



PLANNING & DEVELOPMENT REPORT PD-084-14

TO: Members of Council

FROM: Shawn Persaud, Manager of Planning & Development

REPORT DATE: November 26, 2014

MEETING DATE: December 8, 2014

RE: Application: Official Plan and Zoning By-law Amendment
Owner(s)/Applicant(s): K.J. Beamish Construction Co. Limited
Legal Description: North Part Lot 80, Concession 1 O.S.
(Appendix 1)
Municipal Address:
File: '12/D09' (DS #36243) & '12/D14' (DS #36242)
Roll #1-029-00

The intention of this report is to provide the necessary information in order for Council to direct staff to schedule a Public Meeting in accordance with Sections 22 and 34 of the Planning Act for a proposed Official Plan and Zoning By-law Amendment.

RECOMMENDATION

It is recommended that:

1. Council direct staff to give Notice of a Public Meeting in accordance with the Planning Act.

BACKGROUND

On March 9, 2012, Mr. Les Selby, Les C. Selby Consulting Services, on behalf of K.J. Beamish Construction Co. Limited (Beamish) submitted two applications under the Planning Act; an official plan amendment application and a zoning by-law amendment application. The intent of the official plan amendment application is to re-designate the subject property from the 'Rural', 'Environmental Protection II', and 'Mineral Aggregate Resource II' designations to the 'Mineral Aggregate Resources I' designation. The intent of the zoning by-law amendment application is to re-zone the subject property from the Rural (RU) Zone to the Mineral Aggregate (MAR) Zone under Zoning By-law 06-001 as amended and from the Rural (A) Zone and Holding Low Hazard (OS4) Zone to the Extractive Industrial (M5) Zone under Zoning By-law 30-77 as amended. Beamish

currently operates an existing gravel pit on the property to the south of the subject property being Part Lots 79 and 80, Concession 1 O.S. (40 Darby Road). The applications are requesting the expansion of the existing gravel pit northward onto the subject property.

Mr. Selby had previously pre-consulted with Township and County staff to determine the studies that would be required to be submitted in support of the two applications. Mr. Selby also presented the application to Council at the February 13, 2012 Committee of the Whole Meeting. The studies submitted in support of the applications are:

- Stage 1 and 2 Archaeological Assessment Report, dated May 2011, prepared by The Central Archaeology Group Inc. and letter dated June 24, 2011 from the Ministry of Tourism and Culture stating that the Ministry concurs with the recommendations of the report that there are no further archaeological concerns for the subject property;
- Environmental Impact Statement and Natural Environment Level 1 and 2 Technical Report, dated September 20, 2011, prepared by The Lindsay Environmental Group;
- Hydrogeological Assessment, dated April 12, 2011, prepared by Alpha Environmental Services Inc.;
- Acoustic Assessment Report, dated July 2011, prepared by F. H. Theakston Environmental Control Inc.;
- Planning Report, dated February 2012, prepared by Les C. Selby Consulting Services;
- License Site Plans, dated January 31, 2012 and revised on November 2014, prepared by C. T. Strongman Surveying Ltd., including Existing Features Plan, Operational Plan, Rehabilitation Plan, and Cross Section Plan.

The applications were received and deemed complete by Council on March 26, 2012, further to which Notice of Complete Application was sent out on April 4, 2012 in accordance with the requirements under the Planning Act.

Further to the application being deemed complete, the studies were provided to R.J. Burnside & Associates (Burnside), Township Engineering Consultants and the Severn Sound Environmental Association (SSEA), Township Environmental Consultants for peer review. Over the past two and a half years, Beamish has made amendments to their operational and rehabilitation plan in response to the peer review comments of both Burnside and the SSEA. Burnside has provided a letter, dated November 19, 2014 stating that the amendments have satisfactorily addressed their previous concerns (Appendix 2). In addition, the SSEA has provided a letter, dated November 19, 2014 stating that the amendments have addressed their outstanding issues (Appendix 3).

ANALYSIS

Sections 22 and 34 of the Planning Act relating to an application for an official plan amendment and zoning by-law amendment respectively, provides that before passing a by-law Council shall ensure that at least one public meeting is held and that Notice of Public Meeting is provided in accordance with the Planning Act.

OPTIONS/ALTERNATIVES

1. Direct staff to give Notice of a Public Meeting;
2. Do not direct staff to give Notice of a Public Meeting; or
3. Take other action as direct by Council.

FINANCIAL IMPLICATIONS

There is no financial impact to the Township of Tiny as the Municipality has set a \$3,000 and \$2,000 administration fee for the official plan amendment application and zoning by-law amendment application respectively and these fees have been provided with the applications. In addition, all costs associated with the processing of these applications, including the peer review fees, are cost recoverable.

RELATIONSHIP TO STRATEGIC PLAN

Municipal Administration: Committed to excellence in municipal management with a focus on accountability, transparency, communication, and customer service.

Environment: Committed to environmental stewardship and protection of our natural environment.

Balance social and economic impact with our environmental practices and policies.

CONCLUSION

The Township of Tiny consultants have completed the peer review to ensure that all the studies and reports are complete and have met all the engineering and environmental requirements.

On the basis of receipt of the peer review comments of the supporting studies/reports submitted, the following is concluded:

1. That Notice of a Public Meeting be provided in accordance with the Planning Act.

Respectfully,

Report prepared and submitted by:



Shawn Persaud, BA, MCIP, RPP
Manager of Planning & Development

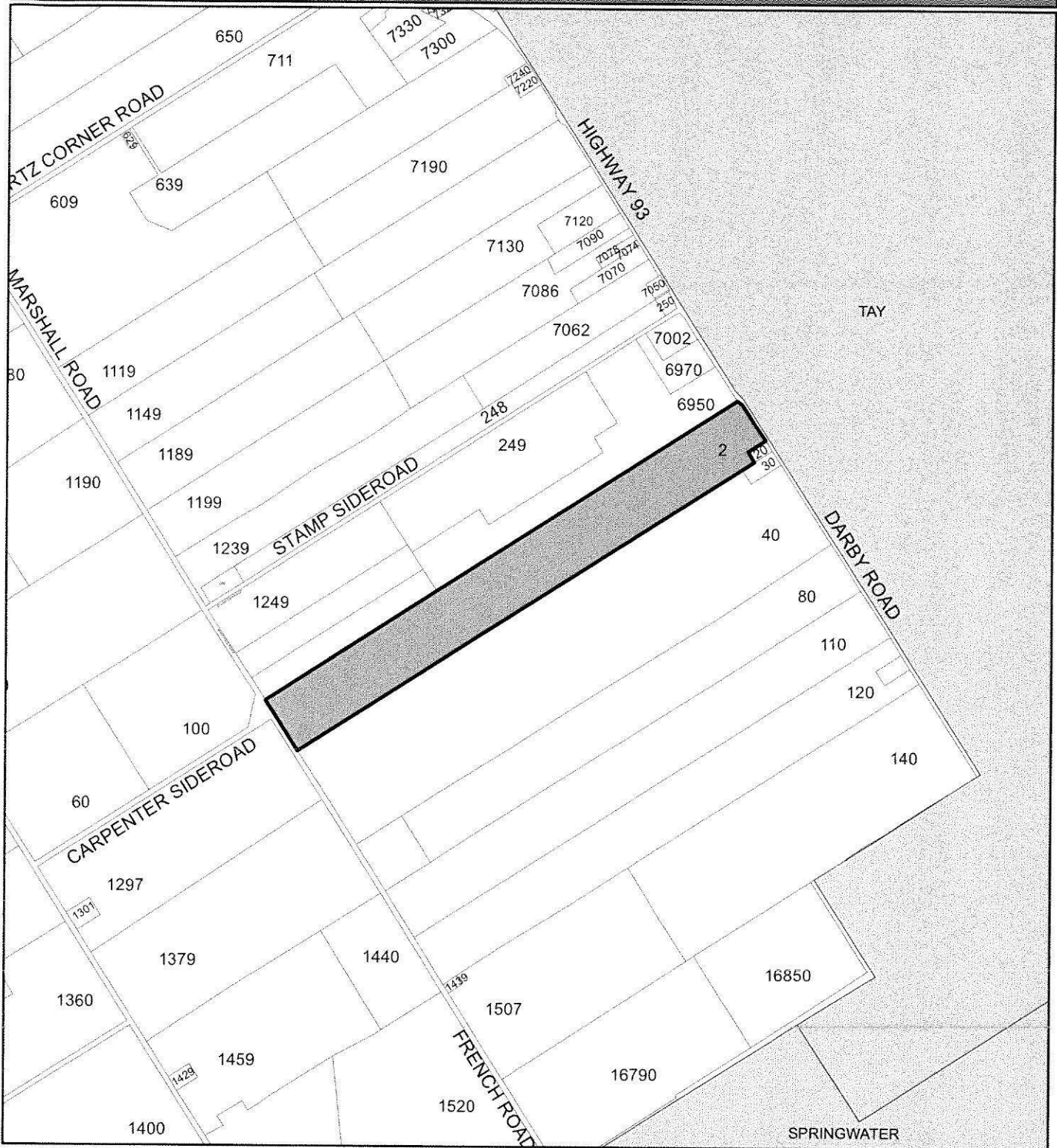
Report approved by:



Doug Luker
CAO/Clerk

TOWNSHIP OF TINY

Appendix 1



Scale: 1:20,000

0 95 190 380 570 760 950 Meters

Coordinate System: NAD 1983 UTM Zone 17N
 Projection: Transverse Mercator
 Datum: North American 1983
 False Easting: 500,000.0000
 False Northing: 0.0000
 Central Meridian: -81.0000
 Scale Factor: 0.9996
 Latitude Of Origin: 0.0000
 Units: Meter

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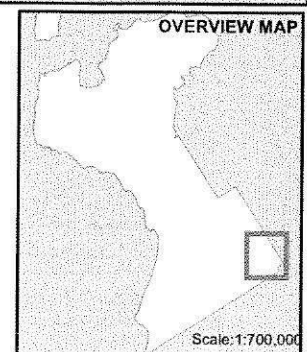


Map Legend

- Subject Property
- Parcel Fabric

***All drawings are representations and not guaranteed for accuracy**

Date Printed: 25/11/2014





BURNSIDE

[THE DIFFERENCE IS OUR PEOPLE]

November 19, 2014

Via: Email (spersaud@tiny.ca) and Original Mail

Shawn Persaud, BA, MCIP, RPP
Manager of Planning & Development
Township of Tiny
130 Balm Beach Road West
Tiny ON L0L 2J0

Dear Shawn:

**Re: Township of Tiny
K.J. Beamish Pit License Expansion Peer Review
Official Plan and Zoning Amendments
12/D09 and 12/D14 Roll #1-029-00
Project No.: 300031221.0000**

As requested, we have reviewed the revised site plan and operational plan drawings (R-185-1 through R-185-5) forwarded November 12, 2014 (dated November 4, 2014), for the proposed K.J. Beamish Construction Company Limited Aggregate Pit Expansion (Sibthorpe Pit), located at 2 Darby Road (North Part Lot 80, Concession 1 Old Survey), north of Waverly in the Township of Tiny.

The drawings have satisfactorily addressed our previous comments.

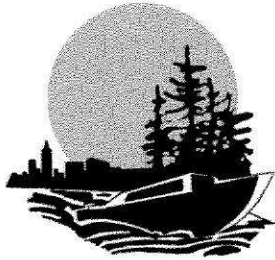
Should you have any questions, please call our office.

Yours truly,

R.J. Burnside & Associates Limited

Ron Kerr, MPA, P.Eng.
RWK:sj

141119 Persaud Beamish Site Plan Comments
19/11/2014 4:42 PM



Severn Sound Environmental Association

67 Fourth Street
Midland ON L4R 3S9
(705) 527-5166 - FAX (705) 527-5167
Email: ksherman@midland.ca
Website: www.severnsound.ca

APPENDIX 3

November 19, 2014

Mr. Shawn Persaud, BA, MCIP, RPP
Manager of Planning & Development
Corporation of the Township of Tiny
130 Balm Beach Road West
Tiny ON L0L 2J0

Dear Mr. Persaud,

RE: Proposed Sibthorpe Pit, Darby Road, Township of Tiny – Revised Site Plans

The Severn Sound Environmental Association (SSEA) has reviewed the following revised Site Plans for the proposed Sibthorpe Pit:

- Operational Plan [electronic file: 7700 NOV. 2014-2.pdf, dated November-04-14, received via email on November 11, 2014]
- Rehabilitation Plan [electronic file: 7700 NOV. 2014 REHAB.pdf, dated November-18-14, received via email on November 19, 2014].

Operational Plan

The SSEA's concern regarding timing of tree cutting has been addressed by the addition of the following Tree Removal/Forest Management site note:

"Tree cutting will only occur between September 1st and April 15th. In any year that cutting is to occur between February 1st and April 15th, a qualified biologist will first conduct site visits to screen for active nests of early nesting bird species. For any nests found, the standards, guidelines and best management practices in 'Forest Management Guide for Conserving Biodiversity at the Stand and Site Scales' (OMNR, 2010), or its successors, will be followed."

Rehabilitation Plan

The revised drawing depicts the proposed agricultural land in the central portion of the extraction area, which corresponds with the existing open field area; the remainder of the rehabilitated area is shown as being planted in trees. Site Plan note #7 indicates that the area to be planted in trees will be 26.6 ha.

With these revisions, the outstanding issues with the Operational Plan and Rehabilitation Plan have been addressed.

Please contact us with any questions.

Yours truly,



Keith Sherman,
Executive Director



Michelle Hudolin,
Wetlands and Habitat Biologist