Chair, Mayor Brian Stewart

1. CALL TO ORDER

2. INTRODUCTION

- The purpose of this public meeting is to hear the following applications for a Zoning By-Law Amendment:
  
  - ZA-01-18 Sweeney

- The Planning Administrator will provide a brief overview of the file. The applicant will be given an opportunity to explain the need for the Zoning By-Law Amendment. Then, any person or public body, in opposition and then in favour, to the application will be heard.

- If a person or public body does not make oral or written submissions at a public meeting, or does not make written submissions to the Township of Lanark Highlands before the by-law is passed, the person or public body may not be added to the hearing of an appeal before the Ontario Municipal Board (OMB) unless, in the opinion of the Board, there are reasonable grounds to do so.

- If you wish to be notified of the decision of Council in respect to any of the below listed applications, you must submit a written request to the Clerk or you must sign the attendance list provided at tonight’s meeting. This will also entitle you to be advised of a possible Ontario Municipal Board Hearing.

- 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 OMB by filing with the Clerk within 20 days of the notice of decision.

- An appeal to the Municipal Board 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.

3. APPLICATIONS

i) FILE #: ZA-01-18 – Sweeney

   a) PLANNER FILE REVIEW & PROPOSED BY-LAW
   b) APPLICANT COMMENTS
   c) ORAL & WRITTEN SUBMISSIONS

4. ADJOURNMENT
Planning Report
Zoning Amendment ZA-01-18
Sweeney

March 20, 2018

Concession 3 Part Lot 15,
Geographic Township of Darling

Now in the Township of Lanark Highlands
BACKGROUND

The subject property is located at Concession 3, Part Lot 15, geographic Township of Darling, now in the Township of Lanark Highlands, municipally known as 8688 Hwy 511. The property has an Official Plan designation of Rural Communities and Mineral Aggregate Reserve and is currently zoned as Rural (RU), Mineral Aggregate Reserve (MAR-h), and Rural Industrial (MR) in By-Law 2003-451. The subject property is currently developed with a garage and other accessory structures. Surrounding land uses include industrial, vacant land and residential. The subject land is currently undergoing two applications for consent; B17/018 and B17/019 to sever a 2.9ac (1.2ha) and 10 ac (4.05 ha) lot.

Application for Zoning By-law Amendment

The intent of the application is to change the zoning on a portion of the property from Rural Industrial (MR) that once operated a Class II Industrial Use to Rural (RU), as the property is no longer operating any use permitted under the Rural Industrial Zone. The proposed by-law amendment is necessary as the lands are no longer being used for the purposes of Rural Industrial.

Planning Policies

Provincial Policy Statement:

All planning applications must be consistent with the Provincial Policy Statement 2014 (PPS). A review of applicable policies must be undertaken and the application is evaluated under the “consistent with” test.

2.5.2.4 Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. Existing mineral aggregate operations shall be permitted to continue without the need for official plan amendment, rezoning or development permit under the Planning Act. When a license for extraction or operation ceases to exist, policy 2.5.2.5 continues to apply.

2.5.2.5 In known deposits of mineral aggregate resources and on adjacent lands, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:

a) resource use would not be feasible; or
b) the proposed land use or development serves a greater long-term public interest; and
c) issues of public health, public safety and environmental impact are addressed.
The lands to be rezoned were previously used for Class II Industrial purposes and are currently developed with existing structures. No new development is being proposed at this time and therefore there is no anticipation of any new impact on any future proposed pit operation.

A satisfactory feasibility study has been provided for the mineral aggregate on the subject lands, and the adjacent lands which have been previously extracted. The area zoned MAR-h that is owned by Mr. Sweeney is located on both the east and west of sides of County Road 511.

The report identified that the aggregate reserve located on the subject land is composed of significant bedrock outcrop, and unconsolidated aggregate such as sand and gravel toward the outer edges of the outcrop. The area that is extractable would be limited as it is bounded to the west by County Road 511 and to the east by a wetland. If a portion of the property were to be developed as a pit, setbacks in accordance with the Aggregate Resources Act (ARA) would have to be met. The setbacks have a high probability of extending to the bedrock outcrop.

The report identifies that lands to the west of County Road 511, have already been extracted to the extent of the water table as imagery of the extracted area displays a small amount of water. Further extraction of this area below the water table would be hindered as it is located between two fairly steep road embankments of Hwy 511 and Umpherson Road, and the water body may have aquatic life.

Based on the above analysis, Staff is of the opinion that the proposal is consistent with the policies of the PPS as the mineral aggregate designations on the subject and adjacent lands are not feasible.

**Lanark Highlands Official Plan:**

Any application for consent must be evaluated with the policy directives of Section 8.4.2, which provides direction for the division of lands within the Township. The proposed severance is consistent with the objectives of the Township’s OP policies.

The subject property is designated as “Rural Communities” in the Official Plan.

Schedule ‘B’ of the Official Plan identifies Mineral Aggregate Reserve on the Westerly portion of the subject land in addition to a pocket of Organic Soil to the North West.

4.1.4 Mineral Aggregate Reserve
Potential pit and quarry resources are identified as Mineral Aggregate Reserve on Schedule B – Development Constraints as a constraint overlay. It is the intent of this Plan that these areas be protected by directing permanent development away from them, and from adjacent land as set out in Section 4.1.5. Development and activities
which would preclude or hinder the establishment of new extractive operations or access to the resources shall only be permitted if it is demonstrated that:

1. The resource use would not be feasible; or
2. The proposed land use or development serves a greater long-term public interest; and
3. Issues of public health, public safety and environmental impact are addressed.

4.1.5.1 In areas located within 300 metres (984 feet) of a Mineral Aggregate Resource Policy Area intended or utilized for a licensed pit operation, incompatible development, including the creation of new lots shall only be permitted subject to the following criteria:

1. Hydrogeological investigations conducted by a qualified professional conclusively demonstrate that the proposed non-extraction development can be adequately serviced by water and sewer services in a manner which will not impede continued existing and proposed extraction operations.

2. Any other investigation as required by the development approval authority such as traffic studies, noise studies, vibration studies, slope stability studies, air quality impact studies etc. are carried out and demonstrate that the proposed development can proceed without impeding the continued operation of the existing licensed operations and future operations on reserves. Such studies are to be carried out by a qualified professional.

The portion of lands to be rezoned is currently developed with a garage and accessory structures, though is no longer operating a Rural Industrial use. Until recently, a dwelling also occupied the land but was subject to fire. No new development has been proposed at this time, therefore there is no anticipation of any new impacts on any proposed pit operation due to development.

A satisfactory planning rationale has been provided for the mineral aggregate located on the subject and adjacent lands which indicates that further extraction of aggregate would not be feasible due to constraints.

A small layer of organic soils is identified on the subject lands though is not located in an area where the rezoning is proposed.

The proposed application to rezone a portion of the subject lands from Rural Industrial (MR) to Rural (RU) does not impose any cumulative impacts as the lot is already developed with structures. In addition the lot conforms to the surrounding land uses, and the remainder of the mineral aggregate resource use is not feasibly extractable.
ZONING

The subject property is zoned Rural Industrial (MR), Mineral Aggregate Resources Reserve (MAR-h), and Rural (RU).

A satisfactory planning rationale has been provided with regards to the proposed application outlining the non-anticipated impeding impacts with respect to the proposed change in land use and any future proposed pit operation as the lands are already developed. The report also demonstrated that further extraction of the area would be subject to a number of constraints that would significantly hinder its potential such as the amount of extractable resources, issues of public health and safety, environmental impacts, its proximity to residential land uses, and therefore would not be feasible.

All other provisions and regulations of the Rural Zone will continue to apply.

EVALUATION

The subject land is currently undergoing two applications for consent B17/018 and B17/019, for the creation of two new lots. The consents have both been granted conditional approval and the applicant is now in the process of fulfilling the conditions of the severances.

The application to rezone a portion of the lands has been circulated, as required by the Planning Act, to all adjacent properties owners within 120m of the subject lands, as well as the required agencies.

Comments were received from the Leeds Grenville and Lanark District Health Unit, the Ministry of Northern Development and Mines and the Mississippi Valley Conservation Authority and they do not have any objection to the proposed zoning amendment.

No other comments or objections were received with respect to this application.

The purpose of this application, as stated, is to change a portion of the zoning on the subject lands from Rural Industrial to Rural as the business that once existed on the subject land is no longer in operation and is not proposed for the future at this time.

It is the opinion of Staff that the above mentioned objective can be interpreted as supporting the change in use which permits the land owners to make use of their land. This can be achieved through the rezoning of a portion of the property from Rural Industrial to Rural.
CONCLUSION
The application, as submitted is consistent with the Provincial Policy Statement, complies with directives of the Official Plan and can meet all other requirements of the RU zone. The proposal is in keeping with existing surrounding land uses. It is recommended the application be supported.

ATTACHMENT:
Subject Map

Prepared and Submitted By: Amanda Noël
Planning Administrator/Deputy Clerk

Reviewed for Submission By: Allison Vereyken,
Clerk Administrator, Deputy Treasurer
SUBJECT MAP
- Subject property.
- 8688 Hwy 511