

- 5. ZONING – 4347 2ND LINE ROAD (FUTURE GORDON MURDOCK ROAD)**
- ZONAGE – 4347, CHEMIN 2ND LINE (FUTUR CHEMIN GORDON-MURDOCK)**

COMMITTEE RECOMMENDATION

That Council approve an amendment to Zoning By-law 2008-250 to change the zoning of 4347 2nd Line Road from Rural Countryside (RU) and Mineral Aggregate Reserve, Subzone 1 (MR1), to Mineral Extraction Zone (ME), as detailed in Document 1.

RECOMMANDATION DU COMITÉ

Que le Conseil approuve une modification au Règlement de zonage 2008-250 visant à faire passer la désignation de zonage de la propriété située au 4347, chemin 2nd Line, de Zone d'espace rural (RU) et Zone de réserve de granulats minéraux, sous-zone 1 (MR1), à Zone d'extraction de minerais (ME), comme le précise le document 1.

DOCUMENTATION / DOCUMENTATION

1. Nancy Schepers, Deputy City Manager, Planning and Infrastructure, report dated 9 January 2014 / Rapport de la Directrice municipale adjoint, Urbanisme et Infrastructure daté du 9 janvier 2014 (ACS2014-PAI-PGM-0023).
2. Extract of Draft Minutes, Agriculture and Rural Affairs Committee, 6 February 2014. / Extrait de l'ébauche du procès-verbal du comité de l'agriculture et des affaires rurales, le 6 février 2014.

Report to
Rapport au:

Agriculture and Rural Affairs Committee
Comité de l'agriculture et des affaires rurales

and Council
et au Conseil

January 9, 2014
9 janvier 2014

Submitted by
Soumis par:

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and Infrastructure/Urbanisme et Infrastructure

Contact Person
Personne ressource:

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Ward: OSGOODE (20)

File Number: ACS2014-PAI-PGM-0023

SUBJECT: Zoning – 4347 2nd Line Road (Future Gordon Murdock Road)

OBJET: Zonage – 4347, chemin 2nd Line (futur chemin Gordon-Murdock)

REPORT RECOMMENDATION

That Agriculture and Rural Affairs Committee recommend Council approve an amendment to Zoning By-law 2008-250 to change the zoning of 4347 2nd Line Road from Rural Countryside (RU) and Mineral Aggregate Reserve, Subzone 1 (MR1), to Mineral Extraction Zone (ME), as detailed in Document 1.

RECOMMANDATION DU RAPPORT

Que le Comité de l'agriculture et des affaires rurales recommande au Conseil d'approuver une modification au Règlement de zonage 2008-250 visant à faire passer la désignation de zonage de la propriété située au 4347, chemin 2nd Line, de Zone d'espace rural (RU) et Zone de réserve de granulats minéraux, sous-zone 1 (MR1), à Zone d'extraction de minerais (ME), comme le précise le document 1.

BACKGROUND

The land is located east of 2nd Line Road and north of Belmeade Road and is identified as 4347 2nd Line Road (see location map attached as Document 1). As of March 17, 2014, 2nd Line Road will be officially known as Gordon Murdock Road. The lands are 200 metres north of the municipal boundary between the City of Ottawa and Township of North Dundas. The property is approximately 22.5 hectares and contains a single detached dwelling, barn, drive-shed and ancillary structures. The majority of the property is used for agricultural purposes and contains several hedgerows. The site is surrounded by rural and agricultural uses except for two residential subdivisions to the east of the site.

R.W. Tomlinson Limited has applied for a Class 'A' Licence (Category 1 – Pit Below Water) under the *Aggregate Resources Act* and a Zoning By-law amendment under the *Planning Act* to permit aggregate extraction. The proposed licensed area for the Reids Mills Pit will consist of three properties over 52 hectares in total; 4347 2nd Line Road, 4340 and 4420 Stagecoach Road.

A separate application to lift a Holding By-law for 4340 and 4420 Stagecoach Road is also associated with this Zoning By-law amendment.

Purpose of the Zoning Amendment

The application proposes to rezone the lands to permit mineral extraction.

Existing Zoning

The land is currently zoned Rural Countryside (RU) and Mineral Reserve, Subzone 1 (MR1). These zones do not permit mineral extraction, however, the purpose of the MR1 zone is to identify those lands where as yet unexploited mineral aggregate resources exist, until a request is made for a rezoning to the Mineral Extraction – ME zone to

permit a mineral extraction operation. Accordingly, the applicant has filed a Zoning By-law amendment to rezone the subject lands.

Proposed Zoning

The requested zoning amendment proposes to rezone the property from RU and MR1 to Mineral Extraction (ME).

DISCUSSION

Official Plan

This application is being processed under the policies of Official Plan Amendment 76.

The property is designated as Sand and Gravel Resource Area and General Rural Area in the Official Plan. Section 3.7.4 of the Official Plan states that lands identified as Sand and Gravel Resource Area are areas that have deposits of aggregates that may be viably extracted because they are:

- of good quality and quantity;
- located sufficiently close to local markets; and
- situated in relation to existing residential development such that they can be extracted with minimal impacts on most residential uses.

Section 3.7.4.7 states that the City will require lands in the Sand and Gravel Resource Area designation not presently licensed for a pit to be zoned so that extraction can occur on these lands.

Section 3.7.4.9 specifies policies for establishing new pits and quarries. Several of the policies require applicants to submit technical studies to demonstrate that the proposed pit/quarry will not have any negative effects on adjacent and nearby land uses, the environment (including groundwater, water diversion, wetlands, species at risk), the transportation network, and the impact of noise, dust vibration and truck traffic on neighbours.

Section 3.7.2 of the Official Plan (General Rural Area) is applicable to the lands. The intent of the General Rural Area designation is to accommodate a variety of land uses

that are appropriate for a rural location where such development will not preclude continued agricultural and non-residential uses. This designation also encourages a limited amount of rural and tourist service areas that would not be better suited located in a village. A Zoning By-law amendment is required where new non-residential uses are proposed.

The General Rural Area designation also requires applicants to provide technical studies when a new use is to be considered. Matters to be considered are similar to the issues set out above in the Sand and Gravel Resource designation.

The applicant has submitted numerous studies to demonstrate that the proposed sand pit will not have any negative effects on adjacent and nearby land uses, the environment, the local transportation network, as well as adjacent landowners. Staff have reviewed these studies and are satisfied with each study's recommendations and conclusions.

A Transportation Impact Brief was submitted in support of the application. Staff have reviewed the Brief and are in support of the conclusions, specifically that the access onto Stagecoach Road is deemed to be safe. R.W. Tomlinson has agreed to adhere to the following measures should the application receive approval:

- The site access should be designed and implemented in accordance to the City's Private Approach By-law;
- Warning signs and flashing lights should be installed in the vicinity of the access to notify motorists of heavy vehicle access;
- Entrance to the site should be paved for a distance of at least 15 metres measured from the property line to minimize impact on the adjacent road;
- Paved shoulders on both sides of the access should be provided for a length of 25 metres; and
- Lighting should be installed at the access.

These measures will ensure that the access will remain safe for motorists using Stagecoach Road.

Zoning By-law

The intent of the ME zone is to permit licensed mineral extraction operations in areas mainly designated as Sand and Gravel Resource Area in the Official Plan. The

designation of Sand and Gravel Resource Area already applies to the property; therefore, the proposed use is already contemplated and the City's review is primarily dependent on the technical aspects.

The adjacent parcels located at 4340 and 4420 Stagecoach Road will also form part of the Reids Mills Pit. These parcels are zoned Mineral Extraction, Subzone 3, Rural Exception 1 with a holding provision (ME3[1r]-h). The holding symbol applies only to the permitted use of a mineral extraction operation and may only be removed by amendment to the By-law upon compliance with the following:

- a) a completed application has been made to the Province for a license to extract mineral aggregates; and
- b) the City has approved an Environmental Impact Statement submitted when the proposed mineral extraction operation adjacent to lands zoned EP3- Environmental Protection or lands designated Rural Natural Feature in the Official Plan.

The applicant has filed an application with the Ministry of Natural Resources for a license to extract mineral aggregates and the City has approved the EIS submitted by the applicant. This is being addressed through a separate application and process.

Summary

Rezoning the property to permit a licensed mineral extraction operation is appropriate in this circumstance because the property is properly designated for extraction and meets the policies for establishing a new pit in the Official Plan. This rezoning will solidify the protection of the aggregate which is close to local markets and will help ensure the availability of the resource at reasonable prices and will minimize impacts on the environment and community.

RURAL IMPLICATIONS

The applicant has sufficiently demonstrated through technical studies that the proposed sand pit will not have any negative effects on the surrounding rural area.

CONSULTATION

Notice of this application was carried out in accordance with the City's Public Notification and Consultation Policy. Comments received from the public can be seen in Document 2.

COMMENTS BY THE WARD COUNCILLOR

The Ward Councillor is aware of this application and the staff recommendation.

LEGAL IMPLICATIONS

Should the recommendation be adopted and the matter appealed to the Ontario Municipal Board, the length of any resulting hearing will depend on the issues that are identified. It would be anticipated that the City would have legal counsel and a planner present, from within staff resources.

If the recommendation were to be refused, reasons must be provided. The witnesses that would need to be retained by the City would be dependent upon the issues identified by Council. At a minimum, a planner would need to be retained at an estimated starting cost of \$20,000. However, if Council were to identify issues such as traffic, hydrogeology or noise as basis for refusal there would be the need to retain additional witnesses at further cost.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with this report.

FINANCIAL IMPLICATIONS

Potential financial implications are outlined in the Legal Implications section above. In the event that external resources are retained, funds are not available and the \$20,000+ expense would impact Planning and Growth Management's operating status.

ACCESSIBILITY IMPACTS

There are no accessibility implications associated with this report.

ENVIRONMENTAL IMPLICATIONS

The applicant submitted an Environmental Impact Statement (EIS) in support of the application. Staff is satisfied that the EIS demonstrates that the use will not result in a negative effect on the natural environment or species at risk and concur with the recommendations proposed in the report.

TECHNOLOGY IMPLICATIONS

Information Technology approved this report without comment.

TERM OF COUNCIL PRIORITIES

This report aligns to the following Term of Council priority:

EP3 - Support growth of local economy.

APPLICATION PROCESS TIMELINE STATUS

The application was not processed by the On Time Decision Date established for the processing of Zoning By-law amendments due to the complexity of issues associated with transportation impact brief and the Environmental Impact Statement.

SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Consultation Details

DISPOSITION

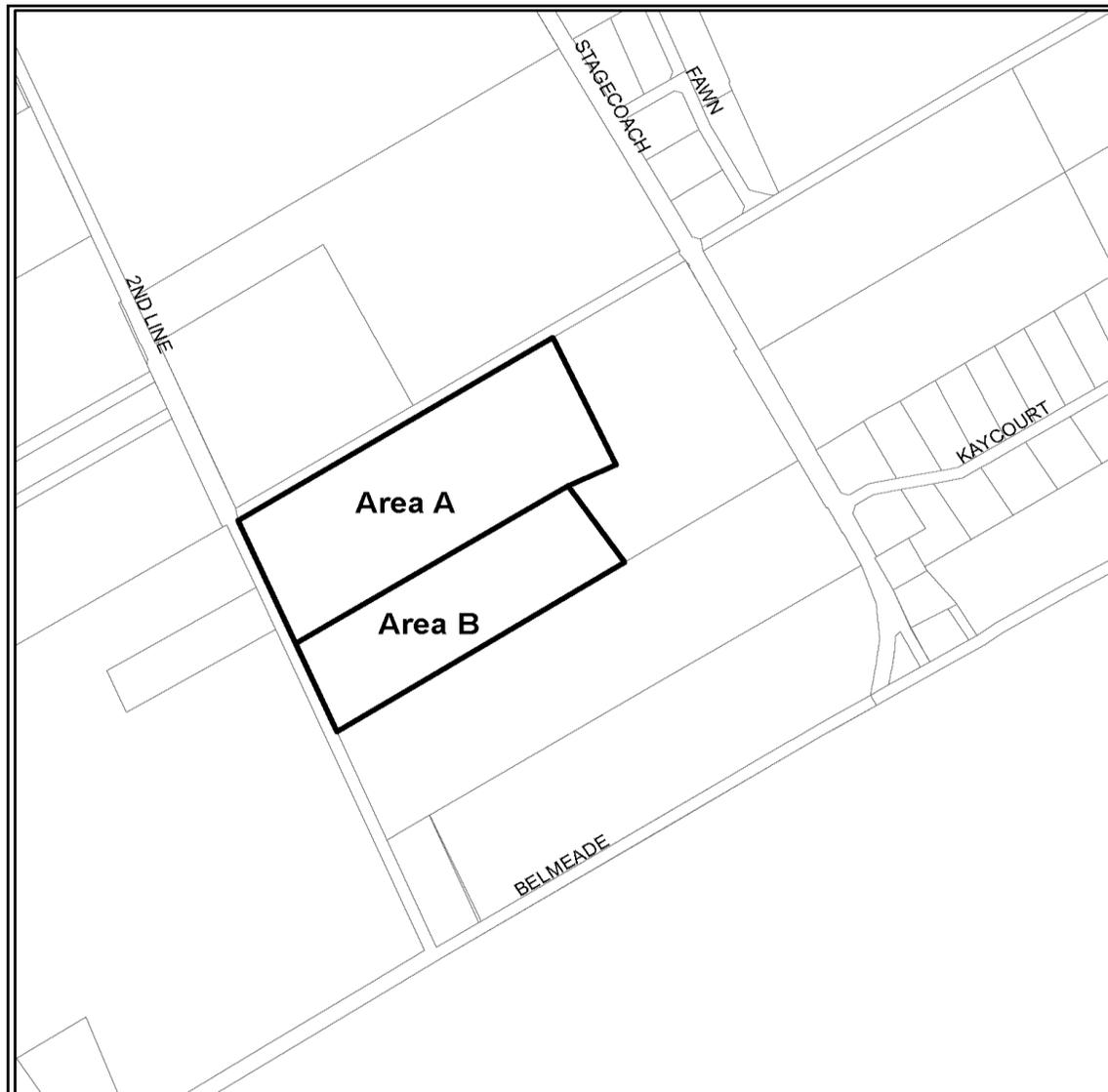
City Clerk and Solicitor Department, Legislative Services, to notify the owner, applicant, OttawaScene Canada Signs, 1565 Chatelain Avenue, Ottawa, ON K1Z 8B5, Ghislain Lamarche, Program Manager, Assessment, Financial Services Branch (Mail Code: 26-76) of City Council's decision.

Planning and Growth Management Department to prepare the implementing by-law, forward to Legal Services and undertake the statutory notification.

Legal Services to forward the implementing by-law to City Council.

LOCATION MAP

DOCUMENT 1




 Produced by Planning and Infrastructure Portfolio
 Produit par le Portefeuille urbanisme et infrastructure

D02-02-13-0037	14-0012-Y
I:\CO\2013\ZKP\Stagecoach4340rev	
2014 / 01 / 08	
REVISION DATE	DE RÉVISION

Location Map / Plan de révision
Zoning Key Plan / Schéma de zonage
4347 chemin 2nd Line Road

Area A to be rezoned from MR1 to ME
 Area B to be rezoned from RU to ME

042830075 Denotes Teranet-Polaris Parcel Identification Number

Échelle
 N.T.S.
 Mètres



Scale
 N.T.S.
 Metres

CONSULTATION DETAILS

DOCUMENT 2

NOTIFICATION AND CONSULTATION PROCESS

Notification and public consultation was undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments.

SUMMARY OF PUBLIC INPUT

Concern:

Maintenance of Stagecoach Road and increased truck traffic.

Response:

Stagecoach Road is identified as a rural truck route and an arterial roadway in the Official Plan. The intent of these routes is to carry higher traffic volumes in order to keep traffic off of local roads. Owing to heavy volumes of traffic on Stagecoach Road a higher degree of maintenance of the road is required. Based on the 2013 – 2017 Planned Construction Program for Ward 20 (Osgoode), the City plans to resurface the road in the next three to four years.

Concern:

Pit access onto Stagecoach Road is unsafe and an access onto 2nd Line Road should be considered.

Response

The applicant submitted a Transportation Impact Brief that illustrates the proposed location of the access onto Stagecoach Road being the most optimal location for the access. Stagecoach Road is identified as an arterial roadway and a rural truck route. The applicant has demonstrated that Stagecoach Road is safe as an access.

An access onto 2nd Line Road is not viable because this road is not identified as a truck route and it is a gravel road, whereas Stagecoach Road is identified as a truck route and is also paved.

City staff have reviewed the Transportation Impact Brief and agree with the study's conclusions regarding the access.

Concern:

Traffic Impact Brief submitted by the applicant is deceptive.

Response:

City staff have reviewed the Traffic Impact Brief submitted by the applicant. Staff have requested several clarifications and changes to the Brief and are now satisfied with the conclusions and recommendations in the report.

Concern:

Noise from pit operation.

Response:

The applicant has submitted a Noise Impact Assessment in support of the application. The assessment demonstrates that noise levels from the pit operation will meet the Ministry of Environment's sound level limits and will satisfy Provincial requirements. Furthermore, acoustical berms are proposed within the site and along the frontage of Stagecoach Road to aid in the alleviation of noise.

Concern:

Affect of water quality and supply and water table.

Response:

A Hydrogeological Assessment was submitted in support of the application. The study successfully demonstrated that the proposed pit will have no adverse affects on groundwater uses and surface water resources.

Concern:

Operational concerns such as vibration, dust, emissions, hours of operation, etc.

Response:

Vibration will be at a minimum as there will be no blasting because the sand can be excavated (dug out) and water will be used to mitigate any on-site dust.

The hours of operation cannot be controlled through the City's Zoning By-law. The pit's Operation Plan sets out specific requirements for hours of operation, however, it is the responsibility of the Ministry of Natural Resources to review and approve the hours set out in the Operational Plan.

Concern:

Potential negative impacts on the natural environment.

Response:

The Environmental Impact Statement (EIS) submitted with the application demonstrated that there will be no negative impacts on the natural environment. Staff had requested clarification on the original report regarding impacts on the nearby wetland and rural natural feature, species at risk (specifically the barn swallow) and a monitoring program. The applicant has submitted the requested revisions and staff are satisfied that the EIS illustrates that the proposed pit will not have negative effects on the environment.

Concern:

Quality of life and planning related matters.

Response:

The subject lands are designated in the Official Plan as Sand and Gravel Resource Area. This designation indicates that the property is appropriately designated for mineral extraction; however, a Zoning By-law amendment must be filed in order for the lands to be properly zoned for extraction. This designation has been in place for many years and predates amalgamation of the City of Ottawa.

The subdivision agreement for the Kaycourt Drive subdivision (1997) contains a clause stating that notice be placed on the title of each property stating a pit may locate on adjacent lands. Furthermore, there are specific clauses that indicate where berms, tree screening measures and setbacks must be implemented on certain lots in the subdivision in recognition of a potential pit locating on the opposite side of Stagecoach Road.