



## PLANNING REPORT for the TOWNSHIP OF PUSLINCH

Prepared by the County of Wellington Planning and Development Department

**MEETING DATE:** July 13<sup>th</sup>, 2022  
**TO:** Glenn Schwendinger, CAO  
Township of Puslinch  
**FROM:** Meagan Ferris, Manager of Planning and Environment  
County of Wellington  
**SUBJECT:** **RECOMMENDATION REPORT – Lanci Pit Expansion (CBM, a Division of St. Mary’s)**  
County Official Plan Amendment File OP-2020-04 and  
Township Zoning By-law Amendment File #D14/CBM  
4222, 4228 & 4248 Sideroad 25 South, Puslinch

**ATTACHMENTS:** 1 – Comments from the Public  
2 – Applicant’s Response to Public Comments  
3 – ARA Site Plans (Updated)  
4 – Proposed Draft Official Plan Amending By-law  
5 – Proposed Draft Zoning By-law

### RECOMMENDATIONS:

- 1) That Council receive this Planning Report by the County of Wellington Planning and Development Department;
- 2) That Council support the Official Plan Amendment and advise Wellington County Council of its position on the matter; and
- 3) That staff bring forward a final amending Zoning By-law for Council’s approval upon the adoption of the Official Plan Amendment by Wellington County Council.

### SUMMARY

The purpose of the subject Official Plan and Zoning By-law amendment applications is to amend the County of Wellington Official Plan and the Township Comprehensive Zoning By-law #023/18 to facilitate an expansion to an existing, below the water pit.

Under the Aggregate Resources Act (ARA), an application for a Category 1, Class “A” License has been applied for and the required public consultation under the ARA has been completed in 2021. The statutory public meeting under the *Planning Act* was held on April 13<sup>th</sup>, 2022 to consider comments from the public. The applicant has prepared a response to the public and Council comments provided on April 13<sup>th</sup>, which can be seen in **Attachment 2**. The comments received have also been reviewed and considered as part of planning staff’s assessment. To assist with addressing some of the concerns raised, provisions have been proposed within a draft amending by-law, which can be seen within **Attachment 5** of this report.

The intent of this report is to provide Council with information and a planning opinion, in order for Council to provide an opinion on the County of Wellington Official Plan Amendment. At this time, a decision on

the draft amending Zoning By-law is not required. Planning staff are seeking Council's endorsement of the Official Plan Amendment so that it can be considered by the County's Planning Committee.

Planning staff are of the opinion that the subject development proposal is consistent with the Provincial Policy Statement, the Provincial Growth Plan, has addressed the technical comments received from the various commenting agencies and consultants, and that public comments and concerns have been addressed.

If Council is in support of the proposed Official Plan amendment, a resolution of support is requested to be passed by Council and forwarded to the Wellington County Council.

## **INTRODUCTION**

The intent of this report is to provide a summary of the technical studies submitted and reviewed by the Township's consultants and other commenting agencies, provide an analysis of related planning policies, and review public comments. This report includes a recommendation on the proposed applications and includes a draft amending by-law for both the Official Plan amendment and the Zoning By-law amendment. This report is specifically seeking Council's endorsement of the Official Plan amendment and a decision on the amending Zoning By-law is not required at this time.

The lands subject to the proposed amendments are known municipally as 4248, 4228 and 4222 Sideroad 25 S and combined are 14.8 ha (36.6 ac) in area. The subject applications seek to facilitate an expansion to an existing operation (Lanci Pit).

The existing operation has frontage on Concession 2 and Sideroad 25 S as does the proposed expansion area. The intent is to utilize the existing haul route/access via Concession 2. No additional driveways are proposed at this time and no washing, processing, or dewatering of aggregate material will occur on the site. The applicant has identified the subject site as a "feeder pit" for the existing, CMB operation across the road (CBM Aberfoyle South Pit) where processing of material is proposed to occur.



**Figure 1: Subject Lands**

Under the Aggregate Resources Act, the applicant has applied for a Category 1, Class "A" License, with a proposed annual tonnage of 1 000 000 annually. The proposal is to license the entirety of the subject lands, with extraction limited to an area approximately 10.1 ha in size. As shown on the Aggregate Resource Act (ARA) site plans, the area of extraction excludes the existing significant woodlands on-site (and the associated 5 m buffer from the dripline) and portion of lands along Sideroad 25 S and the south boundary of an existing, vacant lot. A copy of the ARA site plans can be seen in **Attachment 3**.

The lands subject to the proposed applications can be seen in **Figure 1**.

### **PROPOSED AMENDMENTS**

The purpose of the subject applications is to amend both the County Official Plan and the Puslinch Zoning By-law. The applicant has worked with planning staff to amend the proposed draft Zoning By-law to assist with providing clear delineate where extraction is not explicitly permitted in the Zoning By-law and to consider future, after uses once extraction has ceased and the license surrender. It is noted that no decision on the proposed zoning by-law is required at this time.

A detailed description of the proposed amendments are included (below) as follows:

- Amend Schedule A7 (Puslinch) to include the subject lands in the Mineral Aggregate Area and redesignation portions of land from Greenland System to Secondary Agricultural (approximately 0.1 ha (0.24 ac)) and redesignate portion of land from Secondary Agricultural to Greenlands System (approximately 0.23 ha (0.56 ac));
- Amend Schedule C (Mineral Aggregate Resource Overlay) of the County Official Plan by extending the Sand and Gravel Resources of Primary and Secondary Significant overlay to include an additional 2.14 ha (5.2 ac) area of land; and
- Amend Schedule A of the Township Zoning By-law #023/18 by rezoning the subject lands from a site specific Agriculture (A)(sp1) Zone to a site specific Extractive (EXI sp104) Zone, a site specific Agriculture (A sp105) Zone, a site specific Natural Environment (NE sp106) Zone and Environmental Protection Overlay.

Copies of the draft amending by-laws for both the County Official Plan and Township Zoning By-law can be seen in **Attachment 4** and **Attachment 5**.

### **REPORTS & STUDY SUMMARY HIGHLIGHTS**

As part of the formal submission and review process, the applicant submitted a series of technical studies which have been reviewed by staff, the Township's technical consultants and key commenting agencies. Included below is a summary of the report findings and conclusions from the applicable reviewers.

#### ***Natural Environment Assessment prepared by Golder and Associates Ltd (dated April, 2020)***

The report prepared has concluded there will be no negative impacts on significant features and their functions within the study area provided best management practices are implemented including: a 5 metre setback from the significant woodland dripline; implementation of sediment and erosion control along the dripline of the significant woodlands; avoiding soil compaction along the dripline of the woodlands; complying with the removal of trees as per the Migratory Bird Conservation Act; and obtaining a permit from the Ministry of Environment, Conservation and Parks (MECP) regarding habitat removal.

With respects to the rehabilitation plan, the intent is to use locally native and non-invasive species to create a habitat to promote natural succession, including aquatic plants, the creation of shallow wetland habitats, the inclusion of marsh vegetation and the use of organic material and topsoil to promote shoreline vegetation. The proposed rehabilitation plan also is proposing a 3:1 slope (above water) to ensure stability and this area (approximately 1.3 ha) will be planted with trees to assist with compensation

from the loss of the plantation.

**Planning Comment** – The Township’s consulting Ecologist (GWS Ecological & Forestry Services Inc.) has concluded that Golder has addressed all of their comments, including updates to the ARA Rehabilitation Plan (as seen in **Attachment 3**) regarding rehabilitation specifications (i.e. types of trees, area of planting etc.), and that a 5 m setback from the dripline is appropriate. The GRCA has also confirmed they have no objections, that they agree with the proposed best management practices and that they support the 5 metre significant woodland buffer. The GRCA has also recommended that the current groundwater monitoring program continue. Confirmation has been provided by the applicant that they are going through the MECP permitting process with respects to habitat removal.

**Hydrogeological Assessment prepared by Golder Associates Ltd. (dated April, 2020)**

This assessment has reviewed existing conditions and has assessed the resulting potential impacts to surface water and ground water in the area. Existing conditions were identified through a field program initiated in 2017. Impacts specific to groundwater levels, baseflow, water well quantities, aquifer vulnerability and groundwater quality, groundwater temperature and site water budgeting were assessed. The recommendations of the Golder report include: (i) continuation of groundwater monitoring and that this be incorporated with the existing monitoring occurring on the existing Lanci Pit site and (ii) best management practices will be followed for any potential fuel handling for equipment on-site. The recommendations of the assessment have been included in the noted of the ARA site plan (as seen in **Attachment 3**). Through additional analysis cumulative impacts have also been reviewed and satisfactorily assessed.

**Planning Comment** – The Township’s consulting Hydrogeologist (Harden Environmental Services Ltd) initially expressed concerns regarding impacts, including cumulative impacts on groundwater, discharge to Mill Creek and the impacts to local water wells and water balance. Since the completion of the Golder report, additional analysis has been provided and has been reviewed. The Township’s consulting Hydrogeologist has confirmed that they are now satisfied that the development proposal will not result in water quantity or quality issues or significant changes to groundwater discharge to Mill Creek, and that the cumulative impacts will not be increased.

**Noise Impact Assessment prepared by Golder and Associates Ltd (dated April, 2020)**

Fifteen (15) existing points of reception were evaluated, with the closest receptors being the vacant lot between the existing and proposed aggregate operation; 4225 Sideroad 25 South; 4219 Sideroad 25 South; 4207 Sideroad 25 South; and 4195 Sideroad 25 South. The assessment reviewed noise impacts for the above the water and the subsequent below the water extraction, including the specific equipment utilized initially (i.e. two front end loaders, haul trucks) and the use of draglines, one front end loader, and haul trucks at the below the water extraction stage.

The assessment also identified that noise barriers would be needed for above the water extraction, specifically along the vacant lot between the two sites, *if* a house was built prior to extraction. For below the water extraction, noise barriers are proposed along Sideroad 25 South that ranges 3 - 5.5 metres in height. The report identifies that the berm/barrier could be a different type of barrier or combination of barriers (i.e. tractor trailers or shipping containers) provided they meet a minimum height, surface density and are constructed without gaps. A series of assumptions were relied upon when calculating potential noise levels such as the extraction will be during the daytime and limited to 7:00 am to 7 pm; that there is a buffer of 15 m along the length of the vacant lot and 30 m along Sideroad 25 South; there is a 5 m buffer between the woodlot; that certain equipment would be utilized; that acoustic barriers or other



controls would be installed. Overall, the assessment concludes that noise levels would be at or below the MECP performance limits, with the installation of noise control measures.

**Planning Comment** – To address comments from the Township’s acoustic consultant (Valcoustics Canada Ltd.) the ARA Operational Plans have been updated to include requirements specific to noise, including but not limited to: the equipment (i.e. operation, good working condition, and manufacturer noise control devised); the investigation of back up alarms to help offset back up beeper sounds; that the sound levels of equipment will be confirmed prior to operation; that equipment shall be located on the above the water pit floor following initial operation; and that an acoustic audit will be completed within 6 months of the start of extraction. The Township’s consultant has confirmed that their comments have been addressed and that they agree that the MECP noise guideline limits will be met subject to the mitigation measures recommended by Golder and the updated notes on the Operation Plans.

Traditionally, the Township has accepted noise barriers in the form of earth berms; however, it is noted that other types of barriers could be utilized. The use of other types of barriers such as tractor trailers or shipping containers is uncommon within the Township. Consideration may be given to updating the ARA site plans to include notes regarding the type of alternative acoustic barriers and the need for the Township to be provided copies of the 6 month noise audit.

#### **Dust Management prepared by MHBC (dated July 13, 2020)**

The letter submitted identifies that both prescribed requirements and CBM’s policies will be utilized to manage dust. The letter also outlines that prescribed requirement for dust management for internal haul roads exist; that the overburden berms and stockpiles will be seeded to minimize dust; that the use of berms will assist with noise and dust mitigation; and that dust management will be monitored via annual Compliance Assessment Report audits and inspections from the Ministry of Northern Development, Mines, Natural Resources and Forestry. CBM’s internal dust management policies are as follows: for internal road maintenance the use of surface materials that are smooth and reapplication of gravel to reduce silt; on-site speed limit of 25 km/h; and during non-freezing conditions water or another provincially approved dust suppressant will be used.

**Planning Comment** – The ARA site plans do include some notes regarding dust management and stockpiling; however, the ARA site plans should be updated to incorporate all of the proposed dust mitigation measures identified as notes on the ARA site plans.

#### **PUBLIC & COUNCIL COMMENT SUMMARY**

As part of the public meeting held on April 13<sup>th</sup>, 2022, two members of the public spoke in opposition of the subject development proposals. A comment letter was received from one of the members of public that spoke at the Public Meeting; however, it was received after the preparation of the planning report. It was understood this letter was provided to Council under separate coverage; however, this letter has been included in **Attachment 1** for ease of reference. Below is a summary of comments from the public meeting.

#### **Public**

The comments received from members of the public have been summarized as follows:

- Concerns with the Aggregate Resources Act process, the proposed site plans, and items for consideration under the ARA (i.e. the type of application, lack of limit on the days of operations, future site plan amendments)

- Rehabilitation and conformity with the Growth Plan
- Natural environment concerns, including the removal of a habitat of endangered species and the 5 m setback from the woodlands including root compaction;
- Ground water impacts (i.e. wellhead protection area Q).
- Concerns regarding the increased life of the Lanci Pit and the use of the current Lanci Pit's hours of operation (7 am to 7 pm, daily, without weekend exclusion).
- Impact on the agricultural area

### ***Council***

The comments received from Council have also been summarized below:

- Consideration of ways items such as tree planting and after uses can be ensured if the proposal intends to rezone the subject lands to an Extractive Zone and are subject to ARA site plan amendments.
- An interest in seeing rehabilitation and after uses that provide added value to the community.

### ***Planning Comment***

The applicant has prepared a response to public and Council comments which can be seen in **Attachment 2**. It is our understanding the comments have not been received from any of the neighbours within the immediate area. Rehabilitation, natural environment and ground water concerns are addressed through the technical review as indicated by the Township's consultants. The applicant is also going through the Provincial approval process for the removal of an endangered species habitat. Impacts with respects to the immediate area and land use compatibility have been addressed by the applicant's Planner and through the submission and review of a noise impact assessment. It is further noted that the applicant is proposing that the subject expansion be subject to the same hours of operation that currently exists for the abutting Lanci Pit. Planning staff have also assessed this development proposal and the proposed use in relation to Provincial policy, which can be seen in the 'Policy Analysis' section of this report. Overall, the comments received from the public have been considered and are addressed.

### **UPDATE ON AGENCY COMMENTS**

As part of the public meeting report, a summary of the comments available at the time of report preparation were included. Since that time, confirmation has been provided that the ARA plans have addressed GM Blue Plans comments regarding identification of siltation fencing and final comments from the Township's consulting Noise Specialist (Valcoustics Canada Ltd) were received. With respects to the latter, confirmation has been provided that Valcoustics Canada Ltd. are satisfied that the mitigation measures proposed by Golder will ensure that the MECP noise guideline limits will be met and that the ARA site plans have been updated to address their outstanding comments. More details are within the planning comment under the 'Report & Study Summary' Section.

Overall, it has been concluded that the Township's consultants and external agencies, including source water protection and Grand River Conservation Authority staff have no objections to these applications.

### **POLICY ANALYSIS**

#### **PROVINCIAL POLICY STATEMENT (2020)**

The subject lands are designated primarily as Secondary Agricultural Area in the County Official Plan, as

such, Section 1.1.4 *Rural Areas* and Section 1.1.5 *Rural Lands* are applicable. Rural Areas are identified as a system of lands that include a variety of uses including natural resource areas. Although the Plan identifies the importance of leveraging rural assets and amenities, it also acknowledges that there is a need to protect the environment. On Rural Lands, permitted uses include the management or use of resources.

With respects to land use compatibility, it is noted that surrounding land uses consists of existing aggregate operation, the Crieff community to the south, and there is a vacant lot and four (4) dwellings in close proximity and along Sideroad 25 South. The applicant had prepared a series of supporting studies, including a Noise Impact Assessment and a Hydrogeological Assessment. Noise mitigation measures (i.e. acoustic barriers, requirements for equipment) are proposed as extraction occurs and Township Hydrogeologist has concluded that they are satisfied and do not object to this application. It is noted that an updated door to door survey will be required prior to extraction to update existing information regarding private wells within 500 m and within 6 months of extraction an acoustic audit has been required by the Township's noise consultant. These are included as notes on the ARA site plans as seen in **Attachment 3**.

Under Section 2.5 of the PPS, there is policy direction for the protection of long-term resource supply and that these resources shall be made available as close to markets as possible and that there is no requirement for a demonstration of need. Further, the policy direction identifies that "extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts".

Progressive and final rehabilitation shall be required to accommodate subsequent land uses, promote land use compatibility, recognize the interim nature and mitigate potential impacts. Final rehabilitation shall take into consideration surrounding land uses and approved land use designations. Comprehensive rehabilitation planning is also encouraged where there is a concentration of operations. **Attachment 3** includes a copy of the ARA site plans, including the proposed rehabilitation plan. Tree planting approximately 1.3 ha in area is proposed and rehabilitation also proposed to introduce aquatic habitat within the resulting pond. The applicant has indicated that they intend to leave an area that is outside of the extraction area (i.e. along the south boundary of the existing vacant lot and along Sideroad 25 S) for future, after uses. These after uses have also been considered in the proposed draft amending Zoning By-law as seen in **Attachment 5**. Although not clearly indicated on the ARA plans, the applicant has indicated that once extraction is completed, that there is an intent to create one large lake that connects both the existing Lanci Pit lake with the proposed 5.9 ha lake within the expansion area.

With respect to cultural heritage and archaeology, the applicant has completed a Stage 1 and Stage 2 Archaeological Assessment. The Assessment has been filed with the Ministry of Tourism, Culture and Sport and no additional review is required.

The subject lands contain an identified significant woodland. No extraction is proposed within the lands identified as significant woodland in the County Official Plan. As part of the supporting studies, an Environmental Impact Assessment and Hydrogeological Assessment was submitted, reviewed and accepted by the Township's consultants. The conservation authority and the Township's consultants have provided confirmation that natural heritage impacts and water quality and quantity impacts have been adequately assessed. It is further noted that applicant is working to obtain Provincial approvals regarding habitat removal for an endangered species.

### **PROVINCIAL GROWTH PLAN (2019)**

The intent of this application submitted by CBM is to continue aggregate extraction next to an existing licensed pit they also own and utilize the existing internal haul route and access to Concession 2 via the existing pit. It is further understood the long term rehabilitation plan is to connect the existing pond with the new pond, creating one large lake, once extraction has ceased. When considering new or expanding mineral aggregate operations, Section 4.2.8 is applicable. Section 4.2.8 c) allows for expansions to existing mineral aggregate operations within in the Growth Plan's Natural Heritage System, if consistent with the Provincial Policy Statement and the rehabilitation requirements of the Growth Plan.

Section 4.2.8.4. outlines rehabilitation requirements with the need for below the water pits to be rehabilitated to aquatic enhancement, the combined terrestrial and aquatic rehabilitation will need to meet the intent of item b) with respects to feature health, diversity, size and that extraction within a feature is to be completed and rehabilitated as early as possible. Policies with respects to final rehabilitation seek to establish a minimum of forest cover.

The applicant's Planner and the supporting environmental assessment prepared by Golder has indicated a pond approximately 6.1 ha in size would result. It is noted that through the detailed review that the pond size was amended to recognize the final, smaller area of 5.9 ha. The proposed rehabilitation will include shallow shoreline wetlands, the introduction of additional forest lands, and preservation of the significant woodlands on-site. The rehabilitation plans also include the introduction of approximately 1.3 ha of tree covering on the side slopes and along the woodlands with the use of species types common to the area. There was an endangered species habitat identified on-site and the applicant is going through the permitting process for removal and replacement of this habitat pursuant to Provincial requirements. Further, it is understood that the long term rehabilitation plan would result in a connection of the two water features into one larger lake. The applicant's Planner has also indicated that the overall rehabilitated area (new and retained) would equate to approximately 4.1 ha.

### **GREENBELT PLAN (2017)**

The subject lands are not located within the Greenbelt Plan.

### **COUNTY OFFICIAL PLAN**

Within the County Official Plan the subject lands are designated as Secondary Agricultural Area with a portion of the site being within the Greenland Systems and within the Paris Galt Moraine. The feature identified within the Greenlands System designation is significant woodlands. The County Official Plan identifies that a majority of the subject lands, excluding the lands identified as significant woodlands, are identified to contain sand and gravel resources of primary and secondary significance.

As previously mentioned in the public meeting report, an aggregate operation is a permitted use within the Secondary Agricultural Area. New or expanding operations may be permitted, subject to an amendment to the Official Plan. Section 6.6.5 is applicable, and the following will need to be considered:

- a) the impact on adjacent land uses and residents and public health and safety;
- **Planning Comment** – The applicant has submitted a series of technical assessments, including a Noise Impact Assessment and a Hydrogeological Assessment. Through mitigation and best management practices, the applicant's consultants have concluded that this development proposal is appropriate. It has been further concluded by the Township's consultants and the GRCA that impacts can and will be mitigated, with no

objections to the application remaining. A recommendation for an acoustic audit 6 months from the start of extraction activities was given by the Township's acoustic engineer. Prior to extraction, a door to door survey to update the existing private water supply data for properties within 500 m shall also be complete. Both items are included as notes on the amended ARA Operation Plans as seen in **Attachment 3**.

It is understood that the Township has also commissioned a consultant to prepare a safety audit with respects to the subject proposal. At the time of preparation of this report the findings of the safety audit were not available.

b) the impact on the physical (including natural) environment;

- **Planning Comment** – The proposal seeks to remove a plantation from the subject site and retain a woodlot that has been identified in the County Official Plan and field verified by Golder and the Township's Ecologist (GWS Ecological & Forestry Services Inc.). The proposal is next to an existing operation which is close to completion. The intent is to utilize the existing haul route, access, and the proposed expansion will maintain the same hours of operation and annual tonnage.

The applicant's environmental assessment identified habitation for an endangered species (little brown myotis) and the applicant is working through a permitting process with the Ministry of Environment, Conservation and Parks (MECP) to obtain the necessary permits for habitat removal. It is understood that this process through the Province has been supported by a mitigation plan.

Mitigation of impacts to the significant woodlands have been proposed, including a spatial buffer, implementation of sediment controls to limit runoff from entering the forest, and recommendations regarding limiting machinery activity (specifically during the wet periods) to avoid soil compaction.

c) the capabilities for agriculture and other land uses;

- **Planning Comment** – The subject lands currently contain two dwellings and include a forest plantation. The subject lands are primarily identified as Secondary Agricultural Area with the County Official Plan. The Secondary Agricultural Area policies recognizes that these areas have potential to sustain some agricultural uses. Permitted uses include: all uses within the prime agricultural area, small-scale commercial, industrial and institutional uses, and public service facilities. It is noted that the subject lands are not currently in cultivation, is comprised of three lots ranging in size from 4.4 ha to 5.8 ha, and generally functioned as larger, rural residential lots.

d) the impact on the transportation system;

- **Planning Comment** – The applicant has indicated the intent is to use the internal haul route via the existing Lanci Pit operation, which runs along the westerly boundary. The proponent intends to process material at the northern plant (Aberfoyle South Pit) on the north side of Concession Road 2, therefore the existing access will be utilized. It is understood that the applicant is of the opinion that due to the annual tonnage, haul route

and hours of operation will remain the same and that there will be no new impacts. Although no truck access is proposed on Sideroad 25 S, the proposed draft amending by-law includes a provision providing clarity that truck access is only permitted from Concession 2.

e) existing and potential municipal water supply resources are protected in accordance with Sections 4.9.5 and 4.9.5.9 of this Plan and the applicable Source Protection Plan.

- **Planning Comment** – Section 4.9.5 and 4.9.5.9 are related to source water protection and mineral aggregate operations. The subject lands are not located within a Wellhead Protection Area for quality and is not in a Highly Vulnerable Aquifer, but has been identified as being located in a Significant Groundwater Recharge Area. The Township's Hydrogeologist has reviewed water balance and cumulative impacts and is satisfied that an increase in infiltration will occur and has concluded that the cumulative impacts will not result in any greater impact if this application is approved. The supporting environmental and hydrogeological studies also recommend best management practices for the storage/handling of fuel, including spill management plans. Source Water Protection staff have expressed no objections to this application.

f) the possible effect on the water table or surface drainage patterns;

- **Planning Comment** – As mentioned above, in item e) water balance and cumulative impacts have been assessed by the Township's Hydrogeologist. Further, the applicant has confirmed that a Permit to Take Water is not required. There are no watercourses or waterbodies on the subject lands and the applicant has indicated that runoff generally drains internally to the existing Lanci Pit site and, at times, the neighboring pit to the west. There are no anticipated adverse effects from runoff.

g) the manner in which the operation will be carried out;

- **Planning Comment** – Extraction is proposed to be completed in a single phase, working in a north to south direction for above the water extraction and moving south to north for below the water extraction. No on-site processing or dewatering is proposed to take place. Extraction of material will be completed using excavators and draglines. The intent is to implement hours of operation of 7 am to 7 pm (daily), which is the same of the existing operation, and utilize the existing entrance at Concession 2. No truck access is proposed on Sideroad 25 S.

Acoustic barriers are proposed to be installed in the second phase of extraction and will be implemented sooner if the vacant lot is built upon in the above-water extraction stage. The ARA Operation Plans also identifies an area for scrap storage and fuel storage, which is near the southern boundary of the existing operation. Any aggregate stockpiling will occur on the pit face and not exceed 15 m in height.

h) the nature of rehabilitation work that is proposed; and

- **Planning Comment** – The proposed rehabilitation of the subject lands is a 5.9 ha pond with tree and shrub planting along the edge of the pond. The rehabilitation plan also



includes an introduction of aquatic habitat. The applicant has identified the long term intent to create one large lake with the abutting, existing pond. The proposal will be rehabilitated to a similar state of the current Lanci Pit operation immediately north; however, more natural woodlands will be retained on this portion of the site. Tree planting approximately 1.3 ha in area is also proposed. The applicant has further indicated that the overburden will be used for progressive rehabilitation or stockpiling for later rehabilitation.

Section 6.6.8 of the Official Plan also sets out items for consideration for rehabilitation for new aggregate operations; however, complete rehabilitation for below the water table extraction is not required subject to criteria in Section 6.6.9. The applicant has identified that there is 3 – 4 million tonnes of material on site and that the sand and gravel deposit is approximately 20 m thick. The subject lands are not designated as Prime Agricultural Area and impacts to the environment have been considered through the submission and review of technical studies. With respects to after uses and land use compatibility, as mentioned above, the intent is to create a pond. It is recognized that other land uses will be limited on the subject lands due to the extraction area, the retained significant woodlands and the proposed pond. However, the applicant has provided conceptual plans to demonstrate the potential for inclusion of building envelopments along Sideroad 25 S. The draft amending zoning by-law also proposes after uses (once extraction has ceased and the license is relinquished) for uses including: single detached dwelling, conservation use, park use. However, it is recognized that development potential for a single family dwelling will be required to be demonstrated prior to a future building permit.

i) the effect on cultural heritage resources and other matters deemed relevant by Council

- **Planning Comment** - The applicant has submitted an Archaeological Assessment (Stage 1 and 2) which have concluded that no archaeological resources were found and no additional archaeological assessment is required. This study has been filed with the Ministry.

With respects to the County's Greenland System, and other water resource specific policies, including the Paris Galt Moraine and the Mill Creek watershed, the potential impacts of this proposal have been adequately assessed and evaluated.

#### **PROPOSED OFFICIAL PLAN AMENDMENT**

The proposed Official Plan Amendment is to identify the subject lands as part of the Mineral Aggregate Area on Schedule A7; include a portion of the lands (excluding the natural feature) within the Mineral Aggregate Resource Overlay (Schedule C); and to redesignate portions of the Greenland System based on updated field verification of the significant woodlands on-site. The County Official Plan allows expansions and new or expanded mineral aggregate operations and extraction below the water table provided policies in Section 6.6.5 and 6.6.9 are met. These policies have been evaluated in the above policy analysis section for the Official Plan.

A copy of the draft Official Plan amendment by-law can be seen in **Attachment 4**. As part of this report, planning staff is seeking Council's endorsement of the County Official Plan amendment.

## **PROPOSED TOWNSHIP ZONING BY-LAW AMENDMENT**

The subject lands are currently zoned as a site specific Agriculture (A)(sp1) Zone and a portion of the subject lands, specifically 4222 Sideroad 25, is subject to the Township's Environmental Protection Overlay. The site specific zoning allows for a kennel as an additional use.

The applicant has initially proposed to rezone the subject lands to Extractive (EXI) Zone which included the full list of permitted uses and no additional considerations; however, planning staff and the applicant have worked on preparing a revised, proposed amending by-law which can be seen in **Attachment 5**. The intent of the draft amending by-law as follows:

### Site Specific Extraction Zone

- Scale back the location of the Extractive (EXI) Zone to align with where extraction is proposed to occur and scope the uses in the EXI Zone to the following: a pit, agricultural use, conservation use, pit and wayside pit or quarry; and
- Clarification has been added that a conservation uses in the EXI Zone includes the required tree planting of approximately 1.3 ha as required as part of rehabilitation.

### Site Specific Agricultural Zone

- Add a site specific Agriculture (A) Zone to the lands *outside* of the extraction area (i.e. along Sideroad 25 S and the southerly boundary of the vacant lot) and establish permissions for uses after extraction. These uses include: a single detached dwelling, accessory apartment, community use, home business, home industry, and a public park.
- The site specific provision clarifies: that the visual/acoustic berms are permitted within this area for the duration of the license; that the scoped uses are permitted after extraction, rehabilitation has occurred and the license has been surrendered; and that the reduced Agricultural Lot Zone regulations shall apply to future dwellings; and
- Identify the haul route access is only permitted on Concession Road 2.

### Site Specific Natural Environment Zone

- Rezone the significant woodlands and the 5 m buffer to the NE Zone; and
- Place the Environmental Protection Overlay over the significant woodlands identified via field verification.

The proposed amendments would seek to align the extraction zone with the extractive area; limit the uses of the aggregate operation to reflect the proposal (i.e. no on-site processing, washing, dewatering); clarify the truck access to align with the proposed haul route; allow for uses to occur on-site along Sideroad 25 S once extraction has ceased, rehabilitation has occurred and the license has been surrendered; and to include added protections for the significant woodlands on-site and the associated buffer. The proposed zoning amendment has been prepared to address the proposed uses and after uses based on comments received from the public and Council.

## **PLANNING OPINION**

The subject application has been through a detailed review since application submission. In support of the application, the applicant has submitted technical studies to evaluate the site and potential impacts of the proposed use. More specifically, a Hydrogeological Assessment has assessed ground water and surface water impacts; the Natural Environment Assessment assessed the features on site and any potential on-site and offsite impacts; and a Noise Impact Assessment has reviewed and proposed mitigation measures to address potential off-site impacts to adjacent sensitive land uses. All commenting

agencies and Township consultants circulated through the *Planning Act* process have confirmed their comments have been satisfactorily addressed and there are no objections to the subject development proposal. It is further noted that the intent is to preserve the significant woodlands on-site and introduce a 5 m wide buffer to protect the feature; obtain the appropriate Provincial approvals for the removal of an endangered species habitat; introduce noise mitigation measures as extraction occurs; and to progressively rehabilitate the subject site into a water feature with aquatic habitat and plantings along the shoreline and on-site (i.e. 1.3 ha of trees).

At this time, Planning staff are seeking Council's endorsement on the County Official Plan amendment as planning staff are satisfied that the use is appropriate and the comments from the public have been considered and have been addressed. Prior to the approval of the amending Zoning By-law, Council may wish the following items to be addressed:

- An update of the ARA site plans to include notes regarding items such as: dust management; revised wording of the alternative acoustic barriers; and confirmation that the Township will receive copies of the updated well survey and acoustic audit; and
- Approval of the Ministry of Environment, Conservation and Parks permit for the removal of habitat of an endangered species.

Council may wish to also consider the conclusions to the safety audit and include these findings within their comments either through a note on the ARA site plans or a recommendation to the Ministry.

Planning staff are of the opinion that the subject development proposal and principle of use is appropriate and represents appropriate development that is consistent and in conformity with Provincial policy and the County of Wellington Official Plan.

Respectfully submitted,  
County of Wellington Planning and Development Department



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Meagan Ferris, RPP MCIP  
Manager of Planning and Environment

MILL CREEK STEWARDS

[REDACTED]  
[REDACTED]  
6927, Concession 2  
Puslinch, Cambridge.  
Ontario. N3C 2V4

April 08, 2022

Mr. Aldo Salis  
Director of Planning and Development. County of Wellington  
74 Woolich Street  
Guelph, Ontario. N1H 3T9

**Re: Letter of Objection- CBM/St Marys Application for an Amendment to the Official Plan (County of Wellington), Extension to Lanci Pit, Rear Lot 25, Concession 1, Puslinch.**

Dear Mr. Salis,

This letter presents objections on behalf of myself and our informal community group, the Mill Creek Stewards. We begin with a general objection followed by eight specific objections, all of which deal with aspects of this proposed Amendment and their negative impact on planning in the County/Township.

The general objection deals with County/Township planning in general, noting this aspect is recognized under the license approval submission, Aggregate Resources Act, Part II, Item 12. (last amended 2021), whose subheadings are used below.

**Planning**

• **12 (1) (g) any planning or land use considerations**

(i) CBM/ St Marys states in its Planning Report Summary Statement (PRSS) Puslinch Zoning Bylaw, “No new non-agricultural buildings are permitted within 500 m of the property boundary. These setbacks were put in place to ensure compatibility between the retreat centre and the adjacent pits.”

(ii) CBM/St Marys states in its PRSS Aggregate Resources Act, “The rehabilitated landform may provide opportunities for future residential development fronting onto Sideroad 25.”

(iii) CBM/St Marys states in its PRSS Project Description, “There will be a 0 m extraction setback....This provides for a coordinated approach to effective resource management by not unnecessarily sterilizing significant aggregate resources.”

(iv) CBM/St Marys states in its O.P. 5.19.1, “Variations. To allow for 2:1 slope below water to maximize resource extraction.”

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With respect to (i), these setbacks were not a negotiated compromise on the part of the industry and the rest of the community but dictated by an OMB decision, in response to a plan to marginally expand the conference facilities of the Crieff Hills Christian Retreat Centre. This OMB decision was contrary to Puslinch Township's planning and land use considerations and contrary to long-term, economic rural community development. TCG Materials Ltd. v. Puslinch (Township) 1990 O.M.B.D. No. 910

With respect to (ii), a consultant contracted a decade ago by Puslinch Township to review the main Lanci Pit site plan proposal, noted "Human habitation within these fragmented areas will be significantly reduced in the short-term and this condition will likely persist in the long-term due to the narrow strips of land left for housing and limited ability of the native soils and oligotrophic pit ponds to assimilate sanitary sewage." GWS Ecological & Forestry Services Inc.

With respect to (iii), the same consultant, GWS Ecological & Forestry Services Inc. also stated, "In light of the extensive existing and proposed mining below the water table, this area will eventually become a series of small rectangular lakes, separated by roads and narrow, unattractive ribbons of land. This future landscape will not provide favourable habitat for most wildlife species other than possibly some wildfowl. Current wildlife movement patterns will also likely be affected."

Quite simply (see Appendix A), do we when planning, choose to "sterilize" some non-renewable resources or sterilize rural development of our community including its economy and its environment.

Which brings us to the eight specific objections:

### **Planning for the Environment.**

#### **• 12 (1) (a) effect on the environment**

In seeking this Amendment, CBM/St Marys states in its PRSS Executive Summary, "it is expected that there will be no negative impacts to the significant natural features and functions on and adjacent to the subject lands." however under PR Natural Heritage Features, Golder more specifically states, " there will be no residual impacts because either the habitat wouldn't be removed or only a limited amount of habitat would be removed relative to what is currently available in the local landscape."

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We note the more specific statement because in Appendix B you'll see photographs of "what is currently available in the local landscape" that CBM/ St Marys "interprets" as so capable of mitigating impact. We mostly see more aggregate pits and ponds. It's also worth noting that the lands presently proposed for the extraction amendment, were the mitigating local landscape referred to in CBM/St Marys' main Lanci Pit site plan, presented a decade ago.

The fact is our Puslinch community can't afford the creeping aggregate sprawl, whose site plans continually suggest bordering lands will be the mitigating solution to "effects on the environment", especially when those same lands become the next pits.

If there were any doubts about potential continued sprawl, we note CBM/ St Marys states in its PRSS Growth Plan Policy, "There is no aggregate extraction proposed within the adjacent significant woodlands". They then go on to state under PRSS Land Holdings, " CBM is proposing to license this area in its entirety." and then tucked away under PRSS Water Resources, "Drilling has indicated that the sand and gravel deposit may extend further south (*under the woodlands*) than the mapping indicates."

Future aggregate sprawl in Puslinch Township, has clearly already been mapped out in aggregate industry boardrooms.

But let's also look at the environmental protection aspect of this proposal. As one example, CBM/St Marys states in its PRSS Proposal, "A 5 m extraction setback is proposed from the drip line of the significant woodland immediately south of the subject lands." In its Operations Plan 1.2.16, CBM also states, "The depth of extraction ranges from...to 24 m in the southeast portion of the site." That's a 72 foot high excavation face composed of unstable soil, the height equivalent of an eight story building." standing immediately next to those significant woodlands with 5 m of protection. It gets worse as CBM goes on in O.S. Variations. 5.19.1. to propose, " a 2:1 slope below water to maximize resource extraction.", a slope that will make the above ground excavation face even more unstable as well as the below water table face. This instability CBM casually notes under its Rehabilitation Site Plan with the statement, "Below water slopes will occur to the natural angle of repose."

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*This and other adverse impacts on the County/Township's environmental planning are the first reason we object to granting this OP Amendment.*

### **Planning and Agricultural Resources**

- **12 (1) (f) any possible effects of the operation of the pit or quarry on agricultural resources**

In seeking this Amendment, CBM/St Marys states under its PRSS Agricultural Resources, "The subject lands are not recognized as a prime agricultural area based on both the Province's Agricultural System for the Greater Golden Horseshoe and the County's Official Plan" but does go on to note, "While the subject lands are not located within a prime agricultural area, they would be considered prime agricultural lands based on OMAFRA's mapping." In addition it notes under PRSS Background that, "there are limited agricultural uses in the vicinity of the subject lands."

The requirement for prime agricultural area is strictly a matter of sufficient prime farmland acreage within a given area. It is interesting to note that when seeking license approval for a neighbouring pit as far back as 1989 (the McMillan Pit), the aggregate industry's supporting Agricultural Assessment stated, "the presence of various commercial operations in the area has already weakened the farm community... the farmland community is broken by licensed aggregate pits" Gartner Lee Ltd. 1989.

Clearly over the last four decades, the aggregate industry has "broken" the local farm community in Puslinch and subsequently the agricultural use of local lands, hence any potential for its remaining prime agricultural land to be protected as an "area". The resulting lack of a prime agricultural area classification shouldn't be positioned as a positive factor supporting an Amendment for further destruction of Puslinch farmland.

*This and other adverse impacts on the County/Township's agricultural resource planning are the second reason we object to granting this OP Amendment.*

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### ***Planning and Water Resources***

- **12 (1) (e) any possible effects on ground and surface water resources including drinking water**

Under the PRSS Executive Summary, CBM/St Marys states, “the proposed extraction will not have adverse effects on the water resources of the area.”

However under PRSS Water Resources it states, “Below water extraction will result in the eventual creation of a permanent pond that will flatten water levels in its vicinity. The magnitude of the water level change is estimated to be approximately 0.1 m at the pit pond. Golder concluded it is not expected there will be any adverse impacts to water quantity at surrounding private wells as a result of this minor water level change.”

Quite simply, “will not” does not mean the same as “not expected to” or “will flatten water levels in its vicinity”. Given the existing extent of aggregate mining, and its effect on water levels (see the most recent CBM Roszell Pit review by Aboud & Associates Inc., April 04, 2022. “In conclusion, our review has determined.... that the project is likely contributing to low water levels in the Roszell wetlands”), the Puslinch community can not afford anymore “not expected to”s.

*This and other adverse impacts on the County/Township’s water resource planning are the third reason we object to this OP Amendment.*

### ***Planning and Rehabilitation***

- **12 (1) (d) the suitability of the progressive and final rehabilitation plans for the site.**

In seeking this Amendment, CBM/St Marys states in its PRSS Proposal, “the rehabilitated landform will be compatible with the surrounding area.

They then go on to state under PR Surrounding Land Uses that, “The Lanci Pit is located immediately north of the subject lands, while the CBM Puslinch Pit is located to the east... and the Dufferin Mill Creek Pit is located directly west of the subject lands.”

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What then does “compatible with the surrounding area” mean as it certainly could legally mean compatible with surrounding aggregate pits.

If it means as stated in the PRSS Executive Summary, “an ecologically based rehabilitation plan .... to enhance the natural heritage system.”, then we would note a similar statement was included over a decade ago in the site plan approved for the main Lanci Pit. Since the present PRSS Proposal states, “Extraction has primarily been completed on this site (Lanci Pit) and the majority of the site has been rehabilitated to open water with naturalized side-slopes.”, we could reasonably expect the main Lanci Pit to already demonstrate CBM/ St Marys' rehabilitation commitment.

We refer you to Appendix C for photographs of that main Lanci Pit illustrating not rehabilitation commitment but rather a significant lack of commitment, i.e. CBM/St Marys' interpretation of “an enhanced natural heritage system”.

The fact is our Puslinch community's planning can't afford this interpretation of rehabilitation, let alone more.

*This and other examples of adverse “rehabilitation” impacts on the County/ Township's planning are the fourth reason we object to granting this OP Amendment.*

## **Planning and County/Township Communities**

### **• 12 (1) (b) the effect of the operation of the pit on nearby communities**

The Puslinch community in 1989 was presented with a Rehabilitation Plan for the Aberfoyle Pit (now owned by CBM/St Marys), as part of a new pit license application. It stated, “The Aberfoyle site is one of the most successful and certainly the most visited of all the operations. Since rehabilitation is producing a beautiful site, with wooded slopes surrounding a lake, the site is in demand for a variety of recreational uses.” and “The property has had an ongoing program of Progressive Rehabilitation for the last 20 years (1969-1989). ....the result is a lake, with side slopes graded, topsoiled, seeded and planted. The working areas of the pit have been integrated with areas that will never be extracted, to produce an attractive and diverse landscape.” and “Less than 10% of the property contains remaining reserves... some of these reserves will be left in the ground permanently to allow for

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future development. *Purchase of the Edgington's property will extend the life of the pit by two years at the most. i.e. 1989-2001.* As the pit is approaching depletion of resources, TCG has retained consultants to review development plans for the property... By establishing an appropriate after use now, the Company can plan the final stages of operation to facilitate the development of the property... The objective is to create a finished property that will have development potential for housing or recreation or industrial use, providing an asset to the community and the Company.”

One of the critical considerations when considering effects of aggregate pits on nearby communities, especially planning, has to be duration of pit activity, including all forms of aggregate activity. The above quote from 1989 clearly suggests that the company is seeking a new pit license because the lifespan of the Aberfoyle Pit is no greater than two years. That was thirty years ago and during that period, aggregate activity has not only increased but moved closer to the community of Aberfoyle (just 500 m away).

We refer you to Appendix D for photographs illustrating the aggregate industry's interpretation of pit duration and rehabilitation and the resulting “minimal” social impact with respect to noise, dust and traffic.

The fact is despite some good rehabilitation efforts at this pit, CBM/ St Marys “interpretation” of duration and final rehabilitation of the Aberfoyle Pit, completely negates those efforts and is digging the Aberfoyle community into a massive aggregate hole.

CBM/ St Mary's also casually notes under PRSS Proposal, “the proposed hours of operation for the expansion including extraction and shipping are 7am to 7pm daily” rather than on weekdays, as is standard.

*This and other adverse effects of this proposed Amendment on the County/ Township's planning for communities close to aggregate pits, are the fifth reason we object to granting this OP Amendment.*

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### **Planning and Aggregate Industry Compliance**

- **12 (1) (j) the applicant's history of compliance with this Act and the regulations, if a license has previously been issued to the applicant under the license.**

In seeking this Amendment, CBM/St Marys states in its PRSS Conclusion, "The operational design of the pit incorporates the recommendations of the technical reports prepared for the application in order that the pit can operate within Provincial guidelines and minimize social and environmental impacts."

We would note that CBM/St Marys in its Neubauer Pit Site Plan from a decade ago stated, "At the present time it is intended that material will be moved from the property for processing at either the McNally Pit to the north or the Mast Pit to the west, via conveyor belt under the existing municipal road."

This conveyor belt to minimize social impact has never materialized and once again CBM/St Marys says it's a matter of interpretation.

We refer you to Appendix E for photographs illustrating yet again, a CBM/St Marys interpretation, in this case CBM/St Marys' interpretation of minimal social impact with respect to community road safety.

The fact is our Puslinch community can't afford this or any of the preceding "interpretations" of CBM/St Marys.

*This and other examples of non-compliance impacts on the County/Township's general community planning are the sixth reason we object to granting this OP Amendment.*

### **Planning and Aggregate Industry Consideration for its Partner Communities**

- **12 (1) (c) comments provided by the municipality in which the site is located.**

Members of municipal Council (Township of Puslinch) have on multiple occasions commented on their opposition to any expansion of "below water table" (BWT) pit acreage. Most recently, the municipality passed a resolution supporting a

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moratorium on further aggregate pit licenses in Ontario, pending a complete review of the province's approach to aggregate mining.

Our Puslinch community recognizes the valuable resource role of all of our residents, green-space, businesses, farmers, institutions and wetlands in supporting the broader provincial and federal communities, including our aggregate industry partners. However that support requires that partners within and between communities must play their role fairly to ensure the trust necessary for communities to plan and prosper. At present, the aggregate industry's provincially supported approach to gravel mining has been far from fair. The result has been broad distrust between the aggregate industry and its community.

*The adverse impact of this distrust on the County/Township's planning is the seventh reason we object to granting this OP Amendment.*

And finally we attach a sample page from CBM/St Marys' Planning Report and Aggregate Resources Act Summary Statement as Appendix F. For your information we have highlighted inconsistencies and vague words and phrases in red. The resulting sadly colourful page illustrates the significant potential for "interpretation" by CBM/ St Marys in the future. These interpretations reflect an equal or greater potential for future damage to the planning of our local community's social and physical infrastructure, and sadly without significant gain for the broader provincial community.

Unfortunately these vague words, inconsistencies and "interpretations" continue with future CBM project proposals. On their company website alongside this Lanci Pit expansion proposal is another project proposal: "CBM aggregate is exploring the opportunity and feasibility of developing a pit at 6947 Concession 2, Puslinch..... This pit... would be an expansion of the Aberfoyle South Pit." We refer you to Appendix B again, this time to judge how it would be possible for a new site (marked with an X) located two kilometres away from the Aberfoyle South Pit, to be considered an expansion rather than a new pit (except that the approval process for expansion is easier). This kind of communication manipulation continues the cascade of distrust, which makes the aggregate industry's role in our community, so much more difficult.

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*Therefore the adverse impact of this escalating motivation for community distrust, on the future role of CBM/St Marys itself in our the County/Township's planning, is our eighth and final reason for objecting to this OP Amendment.*

We respectfully submit that approving this Official Plan Amendment would not be in the interests of the Township or broader County community.

John McNie DVM. MSc. Phd.

6927 Concession 2, RR# 22

Cambridge, Ontario

N3C-2V4

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APPENDIX A



APPENDIX B



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APPENDIX C





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APPENDIX D



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**APPENDIX E**





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## APPENDIX F

### 3.3 Agricultural Resources

The subject lands are not recognized as a prime agricultural area based on both the Province's Agricultural System for the Greater Golden Horseshoe and the County's Official Plan (Figures 6 & 7, respectively). According to soils mapping from OMAFRA, the subject lands contain Class 2 and 3 soils (Burford Loam and Dumfries Sandy Loam) (Figure 8). While the subject lands are not located within a prime agricultural area, they would be considered prime agricultural lands based on OMAFRA's mapping.

There are no existing agricultural uses on the subject lands or adjacent lands. County and Provincial policy do not require that the subject lands be rehabilitated to an agricultural use.

### 3.4 Water Resources

Golder prepared a Hydrogeological Study in accordance with the Aggregate Resources of Ontario Provincial Standards, the Growth Plan and the County's Official Plan. The study characterized the existing hydrogeological, hydrological and related natural environment conditions in the vicinity of the subject lands. Further, it assessed the potential impacts, if any, of the proposed below water extraction on groundwater and groundwater uses, surface water and groundwater dependent receptors within the natural environment.

Terms of reference for the Hydrogeological Study were provided to MNRF, the Township and County through the pre-consultation process.

The northern half of the subject lands is outwash gravel and part of the Spillway physiographic landform. The southern half is defined as Wentworth Till (sandy silt till deposit). The surficial coarse-grained deposits are underlain by till and extend to bedrock based on the mapping. Drilling has indicated that the sand and gravel deposit may extend further south than the mapping indicates.

There are no permanent surface water features on the subject lands, which are determined to be internally drained. Mill Creek is located over 1.5 km north and west of the subject lands with intervening aggregate licences between the creek and subject lands.

Below water extraction will not involve any pumping or active dewatering. According to Golder's Hydrogeological Study, the majority of pore water removed during extraction will eventually return to the aquifer via passive drainage within the stockpiled material.

Below water extraction will result in the eventual creation of a permanent pond that will flatten water levels in its vicinity. The magnitude of the water level change is estimated to be approximately 0.1 m at the pit pond. Golder concluded it is not expected there will be any adverse impacts to water quantity at surrounding private wells as a result of this minor water level change.



KITCHENER  
WOODBRIDGE  
LONDON  
KINGSTON  
BARRIE  
BURLINGTON

May 2, 2022

Meagan Ferris  
Manager of Planning and Environment  
County of Wellington  
74 Woolwich Street  
Guelph, ON N1H 3T9

Dear Meagan:

**RE:   CBM Aggregates Lanci Pit Expansion, Township of Puslinch  
      Summary of Public & Township Council Comments  
      OUR FILE Y321V**

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The following provides a summary of comments received up to and at the public meeting on April 13, 2022 for the Lanci Pit Expansion, and CBM Aggregates (CBM) respective responses where appropriate.

As noted, there were no public objections received under the Aggregate Resources Act (ARA).

As part of consultation activities under the ARA, CBM offered to meet with interested members of the public, which resulted in one landowner, Crieff Hills Retreat, availing themselves of this opportunity. In March 2021, CBM met with Crieff Hills and the discussion focussed primarily on proposed setbacks, retaining the significant woodland to act as an additional buffer from their lands, and rehabilitation opportunities. At the conclusion of the meeting, Crieff Hills indicated they were unlikely to object to the application.

Through the Planning Act process, we are aware of two members of the public that provided written and/or oral comments (John McNie and Kathy White). It should be noted that these landowners are approximately 3 km and 5 km, respectively, from the proposed pit expansion. There have been no stated concerns or objections from members of the public that reside closest to the subject lands.

Several comments and questions were also received from members of Township Council at the public meeting. These comments are summarized and responded to within this letter.

**John McNie (6927 Concession 2)**

The April 8, 2022 letter from Mr. McNie outlines specific objections, which are listed below with a high-level response provided by CBM thereafter.

## 1. Planning for the Environment

This area of Puslinch contains high quality sand and gravel resources that are located with close access to provincial highways and market areas. They have been recognized in Provincial and County mapping accordingly. The wise use and management of mineral aggregate resources is a matter of Provincial interest, including making these resources available as close to markets as possible.

The 5 m setback from the dripline of the significant woodland was determined in consultation with NDMNRF, GRCA and the Township's ecologist. The side slopes adjacent to the woodland will be planted with deciduous and coniferous trees, totalling approximately 1.3 ha in area. The area of tree planting will extend from near the shoreline of the proposed pond to the edge of the significant woodland.

## 2. Planning and Agricultural Resources

As noted in the application materials, there are no agricultural uses on or adjacent to the subject lands. The site is not designated Prime Agricultural in the County's Official Plan. We do not anticipate any potential adverse impacts on agricultural resources. The proposed application satisfies applicable agricultural policy requirements in the PPS, Growth Plan and County Official Plan.

## 3. Planning and Water Resources

The water resources report was reviewed by the Township's hydrogeologist (Stan Denhoed), GRCA and MECP. There are no outstanding technical concerns. Stan Denhoed concluded: *"we are satisfied that the re-zoning of the lands to aggregate extractive will not result in water quality or water quantity issues arising for water well supplies or significant changes in groundwater discharge to Mill Creek"*.

## 4. Planning and Rehabilitation

The proposed rehabilitation includes the creation of a 6 ha pond, shallow shoreline wetlands, and 1.3 ha of new tree plantings. Further, the plan has been designed to allow for after-use development potential, such as three new houses along Sideroad 25. The Township's ecologist was satisfied with the proposed rehabilitation plan.

## 5. Planning and County/Township Communities

Utilizing the Aberfoyle South Pit for aggregate processing and shipping optimizes the use of existing pit infrastructure that is already established. The processing plant at the Aberfoyle South Pit is well buffered from sensitive uses and is located in close proximity to an existing significant noise source that being Highway 401.

## 6. Planning and Aggregate Industry Compliance

CBM recently met with the Township to discuss the existing truck crossing on Concession 2. CBM is committed to working with the Township to help ensure any of the truck crossings remain safe and in good condition.

## 7. Planning and Aggregate Industry Considerations

This concern speaks to a distrust with the aggregate industry including an “escalating motivation for community distrust”. We are hesitant to provide a response to these statements but we would note that CBM has been actively engaged in the review process for this application and has worked diligently to respond to and address any concerns or questions from the community, as well as the technical reviewers. We hope the efforts and discussions at the public meeting help illustrate CBM’s commitment to working collaboratively with the Township and County on this application and any future applications.

CBM has always had a positive relationship with their neighbours and the communities in which they operate. They consider themselves to have an ‘open door’ policy and are happy to discuss any concerns the public may have with their current or future/planned operations.

### **Kathy White (4540 Wellington Road 35)**

Kathy White provided oral comments at the public meeting. Concerns were expressed regarding “expansion” licensing, significant woodlands, proposed setbacks, removing houses and wellhead protection areas, among others.

In response, we offer the following:

- While the application is considered an “expansion” of the Lanci Pit, it has been prepared in accordance with the new licence application requirements under the Aggregate Resources Act, as well as complete Zoning By-law Amendment and Official Plan Amendment applications to permit the use.
- The significant woodland is included in the application as it is located on a portion of the subject lands. The proposed licensed boundary coincides with the property boundaries. The boundary of the significant woodland has been field verified in consultation with the Township ecologist and is not included in the proposed extraction area. Further, this area is proposed to be designated Greenlands in its entirety and is not included in the Mineral Aggregate Resources Overlay.
- The proposed setbacks adjacent to the vacant lot were agreed to by that landowner. The setback next to the significant woodland was determined in consultation with the Township’s ecologist, GRCA and NDMNRF.
- There are currently two houses on the subject lands which would be removed prior to extraction. CBM has developed a plan that would potentially allow for three new houses following pit operations.
- A portion of the subject lands is located within WHPA-Q. There will be no pumping or active dewatering on the site. There will also be no reduction of annual recharge relative to existing conditions. Wellington Source Protection agreed with these findings and has no concerns with the application.

### **Township Council Comments**

We have attempted to summarize the questions and comments from Township Council at the public meeting with our responses provided immediately thereafter:

*Will the areas containing the new wooded areas [we assume this refers to the trees that will be planted as part of the rehabilitation efforts] and potential residences be zoned extraction?*

- That is what has been proposed. The tree planting areas that will be carried out as part of the rehabilitation of the property will occur on the created side slope of the pit, which is within the extraction area. The potential houses would be located within the 30 m setback, which won't be extracted but will contain berms during the operation of the pit. We believe this could be resolved through the drafting of a mutually satisfactory by-law that accomplishes both objectives.

*We have limited ability as Township to control ARA process and site plans. What can we do to incorporate our requests through the municipal planning process?*

- CBM is willing work with the Township on an acceptable by-law that helps implement the site plan and provides additional comfort for the Township.

*We like the idea of the tree plantings and the after-use concept plan but it is only a plan. The ARA allows these plans to be amended without us having a say. The ARA rules have created the problems. We have concerns with our ability to influence any changes.*

- CBM cannot guarantee that a site plan may not need to be amended at some point in the future. However, if there is a hypothetical amendment applied for by CBM to the NDMNRF that constitutes a major deviance from the current plans this would be considered a Major Amendment and the Township would be circulated for comment prior to approval. Under the current ARA regulations, it is unusual from our experience for a major amendment to be approved with unresolved comments/concerns from a municipality. As mentioned at the public meeting, CBM wants to work with the Township to help implement the after-use concept plan that was presented in the presentation.

*What about the crossing on Concession 2? Is there a willingness on CBM's part to take responsibility for it and ensure it is appropriately maintained?*

- The existing crossing on Concession 2 would be used to access this site as opposed to Sideroad 25. CBM recently met with Township staff to discuss safety measures and road improvements at a nearby pit crossing on Concession 2. CBM is committed to ensuring the same safety and maintenance measures are in place at this crossing.

*What is the significance of adding new lands to the mineral aggregate overlay?*

- A small area roughly 2 ha in size is proposed to be added to the County's mineral aggregate overlay so that the boundary is consistent with the proposed Mineral Aggregate Area designation. Essentially this would create one line instead of two.

*It is refreshing to see this rehabilitation proposal and we hope it comes to fruition. If this is the end use as presented, this could be something the community could get behind.*

- CBM is pleased to see such comments and wants to work with the Township and County to help bring this plan to reality.

If you have any questions or require further information, please let us know.

Yours truly,

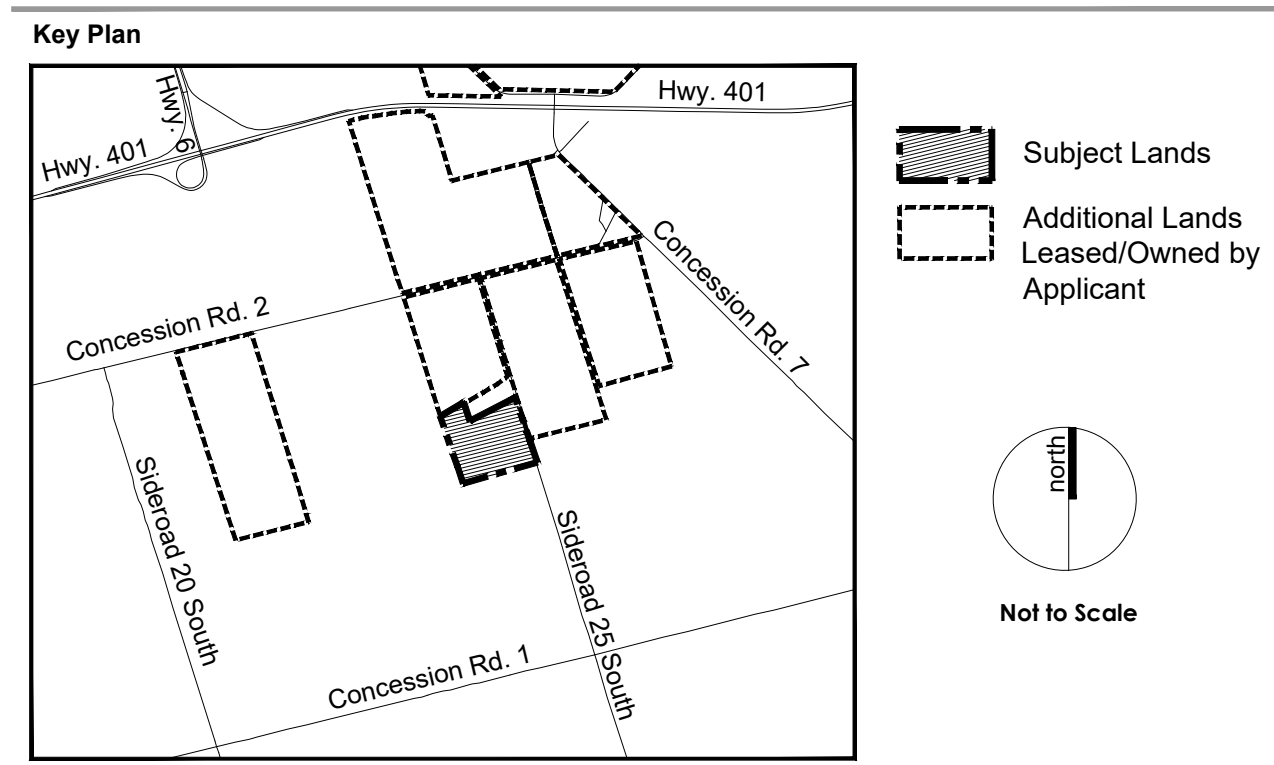
**MHBC**

A handwritten signature in black ink, appearing to read 'ND' with a long horizontal stroke extending to the right.

Neal DeRuyter, BES, MCIP, RPP

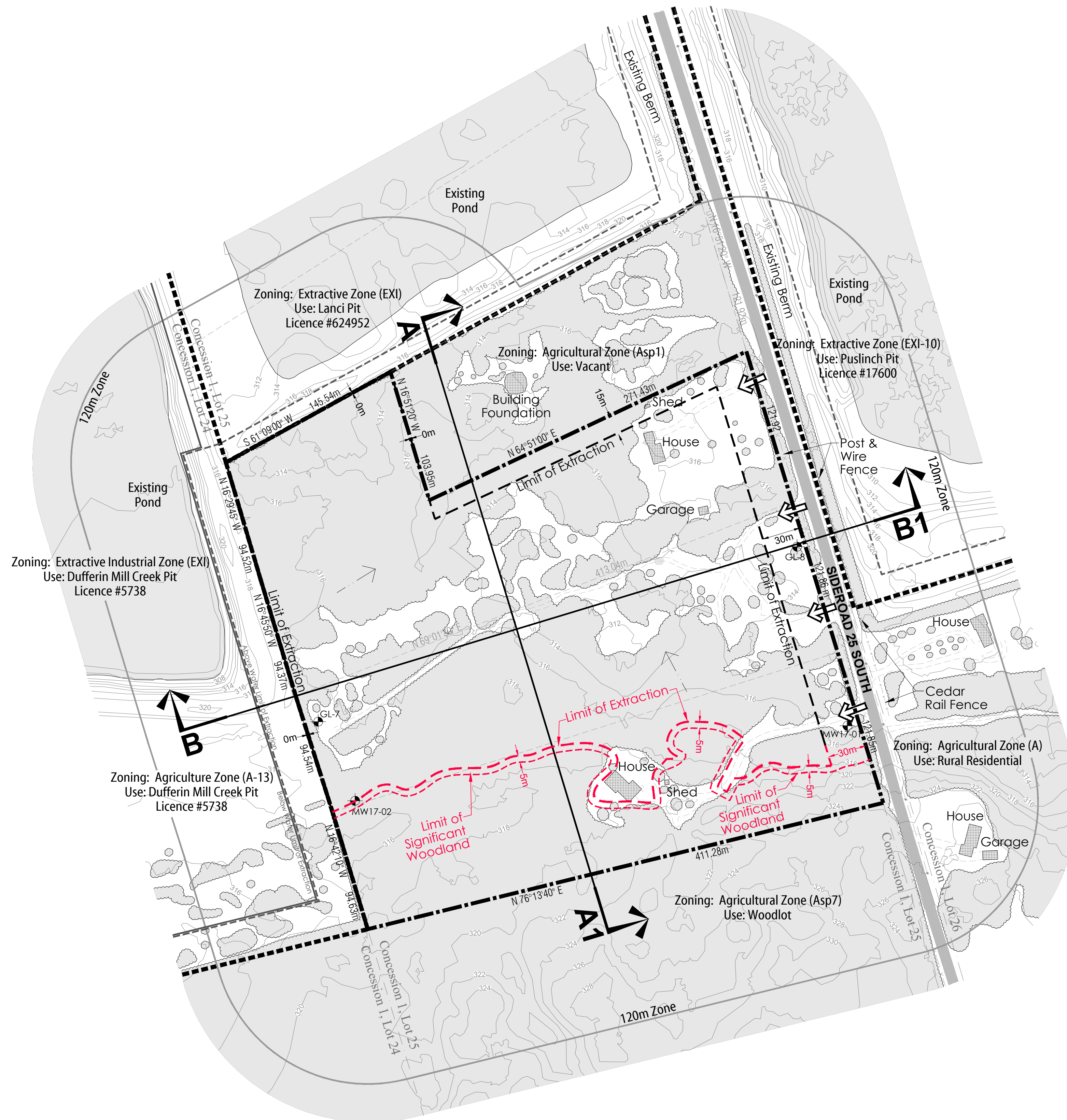
cc. *Lynne Banks, Township of Puslinch*  
*David Hanratty / Steve May, CBM*  
*Dawson McKenzie, MHBC*





**Notes**

- THIS SITE PLAN IS PREPARED UNDER THE AGGREGATE RESOURCES ACT CLASS A LICENCE, CATEGORY 1.
- TOPOGRAPHIC INFORMATION BASED ON APRIL 18, 2017 AERIAL IMAGERY AND 2015 SOUTHWESTERN ONTARIO ORTHOIMAGERY PROJECT (SWOOP) DTM. MAPPING IS PRODUCED AT REAL WORLD SCALE AND COORDINATES (UTM ZONE 17,NAD 83 6°). CONTOUR INTERVAL IS 2.0 METRE. ALL ELEVATIONS ARE GEODETIC.
- PROPERTY BOUNDARY INFORMATION OBTAINED FROM REGISTERED SURVEY PLANS PREPARED BY J.D. BARNES LTD. IN APRIL 2005 AND SEVERANCE PLAN PREPARED BY DELPH & JENKINS NORTH LTD. (REGISTERED REFERENCE PLAN-2019)
- ZONING INFORMATION OBTAINED FROM SCHEDULE 'A' TOWNSHIP OF PUSLINCH ZONING BY-LAW NO. 23/2018- APRIL, JANUARY 2020
- THE ELEVATION OF THE EXISTING GROUNDWATER TABLE VARIES FROM 305.8 TO 306.6 masl.
- LAND USE INFORMATION COMPILED FROM APRIL 18, 2017 ORTHO PHOTO AND SITE VISIT IN 2019.
- AREA TO BE LICENCED ± 14.8 ha. (± 36.6 ac.)  
AREA TO BE EXTRACTED ± 10.1 ha. (± 25.0 ac.)
- ALL MEASUREMENTS SHOWN ON THIS PLAN ARE IN METRES.



**Legal Description**

PART OF LOT 25  
CONCESSION 1  
TOWNSHIP OF PUSLINCH  
COUNTY OF WELLINGTON

**Legend**

- Boundary of Area to be Licenced
- Limit of Extraction  
ALL SETBACKS DRAWN TO SCALE AND SHOW LABELED DISTANCES
- Existing Fence  
1.2m POST & WIRE FARM FENCE UNLESS OTHERWISE NOTED
- Public Road (Unpaved)
- Private Laneway/Roadway
- Field Access
- Hydro Pole/Line
- Building/Structure  
LOCATION AND USE FOR BUILDINGS ON-SITE AND WITHIN 120m ARE SHOWN ON THIS PAGE
- Monitoring Well  
GOLDER ASSOCIATES
- Existing Licenced Boundary  
LICENCES #17600, 5738 and 624952
- Existing Limit of Extraction  
LICENCES #17600, 5738 and 624952
- Elevation, Contour  
METRES ABOVE SEA LEVEL (m A.S.L.)
- Existing Vegetation
- Limit of Significant Woodland
- Direction of Surface Drainage (IF ANY)
- Cross Sections  
SEE PAGE 1 OF 3 FOR EXISTING CROSS SECTIONS AND PAGE 3 OF 3 FOR REHABILITATED CROSS SECTIONS

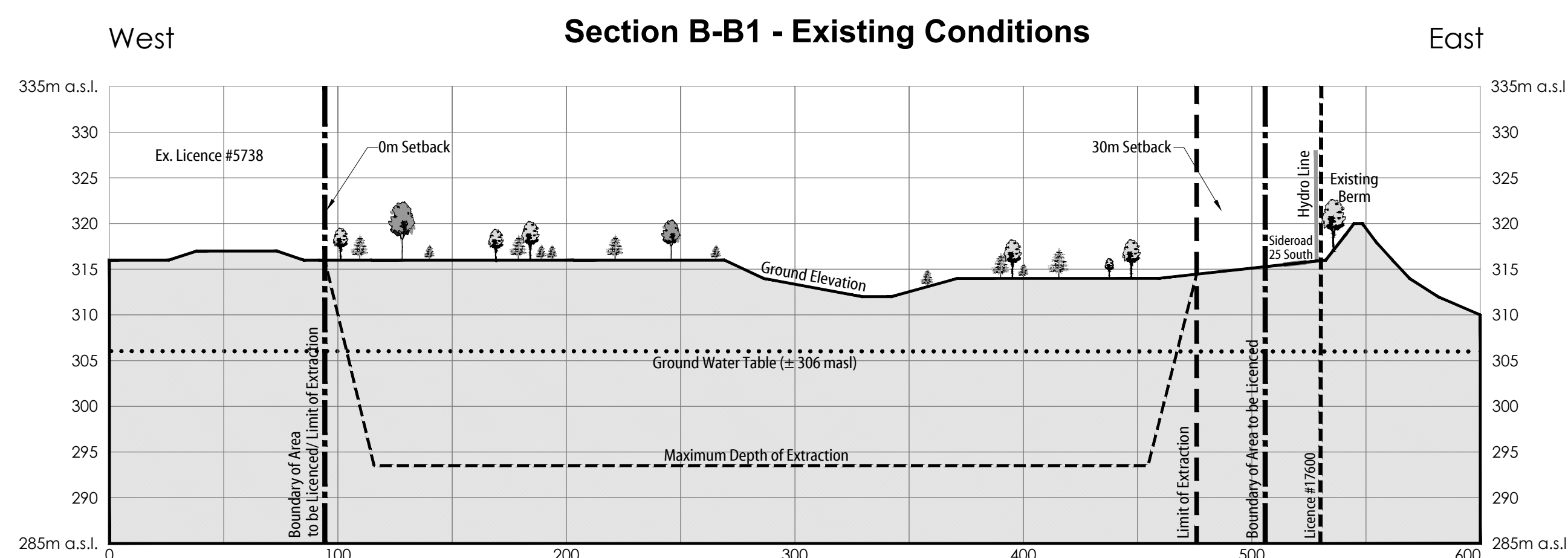
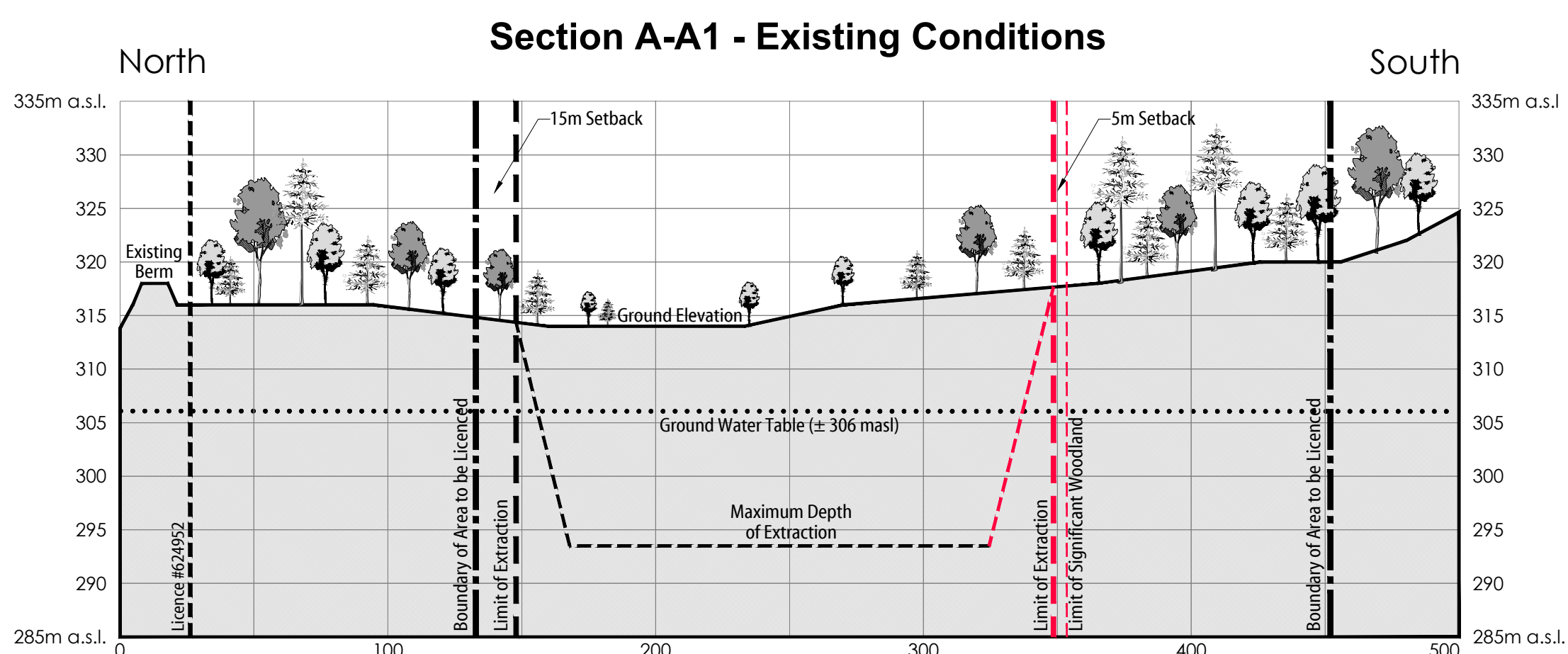
**Site Plan Amendments**

No.	Date	Description	By

No. Date Description By

**MHBC**  
PLANNING URBAN DESIGN & LANDSCAPE ARCHITECTURE  
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north



**CBM**  
ST MARYS  
St. Marys Cement Inc. (Canada)  
55 Industrial St. Toronto, Ontario  
M4G 3W9  
Tel: (416) 423-1300

Applicant's Signature  
David Hanratty - Director of Land & Resources  
St. Marys Cement Inc. (Canada)

**Project**  
**Lanci Pit Expansion**

MNRF Licence Reference No. Pre-approval review:  
Revised for re-submission to MNRF- Jan. 5, 2020  
Submission to MNRF- May 2020

Plan Scale 1:2,000 (Arch D) Plot Scale 1:2 [1mm = 2 units] MODEL

SCALE  
0 25 50 100 METRES

Drawn By G.C. File No. Y321V  
Checked By N.D.

File Name **EXISTING FEATURES PLAN**  
Drawing No. **1 OF 3**

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**NUMBERING SCHEME USED FOR OPERATIONAL NOTES REFERS TO AGGREGATE RESOURCES ACT PROVINCIAL STANDARDS FOR A CLASS "A" CATEGORY 1 LICENCE.**

**Sequence and Direction**  
 1.2.1 This plan depicts a schematic operations sequence for this property based on the best information available at the time of preparation. Any major deviations from the operations sequence shown will require approval from MNRF. Extraction shall follow the sequence shown. Above water extraction will occur in a north to south direction, followed by below water extraction in a south to north direction. Notwithstanding the extraction and rehabilitation process above, demand for certain products or blending of materials may require some deviation in the extraction and rehabilitation areas, and when rehabilitation of an area is possible from an operational perspective, it shall be carried out.

**Topsoil and Overburden Stripping and Stockpiling**  
 1.2.2 Topsoil and overburden shall be stripped and stored separately in berms or stockpiles. Berms and stockpiles of topsoil shall be graded to stable slopes and seeded with a grass/legume mixture to prevent erosion and minimize dust.

**Lifts**  
 1.2.3 Extraction will be completed in a single above water extraction lift with front end loaders and/or excavators, followed by below water extraction with a dragline in accordance with Ministry of Labour requirements. The maximum lift height will be 10 m.

**Main Internal Haul Roads**  
 1.2.4 All traffic for operations will enter and exit the site from Concession Road 2 through the existing Lanci Pit Licence #624952 as shown on the Sequence of Operations Diagram. Locations of internal haul routes may vary depending on face locations and extent of rehabilitation/backfilling.

**Entrance and Exit**  
 1.2.5 The operational entrance/exit will be accessed through the existing Lanci Pit Licence #624952 as shown on the Sequence of Operations Diagram and will not be gated (see variations from operational standards Table 5.2, this page).

**Ground Water Table**  
 1.2.6 The elevation of the established water table varies from 305.8 to 306.6 masl (Golder Associates, 2020).

**Surface Water Diversion/Discharge Points**  
 1.2.7 There are no existing surface water features within the proposed extraction area and no discharges to or diversions of surface water features are proposed.

**Fencing**  
 1.2.8 Boundaries of the Licensed area that are presently fenced are shown on drawing 1 of 3, Existing Features Plan. Prior to any stripping or preparation, fencing on the Licensed boundaries shall be upgraded and installed with 1.2m high post & wire fence or as otherwise required by the Aggregate Resources Act.

Protective snow fencing will be installed along the 5m setback from the dripline of the significant woodland. This protective fencing must be maintained in a functional condition until the commencement of rehabilitation work at which time it should be dismantled. If gradients indicate there is potential for run-off to enter the significant woodland, silt fencing shall be installed (see Note 1.2.27 Natural Environment).

**Proposed Buildings and Structures**  
 1.2.9 None.

**Topsoil and Overburden Stockpiles**  
 1.2.10 Overburden and topsoil not required for immediate use in berm construction or progressive rehabilitation may be temporarily stockpiled throughout the extraction area. Any stockpile to be stored longer than 1 year will be vegetated to control erosion.

**Aggregate Stockpiles**  
 1.2.11 Aggregate stockpiles will be located close to the pit face and will not exceed 15m in height.

**Temporary Scrap Storage**  
 1.2.12 All scrap, used machinery and stumps generated through the operations within this licence will be stored where indicated on the Sequence of Operations and be disposed of on an ongoing basis. Trees to be removed within the extraction area will be utilized for firewood or their best use. Stumps, logs and oversize rock may remain on site for future progressive rehabilitation. Upon completion of excavation, all scrap and used machinery shall be removed.

**Fuel Storage**  
 1.2.13 Fuel trucks are used as the primary method for onsite refueling of equipment within the pit in accordance with the "Prescribed Conditions" that apply to all Category 1 licences. All fuel storage and associated products are stored in above ground tanks or containers and in compliance with the Technical Standards and Safety Act, 2000, Liquid Fuels Regulation O.Reg.217/01 and Liquid Fuels Handling Code, 2000.

**Area to be Extracted**  
 1.2.14 The area to be extracted is ±10.1 ha. (±25.0 ac).

**Setbacks**  
 1.2.15 Setbacks will be as shown and labelled on the Sequence of Operations Diagram on this page and page 1 of 3 (see Variations from Operational Standards Table O.S. 5.10.1).

**Extraction Depth**  
 1.2.16 The proposed maximum depth of extraction is indicated by the proposed spot elevations on the Sequence of Operations Diagram, this page. The depth of extraction ranges from approximately 18m in the central portion of the site to 24m in the southeast portion of the site.

**Processing Areas**  
 1.2.17 No processing on site.

**Berms**  
 1.2.18 Refer to Sequence of Operations Diagram or "Typical Berm Detail", this page. Berms may be higher than shown on this plan and may be constructed in advance of when they are required. Overburden may be stored in separate berms throughout the extraction area.

1.2.19 All proposed berms will be constructed in accordance with the "Typical Berm Detail", this page, and will be vegetated and maintained to control erosion. Temporary erosion control will be implemented as required.

**Equipment**  
 1.2.20 The equipment used on site may include: loaders, excavators, dragline, bulldozer and haul trucks.

**Tree Screens**  
 1.2.21 No tree screens are proposed for this site.

**Hours of Operation**  
 1.2.22 The hours of operation will be 7:00 am to 7:00 pm daily. Activities used to prepare the site for excavation, such as the stripping of topsoil, the construction of berms, or activities related to the remediation of the site after the extraction is completed are considered to be construction activities and are only permitted to occur during the daytime (i.e. 0700 to 1900 hours) Monday to Friday except statutory holidays.

**Tree and Stump Disposal**  
 1.2.23 Timber resources will be salvaged for use as saw logs, fence posts and fuel wood where appropriate. Stumps and brush cleared during site preparation may remain on site for future progressive rehabilitation.

**Cross Sections**  
 1.2.24 Location of cross sections are as shown. Cross sections are provided on Existing Features Plan page 1 of 3 and Rehabilitation Plan page 3 of 3.

**Variations from Operational Standards**  
 1.2.25 See Table this page for Operational Standards (Section 5.0 of ARA Provincial Standards) that will be varied by this site plan.

**Tonnage Limit**  
 1.2.26 The maximum number of tonnes of aggregate to be removed from the site in any calendar year is 1,000,000 tonnes, unless licence 624952 has removed aggregate in the same calendar year. Where aggregate has been removed from licence 624952 in the same calendar year as material has been removed from this licence, the total maximum number of tonnes of aggregate to be removed from the two sites combined is 1,000,000.

**1.2.27 Technical Recommendations**

**Noise:** "Noise Impact Assessment CBM Aggregates, a division of St. Marys Cement Inc. (Canada) Proposed Lanci Pit Expansion, Golder Associates, April 2020" and "Responses to Noise Peer Review, December 2021 & February 2022"

- Equipment will be operated as intended by manufacturer specifications.
- Equipment will be serviced and generally kept in good working condition.
- Equipment will be fitted with manufacturer specified and properly functioning noise control devices (e.g., mufflers and silencers).
- Site roadways shall be maintained to limit noise resulting from trucks driving over ruts and pot-holes.
- Alternative to narrow band back up alarms will be investigated and used at the site, on licensee's equipment, provided they are found to meet the licensee's safety requirements.
- Prior to operations commencing, sound measurements of the equipment to be used on site, will be undertaken to confirm the maximum emission levels provided in Table 1 are not exceeded.
- Operating equipment must operate within 30 m of the extraction face and be located on the above water pit floor following initial operations.
- To confirm that sound levels from the pit operations are in compliance with the MECP sound level limits, an acoustic audit will be completed within 6 months of the start of extraction activities on the site.

The barriers shall be installed based on the following requirements and as shown on the Sequence of Operations:

**Above Water Extraction**  
 1. If a residence is constructed and occupied on vacant lot POR005 prior to extraction taking place, a 3.5m high acoustic barrier shall be constructed along the southern boundary of POR005.

**Below Water Extraction**  
 1. If a residence is constructed and occupied on vacant lot POR005 prior to extraction taking place, a 3.5m and a 5.5m high acoustic barrier shall be constructed along the western and southern boundaries of POR005, respectively.

2. Prior to below water extraction occurring in the area identified on the Sequence of Operations, construct a 5.5m high acoustic barrier adjacent to the southeast corner of the extraction area.

- If a residence is constructed and occupied on vacant lot POR005, extraction must not occur within the areas where the noise study indicates requirement for a sound barrier until such barrier is constructed.
- Acoustic barriers can be constructed as earth berms, or other suitable acoustic barriers such as trailers or containers as long as the height and density requirements are met.
- Acoustic barriers may be substituted through equipment modification, other control measures and/or local barriers if an updated noise report indicates MECP sound level limits in NPC-300 (as amended from time to time) can be met prior to their implementation.

Source ID	Source Description	Number of Equipment	Overall Sound Power Level (dBA) <sup>1</sup>
SP01	Dragline	1	112
SL01	Haul Truck	1	100
SL01 / SL02 <sup>2</sup>	Loader - Material Excavating/ Loading	2	107

<sup>1</sup> Values presented in the table above do not include adjustments that were considered in the modelling (i.e., time weighting)  
<sup>2</sup> Average sound power level representing various loader activities.

**Hydrogeology:** "Hydrogeological Level 1 and 2 Assessment, Proposed Lanci Pit Expansion, Golder Associates, April 2020" and Response to MECP Comments, May 18, 2021.

1. Groundwater monitoring shall continue through Operations to confirm conclusions of the impact assessment. This monitoring shall be incorporated into the existing monitoring program that is on-going for the current Lanci Pit operation.

2. CBM's BMP for fuel handling shall be followed while any refuelling of equipment is occurring on site.

3. Prior to the commencement of extraction operations, a door to door survey to update the existing private water supply wells/receptors within 500m of the Site shall be completed.

**Natural Environment:** "Natural Environment Level 1/2 Report, Proposed Lanci Pit Expansion, Golder Associates, April 2020"

1. To comply with the MBCA, avoid removal of vegetation during the active season for breeding birds (April 15- August 15), unless construction disturbance is preceded by a nesting survey conducted by a qualified biologist. If any active nests are found during the nesting survey, a buffer shall be installed around the nest to protect against disturbance. Vegetation within the protection buffer cannot be removed until the young have fledged the nest.

2. Consult with the MECP on permitting requirements for removal of habitat for eastern small-footed myotis. Additional conditions related to mitigation or monitoring may be stipulated as part of a permit under the ESA or MECP approval.

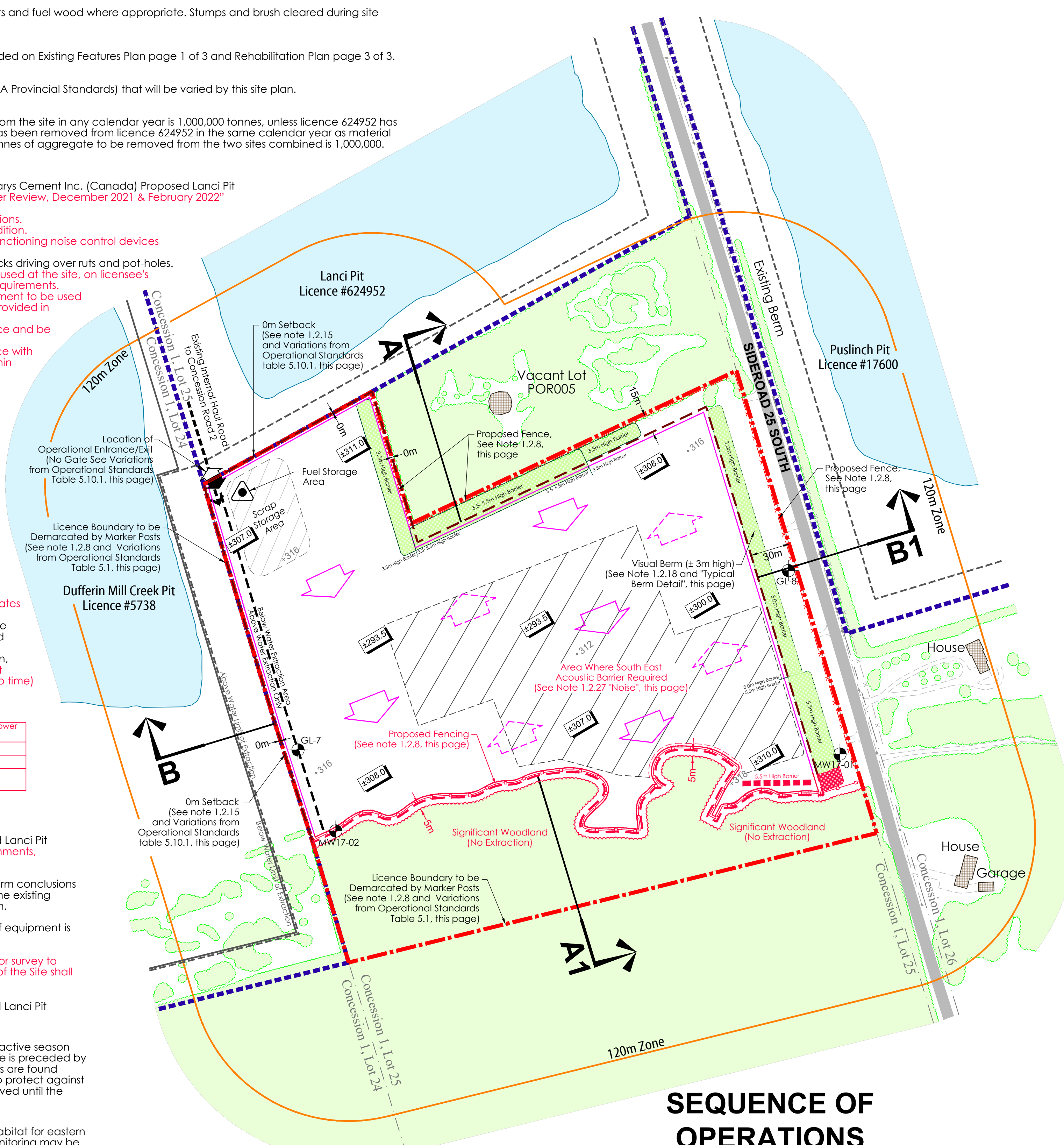
3. A 5m setback from the dripline of the significant woodland shall be established, reflecting the extraction area as presented on the Operations Plan. This setback shall be demarcated clearly in the field prior to commencement of operations. The boundary of the significant woodland and associated dripline may be reviewed in the future in conjunction with additional fieldwork.

4. If gradients indicate there is potential for runoff to enter the significant woodland, implementation of sediment and erosion controls shall occur prior to commencement of operations to prevent the runoff of suspended solids into the woodland, and prevent encroachment into the woodland during vegetation clearing in the setback area. In particular, in areas where potential runoff exists, in addition to the demarcation of the dripline, silt fencing (or similar) shall be installed along the dripline of the significant woodland in those areas prior to commencement of activities on the site, including site preparation and vegetation clearing.

5. Where installed, silt fencing shall be maintained for the duration of the operations phase adjacent to the woodland and shall include regular inspections for signs of damage or deterioration.

6. Following rehabilitation of the southern portion of the site, any silt fencing or other erosion/sediment controls that had been installed, shall be removed from the site.

7. To avoid compacting the soil in the setback area (which can negatively impact tree roots) the use of heavy machinery shall be minimized, particularly during wet periods (e.g., spring) when soil may already be saturated.



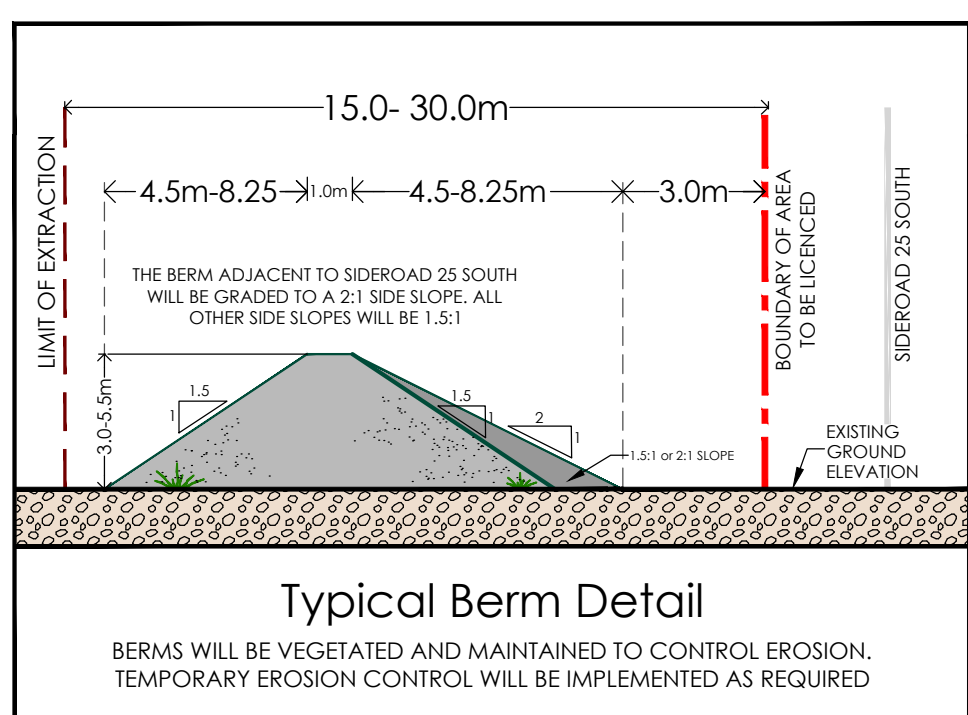
**SEQUENCE OF OPERATIONS**

**Archaeology:** "Stage 1/2 Archaeological Assessment, CBM Proposed Lanci Pit Extension, Part of Lot 25, Concession 1, Township of Puslinch, County of Wellington, Ontario, Golder Associates Ltd., November 2, 2018"

1. The Stage 2 assessment resulted in the recovery of zero artifacts. Given the occurrence of some disturbance activity across the study area and the lack of identified artifacts during the test pit survey, the information potential and cultural heritage value of the study area was determined to be low. No further archaeological assessment is recommended for the study area. Should previously undocumented archaeological resources be discovered, they may be representative of a new archaeological site or sites and therefore subject to Section 48(1) of the Ontario Heritage Act. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and engage a licensed consultant archaeologist to carry out archaeological fieldwork, in compliance with Section 48(1) of the Ontario Heritage Act.

2. The Funeral, Burial and Cremation Services Act, 2002, s.O. 2002, c.33, requires that any person discovering or having knowledge of a burial site shall immediately notify the police or coroner. It is recommended that the Registrar of Cemeteries at the Ministry of Consumer Services is also immediately notified.

VARIATIONS FROM OPERATIONAL STANDARDS	
VARIATION	
O.S. 5.1	Fencing will not be required along the western and southern limits of the boundary of area to be Licensed, or other common boundaries with adjacent pit licences. The boundary will be demarcated by marker posts in sufficient numbers to adequately delineate the location of the top of bank where it does not clearly define itself and/or the boundary of the site with each post visible from the next.
O.S. 5.2	No gate(s) will be required at the internal access point(s) along the common boundary between this site and Licence #624952.
O.S. 5.10.1	0m excavation area setback along common boundary with existing pit #624952 and existing pit #5738. 0m and 15m setbacks along Gots property (POR005) per agreement with landowner.
O.S. 5.19.1	To allow for 2:1 slopes below water to maximize resource extraction.



**Legal Description**  
 PART OF LOT 25  
 CONCESSION 1  
 TOWNSHIP OF PUSLINCH  
 COUNTY OF WELLINGTON

**Legend**

- Boundary of Area to be Licensed
- Limit of Extraction
- General Direction of Above Water Excavation
- General Direction of Below Water Excavation
- Existing Haul Road
- Public Road (Unpaved)
- Private Laneway/Roadway
- Operational Entrance
- Hydro Pole/Line
- Monitoring Well
- Existing Licenced Boundary
- Existing Limit of Extraction
- Existing Spot Elevation
- Proposed Spot Elevation
- Existing Vegetation
- Proposed Barrier
- Building/Structure
- Existing Fence
- Proposed Fence
- Cross Sections

**Site Plan Amendments**

No.	Date	Description	By

**PLANNING URBAN DESIGN & LANDSCAPE ARCHITECTURE**  
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North arrow

**ST MARYS CBM**

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Applicant's Signature  
 David Hanratty - Director of Land & Resources  
 St. Marys Cement Inc. (Canada)

**Project**  
**Lanci Pit Expansion**

MNRF Licence Reference No. Pre-approval review:  
 Revised for re-submission to MNRF- Jan. 5, 2021  
 Submission to MNRF- May 2020

Plan Scale 1:2,000 (Arch D) Plot Scale 1:2 [1mm = 2 units] MODEL

SCALE 0 25 50 100 METRES

Drawn By G.C. File No. Y321V  
 Checked By N.D.

**OPERATIONS PLAN**  
**2 OF 3**

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**NUMBERING SCHEME USED FOR REHABILITATION NOTES REFERS TO AGGREGATE RESOURCES ACT PROVINCIAL STANDARDS FOR A CLASS "A" CATEGORY 1 LICENCE APPLICATION.**

**Sequence and Direction**  
1.3.1 Rehabilitation will be progressive following the direction of extraction and proceed to limits of extraction as outlined on the Sequence of Operations diagram located on Page 2 of 3. Minor deviations/variations in operational/rehabilitation sequence will be permitted in order to adjust for any variable resource and market conditions. Sufficient working and travel areas will remain active.

**Topsoil and Overburden**  
1.3.2 Topsoil will be used in the progressive rehabilitation of the pit side slope areas. Topsoil and subsoil will be stripped, stored, and re-applied separately. Areas of compacted soils will be ripped to alleviate compaction without mixing soil layers. Soils (topsoil and subsoil) will be replaced at variable depths (minimum 150mm-300mm) on backfilled and/or side slope areas. Overburden and/or imported material will be used to backfill pit faces to a 3:1 slope or gentler.

**Proposed Vegetation**  
1.3.3 & 1.4.3 The proposed rehabilitation includes an opportunity to enhance the biological diversity of the local landscape. Shallow shoreline planting zones will include, but are not limited to non-invasive species such as red-osier dogwood, slender willow and herbaceous plants such as water plantain, lake sedge, swamp milkweed, soft stem bulrush and common cattail; and other native wetland plants that are suited to the site conditions and present in the local area. The shallow shoreline areas will include nodal shrub plantings near the shore, woody debris and boulders, etc. to provide waterfowl and reptile basking, bird perching, and waterfowl nesting locations; and will incorporate a combination of fine sand and coarse stone pond bottom (see Shallow Shoreline Detail this page). All ground covers on side slopes will be maintained and replaced should it fail to establish itself to control erosion. Trees and shrubs will be maintained in a healthy vigorous growing condition. Planting is also proposed within the setback and in side slope areas. Planting will include a variety of deciduous (<30% mix) and coniferous species (>70% mix) common to the local landscape as outlined below:

1. White cedar, white spruce, sugar maple, red maple, paper birch and basswood along the setback to the significant woodland and on the north-facing slope.

2. White pine, white cedar, Norway spruce, European larch & trembling aspen, balsam poplar, black cherry, red oak and bur oak on the west-facing slope.

Shrubs such as serviceberry, nannyberry, ninebark, dogwoods, highbush cranberry, elderberry, choke cherry, choke berry, willows and others may be used to add diversity and increase pollinator/wildlife diversity especially in the transition between wetland and upland areas, but will not contribute to the tree density calculation.

To meet requirements for woodland classification, 1,600 seedlings per ha will be planted in the planting areas identified on the Rehabilitation Plan. Planting would be at approximately 2.5 m spacing. A survival target rate of at least 75% will apply after 2 years of planting (1,200 trees / ha). Infill planting will be completed if the survival target rate is not exceeded after year 2.

The coniferous seedlings will generally be 2+ year plugs. Deciduous seedlings/saplings will be a minimum of 30 cm in height and ideally 50-90 cm. Guarding of deciduous trees vulnerable to rodent damage and mulching with either coco dacs or wood chips will be implemented.

Approximately 1.3 ha of the site will be planted with coniferous and deciduous trees. The planting of shrubs will not contribute to the tree density requirement.

Invasive species control measures shall be carried out to eradicate invasive species if they establish within the 5 m southern boundary setback as well as 10 m south of the dripline of the significant woodland. The intent is to minimize the future spread of invasive species to the interior of the adjacent significant woodland. The intent will be to complete the treatment of cutting and application of herbicide twice- once early in the operation and once around the time of tree planting.

**Slope Creation & Rehabilitated Landform**  
1.3.4 & 1.4.2 Final pit landform will generally be in accordance with the drawing as shown on this page. Rough grading to create a stable side slope shall be carried out progressively as extraction proceeds across the site to minimize the final grading work to be undertaken following the completion of resource extraction. Final side slopes will be graded 3:1 or gentler and seeded with a grass/legume and willow/flower mixture consisting of non-invasive species to ensure stability. The willow/flower mix will include native species such as Wild Bergamot (Monarda), Brown Eyed Susans (Rudbeckia), various asters (Symphoricarichum spp.), Butterfly & swamp Milkweed (Asclepias spp.), Evening primrose (Oenothera biennis) and other appropriate native species. Side slopes above water table will be established using a combination of backfill and/or cut and fill methods using on-site overburden, aggregate material, and/or imported materials. Side slopes will be irregular with an average top to bottom grade not steeper than 3:1. Below water extraction and shoreline formation by dragline around perimeter edge of pond directly abutting rehabilitated side slopes will be excavated in a manner that will result in the retention of a 5m wide bench along the shoreline above water. This bench allows for equipment maneuvering and helps ensure the above-water slope remains stable. Below water slopes will occur to the natural angle of repose except where site specific grading to establish shallow shoreline areas occurs. The total area of the final lake may be smaller than as shown on the drawing if gentler side slopes are created.

**Progressive Rehabilitation**  
1.3.5 Progressive rehabilitation shall follow the Sequence of Operations diagram/ notes on page 2 of 3 and as described in Note 1.3.1.

**Importation of Fill**  
1.3.6 & 1.4.1  
1. Clean inert fill may be imported to facilitate the establishment of minimum 3:1 (horizontal:vertical) slopes or greater slopes on the pit faces. The licensee must ensure that the material is tested at the source, before it is deposited on-site, to ensure that the material meets the Ministry of the Environment, Conservation and Parks (MECP) criteria under Table 1 of MECP's Soils, Ground Water and Sediment Standards for use under Part XV.1 of the Environmental Protection Act. Sampling results will be provided to MNRF upon request.

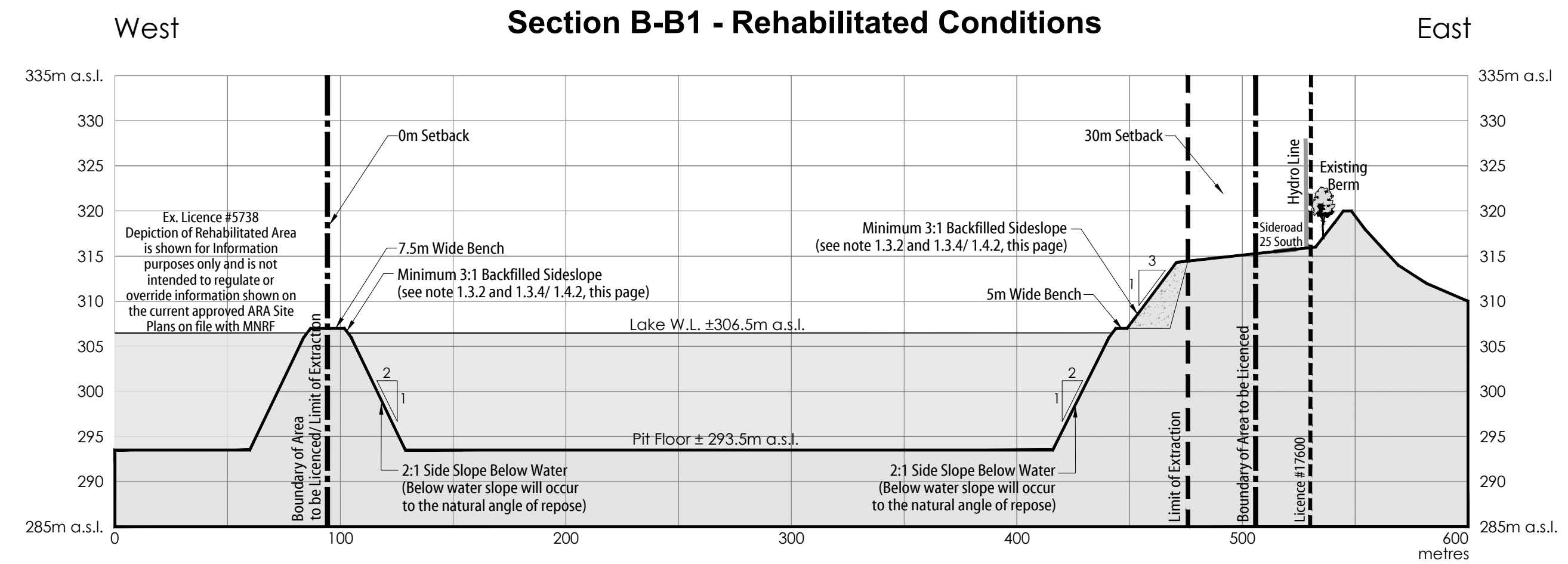
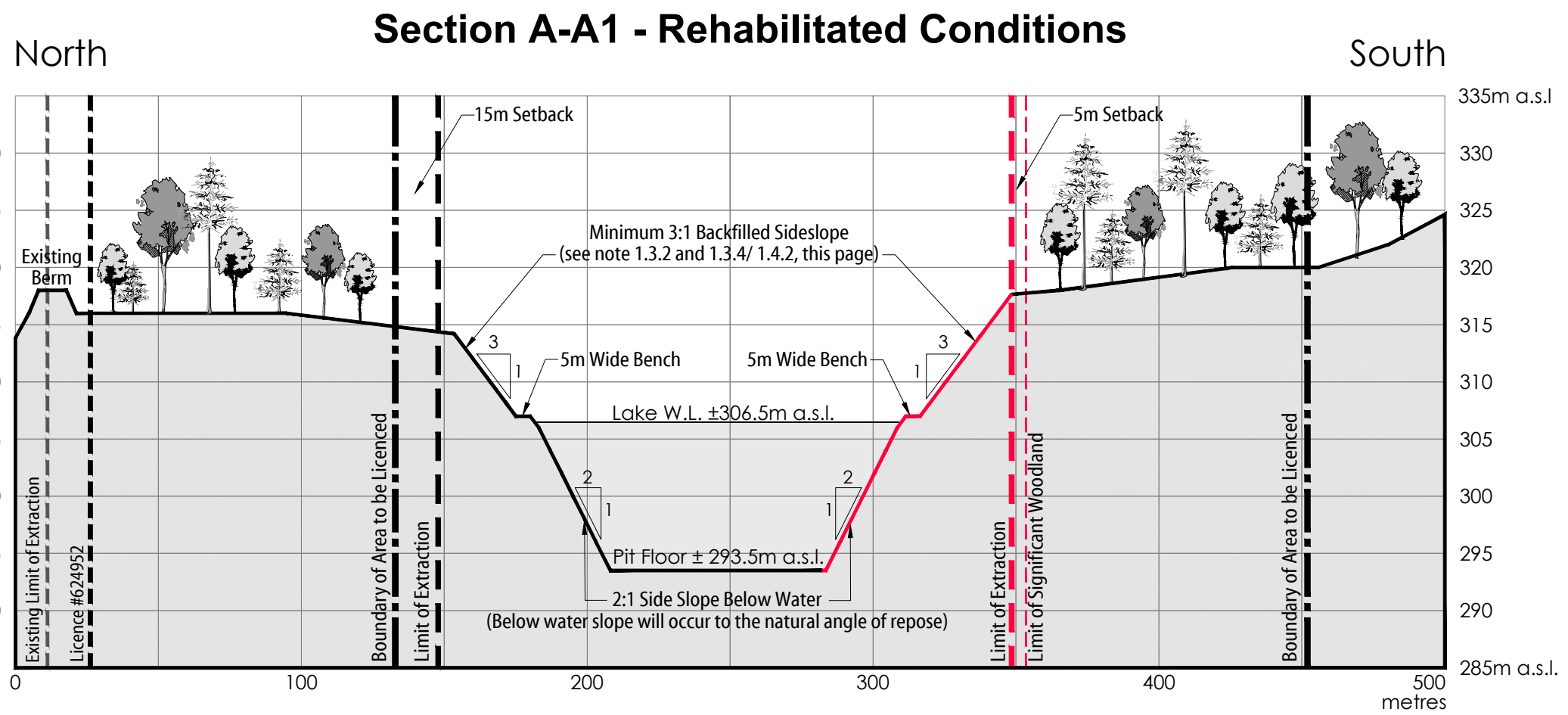
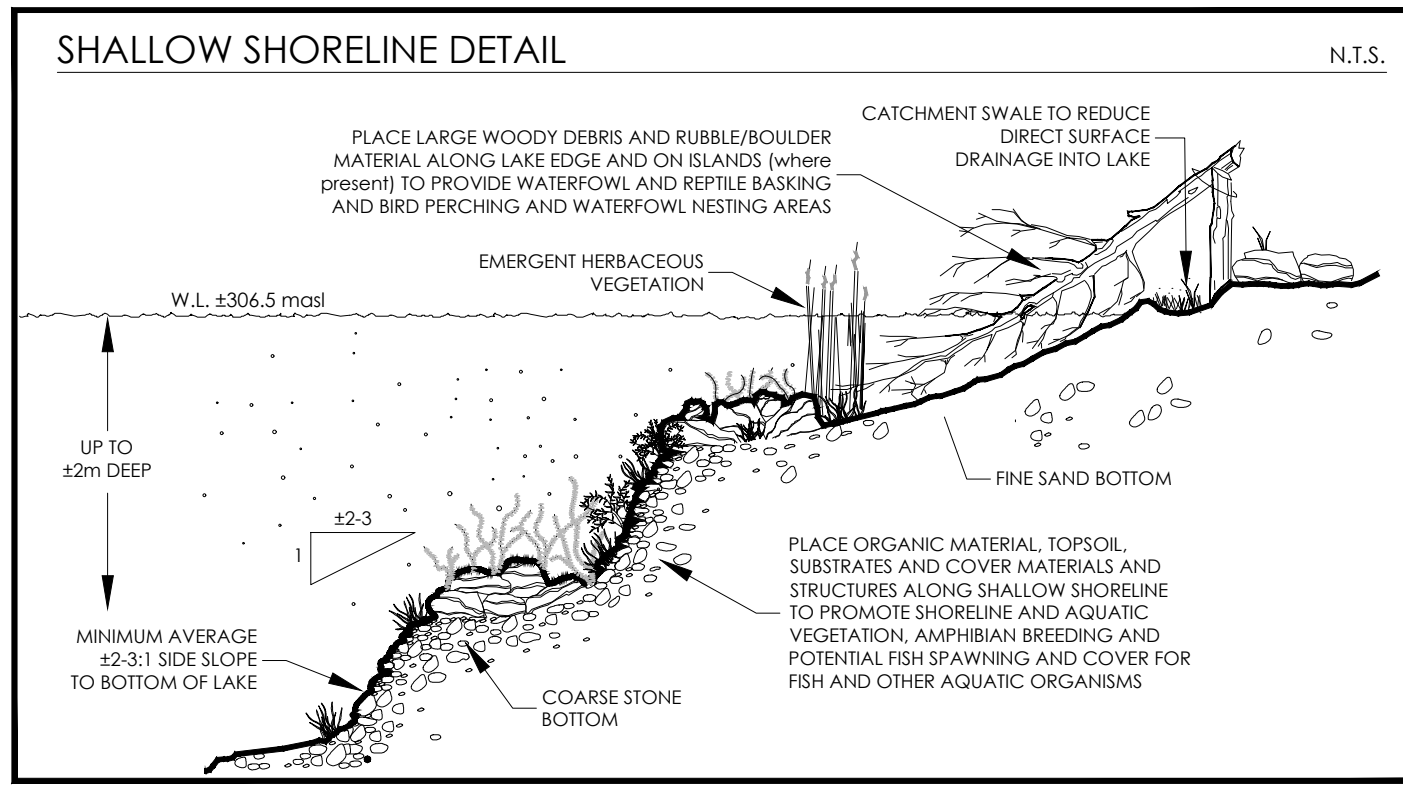
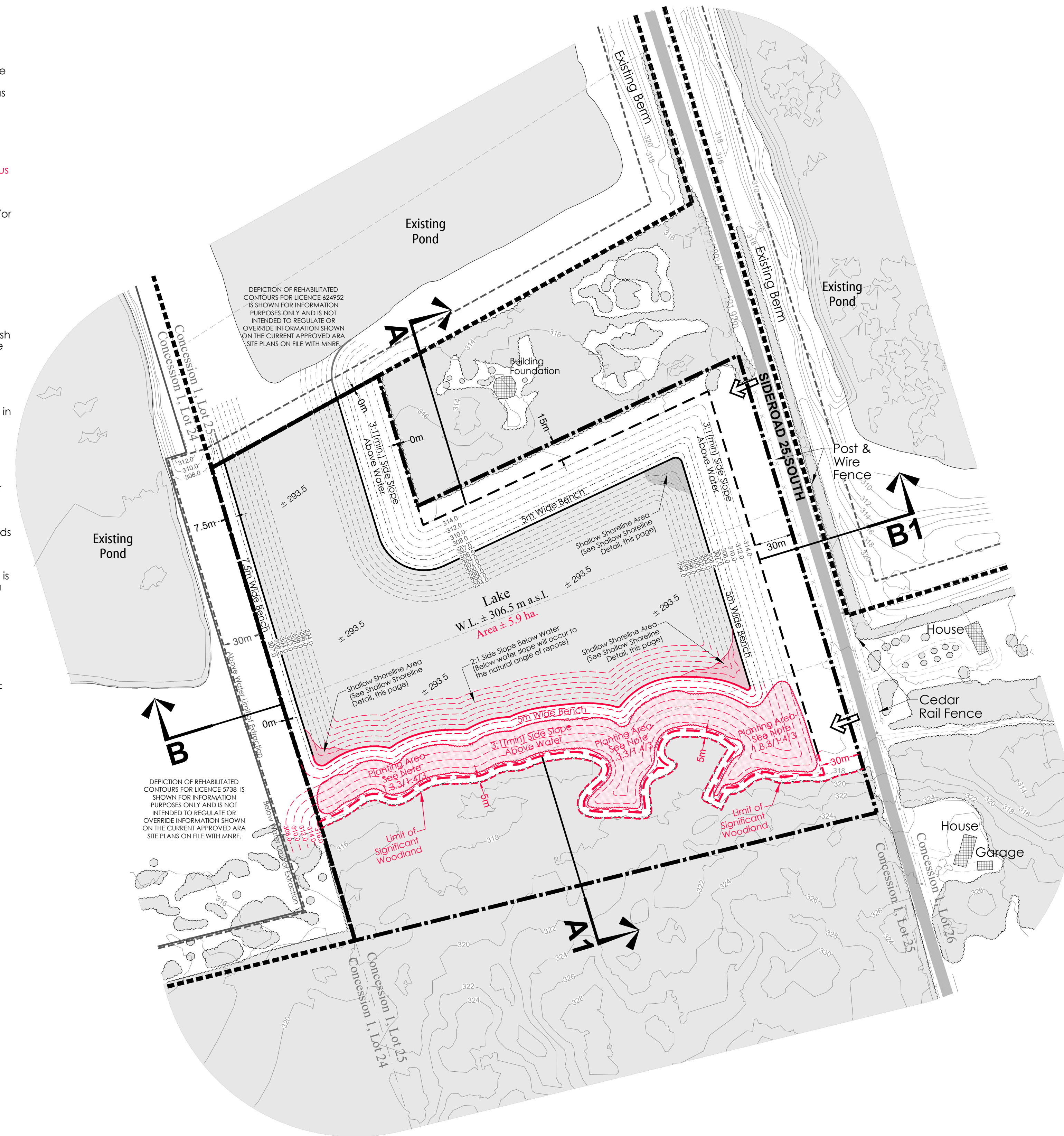
2. Notwithstanding Condition 1, where the imported material is not being placed within 1.5 metres of the surface, the criteria under Table 1 for sodium adsorption ratio and electrical conductivity do not have to be met.

**Buildings & Structures**  
1.4 No buildings or structures associated with aggregate operations will remain on site.

**Groundwater Table**  
1.4.5 The post extraction water level of the proposed Lake is ± 306.5 masl as shown on the Rehabilitation plan and Cross-Sections.

**Internal Haul Roads**  
1.4.6 There will be no roads remaining on site.

**Surface Water Drainage & Discharge**  
1.4.7 Final surface drainage will follow the rehabilitated contours as shown and generally be directed towards the post-extraction pond.



**Legal Description**  
PART OF LOT 25  
CONCESSION 1  
TOWNSHIP OF PUSLINCH  
COUNTY OF WELLINGTON

**Legend**

- Boundary of Area to be Licenced
- Limit of Extraction (ALL SETBACKS DRAWN TO SCALE AND SHOW LABELED DISTANCES)
- Existing Fence (1.2m POST & WIRE FARM FENCE UNLESS OTHERWISE NOTED)
- Public Road (Unpaved)
- Private Laneway/Roadway
- Field Access
- Hydro Pole/Line
- Building/Structure (LOCATION AND USE FOR BUILDINGS ON-SITE AND WITHIN 120m ARE SHOWN ON THIS PAGE)
- Elevation, Contour (METRES ABOVE SEA LEVEL (m a.s.l.))
- Existing Licenced Boundary (LICENCES #17600, 5738 and 624952)
- Existing Limit of Extraction (LICENCES #17600, 5738 and 624952)
- Existing Vegetation
- Proposed Vegetation (PLANTING AREA SEE NOTE 1.3.3/1.4.3)
- Proposed Lake
- Proposed Shoreline
- Wetland Area
- Limit of Significant Woodland
- Cross Sections (SEE PAGE 1 OF 3 FOR EXISTING CROSS SECTIONS AND PAGE 3 OF 3 FOR REHABILITATED CROSS SECTIONS)

**Site Plan Amendments**

No.	Date	Description	By

**MHBC**  
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Applicant's Signature

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Lanci Pit Expansion

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Plan Scale 1:2,000 (Arch D)

Plot Scale 1:2 [1mm = 2 units] MODEL

Drawn By G.C. File No. Y321V

Checked By N.D.

**REHABILITATION PLAN**

**3 OF 3**



**AMENDMENT NUMBER \_\_\_\_\_**  
**TO THE OFFICIAL PLAN FOR THE**  
**COUNTY OF WELLINGTON**

Applicant: CBM Aggregates, a Division of St. Marys Cement Inc.  
(Canada) Proposed Lanci Pit Expansion

Part Lot 25, Concession 1  
Township of Puslinch

County File No. OP-2020 – 04

DRAFT

**AMENDMENT NUMBER \_\_\_\_\_**

**TO THE COUNTY OF WELLINGTON  
OFFICIAL PLAN**

**INDEX**

**PART A- THE PREAMBLE**

The Preamble provides an explanation of the proposed amendment including the purpose, location and background information, but does not form part of this amendment.

**PART B - THE AMENDMENT**

The Amendment describes the changes and/or modifications to the Wellington County Official Plan which constitute Official Plan Amendment Number \_\_\_\_\_

**PART C- THE APPENDICES**

The Appendices, if included herein, provide information related to the Amendment, but do not constitute part of the Amendment.

## **PART A - THE PREAMBLE**

### **PURPOSE**

The purpose of this proposed Amendment is to:

1. Amend Schedule A7 of the Official Plan (the land use schedule for the Township of Puslinch) to allow for expansion of an aggregate extraction operation by adding the Mineral Aggregate Area overlay to the expansion lands with the exception of a portion of the Greenlands designation to be retained.
2. Amend Schedule A7 of the Official Plan to remove a portion of the Greenlands designation from the proposed extraction area and replace it with the Secondary Agricultural designation. Conversely, remove a portion of the Secondary Agricultural designation from outside of the proposed extraction area and replace it with the Greenlands designation.
3. Amend Schedule C of the Official Plan (Mineral Aggregate Resource Overlay) to admitting portions of the proposed extraction area to the Sand and Gravel Resources of Primary and Secondary Significance boundary.

These amendments represent map changes only.

### **LOCATION**

The subject lands are located immediately south of the existing CBM Lanci Pit which is approximately 24.7 ha (61 ac) in size. The lands are located on the west side of Sideroad 25 South on Part of Lot 25, Concession 1 in the Township of Puslinch.

In conjunction with a licence application under the Aggregate Resources Act, this application proposes to licence 14.8 ha (36.6 ac) of land of which 10.1 ha (25 ac) are proposed for extraction.

### **BASIS**

The County Official Plan provides for the establishment of new or expanded aggregate extraction operations subject to consideration of the potential impacts of such land uses on the natural environment, surrounding land uses, and the agricultural operations. The proposed extraction area includes three properties consisting of two dwellings, woodlands and open areas.

The proposed extraction area contains approximately 3 to 4 million tonnes of high quality sand and gravel resources. Resources will be extracted both above and below the water table similar to the existing pit.

The maximum annual tonnage limit is proposed to be 1,000,000 tonnes in combination with the existing Lanci Pit. There will be no aggregate processing on the subject lands as extracted resources will be transported by truck north to the Aberfoyle South Main Pit

operation for processing and shipment. The existing haul route and main entrance onto Concession Road 2 will remain the same.

The subject lands are within the Secondary Agricultural and Greenlands designation of the County of Wellington Official Plan. The features related to the Greenlands designation of the site are identified as significant woodlands which are located outside of the proposed extraction area.

New or expanded mineral aggregate operations shall only be established through amendment to Mineral Aggregate Area shown on Schedule 'A' of the Official Plan. To permit an expanded extraction operation, an Official Plan Amendment is required to include the proposed expansion lands within the Mineral Aggregate Area.

As part of this application, a request has also been made to revise the boundary of the Greenlands designation which would result in a total net increase of the Greenlands designation of approximately 0.13 ha (0.32 ac). These changes are being made to more closely align with the field-verified boundary of the adjacent significant woodlands which will be protected from aggregate extraction.

The Mineral Aggregate Resource Overlay on Schedule 'C' of the Official Plan generally identifies areas of high potential for mineral aggregate extraction. These lands have been identified based on geological information in the Ministry of Northern Development and Mines Aggregate Resources Inventory Paper (ARIP No. 162) or are areas licensed for a pit and quarry. The amendment also includes a map change to include the southern portion of the proposed extraction area within the Schedule C overlay (approximately 2.1 ha/ 5.2 ac). The Greenlands designation to be retained and added to on the subject lands has not been included within the overlay.

#### **OTHER APPROVALS**

An application for a Category 1, Class A licence under the Aggregate Resources Act has been submitted to the Ministry of Natural Resources and Forestry.

An application for a zoning by-law amendment (file #D14/CBM) to permit the pit has also been submitted to the Township of Puslinch.

#### **SUPPORTING INFORMATION**

In support of the proposed amendment to the Official Plan, CBM Aggregates has prepared a hydrogeological assessment, archaeological assessment, natural environment assessment, noise assessment and planning justification report.

## PART B - THE AMENDMENT

All of this part of the document entitled **Part B - The Amendment**, consisting of the following text and maps constitute Amendment No.\_\_\_\_to the County of Wellington Official Plan.

### DETAILS OF THE AMENDMENT

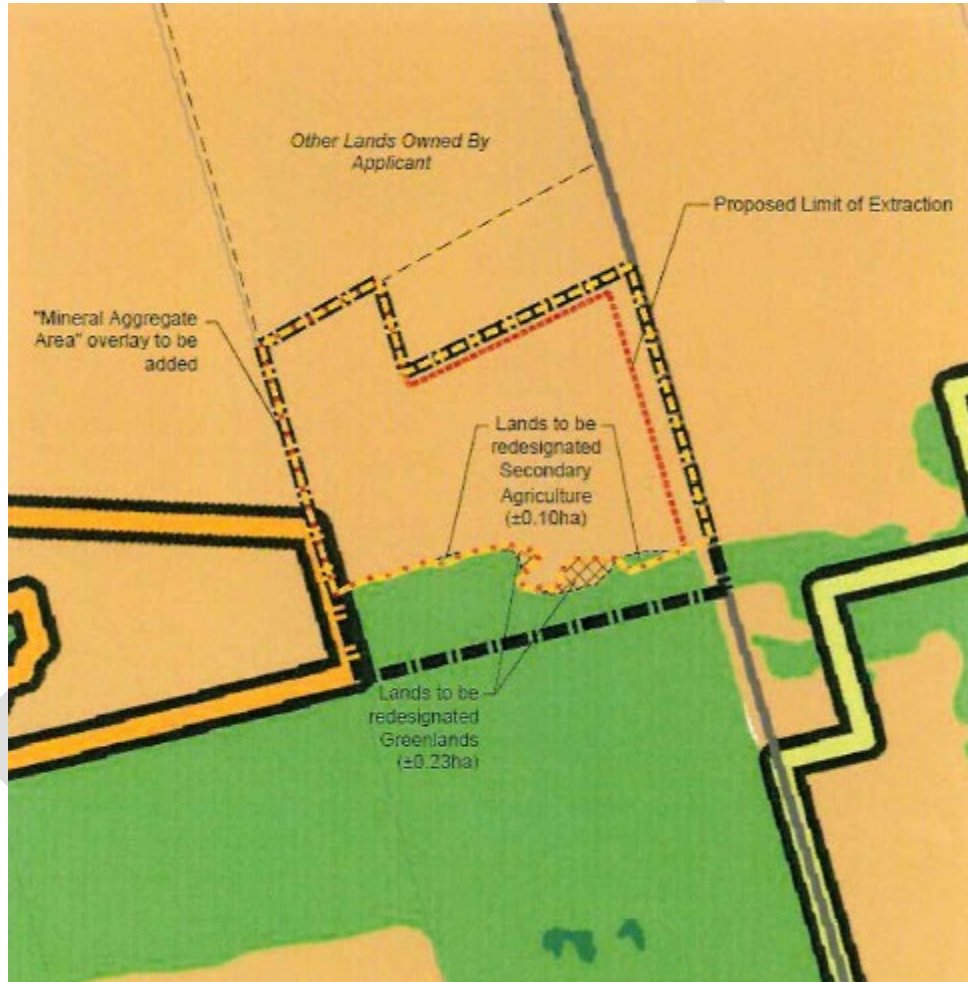
The Official Plan of the County of Wellington is hereby amended as follows:

1. THAT **Schedule A7 (Puslinch)** be amended by changing the designation on portions of Part Lot 25, Concession 1, in the Township of Puslinch from Greenlands to Secondary Agricultural, Secondary Agricultural to Greenlands, and by adding the Mineral Aggregate Area to the subject lands as illustrated on the attached Schedule "A" of this Amendment.
2. THAT **Schedule C (Mineral Aggregate Resource Overlay)** be amended by expanding the Mineral Aggregate Resource Overlay on Part Lot 25, Concession 1, in the Township of Puslinch by revising the Sand and Gravel Resources of Primary and Secondary Significance boundary as it relates to the subject land as illustrated on the attached Schedule "B" of this Amendment.

AMENDMENT NUMBER \_\_\_\_\_  
TO THE  
COUNTY OF WELLINGTON OFFICIAL PLAN

Schedule "A"

Amendment to Schedule A7 (Puslinch)

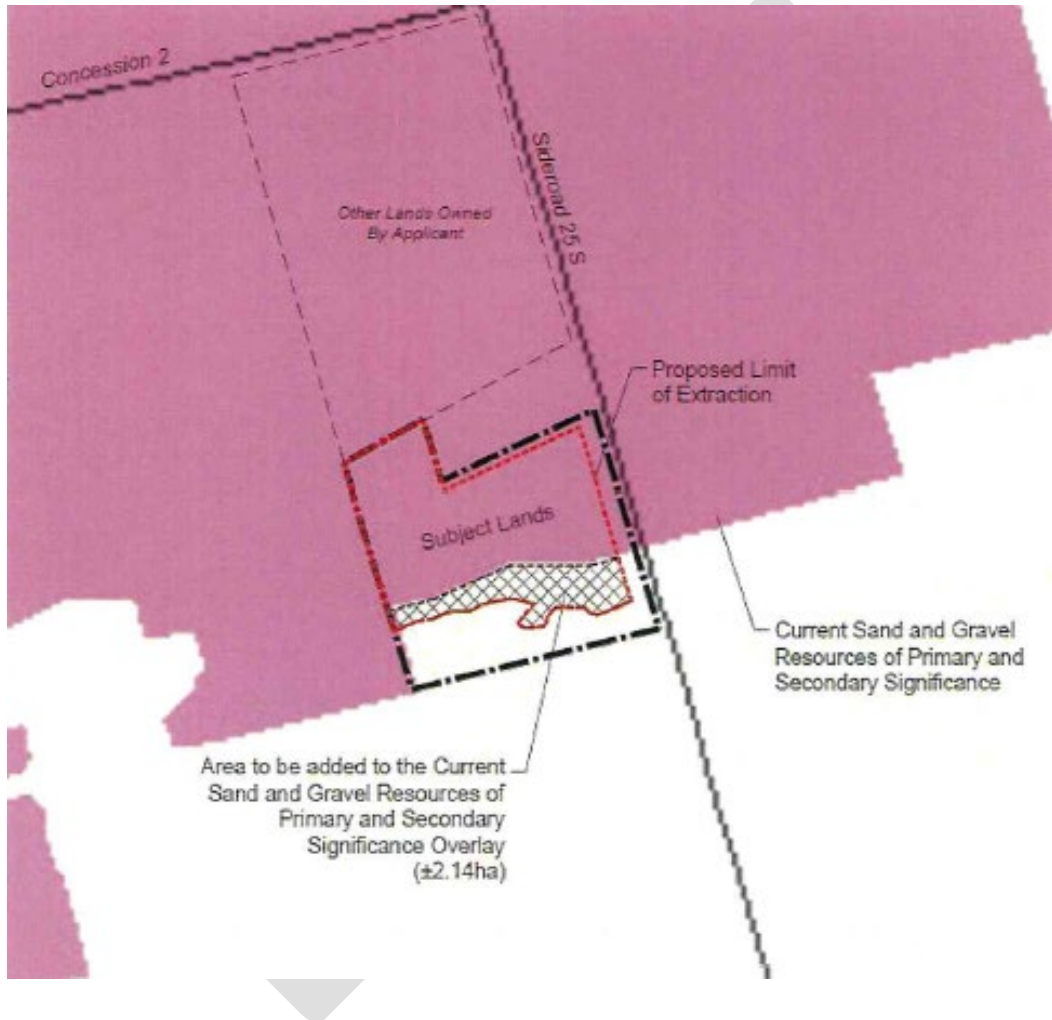


The lands are proposed to be identified as part of the Mineral Aggregate Area, with portions to be re-designated from 'Secondary Agricultural Area' to 'Greenlands' and 'Greenlands' to 'Secondary Agricultural Area'

AMENDMENT NUMBER \_\_\_\_\_  
TO THE  
COUNTY OF WELLINGTON OFFICIAL PLAN

Schedule "B"

Amendment to Schedule "C"



The hatched area is to be added to Schedule 'C' – Mineral Aggregate Resource Overlay



**THE CORPORATION OF THE TOWNSHIP OF PUSLINCH**

**BY-LAW NUMBER \_\_\_\_/2022**

**A BY-LAW TO AMEND BY-LAW NUMBER 023/18, AS AMENDED,  
BEING THE ZONING BY-LAW OF THE TOWNSHIP OF PUSLINCH**

**WHEREAS**, the Council of the Corporation of the Township of Puslinch deem it appropriate and in the public interest to amend By-Law Number 023/18 pursuant to Section 34 of the Planning Act, R.S.O. 1990 as amended;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF PUSLINCH ENACTS AS FOLLOWS:**

1. That Schedule “A” of By-law 023/18 is hereby amended by rezoning PT LOT 25, CON 1 within the Township of Puslinch, 4222-4248 Sideroad 25 S, from an **AGRICULTURAL SITE SPECIFIC PROVISION 1 (A-sp1) to EXTRACTIVE (EXI) SITE SPECIFIC PROVISION (EXIsp104); AGRICULTURAL (A) SITE SPECIFIC PROVISION (A sp105); NATURAL ENVIRONMENT (NE) SITE SPECIFIC PROVISION (NE sp106) and ENVIRONMENTAL PROTECTION OVERLAY** as shown on schedule “A” of this By-law.
2. That Table 14.1, Site Specific Special Provisions is amended by adding the following Site Specific Special Provisions:

No.	Parent Zone	By-law	Additional Permitted Uses	Prohibited Uses	Site Specific Special Provisions
##	EXI	##/2022	<u>Only Permitted Uses:</u> Pit; Agricultural use; Conservation use; Wayside Pit or Quarry.	N/A	A conservation use shall include new tree planting of approximately 1.3 ha in area on land adjacent to the significant woodland as required by progressive rehabilitation for the pit.  The truck haul route access is permitted via Concession 2.
##	A	##/2022	<u>Only Permitted Uses:</u> Accessory apartment; Community use; Dwelling, single detached; Home business; Home industry; Public park.	N/A	Visual and acoustic mitigation required for the pit can occur on these lands while such lands remain licensed under the Aggregate Resources Act.  The uses permitted in this zone are only permitted following extraction, rehabilitation of the pit, and surrendering of the license under the Aggregate Resources Act.  The Reduced Agricultural Lot Requirements in Section 11.4 of this By-law shall apply to the entirety of these lots.
##	NE	##/2022	N/A	N/A	Sediment and erosion control measures are permitted within the 5 m setback from the dripline of the significant woodland.

3. If By-law Number \_\_\_/2022 has come into full force and effect as it relates to the above-noted lands, this By-law shall become effective from the date of passage by Council and come into force in accordance with the requirements of the *Planning Act*, R.S.O. 1990 as amended, including the provisions of Section 24(2), if applicable.

READ A FIRST AND SECOND TIME THIS \_\_\_\_\_ OF \_\_\_\_\_, 2022.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

READ A THIRD TIME AND PASSED THIS \_\_\_\_\_ OF \_\_\_\_\_, 2022.

\_\_\_\_\_  
MAYOR

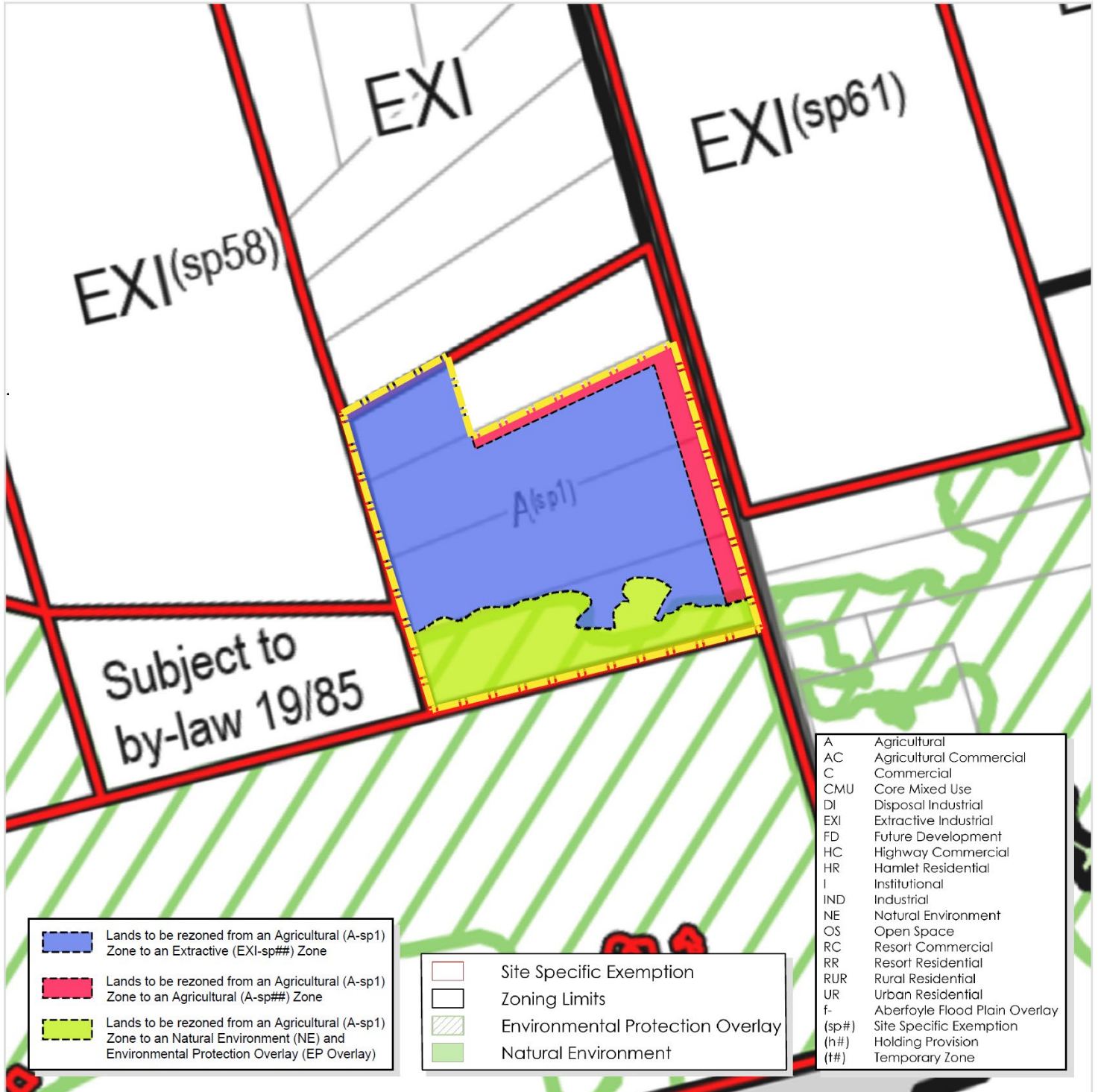
\_\_\_\_\_  
CLERK

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**THE CORPORATION OF THE TOWNSHIP OF PUSLINCH**

**BY-LAW NUMBER \_\_\_/2022**

**Schedule "A"**



This is Schedule "A" to By-law No. \_\_\_/2022  
 Passed this \_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
 MAYOR

\_\_\_\_\_  
 CLERK

# THE CORPORATION OF THE TOWNSHIP OF PUSLINCH

## EXPLANATION OF BY-LAW NO. \_\_\_\_\_

By-law Number \_\_\_\_\_ amends the Township of Puslinch Zoning By-law 023/18 by rezoning PT LOT 25, CON 1 within the Township of Puslinch, 4222-4248 Sideroad 25 S, from an AGRICULTURAL SITE SPECIFIC PROVISION 1 (A sp1) to EXTRACTIVE (EXI) SITE SPECIFIC PROVISION (EXI sp104); AGRICULTURAL (A) SITE SPECIFIC PROVISION (A sp105); NATURAL ENVIRONMENT (NE) SITE SPECIFIC PROVISION (NE sp106) and ENVIRONMENTAL PROTECTION OVERLAY as shown on schedule "A" of this By-law

The purpose of the amendment is to allow for the expansion of the Lanci Pit by approximately 14.8 ha (36.6 ac) with 10.1 ha (25 ac) intended for extraction. Below water extraction is permitted on the existing Pit and is also planned for the subject lands.

More specifically, the amendment will establish an Extractive Zone where extraction is proposed to occur; incorporate after use permissions for the lands retained in a site specific Agriculture Zone; and protect the field verified significant woodlands and the associated 5 m buffer by placing it within the Natural Environment Zone and extending the Environmental Protection Overlay to include the feature and the buffer. The site specific clauses proposed further clarify uses and establish after uses once extraction and rehabilitation has been completed and the license has been surrendered.

This application is related to County Official Plan Amendment \_\_\_\_\_ and County File # OP-2020-04.

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