

REPORT

REPORT TO: Mayor Bonnette and Members of Council

REPORT FROM: Jeff Markowiak, Manager of Development Review

DATE: March 20, 2019

REPORT NO.: PLS-2019-0027

RE: Status Update on the Hidden Quarry Proposal

RECOMMENDATION:

THAT Report No. PLS-2019-0027, dated March 20, 2019, regarding the “Status Update on the Hidden Quarry Proposal” be received for information.

PURPOSE OF THE REPORT:

The purpose of this report is to provide Council with an update on the current status of the James Dick Construction Ltd. (JDCL) Hidden Quarry proposal and impending LPAT proceedings on May 21, 2019.

The Hidden Quarry is proposed within the Township of Guelph/Eramosa on a site that is located approximately 2.5 kilometres west of the Town of Halton Hills.

BACKGROUND:

Original Applications:

In 2012 James Dick Construction Ltd. (the Applicant) applied to the Ministry of Natural Resources and Forestry (MNR) through the Aggregate Resources Act (ARA) for a Category 2, Class A Quarry License seeking to establish a new quarry, referred to as the “Hidden Quarry”, on lands located at the north-east corner of Highway 7 and Sixth Line in the neighbouring Township of Guelph/Eramosa. The site subject to the application is approximately 39.4 hectares in size, of which 24.8 hectares is proposed for aggregate extraction. Approximately 12 million tonnes of aggregate is planned for extraction both above and below the water table, with no dewatering. This would include 2 million tonnes of unconsolidated material and 10 million tonnes of bedrock, with a minimum annual extraction limit of 700,000 tonnes. Three phases are planned, with extraction starting at the north-west corner of the lands.

James Dick Construction Ltd. (JDCL) also filed a Zoning By-law Amendment application (ZBA 09/12) with the Township of Guelph/Eramosa in 2012 to facilitate the proposed quarry.

On May 25, 2015, the Applicant appealed the Zoning By-law Amendment application to the Ontario Municipal Board (OMB) citing a lack of decision by the Guelph/Eramosa Township Council. On July 6, 2015, the MNRF also referred the ARA Quarry License application to the OMB so that it could be jointly considered with the Zoning By-law Amendment appeal.

OMB Process and New Applications:

Following JDCL's OMB appeal, Guelph/Eramosa adopted a new comprehensive Zoning By-law (40/2016). Shortly after the OMB hearing started in 2016 the Board ruled that it no longer had jurisdiction to consider the matter because JDCL had originally applied under the Township's old By-law, which had since been repealed. Therefore, the OMB hearing was adjourned until James Dick filed a new application with Guelph/Eramosa seeking to amend their new Zoning By-law. Additionally, the County of Wellington also made changes to their Official Plan affecting permissions for a quarry on the subject lands since JDCL originally filed their application in 2012. As a result, JDCL was required to also file an Official Plan Amendment application.

Towards the end of 2016 the Applicant filed the necessary Official Plan and Zoning By-law Amendment applications (File No(s). OPA-2016-09 and ZBA 09/12). Following the lapse of the statutory decision-making period James Dick subsequently appealed both applications to the OMB in 2017.

COMMENTS:

Town Objections and Participation in OMB Process:

In April 2013 both the Town of Halton Hills and Region of Halton submitted letters of objection to the ARA License application to the Ministry of Natural Resources and Forestry (MNRF) and James Dick Construction Limited (JDCL).

Following JDCL's 2015 appeal of their Zoning by-law Amendment application to the OMB both the Town and Region obtained Party Status to the hearing. Together, the Town and Region retained legal counsel and technical experts to jointly defend the interests of the community.

Following JDCL's submission of the Official Plan Amendment and new Zoning By-law Amendment applications in 2016 the Town and Region again issued letters of objection to the quarry. Both the Town and Region maintained Party Status before the OMB once JDCL appealed both of those applications following the lapse of the statutory decision-making period in 2017.

Recent Activities and Next Steps:

The OMB (now Local Planning Appeal Tribunal (LPAT)) has set a hearing date of May 21 to July 12, 2019, to consider the OPA and ZBA applications as well as the original ARA Quarry License application.

In October 2018 the Town and Region provided an updated issues list to LPAT to be contested at the May 2019 hearing. The Town's primary issue relates to:

- potential impacts related to traffic generated by the quarry, such as proper assessment of proposed haul routes, requirement for improvements to the proposed haul routes and the need for a haul route agreement.

In addition to concerns with traffic and the haul route, the Region and other involved parties have also identified the following issues:

- the protection of natural heritage and water resources, such as proper consideration of impacts on ground and surface water quality and supply; consideration of underlying karst geology; proper consideration of stormwater management; and, proper inclusion of an adaptive management plan for the natural heritage system.
- Concerns regarding noise and blast/vibration impacts and proper assessment of flyrock potential.
- Potential impacts to cultural heritage, agriculture, air quality and visual impacts.
- consistency with the Provincial Policy Statement (PPS) and conformity with the Wellington County Official Plan and Region of Halton Official Plan, as amended by ROPA 38, has not been demonstrated.

Over the past few weeks James Dick Construction Limited's consultants have submitted revised plans and reports seeking to address items on the Region's issues list related to blasting, stormwater management, hydrogeology and natural heritage in an effort to resolve their concerns. The Region's consultants are in the process of reviewing these materials.

Council should also be aware that in December 2018 JDCL submitted a motion in writing to the LPAT seeking to strike out some of the Town and Region's issues related to the use of Highway 7 as a haul route for the quarry and the applicability of the Halton Region Official Plan to the hearing. The Town and Region's solicitor responded to the motion in January 2019; the parties are currently awaiting a decision from LPAT on JDCL's motion.

RELATIONSHIP TO STRATEGIC PLAN:

This report relates, in part, to the following Strategic Action Plan priority adopted by Council for this term:

4. Transportation/Mobility

- E. Develop a long-term Truck Movement Strategy for the Town that respects the road maintenance and safety needs of the Town.

FINANCIAL IMPACT:

There is no financial impact associated with this particular report.

CONSULTATION:

Planning staff has consulted with the appropriate departments in the preparation of this report.

PUBLIC ENGAGEMENT:

No public notification or engagement is required for this report.

SUSTAINABILITY IMPLICATIONS:

The Town is committed to implementing our Community Sustainability Strategy, Imagine Halton Hills. Doing so will lead to a higher quality of life.

The report's recommendation is not applicable to the Strategy's implementation.

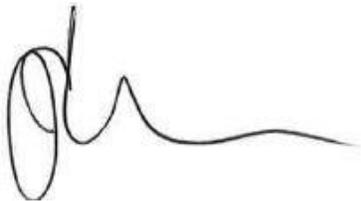
COMMUNICATIONS:

There is no communications impact pertaining to this report.

CONCLUSION:

This report is to be received by Council for information purposes.

Reviewed and Approved by,

A handwritten signature in black ink, appearing to read 'John Linhardt', with a long horizontal flourish extending to the right.

John Linhardt, Commissioner of Planning and Sustainability

A handwritten signature in black ink, appearing to read 'Brent Marshall', with a long horizontal flourish extending to the right.

Brent Marshall, Chief Administrative Officer