October 11, 2013

Kirstin Maxwell
Policy & Program Specialist
City of Hamilton
350 King St East St, Unit 110
Hamilton, ON
L8N 3Y3

Dear Ms. Maxwell:

RE: Rural Hamilton Official Plan Amendment (OPA)
OUR FILE 9526BD

On behalf of our Client Lafarge Canada Inc., we have reviewed the proposed amendment to the City of Hamilton’s Rural Official Plan and provide the following comments pertaining to the sections and schedules outlined below:

Chapter B – Community Policies

Could the City please clarify that the policies in Chapter B “Community Policies” only apply to rural settlement areas as set out in Section B.2.0 of the amendment. If the policies apply to mineral aggregate uses or consideration of new or expanded mineral aggregate operations, then additional comments will be provided.

Chapter C – City Wide Systems and Designations

- Section 4.5.2 – the road network functional classification should clarify that Provincial, Arterial and Collector Roads permit truck traffic and local roads permit truck traffic for local deliveries.

- 4.5.4 ii) – reclassifying an existing road to a lower classification should require an Official Plan Amendment.

- Section 4.6.2 and 4.6.5 – Section 4.6.2 states that Appendix B identifies truck routes, however a copy of Appendix B was not included in the amendment. Could the City please provide a copy of Appendix B? Furthermore, Appendix B should be a schedule and form part of the Official Plan, since the policies refer to this map and designates truck routes.
Chapter D – Rural Systems, Designations and Resources

- Sections D.6.30 and D.6.31 – similar to Section D.6.29, we suggest these policies reference "significant cultural heritage resources". Below are potential revisions for the City's consideration:

  - "D.6.30 The rehabilitation of areas impacted by mineral aggregate resource extraction operations shall reflect and conserve elements of the pre-extraction character of the lands significant cultural heritage resources where possible."

  - "D.6.31 Public or private rehabilitation of lands impacted by mineral aggregate resource extraction shall reflect and represent the pre-extraction land uses and character of the landscape significant cultural heritage resources. The reflection and representation of these significant cultural heritage elements shall not preclude the rehabilitation of natural heritage features and ecological function, but shall ensure that the cultural history of the lands is appropriately represented in the rehabilitated site.

- Furthermore, we would appreciate an opportunity to discuss these policies with City staff to understand the intent and desired outcome. For example, in numerous situations, the pre-extraction character of the land will change based on extraction and rehabilitation.

Chapter F – Implementation

- Section 1.9.7 lists potential study requirements, including "aggregate resource assessment" or "aggregate/mineral resource analysis". Could the City please clarify these studies are not required for new or expanded mineral aggregate operations? It is our understanding that these potential studies could be required by other development proposals in proximity to identified aggregate areas to confirm the use would not preclude or hinder existing operations or access to aggregate resource areas.

- Definition of "Compatible" – we recommend deletion of "in harmony" and inclusion of the concept that uses are appropriately designed, buffered and/or separated from each other to prevent adverse effects, consistent with the Provincial Policy Statement.

- Section 3.2.2 – in accordance with Section 2.2.11, natural heritage system linkages policies do not apply to new or expanded mineral aggregate applications. This clarification should be added to Section 3.2.2.

Mapping

- Revised Schedule B (Core Areas) – Addition of Linkages – although linkages policies do not apply to mineral aggregate operations, could the City please clarify the addition of a "Linkage" to Schedule B (Core Areas) on Lafarge's Dundas Quarry processing area south of Highway 5?

Summary

Thank you for your consideration of the above noted comments and we would be please to meet with City staff to discuss these items. Furthermore, the amendment itself consisted of several amendments and there was limited time for review. Lafarge reserves the right to provide additional comments should subsequent issues be identified during the review of the Official Plan and/or discussions with City staff.
Yours truly,

MHBC

Brian Zeman

cc. Mal Wensierski, Lafarge Canada Inc.