

1. ZONING BY-LAW AMENDMENT – 7731 FERNBANK ROAD  
MODIFICATION DU RÈGLEMENT DE ZONAGE – 7731, CHEMIN FERNBANK

**COMMITTEE RECOMMENDATION, AS AMENDED**

That Council refuse an amendment to Zoning By-law 2008-250 for 7731 Fernbank Road to permit an aggregate extraction operation as detailed in Document 2.

**RECOMMANDATION DU COMITÉ, TELLE QUE MODIFIÉE**

Que le Conseil refuse une modification au Règlement de zonage 2008-250 visant le 7731, chemin Fernbank en vue de permettre la tenue d'une opération d'extraction d'agrégats, selon les modalités précisées dans le document 2.

**Documentation/Documentation**

1. Director's report, Planning Services, Planning, Infrastructure and Economic Development Department, dated September 24, 2021 (ACS2021-PIE-PS-0125)

Rapport de la Directrice, Services de la planification, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 24 septembre 2021 (ACS2021-PIE-PS-0125)

2. Extract of draft Minutes, Planning Committee, October 7, 2021

Extrait de l'ébauche du procès-verbal du Comité de l'urbanisme, le 7 octobre 2021

**AGRICULTURE AND RURAL  
AFFAIRS COMMITTEE  
REPORT 25  
OCTOBER 13, 2021**

**2**

**COMITÉ DE L'AGRICULTURE ET  
DES AFFAIRES RURALES  
RAPPORT 25  
LE 13 OCTOBRE 2021**

**Report to  
Rapport au:**

**Agriculture and Rural Affairs Committee  
Comité de l'agriculture et des affaires rurales  
7 October 2021 / 7 octobre 2021**

**and Council  
et au Conseil  
13 October 2021 / 13 octobre 2021**

**Submitted on 24 September 2021  
Soumis le 24 septembre 2021**

**Submitted by  
Soumis par:**

**Lee Ann Snedden,  
Director / Directrice**

**Planning Services / Services de la planification  
Planning, Infrastructure and Economic Development Department / Direction  
générale de la planification, de l'infrastructure et du développement économique**

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Ward: RIDEAU-GOULBOURN (21)

**File Number:** ACS2021-PIE-PS-0125

**SUBJECT: Zoning By-law Amendment – 7731 Fernbank Road**

**OBJET: Modification du Règlement de zonage – 7731, chemin Fernbank**

### **REPORT RECOMMENDATIONS**

- 1. That Agriculture and Rural Affairs Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 7731 Fernbank Road to permit an aggregate extraction operation as detailed in Document 2.**
- 2. That Agriculture and Rural Affairs Committee approve the Consultation Details Section of this report be included as part of the ‘brief explanation’ in the Summary of Written and Oral Public Submissions, to be prepared by the Office of the City Clerk and submitted to Council in the report titled, “Summary of Oral and Written Public Submissions for Items Subject to *the Planning Act* ‘Explanation Requirements’ at the City Council Meeting of October 13, 2021,” subject to submissions received between the publication of this report and the time of Council’s decision.**

### **RECOMMANDATIONS DU RAPPORT**

- 1. Que le Comité de l’agriculture et des affaires rurales recommande au Conseil d’approuver une modification du Règlement de zonage (n° 2008-250) visant le 7731, chemin Fernbank, afin de permettre une entreprise d’extraction de granulats, comme le précise le document 2.**
- 2. Que le Comité de l’agriculture et des affaires rurales donne son approbation à ce que la section du présent rapport consacrée aux détails de la consultation soit incluse en tant que « brève explication » dans le résumé des observations écrites et orales du public, qui sera rédigé par le Bureau du greffier municipal et soumis au Conseil dans le rapport intitulé « Résumé des observations orales et écrites du public sur les questions assujetties aux ‘exigences d'explication’ aux termes de la *Loi sur l’aménagement du territoire*, à la réunion du Conseil municipal prévue le 13 octobre 2021 », à la condition que les observations aient été reçues entre le moment de la publication du présent rapport et le moment de la décision du Conseil.**

## **EXECUTIVE SUMMARY**

### **Staff Recommendation**

- Planning staff recommend approval of the Zoning By-law amendment for 7731 Fernbank Road to permit an aggregate extraction operation, being a pit.
- The recommended zoning change is from Rural Countryside to Mineral Extraction Subzone 2, pit only with a rural exception to prohibit concrete and asphalt batching.
- The proposal aligns with applicable Official Plan policies for this area. The area is designated General Rural Area in Official Plan Schedule A.

### **Applicable Policy**

The following policies support this application: Official Plan Policy 3.7.2. for the General Rural Area, and 3.7.4 for Mineral Aggregate Resources.

- The site is located within the General Rural Area designation, where the intent is to accommodate a variety of land uses that are appropriate for a rural location and to limit the amount of residential development such that development will not preclude or resist continued agricultural and or other non-residential uses. The purpose of the General Rural Area is to accommodate non-agricultural uses that, due to their land requirements or the nature of their operation, would not be more appropriately located within urban or Village locations. The proposed extraction operation is in keeping with this policy.
- Official Plan Policy 3.7.2.5 for the General Rural Area further requires a Zoning By-law amendment for new sand and gravel pits, subject to Section 3.7.4.
- Section 3.7.4 of the Official Plan is also relevant as it provides policies for Mineral Aggregate Resources. While the site is not designated within the Sand and Gravel Resource area, the Official Plan indicates that there is no implied restriction to applications for mineral aggregate operation outside those defined areas.

- Section 3.7.4.7 of the Official Plan further stipulates that the City requires that all pits and quarries licensed under the *Aggregate Resources Act*, with the exception of wayside pits and wayside quarries, be zoned for mineral extractive use in the City's Zoning By-law. This applies whether the pit or quarry is located in a Sand and Gravel Resource, Bedrock Resource, Agricultural Resource, General Rural or other designation. The proposed Zoning By-law amendment has been filed concurrently with an application to the Province under the *Ontario Aggregate Resources Act* (ARA).

## **RÉSUMÉ**

### **Recommandation du personnel**

- Le personnel recommande l'approbation de la modification du Règlement de zonage visant le 7731, chemin Fernbank afin de permettre une entreprise d'extraction de granulats, soit une carrière.
- La modification de zonage recommandée vise à faire passer le terrain de zone d'espace rural à zone d'extraction de minerai, sous-zone 2, carrière seulement, assortie d'une exception rurale interdisant les centrales à béton et les usines d'asphalte.
- Le projet est conforme aux politiques du Plan officiel applicables au secteur. Le secteur est désigné « secteur rural général » dans l'annexe A du Plan officiel.

### **Politiques applicables**

Les politiques suivantes sont favorables à cette demande : les sous-sections 3.7.2, sur le secteur rural général, et 3.7.4, sur les ressources minérales en agrégats, de la politique du Plan officiel.

- Le site porte la désignation « secteur rural général », dont le but est de permettre une variété d'utilisations des terrains qui conviennent à un secteur rural et de limiter le nombre d'aménagements résidentiels, de manière à ne pas empêcher ou restreindre la poursuite des utilisations agricoles et des autres utilisations rurales non résidentielles. Cette désignation vise aussi à prévoir un endroit pour

les utilisations non agricoles qui, en raison des exigences liées aux terrains ou de la nature des opérations, sont incompatibles avec les utilisations des secteurs urbains ou les villages. L'entreprise d'extraction proposée serait conforme à cette politique.

- La sous-section 3.7.2 sur le secteur rural général exige également, pour les nouvelles sablières et gravières, une modification du Règlement de zonage, compte tenu des politiques de la sous-section 3.7.4.
- La sous-section 3.7.4 du Plan officiel est également pertinente puisqu'elle énonce les politiques portant sur les ressources minérales en agrégats. Le terrain concerné n'est pas désigné « secteur de ressources en sable et en gravier », mais le Plan officiel indique qu'il n'y a aucune restriction implicite aux demandes d'extraction de minerai à l'extérieur de ces secteurs.
- La sous-section 3.7.4.7 du Plan officiel stipule également que toutes les carrières et les sablières autorisées en vertu de la Loi sur les ressources en agrégats, à l'exception des puits d'extraction et carrières en bordure de route, doivent être zonées pour l'extraction et les usages secondaires connexes dans le Règlement municipal de zonage de la Ville. Cette mesure s'applique que la carrière ou la sablière soit située dans un secteur de ressources en sable et en gravier, un secteur de ressources de roche en place, un secteur de ressources agricoles, un secteur rural général ou un autre secteur. La modification du Règlement de zonage proposée a été déposée en même temps qu'une demande au gouvernement provincial en vertu de la Loi sur les ressources en agrégats de l'Ontario (LRA).

## **BACKGROUND**

Learn more about [link to Development Application process - Zoning Amendment](#)

For all the supporting documents related to this application visit the [link to Development Application Search Tool](#).

### **Site location**

A portion of 7731 Fernbank Road

**Owner**

1294706 Ontario Inc. (Crains' Construction Limited)

**Applicant**

ZanderPlan Ltd. (Tracy Zander)

**Description of site and surroundings**

The proposed site is located between Fernbank Road to the south, and the Trans-Canada Trail / Carleton Place Rail corridor to the north. The subject property is between Dwyer Hill Road and Jinkinson Road. The property is approximately 73 hectares in size with 54.8 hectares proposed to be re-zoned and licenced for extraction. The area proposed to be re-zoned is set back 300 metres from Fernbank Road. The remainder of the property not part of the extraction operation is proposed to remain zoned Rural Countryside (RU).

The current site is consists of agricultural fields with some tree cover. The existing residence on site is proposed to be removed. The surrounding area is characterized by a variety of uses including mineral aggregate extraction operations, and agricultural fields. Across Fernbank Road to the south is Heritage Corners, a country-lot residential subdivision.

**Summary of requested Zoning By-law amendment proposal**

The applicant has submitted a Zoning By-law amendment application to allow for a pit. The applicant initially proposed to rezone a portion of property from Rural Countryside, RU, to Mineral Extraction Subzone 2, ME2. Subzone 2 permits the use of the site as a pit only, and not as a quarry. The application has since been revised to include a rural exception, which would provide a provision to explicitly prohibit asphalt and concrete batching plants on site. The proposed application has been submitted with the concurrently filed licence application to the Province under the *Aggregate Resources Act*. Appropriate municipal zoning must be in place prior to issuance of a licence for extraction by the province.

## **Brief history of proposal**

Concurrent Official Plan Amendment and Zoning By-law amendment applications (D01-01-16-0004 and D02-02-16-0015) were filed in February of 2016 to change the designation on the property from General Rural to Limestone Resource Area, and to change the site zone from Rural Countryside (RU) to Mineral Extraction (ME). Both applications were withdrawn by the applicant in December 2017. The current application differs from the previous two applications in that it is limited to a pit above the water table, does not propose a quarry, and includes a 300-metre setback to Fernbank Road.

## **DISCUSSION**

### **Public consultation**

Public consultation and notification were undertaken in accordance with the Public Notification and Public Consultation Policy approved by Council for Zoning By-law amendments. A total of two comments were received during the public circulation process. Comments were received from the public, as provide in Document 3 of this report.

In relation to the proposed Zoning By-law amendment application, no public meetings were held in the community. However, it is noted that the applicant conducted a public meeting on May 8, 2019, at the Goulbourn Municipal Building to satisfy the licensing requirements under the provincial *Aggregate Resources Act*.

### **Official Plan designations**

- The property is designated General Rural Area as per Schedule A of the Official Plan. The intent of the General Rural Area is for agriculture and for those non-agricultural uses that, due to their land requirements or the nature of their operation, would not be more appropriately located within urban or Village locations. The proposed extraction operation is in keeping with this policy.
- Official Plan Policy 3.7.2 under the General Rural Area requires applications to be supported by an Environmental Impact Statement (EIS) for any development permitted under the policies of this plan within natural heritage features, and any



development permitted under the policies of this plan within 120 metres of the boundary of a natural heritage feature. The proposed has been supported by a Natural Environment Report which satisfies the City's EIS guidelines.

- Official Plan Policy 3.7.2.5 for the General Rural Area further requires a Zoning By-law amendment for new sand and gravel pits, subject to Section 3.7.4. The proposed amendment is in keeping with the relevant considerations listed in Policy 3.7.2.7.
- Section 3.7.4 of the Official Plan is also relevant as it provides policies for Mineral Aggregate Resources. While the site is not designated within the Sand and Gravel Resource area, the Official Plan indicates that there is no implied restriction to applications for mineral aggregate operation outside those defined areas.
- Policy 3.7.4.7 of the Official Plan further stipulates that the City requires that all pits and quarries licensed under the *Aggregate Resources Act*, except for wayside pits and wayside quarries, be zoned for mineral extractive use in the City's Zoning By-law. This applies whether the pit or quarry is in a Sand and Gravel Resource, Bedrock Resource, Agricultural Resource, General Rural or other designation.
- The proposed zoning amendment has been filed concurrently with an application to the Ministry of Natural Resources and Forestry (MNR) under the *Ontario Aggregate Resources Act* (ARA). In keeping with Official Plan Policy 3.7.4.9, the City is in receipt of a submission package of studies and site plans required under the ARA.
- The site is identified on Schedule K of the Official Plan, Environmental Constraints, identifying approximately half of the property falling within the Richmond Wellhead Protection Area with a vulnerability score of 2. Notification from the Municipality to the Source Protection Authority (SPA) and the Source Protection Committee (SPC) is required under Section 27(3) of the *Clean Water Act* for proposals to engage in an activity that would result in the creation of a new transport pathway within a Wellhead Protection Area. The vulnerability score is 2 and would not be increased enough to allow for activities to be significant

drinking water threats. The source protection requirement for a Notification related to the Transport Pathway in the Richmond municipal supply well Wellhead Protection Area has also been completed by the City.

- The site is not subject to any Secondary Plans or Community Design Plans.

### **Planning Rationale**

The applicant is requesting a Zoning By-law amendment proposing to rezone the site from Rural Countryside (RU) to Mineral Extraction Subzone 2, ME2 [XXr], with an Exception. Subzone 2 permits the use of the site as a pit only, and not as a quarry. The exception would provide a provision to prohibit asphalt and concrete batching plants on site.

Relevant considerations for a Zoning By-law amendment to permit a pit in the General Rural Area designation are as listed in Policy 3.7.2.7 of the Official Plan:

- a) The use would not be better located in a village, Rural Employment Area or the urban area;
- b) If the use is to be located on a local road, it must be demonstrated that the volume and pattern of traffic flow anticipated from the development will not interfere with the proper functioning of the local road network;
- c) The privacy of adjacent landowners or the amelioration of potential adverse impacts from lighting, noise, odour, dust or traffic can be achieved by separating the land uses, buffering or other measures as part of the development;
- d) The potential for reducing possible impacts on neighbouring agricultural uses or nearby rural residential uses or Village communities, where relevant;
- e) The development is in keeping with the surrounding rural character and landscape;
- f) All those requirements of Sections 2 and 4 related to transportation, servicing, design and compatibility and environmental protection;

- g) Noxious uses will only be considered where suitable screening and buffering can be provided and generally these uses will not be considered in locations within groundwater recharge areas or immediately adjacent to residential areas, Scenic-Entry Routes, or waterfront areas;
- h) The impact that the development will have on the protection of tree cover and local wildlife movement, as result of proposed site clearing and grading, fencing, security lighting, and 'other similar site plan matters.

The proposed is consistent with the above listed policies in that:

- a) An aggregate extraction is not better located in a village, industrial nor urban location.
- b) A traffic impact assessment has been submitted which predicts the ongoing satisfactory functioning of the road network with the addition of traffic generated by the use.
- c) Official Plan Policy 3.7.4.9 indicates that an area of influence, generally 150 metres for a pit above water, from the site and haul route should be considered in the submitted plans and studies to support the application. It is noted that the closest boundary of the area subject to the proposed zoning amendment is a minimum of 300 metres from the nearest residences. Rural residences to the south of the site on Lucas Lane are proposed to be further separated by a berm and vegetated buffer which will mitigate adverse impacts of dust and noise. Further, a Haul Route Traffic Noise Assessment was submitted to evaluate the increase in the noise impact of the truck traffic along the haul route and provide a general assessment of the perceived impact on nearby noise-sensitive dwellings. The increase in the noise impact on each noise-sensitive dwelling along Fernbank Road, west of Munster Road, is expected to be insignificant. The increase in the noise impact on each noise-sensitive dwelling along Fernbank Road, west of Munster Road, may be noticeable in a worst-case scenario, however, was not classified as significant.

- d) Impacts to neighbouring agricultural uses and villages are not anticipated. A hydrogeology report has been submitted with the professional opinion that no impact on water quantity or quality in area water wells is expected.
- e) The development is suitable for the surrounding area given the large number of aggregate operations within two kilometres of the site. Proximity to Highway 7 further supports the location.
- f) The requirements of Official Plan Section 2, Strategic Directions, and Section 4, Review of Development Applications are satisfied.
- g) In view of the site's status as a groundwater recharge area, concrete and asphalt batching plants are proposed to be explicitly prohibited through the use of a zoning exception. The proposed use will be suitably set back and buffered from the adjacent residential areas for concerns of dust or appearance.
- h) While the proposed aggregate extraction use is not subject to the City's Site Plan Control By-law, staff have reviewed the plans submitted in support of the licence application to the Province under the *Aggregate Resources Act*. The site has been designed in such a manner to reduce lighting, maintain significant woodland, protect identified and probable species at risk, and prevent reptiles from moving into the extraction area, as recommended by the Natural Environment Report. Approval authority for aggregate extraction sites rests with the Province.

The proposed zoning change to the Mineral Extraction Subzone 2, in a location that is significantly setback from adjacent residences, and with an exception to ensure asphalt and cement batching plants are not established as part of the operation, is considered suitable in this location.

### **Provincial Policy Statement**

Staff have reviewed this proposal and have determined that it is consistent with the 2020 Provincial Policy Statement. Section 2.5 of the Provincial Policy Statement (PPS) provides direction for Mineral Aggregate Resources. The proposal is in keeping with direction to make as much aggregate resource available close to market as realistically possible, while undertaking extraction in a manner which minimizes social, economic and environmental impacts.

## **RURAL IMPLICATIONS**

The proposed is in keeping with policies for the General Rural and offers an opportunity to extract necessary sand and gravel resources with limited impact on agricultural resources, natural heritage systems, and surrounding residences. The proposed operation is required to stay above the water table thus limiting impacts on ground water quality.

## **COMMENTS BY THE WARD COUNCILLOR**

Councillor Moffatt provided the following comments:

“I oppose this Zoning By-Law Amendment as I feel this proposal is not appropriate for this property. To elaborate, the City conducted an Aggregate Resource Area review in 2012. That review produced a map showing where 400 years of supply for aggregates could be protected. Ultimately, the City is only required to have three planning horizons, or 60 years of supply. Currently, we have 100 years of supply identified and protected through zoning. The property at 7731 Fernbank Road was not identified in any of these exercises as being required to meet our supply needs.

Secondly, I have a concern about the process for approving this zoning by-law amendment at this time. I feel it is premature and that it will simply be used to show City support for the applicant's application with the Ministry of Natural Resources and Forestry. No license has been granted for this site and I do not feel that we should grant this zoning request without an approved license from MNRF.

Finally, this property is located directly across from a residential subdivision and on a non-primary trucking route.

For the reasons mentioned above, I cannot support this application.”

## **LEGAL IMPLICATIONS**

In the event the recommendations are adopted and the resulting zoning by-law is appealed to the Ontario Land Tribunal, it is expected that a three to five day hearing would be required. It is anticipated that the hearing could be conducted within staff resources. Should the application be refused, reasons must be provided. As well as an

external planner needing to be retained by the City, it may be necessary for professionals in other fields to be retained as witnesses.

### **RISK MANAGEMENT IMPLICATIONS**

There are no risk implications.

### **ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications.

### **FINANCIAL IMPLICATIONS**

There are no direct financial implications associated with the report recommendations. In the event the application is refused and appealed, it may be necessary to retain external witnesses. This expense would be funded from within Planning Services' operating budget.

### **ACCESSIBILITY IMPACTS**

There are no accessibility impacts.

### **ENVIRONMENTAL IMPLICATIONS**

The proposed is not anticipated to have significant environmental implications. The proposed is a pit only, and staff have reviewed the corresponding application to the Province which categorizes the proposed as a "pit above the water table". Impacts to ground and surface water are not anticipated. The site plans reviewed by staff demonstrate the site have been designed to limit impacts on natural heritage systems, as areas of tree cover on the site will be maintained. The Province has also reviewed the proposed for natural heritage and species at risk impacts. While dust is typical of an aggregate extraction operation, the operator is required to mitigate this in keeping with the operation notes, as required, and enforced by the Province. It is worth noting that the portion of the site proposed to be rezoned is a minimum of 300 metres from the surrounding residences, with intervening berms and vegetation which will limit and adverse impacts from air quality.

## **TERM OF COUNCIL PRIORITIES**

This project addresses the following Term of Council Priorities:

- **Economic Growth and Diversification**, by providing for business opportunities as well as raw materials to support Ottawa's growth.
- **Environmental Stewardship**, by providing a suitable location for the extraction of material that limits impacts to the natural environment.

## **APPLICATION PROCESS TIMELINE STATUS**

This application (Development Application Number: D02-02-19-0038) was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendment applications due to the complexity of the issues to be reviewed for the application.

## **SUPPORTING DOCUMENTATION**

Document 1 Location Map

Document 2 Details of Recommended Zoning

Document 3 Consultation Details

## **CONCLUSION**

Staff recommend approval of the application as it is in keeping with the relevant Official Plan policies and the Provincial Policy Statement. The proposed zoning change to the Mineral Extraction Subzone 2, with an exception to exclude asphalt and cement batching plants is considered suitable in this location. The proposed represents good planning.

## **DISPOSITION**

Committee and Council Services, Office of the City Clerk, to notify the owner; applicant; Ottawa Scene Canada Signs, 415 Legget Drive, Kanata, ON K2K 3R1; Krista O'Brien, Program Manager, Tax Billing and Control, Finance Services Department (Mail Code: 26-76) of City Council's decision.

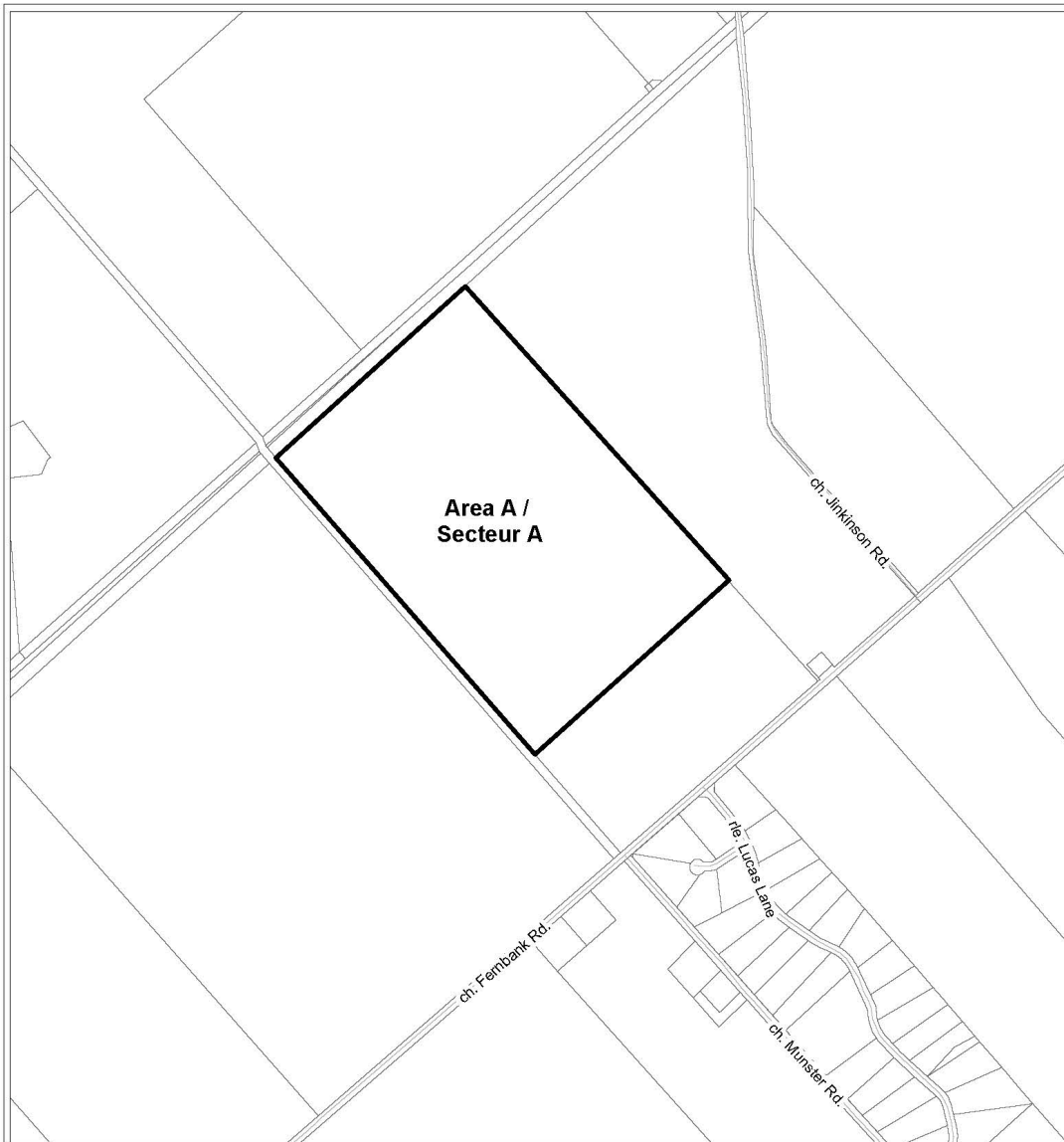
Zoning and Interpretations Unit, Policy Planning Branch, Economic Development and Long Range Planning Services to prepare the implementing by-law and forward to Legal Services.



Legal Services, Innovative Client Services Department to forward the implementing by-law to City Council.

Planning Operations Branch, Planning Services to undertake the statutory notification.



**Document 1 – Location Map**



		LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE	
D02-02-19-0038	20-0054-A	<b>7731 chemin Fernbank Road</b>	
I:\CO\2020\Zoning\Fernbank_7731		 Area A to be rezoned from RU to ME2[XXR] Le zonage du secteur A sera modifié de RU à ME2[XXR]	
<small>©Parcel data is owned by Teranet Enterprises Inc. and its suppliers                  All rights reserved. May not be produced without permission                  THIS IS NOT A PLAN OF SURVEY</small>			
<small>©Les données de parcelles appartient à Teranet Entreprises Inc.                  et à ses fournisseurs. Tous droits réservés. Ne peut être reproduit                  sans autorisation. CECI N'EST PAS UN PLAN D'APPARTENANCE</small>			
REVISION / RÉVISION - 2021 / 09 / 1		 NOT TO SCALE	

**Document 2 – Details of Recommended Zoning**

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for a portion of 7731 Fernbank Road:

1. Rezone the lands as shown in Document 1.
2. Add a new exception to Section 240 – rural Exceptions with a provision similar in effect to the following.

I – Exception Number	II Applicable Zones	III – Exception Provisions - Additional Land Uses Permitted	IV – Exception Provisions - Land Uses Prohibited	V – Exception Provisions - Provisions
XXr	ME2[xxr]			<ul style="list-style-type: none"><li>• Asphalt batching and concrete batching are not permitted.</li></ul>

## **Document 3 – Consultation Details**

### **Notification and Consultation Process**

Notification and public consultation were undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments. One comment letter was received from a member of the public and one comment letter was received from a local community association.

### **Public Comment and Responses**

**Comment:** Many of the homes on Lucas Lane are log homes that are adversely affected by dust and pollen. With prevailing westerly winds in this area, the establishment of a pit operation across the road would significantly increase the dust issue, which is already a problem owing to heavy truck traffic from the Cavanagh, Tomlinson, Taggart quarry operations, as well as Cash for Trash.

**Response:** The proposed aggregate pit operation is proposed to be set back more than 300 metres from the north side of Fernbank Road, which will result in a setback to the nearest dwelling in the residential subdivision of more than 325 metres. This exceeds the minimum required in the City's Official Plan. The setback is required to be vegetated which will aid in the screening or dust. Within the license boundary, a vegetated berm will be established parallel to Fernbank Road will also aid in the screening and buffering to minimize the land use conflicts. While some noise and dust impacts may result from the proposed pit operation, these are proposed to be mitigated through the operational details included in the site plans, which are approved and enforced by the Province.

**Comment:** Concern for traffic safety, dust noise and pollution at a four-way intersection at the entrance to the proposed pit. Fernbank is a narrow road and delays on it from use of the trucks leaving the pit site would cause frustrating delays and a dangerous situation.

**Response:** The application is supported by a Transportation Brief and supporting Addendum that discusses the intersection and traffic volumes, determining that the intersection will function satisfactorily. Further, a Haul Route Traffic Noise Assessment was submitted to evaluate the increase in the noise impact of the truck traffic along the haul route and provide a general assessment of the perceived impact on nearby noise-

sensitive dwellings. The increase in the noise impact on each noise-sensitive dwelling along Fernbank Road, west of Munster Road, is expected to be insignificant. The increase in the noise impact on each noise-sensitive dwelling along Fernbank Road, west of Munster Road, may be noticeable in a worst-case scenario, however, was not classified as significant.

**Comment:** The City has extensive resources for aggregate. There is no need to proceed with the rezoning.

**Response:** A 2013 City of Ottawa report titled *Bedrock Mineral Aggregate Resource Designations* concluded that the City has a vast quantity of designated bedrock mineral aggregate resources and an adequate supply of designated sand and gravel resources. Nevertheless, the City of Ottawa's Official Plan indicates that there is no implied restriction to applications for mineral aggregate operations outside of the areas defined as Sand and Gravel Resource Area or Bedrock Resource Area (Section 3.7.4.1).

**Comment:** Once rezoned, the pit site could be sold and become a quarry.

**Response:** Once zoned ME2, the site zoning would prohibit the use of the site as a quarry. To change the pit into a quarry, a major licence amendment would be required from the province under the *Aggregate Resources Act*. This would require a corresponding Zoning By-law amendment from the municipality. This Zoning By-law amendment would need to be supported by technical studies to demonstrate that the use is appropriate and compatible and would involve a public consultation process.

### **Community Organization Comments and Responses**

Comment provided by the Northwest Goulbourn Community Association:

**Comment:** Requesting an aggregate license within a currently developed and high potential future development site for the rapidly expanding city is problematic on many levels.

**Response:** The site is located in excess of 6 km from the urban boundary with several other intervening mineral aggregate extraction sites between the urban boundary and the subject site. In Ottawa, sand and gravel pits are generally smaller-scale and

shorter-term operations than bedrock quarries. They do not involve drilling, blasting or rock crushing and therefore pits may not need to be as widely separated from incompatible uses as quarries. Sand and gravel pits are permitted in the Sand and Gravel Resource, the Bedrock Resource, the General Rural Area. The area of influence for a pit above the water table is considered 150 metres in the Official Plan and the City of Ottawa Zoning By-law 2008-250 would not permit any new dwelling within 150 metres of the ME2 subzone.

**Comment:** The quantity of material available on site has been inconclusively demonstrated. The approximate area of tertiary sand and gravel on the subject lands, net of setbacks and sterilized areas, does not meet the thresholds established by the City. ARP191 provides that any potential sand and gravel on the site is tertiary or the lowest grade.

**Response:** The Official Plan, in Keeping with Provincial Policy Statement commits to the protection of aggregate resources through identification and designation. A 2013 City of Ottawa report titled Bedrock Mineral Aggregate Resource Designations took an approach that considered the size of a formation in designating bedrock resources in a city-wide study. There is no requirement to demonstrate quantity or quality of material for a site-specific rezoning rezone a site for a mineral extraction operation, when the application is concurrent to a licence application to the Province under the *Aggregate Resources Act*. Information related to the quantity and quality of material on site is provided as part of the application for the review of the Province.

**Comment:** Studies have confirmed that aggregate operations negatively impact property values.

**Response:** Compatibility of a proposed pit site must be considered in accordance with Official Plan Policy 3.7.2.7. A 300-metre buffer will be maintained from the front lot line to ensure existing sensitive receptors to the south and west are not adversely affected by pit operations. Further buffering and screening through the construction of berms and the retention of vegetation within the 300-metre buffer and within the license area will further mitigate any adverse impacts. In Ottawa, sand and gravel pits are generally smaller-scale and shorter-term operations than bedrock quarries. They do not involve drilling, blasting or rock crushing and therefore pits may not need to be as widely separated from incompatible uses as quarries. The Official Plan considers the area of

influence for a pit above water to be 150 metres. The proposed separation to sensitive receptors exceeds the requirements.

**Comment:** Proponents have many avenues available to avoid rehabilitation.

**Response:** The applicant has submitted a rehabilitation plan that will see the property returned to agricultural use, with the placement of topsoil and a seed mixture to encourage regeneration. The rehabilitation is implemented by the Province, and any alterations to that rehabilitation plan must be approved by the Province.