

Memo

Date: May 17, 2023

To: Alexis Alyea, Manager, Legal and Court Services / Town Solicitor

From: Stephanie McVittie, Manager, Development

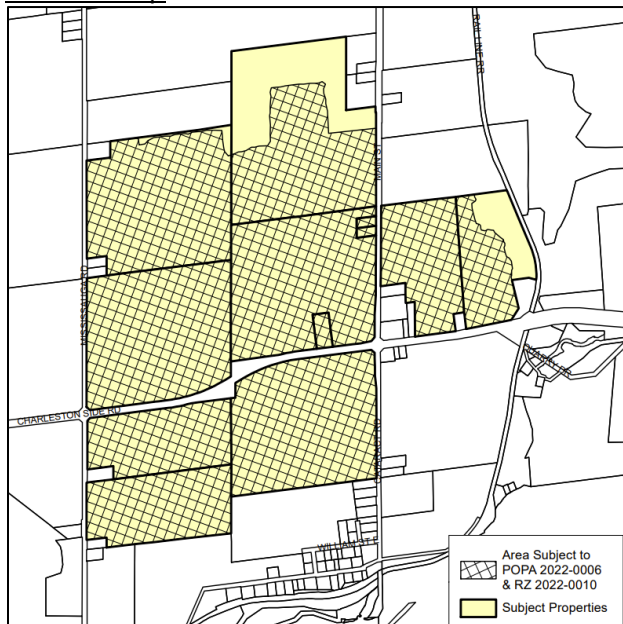
Subject: Update on the Proposed Official Plan Amendment (POPA 2022-0006) and Zoning By-law Amendment Applications (RZ 2022-0010) for CBM-Caledon

The purpose of this memorandum is to provide an update on the CBM-Caledon development applications and to identify a recommended high-level workplan to guide the processing of the development applications.

Proposal

The Town received the Official Plan and Zoning By-law Amendment applications (File Numbers: POPA 2022-0006 and RZ 2022-0010) on December 16, 2022. The applications look to permit a quarry on the lands known as 18667 Mississauga Road, 18722 Main Street, 0 Main Street, 18501 Mississauga Road, 1055 Charleston Sideroad, 18221 Mississauga Road, 0 Charleston Side Road, 1455 Charleston Sideroad, and 1420 Charleston Sideroad. See the location map below.

Location Map



TOWN HALL, 6311 OLD CHURCH ROAD, CALEDON, ON, CANADA, L7C 1J6
 T. 905.584.2272 | 1.888.225.3366 | F. 905.584.4325 | www.caledon.ca

The proposed CBM-Caledon quarry is a Class A, below-water table quarry, meaning that the proposal is to remove more than 20,000 tonnes of bedrock aggregate annually, from below the water table. Based on the applications received, removal of the rock in the quarry will include blasting using controlled explosives.

The Official Plan Amendment application proposes to redesignate the lands in the Town Official Plan from General Agricultural Area, Rural Lands and Environmental Policy Area to:

- Extractive Industrial B to permit above and below water table aggregate resource extraction; and,
- Environmental Policy Area to protect the existing tributary (watercourse) in the north-west corner of the site.

The Zoning By-law Amendment application proposes to rezone the lands from Agricultural (A1) and Environmental Policy Area 2 Zone (EPA2) to Extractive Industrial – Exception XX (MX-XX) and Environmental Policy Area 1 Zone – Exception 487 (EPA1–487). The Extractive Industrial zone would permit the quarry and extraction, while the EPA1–487 zone allows the area to be licensed but no extraction permitted. The EPA1-487 zone aligns with the proposed Environmental Policy Area to protect the existing tributary in the north-west corner of the site.

Aggregate Resources Act License

In addition to the Proposed Official Plan Amendment and Zoning By-law Amendment, the applicant is required to obtain a license under the *Aggregate Resources Act*. These licenses are not issued by the Town. They are received, processed and issued by the Ministry of Natural Resources and Forestry.

On April 6, 2023, the Town was informed that the applicant has submitted the required Licence application to the Ministry, which has been assigned an application number: #626600. The Ministry has directed the applicant to initiate public notice of the licence application in accordance with the Ministry's requirements. The Ministry requires that the applicant host an information session on the licence. Based on conversations with the applicant, it is anticipated that the applicant will issue the public notice will be initiated towards the end of June 2023.

Processing of the Applications – What Has Been Done?

It is common for *Planning Act* applications to be under review for some time (more than a year) and staff know that quarry applications will take a significant amount of time to process.

To date, the Town has been following Caledon's *Planning Act* process for the development applications, including receipt of the applications, the notice of application and circulation to agencies for review and comments. More details on each of these steps are outlined below.

Formal Pre-Consultation Meeting

On February 10, 2022, the applicant attended a Pre-Consultation Meeting with staff. As per the *Planning Act* and the Town's Official Plan, before Official Plan and Zoning By-law Amendments can be submitted to the Town, this meeting is required for the Town and agencies to outline what documents (i.e. plans, studies, etc.) are required to be submitted with the applications.

Receipt of the Development Applications

The Town received the Official Plan Amendment and Zoning By-law Amendment applications (File Numbers: POPA 2022-0006 and RZ 2022-0010) on December 16, 2022. The Town could not refuse to receive these applications as per the *Planning Act*. The applications look to permit a quarry.

The proposed CBM-Caledon quarry is a Class A, below-water table quarry, meaning that the proposal is to remove more than 20,000 tonnes of bedrock aggregate annually, from below the water table. Based on the applications received, removal of the rock in the quarry will include blasting using controlled explosives.



The Town completed a review of the applications and deemed them 'complete' on February 23, 2023.

Public Notice of Application

The *Planning Act* requires that a Notice of Application be completed as follows:

- a) Newspaper notice; OR
- b) Mailout to landowners within 120 metres (approximately 393 feet) and signage posted on the property.

Although the Town is not required to provide notice in all three ways, the Town's practice is to do so.

In the case of the CBM Caledon applications, the Town completed Notice as follows:

- in the Caledon Citizen and Caledon Enterprise newspaper on March 23, 2023; and,
- mailout to landowners within 1,000 metres (approximately 3,280 feet) on March 23, 2023.

The applicant installed signage on the various properties on April 17, 2023.

The Notice of Application was placed on the Town's website and the Town has created a webpage devoted to this application with notices, updates and material associated with the application. The Town has created a specific email address related to this application: cbmapplication@caledon.ca.

Circulation of the Applications for Agency/Department Review

The Town has circulated the applications so that they may be reviewed by agencies (such as the Region of Peel, Conservation Authorities, utilities, etc.) and Town departments (including but not limited to engineering, transportation, landscape, urban design, finance, etc.).

Processing of the Applications – Currently in Progress and Immediate Next Steps

Town staff are currently retaining expert consultants to process the application and complete peer reviews. Staff is also looking to hold a public meeting in the near future. More details on each of these steps are outlined below.

Retaining Expert Consultants

The Town is finalizing the purchasing process to retain a planning consultant who is an expert in aggregate planning to assist in the processing, review and evaluation of these applications. Retaining a consultant has been challenging as a number of the firms the Town would typically retain are in conflict. The Town is looking for a consulting firm which has both public and private experience with extensive knowledge in aggregate applications. Once a consultant has been retained, the Town will update the dedicated webpage with the consultant.

The Town will also seek peer reviews for various studies and materials, including but not limited to the Agricultural Impact Assessment, Air Quality Impact Assessment, Blast Impact Assessment, Water Table Report, Socio-Economic Assessment Report, Water Resource Study/Maximum Predicted Water Table Report, Visual Impact Assessment, Transportation Impact Assessment, Noise Impact Assessment, Natural Environment Report, and civil engineering matters related to the Operational and Rehabilitation plans. These expert reviews will assist the Town in presenting information to the community and Council and making informed opinions on the development applications. The Town will work together with the Conservation Authority, Region and (where applicable) the Niagara Escarpment Commission to determine if the agencies will retain these same consultants on a joint basis. The Town will update the website with the list of retained peer reviewers.



Public Meeting

The Town is looking to host a public meeting on these applications and are recommending that a public meeting be held on June 20, 2023 at 7:00 p.m. subject to finding a suitable location and audio/visual provider to stream the meeting. The Town is looking for the venue to accommodate a number of attendees anticipated for this sensitive application. The Town is also looking to secure an audio/visual provider to allow the meeting to be streamed live.

Even though Town representatives will not have completed a review of the application in sufficient detail to respond to public questions, the applicant and their team will be available to do so. The Town recognizes that this may be a challenge; however, in hosting this meeting at this time it will allow the public to voice their opinions in a formal public meeting session, in advance of the anticipated public engagement on the ARA licence. Town staff are also looking to avoid summer holidays. Town staff will look to hold another public meeting(s) in the future once a more thorough review of the applications have been completed.

The format of the public meeting will remain the same as the usual format, with the exception of the venue and the streaming platform.

The Town will issue notice of the Public Meeting as follows:

- In the Caledon Citizen and Caledon Enterprise newspaper;
- Mailout to landowners within 1,000 metres (approximately 3,280 feet);
- Updates to all signs to reflect the date of the public meeting;
- Updates to the Town's website; and,
- Email notification to all interested parties.

Town staff will be in attendance and will prepare a Public Meeting Information Report with the information available to date. The applicant will prepare and make a presentation at the meeting. Planning staff have requested that the applicant's consulting team be available to respond to questions.

There will be no decision made on the applications at the public meeting.

Processing of the Applications – A Path Forward

Town staff has also reviewed the Halton Joint Agency Review Team (JART) model of processing applications of this nature and have met with staff from Halton to discuss their process. Staff have developed a high-level path forward which is based upon the JART model, with minor amendments to reflect the Caledon context.

Following the retention of the Planning Consultant and peer reviewers, the high-level path forward will be as follows:

Establishment of a Caledon Aggregate Agency Review Team ("CAART")

A Caledon Aggregate Agency Review Team ("CAART") will be established for this application. This coordination is critical when considering the approvals and multiple agencies involved as well as the range and complexity of issues.

CAART will be comprised of various agency-appointed staff and/or experts from:

- The Town of Caledon
- Region of Peel
- The Applicable Conservation Authority
- Niagara Escarpment Commission (if applicable)



In addition, Ministries (Ministry of Natural Resources and Forestry, and, Ministry of the Environment, Conservation, and Parks, Ministry of Transportation and other pertinent ministries) will be invited to participate.

Understanding the Work Plan

The Town will request that the applicant share a proposed Work Plan with CAART for review and consideration. The Work Plan shall include *Planning Act* applications and ARA License application details including but not limited to receipt, review, public engagement, decision-making, etc. The Work Plan should outline what material was submitted to which agency on which date.

CAART will then review the Work Plan and identify any updates required. This Work Plan will form as a general basis for the review and processing of the applications.

Review the Applications

The Town will coordinate all agency, department and peer review comments into a formal Summary of Comments Letter to be provided to the applicant and all application reviewers. The letter will be shared on the Town's website.

The Town will coordinate all public comments into a formal Public Comments Letter to be provided to the applicant and all application reviewers. The Letter will be shared on the Town's website.

The applicant will be afforded the opportunity to review and address any comments contained within these documents.

Any resubmissions will follow the above-noted process (submission of material, circulation, summary of comments). All revised material will be placed on the Town's website.

Holding of a Second Future Public Meeting

The Town will work with the applicant to identify a suitable date for a future Public Meeting. Staff will look to first use the available dates in the Council and Committee schedule. If required, the Town may consider an additional date outside of the schedule, if approved by Council.

The Town will look to host Public Meetings in a hybrid format, allowing residents to participate in person and virtually. Participants are encouraged to register to delegate, although this is not required. Public Meetings will be recorded and placed on the Town's website.

Prior to the Public Meeting, the Town will prepare a Public Meeting Information Report on the application, and the applicant will prepare a formal Presentation. The Report and Presentation will be published on the agenda prior to the meeting date.

On the day of the meeting, the applicant will make a presentation and respond to questions of the public and Council. The applicant will be requested to bring their technical consultants to the meeting to address any concerns.

There will be no decision made on the applications at the public meeting.

Making a Decision on the Applications

After completing the evaluation of the applications and hearing from the community, Town staff will submit a report with recommendations to Council for a decision.



Prior to the Planning and Development and Council meetings, the Town will advise all interested parties (on the notification list), as well as agencies and departments (including the CAART) on the meeting dates, where to obtain a copy of the report and how to delegate (if required).

Once a decision is made by Council, the Town will prepare the appropriate Notice and issue it in accordance with the requirements of the *Planning Act*.

Ontario Land Tribunal (OLT)

Should there be an appeal of the *Planning Act* applications and/or a referral of the ARA application to the Ontario Land Tribunal (OLT), the Town will file material, reports and recommendations as per the *Act* and OLT Directions.

Should the applicant choose to appeal the *Planning Act* applications where no decision is made by Council within 120 days of receiving the applications, Town staff will immediately notify Council of the appeal, and will bring forward a report to advise Council of the appeal and seek instructions. In addition, Planning staff will email all interested parties to advise them of the appeal and update the dedicated webpage.

Provincial Decision Making

In addition to the Proposed Official Plan Amendment and Zoning By-law Amendment, the applicant is required to obtain a license under the *Aggregate Resources Act*. These licenses are not issued by the Town. They are received, processed and issued by the Ministry of Natural Resources and Forestry. As part of the ARA Licence process, staff will participate and make submissions on behalf of the Town to ensure that the Town's interests are protected.

As the Town is informed of milestones in the ARA License process, Town staff will update Council accordingly.



Stephanie McVittie

