

# **The Corporation of the City of Kawartha Lakes**

## **Agenda**

### **Planning Advisory Committee Meeting**

**PC2019-10**

**Wednesday, October 9, 2019**

**1:00 P.M.**

**Council Chambers**

**City Hall**

**26 Francis Street, Lindsay, Ontario K9V 5R8**

#### **Members:**

**Mayor Andy Letham**

**Councillor Patrick O'Reilly**

**Councillor Kathleen Seymour-Fagan**

**Councillor Andrew Veale**

**Mike Barkwell**

**Tammy Smith**

**Jason Willock**

|     |   |           |
|-----|---|-----------|
| 1.  | <b>Call to Order and Adoption of Agenda</b>   |           |
| 2.  | <b>Declarations of Pecuniary Interest</b>   |           |
| 3.  | <b>Public Meeting</b>   |           |
| 3.1 | PLAN2019-052  | 4 - 143   |
|     | Leah Barrie, Policy Planning Supervisor<br>Aggregate Policy Review - Official Plan Amendment Number 11  |           |
| 3.2 | PLAN2019-053  | 144 - 157 |
|     | Quadri Adebayo, Planner II<br>An application to amend the Township of Eldon Zoning By-law 94-14 on land described as Part Lot 10, Concession 3, Part 1 on 57R-5744, geographic Township of Eldon, identified as 305 Glenarm Road - D.S. and B. Farms Inc.   |           |
| 3.3 | PLAN2019-054  | 158 - 169 |
|     | Mark LaHay, Planner II<br>An application to amend the Township of Ops Zoning By-law 93-30 on land described as Part Lots 18 to 20, Concession 11, geographic Township of Ops, identified as 1082 Lilac Road - Martin  |           |
| 3.4 | PLAN2019-055  | 170 - 183 |
|     | David Harding, Planner II<br>An application to amend the Township of Emily Zoning By-law 1996-30 on land described as Part Lot 21, Concession 2, geographic Township of Emily, identified as 1109 Meadowview Road - 2324784 Ontario Ltd.  |           |
| 3.5 | PLAN2019-056  | 184 - 192 |
|     | David Harding, Planner II<br>Applications to amend the Kawartha Lakes Official Plan and the Township of Ops Zoning By-law 93-30 on land described as Part Lot 22, Concession 7, Parts 1-3, 57R-10704, geographic Township of Ops, identified as 396 Highway 36 - Mike Redmond Septic Service Ltd. |           |

Mark LaHay, Planner II

Applications to amend the Kawartha Lakes Official Plan and the Township of Fenelon Zoning By-law 12-95 on lands described as Part of Lot 23, Concession 9, Parts 1 to 3, Plan 57R-8353, Parts 1 and 2, Plan 57R-2352, Lots 53-54, Part Third Street (Closed), Plan 190, geographic Township of Fenelon, identified as West Street North, Fenelon Falls - Muskoka D & M Corp.

4. **Business Arising from Public Meeting**
5. **Deputations**
6. **Correspondence**
7. **City of Kawartha Lakes Reports**
8. **Adjournment**

# **The Corporation of the City of Kawartha Lakes**

## **Planning Advisory Committee Report**

**Report Number PLAN2019-052**

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**Date:** October 9, 2019  
**Place:** Council Chambers  
**Public Meeting**

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**Ward Community Identifier:** All

**Title:** Aggregate Policy Review – Official Plan Amendment No. 11

**Description:** Official Plan Amendment No. 11 is intended to identify, protect and manage mineral aggregate resources, and to mitigate social, environmental and human health impacts of existing and future mineral aggregate operations and associated haul routes.

**Author and Title:** Leah Barrie, Policy Planning Supervisor

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### **Recommendations:**

**That** Report PLAN2019-052, **Aggregate Policy Review – Official Plan Amendment No. 11**, be received; and

**That** Draft OPA 11 be referred back to staff pending the outcome of the public consultation component, and that any revisions to draft OPA 11 be brought back to a subsequent Planning Advisory Committee meeting.

**Department Head:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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## **Background:**

Previous resolutions of Council and Committees of Council are documented in Appendix A. Most recently, at the Council Meeting of November 24, 2015 Council adopted the following resolution:

### **CR2015-1231**

**That** Report PLAN2015-094, Aggregate Policy Review - Official Plan Amendment No. 11, be received;

**That** Council endorse Official Plan Amendment No. 11 substantially in the form attached as Appendix C to Report PLAN2015-094, dated November 24, 2015;

**That** staff be directed to forward to the Ontario Municipal Board, other parties and participants to the appeal, this resolution and a copy of Report PLAN2015-094 with Appendix B; and

**That** the City Solicitor and appropriate City staff be authorized to attend future Ontario Municipal Board Hearing(s) to defend the policies contained in the Council endorsed Official Plan Amendment No. 11.

**Carried**

This report addresses that direction.

## **Rationale:**

### **I. Aggregates – Background and Legislation**

Aggregates are a non-renewable resource, extracted from either a gravel pit (in the case of sand and gravel) or a quarry (in the case of bedrock, such as granite and limestone). They have many uses, including the construction of buildings, roads and other infrastructure. Most of the aggregate produced in Ontario comes from private land in the southern region of the province – these lands are also the most densely populated.

The City of Kawartha Lakes is a member of TAPMO (Top Aggregate Producing Municipalities of Ontario), and has ranked second for licenced production since 2015 (only behind Ottawa). In 2018, the City produced approximately 7.2 million tonnes. There are currently 137 licenced operations across the City.

The legislative and policy framework for managing aggregate resources in Ontario is complex. The principal vehicle for managing aggregate resources and operations is the Aggregate Resources Act (ARA). The Ministry of Natural Resources and Forestry (MNRF) administers the ARA, manages the aggregate

licence approvals and permits process, and ensures aggregate resources are protected and made available.

Additionally, there are relevant aspects of the Endangered Species Act, the Clean Water Act and the Planning Act governing policies and approvals. Aggregates are a matter of Provincial interest, and as such are integrated into provincial and municipal planning decisions by requiring that all decisions are consistent with the Provincial Policy Statement (PPS, 2014) and conform or do not conflict with Provincial Plans. Provincial policies provide direction for municipal Official Plans, and as they relate to the City of Kawartha Lakes, applicable Provincial Plans include A Place to Grow, The Growth Plan for the Greater Golden Horseshoe (2019); the Oak Ridges Moraine Conservation Plan (ORMCP, 2017); and, the Greenbelt Plan (2017).

The Oak Ridges Moraine Conservation Plan was approved by the Province in 2002. City of Kawartha Lakes Official Plan Amendment (OPA) No. 104, being the City's ORMCP conformity exercise, was approved, with modifications by the Province, in 2005. Aggregate policies must conform to and recognize the sensitive environmental features located within the ORMCP area. The ORMCP was updated by the Province in 2017. The policies and designations within the ORMCP and OPA No. 104 are separate and distinct from, and do not apply to, the lands that are the subject of OPA 11. The City will be updating OPA 104 as part of a future exercise.

The Greenbelt Plan covers a broad area in and around the Greater Golden Horseshoe. The Plan aims to protect against the loss and fragmentation of the agricultural land base, supporting agriculture as the predominant land use, providing protection to the natural heritage and water resource systems and ultimately providing a framework around which major urbanization in south-central Ontario can be organized. All lands within the Greenbelt are covered under the ORMCP. As such, a conformity exercise for the Greenbelt Plan will be undertaken as part of the future exercise to update OPA 104.

In order to support the implementation of More Homes, More Choice: Ontario's Housing Supply Action Plan (Bill 108), the Province has recently announced two (2) additional legislative, regulatory and policy reviews, including proposed amendments to the ARA and to the PPS.

### **Aggregate Reform**

The Province has proposed amendments to the ARA that would improve access to aggregates within road allowances; clarify jurisdiction on Crown land and depth of extraction; and, clarify how haul routes are considered under aggregates legislation. The Province is also proposing to strengthen the protection of water resources through a more robust application process for requests to extract aggregates below the water table, and will continue to review the required

technical studies to ensure groundwater resources are protected. The consultation period is open from September 20, 2019 to November 4, 2019.

### **Provincial Policy Statement (PPS) Review**

The Province has proposed an amendment whereby extraction could be considered within natural heritage features, provided that the long-term rehabilitation can demonstrate no negative impacts on the natural features or their ecological functions. Proposed changes to the ARA noted above are reflected in the PPS as well. The consultation period is open from July 22, 2019 to October 21, 2019.

## **II. Official Plan Amendment No. 11**

### **Background**

Policy development relating to the management of mineral aggregate resources dates back over 40 years in the City of Kawartha Lakes, and beforehand in the County of Victoria. Policies were first established by County Council with adoption of the County of Victoria Official Plan in 1978. County Council adopted a major amendment to the OP in 1998 that included updated aggregate and transportation policies, and Schedules. County Council subsequently repealed adoption of the amendment, reverting to the 1978 policy regime. The policies remained in place until City of Kawartha Lakes Council adopted the new OP in 2010. The Province approved the City's OP in 2012, with modifications that directed the development of an "Aggregate Secondary Plan". The Province received fifteen (15) appeals to its approval of the OP, four (4) of which were related to aggregate policies; of these four (4) appeals, two (2) remain unresolved.

From 2012-2014 a Council-appointed Aggregate Steering Committee comprised of representatives from the aggregate industry, concerned citizens and members of Council held numerous meetings to review aggregate matters and participate in the development of an "Aggregate Secondary Plan" to resolve the outstanding appeals. The "Aggregate Secondary Plan" became Official Plan Amendment No. 11 in 2015, and was subject to public consultation and agency review. The process culminated with the Council Resolution noted above.

OPA 11 was held back to allow discussion with relevant parties, to further refine the policies, and for Council to make a final decision thereby affording prescribed bodies an opportunity to appeal the decision, in accordance with the Planning Act.

The City retained Dillon Consulting Limited in November 2016 to review comments, and to provide policy support for finalizing OPA 11. Dillon's policy analysis was prepared to understand how the City's earlier draft of OPA 11 compared against the latest Provincial policy documents which had been

updated since the preparation of the earlier draft of OPA 11, and to help identify any policy conformity gaps (see Appendix B).

## **Present**

Staff initiated the 2019 City-wide Aggregate Policy Review by gathering and analyzing the information used to develop the earlier draft of OPA 11, Dillon's policy analysis, and best practices and policies from the top aggregate producing municipalities across Ontario. It was determined that the earlier draft was representative of consultation, but needed to be updated in light of a more thorough understanding of the matters under appeal as well as current Provincial policy. A number of options to advance and complete the Review were assessed, and staff concluded appropriate internal resources were available to bring the 2015 draft to 2019 standards in alignment with the City's goals and objectives, the Province's policy direction.

Through the revised draft OPA 11 (see Appendix B) staff endeavored to address the policy conformity gaps, as well as the outstanding issues that had been raised by the appellants and other members of the community. The revised draft has been circulated to stakeholders for review. Staff continues to be available for further discussion.

In accordance with the requirements of the Planning Act, notice of the October 9, 2019 Public Meeting was issued in a variety of newspapers; notice was also posted across all City Libraries and Service Centres, on the City's website, and via e-mail to stakeholders.

## **Proposed Changes** (see Appendix C)

**Policy Changes:** Sections and policies have been reordered; minor revisions to policy have been made for clarification; designation process for operations has been updated; and, new policies have been added to communicate the City's objectives, for example: early consultation with the City; coordination with adjacent municipalities on cross-jurisdictional matters; and, notice requirements in accordance with Council Resolution 2004-594 (see Appendix A).

**Mapping Changes:** Schedule H identifies the Ontario Geological Survey's Aggregate Resources Inventory Paper (ARIP) 168 for Victoria County, produced by the Ministry of Northern Development and Mines, that maps sand and gravel resources and bedrock resources; all aggregate resources are mapped as an overlay, as opposed to a designation; buffers to environmental and human features have been removed; and, licensed operations are mapped as a designation with tonnage identified. Schedule I identifies haul routes as part of the City's transportation network.

The City of Kawartha Lakes Official Plan is proposed to be amended as follows:

| TO BE DELETED  | TO BE ADDED   | TO BE REVISED                                 |
|--|---|---|
| Section 23<br>Aggregate Designation                                      | Section 23<br>Mineral Aggregate<br>Resource Areas   | Definitions                                   |
| Section 24<br>Sand and Gravel<br>Resource Designation                    | Section 24<br>Mineral Aggregate<br>Operations   | Appendix “J”<br>Environmental Impact<br>Study |
| Section 25<br>Bedrock Resource<br>Designation                            | Schedule “H”<br>Bedrock, Sand and<br>Gravel Resource Areas,<br>Licenced Mineral<br>Aggregate Operations |   |
| Schedule “H”<br>Bedrock Resource<br>Constraint Overlay                   | Schedule “I”<br>Haul Routes   |   |
| Schedule “A”<br>Aggregate and Sand and<br>Gravel Resource<br>designation | Definitions   |   |

A Track Changes document (see Appendix C) provides highlighted text to identify additions that clarify or expand on policy direction and requirements; and, strikethrough text to identify deletions that reduce duplication, redundancy, or reorganize content.

### III. Community Consultation

The consultation period is on-going. To date, staff has received verbal and written comments from stakeholders and the general public (see Appendix D); members of staff, Committees and Council; and, held a round-table discussion with members of the Ontario Stone, Sand and Gravel Association (OSSGA).

Comments fall within the following general categories:

- Provincial Policy Compliance
- Governance with respect to administration of the ARA
- Haul Routes and Haul Route Agreements with respect to identification, cross-jurisdictional matters, and allocation of fees
- Mapping corrections and improvements
- Process and administrative improvements with respect to major and minor adjustments to operations, public notice and other requirements
- Environment and Social Health
- Matters of clarification
- Typographic and Language improvements

All comments are being carefully considered, and will be incorporated into a subsequent revised draft OPA 11, as appropriate.

#### **IV. Process Going Forward**

Staff will return to the Planning Advisory Committee to report on any changes to the revised draft OPA 11. Staff will prepare a recommendation for PAC's consideration that will result in a final decision by Council, followed by a statutory 20-day appeal period.

The decision of Council regarding OPA 11 will join the on-going CKL OP/OPA Appeals before LPAT<sup>1</sup>, regardless of whether it is appealed or not. If appealed, LPAT will respond to appellant, party and participant requests. If not appealed, OPA 11 will reflect the City's position regarding aggregate matters in relation to the two (2) remaining appeals. If OPA 11 resolves the remaining appeals, the City will work with the appellants to advance settlements through the LPAT process.

#### **Other Alternatives Considered:**

No other alternatives have been considered for the purposes of this report.

#### **Financial/Operation Impacts:**

There are no financial/operation impacts as a result of this report.

#### **Relationship of Recommendations To The 2016-2019 Strategic Plan:**

The Aggregate Policy Review and recommendations within the Report contribute to the Council Adopted Strategic Plan and the City's corporate values by aligning with goals to promote a vibrant and growing economy, and a healthy environment.

#### **Review of Accessibility Implications of Any Development or Policy:**

The Accessibility Co-ordinator has been involved in the consultation process.

#### **Servicing Comments:**

Staff in the Engineering & Corporate Assets and Public Works Departments has been involved in the consultation process.

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<sup>1</sup> City of Kawartha Lakes LPAT Case Nos. PL120217, PL171408, PL151086, PL171409, PL151087, PL171515, PL160076, PL180303, PL171407.

## **Consultations:**

Senior Management Team  
Ministry of Municipal Affairs and Housing

## **Attachments:**

**Appendix A** – City of Kawartha Lakes Council and Committee Resolutions regarding Aggregate Matters



PLAN2019-052  
Appendix A Resolutio

**Appendix B** – Dillon Consulting Limited Policy Audit Report



Dillon Policy Audit  
Report.pdf

**Appendix C** – Draft Official Plan Amendment No. 11 and Track Changes



OPA 11 - Aggregate  
Policy Review - Draft.



OPA 11 - Aggregate  
Policy Review - Track

**Appendix D** – Public Submissions



PLAN2019-052  
Appendix D Public Sul

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**Department Head E-Mail:** [cmarshall@kawarthalakes.ca](mailto:cmarshall@kawarthalakes.ca)

**Department Head: Chris Marshall**

**Department File: D00-99-007 (Special Project) / D01-01-011 (OPA 11)**



## **Appendix A –**

### **City of Kawartha Lakes Council and Committee Resolutions regarding Aggregate Matters**

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**May 25, 2004**

#### **Regular Council Meeting**

##### **CR2004-594**

**That** Report DEV2004-69, "Notification and Appeal Issues – Development Process", be received;

**That** staff notify those people leaving names and addresses at the public hearing when additional meetings dealing with the development application are scheduled;

**That** the notification for applications in rural areas be increased from 120 metres to 500 metres in areas of large property holdings and low population density;

**That** even if no changes are made to the current notification requirements, the rezoning/subdivision/official plan application advertising fees be increased to \$250.00 to reflect costs related to advertising required for applications;

**That** a notification sign remain on a property which is under active consideration for development approval, the advertising fees reflect the cost of a sign;

**That** Council adopt a policy of not adopting by-laws, in relation to controversial development issues, later than the first regular Council meeting of November for the remainder of the calendar year; and

**That**, upon receipt of a completed application, staff will ensure that a copy is immediately forwarded to the respective Ward councillor(s).

**Carried**

**April 27, 2011**

#### **Special Council Meeting**

##### **CR2011-580**

**That** Report DEV2011-044, "City of Kawartha Lakes New Official Plan – MMAH Draft Decision", be received for information;

**That** the modifications contained in the Notice of Draft Decision regarding the City of Kawartha Lakes Official Plan issued by the Ministry of Municipal Affairs and Housing, as provided in "Appendix A" to Report DEV2011-044, be endorsed with exception of

1. Section 12 – Renewable Energy Systems to remain unchanged in the Council-adopted version of the Official Plan, dated September, 2010, and including those policies respecting Industrial Wind Turbines.
2. Section 3.8 – Separation and Buffering of Uses to remain unchanged in the Council-adopted version of the Official Plan, dated September, 2010.
3. Section 21 – Aggregate Designation to remain unchanged in the Council-adopted version of the Official Plan, dated September, 2010.
4. Section 22 – Aggregate Resource Designation to remain unchanged in the Council-adopted version of the official plan, dated September, 2010.
5. Section 22.3.3 and 23.3.3 of the Ministry's proposed modifications to include that the City will undertake an aggregate secondary plan within six (6) months following the final approval of the Official Plan by the Minister of Municipal Affairs and Housing should the Minister not accept recommendations 3 and 4 above;

**That** the Ministry of Municipal Affairs and Housing be notified of Council's decision;

**That** the Minister of Municipal Affairs and Housing be requested to issue a final decision regarding the City of Kawartha Lakes' Official Plan.

**Carried**

## **September 11, 2012 Regular Council Meeting**

### **CR2012-957**

**That** Report DEV2012-009, *"Terms of Reference for the Aggregate Secondary Plan Steering Committee"*, be received;

**That** the recommended Terms of Reference for the Aggregate Secondary Plan Steering Committee, as outlined in Appendix A to Report DEV2012-009, be approved; and

**That** the City Clerk be requested to advertise for three (3) citizen appointees and three (3) industry appointees to the Aggregate Secondary Plan Steering Committee.

**Carried**

## **August 6, 2014 Planning Committee Meeting**

### **PC2014-036**

**That** Report PLAN2014-061, Aggregate Secondary Plans – Public Meeting be received; and

**That** comments be received through the public meeting process for the Aggregate Secondary Plan, as outlined in this report, and that the Aggregate Secondary Plan be referred back to staff and the Aggregate Secondary Plan Steering Committee for final review and recommendations.

**Carried**

## **April 15, 2015                      Special Planning Meeting**

### **PC2015-027**

**That** Report PLAN2015-028, **Aggregate Policy Review - Official Plan Amendment No. 11**, be received; and

**That** comments received through the 2015 public meeting process respecting the Aggregate Policy Review, recommendations from Planning Committee and the issues outlined in this report, be referred back to staff for final review and subsequent report on OPA No. 11 to Council.

**Carried**

## **June 10, 2015                      Planning Committee Meeting**

### **PC2015-039**

**That** Report PLAN2015-028<sup>1</sup>, **Aggregate Policy Review - Official Plan Amendment No. 11**, be received;

**That** comments received during the June 3<sup>rd</sup> Open House and the June 10<sup>th</sup> Planning Committee Meeting, be referred back to staff for final review and that staff be directed to finalize and forward the final staff recommended version of OPA No. 11 to Council;

**That** staff provide Council with the Aggregate Secondary Plan Steering Committee's last version of the Aggregate Secondary Plan; and

**That** the 1000 metre constraint distance be reinstated for settlement areas and residential clusters of six (6) or more in the final staff recommended version of OPA No. 11 presented to Council.

**Carried**

## **November 24, 2015      Regular Council Meeting**

### **CR2015-1231**

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<sup>1</sup> See also Report PLAN2015-050

**That** Report PLAN2015-094, **Aggregate Policy Review - Official Plan Amendment No. 11**, be received;

**That** Council endorse Official Plan Amendment No. 11 substantially in the form attached as Appendix C to Report PLAN2015-094, dated November 24, 2015;

**That** staff be directed to forward to the Ontario Municipal Board, other parties and participants to the appeal, this resolution and a copy of Report PLAN2015-094 with Appendix B; and

**That** the City Solicitor and appropriate City staff be authorized to attend future Ontario Municipal Board Hearing(s) to defend the policies contained in the Council endorsed Official Plan Amendment No. 11.

**Carried**



# **City of Kawartha Lakes Mineral Aggregate Resources Policy Audit**

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Prepared by Dillon Consulting Limited



Introduction

The City of Kawartha Lakes is in the process of updating its Official Plan policies for mineral aggregate resources. Aggregates are raw materials, such as stone, sand and gravel which are used in wide variety of manners for our roads, sidewalks, sewers, airports, as well as our homes, offices, hospitals, schools and for a variety of other activities<sup>1</sup>. Aggregates are non-renewable resources and are a matter of Provincial interest. The Ministry of Natural Resources and Forestry (MNR) manages the licence approvals process, administers the Aggregate Resources Act (primary legislation governing aggregates) and ensures aggregate resources are protected and made available. In addition to the Aggregate Resources Act, aggregate operations may also require approvals under other legislation, such as the Endangered Species Act, the Clean Water Act and the Planning Act. From a land use planning perspective, most municipalities in Ontario are required to include policies in their Official Plans for mineral aggregate resources to ensure alignment with the Provincial Policy Statement (2014) and other applicable provincial plans.

In 2014, the City launched a process to update its aggregate resource policies which was advanced in 2015 with the preparation of a draft Official Plan Amendment (Official Plan Amendment 11). The City received comments from the aggregate industry, members of the public and the Province of Ontario on the first draft of OPA 11. In 2016, Dillon Consulting Limited was retained by the City to provide policy support for finalizing OPA 11. The following brief document summarizes the results of the background policy analysis which was undertaken to support revisions to OPA 11.

Purpose

The purpose of the following document is to present the high-level policy analysis which underpins the revisions to the City’s draft Official Plan Amendment 11 (OPA 11). This policy analysis was prepared to better

<sup>1</sup> The Provincial Policy Statement (2014) defines mineral aggregates as “gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the Aggregate Resources Act suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the Mining Act”.



understand how the City’s earlier draft of OPA 11 compared against the latest Provincial policy documents which had been updated since the drafting of the original OPA 11, and to help identify any policy conformity gaps. The following policy audit tables show the results of the comparison between the original draft OPA 11 and:

- A Place to Grow, the Growth Plan for the Greater Golden Horseshoe (2019), Table 1

- The Oak Ridges Moraine Conservation Plan (2017), Table 2
- The Greenbelt Plan (2017), Table 3

The Ministry of Municipal Affairs and Housing provided comments on the City’s draft of OPA 11. Table 4 presents a gap analysis of the Ministry of Municipal Affairs and Housing comments on draft OPA 11.



## Policy Context

The policy framework for managing aggregate resources is complex, as it is governed by a number of policies at the provincial and local levels. While the principal vehicle for managing aggregate resources in the Province is the Aggregate Resources Act, there are also aspects of the Planning Act which are relevant. The Provincial Policy Statement provides policy direction for addressing aggregate in Official Plans. Furthermore, in specific geographies, such as those lands within the Growth Plan, Greenbelt Plan area or within the Oak Ridges Moraine area, area specific policies also apply.

### The Provincial Policy Statement, 2014

The 2014 Provincial Policy Statement (PPS) provides direction on matters of provincial interest related to land use planning and development. As a key part of Ontario’s policy-led planning system, the PPS sets the policy foundation for regulating the development and use of land. It also supports the provincial goal to enhance the quality of life for all Ontarians. The Province’s natural heritage resources, water resources, agricultural resources and mineral resources provide important environmental, economic and social benefits. These resources are to be managed in a sustainable way to conserve biodiversity, protect essential ecological processes and public health and safety, minimize environmental and social impacts, and meet its long-term needs. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment in the following manner:

- “Mineral aggregate resources shall be protected for long-term use and, where provincial information is available, deposits of mineral aggregate resources shall be identified.”
- “As much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible.”
- “Demonstration of need for mineral aggregate resources, including any type of supply/demand analysis, shall not be required, notwithstanding the availability, designation or licensing for extraction of mineral aggregate resources locally or elsewhere.”

In addition to the above, the PPS also provides policy directions for extraction on prime agricultural lands, aggregate recycling and conservation, rehabilitation of aggregate operations and the need to minimize social, economic and environmental impacts of extraction.

## Growth Plan for Greater Golden Horseshoe, 2019

The 2019 Growth Plan for the Greater Golden Horseshoe (GP) builds on the directions in the PPS and includes several policies intended to guide the development of municipal official plan policies for mineral aggregate resources and operations, including:

- The promotion of policies and strategies in local official plans which help to conserve mineral aggregate resources.
- Guidance for how to plan for new mineral aggregate operations in the context of the Natural Heritage Systems.
- Guidance for rehabilitation of mineral aggregate resource operations.

The Growth Plan also identifies several policy requirements for the transportation system to be planned and managed to be sustainable by encouraging the most financially and environmentally appropriate mode. Municipalities will provide for the establishment of priority routes for goods movement, where feasible, to facilitate the movement of goods into and out of areas of significant employment and to provide alternate routes connecting to the provincial network. These routes are to connect to existing major highways (i.e. Hwy. 35/115 and existing rail lines).

### Oak Ridges Moraine Conservation Plan, 2017

The Oak Ridges Moraine Conservation Plan (ORMCP) was approved by the Province in 2002. Official Plan Amendment No. 104, the City’s ORMCP conformity exercise, was approved, with modifications, by the Province, in 2005. Mineral aggregate policies must conform to and recognize the sensitive environmental features located within the ORMCP area. In 2017, the Province updated the ORMCP. The policies and designations within the ORMCP and OPA No. 104 are separate and distinct from and do not apply to the lands that are subject of this amendment. The City will be updating Amendment 104 as part of a future exercise.

### Greenbelt Plan, 2017

The Greenbelt Plan covers a broad area in and around the Greater Golden Horseshoe and aims to protect against the loss and fragmentation of the agricultural land base, supporting agriculture as the predominant land use, providing protection to the natural heritage and water resource systems and ultimately providing a framework around which major urbanization in south-central Ontario can be organized.

All lands within the Greenbelt are covered under the Oak Ridges Moraine Conservation Plan.

**TABLE 1: GROWTH PLAN FOR GREATER GOLDEN HORSESHOE (2019)**

| 4.2.8 Mineral Aggregate Resources | Growth Plan Policy   | Alignment with Draft Official Plan Amendment 11 (2016)  |
|-----------------------------------|--|---|
| 4.2.8.1                           | <p>Municipalities will develop and implement official plan policies and other strategies to conserve mineral aggregate resources, including:</p> <ul style="list-style-type: none"> <li>a) the recovery and recycling of manufactured materials derived from mineral aggregate resources for reuse in construction, manufacturing, industrial, or maintenance projects as a substitute for new mineral aggregate resources; and</li> <li>b) the wise use of mineral aggregate resources, including utilization or extraction of on-site mineral aggregate resources prior to development occurring.</li> </ul>   | <ul style="list-style-type: none"> <li>• Objectives to be revised to reflect same language as Growth Plan. Item A is addressed through 23.3.1. Item B should be considered further.</li> </ul>  |
| 4.2.8.2                           | <p>Notwithstanding the policies in subsections 4.2.1, 4.2.2, 4.2.3 and 4.2.4, within the Natural Heritage System, mineral aggregate operations and wayside pits and quarries are subject to the following:</p> <ul style="list-style-type: none"> <li>a) no new mineral aggregate operation and no new wayside pits and quarries, or any ancillary or accessory use thereto, will be permitted in the following key natural heritage features and key hydrologic features: <ul style="list-style-type: none"> <li>i) significant wetlands;</li> <li>ii) habitat of endangered species and threatened species; and</li> <li>iii) significant woodlands unless the woodland is occupied by young plantation or early successional habitat, as defined by the Province, in which case, the application must demonstrate that policies 4.2.8.4 b) and c) and 4.2.8.5 c) have been addressed and that they will be met by the operation;</li> </ul> </li> <li>b) any application for a new mineral aggregate operation will be required to demonstrate: <ul style="list-style-type: none"> <li>i) how the connectivity between key natural heritage features and key hydrologic features will be maintained before, during, and after the extraction of mineral aggregate resources;</li> <li>ii) how the operator could replace key natural heritage features and key hydrologic features that would be lost from the site with equivalent features on another part of the site or on adjacent lands;</li> <li>iii) how the water resource system will be protected or enhanced; and</li> <li>iv) how any key natural heritage features and key hydrologic features and their associated vegetation protection zones not identified in policy 4.2.2.3 a) will be addressed in accordance with policies 4.2.8.4 b) and c) and 4.2.8.5 c); and</li> </ul> </li> <li>c) an application requiring a new approval under the Aggregate Resources Act to expand an existing mineral aggregate operation may be permitted in the Natural Heritage System, including in key natural heritage features, key hydrologic features and any associated vegetation protection zones, only if the related decision is consistent with the PPS and satisfies the rehabilitation requirements of the policies in this subsection.</li> </ul> | <ul style="list-style-type: none"> <li>• Item A is addressed through 23.3.11 and 23.3.12. Some minor adjustments to required for habitat of endangered and threatened species. Significant woodlands should be added.</li> <li>• Items B and C should be considered further.</li> </ul> |
| 4.2.8.3                           | <p>In prime agricultural areas, applications for new mineral aggregate operations will be supported by an agricultural impact assessment and, where possible, will seek to maintain or improve connectivity of the Agricultural System.</p>  | <ul style="list-style-type: none"> <li>• New policy needed to reflect the need for Agricultural Impact Assessment.</li> </ul>   |
| 4.2.8.4                           | <p>For rehabilitation of new mineral aggregate operation sites, the following apply:</p> <ul style="list-style-type: none"> <li>a) the disturbed area of a site will be rehabilitated to a state of equal or greater ecological value and, for the entire site, long-term ecological integrity will be maintained or enhanced;</li> <li>b) if there are key natural heritage features or key hydrologic features on the site, or if such features existed on the site at the time of the application: <ul style="list-style-type: none"> <li>i) the health, diversity, and size of these key natural heritage features and key hydrologic features will be maintained or enhanced; and</li> <li>ii) any permitted extraction of mineral aggregate resources that occurs in a feature will be completed, and the area will be rehabilitated, as early as possible in the life of the operation;</li> </ul> </li> <li>c) aquatic areas remaining after extraction are to be rehabilitated to aquatic enhancement, which will be representative of the natural ecosystem in that particular setting or ecodistrict, and the combined terrestrial and aquatic rehabilitation will meet the intent of policy 4.2.8.4 b); and</li> <li>d) outside the Natural Heritage System, and except as provided in policies 4.2.8.4 a), b) and c), final rehabilitation will</li> </ul>  | <ul style="list-style-type: none"> <li>• Aspects of 4.2.8.4 are present (noted in the objectives list). Most of the Amendment 11's rehabilitation policies address agricultural aspect of rehab. Additional policy guidance for natural heritage features is required.</li> </ul>       |



| 4.2.8 Mineral Aggregate Resources | Growth Plan Policy  | Alignment with Draft Official Plan Amendment 11 (2016)   |
|-----------------------------------|---|--|
|                                   | appropriately reflect the long-term land use of the general area, taking into account applicable policies of this Plan and, to the extent permitted under this Plan, existing municipal and provincial policies. In prime agricultural areas, the site will be rehabilitated in accordance with policy 2.5.4 of the PPS, 2014.  |  |
| 4.2.8.5                           | Final rehabilitation for new mineral aggregate operations in the Natural Heritage System will meet these additional criteria:<br>a) where there is no extraction below the water table, an amount of land equal to that under natural vegetated cover prior to extraction, and no less than 35 per cent of the land subject to each license in the Natural Heritage System, is to be rehabilitated to forest cover, which will be representative of the natural ecosystem in that particular setting or ecodistrict. If the site is also in a prime agricultural area, the remainder of the land subject to the license is to be rehabilitated back to an agricultural condition;<br>b) where there is extraction below the water table, no less than 35 per cent of the non-aquatic portion of the land subject to each license in the Natural Heritage System is to be rehabilitated to forest cover, which will be representative of the natural ecosystem in that particular setting or ecodistrict. If the site is also in a prime agricultural area, the remainder of the land subject to the license is to be rehabilitated in accordance with policy 2.5.4 of the PPS, 2014; and<br>c) rehabilitation will be implemented so that the connectivity of the key natural heritage features and the key hydrologic features on the site and on adjacent lands will be maintained or enhanced. | <ul style="list-style-type: none"> <li>Policy 4.2.8.5 of the Growth Plan is a gap and a new policy is needed to implement final rehabilitation for aggregate operations in the Natural Heritage System.</li> </ul> |
| 4.2.8.6                           | Except as provided by the policies of this subsection, decisions on planning matters must be consistent with the policies in the PPS that pertain to the management of mineral aggregate resources.   | <ul style="list-style-type: none"> <li>N/A</li> </ul>  |
| 4.2.8.7                           | Where an application under the Aggregate Resources Act has been received and deemed complete by the Province as of July 1, 2017, any applications under the Planning Act to permit the making, establishment or operation of the pit or quarry to which the Aggregate Resources Act application relates, if approved, will not be subject to the policies of this Plan.   | <ul style="list-style-type: none"> <li>N/A</li> </ul>  |

TABLE 2: OAK RIDGES MORaine CONSERVATION PLAN (2017)

General note: Amendment 11 recognizes that Amendment 104 was approved by the Province in 2005. Changes to the ORMCP in 2017 would need to be reflected in Amendment 11 (unless a separate amendment is planned to address these changes).

| Policy Number  | ORMCA Policy  | Alignment with Draft Official Plan Amendment 11 (2016)  |
|----------------|---|---|
| Part IV, 35(1) | <p>An application for a mineral aggregate operation or wayside pit shall not be approved unless the applicant demonstrates, that</p> <ul style="list-style-type: none"><li>a) the quantity and quality of groundwater and surface water in the Plan Area will be maintained and, where possible, improved or restored,</li><li>b) that as much of the site as possible will be rehabilitated,<ul style="list-style-type: none"><li>(i) in the case of land in a prime agricultural area, by returning substantially all the land to a condition in which the soil capacity for agriculture is on average the same as it was before the mineral aggregate operation or wayside pit began operating, and</li><li>(ii) in all other cases, by establishing or restoring natural self-sustaining vegetation;</li></ul></li><li>c) if there are key natural heritage features on the site or on adjacent land, that their health, diversity, size and connectivity will be maintained and, where possible, improved or restored; and</li><li>d) if there are areas of natural and scientific interest (earth science) on the site or on adjacent land, that the geological or geomorphological attributes for which they were identified will be protected.</li></ul> <p>(1.1) Nothing in subclause 35 (1) (b) (i) requires an applicant to demonstrate that land has been returned to the condition it was in before a mineral aggregate operation or wayside pit began operating if the land is in the Countryside Area and there was a substantial quantity of mineral aggregate resources below the water table that were extracted. However, prime agricultural lands in other areas must be rehabilitated in accordance with subclause 35 (1) (b) (i).</p> | <ul style="list-style-type: none"><li>• Amendment 11 does not include this policy.</li><li>• Possible gap - Amendment 104 does not include detailed aggregate policies. Refers to the ORM section 35.</li></ul> |
| Part IV, 35(2) | <p>An application for a mineral aggregate operation or wayside pit with respect to land in a Natural Linkage Area shall not be approved unless the applicant demonstrates,</p> <ul style="list-style-type: none"><li>a) that there will be compliance with subsection (1);</li><li>b) that there will be no extraction within 1.5 metres of the water table;</li><li>c) that the extraction of mineral aggregates from the site will be completed as quickly as possible;</li><li>d) that the site will be rehabilitated in stages as quickly as possible; and</li><li>e) that the entire site will be rehabilitated,<ul style="list-style-type: none"><li>i) in the case of land in a prime agricultural area, by restoring the land so that the average soil quality of each area is substantially returned to its previous level, and</li><li>ii) in all other cases, by establishing or restoring natural self-sustaining vegetation.</li></ul></li></ul>   | <ul style="list-style-type: none"><li>• Possible Gap - Amendment 104 does not include detailed aggregate policies. Refers to the ORM section 35.</li></ul>  |
| Part IV, 35(3) | <p>In order to maintain connectivity, when a mineral aggregate operation or a wayside pit is located in a Natural Linkage Area, there shall at all times be an excluded area (which, for greater certainty, may contain both undisturbed land and land whose rehabilitation is complete)</p> <ul style="list-style-type: none"><li>a) that, is at least 1.25 kilometres in total width, such distance being measured either entirely within the Natural Linkage Area or including areas within the Natural Core Area that is adjacent to the excluded area;</li><li>b) lies outside the active or unrehabilitated portions of the area being used; and</li><li>c) connects parts of the Natural Linkage Area outside the mineral aggregate operation or wayside pit.</li></ul>  | <ul style="list-style-type: none"><li>• Possible Gap - Amendment 104 does not include detailed aggregate policies. Refers to the ORM section 35.</li></ul>  |
| Part IV, 35(4) | <p>Despite subsection 22(2), an application for a mineral aggregate operation or wayside pit with respect to land in a key natural heritage feature may be approved if,</p> <ul style="list-style-type: none"><li>a) The key natural heritage feature is a significant woodland and it is occupied by young plantations or early successional habitat;</li><li>b) the applicant demonstrates that,</li></ul>  | <ul style="list-style-type: none"><li>• Possible Gap - Amendment 104 does not include detailed aggregate policies. Refers to the ORM section 35.</li></ul>  |

| Policy Number  | ORMCA Policy   | Alignment with Draft Official Plan Amendment 11 (2016)  |
|----------------|--|---|
|                | <ul style="list-style-type: none"> <li>i) the long-term ecological integrity of the Plan Area will be maintained, or where possible improved or restored,</li> <li>ii) the extraction of mineral aggregates from the area within the key natural heritage feature will be completed, and the area will be rehabilitated, as early as possible in the life of the operation, and</li> <li>iii) the area from which mineral aggregates are extracted will be rehabilitated by establishing or restoring natural self-sustaining vegetation of equal or greater ecological value; and</li> <li>c) in the case of a key natural heritage feature that is the habitat of an endangered or threatened species and is located in a Countryside Area or Settlement Area, the requirements of paragraph 5 of subsection 22(2) are satisfied.</li> </ul> |   |
| Part IV, 35(5) | In subclause (4) (b) (iii),<br>“ecological value” means the value of vegetation in maintaining the health of the key natural heritage feature and the related ecological features and ecological functions, as measured by factors such as the diversity of species, the diversity of habitats, and the suitability and amount of habitats that are available for threatened species and endangered species  | <ul style="list-style-type: none"> <li>Possible Gap - Amendment 104 does not include detailed aggregate policies. Refers to the ORM section 35.</li> </ul>                          |
| Part IV, 35(6) | <p>An application for a mineral aggregate operation or wayside pit with respect to land in a landform conservation area (Category 1 or 2) shall not be approved unless the applicant demonstrates, that the area from which mineral aggregates are extracted will be</p> <ul style="list-style-type: none"> <li>a) rehabilitated to establish a landform character that blends in with the landform patterns of the adjacent land; and</li> <li>b) that the long-term ecological integrity of the Plan Area will be maintained, or where possible improved or restored.</li> </ul>   | <ul style="list-style-type: none"> <li>Possible Gap - Amendment 104 does not include detailed aggregate policies. Refers to the ORM section 35.</li> </ul>                          |
| Part IV, 35(7) | An application for a mineral aggregate operation located in a prime agricultural area shall not be approved unless an agricultural impact assessment has been carried out and it demonstrates that there will be no adverse impacts to the prime agricultural area or that any such impacts will be minimized and mitigated to the extent possible.  | <ul style="list-style-type: none"> <li>Gap. Amendment 11 should reference agricultural impact assessment for applications on prime agricultural lands in the ORMCP area.</li> </ul> |

TABLE 3: GREENBELT PLAN (2017)

| 4.3.2 Non-Renewable Resources | Greenbelt Policy   | Alignment with Draft Official Plan Amendment 11 (2016)  |
|-------------------------------|--|---|
|                               | For lands within the Protected Countryside, the following policies shall apply:  |   |
| 4.3.2.1                       | Non-renewable resources are those non-agriculture-based natural resources that have a finite supply, including mineral aggregate resources. Aggregates, in particular, provide significant building materials for our communities and infrastructure, and the availability of aggregates close to market is important for both economic and environmental reasons.   | <ul style="list-style-type: none"><li>All lands within the Greenbelt are covered under the Oak Ridges Moraine Conservation Plan. See audit table above.</li></ul> |
| 4.3.2.2                       | Activities related to the use of non-renewable resources are permitted in the Protected Countryside, subject to all other applicable legislation, regulations and official plan policies and by-laws. The availability of mineral aggregate resources for long-term use shall be determined in accordance with the PPS, except as provided below.  |   |
| 4.3.2.3                       | Notwithstanding the policies of section 3.2, within the Natural Heritage System, mineral aggregate operations and wayside pits and quarries are subject to the following:<br>a) No new mineral aggregate operation and no new wayside pits and quarries, or any ancillary or accessory use thereto, shall be permitted in the following key natural heritage features and key hydrologic features:<br><br>i. Significant wetlands;<br>ii. Habitat of endangered species and threatened species; and<br>iii. Significant woodlands, unless the woodland is occupied by young plantation or early successional habitat (as defined by the Ministry of Natural Resources and Forestry). In this case, the application must demonstrate that sections 4.3.2.6 (b), (c) and 4.3.2.7 (c) have been addressed and that they will be met by the operation;<br>b) Any application for a new mineral aggregate operation shall be required to demonstrate:<br><br>i. How the connectivity between key natural heritage features and key hydrologic features will be maintained before, during and after the extraction of mineral aggregates;<br>ii. How the operator could replace key natural heritage features and key hydrologic features that would be lost from the site with equivalent features on another part of the site or on adjacent lands;<br>iii. How the Water Resource System will be protected or enhanced; and<br>iv. How any key natural heritage features and key hydrologic features and their associated vegetation protection zones not identified in section 4.3.2.3 (a), will be addressed in accordance with sections 4.3.2.6 (b), (c) and 4.3.2.7 (c); and<br>c) An application requiring a new approval under the Aggregate Resources Act to expand an existing mineral aggregate operation may be permitted in the Natural Heritage System, including in key natural heritage features, key hydrologic features and in any associated vegetation protection zones, only if the related decision is consistent with the PPS and satisfies the rehabilitation requirements of this section. |   |
| 4.3.2.4                       | In prime agricultural areas, applications for new mineral aggregate operations shall be supported by an agricultural impact assessment and, where possible, shall seek to maintain or improve connectivity of the Agricultural System.   |   |
| 4.3.2.5                       | New and existing mineral aggregate operations and wayside pits and quarries within the Protected Countryside shall ensure that:<br><br>a) The rehabilitated area will be maximized and disturbed area minimized on an ongoing basis during the life cycle of an operation;<br>b) Progressive and final rehabilitation efforts will contribute to the goals of the Greenbelt Plan;<br>c) Any excess disturbed area above the maximum allowable disturbed area, as determined by the Ministry of Natural Resources and Forestry, will be rehabilitated. For new operations, the total disturbed area shall not exceed an established maximum allowable disturbed area; and<br>d) The applicant demonstrates that the quantity and quality of groundwater and surface water will be maintained as per Provincial Standards under the Aggregate Resources Act.   |   |
| 4.3.2.6                       | For rehabilitation of new mineral aggregate operation sites in the Protected Countryside, the following policies apply:  |   |

| 4.3.2 Non-Renewable Resources | Greenbelt Policy   | Alignment with Draft Official Plan Amendment 11 (2016) |
|-------------------------------|--|--|
|                               | <ul style="list-style-type: none"> <li>a) The disturbed area of a site shall be rehabilitated to a state of equal or greater ecological value and, for the entire site, long-term ecological integrity shall be maintained or enhanced</li> <li>b) If there are key natural heritage features or key hydrologic features on the site, or if such features existed on the site at the time of an application: <ul style="list-style-type: none"> <li>i. The health, diversity and size of these key natural heritage features and key hydrologic features shall be maintained or enhanced; and</li> <li>ii. Any permitted extraction of mineral aggregates that occurs in a feature shall be completed, and the area shall be rehabilitated, as early as possible in the life of the operation;</li> </ul> </li> <li>c) Aquatic areas remaining after extraction are to be rehabilitated to aquatic enhancement, which shall be representative of the natural ecosystem in that particular setting or ecodistrict, and the combined terrestrial and aquatic rehabilitation shall meet the intent of section 4.3.2.6 (b); and</li> <li>d) Outside the Natural Heritage System, and except as provided in sections 4.3.2.6 (a), (b) and (c), final rehabilitation shall appropriately reflect the long-term land use of the general area, taking into account applicable policies of this Plan and, to the extent permitted under this Plan, existing municipal and provincial policies. In prime agricultural areas, the site shall be rehabilitated in accordance with section 2.5.4 of the PPS.</li> </ul> |  |
| 4.3.2.7                       | <p>Final rehabilitation for new mineral aggregate operations in the Natural Heritage System shall meet these additional policies:</p> <ul style="list-style-type: none"> <li>a) Where there is no extraction below the water table, an amount of land equal to that under natural vegetated cover prior to extraction, and no less than 35 per cent of the land subject to each license in the Natural Heritage System, is to be rehabilitated to forest cover, which shall be representative of the natural ecosystem in that particular setting or ecodistrict. If the site is also in a prime agricultural area, the remainder of the land subject to the license is to be rehabilitated back to an agricultural condition;</li> <li>b) Where there is extraction below the water table, no less than 35 per cent of the non-aquatic portion of the land subject to each license in the Natural Heritage System is to be rehabilitated to forest cover, which shall be representative of the natural ecosystem in that particular setting or ecodistrict. If the site is also in a prime agricultural area, the remainder of the land subject to the license is to be rehabilitated in accordance with section 2.5.4 of the PPS; and</li> <li>c) Rehabilitation shall be implemented so that the connectivity of the key natural heritage features and the key hydrologic features on the site and on adjacent lands shall be maintained or enhanced.</li> </ul>  |  |
| 4.3.2.8                       | Operators are encouraged to consider and provide for public access to former aggregate sites upon final rehabilitation, where appropriate.   |  |
| 4.3.2.9                       | <p>Notwithstanding any provision of this section to the contrary, within the specialty crop areas identified on Schedule 2 as the Niagara Peninsula Tender Fruit and Grape Area, mineral aggregate operations and wayside pits and quarries are subject to the following requirements:</p> <ul style="list-style-type: none"> <li>a) No new mineral aggregate operation, wayside pits and quarries or any ancillary or accessory use thereto shall be permitted between Lake Ontario and the Niagara Escarpment Plan Area;</li> <li>b) A new mineral aggregate operation or wayside pits and quarries may only be considered on primary and secondary selected sand and gravel resources on the Fonthill Kame, in the Town of Pelham, as identified by Aggregate Resource Inventory Paper #4, if the applicant demonstrates that: <ul style="list-style-type: none"> <li>i. Substantially the same land area shall be rehabilitated back to an agricultural condition which allows for the same range and productivity of specialty crops common in the area; and</li> <li>ii. The microclimate on which the site and the surrounding area may be dependent for specialty crop production shall be maintained or restored; and</li> </ul> </li> <li>c) A new mineral aggregate operation or wayside pits and quarries shall only be permitted in the parts of the Niagara Peninsula Tender Fruit and Grape Area not identified in 4.3.2.9 (a) and (b) where the applicant demonstrates the following:</li> </ul>   |  |

| 4.3.2 Non-Renewable Resources | Greenbelt Policy  | Alignment with Draft Official Plan Amendment 11 (2016) |
|-------------------------------|---|--|
|                               | <div><div>i.</div><div>The physical characteristics of the proposed site allow for the rehabilitation of the property back to an agricultural condition ; or</div><div>ii.</div><div>If the physical characteristics of the proposed site will not allow for the rehabilitation of the property back to an agricultural condition, the applicant has considered alternative locations; and</div><div>iii.</div><div>Where other alternatives have been considered by the applicant and found unsuitable, and in situations where complete agricultural rehabilitation in the specialty crop area is not possible due to the depth of planned extraction or a substantial aggregate deposit below the water table warranting extraction, agricultural rehabilitation in the remaining licensed area shall be maximized as a first priority to allow production of specialty crops.</div></div> |  |
| 4.3.2.10                      | Where a municipality has undertaken a comprehensive aggregate resource management study and implemented the results into its official plan prior to December 16, 2004, such policies shall be deemed to conform with this Plan.   |  |
| 4.3.2.11                      | Municipalities should ensure that all land use activities related to the post-extraction rehabilitation of mineral aggregate operations are consistent with any relevant approved source protection plan and relevant watershed or subwatershed plan.   |  |

TABLE 4: MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING REVIEW

| Ministry of Municipal Affairs and Housing<br>Comments and Recommendations (Letter Dated April 15 <sup>th</sup> , 2015)  | Alignment with Draft Official Plan Amendment 11 (2016)  |
|---|---|
| <b>a) Section 23.1 – Goal (Page 6)</b><br>The goal statement refers to protecting mineral aggregate <i>resources</i> whereas the Aggregate Designation section applies to mineral aggregate operations. The PPS requires municipalities to protect mineral aggregate operations from incompatible development. In order to be consistent with the PPS, it is required to insert the words “recognize and” prior to the word “protect” and the words “operations and” prior to the word “resources” in the first sentence.   | <ul style="list-style-type: none"> <li>Gap. Goal should be updated to reflect Province’s preferred wording.</li> </ul>  |
| <b>b) Section 23.2 Objectives (Page 6)</b><br>The bullet regarding recognizing and protecting licensed operations has been removed. It must be added to be consistent with the PPS (Policy 2.5.2.4). The following should be added to this section: <b><i>“To recognize and protect licensed pits and quarries from incompatible development”</i></b> .   | <ul style="list-style-type: none"> <li>Gap. Revisions to objective should be added.</li> </ul>  |
| <b>c)</b> With regards to the fifth bullet point, “prohibiting” below-water extraction is neither appropriate nor necessary given that appropriate studies are already required to ensure environmental impacts are addressed. This unnecessarily constrains access to the resource and does not satisfy the PPS requirement of making available “as much of the mineral aggregate resources as is realistically possible”. The previous bullet already speaks to the objective of minimizing impacts of operations by requiring appropriate studies. This bullet also requires the proponent of a mineral aggregate operation seeking to go below-water to establish and maintain a Mitigation Trust Fund. Requiring a mitigation trust for all below water extraction operations is also neither appropriate nor necessary. Aggregate license applications are required to evaluate impacts to water levels in adjacent private wells. There is an existing investigative process led by the Ministry of Environment and Climate Change under the <i>Ontario Water Resources Act</i> for issues with private wells. Applying this requirement to all below-water extraction operations (including up front provision of money) is not a reasonable approach and it duplicates or may conflict with existing processes under other legislation. Given the above, the entire fifth bullet point is recommended to be removed. | <ul style="list-style-type: none"> <li>Comment addressed. There is no longer an objective which prohibits extraction below the water table.</li> </ul>  |
| <b>d) Section 23.3.2 – Policies (Page 7)</b><br>The last line of this policy which states that “Council will require, where appropriate, the grouping of mineral aggregate operations” is not implementable and is recommended to be removed. Applications for a new mineral aggregate operation must be considered in accordance with the policies of the Official Plan regardless of location or co-location of such operations.  | <ul style="list-style-type: none"> <li>Comment addressed. No longer a policy requiring the grouping aggregate operations.</li> </ul>  |
| <b>e) Section 23.3.5 – Policies (Page 8)</b><br>This policy appears to attempt to address operational matters. For example, the policy requires that “the amount of disturbed area at any one time shall not exceed one and one-quarter of the approved phases of extraction”. Maximum disturbed area may be determined on a site-specific basis on the site plans prepared during the <i>Aggregate Resources Act</i> (ARA) licensing process. Comments or concerns from municipalities can be considered during the ARA process. This policy in the Official Plan is not reasonable or appropriate and is recommended to be removed.   | <ul style="list-style-type: none"> <li>Comment addressed. No longer a policy which speaks to operational site matters.</li> </ul>   |
| <b>f) Section 23.3.6 – Policies (Page 8)</b><br>Suspension of a license is an enforcement tool under the <i>Aggregate Resources Act</i> to address compliance issues and operational matters. Any reference to requesting that MNRF suspend a license should be removed.  | <ul style="list-style-type: none"> <li>Gap. Policy 23.3.7 states that the City may request the MNRF to suspend a license “When noise, traffic flow, air quality and water discharge associated with the licensed mineral aggregate operation do not conform to City By-laws, the City may request that the MNRF suspend the respective License”.</li> <li>Policy could be deleted since the City can make this request whether it’s in an OP policy or not.</li> <li>Another option would be frame this policy in a more positive light “When noise, traffic flow, air quality and water discharge associated with the licensed mineral aggregate operation do not conform to City By-laws <i>the City will work with the MNRF and Operator to ensure compliance.</i>”</li> </ul> |
| <b>g) Section 23.3.7 – Policies (Page 8)</b><br>This policy requires hydrological studies to be updated if it is more than five years old by the time extraction reaches the water table. Once a license is issued, it must operate in accordance with the provincial standards and any monitoring requirements identified on the site plan. Requiring additional studies across the board based on a set time-frame conflicts with the provincial standards and is not reasonable or   | <ul style="list-style-type: none"> <li>Comment addressed. Policy has been reframed to reference the Province’s authority in the process.</li> </ul>   |



| Ministry of Municipal Affairs and Housing<br>Comments and Recommendations (Letter Dated April 15 <sup>th</sup> , 2015)   | Alignment with Draft Official Plan Amendment 11 (2016)   |
|--|--|
| appropriate. It is recommended this text be removed.   |  |
| <b>h) Section 23.3.8 – Policies (Page 8)</b><br>As per the previous comment regarding the requirements for a Mitigation Trust fund, it is recommended this policy be removed.  | <ul style="list-style-type: none"> <li>Comment addressed. There is no longer a policy which references a Mitigation Trust Fund.</li> </ul> |
| <b>i) Section 23.3.13 – Application Submission Requirements (Page 9)</b><br>The rationale for potentially requiring studies to encompass an area up to 2.0 km from the proposed operation is not clear. This policy suggests that any studies could be requested to investigate within this distance. Required studies under the ARA are triggered within specified distances (e.g. 120m for significant natural heritage features). As stated in the general comments above, it is recommended that the requirements for aggregate uses in the City’s Official Plan be consistent with the ARA process. Applying such a large distance for any required studies without rationale conflicts with the ARA potential standards and does not provide clear or reasonable direction as required by section 4.7y of the PPS. It is recommended for this part of the policy to be clarified or removed.   | <ul style="list-style-type: none"> <li>Comment addressed. There is no longer a policy which references 2km.</li> </ul>                     |
| <b>j) Section 23.3.15 – Application Submission Requirements (Page 9)</b><br>It is not clear what is meant by the sentence that states “The City may request that the MNR include additional technical studies if monitoring results exceed provincial standards ...” Once an operation is licensed, MNRF has no authority to request additional studies. There are existing processes under other legislation to address situations where monitoring reports exceed provincial standards. It is recommended for this portion of the policy to be removed.  | <ul style="list-style-type: none"> <li>Comment addressed. No longer reference to additional technical studies.</li> </ul>                  |
| <b>k) Section 23.3.16 – Application Submission Requirements (Page 9)</b><br>This policy does not sufficiently describe how existing licenses will be protected from incompatible development, as required by the PPS (Policy 2.5.2.4). It is recommended that this policy be deleted from this section as it is not an aggregate operation application submission requirement. It is also required that the following policy to be added to the Aggregate Designation Section: <b>“Existing aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be compatible for reasons of public health, public safety or environmental impact. Development applications within 300 m of a pit and 500 m of a quarry will be required to demonstrate to the City that the above policy has been met”</b> .  | <ul style="list-style-type: none"> <li>Comment addressed. New policy has been added (23.3.9)</li> </ul>                                    |
| <b>l) Section 23.3.23 – Water Resources (Page 10)</b><br>It is recommended to insert the word “aggregate” after the word “mineral” as ‘mineral extraction’ refers to a different type of operation (mining) governed by different legislation. This is also consistent with the Official Plan definition of mineral aggregate.   | <ul style="list-style-type: none"> <li>Comment addressed. 23.3.23 has been updated.</li> </ul>   |
| <b>m)</b> It is also recommended for the following words to be inserted after the words “protection area” in bullet point (a) of this section: “as per the applicable policies in the local source protection plans. Designated vulnerable areas are defined as ‘areas defined as vulnerable, in accordance with provincial standards, by virtue of their importance as a drinking water source’ (Provincial Policy State, 2014”).<br><br>This wording provides clarity to a proponent on how they should demonstrate that municipal drinking water supplies and designated vulnerable areas are protected. As well, it clarifies what is meant by designated vulnerable areas, as they are not included in the current Official Plan definitions. It should be noted that both Source Protection Plans (SPP) within the City of Kawartha Lakes have been approved by the Province. The Trent SPP came into effect as of January 1, 2015 and South Georgian Bay Lake Simcoe SPP will be effect as of July 1, 2015. On the date the plan takes effect, all decisions on planning matters must conform with the policies on List A (significant threat policies) or have regard for the policies on List B (moderate/low threat policies). | <ul style="list-style-type: none"> <li>Comment addressed. 23.3.24 includes definition.</li> </ul>  |
| <b>n)</b> The Aggregate Policy Review contains policies with competing objectives in the Water Resources section. Policy 23.3.2 requires grouping of aggregate operations and policy 23.3.22 requires operations within 1 km of each other to jointly investigate cumulative effects. This conflict must be addressed in order to provide clear direction to proponents seeking a new operation. Policy 23.3.22 does not provide any direction regarding what a cumulative effect study should entail. Additional clarification would help ensure this policy is applied consistently and appropriately. Section 4.7 of the PPS directs municipalities to “...provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas”. In this regard, the proposed policy must be refined to define the process and criteria that would be used to complete the assessment of cumulative impacts in support of planning applications.   | <ul style="list-style-type: none"> <li>Comment addressed. Grouping policy has been removed.</li> </ul>                                     |
| <b>o) Section 24.3.1 – Policies (Page 14)</b><br>This policy refers to resources of primary and secondary significance, which do not apply to bedrock. The Sept 25, 2014 version of the Secondary Plan clarified that the Bobcaygeon and Gull River bedrock formations were used to identify high quality bedrock resources for  | <ul style="list-style-type: none"> <li>Comment addressed. Policy no longer references primary and secondary significance.</li> </ul>       |



| Ministry of Municipal Affairs and Housing<br>Comments and Recommendations (Letter Dated April 15 <sup>th</sup> , 2015)  | Alignment with Draft Official Plan Amendment 11 (2016)   |
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| protection in the Official Plan. This working must be retained in the policy to provide clarity on how the mapping was derived.   |  |
| <b>p) Section 24.3.4 – Policies (Page 14)</b><br>With regards to constraint feature table Item 1, the wording “as defined by the Ministry of Natural Resources and Forestry” must be removed because some significant features are to be identified by municipal planning authorities”  | <ul style="list-style-type: none"> <li>Comment addressed. Amendment no longer includes constraint feature table.</li> </ul>  |
| <b>q)</b> The Aggregate Policy Review included refinements to the aggregate resources mapping on Schedule H to focus in on the highest quality unconstrained aggregate resources. This has resulted in a substantial decrease in the amount of mineral aggregate recourse areas to be protected from incompatible development. The City must sufficiently demonstrate that these remaining mineral aggregate recourse areas will receive strong protection from incompatible development to ensure they are protected for the long term in accordance with the PPS. The current policies must define the extent of adjacent lands in order to provide a sufficient level of protection.   | <ul style="list-style-type: none"> <li>Gap. As discussed, the mapping of the Aggregate Resource areas should reflect the mapping provided by the Ministry and should not have areas removed/deleted (with the exception of lands within urban area boundaries).</li> </ul> |
| <b>r) Section 24.3.6 – Policies (Page 15)</b><br>This policy must define the extent of adjacent lands for mineral aggregate resources and require compatibility studies to be completed if it is unclear whether the intent of the policy is met by a proposed development. The adjacent lands distances of 300 m for sand and gravel resources and 500 m for bedrock resources as per the 1997 Non-Renewable Resources Training Manual must be used. Special attention should be given to land uses with sensitive receptors (defined in the Aggregate Resources of Ontario Provincial Standards as including residences or facilities where people sleep (nursing homes, hospitals, trailer parks, camping grounds, schools, day-care centres, etc.). | <ul style="list-style-type: none"> <li>Comment addressed. Policy 24.3.4 includes reference to 300 metres/500 metres.</li> </ul>  |
| <b>s) Schedule H-Aggregate Resource and Haul Routes</b><br>The mapping of the newly regulated Carden Alvar Provincial Park is incorrect and includes parcels of private land. The label should also be changed to “Carden Alvar Provincial Park”. This change may require an update to the constraint mapping to ensure resources were not omitted from the Schedule due to the use of an incorrect provincial park boundary.   | <ul style="list-style-type: none"> <li>Since environmental features have been removed from the schedules, this comment would not need to be addressed.</li> </ul>  |

| Ministry of Municipal Affairs and Housing Suggestions<br>Comments and Recommendations (Letter Dated April 15 <sup>th</sup> , 2015)   |
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| <b>a) Section 23.3.9 – Policies (Page 8)</b><br>It is suggested to add the following wording because licenses in some cases may be surrendered when there are still viable resources remaining: “Where a pit or quarry has been rehabilitated and the license has been surrendered <i>due to resource depletion...</i> ”. The City should note that once an operation ceases to exist, Policy 2.5.2.5 of the PPS continues to apply (PPS Policy 2.5.2.4).  |
| <b>b) Section 23.3.3 – Water Resources (Page 10)</b><br>It is suggested for the City to consider including a policy to address the drinking water threats that may be associated with the establishment of new transport pathways or modification of existing transport pathways by a mineral aggregate extraction operation. This is in accordance with Section 27(3) of O.Reg. 287/07 made under the <i>Clean Water Act</i> , which addresses the requirements of a municipality to notify the appropriate conservation authority when a proposal creates a new or modifies an existing transport pathway.<br><br>A transport pathway is not a threat itself, but rather a ‘condition of land resulting from human activity that increases the vulnerability of a raw water supply of drinking water system’. A transport pathway can elevate an existing drinking water threat from low to medium or from medium to high, but not create a drinking water threat by itself. The City may wish to consider inserting the following policy as policy 23.3.1.7 and renumbering the subsequent policies accordingly:<br><br><i>“Where a new or expansion to a mineral aggregate extraction operation is proposed within a wellhead protection area or intake protection zone (as identified in a local assessment report approved under the Clean Water Act), the City shall circulate the planning application to the appropriate conservation authority with respect to the potential for creating or modifying a transport pathway. A transport pathway is defined as ‘a condition of land resulting from human activity that increases the vulnerability of a raw water supply of a drinking water system’ (Clean Water Act, O.Reg. 287/07). The City shall circulate the appropriate conservation authority a description of the proposal, the identity of the person responsible for the proposal and a description of the approvals the person requires to engage in the proposed activity”.</i> |
| <b>c) Section 23.3.26 – Aggregate Advisory Committee (Page 11) and 23.3.28 – Transportation and Haul Route (Page 11)</b><br>This policy commits the City of work with adjacent municipalities on amendments to haul routes in the future. If not already undertaken at this stage, it is suggested that adjacent municipalities be provided with an opportunity to review and comment on the proposed haul route network to ensure that haul routes are coordinated across jurisdictional boundaries. Section 1.2 of the PPS speaks to using a coordinated approach when dealing with matters that cross municipal boundaries (including managing mineral resources and infrastructure).   |
| <b>d) Section 24 – Mineral Aggregate Resource Areas (Page 14)</b><br>We note that the Aggregate Secondary Plan includes a revised constraint analysis as well as significant changes to the aggregate resources mapping on Schedule H. It would be the City’s responsibility to ensure they can demonstrate  |

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| that they have identified “as much of the mineral aggregate resources as is realistically possible” in accordance with the PPS. |   |
| <b>e) Schedule H – Aggregate Resources and Haul Routes</b>  | We recommend that the City ensure that its mapping includes the most up-to-date information found in Land Information Ontario. The City should also note that unopened road allowances included within provincial park boundaries are vested in the Crown and no longer under municipal control (under authority of Section 32(1) of the <i>Provincial Parks and Conservation Reserves Act, 2006</i> ). It may not be necessary to separate the licenses by tonnage in the Official Plan as these are subject to change over time and there is no difference in policies that apply to these areas. |
| <b>f)</b>   | No reference is made to the source of Mineral Aggregate Resource information. The Aggregate Resources Inventory of Victoria County – Paper 168, published by MNDM’s Ontario Geological Survey should be referenced in the Legend. It is recommended that reference be made in the following form: Aggregate resources inventory of Victoria County;; Ontario Geological Survey, Aggregate Resources Inventory Paper 168, 2000.  |

**CITY OF KAWARTHA LAKES**

**OFFICIAL PLAN AMENDMENT NO. 11**

**AGGREGATE POLICY REVIEW**

**JUNE 14, 2019 DRAFT**





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| <b>City of Kawartha Lakes Official Plan</b> |
| Amendment No. 11                            |
| <b>Aggregate Policy Review</b>              |
| June 14, 2019                               |

## INTRODUCTION

The City of Kawartha Lakes Official Plan is proposed to be amended by deleting Section 23 Aggregate Designation, Section 24 Sand and Gravel Resource Designation, Section 25 Bedrock Resource Designation, and Schedule “H” Bedrock Resource Constraint Overlay in their entirety and replacing them with the following text and Schedules: Section 23 Mineral Aggregate Resource Areas and Section 24 Mineral Aggregate Operations. The Aggregate designation and the Sand and Gravel Resource designation are proposed to be deleted from Schedule A. Bedrock, Sand and Gravel Resource Areas and licensed Mineral Aggregate Operations are identified on the proposed Schedule “H” Mineral Aggregate Resource Areas and Operations. Haul Routes are identified on the proposed Schedule “I” Transportation. Section 30 Definitions is proposed to be amended by adding new or updating existing definitions. Section 36.10 Appendix J – Environmental Impact Study is proposed to be amended by including wetland complexes.

The implementation and interpretation of this amendment shall be in accordance with the relevant policies of the Official Plan.

The following text constitutes the proposed OPA 11:

## **23. MINERAL AGGREGATE RESOURCE AREAS**

### **23.1. GOALS:**

- 23.1.1. To identify on Schedule “H” Mineral Aggregate Resource Areas and Operations, deposits of mineral aggregate resources including the Bobcaygeon and Gull River bedrock formations and sand and gravel having primary, secondary and tertiary significance. Information regarding mineral aggregate resources is provided by the Ministry of Energy, Northern Development and Mines ENDM (Aggregate Resources Inventory Paper ARIP 168, 2000).
- 23.1.2. To protect these resources from new incompatible land uses, and conserved for future use.

### **23.2. OBJECTIVES:**

- 23.2.1. To make available as much of the identified mineral aggregate resources as is realistically possible, as close to markets as possible, and to protect these resources from sensitive land uses that are incompatible with the possible future extraction.
- 23.2.2. To promote the wise use and management of mineral aggregate resources.

### **23.3. POLICIES:**

- 23.3.1. The information shown on Schedule “H” shall not bind the City to adopt any amendments to this Plan to permit aggregate extraction in Mineral Aggregate Resource Areas.
- 23.3.2. Lot creation is subject to section 33.3 Consents of this Plan and is prohibited within 500 m. of, and within, areas identified as Mineral Aggregate Resource Areas. Existing or new agriculture, forestry, small-scale open space passive recreational uses and conservation and natural resource management uses are permitted provided they do not hinder the future extraction of mineral aggregates from this area. Proponents of development of sensitive receptors within 300 m. of a licensed pit and 500 m. of a licensed quarry are required to demonstrate that the proposed use will not hinder the future extraction of mineral aggregates within existing licensed pits and quarries. Proponents of permitted new development and activities on existing lots should be aware of the increased potential for incompatibility between their new uses and future

extraction operations. New development and activities, which would preclude or hinder the establishment of new extraction operations or access to the resources, shall only be permitted if:

- a) Aggregate resource extraction would not be feasible; or
- b) The proposed land use or development serves a greater long-term public interest; and
- c) Issues of public health and safety and environmental impact are addressed.

23.3.3. On existing lots of record designated Mineral Aggregate Resource Area, a detached dwelling and accessory buildings may be permitted subject to the following conditions:

- a) The lot fronts onto an assumed public road;
- b) The lot was created under the Planning Act prior to January 11, 2012;
- c) The use is permitted in the Zoning By-law; and,
- d) All requirements for private servicing and access are met.

23.3.4. The City may establish a stakeholder consultation group to comment on matters related to mineral aggregates and trends in the aggregate industry. Stakeholders may include representatives of the aggregate industry, Provincial Ministries, Conservation Authorities, adjacent municipalities, the public, and City staff.

23.3.5. Major adjustments to the boundary of a Mineral Aggregate Resource Area will require an amendment to this Plan together with supporting material evaluating the quality and quantity of the resource and the impact on surrounding land uses. Minor adjustments to the boundary of a Mineral Aggregate Resource Area may be permitted without amendment to this Plan, provided the necessary test pits and analysis have been conducted by a qualified professional as follows:

- a) Minimum of one (1) test pit per 0.4 hectares, to a minimum depth of 4.0 metres, unless the water table is reached;
- b) Records of test pits and grain size analysis are to be submitted to the City; and,
- c) Grain size analysis results are to be reviewed in reference to Ontario Provincial Standard Specifications (OPSS).

## **24. MINERAL AGGREGATE OPERATIONS**

### **24.1. GOALS:**

- 24.1.1. To designate and protect existing licensed mineral aggregate operations, which may include pits and quarries for bedrock, or sand and gravel, and associated facilities such as processing and recycling.
- 24.1.2. To provide policies and criteria for evaluating expanding and new licence applications for mineral aggregate operations.
- 24.1.3. To require these operations and the transportation of aggregate materials be undertaken in an orderly and efficient manner.
- 24.1.4. To minimize negative impacts on social, environmental and human health impacts, in accordance with the 2014 Provincial Policy Statement, the 2019 Growth Plan, and associated regulations and guidelines.

### **24.2. OBJECTIVES:**

- 24.2.1. To identify and balance potential mineral aggregate operations with other land use objectives of this Plan.
- 24.2.2. To recognize and protect licensed pits and quarries from incompatible development and activities.
- 24.2.3. To identify and minimize potential negative impacts of mineral aggregate operations on adjacent land uses and the natural heritage environment.
- 24.2.4. To require a high standard of mineral aggregate resource operations and site rehabilitation, which ensures compatibility with surrounding uses, maintains or enhances adjacent natural heritage features and functions, if applicable, and transitions the site from aggregate extraction to its ultimate end use.
- 24.2.5. To protect surface and groundwater resources from potential adverse effects of mineral aggregate operations.
- 24.2.6. To minimize the impact of traffic flow related to the production and transportation of mineral aggregate material on the community and public infrastructure.

- 24.2.7. To require proponents of new and expansions to existing licensed mineral aggregate operations to enter into a Haul Route Agreement with the City and adjacent municipalities as deemed appropriate to establish a satisfactory traffic movement plan prior to the approval of the Zoning By-law to permit the pit or quarry use. Haul Route Agreements will be scoped in accordance with City requirements, such as by-laws imposing half load requirements, municipal road standards, and maintenance standards.
- 24.2.8. To ensure safe and adequate transportation routing and site access for all mineral aggregate resource operations.
- 24.2.9. To promote mineral aggregate resource conservation, including through the use of accessory aggregate recycling facilities within operations where appropriate and permitted.
- 24.2.10. To provide policy guidance for progressive and final rehabilitation, recognizing that mineral aggregate resource extraction is an interim use.

### **24.3. POLICIES:**

- 24.3.1. The following uses will be permitted within licensed operations that are designated Mineral Aggregate Operations on Schedule “H”:
  - a) Licensed pits and quarries and accessory uses, such as crushing, screening, washing, stockpiling, blending, processing or recycling of mineral aggregate material and derived products and the production of secondary related products, that comply with provincial standards and are approved by MNRF through the ARA Site Plan approval process;
  - b) Recycling activities in licensed pits and quarries shall be restricted to the recycling of mineral aggregate and mineral aggregate derived materials, such as asphalt, concrete, brick, glass, porcelain, mineral aggregate material and reclaimed mineral aggregate products. A rezoning shall not be required provided the owner obtains any necessary MNRF Site Plan approvals;
  - c) Asphalt plants and concrete batching plants may be permitted as accessory uses in licensed pits and quarries by amendment to the Zoning By-law, provided they are compatible with and adequately



buffered to protect adjacent land uses, and are in compliance with an Environmental Compliance Approval issued by the Ministry of the Environment, Conservation and Parks (MECP);

- d) Wayside pits and quarries, temporary portable asphalt plants and portable concrete plants used on public authority contracts shall be permitted, without amendment to this Plan or Zoning By-law in all areas, except in those areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities;
- e) Importation of non-contaminated mineral aggregate, soil and topsoil for blending, resale and rehabilitation;
- f) Associated areas, buildings and facilities for accessory related weigh scales, processing equipment, maintenance, storage and offices;
- g) Essential utility and transportation facilities; and,
- h) Agriculture, forestry, fisheries, conservation, management, rehabilitation and/or stewardship of natural heritage and wildlife habitat.

24.3.2. Existing mineral aggregate operations shall be protected from development and activities that would preclude or hinder their continued use, expansion, or which would be incompatible for reasons of public health, public safety or environmental impact.

24.3.3. Development applications within 300 m. of a licensed pit and 500 m. of a licensed quarry will be required to demonstrate to the City that the policy 24.3.2 has been met. This influence area also applies to **new** sensitive land uses expanding towards existing licensed mineral aggregate operations.

24.3.4. The City will coordinate with adjacent municipalities where there are cross-jurisdictional issues to consider for any new or expanding mineral aggregate operations, and associated haul routes.

24.3.5. Applications for mineral aggregate resource extraction outside of the Mineral Aggregate Resource Areas will be considered subject to the requirements and policies of this Plan.

24.3.6. When noise, traffic flow, air quality, and water discharge associated with the licensed mineral aggregate operation do not conform to City By-laws, the City will work with the Ministry of Natural Resources and Forestry (MNRF) and Operator to address non-conformities.

24.3.7. New and expanding mineral aggregate operations shall not be permitted within, and shall be directed to locations appropriately separated and mitigated from the following features and existing and/or approved land uses:

- a) Sensitive Land Uses;
- b) Provincially Significant Wetlands;
- c) Significant Woodlands, unless the woodland is occupied by a young plantation or early successional habitat;
- d) Provincial parks and conservancy areas;
- e) Urban and Hamlet Settlement Areas;
- f) Active and closed landfills (Schedule D of this Plan);
- g) Specific Lake Policy Area (Schedule A-7 of this Plan);
- h) Habitat of Endangered Species or Threatened Species;
- i) Within or near wellhead and intake protection zones (Schedule C of this Plan), unless it can be demonstrated that these features and their related hydrologic functions will be protected, improved or restored.

24.3.8. Where appropriate, new and expanding mineral aggregate operations are encouraged to locate adjacent to existing operations.

**24.3.9. REHABILITATION:**

24.3.9.1. Progressive and final rehabilitation of current and future pits and quarries is required. Rehabilitation policies 24.3.7.3. and 24.3.7.4. of this Plan apply in prime agricultural areas.

24.3.9.2. Once final rehabilitation is completed and an Aggregate Resources Act (ARA) licence is surrendered, the applicant shall rezone the subject lands to an appropriate use.

24.3.9.3. For rehabilitation of new mineral aggregate operation sites, the following apply:

- a) The disturbed area of a site will be progressively rehabilitated in accordance with the approved Site Plan to a state of equal or greater ecological value and, for the entire site, long-term ecological integrity will be maintained or enhanced;
- b) If there are key natural heritage features or key hydrologic features on the site, or if such features existed on the site at the time of the application:
  - i. The health, diversity and size of these key natural heritage features and key hydrologic features will be maintained or enhanced; and
  - ii. Any permitted extraction of mineral aggregate resources that occurs in a feature will be completed, and the area will be rehabilitated, as early as possible in the life of the operation.
- c) Aquatic areas remaining after extraction are to be rehabilitated to aquatic enhancement which will be representative of the natural ecosystem, and the combined terrestrial and aquatic rehabilitation will meet the intent of this Plan.

24.3.9.4. In prime agricultural areas, on prime agricultural lands, extraction of mineral aggregate resources is permitted as an interim use provided that the site will be rehabilitated back to an agricultural condition, with the same average soil capability.

24.3.9.5. In prime agricultural areas, complete rehabilitation to an agricultural condition is not required if:

- a) There is a substantial quantity of mineral aggregate resources below the water table warranting extraction, or the depth of planned extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible;
- b) Other alternatives have been considered by the applicant and found unsuitable (i.e. Canada Land Inventory Class 4 through 7 lands, resources on lands identified as designated growth areas, and

resources on prime agricultural lands where rehabilitation is feasible). Where no other alternatives are found, prime agricultural lands shall be protected in this order of priority: specialty crop areas, Canada Land Inventory Class 1, 2 and 3 lands; and,

c) Agricultural rehabilitation in remaining areas is maximized.

24.3.9.6. Where compatible rehabilitation plans for abutting licensed operations are approved, the City may, where appropriate, allow for reduced setbacks from the shared licensed boundary to allow for concurrent and integrated rehabilitation of the adjacent sites.

24.3.9.7. Where a mineral aggregate operation has been rehabilitated, the licence surrendered, and the post-rehabilitation use is permitted by the Zoning By-law, the Mineral Aggregate Resource Operation designation will be changed to accurately reflect the rehabilitation use as any combination of Prime Agricultural, Rural and/or Environmental Protection, without amendment to this Plan.

24.3.9.8. The City may consult with MNRF and other appropriate agencies to pursue opportunities to rehabilitate abandoned operations, including sources of funding, through the Management of Abandoned Aggregate Properties Program or its successor.

#### **24.3.10. APPLICATION SUBMISSION REQUIREMENTS**

24.3.10.1. The City will encourage MNRF to prioritize consultation with the City concerning the Aggregate Resources Act and Planning Act application process, and where modifications are proposed to existing site plans and licences.

24.3.10.2. The City may, in conjunction with the process to establish a new or expanding mineral aggregate operation, request the MNRF to require the applicant to establish a stakeholder consultation group.

24.3.10.3. New and/or expansions to existing licensed mineral aggregate operations shall require an amendment to this Plan and be zoned for mineral aggregate extraction use. Any proposed amendment will be considered within the context of all the objectives and policies of this Plan, Provincial Policies, and associated regulations and guidelines. A reduction to the boundary of a

Mineral Aggregate Operation may be permitted without amendment to this Plan.

24.3.10.4. An amendment to this Plan shall not be required for a licensed operation to change from extraction 'above water table' to extraction 'above and below water table'. An amendment to the Zoning By-law, together with all necessary supporting studies as identified in this Plan including a Hydrogeology Study or Hydrology Study, shall be required to permit extraction from below the water table.

24.3.10.5. When a new and/or expansion to an existing licensed mineral aggregate operation is applied for, the City shall require appropriate studies that address and implement recommendations for matters such as land use policy conformity, compatibility and landscape character, cultural heritage, agricultural impacts, environmental impacts, surface and groundwater resources, drilling, vibration, blasting, dust suppression, noise attenuation, road and traffic impacts, and monitoring. These studies shall demonstrate to the City that the requirements of the Provincial Policies and this Plan are met.

24.3.10.6. The City will require studies to encompass an appropriate area of study, as determined by the City in consultation with the Province, Conservation Authorities and other agencies, and to be carried out by a qualified expert(s). The purpose of these studies is to ensure that changes in land use to permit mineral aggregate operations will be compatible with existing and approved land uses and minimize public health, safety and environmental impacts. Measurements across a wetland, a lake or a river will be excluded from measurements triggering required studies. These studies shall comply with relevant portions of this Official Plan including: Schedule "A" Land Use Designation, Schedule "B" Natural Heritage Features, Schedule "C" Wellhead Protection Zones, Schedule "D" Waste Management Facilities, Schedule "F" Specific Policy Lake Plan Area – SP-1, of this Plan.

24.3.10.7. In accordance with provincial regulations and guidelines, and through appropriate studies, where applicable, new and expanding mineral aggregate extraction operations shall:

- a) Ensure to the greatest possible extent, that mineral aggregate extraction does not have permanent adverse effects on the quantity

and quality of water resources, existing wells and the natural environment:

- i. Demonstrate no negative impact on adjacent municipal wellhead or intake protection areas in accordance with the applicable policies in the local Source Protection Plans;
  - ii. Protect, improve or restore sensitive surface and ground water features and their hydrologic functions;
  - iii. Plan for efficient and sustainable conservation use of water resources;
  - iv. Ensure consideration of environmental lake capacity; and,
  - v. Ensure stormwater management provides for sediment control before discharge.
- b) Demonstrate within natural heritage features and areas, and linkages:
- i. How the connectivity between key natural heritage features and key hydrologic features will be maintained before, during and after extraction occurs;
  - ii. How the operator could replace key natural heritage features and key hydrologic features that would be lost from the site with equivalent features on another part of the site or adjacent lands;
  - iii. How the water resource system will be protected and enhanced;
  - iv. How any impacts on key natural heritage features and key hydrologic features and their associated vegetative protection zones will be protected and enhanced.
- c) Comply with the Trent and South Georgian Bay Lake Simcoe Source Protection Plans, and Lake Simcoe Protection Plan.

24.3.10.8. The studies and the Site Plans required under the ARA will also be required by the City.

24.3.10.9. The Site Plan submitted to the MNRF under the ARA must satisfy all the City's concerns prior to the approval of a Planning Act application to permit a mineral aggregate operation.

24.3.10.10. Site Plans shall provide entrance and site designs that screen, to the extent possible, direct views of the mineral aggregate operation; minimize environmental and social impacts; indicate the proposed after-use; and

progressive rehabilitation that is compatible and consistent with the area's existing land use and natural heritage character.

24.3.10.11. When a renewal of or change to an existing or new Permit To Take Water is applied for, the City will request the MECP to require the applicant to:

- a) Update the prior hydrological and hydrogeological reports to comply with current provincial standards;
- b) Demonstrate that the use of water would have no negative impact on or interference with existing adjacent wells within a mutually agreed area; and,
- c) Establish an appropriate water monitoring program.

24.3.10.12. Where two or more applications are proposed for Permits To Take Water, the City will request the MECP to require the respective technical studies to comprehensively investigate the cumulative impacts.

24.3.10.13. In addition to the study requirements outlined herein, the City may identify additional required studies, reduce the scope of these studies and/or identify the appropriate evaluation and peer-review process in consultation with the applicant. Where a peer review is required, the costs of such review shall be paid by the applicant. The City may require the applicant to enter into an agreement regarding the administration and reasonable scope of the peer review costs.

24.3.10.14. Notification of applications to amend this Plan or Zoning By-law shall be given to property owners within 500 m. of the subject lands in areas of large property holdings and low population density.

24.3.10.15. Demonstration of need for mineral aggregate resources, including any type of supply/demand analysis, shall not be required, notwithstanding the availability, designation or licensing for extraction of mineral aggregate resources locally or elsewhere.

#### **24.3.11. TRANSPORTATION AND HAUL ROUTES**

24.3.11.1 Schedule "I" to this Plan identifies haul routes for the transportation of mineral aggregate products and goods movement. Notwithstanding the identification of a road as a haul route, such roads may be subject to half load restrictions.

These haul routes are based on the City's Transportation Master Plan and Aggregate Haul Route Study, and are classified as follows:

- a) Major Haul Routes are those roads predominantly used for inter-municipal transportation of mineral aggregate materials and typically utilize provincial highways and major arterial roads;
- b) Minor Haul Routes are those roads predominantly used for intra-City transportation of mineral aggregate materials and typically utilize provincial highways, major and minor arterial and collector roads; and,
- c) Local Haul Routes are those roads approved by the City in a Haul Route Agreement, to be used by aggregate producers located along the route for access to Major and Minor Haul Routes and to local markets.

24.3.11.2. Mineral aggregate traffic shall be directed away from Urban and Hamlet Settlement Areas where feasible.

24.3.11.3. Access to a new or expanded mineral aggregate operation should be through an existing entrance onto a road, either directly or through the use of a private lane system. Where this is not possible, a new access onto a local road may be considered. Access onto a road that is not identified as a Haul Route, will only be considered where there is no feasible alternative. The applicant must comply with Section 36.2 Traffic Impact Study Requirements of this Plan.

24.3.11.4. The City will encourage the construction of private lane systems between abutting extractive operations, to lessen the impact of mineral aggregate traffic on local residents, sensitive land uses and the public road system.

24.3.11.5. The City will review proposed haul routes and when satisfied that the route(s) is able to function as a haul route, it will be identified on Schedule "I" without amendment to this Plan. As part of the public review, the City will coordinate with adjacent municipalities to minimize potential impacts from inter-municipal aggregate-related truck traffic.

24.3.11.6. The City requires proponents of new or expanded mineral aggregate operations to demonstrate to the satisfaction of the City that the transportation of aggregate and related products can be adequately accommodated by the City's transportation system. Any improvements required to the City's



transportation infrastructure due to a new or expanded pit or quarry shall be at the proponent's expense and secured through a Haul Route Agreement, especially in circumstances where the public road is predominantly used by an aggregate operation.

24.3.11.7. The City will determine if the proposed haul route requires improvements and added maintenance. The provincial aggregate levy and payments from aggregate licence holders will fund these improvements and maintenance. The required Haul Route Agreement will establish and secure for improvements, additional maintenance and formula for the method of payment by a licence-holder.

24.3.11.8. Where there are two or more mineral aggregate operations, the City may require the applicants, through Haul Route Agreements, to contribute financially for associated costs of the established and/or new haul route(s).

## **30. DEFINITIONS**

### **Agricultural Condition**

- a) In regard to specialty crop areas, a condition in which substantially the same areas and same average soil capability for agriculture are restored, the same range and productivity of specialty crops common in the area can be achieved, and, where applicable, the microclimate on which the site and surrounding area may be dependent for specialty crop production shall be maintained or restored; and
- b) In regard to prime agricultural land outside of specialty crop areas, a condition in which substantially the same areas and same average soil capability for agriculture are restored.

### **Agricultural Impact Assessment**

A study that evaluates the potential impacts of non-agricultural development on agricultural operations and the Agricultural System and recommends ways to avoid or, if avoidance is not possible, minimize and mitigate adverse impacts.

### **Designated Vulnerable Areas**

Areas defined as vulnerable, in accordance with provincial standards, by virtue of their importance as a drinking water source.

### **Ground Water Features**

Water-related features in the earth's subsurface, including recharge/discharge areas, water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydrogeologic investigations.

### **Habitat of Endangered Species and Threatened Species**

- a) With respect to a species listed on the Species at Risk in Ontario List as an endangered or threatened species for which a regulation made under clause 55(1)(a) of the Endangered Species Act, 2007 is in force, the area prescribed by that regulation as the habitat of the species; or
- b) With respect to any other species listed on the Species at Risk in Ontario List as an endangered or threatened species, an area on which the species depends, directly or indirectly, to carry on its life processes, including life processes such as reproduction, rearing, hibernation, migration or feeding, as approved by MNRF; and

Places in the areas described in clauses (a) and (b), whichever is applicable, that are used by members of the species as dens, nests, hibernacula or other residences.

### **Hydrologic Function**

The functions of the hydrological cycle that include the occurrence, circulation, distribution and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water's interaction with the environment including its relation to living things.

### **Infrastructure**

Physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes: sewage and water systems, septage treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

### **Key Hydrologic Features**

Permanent streams, intermittent streams, inland lakes and their littoral zones, seepage areas and springs and wetlands.

### **Key Natural Heritage Features**

Habitat of endangered species and threatened species; fish habitat; wetlands; life science areas of natural and scientific interest (ANSIs), significant valleylands,

significant woodlands; significant wildlife habitat (including habitat of special concern species); sand barrens, savannahs, and tallgrass prairies; and alvars.

### **Mineral Aggregate Operations**

- a) lands under licence or permit, other than for wayside pits and quarries, issued in accordance with the Aggregate Resources Act;
- b) for lands not designated under the Aggregate Resources Act, established pits and quarries that are not in contravention of municipal zoning by-laws and including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and
- c) associated facilities used in extraction, transport, beneficiation, processing, or recycling of mineral aggregate resources and derived products, such as asphalt and concrete, or the production of secondary related products.

### **Mineral Aggregate Resources**

Gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the Aggregate Resources Act suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the Mining Act.

### **Mineral Aggregate Resource Conservation**

Means:

- a) the recovery and recycling of manufactured materials derived from mineral aggregates (e.g. glass, porcelain, brick, concrete, asphalt, slag, etc.), for re-use in construction, manufacturing, industrial or maintenance projects as a substitute for new mineral aggregates; and
- b) the wise use of mineral aggregates including utilization or extraction of on-site mineral aggregate resources prior to development occurring.

### **Natural Heritage Features and Areas**

Features and areas, including significant wetlands, significant coastal wetlands, other coastal wetlands (in Ecoregions 5E, 6E and 7E), fish habitat, significant woodlands and significant valleylands in, habitat of endangered species and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

## **Negative Impact**

- a) In regard to water, degradation to the quality or quantity of surface or groundwater, key hydrologic features or vulnerable areas and their related hydrologic functions due to single, multiple or successive development or site alteration activities;
- b) In regard to fish habitat, any permanent alteration to or destruction of fish habitat, except where, in conjunction with the appropriate authorities, it has been authorized under the Fisheries Act; and
- c) In regard to other natural heritage features and areas, degradation that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive development or site alteration activities.

## **Prime Agricultural Area**

An area where prime agricultural lands predominate. This includes areas of prime agricultural lands and associated Canada Land Inventory Class 4 through 7 lands and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. Prime agricultural areas are to be identified by the Ministry of Agriculture, Food and Rural Affairs (OMAFRA) using guidelines developed by the Province as amended from time to time.

## **Prime Agricultural Lands**

Specialty crop areas and/or Canada Land Inventory Class 1, 2, and 3 lands, as amended from time to time, in this order of priority for protection.

## **Quality and Quantity of Water**

Measured by indicators associated with hydrologic function such as minimum base flow, depth to water table, aquifer pressure, oxygen levels, suspended solids, temperature, bacteria, nutrients and hazardous contaminants, and hydrologic regime.

## **Sensitive Land Uses**

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

## **Significant Wetland**

A wetland that has been identified as provincially significant by the Province.

### **Significant Woodland**

A woodland which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history. These are to be identified using criteria established by the Province.

### **Vegetation Protection Zone**

A vegetated buffer area surrounding a key natural heritage feature or key hydrologic feature.

## **36. APPENDICIES**

### **36.10 APPENDIX J – ENVIRONMENTAL IMPACT STUDY**

#### **Existing Conditions**

This Section is amended by deleting the 4<sup>th</sup> paragraph and replacing it with the following paragraph:

All of the types of environmental features which are identified on Schedule B to this Plan must be identified in the mapping and described in the report submitted by the applicant. These features include:

- a) Provincial or regional Areas of Natural and Scientific Interest (ANSIs),
- b) Provincially Significant Wetlands and wetland complexes.
- c) Unevaluated Wetlands,
- d) Waterbodies,
- e) Significant Woodlands,
- f) Significant Wildlife Habitat,
- g) Petroleum Wells, and
- h) Any other features regulated in accordance with the 2014 Provincial Policy Statement and associated regulations and guidelines.

## **NEW SCHEDULES**

- Schedule “H” – Mineral Aggregate Resource Areas and Operations
- Schedule “I” – Transportation



# City of Kawartha Lakes Official Plan Schedule H Mineral Aggregate Resource Areas and Operations

Scale 1 cm = 3.7 km  
0 5 10 20  
kms

### Legend

#### Mineral Aggregate Resource Areas (Sand and Gravel)

- Sand and Gravel, Primary Significance
- Sand and Gravel, Secondary Significance
- Sand and Gravel, Tertiary Significance

#### Mineral Aggregate Resource Areas (Bedrock)

- Paleozoic bedrock outcrop. Areas of exposed bedrock partially covered by a thin veneer of drift. Drift thickness is generally less than 1 m (3 feet).
- Paleozoic bedrock covered by drift. Drift thickness is generally 1 to 8 m (3 to 25 feet). Bedrock outcrops may occur.
- Paleozoic bedrock covered by drift. Drift thickness is generally 8 to 15 m (25 to 50 feet). Isolated bedrock outcrops may occur.
- Paleozoic bedrock covered by drift. Drift thickness is generally greater than 15 m (50 feet).

#### Mineral Aggregate Operations (Licenced Tonnes):

- Unknown Tonnage
- Up to 20,000
- 20,001 to 100,000
- 100,001 to 200,000
- 200,001 to 300,000
- 300,001 to 500,000
- 500,001 to 1,000,000
- 1,000,001 to 4,000,000

#### Other Map Features

- Oak Ridges Moraine Conservation Plan Area

#### Road Types and Rail

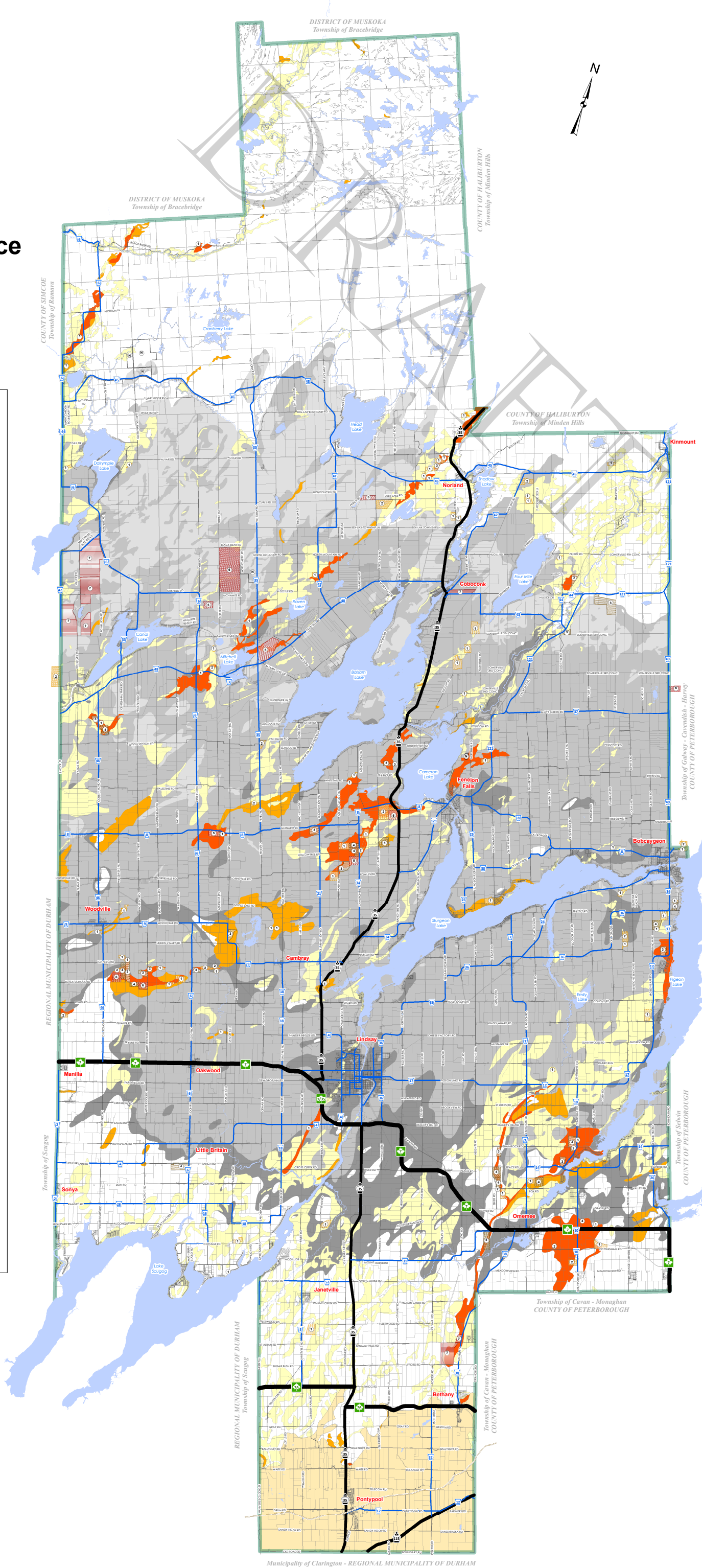
- Highways (Provincial)
- Arterial Roads (Provincial)
- Arterial Roads (Municipal)
- Local Roads (Municipal)
- CP Rail

#### Information Sources:

Ministry of Northern Development and Mines,  
Ministry of Natural Resources and Forestry

#### Note:

Boundaries of Mineral Aggregate Areas and  
Other Map Features are subject to change  
based on information from MNDM, MNRF,  
CA and City of Kawartha Lakes





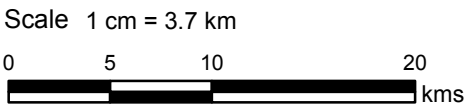


# City of Kawartha Lakes

## Official Plan

### Schedule I

### Transportation



**Legend**

**Aggregate Haul Routes:**

- Major Haul Routes - Arterial Roads
- Major Haul Routes - Arterial Roads - Future
- Minor Haul Routes
- Minor Haul Routes - Future
- Local Haul Routes

Major routes are predominantly for inter-municipal transportation of aggregate resources.

Minor routes are predominantly for intra-City transportation of aggregate resources and to Major routes.

**Bridge Structures (>1.2m width)**

- Load Posted Structure
- Single Lane Structure

**Other Map Features**

- Urban and Hamlet Settlements
- Oak Ridges Moraine Conservation Plan Area

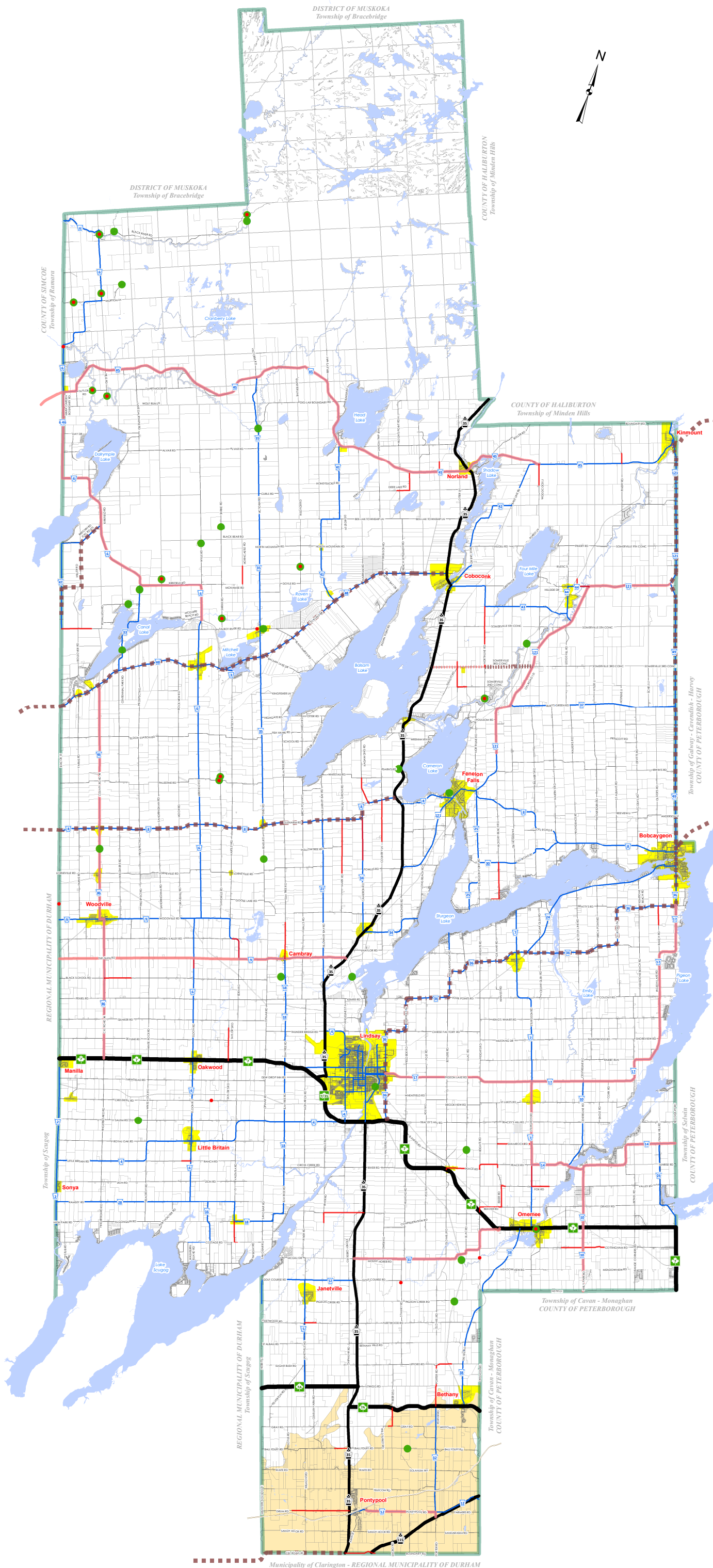
**Road Types and Rail**

- Highways (Provincial)
- Arterial Roads (Provincial)
- Arterial Roads (Municipal)
- Local Roads (Municipal)
- CP Rail

**Information Sources:**

Ministry of Northern Development and Mines,  
Ministry of Natural Resources and Forestry

**Note:**  
Boundaries of map features are subject to change based on information from MNDM, MNRF, CA and City of Kawartha Lakes



## GUIDE TO DOCUMENT:

**Highlighted text** identifies additions that clarify or expand on policy direction and requirements.

~~Strikethrough text~~ identifies deletions that reduce duplication, redundancy, or reorganize content.

## 23. MINERAL AGGREGATE RESOURCE AREAS

### 23.1. GOALS:

23.1.1. To identify on Schedule “H” Mineral Aggregate Resource Areas and Operations, ~~known areas~~ **deposits** of mineral aggregate resources. ~~These resources shall be protected~~ including the Bobcaygeon and Gull River bedrock formations and sand and gravel having primary, secondary **and tertiary significance**. Information **regarding mineral aggregate resources is** provided by the Ministry of Energy, Northern Development and Mines ENDM (Aggregate Resources Inventory Paper ARIP 168, 2000).

23.1.2. **To protect these resources** from new incompatible land uses, and conserved for future **use**.

~~To identify on Schedule I and in addition to Schedule B, as constraints to these mineral aggregate resources, sensitive receptors and natural environment features and functions in accordance with the 2014 Provincial Policy Statement, and associated regulations and guidelines. The identification of these constraints is to minimize negative impacts on both residential settlement areas and neighbourhoods. to minimize negative impacts on social, environmental and human health impacts~~

### 23.2. OBJECTIVES:

23.2.1. To make available as much of the identified mineral aggregate resources as is realistically possible, as close to markets as possible, and to protect these resources from sensitive land uses that are incompatible with the possible future extraction.

**23.2.2. To promote the wise use and management of mineral aggregate resources.**



### 23.3. POLICIES:

23.3.1. The information shown on Schedule “H” shall not bind the City to adopt any amendments to this Plan to permit aggregate extraction in **Mineral Aggregate Resource Areas**. ~~such areas. Schedule I also excludes known mineral aggregate resource areas that are within:~~

- ~~• 120 m. of a Provincially significant wetland;~~
- ~~• 1,000 m. of a Provincial park and conservancy areas;~~
- ~~• 1,000 m. of Urban and Hamlet Settlement areas; and~~
- ~~• 1,000 m. of clusters of six (6) or more dwelling units, including Waterfront areas.~~

~~Any change to Schedule I shall be consistent with the Provincial Policy Statement.~~

~~24.3.2. Where detailed mapping from MNDM identifies other deposits of mineral aggregate resources which are not constrained by Provincially Significant Wetlands and the other areas listed in Section 24.3.1, Schedule I will be revised to identify those deposits without amendment to this Plan.~~

~~24.3.3. Where detailed mapping from MNRF identifies other provincially significant wetlands and the conservation authority and City identify additional natural heritage features/areas, Schedule I will be revised to identify the corresponding adjusted boundaries of the Mineral Aggregate Resource Areas without amendment to this Plan.~~

23.3.2. Lot creation **is subject to section 33.3 Consents of this Plan and** is prohibited within 500 m. of, and within, areas identified as Mineral Aggregate Resource Areas. Existing or new agriculture, forestry, small-scale open space passive recreational uses and conservation and natural resource management uses are permitted provided they do not hinder the future extraction of mineral aggregates from this area. Proponents of development of sensitive receptors within 300 m. of a licensed pit and 500 m. of a licensed quarry are required to demonstrate that the proposed use will not hinder the future extraction of mineral aggregates **within existing licensed pits and quarries**. Proponents of permitted new development and activities on existing lots should be aware of the increased potential for incompatibility between their new uses and future extraction operations. New development and activities, which would preclude or hinder the establishment of new extraction operations or access to the resources, shall only be permitted if:

- a) Aggregate resource extraction would not be feasible; or

- b) The proposed land use or development serves a greater long-term public interest; and
  - c) Issues of public health and safety and environmental impact are addressed.
- 23.3.3. On existing lots of record designated Mineral Aggregate Resource Area, a detached dwelling and accessory buildings may be permitted subject to the following conditions:
  - a) The lot fronts onto an assumed public road;
  - b) The lot was created under the Planning Act prior to January 11, 2012;
  - c) The use is permitted in the Zoning By-law; and,
  - d) All requirements for private servicing and access are met.
- 23.3.4. The City may establish a stakeholder consultation group to comment on matters related to mineral aggregates and trends in the aggregate industry. Stakeholders may include representatives of the aggregate industry, Provincial Ministries, Conservation Authorities, adjacent municipalities, the public, and City staff.
- ~~24.3.6. The Mineral Aggregate Resource Area is extensive and in all probability will not be required during the planning period to 2031. Given the provincial interest in and the ever increasing demands for mineral aggregate resources, the large identified areas are justified.~~
- 23.3.5. Major adjustments to the boundary of a Mineral Aggregate Resource Area will require an amendment to this Plan together with supporting material evaluating the quality and quantity of the resource and the impact on surrounding land uses. Minor adjustments to the boundary of a Mineral Aggregate Resource Area may be permitted without amendment to this Plan, provided the necessary test pits and analysis have been conducted by a qualified professional as follows:
  - a) Minimum of one (1) test pit per 0.4 hectares, to a minimum depth of 4.0 metres, unless the water table is reached;
  - b) Records of test pits and grain size analysis are to be submitted to the City; and,
  - c) Grain size analysis results are to be reviewed in reference to Ontario Provincial Standard Specifications (OPSS).

## **24. MINERAL AGGREGATE OPERATIONS**

### **24.1. GOALS:**

- 24.1.1. To designate and protect existing licensed mineral aggregate operations ~~and to,~~ which may include pits and quarries for bedrock, or sand and gravel, and associated facilities such as processing and recycling.
- 24.1.2. To provide policies and criteria for evaluating expanding and new licence applications for mineral aggregate operations.
- 24.1.3. To require these operations and the transportation of aggregate materials be undertaken in an orderly and efficient manner.
- 24.1.4. To minimize negative impacts on social, environmental and human health impacts, in accordance with the 2014 Provincial Policy Statement, the 2019 Growth Plan, and associated regulations and guidelines.

### **24.2. OBJECTIVES:**

- 24.2.1. To identify and balance potential mineral aggregate ~~resource extraction activities~~ operations with other land use objectives of this Plan.
- 24.2.2. To recognize and protect licensed pits and quarries from incompatible development and activities.
- 24.2.3. To identify and minimize potential negative impacts of mineral aggregate operations on adjacent land uses and the natural heritage environment.
- 24.2.4. To require a high standard of mineral aggregate resource operations and site rehabilitation, which ensures compatibility with surrounding uses, maintains or enhances adjacent natural heritage features and functions, if applicable, and transitions the site from aggregate extraction to its ultimate end use.
- 24.2.5. To protect surface and groundwater resources from potential adverse effects of mineral aggregate operations. ~~by requiring appropriate hydrologic and hydrogeological studies and implementing their recommendations.~~

- 24.2.6. To minimize the impact of traffic flow related to the production and transportation of mineral aggregate material on the community and public infrastructure.
- 24.2.7. To require proponents of new and expansions to existing licensed mineral aggregate operations to enter into a Haul Route Agreement with the City and adjacent municipalities as deemed appropriate to establish a satisfactory traffic movement plan prior to the approval of the Zoning By-law to permit the pit or quarry use. Haul Route Agreements will be scoped in accordance with City requirements, such as by-laws imposing half load requirements, municipal road standards, and maintenance standards.
- 24.2.8. To ensure safe and adequate transportation routing and site access for all mineral aggregate resource operations.
- 24.2.9. To promote mineral aggregate resource conservation, including through the use of accessory aggregate recycling facilities within operations where appropriate and permitted.
- 24.2.10. To provide policy guidance for progressive and final rehabilitation, recognizing that mineral aggregate resource extraction is an interim use.

### **24.3. POLICIES:**

- 24.3.1. The following uses will be permitted within ~~areas~~ licensed operations that are designated Mineral Aggregate Operations on Schedule “H”:
- a) Licensed pits and quarries and accessory uses, such as crushing, screening, washing, stockpiling, blending, processing or recycling of mineral aggregate material and derived products and the production of secondary related products, that comply with provincial standards and are approved by MNRF through the ARA Site Plan approval process;
  - b) Recycling activities in licensed pits and quarries ~~facilities, where permitted by the Zoning By-law,~~ shall be restricted to the recycling of mineral aggregate and mineral aggregate derived materials, such as asphalt, concrete, brick, glass, porcelain, mineral aggregate material and reclaimed mineral aggregate products. A rezoning shall not be

required provided the owner obtains any necessary MNRF Site Plan approvals;

- c) Asphalt plants and concrete batching plants may be permitted as accessory uses in licensed pits and quarries by amendment to the Zoning By-law, provided they are compatible with and adequately buffered to protect adjacent land uses, and are in compliance with an Environmental Compliance Approval issued by the Ministry of the Environment, Conservation and Parks (MECP);
- d) Wayside pits and quarries, temporary portable asphalt plants and portable concrete plants used on public authority contracts shall be permitted, without amendment to this Plan or Zoning By-law in all areas, except in those areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities;
- e) Importation of non-contaminated mineral aggregate, soil and topsoil for blending, resale and rehabilitation;
- f) Associated areas, buildings and facilities for accessory related weigh scales, processing equipment, maintenance, storage and offices;
- g) Essential utility and transportation facilities; and,
- h) Agriculture, forestry, fisheries, conservation, management, rehabilitation and/or stewardship of natural heritage and wildlife habitat.

24.3.2. Existing mineral aggregate operations shall be protected from development and activities that would preclude or hinder their continued use, expansion, or which would be incompatible for reasons of public health, public safety or environmental impact.

24.3.3. Development applications within 300 m. of a licensed pit and 500 m. of a licensed quarry will be required to demonstrate to the City that the policy 24.3.2 has been met. This influence area also applies to new sensitive land uses expanding towards existing licensed mineral aggregate operations.

- 24.3.4. The City will coordinate with adjacent municipalities where there are cross-jurisdictional issues to consider for any new or expanding mineral aggregate operations, and associated haul routes.
- 24.3.5. Applications for mineral aggregate resource extraction outside of the Mineral Aggregate Resource Areas will be considered subject to the requirements and policies of this Plan.
- 24.3.6. When noise, traffic flow, air quality, and water discharge associated with the licensed mineral aggregate operation do not conform to City By-laws, the City will work with the Ministry of Natural Resources and Forestry (MNRF) and Operator to address non-conformities. ~~may request that the MNRF suspend the respective Licence.~~
- 24.3.7. ~~Proposed~~ New and expanding mineral aggregate operations shall **not be permitted within, and shall** be directed to locations appropriately separated and mitigated from the following features and existing and/or approved land uses:
- a) Sensitive Land Uses ~~(as defined in the 2014 PPS);~~
  - b) Provincially Significant Wetlands;
  - c) Significant Woodlands, unless the woodland is occupied by a young plantation or early successional habitat;
  - d) Provincial parks and conservancy areas;
  - e) Urban and Hamlet Settlement Areas;
  - f) Active and closed landfills (Schedule D of this Plan);
  - g) ~~Special~~ **Specific** Lake Policy Area (Schedule A-7 of this Plan);
  - h) Habitat of Endangered **Species** or Threatened Species ~~or fish habitat, except in accordance with federal and provincial requirements;~~
  - i) **Within or near** wellhead and intake protection zones (Schedule C of this Plan), ~~Mineral aggregate operations will not be permitted on land in or near areas of sensitive groundwater and sensitive surface water~~

~~features~~ unless it can be demonstrated that these features and their related hydrologic functions will be protected, improved or restored.

24.3.8. Where appropriate, new and expanding mineral aggregate operations are encouraged to locate adjacent to existing operations. ~~Studies outlined in this Section apply to all proposed new and expanding mineral aggregate operations.~~

~~23.3.12. Mineral aggregate operations will not be permitted in the following locations unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions:~~

~~(a) Natural heritage features including significant woodlands, valleylands, wildlife habitat, and areas of natural and scientific interest;~~

~~(b) Lands adjacent to:~~

- ~~• Provincially significant wetlands;~~
- ~~• natural heritage features listed in (a); and~~
- ~~• fish habitat~~

#### **24.3.9. REHABILITATION:**

24.3.9.1. **Progressive and final** rehabilitation of current and future pits and quarries is required. **Rehabilitation policies 24.3.7.3. and 24.3.7.4. of this Plan apply in prime agricultural areas.**

24.3.9.2. **Once final rehabilitation is completed and an Aggregate Resources Act (ARA) licence is surrendered, the applicant shall rezone the subject lands to an appropriate use.** ~~Progressive and final rehabilitation shall be in accordance with the approved Site Plan.~~

24.3.9.3. **For rehabilitation of new mineral aggregate operation sites, the following apply:**

a) **The disturbed area of a site will be progressively rehabilitated in accordance with the approved Site Plan to a state of equal or greater ecological value and, for the entire site, long-term ecological integrity will be maintained or enhanced;**

b) **If there are key natural heritage features or key hydrologic features on the site, or if such features existed on the site at the time of the application:**



i. The health, diversity and size of these key natural heritage features and key hydrologic features will be maintained or enhanced; and

ii. Any permitted extraction of mineral aggregate resources that occurs in a feature will be completed, and the area will be rehabilitated, as early as possible in the life of the operation.

c) Aquatic areas remaining after extraction are to be rehabilitated to aquatic enhancement which will be representative of the natural ecosystem, and the combined terrestrial and aquatic rehabilitation will meet the intent of this Plan.

24.3.9.4. In prime agricultural areas, on prime agricultural lands, extraction of mineral aggregate resources is permitted as an interim use provided that the site will be rehabilitated back to an agricultural condition, with the same average soil capability.

24.3.9.5. In prime agricultural areas, complete rehabilitation to an agricultural condition is not required if:

a) There is a substantial quantity of mineral aggregate resources below the water table warranting extraction, or the depth of planned extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible;

b) Other alternatives have been considered by the applicant and found unsuitable. ~~The consideration of other alternatives shall include resources in areas of~~ (i.e. Canada Land Inventory Class 4 through 7 lands, resources on lands identified as designated growth areas, and resources on prime agricultural lands where rehabilitation is feasible). Where no other alternatives are found, prime agricultural lands shall be protected in this order of priority: specialty crop areas, Canada Land Inventory Class 1, 2 and 3 lands; and,

c) Agricultural rehabilitation in remaining areas is maximized.

24.3.9.6. Where compatible rehabilitation plans for abutting licensed operations are approved, the City may, where appropriate, ~~support the extraction of the~~ allow for reduced setbacks from the shared licensed boundary ~~in order to achieve to allow for~~ concurrent and integrated rehabilitation of the adjacent sites.

24.3.9.7. Where a mineral aggregate operation has been rehabilitated, the licence surrendered ~~due to resource depletion~~, and the ~~post~~-rehabilitation use is permitted by the Zoning By-law, the Mineral Aggregate Resource Operation designation will be changed to accurately reflect the rehabilitation use as any combination of Prime Agricultural, Rural and/or Environmental Protection, without amendment to this Plan.

24.3.9.8. The City may consult with MNRF and other appropriate agencies to pursue opportunities to rehabilitate abandoned operations, including sources of funding, through the Management of Abandoned Aggregate Properties Program or its successor.

#### **24.3.10. APPLICATION SUBMISSION REQUIREMENTS**

24.3.10.1. The City will encourage MNRF to prioritize consultation with the City concerning the Aggregate Resources Act and Planning Act application process, and where modifications are proposed to existing site plans and licences.

24.3.10.2. The City may, in conjunction with the process to establish a new or expanding mineral aggregate operation, request the MNRF to require the applicant to establish a ~~Citizen Liaison Committee~~ stakeholder consultation group.

24.3.10.3. ~~Proposed~~ New and/or expansions to existing licensed mineral aggregate operations shall require an amendment to this Plan and be zoned for mineral aggregate extraction use. Any proposed amendment will be considered within the context of all the objectives and policies of this Plan, ~~and subsequent Provincial Policy Statements~~ Provincial Policies, and associated regulations and guidelines. A reduction to the boundary of a Mineral Aggregate Operation may be permitted without amendment to this Plan.

24.3.10.4. An amendment to this Plan shall not be required for a licensed operation to change from extraction 'above water table' to extraction 'above and below water table'. An amendment to the Zoning By-law, together with all necessary supporting studies as identified in this Plan including a Hydrogeology Study or Hydrology Study, shall be required to permit extraction from below the water table.

24.3.10.5. When a new and/or expansion to an existing licensed mineral aggregate operation is applied for, the City ~~may~~ shall require appropriate studies that

address ~~such~~ and implement recommendations for matters ~~such~~ as land use policy conformity, compatibility and landscape character, cultural heritage, agricultural impacts, environmental impacts, surface and groundwater resources, drilling, vibration, blasting, dust suppression, noise attenuation, road and traffic impacts, and monitoring. ~~to accompany any application for mineral aggregate operations and~~ These studies shall demonstrate to the City that the requirements of the Provincial Policies ~~Provincial Policy Statement~~ and this Plan are met.

24.3.10.6. The City will require ~~these~~ studies to encompass an appropriate area of study, as determined by the City in consultation with the Province, Conservation Authorities and other agencies, and to be carried out by a qualified expert(s). The purpose of these studies is to ensure that changes in land use to permit mineral aggregate operations will be compatible with existing and approved land uses and minimize public health, safety and environmental impacts. Measurements across a wetland, a lake or a river will be excluded from measurements triggering required studies. These studies shall comply with relevant portions of this Official Plan including: ~~subordinate and Secondary Plans (Sections 31.3 to 31.7 inclusive),~~ Schedule “A” Land Use Designation, Schedule “B” Natural Heritage Features, Schedule “C” Wellhead Protection Zones, Schedule “D” Waste Management Facilities, Schedule “F” Specific Policy Lake Plan Area – SP-1, of this Plan.

24.3.10.7. In accordance with provincial regulations and guidelines, and through appropriate studies, where applicable, new and expanding mineral aggregate extraction operations shall:

- a) ~~The applicant shall~~ Ensure to the greatest possible extent, that ~~existing and proposed~~ mineral aggregate extraction does not have permanent adverse effects on the quantity and quality of water resources, existing wells and the natural environment ~~in accordance with the Provincial Policy Statement and associated regulations and guidelines:~~
  - i. Demonstrate no negative impact on adjacent municipal wellhead or intake protection areas in accordance with the applicable policies in the local Source Protection Plans;
  - ii. Protect, improve or restore sensitive surface and ground water features and their hydrologic functions;

- iii. Plan for efficient and sustainable conservation use of water resources;
- iv. Ensure consideration of environmental lake capacity; and,
- v. Ensure stormwater management provides for sediment control before discharge.

b) Demonstrate within natural heritage features and areas, and linkages:

- i. How the connectivity between key natural heritage features and key hydrologic features will be maintained before, during and after extraction occurs;
- ii. How the operator could replace key natural heritage features and key hydrologic features that would be lost from the site with equivalent features on another part of the site or adjacent lands;
- iii. How the water resource system will be protected and enhanced;
- iv. How any impacts on key natural heritage features and key hydrologic features and their associated vegetative protection zones will be protected and enhanced.

c) Comply with the Trent and South Georgian Bay Lake Simcoe Source Protection Plans, and Lake Simcoe Protection Plan.

24.3.10.8. The studies and the Site Plans required under the ARA will also be required by the City. ~~The nature and scope of the studies will depend on the location, the type of extraction proposed, uses in the surrounding area and the proposed haul route.~~

24.3.10.9. The Site Plan submitted to the MNR under the ARA must satisfy all the City's concerns prior to the approval of a Planning Act application to permit a mineral aggregate operation.

24.3.10.10. Site Plans shall provide entrance and site designs that screen, to the extent possible, direct views of the mineral aggregate operation; minimize environmental and social impacts; indicate the proposed after-use; and progressive rehabilitation that is compatible and consistent with the area's existing land use and natural heritage character.

24.3.10.11. When a renewal of or change to an existing or new Permit To Take Water is applied for, the City will request the MECP to require the applicant to:

- a) Update the prior hydrological and hydrogeological reports to comply with current provincial standards;
- b) Demonstrate that the use of water would have no negative impact on or interference with existing adjacent wells within a mutually agreed area; and,
- c) Establish an appropriate water monitoring program.

24.3.10.12. Where ~~there is a proposed concentration of applications~~ two or more applications are proposed for Permits To Take Water, the City will request the MECP to require the respective technical studies to comprehensively investigate the cumulative impacts.

24.3.10.13. In addition to the study requirements outlined herein, the City may identify additional required studies, reduce the scope of these studies and/or identify the appropriate evaluation and peer-review process in consultation with the applicant. ~~The City may require a peer review and where necessary,~~ Where a peer review is required, the costs of such review shall be paid by the applicant. The City may require the applicant to enter into an agreement regarding the administration and reasonable scope of the peer review costs.

24.3.10.14. Notification of applications to amend this Plan or Zoning By-law shall be given to property owners within 500 m. of the subject lands in areas of large property holdings and low population density.

24.3.10.15. Demonstration of need for mineral aggregate resources, including any type of supply/demand analysis, shall not be required, notwithstanding the availability, designation or licensing for extraction of mineral aggregate resources locally or elsewhere.

~~LOCATION OF NEW AND EXPANDING MINERAL AGGREGATE OPERATIONS~~

~~DESIGN AND OPERATION~~

~~WATER RESOURCES~~

~~SOURCE PROTECTION and LAKE PROTECTION PLANS~~

~~AGGREGATE ADVISORY COMMITTEE~~

~~EXTRACTION IN PRIME AGRICULTURAL AREAS~~

## 24.3.11. TRANSPORTATION AND HAUL ROUTES

24.3.11.1 Schedule “I” to this Plan identifies haul routes for the transportation of mineral aggregate products and goods movement. Notwithstanding the identification of a road as a haul route, such roads may be subject to half load restrictions. These haul routes are based on the City’s Transportation Master Plan and **Aggregate Haul Route Study**, and are classified as follows:

- a) Major Haul Routes are those roads predominantly used for inter-municipal transportation of mineral aggregate materials and typically utilize provincial highways and major arterial roads;
- b) Minor Haul Routes are those roads predominantly used for intra-City transportation of mineral aggregate materials and typically utilize provincial highways, major and minor arterial and collector roads; and,
- c) Local Haul Routes are those roads approved by the City in a Haul Route Agreement, to be used by aggregate producers located along the route for access to Major and Minor Haul Routes and to local markets. ~~Local Haul Routes are not identified on Schedule I.~~

24.3.11.2. Mineral aggregate traffic shall be directed away from Urban and Hamlet Settlement Areas where feasible.

24.3.11.3. Access to a new or expanded mineral aggregate operation should be through an existing entrance onto a road, ~~identified in Section 23.3.29 of this Plan~~, either directly or through the use of a private lane system. Where this is not possible, a new access onto a local road may be considered. Access onto a road that is not identified as a Haul Route, will only be considered where there is no feasible alternative. The applicant must comply with Section 36.2 **Traffic Impact Study Requirements** of this Plan.

24.3.11.4. The City will encourage the construction of private lane systems between abutting extractive operations, to lessen the impact of mineral aggregate traffic on local residents, sensitive land uses and the public road system.

24.3.11.5. The City will review proposed haul routes and when satisfied that the route(s) is able to function as a haul route, it will be identified on Schedule “I” without amendment to this Plan. As part of the public review, the City will **coordinate**

~~consult~~ with adjacent municipalities to minimize potential impacts from inter-municipal aggregate-related truck traffic.

24.3.11.6. The City requires proponents of new or expanded mineral aggregate operations to demonstrate to the satisfaction of the City that the transportation of aggregate and related products can be adequately accommodated by the City's transportation system. Any improvements required to the City's transportation infrastructure due to a new or expanded pit or quarry shall be at the proponent's expense and secured through a Haul Route Agreement, especially in circumstances where the public road is predominantly used by an aggregate operation.

24.3.11.7. The City will determine if the proposed haul route requires improvements and ~~increased~~ added maintenance. The provincial aggregate levy and payments from aggregate licence holders will fund these improvements and maintenance. The required Haul Route Agreement will establish and secure for improvements, additional maintenance and formula for the method of payment by a licence-holder.

24.3.11.8. Where there ~~is a proposed concentration of~~ are two or more mineral aggregate operations, the City may require the applicants, through Haul Route Agreements, to contribute financially for associated costs of the established and/or new haul route(s).

~~23.3.32. Provided the impacts are acceptable and taking into account the quantity and quality of the mineral aggregate resource, the City acknowledges that, in principle, there should be a haul route generally identified from each mineral aggregate resource area identified.~~

## 30. DEFINITIONS

### Agricultural Condition

- a) In regard to specialty crop areas, a condition in which substantially the same areas and same average soil capability for agriculture are restored, the same range and productivity of specialty crops common in the area can be achieved, and, where applicable, the microclimate on which the site and surrounding area may be dependent for specialty crop production shall be maintained or restored; and



- b) In regard to prime agricultural land outside of specialty crop areas, a condition in which substantially the same areas and same average soil capability for agriculture are restored.

### **Agricultural Impact Assessment**

A study that evaluates the potential impacts of non-agricultural development on agricultural operations and the Agricultural System and recommends ways to avoid or, if avoidance is not possible, minimize and mitigate adverse impacts.

### **Designated Vulnerable Areas**

Areas defined as vulnerable, in accordance with provincial standards, by virtue of their importance as a drinking water source.

### **Ground Water Features**

Water-related features in the earth's subsurface, including recharge/discharge areas, water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydrogeologic investigations.

### **Habitat of Endangered Species and Threatened Species**

- a) With respect to a species listed on the Species at Risk in Ontario List as an endangered or threatened species for which a regulation made under clause 55(1)(a) of the Endangered Species Act, 2007 is in force, the area prescribed by that regulation as the habitat of the species; or
- b) With respect to any other species listed on the Species at Risk in Ontario List as an endangered or threatened species, an area on which the species depends, directly or indirectly, to carry on its life processes, including life processes such as reproduction, rearing, hibernation, migration or feeding, as approved by MNRF; and

Places in the areas described in clauses (a) and (b), whichever is applicable, that are used by members of the species as dens, nests, hibernacula or other residences.

### **Hydrologic Function**

The functions of the hydrological cycle that include the occurrence, circulation, distribution and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water's interaction with the environment including its relation to living things.

### **Infrastructure**

Physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes: sewage and water systems, septage treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

### **Key Hydrologic Features**

Permanent streams, intermittent streams, inland lakes and their littoral zones, seepage areas and springs and wetlands.

### **Key Natural Heritage Features**

Habitat of endangered species and threatened species; fish habitat; wetlands; life science areas of natural and scientific interest (ANSIs), significant valleylands, significant woodlands; significant wildlife habitat (including habitat of special concern species); sand barrens, savannahs, and tallgrass prairies; and alvars.

### **Mineral Aggregate Operations**

- a) lands under licence or permit, other than for wayside pits and quarries, issued in accordance with the Aggregate Resources Act;
- b) for lands not designated under the Aggregate Resources Act, established pits and quarries that are not in contravention of municipal zoning by-laws and including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and
- c) associated facilities used in extraction, transport, beneficiation, processing, or recycling of mineral aggregate resources and derived products, such as asphalt and concrete, or the production of secondary related products.

### **Mineral Aggregate Resources**

Gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the Aggregate Resources Act suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the Mining Act.

### **Mineral Aggregate Resource Conservation**

Means:

- a) the recovery and recycling of manufactured materials derived from mineral aggregates (e.g. glass, porcelain, brick, concrete, asphalt, slag, etc.), for re-use in construction, manufacturing, industrial or maintenance projects as a substitute for new mineral aggregates; and
- b) the wise use of mineral aggregates including utilization or extraction of on-site mineral aggregate resources prior to development occurring.

### **Natural Heritage Features and Areas**

Features and areas, including significant wetlands, significant coastal wetlands, other coastal wetlands (in Ecoregions 5E, 6E and 7E), fish habitat, significant woodlands and significant valleylands in, habitat of endangered species and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

### **Negative Impact**

- a) In regard to water, degradation to the quality or quantity of surface or groundwater, key hydrologic features or vulnerable areas and their related hydrologic functions due to single, multiple or successive development or site alteration activities;
- b) In regard to fish habitat, any permanent alteration to or destruction of fish habitat, except where, in conjunction with the appropriate authorities, it has been authorized under the Fisheries Act; and
- c) In regard to other natural heritage features and areas, degradation that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive development or site alteration activities.

### **Prime Agricultural Area**

An area where prime agricultural lands predominate. This includes areas of prime agricultural lands and associated Canada Land Inventory Class 4 through 7 lands and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. Prime agricultural areas are to be identified by the Ministry of Agriculture, Food and Rural Affairs (OMAFRA) using guidelines developed by the Province as amended from time to time.

### **Prime Agricultural Lands**

Specialty crop areas and/or Canada Land Inventory Class 1, 2, and 3 lands, as amended from time to time, in this order of priority for protection.

### **Quality and Quantity of Water**

Measured by indicators associated with hydrologic function such as minimum base flow, depth to water table, aquifer pressure, oxygen levels, suspended solids, temperature, bacteria, nutrients and hazardous contaminants, and hydrologic regime.

### **Sensitive Land Uses**

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

### **Significant Wetland**

A wetland that has been identified as provincially significant by the Province.

### **Significant Woodland**

A woodland which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history. These are to be identified using criteria established by the Province.

### **Vegetation Protection Zone**

A vegetated buffer area surrounding a key natural heritage feature or key hydrologic feature.

## **36. APPENDICIES**

### **36.10 APPENDIX J – ENVIRONMENTAL IMPACT STUDY**

#### **Existing Conditions**

This Section is amended by deleting the 4<sup>th</sup> paragraph and replacing it with the following paragraph:

All of the types of environmental features which are identified on Schedule B to this Plan must be identified in the mapping and described in the report submitted by the applicant. These features include:

- a) Provincial or regional Areas of Natural and Scientific Interest (ANSIs),
- b) Provincially Significant Wetlands and wetland complexes.
- c) Unevaluated Wetlands,
- d) Waterbodies,
- e) Significant Woodlands,
- f) Significant Wildlife Habitat,
- g) Petroleum Wells, and
- h) Any other features regulated in accordance with the 2014 Provincial Policy Statement and associated regulations and guidelines.

#### **NEW SCHEDULES**

- Schedule “H” – Mineral Aggregate Resource Areas and Operations
- Schedule “I” – Transportation

## Appendix D –

Public Submissions [redacted information includes e-mail address and phone number]

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**From:** Fuhrmann, Bernie [REDACTED]  
**Sent:** Monday, June 17, 2019 4:06 PM  
**To:** Leah Barrie  
**Subject:** RE: City of Kawartha Lakes - Aggregate Policy Review - OPA 11

Leah, thank you for the opportunity to provide comment and feedback on the City's latest effort to update the Mineral Aggregates policies. [...]

I've been working in aggregates in the Kawartha's since 1987, first as an MNRF Aggregate Inspector (1987-1997), then as a private consultant under my own firm (1997-2014), and now with [REDACTED] (2014 to present). I was working in aggregates when the City was still the County and Jeff Seaton was Director of Public Works, and Rob Griffiths was Planning Director. I've been to those horrific Aggregate Committee meetings you folks once had – one filled with political agendas. The result was animosity and a good deal of wheel-spinning.

I can't believe you folks are still at this – I feel your pain!. I recall going to an open-house Rob had when the City first formed about all this – must have been in the late 1990's. I remember two things distinctly: Pointing out some errors in the geological mapping provided by Ministry of Northern Development which you used for the Schedule and explaining the various errors in the haul route map (i.e. some pits would have to use a helicopter to fly out material to market). The material you provided looks the same after nearly 23 years – have a close look. Get in a vehicle and go for a drive to see the deposits first hand. For example: the aggregate deposit southeast of Woodville is about one-half concession to far south – it should be moved up on your map.

I hope you folks can get it right after all this time. Likely OSSGA will be providing input, together with a few pit operators, and the usual round of "OSSGA influenced" planning consultants. However, the main message I'd like to leave you with is this: Remember, OSSGA only looks after OSSGA. When you have policies which are too onerous, OSSGA may not like them, but their members can afford to deal with them. The great majority of small aggregate operators cannot, and it freezes them out of existence. These are people that live, work and grow your local community.

Understanding the various provincial restrictions, wetland setbacks, development setbacks within your City, please know, you actually have very little aggregate left that would be viable to develop. I encourage you to think about that when considering your policies. Devising a realistic plan to develop small deposit areas is vital. My hope is that the Province too will look at this issue in its review of the Aggregate Resources Act. CKL needs all the aggregate it can get, when I look at what has happened to the condition of your roads over the last two decades since amalgamation. Otherwise, you will find yourselves at the mercy of Lafarge and other off-shore firms. Costs will soar, believe me.

I have had many small clients come to me over the decades looking to expand their small farm pits, which they use for local work and employ local folks. Understanding the current and on-going climate within CKL has caused me, personally, to suggest that they invest their money elsewhere. It's a sad commentary I know, but CKL is not known widely as a place open for business in the aggregate community. I hope that changes as I near the end of my career.

I urge you to take a firm stand against some of the more unreasonable policies. I've worked in aggregates over a long career – I can't point to any environmental damage in many pits or quarries – a popular error made by some elected officials, when compared to subdivisions which permanently change the landscape. Working in partnership with the industry can accomplish many positive things, for both employment and the environment.

I urge you to connect directly with small aggregate operators – just ask them plainly about the issues which concern them in terms of regulations. They are friendly, intelligent people and they can offer you valuable insights.

Good luck. If I do have time to look at things more closely, I'll try.

Bernie A. Fuhrmann  
Aggregate Development Specialist

**From:** Fuhrmann, Bernie [REDACTED]  
**Sent:** Monday, September 09, 2019 10:35 AM  
**To:** Leah Barrie  
**Subject:** RE: City of Kawartha Lakes - Aggregate Policy Review - OPA 11

[...]

One issue that has arose during my work recently, which I don't think I included in my comments, is the issue of Permitted Uses within the Extractive Industrial zones for all you're your old Township ZBLs. While I recognize those are not OP related, I thought, as a courtesy, I'd mention them to you informally, in the event there is a linkage in the draft OPA wording related to what is may be ultimately permitted in an appropriate zoning category within CKL for aggregate operations. If not, you may want to save this comment for when you update the comprehensive ZBLs.

Briefly, the issue is this (and perhaps the MNR has brought this to your attention), when an existing aggregate operator applies to the MNR for an amendment to his Site Plan (i.e. the governing document that he must follow and the MNR uses to guide enforcement on the site) it is often to add a related aggregate activity (i.e. an directly related accessory use) to the list of approved activities on the pit or quarry. These are things like: a wash plant to wash sand/ gravel/stone to make a particular product like



septic sand, a quillotine to cut dimension stone into various sizes for landscaping, recycling aggregate (i.e. asphalt, concrete and bricks) for resale, or import clean/enert fill for backfill and rehabilitation.

At times, the Permitted Uses listed in any of your ZBLs simply list: pit or quarry, or, if they get more detailed, (rarely) they expand the list to include crushing and screening equipment. Not much else is listed.

While I'm not advocating a "laundry list" of equipment or activities to be included (i.e. loaders, trucks, backhoes, bulldozers etc.), the fact that the types of activities I outlined above are becoming more and more prevalent on aggregate sites, as companies diversify to meet today's needs, its worth keeping in mind. The future for aggregate operators in CKL will be to carefully "salvage" remaining aggregate within their sites, recycle aggregate and diversify. Licensing new greenfield sites is simply too costly for anyone but large corporations.

All this I bring to your attention because, when the MNRF processes a Site Plan amendment, they will ask the operator to obtain comments from CKL to indicate if these "accessory uses" are permitted by the site's current zoning. I know they are not listed in the zoning, but can't convince MNRF. That leaves the CKL planner to make an interpretation, when I contact them on behalf of an aggregate operator. The alternative I suppose is to put the operator thru a ZBLA or a minor variance I suppose, which effectively kills the amendment due to costs, delay and frustration.

Perhaps these issues are related to the OPA, not sure, but thought I'd mention this issue if it assists CKL in getting an OPA reflective of the times.

Thanks.

Bernie A. Fuhrmann  
Aggregate Development Specialist

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**From:** Stephen Black [REDACTED]  
**Sent:** Thursday, June 27, 2019 8:24 AM  
**To:** Leah Barrie  
**Subject:** OPA Aggregate Policy Review

Thanks Ms. Leah Barrie, for forwarding these documents to me for my review. Yes I do have some comments on the Draft Schedule "H" Official Plan Amendment No. "I". However, I have not had the time for a detailed review of the documents as we are leaving for Scotland at the first of July.

My comments on the documents are as follows:

- Although I can understand why it was done, I feel that it was a mistake to take away from the Goals (Section 23.1), the paragraph originally set out in Section 23.1.2. A very the critical aspect of aggregate management is to identify constraints that would minimize the various negative impacts of aggregate activities, as outlined in the Provincial Policy Statement, and this should remain as a primary Goal of the Document. However, this aspect of aggregate management has now been relegated to later sections of the Schedule, thereby indicating less importance to this critical requirement. I feel it is critical to the local residents (stakeholders) of CKL if not to the industry or local and provincial governments!

- Section 23.1.2 now only protects the industry itself, which seems to be the only real intent of the Document, when the protection of the environment, socio-economic and human and wildlife health and safety is of paramount importance to the success of any aggregate management program! I realize that such safeguards are mentioned under Goals of Operations, but this should also be a primary goal in the authorization of any aggregate facility.

- I can see no reason why the Document stresses that documentation of the need for a proposed aggregate facility is not required (Section 24.3.10.15)! I understand that this is the Provincial attitude, but why should it be the City's attitude. We already have many aggregate facilities that have been approved but are now on hold because of lack of market for the material. Why allow a facility to impose major disruptions to residents, agricultural operations, the environment, etc. if there is no need for that facility?

- Section 24.3.11.1 suggests that both Major and Minor Haul Routes typically use Provincial Highways. However, there are no Provincial Highways identified as either Major or Minor Haul Routes on Schedule I that I can see. The province is the primary user of aggregate and receives the lion's share of any revenue that is generated, while the municipalities bear most, if not all the maintenance and improvement costs to these haul routes! Why does the City just sit back just let this happen?

- Section 24.3.11.7 suggests that "The provincial aggregate levy and payments from aggregate licence holders will fund these improvements and maintenance" costs. This may be true for provincial haul routes, but is certainly not true for municipal haul routes! This was very well demonstrated during the OMB Hearing and Appeal of the Dewdney Mountain Quarry.

As an aside to this discussion, I was astonished and very disappointed that the City of Kawartha Lakes took virtually no interest in the Dewdney Mountain Quarry Hearings in spite of my and other's attempts to get the City involved! If that quarry operation had been successfully approved, the heavy truck traffic through the City and on the municipal roadway network would have been devastating to City social and economic structure! Why did City staff not support the appellants and its residents in these Hearings?

Stephen Black

27 Island Bay Drive  
Bobcaygeon, ON  
K0M 1A0

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**From:** georgekamp georgekamp [REDACTED]  
**Sent:** Wednesday, July 10, 2019 12:55 AM  
**To:** Leah Barrie  
**Cc:** Paton, Tim; brettce  
**Subject:** Re: City of Kawartha Lakes - Aggregate Policy Review - OPA 11

Leah,

I have reviewed the draft amendments to the Mineral Aggregate Policy proposed for KL and have two comments of relevance:

Section 23.1.1 refers to the Bobcaygeon and Gull River formations specifically. These are only two of five formally named formations present in the Agg Resource Areas and the Bobcaygeon has been replaced by the name Kirkfield as a result of our recent work. My suggestion is to omit specific formation names as follows:

To identify on Schedule "H" Mineral Aggregate Resource Areas and

Operations, deposits of mineral aggregate resources (**delete: including the Bobcaygeon and Gull River bedrock formations**) and sand and gravel having primary, secondary and tertiary significance.

It's necessary only to reference generic "bedrock formations" here as one of the three types of aggregate identified in the zoning plan.

The second comment has to do with the submission we made regarding the scientific heritage resource of the geologic record exposed by aggregate operations in the form of data and sampling including fossils. Our concern was to guarantee access to aggregate operations for legitimate scientific investigations. Presently, only two quarries have allowed access for this purpose as a result of years of negotiation. This is an oversight in the Aggregate Resources Act which requires formal studies for identification of archeological resource without specific procedures for scientific resources.

The Plan as it is now drafted refers to the "protection" of scientific resources among others. This ignores the basic fact that in order to gather data and samples of significance, researchers must access an active working pit and employ mining techniques. There is no way to protect the value of a geological resource without actively exploiting it. A protected geological resource is useless.

In this respect the Plan should "**protect the access to scientific data and samples within the bedrock resource by legitimate research institutions**".

In the absence of a formal process set out in the Agg. Resource Act this proposed amendment requires agg operators to acknowledge this obligation at the plan stage. Individual researchers would request permission for access from the operator who would either deny access or allow access under conditions that respect the ARA, health and safety regulations and the operators own working procedures.

Should access be denied without consideration, researchers could appeal to the City to remind the operator of their obligation in this respect.

This is a summary description of the issue. I welcome the opportunity to expand on this in the appropriate fashion if necessary. I have attached a copy of our original submission. Since that time we have worked with two quarries under vastly different conditions and have very useful results and observations to share.

I look forward to hearing from you

George E. Kampouris

**\*ATTACHMENT FOLLOWS**

**Submission to the Committee on Aggregate Policy**

George E. Kampouris, Research Associate CMC, Ontario Resident.  
May 1, 2014

I am a research associate at the Cincinnati Museum Center where the Paleontology Department stewards an important collection of fossils collected over more than a century from the Lake Simcoe area. The Ordovician rocks of the Carden Plain expose world class fossil beds whose ancient life forms are exceptionally preserved and represent a significant potential source of scientific data. The fossils themselves are compellingly beautiful, offering an educational gateway into science and a raw material for economic activity.

Scientists associated with our museum have been the driving force behind the study of the local geology and paleontology, most notably Dr. Carlton Brett whose original research is the subject of many publications. These have spurred or influenced hundreds of other related contributions and have generated an impressive number of academic citations.

We have begun a multi-year investigation to identify marker beds and study their communities of fossil animals. Initially, we hope to map these beds between all the quarries and outcrops in the goal of reconstructing their ancient environments. Once the distribution and concentrations of these fossil occurrences are established we can more effectively direct field-work to sites inside and outside operating quarries.

Some of our work conducted in 2013 at the Tomlinson site is summarised in a pair of reports submitted to the City Of Kawartha Lakes which record some outstanding new

discoveries. Tomlinson management has been entirely supportive. On our part, we have demonstrated a clear understanding of quarry operations and safety requirements, are fully equipped, well trained and work to a professional standard.

As result we have identified one important marker bed of significant potential that outcrops near the surface across two adjacent licensed quarry properties and which most likely extends to several others. A page from our first field report of 2014 is attached showing how observations made within the quarry pit have led to the identification of potential sites outside the working area.

To complete our work we have negotiated access with four of the nine working quarries in the area. Unfortunately three important sites within the oldest quarries have a recent history of refusing access to researchers even from Canadian institutions. This is because, for a period beginning in the 1980s, these quarries were overrun by amateur fossil collectors who were generally poorly trained, badly equipped and unfit for quarry work of any kind. In response, the new owners of these quarries have closed access.

The Aggregate Resources Act includes a requirement for reporting of paleontological sites of importance as Areas of Natural and Scientific Interest (ANSIs) which are recorded in a pre-existing registry of sites. Identification of ANSIs however is not linked to the studies conducted in the permit process. As a result, paleo resources that could be identified by a professional working on a proposed site are simply ignored if they are not in the registry. This is a Catch-22. Consequently, the Act does not give the same weight to paleontological resources as it does archaeology for which the process is well defined.

Currently in North America there is a trend toward including well-defined paleontological resource studies among the mandatory requirements for large projects. In Canada and Ontario there are many examples of this in existing legislation at all levels of government.

Paleontology must and will eventually be treated the same as other categories of heritage resources whose loss is as a consequence of aggregate extraction. Should aggregate operators have the foresight to anticipate this they can participate in shaping the language and principles that will govern what can be a unique and exciting process. The work we are doing with operators today is setting a pattern that can be sustained to the benefit of all stakeholders. There are only a handful of scientists doing related work and only a few sites where significant data and fossils can be mined. Geologists and quarrymen share a common interest in the extraction of aggregate, speak the same language and should be capable of working together.

**From:** georgekamp georgekamp [REDACTED]  
**Sent:** Thursday, July 11, 2019 5:08 PM  
**To:** Leah Barrie  
**Cc:** BOL-Paton, Timothy (patontr); brettce  
**Subject:** RE: City of Kawartha Lakes - Aggregate Policy Review - OPA 11

Hi Leah,

I was not aware of the reform consultation in process. Seems like an opportunity was missed.

Legislation exists all over North America that address the geologic resource, mainly in the form of pre-project abatement. This requires the consideration of the paleontological or fossil resource within surface and bedrock deposits for development projects. Some US states such as California require this on all public projects and private construction within municipalities that have adopted their own policy. In Canada, all federally-backed infrastructure projects have the same requirement at the planning stage.

In all cases, if a resource of importance is identified, qualified geological professionals are engaged to prospect the resource and carry out a formal data and sampling similar to that in place for archaeological studies.

With respect to aggregate quarries this approach is impractical. Quarry exposures of bedrock typically include hundreds of individual layers representing time periods spanning millions of years. There is no way to examine the content of these layers before quarry operations open a working pit. Similarly, the presence of specimens of importance may only be discovered after prospecting the same site over a long period of time. The paleo community is small and there may not be a researcher actively working on the time period represented by a given quarry exposure or that the freedom and budget to carry out such work within a short time frame.

It makes no sense, therefore to have a requirement for a study prior to quarry licensing. If research work requires insight into units exposed in a given quarry then it should be incumbent on the principal investigators to request and negotiate access with the operator.

What I originally proposed to KL was to acknowledge the scientific resource and advise operators that they would be required to **formally consider** all possible ways to accommodate this work when approached for specific access.

It's unfortunate that, with the retirement of the previous Planner, this conversation was delayed until now.

What we had in mind was an entirely original process as the models in place elsewhere either do not apply to this situation or are entirely unworkable given the realities of the quarry business and academic research.

As it stands right now, gaining access to stone quarries is very difficult. The existence of supporting principles within the Official Plan means that the decision to grant access, while still the prerogative of the operator, will be the result of a reasoned discussion between management and scientists.

I would be interested in meeting with KL as part of your process or separately should you wish to follow up with me.

Regards

gk

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**From:** [REDACTED]  
**Sent:** Monday, July 15, 2019 9:14 PM  
**To:** Leah Barrie; Leah Barrie  
**Cc:** [REDACTED] Marc Kemerer; Kerry Doughty  
**Subject:** Re: City of Kawartha Lakes - Aggregate Policy Review - OPA 11

Leah,

In response to your email below, I have reviewed the Draft Document that was supposedly prepared by a Professional know as Dillon Consulting Limited, and Ferma Aggregates Inc object to Official Plan Amendment Number 11 (OPA 11) in its entirety, including Schedule H & I.

The Approved 2012 Official Plan for the City of Kawartha Lakes, spells out clearly that an Aggregate Secondary Plan would be properly developed, and this commitment is not being followed.

There are other Appealants to the 2012 Approved Official Plan whom where asked to "defer their Appeal" by the City's solicitor, Bill Koughan, for the development of an Aggregate Secondary Plan, and that is deception to those affected.

Ferma Appealed the 2012 Approved Official Plan for CKL, and did not accept the "Deferral" suggested by the City and Mr. Koughan, and chose to pursue. Recently, Ferma obtained approval to our "Minutes of Settlement" at an LPAT Tribunal, and this Draft Document is a slap in the face, once again to not only Ferma, but to the whole Aggregate Resource Development Industry.

The City of Kawartha Lakes has already been warned by Municipal Affairs in the past that the Aggregate Resources Act Policies take precedent and that Municipal Official Land Use Planning Policies need to mimic those Policies.

Aggregates are a Provincial Matter of Interest.

David White, solicitor representing OSSGA, had already challenged this type of Official Plan Amendment, and yet the City of Kawartha Lakes waste taxpayer's money having Dillon prepare the same thing knowing that it will only lead to more taxpayer's money be wasted to defend such an Amendment.

David W. Kennedy



General Manager

---

**From:** James R. Webster [REDACTED]  
**Sent:** Monday, July 15, 2019 2:19 PM  
**To:** Leah Barrie  
**Subject:** Re: City of Kawartha Lakes - Aggregate Policy Review - OPA 11

Leah,

Further to your email June 14, 2019 about Aggregate Policy review, our family corporation, Five W Farms Inc. owns Pt Lt 6 NPR Bexley Township which abuts the east side of Five W's licenced quarry which is operated by Halton Crushed Stone.

We expect that in due course, Lot 6 will be the subject of a quarry application, etc.

Due to the small scale of Schedule H, it is not clear how much of Lot 6 is shown as Mineral Aggregate Resource Area.

All of Lot 6 north of Highway 48 and south of Blanchard with the exception of a small area at the south end should be shown in Mineral Aggregate Resource Area (Bedrock).

If you have any questions or want me to meet with you about this, please advise.

Jim

---

**From:** Kerry Doughty [REDACTED]  
**Sent:** Monday, July 15, 2019 12:28 PM  
**To:** Leah Barrie; Richard Holy  
**Cc:** Richard Taylor  
**Subject:** Re: City of Kawartha Lakes - Aggregate Policy Review - OPA 11

Leah,

As a follow up to your correspondence, and the attachments that were included, I would like to outline a number of areas of concern with OPA 11;

24.3.10.5 - the term "Landscape Character". This a very subjective term that is undefined and would lead to great difficulty creating any type of study to address this matter.

24.3.11.6 - the requirement to have a "proponent demonstrate to the satisfaction of the City" that the City's transportation system can adequately accommodate the shipments of aggregates by proponents, places an undue and extreme financial hardship on one use over the many other uses of the City's transportation system. In this section there is not any acknowledgement of the financial contribution that would be paid through the

fuel tax that aggregate haulers and all users would be paying to fund the transportation infrastructure.

As well, the proposed OPA 11 still does not address my long standing concern that there is still a requirement for an Official Plan Amendment on lands designated as “Mineral Aggregate Resource Areas”. After the time taken to review the Official Plan and the work that was involved with crafting the prior County of Victoria Official Plan, the areas that should be set aside for future aggregate development are now well known. Matters dealing with the use of the identified aggregate resources should be addressed through the rezoning and licensing processes. Once the Official Plan is in place, we should not be trying to determine where aggregate resources are but how to develop those resources in a way that minimizes the developments impact on our communities.

Thank you for the opportunity to comment and please continue to include me in any future discussions.

Regards,  
Kerry Doughty  
[REDACTED]

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**From:** ANTONIUK, George [REDACTED]  
**Sent:** Monday, July 15, 2019 3:21 PM  
**To:** Leah Barrie  
**Cc:** Norm Cheesman  
**Subject:** Comments on Aggregate Policy - OPA 11 from Miller Paving Limited

Hi Leah!

Please ignore the previous e-mail the second attachment was missing.

Thanks for the opportunity to comment on the aggregate policy.

Please find an attached letter from Tom Jones on behalf of the Miller Paving Limited and the comments from our consultant.

Please contact Tom if you have any questions. We are couriering a signed original copy for your files.



Yours truly,

**George Antoniuk, Property Supervisor**  
**The Miller Group, 505 Miller Ave.**  
**Markham, ON L6G 1B2**  
[REDACTED]

**\*ATTACHMENTS FOLLOW**



**Miller Paving Limited**

505 Miller Avenue, Markham, Ontario  
Mailing Address:  
P.O. Box 4080,  
Markham, ON L3R 9R8

July 15, 2019

City of Kawartha Lakes City Hall  
26 Francis Street  
Lindsay, Ontario  
K9V 5R8

Attention: Leah Barrie, MCIP RPP  
Policy Planning Supervisor, Development Services

Dear Ms Barrie:

Re: City of Kawartha Lakes – Aggregate Policy Review - OPA 11

We were pleased to receive your email of June 14, 2019, with information relating to changes to OPA 11. Miller Paving has been very much involved with the City's Official Plan over the last several years and has been a member of various sub committees through its development.

We are attaching comments we received from Skelton Brumwell & Associates Inc, as we retained them to undertake a detailed review of the documents.

We are pleased to see progress made on OPA 11, with some of our previous concerns being addressed. However, there are still outstanding issues that we would like to discuss with you to see if they can be resolved. We would like to be part of any group meetings if they are to occur, or we would be pleased to meet with staff one on one.

Thank you for the opportunity to review the documents and be part of this important policy development process within CKL, and I look forward to hearing from you.

Sincerely,

  
Tom Jones, Property Manager  
Miller Paving

Cc Norm Cheesman, OSSGA  
Anne Guiot, Skelton Brumwell & Associates Inc.



CONTAINS 100% RECYCLED PAPER



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Telephone:

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(705) 726-0331

www.skeltonbrumwell.ca

July 15, 2019

Vicdom Sand & Gravel (Ontario) Limited  
P.O. Box 1359  
Uxbridge, ON L9P 1N6

Attention: Vince Cina and Tom Jones

Dear Sirs:

Re: City of Kawartha Lakes – Official Plan 11 Review (Aggregate Policies)  
Our File: P/N 1975

As requested, we have reviewed the information provided by the City of Kawartha Lakes (CKL) associated with their OPA 11, which deals with the development of new aggregate policies. Specially, CKL provided the following documents; a draft of the new OPA 11; dated June 14, 2019, the original OPA 11 with track changes; a policy audit by Dillon Consulting Limited; Schedule H of the OP – Mineral Aggregate Resource Areas and Operations; and Schedule I – Transportation.

Generally, there have been significant improvements to OPA 11, although there continues to appear to be problematic policies and references (or lack thereof) on the Schedules, as well as gaps of required provincial policies. Detailed comments of each of the documents are provided below.

#### **1.0 CKL Mineral Aggregate Resources Policy Audit, Dillon Consulting Limited (undated)**

In 2014, CKL started to update its OP policies on aggregate resources, which had been an identified requirement within their OP. OPA 11 was first developed in 2015 in draft form, in consultation with an aggregate committee including members of the aggregate industry, members of the public and council members. This process was led by the Director of Planning at CKL. OPA 11 was circulated for comments and input was received from the aggregate industry, members of the public, and the province.

Dillon was retained by CKL to provide policy support for finalizing OPA 11. Their document presents a high-level policy analysis which underpins the revisions to the City's draft OPA 11. The policy analysis was prepared to *"better understand how the City's earlier draft of OPA 11 compared against the latest Provincial policy documents which had been updated since the drafting of the original OPA 11, and to help identify any policy conformity gaps."*

Documents relied on for comparative purposes include A Place to Grow, the Growth Plan for the Greater Golden Horseshoe (2019), The Oak Ridges Moraine Conservation Plan (2017),

Vicdom Sand & Gravel (Ontario) Limited  
July 15, 2019

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The Greenbelt Plan (2017), and comments from the Ministry of Municipal Affairs and Housing on the original draft OPA 11.

The Dillon Policy Audit attaches a number of tables comparing these document requirements and their alignment with the draft OPA 11 (2016). They clearly identify where there should be further consideration on policies, and where there are gaps and new policy is required.

In reviewing the comments, I expected the identified gaps would have been filled with revisions to OPA 11, however this was not the case. Although I did not review all the policy gaps, there were some that were not carried forward to OPA 11 (e.g. Growth Plan 4.2.8.5, and ORMCA Part IV, 35(1)).

**Recommendation:**

CKL further revise OPA 11 to ensure alignment with policies as identified by Dillon. The Tables created by Dillon could have a fourth column added identifying which new section of OPA 11 fills the gaps identified by Dillon, for an easy reference.

## 2.0 CKL OPA 11 – Draft Aggregate Policy Review June 14, 2019

Review of the policies within OPA 11 have raised a number of comments and questions. For reference, we have provided a summary in the table below.

Table 2.1 Comments on OPA 11

| # | OPA 11 Section | Policy  | Concern   | Suggested Solution   |
|---|----------------|---|---|--|
| 1 | 23.3.1         | CKL is not bound to adopt an OPA for resource areas.                                    | Not as clear as it should be. Also, need to tie approvals into policy requirements.                                     | State an OPA is required in accordance with this Plan to turn a resource into an operation.  |
| 2 | 23.3.5         | Requirements for an OPA for adjustments to the resource area.                           | Scenario is not realistic. There is no need to designate first to a resource, then to an operation (see policy 24.3.5). | Delete this policy.  |
| 3 | 23.3.5.a) – c) | Details in policy on testing pitting protocol to prove resource, in order to adjust the | Too much technical detail for Official Plan content.  | Current policy states <i>“Minor adjustments to the boundary of a Mineral Aggregate Resource Area may be permitted without amendment to this Plan, provided the necessary test pits and analysis have been conducted by a qualified professional”</i> . Delete the remainder of the policy. |



Vicdom Sand & Gravel (Ontario) Limited  
July 15, 2019

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| #  | OPA 11 Section | Policy   | Concern   | Suggested Solution   |
|----|----------------|--|---|--|
| 4  | 24.1.3         | <i>"To require these operations and the transportation of aggregate materials be undertaken in an orderly and efficient manner."</i> | Unclear as to how this policy could be met.   | Re-write with clear, measurable goals.   |
| 5  | 24.2.1         | <i>"To identify and balance potential mineral aggregate operations with other land use objectives of this Plan."</i>                 | Reference to "potential" is confusing. Does this policy refer to applications or potential resources? | Reword to applications, or move to policy section on resources.  |
| 6  | 24.2.3         | To identify and minimize potential negative impacts...   | The term "potential" is nebulous.   | "Potential" should be removed to be more definitive and defensible.  |
| 7  | 24.2.4         | To require a high standard of operation and rehabilitations.   | What is a high standard?  | Delete this term and rely on the clear policy direction – <i>"require mineral aggregate resource operations and site rehabilitations, which ensure compatibility with surrounding uses, ..."</i>           |
| 8  | 24.2.5         | <i>"To protect surface and groundwater resources from potential adverse effects of mineral aggregate operations."</i>                | Terminology should be consistent with PPS.  | Delete and replace with <i>"To protect, improve or restore the quality and quantity of water by minimizing potential negative impacts from mineral aggregate operations"</i> , as per PPS (section 2.2.1). |
| 9  | 24.2.7         | Requirement for proponents to enter into a Haul Route Agreement with CKL and adjacent municipalities, as deemed appropriate.         | CKL's OP does not have governance over lands outside their jurisdiction.                              | Delete reference to adjacent municipalities.   |
| 10 | 24.3.4         | CKL is to coordinate with adjacent municipalities on aggregate applications.   | CKL's OP does not have governance over lands outside their jurisdiction.                              | Delete this policy.  |
| 11 | 24.3.7         | Policy refers to restrictions for new  | The Growth Plan allows more flexibility   | OPA 11 should be revised to include terminology  |

Vicdom Sand & Gravel (Ontario) Limited  
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| #  | OPA 11 Section             | Policy  | Concern   | Suggested Solution   |
|----|----------------------------|---|---|--|
|    |                            | pits and quarries and expansions to existing pits and quarries in the same way.   | for an expansion to an existing pit or quarry into certain areas.   | consistent with the Growth Plan.   |
| 11 | 24.3.9.1 – first sentence  | Application of policy to current pits and quarries.   | Section 24 of the OP applies to new and expansion applications. It does not apply to current licences.  | Delete reference to “current and future” and use terminology previously used: <i>“Progressive and final rehabilitation of new and expanding mineral aggregate operations is required.”</i> |
| 12 | 24.3.9.1 – second sentence | Reference to rehabilitation policy numbers.   | Policy numbers appear to be incorrect.  | Change 24.3.7.3 to 24.3.9.4?<br>Change 24.3.7.4 to 24.3.9.5?   |
| 13 | 24.3.9.2                   | Requirement for the applicant to rezone the land, once the licence is surrendered.  | Not sure how this will be enforced.   | Update zoning as a house keeping measure once licence is surrendered, provided notice is given to landowner.   |
| 14 | 24.3.9.8                   | CKL may consult with MNRF and other agencies re rehabilitation of abandoned operations.   | This is not an appropriate OP policy. The city can make these contacts at any time. More importantly, the MAAP program funds and enables the rehabilitation of abandoned or legacy sites – it is under their mandate.                                 | Delete this policy.  |
| 15 | 24.3.10.1                  | CKL will encourage MNRF to prioritize consultation with them re the ARA and Planning Act application process, and regarding Site Plan amendments to licences. | Regarding new applications, there is a process under the ARA and Planning Act. Suggesting prioritization is inappropriate, and not appropriate OP policy. Regarding site plan amendments for existing licences, MNRF has policy regarding circulation | Delete this policy.  |

Vicdom Sand & Gravel (Ontario) Limited  
 July 15, 2019

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| #  | OPA 11 Section              | Policy   | Concern  | Suggested Solution  |
|----|-----------------------------|--|--|---|
|    |                             |  | to municipalities for major amendments and it is not required for minor amendments. Again, inappropriate OP policy.  |   |
| 16 | 24.3.10.4 – second sentence | Zoning by-law amendment required to permit extraction below the water table.                           | This is referred to as vertical zoning. Official Plans and zoning bylaws establish land use – which is mineral aggregate operations. The ARA regulates operations and rehabilitation, which deal with extraction above or below the water table. Vertical zoning is not the mandate of CKL. MNRF has policy when an applicant applies to go below water in an existing licence that includes requiring technical reports, circulation to the municipality and public notification. | Delete this sentence.   |
| 17 | 24.3.10.6                   | Policy identifies that CKL “shall require”, which is mandatory, yet reference to studies is “such as”. | Confusing terminology, with potential to mandatorily require all studies on every application.   | Reword to require that CKL may require studies based on site conditions.  |
| 18 | 24.3.10.6                   | Part of list of example studies that shall be required includes landscape character.                   | This term is not defined; therefore, it would be difficult to assess impacts.  | Delete reference to landscape character.  |
| 19 | 24.3.10.6                   | CKL is requiring a study area to be determined by them.  | Qualified experts are best able to establish the appropriate study area – they have consultation with agencies.  | Delete “encompass an appropriate area of study, as determined by the City in consultation with the Province, conservation |



Vicdom Sand & Gravel (Ontario) Limited  
July 15, 2019

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| #  | OPA 11 Section                      | Policy  | Concern  | Suggested Solution                             |
|----|-------------------------------------|---|--|--|
|    |                                     |   |  | <i>Authorities and other agencies, and to"</i> |
| 20 | 24.3.10.11                          | Policy reference to Permits to Take Water (PTTW).   | This falls under the mandate of the MECP.  | Delete policy.                                 |
| 21 | 24.3.10.12                          | City to request MECP to require cumulative impacts as part of PTTW applications.  | This falls under the mandate of the MECP.  | Delete policy.                                 |
| 22 | 24.3.10.14                          | Notification for Planning Act applications to 500 m from application.   | Well beyond the Planning Act requirements for distance. The public becomes fully aware of applications with notice via signage, mailed notice and newspaper notices. | Revise to be consistent with the Planning Act. |
| 23 | 24.3.11.5 – first sentence          | Reference to haul route "functionality".  | Section 24.3.11.1 refers to "use".   | Change functionality to use, for consistency.  |
| 24 | 24.3.11.5 – second sentence         | CKL is to coordinate with adjacent municipalities to minimize potential impacts from inter-municipal aggregate related truck traffic. | This is not appropriate OP policy. What is the solution – would CKL pay other municipalities like Simcoe County?   | Delete policy.                                 |
| 25 | Natural Heritage Features and Areas | Definition  | Not as per PPS   | Replace with PPS definition.                   |
| 26 | Negative Impact                     | Definition  | Not as per PPS   | Replace with PPS definition.                   |
| 27 | Prime Agricultural Area             | Definition  | Not as per PPS   | Replace with PPS definition.                   |
| 28 | Significant Wetland                 | Definition  | Not as per PPS   | Replace with PPS definition.                   |

### 3.0 OPA Track Changes on previous OPA 11 version

The track change document provides a historical context for those that had reviewed the original OPA 11. Comments to this document are fully covered in section 2.0.

Vicdom Sand & Gravel (Ontario) Limited  
July 15, 2019

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#### **4.0 Schedule H – Mineral Aggregate Resource Areas and Operations**

For your information we advise that LPAT has ordered MNRF to issue a new licence to Giofam for their Sebright Quarry on County Road 45. Although the licence has not yet been signed by the Minister, we have been notified the process is underway. Once we receive the licence, we will provide confirmation of the licence issuance so this property can be added to Schedule H.

Comments and questions raised by review of Schedule H include the following:

- 4.1 Why are licenced pits and quarries shown on Schedule H as a designation? Are they also shown on the land use schedule?
- 4.2 Licenced areas outside of CKL should be deleted;
- 4.3 Within the legend and on the plan view, licences are identified by their maximum annual tonnage limit. This is an inappropriate level of detail to include within an Official Plan. Furthermore, annual tonnage limit is governed by the Aggregate Resources Act (ARA), not Official Plans. Any change to tonnage is a Site Plan amendment application under the ARA, not an Official Plan amendment under the Official Plan. Tonnages should be removed from Schedule H.
- 4.4 We compared the Sand and Gravel deposits with the ARIP (Aggregate Resource Inventory Papers) by the Ministry of Northern Development and Mines (MNDM), and found one small area north of Oakwood that is identified as a secondary resource, when the ARIP illustrates it as a primary resource. This should be amended for consistency.
- 4.5 It appears the ORMCP layer in the south part of the City is overlaying and covering up the mineral aggregate resource areas and the licences in this area. The ORMCP layer needs to be moved to the back, for all features to show.

#### **5.0 Schedule I – Transportation**

Comments and questions raised by review of Schedule H include the following:

- 5.1 Why do only some haul routes extend outside the boundary of CKL? There should be a consistent approach to illustrations.
- 5.2 Why is the section of Cty Rd 45 east of Norland not identified as a minor haul route? It meets the stated purpose in the legend: *“minor routes are predominantly for intra-City transportation of aggregate resources and to Major routes”*. Furthermore, to the west the Cty Road 45 is identified as a minor haul route, and outside of CKL to the east it is identified as a major haul route. In fact, one could argue that Cty Rd 45 should in fact be a major haul routes, as it is the only complete east west corridor in CKL besides Hwy 7. Between these two arterial roads, they service the north and the south connections respectively.
- 5.3 Should the provincial highways not also be identified as major haul routes?

Vicdom Sand & Gravel (Ontario) Limited  
July 15, 2019

Page 8 of 8

Although improvements have been made to OPA 11, there are still some outstanding questions and comments, which we feel at this time are best addressed by policy revisions and changes to the schedules. We recommend submission of our comments to CKL with a request to meet with staff to see if we can resolve these issues to ensure conformity with the Provincial Policy Statement, and Provincial Plans.

Please feel free to contact us should you have any questions.

Yours truly,

Skelton, Brumwell & Associates Inc.

Per:



Anne Guiot, MCIP, RPP  
Sr Planner – Aggregate Resources

Per:



Charles Burgess, MCIP, RPP  
Sr Planner

ATG/CFB/sld

C-19-164

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**From:** Norm Cheesman [REDACTED]  
**Sent:** Monday, July 15, 2019 1:14 PM  
**To:** Leah Barrie  
**Cc:** Melanie Horton - HARRINGTON McAVAN LTD, Landscape Architects  
[REDACTED] Sharon Armstrong  
**Subject:** OSSGA Comments on OPA 11

Hello Leah

Pls find attached a copy of our comments on OPA 11.

We would welcome an opportunity to discuss this with city staff in the not too distant future.

Thank you

Norm Cheesman

Norm Cheesman  
Executive Director

**Ontario Stone, Sand & Gravel Association (OSSGA)**

5720 Timberlea Boulevard, Unit 103  
Mississauga, ON L4W 4W2

[REDACTED]  
[www.ossqa.com](http://www.ossqa.com)

**\*ATTACHMENT FOLLOWS**



July 15, 2019

Leah Barrie, MCIP RPP  
Policy Planning Supervisor, Development Services  
City of Kawartha Lakes  
P.O. Box 9000, 26 Francis Street,  
Lindsay, ON, K9V 5R8

**RE: Aggregate Policy Review – OPA 11**

The Ontario Stone, Sand & Gravel Association (OSSGA) is pleased to provide our preliminary comments on the City of Kawartha Lakes Aggregate Policy Review (OPA 11).

OSSGA is a not-for-profit association representing over 280 sand, gravel and stone producers and suppliers of products and services that serve the industry. Collectively, our members supply the majority of the 164 million tonnes of aggregate used, on average, each year in the Province to build and maintain Ontario's infrastructure needs. OSSGA works in partnership with governments, agencies and members of the public to promote a safe and competitive aggregate industry, contributing to the creation of strong communities in the Province.

We have concerns with several of the proposed policies in OPA 11. We offer the following general comments for your consideration:

**Mineral Aggregate Resource Areas**

The draft policies introduce a requirement for a very prescriptive test pit program and material analysis to support adjustments to the Mineral Aggregate Resource Area (Section 23.3.5). While we recognize that this applies only to major adjustments, and will potentially affect a limited number of applications, we suggest that a detailed geotechnical analysis is typically done by the producer as part of a business decision to determine commercial suitability of the resource. This is generally considered to be proprietary information and there are concerns with the requirements to publicly share the data. Additionally, the extent of the investigation (e.g., required number of test pits, type of analysis required) would generally be determined based on-site specifics rather than as a broad-based policy requirement.

**Mineral Aggregate Operations: Haul Route Agreements**

The draft policies include a requirement for a Haul Route Agreement not only with the City, but also with other adjacent municipalities (Section 24.2.7, Section 24.3.4). We are concerned with the scope of these agreements, which in our view has expanded to include issues which are under the jurisdiction of the Ministry of Natural Resources and Forestry (MNRF) as part of administration of the Aggregate Resources Act (ARA).

Operators already contribute monies through the aggregate levy (TOARC) which are intended to fund infrastructure maintenance and improvements. The levy was recently increased with a doubling of the portion that is now paid to municipalities. Introducing a policy requirement which would require agreements with adjacent municipalities is extremely prejudicial to the aggregate industry and presents a significant barrier for new operations.



#### **Rehabilitation**

OPA 11 refers to “policy guidance” for progressive and final rehabilitation (Sections 24.2.10, 24.3.9.3). It is unclear what the intent is here, but we submit that this is clearly an overlap with ARA requirements. These are broad policy requirements, without defining terms and establishing who determines whether rehabilitation policies have been met.

#### **Prohibitions for New and Expanding Aggregate Operations**

The draft policies include a prohibition for new and expanding operations within a number of areas including: “sensitive areas”, significant woodlands, wellhead intake protection zones, provincial parks, active and closed landfills, and a number of other land uses listed in Section 24.3.7. This goes well beyond the policies in the Provincial Policy Statement, 2014, the Growth Plan 2017 and is also inconsistent with Source Water Protection Plans. These policies impose a severe limitation and present a significant barrier to accessing a provincially significant resource.

#### **Vertical Zoning**

The draft policies require a zoning by-law amendment for a change from an above water license to a below water license (Section 24.2.10.4). Depth of extraction is an operational issue which is already regulated under the ARA. There is a robust process administered by MNRF for a license change from an above water, to a below water operation. OSSGA’s position, which has been supported by the Province in a number of previous OMB cases, is that vertical zoning is not appropriate since the ARA already deals with extraction depth.

#### **Application Submission Requirements**

The draft policies include new requirements for licenses include “landscape character” study as part of the application submission (Section 24.3.10.5). Without defining the scope, this policy potentially required a very broad-based study of an area that could be well beyond the 120-metre adjacent land area. We would like to discuss the details and intent of this requirement with you in more detail.

There are also new requirements introduced which go beyond normal Planning Act and ARA requirements, for example, the notification to property owners within 500 metres of an application (Section 24.3.10.15) versus the 120 metres required by the Planning Act.

#### **Conclusion**

We appreciate the opportunity to share our comments and concerns with OPA 11. OSSGA members in Kawartha Lakes have expressed an interest in meeting with City staff to review and discuss the Aggregate policies in more detail. We look forward to hearing from you to coordinate further consultation as part of the Aggregate Policy Review.

Yours truly,

Norman Cheesman  
Executive Director

---

**From:** Jenna Stephens [REDACTED]  
**Sent:** Tuesday, July 16, 2019 4:57 PM  
**To:** Leah Barrie  
**Subject:** RE: City of Kawartha Lakes - Aggregate Policy Review - OPA 11

Hi Leah,

I'm sorry for the delayed response, but please find my comments on the Aggregate Policy Review OPA below:

- The City passed By-Law 2016-237 which prohibits the approval of transport pathways (including deep excavations) within Intake Protection Zone-1 and Wellhead Protection Area A, unless a study is completed by a qualified professional and is approved by the Director of Public Works which illustrates that the development will not increase the vulnerability of the municipal drinking water supply. This By-Law and the OPA should support each other, but the current OPA makes no mention of this By-Law. Which takes precedence?
- Ensure that all references to Wellhead Protection Areas includes reference to Intake Protection Zones as well
- Mention is made to Schedule "C" Wellhead Protection Zones, please update this schedule to reflect the current Provincially approved Wellhead Protection Areas and also include the current Provincially approved Intake Protection Zones
- Section 24.3.7 prohibits new or expanding aggregate operations "Within or near wellhead and intake protection zones...". Near is a relative term which could be open for interpretation. I suggest that the wording be changed to explicitly define which wellhead protection areas (WHPA) and intake protection zones (IPZ) the prohibition applies to. My suggestion is that you define these as WHPA A-C and IPZ 1-2. The term "near" would then be defined as WHPA D-E and IPZ-3 as within the City of Kawartha Lakes the vulnerability scores of these zones are not high enough to contain significant drinking water threats which therefore need to be managed or prohibited. Also, within the Trent Source Protection Plan policies S-3(2) and W-2(2) for which the Planning Approval Authority is responsible for implementing state that future occurrences of those threats are prohibited, so the portion of this section which states "unless it can be demonstrated that these features and their related hydrologic functions will be protected, improved or restored" should be removed.
- Section 24.3.10.6 states that measurements across a wetland, lake or a river will be excluded from measurements triggering required studies. As nearly all of the wellhead protection areas and intake protection zones cross rivers, wetlands and in the case of Western Trent in Bolsover, Canal Lake, this sentence should be revised. Studies should be done within all source water protection vulnerable areas (at least WHPA A-E and IPZ 1-2) regardless of which features they cross.
- Section 24.3.10.7 a)i. states that it must be demonstrated that no negative impact on adjacent municipal wellhead or intake protection areas would occur as a result of any new or expanding aggregate operations. It was previously stated that new or expanding aggregate operations be prohibited within these areas (using the

new definition would mean WHPA A-C and IPZ 1-2), so “adjacent” could be defined as WHPA D-E and IPZ-3, or you could use the definition of “near” from section 24.3.7 as I have stated above.

- Under Source Water Protection, it isn’t just the quantity of water which is to be considered, but quality as well. Two water quality threats relate directly to aggregate operations, the storage and discharge of tailings from mines (under the “establishment, operation or maintenance of a waste disposal site within the meaning of Part V of the Environmental Protection Act” significant drinking water threat), and industrial effluent which includes “quarry and mine de-watering systems and wash plants” (under the “establishment, operation or maintenance of a system that collects, stores, transmits, treats or disposes of sewage” significant drinking water threat). Please ensure that not only are the hydrologic functions (water quantity) threats addressed, but also the water quality as well.

Thank you for the opportunity to provide some feedback on the proposed OPA. At this time, these are the only source water protection related comments I have, but I look forward to seeing the next revision. If you have any questions or concerns about my comments, please don’t hesitate to contact Me.

Take care,

Jenna Stephens  
RMO/Source Protection Technician  
KAWARTHA CONSERVATION  
277 Kenrei Road  
Lindsay, ON K9V 4R1

[REDACTED]

---

**From:** Holden, Keziah [REDACTED]  
**Sent:** Wednesday, July 17, 2019 4:31 PM  
**To:** Leah Barrie  
**Cc:** Weir, Bryan; Murphy, Grant; Speck, Troy  
**Subject:** RE: City of Kawartha Lakes - Aggregate Policy Review - OPA 11

Hi Leah,

Attached you will find the County’s formal comments on OPA No. 11 to the City of Kawartha Lakes Official Plan.

If you have any questions or would like to discuss further, please feel free to contact me.

Sincerely,



Keziah Holden, B.A.  
Senior Planner, Peterborough County



**\*ATTACHMENT FOLLOWS**

July 17, 2019

Leah Barrie  
Policy Planning Supervisor  
City of Kawartha Lakes  
26 Francis Street  
Lindsay, ON  
K9V 5R8

Dear Ms. Barrie:

**RE: City of Kawartha Lakes  
Official Plan Amendment No. 11 – Aggregate Policy Review**

---

Thank you for the opportunity to comment on the above noted Official Plan Amendment. The County Planning and Infrastructure Services departments have reviewed the draft Amendment and offer the following comments:

- It is suggested that Section 23.3.5 include some clarifiers as to what constitutes a major and minor adjustment, or if it is simply at the discretion of the approval authority.
- In Section 24.2.6 it is suggested that the term ‘impact of’ be replaced with ‘adverse effects on’.
- We note that in the objectives for Mineral Aggregate Operations, specifically Section 24.2.7, there is mention of the requirement for haul route agreements with adjacent municipalities. However, the policies that follow do not require such agreements. Section 24.3.11.7 again mentions haul route agreements but there is no mention of requirements to enter into these agreements with adjacent Municipalities.
- Section 24.3.11.1 references haul routes as identified in the City’s Transportation Master Plan, but there is no mention that adjacent Municipalities may also have Transportation Master Plans that identify haul routes or that such roads may also be subject to load restrictions.
- Section 24.3.11.3 references Section 36.2 of the City’s Official Plan (Traffic Impact Study Requirements); the County Infrastructure Services department kindly requests a copy of these requirements.
- Section 24.3.11.6 requires proponents to demonstrate that the City’s transportation system can adequately accommodate traffic resulting from

aggregate operations and that any required improvements will be at the proponents expense. It is recommended that this policy also consider the transportation system of adjacent Municipalities, and that Haul Route Agreements be entered into with such Municipalities where deemed necessary.

- Schedule “I” – Transportation - omits the opportunity to establish City of Kawartha Lakes (CKL) Road 45 as a Major Haul Route, to directly connect County Road (CR) 504 to Provincial Highway 35 in the village of Norland. Identifying CKL Road 45 as a Major Haul Route would permit the transportation of aggregate material generated by the 380 pits and quarries in the County of Haliburton to be directly connected to the Provincial highway network. An objective of establishing Major Haul Routes will be to upgrade and construct pavement structures to accommodate the additional traffic loading of material transport vehicles. Upgrading the pavement structure may involve placement of extra depths of granular base materials and additional layers of hot mix asphalt.
- Schedule “I” – Transportation – County Road (CR) 121 and County Road (CR) 49, between Kinmount and Bobcaygeon, are identified on Schedule I as Major Haul Routes. As boundary roads, the County of Peterborough covers 50% of the costs to maintain CR 121 and CR 49 and the County may be required to cover to additional cost to upgrade the pavement structure to accommodate the additional traffic loading. These responsibilities should be captured through the policies of Sections 23 and 24 of the OPA, and an onus placed on the proponent to cover County costs associated with new aggregate operations.

Thank you again for the opportunity to review and comment on proposed Official Plan Amendment No. 11. The County would appreciate receiving any revised drafts of the Amendment, and kindly requests to be notified of decision. Please feel free to call if you have any questions.

Sincerely,

Keziah Holden, B.A.  
Senior Planner

[Redacted]

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**From:** Neal DeRuyter [Redacted]  
**Sent:** Tuesday, July 30, 2019 4:32 PM  
**To:** Leah Barrie  
**Cc:** [Redacted] Caitlin Port; [Redacted]  
**Subject:** RE: City of Kawartha Lakes - Aggregate Policy Review - OPA 11

Leah,

On behalf of Tomlinson, please find attached our comments on draft OPA 11.

Thank you for the opportunity to provide comments. Please keep us posted on the City's next steps.

Neal

**\*ATTACHMENT FOLLOWS**



KITCHENER  
WOODBRIDGE  
LONDON  
KINGSTON  
BARRIE  
BURLINGTON

July 30, 2019

Leah Barrie, MCIP, RPP  
Policy Planning Supervisor  
Development Services, City of Kawartha Lakes  
26 Francis Street  
Lindsay, ON K9V 5R8

Dear Ms. Barrie:

**RE: Aggregate Policy Review – Draft Official Plan Amendment No. 11  
R.W. Tomlinson Ltd.**

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We represent R.W. Tomlinson Ltd. ("Tomlinson") and were previously involved in the City's Aggregate Secondary Plan exercise which included providing comments to the City on behalf of our client in 2014.

We have reviewed the draft OPA No 11 materials dated June 14, 2019 and provide a number of comments and suggested policy revisions. In most cases, our suggested revisions seek to clarify a proposed policy while still maintaining its intent.

Overall, we find the revised Draft OPA No. 11 to be substantial improvement over previous versions. Many of our previous comments and concerns regarding specific policies have been addressed. In addition, we find the organization and the overall clarity of the document to be much improved.

#### **1. Oak Ridges Moraine Conservation Plan Area**

As shown in "pale yellow" on Schedule H, a portion of the Oak Ridges Moraine Conservation Plan (ORMCP) area overlaps with lands located within the municipal jurisdiction of the City of Kawartha Lakes.

It is our understanding that the policies of OPA 11 would not apply to the ORMCP Area. Further, an amendment to the City's Official Plan would not be required for new or expanded aggregate operations where already permitted by the policies of the ORMCP. We would ask that the City please confirm these understandings.

Mineral Aggregate Resources Areas (Sand and Gravel or Bedrock) or Mineral Aggregate Operations are not mapped in this area on Schedule H. For completeness and to ensure the public is aware of these areas, we suggest that the aggregate mapping be visible as an overlay "on top of" the ORMCP Area so that they are identified on Schedule H. This would also ensure consistency with the PPS to identify and protect deposits of mineral aggregate resources. Reference could also be made on Schedule H to OPA 104 for specific policy direction in the ORMCP Area.

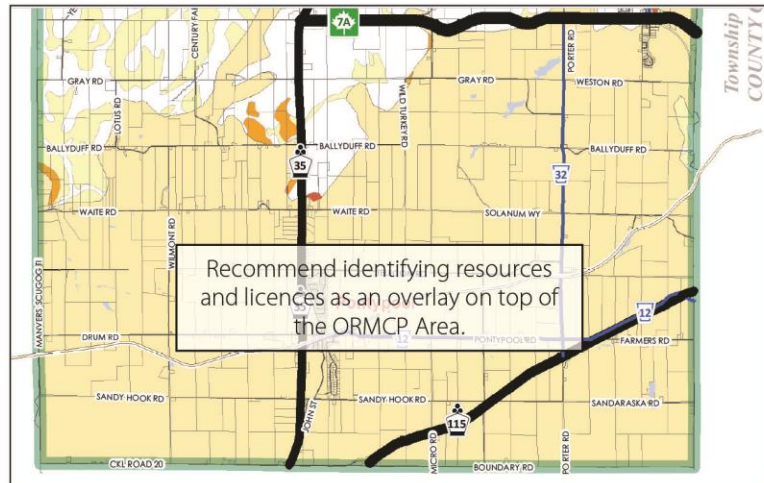


Figure 1: Screenshot of Oak Ridges Moraine Conservation Plan Area of Schedule H

## 2. Policy 23.3.5 – Adjustment to the boundary of a Mineral Aggregate Resource Area

The policy indicates that “major adjustments” to the boundary of a Mineral Aggregate Resource Area will require an amendment to the Plan whereas “minor adjustments” may be permitted without amendment to the Plan.

The purpose of the “Mineral Aggregate Resource Area” mapping is to protect and identify aggregate resources for current and future use, in accordance with the Policies of the PPS. The requirements outlined in 23.3.5 a), b), and c) for test pit data is excessive and may also include proprietary information. We suggest the following policy wording:

*“Major adjustments to the boundary of a Mineral Aggregate Resource Area will require an amendment to this plan, together with supporting material evaluating the quality and quantity of the resource and the impact on the surrounding land uses. Minor adjustment to the boundary of a Mineral Aggregate Resource Area may be permitted without amendment to this plan provided the necessary supporting material is provided.”*

## 3. Policy 24.2.7

This draft policy requires applicants of new licences or expansion to existing licenses to enter into a Haul Route Agreement with the City of Kawartha Lakes and adjacent municipalities. We are concerned with the scope of these agreements given that the aggregate levy is intended to help fund infrastructure maintenance and improvements. In particular the reference to agreements with adjacent municipalities should be deleted as it is beyond the jurisdiction of the City of Kawartha Lakes Official Plan.

## 4. Section 24.3 Permitted Uses

We suggest that the following policy be added to Section 24.3 to help ensure it is clear that planning approvals will not be required for uses and activities permitted on aggregate site plans (see PPS 2.5.2.4):



*"For Aggregate Licences issued by the Ministry of Natural Resources and Forestry, uses and activities permitted on the site plan will apply without the need for official plan amendment or rezoning."*

5. Policy 24.3.6

We suggest that this policy be deleted or revised. The City must respect the paramountcy of Section 66 of the Aggregate Resources Act which states the following:

*"This Act, the regulations and the provisions of licences and site plans apply despite any municipal by-law, official plan or development agreement and, to the extent that a municipal by-law, official plan or development agreement deals with the same subject-matter as this Act, the regulations or the provisions of a licence or site plan, the by-law, official plan or development agreement is inoperative."*

Noise, air quality, and water discharge compliance matters at pits and quarries are the jurisdiction of the Ministry of Natural Resources and Forestry and the Ministry of Environment, Conservation, and Parks.

6. Policy 24.3.7

This policy prohibits new and expanding mineral aggregate operations in several areas including "Sensitive Land Uses", significant woodlands, species at risk habitat, and within and near wellhead protection zones. This policy appears to be inconsistent with the PPS, Growth Plan and Source Water Protection Plans. Based on provincial policy, extraction can only occur within these features and areas if it is demonstrated that there will be no negative and/or adverse impacts, or if a net ecological gain is produced, where applicable. An outright prohibition would arbitrarily impact the availability of mineral aggregate resources.

7. Policy 24.3.9.1

We note that Rehabilitation policies cross-referenced do not exist. We believe that the intended cross-references are 24.3.9.3 and 24.3.9.4.

8. Policy 24.3.9.2

We do not believe it is reasonable to require an "applicant" to re-zone the lands once the ARA Licence has been removed. We believe the more appropriate option is for the City to consider rezoning the lands through a City-wide zoning review or amendment (or applicant-initiated at their discretion).

*"Once final rehabilitation is completed and an Aggregate Resources Act (ARA) licence is surrendered ~~the applicant shall rezone the subject lands~~ the subject lands shall be rezoned to an appropriate after-use through an appropriate Municipal process".*

9. Policy 24.3.10.4

This policy seeks to regulate a proposed change in depth to existing mineral aggregate extraction operations by requiring a zoning by-law amendment (i.e. "vertical zoning"). The *Aggregate Resources Act* legislates and regulates the operation of pits and quarries in Ontario including depth of extraction. This is also addressed in Section 124 of the Municipal Act.

**10. Policy 24.3.10.7 b)**

This policy appears to reflect Policy 4.2.8.2 of the Growth Plan. It should be noted however that those policies in the Growth Plan only apply to *new* operations within the Growth Plan Natural Heritage System. Further, the City's draft policies use the terminology "protected and enhanced" which could be interpreted as "no touch". This is not consistent with the Growth Plan which requires that such features be "protected *or* enhanced".

**11. Policy 24.3.11.7**

This proposed policy addresses haul route requirements and agreements with the City for improvements and maintenance. Please see our comment #3 regarding draft policy 24.2.7.

Thank you for the opportunity to provide comments. Please feel free to contact us should you wish to discuss our comments further. Please keep us notified of any future meetings or changes to OPA 11.

Yours truly,  
MHBC



Neal DeRuyter, BES, MCIP, RPP

cc. Craig Bellinger, Tomlinson  
OSSGA

**From:** Ethier, Dan (MMAH) [REDACTED]  
**Sent:** Tuesday, August 13, 2019 9:34 AM  
**To:** Leah Barrie  
**Subject:** RE: City of Kawartha Lakes - Aggregate Policy Review - OPA 11

Hi Leah,

Hope all is well. Please find attached to this email a PDF copy of Ministry comments to draft OPA 11.

We would be pleased to discuss the content of the letter with you in further detail should you wish.

Hope this is helpful and apologies for the delay.

Best Regards,

Dan

**\*ATTACHMENT FOLLOWS**



**Ministry of  
Municipal Affairs  
And Housing**

**Ministère des  
Affaires municipales  
et du Logement**



Municipal Services Office    Bureau des services aux municipalités  
Eastern Region    Région de l'Est  
8 Estate Lane    8 chemin Estate  
Rockwood House    Maison Rockwood  
Kingston ON K7M 9A8    Kingston ON K7M 9A8

Fax: (613) 548-6822    Télécopieur: (613) 548-6822

August 13, 2019

Ms. Leah Barrie  
Policy Planning Supervisor  
City of Kawartha Lakes  
180 Kent Street West  
Lindsay, ON,  
K9V 2Y6

Dear Ms. Barrie:

**Re: MMAH One-Window Comments to Draft Official Plan Amendment No. 11  
City of Kawartha Lakes Official Plan  
MMAH File No: 16-EOPA-146372**

Thank you for providing the Ministry with the opportunity to review and comment on the City's proposed Official Plan Amendment No. 11 (OPA 11), received on June 14, 2019. It is our understanding that the policies presented in the document are intended to replace the current aggregate sections in the City's Official Plan which are under appeal.

As you are aware, the City of Kawartha Lakes received exempt status in 2001 from the Ministry of Municipal Affairs and Housing with respect to the approval of Official Plan amendments. As such, the City is delegated the responsibility of protecting matters of provincial interest when reviewing and rendering decisions on proposed amendments to its Official Plan. Also, the City is responsible for ensuring that its decisions are consistent with the Provincial Policy Statement (PPS) 2014 and in conformity with Provincial Plans that are in effect.

We have circulated the draft Official Plan Amendment to appropriate partner Ministries and would like to provide you with the following comments in **Appendix A** for your consideration. For ease of use to the reader, we have made suggested policy revisions such that recommended deletions are in strike-through text, and recommended insertions are in bold italic text. It is possible for further comments to be received by partner ministries. Should we receive additional comments, we will notify you in writing.

Please note that the Ministry released a draft, revised Provincial Policy Statement (PPS) for public comment on July 22, 2019. As such, the City may wish to consider pausing adoption of the draft OPA until a new PPS has been finalized. Changes to the PPS may impact the OPA, and the Ministry's comments outlined in the appendix. For more information about the consultation, please visit <http://www.mah.gov.on.ca/Page215.aspx> where you will find a link to the posting on the Environment

Registry of Ontario (ERO #019-0279), including the proposed Provincial Policy Statement, as well as information on how to provide comments.

I trust the above information is helpful. Should you have any questions or require further information, please do not hesitate to contact me at [REDACTED]

Sincerely,



Dan Ethier, MCIP RPP  
Planner  
Municipal Services Office- Eastern

- c. Trevor Harris, Ministry of Natural Resources and Forestry  
Elizabeth Spang, Ministry of Natural Resources and Forestry  
Jon Orpana, Ministry of the Environment and Climate Change  
Prabin Sharma, Ministry of Transportation  
Camilia Changizi, Ministry of Transportation  
Elaine Hardy, Ministry of Transportation  
Anna Golovkin, Ministry of Transportation  
Jocelyn Beatty, Ontario Ministry of Agriculture, Food and Rural Affairs

## **Appendix A**

### **Conformity with Provincial Plans:**

1. **Oak Ridges Moraine Conservation Plan (ORMCP), 2017**  
The OPA should clearly state in the introduction that it does not apply to the lands within the Oak Ridges Moraine. It is understood from previous versions of OPA 11 (former Aggregate Secondary Plan), and from the included Policy Audit, that the policies within the ORMCP are contained in a separate and distinct OPA 104 that was previously approved and the City intends to address at a later date. As a result, the Ministry's review of OPA 11 did not include any review for conformity with the ORMCP policies.
2. **A Place to Grow (2019)**  
It is recommended that the City address A Place to Grow conformity of the whole Official Plan in one consolidated exercise. Attempting to piecemeal in A Place to Grow policies could result in un-intended consequences and confusion for implementation. For example, implementing the mineral aggregate policies of A Place to Grow via OPA 11 before adopting A Place to Grow Natural Heritage System into the Official Plan could result in confusion about whether A Place to Grow Natural Heritage System policies apply. See the comments on policy 24.3.7 for an example of this.

### **General Comments**

1. **Important:** The draft OPA as written identifies mineral aggregate resources as a designation across large portions of the municipality. It should be clarified that these areas of resource potential should be treated as an "overlay" with an underlying land-use designation (e.g. rural). Imposing a mineral aggregate designation on such a large amount of land across the municipality could place undue burden on residents seeking certain planning approvals with unnecessary studies and expenses.
2. If a pit operation is proposed within 800 metres of a provincial highway, MTO permits will be required, and applications would need to be submitted to MTO for review and approval.
3. With respect to haul routes and the transport of aggregate products along secondary and arterial roads, it is worth noting that these roadways should be built to withstand the rigours of aggregate truck traffic, typically operating at maximum allowable weight limits under provincial regulation. Further to this, consideration should be given around building roads to a standard where Reduced Load Period weights would not have to be applied along the same corridors, as this would be a barrier/burden to the carriers trucking aggregate products.
4. The document should specify that mineral aggregate operations may be permitted in prime agricultural areas as a site-specific exception to the prime agricultural designation and subject to the applicable PPS and provincial plan policies.

### **Specific Comments**

1. **Section 23.1.1 and Schedule H**  
Previous versions of OPA 11 (previously called the Aggregate Secondary Plan) included the results of a constraint mapping exercise in which the City took the mapping of mineral aggregate resources from Aggregate Resources Inventory Paper 168 (ARIP 168) produced by the Ministry of Energy, Northern Development and Mines and removed certain areas that were significantly constrained and unlikely to be licenced for extraction. The Ministry of Natural Resources and Forestry (MNRF) also understands that the City, through the input of an Aggregate Advisory



Committee including members of the aggregate industry, identified areas of high-quality bedrock resource that should be protected for future extraction. This resulted in a more scoped version of Schedule H that identified the highest value mineral aggregate resources to be protected from incompatible development. MNRF supports the undertaking of a constraint mapping exercise of this nature and had recommended that the City complete one since our review of the City's previous official plan, around 2010. Schedule H now shows all mineral aggregate resources as mapped by ARIP 168, which cover much the City. MNRF is concerned that without a constraint exercise to narrow down the highest value resources for protection, policies such as 23.3.2 may be difficult to implement since lot creation would be prohibited in most of the City based on the current Schedule H. The current version of Schedule H also only symbolizes bedrock resources based on drift thickness, which does not recognize or identify the type of bedrock resource. Different types of bedrock resources are more valuable for extraction (e.g. Bobcaygeon and Gull River formation) and should be shown on Schedule H so they can be adequately protected from incompatible development. Schedule H currently shows all types of bedrock resources (except for Precambrian bedrock in the northern portion) lumped together including less valuable resources such as Verulam formation. The text of policy 23.1.1 identifying that only Bobcaygeon and Gull River formations are shown is not correct based on the May 2019 version of Schedule H. Given this, it is recommended for the City to reconsider previous versions of Schedule H that included the results of the constraint mapping analysis and high-quality resource mapping.

2. **Section 23.3.2- Policies (Page 3)**

The adjacent lands distances should reference sand and gravel and bedrock resources, not licensed sites. The following changes to this portion of the policy should be made: "...Proponents of development of sensitive receptors within 300 m of a ~~licensed-pit~~ **sand or gravel resource** and 500 m of a ~~licensed-quarry~~ **bedrock resource** are required to demonstrate that the proposed use will not hinder the future extraction of mineral aggregates ~~within existing licensed-pits and quarries...~~"

It is also recommended to add the following at the end of this policy to enable study requirements demonstrating that the three conditions from the PPS have been met: ***"The City may require an Aggregate Resource Study by a qualified professional to demonstrate consistency with the above policy to the satisfaction of the City."***

3. Similarly addressed in Comment #1, Section 23.3.2 prohibits consents on lands identified as Mineral Aggregate Resource Areas identified on Schedule H, which is depicted as the majority of the municipality. The City may wish to re-consider the applicable implementation of this policy when considering development applications, as well as how this is consistent with Section 2.5.2.5 of the PPS.

4. **Section 23.3.5- Policies (Page 4)**

In sub-bullet (a), stopping test pits when the water table is reached dismisses potential aggregate resources that may exist below the water table. Sub-bullets (b) and (c) are also only relevant to sand/gravel, however bedrock resources should also be tested. As such, it is recommended that the following revisions be made to this policy:

- "a) Minimum of one (1) test pit..., to a minimum depth of 4.0 metres, ~~unless the water table is reached~~;
- b) Records of test pits and grain size analysis are to be submitted to the City; and,
- c) grain size **and chemical** analysis results are to be reviewed in reference to Ontario Provincial Standard Specifications (OPSS)."

5. **Section 24- Mineral Aggregate Operations (Page 5)**

It is recommended for the City to review this section in relation to how active mineral aggregate operations are protected from incompatible uses as outlined in Section 2.5.2.4 of the PPS. In this regard, additional policies should be inserted reflective of this section of the PPS.

6. **Section 24.1.1- Goals (Page 5)**

It is recommended to revise the goal to state the following: "To designate and protect *from incompatible development* existing licenced mineral aggregate operations..."

7. **Section 24.3.1(a)– Policies (Page 6)**

There is some duplication in this policy (e.g. multiple references to licenced sites), and listing licenced sites excludes sites on crown land, which are issued a permit, not a licence. It is recommended for the policy to be revised as follows:

"The following uses will be permitted within *areas* licenced operations that are designated Mineral Aggregate Operations on Schedule "H":

- a) Licenced Pits and quarries, *authorized under the Aggregate Resources Act*, and accessory uses such as crushing, screening, washing, stockpiling, blending, processing or recycling of mineral aggregate material and derived products and the production of secondary related products, that comply with provincial *operational* standards *and the approved Aggregate Resources Act (ARA) site plan*, and area approved by MNRF through the ARA Site Plan approval process.

8. **Section 24.3.1(b)– Policies (Page 6)**

The Ministry is pleased to see the addition of a policy that does not require a rezoning to enable recycling activities in licenced pits and quarries. This makes it easier for operators to undertake recycling activities because once MNRF confirms that a rezoning is not required, it can proceed via the minor site plan amendment process.

9. **Section 24.3.1(d)– Policies (Page 7)**

The placement of this policy in the Mineral Aggregate Operations section may result in the interpretation that portable asphalt plants and portable concrete plants are only permitted in existing licenced sites, not *all land use designations* as required by the PPS. It is recommended that this be clarified in the policy as well as using the term "portable" instead of "temporary". Portable asphalt plant and portable concrete plant are defined terms in the PPS. It is recommended for the following revisions to be made to the policy: "Wayside pits and quarries, *portable* temporary asphalt plants and portable concrete plants used on public authority contracts shall be permitted, without amendment to this Plan or Zoning By-law in all areas *land use designations*..."

10. **Section 24.3.1(e)- Policies (Page 7)**

It is recommended for the term "non-contaminated" be replaced with more specific language that references the appropriate MECP soil quality standards. Given this, it is recommended the following revisions be made to the policy: "Importation of *non-contaminated inert fill that meets MECP soil quality standards, which may include* mineral aggregate, soil and topsoil for blending, resale and rehabilitation."

11. It is also recommended to include a new subsection (i) to address Section 2.5.2.4 of the PPS which may read as follows: "*i) Existing mineral aggregate operations shall be permitted to continue without need for official plan amendment, rezoning or development permit under the Planning Act.*"

12. **Section 24.3.3- Policies (Page 7)**

The second sentence of this policy should be deleted because the policy will always apply to the scenario where a use adjacent to a mineral aggregate operation is proposed. It is recommended to add the following to the end of this policy requiring a study to demonstrate that the policies have been met: "*The City may require a Compatibility Study by a qualified professional to demonstrate consistency with the above policy to the satisfaction of the City.*"



13. **Section 24.3.6- Policies (Page 8)**

It is noted that this policy wording is improved from previous versions of OPA 11. However, the City should note that some matters identified within the policy may not be within MNRFP powers to enforce (e.g. traffic). It is therefore suggested that wording such as “*MECP, as appropriate*” could be added to this policy, since some compliance issues (e.g. noise, dust) fall within MECP’s jurisdiction.

14. **Section 24.3.7- Policies (Page 8)**

This policy includes a list of features where new mineral aggregate operations are not permitted, and areas where the City proposes to direct operations away from or mitigate impacts on. These features should not be grouped together. This policy also attempts to implement components of the 2019 A Place to Grow but, takes the policies out of context. For example, A Place to Grow prohibits new mineral aggregate operations in significant wetlands, significant woodlands (with exceptions) and habitat of endangered and threatened species within the Natural Heritage System. These three features are added to OPA 11 policy 24.3.7 with no reference to A Place to Grow Natural Heritage System (NHS). This will result in a stricter policy standard being applied to aggregate resources outside A Place To Grow NHS, which was not the intent. As mentioned above in the general comments, it is recommended to address A Place to Grow conformity exercise of the whole official plan at one time. Policy 24.3.7, as written, does not conform to A Place to Grow, and should be revised accordingly. It is recommended that this policy be moved to the “Application Submission Standards” section of the OPA and be revised exactly as it appears in policy 4.2.8.2 (a, b, & c) of A Place to Grow. It is also required that the following edits to 24.3.7 become a separate policy identifying features that should be assessed for mitigation and/or separation:

~~“New and expanding mineral aggregate operations shall not be permitted within, and shall be directed to locations appropriately separated and mitigated from the following features and existing and/or approved land uses:~~

- ~~a) Sensitive land uses~~
- ~~b) Provincially significant wetlands~~
- ~~c) Significant woodlands, unless the woodland is occupied by a young plantation or early successional habitat~~
- ~~d) Provincial parks and conservancy areas~~
- ~~e) Urban and hamlet settlement areas~~
- ~~f) Active and closed landfills (Schedule D of this Plan)~~
- ~~g) Specific Lake Policy Area (Schedule A-7 of this Plan)~~
- ~~h) Habitat of endangered species or threatened species~~
- ~~i) Within or near wellhead and intake protection zones (Schedule C of this Plan), unless it can be demonstrated that these features and their hydrologic functions will be protected, improved or restored.”~~

15. **Section 24.3.7(g)- Specific Lake Policy Area**

This policy appears to suggest that mineral aggregate operations are directed away from the Special Lake Policy Area (Schedule A-7), which is an entire watershed delineated around Four-Mile Lake. It is suggested that additional rationale be provided for this, as well as clarifying that extraction is not prohibited in this area, as this appears to conflict with mineral aggregate policies 2.5.1 and 2.5.2 of the PPS. The Four-Mile Lake watershed contains some high quality bedrock resources and adjacent mineral aggregate operations that may be constrained from expanding by this policy.

16. **Section 24.3.9.1- Rehabilitation (Page 8)**

The policy references cited do not appear to be correct. It is recommended they be corrected to reference 24.3.9.4 and 24.3.9.5.

17. **Section 24.3.9.3- Rehabilitation (Page 9)**  
The following change should be made to bullet (c) for clarity purposes: "Aquatic areas..., and the combined terrestrial and aquatic rehabilitation will meet the intent of this Plan-24.3.9.3 b)." Policies must also be added here to address 4.2.8.4 d) and 4.2.8.5 of A Place to Grow.
18. **Section 24.3.9.4- Rehabilitation (Page 9)**  
A policy should be added here to address 4.2.8.3 of A Place to Grow.
19. **Section 24.3.9.6- Rehabilitation (Page 10)**  
This policy suggests that the City approves a reduction in setbacks when this actually occurs under the *Aggregate Resources Act* (ARA). The City could support such reductions by commenting on the site plan. It is recommended that the following clarifications be made to this policy: "Where compatible rehabilitation plans for abutting licenced operations are approved **proposed**, the City may, where appropriate, allow for **support** reduced setbacks from the shared licenced boundary..."
20. **Section 24.3.9.7 Rehabilitation (Page 10)**  
It is possible that once a licence is surrendered, aggregate resources may remain on site that should be protected for future use. Policy 2.5.2.4 of the PPS states that once a licence for extraction or operation ceases to exist, policy 2.5.2.5 continues to apply. It is recommended the following wording be added to this policy to implement the PPS: "***Policies to protect mineral aggregate resource areas remaining on the site will continue to apply, unless a study is completed that demonstrates that all viable resources have been depleted.***"
21. **Section 24.3.10- Application Submission Requirements (Page 10)**  
This section does not state that applications for new aggregate operations proposed along provincial highways require MTO approval. Any references to supplementary guidelines or information should be made here. For pit/quarry operations within 800 meters of a provincial highway, MTO permits will be required. Applications need to be submitted to MTO for review and approval.
22. **Section 24.3.10.2- Application Submission Requirements (Page 10)**  
There are some instances where a stakeholder consultation group has been added, with the agreement of the operator, to an ARA site plan as a condition. However, the enforceability of such a provision as an offsite activity is difficult, especially where there is no set time frame for the group to continue meeting. At some point, it may become un-reasonable to require the operator to continue to offer meetings. It is recommended that any such requests have appropriate rationale, set goals, and a mechanism for termination when the stakeholder consultation group is no longer active or required.
23. **Section 24.3.10.4- Application Submission Requirements (Page 11)**  
This policy requires a rezoning for an existing licenced operation to extract below the water table. There is concern that this un-necessarily duplicates the Aggregate Resources Act (ARA) process. Under the ARA, allowing new extraction below the water table in a licenced site requires the applicant to follow the process for a major site plan amendment. The process includes completion of a hydrogeological report and circulation to the municipality. As such, the municipality already has an opportunity to review the technical reports and address any comments or concerns on the ARA site plan before an amendment is approved. In a letter to the City by MMAH dated April 8<sup>th</sup>, 2015 regarding the March 2015 version of OPA 11, the following guidance was provided to the City with respect to identifying requirements to authorize aggregate uses under the *Planning Act*:

"We recommend that requirements for aggregate uses in the City's Official Plan be consistent with the Aggregate Resources Act process and avoid establishing duplicate municipal processes. Duplication of process would introduce inefficiencies and constrain the provincial interest in



making resources available and hinder the provincial mandate for managing the resource under the Aggregate Resources Act."

**24. Section 24.3.10.7(b)- Application Submission Requirements (Page 11)**

This policy includes a portion of Section 4.2.8.2 of A Place to Grow. The header line "demonstrate within natural heritage features and areas, and linkages" should be removed since it takes A Place to Grow policies out of the proper context. This policy is only to apply within A Place to Grow Natural Heritage System. As mentioned previously in this letter, it is recommended that policies be added to this section of the OPA to address Section 4.2.8.2 of A Place to Grow in its entirety. It is recommended that this policy be implemented in the Official Plan at the same time as a comprehensive A Place to Grow conformity update to avoid implementation issues.

**25. Section 24.3.10.10 – Application Submission Requirements (Page 12)**

This policy should reference final rehabilitation, not progressive rehabilitation. Final rehabilitation is what should be compatible with adjacent lands uses.

**26. Section 24.3.11.6 and 24.3.11.7 – Transportation and Haul Routes (Page 14)**

These policies may unfairly place the cost burden of any and all transportation related maintenance or improvements on an applicant for a new mineral aggregate operation. This policy appears biased against mineral aggregate operations, which may constrain the provincial interest in making aggregate resources available. In this regard, the City may wish to consider revising the wording of the policy to not necessarily place the sole burden of road improvements on the aggregate operator. In addition, there appears to be duplication in the second sentence of policy 24.3.11.6 with policy 24.3.11.7, which speaks to the provincial aggregate levy. The proposed policies generally recognize that the municipal portion of the annual fees collected under the *Aggregate Resources Act* (ARA) are intended to help compensate municipalities being impacted by aggregate haulage. Ontario Regulation (244/97) endeavours to establish the appropriate compensation (on a per tonne basis) for municipalities to receive. Haulage agreements for on-going maintenance may be viewed as duplication ("double dipping"). In this regard, the policies should clarify that the City may enter into haul route agreements with proponents of aggregate sites for initial road improvements only, if necessary. MNRF also recommends that policy 24.3.11.7 be edited to reference the "annual aggregate fee under the *Aggregate Resources Act*" rather than provincial aggregate levy. Staff of the Ministry of Natural Resources and Forestry would be pleased to work with the City on appropriate policies to address this matter.

**27. Section 30- Definitions (Page 15)**

The OPA should clarify whether the purpose of this section is to update the definitions section of the Official Plan. MNRF prefers this approach to having a separate definitions section within the Mineral Aggregate section of the Official Plan. Updating the definitions in the OP should be a part of the overall A Place to Grow conformity exercise. MNRF has not conducted a thorough review of these definitions to determine if all relevant definitions from A Place to Grow have been added for the purposes of this OPA.

**28.** It is recommended that definitions be added for "portable asphalt plant" and "portable concrete plant" as per the PPS.

**29.** It is recommended that the definition for "habitat of endangered and threatened species" be updated to the version found in A Place to Grow, which clarifies that the Ministry of the Environment, Conservation and Parks (MECP) is now responsible for species at risk.

**30. Section 36- Appendices (Page 19)**

Similar to the comment in Item #27, it is unclear why this section is included in OPA 11 which is intended to update the Mineral Aggregate Policies of the Official Plan. Should revisions be proposed to Appendix J, the Ministry would like an opportunity to review.



31. With respect to the features listed in Section 36.10, natural heritage features are missing from this list including: significant valleylands, coastal wetlands, habitat of endangered and threatened species, natural heritage systems, key hydrologic features as per A Place to Grow, fish habitat, sand barrens, savannahs, tallgrass prairies and alvars.
32. **Schedule H and Schedule I**  
The two schedules do not show Highways in the appropriate manner. It is recommended to Show Highway 115 as a freeway and Highway 7, Highway 35, and Highway 7A as arterials.
33. Schedule H categorizes the active mineral aggregate operations throughout the City by licensed tonnage. This is a significant amount of detail to be included in an Official Plan schedule. Traditionally, Official Plans described active pits and quarries, as well as known sand, gravel and bedrock resource deposits. Should an aggregate operator receive approval for additional tonnage, an Official Plan amendment might be triggered to appropriately reflect their tonnage category on Schedule H. The City may wish to reconsider revisions to Schedule H to more simply identify operators and resources.
34. The City may wish to reconsider identifying haul routes as a schedule to the City's Official Plan. Although this type of information is useful for staff, the information regarding which roads are to be utilized by trucks hauling aggregate may not be suitable for the purposes of an Official Plan, which aims to guide the use of land over the planning horizon. This information is considered "behind the counter" information for staff to utilize in informing recommendations as opposed to being on an Official Plan schedule.

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**From:** Mike Lebreton [REDACTED]  
**Sent:** Wednesday, August 14, 2019 3:23 PM  
**To:** Leah Barrie  
**Cc:** Melanie Horton [REDACTED]; David Hanratty  
**Subject:** CKL OPA 11 CBM Comment Letter

Hi Leah,

Hope all is well. It was good meeting you and thanks for hosting yesterday's CKL OPA 11 meeting. Through the discussion, I mentioned that CBM had not received a response to our attached comment letter. It would be most appreciated if this can be reviewed and reply provided. Look forward to being part of the ongoing discussions.

Best regards,

Mike

Mike Le Breton, B.E.S  
**Votorantim Cimentos**  
**CBM Aggregates**  
Lands Manager  
Eastern Region  
55 Industrial Street  
Toronto, ON, M4G 3W9  
[REDACTED]  
Fax (416) 423-2478

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**[votorantimcimentos.com](http://votorantimcimentos.com)**  
**[www.stmaryscement.com](http://www.stmaryscement.com)**

**\*ATTACHMENT FOLLOWS**



*St. Marys Cement Inc. (Canada)*  
55 Industrial Street  
Toronto, Ontario  
M4G 3W9

July 2, 2014

Michael Benner  
City of Kawartha Lakes  
12 Peel Street, Box 9000  
Lindsay, ON  
K9V 5R8

**RE: City of Kawartha Lakes Aggregate Secondary Plan**

Dear Mr. Benner,

Thank you for hosting the June 23<sup>rd</sup> Aggregate Secondary Plan information meeting. It was very informative. CBM has two operations within the City of Kawartha Lakes. Our Woodville pit is located on the East ½ Lot, Concession 13, Mariposa Twp. CBM's Burnt River quarry is situated on Part Lots 7, 8 and 9, Concession 6, Somerville Twp.

During the meeting, a haul route map was presented to the group. It identified major, major future and minor haul routes. Local routes were not identified. These local routes should be mapped accordingly to acknowledge the pathway existing operations take to gain access to both major and minor routes.

Our Woodville pit is located on Black School Road. Based on the current haul route mapping, this road has not been identified for haulage. My understanding is Black School Road is considered a full load road from County Road 46, east to Whiterock Road. Please revise your mapping to acknowledge this stretch of Black School Road as a minor haul route.

Of great concern to CBM is the proposed change to the haul route from our Burnt River quarry. Currently we exit onto Highway 121, then travel south through Fenlon Falls. The proposed new mapping would see our vehicles travel east on Highway 121 to Highway 49. We would then go south to Bobcaygeon and follow Highway 36 to Lindsay. This proposed change will almost double the distance travelled between our quarry and Lindsay. This increased distance will certainly have a negative effect on our business, as well as on the natural environment. Truck haul rates will significantly increase, which will make it extremely difficult for us to competitively bid on work. Longer haul distances will increase the carbon footprint, as more fossil fuel will be burned to reach the same destination. Have any studies been completed, to determine the potential impact of longer haul distances?

After the information meeting I spoke with Mr. Farquhar, who identified the location of the proposed future major haul route, which will run south and west of our Burnt River quarry. This route will not increase our travel distance south. CBM requests that trucks travelling southbound from our quarry be permitted to continue to use Highway 121, until the proposed future haul route is constructed. After the new haul road is in place, we will then notify all drivers of the change.

There was a fair amount of discussion about the proposed revisions to the mapped High Quality Aggregate Resource areas identified within Schedule "H" of the draft Aggregate Secondary Plan. It was suggested by yourself that the mapping isn't perfect and that any input to identify areas of High Quality Aggregate be mentioned. The intent is to have the areas included in the Official Plan now, which will avoid a lengthy future amendment process.

Our Burnt River quarry has a total licensed area of 258 acres. In addition, we own approximately 1,170 acres of adjacent land. This property is being held for future expansion. The current mapping identifies

[www.stmaryscement.com](http://www.stmaryscement.com)

– 2 –

only a small portion of our holdings as having High Quality Aggregate. We request that our entire property be mapped as having a High Quality Aggregate deposit. The Limestone found onsite is the Bobcaygeon Formation, which can be used to make concrete grade products. In addition, most of the lands have a shallow overburden depth of less than 1m.

We appreciate you reviewing our comments and look forward to your response. Please send all correspondence to the undersigned at [REDACTED]

Regards,



Mike Le Breton  
CBM Aggregates  
Lands Manager Eastern Region

**From:** Marilyn and Doug Lowles [REDACTED]  
**Sent:** Wednesday, September 25, 2019 10:32 AM  
**To:** Leah Barrie  
**Cc:** Andy Letham; Emmett Yeo; Bill Hunter; bruce warden; Dave Wilfong; Ellery Butula; John & Sue Nicholson; judy bailey; Melody Purcell Glenn Sharpe; Murray Walker  
**Subject:** OPA11 Proposed revisions

Ms. Barrie,

Please find attached our letter of concern with respect to proposed revisions to the City of Kawartha Lakes Aggregate Secondary Plan OPA 11.

Best Regards  
Doug Lowles  
Head Lake Stewardship Group

**\*ATTACHMENT FOLLOWS**

**Head Lake Stewardship Group**  
% Doug Lowles  
28 Douglas Drive,  
Kirkfield, ON, KOM 2B0

Sept. 25, 2019

Planning Advisory Committee  
The City of Kawartha Lakes  
180 Kent Street West,  
Lindsay, ON K9V 2Y6

Attn: Leah Barrie,  
Policy Planning Supervisor

**Re: OPA 11**

We urge the Committee, in the strongest possible terms, not to recommend the proposed OPA 11 to City Council, but to revert to the final draft submitted by the Steering Committee.

The final draft of the Aggregate Policy dated May 8, 2015 was the culmination of many months of extensive work done by a Steering Committee composed of City staff, aggregates industry representatives, expert consultants, and citizen volunteers - countless hours and expense. It is very disheartening to see that many of the recommendations of the Steering Committee, which sought to balance the interests of the aggregates industry with potential impacts on the environment and human health, have been deleted or diluted by the outside Consultants. The work of the Steering Committee must not be taken lightly.

What may have been considered “duplication: or “redundancy” is in fact clarification as to the intent of the document, clarification that the Steering Committee believed was important and would be helpful in its interpretation.

Of particular concern is the deletion of the buffers included in section 23.3.1. The original intent of this section was to exclude the following from the aggregate resources mapping (Schedules H and I):

- 120 m of a Provincially significant wetland;
- 1000 m of a Provincial park or conservancy areas;
- 1000 m of Urban and Hamlet Settlement areas; and
- 1000 m of clusters of six or more dwelling units, including Waterfront Areas”

These buffers were recommended by the Steering Committee as being reasonable constraints to minimize the negative impacts on social, environmental, and human health impacts.

There can be no objection to these important constraints which have a negligible impact on the very large areas available for aggregate operations, and are compatible with all governing laws and regulations, the Aggregate Resources Act, Growth Plan Policy, and Provincial Policy Statement.

At the very least these constraints should be retained in the final document.

Sincerely,

|                              |                 |  |
|------------------------------|-----------------|--|
| Ellery Butula,               | President       | Head Lake North Shore Association      |
| Murray Walker,               | President       | Hilton's Point Cottage Association     |
| Judy Bailey,                 | Representative  | Rush Lake Residents                    |
| Melody Purcell/ Glenn Sharpe | Managers        | Rockcliff RV Park - Head Lake          |
| John & Sue Nicholson,        | Owner/Operators | Head Lake Trailer Park                 |
| Bruce Warden,                | President,      | Head Lake High Shores Lake Association |
| William Hunter               | Vice President  | Head Lake High Shores Lake Association |
| Doug Lowles                  | Chair           | Head Lake Stewardship Group            |

c.c     Mayor Andy Letham  
           Councillor Emmit Yeo, Ward 1  
           All signatories



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**From:** Bill [REDACTED]  
**Sent:** Wednesday, September 25, 2019 11:15 AM  
**To:** Leah Barrie; Emmett Yeo; Andy Letham  
**Subject:** OPA 11

Planning Advisory Committee  
The city of Kawartha Lakes

**Re: OPA 11**

Please register our opposition to the proposed draft OPA 11 and our strong opinion that the City should revert to the the final draft submitted by the Aggregates Steering Committee.

What may have been considered “duplication” or “redundancy” by Dillon Consulting is in fact clarification as to the intent of the document, clarification that is important and would be helpful in its interpretation. The draft submitted by the Steering Committee sought to balance the interests of the aggregates industry with potential impacts on the environment and human health, and many important recommendations have been deleted or diluted in the final draft.

Of particular concern is the deletion of the buffers included in section 23.3.1, which must be retained. These have virtually no impact on the very large areas of aggregates available for extraction, and are important to minimizing the impacts of new aggregate operations on the environment and human health.

Katherine and Bill Hunter  
37 Douglas Drive,  
Head Lake, Kirkfield, ON K0M 2B0

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**From:** Bill Kester [REDACTED]  
**Sent:** Thursday, September 26, 2019 9:11 AM  
**To:** Leah Barrie  
**Subject:** Kawartha Lakes OP Comments

Ms. Barrie:

I submit the following comments on the Draft Official Plan Amendment #11.

Thanks you

Bill Kester  
Sunrock Canada Construction Materials ULC.

**\*ATTACHMENT FOLLOWS**





September 29, 2019

Leah Barrie, MCIP, RPP [lbarrie@kawarthalakes.ca](mailto:lbarrie@kawarthalakes.ca)  
Policy Planning Supervisor  
Development Services, City of Kawartha Lakes  
26 Francis Street  
Lindsay, ON, K9V 5R8

Dear Ms. Barrie:

**RE: Comments on City of Kawartha Lakes Draft Official Plan Amendment No. 11**

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Sunrock Canada Construction Materials is a construction materials supplier with property and business interests in the City of Kawartha Lakes. We are aware of the City's activities with regard to the preparation of a draft Official Plan Amendment which will update the aggregate resource policies of the City's Official Plan (Official Plan Amendment #11).

We understand that the Planning Advisory Committee, on behalf of the Council of the City of Kawartha Lakes, is holding a Public Meeting on October 9<sup>th</sup>, 2019 to provide information to the public and to gather public comments with respect to proposed Official Plan Amendment #11.

We are unable to attend the October 9<sup>th</sup> meeting, but would like to provide the following comments on the June 14, 2019 draft of OPA #11 for staff's consideration.

**1. Haul Route Agreements**

Draft Policy 24.2.7 requires proponents of new and expanding existing mineral aggregate operations to enter into a Haul Route Agreement with the City and possibly adjacent municipalities.

We have concerns with the requirement, potential scope, and ability of City staff to administer these agreements. In addition, the reference to potentially requiring agreements with adjacent municipalities should be deleted as it is outside of the jurisdiction of the City's Official Plan policies.

## 2. Zoning

The draft policy 24.3.10.4 requires a Zoning By-Law Amendment for a change in depth in licensed operations (i.e. above to below water extraction). Depth of extraction is an operation issue which is regulated by the Ministry of Natural Resources and Forestry and therefore should not be included as an Official Plan policy.

In addition, the definition of *Mineral Aggregate Operations* includes “associated facilities used in extraction, transportation, beneficiation, processing, or recycling of mineral aggregate resources and derived products, such as asphalt and concrete, or the production of secondary related products”. Therefore, asphalt plants and concrete batching plants should be permitted as accessory uses in licensed pits and quarries without the requirement for a Zoning By-Law Amendment.

## 3. Prohibitions for New and Expanding Aggregate Operations

Draft policy 24.3.7 does not permit new and expanding mineral aggregate operations within a number of features and existing and/or approved uses, including: Sensitive Land Uses, Significant Woodlands, Specific Lake Policy Areas, Habitat of Endangered Species or Threatened Species, within or near wellhead and intake protection zones. This draft policy is inconsistent with the Provincial Policy Statement (2014), Growth Plan (2017), and Source Water Protection Plans.

Thank-you for the opportunity to review and provide comments on the draft policies of OPA #11. Please feel free to contact me should you wish to discuss our comments further. I can be reached at [REDACTED]

Yours truly,

Bill Kester

Vice President and General Manager  
**Sunrock Canada Construction Materials ULC**  
PO Box 86  
Petersburg, Ontario  
NoB 2Ho

# OPA 11: Aggregate Policy Review

Planning Advisory Committee Meeting  
October 9, 2019  
Development Services – Planning

# Overview of Sections

1. Aggregates and the City's Role
2. About OPA 11
3. Community Consultation
4. Staff Recommendation





In 2018, the **City of Kawartha Lakes** ranked **2nd** largest aggregate producing municipality in Ontario, with approximately 7.2M tonnes, and 137 licenced operations.

# Section 1: Aggregates and the City's role

- Aggregates are sand, gravel, clay, earth and bedrock, used to make roads, subway tunnels, homes and other structures
  - Loose material, such as sand and gravel, is removed from a pit
  - Solid bedrock, such as limestone and granite, is removed from a quarry
- The Aggregate Resources Act (ARA) regulates aggregate operations on Crown lands and most private lands in Ontario

## Provincial Role

Aggregate Resources Act



MNRF Licence / Permit



Inspection / Enforcement



Rehabilitation



### Municipal Role

- The Minister may issue a licence under the ARA only if the zoning by-law allows the site to be used for an aggregate operation.
- Municipalities may regulate matters within the scope of the Municipal Act, but where the Minister regulates the same subject matter, the provincial regulation overrides.

|                         |  |  |
|-------------------------|--|--|
| Planning Act Approvals  | OPA & ZBA to permit an aggregate operation | Development Services                   |
|                         | ZBA to permit post-rehabilitation land use |  |
| Haul Route Agreements   |  | Planning, Engineering & Legal Services |
|                         |  |  |
| Operation / Enforcement | Roads (i.e. Load Restrictions By-law)      | Public Works                           |
|                         | Noise By-law                               | MLEO                                   |



# Legislation Reform and Policy Review

Staff are monitoring the current Provincial reviews:

## 1. ARA Reform

- Improve access to aggregates within road allowances; clarify jurisdiction on Crown land and depth of extraction; clarify how haul routes are considered; strengthen protection of water resources through application process for below water table extraction

## 2. Provincial Policy Statement (PPS) Review

- Use of rehabilitation plans to demonstrate that extraction will have no negative impacts



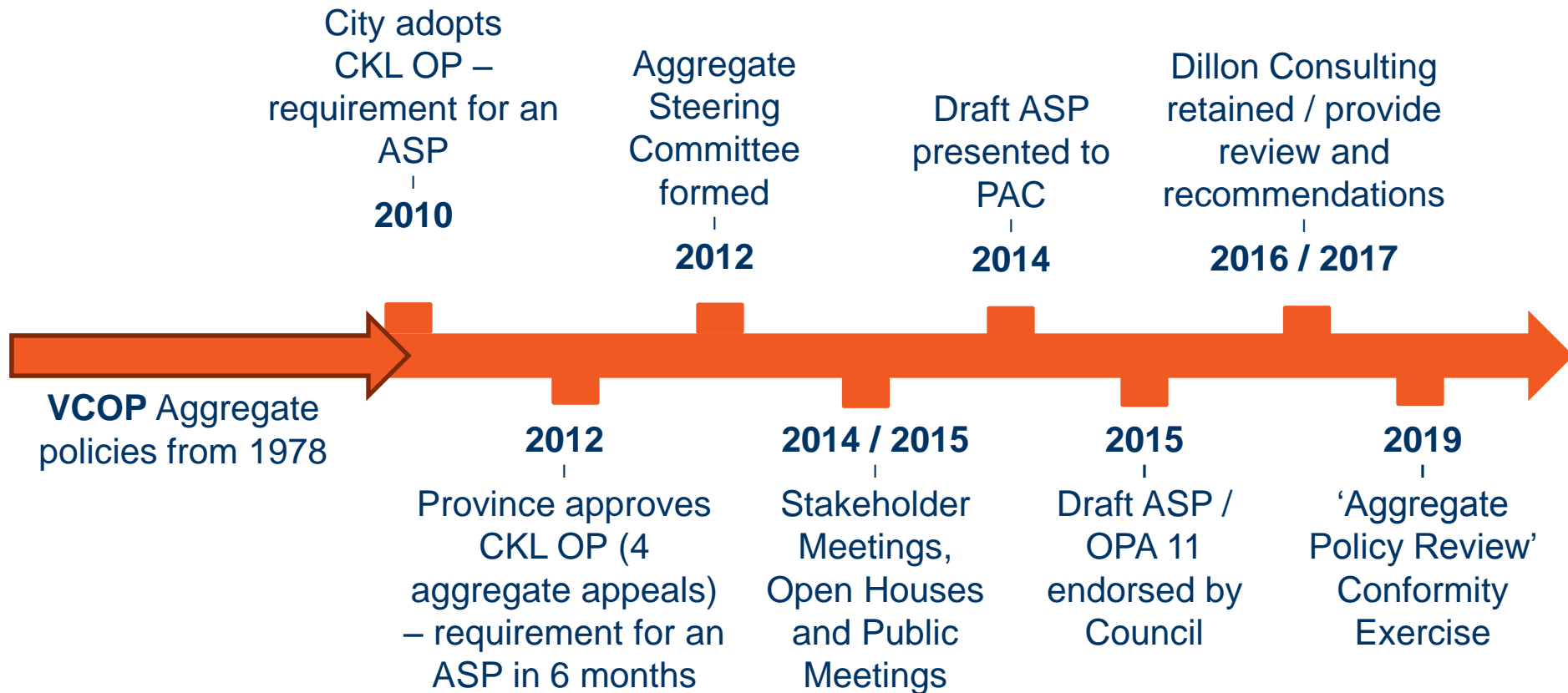
The majority of aggregate produced in Ontario is used by the **public sector**.

**Infrastructure** accounts for about **60%** of all aggregate consumption.

## Section 2: About OPA 11

- Aggregate Secondary Plan (ASP)
- Proposes to revise and replace aggregate policies and schedules in the City's Official Plan
- To understand the purpose of OPA 11, consider the history of the aggregate policies

# History of OPA 11



# Our Approach

- Reviewed best practices and policies of the top aggregate producing municipalities
- Reviewed the 2015 draft OPA 11
  - To address Provincial comments
  - To conduct a Conformity Exercise to the PPS, 2014 and the Growth Plan, 2019
  - To address outstanding issues identified by Dillon and raised in appeals



# Dillon Policy Audit





# What has changed?

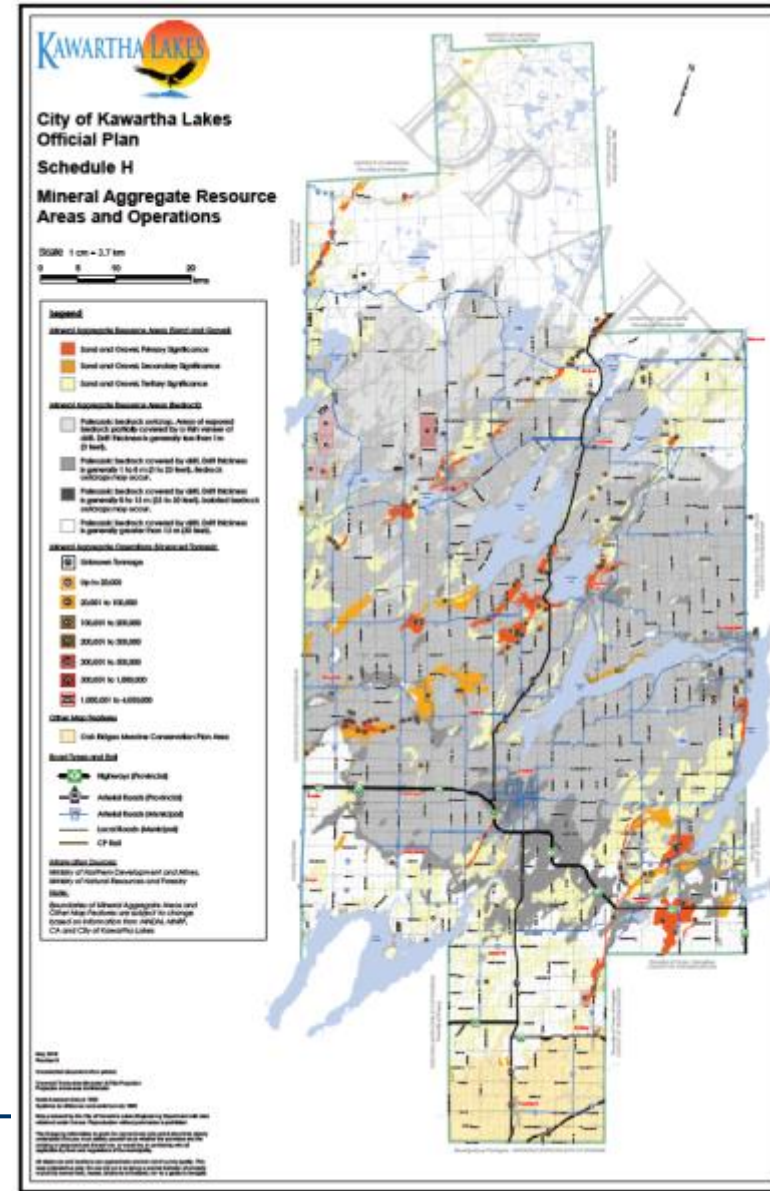
## 1. Proposed Policy

- Sections and policies have been reordered
- Minor revisions to policies for clarity
- Update to designation process for operations
- New policies to communicate the City's objectives:
  - Early consultation with the City
  - Coordination with adjacent municipalities on cross-jurisdictional matters
  - Public Notice requirements

# What has changed?

## 2. Proposed Schedules

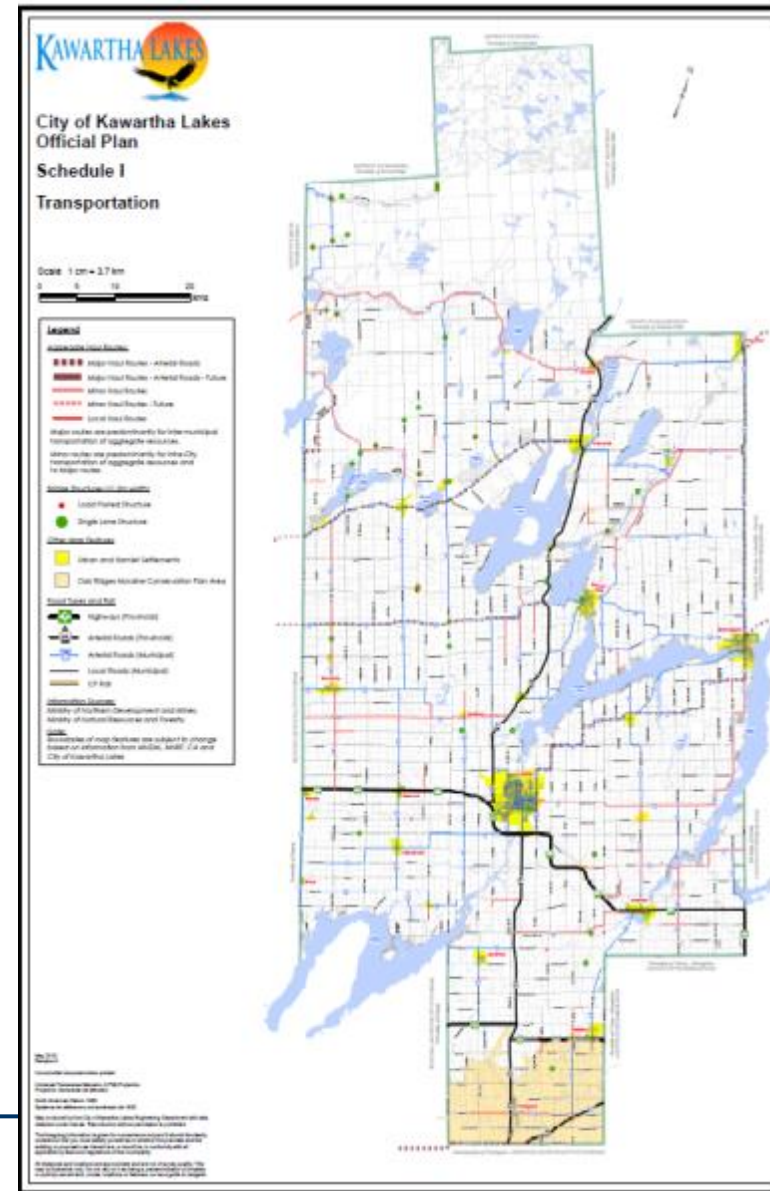
- **Schedule H: Mineral Aggregate Resource Areas and Operations**
  - Sand and Gravel areas overlay
  - Bedrock areas overlay
  - Existing licenced operations
  - Removal of buffers



# What has changed?

## 2. Proposed Schedules

- **Schedule I:**  
Transportation  
– Haul Routes







About **3,000 truckloads** of aggregates would be required to rebuild the **Ross Memorial Hospital** in Lindsay.

# Section 3: Community Consultation

## Comments and concerns:

- Process
- Provincial Policy Compliance
- Haul Routes and Agreements
- Governance (ARA)
- Mapping
- Environment and Social Health
- Typographic and Language

# What we are hearing

- Align OP more closely with provincial policies
- OP reaches beyond its scope into ARA jurisdiction
- Tri-party HRAs are unreasonable
- Allocation of fees is not defined, understood
- Purpose of identifying HRs is not clear
- Remove tonnage from mapping
- Major versus Minor expansions
- Onerous requirements
- Pre-designations
- Align with Zoning By-laws





The two most common land uses for **rehabilitated** aggregate sites are **naturalized lands** and **agricultural lands**.

## Section 4: Staff Recommendation

- That draft OPA 11 be referred back to staff pending the outcome of the public consultation component; and,
- That any revisions to draft OPA 11 be brought back to a subsequent Planning Advisory Committee meeting

# Next Steps

- Continue roundtable discussions with interest groups
- Revise draft OPA 11 based on feedback, as appropriate
- Return to PAC with revised draft OPA 11
- Proceed to Council for a final decision and statutory appeal period
- LPAT Process



# Questions?

[www.kawarthalakes.ca/aggregatepolicyreview](http://www.kawarthalakes.ca/aggregatepolicyreview)

Former aggregate operations can be **rehabilitated** into wetlands and habitat for wildlife, farmland, parks, fruit orchards, vineyards, subdivisions, golf courses and recreational fishing areas.

# **The Corporation of the City of Kawartha Lakes**

## **Planning Advisory Committee Report**

**Report Number PLAN2019-053**

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**Date:**      **October 9, 2019**  
**Place:**     Council Chambers  
**Public Meeting**

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**Ward Community Identifier: 4 - Eldon**

**Subject:**     An application to amend the Township of Eldon Zoning By-law 94-14 to change the zone category on the retained agricultural area of the property from Agricultural (A1) Zone to Agricultural Exception (A1-\*\*) Zone; as well as to rezone the residential portion to be severed from Agricultural (A1) Zone to Rural Residential Type One (RR1) Zone. The rezoning fulfills a condition required to sever the dwelling from the agricultural land described as Part Lot 10, Concession 3, Part 1 on 57R-5744, geographic Township of Eldon, now City of Kawartha Lakes, identified as 305 Glenarm Road (D.S. and B. Farms Inc.) – Planning File D06-2019-017)

**Author and Title: Quadri Adebayo, Planner II**

---

### **Recommendations:**

**That** Report PLAN2019-053, respecting Part Lot 10, Concession 3, Part 1 on 57R-5744, geographic Township of Eldon, and identified as 305 Glenarm Road; Application No. D06-2019-017, be received;

**That** a Zoning By-law Amendment respecting application D06-2019-017, substantially in the form attached as Appendix E to Report PLAN2019-053, be approved and adopted by Council; and

**That** the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

**Department Head:**

---

**Legal/Other:**

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**Chief Administrative Officer:**

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## Background:

On September 9, 2019, a Notice of Provisional Consent was granted by the Director of Development Services, as delegated by Council, for application D03-2019-023 to sever an approximately 0.92 hectare (2.3 acres) of rural residential lot containing a two-storey dwelling with two (2) outbuildings (a frame shed, and a barn), and retain approximately 76.43 hectares (191.07 acres) of vacant agricultural lands. The retained land is to be consolidated with a non-abutting agricultural property. The dwelling on the land to be severed is considered surplus to the farming operation as a result of a farm consolidation.

As a condition of provisional consent, the land to be retained is to be rezoned to prohibit residential use on the agricultural lands while the land to be severed is to be rezoned in order to restrict the use on the lot to residential and residential accessory uses.

|                    |  |
|--------------------|--|
| Owner:             | D.S. and B. Farms Inc.   |
| Applicant:         | Robert Clark, Clark Consulting Services  |
| Legal Description: | Part Lot 10, Concession 3, Part 1 on 57R-5744, geographic Township of Eldon  |
| Designation:       | Prime Agricultural, Hamlet, Bedrock Resource and Environmental Protection in the City of Kawartha Lakes Official Plan  |
| Zone:              | Agricultural (A1) Zone within the Township of Eldon Zoning By-law 94-14  |
| Lot Area:          | Total – 77.35 hectares (approximate) – Coe Fisher Cameron<br>Severed – 0.92 hectare, Retained – 76.43 hectares   |
| Site Servicing:    | Severed – Private individual well and septic system<br>Retained – Unserved   |
| Existing Uses:     | Residential (to be severed) Agricultural (to be retained)  |
| Adjacent Uses:     | North: Agricultural, Rural Residential and Environmental Protection<br>East and South: Agricultural and Rural Residential<br>West: Hamlet Residential, Agricultural and Environmental Protection |

## Rationale:

The property is located on the Southside of Grass Creek wetland with the surrounding lands being primarily agricultural lands with some rural residential lots that appear to have been created from the larger farm parcels they abut. The prime agricultural lands are to be protected and preserved from new residential development or any other incompatible land use(s) that may hinder existing or



future agricultural operations. As well, a separate road entrance exists for the farming operation. To fulfill a condition of provisional consent that requires the prohibition of residential uses on the proposed retained agricultural land, the owner has submitted the required application to amend the Zoning By-law that will, if granted, fulfil this condition. The farm operation that owns the property will farm it in conjunction with another non-abutting agricultural parcel in the same ownership name and identified as 279 Glenarm Road.

Minimum Distance Separation (MDS) respecting livestock activities has been demonstrated to be non-existent as there are no buildings on the retained lands that would trigger any MDS issues. The frame shed straddling the southeast corner of the severed lot formerly used to house livestock is identified for removal and a condition of consent was placed to facilitate this.

Lake Simcoe Conservation (LSRCA) has advised that the proposed lot configuration in relation to the watercourse that traverses the lands is satisfactory from a water management perspective and conforms to the Lake Simcoe Protection Plan (LSPP).

The applicant submitted a Planning Justification Report prepared by Clark Consulting Services, dated December 2018 in support of the application. This document discusses the appropriateness of the proposed consent in keeping with the provincial policy for the protection of agricultural lands.

Staff has reviewed the Report and accompanying documentation filed in support of the proposed consent and zoning by-law amendment. The proposal is considered supportable.

## **Provincial Policies:**

### **Growth Plan for the Greater Golden Horseshoe, 2019 (GP):**

Section 2.2.9 indicates development outside of settlement areas may be permitted where compatibility with the rural landscape is assured, and where agricultural uses and other resource-based uses will not be adversely affected. Section 4.2.6 provides for the retained lands and subsequent rezoning to facilitate a consolidation of farm land is consistent with these policies.

The residential dwelling is an established land use that appears to be compatible with the surrounding land uses. The location of the existing servicing (well and septic) and the proposed lot configuration ensures that the adjacent farmland will be unfettered and maintained for agricultural uses.

Therefore, this application conforms to the policies of the GP.

### **Provincial Policy Statement, 2014 (PPS):**

Section 1.1.5 of the PPS provides that uses related to the management and use of resources should predominate and agricultural uses should be promoted and protected in accordance with provincial standards.

The application to rezone the retained agricultural lands to preclude a residential dwelling will protect the agricultural use of the property and surrounding agricultural practices from incompatible residential use.

The proposed rezoning for the severed residential lot meets the lot creation policy in prime agricultural areas [Section 2.3.4.1(c)] as the parcel size complies with the maximum 1 hectare allowed and has also been demonstrated to be able to accommodate for sewage and water services. Minimum Distance Separation Formulae (MDS1) is not applied as the potential odour conflict already exists between the dwelling and any nearby barn or livestock facility within 500 metres of the subject lands.

Therefore, this application is consistent with the PPS.

### **Official Plan Conformity:**

The subject land designated 'Hamlet, Prime Agricultural and Environmental Protection' with 'Significant Woodland' and 'Bedrock Resource' in the City of Kawartha Lakes Official Plan (Official Plan). The Environmental Protection designation follows a water course that traverses the property from west to east while the hamlet designation is located along the westerly boundaries of the subject land, part of which is currently being farmed. Also, the bedrock designation is located on the east side of the subject land whereas the limit of the proposed residential lot is to be contained wholly within the prime agricultural designation.

Section 15.1 of the Official Plan provides that agricultural lands shall be protected from fragmentation, development and land uses unrelated to agriculture. One of the objectives of the Official Plan is to support farming operations as an important component of the economy, a source of employment and a way of life for many rural residents.

This application will preserve and protect the agricultural land for future agricultural use.

The City, through its Official Plan, recognizes as generally desirable the consolidation of farms wherever possible. The City also recognizes that the acquisition of abutting agricultural lots in order to consolidate an existing farm operation may not be possible, and has established criteria in accordance with provincial policy to recognize this circumstance and protect the long term agricultural use of the land. A dwelling surplus to the farm operation may be severed to effect consolidation of non-abutting farm parcels provided specific criteria are met. The severed lands meet the lot area criteria, have not been identified as being required for farm help, and complies with Minimum Distance Separation Guidelines. As well, the Official Plan requires the retained agricultural lands to be rezoned to prohibit any residential use.

Although the portion of the subject land included in the retained lands and designated as Hamlet establishes the principle for hamlet residential development, staff is of the opinion that rezoning this area to prohibit residential

use at this time does not prohibit future hamlet residential development in accordance with the hamlet residential development policies.

This application seeks to implement these Official Plan policies, thus conforms to the policies of the Official Plan.

### **Zoning By-Law Compliance:**

The proposed severed and retained lots are zoned Agricultural (A1) Zone in the Township of Eldon Zoning By-law 94-14. The A1 Zone permits single detached dwellings and agricultural uses. The Zoning By-law amendment would prohibit the residential use on the land to be retained, thus implementing Official Plan agricultural land protection policies.

The lot to be severed is deemed to also exceed the minimum lot frontage and area requirement for the RR1 Zone in the By-law. As such, no land use compatibility issues are anticipated. In fulfillment of the RR1 zoning provisions, the proposed amendment from A1 Zone to RR1 Zone would recognize the severed lot as a stand-alone residential use lot.

### **Other Alternatives Considered:**

No other alternatives have been considered.

### **Financial/Operation Impacts:**

There are no financial considerations unless Council's decision to adopt or its refusal to adopt the requested amendment is appealed to the Local Planning Appeal Tribunal. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

### **Relationship of Recommendations to the 2016-2019 Strategic Plan:**

The City's Strategic Plan outlines Council's vision for the municipality. The vision consists of three main Strategic Goals: that of a vibrant and growing economy, an exceptional quality of life, and a healthy environment. The application aligns with the vibrant and growing economy goal as it provides opportunity to expand the economic base by maintaining and expanding agricultural employment. It also will maintain the health and integrity of the wetland and floodplain.

### **Review of Accessibility Implications of Any Development or Policy:**

Should a building permit be required, the accessibility standards established in the Building Code will be addressed prior to the issuance of a building permit.

## **Servicing Comments:**

The agricultural land is un-serviced. The existing single detached dwelling on the land to be severed is serviced by a private sanitary sewage disposal system and a well.

## **Consultations:**

Notice of this application was circulated to all land owners of record within a 500 metre radius, plan review agencies, and City Departments which may have an interest in the application. As of September 25, 2019, we have received the following comments:

### **Public Comments:**

No comments were received.

### **Agency Comments:**

On September 13, 2019, the Engineering and Corporate Assets Department advised they have no objections or comments to the proposed application.

On September 13, 2019, the Building Division advised that a change of use permit is required for the former agricultural buildings on the property to confirm their suitability as accessory structures to residential use. A condition of consent is already in place to ensure the frame shed that is to remain on the severed lot conforms to the Ontario Building Code.

## **Development Services – Planning Division Comments:**

The application conforms to the Growth Plan and is consistent with the Provincial Policy Statement. The application also conforms to the policies of the Official Plan. The proposed Zoning By-law amendment contained in Appendix E will ensure that the severed lot is dissociated from the farming operation and that the retained land will be preserved for agricultural use whilst implementing both Provincial and City policies.

## **Conclusion:**

The application conforms to the provincial policies concerning prime agricultural areas. The application also conforms to the Prime Agricultural designation policies in the City's Official Plan. Staff support the application based on the information contained in this report and the comments received as of September 25, 2019. Staff respectfully recommends that the application be referred to Council for Approval.

## Attachments:

Appendix A – Location Map

Appendix B – Aerial Photograph

Appendix C – Applicant Sketch

Appendix D – Official Plan Schedule, Land Use



Appendices A-D to  
PLAN2019-053.pdf

Appendix E – Draft Zoning By-law Amendment



Appendix E to  
PLAN2019-053.pdf

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**Department Head E-Mail:** [cmarshall@kawarthalakes.ca](mailto:cmarshall@kawarthalakes.ca)

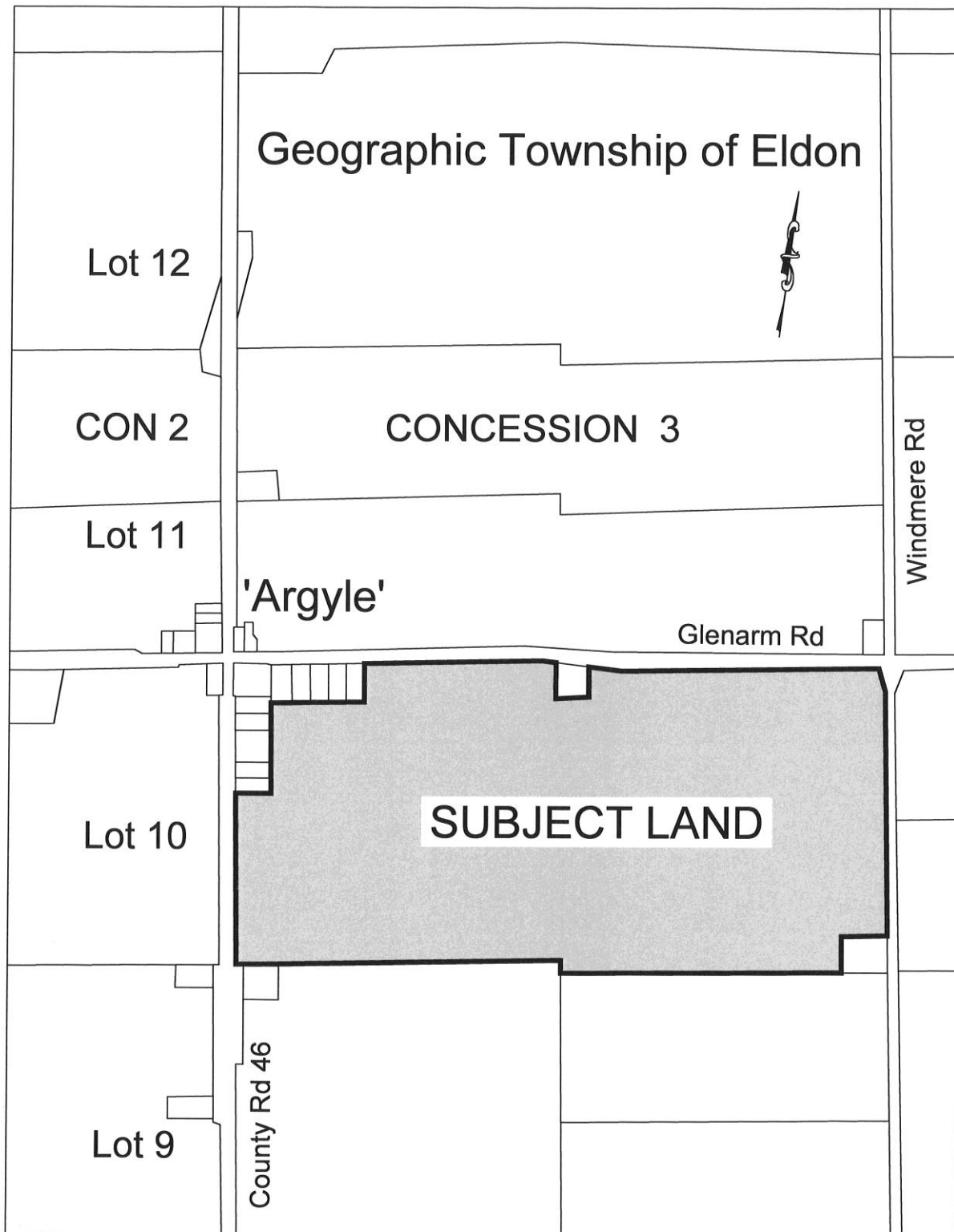
**Department Head:** Chris Marshall

**Department File:** D06-2019-017

to

REPORT PLAN2019-053

FILE NO: D06-2019-017





**305 Glenarm Road, geographic Township of Eldon**

1.83

Kilometers

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
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### ZONING SKETCH

**305 GLENARM ROAD**  
GEOGRAPHIC TOWNSHIP OF ELDON  
CITY OF KAWARTHA LAKES

SUBJECT LANDS

PART OF LOT 10, CONCESSION 3  
GEOGRAPHIC TOWNSHIP OF ELDON  
BEING PART 1, PLAN 57r-5744 SAVE AND EXCEPT PART 1,  
PLAN 57r-5780 (PIN 63178-0070(LT))

TOTAL AREA = 77.35 HA

SEVERED AREA = 0.92 HA

RETAINED AREA = 76.43 HA

**CURRENT ZONING**  
AGRICULTURAL (A1) ZONE



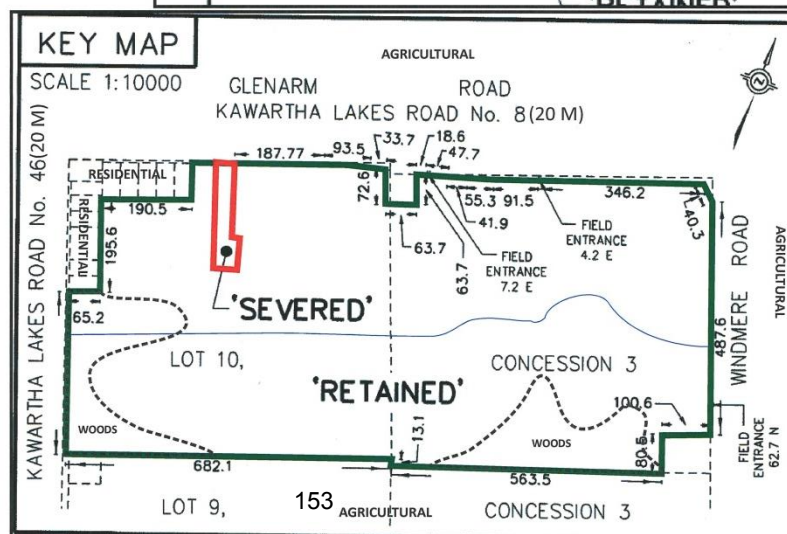
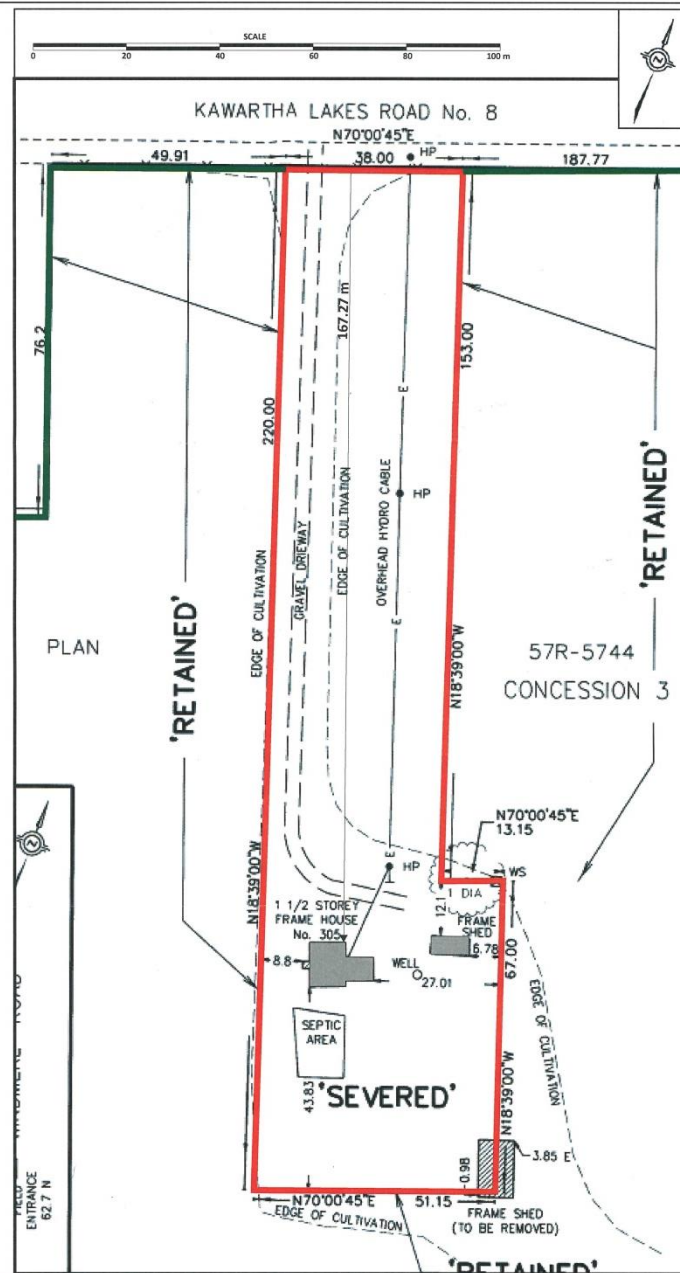
**COE FISHER CAMERON**  
LAND SURVEYORS

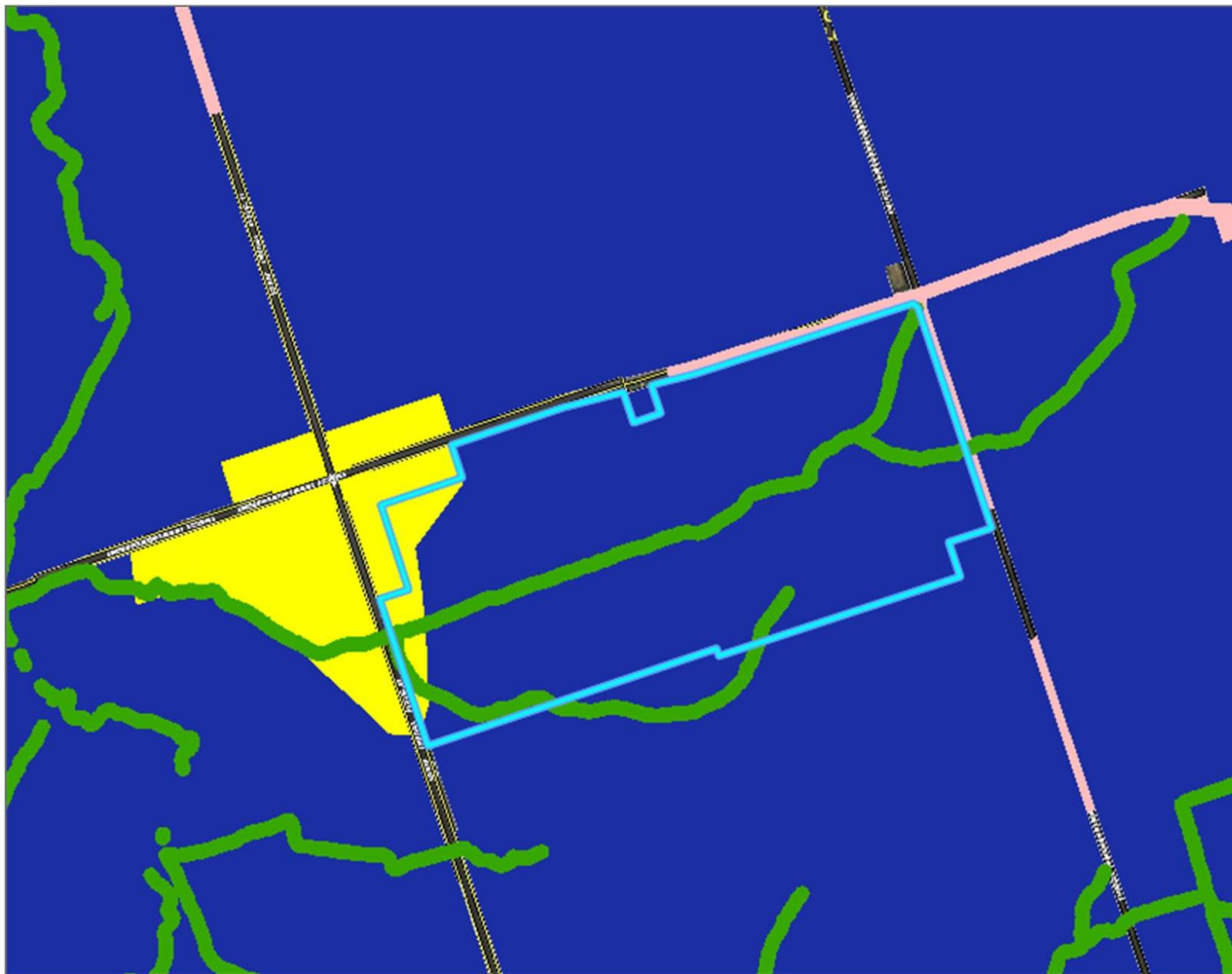
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el: 613-549-0444  
toll free 888-852-8619  
info@clarkcs.com  
www.clarkcs.com



**305 Glenarm Road, geographic Township of Eldon****Legend**

-  SP\_1
-  ORM
-  LakeSimcoeSourceWaterProte
-  Urban\_Settlement\_Boundary
-  Development\_Plan\_Area
-  Abandoned Mine Constraint
-  Open\_Space
-  CKL\_PSW
-  CKL\_River\_Buff15m
-  BurntRiver\_Floodline
-  Urban
-  Waterfront
-  Highway\_Commercial
-  Aggregate
-  Hamlet
-  Resource\_Reserve
-  Tourist\_Commercial
-  Industrial
-  Prime\_Agricultural
-  Rural
-  arip\_2b\_bedrock\_drift\_WGS-le
-  1 to 8m
-  less than 1m
-  Property\_ROLL#
-  Lots and Concessions
-  Road Centreline (2016 Needs)

- Notes**
-  Upper Municipalities
  -  Lower Tier Municipalities
  -  Populated Places
  -  Water Labels

0.92

Kilometers

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© City Of Kawartha Lakes



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# **The Corporation of the City of Kawartha Lakes**

## **By-Law 2019 -**

### **A By-Law To Amend The Township of Eldon Zoning By-Law No. 94-14 To Rezone Land Within The City Of Kawartha Lakes**

[File D06-2019-017, Report PLAN2019-053, respecting Part Lot 10, Concession 3, Part 1 on 57R-5744 former Township of Eldon, identified as 305 Glenarm Road – D.S. and B. Farms Inc.]

#### **Recitals:**

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific retained parcel of land for the Agricultural Special Twenty-Nine (A1-29) Zone to prohibit residential use on the agricultural lands;
3. Council has received an application to amend the categories and provisions relating to a specific severed parcel of land for the Rural Residential Type One (RR1) Zone to restrict the use on the lot to residential and residential accessory uses
4. A public meeting to solicit public input has been held.
5. Council deems it appropriate to rezone the Property.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2019-\_\_.**

#### **Section 1:00 Zoning Details**

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part Lot 10, Concession 3, Part 1 on 57R-5744, former Township of Eldon, now City of Kawartha Lakes.
- 1.02 **Schedule Amendment:** Schedule A to By-law No. 94-14 of the Township of Eldon is further amended to change the zone category from the Agricultural (A1) Zone to the Agricultural Special 29 (A1-S29) Zone as shown on Schedule A attached to this By-law.
- 1.03 **Textual Amendment:** By-law No. 94-14 of the Township of Eldon is further amended to add the following to Section 7.3:  
  
“29. Notwithstanding Subsection 7.1, on lands zoned A1-S29, a dwelling and associated accessory uses thereto are not permitted.”
- 1.04 **Schedule Amendment:** Schedule A to By-law No. 94-14 of the Township of Eldon is further amended to change the zone category from the Agricultural (A1) Zone to the Rural Residential Type One (RR1) Zone as shown on Schedule A attached to this By-law.

#### **Section 2:00 General Terms**

- 2.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this \*\* day of October, 2019.

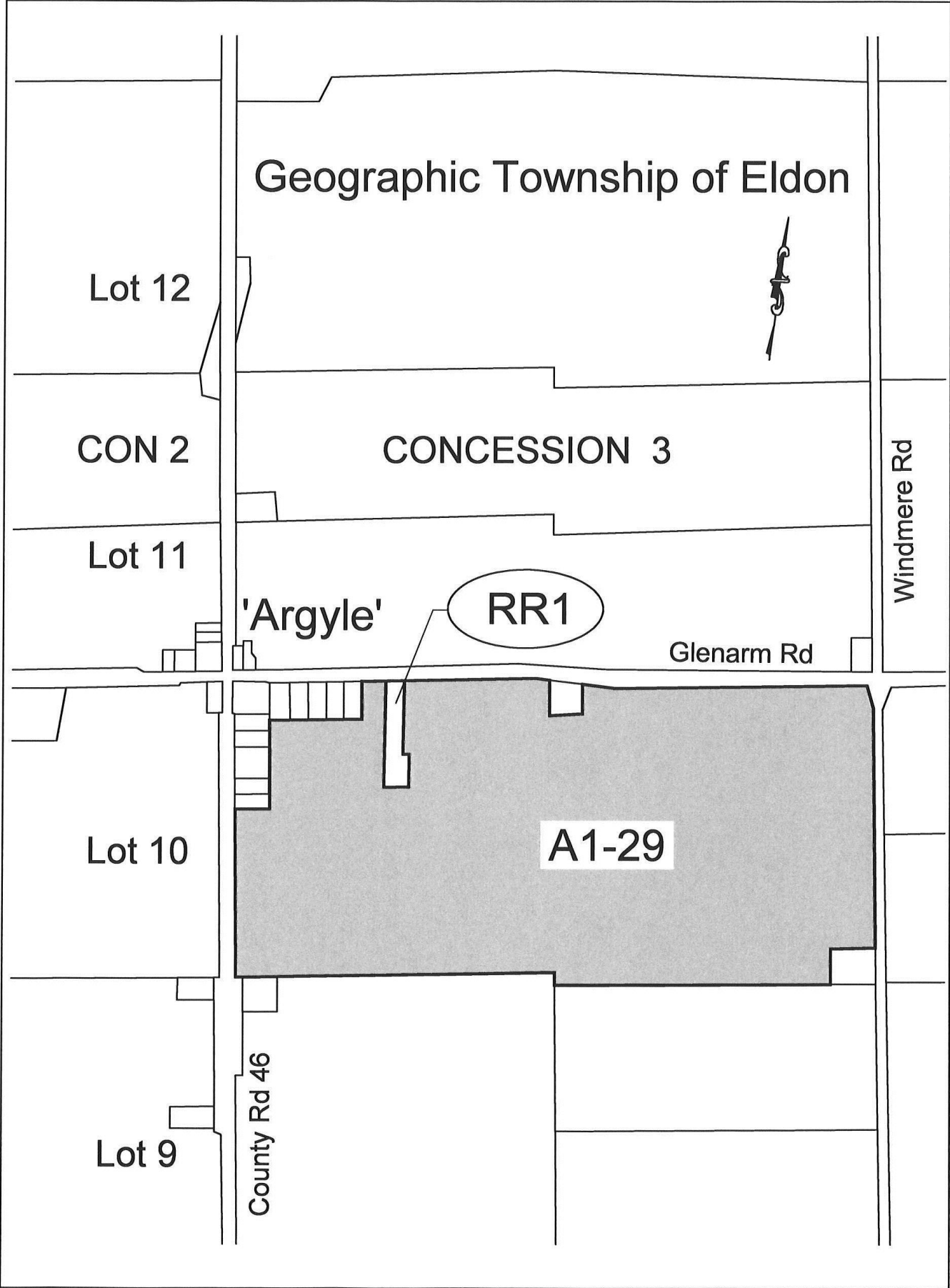
\_\_\_\_\_  
Andy Letham, Mayor

\_\_\_\_\_  
Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF  
**KAWARTHA LAKES**

THIS IS SCHEDULE 'A' TO BY-LAW \_\_\_\_\_ PASSED  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2019.

MAYOR \_\_\_\_\_ CITY CLERK \_\_\_\_\_





# **The Corporation of the City of Kawartha Lakes**

## **Planning Advisory Committee Report**

**Report Number PLAN2019-054**

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**Meeting Date:** October 9, 2019

### **Public Meeting**

**Title:** An application to amend the Township of Ops Zoning By-law 93-30

**Description:** To change the Agricultural (A) Zone to the Agricultural Exception (A-\*\*) Zone to permit an accessory dwelling unit, on Part Lots 18 to 20, Concession 11, geographic Township of Ops, 1082 Lilac Road (Martin)

**Ward Number:** Ward 6

**Author and Title:** Mark LaHay, Planner II

---

### **Recommendations:**

**That** Report PLAN2019-054, respecting Part Lots 18 to 20, Concession 11, geographic Township of Ops, Application D06-2019-021, be received; and

**That** the proposed Zoning By-law Amendment respecting Application D06-2019-021, be referred back to staff to address any issues raised through the public consultation process and for further review and processing until such time that all comments have been received from all circulated agencies and City Departments and that any comments and concerns have been addressed.

**Department Head:**

---

**Legal/Other:**

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**Chief Administrative Officer:**

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## Background:

|                    |  |
|--------------------|--|
| Proposal:          | To rezone the subject land from the Agricultural (A) Zone to the Agricultural Exception (A-**) Zone. The effect of the zoning amendment would be to permit a second dwelling unit attached to the main single detached dwelling as an accessory dwelling unit on the property which is accessory to a main permitted agricultural use. |
| Owners:            | Landis and Alice Martin  |
| Applicant:         | Bob Clark, Clark Consulting Services   |
| Legal Description: | Part Lots 18 to 20, Concession 11, geographic Township of Ops  |
| Official Plan:     | "Prime Agricultural", and "Environmental Protection" with a Significant Woodland Natural Heritage Feature in the City of Kawartha Lakes Official Plan  |
| Zoning             | "Agricultural (A) Zone" in the Township of Ops<br>Comprehensive Zoning By-law No. 93-30  |
| Site Size:         | 200.03 acres (80.95 ha.) - MPAC  |
| Site Servicing:    | The lot is serviced by a private individual well and a private individual sewage disposal system, which will be shared with the proposed accessory dwelling unit.  |
| Existing Uses:     | Residential/Agricultural   |
| Adjacent Uses:     | North: Pigeon Lake Road/Agricultural<br>East: Heights Road/Agricultural<br>South: Agricultural<br>West: Lilac Road/Agricultural  |

## Rationale:

The owner has applied to permit an accessory dwelling unit attached to the main single detached dwelling on the subject land. The subject lands are in a prime agricultural area east of the Town of Lindsay and located on the south side of Pigeon Lake Road, west side of Heights Road and on the east side of Lilac Road. The existing single detached dwelling was built circa 1874 according to MPAC records. There are also a number of agricultural related outbuildings, the majority of which were constructed around 2005-2006. The accessory dwelling unit is proposed to be attached to the east side of the existing single detached dwelling where the attached garage is located and will occupy an area of approximately 100 sq. m. (1076 sq. ft.).

The applicant has submitted the following documents and plans in support of the application, which have been circulated to various City Departments and commenting Agencies for review:

1. Zoning By-law Amendment Application received June 26, 2019.
2. Planning Letter and Minimum Distance Separation Report, prepared by Clark Consulting Services, dated June 25, 2019, evaluates the proposed zoning amendment in relation to consistency and conformity with Provincial policy and the City's Official Plan and Township of Ops Zoning By-law 93-30 and establishes that Minimum Distance Separation (MDS) requirements for Type 1 land uses have been met.
3. Conceptual Lot Servicing Plan prepared by the Clark Consulting Services, included with Planning Letter and Minimum Distance Separation Report, illustrates the proposed accessory dwelling unit addition and location of septic system and drilled well.
4. Detailed Conceptual Lot Layout, prepared by Clark Consulting Services, included with Planning Letter and Minimum Distance Separation Report, illustrates impervious surface areas, new and existing buildings, driveway areas, septic system and drilled well.
5. Preliminary Building Elevations, prepared by Marvin Horst Designs, undated, illustrates the proposed elevations from each direction and also includes a proposed floor plan.

Staff has reviewed the Planning Letter and MDS Report and generally accepts the rationale provided along with the conclusions given. Staff recommends that the application be referred back to Staff until such time as commenting Agencies and City Departments have submitted comments and any concerns have been addressed.

The effect of this application is to permit a second dwelling unit on the property which is accessory to a main permitted agricultural use. The applicant has indicated that the proposed second dwelling unit will be attached to the east side of the existing dwelling and will share the existing driveway access from Lilac Road and will share the existing well and septic system that services the main dwelling.

According to the application, the proposed accessory dwelling unit is for use by the existing farm owner to be present on the property to assist with the farm operation. The accessory dwelling unit will be tied to the existing dwelling through services as accessory to the main agricultural use.

### **Applicable Provincial Policies:**

The Planning Act, , R.S.O. 1990, c.P.13, provides a framework for municipalities to require policies within their Official Plans which support second units to be implemented through municipal Zoning By-laws. Second units are self-contained residential units with a private kitchen, bathroom facilities and sleeping areas typically contained either within an existing main dwelling or within part of a building or structure (i.e. garage) ancillary to the main dwelling.

## **A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan):**

The 2019 Growth Plan directs development to settlement areas except where the policies of the Plan permit otherwise.

This application has been evaluated taking into consideration whether the proposed use is compatible with the rural landscape, can be sustained by rural service levels, and will not adversely affect the protection of agricultural uses and/or achieving long term compatibility relating to the interface of agricultural uses and non-agricultural users to minimize and mitigate adverse impacts.

The subject land is located outside of the Natural Heritage System mapping prepared by the Province and the proposed development is not within a key natural heritage feature nor within 120 metres of a key natural heritage feature within the Natural Heritage System or within 120 metres of a key hydrologic feature and therefore not subject to the applicable policy requirements related to the Natural Heritage System.

Based on the information submitted, the application conforms to the policies of the 2019 Growth Plan.

## **Provincial Policy Statement, 2014 (PPS):**

The 2014 Provincial Policy Statement (PPS) provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS requires planning authorities to manage and direct land use to achieve efficient and resilient development and land use patterns.

Section 2.3 applies as the proposed second dwelling unit residential use on the subject property, which is currently zoned for agricultural purposes, is within a prime agricultural area. In prime agricultural areas, permitted uses are limited to agricultural, agriculture-related and on-farm diversified uses. Other uses must be directed to settlement areas or rural lands. An agricultural use is the primary use in prime agricultural areas and by definition includes the growing of crops, raising of livestock and raising of other animals for fur, food or fibre amongst other things and includes associated on-farm buildings and structures used by the farm operator that are integral to the farm operation and include livestock barns, manure storages, feed storages, silos, farm implement buildings and drivesheds, a primary residential dwelling and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

In addition to the existing single detached farm dwelling, the subject land has a number of associated on-farm buildings. The Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has provided Guidelines on Permitted Uses in Prime Agricultural Areas (Publication 851) which discourage new separate permanent dwellings for farm help and suggest alternatives such as a second dwelling unit

within an existing building on the farm, a temporary structure, such as a trailer or other portable dwelling unit or utilizing an existing dwelling on a parcel of land that is part of the extended farm operation, or located in a nearby settlement area or on a rural lot. Given the accessory dwelling unit will be attached to the main dwelling, there will be no negative impact on agricultural land and production.

Section 2.1 of the PPS provides policy with respect to the Wise Use and Management of Resources to protect Natural Heritage features. Section 3.1 of the PPS provides policies for protecting public health and safety by directing development away from hazardous lands and sites that may be subject to flooding and/or erosion. Significant Woodland has been mapped on the westerly portion of the subject land; however the proposed development appears to be more than 120 metres from this Natural Heritage Feature. It would also appear that the proposed location of the second dwelling unit is outside the Kawartha Conservation (KRCA) regulated area. The KRCA previously advised based on comments obtained through pre-consultation that the proposed location of the second dwelling unit is outside their regulated area and would not require a permit and outside 120 metres of the dripline for Significant Woodland thereby not requiring an Environmental Impact Study. Therefore, it is not anticipated there will any negative impacts on the natural features or their ecological functions nor would it appear there would be any concern for any natural hazards associated with this application.

Based on the above, it would appear that the application is consistent with the PPS.

### **Official Plan Conformity:**

The subject land is designated “Prime Agricultural” and “Environmental Protection” in the City of Kawartha Lakes Official Plan with a Significant Woodland Natural Heritage Feature located on the westerly portion of the subject land. The Environmental Protection designation follows a watercourse traversing across a portion of the property. The proposed addition of a second dwelling unit will be located outside the environmental designated area. Agricultural land impacts are minimized as the proposed second dwelling unit will be attached to the existing farmhouse dwelling in an area not currently used for agricultural use and will also share well water and septic services with the existing dwelling. As such, no future severance of the new dwelling unit is possible.

The Prime Agricultural policies promote and protect prime agricultural lands from fragmentation and non-farm activities to ensure that non-agricultural uses and development is encouraged to locate within designated settlement areas. Permitted uses within this designation include agricultural uses, agriculture-related uses, single detached dwellings accessory to the other permitted uses, garden suites, and secondary uses including kennels and agri-business uses meeting certain criteria. Through preconsultation, it was determined that an accessory dwelling unit is considered an accessory use to the existing dwelling.

Therefore, an Official Plan amendment is not required. In addition, this second dwelling unit would be considered accessory to the agricultural use.

Furthermore, the Prime Agricultural policies require that all farm and non-farm development comply with the minimum distance separation formulae established by the Province in order to minimize odour conflicts between livestock facilities and development. The applicant has submitted an MDS Report and calculations with the Planning Letter, which concludes that MDS setbacks are met for Type 1 land uses in relation to the existing barns within the review area, which complies with these requirements.

In consideration of the above, it would appear that this proposal would conform to the policies of the City of Kawartha Lakes Official Plan.

### **Zoning By-Law Compliance:**

In order to permit the proposed use, a rezoning application has been submitted for consideration to add a second dwelling use to the Agricultural (A) Zone of the Township of Ops Zoning By-law 93-30 for the subject land. The existing provisions in Section 16.2 of the (A) Zone only permit one house on a lot used for farming purposes and do not permit a second dwelling unit. If the application is approved, a second dwelling unit would be permitted in accordance with the implementing Zoning By-law, as an accessory dwelling unit attached to and sharing water and septic services with the main dwelling unit.

### **Other Alternatives Considered:**

No other alternatives have been considered at this time.

### **Financial/Operation Impacts:**

There are no financial considerations unless Council's decision to adopt or its refusal to adopt the requested amendment is appealed to the Local Planning Appeal Tribunal. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

### **Relationship of Recommendations To The 2016-2019 Strategic Plan:**

The Council Adopted Strategic Plan identifies these Strategic Goals:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life
- A Healthy Environment



This application would align with the vibrant and growing economy and exceptional quality of life goals as it provides support for the farming operation and provides housing options to supply affordable housing.

### **Review of Accessibility Implications of Any Development or Policy:**

There are no accessibility implications for the City.

### **Servicing Comments:**

The lot is currently serviced by a private individual well and a private sewage disposal system, which will be shared with the proposed attached accessory dwelling. The Building Division Part 8 Sewage Systems Program is currently reviewing the submitted Conceptual Lot Servicing Plan prepared by the Clark Consulting Services.

### **Consultations:**

Notice of this application was circulated to persons within a 500 metre radius, agencies, and City Departments which may have an interest in the application. To date, we have received the following comments:

#### **Public Comments:**

At the time of writing this report, no public comments were received.

#### **Agency Review Comments:**

On September 17, 2019, the Building Division advised they have no concerns.

On September 18, 2019, Development Engineering advised from an engineering perspective and further to the pre-consultation file D38-2019-020 they confirm they have no objection to the proposed Zoning By-law Amendment.

### **Development Services – Planning Division Comments:**

At this time, comments have not been received from all circulated agencies and City Departments. Staff recommends that the application be referred back to staff until such time as comments have been received from all circulated agencies and City Departments, and that any comments and concerns have been addressed.

### **Conclusion:**

In consideration of the comments contained in this report, staff respectfully recommend that the proposed Zoning By-law Amendment application be referred back to staff for further review and processing until such time as comments have

been received from all circulated agencies and City Departments, and that any comments and concerns have been addressed.

### **Attachments:**

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Mark LaHay, Planner II, (705) 324-9411 ext. 1324.



Appendix 'A'  
PLAN2019-054.pdf



Appendix 'B'  
PLAN2019-054.pdf



Appendix 'C'  
PLAN2019-054.pdf



Appendix 'D'  
PLAN2019-054.pdf

Appendix 'A' – Location Map

Appendix 'B' – Aerial Photograph

Appendix 'C' – Zoning By-law Amendment Sketch

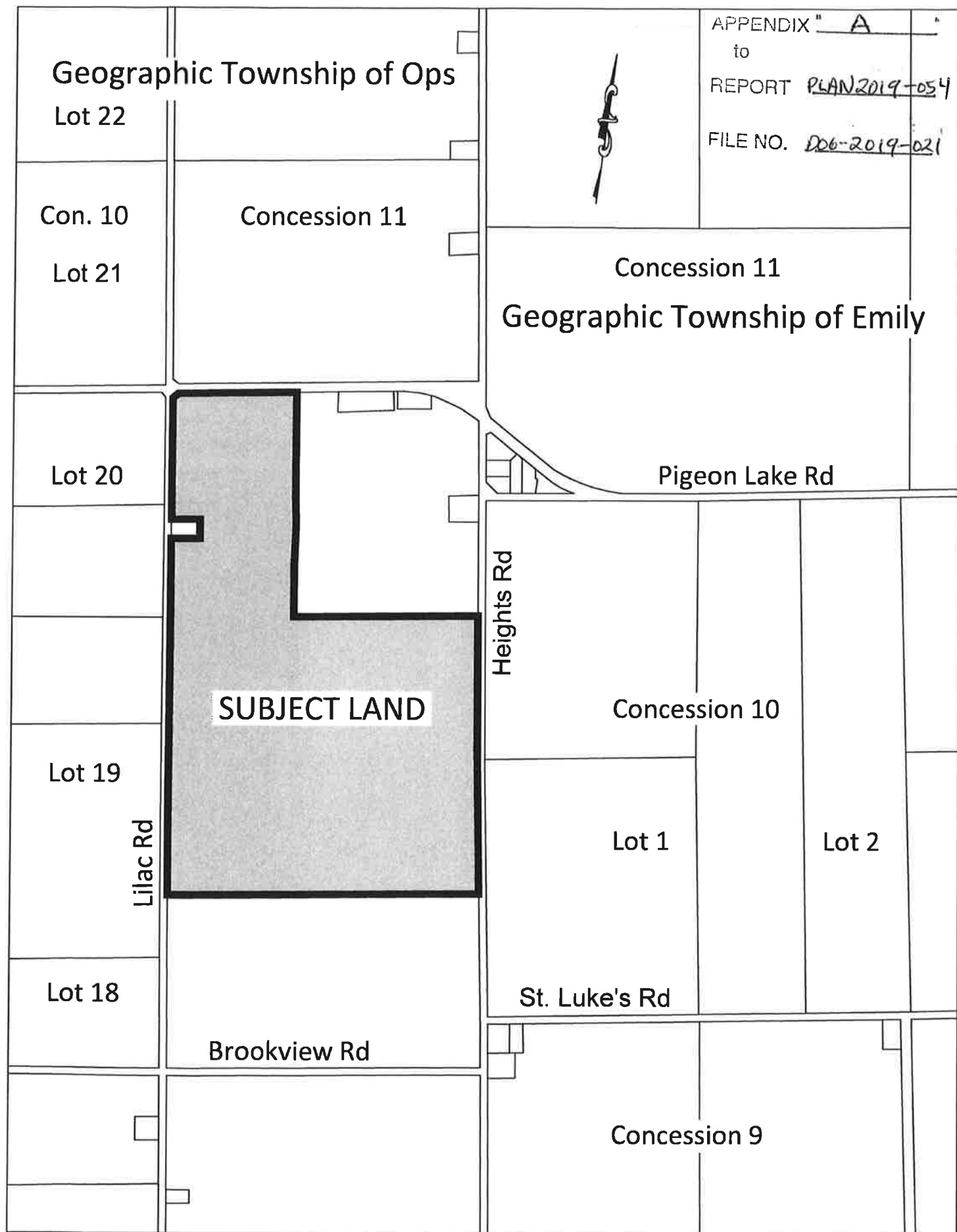
Appendix 'D' - Detailed Conceptual Lot Layout/Servicing Plan

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**Department Head E-Mail:** [cmarshall@kawarthalakes.ca](mailto:cmarshall@kawarthalakes.ca)

**Department Head:** Chris Marshall

**Department File:** D06-2019-021



# 1082 Lilac Road, geographic Township of Ops



## Legend

- Petroleum Well
- Wetlands
  - Locally Significant Wetlands
  - Provincially Significant Wetlands
- Water Body
  - Waterbodies
  - Unevaluated Wetlands
- Woodland
- Natural\_Heritage\_System\_Are
- Property ROLL#
- Lots and Concessions
- Road Centreline (2016 Needs
- Geographic Townships
- Populated Places
- Water Labels
- KRCA Regulated Areas

APPENDIX " B  
to  
REPORT PLAN 2019-054  
FILE NO. D06-2019-021

## Notes

0.89

Kilometers

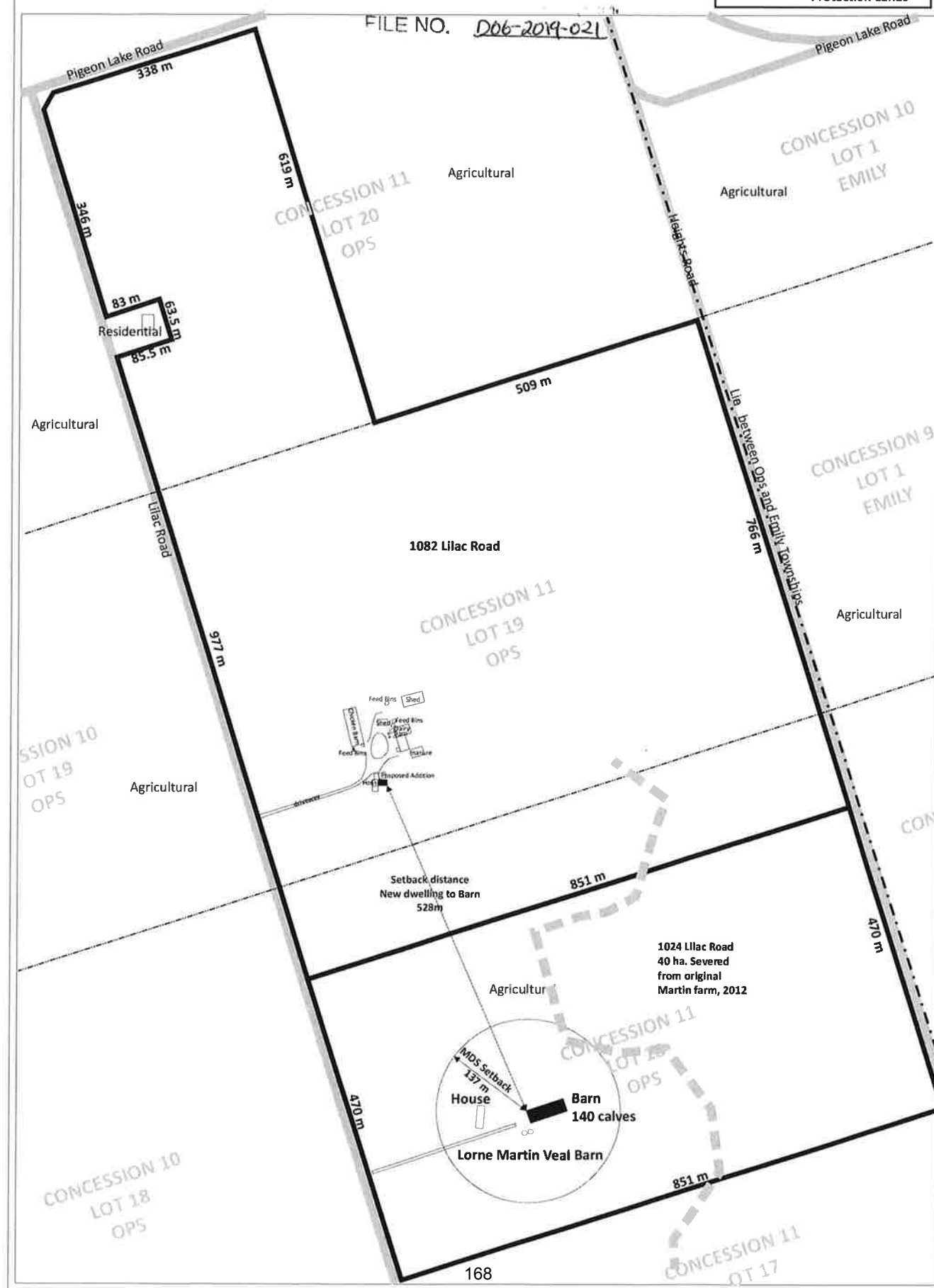


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### LEGEND

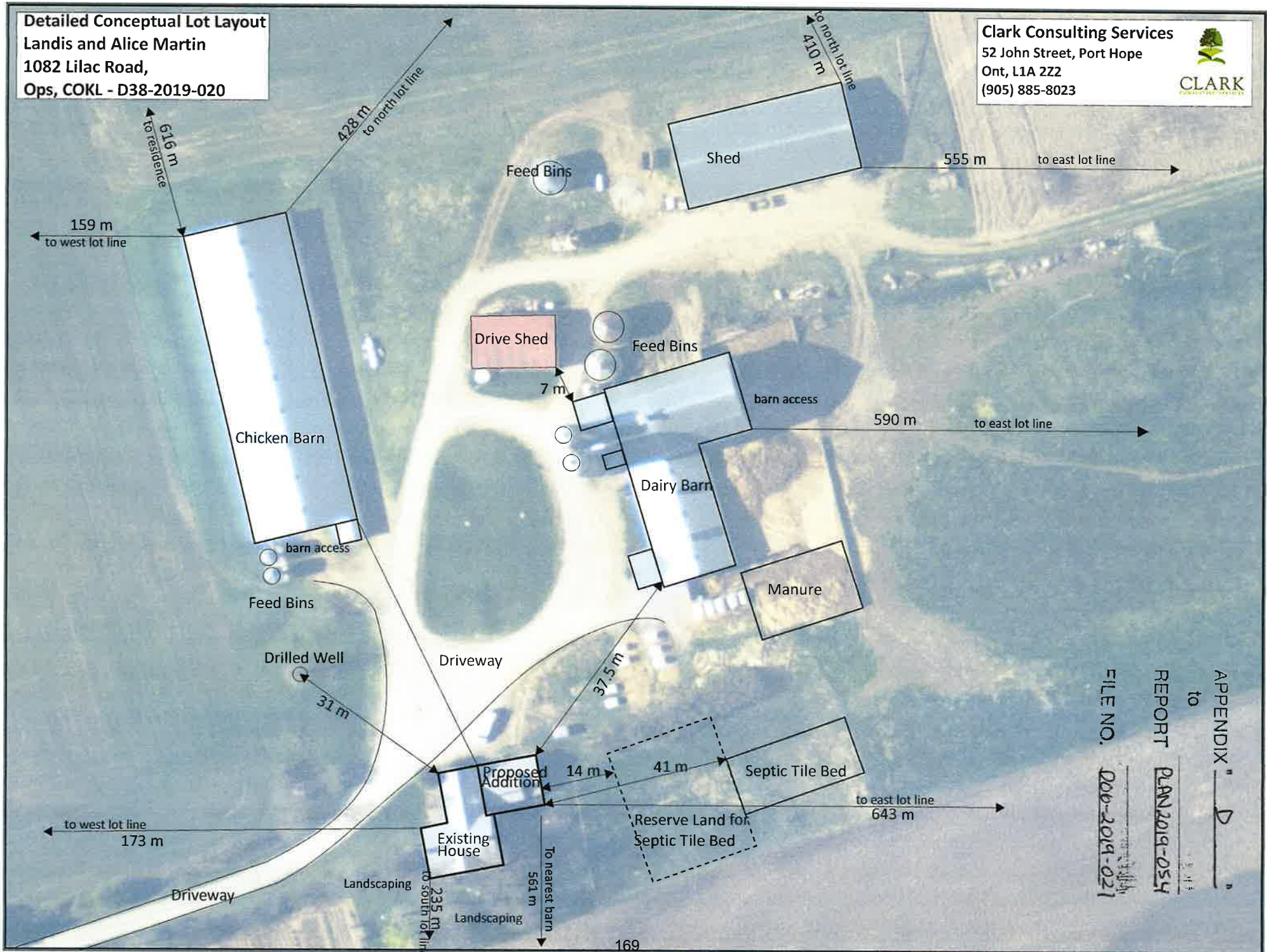
- Roads**  
**Lot Lines**  
**Township Boundary**  
**Environmental**  
**Protection Lands**





Detailed Conceptual Lot Layout  
 Landis and Alice Martin  
 1082 Lilac Road,  
 Ops, COKL - D38-2019-020

Clark Consulting Services  
 52 John Street, Port Hope  
 Ont, L1A 2Z2  
 (905) 885-8023



APPENDIX "D"  
 to  
 REPORT PLAN 2019-054  
 FILE NO. D00-2019-021



# **The Corporation of the City of Kawartha Lakes**

## **Planning Advisory Committee Report**

**Report Number PLAN2019-055**

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**Date:** October 9, 2019  
**Place:** Council Chambers  
Public Meeting

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**Ward Number:** 8 - Emily

**Subject:** An application to amend the Township of Emily Zoning By-law 1996-30 to change the zoning on a portion of the land from Agricultural (A1) Zone to an Agricultural Exception Zone to prohibit residential use and to change the zoning surrounding the dwelling from Agricultural (A1) Zone to a Rural Residential Exception Zone to recognize the existing residential use and establish applicable development standards on land described as Part Lot 21, Concession 2, geographic Township of Emily, City of Kawartha Lakes, identified as 1109 Meadowview Road (2324784 Ontario Ltd)

**Author and Title:** David Harding, Planner II

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### **Recommendations:**

**That** Report PLAN2019-055, respecting Part Lot 21, Concession 2, geographic Township of Emily, and identified as 1109 Meadowview Road – Application D06-2019-022, be received;

**That** a Zoning By-law Amendment respecting application D06-2019-055, substantially in the form attached as Appendix “D” to Report PLAN2019-055, be approved and adopted by Council; and

**That** the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

**Department Head:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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## Background:

The subject property is an agricultural lot that contains a farmhouse and various buildings. The owner sought to sever approximately 1 hectare (2.47 acre) containing the dwelling and three accessory buildings from the balance of the agricultural land, which would contain three buildings (bank barn, coop, and a small shed) on approximately 37 hectares (91.43 acres) of land.

On May 17, 2018, the Committee of Adjustment modified and approved the application, which reduced the area of the severed lot and attached a number of conditions. The decision was appealed to the Local Planning Appeal Tribunal (LPAT). At the November 16, 2018 hearing, Minutes of Settlement were presented to the Tribunal. On February 4, 2019, LPAT issued its written decision allowing part of the appeal as laid out in the Minutes of Settlement. The decision permitted the creation of a 0.51 rural residential lot containing the farmhouse and three accessory buildings. Two agricultural buildings on the proposed retained agricultural lot are to remain.

As a condition of the provisional consent decision, the agricultural land to be retained is to be rezoned to prohibit residential use and the keeping of livestock in the existing buildings. To further clarify how the lot containing the dwelling is to be used and to set out specific development standards, the land is to be rezoned to a rural residential zone category.

A Planning Justification Report prepared by Jamie Robinson, MHBC Planning Ltd. dated April 10, 2019 was submitted in support of the application.

|                    |   |
|--------------------|---|
| Owner:             | Dagmar Teubner, 2324784 Ontario Ltd   |
| Applicant:         | Jamie Robinson, MHBC Planning Limited   |
| Legal Description: | Part Lot 21, Concession 2, geographic Township of Emily   |
| Official Plan:     | Prime Agricultural and Environmental Protection within the City of Kawartha Lakes Official Plan                               |
| Zone:              | Agricultural (A1) Zone and Environmental Protection (EP) Zone in the Township of Emily Zoning By-law 1996-30, as amended      |
| Site Size:         | Severed – 0.51 hectares<br>Retained – 37.49 hectares  |
| Site Servicing:    | Severed – Private individual well and septic system<br>Retained – None  |
| Existing Uses:     | Agricultural, Forest  |
| Adjacent Uses:     | North: Agricultural, Forest, Trans Canada Trail<br>South: Agricultural, Rural Residential<br>East, West: Agricultural, Forest |

## **Rationale:**

Prime agricultural land is to be protected and preserved from non-agricultural development or any other incompatible land use that may hinder existing or future agricultural operations. To fulfill a proposed condition of provisional consent that requires the prohibition of residential uses on the proposed retained agricultural land and the keeping of livestock in the existing buildings, and to rezone the proposed severed lot to a rural residential use the applicant has submitted an application to amend the Zoning By-law that will, if granted, fulfill this condition. The farm operation that owns the property will farm it in conjunction with other non-abutting agricultural parcels. The single detached dwelling on the subject land is deemed surplus to the needs of the farm operation.

## **Provincial Policies:**

### **Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan):**

Section 2.2.9 provides for development upon rural lands provided it is related to activity that is not appropriate for a settlement area, is compatible with the rural landscape and can be sustained by rural service levels.

Section 4.2.6 provides for the protection of prime agricultural areas identified within official plans. The subject lands under cultivation are identified as Prime Agricultural within the City of Kawartha Lakes Official Plan.

The rezoning as a condition of consent to sever the dwelling from the agricultural land is consistent with the intent of these policies to protect agricultural lands and ensure no conflict with the established rural landscape.

Therefore, this application conforms to the Growth Plan.

### **Provincial Policy Statement, 2014 (PPS):**

Sections 2.3.1 and 2.3.3.2 provide that prime agricultural areas shall be protected for long term use, and all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards. Section 2.3.3.3 provides for the application of minimum distance separation formulae (MDS) to the creation of lots.

Section 2.3.4.1(c) provides for the severance of a dwelling deemed surplus to the needs of a farm operation as a result of the consolidation of farm land provided that the lot is limited in size to that needed to accommodate appropriate water and wastewater services, and that the retained agricultural lands be rezoned to prohibit future residential development.

The application to rezone the proposed retained lands will protect the agricultural use of the property and surrounding agricultural practices from incompatible residential use. The lot to be retained is of sufficient area to sustain an assortment of agricultural uses and the PPS encourages the protection of all types and sizes of agricultural use, and the proposed severed lot is of modest but

sufficient size to accommodate the necessary water and wastewater services. Additionally, the application seeks to prohibit the keeping of livestock on the proposed retained lot to ensure the severed lot will comply with MDS.

Therefore, this application is consistent with the PPS.

### **Official Plan Conformity:**

The majority of the subject land is designated Prime Agricultural in the City of Kawartha Lakes Official Plan (Official Plan). A smaller portion of the property is designated Environmental Protection, which appears to correspond with two watercourses. No development is proposed near the Environmental Protection designation.

Section 15.1 of the Official Plan provides that agricultural land which is primarily Class 1-3 shall be protected from fragmentation, development and land uses unrelated to agriculture. One of the objectives of the Official Plan is to support farming operations as an important component of the economy, a source of employment and a way of life for many rural residents.

This application proposes no change to the existing land uses, and the agricultural land will be preserved and protected for future agricultural use.

The City, through its Official Plan, recognizes the generally desirable practice of the consolidation of farms wherever possible. The City also recognizes that it is not always possible to acquire abutting agricultural lots when consolidating an existing farm operation, and has established criteria in accordance with provincial policy to recognize this circumstance and protect the long term agricultural use of the land. One of the criteria is that the agricultural land be rezoned to prohibit any residential use.

Therefore, this application conforms to the applicable policies of the Official Plan.

### **Zoning By-law Compliance:**

The subject land is zoned Agricultural (A1) Zone and Environmental Protection (EP) Zone in the Township of Emily Zoning By-Law 1996-30. No changes are proposed to the EP Zone. The lot to be retained exceeds the minimum lot frontage (120 metres) and area (25 hectare) requirements of the A1 Zone by proposing about 504.18 metres and 37.49 hectares respectively. An Agricultural Exception Twenty (A1-20) Zone is proposed to replace the A1 Zone on the proposed retained land. The A1-20 Zone will protect the agricultural use of the land by prohibiting residential uses and from keeping livestock in the existing buildings in accordance with provincial and municipal policy.

As the barn is proposed to be kept on the proposed retained lot, specific development criteria are required on the residential lot to be created to ensure the applicable Ontario Building Code setbacks are maintained. A setback of 30 metres from the bank barn building face is required. A Rural Residential Type One Exception Twenty-Two (RR1-22) Zone is proposed to establish the required spatial separation criteria for new buildings. The severed lot exceeds the

minimum lot frontage (38 metres) and area (2,800 square metre) requirements of the Rural Residential Type One (RR1) Zone by proposing about 82.20 metres and 5,165 square metres respectively. The dwelling on the proposed severed lot will comply with the applicable setback provisions of the RR1 Zone.

### **Other Alternatives Considered:**

No alternatives have been considered at this time.

### **Financial/Operation Impacts:**

There are no financial considerations unless Council's decision is appealed to the Local Planning Appeals Tribunal. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

### **Relationship of Recommendations-) to the 2016-2019 Strategic Plan:**

The Council Adopted Strategic Plan identifies these Strategic Goals:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life
- A Healthy Environment

This application would align with a vibrant and growing economy as it provides opportunity to expand the economic base by maintaining and expanding agricultural employment.

### **Servicing Comments:**

The agricultural land is un-serviced. The single detached dwelling on the land to be severed is serviced by a private sewage disposal system and two wells.

### **Consultations:**

Notice of this application was circulated to persons within a 500 metre radius, agencies, and City Departments which may have an interest in the application. The Building Division, Enbridge Gas Inc., Engineering and Corporate Assets Department and Alderville First Nation raised no concerns as a result of the circulation. No comments were received from the public.

### **Development Services – Planning Division Comments:**

The application conforms to the Growth Plan and is consistent with the Provincial Policy Statement. The application also conforms to the applicable policies of the Official Plan. The proposed Zoning By-law Amendment contained in Appendix D will ensure the agricultural land is preserved for agricultural use by introducing the A1-20 Zone. All other A1 Zone provisions will be maintained as a result of this amendment. Zoning By-law Amendment also ensures that the rural residential lot is zoned RR1-22 to avoid any future confusion as to how the parcel

is to be used and to recognize the rear yard setback requirement that is to remain in effect until such a time that the barn on the proposed retained lot is demolished or removed. The setbacks of the three accessory buildings on the proposed severed lot will become legal non-complying. The height of the largest accessory building on the proposed severed lot, which is an implement shed used as a garage, will become legal non-complying, as its height is currently 6 metres and the by-law requires 5. Should the time come when the implement shed is to be demolished and replaced, a new garage would be constructed in conformity with the zoning by-law.

## **Conclusion:**

The application conforms to and is consistent with the provincial policies concerning prime agricultural areas. The application also conforms to the Prime Agricultural designation policies in the City's Official Plan. Staff supports the application based on the information contained in this report and the comments received as of September 26, 2019. Staff respectfully recommends that the application be referred to Council for Approval.

## **Attachments:**

### Appendix 'A' – Location Map



Appendix A to  
PLAN2019-055.pdf

### Appendix 'B' – Sketch for Consent Application



Appendix B to  
PLAN2019-055.pdf

### Appendix 'C' – Aerial Photograph



Appendix C to  
PLAN2019-055.pdf

### Appendix 'D' – Draft Zoning By-law Amendment



Appendix D to  
PLAN2019-055.pdf

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**Department Head E-Mail:** [cmarshall@kawarthlakes.ca](mailto:cmarshall@kawarthlakes.ca)



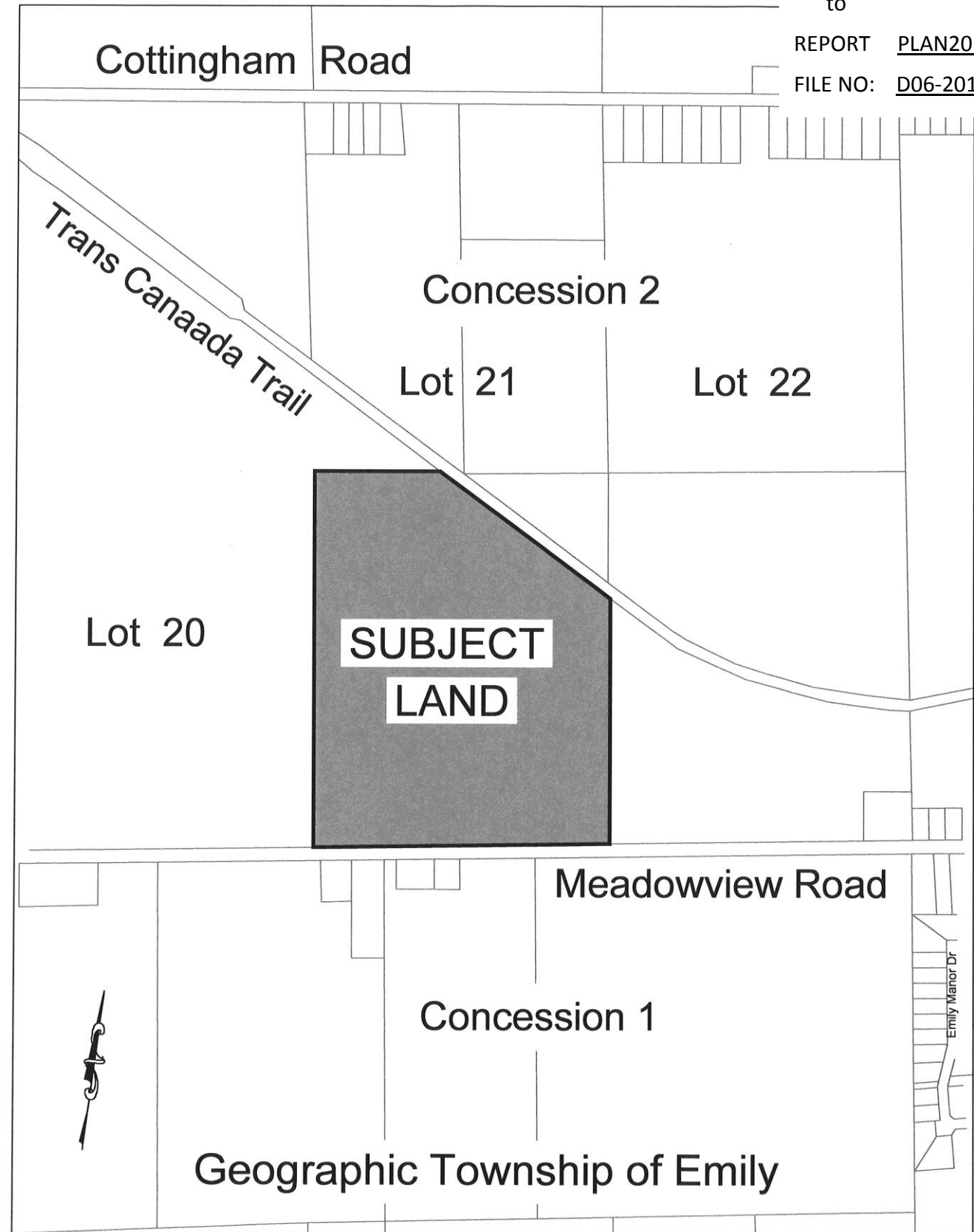
**Department Head:** Chris Marshall

**Department File:** D06-2019-022

to

REPORT PLAN2019-055

FILE NO: D06-2019-022



DATE \*\*\* O.L.S.

(KNOWN AS) MEADOWVIEW ROAD





to

REPORT PLAN2019-055

FILE NO: D06-2019-022

# 1109 Meadowview Road, geographic Twp. of Emily



Subject Property

0.92

Kilometers  
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© City Of Kawartha Lakes



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**The Corporation of the City of Kawartha Lakes**

to

REPORT PLAN2019-055**By-Law 2019 -**FILE NO: D06-2019-022**A By-Law To Amend The Township of Emily Zoning By-Law No. 1996-30 To Rezone Land Within The City Of Kawartha Lakes**

File D06-2019-022, Report PLAN2019-055, respecting Part Lot 21, Concession 2, geographic Township of Emily, identified as 1109 Meadowview Road

**Recitals:**

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to:
  - (a) rezone the land containing the dwelling to a rural residential zone category and establish applicable development standards from the existing bank barn on the proposed retained lot; and
  - (b) prohibit residential uses on and livestock to be housed within the existing agricultural buildings on the balance of the agricultural land zoned A1;

in order to fulfill a condition of provisional consent issued by the Local Planning Appeal Tribunal case number PL180585.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2019-\_\_.**

**Section 1:00 Zoning Details**

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part Lot 21, Concession 2, geographic Township of Emily, City of Kawartha Lakes.
- 1.02 **Textual Amendment:** By-law No. 1996-30 of the Township of Emily is further amended by adding the following subsections to Section 7.3 and 10.3:
 

“7.3.20 AGRICULTURAL EXCEPTION TWENTY (A1-20) ZONE

7.3.20.1 Notwithstanding subsection 7.1.1, existing buildings on land zoned “A1-20” shall not be used for the keeping of livestock or animal husbandry.

- 7.3.20.2 Notwithstanding 7.2.1.3 (b), on land zoned “A1-20” the minimum interior side yard requirement is 3.5 metres to the south lot line for the existing barn.
- 7.3.20.3 Notwithstanding subsections 3.21, 7.1.1.3, 7.1.1.8, 7.1.1.11 and 7.2.1.11, on land zoned “A1-20” a dwelling unit and accessory uses thereto and/or a seasonal farm residential use and accessory uses thereto are prohibited.
- 10.3.22 RURAL RESIDENTIAL TYPE ONE EXCEPTION TWENTY-TWO
- 10.3.22.1 Notwithstanding subsections 3.1.2.2 and 10.2.1.3 (d), on land zoned “RR1-22” buildings shall not be erected within 30 metres of the existing barn building located on the abutting lot. The existing barn building is located approximately 3.5 metres north of the rear lot line.
- 10.3.22.2 If at any time the existing barn building located approximately 3.5 metres north of the rear lot line is demolished or removed, subsection 10.3.22.1 shall no longer apply to land zoned “RR1-22”.”
- 1.03 **Schedule Amendment:** Schedule ‘A’ to By-law No. 1996-30 of the Township of Emily is further amended to change the zone category on a portion of the property from Agricultural (A1) Zone to Agricultural Exception Twenty (A1-20) Zone for the land referred to as A1-20, as shown on Schedule ‘A’ attached to this By-law; and to change the zone category on another portion of the property from Agricultural (A1)Zone to Rural Residential Type One Exception Twenty Two (RR1-22) Zone for the land referred to as RR1-22, as shown on Schedule ‘A’ attached to this By-law.

## **Section 2:00 Effective Date**

- 2.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this \*\* day of \*\*\*, 2019.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk





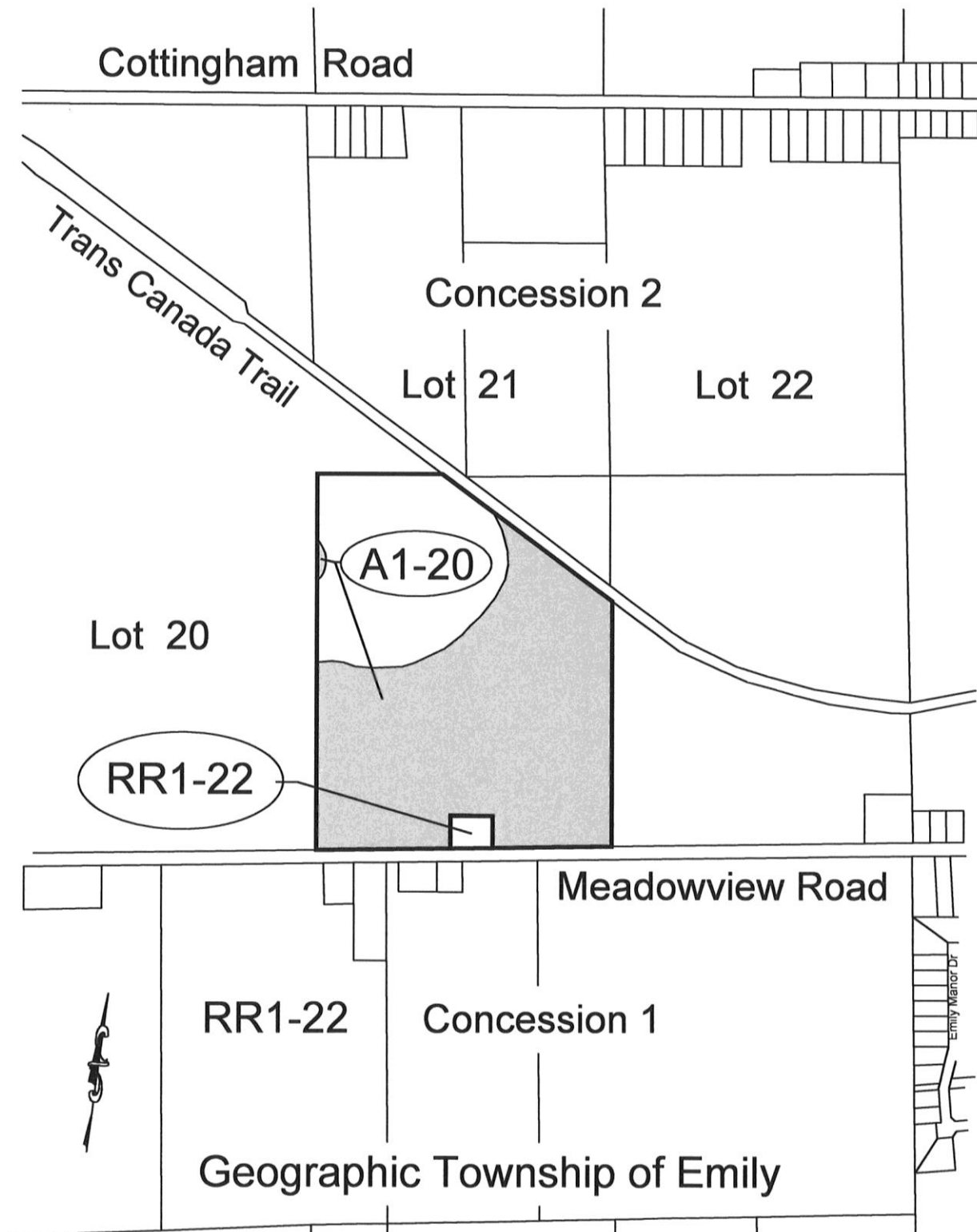
# KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW \_\_\_\_\_ PASSED

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2019.

MAYOR \_\_\_\_\_

CITY CLERK \_\_\_\_\_



# **The Corporation of the City of Kawartha Lakes**

## **Planning Advisory Committee Report**

**Report Number PLAN2019-056**

**Meeting Date:** October 9, 2019

**Public meeting**

**Ward Number:** 12

**Author and Title:** David Harding, Planner II

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**Subject:** Applications for an Official Plan Amendment and a Zoning By-law Amendment to: (1) amend the City of Kawartha Lakes Official Plan to change the land use designation from Highway Commercial to a Highway Commercial Special Provision and (2) to amend the Township of Ops Zoning By-law 93-30 to change the zone category from Highway Commercial (CH) Zone to a Highway Commercial Exception Zone to add a self-storage facility use to the list of permitted uses and apply any applicable development standards on land described as Part Lot 22, Concession 7, Parts 1-3, 57R-10704, geographic Township of Ops, now City of Kawartha Lakes, identified as 396 Highway 36, (Mike Redmond Septic Service Ltd.)

**Author and Title:** David Harding, Planner II

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### **Recommendations:**

**That** Report PLAN2019-056, respecting being Part Lot 22, Concession 7, Parts 1-3, 57R-10704, geographic Township of Ops, identified as 396 Highway 36 – Applications D01-2019-002 and D06-2019-023, be received; and

**That** the applications respecting the proposed Official Plan Amendment and Zoning By-law Amendment be referred back to staff until such time as all comments have been received from all circulated agencies and City Departments, and for further review and processing.

**Department Head:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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## Background:

The proposal is to permit a self-storage facility use upon the subject property.

The property is located on the east side of Highway 36 in an industrial/commercial corridor. The property contains five buildings which house a variety of businesses, most of which are related to automobile sales or service: Pillsworth Service (Rustcheck), BJ Auto Electric, Mr. Transmission, Newton Electric, Wood Mizer, dry storage, Rad Shop, and Lindsay Auto Sales.

The storage facility use is proposed towards the front of the property upon the site of the former St. Dave's Diner building, which was destroyed by fire in May 2016. The storage facility is proposed to house 2 storage buildings, each about 6.4 metres x 39.6 metres. The former diner site is currently being utilized as a parking area to display cars for Lindsay Auto Sales.

The applicant has submitted the following report and plans in support of the application, which have been circulated to various City Departments and commenting agencies for review:

1. Planning Justification Report prepared by Bob Clark, Clark Consulting Services, dated April 2019.
2. Topographic Survey prepared by Dearden and Stanton Ltd. dated April 17, 2019.
3. Sketch Plan prepared by Clark Consulting Services dated April 2019.
4. Sketch Plan with Topographic Survey and Land Cover prepared by Clark Consulting Services dated April 2019.

|                    |  |
|--------------------|--|
| Owner:             | Mike Redmond Septic Service Ltd.   |
| Applicant:         | Bob Clark, Clark Consulting Services   |
| Legal Description: | Part of Lot 22, Concession 7, Parts 1-3, Plan 57R-10704, geographic Township of Ops  |
| Designation:       | Highway Commercial within the City of Kawartha Lakes Official Plan   |
| Zone:              | Highway Commercial (CH) Zone in the Township of Ops Zoning By-law 93-30, as amended  |
| Lot Area:          | 2.196 hectares (5.43acres)   |
| Site Servicing:    | Two Private Individual Sewage Systems and Municipal Water  |
| Existing Uses:     | Various Commercial/Automotive Businesses   |
| Adjacent Uses:     | North: Vacant Land, Commercial, Industrial<br>East: Agricultural<br>South: Agricultural, Commercial, Industrial<br>West: Vacant Land, Industrial |

## **Rationale:**

Staff recommends that the applications be referred back to Staff until such time as commenting Agencies and City Departments have submitted comments and concerns have been addressed.

## **Provincial Policies:**

### **Growth Plan for the Greater Golden Horseshoe (2017):**

The Growth Plan (GP) provides that growth should be directed towards settlement areas; utilize existing or planned infrastructure, and supports providing for a mixture of land uses. Intensification is also encouraged to facilitate the better use of municipal infrastructure.

The GP also encourages the more efficient use of existing underutilized employment areas.

The proposed development will provide for the more intensive use of employment lands within the Lindsay settlement area, contributing to the more efficient use of existing infrastructure within a designated settlement area and contributing to the achievement of complete communities and compact built form.

Therefore, these applications appear to conform to the policies of the Growth Plan.

### **Provincial Policy Statement (2014):**

The Provincial Policy Statement (PPS) provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS requires planning authorities to manage and direct land use to achieve efficient and resilient development and land use patterns. Settlement areas are the focus of growth, including redevelopment which utilizes existing or planned infrastructure.

Section 1.1.3 states that it is in the interests of all communities to: use land and resources wisely, promote efficient development patterns, protect resources, promote green spaces, and ensure the effective use of infrastructure and public service facilities.

Section 1.1.3.1 and 1.1.3.2 further states that settlement areas are to be the focus of growth and development and their vitality and regeneration shall be promoted. Land use patterns to accomplish this vitality and regeneration are to be based on ideas such as providing for a density and mix of uses, and to explore opportunities for intensification and redevelopment of land.

Section 1.1.3.6 outlines the need to have development occur adjacent to existing built-up areas that also allows for the efficient use of land and public services.

Section 1.3 promotes the development and vitality of employment areas to meet the long term needs to the community, provide for a diversified economic base and encourage more compact development.

Further comments from the relevant Department and Agencies are required to demonstrate that these applications are consistent with the PPS.

### **Official Plan Conformity:**

The subject property is designated Highway Commercial within the City of Kawartha Lakes Official Plan (Official Plan).

The intent of the Highway Commercial policies is to accommodate small commercial activities located along arterial roads. Such locations provide convenient access and exposure for customers.

Due to these locations, anticipated commercial uses are oriented towards automobile services, convenience retail, retail which requires large outdoor storage space and accommodations for travelers.

An amendment has been submitted to introduce a special provision that would permit a self-storage facility use within the designation. Such storage establishments are currently anticipated within the Industrial designation.

Further comments from the relevant Department and Agencies are required in addition to further staff analysis to demonstrate that the Official Plan should be amended.

### **Zoning By-Law Compliance:**

The subject land is zoned Highway Commercial (CH) Zone in the Township of Ops Zoning By-law 93-30. The applicant has submitted a Zoning By-law Amendment application for consideration which proposes to rezone to a Highway Commercial Exception Zone to allow for the additional use of a self-storage facility business.

Further comments from the relevant Department and Agencies are required in addition to further staff analysis to demonstrate that the Zoning By-law should be amended, and to establish what specific provisions may need to be included within the draft zoning by-law amendment.

### **Other Alternatives Considered:**

No other alternatives have been considered at this time.

### **Financial/Operation Impacts:**

There are no financial/operational considerations unless Council's decision to adopt or its refusal to adopt the requested amendments is appealed to the Local Planning Appeal Tribunal. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.



## **Relationship of Recommendations To The 2016-2019 Strategic Plan:**

The Council Adopted Strategic Plan identifies these Strategic Goals:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life
- A Healthy Environment

This application aligns with the vibrant and growing economy strategic goal as it would add to the number of operating businesses within the City.

## **Review of Accessibility Implications of Any Development or Policy:**

There are no accessibility implications for the City. The accessibility standards established in the Building Code will be shown on the subsequent construction drawings through the site plan approval process, which must be approved by the City prior to the issuance of a building permit.

## **Servicing Comments:**

The property is serviced by two sewage systems and municipal water.

## **Consultations:**

Notice of this application was circulated to persons within a 120 metre radius, agencies, and City Departments which may have an interest in the application. To date, we have received the following comments:

### **Agency Review Comments:**

On September 17, 2019, the Engineering and Corporate Assets Department advised that a site layout will be required as part of the site plan circulation. Their office also confirmed that the municipal service connection process is underway.

On September 16, 2019 the Building Division advised that they have no concerns with the proposal.

On September 24, 2019 the Alderville First Nation advised that the project will not have any impact on them as it is not within their treaty area.

On September 25, 2019, Enbridge Gas Distribution advised they do not object to the proposed applications and reserve the right to amend or remove development conditions.

## **Development Services – Planning Division Comments:**

The applications for Official Plan Amendment and Zoning By-law Amendment appear to conform to the Growth Plan; however further confirmation from relevant Departments and/or Agencies and staff analysis is required to demonstrate that the applications conform or are consistent with applicable

policy. The appropriate documentation in support of the applications have been submitted and circulated to the appropriate agencies and City Departments for review and comment. At this time, comments have not been received from all circulated agencies and City Departments. Therefore, Staff recommends the applications be referred back to staff until such time as commenting agencies and/or City Departments have submitted comments, any concerns have been addressed, and a full analysis of the proposal concluded.

### **Conclusion:**

In consideration of the comments and issues contained in this report, Staff respectfully recommend the proposed Official Plan Amendment and Zoning By-law Amendment applications be referred back to staff for further review and processing until such time as comments have been received from all circulated agencies and City Departments, and that any agency and public comments and concerns have been addressed.

### **Attachments:**

Appendix 'A' – Location Map



Appendix A to  
PLAN2019-056.pdf

Appendix 'B' – Sketch



Appendix B to  
PLAN2019-056.pdf

Appendix 'C' – Aerial Photograph



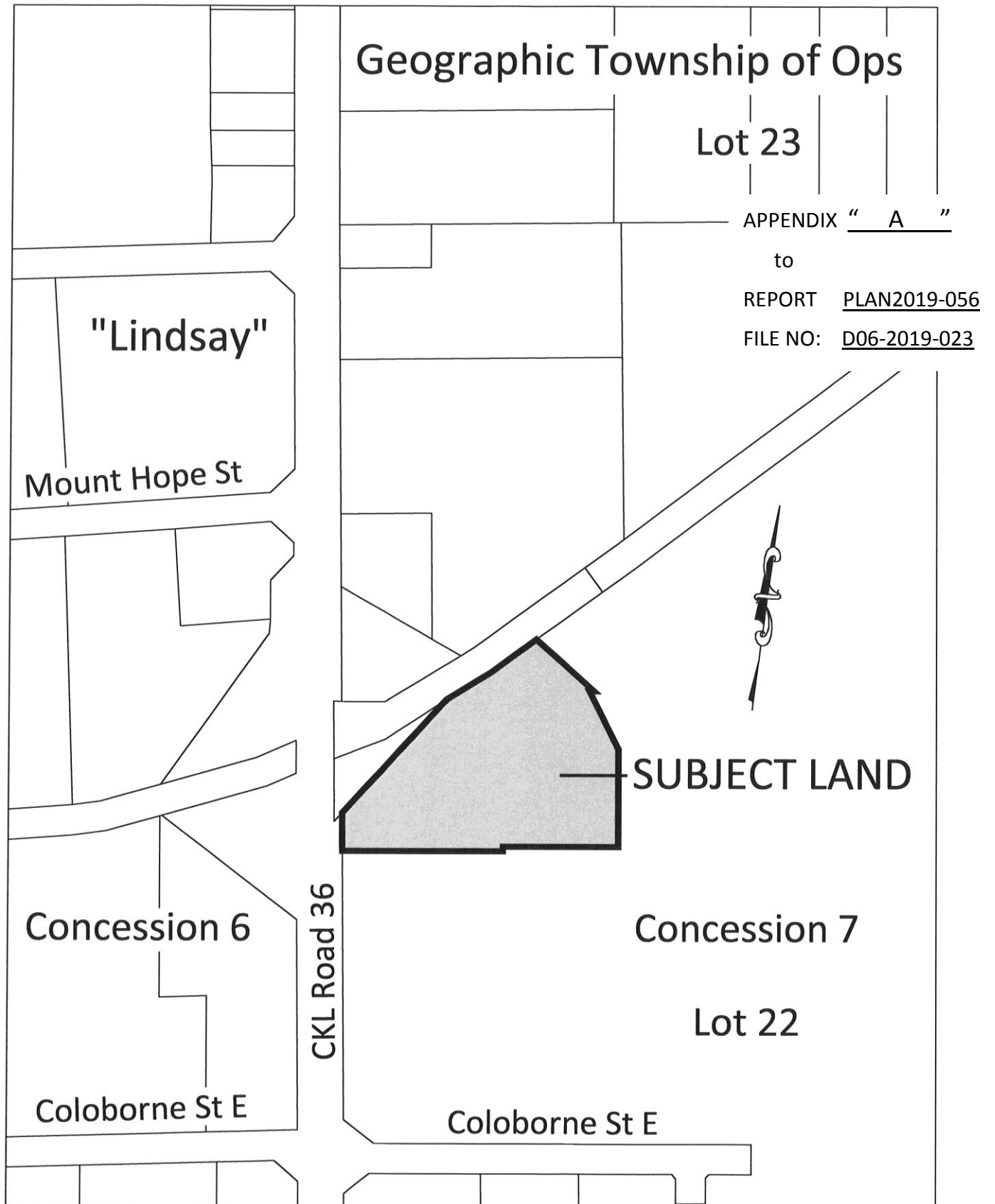
Appendix C to  
PLAN2019-056.pdf


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**Department Head E-Mail:** [cmarshall@kawarthalakes.ca](mailto:cmarshall@kawarthalakes.ca)

**Department Head:** Chris Marshall, Director of Development Services

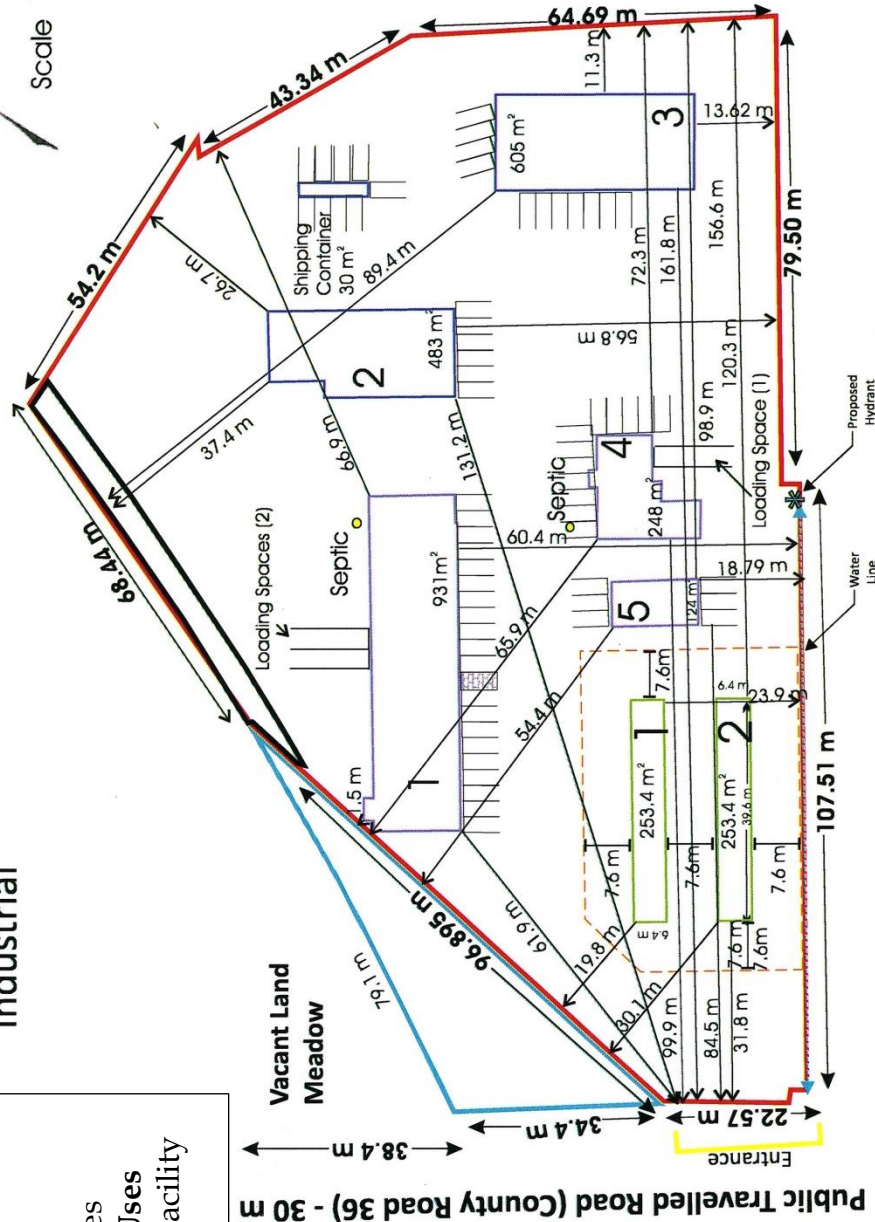
**Department File:** D01-2019-002 and D06-2019-023



|       |   |  |   |  |
|-------|---|--|---|--|
| Lands | PLAN OF SURVEY<br>1500 AC. 16   |  | DATE: 12  |  |
|       | PART OF LOT 22, CONGRESSION 7<br>(GEOGRAPHIC TOWNSHIP OF OPS)<br>CITY OF KAWARTHA LAZES |  | S-32410   |  |
|       | PREPARED FOR: M. REDMOND SEPTIC SERVICE   |  |  |  |

- 1 - Newton Electric, Pillsworth Service (Rustcheck), BJ Auto Electric, Mr. Transmission
- 2 - Wood Mizer
- 3 - Dry Storage
- 4 - Rad Shop
- 5 - Lindsay Auto Sales

## 1 & 2 - Self-Storage Facility



**Legend**

- Proposed Fence
- Existing Commercial Buildings
- Proposed Buildings
- Subject Lands
- Abutting Lands
- Easement (hydro and Bell lines)

## Agricultural



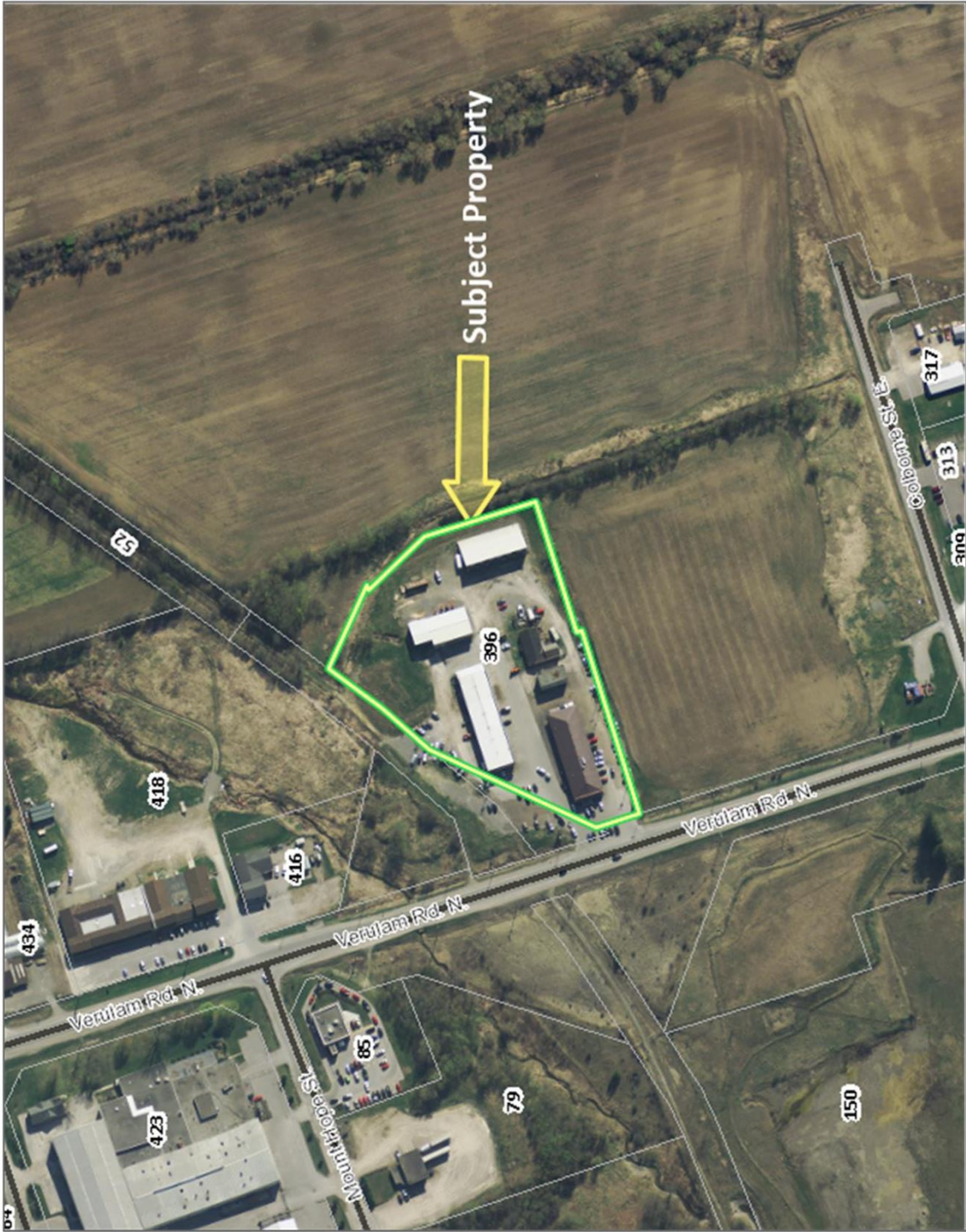


to

REPORT PLAN2019-056

FILE NO: D06-2019-023

396 County Road 36, geographic Twp. of Ops



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**THIS MAP MAY NOT BE USED FOR COMMERCIAL OR LEGAL PURPOSES**

0.23 Kilometers  
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© City Of Kawartha Lakes

# **The Corporation of the City of Kawartha Lakes**

## **Planning Advisory Committee Report**

**Report Number PLAN2019-057**

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**Meeting Date:** October 9, 2019

### **Public Meeting**

**Title:** Applications to amend the City of Kawartha Lakes Official Plan and Township of Fenelon Zoning By-law 12-95

**Description:** To permit a residential condominium development consisting of 26 townhouse dwellings and two apartment buildings containing 60 dwelling units on West Street North, geographic Township of Fenelon, now City of Kawartha Lakes (Muskoka D & M Corp.)

**Ward Number:** 3 - Fenelon

**Author and Title:** Mark LaHay, Planner II

---

### **Recommendations:**

**That** Report PLAN2019-057, respecting being Part of Lot 23, Concession 9, Parts 1 to 3, Plan 57R-8353, Parts 1 and 2, Plan 57R-2352, Lots 53-54, Part Third Street (Closed), Plan 190, geographic Township of Fenelon, identified as 19, 39 and 67 West Street North, “Muskoka D & M Corp. – Applications D01-2018-006 and D06-2018-028”, be received; and

**That** the applications respecting the proposed Official Plan Amendment and Zoning By-law Amendment be referred back to staff until such time as all comments have been received from all circulated agencies and City Departments, and for further review and processing.

**Department Head:** \_\_\_\_\_

**Legal/Other:** \_\_\_\_\_

**Chief Administrative Officer:** \_\_\_\_\_



## **Background:**

The initial statutory public meeting was held by the Planning Advisory Committee on March 6, 2019, which adopted the following recommendation:

### **PAC2019-018**

**Moved By** Councillor Veale

**Seconded By** J. Willock

**That** Report PLAN2019-015, respecting being Part of Lot 23, Concession 9, Parts 1 & 2, Plan 57R-8353, Geographic Township of Fenelon, identified as 19 and 39 West Street North, Muskoka D & M Corp. – Applications D01-2018-006 and D06-2018-028, be received; and

**That** the applications respecting the proposed Official Plan Amendment and Zoning By-law Amendment be referred back to staff until such time as all comments have been received from all circulated agencies and City Departments, and for further review and processing.

**Carried**

At the Council Meeting of March 26, 2019, Council adopted the following resolution:

### **CR2019-232**

**Moved By** Councillor O'Reilly

**Seconded By** Councillor Veale

**That** the Minutes of the March 6, 2019 Planning Advisory Committee Meeting be received and the recommendations, listed in section 13.1 of the Agenda, be adopted.

**Carried**

Notwithstanding the above direction, this report addresses the revised applications for Official Plan Amendment and Zoning By-law Amendment that were submitted as the owner has acquired property along the waterfront and revised the number and configuration of the proposed dwelling units. Therefore, another public meeting is required to consider the amended proposal.

The previous proposal was to permit a residential condominium development consisting of 24 townhouse dwellings in three 5-unit townhouse blocks with separate entrances along West Street North, three 3-unit townhouse blocks and one 40-unit apartment building consisting of 4 residential floors with parking below for a total of 64 dwelling units together with a private stormwater management pond, amenity area and an internal road providing access to parking facilities. The revised proposal consists of 26 townhouse dwellings, all

with internal driveway access in four 3-unit townhouse blocks, one 4-unit townhouse block, two 5-unit waterfront townhouse blocks and two 30-unit apartment buildings consisting of 4 residential floors with a level of parking below for a total of 86 dwelling units, without a private stormwater management pond. The proposal will be developed on full municipal water and sewer services.

The purpose of the revised proposed Official Plan Amendment and Zoning By-law Amendment is to re-designate the lands from the “Urban Settlement – Fenelon Falls Fringe” area designation in the City of Kawartha Lakes Official Plan to an “Urban Settlement – Fenelon Falls Fringe” area designation with a “Special Policy” to permit residential development in the form of townhouses, including waterfront townhouses with a 15 metres water setback and apartment dwelling units with an overall density of approximately 44 dwelling units per gross hectare and to rezone the lands from the “Future Residential Development (FRD)” Zone, “Rural Residential Type Three (RR3) Zone” and “Rural Residential Type Three Exception Fifteen (RR3-15) Zone” to a “Hamlet Residential Exception (HR-\*)” Zone or other appropriate residential zone category with site specific residential zone provisions. It is anticipated that the owners will seek Council’s approval for a Condominium Description Exemption once Site Plan Approval has been granted.

|                    |  |
|--------------------|--|
| Owners:            | Muskoka D&M Corp. (c/o Doug Gray)  |
| Applicant:         | EcoVue Consulting Services Inc. – Beverly Saunders   |
| Legal Description: | Part of Lot 23, Concession 9, Parts 1 to 3, Plan 57R-8353, Parts 1 and 2, Plan 57R-2352, Lots 53-54, Part Third Street (Closed), Plan 190, geographic Township of Fenelon  |
| Designation:       | “Urban Settlement” – Fenelon Falls Fringe Area, on Schedule A-5 of the City of Kawartha Lakes Official Plan  |
| Zone:              | “Future Residential Development (FRD) Zone”, “Rural Residential Type Three (RR3) Zone” and “Rural Residential Type Three Exception Fifteen (RR3-15) Zone” on Schedule ‘A’ of the Township of Fenelon Zoning By-law No. 12-95 |
| Lot Area:          | 1.988 ha (4.913 ac.)   |
| Site Servicing:    | Proposed municipal water and sanitary sewer, drainage swales and storm sewers  |
| Existing Uses:     | Vacant Land and waterfront dwelling with boathouse   |
| Previous Uses:     | Wood furniture and toy manufacturing and automobile service facility activities, waterfront residential  |
| Adjacent Uses:     | North: Cameron Lake<br>East: West Street North/Residential<br>South: Residential<br>West: Bass Street/Commercial/Residential   |

## **Rationale:**

The subject property, municipally known as 19 (and 39) and 67 West Street North, is located on the west side of West Street North on the east side of Bass Street and north of CKL Road 8 (Helen Street) and now includes waterfront property on Cameron Lake (see Appendix 'A'). The proposed development borders the Village of Fenelon Falls but is located within the geographic Township of Fenelon. The owners propose a residential condominium development consisting of 26 townhouse dwelling units and 60 apartment dwelling units (see Appendices 'C' and 'D'). The proposed development will be serviced by municipal water and sanitary sewer and storm sewers. The internal components of the development are proposed to be accessed from West Street North through a common elements condominium road. Bass Street access is reserved for emergency access only. An amendment to the Official Plan and Zoning By-law is necessary to permit the proposed configuration of apartment buildings and townhouse dwelling residential use at a density of approximately 44 dwelling units per gross hectare.

The applicant has submitted the following reports and plans along with updates in support of the applications for review:

1. Planning Justification Report prepared by EcoVue Consulting Services Inc., dated October 23, 2018 and updated August 8, 2019. The reports discuss and assess the proposal in the context of the 2014 Provincial Policy Statement, Growth Plan, the City of Kawartha Lakes Official Plan, and the Township of Fenelon Zoning By-law.
2. Concept (Draft) Plan prepared by EcoVue Consulting Services Inc., dated September 26, 2018 and updated August 7, 2019.
3. Conceptual Site Plan Layout prepared by Lett Architects Inc., dated July 6, 2018 and updated August 2019 as prepared by ISM Architects Inc.
4. Preliminary Building Elevations prepared by Lett Architects Inc., dated July 6, 2018 and updated August 2019 as prepared by ISM Architects Inc.
5. Shadow Study prepared by Lett Architects Inc., dated July 6, 2018 and amended July 2019 as prepared by ISM Architects Inc.
6. Urban Design Guideline prepared by ISM Architects, received January 16, 2019.
7. Geotechnical Investigation Report dated June 2018 and Supplemental Test Pit Investigation and Karst Conditions Review dated July 2019 prepared by Peto MacCallum Ltd., Consulting Engineers. The supplemental report concludes there is low potential for complications due to Karst conditions for the site.
8. Phase One and Phase Two Environmental Site Assessment Report prepared by Grace & Associates Inc., dated October 22, 2013 and

January 21, 2014, respectively. Phase One Environmental Site Assessment Report for the acquired waterfront property prepared by Trinity Consultants dated April 2019. This Phase One Report identified no environmental concerns on the waterfront property.

9. Stage 1 and 2 Archaeological Assessment prepared by Earthworks Archaeological Services Inc., dated October 22, 2018. Stage 1 and 2 Archaeological Assessment for the acquired waterfront property prepared by Earthworks Archaeological Services Inc., dated July 16, 2019. These reports identify and evaluate the proposal with respect to archaeological resources and did not yield any evidence of archaeological material.
10. Topographic Survey Plan prepared by EcoVue Consulting Services Inc., dated January 18, 2018 and updated April 2019.
11. Plan of Survey prepared by Coe, Fisher, Cameron, Ontario Land Surveyors dated August 29, 2000 deposited as Plan 57R-8353 on October 6, 2000 and Legal Survey for the acquired waterfront property prepared by Smith & Smith, dated May 1978.
12. Traffic Impact Study for MDM Developments prepared by JD Northcote Engineering Inc., dated May 14, 2018 and updated August 2019. The report concludes that the proposed development will not cause any operation issues and will not add significant delay or congestion to the local road network.
13. Functional Servicing Report prepared by Pearson Engineering Ltd., dated July 2018 and updated August 2019. The report examines municipal water and sanitary servicing options for the property as well as stormwater management and includes requested stormwater and phosphorus management and lot grading and drainage plans. The report concludes sanitary and watermain connections are required to be made to existing services on West Street North and storm services will be conveyed to Cameron Lake with a treatment train approach to be implemented consisting of grass swales and rooftop infiltration which has been sized to provide water balance for the site.
14. Engineering Drawings including Notes and Details Plan, Site Grading Plan, Site Servicing Plan, Pre-Development Storm Catchment Plan, Post-Development Storm Catchment Plan and Erosion Protection Plan, prepared by Pearson Engineering Ltd., dated July 2018 and updated August 2019.
15. Environmental Impact Study and Fish Habitat Enhancement Plan prepared by RiverStone Environmental Solutions Inc., dated August 2019. This report recommends that potential impacts to fish habitat associated with Cameron Lake can be addressed through avoidance and mitigation measures and that the development is proposed outside of potential habitat for Species at Risk.

16. Restricted Land Use Notice issued by Kawartha Conservation, dated July 2019.

All of the above previous and revised reports and plans submitted have been circulated to the applicable agencies and City Departments for review and comment. Staff has reviewed the amended Planning Justification Report that was prepared and filed in support of the applications and is reviewing the other supporting documentation provided in the context of evaluating the relevant Provincial and City of Kawartha Lakes Policies and Plans. Staff recommends that the applications be referred back to Staff until such time as commenting Agencies and City Departments have submitted comments and any concerns have been addressed.

**Provincial Policies:**

**Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan):**

The Growth Plan (GP) provides that growth should be directed towards settlement areas and utilizes existing or planned infrastructure and anticipates the intensification of brownfield sites. The proposed development will provide infill residential development on full municipal services and be located within the Fenelon Falls settlement area. The GP envisions increasing intensification of the existing built-up area and providing a diverse range and mix of housing options. This application facilitates the efficient use of existing infrastructure within a designated settlement area and contributes to the achievement of complete communities and compact built form.

As the subject land is considered within a settlement area, the Natural Heritage System policies of the Growth Plan do not apply.

Therefore, these applications appear to conform to the policies of the Growth Plan.

**Provincial Policy Statement, 2014 (PPS):**

The Provincial Policy Statement (PPS) provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS requires planning authorities to manage and direct land use to achieve efficient and resilient development and land use patterns. Settlement areas are the focus of growth, including redevelopment which utilizes existing or planned infrastructure.

Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, outlines how healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including

- places of worship, cemeteries and long-term care homes), recreation, parks and open space, and other uses to meet long-term needs; and
- e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs.

Section 1.1.3 Settlement Areas, states that it is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces and ensure effective use of infrastructure and public service facilities.

Section 1.1.3.1 states that settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.

Section 1.1.3.2 states that land use patterns within settlement areas shall be based on:

- a) densities and a mix of land uses which:
1. efficiently use land and resources;
  2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
  3. support active transportation; and
- b) a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, which permits Planning authorities to identify appropriate locations and promote opportunities where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

Section 1.4 Housing, requires planning authorities to provide for an appropriate range and mix of housing types and densities to meet the social, health and well-being requirements of current and future residents, including special needs requirements.

Section 1.6 Infrastructure and Public Service Facilities, promotes intensification and redevelopment within settlement areas utilizing existing municipal sewage services and municipal water services and planning for stormwater management that will minimize increases in contaminant loads and changes in water balance and erosion, not increase risks to human health and safety and property damage, maximize the extent and function of vegetative and pervious surfaces and promote stormwater management best practices, including stormwater attenuation and re-use, and low impact development.

Development and site alteration shall also be directed in accordance with the policies of Section 2 and 3 of the PPS. The PPS prohibits development and site alteration on lands adjacent to natural heritage features, unless it has been demonstrated there will be no negative impacts on the natural features or their ecological functions. The revised applications and supporting documentation,



including the Environmental Impact Study (EIS) and Supplemental Test Pit Investigation and Karst Conditions Review were circulated to the Kawartha Region Conservation Authority (KRCA) for their review to ensure conformity with respect to:

- a) natural heritage feature policies as identified in Section 2 of the PPS being within or adjacent to the proposed development being within 120 metres of a waterbody (Cameron Lake); and
- b) whether any natural hazards, as identified in Section 3 of the PPS are located within the proposed development.

Also in relation to Section 3, a Phase One and Phase Two Environmental Site Assessment (ESA) was previously circulated for review and comment in relation to human-made hazards. Although these assessments suggested no further investigation is recommended as all tested parameters related to soil and groundwater sampling were in accordance with MOE standards, the Ministry of Environment, Conservation and Parks (MECP) previously advised further work is required to address significant deficiencies in the initial Record of Site Condition (RSC) submission from 2014. In addition, the Phase 1 and Phase 2 Studies need to be updated and more scoped work may need to be undertaken in order to bring these studies into conformity with the current regulations in order to properly file a Record of Site Condition for the subject property. With the revised applications, a Phase 1 ESA for the newly acquired waterfront lands and the Environmental Impact Study (EIS) were circulated to MECP for comment as it is now within their mandate to review Species at Risk (SAR).

Archaeological Assessments were completed in relation to Section 2.6 of the PPS although Staff is unaware if Curve Lake First Nation provided input.

Further comments from the relevant Department and Agencies are required to demonstrate that these applications are consistent with the PPS.

### **Official Plan Conformity:**

The “Urban Settlement Area – Fenelon Falls Fringe” designation in the City of Kawartha Lakes Official Plan (CKLOP) applies as the “Residential” designation in the Fenelon Falls Secondary Plan (SP) is under appeal to the Local Planning Appeal Tribunal, formerly known as the Ontario Municipal Board. The Urban Settlement designation predominately permits single detached dwellings as a residential use; however medium density residential uses in the form of row or cluster dwellings are also permitted with a maximum density of 24 dwelling units per gross hectare. The proposed density on the subject land, being approximately 44 units per gross hectare, exceeds the medium density policy provisions, and therefore an Official Plan Amendment is being sought to create a Special Policy Area to permit the proposed development in the built form of townhouses and an apartment building which is in keeping with the general policies of the proposed SP for residential use of land within the settlement area of Fenelon Falls. In addition, Staff is further reviewing the application submission with respect to reducing the water setback from 30 metres to 15 metres in relation to the Water Setback policies of Section 3.11 that pertain to maintaining

a natural vegetated area and establishing a vegetation protection zone, and minimizing impacts of expansion and reconstruction and soil erosion and the Housing Affordability policy in accordance with Section 5.3 of the CKLOP and the definition contained in Section 30 of the CKLOP.

### **Zoning By-Law Compliance:**

The subject land is zoned “Future Residential Development (FRD) Zone”, “Rural Residential Type Three (RR3) Zone” and “Rural Residential Type Three Exception Fifteen (RR3-15) Zone” in the Township of Fenelon Zoning By-law 12-95. The applicant has submitted a revised Zoning By-law Amendment application for consideration which proposes to rezone to a Hamlet Residential Exception (HR-\*) Zones or other appropriate residential zone categories, to permit the proposed development consisting of a mix of 26 townhouse and 60 apartment residential dwelling units with site specific provisions relating to minimum lot area, front and rear yard setback, building height, minimum dwelling unit area and density pertaining to the number of dwelling units per lot on the subject lands. Based on comments received regarding the previously submitted Phase One and Phase Two ESAs, it is recommended that a Holding (H) Provision be applied which requires further updates to the ESAs and any required site remediation in order to file a Record of Site Condition, prior to any development. The Holding symbol would also be applied to the entire subject lands to ensure that a secured site plan agreement is executed and to apply for a deeming by-law, if required, to ensure the lands are merged into one land parcel.

### **Other Alternatives Considered:**

No other alternatives have been considered.

### **Financial/Operation Impacts:**

There are no financial/operational considerations unless Council’s decision to adopt or its refusal to adopt the requested amendments is appealed to the Local Planning Appeal Tribunal. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

### **Relationship of Recommendations To The 2016-2019 Strategic Plan:**

The Council Adopted Strategic Plan identifies these Strategic Goals:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life
- A Healthy Environment

This application aligns with the vibrant and growing economy strategic goal as it increases the supply of new housing options to attract new residents in the City of Kawartha Lakes.

## **Review of Accessibility Implications of Any Development or Policy:**

There are no accessibility implications for the City. The accessibility standards established in the Building Code will be shown on the subsequent construction drawings through the site plan approval process, which must be approved by the City prior to the issuance of a building permit.

## **Servicing Comments:**

The revised Functional Servicing Report was circulated to the Engineering and Corporate Assets Department for review and comment. This report suggests that the subject lands can be serviced utilizing existing services on West Street North.

## **Consultations:**

Notice of this application was circulated to persons within a 120 metre radius, agencies, and City Departments which may have an interest in the application. A Public Meeting for the original applications was held on March 6, 2019. To date, we have received the following comments:

### **Public Comments (Previous Proposal):**

At the time of writing the March 6, 2019 PAC report, two public comments were received. The residents at 4 Oriole Road are opposed to the applications as they do not believe that Cameron Lake can support high density development with a four storey apartment building with inadequate sewer infrastructure and it does not fit in their community of single detached dwellings and cottages. They are in favour of lower density single detached dwellings. Another resident who called in and lives a block away from Bass Street along CKL Road 8 was inquiring where the existing municipal water and sewer service connections are for the proposed development and if the City would consider extending services further west.

Prior to the Public Meeting on March 6, 2019, comments were received from the two residents on King Street who advised the proposal would change the character of the neighbourhood, lower property values and make area less desirable, increase water consumption and waste, change zoning by-laws, increase traffic congestion, noise as well as lighting and lead to loss of privacy.

Wendy Flett, adjacent property owner at 4 Bass Street, expressed concern regarding the potential proximity of the entrance to the development to her property line and how the values of the new units will affect other property values in the area. Ms. Flett expressed an interest in sewer connectivity for her residential property with services being extended to the new development.

Debbie Branidis, resident at 24 West Street, advised that her home is on the street directly across from the proposed development. She expressed concern regarding the effect the additional 64 units will have on the character of the neighbourhood, traffic congestion, property taxes, safety of children and impact

on the small waterway nearby. Ms. Branidis noted that the area is a quiet family-oriented area and in her opinion only single houses should be permitted. She stated that the proposed development will infringe on her peace and privacy.

Ms. Vicki Moulder, a resident of Bobcaygeon who was with Ms. Flett, requested that a social impact study be done prior to approval of the land zoning change with an opportunity for public input. She expressed concern regarding traffic, transportation and the overall impact of the proposed development on the existing residents in the area.

### **Agency Review Comments (Previous Proposal):**

On February 5, 2019, the Building Division advised they have no concerns at this time but will reserve their ability to comment with respect to the site plan circulation.

On February 6, 2019, the Ministry of the Environment, Conservation and Parks (MECP) advised that a Record of Site Condition (RSC) was submitted in 2014 but never filed as a number of outstanding issues remain to be resolved. Furthermore, the Phase I and Phase II Environmental Site Assessment Studies submitted in support of the subject applications are out of date and in addition to addressing deficiencies in the said studies, more scoped work may need to be undertaken in order to bring the Phase I and Phase II studies into conformity with the Regulations.

On February 6, 2019, a Restricted Land Use Notice was issued by the Risk Management Official (RMO) of the Kawartha Region Conservation Authority (KRCA) as required under Section 59 of the Clean Water Act (2006) as a portion of the property is within an intake protection zone for Fenelon Falls. This is necessary to engage in an activity in a vulnerable area for a municipal drinking water supply; however, there is no prohibition or risk management plan requirement. A new application for Notice will need to be submitted prior to applying for any subsequent municipal approvals under the Planning Act or Building Code Act.

On February 12, 2019, Enbridge Gas Distribution advised they do not object to the proposed applications and reserve the right to amend or remove development conditions.

On February 12, 2019, Canada Post Corporation advised that mail delivery will be provided through centralized Community Mail Boxes (CMB) and Lock Box Assembly (LBA) for the multi-unit building but has not determined the CMB location at this time. Canada Post requested dates when the development is scheduled to begin along with civic addresses.

On February 12, 2019, Fire Services advised that they have no issues with the proposed applications and any issues can be dealt with through the site plan approval process.

On February 20, 2019, Engineering and Corporate Assets advised they have reviewed the proposed plan and the City's by-laws and are recommending that

Planning coordinate a meeting with the owner and their development team.  
Some of the issues identified include but are not limited to:

- Engineering does not support 15 additional entrances and service connections to West Street North;
- Water and sanitary services for all townhouses shall be internal to the site. Separate service connections for separate buildings on the same property require a formal By-law Exemption request;
- Traffic Impact Study (TIS) will need to be corrected based on the current development proposal with 24 townhouse units. Access to the townhouse units will be from the internal site as identified in the TIS;
- Bass Street is a non-standard right of way width with a gravel surface. Secondary access from Bass Street is not permitted and was not identified in the TIS;
- Plan and Profile design is required for new infrastructure and improvements to West Street North taking into account pedestrian access and sidewalk along the frontage of the property;
- An MECP Environmental Compliance Approval (ECA) application and approval required for new municipal servicing infrastructure and storm outlet to Cameron Lake. Pre-consultation with MECP is advised;
- Engineering requires comments from the Kawartha Region Conservation Authority (KRCA) prior to finalizing stormwater management related comments;
- Quality control for stormwater flows must be included for the entire site;
- Clarification is required to demonstrate how stormwater will be collected and conveyed to the proposed bio retention basin;
- Further detail is required to confirm the proposed stormwater quality control measures and the impacts of shallow impermeable bedrock for on-site and off-site works;
- Geotechnical Investigation Report will need to be revisited to ensure it supports the engineering design;
- Functional Servicing Report needs to take into account the City's Storm and Stormwater Infrastructure Guidelines and the drainage areas do not match the drainage plan;
- All proposed servicing must be identified on a Proposed Servicing Plan;
- A Removals Plan is required to indicate removal of existing servicing laterals, water wells, old entrances, fencing, etc.; and
- Topographic Survey is required to be prepared by an Ontario Land Surveyor (OLS).

On February 20, 2019, the Economic Development Department advised they have no comments on the applications.

On February 25, 2019, the Kawartha Region Conservation Authority advised the property is within KRCA's regulated area as it is adjacent to Cameron Lake. KRCA was uncertain whether the property is within the 15m limit of the flood hazard regulated area associated with the flood elevation, which needs to be

confirmed. In addition, the subject property is in a known area of karst topography and the geotechnical study should identify mitigation measures that may be required to address the development proposal. This information would be required to satisfy the PPS with respect to natural hazards. Overall, KRCA does not foresee any issues with these applications, but requests to be circulated on any further applications (i.e. Site Plan Approval) where additional comments may arise from detailed design review.

On February 28, 2019, the Community Services Department advised that they have no comments or concerns.

On March 3, 2019, the Kawartha Lakes Accessibility Advisory Committee (KLAAC) provided suggestions to increase the amount of accessible parking and improve barrier free access.

On March 4, 2019, Curve Lake First Nation advised that additional consultation is required as they are seeking further input addressing the following areas of concern to their First Nation: possible environmental impact to drinking water, endangerment to fish and wild game, impact of Aboriginal heritage and cultural values; and endangered species, lands, etc.

On March 5, 2019, Hydro One Networks Inc., advised that they have reviewed the information provided relating to the applications and advised they have no facilities on the property.

#### **Public Comments (Revised Proposal):**

As of the time of writing this report, a resident at 4 Oriole Road inquired as to the process to provide written comments and concerns regarding the revised applications to be considered by the Planning Advisory Committee. A resident at 24 King Street requested clarification if Building 'B' was a five or six storey apartment and whether it would overlook his property. An email from a resident at 7 West Street North, who was also defending the interests of neighbouring residents at 5, 8 and 9 West Street North was concerned regarding the scale of the proposed development, requirements for upgrading water and sewer servicing, timelines of construction, requirements for sidewalks, increased traffic and that there was only one access off of West Street North.

#### **Agency Review Comments (Revised Proposal):**

On September 19, 2019, the Building Division advised they have no concerns with these applications and will reserve further comment to site plan circulation.

On September 25, 2019, Enbridge Gas Inc. advised they do not object to the proposed applications and reserve the right to amend their development conditions.



## Development Services – Planning Division Comments:

The revised applications for Official Plan Amendment and Zoning By-law Amendment appear to conform to the Growth Plan; however further confirmation from relevant Departments and/or Agencies is required to demonstrate that the applications are consistent with the Provincial Policy Statement. Staff is also further reviewing the applicable policies of the Official Plan. The appropriate background studies in support of the applications have been submitted and circulated to the appropriate agencies and City Departments for review and comment. At this time, comments have not been received from all circulated agencies and City Departments. Therefore, Staff recommends the applications be referred back to staff until such time as commenting agencies and/or City Departments have submitted comments, and any concerns have been addressed.

## Conclusion:

In consideration of the comments and issues contained in this report, Staff respectfully recommend the proposed Official Plan Amendment and Zoning By-law Amendment applications be referred back to staff for further review and processing until such time as comments have been received from all circulated agencies and City Departments, and that any agency and public comments and concerns have been addressed.

## Attachments:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Mark LaHay, Planner II, (705) 324-9411 ext. 1324.



Appendix 'A'  
PLAN2019-057.pdf



Appendix 'B'  
PLAN2019-057.pdf



Appendix 'C'  
PLAN2019-057.pdf



Appendix 'D'  
PLAN2019-057.pdf

Appendix 'A' – Location Map

Appendix 'B' – Aerial Photo

Appendix 'C' – Proposed Revised Concept Draft Plan

Appendix 'D' – Proposed Revised Site Plan

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**Department Head E-Mail:** [cmarshall@kawarthalakes.ca](mailto:cmarshall@kawarthalakes.ca)

**Department Head:** Chris Marshall, Director of Development Services

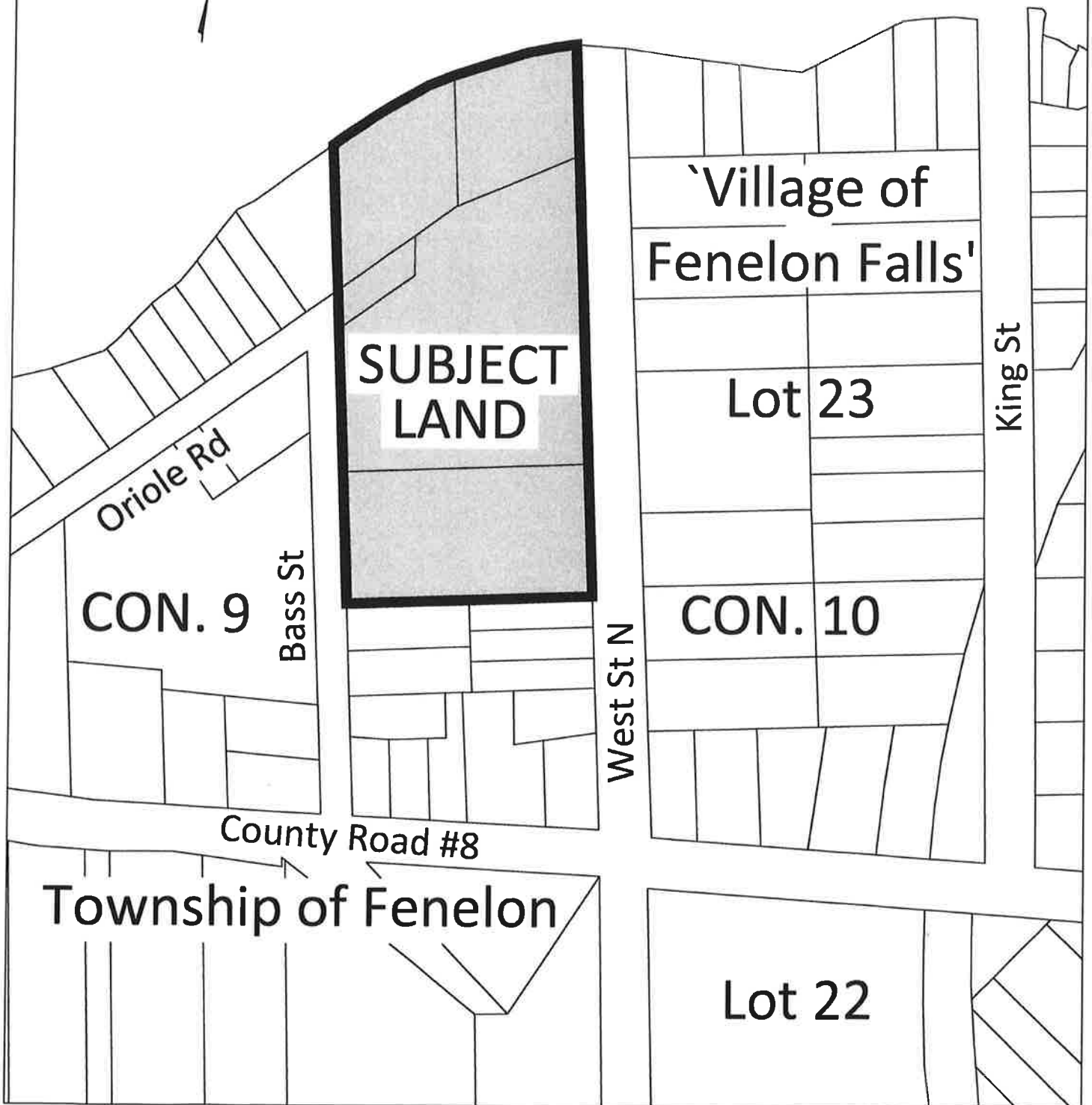
**Department File:** D01-2018-006 and D06-2018-028

APPENDIX " A "

to

REPORT PLAN 2019-057

*Cameron Lake* FILE NO. 001-2018-006  
006-2018-028





#### Legend

- Property ROLL#
- Property PIN#
- Lots and Concessions
- Road Centreline (2016 Needs)
- KRCA Regulated Areas

APPENDIX "B"  
to  
REPORT PLAN 2019-057  
FILE NO. 001-2018-006  
006-2018-028

#### Notes

0.23

Kilometers

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© City Of Kawartha Lakes



This map is a user generated static map output and is for reference only. All data, layers and text that appear on this map may or may not be accurate, current, or otherwise reliable.

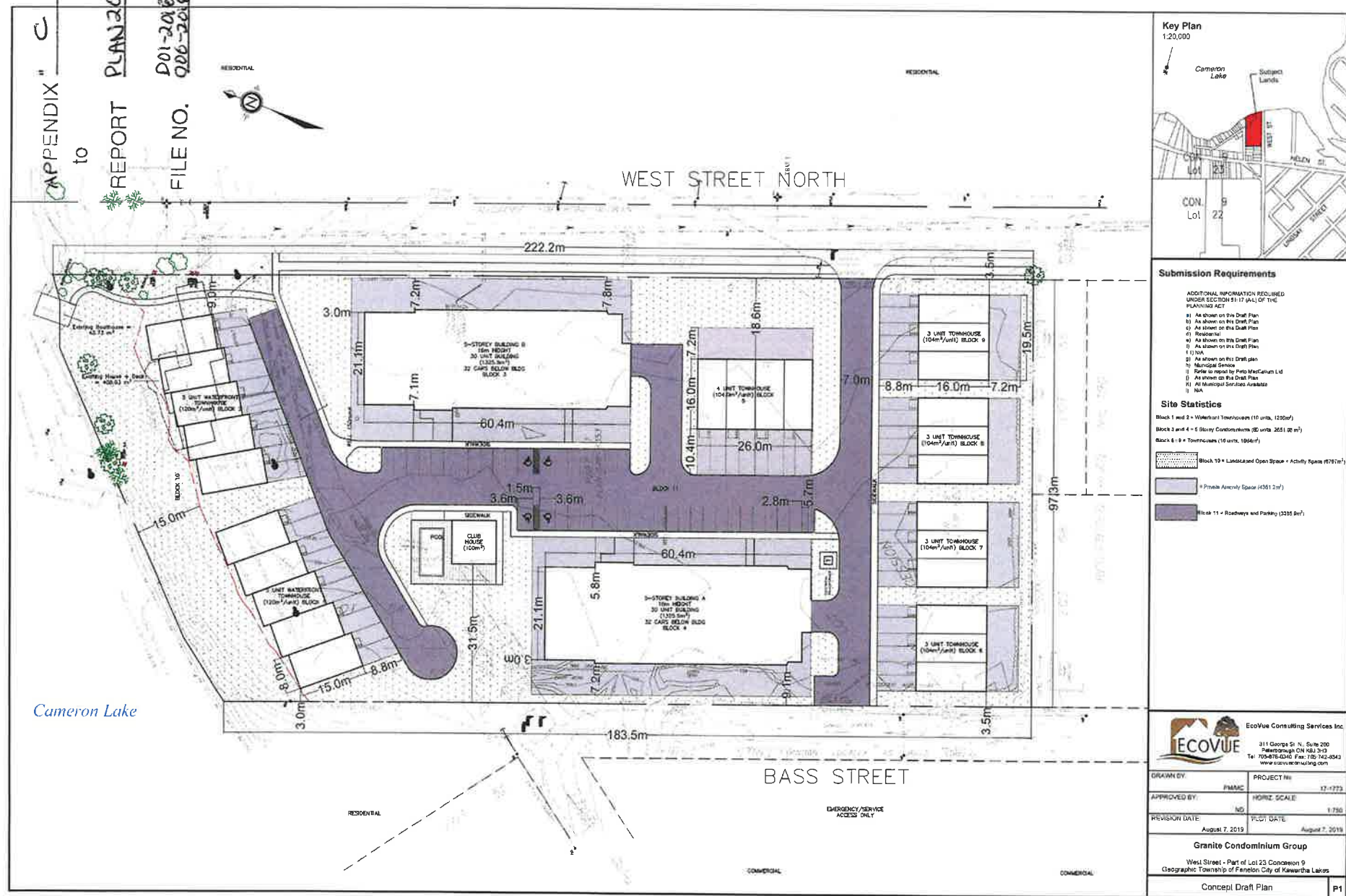
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to

# REPORT

FILE NO. D01-2018-006 906-2018-028

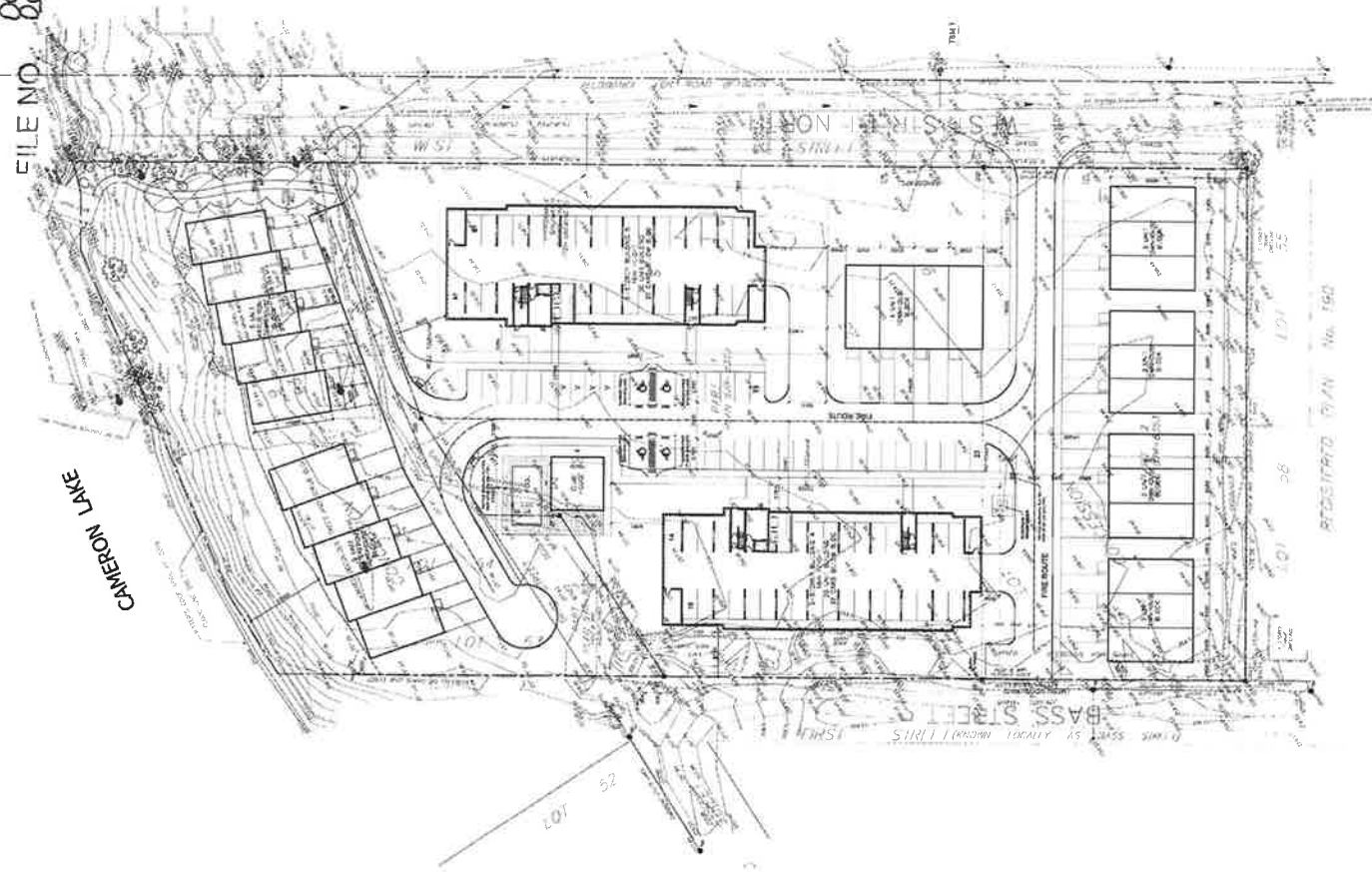


APPENDIX "D" \_\_\_\_\_  
to

# REPORT

FILE NO. 001-2018-006  
006-2018-028

ON FILE



# SITE PLAN

SCALE: 1:400

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