

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



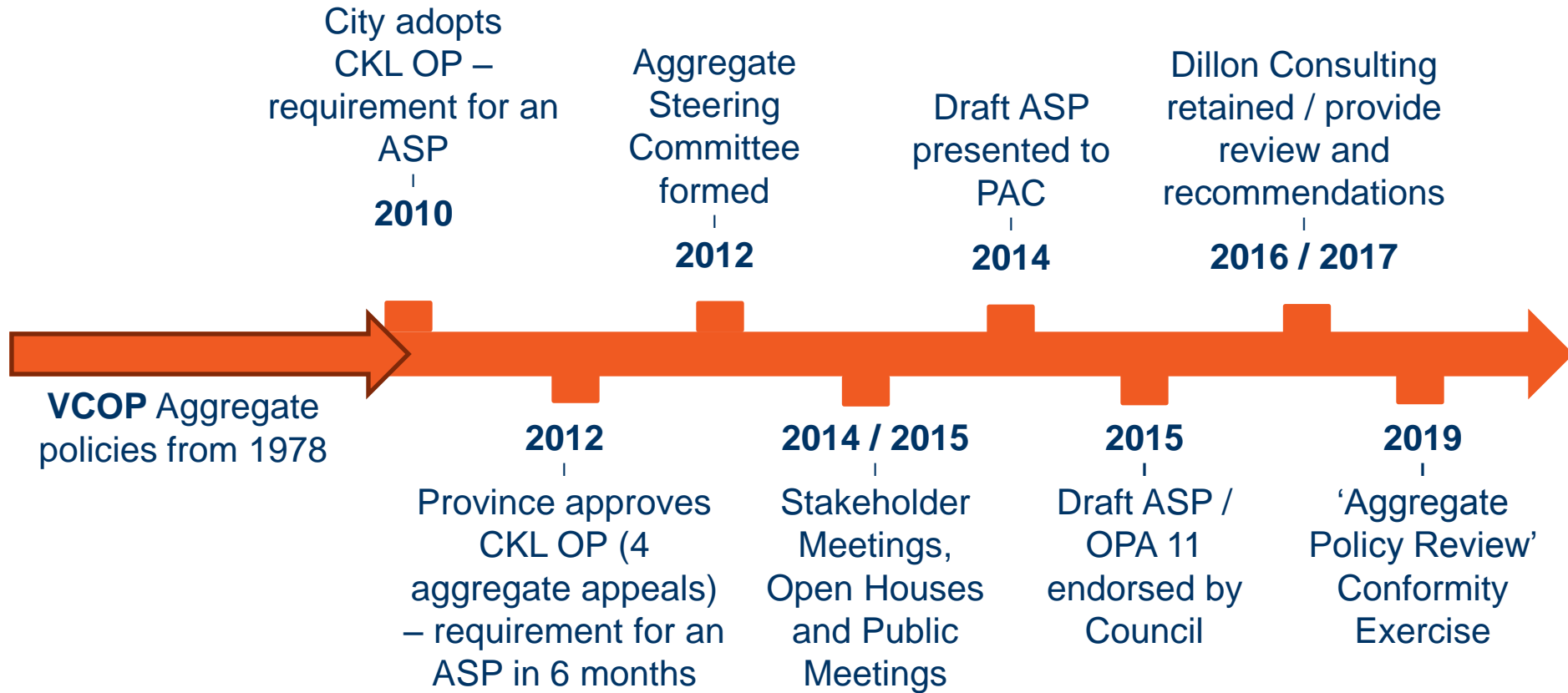
The majority of aggregate produced in Ontario is used by the **public sector**.

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?

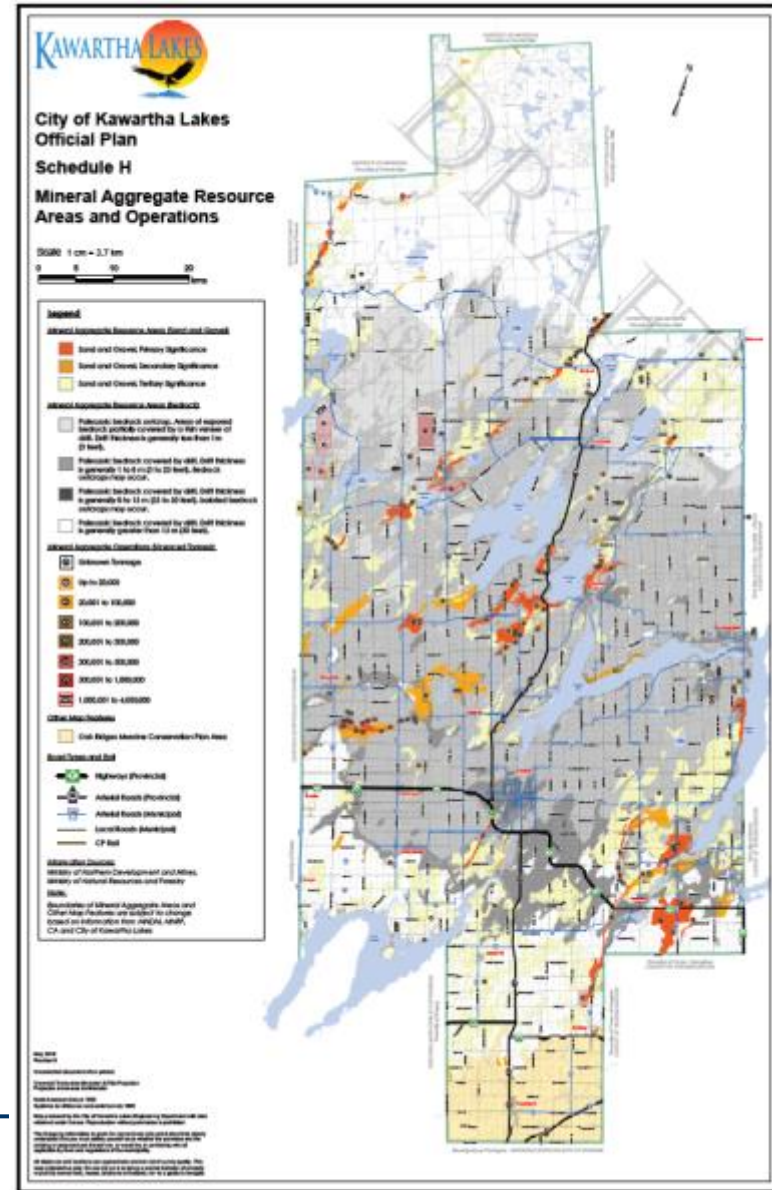
1. Proposed Policy

- 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?

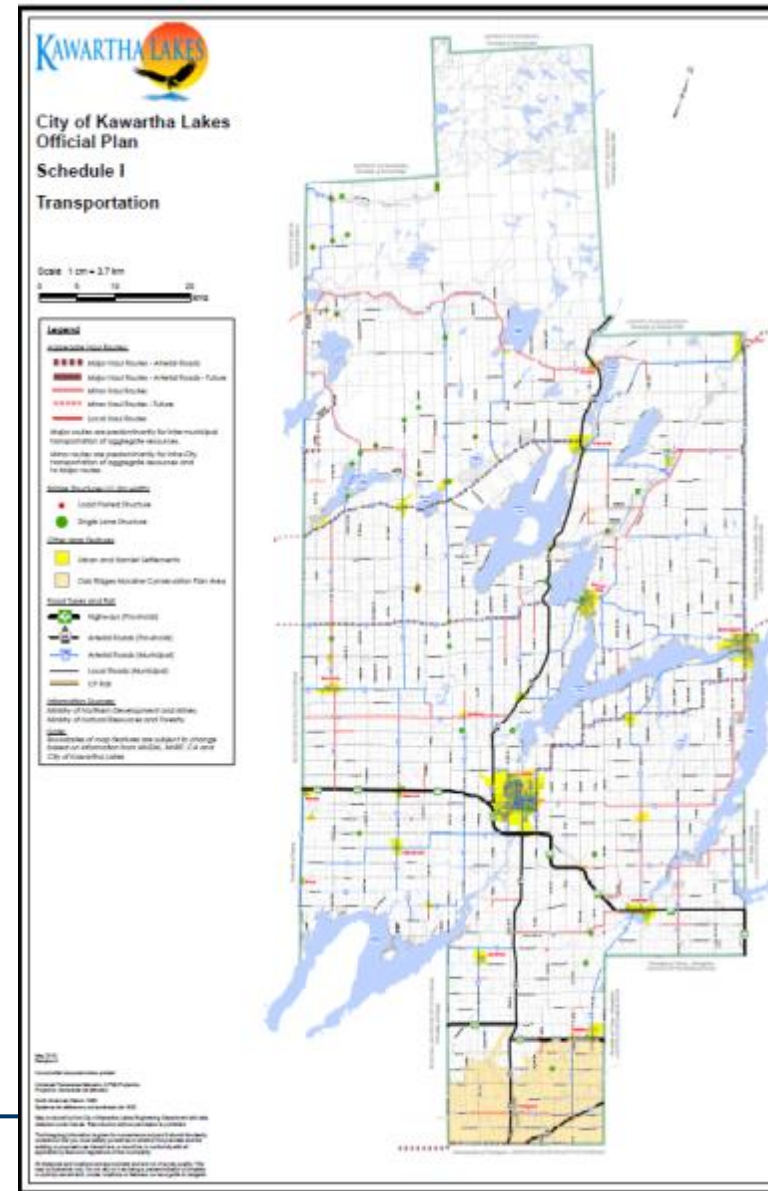
2. Proposed Schedules

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



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

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