



Recommended Land Use and Draft Policy
Report:
Stand-Alone Aggregate Related Uses and
Aggregate Transfer Stations

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I.0 INTRODUCTION

This report has been prepared to provide the Town with our recommendations on how stand-alone aggregate related uses should be treated by the Official Plan and Zoning By-law. This report has been prepared following the holding of a public open house on October 30, 2012 and a review of all comments made by interested residents, agencies and the aggregate industry at and following the public open house.

With respect to the three specific land uses that are the subject of this Study, the following is recommended:

Aggregate Transfer Stations:

1. The Town's comprehensive zoning bylaw should be amended to delete Aggregate Transfer Stations as a permitted use in the Mineral Aggregate Resources Zone ('MAR').
2. The definition of Aggregate Transfer Station should be retained in the bylaw and the definition should be modified to indicate that such a use is a stand-alone use to differentiate it from an Aggregate Transfer Station that is 'associated' with a licensed mineral aggregate resource operation.
3. Aggregate Transfer Stations should be added as a permitted use in the Employment One (EMPI) Zone and the Rural Employment (RU-EMP) Zone in the Town's comprehensive zoning by-law. This use could be developed independently as a principal use or it could be established in conjunction with a concrete batching plant or another use that is permitted in the same zone.
4. The Official Plan should be amended to clearly indicate that the use of land for aggregate-related uses following the surrender or revocation of a license pursuant to the Aggregate Resources Act is not permitted.
5. Once a license under the Aggregate Resources Act has been surrendered or revoked, the Town should take steps to remove the Mineral Resource Extraction Area designation and MAR Zone to recognize that the lands are no longer licensed.

Concrete Batching Plants

6. Concrete batching plants should be permitted in the General Employment Area designation and the Employment One (EMPI) Zone subject to specific criteria (setbacks from major roads, lot area etc.), since the two employment areas in Georgetown and Acton are well suited for these types of uses.
7. Concrete batching plants should also be permitted in the Rural Industrial Designation and the Rural Employment (RU-EMP) Zone, also subject to specific criteria.

Asphalt Plants

8. Given the small sizes of the Georgetown and Acton employment areas and their proximity to residential areas, asphalt plants could be considered in the Georgetown and Acton employment areas subject to the approval of an Amendment to the Official Plan and zoning by-law. This recommendation recognizes that this type of use should only be considered on a case-by-case basis, and that the use may not be appropriate in some locations as a result of the potential for this use to have adverse effects on nearby sensitive land uses.

Other Recommendations

9. The definitions of 'aggregate processing facility', 'construction/landscaping contractors yard', 'outdoor storage use' and 'industrial' in the comprehensive zoning bylaw should be reviewed and updated as required to ensure that each of these uses are mutually exclusive.
10. Given the recommendation to permit aggregate transfer stations and concrete batching plants in the Georgetown and Acton employment areas and the RU-EMP Zone, other similar uses such as 'construction/landscaping contractors yard' should also be permitted in these same areas.
11. The Official Plan should be modified to reflect the added permissions that are being proposed in the Acton and Georgetown employment areas. At the present time, the Official Plan generally promotes higher-order employment uses in these two areas with limited outdoor storage. Given the recommendations in this report and the Town's recently completed Economic Development Strategy and the presence of outdoor storage uses in the Georgetown and Acton employment areas, this policy direction needs to be updated.
12. Bylaw 74-51, which continues to apply to a limited number of properties, should be amended to ensure that aggregate transfer stations, concrete batching plants and asphalt plants are not permitted on those properties.
13. Definitions for 'portable asphalt plant' and 'portable concrete plant' from the Provincial Policy Statement should be added to the comprehensive zoning bylaw. In addition, definitions for 'aggregate', 'earth', and 'rock' from the Aggregate Resources Act should also be added. Lastly, a definition for 'asphalt plant' is also needed. The addition of these definitions will ease in the interpretation of the zoning by-law.

This report has been divided into sections that deal with the three uses that are the subject of this Study. This report is also intended to build upon a report dated September 18, 2012. This earlier report should be consulted for context and other background information.

2.0 AGGREGATE TRANSFER STATION

2.1 Description

An Aggregate Transfer Station ('ATS') 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 ATS 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 ATS could include outdoor storage areas for the stockpiling 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 ATS use. The first is the retail sale of any product, which means that the retail 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 ATS use in the Halton Hills context in my opinion 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. In my opinion, an ATS use is intended to be a part of an overall supply chain beginning with resource extraction on another site, with that product transferred in some form to an ATS site for storage purposes only and then shipped to market. The processing of aggregate is not permitted in conjunction with this use.

The ATS use is only permitted on lands that are zoned 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 of the above, the intent of the comprehensive zoning by-law is to only apply the MAR Zone to licensed sites. However, while the Ministry of Natural Resources ('MNR') at their discretion can surrender licenses, the zoning of the land continues until Town Council changes it through a process governed by the *Planning Act*, which requires public notice.

2.2 Options

The September 18, 2012 report identified a number of factors in Section 5 that were considered in developing options respecting the land uses that are the subject of the Study.

With respect to location, I was of the opinion in the September 18, 2012 report that there are only two areas in the Town that could be considered appropriate for an ATS use. The first is the General Employment area designation in the Official Plan that applies in Acton and Georgetown, provided the use was located with other similar uses and set back from major roads and the second is the Rural Industrial designation on Regional Road 25. I also indicated that it was my opinion that an ATS could also be considered on a site that is licensed in accordance with the ARA as an 'associated facility'. However, such a use would not be permitted on these lands once the lands are no longer licensed since doing so would not be supported by Provincial policy.

Five options for this use were identified in the September 18, 2012 report. These options were then expanded upon and then divided into urban area options and rural area options in a presentation made to the public at the open house on October 30, 2012. The options identified in that presentation are listed below.

Aggregate Transfer Stations – urban areas

1. OPA and ZBA for new aggregate transfer stations in the General Employment Area and Rural Industrial Area designations
2. ZBA only for new aggregate transfer stations in the General Employment Area and Rural Industrial Area designations
3. Retain the definition of aggregate transfer station, but do not permit the use in any zone

Aggregate Transfer Stations – rural areas

1. The aggregate transfer station use permission could be deleted from the MAR Zone and the term deleted from the by-law
2. Maintain status quo with respect to the use being permitted within the MAR Zone
3. 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 valid license on the property
4. Retain the definition of aggregate transfer station, but do not permit the use in any zone
5. Re-zone MAR properties once extraction has ceased

2.3 Public and Agency Comments

2.3.1 Public Comments

A public open house/presentation was held on October 30th, 2012 to review the above options, along with the options respecting concrete plants and asphalt plants (which are discussed in Sections 3 and 4 of this report). There were over 80 people in attendance at this open house.

The majority of the people in attendance were residents who had concerns and questions about one of the properties subject to the Interim Control By-law located on the 8th Line. Many of the concerns raised had to do with the bringing of fill onto the property and the related truck traffic. It was noted at the open house that the bringing of fill onto any property in the Town, is controlled by the Town's Site Alteration By-law pursuant to the Municipal Act. The bringing of fill onto a property is not specifically controlled by a zoning by-law that is passed pursuant to the Planning Act.

A number of people at the open house also asked why the Town of Halton Hills permitted an ATS on the property in the new comprehensive zoning by-law that was passed by the Town on July 19, 2010. As will be described below, the subject lands were licensed on July 19, 2010 and as a consequence, the Town applied the MAR zoning to the lands to implement the Region of Halton and Halton Hills Official Plans as required and to reflect the fact that it was licensed as per the Aggregate Resources Act ('ARA'). When the Town's new comprehensive zoning bylaw was prepared, information on licensed sites in the Town was obtained from the Region of Halton, which obtained the information from the MNR. In addition, portions of the site were already zoned Extractive Industrial (M2), which already permitted a range of aggregate-related uses as discussed below.

Prior to July 19, 2010, a portion of the 8th Line property was zoned Extractive Industrial (M2) in accordance with Esqueusing Bylaw 74-51. Section 9.3.1 of Bylaw 74-51 permits the *"making or establishing of pits and quarries for the purpose of extracting natural materials from the earth including soil, sand, gravel, stone, rock, shale and minerals."* Section 9.3.2 of Bylaw 74-51 permits the *"processing of natural materials extracted from the subject site including screening, sorting, washing, crushing, storing and other similar operations allied to an extractive industrial operation permitted in Subsection 9.3.1."*

In response to comments made at the public open house about the 8th Line property and its zoning, we have researched the chronology of events respecting the license applying to the 8th Line property, and the chronology of events are as set out below:

1. The site plan for the license (License 5477) was approved by the MNR on June 9, 1995.
2. The MNR site plan required that rehabilitation be carried out and completed by June 9, 2000.
3. MNR agreed to extend rehabilitation date to December 4, 2004 in June 2000 on the

basis of a request made by the licensee.

4. MNR issued Rehabilitation Order on August 27, 2004.
5. License revoked by Ministry Natural Resources on October 5, 2006.
6. The licensee appealed the revocation of the license on October 16, 2006 (given that the appeal was lodged, the license remained in effect until the appeal is disposed of by the Ontario Municipal Board and then confirmed by the Minister of Natural Resources).
7. The Ontario Municipal Board held pre-hearings on May 13, 2010, June 3, 2010, and July 13, 2010.
8. The Ontario Municipal Board held a hearing on November 15, 2010.
9. On December 21, 2010, the Ontario Municipal Board issued a decision indicating that the licensee had 30 days to provide grounds for his appeal of the revocation.
10. On February 1, 2011, the licensee withdrew the appeal of the license revocation.
11. On June 24, 2011, the Ministry of Natural Resources indicated in a letter that as a consequence of the withdrawal of the appeal of the revocation, the license applying to the property is no longer valid.

This means that the property was licensed under the ARA until June 24, 2011, which is eleven months after Council passed the Town's comprehensive zoning by-law on July 19, 2010.

With respect to the Town's role in the use of licensed properties, once the MNR issues a license under the ARA for a property, the Town plays no role in how the property is used in accordance with that license. In addition, the Town has no role with respect to the enforcement of any of the conditions related to the ARA license or site plan. Lastly, the Town has no role in any process initiated by the MNR to revoke the license applying to the property. As a consequence, the Town of Halton Hills was not a party to the Ontario Municipal Board proceeding regarding the revocation of the license.

During the open house and in subsequent correspondence, many members of the public asked that Council re-zone the 8th Line property from the MAR Zone to another zone that did not permit aggregate related uses. Many residents at the open house and in follow-up correspondence indicated that this should be a product of the Study and one of our recommendations.

As will be described later in this report, one of my recommendations is that an ATS be deleted as a permitted use in the MAR Zone. In addition, it is recommended that once a license under the Aggregate Resources Act has been surrendered or revoked, the Town should take steps to remove the Mineral Resource Extraction Area designation and MAR Zone to recognize that the lands are no longer licensed.

A copy of all written public comments that were received are provided under separate cover.

2.3.2 Agency Comments

While the **Ministry of Natural Resources (MNR)** was circulated with a copy of the Study, written comments were not provided. In discussions with the MNR, it was confirmed that the role of the MNR is to regulate the extraction of aggregate through a licensing process established by the ARA. Any decisions relating to how a property is to be used once a license has been revoked or surrendered is up to the local municipality. In addition, it was indicated that there is a need for ATS' because of the role these uses play in the supply chain and that the Town should ensure that it considers potential locations for these types of uses as a product of this Study.

In response to the above comments from the MNR, the comments confirm my understanding of the role of the MNR in the licensing and licensing enforcement process and the role of a municipality with respect to the use of land following the surrender or revocation of a license applying to a property. The comments respecting the need for ATS uses generally are noted as well, and in response, it is my opinion that the Town should provide permissions for this type of use in appropriate urban areas (as will be discussed later), provided they are located appropriately and in an area with similar uses.

In a letter dated November 1st, 2012, the **Niagara Escarpment Commission** indicates that they have reviewed the Background and Policy Options Paper and have a number of comments. With respect to the Niagara Escarpment Plan itself, it is indicated that *“allowing stand-alone aggregate-related (Industrial) uses in formerly licensed areas would not be consistent with the NEP policies on progressive rehabilitation and the discontinuation of uses accessory to mineral resource extraction operations (NEP Part 2.11, sub-sections 5 and 8)”*. With respect to ATS', it is also indicated that *“Aggregate Transfer Stations are not permitted in any designation in the NEP and the term is not defined”*. It is further indicated that a *“stand-alone aggregate-related use outside a mineral resource extraction area would have to be an existing use as defined in the NEP or are within the urban area in order to be permitted.”* It is then indicated that *“any options proposing to allow industrial after uses for pits or quarries after a license has been surrendered or in any other area within the NEP, would not be supported by the NEC”*.

In an email dated October 16, 2012, the **Credit Valley Conservation Authority** indicates that they were appreciative of receiving the September 18, 2012 report for their input. In their email they indicate that it is their expectation that the Town's existing natural heritage protection and hazard land and water management policies will *“continue to apply to these types of uses and it is not anticipated that any exceptions for stand-alone aggregate-related uses to be located within Greenland (or candidate Greenland) designations”* are currently being contemplated. On this basis, it is indicated that in the absence of a planning application, Credit Valley Conservation staff currently have no comments on this Study.

In a letter dated, October 22, 2012, **Conservation Halton** essentially makes the same comments as the Credit Valley Conservation Authority with respect to their

participation in the process. In other words, Conservation Halton is pleased to respond to a specific application for development, but is not in a position at this time to offer any comments on the study itself.

On October 29, 2012, the **Region of Halton** submitted a letter that contained a number of comments on the report. The majority of the comments made by the Region of Halton are editorial in nature. However, it is indicated that the Town should also review the current Regional Official Plan (2006) in the context of the study as well, since ROPA 38 is currently under appeal. In response, it is agreed that ROPA 38 is under appeal, however, the policies respecting stand-alone aggregate related uses in the 2006 ROP are generally consistent with ROPA 38.

2.4 Industry Comments

Comments were received from the **Ready Mix Cement Association (RMCAO)** on October 26, 2012. In their email submission they indicate that they were pleased to be part of the concrete plant tour held on September 17, 2012 and further that the Dufferin Concrete Plant was the first plant in Ontario to be awarded the ECO GOLD Certification.

In a letter dated November 12, 2012, **I244002 Ontario Limited**, the owners of the 8th Line property subject to the ICBL indicate that the use on the subject lands are considered to be an “*associated facility*” in accordance with the definition of mineral aggregate resource operation found in the Town’s comprehensive zoning by-law. It is further indicated that associated facilities “*are not part of any MNR license requirement*”. The following is further indicated:

“Associated facilities used in beneficiation, processing or recycling in association with stockpiling are accepted land uses which need to be near the development areas of the GTA. They are best located in a gravel pit as large areas buffered from urban areas have been achieved and any associated nuisances have been dealt with. The uses have legally existed and the need and location for such uses continues after the extraction is complete. The stand-alone aggregate transfer station is part and parcel of the recycling, beneficiation, processing and transport of mineral aggregate resources which is the goal of all levels of policy related to land use and a culture of conservation.”

It is further indicated in the letter that former aggregate extraction sites “*have the following infrastructure for continued rural employment lands to undertake aggregate transfer in storage, recycling and reuse of aggregate materials:*

- *Extraction of gravel is long established employment use in the rural area;*
- *Nearby rural owners “bought into” the nuisances associated with the land use;*
- *The sites are large enough with established berms and buffers and berms eliminate nuisance concerns of noise/dust that make the land use unsuitable in urban areas;*
- *Established truck (haul) routes on non-urban roads to highway access for nearby developing areas to re-use restored and recycled materials.”*

It is then indicated in the letter that “the use of aggregate transfer stations is specifically stated in the HH Zoning By-law for this specific reason.”

In terms of what is occurring on the subject property, the letter indicates the following:

“To enlighten everyone on the business operations we undertake at 12519 8th Line:

- *Stockpiling of recycled gravel;*
- *Stockpiling and weathering of shale for re-use as compactible fill on development sites;*
- *Stockpiling and crushing with a bulldozer/excavator of concrete for re-use in driveways and road bases; and,*
- *Stockpiling and re-use of topsoil, excess to development sites”*

The following is also indicated in the letter:

“As noted in the preamble of the Town of Halton Hills By-law (attached), the provisions and uses of the MAR Zone comply with the Official Plan of the Town of Halton Hills. The Meridian Report cannot dispute that the uses comply with the Halton Hills Official Plan, and also the Region of Halton.

The conclusions of the Meridian Study undermine the aggregate policies and rural employment policies of the Greenbelt Plan and PPS in regard to resource management and rural employment needs.

The study is silent on the continuing need for permanent rural employment land needs and specifically that existing rural employment sites should be re-utilized. There will always be a need for rural employment lands for uses that cannot be located in urban areas and provide rural employment opportunities.

The stand-alone aggregate uses and associated facilities ‘used in extraction transport beneficiation processing and recycling mineral aggregate resources and derived products’ is not a ‘new’ or unheard of ‘use’. The use and associated aggregate transfer is defined, noted and provided for in every level of policy and legislation and is an appropriate use for the site at 12519 8th Line.”

In response to the comments made by the owners of the property at 12249 8th Line, I fundamentally disagree with the characterization of the intent of Provincial policy and the Town’s comprehensive zoning by-law with respect to Aggregate Transfer Stations.

In my opinion, it is the intent of Provincial policy to not promote the use of properties for aggregate-related uses after a license has been surrendered or revoked since it is the overall intent of the Province to promote the rehabilitation of these properties instead. In addition, it is the clear intent of the Town of Halton Hills comprehensive zoning by-law to permit only uses that are related to a license on properties that are zoned MAR in the Town’s comprehensive zoning by-law. As a consequence, permitting an ATS 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.

It is for this reason that it will be recommended later in this report that the ATS use be deleted as a permitted use in the MAR Zone and further that any lands in the Town that are designated Mineral Aggregate Resource Designation and zoned MAR but which are no longer licensed should also be re-designated and re-zoned to another designation.

With respect to the need for the ATS use generally, I do agree with the authors of the letter that there is a need for such a use. However, it is my opinion that this type of use should be permitted within urban employment areas and in those urban employment areas that are the site of similar outdoor storage-type uses.

In conclusion, given that the intent of Provincial policy, the Region of Halton Official Plan, the Town of Halton Hills Official Plan and the Town of Halton Hills comprehensive zoning bylaw is to only permit aggregate related uses on licensed sites for only as long as a site is actually licensed, it is my opinion that there is a need to ensure that this intent is more clearly articulated within the Town's Official Plan and Zoning By-law.

In a letter dated October 30, 2012, **Holcim (Canada) Inc.** made a submission regarding the Stand-Alone Aggregate Related Uses Study. Holcim employs approximately 3,500 people across Canada and their Ontario business units include Dufferin Aggregates, Dufferin Concrete and Dufferin Construction. It is noted in the letter that Dufferin Concrete hosted a tour of their Georgetown plant with Council members, Town staff and consultants.

The comments in their letter are divided into three components: technical review, policy review, and recommendations review. The technical review component of their letter focused on asphalt plants and concrete plants. These comments will be reviewed in more detail in Sections 3 and 4 of this report. Below is a review of some of the comments made with respect to aggregate transfer stations.

With respect to the policy review component of the letter, it is requested that the Study should consider making reference to a number of sections of the Provincial Policy Statement, including Sections 1.1.1(g), 1.3.1(d), 1.7.1(a) and 2.5.2.1. It is further indicated that with respect to Section 2.5.2.1, that *“Aggregate Transfer Stations do in fact provide a close to market source for aggregate materials that are located appropriately amongst other industrial uses, also considering that close to market sources of aggregates are depleting. Most of the time, Aggregate Transfer Stations function as the mid-point between where the aggregate resources are extracted/processed and the final end use at the job site.”* In response, it is agreed that there is a need for this type of use and it is also agreed that these types of uses should be appropriately located amongst other industrial uses.

It is also indicated in the letter that the Study should recognize that stand-alone aggregate uses “are the foundation of the building materials that are required to foster development of communities and necessary infrastructure”. I agree with this comment.

It is indicated in the recommendations review section of the letter that Holcim would like to request that an additional option be added for each of the three uses contemplated in the Study. This option would permit aggregate recycling as a permitted use as part of a concrete batching plant and ATS use, as well as on lands under license under the ARA. In response, the bringing of materials onto a licensed property to be blended with materials extracted from a licensed property is already permitted, subject to approval by the MNR, and provided the amount of materials brought onto the site is limited. As a consequence, this use is already provided for as part of a mineral aggregate resource operation as defined by the Town’s zoning bylaw.

It is lastly indicated that “Aggregate Transfer Stations are an associated use of a mineral aggregate resource operation which is under license by the Aggregate Resources Act”. In response, it is agreed that such a use can be considered an associated use.

In a letter dated November 12, 2012 from **MHBC (on behalf of Lafarge Canada Inc.)** it is indicated that they support the Town’s objective of “trying to provide clearer direction in the Town’s Official Plan regarding the permitted locations of stand-alone aggregate-related uses and transfer stations”. It is further noted that Lafarge operates a concrete batching plant at 32 Armstrong Avenue. It is requested that the permissions for the concrete batching plant on this site not be changed as a consequence of the finalization of the Study.

With respect to the ATS use, the MHBC letter indicates that “there will be a greater reliance on industrial areas to temporarily store aggregate material as close as possible to market. As such, Lafarge recommends that the General Employment Area Designation and EMPI Zone also permit Aggregate Transfer Station.” It is further indicated that they view concrete batching plants as a permitted use in the EMPI Zone and, that an ATS shares many of the same attributes as a concrete batching plant, including those related to truck traffic, outdoor storage and aggregate storage. It is further indicated that Lafarge supports options with “permit concrete plants and transfer stations in association with pits/quarries licensed under the Aggregate Resources Act”. In addition, Lafarge indicates that ATS’ should also be permitted to operate in conjunction with concrete batching plants, because certain efficiencies can also be realized as a consequence.

A copy of all agency and industry comments that were received are provided under separate cover.

2.5 Analysis and Recommendations

Given that it was always the intent of the zoning bylaw to permit aggregate related uses that are associated with a licensed operation for only as long as the property is licensed, the following is recommended:

1. The Town's comprehensive zoning bylaw should be amended to delete Aggregate Transfer Stations as a permitted use in the Mineral Aggregate Resources Zone ('MAR').
2. The definition of Aggregate Transfer Station should be retained in the bylaw and the definition should be modified to indicate that such a use is a stand-alone use to differentiate it from an Aggregate Transfer Station that is 'associated' with a licensed mineral aggregate resource operation.
3. Aggregate Transfer Stations should be added as a permitted use in the Employment One (EMPI) Zone and the Rural Employment (RU-EMP) Zone in the Town's comprehensive zoning by-law. This use could be developed independently as a principal use or it could be established in conjunction with a concrete batching plant or another use that is permitted in the same zone.
4. Once a license under the Aggregate Resources Act has been surrendered or revoked, the Town should take steps to remove the Mineral Resource Extraction Area designation and MAR Zone to recognize that the lands are no longer licensed.

The changes recommended to the Town's zoning by-law reflect the fact that an aggregate transfer station can be considered an "associated use" in accordance with the definition of mineral aggregate resource operation in the Town's zoning by-law. This definition used is the same as the definition used by the Provincial Policy Statement. The addition of the words "stand-alone" to the definition would clearly indicate that the use is an industrial use that is not associated with a mineral aggregate resource operation.

It is agreed however that there is a need for the ATS use in appropriate locations. On this basis, it is recommended that an ATS be considered as a permitted use in the EMPI Zone, provided the use is not located on a property that abuts Regional Road 25, Mountainview Road, or Guelph Street. The use should also be permitted in the RU-EMP Zone as well.

With respect to the Official Plan, it is recommended that a number of minor changes be made as set out below.

1. It is recommended that the first paragraph of Section E6.4.6 dealing with after uses be deleted. This paragraph is not necessary, since it essentially indicates that any use not permitted in the designation requires an Official Plan Amendment and potentially an amendment to the Niagara Escarpment Plan to be established.
2. It is recommended that the second paragraph of Section E6.4.6 be deleted and replaced with the following: "*it is the intent of this Plan 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”.

3. It is recommended that Section E6.6 which deals with the implementing zoning by-law be amended by adding the following at the end of the section: *“The implementing Zoning By-law shall only permit mineral aggregate resource 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.”*

The deletion of ATS as a permitted use will have an impact on two adjacent properties (subject of one license) for which it is anticipated that the existing license will be surrendered or revoked in the short term. These two properties 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 Aggregate Resources Act ('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 ('MNR'). While this site remains licensed even though it is under suspension, the potential exists for the license applying to this property to be surrendered or revoked prior to the completion of the Study. This property is subject to Interim Control By-law 2012-0032 ('the ICBL').

The removal of the ATS use as a permitted use will also have an impact on one property that is no longer licensed, but which continues to be zoned MAR - 12519 8th Line. The property on the 8th Line is subject to the ICBL. On the basis of a letter from the Ministry of Natural Resources dated June 24, 2011, the MNR indicates that the license applying to the 8th Line property has been revoked in accordance with the Aggregate Resources Act.

Finally, the removal of the ATS use as a permitted use in the MAR Zone will also impact a property located on Winston Churchill Blvd (12816 Winston Churchill Blvd) which is currently licensed under the ARA and is being rehabilitated. Town staff has indicated that the rehabilitation is nearing completion and once completed, the MNR expects the license to be surrendered. This property is not subject to the ICBL.

In addition to recommending that the Town re-zone properties that are no longer licensed, it is also recommended that the Official Plan be amended as well by deleting the Mineral Aggregate Resource Area designation on these same lands.

One other property of note is the J.C. Duff Limited lands (12942 Highway 7) near Silver Creek. This former gravel pit has been rehabilitated and the MNR accepted the surrender of the license on this property in 2008. The property is located within the Niagara Escarpment Plan Area and is subject to Development Control by the Niagara Escarpment Commission, and as such the Town's comprehensive zoning by-law does not apply to the property. The Niagara Escarpment Commission has taken steps to re-designate the property from Mineral Resource Extraction Area to Escarpment Rural Area now that the license has been

surrendered. The property is identified as being located within the Mineral Aggregate Resource Area designation under the Town's Official Plan and in accordance with the recommendations above, the property should be re-designated to appropriate land use designations consistent with the Niagara Escarpment Plan Amendment No. 192 now that the license has been surrendered.

3.0 CONCRETE BATCHING PLANTS

3.1 Description

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

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.”

Based on a review of a number of concrete production facilities, 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.

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.

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.

At the present time, there are three concrete batching plants in the Town of Halton Hills, as described in the September 18, 2012 report.

3.2 Options

The September 18, 2012 report identified a number of factors in Section 5 that were considered in developing options for concrete plants. With respect to location, there are two areas in the Town that could be considered for concrete batching plants - the General Employment Area designation that applies in Acton and Georgetown and the Rural Industrial Area designation on Regional Road 25. It is recognized that the lands designated Rural Industrial 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.

A number of options with respect to concrete plants were identified in the September 18, 2012 report. These options were divided into urban and rural categories in the presentation made at the open house on October 30, 2012.

Concrete Plant – urban areas

1. OPA and ZBA for new concrete plants in the General Employment Area and Rural Industrial Area designations
2. ZBA only for new concrete plants in the General Employment Area and Rural Industrial Area designations
3. Include a definition of concrete plant in the zoning by-law and recognize existing concrete plants as permitted uses in the zoning by-law
4. Include a definition of concrete plant in the zoning by-law not permit the use

Concrete Plant – rural areas

1. Permit concrete plants in association with a licensed pit or quarry

3.3 Public and Comments

Several comments were received following the open house in regards to concrete batching plants. It was recommended that Option 3 be selected and that concrete batching plants not be permitted in the rural area. As noted earlier, a copy of all public comments that were received are provided under separate cover.

3.4 Industry Comments

In their comments, **Holcim** makes a number of technical submissions. The Holcim submission indicates that *“proper planning can permit major facilities to co-exists with sensitive land uses so long as they are properly designed, buffered and/or separated from each other to prevent adverse effects”*. In response, I am in agreement with this point. It is also suggested that a number of other sections of the PPS be referenced, with the sections supporting the need to locate concrete plants in appropriate locations since they are a foundation of infrastructure and development needs. In response, it is agreed that concrete plants are a necessary component in the provision of needed infrastructure.

It is further noted that appropriate mitigation measures in accordance with Ontario standards are also effective means to prevent adverse effects, not just separation distances. References are then made in the letter to various components of the MOE guidelines. In response, it is agreed that mitigation measures can be utilized to minimize adverse effects.

It is also indicated in the Holcim letter that the Study should clearly recognize that stand-alone aggregate uses *“are the foundation of the building materials that are required to foster development of communities and necessary infrastructure that have been targeted for growth as identified in the Growth Plan.”* In response, as the author of the Study, I very much recognize that this is the case.

It is also recommended that Section 4.2 and 4.3.2 of the Greenbelt Plan be considered, since there are *“policies in this section that identify the importance of stand-alone aggregate uses as they relate to the development of infrastructure.”* In response, it is noted that Section 4.2 deals with infrastructure as defined by the Greenbelt Plan. Stand-alone aggregate uses are not a component of infrastructure as defined. However, it is recognized that aggregate is a foundation for much of the infrastructure that is the subject of this section in the Greenbelt Plan.

Within Section 4.3.2, it is recognized that the Greenbelt Plan indicates that *“activities related to the use of non-renewable resources are permitted in the protected countryside, subject to all other applicable legislation, regulations and municipal Official Plan policies and by-law.”* It is further indicated in Section 4.3.2 that *“aggregates, in particular, provide significant building materials for our communities and infrastructure, and the availability of aggregates close to market is important both for economic and environmental reasons.”* In response, this particular section deals specifically with the source of aggregate and the conditions under which mineral aggregate operations, wayside pits and quarries are to

be permitted. However, it is recognized that concrete plants are part of the supply chain and are necessary to support the policies of the Greenbelt Plan.

With respect to the options, Holcim indicates that the Official Plan and Zoning By-law should include aggregate recycling as a permitted use as part of a concrete batching plant as well as a permitted use on lands under license under the ARA. In response, it is my understanding that recycled materials are currently used by concrete batching plants in the production of concrete and as a consequence, I do not believe it is necessary to establish aggregate recycling as a stand-alone permitted use. Consideration could be given to indicating that aggregate recycling could be a component of a concrete batching plant in the definition. As this Study does not deal with uses that may be permitted in conjunction with a license as per the ARA, adding aggregate recycling as a specific permitted use in the MAR Zone is not recommended. It is noted that aggregate recycling could be considered an 'associated use' as per the definition of mineral aggregate resource operation in the PPS and the Town's comprehensive zoning by-law.

It is further indicated in the Holcim letter that another option should be considered, with this option pre-designating and pre-zoning existing concrete batching plants within the General Employment and Rural Industrial Areas and in areas under license by the Aggregate Resources Act. In response, as will be recommended later in this section, it is recommended that concrete batching plants be a permitted use in the EMPI and RU-EMP zones. As a consequence, it is recommended that the use be confirmed as a permitted use in both the Official Plan and Zoning By-law in these areas. No changes are proposed to the Official Plan and Zoning By-law in terms of permitting concrete batching plants within on lands under license pursuant as per the ARA.

In a letter from **MHBC** dated November 12, 2012 written on behalf of Lafarge Canada Inc., the owner and operator of a concrete batching plant on Armstrong Avenue in Georgetown, a number of comments and requests are made. Firstly, Lafarge indicates that the concrete batching plant at 32 Armstrong Avenue be recognized as a permitted use in the Official Plan and Zoning By-law. As will be discussed later in this report, it will be recommended that concrete batching plants be permitted in the EMPI Zone.

3.5 Analysis

The current Official Plan establishes a long-term policy direction for all land uses and all areas in the Town. With respect to the Georgetown and Acton employment areas, that long-term policy direction suggests that these employment areas will evolve over time into higher order employment areas with less outdoor storage and outdoor processing.

Both the Georgetown and Acton employment areas are typical of smaller town employment areas in the Greater Toronto Area in which a variety of employment uses including those that have outdoor storage and/or outdoor processing components have clustered. Other examples include parts of the Bolton employment area in the Town of Caledon, the parts of Milton's employment area along Highway 401 and to the east of the Milton downtown area and pockets of Brampton, Vaughan and Markham that were once on the edges of urban areas. The types of uses common in these areas require

large land areas for outdoor storage and processing. At the time many of these uses were developed, land was relatively cheap, particularly on the fringes of the Greater Toronto.

Given the growth of the Greater Toronto Area in general and its corresponding impact on land values, finding relatively low cost land for uses that have outdoor storage and/or outdoor processing components is becoming increasingly difficult. In addition, many municipalities do not actively encourage this type of employment for aesthetic reasons. As a consequence, employment areas like the ones in Georgetown and Acton area becoming more rare and hence more valuable.

Many municipalities establish policies and zoning provisions to attract and encourage higher order uses in employment areas and Halton Hills is no different. In the case of Halton Hills, these types of uses have been directed to the Highway 401/407 Employment Area. As a consequence, there is already an area in the Town set aside for higher order uses which do not permit outdoor storage and/or outdoor processing components. On this basis, it is appropriate to recognize the value of the Georgetown and Acton employment areas as general industrial areas with a mix of uses including those with outdoor storage.

On the basis of the above, it is recommended that the Official Plan be amended to support the current function of the Georgetown and Acton employment areas as an area where outdoor storage and/or processing is permitted, subject to criteria and other controls as appropriate. Specifically, uses that have outdoor storage and/or outdoor processing components should not be permitted within a certain distance of major roads, and in particular Mountainview Road and Guelph Street in Georgetown.

With respect to the zoning by-law, it is my opinion that concrete batching plants should be permitted use in the EMPI Zone in the Georgetown and Acton employment areas subject to locational criteria. Given that there are already three concrete batching plants in the Georgetown and Acton employment areas and a number of other uses with outdoor storage and outdoor processing components as well, permitting the expansion of the existing plants and new ones is in my opinion appropriate.

Given the recommendation to permit aggregate transfer stations and concrete batching plants in the Georgetown and Acton employment areas and the RU-EMP Zone, other similar uses such as 'construction/landscaping contractors yard' should also be permitted in these same areas.

The effect of permitting concrete batching plants, aggregate transfer stations and potentially contractor's yards in Georgetown and Acton is expected to be limited, given that much of the Georgetown and Acton employment areas have already been developed. However, permitting these uses also provides for the expansion of uses that already exist in this area and it may provide for some re-development as well. It is recognized that there may be a small number of properties where these uses should not be permitted, because of their small size and the proximity of the property to major roads and residential uses. Examples include the Superior Glove property in Acton on

Region Rd. 25 and the CPI property at the intersection of Mountainview Road and River Drive in Georgetown. It is also recommended that these uses should also not be permitted on lands that are zoned M1 by Bylaw 74-51, which continues to apply to a limited number of properties, because of their location in the rural area and in the Hamlet of Norval.

4.0 ASPHALT PLANTS

4.1 Description

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”.

Asphalt is made up the following components:

- 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.

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.

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, 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.

While this study does not deal with portable asphalt plants, a description of such a plant is provided in the Provincial Policy Statement (PPS):

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.*

It is noted that the definition from the PPS above specifically indicates that the stockpiling and storage of bulk materials used in the process is a component of a portable asphalt plant. Based on our review of other HMA facilities in the Greater Toronto Area and a review of the AECON plant in Brampton, it is clear that the stockpiling and storage of bulk materials is a significant component of the land use.

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. There are currently no HMA facilities in the Town of Halton Hills.

4.2 Options

The September 18, 2012 report identified a number of factors in Section 5 that were considered in developing options for asphalt plants. With respect to location, there are only two areas in the Town that could be considered for asphalt plants - the General Employment Area designation that applies in Acton and Georgetown and the Rural Industrial Area designation on Regional Road 25. It is recognized that the lands designated Rural Industrial 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.

The September 18, 2012 report identified a number of options with respect to asphalt plants. As mentioned previously in this report, the presentation given to the public on October 30, 2012 reclassified these options into urban and rural options. Below are the options as presented on October 30, 2012.

Asphalt Plant – urban areas

1. OPA and ZBA for new asphalt plants in the General Employment Area and Rural Industrial Area designations
2. ZBA only for new asphalt plants in the General Employment Area and Rural Industrial Area designations
3. Include a definition of asphalt plant in the zoning by-law and not permit the use

Asphalt Plant – rural areas

1. Permit asphalt plants in association with a licensed pit or quarry

4.3 Public and Agency Comments

Very few comments were made at the October 30, 2012 open house regarding asphalt plants. However, the public on the open house forms and in follow-up correspondence made a number of comments. On one of the open house forms, it was suggested that the Town should select Option 2. It is further indicated that *“no plants exist in the area and are needed to better maintain the existing roads at an affordable price. Material is cheaper when the facility is close by. ZBA and site plan approval still require to respect the adjacent properties and abide by all environmental regulations in an effort to protect our planet as well as the beauty of the area.”*

Another commented that Option 3 should be selected for urban areas and that there should be no asphalt plants in rural areas. In another comment received, it is indicated that Option 1 for urban areas should be selected *“with restrictions as to substantial buffer setbacks to any residential areas”*. In addition, it is indicated that *“I view this as heavy industrial and should permitted only in those areas that have similar uses and infrastructure”*. It also indicated that asphalt plants should not be permitted in rural residential areas under any circumstances. Another commenter indicated that a definition of asphalt plant should be included in the by-law and it should not be permitted as-of-right in urban or rural areas. Concerns expressed about this use include adverse environmental effects, long-term environmental impacts, invasive impacts to neighbouring properties and community.

A copy of all written public comments that have been received are provided under separate cover. With respect to agency comments, those comments are presented within Section 3.3 of this report and apply equally to asphalt plants.

4.4 Industry Comments

In their letter dated October 30, 2012, **Holcim** makes a number of comments with respect to asphalt plants. Holcim also notes that there are various mitigation measures that can be implemented to address the potential burden of asphalt plants on neighbouring land uses. Examples include the installation of low NO_x burners, coater systems (eliminates the need for a screen deck), bag houses and wet scrubbers. Holcim also notes that the term “*smoke stack*” should be replaced with “*main stack*”. It is also recommended that explaining AP-42 emission factors typically overestimate emissions at asphalt plants, especially for those that are newer and have environmental controls.

The Holcim comments respecting policy that is presented in Section 3.3 of this report are also applicable as appropriate to asphalt plants. It is noted that there is no specific request made with respect to which option should be selected for asphalt plants.

4.5 Recommendations

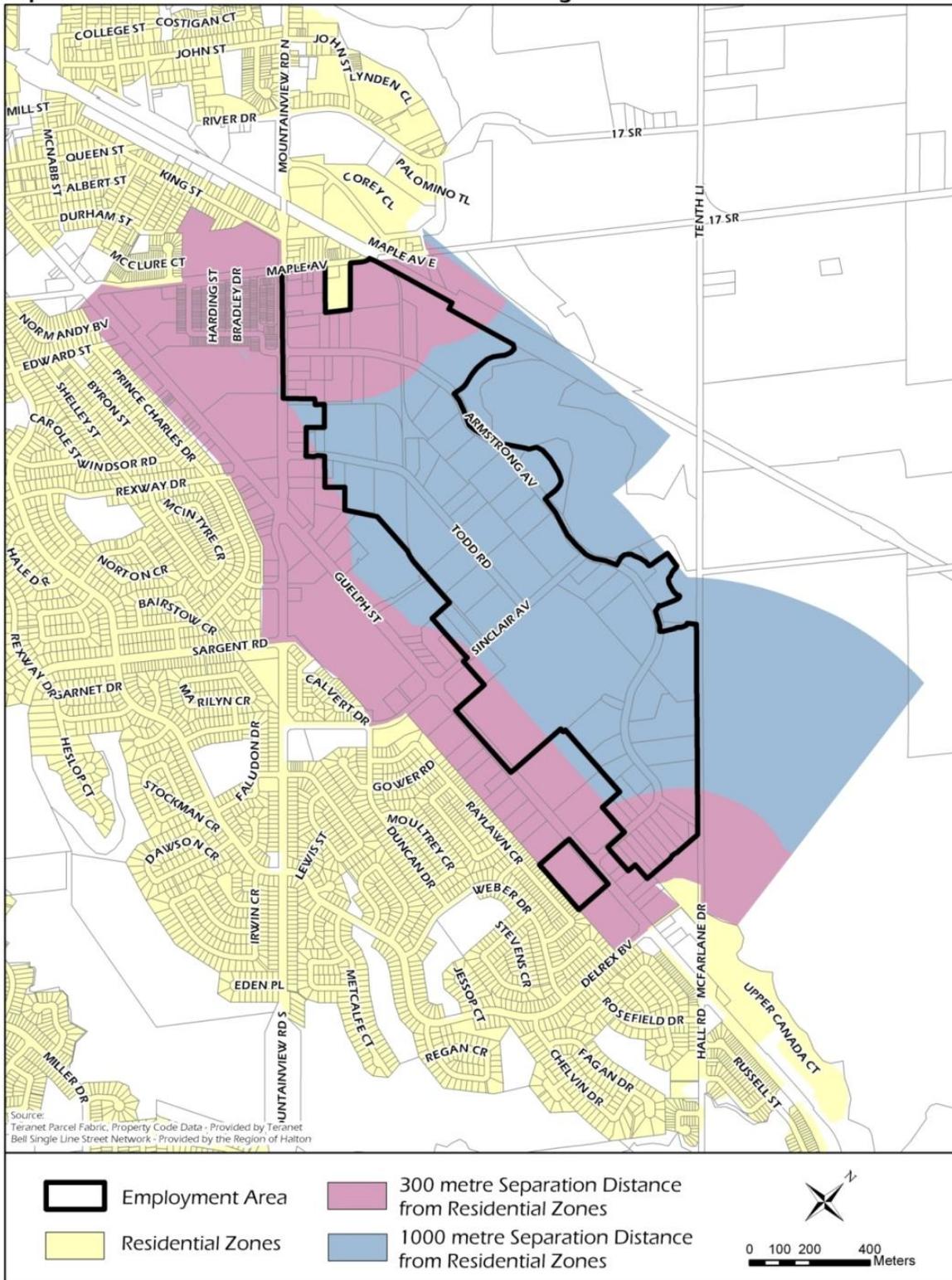
Given that asphalt plants by definition are primarily an outdoor storage use and because the odours emanating from the asphalt plant are often of concern to the public/adjacent landowners, it is recommended that asphalt plants only be considered in the Georgetown and Acton employment areas by way of an Amendment to the Official Plan and zoning by-law. It is also recommended that the Official Plan contain criteria and study requirements (most notably odour) that would be relied upon to assess the merits of asphalt plants on a case-by-case basis. These criteria would deal with the potential adverse effects of these plants on sensitive land uses in the area and with the visual impact of these uses.

This recommendation also recognizes, as indicated in the September 18, 2012 report, 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 is my opinion that it would be premature to determine where these uses should be permitted in principle at this time without an amendment to by the Official Plan and zoning by-law.

This recommendation takes into account mapping prepared for both the Acton and Georgetown employment areas shown below that indicates that all of the Acton and Georgetown employment areas are within 1,000 metres of lands that are designated and zoned for residential purposes. On this basis, it is my opinion that it would be premature to identify asphalt plants as a permitted use in the Official Plan, and am therefore recommending that a proposed asphalt plant require an amendment to the Official Plan and zoning by-law, based upon criteria and appropriate study requirements.

Separation Distances from Residential Zones – Georgetown



5.0 SUMMARY

It is my opinion that the changes being recommended in this report to the Official Plan and zoning by-law will accomplish a number of objectives. Specifically,

1. Deleting aggregate transfer stations as a permitted use in the MAR Zone ensures that aggregate-related uses are only permitted in conjunction with a license;
2. Permitting concrete batching plants subject to criteria and stand alone aggregate transfers stations in the Georgetown and Acton employment areas recognizes that these two employment areas are well suited for these types of uses;
3. Potentially permitting other similar uses, such as contractor's yards in the Georgetown and Acton employment areas also recognizes the role and function of these areas and also provides a location for these types of uses in the future; and,
4. Requiring Official Plan and zoning by-law amendments for asphalt plants provides for the establishment of a Planning Act process to consider these uses and their potential impacts on a case-by-case basis in the Georgetown and Acton employment areas.

On the basis of the above, it is recommended that a public meeting be scheduled to consider proposed amendments to the Official Plan and Zoning By-law to reflect the recommendations being made in this report.