



REPORT

REPORT TO: Mayor R. Bonnette and Members of Council

REPORT FROM: Curtis Marshall, Planner - Policy

DATE: April 19, 2012

REPORT NO.: PDS-2012-0035

RE: Proposed Terms of Reference -
Stand Alone Aggregate Related Uses Study

RECOMMENDATION:

THAT Report No. PDS-2012-0035, dated April 19, 2012, regarding the Terms of Reference for the Stand Alone Aggregate Related Uses Study be received;

AND FURTHER THAT the Terms of Reference attached as **Schedule 1** for the Stand Alone Aggregate Related Uses Study be approved;

PURPOSE:

The purpose of this report is to present Terms of Reference for the Stand Alone Aggregate Uses Study for Council's review and approval.

BACKGROUND:

On April 2, 2012, Council approved the undertaking of a Stand Alone Aggregate Uses Study (Report No.: PDS-2012-0033, Resolution No.: 2012-0093) and passage of an Interim Control By-law (By-law 2012-0032) to allow for the review and development of appropriate land use policies related to stand alone aggregate related uses including asphalt plants, concrete batching plants, and aggregate transfer stations in the Town.

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. These proposals are 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.

The Interim Control By-law (2012-0093) prohibits the new use of land, buildings, or structures for Stand Alone Aggregate Related Uses and Aggregate Transfer Stations within the urban and rural employment zones, on certain mined out mineral extraction

sites, and on a rural industrial zoned property for a one year period (until April 2, 2013) to allow for the completion of the study.

Policy Context:

Town of Halton Hills Official Plan

Asphalt Plants and Concrete Batching Plants

Under the Town of Halton Hills Official Plan asphalt plants and concrete batching plants are not listed as permitted uses in any designation.

Within the Mineral Resource Extraction Area designation, permitted uses include the extraction of stone, gravel, sand and other aggregates and associated operations such as crushing, screening, washing and aggregate storage. However, the establishment of permanent asphalt and concrete batching plants is specifically listed as not being permitted in the Mineral Resource Extraction Area.

Portable asphalt plants however are permitted within the Agricultural Area, Protected Countryside Area, and Mineral Resource Extraction Area designations in the Official Plan for local road works.

A 'Portable Asphalt Plant' is defined as:

A temporary facility, to be dismantled at the end of a construction project, where,

- a) Equipment is used to heat and dry mineral aggregate and to mix it with bituminous asphalt to produce asphalt paving material; and,*
- b) Bulk materials used in the process described in clause (a) are kept.*

Section E6.6 – Implementing Zoning By-law states that the Implementing Zoning By-law shall place all existing mineral aggregate operations in a zone that permits quarries, sand and gravel extraction operations, wayside pits and portable asphalt plants for road works in the area.

Aggregate Transfer Stations

Under the Town of Halton Hills Official Plan, permitted uses in the Mineral Resource Extraction Area Designation include the extraction of stone, gravel, sand and other aggregates and associated operations such as crushing, screening, washing and aggregate storage.

The Mineral Resource Extraction Area Designation applies to mineral aggregate operations that are licensed in accordance with the *Aggregate Resources Act*.

An aggregate transfer station which is not associated with an aggregate extraction operation (i.e. stand alone) would not be permitted in the Mineral Resource Extraction Area Designation under the Official Plan.

Town of Halton Hills Zoning By-law

Asphalt Plants and Concrete Batching Plants

In 2010, the Town of Halton Hills approved a new comprehensive Zoning By-law (2010-0050) which in accordance with the Town's Official Plan, recognized existing mineral aggregate operations that are licensed or permitted under the Aggregate Resources Act, by placing them into a Mineral Aggregate Resource (MAR) Zone.

Permitted uses in the MAR Zone include: Mineral Aggregate Resource Operations, Aggregate Transfer Stations, Single Detached Dwellings, Conservation Uses, and Agricultural Uses.

A Mineral Aggregate Resource Operation is defined as;

- a) *Lands under license or permit, other than for a wayside pit or quarry, issued in accordance with the Aggregate Resources Act, or successors thereto; and*
- b) *Associated facilities used in extraction, transport, beneficiation, processing, or recycling of mineral aggregate resources and derived products such as asphalt and concrete or the production of secondary related products.*

Concrete Batching Plant is a defined term in the Zoning By-law and is described as:

A premises where concrete or concrete products used in building or construction are produced, and includes facilities for the administration or management of the business, the stockpiling of bulk materials used in the production process or of finished products manufactured on the premises and the storage and maintenance of required equipment, but does not include the retail sale of finished concrete products.

Aggregate Transfer Stations

An Aggregate Transfer Station distinct from a Mineral Aggregate Resource Operation (defined above) is a permitted use in the MAR Zone and is defined as:

An area of land where aggregate products are temporarily stored prior to shipment and may include facilities for the administration or management of the business and the storage of required equipment, but does not include the retail sale of aggregate products.

COMMENTS:**Terms of Reference**

The rationale for the Stand Alone Aggregate Related Uses Study is 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 purpose of the study is to 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.

The study will examine the following land use planning issues:

1. Review the typical activities, processes and operational characteristics of asphalt plants, concrete batching plants, aggregate transfer stations, and other stand alone aggregate related uses.
2. Review regional, provincial and federal regulations applying to asphalt plants, concrete batching, and aggregate transfer station uses (e.g. environmental regulations and permit requirements).
3. Review land use policies and practices of other municipalities related to asphalt plants, concrete batching plants and aggregate transfer stations and other stand alone aggregate related uses.
4. Assess the typical range of after uses associated with depleted/former mineral aggregate extraction sites. Determine the appropriate range of after uses for depleted/former mineral aggregate extraction sites.
5. Review where these uses should or should not be located in the Town. Are these uses compatible with other employment uses? Can these uses be located within an enclosed building?
6. If these uses are permitted, assess and determine if additional standards and requirements should be enacted by the Town (e.g. minimum setbacks, supporting study requirements, urban design, landscaping etc.).
7. Assess whether changes needed to the Official Plan mineral aggregate policies to provide guidance on the process to rehabilitate and rezone depleted aggregate extraction sites.
8. Determine if other changes are needed to the Town's Official Plan and Zoning By-law as a result of the findings of the study.

Planning Staff have prepared Terms of Reference for the proposed study which have been attached as **Schedule 1** for Council's consideration.

Hiring of Consultant

In accordance with the Town's Purchasing Policy, Town Staff will solicit three quotes and select the most appropriate consultant to assist Staff in completing the study. The Town's Purchasing Policy requires that three quotes be obtained for the purchase of goods or services with a total value between \$5000.00 and \$25,000.00.

Niagara Escarpment Plan Area and Development Control Regulation

A large area of the Town is located within the Niagara Escarpment Plan Area and is subject to Development Control administered by the Niagara Escarpment Commission. The Town's Zoning By-law is not in effect within the Development Control area and therefore the Interim Control By-law passed by Council does not apply to this area.

Planning Staff note that it is the intention of the proposed study to also review and make policy recommendations for the area of the Town located within the Niagara Escarpment Plan Area and Development Control Area in the Town. Policy recommendations may be implemented in the Niagara Escarpment Plan Area and Development Control area by way of amendments to the Town's Official Plan and through future Town comments on Niagara Escarpment Development Permits for stand alone aggregate related uses.

RELATIONSHIP TO STRATEGIC PLAN:

The recommendations in this report are consistent with Strategic Plan Strategy: A. Foster a Healthy Community, and Goal: To maintain and enhance a healthy community that provides a clean environment and a range of economic and social opportunities to ensure a superior quality of life in our community.

FINANCIAL IMPACT:

On April 2, 2012, Council approved the expenditure, if necessary, of up to \$25,000 for an external consultant to assist Town staff in the completion of the Stand Alone Aggregate Related Uses Study (Resolution No.: 2012-0093).

COMMUNICATIONS IMPACT:

As outlined in the proposed Terms of Reference for the study, a Public Open House and statutory Public Meeting will be held for any proposed amendments to the Town's Official Plan and Zoning By-law.

SUSTAINABILITY IMPLICATIONS:

The sustainability implications will be reviewed through the study process and will be summarized in the final recommendation report to Council.

CONSULTATION:

No additional consultation was held with Town Departments and Agencies in the preparation of this report.

CONCLUSION:

Planning Staff recommend that Council approve the attached (**Schedule 1**) Terms of Reference for the Stand Alone Aggregate Related Uses Study.

Respectfully submitted,

Curtis Marshall, MCIP, RPP
Planner – Policy

Steve Burke, MCIP, RPP
Manager of Planning Policy

John W. Linhardt, MCIP, RPP
Director of Planning, Development &
Sustainability

Dennis Y. Perlin
Chief Administrative Officer

Schedule 1
Report No. PDS-2012-0035
Proposed Terms of Reference

Terms of Reference

Stand Alone Aggregate Related Uses Study

Purpose:

The rationale for the Stand Alone Aggregate Related Uses Study is 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 purpose of the study is to 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.

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. These proposals are 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.

On April 2, 2012 in light of the above rationale, Council approved the undertaking of a Stand Alone Aggregate Uses Study (Resolution No.: 2012-0093) and passage of an Interim Control By-law (By-law 2012-0032) to allow for the review and development of appropriate land use policies related to stand alone aggregate related uses including asphalt plants, concrete batching plants, and aggregate transfer stations in the Town.

Study Components:

Phase 1 – Background Review

- I. Review local, regional and provincial policies related to asphalt plants, portable asphalt plants, concrete batching plants, aggregate transfer stations and other stand alone aggregate related uses.
- II. Review existing (if any) asphalt plants, concrete batching plants, portable asphalt plants, aggregate transfer stations, and other stand alone aggregate related uses in the Town and surrounding area to determine what are the typical activities and processes associated with the uses.

- III. Review where these uses should or should not be located in the Town. Are these uses compatible with other employment uses? Can these uses be located within an enclosed building?
- IV. Review the policies of other municipalities related to asphalt plants, portable asphalt plants, concrete batching plants, aggregate transfer stations and other stand alone aggregate related uses.
- V. Consider if these uses are permitted, what additional standards and requirements should be enacted by the Town (e.g. minimum setbacks, supporting study requirements, urban design, landscaping etc.)?
- VI. Review the typical range of after uses associated with depleted/former mineral aggregate extraction sites.
- VII. Consider if changes are needed to the Official Plan mineral aggregate policies to provide guidance on the process to rehabilitate and rezone depleted aggregate extraction sites?
- VIII. Conduct interviews with Staff from the Ministry of Natural Resources (MNR), the Region of Halton, the Conservation Authorities, and representatives from the aggregate industry on the land use policy and regulation questions to be addressed by the study.
- IX. Prepare a Background and Policy Options Paper summarizing the findings of the background review and present alternative policy options.

Phase 2 - Consultation

- I. Hold a Public Open House to present and solicit public input on the Background Paper and policy options, and obtain public input.
- II. Meet with representatives from the asphalt, concrete and aggregate extraction industry to solicit their input on the Background Paper and policy options.
- III. Meet with representatives from the local Conservation Authorities, the Niagara Escarpment Commission, the MNR, and the Region of Halton to obtain their input on the Background Paper and policy options.

Phase 3 – Initial Policy and Regulatory Framework

- I. Provide preliminary recommendations and develop a draft policy framework including Official Plan and Zoning By-law amendments, as appropriate.
- II. Hold a formal Public Meeting and present draft documents to the Public and Council.

Phase 4 – Final Proposed Policy and Regulatory Framework

- I. Establish final policies and recommendations and prepare a final report
- II. Present the Official Plan and Zoning By-law amendments to Council for their consideration.

Study Timing:

Any amendments to the Town's Official Plan and Zoning By-law Amendment are to be ready to present to Council by November 2012.

Study Costs:

The budget limit for the study is \$25,000 including tax and disbursements.

Additional costs to be covered by the Town include Staff time & advertising for the Public Open House and Public Meetings.