BACKGROUND AND POLICY OPTIONS PAPER

Stand-Alone Aggregate Related Uses and Aggregate Transfer Stations

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APPENDICIES

1.0 INTRODUCTION

This report has been prepared to provide the Town with recommendations on how stand-alone aggregate related uses should be treated by the Official Plan and Zoning By-law. On April 2, 2012, the Town of Halton Hills passed Interim Control By-law 2012-0032, which had the effect of prohibiting the use of land in the Town for stand-alone aggregate related uses or an aggregate transfer station. By-law 2012-0032 defines a stand-alone aggregate related use as follows:

> *"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."*

The above definition is intended to capture any use including the processing, recycling, storage or transportation of aggregates or related materials, such as asphalt and/or concrete.

By-law 2012-0032 also defines a permanent asphalt plant as set out below:

> *"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 products manufactured on the premises and the storage and maintenance of equipment."*

By-law 2012-0032 also indicates that certain definitions currently in By-law 2010-0050, which is the Town's Comprehensive Zoning By-law, are to be relied upon to assist in implementing By-law 2012-0032. In this regard, By-law 2010-0050 defines a concrete plant as set out below:

> *"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."*

In addition, By-law 2010-0050 defines an aggregate transfer station as set out below:

> *"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."*

An aggregate transfer station is only permitted within the Mineral Aggregate Resources (MAR) Zone.

At the present time, and as will be discussed in the context of this report, there is currently a lack of direction within the Town's Official Plan on where stand alone aggregate related uses and aggregate transfer stations should be permitted and how much outdoor storage could be permitted within certain land use designations. In addition, asphalt plants and concrete plants are not defined in the Town's Comprehensive Zoning By-law and are not provided for in any zone in the Town. Lastly, while there is a definition of aggregate transfer station in the Town's Comprehensive Zoning By-law, it is only permitted in one zone and there are concerns that proponents may argue that such a use would be permitted on a property in the MAR zone after the resource extraction on the site has ceased.

This lack of direction in the Town's two primary land use planning documents has become apparent as the consequence of Town Planning Staff being in receipt of a number of inquiries to establish stand alone aggregate uses and aggregate transfer stations in the Town. In response to these inquiries, Town staff was of the opinion that providing for these uses on sites that were not licensed for aggregate extraction under the Aggregate Resources Act would not be consistent with the Official Plan. It was on this basis that Interim Control By-law 2010-0032 was passed by Council.

Interim Control By-law 2012-0032 was passed pursuant to Section 38 of the Planning Act and is attached to this report as **Appendix A**. This Section of the Planning Act allows a Council of a municipality to pass a by-law that restricts certain uses in the municipality for a period of one year in order to undertake a comprehensive study. Given that the Interim Control By-law was passed on April 2, 2012, it will expire on April 2, 2013. However, the Planning Act does allow a municipality to pass a subsequent by-law that extends the one-year period by an additional year if required.

The rationale for the study stems from the need, in the view of Planning staff and the Town Solicitor and as set out in Town staff report 2012-0033 (attached as **Appendix B**), 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.

It was also indicated in Town staff report 2012-0033 that the intent of the study would be 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 final Terms of Reference for the study is attached to this report in **Appendix C**.

Following the passage of the Interim Control By-law, the Town went through a process of selecting a consultant to prepare a land use report on the uses subject to By-law 2012-0032 and in this regard, Meridian Planning Consultants was retained in May 2012.

On the basis of the above, the intent of this report, (which represents the Phase One report) is to:

- Identify exactly what the uses that are the subject of this study are in terms of their processes, locational requirements and potential impacts;
- Identify representative examples of each type of use either in the Town or elsewhere;
- Review the policies of the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, the Niagara Escarpment Plan and the Greenbelt Plan as they potentially apply to the uses;
- Review the policies of the Region of Halton Official Plan as they apply to the uses;
- Review the policies of the Town of Halton Hills Official Plan that apply to the uses;
- Review the Town's Comprehensive Zoning By-law and how it deals with each of the uses;
- Identify the processes under the Environmental Protection Act which may apply if such a use was proposed in the Town;
- Identify options for each use in terms of their treatment in the Official Plan and the Zoning By-law; and,
- Discuss a number of other considerations arising from this study.

In the end, the intent of this Phase One report is to identify options for consideration and to then obtain public input on the options. After this input has been received, a further report will be prepared which recommends an option or a series of options for consideration by the Town of Halton Hills.

2.0 DESCRIPTION OF USES SUBJECT TO THE STUDY

2.1 ASPHALT PLANTS

The Ministry of Natural Resources defines hot-mix asphalt ('HMA') as:

> *"Designed aggregate and asphalt cement mix produced in a hot-mix plant (batch, drum or drum/batch) where the aggregates are dried, heated and then mixed with heated asphalt cement, then transported, placed and compacted while still an elevated temperature (about 125 to 135 degrees C) to give a durable, deformation resistant, fatigue resistant pavement course".*

The Illinois Environmental Protection Agency ('IEPA') states in their report 'Asphalt Production and Application' (1995) that HMA is a commonly used paving material for roadways, parking lots, and driveways and can also be used as liners for reservoirs, landfills, and other containment purposes. In their report, the IEPA notes that HMA is made up of a combination of well-graded, high quality aggregate that has been heated and uniformly mixed together before it is coated with a measured quantity of asphaltic cement. Raw materials in HMA manufacturing include:

- aggregates, such as crushed stone, gravel, sand, and mineral dust, comprise about 92 to 96 percent of the total mixture by weight. The aggregate mixture can also include reclaimed asphalt pavement (RAP);
- asphalt cement, which is the black, sticky coating material produced by petroleum refineries, generally makes 4 to 8 percent of the mixture and serves as the glue to bind the aggregate together;
- fuel, such as natural gas or fuel oil, which is used for the burner on a dryer or drum mixer;
- a very small amount of solvents that are used for quality control tests; and,
- release agents that are used to prevent HMA from sticking to the bed of the haul truck during delivery of the mix.

In 2011, the Department of Ecology for the State of Washington developed a 'Technical Support Document for Portable and Stationary Asphalt Plants'. In their report, they specified that a HMA plant could either be a permanent, skid mounted, or portable plant. The report noted that an generally an HMA plant is designed to heat, mix, and combine the aggregate and asphalt in the proper proportions to give the desired asphalt paving mix.

2.1.1 PERMANENT VERSUS PORTABLE

According to survey data submitted by the Ontario Hot Mix Producers Association ('OHMPA') there were approximately 160 hot-mix asphalt plants operating across Ontario in 2006 producing more than 13 million tonnes of HMA annually. This is comprised of about 125 stationary plants, and 35 portable plants, the large majority of which are situated in the Greater Toronto Area and Greater Niagara Area, with the eastern and southwestern areas of the Province also having a significant number of HMA plants.

2.1.1.1 Permanent Asphalt Plant

The Town of Halton Hills Interim Control By-law 2012-0032 defines a permanent asphalt plant 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 products manufactured on the premises and the storage and maintenance of equipment".*

Based on a review of a number of local HMA production facilities (Section 2.1.2 and 2.1.5 of this report) and a report by the Wisconsin Asphalt Paving Association titled 'Hot Mix Asphalt 101', the following basic operations are common at most plants:

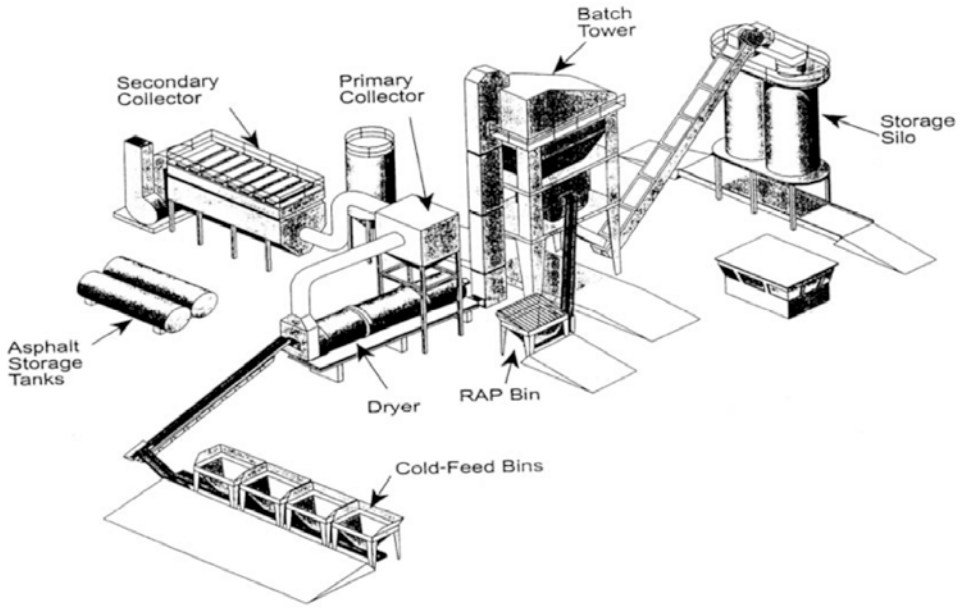
- storage and handling of HMA component materials at the mixing facility;
- proportioning and feeding of the cold aggregates to the dryer;
- drying and heating of the aggregate;
- control and collection of the dust from the dryer;
- feeding and mixing of asphalt with heated aggregate; and,
- storage, dispensing, weighing and handling of finished HMA.

Types of permanent asphalt plants include batch plants, continuous mix plants, parallel-flow drum plants, counter flow drum plants, and double barrel drum plants. In the report 'Hot Mix Asphalt for County Road: Private Providers or Public Plants', the State of Tennessee (2005) notes that the two most common types plants used for the production of HMA in the United States are batch-mix plants and drum-mix plants.

The report notes that in the U.S., approximately 3,600 asphalt plants were in use as of 1996, 2,300 of which were batch-mix plants and 1,300 of which were drum-mix plants. An analysis of current members of the OHMPA demonstrated that the most common type of plant used for the production of HMA in Ontario is batch-mix while a minimal number of plants throughout the Province are drum-mix.

The drawing on the next page depicts a representative example of a batch-mix plant:

Representative Example of a Batch-Mix Asphalt Plant



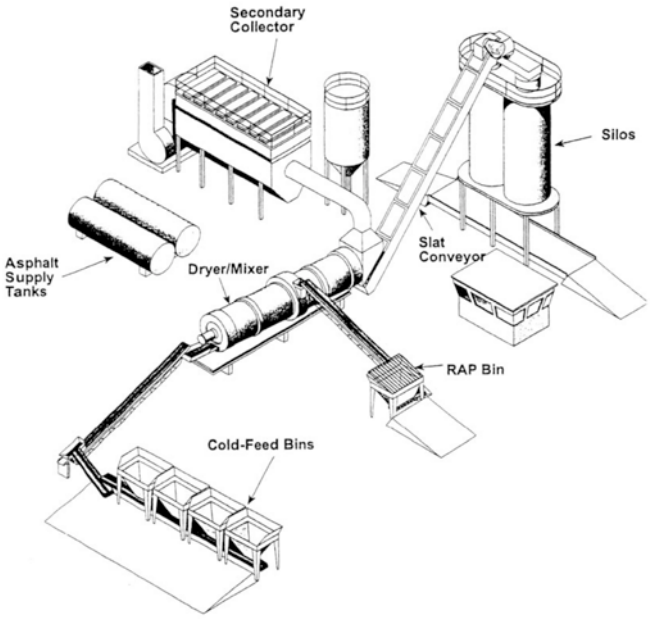
Source: State of Tennessee (2005)

The Australian Asphalt Pavement Association (AAPA, 2011) specifies that in an HMA batch-mix plant, aggregate is dried and heated and then transferred to a mixer where it is mixed with liquid asphalt and other components to make up a single batch.

After mixing, the hot asphalt is discharged one batch at a time as needed and shipped directly to the work site. Based on our review of a number of local HMA production facilities (Section 2.1.2 and 2.1.5) the most prominent and noticeable feature of a HMA batch plant is the batch-mixing tower.

The AAPA (2011) states that in an HMA drum-mix plant, aggregate and other materials are dried, heated, and mixed in a large drum in a continuous process. Because drum-mix plants produce asphalt in a continuous process, drum plants generally have the capacity to store asphalt for several days in heated storage silos. The drawing on the next page depicts a representative example of a drum-mix plant:

Representative Example of a Drum-mix Asphalt Plant



Source: State of Tennessee (2005)

Based on a review of the above batch-mix and drum-mix examples and a review of a number of local facilities (Section 2.1.2 and 2.1.5), the basic components of an HMA plant are as follows:

- cold feed bins (to accurately measure the different aggregates used in the mix);
- aggregate storage (stored in stockpiles on site, large silos or bunkers, or in cement storage tanks);
- dryer drums (to dry the aggregates);
- emission control system (traps and removes fugitive emissions such as fine sand and dust particles;
- storage silos to store the finished product; and,
- office/administration facilities, truck scales, tire washing facilities, and parking areas for delivery and staff vehicles.

The choice of a batch or drum-mix plant depends largely on factors such as the cost of the facility, operating budget, and production requirements. As noted by the Western Alliance For Quality Transportation Construction ('WAQTC') in their 'Transportation and Construction Guide' (2011), both batch-mix and drum-mix plants are capable of producing quality HMA. However, the WAQTC notes that drum plants are typically used for large jobs and are more portable while producing large quantities of HMA (400 tons/hr) during the course of a run. Drum plants, however, cannot switch mix designs with ease and require close control of material being fed to

the dryer. Drum plants produce the same mix over an extended period, not several different mixes in a day as with batch plants.

The WAQTC also notes that batch plants are generally used where different mix designs are often needed. Batch plants are less efficient than drum plants (an average of 200 tons per hour) because they only mix a certain amount of HMA at a time. However, they are more flexible, because several mixes can be made in a day. In fact, a batch plant can switch from one mix to another fairly quickly, as long as both mixes use aggregates from the same source.

While asphalt could be produced at any time of the year, the market for asphalt is limited in the winter months, since asphalt is only typically applied in warmer weather to allow for proper curing.

2.1.1.2 Portable Asphalt Plant

While this study does not deal with portable asphalt plants, a description of such a plant is provided in this section for information purposes.

The Provincial Policy Statement ('PPS') defines a portable asphalt plant as:

> *A facility:*
>
> *a) With equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process; and,*
> *b) Which is not of permanent construction, but which is to be dismantled at the completion of the construction project.*

Section 2.5.5.1 of the PPS states that:

> *"portable asphalt plants used on public authority contracts shall be permitted, without the need for an official plan amendment, rezoning, or development permit under the Planning Act in all areas, except those areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities."*

Section 2.5.5.1 of the PPS is significant in that it distinguishes between portable asphalt plants that are used on public authority contracts and those that are used for private purposes. In addition to any Planning Act approvals required (discussed in **Section 3.0**), facilities that are used for private purposes may require approvals pursuant to the Aggregate Resources Act and the Environmental Protection Act. Portable asphalt plants that are used on public authority contracts do not require approvals under the same regulatory process although a municipality could include setbacks for such facilities from sensitive uses or prohibit them in environmental areas according to the PPS.

Similar to a permanent HMA facility, a portable HMA facility is designed to heat and dry aggregate and to mix aggregate with asphalt to produce the required asphalt paving material. Portable HMA facilities also require the stockpiling and storage of bulk materials used in the

operating process and often include components similar to that of a permanent HMA facility such as the rotary drum dryer/mixer, dust collectors, asphalt cement storage tanks, temporary office/administrative facilities, and truck loading/parking areas.

There are however, a number of notable differences between permanent and portable HMA facilities. Because portable HMA facilities are intended to be temporary, diesel-fueled electric generators usually power them. While they often contain many of the same operating components, the smaller size of portable plants generally results in lower production rates. Although portable HMA facilities are designed to be capable of moving from one work site to the next, they also have the ability to remain in one location for the duration of a construction project/projects. Portable HMA facilities have the potential (if approved by the appropriate authority) to remain at a designated location for an extended period of time (e.g. 1-5 years) based on project requirements.

2.1.2 SITE CHARACTERISTICS

HMA producers in Ontario range in size from single plant operators serving a local market to large diversified construction materials and construction firms with multiple offices/plants. The total 2006 production of hot-mix asphalt across Ontario was reported by the OHMPA to be in the order of 13 million tonnes, which also corresponds to the average total production for the period of 2001 to 2006, which ranged from 11 million tonnes in 2004, to 14 million tonnes in 2001 and 2002. An aerial survey of 4 HMA production facilities in southern Ontario demonstrated that HMA production facilities tend to vary in size. **Table 1** provides an analysis of these facilities.

Table 1: Analysis of Components of HMA Facility

Facility Details			**Area** (Hectares)				
Plant Name	**Plant Type**	**Location**	**Total Site Area**	**Plant Area**	**Parking and Loading Area**	**Aggregate Storage Area**	**Other (setbacks, open space, site access etc.)**
Lafarge Canada Inc.	Unknown	Toronto	2.4	0.4	0.4	0.6	1.1
D. Crupi and Sons	Batch/Drum	Toronto	3.5	0.2	0.4	2.0	1.0
Aecon Construction and Materials	Batch/Drum	Brampton	6.4	0.3	0.8	3.5	1.8
Fermar	Batch	Mississauga	3.8	0.3	0.5	2.1	0.9

Note: The above land areas are based on air photo interpretation and are considered to be estimates only.

The above analysis demonstrates that the processing component of an HMA production facility occupies just a small portion of the total area of a site, while the aggregate storage area occupies a larger portion of the site. The linear arrangement of the HMA facility, (allowing for a flow-through process without the excessive use of conveyors to move material) combined with limited space may result in the facility occupying long, narrow sites. Regardless of size, all HMA facilities require space for the storage of aggregate materials, the asphalt plant and processing components, staff and truck parking, office/administration facilities, and loading areas.

In their report 'Hot Mix Asphalt for County Roads: Private Providers or Public Plants', the Office of Research for the State of Tennessee notes that location is important to the economic viability of HMA facilities as not only is there a cost to transport the finished product to the project site but there is a significant cost to transport raw the materials (stone, liquid asphalt etc.) to the asphalt plant. Generally, the report concludes that contractors that operate plants at or very near a source of aggregate have an advantage in material transportation costs. In addition facilities that have direct access to or are located at the site of an aggregate quarry or pit have an advantage in controlling production costs while avoiding the cost of transporting aggregate to the asphalt plant.

The report also notes that the availability of raw materials is also important and that the transportation costs associated with raw materials adds cost to the HMA production process. Additionally, the report notes that because paving requires that hot mix arrive at the job site at high temperatures, the potential service area for individual plants is somewhat limited by the distance the trucks must travel from the plant to the paver.

Map 1 shows the approximate location of a number of HMA production facilities in the GTA. To maintain economic competitiveness, HMA facilities generally situate in close proximity to highways or major corridors in urban areas, minimizing the transportation costs involved with transporting raw materials and the finished aggregate product. In addition, the delivery of asphalt is limited to within 45 minutes to one-hour from the HMA facility. As a consequence, the two primary factors that determine where an HMA facility will be located is the location of the source of aggregate and the location of the market.

Map 1: Approximate Location of Hot-Mix Asphalt Plant in the GTA Based on Registered Members of the Ontario Hot-Mix Producers Association (Source: Google Maps)

An example of an existing HMA plant located in Brampton, Ontario is shown in **Images 1 and 2**.

With respect to parking, HMA facilities generally require a minimal amount of staff parking as even a large facility may require fewer than 5 to 10 employees on site for its operation. HMA facilities are generally required to provide large loading areas or temporary parking areas for transport and cement trucks.

Image 1 and 2: Aecon Construction and Materials Ltd. Combined Drum and Batch Mix HMA Production Facility, Brampton, Ontario (Source: Google Maps)

2.1.3 LAND USE IMPACTS

The following land use impacts are associated with permanent and portable HMA production facilities:

- air emissions;
- odour;
- noise;
- traffic;
- effluent;
- aesthetics;
- waste water.

2.1.3.1 Air Emissions

The United States Environmental Protection Agency ('EPA') states in their report 'AP 42, Mineral Products Industry' (2004) that air emissions from an HMA production facility may be divided into ducted production emissions, pre-production fugitive dust emissions, and other production-related fugitive emissions.

The EPA states that most of the particulate matter or "dust" which may be generated by an HMA production facility consists of inert mineral aggregate. Potential points of origin include the aggregate stockpiles and bins, heavy traffic areas, conveyor belts and material transfer points. Open fugitive dust may be generated from the delivery, storage and handling of aggregates or from general plant and yard activities. Fugitive dust emissions also result from vehicular traffic on paved and unpaved roads, vehicle exhaust and other aggregate processing operations.

Additionally, the EPA notes that ducted particulate matter is typically generated during the aggregate heating and drying process, which emits particulate matter ('PM') and a variety of gaseous pollutants. The most significant ducted source of emissions is the rotary drum dryer. Dryer emissions consist of water (as steam evaporated from the aggregate); particulate matter; products of combustion (carbon dioxide, nitrogen oxides, and sulpher oxides); carbon monoxide; and small amounts of organic compounds. Emission control is managed through the asphalt plant's environmental control system.

The EPA also states in their report 'Hot Mix Asphalt Plants Emission Assessment Report' (2000) that other emission sources found at an HMA production facility include storage silos, truck load-out areas, silo filling, asphalt storage tanks, and yard emissions.

The New Hampshire Department of Environmental Services also notes that a typical asphalt processing plant that makes 500 tons of hot mix asphalt per day would emit approximately 20 pounds per day of particulate matter through the plants smoke stack and 0.05 pounds per day from other plants operations. Likewise, for a plant of this capacity, approximately 10 pounds per day of volatile organic compounds ('VOC's') would be emitted through the stack with 0.5 pounds per day being released as the result of other plant operations.

The most visible emission at an HMA production facility is the white plume of steam that can be seen coming from the plant's central stack. The steam is a product of the aggregate drying process before it is used to make asphalt.

2.1.3.2 Odour

The New Hampshire Department of Environmental Services notes that although it is possible to smell odours from an asphalt plant, they are not necessarily at levels that would cause adverse health effects. Many of the highly odorous chemicals in asphalt fumes can be smelled at levels below those expected to cause harmful effect. While odour from asphalt plants is generally not considered a toxicological health concern, it is often thought of as a potential nuisance that may impact neighbouring properties.

Points of origin for the odour include delivery vehicles, storage tanks and load-out areas. Other contributing sources of odour emissions may include the use of some aggregate types, special additives used in the process and the use of reclaimed asphalt pavement ('RAP') in the mix.

2.1.3.3 Noise

A report by Sector Planning, Ltd. for the Town of Babylon, New York, in 2005 states that plants that process their own aggregate on site – either through rock crushing or pavement recycling – will produce more noise than facilities that use pre-processed aggregate and that batching asphalt is quieter than a crushing operation.

The report specified that primary noise emissions include the processing operations of the HMA facility as well as associated yard activities. Truck traffic from asphalt hauling is an additional noise source, although sporadic in nature. Facility siting can mitigate noise issues through the use of natural barriers and berms created by changes in elevation. The perception of noise emissions is also greatly influenced by the time of day, surrounding ambient noise levels, and

off-site structures and terrain. Buffers such as tree cover or variations in surface elevation are often utilized to minimize impact on adjacent properties.

2.1.3.4 Traffic

A wide variety of types and sizes of transport vehicles are available for the transport of HMA, many of which are specifically designed to haul HMA. Generally, a single trailer dump truck holds approximately 21 tonnes.

The addition of an HMA production facility will inevitably result in an increased volume of dump trucks in an area. A review of a number of proposed and existing HMA production facilities demonstrated that increased truck traffic is often a primary concern for local residents living in close proximity to a proposed site or existing HMA facility.

Table 2 below demonstrates the total production capacity and maximum traffic impact based on a review of the Certificate of Approvals (COPA) for 4 different HMA production facilities utilizing 21 tonne single trailer dump trucks. It is noted that the C of A did not provide any information on truck traffic movements. Although some larger trucks can carry up to 38 tonnes, the 21 tonne maximum was assumed for this analysis. On the basis of the above a facility's total HMA production capacity per hour was divided by 21 tonnes (one truck load) to calculate the potential number of trucks passing through the site on an hourly, daily and weekly basis. This estimate does not take into consideration other factors such as the time it takes to load each truck, the number of available trucks, variations in daily, weekly and annual operating hours, variations in hourly production, and product demand.

Table 2: Estimated Traffic Impact Based on Production Capacity For Selected HMA Facilities

Facility	Production Capacity (tonnes/ hour)	Hourly		Daily (10 hour operating period)		Weekly (5 day operating period)	
		Trucks	Trips	Trucks	Trips	Trucks	Trips
1	95	4	8	40	80	200	400
2	150	6	12	60	120	300	600
3	270	12	24	120	240	600	1,200
4	360	17	34	170	340	850	1,700

Note: Production capacity is from C of A's and remaining analysis is from Meridian.

Prior to operation, HMA facilities are generally required to perform traffic impact studies to examine parking requirements, roadway networks, site access, trip generation, and projected traffic volume data for the facility. In one traffic study that was reviewed, completed by Nelson & Pope to authorize the continuing operation of Posillico Bros. asphalt plant in the Town of Babylon in Suffolk County, it was noted that it takes five to seven minutes to load up to 25 tons of pavement material, and haul the material off the property. Therefore the plant can serve

twelve trucks an hour, generating 24 trips (12 trips entering, 12 trips exiting) during peak hours.

While production capacity is one way to determine traffic impact, the amount of traffic is very much affected by other factors such as operating hours, regulations on production capacity, type of truck (i.e., hauling capacity), season etc. It should also be noted that this analysis does not take include other minimal traffic types such as smaller vehicle traffic and dump trucks delivering aggregate and materials to the site, but rather only considers the impact of the HMA dump tracks.

2.1.3.5 Effluent

The Illinois Environmental Protection Agency (IEPA), Office of Pollution Prevention stated in their report 'Asphalt Production and Application' (1995) that in addition to air pollution emissions, the primary wastes from an asphalt manufacturing plant include:

- Off-specification and waste asphalt;
- Wastewater and sludge's (if wet collectors are used for air pollution control);
- Small amount of spent solvent (used for quality control testing);
- Diesel fuel and other release agents (used for equipment cleaning); and,
- Fine particulate matter (from primary dry collectors and baghouses).

The report highlighted that many of these waste streams are ultimately recycled in either the manufacturing or paving process. For instance, off-specification and waste asphalt, excess HMA, and old asphalt can be recycled to make new HMA or pulverized and used as road-base material. Fine particulate matter from air pollution control equipment can be recycled in the HMA manufacturing process. Residual asphalt cleaned from equipment can also be recycled to the manufacturing process or used as base material.

The basic component materials for HMA production (aggregates and asphalt cement) are supplied in bulk and generally do not generate packaging wastes. However, the quality control laboratory may be a source of low volumes of solvents, while waste oils are generated from periodic equipment maintenance (e.g. loaders, gear-boxes, hot oil heaters). Sources of conventional municipal waste may include office and administration areas while sanitary waste is generated in the normal day-to-day operation of the plant.

2.1.3.6 Aesthetics

Given that most of the materials used by a HMA production facility would be stored outdoors and given that many facilities have large storage silos on site, one of the other potential impacts relates to the aesthetics of the site. In an industrial area that is the site of similar uses, the aesthetic impacts are much less as a consequence. However, if such a use were located in a "prestige" business area, the aesthetic impacts would be greater. In addition, the impacts would also be significant, if such a use was located adjacent to residential or commercial uses.

2.1.3.7 Waste Water

The Missouri Department of Natural Resources stated in their 2004 report 'Preventing Pollution at Hot Mix Asphalt Plants' that rainwater that falls in and around hot mix asphalt plant operations and aggregate storage piles can become contaminated with sediments, oil, grease and other materials. Runoff from product piles may be caustic and process wastewater can contain contaminates. The report states that if not properly managed, this contaminated water can harm the environment, pollute creeks and lakes and even contaminate drinking water. Process wastewater includes vehicle and equipment washwater while domestic wastewater is wastewater from restrooms, and kitchen facilities.

The IEPA (1995) also states in their report that waste-water and sludges, solvents, diesel fuel and other release agents that are not recycled in the manufacturing process must be disposed of properly. Typically, wastewater from wet collectors is routed to a settling pond (basin) or clarifier for solids removal. A settling basin is defined by Tetra Tech in their 'Best Management Practices Definitions' as a "temporary basin with a controlled storm water release structure that releases flow at a very slow velocity, allowing the solids to settle out. Settling basins are used to collect and store sediment from sites cleared or graded during construction or for extended periods of time before permanent vegetation is established or structures are built. They are intended to help prevent the release of silt-laden runoff."

The 'Fraser River Action Plan' (1996), completed by Environment Canada, specified that waste material from settling ponds should be treated and recycled where possible. If there are no other alternatives, the materials must be disposed of in an environmentally responsible manner. Environment Canada's report specified that stormwater collected from aggregate storage areas and wastewater from the spraying down of HMA transport vehicles is usually directed to a contaminated water treatment area. Treatment could consist of catchment basins and or settling ponds and oil-water separators. Treated water is then discharged to local storm sewers or to a nearby river. The fines in the settling ponds are left to dry out as much as possible and then possibly disposed of in a landfill.

Furthermore, Sector Planning Ltd's report 'The Zoning of Hot Mix Asphalt Plants in the Town of Babylon: A Review of Existing and Comparable Regulations', states that HMA facilities may have adverse impacts water quality when:

- runoff carries away stockpiled aggregate materials, clogging storm drains and causing local flooding;
- water is used to remove contaminants from emissions control equipment – i.e. "wet scrubbers"; there may be impacts associated with effluent discharge on nearby surface water sources and local groundwater; and,
- water is used to limit dust in crushing operations.

The report states that stormwater best management practices, such as those found in British Columbia's Waste Management Act, can be used to control these impacts. For example, the Act states that:

"A hot mix asphalt plant which uses water to remove contaminants before discharge:

a) must not discharge effluent directly to a stream
b) must direct effluent to a settling pond, or to a treatment works approved by the manager, and
c) must, when a settling pond is decommissioned or drained, ensure that:
   a. the liquid is not allowed to enter a stream or is not discharged in a location where it could reasonably be expected to enter a stream.
   b. the concentration of total extractable hydrocarbons does not exceed 20 milligrams per liter in the liquid released, and
   c. settled materials which remain after the liquid has been drained are managed so that they are not released into the atmosphere."

Lastly, a review of the United States National Pollutant Inventory 'Emission Estimation Technique Manual for Hot Mix Asphalt' indicates that a number of volatile organic compounds ('VOC') including acetone are produced during the HMA process. Acetone has been identified as a threat by the 'Halton Region and Hamilton Region Source Protection Areas Draft Explanatory Document'. Further research on this issue will be required.

2.1.4 LOCATION OF USE IN TOWN

Based on a review of members of the Ontario Hot Mix Producers Association ('OHMPA'), there are currently no HMA production facilities operating in the Town of Halton Hills.

2.1.5 REPRESENTATIVE EXAMPLES

2.1.5.1 Lafarge Canada Inc.

Images 3 and 4 depict a representative example of a HMA facility in the GTA:

Images 3 and 4: Lafarge Canada Inc., Wilson Avenue, Toronto ON (Source: Google Maps)

The Lafarge HMA plant operates 5 days per week up to a maximum of 12 hours per day (from 6 am to 6 pm) and has a maximum asphalt production rate of 150 tonnes per hour. Based on a review of the Certificate of Approval ('C of A' Air and Noise) issued by the Ministry of the

Environment ('MOE'), the HMA plant includes the following components that produce air emissions:

- dryer and mixing tower;
- hot oil heater (natural gas-fired);
- batch tower;
- HMA trucks; and,
- 3 liquid asphalt cement storage tanks.

The facility is adjacent to a number of industrial uses (Pellarts Manufacturing and Trading) and institutional uses (Hear Hear), the Mt. Sinai Memorial Park, and is situated north of Highway 401. The site is long and narrow, providing an assembly line of components while offering space for parking and multiple access points for truck traffic. Although it is set back considerably from the street, the plant is easily visible from Wilson Avenue with the presence of the batch tower and storage silo being the most prominent features on site.

A review of the C of A (Air and Noise) that was issued for the facility demonstrated that Lafarge Canada Inc. was required to meet certain noise standards, including implementing noise control measures and conducting an acoustic audit on the actual noise emissions due to the operation of the facility, prior to the opening of the facility. Lafarge Canada Inc. is also required to ensure that the facility is operated and maintained at all times according to the 'Environmental Practices Guide For Ontario Hot Mix Asphalt Plants'. In accordance with the guide, Lafarge was required to develop a 'Best Management Practices Plan' for the control of fugitive dust emissions. Finally the company was required to construct a 'local' barrier to mitigate the sound of the asphalt plant bag-house exhaust fan, and a 'property line' barrier to mitigate the sound of the asphalt plant itself.

2.1.5.2 D. Crupi & Sons Ltd.

An additional example of a HMA facility is depicted in **Images 5 and 6** below:

Images 5 and 6: D. Crupi & Sons Ltd. Combined Batch and Drum Plant, 83 Passmore Avenue, Toronto ON (Source: Google Maps)

D. Crupi and Sons Ltd. operate a combined batch and drum plant at 83 Passmore Avenue in Toronto, Ontario. The facility is situated in a primarily industrial area with industrial and commercial uses to the east, west and north and a vacant property to the south. The site is accessed by a single paved entrance along Passmore Avenue and while it is located in relatively close proximity to a residential community to the east, it is separated by a number of commercial and industrial uses.

2.2 CONCRETE PLANTS

The Florida Department of Transportation ('FDT') produced a 'Concrete Batch Operator Study Guide' in 2004. In this report, the FDT states that in very broad terms, concrete can be considered a combination of aggregates and paste. The aggregates consist of fine and coarse aggregate and in combination, they make up approximately 75 to 85% of the volume of concrete with the coarse aggregate taking up the majority of this volume. The paste is a combination of cement, water and entrained air, and comprises approximately 15 to 25% of the volume of concrete. More specifically the Canadian Ready-Mixed Concrete Association (CRMCA) provides the following summary composition of typical air-entrained concrete:

Table 3: Composition of Typical Air-entrained Concrete

INGREDIENT	TYPICAL COMPOSITION
	% of volume
Coarse Aggregate	31-51
Fine Aggregate	24-28
Portland Cement	7-15
SCM	2-3
Water	14-18
Admixtures	NA
Entrained Air Content	4-8

Source: Canadian Ready-Mixed Concrete Association

2.2.1 PERMANENT VERSUS TEMPORARY

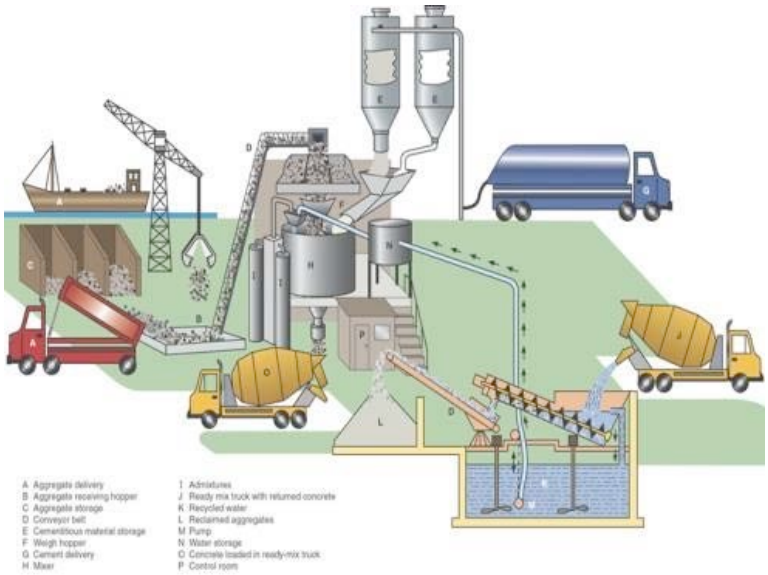
A concrete production plant, also known as a concrete batch plant, is a facility that combines these ingredients to form concrete. Generally, there are two types of concrete batch plants: permanent concrete batching plants and portable (temporary) concrete batching plants.

2.2.1.1 Permanent Concrete Batching Plant

The Town of Halton Hills Zoning By-law 2010-0050 defines a concrete batching plant as:

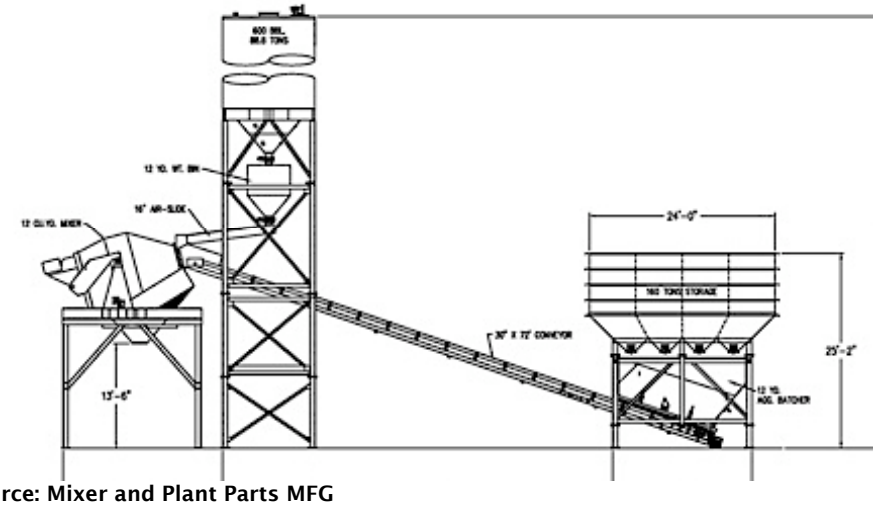
> *"A premises where concrete or concrete products used in building or construction are produced, and includes facilities for the administration or management of the business, the stockpiling of bulk materials used in the production process or of finished products manufactured on the premises and the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

While the mixing of concrete is accomplished in a number of different ways, the most commonly used types of permanent concrete batching plants in Ontario are ready-mix and central-mix plants. A ready-mix plant combines all ingredients except for water at the concrete plant. The mixture is then poured into a concrete truck where water is added on route to the requested site. A central-mix plant combines all of the ingredients at a central location where the finished mixture is discharged into a ready-mix truck and shipped as is to the job site. The following depicts a representative example of a ready-mix concrete plant:



Source: Biza Company: General Contractors Ready Mixed Concrete

The following depicts a representative example of a central mix concrete plant:



Source: Mixer and Plant Parts MFG

Based on the above analysis and a review of a number of concrete production facilities (Section 2.2.3 and 2.2.4), permanent concrete batch plants generally consist of the following components:

- aggregate bins/batcher;
- conveyor belts;
- cement silo/bins/batcher;
- batch plant controls and dust collectors;
- front-end loaders and other loading equipment; and,
- on-site amenities such as toilets, workshops and offices.

2.2.1.2 Portable Concrete Plant

While portable concrete plants are not subject to this study, a brief description is provided for information purposes. The Provincial Policy Statement ('PPS') defines a portable concrete plant as:

"A building or structure:

- *with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process; and,*
- *which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project."*

Section 2.5.5.1 of the PPS also states that:

"Portable Concrete Plants used on public authority contracts shall be permitted, without the need for an official plan amendment, rezoning, or development permit under the Planning Act in all areas, except those areas of existing development or particular environmental sensitivity which have been determined incompatible with extraction and associated activities."

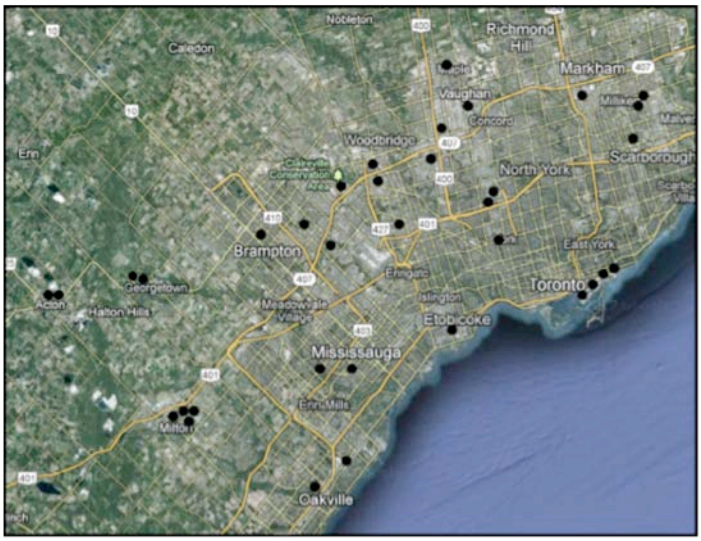
Section 2.5.5.1 of the PPS is significant in that it distinguishes between portable concrete plants that are used on public authority contracts and those are privately owned. In addition to any Planning Act approvals required (discussed in Section 3.0), private facilities may require approvals pursuant to the Aggregate Resources Act and the Environmental Protection Act. Portable concrete plants that are used on public authority contracts do not require approvals under the same regulatory process although a municipality could include setbacks for such facilities from sensitive uses or prohibit them in environmental areas according to the PPS.

2.2.2 SITE CHARACTERISTICS

Concrete batching plants are usually strategically located in proximity to areas where concrete is in high demand and development is occurring most rapidly. Generally, the nature of concrete is such that it is required to be produced close to the market. This means that the transport of the concrete is generally limited to within 50 kilometres or 90-120 minutes of the production facility. Based on a review of registered members of the Ready Mix Concrete Association of Ontario ('RMCAO') it is apparent that the majority of the 300 such plants in southern Ontario are found in industrial areas across the Greater Toronto Area ('GTA'). **Map 2** shows the

approximate location of a number of concrete batch facilities in the GTA. A review of a number of concrete batching plants in the GTA (Section 2.2.3 and 2.2.4) also demonstrated that a plant's size and production capacity varies significantly.

Map 2: Approximate Location of Concrete Batching Plants Based on Members of the Ready-Mix Concrete Association of Ontario (Source: Google Maps)



Because concrete plants store and process materials (stone, sand, Portland cement) on site they generally occupy large parcels of land. In their 'Recommended Guideline for Environmental Management Practices' for the Canadian Ready Mixed Concrete Industry ('RMCAO'), the RMCAO states that aggregate materials are often stored on site in piles, in elevated silos located in truck loading areas or in storage bins. In some circumstances a large cement storage silo may be located on the site apart from the loading area and may be used to feed smaller loading silos.

The RMCAO notes that at larger sites, aggregates stored in bins or in elevated silos may use an elaborate network of conveyor systems for the transport of materials. Alternatively aggregate stockpiles may feed directly to hoppers located under the aggregate pile or at one end. A front-end loader may be used to feed the stockpiles on the ground to the aggregate hopper.

An aerial survey of 3 concrete production facilities in Halton Region demonstrated the similarities between plant size, total lot size, and other features. **Table 4** provides an analysis of these facilities.

Table 4: Analysis of Concrete Production Facilities

Facility Details		Area (Hectares)				
Plant Name	**Location**	**Total Site Area**	**Plant Area**	**Parking and Loading Area**	**Aggregate Storage Area**	**Other (Open space, setbacks, site access etc.)**
Dufferin Concrete	301 Armstrong Avenue, Georgetown	2.4	0.2	0.4	0.6	1.0
Lafarge Concrete	32 Armstrong Avenue, Georgetown	2.8	0.2	0.8	0.4	1.4
Lafarge Concrete	575 Harrop Drive, Milton	2.6	0.2	0.3	1.0	1.1

Note: The above land areas are based on air photo interpretation and are considered to be estimates only.

The above analysis demonstrates that the processing component of a concrete production facility occupies just a small portion of the total area of a site, while the aggregate storage area and parking and loading areas occupy a larger portion of the site. Regardless of size, all concrete facilities require some space for the storage of aggregate materials, the concrete plant and processing components, staff and truck parking, office/administration facilities, and loading areas.

2.2.3 LAND USE IMPACTS

Land use impacts associated with concrete batch plants include:

- air emissions;
- noise;
- traffic;
- aesthetics;
- waste water; and,
- solid waste.

2.2.3.1 Emissions

Air emissions can be generated at multiple locations within a concrete batch plant. A review of a number of Certificates of Approval (693316 Ontario Limited and Aberfoyle Concrete Ltd.) issued for concrete batch plants in Ontario demonstrated that emissions are often a concern for these types of uses.

The American National Ready Mix Concrete Association ('NRMCA') 'Sustainable Concrete Plant Guidelines' also state that lack of proper air quality management can be a source of community complaints and non-compliance at ready mixed concrete plants. It is indicated that the facility must continuously strive to minimize particulate matter emissions from the plant and maintain compliance with applicable air quality regulations.

The NRMCA notes that particulate matter emissions to air, also known as dust emissions, are the major air quality concern at the ready mix plant site. The principal regulatory concern is the release of particulate matter (dust), particularly particulate matter less than 10 microns in diameter. These very small particles can pose a health and safety risk to person who may breathe these particles

Dust emissions are discussed in two parts: process (or point source) emissions, and fugitive emissions. Process or point source emissions, occur at discrete and definable locations during activities such as truck batching, cement and aggregate weighing and material handling.

The NRMCA specifies that fugitive dust emissions are more difficult to pinpoint, and may arise from vehicle activity on-site, loading and transfer activities, and aggregate stockpiles, among other possible sources. These dust emissions may be minimized through plant enclosure and dust suppression (on the plant site), which often uses water at the source of the dust to prevent it from becoming airborne. Establishing dust control protocols and grounds modification can minimize fugitive emissions.

2.2.3.2 Noise

During the concrete production process, noise is discharged from blowers on cement tankers, plant vibrators, mixer trucks, loaders, aggregate handling, plant signal horns, loudspeakers, and compressors. Noise is also emitted from associated sources such as radios, loudspeakers and alarms.

2.2.3.3 Traffic

A wide variety of types and sizes of cement transport vehicles are available. Generally, the average capacity of a standard cement mixer truck is around 8-9 cubic yards (6.11-6.88 cubic feet). The addition of a cement production facility will inevitably result in an increased volume of cement trucks in an area.

Table 5 below demonstrates the total production capacity and maximum traffic impact based on a review of the Certificate of Approval for 3 different cement production facilities utilizing cement trucks that have a capacity of 8-9 cubic yards (6.11-6.88 cubic metres). It is noted that the C of A's did not provide any information on truck traffic movements. Although some larger trucks can carry 10-11 cubic yards, the more conservative smaller sized truck was used for this analysis. On this basis total concrete production capacity was divided by 6.88 cubic metres (one truck load) to calculate the potential number of trucks passing through the site on an hourly, daily and weekly basis. This estimate does not take into consideration other factors such as the time it takes to load each truck, number of available trucks, variations in daily, weekly and annual operating hours, variations in hourly production, product demand, and the impact of other delivery vehicles.

Table 5: Estimated Traffic Impact Based on Production Capacity

Facility	Production Capacity (Cubic metres per hour	Hourly		Daily (10 hour operating period)		Weekly (5 day operating period)	
		Trucks	2 Way	Trucks	2 Way	Trucks	2 Way
1	32	4	8	40	80	200	400
2	100	14	28	140	280	700	1400
3	225	32	64	320	640	1,600	3,200

Note: Production capacity is from C of A's and remaining analysis is from Meridian.

While production capacity is one way to determine traffic impact, the amount of traffic is very much affected by other factors such as operating hours, regulations on production capacity, type of truck (i.e., hauling capacity), season etc. It should also be noted that this analysis does not take include other minimal traffic types such as smaller vehicle traffic and dump trucks delivering aggregate and materials to the site, but rather only considers the impact of the cement tracks.

Prior to operation, concrete production facilities are generally required to perform traffic impact studies to examine parking requirements, roadway networks, site access, trip generation, and projected traffic volume data for the facility.

BA Consulting Group Ltd. carried out a traffic operations analysis for a proposed waste transfer facility and concrete batching plant in the Town of Milton in 2012. The report noted that the proposed concrete batching plant was to receive three trailers of aggregate and one trailer of cement each day. Additionally, four tandem trucks would load approximately five times daily and each would return at the end of the day. The proposed operation is seasonal and the traffic estimates represent the maximum number of truck movements for the batching plant. The traffic study did not specify the facilities production capacity.

In 2010, traffic report was prepared in support of a plant in the Town of Hawkesbury. The report specified that the site would receive approximately 15,000 tonnes of crushed concrete and 65,000 tonnes or raw materials annually, and would produce between 36,000 and 86,000 tonnes of pre-mix concrete per year. Ten (10) full time staff would be employed for the duration of the project at full production. The plant was proposed to operate generally between the hours of 6:30am to 4:30pm, Monday to Saturday with the delivery of materials occurring between the hours of 6:30am to 6:00pm Monday to Friday and 6:30am to 12 noon Saturday. At a production rate of 36,000m3/per year, the average daily truck movements would be

approximately 60. There would also be up to 20 light vehicle movements per day. The traffic report did not specify the facilities production capacity. The report did not specify the facility's hourly production capacity.

The Canadian Ready Mix Concrete Association ('CRMCA') 'Recommended Guidelines for Environmental Management Practices for Canadian Ready Mixed Concrete Industry' states that good community relations require reasonable access controls and truck traffic management (e.g., post appropriate truck speed limits and always enforce them; keep trucks and front end loaders away from nearby homes whenever possible; manage the dirt tracked away from the plant by company trucks; follow the established truck routes).

The CRMCA suggest alternatives for minimizing dust emissions from plant site traffic include:

- paving or hard surfacing of high traffic areas around the yard;
- keeping paved or hard surfaced areas clean;
- utilizing dust suppression techniques using water or chemical dust suppressants; and,
- for new plant site construction consider plant site location in an area with minimum exposure to prevailing winds.

2.2.3.4 Aesthetics

Given that most of the materials used by a concrete production facility would be stored outdoors and given that many facilities have large storage silos on site, one of the other potential impacts relates to the aesthetics of the site. In an industrial area that is the site of similar uses, the aesthetic impacts are much less as a consequence. However, if such a use were located in a "prestige" business area, the aesthetic impacts would be greater. In addition, the impacts would also be significant, if such a use was located adjacent to residential or commercial uses.

2.2.3.5 Waste Water

Concrete batching plants generally use a large volume of water both in production and processing. A concrete batch plant typically uses water for the following activities and operations:

- Mix water for batching concrete loads;
- Washing the truck down at the plant site and on the job site after loading and unloading;
- Acid washing of trucks;
- Water for cooling aggregates;
- Filling of truck-mounted water tanks; and,
- Dust suppression in the plant yard, around aggregate bins and stockpile sites and truck load-out and high traffic areas.

The American National Ready Mix Concrete Association ('NRMCA') states in their 'Sustainable Concrete Plant Guidelines' that a ready mixed concrete facility must address three categories of water: fresh water, process water and stormwater. Fresh water is water from a municipal source (tap), surface water or on-site wells that can be consumed as drinking water. Process water is used directly or indirectly in the production of concrete such as batching concrete, washing

activities and dust control. Storm-water is any precipitation from rain and snowmelt events that flow over land or impervious surfaces. Storm-water can become process water by coming into direct contact with sources materials or mixing with process water.

The NRMCA also states that storm-water can be collected on a concrete plant site in basins or storage tanks, also known as cisterns, for later use. This can result in lower fresh water use, preservation of natural resources, reduced energy consumption associated with surface water or groundwater pumping and cost savings.

The NRMCA Guidelines suggest that a concrete plant should strive to eliminate contact between storm-water and source materials present at the concrete plant to the highest degree possible. Source materials present at the concrete plant that may be capable of imparting pollutants to stormwater include cement, fine sand, oils and greases, admixtures, chemicals, solvents, etc.

Furthermore, the NRMCA states that a concrete plant can in fact, implement a program to capture and store all, or part, of the storm-water generated for later use in concrete plant activities such as concrete production, washing activities, dust control, or irrigation. This water can be used to supplement or entirely replace fresh water used in plant activities. The concrete plant should implement strategies to reduce the total volume of storm-water that is either discharged form the facility or which is required to be collected, stored and managed.

The South Australia Environmental Protection Act ('SAEPA',1993) specifies potential pollutants in batching plant wastewater and stormwater including cement, sand, aggregates, chemical admixtures, fuels and lubricants. The SAEPA notes that process wastewater and contaminated stormwater should be collected from the entire site and diverted to a settling pond, or series of ponds, such that the water can be reused in the concrete batching process. Uncontaminated stormwater from building roofs, roads and other paved areas, etc, may be separated from the wastewater collection system and directed through a suitable interceptor or sediment collection system. This system should be designed and installed to ensure that only clean stormwater is discharged form the site. The Canadian Ready Mix Concrete Association states that if employed, washout pits and reclaim ponds should be designed and constructed so that the captured water can be recycled and reused for concrete production as well as mixer truck washout when the unit is finished for the day. A multiple-cell washout pit allows water to move by gravity or pump from each cell, with a final reclaim cell for wash water use. Slurry and particles separate or settle out while the water circulates between cells. Settled solids are removed and allowed to dry in an area with containment or drainage towards the washout pit or reclaim pond.

2.2.3.6 Waste

The main solid waste generated by a concrete batching plant is concrete waste. The Canadian Ready Mix Concrete Association states that on a daily basis, a ready mixed concrete plant should consider how returned concrete would be managed without adversely affecting the environment. Returned concrete can result in solid wastes and waste by-products such as:

- Concrete in a hardened or semi-hardened state
- Reclaimed aggregate generated by a mechanical reclaimer
- Slurry generated by a mechanical reclaimer

- Slurry, process water and wastewater from settling pond systems
-

While waste minimization is the preferred approach to dealing with excess materials, waste concrete can also be used for construction purposes at the batching plant or project site. Alternatively, waste concrete can be directed to a suitable washout pit where it becomes gravel, sand and sludge, and can subsequently be collected and reused. Excess concrete material generally comes from over-ordering or from rejected loads or product, resulting in large volumes of material that need to be properly managed.

The NRMCA states in their 'Sustainable Concrete Plant Guidelines' that excess concrete, in both plastic and hardened states, is a primary concern in the ready mixed concrete industry. Sold waste is comprised mostly of returned concrete, which is the major waste concern among ready mixed concrete producers; return rates average around 5% of production volume, but have been reported as high as 15% in some cases.

2.2.4 LOCATION OF USES IN TOWN

The following are representative examples of concrete batching plants in the Town of Halton Hills.

2.2.4.1 Essroc Canada Inc.

Essroc Canada Inc. operates a permanent ready-mix concrete batching plant at 73 Commerce Crescent in the Town of Halton Hills (Acton) as shown below on **Images 7 and 8**. The facility is adjacent to a number of industrial uses and vacant properties and is located in relatively close proximity to a low-density residential area to the south.

Images 7 and 8: Essroc Canada Inc. Permanent Ready-mix Concrete Batching Plant, 73 Commerce Crescent, Halton Hills (Acton) (Source: Google Maps)

The facility at the north side of Commerce Crescent includes three bag-houses, two diesel storage tanks, and natural gas fired equipment including a boiler, hot water heater, and unit heater for material delivery, transfer, heating and mixing. Based on aerial photography, the largest and most significant feature of the facility is the batch tower while other visible components include the shipment trucks, storage sheds, office facilities, conveyor belt, parking areas and aggregate storage areas. Trees have been utilized as a buffer along the eastern edge

of the site between the plant and other adjacent uses. The plant has a maximum production capacity of 100 cubic metres per hour.

Based on aerial photography the site appears to have a lot area of approximately 0.5 hectares (1.16 acres) with a lot frontage on Commerce Crescent of 72 metres (237 feet). In accordance with a C of A (Noise and Air) issued by the MOE, Essroc Canada Inc. was required to identify the main sources of fugitive dust emissions, establish preventative and control measures to minimize the likelihood of high dust emissions, implement a 'Best Management' Practices Plan' and report all environmental concerns to the MOE.

2.2.4.2 Dufferin Concrete

Dufferin Concrete operates a concrete facility in the northeast area of the Town of Halton Hills (Georgetown) along the border of the developed urban area as shown on as shown on **Images 9 and 10.**

Images 9 and 10. Images 9 and 10: Dufferin Concrete, 301 Armstrong Avenue Halton Hills (Georgetown) (Source: Google Maps)

The facility is adjacent to a number of industrial uses to the north and the west, vacant property to the south and undeveloped land along the east. The site is accessed by a small entrance along Armstrong Avenue and by a main entrance that is provided by a laneway along the site's southern border. The site is located in relatively close proximity to a residential community to the south, but is separated by a number of industrial and commercial uses. Based on aerial photography the site has an approximate lot area of 1.99 hectares (4.91 acres) and a lot frontage on Armstrong Avenue of 108 metres (353 feet).

2.2.4.3 Lafarge Concrete

Lafarge Concrete operates a concrete facility at 32 Armstrong Avenue in the northeast area of the Town of Halton Hills (Georgetown) along the border of the developed urban area as shown on **Images 11 and 12.**

Images 11 and 12: Lafarge Concrete, 32 Armstrong Avenue Halton Hills (Georgetown) (Source: Google Maps)

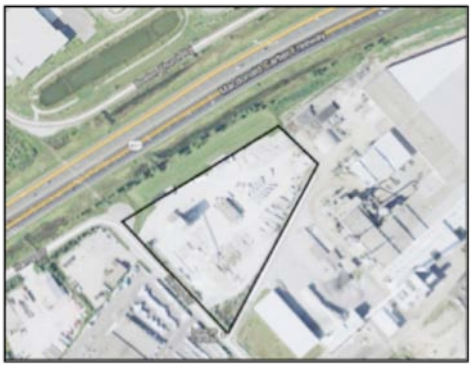
The facility is adjacent to a number of industrial uses to the west and the south, vacant property to the east and a rail line to the north. The site is accessed by a single entrance along Armstrong Avenue and is located in relatively close proximity to a residential community to the north but is separated by the rail-line that provides a type of hard barrier. Based on aerial photography the site has an approximate lot area of 2.80 hectares (6.94 acres) and a lot frontage on Armstrong Avenue of 57 metres (186 feet).

2.2.5 OTHER REPRESENTATIVE EXAMPLES

The following are a number of additional representative examples of concrete batching facilities in the Greater Toronto Area:

2.2.5.1 Lafarge Concrete

Lafarge Concrete operates a large concrete batch facility south of Highway 401 at 575 Harrop Drive in the Town of Milton as shown on **Images 13 and 14**.



Images 13 and 14: Lafarge Concrete, 575 Harrop Drive, Milton ON (Source: Google Maps)

The facility is adjacent to a number of industrial uses to the east, west and south and is bordered by Highway 401 to the north. Multiple paved entrances along Harrop Drive that exits

directly onto Steeles Avenue East access the site. The site is located in relatively close proximity to a residential community to the north but is separated by a number of industrial and other uses.

2.2.5.2 Nascrio Redimix

Nascrio Redimix operates a concrete facility at 105 Steeles Avenue East in the Town of Milton as shown on **Images 15 and 16.**

Images 15 and 16: Nascrio Redimix, 105 Steeles Avenue East, Milton, ON (Source: Google Maps)

The facility is adjacent to a number of industrial uses to the east and west, an open field to the south, and a rail line to the north. A single entrance provides site access directly on to Steeles Avenue. The site is located in relatively close proximity to a residential community to the east but is separated by a number of industrial and other uses.

2.3 AGGREGATE TRANSFER STATION

2.3.1 THE USE ACCORDING TO THE HALTON HILLS ZONING BY-LAW

An aggregate transfer station is defined in the Town of Halton Hills Zoning By-law 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."*

Based on the above definition, an aggregate transfer station is intended to be a use of land involving the temporary storage of aggregate products such as paving stones, concrete blocks, bricks, sand and gravel. Components of an aggregate transfer station could include outdoor storage areas for stockpiles of aggregate products, administration and management facilities, parking and access areas for transport trucks, storage sheds for aggregate products, and storage areas for transport equipment such as front end loaders.

In addition to the above, it is clear that there are two activities that cannot occur as part of an aggregate transfer station use. The first is the retail sale of any product, which means that the

sale of anything that is stored on the property is not permitted. The second activity that cannot occur is the processing of aggregate, since the definition speaks to the storage of aggregate products being the principal use. As a consequence, the use of such a site in Halton Hills for the recycling of aggregate for example would not be permitted in accordance with the definition.

An aggregate transfer station use in the Halton Hills context is simply a use where aggregate products are transferred from trucks onto the property, stored and then transferred into trucks and then shipped off the property. The only materials that can be stored on the property are aggregate products, again based on the definition.
It is also noted that this use is only permitted on the lands that are zoned Mineral Aggregate Resources (MAR). Section 7 of the preamble to the Town's Comprehensive Zoning By-law includes an overview of the intent and purpose of each zone. While the preamble is not a legal part of the Town's Comprehensive Zoning By-law, it does provide an overview of the intent of each zone and what uses are to generally be permitted within each. Within this section it is indicated that the *"Mineral Aggregate Resources (MAR) Zone applies to areas that are licensed for aggregate extraction in accordance with the Aggregate Resources Act. The standards of the MAR Zone (with the exception of minimum lot area) are consistent with the standards in the Aggregate Resources Act."*

As a consequence, it would appear that the intent of the By-law is to only apply the MAR zone to licensed sites. However, while the Ministry of Natural Resources at their discretion can surrender licenses, the zoning of the land continues until Town Council changes it.

The Town's Interim Control By-law applies to three separate properties that are zoned MAR and which are not the site of a mineral aggregate resource operation. Two of the properties are next to each other and are located on the 20 Sideroad east of Glen Williams. This site is known as the former Springbank/Linken Gravel Pit and has an area of about 6.5 hectares. According to a letter dated January 28, 2011 from the Ministry of Natural Resources, it was noted that ARA License 5510, *"continues to be suspended for failure to comply with the actions outlined in the September 20, 2010 notice of suspension."* This was further confirmed in the letter dated June 27, 2011 from the Ministry of Natural Resources.

The third property that is zoned MAR and subject to the Interim Control By-law is at 12519 8th Line. On the basis of a letter from the Ministry of Natural Resources dated June 24, 2011, the Ministry of Natural Resources indicates that the license applying to the property has been revoked in accordance with the Aggregate Resources Act. While the revocation of the license was appealed, the property owner later withdrew their appeal of the revocation.

As a consequence of the above, the Interim Control By-law applies to three properties that are currently not licensed (either through revocation or suspension). There are a number of other properties in the Town that are zoned MAR, but which are not subject to the Interim Control By-law. These sites were not the subject of the Interim Control By-law because they are currently licensed.

It is noted that there are five uses permitted in the MAR Zone. They include aggregate transfer stations, agricultural uses, conservation uses, mineral aggregate resource operations and single detached dwellings. The Town's Comprehensive Zoning By-law defines mineral aggregate

resources operation as *"a) lands under license or permit other then for a wayside pit or quarry, issued in accordance with the Aggregate Resources Act, or successes there to; and b) associate 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"*.

The key feature about the above definition, which is the same as it is in the Provincial Policy Statement, is that a mineral aggregate resource operation is permitted if it is carried out under license in accordance with the Aggregate Resources Act. If a property were under license, then the other associated facilities mentioned in the definition would also be permitted. Once a site is not licensed, any of the uses 'associated' with a mineral aggregate resource operation would no longer be permitted in the MAR Zone either.

Given the nature of the definition of mineral aggregate resource operation, an aggregate transfer station as defined by the Comprehensive Zoning By-law would be considered *"an associated facility"* in accordance with the definition. As a consequence, including a separate definition for an aggregate transfer station in the Zoning By-law may not be necessary, given that the intent of the zone in the first place is to provide for extraction on licensed sites and because the aggregate transfer station use would clearly be a permitted component of a mineral aggregate resource operation use as defined by the Provincial Policy Statement and the Town's Official Plan.

Given the narrow definition of the use, and to the best of our knowledge, there are no stand-alone transfer stations that are not associated with a licensed mineral aggregate resource operation. However, one property owner (the owner of the property on 12519 8th Line) has expressed the view that they are operating an aggregate transfer station on the property. As noted above, the property on the 8th Line is zoned MAR, but the ARA license applying to the property has been revoked.

2.3.2 WHAT AN AGGREGATE TRANSFER STATION IS NOT ACCORDING TO THE HALTON HILLS ZONING BY-LAW

There are a number of defined terms in the Town of Halton Hills Zoning By-law. Generally speaking, where there are separate definitions, the use described in the definition is intended to be different than a use that is described in another definition. In the case of Halton Hills, this means that an aggregate transfer station would not be an aggregate processing facility, since an aggregate processing facility is defined as:

> *"means a facility where aggregate is taken from a raw or already processed form and further processed with such aggregate being sourced on the same lot and/or brought from another location."*

The above definition of aggregate processing facility means that the processing of aggregate is permitted in conjunction with such a use, whereas the processing of aggregate is not specifically permitted in the context of the aggregate transfer station definition. This use is not permitted in any zone in the Town's Zoning By-law.

An aggregate transfer station would also not be considered a bulk storage facility since such a use is defined as follows:

"means a premises for the bulk storage of petroleum, petroleum products, chemicals, gases or similar substances."

Only existing bulk storage facilities are permitted in the Urban Employment Zone and new facilities are not permitted in any zone in the by-law. An aggregate transfer station could also not be considered to be a construction/landscaping contractor's yard that is defined in the By-law as follows:

"means an area of land used for the storing of equipment and materials used in the construction and/or landscaping industries."

It is however noted that landscaping contractors and other construction contractors will use aggregate and aggregate products as part of their operation. This is because the definition of 'landscaping' as set out below includes some aggregate products;

"trees, shrubs, flowers, grass or other horticultural elements, decorative stone work, screening or other architectural elements, all of which are designed to enhance the visual amenity of a property."

As a consequence, there is an overlap between those two definitions that should be reconciled. Notwithstanding the above, this use is also not permitted in any zone.

The industrial use definition in the Town of Halton Hills By-law is quite expansive as set out below:

"means a premises used primarily for the purpose of manufacturing, processing, fabrication, assembly, treatment, packaging, warehousing and incidental storage of goods and materials and may include accessory retail stores, sales and distribution of such products. For the purposes of this definition, the premises used by primarily for the storage of goods and materials in the form of a warehouse is deemed to be an industrial use."

Based on the above definition, an aggregate transfer station could be considered to be a subset of an industrial use since the storage and transfer of aggregate products is contemplated in the context of an aggregate transfer station use.

The Town's Zoning By-law also defines outdoor storage use as set out below:

"an outdoor storage area forming the main use of a lot, such as a motor vehicle wrecking yard, a motor vehicle storage compound or a contractors, construction equipment or materials yard."

The type of materials stored as part of an outdoor storage use is unlimited, although examples are provided. There again does appear to be some overlap between the definition of outdoor storage use and a construction/landscaping contractors yard. In addition, an aggregate transfer station could also be considered an outdoor storage use if the aggregate product that is stored on the property is the main use of the lot. However, it is noted that an outdoor storage use is not permitted in any zone.

As a consequence of the above, it is clear that there is a need to ensure that each of the above uses are clearly mutually exclusive to enable the Town's Zoning By-law to be easily interpreted and appropriately implemented. In addition, there is also a need to maintain the principle that

uses that are related to aggregate extraction are not permitted on a site in the MAR Zone after the license has been revoked on surrendered in accordance with the Aggregate Resources Act.

2.3.3 LAND USE IMPACTS

Aggregate transfer stations may produce fugitive emissions such as aggregate dust that can impact neighboring properties. Common fugitive sources of dust include the transfer of sand and aggregate, wind erosion from sand and aggregate storage piles, truck and mixer loading, delivery and vehicle traffic (dust from unpaved roads) aggregate handling and processing operations, and vehicle exhaust.

3.0 CURRENT POLICY AND REGULATORY FRAMEWORK

3.1 PROVINCIAL

This section provides an overview of the Provincial Policy Statement (PPS), Places to Grow – Growth Plan for the Greater Golden Horseshoe ("the Growth Plan"), Greenbelt Plan and Niagara Escarpment Plan ("NEP") as it relates to this study.

3.2 PROVINCIAL POLICY STATEMENT

The PPS is issued under Section 3 of the Ontario Planning Act and is intended to provide common direction to all municipalities on key areas of Provincial policy interest. Under the Planning Act, local and regional planning authorities are required to develop policies and make decisions on Planning Act applications that are *"consistent with"* the policies of the PPS.

3.2.1 PORTABLE ASPHALT PLANTS AND CONCRETE PLANTS

Sub-section 2.5.5.1 of the PPS provides specific direction on to portable asphalt plants and portable concrete plants that are used on public authority contracts. This section states that these facilities:

> *"shall be permitted, without the need for an official plan amendment, rezoning, or development permit under the Planning Act in all areas, except those areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities."*

The PPS defines a portable asphalt plant as a facility:

a) *With equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process; and,*

b) *Which is not of permanent construction, but which is to be dismantled a the completion of the construction project.*

The PPS defines a portable concrete plant as a facility:

a) *With equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process; and,*

b) *Which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.*

This PPS policy clearly distinguishes between portable asphalt plants and portable concrete plants that are used on public authority contracts and those that are used for private purposes.

As a consequence of this PPS policy, this study does not deal with these types of portable plants.

3.2.2 LONG TERM VISION IN PPS

There are a number of policies in the 2005 PPS that have a bearing on how the uses that are the subject of this study should be considered. The majority of these policies are contained within Section 1.0 of the PPS (Building Strong Communities) and the following introductory paragraph establishes the basis and context for the policies that follow:

> *"Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support strong, liveable and healthy communities, protect the environment and public health and safety, and facilitate economic growth.*
>
> *Accordingly:"*

The key objectives of the Province of Ontario in the above paragraph are *'long term prosperity', 'environmental health'* and *'social well-being'*. These objectives are to be met by wisely managing change and promoting efficient land use and development patterns. Section 1.1.1 of the PPS (reproduced below) also provides a considerable amount of direction:

> *"Healthy, liveable and safe communities are sustained by:*
>
> *a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
> *b) accommodating an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses), recreational and open space uses to meet long-term needs;*
> *c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
> *d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*
> *e) promoting cost-effective development standards to minimize land consumption and servicing costs;*
> *f) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs."*

Section 1.1.1 above summarizes the intent of the Province with respect to the maintenance of healthy, liveable and safe communities. This section is premised on the view that additional growth and development is beneficial to the Province, provided it is appropriately planned.

This section also indicates that healthy, liveable and safe communities are sustained by accommodating an appropriate mix of employment (including industrial, commercial and institutional uses) to meet long-term needs. This means that a variety of employment opportunities and employment types should be provided for, much like a range of housing and housing types should also be provided for.

Sub-section (c) indicates that development and land use patterns which may cause environmental or public health and safety concerns should be avoided and this policy test must

be considered in determining where new land uses are located in relation to existing land uses. This section is particularly relevant since the uses that are the subject of this study may have land use impacts on other uses.

3.2.3 NATURE OF USES SUBJECT TO THIS STUDY AS PER THE PPS

Given the nature of the uses that are the subject of this report, the uses would be considered employment uses as per the PPS. While the PPS does not define what an employment use is, it does define employment areas, as set out below;

> *"means those areas designated in an Official Plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities."*

While all employment uses are not located in employment areas, the definition of 'employment area' clearly indicates that these uses are employment uses by their very nature.

Section 1.3.1 of the PPS indicates that planning authorities shall promote economic development and competitiveness by doing certain things, which are set out in Sub-sections (a) to (d). The use of the word 'shall' means that the policy is mandatory and is required to be met to the greatest extent possible by every planning authority, including the Town of Halton Hills.

Sub-section 1.3.1 (a) indicates that planning authorities shall promote economic development and competitiveness by *"providing for a mix and range of employment uses (including industrial, commercial and institutional uses) to meet long-term needs"*. Employment uses come in many forms and include both 'heavy' and 'light' industrial uses.

Sub-section 1.3.1 (b) in part states that planning authorities shall take the needs of existing and future businesses into account. The impacts associated with stand-alone aggregate uses as identified in Section 2 of this report may limit future employment uses from situating or expanding on adjacent properties. This PPS policy also speaks to protecting existing businesses and as a consequence care must also be taken to ensure that the needs of existing businesses are also taken into consideration.

Section 1.3.1 (c) speaks to the protection and preservation of employment areas and states that planning authorities shall promote employment areas by *"planning for, protecting and preserving employment areas for current and future uses."* This means that employment areas should be protected for a mix and range of employment uses and that current uses should be preserved.

Clearly the PPS is indicating that both existing and planned uses should be planned for and protected as appropriate.

Section 1.7.1 e) of the PPS specifies that industrial uses should be situated and designed, buffered and/or separated from sensitive land uses to prevent adverse effects. The use of the word 'prevent' means that uses that may produce adverse effects (odour, noise and other impacts associated with stand alone aggregate uses) should be situated in locations that minimize risk to public health and safety. Adverse effects are defined in the PPS as one or more of the following:

a) *impairment of the quality of the natural environment for any use that can be made of it;*
b) *injury or damage to property or plant or animal life;*
c) *harm or material discomfort to any person;*
d) *an adverse effect on the health of any person;*
e) *impairment of the safety of any person;*
f) *rendering any property or plant or animal life unfit for human use;*
g) *loss of enjoyment of normal use of property; and,*
h) *interference with normal conduct of business.*

The PPS defines a sensitive land use as:

> *"buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples may include but are not limited to: residences, day care centres, and educational and health facilities."*

The range of uses that would be considered sensitive as per this definition is extensive since any building, amenity area or outdoor space in sensitive if routine or normal activities occurring at reasonably expected times would experience adverse effects.

The word 'avoid' is also used in Section 1.1.1 c), which states that *"healthy, liveable and safe communities are sustained by avoiding development and land use patterns which may cause environmental or public health and safety concerns."* 'Avoid' is defined as *"to keep away from"* and *"to prevent the occurrence or effectiveness of.."* or *"to refrain from."* In this context, the policy indicates that land use patterns which may cause environmental or public health and safety concerns should be avoided. Given the nature of the uses that are the subject of this study, every effort should be made to ensure that they are not located near sensitive land uses as defined.

In the early 1990's the Ministry of Environment released a number of guidelines that were designed to inform the preparation of Official Plan policy and the making of Planning Act decisions in cases where a proposed use is potentially incompatible with an existing use or where a proposed use is potentially incompatible with an existing use. These Guidelines are discussed in Section 3.2.5 of this report.

3.2.4 WHERE ARE EMPLOYMENT USES PERMITTED BY THE PPS?

There are essentially three categories of land uses in the PPS - settlement areas, prime agricultural areas and rural areas as defined.

Section 1.1.3.1 of the PPS states that **settlement areas** shall be the focus of growth and their vitality and regeneration shall be promoted. This means that all forms of employment should also be directed to settlement areas, unless specifically permitted outside of settlement areas.

The PPS defines a settlement *area* as "*urban areas and rural settlement areas within municipalities (such as cities, towns, villages and Hamlets) that are:*

a) *built up areas where development is concentrated and which have a mix of land uses; and*
b) *land which have been designated in an official plan for development over the long term planning horizon provided for in policy 1.1.2.*

The PPS defines a **prime agricultural area** as *"areas where prime agriculture lands predominate. This includes: areas of prime agricultural lands and associated Canada Land Inventory Class 4-7 soils; and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture."*

The PPS defines prime agricultural lands as *"lands that include specialty crop areas and/or Canada Land Inventory Classes 1, 2 and 3 soils, in this order of priority for protection".*

Lands that are designated Agricultural Area by the Town's Official Plan are considered to be within the Town's prime agricultural area. The Town's Official Plan also specifies that lands within the Escarpment Protection Area and Escarpment Rural Area of the Niagara Escarpment Plan Area below the Escarpment Brow are considered to be part of the Town's prime agricultural area. Additionally, lands within the Protected Countryside Area in the Greenbelt Plan area that are south and east of the Niagara Escarpment Plan Area are also considered to be part of the Town's prime agricultural area.

Section 2.3.3.1 of the PPS states that permitted uses in prime agricultural areas include agricultural uses, secondary uses, and agricultural-related uses. According to the PPS agricultural uses include activities such as the growing of crops, the raising of livestock, maple syrup production, and associated on-farm buildings and structures.

The PPS defines a secondary use as uses "*that are secondary to the principal use of the property, including but not limited to, home occupations, home industries, and uses that produce value-added agricultural products form the farm operation on the property".*

Agricultural-related uses are defined by the PPS as "*farm-related commercial and farm-related industrial uses that are small scale and directly related to the farm operation and are required in close proximity to the farm operation".*

The uses that are the subject of this study are not considered to be one of the three above permitted uses. Notwithstanding the above, the PPS does permit planning authorities to exclude land from prime agricultural areas for:

a) *limited non-residential uses, provided that:*
    1. *the land does not comprise a specialty crop area:*
    2. *there is a demonstrated need within the planning horizon provided for in policy 1.1.2 for additional land to be designated to accommodate the proposed use;*
    3. *there are no reasonable alternative locations which avoid prime agricultural areas; and,*
    4. *there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.*

As a consequence, any use could be considered in a prime agricultural area, provided it was limited in scale and there is a demonstrated need for the use, based on an assessment of the land needs of the Town as set out in Section 1.1.2 of the PPS.

The PPS defines a **rural area** as *"lands in the rural area which are located outside settlement areas and which are outside prime agricultural areas."* Section 1.1.4, of the PPS speaks to managing development in rural areas in municipalities. Sub-section 1.1.4.1 (a) specifies that "*permitted uses and activities shall relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses"*. Resources include timber, fresh water etc. as well as aggregates such as sand, gravel, clay, earth and bedrock.

Sub-section 1.1.4.1 (b) requires development in rural areas that is *"appropriate to the infrastructure which is planned or available, and avoid(s) the need for the unjustified and/or uneconomical expansion of this infrastructure."* The PPS defines *infrastructure* as:

> *"physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes: sewage and water systems, septage treatment systems, waste management systems, electric power generation and transmission, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities."*

Sub-section 1.1.4.1 (d) promotes development in rural areas that is "*compatible with the rural landscape and can be sustained by rural service levels"*. Sub-section 1.1.4.1 (f) specifies that opportunities should be provided in rural areas for new or expanding uses that require separation from other uses.

Based on the PPS definition of rural area, the rural area of the Town of Halton Hills would be the area outside of the Acton and Georgetown urban areas, the Hamlet Areas and Rural Clusters and the prime agricultural area, as defined by the Town's Official Plan. It is noted that the lands designated Rural Employment Area at the northeast corner of Regional Road 25 and the Number 5 Sideroad are proposed to be included in the urban area by Regional Official Plan Amendment Number 38.

Lands within the Escarpment Protection Area and Escarpment Rural Area above the Escarpment Brow are considered to be part of the Town's rural area. Additionally, lands within the Protected Countryside Area that are north and west of the Escarpment Brow are also part of the Town's rural area, excluding those areas designated Country Residential Area, Greenlands A, Mineral Resource Extraction Area and Private Open Space as per the Official Plan. It is recognized that the location of the prime agricultural area above the Escarpment Brow may be changing as a consequence of the recent MMAH Decision on Halton Regional Official Plan amendment 38 (as discussed in Section 3.6).

The uses that are the subject of this study are considered to be employment uses as per the PPS. While all employment uses are directed to settlement areas, the PPS does permit uses that relate to the management or use of resources in rural areas. Given that the uses are the subject of this study primarily rely upon aggregate, asphalt plants, concrete plants and aggregate transfer stations are sometimes located in conjunction with a mineral aggregate resource

operation in the rural area. However, locating these types of uses on properties that are not licensed for aggregate extraction would not be consistent with the PPS, unless it could be demonstrated that opportunities to site such a use were not available within the urban employment areas and provided it was demonstrated that all of the policies and criteria in Section 1.1.4.1 of the PPS could be met.

In addition to all of the above, the operating components of asphalt plants and concrete plants in particular generally require infrastructure and services comparable to other industrial uses (i.e. water and sewer services) and may in some cases only be feasible in urban areas with full municipal services.

3.2.5 MOE GUIDELINES AND SECTION 1.7.1 OF PPS

As mentioned previously, Section 1.7.1 of the PPS contains a definition of 'adverse effects' that is also contained within the Environmental Protection Act, which is the responsibility of the Ministry of the Environment (MOE). In the early 1990's, the MOE released a number of Guidelines that were intended to inform the preparation of Official Plan policy on land use compatibility and to assist decision makers with the making of Planning Act decisions involving potentially incompatible uses and the determination of adverse effects.

Guideline D-6 (and the supporting guidelines contained within Guideline D-1) is the one guideline that specifically applies in this circumstance since it is the intent of Guideline D-6 to:

> *"prevent or minimize the encroachment of sensitive land uses upon industrial land use and vice versa, as these two types of land uses are normally incompatible, due to possible adverse effects on sensitive land use created by industrial operations."*

One of the intents of Guideline D-6 is to "*encourage informed decision-making for Ministry staff, land use planning and approval authorities, and consultants and assists in determining compatible mixed land uses and compatible intensification of land uses.*" It is indicated in the synopsis section of Guideline D-6 that *"the Guideline is intended to apply when a change in land use is proposed, and the range of situations are set out in Section 2.0 (Application) of Guideline D-1."*

Section 2.0 of Guideline D-1 identifies in Section 2.1 the dual nature of the Guideline. Specifically, the Guideline is applicable when a new sensitive land use is proposed within the influence area or potential influence area of an existing facility and/or a new facility is proposed where an existing sensitive land use would be within the facility's influence area or potential area.

Section 2.2 of Guideline D-1 indicates that the Guideline applies when a change of land use places *"or is likely to place sensitive land use within the influence area or potential influence area of a facility."* It then goes on to indicate that the Guidelines should be considered when policies, guidelines and programs are being formulated, when general land use plans are being prepared and in response to site specific requests for development approvals. In the case of this study, policies and guidelines are being formulated.

Section 2.0 of Guideline D-1 as set out above establishes the context for the application of Guideline D-6 to the consideration of the policies that may be developed by the Town of Halton

Hills. Section 1.1 of Guideline D-6 indicates that the attached **Appendix A** categorizes industrial facilities into three classes *"according to the objectionable nature of their emissions, their physical size/scale, production volumes and/or the intensity and scheduling of operations."*

A Class II facility is as defined below:

> ***"Class II Industrial Facility***
> *A place of business for medium scale processing and manufacturing with outdoor storage of wastes or materials (i.e. it has an open process) and/or there are periodic outputs of minor annoyance. There are occasional outputs of either point source or fugitive emissions for any of the following: noise, odour, dust and/or vibration, and low probability of fugitive emissions. Shift operations are permitted and there is frequent movement of products and/or heavy trucks during daytime hours."*

Examples of Class II facilities are listed in **Appendix A** to Guideline D-6 and they are:

- Magazine printing
- Paint spray booths
- Metal command
- Electrical production manufacturing
- Manufacturing of dairy products
- Dry cleaning services
- Feed packing plant

A Class III facility is as defined below:

> ***"Class III Industrial Facility***
> *A place of business for large scale manufacturing or processing, characterized by: large physical size, outside storage of raw and finished products, large production volumes and continuous movement of products and employees during daily shift operations. It has frequent outputs of major annoyance and there is high probability of fugitive emissions."*

Examples of Class III facilities are listed in **Appendix A** to Guideline D-6 and they are:

- Manufacturing of paint or varnish
- Organic chemicals manufacturing
- Breweries
- Solvent recovery plants
- Soaps and detergent manufacturing
- Manufacturing of resins and costing
- Metal manufacturing

Guideline D-6 also establishes potential influence areas in Section 4.1. The influence area for a Class 1 facility is 70 metres, for a Class 2 facility it is 300 metres and for a Class 3 facility it is 1,000 metres.

Based on the definitions within Guideline D-6, asphalt and concrete plants would be considered a Class II/Class III facility since there are both occasional outputs of fugitive emissions associated with the use and the potential is high for there to be fugitive emissions given the nature of the use. As noted above, the influence areas for Class II and III facilities are 300 and 1,000 metres respectively.

Section 1.2.2 of Guideline D-6 establishes the basis for applying the Guideline to a circumstance where a new industrial land use proposed near a sensitive land use. In this regard, it is indicated that *"the Guideline applies to all types of proposed, committed and/or existing industrial land uses which have the potential to produce point source and/or fugitive air emissions such as noise, vibration, odour, dust and others, either through normal operations, procedures, maintenance or storage activities, and/or from associated traffic/transportation."* Section 1.2.3 then exempts non-stationary industrial facilities such as a portable asphalt plant from the Guideline if it was proposed adjacent to a sensitive land use.

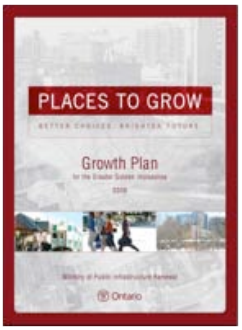
Section 1.4 of Guideline D-6 indicates that the general approach in Section 3 of Guideline D-1 applies to circumstances where a sensitive land use is proposed. Section 3.1 of Guideline D-1 establishes the preferred approach and it indicates that various buffers may be used to prevent or minimize adverse effects. However, it is indicated *"distance is often the only effective buffer, however, and therefore adequate separation distance, based on a facility's influence area, is the preferred method of mitigating adverse effects."* This means that the only effective way of 'preventing' adverse effects in accordance with Section 1.7.1 e) of the PPS is separation.

It is then indicated in Section 3.2 of Guideline D-1 *"the separation distance should be sufficient to permit the functioning of the two incompatible land uses without an adverse effect occurring."* Section 3.3 then indicates that when *"the separation distance is the method of buffering, and the buffer area extends beyond a facility or sensitive land use site boundary, this Ministry encourages intervening land uses or activities that are compatible with both the facility and the sensitive land use."* Section 3.4 then indicates that *"when impacts from discharges and other compatible problems cannot be reasonably mitigated or prevented to the level of trivial impact, new development, whether it be a facility or a sensitive land use shall not be permitted."* Again, this supports the principal that separation is the only effective way to prevent adverse effects in accordance with Section 1.7.1 e) of the PPS.

It is recognized that Guideline D-6 is only a guideline, and is not Provincial legislation, an Ontario Regulation or a statement of government policy. On this basis, Guideline D-6 is not determinative. However, Guideline D-6 is relevant since it does establish a process for considering how impacts are to be measured and how incompatible uses are to be separated from each other to prevent adverse effects.

3.3 GROWTH PLAN

3.3.1 OVERVIEW



In June 2006 the Province of Ontario released the Places to Grow Plan for the Greater Golden Horseshoe ("the Growth Plan"). The Growth Plan requires that all upper, single and lower-tier municipalities within the Greater Golden Horseshoe modify and update their Official Plan documents and bring them into full conformity with policies and targets of the new Provincial Plan by June 2009. This deadline has since been extended. In addition, The Growth Plan gives municipalities the responsibility for achieving key elements of its planning framework, characterized generally by a shift in the amount and location of growth, toward greater intensification and higher densities. One of the key elements of the Growth Plan is articulated in Section 2.2.2.1 f) which states that "*population and employment growth will be accommodated by....ensuring the sufficient availability of land for employment to accommodate forecasted growth to support the GGH's economic competitiveness.*"

Schedule 3 of the Growth Plan includes the population and employment forecasts for 16 upper and single tier municipalities in the GGH, including the Region of Halton. It is noted that Schedule 3 does not include forecasts for any lower-tier, or "local area" municipalities, such as the Town of Halton Hills.

Table 1: Employment and Population Forecast for Halton Region (Schedule 3)

Year	Population	Employment
2001	390,000	190,000
2011	520,000	280,000
2021	650,000	340,000
2031	780,000	390,000

Based on the above Schedule 3 forecasts, it is anticipated that growth is expected in Halton Region between 2011 and 2031, growing by 260,000 over this period. For employment growth, approximately 200,000 new jobs are expected to be created over this period. Effectively this is a doubling of the 2001 population and employment base of the Region.

3.3.2 MANAGING GROWTH

Sub-section 1 of Section 2.2.2, Managing Growth, of the Growth Plan states in part that:

> *"population and employment growth will be accommodated by:*
>
> *a) directing a significant portion of new growth to existing built-up areas through intensification;*
> *b) Focusing intensification in intensification areas;*

c) *Building compact, transit-supportive communities in designated Greenfield areas;*
d) *Directing development to settlement areas, except where necessary for development related to the management or use of resources, resource-based recreational activities, and rural land uses that cannot be located in settlement areas*
e) *Directing major growth to settlement areas that offer municipal water and wastewater systems and limiting growth in settlement areas that are serviced by other forms of water and wastewater services."*

The Growth Plan requires municipalities to maintain an adequate land supply that can physically accommodate the population and employment forecasts. While accommodating physical growth is important there is also clear policy emphasis on the importance of maintaining economic competitiveness through a range of land use options. Section 2.2.6.2 of the Growth Plan (which is the same as Section 1.3.1 of the PPS) establishes the policy context for providing and maintaining a healthy supply of employment land, stating that -

Municipalities will promote economic development and competitiveness by:

a) *providing for an appropriate mix of employment uses including industrial, commercial and institutional uses to meet long term needs;*
b) *providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;*
c) *planning for, protecting and preserving employment areas for current and future uses;*
d) *ensuring the necessary infrastructure is provided to support current and forecasted employment needs.*

3.3.3 GREENFIELD AREAS

Section 2.2.7 (1) (a) of the Growth Plan states that *"new development taking place in designated Greenfield areas will be planned, designated, zoned and designed in a manner that contributes to creating complete communities."* Designated Greenfield areas are those areas outside of the Built Boundary.

Complete communities are defined in the Growth Plan as communities that:

> *"meet people's needs for daily living throughout an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, a full range of housing, and community infrastructure including affordable housing, schools, recreation and open space for their residents."*

With regards to density, Section 2.2.7 (2) of the Growth Plan requires that the designated Greenfield area of each upper or single-tier municipality be planned to achieve a minimum density of no less than 50 residents and jobs combined per hectare.

In the case of Halton Hills, there are a number of employment areas that are considered designated Greenfield areas. These includes the lands designated General Employment on the west side of Regional Road 25 in Acton and all of the lands within the 401/407 Employment Area.

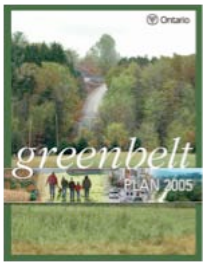
3.3.4 RURAL AREAS

Section 2.2.9 (2) of the Growth Plan states that *"development outside of settlement areas, may be permitted in* rural areas *in accordance with policy 2.2.2.1 (i)."* Section 2.2.2.1 (i) states that population and employment growth will be accommodated by:

> *"directing development to settlement areas, except where necessary for development related to the management or use of resources, resource-based recreational activities, and rural land uses that cannot be located in settlement areas."*

it is noted that the Growth Plan permits a limited range of uses by exception in the rural area. The Growth Plan provides the same definition of rural area as the PPS stating that rural areas are *"lands which are located outside settlement areas and that are not prime agricultural areas."* The policies of the Growth Plan also support PPS policies on what is permitted in prime agricultural areas as discussed in Section 3.2.6 of this report.

3.4 GREENBELT PLAN



Section 1.2.1 of the Greenbelt Plan articulates the overall vision of the Greenbelt Plan. Specifically, it is indicated that the Greenbelt is a broad band of permanently protected land which:

- Protects against the loss and fragmentation of the agricultural land base and supports agriculture as the predominant land use;
- Gives permanent protection to the natural heritage and water resource systems that sustain ecological and human health and that form the environmental framework around which major urbanization in South Central Ontario will be organized; and,
- Provides for a diverse range of economic and social activities associated with rural communities, agriculture, tourism, recreation and resource uses.

The Greenbelt Plan is comprised of lands within the Oak Ridges Moraine Conservation Plan (ORMCP), the Niagara Escarpment Plan (NEP), the Parkway Belt West Plan Area and lands designated as Protected Countryside. Within the Protected Countryside are the Agricultural System, Natural System and Settlement Areas. Below is a brief description of each.

3.4.1 AGRICULTURAL SYSTEM

The Agricultural System is comprised of two specialty crop areas, namely the Niagara Peninsula Tender Fruit and Grape Area and the Holland Marsh, prime agricultural areas as designated within municipal Official Plans, and rural areas that are comprised of a mixture of agricultural lands, natural features and recreational and historic rural land uses.
Permitted uses in prime agricultural areas are limited to agriculture, agricultural-related uses and secondary uses as set out in the PPS.

3.4.2 NATURAL SYSTEM

The Natural System is comprised of a Natural Heritage System and a Water Resource System that often coincide given the ecological linkages between terrestrial and water based functions. The Natural Heritage System includes areas with the highest concentration of the most sensitive and/or significant natural features and functions.

The Water Resource System is made up of ground and surface water features and their associated functions. In addition to primary recharge areas, headwater and discharge areas associated with lands subject to the ORMCP and the NEP, the Water Resource System includes the upper reaches of watersheds to the west of the Niagara Escarpment, lands around the primary discharge zones along the toe of the Escarpment and the base of the ORM, the major river valleys between the Moraine/Escarpment and Lake Ontario, the portions of the Lake Simcoe Watershed and the former Lake Algonquin Shoreline within York and Durham Regions and the former Lake Iroquois shoreline in Durham and Niagara Regions.

3.4.3 SETTLEMENT AREAS

Settlement Areas include Towns/Villages and Hamlets.

Towns/Villages, as identified in municipal Official Plans and within their approved boundaries as they existed on the date the Greenbelt Plan came into effect, are subject to the policies of municipal Official Plans. Modest growth is contemplated for these communities, which include Acton, that is consistent with the role of these settlements as part of the Protected Countryside and the capacity to provide locally based sewage and water services. At the ten year review stage (2015), settlement area expansions may be possible for Towns/Villages provided that the proposed growth:

- Is on municipal water and wastewater services;
- Would not exceed the assimilative and water production capacities of the local environment as determined on a watershed or subwatershed basis;
- Complies with any applicable watershed plan;
- Does not extend into the Natural Heritage System;
- Does not extend into the Specialty Crop Area; and
- Appropriately implements the requirements of any other provincial and municipal policies, plans, strategies or regulations including the assessment of need and locational considerations.

With respect to the Community of Acton, the effect of the Greenbelt Plan is that any future expansion beyond current approved boundaries could not occur until the ten year review stage of the Plan (2015) and only on the basis of locally based servicing.

Hamlets are substantially smaller settlement areas that are typically reliant on private services. As such, they are not intended to be a focus for growth. Hamlets are identified as dots on Schedule One to the Greenbelt Plan with more precise boundaries being identified through municipal Official Plans. The Greenbelt Plan permits infill and intensification within Hamlets along with the minor rounding out of Hamlet boundaries at the time of the municipal conformity exercise, subject to infrastructure policies contained in the Plan and municipal Official Plan policies.

There are seven Hamlets as identified in the Greenbelt Plan in the Town of Halton Hills. These include Norval, Crewsons Corners, Bannockburn, Ballinafad, Limehouse, Silver Creek and Henderson's Corners.

Norval is considered to be a 'Hamlet' according to the Region of Halton and Town of Halton Hills Official Plans. The remaining six Hamlets identified by the Greenbelt Plan have been identified as 'Rural Clusters' by the Region of Halton and Town of Halton Hills' Official Plans. The Niagara Escarpment Plan also identifies three of these Rural Clusters as 'minor urban centres'. All six of these communities would continue to be subject to Regional and Town Official Plan policies and the policies of the Niagara Escarpment Plan where applicable.

3.4.4 WHERE WOULD ASPHALT AND CONCRETE PLANTS BE PERMITTED BY THE GREENBELT PLAN

Section 3.1.3 (1) states that "*normal farm practices and a full range of agricultural, agricultural-related and secondary uses are supported and permitted*" for lands within the specialty crop area and the prime agricultural area of the Protected Countryside.

Additionally, Sub-section 3 states that other uses may be permitted in accordance with the policies of sections 4.2 to 4.6. These other uses are infrastructure and resource uses such as forestry, water-taking, fisheries, conservation and wildlife management. Other permitted resource uses include mineral aggregate resource extraction. As per the PPS, the uses subject to this study are not permitted in prime agricultural areas.

Section 3.1.3 (2) also states that prime agricultural areas are prohibited from being re-designated for non-agricultural uses except in the following circumstances:

a) refinements to the prime agricultural and rural area designations, subject to the criteria identified in the municipal implementation policies of section 5.2; or,

b) settlement area expansions subject to the settlement area policies of section 3.4.

The above means that lands cannot be removed from the prime agricultural area to provide for other uses unless the subject lands are first designated rural as part of the municipal implementation process or if a settlement area is being expanded. The removal of land from the prime agricultural area would be permitted for uses that are permitted by the Greenbelt Plan, such as mineral aggregate resource extraction. The above is contrasted with Section 2.3.5 of the PPS, which does provide for the removal of land from prime agricultural areas subject to a broader range of criteria.

Section 3.1.4 (1) of the Greenbelt Plan states that *rural areas* in the Protected Countryside *"support and provide the primary locations for a range of recreational, tourism, institutional and resource-based commercial/industrial uses."* The uses subject to this study could be considered resource-based commercial/industrial uses. However, this section goes on to say that municipalities can be more restrictive with respect to the types of uses permitted.

There is no definition of resource based commercial/industrial uses in the Greenbelt Plan. However, Section 1.2.1 of the Greenbelt Plan does indicate that the Greenbelt is intended to provide *"for a diverse range of economic and social activities associated with rural communities, agriculture, tourism, recreation and resource uses."*

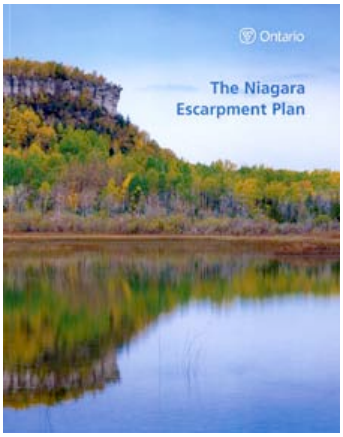
As a consequence, resource based commercial and industrial uses would have to be in conformity with this vision, which also means that they have to be associated with rural communities, agriculture, tourism, recreation and/or resource uses. Given the typical scale of an asphalt plant or a concrete plant and the market for asphalt and concrete, which is generally in urban areas, these uses would typically not be associated with rural communities, agriculture, tourism or recreation. However, these uses could be associated with resource uses and as a consequence, could be considered in conjunction with a mineral aggregate resource use on a property that is licensed by the Aggregate Resources Act. As a consequence of the above, asphalt plants, concrete plants, and aggregate transfer stations would not be permitted in rural areas of the Greenbelt Plan.

Section 3.4 deals with settlement areas and essentially indicates that the policies of the local Official Plans shall govern the nature of permitted uses in settlement areas. Concrete plants, aggregate transfer stations and asphalt plants could be permitted in settlement areas subject to the policies of the local Official Plan. In other words, the Greenbelt Plan does not prevent these uses from being considered in settlement areas.

As a consequence of the above, asphalt plants, concrete plants and aggregate transfer stations may be permitted in settlement areas according to the Greenbelt Plan, and may also be considered in the context of a mineral resource extraction use in accordance with the Aggregate Resources Act and other applicable policies in the PPS, the Region of Halton Official Plan and the Town of Halton Hills Official Plan.

3.5 NIAGARA ESCARPMENT PLAN

The Niagara Escarpment Plan (NEP, 2005) provides for the maintenance of the Niagara Escarpment and land in its vicinity as a continuous natural environment, and to ensure only such development occurs as is compatible with the natural environment. The area of the NEP is allocated among the following seven land use designations: Escarpment Natural Area; Escarpment Protection Area; Escarpment Rural Area; Minor Urban Centre; Urban Area; Escarpment Recreation Area; Mineral Resource Extraction Area. The NEP generally bi-sects the Town in a north-south direction.



Section 1.9 of the Plan provides policies for the Mineral Resource Extraction Area designation and in Section 1.9.9 it is indicated that asphalt plants, concrete plants, and other similar manufacturing uses are not permitted in the Mineral Resource Extraction Area.

It is further noted that stand-alone aggregate uses are not addressed or listed as a permitted use in any of the other six land-use designations.

3.6 HALTON REGION OFFICIAL PLAN

The purpose of this section is to provide an overview of the Halton Region Official Plan (ROP) as it relates to this study. The version of the ROP reviewed includes Regional Official Plan Amendment No. 38 (ROPA 38). ROPA 38 incorporates the results of Sustainable Halton and is intended to bring the ROP into conformity with the Provincial Policy Statement, Greenbelt Plan

and Growth Plan. A decision has been made by the Province on ROPA 38 and it has been appealed by a number of parties.

Section 27 of the ROP indicates that the future landscape of the Region will always consist of three principal categories of land uses:

- Settlement areas with identifiable communities;
- Rural Countryside where agriculture is the preferred and predominant activity; and,
- A natural heritage system that is integrated within settlement areas and the Rural Countryside to preserve and enhance the biological diversity and ecological function of Halton.

One of the overall goals of the ROP is to *"enhance the quality of life for all people of Halton, today and into the future"*. Section 31 states that a healthy community is one:

1) *that fosters among the residents a state of physical, mental, social and economic well-being;*
3) *that is physically so designed to minimize the stress of daily living and meet the life-long needs of its residents;*
4) *where a full range of housing, employment, social, health, educational, recreational and cultural opportunities are accessible for all segments of the community;*
6) *where the principles of sustainability are embraced and practiced by residents, businesses and governments.*

Section 51 indicates that the Regional structure consists of a number of designations:

- urban area
- agriculture or rural area
- Hamlets
- mineral resource extraction areas
- regional natural heritage system
- regional waterfront parks
- North Aldershot Policy Area
- prime agricultural areas

Section 72 of the Region's OP speaks to how growth should occur in urban areas. In accordance with the Province's Growth Plan and the PPS, the Region of Halton generally promotes intensification and increased densities in urban areas. Specifically Section 72 states in part that the objectives of the urban area are:

2) *to support a form of growth that is compact and supportive of transit usage and non-motorized modes of travel, reduces the dependence on the automobile, makes efficient use of space and services, promotes live-work relationships and fosters a strong and competitive economy.*
3) *to provide a range of identifiable, inter-connected and complete communities of various sizes, types and characters, which afford maximum choices for residence, work and leisure.*

9) *to facilitate and promote intensification and increased densities.*

Additionally Section 75 of the Region's Official Plan states that the urban area should be planned *"to accommodate the distribution of population and employment for the Region."*

Table 1, which contains the population and employment projections for the Region implements the projections contained in the Growth Plan. However, **Table 1** also distributes this population to the lower tier municipalities and in the case of the Town of Halton Hills, it is expected that the population of the Town will increase from 58,000 people in 2006 to 94,000 people in 2031. With respect to employment, the number of jobs in the Town is expected to increase from 20,000 jobs to 43,000 jobs. Many of these new jobs would be located on lands in Halton Hills that were added to the urban area By ROPA 38 (north side of Steeles Avenue between 6th Line and Brampton boundary).

Section 58 of the ROP indicates that there are three basic conditions that need to be met to permit any use that is permitted in a land use designation as set out below:

1) *the site is not considered hazardous to life or property due to conditions such as soil contamination, unstable ground or soil, erosion, or possible flooding;*
2) *adequate supply of waste water and treatment for the proposed use that has been secured to the satisfaction of the Region;*
3) *development meets all applicable statutory requirements, including regulations, Official Plan policies, Zoning By-laws and municipal by-laws.*

Section 77.1 (2) of the Region's Official Plan states that Employment Areas should *"provide, in conjunction with those employment uses within the residential and mixed use areas of the communities, opportunities for a fully-diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses."* This policy is very similar to Section 1.1.3.1 of the PPS.

Section 77 (4) indicates that local municipalities are required to update their Official Plan's to ensure that the population and employment distribution targets can be achieved and maintained at all times. Section 77(5) indicates that area specific plans can also be prepared for areas such as employment lands without residential uses to demonstrate how the goals and objectives of the ROP are being attained. This Section also goes on to specify the items that need to be considered as part of the preparation of an area specific plan. One of the items to be considered according to Sub-section F.1 is land use compatibility in accordance with Regional and Ministry of the Environment guidelines.

Section 100 identifies the uses permitted within the Agricultural Rural Area. Concrete plants, asphalt plants and any other type of industrial use, unless it is accessory to a commercial farm, are not permitted within this designation. Section 101(1.3) further indicates that all development in the Agricultural Rural Area has to be serviced by private individual well water supply and private individual wastewater treatment systems.

Hamlets in Rural Clusters are dealt with in Sections 102 to 106 of the ROP. Section 103 indicates that small-scale industrial uses may be permitted within Hamlets. Section 104

indicates that limited residential growth and some small scale commercial and institutional uses are permitted within Rural Clusters. As a consequence, concrete plants and asphalt plants would not be permitted within Rural Clusters but may be permitted within Hamlets if they are "small scale" in accordance with Section 103. However, Section 106(2c) indicates that non-residential uses cannot exceed a gross floor area of 500 square metres.

Section 109 (4) states that the following uses shall be permitted in the Mineral Resource Extraction Area:

> *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, provided that such associated facilities are:*
>
> *a) directly associated with the extraction of mineral aggregate resources on the same site, where appropriate;*
> *b) designed to be temporary and not to be utilized after extraction has ceased; and,*
> *c) located, where appropriate, in a manner that does not affect the immediate rehabilitation or enhancement of the site in accordance with an approved rehabilitation and enhancement plan.*

Section 109 (4) is significant in that it specifies that facilities such as those involved in the processing of mineral aggregate resources and derived products (i.e. stand-alone aggregate uses) are permitted in Mineral Resource Extraction Areas provided they are directly associated with the extraction of mineral aggregate resources and are located on the same site.

Sections 168 to 170 contain a number of policies on economic development. The following objectives in Section 169 have a bearing on this study as set out below:

- 169 (1.1) to create a competitive economic environment that promotes entrepreneurship, new business formation, retention and growth of existing business and the location of new strategic business in Halton.
- 169 (1.4) to protect an adequate land base to support Halton's and its local municipalities economic competitiveness and to serve long term employment land needs in Halton, specially at strategic locations along major transportation corridors.
- 169 (10) to promote economic activities that provide diverse high quality employment opportunities as well as a greater match by type between employment and residential growth.

Section 170(4.2) indicates that it is a policy of the Region to protect employment lands for economic development during the current planning period to 2031. Section 170(5) also speaks to the preparation of an economic development strategic plan for the Region. Section 192 indicates that the Region will prepare land use compatibility guidelines, in addition to a number of other guidelines such as air quality impact assessment guidelines, noise abatement guidelines and healthy community guidelines.

Section 142 speaks to air and ambience, and states in part that an objective of the Region is to address the impact of air pollution, noise, vibration and light on land uses and to *"contribute to*

the overall improvement of air quality in Halton's air-shed through facility management, land use planning, transportation management, roadway design, operation and maintenance, and other complementary programs."

Section 143 also states that it is the policy of the Region to:

8) in conjunction with the Local Municipalities, reduce noise impact of Arterial Roads on adjacent existing residential uses in accordance with Council-adopted noise abatement guidelines.

10) develop, in consultation with the Local Municipalities, the Province, Federal government and the railways agencies, Land Use Compatibility Guidelines to minimize the adverse effects of noise, vibration, odour and air pollution from industrial, transportation and utility sources on sensitive land uses, including the application of separation distance between these non-compatible uses.

13) adopt Regional guidelines concerning noise abatement measures on Regional roads and facilities, and encourage the Local Municipalities to adopt similar guidelines on Local Roads and facilities.

3.7 TOWN OF HALTON HILLS OFFICIAL PLAN

The Halton Hills Official Plan (HHOP) was adopted by Council on September 18, 2006 and in came into force on March 28, 2008 save and accept for certain matters that have been deferred or appealed to the Ontario Municipal Board.


HALTON HILLS

TOWN OF HALTON HILLS
OFFICIAL PLAN

(Consolidated May 2008)

Section A1 of the HHOP which contains the community vision indicates that "*the primary purpose of the Official Plan is to provide the basis for managing growth that will support and emphasize the Town's unique character, diversity, civic identity, rural lifestyle, natural heritage and cultural heritage and to do so in a way that has the greatest positive impact on the quality of life in Halton Hills."*

One of the aims of the Official Plan as set out in the vision is to provide choice for employment, housing, shopping and services. It is further indicated in the vision that the *"intent is to diversify and create a more vibrant local economy through collaborative partnership with existing businesses and through proactive efforts to attract new industries and services."*

It is also indicated in the vision that *"the establishment of a positive business environment that provides jobs and prosperity to Town residents is a key component of this Plan."* The vision then goes to indicate that the 401/407 Employment Corridor should be used for prestige industrial uses and that general industrial uses should be directed to employment areas located in Acton and Georgetown.

Section A2.7 contains the economic development goals and objectives of the Official Plan. In this regard, the stated goal is to *"provide opportunities for economic development in a manner that fosters competitiveness in a positive business environment."*

With respect to specific permissions for asphalt plants, concrete plants and aggregate transfer stations, there are few references in the Official Plan specifically to those uses. However, it is noted in Section E1.3 of the HHOP that a portable asphalt plant may be permitted within the Agricultural Area designation, subject to the requirements of the Ministry of Environment. This means that permanent asphalt plants are not permitted and neither are permanent concrete plants since they are specifically not identified. Portable asphalt plants are also defined in the Official Plan, although the definition used does not match the PPS definition.

Similarly, Section E2.3 permits portable asphalt plants within the Protected Countryside area designation. Portable asphalt plants for roadworks in the area are also permitted within the Mineral Resource Extraction Area designation. However, it is further indicated that asphalt plants of any kind shall not be permitted on any lands within the Mineral Resource Extraction Area designation that are subject to the Niagara Escarpment Plan.

Section E6.3 further indicates that the establishment of permanent concrete batching plants or asphalt plants on lands within the Mineral Resource Extraction Area designation is not permitted.

It would appear that the HHOP permits portable asphalt plants as required by the PPS but is silent on portable concrete plants. On this basis, it will be recommended later in the study that portable concrete plants be added as a permitted use wherever portable asphalt plants are permitted in accordance with the PPS. There are no references in the HHOP to aggregate transfer stations.

Given the nature of the uses that are the subject of this report, the uses would be considered employment uses as per the Town's Official Plan. With respect to employment areas, Section D3.4.1.1(d) states that an objective of the General Employment Area designation is to *"protect the General Employment Area from incompatible uses that may limit the use and/or expansion of existing businesses in the future."* Section D3.4.1.3 states that the main permitted uses on lands designated General Employment Area are limited to the following:

a) industrial uses within wholly enclosed buildings, such as manufacturing, assembling, processing, fabricating, warehousing, wholesaling and distribution facilities;
b) research and training establishments;
c) computer, electronics and data processing facilities;
d) printing and associated service establishments;
e) industrial malls, containing one or more of the uses permitted in this designation;
f) secondary uses in accordance with Section D3.4.1.4.2 of this Plan.

Section D3.4.1 also states that any use that causes, or is likely to cause air pollution, offensive odours, ground or surface water pollution, or noise in excess of Provincial Regulations or guidelines shall be prohibited.

On the basis of the above, concrete plants, asphalt plants and aggregate transfer stations would appear to not be permitted within the General Employment Area designation, since only industrial uses that are within wholly enclosed buildings are permitted. Given that the uses subject to this study have outdoor components, such a use would not fall within the list of permitted uses, meaning that an Official Plan amendment would be required.

However, Section D3.4.1.4.1 of the Official Plan contains specific policies regarding outdoor storage and in this section it is indicated that *"it is recognized that many businesses are required to store raw materials and/or finished products outdoors. However, it is recognized that the location and type of outdoor storage may have impacts on the aesthetics of an area and on adjacent land uses. On this basis, the establishment of a new accessory outdoor storage area on a lot shall be subject to site plan control."* It is the opinion of the author of this report that, while site plan control is mentioned in the context of this policy, this policy in of itself does not provide any guidance on whether site plan control is the only Planning Act tool to be relied upon in considering such a use.

The policies of Section D3.4.1.4.1 then go on to identify the criteria to be considered. The criteria indicates that outdoor storage should:

- Not be located between the main building and the street;
- Be clearly accessory to the main use on the property;
- Be set back an appropriate distance from the side and rear lot lines having regard to the nature of adjacent land uses; and,
- Be completely enclosed and/or screened by landscaping that function year round.

One of the key criteria set out above is that any outdoor storage should be *"clearly accessory to the main use on the property."* This implies that firstly the materials being stored outside should relate to and support the principal use of the property, which in the case of asphalt plants and concrete plants, would be the production of asphalt or concrete. However, the above also implies that the amount of land as a percentage of the property that is devoted to the outdoor storage should be "clearly accessory" to the main use on the property, which is the production of asphalt and concrete. Given that the majority of a concrete plant or asphalt plant site is used for the storage of materials and other outdoor activities, it could be argued that the outdoor storage components of an asphalt plant and a concrete plant are not clearly accessory to the main use on the property.

Section D3.4.1.4.1 also indicates that the implementing zoning by-law may contain additional provisions regarding the location of outdoor storage, where permitted, on a lot. In this regard, Section 4.22 of By-law 2010-0050 indicates that where accessory outdoor storage is permitted in a zone, it shall only be permitted in the rear or interior side yards provided it is set back a minimum of 9 metres from any street line. This means that accessory outdoor storage is not permitted in the front yard or the exterior side yard.

For the purposes of the by-law, the rear yard is that portion of the lot between the rear lot line and the rear wall of the main building on the lot. The interior side yard is that portion of the lot between the interior side lot line and the building. As a consequence, the permitted locations for accessory outdoor storage very much depend on the location of the main building.

Section 4.22 further indicates that the height of storage materials should not exceed 6 metres above the surface of the ground and that opaque fencing or a berm that has a minimum height of 3 metres shall screen any outdoor storage. Lastly, Section 4.22 indicates that accessory outdoor storage shall not be permitted within in any yard abutting a residential zone boundary.

The amount of a lot that may be used for accessory outdoor storage purposes in accordance with Section 4.22 will very much depend on the location of the main building on the property. If the main building is located close to the front lot line and is not that large, a significant area of land that would be considered the rear yard would exist. As a consequence, the potential does exist for there to be more accessory outdoor storage area on a lot than the amount of ground floor area in a building in accordance with Section 4.22. If the main building on the property were located towards the rear of a property, the amount of area available for outdoor storage would be very limited.

It is also noted that By-law 2010-0050 defines 'accessory' as a "*use, building or structure located on the same lot as the principal building or use, the use of which is incidental or secondary to that of the main building or use.*" The outdoor storage provisions in Section 4.22 may provide for an amount of outdoor storage on a lot that may not be considered accessory to the main use on the property, based on the definition of 'accessory' and the policies of Section D3.4.1.4.1. In this regard, and as will be recommended later in this report, the outdoor storage provisions in By-law 2010-0050 should be reviewed and modified as appropriate to ensure that any permitted outdoor storage is clearly accessory to the principal building or use on a lot.

Section D3.5 contains the policies for the 401/407 Employment Corridor Area. The Employment Corridor Area is further divided into five land use designations as set out below:

- Prestige Industrial Area
- Gateway Area
- Greenlands
- Major parks and open space
- Private open space area

Most of the lands within the Corridor Area are within the Prestige Industrial Area designation. The Gateway Area designation generally applies to the key entrances into the employment area. Section D3.5.3.2 indicates that a high standard of building and subdivision design and site planning will be required for all development, in accordance with the 401 corridor urban design guidelines.

Section D3.5.4.1 contains the policies for the Prestige Industrial Area. It is indicated in this section that *"the predominant use of the land will be for employment uses, located in well designed buildings and structures established on landscaped lots in a visually attractive environment."* As with the General Employment designation, one of the permitted uses is an industrial use within wholly enclosed buildings, such as, manufacturing, assembly, processing, fabricating, warehousing, and wholesaling and distribution facilities. However, the policies of the Prestige Industrial Area designation do not specifically recognize outdoor storage as a component of the permitted uses in the designation. As a consequence, any use that requires outdoor storage would not be permitted. Industrial uses are also not permitted within the Gateway Area designation, where the primary permitted uses are hotels and retail commercial uses.

The policies of the Hamlet Area designation are contained in Section E3.2. There are a number of designations within the Hamlet area that are intended to apply, as set out in implementing Secondary Plans. It is however noted that in accordance with the Region of Halton Official Plan,

the maximum permitted non-residential floor area is 500 square metres. However, Section E3.2, which identifies the Hamlet Area designations that may be applied in the Hamlets, does not include a Hamlet Industrial or a Hamlet Employment Area designation. The policies of the Glen Williams Secondary Plan also do not include any type of Hamlet Industrial or Employment designation. The policies of the Norval Secondary Plan also do not include any type of Hamlet industrial or Employment designation. On this basis, industrial uses are not provided for in either of the two Secondary Plans that apply and an Official Plan amendment would be required to provide for the uses that are the subject of this study.

Within the Rural Cluster designation, small-scale industrial operations that serve the needs of the rural cluster area and/or the surrounding rural area are permitted. Given that the primary market for asphalt plants, concrete plants and aggregate transfer stations are in urban areas, these types of uses would not be permitted within the Rural Cluster designation.

Section E7 contains the policies on the Rural Industrial Area designation. This designation applies to one privately serviced area in Lot 6, Concession 3 (on Regional Road 25 and No. 5 Sideroad). Permitted uses within this designation include dry industrial uses within wholly enclosed buildings. However, Section E7.4.2 indicates that all outdoor storage shall be accessory to a permitted use and be located in rear and side yards and screened from public view or views from adjacent properties using fencing, landscaping, berming or a combination of these features.

Given that the policies indicate that the outdoor storage shall be accessory to a permitted use, it does not appear that the Official Plan would permit concrete plants, asphalt plants and aggregate transfer stations in the Rural Industrial Area designation either, given the amount of land on these types of sites that are used for outdoor storage and/or processing.

There are a number of other policies in the Official Plan that may have a bearing on the uses subject to this study. Section F2.2 contains policies on urban design. Most of these policies are intended to be applied to commercial and residential areas, however, there are a few references to employment uses and employment areas. For example, Section F2.2.2.1 (site design) indicates in Sub-section (b) that site design shall address compatibility between differing adjacent land uses in context of density, height and massing through appropriate site layouts, building locations and landscape treatments.

Section F2.2.2.7 (services, utilities, outside processing and storage) recognizes in Sub-section (c) that there will be a need to accommodate outside processing and storage areas in the Town particularly for uses such as building supply centres and some industrial operations. The policy goes on to say that *"these storage areas should be organized and placed to reduce the potential negative impacts on the streetscape. Open processing and storage areas should be located in the rear or side yards and screened from public views, or from views from adjacent properties, using fencing and/or landscaping."* It is further indicated that storage areas should be paved with hard surfaces such as asphalt, concrete or interlocking pavers where possible to reduce dust. However, this section does not provide any direction on where these uses are permitted by the Official Plan.

Section C14 of the HHOP deals with land use compatibility. It is indicated in this section that it is a policy of this Plan *"that incompatible land uses be separated or otherwise buffered from each other."* It is further indicated that *"where a proposed development is located adjacent to a*

potentially incompatible land use, an assessment of the compatibility of the proposal shall be required in accordance with guidelines prepared by the Ministry of Environment." The study carried out in this regard is required to include recommendations on how the impacts can be mitigated. The section concludes by saying that the *"approval of development proposal shall be based upon the achievement of adequate separation distances and the implementation of the recommendations of the required studies."*

Section G12.3 which deals with supplementary information requirements indicates that a land use compatibility assessment may be required to support an application for Official Plan amendment, Zoning By-law amendment, plan of subdivision or consent. It is further indicated that some of the studies identified in this section may also be requested in order to allow for the proper evaluation of an application for site plan approval. However, it is noted that the complete application requirements do not apply to site plan approvals in accordance with the Planning Act.

The intent of the land use compatibility assessment carried out in accordance with this section would be to describe and review the potential impacts of proposed sensitive land uses on existing industrial uses or the impacts of existing industrial uses on proposed sensitive land uses, in terms of noise, dust, odour and similar items in accordance with Ministry of Environment guidelines (discussed in Section 3.2.5). Such an assessment may include a noise impact and vibration study. While the intent of the above is relatively clear, the wording can be improved to also indicate a land use compatibility assessment would be required to support a proposed industrial use that is located near existing sensitive land uses.

3.8 APPROVALS PURSUANT TO THE ENVIRONMENTAL PROTECTION ACT

With respect to air emissions (including noise), facilities must demonstrate compliance with the Ministry of the Environment (MOE) Ontario Regulation 419/05 for Local Air Quality and with the Ministry's Noise Pollution Control (NPC) Documents in order to obtain a Certificate of Approval (Air & Noise) (now called an Environmental Compliance Approval or ECA) to operate as well as meeting rigid standards set out in Ontario Regulation 349 for Hot Mix Asphalt Facilities. Additional site-specific conditions can also be imposed in the Certificate of Approval (C of A). On an annual basis facilities must determine if they need to report annual air emissions (and in a few cases waste transfers and water discharges) to the federal and provincial governments through the National Pollutant Release Inventory (NPRI) Regulation and Ontario Regulation 127. For Hot Mix Asphalt producers only the emissions that exceed the contaminant thresholds set out in the regulations need to be reported.

While a Certificate of Approval (Air and Noise) ensures that MOE minimum standards are met for mitigation of emissions and impacts at the property line of the installation, the impacts are not completely eliminated. In some circumstances the MOE has stated that while adverse effects may arise under certain atmospheric conditions, the operator of the facility is required to use all reasonable care to prevent such occurrences.

With respect to noise, the definition of a "*contaminant*" in the Environmental Protection Act includes sound and vibration resulting from human activities that may cause an adverse effect. Section 9 of the Act empowers the Ministry of the Environment (MOE) to require companies or

individuals that utilize equipment that may emit such contaminants to obtain a Certificate of Approval (Air and Noise) prior to operating their equipment facilities.

In applying for approvals from the MOE, there is an up-front screening process to determine whether a full acoustic assessment is necessary. This screening process is described in MOE publication PIBS 4871e, and is based on the minimum separation distance between the facility and the nearest receptor, the nature of the facility (as defined by NAICS codes), and some generic assumptions with respect to noise emissions from the actual equipment and sources present at the facility.

Ready-mix concrete manufacturing facilities (NAICS code 327320) require a detailed noise assessment if the minimum separation distance to the nearest receptor is 500 metres, although this distance can be reduced to 300 metres or 400 metres depending on the type of environment in which the plant is located (urban, semi-urban, rural), and the hours during which the plant operates (day and night, or daytime only between 7:00 am and 7:00 pm). If the operation is well sited so that there is no existing or zoned sensitive receptors within the required minimum separation distance, a detailed noise assessment is not required. Noise-sensitive receptors are deemed to include permanent or seasonal residences, nursing or retirement homes, rental residences, hospitals, campgrounds, schools and/or places or worship. Even if not existing, if lands are zoned for these uses, they must be considered.

With respect to environmental contaminants, Ontario Regulation 127/01 is a provincial regulation enforced under the Ontario Environmental Protection Act (O.EPA) that requires emitters of listed compounds to annually report their air emissions to the Ministry of the Environment (MOE).

The MOE maintains a list of some 358 compounds that are considered environmental contaminants that must be reported. For ready-mixed concrete a number of components may trigger the need for review if not properly managed including combustion equipment, cementing material handling and suspended particulate matter (dust) from batching, material handling and traffic.

A Certificate of Approval for "*Sewage Works*" from the MOE is required under Section 53 of the Ontario Water Resources Act (OWRA) for storm water management works, which discharge water from both *"contaminated"* areas (e.g. process area) and non-contaminated areas (e.g. aggregate storage and parking areas). This approval is required for both discharges to the local environment or to a storm sewer. The OWRA considers sewage to include drainage, storm water, commercial wastes and industrial wastes. Storm water discharges must meet MOE water quality and quantity requirements, which are usually provided as conditions in a Sewage Works Certificate of Approval.

Due to the nature of the industrial activities at asphalt plants and concrete plants ready mix concrete sites, operators are typically required to implement a storm water management plan to mitigate the potential environmental impact caused by storm water and process water discharged from the site. The major objective of storm water management is to prevent/minimize the contamination of storm water as much as possible, by keeping the storm water from entering contaminated (process) areas, e.g. washouts, slump racks, plant areas.

3.8.1 PUBLIC INPUT AND ENVIRONMENTAL APPROVAL DECISION MAKING

3.8.1.1 Environmental Bill of Rights

The Ontario Environmental Bill of Rights (EBR) came into effect in February of 1994 and is designed to ensure that citizens in Ontario have the right to participate in environmental decision-making. The goal of the EBR is *"to protect, conserve, and restore the integrity of the environment, to provide for the sustainability of the environment, and to protect the right to a healthful environment."* The EBR essentially determines the extent to which the public can participate in government decision-making on matters that could affect the environment (i.e., providing direction regarding the Ministry's Environmental Registry) and is the primary piece of legislation that determines the extent of community participation in the environmental decision making process.

Under the provisions of the EBR, the Ministry of the Environment ("the MOE") established the Environmental Registry to help incorporate public input into the environmental decision making process and to ensure the process remains transparent and inclusive. The Environmental Registry is equivalent to a computerized *"bulletin board"* and contains public notices that highlight Ministry proposals and decisions for environmentally significant policies, Acts, Regulations and instruments on any environmental matter being proposed by a Provincial Ministry that is covered by the EBR. Notices posted on the Environmental Registry contain information about proposed new laws, regulations, policies and programs as well as proposals to change or eliminate existing ones. Each notice specifies where to find details about the proposal, how and where comments can be sent and the deadline for having the comments considered.

By posting all applications on the MOE Environmental Registry, the public is theoretically afforded an opportunity to comment on applications for calculate of approval.

3.8.1.2 Approval Process

Prior to October 2011, a Certificate of Approval ("CofA") was required for any business in Ontario that released contaminants (pollutants) into the air, onto land, or into water, or any business that stores, transports or disposes of waste. Issued by the MOE, a CofA sets out legally enforceable rules of operation which aim to protect the natural environment against emissions, discharges and wastes that are produced by a business's daily operations. Specifically, any activity that discharges contaminants into the natural environment, establishes, alters, extends or replaces a sewage works, or stores, transports or disposes of waste, requires the approval of the MOE prior to its operation.

A CofA focuses on site-specific characteristics and contains enforceable requirements specific to each facility and proposal. The CofA process has helped to inform and educate applicants about environmental impacts while helping to ensure that each facility complied with environmental law.

On October 31, 2011, a new two-part system was put in place by the MOE: the Environmental Compliance Approval (ECA) process and the Environmental Activity and Sector Registry (EASR) process. Applications submitted before October 31, 2011 are still valid under the previous CofA approval process.

An ECA is a new instrument of environmental approval that replaces the previous CofA process. It allows a business to apply for a single approval based on the type of activity it conducts rather than for multiple CofA's for individual processes and pieces of equipment. An ECA is a facility based approach to environmental approvals in which all activities at a facility can be applied for through one application, reviewed for their impact to the land, air, or water, and issued under one approval instrument. In essence, the ministry has harmonized the process for issuing environmental approvals across the various media (i.e., air, noise, waste, sewage works).

Under the new approval process ECA's are automatically classified as Class II proposals (in accordance with the EBR class system). As a result, they must be posted for a minimum of 30 days on the Environmental Registry for public comment and provide for additional public notice requirements, such as posting for an additional 15 days. Concrete and asphalt plants would be considered Class II proposals.

The Environmental Activity and Sector Registry (EASR) is a registration process for standard and routine-type activities and sectors. Specifically the EASR applies to heating systems, standby power systems and automotive refinishing allowing businesses to register these activities in the EASR and obtain electronic confirmation from the MOE, rather than applying for approval. Key features of the EASR include flexibility to operate a facility within pre-established parameters; online self-registration; and an online searchable database of registered activities.

EASR registrations do not have to be posted on the Environmental Registry. The public can however access the EASR registration on the MOE website.

4.0 HOW ARE THE USES SUBJECT TO THIS STUDY REGULATED IN OTHER MUNICIPALITIES

The following is a summary of how a number of other local municipalities regulate permanent asphalt plants, permanent concrete batching plants, portable asphalt plants, portable concrete batching plants and aggregate transfer stations in their Official Plans and Zoning By-laws.

4.1 TOWN OF MILTON

4.1.1 OFFICIAL PLAN

The current Official Plan (OP) for the Town of Milton was adopted by Council on August 26, 1996 and approved by Halton Region on December 14, 1997. The Ontario Municipal Board (OMB) granted further approvals on July 19, 1999 and since then the Official Plan has been consolidated to include a series of approved Official Plan Amendments (OPA).

On June 14, 2010 Council adopted OPA 31 to bring the Official Plan into conformity with the Province's Growth Plan for the Greater Golden Horseshoe as well as Halton Region's Sustainable Halton Plan (ROPA 38). This amendment has been submitted to Halton Region and is currently awaiting approval.

4.1.1.1 Permanent Asphalt and Concrete Batching Plants

Sub-section 46 of Section 2.6.3, Waste Management, Disposal and Composting, of the Town's OP states that:

> *"the Town supports local and Regional efforts to promote the principles of reduce, reuse and recycle including the recycling of aggregate wastes (including used concrete and used asphalt) and solid wastes."*

Section 2.6.3.53(f) states that new asphalt and concrete batching plants will be permitted subject to a site-specific Official Plan Amendment and Zoning By-law Amendment. Sub-section(e) of the same section also states that the:

> *"recycling of aggregate wastes including used asphalt and used concrete outside of a site designated Mineral Resource Extraction Area" will also be subject to a site-specific Official Plan Amendment and Zoning By-law Amendment."*

Section 3.8.2.3 specifically states that cement batching plants and asphalt plants are not permitted within the Business Park Area designation. The Business Park Area is generally situated adjacent to Highway 401.

Section 4.7.2.2(c) permits mineral aggregate extraction operations in the Mineral Resource Extraction Area designation but specifically excludes the operation of an asphalt or concrete batching plant. In addition, Sub-section(i) of Section 4.7.2.2 states that accessory buildings and facilities normally associated with mineral extraction operations are permitted in the Mineral Resource Extraction Area designation, excluding asphalt plants and concrete batching plants.

Section C.2.5.3.2 of Section C.2, Milton 401 Industrial/Business Park Secondary Plan, states that uses may be restricted on sites adjacent to lands in the Employment Area designation west of Regional Road 25 and north of Highway 401, and lands which abut the James Snow Parkway and Highway 401. Section C.2.5.3.3 states that the By-law may prohibit specific uses including cement batching and asphalt plants on these sites. This section also specifies that through the By-law or site plan control process, the location and extent of open storage areas may be limited.

The Town's OP does not include a definition of asphalt plant or concrete batching plant.

4.1.1.2 Portable Asphalt and Concrete Batching Plants

The Town's Official Plan defines a portable asphalt plant as *"a temporary facility with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt paving materials and includes the temporary stockpiling and storage of bulk materials used in the process."*

The Town's OP does not contain a definition of a portable concrete batching plant.

Sub-section 4.3.2(s) of Section 4.2, Rural Area, of the Town's Official Plan states that wayside pits or quarries for public road construction purposes only may be permitted in the Rural Area designation, excluding portable asphalt plants, without amendment to this Plan, and Zoning By-laws, provided they comply with the requirements of the Ministry of the Environment and Energy and are in accordance with the policies of Sub-sections 4.7.3.13 and 4.7.3.14 of the OP.

Section 4.7.3.13, Wayside Pits or Quarries, states that:

> *"Wayside pits or quarries and portable asphalt plants for public road construction purposes only, and portable asphalt plants may be established within any land use designation contained in this Plan, except in the Escarpment Natural Area, Escarpment Protection Area, and those portions of Greenlands A and B within the Niagara Escarpment Plan Area, without requiring an amendment to this Plan and the Zoning By-law".*

In addition Section 4.7.3.13 states that within the Urban Area portable asphalt plants shall only be permitted within the Industrial designation as shown on Schedule "B" of the OP, provided there is a 1,000 metre separation distance between the portable asphalt plant and the nearest existing and/or committed sensitive land use (i.e. residential). Additionally this section specifies that portable asphalt plants are permitted within the Agricultural and Rural designations as shown on Schedule "A" of the OP, provided they meet the above separation requirements.

4.1.1.3 Aggregate Transfer Station

The Official Plan does not contain provisions on aggregate transfer stations.

4.1.2 ZONING BY-LAW

The Town of Milton Comprehensive Zoning By-law 144-2003 was adopted by Council on October 20, 2003 and was approved in part by the Ontario Municipal Board (OMB) on July 7, 2004. In 2010 Council initiated a Zoning By-law Review to implement the policies of Official Plan

Amendment 31. In May 2012, the Town of Milton completed Phase Two of the Zoning By-law review process. The By-law review has yet to be approved by Council.

4.1.2.1 Permanent Asphalt and Concrete Batching Plants

Concrete batching plants are permitted in the General Industrial (M2) zone subject to the following condition:

> *7) Outdoor storage is permitted accessory to an industrial use subject to the required setbacks and lot coverage provisions applicable to the principal use.*

The permission for a concrete plant in the M2 zone would appear to be contrary to Section 2.6.3.53 of the Official Plan.

In addition, Section 13.1.1.1.51 of Section 13, Special Provisions, permits a concrete batching plant and accessory uses, building and structures as an exception in the Office Node*51 (C1-E*51) zone at 805 Nipissing Road (St. Mary's Cement). This property is within the Town's Urban Growth Centre.

An asphalt batching plant is listed as a use in Section 8.1, Employment Zones Permitted Uses Table, but is not permitted in any zone.

The Zoning By-law does not contain a definition of asphalt batching plant or concrete batching plant.

4.1.2.2 Portable Asphalt and Concrete Batching Plants

The Town's Zoning By-law defines a portable asphalt plant as *"a temporary facility with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt paving material and includes the temporary stockpiling and storage of bulk materials used in the process."*

Sub-section 3 of Section 4.19, Temporary Uses, states that a portable asphalt plant is permitted in any zone with the exception of the Greenlands A (GA) and Greenlands B (GB) zones, and is required to be dismantled at the completion of the construction project.

The Zoning By-law does not contain a definition for a portable concrete batching plant.

4.1.2.3 Aggregate Transfer Station

The Zoning By-law does not contain provisions pertaining to aggregate transfer stations but provides the following definition of an aggregate recycling facility:

> *"a premises used for the recycling of used aggregate materials such as concrete and asphalt into a usable product but does not include the operation of an asphalt or concrete plant".*

An aggregate recycling facility is permitted in the General Industrial (M2) zone and the Extractive Industrial (MX) zone.

4.1.3 SUMMARY

The Official Plan for the Town of Milton permits new asphalt plants and concrete batching plants subject to a site-specific Official Plan Amendment and Zoning By-law Amendment. The OP also specifies that asphalt plants and concrete batching plants are not permitted within the Business Park Area designation, the Mineral Resource Extraction Area designation or within the Employment Area designation of the Milton 401 Industrial/Business Park Secondary Plan.

Portable asphalt plants for public road construction purposes are permitted in any land use designation excluding the Escarpment Natural Area, Escarpment Protection Area, and those portions of Greenlands A and B within the Niagara Escarpment Plan Area. However, portable asphalt plants are only permitted within the Urban Area, Industrial, Agriculture and Rural designations provided there is a separation distance of 1000 metres between the plant and sensitive land uses.

The Town's Zoning By-law permits concrete batching plants in the General Industrial (M2) zone although the establishment of such a use requires an Amendment to the Official Plan. Asphalt batching plants are not listed as a permitted use in any zone. Portable asphalt plants are permitted in all zones excluding the Greenlands A (GA) and Greenlands B (GB) zones.

4.2 CITY OF GUELPH

4.2.1 OFFICIAL PLAN

The current Official Plan (OP) for the City of Guelph was adopted by Council on November 1, 1994, received Provincial Approval on December 20, 1995 and was consolidated in August 2011.

4.2.1.1 Permanent Asphalt and Concrete Batching Plants

Section 4.3.6 of the OP speaks to protecting the public and private portable water supply and states in Sub-section(h) that the City will introduce conditions of development approval that place restrictions on certain uses including asphalt and concrete batching plants.

Sub-section 3 of Section 5.4.2, General Policies, states that asphalt plants and concrete plants are not permitted within the City of Guelph.

The City's OP does not contain a definition of permanent asphalt plant or permanent concrete batching plant.

4.2.1.2 Portable Asphalt and Concrete Batching Plants

The OP defines a portable asphalt plant as a facility:

- *With equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process; and,*
- *Which is not of permanent construction, but which is to be dismantled at the completion of the construction project.*

The OP does not contain a definition for a portable concrete batching plant.

In accordance with the PPS, Section 5.4.4, General Policies, states that:

> *"wayside pits and quarries and portable asphalt plants used on public authority contracts are allowed without the need for an official plan amendment, rezoning or development permit in all areas, except those areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities."*

4.2.1.3 Aggregate Transfer Stations

Sub-section 3 of Section 5.4.2, General Policies, states that aggregate transfer stations are not permitted within the City of Guelph. The Official Plan does not contain a definition of an aggregate transfer station.

4.2.2 ZONING BY-LAW

Guelph City Council adopted the City of Guelph Zoning By-law 1995-14864 on June 19, 1995. Section 10.1.2 prohibits asphalt plants and concrete plants in the Aggregate Extraction (EX) Zone. The City's Zoning By-law does not contain a definition of a permanent asphalt plant or concrete batching plant. The City's Zoning By-law does not contain provisions for and does not define a portable asphalt plant or portable concrete batching plant. Section 10.1.2 prohibits aggregate transfer stations in the Aggregate Extraction (EX) Zone. The Zoning By-law does not contain a definition of aggregate transfer station.

4.2.3 SUMMARY

According to the City's Official Plan, asphalt plants and concrete batching plants are not permitted within the City of Guelph. In accordance with the PPS, portable asphalt plants used on public authority contracts are allowed in all areas except those of existing development or those areas which have been determined to be incompatible with extraction and associated activities. Aggregate transfer stations are also prohibited within the City.

The City's Zoning By-law prohibits asphalt plants, concrete plants and aggregate transfer stations in the Aggregate Extraction (EX) zone, but does not contain provisions in regards to portable facilities.

4.3 TOWN OF CALEDON

4.3.1 OFFICIAL PLAN

The Town of Caledon Official Plan was consolidated on December 31, 2008.

4.3.1.1 Permanent Asphalt and Concrete Batching Plants

Section 5.5.5.2 of the Town's OP specifies that Council may give consideration to the establishment of a concrete batching plant in the General Industrial designation subject to a rezoning, except that a concrete batching plant will not be permitted in the General Industrial designation of Schedule B - Mayfield West Land Use Plan. The Mayfield West area is situated between Dixie Road to the east, Old School Road to the north, Mayfield Road to the south, and Chinguacousy Road to the west.

In addition, Sub-section 1 of Section 5.5.6, Dry Industrial, states that a concrete batching plant is permitted in the Dry Industrial designation on lands legally described as Block 6, Plan 43M-1007 in the Town of Caledon.

Section 5.11.2.2.4(c) permits asphalt plants, ready-mix concrete plants and similar uses on lands designated Extractive Industrial Area, Extractive Industrial "A" Area or Extractive Industrial "B" Area on Schedule A – Town of Caledon Land Use Plan, of the Official Plan subject to a site-specific Zoning By-law. Notwithstanding the above, asphalt plants and ready-mix concrete plants are not permitted within the area of the Niagara Escarpment Plan (NEP) within the Extractive Industrial designation.

Sub-section 7.8.5.5.4 of Section 7.8, Tullamore Secondary Plan, states that a maximum of two concrete batching plants, and accessory offices, may be permitted within the General Industrial designation on the west side of Airport Road. The use is permitted provided the concrete plants are located a minimum of 100 metres from Airport Road, and a minimum of 350 metres from Mayfield Road or north of the internal east-west collector road, whichever is greater. The establishment of the use requires a site specific rezoning, and requires the submission of a site plan application that addresses all requirements of the secondary plan, including all potential environmental, noise and dust impacts, and addresses compatibility issues with adjacent land uses in Caledon and Brampton. In addition Section 7.8.5.5.5 encourages general industrial uses, including concrete batching plants, to be contained within enclosed buildings, except for adequately screened open storage. Section 7.8.9.4 requires that an industrial collector road extend west to service the concrete batching plant(s).

Section 7.12.12.3.2 prohibits concrete batching plants on any lands designated General Industrial on Schedule B – Mayfield West Land Use Plan.

The OP does not contain a definition of permanent asphalt plant or permanent concrete batching plant.

4.3.1.2 Portable Asphalt and Concrete Batching Plants

A portable asphalt plant is defined in the Official Plan as *"a temporary facility, to be dismantled at the completion of a construction project, where:*

a) equipment is used to heat and dry mineral aggregate and to mix it with bituminous asphalt to product asphalt paving material; and,
b) bulk materials used in the process described in clause (a) are kept."

Section 5.11.2.3.1 of the Official Plan states that *"new wayside pits or quarries and portable asphalt plants for the exclusive temporary use of a public road authority project will be permitted in all land use designations without an amendment to this Plan or the applicable Zoning By-law."* Notwithstanding the above, within the Niagara Escarpment Plan, *"wayside pits and quarries may be permitted in the Escarpment Rural Area designation only, subject to the provisions of the Niagara Escarpment Plan, and portable asphalt plants are prohibited."*

The OP does not contain a definition of a portable concrete plant.

4.3.1.3 Aggregate Transfer Stations

Section 5.11.2.2.4(c) of the Official Plan states that aggregate transfer stations and similar uses my be permitted on lands designated Extractive Industrial Area, Extractive Industrial "A" Area or Extractive Industrial "B" Area on Schedule "A" of the Official Plan subject to a site-specific Zoning By-law on lands designated.

The OP does not contain a definition of aggregate transfer station.

4.3.2 ZONING BY-LAW

Council adopted the Town of Caledon Zoning By-law 2006-50 on April 18, 2006.

4.3.2.1 Permanent Asphalt and Concrete Batching Plants

The By-law defines a concrete batching plant as:

> *"an industrial facility used for the production of concrete, or concrete products, used in building or construction, 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."*

The Zoning By-law permits concrete batching plants on specific properties as an exception in the Serviced Industrial*325 (MS*325), Unserviced Industrial*322 (MU*332) and the Agricultural*370 (A1*370) zones in accordance with a number of different zoning standards.

The By-law also defines a small-scale concrete batching plant as *"an operation primarily involved with the mixing of ingredients to produce concrete. The maximum capacity of a small scale concrete batching plant" shall be limited to 40 cubic metres per hour, with a maximum batch hopper capacity of 1 cubic metre."* The By-law permits a small-scale concrete batching plant as an exception on a property in the Serviced Industrial*322 (MS*322) zone.

The By-law does not contain provisions for and does not define a permanent asphalt plant.

4.3.2.2 Portable Asphalt and Concrete Batching Plants

Sub-section 1 of Section 4.36, Wayside Pits and Portable Asphalt Plants, states that a wayside pit, wayside quarry or portable asphalt plant is permitted in any zone, but in no case permitted in the following areas:

a) *Designated Settlement Areas in the Town of Caledon Official Plan;*
b) *Registered and Draft Approved Plans of Subdivision located outside designated Settlement Areas;*
c) *The Escarpment Natural and Protection Area designations in the Niagara Escarpment Plan;*
d) *The Core Areas of the Greenland System in the Region of Peel Official Plan;*
e) *The Environmental Policy Area designations in the Town of Caledon Official Plan;*
f) *For wayside quarries, within 200 metres measured horizontally from the brow of the Niagara Escarpment or any greater setback required by the Niagara Escarpment Commission;*

g) Cemeteries and other human burial sites;
h) Kettle lakes and their catchments;
i) Natural lakes and their shorelines;
j) Within the shaded areas shown on Schedule E of the Zoning By-law.

The Zoning By-law does not contain a definition of a portable asphalt plant or a concrete batching plant.

4.3.2.3 Aggregate Transfer Stations

An aggregate transfer station is defined in the By-law as *"an industrial facility 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."*
Aggregate transfer stations are not listed as a permitted use in any zone in the By-law.

4.3.3 SUMMARY

According to the Town's OP Council may consider the establishment of a concrete batching plant in the General Industrial designation, but not in the General Industrial designation of the Mayfield West Land Use Plan (Schedule B). In addition a concrete batching plant is permitted at a specific location in the Dry Industrial designation.

Asphalt plants, concrete plants and aggregate transfer stations are permitted on lands designated Extractive Industrial Area, Extractive Industrial "A" or Extractive Industrial "B" in the Schedule "A" Area - Town of Caledon Land Use Plan. These are the designations that also permit pits and quarries. However asphalt plants and concrete batching plants are not permitted within the area of the Niagara Escarpment Plan (NEP) within the Extractive Industrial designation.

Additionally the Tullamore Secondary Plan states that two concrete batching plants may be permitted within the General Industrial designation on the west side of Airport Road subject to specific requirements.

Portable asphalt plants used for public road authority projects are permitted in all designations except in the Niagara Escarpment Plan Area of the Escarpment Rural Area designation where they are prohibited.

The Town's Zoning By-law permits concrete batching plants as an exception in the Serviced Industrial*325 (MS*325), Unserviced Industrial*322 (MU*322) and the Agricultural*370 (A1*370) zones and permits a small scale concrete batching plant as an exception in the Serviced Industrial*322 (MS*322) zone.

Portable asphalt and concrete batching plants are permitted in any zone except in a number of specific areas such as designated settlement areas in the Town and the Environmental Policy Areas designations in the Town.

5.0 OPTIONS

The intent of this section of the report is to provide the Town of Halton Hills with a number of options respecting the land uses that are the subject of this study. These options should be considered preliminary only.

Factors considered in developing the options included:

- The economic goals and objectives of the Province as articulated primarily within the Provincial Policy Statement and the Growth Plan;
- The policies of the Provincial Policy Statement that deal with sensitive land uses and the need to ensure that there are appropriate separation distances between certain industrial uses and sensitive land uses;
- The guidelines issued by the Ministry of Environment which provide the basis for determining how uses that may cause adverse effects can be separated from sensitive land uses;
- The policies of the Provincial Policy Statement which require the Town of Halton Hills to provide for a mix and range of employment uses to meet long term needs;
- The policies of the Provincial Policy Statement which require the Town to provide opportunities for a diversified economic base which supports a wide range of economic activities and ancillary uses;
- The policies of the Provincial Policy Statement which require the Town of Halton Hills to protect and preserve employment areas for current and future uses;
- The policies of the Provincial Policy Statement and the Greenbelt Plan which do not permit concrete and asphalt plants and aggregate transfer stations within prime agricultural areas and rural areas with the possible exception of within a licensed pit or quarry;
- The policies of the Niagara Escarpment Plan, which generally appear to prohibit concrete and asphalt plants within the Niagara Escarpment Plan area;
- The lack of direction currently in the Town of Halton Hills Official Plan on where the uses that are the subject of this study should be permitted, with the exception of the 401/407 Employment Corridor Area, where outdoor storage in conjunction with industrial uses are not contemplated;
- The policies of the Official Plan which require that any outdoor storage in the General Employment Area and Rural Employment Area designations be clearly accessory to the main use on the property;
- The absence of definitions of asphalt plant and concrete plant in the Town's zoning by-law;
- The provisions of Section 4.22 of By-law 2010-0050, which permit accessory outdoor storage on a lot;
- the implications of permitting an aggregate transfer station on a property that is no longer licensed under the ARA, with this situation arising out of the revocation or suspension of an ARA license; and,
- The need for specific approvals pursuant to the Environmental Protection Act for asphalt plants and concrete batching plants.

On the basis of the above, it is opinion of the author of this report that presenting options which provide for the consideration of asphalt and concrete plants and aggregate transfer stations in the 401/407 Employment Corridor Area would be premature, since the consideration of these types of outdoor industrial uses in a 'prestige' employment area would need to be reviewed in the context of a study that reviewed the very basic vision of that part of the Town.

In addition, it is also the opinion of the author of this report that presenting options which provide for the consideration of asphalt plants, concrete plants and aggregate transfer stations in the Town's prime agricultural area and the Town's rural area would not be appropriate, since such uses are not permitted in these areas by Provincial policy.

This means that the only two geographic areas in the Town that could be considered are the General Employment Area designation that applies in Acton and Georgetown and the Rural Employment Area designation on Regional Road 25. It is recognized that the lands designated Rural Employment Area are not in the urban area at the present time, however, it is proposed to include these lands in the urban area as a consequence of the adoption of ROPA 38. It is also recognized that these uses could also be considered on a site that is licensed in accordance with the ARA. However, these uses would not be permitted on these lands once the lands are no longer licensed since doing so would not be supported by Provincial policy.

In addition to presenting options for each land use, a number of preliminary recommendations are also being made, with the intent of these recommendations being the clarification of existing Official Plan policies and Zoning By-law provisions.

5.1 CONCRETE PLANTS

5.1.1 OPTIONS FOR CONSIDERATION

On the basis of the above, there are six basic options to consider on a go forward basis and each are discussed below:

1. **Require Official Plan amendment and Zoning By-law amendment for new concrete plants in the General Employment Area and Rural Employment Area designations** - if this option was selected, applications to amend the Official Plan and Zoning By-law would need to be approved before a concrete plant could be developed in the General Employment Area and Rural Employment Area designations. Policies could also be included within the Official Plan that identify what supporting materials are required and which set out the criteria that would need to be considered in terms of location and separation distances. With respect to the Zoning By-law, the term concrete plant would be defined and then not permitted in any zone.

2. **Permit use in the General Employment and Rural Employment designations in the Official Plan and require re-zoning** - if this option was selected, a concrete plant would be identified as a specific permitted use in the General Employment Area and Rural Employment designations only. Policies could be added to set out the conditions that would need to be fulfilled in terms of submission requirements and other conditions, all of which would be considered through a re-zoning process. Other criteria dealing with

location and separation distances would also be included within the Official Plan. An Official Plan Amendment would be required if a concrete plant was proposed in any other designation in the Town. With respect to the Zoning By-law, the concrete plant use would be defined, but not permitted in any zone.

3. **Permit concrete plants in association with a licensed pit or quarry** - if this option was selected, the Official Plan could also similarly permit concrete plants on lands that are designated for extraction purposes through the consideration of an Official Plan Amendment application and the fulfillment of criteria. It is noted that the Niagara Escarpment Plan does not permit this use in the designation established for pits and quarries.

4. **Maintain status quo** - if this option was selected, no changes to the Official Plan and zoning by-law would be made and there would continue to be a lack of clarity on where those uses would be permitted. Given that there is clearly a lack of clarity on where a concrete plant is permitted in the Town, it is the opinion of the author of this report that this would not be a desirable outcome of this process.

5. **Include a definition of concrete plant in the zoning by-law and recognize existing concrete plants as permitted uses in the zoning by-law and not permit the use as a component of any other use (industrial use and construction/landscaping contractors yard)** - if this option was selected (perhaps in conjunction with other options), the three existing concrete plants in the Town would be recognized as permitted uses and the use could not be permitted in conjunction with an industrial use or a construction/landscaping contractors yard.

6. **Include a definition of concrete plant in the zoning by-law and not permit the use in any zone or as a component of any other use (industrial use and construction/landscaping contractors yard)** - this option is the opposite of Option 5 and if selected, the three existing concrete plants would then become legal non conforming uses and the use could not be permitted in conjunction with an industrial use or a construction/landscaping contractors yard.

5.1.2 OTHER PRELIMINARY RECOMMENDATIONS

In addition to the options identified, and while the study does not deal with portable concrete plants, it is noted that the Town of Halton Hills Official Plan does not define nor deal with portable concrete plants as per the Provincial Policy Statement. As a consequence, it is recommended that portable concrete plants be permitted wherever portable asphalt plants are permitted and that the portable concrete plant definition from the PPS be included within the Official Plan.

It is also recommended that consideration be given to deleting the definition of 'aggregate processing facility' from the zoning by-law, since such a use could be interpreted to provide for a concrete plant. However, this use is not permitted in any zone in the by-law, and it the term 'concrete plant' is to be defined, there would be no need for this definition.

It is also recommended that the outdoor storage provision in Section 4.22 of By-law 2010-0050 be reviewed to determine how best to ensure that the provisions of the Official Plan that require outdoor storage to be 'clearly accessory' is implemented.

5.2 ASPHALT PLANTS

5.2.1 OPTIONS FOR CONSIDERATION

On the basis of the above, there are four basic options to consider on a go forward basis and each are discussed below:

1. **Require Official Plan amendment and Zoning By-law amendment for new asphalt plants in the General Employment and Rural Employment Area designations**- if this option was selected, applications to amend the Official Plan and Zoning By-law would need to be approved before an asphalt plant could be developed in the General Employment Area and Rural Employment Area designations. Policies could also be included within the Official Plan that identify what supporting materials are required and which set out the criteria that would need to be considered in terms of locations and separation distances. With respect to the Zoning By-law the term asphalt plant would be defined and then not permitted in any zone.

2. **Permit use in the General Employment and Rural Employment designations in the Official Plan and require re-zoning** - if this option was selected, an asphalt plant would be identified as a specific permitted use in the General Employment and Rural Employment designations only. Policies could be added to set out the conditions that would need to be fulfilled in terms of submission requirements and other conditions, all of which would be considered through a re-zoning process. Other criteria dealing with location and separation distances would also be included within the Official Plan. An Official Plan Amendment would be required if an asphalt plant was proposed in any other designation in the Town. With respect to the Zoning By-law, the asphalt plant use would be defined, but not permitted in any zone.

3. **Permit asphalt plants in conjunction with a pit or quarry** - if this option was selected, the Official Plan could permit asphalt plants in a pit or quarry through the adoption of an Official Plan Amendment and the fulfillment of criteria. Provided the Niagara Escarpment Plan permitted the use, if it applies.

4. **Maintain status quo** - if this option was selected, no changes to the Official Plan or zoning by-law would be made and there would continue to be a lack of clarity on where the use would be permitted. Given that there is clearly a lack of clarity on where an asphalt plant is permitted in the Town, it is the opinion of the author of this report that this would not be a desirable outcome of this process.

5. **Include a definition of asphalt plant in the zoning by-law and not permit the use in any zone or as a component of any other use (industrial use and construction/landscaping contractors yard)** - if this option was selected, the use could not be permitted in conjunction with an industrial use or a construction/landscaping contractors yard.

5.2.2 OTHER PRELIMINARY RECOMMENDATIONS

In addition to the options identified above, and while the study does not deal with portable asphalt plants, It is recommended that the portable asphalt plant definition in the Town of Halton Hills Official Plan be replaced with the portable asphalt plant definition in the Provincial Policy Statement. It is also recommended that consideration be given to deleting the definition of 'aggregate processing facility' from the zoning by-law, since such a use could be interpreted to provide for a concrete plant. However, this use is not permitted in any zone in the by-law, and it the term 'concrete plant' is to be defined, there would be no need for this definition.

It is also recommended that the outdoor storage provision in Section 4.22 of By-law 2010-0050 be reviewed to determine how best to ensure that the provisions of the Official Plan that require outdoor storage to be 'clearly accessory' is implemented.

5.3 AGGREGATE TRANSFER STATION

Below are the options for this use:

1. **Require Official Plan amendment and Zoning By-law amendment for new aggregate transfer stations in the General Employment Area and Rural Employment Area designations** - if this option was selected, applications to amend the Official Plan and Zoning By-law would need to be approved before an aggregate transfer station could be developed in the General Employment Area and Rural Employment Area designations. Policies could also be included within the Official Plan that identify what supporting materials are required and which set out the criteria that would need to be considered in terms of location and separation distances. With respect to the Zoning By-law, the term 'aggregate transfer station' would be defined and then not permitted in any zone.

2. **Permit use in the General Employment and Rural Employment designations in the Official Plan and require re-zoning** - if this option was selected, an aggregate transfer station would be identified as a specific permitted use in the General Employment Area and Rural Employment designations only. Policies could be added to set out the conditions that would need to be fulfilled in terms of submission requirements and other conditions, all of which would be considered through a re-zoning process. Other criteria dealing with location and separation distances would also be included within the Official Plan. An Official Plan Amendment would be required if an aggregate transfer station was proposed in any other designation in the Town. With respect to the Zoning By-law, the term 'aggregate transfer station' would be defined and then not permitted in any zone.

3. **The aggregate transfer station use permission could be deleted from the MAR zone and the term deleted from the by-law** - The objective in this case would be to recognize that a component of a mineral aggregate resource operation as defined by the Provincial Policy Statement could include an aggregate transfer station as an associated use. Given that a mineral aggregate resource operation could include such a use, there would be no need to establish a separate use that is already captured by a principal use. A further objective in this regard would be the deletion of a permitted use that could occur independently of a mineral aggregate resource operation after the license has been surrendered. If it is determined that there is a legally operating aggregate transfer station

use in the Town, the Town could recognize this use as appropriate as a legal conforming use. The Town could also decide to not recognize this use, which means the use would then become a legal non-conforming use.

4. **Maintain status quo with respect to the use being permitted within the MAR zone** - If this option was selected, an aggregate transfer station would be permitted in conjunction with a licensed mineral aggregate resource operation and after the license has been surrendered or revoked. If this option were selected, no changes to the zoning by-law would be made. It is the opinion of the author of this report that this option, while being presented as an option, would not be a desired outcome, since such a use is not permitted by Provincial policy on lands that are not licensed for extraction purposes.

5. **Maintain status quo with respect to the use being permitted within the MAR zone, but indicate that the use is only permitted as long as there is a valid license on the property** - If this option was selected, an aggregate transfer station would be permitted only in conjunction with a licensed mineral aggregate resource operation and not after the license has been surrendered or revoked. The definition of industrial use, construction/landscaping contractors yard and outdoor storage use would also need to be modified to ensure that an aggregate transfer station is not a permitted use in conjunction with these uses. If it is determined that there is a legally operating aggregate transfer station use in the Town, the Town could recognize this use as appropriate as a legal conforming use in a zoning by-law amendment passed at the conclusion of this study. The Town could also decide to not recognize this use, which means the use would then become a legal non-conforming use.

6. **Retain the definition of aggregate transfer station, but do not permit the use in any zone** - If this option was selected, such a use would be customarily permitted in conjunction with a mineral aggregate resource operation as an 'associated use' on lands zoned MAR, but the use would not be permitted in any other zone as a stand-alone use. The definition of industrial use, construction/landscaping contractors yard and outdoor storage use would also need to be modified to indicate that an aggregate transfer station is not a permitted use in conjunction with these uses. This option is the same as Option 5, except that the use would not be specifically permitted in the MAR Zone.

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BY-LAW NO. 2012-0032

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 2nd day of April, 2012.

_____

MAYOR – Rick Bonnette

_____

TOWN CLERK – Suzanne Jones

Appendix A

Schedule '1' to By-law 2012-0032

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

1. PIN: 25058-0020 (LT)

Part Lot 21, Concession 10, Esquesing, as in 683281; Town of Halton Hills, Regional Municipality of Halton

Municipal Address: 15619 20 Side Road, Halton Hills (Esquesing)

2. PIN: 25058-0019 (LT)

Part Lot 21, Concession 10, Esquesing, as in 777591; Town of Halton Hills, Regional Municipality of Halton

Municipal Address: 0 20 Side Road, Halton Hills (Esquesing)

3. PIN 25012-0034 (LT)

Part Lot 23, Concession 9, Esquesing, Part 1, 20R-10084, Part 1, 20R-2217, Part 1, 20R-8815, Town of Halton Hills, Regional Municipality of Halton

Municipal Address: 12519 Eighth Line, Halton Hills (Esquesing)

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

1. PIN: 25029-0085 (LT)

Part Lot 6, Concession 6, Esquesing, Part 1, 20R-14981; Town of Halton Hills, Regional Municipality of Halton

Municipal Address: 9198 Sixth Line, Halton Hills (Esquesing)

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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

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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.

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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)

Appendix C

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:

Appendix C

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.