

Proposed Official Plan & Zoning By-law Amendments

Virtual Open House

Mineral Aggregate & Petroleum Resources Mineral Aggregate Operations

File No: D09-01-20 & D14-03-20

June 27th, 2022

Prepared by NPG Planning Solutions Inc.

Background

- ▼ **March 2020: Council Direction to City Staff**
- ▼ **2020 to 2022: Ongoing consultation and Policy Iterations**
- ▼ **January 2022: Public Meeting on Draft Amendments**
- ▼ **Spring 2022: Revised Amendments & Project Update Memo**
- **June 27, 2022: Open House**
- ▼ **July 19, 2022: Public Meeting**

Regulatory Framework

Planning Act & Aggregate Resources Act

- Both provide direction on the protection of aggregates in Ontario
- Amendments to the City's Official Plan and Zoning By-law are made under the Planning Act, and must be consistent with Provincial Land Use Planning Policy and conform to Provincial and Regional Plans
 - Provincial Policy Statement requires municipalities to protect aggregate resources and provide opportunities for mineral aggregate extraction
 - Provincial Policy Statement also requires municipalities to protect natural environment
- Ability of municipality to exclude extraction is highly limited

Summary of Issues

Protection of the South Niagara Aquifer

- Initial concerns from the community were related to the potential impact of elements of Mineral Aggregate Operations on the South Niagara Aquifer
- Source Protection Plan only applies to municipally provided drinking water
- Protection of the aquifer as a natural heritage feature will be addressed as part of new Niagara Region Official Plan

Summary of Issues

Soil Management & Site Alteration

- Issues related to how sites are managed outside of an active extraction process or a development process are matters that are typically addressed through a Site Alteration By-law.
- City can establish requirements for sites – ensuring soil is appropriately managed, drainage issues are addressed, and that neighbours are not impacted by earth movement/placement.

Summary of Issues

Complexity

- Aggregate Resources is one of the most complex areas of planning in Ontario. There is significant provincial interest in protecting aggregates.
- The nature of aggregates, water resources, soil management, and the policy regime can appear to be so complex that community concerns are not able to be resolved. That is not the case, but there are limits to what the municipality can do.

Summary of Issues

Complexity

- The City can:
 1. Support the protection of the South Niagara Aquifer through the new Regional Official Plan
 2. Ensure a robust planning process for aggregate uses with broad based community feedback
 3. Address the appropriate location for mineral aggregate operations and uses, including standards of development (Official Plan and Zoning)

Proposed Official Plan Amendment

- Adds policy to require a site-specific Zoning By-law Amendment when the following are proposed as the principal use of a property:
 - Asphalt Plants
 - Concrete Plants
 - Aggregate Plants
 - Aggregate Depots
 - Aggregate Recycling
- Site-specific Zoning By-law Amendments evaluated against such as their distance from residential uses, impact on environment (including groundwater), municipal servicing, transportation, and impacts from noise, dust and odour
- These uses are directed to Industrial Areas when proposed as principal use of property
- As required by the Provincial Policy Statement, the above uses are permitted if they are accessory to a Mineral Aggregate Operation

Proposed Zoning By-law Amendment

- June 2022 Draft Amendment does not include previously proposed 'Mineral Aggregate Ancillary Use' Zone. These uses are permitted as accessory uses to a Mineral Aggregate Operation
- Site-specific Zoning By-law Amendment required when proposed as principal use of property. General provisions added to the Zoning By-law related to:
 - Minimum distance from residential use (300 metres)
 - Use enclosed by security fence or fireproof building
 - Subject to site plan control where other matters are addressed, such as:
 - Site design
 - Landscaping
 - Mitigation of environmental impacts
 - Drainage
 - Transportation
 - Noise and odour

Discussion

- Feedback to be considered and incorporated into Staff Report for July 19th Public Meeting
- Written feedback can be directed to David Schulz, Senior Planner at:
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