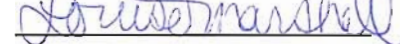


THE CORPORATION OF THE TOWNSHIP OF GUELPH/ERAMOSA

Moved by: 

Date: Wednesday, October 7, 2015

Seconded by: 

Resolution Number \_\_\_\_\_

**8.3**

WHEREAS the applicant, James Dick Construction Limited ("JDCL"), made an application on December 7, 2012 pursuant to section 34 of the *Planning Act*, to amend the Township's Comprehensive Zoning By-law 57/1999, being application 09/12 to permit a Category 2 (below the water table) quarry for the extraction of aggregate material and associated ancillary uses such as crushing, washing and screening, on lands located in the northeast quadrant of Highway 7 and 6<sup>th</sup> Line (the "Lands") and known as the Hidden Quarry; and

WHEREAS the applicant appealed its zoning amendment application to the Ontario Municipal Board ("OMB") on June 2, 2015, pursuant to subsection 34(11) of the *Planning Act* prior to the Council of the Township reaching a decision on the rezoning application; and

WHEREAS the associated license application made pursuant to the *Aggregate Resources Act* and submitted to the Minister of Natural Resources on October 2, 2012 was also referred to the OMB; and

WHEREAS the OMB has scheduled a pre-hearing conference for November 9, 2015 at which time the OMB will, among other matters, establish the parties and participants to the hearing of the zoning appeal and license referral and the issues to be adjudicated in the hearing; and

WHEREAS, and as a result of the appeal and referral, the Township is no longer the decision-making authority in respect of the zoning by-law application but continues to have an important role in ensuring the Township remains a safe and healthy community and that the broader public interest is addressed through assessing any impacts to the community arising from the proposed quarry and ensuring the Township's concerns with respect to the proposal are satisfactorily addressed; and



MAYOR

Tabled \_\_\_\_\_ Lost \_\_\_\_\_ Carried \_\_\_\_\_

**Recorded Vote Requested By:**

	Yea	Nay
BOUWMEESTER, M.	___	___
MARSHALL, L.	___	___
WOLK, D.	___	___
WOODS, C.	___	___
WHITE, C.	___	___

**Declaration of Pecuniary Interest:**

Disclosed his/her/their interest(s),  
vacated his/her/their seat(s), abstained  
from discussion and did not vote.

**Copied To:**

- \_\_\_ Building
- \_\_\_ By-law Enforce.
- \_\_\_ Engineer
- \_\_\_ Finance/Taxes
- \_\_\_ Fire
- \_\_\_ Planning/Planner
- \_\_\_ PLS
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**THE CORPORATION OF THE TOWNSHIP OF GUELPH/ERAMOSA**

Moved by: \_\_\_\_\_

Date: Wednesday, October 7, 2015

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Resolution Number \_\_\_\_\_

WHEREAS the Township engaged the consulting services of Macaulay Shiomi Howson Ltd. ("MSH"), RJ Burnside, Novus Environmental, Unterman McPhail Associates, Brook McIlroy Inc. and Altus Group Economic Consulting to assess the application materials filed by JDCL as well as certain reports filed on behalf of other stakeholders, including members of the community and adjacent area municipalities, Provincial ministries, the Grand River Conservation Authority and other commenting agencies; and

WHEREAS the Township has engaged in a comprehensive public process in assessing the application including the holding of numerous public meetings, receipt of over 150 submissions, over 25 deputations and submissions from the Concerned Residents Coalition (CRC), review of reports and information filed by the public as well as additional materials filed by JDCL and adjacent area municipalities; and

WHEREAS the objective of the Township throughout this process was to ensure that a complete and comprehensive review of the application including any information filed by other stakeholders with the Township was carried out in a transparent manner so as to form the basis for any decision made by Council with respect to its position regarding the application; and

WHEREAS the original proposal has been revised to address matters arising from the Township's review as well as comments from adjacent area municipalities, commenting agencies, the CRC, and the community ; and

WHEREAS MSH has provided a Planning Report dated September 1, 2015 to Council wherein MSH summarizes the conclusions reached by the Township's peer review consultant team and provides an assessment of the land use planning and other impacts of the proposed quarry in support of the recommendation as to how the Township may proceed in respect of the OMB hearing; and

<p><b>Recorded Vote Requested By:</b></p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="width: 20%; text-align: center;">Yea</th> <th style="width: 20%; text-align: center;">Nay</th> </tr> </thead> <tbody> <tr> <td>BOUWMEESTER, M.</td> <td style="text-align: center;">___</td> <td style="text-align: center;">___</td> </tr> <tr> <td>MARSHALL, L.</td> <td style="text-align: center;">___</td> <td style="text-align: center;">___</td> </tr> <tr> <td>WOLK, D.</td> <td style="text-align: center;">___</td> <td style="text-align: center;">___</td> </tr> <tr> <td>WOODS, C.</td> <td style="text-align: center;">___</td> <td style="text-align: center;">___</td> </tr> <tr> <td>WHITE, C.</td> <td style="text-align: center;">___</td> <td style="text-align: center;">___</td> </tr> </tbody> </table>		Yea	Nay	BOUWMEESTER, M.	___	___	MARSHALL, L.	___	___	WOLK, D.	___	___	WOODS, C.	___	___	WHITE, C.	___	___	<p align="center">----- MAYOR Tabled _____ Lost _____ Carried _____</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Declaration of Pecuniary Interest:</p> <p>_____</p> <p>Disclosed his/her/their interest(s), vacated his/her/their seat(s), abstained from discussion and did not vote.</p> </div>	<div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Copied To:</p> <p>___ Building</p> <p>___ By-law Enforce.</p> <p>___ Engineer</p> <p>___ Finance/Taxes</p> <p>___ Fire</p> <p>___ Planning/Planner</p> <p>___ PLS</p> <p>___ Public Works</p> </div>
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**THE CORPORATION OF THE TOWNSHIP OF GUELPH/ERAMOSA**

Moved by: \_\_\_\_\_

Date: Wednesday, October 7, 2015

Seconded by: \_\_\_\_\_

Resolution Number \_\_\_\_\_

WHEREAS the Planning Report has confirmed that the Provincial Policy Statement 2014 provides that “as much of mineral resources as is realistically possible shall be made available as close to market as possible” and extraction of mineral aggregate shall “be undertaken in a manner which minimizes social, economic and environmental impacts”; and

WHEREAS the County of Wellington Official Plan, which implements the Provincial Policy Statement, designated the Lands with a Mineral Aggregate Overlay at the time of the application; and

WHEREAS the conclusion of the Planning Report following the comprehensive review, is that in the context of the proximity of the site to the Greater Toronto Area market extraction can occur in a manner which minimizes social, economic and environmental impacts, and that the proposal can proceed provided that stringent conditions of development are implemented; and

WHEREAS the Planning Report was shared with the public via posting on the Township’s website and the delivery of a summary of the report at a public meeting on September 10, 2015 followed by a further public meeting on September 15, 2015 at which meeting Council received further deputations from the community on the Planning Report and application; and

WHEREAS that the Planning Report re: Zoning By-law Amendment Application Township File ZBA 09/12 James Dick Construction Ltd. – Hidden Quarry Proposal dated September 2, 2015 (the “Planning Report”) was received by Council;

WHEREAS the public deputations - written and oral - on the Planning Report given at the public meeting on September 15, 2015 as well as written submissions filed with the Township subsequent to the meeting, were received by Council;

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**THE CORPORATION OF THE TOWNSHIP OF GUELPH/ERAMOSA**

Moved by: \_\_\_\_\_

Date: Wednesday, October 7, 2015

Seconded by: \_\_\_\_\_

Resolution Number \_\_\_\_\_

WHEREAS members of the community as well as neighbouring municipalities have raised significant concerns in respect of impacts related to: hydrogeology; natural environment including species habitat; haul route management and associated transportation improvements, noise, blast and vibration monitoring and enforcement; cultural heritage; archaeology; visual impact; property assessment values and mitigation of impacts on agricultural operations; and

WHEREAS, notwithstanding the recommendations of the Township's consultants as set out in the Planning Report, there remain a number of serious outstanding and unresolved issues related to impacts arising from the proposal; and

WHEREAS there has been very little demonstrated net benefit to the community as a result of the proposal;

NOW THEREFORE the Township of Guelph/Eramosa resolves as follows:

1. That the Township Solicitors be directed to attend any OMB proceeding in respect of the *Planning Act* appeal and *Aggregate Resources Act* referral to advise the OMB that Council opposes the approval of the application as appealed to the OMB as it continues to have serious concerns with the unresolved issues and impacts arising from the proposed quarry and to request that the OMB not grant the appeal and not approve the licence application referred to it and not approve the proposed quarry unless these outstanding concerns are addressed to the satisfaction of the Township;
  
2. That, in order to resolve the Township's outstanding concerns, the Township Solicitors and consultants be directed to develop detailed conditions of development to the satisfaction of the Township in consultation with the Region of Halton, Town of Halton Hills, the Town of Milton and County of Wellington, as well as other agencies and stakeholders if appropriate, and established through the *Aggregate Resources Act* licence approval, the amendment to the Township Zoning By-law and through other available mechanisms and instruments and to ensure that these conditions are enforceable, effective and implemented at no cost to the Township or community;

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3. That, in addition to an attendance at any OMB proceedings to ensure the Township's conditions are addressed, the Township Solicitors and consultants be authorized to engage in negotiations and settlement discussions with JDCL and any other parties to the OMB proceedings, including participating in potential OMB-led mediation, if requested by other parties;
  
4. That the conditions of development require all elements of the proposal to follow best industry practices so as to address and minimize any impacts on adjacent land owners and the broader community and specifically address those issues related to anticipated impacts from the proposed quarry including, but not limited to, matters related to: hydrogeology, natural environment including species habitat; haul route management and associated transportation improvements; noise, blast and vibration monitoring and enforcement; cultural heritage; archaeology; visual impact; property assessment values and mitigation of impacts on agricultural operations;
  
5. That the conditions provide for appropriate independent third party monitoring and mitigation to ensure the Township's conditions are implemented and to provide appropriate funding to the Township to negotiate and implement the conditions, including the negotiation of any associated agreements, including sufficient funding to offset all costs associated with having independent third party monitoring; and
  
6. That the conditions provide for appropriate dispute resolution mechanisms so as to provide for an efficient process of reporting and resolving disputes arising from the proposed quarry operation to ensure adjacent property owners and the broader community are protected.

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