Frequently Asked Question's (FAQ's) on the Town of Caledon Interim Control By-law, Aggregate Policy Study and CBM-Caledon Application

1. **What is a quarry?**
   A quarry is a type of open pit mine where sand, gravel or bedrock (such as limestone, sandstone, shale or consolidated rock or mineral) is removed and processed. Removal may take the form of excavation using machinery and/or blasting using controlled explosives.

   There are two different classes of licenses:
   - Class A License: To remove more than 20,000 tonnes of aggregate annually.
   - Class B License: To remove 20,000 tonnes of aggregate or less annually.

   There are also below-water table quarries and above-water table quarries, which identify whether the material is being extracted from below or above the water table.

2. **What is the type of quarry proposed by CBM Caledon?**
   The proposed CBM Caledon quarry is a Class A, below-water table quarry, meaning that the proposal is to remove more than 20,000 tonnes of bedrock aggregate annually, from below the water table.

   Based on the application received, removal of the rock in the quarry will include blasting using controlled explosives.

   For more information, please visit the Town's website.

3. **What applications has the Town received?**
   On February 10, 2022, the applicant attended a Pre-Consultation Meeting with staff. As per the *Planning Act* and the Town's Official Plan, before Official Plan and Zoning By-law Amendments can be submitted to the Town, this meeting is required for the Town and agencies to outline what documents (i.e. plans, studies, etc.) are required to be submitted with the applications.

   The Town received the Official Plan and Zoning By-law Amendment applications (File Numbers: POPA 2022-0006 and RZ 2022-0010) on December 16, 2022. The Town could not refuse to receive these applications as per the *Planning Act*. The applications look to permit a quarry.

   The Official Plan Amendment application proposes to redesignate the lands in the Town Official Plan from General Agricultural Area, Rural Lands and Environmental Policy Area to:
   - Extractive Industrial B to permit above and below water table aggregate resource extraction; and,

- Environmental Policy Area to protect the existing tributary (watercourse) in the north-west corner of the site.

The Zoning By-law Amendment application proposes to rezone the lands from Agricultural (A1) and Environmental Policy Area 2 Zone (EPA2) to Extractive Industrial – Exception XX (MX-XX) and Environmental Policy Area 1 Zone – Exception 487 (EPA1–487). The Extractive Industrial zone would permit the quarry and extraction, while the EPA1–487 zone allows the area to be licensed but no extraction permitted. The EPA1-487 zone aligns with the proposed Environmental Policy Area to protect the existing tributary in the north-west corner of the site.

For more information, please visit the Town's website.

4. **Are any other applications required to permit the quarry?**
In addition to the Proposed Official Plan Amendment and Zoning By-law Amendment, the applicant is required to obtain a license under the *Aggregate Resources Act*. These licenses are not issued by the Town. They are received, processed and issued by the Ministry of Natural Resources and Forestry.

   On April 6, 2023, the Town was informed that the applicant has submitted the required Licence application to the Ministry, which has been assigned an application number: #626600. The Ministry has directed the applicant to initiate public notice of the licence application in accordance with the Ministry's requirements.

   For more information on the licensing process, please visit the Ministry of Natural Resources and Forestry webpage.

5. **Why does the Town have to receive and process the Proposed Official Plan Amendment and Zoning By-law Amendment applications?**
Land use planning approvals in Ontario are regulated by the *Planning Act.* In accordance with the *Planning Act,* the Town cannot refuse to receive or process a development application that is complete.

   Once the applicant/owner has submitted the application form, fee and required material to the Town, the Town is obligated to receive and process the application. This does not mean that the application will be supported or approved by the Town.

6. **How can the application be accepted and processed when there is an Interim Control By-law in effect?**
An Interim Control By-law (ICBL) is a tool available to Ontario municipalities as part of the *Planning Act*. An ICBL places a temporary "freeze" on certain permitted land uses in an area while a municipality is studying or reviewing its land use policies. The ICBL adopted by the Town on October 18, 2022 restricts land uses for new pits and quarries only.

   An ICBL cannot stop the receipt of *Planning Act* applications. The Town must receive development applications and process applications which have been determined to be 'complete'. Determining

that an application is ‘complete’ is an administrative process and does not mean that an application will be approved by Council, only that all required studies as part of the application have been received to allow detailed review of the application and the studies to occur.

On October 18, 2022, Council passed an ICBL for a significant portion of lands across the Town that do not have pits and quarries but have potential for aggregate resources. The ICBL restricts the land from being used for new gravel pits of quarries while staff complete a study to review and update the Official Plan and Zoning By-law related to aggregates.

The ICBL can be in place for one year, with a maximum extension of a second year. The adoption of an ICBL is not subject to an appeal, but a decision to extend an ICBL for a second year can be appealed to the Ontario Land Tribunal. Once an ICBL is no longer in effect, a subsequent ICBL may not be imposed on those same lands for three years.

7. What was the purpose of the Interim Control By-law (ICBL)?

Generally, an ICBL is used to stop or freeze a permitted land use (i.e. warehousing, residential) while a municipality completes a review.

Aggregate extraction is not currently a land use permitted on the CBM lands. The applicant has submitted the proposed development applications to change the use. The ICBL cannot stop receipt of applications.

Since aggregate extraction is not currently permitted on the CBM lands, the ICBL provides an opportunity for the Town to review and update Official Plan policies and Zoning. The Town will be looking to use any new policies updated through the ICBL process to inform the review of the applications from CBM Caledon.

8. What does a ‘complete’ application mean?

In accordance with the *Planning Act* and Town’s Official Plan, the Town requires that applicants conduct pre-consultation with the Town prior to submitting a Proposed Official Plan Amendment and/or Zoning By-law Amendment. This pre-consultation process identifies the various studies/materials which are required to be submitted as part of the application.

When the Town receives an application, the first step is to review the application for ‘completeness’. The application is deemed complete when the applicant/owner has submitted the application form, application fee and all studies and materials which were identified in the pre-consultation process. Once all the required information is received, the Town is obligated to deem an application complete.

This initial review is simply a check that all materials have been received. It is not a review of the quality of the information. The review does not include a review of the material to ensure that it was prepared by qualified consultants or meets the Town/agency requirements. A more thorough review is completed later on by experts as part of the circulation process.

When an application is deemed complete, it also does not mean that the application will be supported or approved by the Town.

The Town completed a review of the applications and deemed them 'complete' on February 23, 2023.

9. What does the Notice of Application mean? Why did I receive a Notice after the application was received?

Once a Proposed Official Plan Amendment and/or Zoning By-law Amendment application is deemed 'complete', the *Planning Act* requires that the Town provide Notice of the Application to the community and key stakeholders.

The Notice of Application is to inform residents, agencies and other interested parties that a development application has been received and is now under review with the Town.

It is not a notice of public meeting. It does not mean that the application(s) will be supported or approved by the Town.

The *Planning Act* requires that a Notice of Application be completed as follows:

a) Newspaper notice; OR
b) Mailout to landowners within 120 metres (approximately 393 feet) and signage posted on the property.

Although the Town is not required to provide notice in all three ways, the Town's practice is to do so.

In the case of the CBM Caledon applications, the Town completed Notice as follows:

- in the Caledon Citizen and Caledon Enterprise newspaper on March 23, 2023; and,
- mailout to landowners within 1,000 metres (approximately 3,280 feet) on March 23, 2023.

Planning staff have instructed the owner to install signage on the property identifying that an application has been made to the Town and what the nature of the application is.
The Notice of Application was placed on the Town's website and the Town has created a webpage devoted to this application with notices, updates and material associated with the application.

For more information, please visit the Town's website.

10. How can I provide my opinions and comments on these applications?

Hearing from the public is a critical step in the process.

You can now begin submitting your comments to the Lead Planner by phone or email to:

cbmapplication@caledon.ca

If you have an interest in the project, you should request the Lead Planner place your name on the notification list. If available, please provide an email address so that you receive timely notifications. The notification list is used to advise residents/interested stakeholders of public meetings, Committee Meetings and Council Meetings on the proposed applications.

The Town will also host a public meeting in the future. The Town will promote opportunities for public input in several ways: on the Town's website, emailed to interested parties on the notification list, mailed to landowners within 1,000 metres (approximately 3,280 feet), updated property signage and ads placed in the Caledon Enterprise and Caledon Citizen.

No decision will be made by Council during the public meeting.

11. What are the next steps with the development applications received by the Town?

The Town has circulated the applications so that they may be reviewed by agencies (such as the Region of Peel, Conservation Authorities, utilities, etc.) and Town departments (including but not limited to engineering, transportation, landscape, finance, etc.).

The Town will retain a planning consultant who is an expert in aggregate planning to assist in the processing, review and evaluation of these applications. The Town will also seek peer reviews for various studies and materials, including but not limited to the Agricultural Impact Assessment, Air Quality Impact Assessment, Blast Impact Assessment, Water Table Report, Socio-Economic Assessment Report, Hydrogeological Assessment and Visual Impact Assessment. These expert reviews will assist us in presenting information to the community and Council and make recommendations on the applications to the Town.

After completing the evaluation of the applications and hearing from the community, Town staff will submit a report with recommendations to Council. It is first brought forward to the Planning and Development Committee for consideration and then to Council for a decision. Notice of these meetings will be provided to interested parties and posted on the Town's webpage.

12. When will Town staff bring forward a staff report on the applications?

It is common for *Planning Ac*t applications to be under review for some time (more than a year) and we can expect that quarry applications will take a significant amount of time to process. However, under the *Planning Act,* the applicant may choose to appeal the *Planning Act* applications if no decision is made by Council within 120 days of deeming the applications 'complete'.

It is important that the Town and its consultants spend the time to evaluate the applications and provide professional recommendations to Council. This will assist Council in making an informed decision on the applications.

The Town will notify any interested parties (those on the notification list) of any staff report being brought forward on this matter to Committee and/or Council.

13. What are the next steps with the license application received by the Ministry of Natural Resources and Forestry?

The Ministry will administer the licence application process with the applicant.

The applicant has been notified to initiate public and agency consultation in accordance with the Ministry's requirements. The Ministry requires that the applicant host an information session on the licence. The timing for this consultation is not known to the Town.

For more information on the licensing process, please visit the Ministry of Natural Resources and Forestry webpage.