



THE CORPORATION OF THE TOWN OF ST. MARYS

DISCUSSION PAPER #6

Extractive Industrial

- DRAFT -

Presented to the Town of St. Marys Planning Advisory Committee on
December 4, 2017

EXTRACTIVE INDUSTRIAL

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Introduction

The Town of St. Marys Official Plan was adopted by Council on September 22, 1987. The Official Plan was approved in part by the Minister of Municipal Affairs and Housing on February 2, 1993 with 15 modifications and two deferrals. Final approval from Minister of Municipal Affairs and Housing was received on April 30, 1999. Following a five-year review of the document, Council approved the current consolidated copy of the Official Plan on October 1, 2007.

This is the sixth of a series of Discussion Papers prepared to assist in the 5-year review of the Town of St. Marys Official Plan as per the Planning Act Section 26(1). The purpose of a Section 26 review is to ensure that the Official Plan conforms with provincial plans (or does not conflict with them), has regard to matters of provincial interest and is consistent with policy statements, such as the Provincial Policy Statement which was updated in 2014. In addition to meeting statutory requirements under the Planning Act, this review is also intended to ensure that the policies in the Official Plan are in keeping with the goals and objectives of the community and provides the opportunity to identify opportunities and issues that can be addressed through the Official Plan.

This Discussion Paper will identify areas and topics as they relate to the extractive industrial components of the Official Plan. This Discussion Paper is intended to bring information to Planning Committee for review and consideration when making recommendations to Town Council.

Part V - Policies of the Provincial Policy Statement (PPS) contains a number of policies geared to direct and manage growth of urban areas such as the Town (those Sections in the grey highlighting are from the 2014 Provincial Policy Statement). The policies of Section 2.4 are particularly significant in the development of long term planning strategies for these resources.

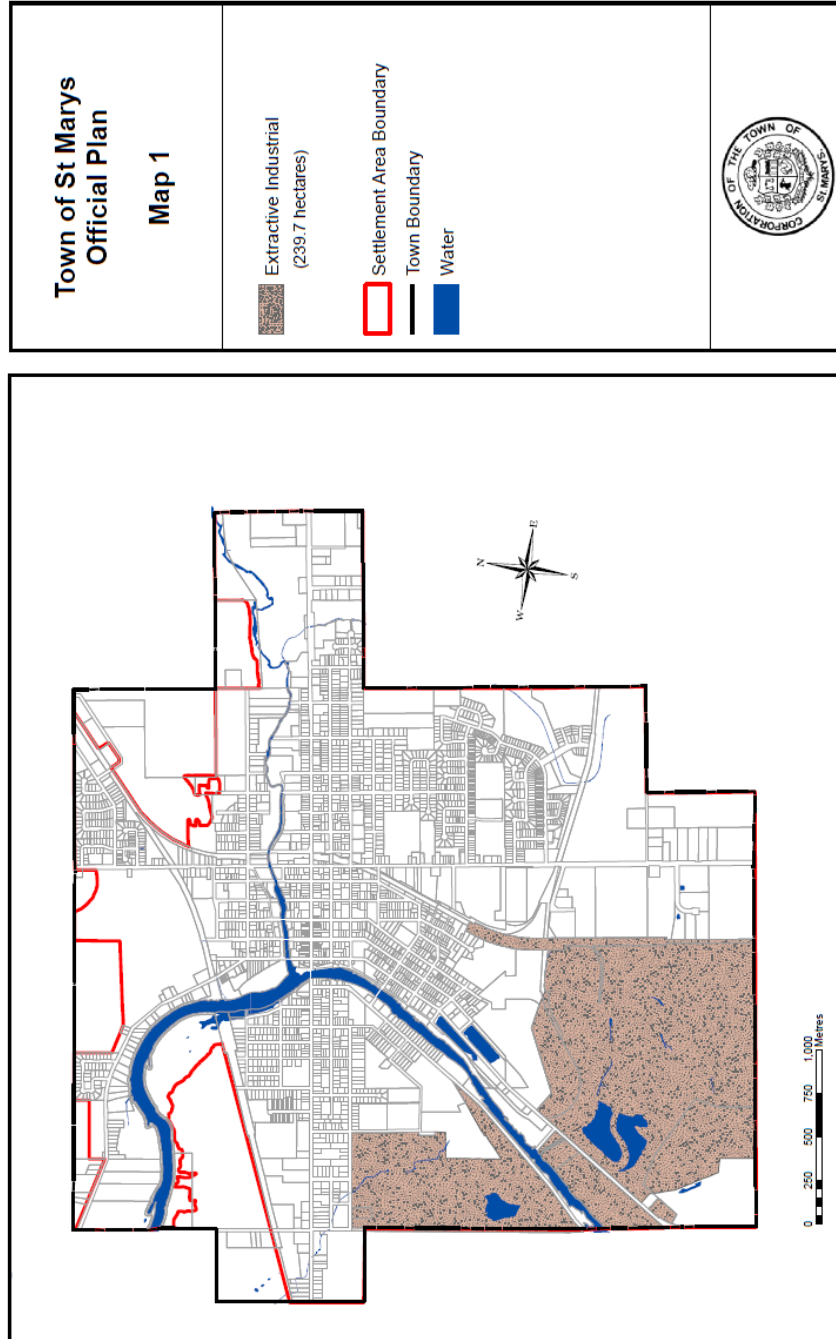
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Planning Background

1. Current Town Official Plan

Map 1 shows the location of the lands designated “Extractive Industrial” in the Town’s current Official Plan.

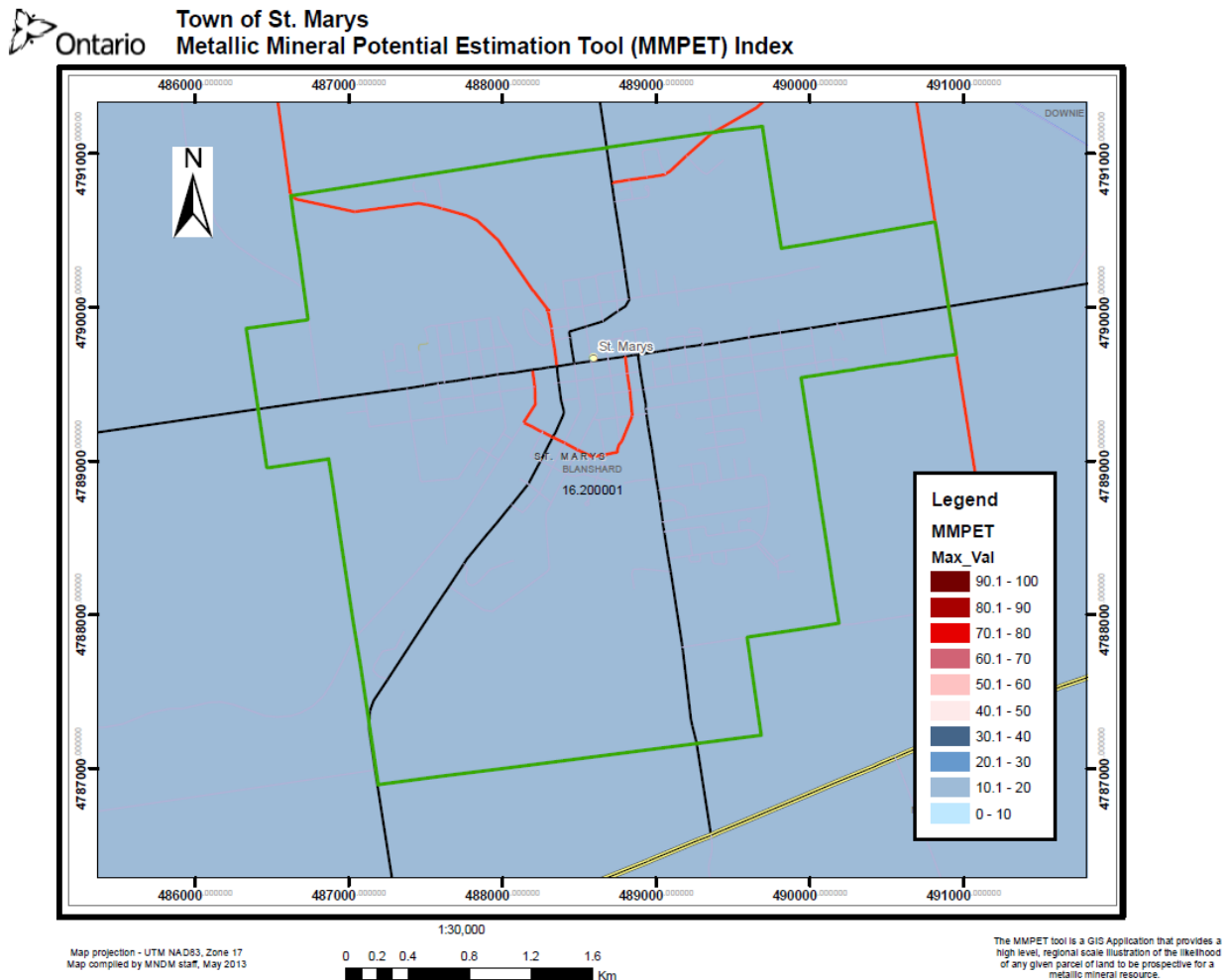


2. Provincial Policy Statement

2.4 Minerals and Petroleum

2.4.1 Minerals and petroleum resources shall be protected for long-term use.

The Town has no known deposits of minerals (e.g. asbestos, graphite, salt, or talc) or petroleum resources. The Map that follows displays the Metallic Mineral Potential Estimation Scores for the Town from the Ministry of Northern Development and Mines. The entire Town scores between 10.1 – 20 which signifies low potential for mineral deposits. A value of 60.1–80 is considered high potential and a value of 80.1-100 is considered very high potential.



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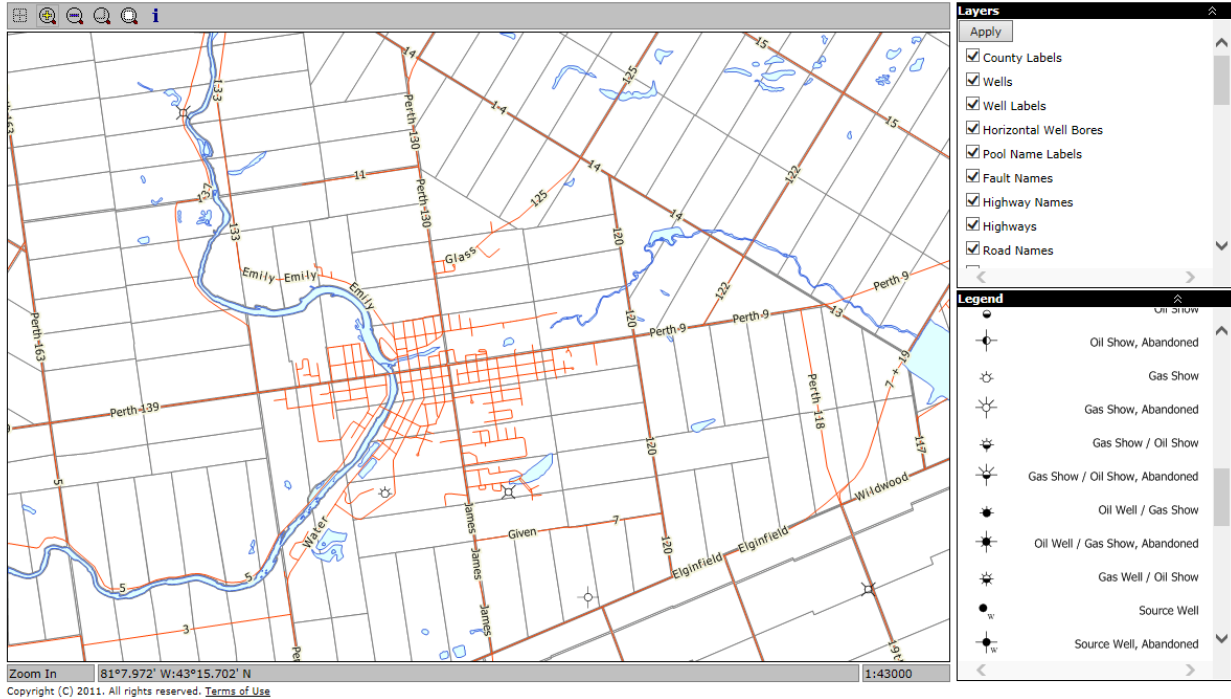
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With such low potential scores there is little, in terms of policies, that need to be incorporated into the Official Plan.

The Map that follows displays known oil and gas wells and salt mines. A gas show (gas being detected while drilling) is shown in the cement plant property from 1927 as a quarry well and an abandoned hole in the Meadowridge subdivision from 1938.

Oil, Gas & Salt Resources Library

Petroleum Well, Petroleum Pool, Seismic and Fault Map of Ontario - Well Location Map



Source: Oil, Gas and Salt Library <http://www.ogsrlibrary.com/maps/index.php>

With no recent drilling activity, little in terms of policies, need to be incorporated into the Official Plan.

Policy Recommendations

The following is a discussion regarding the recommended changes to the existing policies found in the “Extractive Industrial” designation of the Town’s Official Plan. Those Sections in the grey highlighting are from the 2014 Provincial Policy Statement. The charts are broken into three sections, comments across the top, existing policy on the left side and proposed policy on the right.

Comment With no known deposits of minerals or petroleum, a separate land use designation is not warranted. It is suggested that a new policy be added to the “Extractive Resources” designation.	
Existing Policy No Policy.	Proposed Policy 3.5.3.8 Minerals and Petroleum The Town has no known deposits of minerals (e.g. asbestos, graphite, salt, or talc) or petroleum resources. Where a proponent is seeking permission from Council for prospecting, mineral exploration, mine development or petroleum resource development, Council shall consult with the Ministry of Northern Development and Mines or the Ministry of Natural Resources and Forestry for assistance with the evaluation of any planning application approval and the development of appropriate policies to protect the resource.

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Comment	
Existing Policy 3.5.1 OBJECTIVES 3.5.1.1 To protect as much of the mineral aggregate resources as is realistically possible. 3.5.1.2 To create an atmosphere attractive to extractive industrial investment and development. 3.5.1.3 To expand the employment opportunities available to the residents of the Town. 3.5.1.4 To promote economic development and competitiveness by providing, servicing, protecting, and preserving lands in the “Extractive Industrial” designation as an industrial employment area. 3.5.1.5 To minimize the social and environmental impacts of “Extractive Industrial” activities on other land uses and the residents of the community and the natural environment. 3.5.1.6 To protect “Extractive Industrial” areas from incompatible land uses. 3.5.1.7 To permit interim land uses that are compatible with “Extractive Industrial” operations. 3.5.1.8 To encourage progressive rehabilitation, redesignation, and redevelopment of “Extractive Industrial” areas once the resource as the aggregate material has been depleted.	Proposed Policy No Changes.

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<p>Comment A new Section that describes the location and general type of uses permitted is suggested.</p>	
<p>Existing Policy No. Policy.</p>	<p>Proposed Policy 3.5.2 PERMITTED USES Uses permitted in the “Extractive Industrial” designation as shown on Schedule “A” to this Official Plan shall be intended for the extraction and processing of mineral aggregate resources. Activities normally associated with extraction such as crushing, screening, washing, stockpiling, storage, and recycling of aggregate products are permitted. Similar uses such as cement batching plants are also permitted. Other uses permitted include Parks, Open Space, Recreational, and Passive Agricultural activities.</p>

PPS - 2.5.2.2 Extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts.

<p>Comment</p>	
<p>Existing Policy 3.5.2 POLICIES 3.5.2.1 Within the “Extractive Industrial” areas designated on Schedule “A” to this Plan the primary use shall be processing, crushing, screening washing, and stockpiling of aggregate material. Ancillary uses are also permitted as accessory uses to the “Extractive Industrial” uses. 3.5.2.2 Existing extractive industrial operations shall be licensed by the Ministry of Natural Resources. The licensee shall comply with all terms and conditions of such license, including the provisions for rehabilitation.</p>	<p>Proposed Policy Sections Renumbered and Ministry name update. 3.5.3. 3.5.3.1 3.5.3.2 Existing extractive industrial operations shall be licensed by the Ministry of Natural Resources and Forestry. The licensee shall comply with all terms and conditions of such license, including the provisions for rehabilitation.</p>

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PPS - 2.5.2.1 As much of the *mineral aggregate resources* as is realistically possible shall be made available as close to markets as possible. Demonstration of need for *mineral aggregate resources*, including any type of supply/demand analysis, shall not be required, notwithstanding the availability, designation or licensing for extraction of *mineral aggregate resources* locally or elsewhere.

Comment

Policy is added to speak to new or expanding extractive operations to make is clearer how these facilities are to be established or expanded.

Existing Policy

3.5.2.3 New extractive industrial operations and the expansion of existing extractive industrial operations shall be permitted provided that such uses are located in the “Extractive Industrial” designation. Where new or expanded extractive industrial operations are proposed beyond the limits of the ‘Extractive Industrial” designation, Council shall require an amendment to this Official Plan.

Proposed Policy

3.5.3.3 New extractive industrial operations and the expansion of existing extractive industrial operations shall be permitted provided that such uses are located in the “Extractive Industrial” designation. Where new or expanded extractive industrial operations are proposed beyond the limits of the ‘Extractive Industrial” designation, Council shall require an amendment to this Official Plan.

When reviewing an application for a new or proposed expansion of an extractive industrial operation:

a) Council shall not require a supply/demand analysis, notwithstanding the availability, designation, or licensing for extraction of *mineral aggregate resources* locally.

b) Council shall take into consideration how the new/expanded operation will be compatible with surrounding uses, in terms of noise, odor , dust, wildlife, and ground water; and incorporate appropriate buffering and infrastructure such as water supply and roads.

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PPS - 2.5.3.1 Progressive and final rehabilitation shall be required to accommodate subsequent land uses, to promote land use compatibility, to recognize the interim nature of extraction, and to mitigate negative impacts to the extent possible. Final rehabilitation shall take surrounding land use and approved land use designations into consideration.

Comment New Policy is required to address Rehabilitation.	
Existing Policy No Policy.	Proposed Policy 3.5.3.4 Rehabilitation of Extraction Sites The rehabilitation of extraction sites to accommodate subsequent land uses is a requirement of this Plan. Where extraction is ongoing, rehabilitation is to be carried out on a progressive basis and shall be in accordance with the rehabilitation plan submitted to the Ministry of Natural Resources and Forestry as part of the site plan for licensing purposes. It is a policy of this Official Plan that all subsequent land uses proposed through rehabilitation be both consistent and compatible with surrounding land uses. Rehabilitation plans that involve the establishment of uses that are inconsistent and/or incompatible with surrounding land uses and which are not in accordance with the permitted use provisions of Section 3.5.2 shall not be permitted. All rehabilitation plans included with a site plan submitted for licensing purposes shall be reviewed during the application review process to ensure that the subsequent land use resulting from the rehabilitation is appropriate and in conformity with this Official Plan.

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PPS - 2.5.2.4 *Mineral aggregate operations* shall be protected 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.

Comment Add a policy to implement the objectives of Section 3.5.1.6	
Existing Policy No Policy.	Proposed Policy 3.5.3.5 Sensitive Land Uses Generally, sensitive land uses such as schools and residential uses shall be located no closer than 500 metres from an existing quarry or aggregate operation. Where a proposal for a sensitive use is proposed within 500 metres of the “Extractive Industrial” designation, the appropriate assessment reports shall be completed to reflect the nature of the development proposed and how impacts such as noise, dust, and vibration normally associated with extraction can be mitigated to the satisfaction of the Town and Provincial regulations.

Comment	
Existing Policy 3.5.2.6 Parks, Open Space, Recreational, and Passive Agricultural uses are permitted as interim uses on lands located within the “Extractive Industrial” designation provided that such uses and activities would not preclude or hinder the expansion or continued use of existing operations for reasons of public health or public safety. Such interim uses will be of a nature that they will not impact the feasibility of recovering the resource on which they are located. Buildings used to house livestock are prohibited.	Proposed Policy Section Renumbered 3.5.3.9.

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PPS - 2.5.5.1 *Wayside pits and quarries, portable asphalt plants and portable concrete plants* used on public authority contracts shall be permitted, without the need for an official plan amendment, rezoning, or development permit under the *Planning Act* in all areas, except those areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities.

Comment Add policies to permit wayside pits and portable asphalt plants.	
Existing Policy No Policy.	Proposed Policy 3.5.3.6 Wayside Pits and Portable Asphalt Plants Aggregate extraction operations under the authority of a wayside permit issued by the Ministry of Natural Resources and Forestry pursuant to the provisions of the Aggregate Resources Act, shall be permitted in the "Extractive Industrial" designation. The implementing Zoning By-law shall permit and make provision for wayside permit aggregate operations in the extractive industrial zone. 3.5.3.7 Portable Asphalt Plants Portable asphalt plants, used by a public road authority or its agent, are permitted throughout the "Extractive Industrial" designation without the need to amend this Plan or the implementing Zoning By-law. Portable asphalt plants are subject to the following criteria: (a) A certificate of approval for each plant must be obtained from the Ministry of Environment Climate Change; (b) Each plant shall comply with minimum separation distances established by the Ministry of Environment and Climate Change; and (c) Each plant shall be removed from the site upon completion of the public project.

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PPS - 1.7.1 Long-term economic prosperity should be supported by:

i) promoting energy conservation and providing opportunities for development of renewable energy systems and alternative energy systems, including district energy;

PPS - 1.6.11.2 Planning authorities should promote renewable energy systems and alternative energy systems, where feasible, in accordance with provincial and federal requirements.

Comment

The Official Plan should contain policies for the establishment of alternative energy sources. While the Green Energy Act removes most of the local municipality’s abilities to regulate such uses, smaller scale systems could be permitted in the “Extractive Industrial” use designation.

Existing Policy

No Policy.

Proposed Policy

3.5.3.10 Electricity generation though systems such as small-scale wind generation systems, standalone or roof mounted solar panels, passive solar collectors, and geothermal system generators shall be permitted in the “Extractive Industrial” designation. The placement, design, and setting of such systems shall be in such a manner to ensure compatibility with sensitive neighbouring uses.

Comment

A Policy to permit Utility Uses in the “Extractive Resources” is helpful to make it clear that these uses are permitted.

Existing Policy

No Policy.

Proposed Policy

3.10.3.11. Utility Uses
Utility uses are permitted in accordance with the policies of Section 7.15.

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Comment	
Existing Policy 3.5.2.5 Zoning By-law The implementing Zoning By-law shall be the principle tool to execute the policies of this designation through the establishment of zones classification to regulate the development of the various types of “Extractive Industrial” uses. The Zoning By-law shall address matters such as types of uses, lot characteristic (i.e., lot size, lot area, and lot depth), building form (i.e. yard setbacks, floor area, and height).	Proposed Policy Section Renumbered 3.5.3.12.

To allow for a comprehensive reading of the proposed changes, the following is the proposed Rural Lands designation with the proposed changes incorporated and highlighted.

3.5 EXTRACTIVE INDUSTRIAL

Significant amounts of land in St. Marys have known deposits of mineral aggregates such as sand, gravel and limestone. The St. Marys Cement Plant owns a majority of these lands in Town and is well recognized for the extraction of limestone and the production of cement for export to areas throughout North America.

3.5.1 OBJECTIVES

- 3.5.1.1 To protect as much of the mineral aggregate resources as is realistically possible.
- 3.5.1.2 To create an atmosphere attractive to extractive industrial investment and development.
- 3.5.1.3 To expand the employment opportunities available to the residents of the Town.
- 3.5.1.4 To promote economic development and competitiveness by providing, servicing, protecting, and preserving lands in the “Extractive Industrial” designation as an industrial employment area.
- 3.5.1.5 To minimize the social and environmental impacts of “Extractive Industrial” activities on other land uses and the residents of the community and the natural environment.
- 3.5.1.6 To protect “Extractive Industrial” areas from incompatible land uses.
- 3.5.1.7 To permit interim land uses that are compatible with “Extractive Industrial” operations.
- 3.5.1.8 To encourage progressive rehabilitation, redesignation, and redevelopment of “Extractive Industrial” areas once the resource as the aggregate material has been depleted.

3.5.2 PERMITTED USES

Uses permitted in the “Extractive Industrial” designation as shown on Schedule “A” to this Official Plan shall be intended for the extraction and processing of mineral aggregate resources. Activities normally associated with extraction such as crushing, screening, washing, stockpiling, storage, and recycling of aggregate products are permitted. Similar uses such as cement batching plants are also permitted. Other uses permitted include Parks, Open Space, Recreational, and Passive Agricultural activities.

3.5.3 POLICIES

- 3.5.3.1 Within the “Extractive Industrial” areas designated on Schedule “A” to this Plan the primary use shall be processing, crushing, screening washing, and stockpiling of aggregate material. Ancillary uses are also permitted as accessory uses to the “Extractive Industrial” uses.
- 3.5.3.2 Existing extractive industrial operations shall be licensed by the Ministry of Natural Resources and Forestry. The licensee shall comply with all terms and conditions of such license, including the provisions for rehabilitation.
- 3.5.3.3 New extractive industrial operations and the expansion of existing extractive industrial operations shall be permitted provided that such uses are located in the “Extractive Industrial” designation. Where new or expanded extractive industrial operations are proposed beyond the limits of the ‘Extractive Industrial’ designation, Council shall require an amendment to this Official Plan.

When reviewing an application for a new or proposed expansion of an extractive industrial operation:

- a) Council shall not require a supply/demand analysis, notwithstanding the availability, designation, or licensing for extraction of *mineral aggregate resources* locally.
- b) Council shall take into consideration how the new/expanded operation will be compatible with surrounding uses, in terms of noise, odor , dust, wildlife, and ground water; and incorporate appropriate buffering and infrastructure such as water supply and roads.

3.5.3.4 Rehabilitation of Extraction Sites

The rehabilitation of extraction sites to accommodate subsequent land uses is a requirement of this Official Plan. Where extraction is ongoing, rehabilitation is to be carried out on a progressive basis and shall be in accordance with the rehabilitation plan submitted to the Ministry of Natural Resources and Forestry as part of the site plan for licensing purposes.

It is a policy of this Plan that all subsequent land uses proposed through rehabilitation be both consistent and compatible with surrounding land uses.

Rehabilitation plans that involve the establishment of uses that are inconsistent and/or incompatible with surrounding land uses and which are not in accordance with the permitted use provisions of Section 10.4 shall not be permitted. All rehabilitation plans included with a site plan submitted for licensing purposes shall be reviewed during the application review process to ensure that the subsequent land use resulting from the rehabilitation is appropriate and in conformity with this Official Plan.

3.5.3.5 Sensitive Land Uses

Generally, sensitive land uses such as schools and residential uses shall be located no closer than 500 metres from an existing quarry or aggregate operation. Where a proposal for a sensitive use is proposed within 500 metres of the "Extractive Industrial" designation, the appropriate assessment reports shall be completed to reflect the nature of the development proposed and how impacts such as noise, dust, and vibration normally associated with extraction can be mitigated to the satisfaction of the Town and Provincial regulations.

3.5.3.6 Wayside Pits and Portable Asphalt Plants

Aggregate extraction operations under the authority of a wayside permit issued by the Ministry of Natural Resources and Forestry pursuant to the provisions of the Aggregate Resources Act, shall be permitted in the "Extractive Industrial" designation. The implementing Zoning By-law shall permit and make provision for wayside permit aggregate operations in the extractive industrial zone.

3.5.3.7 Portable Asphalt Plants

Portable asphalt plants, used by a public road authority or its agent, are permitted throughout the "Extractive Industrial" designation without the need

to amend this Plan or the implementing Zoning By-law. Portable asphalt plants are subject to the following criteria:

- (a) A certificate of approval for each plant must be obtained from the Ministry of Environment Climate Change;
- (b) Each plant shall comply with minimum separation distances established by the Ministry of Environment and Climate Change; and
- (c) Each plant shall be removed from the site upon completion of the public project.

3.5.3.8 Minerals and Petroleum

The Town has no known deposits of minerals (e.g. asbestos, graphite, salt, or talc) or petroleum resources. Where a proponent is seeking permission from Council for prospecting, mineral exploration, mine development or petroleum resource development, Council shall consult with the Ministry of Northern Development and Mines or the Ministry of Natural Resources and Forestry for assistance with the evaluation of any planning application approval and the development of appropriate policies to protect the resource.

3.5.3.9 Parks, Open Space, Recreational, and Passive Agricultural uses are permitted as interim uses on lands located within the “Extractive Industrial” designation provided that such uses and activities would not preclude or hinder the expansion or continued use of existing operations for reasons of public health or public safety. Such interim uses will be of a nature that they will not impact the feasibility of recovering the resource on which they are located. Buildings used to house livestock are prohibited.

3.5.3.10 Electricity generation through systems such as small-scale wind generation systems, standalone or roof mounted solar panels, passive solar collectors, and geothermal system generators shall be permitted in the “Extractive Industrial” designation. The placement, design, and setting of such systems shall be in such a manner to ensure compatibility with sensitive neighbouring uses.

3.10.3.11. Utility Uses

Utility uses are permitted in accordance with the policies of Section 7.15.

3.5.3.12 Zoning By-law

The implementing Zoning By-law shall be the principle tool to execute the policies of this designation through the establishment of zones classification to regulate the development of the various types of “Extractive Industrial” uses. The Zoning By-law shall address matters such as types of uses, lot characteristic (i.e., lot size, lot area, and lot depth), building form (i.e. yard setbacks, floor area, and height).