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**To:** Mayor and Council

**From:** Nick Ainley, Community Planner

**Meeting Date:** June 2, 2025

**Subject:** Report PB-021-2025 – Zoning By-law Amendment for Lisbon Asphalt Products Ltd. 4769 Highway 26

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## Recommendation

Be It Resolved that Council of the Township of Clearview hereby receive report PB-021-2025 (Zoning By-law Amendment for Lisbon Asphalt Products Ltd. 4769 Highway 26) dated June 2, 2025; and,

- 1) That a Zoning By-law, generally consistent with the draft amendment found in Appendix 'F', for the lands municipally known as 4769 Highway 26 be presented to Council for approval at the June 23, 2025, meeting.

## Background

On June 26, 2024, the Township received a Zoning By-law Amendment (ZBA) application for lands located at 4769 Highway 26.

## Subject Lands

The lands subject to the current ZBA application are located within the northeastern limits of the Township of Clearview. The subject lands are irregular in shape and encompass a total area of approximately 64.9 ha. The subject lands maintain approximately 1.4 km of frontage onto Highway 26 as well as approximately 673 m of frontage onto 15/16 Sideroad South Sunnidale. Access to the subject lands is provided by a single existing entrance from Highway 26.

The southern and northern portions of the subject lands are comprised primarily of forested areas. The central portion of the subject lands is disturbed by previous on-site activities and support an existing aggregate extraction operation (pit) that is licensed by the Ministry of Natural Resources (MNR) pursuant to the Aggregate Resources Act (ARA).

The existing Clase 'A' license (License No. 3711) provides permission for extraction of over 20,000 tonnes of aggregate annually, with a permitted maximum annual tonnage of 500,000 from the approximately 22 ha licensed area of the site.

The subject lands have been actively utilized as an aggregate extraction operation since the late 1970's. However, no extraction has occurred on the site since purchase of the site by the current owner in early 2023. Further aggregate extraction from the site is not required or proposed in support of the current ZBA application. The applicant has indicated that they intent to maintain the existing Class 'A' license, should they wish to continue the permitted aggregate extraction operation at a future date.

Refer to Schedule 'A' of this report for a Orthophoto of the subject lands.

### **Surrounding Lands**

The following is an overview of the surrounding lands and land uses:

North	Lands north of the subject lands are comprised primarily of forested and environmentally protected lands as well as support limited rural-residential lands uses.
East	The eastern limits of the subject lands are bounded by Highway 26 and the municipal boundary of the Township of Springwater. Lands east of the subject lands are comprised primarily forested and environmentally protected lands as well as support limited rural-residential lands uses.
South	Lands south of the subject lands are comprised of a mixture of forested, environmentally protected and agricultural lands as well as support limited rural-residential lands uses.
West	Lands west of the subject lands are comprised forested and environmentally protected lands as well as a mixture of rural-residential (including home occupations and/or industries), extractive and airport related industrial uses (i.e., Lafarge Aggregate Pit and Edenvale Aerodrome).

Please refer to Schedule 'A' of this report for a visual description of the subject lands and surrounding lands and land uses.

### **Proposal**

The current Zoning By-law Amendment (ZBA) application seeks to amend the zoning on a portion of the subject lands from the 'Extractive Industrial' (EX) Zone to the 'Extractive Industrial Exception' (EX-1) Zone to include an 'Asphalt Plant' as an additional permitted use. The proposed ZBA also includes the following altered site-specific zone provision:

- Minimum Front Yard Setback for an Asphalt Plant – 270 m (but shall not include existing truck parking or staging areas).

The effect of the proposed by-law is to permit the establishment and operation of a permanent Asphalt Plant (Hot Mix) on a portion of the subject lands.

## **Supporting Materials**

### **Supporting Materials**

The complete ZBA application was supported by the submission of a number of technical documents, studies and/or reports. The following is a brief overview of the technical supporting materials:

- Acoustic Assessment (Cambium - May 29, 2024)
- Emission Summary and Dispersion Modelling Report (Cambium - June 4, 2024)
- Existing Conditions, Operational & Rehabilitation Plans (Zubek, Emo & Patten Ltd. - June 15, 2000)
- Hydrogeological Assessment (Cambium - May 30, 2024)
- Land Use Compatibility Letter (Cambium - June 19, 2024)
- Lighting Plans (EME Engineering - May 27, 2024)
- Planning Justification Report (Innovative Planning Solutions - May 2024)
- Scoped Environmental Study (Roots Environmental - May 21, 2024)
- Stormwater Management & Servicing Report (Pearson Engineering - May 2024)
- Traffic Impact Study (Tatham Engineering - June 21, 2024)
- Tree Inventory & Preservation Plan (JDB Associates Ltd. - January 26, 2024)

All supporting materials were circulated to applicable external agencies as well as expert peer-review consultants for review and to confirm their validity and acceptability. Through the circulation and review process, the following updated submission material were subsequently submitted by the applicant to address comments and points of clarification that were raised by external agencies as well as expert peer-review consultants:

- Hydrogeological Assessment (Cambium – January 13, 2025 & April 23, 2025)

- Lighting Plans (EME Engineering – November 7, 2024)
- Scoped Environmental Study - Figure 5 (Roots Environmental – January 2025)
- Site Grading Plan (Pearson Engineering – November 20, 024)
- Stormwater Management & Servicing Report (Pearson Engineering - November 2024)
- Traffic Impact Study (Tatham Engineering - January 2025)

Following circulation and review of the updated submission material, external agencies as well as expert peer-review consultants have confirmed that the submission materials have either satisfactory meet and/or address all applicable provincial guidelines, standards and procedures or additional review and assessment can be completed through detailed design of the proposed development during a future Site Plan Control application process.

Complete copies of all submission materials can be accessed on the Township of Clearview [‘Current Projects’](#) webpage.

### Overview of Proposed Development and Operation

To assist with assessment of the proposed additional land use on the site the following table has been included to provide an overview of the proposed configuration and operation of the asphalt plant use as described within the submission materials provided by the applicant in support of the current ZBA application.

Operation / Component	Description
<b>Proposed Permanent Asphalt Plant</b>	<p>Hot Mix Asphalt Plant (<a href="#">Astec M-Pack Asphalt Mixing Facility</a>). The proposed Asphalt Plant is to comprise and consist of the following components and areas:</p> <ul style="list-style-type: none"> <li>• Asphaltic Cement (AC) Storage Tanks</li> <li>• Power Supply Building</li> <li>• Office/Control Centre Building</li> <li>• Baghouse (Air Filter)</li> <li>• Mixing Barrel</li> <li>• Asphalt Silos (3 + 3 Future) <ul style="list-style-type: none"> <li>○ Tallest structure is the asphalt silos, which are approximately 80 ft. (24 m)</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• Truck Weigh Scale (Existing)</li> <li>• RAP Bins</li> <li>• Aggregate Feed Bins</li> <li>• Aggregate &amp; Process RAP Stockpile Areas</li> <li>• Employee Parking Area</li> <li>• Truck Staging Area (Existing Staging Area)</li> </ul>
<b>Permanent Asphalt Plant (Hot Mix) Operation Process</b>	<p>Aggregate material (including washed limestone, gravel, sand) are imported into the site by truck and deposited onto stockpiles, in the designated areas.</p> <p>From the stockpiles, a front-end loader transfers the aggregate material into the above-ground cold feed hoppers, which feed a conveyor. Ultimately materials are then processed through the plant to create the product.</p> <p>Once ready for distribution, the hot-mix asphalt product is gravity fed from the storage silos directly into shipping trucks at the loading point.</p> <p>Material is required to be weighed and tracked leaving the site. An existing scale located on site is to be used for this process.</p>
<b>Existing Aggregate Resources Act (ARA) License</b>	The existing ARA license held for the existing aggregate pit operation is to remain, and the proposed asphalt plant operations are located entirely within the existing licensed area.
<b>Hours of Operation</b>	7:00 am – 7:00 pm. Occasional nighttime operations are proposed, subject to demand or contract.
<b>Days of Operation</b>	Monday – Friday as well as Saturdays based on operational demand.
<b>Months of Operation</b>	May to the start of December.

<b>Intended Life Span of Asphalt Plant Operation</b>	Indefinite and based on market demand.
<b>Site Access</b>	Access to the site is to remain to/from Highway 26. Internal haul routes are to be utilized.
<b>Truck Movements (Delivery of Product to Site)</b>	Expected between the hours of 7:00 am and 6:00 pm. At full capacity approximately 10 tractor-trailers per day anticipated for delivering aggregate to the site.
<b>Truck Movements (Shipment of Asphalt Products from Site)</b>	Expected between the hours of 7:00 am and 6:00 pm. At full capacity approximately 10-15 asphalt truck trips per peak hour will leave the site with asphalt product.
<b>Employee Movements</b>	At full capacity approximately 5 inbound trips during the AM peak hour and 5 outbound trips during the PM peak hour are anticipated to service the asphalt plant use.
<b>On-site Material Storage</b>	Materials are stored based on their type, aggregate or processed reclaimed asphalt pavement (RAP) and located in designated areas.
<b>Additional On-site Vehicles &amp; Equipment</b>	<p>The site will utilize one (1) loader for movement of materials. Excavators are not required for the asphalt plant.</p> <p>A portable crushing operation is used to crush aggregate materials.</p>
<b>Required Fuel Sources</b>	Natural gas to be utilized for all on-site fuel sources required for asphalt production.
<b>Plant Operation Controls</b>	All plant operations are to be controlled within central office / control centre.
<b>Number of Employees</b>	It is expected that the plant will require 3-4 on-site staff members daily.

<b>Utilities</b>	The subject lands are currently serviced by existing hydro services from Highway 26.
<b>Services</b>	The subject lands are to be serviced by a single on-site well and private septic in support of the site's required employees.
<b>Monitoring Wells (Existing)</b>	The subject lands presently support a total of three (3) existing water monitoring wells. The wells will continue to be utilized in support of the proposed asphalt plant use.

Refer to Schedule 'C' for a review of the submitted Conceptual Site Plan of the proposed Asphalt Plant development.

## **Review Process & Approvals**

In addition to the current Zoning By-law Amendment (ZBA) application considered under this report which seeks to establish an asphalt plant as an additional permitted use on the subject lands, permission for the development of an asphalt plant on the subject lands will also be subject to the following additional *Planning Act* application, Conservation Authority (Nottawasaga Valley Conservation Authority) and provincial (MECP & MNR) approvals.

### **Municipal Approvals - Site Plan Control**

Following any land use approvals granted for the portion of the lands subject to the current ZBA application and prior to any development occurring on the site for the proposed asphalt plant use, the applicant is responsible to apply for and proceed through a Site Plan Control application process and enter into a Site Plan Agreement with the municipality. Site Plan Control is the process in which the approval authority (municipality) exercises control over the site-specific matters governing the detailed design of the development and the overall layout and function of the site.

To ensure that the development is appropriately designed and minimizes potential impacts on surrounding properties, matters including but not limited to traffic, stormwater management, landscaping, lighting, servicing, grading & drainage, siltation & erosion control, geotechnical, securities, etc. are comprehensively reviewed and accessed through this process. Site Plan Control also ensures that all requirements, mitigation measures and/or recommendations specified within the accepted technical studies or required by internal departments and/or external agencies are implemented into the design and operation of the site.

The Site Plan agreement that is entered into between the applicant and the municipality is registered on title of the proposed and is binding on current and future owners.

A conceptual Site Plan of the proposed development is contained in Schedule 'C' of this report.

### **Conservation Authority – Nottawasaga Valley Conservation Authority**

The Nottawasaga Valley Conservation Authority (NVCA) is a not-for-profit public agency responsible for watershed and natural resource management within the Nottawasaga Valley watershed. A portion of the land subject to the current Zoning By-law Amendment application are located within the NVCA regulatory area.

The NVCA is circulated and responsible for review of the current ZBA application in accordance with its delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 5.2 of the Provincial Planning Statement (PPS, 2024) and as a regulatory authority under Ontario Regulation 41/24.

A permit is required from the NVCA under the *Conservation Authorities Act* prior to development on any portion of the subject lands within the regulatory area of the NVCA. NVCA approval and/or permitting is also a requirement of future Site Plan Approval.

### **Provincial Approvals - Ministry of Environment, Conservation and Parks (MECP)**

The Ministry of Environment, Conservation and Parks (MECP) is the provincial authority responsible for the administration of the Environmental Protection Act (EPA) within the province. As part of their authority, the Ministry establishes environmental permission on activities that have the potential to impact the natural environment or human health. This includes the development and operation of an industrial use, including an asphalt plant.

Permission for the operation of an asphalt plant within the province requires separate Environmental Compliance Approval (ECA) specifically for the regulation of air and noise emissions. Sewage works associated with an industrial use is also subject to the ECA. Similar to the current ZBA application, the ECA process also requires the applicant to prepare and submit technical studies and documentation that demonstrate that the proposed development meets all applicable regulations and will operate in accordance with Provincial standards.

The ECA process is public in nature and includes a mandatory 45-day comment period once the ECA application and supporting materials is received and notice is circulated. All active environmental activities that are open for review and comment can be accessed via the following [Environmental Registry of Ontario \(ERO\) website](#).



The applicant will be responsible to apply for Environmental Compliance Approvals (ECA) through the MECP directly to regulate air, noise, odour and sewage emissions, as applicable, following any land use approval for the proposed asphalt plant use granted through the current municipal approval process (i.e., ZBA application).

### **Provincial Approvals - Ministry of Natural Resources (MNR)**

The Ministry of Natural Resources (MNR) is the authority responsible for the administration of the Aggregate Resource Act (ARA) within the province. As part of their authority, the Ministry oversees the rules governing aggregate management, the issuance of licences, permits and changes to existing approvals, the inspection of aggregate operations (including response to complaints), enforces compliance as well as ensures rehabilitation is carried out on sites.

As cited earlier within this report, the central portion of the subject lands is licensed by the Ministry of Natural Resources (MNR) for aggregate extraction. An existing Class 'A' license (License No. 3711) provides permission for extraction of over 20,000 tonnes of aggregate annually, with a permitted maximum annual tonnage of 500,000 from the approximately 22 ha licensed area of the site.

The applicant proposes to maintain the existing active Class 'A' license over the portion of the lands subject to the current ZBA application. Following any land use approvals granted through the authority of the municipality to permit an asphalt plant as an additional permitted use, the applicant would be responsible to apply to the MNR to amend the existing Class 'A' license in accordance with requirements of the ARA, specifically O. Reg. 244/97.

### **Existing Policy Framework**

The subject lands are designated 'Extractive Industrial', 'Greenland – Wetland Area' and 'Greenland – Natural Heritage Area' in the Township of Clearview Official Plan (2001) and zoned 'Extractive Industrial (EX), Agricultural (AG), Environmental Protection (EP) and Hazard Land Overlay (FP) in the Township of Clearview Zoning By-law 06-54.

The subject lands are also partially regulated by the Nottawasaga Valley Conservation Authority.

### **Comments and Analysis**

#### **Provincial Planning Statement (2024)**

The PPS (2024) provides policy direction on matters of provincial interest related to land use and development. The policies of which promote the building of strong and competitive communities, the wise use and management of resources, and the

protection of public healthy and safety. The current ZBA application seeks to permit an asphalt plant as an additional permitted use as well as a site-specific zone provision on a portion of the lands that are presently designated, zoned, licensed and previously utilized for aggregate extraction.

The proposed ZBA and associated development of the subject lands is consistent with the policies of the PPS (2024) and the planning objectives they are intended to achieve, specifically:

*Section 2.5 – Rural Areas in Municipalities & Section 2.6 – Rural Lands in Municipalities*

Section(s) 2.5 & 2.6 of the PPS (2024) speaks to rural areas and lands within municipalities. In accordance with Section 2.5.1, healthy, integrated and viable rural areas should be supported by promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources. Section 2.6.1 goes onto describe the uses that are permitted on rural lands, which includes the management or use of resources. Development that can be sustained but rural services level shall also be promoted.

Inclusion of asphalt plant as an additional permitted use on the portion of the subject lands already licenced for aggregate resource extraction diversifies the economic and employment opportunities able to occur on subject lands while continuing to manage the site's overall aggregate resources that have been identified through the site's existing ARA licensing in a sustainable way. Detailed design of the subject lands will occur through future Site Plan Control approvals. However, it is understood that the development will be serviced by a well and private septic system to support on-site employees, which is compatible with rural service levels.

*Section 3.5 – Land Use Compatibility*

Section 3.5 of the PPS (2024) speaks to land use compatibility and where major facilities (including industries and resource extraction activities) are proposed they shall be development to avoid, and where avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.

The current ZBA application does not seek to establish a new aggregate extraction operation, but rather to permit an asphalt plant as an additional use on the portion of the subject lands that are presently designated and zoned within municipal planning documents and licensed by the MNR for aggregate extraction. However, as an asphalt plant can be considered a 'major' facility, separation from adjacent sensitive land uses shall be assessed and provided. As outlined earlier within this report, the lands surrounding the lands to be rezoned support existing rural-residential uses, including a

total of nine (9) existing residential dwellings within approximately 1.0 km. The nearest adjacent property supporting a residential use is located approximately 30 m directly east of the portion of the lands to be rezoned, on the eastern side of Highway 26. All other adjacent properties supporting existing residential uses are located more than 300 m from portion of the lands to be rezoned.

Spatially, the area of the site that is proposed to support the asphalt plant is located centrally within the existing disturbed area of the property and setback a minimum of 270 m from the Highway 26 frontage of the property and greater than 300 m from all adjacent property lines supporting sensitive uses (refer to Schedules 'A' & 'C'). The proposed setback implemented through the current ZBA application is consistent with applicable provincial guidelines (i.e. MECP Guideline D-6) which establishes a minimum setback of 300 m from Class III industrial facilities (i.e., asphalt plant) to adjacent sensitive lands use (i.e., residential uses). In addition to distance, adjacent sensitive land uses are also expected to be buffered by the property's existing and extensive forested areas, proposed landscaping (as required and addressed through future Site Plan Control) as well as the site's existing varied topography.

Assessment of the proposed asphalt plants compatibility with adjacent land uses is also further investigated through the submission of the technical studies and reports summarized earlier within this report. All supporting submission materials have been circulated to applicable external agencies as well as expert peer-review consultants to confirm their validity and acceptability, the finding of which have confirmed provincial guidelines, standards and procedures are achieved.

Furthermore, permission for the development and operation of an industrial use, such as an asphalt plant also requires separate Environmental Compliance Approvals (ECA) to regulate air, noise, odour and sewage emissions. This additional review and approval process is required under the Ontario Environmental Protection Act (EPA) and is administered by the Ministry of Environment, Conservation and Parks (MECP) and occurs subsequent to permission for the proposed land use being established the through the current municipal approval process (i.e. ZBA application).

#### Chapter 4 – Wise Use and Management of Resources

Chapter 4.0 of the PPS (2024) speaks more broadly to the wise use and management of resources within the province. Section 4.1 specifically addresses Natural Heritage, stating that natural features and areas shall be protected for the long term. The portion of the lands subject to the current ZBA application are located outside the areas of the property that are identified as containing natural heritage features or areas (i.e. lands designated as 'Greenlands' in the County and Township Official Plan documents), with all development proposed within the previously distributed areas of the subject lands.

Although located outside of the subject lands environmentally sensitive areas, Section 4.1.8 of the PPS (2024) goes on to indicate that development and site alteration shall not be permitted on adjacent lands to the natural heritage features, unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

In support of the ZBA application, a scoped Environmental Impact Study (EIS) was prepared and submitted by the applicant to identify the presence of any natural heritage features on the site or adjacent lands of 120 metres, assess any impacts resulting from the proposed development, and identify any preventative, mitigative or remedial measures to ensure no negative impacts. Provided development occurs in accordance with suggested mitigation measures and as illustrated in the Conceptual Site Plan, the author of the scoped EIS (Roots Environmental) concluded that no negative impacts to identified natural heritage features are anticipated as result of the proposed development. The findings of the scoped EIS have been reviewed and corroborated by the Township peer-review consultant as well as the NVCA, with additional NVCA permitting and/or approvals to be completed through the future Site Plan Control approval process. The proposal can be considered to be consistent with the natural heritage policies of the PPS (2024).

In addition to natural heritage considerations, Section 4.2 of the PPS (2024) requires the protection of water resources within the province, specifying that development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored, which may require mitigative measures and/or alternative development approaches.

The lands subject to the current ZBA application are identified by the province through upper-tier planning documents (Simcoe County Official Plan) as being situated within a Highly Vulnerable Aquifer (HVA) and a Significant Groundwater Recharge Area (“SGRAs”) with groundwater generally flowing from the south and southwest toward the Nottawasaga River approximately 3.0 km away. The potential for impacts to these water resource areas (quality and quantity of ground and surface water) was assessed through the completion of a Hydrogeological Assessment and Stormwater Management Report.

The findings of these technical studies indicate that asphalt manufacturing is generally considered a safe practice for groundwater contamination and as such there is a low likelihood of run-off from the site containing contaminants at concentrations that could pose a significant risk to the groundwater resources. However, given the possibility of other potential contaminants being located and used on-site in support of the use (i.e. storage piles of artificial aggregate, fuels and fuel tanks, pipelines and pumping stations, and solvents (laboratory chemicals)) mitigation measures and best management

practices implemented through the required Provincial Environmental Compliance Approvals (ECA) and Site Plan Control process are recommended and include the requirements of a spill management plan for the development as well equipment and preventive leakage inspections during the plants operation. The requirement of a spill response plan, including inspection requirements, reporting, mitigation completed during the detailed design process (i.e. Site Plan Control) is also a recommendation of the NVCA.

The proposal can be considered to be consistent with the natural heritage and water resource policies of the PPS (2024).

#### Section 4.5 – Mineral Aggregate Resources

Section 4.5 of the PPS (2024) speaks to Mineral Aggregate Resources within the province and states that mineral aggregate resources and operations shall be protected for long-term use and 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. The PPS (2024) definition for ‘Mineral Aggregate Operation’ includes facilities associated with the extraction, transport, beneficiation, processing or recycling of mineral aggregate resources, including asphalt as well as the production of secondary related products. Section 4.5.2 specifies that as much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible.

The proposed asphalt plant is to co-locate on the portion of the subject lands that have been previous utilized for aggregate extraction and currently hold an active ARA license for this use. Being industrial in nature and utilizing aggregates as a key component of its use and function an asphalt plant is considered to be compatible with the site’s existing permitted uses and is not expected to restrict or limit the future aggregate extraction from the remaining area of the site.

Furthermore, development of the proposed asphalt plant on the subject lands will expand and supplement the Applicant’s (Lisbon Asphalt Products Limited) existing asphalt production facility and operation located approximately 75 km to the southeast in Bradford, Ontario. Increasing the availability and supply of asphalt products to the local surrounding markets and reducing the distance required to haul the materials and associated costs, emissions and demands on road infrastructure. Co-location of the proposed asphalt plant use on and in closer proximity to the local surrounding market represents an efficient pattern of development and is also consistent with the Energy Conservation, Air Quality and Climate Change policies specified under Section 2.9 of the PPS (2024) which require consideration of any additional approaches that may help reduce greenhouse gas emissions.

Section 4.5.5 of the PPS (2024) does speak to portable asphalt plants used on public authority contracts and indicates that they shall generally be permitted, without the need for an official plan amendment, rezoning, or development permit under the *Planning Act* in all areas. However, as the current proposal seeks to permit and establish a permanent asphalt plant, the current ZBA application is required.

Section 5.2 of the PPS (2024) addresses Natural Hazards within the province, indicating in part that planning authorities (i.e. Township) shall, in collaboration with conservation authorities (NVCA), identify hazardous lands and hazardous sites and manage development in these areas, in accordance with provincial guidance. The PPS (2024) defines hazardous lands in part as meaning property or lands that could be unsafe for development due to naturally occurring processes which include flooding hazards, erosion hazards and/or dynamic beach hazards. In consultation with the NVCA, no hazardous lands have been identified on the lands subject to the current ZBA application.

The proposal zoning amendment is consistent with the Provincial Planning Statement (2024) issued under the *Planning Act*.

### **County of Simcoe Official Plan (2016)**

The subject lands are designated as 'Rural' and 'Greenlands' within the County of Simcoe Official Plan (SCOP). The portion of the lands subject to the proposed ZBA application are designated as 'Rural', are licensed by the MNR for mineral aggregate extraction. SCOP Schedule(s) 5.2.1 - High Potential Mineral Aggregate Resources and 5.2.6 - Significant Groundwater Recharge Areas also designates the subject lands being a 'Licensed Pits and Quarries' as well as a 'Significant Groundwater Recharge Area', respectively.

The proposed ZBA and associated development of the subject lands is in conformance with the policies of the SCOP and the planning objectives they are intended to achieve, specifically:

#### **Section 2.4 – Resources and Economic Base & Section 3.0 – Growth Management Strategy**

Section 2.4 of the SCOP speaks generally to the County resources and economic base, stating that the County has a diverse economic base which includes traditional, resource-based industries and industries based on modern manufacturing, technology and services, including aggregate resources (sand, gravel, and stone) which are extracted in many parts of the County, with abundant resources found in Clearview among other Townships. Section 3.1.2 discusses growth management strategy for the region and specifies that the resources of the land are some of the key elements in the economic development of the County and planning for these areas, in part, includes

managing the use of these resources so that economic and environmental benefits are achieved with balanced with attractive living environments.

The current proposal seeks the continued and sustainable management of the subject lands aggregate extractive potential while also expanding the opportunity for an additional and compatible land use to occur on the subject lands that is appropriately screened and separated from adjacent properties. Furthermore, the significant amount of population growth that is projected under Section 3.2 of the SCOP and currently being experienced throughout the County, reinforces the necessity for land uses and facilities that increase the supply and processing of raw materials, including asphalt required to support the aforementioned growth in population and associated infrastructure.

### Section 3.7 – Rural

Section 3.7 of the SCOP speaks to the ‘Rural’ lands within the County, with the primary objectives of the designation being to recognize, preserve and protect the rural character and promote long-term diversity and viability of rural economic activities as well as to encourage maintenance, protection, and restoration of significant natural heritage features and functions and to conserve the built heritage resources and cultural heritage landscapes associated with rural and agricultural areas. Furthermore, and similar to the rural area and land policies outlined with the PPS (2024), development related to the management or use of resources is also recognized as being a permitted use within the ‘Rural’ designation, subject to the policies of Section 4.4 of the SCOP.

### Section 4.4 – Aggregate Developments

Section 4.4 of the SCOP speaks directly to aggregate developments within the County with Section 4.4.1 indicating that mineral aggregate operations shall not be located or permitted within or adjacent to areas of natural heritage and/or environmental significance, including significant wetlands, significant woodlands, significant wildlife habitat, ANSI, habitat of fish or endangered species and threatened species. Section 4.4.5 goes onto stipulate that applications for new or expanded mineral aggregate operations shall also satisfy the requirements of the Aggregate Resources Act or its successor and be supported by an EIS and meet all applicable policies of this Plan, including Section(s) 3.8 and 4.5. Section 3.8 speaks to policies of the SCOP that address and implement the ‘Greenlands’ designation. Section 4.5 speaks to resource conservation with a primary focus on the protection of water resources including ground water features, hydrologic functions, natural heritage features and areas, and surface water features. As previously cited, the subject lands are situated within a Highly Vulnerable Aquifer (HVA) and a Significant Groundwater Recharge Area (“SGRAs”).

The current application will not establish a new mineral aggregate operation but instead seeks to permit an asphalt plant as an additional permitting use on the site. The EIS

submitted in support of the ZBA application and reviewed by the Township's peer-review consultant has confirmed that the asphalt plant is to be located outside the portion of the subject lands designated as 'Greenlands' within the SCOP and will not result in impacts to the natural heritage features or areas located on adjacent lands. The measures recommended in the EIS (i.e., all development to be located within existing disturbed area of the site and no removal of existing areas of wildlife habitat or significant woodlands) to ensure mitigation of impacts will be implemented through the future Site Plan Control application process.

Similarly, and through implementation of the recommendations and requirements specified within the supporting Hydrogeological Assessment and Stormwater Management Report, no impacts to water resources and/or features on the subject lands or adjacent properties are anticipated. To ensure compliance with ARA requirements, the applicant shall be responsible to receive applicable Environmental Compliance Approvals (ECA) from the MECP for air, noise and odour emission as applicable well as amend the existing ARA licence associated with the subject lands to include the proposed asphalt plant use, should approval of the current ZBA application be granted.

Section(s) 4.4.2 & 4.4.3 of the SCOP, mirror the mineral aggregate resource policies of the PPS (2024) as they pertain to the protection of mineral aggregate resources and operations for long-term use and from development and activities that would preclude or hinder their expansion or continued use. An asphalt plant is considered to be compatible with the site's existing permitted uses and is not expected to restrict or limit the future aggregate extraction from the remaining areas of the site.

Section 4.4.6 of the SCOP indicates that impacts to adjacent or nearby uses by reason of dust, noise, effects on water table and quantity or other effects from mining activities or transportation of aggregates shall be minimized. The policies of Section 4.4.6 are further supported by the general development policies of Sections(s) 3.3.21 & 3.3.22 which speaks to assessment of emissions (i.e. odour, noise, vibration, particulates, or other emissions) where a change in land use that is likely to adversely affect existing uses or be adversely affected by existing uses.

The technical studies required in support of the proposed ZBA application to assess the potential impacts to adjacent land uses associated with the proposed development have demonstrated that emissions associated with the proposed asphalt plant use are in compliance and meet applicable provincial regulations, standards and guidelines. It is also reiterated that due to the nature of the proposed industrial use, air, noise and odour emissions associated with the proposed asphalt plant use also require separate Environmental Compliance Approvals (ECA) through the Ministry of Environment, Conservation and Parks (MECP) prior to the future development and operation of the use.



#### Section 4.8 – Transportation

Section 4.8 provide direction the transportation policies of the SCOP, which in part indicated that transportation considerations shall be integrated with land use planning and development decision and that local municipalities (Township of Clearview) should seek to reduce traffic congestion and minimize the length and number of vehicle trips through traffic management techniques.

Access to the subject lands and proposed asphalt plant use is provided via the existing single entrance to eastern side of site from Highway 26. Schedule 5.5.1 of the SCOP identifies Highway 26 as a Provincial Highway under the jurisdiction of the Ministry of Transportation (MTO). Although the subject lands do not access County roads and/or infrastructure directly, Highway 26 intersects and/or connects with several of the County's primary arterial roadways that are located within the Township (i.e., County Roads 7, 9, 10, 42, 91 & 124).

The Traffic Impact Study (TIS) submitted in support of the ZBA applicant to assess the potential transportation impacts of the proposed asphalt plant use on the area road network, concludes that the proposed development will not result in impacts to operation of the highway or the existing site access. Further specifying that applicable minimum sightline requirements at the entrance to the site are achieved and that roadway and/or intersection improvement are not required to accommodate the proposed use.

With Highway 26 being a provincial highway, approval for access to the highway associated with a proposed change in land use resides with the MTO, with any approval typically being requested and issued at time of permit application during the detailed design phased and Site Plan Control process. However, as part of the ZBA application circulation and review process, MTO staff have provided comment confirming no concerns with the findings of the submitted TIS. Further indicating that through the future Site Plan Control process the applicant will be responsible to apply for MTO permitting.

Additionally, the establishment of an asphalt plant that is located in close proximity to the local and supporting markets they are intended to support the policies of Section 4.8 as it will result in a reduction in the number and length of haulage and traffic movements on the overall road network, including County roadways.

The proposal conforms to the County of Simcoe Official Plan.

#### **Clearview Township Official Plan (2001)**

The Township OP (2024) is now in effect at the time of this staff report. However, as the current ZBA application was submitted and deemed complete during the period that the

Township OP (2001) was in effect, the current ZBA applications conformity is assessed under the policies of the Township OP (2001).

The subject lands are designated 'Extractive Industrial', 'Greenland – Wetland Area' and 'Greenland – Natural Heritage Area' in the Township of Clearview Official Plan (2001). The subject lands are also partially regulated by the Nottawasaga Valley Conservation Authority (NVCA). The portion of the lands subject to the current ZBA application are wholly designated as 'Extractive Industrial' which applies to those lands within the Township which are licensed under the Aggregate Resources Act (ARA) for mineral aggregate extraction by the Ministry of Natural Resources.

Assessment of the current ZBA application's conformity with the policies of the Township of Clearview Official Plan (2001) and the planning objectives they are intended to achieve, is more comprehensively examined below:

### Section 2.0 – Municipal Growth Strategy

Section 2.0 of the Township OP (2001) broadly speaks to the Municipal Growth Strategy for the Township, touching on a number of specific growth parameters that shall be considered for any new development occurring within the municipality, including but not limited to the protection of environmental resources, promotion of economic growth, community identity, and transportation. The current ZBA application's conformity with the overarching themes and principles expressed under Section 2.0 of the Township OP are further examined through the following section of this report.

Section 2.3.5 of the Township OP (2001) directs that new forms of major industrial development are generally to locate within the Township's Primary Settlement Areas and in proximity to municipal infrastructure and services. However, Section 2.3.5 goes on to state that limited site-specific industrial development will be permitted on arterial roads, where suitable lands are not available in established business areas, and where it is demonstrated that the proposed use is compatible with adjacent uses and will not create a traffic hazard.

The current proposal does not seek to redesignate lands for industrial use, but rather seeks to permit an asphalt plant as additional permitted use on a portion of a property maintaining access on to Highway 26 and presently designated, zoned, licenced and utilized for a related form of industrial use (i.e., aggregate extraction). The proposed asphalt plant use can be sustained by rural services levels and as such does not require proximity to full municipal services found within the Township's defined Settlement Areas to operate. Land use compatibility and traffic consideration are also more comprehensively assessed in the sections below.

### Section 3.0 – Goals & Objectives

Section 3.0 outlines the central goals and objectives that form the basis of the more specific land use and development policies contained within the Township's Official Plan (2001) document. Similar to the mineral aggregate resources policies of PPS (2024) and SCOP, the policies objectives for Mineral Aggregates stated under Section 3.4 of the Township OP (2001) also prioritizes the protection of mineral aggregate resources by restricting non-compatible development on or adjacent to identified areas of mineral aggregate resource potential. Unlike more sensitive land uses (i.e., residential, institutional and/or commercial), an asphalt plant is industrial in nature and utilizes aggregates as a key function of its use and processes. An asphalt plant use can operate in proximity to aggregate extraction activities and is considered to be accessory to and compatible with the site's existing permitted uses.

The applicant has indicated that further aggregate extraction from the site is not required or proposed as part of the current ZBA application but that they intend to maintain the site's existing Class 'A' license in accordance with the requirements of the MNR. Should the applicant wish to continue the permitted aggregate extraction operation at a future date, an asphalt plant is not expected to restrict or limit the future aggregate extraction from occurring on the remaining areas of the property.

Section 3.10 goes on to broadly summarize the goals and objectives for all commercial and industrial development in the Township which includes encouraging the diversification and expansion of the municipality's existing industrial/commercial base as well as the Township's employment potential. Through inclusion of an asphalt plant as an additional permitted use on the portion of lands already designated and licensed for aggregate extraction, the current ZBA application represents a diversification of the economic and employment opportunities able to occur on the site and encourages the continued growth of the Township's overall industrial business base.

#### *Section 4.1 – 'Greenland – Wetland Area' & 'Greenland – Natural Heritage Area'*

Section 4.1 of the Township OP (2001) speaks to the 'Greenland' designated areas within the Township, with Section 4.1.2 speaking directly to the specific policies of the 'Greenland – Natural Heritage Area' & 'Greenland – Wetland Area' designation(s), both having application to the subject property.

The portion of the lands subject to the current ZBA application are located outside of the areas of the property designated as 'Greenland – Natural Heritage Area' & 'Greenland – Wetland Area'. However, similar to the 'Greenlands' policies of the SCOP, Section 4.1.2 of the Township OP (2024) goes on to state that no development shall be permitted on adjacent lands located within 120 metres of an identified wetland, or within 50 m of an identified natural heritage feature unless the proposed method of avoiding or mitigating the potential impacts of such development on the adjacent resource are satisfactory to

the Township of Clearview and/or other responsible approval authority(s), as demonstrated through the preparation of an Environmental Impact Statement (EIS).

In consultation with Township and NVCA staff and in accordance Section 4.1.2.2 of the Township OP (2001) which outline the Township's general guidelines for what content is to be included in an EIS, the applicant prepared a scoped EIS of the subject lands in support of the current ZBA application. The findings of the scoped EIS were based upon desktop analysis of applicable environmental legislation, plans, and policies as well as an on-site field investigation undertaken by the applicant's environmental consultant (Roots Environmental) on October 6, 2023. The scoped EIS focused on the identification of the presence of any natural heritage features on the site or adjacent lands of 120 metres, assessment of any impacts resulting from the proposed development, and identification of any preventative, mitigative or remedial measures to ensure no negative impacts to the natural environment associated with the proposed asphalt plant use.

The EIS concluded that three (3) natural heritage features were identified within the lands adjacent to the proposed development, including significant wetlands, significant woodlands, and significant wildlife habitat. However, as the proposed development is to be located entirely within the previously disturbed area of the subject lands and will continue to maintain setbacks from the identified features, no removal and/or negative impacts to identified natural heritage features are anticipated to result from the proposed development. Provided the proposed development proceeds in accordance with conceptual site plan, no additional mitigation measures to adjacent natural heritage features have been proposed.

To confirm the validity of the findings of the EIS and ensure to conformity with the 'Greenland' designation policies outlined under Section 4.1 of the Township OP (2001) have been achieved, the scoped EIS was peer-reviewed by the Township of Clearview peer-review consultant (R.J. Burnside) as well as the NVCA through the ZBA application circulation and review process. Both peer-reviewers confirming satisfaction with the findings of the EIS and revised submission materials, with implementation of the recommended mitigation measures to be completed through future NVCA permitting as well as Site Plan Control.

The ZBA application can be considered to be in conformance with the natural heritage policies of the Township OP (2001).

#### Section 4.9 – Extractive Industrial

Section 4.9 of the Township OP (2001) speaks directly to land uses within 'Extractive Industrial' designation and states that the predominant land use within the designation shall be for the extraction and storage of mineral aggregate. Further indicating that extractive industrial development within the Township shall conform to the policies

and principles of this Section. As indicated earlier within this report, the portion of the lands subject to the current ZBA applicant are appropriately designated and zoned for extractive industrial use, support an existing ARA Class 'A' license for aggregate extraction and have historically been utilized for this purpose.

Section 4.9.2 goes onto outline the specific uses that are permitted within the designation, which in addition to being developed for pits and/or quarries, also includes permissions for ancillary uses to mineral extraction, such as asphalt plants through amendment to the Township's Comprehensive Zoning By-law.

Along with meeting all other requirements of the Township OP (2001), when considering an amendment to the Township Zoning By-law to permit a new pit, quarry or an ancillary use, the general development principles outlined under Section 4.9.3.2.4 of the Township OP (2001) lists a number of considerations that Council shall have regard for, including by not limited to the following considerations listed and analysed for conformity within the table below:

<b>Section 4.9.3.2.4 Considerations</b>	<b>Conformity Analysis</b>
That any ancillary use and associated buildings and structures maintain appropriate setbacks and separation from incompatible and sensitive adjacent land uses.	<p>Determination of whether the proposed asphalt plant use is appropriately setback and separated from adjacent sensitive land uses (i.e. existing residential uses) requires the review and application of the <a href="#">MECP's Guideline D-6 (Compatibility between Industrial Facilities and Sensitive Land Uses)</a> to the current ZBA application. The D-6 Guidelines were developed by the Ministry to assist land use approval authorities ability to make informed decisions on the compatibility of mixed land uses. The primary intent being to prevent or minimize future problems that could result due to the encroachment of sensitive land uses and industrial land uses on one another. The Guidelines are intended to be applied during the land use planning process (i.e. ZBA application) where a new industrial use and/or facility is proposed where an existing sensitive land use would be within the facility's influence area.</p> <p>In the current circumstance, Guideline D-6 specifies that a Class III Industrial Facility (i.e. asphalt plant) is subject to an influence area of 1000 m and requires a minimum separation distance of 300 m from the nearest sensitive adjacent land use. In accordance with Section 4.4.2 of the Guideline D-6, measurement of the of the 300 m setback is normally taken from the closest</p>

existing property/lot line of the industrial land use to the property/lot line of the closest existing sensitive land use. Section 4.4.3 of the Guideline D-6 goes onto indicate that where site-specific zoning or site plan control can be implemented to preclude the industrial use from occurring within the required setback, that the measurement can be taken from this location rather than the property line of the industrial property.

In addition to being subject to a future Site Plan Control application, the draft zoning by-law contemplated as part of the current ZBA application includes an increased minimum front yard setback requirement of 270 m for the proposed asphalt plant use to the eastern Highway 26 frontage of the site. The increased front yard setback will effectively limit the ability of the asphalt plant to locate in proximity to the Highway 26 frontage of the property, ensuring that the proposed asphalt plant is setback into the interior of the site to the greatest extent possible and maximizing the distance between adjacent sensitive land uses. In combination with the existing 30 m Highway 26 right-of-way width, the proposed ZBA application will ensure that a minimum setback of 300 m will be maintained from all buildings and structures associated with the asphalt plant to the nearest adjacent property containing a sensitive land use (i.e. residential dwelling) located directly to the east of the property.

Coupled with the subject lands the existing varied topography, extensively forested areas as well as enhanced landscaping proposed along internal haul routes and the Highway 26 entrance to the site (to be implemented through future Site Plan Control), it is planning staffs opinion that the proposed asphalt plant use complies with the minimum setback requirements established under the MECP D-6 Guidelines and can be considered to be appropriately setback from adjacent sensitive land uses.

Furthermore, and as also cited in earlier section(s) of this report, assessment of the proposed asphalt plants compatibility with adjacent sensitive land uses (including compliance with Guidelines D-6) is also further investigated through the submission of the technical studies and reports summarized earlier within this report. All supporting submission materials have been circulated to applicable external agencies as well as expert peer-review consultants to confirm their validity and acceptability,

	the finding of which have confirmed provincial guidelines, standards and procedures are achieved.
That environmental requirements of the Township, Conservation Authority or Provincial Ministries in relation natural heritage as well as ground and surface water quality are maintained.	<p>In addition to also being identified as primary objective of the Township OP (2001), when considering new industrial development within the Township Council shall have regard for the protection of surface and groundwater resources as well as the function of sensitive groundwater recharge/discharge areas and aquifers.</p> <p>The lands subject to the current ZBA application are identified as being situated within a Highly Vulnerable Aquifer (HVA) and a Significant Groundwater Recharge Area (“SGRAs”) by the province through upper-tier planning documents. Given the industrial nature of the proposed asphalt plant use and proximity to the above noted water resource features, a Hydrogeological Assessment was required in support of the current ZBA application to assess the potential for impacts to these water resource areas.</p> <p>The findings of the Hydrological Assessment and revised submissions prepared in support of the ZBA application concluded that due to asphalt manufacturing being considered a generally safe practice for groundwater contamination there is a low likelihood of run-off from the site containing contaminants at concentrations that could pose a significant risk to the groundwater resources.</p> <p>However, mitigation measures and best management practices implemented through the required Provincial Environmental Compliance Approvals (ECA) and Site Plan Control process are recommended given the possibly of other potential contaminants being located and used on-site in support of the use (i.e. storage piles of artificial aggregate, fuels and fuel tanks, pipelines and pumping stations, and solvents (laboratory chemicals)). The recommended measurements include requirements of a spill management plan for the development as well equipment and preventive leakage inspections during the plant operation.</p> <p>The findings of the Hydrological Assessment were also supported by the submission of a Stormwater Management (SWM) Report, which through the pending Site Plan Control process will ensure that the quality and quantity of on-site stormwater and runoff from</p>

	<p>the proposed use is controlled in a manner acceptable to the Township of Clearview and in accordance with the requirements of the NVCA and MEPC.</p> <p>Both technical studies were subject to review by the Township expert peer-review consult (R.J. Burnside) as well as the NVCA, due a portion of the subject lands being within the regulatory area of the NVCA. Peer-review of both studies have confirmed general satisfaction with their finding in support of the proposed ZBA application. Detailed SWM design will be approved and implemented through a future Site Plan Control application process prior to any development on the site taking place.</p> <p>The proposal can be considered to be consistent with the natural heritage and water resource policies of the Township OP (2001).</p>
That suitable financial arrangements have been made with respect to the upgrade and maintenance of any Township roads proposed to be utilized as a haul route, and that an entrance permit is obtained from the applicable approval authority where access is required to a Provincial or County Road.	<p>Please refer to analysis of the proposals conformity with the Township OP (2001) transportation policies outlined in the section of this report below.</p>
That where necessary Certificate of Approval has	<p>As specified earlier within this report, permission for the development and operation of the asphalt plant use by the applicant is subject to separate Environmental Compliance Approvals (ECA) under the Ontario Environmental Protection Act</p>



been issued by the MOECP in accordance with the Environmental Protection Act	<p>(EPA) to regulate any air, noise and odour emissions from the site.</p> <p>This additional review and approval process is completed by the Ministry of Environment, Conservation and Parks (MECP) and occurs subsequent to permission for the proposed land use being established through the current municipal approval process (i.e. ZBA application). However, confirmation of Environmental Compliance Approvals (ECA) would be made a condition of any subsequent Site Plan Control approval for the subject lands.</p>
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### Section 6.0 – Transportation Policies

The transportation policies outlined under Section 6.0 for the Township OP (2001) primarily concern the movement of vehicular and pedestrian traffic within the Township of Clearview and classify Highway 26 as a Provincial Highway. Section 6.1.1 goes on to speak directly to provincial highways in the Township indicating that they operate under the jurisdiction of the Ministry of Transportation (MTO) and that access from abutting properties shall require approval (entrance permit) from the MTO and only be permitted where it has been confirmed that no traffic hazard will be created.

As access to the subject lands is provided via the existing single entrance to eastern side of site from Highway 26, issuance of a permit for access to the highway associated with a proposed change in use and assessment of the proposal's potential to create a traffic hazard ultimately resides with the MTO.

A TIS was submitted in support of the current ZBA application to assess the potential transportation impacts of the proposed asphalt plant use on the area road network as well as determine what if any road improvements may be required. The TIS concluded that the proposed development will not result in impacts to operation of the highway or the existing site access. Further specifying that applicable minimum sightline requirements at the entrance to the site are achieved and that roadway and/or intersection improvement are not required to accommodate the proposed use.

Through the ZBA application circulation and review process, MTO staff have provided comment confirming they have no issues or concerns with the findings of the TIS. Going on to indicate that when the project is ready to proceed through Site Plan Control, MTO staff will complete review the remainder of the documentation and MTO permits can be applied for.

Based on comment received from the MTO, staff are satisfied that proposed ZBA application has satisfactorily addressed conformity with the Township OP (2001) transportation policies as they relate to the establishment of an 'asphalt plant' as new permit use on the subject land through the current ZBA application. Through a future

Site Plan Control application process, the applicant will be responsible to apply for and receive approval and permitting from the MTO for the new use prior to development on the site proceeding. This would include the applicant successfully confirming that suitable financial arrangements have been made with respect to any upgrade and/or maintenance of any MTO owned roads (as required by the MTO) and that a permit is obtained from the MTO. It is advised that issuance of permit by the MTO would be made a condition of any subsequent Site Plan Control approval for the subject lands.

The ZBA application can be considered to be in conformance with the Extractive Industrial & Transportation policies of the Township OP (2001).

Based on the comprehensive review and assessment of the application, supporting materials (technical studies and reports), public and external agency comments as well as the findings of peer-review consultants completed throughout this report, the current ZBA application conforms to the general intent and policies of the Township of Clearview Official plan (2001).

### **Township of Clearview Official Plan (2024)**

In 2019, the Township of Clearview initiated the comprehensive review and update of the Township's 2001 Official Plan document (i.e. Township OP (2001)). On May 27, 2024, Township of Clearview Council passed By-law 2024-38 to adopt the Township's new 2024 Official Plan which was subsequently approved by County of Simcoe (approval authority for municipal Official Plan Amendments) during the November 12, 2024, County of Simcoe Committee of the Whole.

As stated, the Township OP (2024) is now in effect at the time of this staff report. However, as the current ZBA application was submitted and deemed complete during the period that the Township OP (2001) was in effect, the current ZBA applications conformity is assessed under the policies of the Township OP (2001). To assist in providing further context regarding the current ZBA application's general conformance with the updated land use designation policies of the Township OP (2024), the following supplemental assessment of has also been provided for consideration.

The subject lands are designated 'Extractive Industrial' overlay, 'Greenland – Hazard Land Area' and 'Greenland – Natural Heritage Area' and in the Township of Clearview OP (2024). Similar to the policies of the previous Township OP (2001), the portion of the lands subject to the current ZBA application are wholly designated as 'Extractive Industrial' overlay which applies to those lands within the Township which are licensed under the Aggregate Resources Act (ARA) for mineral aggregate extraction by the Ministry of Natural Resources.

Section 4.6.2 of the Township OP (2024) provides specific direction on the policies of the 'Extractive Industrial' overlay designation stating that *"the purpose of the designation is to provide for these operations, in recognition of the central importance of mineral*

*aggregate resources to infrastructure and thus to economic prosperity, in a way that will contribute towards the achievement of other Plan objectives”. Section 4.6.2 goes onto state that: “once an aggregate licence has been surrendered, this Official Plan will be amended to remove the “Extractive Industrial” overlay designation and, if warranted, change the underlying land use designation to another appropriate designation (or to multiple designations)”. The applicant seeks to maintain the existing ARA licence having application to the subject lands.*

Section 4.6.2.4 outlines permitted uses within the “Extractive Industrial” overlay designation, stating that an ‘asphalt plant’ may be permitted within the designation through the passing of a minor by-law. In accordance with Section 11.2.4 of the Township OP (2024), Council is permitted to delegate authority to pass by-laws under Section 34 of the Planning Act (i.e. Zoning By-law Amendment) that are considered ‘minor in nature’ to a committee or an individual who is an officer, employee or agent of the municipality. Although considered ‘minor in nature’ under the policies of the Township OP (2024), as the authority to pass minor by-laws has not been delegated by Council at the date of this staff report, a Zoning By-law Amendment approved by council would continue to be required to permit an asphalt plant as an additional permitted use on the subject lands as proposed by the current ZBA application.

With respect to the ‘Greenlands’ designation(s) also having application to the subject lands, the portion of the property subject to the current ZBA application are located outside of the areas designated as ‘Greenland – Natural Heritage Area’ & ‘Greenland – Wetland Area’ within Section(s) 4.9.2 & 4.9.4 of the Township OP (2024). However, the Natural Heritage System policies of Section 5.2 of the Township OP (2024) also go onto state that no development or site alteration on lands adjacent to any identified natural heritage features shall be permitted unless the ecological and hydrological functions of the lands adjacent to the natural heritage feature or area have been evaluated and it had been demonstrated to the satisfaction of the Township, the NVCA, and any other responsible approval authority that there will be no negative impacts.

The findings of the scoped EIS completed in support of the current ZBA application has demonstrated that no impacts to identified natural heritage features within or adjacent to the subject lands. Conformance with the ‘Greenlands’ designation and associated Natural Heritage System policies of the Township OP (2024) are achieved.

Based on the overall analysis completed in support of the current ZBA application as more comprehensively analyzed throughout the previous sections of this staff report, the proposed ZBA application can be considered as being in conformance with the ‘Extractive Industrial’ overlay, ‘Greenland – Hazard Land Area’ and ‘Greenland – Natural Heritage Area’ land use designation policies of the Township OP (2024).

## Clearview Zoning By-law (06-54, as amended)

The subject lands are zoned 'Extractive Industrial' (EX), 'Agricultural' (AG) and 'Environmental Protection' (EP) within the Township of Clearview Zoning By-law. The lands are also subject to the 'Hazard Land Overlay' (FP). The portion of the lands subject to the ZBA application are zoned 'Extractive Industrial' (EX) Zone.

The current Zoning By-law Amendment (ZBA) application seeks to amend the zoning on a portion of the subject lands from the 'Extractive Industrial' (EX) Zone to a site-specific 'Extractive Industrial Exception' (EX-1) Zone to include an 'Asphalt Plant' as an additional permitted use. The proposed ZBA also includes the following altered site-specific zone provision:

- Altered or Additional Provisions:
  - Minimum Front Yard Setback for Asphalt Plant – 270 m (but shall not include existing truck parking or staging areas).

The effect of the proposed zoning by-law is to permit the development and operation of a permanent Asphalt Plant (Hot Mix) on the portion of the subject lands presently designated, zoned, licenced and utilized for aggregate extraction. To provide greater clarity with respect intent and purpose of the proposed site-specific zone alteration, a detailed overview is outlined below:

In addition to including an asphalt plant as an additional permitted use, the proposed zoning by-law also includes an increased minimum '**Front Yard Setback**' requirement for the proposed asphalt plant use of 270 m. In combination with the existing 30 m Highway 26 right-of-way width, the increased minimum front yard setback will ensure that a minimum setback of 300 m is maintained from all building and structures associated with the asphalt plant to the nearest adjacent property containing a sensitive land use (i.e. residential dwelling), which is the current circumstance is located directly to the east of the subject lands.

The increased setback represents a significant increase in the current Front Yard setback requirement the existing Extractive Industrial Zone (EX) Zone (i.e. 15 m) and will ensure that any future development of the subject lands for an asphalt plant use will maintain compliance with the minimum separation requirements for Class III industrial facilities (i.e. asphalt plants) established under the MOECP D6 Guidelines.

The proposed asphalt plant is ancillary to and compatible with the existing aggregate extraction operation permitted on the subject lands as well as the additional land use currently permitted within the Extractive Industrial (EX) Zone. Compliance with the provisions of the Extractive Industrial Exception (EX-1) Zone will be established as part

of the detailed design processed that is implemented through the future Site Plan Control.

The proposed asphalt plant use is consistent and/or in conformance with the intent and policies of the PPS (2024) as well as County of Simcoe and Township of Clearview Official Plan. The proposed Draft Zoning By-law (refer to Schedule 'F') is appropriate and conform to the general intent and purpose of the Township's Comprehensive Zoning By-law.

## **Comments Received**

Notice of a Complete Application and Public Meeting for the proposed Zoning By-law Amendment was circulated on July 23, 2024. A statutory Public Meeting for the ZBA application was held August 28, 2024. A brief presentation was provided by the Township Planner and followed by a presentation by the Applicant's agent (Innovative Planning Solutions).

During the Public Meeting and as part of the overall consultation process associated with the current Zoning By-law Amendment a significant number of comments were received with respect to the current proposal. Impacts to the existing environment (natural heritage & water resources), traffic, health & safety as well as land use compatibility and separation from the proposed use were referenced as primary concerns by area residents. A complete summary of all received comments as well as municipal staff responses is appended to this report (refer to Schedule 'E'). Taking the comments as summarized in Schedule 'E' into consideration, municipal staff have reviewed the proposed Zoning By-law Amendment and support its approval.

## **Financial Implications**

This application has no financial impact on the municipality.

## **Clearview's Strategic Plan**

The strategic pillars of the Township of Clearview Strategic Plan are not directly applicable to the current application.

## **Report Appendices**

Schedule A – Ortho Map

Schedule B – Policy Map

Schedule C – Conceptual Site Plan

Schedule D – Comments Received

Schedule E – Comment & Response Summary

## Schedule F – Draft Zoning By-law

### Approvals

<b>Submitted by:</b>	Nick Ainley, Community Planner
<b>Reviewed by:</b>	Amy Cann, Director of Planning and Building
<b>Financial Implications Reviewed by:</b>	Kelly McDonald, Treasurer
<b>Approved by:</b>	John Ferguson, CAO