



Date: August 11, 2025

To: Mayor and Council

Author: Vitra Chodha, Planner
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RE: Zoning By-Law Amendment (ZBA-2025-05)
2170 Talbot Road

RECOMMENDED ACTION

That Zoning By-law amendment application ZBA-2025-05 to amend the zoning on the subject parcels from Extractive Industrial (M4), to a site-specific Extractive Industrial zone with exception 2 (M4-2), to allow the processing of excess soil as a permitted use, **be adopted;**

And that corresponding By-law 47-2025 **be adopted** during the By-law stage of the Council Agenda.

BACKGROUND

The Town of Kingsville has received an application for lands located on the north side of County Road 34 (Talbot Road), directly west of County Road 31 (Albuna Townline Road) as seen in Appendix A. The subject property is designated 'Agricultural' by the Town of Kingsville Official Plan and zoned 'Extractive Industrial (M4)' under the Town of Kingsville Comprehensive Zoning By-law.

The subject property, located at 2170 Talbot Road, has an approximate total area of 18.96 hectares (46.85 acres) and an approximate frontage of 287.46 metres (943.11 feet). The subject parcel is an excavation site that also contains one residential dwelling on the south side of the parcel. The majority of the subject parcel contains the McDonald Pit, an aggregate pit operated by Erie Sand & Gravel Ltd.

The applicant is proposing a site-specific zoning by-law amendment from "Extractive Industrial (M4) to "Extractive Industrial with Exception 2 (M4-2)' to permit the processing of excess soil (i.e. clean fill) as regulated by the Ministry of Natural Resources. As part of its regulatory process, the MNR is responsible for monitoring the quantity and quality of soil that is being processed at this facility.

The applicant's planning consultant has provided satisfactory Planning Justification Report (PJR), seen in Appendix B, justifying the proposed change in land use for this property.

It should be noted that the PJR references liquid soils processing, but the applicants are **not** proposing liquid soil on this site as an additional use; they are only proposing the processing of excess soil. The PJR includes a neighbouring site within the Municipality of Leamington that processes liquid soil which is unrelated to this application.

The corresponding by-law (By-law 47-2025) is included in the By-law section of this council agenda.

DISCUSSION

1) Provincial Planning Statement (PPS), 2024

The PPS provides direction for land use planning that promotes appropriate development while protecting public health and safety, natural and built environments, and resources of provincial interest. It supports long-term objectives through integrated planning that balances environmental, social, and economic goals. The McDonald Pit aligns with PPS policies by offering safe and efficient access to County roads, supporting the movement of goods in a manner consistent with Section 3.3.1 of the PPS. Therefore, the proposal complies with the PPS.

2) County of Essex Official Plan, 2014

The County of Essex Official Plan designates the Subject Lands as 'Agricultural' and within a Mineral Aggregate Resources Overlay, where mineral extraction and associated uses are permitted. The proposed processing of excess soil at the McDonald Pit is supplementary to existing mineral extraction operations and supports the County's objective of making aggregate resources available close to market. Although portions of the site are within Highly Vulnerable Aquifers and Significant Groundwater Recharge Areas, the operation will occur above the water table, with ongoing monitoring and reporting in accordance with licensing requirements. Protective measures will be in place to prevent groundwater impacts and support restoration efforts post-extraction by the Ministry of Natural Resources. Therefore, the proposal complies with the County of Essex Official Plan.

3) Town of Kingsville Official Plan, 2023

The McDonald Pit lands are designated 'Agricultural' with an Extractive Industrial Overlay in the Town of Kingsville Official Plan, which supports the long-term protection and use of mineral resources. The proposed excess soil processing is supplementary to mineral extraction and will not interfere with future aggregate removal. The site is partially within a Highly Vulnerable Aquifer area and a 500-metre influence area of a Waste Disposal Site; however, all operations will occur above the groundwater table with appropriate controls in place. As the use aligns with existing extractive policies and land use designations, an Official Plan

amendment is not required. Therefore, the proposal complies with the Town of Kingsville Official Plan.

4) Town of Kingsville Comprehensive Zoning By-law, 2014

The McDonald Pit lands are zoned 'Extractive Industrial (M4)' under the Town of Kingsville Comprehensive Zoning By-law 1-2014, as amended, and current mineral extraction operations are compliant with the M4 zoning regulations.

To permit excess soil processing on-site, a zoning amendment is recommended to add the proposed use as a site-specific permitted use on the subject site. Therefore, the proposal complies with the intent of the Town of Kingsville Zoning By-law, subject to a site-specific amendment.

FINANCIAL CONSIDERATIONS

There are no financial concerns with the proposed zoning by-law amendment.

ENVIRONMENTAL CONSIDERATIONS

The Ministry of Natural Resources is the regulating body for operations related to excess soil process and environmental considerations that is addressed by the Ministry.

CONSULTATIONS

1. Public Consultations

In accordance to O. Reg 545/06 of the *Planning Act*, property owners within 120 metres of the subject site boundaries received the Notice of Public Meeting by mail.

2. Agency & Administrative Consultation

In accordance with O. Reg 545/06 of the *Planning Act*, Agencies and Town Administration received the Notice of Public Meeting by mail and/or email. At the time of writing, no comments have been received from circulated agencies.

3. Town of Kingsville Technical Advisory Committee

- Ensure that the site complies with all applicable Excess Soil Regulations, including testing and characterization of any soil imported to the property, limits on the volume of excess soil permitted on-site, and managing associated truck traffic.
- Ensure all related records are submitted to the Town.

Additional Comments by CAO

The CAO notes that the Town of Kingsville does not have a by-law or other regulatory requirements, nor a process for inspection or review of the soils that will be deposited on this site. Soils will likely be imported from outside Kingsville to this site, and quality of that soil will be unknown to the Town of Kingsville. The MNR is wholly responsible for monitoring the quantity and quality of soil that is being processed at this facility.

PREPARED BY:



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