

REPORT BY MEMBERS OF AGGREGATE RESOURCES COMMUNITY WORKING GROUP (ARCWG or WG) ON STATUS OF SUPPLEMENTARY AGGREGATE POLICY STUDY

PURPOSE OF THIS REPORT:

The purpose of this report is:

1. To inform Council that the Supplementary Study (the Study) is not proceeding in accordance with the Terms of Reference (TOR) and the ARCWG has not been allowed to carry out its function in relation to the Study.
2. To request that Council give appropriate direction to ensure the Study is carried out in accordance with the TOR.

BACKGROUND:

In September 2022 the Forks of the Credit Preservation Group presented to Council the report they had commissioned at their own expense entitled *OFFICIAL PLAN AGGREGATE POLICY ASSESSMENT FOR THE TOP TEN AGGREGATE PRODUCING MUNICIPALITIES IN ONTARIO IN RELATION TO THE TOWN OF CALEDON*. That report ranked Caledon in last place of the top ten aggregate producing municipalities in Ontario (TAPMO). Following their delegation to Council the Town adopted an ICBL to put a pause on further aggregate approvals pending a comprehensive review of the Towns Aggregate Resource Policies to bring them up to current standards. This gave rise to Terms of Reference for a Supplementary Aggregate Resources Study and Terms of Reference for an Aggregate Resources Community Working Group.

TERMS OF REFERENCE FOR THE STUDY AND THE ARCWG

The following are excerpts from the Caledon Supplementary Aggregate Resources Study Terms of Reference:

1.1. Background

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The Interim Control By-law will allow the Town the opportunity to undertake a necessary study to examine policy gaps identified during the Official Plan Review process related to aggregate resource development and then establish appropriate planning policies and zoning.

Currently, The Town and Region of Peel are undertaking a joint mineral aggregate resources policy review (“Joint Aggregate Review”). The Joint Aggregate Review will ensure conformity and consistency with updates that have been made to Provincial Plans and policies, and will consider emerging trends and best practices, including comprehensive rehabilitation planning, adaptive management planning and the siting of aggregate recycling facilities.

2.1. Phase 1: Background Review

Phase 1 involves a comprehensive background and policy options review that will culminate in the preparation of a Background Report. The Background Report will review the regulatory and policy context, including existing Provincial, Regional and local initiatives that are applicable to the study area or have the potential to influence its future, as well as the reports prepared as part of the Joint Aggregate Policy Review. This includes, but is not limited to, the following documents and reports:

- Provincial Policy Framework
 - o The Provincial Policy Statement, 2020
 - o The Growth Plan for the Greater Golden Horseshoe, 2020
 - o The Greenbelt Plan, 2017
 - o Oak Ridges Moraine Plan, 2017
 - o Niagara Escarpment Plan, 2017
 - o Aggregate Resources Act of Ontario, as amended
 - o Conservation Authorities Act, as amended
 - o O. Reg. 406/19: On-site and Excess Soil Management

- Regional Policy Framework
 - o Region of Peel Official Plan, 2022
 - o Joint Aggregate Policy Review

- Municipal Policy Framework
 - o Town of Caledon Official Plan
 - o Rehabilitation Master Plan (2021)
 - o Zoning By-law 2006-50

The Background Report will be presented and discussed with the Aggregate Resources Community Working Group, Indigenous communities (if interest is expressed) and public agencies

Excerpts from Terms of Reference for the ARCWG:

Scope of Activities

The Working Group will work with Town staff and actively collaborate with other stakeholders as deemed appropriate to complete the action items below.

1. Background Review • Receive presentation on the Supplementary Aggregate Policy Study Background Report

- Discuss findings with Town staff and provide comments

2. Policy Formation • Feedback on the Background Report informs preparation of the Draft Recommendation Report

- Receive presentation on Draft Recommendation Report prior to Council presentation
- Provide direction to release Draft Recommendation Report for public input at a Public Open House

3. Recommendation • Receive presentation for final Recommendation Report

SUPPLEMENTARY STUDY IS NOT PROCEEDING IN ACCORDANCE WITH TERMS OF REFERENCE APPROVED BY COUNCIL

1. PHASE 1 OF STUDY NOT COMPLETED

The Terms of Reference call for input from WG on the background report- None has been asked for or received. This is a major function of the Working Group and was to inform the formulation of policy for presentation to Council. It has been completely ignored and bypassed.

There are many problems with report that the Working Group has identified, including: but not limited to:

- The report does not identify gaps, weaknesses or updates in Provincial or Regional policy or best practices that need to be addressed
- does not provide the necessary framework or focus for the subsequent phases
- does not review adequately the current planning policy regime as a basis for proposing policy options
- it is primarily a selective and inaccurate historic review of Provincial regulation of aggregate operations.
- Provincial planning for aggregate resources has for decades focused on protecting the resource and allowing extraction while protecting the environment and communities.
- Provincial Policy is and has long been to balance the demand for aggregate against other equally important planning criteria
- the Background Report ignores advances in understanding and protecting the natural environment, water resources and human health and safety

2. PHASE 2 SKIPPED ALL TOGETHER - NO INPUT FROM ARCWG ON ANY ASPECT

- ARCWG Has attended 4 scheduled meetings so far at which we have been told what is to be in the policies and the mapping.
- Community members have not been asked for input on any aspect of the Study
- We have been given no opportunity to discuss issues of concern
- have received no response to numerous communications to staff requesting process be reset to comply with the Terms of Reference. In particular issues lists were provided by David Sylvester in July 2023 and by Jane Thompson in September 2023 with a specific request that the issues be placed on the agenda for discussion. That did not occur in the September or the December meetings.
- There has been no draft recommendation report to Council as required by the TOR.
- There has been no draft recommendation report presented for public input at a Public Open House

3. PHASE 3 - FULL REWRITE WITHOUT COUNCIL DIRECTION DOES NOT RESPOND TO TOR TO IMPROVE AND UPDATE OP.

- The TOR for the Study and for the WG called for input to policy options which were to be presented to council prior to policy formulation. NOT DONE
- the TOR for the WG and for the Study do not call for rewrite and complete reformulation of OP aggregate policies, which the draft policies are.
- There has been no attempt to identify specific policy issues as basis for consideration of policy options as called for by the TOR.
- Draft policies are a fundamental departure from the existing OP which weaken significantly the current standards CONTRARY TO THE PURPOSE OF THE STUDY

4. NEW TEAM NEEDED FOR OBJECTIVE, DEFENSIBLE POLICY FORMULATION.

- Draft policies were produced without respect for the process approved by Council which was focused on public input to policy formulation. It has also proceeded without respect for the role of the Working Group.
- we were told from the outset what the policies and the mapping would be and they have now been drafted before the process provided for in the TOR has even begun.

- having proceeded in this way the current team cannot now conduct an objective and defensible review. Their policy proposals will be an impediment to the success of a Council directed policy formulation and eventual OP amendment.
- At our last meeting we had the assistance of a professional facilitator. While such assistance helps clarify the problems he cannot take control of the process and produce the outcome directed by council. That is not his role or his expertise.

5. SCOPED AND FOCUSED PROCESS NEEDED TO COMPLETE REVIEW IN EFFECTIVE AND TIMELY MANNER WITHIN LIFE OF ICBL.

The members providing this report are not in favour of attending further meetings of the ARCWG until the process is brought back into line with the Terms of Reference and we are assured that we will be given the opportunity to perform the role that Council intended.

No further time or resources should be spent considering the draft policies that were produced prematurely and in disregard of the process approved by Council in the Terms of Reference for the Study and the Working Group.

The attached draft process outline with an effective consulting team including technical experts where needed will achieve the goal of the Study.

REQUEST:

Direct staff to engage a project manager and environmental planner to complete Supplementary Aggregate Policy Study as per Draft Revised ARCWG Process attached as an Appendix to this report.

Respectfully submitted

January 8, 2024

Jane Thompson, David Sylvester, Cheryl Connors, Martin Bamford

Members of Aggregate Resources Community Working Group

APPENDIX TO ARCWG REPORT TO COUNCIL

DRAFT RHEIVED ARCWG PROCESS – SCOPED AND FOCUSED ON AMENDMENTS TO CURRENT OP

The following is an outline of the process that should be followed to complete the aggregate resources policy review in accordance with the Terms of Reference approved by Council and to achieve an updated and improved Official Plan:

1. First priority, put new team in place to complete the public input and policy formulation process. Team should consist of Project Manager (not facilitator), experienced Environmental Planner and other experts as they may determine appropriate. Mr. Dorfman should not be part of the community consultation process since he has already formulated his policies without input from the community. His policies can be tabled for future consideration.
2. Conduct Policy Review of existing OP as required under Terms of Reference.
3. Meetings the agenda should be based on the following issues list generated by the WG plus additional issues based on review of existing OP:

1. Ecological System Planning in Current OP – how to update, weaknesses in Future Caledon Draft OP August 2023
2. ROP and New Caledon OP: Preserve existing OP as Rural OP
3. Valley and Stream Corridor Drainage Areas and Woodlands Greater than 30 ha in potential resource areas -mapping tools to add to EPA designation
4. HPMARA methodology – start with Schedule L and update
5. Fragments, Minimum Size for Realistic Resource Areas
6. Buffer Zones On Site, Minimum Distance Separation
7. Blasting and Fly-rock
8. Dust and Particulate, Impacts on Human Health
9. Permitted Uses – recycling, asphalt, ready mix etc.
10. Truck Transportation Town wide
11. Enforcement, Oversight and Reporting
12. Resources and expertise
13. Disclosure of Documents

4. For each item on the agenda the process followed should be:

- a. Receive input from community members and others about the nature of the concern;
- b. Review the policies of the current OP as to how the concern is addressed, if at all;
- c. Obtain input on how other aggregate producing municipalities treat the issue;
- d. Consider policy options including existing best practices and possible better practices;
- e. If there is near consensus recommend policy approach.

5. The steps to complete the process after community input would be:

- a. PM and planner to prepare report to Council to recommend policy changes.
- b. If approved by Council, draft OP to be prepared for presentation at statutory public meeting.
- c. Following public meeting policy changes finalized for presentation to Planning Committee and Council.