



## MUNICIPALITY OF THAMES CENTRE

**REPORT NO.** PDS-061-24

**FILE NO.** O2-23 & Z14-23

**TO:** Mayor and Members of Council

**FROM:** A. Kertesz, Planner

**MEETING DATE:** November 18, 2024

**SUBJECT:** Applications For Official Plan Amendment (O2-23) and Zoning By-Law Amendment (Z14-23); Brantam Excavating Inc. (Applicant); Esher Planning Inc. c/o Melanie Horton (Agent); lands generally in the southwest corner of Dundas Street (County Road 2) and Elgin

### RECOMMENDATION:

**THAT** Application for Official Plan Amendment (O2-23) requested by Esher Planning Inc. c/o Melanie Horton on behalf of Brantam Excavating Inc. for lands legally described as Part of Lots 13 and 14, Concession 1, NRT (geographic Township of North Dorchester) and designated as Part 1 on Reference Plan 33R-18583, Municipality of Thames Centre be **ADOPTED**;

**AND THAT** the implementing by-law **BE CONSIDERED**, as included in the by-law portion of the agenda;

**AND THAT** related Application for Zoning By-law Amendment Z14-23 requested by Esher Planning Inc. c/o Melanie Horton on behalf of Brantam Excavating Inc. for lands legally described as Part of Lots 13 and 14, Concession 1, NRT (geographic Township of North Dorchester) and designated as Part 1 on Reference Plan 33R-18583, Municipality of Thames Centre **BE APPROVED** in principle;

**AND THAT** the implementing by-law be forwarded to a future meeting for Council's consideration once the Official Plan Amendment is approved by the County of Middlesex.

### REASONS

- The application is consistent with the Provincial Policy Statement.
- Conformity with the County Official Plan and Municipal Official Plan would be maintained through the requested Official Plan Amendment.
- The requirements of the Thames Centre Comprehensive Zoning By-Law are capable of being satisfied through the requested rezoning.

## **PURPOSE:**

The purpose and effect of the subject applications is to re-designate the subject lands from the Agricultural designation to the Extractive Industrial designation and to rezone the lands from the Agricultural (A) Zone to the Extractive Industrial (M3) Zone to allow the establishment of a licensed aggregate extraction operation.

The applicant is proposing to establish an aggregate extraction operation subject to the issuance of a license from the Ministry of Natural Resources and Forestry (MNR). Amendments to the Official Plan and Zoning By-law are required since the current designation and zoning does not allow the proposed use.

The subject applications were heard at a public meeting of Municipal Council on June 26, 2023. This report provides an evaluation of the proposal and a recommendation for Council's consideration.

## **BACKGROUND:**

The subject property is a 45 hectare (112 ac) farm situated on the west side of Elgin Road (County Road 73), and on the south side of Dundas Street (County Road 2). The lands contain no buildings or structures and are currently used for the cultivation of field crops. The farm contains a natural heritage feature corridor in the form of woodlands and wetlands which extends from the southerly limit and generally continues along the west side of the property. There is however cultivated land located at the northwest area of the site along Dundas Street which is separated from the main cultivated area by the said corridor. The farmland associated with the property is designated and zoned for agricultural purposes whereas the natural heritage features are designated and zoned for natural environment purposes.

Surrounding land uses are primarily agricultural in nature in the form of field crop cultivation. A farm implement dealership (Huron Tractor) is located adjacent to the subject lands at the northeast corner of Dundas Street and Elgin Road. There are also neighbouring residential uses located along Dundas Street and Elgin Road. Lastly, there is a licensed gravel pit located on the east side of Elgin Road south of Dundas Street.

## **SUBJECT PROPOSAL:**

A Class "A" Pit License through the *Aggregate Resources Act* (ARA) under the authority of the MNR has been requested to allow extraction of sand and gravel below the established water table. With a total estimated aggregate volume of 2 million tonnes, the lifespan of the pit is anticipated to be roughly 4-6 years depending on market conditions considering the proposed annual tonnage limit of 500,000 tonnes. Sand and gravel deposits with a depth of up to 20 metres (66 ft) are located across the site, with portions of the deposits located below the water table.

In support of the subject proposal, various studies related to hydrogeology, natural environment, noise impacts and cultural heritage (archaeology) have been submitted. A planning justification was also provided and included as part of the Aggregate Resources Act

Summary Statement. As mandated by the ARA, a series of site plans have also been prepared: existing site features; operational plans; technical recommendations; and, site rehabilitation. As noted in the circulation notice, these documents are all posted on the Municipality's website as per: <https://www.thamescentre.on.ca/proposed-elgin-road-pit> The technical studies with respect to hydrogeology, natural environment and noise impacts have been peer reviewed by the Municipality's engineering consultant considering the Municipality does not have in-house expertise under these disciplines.

With a proposed licensed area of 20.7 hectares (51 ac) comprised of farmland, the proposed extraction area would total 17.8 hectares (44 ac). The natural heritage feature corridor forming the west boundary of the proposed pit would remain undisturbed as well as the lobe of agricultural land located at the northwest corner of the farm. Extraction activities would be subject to setbacks of 15 metres (49 ft) from the dripline of the woodlands and 30 metres (98 ft) from the wetland.

As extraction occurs, the operational area is to be stripped of topsoil and subsoil, and stored on-site within berms, or used for progressive rehabilitation. The operations plan shows extraction in two (2) key areas namely the east half of the site along Elgin Road and the west half of the site. Above water extraction is to occur first starting at the east half of the site and then progressing towards the west half of the site. Subsequently, below water table extraction is to then occur within the west half of the site and then conclude with the east half of the site. Temporary berms are proposed to mitigate noise and visual impacts on neighbouring residential uses, along the east side of the site adjacent to Elgin Road and along the northerly and southerly limits of the site. These berms are designed to comply with the Ministry guidelines and reflect the technical recommendations of the noise impact assessment conducted by the applicant's consultant. Berms are to remain in place for each phase before being removed and use for rehabilitation of the site.

Aggregate processing operations and shipping would only occur during daytime hours (weekdays – 7 am to 7 pm; 7 am to noon on Saturdays; no operations on Sundays or Statutory Holidays) and processing of materials on this property would be conducted in designated areas. Fencing around the perimeter of the licensed area will be required to meet the MNRF standards.

The proposed pit would require an entrance off Elgin Road (County Road 73) near the south limit of the property. County Roads 73 and 2 are both County arterial roads and identified as a Truck Haul Route under Schedule C of the Thames Centre Official Plan. Truck traffic from the proposed pit would either use Elgin Road (County Road 73) or Dundas Street (County Road 2) depending on market demands. The average truck volumes anticipated would be in the range of 10-12 trucks per day during the operating season.

Based on the extent of extraction proposed below the water table, the site is to be progressively rehabilitated to a natural environment use resulting in a pond (approximately 13 hectares in area) with naturalized areas consisting of wetlands as well as meadows along the side slopes of the pond. Native species of wetland plants, trees and shrubs are to be planted along the shoreline area. Staff would like to note, as part of a revised site plan based on peer review and Ministry of Natural Resources (MNR) comments and requested changes, it is indicated that temporary trailers for storage/ office use may be located on the subject

lands, 30 metres from the licenced area.

## ANALYSIS

The rationale for amending the Official Plan of the Municipality of Thames Centre is based on the following evaluation criteria provided under Section 7.20 of the Official Plan. Below, each criterion is listed, followed by a comment found in the application submission materials included as part of this application submission:

*(1) The Provincial Policy Statement (now the Provincial Planning Statement (2024)), as amended from time to time;*

Comment: The Provincial Planning Statement (2024) allows for the extraction of mineral aggregate resources as an interim use. Additionally, the protection and management of aggregate resources has been deemed to be of provincial significance.

*(2) The desirability and appropriateness of changing the Official Plan to accommodate the proposed use in light of the basic objectives and intent of the Official Plan;*

Comment: The proposed licensed area is designated as Agricultural. The property is located the 'primary aggregate resource' area as identified in Appendix 3 – Aggregate Resources within the Thames Centre Official Plan. As the subject applications would assist with the establishment of the proposed aggregate operation to extract the aggregate resources on the lands, the proposed amendment would seem desirable and appropriate.

*(3) The goals and policies of this Plan;*

Comment: An amendment to the Official Plan to permit an aggregate extraction on this particular site is consistent with the goals and policies of this Plan. The Thames Centre policies require an Official Plan Amendment and a Zoning By-law Amendment to establish a new aggregate use.

*(4) Conformity with County policy*

Comment: The area to be licensed under the Aggregate Resources Act is designated as Agricultural Area within the County Official Plan. The County Official Plan permits mineral aggregate uses in Agricultural areas provided the uses meet the requirements of the Official Plan and provided appropriate zoning is in place.

*(5) The need for the proposed use, including justification for the amount of land proposed for a change in designation based on existing undeveloped lands available for development*

Comment: Staff would like to note, as stated in the PPS, "As much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible. Demonstration of need for mineral aggregate resources, including any type of supply/demand analysis, shall not be required, notwithstanding the availability, designation

or licensing for extraction of mineral aggregate resources locally or elsewhere.”

*(6) Whether the subject lands are within 120 metres of lands designated “Natural Area” and the results of an Environmental Impact Study as outline in Section 3.2.3.1 of this Plan;*

Comment: As the licensed area contains natural features, including significant woodlands, a Natural Environment Report (NER)/ Environmental Impact Study (EIS) dated February 20, 2023 was undertaken by Terrastory Environmental Consulting Inc. The report sought to identify the presence or absence of several significant natural heritage features including Significant Woodland, Significant Wildlife Habitat within Caddy Creek, Provincially Significant Wetland (North Dorchester Swamp), Coldwater Fish Habitat in Caddy Creek, Endangered/Threatened Species Habitats. Overall, the report determines that no negative impacts to the significant natural features will occur provided that the technical recommendations within the report are implemented.

On behalf of the Municipality, qualified staff from Stantec Consulting Ltd. (“Stantec”) undertook a peer review of the NER/ EIS. In response to the peer review, Terrastory Environmental Consulting Inc. provided supplementary information which resulted in a sign-off from Stantec in that their comments were addressed.

*(7) The effect of the economy and financial position of the Municipality;*

Comment: In addition to the employment opportunities created by the proposed operation, the Municipality will see an increase in revenue through increased assessment and annual tonnage contributions as well as an additional source of aggregate to contribute to competition in the market. Based on the estimated reserve volume of 2 million tonnes, and the current Ontario Aggregate Resources Corporation (TOARC) rate of 23.7 cents per tonne, the operation will contribute \$289,140 to the Municipality and \$71,100 to the County over the life of the operation. TOARC fees increase annually at CPI rate, therefore the amount reflected would be higher.

*(8) The compatibility of the proposed use within existing uses or potential uses in adjoining areas and the effect of such use on the surrounding area including the natural environment;*

Comment:

#### Hydrogeological Assessment

A level I and II Hydrogeological Assessment was conducted by EXP Services Inc. (“EXP”) dated February 10, 2023. The assessment was completed by reviewing the Ministry of the Environment, Conservation and Parks (MECP) Water Well Records (WWR), reviewing the soils and groundwater information provided from sampled boreholes and monitoring wells on the subject lands, compiling a site wide monthly water balance, and collecting over one year of groundwater elevations to identify seasonal variability and assess the natural heritage features on the subject lands.

The report provides a number of recommendations including implementing a

monitoring program to assess potential impacts to groundwater and surface water on the subject lands, maintaining and protecting the existing monitoring wells and surface water stations located around the perimeter of the proposed pit, mitigation measures for temperature impacts on groundwater and natural features on the subject lands.

On behalf of the Municipality, qualified staff from Stantec Consulting Ltd. (“Stantec”) undertook a peer review of the hydrogeological assessment. In response to the peer review, EXP provided supplementary information which resulted in a sigh-off from Stantec in that their comments were addressed.

### Environmental Impact Study/ Natural Environment Report

As noted, a Natural Environment Report (NER)/ Environmental Impact Study (EIS) was conducted by Terrastory environmental Consulting Inc. This study was peer reviewed and recommended mitigation measures are incorporated into the design of the operations and site rehabilitation.

### Noise Impact Study

A Noise Impact Study was conducted by Aercoustics Engineering Ltd. dated February 16, 2023. The study was conducted to provide noise control recommendations for the proposed aggregate pit operation to satisfy the Ministry of the Environment, Conservation and Parks (MECP) noise guidelines. Noise control measures, such as acoustic berms were designed to ensure sound levels from the proposed pit meet provincial limitations and have been included within the site and operational plans.

On behalf of the Municipality, qualified staff from Stantec Consulting Ltd. (“Stantec”) undertook a peer review of the noise impact study. In response to the peer review, Aercoustic Engineering Ltd. provided supplementary information which resulted in a sigh-off from Stantec in that their comments were addressed

- (9) *The location of the site with respect to the transportation system, the adequacy of the potable water supply, sewage disposal facilities, solid waste disposal, and other municipal services as required, including the ability to provide logical extensions to existing services;*

Comment: Traffic from the pit will travel on Elgin Road or Dundas Street, which are both part of the County road system. The proposed pit will not require any extension or expansion of municipal infrastructure. Elgin Road (County Rd. 73) is a County arterial road and is identified in the Thames Centre Official Plan as a “Truck Haul Route”. These roads have been identified as suitably constructed or improved to accommodate truck traffic. An entrance permit will be required from the County. The Pit license proposes an annual maximum material extraction of 500,000 tonnes. The anticipated average truck volumes, based on sales forecasts, will be in the range of 10-12 trucks per day, during the operating season.

(10) *The physical suitability of the land for the proposed use*

Comment: There is an estimated 2 million tonnes of commercially viable resources within the proposed licensed area. As such, the lands are suited for the proposed use.

(11) *The effect on the provision of affordable housing in the Municipality; and*

Comments: the proposed amendment has no relevancy to the provision of affordable housing.

(12) *Whether the subject lands contain natural features or natural hazard lands that should be subject to an Environmental Impact Study as outline in Section 3.2.3.1 of this Plan.*

Comment: An NER/EIS has been conducted and subject to a peer review as noted. The recommended mitigation measures are incorporated into the design of the operations and site rehabilitation.

The Thames Centre Official Plan requires that prior to the approval of a zoning by-law amendment, it shall be established to the satisfaction of Council that:

- *Soil and drainage conditions are suitable to permit the proper siting of buildings;*

As noted, according to revisions to the ARA site plan, temporary storage/ office trailers may be located on the site, 30 metres from the licence boundary. According to section 4.28.1 of the Thames Centre Comprehensive Zoning By-law, temporary construction trailers are permitted in any zone while work is in progress, until work is completed. Although the proposed aggregate operation would not be considered construction work, staff is of the opinion permitting temporary trailers on the subject lands while extraction occurs would be appropriate provided any required permits are obtained and the structures are removed at the time that the pit ceases operations. To ensure there are no zoning by-law compliance issues, permitting the temporary storage/ office trailers on the subject lands can be appropriately addressed through a site- specific Extractive Industrial (M3-#) Zone.

Any required permits and the siting of the structures are capable of being dealt with at the building permit stage.

- *The services and utilities, whether they are municipal or private, can adequately accommodate the proposed development. Full municipal or communal sanitary and water services will be preferred method of servicing development;*

No servicing is required to accommodate the proposed pit use.

- *The road system is adequate to accommodate projected increases in traffic;*

The road system is adequate to accommodate the proposed use considering Elgin Road (County Road 73) is identified as a "Truck Haul Route" on Schedule C – Transportation

Plan – of the Thames Centre Official Plan.

- *The land fronts on a public road (unless specifically noted as an approved private road) which is of a reasonable standard of construction and maintenance;*

The lands front onto Elgin Road (County Road 73) which is a public road and is maintained to County standards.

- *Lot frontage and area is suitable for the proposed use and conforms to the standards required by the implementing Zoning By-law; and*

The lot frontage and area is suitable for the proposed use and would conform to the standards of the requested Extractive Industrial (M3) Zone.

- *adequate measures will be taken to alleviate or prevent any adverse effects that the proposed use may possibly have upon any proposed or existing or adjacent use or on the natural heritage features and functions.*

As previously mentioned, studies have been undertaken subject to a peer review with respect to hydrogeology, natural environment and noise impacts. Recommended and accepted mitigation are to be implemented through the ARA's licensing process.

Based on the foregoing, the subject applications are consistent with the Provincial Planning Statement and in conformity with the Middlesex County and Thames Centre Official Plans.

## **CONSULTATION:**

In the circulation of the notice of public hearing to prescribed agencies, the following comments were received:

### County Engineer:

No comment.

Follow up comment: Road improvements required by the County to facilitate the establishment of the proposed gravel pit will be required at the time an entrance permit is applied for. The improvements may include the typical industrial entrance permit standards including a right turn taper and a left turn slip around with wide radii. Elgin Road and Dundas Street intersection is designed to handle truck traffic.

### Director of Public Works:

No comment.

### Drainage Superintendent:

No comment.





Chief Building Official:

No comment.

In regards to the temporary use trailers, agree that a site-specific zone to permit the trailers on the property is required. Since they will be accommodating an occupancy, the structures will require building permits if they exceed an area of 10 m<sup>2</sup>.

Upper Thames River Conservation Authority:

The UTRCA has reviewed the updated Site Plan drawings prepared by Harrington McAvan Ltd, dated February 16th 2023, submitted alongside the OPA, ZBA, and ARA applications and offer the following comments:

1. The UTRCA is satisfied that there have been no changes made to access location, or to the proposed PSW buffer.
2. A Hydrogeological report and Natural Environment report were circulated alongside the applications which will not require a review from the UTRCA.
3. Noise mitigating berms are proposed to be located within the flooding hazard associated with the Humphrey Drain. Please consider the potential impacts on adjacent land owners in regards to flooding.

The UTRCA has no objections to the Official Plan or Zoning By- law Amendment applications to establish an aggregate extraction use on the subject lands.

In the circulation of the notice of public meeting to surrounding property owners, written submissions attached hereto have been received from the following parties:

- Janet Tucker
- Janet Belore
- Tyler Stewart

Additionally, at the public meeting, the following individuals provided comments:

- John Baer
- Tyler Stewart
- Alma Johnston

With regards to comments raised by the public, the agent has prepared a comments matrix along with a response to the comments.

**Public Meeting Comments**

	<b>COMMENT</b>	<b>RESPONSE</b>
Janet Tucker*	Concerns with noise, dust and truck traffic, impacts to water wells, property value impact	The site has been designed to ensure that the operations can meet the provincial guidelines for noise and dust levels. The

		<p>municipal peer review found that the noise study and the associated recommendations are appropriate for managing noise.</p> <p>The potential impacts on water wells have been examined in the Hydrogeology report submitted with the applications and include a groundwater monitoring program set out as a condition of the Operations. The report was peer reviewed by the municipality and there are no outstanding questions or concerns related to the Hydrogeology Study. There are no impacts on water wells expected from the proposed below water pit operations.</p>
<p>Janet Belore*</p>	<p>Questions about the nature of the operation</p>	<p>The pit entrance will be onto Elgin Rd. Berms along Elgin Road and the north and south limits of the pit are required for noise attenuation. Dust management will mainly include watering of roads and stockpiles with frequency determined by the operator, based on weather conditions. A well water study has been completed and peer reviewed and there are no impacts expected.</p>
<p>Tyler Stewart*</p>	<p>Concerns about the operational aspects of the pit, water well impacts</p>	<p>The Site Plans allow for importation of material for blending from other licenced gravel pits. The plans specify that this would include aggregate and/or topsoil. The Plans also allow for importation of clean fill for rehabilitation, which must be in accordance with the MECP regulations for excess soil management.</p> <p>The Operations hours are consistent with other gravel pit operations in the municipality. Dust management and the frequency of watering roads or stockpiles is based on weather conditions.</p>



John Bayer 5769 Dundas st	No concerns with the gravel pit; questions about a potential lot addition	Unrelated to the current application. Staff provided information about the severance process.
Alma Johnston 327 Elgin Rd	Concerns about well water impacts	See response above
<p>*Provided written submissions</p> <p>Traffic Impacts                  Traffic from the pit will travel on Elgin Road or Dundas Street, which are both part of the County road system. The proposed pit will not require any extension or expansion of municipal infrastructure. Elgin Road (County Rd. 27) is a County arterial road and is identified in the Thames Centre Official Plan as a “Truck Haul Route”. These roads have been identified as suitably constructed or improved to accommodate truck traffic. An entrance permit will be required from the County. The Pit license proposes an annual maximum material extraction of 500,000 tonnes. The anticipated average truck volumes, based on sales forecasts, will be in the range of 10-12 trucks per day, during the operating season.</p>		

Staff’s response:

As noted, various studies related to hydrogeology, natural environment and noise impacts were undertaken in support of this proposal and were subject to peer reviews which has resulted in the findings being acceptable. The concerns raised by the public have been generally addressed by the studies and supplementary information provided to the peer reviewer including the recommended mitigation measures that have been incorporated into the design of the proposed aggregate operation and site rehabilitation. The design of the proposed operation and site rehabilitation are to be implemented through the ARA licensing process.

**FINANCIAL IMPLICATIONS:**

None.

**STRATEGIC PLAN LINK**

**Pillar:** *Smart Planning*

**Goal:** *Make smart planning decisions to grow the community , while maintaining a "hometown feel"*

## ATTACHMENTS:

Location Map

Updated ARA Site Plan

Written Submission from the Public

Proposed Official Plan Amendment No. 32

Prepared by: A. Kertesz, Planner

Reviewed by: A. Storrey, Interim Director of Planning and Development Services

Reviewed by: D. Barrick, Chief Administrative Officer