

## 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

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**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

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**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

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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**



**\*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.





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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),

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.

#	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

#	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? 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.

#	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. MNR 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 <i>“encompass an appropriate area of study, as determined by the City in consultation with the Province, conservation</i>

#	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.

#### 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

**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 (MNR) 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,

A handwritten signature in blue ink, appearing to read "Norman Cheesman".

Norman Cheesman  
Executive Director

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**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]

---

**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 a 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.

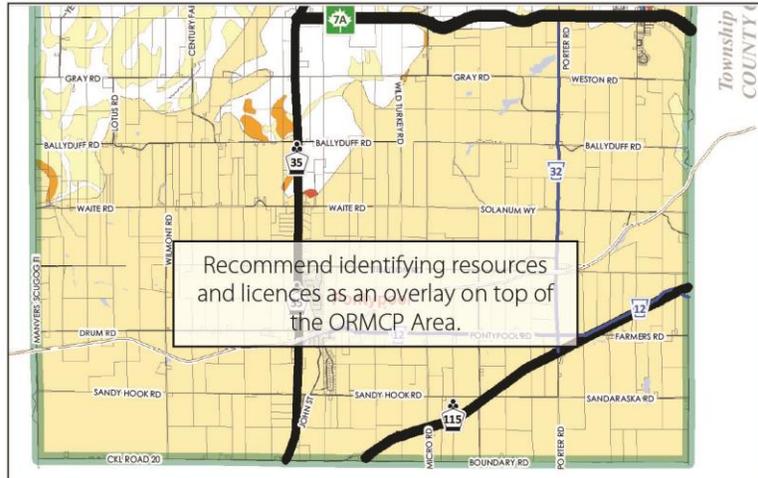


Figure 1: Screenshot of Oak Ridges Moraine Conservation Plan Area of Schedule H

## 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. MNRFP 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. MNRFP 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

- 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

---

**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

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Yours truly,

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