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File: OZ-8365  
Planner: Mike Davis

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING &amp; ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>
<b>SUBJECT:</b>	<b>APPLICATION BY: JOHNSTON BROTHERS (BOTHWELL) LTD. A PORTION OF 120 GIDEON DRIVE PUBLIC PARTICIPATION MEETING ON DECEMBER 15, 2014</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of Johnston Brothers (Bothwell) Ltd. relating to a portion of the property located at 120 Gideon Drive:

- (a) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on January 13, 2015 to amend the Official Plan to change the designation of the proposed pit license area **FROM** an "Aggregate Resource Area" designation, **TO** an "Extractive Industrial" designation on Schedule B-2 – Natural Resources and Natural Hazards – to the Official Plan.
- (b) The proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on January 13, 2015 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan as amended in part (a) above, to change the zoning of the proposed pit license area **FROM** an Agricultural (AG1) Zone, a Holding Agricultural (h-2•AG1) Zone, and an Open Space (OS5) Zone **TO** a Holding Resource Extraction (h-(.)•EX) Zone, and an Open Space (OS5) Zone.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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None

<b>PURPOSE AND EFFECT OF RECOMMENDED ACTION</b>
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The purpose of the recommended Official Plan and Zoning By-law amendments outlined in clauses (a) and (b) above is to facilitate, in part, the issuance of a license under the *Aggregate Resources Act* which would permit the establishment of a Category 7, Class B pit allowing for the extraction of up to 20,000 tonnes of aggregate material annually, to a depth of 1.5 metres above the established ground water table, across a proposed 2.7 hectare extraction site. The total aggregate material available for extraction over the lifetime of the pit is estimated to be 250,000 tonnes. The recommended amendments also serve to ensure the protection of significant natural heritage features in proximity to the proposed pit through zoning amendments which provide for appropriate setbacks and open space buffers.

<b>RATIONALE</b>
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- i) The recommended amendments are supported by the objectives of the Provincial Policy Statement (PPS), 2014, which promote the recovery of mineral aggregate resources as close to markets as possible where it is demonstrated that extraction can be undertaken in a manner which minimizes social, economic and environmental impacts.

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- ii) The recommended amendments are supported by the objectives of the City of London Official Plan which recognize mineral aggregates as a valuable resource for infrastructure development and construction activities and support the recovery of such resources wherever feasible.
- iii) The identified sand and gravel deposit can be extracted in a manner such that potential impacts on surrounding land uses are within applicable provincial and local guidelines.
- iv) Operational setbacks combined with physical buffers such as vegetation will ensure that significant natural heritage features on adjacent lands will not be impacted by the proposed pit.
- v) The interim nature of the proposed extraction, coupled with the pit rehabilitation plan, will ensure that the subject site is preserved for agricultural uses over the long term.
- vi) The hydrogeological investigation coupled with operational measures such as a 1.5 metre vertical extraction buffer from the established water table, and restriction on pit floor activities will ensure the protection and conservation of groundwater quantity and quality.
- vii) The proposed pit operation, implemented by the site plans submitted in conjunction with the *Planning Act* and *Aggregate Resources Act* approvals processes and supported by the various technical investigations, ensures that extraction will occur in a social and environmentally responsible manner.

<b>BACKGROUND</b>
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**Aggregate Resource Regulation in Ontario:**

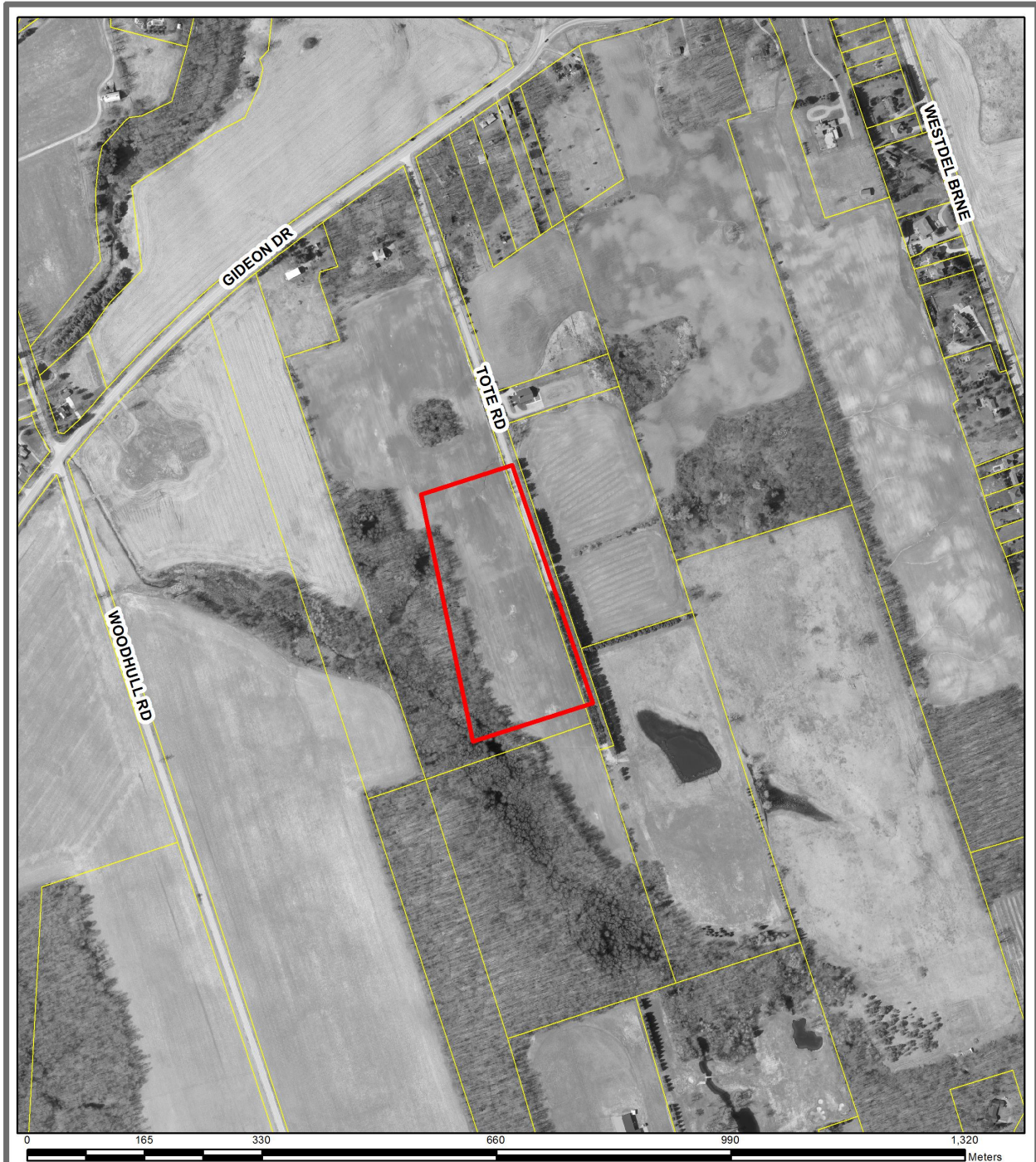
The conservation and management of aggregate resources is deemed to be a matter of provincial interest under Section 2 of the *Planning Act*. The recovery and extraction of aggregate resources in Ontario is primarily governed by the *Aggregate Resources Act* (ARA) and a prescribed licensing and monitoring process regulated by the Ministry of Natural Resources (MNR). Depending on the nature of the proposed aggregate operation, approvals under the *Planning Act*, *Environmental Protection Act* and *Endangered Species Act* may also be required.

The *Planning Act* process allows for the consideration of localized impacts and a layer of local decision making to supplement the evaluation and approvals required under the *Aggregate Resources Act*. In general, operational standards for pits are governed by the *Aggregate Resources Act* and implemented through a series of enforceable site plans which form part of a license from the MNR to extract aggregate. The ARA also contains a series of general prescribed minimum standards for the operation of pits. The site plans, however, may contain more specific and customized operations standards in order to address site-specific circumstances and objections raised through the review process.

As a requirement to obtain a license to extract aggregate under the *Aggregate Resources Act*, the proponent of an aggregate development is required to demonstrate that the site is zoned appropriately. The Zoning By-law can be used by a municipality to regulate the general use of such lands but does not contain the regulatory mechanism necessary to control operational standards such as hours of operation, fencing, site management, etc. Likewise, the City's Site Plan Control By-law does not apply to above water sand and gravel pits. These operational aspects of sand and gravel pits are regulated by the pit license issued under the *Aggregate Resources Act*.

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File: OZ-8365  
Planner: Mike Davis



### LOCATION MAP

Subject Site : 120 Gideon Drive

Applicant: Johnston Bros. (Bothwell) Ltd.

File Number : OZ-8365

Prepared by : Graphics & Information Services , Planning Division  
Corporation of the City of London  
File=planning/projects/p\_locationmaps/MXD

Planner : MD


Created By : TT

Date : 2014/11/25

Scale : 1:7,500



### Legend

 Subject Site

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**File: OZ-8365**  
**Planner: Mike Davis**

<b>Date Application Accepted:</b> May 23, 2014	<b>Agent:</b> Lloyd Johnston
<p><b>REQUESTED ACTION:</b> Change the Official Plan <b>TO ADD</b> an “Extractive Industrial” designation for the proposed licensed area on Schedule B-2 – Natural Resources and Natural Hazards – of the Official Plan. Change to Zoning By-law Z.-1 for the proposed licensed area <b>FROM</b> an Agricultural (AG1) Zone which permits agricultural uses, forestry uses, conservation lands, passive recreational uses and limited rural commercial uses; a Holding Agricultural (h-2●AG1) Zone which permits the same uses as previously listed with a holding provision requiring the preparation of an Environmental Impact Study prior to development; and, an Open Space (OS5) Zone which permits conservation lands, passive recreation uses and managed forests <b>TO</b> a Resource Extraction (EX) Zone to permit an aggregate resource extraction operation.</p>	

<p><b>SITE CHARACTERISTICS:</b></p> <ul style="list-style-type: none"> <li>• <b>Current Land Use</b> – Agricultural</li> <li>• <b>Frontage</b> – 360 metres</li> <li>• <b>Depth</b> – 162 metres</li> <li>• <b>Area</b> – 5.0 hectares</li> <li>• <b>Shape</b> – Rectangular</li> </ul>
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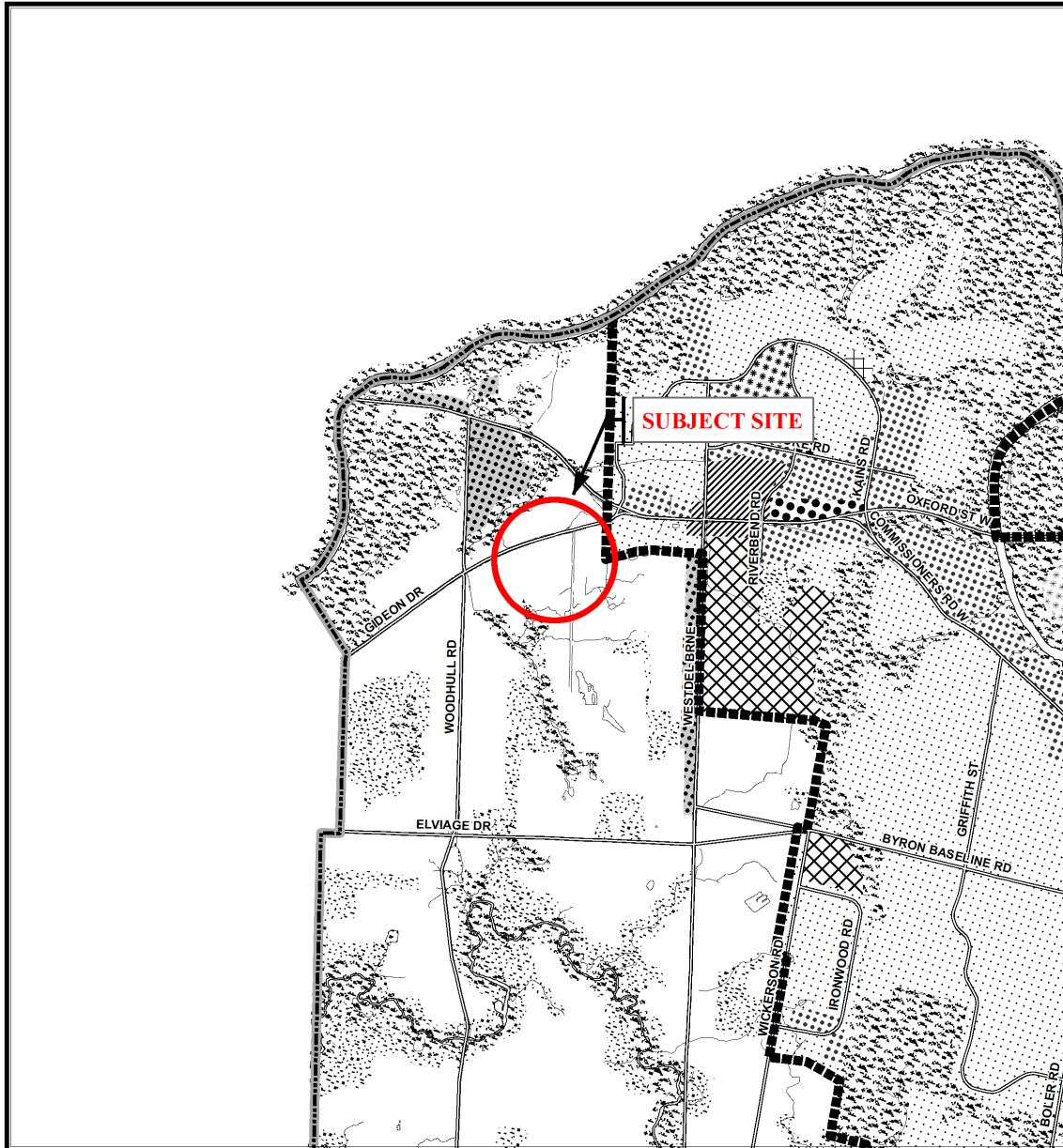
<p><b>SURROUNDING LAND USES:</b></p> <ul style="list-style-type: none"> <li>• <b>North</b> – Agricultural and rural Residential</li> <li>• <b>South</b> – Agricultural</li> <li>• <b>East</b> – Agricultural and Rural Residential</li> <li>• <b>West</b> – Agricultural</li> </ul>
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<p><b>OFFICIAL PLAN DESIGNATION:</b> (refer to Official Plan Maps on page 5 &amp; 6)</p> <ul style="list-style-type: none"> <li>• Schedule “A” – Agricultural; Schedule “B2” – Aggregate Resource Area</li> </ul>
<p><b>EXISTING ZONING:</b> (refer to Zoning Map on page 7)</p> <ul style="list-style-type: none"> <li>• Agricultural (AG1) Zone, Holding Agricultural (h-2●AG1) Zone, and Open Space (OS5) Zone</li> </ul>



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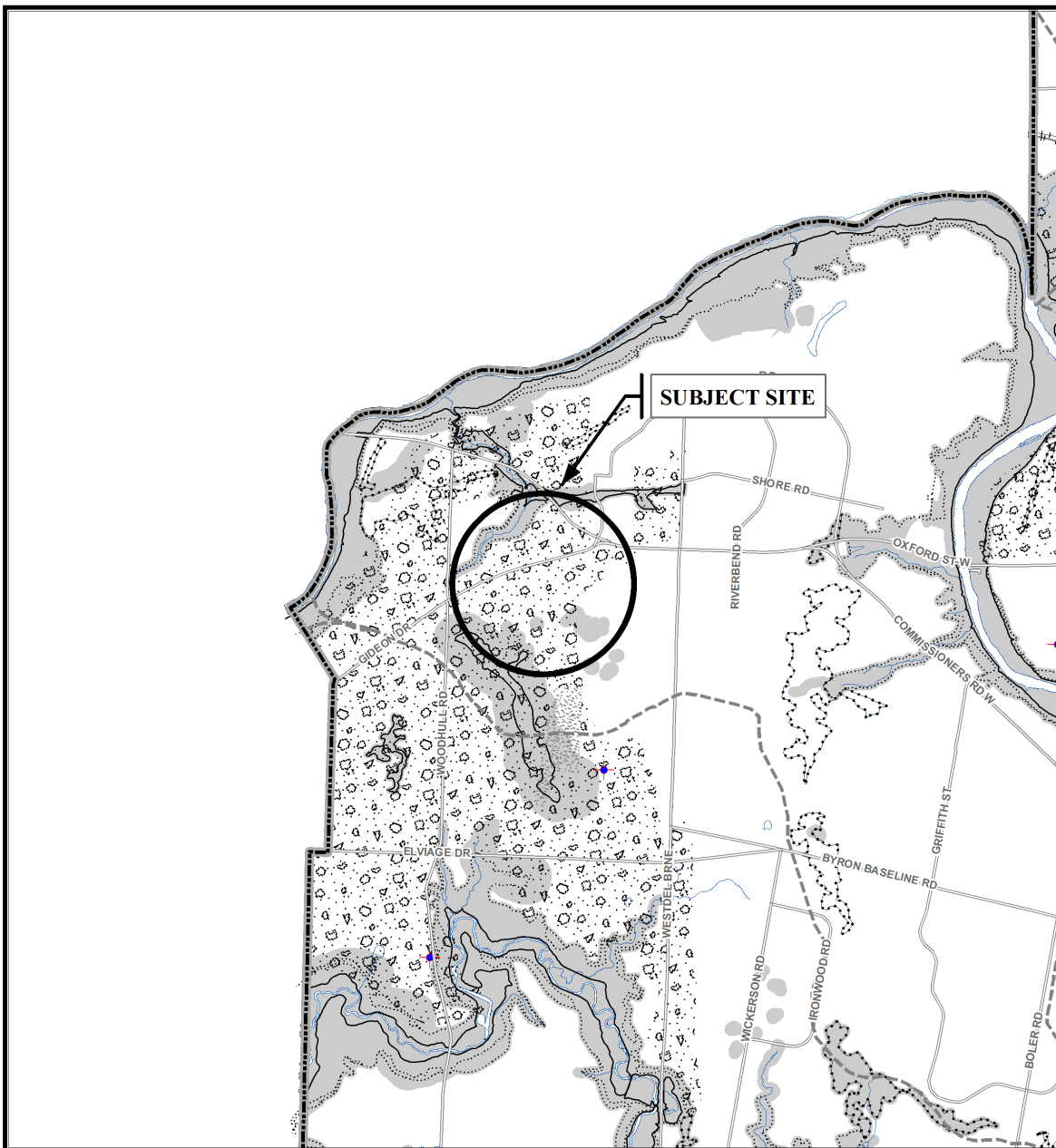


Legend	
	Downtown
	Wonderland Road Community Enterprise Corridor
	Enclosed Regional Commercial Node
	New Format Regional Commercial Node
	Community Commercial Node
	Neighbourhood Commercial Node
	Main Street Commercial Corridor
	Auto-Oriented Commercial Corridor
	Multi-Family, High Density Residential
	Multi-Family, Medium Density Residential
	Low Density Residential
	Office Area
	Office/Residential
	Office Business Park
	General Industrial
	Light Industrial
	Regional Facility
	Community Facility
	Open Space
	Urban Reserve - Community Growth
	Urban Reserve - Industrial Growth
	Rural Settlement
	Environmental Review
	Agriculture
	Urban Growth Boundary

<p><b>CITY OF LONDON</b> Department of Planning and Development</p> <p>OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p>PREPARED BY: Graphics and Information Services</p>	 Scale 1:30,000 0 100 200 300 400 500 600 700 800 900 1,000 Meters	<p>FILE NUMBER: OZ-8365</p> <p>PLANNER: MD</p> <p>TECHNICIAN: TT</p> <p>DATE: 2014/11/25</p>
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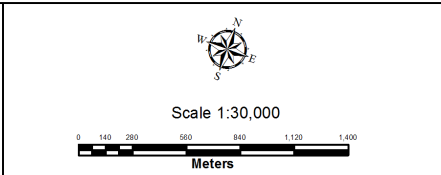
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<p><b>NATURAL RESOURCES</b></p> <ul style="list-style-type: none"> <li> Aggregate Resource Areas</li> <li> Extractive Industrial</li> <li> Emergency Municipal Water Wells</li> </ul> <p><b>Base Map Features</b></p> <ul style="list-style-type: none"> <li> Railways</li> <li> Water Courses/Ponds</li> <li> Streets (refer to Schedule "C")</li> <li> Conservation Authority Boundary</li> <li> Subwatershed Boundary</li> <li> Potential Special Policy Areas</li> <li> Special Policy Area</li> </ul>	<p><b>NATURAL HAZARDS</b></p> <ul style="list-style-type: none"> <li> Regulatory Flood Line <small>NOTE 1: Flood Lines shown on this map are approximate. The precise delineation of flood plain mapping is available from the Conservation Authority having jurisdiction.</small></li> <li> Riverine Erosion Hazard Limit For Confined Systems</li> <li> Riverine Erosion Hazard Limit For Unconfined Systems</li> <li> Steep Slopes Outside of the Riverine Erosion Hazard Limit</li> <li> Abandoned Oil/Gas Wells</li> <li> Conservation Authority Regulation Limit</li> </ul> <p><small>NOTE 2: Flood Fringe mapping for certain areas of the city is available from the Upper Thames River Conservation Authority.</small></p>
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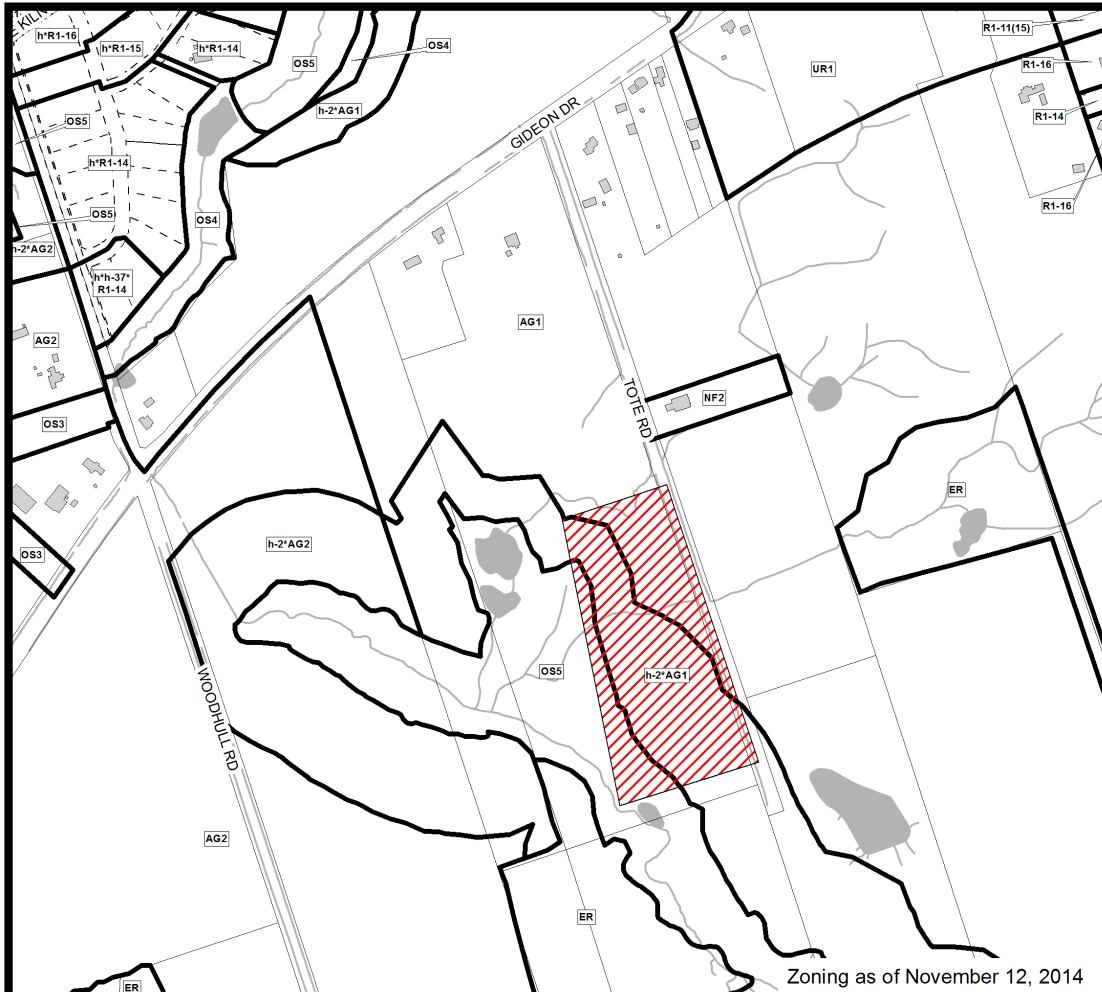
**CITY OF LONDON**  
Department of  
**Planning and Development**  
OFFICIAL PLAN SCHEDULE B2  
NATURAL RESOURCES  
AND  
NATURAL HAZARDS  
PREPARED BY: Graphics and Information Services



**FILE NUMBER:** OZ-8365  
**PLANNER:** MD  
**TECHNICIAN:** TT  
**DATE:** 2014/11/25

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Planner: Mike Davis



**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: AG1 + h-2\*AG1 + OS5**

1) *LEGEND FOR ZONING BY-LAW Z-1*

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>R1 - SINGLE DETACHED DWELLINGS</li> <li>R2 - SINGLE AND TWO UNIT DWELLINGS</li> <li>R3 - SINGLE TO FOUR UNIT DWELLINGS</li> <li>R4 - STREET TOWNHOUSE</li> <li>R5 - CLUSTER TOWNHOUSE</li> <li>R6 - CLUSTER HOUSING ALL FORMS</li> <li>R7 - SENIOR'S HOUSING</li> <li>R8 - MEDIUM DENSITY/LOW RISE APTS.</li> <li>R9 - MEDIUM TO HIGH DENSITY APTS.</li> <li>R10 - HIGH DENSITY APARTMENTS</li> <li>R11 - LODGING HOUSE</li> <br/> <li>DA - DOWNTOWN AREA</li> <li>RSA - REGIONAL SHOPPING AREA</li> <li>CSA - COMMUNITY SHOPPING AREA</li> <li>NSA - NEIGHBOURHOOD SHOPPING AREA</li> <li>BDC - BUSINESS DISTRICT COMMERCIAL</li> <li>AC - ARTERIAL COMMERCIAL</li> <li>HS - HIGHWAY SERVICE COMMERCIAL</li> <li>RSC - RESTRICTED SERVICE COMMERCIAL</li> <li>CC - CONVENIENCE COMMERCIAL</li> <li>SS - AUTOMOBILE SERVICE STATION</li> <li>ASA - ASSOCIATED SHOPPING AREA COMMERCIAL</li> <br/> <li>OR - OFFICE/RESIDENTIAL</li> <li>OC - OFFICE CONVERSION</li> <li>RO - RESTRICTED OFFICE</li> <li>OF - OFFICE</li> </ul> | <ul style="list-style-type: none"> <li>RF - REGIONAL FACILITY</li> <li>CF - COMMUNITY FACILITY</li> <li>NF - NEIGHBOURHOOD FACILITY</li> <li>HER - HERITAGE</li> <li>DC - DAY CARE</li> <br/> <li>OS - OPEN SPACE</li> <li>CR - COMMERCIAL RECREATION</li> <li>ER - ENVIRONMENTAL REVIEW</li> <br/> <li>OB - OFFICE BUSINESS PARK</li> <li>LI - LIGHT INDUSTRIAL</li> <li>GI - GENERAL INDUSTRIAL</li> <li>HI - HEAVY INDUSTRIAL</li> <li>EX - RESOURCE EXTRACTIVE</li> <li>UR - URBAN RESERVE</li> <br/> <li>AG - AGRICULTURAL</li> <li>AGC - AGRICULTURAL COMMERCIAL</li> <li>RRC - RURAL SETTLEMENT COMMERCIAL</li> <li>TGS - TEMPORARY GARDEN SUITE</li> <li>RT - RAIL TRANSPORTATION</li> <br/> <li>"h" - HOLDING SYMBOL</li> <li>"d" - DENSITY SYMBOL</li> <li>"H" - HEIGHT SYMBOL</li> <li>"B" - BONUS SYMBOL</li> <li>"T" - TEMPORARY USE SYMBOL</li> </ul> |
|--|---|

**CITY OF LONDON**  
PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

**ZONING  
BY-LAW NO. Z.-1  
SCHEDULE A**



THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS

FILE NO:  
OZ-8365 MD

MAP PREPARED:  
2014/11/25 TT

1:7,000  
0 35 70 140 210 280  
Meters

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**SIGNIFICANT DEPARTMENT/AGENCY COMMENTS**

**Ministry of Natural Resources:**

*The Ministry of Natural Resources (MNR) has been circulated revised site plans dated September 27, 2013 for the Tote Road Pit: Category 7, Class B License Application under the Aggregate Resources Act (ARA). The proposed licence is located at Part of Lot C, Concession 4, Geographic Township of Delaware, City of London. The MNR has reviewed the information provided in accordance with MNR's interests and we offer the following:*

*The MNR has no further objections under the Aggregate Resources Act. Thank you for providing MNR the opportunity to comment.*

**Ministry of Tourism, Culture and Sport:**

*This assessment was undertaken to fulfil a standard archaeological condition of the aggregate licensing process as imposed by the Ministry of Natural Resources. The Ontario Ministry of Culture is asked to review the results presented in this report, issue a letter of clearance for the subject property, and inform the County of Middlesex that the provincial concerns for cultural heritage resources for this project have been met.*

*Based on the information contained in the report, the ministry is satisfied that the fieldwork and reporting for the archaeological assessment are consistent with the ministry's 2011 Standards and Guidelines for Consultant Archaeologists and the terms and conditions for archaeological licences. This report has been entered into the Ontario Public Register of Archaeological Reports. Please note that the ministry makes no representation or warranty as to the completeness, accuracy or quality of reports in the register.*

**City of London – Environmental and Parks Planning:**

**Natural Heritage:**

*On October 8, 2013, Biologics, on behalf of the applicant, submitted a Subject Land Status Report in support of an OP and zoning by-law amendment to permit the extraction of aggregate from the site. In our review, staff noted some deficiencies in the report. On December 7, 2013 the applicant submitted an addendum to address these concerns. Based on the submitted documents and our review of the site, Staff has four (4) specific recommendations that are to be reflected in the zoning:*

- *a 15 metre buffer from the drip-line of the trees (the ESA boundary) along the entire west edge of the pit;*
- *a 28.8 metre buffer from the Butternut located on the west side of the property;*
- *a 15 metre buffer from the edge of the ANSI; and*
- *a 30 metre or greater buffer from the PSW boundary.*

*As the applicant has reflected all these requirements on their submitted Operational Plan, an EIS is not required.*

**Upper Thames River Conservation Authority (Summary):**

**Zoning By-law Amendment Application (City of London):**

*We appreciate that the Ministry of Natural Resources has signed off on this application and the Authority is satisfied with the 15 metre setback that the City of London's ecologist has recommended.*



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**Pit License Application (Ministry of Natural Resources):**

*Based on the analysis conducted by Novaterra, the UTRCA’s ecologist is of the opinion that there is a high likelihood that the additional input of groundwater and reduced input of surface water will impact the vegetation and habitat associations of the wetland complex found to the west of the site. Therefore, we request that either:*

- 1) Further detailed information as to the quantity and timing of inputs be provided along with an acceptable analysis as to whether the change in water input will have an impact the type of vegetation community found in the area; or*
- 2) That vegetation monitoring be conducted annually in the spring for the duration of the pit operation to document changes to the vegetation so that appropriate rehabilitation measures are developed when the pit is closed.*

*This analysis is important, given that different wetland types have different hydrologic regimes. Any change in the type of wetland may not only impact the habitat and associated species, but also the ability for that wetland feature to provide flood attenuation. Based on our discussion, it is our understanding that Biologic is in agreement that vegetation monitoring should be undertaken. We would appreciate confirmation thereof along with more detail as to how the necessary monitoring will be incorporated into the planning process for the aggregate operation (i.e. pit license application).*

*As mentioned in the October 2014 UTRCA response letter, a comprehensive summary of the analysis for all Candidate SWH from the MNR 2012 SWH Criteria Schedules is required to address our concerns. We appreciate that Table 2 has been accepted by the Ministry of Natural Resources and as such Biologic is cautious about revising said table. We therefore recommend that the information be provided in a new/separate table which incorporates all SWH analysis, including analysis found in past reports that were discussed in the October 3, 2014 BioLogic letter. This will ensure that all relevant summaries/conclusions regarding presence / absence of SWH is presented in one location. The new table should include the 5 categories of SWH information provided in the October 3, 2014 response letter, in addition to that found on previous reports, as part of the approval.*

*We appreciate Biologic’s commitment to providing this information prior to the Planning Act application being considered by the Planning and Environment Committee at its December 15, 2014 meeting.*

**City of London – Transportation Planning and Design:**

*Transportation has reviewed the application for the proposed zoning amendment to permit gravel extraction at 120 Gideon Dr. Based on the proposed site plan access is intended to be provided from Tote Rd. Staff have concerns that the road structure is inadequate to accommodate heavy vehicles that will be using Tote Rd. The applicant provided a letter from Middlesex Centre that indicated the road was constructed to township standards sometime in the late 1970's. The granular base thickness of the road does not meet current standards and no asphalt structure or thickness was provided. Over time road structure can deteriorate and fail and therefore a geotechnical study must be conducted by the applicant to determine the current road structure. If the road is found to be substandard in accordance with City of London standards then the applicant will be required to reconstruct Tote Rd to accommodate heavy vehicles. Holding provisions for both the testing and road reconstruction should be placed on the property not to be lifted until the issues is resolved to the satisfaction of the City Engineer.*

**City of London – Urban Forestry:**

*Urban forestry has no further comments on the woodlot and concurs with what Parks Planning has said. It looks like they are preserving the trees with a 15m buffer from the drip line for the operation. We would ask for an arborist report and map showing all trees along Tote Rd and identify if any of these are City trees and how they will be protected from the operation, as well as if any trees need to be removed for driveways or for the possible berm. Any removal of City trees must be done through the consensual removal process through Forestry operations.*

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<b>PUBLIC LIAISON:</b>	On June 12, 2014, Notice of Application was sent to eleven (11) property owners in the surrounding area. Notice of Application was also published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on June 12, 2014. A “Possible Land Use Change” sign was also posted on the site.	Two (2) replies were received
<p><b>Nature of Liaison:</b> The purpose and effect of this Official Plan and Zoning change is to permit the establishment of a Category 7, Class B pit which would allow for the extraction of up to 20,000 tonnes of aggregate material annually, from above the established ground water table, across a proposed 3.0 hectare extraction site. The total aggregate material available for extraction over the lifetime of the pit is estimated to be 250,000 tonnes. Possible amendment to the Official Plan to designate the proposed licensed area as “Extractive Industrial” on Schedule B-2 – Natural Resources and Natural Hazards – of the Official Plan. Possible change to Zoning By-law Z.-1 for the proposed licensed area <b>FROM</b> an Agricultural (AG1) Zone which permits agricultural uses, forestry uses, conservation lands, passive recreational uses and limited rural commercial uses; a Holding Agricultural (h-2●AG1) Zone which permits the same uses as previously listed with a holding provision requiring the preparation of an Environmental Impact Study prior to development; and, an Open Space (OS5) Zone which permits conservation lands, passive recreation uses and managed forests <b>TO</b> a Resource Extraction (EX) Zone to permit an aggregate resource extraction operation.</p>		
<b>Responses:</b>		
<b>Support</b>	<b>Concern</b>	
<ul style="list-style-type: none"> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>Concerned about increased truck traffic, dust and noise from proposed pit operation.</li> <li>Concerned about hours of operation – should be limited to weekdays.</li> </ul>	

<b>ANALYSIS</b>
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**Site Description:**

The subject site forms part of an 18 hectare agricultural property municipally known as 120 Gideon Drive. The site is located in the northwest quadrant of the City, approximately 220 metres west of the Urban Growth Boundary. The proposed license area for the pit is located in the central portion of this agricultural property, approximately 400 metres south of Gideon Drive with approximately 360 metres of frontage on Tote Road. The area to be licensed spans approximately 5 hectares while the area within which extraction would be permitted encompasses 2.7 hectares of that licensed area. The remaining 2.3 hectares is reserved for environmental buffers, visual screening and extraction setbacks.

As noted previously, the majority of the subject property is currently used for mixed-crop production. A single detached dwelling exists on the northern portion of the property with access on Gideon Drive. A large wooded area exists in the southwest quadrant of the site. Surrounding land uses are primarily rural in nature with actively cultivated agricultural lands existing to the north, south east and west. A place of worship is located beyond the northern boundary of the proposed extraction area along the east side of Tote Road. A cluster of rural dwellings exist along Gideon Drive near its intersection with Tote Road.

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Figure 1: Site Location



**Note:** Location of numbered icons corresponds to vantage point of street level views below.

**Ground View:** Looking northwest toward pit area from southern terminus of Tote Road.





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**Ground View:** Looking southwest toward pit area from Tote Road.



**Ground View:** Looking north at haul route toward Gideon Drive on Tote Road.



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**Nature of Application:**

Johnston Brothers (Bothwell) Ltd. has applied to amend the Official Plan by changing the designation for the proposed pit license area on Schedule B-2 – Natural Resources and Natural Hazards – of the Official Plan from an “Aggregate Resource Area” to an “Extractive Industrial” area and to change the Zoning By-law Z.-1 for the proposed licensed area from an Agricultural (AG1) Zone which permits agricultural uses, forestry uses, conservation lands, passive recreational uses and limited rural commercial uses; a Holding Agricultural (h-2●AG1) Zone which permits the same uses as previously listed with a holding provision requiring the preparation of an Environmental Impact Study prior to development; and, an Open Space (OS5) Zone which permits conservation lands, passive recreation uses and managed forests to a Resource Extraction (EX) Zone to permit an aggregate resource extraction operation.

The proposed Official Plan and zoning changes, as described above, are intended to facilitate, in part, the issuance of a license under the *Aggregate Resources Act* which would permit the establishment of a Category 7, Class B pit allowing for the extraction of up to 20,000 tonnes of sand and gravel material annually, from above the established ground water table, across a proposed 2.7 hectare extraction site with a total licensed area of 5.0 hectares. The remaining 2.3 hectares included in the proposed licenced area will be comprised of buffer lands, visual screening and environmental setbacks designed to minimize the impact of the proposed pit operation on surrounding land uses. The total aggregate material available for extraction over the lifetime of the pit is estimated to be 250,000 tonnes. The operational plan attached as Appendix “C” to this report provides a detailed overview of the nature and extent of the proposed extraction. Extraction will be permitted to a maximum depth of 261.5 metres above sea level (1.5 metres above the established groundwater table). In general, the depth of extraction across the site will range from 4.5 metres to 2.5 metres. Based on the maximum annual rate of extraction permitted under a Class ‘B’ license (20,000 tonnes), the proposed pit could be expected to have an operational lifetime of approximately twelve (12) years. The exact lifetime will ultimately depend on demand for aggregate material from the Johnston Pit.

A series of technical reports were prepared to support the applications noted above. These technical reports have been referenced in the preparation of this report and include the following:

- **Summary Statement** (William Bradshaw, P. Eng., December 2012)
- **Hydrogeological Evaluation Level I** (Novaterra Environmental Ltd., February 27, 2012)
- **Natural Environment Technical Report Level I & II** (Thompson Environmental, September, 2008.)
- **Subject Lands Status Report** (Biologics Inc., April 15, 2013)
- **Species at Risk Report** (Biologics Inc., December 7, 2012)
- **Archaeological Assessment Stage I & II** (Archaeologix Inc., January, 2007)
- **Aggregate Resources Act Site Plans** (William Bradshaw, P.Eng., October 2013)

**Provincial Policy Statement, 2014:**

The *Provincial Policy Statement, 2014 (PPS)* provides policy direction on matters of provincial interest related to land use planning and development outlined in Section 2 of the *Planning Act*. The objectives of the PPS pertain to three major policy areas including 1.0 – Building Strong and Healthy Communities, 2.0 – Wise Use and Management of Resources, and 3.0 – Protecting Public Health and Safety. Section 3 of the *Planning Act* requires that decisions of any authority affecting planning matters “shall be consistent” with the PPS. As it relates to this application, the PPS provides the following direction:

Section 1.1.4 of the PPS 2014 sets the vision for Rural Areas within municipalities. The PPS recognizes that rural areas are important to the economic success of the province and our quality of life, and that rural areas and urban areas are interdependent in terms of markets, resources and amenities. Leveraging rural assets and resources while protecting our



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environment provides the foundation for a sustainable economy. In this regard, Section 1.1.4.1 f) provides that: *healthy, integrated and viable rural areas should be supported, in part, by: promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the **sustainable management and use of resources** [emphasis added].* In this regard, the proposed sand and gravel pit will provide an opportunity for the responsible extraction of aggregate resources which serve a vital function in the construction of urban infrastructure and housing.

The protection and management of natural resources of provincial interest including agriculture, aggregates and natural heritage are guided primarily by the policies of Section 2.0 of the PPS, 2014. Section 2.5 of the PPS, 2014 provides specific policy direction for the development and management of aggregate resources in the province. Firstly, Section 2.5.2.1 states, “*As much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible.*” Through the broad direction in 2.5.2.1, the PPS recognizes the importance of mineral aggregates in supporting economic development and seeks to reduce the environmental, economic and social impacts associated with shipping aggregates long distances by encouraging extraction close to markets. In this regard, the proposed pit will provide a source of mineral aggregates for construction related uses in close proximity to London’s Urban Area.

Notwithstanding the directives outlined in Section 2.5.2.1, Section 2.0 of the PPS seeks to ensure extraction is undertaken in a manner which minimizes social, economic and environmental impacts through additional resource management policies which ensure that agricultural, cultural, and natural heritage resources are protected.

Section 2.5.4 of the PPS, 2014 provides that in prime agricultural areas, on prime agricultural land, extraction of mineral aggregate resources is permitted as an interim use provided that the site will be rehabilitated back to an agricultural condition. In this regard, the pit licensing process under the *Aggregate Resources Act* requires the preparation of a rehabilitation plan specifying how the pit will be rehabilitated to support agricultural activities post-extraction. The Johnston Pit rehabilitation plan proposes site re-grading and topsoil renewal that will restore the lands to substantially the same quality and quantity for crop production. The rehabilitation plan has been attached as Appendix “C” for further reference. The rehabilitation plan forms part of the pit license issued under the *Aggregate Resources Act* and is enforceable by the Ministry of Natural Resources.

Section 2.6 of the PPS pertains to the protection and management of cultural heritage and archaeological resources in the Province. The subject lands were identified in the City of London’s Archaeological Master Plan as possessing archaeological potential. As such, an archaeological assessment was conducted by Archaeologix Inc in January of 2007. The archaeological assessment resulted in the documentation of a pre-contact aboriginal site, named “Wintersun” in proximity to the southern boundary of the proposed pit. This site was deemed to be of cultural significance and has been excluded from the proposed extraction area. A 20 metre extraction buffer has been established on the pit operations plan to protect this area from disturbance. The archaeological assessment and its findings has been filed and documented with the Ministry of Tourism, Culture and Sport to further ensure the preservation of this site over the long-term.

Lastly, Section 2.1 of the PPS states that development and site alteration shall not be permitted in, or adjacent to, significant wetlands, significant woodlands, significant valleylands, significant wildlife habitat and significant areas of natural and scientific interest unless it has been demonstrated that there will be no negative impacts on the natural heritage features or their ecological functions.

As part of the background work for the proposed pit, a Level I & II Natural Environment Technical Report was prepared by Thompson Environmental Ltd. and submitted by the applicant in accordance with the *Aggregate Resources Act* Provincial Standards. Further environmental studies including a Species-at-Risk Report and Subject Lands Status Report

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were completed by Biologics Inc. to support the Official Plan and Zoning By-law amendment applications and address the policies outlined in the PPS. The studies contain an assessment of the proposal with regard to the seven natural heritage features to be considered under the PPS. Significant components of the Natural Heritage System identified within or adjacent to the area subject to the proposed pit license include the Lower Dingman Corridor Environmentally Significant Area, the provincially significant Dingman Creek Wetland Complex, the Kilworth Lake Maumee Earth Science Area of Natural and Scientific Interest (ANSI), and a documented butternut tree. In this regard, the proposed extraction limits have been generally guided by mitigation recommendations in the Level I & II Natural Environment Technical Report prepared by Thompson Environmental with review by the City of London Ecologist, the Upper Thames River Conservation Authority and the Ministry of Natural Resources. Appropriate extraction setbacks have been incorporated on the pit operations plan to ensure the protection of these features. A summary of these features and the mitigation measures are outlined below for further reference.

Significant Wetlands:

The Natural Environment Technical Report (NETR) prepared by Thompson Environmental Ltd. identified the presence of Provincially Significant Wetlands (PSW) adjacent to the proposed licensed area. This PSW is located within the woodland which makes up a large portion of the southwestern portion of the subject property and is located directly west of the proposed licensed area. The Provincially Significant Wetland and the Provincial Area of Natural and Scientific Interest (ANSI) contribute to the classification of this area as an Environmentally Significant Area (ESA) on Schedule B1 of the City's Official Plan. In order to protect the PSW from an adverse impact, the NETR includes technical recommendations which suggest a 5 metre extraction buffer from the drip-line of the trees. The NETR concludes that based on the proposed wetland extraction setbacks identified on the Operations Plan and the physical buffers provided by the existing vegetation, that there will be no direct or indirect impacts to the PSW of its ecological function. Subsequent review of the NETR by the City of London, MNR and UTRCA has resulted in additional buffers to further ensure the protection of the PSW. As such, the final iteration of the proposed operations plan includes a 15 metre buffer from the dripline of the trees.

Provincial ANSI:

The provincially significant Kilworth Lake Maumee Earth Science ANSI is located partially within the proposed licensed area. Areas of Natural and Scientific Interest as defined by the PPS mean, "areas of land and water containing natural landscapes or features that have been identified as having life science or earth sciences value related to protection, scientific study or education." The Kilworth Lake Maumee Earth Science ANSI is designated to protect a significant geological feature which includes the raised beach/shoreline bluff of the early Maumee series of glacial lakes. This formation is a representative example of the glacial history and geomorphology. The bluff is located in the interior of the adjacent woodland, approximately 125 metres from the limits of extraction. The proposed operations plan includes an additional 15 metres setback from the eastern limit of the ANSI. All review agencies are satisfied that the extraction setbacks coupled with the protection provided by the existing woodlands are sufficient in order to ensure no impacts on this ANSI.

Species at Risk:

As determined by the results of the environmental fieldwork by Biologics, a butternut tree was documented directly adjacent to the proposed licensed area. The butternut tree is identified as a species at risk and warrants protection under the PPS. As such, a 30 metre extraction setback has been incorporated into the proposed operations plan to provide a buffer from the root system of this existing butternut and ensure it is not impacted by extraction activities at the Johnston Pit.

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**City of London Official Plan:**

As noted previously throughout this report, the subject site is designated “Agricultural” within the City of London Official Plan. Recognizing the interim nature of aggregate extraction operations and provincial requirements for rehabilitation, Section 9.2.4 of the Agricultural policies provides that applications to expand or add new pits or quarries, as shown on Schedule "B" - Flood Plain and Environmental Features, may be permitted by Official Plan amendment, subject to the policies of Section 15.10.

**15.10 Aggregate Resources**

*The London area contains extensive sand and gravel deposits which provide a valuable source of road and building construction material. In recognition of the value of these aggregate resources, the Plan provides for the continuation and expansion of existing pits and quarries and the introduction of new pits and quarries. The potential impacts of pits and quarries on other land uses are also taken into account.*

*Aggregate extraction is recognized by the Plan as an interim land use and, as such, aggregate resources are designated on Schedule "A" - the Land Use Map, for their ultimate intended land use. The locations of both aggregate resources and existing pits and quarries are shown on Schedule "B2" – Natural Resources and Natural Hazards. In addition to the policies of the Plan, existing pits and quarries in London are also subject to the provisions of the Aggregate Resources Act.*

Section 15.10 of the City’s Official Plan recognizes the importance of mineral aggregates as a valuable construction material and seeks to provide opportunities for their extraction close-to-market so as to reduce the economic, environmental and social costs associated with shipping aggregates long distances. While Section, 15.10 provides for new pits and quarries within the City, it does not presume that all conditions are appropriate to allow for extraction or processing of these resources to proceed. As such, Section 15.10 provides the following policies to ensure a comprehensive analysis of potential impacts is undertaken.

**15.10.2. Mineral Aggregate Resources**

*Council will promote the conservation of mineral aggregate resources by making provision for the recovery of these resources, wherever feasible. Aggregate resources within the City are shown on Schedule "B2" –Natural Resources and Natural Hazards. It is recognized that the extraction of these resources may occur during the life of the Plan. An Official Plan amendment will be required to establish a new pit or quarry, or to substantially expand an existing pit or quarry, according to the provisions of policy 15.4.3. of the Plan in this area of the City.*

**15.10.3. Applications to Expand or Add Pits or Quarries**

*In addition to the requirements of the Aggregate Resources Act, except in the south-east Byron area, an Official Plan amendment will be required in order to establish a new pit or quarry or to expand an existing pit or quarry beyond that area shown on Schedule "B2" – Natural Resources and Natural Hazards as Extractive Industrial Area; and*

Potential Impact on Other Uses:

- i) *Proposals will be evaluated in terms of their potential impact on surrounding land uses.*

Information to Assist in Evaluation:

- ii) *In reviewing aggregate extraction proposals applied for under the Aggregate Resources Act, where an Official Plan amendment would be required, or in the case of those lands in the Byron area where only a rezoning is required to establish a new pit or quarry or to expand an existing pit or quarry, Council may request submission of the following information from the applicant:*

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- (a) *a report setting out the location, extent, amount, and quality of the aggregate resource to be extracted;*
- (b) *an inventory of existing site conditions, including the description and dimensions of the site, property ownership and area, adjacent land uses, vegetation, topography, soil conditions, ground and surface water, and other significant features;*
- (c) *an evaluation of potential noise and vibration impacts on adjacent land uses in keeping with the provisions of policy 19.9.5.;*
- (d) *the site plan of the extractive operation, as required by the Aggregate Resources Act, and showing the proposed development as planned and staged. Such site plans shall include: the location of structures, operating equipment, activity areas, points of access, and internal roads; the anticipated use of traffic routes to and from the site; the proposed use of measures to mitigate the potential impact of dust, noise, vibration and other nuisances on sensitive receptors within 150 metres of the site; surrounding land uses; and the phasing of rehabilitation of the extractive operation.*

Other Designations:

- iii) *In land use designations other than Urban Reserve, applications for Official Plan amendment to establish a new pit or quarry, or to expand on existing pit or quarry will require the completion of a Planning Impact Analysis according to the applicable section of the Plan.*

As outlined in the policies of Section 15.10 noted above, the City’s Official Plan requires a detailed analysis of the potential impacts of the proposed pit operation as it relates to surrounding physical and environmental features as well as potential impacts on surrounding sensitive land uses. As such, a series of technical reports have been prepared as noted on page 13 of this report. In general, the matters to be considered through the policies of Section 15.10 have been outlined and analyzed in the planning impact analysis section of this report below.

**Planning Impact Analysis:**

The Provincial Policy Statement, 2014 and the City of London Official Plan recognize the importance of mineral aggregates to economic prosperity and growth and seek to provide opportunities for their recovery in locations which are close-to-market so as to minimize the economic, environmental and social costs associated shipping aggregates long distances. It is recognized that the conservation and management of aggregate resources is of Provincial Interest and therefore pit and quarry operations are primarily regulated under the *Aggregate Resources Act (ARA)* and associated provincial regulations. However, as a requirement to obtain a license to extract under the ARA, the use must be permitted under the municipal zoning by-law in accordance with the *Planning Act*. In considering applications for aggregate extraction operations, municipalities are obligated to provide opportunities for their recovery where it can be undertaken in a manner which minimizes social, economic and environmental impacts.

The PPS and City Official Plan contain policies which balance the desire to provide for resource extraction with the need to protect other provincially significant resources including agricultural, cultural and natural heritage resources. The Official Plan also directs municipalities to consider the potential for local nuisance impacts which may include traffic, noise, dust, etc. The following analysis is intended to summarize the potential impacts of the proposed Johnston Pit regarding those matters identified in the provincial and local planning documents as well as those raised through the public circulation process. This summary is intended to outline how the proposed pit operation addresses these issues.

Agricultural Resources:

The policies of the PPS and the City Official Plan seek to protect and conserve prime agricultural land for the long term. However, aggregate extraction is recognized as a permitted

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interim use so long as the pit is rehabilitated to substantially the same quality and quantity of agricultural land post extraction. The subject site contains primarily Class 2 soils as per the information outlined in Canada Land Inventory (CLI). There are seven classifications used in the CLI to rate agricultural land capability. Class 1 lands have the highest and Class 7 lands the lowest capability to support agricultural land use activities. Class 2 soils are considered to be prime agricultural land but have moderate limitations that restrict the range of crops or require moderate conservation practices. In order to protect the long-term agricultural ability of these lands, the applicants have prepared, as required by the *Aggregate Resources Act*, a detailed rehabilitation plan which ensures the site will be rehabilitated to agricultural uses, with soils being replaced in a manner which approximates the original soil profile and of the same average capacity for agricultural use. The rehabilitation plan, attached as Appendix “C” to this report, will form part of the aggregate extraction license issued under the *Aggregate Resources Act* and is enforceable by the Ministry of Natural Resources. The provisions of the *Aggregate Resources Act* and the eventual pit license in this regard will ensure that this agricultural land is protected for the long term.

Cultural Heritage Resources:

Archaeologix Inc. was retained by Johnston Brothers (Bothwell) Ltd. to complete a Stage I & II Archaeological Assessment on the subject lands in accordance with local and provincial requirements. The Stage II field assessment resulted in the documentation of a large pre-contact Aboriginal archaeological site, named Wintersun. Evidence of culturally significant material was uncovered at the Wintersun site including a diagnostic middle woodland projectile point. In developing the operations plan for the proposed Johnston Pit, a 20 metre extraction setback has been incorporated in order to preserve the integrity of the Wintersun site. The Archaeological Assessment has been accepted and registered with the Ministry of Tourism, Culture and Sport. In the future, if extraction limits were to be adjusted through the site plan amendment process, a Stage 3 and/or 4 assessment would be required in order to fully document and recover these resources for off-site preservation.

Hydrogeology:

As noted previously, the application contemplates the establishment of a Category 7 sand and gravel pit where extraction must remain 1.5 metres above the established groundwater table. In this regard, a hydrogeological investigation was completed by Novaterra Environmental Ltd. The purpose of the investigation was to assess geological, hydrogeological and hydrological conditions of the site and the potential for adverse effects of the proposed operation on water resources in the area. The investigation relied on borehole/well monitoring to establish the highest elevation of ground water occurrence. Appropriate extraction depth limitations have been included in the pit operations plan which will ensure that extraction does not occur any closer than 1.5 metres to the water table. Water table depth will be monitored and documented annually with data submitted to the MNR and MOE. Should changes in water table elevation be documented through annual monitoring, the site operations plan will be adjusted to maintain the 1.5 metre vertical extraction buffer. Given the limited scope of the extraction area and the requirement for extraction to remain above the established groundwater table, the investigation concluded that no impacts to local hydrogeological or hydrological conditions would result from the proposed pit. The conclusions of the Novaterra Report were confirmed by peer-reviewers at the MNR.

Natural Heritage:

The PPS, *Aggregate Resources Act* and City Official Plan all require the protection of Natural Heritage Resources. The Provincial Policy Statement identifies seven significant natural heritage resources that warrant protection from development. Applicable natural heritage features and their spatial relationship with the subject site are summarized by Table 1 and Figure 2 below.

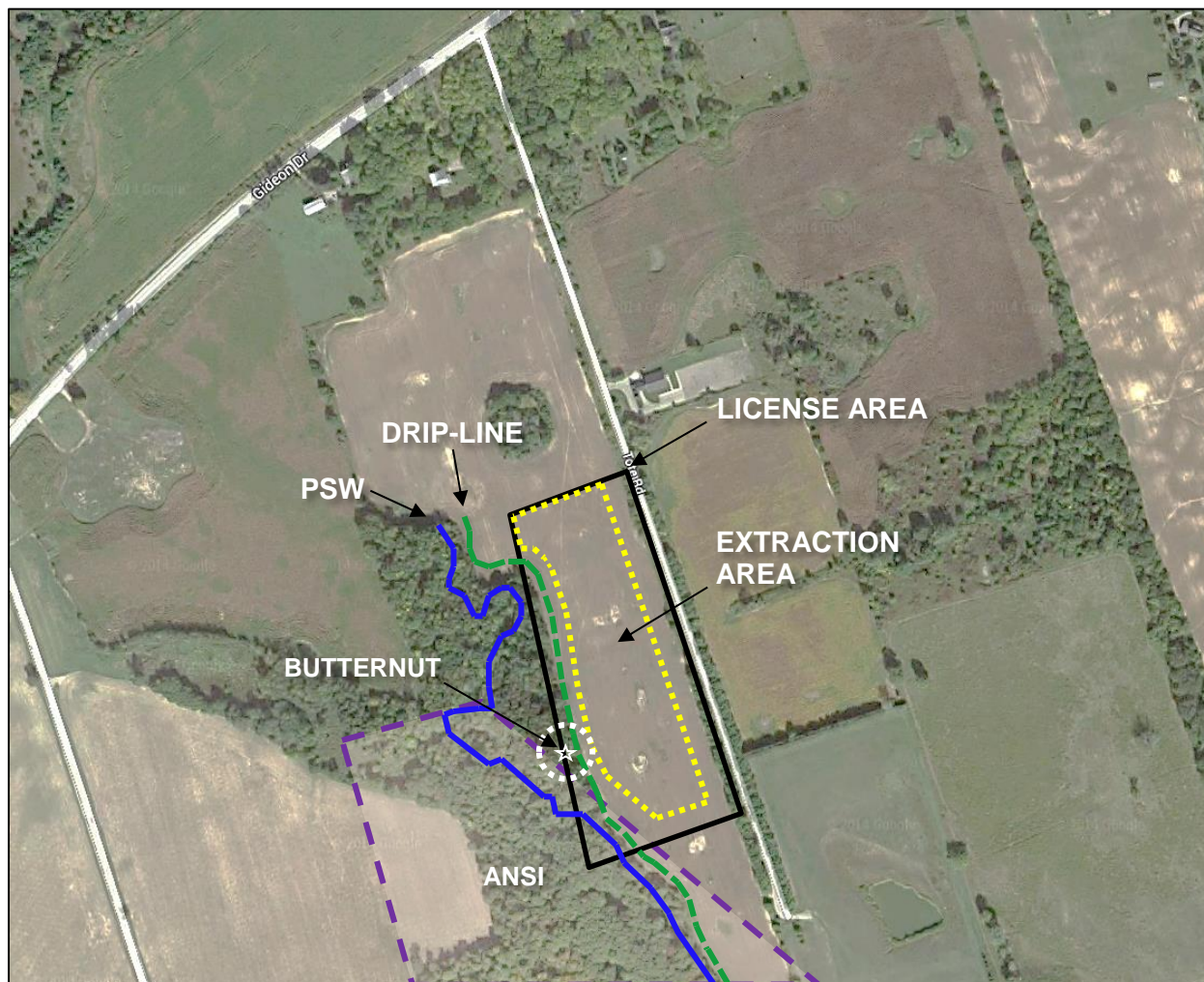


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**Table 1:** Natural Heritage Inventory

Natural Heritage Feature	Located within Pit License Area	Located within Extraction Area	Located within Adjacent Lands (120 m radius)
Provincially Significant Wetlands	None	At least 30 metres buffer between PSW and extraction	<b>Yes</b> – Dingman Creek Wetland Complex
Habitat of Threatened or Endangered Species	None	30 metre extraction buffer from documented butternut tree	<b>Yes</b> – Butternut tree
Fish Habitat	None	None	None
Significant Woodlands	None	None	None
Significant Valleylands	None	None	None
Significant Wildlife Habitat	None	None	None
Areas of Natural and Scientific Interest	<b>Yes</b> – Kilworth Lake Maumee Earth Science ANSI	15 metre extraction setback from northeastern limit of ANSI	<b>Yes</b> – Kilworth Lake Maumee Earth Science ANSI

**Figure 2:** Natural Heritage Features – Johnston Pit



**Note:** Above map is approximate in scale and is intended for general illustrative purposes. For scale drawing refer to Operations Plan attached as Appendix "C" to this report.

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In order to ensure the protection of Natural Heritage features in proximity to the proposed pit including the Dingman Creek Wetland Complex, the Butternut Tree and the Kilworth Lake Maumee Earth Science ANSI west of the proposed Johnston Pit, a Level II Natural Environment Technical Study was undertaken by Thomson Environmental Ltd. The aim of the Level II study was to determine any potential impacts the proposed aggregate extraction could present with regard to effects on Natural Heritage and determine any necessary mitigation measures to ensure these resources are protected in accordance with the policies of the PPS. The Level II study and subsequent peer review process has recommended a series of operational setbacks in order to protect the ecological function of these features. The recommended extraction setbacks have been incorporated into the recommended zoning by-law amendment, and the pit operations plan attached as Appendix “C” to this report. The recommended zone boundary implements the buffers as are generally illustrated by Figure 2 above and summarized as follows:

- a 15 metre buffer from the drip-line of the trees (the ESA boundary) along the entire west edge of the pit;
- a 28.8 metre buffer from the Butternut located on the west side of the property;
- a 15 metre buffer from the edge of the ANSI; and
- a 30 metre or greater buffer from the PSW boundary.

It is important to note that the Ministry of Natural Resources, Upper Thames River Conservation Authority and the City of London Ecologist have reviewed the operational setbacks and are satisfied with their adequacy in protecting the adjacent natural heritage features.

Traffic/Roads:

As noted previously throughout this report, the application contemplates the establishment of a Class B pit license under the *Aggregate Resources Act*. The Class B license places restrictions on the amount of material which can be extracted annually at 20,000 tonnes. Given the limited extent of permitted annual extraction, a Traffic Study was not required as part of the application. It is also worth noting that a former Middlesex County pit was located at the southern terminus of Tote Road, in close proximity to the site. This previous pit became operational in 1978 before closing in 2005. Between 1978 and 2002, Tote Road accommodated extraction of 8,000-10,000 tonnes per year and between 2003-2004 Tote Road accommodated up to 80,000. As such, Tote Road operated at a level of service that is comparable to what is being proposed by the current application.

As part of the pre-application consultation for the proposed Official Plan and Zoning By-law amendment, Transportation Planning & Design Staff requested the inclusion of a holding provision to ensure that a development agreement could be entered into to secure any necessary improvements to the pavement and/or subgrade structure of Tote Road. In this regard, a holding provision has been included in the recommended zoning by-law. The holding provision may be removed at such time as the applicant has conducted a borehole analysis to verify the road structure and satisfy the City Engineer, either through that analysis, or if necessary, through improvements, that Tote Road is of sufficient standard to accommodate the anticipated level of truck traffic.

As mentioned, a detailed traffic study was not required through the submission of this application. However, based on the maximum annual rate of extraction, and an anticipated average load per truck of 36 tonnes, it is anticipated that the proposed pit could generate up to 560 truck trips per year. Based on a 200 day per year operating schedule, this would result in an average of 2.8 truck trips per day from the proposed pit.

Noise:

The Provincial Standards for a Class ‘B’ Category 7 pit license requires a noise study to be conducted if extraction is proposed to occur within 150 metres of a sensitive receptor. A sensitive receptor includes residences or facilities where people sleep (nursing homes,

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hospitals, trailer parks, camping grounds, etc.). In this regard, the closest sensitive receptors are a series of residential homes located on Gideon Drive. These homes are approximately 400 metres from the limits of extraction. In addition, the construction of berms between the extraction operation and nearby residences, as outlined on the Operations Plan, will provide further mitigation of noise associated with the proposed extraction. No processing of aggregate material will occur within 300 metres of any sensitive receptor. Given the foregoing, it is not anticipated the proposed pit will present unacceptable noise impacts to residents in proximity.

Dust:

The Provincial Standards for a Class 'B' Category 7 pit license requires that dust be mitigated on site. In this regard, the operations plan requires the application of water or another provincially approved dust suppressant to internal haul roads and processing areas as often as is required in order to mitigate dust.

Hours of Operation:

The Provincial Standards for Class 'B' Category 7 pits outlines the prescribed standards for permitted hours of operation across pits in Ontario. Hours of operation are enforced through provision on the operations plan. In this regard, the permitted hours of operation will be from 7am-6pm, Monday to Friday. Limited activities including machine washing and repair will be permitted from 7am to 1pm on Saturdays, however, no extraction will be permitted during this time.

**Zoning By-law Z.-1:**

As noted previously throughout this report, the Johnston Brothers (Bothwell) Ltd. application proposes to re-zone the proposed license area for the pit to Resource Extraction (EX) and Open Space (OS5) in order to facilitate the issuance of a license under the *Aggregate Resources Act* to extract gravel from a 2.7 hectare extraction area and provide for environmental buffers to ensure extraction activities do not disrupt natural heritage features. The subject property is currently zoned Agricultural and Open Space. The existing agricultural zoning permits range of non-intensive agricultural and agriculturally related uses while the existing Open Space zoning is generally applied to natural heritage features and, as such, only permits conservation lands and passive recreational uses such as hiking trails.

Section 43.1 of Zoning By-law No. Z.-1 – General Purpose of the EX Zone – describes the rationale behind the EX zone variations. This section states that the EX Zone, *“This Zone provides for and regulates resource extraction operations which may be operated alone, or in conjunction with other uses, through compounding.”*

This application requests the addition of the EX Zone variation. The EX zone variation permits resource extraction operations, wayside pits, farms and forestry uses. These uses are consistent with the uses sought through the Category 7 pit license application submitted concurrently through the *Aggregate Resources Act* application process administered by the MNR. As such, the EX zone variation is appropriate in order to allow for the proposed pit development and also provides flexibility in the phasing and timing of extraction such that agricultural uses can continue under the provisions of the EX Zone.

Holding Zone:

As noted on page 1 of this report in Clause (b) of the recommendation, the recommended zoning by-law amendment includes a holding h-( ) provision which is intended to ensure that a subsurface analysis of Tote Road is carried out to ensure it is of sufficient standard to accommodate the anticipated truck traffic, prior to extraction. The holding provision also ensures that a development agreement can be entered into to secure any necessary road upgrades should it be determined as necessary through the road structure confirmation report.

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<b>CONCLUSION</b>
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The recommendation for approval of the proposed Official Plan and Zoning By-law amendments has been supported by the foregoing planning analysis. The proposed amendments have been evaluated in the context of the applicable land use policy and are consistent with the policies of the Provincial Policy Statement, 2014, which promote the recovery of aggregate resources in close-to-market locations where it can be extracted in an environmentally and socially responsible manner. The proposed amendments will support economic development and competitiveness by providing a close-to-market source of aggregate material for infrastructure development and construction related activities. The pit site plans have been developed taking into account recommendations from a variety of technical reports, with such reports and recommendations being peer reviewed by technical experts from the Ministry of Natural Resources, Upper Thames River Conservation Authority and the City of London. The mitigation measures and technical recommendations identified in the technical studies, implemented through the site plans, coupled with the prescribed conditions of the Category 7 Class 'B' license under the *Aggregate Resources Act* are intended to ensure the protection of environmental resources and that potential social impacts are minimized. The proposed sand and gravel pit is an interim land use and the rehabilitation plan ensures that the site will be restored to largely the same agricultural productivity post-extraction, thereby protecting these lands for agricultural uses for the long term. Given the foregoing, the recommended amendment represents sound land use planning.

<b>PREPARED BY:</b>	<b>SUBMITTED BY:</b>
<b>MIKE DAVIS, B.U.R.PI. PLANNER II, CURRENT PLANNING</b>	<b>MICHAEL TOMAZINCIC, MCIP, RPP MANAGER, CURRENT PLANNING</b>
<b>RECOMMENDED BY:</b>	
<b>JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>	

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Planner: Mike Davis

**Responses to Public Liaison Letter and Publication in “The Londoner”**

<u>Telephone</u>	<u>Written</u>
N/A	Jean Pidduck 52 Gideon Drive London, ON. N6K 4N7
	Paul Field 80 Gideon Drive London, ON. N6K 4N7



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**File: OZ-8365  
Planner: Mike Davis**

**Bibliography of Information and Materials  
OZ-8365**

**Request for Approval:**

City of London Official Plan and Zoning By-law Amendment Application Form, completed by Lloyd Johnston, May 23, 2014.

**Reference Documents:**

Ontario. Ministry of Municipal Affairs and Housing. *Planning Act, R.S.O. 1990, CHAPTER P.13*, as amended.

Ontario. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement*, 2014.

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City of London. *Official Plan*, June 19, 1989, as amended.

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William Bradshaw P.Eng., *Existing Features Plan*, October 21, 2013.

William Bradshaw P.Eng., *Operations Plan*, October 21, 2013.

William Bradshaw P.Eng., *Rehabilitation Plan*, October 21, 2013.

William Bradshaw P.Eng., *Summary Statement*, December, 2012.

Novaterra Environmental Ltd. Hydrogeological Evaluation Level I, February 27, 2012.

Thompson Environmental Ltd. Natural Environment Technical Report Level I & II, September 2008.

Biologics Inc. Species At Risk Report, December 7, 2012.

Biologics Inc. Subject Lands Status Report, April 15, 2013.

Archaeologix Inc. Archaeological Assessment Stage I & II, January, 2007.

**Correspondence: (all located in City of London File No. OZ-8365 unless otherwise stated)**

**City of London -**

Page B., City of London Environmental and Park Planning. Memo to M. Davis. June 16, 2014.

Postma R., City of London Urban Forestry. E-mail to M. Davis. June 13, 2014.

Couvillon A., City of London Transportation Planning and Design. Various emails with M. Davis. June-November 2014.

**Departments and Agencies -**

Creighton C., UTRCA. Various letters to M. Davis. June –December 2014.

McCloskey A., Ministry of Natural Resources. Various memos to B. Bradshaw (Applicant's Engineer). May 23 – October 4, 2013.

Lysynski H., Environmental and Ecological Planning Advisory Committee. Letter to M. Davis. September 3, 2014.

Mercier B. London Advisory Committee on Heritage. Letter to M. Davis. July 31, 2014.

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**Other:**

Site visit October 23, 2014 and photographs of the same date.

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**Planner: Mike Davis**

**Appendix "A"**

Bill No. (number to be inserted by Clerk's Office)  
2015

By-law No. C.P.-1284-\_\_\_\_\_

A by-law to amend the Official Plan for the City of London, 1989 relating to 120 Gideon Drive.

The Municipal Council of The Corporation of the City of London enacts as follows:

1. Amendment No. (to be inserted by Clerk's Office) to the Official Plan for the City of London Planning Area – 1989, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on January 13, 2015.

Matt Brown  
Mayor

Catharine Saunders  
City Clerk

First Reading – January 13, 2015  
Second Reading – January 13, 2015  
Third Reading – January 13, 2015

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File: OZ-8365  
Planner: Mike Davis

**AMENDMENT NO.**

**to the**

**OFFICIAL PLAN FOR THE CITY OF LONDON**

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to change the designation of the proposed pit license area described herein from “Aggregate Resource Area” to “Extractive Industrial” on Schedule B-2 – Natural Resources and Natural Hazards – to the Official Plan for the City of London to facilitate, in part, the issuance of a Category 7, Class B pit license under the Aggregate Resources Act.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to a portion of the lands located at 120 Gideon Drive in the City of London.

C. BASIS OF THE AMENDMENT

The Provincial Policy Statement, 2014 and the City of London Official Plan recognize the importance of mineral aggregates to economic prosperity and seek to provide opportunities for their recovery in locations which are close-to-market so as to minimize the economic, environmental and social costs associated shipping aggregates long distances. The proposed pit operation, implemented by the Site Plans submitted in conjunction with the *Planning Act* and *Aggregate Resources Act* approvals processes and supported by the various technical investigations, ensures that extraction will occur in a manner which minimizes economic, environmental and social impacts.

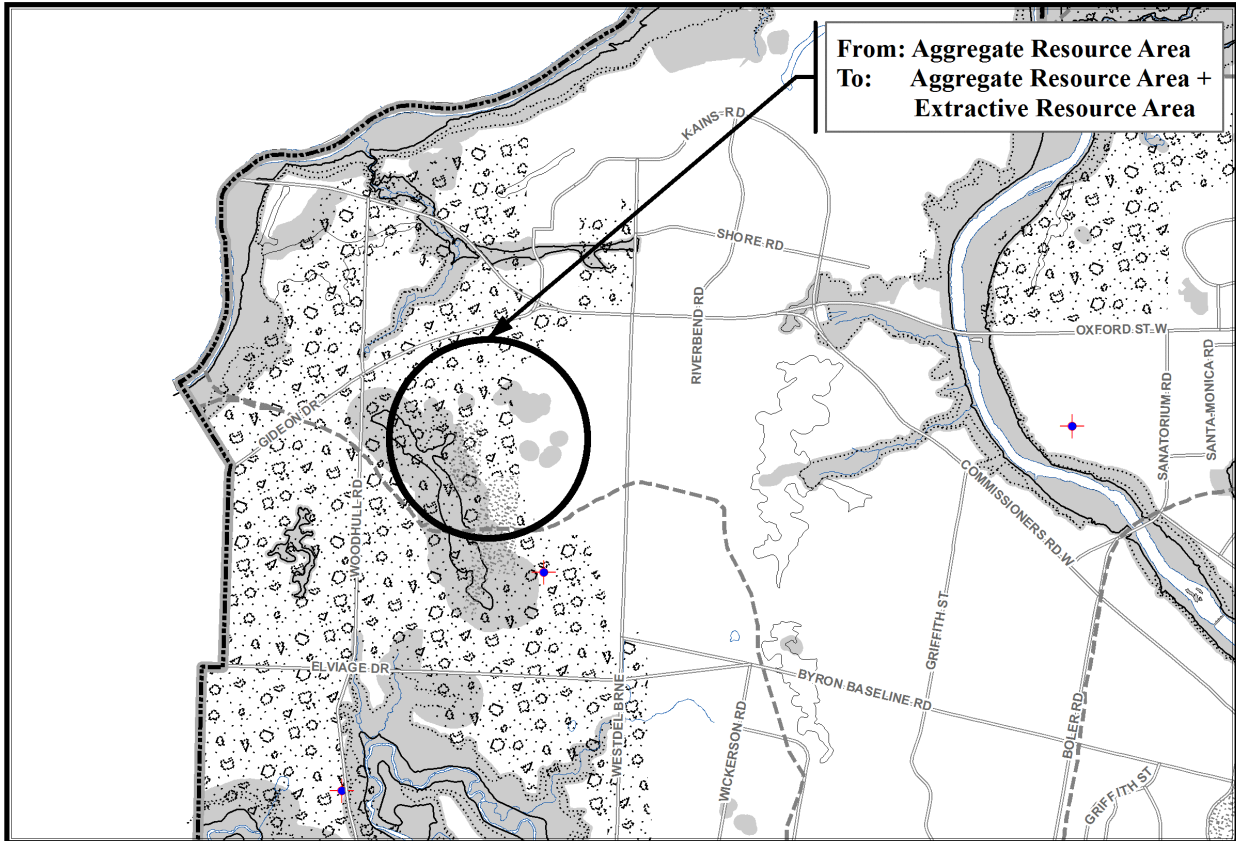
D. THE AMENDMENT

The Official Plan for the City of London is hereby amended by changing the designation for the proposed pit license area from “Aggregate Resource Area” to “Extractive Industrial” on Schedule B-2 – Natural Resources and Natural Hazards – to the Official Plan for the City of London.

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Planner: Mike Davis

AMENDMENT NO:



**NATURAL RESOURCES**

- Aggregate Resource Areas
- Extractive Industrial
- Emergency Municipal Water Wells

**Base Map Features**

- Railways
- Water Courses/Ponds
- Streets (refer to Schedule "C")
- Conservation Authority Boundary
- Subwatershed Boundary
- Potential Special Policy Areas
- Special Policy Area

**NATURAL HAZARDS**

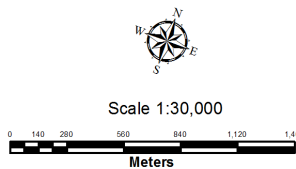
- Regulatory Flood Line  
*NOTE 1: Flood Lines shown on this map are approximate. The precise delineation of flood plain mapping is available from the Conservation Authority having jurisdiction.*  
*NOTE 2: Flood Fringe mapping for certain areas of the city is available from the Upper Thames River Conservation Authority.*
- Riverine Erosion Hazard Limit For Confined Systems
- Riverine Erosion Hazard Limit For Unconfined Systems
- Steep Slopes Outside of the Riverine Erosion Hazard Limit
- Abandoned Oil/Gas Wells
- Conservation Authority Regulation Limit

*This is an excerpt from the Planning Division's working consolidation of Schedule B2 to the City of London Official Plan, with added notations.*

**SCHEDULE B2  
TO  
OFFICIAL PLAN**

AMENDMENT NO. \_\_\_\_\_

PREPARED BY: Graphics and Information Services



FILE NUMBER: OZ-8365

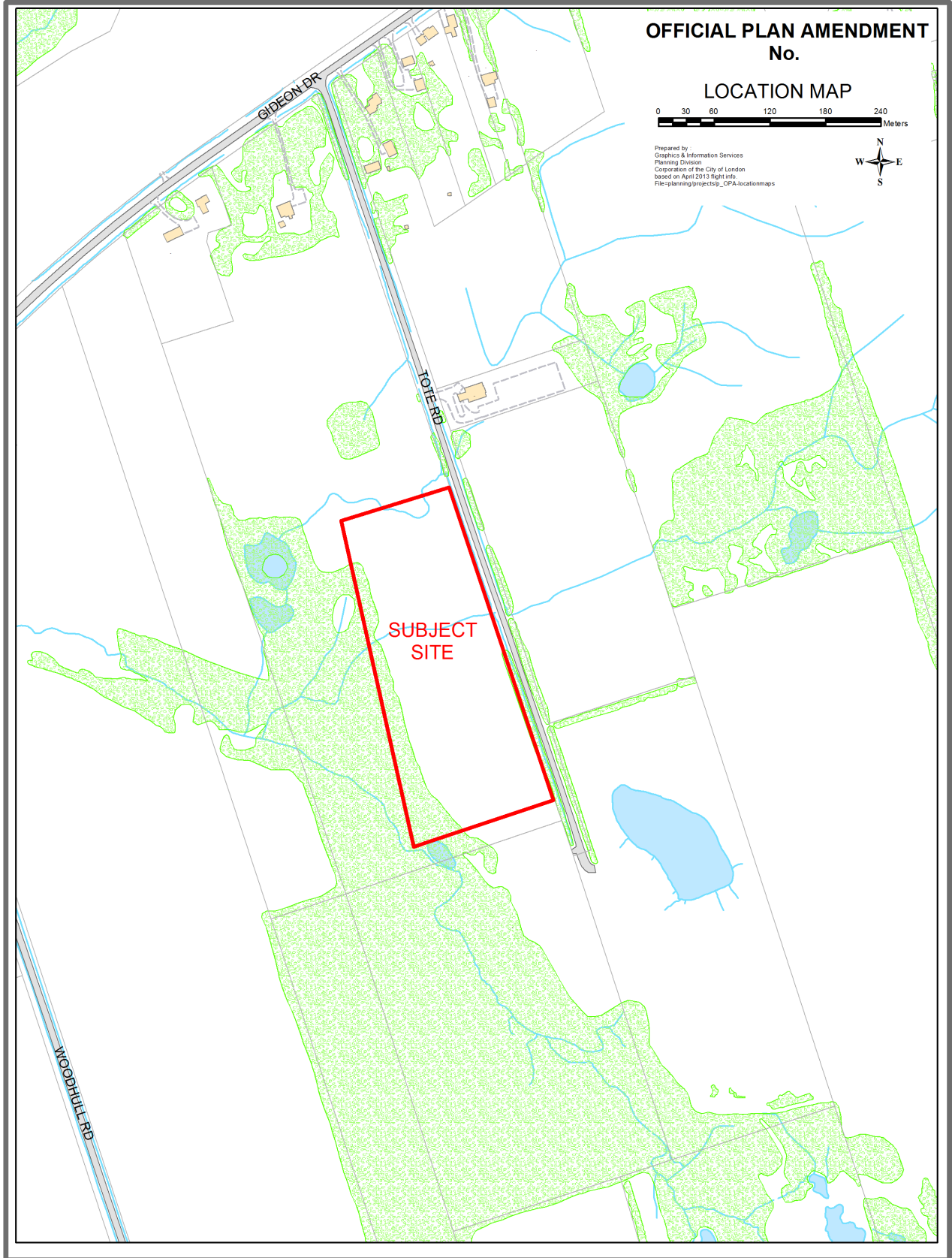
PLANNER: MD

TECHNICIAN: TT

DATE: 2014/11/25

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File: OZ-8365  
Planner: Mike Davis





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**File: OZ-8365  
Planner: Mike Davis**

**Appendix "B"**

Bill No. (number to be inserted by Clerk's Office)  
2015

By-law No. Z.-1-15\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to rezone a portion of the lands located at 120 Gideon Drive.

WHEREAS Johnston Brothers (Bothwell) Ltd. has applied to rezone a portion of the lands located at 120 Gideon Drive, as shown on the map attached to this by-law, as set out below;

AND WHEREAS upon approval of Official Plan Amendment Number (number to be inserted by Clerk's Office) this rezoning will conform to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to a portion of the lands located at 120 Gideon Drive, as shown on the attached map comprising part of Key Map No. A105, from an Agricultural (AG1) Zone, a Holding Agricultural (h-2●AG1) Zone, and an Open Space (OS5) Zone to a Holding Resource Extraction (h-( )●EX) Zone, and an Open Space (OS5) Zone.

2) Section Number 3.8 of the Holding "h" Zones to By-law No. Z.-1 is amended by adding the following new holding provision:

\_) h-( ) Purpose: The removal of the h-( ) shall not occur until such time as the Owner has entered into a development agreement with the City of London to ensure that, if determined necessary through the completion of a geotechnical subsurface analysis, appropriate municipal roadway upgrades are completed to accommodate truck traffic from the proposed pit operation to the satisfaction of the City Engineer.

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on January 13, 2015.

Matt Brown  
Mayor

Agenda Item # Page #

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**File: OZ-8365**  
**Planner: Mike Davis**

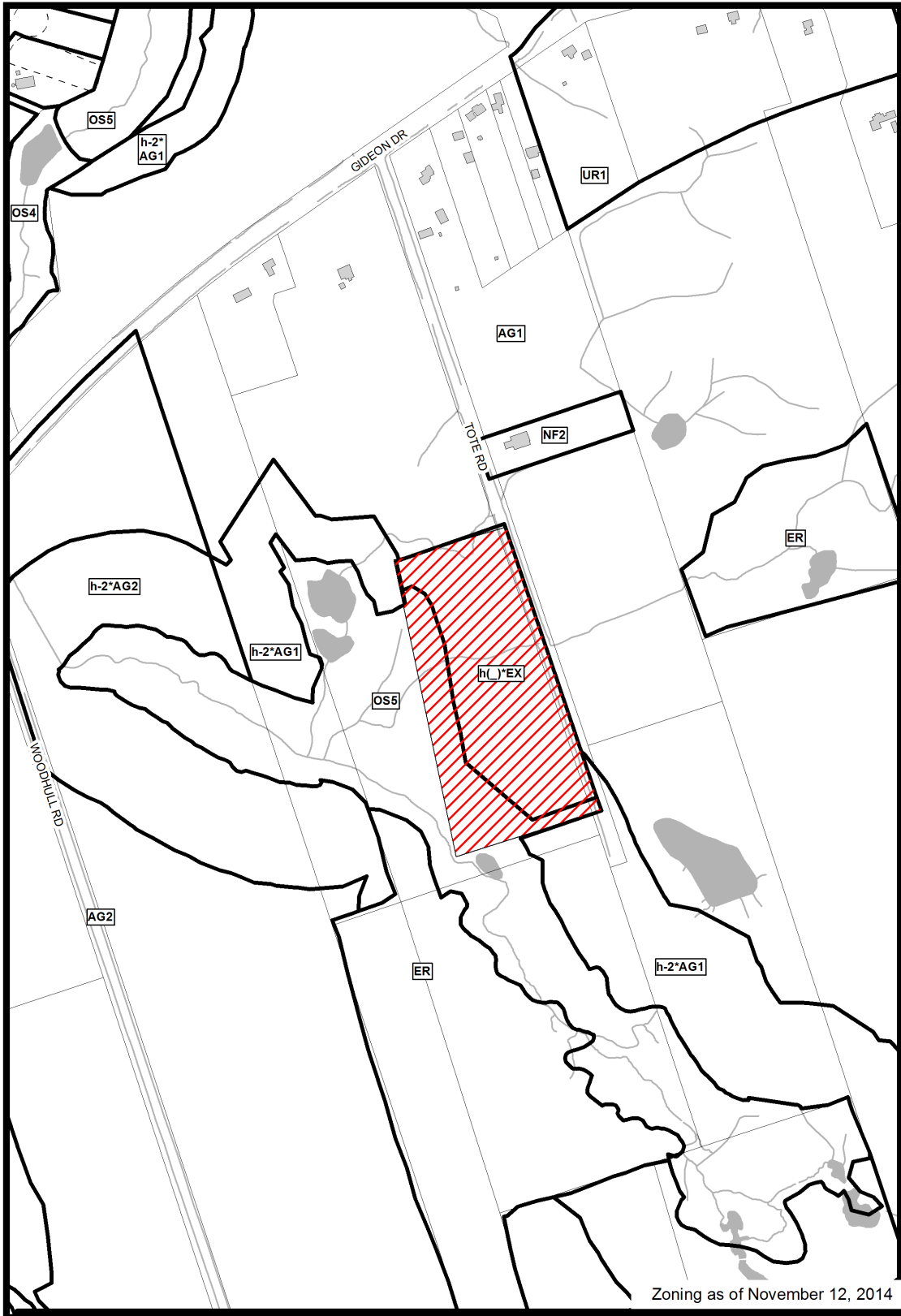
Catharine Saunders  
City Clerk


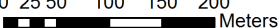

First Reading – January 13, 2015  
Second Reading – January 13, 2015  
Third Reading – January 13, 2015

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File: OZ-8365  
Planner: Mike Davis

AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



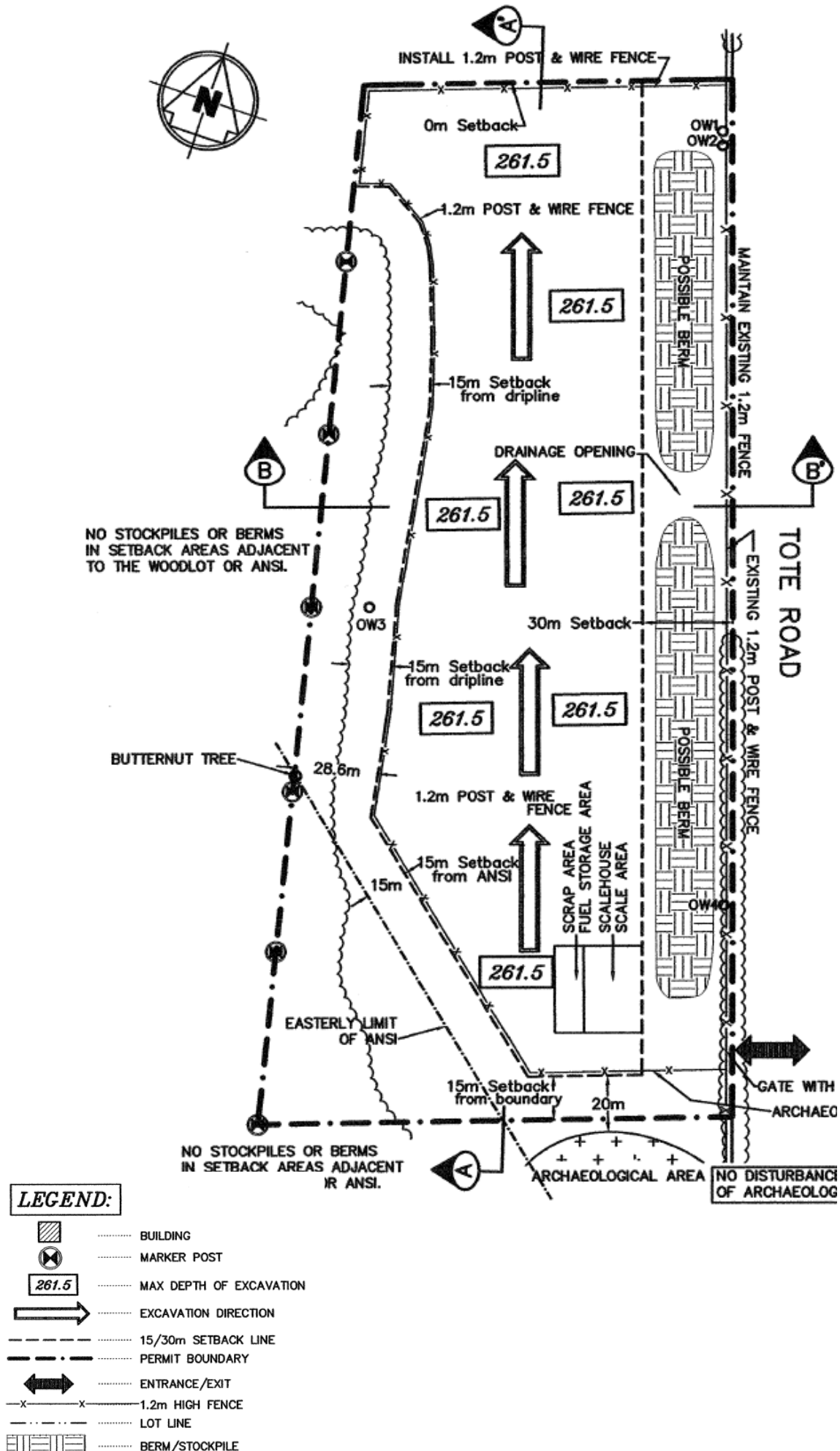
<p>File Number: OZ-8365  Planner: MD  Date Prepared: 2014/11/25  Technician: TT  By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:5,500</p> <p>0 25 50 100 150 200   Meters</p> <p></p>
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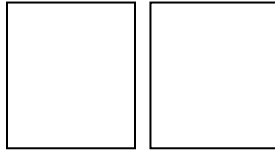
Geodatabase

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Appendix "C"

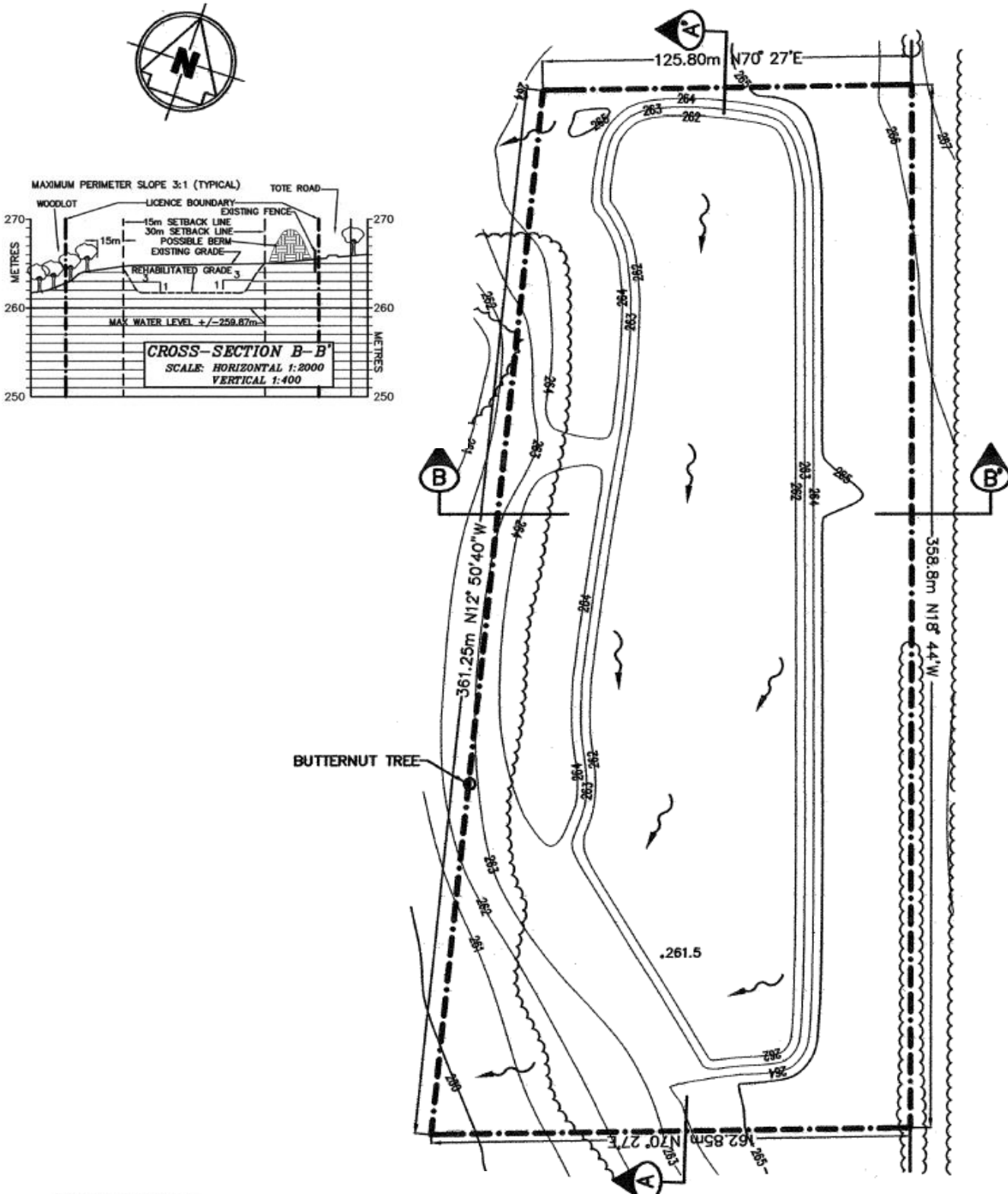
Operational Plan Excerpt





Appendix "C"

Rehabilitation Plan Excerpt



REHABILITATION NOTES

1. The area to be rehabilitated is 2.7 hectares. See the "Sequence of Operations & Rehabilitation" on Drawing 2 of 3 for rehabilitation timing.
2. This site is to be rehabilitated to an agricultural after use.
3. Final 3:1 perimeter slopes shall be constructed in areas where extraction has been completed. Slopes will be created by backfilling with onsite materials. Graded 3:1 slopes shall be spread with a minimum of 0.15 metres (6 inches) of topsoil and shall be seeded with a grass-legume mixture such as brome grass and white clover.
4. Final rehabilitated grades shall be at a minimum elevation that is at least 1.5 metres above the water table of 259.87m at OW3.
5. Areas shall be graded to direct drainage towards the south as shown. Most surface water will percolate into the ground.
6. Rehabilitation operations such as stripping and earth moving shall take place only when the soil is dry to reduce compacting of the soils.
7. Perimeter slopes are to be re-graded and reseeded in the event of washouts.
8. There shall be no buildings or roads on site upon completion of rehabilitation.
9. Any vegetation that dies or is otherwise damaged shall be reseeded or replanted.

LEGEND:

	.....	DRAINAGE DIRECTION
	.....	LICENCE BOUNDARY
	.....	TREE LINE
	.....	LOT LINE
	.....	SPOT ELEVATION
	.....	1m CONTOUR