

Springwater Official Plan

Section 19 – Aggregate Extractive/High Aggregate Potential Policies

19.1. Objectives

- 19.1.1. The Aggregate Extractive and High Aggregate Potential classifications of land shall mean that the predominant use and future use of land in these areas so designated on Schedule “A” shall be for the extraction of mineral aggregates which are found in a natural state on the site and accessory uses such as repair and maintenance facilities and offices.
- 19.1.2. The purpose of these designations is to identify and protect mineral aggregate resources within the municipality, where possible, from any development which would prevent the future recovery of mineral aggregate supplies. The policies outlined below are designed to ensure the future supply of these materials to the general area, ensure the correct and orderly extraction of deposits, encourage efficient land management practices, minimize disruption and ensure rehabilitation of exhausted sites.

19.2. Policies

- 19.2.1. All pits and quarries licensed by the Ministry of Natural Resources or the appropriate government agency having jurisdiction under the Aggregate Resources Act, or its successors, shall be recognized as legally existing uses within the Township. Such pits and quarries have been designated Aggregate Extractive on Schedule “A” to the Official Plan. Each Aggregate Extractive designation represents the licensed area of the particular pit or quarry. Areas so designated may be used or developed as pits and quarries which may also include accessory or ancillary uses such as crushing plants, stockpiles washing and screening operations. Asphalt plants, ready-mix concrete plants and aggregate transfer stations may be permitted within such areas subject to a specific amendment to the Zoning By-law.
- 19.2.2. Uses such as forestry, agriculture, conservation and outdoor recreation shall also be permitted, provided that such uses are not permitted to develop so as to preclude or interfere with the option of establishing pits and quarries.
- 19.2.3. The removal of a part of an “Aggregate Extractive” designation from Schedule “A”, particularly in areas where geological surveys have been carried out and it has been determined that such areas contain significant aggregate resources, will require an amendment to this Plan. Such an amendment will provide justification for such removal and clearly demonstrate and document the need for the alternate land use. Council in considering such an amendment at the draft stage shall consult with the

Ministry of Natural Resources or the appropriate government agency having jurisdiction and shall take into account the following:

- 19.2.3.1. Evidence provided by the applicant indicating that aggregate extraction is unfeasible due to quality, quantity or other development constraints.
- 19.2.3.2. The necessity of the land use change in comparison to the necessity of the mineral aggregate resource.
- 19.2.3.3. The reason for the choice of location and consideration given to alternate locations on non-aggregate lands.
- 19.2.3.4. The consideration given to the option of sequential land use in which the mineral aggregate is removed prior to development of land for the proposed use.
- 19.2.4. In addition to the Aggregate Extractive designation, areas of High Aggregate Potential have been recognized on Schedule "A". These areas have been identified by the Ministry of Natural Resources as aggregate resources of primary significance having substantial deposits of sand and gravel. This designation is consistent with the provincial policy to make available and supply mineral resource needs as close to the market as possible. In addition, the Township is aware of secondary deposits in a few areas which are also included in the High Aggregate Potential designation. Generally these additions have been made due to more recent site specific test information, proximity to identified areas and local knowledge. It shall be a policy that such areas should be, wherever possible, protected and preserved for future extractive purposes. It is recognized that areas within this designation may not possess significant aggregate reserves and in the event of an application to re-designate such lands the policies of Section 19.2.3 shall apply. This section should be read in conjunction with Section 19.2.5.
- 19.2.5. Due to the large amount of highly productive agricultural land found within the Township and the general importance of the farming industry, careful consideration shall be given with regard to the establishment and expansion of pits and quarries. Council shall consider the impact of such a land use on surrounding farm operations and attempt to determine the degree of interference which may result. If, in the opinion of Council, it is likely that the establishment or expansion of a pit or quarry will have a severe and limiting effect on adjacent agricultural uses Council may decide not to proceed with approving the pit or quarry through rezoning. Council shall also consider the advisability of permitting Aggregate Extractive uses to consume good agricultural land.

- 19.2.6. In this regard Council shall consider the need for this use with respect to other sources of supply in the Township, alternate sites and the ability of the site to be rehabilitated for agricultural purposes.
- 19.2.7. All pits and quarries licensed by the Ministry of Natural Resources or the appropriate government agency having jurisdiction under the Aggregate Resources Act, or its successor, shall be placed in a distinct and separate extractive category in the Zoning By-law.
- 19.2.8. An amendment to the Zoning By-law is required to establish new pits and quarries or major expansions to existing operations on lands designated "Aggregate Extractive" or "High Aggregate Potential" on Schedule "A" and lands not so designated shall require an amendment to the Official Plan and an amendment to the Zoning Bylaw.
- 19.2.9. In considering an application to amend the Zoning By-law and/or Official Plan, consideration shall be given to the following:
 - 19.2.9.1. The degree to which the operation will be exposed to the public;
 - 19.2.9.2. Suitability of rehabilitation plans having regard to the character of the surrounding lands;
 - 19.2.9.3. The haulage routes proposed to and from the site and the traffic density thereon and the impact of the use in regard to traffic;
 - 19.2.9.4. The effect of the operation on nearby communities;
 - 19.2.9.5. Any possible impact concerning the surrounding natural environment including the effects on ground and surface water patterns and quality;
 - 19.2.9.6. Preparation of a preliminary archaeological assessment of the site;
 - 19.2.9.7. Any related planning and land use considerations;
 - 19.2.9.8. Any other matters which Council may deem advisable;
- 19.2.10. Any application to amend the Zoning By-law and/or Official Plan shall be accompanied by the following information:
 - 19.2.10.1. One copy of all data related to the physical development of the property as may be required by the Ministry of Natural Resources or the appropriate government agency having jurisdiction for a license application under the Aggregate Resources Act, or its successor.

- 19.2.10.2. Any additional information such as hydrology, wildlife or other such studies which may be required due to special concerns related to a specific site.
- 19.2.11. In considering an application to amend the Zoning By-law and/or Official Plan, Council may consult with the Ministry of the Environment and Energy, the Ministry of Natural Resources or the appropriate government agency having jurisdiction to ensure that.
 - 19.2.11.1. Pumping;
 - 19.2.11.2. Disposal of liquid wastes; and
 - 19.2.11.3. Control of emissions into the environment such as noise, dust and vibration, will be carried out in accordance with the appropriate provincial legislation.
- 19.2.12. All areas or lots designated “Aggregate Extractive” on Schedule “A” or any other land use Schedule of this Official Plan which are either currently vacant of any buildings or structures or which are built on but are currently used for another purpose such as residential, may be subject to site plan control. Since some of the uses permitted in this designation may not involve the development of buildings and structures, it should be noted that Council may apply site plan control and the related development agreements to only those uses which involve the construction, erection, or placement of one or more buildings or structures. Furthermore, such a site plan agreement may set out locations and conditions related to outside storage and requirements in regard to the buffering and screening of the use from adjacent uses. Reference should be made to Section 29 in regard to additional policies concerning site plan control.
- 19.2.13. It shall be a policy of this Plan that an applicant who wishes to undertake an extractive operation must enter into an agreement, authorized by By-law, with the Township or the appropriate road authority in regard to routes to be used by the trucks. This agreement, authorized by By-law, shall be entered into prior to Council’s enactment of the implementing Zoning By-law referred to previously. Such an agreement, authorized by By-law, should include:
 - 19.2.13.1. Haulage Routes;
 - 19.2.13.2. Hours of operation;
 - 19.2.13.3. Road improvements;
 - 19.2.13.4. Rehabilitation Plan and Funding Program.
- 19.2.14. In regard to road standards and improvements it is the policy of this Plan that Township roads to be used in connection with extractive operations should

be paved to an appropriate width and standard as specified by the Township. Notwithstanding the above, where it can be determined that there would be minimal adverse impact on adjacent property owners a lesser standard than that set out above may be considered.

- 19.2.15. The Township shall notify all landowners within 800 metres (2625 feet) from the boundary of the pit or quarry and make the site plan and development agreement available for public review prior to amending the Official Plan or Zoning By-law to permit extractive operation. Any subsequent proposed changes to the site plan after a license has been issued shall be circulated by the Ministry of Natural Resources or the appropriate agency having jurisdiction to the Township for comment. The Ministry or the appropriate government agency having jurisdiction shall discuss these comments with the Township prior to approval being granted.
- 19.2.16. The following guidelines will be among those matters considered by the municipality before a decision is made to amend the Official Plan or Zoning By-law.
 - 19.2.16.1. In order to preserve the scenic beauty and amenity of the area, extractive operations will generally be restricted to areas not exposed to public view.
 - 19.2.16.2. Extractive operations will generally be prohibited, in the case of the removal of quarry stone, sand and gravel or the processing of same, within a distance of any adjoining property designated or zoned for residential purposes or any other incompatible uses, as set out in the implementing Zoning By-law.
 - 19.2.16.3. Generally no pit or quarry shall be excavated so that its edge is at a point less than 30 metres (98 feet) from any limit of any road right-of-way and 15 metres (49 feet) from any adjoining property line.
 - 19.2.16.4. Buildings and structures associated with extractive operations shall be set back from property lines and adjacent uses. Such set backs will be set out in the implementing Zoning By-law.
- 19.2.17. In order to reduce the wastage of material, where two pits or quarries abut each other, Council may allow relief of compliance which would waive the required setback from lot lines to permit the removal of all economically viable materials between the pits and quarries. Also, where two mineral aggregate extractive operations are separated by a municipal road, Council may allow relief of compliance which would waive the required setbacks from the road, permit the road to be rerouted, permit the material under the road to be removed and provide for the replacement of the municipal road at a lower elevation. In the event that the Township grants relief, an agreement or revisions to existing agreements will be required.

19.3. Wayside Pits and Wayside Quarry Policies

- 19.3.1. Wayside pits and quarries are temporary operations which are established on short term notice to fulfill an immediate public construction need. These operations are opened by or on behalf of a public **[Mod. #57 - Jan.28.98]** authority, such as the Ministry of Transportation or the appropriate government agency, or the Municipality; or the County. Council fully appreciates that such pits are opened solely for a particular public project such as for road construction or maintenance. They are not located on the road right-of-way. Excavated materials may be processed (e.g. washed, sorted, crushed and mixed with a bonding agent) for use only in the specified project.
- 19.3.2. Wayside operations are regulated through the Aggregate Resources Act, or its successor, by the Ministry of Natural Resources or the appropriate government agency having jurisdiction. This Act provides input provisions for the Township in the issuance of wayside permits and in this respect Council shall seek the fullest possible involvement in the administration of the Act to ensure that wayside licenses are issued in conformity with this Plan.
- 19.3.3. Wayside pits and quarries are permitted in the Township without amendment to this Plan or the Zoning By-law. The establishment of such operations will be discouraged in areas zoned for residential purposes or in areas where severe environmental disruption may occur.
- 19.3.4. In considering the appropriateness of a location for a wayside pit or quarry, Council shall have regard to the considerations used in evaluating the amendment application referred to previously in this Section.
- 19.3.5. Portable asphalt plants, used by a public road authority or their agent or contractor, shall be permitted throughout the Township without requiring an amendment to this Plan or the Zoning By-law, except in existing built-up areas or environmentally sensitive areas. Portable asphalt plants must comply with the Ministry of Environment and Energy or the appropriate government agency's minimum separation distance and must obtain a Certificate of Approval from the appropriate agency. Council may seek to limit the time period during which a portable asphalt plant may remain at the subject site once the specified project is complete.

19.4. Abandoned Pits and Quarries

- 19.4.1. There are a number of abandoned pits and quarries located within the planning area. It shall be the policy of Council to consult with the Ministry of Natural Resources and other appropriate municipal or provincial agencies to investigate means to identify and rehabilitate abandoned pits, including sources of funding.