

Staff Report 2024-0544

Meeting Date: October 8, 2024

Subject: Recommendation Report: Supplementary Aggregate Policy Study

Submitted By: Joe Nethery, Nethery Planning, for Strategic Policy Planning, Planning and Economic Development Department

RECOMMENDATION

That Staff Report 2024-0544, Recommendation Report: Supplementary Aggregate Policy Study, be received.

That the By-law, being a By-law to adopt Official Plan Amendment 1, included as **Schedule A** to Staff Report 2024-0544, be enacted.

That Council resolves and declares that Official Plan Amendment 1 conforms with all provincial plans or does not conflict with them, has regard to the matters of provincial interest listed in section 2 of the Planning Act, and is consistent with policy statements issued under subsection 3 (1) of the Planning Act.

That per Section 34(17) of the Planning Act, no further public notice is required with respect to the Zoning By-law, being an amendment Zoning By-law 2006-50, as amended.

That the associated amendment to Zoning By-law 2006-50, as amended, included as **Schedule B** to Staff Report 2024-0544, is passed.

That the Clerk be directed to provide notice of the passing of the By-laws adopting Official Plan Amendment 1 and enacting the associated Zoning By-law Amendment, in accordance with the Planning Act.

That staff prepare a work program for Council approval in Q1 2025 to complete the following further projects:

1. An Official Plan Amendment for Town-wide policy requirements related to woodlands over 0.5 hectares meeting minimum biomass requirements, air quality emissions policies, broadband back-up alarms, report accessibility requirements.
2. Preparation of a Caledon Aggregate Standards Manual.
3. Parameters for a Human Health Risk Assessment Review study design, in consultation with Peel Region Public Health, that would consider the results of the Town's Air Quality Monitoring Study.
4. Parameters for an air quality study, which could include an option for a further Official Plan Amendment and "PM10"/"PM2.5" By-law.
5. A review of the 2021 Caledon Aggregate Rehabilitation Master Plan for its potential applicability as a Town-wide guideline.
6. An Excess Soil Official Plan Amendment.
7. A Recycled Aggregate Strategy for public works projects.
8. A review of the Town's Noise By-law for potential updates.

9. A report on the By-law Enforcement division's ability to undertake monitoring of mineral aggregate operations to provide support to the Ministry of Natural Resources.
10. A strategy for Council advocacy on Provincial mineral aggregate policy reform.

REPORT HIGHLIGHTS

- The purpose of this report is to conclude the Supplementary Aggregate Resources Policy Study through an Amendment to the Council-adopted Future Caledon Official Plan ("OPA 1"), an Amendment to Zoning By-law 2006-50, the authorization of a number of additional implementation projects, and requests for reports on a number of individual issues arising from the study.
- The overall intent of the Study was to develop updated mineral aggregate policies and mapping for the Council-adopted Future Caledon Official Plan and updates to Zoning By-law 2006-50, where appropriate, building upon the findings of the Joint Peel-Caledon Aggregate Policy Review.
- The study undertook considerable engagement through an Aggregate Resources Community Working Group, and consultation with the aggregate industry and public agencies. This included working discussions on a range of issues that culminated in a Background Report and Policy Options Report.
- Broad public engagement included open houses on June 19 (Caledon East Community Complex), July 25 (Alton Legion), and September 3 (Caledon East Community Complex).
- As part of this work, Town staff prepared Caledon High Potential Mineral Aggregate Resource Area (CHPMARA) mapping, building upon the draft High Potential Mineral Aggregate Resource Area (HPMARA) mapping developed as part of the Joint Peel-Caledon Aggregate Policy Review, through a local constraints exercise. An updated draft Schedule E12 has been prepared following public engagement work, with an explanation provided below.
- The adoption of the Official Plan Amendment 1 and passage of the implementing Zoning By-law Amendment, provided as **Schedule A** and **Schedule B** to this report, is recommended.
- Also attached are tracked changes versions of the main Official Plan Amendment text (**Schedule C**), draft Chapter 20 text (**Schedule D**), and implementing Zoning By-law Amendment (**Schedule E**) showing revisions to each document made following the statutory public meeting held on September 17, 2024. Each also provides an explanation for each change.
- A detailed public comments summary table is provided as **Schedule F** to this report, and how the comments are addressed in the final draft Official Plan and Zoning By-law Amendments is summarized in this report. The full record is included as **Schedule G**.
- Expiry of the related Interim Control By-law will take place on October 18, 2024.
- The Town's website will be updated with final documents following Council's decision.

DISCUSSION

This report seeks Council’s adoption of the attached draft Official Plan Amendment and draft Zoning By-law Amendment, which represent the work completed through the Town’s Supplementary Aggregate Policy Study. The proposed amendments have been prepared to introduce policies related to mineral aggregate resources and associated mapping revisions implementing the Supplementary Aggregate Resource Policy Study, a continued phased implementation of the Future Caledon Official Plan.

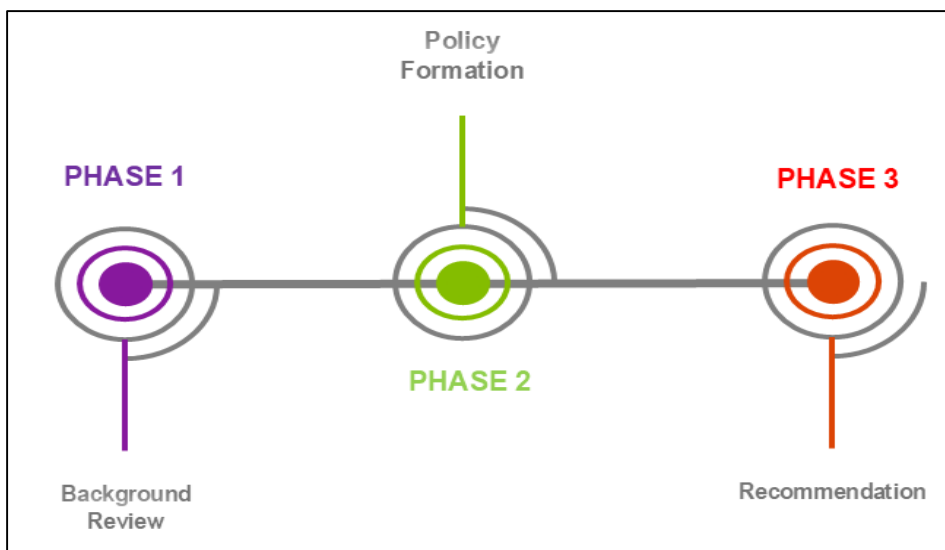
Background

Through Report 2022-0448, in October 2022, Council directed staff to initiate a Caledon Supplementary Aggregate Resource Policy Study to analyze the findings of the in-progress Joint Peel-Caledon Aggregate Policy Review and the Town’s recently adopted Rehabilitation Master Plan and propose new mineral aggregate policies to be added to the Council-adopted Future Caledon Official Plan, and amendments to the Comprehensive Zoning By-law, as appropriate.

The goals of the study were as follows:

- Prepare a Background Report that provides context and policy analysis for consideration by Council
- Conduct a public consultation program with residents, indigenous communities, stakeholders, agencies and Council members
- Draft a Policy Options Report for review and consideration by Council, that may contain recommendations for amendments to the new Official Plan and/or Zoning By-law as deemed necessary

The overall intent of the Study is to consider how the mineral aggregate policies and mapping of the new Caledon Official Plan and the zoning standards of Zoning By-law 2006-50, are best implemented and updated where appropriate into the Council-adopted Future Caledon Official Plan.



Phase 1: Background Review

The project has been organized into three phases. Phase 1 involved a comprehensive background and policy options review that culminated in the preparation of a **Background Report**. The Background Report reviewed 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. The Background Report was presented to the Aggregate Resources Community Working Group for input (not endorsement). The final report was received by Council on May 14, 2024.

Phase 2: Policy Formation

Building on the work of Background Report, Phase 2 provided opportunities for residents, Indigenous communities, and other stakeholders to actively participate in the Study's process. The input received on the Background Report informed preparation of a **Policy Options Report**. The report contained 50 recommendations for the Official Plan and Zoning By-law Amendments, and recommended seven further studies to provide in-depth answers and focused review of specific technical issues. It reviewed the relevant 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 completed with Peel Region. It concluded with a listing of all issues heard that could not be addressed or supported as items that Council could consider in a future advocacy strategy—not within the scope of the planning study—to ensure all items raised through public input were considered. The Policy Options Report was presented to the Aggregate Resources Community Working Group for input (not endorsement). The report is provided as **Schedule H** to this report.

Phase 3: Recommendation

This report concludes Phase 3 of the project, presenting a final draft Official Plan Amendment and Zoning By-law Amendment, taking into consideration public comments received on the draft Official Plan Amendment and Zoning By-law Amendment released for public comment in advance of the September 3 open house and September 17 statutory public meeting.

Public Engagement

Public Engagement has been an essential part of the preparation of the draft Official Plan Amendment and Zoning By-law Amendment:

1. The first open house was held Wednesday, June 19, at the Caledon East Community Complex. The purpose of this event was to collect input from the public on key considerations for developing a vision and principles as a foundation for updated mineral aggregate policies. A survey and handout with the same content was prepared to collect public input.
2. A second open house was held Thursday, July 25, at the Alton Legion. The project team used the input collected at the June open house and submissions received to that date to complete the Policy Options Report and its preliminary preferred policy directions. A new survey and handout with the same content was prepared

- to collect public input on the 50 policy recommendations, seven further options, and the additional items that could not be addressed in the study.
3. Once confirmation was received from the Ministry of Municipal Affairs and Housing that the Official Plan Amendment for this project would be processed as a “Section 26 Amendment” (implementing a phased conformity exercise to Provincial plans and policies), a third open house was convened to meet statutory requirements under the Planning Act. This third open house was held Tuesday, September 3, at the Caledon East Community Complex. The purpose of this event was to collect input from the public on the draft Official Plan and Zoning By-law Amendments.

A statutory public meeting under Sections 17(15)(d) and 34(12)(a)(ii) of the Planning Act was held on September 17, at Caledon Town Hall. The meeting included 14 delegations who spoke on a variety of matters, including environmental protection (including a request for a policy to prohibit extraction in ecologically sensitive groundwater recharge areas), resource mapping, truck traffic, Indigenous consultation, blasting and flyrock, and site monitoring.

Further to the above events, over 100 written submissions have been received from the public, including residents, aggregate site landowners, and representatives of the mineral aggregate industry. A detailed summary of public input received and responses to public comments has been prepared and is attached to this report as **Schedule G** to this report.

Comments from residents generally include:

- Concerns regarding the capacity and jurisdiction of the Town to monitor and enforce aggregate operations to comply with license requirements.
- Concerns regarding environmental and water resource degradation as a result of aggregate operations, including a request to prohibit aggregate extraction within ecologically sensitive groundwater recharge areas (ESGRAs).
- Queries and concerns about the Town’s high potential mineral aggregate resource area mapping (CHPMARA) process.
- Concerns about the impact of aggregate operations on local wildlife, such as Brook Trout.
- Concerns regarding blasting and flyrock, such as safety and experience of blasters.
- Queries and concerns regarding aggregate truck traffic and aggregate haul routes.
- Queries regarding separation distances between sensitive land uses and aggregate operations.
- Concerns regarding air quality and other human health impacts of aggregate extraction.

Comments from landowners and representatives of the mineral aggregate industry included:

- Concerns that the length of comment periods are too brief (between the release of policy documents) and requests for more stakeholder participation opportunities.
- Concerns regarding restrictions/policies going beyond the bounds or authority of the Provincial Policy Statement, Greenbelt Plan, and *Aggregate Resources Act*.
- Intent to appeal to the Province to ensure compliance with the Planning Act and to provide stakeholders with sufficient time to participate in the Study process.

- Concerns regarding the Town's high potential mineral aggregate resource area (CHPMARA) mapping process.
- Concerns regarding the items for Council advocacy outlined in Section 6.3 of the Policy Options Report.
- Special policy requests for quarry lands adjacent to Caledon Village.
- Concerns regarding increased resource and infrastructure costs that may result from the Town's proposed mineral aggregate Official Plan policies.
- Concerns regarding aggregate truck haul routes and their alignment to the Region of Peel Official Plan.

Aggregate Resources Community Working Group

The Aggregate Resources Community Working Group (ARCWG) was created by Council to liaise with residents to bring a variety of community perspectives, and for public agencies to review and provide comments and data input during the study process.

In addition to the public representation, Region of Peel, Ontario Stone, Sand & Gravel Association (OSSGA), and Credit Valley Conservation Authority contacts were also provided opportunities to participate. The ARCWG, public agencies and OSSGA were engaged throughout the Study process and received presentations on the Background Report and Policy Options Report and provided comments on these documents.

Overview of the Proposed Official Plan Amendment

The proposed OPA 1 provided as **Schedule A** to this report makes a number of changes to both the text and maps (Schedules) of the Council-adopted Future Caledon Official Plan in the following ways:

- Primarily, the amendment introduces a new Chapter 20 into the Council-adopted Future Caledon Official Plan, with a comprehensive set of objectives, use permissions (all tied to an Aggregate Resources Act licence), policies around the long-term protection of mineral aggregate resources, policies and permissions for adjacent sensitive land uses, other types of land uses.
- The current Town practice of requiring an Official Plan amendment and rezoning to establish new mineral aggregate extraction is maintained.
- A comprehensive set of policies guiding the review of new mineral aggregate extraction (Section 20.5), based upon current Town policies (as detailed in the policy analysis below) with harmonization of environmental feature terminology, including classifications of features.
- The proposed amendment includes the addition of definitions, including: adaptive management plan, aggregate transfer station, Caledon High Potential Mineral Aggregate Resource Areas, commercial peat extraction and organic soil extraction, comprehensive rehabilitation, mineral aggregate extraction, mineral aggregate resources, and wayside pit and quarry.
- The proposed amendment re-introduces the Coulterville Special Study Area from the current Official Plan.
- Amendments to the current Schedule B4 (Land Use Designations) to redesignate lands with surrendered aggregate licenses to other designations aligned with

approved rehabilitation, the current Schedule C1 (Town-wide Transportation Network) to add aggregate haul routes, Schedule E1 (Rural System) to add the Coulterville Special Study Area boundary, and Schedules E4 (Caledon Village) and E5 (Cheltenham) to update the name of the Mineral Resource Extraction Area designation. A new Schedule E12 is also added identifying Caledon High Potential Mineral Aggregate Resource Areas to implement Provincial policy requirements.

Proposed Changes to Final Draft Official Plan Amendment

After review and consideration of the input received, the following major changes have been made to the draft Official Plan Amendment:

- Additional objectives to clarify the Town’s intent to conform to Provincial policy on balance with other Town priorities.
- A revised “associated facilities” replacing the “uses essential” text about which both industry and public comments were received. The new language comes from the Halton Region Official Plan, which was approved by the Ontario Municipal Board (now Ontario Land Tribunal).
- Clarification that potential mineral aggregate resources are found outside of the CHPMARA identification (as identified by the Province), tied to the existing draft policy around applications on such lands.
- Restoration of permission to extract on “hazard lands” (e.g., dangerous slopes) provided conformity to the Plan is demonstrated, which conforms to Provincial policy and is recognized in the current Town Official Plan.
- Addition of policy to clarify that minor variances and site plan approvals would not be considered development for the purposes of evaluating compatibility adjacent to mineral aggregate operations and CHPMARA identified lands.
- Addition of lots created by content to the policy on land division (noting the high bar and limitations already in place for rural lot creation).
- Deletion of all peer review and costing policies, to instead default to using similar policies already in the Council-adopted Future Caledon Official Plan.
- Correction of a drafting error on wayside pits and quarries, clarifying the identified locations are a prohibition.
- Addition of a preamble that all policies of the Council-adopted Future Caledon Official Plan would apply (including Part D environmental policies).
- Removal of the “no negative impact” modified definition to instead use the definitions in Provincial plans and policies (A note that the “change to ecological functions” component of the definition is recommended to be retained to ensure the proposal continues to fit within the parameters of conformity to the Greenbelt Plan’s policy related to existing comprehensive aggregate management studies).
- A revision to the Niagara Escarpment Plan environmental policy to reflect legislative guidance that in the case of conflict, the Niagara Escarpment Plan policies prevail.
- Removal of the single policy on “where no other Provincial plans apply” as a duplicative policy, recognizing the 2024 Provincial Planning Statement would apply for guidance in that situation.
- Revision of the entire Agricultural Lands policy to be consistent with the updated policies of the 2024 Provincial Planning Statement.

- Similar editorial revisions to the Water Resources policy to be consistent with the language of the 2024 Provincial Planning Statement. This also includes changing the test to a “negative impacts” test to align with the Council-adopted Future Caledon Official Plan’s base definition of negative impacts and the 2024 Provincial Planning Statement definition.
- Clarification around the intended applicability and purpose of adaptive management plans, a new tool enabled by these policies.
- Additional recognition in the Official Plan text of other existing approved haul routes in the Town (not shown on the mapping), including those using Town-owned roads.
- Deletion of the “in principle” support for haul routes to all resource areas, as new haul route proposals would be fully evaluated through the application process.
- Additional policy that soil rehydration would not be permitted as a means to achieve rehabilitation.
- Additions within the Social Impact Assessment policies to clarify the inclusion and due consideration of Town policies, standards and criteria in preparing technical reports.
- Revision of the no negative visual impact test under the Visual Impact Assessment policies to a “minimize” test to reflect the nature of mineral aggregate extraction.
- Reordering certain policies for better organization within the Council-adopted Future Caledon Official Plan.
- An update to the proposed redesignation of lands at 2140 Charleston Sideroad to reflect the approved agricultural use of the lands plus one dwelling unit, and surrounding context. Land to the west are removed from redesignation as the Council-adopted Future Caledon Official Plan had the correct designation.
- Minor editorial revisions to clarify intent of the policies.

One major revision to highlight is the new Section 20.2.5(b) and other edits throughout the draft Chapter 20 reflecting the 2024 Provincial Planning Statement and Section 12.1(1.1) of the *Aggregate Resources Act* limitations on depth of extraction. The rules were changed in 2020 such that *Planning Act* documents are not permitted to address depth of extraction. The draft policy is worded such that if this Provincial rule changes that the Town will seek to apply policy. This also would serve to limit any prohibitions around depth of extraction, including within water resources system features. The Provincial policy framework limits any Town ability to regulate in this area.

Also of note, additional CHPMARA locations have been shown within the location of existing licenced areas. There is no policy implication as policy related to potential mineral resources also apply to licensed boundaries.

The tracked changes version of the documents in **Schedules C and D** to this report provides explanations for each non-editorial change.

Overview of the Proposed Zoning By-law Amendment

The proposed Zoning By-law Amendment attached as **Schedule B** to this report includes updates to the language and schedules of the Town’s Zoning By-law as follows:

- Changes the zoning on aggregate extraction sites in which the license has been surrendered to align with the Council-adopted Future Caledon Official Plan.

- Four new operational use terms, two pits and two quarries use terms, to replace existing definitions and align with each volume class under the Aggregate Resources Act and Ministry of Natural Resources standards.
- New definitions for ‘asphalt plant’, ‘commercial peat extraction’ and ‘organic soil extraction’, ‘excess soil operation’, ‘portable concrete batching plant’, ‘soil dehydration services’, and ‘small scale concrete batching plant’.
- Replacement of an existing prohibited use clause with an updated list of terms.
- Edits to some special provisions are to harmonize with the use terms.

Proposed Changes to Final Draft Zoning By-law Amendment

After review and consideration of the input received, the following changes have been made to the draft Zoning By-law Amendment:

- A similar reduction in pit and quarry use terms to reflect the draft Chapter 20 policies and limitations on use of *Planning Act* instruments to regulate depth of extraction.
- Recognition that not all uses permitted on *Aggregate Resources Act* site plans have yet to be established. This feedback from aggregate industry contacts has been made to ensure those elements of approved licences are reflected in the zoning by removing the “legal existing uses” zoning footnote—but maintaining the zoning footnote related to the licence. The intent of the zoning to only reflect existing approved permissions remains satisfied through this adjustment.
- Clarifying that “outdoor storage” is permitted as an accessory use in the Extractive Industrial (MX) Zone, subject to the same limitations as in the bullet above.
- A corresponding edit to the new prohibited use clause to clarify that the clause does not apply to uses otherwise permitted in the By-law.
- A corresponding mapping change to 2140 Charleston Sideroad to reflect the proposed Rural (RU) Zoning.

Detailed Policy Analysis

This report will provide analysis of the relevant Provincial and Regional plans and policies. Some of this content was also contained in the Policy Options Report but is provided here for ease of reference.

There has been considerable input received on the municipal role in mineral aggregate applications. To be clear, the legislation and core policy framework is established, defined, and scoped by Provincial legislation and policy. It is the Province that sets the rules around the application review process, and the *Aggregate Resources Act* strictly limits what municipal policy and by-laws can and cannot apply.

Section 12.1(1) of the *Aggregate Resources Act* states: “No licence shall be issued for a pit or quarry if a zoning by-law prohibits the site from being used for the making, establishment or operation of pits and quarries.” This brings into play the *Planning Act* and Provincial plans and policies — clearly, there is a municipal role in review. The Province has, however, put strict boundaries and limitations around this review to deliver on the Provincial interest in mineral aggregate resources. These boundaries are critical in

providing a recommendation to Council, as outlined in the Policy Options Report (Section 4.2.1).

Provincial Planning Statement (2024)

This analysis will only include the new 2024 Provincial Planning Statement as it will be in effect on October 20, before the Province makes its decision on the Official Plan Amendment. (Correspondingly, the 2019 Growth Plan is not being analyzed in this report as it will no longer apply after October 20.)

The core policies in question are in Policy 4.5, Mineral Aggregate Resources. Policy 4.5.1.1 states, “Mineral aggregate resources shall be protected for long-term use and, where provincial information is available, deposits of mineral aggregate resources shall be identified.” Policy 4.5.2.1 states, “As much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible.”

Many of the resources in Caledon are constrained by the natural environment, urban development, and existing infrastructure. Through the study, the project team learned that Provincial geological authorities apply constraints onto base data, with municipalities expected to provide insight into local circumstances that may constrain the resource’s availability. The Joint Peel-Caledon Aggregate Policy Review began this constraints exercise, and this study has completed the constraints exercise.

Peel Region identified 18 constraints within the HPMARA Methodology technical paper, supplemented by additional Town work as identified in the Policy Options Report: These local constraints included:

- Additional valley lands not captured in the Peel Region scan, to align with those features as identified in the Council-adopted Future Caledon Official Plan. To be consistent with buffers of provincially significant wetlands and their associated 30-metre minimum vegetation protection zones already included as a constraint on High Potential Mineral Aggregate Resource Areas, an additional 30-metre buffer on valleys was also added as a further constraint.
- Further refined analysis showed some sections of Settlement Areas still included some fragments of High Potential Mineral Aggregate Resource Areas, which are proposed to be deleted.
- Resource fragments (very small areas of identified High Potential Mineral Aggregate Resource Areas) that are included in the Peel mapping are proposed to be considered as constraints and not included in the final mapping in the Future Caledon Official Plan. From the Mapping Methodology Report prepared through the joint Peel-Caledon work, these include areas small in size (generally less than 5 ha in size), isolated from other areas, long and narrow deposits; and resources on opened road allowances and railway corridors.
- Addressing the 200-metre setback requirement from the Escarpment Brow in which no aggregate extraction activities can take place.

The policies provide a high standard of environmental tests to be satisfied in supporting development. There are no prohibitions beyond those base features and functions identified in the planning framework

Policy 4.5.2.2 states: “Extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts.” The Town has a longstanding policy framework developed over a detailed process in the late 1990s (Caledon Community Resources Study) that provides a comprehensive basis for these impacts. The draft policies continue this approach and provide enhancements related to contemporary science, known policy gaps revealed since the original study was completed, and recent issues. In all aspects the policies speak to resolving “negative impacts” or “avoidance, or mitigation/minimization where not possible” and complement the Provincial standards framework.

There are Ontario Municipal Board/Ontario Land Tribunal decisions in this regard as well:

1. The 2010 Capital Paving decision in Puslinch Township (PL080489, issued January 19, 2010), the Board stated that, “The Board in evaluating Planning Act applications is not restricted to MOE guidelines since it must determine if an undertaking is good land use planning,” citing three cases as part of that point. While there are points specific to that hearing, a conclusion can be drawn that a *Planning Act* standard contributes to an evaluation on a proposal’s demonstration of good land use planning.
2. A major decision came down on February 21, 2024, Jackson Harvest Farms Ltd. (OLT-22-003789). The proposal, in Wilmot Township, where the World Health Organization standards were raised by an appellant resident group. In that case, those standards were exceeded in a “worst case scenario” case. The Tribunal ruled that the proposal complied with Regional and Township Official Plan policy — while being satisfied about Provincial guidelines being in place, the Tribunal again referred to *Planning Act* documents.

A clear objective and intent through this study is to achieve “more than minimum” performance of operations. Industry representatives have also made it clear a desire to “do better” in this area. The draft policies deliver this in a manner that does not preclude establishment of operations—together, the policies respect the high environmental bar presently existing and provides for a Town-led basis to require a higher level of operational performance. This is entirely consistent with this Provincial Planning Statement policy to minimize social and environmental impacts. Economic and financial-related policies seek to mitigate related costs and would be applied at the application review stage.

Policy 4.5.2.3 requires conservation, including through recycling. Updated policies permit aggregate recycling in locations consistent with permissions in Provincial plans. Individual applications would continue to be used to assess conformity with this policy.

Policies 4.5.2.4 and 4.5.2.5 are lengthy policies (both in length and longevity) protecting mineral aggregate operations from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. Existing mineral aggregate operations shall be permitted to continue without the need for official plan amendment, rezoning or development permit under the *Planning Act*. The draft policies provide all required protections to the benefit of operations and potential resources. It also allows existing operations to continue—with changes to those operations proposed to require a *Planning Act* approval as it would be a change in operation or use. This would be the

opportunity to bring legacy sites into compliance with contemporary environmental and operational standards.

Policy 4.5.3 speaks to rehabilitation, including requiring progressive rehabilitation and mitigation of negative impacts. The draft policies are consistent with this policy. A further project is proposed to review the 2021 Rehabilitation Master Plan for updates to make this a Town-wide guideline that provides long-term guidance on appropriate rehabilitation designs.

Policy 4.5.4 speaks to extraction in prime agricultural areas. The draft Chapter 20 policies have been updated to ensure it is consistent with these new policies.

Policy 4.5.5.1 speaks to wayside pits and quarries and portable asphalt and concrete plants as being permitted without the need for a *Planning Act* application, except in areas of existing development or particular environmental sensitivity. The draft Chapter 20 policies address this permission (with an edit to correct a drafting error).

The broader policies around natural heritage (Policy 4.1) and water (Policy 4.2) also apply. The Town will undertake a conformity assessment at a future date with the overall plan. Key to this assessment is that the draft policies ensure a comprehensive review of environmental features—both Natural Features and Areas and Supporting Features and Areas—as part of the studies and required assessment of each application.

Greenbelt Plan (2017)

The Policy Options Report provides analysis of the application of the policies of the Greenbelt Plan. The critical policy underpinning this opinion is Section 4.3.2.10 of that Plan:

Where a municipality has undertaken a comprehensive aggregate resource management study and implemented the results into its official plan prior to December 16, 2004, such policies shall be deemed to conform with this Plan.

The policy very clearly states that the existing policies developed through an older, comprehensive process conform with the Greenbelt Plan, 2017. This position was confirmed in correspondence from the Ministry of Municipal Affairs and Housing through Peel Region's Official Plan Review. A copy is attached as **Schedule I** to this report. The existing environmental policies in OPA 161 definitely go beyond the policy maximums of Policy 4.3.2.3 (which in turn supersedes the main natural heritage policies of Section 3.2 of the Greenbelt Plan), and objectively provide a higher standard of protection for the natural environment.

That the Greenbelt Plan in 2005 and again in 2017 recognized the Town's detailed planning for mineral aggregates is purposeful. Later transition policies in that plan (Section 5.3) provide processes to identify further systems or research required to implement or streamline rural planning policies — no such plan is made for mineral aggregate extraction. In a related vein, site-specific development applications in some degree of implementation or site-specific permissions were allowed to continue (Section 5.2.1). The basis in policy for long-term recognition of identified approvals before December 16, 2004, is enshrined in this Provincial Plan.

Updates to the existing policies have been made to harmonize language in the mineral aggregate policies and the draft Chapter 20 for ease of implementation, but all maintain the same core intent: to provide for an assessment of the identified features for no negative impact to other environmentally significant features and functions. Care has been taken to not exceed the bounds of this policy, and to provide appropriate release of policies that are less relevant or duplicative. Conformity to this Provincial Plan has been achieved.

A reminder that the assessment and application of these policies would occur through every application for Official Plan Amendment for new mineral aggregate extraction.

Niagara Escarpment Plan (2017) and Oak Ridges Moraine Conservation Plan (2017)

A key clause in the *Niagara Escarpment Planning and Development Act*, Section 14 states that in case of any policy conflict, the *Niagara Escarpment Planning and Development Act* and Niagara Escarpment Plan prevail. The draft Chapter 20 policy provides that singular point of clarity, with other clarifications added to ensure that the balance of the Council-adopted Future Caledon Official Plan continue to apply.

The same conflict language does not exist in the *Oak Ridges Moraine Conservation Act* (that *Act* says that “the *Act*” prevails in case of conflict). The Town has already completed a conformity exercise with respect to mineral aggregate operations and those policies are proposed to be carried forward in the draft Chapter 20 policies. Conformity to these Provincial Plans has been achieved.

A reminder that the assessment and application of these policies would occur through every application for Official Plan Amendment for new mineral aggregate extraction.

Peel Region Official Plan (2023)

A key change during the life of this study was the removal of land use planning responsibilities from the Region of Peel through Bill 23 and 185 amendments to the *Planning Act*. The core elements of the 2051 Regional Official Plan left implementation of many policies to the Town for completion. The completion of this study addresses those gaps, including implementation of new prohibitions on commercial peat and organic soil extraction.

The Region’s municipal comprehensive review did not complete the mapping exercise for potential mineral aggregate resource areas. It was to come through a subsequent phase of review, but the Region did not conclude that work as a result of Bill 23/185 changes to the *Planning Act*. It falls to the Town to complete this work, which was done through this project.

Additional Study Clarifications

The following answers are provided in response to questions raised at the statutory public meeting.

Proportion of Land Identified as Having High Potential Mineral Aggregate Resources

For the proportion of land in Ward 1 questions, the Provincial data identifies 16,500 hectares of land as having high potential: approximately 9,000 hectares of that as bedrock, and approximately 7,500 hectares of that as sand and gravel — totaling 53% of the Ward's land area.

The Peel Region exercise identified approximately 7,000 hectares of land as having high potential. Based on the final draft Schedule E12, the proposed Caledon High Potential Mineral Aggregate Resource Area identifies approximately 5,775 hectares of land as having high potential: approximately 1,400 hectares of that as bedrock, and approximately 4,375 hectares of that as sand and gravel—totaling 18.7% of Ward 1's land area.

Aggregate Fees and Royalties

The Aggregate Fee and Royalty was increased by 4.4% to match inflation on January 1, 2024:

- The greater of 23.7 cents/tonne of material or \$825, for a Class A licenced operation (removing more than 20,000 tonnes annually) or a Wayside Permit ("Issuance Fee").
- The greater of 23.7 cents/tonne of material or \$412, for a Class B licenced operation (removing more than 20,000 tonnes or less annually).

Of that amount, 61% goes to the local municipality in which the site is located. 15% goes to the upper-tier municipality, 21% goes to the Crown, and 3% to the Aggregate Resources Trust for rehabilitation and research.

The 2023 royalty cheque arrived during the week of September 17, 2024, in the amount of \$475,349.19.

It should also be noted that the Municipal Property Assessment Corporation (MPAC) does provide an adjustment to assessed values for residential properties adjacent to mineral aggregate extraction: 6% for a property adjacent to an active or proposed operation, and 2% for residential properties within 1.0 kilometre of the same.

Next Steps

The recommendation before Council is to adopt Official Plan Amendment 1 and pass the associated Zoning By-law Amendment. The Official Plan Amendment will be forwarded to the Ministry of Municipal Affairs and Housing for approval as a Section 26 process, implementing Provincial Policy. The approval of an official plan or amendment by the Province is not appealable.

The Zoning By-law Amendment is subject to appeal. If passed by Council, staff will issue Notice of Passing in accordance with Planning Act requirements. Council will be updated upon completion of this period.

There are a number of recommendations coming out of this study that require additional work or a focused, Town-wide solution to implement. The recommendations in this staff report include seeking Council direction to undertake the following projects:

- Development of a “Caledon Aggregate Standards Manual” to identify Terms of Reference to guide preparation of required studies, including standards sought to demonstrate conformity with the new Official Plan policies. This would require the retention of experts to support content of a technical nature. This was also recommended in the Peel-Caledon Joint Aggregate Policy Review, citing [Halton Region’s document](#) as an example.
- Consider a Human Health Risk Assessment Review study design and consider the results of the Town’s Air Quality Monitoring Study.
- Consider an air quality study, which could include an option for the Town to adopt a “PM10/”PM2.5” By-law to address particulate matter and air quality.
- Initiate a review of the 2021 Caledon Aggregate Rehabilitation Master Plan for its potential applicability Town-wide.
- Complete the Excess Soil Study and bring forward an Excess Soil Official Plan Amendment.
- Prepare a Recycled Aggregate Strategy for public works projects.
- Investigate the Town’s Noise By-law for potential updates to provide better guidance and support for working hours standards for operations.
- Report on the By-law Enforcement division’s ability to undertake monitoring of mineral aggregate operations to provide support to the Ministry of Natural Resources — noting that enforcement of aggregate operations is the sole jurisdiction of the Province.

Following up on this item from the Statutory Public meeting, the “Items for Council and Corporate Activism” listed in Section 6.3 of the Policy Options Report are not planning recommendations. The commitment made by the project team to the ARCWG was to ensure all issues raised through that forum were addressed in the report. Those items fall outside the study’s scope or are clearly unable to be addressed by the Town. Should Council desire to take action to make change in these areas, a strategy should be prepared on how to address those changes.

Note that the Top Aggregate Producing Municipalities of Ontario organization, of which the Town is a member, is currently running an email campaign to Members of Provincial Parliament through its website. This is provided as information only for Council’s consideration. The recommendation in this report to report back on such a study is a project management and corporate consideration, not a policy planning recommendation.

The project website will continue to be updated to ensure information prepared is available for public review and comment.

Expiry of the Interim Control By-law

The appeal of the Interim Control By-law remains in effect and the hearing was completed on October 2, 2024. The expiry of the Interim Control By-law will occur on October 18, 2024. The approval of the Official Plan and Zoning By-law Amendments will serve to complete the Supplementary Aggregate Resource Policy Study and fulfill the intent of the Interim Control By-law.

Conclusion

The recommendation before Council is to adopt Official Plan Amendment 1 and pass the associated Zoning By-law Amendment. These documents are consistent with the 2024 Provincial Planning Statement, and conform to the Greenbelt Plan, Niagara Escarpment Plan, and Peel Region 2051 Official Plan. The instruments as drafted represent good planning and are in the public interest.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the approval of the planning instruments recommended in this report. Funding for this study was taken from capital accounts created to complete the Town's Official Plan Review.

COUNCIL WORK PLAN

Strategic Plan 2023-2035

This report is directly related to the following priority in Caledon's 2023-2035 Strategic Plan:

Community Vitality and Livability

Details about Caledon's 2023-2035 Strategic Plan can be found at caledon.ca/strategicplan.

ATTACHMENTS

Schedule A: Draft Official Plan Amendment 1 to the Future Caledon Official Plan

Schedule B: Draft Zoning By-law Amendment

Schedule C: Tracked changes versions of the main Official Plan Amendment text

Schedule D: Tracked changes versions of the Chapter 20 text

Schedule E: Tracked changes versions of the main Zoning By-law Amendment

Schedule F: Public Comments Summary Table and Responses (provided on Addendum Agenda)

Schedule G: Full Compendium of Public Comments (provided on Addendum Agenda)

Schedule H: Supplementary Aggregate Resources Policy Options Report

Schedule I: Letter to Peel Region from the Ministry of Municipal Affairs and Housing, December 23, 2021