



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

**SUBMISSION TO THE MINISTRY OF PUBLIC
INFRASTRUCTURE RENEWAL RE: “*PLACES TO GROW –
BETTER CHOICES. BETTER FUTURE. DRAFT GROWTH
MANAGEMENT PLAN FOR THE GREATER GOLDEN
HORSESHOE*” DISCUSSION PAPER**

SEPTEMBER 21, 2004

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**FORCE SUBMISSION TO THE MINISTRY OF PUBLIC INFRASTRUCTURE RENEWAL –
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INTRODUCTION

Friends of Rural Communities and the Environment (FORCE) thank the Ministry of Public Infrastructure Renewal for the opportunity to input to the key discussion paper regarding growth management. We also welcome the government's corollary initiatives to establish and protect a permanent Greenbelt in the Golden Horseshoe and to establish policies and procedures through the Strong Communities Act, its draft Provincial Policy Statement, Source Water Protection legislation, and this discussion paper to promote more compact urban growth in order to protect and conserve our drinking water and natural heritage features. The draft Growth Management Plan is an important first step towards more sustainable urban development patterns in this region.

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 Campbellville, Kilbride, 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 pending 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 in the provincial arena 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.

FORCE is a member of the Ontario Greenbelt Alliance. We support the directions in its response to the Greenbelt Task Force Discussion Paper submitted on June 24, 2004, its member groups submission to the planning reform papers in August 2004 (CELA, Ontario Nature, Pembina Institute, and Conservation Council of Ontario), and the Alliance's September 2004 submission to the draft Growth Management Plan (including the companion Pembina Institute document for detailed rationale). Our submission will focus on the Hamilton and western Halton regions and on the 'Protecting What is Valuable' subsection.

LOCAL ISSUE IS A MICROCOSM OF LARGER PROVINCIAL INTERESTS

The approval process for the proposed aggregate development by Lowndes Holdings and its concomitant issues and implications are a microcosm of the larger provincial interests which need to

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be reconciled in the Greater Golden Horseshoe. The initiative is also the first Greenfield aggregate proposal within the Greenbelt and subject to the new planning regime being established by this government. Specifically:

- The affected communities fall within the Golden Horseshoe Greenbelt Study area and the draft Growth Management Plan for the Greater Golden Horseshoe
- Groundwater quantity and quality are already significant issues in our communities
- Our aquifers exist in a fractured & solid shale environment as opposed to a moraine environment
- A number of significant natural features face development pressures on the site and adjacent properties, including Provincially significant wetlands, Bronte Creek and its tributaries, significant woodlots/environmentally sensitive areas, and habitat to the threatened Jefferson salamander
- Three residential subdivisions abut the proposed development, there are numerous homes on the adjacent concessions and roads and the rural settlement areas of Carlisle, Kilbride 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
- Upper and lower tier 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
- Appendices to the Official Plans identified sand and gravel mineral potential as opposed to hard rock quarry
- Pending proposal is for a below the established groundwater table aggregate development
- There are conflicting provincial and local interests and incompatible land use issues.

FORCE feels a responsibility to input to broader provincial policy development not only to address our local issue but in order to establish a better approach for development approvals processes in the future.

TWO OVERRIDING PRINCIPLES SHOULD BE KEY TO THE DRAFT GROWTH MANAGEMENT PLAN AND TO LAND USE PLANNING

As a contextual framework, FORCE believes that two overriding principles should be key to land use planning, including growth management. These are 1. 'Conservation First' and 2. certainty.

1. Conservation First

'Conservation First' is the espousal of the precautionary principle in a land use planning context, not dissimilar from the precautionary principle in an environmental protection context. Especially in Southern Ontario, the remaining primary resources like groundwater and natural features like wetlands are under significant development threat.

FORCE recommends that the Ministry and related ministries consider the World Wildlife Fund (WWF) approach to 'Conservation First' for work with communities and the private sector. In essence, no

new or expanded development uses are permitted until a network of protected areas is reserved which adequately protects primary resources and represents the natural regions affected by the development. Then, sensitive development can proceed outside of the protected areas using the latest technology and approaches to minimize adverse impacts on wildlife, ecosystem function, and local cultures and to enhance the natural environment, where possible. This kind of an approach speaks to “carving up the map” through exercises like the Greenbelt study, to strong land use planning policies which clearly delineate the interests to be protected, and to improved stakeholder involvement processes in order to provide certainty and consistent land use planning decisions.

2. Certainty

Certainty is achieved through consistent land use planning decisions at a local level and is important for all stakeholders – communities, residents, non-governmental organizations, private sector developers, and appellate tribunals.

COMMENTS ON THE DRAFT GROWTH MANAGEMENT PLAN

General Comments

FORCE supports the *Places to Grow's* overall focus on accommodating future population and economic growth in the Golden Horseshoe through the intensification of existing urban areas, the promotion of more compact development forms, focusing growth in priority and emerging urban centres, and adopting a more rigorous approach to the expansion of urban boundaries. The plan also gives primacy to the role of public transit in moving people throughout the region.

The Plan should incorporate a stronger focus on the completion of an ecologically viable permanent Greenbelt and greenways network in the region. In addition, the protection of prime agricultural land is limited with its focus on specialty crop areas.

The Plan is more progressive than other recent government discussion papers in that it highlights the importance of steps to reduce demand for mineral aggregate and to better balance aggregate extraction with other competing land uses, such as source water and natural heritage protection. It fails, however, to articulate specific strategies to achieve these goals and these specific strategies are also lacking in the corollary government initiatives, such as the draft Provincial Policy Statement.

Places to Grow is premised on the province retaking a much more directive role in land use planning through policy, legislative and fiscal measures. This directive role needs to be more consistent across related provincial government initiatives (i.e. permanent Greenbelt establishment and protection, source water protection, viable agricultural and rural strategy, planning reform, and the as yet untouched aggregate resources reform). The role also needs to be complemented with specific implementation guidance and tools for municipalities.

Future Growth Areas Subsection

Despite its focus on the containment of urban expansion, the discussion paper appears to assume that additional expansions of settlement areas in the Golden Horseshoe will be necessary within a relatively short timeframe. This appears to contradict the thrust of the paper that emphasizes smart growth and more compact forms of urban development, including brown field redevelopment and infill. Such a reality would entail significant impact for the adjacent rural areas including potential loss of large tracts of prime agricultural lands, loss of ecologically significant lands and corridors, and increased consumption of aggregate resources.

The paper's future growth areas appear inconsistent with the Halton Official Plan, under revision, and its local government Plans and the proposed growth areas are surprising in the context of the need and potential for revitalization of the Hamilton downtown core. It also is inconsistent with the urban containment boundaries proposed by these upper tier governments and their current/former lower tier municipalities.

Protecting What is Valuable Subsection

Water Resources

FORCE believes that the integration of land-use and source water planning in the region should be strengthened. Development that will negatively impact groundwater recharge areas, head-waters and aquifers that have been identified as sensitive, and in significant ravine, valley river and stream corridors should not be permitted. Development identified as constituting a "water risk" as defined in the proposed *Source Water Protection Act*, should not be permitted.

Natural Heritage and Greenspace

FORCE believes that the completion of the Golden Horseshoe Greenbelt should be an integral part of the Growth Management Plan. As per the Liberal Party of Ontario's October 2003 election platform, the greenbelt should incorporate at least 600,000 ha of lands in addition to those already protected through the Niagara Escarpment and Oak Ridges Moraine legislation and plans. Directions to protect the up to 1,000,000 ha of land promised by the end of the mandate should also be signalled.

The Greenbelt should incorporate core natural areas (Oak Ridges Moraine, Niagara Escarpment, Trent-Severn system, as well as the linkages that connect them to one another and to Lake Ontario, Lake Simcoe and Georgian Bay), individually significant natural heritage areas, source water lands, and prime agricultural areas within the Greater Golden Horseshoe. The Greenbelt should contain an adequate amount of land to support a robust greenbelt ecosystem. Completion of the Southern Ontario Greenways Strategy, as proposed by Ontario Nature, should be an integral component of the Growth Management Plan.

The Greenbelt should be permanent, and operate within a clearly established legislative and regulatory framework. Incompatible (i.e. non-conservation and agricultural) land uses should be excluded from core areas of the greenbelt. Such uses would include urban development, new transportation corridors, and major aggregate extraction operations.

Municipal official plans, zoning by-laws and infrastructure plans should be required to be amended to bring them into conformance with the greenbelt plan. Future official plans, official plan amendments and other planning and infrastructure decisions should be required to conform with the Greenbelt plan as well. Planning and other measures need to be in place to ensure that 'leapfrog' development does not take place beyond the boundaries of the greenbelt.

Agricultural Resources

Given the provincial and national importance and value of the region's prime agricultural lands, the Growth Management Plan should incorporate protection from urban development for prime agricultural areas within the Greater Golden Horseshoe region. Prime agricultural areas should be defined as areas where there are significant specialty crop lands, and significant concentrations of Canada Land Inventory Class 1, 2 and 3 soils. This definition should also include areas where there is significant potential for agriculture on Class 1, 2 and 3 soils, rather than only those areas that are already in production. Similarly, specialty crop areas should be defined as land where specialty crops may be grown, as opposed to areas where they are "predominantly" grown.

Mineral Aggregates

FORCE believes that new and expanded aggregate operations should be assessed relative to other approved land uses in terms of which land uses will best serve the long-term public interest in a given area. Content from our submission to the Ministry of Municipal Affairs and Housing regarding planning reform, and specifically the draft Provincial Policy Statement (mineral aggregates section) is included below to provide elaboration to this paper.

Proponents of new expanded extraction operations should be required to demonstrate the need for such operations, and alternatives for the establishment of such operations, on natural or cultural heritage, prime agricultural, and source water lands.

The province should develop a strategy to operationalize the directions outlined in *Places to Grow* to reduce demand for newly extracted aggregate. FORCE notes that the Pembina Institute has a study on aggregate demand reduction strategies underway. It is expected to be released during fall 2004 and could provide valuable input to this area. The provincial strategy should include the promotion of reuse and recycling, particularly in respect to the following:

- assessing the impact of adopting more compact development forms and alternative development standards on future aggregate demand
- using municipal solid waste stream materials as replacements for aggregate (e.g. construction and demolition waste, glass, used tires).

The province should review the aggregate licencing process, as recommended by the Greenbelt Task Force, to ensure that it protects the integrity of hydrogeological and ecological systems, and natural features and functions, and strengthens rehabilitation requirements. Aggregate operations in prime agricultural areas should, for example, be required to rehabilitate sites such that they can be returned to prime agricultural uses.

FORCE input to Mineral Aggregates subsection of draft Provincial Policy Statement

The following paragraphs are a reprint of the FORCE comments to the draft Provincial Policy Statement.

Section 2.5 on mineral aggregates is the most disappointing section of the draft Provincial Policy Statement document. It has not been amended in any material way and does not appear to reflect the environmental protection orientation of this government nor a sustainable approach to resource development for the long term. FORCE has significant concerns with this section – we are not an anti-aggregate nor anti-road organization but we do believe that the planning, approvals and regulatory monitoring processes for mineral aggregate operations is flawed.

At a minimum, a prioritization of the provincial interests using the conservation first/precautionary principle is required to address this section and its relation to water, wetlands, areas of natural and scientific interest, and viable agricultural uses on prime agricultural land. The August 20, 2004 Greenbelt Task Force recommendations regarding ensuring hydrological and ecological integrity are also a minimum amendment. Further, we note that concerns about the extraction of aggregate resources below the established water table raised during the 5 year consultation period have not been addressed, whether on prime agricultural lands or not. Appropriate assessment of impacts, cumulative impacts, and the risk of approving untested mitigative measures remain issues. This type of extraction is especially problematic in a fractured and/or solid shale environment.

For unbiased, independent third-party validation of FORCE's concerns, we refer Ministry staff to the Ontario Environmental Commissioner's report released in October 2003. It documents analysis regarding matters such as Ministry of Transportation (MTO) specs driving higher aggregate quality and quarry operations, 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. These individually and collectively serve as rationale for the need to change the approach to aggregate planning and approvals.

The focus of the section is on mineral aggregate protection with a strong implicit presumption of development. The focus should be on mineral aggregate potential identification and protection for long term supply and context appropriate land use planning for actual development. As such, upfront greater emphasis on conservation of mineral aggregate resources is required 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. 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.

FORCE also believes that demonstration of need should be required given existing licensed capacity and that it should include demand/supply analysis, identification of resource potential, designated resource potential and licensed resource capacity. This is not as onerous as it might appear and if MNR was tasked with optimizing the existing resource, the ministry and/or aggregate producer industry could maintain much of the database.

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, however, given 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 shipment by water, as an example from areas like Manitoulin Island.

From a back-end perspective, greater emphasis needs to be placed on progressive full rehabilitation with exemptions as compared to the exception being the rule.

Improved notice and consultation requirements as well as provision for local municipal council decision-making should be specified for wayside pits and quarries. FORCE refers the Ministry to the inadequate consultation in North Flamborough for a Dufferin Aggregates wayside pit that was authorized by the Ministry of Transportation kitty-corner to 2 schools without any input from the schools, school boards, and municipal council, among others. Further, the ability of municipalities to determine areas of existing development that are incompatible with extraction activities and to preclude wayside pits from same is a policy/practice that should be extended to municipalities for more significant aggregate operations.

A number of corollary policy and implementation measures would improve the wise use of resources section. These include:

- Tasking a group to develop consumption reduction strategies and aggregate recovery improvements
- Tasking MNR with optimizing the existing licensed resource
- Tasking MNR with updated resource mapping, including explicit reference to incompatible approved uses
- Tasking MNR with increasing its inspection of current aggregate operations to 20% at a minimum
- Tasking MNR and the aggregate producers to develop an action plan for completion of outstanding progressive and final rehabilitation.

FORCE also believes that a corollary significant reform of the Aggregates Resources Act under the jurisdiction of the Ministry of Natural Resources is required for aggregate operations as well as for wayside pits and quarries, portable asphalt plants and concrete plants.

Provincial Implementation and Monitoring

As noted in the general comments, the implementation of the Growth Management Plan will require that the province play both directive and supportive roles. Strategies to assist municipalities in implementing the Plan are noticeably absent. FORCE feels that the province should provide guidance and support to municipalities, in addition to policy direction. Provincial support and guidance is particularly needed in such areas as identifying and protecting source water and natural heritage lands, and implementing the greenbelt plan, among others.

The impact and effectiveness of the Plan should be monitored and reviewed on a regular basis. Performance indicators should be focused on actual outcomes in terms of the livability and sustainability of communities in the region, rather than simply the implementation of commitments contained in the Plan.

CONCLUSION

FORCE believes that the initiatives noted above and the areas for suggested improvement are necessary to ensure sustainable urban and rural development patterns within the Golden Horseshoe. They are also necessary to support, rather than undermine, the government's important directions in terms of permanent Greenbelt protection, source water protection, viable agriculture and rural strategy, and planning reform.

THANK YOU

FORCE thanks the Ministry again for the opportunity to input and looks forward to reviewing the government's response to these important initiatives.