

City of Cambridge

Official Plan Review

Aggregates Draft Policy Paper



May 2011

Please note that policy numbers and cross references are subject to change when the overall draft Official Plan is prepared

TABLE OF CONTENTS

1. Overview.....	1
2. Rationale for Changes.....	1
3. Proposed Official Plan Policies	2
3.B Environmental Management	2
3.B.7 Mineral Aggregates.....	2
General	2
Resource Protection	3
Creation of New Mineral Aggregate Operations	4
Required Technical Information	5
Existing Mineral Aggregate Operations	6
Wayside Pits and Quarries and Portable Asphalt Plants.....	6
Rehabilitation of Aggregate Operations	7
4. Glossary	7
5. Mapping Updates	7
6. Policies Recommended for Deletion	7

1. Overview

The draft revised sections of the Cambridge Official Plan presented in this paper will provide policy direction with respect to the protection and wise management of aggregate resources. Many of the policies in this chapter are directed by the Provincial Policy Statement (2005) and the new Provincially-approved Regional Official Plan (ROP) (2011).

2. Rationale for Changes

Approval of policies in Chapter 7 of the Cambridge Official Plan, dealing with mineral aggregate resources, was deferred by the Region of Waterloo in 1999. Land purchase negotiations which were ongoing at the time involving a major mineral aggregate deposit in the floodplain of the Grand River created a difficult environment for policy approval. The City desired continuation of the existing Official Plan policy from the 1981 Plan which prohibited aggregate extraction in areas designated Class 1 Open Space, such as floodplain. This was resisted by the Ministry of Natural Resources and the University of Guelph which owned the subject mineral aggregate deposit. Although the lands were sold (now owned by *rare*, a charitable nature reserve), the deferral was never dealt with.

The new Provincially-approved ROP (2011) provides current Regional policy direction for aggregate resources. However, several aspects have been modified by the Province in its approval of the ROP, which the Region contends do not comply with various Provincial statutes, regulations or policies. The Region has appealed these aspects of the Provincial modifications: source water protection as it relates to aggregate extraction in the two-year time of travel capture zone; vertical zoning of mineral aggregate extraction; aggregate extraction below the water table; subwatershed scale hydrogeological studies; and aggregate extraction within Environmentally Sensitive Policy Areas. The policies proposed for the Cambridge Official Plan relating to these aspects refer generally to ROP policy in such a manner that the Cambridge Official Plan should reflect the final resolution of the issues.

New policies dealing with the identification of aggregate bedrock deposits and the establishment of quarries are included as part of the Provincial modifications to the ROP. These were not appealed by the Region and are included in the draft policies for the Cambridge Official Plan, as an area of aggregate bedrock deposit has been identified within the municipal boundary.

Note: Margin notes are included to indicate if a proposed policy is:

- taken from the existing Official Plan; or
- new.

If the policy is from the existing Official Plan, the margin notes will indicate whether it has been revised or updated. The margin notes will also indicate the source for new policies only where the policy is based on provincial, regional or municipal policies, documents or studies.

3. Proposed Official Plan Policies

Chapter 3: Natural Heritage and Environmental Management

3.0 Objectives

j) to identify and protect *mineral aggregate* resource areas and to establish conditions under which their extraction may be permitted. (n)

3.B Environmental Management

3.B.7 Mineral Aggregates

1. *Mineral aggregates* constitute the major raw material in the road building and construction industries. *Mineral aggregate* resources within the city include naturally occurring sand and gravel deposits and bedrock resource areas. Although *mineral aggregate* deposits are plentiful in Ontario, they are fixed-location, non-renewable resources which can be extracted only where they occur. The *City* recognizes the value of *mineral aggregate* resources and will endeavour to balance the need to extract the resource with the protection of the natural environment and minimizing conflicts with incompatible land uses.

Introduction to Chapter 7 revised to include bedrock resource areas.

General

2. Mineral Aggregate Resource Areas and Aggregate Bedrock Deposits are shown on Map 14 of this Plan. Mineral Aggregate Resource Areas represent locations where there is a high potential for *mineral aggregate* extraction to occur due to the quantity of high quality sand and gravel deposits that have been identified. Aggregate Bedrock Deposits represent locations where there is a high potential for *mineral aggregate* quarrying to occur due to the thin soil overburden and quality of the bedrock resource. Boundaries of Mineral Aggregate Resource Areas and Aggregate Bedrock Deposits are approximate, based on *Provincial* information and may be changed without amendment to this Plan. The identification of these resources in this Plan does not presume that all lands located within these areas are suitable for the establishment of new, or expansions to existing *mineral aggregate operations*.

7.1.1 revised to include aggregate bedrock deposits per prov'l mods to ROP

7.2.1 revised to include aggregate bedrock deposits

3. The *City* encourages the early extraction of *mineral aggregate* resources identified on Map 14 as Mineral Aggregate Resource Area or Aggregate Bedrock Deposit before *development* is considered on or adjacent to the area of possible extraction. Where feasible, it is encouraged that any *mineral aggregate* resources be extracted and all extraction activities ceased prior to *development*.

7.1.2 revised to conform to ROP 9.C.6 and 9.C.8

4. Lands shown on Map 14 as Mineral Aggregate Resource Areas or Aggregate Bedrock Deposits which are also designated by the *Region* as Core Environmental Features (shown on Map 9) shall not be used to open, establish or operate any *mineral aggregate operations* except in accordance with Regional Official Plan section 9.C.6. Extraction *contiguous* to Core Environmental Features may be permitted provided an *Environmental Impact Statement* to the satisfaction of the *City*, *Region* and GRCA shows that there will be no significant *adverse environmental impacts* to their *natural features* or *ecological functions* and connectivity/*natural features linkages*.

New ROP 9.C.10

5. Within *Environmentally Sensitive Landscapes* as designated in the Regional Official Plan, new *mineral aggregate operations* or wayside pits and quarries may be permitted subject to requirements found in the Regional Official Plan Section 9.C.10 and 9.C.11.

7.1.3 revised to add Aggregate Bedrock Deposits

6. *Subwatershed studies* (where they exist), encompassing Mineral Aggregate Resource Areas and Aggregate Bedrock Deposits, will be used to provide direction for environmentally sensitive resource extraction.

New – provincial mod to ROP – added Policy 9.C.14

7. A new *mineral aggregate operation* proposing to establish or expand a *quarry operation* may only be permitted by way of an amendment to the Regional Official Plan and this Plan. Such amendment will be reviewed in the context of the policies of the Regional Official Plan and this Plan, and the Provincial Standards approved under the Aggregate Resources Act.

Resource Protection

7.2.6 revised to add Aggregate Bedrock Deposits

8. The *City* shall consider *development* proposals to change the use of land in Mineral Aggregate Resource Areas or Aggregate Bedrock Deposits which would preclude or hinder the establishment of *mineral aggregate operations* or access to the resources only where:

- a) consideration of the resource in question shows extraction would not be economically feasible;

- b) the proposed land use or development serves a greater long term public interest than does aggregate extraction;
- c) issues of public health, safety and environmental impact are adequately addressed; and
- d) the amount of land required for any new *development* is minimized to retain as much of the *mineral aggregate* resource potential as possible.

7.2.2 and ROP
9.A.4 c)

9. The *City* encourages the recovery of *mineral aggregate* resources through the sequential use of developable land, whereby *mineral aggregate* resources are extracted prior to, or in conjunction with development of the land.

Creation of New Mineral Aggregate Operations

7.2.1 revised to
conform to ROP
9.C.1 and 9.C 14

10. Except as stated in Policy 3.B.7.4 and 3.B.7.7, new *mineral aggregate operations* may be established within any designation contained in this Plan with an amendment to the *City's* Zoning By-law, the approval of which will be subject to all applicable policies in the Regional Official Plan and this Plan in addition to the requirements for a license under the Aggregate Resources Act. Any Zoning By-law amendments approved under this Policy will apply only to the boundary of the licensed area which is specified on the proposed *site plan*.

7.2.3 and ROP
9.A.4 (d)

11. Accessory uses associated with aggregate extraction operations and processing activities, such as crushing, screening, washing, stockpiling, blending with recycled asphalt or concrete materials, storage, weigh scales and parking and office facilities will be permitted within approved new *mineral aggregate operations* as defined through the *City's* Zoning By-law.

7.2.4 and ROP
9.A.4 (e)

12. Ancillary land uses such as asphalt plants, concrete plants and aggregate depots that blend and stockpile aggregate materials with salt require an amendment to this Plan and a site specific Zoning By-law amendment to be permitted, except where such uses are identified as a prohibited use in accordance with Regional Official Plan source water protection policies.

ROP 9.C.12

13. *Development* applications that would establish an ancillary use to a *mineral aggregate operation* will only be permitted where applicable studies identified in Policy 3.B.7.15 and the Regional Official Plan demonstrate to the satisfaction of the *City* and *Region* that the proposed use will mitigate any potential *adverse effects*.

ROP 9.D

14. Extraction below the water table will only be permitted as per Regional Official Plan section 9.D.

Required Technical Information

7.2.5 revised
ROP 9.C.3

15. *Development* applications to permit a new *mineral aggregate operation* will only be considered where the following studies have been submitted to the satisfaction of the *City*, in addition to studies required by the *Region* in the Regional Official Plan:

- a) the submission of a study to the satisfaction of the *City* indicating potential transportation impacts (including haulage routes) from the proposed extraction operation on the *City* road system;
- b) as determined by the *City*, the submission of an *Environmental Impact Statement* in accordance with Chapter 3A of this Plan;
- c) as determined by the *City*, the submission of a *Cultural Heritage Impact Assessment* in accordance with Chapter 4 of this Plan;
- d) a rehabilitation plan which demonstrates that the proposed rehabilitation is consistent with the policies of this Plan and the Regional Official Plan;
- e) the submission of all reports required by the *Province* in accordance with the Aggregate Resources Act and the *Region* in accordance with the Regional Official Plan;
- f) such other relevant matters as *Council* deems necessary; and
- g) the *City* will secure conditions through the *site plan* process under the Aggregate Resources Act, if necessary;
 - i) to ensure adequate buffers and/or screenings along road rights-of-way, or adjacent to any existing or proposed residences or as determined through the approval of required studies, adjacent to *sensitive land uses* to the satisfaction of the *City*;
 - ii) that no new excavation or processing will take place until all required buffers and/or screenings have been constructed;
 - iii) that no water or washing or screening operations will be discharged into any watercourse;
 - iv) that the applicant, in co-operation with the *City*, will establish all haul routes for truck traffic;
 - v) that if a *City* road is to be used as a haul route, the *City* is satisfied that any road improvements are in place prior to removal of aggregates from the site; and
 - vi) that no new excavation or processing will take place until all required fencing and/or security measures have been put in place.

Existing Mineral Aggregate Operations

7.3.1 and ROP
9.B.1

16. The *City* recognizes all existing *mineral aggregate operations* as legal uses of land and the need for their continued use. Changes which add or extend the boundaries of licensed *mineral aggregate operations* can be made without amendment to this Plan following the approval of an amendment to the *City's* Zoning By-law and the issuance of a license by the *Province*.

7.3.2 revised to list
incompatibilities
per ROP and ROP
9.B.1

17. Existing *mineral aggregate operations* shall be protected against incompatible land uses by restricting where possible the location of new *development* relative to the existing *mineral aggregate operation*. New *development* proposals shall be evaluated in terms of potential incompatibilities (public health, public safety or environmental concerns) and addressed accordingly in consultation with the *Region* and the *Province*.

7.3.3 revised order

18. Any proposal to add to or expand existing *mineral aggregate operations* may require amendment to the *City's* Zoning By-law if not already permitted and shall require a license issued by the *Province*. Proposals to add to or expand or increase the depth of existing *mineral aggregate operations* shall be evaluated relative to the characteristics of the surrounding environment. If the expansion of a *mineral aggregate operation* would cause unacceptable conflicts or adversely affect existing land uses surrounding the aggregate operation, such expansion shall not be permitted.

Wayside Pits and Quarries and Portable Asphalt Plants

7.4 revised and
ROP 9.E.1

19. Wayside pits and quarries, *portable asphalt plants* and *portable concrete plants* used for public road authority contracts may be established within any land use designation contained in this Plan as a temporary use, with the exception of the existing *built-up area* or areas which have been determined to be incompatible with extraction and associated activities due to concerns for public health, public safety, source water protection and/or environmental impact, or areas designated Core Environmental Features by the *Region*, without requiring an amendment to this Plan or to the *City's* Zoning By-law, subject to the following provisions:

- a) the public authority seeking to open or establish a wayside pit or quarry or *portable asphalt* or *portable concrete plant* shall,

on behalf of itself or its agent, inform the *City* and the *Region* of its intentions; and

- b) information shall be provided to the *City* and the *Region* on quantity and quality of the resource, expected duration of extraction and details of proposed rehabilitation.

ROP 9.E.2

20. *Portable asphalt plants and portable concrete plants* will be discouraged on lands containing active agricultural operations. If asphalt or concrete for a public road project cannot be obtained from an existing asphalt or concrete plant, attempts should be made to locate the portable plant in wayside pits and quarries, vacant industrial sites, or on inactive or less productive agricultural lands.

Rehabilitation of Aggregate Operations

7.5 and ROP 9.F

21. All proposals for new *mineral aggregate operations*, including wayside pits and quarries will include a rehabilitation plan to the satisfaction of the *City* and the *Region* in compliance with Regional Official Plan Section 9.F policies for rehabilitation of *mineral aggregate operations*.

4. Glossary

Please see separate glossary.

5. Mapping Updates

The revisions to aggregate policies of the Cambridge Official Plan as well as the availability of new information since 1999 will necessitate changes to Map 14.

6. Policies Recommended for Deletion

All of Section 7.5 Rehabilitation

7.5.1 When considering an amendment to the *City's* Zoning By-law which would enable the establishment or expansion of a *mineral aggregate operation*, the *City* will recommend to the *Province* conditions to be included in the aggregate license or notations on the site plan to ensure proper rehabilitation of the lands. Proper rehabilitation is defined as follows:

- a) where the lands from which the extraction will occur are designated as an Agricultural Resource District on Map 15 of this plan, rehabilitation shall require the restoration of the lands to the previous agricultural capability of the lands. On these Agricultural Resource District lands, complete agricultural rehabilitation is not required if:

- i) there is a substantial quantity of *mineral aggregates* below the water table warranting extraction; or
 - ii) the depth of planned extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible; and
 - iii) other alternatives have been considered by the applicant and found unsuitable; and
 - iv) agricultural rehabilitation in remaining areas will be maximized.
- b) where the lands from which the extraction will occur are within any other designation shown on Map 15 of this plan, rehabilitation shall be compatible with the intended or sequential land use in terms of grading, post extraction elevations and vegetation cover.

7.5.2 The *City* encourages progressive rehabilitation whereby a sequence of extraction and consequent rehabilitation would take place. Such a sequence shall minimize the area affected at any one time by requiring rehabilitation in a progressive and phased manner as extraction on portions of the site is completed.

REASON: City's interests are covered in the ROP policies with respect to rehabilitation of *mineral aggregate operations*.