

Presentation Notes Summary for Planning and Community Development Committee
May 20th, 2014.
Flanagan Pit Expansion

Honourable Chair and Members of Committee:

Please accept the following:

- 1) response to relevant portions of Staff Addendum no. 2 to Report PDR-PCD-13-12
- 2) response to relevant portions of submitted public comments by Ms. Chisholm and Mr. Karrow
- 3) additional relevant information related to and in support of the subject application for a gravel pit expansion

Addendum no. 2 to Report PDR-PCD-13-12

With respect to the latest staff report, we are in agreement with the staff recommendation of approval of the associated County Official Plan amendment. Ms. Morrison has done a thorough job of addressing Ms. Chisholm's questions as well as addressing Committee concerns in regard to the identified haul route.

In this regard, I would offer the following comments.

Transportation comments on Haul Route

As outlined within the staff report, the County of Grey Transportation Department was circulated as part of the local official plan and zoning by-law amendment agency circulation process. The municipality received confirmation in a letter dated, April 3rd, 2013 that the County Transportation Department did not have concerns in regard to the entrance or haul route as the annual tonnage limit would not increase, and therefore anticipated truck traffic stemming from the operation, would remain the same with the expansion.

It should be noted that, as part of the application process for the existing pit, the County of Grey required entrance upgrades for the pit entrance which were carried out and completed to the satisfaction of County staff.

- The annual tonnage limit has been identified as 40,000 tonnes on the site plan notes.
- As well, as per the request of planning staff at the County of Grey, an additional note has been added to the site plan which requires the existing pit to be exhausted prior to extraction commencing in the proposed pit.
- Copies of this updated site plan were submitted to the County of Grey staff for their file.

This additional note serves to satisfy both County staff and members of the Committee and we would respectfully suggest that this Committee concern has been addressed.

Public Comments – Karrow and Chisholm

The following is a summary response to the comments outlined by Mr. Karrow and Ms. Chisholm. As some of the concerns were duplicate in nature, the information below serves to address the relevant portions of both submissions.

Natural Environment

To provide background, a Natural Environment Report (NER) Level 1, April 2011 (AET Consultants) was initially submitted as part of the Aggregate Resources Act and Planning Act processes. The Ministry of Natural Resources (MNR) requested an updated NER as some of the information contained in the April 2011 report contained older field information. In response, AET provided an updated NER Level 1 and 2 report which was submitted to the MNR in October, 2012.

MNR comments requesting additional information were received in March 2013 (AET response July 23, 2013).

On June 24th, 2013, the municipal planner requested an update in regard to the outstanding MNR concerns to which staff of Cuesta provided an update. The update outlined the ARA application process to date and indicated that AET was working on an additional response to MNR comments.

- The NER Level 1 and 2 was circulated to municipal staff for their file and review on June 24th, 2013. The staff review was completed prior to the adoption of the Local Official Plan amendment (LOPA) on July 24th 2013.

Following adoption of the local official plan amendment, copies of the Level 1 and 2 NER report were submitted to the County of Grey as part of the LOPA approval process along with copies of the July 23, 2013 AET response to MNR concerns (submission to County on August 9th, 2013).

- In October 2013, it was agreed among County, local and Cuesta staff that the approval of the LOPA and zoning by-law would be placed on hold until the MNR was satisfied that all natural heritage issues had been addressed.

To summarise the work required by MNR, additional field work was conducted including a summer plant survey, field search for American Badger and 2 additional site visits in regard to bobolink and bobolink habitat was requested.

The final result of the work was the addition of one site plan note which was added to the plan with respect to bobolink habitat. This site plan note addressed MNR concerns and MNR's objection was withdrawn (December 2013 and April 2014).

In regard to additional comments outlined in today's earlier submissions, I note the following:

- The October 2012 Level 1 and 2 NER is a stand-alone report which was also supplemented by additional reporting and field work.
- There are no significant wetlands or valley lands within the licensed area or 120 metres outside of the study area.
- No snapping turtles, other turtles or evidence of turtles such as nest locations were found over the course of several field investigations.
- Setbacks from the adjacent EP zone and river meet or exceed legislated requirements.

In conclusion, the MNR provided an extensive review of all aspects of the technical reports and field work carried out in regard to this proposal. The MNR has signed off on the proposal and we have received written confirmation from the Ministry that our final submission package has been deemed complete.

Hydrogeological Study

In regard to the on-site hydrogeological work completed for this project, I would note the following.

The Aggregate Resources Act requirements vary depending on the Class of license being applied for. In this instance, H Bye Construction is applying for a Class "A", Category 3 license which is an above the water table pit.

- A hydrogeological assessment is not required for this class of license; however, the proponent must establish the on-site groundwater levels.

These on-site groundwater levels were established as part of the original pit proposal and this information along with a new site plan was deemed satisfactory by MNR staff.

MNR staff were satisfied with this information based on the following reasons:

- 1) The site plan contours/elevations were established on site via GPS
- 2) The groundwater had been established via a surface water feature (on-site river) at 414 masl
- 3) An additional monitoring well was added to the site plan. Monitoring wells are one of the best tools to maintain accurate records of existing groundwater levels throughout the lifespan of an operation.

In addition to the above noted, it is also important to keep in mind, the topography and geology of the area. The area to be extracted is what is known as a kame which is a gravel ridge or hill. This type of formation has high permeability, the soils are well drained and associated with lower groundwater levels. It should also be noted that no perched water has been encountered during excavation of the existing pit.

Despite MNR's satisfaction with the original submission, at the last meeting, the Committee requested some additional information in regard to on-site hydrogeology. Since this meeting, staff of Gamsby and

Mannerow has visited on-site to conduct a site visit and test pitting. The report was submitted to the County of Grey for their review.

This test pitting, occurring spring of 2014 which has been a very wet spring (higher than average groundwater levels) had the same results as the original report.

- The on-site groundwater level is at 414 masl or even lower.

Therefore, any concerns in regard to the establishment of on-site groundwater levels have been addressed through the original findings and the additional supplementary report. The reporting meets or exceeds the requirements of both the ARA and the County Official Plan.

Bedrock Mapping

In regard to comments with respect to the fact that the expansion falls outside of the County's aggregate mapping (AR), I would note that following.

- There is no requirement for a proposal to fall within the AR mapping. An official plan amendment is required by the County if the project does not fall 100% within the mapping boundary.
- The aggregate mapping is at a scale of 1:300 000. Therefore, the mapping is not very accurate.
- The on-site resource has been identified through testing as a high quality resource.
- The requirement for an application to fall entirely within the AR mapping is a requirement which merits further consideration. Ground truthing to better define quantity, quality and location of the resource is a more appropriate method of identifying these resources

Cumulative Effect

In regard to cumulative effects of more than one pit operating in the same area, I would comment as follows;

- This expansion will effectively replace the existing pit operation rather than adding another operation
- The original pit will be depleted prior to extraction commencing in the second pit
- The license annual tonnage limit remains the same as the original pit
- The truck traffic will remain the same as what stemmed from the original pit
- There is no evidence to suggest any negative environmental impacts from the existing Flanagan pit.

Conclusions

The application has undergone an extensive evaluation under both the Aggregate Resources Act and the Planning Act.

The MNR is satisfied with the proposal and we have received written confirmation from the Ministry indicating our final submission has been deemed complete and now only awaiting Planning Act approvals.

The associated local official plan amendment has been adopted by local council.

The associated zoning by-law amendment has been approved by local council.

We would respectfully request the Committee vote to accept the staff recommendation for approval.

Thank you,

Genevieve Scott