

July 7, 2020

Chris Wicke

City of Kingston

1211 John Counter Boulevard
Kingston, ON K7L 4X7

Dear Chris Wicke:

**RE: Proposed Elginburg Quarry – Planning Justification Addendum
OUR FILE 0818K**

Introduction

In support of the proposed City of Kingston Official Plan and Zoning By-law Amendments, a Planning Rationale and Zoning Justification Report was prepared by IBI Group in January 2015. This report was subsequently updated in April 2015 and a further Addendum was prepared by IBI Group in February 2018. The last addendum served to provide an overview of the application process to date and provided new or supplementary policy analysis where necessary.

As the City is aware, Coco Properties Corporation (“Coco”) acquired the Elginburg Quarry and the Elginburg Quarry Extension application in June 2018. Since this time, Coco has been working to resolve several outstanding agency and public comments with respect to the proposed extension. This work has necessitated the preparation of an updated acoustic assessment and the implementation of several commitments to agencies and the local community. As a result, certain details in the Elginburg Quarry Extension proposal have been amended to reflect commitments and the recommendations of updated material.

This letter is intended to provide an overview of the revisions that have occurred to the proposal since the February 2018 Planning Addendum, and provide further policy analysis with respect to these matters in the context of the land use compatibility policies and the criteria to evaluate new aggregate operations of the City of Kingston Official Plan (“City OP”).

City of Kingston Official Plan

The following is a review of the land use compatibility policies and criteria for redesignating lands for aggregate extraction in force in the City OP at the time of the Planning Act applications submission.

Land Use Compatibility Principles

The land use compatibility principles for the City of Kingston are outlined in Section 2.7 of the City OP, with the goal being *"to provide new opportunities for growth and investment within Kingston in a manner that respects existing development and minimizes conflict or adverse effects."*

With respect to compatible development and land use change the policies of the City OP states:

- 2.7.1. *For the purposes of this Plan, the term compatible means the ability of various land uses, buildings, sites, or urban design treatments to co-exist with one another from both a functional and visual perspective through their arrangement, location (including in some instances their separation), methods of buffering, massing, or other means of providing transition that are able to successfully address undue adverse effects.*
- 2.7.2. *Only proposed land use changes that are compatible, or can be made compatible, with surrounding sites and land use designations will be approved.*

As it relates to the proposed Elginburg Quarry Extension, Section 2.7.3. of the City OP specifically identifies the following to be considered land use compatibility matters under Section 2.7.2.:

- c. *increased levels of noise, odour, dust or vibration;*
 - e. *increased level of traffic that can disrupt the intended function or amenity of a use or area;*
 - f. *environmental damage or degradation;*
 - h. *reduction in the ability to enjoy a property, or the normal amenity associated with it, including safety and access, outdoor areas, historic quality or setting;*
 - k. *the loss or impairment of significant views of cultural heritage resources and natural features and areas to residents.*
- 2.7.4 *All proposed land use changes will be required to be implemented in a manner that either eliminates or minimizes to an acceptable level any adverse effects on adjacent sites and surrounding land use designations.*
 - 2.7.5 *In some cases, distance separation will likely be the recommended form of mitigation, particularly:*
 - b. *between intensive livestock operations or extractive operations and sensitive uses, sensitive environmental features, or sensitive environmental functions. When identifying a required distance separation related to livestock operations, the minimum distance separation formulae will be used.*

Within the City of Kingston OP, mitigation measures are described in Section 2.7.6. and states that:

- 2.7.6. *Mitigation measures between sites with different land use designations and between residential uses of different density will include one or more of the following measures that will be determined through required studies, established in the zoning by-law, or during consideration of applications under the Planning Act:*

- a. *ensuring adequate setbacks and minimum yard requirements;*
- b. *establishing appropriate transition in building heights, coverage, and massing;*
- c. *requiring fencing, walls, or berming to create a visual screen;*
- d. *designing the building in a way that minimizes adverse effects;*
- e. *maintaining mature vegetation and/or additional new landscaping requirements;*
- f. *controlling access locations, driveways, service areas and activity areas; and,*
- g. *regulating location, treatment and size of accessory uses and structures, lighting, parking areas, garbage storage facilities and signage.*

In assessing land use compatibility for the proposed Elginburg Quarry Extension, there several factors to consider. The first is the appropriateness of the site being considered for mineral aggregate extraction, and secondly can the site be designed to minimize impacts on surrounding land uses. The following is a summary of why it is appropriate to locate the Elginburg Quarry Extension at this site, and following this summary is a detailed analysis of site specific measures that have been incorporated into the design of the quarry to minimize impacts on surrounding sensitive land uses.

The location of the Elginburg Quarry Extension site is appropriate since:

- The proposed extension will be sited adjacent to the existing Elginburg Quarry, within a rural area of the City of Kingston. Surrounding land uses are typical of a rural area, and predominantly include agricultural lands, rural residential uses and the Hamlet of Elginburg, which is located approximately 1.0 kilometre to the east of the existing quarry. Aggregate operations by their very nature must locate in a rural area where the resource exists and are typically found in proximity to rural residential uses and rural settlement areas.
- Mineral aggregate extraction is a long-standing and established use in the area and regardless of the extension, extraction at the existing quarry will continue for the foreseeable future.
- The existing quarry is protected by provincial policy for its ability to expand.
- The site is identified as a Limestone Plain in the City OP and an aggregate investigation has been completed which confirms the site contains a known deposit of mineral aggregate resource.
- The site has been confirmed by MNRF and the Conservation Authority that it is an appropriate location from a natural heritage perspective.
- There are no other features on-site that would preclude the establishment of a quarry in this location (i.e. cultural heritage, agricultural or water resources).

The following is a summary of how the site has been designed to minimize impacts on surrounding sensitive land uses taking into account water wells, noise, blasting, air, visual and traffic:

- With respect to private wells, a detailed water resources report was completed, which included a residential well survey undertaken in 2015. In September 2019, Coco offered an updated private well survey to any ARA objector located within 500 metres of the site. The MECP has confirmed that they have no outstanding concerns related to the protection of private wells. The Aggregate Resources Act Site Plans requires the following conditions be implemented to confirm that water resources are not being adversely affected and implemented the following well complaint procedure in the event of a complaint:
 - Monthly groundwater level monitoring is recommended in DDH 10-01, BH 11-02, BH 11-03, BH11-04, BH 12-01, BH 12-02, BH 12-03, BH 13-01, the domestic well at 2528 Unity Road, and in the following three additional monitoring wells:
 - a. Future Monitoring Well 1 (FMW-1) on the Lot 12-Lot 13 boundary, approximately 60 m south of BH 13-01, to be drilled prior to extraction within the western half of Lot 13,
 - b. FMW-2 on the Lot 11-Lot 12 boundary at the northwest corner of the part of the expansion lands in Lot 12, to be drilled prior to extraction within Lot 12.
 - c. FMW-3 on the Lot 11-Lot 12 boundary at the southwest corner of the part of the expansion lands in Lot 12, to be drilled prior to extraction within Lot 12.
 - Annual winter photographic seepage face monitoring is recommended on all available extraction faces within 250 m of Unity Road in the western half of Lot 13 and also in Lot 12. This would consist of taking one or more photographs of the rock face from static viewpoints, where possible based on quarry operations. The information will provide a record of seepage into the quarry in the winter when ice will form at key seepage locations.
 - No extraction of the third lift (i.e. below 115 mASL) should occur within 250 m of the property at 2528 Unity road, and west of the Lot 12/Lot 13 lot line.
 - A grouting pilot study may be considered during extraction of Lift 3 in Lot 13, if suitable conditions exist. The terms of reference for the study are included in Appendix J.
 - In consultation with the property owner, drainage from 2467 Unity Road must be allowed to discharge at the southern end of this property by way of a culvert(s) or break(s) in the berm.
 - The existing PTTW will be sufficient for dewatering of the existing quarry and the expansion area until its expiry in 2022. Upon renewal, it is recommended to combine the monitoring programs proposed in this report for the quarry expansion with the monitoring program for the existing quarry.
 - If a water well complaint is received by the licensee the following actions will be taken for properties within 500 m:
 - a. The licensee will notify MNR and MECP of the complaint.

- b. The licensee will contact a well contractor in the event of a well malfunction and residents will be provided a temporary water supply within 24 hours, if the issue cannot be easily determined and rectified.
- c. The well contractor will contact the resident with the supply issue and rectify the problem as expediently as possible, provided landowner authorization of the work. If the issue raised by the landowner is related to loss of water supply, the licensee will have a consultant/contractor determine the likely causes of the loss of water supply, which can result from a number of factors, including pump failure (owner's expense), extended overuse of the well (owner's expense) or lowering of the water level in the well from potential quarry interference (licensee expense). This assessment process would be carried out at the expense of the licensee and the results provided to the homeowner.
- d. If it has been determined that the quarry caused the water supply interference, the quarry shall continue to supply water at the licensee's expense until the problem is rectified. The following mitigation measures shall be considered and the appropriate measure(s) implemented at the expense of the licensee:
 - i. adjust pump pressure;
 - ii. lowering of the pump to take advantage of existing water storage within the well;
 - iii. deepening of the well to increase the available water column;
 - iv. widening of the well to increase the available storage of water;
 - v. relocation of the well to another area on the property;
 - vi. drilling multiple wells; and
 - vii. only at the request of a landowner would a cistern be installed.
- e. If the issue raised by the land owner is related to water quality, the licensee will have a consultant/contractor determine the likely causes of the change in water quality, and review monitoring results at the quarry and background monitoring results from the baseline well survey to determine if there is any potential correlation with the quarry. If it has been determined that the quarry caused a water quality issue, the quarry shall continue to supply water at the licensee's expense until the problem is rectified. The licensee shall be responsible for restoring the water supply by replacing the well or providing a water treatment system. Only at the request of a landowner would a cistern be supplied. The licensee is responsible for the expense to restore the water quality.
- o If a water well complaint is received by the licensee, the following actions will be taken for properties beyond 500 m:
 - a. the licensee will contact the landowner to discuss the issue;

- b. the licensee will review the groundwater monitoring results to determine if there is any lowering of groundwater in the vicinity of the well complaint;
 - c. if it is determined that the existing monitoring program shows there has been no impact to groundwater levels in this area the licensee will advise the landowner that their well is located outside of the area of influence of the quarry; and
 - d. if it is determined that the well is located within the groundwater drawdown area of influence of the quarry the actions required for a well within 500 m will be completed.
 - o If any well complaint is not resolved to the satisfaction of the landowner, the issue will be resolved to the satisfaction MECP.
- With respect to noise, the site has been designed to meet provincial standards for all adjacent sensitive receptors. The following is a summary:
 - o An updated acoustic assessment was prepared in March 2020 and took into account the cumulative impacts of both the existing quarry (including the asphalt plant and ready-mix plant) and the proposed extension. This study resulted in the implementation of revised noise controls on the ARA site plans.
 - o Overall, the conclusions of the acoustic assessment resulted in additional berming, restrictions on machinery operation and the number of trucks entering the site, and the removal of all proposed permissions to operate the extension on a 24 hour basis. The revised hours of operation of the proposed extension are 7:00 am to 7:00 pm Monday to Saturday, excluding statutory holidays. Whereas, site preparation and rehabilitation is limited to take place Monday to Friday.
 - o The ARA Site Plans were also updated to require an independent noise audit to be completed at the commencement of each phase of the extension to ensure the required mitigation is in place to ensure provincial guidelines will be met and the closest surrounding sensitive receptors.
 - o Another note was added to the ARA Site Plans that requires that in the event of a noise interference complaint, that Coco is required to take appropriate measures as deemed necessary by the Ministry of Environment Conservation and Parks to rectify the problem.
 - o In addition, Coco also submitted a site plan amendment to MNRF for the existing quarry to add additional noise controls, restriction on the time and location of equipment and additional perimeter berming. Prior to approval of the site plan amendment, Coco has committed to implement the additional restrictions related to the operation of equipment and will construct the new perimeter berms once the amendment is approved by MNRF.
- With respect to blasting, a blasting impact assessment was prepared by DST for the proposed extension and peer reviewed by the City of Kingston. The conclusions from the peer review letter dated February 2, 2019 state that they categorically agree with the DST conclusion that "The Elginburg Quarry Expansion can be developed safely and productively in the proposed licenced

area, while staying within the MOECC guidelines and regulations for blasting in mines and quarries as well as regulations of the Department of Fisheries and Oceans provided the quarry operator follows all recommendation in this report.”

- With respect to air quality, the province has prescribed conditions that relate to mitigation of dust. These include the following requirements that have also been added to the ARA Site Plans:
 - Dust will be mitigated on site.
 - Water or another provincially approved dust suppressant will be applied to internal haul roads and processing areas as often as required to mitigate dust.
 - Processing equipment will be equipped with dust suppressing or collection devices, where the equipment creates dust and is being operated within 300 metres of a sensitive receptor.
 - In addition, Coco added another note to the ARA Site Plans that requires that in the event of a dust interference complaint, Coco is required to take appropriate measures as deemed necessary by the Ministry of Environment Conservation and Parks to rectify the problem.
- With respect to visual impacts, the proposed extension has been designed with perimeter berms that will screen the operation from sensitive receptors and Unity Road. Further, the maximum height of stockpiles on the quarry floor has been reduced from 20 metres to 15 metres.
- With respect to traffic, the community has raised concerns with the use of some local roads that currently permit truck traffic and are used as part of the existing quarry haul route. Coco has placed a sign and sent a letter to all of their contractors and haulers asking them to only use County and Provincial roads unless it is for a local delivery on those routes (see attached photo of sign and letter to haulers). In addition, residents have also raised concerns regarding the speeds of vehicles and trucks on Unity Road, and the intersection of Sydenham Road and Unity Road. Since the traffic report was prepared, it is our understanding that traffic lights have been installed at the intersection of Sydenham Road and Unity Road, which will assist with controlling truck and vehicle traffic at this intersection. Although Coco has made these efforts to address the community’s concerns with truck speed and truck routes, Coco provided a letter to the City of Kingston Council on March 10, 2020 advising that they would have no issue with the City reducing the speed limit to 50 km/h from the entrance/exit of the Elginburg Quarry to the existing 50 km/h zone in the Hamlet of Elginburg, as well as prohibiting truck traffic on Cordukes Road and Burbrook Road, unless being use for local deliveries. Coco awaits direction from the City of Kingston on these matters.
- In addition to all of the measures noted above, to address land use compatibility, Coco also increased the extraction setback from 15 metres to 30 metres from the property located at 2467 Unity Road.

In conclusion, it is our opinion that the site is appropriate from a locational perspective and has been designed to minimize impacts on surrounding land uses as required by provincial and City policy. The following is an analysis of the City OP’s policies pertaining to new or expanding aggregate operations.

Criteria for Aggregate Extraction

Policies pertaining to Mineral Resource Areas are contained in Section 3.17 of the City OP, with Section 3.17.9. containing the criteria to be considered when evaluating redesignating lands for aggregate extraction.

3.17.9. *Protection of mineral resources for long term use and extraction is a priority of the City and a new designation that places land in a Mineral Resource Area designation on Schedule 3 is permitted in consultation with the Province. Aggregate operations vary depending whether the operation is a pit, quarry, or a quarry below the water table, and the related scale of operation and provincial requirements will vary accordingly. Depending on the type of operation proposed, and the proximity of sensitive receptors or environmental features involved, the City will consider the following:*

a. the location of the proposed site and its impact on adjoining communities;

See above response to land use compatibility policies regarding the location of the proposed and its impact on adjoining communities.

b. the size, scale and nature of the proposed use;

Due to the size, scale and nature of the proposed use, aggregate operations must by necessity locate in a rural area where the resource exists. Technical studies have assessed the size, scale and nature of the use and provided recommendations to ensure it can be appropriately designed and operated to minimize impacts on surrounding sensitive land uses. Taking into account comments from the community, revisions have been made to the operation to further reduce impacts from the proposed extension, including hours of operation have been reduced, restrictions on the concurrent operation of machinery have been implemented, and the number of trucks permitted to enter the site per hour has been reduced. Overall, the intensity and scale of the proposed use has been designed to provide compatibility with the surrounding land uses.

c. the compatibility of the proposed use with adjacent existing and planned land uses and designations;

See above response to land use compatibility policies regarding compatibility with adjacent existing land uses and the noise report accounted for vacant lots that have permission to develop a sensitive land use. As for future planned land uses in the area, the lands surrounding the extension continue to form part of the rural area and there is no planned expansion of the Elginburg Settlement Area, which is in closer proximity to the existing quarry than the proposed extension. This area continued to be planned for rural resource uses and the extension of an existing rural resource use in this location is appropriate.

d. the accessibility of the proposed site with respect to road patterns and traffic volumes, and the impact that increased truck traffic may have on communities or residents along those routes, and on the transportation system itself;

A traffic review and truck route evaluation were completed for the proposed extension and concluded that development would result in no significant adverse effects from a traffic perspective. The proposed extension utilizes the existing entrance/exit and has direct access onto a County road which is designed to accommodate large volumes of traffic, including truck traffic.

With respect to traffic, the community has raised concerns with the use of some local roads that currently permit truck traffic and are used as part of the existing quarry haul route. Coco has placed a sign and sent a letter to all of their contractors and haulers asking them to only use County and Provincial roads unless it is for a local delivery on those routes (see attached photo of sign and letter to haulers). In addition, residents have also raised concerns regarding the speeds of vehicles and trucks on Unity Road, and the intersection of Sydenham Road and Unity Road. Since the traffic report was prepared, it is our understanding that traffic lights have been installed at the intersection of Sydenham Road and Unity Road, which will assist with controlling truck and vehicle traffic at this intersection. Although Coco has made these efforts to address the community's concerns with truck speed and truck routes, Coco provided a letter to the City of Kingston Council on March 10, 2020 advising that they would have no issue with the City reducing the speed limit to 50 km/h from the entrance/exit of the Elginburg Quarry to the existing 50 km/h zone in the Hamlet of Elginburg, as well as prohibiting truck traffic on Cordukes Road and Burbrook Road, unless being use for local deliveries. Coco awaits direction from the City of Kingston on these matters.

e. the proposed landscaping and buffering to minimize the potential for adverse effects;

The proposed extraction area has been setback to implement MNRF's required setbacks from rural properties and rural residential properties, and the technical studies confirmed that these setbacks are sufficient to protect wells and meet provincial noise and blasting limits at these sensitive receptors. Within the setback areas, the ARA Site Plans include perimeter berms that will be landscaped to provide a natural separation between the proposed use and the adjacent properties. The proposed landscaping and buffering will minimize the potential for adverse effects on surrounding uses.

f. an environmental impact assessment, in accordance with Appendix A attached to this Plan;

An Environmental Impact Assessment was completed and MNRF and the Conservation Authority have no outstanding concerns related to the natural environment.

g. an archaeological assessment, if deemed necessary; and,

Stage 1, 2 and 3 archaeological assessments were undertaken for the site. The reports have been reviewed by the Ministry of Heritage, Sport, Tourism and Culture Industries and have been entered into the Ontario Public Register of Archaeological Report. There are no remaining cultural heritage concerns within the proposed licence area.

h. information and studies that demonstrate that the quantity and quality of the groundwater and surface water, as well as the natural drainage in the area, are not adversely affected.

A Hydrogeological Assessment was completed and MECP has confirmed they have no outstanding concerns related to water resources.

Conclusion

The original policy review and conclusions completed by IBI remain relevant, and this document provides supplementary analysis with respect to the recent revisions to the proposed Elginburg Quarry extension in the context of land use compatibility.

Should you have any questions please do not hesitate to contact the undersigned.

Yours truly,

MHBC

A handwritten signature in black ink that reads "Brian Zeman". The signature is written in a cursive style with a large, prominent "B" and "Z".

Brian Zeman, BES, MCIP, RPP
President

cc. *Andrea Gummo, Manager, Policy Planning | City of Kingston*
Tim Park, Manager, Development Approvals | City of Kingston
Anthony Rossi | Coco Group
Veronique Magny | Coco Group

Attachment #1 – Letter to Customers and Haulers & Photos of Signs



Coco Group

March 9th, 2020

Valued Customer and Haulers:

Coco Properties Corporation ("Coco") is committed to the safety of the communities we operate in. Our Elginburg Quarry, located at 2489-2505 Unity Road in the City of Kingston, is situated in an area where adjacent roads are used by a variety of users and some local residents have raised concerns regarding truck speed, use of local roads by haul trucks, and public safety.

We would like to clarify some of the most urgent safety concerns that need to be communicated to your truck drivers immediately:

- 1) All posted speed limits and traffic signs **must** be adhered to; and
- 2) Provincial Highways and Regional Roads are to be utilized by haul trucks. Cordukes Road and Bur Brook Road are to be avoided by haul trucks unless being used for local deliveries.

Coco takes these concerns from the community very seriously and cannot stress enough that the truckers who utilize the Elginburg Quarry have an important role in addressing these issues in order to minimize impacts to the surrounding neighbours. Trucks caught violating these rules will be banned from entering the Elginburg Quarry.

Further, while the use of Jake brakes for loaded outbound trucks can be necessary for safety reasons, we ask that you have consideration for the surrounding neighbours before applying your Jake brake and that you make every effort to not use your Jake brakes when in proximity to nearby homes unless required for safety reasons.

We thank you for your business and continued partnership. Please feel free to contact us directly should you have any questions or concerns as it relates to this matter.

Sincerely,

Anthony Rossi, MCIP, RPP
Director, Land Development & Government Relations
Coco Properties Corporation, a Division of Coco Group

ATTENTION ALL TRUCK DRIVERS

To Minimize Impacts on the Local
Community Please Ensure you are Only
Using Regional and Provincial Highways
When Entering and Exiting the
Elginburg Quarry

**PLEASE REFRAIN FROM USING
CORDUKES ROAD & BURBROOK ROAD
LOCAL DELIVERIES ONLY**



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