

PLANNING ADVISORY COMMITTEE

County Council Chambers
Wednesday, January 16, 2008
7:00 p.m.

Present: Mayor Eddy, Councillors Chambers, Wheat, Schmitt, Simons, Haggart, Powell, Hodge, Coleman and Gatward

Regrets: Councillor Atfield

Staff: Johnston, Pomponi, Davidson and Boyd

Councillor Chambers in the Chair.

APPROVAL OF AGENDA

Moved by – Councillor Coleman
Seconded by – Councillor Wheat

That the Planning Advisory Committee agenda and addendum for January 16, 2008 be accepted.

.Carried

MINUTES

Moved by – Councillor Hodge
Seconded by – Councillor Schmitt

That the Planning Advisory Committee minutes of December 19, 2007 be approved.

.Carried

PUBLIC HEARINGS UNDER THE PLANNING ACT

1. **ZBA 38/07/SS – PLAN 81, BLOCK K, PART LOTS 1, 2 & 3, RP2R3488, PART 2 & PART 3, GEOGRAPHIC TOWNSHIP OF SOUTH DUMFRIES**

In the matter of an application from William Janssen, applicant and owner of Plan 81, Block K, Part Lots 1, 2 & 3, RP2R3488, Part 2 & Part 3, County of Brant in the geographic Township of South Dumfries, located at 41 Main Street South to change the present special provision Special Industrial (M2-5) to permit general commercial uses.

Marcus Davidson, Senior Planner, stated that notice of this application was given on December 17, 2007 to concerned agencies and assessed persons of property within 120m of the subject lands by first class mail and by posting a notice on the property. Correspondence was received as follows:

Ratepayer – Noting concern about impact on heritage status of the building.

Grand River Conservation Authority – No objection.

Fire Department – No comment.

Public Works Department – No objection.

Zoning Administrator – No objection.

Planning Staff Report – Recommending approval.

In response to a question, the Senior Planner advised that site plan control would only apply if the parking lot is paved in the future or there are changes to the exterior structure.

William Janssen, Applicant

Mr. Janssen reviewed plans for the building, including a deli, coffee shop, bookstore, veterinarian clinic, office space and possibly apartments. He expressed the opinion that the community supports the renovations and rejuvenation of the building. In response to a question Mr. Janssen advised that the tank behind the building has been removed.

Members of the Public

Donna Chambers, 5 South Street – expressed support for the project.

Dr. Willem Bouma, Optometrist, 23 Main Street South – expressed support for this project.

Francine Doxtator questioned what, if any, effect this application would have on the environment.

William Janssen, Applicant

In response to questions, Mr. Janssen advised that a Phase 1 Environmental Study was completed on the property and that no environmental concerns were identified. He does not anticipate any impact on the environment.

Committee Consideration

Moved by – Councillor Wheat

Seconded by – Councillor Schmitt

That application ZBA 38/07/SS from William Janssen, applicant and owner of 41 Main Street South, Plan 81, Block K, Part Lots 1, 2 & 3, RP2R3488, Part 2 & Part 3, County of Brant in the geographic Township of South Dumfries to change the present special provision Special Industrial (M2-5) zoning to permit general commercial uses **be approved**.

.Carried

2. **ZBA 39/07/MD – PART OF LOTS 13, 14 & 15, CONCESSION 2, GEOGRAPHIC TOWNSHIP OF BRANTFORD**

In the matter of an application from Snodgrass Consulting Services, agent for Gurney Sand & Gravel Ltd., applicant and Margaret Gurney, owner of Part of Lots 13, 14 & 15, Concession 2, County of Brant in the geographic Township of Brantford, located at 273 Pottruff Road to rezone a portion of the subject lands from Agricultural (A) to Extractive Industrial (EX) to permit the expansion of the existing sand and gravel pit.

Marcus Davidson, Senior Planner, stated that notice of this application was given on December 21, 2007 to concerned agencies and assessed persons of property within 120m of the subject land by first class mail and by posting a notice on the property. Correspondence was received as follows:

Area Ratepayers – Expressing concerns regarding dust, noise, vibrations, stability of Powerline Road, impact on water supply, river embankment slope stability, impact on river ecosystem, impact on existing hydro poles and general environmental impacts. Requesting an archaeological study.

Grand River Conservation Authority – Recommending that a site specific geotechnical study be submitted to define erosion hazard limit along Grand River and valley slopes.

Fire Department – No comment.

Public Works Department – Advising that pit traffic is not permitted on Powerline Road or Pottruff Road and must continue to utilize the existing haul route.

Zoning Administrator – Noting that the limit of the Environmental Protection and Extractive Industrial zones should be established to the satisfaction of the GRCA.

Planning Staff Report – Recommending that Committee hear any public input and defer the application for detailed analysis and consideration at the February Planning Advisory Committee meeting.

Councillor Powell requested more detailed “to scale” maps and drawings for the next meeting.

Questions were raised regarding the existing operation’s compliance with the conditions outlined in the Ontario Municipal Board’s ruling and whether or not the ruling’s references to the Brantford Township Official Plan are still relevant.

Howard Snodgrass, Snodgrass Consulting Services, Agent

Mr. Snodgrass reviewed the history of the existing Gurney Sand and Gravel Pit, for which the rezoning was achieved through an Ontario Municipal Board Order. He advised that the Board’s order established a 200m setback from Powerline Road, primarily in view of concerns about the impact on water supplies for three properties (currently owned by the Beals, Farquharsons and Hamiltons). The Board did, however, acknowledge the possibility of extraction in the setback area if the operation proves to have no impact. Mr. Snodgrass further advised that through the County of Brant Official Plan process, the Ontario Municipal Board directed that in order to neither advantage nor disadvantage this property, the policy framework of the former Township of Brantford Official Plan would apply.

In response to concerns about water supply, Mr. Snodgrass reported that as part of the Pit License requirements, extensive monitoring wells were installed, with the results being reported to the Ministry of Natural Resources annually. He noted that aside from minor seasonal fluctuations, these results demonstrate that the existing operation has no impact on groundwater resources.

Mr. Snodgrass reviewed extraction staging plans, noting that the applicant intends to maintain a setback from the south side of Powerline Road, extending beyond the boundary of the lands zoned Environmental Protection (EP1). Further, there are three areas that were identified in the archaeological study as “areas of interest”, which are intended to be excluded (along with a 20m buffer). The extraction staging plan is also impacted by the Noise Consultant’s recommendations regarding berms and utilizing the face of the extraction to provide additional buffering to meet Ministry requirements. As was required for the existing pit, all traffic would be directed through the Gurney lands to Rest Acres Road and the traffic consultant has concluded that the traffic can be accommodated without any further improvements. No gravel pit traffic will be permitted on either Powerline Road or Pottruff Road. Dust will continue to be controlled through spraying internal roadways. As required in the current Pit License, both the existing aggregate lands and the subject lands will be rehabilitated to agricultural uses.

In response to ongoing area ratepayer concerns about the potential safety of and impact on alleged abandoned gypsum mines, Mr. Snodgrass advised that the applicant is unaware of any mines on the subject lands and suggested that if there are, they should not be impacted by the aggregate extraction.

Mr. Snodgrass summarized that the detailed engineering and consultant reports submitted for the original rezoning hypothesized that there would be no impact from the gravel pit operations on the environment or adjacent properties. He suggested that the follow-up studies completed and 14 years of operations have demonstrated this hypothesis to be true. Mr. Snodgrass advised that the applicant is unaware of any complaints submitted to the Ministry of Natural Resources regarding this pit.

In response to questions regarding the conditions referred to in the Ontario Municipal Board’s Order, Mr. Snodgrass indicated that these were actually recommendations from the Ontario Municipal Board to the Ministry of Natural Resources and were collapsed and implemented as 19 requirements of the Pit License.

In response to other questions, Mr. Snodgrass advised that gravel would continue to be washed off site, that the 200m setback was established primarily in view of water impact concerns, that if there are any abandoned gypsum mines they would not be impacted by the extraction operation and that the depression on site is a naturally formed valley. Rehabilitation of parts of the existing pit has been started and the Pit License requires full rehabilitation of the entire site to agricultural uses. Neither the applicant nor their agents have any knowledge of an alleged collapse of Powerline Road in the 1940s. The applicant intends to address the comments of the Grand River Conservation Authority with additional supporting materials to the original geotechnical study.

Members of the Public

Shane Beal, 837 & 853 Powerline Road – advised that he is not here to stop the expansion of the aggregate use, however he has questions about the proposed berms on the west side of the pit not being the same size as the proposed berms for the east side, about increased noise and dust as the operation moves closer to his residence and about the proposed hours of operation (requesting that the operations cease at 6:00 p.m. rather than 7:00 p.m. for weekdays).

Jean Farquharson, 823 Powerline Road – advised that correspondence had been submitted outlining her concerns. She highlighted that her chief concerns are potential water contamination as the removal of the overburden will make the water supply more vulnerable and plans for the rehabilitation of the lands. Ms. Farquharson requested greater assurance than the consultant's conclusion that there "should" not be an impact on water supply. She distributed copies of a letter prepared by Barbara Brown and Dean Tomblin, outlining concerns about noise, dust and vibrations. Ms. Farquharson supported the Grand River Conservation Authority's request for a more detailed geotechnical study, expressing concern about the stability of the bank of the Grand River and Powerline Road. She further supported the need for more detailed to-scale mapping to clearly identify where the proposed extraction limits are.

Francine Doxtator – reminded the Committee that the site is subject to a land claim settlement by the Haudenosaunee Confederacy and questioned why the County would permit development and work on lands under claim.

Annette Jamieson – objected to any expansion of the extraction use and questioned whether the County intends to consult and accommodate Six Nations on this application. She requested that Six Nations be involved in any further archaeological studies and be forwarded the results of those completed to date.

An anonymous member representing Six Nations Confederacy Council advised that they were not aware of the application. The Senior Planner provided information on the contact to whom the application materials were distributed.

An anonymous member of the public requested clarification on whether or not the subject land is more suitable for agriculture or extraction, suggesting that if the lands are suitable for agriculture, they should not be used for extraction but if they are not suitable for agriculture, questioning why they would be rehabilitated as such.

Howard Snodgrass, Snodgrass Consulting Services, Agent

In response to questions regarding the proposed construction of the berms, Mr. Snodgrass advised that under the Noise Consultant's report, in order to meet Ministry requirements, length, width and height criteria were established in conjunction with a strategy for extraction. He noted that the different elevation of properties to the east and west impacts the extent of berming required.

In response to questions regarding the extent of proposed extraction, Mr. Snodgrass advised that a 30m minimum setback from the property line is required under legislation. Setbacks between 30m and 75m are proposed from Powerline Road, however there may be an opportunity to reduce some of these should there be a change to the Grand River Conservation Authority's "area of interest". More specific information will be available at the next meeting.

In response to questions regarding hours of operation, Mr. Snodgrass advised that although reduced hours could be considered, it is expected that the hours for the expansion would be consistent with those for the existing operation.

In response to questions regarding water resource impact, Mr. Snodgrass advised that documentation had been previously provided to demonstrate that there would be no impact and suggested that since there has been no impact over the past 14 years of operation, it is not anticipated that an impact would be experienced over the final approximately 5 years for the expansion.

In response to questions regarding future uses of the subject lands, Mr. Snodgrass advised that as required in the Pit License, the lands would be rehabilitated to agricultural use. Any future uses would be subject to appropriate planning applications and studies.

In response to questions regarding comments from the Grand River Conservation Authority, Mr. Snodgrass advised that Golder Associates would be submitting additional information.

In response to comments regarding the Six Nations land claim, Mr. Snodgrass noted that the applicant is compelled to operate within the Province of Ontario legislation but would be willing to meet with Six Nations representatives to review the proposal. Peter Timmins, Timmins Martelle Heritage Consultants Inc., advised that a Six Nations monitor could be involved in the review of the three sites of interest, that the results of the archaeological study could be provided to any interested party and that any artifacts found could be transferred to a Six Nations museum or facility, provided the transfer is approved by the Ministry of Culture.

Councillor Chambers suggested that any member of the public interested in receiving further notice of meetings on this application provide contact information on the sign-in sheets provided.

Moved by – Councillor Wheat
Seconded by – Councillor Schmitt

That application ZBA 39/07/MD from Snodgrass Consulting Services, agent for Gurney Sand & Gravel Ltd., applicant and Margaret Gurney, owner of 273 Pottruff Road, Part of Lots 13, 14 & 15, Concession 2, County of Brant in the geographic Township of Brantford to rezone a portion of the subject lands from Agricultural (A) to Extractive Industrial (EX) to permit the expansion of the existing sand and gravel pit **be deferred for one meeting cycle** to allow for detailed analysis and public input on this application.

.Carried

CONSENT ITEMS RECEIVED AS INFORMATION

Moved by – Councillor Haggart
Seconded by – Councillor Schmitt

That the following consent items be received as information:

- i. Accessibility Advisory Committee minutes of December 17, 2007.
- ii. County of Brant Heritage Committee minutes of January 3, 2008.

.Carried

The Committee adjourned at 9:00 p.m. to meet again on Wednesday, February 20, 2008, 7:00 p.m. at the County Council Chambers, Paris Office.

Secretary