



PLANNING AND DEVELOPMENT DEPARTMENT
Policy Section

Report 2007-03

To: Mayor and Members of Council
From: Mary Hall, Director of Planning and Development
Meeting: January 9, 2007
**SUBJECT: RESPONSE TO AGGREGATE RESOURCES ACT LICENCE
APPLICATION FOR PROPOSED LAFARGE LAWFORD PIT
PART LOTS 18 & 19, CONCESSION 2 WHS (CALEDON)
OUR FILE NUMBERS: POPA 06-07 AND RZ 06-11**

RECOMMENDATION Requires Action For Information Only

That the Council for The Corporation of the Town of Caledon:

1. Adopt Planning and Development Report 2007-03; Response to Aggregate Resources Act Licence Application for the proposed Lafarge Lawford Pit; and,
2. Endorse staff's letter advising the Ministry of Natural Resources and the applicant that:
 - a. the Town of Caledon objects to the issuance of the Licence because such issuance is premature until such time as the Town has reached a conclusion with respect to the merits of the related proposed Official Plan Amendment and Zoning By-law Amendment applications.

BACKGROUND

Lafarge Canada Inc. ("Lafarge") has submitted a Licence application to the Minister of Natural Resources under the *Aggregate Resource Act* ("ARA") and has also submitted applications for an Official Plan Amendment and Zoning By-law Amendment to the Town of Caledon under the *Planning Act*. These applications propose the development of a sand and gravel pit above the watertable on lands located west of Willoughby Road north of Charleston Side Road (Regional Road 24). The location map for the subject property is attached as Schedule "A".

The subject property is within the Province's Greenbelt Plan Area. A majority of the proposed licenced area is designated as "Protected Countryside" with some portions along the proposed western licence boundary located with the Natural Heritage System.

The subject lands are also designated "Agricultural Area" and "Environmental Policy Area" in the Town of Caledon Official Plan, Official Plan Amendment No. 179 – the

Agricultural and Rural Area Policies proposes to change the "Agricultural Area" to "General Agricultural Area". OPA 179 has been approved by Council, but has been appealed to the Ontario Municipal Board.

In addition, the property is also identified as Caledon High Potential Mineral Aggregate Resources Area - Sand and Gravel and as Aggregate Resource Lands as opposed to Aggregate Reserve Lands. Aggregate Resource Lands are lands where the Town of Caledon provides more encouragement for aggregate applications, although the applications are still subject to various tests and report requirements. Aggregate Reserve Lands are lands where the Town provides less encouragement for aggregate applications and where there are additional broader and more fundamental tests and report requirements that must be met by aggregate applications.

The property is currently zoned a combination of Agricultural (A1) and Hazard Lands (HL).

Although Lafarge submitted the proposed Official Plan Amendment and Zoning By-law Amendment applications on November 28, 2005, the applications were incomplete in accordance with Section 5.11.2.4.2 (j) of the Town's Official Plan, which requires an Air Quality Assessment. The Air Quality Assessment was received on November 3, 2006. The *Planning Act* applications and other submitted documents were circulated to internal departments and external agencies on November 20, 2006. As of the date of preparation of this report, most comments have not been received.

The ARA licence application is for a Category 3 licence (Class "A" Pit Above Water). The provisions of the ARA require that applications for licences be processed in accordance with provincial standards. The standards provide for a 45 day notice period and for the holding of a Public Information Session a minimum of ten days prior to the conclusion of the 45 day notification period. The Public Information Session was held on November 20, 2006 at the Caledon Village Place, 18313 Highway #10, in Caledon Village.

Any person or agency objecting to the application must make the objection in writing within the 45 day notice period. The objection must be made to the applicant and the District Manager of the Ministry of Natural Resources ("MNR"), and must state the reasons for making the objection. The deadline for objections to the Lafarge Lawford application was December 11, 2006. Following the notification period, it is the applicant's responsibility to attempt to resolve all outstanding issues and any objections.

The requirements for the applications under the *Planning Act* were only recently satisfied by the applicant. Accordingly the Town and the various circulated agencies involved in the processing of the proposed Official Plan Amendment and rezoning applications have not yet had an opportunity to review the extensive reports submitted. The Town has also not had an opportunity to obtain the necessary peer reviews of the applicant's reports. Peer reviews enable the Town to hire consultants in such specialized disciplines as noise impact, air quality impact and visual impact to check the corresponding reports submitted by the applicant and help Town Staff to evaluate the application. Cost of the peer reviews are paid for by the applicant.

Therefore, on behalf of the municipality, staff objected by letter (Schedule "B") to the ARA licence for the following reasons:

- a) not having comments from the agency circulation;
- b) not having peer reviews of the application;
- c) as the Town was between Council meetings due to the election; and,
- d) needing to meet the requirement of the Province's 45 day commenting period.

This report requests Council's endorsement of staff's letter in advising the MNR and the applicant of the Town's objection to the issuance of the licence. The letter from staff also indicated that the Town may be submitting additional comments with respect to the ARA licence application.

The MNR and the Region of Peel have also objected to the ARA licence. A copy of the MNR letter is attached as Schedule "C". MNR staff is of the opinion that the Level 1 and 2 Natural Environment Technical Report submitted with the application does not provide adequate information on the natural environment. Their memo also details concerns with the Hydrogeologic Assessment, the site plan and other operational and technical issues. Region of Peel staff objected as they have not had sufficient time to be satisfied that the issues of traffic, natural heritage, progressive rehabilitation and hydrogeology have been appropriately addressed. The Region also wishes to deal with all matters related to both the licence application and the planning applications simultaneously.

CONSULTATIONS

Not applicable

NEXT STEPS

Town staff has circulated the subject applications and associated material for the proposed Official Plan Amendment and rezoning applications. Once comments have been received from external agencies, internal departments, and our peer review consultants, a statutory Public Information Meeting will be scheduled.

FINANCIAL

There are no direct financial implications associated with this report.

CALEDON COMMUNITY WORK PLAN

Not applicable

POLICIES/LEGISLATION

The Provincial, regional, and local policy and legislative framework significantly influence the outcome of the application for an ARA licence.

ATTACHMENTS

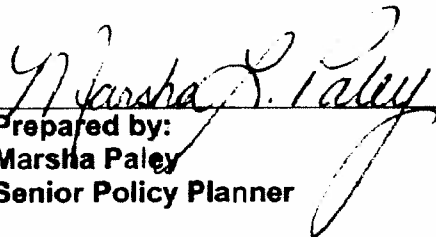
Schedule "A": Location Map of Proposed Lafarge Lawford Aggregate Operation

Schedule "B": Letter from the Town to the Ministry of Natural Resources

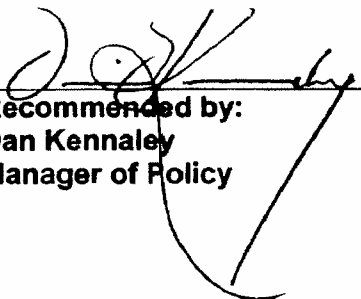
Schedule "C": Memo from the Ministry of Natural Resources dated December 11, 2006

CONCLUSIONS


The requirements for the applications under the *Planning Act* for the proposed Lafarge pit were only recently completed for circulation. The Town and the various circulated agencies involved in the processing of the applications are currently reviewing the extensive technical reports submitted and preparing to obtain the necessary peer reviews of the applicant's reports. Since the Town was between Council meetings due to the election, and in order to meet the Province's 45 day commenting period, staff objected to the ARA licence on behalf of the municipality. This report requests Council's endorsement of staff's letter in advising the Ministry of Natural Resources and the applicant of the Town's objection to the issuance of the licence.



Prepared by:
Marsha Paley
Senior Policy Planner



Recommended by:
Dan Kennaley
Manager of Policy



Approved by:
Mary Hall
Director of Planning and Development



**PROPOSED OFFICIAL PLAN AMENDMENT & REZONING APPLICATIONS
POPA 06-07 & RZ 06-11**

Lafarge Canada Inc.
Lawford Pit
Pt. Lots 18 & 19, Conc. 2 WHS (CAL)
Willoughby Road
Town of Caledon
Region of Peel

LOCATION MAP



REQUESTED BY:	S.K.	FILE NO:	Page 06-07
DRAWN BY:	D.S.	DATE:	November 28, 2008
SCALE:	N.T.S.	REVISED:	November 28, 2008



TOWN HALL

6311 Old Church Road, Caledon, ON L7C 1J6
905.584.2272 | 1.888.CALEDON | FAX 905.584.4325 | www.caledon.ca

December 4, 2008

Ministry of Natural Resources, Aurora District
50 Bloomington Road West, R.R.#2
Aurora, ON
L4G 3G8

Attention: Ms. Cathy Douglas
Aggregate Resource Officer

Dear Ms. Douglas:

Re: Notice of Application for an Aggregate Resources Act Licence
Proposed Lafarge Canada Inc. Lawford Pit
Part Lots 18 & 19, Concession 2 WHS (Caledon)

Please be advised that the Town of Caledon objects to the issuance of the licence under the *Aggregate Resources Act* ("ARA") on the above-noted property and requests that the matter be referred to the Ontario Municipal Board. The issuance of the licence is premature until such time as the Town has reached a conclusion with respect to the merits of the related proposed official plan amendment and zoning by-law amendment applications.

Although the applications for the amendments were originally submitted to the Town on November 28, 2005, the applications were deemed incomplete as an Air Quality Assessment, in accordance with our Official Plan policies, remained outstanding. The Air Quality Assessment was received on November 3, 2006. On this date, it was determined that the cheques for the application fees and the peer review were out-dated. Upon receipt of the updated cheques, the applications and support documents were circulated to internal staff and external agencies for comments. We are also in the process of determining whether peer reviews of the applicant's various reports are necessary again in accordance with Official Plan policy.

As the Town processes the applications for the proposed official plan amendment and zoning by-law amendment, we may have further comments to make with respect to the ARA licence application.

Should you have any questions, please contact the undersigned at (905) 584-2272 Ext. 4256 or via e-mail at marsha.paley@caledon.ca.

Regards,

Marsha L. Paley, MES, MPA, MCIP, RPP
Senior Policy Planner

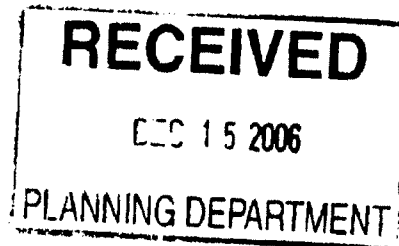
cc: MHBC Planning
c/o Brian Zeman
13 Poyntz Street
Barrie, ON L4M 3N6



Memorandum to: Tracy Smith
District Manager
Aurora District

Date: December 11, 2006

Subject: LaFarge Canada Inc.
Licence Application Under the *Aggregate Resources Act*
for a New Licence (Lawford Pit Application)
Pt. Lots 18 & 19; Concession II W.H.S.
Town of Caledon, Regional Municipality of Peel



In accordance with the policies and procedures established under the Aggregate Resources Act (ARA), staff of the Ministry of Natural Resources (MNR) has reviewed the site plan and background reports for the aforementioned licence application. MNR attended a preconsultation meeting with the applicant on June 13, 2005. The application was submitted to MNR and deemed "complete", pursuant to the ARA Provincial Standards, on July 31, 2006. MNR staff conducted a site visit of the subject property on October 24, 2006. The 45 day consultation period concludes on December 11, 2006.

The subject property is located within the Greenbelt Plan Area. A majority of the proposed licenced area is designated as "Protected Countryside" with some portions along the proposed western licence boundary located within the Greenbelt Natural Heritage System.

Based on the review of this application and the site visit of October 24, 2006, MNR staff has the following comments:

Natural Environment

MNR staff is of the opinion that the Level 1 & 2 Natural Environment Technical Report submitted in support of this application is insufficient to characterize the subject property and the possible impacts this proposal may have on natural heritage features and functions within the study area. By way of example, MNR would like to bring attention to the following:

- The botanical surveys undertaken on December 4, 2001 and in June, 2002 are insufficient for site characterization. Surveys during the spring and fall seasons would have been appropriate in addition to the June, 2002 survey.
- MNR staff notes that amphibian surveys were only conducted for limited periods on April 15, 2002 and June 18, 2002. Given extreme fluctuations in temperature during the spring, it is challenging period for amphibian identification and it is possible several species were missed. By way of illustration, a species not previously identified in the Natural Environment Technical Reports was identified by MNR biologists during the October 24, 2006 site visit.

- MNR staff is of the opinion that the bird survey undertaken for a portion of June 17, 2002 is insufficient to characterize the subject site.
- The conclusion that no fish habitat existed in the intermittent streams located within the proposed licence area was not supported with an appropriate survey of fish or benthics. It would appear that the fish survey was conducted through site observation only.
- The Level 1 & 2 Natural Environment Technical Report indicates that "...no evidence of groundwater discharge has been observed in the drainage features on the site..." (p.5). During the site visit of October 24, 2006, MNR staff made observations as to water discharge within the central woodlot that may place this point in dispute.
- The Ecological Land Classification (ELC) mapping appears to have mislabeled some of the ecological communities within the study area. Further, it did not identify several small wetlands found on the subject property.
- Species found on the site were not correlated to specific locations and ELC communities. In addition, it would have been of assistance if the sizes of the ELC communities were provided.

MNR notes where lands adjacent to natural features are proposed for extraction (whether within or adjacent to the proposed licence area), the functions of those lands in terms of surface drainage, hydrogeology, connectivity and habitat should be evaluated. Where impacts are identified, mitigation options should be considered. For example, MNR notes that the on-site intermittent water courses appear to connect a series of unevaluated wetlands found in the centre of the proposed licence area to the Credit River at Alton Provincially Significant Wetland (PSW) Complex. Even though the intermittent streams and most of the unevaluated wetlands are not within the proposed extraction areas, extraction is proposed within 15 metres or less of these features and the final extraction grades of the pit will be several metres below these features. It is unclear if there will be loss of function in the features and what impact (if any) extraction would have on the PSW due to loss of surface flow or proximity into the PSW of extraction to the PSW. A similar review of setbacks from natural heritage features may be required to protect other features in other portions of the study area.

Given the concerns with the Level 1 & 2 Natural Environment Technical Report and site characterization in general, MNR staff believe it is appropriate to meet with the applicant and discuss these issues in greater detail. Be advised, MNR is updating the unevaluated wetland boundaries based on the site visit and will make them available to the applicant once this work has been completed.

Hydrogeology

As previously mentioned, MNR staff is unclear on how wetlands and drainage features will be impacted when extraction will be at lower grades than the features themselves. For example, given the proximity of the proposed extraction area to the PSW west of the proposal and on-site features, the impact of extraction and possible impacts on these features need to be addressed in more detail.

The applicant proposes to recycle concrete and asphalt as part of the site operations. Given that concrete and asphalt recycling could potentially occur within 1.5 metres of the established watertable, a review of the impacts of recycling in the context of this operation should be addressed as part of any Hydrogeologic Assessment.

As with the Level 1 & 2 Natural Environment Report, the Hydrogeologic Assessment indicates that groundwater discharge does not occur in the drainage features on-site. As stated previously, a field visit by MNR staff on October 24, 2006, places this conclusion in dispute. Further review of this finding is appropriate.

It has been noted in the Hydrogeologic Assessment that there are differences in watertable elevations throughout the subject property as well seasonal and yearly fluctuations observed through monitoring wells. MNR would appreciate further discussion on the establishment of watertable levels with the applicant.

Site Plan / Operations / Technical Issues

MNR notes that the applicant is proposing to licence an area of 168.1 ha, yet 76.4 ha (>45%) of the proposed licenced area will fall outside the proposed limits of extraction. The areas that fall outside the extraction limit contain natural heritage features and agricultural areas. Due to the overall size of the features in relation to the total licence area, it is unclear why these non-extraction areas have been included within the proposed licence. MNR recommends these lands be removed from this proposal.

In several locations, proposed extraction setbacks are generally less than typical requirements outlined in the ARA Provincial Standards and MNR's Natural Heritage Reference Manual. In addition, it should be noted that the western portion of the licenced area falls within the Greenbelt Natural Heritage System. In this regard, section 4.3.2.3 c) and d) of the Greenbelt Plan have been reviewed by MNR. Further discussion is required to determine how these sections have been applied to this licence application.

As mentioned previously, the applicant is proposing concrete and asphalt recycling within the proposed licence area. In reviewing existing approvals for adjacent properties also licenced to LaFarge Canada Inc. (ARA licences 6568 and 6619), it is noted that recycling of concrete and asphalt is already permitted in both of these licenced properties. Further, as stated earlier, no assessment of the possible impacts of concrete and asphalt recycling within 1.5 metres of the watertable was provided.

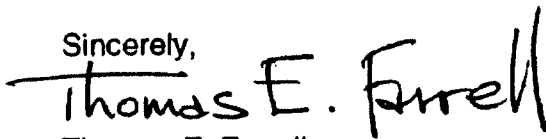
Given that these activities are already permitted in adjacent sites licenced to the applicant, it is unclear why the applicant is also proposing this activity for the proposed licenced area.

The applicant is proposing to integrate a number of aspects of this application with its other existing adjacent licenced sites. For example, the applicant is seeking the removal of common setbacks and the amalgamation of the total combined maximum tonnage for this property along with ARA licences 6568 and 6619. In order for the integration of these adjacent operations to occur as proposed, site plan amendments and licence amendments for existing operations will be required. In an effort to avoid confusion/contradiction that may arise from processing these necessary approvals in isolation of each other, and ensure appropriate progressive and final rehabilitation occurs in a timely manner, MNR recommends that coordination of these processes be undertaken. This will minimize duplication of efforts by both the applicant and MNR and ensure consistency for the various required approvals.

The applicant will be receiving a "redlined" copy of the draft site plan with a number of technical comments from MNR staff.

Based on the review of the information submitted, MNR staff wishes to register an objection to the Aggregate Resources Act license proposal. Staff is willing to meet with the applicant to discuss these issues in greater detail and to attempt to resolve or scope issues. For additional information, please contact Steven Strong of this office at (905) 713-7366.

Sincerely,



Thomas E. Farrell
Coordinator, Planning and Information Management
Ministry of Natural Resources, Aurora District

- c. Mr. Christopher McGuckin, LaFarge Canada Inc.
- Mr. Brian Zeman, MHBC Planning
- Ms Simone Banz, Region of Peel
- Ms Marsha Paley, Town of Caledon \
- Mr. Learie Miller, Credit Valley Conservation



W-005 -2007

Date: January 9, 2007

Moved by:  Seconded by: 

BE IT RESOLVED THAT Council for the Corporation of the Town of Caledon adopt Planning and Development/Policy Section Report 2007-03 re: Response to *Aggregate Resources Act* Licence Application for Proposed Lafarge Lawford Pit, Part Lots 18 and 19, Concession 2 WHS (Caledon), File Numbers: POPA 06-07 and RZ 06-11;

AND THAT Council endorse staff's letter advising the Ministry of Natural Resources and the applicant that:

- a. the Town of Caledon objects to the issuance of the Licence because such issuance is premature until such time as the Town has reached a conclusion with respect to the merits of the related proposed Official Plan Amendment and Zoning By-law Amendment applications.

Mayor:



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