

Agenda

Corporation of the Town of Kirkland Lake
Special Meeting of Council
Council Chambers, Town Hall
August 15, 2017
4:40 p.m.

1. **Approval of the Agenda**
2. **Declaration of Pecuniary Interest**
3. **Petitions and Delegations**
Town Planner, Ashley Bilodeau
 1. Zoning Application #22
An application was received from Caldwell Construction, for a zoning amendment on property along Highway 112. The applicant is proposing to rezone lands from Rural (RA) to Mineral Extractions (ME) for the purpose of permitting a pit/quarry on the property.
4. **Adjournment**

Respecting an application by: Caldwell Construction
 Located at: Along Highway 112
 Legal Description: TECK MC L16527, L16528; Parcel 10191CST
 Roll Number: 5468-000-016-24600

BACKGROUND

An application was received from Caldwell Construction for a zoning amendment on lands located to the west of Highway 112. The applicant is proposing to rezone the lands from “Rural (RA)” to “Mineral Extraction (ME)” for the purpose of permitting a pit/quarry and the processing of materials on the property.

ANALYSIS

Lot Dimension:

Lot Area	31.56 acres
Lot Frontage	Nil

Servicing: The existing property is not serviced.

Access: There is no access to the property at this time. The applicant has requested to purchase Mining Claim L16653 from the Town of Kirkland Lake to gain access onto Highway 112.

Site Inspection: The property was site inspected by Jenna McNaughton on July 26, 2017.

PROVINCIAL POLICY STATEMENT 2014

Section 2.5.2 of the PPS 2014 states that: *“(1) 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. (2) Extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts. (3) Mineral aggregate resource conservation shall be undertaken, including through the use of accessory aggregate recycling facilities within operations, wherever feasible. (4) Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. Existing mineral aggregate operations shall be permitted to continue without the need for official plan amendment, rezoning or development permit under the Planning Act.”*

The subject property is located just off of Highway 112, which is highly accessible. It is approximately 3 kilometres from the Urban Settlement Area. All proposed mineral extraction activity will need to meet requirements from the Ministry of Northern Development and Mines, Ministry of the Environment and Climate Change and the Ministry of Natural Resources and Forestry. This will be stipulated as part of the Site Plan Control Agreement application process.

Section 2.5.3 of the PPS 2014 states that: *“(1) Progressive and final rehabilitation shall be required to accommodate subsequent land uses, to promote land use compatibility, to recognize the interim nature of extraction, and to mitigate negative impacts to the extent possible. Final rehabilitation shall take surrounding land use and approved land use designations into consideration. (2)*

Comprehensive rehabilitation planning is encouraged where there is a concentration of mineral aggregate operations. (3) In parts of the Province not designated under the Aggregate Resources Act, rehabilitation standards that are compatible with those under the Act should be adopted for extraction operations on private lands.”

Progressive and final rehabilitation will be added as a requirement in the Site Plan Control Agreement. It should be noted that it is the Province’s intent to extend the applicability of the *Aggregate Act* to Northern Ontario in the coming months. Communication has taken place between Town staff, and the Ministry of Northern Development and Mines, Ministry of the Environment and Climate Change and the Ministry of Natural Resources and Forestry to ensure we are being reasonable and assisting the applicant for becoming compliant with the requirements under the Act once it comes into play.

The proposed Zoning By-law Amendment is consistent with the policies set out in the Provincial Policy Statement (PPS 2014).

OFFICIAL PLAN

Section 2.9.5 of the Official Plan states: *“The Town of Kirkland Lake has potential for aggregate extraction. There is limited amount of aggregate resource companies currently operating within the Town limits.”*

Section 2.9.5.1 of the Official Plan states:

- 1. “Aggregate extraction operations will require an amendment to the Zoning By-law prior to their establishment.*
- 2. Mineral aggregate operations are subject to the MOE Guidelines D-1 and D-6 in applying separation distance and influence area requirements. In the absence of technical studies defining an actual influence area, the minimum separation distance for Class III industrial uses shall be applied between the extraction/excavation area and any sensitive land uses. Where technical studies demonstrate the actual influence area, the required separation distance may be equal to or larger than this actual influence area to a minimum of 300.0 metre separation.”*

Section 2.9.5.2 of the Official Plan states: *“(1) Application to create new, or expand existing aggregate extraction operations will be required to meet the regulations imposed by the Ministry of Natural Resources and the Ministry of Northern Development and Mines.”*

The proposed owner has applied for a Zoning By-law Amendment application, as required by the Town of Kirkland Lake’s Official Plan.

The site would be subject to the Ministry of Environment guidelines D-1 and D-6. Prior to analyzing which distances come into effect under the D-6 guideline, staff needed to determine what industrial classification a pit/quarry would have. After conversing with the MOECC, I am of the opinion that a pit/quarry operation is a Class III industrial use, and therefore is required to meet the potential influence area and minimum setback distances outlined in the D-6 guidelines.

The potential influence area is listed as 1,000 metres. Section 4.1.2 states that the influence area can only be reduced if specific substantiating information is provided by way of a technical study (which reviews noise, odour and dust), that would identify the actual influence area. In no case, shall this distance be less than the 300.0 metre minimum separation distance listed above.

Measurement for the separation distances are calculated from the closest lot line of industrial land use to the closest lot line of the sensitive land use. However, if site-specific zoning or site plan

control does not allow any quarry activity within the setback, that setback may be included as a part of the measurement. There is a rural residential dwelling (sensitive land use) located approximately 330.0 metres from the proposed pit/quarry. There are several other residential buildings located further south on Highway 112 at an approximate distance of 800.0 metres from the actual quarry. As a result, a technical study was required in order to assess the level of impact on these sensitive land uses. A summary of the findings are detailed within the Summary of this report.

The intent of the amendment is to modify the zoning of only the area that is to be used for mineral extraction purposes. The remaining lands will retain their “Rural (RA)” zoning, as identified on the attached schedule.

ZONING BY-LAW 12-019

Current Zoning: Rural (RA)

Section 35.2 of the Zoning By-law states that only existing pits and quarries are permitted in a Rural (RA) zone. The applicants are requesting to rezone the lands to Mineral Extraction (ME) in order to create a new pit/quarry for aggregate extraction. The applicant is further requesting that “processing of material” be added to the list of permitted uses.

summary

The applicant is proposing to extract and process aggregate on the subject property.

The site at this moment is virtually inaccessible. We can assess via aerial photography that the property is heavily treed at this time.

A Blast Impact Assessment was forwarded to us as part of the application process, since the proposed pit is to be located 330 metres from a residential dwelling. Blast vibration and overpressure data was calculated using the Ministry of the Environment and Climate Change (MOECC)’s guidelines for blasting. The following is the results of this calculation:

	Requirements	Predicted
Vibration	12.5 mm/sec	9.5 mm/sec (300 m away)
Overpressure	128 dB	107.71 dB

The Study also took into account a calculation of setback distance from fish habitat to conform to DFO’s guideline criteria, which requires a maximum overpressure of 100kPa and PPV of 13.0 mm/sec at the shore or along the side of a stream or water body induced by on-shore quarry blasting. There is no fish habitat identified in the stream, however a 58.44 m setback was calculated based on the DFO guidelines. The applicant intends to be quite a ways from the stream, however the 58.44 metre setback will be identified on the Site Plan Control Agreement and can be included in the Zoning By-law to ensure setback maintenance, should the application be approved.

The Study also took into account the impact of blasting on water-wells. In their professional opinion, the blast-induced vibrations at the quarry will not affect the water-wells in the area since the vibration levels must be maintained below 12.5 mm/s, in accordance with the MOECC guidelines. The Study does recommend that water-wells be tested periodically for drinking quality in accordance with the MOECC guidelines and regulations. This can be stipulated as a requirement in the Site Plan Control Agreement.

The Study suggests that blasting can be safely conducted up to a standoff distance of 300.0 metres to the sensitive land use (residential dwelling). It is further suggested that implementation of blasting practices which are consistent with the ongoing improvements in explosives and initiation technology, will permit blasting with minimized adverse vibration and overpressure effect on surrounding receptors.

CIRCULATION OF NOTICE OF PUBLIC MEETING

The Notice of Public Meeting was sent on July 24, 2017 by First Class Mail to all assessed property owners within 120.0 metres of the subject property and to various agencies and municipal departments. Town staff also hand delivered some of the Notices as they were outside of the our jurisdictional boundaries.

The notices were sent in accordance with the requirements of the Planning Act and Regulations thereto.

Correspondence was received from Ministry of Transportation, commenting that there are no objections and that “Direct access to Highway 112 will be permitted.”

The Ministry of the Environment and Climate Change (MOECC) commented on the Blasting Study on August 10, 2017, recommending that the applicant:

1. develop a site plan identifying the operation sequencing from the pit to identify elevations to assess groundwater management and possible need for a Permit to Take Water to be issued under the *Ontario Water Resources Act*;
2. develop an operational plan that will identify and address possible off property impacts from the operation that address noise, dust and vibration to meet the MOECC – NPC 300 from the operation of heavy equipment on the site;
3. develop a dust management plan for the site to address possible off property impacts as a result of the operation; and
4. develop a stormwater management plan to address the storm water runoff from the site that could impact Murdock Creek and the natural drainage area that crosses or cuts through the proposed quarry.

These items will be developed and incorporated as part of the Site Plan Control Agreement.

Planning advisory committee

The Planning Advisory Committee met on August 10, 2017 and offered the following recommendation for Council’s consideration.

Resolution No. 19: BE IT RESOLVED THAT the Planning Advisory Committee recommend to Council that the proposed Zoning By-law Amendment Number 22, submitted by Caldwell Construction to rezone lands along Highway 112 from “Rural (RA)” to “Mineral Extraction (ME)” in order to incorporate a pit/quarry and the processing of material, be approved.

recommendations

That the proposed zoning amendment to rezone lands from “Rural (RA)” to “Mineral Extraction (ME)” for the purpose of permitting a pit/quarry, and the processing of material be approved, subject to the minimum setbacks from the stream and the residence be maintained, as identified in the Impact Study.

Respectively Submitted,
Ashley Bilodeau, M.PL, RPP MCIP
Manager of Planning and Land Development
Department of Physical Services
Town of Kirkland Lake