

**Chapter**

**15**

# **AGGREGATE EXTRACTION AREAS**

**MUNICIPALITY OF CLARINGTON OFFICIAL PLAN**

# 15. AGGREGATE EXTRACTION AREAS

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## 15.1 GOAL

- 15.1.1 To provide opportunities for the extraction of *aggregate* resources with minimal impact on the natural *environment*, landscape, local residents, and the Municipality.
- 15.1.2 To seek to have the extraction, rehabilitation and closure of licensed *aggregate* extraction operations undertaken expeditiously.

## 15.2 OBJECTIVES

- 15.2.1 To ensure the availability of and the orderly and efficient extraction of *aggregate* resources as an interim land use, while minimizing environmental, social and financial impacts.
- 15.2.2 To provide for *aggregate*-related industrial uses on an interim basis which are appropriate and compatible with surrounding land uses.
- 15.2.3 To seek to ensure that *Aggregate* Extraction Areas are appropriately and progressively rehabilitated.
- 15.2.4 To encourage the implementation of area-wide rehabilitation strategies.

## 15.3 POLICIES

- 15.3.1 *Aggregate* Extraction Areas are shown as an overlay designation on Map A. At such time as the *aggregate* extraction licence applicable to an *Aggregate* Extraction Area is revoked or surrendered, the overlay designation will be deleted without the necessity of further amendment to this Plan leaving the land subject to only the permanent designation shown on Map A. When the overlay designation is deleted, it is the policy of the Municipality to amend the Zoning By-law to delete *aggregate* extraction and associated uses as permitted uses on the subject lands, and further to incorporate appropriate designations in the zoning of the subject lands to implement this Plan.
- 15.3.2 *Aggregate* Extraction Areas shall only be permitted within the Potential *Aggregate* Resource Areas identified on Map G. New *Aggregate* Extraction Areas and any expansion to *existing Aggregate* Extraction Areas shall only be permitted within the Potential *Aggregate* Resource Areas by an amendment to this Plan and in accordance with the following:

- a) the study requirements of Section 15.3.6 to 15.3.10 of this Plan have been complied with;
- b) any proposed amendment is generally consistent with the intent of this Plan, save and except for Section 23.2.5(e); and
- c) the proposal takes into account the objectives of any area-wide rehabilitation plan.

Notwithstanding the policies of Section 23.5, the expansion to an *existing Aggregate* Extraction Area shall require an amendment to this Plan. An *existing* mineral *aggregate* operation within a Natural Core Area may not be expanded beyond the boundary of the area under licence or permit.

15.3.3 For the avoidance of doubt, *aggregate* extraction uses *existing* on the date of approval of this Plan which are permitted by a licence issued under the Aggregate Resources Act and by the zoning applicable to the particular *Aggregate* Extraction Area may continue without amendment to this Plan or to the Zoning By-law provided that all applicable laws are complied with.

15.3.4 In addition to the uses permitted by the permanent underlying designation shown on Map A, lands designated *Aggregate* Extraction Area may be used for the extraction of *aggregates* and the rehabilitation of the designated land. Crushing, screening, blending, washing, stockpiling and *aggregate* recycling shall be permitted as accessory to a licensed *aggregate* extraction operation.

Portable concrete batching and *portable asphalt plants* may be permitted on lands licensed for *aggregate* extraction on a temporary basis not exceeding 3 years by amendment to the Zoning By-law provided:

- a) there is no adverse impact on groundwater and surface water quality and quantity;
- b) there is no adverse noise, odour, or dust impacts on nearby sensitive land uses; and
- c) the operation of such a plant is addressed on a *site* plan approved by the Province.

15.3.5 Except as provided for in Sections 4.5.28 and 15.3.4, other *aggregate*-related industrial uses such as asphalt plants and concrete-batching plants shall be permitted only by amendment to this Plan, provided:

- a) there is no adverse impact on groundwater and surface water quality and quantity;
- b) there is no adverse noise, odour, or dust impacts on nearby sensitive land uses and *natural heritage features*; and

- c) the operation of such a plant is addressed on a *site* plan approved by the Province.
- 15.3.6 An application to amend this Plan to permit a new *Aggregate* Extraction Area or to expand an *existing Aggregate* Extraction Area shall be supported by an *Aggregate* Extraction Area Study prepared by the applicant. The Terms of Reference for the study shall address the matters set out in Section 15.3.9 unless, as a result of consultation by the applicant with the Municipality, the matters which are required to be addressed in this particular study are scoped by the Municipality. Wherever reasonably practicable, the Study required by this Plan will be co-ordinated with the study requirements of other agencies, including the Province and the Region.
- 15.3.7 The Municipality shall prepare guidelines for the assistance of applicants in the preparation of the *Aggregate* Extraction Area Study. Among other matters, the guidelines shall elaborate the requirements of Sections 15.3.8, 15.3.9 and 15.3.10 respecting the preparation of terms of reference for the content of an *Aggregate* Extraction Area Study. Applicants who submit a study that satisfactorily addresses the requirements of Section 15.3.9 shall not be subject to the requirements of Section 4.4.35, 4.4.36 and 4.4.39, and, except as provided for in Section 15.3.9 g), 4.4.40 of this Plan.
- 15.3.8 The Municipality may consider it necessary to have a Peer Review of an *Aggregate* Extraction Area Study undertaken by a qualified consultant. The purpose of the Peer Review will be to ensure that the Study satisfies the policies of this Plan and can be relied upon by the Municipality in the evaluation of an application for an *Aggregate* Extraction Area. After first consulting with the applicant concerning the proposed scope and cost of the Peer Review, the Municipality will encourage the applicant to pay the costs of the Peer Review, which costs shall be reasonable.
- 15.3.9 An *Aggregate* Extraction Area Study shall address the following:
- a) a description of the context of the proposed application including *existing landform features*, all *natural heritage features* on and *adjacent* to the *site* and their *ecological functions*, cultural heritage and *archaeological resources*, *existing* and planned land uses *adjacent* to the *development site* and along proposed haul routes, and *existing* licensed pits and extraction limits, and abandoned pits;
  - b) a description of the project, including activities which may produce impacts, and the anticipated quality and quantity of *aggregate* to be extracted;
  - c) an extraction plan;

- d) an identification and assessment of the impacts associated with the project taking into account applicable provincial standards;
- e) a description of proposed measures to mitigate the identified impacts, including any measures to protect core *natural heritage features* on *adjacent* lands and their *ecological functions*;
- f) a progressive rehabilitation plan which, if applicable, takes into account the objectives of any area-wide rehabilitation plan;
- g) the criteria of Section 4.4.40 of this Plan for applications located within the Natural Linkage Area as identified on Map A;
- h) the matters set out in Section 15.3.10, and 15.3.11 to 15.3.14 inclusive;
- i) the matters set out in Section 19.4.4; and
- j) any other matters deemed necessary by the Municipality or the Region to address the applicable policies of this Plan.

15.3.10 In assessing an application for a proposed *Aggregate* Extraction Area located on lands below the limits of the Oak Ridges Moraine, the following shall apply:

- a) for non-provincially *significant* evaluated *wetlands*, unevaluated *wetlands*, regional ANSIs, *transitional woodlands*, small woodlands and hedgerows, their important *ecological functions* should be considered and maintained where reasonably practicable, or compensated for as part of a rehabilitation plan approved pursuant to the Aggregate Resources Act;
- b) for *significant wildlife habitat*, the *ecological function* will be maintained;
- c) for groundwater recharge and discharge areas, the quality and quantity of groundwater and surface water shall be protected or enhanced;
- d) for intermittent streams, there shall be no *negative impacts* on the quality of *fish habitat* unless acceptable compensation measures, appropriate to the *habitat* removed, are considered and addressed for the damage or loss of the *habitat*; and
- e) the important *ecological functions* of corridors and connections between core components of the *Natural Heritage System* should be considered and maintained where reasonably practicable, or compensated for as part of a rehabilitation plan approved pursuant to the Aggregate Resources Act.

- 15.3.11 Within the Oak Ridges Moraine, an application for amendment to this Plan for a proposed *Aggregate* Extraction Area shall not be approved unless the applicant demonstrates:
- a) that the quantity and quality of groundwater and surface water in the Oak Ridges Moraine will be maintained and, where possible, improved or restored;
  - b) that as much of the *site* as possible will be rehabilitated by establishing or restoring *natural self-sustaining vegetation* or rehabilitated in accordance with Section 15.3.17 of this Plan if applicable;
  - c) if there are *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 in accordance with Section 4 of this Plan; and
  - d) if there are *areas of natural and scientific interest* (earth science) on the *site* or on *adjacent* land, that the geological or geomorphological attributes for which they were identified will be protected.
- 15.3.12 Within the Oak Ridges Moraine, an application for amendment to this Plan for a proposed *Aggregate* Extraction Area with respect to land in a Natural Linkage Area shall not be approved unless the applicant demonstrates:
- a) that there will be compliance with Section 15.3.11 of this Plan;
  - b) that there will be no extraction within 1.5 metres of the water table;
  - c) that the extraction of mineral *aggregates* from the *site* will be completed as quickly as possible;
  - d) that the *site* will be rehabilitated in stages as quickly as possible; and
  - e) that the entire *site* will be rehabilitated by establishing or restoring *natural self-sustaining vegetation* or rehabilitated in accordance with Section 15.3.17 of this Plan if applicable.
- 15.3.13 In order to maintain *connectivity*, when an *Aggregate* Extraction Area is located in a Natural Linkage Area, there shall at all times be an excluded area (which, for greater certainty, may contain both undisturbed land and land whose rehabilitation is complete) that:
- a) is at least 1.25 kilometres wide;
  - b) lies outside the active or unrehabilitated portions of the area being used; and

- c) connects parts of the Natural Linkage Area outside the *aggregate* extraction area.
- 15.3.14 Within the Oak Ridges Moraine, an application for amendment to this Plan for a proposed *Aggregate* Extraction Area with respect to land in a *landform conservation area* (Category 1 or 2) shall not be approved unless the applicant demonstrates:
- a) that the area from which mineral *aggregates* are extracted will be rehabilitated to establish a landform character that blends in with the landform patterns of the *adjacent* land; and
- b) in accordance with Section 4.4.39 of this Plan, that the long-term *ecological integrity* of the Oak Ridges Moraine will be maintained, or where possible improved or restored.
- 15.3.15 Without altering the Municipality's authority under the Planning Act, Council shall request the Province to impose appropriate conditions to implement the objectives of this Plan on new extraction licenses or on proposed modifications to *existing site* plans or licenses subject to the Aggregate Resources Act. Where a modification is proposed to an *existing site* plan or extraction license, the Municipality will limit any request for conditions to the subject of the proposed modification. The conditions requested by the Municipality may include:
- a) the designation of haul routes;
- b) limitations on noise and hours of operation;
- c) measures to provide screening of *aggregate* extractive operations and their associated activities from *adjacent* land uses and public roads;
- d) a rehabilitation plan which provides for the creation of appropriate landforms and restores *ecological functions*, which conforms to the permanent land use designation of this Plan, and which takes into account the objectives of any applicable area-wide rehabilitation plan approved by Council, and which includes interim and/or progressive rehabilitation as described in Section 15.3.16; and
- e) the rehabilitation of agricultural land in accordance with Section 15.3.17 of this Plan.
- 15.3.16 Rehabilitation of licensed pits and quarries shall be carried out on a progressive basis as the excavation proceeds, with final rehabilitation completed upon termination of the pit or quarry license. Slope stabilization shall be encouraged where inactive exposed pit faces are open to public view. In the event that a licensee is not performing rehabilitation as required by the license issued pursuant to the

Aggregate Resources Act, the Municipality may request the Province to issue an order requiring the owner to perform such rehabilitation work as is necessary.

15.3.17 In areas where an *Aggregate* Extraction Area is located on Class 1 to 3 agricultural land as defined by the Canada Land Inventory of Soil Capability for Agriculture and within the agricultural designations of this Plan, the lands will be rehabilitated whereby substantially the same areas and same average soil quality for agriculture are restored. However, complete agricultural rehabilitation is not required if:

- a) there is a substantial quantity of mineral *aggregates* below the water table warranting extraction; or
- b) the depth of planned extraction in a quarry makes restoration of pre-extraction agricultural capability not feasible; and
- c) the other alternatives have been satisfactorily considered and found unsuitable; and agricultural rehabilitation in remaining areas will be maximized.

## **15.4 SITE SPECIFIC POLICIES**

### 15.4.1 Kovacs Pit

The Kovacs Pit is located in Part Lots 1 and 2, Concession 9, former Township of Darlington and is identified on Map A1 (Darlington) by an overlay “*Aggregate* Extraction Area” designation. The following additional policies shall apply to these lands:

- a) a maximum of 45 ha may be disturbed by extraction and *aggregate* processing activities at any time. Inactive pit areas are considered disturbed until final rehabilitation is completed;
- b) notwithstanding 15.3.4, a maximum of 50,000 tonnes per year of limestone may be imported and temporarily stored on-site for resale or blending with material extracted on-site as an *accessory use* to the licensed *aggregate* extraction operation, provided that a minimum of 100,000 tonnes of *aggregate* had been extracted from the *Aggregate* Extraction Area in the previous year;
- c) crushing and other processing equipment shall be located below natural grade and setback from residences as defined in the implementing zoning by-law;
- d) a well monitoring program shall be undertaken to the satisfaction of the Ministry of the Environment and the Region of Durham;

- e) a minimum 100m wide natural heritage corridor shall be created through the rehabilitation plan to connect the woodlots on the east and west sides of the *site*;
- f) in addition to perimeter tree planting, enhanced tree plantings shall be provided in the areas buffering the *adjacent* residences and woodlot, and shall be defined in a *site* plan approved by the Municipality.