



Date: June 10th, 2019
Report to : Planning Committee
Report from: Justin Harrow, Director of Planning and Development
Subject: Official Plan Amendment No. 18 (Freymond Quarry)

Recommendation:

- 1. THAT the County Planning Staff Report dated June 10, 2019 regarding Amendment No. 18 (Freymond Quarry) to the Hastings County Official Plan for lands located in Part of Lots 51 and 52, Concession WHR, Township of Faraday, BE RECEIVED;**
- 2. THAT the Planning Committee recommend to County Council that Official Plan Amendment No. 18 to the County of Hastings Official Plan for lands located in Part of Lots 51 and 52, Concession WHR, Township of Faraday, BE ADOPTED in a manner consistent with Attachment no. 1 to the County Planning Staff Report dated March 7, 2019;**
- 3. THAT upon adoption, staff are authorized and directed to make application to the Minister of Municipal Affairs and Housing for approval of Amendment No. 18 to the Hastings County Official Plan; and**
- 4. THAT the applicant be responsible for all fees associated with the application to the Minister of Municipal Affairs and Housing.**

Planning Review & Comments (Without the benefit of public input)

Background / Purpose:

At the March 19, 2019 Planning Committee meeting the Committee deferred their decision until the June 18, 2019 Planning Committee meeting to allow the No Place For a Quarry Inc. group and opportunity to finalize their own studies and submit them for consideration prior to the June Planning Committee meeting.

On June 7, 2019, David Donnelly the representative of No Place for a Quarry Inc., submitted a Noise Impact Review prepared by John E Coulter, dated June 7, 2019 and an Economic Impact Review Prepared by Peter Tomlinson dated June 7, 2019. The studies have been sent to the applicants as well as the Township of Faraday for their review.

At the request of the Town of Bancroft for additional traffic information, the agent for the applications has provided a Technical Addendum to the traffic report, prepared by Tran Plan dated June 1, 2019.

Subject to any additional comments, County Planning Staff continue to recommend approval of Official Plan Amendment No. 18 as per the comments provided in the previous planning staff report dated March 7th, 2019 (see attachment no. 1)

Conclusions & Recommendation:

All of the supporting studies have been peer reviewed by the County and Township's peer review agents and any issues and concerns have been satisfactorily addressed. The applications are consistent with the Provincial Policy Statement and conform to the intent of the County of Hastings Official Plan (1998). In this regard, County Planning Staff recommended that the proposed Official Plan Amendment No. 18 **BE APPROVED**, and that County staff be authorized to make application to the Ministry of Municipal affairs and Housing for approval of OPA No. 18.

Respectfully Submitted: Justin Harrow
Justin Harrow
Director of Planning & Development

Date: June 10/19
June 10th, 2019

Attachments:

- 1) County Planning staff report dated March 7th, 2019.

Date: March 7th, 2019

Report to : Planning Committee

Report from: Justin Harrow, Director of Planning and Development

Subject: Official Plan Amendment No. 18 (Freymond Quarry)

Recommendation:

- 1. THAT the County Planning Staff Report regarding Amendment No. 18 (Freymond Quarry) to the Hastings County Official Plan for lands located in Part of Lots 51 and 52, Concession WHR, Township of Faraday, BE RECEIVED;**
- 2. THAT the Planning Committee recommend to County Council that Official Plan Amendment No. 18 to the County of Hastings Official Plan for lands located in Part of Lots 51 and 52, Concession WHR, Township of Faraday, BE ADOPTED in a manner consistent with Attachment no. 1 to the County Planning Staff Report dated March 7, 2019;**
- 3. THAT upon adoption, staff are authorized and directed to make application to the Minister of Municipal Affairs and Housing for approval of Amendment No. 18 to the Hastings County Official Plan; and**
- 4. THAT the applicant be responsible for all fees associated with the application to the Minister of Municipal Affairs and Housing.**

Planning Review & Comments (Without the benefit of public input)

Background / Purpose:

The County of Hastings and the Township of Faraday have received an application for a site specific Official Plan Amendment (OPA No. 18 - Freymond Quarry) (**see attachment no. 1**), for lands located in Part of Lots 51 and 52, Concession WHR, Township of Faraday, in order to facilitate the development of a Class A (Category 2) quarry. The applicant has also submitted an application for a zoning by-law amendment (ZBLA) for the same lands/purpose, with the intent that the Official Plan Amendment and Zoning By-law Amendment processes under the Planning Act will run concurrently.

The subject lands are approximately 128 ha (316.3 ac) in area with frontage onto Bay Lake Road and a small portion of frontage onto Highway No. 62 (**see attachment no. 2**). Approximately 33.3 ha (82.3 ac) of the subject lands are proposed to be licensed under the Aggregate Resources Act. Proposed Official Plan Amendment No. 18 and the zoning by-law amendment would re-designate/rezone the 33.3 ha of lands proposed to be licensed. There is a Class B sand and gravel pit on the subject lands immediately north of the proposed quarry and a lumber mill to the south east of the quarry also located on the subject lands.

In support of the application the applicant has submitted a number of studies and reports including:

- Planning Justification Report & Aggregate Resources Act Summary Statement, prepared by MHBC, dated December 2016;
- Visual Impact Analysis prepared by MHBC, dated December 2016;
- Proposed Freymond Quarry, Level 1 and 2 Hydrogeological Investigation Report, prepared by MTE Consultants Inc., dated December 1, 2016;
- Freymond Lumber Ltd. Quarry, Natural Environment Levels 1 and 2 Technical Report, prepared by Robin E. Craig, prepared November 2016;
- Stage 1 and 2 Archaeological Assessment, Part of Lots 51 and 52 Concession West of Hastings Road, Faraday Township, Ontario, prepared by Golder Associates Ltd., dated November 8, 2016;
- Freymond Aggregated Quarry, Traffic Impact Study, prepared by Tranplan Associates, dated November 2016;
- Blast Impact Analysis, Freymond Quarry, prepared by Explotech Engineering Ltd., dated December 13, 2016;
- Acoustic Assessment Report, Freymond Quarry, prepared by High Williamson Associates Inc., dated *December* 15, 2016;
- Aggregate Resources Act Site Plans, prepared by MHBC, dated December 2016.
- Updated Aggregate Resources Act Site Plans, prepared by MHBC, dated September 2018 (see **attachment no. 3**).

All of the supporting studies have been peer reviewed by the County and Township's peer review agents and any issues and concerns have been satisfactorily addressed.

Provincial Policy Statement, 2014 (PPS) Consistency:

The "Planning Justification Report & Aggregate Resources Act Summary Statement" provided by the applicant provides a detailed review of the policies in the Provincial Policy Statement and how they relate to the proposed quarry (see **attachment no. 4**). County planning staff have reviewed their analysis and generally agree with the statements and conclusions in the report. In this regard, the proposed development is consistent with the Provincial Policy Statement.

Official Plan Conformity:

The subject lands are designated **Rural** and located immediately north of an area designated as **Extractive (Reserve)**. In order to allow for the quarry use on the subject lands the applicant requires an Official Plan Amendment. The application for Official Plan Amendment is requesting to re-designate the portion of the owners lands proposed to be licensed under the Aggregate Resources Act from the **Rural** designation to the **Extractive (Active)** designation. The "Planning Justification Report & Aggregate Resources Act Summary Statement" provided by the applicant provides a detailed review of the policies of the County of Hastings Official Plan and how they relate to the proposed quarry (see **attachment no. 5**). County planning staff have reviewed their analysis and generally agree with the statements and conclusions in the report. In this regard, the proposed development conforms to the intent and policies of the County of Hasting's Official Plan (1998).

Zoning By-law:

The Township of Faraday passed by-law No. 4-2019 on February 6, 2019. **Zoning By-law Amendment No. 4-2019** rezones the 33.3 ha of land proposed to be licensed under the Aggregate Resources Act to the site specific **Extractive Industrial (MX- 1) Exception 1 Zone**. However, the by-law will not come into force and effect until such time as the Official Plan Amendment has been approved (if approved). The special exceptions zone allow for aggregate recycling in addition to the typical permitted uses and will also **prohibit the use of an Asphalt plant** on the subject lands. The amendment will also provide site specific setbacks to surrounding land uses, which include a minimum extraction setback of 30 m from roads and lands zoned residential and 15 m from all other property lines. All processing operations shall be setback 90 m from lands zoned residential. In addition, the site specific rezoning, will exempt existing lots of record from the required setbacks from a **Mineral Extraction (MX) Zone** in order to ensure that the surrounding lands will continue to develop without the need for an unnecessary rezoning application.

Supporting Studies and Peer Review:

Generally, the Official Plan seeks to allow for the extraction of primary resources (such as aggregate) while ensuring that any new extractive operation mitigates and/or minimizes impacts on:

- 1) the natural environment;
- 2) water resources;
- 3) cultural and heritage resources; and
- 4) surrounding land uses (including noise and vibration, traffic and visual impacts).

As noted above a number of studies have been submitted in support of the application which address the above issues. The Level 1 and 2 Hydrogeological Investigation Report and Natural Environment Levels 1 and 2 Technical Report that were submitted demonstrate adverse impacts relating to the natural environment and water resources will be minimized. These studies have been peer reviewed on behalf of the County and the Township by Greer Galloway. Subject to additional information and clarification that was provided, Greer Galloway is satisfied with the conclusions of the reports.

A Stage 1 and 2 Archaeological Assessment has been completed, which indicates that “no items of cultural heritage value or interest were recovered” and further that the study area be considered free from further archaeological concern. The Ministry of Tourism and Culture has reviewed the report and confirms the study has met the provincial standards and guidelines. The applicants have also submitted additional supporting information including a built heritage checklist completed by a qualified professional. The conclusions of these findings confirmed that there are no built heritage resources or significant cultural heritage landscapes present on or adjacent to the subject lands.

With regards to impacts on surrounding uses an Acoustic Assessment Report and Blasting Impact Assessment were submitted indicating that any noise and vibration impacts will be mitigated. These studies were peer reviewed by Valcoustics Canada Ltd. on behalf of the County and Township. Subject to some additional information and clarification that was provided, Greer Galloway is satisfied with the conclusions of the reports.

A Traffic Impact Study has been submitted which indicates that “with improvements to the present southbound right turn taper at the Highway 62/Bay Lake Road intersection, adjacent roads and intersections will accommodate future site traffic from the new quarry”. The Traffic Impact Study has been peer reviewed on behalf of the County and the Township by Greer Galloway. Subject to some additional information and clarification that was provided, Greer Galloway is satisfied with the conclusions of the report. The Town of Bancroft provided comments relating to concerns with the impact that the proposed development will have on Highway No.62 and the effect on the intersection of Mill Street and Bridge Street (**see attachment no. 7**). Highway No. 62 (Mill Street) is a major north south transportation corridor and, similarly Highway No. 28 (Bridge Street) is major east west transportation corridor in the County. Both roads accommodate significant traffic volumes daily (including heavy trucks). In this regard, additional traffic resulting from the proposed Quarry will have minimal impact on the operation of these roads.

With regards to potential visual impacts, the applicants have submitted a Visual Impact Assessment. The analysis indicated that while some of the observer locations will be able to see small areas of the proposed quarry, only when site preparation (e.g. construction equipment) and drilling operations occur at grade within a defined area, generally the surrounding areas will not be able to see the extraction, processing, stockpiling and shipping of aggregate on-site or the final rehabilitated site due to the topography in the area, existing tree cover and the elevations of the proposed quarry floor. In the location where portions of the quarry may be seen, views will be for a limited area, for a limited duration and will be located some distance from the subject site. The ability to view construction equipment for this limited area, for a limited duration from a distant view is typical of views that may exist in a rural area and overall the quarry will not result in any unacceptable visual impacts on the surrounding community.

The recommendations and conclusions of these studies have been incorporated into the most recent proposed Aggregate Resource Act site plan (**see attachment no. 3**), which if approved would form part of the licensing approval and would ensure the requirements of the studies are implemented.

Public Comments:

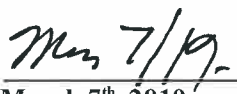
The statutory public meeting under the Planning Act was held on September 30, 2018, and was followed with another public meeting on January 9, 2019. In addition, a number of open houses were previously conducted, the applicants offered a tour of another similar quarry for residents on June 1, 2017, provided a newsletter to the surrounding community and provided all of the relevant studies and background documents on a website available to the public.

A number of comments and concerns have been received from members of the public (**see attachment no. 8**). A majority of the comments provided relate to concerns regarding water, environmental, noise and impact/enjoyment of surrounding lands. In general the comments and concerns were addressed through the supporting studies that were submitted.

Conclusions & Recommendation:

All of the supporting studies have been peer reviewed by the County and Township's peer review agents and any issues and concerns have been satisfactorily addressed. The applications are consistent with the Provincial Policy Statement and conform to the intent of the County of Hastings Official Plan (1998). In this regard, County Planning Staff recommended that the proposed Official Plan Amendment No. 18 **BE APPROVED**, and that County staff be authorized to make application to the Ministry of Municipal affairs and Housing for approval of OPA No. 18.

Respectfully Submitted: 
Justin Harrow
Director of Planning & Development

Date: 
March 7th, 2019

Attachments:

- 1) Official Plan Amendment No. 18;
- 2) Site Environs and Surrounding land use map, prepared by MHBC dated December 2016;
- 3) Updated Aggregate Resources Act Site Plans, prepared by MHBC, dated September 2018;
- 4) Excerpt of Provincial Policy Statement review, prepared by MHBC Planning;
- 5) Excerpt of Hastings County Official Plan Review, prepared by MHBC Planning;
- 6) Comments from the Town of Bancroft; and
- 7) Public Comments.