



**FRIENDS OF RURAL COMMUNITIES & THE ENVIRONMENT
(FORCE)**

**WRITTEN SUBMISSION TO THE CITY OF BURLINGTON
REGARDING THE WHITE PAPER ON SUSTAINABILITY, THE
ENVIRONMENT AND THE BURLINGTON OFFICIAL PLAN**

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INTRODUCTION

Friends of Rural Communities and the Environment (FORCE) thank the City of Burlington for the opportunity to input to the White Paper on Sustainability, the Environment and the Burlington Official Plan. We understand that Planning staff is using this Paper as the basis for discussion regarding sustainability as part of the review and updating of the municipality's Official Plan.

FRIENDS OF RURAL COMMUNITIES AND THE ENVIRONMENT (FORCE)

Friends of Rural Communities and the Environment (FORCE) is a federally registered not for profit corporation. It is a citizen-based advocacy group with hundreds of supporters in Kilbride (Burlington), rural Milton, Campbellville, Mountsberg, Freelon, and Carlisle. FORCE was formed in June 2004 to protect our natural and built environments in the face of a proposed large-scale, *below the established groundwater table*, aggregate development in the Northeast Flamborough portion of the amalgamated City of Hamilton. We note upfront that our organization is not anti-aggregate nor anti-road. Indeed, our area is home to some of Ontario and Canada's largest aggregate operations. We do, however, have significant issues with the current application in its proposed location for substantive reasons. We also believe that our organization has a responsibility to promote good government in the area and, ergo, we have a responsibility to input to the broader planning reform processes which bear upon the approvals process for development proposals such as the one before our communities. It goes without saying that we believe that the planning, approvals and regulatory monitoring processes for aggregate development in the Province remain flawed and in need of improvement.

Two of the overriding themes behind FORCE's comments to this municipal White Paper are "*Ecology or Conservation First*" and *Certainty*. We have consistently stressed these themes in submissions on related provincial government initiatives such as the Greenbelt, Planning Reform, and Source Water Protection and believe that they should underlay land use planning. We can look to both the pollution prevention/abatement community and the conservation community for interpretations of the "Ecology or Conservation First" Principle. With the former, the precautionary principle must be applied when risks – to such things as drinking source water – cannot be prevented nor adequately predicted quantitatively. With respect to conservation, the predominant thinking is that there should be no new or expanded development uses until a network of protected areas is reserved which adequately represents the natural regions – including terrestrial and hydrologic features/functions - affected by that future development. Certainty is the second principle – certainty, in our case, for the Aggregate industry, Certainty for the Municipalities charged with implementing Provincial Policies and Procedures locally, and Certainty for the residents who make the decision to call these Communities home for their families and their businesses and are then impacted by the uncertainty of proposed developments and land use changes.

The City's focus on maintenance and enhancement of the natural environment along with the White Paper's themes and content speak directly to *Ecology/Conservation First* and to *Certainty*. A clear and effective Official Plan can bring greater rigour to the protection of drinking source water and natural features and can bring greater clarity to the assessment of proposed development. In so doing, we can build communities that are truly vibrant, liveable and prosperous.

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FORCE APPLAUDS THE WHITE PAPER

FORCE is pleased to see the City of Burlington continue its leadership in the municipal sector on sustainability – a concept premised on the notion of a triple bottom line approach – or more pictorially, on that simple, but elegant, Venn model of sustainability with the three intertwined circles of economy, social development/quality of life, and environment. In this regard, we find the White Paper quite eloquently written, embracing strong values and directions, yet grounded in the research literature at the forefront of sustainability and conservation biology analysis.

In general, FORCE supports the City's stated central focus to identify, preserve and enhance a self-sustaining natural heritage system within the City and with regional linkages. It is important that this goal is being considered as the City enters the last 20 years in its planning horizon for Greenfield development within the designated urban area. Burlington is also to be commended for holding fast to a commitment to maintain its rural area boundary based on its own sustainability goals and consistent with compact growth and the Greenbelt Plan. FORCE also supports the general directions contained within the White Paper. Specific comments and points of emphasis are noted below in later sections.

FORCE LOCAL ISSUE IS A MICROCOSM OF LARGER REGIONAL AND PROVINCIAL INTERESTS

Changes such as those being discussed by the City of Burlington have direct relevance to on-the-ground applications and should be recognized for the improvements that they would make to the future planning environment. The approval process for the proposed aggregate development by Lowndes Holdings and its concomitant issues and implications are a microcosm of the larger provincial and regional interests which need to be reconciled in the Greater Golden Horseshoe. The initiative is also the first Greenfield aggregate proposal within the Greenbelt, with a significant proposed footprint - hydrologically and ecologically - as the 8th largest aggregate operation in the country in terms of proposed annual production. Specifically:

- The affected communities fall within the Golden Horseshoe Greenbelt Plan – as part of the most protected “Natural Heritage System” in the “protected countryside”
- Groundwater quantity and quality are already significant issues in our communities – including having been identified in the Kilbride Groundwater Study and in the Carlisle Groundwater Protection Study, the latter pending sign-off by the Ontario Ministry of the Environment
- Our aquifers exist in a fractured & solid shale environment as opposed to a moraine environment, making time of travel and transmissivity important issues
- A number of key natural terrestrial and hydrological features face development pressures on the site and on contiguous properties, including Provincially significant wetlands, possible significant woodlots, and the headwaters of Bronte Creek and its tributaries
- Three residential subdivisions abut the proposed development, there are numerous homes on the adjacent concessions and roads and the rural settlement areas of Kilbride, Carlisle, and Campbellville are within 3 kilometres
- Schools and community centres operate as close as one concession away

- An active and viable agricultural economy exists on the concession and for many kilometres around – the Greenbelt initiative is predicated on preserving viable farmland and sustaining the critical mass necessary to maintain agricultural support businesses in the area
- Upper and lower tier Hamilton and Flamborough Official Plans designate and Zoning By-laws zone the land for agriculture and conservation management and note the incompatibility of the area with future aggregate development given the residential and lot fragmentation, including the proximity of the community of Carlisle
- Appendices to the Hamilton area Official Plans identified sand and gravel mineral potential as opposed to hard rock quarry
- An active file proposal is for a below the established groundwater table aggregate development – OPA and zoning by law amendment requests were submitted to the City of Hamilton in late September 2004
- There are conflicting provincial and local interests and incompatible land use issues.

As noted above, FORCE feels a responsibility to input to broader policy development not only to address our local issue but in order to establish a better approach for development approvals processes in the future. Our specific comments with respect to the White Paper are found below.

WHITE PAPER - PART ONE – RESHAPING RECOMMENDATIONS

With respect to Part One, FORCE welcomes the Paper's recommendations regarding rebranding and refocusing. The strategic redirection of Section 2 of the Official Plan to one of Environment and Sustainability is more consistent with the evolution of the terms since the original Bruntland Commission work and greater emphasis on sustainability, with environment as one leg of same, is appropriate. The revised strategic focus also builds upon the City's State of the Environment and Future Focus VI reports and is a logical extension of sustainable development implementation within the jurisdiction. The proposed changes to the Mission Statement, Principles and Objectives, and their connection to policies which flow from them, will improve the understanding of policy intent and logic flow. The flow from Mission to Principles to Objectives to Policy Sections also better reflects a bias to action and outcomes flowing from a goal. This will increase transparency and accountability through the establishment of benchmark indicators and outcomes which can be measured and monitored for performance.

WHITE PAPER – PART TWO – REVITALIZING RECOMMENDATIONS

With respect to Part Two, FORCE will be commenting on the first two components: A Connected Natural Heritage System and Aggregates and the Challenge of Planning Across Decades. These issues are central to our organization's mandate and fall more so within our knowledge/experience base than golf course development applications.

A Connected Natural Heritage System

Conservation biology principles have emerged over the past twenty years in direct response to efforts aimed at the long-term conservation of natural areas within landscapes containing high levels of

human activity. Conservation biology is addressing the reality that many of the natural areas that have been set aside for the protection of native plants and animals are, nevertheless, showing a decline in the presence and/or quality of the natural attributes that were originally present. The science of conservation biology has provided insights into why some of these declines occur and what efforts can be made to stop and/or reverse the trends observed.

There are three core principles of conservation biology to be considered where human development alters the landscape and where conservation system strategies are contemplated:

1. Maintain Biological Diversity;
2. Avoid Habitat Fragmentation; and
3. Promote Corridors and Linkages.

It is widely recognized that most existing natural areas in southern Ontario are too small to maintain natural ecological processes and populations of species over the long term. In light of this, conservation strategies, like the Greenbelt Plan, are being adopted. The incorporation of corridors therein, and between strategy territories, as a means of facilitating movement of biota among remnant areas, is considered highly desirable. FORCE appreciates Burlington's perspective that the Greenbelt, the Niagara Escarpment and the regional Greenlands are a minimum basis for a Natural Heritage System and that ensuring connections between these areas is critical. The science-based focus for delineation of a general Natural Heritage System, through the Halton Natural Areas Inventory, as envisioned in Future Focus VI is a logical next step.

FORCE also took the opportunity to review Appendix II: The Natural Heritage System and Policy Directions. The proposed policy directions too are forward-looking and grounded in the recent literature. We note the emphasis on systems, ensuring both ecological function and structure, the broad interpretation of habitat, and the inclusion of vulnerable species as key positives. Increased buffers or adjacent land interpretations for wetlands (to 200m) and woodlands (100m) are another forward step. It would be appropriate to establish those as minimums (as per the stream setbacks) with the final meterage determined through the EIS process. We note the following questions. Under Hydrologic Features, with respect to ground water discharge and recharge areas, which bullet applies – the first where no development or site alteration is permitted subject to completion of a satisfactory EIS or the second, where no development or site alteration is permitted? FORCE would recommend the latter given recommendations in the Technical Expert Committee report to the Minister of the Environment re: source water protection planning. Presumably the source water protection initiative and the recent Greenbelt Plan requirements for development, such as aggregates, will also guide the content of watershed related EISs for the City, including such things as water budgets and water resource system analyses. There is also reference in the Adjacent Lands section to “see notes re: scoping and structure of EISs”. These do not appear to be present in the documentation for review.

Aggregates and the Challenge of Planning Across Decades

The title of this subsection begins to state the reality of aggregate development. The City is to be commended for putting the actual time horizons with aggregate development in context and for proposing a permanent planning development type accordingly. Permanency is certainly the reality for residents and business within adjacent communities given the long duration of operations and the inevitable expansions. The Lowndes Holdings' application before our communities speaks to an

initial 30 some-odd years of extraction on the initial 380 acres but already states its intent to expand to an adjacent 154 acres. When viewed as a permanent land use/alterd state, one evaluates the impacts and trade-offs for the Natural Heritage System and neighbouring residential areas differently.

In general, FORCE supports Burlington's proposed directions regarding permanent planning development type, areas to avoid, and full buffering/mitigation. They are consistent with our themes of ecology/conservation first and certainty and they are consistent with the goal and policy framework outlined in the earlier section of the White Paper. We hope that the areas to avoid listed are illustrative and that the full range of policy directions outlined in Appendix II, along with future source water protection planning directions, would be considered. As noted above, we feel that Burlington is continuing to exercise thought leadership and we welcome the informed and passionate debate that will arise over the specific proposals in light of the recent provincial directions in the Greenbelt Plan and the Provincial Policy Statement (2005). We support Official Plan policies that are more stringent than the provincial 'floor' because we believe that municipalities like Burlington, who are primary users of aggregate, and yet who are closer to their own natural heritage systems and residential communities will be able to strike an appropriate balance. We do not believe that municipal leaders in Burlington will be short sighted with respect to aggregates/costs and "cut off their nose to spite their face". The approach proposed by Burlington would also go some distance to improving assessment of impacts. We still note the need to better assess cumulative impacts and the risks associated with approval of untested mitigative issues.

The provincial focus on mineral aggregate protection has historically carried a strong implicit presumption of development. We believe the focus at the municipal level should be on mineral aggregate potential identification and protection for long term supply but that context appropriate land use planning for actual development should be exercised. We also believe that greater emphasis on conservation of mineral aggregate resources is required upfront, beyond making provision for aggregate recovery, where feasible. As with energy consumption and material consumption (leading to waste management), the provincial government should be providing leadership with a conservation orientation and comprehensive 3Rs strategy and municipalities should exercise leadership within their jurisdiction. Ontario usage per capita is much greater than other jurisdictions in the United States and the U.K, even accounting for population density factors. This may require a task group to research contributing factors and recommend consumption reduction strategies along with reuse/recycling strategies to increase the recovery of aggregate materials. We certainly welcome Burlington's proposed efforts to reduce aggregate demand through compact growth and brownfield development approaches as well as the explicit call for the Official Plan to encourage aggregate reuse. The City may want to examine its procurement specifications, as an implementation practice, and to determine if they are driving demand for higher aggregate quality, and thereby quarry operations, as the Environment Commissioner has documented the case with Ministry of Transportation (MTO) specs.

The White Paper raises important points with respect to need and the industry alleged aggregate crisis. The paper notes that Halton Region currently has access to adequate resources to meet its needs and that there appears to be a strong regional supply in the Greater Golden Horseshoe West Area and into Waterloo Region. Pending decisions regarding expansions and increased production levels at Dufferin Aggregates (Milton), Nelson Aggregates (Burlington), and Dufferin Aggregates (Flamborough) are likely to further positively impact this scenario. It is also important to note, as the

Ontario Environment Commissioner has put on the record, that there is no shortage of rock in this province. A January 2005 Pembina Institute report also speaks to outdated provincial analyses.

FORCE believes that demonstration of need should be required given existing licensed capacity and the number of issued licenses which are not yet operational. Need analysis should include an assessment beyond local/regional demand/supply analysis, identification of resource potential, designated resource potential and licensed resource capacity. This is not as onerous as it might appear, especially if the Province first completed a study into aggregate demand, supply (including updated resource mapping, along with explicit reference to areas where there are existing approved incompatible uses), distribution, cost and environmental impacts. Our understanding is that the last provincial demand and supply analysis dates to 1992. Further, if the Ministry of Natural Resources (MNR) was tasked with optimizing the existing resource (under some 2,800 licences), the ministry and/or aggregate producer industry could maintain much of the database on a go-forward basis.

The Paper notes that transportation is a key issue with large trucks on haul routes in rural areas representing a risk to rural residents, children in school buses, cyclists and motorcyclists and diesel and particulate emissions contributing to air quality/health concerns. While access to the aggregate resource close to markets is a laudable goal in the context of Kyoto implementation and air quality concerns, it should not be the principal driver given Natural Heritage System issues and the reality of 400 series highway congestion. This means that the province should also be looking to the relative socio-economic and environmental cost/benefit analysis of bulk shipment by water on the Great Lakes and by rail.

From a back-end perspective, FORCE believes that greater emphasis needs to be placed on progressive full rehabilitation with exemptions as compared to the exception being the rule. We are unclear on the White Paper's proposal to have all pits and quarries, when rehabilitation to an agricultural use is not possible, given over to the municipality or conservation authority as a park dedication following extraction.

For independent third-party validation of FORCE's concerns, we refer City staff to the 2003 and 2004 Ontario Environmental Commissioner's reports. The former documents analysis regarding matters such as poor optimization of the existing licensed resource, failure of the aggregates industry to progressively rehabilitate, failure of the MNR to inspect the required 20% of operations, and outdated resource mapping with a reliance on single license application approaches. The follow-up report notes the further decline of MNR performance in these areas, most notably inspection and rehabilitation. These individually and collectively serve as rationale for the need to change the approach to aggregate planning and approvals.

CONCLUSION

FORCE believes that the White Paper continues Burlington's thought leadership and implementation lead in the area of sustainability for the municipal sector. The vision and focus on an overall system of interconnected green space planning and management is comprehensive and appropriate. This represents an important goal for human and ecosystem health and for a sustainable economy. It also creates an intergenerational legacy. The directions contained in the Paper build on the City's current work and the evolution of sustainable development in practice within the jurisdiction. Further, they

provide a clear and logical policy and accountability framework and would see the municipality uphold the principles of ecology/conservation first and certainty. This positions Burlington well for projected growth as per Places to Grow and for attraction of a highly skilled and educated workforce which places a premium on clean water, clean air and natural green space protection, including access to outdoor recreation experiences. We welcome the debate the Paper will initiate with the Province and key stakeholders, particularly on the proposed Official Plan additions, and we look forward to the type of progressive policy and program outcomes for which Burlington has become known.

As Ontario's Environment Commissioner stated in the Toronto Star (January 6, 2005), . "...we can choose to use fewer aggregate resources, to optimize the existing licensed quarries we already have, to reuse and recycle aggregate materials, to seek alternate sources of aggregates brought in by rail and water {as opposed to further mining the Natural Heritage Systems in the Oak Ridges Moraine, the Niagara Escarpment, and the Greenbelt}. These choices would probably cost a little more. But the landscape we leave behind would be different. It is our choice, our legacy, and future generations will judge us by it."

THANK YOU

FORCE again respectfully appreciates the opportunity to input to the City of Burlington on the White Paper on Sustainability, the Environment and the Burlington Official Plan. We look forward to the municipality's next steps as part of updating and reviewing the Official Plan.