



REPORT

REPORT TO: Mayor R. Bonnette and Members of Council

REPORT FROM: Steve Burke, Manager of Planning Policy

DATE: March 30, 2012

REPORT NO.: PDS-2012-0033

RE: Proposed Interim Control By-law and Study for Stand Alone Aggregate Related Uses

RECOMMENDATION:

THAT Report No. PDS-2012-0033 dated March 30, 2012 regarding an Interim Control By-law and Study with respect to Stand Alone Aggregate Related Uses in the Town of Halton Hills be received;

AND FURTHER THAT Council pass the Resolution attached as Schedule One to the report;

AND FURTHER THAT Council pass the Interim Control By-law attached as Schedule Two to this report;

AND FURTHER THAT notice of passage of the Interim Control By-law be provided as prescribed by regulation under the *Planning Act*;

AND FURTHER THAT staff be directed to report back on the implementation of the above measures, as specified in the attached Resolution.

BACKGROUND:

Inquiries have been received by the Town with respect to the establishment of 'stand alone' aggregate related uses not associated with a licensed aggregate extraction operation. This is not consistent with the current structure of the Official Plan, which provides for aggregate related uses only on sites licensed for aggregate extraction under the *Aggregate Resources Act*, and only in association with an active, licensed aggregate operation.

Interim Control By-laws:

Section 38 of the *Planning Act* enables municipalities to enact interim control by-laws for a period of one year (with the potential to renew for a further year), having the effect of restricting the use of land in an area specified by the by-law, to enable a study to be undertaken. Section G4.4 of the Halton Hills Official Plan specifies that Council may pass an interim control by-law for a one-year period to provide Council with the time to study a particular land use planning issue. Pursuant to Section 38 of the *Planning Act*, the Official Plan specifies that the passage of such a by-law be preceded by the passage of a Council Resolution that identifies the land use planning issue and authorizes the appropriate study of the issue.

COMMENTS:

It is recommended that the Town undertake a Study of Stand Alone Aggregate Related Uses in Halton Hills, while also passing an interim control by-law, which restricts the uses permitted in the urban and rural employment zones, certain mined out sites within the mineral resource extraction zone, and an industrial zone that is subject to Zoning By-law 74-51.

The rationale for the study stems from the need, in the view of Planning staff and the Town Solicitor, to clarify the land use planning framework, and associated zoning regulations, with respect to land uses which are related to mineral aggregate extraction, but which are not associated with a mineral resource extraction operation licensed under the *Aggregate Resources Act*.

The study would examine land use compatibility issues associated with such uses, including noise, odour, air quality/dust, aesthetics and truck traffic, and provide recommendations regarding the appropriate location, regulations and standards for these uses and their compatibility with other employment and non-employment uses. Also examined would be the appropriate after uses and zoning for mined out aggregate extraction sites.

On the basis of the above rationale, it is recommended that Council approve the Council Resolution attached as Schedule One to this report, which directs staff, and external consultants as necessary, to undertake a Study of Stand Alone Aggregate Related Uses in the Town of Halton Hills, in order to determine the appropriate location, regulations and standards for 'stand alone' aggregate related uses.

It is also recommended that Council pass the Interim Control By-law attached as Schedule Two to this report, thereby prohibiting any 'stand alone' aggregate related use (as defined by the by-law) from locating on any site specified by the by-law, for a one-year period to allow completion of the study. These uses would include an asphalt plant, a concrete batching plant, an aggregate transfer station, and other aggregate related uses.

RELATIONSHIP TO STRATEGIC PLAN:

There is no direct relationship to the Strategic Plan arising from this report.

FINANCIAL IMPACT:

Approval of the resolution attached to this report would authorize the expenditure, if necessary, of up to \$25,000 to be taken from the Tax Rate Stabilization Reserve for an external consultant to assist Town staff in the completion of a Study with respect to Stand Alone Aggregate Related Uses in the Town.

COMMUNICATIONS IMPACT:

Notice of passage of the interim control by-law will be provided as prescribed by *Planning Act* regulation.

SUSTAINABILITY IMPLICATIONS:

A review of sustainability implications will form part of the Study with respect to Stand Alone Aggregate Related Uses in the Town of Halton Hills, which will be outlined in any final recommendation report to Council.

CONSULTATION:

The CAO and the Town Solicitor were consulted on this matter.

CONCLUSION:

It is recommended that Council approve a Resolution directing the completion of a Study of Stand Alone Aggregate Related Uses in the Town (attached as Schedule One to this report). It is also recommended that Council pass an Interim Control By-law for the lands specified in the by-law (attached as Schedule Two to this report) to restrict the use of land for stand alone aggregate related uses to allow completion of a planning study of aggregate related uses in the Town of Halton Hills. Finally, it is recommended that staff report back to Council with a Terms of Reference for the Study, and a recommendation regarding an appropriate consultant to assist staff in the completion of the study.

Respectfully submitted,

Steve Burke, MCIP, RPP
Manager of Planning Policy

John Linhardt, MCIP, RPP
Director of Planning, Development and
Sustainability

Dennis Y. Perlin
Chief Administrative Officer



THE CORPORATION
 OF
 THE TOWN OF HALTON HILLS

Moved by: _____ Date: _____

Seconded by: _____ Resolution No.: _____

WHEREAS the Town has a number of employment zones, as well as a mineral resource extraction zone;

AND WHEREAS it is important to the Town’s long term planning for its employment zones and mineral resource extraction zone that appropriate land uses locate therein;

AND WHEREAS there have been proposals for stand alone aggregate related uses in the Town;

AND WHEREAS the Council of the Town of Halton Hills wishes to consider the appropriate location, regulations and standards for stand alone aggregate-related uses;

AND WHEREAS the Council of the Town of Halton Hills deems it appropriate that the issue of stand alone aggregate related uses be studied prior to the enactment of any measures pertaining to such uses;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Town of Halton Hills directs staff to carry out or cause to be carried out a study of stand alone aggregate related uses in the Town, which study shall provide recommendations with respect to the identification, appropriate location, regulations and standards for such uses and their compatibility with other uses;

AND FURTHER THAT staff be directed to commence the study process, and report back to Council from time to time, including reporting on a Terms of Reference for the study, and a recommendation on whether to retain a consultant to assist staff in completion of the study, with costs not exceeding \$25,000 to be taken from the Tax Rate Stabilization Reserve.



BY-LAW NO. 2012-

A By-law to impose interim control on the use of land, buildings or structures for Stand Alone Aggregate Related Uses and Aggregate Transfer Stations on those lands within the Employment One (EMP1) and Rural Employment (RU-EMP) Zones, under Zoning By-law 2010-0050, as amended; and on specific properties zoned Mineral Aggregate Resources (MAR), under Zoning By-law 2010-0050, as amended; and on specific properties zoned General Industrial (M1) Zone, under Zoning By-law 74-51, as amended within the Town of Halton Hills.

WHEREAS Section 38 of the *Planning Act*, R.S.O. 1990, c. P.13 as amended, authorizes the Council of a municipality to pass an Interim Control By-law for a period of time, prohibiting the use of land, buildings, or structures for purposes set out in the By-law, where the Council has directed that a review or study be undertaken in respect of land use planning policies in the municipality, or any defined area(s) thereof;

AND WHEREAS Council of the Corporation of the Town of Halton Hills has passed a resolution directing that a Stand Alone Aggregate Related Use Study be undertaken to review land use policies related to Stand Alone Aggregate Related Uses;

AND WHEREAS Council of the Corporation of the Town of Halton Hills has deemed it necessary and expedient to pass an Interim Control By-law prohibiting the use of land, buildings or structures for Stand Alone Aggregate Related Uses and Aggregate Transfer Stations within the Employment One (EMP1) and Rural Employment (RU-EMP) Zone, under Zoning By-law 2010-0050, as amended; and on specific properties zoned Mineral Aggregate Resources (MAR), under Zoning By-law 2010-0050, as amended; and on specific properties zoned General Industrial (M1) Zone, under Zoning By-law 74-51, as amended;

AND WHEREAS said By-law conforms to the Official Plan for the Town of Halton Hills;

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:

1. The lands affected by this Interim Control By-law are all those lands zoned Employment One (EMP1), and Rural Employment (RU-EMP), under Zoning By-law 2010-0050, as amended; and the lands listed on Schedule "1" of this By-law which are zoned Mineral Aggregate Resources (MAR), under Zoning By-law 2010-0050, as amended, and General Industrial (M1), under Zoning By-law 74-51.
2. Notwithstanding Sections 8.1, 8.2, 9.1, 9.2, 16.1 and 16.2 of Zoning By-law 2010-

0050, as amended, and Sections 9.1, and 9.2 of Zoning By-law 74-51, as amended, no land, building or structure shall be used for "Stand Alone Aggregate Related Uses" or an Aggregate Transfer Station on the lands described in Section 1 of this By-law.

3. For the purposes of this By-law the following definitions apply:

a. "Stand Alone Aggregate Related Uses" means:

A Permanent Asphalt Plant, a Portable Asphalt Plant not for use by a Public Authority, a Concrete Batching Plant, or any other use involving the processing, recycling, storage or transportation of aggregates or related materials, such as asphalt and/or concrete which is not associated with and located on a property licensed under the Aggregate Resources Act

b. "Portable Asphalt Plant", "Public Authority", "Concrete Batching Plant" and "Aggregate Transfer Station" as defined by Zoning By-law 2010-0050, as amended.

c. A "Permanent Asphalt Plant" is defined as:

A facility which produces and/or recycles asphalt or similar coated road stone and has equipment designed to heat and dry aggregate and to mix mineral aggregate with bitumen and/or tar, and includes the stockpiling and storage of bulk materials used in the process or finished product(s) manufactured on the premises and the storage and maintenance of equipment.

4. Where any conflict exists between the provisions of this By-law and any other By-law of the Corporation of the Town of Halton Hills, this By-law shall prevail.

5. This By-law shall come into force and take effect immediately upon the passing thereof and shall be in effect for one year from the date of passing of this by-law, unless, otherwise extended in accordance with the provisions of the *Planning Act* or repealed by Council earlier.

BY-LAW read and passed by the Council for the Town of Halton Hills this day of
, 2012.

MAYOR – Rick Bonnette

TOWN CLERK – Suzanne Jones

Schedule '1' to By-law 2012-

Properties Zoned Mineral Aggregate Resource (MAR) under Zoning By-law 2010-0050, as Amended, Subject to Interim Control By-law:

1. PIN: 250580020

Description: Part Lot 21, Concession 10, Esquesing, As in 683281; Halton Hills/Esquesing

Address: Municipally known as 15619 20 Sideroad, Town of Halton Hills (Esquesing)

2. PIN: 250580019

Description: Part Lot 21, Concession 10, Esquesing, As in 777591; Halton Hills/Esquesing

Address: Municipally known as 0 20 Side Road, Town of Halton Hills (Esquesing)

3. PIN 250120034

Description: Part Lot 23, Concession 9, Esquesing, Part 1, 20R10084, Part Lot 23, Concession 9, Esquesing, Part 1, 20R2217, Part Lot 23, Concession 9, Esquesing, Part 1, 20R8815, S/T Mineral Rights Reservation in 723772; Halton Hills/Esquesing

Address: Municipally known as 12519 Eighth Line, Town of Halton Hills (Esquesing)

Properties Zoned General Industrial (M1) under Zoning By-law 74-51, as Amended, Subject to Interim Control By-law:

1. PIN: 250290085

Description: Part Lot 6, Concession 6, Esquesing, Part 1, 20R14981; Halton Hills

Address: Municipally known as 9198 Sixth Line, Town of Halton Hills (Esquesing)