

**PLANNING STAFF REPORT
TO COUNCIL OF THE TOWNSHIP OF FARADAY
MEETING OF JANUARY 13, 2016**

**RE: Proposed Quarry- Official Plan/Zoning By-law Amendment
Location: Concession WHR, Part Lots 51, 52 Twp. of Faraday
Applicant/Landowner – “Freymond Lumber Ltd.”**

RECOMMENDATIONS:

Planning staff offer the following recommendations:

1. **THAT Council receive the County Planning staff status report – no actions required at this time.**

Background/Purpose:

The subject report is offered as an update on the status of the application for an Amendment to the County Official Plan and a quarry license under the Provincial Aggregate Resources Act.

Summary

Since planning staffs last correspondence on the subject matter, the following activities have occurred:

- The Applicant has retained a new consultant that specializes in aggregate approvals – Mr. Brian Zeman, President of MHBC Planning. The consultant has informed this office that his firm continues to work with Freymond Lumber and the subconsultants on updating the application, including the technical background reports on impacts of noise, dust, traffic, hydrogeological and environmental.
- On October 8th, 2015, staff attended a site visit with the proponent and Mr. Zeman.
- A copy of a revised Site Plan of Operations (not dated) was received on October 9, 2015. However, a more recent version has been received dated January 6, 2016 that represents the most recent and most accurate version of the intended Operation Plan. Please see **Attachment #1** for the January 6, 2016 OPERATION PLAN.
- The Site Plan involves the reduction in the maximum annual tonnage of extraction per year at 300,000 tonnes, revised lower from 1 million tonnes.
- Planning staff have corresponded with a number of individuals who have taken a particular interest in the details of the process. Please see e-mail correspondence to Tara McMurtry dated

December 18, 2015 in response to specific questions stemming from a November 25th, 2015 meeting with her, Peter Wagner and Gerry Watts (by teleconference with the latter) – see **Attachment #2.**

Next Steps

- The technical reports are being updated in keeping with the OPERATION PLAN. Correspondence from the June, 2015 Open House and others received since that time have been forward to Mr. Zeman in order to allow him to update the technical reports to address any public concerns.
- Mr. Zeman proposes to host an upcoming Public Information Session (PIS) in April or May when the technical reports are completed and the site plan has been formalized. The PIS is being held to meet the proponent's obligations under the Aggregate Resources Act for a quarry license.
- An Archaeological Assessment Stage II is reported to have been completed.
- The updated reports and site plan (as may change in response to public comments stemming from the PIS) will be forwarded to the County peer agents for review and acceptance (except the Archaeological Stage II report that is approved by the Ministry of Tourism, Recreation and Culture) in forming a complete application for an Official Plan Amendment. Once accepted, planning staff will arrange for a public meeting under the Planning Act when the matter of an Official Plan Amendment may be considered by County Council.

Respectfully Submitted by:

Date: January 13th, 2016

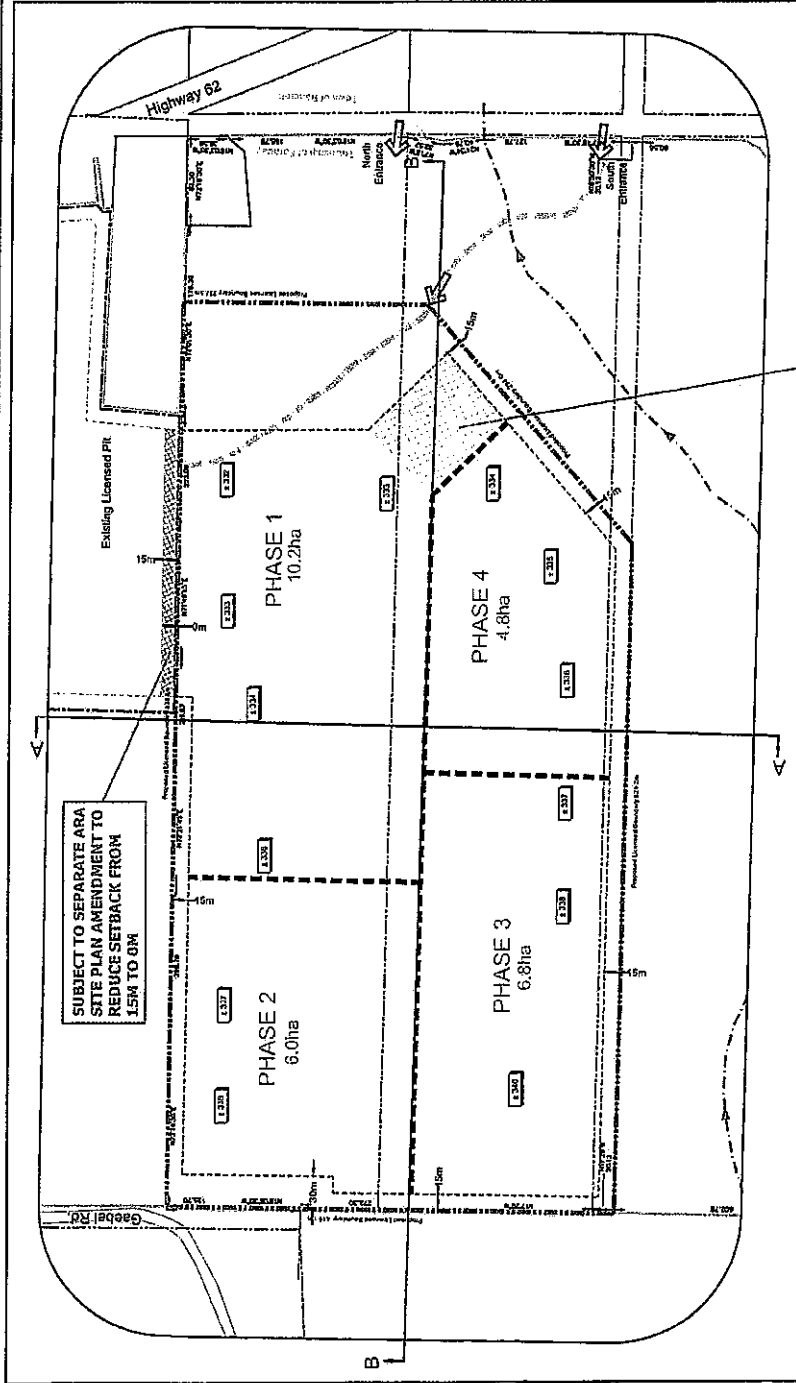
Paul Walsh, Planner

Attachments:

- Att. #1 - DRAFT OPERATIONS PLAN – dated January 6, 2016
- Att. #2 - Correspondence to Tara McMurtry, et al., dated December 18th, 2015

Attachment #1 – DRAFT OPERATION PLAN Dated January 6, 2016

DRAFT



Legal Description
 PART OF LOTS 51 & 52,
 TOWNSHIP 16 S.,
 RANGE 10 E.,
 COUNTY OF HASTINGS

- Legend**
- Proposed Licensed Boundary
 - Proposed Limit of Excavation
 - Existing License Boundary
 - Existing Limit of Excavation
 - Boundary of Lands Owned by Applicant
 - Chris-Section
 - Lot and Concession Line
 - Entrance/Exit
 - Existing Water Course
 - Proposed Road
 - Proposed Quarry Floor Elevation (masc)
 - Proposed Half-Height

Site Plan Amendment

PLANNING
 URBAN DESIGN
 & LANDSCAPE
 MIBC ARCHITECTURE

Prepared by: [Signature]

Checked by: [Signature]

Drawn by: [Signature]

Date: [Date]

Project: FREYMOND AGGREGATES
 FREYMOND LIMBER LTD.
 6381, 22nd Hwy Lake Road
 Guelph, Ontario G6L 1C9

Project Reference No. [Number]

Phase Reference No. [Number]

Drawn by: [Signature]

Date: [Date]

Project	FREYMOND AGGREGATES
Client	FREYMOND LIMBER LTD.
Address	6381, 22nd Hwy Lake Road, Guelph, Ontario G6L 1C9
Project Reference No.	[Number]
Phase Reference No.	[Number]
Drawn by	[Signature]
Date	[Date]
Scale	1:100
Sheet	1 of 3
Project	OPERATION PLAN
Page	2 OF 3

Attachment #2- Correspondence to Tara McMurtry

Walsh, Paul

From: Walsh, Paul
Sent: Friday, December 18, 2015 3:56 PM
To: 'Tara McMurtry'
Cc: McComb, Brian; Gerry Watts; Peter Wagner; Brian Zeman (bzeman@mhbcplan.com)
Subject: RE: Response requested to letter dated Nov 25th 2015

Good Afternoon Tara,

Please find my responses embedded below in blue.

Sincerely,

Paul B. Walsh, RPP
Planner
County of Hastings
Planning and Development Department
15 Victoria Ave.
Box 2, 2nd Floor
Belleville, ON
K8N 1Z5
T: (613) 966-6712
F: (613) 966-7654
www.hastingscounty.com



From: Tara McMurtry [mailto:greentara@bell.net]
Sent: Friday, December 18, 2015 12:16 PM
To: Walsh, Paul
Cc: McComb, Brian; Gerry Watts; Peter Wagner
Subject: Response requested to letter dated Nov 25th 2015
Importance: High

Hello Paul,

We realized that you were on holiday last week and so not able to respond in timeline provided. We would appreciate a **response before your office closes for the holidays**. As our meeting with you was November 4th and the letter that provided a summary of our conversation and information requests was sent November 25th, that seems like a reasonable timeline to meet. Please let us know if this is not possible.

Email response is fine. As a reminder, below are the specific items we discussed at our meeting with you and for which we are requesting a response/update:

1. Please advise us of the **proposed revisions to the Aggregates Act** that your office is aware of; I am not acquainted with proposed amendments to the Aggregate Resources Act. This is not an Act falling into the municipal jurisdiction, but is administered by the Ministry of Natural Resources. I am

aware of the document "A Blueprint for Change: A Proposal to modernize and strengthen the Aggregate Resources Act policy framework" in which enhanced requirements are proposed for the studying of potential impacts of quarry operations. Again, the MNR will apply the appropriate standards at the time of a licensing application.

2. Please follow up and see about **engaging MNR at the start of the review process** due to the sensitive nature of the kettle-like lakes that are in close proximity and share an aquifer with the proposed quarry; I recommend that you present this opinion and concern in writing to the proponent at the pending Public Information Session held under the Aggregate Resources Act for the purposes of a license. The concern can then be directed by the proponent to the Ministry for its review. I will also advise the proponent by copy of this e-mail of your opinion and concern so that any hydrogeological study can address the issue as may be appropriate.

3. Please confirm the **level two Archeological Report is a necessary part of a complete application and will be made available to the public at the start of the County's review of the Amendment of the Official Plan;**

Archeological assessments are reviewed by the Ministry of Tourism, Culture and Sport. The Stage I Archeological Assessment concluded that portions of the site have moderate to high potential for archaeological resources. I have been in contact with the Ministry who have advised,

"completion of the stage 2 is likely something that the province (MMAH in consultation with MTCS) would require in order to approve the OPA."

Therefore, a Stage 2 Assessment is required prior to the approval of an Official Plan Amendment. By way of this email, the agent for the proponent has been advised.

Following the requirements of the Planning Act:

4. Please confirm in writing that **no application has been accepted and that the 180-day review period has not started;**

If ever the proponent felt that the application submission was complete and requested approval but after 180 days no action was taken by the County for giving approval, the proponent may appeal to the OMB (Section 22(7)). However, the County has not accepted a fully completed application until such time that peer review has been finalized on the background studies. Updated studies are pending. The proponent is aware of this requirement and has requested the County to not proceed with peer review at this time. Therefore, in my opinion the 180-day review period has not begun.

5. Please **notify the co-signers of this letter in writing as soon as the Application has been accepted as complete;**

The Planning Act provides that the notice of a completed application is to be given to the applicant as per section 22.(6.1). Public notice is then given as per section 17 (15). Unfortunately, I find no statutory basis for giving special notice to persons upon request for such.

In order to encourage and permit community discussion and involvement, please confirm in writing where possible:

6. That **Notice of the Public Open House** will include a brief summary of the proposed Quarry and be advertised through local media outlets and municipal and regional government websites, to local and surrounding residents with the intention of presenting a visible announcement to the community;

Notice is given in accordance with the provisions and regulations under the Planning Act. The County will provide Notice of Public Meeting by way of first class mail to owners of property within 120 metres of the quarry property, as well as a notice in the newspaper(s). However, I suggest that you

contact this office from time to time after the Public Open House and inquire regarding the status of the peer review conclusions. We can make the information available to you in its finally accepted form.

7. That the Public Open House be held late May or June at the earliest and that it include both a formal presentation of the application and a question and answer period after the presentation;

The proponent has indicated that an Open House under the Aggregate Resources Act is intended to occur sometime around May. This is a determination made by the proponent and not something dictated by this office. The format of the meeting is determined by the proponent, but is generally conducted as a drop-in format to allow persons to arrive at a time of their convenience.

8. That the County Planner's Office recommend to the Proponent of the Freymond Quarry that they work in cooperation with a member of the community to plan the Public Open House so that it is a effective and unbiased information event;

By way of receiving copy of this email, the proponent's agent is advised of your request.

9. All public comments will be made available to the public after the meeting.

Yes, comments in response to a public notice are a matter of public record.

Thank you for your attention to these community-based concerns and requests. We look forward to hearing from you before we ring in 2016.

On that note, we do wish you and your family a relaxing and happy holiday season.

Thank you Tara, Peter and Gerry. Please enjoy the season. If you have any questions or comments, please feel free to contact me.

Sincerely

Tara McMurtry
Bancroft, Ontario

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