

**Ministry of
Municipal Affairs
And Housing**

**Ministère des
Affaires municipales
et du Logement**



Municipal Services Office Bureau des services aux municipalités
Eastern Region Région de l'Est
8 Estate Lane 8 chemin Estate
Rockwood House Maison Rockwood
Kingston ON K7M 9A8 Kingston ON K7M 9A8
Phone: (613) 545-2100 Téléphone: (613) 545-2100
Fax: (613) 548-6822 Télécopieur: (613) 548-6822
Toll Free: 1-800-267-9438 Sans frais: 1-800-267-9438

RECEIVED
LANARK
COUNTY

SEP 9 2015

September 3, 2015

Clerk's Department

Mary Kirkham
Planning Administrator
County of Lanark
99 Christie Lake Road
Perth, ON K7H 3C6

**Re: Notice of Decision on Official Plan Amendment No. 2 to the Official Plan for the
County of Lanark
MMAH File No.: 9-OP-143513**

Dear Ms. Kirkham;

Please find enclosed a Notice of Decision given on September 3, 2015, under subsection 17(34) and (35) of the Planning Act with respect to Amendment No. 2 to the Official Plan for the County of Lanark.

You will receive final confirmation of the status of the decision on the Official Plan Amendment following the 20 day appeal period.

Should you have any questions regarding the above information, please contact me at 613-545-2121, or Damien.Schaefer@ontario.ca.

Yours truly,

 (Morgan Alger)

for

Damien Schaefer, Planner
Municipal Services Office - Kingston

File No.: 9-OP-143513
Municipality: Township of Montague
Applicant: County of Lanark
Subject Lands: Part Lot 9, Concession 1,
Township of Montague

Date of Decision: September 3, 2015
Date of Notice: September 3, 2015
Last Date of Appeal: September 23, 2015

NOTICE OF DECISION

With respect to an Official Plan Amendment Subsection 17(34) of the Planning Act

A decision was made on the date noted above to approve all of Amendment No. 2 to the Official Plan for the County of Lanark as adopted by By-law No. 2015-08.

Purpose and Effect of the Official Plan Amendment

The purpose of this Official Plan Amendment is to re-designate the subject lands from Licensed Aggregate Extraction Operation to Rural to reflect the depletion of the usable aggregate material on the lands.

When and How to File an Appeal

Any appeal to the Ontario Municipal Board must be filed with the Minister of Municipal Affairs and Housing no later than 20 days from the date of this notice as shown above as the last date of appeal.

The appeal should be sent to the attention of the Area Planner, at the address shown below and it must,

- (1) set out the specific part of the proposed official plan amendment to which the appeal applies,
- (2) set out the reasons for the request for the appeal, and
- (3) be accompanied by the fee prescribed under the Ontario Municipal Board Act in the amount of \$125.00 payable by certified cheque to the Minister of Finance, Province of Ontario.

Who Can File An Appeal

Only individual, corporation or public bodies may appeal a decision of the approval authority to the Ontario Municipal Board. A notice of appeal may be filed by an unincorporated association or group. However a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

No persons or public body shall be added as a party to the hearing of the appeal unless, before the plan was adopted, the person or public body made oral submission at the public meeting or written submission to the council or, in the

opinion of the Ontario Municipal Board, there are reasonable grounds to add the person or public body as a party.

When the Decision is Final

The decision of the Minister of Municipal Affairs and Housing is final if a Notice of Appeal is not received on or before the last date of appeal noted above.

Other Related Applications:

None

Getting Additional Information

Additional information about the application is available for public inspection during regular office hours at the Ministry of Municipal Affairs and Housing at the address noted below or from the County of Lanark.

Mailing Address for Filing a Notice of Appeal:

Ministry of Municipal Affairs & Housing
Municipal Services Office - Eastern
8 Estate Lane, Rockwood House
Kingston, ON K7M 9A8

Submit notice of appeal to the attention of
Damien Schaefer, Planner.

Tele: (613) 545-2121

Fax: (613) 548-6822

DECISION

With respect to Official Plan Amendment #2
Subsection 17(34) of the Planning Act

I hereby approve all of Amendment #2 to the County of Lanark Sustainable
Community Official Plan, adopted by By-law No. 2015-08.

Dated at Kingston, this 3RD of Sept., 2015.



Allan Scott
Regional Director
Municipal Services Office - Eastern

AMENDMENT NO. 2 TO THE LANARK COUNTY SUSTAINABLE COMMUNITIES OFFICIAL PLAN

TECHNICAL REPORT

COUNTY FILE NO. 0901-OP-14007

Prepared for



County of Lanark
Planning Department
99 Christie Lake Road
Perth, Ontario
K7H 3C6

Prepared by



Jp2g Consultants Inc.
12 International Drive, Pembroke, Ontario, K8A 6W5
T.613.735.3204 F.613.735.4513
Jp2g Project No. 2133132J

February 11, 2015

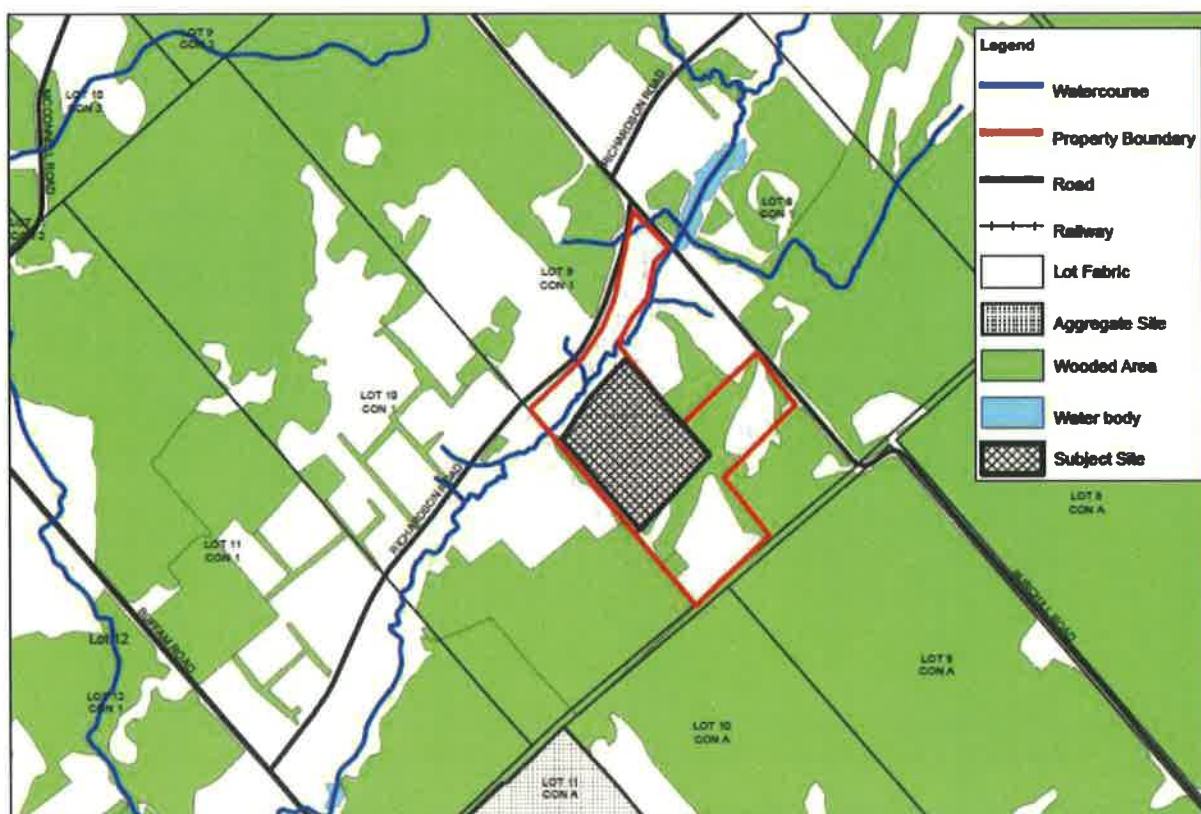
1 Application File Number

The County of Lanark File Number assigned to this application is 0901-OP-14007.

2 Municipality

The site that is the subject of this amendment to the Lanark County Sustainable Communities Official Plan (SCOP) is located in the Township of Montague. It is located on the southwest corner of Richardson Road and Burchill Road having the municipal address 1019 Richardson Road. The lands are legally described as part of Lot 9, Concession 1.

The site comprises approximately 8.0 hectares of a larger 23.8 hectare holding spanning the east and west halves of Lot 9. The location of the holding is shown on the Key Map below with the site subject to the proposed amendment indicated by the hatched area. The subject site was the location of an aggregate extraction operation, but has since been remediated.



Not to Scale

**Lanark County
Township of Montague
Official Plan Amendment No. 2 - Key Map
1019 Richardson Road**

3 Type of Amendment

The Amendment to the SCOP is site specific. It amends the designation of the subject site from "Licensed Aggregate Extraction Operation" to "Rural" on Schedule A to the SCOP. The Amendment is known as Amendment No. 2 to the Lanark County Sustainable Communities Official Plan (Amendment No. 2, included in Appendix No. 1 to this report).



4 Effect of the Amendment

The effect of Amendment No. 2 is to remove the "Licensed Aggregate Extraction Operation" designation from the subject site on Schedule A to the SCOP, in order to acknowledge the surrender of the aggregate license and subsequent remediation of the site. Once the aggregate designation is removed, the site will be designated as "Rural" and will be subject to the Rural policies of the SCOP. Removal of the "Licensed Aggregate Extraction Operation" designation will permit the concurrent local Official Plan and Zoning By-law amendments to proceed in conformity with the SCOP.

5 Concurrent Applications

Concurrent applications with the Township of Montague include applications for amendment to the Township Official Plan and Zoning By-law. One of the purposes of these concurrent amendments is to remove the former aggregate extraction use of the property from the Township Official Plan and Zoning By-law schedules. Additionally, three applications for consent are currently being considered by the County (File Nos. B13/116-118 inclusive). The applications for consent are for three lots located on the east half of Lot 9, Concession 1.

6 Provincial Policy

Matters of provincial interest are contained in Section 2 of the Planning Act and through the Provincial Policy Statement, 2014 (PPS) issued under Section 3 of the Act. The PPS 2014 came into effect on April 30, 2014. According to the Planning Act, planning authorities (i.e., County Council) must ensure that proposals are "consistent with" the policies contained within the following three main policy objectives of the PPS when reviewing Planning Act applications:

1. Building Strong Healthy Communities;
2. Wise Use and Management of Resources; and
3. Protecting Public Health and Safety

The following is a brief overview of Amendment No. 2 in consideration of the PPS policies.

Section 1.1.4.1 Rural Areas in Municipalities

Section 1.1.4.1 lays out the Province's objectives for supporting healthy, integrated and viable rural areas. Among these objectives is the promotion of regeneration of rural areas, including the redevelopment of brownfield sites, and the conservation of biodiversity and consideration of the ecological benefits provided by nature.

A basis of the proposed amendment is that the former aggregate pit has been remediated to a natural state. This remediation has been acknowledged by the Ministry of Natural Resources and Forestry (MNRF) in their letter of October 31, 2012.

Section 2.1 Natural Heritage

Section 2.1 directs that natural heritage feature and areas, and their functions, shall be protected for the long term.

The Rideau Valley Conservation Authority (RVCA) has reviewed Amendment No. 2 and provided comments in their letter of December 19, 2014. The RVCA has identified Significant Woodlands in the southern portion of the property while Significant Valleylands have been identified to coincide with the Rideau Creek running through the north portion of the property. As the basis for Amendment No. 2 is the surrender of the aggregate license for the property and subsequent remediation to a natural state, and as no development is proposed as part of this application, no impact to natural heritage features is anticipated as a result of approval of Amendment No. 2.

Section 2.2 Water

Section 2.2 directs planning authorities to protect, improve or restore the quality and quantity of water through various means including considering watershed and cross-jurisdictional impacts, identifying and maintaining linkages among



groundwater features, surface water features, and hydrologic functions, and planning for efficient use of water resources. With regard to stormwater management practices, stormwater volumes and contaminant loads shall be minimized.

As the commenting agency with respect to water quality, the RVCA has not indicated any concerns related to impacts to water quality as a result of approval of Amendment No. 2.

Section 2.5 Mineral Aggregate Resources

Section 2.5.1 of the PPS states that mineral aggregate resource shall be protected for long term use. Section 2.5.3 further states that progressive and final rehabilitation shall be required to accommodate subsequent land uses, to promote land use compatibility, to recognize the interim nature of extraction, and to mitigate negative impacts to the extent possible.

The planning report submitted by the applicant in support of Amendment No. 2 (Zanderlpan, September 29, 2014) states that the mineral aggregate potential of the site has been exhausted. In consideration of this, protection of the site in the form of an aggregate designation on Schedule A to the SCOP can be considered unnecessary at this time. Final rehabilitation of the site has been completed to MNRF standards, permitting the site to accommodate other rural land uses.

Section 3.0 Protecting Public Health and Safety

Section 3.0 states that development shall be directed away from natural or human-made hazards and shall not create new or aggravate existing hazards.

The RVCA has reviewed the proposal in light of potential natural hazards associated with the approval of Amendment No. 2, and has no concerns. No new human-made hazards or aggravation of existing hazards are anticipated as a result of this amendment. The Leeds, Grenville and Lanark District Health Unit has no concerns with the proposed amendment, as indicated in their letter of January 20, 2015.

In conclusion, Amendment No. 2 has been reviewed with respect to matters of provincial interest and it is our opinion that the approval of Amendment No. 2 is consistent with the Provincial Policy Statement, 2014.

7 Sustainable Communities Official Plan

The subject property is designated "Licensed Aggregate Extraction Operation" on "Schedule A – Land Use Designations" to the SCOP. The relevant SCOP policies are as follows:

Section 8.3.1 Amendments to the Sustainable Communities Official Plan

Section 8.3.1 of the SCOP directs that when any amendment to the SCOP is proposed, sufficient information shall be provided to allow Council to consider the following:

1. The impact of the proposed change on the achievement of the stated goals, objectives and policies expressed in this Plan.

The SCOP recognizes the importance of identification and protection of mineral aggregate resources to its long term well-being. The planning report submitted by the applicant in support the proposed amendment cites the exhaustion of the aggregate resource as a key consideration in permitting the proposed amendment. The October 31, 2012 letter from the MNRF confirms the surrender of the aggregate license and remediation of the site. In consideration of these submissions, it can be concluded that the removal of the "Licensed Aggregate Extraction Operation" designation from the subject site is appropriate.

2. The need for the proposed change.



In consideration of the concurrent applications for amendment to the Township of Montague Official Plan and Zoning By-law to remove the aggregate extraction use of site, Amendment No. 2 will permit these applications to proceed in conformity with the SCOP.

3. The effect of the proposed change on the need for public services and facilities.

The removal of the "Licensed Aggregate Extraction Operation" designation will not result in the need for additional public services and facilities. The 8.0 hectare site will remain as part of the larger land holding.

4. The physical suitability of the land for the proposed use.

There are no proposed uses of the subject site at this time. The site has been remediated to a naturalized state to the satisfaction of the MNR, and would be compatible with the uses permitted in the "Rural" designation.

In conclusion, Amendment No. 2 has been reviewed with respect to the policies of the Lanark County Sustainable Communities Official Plan (SCOP) and it is our opinion that the approval of Amendment No. 2 will conform to the SCOP.

8 Local Municipal Official Plan

The subject site is currently designated as a Licensed Pit in the Township of Montague Official Plan. According to the Town Planner's report on the concurrent Township Official Plan and Zoning By-law amendments (January 27, 2015), the proposed amendment to the Township Official Plan will redesignate the site from Licensed Pit to Rural and establish a special policy area affecting the number of permitted consents on the east half of the owner's property. The Rural designation in the Township Official Plan will permit uses that comply with the permitted uses of the Rural designation in the SCOP.

9 Local Municipal Zoning By-Law

The subject site is currently zoned Extractive Industrial (MX) in the Township of Montague Zoning By-law. According to the Town Planner's report on the concurrent Township Official Plan and Zoning By-law amendments, the proposed zoning amendment will change the zone of the subject site from Extractive Industrial to Rural Special Exception. The special exception zone will prohibit future residential development on the subject site. The permitted uses in the Rural zone are consistent with the permitted uses in the Rural policies of the SCOP.

10 Public Consultation

The Township of Montague provided Notice of a Public Meeting in the EMC (The Record News) newspaper on December 23, 2014. The statutory public meeting was held on January 27, 2015 at 3:00 pm in the Township of Montague Council Chambers. Three members of the public were recorded as being in attendance in addition to the owners' agent (Tracy Zander, Zanderplan). The County Planning Administrator provided a description of the process to be followed for both the Township and County applications. The agent for the applicant explained the nature of the applications. Members of the public and Committee were given an opportunity to ask questions about the proposed amendments. Two members of the public spoke in favour of the applications. One member of the public expressed concern with the proposed Township Official Plan amendment as it related to the number of additional severances being permitted on the easterly portion of the larger land holding. Ms. Zander responded to the concern by explaining that severance rights were being transferred from the west half of the holding. All questions related to the applications appear to have been answered satisfactorily. The public meeting ended at 3:40 pm.

11 Conclusions

Amendment No. 2 to the SCOP has been reviewed in consideration of the County of Lanark's authority to amend its Official Plan in accordance with Section 22 of the Planning Act. This review has concluded that adoption of Amendment No. 2 is consistent with Provincial, County, and Municipal policy and regulations respecting land use planning.



12 Recommendation

The Municipal Plan Review Team recommends that Amendment No. 2 to the Lanark County Sustainable Communities Official Plan be adopted as proposed.

Trusting this information to be satisfactory, we remain

Yours truly,

Eric Withers, MCIP, RPP
Planner

Kevin Mooder, MCIP, RPP
Senior Project Planner



APPENDIX No. 1

**AMENDMENT NO. 2 TO THE LANARK COUNTY SUSTAINABLE COMMUNITIES
OFFICIAL PLAN**