

# Beaubassin Planning Review and Adjustment Committee

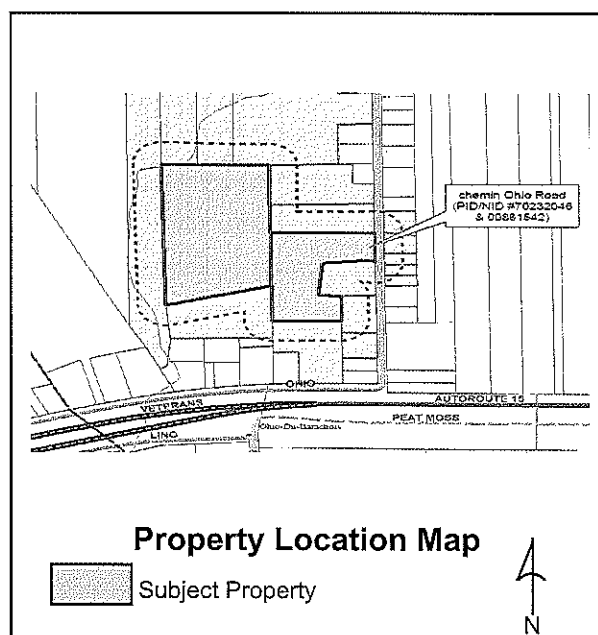
## STAFF REPORT

### Conditional Use

**Subject :** Resource extraction of existing pit (No\_05)  
**File number:** 14-1737  
**Meeting Date:** Wednesday, March 18, 2015  
**From :** Jason LeBlanc

#### GENERAL INFORMATION

**Applicant/:** Alfred J. Burke Alfred J. Burke & Sons  
**Landowner :** Alfred J. Burke Alfred J. Burke & Sons  
**Proposal:** Renewal of Resource Extraction Permit in order to exploit pit - subject to terms and conditions.



#### SITE INFORMATION

**Location:** Ohio Road, Communaute Rurale Beaubassin-Est  
**PID:** 70232046 & 00861542  
**Lot Size:** 12.8 hectares  
**Current Use:** Resource Extraction  
**Zoning:** EIR / IRE  
**Future Land Use:** Resource Extraction  
**Surrounding Use & Zoning:** GC - General Commercial / IRE - Intensive Resource Exploitation  
 RD - Resource Development / RR - Rural Residential  
**Municipal Servicing:** N/A  
**Access/Egress:** Ohio Road

#### **Municipal Plan Policies**

*"It is the policy of the community to encourage activities related to natural resources while preserving land that is suitable for development for future generations."*

#### **Zoning Bylaw and or Subdivision By-law Regulation**

#### ***IRD Zone – Intensive Resource Development***

*8.2(4) All operations of resource extraction activity, excluding the extraction of peat moss, must have*

a permit issued by the Commission. This permit will be valid for a period of one year from the date of issuance of the permit and should be renewed annually.

a) All permits require a master plan and a rehabilitation plan approved under section 34(4) (c) of the Community Planning Act;

8.2(5) All extraction sites and master plans must meet the following standards:

a) No extraction can be performed within 30 meters of hydrographic source;

b) The operator must keep all driveways and roads used to transport materials free of dust;

c) Must keep a minimum distance of 10 meters from the property lines, 100 meters from the road and 150 meters of an existing dwelling;

d) The main entrances to the site must have a barrier to control access to the site;

e) Erect signs at each entrance (main entrance, secondary entrance, path, trails, etc.) with the word "Danger" and the nature of the operation as well as the intrusion prohibition on the property;

f) Maintain safe slopes equal to or less than 35%;

g) All surface water from the site must be contained within the site boundaries, however, any water leaving the site must go through sedimentation pond;

h) When extraction operations have ceased, all debris must be removed from the site and the rehabilitation process must be completed.

### **Internal Consultation & External Consultation**

A site inspection has been conducted on October 22, 2014.

### **Discussion**

The permit for this pit was issued on May 5, 2014. (To keep active only)

A site visit conducted on October 22, 2014 determined the following:

- There has been no new activity at pit
- The main entrance fence was conforming but it was open without anyone operating the site
- The main entrance signs were conforming
- All buffer zones (hydrographic sources, property limits, road distances and dwelling distances) were respected
- Surface water was well contained within the site
- There was a small amount of garbage on the site (same pile as 2013)

### **Public Notice**

Notice was sent to land owners within 60m of the subject property.

### **Legal Authority**

The Community Planning Act allows Council to permit certain uses, subject to conditions imposed by the Planning Review and Advisory Committee, within the Zoning By-law:

*"34(4) In prescribing the purposes for which land, buildings and structures in any zone may be used, a zoning bylaw may...*

*(c) prescribe particular purposes therefor (i) in respect of which the advisory committee or commission, subject to subsection (5), may impose terms and conditions, and*

*(ii) that may be prohibited by the advisory committee or commission where compliance with terms and conditions imposed under subparagraph (i) cannot reasonably be expected."*

*"34(5) Terms and conditions imposed under paragraph (4)(c) shall be limited to those considered necessary the advisory committee or commission to protect*

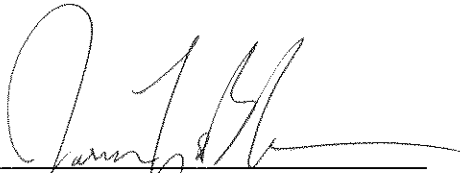
*(a) properties within the zone or in abutting zones, or*

(b) the health, safety and welfare of the general public.”

### Recommendation

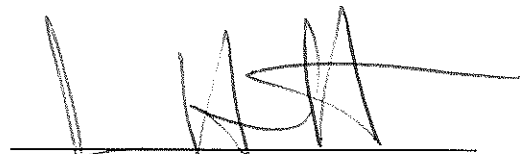
Staff recommends to the Planning Review & Adjustment Committee (PRAC) that the renewal of a Resource Extraction Permit for the pit located on Ohio Road (PIDs 70232046 & 00861542), Beaubassin East Rural Community, Westmorland **BE APPROVED**, subject to the following terms and conditions:

- 1) The standards listed in section 8.2(5) of the Beaubassin-Est Rural Community Rural Plan are being followed;
- 2) The main entrance fence is kept closed when pit is not in operation;
- 3) The garbage/debris are removed from the site;
- 4) The rehabilitation ratio of 1.29:1 is respected.



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Jason LeBlanc  
Development Officer



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Jesse Howatt, MCIP, RPP  
Planner