



THE CORPORATION OF THE TOWN OF Halton Hills

BY-LAW NO. 2013-XXXX

A By-law to adopt Amendment No. ___ to the
Official Plan of the Town of Halton Hills –
Standalone Aggregate Related Uses

WHEREAS the Council of the Corporation of the Town of Halton Hills, is empowered to enact this By-law by virtue of the provisions of the Planning Act, 1990, R.S.O., c.P. 13, as amended;

AND WHEREAS the Regional Municipality of Halton, as the approval authority, has exempted this Official Plan Amendment from their approval;

AND WHEREAS on March XX, 2013, Council for the Town of Halton Hills approved Report No. PDS-2013-00XX, dated March XX, 2013, in which certain recommendations were made relating to Stand Alone Aggregate Related Uses in 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. That Amendment No. ___ to the Official Plan of the Town of Halton Hills, being the attached text and schedules, is hereby adopted;
2. That the Town Clerk is hereby authorized to circulate the Official Plan Amendment as provided for by the Planning Act regulating the appeal process.

BY-LAW read and passed by the Council for the Town of Halton Hills this day of _____, 2013.

MAYOR – Rick Bonnette

TOWN CLERK – Suzanne Jones

OFFICIAL PLAN AMENDMENT NO
TO THE OFFICIAL PLAN
for
THE CORPORATION OF THE TOWN OF HALTON HILLS
(Stand Alone Aggregate Related Uses)

March XX, 2013

FILE: D08 – Stand Alone Aggregate Related Uses Study

**AMENDMENT NO. ____ TO THE OFFICIAL PLAN
OF THE TOWN OF Halton Hills**

The attached text and schedules constitutes Amendment No. ____ to the Official Plan of the Town of Halton Hills, which was adopted by the Council of the Town of Halton Hills by By-law 2013-_____ in accordance with the provisions of the Planning Act, 1990, R.S.O., c.P. 13, as amended;

THE CORPORATION OF THE TOWN OF Halton Hills

MAYOR – R. Bonnette

CLERK – S. Jones

AMENDMENT NO. ____

TO THE OFFICIAL PLAN FOR THE TOWN OF Halton Hills

PART A – THE PREAMBLE does not constitute part of the Amendment.

PART B – THE AMENDMENT, consisting of the following text and schedules, constitutes Amendment No. ____ to the Official Plan for the Town of Halton Hills.

PART C – THE APPENDICES - does not constitute part of the Amendment, but is included for information purposes only.

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Part A – The Preamble

1. Purpose of the Amendment

The purpose of this Amendment is as follows:

- To introduce specific policy and land use regulations pertaining to asphalt plants, concrete batching plants, and aggregate transfer stations in the Town including:
 - Directing concrete batching plants and aggregate transfer stations to the urban employment areas of Acton and Georgetown, and the Mansewood rural industrial area, subject to criteria; and,
 - Requiring an amendment to the Official Plan and the Zoning By-law for the establishment of an asphalt plant in the Acton and Georgetown employment areas, and the Mansewood rural industrial area.
- To introduce related general and technical wording changes including new definitions in the Official Plan.
- To introduce policies pertaining to outdoor storage uses and contractors yards in the Georgetown, and Acton employment areas, and the Mansewood rural industrial area in the Official Plan.
- To introduce policies that clearly articulate that aggregate related uses are not permitted on properties following the surrender or revocation of a license under the Aggregate Resources Act.
- To introduce policies that direct the Town to expeditiously re-designate and re-zone properties that are no longer licensed pursuant to the Aggregate Resources Act once the license has been surrendered or revoked.

2. Location

This amendment applies Town wide to lands within the *General Employment Area*, *Rural Industrial Area* and *Mineral Aggregate Resource Area* designations under the Town of Halton Hills Official Plan.

3. Basis of the Amendment

This Amendment is intended to implement the recommendations being made in the "*Stand-Alone Aggregate Related Uses Study*" prepared by the Town and finalized on March XX, 2013.

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.

The rationale for the passage of Interim Control Bylaw 2012-0032 stemmed from the need, in the view of Planning staff and the Town Solicitor and as set out in Town staff report PDS-2012-0033, 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. A study on the land uses subject to the Interim Control Bylaw was initiated in May 2012 and completed in January 2013.

On the basis of a review of the land uses subject to the study and the comments received from agencies, the industry and members of the public, this Amendment recognizes that it is the intent of Provincial policy to promote the rehabilitation to appropriate after uses of properties licensed for aggregate-related uses after a license has been surrendered or revoked. In addition, it is the clear intent of the Town of Halton Hills Official Plan and comprehensive zoning by-law to permit only uses that are related

to a license on properties that are designated and zoned for mineral resource extraction. As a consequence, permitting any type of aggregate related use as a stand-alone use and an as-of-right use following the surrender or revocation of a license is not appropriate and not in the public interest and the practice should not be continued in the comprehensive zoning by-law.

This Amendment also recognizes the value of the Georgetown and Acton employment areas as general industrial areas with a mix of uses including those with outdoor storage. It is on this basis that this Amendment supports the current function of the Georgetown and Acton employment areas as locations where outdoor storage and/or processing is permitted, subject to criteria and other controls as appropriate.

Given that asphalt plants by definition are primarily an outdoor storage use and because the odours emanating from the asphalt plant are often of concern to the public/adjacent landowners, this Amendment indicates that asphalt plants can only be considered in the Georgetown and Acton employment areas, and the Mansewood rural industrial area by way of an Amendment to the Official Plan and zoning by-law, subject to criteria.

This policy direction recognizes that an asphalt plant would be considered either a Class II or Class III land use based on Ministry of Environment Guideline D-6. This is primarily because 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. The influence areas for Class II and III facilities are 300 and 1,000 metres respectively. Given that it is not possible to pre-determine whether a proposed asphalt plant in Acton in or Georgetown would be a Class II or III land use, it would be premature to determine where these uses should be permitted in principle at this time without an amendment to the Official Plan and zoning by-law.

Part B – The Amendment

All of this part of the document entitled PART B – THE AMENDMENT, consisting of the following text, constitutes Amendment No. ___ to the Official Plan for the Town of Halton Hills.

Details of the Amendment

The Official Plan of the Town of Halton Hills is hereby amended as follows:

1. Section A3.3.6 (Mineral Resource Extraction Area) is amended by adding the following sentence after the first sentence:

“Once the license has been surrendered or revoked in accordance with the Aggregate Resource Act, the Town will take the necessary steps to re-designate the subject lands from the Mineral Resource Extraction Area designation to another appropriate land use designation.”

2. Section C 14 (Land Use Compatibility) is amended by adding the following words at the end of the second sentence:

“to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety.”

3. Part C (Environmental Management Policies) is amended by adding the following new Section as set out below:

“C18 *Wayside Pits and Quarries, Portable Asphalt Plants and Portable Concrete Plants*

Wayside pits and quarries, portable asphalt plants and portable concrete plants used on public authority contracts shall be permitted, without the need for an Official Plan amendment, rezoning or development permit in all areas of the Town, except those areas of existing development or particular environmental sensitivity, which have been determined to be incompatible with extraction and associated activities.”

4. Section D3.4.1.1 (Objectives) is amended by adding a new sub-section d) as set out below and renumbering the remaining sub-sections accordingly:

“d) provide opportunities for a diversified economic base which supports a wide-range of economic activities and which takes into account the needs of existing and future businesses.”

5. Section D3.4.1.3 (Main Permitted Uses) is amended by adding in a new sub-section b) as set out below and renumbering the remaining sections accordingly:

“b) industrial uses that involve outdoor storage and/or processing such as concrete batching plants, aggregate transfer stations and contractors yards, subject to Section D3.4.1.4.2.”

6. Section D3.4.1.4 (Land Use Policies) is amended by adding the word “Accessory” to the title of Section D3.4.1.4.1.

7. Section D3.4.1.4.1 (Accessory Outdoor Storage) is amended by deleting the words “and/or” from the first sentence and adding the words “and/or equipment” after the words “finished products” in the first sentence.

8. Section D3.4.1.4.1 (Accessory Outdoor Storage), is further amended by adding the words “berms and/or fencing” after the word “landscaping” in sub-section d).

9. Section D3.4.1.4 (Land Use Policies), is hereby amended by adding a new sub-section D3.4.1.4.2 and renumbering the remaining sections accordingly.

“D3.4.1.4.2 Outdoor Storage Uses

The establishment of uses that have significant outdoor storage and/or outdoor processing components shall be subject to Site Plan Control. In considering such an application, Council shall be satisfied that the outdoor storage:

- a) is located on a lot that is the site of a building that meets the minimum requirements for such a building as set out in the implementing Zoning By-law;*
- b) is not located between the main building and the street;*
- c) is set back an appropriate distance from the side and rear lot lines, having regard to the nature of adjacent land uses; and,*
- d) is completely enclosed and/or screened by landscaping, berms and/or fencing that functions year-round.*

The implementing Zoning By-law may contain additional provisions regarding the location of outdoor storage on a lot, as

well as requirements for minimum lot coverage. In addition, the implementing Zoning By-law shall contain provisions that prohibit outdoor storage uses on lots that abut Guelph Street, Mountainview Road and River Drive in Georgetown and on properties in Acton, as specified in the implementing by-law."

10. Section D3.4.1.4 (Land Use Policies), is hereby amended by adding a new sub-section D3.4.1.4.3 and renumbering the remaining sections accordingly.

"D3.4.1.4.3 Asphalt Plants

Asphalt Plants are not permitted in the General Employment Area designation and the establishment of a new asphalt plant shall require an amendment to this Plan. In considering an application to establish an asphalt plant, Council shall be satisfied that the proposed use is appropriately located designed, buffered and/or separated from sensitive land uses such as residential uses to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety. In addition, such a use shall not be permitted to locate on properties that front on major roads that also serve as the boundary between the General Employment Area designation and another designation. In order to make an informed decision on such an application, supporting studies that review the potential adverse effects will be required."

11. Section E1.3 (Permitted Uses) is amended by deleting Sub-section o) and replacing it with a new Subsection o) as set out below:

"Wayside Pits and Quarries, Portable Asphalt Plants and Portable Concrete Plants used on public authority contracts, subject to the requirements of the Ministry of Natural Resources and the Ministry of Environment."

12. Section E2.3 (Permitted Uses) is amended by deleting Sub-section s) and replacing it with a new Subsection s) as set out below:

"Wayside Pits and Quarries, Portable Asphalt Plants and Portable Concrete Plants used on public authority contracts, subject to the requirements of the Ministry of Natural Resources and the Ministry of Environment."

13. Section E6.2 (Location) is amended by adding the following sentence at the end of the paragraph:

"Once a license has been surrendered or revoked, the Town will take steps to re-designate the subject lands from the Mineral Resource Extraction Area designation to another appropriate designation."

14. Section E6.3 (Permitted Uses) is amended, by deleting Sub-section a) and replacing the contents of Sub-section a) with the following words: *"mineral aggregate operations"*.

15. Section E6.3 (Permitted Uses) is amended by deleting *"wayside pits and quarries and portable asphalt plants for road works"* in Sub-section i) and replacing those words with *"wayside pits and quarries, portable asphalt plants and portable concrete plants used on public authority contracts"*.

16. Section E6.4.6 (After-Uses) is amended by deleting the first two paragraphs and replacing those paragraphs with the following:

“It is intended that the Official Plan will be amended after a license has been surrendered or revoked to provide for an after-use that is compatible with and has minimal impacts on the surrounding natural environment, vistas and views and existing uses.”

17. Section E6.6 (Implementing Zoning By-law) is amended by adding the following sentence after the first sentence:

“The implementing zoning by-law shall only permit mineral aggregate operations as defined by this Plan on lands that are zoned to implement this section of the Official Plan. The implementing zoning by-law shall also clearly indicate that aggregate related uses are not permitted on a site once a license has been surrendered or revoked in accordance with the Aggregate Resources Act.”

18. Section E7.1 (Permitted Uses) is amended by adding in a new sub-section b) as set out below and renumbering the remaining sections accordingly:

“b) industrial uses that involve outdoor storage and/or processing such as concrete batching plants, aggregate transfer stations and contractors yards.”

19. Section E7.4.2 (Outdoor Storage) is amended by adding the word “accessory” to the title of Section E7.4.2 and by adding the words ‘accessory’ after the word ‘all’ in the first sentence.

20. Section E7.4 (Land Use Policies) is amended by adding a new sub-section E7.4.3 and renumbering the remaining section accordingly.

“E7.4.3 Outdoor Storage Uses

The establishment of uses that have significant outdoor storage and/or outdoor processing components shall be subject to Site Plan Control. In considering such an application, Council shall be satisfied that the outdoor storage:

- e) is located on a lot that is the site of a building that meets the minimum requirements for such a building as set out in the implementing Zoning By-law;*
- f) is not located between the main building and the street;*
- g) is set back an appropriate distance from the side and rear lot lines, having regard to the nature of adjacent land uses; and,*
- h) is completely enclosed and/or screened by landscaping, berms and/or fencing that functions year-round.*

The implementing Zoning By-law may contain additional provisions regarding the location of outdoor storage on a lot, as well as requirements for minimum lot coverage.”

21. Section E7.4 (Land Use Policies), is hereby amended by adding a new sub-section E7.4.5 as set out below:

"E7.4.5 Asphalt Plants

Asphalt Plants are not permitted in the General Employment Area designation and the establishment of a new asphalt plant shall require an amendment to this Plan. In considering an application to establish an asphalt plant, Council shall be satisfied that the proposed use is appropriately located designed, buffered and/or separated from sensitive land uses such as residential uses to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety. In order to make an informed decision on such an application, supporting studies that review the potential adverse effects will be required."

22. Section G13.7 (Glossary) is hereby amended by deleting the definition of "portable asphalt plant" and replacing that definition with the following:

"Portable asphalt plant: means 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."*

23. Section G13.7 (Glossary) is hereby amended by adding a new definition of "asphalt plant" as set out below:

"Asphalt plant: means a facility

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."

24. Section G13.7 (Glossary) is hereby amended by adding a new definition of "portable concrete plant" as set out below:

"Portable concrete plant: means a building or structure

- 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."*

PART C
THE APPENDICES

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APPENDIX 1 – Notice of Public Meeting

NOTICE OF STATUTORY PUBLIC MEETING

TOWN INITIATED OFFICIAL PLAN AND ZONING BY-LAW AMENDMENTS PERTAINING TO STAND ALONE AGGREGATE RELATED USES

DATE: March 5, 2013
TIME: 7:00 P.M.
LOCATION: Council Chambers, Civic Centre
1 Halton Hills Drive
Halton Hills (Georgetown)

Town of Halton Hills Council will hold a statutory public meeting to discuss draft Official Plan and Zoning By-law Amendments pertaining to stand alone aggregate related uses in the Town.

On April 2, 2012, Town Council approved the undertaking of a Stand Alone Aggregate Related Uses Study and passed an Interim Control By-law 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.

Proposed Town Wide Amendments

Town wide Official Plan and Zoning By-law amendments are proposed to introduce specific policy and land use regulations pertaining to asphalt plants, concrete batching plants, and aggregate transfer stations in the Town including:

- Directing concrete batching plants and aggregate transfer stations to the urban employment areas of Acton and Georgetown, and the Mansewood rural industrial area, subject to criteria.
- Requiring an amendment to the Official Plan and the Zoning By-law for the establishment of an asphalt plant in the Acton and Georgetown employment areas.

Additional related wording and technical changes, such as new definitions, are also being proposed as part of the amendments, including policies and zoning provisions pertaining to outdoor storage uses.

While the proposed Official Plan and Zoning By-law amendments have town-wide application, they relate principally to the following lands in the Town:

- All lands designated General Employment Area, Rural Industrial Area, or Mineral Resource Extraction Area under the Town of Halton Hills Official Plan.
- All lands zoned Employment One (EMP1), Rural Employment (RU-EMP), or Mineral Aggregate Resources (MAR) under Town of Halton Hills Zoning By-law 2010-0050 as amended.
- All lands that remain subject to Zoning By-law 74-51 as amended, in the Town, and in particular those lands zoned General Industrial (M1).
- All lands that remain subject to Zoning By-law 57-91 as amended, in the Town, and in particular those lands zoned First Industrial (M1) and Second Industrial (M2).

Proposed Site Specific Amendments

In keeping with the proposed policy direction to expeditiously re-designate and re-zone MAR zoned properties that are no longer licensed under the *Aggregate Resources Act*, site specific amendments to the Official Plan and Zoning by-law are also proposed for two former aggregate extraction sites in the Town, as follows:

- **Location:** 12519 Eighth Line, Halton Hills (Esquesing)
Part Lot 23, Concession 9 (Esquesing), Part 1, 20R-10084, Part 1, 20R-2217, Part 1, 20R-8815, Town of Halton Hills, PIN 25012-0034 (LT)

Proposed Amendments:

To re-designate from Mineral Resource Extraction Area to Protected Countryside Area and Protected Countryside Area with a Natural Heritage System Overlay under the Town of Halton Hills Official Plan, and rezone from Mineral Aggregate Resources Zone (MAR) to Protected Countryside (PC) and Protected Country Side Natural Heritage System Two (PC-NHS2) under Town of Halton Hills Zoning By-law 2010-0050 as amended, consistent with the Provincial Greenbelt Plan.

- **Location:** 12942 Highway 7, Halton Hills (Esquesing)
Part Lots 26 & 27 Concession 7 (Esquesing), Town of Halton Hills

Proposed Amendments:

To re-designate from Mineral Resource Extraction Area to Escarpment Natural Area, Escarpment Protection Area, and Escarpment Rural Area under the Town of Halton Hills Official Plan, consistent with the Niagara Escarpment Plan as amended by Amendment No. 192.

Following the statutory public meeting, Town staff will prepare a report to Council that will respond to oral and written comments received, and provide a final recommendation on passage of the Official Plan and Zoning By-law Amendments.

Additional information pertaining to the draft Amendments will be available for public review and comment, on Wednesday, February 13, 2013 at the Town of Halton Hills Planning, Development and Sustainability Department, 1 Halton Hills Drive, Halton Hills, Ontario L7G and on the Town's website:

<http://www.haltonhills.ca/initiatives/AggregateStudy.php>.

Contacts:

Curtis Marshall, MCIP RPP
Planner – Policy
905-873-2601 ext. 2253
curtism@haltonhills.ca

Steve Burke, MCIP RPP
Manager of Planning Policy
905-873-2601 ext. 2254
stevebu@haltonhills.ca

Please provide all comments by March 8, 2013.

APPENDIX 2 – Minutes of the Public Meeting

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Staff Reports

Report	Title
PDS-2012-0033	Proposed Interim Control By-law and Study for Stand Alone Aggregate Related Uses
PDS-2012-0035	Proposed Terms of Reference - Stand Alone Aggregate Related Uses Study
PDS-2012-0072	Stand Alone Aggregate Related Uses Study - Background and Policy Options Paper
PDS-2013-0015	Stand Alone Aggregate Related Uses Study - Recommended Land Use and Draft Policy Report

Draft Documents

Date	Title
February 2013	Draft Official Plan Amendment – Stand Alone Aggregate Related Uses (for Public Meeting)