

**Special Council Meeting Agenda****Special Council Meeting**

Date: April 4, 2022, 7:00 P.M.

Location: Virtual Location

Members Present: Mayor L. Armstrong  
Councillor A. Hallman  
Councillor B. Fisher  
Councillor J. Gerber  
Councillor J. Pfenning

Staff Present: Chief Administrative Officer, S. Chambers  
Director of Corporate Services/Treasurer P. Kelly  
Director of Information and Legislative Services/Municipal Clerk  
D. Mittelholtz  
Director of Public Works and Engineering J. Molenhuis  
Director of Development Services H. O'Krafka  
Manager of Information and Legislative Services/Deputy Clerk T.  
Murray

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**1. MOMENT OF SILENCE**

**2. TERRITORIAL ACKNOWLEDGEMENT**

Councillor J. Pfenning read the Territorial Acknowledgement.

**3. ADOPTION OF THE AGENDA**

**Resolution No. 2022- 90**

**Moved by:** Councillor J. Pfenning

**Seconded by:** Councillor B. Fisher

THAT the Agenda as presented for Monday April 4, 2022 be adopted.

**Motion Carried**

#### 4. DISCLOSURE OF PECUNIARY INTEREST UNDER THE MUNICIPAL CONFLICT OF INTEREST ACT

##### 4.1 Councillor C. Gordijk - Zone Change Application 11/19 Jackson Harvest Farms Ltd. / IBI Group 1894-1922 Witmer Road Report, DS-2022-03

Councillor C. Gordijk declared a conflict of interest due to a family member being an employee of the applicant for Zone Change Application 11/19.

#### 5. REPORTS

##### 5.1 DEVELOPMENT SERVICES

##### 5.1.1 Zone Change Application 11/19 Jackson Harvest Farms Ltd. / IBI Group 1894-1922 Witmer Road Report, DS-2022-03

The delegations are listed in the order in which they registered. The order in which the delegations will be called upon is subject to change to accommodate the technological needs of some delegations. During the delegation portion, the delegation being called upon next will be posted on the virtual meeting screen.

##### **Registered Delegations**

- David Sisco (For the Applicant)
- David Bricker
- Robert Gebotys
- David Prong
- Christina Harnack
- Helen Schroeder
- Marilyn Hay
- Rachel Rennie
- Yvonne Fernandes
- Paula Brown
- Rory Farnan
- Ritch Stevenson
- Barbara Schumacher

- Steph Goertz
- Rod Northey
- Stefan Szczerbak
- Ingrid Rosner
- Kevin Thomason
- Mike Balkwill
- Jen Lauzon
- Susan Bryant
- Mary Deitner
- Patricia Chevalier
- Ann Dupej
- Linda Laepple
- Samantha Lernout
- Simone Philpot
- Allan Drost
- Clarke Rieck
- Lori Elash
- Jan Hallman
- Kathy Loree
- Roy Lam
- Matt Rennie
- Dorothy Wilson
- Laverne Forwell
- Kelvin Wood
- Martha Bricker
- Susan Dupej

- Howard Madill
- Joe Gowing
- Ruth Rosner
- Catherine Young
- Ralph Schroeder
- Sue and Arne Kennel
- Joyce Gmach
- Jim Paul and Linda Kress
- John Jordan
- Christine Gray

Councillor C. Gordijk declared a conflict on this item. (Councillor C. Gordijk declared a conflict of interest due to a family member being an employee of the applicant for Zone Change Application 11/19.)

The CAO provided an overview of the history of the application and the process for hearing all delegations and requested that Council reserve their debate until after hearing all delegations.

The Manager of Planning and Economic Development outlined the report.

Mr. David Sisco, Agent and Mr. Rick Esbaugh, Applicant, appeared as a delegation and provided an overview of their application. Mr. Sisco noted that they have fully reviewed the staff report and agree with the recommendation. Mr. Sisco expressed opposition to the public comments against the application, noting that all standards have been satisfied as required and conformity with Region of Waterloo and other agencies requirements has been achieved with the results being that the application meets every threshold.

Samantha Lernout appeared as a delegation, her presentation is attached as Appendix A.

Stefan Szczerback, Planscape, appeared as a delegation, his presentation is attached as Appendix B. In response to a question, he noted that an amendment to the Official Plan Policy may be

required to better review the technical studies of the application. He also noted that the potential impacts on the recycling component of the site and suggested that the applicants apply for the accessory use after an approval of the application.

Scott Manser, ORTECH, appeared as a delegation, his presentation is attached as Appendix C.

Rod Northey, Gowling WLG, appeared as a delegation, his presentation is attached as Appendix D, in response to a question, he noted that he has not seen any documentation to demonstrate conformity to the 2020 Provincial Policy Statement.

The Director of Development Services advised that all questions will be documented, and staff will provide a fulsome response to all questions raised.

Ritch Stevenson appeared as a delegation in opposition to the Hallman Pit relative to the application process of the Hallman Pit and the importance of building public trust in the process.

David Prong appeared as a delegation in opposition to the Hallman Pit relative to the risk to the ground water and wildlife habitat.

David Bricker appeared as a delegation, his written statement is attached as Appendix E.

Martha Bricker appeared as a delegation, her written statement is attached as Appendix F.

Mary Deitner appeared as a delegation in opposition to the Hallman Pit in relation to protection of the agricultural land and drinking water.

Pat Huber appeared as a delegation in opposition to the Hallman Pit in relation to the application and noted that she agreed with comments made by previous delegations.

Murray Huber appeared as a delegation in opposition to the Hallman Pit in relation to the health and safety concerns. His supporting photos are attached as Appendix G.

Lavern Forwell appeared as a delegation in opposition to the Hallman Pit in relation to the historical application approval process and previous prohibitions for access to Witmer Road.

The CAO confirmed that staff will provide Council with a copy of the Cattlelands Agreement.

Christine Gray appeared as a delegation in opposition to the Hallman Pit in relation to the health concerns, air pollution and water protection.

Ingrid Rosner appeared as a delegation, her written statement is attached as Appendix H.

Ruth Rosner appeared as a delegation in opposition to the Hallman Pit in relation to the ground water and private wells, agricultural lands, and carbon emissions. She provided a video showcasing the surrounding area.

Roy Lam appeared as a delegation and noted he strongly opposes the Hallman Pit.

Linda Kress appeared as a delegation in opposition to the Hallman Pit in relation to the impact on the community with ground water concerns as well as dust, noise and traffic.

Jennifer Lauzon appeared as a delegation in opposition to the Hallman Pit in relation to the social impacts of personal property.

Jan Hallman appeared as a delegation in opposition to the Hallman Pit in relation to water protection.

Eric Hodgins appeared as a delegation in opposition to the Hallman Pit in relation to concerns around wildlife and water protection.

Howard Madill appeared as a delegation in opposition to the Hallman Pit in relation to concerns with the water table, noise and dust.

Robert Gebotys appeared as a delegation in opposition to the Hallman Pit in relation to concerns surrounding the agricultural lands and the errors in submitted reports and plans.

Christina Harnack appeared as a delegation, her presentation is attached as Appendix I. She requested an additional Appendix be included as part of her delegation; the letter referenced is attached as Appendix I – Addition.

Helen Schroeder appeared as a delegation, her written comments are attached as Appendix J.

Marilyn Hay appeared as a delegation, her written comments are attached as Appendix K.

Rachel Rennie appeared as a delegation, her written comments are attached as Appendix L. In response to a question, Ms. Rennie advised she would forward further research details to members of Council for their information.

Yvonne Fernandes appeared as a delegation in relation to the Hallman Pit and the responsibilities that elected representatives face with the application.

Paula Brown appeared as a delegation, her written comments are attached as Appendix M.

Rory Farnan appeared as a delegation, his presentation is attached as Appendix N.

Barbara Schumacher appeared as a delegation, her written comment is attached as Appendix O.

Kevin Thomason appeared as a delegation, his written comment is attached as Appendix P.

Mike Balkwill appeared as a delegation, his written comment is attached as Appendix Q.

Susan Bryant appeared as a delegation, her written commit is attached as Appendix R.

Patricia Chevalier appeared as a delegation in opposition to the Hallman Pit in relation to the concerns of the dust and air pollution, emissions, and the health of the community.

Ann Dupej appeared as a delegation in opposition to the Hallman Pit in relation to the negative effects on the drinking water, environmental issues, and dust.

Linda Laepple appeared as delegation, her written comment is attached as Appendix S.

The Municipal Clerk advised that in accordance with the Procedural By-law, the meeting has reached curfew and suggested Council either suspend the meeting or pass a motion to extend the meeting time.

The CAO noted that staff will review the proposed agenda for April 11, 2022, and defer reports where possible.

Council adopted Resolution No. 2022-91 to hear the remaining delegation on April 11, 2022, requesting the applicant attend the meeting on April 11, 2022, and that no new delegations be registered to address Council on this matter.

Mayor L. Armstrong recessed the April 4, 2022, Special Council meeting at 11:04 pm.

Mayor L. Armstrong reconvened the April 4, 2022, Special Council meeting, reiterating that Councillor C. Gordijk has declared a conflict of interest and she is not in attendance at the meeting.

Councillor B. Fisher read the Territorial Acknowledgement.

The CAO provided a reminder to the delegates on time allotments and when possible, reiterate agreement with key points that they share with other delegations.

Simone Philpot appeared as a delegation, she noted she is a researcher on conflict and highlighted observations she has identified through her research.

Allan Drost appeared as a delegation in opposition to the Hallman Pit in relation to water supply, dust and fumes.

Kathy Loree appeared as a delegation, her written comment is attached as Appendix T.

Matt Rennie appeared as a delegation in opposition to the Hallman Pit in relation to the health effects and water supply.

Dorothy Wilson appeared as a delegation, her presentation is attached as Appendix U.

Lori Elash appeared as a delegation, her written comment is attached as Appendix V.

Kelvin Wood appeared as a delegation on behalf of himself and Ed Dupej in opposition to the Hallman Pit in relation to traffic and road concerns, the landscape and tax loss.

Susan Dupej appeared as a delegation in opposition to the Hallman Pit and encouraged Council to stand with the community in not



approving the application in consideration of the risk to the water supply.

Joe Gowing appeared as a delegation in opposition to the Hallman Pit in relation to the reason identified by the community as voiced by the previous delegations.

The Deputy Clerk advised that the registered delegation Catherine Young was not able to attend; however, her written comments are attached as Appendix W.

Ralph Schroeder appeared as a delegation in opposition to the Hallman Pit in relation to the water supply, air quality and health concerns.

The Deputy Clerk advised that the registered delegations Mr. and Mrs. Kennel were not able to attend; however, their written comments are attached as Appendix X.

John Jordan appeared as a delegation, his written comment is attached as Appendix Y.

Claude Fernandes appeared as a delegation in opposition to the Hallman Pit in relation to quality of life for the residents and families.

Michelle Lemire appeared as a delegation in opposition to the Hallman Pit and noted she agrees with all the delegations prior, and concerns about the effects on lifestyle.

Yi Wang appeared as a delegation, her presentation is attached as Appendix Z.

Linda Lundstrom appeared as a delegation in opposition to the Hallman Pit in relation to concerns the effects on water supply, dust and air quality.

Mark Reusser appeared as a delegation; his presentation is attached as Appendix AA.

Joyce Hall appeared as a delegation; her written comment is attached as Appendix BB.

Greg Kaster appeared as a delegation in opposition to the Hallman Pit in relation to traffic impacts and impacts on Huron Road infrastructure.

John Reiner appeared as a delegation in opposition to the Hallman Pit in relation to concerns on the water supply.

Yvonne Zyma appeared as a delegation in opposition to the Hallman Pit and noted that she is in agreement with the previous delegations concerns and also concerns for the wildlife.

Sherri Wolff appeared as a delegation in opposition to the Hallman Pit with concerns of the environmental affects, safety and number of existing pits.

Lisa Fabick appeared as a delegation, her written comments are attached as Appendix CC.

Stephanie Goertz appeared as a delegation in opposition to the Hallman Pit, noting air quality concerns, application process concerns and noted agreement that the previous delegations' comments.

Mayor L. Armstrong advised that he will be voting on the Recommendation and the Municipal Clerk advised that a member of Council has requested a recorded vote.

The Manager of Planning and Economic Development advised they had prepared responses to several questions received through this process from members of Council and the community with regards to:

- Witmer Road Upgrades, Access
- Pit Rehabilitation
- Township Official Plan and the Region of Waterloo Official Plan
- PPS and Growth Plan
- Air Quality
- Wildlife
- Water

The Manager of Planning and Economic Development advised that the Region of Waterloo did consider water supply and private wells and noted that the scientific information provided has adequately addressed concerns and no outstanding questions have gone unanswered.

The Manager of Planning and Economic Development clarified that there was an air quality study completed and identified through the pre-consultation stage, with the results of the study meeting the standards.

The Manager of Planning and Economic Development also noted that studies did conclude there would not be impacts on the ground water and that on-going monitoring and ability to change operational process satisfied the Region of Waterloo through the approval process. He noted that peer reviews that were completed on behalf of the Township and the Region of Waterloo were done by taking both sides of concerns into account.

The Manager of Planning and Economic Development noted that vibration was removed from the process since the operation did not include blasting. He noted the crushing operation was taken into consideration through the noise study to ensure there was not an impact.

Councillor J. Pfenning noted her concerns on potential site remediation back to agricultural use.

In response to questions from Council, Rick Esbaugh noted that the role of recycling asphalt and concrete is important to save the resources and the more recycling that can be done the less gravel is needed. He confirmed that Jackson Harvest Farms is a separate entity. He noted that the site is very clean, and washing may not be needed. Mr. Esbaugh provided an overview of the current pits that have undergone or are underway of being rehabilitated. Mr. Esbaugh noted there is ample capacity for recycling within currently licensed pits. Mr. Esbaugh noted that if the vote is no to the application, he will file an appeal.

The Director of Development Services confirmed that he is unaware of any pit application that has been appealed in the Township and noted that an appeal hearing is not a quick process and finding middle ground on applications to avoid and appeal is ideal.

Councillor B. Fisher raised his concerns for the conflicting information, environmental impacts, and the potential for farming land to be lost. He noted the potential quality of life changes for

residents and for those reasons noted he would be opposing the application.

Mayor L. Armstrong acknowledged the work that has gone into the process by the community, staff, and the applicant. He noted that of all the information he has received only 2 comments in favour have been received from residents and hearing the concerns from citizens makes it clear that any compromise will not lessen their concerns and advised he will not be supporting the application.

The Director of Development Services advised that process questions in terms of defending the Township in an appeal process would be better answered by the Township solicitor. He noted from a staff perspective all reports would be reviewed by the OLT but the professional opinions in those reports would not change.

Councillor J. Gerber proposed amendments to the main motion with regards to removing ashplant and concrete recycling, no crushing beyond what is needed, and no aggregate washing and ask the Province for a sunset clause for this particular pit. However, no member of Council seconded the proposed amendment.

#### **Resolution No. 2022- 91**

**Moved by:** Councillor J. Gerber

**Seconded by:** Councillor A. Hallman

THAT the remaining delegations relative to Zone Change Application 11/19 for Jackson Harvest Farms Ltd. /IBI Group, 1894-1922 Witmer Road be deferred to the April 11, 2022, Council; and

THAT the applicant attends the Council meeting on April 11, 2022, so as to be able to respond to technical questions that Council might have respecting Zone Change Application 11/19 during their deliberations; and further,

THAT no additional delegations be permitted to register to address Council relative to Zone Change Application 11/19 for Jackson Harvest Farms Ltd. /IBI Group, 1894-1922 Witmer Road on April 11, 2022.

**Motion Carried**

#### **Resolution No. 2022- 101**

**Moved by:** Councillor J. Gerber

**Seconded by:** Councillor B. Fisher

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 use 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

Against (5): Les Armstrong, Councillor A. Hallman, Councillor B. Fisher, Councillor J. Gerber, and Councillor J. Pfenning

**Motion Defeated (0 to 5)**

## **6. CONFIRMATORY BY-LAW**

### **Resolution No. 2022- 102**

**Moved by:** Councillor J. Pfenning

**Seconded by:** Councillor J. Gerber

THAT By-law No. 2022-16 be read a first, second, and third time, and finally passed in Open Council.

**Motion Carried**

## **7. ADJOURNMENT**

### **Resolution No. 2022- 103**

**Moved by:** Councillor A. Hallman

**Seconded by:** Councillor J. Pfenning

THAT we do now adjourn to meet again at the call of the Mayor.

**Motion Carried**