

UPDATING AGGREGATE BYLAWS USING THE ICBL

Donnelly Law



THE PROBLEM

- Current aggregate policies and constraint mapping followed by West Grey are based on outdated Grey County studies from 2004, making them ineffective. There are no made in West Grey aggregate policies.
- In West Grey, there are 29 licenced pits. Only 10% of licenced capacity was extracted in 2023.
- The province prioritizes aggregates over all other land uses. Ontario licences the extraction of 14X more aggregate than consumed each year.

Ontario must regulate aggregate just like every other non-renewable resource, from cod to forests—based on a rational analysis of supply and demand.



WHAT IS AN INTERIM CONTROL BYLAW?

- Planning tool available to Ontario municipalities as part of the Planning Act, Section 38
- Puts a temporary freeze on a land use while the municipality is reviewing policies that may be inadequate
- May be passed without notice and lasts for one year, with the opportunity to extend to 2 years

38 (1) Where the council of a local municipality has, by by-law or resolution, directed that a review or study be undertaken in respect of land use planning policies in the municipality or in any defined area or areas thereof, the council of the municipality may pass a by-law (hereinafter referred to as an interim control by-law) to be in effect for a period of time specified in the by-law, which period shall not exceed one year from the date of the passing thereof, prohibiting the use of land, buildings or structures within the municipality or within the defined area or areas thereof for, or except for, such purposes as are set out in the by-law. R.S.O. 1990, c. P.13, s. 38 (1).

ICBL:

- Safe & effective planning tool
- Provides a municipality with 'breathing room' to study issue and develop policies to protect public health and safety, reflect local priorities.





OLT Challenges

- Costly process where proponents usually win
- ICBL enables municipalities to drive process & proactively develop policy

EXAMPLE:
ICBL & AGGREGATE
REFORM IN CALEDON

AGGREGATE POLICIES ADOPTED BY CALEDON:

Air Quality:

- World Health Organization 2021 global air quality standards for PM 2.5
- No aggregate operations where PM2.5 levels exceed WHO standard
- Air quality monitoring required for new approvals

AGGREGATE POLICIES ADOPTED BY CALEDON:

- **Woodlands Protection:** Aggregate operations prohibited in woodlands over 0.5 hectares unless certain conditions are met.
- **Wetlands Protection:** Aggregate operations prohibited in non-provincially significant wetlands over 0.1 ha.
- **Water Resource Protection:** Removal of water from site prohibited.

Opportunities in West Grey:

- Appropriate setback from Saugeen River – flooding, tourism, fisheries
- Revise constraint mapping to determine most environmentally and socially responsible locations for new pits
- Consideration of cumulative impacts, noise, dust, traffic & impact on infrastructure



QUESTIONS

THANK YOU!

