



Committee of the Whole

October 14, 2025

Staff Report: #PLN-2025-37

REPORT BY: Forbes Symon, Senior Planner, Jp2g Consultants Inc.

REPORT SUBJECT: Thomas Cavanagh Construction Ltd.
Dalhousie Con 10 Pt Lot 5, Geographic Township of Dalhousie
(Highland Line) Township of Lanark Highlands
Amendment to Township's Official Plan and Zoning By-law

DEPARTMENT: Planning

RECOMMENDATION(S):

“THAT, Committee of Whole recommends to Council that they REFUSE Official Plan Amendment OPA #8 and Zoning By-Law Amendment ZA-2023-02, based on the lack of land use compatibility, and that the protection of the existing Waterfront Communities and agritourism land uses are in the long-term interest of the Township.”

1. BACKGROUND

The matter before Council is the consideration of a revised Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) to permit an aggregate extraction pit on lands described as Part Lot 5, Concession 10, geographic Township of Dalhousie, now in the Township of Lanark Highlands (Appendix A – Key Map).

The original OPA and ZBA applications were presented at a public meeting held on March 28, 2023. At that time, Council passed a motion to DEFER consideration of the OPA and ZBA to allow the applicant to address comments from the public, provide more information on the impacts on Long Sault Creek and Barbers Lake, to allow the Township to have discussions with the applicant regarding the proposed 24 h pit operation plan, and to allow peer review of the various studies.

A second public meeting to consider the revised proposal was held on September 11, 2025, in the McDonalds Corners Agricultural Hall, attended by over 200 individuals. At that Public Meeting, the applicant's representative highlighted the changes to the original submission, along with recent suggested changes to the site plan that have not yet been formally submitted. There were numerous presentations by members of the public expressing concern with the application from a land use compatibility standpoint, public health and safety standpoint, and environmental standpoint.

Council has now heard about the proposal from the applicant's team. They have heard words of wisdom from Chief Doreen Davis regarding care of our lands for future generations. They have received numerous submissions and comments from the public. Now is the time for Council to deliberate on the merits of the applications.

Also associated with this development proposal, is an Official Plan Amendment to the Lanark County Official Plan and an Aggregate Resource Act Site Plan Application before the Ontario Ministry of Natural Resources and Forestry.

It is important that Council appreciates its role in the approval process being limited to consideration of the OPA and ZBA, and as such they should focus on the general land use compatibility and the principle of development. The ARA site plan license focuses on site extraction details, pit operations, and rehabilitation. This makes approvals for new aggregate operations unique, in that local planning approvals speak only to address the “principle of development” and not the detailed site plan/operational details of the development proposal.

This report is to be received as an addendum to the public meeting report of September 11, 2025.

2. INFORMATION SUBMITTED BY APPLICANT

The Township has now received a revised package from the applicant consisting of:

1. Planning Addendum Report, MHBC, January, 2025;
2. Fisheries & Oceans Canada Letter, March 12, 2024;
3. Cambium Letter, January 10, 2025 response to Mark Heaton;
4. Cambium Letter, January 10, 2025 response to EIS peer review comments;
5. WSP Letter, October 29, 2024, response to Uranium concerns;
6. Well Interference Response Plan;
7. Stage 1 & 2 Archaeological Assessment, Matrix Heritage, November 5, 2024;
8. Response to Public Comments Report, MMAH, January 15, 2025; and,
9. Revised ARA Site Plan, MMAH, January 13, 2025.

In addition, the original submission included the following studies:

1. Planning Justification Report, MHBC, December 2022;
2. Acoustic Assessment, Freefield Ltd, September 23, 2022;
3. Level 1 & 2 Water Report, WSP, December 2022;
4. Maximum Predicted Water Table Report, WSP, December 12, 2022;
5. Natural Environment Report, WSP, December 12, 2022;
6. Traffic Impact Statement, CastleGlenn Consultants, September 15, 2022; and,
7. ARA Site Plan, MHBC, December 2022.

3. NOTABLE CHANGES IDENTIFIED IN RESUBMISSION

There are a number of changes to the original submission proposed in the resubmission, including:

1. The size of the area requested to be licensed under the Aggregate Resources Act (ARA) has decreased from 50.6 ha (125 ac) to 37.6 ha (93 ac).

2. The size of the extraction area under the ARA license has been decreased from 35.1 ha (86.7 ac) to 28.4 ha (70 ac).
3. The maximum annual tonnage decreased from 1,000,000 tonnes to 500,000 tonnes.
4. The maximum number of trucks per hour decreased from 30 to 15 during peak operation (Report Note: traffic counts are one way and should be doubled to have clear understanding of truck traffic).
5. Aggregate recycling (including asphalt and concrete) has been removed.
6. The hours of operation decreased from 24 hours per day to 6 am to 9 pm (15 hours per day).

At the public meeting, the applicant indicated that they were prepared to make additional changes to the application consisting of:

1. Hours of operation decreased from 6 am to 9 pm is further changed to 7 am to 7 pm.
2. Shipping of aggregate to be prohibited during half load season.
3. Reduction in the number of proposed road accesses from 2 per site (total 4) to 1 per site, for a total of two entrances to the pit.
4. Increase retention of existing natural vegetation for screening from Highland Line and Anderson Lane.

It should be noted that the additional changes introduced at the public meeting were the result of suggestions from staff and were not initiated by the applicant. It is also worth noting that not all of the suggestions from staff were agreed upon by the applicant, including no pit operation or crushing during half load season.

4. LOCATION AND DESCRIPTION

The subject property is located on Part Lot 5, Concession 10, geographic Township of Dalhousie, now in the Township of Lanark Highlands (Appendix A – Key Map). The revised OPA/ZBA applications identify the subject property as being 50.6 ha (125 ac) in size, of which, 37.6 ha (93 ac) are to be licensed Aggregate Resources Act (ARA) lands. The extraction area is proposed to be approximately 28.4 ha (70 ac).

This revised proposed pit is to be a Class ‘A’ Licence to operate a pit below the water table, with a maximum annual tonnage to be extracted at 500,000 tonnes. The pit is proposed to operate on a 15-hour basis (now 12 hours based on applicants’ submission at Public Meeting).

The applicant’s revised Planning Justification Report describes the site as being comprised of two parcels separated by Anderson Lane (a publicly maintained Township Road which provides access to a dwelling located adjacent to the property on Lot 4, Con 10). The entire subject property and the proposed pit will have frontage on Highland Line, a Township year-round maintained road.

The proposed pit operation is expected to generate increased truck traffic on the Highland Line and east County Road 12 (McDonalds Corner Road). The Traffic Impact Report does not provide details on the intended destination of the truck traffic travelling east. It has been assumed that they are traveling to Cavanagh's Pine Grove Road operation (both sides of road at 1589 Pine Grove Rd). The proposed operation will extract aggregate using an on-site mobile screening plant and will also require occasional crushing.

The subject property can be best described as a rolling landscape, with tree cover on some of the high lands, along Anderson Lane, and next to Barbers Lake. There are hay/pasture fields on the lands closest to the Highland Line. A large portion of the treed lands in the central portion of the property were clear-cut in the spring of 2020. The property is also characterized by two roads: Anderson Lane which is an open and maintained Township road, and divides the subject property into two parcels, providing access to one of the larger properties abutting the northwestern shore of Barbers Lake; and Leo Jay Lane which is a private road running along the northeastern boundary of the subject property, providing access to eight properties fronting on the eastern shore of Barbers Lake.

The most significant natural feature noted on the subject property is Barbers Lake and associated wetlands. Barbers Lake is part of the Long Sault Creek Sub-watershed which is known to be a unique cold-water stream environment, with a documented native brook trout population. In addition to the subject property, approximately 16 other properties access Barbers Lake, with approximately 13 dwellings abutting the lake. The proposed, revised licensed boundary for the aggregate operation is approximately 85 m from the cottage located at 273 Leo Jay Lane, the closest dwelling to the proposed licensed boundary. The "Limited Service Residential (LSR)" associated with 273 Leo Jay Lane extends roughly 283 m (929 ft) back from the edge of Barbers Lake where it abuts the unopened road allowance abutting the proposed pit.

One of eastern Ontario's most significant year-round, agri-tourism attractions, with over 40,000 visitors per year, and a signature destination of Lanark County's tourism program promoting the area as the "Maple Syrup Capital of Ontario", Wheelers Pancake House & Museum consisting of some 1,000+ acres of land (800 owned), abuts the subject property to the west. It has been estimated that the main structures of the Pancake House are located between 500-600 m from the proposed licensed boundary of the pit on the subject property. The main access to the Pancake House & Museum is via the Highland Line, approximately 160 m west of the proposed aggregate operation.

There are currently no buildings located on the subject property.

5. ARA PROPOSED SITE PLAN SUBMISSION

The below-water extraction proposal requires Thomas Cavanagh Construction Ltd to submit a Class A Licence to operate a pit, below the water table. The maximum annual tonnage is proposed to be 500,000 tonnes. The ARA License application has been deemed complete and has been assigned #626599. The revised ARA site plan is attached to Appendix B. Both the County and the Township are relying on the review of

the various scientific reports by the province through the ARA process. At this time, there appears to be outstanding matters before the MNRF related to the site plan and these matters may be referred to the OLT for a decision.

It is worth noting that within 7 kilometres of the subject property, there are 9 other ongoing aggregate pit licenses. These licenses combine for a total maximum annual extraction of 900,000 tonnes. Only one of these 9 surrounding pits is below water (Pit ID 4239). All the operating pits within proximity to the subject property are pits which operate 1.5 m above groundwater levels.

It is also worth noting that of the 9 pits within 7 km of the site, 4 have frontage on Highland Line. The existing Highland Line pits have a combined annual tonnage of 690,000 tonnes and cover approximately 144 ha of land. All the existing pits that front on Highland Line use the existing/proposed haul route, east along Highland Line Road. Several of the existing Highland Line pits are screened from view along Highland Line through vegetation or topography, including the closest pit to Wheelers, located directly across Highland Line.

6. KEY PLANNING POLICIES

A Public Meeting Planning Report was presented at the September 11, 2025, Public Meeting and identified PPS policy, Lanark County Official Plan policy, and Lanark Highlands Official Plan policies relevant to this application. This report will not repeat the policy section of the Public Meeting Planning Report. This report will, however, highlight key elements of the policies which speak directly to the matter before Council.

The Provincial Policy Statement (PPS) (2020) contains very clear direction for Council in that:

1. "As much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible."
2. The "demonstration of the need for mineral aggregate resources, including any type of supply/demand analysis, shall not be required".
3. "Extraction shall be undertaken in a manner which minimizes social, economic, and environmental impacts", and that the aggregate resource should be protected from non-compatible uses.

Section 2.5.2.5 of the PPS states that "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."

Section 2.5.2.5 is clearly intended to apply to situations involving the introduction of a new sensitive land use in an area of known aggregate deposits. In this case, the Waterfront Community and agri tourism industry already exist and are currently permitted under the Township's Official Plan policies.

With respect to the PPS policies, this report advances the notion that where there are existing, long-established (pre-1980), legitimate rural land uses, the introduction of a new aggregate operation should also be assessed in terms of the long-term public interest and the general feasibility of the proposal. This also speaks to whether the applicant can demonstrate that the extraction can take place in a manner which minimizes social, economic, and environmental impacts.

The Lanark County SCOP is not consistent with the PPS 2020 and so is not as relevant to these applications as the policies of the Lanark Highlands Official Plan, which was brought into compliance with the PPS by the Township Council in 2022.

The Lanark Highlands Official Plan acknowledges that resource lands make up a significant component of land uses in the Township and are important to the overall economic base of the Township. The Mineral Aggregates policies speak to the studies required to be submitted in support of new aggregate extraction pit proposals, and that they "demonstrate conclusively that the proposed extraction operation can proceed without negative impacts on the existing non-extraction development (Section 4.1.3.2(2))." Section 4.1.4, Mineral Aggregate Reserve reflects Section 2.5.2.5 of the PPS to minimize the introduction on non-compatible land uses in areas of known aggregate deposits.

The one Official Plan policy area that requires further exploration, relates to Section 3.1 "Waterfront Communities". The proposed pit abuts Barbers Lake which is governed by the Official Plan Waterfront Community policies. The applicant's original Planning Justification Report failed to recognize the Waterfront Communities designation. The Planning Addendum Report (January 2025) included with the resubmission does acknowledge that a portion of the property is impacted by the "Waterfront Communities" designation.

The Township's Official Plan clearly states that the Waterfront Communities designation applies to:

1. "Lands which ecologically, physically, visually, or functionally relate to the water body, although extending beyond 150.0 metres from the waterbody shall be deemed to be within the Waterfront Communities;
2. lands which do not ecologically, physically, or functionally relate to the water body, although within 150.0 metres of the waterbody shall be deemed not to be within the Waterfront Communities; and,
3. lands within the Village and Hamlet Communities designation on Schedule A to this Plan shall be deemed not to be in the Waterfront Communities (Section 3.1.1.1)."

The Official Plan acknowledges that “the extent of the Waterfront Communities is not shown graphically on Schedule A” and that “in considering the precise location of where the Waterfront policies apply, the following matters shall be considered:

1. The extent to which the lands or the existing or proposed use of the lands are associated with or impact upon the waterfront;
2. the existence of topographic features or other terrain constraints which would limit or orient the proposed use of the land toward or away from the waterbody; and,
3. the presence of man-made features which would orient the proposed use of the land toward or away from the waterbody (Section 3.1.1.2).”

It should also be acknowledged that the Official Plan (Section 3.1.1.4) clearly states that the Waterfront Communities policies shall be applied in conjunction with the policies of the individual land use designations, except that the Waterfront Communities policies shall prevail in the event of conflict between policies.

In considering these policies, the applicant’s planner has advanced that the 150 m setback from Barbers Lake should be considered the extent of the Waterfront Communities Designation (Planning Addendum Report). That said, the applicant’s report also acknowledges that extraction will take place within 100 m of Barbers Lake, within the boundaries of Waterfront Communities designation. It has already been noted in this report that the proposed licensed boundary of the pit is within 85 m of the closest dwelling fronting on Barbers Lake.

This report disagrees with the applicant’s interpretation of the extent of the Waterfront Communities designation and advances the notion that the boundary of the “Waterfront Communities” designation on the subject property includes the lands which are hydrologically (i.e. ecologically), functionally (access roads), and visually connected (using height of land) to Barbers Lake. This report concludes that the lands which are “ecologically, physically, visually and functionally related to Barbers Lake” are to be part of the Waterfront Communities designation, and that the 150 m limit should not be used to determine the extent of the Waterfront Communities designation.

Several of the applicant’s reports (PJR, EIS, Water Budget) confirm that the subject property drains from the southwest to the east towards Barber’s Lake, and the associated wetland. The Water Budget report suggests 30% of the site drains directly to Barbers Lake, 24% drains directly to Long Sault Creek, and the remaining 47% drains to Highland Line Road. The report does not speak of where the Highland Line drainage goes to, but it is assumed, based on topography information and confirmed groundwater flow direction, that much of it will head east and eventually drain to Barbers Lake.

The Water Budget report acknowledges that under pit operation, there will be at least a 48% reduction in the surface water runoff to Barbers Lake. The report also assumes that the majority of infiltration occurring in the newly created waterbodies will go towards Barbers Lake. To date, serious questions regarding the potential negative impact to the cold-water environment of Barbers Lake and Long Sault Creek are outstanding (as per MNRF March 11, 2025, letter).

It is worth noting that staff did request the applicant to determine the impact on the lakes “viewshed” from the proposed development. Information was presented at the public meeting by the applicant in this regard but has not been formally presented to staff.

The concept of viewshed is consistent with Section 3.1.2 which sets out the Waterfront Communities Objectives, and includes the “visual qualities of the lake” noted below:

1. “To protect the visual qualities of the lakes and rivers and to protect or enhance the natural shoreline character.
2. To protect wetlands, wildlife habitat areas, and fish habitats from incompatible development.
3. To maintain or improve the ecological, scenic, or recreational character of the Township’s lakes and rivers and those lands that are visually connected to the shoreline.
4. To ensure that shoreline development does not harm the quality of lake water and, wherever possible, to rehabilitate and naturalize shoreline areas that are currently developed.
5. To encourage an increased awareness of the sensitivity of the environment and environmental stewardship of lands in the Waterfront Communities.
6. To ensure that development, redevelopment, and the increasing use of shoreline properties do not result in additional environmental impacts or increase municipal servicing costs.
7. To promote the maintenance and enhancement of native vegetation buffer areas in all shoreline areas of the Township.
8. To promote the use of septic systems and tile beds that utilize phosphorous-retaining soils. To encourage and support the development of lake management plans that identify and protect the unique social, cultural, and ecological values of different lakes in the Township.
9. To protect areas of archaeological potential.
10. To preserve the dark sky through sensitive lighting design and installation.”

Based on the above, it is the position of this Report that Barbers Lake is hydrologically (ecologically), physically, functionally, and visually related to most of the eastern portion of the subject property, and that the “Waterfront Communities” designation applies to much, if not all of the eastern portion of the subject property.

It is the position of this Report that the introduction of a mineral aggregate operation on any portion of the subject property, which is within the Waterfront Communities designation, is not consistent with the Township’s Official Plan policies and direction of the Waterfront Communities designation and does not represent good land use planning. Further, that Section 3.1.1.4, which places the Waterfront Communities designation prominence over other underlying land uses, must be considered a guiding policy.

This is contrary to the applicant’s Planning Addendum Report, which in considering the Waterfront Communities policies, concluded that “the proposed pit will have no adverse

impact on the waterfront and therefore are not associated with the waterfront as it does not ecologically functionally or physically relate to the waterfront.”

The applicants PJR Addendum Report also states that the Township has supported “other existing aggregate operations within 150 m of lakes and watercourses in Lanark Highlands where the Waterfront Communities would apply”. This statement is not accepted as legitimate planning justification for the proposed development. This argument fails to recognize the vintage of other Highland Line extraction operations, all of which were approved prior to the Township’s most recent 2003 Zoning By-law and certainly well before the Township’s approved Official Plan (2013) and its update to be consistent with the PPS 2020 (2022). The applicant’s argument would suggest that two wrongs make a right, which has never been accepted as being good land use planning.

The applicant’s argument fails to acknowledge the uniqueness of the Waterfront Communities designation within Lanark Highlands and that the Waterfront Communities policies should prevail over other underlying rural land uses. It fails to take seriously the objectives of the Waterfront Communities designation and the unavoidable impacts that aggregate operations would impose on the visual, ecological, recreational character of the lake, and the quality of life that currently exists on the Lake. The Addendum Report has not given much weight to the Lanark Highlands Waterfront Communities designation, claiming that regardless of the policies, the applications have been submitted in accordance with the policies of the PPS and should be supported.

One point which was not highlighted in the Public Meeting Planning Report, is that the subject property is recognized on the Ontario Ministry of Natural Resources Pits and Quarry online portal as being entirely within a “highly vulnerable aquifer” and that much of the western portion of the property is within a “significant groundwater recharge area”. It is assumed that this recharge function is directly related to the Long Sault Creek Sub watershed and the abutting Barbers Lake.

The final policy component of the Lanark Highlands Official Plan which should be highlighted relates to general land use compatibility. Section 3.3.1.3, Rural Communities, states that “in order to maintain and protect the landscape and identity of Rural Communities, it is important ... to minimize incompatibility between land uses and to minimize adverse environmental impacts.” There are specific policies in Section 6.7.3 related to Incompatible Land Uses, where it is stated that “In reviewing any development application, the Municipality shall be satisfied that the proposed use will be or can be made to be compatible with surrounding uses in accordance with the Ministry of Environment, Conservation and Parks, Guidelines.” One specific component of the policy reads as follows:

“For the purposes of this Plan, compatible development means development that, although not necessarily the same as existing development in the vicinity, is capable of co-existing in harmony with, and coexists with existing development without causing undue adverse impacts on surrounding properties. Compatibility should be evaluated in accordance with measurable and objective standards e.g., MECP Guidelines.”

It should be acknowledged by Council that the MECP D Series Guidelines have questionable relevance to aggregate operations. The “D-6, Compatibility Between Industrial Facilities” acknowledges that the guidelines do not apply to pits and quarries, however, “in the absence of site-specific studies, this guideline should be utilized when sensitive land use encroaches on an existing pit and/or quarry. In these situations, the appropriate criteria are the potential influence area and recommended minimum separation distance for a Class III industrial facility.” The influence area for a Class III industry is 1000 m and the minimum separation is 300 m. This is consistent with the Township’s Official Plan which establishes a 300 m separation between sensitive land use and aggregate operations.

It is appreciated that protection from the “adverse effect” of proposed industrial activities is the goal of the “D Series Guidelines”. The Environmental Protection Act defines “adverse effect” as:

“adverse effect means one or more of,

- (a) impairment of the quality of the natural environment for any use that can be made of it,
- (b) injury or damage to property or to plant or animal life,
- (c) harm or material discomfort to any person,
- (d) an adverse effect on the health of any person,
- (e) impairment of the safety of any person,
- (f) rendering any property or plant or animal life unfit for human use,
- (g) loss of enjoyment of normal use of property, and
- (h) interference with the normal conduct of business;”

There appears to be outstanding questions regarding adverse effects on the health of any person, loss of enjoyment of normal uses of property, and interference with the normal conduct of business that the pit may have on surrounding existing land uses.

7. FIRST NATIONS COMMENTS

As part of the planning process for these applications, Algonquins of Ontario (AOO) and Metis of Ontario were provided notice and an opportunity to provide comment. The AOO did comment on the original archaeological assessment which resulted in a new archaeological assessment. Comments from AOO on the updated Archaeological Assessment are still pending.

Staff have also been in conversations with Chief Doreen Davis of the Shabot Obaadjiwan First Nation. Chief Davis attended the Public Meeting and expressed concerns with the development proposal, suggesting the land is alive and development must be approached with care and leave the community better than before. Chief Davis’s words about respecting the land and planning for seven generations in the future, should be carefully considered by Council.

8. PUBLIC COMMENTS

From the beginning of this process, the public and neighbouring property owners have been very engaged and active in both the local planning approval process (OPA/ZBA) and the external site plan process under the ARA. They have provided numerous written submissions both on the original submission and the revised submission, which were summarized in the Public Meeting report. Many of the comments relate to matters of the ARA site plan and how the site is to be developed. Several comments were related to serious health and safety concerns. Other comments are more general in nature and speak to the fundamental issue of land use compatibility and general appropriateness of the proposal. This report finds that the public comments regarding the potential impacts on Barbers Lake and Wheelers Pancake House and Museum have specific relevance to Council's deliberation and should be given careful consideration.

9. PEER REVIEW COMMENTS

Three studies submitted by the applicant were peer reviewed: The Traffic Impact Statement, Environmental Impact Statement, and the Noise Impact Study. The Peer Review responses were addressed by the applicant, and it appears that the studies are close to being finalized. As is often the case, these studies have been designed to demonstrate technical compliance with the Official Plan and PPS policies and the question of adverse impact. The peer review comments have recommended a number of minor revisions to the development proposal.

It is worth noting that the point raised in the public meeting regarding two way truck traffic and routing through the Village of Lanark on route to the Cavanagh Pine Grove Pit for stockpiling was not completely vetted through the traffic study or peer review. The applicant's traffic impact study does not provide details on where the easterly truck traffic on County Road 12 is bound.

10. TOWNSHIP STAFF COMMENTS

Since the receipt of the revised submission, the comments from Township staff have been focused on road-related comments from the Manager of Public Works and land use planning and compatibility comments from the Township's consultant Senior Planner.

Comments on roads which have been conveyed to the applicant include a desire to see the number of entrances reduced from the four (4) proposed entrances to a maximum of two (2) entrances (one per side). The location of proposed entrances was also of concern. This matter appears to have been addressed by the applicant at the public meeting with the suggestion that the number of entrances would be reduced to two – one per side.

There was also a concern with the potential of the road base being undermined with extraction extending below the water level. The Township has specifically asked for a detailed engineering assessment to ensure that the Highland Line and Anderson Lane public road allowances are not negatively impacted by the extent of excavation.

Information related to this concern is outstanding and staff have not received any additional information from the applicant regarding this concern.

There was also an expression from both the Roads Manager and Planner that efforts be made to retain existing vegetation within the 30 m setback abutting Highland Line, and the need for a detailed screening plan for Highland Line. This matter was addressed by the applicant at the public meeting with the suggestion that existing vegetation along Highland Line would be preserved.

The Planner expressed specific concern regarding the viewshed of Barber's Lake and the need to ensure that the properties on the Lake are not negatively impacted. The applicant has indicated that they have done some analysis on the viewshed which was alluded to at the public meeting. Staff have not been formally presented with this information, and it has yet to be understood or vetted by Township staff.

The final point made by the Planner, during the original submission and the revised submission, relates to the general question of land use compatibility and the need for the pit proposal to do more to "fit in" and be compatible with the established rural land uses, (Barbers Lake and Wheelers Pancake House and Museum). The general question of land use compatibility and feasibility were advanced by the Planner as fundamental issues that need to be addressed before any specific site plan issues are discussed. It has only been recently that staff were presented with site plan changes by the applicant to be compatible with surrounding land uses. Although these modest site plan changes announced at the public meeting are appreciated, the efforts to present the proposed extraction operation as "compatible" are found to be lacking and insufficient.

11. PLANNING RECOMMENDATION

Council is being asked to consider applications for an Official Plan Amendment and Zoning By-law Amendment to permit an aggregate pit on lands described as Part Lot 5, Concession 10, geographic Township of Dalhousie, now in the Township of Lanark Highlands. Council has now held two public meetings on this matter, received information from the applicant, and comments from the public and surrounding property owners.

This report acknowledges that Lanark Highlands is home to the largest concentration of aggregate resources in Lanark County. It also acknowledges that Lanark Highlands "knows" aggregate and is very experienced with the positive and negatives realities associated with aggregate operations. Council appreciates that what is being discussed involves the most potentially disruptive, site altering rural land use acknowledged in their Official Plan.

This report presents Council with three possible options going forward:

1. Council can support the applications, pass the necessary Official Plan and Zoning By-law Amendments, and forward the adopted OPA to Lanark County for Approval.

2. Council can defer consideration of the applications for identified reasons (i.e. more information, clarification of details, outstanding requests etc.).
3. Council can refuse the applications, for identified reasons.

This report acknowledges general merit in all options before Council. This Report acknowledges that the subject property contains high quality aggregate recognized in the Aggregate Resources Inventory of the County of Lanark (2013). It also recognizes that the PPS and local planning policy encourages as much mineral aggregate resources as is realistically possible be made available. This report appreciates that the applicant's team has attempted to systematically address many of the matters related to adverse impact associated with traffic, dust, and noise. The social context of this report is that we are in unique times and that the building of 1 million houses is a provincial priority that requires mineral aggregates, and that the unavoidable environmental, social, and economic impacts of such operations should be tolerated in favour of extraction proposals.

This report also appreciates that Council may wish more information before they make their decision. The visual impact assessment done by the applicant and referenced at the public meeting has not yet been presented to staff or otherwise assessed, and impact on the road right-of-way is still outstanding. The outstanding concerns related to cold-water impacts, or clarification of matters to specific health and safety concerns brought forward by the public are all matters that Council may want further information on. Council should be very specific about the additional information they require. It should be noted that this application has now been before Council for consideration greater than the 120-day process timeline identified in the Planning Act. Accordingly, the applicant has the option of invoking their right of appeal to the Ontario Land Tribunal for lack of decision by Council, and simply take matters out of Council's jurisdiction, should Council delay their decision.

It is the recommendation of this Report that, given the nature of the proposal before Council, Option #3, refusing the applications, is the most appropriate action at this time. This requires further explanation.

Since the very beginning of this planning process, the Township's Senior Planner has expressed concerns with the applicant regarding the general questions of feasibility of a pit in this location, and land use compatibility with the established rural land uses. Those concerns have been expressed several times, both formally and informally, to the applicant. At the public meeting there were suggestions that additional site plan revisions will be forthcoming relating to additional modifications to improve compatibility. In general, however, this report finds the application significantly lacking in terms of efforts to be compatible with existing abutting and neighbouring lands uses.

In general, the Official Plan policies related to protecting mineral aggregate resources have been quite effective along the Highland Line. This area of the Township, known for high quality deposits, has very few new non-compatible land uses (i.e. severed residential lots), with only one residential lot, created in the early 1980s on the front of Wheeler's property being the lone exception. The remaining land uses in the area are considered

legitimate rural land uses, supported by the Township's Official Plan, and have significant value to the community and regional economy (i.e. a significant agri-tourism business, a waterfront community).

Council is being asked to allow the introduction of a new aggregate extraction operation on the subject property, which brings with it concerns regarding the two long-established, existing rural land uses. Good land use planning and Official Plan policy would suggest that when introducing the third rural land use into the area, that efforts would be made to "fit in" and be capable of co-existing in harmony with existing development. Direction from provincial guidelines would suggest that separation distances from industry and sensitive land uses to be the most effective tool to mitigate adverse effects. In all cases, the applicant has proposed the "minimum" setbacks from roads, laneways, natural environment, and dwellings.

It is the position of this report, that the approach taken by the applicant and the nature of the proposal presented to Council, does not represent a serious effort to fit in and be compatible. Whether it was the deforestation which occurred prior to the environmental assessment of the site (pre application submission), the details of the original submission operating 24 hour a day/below water table extractive operation, or the current-day proposal now before Council with extraction within 100 m of Barbers Lake and 85 m from the nearest dwelling, the applicant has failed to make a serious effort to be similar to the other aggregate operations along the Highland Line and fit in. In fact, the opposite has been the case where the proposals submitted were focused on maximizing the extraction of resources and minimum setbacks. It does not appear that concerns related to adverse effects on the health of people, loss of enjoyment of normal uses of property, and interference with the normal conduct of business that the pit may have on surrounding existing land uses have been addressed in sufficient detail.

This report submits that the subject property has long been identified as containing high quality mineral aggregates, owned by those involved in the aggregate industry yet undeveloped, as being testament to the challenges for extraction in this location, that is respectful of the neighbours. This report holds the position that those challenges have not been overcome by this revised submission. Rather, the application advances maximum extraction with only the minimum consideration for impacts on neighbours and the environment. Extraction within 100 m of Barber's Lake and 30 m from the associated wetland, the lack of their original acknowledgement and then their restrictive interpretation of the Waterfront Communities designation, and the general disregard for the importance of Wheeler's Pancake House and Museum to the local and regional economy, are all symbolic of a lack of effort to be compatible.

The question of being compatible with the Waterfront Community on the Barbers Lake and Wheelers Pancake House and Museum is very much the matter that is before Council. There is little question as to the social and economic importance of waterfront development within the Township. There is little question as to the economic and social benefits that Wheelers Pancake House and Museum generate for the local and regional community. Has the applicant presented a proposal to Council that is respectful of these neighbours?

There are legitimate questions regarding the potential for the extraction operation to have unacceptable social, economic, and environmental impacts, as highlighted in many of the public comments received. The visual experience travelling along Highland Line to Wheelers, one of the primary destinations in Lanark County's claim as the "Maple Syrup Capital of Ontario", will forever be altered and will undermine the agritourism experience. The visual, noise, and dust impacts resulting from the pit operation, although potentially by definition, not at the level of adverse effect, cannot be eliminated and will have a negative impact on the quality of life realized on Barber's Lake, contrary to the intent of the Township's Official Plan Waterfront Communities policies. The lack of attention to the potential known and unknown hydrologic impacts on a unique cold-water environment is concerning.

Appreciating the conclusions of the various supporting studies, this development proposal, as presented, will result in negative social, economic, and environmental impacts on the community, much greater than what is currently being experienced along Highland Line from the other existing aggregate operations.

It is the professional recommendation of this report that Council afford the "Waterfront Communities" designation the broadest interpretation and not be limited to the 150 m suggestion in the applicant's submission. Barbers Lake is ecologically, physically, functionally, and visually related to the majority of the eastern portion of the subject property and the "Waterfront Communities" designation applies to much, if not all of the eastern portion of the subject property. The fact that the western portion of the site drains towards Barbers Lake and is recognized by the province as a "Significant Groundwater Recharge Area" which feeds the unique cold-water environment, suggests that the entire site is hydrologically related to Barbers Lake and thus could be considered part of the Waterfront Communities designation.

It is the professional opinion of this report, that the introduction of a mineral aggregate operation on any portion of the subject property within the "Waterfront Communities" designation is not consistent with the Township's Official Plan. There has been no accepted planning argument to justify mineral aggregate extraction within the Waterfront Community designation, as proposed by the applicant.

The approach adopted by the applicant with the submission of their two proposals, demonstrating the general disregard for surrounding land uses, has put Council in the position of making a choice between the pit and surrounding property owners. Council should question whether the applicant has demonstrated that the pit can be operated with minimal social, economic, and environmental impacts.

This report advances the professional planning opinion that the OPA and ZBA applications before Council, to permit an aggregate extraction pit on lands described as Part Lot 5, Concession 10, geographic Township of Dalhousie, now in the Township of Lanark Highlands, have not yet demonstrated the proposed mineral aggregate extraction pit operation to be compatible with existing surrounding rural land uses. Further, the protection of the existing Waterfront Community land uses and agritourism business from

the proposed aggregate operations, are both, on their own merit, considered to be in the long-term interest of the Township. The development, as proposed, does not represent good land use planning.

Accordingly, it is the recommendation of this report to REFUSE the applications currently before Council for the reasons noted above.

All of which is respectfully submitted.

Sincerely,

Jp2g Consultants Inc.
ENGINEERS ▪ PLANNERS ▪ PROJECT MANAGERS

A handwritten signature in black ink, appearing to read 'F. Symon', with a stylized flourish at the end.

Forbes Symon, MCIP, RPP
Senior Planner

Appendix A Key Map

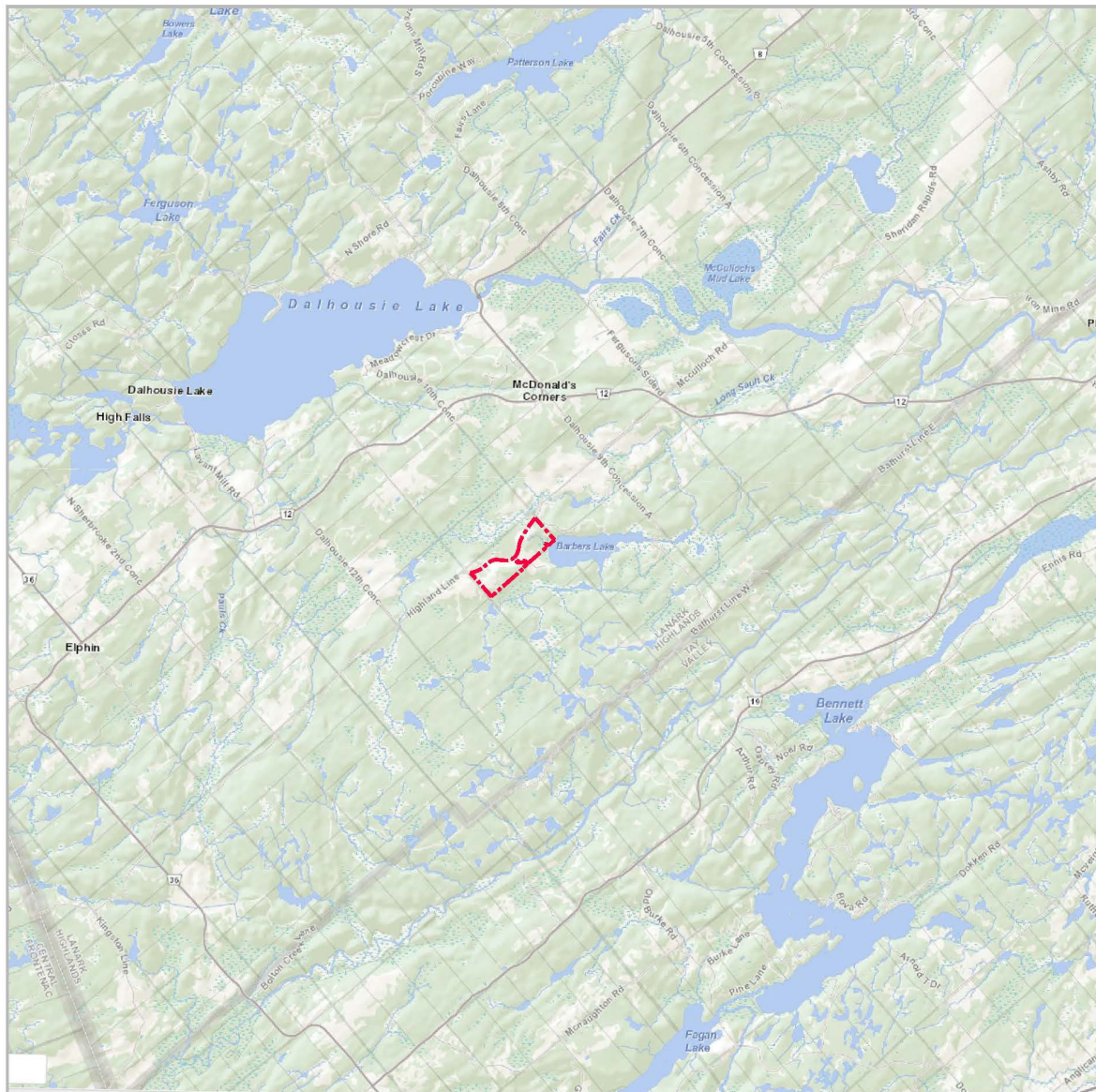


Figure 1
Location Map

LEGEND



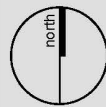
Subject Lands

DATE: November 2022

SCALE: NTS

FILE: 0851E

DRAWN: DGS



K:\0851E-THOMAS CAVANAUGH CONSTRUCTION-HIGHLAND LINER\PROJECT\LOCATION MAP.DWG

**Thomas Cavanagh
Construction Limited**
Part of Lot 5, Concession 10
(Geographic Township of Dalhousie)
Township of Lanark Highlands
County of Lanark

Base Map Source:
agMaps online mapping service ©Queen's Printer for Ontario 2022

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& LANDSCAPE
ARCHITECTURE
200-540 BINGEMANS CENTRE DR. KITCHENER, ON, N2B 3X9
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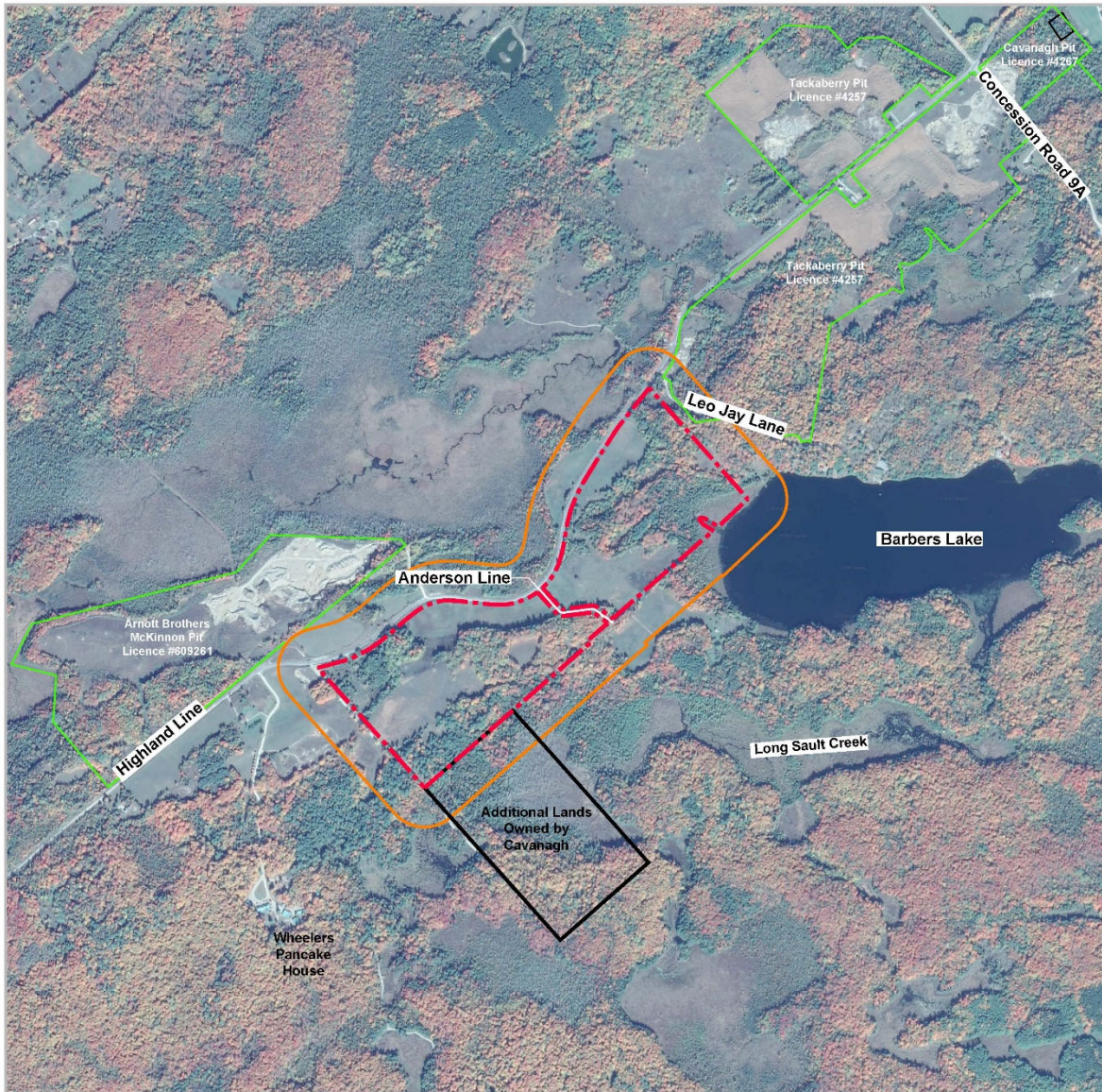


Figure 2
Imagery Map

LEGEND



Subject Lands



120m from Subject Lands

DATE: November 2022

SCALE: NTS

FILE: 0851E

DRAWN: DGS



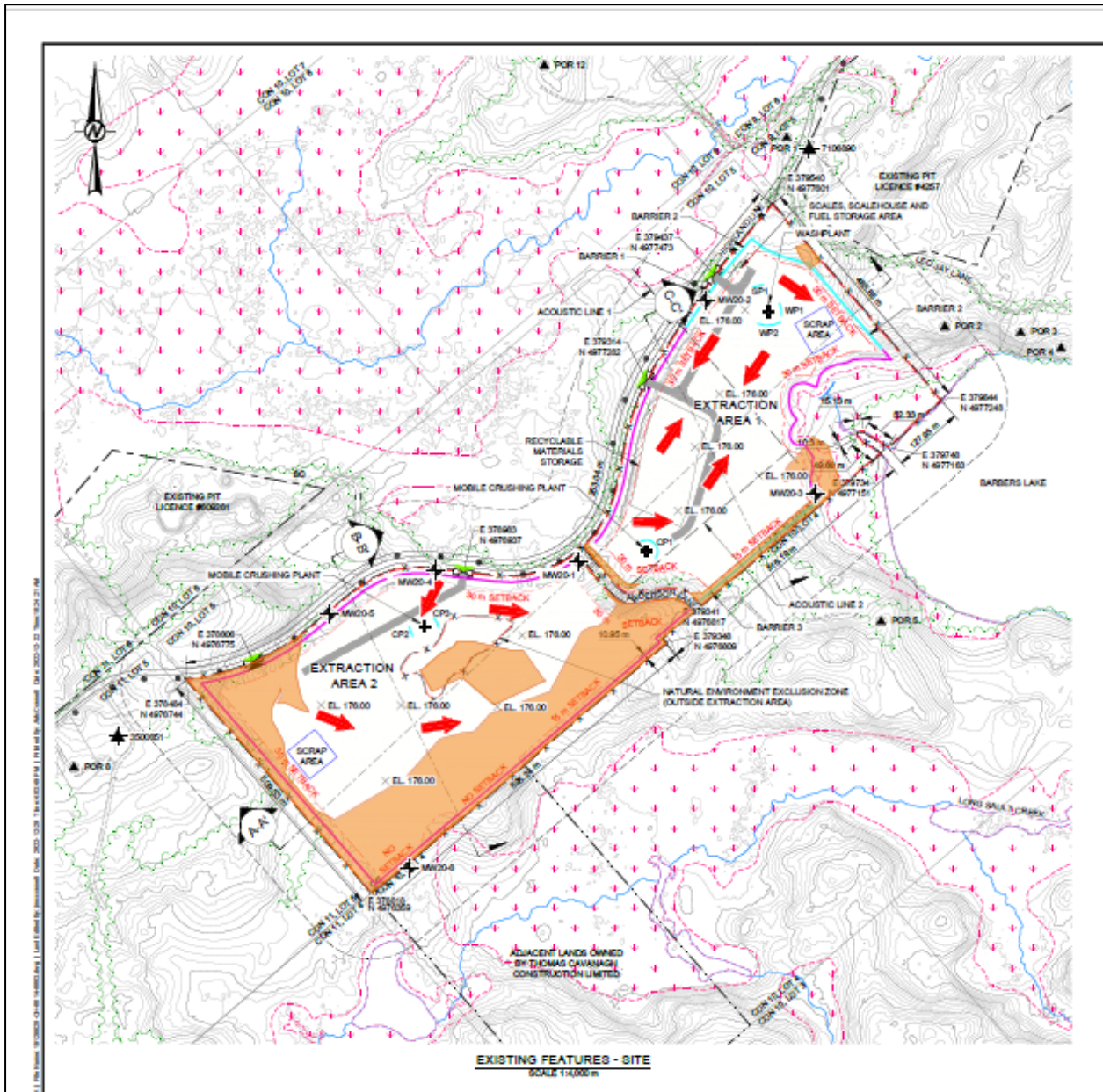
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MAP.DWG

Thomas Cavanagh
Construction Limited
Part of Lot 5, Concession 10
(Geographic Township of Dalhousie)
Township of Lanark Highlands
County of Lanark

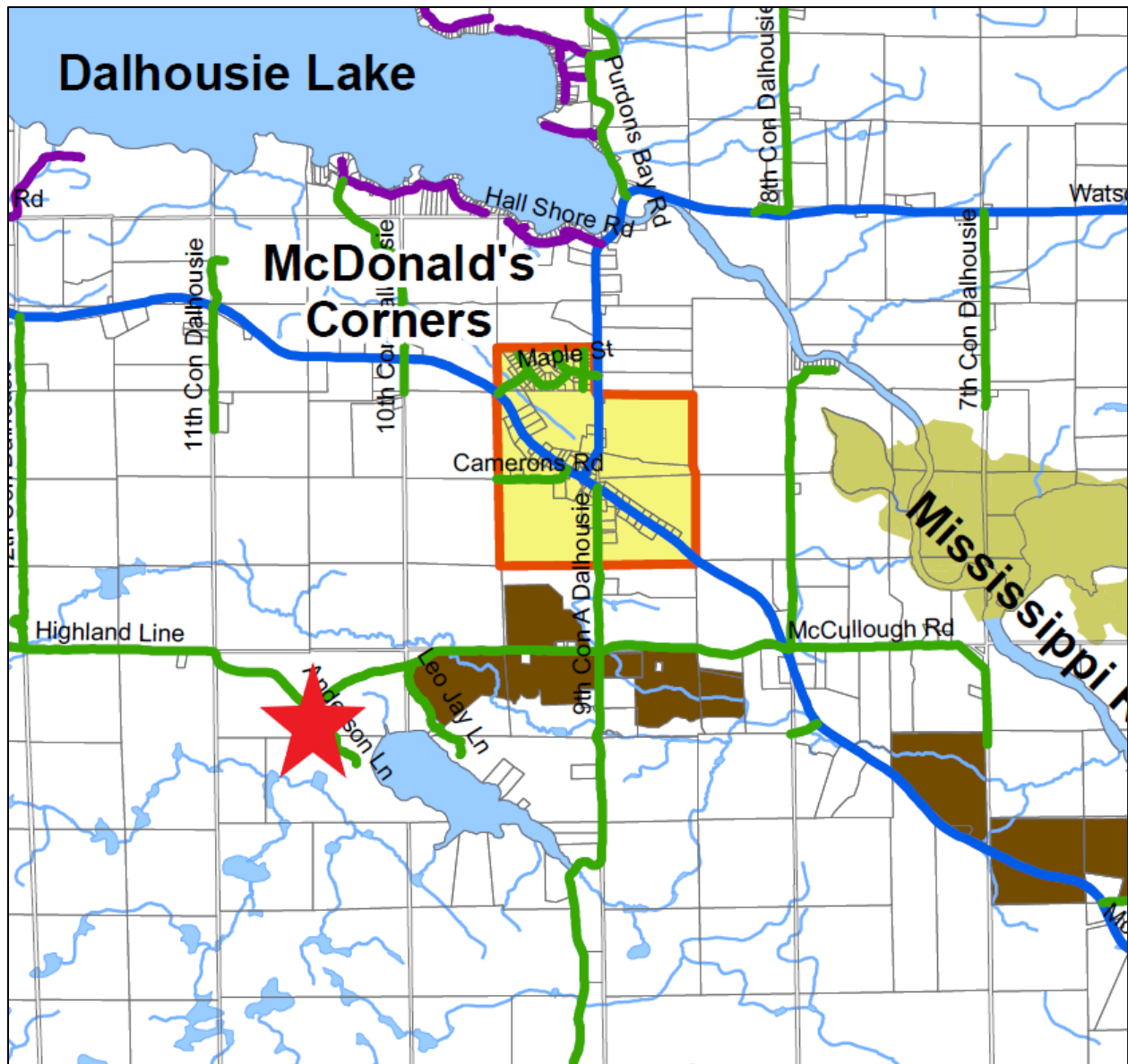
Base Map Source:
Google Imagery 2019

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Appendix B Site Plan

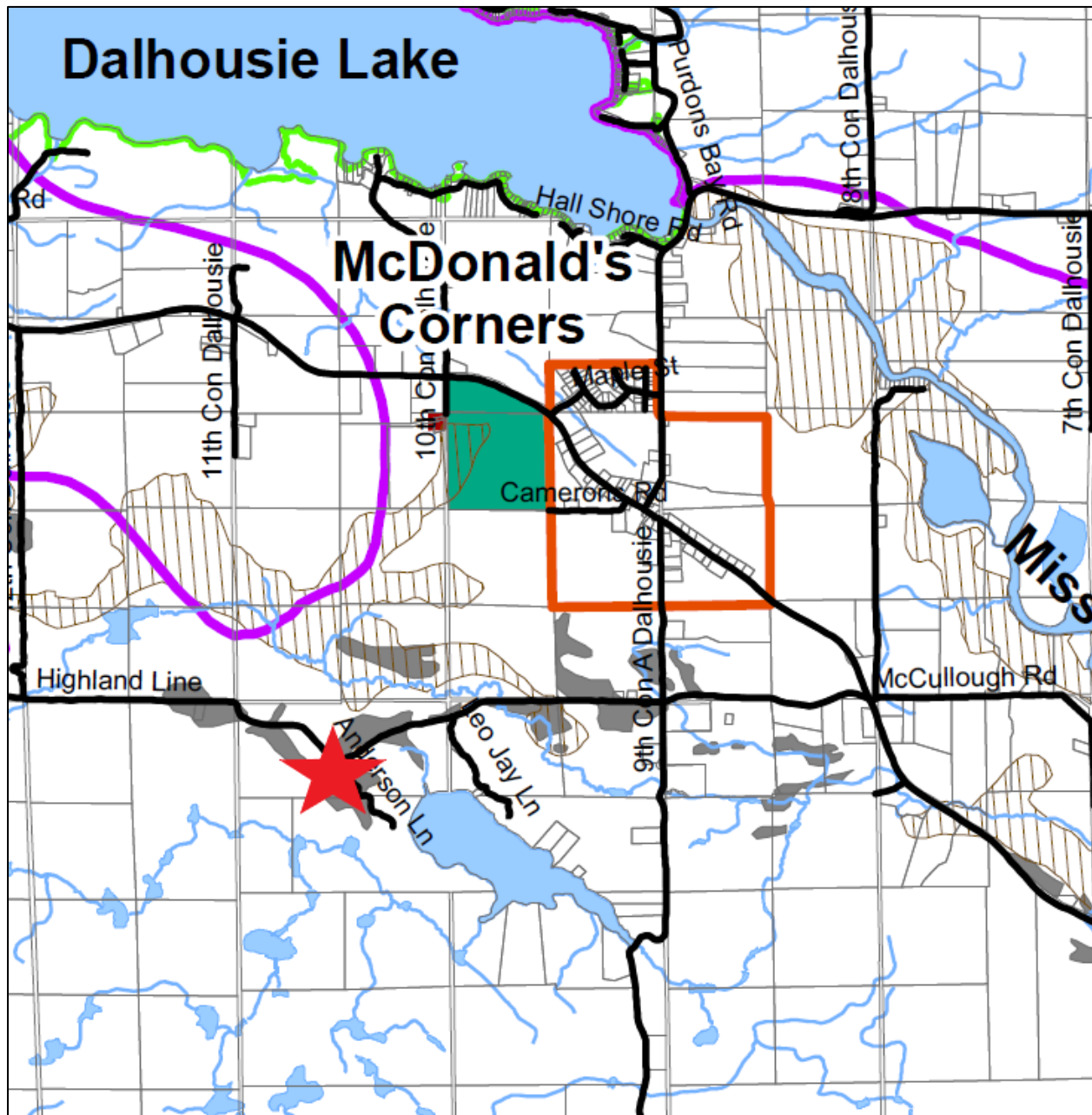


Appendix C
Official Plan Schedule A



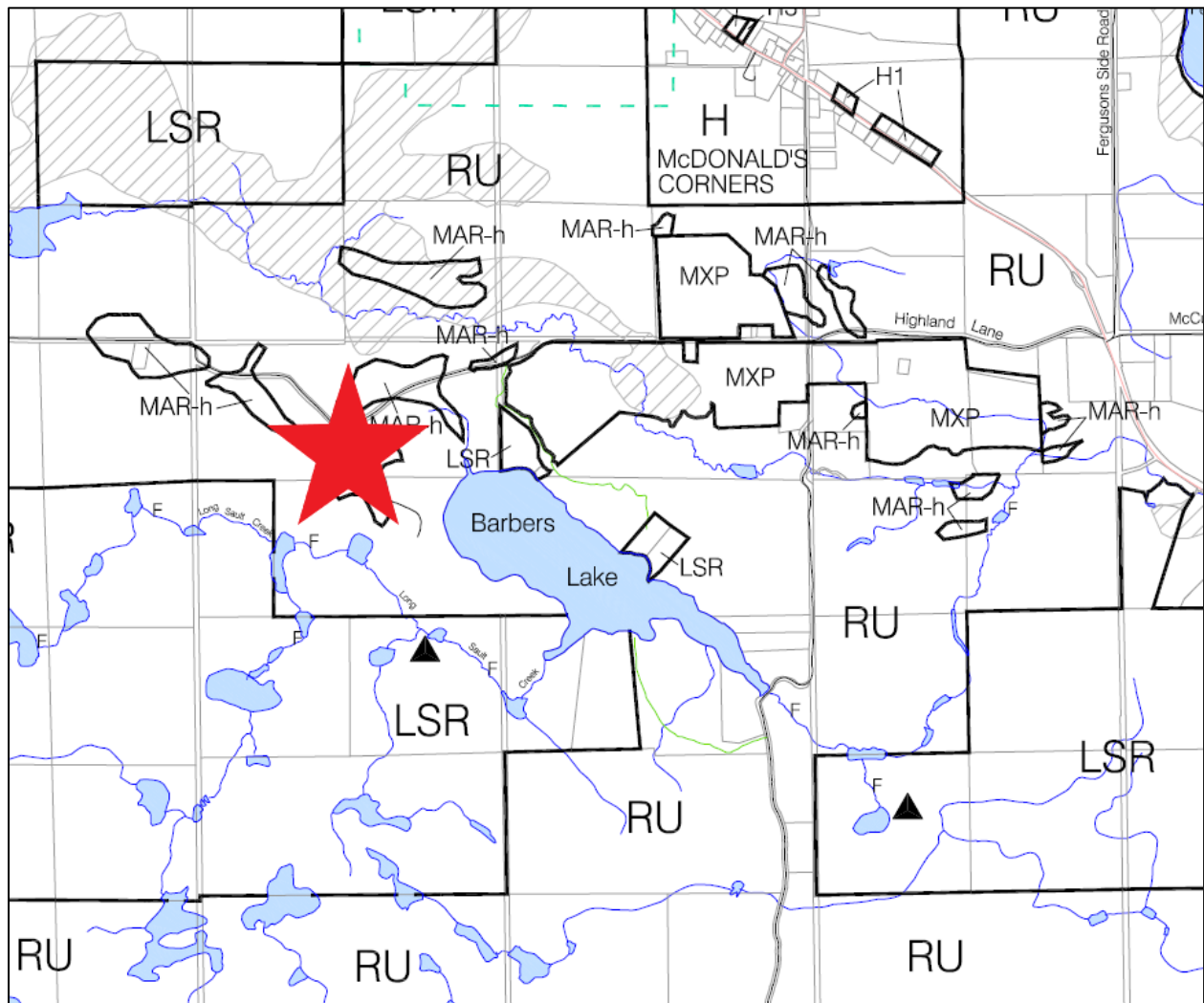
★ Subject Land - Rural Communities/Waterfront Communities designation

Appendix C
Official Plan Schedule B



★ Subject Land

Appendix D Zoning Schedule



★ Subject Land: Rural and Mineral Aggregate Reserve - holding