

RESOLUTION

CORPORATION OF THE TOWNSHIP OF RAMARA

DATED THE 6th DAY OF JANUARY, 2003

WHEREAS The Township of Ramara has been identified in the document "Aggregate Resources of Southern Ontario - A State of the Resources Study" dated December 1992, as an integral source of aggregate and an exporter for the GTA East market;

AND WHEREAS the Township of Ramara currently has 19 licenced pits and quarries;

AND WHEREAS the total existing licenced areas are 970 hectares with a total licenced annual extraction limit of 4.9 million tonnes;

AND WHEREAS there are five possible additional licences with a total additional annual extraction limit of 2.5 million tonnes;

AND WHEREAS the Township of Ramara has been required by the Ministry of Natural Resources and the County of Simcoe to identify the high potential mineral aggregate resource in its new Official Plan;

AND WHEREAS through discussion and public consultation, the Township has identified 12,650 hectares or 12% of its land area where there are high potential mineral aggregate resources;

AND WHEREAS on December 9, 2002, the Township of Ramara adopted the new Ramara Official Plan that contains planning policies for the designated Mineral Aggregate Extraction Areas and the identified High Potential Mineral Aggregate Resources.

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF RAMARA SUBMITS TO THE GOVERNMENT OF ONTARIO THROUGH THE MINISTER OF NATURAL RESOURCES AND THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THAT IT CONSIDERS THE FOLLOWING LEGISLATIVE AND REGULATORY CHANGES REGARDING MINERAL AGGREGATE RESOURCES AND PITS AND QUARRIES IN THE PROVINCE OF ONTARIO.

Part 1 - Conformity With Municipal Requirements

WHEREAS in Subsection 12.1 (1) of the *Aggregate Resources Act*, the Minister is limited to considering a municipal zoning bylaw only if the bylaw prohibits the pit or quarry;

AND the municipality in establishing official plan policies and zoning bylaw regulations is limited only to the use of properties as a land use for licenced pits and quarries;

AND applications to amend the municipal official plan and zoning bylaw are made to the municipality in advance of any application to the Minister for a pit or quarry licence or change to conditions or amendment to a site plan;

AND there is no obligation, responsibility or requirement that an application for a pit or quarry licence will be made for lands that have been designated in an official plan or zoned in a zoning bylaw by the municipality;

AND applications for Permits to Take Water and for Certificates of Approval for sewage works are made after licences are granted by the Minister.

NOW IT IS SUBMITTED THAT,

1. Section 12 of the *Aggregate Resources Act* should include in the list of matters that the Minister will have regard to, a written report from the municipal council indicating acceptance or nonacceptance of the licence application, any required municipal conditions to the licence or site plan, conformity with all provisions of the municipal official plan and zoning bylaw, and any other matters of municipal interest.
2. Section 12.1 of the *Aggregate Resources Act* should be amended to add that no licence will be issued if the proposed extractive use does not conform with municipal official plan policies and provisions of the zoning bylaw.
3. Subsections 66 (1), (2), (3), and (4) of the *Aggregate Resources Act* that gives precedence to the *Act* over municipal bylaws, official plans and development agreements should be repealed.
4. "Aggregate Resources of Ontario: Provincial Standards, Version 1.0" should allow the Minister to include additional pit and quarry licence schedules that contain conditions for operations, activities and site plans that pertain to matters of municipal interest beyond the limits of the licence area.
5. The Standards should require that all haul roads (other than public roads), whether under the ownership or control of the licensee, will be included within the application for the licence and will be part of the licence and site plan and the municipal zoning bylaw.
6. The *Aggregate Resources Act* should require that any application to licence a pit or quarry or to expand a licenced pit or quarry will be submitted to the Minister concurrently with any required applications to the municipality for amendments to official plans and zoning bylaws and concurrently with any applications to the Ministry of the Environment under the *Ontario Water Resources Act* and the *Environmental Protection Act*.

Part 2 - Minister's Notification to Municipality

WHEREAS Section 13 of the *Aggregate Resources Act* provides that the Minister may change licence conditions and Section 16 of the *Act* provides that the Minister may amend approved site plans;

AND there is no provision in the *Aggregate Resources Act* that permits the municipality to notify the Minister that proposed changes in licence conditions and proposed amendments to a site plan are matters of significance and importance to the municipality and its constituents;

AND the *Aggregate Resources Act* does not provide that the Minister will, in all cases, directly notify the municipality of a proposed change in licence conditions and an amendment to the site plan, or relief from any of the regulations.

AND the *Aggregate Resources Act* does not provide that the Minister will notify the municipality if a licence is surrendered, is proposed to be revoked, or is revoked.

NOW IT IS FURTHER SUBMITTED THAT,

7. Section 13 of the *Aggregate Resources Act* should be amended to require that the Minister will notify the municipality of any proposed change of licence conditions, notwithstanding any posting on the Environmental Registry, and that the municipality may respond to the Minister and the licensee within 45 days of the day the notice is sent.
8. Section 15 of the *Aggregate Resources Act* should be amended to allow the municipality 45 days to submit comments to the licensee and to the Minister regarding any matter contained in the Annual Compliance Report.
9. Section 16 of the *Aggregate Resources Act* should be amended to require that the Minister will notify the municipality of any proposed amendment to a site plan, notwithstanding a posting on the Environmental Registry, and that the municipality may respond to the Minister and the licensee within 45 days of the day the notice is sent.
10. The *Aggregate Resources Act* should require that any change to a licence condition or an amendment to a site plan that propose to excavate a pit or quarry below the established groundwater table requires a new licence application, the required approval from the municipality, and conformity with the municipality's official plan policies and zoning bylaw regulations.
11. Section 19 of the *Aggregate Resources Act* should be amended to require that the Minister will notify the municipality when a licence has been surrendered.
12. Subsection 20 (1) of the *Aggregate Resources Act* should be amended to require that the Minister will notify the municipality when the Minister proposes to revoke a licence, notwithstanding the posting on the Environmental Registry, and Subsection 20 (3) of the *Act* should be amended to require the Minister to notify the municipality that a licence has been revoked.
13. Section 68 of the *Aggregate Resources Act* should be amended to require that the Minister will notify the municipality when the Minister proposes to relieve the licensee from compliance with any regulation, notwithstanding a posting on the Environmental Registry.

Part 3 - Municipal Haul Route Regulation

WHEREAS the public roads within the Township of Ramara are constantly used as haul routes by aggregate industry trucks originating in and destined to the Township of Ramara and the City of Kawartha Lakes;

AND the maintenance of County and Township roads is an extraordinary financial burden to the taxpayers of the County of Simcoe and the Township of Ramara;

AND aggregate industry trucking on County and Township public roads create noise, vibration, dust nuisances and safety concerns for residents of the Township of Ramara;

AND the existing *Aggregate Resources Act* does not allow the Minister of Natural Resources to impose licence and site plan conditions regarding the designation, use, maintenance and financial responsibility for external public haul routes;

AND the existing *Aggregate Resources Act* does not provide the statutory basis for the municipality to designate public roads as “Aggregate Haul Routes” and to pass bylaws regulating the use of these roads by aggregate industry trucks.

NOW IT IS FURTHER SUBMITTED THAT,

14. The *Aggregate Resources Act*, the *Municipal Act*, and the *Planning Act* should be amended to provide the statutory basis for the municipality to enter into a development agreement with an applicant or licensee and that the *Acts* provide that the agreement may contain provisions for the improvement of public roads by the licensee and the payment of additional per tonnage fees attributed to the maintenance of public roads.
15. The *Aggregate Resources Act* and the *Municipal Act* should be amended to provide that the municipality may designate and regulate speed limits and haul routes with regard to aggregate industry trucks using public roads.

NOW IT IS RESOLVED that this submission is in the municipal public interest.

AND THAT the resolution be forwarded to other municipalities with aggregate operations within their boundaries with a request to support the requested changes.