



Committee of the Whole

March 28, 2023

Staff Report: #PLN-2023-09

REPORT BY: Forbes Symon, Senior Planner, Jp2g Consultants Inc.

REPORT SUBJECT: Thomas Cavanagh Construction Ltd.
Dalhousie Con 10 Pt Lot 5, Geographic township of Dalhousie
(Highland Line) Township of Lanark Highlands
Amendment to Township's Official Plan and Zoning By-law

DEPARTMENT: Planning

RECOMMENDATION(S):

*“**THAT**, Council DEFER consideration of Official Plan Amendment OPA #8 and Zoning By-Law Amendment ZA-2023-02 to permit the establishment of a pit on lands described as Part Lot 5, Concession 10, geographic Township of Dalhousie, now in the Township of Lanark Highlands to allow the applicant to address comments from the public, provide more information on the impacts on Long Sault Creek and Barbers Lake, to allow the Township to open discussions with the proponent regarding the 24hr pit operations plan and potential impacts on neighboring properties and the Highland Line Road, and to allow for the completion of the peer review of the various studies.”*

1. LOCATION AND DESCRIPTION

The subject property is located on Part Lot 5, Concession 10, geographic Township of Dalhousie, now in the Township of Lanark Highlands (Appendix A – Key Map). The property is not identified with a civic address as there are no buildings on the property nor has a civic address been applied for. The OPA/ZBA applications identify the subject property as being 50.6 ha (125 ac) in size, all of which will be licensed Aggregate Resources Act (ARA) lands. The applications also indicate that the 35.1 ha (86.7 ac) is proposed to be subject to aggregate extraction.

It is important to appreciate that this new proposed pit is to be a Class ‘A’ License to operate a pit **below the water table**, with a maximum annual tonnage to be extracted at 1,000,000 tonnes. The pit is proposed to operate on a 24-hour basis with limitations on what equipment can operate between the hours of 7 pm and 7 am.

For this proposed pit to proceed, there is a need for the proponent to obtain an amendment to the Lanark County Sustainable Communities Official Plan (SCOP), an amendment to the Township of Lanark Highlands Official Plan and Zoning By-law and obtain an Aggregate Resource Act (ARA) license from the Ministry of Natural Resources and Forestry.

The amendment to the SCOP is required to permit any new mineral aggregate operations within the County by adding them to the Licensed Aggregate Extraction Operation Designation. The proposed SCOP Official Plan Amendment (OPA) will amend the current designation from “Rural” to “Licensed Aggregate Extraction Operation”.

The amendment to the Lanark Highlands Official Plan as submitted is to change the land use designation from “Rural Communities” to “Mineral Aggregate Resource Policy Area – Pit”. The amendment to the Lanark Highlands Zoning By-law No. 2003-451 to amend the zoning from “Rural (RU)” and “Mineral Aggregate Reserve – Holding (MAR-h)” to “Mineral Aggregate Resources Pit (MXP)” (Appendix B, C, D).

Concurrent with the amendments to the County and Township planning documents, the proponent has initiated an Aggregate Resources Act (ARA) site plan license request with the Ministry of Natural Resources and Forestry. It is important to appreciate that the County and Township planning approvals focus on land uses, while the ARA site plan license focuses on site extraction details, pit operations, and rehabilitation (Appendix E). The ARA application has been deemed complete by the MNRF and is filed as ARA application #626599 (Appendix F).

The applicant’s Planning Justification Report describes the site as being comprised of two parcels separated by Anderson Lane. Anderson Lane is a Township Road which provides access to a dwelling located adjacent to the property on Lot 4, Con 10. The entire subject property and the proposed pit will have frontage on Highland Line, a Township year-round maintained road.

The proposed pit operation is expected to potentially generate high traffic volume. The proposed operation will extract aggregate using an on-site mobile screening plant and will also require occasional crushing. Both operations will only operate between 7:00 am and 7:00 pm.

The subject property can be best described as a rolling hilled landscape, with tree cover on high lands and hay and pasture fields on flatter and lower lands. A large portion of the tree cover on the property was removed in the spring of 2020. The most significant feature of the property is that it drains to and abuts Barbers Lake. Barbers Lake is part of the Long Sault Creek Sub watershed which is known to be a cold-water stream with a documented native brook trout population (Watershed Canada). In addition to the subject property, approximately 6 other properties abut Barbers Lake, with six dwellings abutting the lake.

It is worth noting that on a site inspection following the submission of the applications, it was confirmed that a large portion of the subject lands visible from the Highland Line has been deforested.

One of the region’s most significant rural economic development attractions, Wheelers Pancake House, is located directly to the west of the subject property. The proponent’s Planning Justification Report suggested that the main structures of the Pancake House are located 500-600 m from the subject property and that visual and acoustic berms will be used to mitigate potential impacts from the proposed pit.

There are currently no buildings located on the subject property.

2. APPLICANT SUBMISSIONS

On behalf of Thomas Cavanagh Construction Ltd., MHBC Planning Urban Design & Landscape Architecture submitted the following information in support of their applications:

- Stage 1 through 4 Archaeological Assessments (WSP Golder);
- Traffic Impact Study (Castleglenn Consultants)
- Acoustic Assessment (Freefield Ltd.);
- Level 1 and Level 2 Water Report (WSP Golder);
- Natural Environment Level 1 and 2 Technical Report (WSP Golder);
- Planning Report and ARA Summary Statement (MHBC);
- Site Plan (WSP Golder).

At the time of the writing of this report, the peer review of the above-noted reports has not been finalized. Future comments on the reports will be forthcoming at a future meeting.

3. ARA PROPOSED SITE PLAN SUBMISSION

The proposal involves Thomas Cavanagh Construction Ltd. making a Class A Licence to operate a pit below the water table. The maximum annual tonnage is proposed to be 1,000,000 tonnes. The ARA License application has been deemed complete and has been assigned #626599. The ARA site plan is attached as Appendix E. Correspondence from MNR indicates that MECP will review the proposal in terms of the hydrogeological report. The ARA circulation/commenting period is 60 days from January 31, 2023 (Appendix F).

It is worth noting that within 7 kilometres of the subject property, there are 9 other ongoing aggregate pit licenses. These licenses combine for a total maximum annual extraction of 900,000 tonnes. Only one of these 9 surrounding pits is below water (Pit ID 4239). All the operating pits within proximity to the subject property are pits which operate 1.5 m above groundwater levels.

It is also worth noting that of the 9 pits within 7 km of the site, four have frontage on Highland Line. The existing Highland Line pits have a combined annual tonnage of 690,000 tonnes and cover approximately 144 ha of land. All the existing pits that front on Highland Line Road use the existing/proposed haul route east along Highland Line Road to County Road #12 (Watsons Corners Road).

The most recently approved pit on Highland Line Road referred to as the McKinnon Pit, operated by Arnott Brothers, resulted in an agreement between the Township and the proponent for upgrades to the Highland Line Road and limits on pit operation. Of particular interest are the limits to heavy truck travel from 6:00 am to 6:00 pm, Monday to Friday with no truck traffic on weekends or public holidays. During the half-load season, no truck travel is permitted along Highland Line Road, except in case of emergency. The agreement also identified the times of the year when on-site crushing would take place. This pit covers approximately 34.3 ha of land and has a maximum annual extraction of 150,000 tonnes.

4. PLANNING ANALYSIS

4.1 Provincial Policy Statement (PPS) 2020

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning that provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. As per Section 3(5) (a) of the Planning Act, R.S.O. 1990, all planning decisions must be consistent with the PPS.

The applicant's Planning Report provides a very detailed assessment of consistency with the PPS (2020) and concludes that the "proposed Highland Line Pit operation has been designed to ensure that social, economic, and environmental impacts are minimized. The proposal will make available close to market aggregate which will serve local eastern Ontario markets". It also concludes that the proposed pit is consistent with the PPS (2020).

There are several points which should be stressed about the PPS. First, Section 2.5.2 deals with Mineral Aggregate Resources. It clearly states that "as much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible." It also states that "demonstration of the need for mineral aggregate resources, including any type of supply/demand analysis, shall not be required".

Section 2.5.2.2 states that extraction shall be undertaken in a manner which minimizes social, economic, and environmental impacts. The policies also state that the aggregate resource should be protected from non-compatible uses.

4.2 Lanark County Sustainable Communities Official Plan (SCOP)

The subject lands are designated "Rural" in the Lanark County SCOP and as such, there is a need to amend the SCOP to permit the proposed Highland Line Pit. The SCOP Official Plan Amendment (OPA) is intended to amend the designation from 'Rural' to 'Licensed Aggregate Extraction Operation'.

The applicant's Planning Report confirms that the proposed Highland Line Pit requires an amendment to Schedule A of the SCOP from Rural to Licensed Aggregate Extraction Operation.

The SCOP policies in Section 6.2, Mineral Aggregate Resources identify the economic importance of aggregate and the need to protect the resource from non-compatible land uses. It identifies a broad range of permitted uses including portable asphalt and concrete plants. It also creates a 300 m buffer around all aggregate operations to limit non-compatible uses to be established.

4.3 Lanark Highlands Official Plan

The applicant's Planning Justification Report identifies the lands as being designated "Rural Communities" on Schedule 'A' of the Official Plan. As such, there is a need to amend the Township OP to permit the proposed pit. The Township Official Plan Amendment (OPA) is intended to amend the designation from 'Rural Communities' to 'Mineral Aggregate Resource Policy Area – Pit'. A portion of the proposed pit is currently identified as a "Mineral Aggregate Reserve", consistent with provincial mapping of aggregate resources.

The applicant's Planning Justification Report assessed the relevant policies of the Lanark Highlands Official Plan and concludes that the proposed pit conforms to the Township's Official Plan.

Section 4.1 of the OP contains the Mineral Aggregate policies. It recognizes the range of permitted uses highlighted in the PPS, including pits and quarries and portable asphalt and concrete plants. Section 43.1.3 sets out the policies for new or expanded mineral aggregate resource policy areas. It clearly states that provided all applicable policies of the OP are met, the establishment of a new licensed operation shall be permitted subject to the lands being within the appropriate designation.

Where new pits are proposed within 300 m of a residential, institutional, or commercial use the proponent is required to provide information related to hydrogeological impacts and demonstrate that the extraction operation will not result in negative impacts on the existing non-extraction development's water and sewer services. They are also required to provide information on traffic impact, noise, and vibration impact assessments and "demonstrate conclusively that the proposed extraction operation can proceed without negative impacts on the existing non-extraction development.

As noted earlier, the subject property and the proposed mineral aggregate extraction are proposed within 30 m of Barbers Lake. What the Planning Justification Report for the proposed development failed to recognize was that a portion of the property is within the Waterfront Communities designation. Section 3.1 of the Official Plan states that "Waterfront Communities is defined as those lands generally extending inland 150.0 metres from any lake or watercourse as shown on Schedule A, except that:

1. lands which ecologically, physically, visually or functionally related to the water body, although extending beyond 150.0 metres from the waterbody shall be deemed to be within the Waterfront Communities;
2. lands which do not ecologically, physically, or functionally related to the water body, although within 150.0 metres of the waterbody shall be deemed not to be within the Waterfront Communities; and,
3. lands within the Village and Hamlet Communities designation on Schedule A to this Plan shall be deemed not to be in the Waterfront Communities."

The OP acknowledges that "the extent of the Waterfront Communities is not shown graphically on Schedule A." It states that "in considering the precise location of where the Waterfront policies apply, the following matters shall be considered:

1. the extent to which the lands or the existing or proposed use of the lands are associated with or impact upon the waterfront;
2. the existence of topographic features or other terrain constraints which would limit or orient the proposed use of the land toward or away from the waterbody; and,
3. the presence of man-made features which would orient the proposed use of the land toward or away from the waterbody."

Section 3.1.2 sets out the Waterfront Objectives which include:

1. "To protect the visual qualities of the lakes and rivers and to protect or enhance the natural shoreline character.

2. To protect wetlands, wildlife habitat areas and fish habitats from incompatible development.
3. To maintain or improve the ecological, scenic, or recreational character of the Township's lakes and rivers and those lands that are visually connected to the shoreline.
4. To ensure that shoreline development does not harm the quality of lake water and, wherever possible, to rehabilitate and naturalize shoreline areas that are currently developed.
5. To encourage an increased awareness of the sensitivity of the environment and environmental stewardship of lands in the Waterfront Communities.
6. To ensure that development, redevelopment, and the increasing use of shoreline properties do not result in additional environmental impacts or increase municipal servicing costs.
7. To promote the maintenance and enhancement of native vegetation buffer areas in all shoreline areas of the Township.
8. To promote the use of septic systems and tile beds that utilize phosphorous-retaining soils. To encourage and support the development of lake management plans that identify and protect the unique social, cultural, and ecological values of different lakes in the Township.
9. To protect areas of archaeological potential.
10. To preserve the dark sky through sensitive lighting design and installation.”

The policies of Section 3.1 have not yet been addressed by the proposed mineral aggregate pit applications. Currently, it is not possible to state that the proposed development conforms to the Township's Official Plan.

4.4 Lanark Highlands Zoning By-law

Schedule A to the Lanark Highlands Zoning By-Law 2003-451 identifies the subject property as being covered by two zones: 'Mineral Aggregate Reserve - Holding (MAR-h)' and 'Rural' (RU). Neither of these zones permits the proposed pit operation and, as a result, a Zoning By-law Amendment (ZBA) is required to place the property within the 'Mineral Aggregate Resources Pit' (MXP) zone, which is designed to permit a pit.

The Planning Report identified that Section 4.32.3 states that “the minimum setback distances for pits and quarries from property lines shall be as set out in the Aggregate Resources Act”. This provision recognizes that extraction setbacks are outlined on the site plan approved under the Aggregate Resources Act and that the site plan prevails to the extent of any conflicts with a municipal by-law.

The proposed pit zoning by-law amendment application does not include any special provisions or setbacks.

4.4 Mississippi-Rideau Source Protection Plan

One of the issues that were identified through the preliminary review of the proposed pit application was that the Government of Ontario Pits and Quarries website identified the entire subject property as being a vulnerable aquifer and a large portion of the western half of the subject property as being a “significant groundwater recharge area”. The highly vulnerable aquifers represent 89% of the region, while significant groundwater recharge

areas represent 13% of the region's land base. The MECP describes drinking water threats under the Clean Water Act to include "an activity that reduces the recharge of an aquifer."

5. COMMENTS

Notice of the proposed Official Plan Amendment and Zoning By-law Amendment to permit the proposed pit were issued on January 30, 2023, to all property owners within 120 m of the subject lands, posted on the subject lands, mailed to all prescribed ministries and agencies and posted on the Township's website.

To date agency comments have been received by the MVCA, focused on the natural hazard aspects of the development (Appendix G). It is anticipated that additional comments may be forthcoming from agencies. Prescribed provincial agencies, as well as the Department of Fisheries and Oceans, will be commenting on the proposal through the ARA circulation by the MNRF.

There has been a high volume of comments received from the public and surrounding property owners. All comments from the public that have been received at the time of the writing of this report are found in Appendix H. It is anticipated that additional comments will be forthcoming. All comments received by the Township prior to their making a decision on the two applications will be considered as part of the public record. At this time approximately 115 public comments have been received.

The following is a summary of the range of topics and concerns that have been submitted:

1. The below water table pit is a great concern regarding the protection of drinking water and environmental impacts on Barbers Lake and Long Sault Creek.
2. Overall disregard of the impact on those who live/own lands on Barbers Lake and the environmental impact on the Lake.
3. Overall loss of habitat and impact, 2020 deforestation.
4. The 24hr operation and noise throughout the night, impact on the natural environment with lighting, light pollution.
5. Economic impact on a significant regional business (Wheelers Pancake House & Museum).
6. Traffic impact related 24hr operation, the ability of the road to withstand high use.
7. The general quality of life impacts, noise, air pollution, and visual impact.
8. Concerns with enforcement of terms and conditions of ARA site plan – past infractions by applicant.

Most if not all comments received are well documented and have merit. It will be the proponent's responsibility to address these comments before Council makes a decision on the OPA and ZBA application.

There were a number of comments from the public suggesting that Council simply refuse the OPA and ZBA outright. It is critical that prior to Council making a decision on the merits of the application that they have the benefit of peer review comments, the results of the ARA circulation and public agency comments and have had an opportunity to negotiate with the proponent. This is a critical step in the approval process.

Should Council refuse the applications without the support of peer review/agency comments, they would run the risk of having to defend those decisions before the OLT and need to provide a planning rationale for their decision. A quick emotional decision is not appropriate and could put the Township in a position where they are required to incur costs to defend their position.

As a result, it is recommended that Council stick to the process that has been recommended and defer making a decision at this time to allow the process to evolve and comments received.

6. SUMMARY AND RECOMMENDATIONS

The proposal before Council is to permit a below-water pit to be operated 24hr per day on lands described as Part Lot 5, Concession 10, geographic Township of Dalhousie, now in the Township of Lanark Highlands. The proposed maximum annual extraction is proposed to be 1,000,000 tonnes. This proposal requires an amendment to the Lanark Highlands Official Plan, Lanark Highlands Zoning By-law, Lanark County Sustainable Communities Official Plan, and a license from the MNR under the Aggregate Resources Act. Typically, the ARA site license contains all the operational and design details of the pit operation.

There have been numerous studies which have been submitted in support of the various applications. At this time, the peer review of the various studies is ongoing and not yet finalized.

From a land use planning perspective, the proposed pit is in an area of known aggregate deposit and the surrounding neighborhood understands and has experience with aggregate extraction and the four (4) other pits located along the Highland Line. However, the scale of the proposed extraction will be 30% greater than the combined extraction of the four (4) existing pits along the highland line. It will also be the first pit to operate below the water table and 24hr per day on the Highland Line.

The preliminary review of the proposal has generated Township questions and concerns regarding the 24-hour operation of the pit, its impact on the surrounding property owners, its impact on the cold-water creek, and its impact on Highland Line Road. There is also the concern that a portion of the land is located within the Waterfront Communities designation which has not been addressed.

This development proposal has generated a tremendous amount of public interest, as reflected in the 115 comments attached as Appendix G to this report. These comments have merit and should be addressed by the proponent prior to Council making a decision on the merits of the OPA and ZBA.

It is the recommendation of this report that Council DEFER making a decision on the merits of the OPA and ZBA until the applicant has had an opportunity to address comments from the public, provide more information on the impacts on Long Sault Creek/Barbers Lake, to allow the Township to open discussions with the proponent regarding the 24hr pit operations plan and potential impacts on neighboring properties and the Highland Line Road and to allow for the completion of the peer review of the various studies.

All of which is respectfully submitted.

Sincerely,
Jp2g Consultants Inc.
ENGINEERS ▪ PLANNERS ▪ PROJECT MANAGERS



Forbes Symon, MCIP, RPP
Senior Planner

7. ATTACHMENTS

- Appendix A – Key Map
- Appendix B – Official Plan Schedule A
- Appendix C – Official Plan Schedule B
- Appendix D – Zoning Schedule
- Appendix E – Proposed Site Plan
- Appendix F – ARA Complete Application
- Appendix G – Agency Comments
- Appendix H – Public Comments

Prepared By: Forbes Symon, Senior Planner, Jp2g Consultants Inc.

Approved By: Darlene Plumley, CAO/Deputy Clerk

Appendix A Key Map

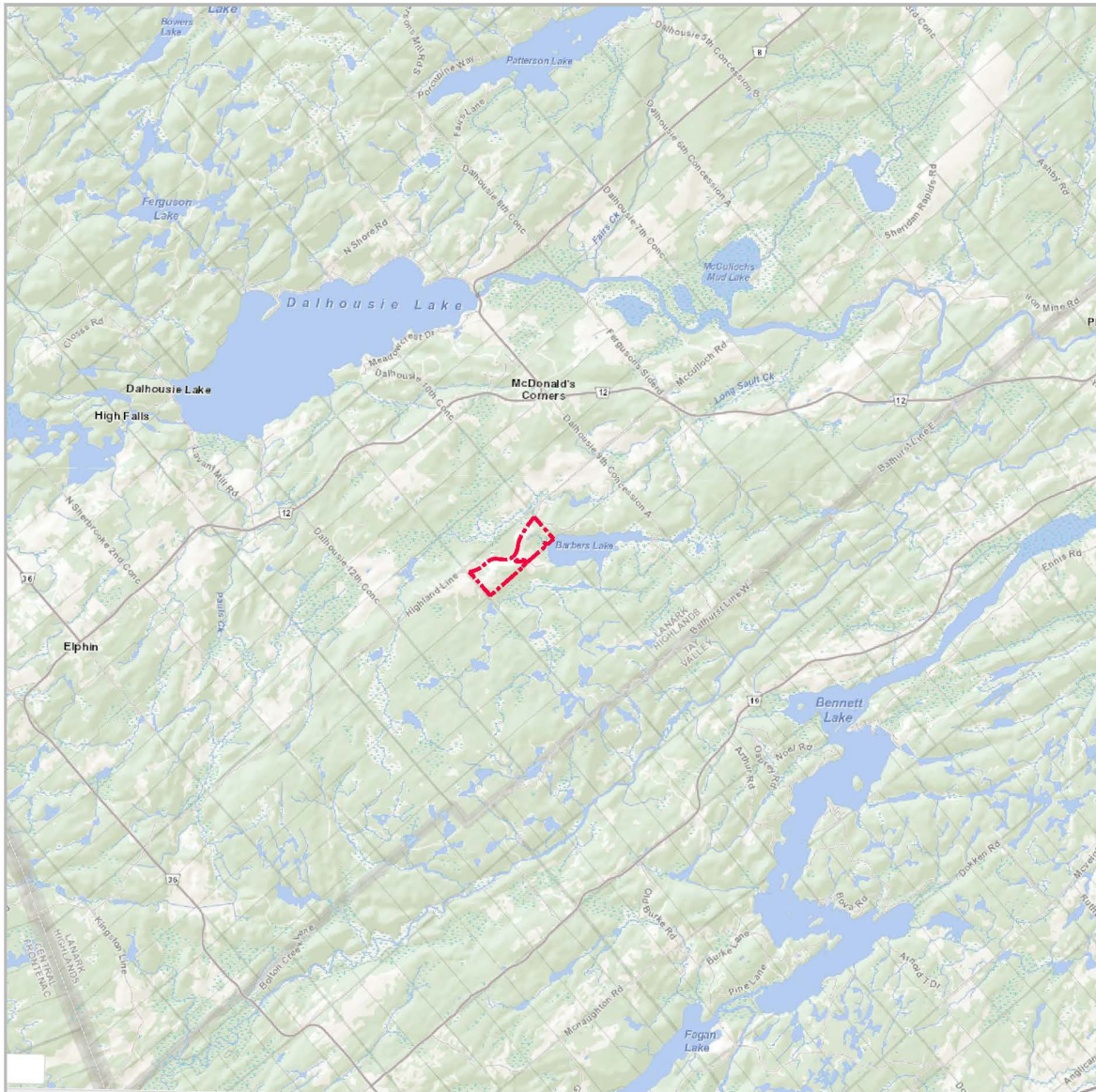


Figure 1
Location Map

LEGEND

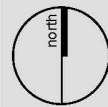
 Subject Lands

DATE: November 2022

SCALE: NTS

FILE: 0851E

DRAWN: DGS



K:\0851E-THOMAS CAVANAUGH CONSTRUCTION-HIGHLAND LINERPT\LOCATION MAP.DWG

**Thomas Cavanagh
Construction Limited**
Part of Lot 5, Concession 10
(Geographic Township of Dalhousie)
Township of Lanark Highlands
County of Lanark

Base Map Source:
agMaps online mapping service ©Queen's Printer for Ontario 2022



**PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE**

200-540 BINGEMANS CENTRE DR. KITCHENER, ON, N2B 3X9
P: 519.576.3650 F: 519.576.0121 | WWW.MHBCPLAN.COM

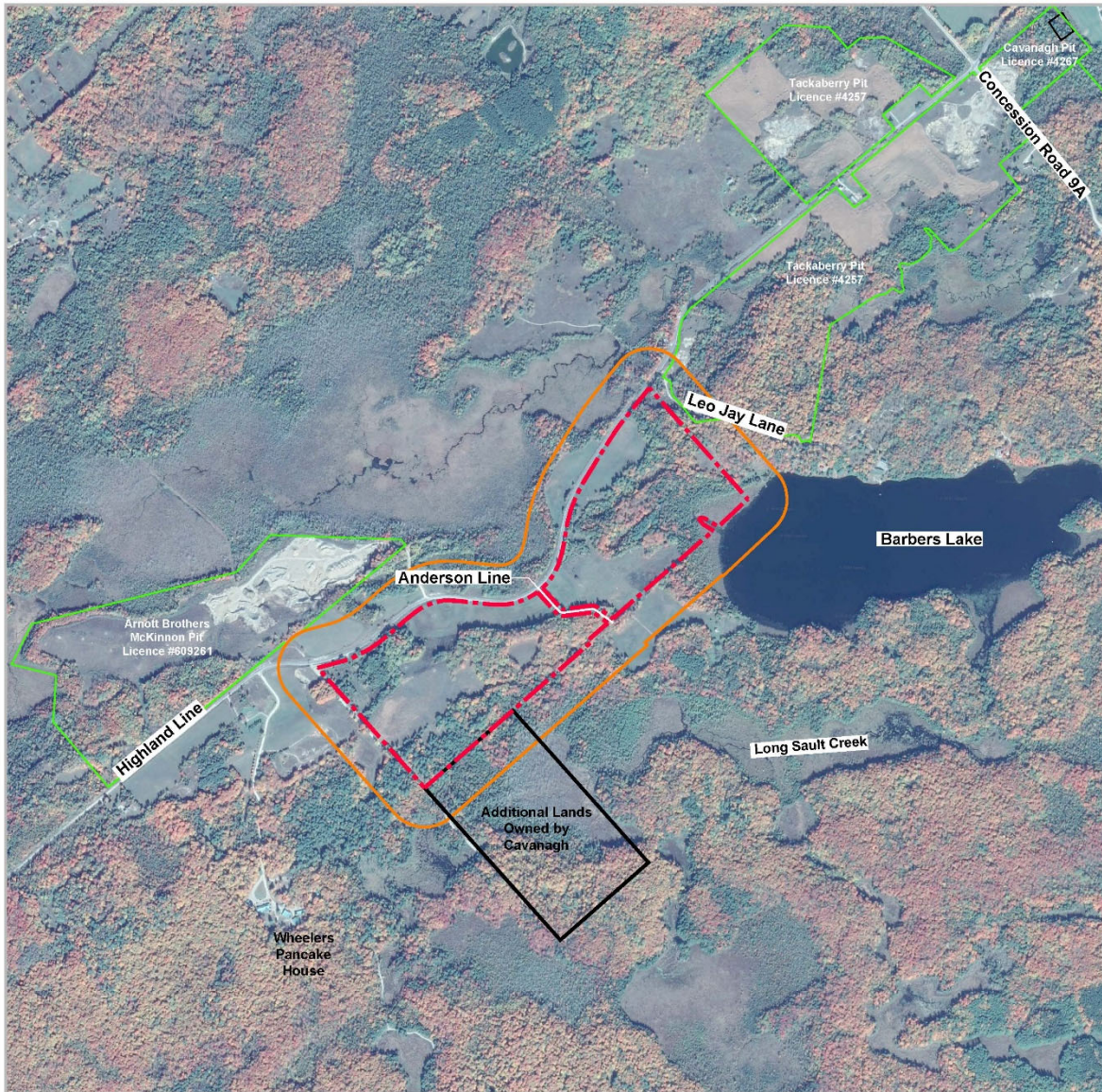



Figure 2
Imagery Map

LEGEND

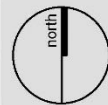
-  Subject Lands
-  120m from Subject Lands

DATE: November 2022

SCALE: NTS

FILE: 0851E

DRAWN: DGS



**Thomas Cavanagh
Construction Limited**
Part of Lot 5, Concession 10
(Geographic Township of Dalhousie)
Township of Lanark Highlands
County of Lanark

Base Map Source:
Google Imagery 2019

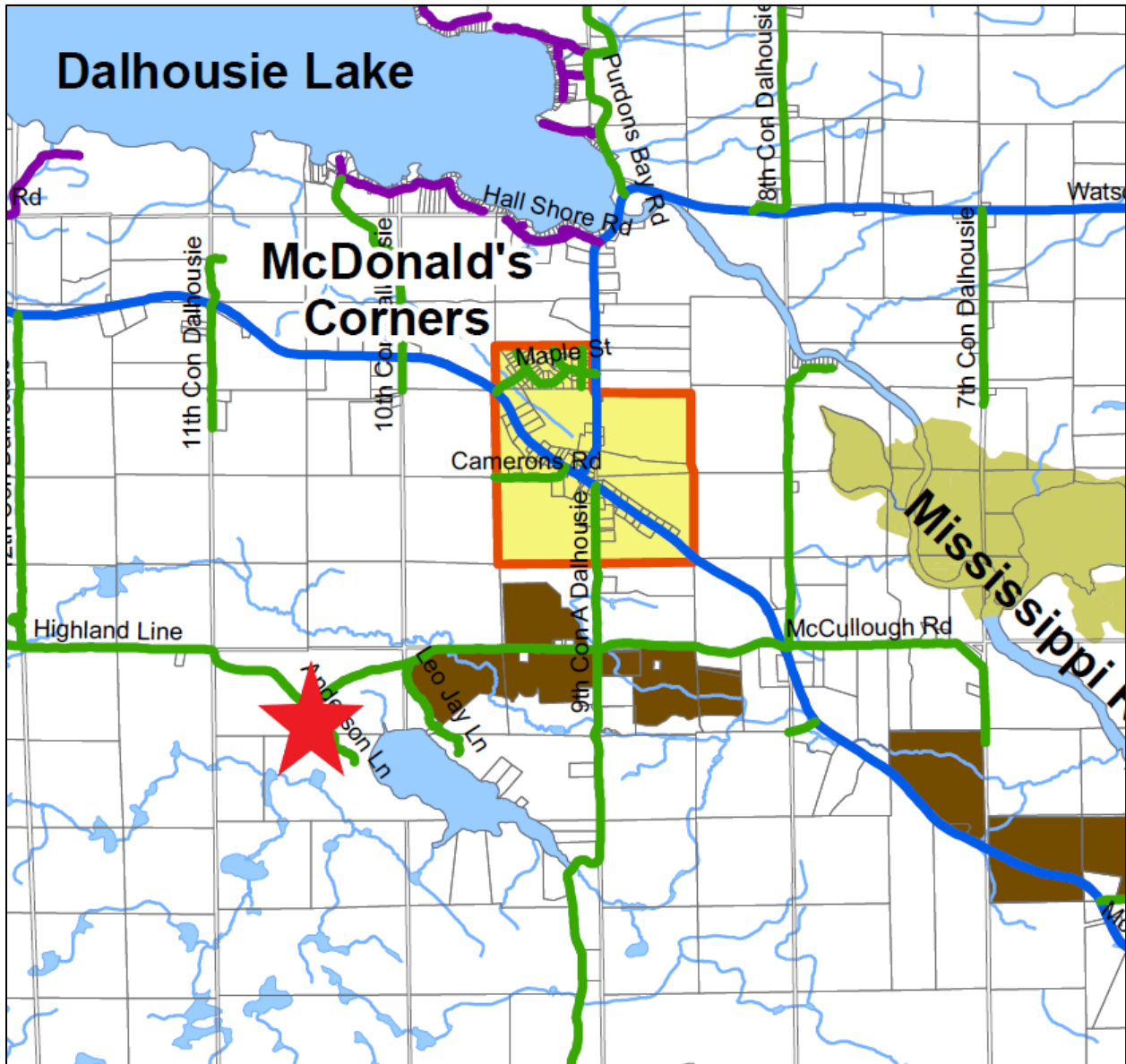
K:\0851E-THOMAS CAVANAUGH CONSTRUCTION-HIGHLAND LINE\RP\IMAGERY
MAP.DWG



**PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE**

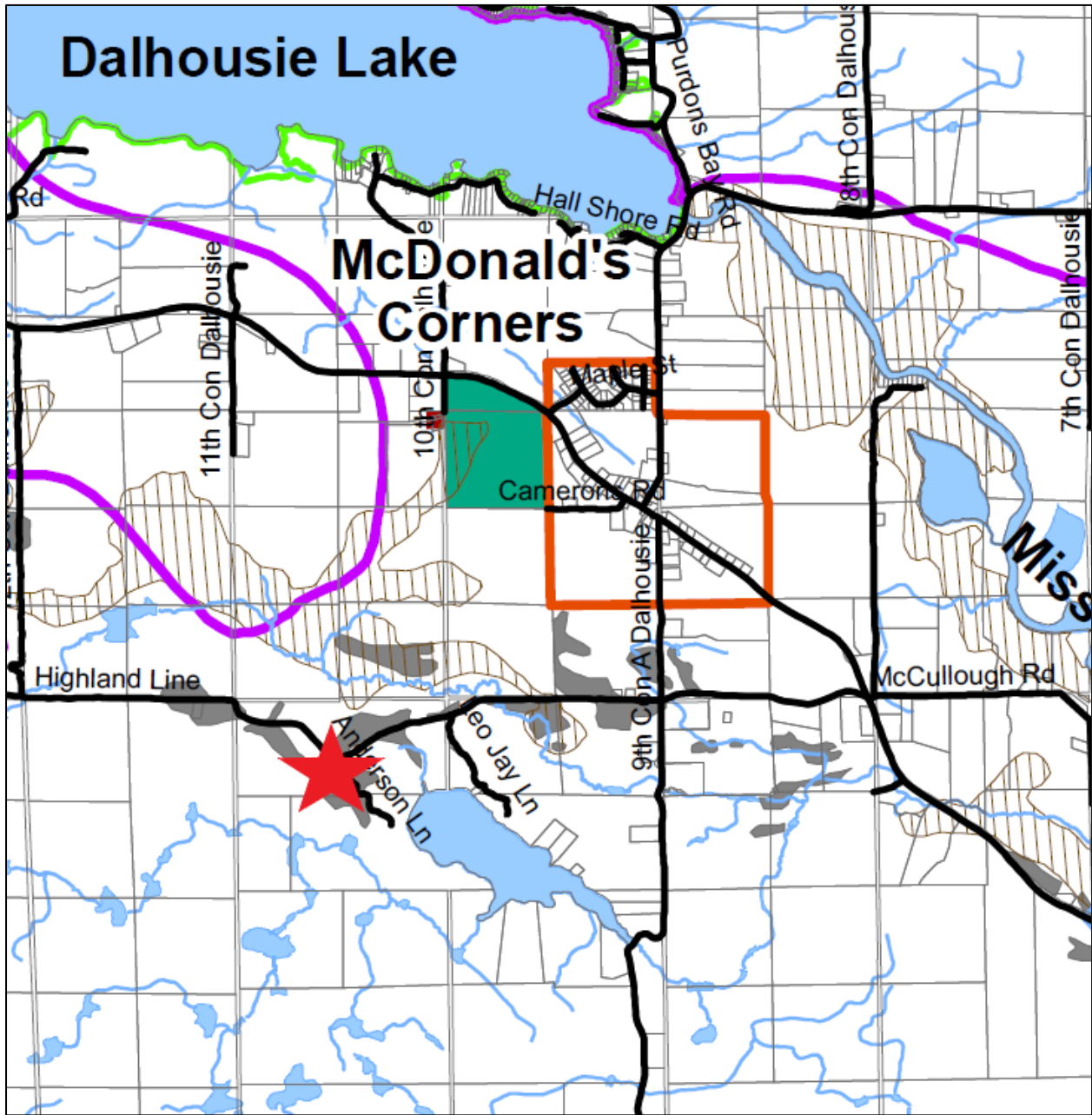
200-540 BINGEMANS CENTRE DR. KITCHENER, ON, N2B 3X9
P: 519.576.3690 F: 519.576.0121 | WWW.MHBCPLAN.COM

Appendix B
Official Plan Schedule A



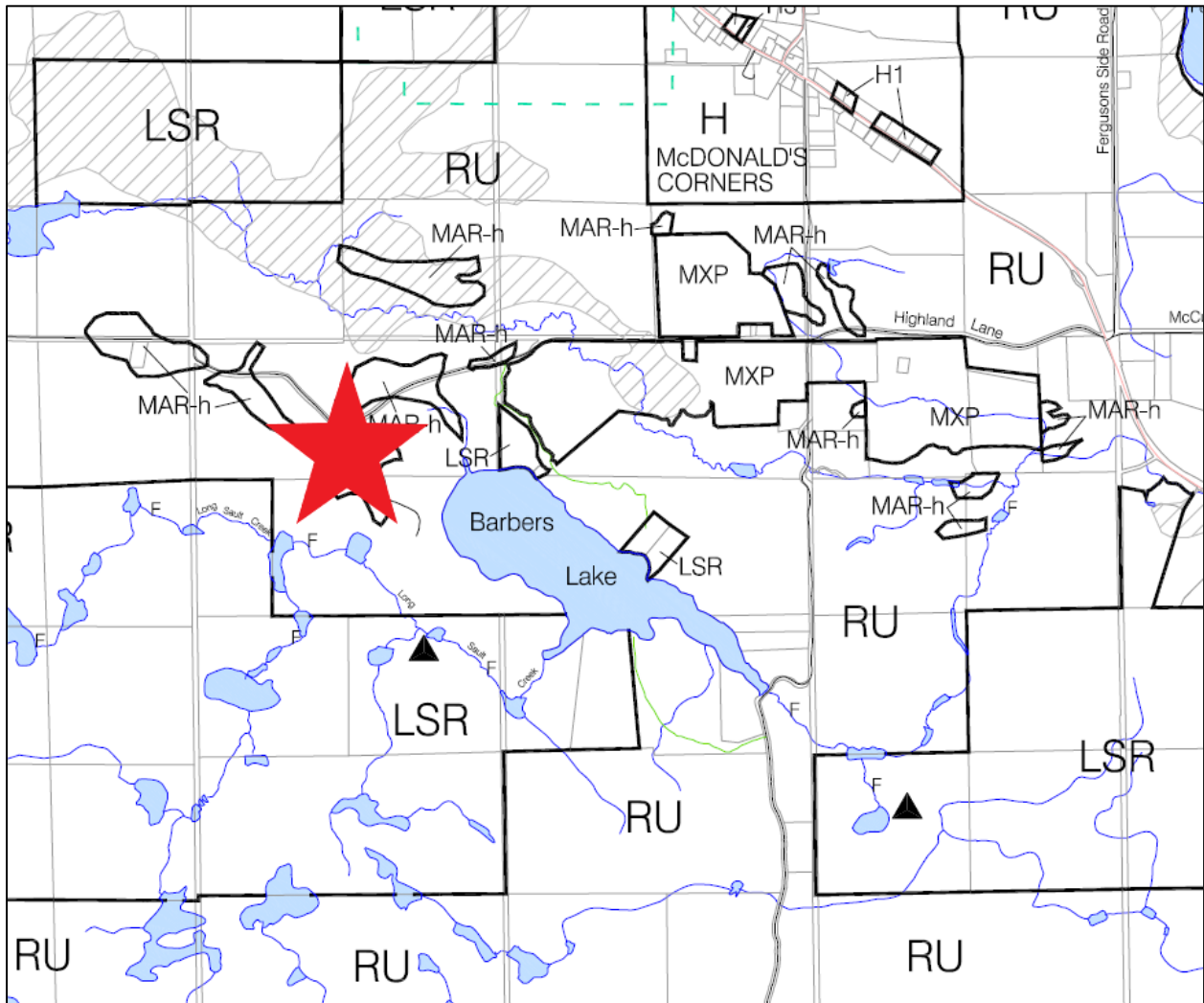
★ Subject Land - Rural Communities/Waterfront Communities designation

Appendix C
Official Plan Schedule B



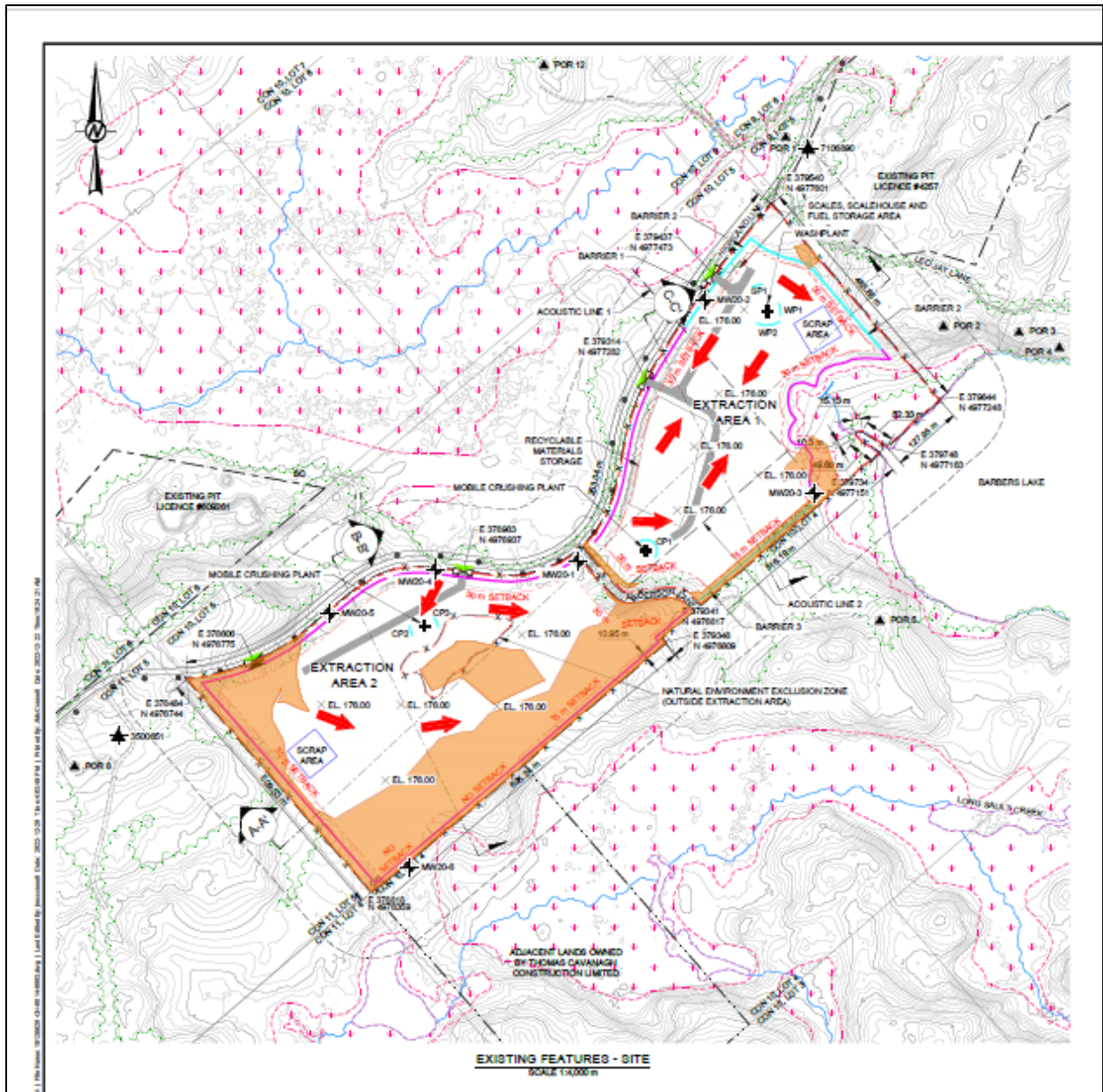
★ Subject Land

Appendix D Zoning Schedule



★ Subject Land: Rural and Mineral Aggregate Reserve - holding

Appendix E Proposed Site Plan



Appendix F

ARA Complete Application

Ministry of Natural Resources and
Forestry

Aggregates Section

Divisional Delivery Branch
300 Water Street
Peterborough, ON K9J 3C7

E: ARAApprovals@ontario.ca

Ministère des Richesses naturelles et des
Forêts

Section des Agrégats

Direction de la prestation des services de la Division
300, rue Water
Peterborough (ON) K9J 3C7

E : ARAApprovals@ontario.ca



January 31, 2023

Thomas Cavanagh Construction Limited
9094 Cavanagh Road
Ashton, ON K0A 1B0
Via email: PWhite@thomascavanagh.com

Subject: *Aggregate Resources Act* Licence Application #626599
Thomas Cavanagh Construction Limited
Class (A) – Licence Pit Below Water
Maximum Annual Tonnage Limit – 1,000,000 tonnes
Lot 5, Concession 10, Geographic Township of Dalhousie
Township of Lanark Highlands, County of Lanark

Dear Phil:

The Ministry has completed the review of the above noted licence application which consists of the application form, summary statement, technical reports and site plan received on January 18, 2023. The information submitted meets the requirements of the Aggregate Resources Act (ARA), O.Reg 244/97 and Aggregate Resources of Ontario Standards and the application has been deemed complete and assigned #626599. Please reference this number in all future correspondence with the Ministry.

Notification/Circulation/Consultation

You may proceed with Notification and Consultation as outlined for a Class A Licence, Pit, below water in accordance with O. Reg 244/97 and Aggregate Resources of Ontario: Circulation Standards under the ARA.

A copy of the Public Notice of Application Form to be used to meet the notification/circulation requirements in O. Reg 244/97 is attached. In order to include the consultation details for this new licence application in the Environmental Registry of Ontario (ERO) proposal notice, **please provide to the Ministry as soon as possible the following:**

- the date the 60 day notification period will commence for this application;
- the name of the newspaper(s) in which notice will be published; and
- Completed Public Notice of Application Form with completed applicant and consultation information.

.../2

The following clarification is provided regarding circulation of the complete application package to agencies during the 60 day Notification:

The local Ministry of Natural Resources office to be circulated is:

ARAApprovals@ontario.ca. Please reference the identified licence reference number above.

The Ministry of the Environment, Conservation and Parks:

As of April 1, 2019 in addition to the agencies specified in 4.1.3 of the Provincial Standards, circulation of the application package should also be sent to SAROntario@ontario.ca regarding review of Species at Risk and the applicability of the *Endangered Species Act* which is administered by the Ministry of Environment, Conservation and Parks.

Note – The above is in addition to the requirement to circulate the application package to the appropriate MECP office and person to ensure review of the hydrogeological report for this application which is proposed to extract below the water table.

Indigenous Consultation

The MNRF has a constitutional obligation to consult and where appropriate, accommodate Aboriginal communities when considering an action or decision that may have an adverse impact on Aboriginal and/or treaty rights. For direction regarding engagement or consultation with Aboriginal communities that may be impacted, please contact Tanya McLaurin, Resource Liaison Specialist, Kemptville District at 613-302-5327/ tanya.mclaurin@ontario.ca.

Next Steps and MNRF Contact Information

The MNRF review at this time is with regard to the completeness of the application. During the 60 day consultation period, the MNRF will be reviewing in detail the contents of the reports and associated recommendations along with how the site will be operated and rehabilitated to ensure compliance with legislation and policies that are the responsibility of the MNRF.

Once the 60 day ARA period has concluded, we request that a table outlining all written comments/objections received, including Indigenous consultation be prepared and submitted to MNRF. Upon receipt, we will compare the table to Ministry's records and identify to any comments received on the ERO. A telephone conversation can also be arranged at that time to discuss the next stage of the ARA process involving Resolution of Objections.

This application will be assigned to an Aggregate Specialist, and they will contact you directly with further direction. If you have any questions or require additional information in the meantime, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Uche Eje". The signature is written in a cursive, flowing style.

Uche Eje
Application Review Coordinator
Aggregates Section
Email: uche.eje2@ontario.ca
Phone number: (365) 885-2684

Attachments
Public Notice of Application Form

c – Neal Deruyter, MHBC Plan, nderuyter@mhbcplan.com

Appendix G
Agency Comments



File: 23-LH-OP; PLHOP-6

March 9, 2023

Amanda Noel
Clerk
Township of Lanark Highlands
75 George Street
Lanark, ON K0G 1K0

Dear Ms. Noel:

**Re: Official Plan & Zoning By-law Amendment – OPA-08 & ZA-2023-02
Dalhousie Con 10, Pt Lot 5, Highland Line, Township of Lanark Highlands, (Dalhousie)
THOMAS CAVANAGH CONSTRUCTION LTD**

The staff of Mississippi Valley Conservation Authority (MVCA) has reviewed the above noted application for concerns related to natural hazards for the subject property and surrounding lands. The details of the proposed operation are provided in a series of supporting documents. MVCA's review has focussed on the Site Plan, Natural Environment Report (NER), Maximum Predicted Water Table Report, and Level 1 and 2 Water Report. These reports have been reviewed in the context of the following mandated responsibilities:

- Section 1.6.6 Stormwater, & 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act;
- The Conservation Authority ("Development, Interference with Wetlands and Alteration to Shorelines and Watercourses" regulation 153/06 under Section 28 of the Conservation Authorities Act;
- The Mississippi-Rideau Source Protection Plan.

SUMMARY OF PROPOSAL

The proposed planning applications are to permit the opening and expansion of a mineral aggregate pit within the subject property. The applicant is applying for a Class 'A' License to operate a pit below the water table for the extraction of sand and gravel. The license area is approximately 50.6 hectares with two extraction areas totalling 35.1 ha.

The proposed pit depth will be 176 meters above sea level (masl) "which is equivalent to a depth of extraction of 8 to 40 m". "Only unconsolidated materials (sand, gravel) will be removed from the Site. Any bedrock encountered on the Site will remain in place. ... extraction operations below the groundwater table will not involve dewatering of the excavation." The property and the proposed extraction area are bisected by Anderson Road. It is proposed that the excavation area will have a 15 m buffer from property lines and a 30 m buffer from road allowances and wetland features.

SITE CHARACTERISTICS

The subject property is a mix of wetland; deciduous, mixed and coniferous forest; and small patches of active agriculture. Adjacent and nearby land use is residential, farmland and aggregate operations. The topography is hilly, sloping mostly to the southeast. In addition, the following features have been identified, in reference to the *Natural Environment Report* (NER) and MVCA's mapping:

(4) Wetlands

The following unevaluated wetlands exist onsite (Refer to Table 2 and Figures 1 and 2 in the NER, for details):

- a large wetland to the north of Highland Line;
- a large riparian wetland associated with Long Sault Creek to the south west of the site boundary;
- a cedar swamp within the south east corner of the site;
- a lacustrine marsh associated with Barber's Lake, which then outlets to Long Sault Creek.

These wetlands are partially located within the licensed area but outside of the proposed areas of extraction. These wetlands, and their 30 m adjacent lands, are regulated by MVCA.

Waterbodies/Watercourses

- southeast corner of the property has frontage on a small waterbody named Barber Lake;
- several watercourses, that flow off-site, are hydraulically connected to the site, including Long Sault Creek
- "... a small intermittent watercourse in the northeast portion of the Site (Figure 1). This watercourse appears to originate from two seepage/spring areas then flows through a cedar swamp into a small inlet of Barber's Lake. There are several locations where this watercourse flows underground and then resurfaces one to two meters downstream."

Note: While not mentioned in the in the NER, downstream of the Site, Long Sault Creek is known to be a cold to cool water system that supports a sensitive brook trout population. To track natural variation in the water temperature at this sensitive site MVCA established a long-term monitoring station in 2015, with temperature logger data collected in 2015, and from 2017 to 2022. Since 2017 the creek has consistently been classified as cool or cold-cool.

Significant Recharge Area

MVCA mapping and the Mississippi-Rideau Source Protection Plan (revised 2022) identifies areas of Significant Groundwater Recharge within the site. This is typical of areas that are dominated by sand and/or gravel deposits, where surface water can readily seep into the ground and recharge the underlying aquifer.

COMMENTS

As previously indicated, (4) **wetlands** have been identified within, or just outside, the proposed licensed area. These wetlands, as well as their 30 m adjacent lands, are regulated by MVCA under Ontario Regulation 153/06. MVCA's review of wetlands is focused on assessing potential impacts to the hydraulic function of the wetland with respect to flood and erosion hazards. We also consider impacts from a broader water management/water balance perspective, particularly in terms of resilience to climate change impacts. This includes both flood mitigation with respect to the natural storage provided by wetland, as well as drought mitigation, where wetlands augment base flows by discharging stored water during dry periods. Our review does not specifically assess potential ecological impacts.



In the context of the broader **surface and groundwater system**, the site is within the catchment area of, and is hydraulically (small tributary) and hydrologically connected to, Long Sault Creek. We note that impacts to the hydraulic/hydrologic function of the adjacent riparian/lacustrine wetlands from a reduction in surface runoff is not clearly discussed. Clarification and confirmation is required on potential impacts to Long Sault Creek baseflows due to quarry operations. The NER indicates that creek baseflow will be maintained by infiltrating water from the pit. However, it is unclear where this infiltrated water will outlet and what impact there may be from the change in hydrology on the Long Sault Creek system upstream of this point. Potential impacts on seasonal water level fluctuations on the sensitive hydrology and features have also not been clearly discussed.

CONCLUSIONS AND RECOMMENDATIONS

While MVCA accepts the methodology within the NER with respect to review related to natural hazards, and the recommendations in the *Water Report*, we also recommend the following:

- In terms of the cool-cold water function of Long Sault Creek, while MVCA monitors stream temperature, the review/assessment of impacts to thermal hydrologic regime does not fall under our plan review mandate and should be addressed in the consultants reports and captured under the municipalities own natural heritage review.
- Similarly, the consultant's reports should include discussion regarding the **Significant Groundwater Recharge Areas** and whether there are any potential impacts or concerns that the municipality should consider.
- Clarification is required on potential hydraulic/hydrologic impacts to the adjacent wetlands associated with a change to drainage and existing flows.

Thank-you for the opportunity to comment. Should any questions arise please do not hesitate to contact the undersigned.

Yours truly,

A handwritten signature in cursive script that reads "Daire Keval".

Environmental Planner (MVCA)

Appendix H

Public Comments

All public comments received as of Tuesday, March 21st, 2023, at 12:00 pm can be found by:

- Going to the website – <https://www.lanarkhighlands.ca/>
- Clicking “Town Hall”
- Clicking “Planning” under “Departments”
- Selecting either “The Official Plan” or “Zoning By-Law”
- Then select the Thomas Cavanagh Construction Limited Application
- Scroll down and click the “OPA-08 & ZA-2023-02 Thomas Cavanagh Construction Limited (Highland Line Pit) - Public Comments (Received as of March 21st, 2023 @1200pm” document

Follow the link below to the document:

[https://www.lanarkhighlands.ca/images/Public Comments All Comments received as of March 21st 2023 1200pm.pdf](https://www.lanarkhighlands.ca/images/Public%20Comments%20All%20Comments%20received%20as%20of%20March%2021st%202023%201200pm.pdf)