

#### **4.10.5.3 Zoning Provisions**

The uses permitted in the General Industrial Area and Prestige Industrial Area shall be zoned in separate zoning classifications in the implementing Zoning By-law.

#### **4.10.6 Special Industrial Area #1**

On the property designated as “Industrial” in Part of Lot 5, Concession VIII, comprising part of Part 3 on Plan 38R-893, the following provisions shall apply:

- i) Permitted industrial uses shall be limited to a dry industrial use; specifically a metal bonding facility comprising a preparation building, a bonding plant, an office building and buildings and structures accessory thereto, including storage facilities.
- ii) An amendment to the Comprehensive Zoning By-law shall be required, such amendment may include site specific provisions regarding but not limited to the following permitted uses, maximum building size, setbacks, buffer strips, fencing and access.
- iii) Development shall be subject to site plan control.

#### **4.10.7 Special Industrial Area #2**

On the property designated as “Industrial” in Part of Lots 33 and 34, Concession “B” with a civic address of 71 and 100 County Road 64, the following provisions shall apply:

- i) Permitted industrial uses shall be limited to a Waste Water Treatment Plant/Constructed Wetlands and Lagoons.

#### **4.11 AGGREGATE RESOURCES**

The Aggregate Resource designation includes lands currently licensed under the *Aggregate Resources Act* for mineral aggregate operations as well as those lands identified as areas of high potential for aggregate extraction by the MNR. Areas of high potential for mineral aggregate resources are identified on Schedule “A” in the Aggregate Resource designation. Where aggregate resources are no longer available for industrial extraction because of parcel fragmentation or proximity to sensitive receptors such as residential dwellings, the Aggregate Resource designation has not been applied to the lands.

For the purposes of this Plan, “mineral aggregate resources” means gravel, sand, clay, earth, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the *Aggregate Resources Act* suitable for construction, industrial, manufacturing and maintenance purposes, but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the Mining Act.

For the purposes of this Plan, “mineral aggregate operation” means the extraction of mineral aggregate resources and related activities, and includes:

Lands under licence or permit, other than for wayside pits and quarries, issued in accordance with the *Aggregate Resources Act*, or successors thereto; and

Associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products.

#### **4.11.1 Permitted Uses**

The uses permitted shall include mineral aggregate operations including sand and gravel pits and quarries licensed under the *Aggregate Resources Act*. Associated operations such as drilling, blasting, crushing, screening, washing and blending aggregate, aggregate recycling, aggregate storage, weigh scales, associated buildings and concrete and asphalt batch plants may also be permitted. These associated operations will only be permitted where they are compatible with other uses permitted in the Aggregate Resource area and will in no way hamper the rehabilitation of these areas for other land uses.

In addition, land designated Aggregate Resource may be used for agriculture, resource management or forestry purposes.

#### **4.11.2 Official Plan Amendments for Mineral Aggregate Operations**

An amendment to this Plan will be required when a new mineral aggregate operation is proposed on lands that are not designated as Aggregate Resource on Schedule “A”. The policies of Section 8.14 and any other applicable policy of this Plan shall be addressed to the satisfaction of Council.

An application for an amendment to this Plan to permit the establishment of a mineral aggregate operation shall be accompanied by a detailed site development plan. Site Plans and reports required by the *Aggregate Resources Act* shall generally be acceptable for the purposes of this section.

#### **4.11.3 Policies for New or Expanding Mineral Aggregate Operations**

The following matters shall be considered by Council before a decision is made to permit the establishment of a new or expanded mineral aggregate operation in the Aggregate Resource designation:

Aggregate extraction shall be undertaken in a manner that minimizes social and environmental impacts.

A mineral aggregate operation should be screened from public view to the extent possible, in order to protect the scenic characteristics of the area.

It shall be the policy of this Plan that the Municipality, when considering a new mineral aggregate operation or an expansion of an existing operation, will have regard to existing adjacent land uses that might be affected by a pit or quarry operation. This may be reflected through measures such as extraction setbacks and/or other mitigative techniques such as the use of vegetation or berms to provide screening, restrictions on the location of machinery, the timing of extraction operations, and the location and condition of haul routes. These requirements may be implemented through:

- i) Conditions on the licence and/or site plan under the *Aggregate Resources Act* at the time of licensing by the MNR;
- ii) Regulations in a site-specific Zoning By-law for the property; and
- iii) Provisions in a development agreement under Section 3.2.8 of this Plan.

Any setbacks and/or mitigative techniques being established should depend on a site-by-site review, having regard to the policies of Section 3.16.3 and any other policy of this Plan.

As a general policy, a mineral aggregate operation for a pit should not be established within 150 metres for a pit above the water table and within 300 metres for a pit below the water table or sensitive land uses. A mineral aggregate operation for a quarry should not be established

within 500 metres of sensitive land uses. For the purposes of this section, “sensitive land uses” includes uses such as residential buildings or facilities where people live, and permanent institutional uses such as schools, churches, day care centres, and hospitals.

Proposals for mineral aggregate operations within the distances specified in the above paragraph should be evaluated based on matters such as, but not limited to, land use compatibility, impacts on groundwater, noise, dust, vibrations, and traffic.

All operations must satisfy the requirements of the authority having jurisdiction as to water supply and groundwater pumping, and waste water disposal.

All operations must satisfy the requirements of the Ministry of the Environment and/or By-laws of the Municipality as to the control of dust, noise and vibration.

All mineral aggregate operations shall satisfy the requirements of the *Aggregate Resources Act* as to licensing and regulation.

Haul routes and the traffic generated by the proposed mineral aggregate operation shall be considered through the preparation of a traffic impact assessment by the proponent. A traffic impact assessment shall be undertaken by the applicant and shall be acceptable to the Municipality and any other authority having jurisdiction, such as the County of Northumberland and the Ministry of Transportation.

Progressive rehabilitation of mineral aggregate operations to accommodate subsequent land uses will be required. Plans for the rehabilitation of the site shall be acceptable to the Municipality.

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 in the Municipality or elsewhere.

#### **4.11.4 Development Agreements**

It shall be a policy of this Plan that an applicant who wishes to undertake a mineral aggregate operation shall enter into a Development Agreement with the Municipality. This Agreement shall be entered into prior to Council’s enactment of the implementing Zoning By-law or the

removal of a Holding provision under Section 36 of the *Planning Act*. Such an agreement may address, but shall not necessarily be limited to the following matters:

An indication of the haul routes to be used and requirements for the improvement and maintenance of the haul routes;

That all road damage caused by the gravel trucks shall be repaired by the pit/quarry operator and that the Municipality may repair the roads and invoice the said operator accordingly;

- i) The timing of operations on a daily, weekly and annual basis;
- ii) Arrangements for adequate screening to provide an effective visual buffer between the proposed mineral aggregate operation and any road or surrounding sensitive land use. Such screening shall be established effectively prior to operations of the pit or quarry;
- iii) Provisions for the acceptable discharge of process water from washing or screening operations.
- iv) Issues of public health, public safety and environmental impact; and
- v) Such other matters as Council may deem necessary and in the public interest.

#### **4.11.5 Changes to Areas Designated Aggregate Resource**

The boundaries of the lands designated as Aggregate Resource on Schedule “A” shall serve as guides for the development of new mineral aggregate operations. If new aggregate resource information becomes available as a result of future resource testing programs, the Municipality may undertake an amendment to the Plan to recognize new areas of primary significance on Schedule “A”. Council will determine the timing of such an amendment.

An amendment to this Plan will not be required for minor changes to the Aggregate Resource boundaries, which are deemed to be suitable by Council after consultation with the MNR. Where such changes occur, the new land use designation shall be in accordance with the surrounding land use designation.

#### **4.11.6 Protection of Mineral Aggregate Resources and Operations**

Council shall have regard to the policies of Section 3.13 of this Plan with respect to the protection of mineral aggregate resources and existing mineral aggregate operations in the Municipality.

The policies of Section 3.13 shall also be applicable when Council is considering a change in a land use designation from Aggregate Resource to another designation.

Prior to the re-designation of Aggregate Resource lands, Council shall consider the potential for sequential or concurrent land use that result in both aggregate extraction and development of land for the proposed use. Where development proposals are made, the applicant will be required to conduct an aggregate testing program to the satisfaction of the Municipality and the MNR to ensure that the proposed development does not contain aggregate resources of primary significance.

#### **4.11.7 Rehabilitation of Mineral Aggregate Operations**

Progressive and final rehabilitation of mineral aggregate operations shall be required to accommodate subsequent land uses, to promote land use compatibility, and to recognize the interim nature of extraction. Final rehabilitation shall take surrounding land use and approved land use designations on Schedule “A” into consideration.

#### **4.11.8 Rehabilitation of Agricultural Lands**

The extraction of mineral aggregate operations on Agricultural Resource Lands as defined in Section 4.1.1 of this Plan may be permitted as an interim land use provided that progressive rehabilitation of the site will be carried out whereby substantially the same areas and average soil quality for agriculture are restored.

Complete agricultural rehabilitation will not be required if:

- i) There is a substantial quantity of mineral aggregate resources below the water table warranting extraction, or the depth of the planned extraction in a quarry does not make restoration of pre-extraction agricultural capability feasible;
- ii) Other alternatives have been considered by the applicant and found to be unsuitable. The consideration of other alternatives shall include resources in areas

of Canada Land Inventory Class 4 to 7 soils, and resources on prime agricultural lands where rehabilitation is feasible. Where no other alternatives are found, prime agricultural lands shall be protected in this order of priority: specialty crop areas, Canada Land Inventory Classes 1, 2 and 3; and agricultural rehabilitation in remaining areas is maximized.

#### **4.11.9 Zoning By-law Provisions**

Mineral aggregate operations may be included in a separate zoning classification in the implementing Zoning By-law.

Existing licensed mineral aggregate operations shall be recognized in the Comprehensive Zoning By-law. On lands designated Aggregate Resource an applicant who wishes to expand an existing operation or commence a new operation must obtain an amendment to the Comprehensive Zoning By-law and a licence from the MNR.

Lands within the Aggregate Resource designation on Schedule “A” that are not licensed under the *Aggregate Resources Act* will normally be placed in an agricultural or rural zone classification.

It shall be the policy of this Plan that concrete batching plants and asphalt plants shall be permitted only in those areas specifically zoned for such uses.

An application for an amendment to the Comprehensive Zoning By-law to permit the establishment of a mineral aggregate operation shall be accompanied by a detailed site development plan. Site Plans and reports required by the *Aggregate Resources Act* shall generally be acceptable for the purposes of this section.

#### **4.11.10 Bedrock Resources**

Within five years of the approval of this Plan, the Municipality shall consult with the Ministry of Natural Resources and stakeholders and undertake an evaluation of the potential bedrock resources in the Municipality. After the evaluation, the Municipality shall amend the Official Plan to identify areas of bedrock potential and include appropriate policies that protect these resources for long-term aggregate use.