



The Corporation of the TOWN OF MILTON

Report to: Chair & Members of the Administration & Planning Standing Committee

From: B. Koopmans, Acting Director of Planning and Development

Date: May 13, 2013

Report No. PD-025-13

Subject: James Dick Hidden Quarry Application

RECOMMENDATION: That Report PD-025-13 be received for information;

AND THAT staff be directed to continue to review the documents and information associated with both the Aggregate Resources Act Licence Application and the Zoning Amendment Application under the Planning Act for the James Dick Hidden Quarry located in the Township of Guelph/Eramosa;

AND THAT staff be directed to report to Council upon completion of the technical review of the James Dick Hidden Quarry applications and provide a detailed report with recommendations for Council's consideration.

REPORT

Background

As Chair and Committee Members may be aware, James Dick Construction Limited has made application, under both the *Aggregate Resources Act* and the *Planning Act*, for the property located at 8352 Highway 7, Township of Guelph/Eramosa, County of Wellington.

The application made under the *Aggregate Resources Act* (ARA), if successful, would permit a Class 'A' Category 2 aggregate operation on the above mentioned site adjacent to the Town of Milton. The applicant is proposing to operate from 6:00 a.m. to 6:00 p.m. for shipping and 7:00 a.m. to 7:00 p.m. for site work. Extraction and processing of material would not exceed a maximum of 6,000 tonnes per day during peak times. The site would be accessed by 6th Line in the Township of Guelph/Eramosa, with the main haul route identified as Highway 7.



Parallel to the ARA application, the Zoning By-law Amendment application under the *Planning Act* would, if successful, rezone the property to permit Mineral Extraction on the site. Currently the site is zoned Prime Agricultural and Core Greenlands under the Township of Guelph/Eramosa Zoning By-law. In addition to the request to permit the quarry use, the applicant has requested a reduction in the setback required in the desired M3 zone, from 30 metres to 20 metres.

The Town of Milton has a direct interest in these applications and their outcomes as the property in question is directly adjacent to the Town of Milton municipal boundary.

Discussion

Town of Milton staff received notification and a copy of the complete *Planning Act* application from the Township of Guelph/Eramosa and has been monitoring the application since that time.

The Town of Milton was not circulated on the ARA application; however, circulation to the Town was not expressly required under the ARA. Staff was concerned regarding the lack of notification given that, due to the nature and location of the proposed quarry, it will have impacts on the Town of Milton and its residents. Since the municipal boundary falls within the 120m circulation area, staff requested, and received, further information from the applicant through the Ontario Ministry of Natural Resources upon learning of the formal objection period, which ended April 15, 2013.

Upon receiving the materials, staff undertook a preliminary review of the information and provided initial comments to the Township of Guelph/Eramosa regarding the *Planning Act* application; the Province of Ontario in response to the EBR posting 011-8511; and, sent a letter directly to the applicant and the Ontario Ministry of Natural Resources. These letters outlined Town staff's initial concerns and supported those raised by the Grand River Conservation Authority. The letters are attached as Appendices A, B, and C, respectively to this report.

Staff is currently undertaking a thorough review of the materials provided and will be discussing the application with all interested stakeholders, including Halton Region. Upon completion of the review and discussion, staff will be in a position to provide Committee with a further update on both applications.

Relationship to the Strategic Plan

Report PD-025-13 reflects the following goals of *Destiny Milton 2*:



- A responsible, cost-effective, and accountable local government;
- A safe, liveable and healthy community; and,
- A thriving natural environment.

Financial Impact

There is no financial impact at this time as a result of Report PD-025-13.

Respectfully submitted,

Barbara Koopmans, BES, MCIP, RPP
Acting Director of Planning & Development

SJ

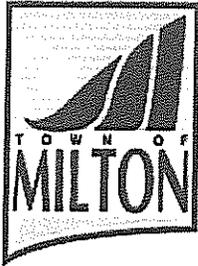
If you have any questions on the content of this report: Stephanie Jarvis, 2567

Attachments: Appendix A: Letter to Meaghan Reid, Clerk, Township of Guelph/Eramosa, dated April 9, 2013.

Appendix B: Letter to Stephen May, Ontario Ministry of Natural Resources, in response to EBR posting 011-8511, dated April 9, 2013.

Appendix C: Letter to Greg Sweetnam, James Dick Construction Limited, and Stephen May, Ontario Ministry of Natural Resources, dated April 19, 2013.

CAO Approval: _____



Planning and Development

April 9, 2013

Ms. Meaghan Reid, Clerk
Township of Guelph/Eramosa
8348 Wellington Road 124
PO Box 700
Rockwood, ON N0B 2K0

VIA EMAIL and POST

Dear Ms. Reid,

**RE: Town of Milton Review Fee
Township of Guelph/Eramosa Zoning By-law Amendment,
File No. ZBA 09/12
"Hidden Quarry" – James Dick Construction Ltd.
Proposed Class 'A' Category 2 Licence – Aggregate Operation
West Half of Lot 1, Concession 6, former geographic area of the
Township of Eramosa**

Town of Milton staff are aware of the above noted Township of Guelph/Eramosa Zoning By-law amendment application and corresponding Aggregate Resource Act application to permit a Class 'A' Category 2 aggregate operation on the above mentioned site adjacent to the Town of Milton.

Town staff note that the Town's Clerk received a package containing the by-law amendment application, with indication it was deemed complete, and the proposed site drawings on December 13, 2012. This package was given an initial review by the appropriate staff in the Planning and Development Department and it was determined that the Town of Milton has concerns with the proposed application, especially given its proximity to the Town. In addition, it has come to Town staff's attention in recent days that many of the residents, who reside near the quarry within Milton, have concerns with the proposal.

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150 Mary Street, Milton, ON L9T 6Z5
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Generally, the Town's concerns relate to the areas of haul routes, water (including Source Water Protection) and wells, environmental features, noise, and dust. Town staff also share the concerns detailed by the Grand River Conservation Authority in their report dated January 31, 2013.

As such, the Town will be completing a full review of the application as it proceeds. In accordance with the Town of Milton's User Fee By-law 006-2013, a review fee of \$15,973.00 is required as part of the Town's review and commenting process. Please have the proponent provide the aforementioned fee to the Town of Milton Planning and Development Department as soon as possible.

Town of Milton Planning staff will be providing comments from a comprehensive review of the proposed quarry application in coordination with various departments as well as with the Region of Halton. The above noted concerns are preliminary in nature and it is expected that the comprehensive review will yield further, more detailed comments.

In addition, it would be appreciated if the Town of Milton's, in addition to that of its residents, strong interest in being fully involved in this aggregate application review process was brought to Township Council's attention. To echo the Region of Halton's request, please consider involving Milton staff in a technical agency committee, should one be formed, as well as circulating all of the proponent's reports, public meeting notices and peer reviews related to the proposal.

In future, please forward any materials related to the application to the undersigned at (905) 878-7252 ext. 2567 or by email to stephanie.jarvis@milton.ca.

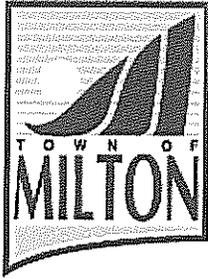
Thank you,



Stephanie Jarvis, MCIP, RPP, OALA, CSLA, LEED® AP
Environmental & Sustainability Planner

cc. (email only):

Barbara Koopmans, Acting Director, Planning & Development
Paul Cripps, Director, Engineering Services
Bill Mann, Acting CAO
Brian Hudson, Senior Planner, Halton Region
Ron Glenn, Director of Planning Services & Chief Planning Official, Halton Region
Gaetanne Kruse, Planning Administrator, Township of Guelph/Eramosa



Planning and Development

April 9, 2013

Stephen May
Aggregate Resources Inspector
Ministry of Natural Resources
Regional Operations Division, Southern Region
Guelph District
1 Stone Road West
Guelph, Ontario N1G 4Y2

VIA EBR Online Comments

Dear Mr. May,

RE: EBR Registry Number 011-8511

Instrument Type: Issuance of a Class A licence to remove more than 20,000 tonnes of aggregate annually from a pit or a quarry - ARA s. 7 (2) (a) "Hidden Quarry" – James Dick Construction Ltd.
Proposed Class 'A' Category 2 Licence – Aggregate Operation
West Half of Lot 1, Concession 6, former geographic area of the Township of Eramosa

Town of Milton staff is aware of the above noted application under the Aggregate Resources Act to permit a Class 'A' Category 2 aggregate operation on the above mentioned site adjacent to the Town of Milton.

Town staff note that the Town of Milton was not circulated on the Aggregate Resources Act application, as noted in the EBR posting. Town staff is very concerned with the lack of notification as the quarry is directly adjacent to the Town of Milton's municipal boundaries (directly across Highway 7) which fall within the 120m circulation area.

Town staff respectfully request a copy of the existing circulation sent out as well as any sent in the future. Due to the nature and location, the proposed quarry will have effects on the Town of Milton and its residents and staff would like to ensure a full and proper review of the documents.

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The Town of Milton Clerk received a package containing the Guelph/Eramosa by-law amendment application and this package was given an initial review by the appropriate staff in the Planning and Development Department and it was determined that the Town of Milton has concerns with the proposed application, especially given its proximity to the Town. In addition, it has come to Town staff's attention in recent days that many of the residents, who reside near the quarry within Milton, have concerns with the proposal.

Generally, the Town's concerns relate to the areas of haul routes, water (including Source Water Protection) and wells, environmental features, noise, and dust. Town staff also share the concerns detailed by the Grand River Conservation Authority in their report dated January 31, 2013.

Town of Milton Planning staff will be providing comments from a comprehensive review of the proposed quarry application in coordination with various departments as well as with the Region of Halton. The above noted concerns are preliminary in nature and it is expected that the comprehensive review will yield further, more detailed comments.

The Town of Milton has indicated, to the Township of Guelph/Eramosa, a strong interest in being fully involved in this aggregate application review process and has requested to be involved in a technical agency committee, should one be formed, as well as being circulated on all of the proponent's reports, public meeting notices and peer reviews related to the proposal.

Please note that the Town of Milton will be submitting a formal objection under separate cover.

In future, please forward any materials related to the application to the undersigned at (905) 878-7252 ext. 2567 or by email to stephanie.jarvis@milton.ca.

Thank you,

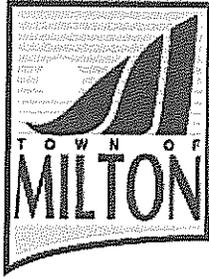


Stephanie Jarvis, MCIP, RPP, OALA, CSLA, LEED® AP
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cc. (email only):

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Ron Glenn, Director of Planning Services & Chief Planning Official, Halton Region

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Planning and Development

April 19, 2012

Greg Sweetnam
James Dick Construction Limited
P.O. Box 470
Bolton, ON
L7E 5T4
gsweetnam@jamesdick.com

and

Stephen May
Ministry of Natural Resources – Guelph District
1 Stone Road West
Guelph, ON
N1G 4Y2
stephen.may@ontario.ca

BY EMAIL

Dear Mr. Sweetnam and Mr. May:

**Re: ARA Application for a Class A licence to remove more than 20,000 tonnes of aggregate annually from a pit or a quarry
“Hidden Quarry” – James Dick Construction Ltd.
Proposed Class ‘A’ Category 2 Licence – Aggregate Operation
West Half of Lot 1, Concession 6, former geographic area Township of Eramosa**

Town of Milton staff is aware of the above noted application under the Aggregate Resources Act to permit a Class ‘A’ Category 2 aggregate operation on the above mentioned site adjacent to the Town of Milton.

Town staff note that the Town of Milton was not circulated on the Aggregate Resources Act (ARA) application and is concerned with the lack of notification given that, due to the nature and location of the proposed quarry, it will have impacts on the Town of Milton and its residents. While staff realizes that circulation to the Town was not expressly required under the ARA, the Town of Milton respectfully requests that staff be circulated on the materials and information, including deadlines, regarding this application since the municipal boundary

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falls within the 120m circulation area. It should be noted that the Applicant has been quick to respond to the requests for materials from the Town which is very helpful.

After an initial review by the appropriate staff in the Planning and Development Department and it was determined that the Town of Milton has concerns with the proposed application, especially given its proximity to the Town. In addition, it has come to Town staff's attention in recent days that many of the residents, who reside near the quarry within Milton, have concerns with the proposal.

The Town's preliminary concerns relate to the areas of:

- Haul Routes, and how drivers will be regulated; and,
- Water (including Source Water Protection) and Wells, due to the private wells, as well as to the Source Water Protection Area under the Lake Erie Source Protection Plan, Town staff are concerned about the impacts to all water sources in proximity of the site.

Further concerns that Town staff have relate to Environmental Features and Noise. Please note that Town staff also share the concerns detailed by the Grand River Conservation Authority in their report dated January 31, 2013.

Town of Milton Planning staff will be providing comments from a comprehensive review of the proposed quarry application in coordination with various departments as well as with the Region of Halton. The above noted concerns are preliminary in nature and it is expected that the comprehensive review will yield further, more detailed comments. These comments will be accompanied by a formal resolution from Town of Milton Council.

The Town of Milton has indicated, to the Township of Guelph/Eramosa, a strong interest in being fully involved in this aggregate application review process and has requested to be involved in a technical agency committee, should one be formed, as well as being circulated on all of the proponent's reports, public meeting notices and peer reviews related to the proposal.

Based on the foregoing, I trust that careful consideration will be given to the comments provided by Town of Milton staff regarding the issuance of a licence to James Dick Construction for their proposed Hidden Quarry under the Aggregate Resources Act.

Should you require any further details or information, please do not hesitate to contact the undersigned at (905) 878-7252 ext. 2567 or by email at stephanie.jarvis@milton.ca. Thank you for your consideration of this matter.

Yours truly,



Stephanie Jarvis, MCIP, RPP, OALA, CSLA, LEED® AP
Environmental & Sustainability Planner

cc. Barb Koopmans, Acting Director, Planning and Development, Town of Milton
Bill Mann, Acting CAO, Town of Milton

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