

If this information is required in an accessible format, please contact 1-800-372-1102 ext. 2564



EARLY RELEASE OF REPORT

**The Regional Municipality of Durham
Report**

To: Planning and Economic Development Committee
From: Commissioner of Planning and Economic Development
Report: #2024-P-**
Date: May 7, 2024

Subject:

Public Meeting Report

Application to Amend the Durham Regional Official Plan, submitted by Lafarge Canada Inc. to permit the expansion of Aggregate Resource Extraction Area #30 in the Township of Uxbridge, File: OPA 2024-001

Recommendation:

That the Planning and Economic Development Committee recommends:

- A) That Commissioner's Report #2024-P-** be received for information; and
 - B) That all submissions received be referred to the Planning and Economic Development Department for consideration.
-

Report:

1. Purpose

- 1.1 This report provides information on a proposed amendment to the Durham Regional Official Plan (ROP) which is intended to permit an expansion to Aggregate Resource Extraction Area #30 in the Township of Uxbridge.
- 1.2 A "Notice of Public Meeting" regarding this application will be advertised in the Uxbridge Cosmos on April 18, 2024. Notice of this meeting will also be mailed to

landowners within 120 metres of the subject site. This report will also be made available to the public prior to the meeting to be held on June 4, 2024.

2. Application

- 2.1 On February 29, 2024, MHBC Planning, on behalf of Lafarge Canada Inc. (“Lafarge”) submitted an application to amend the ROP to permit the expansion of an existing licenced aggregate pit operation in Township of Uxbridge. The application was deemed complete on April 2, 2024. A “Notice of Complete Application and Public Meeting” was mailed to property owners within 120 metres of the site on April 19, 2024.
- 2.2 The subject lands are located on the west side of Concession 4, south of Wagg Road (refer to Attachment 1). The site is municipally addressed as 4900 Concession 4 and legally described as Part of Lot 20, Concession 3, Township of Uxbridge.
- 2.3 Lafarge currently operates the licenced aggregate pit known as the Goodwood Pit. The Goodwood Pit operates under Ministry of Natural Resources and Forestry Aggregate License 6593 and includes two license areas separated by the Canadian National Railway (CNR) Uxbridge Subdivision rail line, also known as the York Durham Heritage Railway line, with a total area of approximately 127 hectares (314 acres). The licensed area northwest of the rail line is about 58 hectares (143 acres) and has been fully rehabilitated except for the access road to Concession 3. The portion of the existing license southeast of the rail line is currently under active extraction with an area of approximately 69 hectares. The proposed expansion would allow Lafarge to maximize the efficiencies of the site through phased extraction and use of the equipment and haul route of the existing Goodwood Pit.
- 2.4 The proposed expansion area to be licensed is approximately 17.9 hectares (44.2 acres) in size. The size of the proposed extraction area is 15.4 hectares (38 acres). The proposed total annual limit of material to be extracted will not exceed 1,177,000 tonnes in combination with the existing Goodwood Pit, which would be integrated with the existing tonnage limits of the operation. There will no capacity increase to the overall operation with the expansion. On-site portable primary aggregate processing is proposed to be carried out within the limits of the proposed license, and the existing entrance to the Lafarge Goodwood Pit would be utilized for shipping of the aggregate material.
- 2.5 The subject site is currently under active agricultural cultivation for pasture and the farming of cash crops. There are small, isolated wooded areas within and adjacent to the property.

2.6 The following land uses surround the subject site:

- North – CNR rail line, rural residential uses, woodlands and Wagg Road;
- East – Concession 4, rural residential uses, Aggregate Extraction Area 21;
- South – Aggregate Resource Extraction Area No. 30 (Lafarge’s current aggregate extraction pit; and
- West – vacant, rehabilitated land from the above noted extraction pit’s previous extraction phases.

3. Proposed License

3.1 A license for a Category 1, Class A permit is being submitted for the subject site. This type of permit is required by the Ministry of Natural Resources and Forestry (MNR) under the *Aggregate Resources Act* for pit operations which intend on extracting aggregate material from below the established groundwater table. The subject application proposes extraction both above and below the water table in two phases in accordance with progressive rehabilitation principles, beginning at the western portion of the site and ending at the eastern portion of the site. Extraction above the water table will remove approximately 20 to 25 metres of material, and extraction below the water table would be to a depth of approximately 12 metres.

3.2 The proposed pit will utilize the existing Goodwood Pit entrance/exit located south of the existing pit on Regional Road 47 (refer to Attachment 1), as well as the established haul route from this pit to Lafarge’s Stouffville Pit. No new haul routes or entrances are proposed.

3.3 The Aggregate Site Plan for the subject application identifies an acoustic berm 2 - 4 metres in height to be constructed above the existing grade on the northern perimeter of the property to be excavated during Phase 1. An acoustic berm of five to ten metres high will be constructed above the existing grade on the northern and eastern perimeters of the property to be excavated during Phase 2 (refer to Attachment 2). The berms will remain in place throughout the operation of the pit.

4. Reports Submitted in Support of the Application

4.1 The following reports were submitted in support of this application:

- “Planning Justification Report and Aggregate Resources Act Summary Statement”, prepared by MHBC Planning;
- “Water Report Level 2”, prepared by WSP Canada Inc.;
- “Maximum Predicted Water Table Elevation, prepared by WSP Canada Inc.;
- “Natural Environment Report”, prepared by WSP Canada Inc.;

- “Stage 1 - 2 Archaeological Assessment”, prepared by Stantec Consulting Ltd.;
 - “Stage 3 Archaeological Assessment”, prepared by Stantec Consulting Ltd.;
 - “Air Quality Impact Assessment”, prepared by RWDI Air Inc.;
 - “Noise Impact Study”, prepared by Aercoustics Engineering Ltd.;
 - “Scoped Transportation Impact Study” prepared by TYLin; and
 - “Aggregate Resources Act Site Plans”, prepared by MHBC Planning.
- 4.2 In accordance with Council adopted policy, the Region is currently in the process of conducting peer reviews of the above noted water level and water table reports as well as the noise impact study, in consultation with the Regional Health Department, the Township of Uxbridge and the applicant, at the applicant’s expense.

5. Aggregate Resources Act & Planning Act

- 5.1 The Aggregate Resources Act (ARA) governs the aggregate license process and runs parallel with the Planning Act process. Approval of the license would be granted by MNRF.
- 5.2 The ARA and its associated regulations require all new and expanding aggregate extraction areas to undergo rigorous review of technical studies with the MNRF and the completion and approval of a set of ‘aggregate site plans’ which identify all aspects of the site’s design, extraction, and rehabilitation conditions as required by the MNRF, the Region of Durham and the Township of Uxbridge.
- 5.3 The technical studies submitted in support of any new or expanding aggregate application are also used to determine whether the principle of land use is appropriate through the required Planning Act processes, such as the Regional Official Plan Amendment and the Township of Uxbridge Zoning By-law Amendment.
- 5.4 The ARA and the MNRF require that all Planning Act approvals are to be in place at the Region and the Township before any extraction license is issued and permitted by the MNRF on the site.
- 5.5 The ARA also requires all active Pits and Quarries to undergo annual monitoring with the MNRF to ensure compliance with the terms of their aggregate site plans.
- 5.6 Lastly, the ARA requires a progressive rehabilitation of all aggregate extraction areas with the completion of each phase. The details of the rehabilitation are located on the Site Plan approved, held and enforced with the MNRF throughout the entire lifespan of the Pit.

6. Provincial Policy Statement (2020)

- 6.1 The Provincial Policy Statement (PPS) requires natural features and hydrologic features to be protected for the long term. It further states that natural heritage systems should be maintained, restored or where possible, improved.
- 6.2 The PPS encourages mineral aggregate resources to be available as close to markets as realistically possible. It further requires mineral aggregate operations to be protected from development and other activities which would preclude or hinder their expansion, or continued use which would create incompatibility for public health, public safety or environmental reasons.
- 6.3 Section 2.5.4 speaks specifically to extraction of mineral aggregate resources on prime agricultural land. Mineral aggregate resource extraction is permitted as an interim use in prime agricultural areas, provided that the site will be rehabilitated to an agricultural condition when the pit ceases to operate.
- 6.4 The subject site is located within a Candidate Prime Agricultural Area within the Agricultural Land Base and as such, is considered to be located within a Prime Agricultural Area.

7. Oak Ridges Moraine Conservation Plan (2017)

- 7.1 The subject site is located within the Countryside Areas designation of the Oak Ridges Moraine Conservation Plan (ORMCP). Mineral aggregate operations are permitted within the Countryside Areas designation, subject to the applicant demonstrating the following:
 - a. That the quantity and quality of groundwater and surface water will be maintained and, where possible, improved or restored;
 - b. That as much of the site as possible will be rehabilitated, in the case of land in a prime agricultural area, by returning substantially all the land to a condition in which the soil capacity for agriculture is on average the same as it was before the mineral aggregate operation or wayside pit began operating;
 - c. If there are key natural heritage features on the site or on adjacent land, that their health, diversity, size and connectivity will be maintained and, where possible, improved or restored; and
 - d. If there are areas of natural and scientific interest (earth science) on the site or on adjacent land, that the geologic or geomorphological attributes for which they were identified will be protected.

8. Lake Simcoe Protection Plan (2009)

- 8.1 Policy 4.20-DP of the Lake Simcoe Protection Plan states that the mineral aggregate resources industry is encouraged to adopt best management practices as a proactive measure to reduce potential contribution of phosphorous loadings to the Lake Simcoe watershed.

9. Regional Official Plan (ROP) Conformity

Current Regional Official Plan (2020)

- 9.1 The current ROP designates the subject site as Oak Ridges Moraine - Countryside Areas. Countryside Areas within the Oak Ridges Moraine are areas of existing rural land use intended to protect prime agricultural areas, provide for the continuation of agricultural and other rural land uses and maintain the character of Rural Settlements.
- 9.2 Schedule D of the ROP also designates the subject site as being located within an area of high potential for aggregate resources. The ROP protects these areas for such purposes.
- 9.3 ROP policy 9D.2.2 states in part that no expansion to an existing pit operation shall be permitted beyond the applicable Aggregate Resource Extraction Areas identified in the ROP other than by amendment to the ROP.
- 9.4 The ROP also states that in the consideration of expanded Aggregate Resource Extraction Areas, potential impacts, and cumulative impacts on existing development and on residents located nearby, shall be fully assessed, with negative effects minimized to the fullest extent possible.

Envision Durham, Council Adopted Regional Official Plan

- 9.5 The subject site is also designated "Oak Ridges Moraine – Countryside Areas" in "Envision Durham", the ROP adopted by Regional Council on May 17, 2023, which is currently before the Minister of Municipal Affairs and Housing pending approval. Map 4 of Envision Durham also designates the site as an Aggregate Resource Extraction Area.

10. Proposed Official Plan Amendment – Current ROP (2020) and Envision Durham (Adopted 2023)

10.1 The applicant is proposing that the current ROP be amended by making the following change to Schedule ‘E’ – Table ‘E1’ which describes the size and location of the proposed aggregate resource extraction area site as shown below:

Area Identified on Schedule ‘E’	Former Municipality	Lot(s)	Concession(s)	Area (Ha)
30	Uxbridge Twp.	Parts of 18, 19 & 20	3	103 121

10.2 The adopted ROP removed Schedule ‘E’ – Table ‘E1’ in lieu of directing readers to MNRF’s Pit and Quarries Online website for detailed information on individual licenses (refer to adopted Policy 6.7.10). As a result, this proposed Official Plan Amendment will not require any revisions to the new ROP.

11. Other Applications

11.1 The applicant has submitted applications to amend the Official Plan (OPA 72) and the Zoning By-law of the Township of Uxbridge (ZBA 2024-02) to implement the proposed expansion to the aggregate resource extraction area.

11.2 An application under the Aggregate Resources Act is being prepared by the applicant and will be submitted to the MNRF soon.

12. Consultation

12.1 The application has been circulated to various agencies for comments including: the Ministry of Municipal Affairs and Housing, the Township of Uxbridge, the Lake Simcoe Region Conservation Authority, the Region of Durham Works Department, and the Region of Durham Health Department.

13. Public Consultation

13.1 A “Notice of Public Meeting” regarding this application has been advertised in the “Uxbridge Cosmos” and mailed to all property owners within 120 metres of the proposed amendment. This report was also made available to the public prior to the meeting.

- 13.2 Anyone who attends or participates in a public meeting may present an oral submission and/or provide a written submission to the Planning and Economic Development Committee on the proposed amendment. Also, any person may make written submissions at any time before Regional Council makes a decision.
- 13.3 If a person or public body does not make oral submissions at a public meeting or does not make written submissions before the proposed official plan amendment is adopted, the person or public body:
- a. Is not entitled to appeal the decision of the Region of Durham to the Ontario Land Tribunal (OLT); and
 - b. May not be added as a party to the hearing of an appeal before the OLT, as grounds to add the person or public body as a party.
- 13.4 Anyone who wants to be notified of Regional Council's decision on the proposed ROP Amendment must submit a written request to:

Brian Bridgeman, MCIP, RPP
Commissioner of Planning and Economic Development
Planning and Economic Development Department
Regional Municipality of Durham
Durham Regional Headquarters
605 Rossland Road East
Whitby, ON, L1N 6A3

14. Future Regional Council Decision

- 14.1 The Planning and Economic Development Committee will consider this ROP Amendment application at a future meeting and will make a recommendation to Regional Council. Council's decision will be final unless appealed.
- 14.2 All persons who make oral submission, or have requested notification in writing, will be given notice of the future meeting of the Planning and Economic Development Committee and Regional Council at which the subject application will be considered.

15. Previous Reports and Decisions

- 15.1 There are no previous reports on this matter.

16. Relationship to Strategic Plan

16.1 The objective in the processing of Regional Official Plan Amendment applications is to ensure responsive, effective and fiscally sustainable service delivery.

17. Attachments

Attachment #1: Location Sketch

Attachment #2: Phasing Plan

Respectfully submitted,

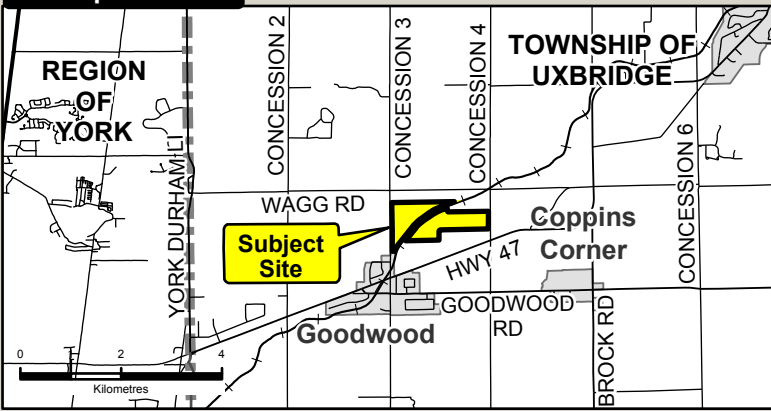
Original signed by

Brian Bridgeman, MCIP, RPP, PLE
Commissioner of Planning and
Economic Development

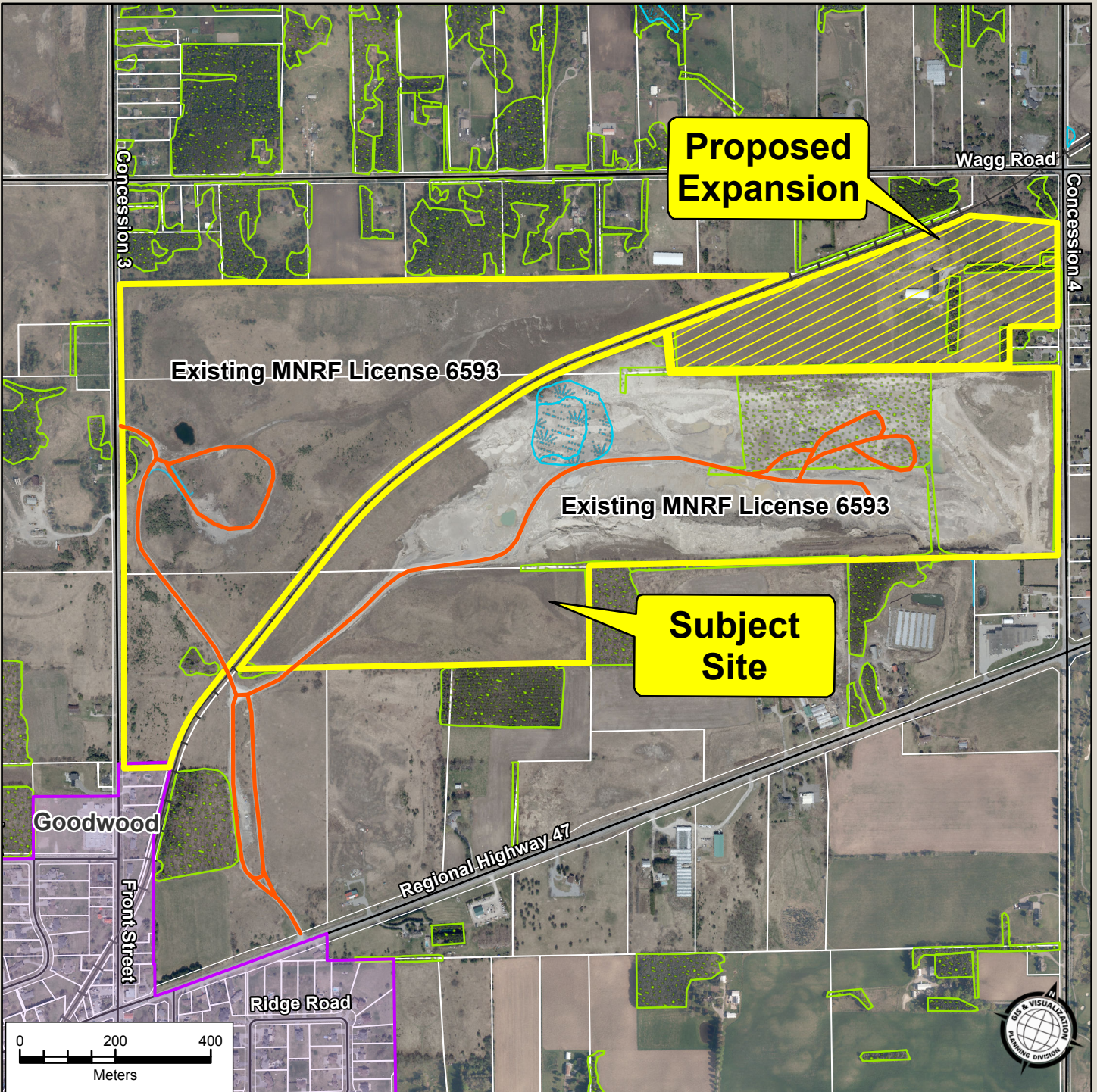
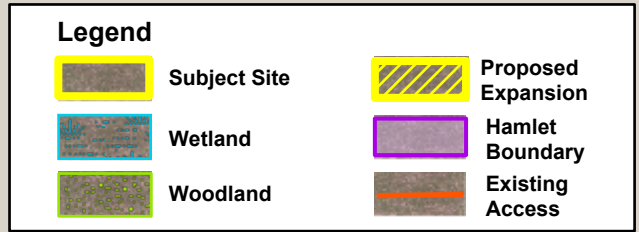
Recommended for Presentation to Committee

Elaine C. Baxter-Trahair
Chief Administrative Officer

Municipal Context



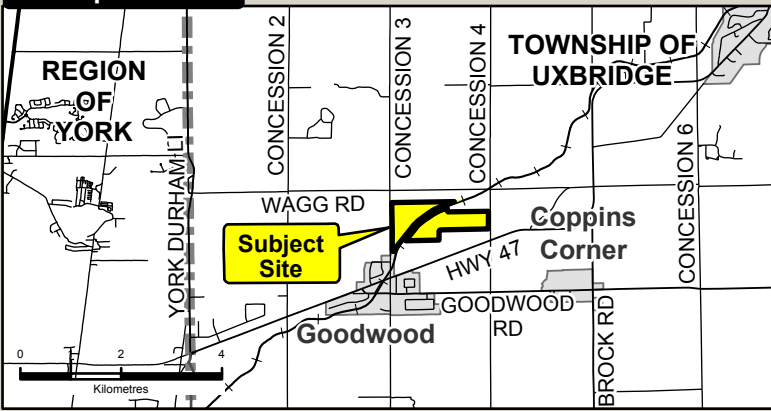
Attachment #1
Commissioner's Report: 2024-P-**
File: ROPA 2024-001
Municipality: Township of Uxbridge



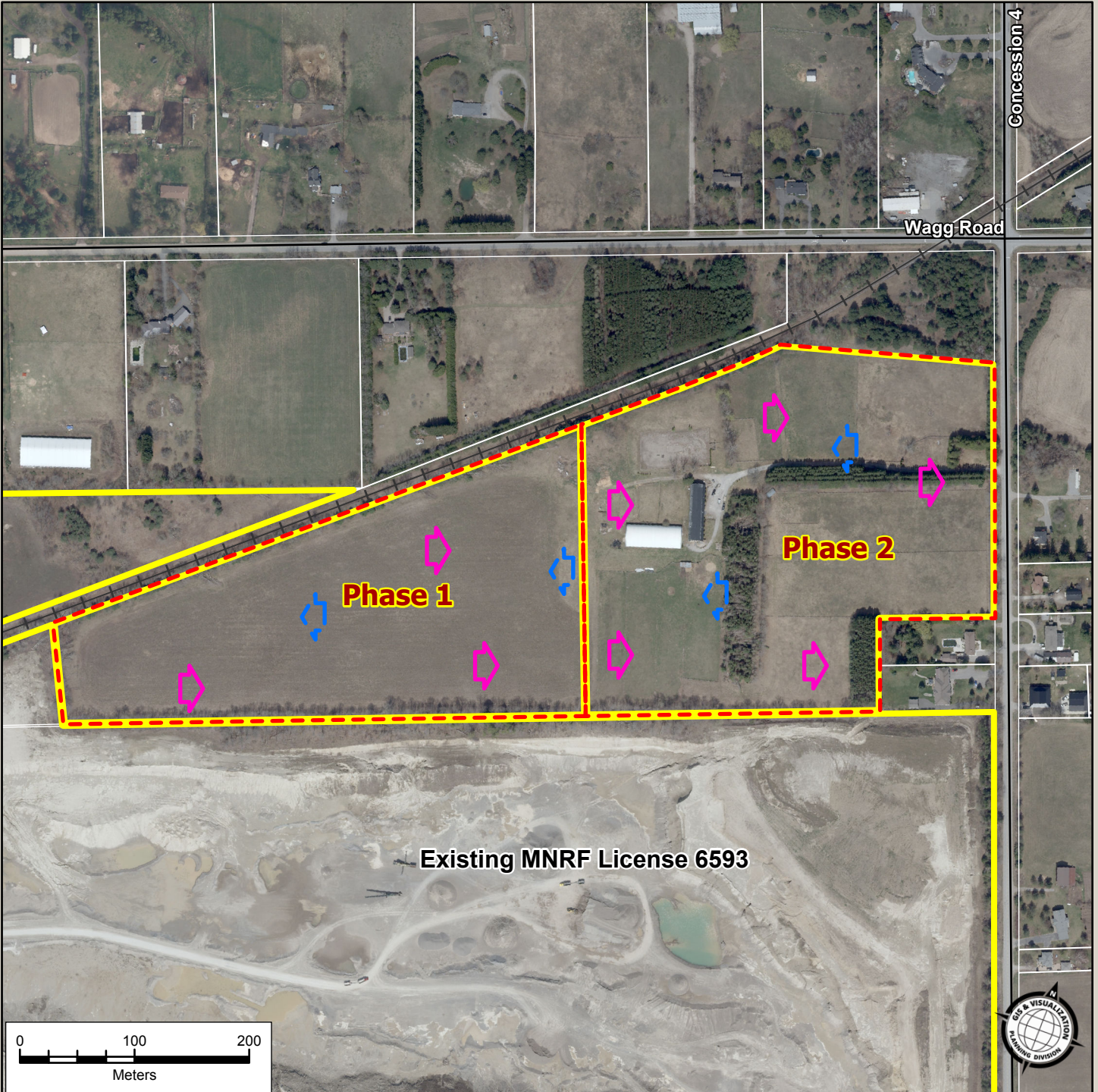
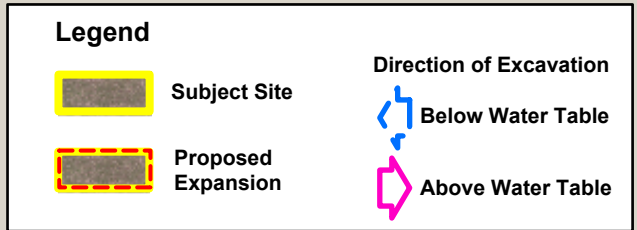
Data Sources:
 PARCEL DATA: Ownership © Teranet Inc. and its suppliers. Assessment © 2024 MPAC and its suppliers.
 ORTHOPHOTO and WATERCOURSE: © 2023 First Base Solutions. All rights reserved. May not be reproduced without permission.
 This is not a plan of survey.

This map has been produced from a variety of sources.
 The Region of Durham does not make any representations concerning the accuracy, likely results, or reliability of the use of the materials.
 The Region hereby disclaims all representations and warranties.

Municipal Context



Attachment #2
Commissioner's Report: 2024-P-**
File: ROPA 2024-001
Municipality: Township of Uxbridge



Data Sources:
 PARCEL DATA: Ownership © Teranet Inc. and its suppliers. Assessment © 2024 MPAC and its suppliers.
 ORTHOPHOTO and WATERCOURSE: © 2023 First Base Solutions. All rights reserved. May not be reproduced without permission.
 This is not a plan of survey.

This map has been produced from a variety of sources.
 The Region of Durham does not make any representations concerning the accuracy, likely results, or reliability of the use of the materials.
 The Region hereby disclaims all representations and warranties.