



## DEVELOPMENT SERVICES

### *Staff Report*

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REPORT NO: DS 2022-003

TO: Council

SUBMITTED BY: Harold O'Krafka, MCIP RPP  
Director of Development Services

PREPARED BY: Andrew Martin, MCIP RPP  
Manager of Planning and Economic Development

REVIEWED BY: Sharon Chambers, CAO

DATE: April 4, 2022

SUBJECT: Zone Change Application 11/19  
Jackson Harvest Farms Ltd. / IBI Group  
1894-1922 Witmer Road

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#### RECOMMENDATION:

THAT Council approve Zone Change Application 11/19 made by Jackson Harvest Farms Ltd. / IBI Group, affecting Part of Lot 10, Concession South of Bleams Road being Part 1, Plan 58R-19981, to rezone the subject lands as follows:

1. in part from Zone 1 (Agricultural) to Zone 14 (Extractive Industrial) with site specific provisions requiring post restoration uses to comply with the terms of the Risk Management Plan 00051 as approved and/or amended by the Region of Waterloo.
2. in part from Zone 1 (Agricultural) to Zone 11 (Open Space) with site specific provisions limiting uses to an Arboretum, Wildlife Sanctuary, and accessory uses.

THAT, prior to the third reading of the implementing zoning by-law, the applicant shall enter into an agreement with the Township of Wilmot to require that, prior to commencement of operations and at no cost to the Township, Witmer Road be reconstructed from Queen Street to just west of the proposed pit entrance to the satisfaction of the Township.

THAT the Township advise the Ministry of Northern Development, Mines, Natural Resources and Forestry that, in addition to comments provided by the Region of Waterloo dated November 30 and December 1, 2021, the following amendments are required in relation to the ARA plans:

1. General Operation Note 2a shall be amended to clarify that, prior to commencement of shipping activities, the pit entrance shall be paved from the limit of asphalt on Witmer Road to, at minimum, the weigh scale and that the weigh scale shall include a grizzly screen at its approach.
2. General Operation Note 2b shall be amended by adding a sentence preceding the current sentence, to indicate that pit traffic will not be permitted west of the entrance on Witmer Road.
3. General Operation Note 2c shall be amended to clarify that the farm-type gated access from Bleams Road shall not be used for any component of the pit operations and limited to farm access only.
4. General Operation Note 15 shall be amended to align with the peer reviewed noise study as follows:

Site Preparation:	7:00am to 6:00pm Monday to Friday
Excavation / Processing:	7:00am to 6:00pm Monday to Friday
	8:00am to 12:00pm Saturdays
Shipping:	6:00am to 6:00pm Monday to Friday
	6:00am to 12:00pm Saturdays

### SUMMARY:

In December 2019, Jackson Harvest Farms Ltd. filed a zone change application that proposes to rezone approximately 52ha of the subject property to Zone 14 (Extractive Industrial) to permit a gravel pit operation. The zoning is proposed to include provisions for the importation of concrete and asphalt for recycling. The application also proposes to rezone wetlands and associated buffers on the subject property to Zone 11 (Open Space).

This report considers the proposed zoning of the property along with supporting materials, expert agency comments and associated peer reviews, and public comments and associated peer reviews.

Concurrently, the applicant has also filed a Category 3 – Class A license application with the Ministry of Northern Development, Mines, Natural Resources and Forestry (MNRF) for an above water pit.

The MNRF is responsible for implementation of licensing, regulating, and enforcement of the aggregate operation. This report provides comments to be incorporated in the licensing of the pit should the zone change application be approved.

Through the submission of detailed technical studies and their associated acceptance by the appropriate agencies, the applicant has demonstrated compliance with the Provincial, Regional and Township requirements and standards as set out in the Provincial Policy Statement, Region of Waterloo Official Plan and Township Official Plan.

## BACKGROUND:

A Public Meeting was held on January 13, 2020. On January 31, 2022 notice that this application would return to Council for a decision, along with advisement that this report was available to review on the Township website, was given to property owners within 120 metres of the subject lands along with individuals who requested notice. The following is a summary of comments received prior to writing of this report.

### Public

*Unique written and/or emailed comments received (a list of respondents and a copy of the complete written responses are included as Attachment D):*

At the time of finalizing this report 56 unique letters/emails were received. 19 of these responses did not include an address, 5 were from addresses outside of Wilmot Township and 32 were identified as being from within Wilmot Township.

The primary themes of concerns presented within the letters were: impacts on water quality and quantity, environmental issues, loss of prime agricultural land, traffic and road safety, loss of property values, impacts on quality of life, cost to taxpayers for maintenance of road, noise and dust, air quality as a result of dust and diesel fumes, hours of operation, and impacts on an existing community.

*Identical email submissions received (a list of respondents and copies of the two emails are included as Attachment E):*

The Township received batches of identical email submissions on two separate occasions. The first message received in December 2019 included a total of 410 identical email submissions were received. 285 of these responses did not include an address, 52 were from addresses outside of Wilmot Township and 73 were identified as being from within Wilmot Township.

The December submission included four oppositions to the proposed gravel pit: impacts on water quality and quantity, environmental issues and loss of prime agricultural land, road safety, loss of property values and quality of life.

The second message received in March 2021 included a total of 447 identical email submissions were received. 13 of these responses did not include an address, 320 were from addresses outside of Wilmot Township and 114 were identified as being from within Wilmot Township.

The March submission identified remaining concerns with reports prepared, the need for another pit, and the cumulative impact of all pits in the area.

A citizen group called Citizens for Safe Ground Water (CSGW) provide a number of comments throughout the process including their own expert peer reviews of a number of the technical studies. The CSGW commissioned peer reviews provided alternative positions on the technical studies and those comments were considered during the Region and Township reviews and peer reviews.

All submission material including plans and technical reports, Township and Region initiated peer reviews, along with CSGW initiated peer reviews have been made available throughout the review process on the Township's Development Applications webpage (direct url: [www.wilmot.ca/ZCA-11-19](http://www.wilmot.ca/ZCA-11-19)).

### Agencies

Grand River Conservation Authority – indicating all previous comments have been addressed, and no concerns with the application. (*Final comments included as Attachment B*)

Region of Waterloo – indicating no objections to the application subject to zoning being limited to the extraction area and the wetland, woodland and associated buffers being rezoned as Open Space. (*Final comments included as Attachment C*)

Waterloo Region District School Board – no comments or concerns.

Waterloo Catholic District School Board – no comments or concerns.

### REPORT:

A zone change application affecting the above noted property has been received by the Township. The subject lands are designated Agricultural Resource Area by the Township Official Plan and are identified in part as Mineral Aggregate Resource Area on Map 10 of the Official Plan.

The subject lands are currently zoned Zone 1 (Agricultural) and this application proposes to rezone approximately 57.3ha of the lands to Zone 14 (Extractive Industrial). The extraction proposed is a Class 3 operation – being extraction above the water table only. The zoning also proposes to include the importation of concrete and asphalt for recycling as a use accessory to the gravel pit.

The application also proposes to rezone approximately 4.3ha of the subject property to Zone 11 (Open Space) encompassing the area containing a conifer plantation and wetland/pond complex along with associated buffering.

In support of the applications the applicants have submitted a Planning Justification Report, Cumulative Impact Assessment, Hydrogeological Assessment, Traffic Impact Study, Geotechnical Investigation (Witmer Road), Noise Impact Study, Agricultural Impact Study, Archaeological Assessment, Natural Environment Report and EIS, Dust Mitigation and Air Quality Assessment, and an Environmental Site Assessment including Record of Site Condition.

## Conformity with Official Plan

### Designation

The subject property is designated Mineral Aggregate Resource Area and Prime Agricultural within the Township Official Plan (OP). While the entire property is not contained within the Mineral Aggregate Resource Area, the Region of Waterloo Official Plan (ROP) and the OP permit the extraction of mineral aggregate resources outside of the Mineral Aggregate Resource designation, provided there is a sufficient quantity and quality of resources to warrant extraction.

Based on borehole testing completed on the subject lands, the estimated aggregate reserves available within the proposed licensed property were calculated to be approximately 13.8 million tonnes with a minimum pit life span of 19 years.

Township staff are satisfied, and concur with the Region of Waterloo, that the supporting information submitted with the application demonstrated sufficient quality and quantity of resources and as such an amendment to the ROP and OP were not required.

### Required Technical Information

The OP sets out technical studies required to be submitted as part of a development application for a new mineral aggregate operation. The studies identified in the plan and clarified during initial pre-consultation were submitted and reviewed by the appropriate review agencies as part of the zone change review.

The OP further sets out criteria to be satisfied prior to Township support of a zone change application. Those criteria are expanded upon in the following items 1 to 5.

#### *1. Submission and acceptance of any required studies*

##### *Planning Justification Report*

A planning justification report was provided in support of the application highlighting the proposed aggregate operations' conformity with the Provincial Policy Statement (PPS), ROP, and OP.

The specific technical reports included as appendixes to the planning justification report are each expanded upon separately within the subsequent paragraphs.

In response to public, Region, and Township comments, an addendum to the planning justification report was subsequently provided to address the potential of cumulative impacts of the proposed aggregate operation when considering existing licensed aggregate operations in the area. The cumulative impact assessment examined the operations of seven nearby licensed pits and the potential for a cumulative impact as it relates to the technical

reports. Cumulative impact assessment is described within the applicable subsequent discussions on technical reports.

### *Hydrogeological Assessment*

The Region of Waterloo was responsible for the review and acceptance of the hydrogeological assessment. Technical documents reviewed that led to the Region's acceptance of the hydrogeological assessment included Phase 1 and 2 environmental site assessments, Level 1 and 2 hydrogeological assessments, an environmental services report and a final response letter addressing outstanding concerns.

Key outcomes of the study review and acceptance were:

1. Pit extraction will remain 1.5m above the high water table
2. If recycling occurs on the property, above and beyond the 1.5m separation, an additional 1.0m separation of clay or silt will be established and all runoff will be captured in the recycling area
3. In response to public concerns raised, restrictions have been included with respect to application of calcium chloride for dust suppression.
4. Annual groundwater monitoring around the site will occur for the operational life of the pit and for five years after completion of rehabilitation
5. A detailed spills response plan has been prepared, accepted and will be included within the Aggregate Resources Act (ARA) site plan notes
6. The proponent will adjust the pit floor elevation if future groundwater elevations arise as a result of impacts from climate change

The Region considered all technical reports along with the CSGW commissioned peer review, and was satisfied that the technical documents provided sufficient analysis to demonstrate that the proposed extraction operations and accessory uses would not impact ground water and neighbouring private wells. Sufficient monitoring and contingency provisions will be in place to ensure that operations align with analysis that led to their acceptance.

### *Traffic Impact Study*

The Region of Waterloo reviewed the Transportation Impact Study (TIS) and were satisfied that there will be no negative impacts on Regional road infrastructure as a result of this application.

Public comments were received regarding visibility at the intersection of Witmer Road and Queen Street. After further review of public comments and the CSGW commissioned peer review of the TIS, the Region concluded that while visibility for eastbound motorists at this intersection met Transportation Association of Canada guidelines, the stop bar at this location was moved closer to the intersection (while in compliance with the Ontario Traffic Manual), thereby further improving visibility.

The Township of Wilmot engaged a third party consultant to undertake a peer review of the TIS as it relates to Witmer Road. The nature of a TIS inherently considers cumulative impacts when considering existing, background and total traffic conditions. All existing and forecasted traffic, including truck traffic from the existing pit, approximately 890m east of the subject property, were considered.

The TIS and peer review concluded that Witmer Road is forecast to operate at acceptable levels of service during the am and pm peak hours under the existing, background, and total traffic conditions. It was further concluded that the proposed access on Witmer Road is also forecasted to operate at an acceptable level of service and will not require auxiliary turn lanes on Witmer Road.

### *Geotechnical Investigation*

A geotechnical investigation was completed to determine whether improvements were required along the haul route from the proposed pit east to Queen Street. A similar study was completed in support of the Voisin Pit (ARA license 608502) east of the subject property when those zoning and ARA applications were considered in 2008. The 2008 study resulted in the pit proponent being required to upgrade the road from the pit entrance to Queen Street.

The geotechnical work completed in support of the current application was required to assess Witmer Road from the proposed pit entrance to the limit of where 2008 upgrades were undertaken. To address cumulative impacts, the study also assessed the road along the portion previously upgraded to Queen Street.

The Township of Wilmot engaged a third party consultant to undertake a peer review of the geotechnical investigation. The study and the findings of the peer review concluded that in addition to requirements to improve the portion of the road that has not yet been upgraded, there were inconsistencies in the existing roadway subgrade, base, subbase, and subgrade quality from the proposed pit entrance to Queen Street.

As a result, Witmer Road will be required to be re-constructed from the proposed pit entrance to Queen Street. The peer review concluded that the road was to incorporate a Granular Base Equivalency (GBE) of 680mm.

As identified with the recommendations contained within this report, the applicant will be required to enter into an agreement with the Township of Wilmot to secure the completion of these road improvements, at no cost to the Township of Wilmot.

### *Noise Impact Study*

A noise impact study was completed to review the operation plan and conduct an analysis of operations based on a worst case operational scenario. The study included modelling and predicted levels of noise at nine neighbouring residences. Measures including noise attenuation berms, phasing and direction of extraction, and location of processing equipment were used to mitigate potential noise impacts from the operation.



The results of the study indicated that sound emissions from the proposed pit operations with the noise control measures in place are expected to comply with Ministry of Environment, Conservation and Parks (MECP) NPC-300 noise guideline limits at neighbouring noise sensitive receptors.

The Region of Waterloo engaged a third party consultant to undertake a peer review of the noise impact study and that review and consideration of the CSGW commissioned peer review, resulted in the same conclusions that the operations in a worst case scenario, would result in compliance with the applicable MECP guidelines.

Through subsequent review of a cumulative impact assessment related to noise, it was recommended that the licensee undertake a noise audit of the Hallman Pit operation to ensure that MECP noise guidelines continue to be met upon the opening (active extraction) of the Warren Cattleland Pit (ARA License 10600) - Phase 8, Phase 9 and Phase 10, and upon the opening of the Voisin Pit - Phase 2. The noise study is to be undertaken by a qualified acoustical engineer with the results submitted to MNRF, the Region of Waterloo and the Township of Wilmot. Should MECP Guidelines be found to be breached, the Licensee will be required to undertake operational design changes to ensure compliance. This recommendation is to be included in the ARA site plans and is noted within the Region of Waterloo's comments to the MNRF (see Attachment C).

The proposed operation plan includes site preparation/extraction/processing hours of 7am to 7pm Monday to Friday and 7am to 6pm Saturdays. It includes shipping hours of 6am to 7pm Monday to Friday and 6am to 6pm Saturdays.

The noise study contemplated operation hours from 7am to 6pm Monday to Friday and 8am to 12pm Saturdays. Shipping hours were considered to be 6am to 6pm Monday to Friday and 6am to 12pm on Saturday.

This report recommends modifications to the operation notes to align hours of operation with those contemplated by the noise study.

### *Agricultural Impact Study*

An agricultural impact study (AIS) was completed to evaluate the impact of the proposed gravel pit and its ultimate rehabilitation on future agricultural use of the lands.

The Region of Waterloo engaged a third party consultant to peer review the AIS.

The AIS indicates that the rehabilitation plan will follow state-of-the-art, best management practices for rehabilitation as is the standard used in Ontario. Both the original author of the assessment as well as the peer reviewer, concluded that there is no scientific evidence available to demonstrate that rehabilitation can meet the definition from the PPS of restoration to an agricultural condition. The Region of Waterloo concluded that through discussions with the peer reviewer and OMAFRA, they understood that this is a limitation



that applies to pits throughout Ontario on prime agricultural lands and acknowledged that limitation.

The assumption is that in using state-of-the-art, best management practice technics, that the soils can and will be rehabilitated back to an equivalent Canada Land Inventory (CLI) rating as were determined for the lands prior to the extraction and rehabilitation processes.

With respect to cumulative impacts, the study acknowledges that although many areas within the study area were being actively farmed with common field crops, large portions (approximately 14 percent) of the study area, particularly to the south east of Witmer Road are designated for mineral aggregate operations and portions of those properties are actively used for mineral aggregate extraction.

Given that all of the existing licensed pits south of Witmer Road are to be rehabilitated to an agricultural land use, it is anticipated that there will be no cumulative impact based on the final rehabilitated of the proposed pit and other pits in the study area to agriculture land use.

#### *Archaeological Assessment*

Stage 1, 2, 3 and 4 Archaeological assessments were completed for the subject property and were acknowledged by the Ministry of Heritage, Sport, Tourism, and Culture Industries.

The Region of Waterloo summarized that they were satisfied with the archaeological mitigation work completed and that there were no further concerns related to archaeological resources within the proposed pit.

#### *Natural Environment Report and EIS*

The natural environment report and EIS were reviewed by Regional staff and the Region's Ecological and Environmental Advisory Committee (EEAC) with specific focus on the assessment of potential impacts to Regionally-designated environmental features and systems.

The subject property is adjacent to a significant woodland designated by the ROP as a core environmental feature. Regional staff concluded the EIS satisfactorily demonstrated that there are no anticipated adverse environmental impacts to the woodland.

The operation notes include annual monitoring with respect to the wetland and its biodiversity. Regional and GRCA staff have requested that the open space zoning apply not only to the wetland feature, but also its associated buffering.

The zoning by-law amendment, a draft of which is included as Attachment A, implements the comments from the Region of Waterloo and GRCA, by zoning only the extraction limits to Zone 14 (Extractive Industrial) and includes the wetland feature and associated buffering within Zone 11 (Open Space).

A subsequent review was completed of cumulative impacts of the proposed gravel pit operations on the natural environment. That report concluded that there are no significant ecological features present immediately south of Witmer Road that provide significant linkage to the ecological features present on the Hallman Pit site.

There is a larger woodlot approximately 400m south of Witmer Road adjacent to the licensed Warren Cattleland Pit with a narrow sparsely treed hedgerow between the woodlot and Witmer Road. The report concluded that it is probable that some wildlife species capable of crossing the Witmer Road right-of-way currently move north and south between the Hallman Pit property and the woodland south of Witmer Road, but this is probably at a very low level of activity. No significant wildlife movement was noted during preparation of the EIS. With setbacks between extraction and property lines, this potential existing corridor would be maintained.

Regional staff concluded that as the proposed operation is not directly removing, or in any way preventing or inhibiting the relationship and connection amongst existing natural features, there are no reasonably anticipated cumulative impacts on the natural environment.

#### *Dust Mitigation and Air Quality Assessment*

A Best Management Practices Plan for Control of Fugitive Dust Emissions (BMPP) was completed to establish a plan to deal with potential dust and air quality impacts from the proposed pit operations.

The Region of Waterloo engaged a third party consultant to peer review the BMPP. Several reviews and peer reviews were completed including consideration of the CSGW commissioned peer review. The BMPP identifies potential sources for dust emissions, including on-site traffic, processing operations, material conveyance systems, material stockpiles and material loading/unloading. The report then outlines preventative/control measures including water suppressant on roads and crushing equipment, grizzly screening systems to minimize dirt track-out, road sweeping of paved access roads, optimization of truck routes, speed limits, stockpile height restrictions, berms, and vegetation. These measures are implemented through inclusion on the ARA site plans including requirements for daily observations, bi-weekly inspections and reporting.

As requested through the peer review of the BMPP, a Cumulative Air Assessment was undertaken and peer reviewed. The study considered the proposed pit operations and the operations of the seven nearby licensed pits. The assessment recognizes that not all pits are operating at capacity, but was completed based on all pits being fully operational. The assessment considered truck traffic as well as on-site operations.

The Region's peer reviewer concluded that the BMPP and Cumulative Air Assessment were acceptable. The cumulative dispersion modeling for the proposed aggregate operation demonstrates that the operation will comply with Ontario Regulation 419/05 (Air Pollution – Local Air Quality).

### *Environmental Site Assessment including Record of Site Condition*

At the request of the Region of Waterloo, the applicant prepared a Phase 1 and 2 Environmental Site Assessment and filed a Record of Site Condition with the MECP. The Region of Waterloo concluded that they had no further requirements with respect to site contamination.

#### *2. Demonstration that the proposed rehabilitation is consistent with the policies of this Plan and the Regional Official Plan*

The applicant is proposing rehabilitation of the site to agriculture after use in conformity with the underlying agricultural designation of the property.

The applicant has obtained approval from the Region of Waterloo of a Risk Management Plan that speaks to both existing and planned measures to address agricultural impacts on ground water. The plan specifically prohibits the post-extraction application of fertilizers containing nitrogen or agricultural and non-agricultural source material within the nitrate issue contributing area.

The PPS speaks to rehabilitation to an agricultural condition defined as a condition in which substantially the same areas and average soil capability for agriculture are restored. The Agricultural Impact Assessment indicates that the rehabilitation plan will follow state-of-the-art, best management practices for rehabilitation. Both the original author of the assessment as well as the peer reviewer, concluded that there is no scientific evidence available to demonstrate that rehabilitation can meet the definition from the PPS, but that this limitation applies to aggregate pits in prime agricultural areas throughout Ontario. That is not to say that restoration based on current state-of-the-art best management practices would not achieve this outcome, but rather that ability to provide this assessment does not presently exist.

The rehabilitation plan is consistent with the policies of the ROP and OP.

#### *3. The submission of all reports required by the Ministry of Natural Resources in accordance with the Aggregate Resources Act.*

All required reports were submitted and are included amongst the reports identified under item 1 above.

#### *4. The Township being satisfied that the following conditions will be dealt with through the site plan approved under the Aggregate Resources Act, or other appropriate means:*

- i) to ensure provision of adequate buffering and/or screening along road rights-of-way, or adjacent to any existing or proposed sensitive uses, and implementation of any other necessary mitigation measures as determined through the approval of required studies to prevent where possible, or minimize any potential adverse effects on the surrounding sensitive land uses, to the satisfaction of the Township;*

The accepted noise study mitigation measures, including berms surrounding the operations, have been accepted by the Region of Waterloo as complying with the requirements of the MECP. The establishment of the berms and plantings will be governed by the MNRF through the approval of site plans for the proposed pit under the ARA. Through the proposed ARA site plans, comments from the Region of Waterloo, and comments contained within the recommendation of this report, staff are satisfied that the necessary mitigation measures will be secured through the ARA licensing process.

- ii) *that no new excavation or processing will take place until all required buffers and/or screenings have been installed;*

The establishment of the berms and plantings will be governed by the MNRF through the approval of site plans and licensing process under the ARA. The general operation notes contain the timing for construction of berms prior to commencement of phases of extraction.

- iii) *that no water or washing or screening operations will be discharged into any water course;*

The hydrogeological assessment and implementation through the ARA site plans, provides this assurance.

- iv) *that the applicant, in co-operation with the Township and the Region, will establish all haul routes for truck traffic;*

The haul route for the proposed pit is required to be from the pit entrance/exit easterly along Witmer Road to Queen Street. Pit traffic will not be permitted west of the entrance on Witmer Road except in the case of local deliveries. The applicant will be required to sign the road west of the pit entrance/exit identifying this limitation.

- v) *that any required road improvements identified through the Transportation Impact Study are in place prior to the removal of aggregates from the site; and,*

The geotechnical study and its peer review identify required road improvements. The applicant is required to enter into an agreement with the Township to ensure the work is completed, at no cost to the Township, prior to commencement of pit operations. Completion of works will be secured through a Letter of Credit posted by the applicant.

- vi) *that no new excavation or processing will take place until all required fencing and/or security measures have been put in place.*

Fencing and security of the site are requirements of the ARA and will be implemented and enforced by the MNRF.

5. *The Township will encourage the construction of intra-pit road systems and new roads to support the movement of mineral aggregate resources so as to lessen the impact of truck traffic on Township roads and sensitive land uses.*

The haul route will occur via Witmer Road east to Queen Street consistent with the haul route of the existing pit Voisin Pit less than 900m east of the proposed pit. As was the case with the 2008 approval for the current Voisin Pit, opportunity does not exist to secure access via adjoining licensed operations.

The 1991 approvals of the Warren Cattleland Pit on the south side of Witmer Road had the benefit of an intra-pit road system as all the adjoining pits leading to Queen Street were licensed by the same owner. The conditions of approval for that pit prohibited access to Witmer Road as access directly to Queen Street via existing pits was achievable as a result of mutual ownership.

6. *The Township will collaborate with the Region and the Province to ensure that all appropriate requirements resulting from the review of an application for a mineral aggregate operation are imposed and enforced as:*
- a) conditions on the license or notes on the site plan required under the Aggregate Resources Act, including but not limited to spill protection measures to prevent discharges to surface water and groundwater resources from on-site fuel storage, vehicle or equipment repair and equipment operation, and spills from salt storage, use and transfer, and other best management practices; and*
  - b) regulations in site-specific zoning by-laws, development agreements and conservation easements, as may be applicable.*

The proposed ARA operational notes in combination with comments from the Region of Waterloo and Township recommendations within this report, ensure that these measures are in place.

### Public concerns

The preceding paragraphs, and in particular, the discussion regarding each of the technical studies, addresses the comments received through the public circulation process. For additional clarity, the main themes of concerns are highlight further within the subsequent paragraphs.

#### *120m setback*

Plans prepared in support of this application and the ARA application included a 120m buffer line around the property. There appeared to have been some public confusion that this 120m line represented how far the aggregate operation was required to be from surrounding homes. To clarify, the 120m line shown on the plans is not a setback, but rather is identifying the limit where land use information is required to be shown on the plans submitted license application

under the ARA. The line is intended to outline example existing zoning, buildings, tree cover, drainage features etc. within 120m of the property.

The ARA required extraction and processing operations to be a minimum of 30m and 90m away respectively from a neighbouring residential property. The proposed gravel pit exceeds these setbacks to all surrounding homes.

### *Witmer Road*

Concerns were noted with respect to both the condition and safety of Witmer Road. The accepted TIS assesses the function of Witmer Road when considering existing, background and total traffic conditions. This application does not introduce truck traffic onto Witmer Road as it presently occurs less than 900m east of the proposed gravel pit. The TIS and its peer review, concluded that no operational improvements were required to Witmer Road.

The geotechnical investigation completed for Witmer Road and its peer review outlines improvements required to ensure the road structure is suitable to accommodate existing and additional truck traffic. The results of the study require re-construction from the proposed pit to Queen Street. Those improvements will ensure an adequate base exists along the entire haul route from the proposed pit to Queen Street. As part of changing a road from surface treatment to asphalt, the Township's historic practice is to widen the road platform from 6.8m to 7.2m. Road reconstruction will see the 7.2m width and asphalt extended approximately 900m west from where it currently terminates at the Voisin Pit.

### *Dust and Air Quality*

Initial public comments expressed concerns that the Dust BMPP did not adequately assess all air quality issues. Since the initial public meeting, a Cumulative Air Assessment was completed that assessed emissions from truck traffic as well as on-site operations. The conclusion of the studies and their peer reviews was that the operations, as mitigated through the ARA site plans, will comply with Ontario Regulation 419/05 (Air Pollution – Local Air Quality).

### *Impacts on ground water*

At the outset of the planning process, significant concerns were expressed with respect to impacts of the proposed aggregate operation on ground water. An extremely detailed Hydrogeological Assessment was prepared and an expert review of the study was then undertaken by the Region of Waterloo leading to its ultimate acceptance.

As outlined in a preceding section of this report, key outcomes of the study review and acceptance were:

1. Pit extraction will remain 1.5m above the high water table
2. If recycling occurs on the property, above and beyond the 1.5m separation, an additional 1.0m separation of clay or silt will be established and all runoff will be captured in the recycling area



3. In response to public concerns raised, restrictions have been included with respect to application of calcium chloride for dust suppression.
4. Annual groundwater monitoring around the site will occur for the operational life of the pit and for five years after completion of rehabilitation
5. A detailed spills response plan has been prepared, accepted and will be included within the Aggregate Resources Act (ARA) site plan notes
6. The proponent will adjust the pit floor elevation if future groundwater elevations arise as a result of impacts from climate change

The implementation of these key outcomes demonstrate that the gravel pit will not impact ground water.

### *Impacts on the wetland*

A combination of the Hydrogeological Assessment and the Natural Environment Report/EIS were considered in concluding that the proposed pit operations would have no impact on the wetland.

The Hydrogeological Assessment, as implemented through the ARA site plans, results in post extraction drainage areas that ensure that there is no significant impact on the hydrologic input into the wetland. The Natural Environment Report/EIS concluded that it is anticipated that there will be no significant impact on the species that require the wetland for their survival.

The GRCA was satisfied with the reports and their findings with respect to the protection of the wetland. In response to comments from the GRCA, the draft zoning by-law amendment (included as Attachment A) establishes open space zoning around the wetland as well as required buffers.

### *Noise*

As outlined in the prior discussion regarding Noise Impact, the study and a subsequent cumulative impact review were completed concluding that sound emissions from the proposed pit operations with the noise control measures in place are expected to comply with Ministry of Environment, Conservation and Parks (MECP) NPC-300 noise guideline limits at neighbouring noise sensitive receptors. The cumulative impact review recommended additional testing at future phases and when neighbouring pits are operational and sets out that operation plans be adjusted at that time if any part of the operation found to not comply with MECP requirements.

Additional public comments expressed that further noise analysis should occur along the haul route.

The Region's peer reviewer provided a response to those concerns explaining that there is no requirement under applicable MECP or MNRF noise guidelines to investigate noise from pit and quarry truck traffic while those vehicles are operating on public roads.

The peer reviewer explains that a draft 1998 MECP guideline entitled "Noise Guidelines for Landfill Sites" does have a requirement for landfill haul route traffic to be assessed, and for the

truck route that results in the least impact to be selected. Although this draft guideline does not apply to pit and quarry operations, it is often used as part of pit/quarry noise assessments.

In considering those draft guidelines, the Hallman Pit haul route is proposed to be along Wilmer Road, away from Shingletown affecting the fewest number of residences. The peer reviewer concludes that the haul route selection requirements of MECP's draft landfill guideline are met (Wilmer Road is the haul route with the least potential for noise impacts), and that further assessment is not warranted.

#### *Need for another gravel pit*

The existence of other pits where extraction has not started, been completed, or restored, does not influence the potential to zone and license additional extractive operations. The Provincial Policy Statement specifically prohibits municipalities from requiring a demonstration of need or making a decision on the basis of the availability, designation or licensing locally or elsewhere. Policy 2.5.2.1 states that "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".

#### Final comments

The review of this proposed aggregate operation has occurred over two years and has included significant technical review and public engagement.

Having considered public comments, the detailed technical reports and peer reviews along with comments from the Region of Waterloo with respect to ROP conformity, as set out in the preceding paragraphs, staff support that the application conforms to the requirements of the OP.

Subject to the conditions outlined within the recommendation, the criteria outlined within the OP to be satisfied prior to Township support of a zone change application have been addressed. Staff support approval of the zone change application and have no objections to the MNRF licensing the operation.

#### ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

Public meetings and engagement in development application processes promotes an engaged community. The zone change application process along with utilization of expert agency and peer reviewers ensures that scientific and fact based evidence is in place to protect the natural environment.

#### ACTIONS TOWARDS UNITED NATIONS SUSTAINABLE DEVELOPMENT GOALS

Goal 15: Life On Land – implementation of environmental study recommendations through zoning and licensing requirements serves to protect biodiversity and the natural environment.

**FINANCIAL CONSIDERATIONS:**

The application fees, established by the Township of Wilmot Fees and Charges By-law, were collected at the time of application.

All costs associated with upgrading Witmer Road will be borne by the applicant.

**ATTACHMENTS:**

Attachment A	Draft amending by-law
Attachment B	Grand River Conservation Authority final comments
Attachment C	Region of Waterloo final comments
Attachment D	Public comments - unique letters and emails
Attachment E	Public comments - identical email submissions
Attachment F	Minutes of Public Meeting
Attachment G	Minutes from public presentations at Council meetings
Attachment H	ARA plans