



## PLANNING REPORT for the TOWN OF MINTO

Prepared by the County of Wellington Planning and Development Department

**DATE:** June 6, 2017  
**TO:** Bill White, C.A.O.  
Town of Minto  
**FROM:** Linda Redmond, Manager of Planning and Environment  
County of Wellington  
**SUBJECT:** **Harry Savage**  
**Part Lot 2, Con 6, 6729 6<sup>th</sup> Line**  
**Zoning By-law Amendment**

### PLANNING OPINION

The purpose of the zoning amendment is to rezone approximately 4.7 hectares (11.61 acres) of land from Extractive Industrial (EI) to Agricultural (A) to allow for the construction of a single detached dwelling.

The proposed lands to be rezoned are no longer licensed under the *Aggregate Resources Act* for extraction and were never disturbed as part of the gravel pit operation on the property. Extraction of this area, appears to have been constrained by a water course and floodplain that separates the lands from the larger extraction area, and by setbacks that would have been required by the MNR to the road allowance and lot lines. The use of the property is also a more compatible use with the existing adjacent dwelling. We are satisfied that the proposal is consistent with the PPS and is in general conformity with the County of Wellington Official Plan.

A draft zoning by-law has been prepared for Council's consideration that rezones most of the lands which are no longer licensed for aggregate extraction to Agricultural (A) and the portion of the lands within the floodplain and associated Regulated Area which are not appropriate for development as Natural Environment (NE).

### INTRODUCTION

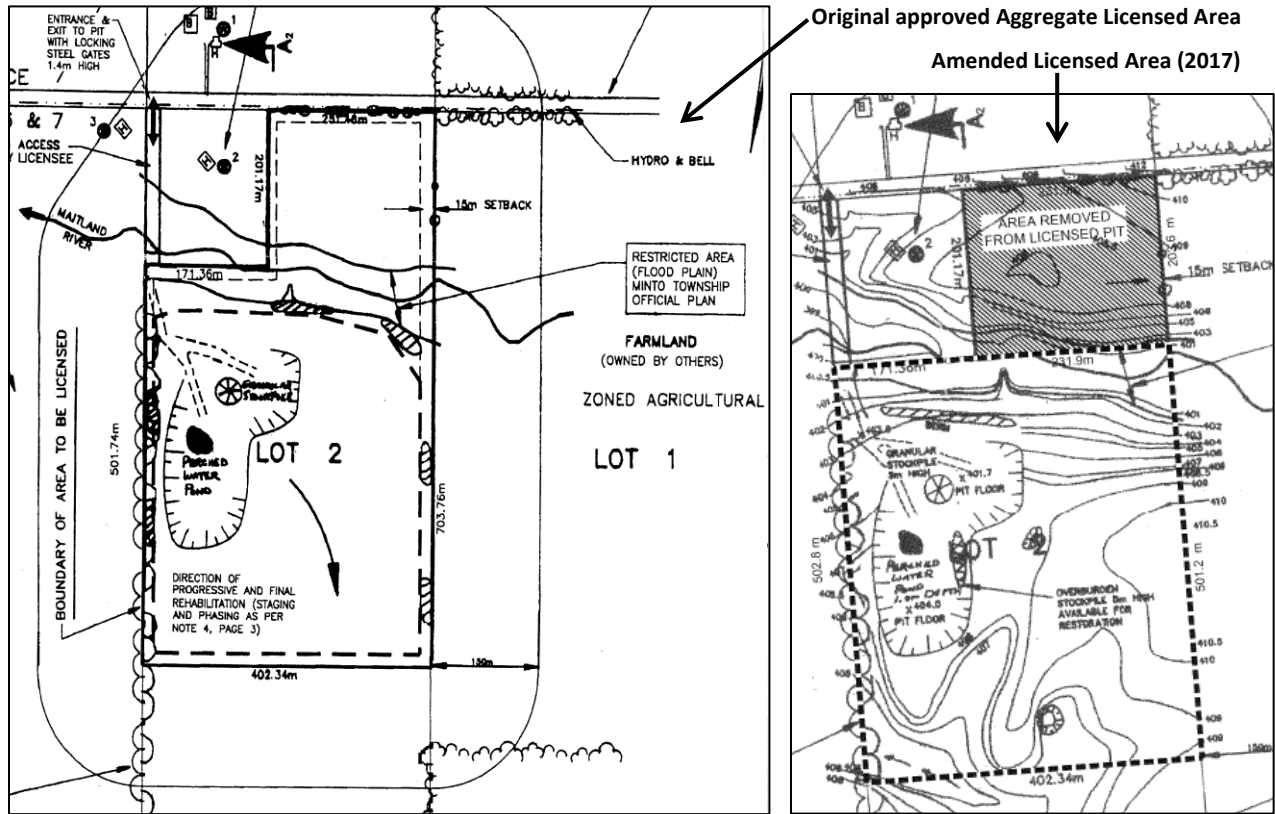
The property subject to the proposed amendment is located on Part Lot 2, Con 6 (Minto), RP 61R-5840, Part 1, municipal address 6729 6th Line. Approximately 4.7 hectares (11.61 acres) of the property is proposed to be rezoned from Extractive Industrial (EI) to Agricultural (A). The portion of the property proposed to be rezoned is currently vacant, while the remainder of the property is licensed and used as a gravel pit (known as the Robertson Gravel Pit). Adjacent uses include rural residential to the west, agricultural to the north and east, and a County Forest to the north east.

### PROPOSAL

The purpose of the zoning amendment is to rezone approximately 4.7 hectares (11.61 acres) of land from Extractive Industrial (EI) to Agricultural (A) to allow for the construction of a single detached dwelling. In March 2017, the Ministry of Natural Resources and Forestry amended the aggregate



extraction license on the property in response to the owner request to remove (referred to as a “partial surrender”) a portion of the property from the licensed area. The owner also filed a site plan amendment which will remove this area of property from the approved plans for the Existing Features, Operational and Rehabilitation Site Plans. The remainder of the property continues to be licensed for aggregate extraction.



**PROVINCIAL POLICY STATEMENT (PPS)**

The subject property is located within the Prime Agricultural Area.

Under Section 2.5.2 - Mineral Aggregate Resources, mineral aggregate resources shall be protected for long term use and known deposits should be identified. Mineral aggregate operations should be protected from development and activities that hinder their expansion or use. The subject property is identified as being within the Aggregate Sand and Resource Area in the County Official Plan.

Under Section 3.1 Natural Hazards development shall directed to areas outside of hazards and development and site alteration is not permitted within specific flooding hazards. The rear portion of the lands proposed to be rezoned are identified as being within a floodplain. These lands are restricted for development by the Maitland Valley Conservation Authority.

**COUNTY OFFICIAL PLAN**

The subject property, including the portion of the property proposed to be rezoned is located within the Prime Agricultural Area. Within the Prime Agricultural Area, agricultural uses and single detached dwellings are permitted.

The rear portion of the lands which are located within the floodplain are designated as Core Greenlands. Development in this area is restricted. Section 5.6.4 identifies that Core Greenland areas shall be placed in

a restrictive zone which prohibits buildings, structures and site alterations except in specific circumstances.

The subject property, including the portion of the property proposed to be rezoned are also identified as being located within the Mineral Aggregate Resource Overlay which identifies that aggregate deposits are likely available. Policy 6.6.2 identifies that in lands within or adjacent to the Overlay, development which would preclude or hinder access to the resource will only be allowed if:

- a) resource extraction use would not be feasible;
- b) the proposed development serves a greater long term public interest; in this case, reasonable efforts should be made to use the resource wherever practical;
- c) issues of public health, safety and environmental impact are addressed.

#### **ZONING BY-LAW 01-86**

The subject property, including the portion of the property proposed to be rezoned are currently zoned Extractive Industrial (EI) which permits a gravel pit operation. Adjacent lands are zoned Agricultural (A) and Natural Environment (NE).

#### **PLANNING DISSCUSION**

The proposed land to be rezoned is no longer licensed for aggregate extraction. In reviewing the previously approved Site Plan for the property we note that this area was not identified for extraction even though it was included within the licensed area. The area has not been disturbed for aggregate extraction and has been used for crop production. It would appear to be constrained by the fact that there is an existing watercourse (with Flood Plain) that separates this portion of the property from the larger property, and the size of the land available would be further reduced by setbacks from the road allowance and property lines that would be required to be maintained.

The rezoning of this portion of the property to Agriculture (A) for construction of a single detached dwelling would be a more compatible use with the existing adjacent dwelling. It should be noted that the construction of a dwelling on the property would have to satisfy MDS I requirements as part of the building permit application.

It is our opinion that the rear portion of the proposed portion of the property should be rezoned as it is within the floodplain and has an associated Regulated Area (MVCA). County Official Plan and Conservation Authority policies would generally not permit development within this area of the property. The County Plan also provides direction that Core Greenland areas (which includes flood plain areas) shall be placed in restrictive zoning category.

A draft zoning by-law has been prepared (attached to this report) for Councils consideration that rezones most of the area which is no longer licensed from Extractive Industrial (EI) to Agricultural (A). The rear portion of the lands which are no longer licensed for extraction but are within the flood plain and associated Regulated Area have been placed in the Natural Environment (NE) Zone to reflect the hazards associated with these lands.

Respectfully submitted  
County of Wellington Planning and Development Department



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Linda Redmond, Manager of Planning and Environment

**THE CORPORATION OF THE TOWN OF MINTO  
BY-LAW NUMBER \_\_\_\_\_.**

**BEING A BY-LAW TO AMEND ZONING BY-LAW NUMBER 01-86  
FOR THE TOWN OF MINTO**

**WHEREAS**, the Council of the Corporation of the Town of Minto deems it necessary to amend By-law Number 01-86;

**NOW THEREFORE** the Council of the Corporation of the Town of Minto enacts as follows:

1. THAT Schedule "A" - Map 1 of the Town of Minto Zoning By-law 01-86 is amended by rezoning part of Part Lot 2, Concession 6, RP 61R-5840, Part 1, as shown on Schedule "A" attached to and forming part of this By-law, from **Extractive Industrial (EI)** to **Agricultural (A)** and **Natural Environment (NE)**.
2. THAT except as amended by this By-law, the land as shown on the attached Schedule 'A' shall be subject to all applicable regulations of Zoning By-law 01-86, as amended.
3. THAT this By-law shall come into effect upon the final passing thereof pursuant to Section 34(21) and Section 34(22) of The Planning Act, R.S.O., 1990, as amended, or where applicable, pursuant to Sections 34 (30) and (31) of the Planning Act, R.S.O., 1990, as amended.

READ A FIRST AND SECOND TIME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2017

READ A THIRD TIME AND PASSED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2017

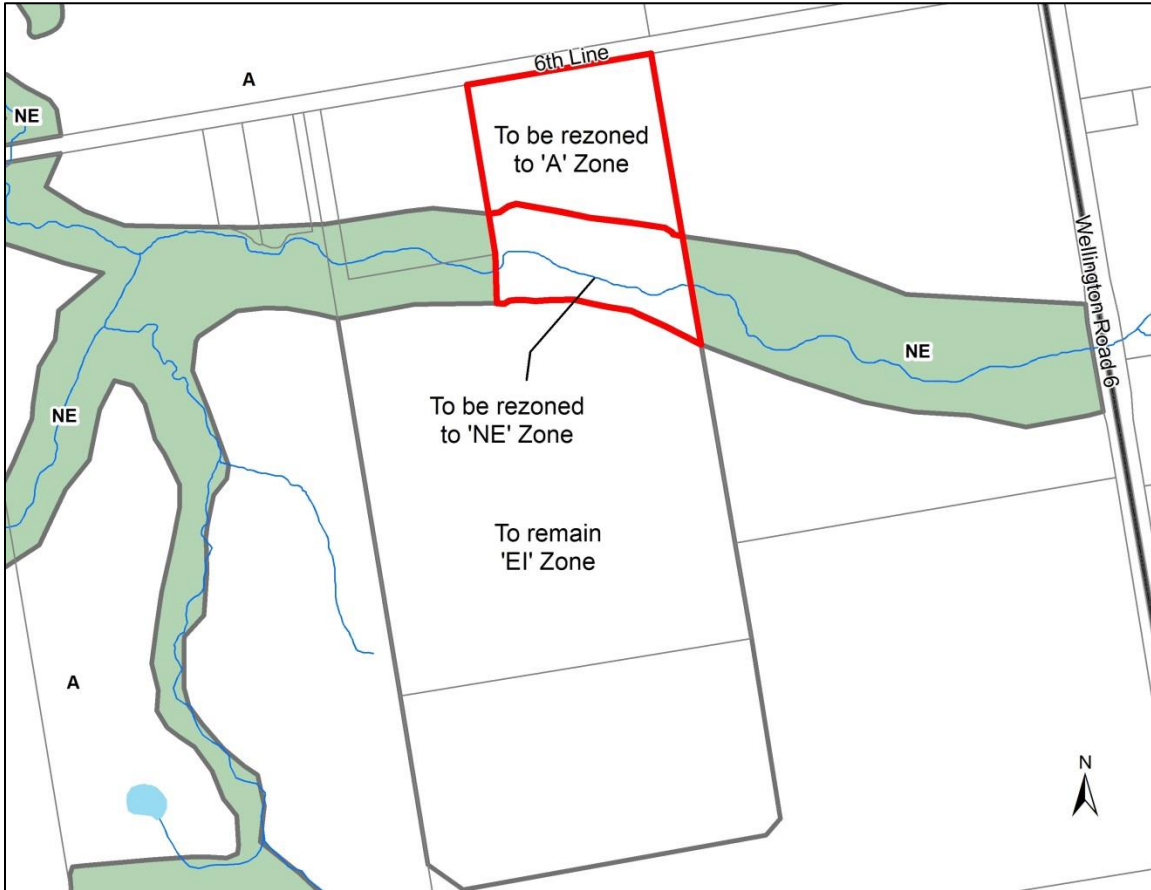
\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

**THE TOWN OF MINTO**

**BY-LAW NO \_\_\_\_\_.**

**Schedule "A"**



Passed this \_\_\_\_ day of \_\_\_\_\_ 2017.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

**EXPLANATORY NOTE**  
**BY-LAW NUMBER \_\_\_\_\_.**

**THE SUBJECT LAND** is located on Part Lot 2, Concession 6, RP 61R-5840, Part 1, municipal address 6729 6<sup>th</sup> Line. The property subject to the amendment is approximately 4.7 hectares (11.61 acres) in size and is currently vacant.

**THE PURPOSE AND EFFECT** of the amendment is to rezone the property from Extractive Industrial (EI) to Agricultural (A) and Natural Environment (NE) to allow for the construction of a single detached dwelling.