
Tuesday, September 13th, 2022

5:30 p.m.

**Tay Valley Township Municipal Office – 217 Harper Road, Tay Valley, Ontario
Council Chambers**

*5:30 p.m. Public Meeting - Zoning By-Law Amendment
Following Committee of the Whole Meeting*

Chair, Councillor Beverley Phillips

1. CALL TO ORDER

2. INTRODUCTION

- The purpose of this public meeting is to hear an application for a Zoning By-Law Amendment for the following applications:

Ferry and Collinson

Schacht (Cope)

OMYA (Canada Inc.)

- The Planner will provide a brief overview of the details of the file and details of the amendment. The public will then be given an opportunity to make comments and ask questions.
- If a person or public body would otherwise have an ability to appeal the decision of the Council of the Corporation of Tay Valley Township to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to Tay Valley Township before the by-law is passed, the person or public body is not entitled to appeal the decision.
- If a person or public body does not make oral submissions at a public meeting or make written submissions to Tay Valley Township before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.
- The Clerk must provide notice of Council's decision to all those who request a copy within 15 days after the day the by-law is passed. Anyone may appeal the

decision to the Ontario Land Tribunal by filing with the Clerk within 20 days of the notice of decision.

- An appeal to the Ontario Land Tribunal may be filed with the Clerk of the Township not later than 20 days after the day that the notice of decision was given. The notice of appeal must set out the objection to the by-law and the reasons in support of the objection, accompanied by the required fee.
- If you are interested in receiving a copy of the decision, please contact the Administrative Assistant at adminassistant@tayvalleytwp.ca.

3. APPLICATIONS

- i) **FILE #ZA22-09: Marie Ferry and Gregory Collinson – *attached, page 5.***
417 Miners Point Road
Part Lot 16, Concession 3
Geographic Township of North Burgess
 - a) PLANNER FILE REVIEW & PROPOSED BY-LAW
 - b) APPLICANT COMMENTS
 - c) PUBLIC COMMENTS
 - d) RECOMMENDATION
- ii) **FILE #ZA22-11: Thies Schacht (David Cope) – *attached, page 22.***
245 Island View Drive
Part Lot 16-18, Concession 6
Geographic Township of North Burgess
 - a) PLANNER FILE REVIEW & PROPOSED BY-LAW
 - b) APPLICANT COMMENTS
 - c) PUBLIC COMMENTS
 - d) RECOMMENDATION
- iii) **FILE #ZA22-12: OMYA Canada (Inc) – *attached, page 35.***
18471 Highway 7
N and E Part Lot 17, Concession 3
Geographic Township of Bathurst
 - a) PLANNER FILE REVIEW & PROPOSED BY-LAW
 - b) APPLICANT COMMENTS
 - c) PUBLIC COMMENTS

d) RECOMMENDATION

4. ADJOURNMENT

APPLICATIONS

PUBLIC MEETING CONCERNING PROPOSED ZONING BY-LAW AMENDMENT

September 13, 2022

Noelle Reeve, Planner

APPLICATION ZA22-09 FERRY and COLLINSON

STAFF RECOMMENDATION

It is recommended:

“**THAT**, an amendment to Zoning By-Law No. 02-121 be approved for the proposed rezoning of the lands at 417 Miner’s Point Road, Part Lot 16, Concession 3, Geographic Township of North Burgess (Roll #091191102010830) from Rural (RU) to Residential Limited Services (RLS) to satisfy a condition of severance application B22/009 to meet the requirement of the Official Plan Section 5.2.3.5 that new waterfront lots on private roads be rezoned to RLS.

BACKGROUND

The application applies to an approximately 0.96-ha (2.4-acre) proposed severed lot with approximately 74m (242 ft) frontage on Big Rideau and the approximately 0.98 ha (2.4 acre) retained lot with approximately 113m (371 ft) frontage on Big Rideau Lake.

The purpose of this application is to change the zoning of the property from Rural (RU) to Residential Limited Services (RLS) to permit a year-round residence on a private road.

The effect of the amendment is to satisfy a condition of severance application B22/009 to meet the requirement of the Official Plan Section 5.2.3.5 that new waterfront lots on private roads be rezoned to RLS. The retained lot also requires rezoning because it will be less than the 1ha minimum lot size for the Rural zone.

DISCUSSION

Provincial Policy Statement (PPS)

Section 1.1.1 Building Strong Healthy Communities - states that “Healthy, livable and safe communities are sustained by: a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term...and c) avoiding development and land use patterns which may cause environmental or public health and safety concerns.” This section can be met as the severance represents infill in an area that is already developed (north of the Phillip subdivision).

Section 2.1 1 Wise Use and Management of Resources - Natural Heritage states that, “Natural features and areas shall be protected for the long term”. Section 2.1 Natural Heritage is satisfied as the development is not anticipated to affect the lake if a Development Agreement is registered on the proposed lot.

Section 2.2.2 Water states, “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 hydrologic function will be protected, improved or restored”. The 30m water setback for a developable envelope from the lake can be met for the proposed lot.

The aquifers throughout Tay Valley Township are vulnerable to surface contaminants due to thin or absent soils overlying bedrock that may be fractured. Where these conditions exist, it may be possible for contaminants to enter drinking ground water supplies. For this reason, care should be taken to avoid land uses and practices that may inadvertently lead to undesirable effects on groundwater.

Section 2.6.2 Archeological Resources requires an archeological assessment be undertaken in areas identified by the Ministry as being of archeological potential. Development within 300m of waterbodies is considered to trigger an archaeological assessment. Therefore, an Archeological Study was undertaken by Past Recovery. It did not identify any archeological resources.

Section 3.1 Protecting Public Health and Safety - Natural Hazards is satisfied as although there are steep slopes on the property, the Rideau Waterway Development Review Team (RWDRT) believes there is a buildable envelope for the lot 15m from the top of the steep slope that will be identified in the Development Agreement.

Lanark County Sustainable Communities Official Plan

Section 3 Rural Land designation permits a variety of uses including residential uses.

Section 5.4.4 of the County of Lanark’s Sustainable Communities Official Plan indicates that municipalities have an obligation to consider the impact of development and land use on waterbodies in order to ensure their long-term viability. This section is met as there is a developable area 30 m back from the lake.

Section 7.4 Public Health and Safety – Hazardous Geological formations states, “Development and site alteration in areas designated as having unstable slopes, unstable bedrock, organic soils, Leda clay or Karst topography is generally prohibited unless sufficient engineering information indicates the site can be made suitable”. There is an area beyond the steep slope that is buildable.

Official Plan

The subject property is designated in the Official Plan as Rural. Section 3.6 Rural designation permits residential uses.

Section 2.24.2 Waterfront Development states that a 30m setback is required to protect water quality. A 30m setback for a dwelling can be met.

Section 2.20.4 Steep Slopes states that an appropriate setback from steep slopes is the minimum of: the Stable Slope Allowance plus the Toe Erosion Allowance, plus the Erosion

Allowance. The Rideau Waterway Development Review Team (RWDRT) determined a 15m setback from the top of the slope would be appropriate.

Zoning By-Law

The lot is currently zoned Rural (RU). The Residential Limited Services zone is required to satisfy a condition of severance application B22/009 to meet the requirement of the Official Plan Section 5.2.3.5 that new waterfront lots on private roads be rezoned to RLS. It is also required as the retained lot will no longer meet the lot size requirement for the Rural zone.

Section 3.29 of the Zoning By-Law requires a 30 m setback from water. No relief from the water setback of the Zoning By-law is required. Therefore, no Special Exception is required.

Planner

The applicants are proposing to rezone the lot to Residential Limited Services to allow a dwelling to be located beyond the 30m water setback on a lot on a private road. A Development Agreement will provide protection to the water quality of the lake.

Rideau Waterfront Development Review Team (RWDRT)

The RWDRT did not object to the severance application.

The Rideau Valley Conservation Authority (RVCA) noted the water quality of Big Rideau Lake, a cold-water trout lake, is rated Fair. To protect water quality, maintenance of shoreline vegetation and minimizing runoff to waterbodies is important. This can be achieved by enhancing and protecting shoreline buffers within 30 m of the lake, directing runoff from downspouts away from the lake and minimizing the amount of hardened surface and that shoreline revegetation be considered where appropriate.

Should any work be proposed along the shoreline of Big Rideau Lake, the prior written permission of the RVCA office is required in accordance with Ontario Regulation 174/06 (Development, Interference with Wetlands, Alterations to Shoreline and Watercourses) made under Section 28 of the Conservation Authorities Act.

RVCA also noted, that as is the case with most of Tay Valley Township, the subject property overlies a highly vulnerable aquifer so care should be taken to avoid land uses and practices that could lead to undesirable effects on ground water.

The Rideau Canal National Historic Site of Canada, Canadian Heritage River and UNESCO World Heritage Site is administered by Parks Canada to preserve the cultural, natural and scenic values so that all Canadians can enjoy this legacy into the future. All parties have a responsibility to ensure the stewardship and conservation of this internationally recognized waterway.

Parks Canada recommends conserving natural shorelines, retaining and enhancing native vegetation within the 30-metre buffer zone, maximizing the development setback from the water, and developing the property in a manner that complements the visual character of the landscape. While not a part of the Rideau Canal itself, the 30-metre buffer zone is intended to

provide an additional layer of protection for the management of the world heritage site. The use of building materials and colours that blend in with the surrounding landscape are encouraged. Earth tones and neutral colours are recommended for the finished exterior of the dwelling. Reflective materials, such as galvanized and bare metals, particularly for roof coverings and support structures, are discouraged.

Parks Canada has developed a brochure on Principles for Good Waterfront Development. The 10 Principles provide helpful guidance when undertaken new development or redevelopment along the historic site.

The Parks Canada Rideau Canal Office is an approval authority for in-water and shoreline works along the waterway. If the landowner wishes to carry out any in-water and shoreline works for shoreline access, including but not limited to docks, decks, boathouses, launch ramps, beaches, dredging and shoreline stabilization devices, the Rideau Canal Office must be contacted. Written approval must be obtained prior to the commencement of construction. Work must adhere to Parks Canada's Policies for In-water and Shoreline Works. It is noted the existing lot contains a dock. Please note that only one dock per lot is permitted. Regular Site Plan Control Agreement measures would apply.

Mississippi Rideau Septic System Office (MRSSO)

The MRSSO does not object to the proposal. The septic systems must be located greater than 30m from a waterbody and be setback from the steep slope as per the requirements of the Building Code.

Public Comments

None.

CONCLUSION

The Planner recommends that the proposed amendment to rezone the lands at 417 Miner's Point Road, Part Lot 16, Concession 3, Geographic Township of North Burgess (Roll #091191102010830) from Rural (RU) to Residential Limited Services (RLS) be approved.

ATTACHMENTS

- i) Zoning By-Law

Prepared and Submitted By:

Approved for Submission By:

Original signed

Original signed

**Noelle Reeve,
Planner**

**Amanda Mabo,
Chief Administrative Officer/Clerk**

THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2022-0XX

A BY-LAW TO AMEND ZONING BY-LAW NO. 2002-121, AS AMENDED (FERRY and COLLINSON – 417 MNER'S POINT ROAD) (PART LOT 16, CONCESSION 3, GEOGRAPHIC TOWNSHIP OF NORTH BURGESS)

WHEREAS, the *Planning Act, R.S.O. 1990, Chapter P.13 Section 34 as amended*, provides that the Councils of local municipalities may enact by-laws regulating the use of land and the erection, location and use of buildings and structures within the municipality;

AND WHEREAS, By-Law No. 2002-121, as amended, regulates the use of land and the erection, location and use of buildings and structures within Tay Valley Township;

AND WHEREAS, the Council of the Corporation of Tay Valley Township deems it advisable to amend By-Law No. 2002-121, as amended, as hereinafter set out;

AND WHEREAS, this By-Law implements the polices and intentions of the Official Plan for Tay Valley Township;

NOW THEREFORE BE IT RESOLVED THAT, the Council of the Corporation of Tay Valley Township enacts as follows:

1. GENERAL REGULATIONS

- 1.1 **THAT**, By-Law No. 2002-121, as amended, is further amended by amending the zoning from Rural (RU) to Residential Limited Services (RLS) on the lands legally described as Part Lot 16, Concession 3, Geographic Township of North Burgess, now in Tay Valley Township, County of Lanark (Roll #091191102010830), in accordance with Schedule "A" attached hereto and forming part of this By-Law.
- 1.2 **THAT**, this By-Law shall come into force and effect with the passing thereof, in accordance with *the Planning Act*, as amended.

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2022-0XX**

2. ULTRA VIRES

Should any sections of this by-law, including any section or part of any schedules attached hereto, be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

3. EFFECTIVE DATE

ENACTED AND PASSED this XX day of XX, 2022.

Brian Campbell, Reeve

Amanda Mabo, Clerk

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2022-0XX**

SCHEDULE "A"

Ferry and Collinson – 417 Miner's Point Road
Part Lot 16, Concession 3
Geographic Township of North Burgess
Tay Valley Township



Area(s) Subject to the By-Law

To amend the Zoning from Rural (RU) to Residential Limited Services (RLS)

Reeve

Certificate of Authentication

This is Schedule "A" to By-Law 2022-0XX passed this XX day of XX, 2022.

Clerk

Ferry and Collinson Zoning By-law Amendment

Public Notice

Pursuant to the Planning Act, Notice of public meeting is to be provided a minimum of 20 days prior for a Zoning By-law Amendment. Notice was duly given by both the posting of the notice in a visible area for the property and by mailing to adjacent property owners within 120 metres of the location. Notice was also given to other public agencies as required.

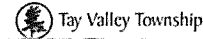
Ontario Land Tribunal

Please be cautioned that if, at a later date, a person or public body choose to appeal Council's decision on this matter to the Ontario Land Tribunal, the Tribunal may dismiss all or part of an appeal without holding a hearing if the reasons set out in the appeal do not refer to land use planning grounds offended by the decision, the appeal is not made in good faith, or is frivolous or vexatious or made only for the purpose of delay.

The Tribunal may also dismiss the appeal if the appellant did not make oral submission at the public meeting or did not make written submission before the plan or amendment were adopted.

If you choose to appeal, you must submit written reasons, the prescribed fee and any other background material requested. This notice is not intended to discourage your objection in any way. It is intended only to inform you of your rights and obligations and to encourage early participation.

1



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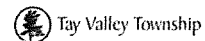
Ferry and Collinson

417 Miner's Point Road

Part Lot 16, Concession 3, Geographic Township of North Burgess

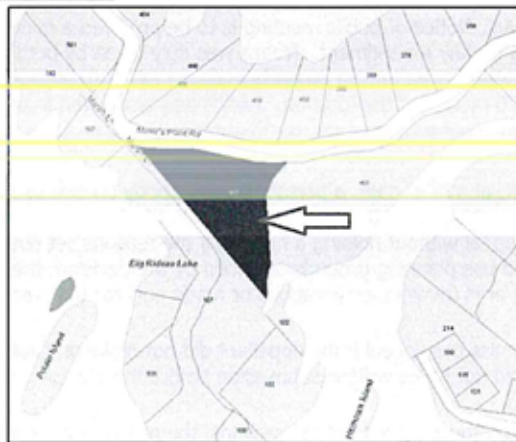
- The application applies to an approximately 0.96-ha (2.4-acre) proposed severed lot with approximately 74m (242 ft) frontage on Big Rideau and the approximately 0.98 ha (2.4 acre) retained lot with approximately 113m (371 ft) frontage on Big Rideau Lake.
- The purpose of this application is to change the zoning of the property from Rural (RU) to Residential Limited Services (RLS) to permit a year-round residence on a private road.
- The effect of the amendment is to satisfy a condition of severance application B22/009 to meet the requirement of the Official Plan Section 5.2.3.5 that new waterfront lots on private roads be rezoned to RLS. The retained lot also requires rezoning because it will be less than the 1ha minimum lot size for the Rural zone.

2



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Ferry and Collinson Location

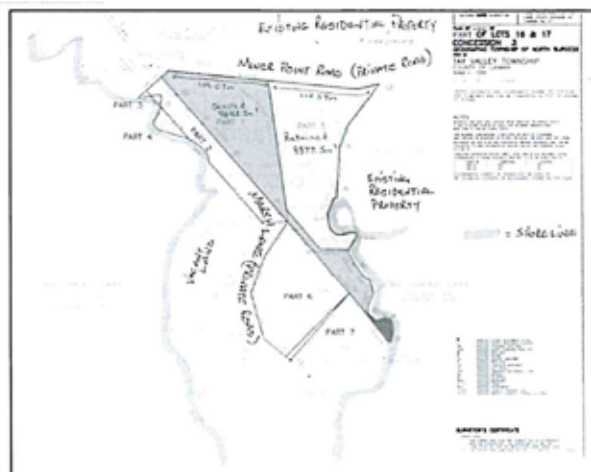


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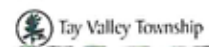


3

Ferry and Collinson Site Sketch

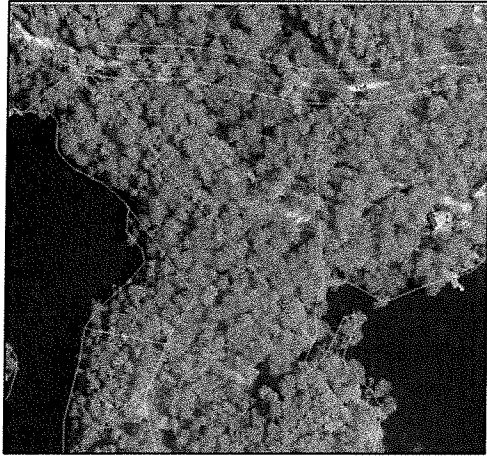


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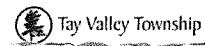


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Ferry and Collinson Aerial Photo (2019)



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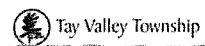


5

Ferry and Collinson Planner's Comments Provincial Policy Statement (PPS)

- Section 1.1.1 Building Strong Healthy Communities - states that "Healthy, livable and safe communities are sustained by: a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term...and c) avoiding development and land use patterns which may cause environmental or public health and safety concerns." This section can be met as the severance represents infill in an area that is already developed (north of the Phillip subdivision).

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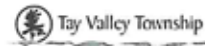
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Ferry and Collinson Planner's Comments

Provincial Policy Statement (PPS)

- Section 2.1.1 Wise Use and Management of Resources - Natural Heritage states that, "Natural features and areas shall be protected for the long term". Section 2.1 Natural Heritage is satisfied as the development is not anticipated to affect the lake if a Development Agreement is registered on the proposed lot.
- Section 2.2.2 Water states, "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 hydrologic function will be protected, improved or restored". The 30m water setback for a developable envelope from the lake can be met for the proposed lot.

7



7

Ferry and Collinson Planner's Comments

Provincial Policy Statement (PPS)

- The aquifers throughout Tay Valley Township are vulnerable to surface contaminants due to thin or absent soils overlying bedrock that may be fractured. Where these conditions exist, it may be possible for contaminants to enter drinking ground water supplies. For this reason, care should be taken to avoid land uses and practices that may inadvertently lead to undesirable effects on groundwater.

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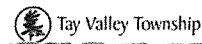


8

Ferry and Collinson Planner's Comments Provincial Policy Statement (PPS)

- Section 2.6.2 Archeological Resources requires an archeological assessment be undertaken in areas identified by the Ministry as being of archeological potential. Development within 300m of waterbodies is considered to trigger an archaeological assessment. Therefore, an Archeological Study was undertaken by Past Recovery. It did not identify any archeological resources.
- Section 3.1 Protecting Public Health and Safety - Natural Hazards is satisfied as although there are steep slopes on the property, the Rideau Waterway Development Review Team (RWDRT) believes there is a buildable envelope for the lot 15m from the top of the steep slope that will be identified in the Development Agreement.

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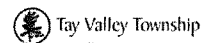


9

Ferry and Collinson County Sustainable Communities Official Plan

- Section 3 Rural Land designation permits a variety of uses including residential uses.
- Section 5.4.4 of the County of Lanark's Sustainable Communities Official Plan indicates that municipalities have an obligation to consider the impact of development and land use on waterbodies in order to ensure their long-term viability. This section is met as there is a developable area 30 m back from the lake.
- Section 7.4 Public Health and Safety – Hazardous Geological formations states, "Development and site alteration in areas designated as having unstable slopes, unstable bedrock, organic soils, Leda clay or Karst topography is generally prohibited unless sufficient engineering information indicates the site can be made suitable". There is an area beyond the steep slope that is buildable.

10

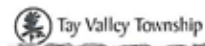


10

Ferry and Collinson Planner's Comments Official Plan

- The subject property is designated in the Official Plan as Rural. Section 3.6 Rural designation permits residential uses.
- Section 2.24.2 Waterfront Development states that a 30m setback is required to protect water quality. A 30m setback for a dwelling can be met.
- Section 2.20.4 Steep Slopes states that an appropriate setback from steep slopes is the minimum of: the Stable Slope Allowance plus the Toe Erosion Allowance, plus the Erosion Allowance. The RWDRT determined a 15m setback from the top of the slope would be appropriate.

11



11

Ferry and Collinson Planner's Comments Zoning

- The lot is currently zoned Rural (RU). The Residential Limited Services zone is required to satisfy a condition of severance application B22/009 to meet the requirement of the Official Plan Section 5.2.3.5 that new waterfront lots on private roads be rezoned to RLS. It is also required as the retained lot will no longer meet the lot size requirement for the Rural zone.
- Section 3.29 of the Zoning By-Law requires a 30 m setback from water. No relief from the water setback of the Zoning By-law is required. Therefore, no Special Exception is required.

12

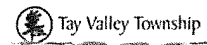


12

Ferry and Collinson Planner's Comments

- The applicants are proposing to rezone the lot to Residential Limited Services to allow a dwelling to be located beyond the 30m water setback on a lot on a private road. A Development Agreement will provide protection to the water quality of the lake.

13



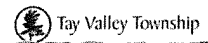
13

Ferry and Collinson Comments

Rideau Waterfront Development Review Team (RWDRT)

- The RWDRT did not object to the severance application.
- The Rideau Valley Conservation Authority (RVCA) noted that protecting water quality, maintenance of shoreline vegetation and minimizing runoff to waterbodies is important. This can be achieved by enhancing and protecting shoreline buffers within 30 m of the lake, directing runoff from downspouts away from the lake and minimizing the amount of hardened surface and that shoreline revegetation be considered where appropriate.

14



14

Ferry and Collinson Comments

Rideau Waterfront Development Review Team (RWDRT)

- Should any work be proposed along the shoreline of Big Rideau Lake, the prior written permission of the RVCA office is required in accordance with Ontario Regulation 174/06 (Development, Interference with Wetlands, Alterations to Shoreline and Watercourses) made under Section 28 of the Conservation Authorities Act.
- The subject property overlies a highly vulnerable aquifer so care should be taken to avoid land uses and practices that could lead to undesirable effects on ground water.

15



15

Ferry and Collinson Comments

Rideau Waterfront Development Review Team (RWDRT)

- Parks Canada recommends conserving natural shorelines, retaining and enhancing native vegetation within the 30-metre buffer zone, maximizing the development setback from the water, and developing the property in a manner that complements the visual character of the landscape. The use of building materials and colours that blend in with the surrounding landscape are encouraged. Earth tones and neutral colours are recommended for the finished exterior of the dwelling. Reflective materials, such as galvanized and bare metals, particularly for roof coverings and support structures, are discouraged.

16



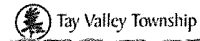
16

Ferry and Collinson Comments

Rideau Waterfront Development Review Team (RWDRT)

- If the landowner wishes to carry out any in-water and shoreline works for shoreline access, including but not limited to docks, decks, boathouses, launch ramps, beaches, dredging and shoreline stabilization devices, the Rideau Canal Office must be contacted. Written approval must be obtained prior to the commencement of construction. Work must adhere to Parks Canada's Policies for In-water and Shoreline Works.
- It is noted the existing lot contains a dock. Please note that only one dock per lot is permitted.
- Regular Site Plan Control Agreement measures would apply.

17



17

Ferry and Collinson Comments Continued

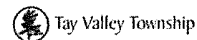
Mississippi-Rideau Septic System Office (MRSSO)

- The MRSSO does not object to the proposal. The septic system must be located greater than 30m from a waterbody and be set back from the steep slope as per the requirements of the Building Code.

Public Comments

- No comments were received at the time of the report. Members of the public are welcome to speak to the application at this meeting.

18



18

Ferry and Collinson Recommendation

"THAT, Zoning By-Law No. 2002-121 be amended to rezone a portion of the lands at Concession 3, Part Lot 16, 417 Miner's Point Road, Geographic Township of North Burgess (Roll #0911-911-020-10830) from Rural (RU) to Residential Limited Services (RLS)."

PUBLIC MEETING CONCERNING PROPOSED ZONING BY-LAW AMENDMENT

September 13th, 2022

Noelle Reeve, Planner

APPLICATION ZA22-11 SCHACT (COPE)

STAFF RECOMMENDATION

It is recommended:

“**THAT**, Zoning By-Law No. 02-021 be amended by changing the zoning of the west part of the lands that comprise application B21/153 (a lot addition to 276 Black Lake Route 11) part of Concession 6 Part Lot 16-18, in the geographic Township of North Burgess, (Roll number 091191102043900) municipally known as 245 Island View, from Rural (RU) to Environmental Protection (EP).”

BACKGROUND

The application applies to the west part of an approximately 1.19-ha (2.9-acre) lot addition.

The purpose of this application is to change the zoning of the property from Rural (RU) to Environmental Protection (EP) as a condition of severance.

The effect of the amendment is to clear a condition of severance to permit a lot addition.

DISCUSSION

Provincial Policy Statement (PPS)

Section 1.1.1 Building Strong Healthy Communities - states that “Healthy, livable and safe communities are sustained by: a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term...and c) avoiding development and land use patterns which may cause environmental or public health and safety concerns.” This section can be met because no development is currently being proposed and the zoning will protect the Provincially Significant Wetland (PSW).

Lanark County Sustainable Communities Official Plan

Section 3 Rural Land designation permits a variety of uses including residential uses. Section 5.5.1 Provincially Significant Wetlands (PSW) requires that the County’s significant natural heritage features shall be protected from negative impacts of development.

Official Plan

Part of the lot addition is designated in the Official Plan as a Provincially Significant Wetland regulated area (buffer).

No development is proposed in the buffer at this time. If development was proposed in the future, a permit from the Rideau Valley Conservation Authority (RVCA) as well as a Building Permit would be required. And an Environmental Impact Study would likely be required.

Zoning By-Law

The rezoning is required as a condition of severance application B21/153 for a lot addition.

Planner

The Planner supports the rezoning to protect the natural heritage feature.

Rideau Valley Conservation Authority (RVCA)

The RVCA had no objections to the severance application.

Mississippi Rideau Septic System Office (MRSSO)

MRSSO had no objections to the severance application.

Public Comment

None.

CONCLUSION

The Planner recommends that the proposed amendment to rezone the western part of the lands that comprise application B21/153 (a lot addition to 276 Black Lake Route 11) part of Concession 6 Part Lot 16-18, in the geographic Township of North Burgess, (Roll number 091191102043900) municipally known as 245 Island View, from Rural (RU) to Environmental Protection (EP).

ATTACHMENTS

- i) Zoning By-law

Prepared and Submitted By:

Approved for Submission By:

Original signed

Original signed

**Noelle Reeve,
Planner**

**Amanda Mabo,
Chief Administrative Officer/Clerk**

BY-LAW NO. 2022-0xx

**A BY-LAW TO AMEND ZONING BY-LAW NO. 2002-121
(Schact (Cope) – 245 Island View)**

(PART LOT 16-18, CONCESSION 6, GEOGRAPHIC TOWNSHIP OF NORTH BURGESS)

WHEREAS, the *Planning Act, R.S.O. 1990, Chapter P.13 Section 34 as amended*, provides that the Councils of local municipalities may enact by-laws regulating the use of land and the erection, location and use of buildings and structures within the municipality;

AND WHEREAS, By-Law No. 2002-121 regulates the use of land and the erection, location and use of buildings and structures within Tay Valley Township;

AND WHEREAS, the Council of the Corporation of Tay Valley Township deems it advisable to amend By-Law No. 2002-121, as hereinafter set out;

AND WHEREAS, this By-Law implements the policies and intentions of the Official Plan for Tay Valley Township;

NOW THEREFORE BE IT RESOLVED THAT, the Council of the Corporation of Tay Valley Township enacts as follows:

1. GENERAL REGULATIONS

- 1.1 THAT**, By-Law No. 2002-121 is hereby amended by amending the zoning from Rural (RU) to Environmental Protection (EP) on the west part of the lands legally described as Part Lot 16-18, Concession 6, geographic Township of North Burgess, now in Tay Valley Township, County of Lanark (Roll #091191102043900), in accordance with Schedule "A" attached hereto and forming part of this By-Law.
- 1.2 THAT**, all other applicable standards and requirements of By-Law No. 2002-121 shall continue to apply to the subject property.
- 1.3 THAT**, this By-Law shall come into force and effect with the passing thereof, in accordance with *the Planning Act*, as amended.

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2022-0xx**

2. ULTRA VIRES

Should any sections of this by-law, including any section or part of any schedules attached hereto, be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

3. EFFECTIVE DATE

ENACTED AND PASSED this XX day of XX, 2022.

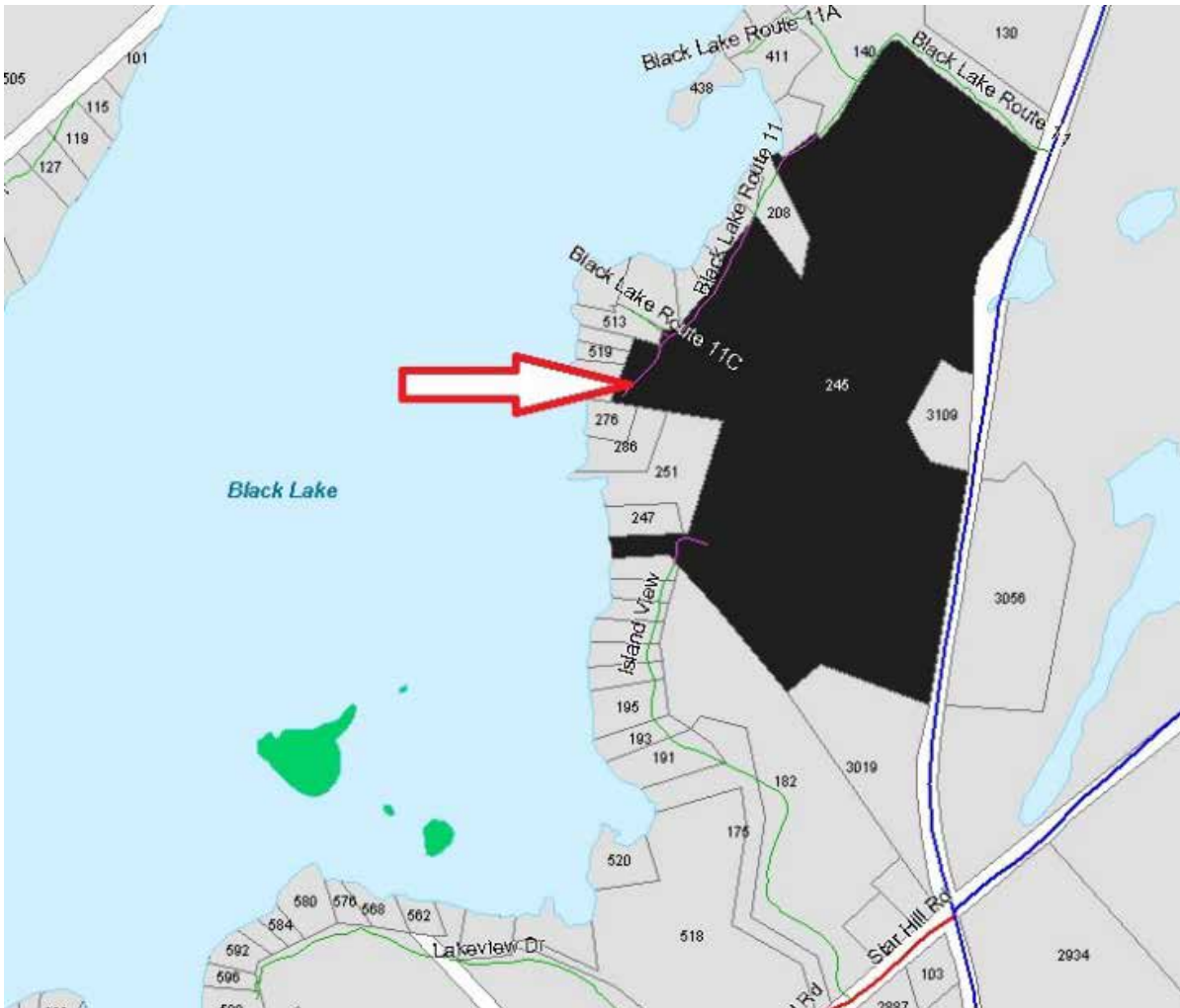
Brian Campbell, Reeve

Amanda Mabo, Clerk

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2022-0xx**

SCHEDULE "A"

Schact (Cope)– 245 Island View Drive
Part Lot 16-18, Concession 6
Geographic Township of North Burgess
Tay Valley Township



Area Subject to the By-Law

To amend the Zoning from
Rural (RU) to Environmental Protection (EP)

Reeve

Certificate of Authentication

This is Schedule "A" to By-Law 2022-0xx
passed this XX day of XX, 2022

Clerk

Schacht (Cope) Zoning By-law Amendment

Public Notice

Pursuant to the Planning Act, Notice of public meeting is to be provided a minimum of 20 days prior for a Zoning By-law Amendment. Notice was duly given by both the posting of the notice in a visible area for the property and by mailing to adjacent property owners within 120 metres of the location. Notice was also given to other public agencies as required.

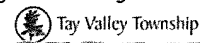
Ontario Land Tribunal

Please be cautioned that if, at a later date, a person or public body choose to appeal Council's decision on this matter to the Ontario Land Tribunal, the Tribunal may dismiss all or part of an appeal without holding a hearing if the reasons set out in the appeal do not refer to land use planning grounds offended by the decision, the appeal is not made in good faith, or is frivolous or vexatious or made only for the purpose of delay.

The Tribunal may also dismiss the appeal if the appellant did not make oral submission at the public meeting or did not make written submission before the plan or amendment were adopted.

If you choose to appeal, you must submit written reasons, the prescribed fee and any other background material requested. This notice is not intended to discourage your objection in any way. It is intended only to inform you of your rights and obligations and to encourage early participation.

1



1

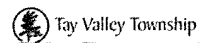
Schacht (Cope)

245 Island View

Part Lots 16-18, Concession 6, Geographic Township of North Burgess

- The application applies to the west part of an approximately 1.19-ha (2.9-acre) lot addition.
- The purpose of this application is to change the zoning of the property from Rural (RU) to Environmental Protection (EP) as a condition of severance.
- The effect of the amendment is to clear a condition of severance to permit a lot addition.

2



2

Schacht (Cope) Location

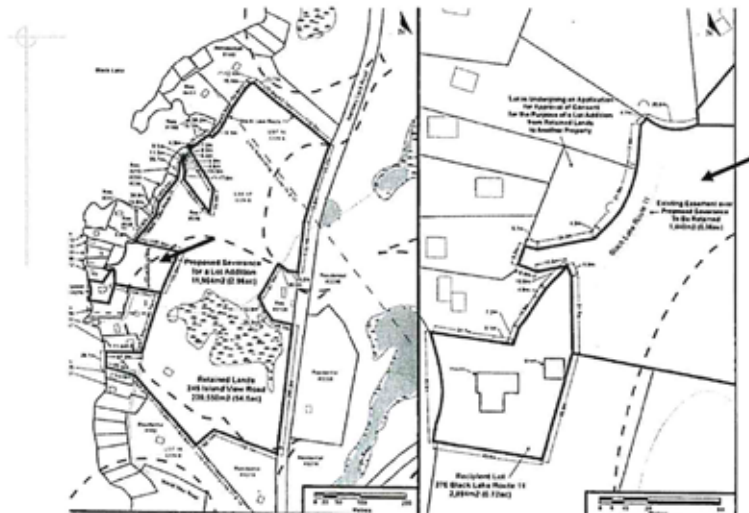


3



3

Schacht (Cope) Site Sketch



4



4

Schacht (Cope) Aerial Photo (2019)



5

5

Schacht (Cope) Planner's Comments Provincial Policy Statement (PPS)

- Section 1.1.1 Building Strong Healthy Communities - states that "Healthy, livable and safe communities are sustained by: a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term...and c) avoiding development and land use patterns which may cause environmental or public health and safety concerns." This section can be met because no development is currently being proposed and the zoning will protect the Provincially Significant Wetland (PSW).

6

6

Schacht (Cope) County Sustainable Communities Official Plan

- Section 3 Rural Land designation permits a variety of uses including residential uses. Section 5.5.1 Provincially Significant Wetlands (PSW) requires that the County's significant natural heritage features shall be protected from negative impacts of development.

7

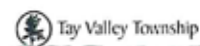


7

Schacht (Cope) Planner's Comments Official Plan

- Part of the lot addition is designated in the Official Plan as a Provincially Significant Wetland regulated area (buffer).
- No development is proposed in the buffer at this time. If development was proposed in the future, a permit from the RVCA as well as a Building Permit would be required. And an Environmental Impact Study would likely be required.

8



8

Schacht (Cope) Planner's Comments Zoning

- The rezoning is required as a condition of severance application B21/153 for a lot addition.

9

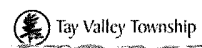


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Schacht (Cope) Planner's Comments

- The Planner supports the rezoning to Environmental Protection (EP) on part of the lot addition to protect the natural heritage feature.

10



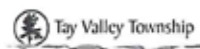
10

Schacht (Cope) Comments

Rideau Valley Conservation Authority (RVCA)

- The RVCA had no objections to the severance application.

11



11

Schacht (Cope) Comments Continued

Mississippi-Rideau Septic System Office (MRSSO)

- The MRSSO had no objections to the severance application.

Public Comments

- No comments were received at the time of the report.
Members of the public are welcome to speak to the application at this meeting.

12



12

Schacht (Cope) Recommendation

"THAT, Zoning By-Law No. 2002-121 be amended by changing the zoning of the west part of the lands that comprise application B21/153 (a lot addition to 276 Black Lake Route 11) part of Concession 6 Part Lot 16-18, in the geographic Township of North Burgess, (Roll number 091191102043900) municipally known as 245 Island View, from Rural (RU) to Environmental Protection (EP)."

13



PUBLIC MEETING CONCERNING PROPOSED ZONING BY-LAW AMENDMENT

September 13, 2022

Noelle Reeve, Planner

APPLICATION ZA22-12 -OMYA (CANADA INC.)

STAFF RECOMMENDATION

It is recommended:

“**THAT**, Zoning By-Law No. 02-121 be amended to rezone a portion of the lands at Concession 3, N and E Part Lot 17 Geographic Township of Bathurst (Roll #091191601519800) known as 18471 Highway 7 from Rural (RU) to Mineral Aggregate Extraction 1-d (EX-1d).”

BACKGROUND

The application applies to approximately 7.44ha (18.39 acres) of vacant land located to the west of the OMYA (Canada Inc) processing plant at 18471 Highway 7 (see Attachment 1). The application seeks a rezoning to allow for the outdoor storage of calcium carbonate that remains following the processing procedure. The material is slightly damp and very compacted. No dust is generated by the outdoor storage.

The mineral processing use at this location began in 1987 when Steep Rock Resources applied for a building permit.

The first Official Plan to guide land use on the property was the Official Plan of the Tay Valley Planning Area (1977) that covered Bathurst, North Burgess, South Sherbrooke, Drummond, and North Elmsley Townships. It designated the property as Rural. A subsequent update to this document in 1984 added some wetland designation to the property.

The Official Plan of the Township of Bathurst was adopted in 1985. It designated the property as Mineral and Aggregate Resource which permitted extraction, aggregate storage areas, crushing plants as well as agricultural, resource management, forestry or recreational uses. The Official Plan for the amalgamated Townships of Bathurst, Burgess and Sherbrooke (BBS) was adopted as the Official Plan for Tay Valley Township on April 11, 2000 and designated the property as Mineral Resource.

A number of previous zoning bylaws have regulated the OMYA (Canada Inc) property. Bathurst Township Zoning By-Law 90-03 and the 1996 office consolidation of Zoning By-Law 90-03 designated parts of lots 17 and 18 Con 3 Bathurst as Extractive Industrial Zone (MX). By-Law 97-21 of the Township of Bathurst rezoned the property from Extractive Industrial Zone (MX) to Special District Zone 43 (S.D .43) allowing all the uses of the MX zone but permitting the maximum building height to be 46m (151 ft).

By-Law 99-30 passed by the Corporation of the Township of Bathurst Burgess Sherbrooke (BBS) added Special District Zone 43b (S.D. 43b) to the west of the plant to restrict uses on that land to rail sidings, a turning circle for trucks serving the plant, and a parking lot for construction worker vehicles.

When BBS Township became Tay Valley Township, a new Zoning By-Law was adopted in 2002. The zones on the property were then renamed Mineral Aggregate Extraction EX-1, EX-1a to the east of the plant, EX-1b to the west of the plant and EX-1c to the south. EX-1a restricts uses to railroad sidings. EX-1b maintains the requirements of the S.D. 43b zone. EX-1c restricts uses to a water supply pumphouse facility. (See Attachment 2.)

As well as the Zoning By-Laws, the property is also regulated through the Township's Site Plan Control By-Law. The first Site Plan Control Agreement (SPCA) with Steep Rock Resources was signed on January 2, 1990 (see Attachment 3.); amended March 13, 1996; amended June 25, 1997; and revised on April 28, 1998 (see Attachment 4).

The first SPCA with OMYA (Canada Inc) was signed on February 3, 2000, and revised in 2008. (see Attachment 5) An amendment to the SPCA was undertaken in 2014 to allow two settling ponds to be filled in with OMYA (Canada Inc) waste calcium carbonate (known as Agrocab-PT™) as part of a project with the Rideau Valley Conservation Authority (RVCA) to test whether trees could grow in the material. (see Attachment 6) The project was successful and OMYA (Canada Inc) would like to expand the area to store the waste calcium carbonate to produce more Agrocab-PT™.

Agrocab-PT™ is a product that is produced by OMYA in Europe as a fertilizer for farms.

Benefits to the OMYA (Canada Inc) plant of producing Agrocab-PT™ include:

- reuse of a former waste material,
- reduced Greenhouse Gas (GHG) emissions from trucking,
- sale of a new product.

Benefits to the community include:

- increased employment opportunities
- reduced GHGs.

DISCUSSION

Provincial Policy Statement

Section 1.1.1 Building Strong Healthy Communities - states that "Healthy, livable and safe communities are sustained by: a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term...and c) avoiding development and land use patterns which may cause environmental or public health and safety concerns. The proposed use meets both of these requirements as a new agricultural product (fertilizer) is proposed to be created, supporting the financial viability of the company, and because of its non-toxic nature, expansion of the storage of the calcium carbonate will not have an impact on the environment.

Other relevant sections of the *Provincial Policy Statement* (PPS) related to Rural Lands (Section 1), Wise Use and Management of Resources (Section 2) and natural or man-made hazards (Section 3) are also met. Section 1.1.5.2 Rural lands permits the management or

uses of resources. Section 2.2 Water is met as there will be a vegetative buffer maintained for 30m from Ruddsdale Creek. The unevaluated wetland will also be protected. The groundwater and surface water impacts are being assessed by the Rideau Valley Conservation Authority (RVCA). Finally, Section 3 Protecting Public Health and Safety is met as there are no natural hazards present on the land proposed for storage. The proposal, therefore, is consistent with the policies of the PPS.

County Sustainable Communities Official Plan

Section 3 Rural Land designation permits a variety of uses including industrial and commercial uses. Section 5.0 Natural Heritage Surface and Ground Water Protection and Enhancement states that municipalities have an obligation to protect surface and ground water. Ruddsdale Creek will be protected by a 30 setback. The RVCA has requested information from OMYA (Canada Inc) related to potential groundwater impact and any mitigation that may be required will be included in an amendment to the Site Plan Control Agreement. The proposal, therefore, meets the Sustainable Communities Official Plan policies.

Official Plan

The subject property is designated in the Official Plan as Mineral Resource, Rural, some Organic Soils (in the far west beyond the area proposed for the calcium carbonate storage), and Significant Woodland Other (also located beyond where the calcium carbonate storage is proposed).

Section 3.6 Rural designation permits industrial and commercial uses. Section 3.3.2 Mineral Resource permits processing or recycling of mineral aggregate or the production of secondary related products.

Section 2.20.3 identifies requirements associated with Organic soils. These soils require engineered approval to be built on. No construction is proposed in this application.

Section 2.18.4 Land Use Compatibility requires setbacks between major facilities and sensitive land uses such as residential uses. The storage of calcium carbonate is a Class II industrial facility. This type of facility requires a 70m setback from sensitive uses (or less if a Site Plan Control Agreement is used). The setback is met from the proposed storage area as the 70m buffer falls within the property boundaries. In addition, the applicant proposes to maintain the existing tree buffer along Highway 7 and to maintain the trees along the south property line.

Section 2.23.1.3 Water Supply and Sewage Disposal states that the protection of groundwater quality and quantity and the environmental sustainability of development are important considerations in development. OMYA (Canada Inc) engineering staff are working with RVCA staff to ensure that the groundwater is not impacted by the storage of the calcium carbonate.

Section 2.24.1.2 a Water Quality and Quantity requires a water setback of 30m that will be met from Ruddsdale Creek.

Section 2.24.2 Watershed and Subwatershed Plans states that the Township will have regard for the Tay River Watershed Management Plan, RVCA Catchment Reports, and Ministry of Environment Conservation and Parks regulations in reviewing development applications in the watershed. RVCA is involved in the review of the proposal. The Environmental Compliance Approval for the OMYA (Canada Inc) site permits the outdoor storage of the calcium carbonate.

Section 2.24.6 Stormwater Management states that the Township will ensure that adequate consideration is given to stormwater management and that the Township encourages the use of Low Impact Development (LID) green infrastructure for stormwater management. The RVCA is working with OMYA (Canada Inc) staff to ensure that the required information is provided to the Township.

The proposal, therefore, meets the Township Official Plan policies.

Zoning By-Law

The lot is currently zoned Rural. The Mineral Aggregate Extraction zone Special Exception 1-d (Ex 1d) would add the new use of outdoor storage of post-production calcium carbonate (Agrocarb-PT™).

The side yard setbacks will be maintained.

Planner

The applicants have met with the Planner and RVCA on site. Discussion on site included the requirement for a 30m setback from Ruddsdale Creek which will be met. Also, the RVCA raised the issue of an unevaluated wetland that is located between the proposed storage area and Ruddsdale Creek. RVCA staff have been in discussion with OMYA (Canada Inc) staff about any mitigation measures that might be required for both surface water, the wetland, and groundwater.

The Planner supports the proposed use as it is in keeping with the Mineral Aggregate Extraction Zone (EX) use already in place on the majority of the lot and the proposed EX-1d zone is more restrictive than the broader EX zone. The proposed zone will only permit outdoor storage of post-production calcium chloride (a damp material that does not generate dust). The storage area will be approximately 80m from the north property line at Highway 7 and 80m from the south property line and m from the west property line so should not affect surrounding neighbours.

The existing Site Plan Control Agreement (SPCA) will be amended to delineate the area to be used and to add any mitigation measures that may be required by the RVCA.

Rideau Valley Conservation Authority (RVCA)

The RVCA Planner noted that there is an unevaluated wetland between the proposed storage area and Ruddsdale Creek. The RVCA hydrogeologist has requested additional information about the groundwater and hydrogeological impact of storage of the material.

Mississippi Rideau Septic System Office (MRSSO)

The MRSSO was not circulated because no buildings or septic systems are proposed.

Public

No comments were received at the time of the report.

CONCLUSION

The Planner recommends that the proposed amendment be approved to rezone a portion of the lands at Concession 3, Part Lot 17, Geographic Township of Bathurst (Roll #091191601519800) known as 18471 Highway 7 from Rural (RU) to Mineral Aggregate Extraction Special Exception – 1d (EX-1d).

ATTACHMENTS

- 1) GIS Map
- 2) Zoning Map
- 3) 1990 Site Plan Control Agreement Drawing
- 4) 1998 Site Plan Control Agreement Drawing
- 5) 2008 Site Plan Control Agreement Drawing
- 6) 2014 Rideau Valley Conservation Authority Aerial Photo
- 7) Zoning By-Law

Prepared and Submitted By:

Approved for Submission By:

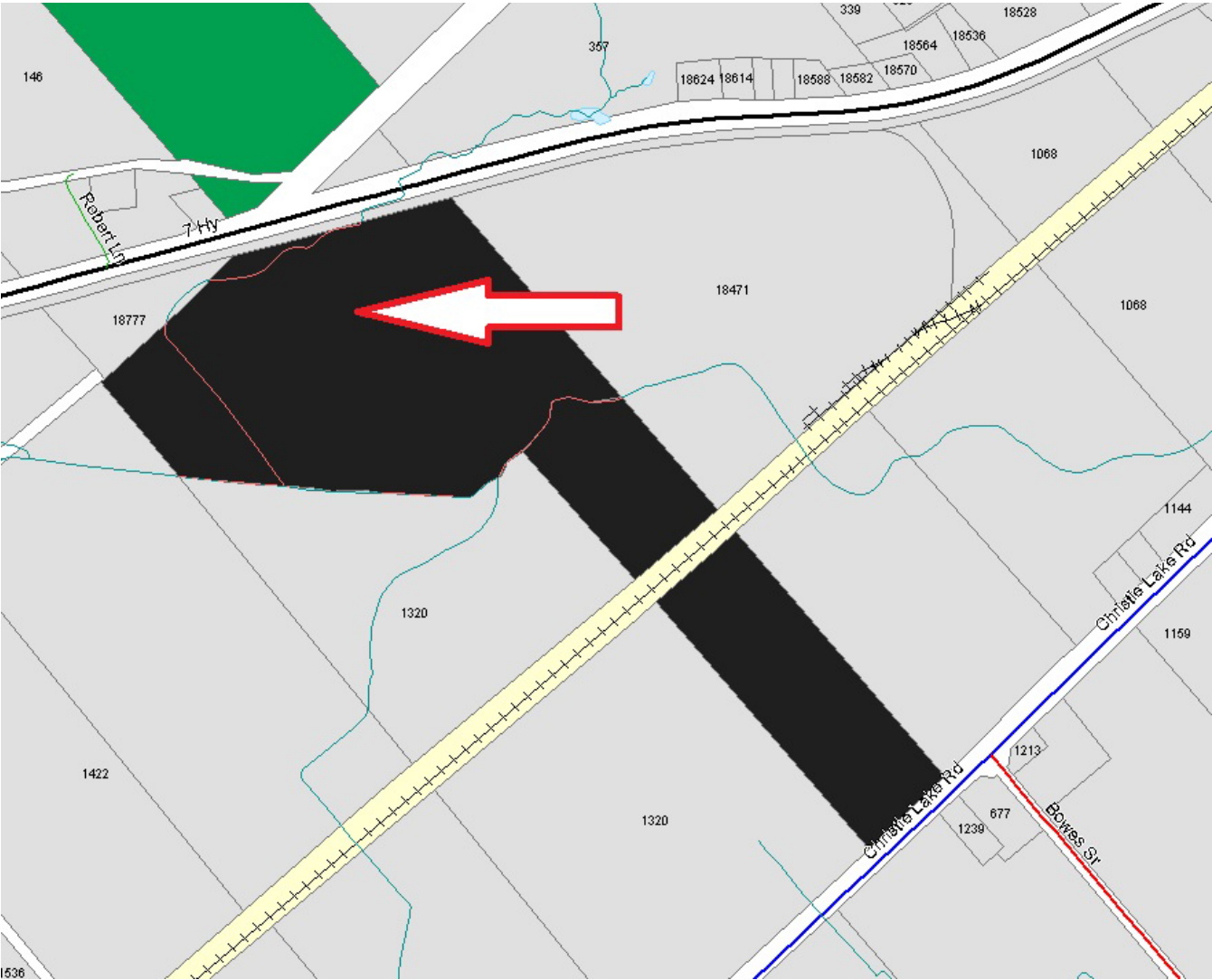
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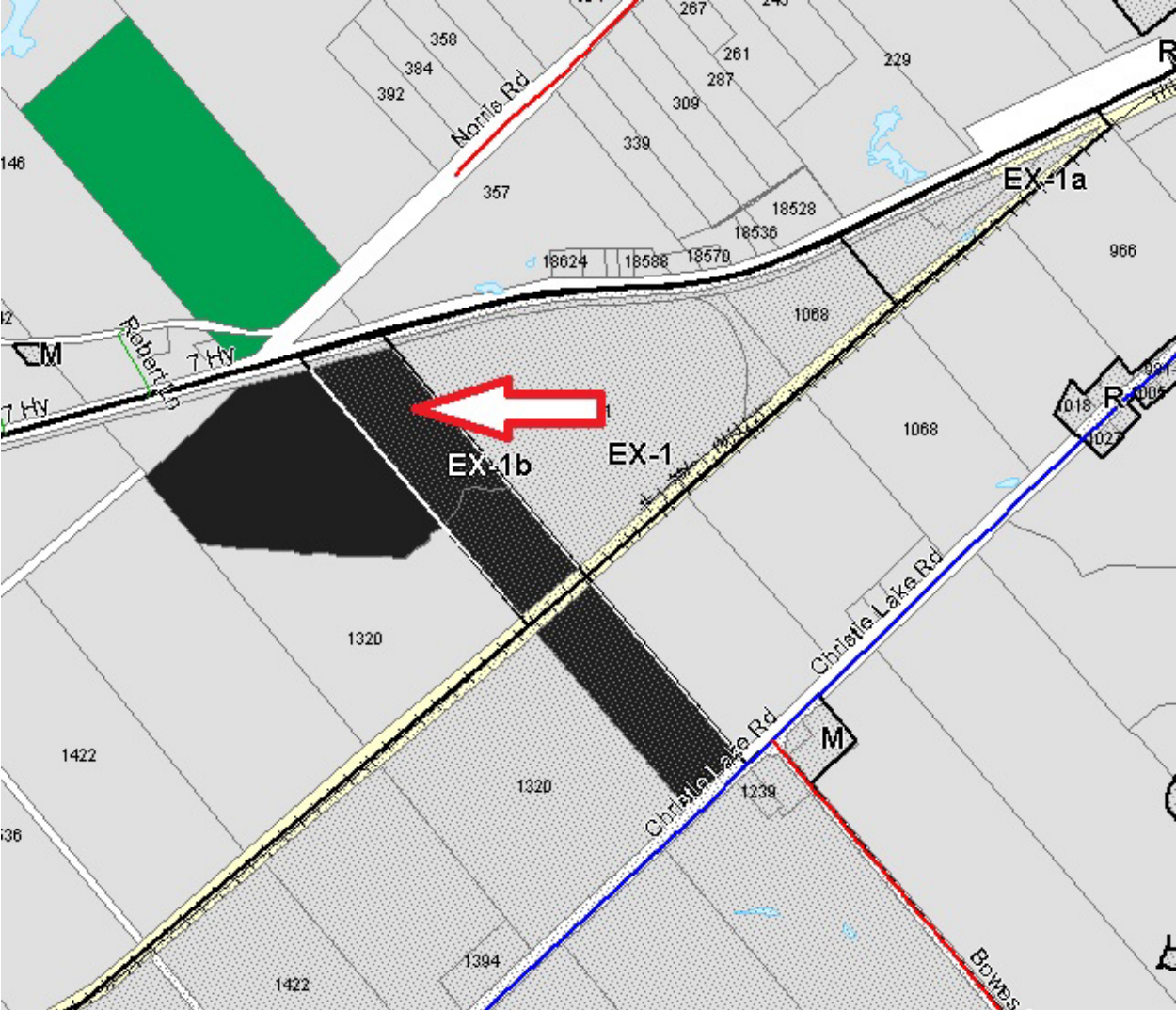
**Noelle Reeve,
Planner**

**Amanda Mabo,
Chief Administrative Officer/Clerk**

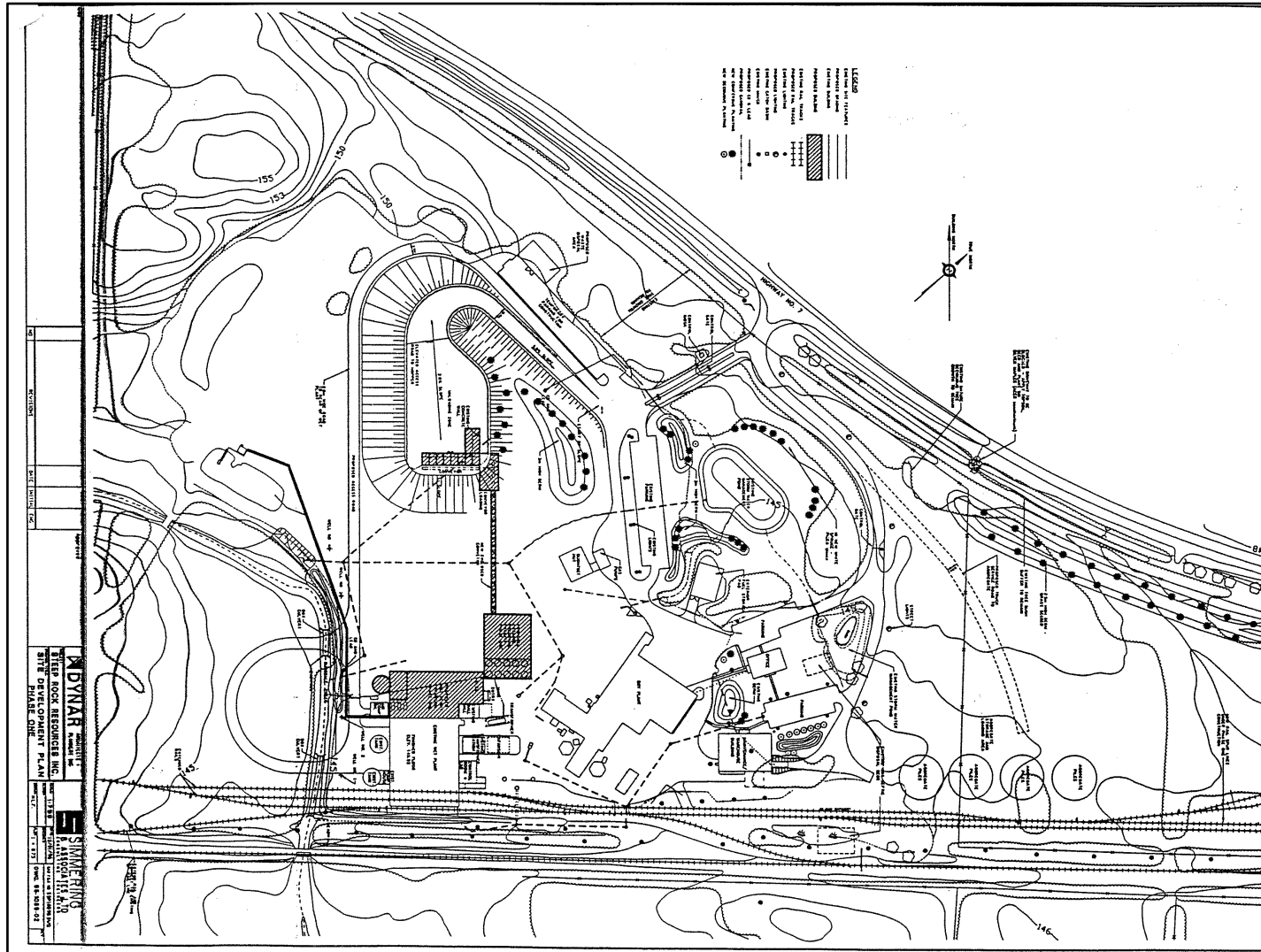
Attachment 1- GIS Map



Attachment 2 – Zoning Map



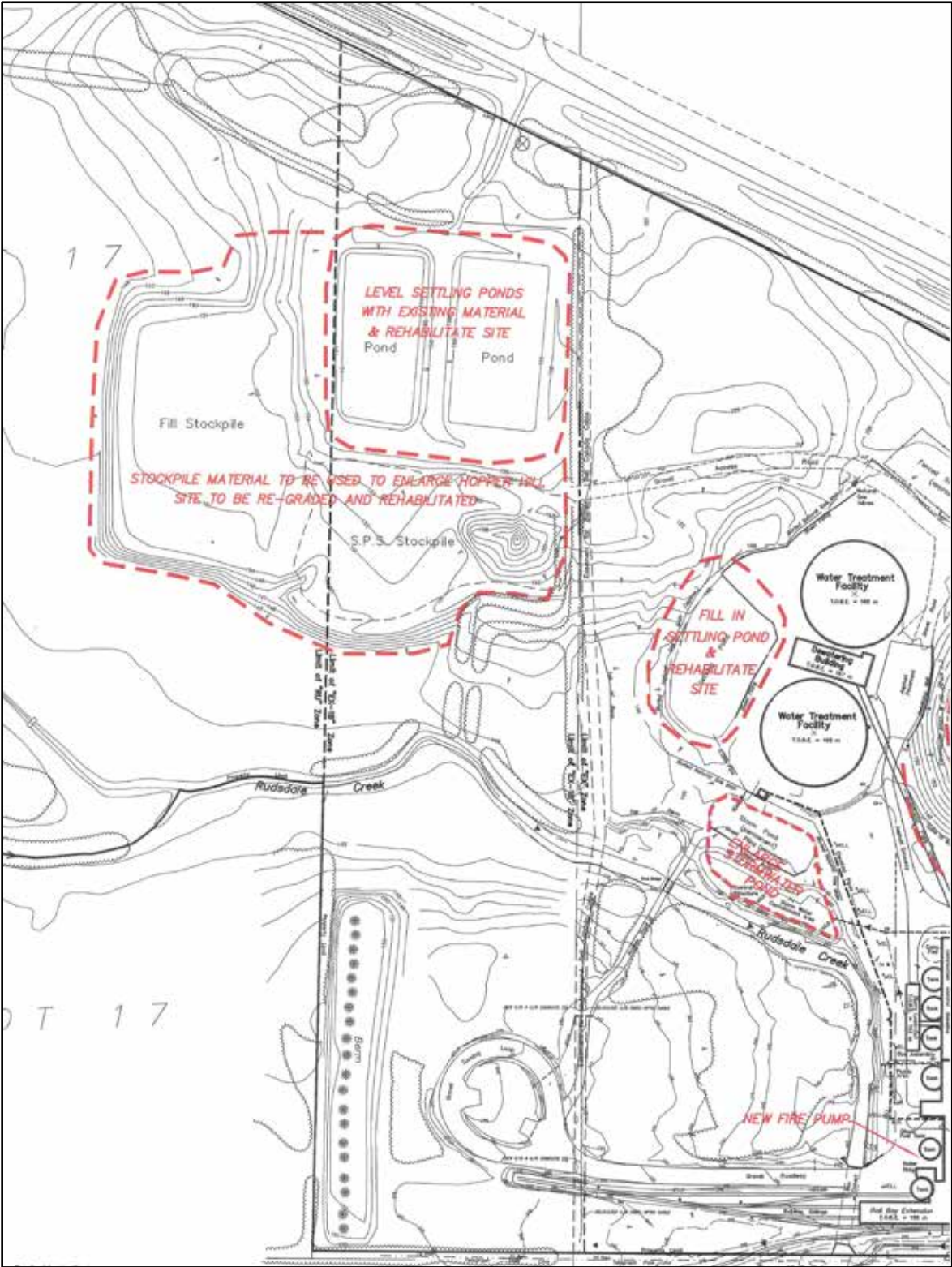
Attachment 3 – 1990 Site Plan Control Agreement Drawing



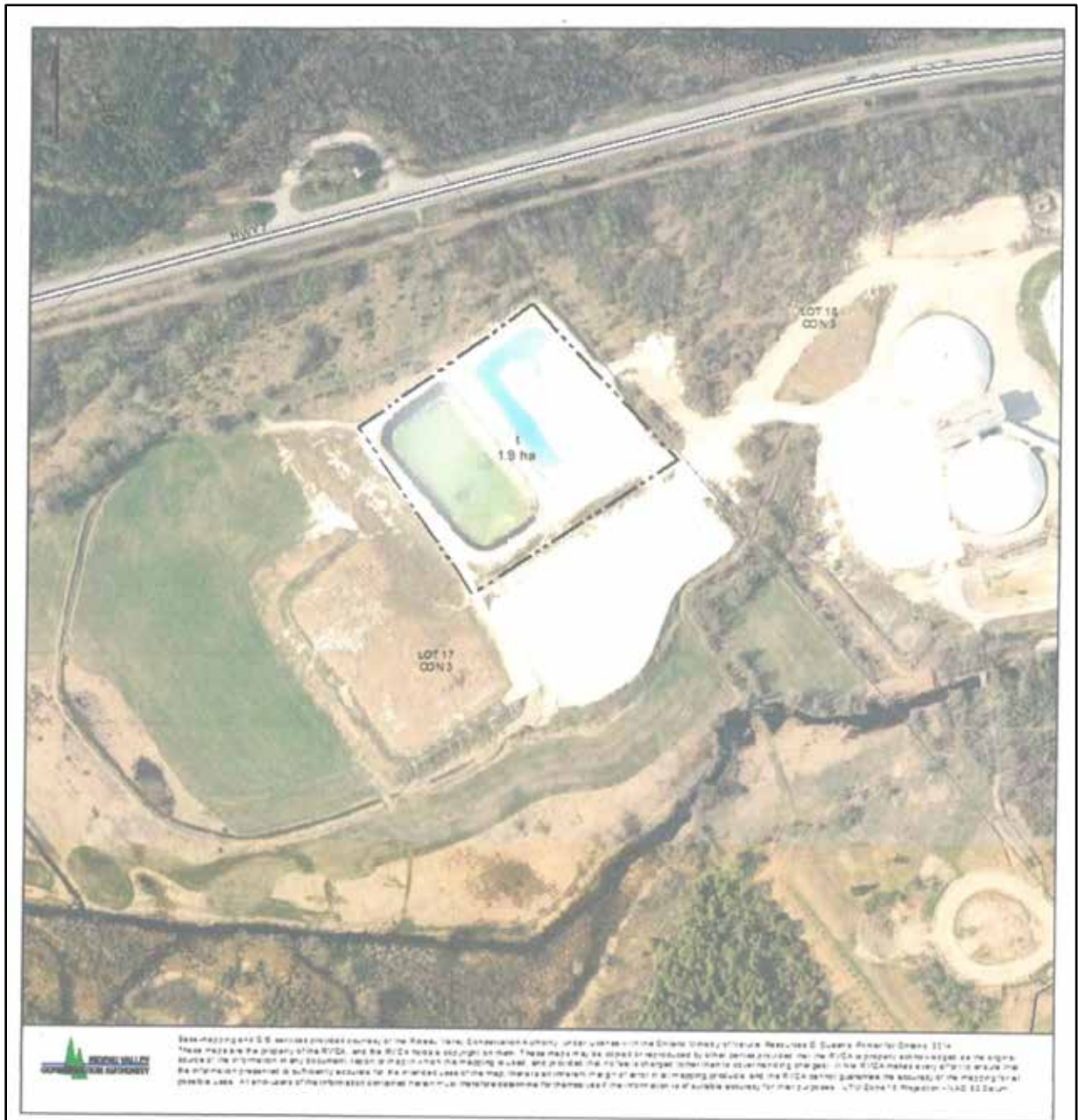
Attachment 4 – 1998 Site Plan Control Agreement Drawing



Attachment 5 – 2008 Site Plan Control Agreement Drawing



Attachment 6 – 2014 Rideau Valley Conservation Authority Project Aerial Photo



**OMYA Canada
Perth, ON
Lot 18 Conc. 3
Bathurst Twp**

Hand Plant Test Site 2015

**200 Trees Total - 50 White Pine - White Spruce
- 50 Norway Spruce - 50 Colorado Blue Spruce**

- Plant trees 7 ft between trees and 8 ft between rows
- Plant species by group so we can monitor
- Flag off planting area and species compartment

THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2022-0xx

A BY-LAW TO AMEND ZONING BY-LAW NO. 2002-121, AS AMENDED (OMYA (CANADA INC) – 18471 HIGHWAY 7) (PART N AND E LOT 17, CONCESSION 3, GEOGRAPHIC TOWNSHIP OF BATHURST)

WHEREAS, the *Planning Act, R.S.O. 1990, Chapter P.13 Section 34 as amended*, provides that the Councils of local municipalities may enact by-laws regulating the use of land and the erection, location and use of buildings and structures within the municipality;

AND WHEREAS, By-Law No. 2002-121, as amended, regulates the use of land and the erection, location and use of buildings and structures within Tay Valley Township;

AND WHEREAS, the Council of the Corporation of Tay Valley Township deems it advisable to amend By-Law No. 2002-12, as amended, as hereinafter set out;

AND WHEREAS, this By-Law implements the policies and intentions of the Official Plan for Tay Valley Township;

NOW THEREFORE BE IT RESOLVED THAT, the Council of the Corporation of Tay Valley Township enacts as follows:

1. GENERAL REGULATIONS

1.1 **THAT**, By-Law No. 2002-121, as amended, is further amended by amending the zoning from Rural (RU) to Mineral Aggregate Extraction Special Exception-1d (EX-1d) on the lands legally described as N and E Part Lot 17, Concession 3, Geographic Township of Bathurst, now in Tay Valley Township, County of Lanark (Roll #091191601519800), in accordance with Schedule "A" attached hereto and forming part of this By-Law.

EX. Notwithstanding the provisions of Section 12.1.4 to the contrary, on the lands zoned EX-1d, the following provisions shall prevail:

- Permitted uses shall be restricted to outdoor storage of post-production calcium carbonate.

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2022-0xx**

1.2 THAT, all other applicable standards and requirements of By-Law No. 2002-121 shall continue to apply to the subject property.

1.3 THAT, this By-Law shall come into force and effect with the passing thereof, in accordance with *the Planning Act*, as amended.

2. ULTRA VIRES

Should any sections of this by-law, including any section or part of any schedules attached hereto, be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

3. EFFECTIVE DATE

ENACTED AND PASSED this XX day of September 2022.

Brian Campbell, Reeve

Amanda Mabo, CAO/Clerk

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2020-0xx**

SCHEDULE "A"

OMYA (CANADA Inc) – 18471 Highway 7
N and E Part Lot 17, Concession 3
Geographic Township of Bathurst
Tay Valley Township



Area(s) Subject to the By-Law

To amend the Zoning provisions from Rural (RU) to Mineral Aggregate Special Exception-1d (EX-1d)

Reeve

Certificate of Authentication

This is Schedule "A" to By-Law 2022-0xx passed this XX day of September 2022.

Clerk

OMYA (Canada Inc.) Zoning By-law Amendment

Public Notice

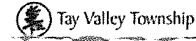
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Ontario Land Tribunal

Please be cautioned that if, at a later date, a person or public body choose to appeal Council's decision on this matter to the Ontario Land Tribunal, the Tribunal may dismiss all or part of an appeal without holding a hearing if the reasons set out in the appeal do not refer to land use planning grounds offended by the decision, the appeal is not made in good faith, or is frivolous or vexatious or made only for the purpose of delay.

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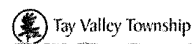
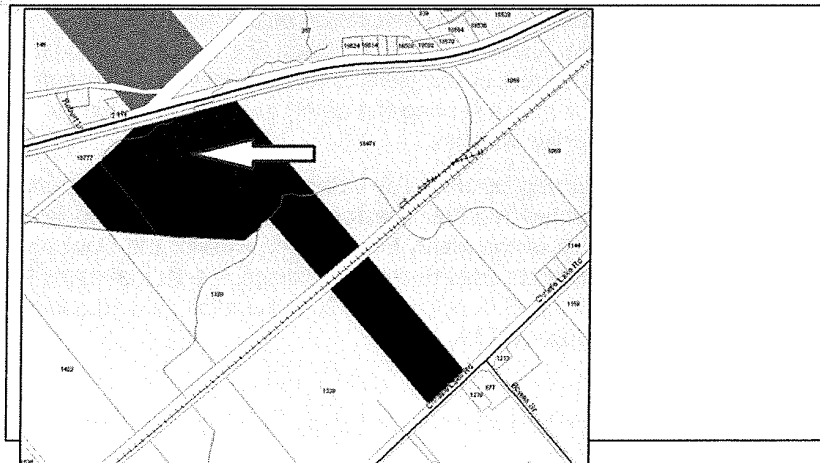
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OMYA (Canada Inc.)

18471 Highway 7

N and E Part Lot 17, Concession 3, Geographic Township of Bathurst



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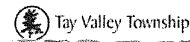
OMYA (Canada Inc.)

18471 Highway 7

N and E Part Lot 17, Concession 3, Geographic Township of Bathurst

- The application applies to approximately 7.44ha (18.39 acres) of vacant land located to the west of the OMYA (Canada Inc) processing plant at 18471 Highway 7.
- The Official Plan of the Township of Bathurst (1985) designated the property as Mineral and Aggregate Resource which permitted extraction, aggregate storage areas, crushing plants as well as agricultural, resource management, forestry or recreational uses.
- By-law 90-03 designated parts of lots 17 and 18 Con 3 Bathurst as Extractive Industrial Zone (MX).
- By-law 97-21 of the Township of Bathurst rezoned the property from Extractive Industrial Zone (MX) to Special District Zone 43 (S.D .43) allowing the maximum building height to be 46m (151 ft).

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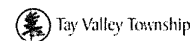
OMYA (Canada Inc.)

18471 Highway 7

N and E Part Lot 17, Concession 3, Geographic Township of Bathurst

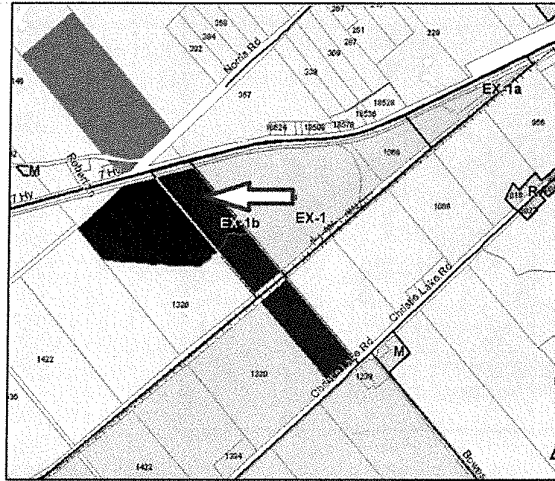
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- When BBS Township became Tay Valley Township, a new Zoning By-law was adopted in 2002. The zones were then renamed EX-1, EX-1a to the east of the plant, EX-1b to the west of the plant and EX-1c. EX-1a restricts uses to railroad sidings. EX-1b maintains the requirements of the S.D. 43b zone. EX-1c restricts uses to a water supply pumphouse facility.

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OMYA (Canada Inc.) ZONING MAP



5



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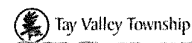
OMYA (Canada Inc.)

18471 Highway 7

N and E Part Lot 17, Concession 3, Geographic Township of Bathurst

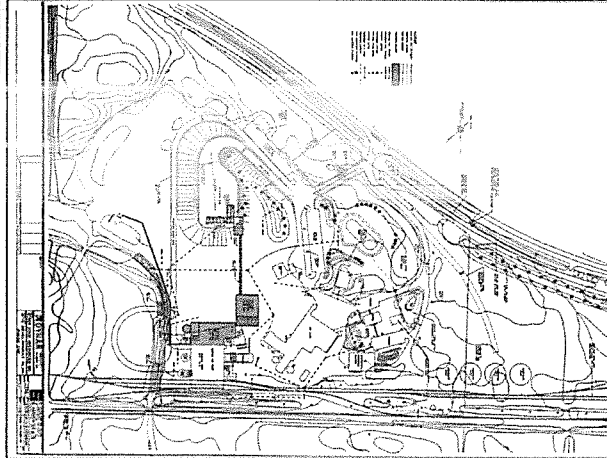
- The property is also regulated through a Site Plan Control Agreement (SPCA), first signed by Steep Rock Resources on January 2, 1990, and subsequently amended in 1996, 1997, and 1998.
- The first SPCA with OMYA (Canada Inc) was signed on February 3, 2000. An amendment to the SPCA was undertaken in 2014 to allow two settling ponds to be filled in with OMYA (Canada Inc) waste calcium carbonate (known as Agrocarb-PT™) as part of a project with the RVCA to test whether trees could grow in the material.
- The project was successful, and OMYA (Canada Inc) would like to expand the area to store the waste calcium carbonate to produce more Agrocarb-PT™.

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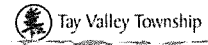


6

OMYA (Canada Inc.)
1990 Site Plan Control Agreement Drawing

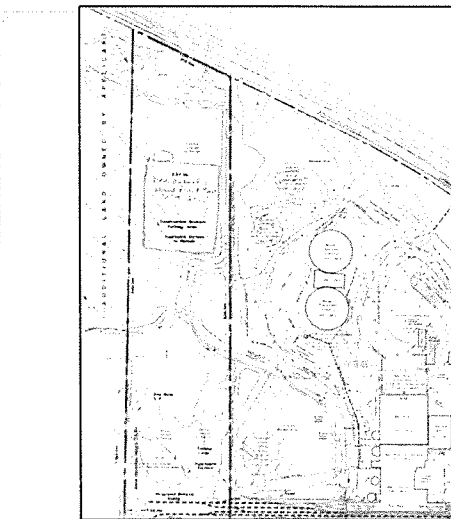


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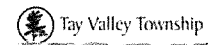


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OMYA (Canada Inc.)
1998 Site Plan Control Agreement Drawing

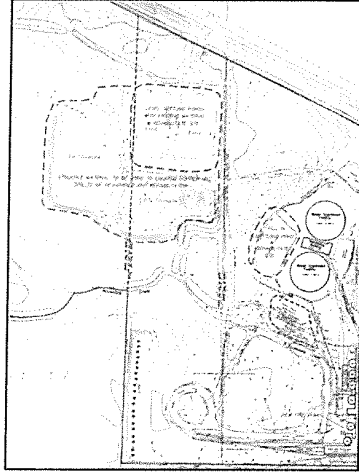


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OMYA (Canada Inc.)
 2008 Site Plan Control Agreement Drawing

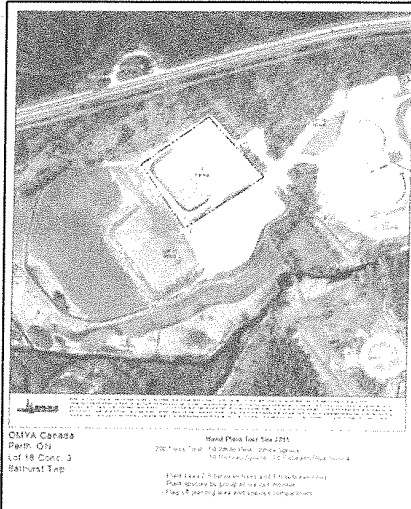


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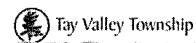


9

OMYA (Canada Inc.)
 2014 Rideau Valley Conservation Authority Project Aerial Photo



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10

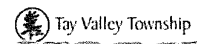
OMYA (Canada Inc.)

18471 Highway 7

N and E Part Lot 17, Concession 3, Geographic Township of Bathurst

- Avrocarb-PT is a product that is produced by OMYA in Europe as a fertilizer for farms. Benefits to the OMYA Canada Inc plant of producing Agrocarb-PT include:
 - reuse of a former waste material,
 - reduced greenhouse gas emissions from trucking,
 - sale of a new product.
- Benefits to the community include:
 - increased employment opportunities
 - reduced greenhouse gasses.

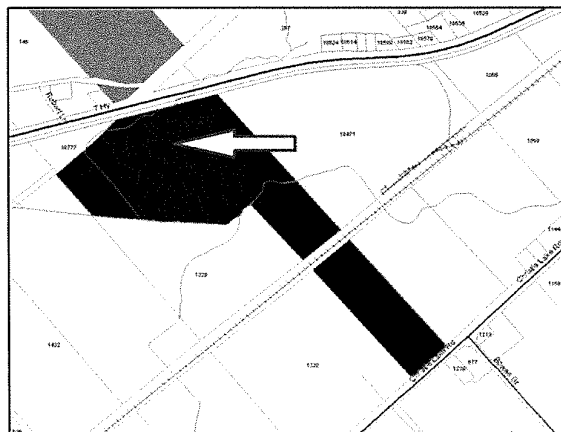
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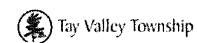
11

OMYA (Canada Inc.)

Location of Expansion of Outdoor Storage of Calcium Carbonate

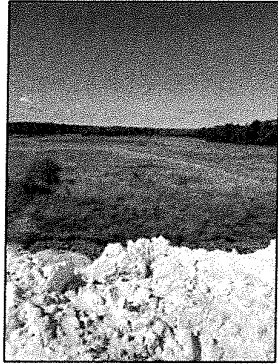


12



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OMYA (Canada Inc.)
Photos



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OMYA (Canada Inc.)
Photos



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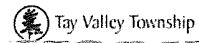


14

OMYA (Canada Inc.) Planner's Comments Provincial Policy Statement (PPS)

- Section 1.1.1 Building Strong Healthy Communities - states that "Healthy, livable and safe communities are sustained by: a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term...and c) avoiding development and land use patterns which may cause environmental or public health and safety concerns.
- The proposed use meets both of these requirements as a new agricultural product (fertilizer) is proposed to be created, supporting the financial viability of the company, and because of its non-toxic nature, expansion of the storage of the calcium carbonate will not have an impact on the environment.

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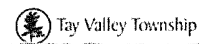


15

OMYA (Canada Inc.) Planner's Comments Provincial Policy Statement (PPS)

- Other relevant sections of the Provincial Policy Statement (PPS) related to Rural Lands (Section 1), Wise Use and Management of Resources (Section 2) and natural or man-made hazards (Section 3) are also met.
- Section 1.1.5.2 Rural lands permits the management or uses of resources.
- Section 2.2 Water will be met as there will be a vegetative buffer maintained for 30m from Ruddsdale creek. The unevaluated wetland will also be protected.
- Section 3 Protection of Public Health and Safety is met as there are no natural hazards present on the land proposed for storage. The proposal, therefore, is consistent with the policies of the PPS.

16

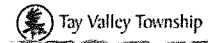


16

OMYA (Canada Inc.) County Sustainable Communities Official Plan

- Section 3 Rural Land designation permits a variety of uses including industrial and commercial uses.
- Section 5.0 Natural Heritage Surface and Ground Water Protection and Enhancement states that municipalities have an obligation to protect surface and ground water. Ruddsdale Creek will be protected by a 30 setback.
- The RVCA has requested information from OMYA (Canada Inc) related to potential groundwater impact and any mitigation that may be required will be included in an amendment to the Site Plan Control Agreement.
- The proposal, therefore, meets the Sustainable Communities Official Plan policies.

17

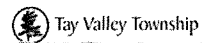


17

OMYA (Canada Inc.) Planner's Comments Official Plan

- The subject property is designated in the Official Plan as Mineral Resource, Rural, some Organic Soils and Significant Woodland Other.
- The Section 3.6 Rural designation permits industrial and commercial uses.
- Section 2.20.3 identifies requirements associated with Organic soils. These soils require engineered approval to be built on. No construction is proposed in this case.
- Section 2.18.4 Land Use Compatibility requires setbacks between major facilities and sensitive land uses. The outdoor storage of calcite is considered a Class II facility under the Ministry of Environment's D-Series Guidelines. A 70m buffer is required which is met.

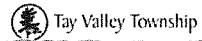
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18

OMYA (Canada Inc.) Planner's Comments Official Plan

- The applicant proposes to maintain the tree buffer along Highway 7 and to maintain the trees along the south property line.
- Section 2.23.1 Water Supply and Sewage Disposal states that the protection of groundwater quality and quantity are important. OMYA (Canada Inc) engineering staff are working with RVCA staff to ensure that the groundwater is not impacted by the storage of the calcium carbonate.
- Section 2.24.1 Water Quality and Quantity requires a water setback of 30m from Ruddsdale Creek that will be met.
- Section 2.24.2 Watershed plans states that the Township will have regard for the Tay River Watershed Management Plan, RVCA Catchment Reports, and Ministry of Environment Conservation and Parks regulations.
- Section 2.24.6 Stormwater Management states that the Township will ensure consideration is given to stormwater management and encourages the use of Low Impact Development (LID) green infrastructure for stormwater management.
- ¹⁹ The proposal, therefore, meets the Township Official Plan policies.

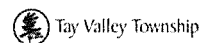


19

OMYA (Canada Inc.) Planner's Comments Zoning

- The lot is currently zoned Rural. The proposed Ex-1d zone would add a new use of outdoor storage of post-production calcium carbonate which is slightly stamp and compact.
- The side yard setbacks will be maintained.

20



20

OMYA (Canada Inc.) Planner's Comments

- The applicants have met with the Planner and RVCA on site. Discussions are continuing with RVCA hydrogeologist.
- The Planner supports the proposed use as it is in keeping with the EX zoning on the lot and it is more restrictive than the general EX zone. The zoning change will not affect other lots in the area.
- The existing Site Plan Control Agreement (SPCA) will be amended to delineate the area to be used and to add any mitigation measures that may be required by the RVCA.

21



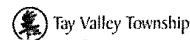
21

OMYA (Canada Inc.) Comments

Rideau Valley Conservation Authority (RVCA)

- The RVCA Planner noted that there is an unevaluated wetland between the proposed storage area and Ruddsdale Creek.
- The RVCA hydrogeologist requested additional information about the groundwater and hydrogeological impact of storage of the material.

22



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OMYA (Canada Inc.) Comments Continued

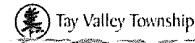
Mississippi-Rideau Septic System Office (MRSSO)

- The MRSSO was not circulated because no buildings or septic systems are proposed.

Public Comments

- No comments were received at the time of the report. Members of the public are welcome to speak to the application at this meeting.

23

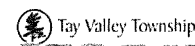


23

OMYA (Canada Inc.) Recommendation

"THAT, Zoning By-Law No. 2002-121 be amended to rezone a portion of the lands at Concession 3, N and E Part Lot 17, Geographic Township of Bathurst (Roll #091191601519800) known as 18471 Highway 7 from Rural (RU) to Mineral Resource Extraction EX Special Exception – 1d (EX-1d)."

24



24