "Extractive (Active)" to permit a quarry and accessory uses on the lands, as shown on Schedule "A".

c) Planning Justification Report prepared by MHBC Planning Limited:

A Planning Justification Report was prepared by MHBC Planning Limited.

d) Other Agency and Public Comments:

- \_\_\_\_\_
- \_\_\_\_\_

A Public Meeting for the proposed Official Plan Amendment (OPA No. \_\_\_\_\_) was conducted by the County Planning Committee on \_\_\_\_\_, \_\_\_\_\_. In consideration of OPA No. \_\_\_\_\_, the County of Hastings gave due regard to all agency and public comments received prior to and during the Public Meeting(s), the purpose and intent of the Official Plan and matters of Provincial interest. At its meeting of \_\_\_\_\_, \_\_\_\_\_, County Council approved a motion recommending adoption of proposed OPA No. \_\_\_\_\_.

e) Planning Staff Report:

The Planning Staff Report dated \_\_\_\_\_, \_\_\_\_\_ (see Appendix “D”) recommends the adoption of OPA No. \_\_\_\_\_ after giving due consideration to existing Official Plan policies and the recommendations of the Ministry of Natural Resources and Forestry.

**5. Details of the Amendment:**

Schedule “A5-1” of the Official Plan of the County of Hastings is hereby amended by designating the subject lands of 33.3 hectares as “Extractive (Active)”, constituting Part of Lots 51 & 52, Concession W.H.R., Township of Faraday, as shown on Schedule “A” attached to and forming part of this Amendment.

**6. Implementation & Interpretation:**

The provisions of the County Official Plan, as amended from time to time, regarding the implementation and interpretation of the Plan shall apply in regard to this amendment.

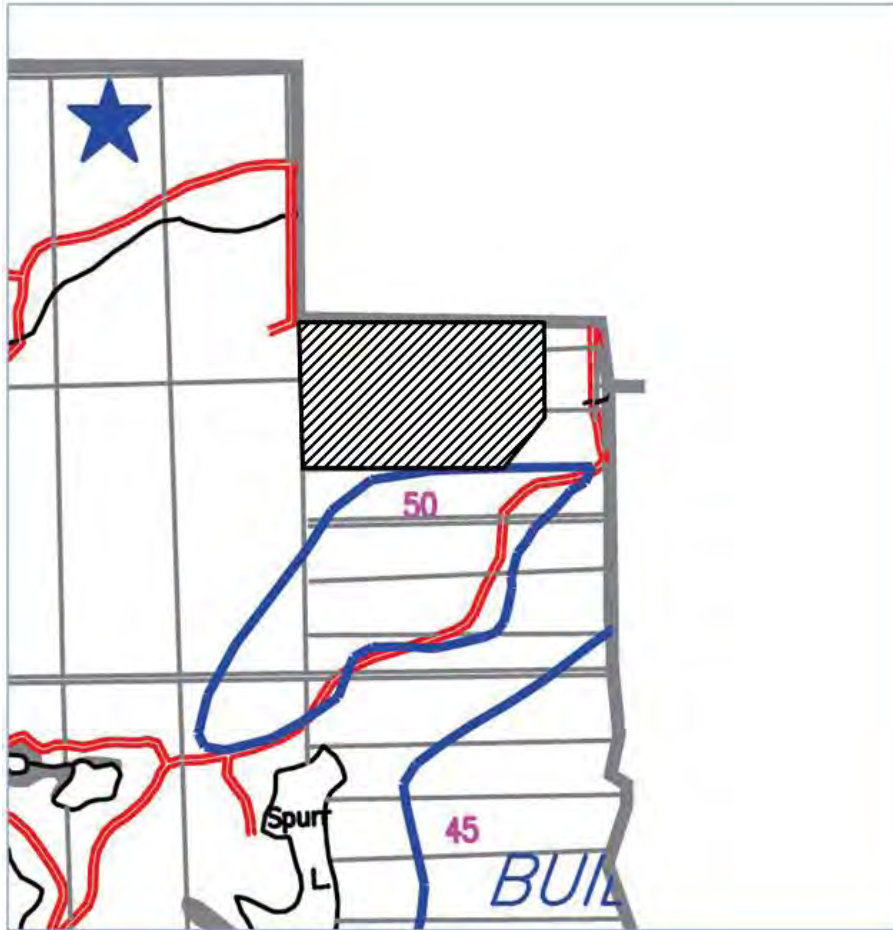
DRAFT

SCHEDULE "A" TO AMENDMENT NO. \_\_\_\_

DRAFT

# SCHEDULE "A" TO BY-LAW NO. \_\_\_\_\_ (OPA NO. \_\_\_\_\_)

2287 Bay Lake Road  
Part of Lots 51 & 52, Concession W.H.R.  
Township of Faraday, County of Hastings



 Lands to be designated from Rural to Extractive (Active).

This is Schedule "A" to By-law \_\_\_\_\_ - \_\_\_\_\_

Passed this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Rick Phillips, Warden

\_\_\_\_\_  
Jim Pine, CAO/Clerk

# Appendix 3



**CORPORATION OF THE  
TOWNSHIP OF FARADAY**

**AMENDING BY-LAW NUMBER NO. \_\_-\_\_**

**BEING** a By-Law under the provisions of Section 34 of the Planning Act, R.S.O. 1990, as amended, to amend Zoning By-Law Number 21-2012, of the Township of Faraday;

**WHEREAS** the lands subject to this amending Zoning By-law have historically been used for forestry;

**WHEREAS** the Council of the Corporation of the Township of Faraday deems advisable, while remaining consistent with the intent of the By-law, to amend By-Law 21-2012 in order to rezone the property to permit a quarry and associated accessory uses;

**AND WHEREAS** authority is granted under Section 34 of the Planning Act, R.S.O. 1990, c.P.13, as amended;

**NOW THEREFORE** the Council of the Corporation of the Township of Faraday enacts as follows:

1. **THAT** By-law Number 21-2012, as amended, is hereby amended for the lands as shown on Schedule "A" attached hereto from the "**Rural**" (**RU**) **Zone** and the "**Industrial**" (**M**) **Zone** to the "**Extractive Industrial**" (**MX**) **Exception Zone**.
2. **THAT** Schedule A to By-law No. 21-2012 – Map 2, as amended, is hereby amended by changing the zone categories thereon in accordance with Schedule "A" attached hereto;
3. **THAT** Schedule "A" attached hereto forms part of this By-law;
4. **THAT** notwithstanding any provisions of this By-law to the contrary on Part of Lots 51 & 52 the following special provisions shall apply:
  - a) Permitted Uses: In addition to the uses permitted in Section 4.13.1 aggregate recycling is also permitted.
  - b) Zone Provisions: The setback for extraction from a property line shall be 30m from a road, 30m from a property zoned residential and 15m from any other property line. The setback for processing shall be 90m from a property zoned residential.
5. **THAT** this By-Law shall come into force and take effect on the date of passing providing no notice of appeal is filed within Twenty (20) days of the date of the giving of written notice of the passing of this By-Law as required by the Planning Act. In the event that an appeal is filed, this By-Law shall not come into force and take effect until all such appeals are finally disposed of by the Ontario Municipal Board.

Read a First, Second and Third time and finally passed this the \_\_\_\_ Day of \_\_\_\_\_, \_\_\_\_.

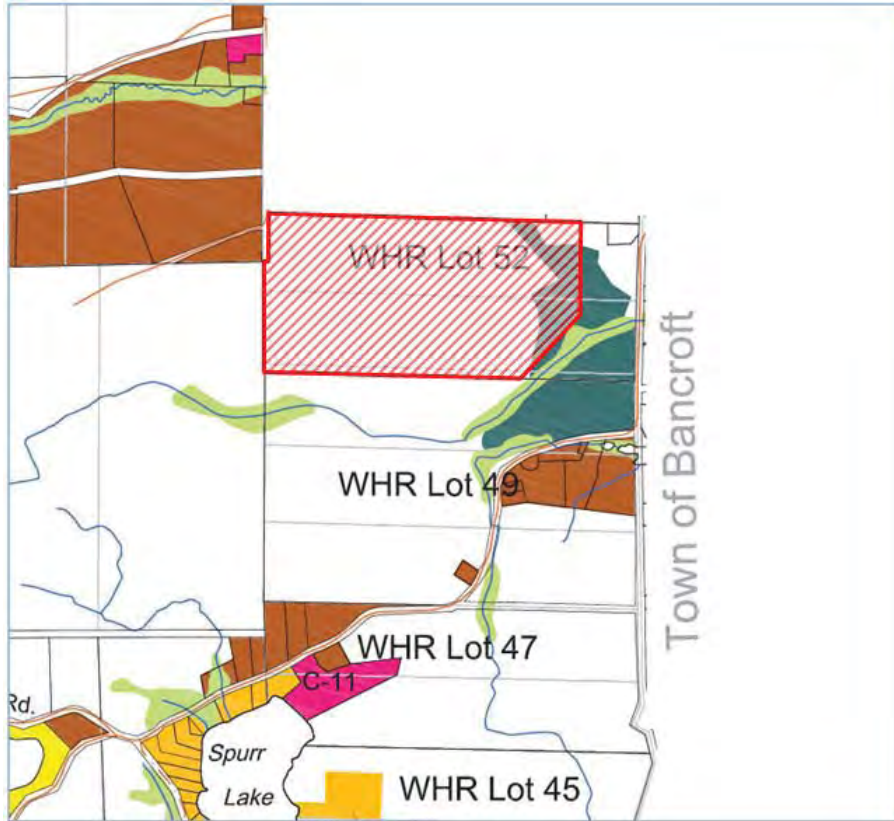
\_\_\_\_\_  
C.A. Tinney, Reeve


\_\_\_\_\_  
Dawn Switzer, Deputy Clerk



# SCHEDULE "A" TO BY-LAW NO. \_\_\_\_\_

2287 Bay Lake Road  
Part of Lots 51 & 52, Concession W.H.R.  
Township of Faraday, County of Hastings



 Lands to be rezoned from the Rural (RU) Zone and the Industrial (M) Zone to the Extractive Industrial (MX) Exception Zone.

This is Schedule "A" to By-law \_\_\_\_\_ - \_\_\_\_\_

Passed this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
C.A. Tinney, Reeve

\_\_\_\_\_  
Dawn Switzer, Deputy Clerk

# Appendix 4

# Provincial Policy Statement (2014)

The Provincial Policy Statement (PPS) was issued under Section 3 of the Planning Act and came into effect on April 30, 2014.

The PPS provides policy direction on matters of provincial interest related to land use planning and development. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. (Part 1, Preamble).

The PPS is a policy-led planning approach that recognizes the complex inter-relationship among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning and recognizes linkages among policy areas (Part III, How to Read the Provincial Policy Statement).

The PPS recognizes that the Province's natural heritage resources, water, agricultural lands, mineral aggregate resources, cultural heritage and archaeological resources provide important environmental, economic and social benefits. The wise use and management of these resources over the long term is a key provincial interest. The province must ensure that its resources are managed in a sustainable way to protect essential ecological processes and public health and safety, minimize environmental and social impacts, and meet its long-term economic needs (Part IV, Vision for Ontario's Land Use Planning System).

The following are some of the policies from the PPS that are relevant to the proposed quarry application. A response follows each policy to demonstrate how the proposal is consistent with the PPS:

*On rural lands located in municipalities, permitted uses are:*

- a) the management or use of resources;*
- b) resource-based recreational uses (including recreational dwellings);*
- c) limited residential development;(1.1.5.2)*

*Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.(1.1.5.5)*

The management or use of mineral aggregate resources is a permitted use in the rural area. The proposed quarry represents the wise management of a non-renewable resource. Additionally, the proposed quarry would use existing infrastructure.

*Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.(1.6.7.1)*

*Efficient use shall be made of existing and planned infrastructure... (1.6.7.2)*

The proposed quarry represents an efficient use of existing infrastructure by utilizing the existing south entrance/exit of the Freymond lumber yard to access Bay Lake Road and utilize an existing truck route.

*Long-term economic prosperity should be supported by:*

- a) *optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;*  
(1.7.1a)

*Major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities.*(1.2.6.1)

The proposed quarry optimizes the long term availability of mineral aggregate resources, utilizes existing infrastructure and has been appropriately designed, buffered and/or separated to prevent or mitigate adverse effects.

Section 2 of the PPS is titled "Wise Use and Management of Resources". The introduction to this section reads:

*Ontario's long-term prosperity, environmental health, and social well-being depend on protecting natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits.*(2.0)

Making this site available for aggregate extraction represents the wise use and management of resources, providing economic benefits, while minimizing potential impacts.

*Natural features and areas shall be protected for the long term.*(2.1.1)

Natural features and areas will be protected for the long term.

*The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.*(2.1.2)

Extraction on site will be phased and the long term biodiversity of the site will be improved.

*Development and site alteration shall not be permitted in:*

- a) *significant wetlands in Ecoregions 5E, 6E and 7E1; and*
- b) *significant coastal wetlands.*(2.1.4)

There are no significant wetlands or significant coastal wetlands on or adjacent to the subject site.

*Development and site alteration shall not be permitted in:*

- a) *significant wetlands in the Canadian Shield north of Ecoregions 5E, 6E and 7E1;*
- d) *significant wildlife habitat;*
- e) *significant areas of natural and scientific interest; and*
- f) *coastal wetlands in Ecoregions 5E, 6E and 7E1 that are not subject to policy 2.1.4(b)*

*unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.(2.1.5)*

Development and site alteration is proposed within significant wildlife habitat, and it has been demonstrated there will be no negative impact to these features or their ecological function.

*Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.(2.18)*

Adjacent lands include fish habitat, and it has been demonstrated there will be no negative impact to these features or their ecological function.

*Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements. (2.1.6)*

There is no development or site alteration proposed within fish habitat.

*Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.(2.1.7)*

No development or site alteration is proposed within habitat of endangered and threatened species.

*(2.2.1) Planning authorities shall protect, improve or restore the quality and quantity of water by:*

- a) using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;*
- b) minimizing potential negative impacts, including cross-jurisdictional and cross-watershed impacts;*
- c) identifying water resource systems consisting of ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas, which are necessary for the ecological and hydrological integrity of the watershed;*
- d) maintaining linkages and related functions among ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas;*

The proposed quarry will protect the quality and quantity of water.

*e) implementing necessary restrictions on development and site alteration to:*

- 1. protect all municipal drinking water supplies and designated vulnerable areas; and*

There are no municipal drinking water supplies or designated vulnerable areas in vicinity of the proposed quarry.

- 2. protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions;*

There are no sensitive surface water or sensitive ground water features on site. Adjacent features will be protected.

- f) *planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality;*

The application includes a proposed stormwater management pond to efficiently manage on-site water resources.

*Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored.*

*Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore sensitive surface water features, sensitive ground water features, and their hydrologic functions.(2.2.2)*

Sensitive surface and groundwater features will be protected and monitored.

*Mineral aggregate resources shall be protected for long-term use.(2.5.1)*

The subject site is designated as Rural in the County of Hastings Official Plan and is located directly north of an area identified as an Extractive Reserve area on Schedule A5-1. This general area is protected for future extraction.

*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. (2.5.2.1)*

The proposal makes available a mineral aggregate resource that is located close to the Town of Bancroft and surrounding market areas.

*Extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts. (2.5.2.2)*

The operation has been designed in a manner which minimizes social, economic and environmental impacts.

*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. Final rehabilitation shall take surrounding land use and approved land use designations into consideration.(2.5.3.1)*

Rehabilitation of the site will be progressive, and the site will predominately be returned to a forested condition consistent with the adjacent lands. Part of the phase 1 area will be restored as a grass/legume area and used to store lumber from the adjacent Freymond lumber yard.

*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.(2.5.4.1)*

The proposed quarry is not within a prime agricultural area and rehabilitation back to agriculture is not required.

*Significant built heritage resources and significant cultural heritage landscapes shall be conserved. (2.6.1)*

There are no significant built heritage or significant cultural heritage landscapes identified on-site.

*Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.”(2.6.2)*

A stage 1-2 archaeological assessment was completed and no significant archaeological resources were encountered on the site.

*Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.(2.6.3)*

There are no protected heritage properties on adjacent lands. The adjacent cemetery has been considered and will be protected.

*3.1.1 Development shall generally be directed to areas outside of:*

- a) hazardous lands adjacent to the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards;*
- b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and*
- c) hazardous sites.*

There are no hazard lands on or adjacent to the site.

*3.1.2 Development and site alteration shall not be permitted within:*

- a) the dynamic beach hazard;*
- b) defined portions of the flooding hazard along connecting channels (the St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers);*
- c) areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard; and*
- d) a floodway regardless of whether the area of inundation contains high points of land not subject to flooding.*

The subject site is not within an area subject to flooding hazards.

*Development on, abutting or adjacent to lands affected by mine hazards; oil, gas and salt hazards; or former mineral mining operations, mineral aggregate operations or petroleum resource operations may be permitted only if rehabilitation or other measures to address and mitigate known or suspected hazards are under way or have been completed.(3.2.1)*

The proposed quarry represents the wise use and management of an aggregate resource in an area directly adjacent to an existing sand and gravel pit, and is located directly north of an area identified for future extraction in the County of Hastings Official Plan.

In summary, the proposed Freymond Quarry is consistent with the policies set forth in the Provincial Policy Statement, 2014.



# Appendix **5**

# County of Hastings Official Plan

The application for the proposed quarry is required to conform to the County of Hastings Official Plan.

As required by the County of Hastings Official Plan an Official Plan Amendment is needed to designate the site from "Rural" to "Extractive (Active)". Attached as **Appendix 2** is a copy the proposed County of Hastings Official Plan Amendment.

The application to amend the Official Plan was originally submitted to the County by Freymond Lumber Ltd. in 2013. Since that time, all of the technical reports have been updated based on a revised operational and rehabilitation plan and resubmitted to the County.

The following are the land use designations that currently apply to the proposed quarry based on Schedule A5-1 of the County of Hastings Official Plan. In summary, the proposed quarry site:

- Is designated as "Rural";
- Is located directly north of an area identified as an "Extractive Reserve" and this area is protected for future extraction;
- Is not located within an "Environmental Protection", "Environmentally Sensitive", "Significant Wetlands" or "Cold Water Fisheries" designation;
- Is not located within a "Floodline" designation;
- Is not located within the "Agricultural" designation and not considered a Prime Agricultural Area; and,
- Is located on a Municipal Road that is used as an existing truck route.

See **Figure 7**.

The following are some of the sections of the County of Official Plan that are relevant to the proposed quarry application. A response follows each section to demonstrate how the proposal conforms to the County of Hastings Official Plan:

## *"1.0 INTRODUCTION*

*The County of Hastings comprises both rural and urban municipalities that function cooperatively in advancing a common planning program. The County, as a unit, represents the "upper tier" level of planning responsibility and the local municipalities form the "lower tier". All municipalities in the County are governed by the policies of this Official Plan.*

*Development within each of the municipalities must conform to the policies of the Plan. However, conditions may change and uses of land not currently contemplated in the Plan may be proposed. In such cases, County Council shall consider an amendment to the Official Plan.*

*Zoning by-laws that implement the policies of the Official Plan are passed by the lower tier municipal Councils. The zoning by-laws include specific classes of land use, which conform to the designations of land in the Official Plan. They also provide development standards to ensure that new construction or changes to existing land uses are undertaken with regard for safety, privacy and the peaceful enjoyment of neighbouring land uses and the protection of ratepayers from undue expenses related to development."*

The subject site is located within the lower-tier municipality of the Township of Faraday. The proposed quarry requires an amendment to the County of Hastings Official Plan and an amendment to the Township of Faraday Zoning By-law.

Attached as **Appendix 2** is a copy the proposed County of Hastings Official Plan Amendment and **Appendix 3** includes a copy of the proposed Municipality of Faraday Zoning By-law Amendment.

#### *"1.1 Purpose of the Official Plan*

*The purpose of this Official Plan is to provide goals, objectives and policies to guide the physical development of Hastings County while having regard for relevant social, economic and environmental matters."*

The proposed quarry has been designed in a manner which minimizes social, economic and environmental impacts in conformity with the County of Hastings Official Plan.

#### *"2.0 GOALS AND OBJECTIVES*

##### *2.3 Economic Goals & Objectives*

###### *2.3.1 Goal*

*To maximize the economic and employment potential of the County by:*

- a) Developing policies that enhance the primary resource capabilities of the County,*
- d) Promoting sustainable development and resource use."*

Making this site available for aggregate extraction represents the wise use and management of resources, providing economic benefits within the County.

###### *"2.3.2 Objectives*

*To ensure that the economic utilization of the natural resources by primary industry is achieved in a manner which preserves and rehabilitates the natural environment,*

- a) To ensure that the economic utilization of the natural resources by primary industry is achieved in a manner which preserves and rehabilitates the natural environment,*
- b) To safeguard resource reserves and existing resource-based industries by minimizing land use conflicts,"*

The quarry has been designed in a manner which preserves and rehabilitates the natural environment and minimize impacts on surrounding land uses.

#### *"2.4 Environmental Protection*

##### *2.4.1 Goals*

- a) To protect and preserve the County's natural heritage features, areas and related ecological functions, permitting only compatible uses that will not adversely affect them,"*

The proposed quarry will not result in a negative impact to natural heritage features, areas and related

ecological functions. In the long term the rehabilitation plan will promote biodiversity and restore ecological conditions.

#### *"2.4.2 Objectives*

- a) To ensure that, when necessary, environmental impact statements are prepared before the development of land adjacent to or within identified natural heritage features and areas."*

An environmental impact statement was completed.

#### *"2.5 Agricultural*

##### *2.5.1 Goal*

*To preserve "Agricultural" land and to promote the agricultural industry,"*

#### *"2.5.2 Objectives*

- a) To protect arable, productive agricultural land from urban encroachment. This shall be done by restricting, wherever possible, non-agricultural uses from locating on "Agricultural" land and encouraging the location of such uses in designated hamlets or urban centres or on non-productive lands.*
- b) To maintain land designated for agricultural purposes in economically viable units by preventing the fragmentation of such land,"*

The site is mapped as Class 6 and 7 agricultural land and is designated Rural in the County of Hastings Official Plan. The site and surrounding area has not been identified as a prime agricultural area and land uses in the area do not include agricultural operations.

#### *"2.6 Water*

##### *2.6.1 Goals*

- a) To ensure that surface and groundwater quality and quantity are protected, conserved and managed in a sustainable fashion,*
- b) To eliminate or minimize negative land use impacts on water recharge and discharge areas, ground water aquifers, producing wells, stream base flow and drainage patterns."*

#### *"2.6.2 Objectives*

- b) To discourage development which would impair surface or subsurface water quality and quantity,*
- d) To work co-operatively with federal and provincial ministries and local agencies to promote water quality and quantity protection."*

A water resources assessment was completed. The proposed quarry is not anticipated to have any adverse effects to groundwater/surface water resources and a monitoring program will be implemented to verify this. Annual reports will also be submitted to the Ministry of Environment and Climate Change and Ministry of Natural Resources and Forestry.

## *"2.7 Historical Preservation*

### *2.7.1 Goal*

*To conserve and protect archaeological resources, cultural heritage features and significant historical elements of the County's built environment."*

### *"2.7.2 Objectives*

- a) To encourage the preservation of archaeological resources and historic sites,*
- e) To assess the need for the preparation of an adequate heritage and archaeological impact assessment when development proposals affect significant cultural heritage resources or areas having archaeological potential,"*

There are no significant built heritage resources, cultural heritage landscapes or areas of archaeological potential on-site.

## *"2.8 Transportation*

### *2.8.1 Goal*

*To provide a transportation network that optimizes the movement of people and goods throughout the County."*

### *"2.8.2 Objectives*

- b) Through good management, ensure that the long term capacity of arterial roads can accommodate the higher speeds and volumes that are necessary to provide convenient access to industry and tourism throughout parts of the County,"*

A traffic impact study was prepared by Tranplan Associates and concluded that with improvements to the present southbound right turn taper at the Highway 62/Bay Lake Road intersection, the existing road network has sufficient capacity to accommodate both the roadway growth and traffic generated from the proposed quarry.

## *"2.10 Extractive (Aggregate and Minerals)*

### *2.10.1 Goal*

*To protect significant aggregate and mineral resources to ensure their future economic development."*

### *"2.10.2 Objectives*

- a) To designate significant resource areas for aggregate and mineral production.*
- b) To protect significant aggregate and mineral resource areas by restricting incompatible development or uses on or adjacent to designated areas.*
- c) To provide policies to achieve the proper management of aggregate areas.*
- d) To ensure that the aggregate areas shall be rehabilitated by the operator to facilitate sequential use."*

Schedule A5-1 of the County of Hastings Official Plan identifies an Extractive (Reserve) area directly south of the site. Site specific investigations confirm the presence of a significant resource area on-site.

Making this site available for aggregate extraction represents the wise use and management of resources, providing economic benefits, while minimizing social and environmental impacts.

### *"3.0 LAND USE POLICIES*

#### *3.2 Environmental Protection*

*The "Environmental Protection" designation comprises lands that play an important role in the preservation of the County's wetland natural heritage systems. This designation also includes natural hazard lands that may pose a threat to life and property because of inherent physiographic characteristics such as floodplains, erosion hazards, poor drainage, organic soil, steep slopes or other similar physical limitations. Those areas designated "Environmental Protection" and identified with the symbol 'W' on the Land Use Schedules delineate provincially significant wetlands in accordance with the Provincial Policy Statement.*

*The "Environmental Protection" designation also includes an overlay that identifies natural heritage areas and systems that should be protected and preserved in the long term. Such lands are described as "Environmentally Sensitive" and include lands identified to have significant biological, geological, zoological or other unique natural features such as wildlife habitat, areas of natural and scientific interest, habitat of threatened or endangered species, woodlands and valley lands. Development of these lands shall be in accordance with the underlying land use designation while having regard to the Environmentally Sensitive policies of this Plan."*

Schedule A5-1 of the County of Hastings Official Plan does not identify any portion of the site to be Environmental Protection, Environmentally Sensitive, Cold Water Fisheries or Significant Wetlands.

#### *"3.2.13 Endangered/Threatened Species*

*The County shall require protection of all Endangered and Threatened Species habitat through local zoning by-laws. In the consideration of development and/or site alteration applications, the County shall require municipalities to consult with the Ministry of Natural Resources to ensure that the significant portions of the habitat are protected, review available information on Endangered/Threatened Species location that is available from the Ministry of Natural Resources and do so in a confidential manner so as not to disclose the location information related to the species, accept updates of this information as it becomes available, and require the submission of an EIS prior to any consideration of the application."*

An environmental impact study has been completed and the site does not contain any endangered or threatened species habitat.

### *"3.3 Rural*

#### *3.3.1 General*

- a) The policy of this Official Plan is to protect important natural resources wherever possible. Although many areas are separately designated as "Environmental Protection", other sensitive features are located in the "Rural" designation and have not yet been studied intensively. Council shall consider undertaking works programs to update relevant information in a timely fashion and incorporate relevant information collected by other public bodies.*

- b) *Limited development for uses described in Section 3.3.2 is permitted in the "Rural" designation. Applications for approval of these uses should be located in areas that do not create any adverse social, financial, environmental or public safety impacts.*
- c) *The "Rural" designation applies to most of the County and permits a range of uses. While it is not intended that sub-categories in the "Rural" designation be identified on the Land Use Schedules, particular areas of concern shall be described in the text and specific policies listed covering the future uses of land for those purposes.*

The proposed quarry is designated "Rural" in the County of Hastings Official Plan. As required by the County of Hastings Official Plan an Official Plan Amendment is needed to designate the site from "Rural" to "Extractive (Active)".

Attached as **Appendix 2** is a copy the proposed County of Hastings Official Plan Amendment.

### *"3.8 Extractive*

#### *3.8.1 General*

*For the purposes of this Plan, a distinction in policy is not made between operations established under the Mining Act or Aggregate Resources Act. The policy applies to the associated extraction uses and activities.*

*Lands designated "Extractive" include licensed or permitted mines, pits and quarries that involve the extraction of either minerals or aggregates. A quarry, pit or mine shall be defined in accordance with the Mining Act or Aggregate Resources Act, as may apply.*

*Lawfully existing mineral or aggregate operations shall be permitted to continue without the need for an Official Plan amendment, rezoning or development permits under the Planning Act, in accordance with Section 34 (9) of the Planning Act.*

*Areas of the County with a high mineral or aggregate potential are identified as "Extractive (Reserve)". within the "Rural" designation on the individual Land Use Schedules. These mineral and aggregate resources are to be protected for future extraction by discouraging the location of any land use on or adjacent to the areas, which would significantly preclude or hinder future extraction. Extraction operations will be permitted by amendment to the Plan.*

The application is to permit a quarry under the Aggregate Resources Act.

Schedule A5-1 of the County of Hastings Official Plan identifies an Extractive (Reserve) area directly south of the site. Site specific investigations confirm the presence of a significant resource area on-site.

As required by the County of Hastings Official Plan an Official Plan Amendment is needed to designate the site from "Rural" to "Extractive (Active)". Attached as **Appendix 2** is a copy of the proposed County of Hastings Official Plan Amendment.

*Extraction activities should not be established in areas where an adverse impact on adjacent uses is expected."*

The County of Hastings Official Plan identifies the potential area of influence for a quarry as 500 m from the proposed extraction operation. Technical studies have been completed related to water wells, noise, air, visual and traffic and the quarry has been designed to prevent adverse impact on adjacent uses.

### “3.8.2 Permitted Uses

- a) *The uses permitted within the “Extractive” designation shall include pits and quarries, wayside pits and quarries, mines, portable asphalt plants, concrete batching plants, washing plants, agricultural uses excluding any accessory building or structure, forestry uses excluding any accessory building or structure, conservation and natural resource management uses excluding any accessory building or structure, value-added operations to mineral and aggregate resources, including but not limited to drying, colouring, cutting, and bagging and uses accessory to an aggregate extraction operation, such as crushing and screening operations and aggregate storage areas.*

The application includes the request to permit a quarry including a processing plant (crushing and screening operation), value-added operations to mineral aggregate resources (aggregate recycling) and forestry uses (log storage area within a portion of phase 1 once rehabilitated) which conform to the permitted uses of the Extractive designation.

- b) *Incompatible uses on lands surrounding and within “Extractive” areas shall be discouraged through careful review of amendments to the Official Plan and zoning by-laws, applications for consent and plans of subdivision and other development proposals, in consultation with the Ministry of Natural Resources, the Ministry of Northern Development and Mines, the Ministry of the Environment and the County peer review agent, as may be required.*

The lands immediately to the south of the subject site are designated “Extractive (Reserve)” and the proposed quarry is not an incompatible land use.

- c) *The concept of a potential “influence area” surrounding “Extractive” and “Extractive (Reserve)” areas (300 metres for a pit and 500 metres for a quarry) shall be used in order to protect affected land uses from proposed extraction activities and to protect existing extraction uses from encroachment by incompatible uses. In areas of “Extractive (Reserve)”, development that would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:*
- (i) resource use would not be feasible, or*
  - (ii) the proposed land use or development serves a greater long term public interest and*
  - (iii) issues of land use compatibility, public health, public safety and environmental impact are addressed.*

*The protection of lands designated “Extractive” and lands identified as “Extractive (Reserve)” from conflicting uses, shall be undertaken through the inclusion of appropriate separation distances in the implementing zoning by-laws.*

The application is not for a use that would preclude or hinder access to the “Extractive (Reserve)” area designation located directly to the south of the subject site.

- d) *The rehabilitation of extraction sites to a condition compatible with the adjacent land uses shall be required, preferably by progressive means. In “Agricultural” areas, on prime agricultural land, extraction of mineral aggregate is permitted as an interim use provided that rehabilitation of the site shall be carried out, restoring substantially the same areas and same average soil quality for agriculture.*

*On these prime agricultural lands, complete agricultural rehabilitation is not required if:*



- (i) a substantial quantity of minerals or aggregates exists below the water table warranting extraction, or*
- (ii) the depth of planned extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible, and*
- (iii) other alternatives have been considered by the applicant and found unsuitable, and*
- (iv) agricultural rehabilitation in remaining areas is maximized."*

The site is not within a prime agricultural area and does not include prime agricultural land.

### *"3.8.3 Amendments to the Official Plan*

*An amendment to this Plan, and an amendment to the implementing zoning bylaw shall be required for a new or expanded extraction (mineral or aggregate) operation in accordance with the following policies:*

#### *a) Area, Location and Potential*

*Areas identified as "Extractive" or as "Extractive (Reserve)" on the Land Use Schedules of this Plan shall be used as a guide in determining the location of new mines, pits or quarries. The proponent shall furnish County Council with an estimate of the quantity and value of material available.*

Schedule A5-1 of the County of Hastings Official Plan identifies an Extractive (Reserve) area designated directly south of the site. The Extractive (Reserve) area designation protects this area from incompatible land uses that would preclude or hinder future aggregate extraction.

The subject site is located directly to the north of the Extractive (Reserve) area designation and on-site testing confirms the presence of a known deposit of mineral aggregate resources. In total, the proposed extraction contains approximately 15 million tonnes of a high quality aggregate that is suitable for most road building and construction projects.

#### *b) Excavation Boundaries*

*No mine, pit or quarry may be excavated in such a way that its face is at a point less than the minimum distance permitted in the implementing zoning by-law from the limit of any road or other property boundary.*

Freymond Lumber Ltd. owns approximately 128 ha of land, of which only 33.3 ha is proposed to be licensed under the Aggregate Resources Act or designated/zoned to permit the quarry. Of the 33.3 ha site only 27.5 ha is proposed for extraction. Overall the subject site is well separated from adjacent roads, other property boundaries and surrounding land uses.

The application does include portions of the proposed quarry that do not maintain the minimum distance for interior side yard, rear yard and residential, commercial, community facility or industrial use as outlined in Section 4.13.2.2 of the Township of Faraday Zoning By-law No. 21-2012.

However, as noted in Section 3.8.7 of the Official Plan the zoning by-law for an aggregate operation shall establish a setback from incompatible uses as may be determined by the technical impact assessments or licensing under the Aggregate Resources Act. The setback provisions included in Section 4.13.2.2 may be modified based site-specific studies and the provision of the Aggregate Resources Act.

As part of the application, the proposed excavation setbacks have been established based on site specific studies to determine compatibility with adjacent lands uses and the setbacks included in the application are consistent the setbacks required under the Aggregate Resources Act.

*c) Impact Assessments*

*Councils shall have regard for the potential adverse impacts of the proposal to on-site and off-site conditions including adjacent uses, structures, facilities or the natural environment. To determine conformity with this policy, Councils shall require the assessment of the following:*

- i) noise, dust, vibration, air or water discharges, bright light, erosion, sedimentation, and*
- ii) potential for interference with wildlife, vegetation, hydrogeology, surface drainage, roads, and aesthetic appearance.*

The applicant has completed the studies requested by the County of Hastings and these studies have confirmed the application will not have adverse impact on surrounding land uses.

*d) Cultural and Heritage Resources*

*Before beginning extraction works, an assessment of cultural and heritage resources of any lands affected by the operation shall be completed, as may be required, in accordance with Provincial Cultural and Heritage Resources guidelines.*

Cultural and heritage resources have been studied and there are no significant cultural heritage resources located on site.

*e) Site Development Plan and Agreement An application to operate a mine, pit or quarry shall be accompanied by a Site Development Plan that shall include the following information:*

*(i) Physical Features*

*A sketch map illustrating the shape, topography, contours, dimensions, area, location of the property to be developed and the extent of adjacent property intended for future extractive operations.*

See **Figure 2** and Aggregate Resources Act site plans.

*(ii) Existing Land Use*

*A sketch map indicating the existing use of all land and the location and use of all buildings and structures lying within a minimum of 300 metres of the boundary of a property on which a pit is proposed (or 500 metres, in the case of a proposed quarry).*

The Aggregate Resources Act site plan identifies the location and use of all building and structures within 120 m of the proposed quarry as required by the Aggregate Resources Act. See **Figure 2**. For the location other land uses and buildings within 500 m of the proposed quarry see **Figure 3**.

*(iii) Characteristics of Operation*

*A description of the location, height, dimension and use of all buildings or structures existing or proposed to be erected on the property as well as existing and anticipated final grades of excavation and cross-sections shown by contours, where necessary, excavation setbacks, stockpiles, drainage provisions and proposed entrances, exits and trucking routes to and from the operation.*

See Section 2.1 for a description of the proposed quarry and the Aggregate Resources Act site plans for the requested information.

*(iv) Hydrogeological Assessment*

*A hydrogeological assessment prepared by a qualified professional indicating any impacts on groundwater and its availability, in support of cold water fish habitat. Cold water streams require sources of groundwater and pits should not interfere with the quantity and quality of groundwater that reaches these streams. Where extraction is not proposed within 2 metres of the established groundwater table, the application must be accompanied with information respecting the elevation of the existing water table.*

A hydrogeological assessment has been completed and submitted as part of the application.

*(v) Environmental Impact Study*

*An Environmental Impact Study shall be conducted to identify and mitigate any adverse impacts on any natural heritage features or areas that may be influenced by on site activities. An assessment of cultural resources of any lands affected by the operation shall be completed.*

An environmental impact study has been completed and submitted as part of the application.

*(vi) Restoration and Future Use*

*A description of the proposed rehabilitation of the property upon the termination of operations including leveling, grading and replacing of topsoil and the intended future use of the land shall be included.*

Rehabilitation of the site will be progressive and as soon as possible depleted areas shall be restored to maximize rehabilitated areas and minimize disturbed areas. The rehabilitation plan has been designed to include:

- The quarry floor will be contoured using on-site soils and designed with a watercourse to convey water to the proposed stormwater management pond located along the eastern boundary of the site;
- The quarry floor in phase 1 will be vegetated with a grass/legume mixture and will be used to store logs from the Freymond Lumber business;
- The quarry floor in phases 2, 3 and 4 will be planted with Red Pine to create a forested condition;
- A shallow amphibian pond/wetland will be developed adjacent to the proposed watercourse on the quarry floor in phase 2;
- A minor portion of the quarry face will be backfilled at 2:1 sideslopes with on-site material to create talus slopes. These slopes will be planted with Red Pine and native shrubs. Logs, stumps and rocks will be placed among the plantings to increase habitat diversity; and

- Adjacent to the proposed amphibian pond/wetland on the quarry floor in Phase 2 and adjacent to the storm water management pond along the eastern boundary of the site several Barn Swallow nesting structures and bat boxes will be installed.

The rehabilitation plan developed for the site will ensure that a variety of habitats will occur, thus increasing biodiversity of the site. The plan will also ensure that ecological functions of the site will be restored in the long term.

(vii) *Development Agreement*

*An agreement shall be entered into between the extractor and the local municipal Council to address matters contained in this Plan, including scale and timing of the operation. In addition, this agreement may provide for the requirements of the Ministry of the Environment, the Ministry of Northern Development and Mines and the Ministry of Natural Resources, as may apply, including provision for groundwater monitoring, blasting, noise and dust control, vegetative buffers and/or berms to mitigate off-site influences and minimum separation between conflicting land uses. An agreement shall be entered into before the rezoning of the land to ensure that provision is made for site rehabilitation and to address the impact assessments noted above and as follows:*

- *Rehabilitation*

*The rehabilitation of worked-out areas to an approved after use, preferably by progressive means, shall be guaranteed.*

- *Screening*

*Adequate screening by vegetation and/or earth berms and the protection of the public by the erection of adequate signs and fences shall be required. Such screening shall be an effective visual barrier between the proposed pit or quarry and any adjacent land use areas. Until such screening has been provided, no excavation other than for earth berm construction shall be permitted.*

- *Water, Wastes and Emissions*

*All pit and quarry operations shall satisfy the Ministry of the Environment or the County peer review agent, as the case may be, concerning pumping and dewatering, water supply, waste water, solid and liquid waste disposal and all emissions to the atmosphere including dust, noise and vibration.*

- *Municipal Road Maintenance*

*Provisions shall be made for the adequate protection and continued maintenance of "haul route" roads to ensure that they are maintained to an acceptable municipal standard at all times. A traffic impact assessment may be required by the local Council in consultation with the County peer review agent.*

- *Extraction below Roads*

*If a proposal to extract includes deposits located below a road or road allowance or other municipal land, the proponent shall provide an estimate of the quantity and value of the material and shall enter into an agreement to compensate the local municipality."*

The applicant is prepared to enter into an agreement with the Municipality, however it is important to note that the Aggregate Resources Act site plan and license govern the details of the operation and rehabilitation plan. The Ministry of Natural Resources and Forestry is the agency responsible to administer and enforce the requirements of the Aggregate Resources Act.

Section 66 (1) of the Aggregate Resources Act states *"This Act, the regulations and the provisions of licenses and site plans apply despite any municipal by-law, official plan or development agreement and, to the extent that a municipal by-law, official plan or development agreement deals with the same subject-matter as this act, the regulations or the provisions of a licence or site plan, the by-law, official plan or development agreement is inoperative."*

As a result, the development agreement should only address items that are not covered by the Aggregate Resources Act site plans, such as the road improvements at the intersection of Hwy 62 and Bay Lake Road. Freymond Lumber Ltd, is prepared to have further discussions with the Township and the Ministry of Natural Resources to confirm that other operational and rehabilitation requirements included on the Aggregate Resources Act site plan must be adhered to and are legally enforceable.

#### *"3.8.6 Extractive (Reserve)*

*Areas identified on Land Use Schedules of this Official Plan as "Extractive (Reserve)" are lands that have a high potential for future extraction. These lands shall be protected for future use by preventing the location of any land use on or adjacent to these areas that would significantly preclude or hinder future extraction. County, local Councils and the Land Division Committee should be satisfied that any rezoning, subdivision or land severance does not preclude future development of "Extractive (Reserve)" areas for future extraction purposes."*

Schedule A5-1 of the County of Hastings Official Plan identifies an Extractive (Reserve) area designated directly south of the site. The Extractive (Reserve) area designation protects this area from incompatible land uses that would preclude or hinder future aggregate extraction.

The subject site is located directly to the north of the Extractive (Reserve) area designation and on-site testing confirms the presence of a known deposit of mineral aggregate resources. In total, the proposed extraction contains approximately 15 million tonnes of a high quality aggregate that is suitable for most road building and construction projects.

#### *"3.8.7 Zoning*

*Lands designated "Extractive (Active)" or as "Extractive (Reserve)" shall be placed in separate classifications in the implementing zoning by-laws. The zoning by-law shall establish a setback for incompatible uses as may be determined by the technical impact assessments or licensing.*

*In the absence of site-specific assessment of impacts, a general buffer between incompatible uses and any adjacent mine, pit or quarry and related processing uses shall be established in the local zoning by laws. An appropriate "influence area" shall also be established relating to "Extractive" and "Extractive (Reserve)" areas as identified by this Plan."*

Site specific studies were completed and the proposed zoning by-law amendment includes the setbacks from adjacent land uses as established by the technical reports and the requirements of the Aggregate Resources Act.

# Appendix **6**



## CURRICULUM VITAE

### Brian A. Zeman, BES, MCIP, RPP

Brian Zeman, President of MHBC, joined MHBC as a Planner in 1998 after graduating from the University of Waterloo with a Bachelors Degree in Urban and Regional Planning.

Mr. Zeman provides planning services for all aspects of the firm's activities including residential, commercial and industrial uses while specializing in aggregate resource planning. He has experience in aggregate site planning and licensing and processes relating to aggregate applications.

Mr. Zeman is a member of the Canadian Institute of Planners and Ontario Professional Planners Institute.

### PROFESSIONAL ACCREDITATIONS / ASSOCIATIONS

- Full Member, Canadian Institute of Planners
- Full Member, Ontario Professional Planners Institute
- Member, Rotary Club of Barrie
- Member, Ontario Expropriation Association
- Certified by the Province of Ontario to prepare Aggregate Resources Act Site Plans

### PROFESSIONAL HISTORY

- |                |   |
|----------------|---|
| 2014 - Present | <b>President</b> , MacNaughton Hermsen Britton Clarkson Planning Limited                  |
| 2010 - 2014    | <b>Vice President and Partner</b> , MacNaughton Hermsen Britton Clarkson Planning Limited |
| 2005 - 2009    | <b>Partner</b> , MacNaughton Hermsen Britton Clarkson Planning Limited                    |
| 2004 - 2005    | <b>Associate</b> , MacNaughton Hermsen Britton Clarkson Planning Limited                  |
| 2001 - 2004    | <b>Senior Planner</b> , MacNaughton Hermsen Britton Clarkson Planning Limited             |
| 1998 - 2001    | <b>Planner</b> , MacNaughton Hermsen Britton Clarkson Planning Limited                    |

### EDUCATION

1998  
Bachelor of Environmental Studies,  
Honours, Urban and Regional  
Planning, University of Waterloo

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## CURRICULUM VITAE

**Brian A. Zeman**, BES, MCIP, RPP

### **PUBLICATIONS**

- Co Author of the “State of the Aggregate Resource in Ontario Study Paper 2 – Future Aggregate Availability & Alternatives Analysis, Prepared for the Ministry of Natural Resources dated December 2009.

### **SELECTED PROJECT EXPERIENCE**

- Research, preparation and co-ordination of reports / applications under the Planning Act, Niagara Escarpment Planning and Development Act, Oak Ridges Moraine Conservation Act, and the Aggregate Resources Act.
- Facilitate public meeting on major development applications.
- Project management for major development applications.
- Undertake aggregate Compliance Assessment Report inspections and preparation of reports.
- Planning evaluations and analysis for mineral aggregate development and resource management.
- Conduct notification and consultation procedures under the Aggregate Resources Act.
- Aggregate Resources Act site plan amendments.
- Planning evaluations for residential developments.
- Registration and planning of residential developments.
- Planning assessment for commercial, retail, office and industrial developments.
- Restoration planning for pits and quarries and preparation of recreational afteruse plans.
- Research and preparation of reports /evidence for hearings before the Ontario Municipal Board, Environmental Review Tribunal, Joint Board.
- Provide expert planning evidence before the Ontario Municipal Board, Environmental Review Tribunal and the Joint Board.

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## CURRICULUM VITAE

**Brian A. Zeman, BES, MCIP, RPP**

### SAMPLE PROJECT LIST

- Activa Group - Laurentian Subdivision, Kitchener
- Adventure Farm – Kirkwall Subdivision, Hamilton
- Aecon - Oliver Pit - Site Plan Amendment/Compliance Assessment Report
- Aggregate Producers Association of Ontario - Caledon Official Plan
- Aggregate Producers Association of Ontario - PPS Review
- Aggregate Producers Association of Ontario - Region of Halton Official Plan
- Blue Mountain Aggregates-Pit Deepening and Expansion
- Brampton Brick - Cheltenham Quarry Site Plan Amendment
- Brampton Brick - Niagara Escarpment Development Permit
- Cayuga Material & Construction - Property Investigation
- Cliff's Natural Resources – Chromite Aggregate Project
- Crisdawn Construction Inc. – Barrie Annexation Lands
- Dufferin Aggregates - Acton Quarry Afteruse Plan
- Dufferin Aggregates - Acton Quarry Expansion
- Dufferin Aggregates – City of Hamilton Official Plan
- Dufferin Aggregates - Milton Comprehensive Zoning By-law
- Dufferin Aggregates - Milton Quarry Afteruse Plan
- Dufferin Aggregates - Milton Quarry Extension
- Dufferin Aggregates - Property Investigations
- Dufferin Aggregates - Region of Halton Official Plan
- Dufferin Aggregates - Town of Halton Hills Official Plan
- Dufferin Aggregates – Town of Halton Hills Zoning By-law
- E.C. King Contracting - Sydenham Quarry Expansion Erie Sand & Gravel - Pelee Quarries
- Gies Construction - Old Chicopee Drive, Waterloo
- Hazad Construction - Conestoga Golf Course Subdivision Hallman Construction Limited - Consent for Church Site
- Home Depot - Barrie, Kitchener, Markham, Mississauga, Richmond Hill and Whitby
- J.C. Duff - Property Investigations
- Kulmatycky Rezoning/Plan of Subdivision/Area Study - Town of Paris
- Lafarge Canada – Brechin Quarry Site Plan Amendment
- Lafarge Canada – City of Hamilton Official Plan
- Lafarge Canada - Dundas Quarry Expansion
- Lafarge Canada - Lawford Pit
- Lafarge Canada – Limbeer Pit
- Lafarge Canada – Mosport Pit Site Plan Amendments
- Lafarge Canada - Oster Pit

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## CURRICULUM VITAE

### Brian A. Zeman, BES, MCIP, RPP

- Lafarge Canada - Property Investigations
- Lafarge Canada - Warren Merger Due Diligence
- Lafarge Canada-Wawa Site Plans
- Lincoln Village Subdivision - Phase 2 and 3, Waterloo
- Livingston Excavating - Simcoe Pit
- Nelson Aggregates Co., Burlington Quarry Extension
- Ontario Stone, Sand & Gravel Association – Region of Halton Aggregate Strategy
- Ontario Stone, Sand & Gravel Association - Region of Halton Official Plan
- Paris Land Development Limited - Subdivision
- Pitway Holdings - Brillinger Pit
- Pitway Holdings - Naylor/Forman Pit
- Pine Valley Homes - Ainsley Estates, Town of Wasaga Beach
- Pioneer Construction-Aggregate Resources Act Licensing-Thunder Bay
- Region of Durham - Homefounders Subdivision Riverbank Estates Inc. - Subdivision, Kitchener
- St. Marys Cement – Alternative Fuels
- St. Marys Cement - Bowmanville Quarry Deepening
- St. Marys Cement - Bowmanville Quarry Site Plan Amendment
- St. Marys Cement - Clarington Comprehensive Zoning By-law
- St. Marys Cement – Westside Marsh Project
- Steed & Evans - Contractor's Yard/Site Plan Amendment
- Tanem Developments - Bridge Street Subdivision University of Guelph - Canadian Tire
- University of Guelph - Commercial Centre University of Guelph - Office/Research Park
- YMCA – Redevelopment of Site, Barrie
- Zavarella Construction Ltd. - Consent/Rezoning/Plan of Subdivision/Area Study, Town of Paris

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# CURRICULUM **VITAE**

## Patrick Townes BA, BEd

### EDUCATION

2011  
Honours Bachelor of Arts,  
Geography and  
Bachelor of Education,  
Nipissing University

Patrick Townes, BA, BEd, Planner provides advice to private and public sector clients on a variety of land use planning issues. Mr. Townes assists in the preparation and review of Official Plans, Zoning By-laws, Subdivisions, Site Plans, Consents and Minor Variances.

Mr. Townes' past experiences include working with a Conservation Authority where he coordinated development application review, approval monitoring and natural heritage management. Mr. Townes has over three years of extensive experience dealing with development and planning matters pertaining to Conservation Authorities.

### PROFESSIONAL ASSOCIATIONS / ACCREDITATIONS

- Provisional Member, Canadian Institute of Planners (CIP) and Ontario Professional Planners Institute (OPPI)

### PROFESSIONAL HISTORY

- |                |   |
|----------------|---|
| 2014 – Present | <b>Planner</b> , MacNaughton Hermsen Britton Clarkson Planning Limited (MHBC), Barrie |
| 2014           | <b>Planning &amp; Regulations Officer</b> , Nottawasaga Valley Conservation Authority |
| 2011 - 2013    | <b>Planning Assistant</b> , Nottawasaga Valley Conservation Authority                 |
| 2010 – 2011    | <b>Planning Assistant</b> , Township of Springwater                                   |

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