

Planning Justification Report

R.W. Tomlinson Ltd. Proposed Asphalt Plant

8205 County Road 2
Part of Lot 21, Concession 7 (North Fredericksburgh)
Town of Greater Napanee, County of Lennox & Addington

Date:

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Prepared for:

TOMLINSON

Prepared by:

MacNaughton Hermesen Britton Clarkson Planning Limited (MHBC)

540 Bingemans Centre Drive, Suite 200

Kitchener, ON N2B 3X9

T: 519.576.3650 ext. 733

F: 519.576.0121

Our File 9137AG

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1 EXECUTIVE SUMMARY

Tomlinson is proposing to establish a permanent asphalt plant facility at 8205 County Road 2 where crushed stone and sand will be combined with asphalt cement in a process to produce hot-mix asphalt (HMA). The proposed plant would be located adjacent to their Napanee Quarry on lands that are currently zoned and designated for aggregate extraction and related uses. The Subject Lands are approximately 6.2 ha (15.4 ac) in size.

The Subject Lands are in a predominantly disturbed condition, being an area where excess overburden from the quarry and imported topsoil were historically stored. They also contain a portion of the existing driveway for the quarry. The southern half of the Subject Lands contain red cedar woodlands and mixed woodlands.

The Subject Lands are located in a predominantly rural industrial area of the Town, consisting of existing and former quarries, the Town's public works yard and water tower, farmland, and highway commercial uses along County Road 2. Residential uses occur in a dispersed form to the south and in a more cohesive manner to the northwest and north, alongside County Road 5 (Palace Road). Tomlinson owns the lands immediately north, east and south of the Subject Lands.

The Subject Lands are designated in the Town of Greater Napanee Official Plan as 'Aggregate'. A permanent asphalt plant is permitted in the 'Aggregate' designation subject to "placement in a separate zone category". Therefore an Official Plan Amendment is not required to permit the proposed plant.

The proposed asphalt plant will require the following provincial and municipal approvals which will ensure that potential impacts are minimized to acceptable levels:

1. Zoning By-law Amendment (Town)
2. Site Plan Control Approval (Town)
3. Environmental Compliance Approval (Ministry of Environment, Conservation and Parks, MECP)

The ECA would set out the permitted equipment, minimum performance requirements and maximum production rates for the asphalt plant. MECP will not issue an ECA unless it can be demonstrated the proposed asphalt plant will not cause adverse effects.

The following studies have been prepared in support of the proposed ZBA application:

- Transportation Impact Assessment
- Stormwater Management Study
- Planning Report
- Environmental Impact Assessment
- Acoustic Assessment Report

The Transportation Impact Assessment concluded that a full operational day would result in a 13 trucks per hour to and from the site during "worst-case" condition when the plant is at its busiest. The trucks

would utilize existing arterial roads that are capable of accommodating heavy trucks. To accommodate truck movements into the site at the existing access, a left-turn slip lane is recommended on County Road 2.

The Stormwater Management Design Brief concluded that the proposed asphalt plant will provide the required stormwater management control of post-development flows to pre-development level for the 2-year to 100-year storm events. The plan will require the construction of a wet storage pond, and will utilize sheet flow and drainage swales to provide additional quality control measures. Construction of erosion protection and sediment control will eliminate sediment laden runoff from leaving the site.

The Environmental Impact Assessment determined that there are no significant woodlands, significant wetlands, significant valleylands or Areas of Natural and Scientific Interest (ANSI) on or within 120 m of the Subject Lands. Potential species at risk habitat on adjacent lands will be protected due to separation distances and intervening buffers.

The Acoustic Assessment Report concluded that noise levels from the asphalt plant at nearby receptors are in compliance with MECP sound level limits provided that the required noise mitigation measures are implemented. Further in accordance with the Town's Official Plan, potential noise impacts have been assessed and appropriate mitigation to acceptable levels have been recommended.

The Subject Lands are well screened and buffered from sensitive uses which are generally located more than 300 m from the proposed asphalt plant. Further, there are existing industrial uses including licensed quarries and the Town's public works yard that are located between the Subject Lands and sensitive uses. Further, Tomlinson owns the lands immediately north, east and south of the Subject Lands.

Locating a permanent asphalt plant on the Subject Lands would allow the facility to utilize an existing access and driveway associated with the quarry. Further, crushed stone extracted from the Napanee Quarry would be used at the asphalt plant which would reduce environmental impacts associated with otherwise hauling these materials from off-site sources.

In our opinion, the proposed ZBA application to permit a permanent asphalt plant is consistent with the Provincial Policy Statement, 2020, and conforms to the County of Lennox and Addington Official Plan and Town of Greater Napanee Official Plan. The proposed application represents wise resource management by providing essential road building materials for the Napanee area.

2 PROPOSAL

2.1 R.W. Tomlinson Limited

R.W. Tomlinson Limited ('Tomlinson') is a well-established construction aggregate, asphalt and concrete producer; and, environmental services and road-building contractor based in Ottawa. The company, with over 1,500 employees (mostly full-time), was founded by Ralph Tomlinson in 1952 and remains family-owned and operated. In addition to its business activities, Tomlinson plays an active role in the communities in which it operates, through endeavours such as charitable donations and sponsorships of local sports teams.

Crushed stone aggregates for the ready-mix concrete, asphalt and construction industries are produced by Tomlinson from several bedrock quarries, mostly in the Ottawa area but also in Napanee, Renfrew, Brechin and Sault Ste. Marie area. Tomlinson also owns and operates several ready-mix concrete plants and asphalt plants (both of the portable and permanent type) for the production of concrete and asphalt used in the broad institutional, commercial and industrial construction sector and public infrastructure sector.

2.2 Napanee Asphalt Plant

2.2.1 Subject Lands

Tomlinson owns approximately 27 ha (66.6 ac) of land described as Part of Lot 21 & 22, Concession 7, in the former township of North Fredericksburgh, now in the Town of Greater Napanee, County of Lennox & Addington, at municipal address 8205 County Road 2 (**Figure 1**). Tomlinson has identified a portion of these lands to establish a permanent asphalt plant facility where crushed stone and sand will be combined with asphalt cement in a process to produce hot-mix asphalt (HMA). Of the 6.2 ha (15.4 ac) land area identified by Tomlinson, the physical footprint of the plant will be about 2,220 m² (0.22 ha), with the remainder of the area being used for truck movements, materials storage and setbacks (**Figure 2**). This area is zoned and designated for aggregate extraction uses.

For the purposes of this Report, the 6.2 ha area is referred to as the "Subject Lands" where the asphalt plant is proposed.

The Subject Lands are located immediately adjacent to Tomlinson's Napanee Quarry (**Figure 1**), which Tomlinson acquired in 2018 from Don Hart Construction. The Napanee Quarry is licensed under the Aggregate Resources Act (ARA), with a licensed area of 22.1 ha (54.6 ac) and provides various types of crushed stone products to the local market. The Napanee Quarry will also be the source of crushed stone for the asphalt plant, which requires stone with specific mineral properties. The suitability of the stone for HMA was evident in 2018 when a portable asphalt plant was set-up in the quarry to provide asphalt for a road construction project.

The Napanee Quarry has an unlimited maximum annual tonnage and has several million tonnes of remaining stone reserves under licence. It is expected that the quarry will remain operational for several decades.

The Subject Lands are in a predominantly disturbed condition, being an area where excess overburden from the quarry and imported topsoil were historically stored. They also contain a portion of the existing driveway for the quarry. The southern half of the Subject Lands contain red cedar woodlands and a mixed woodland.

The Subject Lands are located in a predominantly rural industrial area of the Town, consisting of existing and former quarries, the Town's public works yard and water tower, farmland, and highway commercial uses along County Road 2. Residential uses occur in a dispersed form to the south and in a more cohesive manner to the northwest and north, alongside County Road 5 (Palace Road). Tomlinson owns the lands immediately north, east and south of the Subject Lands.

2.2.2 Project Description

The proposed asphalt plant would produce Hot-Mix Asphalt (HMA) which is a combination of aggregate bound together by asphalt cement. Please refer to **Figure 2** for the Conceptual Asphalt Plant.

Asphalt is produced from an aggregate mixture (crushed stone, sand, etc.) that is fed by a loader into hoppers which transfers the material via conveyors to a screener then to the drum mixer (drum). Liquid bitumen (asphalt cement), stored in oil tanks, is combined with the aggregate in the drum under heat provided by the burner. The resulting product is either fed through the batch plant or transferred to the asphalt silos prior to being delivered to trucks located under the silos, via gravity feed, for delivery off site.

The baghouse fan draws water vapour, the products of combustion and entrained dust particles, from the drum into the baghouse. A dust auger is used to draw the entrained dust particles from the baghouse to the mineral silo before the exhaust passes up the stack to the baghouse exhaust to be discharged into the atmosphere.

The proposed asphalt plant will be powered by natural gas. Major components of the plant are the following:

- Rotating drum mixer (drum) with oil fired burner
- Baghouse with associated exhaust fan
- Mineral fines silo with associated dust auger
- Batch tower (including site office/lab)
- Asphalt silos
- Aggregate and Recycled Asphalt Product (RAP) screen
- Bitumen (AC) tanks
- Hoppers
- Aggregate, RAP and product conveyors
- Loaders
- Highway trucks used for importing and exporting products

Coarse aggregates such as crushed stone would primarily come from the adjacent quarry owned and operated by Tomlinson. Sand would have to be imported from other sources. Recycled asphalt would come from mill and pave construction jobs in the local area.

Tomlinson anticipates producing approximately 80,000 tonnes of asphalt on an annual basis. The plant would be operational approximately 160 days a year. While shipping will generally occur during the day, Tomlinson will be seeking approval for a 24-hour operation. This would allow Tomlinson to service occasional highway projects that require overnight paving such as the 401. Nighttime operations are subject to more stringent noise controls based on MECP noise guidelines.

Access to and from the proposed asphalt plant will be made using the existing driveway that is in place between the Subject Lands and County Road 2. The entrance has existed for several decades and has been used by heavy truck traffic to access the Napanee Quarry site. The driveway was upgraded by the previous landowner approximately 10 years ago. The gravel-surfaced driveway is located both on the Subject Lands and adjacent lands owned by Tomlinson (8235 County Road 2).

Similar to the quarry, trucks will access the asphalt plant via this driveway off County Road 2. The Palace Road access will not be used to access the asphalt plant or the quarry for that matter. As further discussed in Section 3.3, the Transportation Impact Assessment assessed the suitability of this existing access based on the existing and proposed truck traffic.

Please refer to **Appendix 2** which includes site photos from Tomlinson's asphalt plant in Stittsville (Ottawa). The design of this plant will likely be similar to the Stittsville plant.

2.2.3 Required Applications

The proposed asphalt plant will require both municipal and provincial approvals. The following three main applications and approvals will be required for the proposal:

1. Zoning By-law Amendment (Town)
2. Site Plan Control Approval (Town)
3. Environmental Compliance Approval (Ministry of Environment, Conservation and Parks, MECP)

Provincial approvals through the MECP will be required in order to operate the plant but generally this occurs after municipal approvals are in place including the Zoning By-law Amendment.

The Subject Lands are designated in the Town of Greater Napanee Official Plan as 'Aggregate'. A permanent asphalt plant is permitted in the 'Aggregate' designation subject to "placement in a separate zone category". This establishes the policy framework for the Subject Lands and the permanent asphalt plant proposal in that an Official Plan Amendment (OPA) is not required, and a Zoning By-law Amendment (ZBA) is required. This was confirmed with the Town during pre-submission consultation (see **Appendix 1** for summary of pre-consultation meeting).

The principle of development is established through the Official Plan and sets out the specific policy direction for permanent asphalt plants. The ZBA would then regulate the use of land and establish a permanent asphalt plant as permitted in a site-specific zone category applicable to the Subject Lands.

As agreed to by the Town, the following studies have been prepared in support of the proposed ZBA:

- Transportation Impact Assessment
- Stormwater Management Study

- Planning Report
- Environmental Impact Study
- Acoustic Assessment Report

Following or in conjunction with the potential approval of the ZBA, an application would be submitted to the Town for Site Plan Control Approval. This would establish the design and technical aspects of the proposed plant in terms of building and open storage locations, structural elevations, lot grading and drainage, stormwater management, landscaping, etc.

Site Plan Control can be used as an effective tool to ensure nearby sensitive uses are appropriately buffered from the operation of the plant and associated activities. Site Plan Control is identified in the MECP D-series environmental land use planning guidelines as a means by which to determine practical approaches for mitigation on a specific development proposal.

Asphalt plants are regulated under the Environmental Protection Act by MECP and require an Environmental Compliance Approval (ECA). Generally ECAs are reviewed following any required land use approvals. We would expect the following technical studies would likely be required by MECP for this proposed plant:

- Acoustic Assessment Report (AAR)
- Emissions Summary and Dispersion Modelling (ESDM)
- Stormwater Management Report

The AAR would be very similar to the noise study that has been submitted as part of this ZBA application.

In general, the ESDM would identify all air pollution sources and contaminants emitted from the plant, and assess the significance of the sources and contaminants, as well as the concentrations relative to MECP limits and criteria. A dispersion model would also be provided which is an established method to predict how a contaminant concentration is diluted as it moves through the atmosphere. Finally, details of the proposed air pollution control equipment must be provided.

Similar to what has been included with this zoning application, the Stormwater Management Report will provide information on the proposed discharge rates and water quality controls for the proposed wet storage pond.

The ECA would set out the permitted equipment, minimum performance requirements and maximum production rates for the asphalt plant. MECP will not issue an ECA unless it can be demonstrated the proposed asphalt plant will not cause adverse effects.

2.2.4 Public Consultation Plan

In addition to the mandatory consultation requirements under the Planning Act, Tomlinson has and will continue to engage the community on their existing quarry operation and plans for the proposed asphalt plant. Recent consultation activities include the following:

1. Informal open house held on July 27, 2019 at the quarry to introduce Tomlinson to the surrounding community and answer questions about the quarry.

2. Presentation at Town Council on December 17, 2019 regarding the Napanee Quarry and asphalt plant proposal.
3. Tomlinson maintains a blasting notification list and provide public notification by phone and email prior to each blast.

Tomlinson is planning to host a public session either virtually or in-person in the future regarding the asphalt plant proposal which will be in accordance with applicable health and safety guidelines at that time.

3 TECHNICAL CONSIDERATIONS

3.1 Noise

Freefield Ltd. prepared an Acoustic Assessment Report for the proposed asphalt plant. Typically these reports are required through the ECA application but Tomlinson was willing to provide this information with the ZBA application.

The acoustic assessment was carried out according to the applicable MECP noise assessment guidelines (NPC-300 Guidelines) and applicable policies in the Town's Official Plan. The assessment considered the noise impacts on nearby sensitive land uses as a result of the operation of the asphalt plant.

Noise impacts were predicted and compared to the MECP sound level limits as set out in NPC-300. Where applicable, noise mitigation measures such as restrictions on operations, berms and barriers have been designed to ensure all operations are in compliance with the applicable sound level limits.

The assessment recommends a 5 m noise barrier/berm on the west side of the plant and equipment restrictions on overnight operations.

The assessment concluded that noise levels from the asphalt plant at nearby receptors are in compliance with MECP sound level limits as set out in NPC-300 provided that the required noise mitigation measures are implemented. Further in accordance with Section 5.2.3 of the Town's Official Plan, potential noise impacts have been assessed and appropriate mitigation to acceptable levels have been recommended. This study has been prepared in accordance with Provincial guidelines as noted above.

3.2 Environmental Impact Assessment

Ecological Services prepared an Environmental Impact Assessment in accordance with provincial and local policies.

The assessment noted that the Subject Lands have a long-term history of disturbance due to its association with farming and the formation of the Town of Napanee. No significant woodlands, significant wetlands, significant valleylands or Areas of Natural and Scientific Interest (ANSI) are located on or within 120 m of the Subject Lands.

Potential species at risk habitat for Eastern Meadowlark is present in an adjacent field approximately 150 m east of the Subject Lands. The assessment concluded that this habitat, and these species, will not be at risk from asphalt plant activities as a result of this separation distance and intervening buffers including an existing 10 m berm, dense red cedar woodland, and a treed fence line.

In 2019, one Bank Swallow and potential Bank Swallow nest holes were observed in a pile of soil on the subject lands. No Bank Swallows were observed in 2020 and no new nest holes were observed. The partial degradation of the holes evident in 2020 suggests that they are not being used for Bank Swallow nesting.

In Ecological Services' opinion the proposed asphalt plant is consistent with the natural heritage policies of the Provincial Policy Statement and the Napanee Official Plan.

3.3 Traffic

CastleGlenn prepared a Transportation Impact Assessment as requested by the County and Town. The study assessed the potential impacts of truck traffic from the proposed asphalt plant on the surrounding road network also taking into account trucks utilizing the same access from the existing quarry. The existing access / County Road 2 and County Road 2 / County Road 5 (Palace Road) intersections were assessed as requested by the municipalities.

A worst-case scenario was developed based on trucks delivering 1,800 tonnes of hot-mix asphalt during peak season. This scenario would result in 13 trucks entering and leaving the site during peak hour. This accounts for both exported materials (HMA) and imported materials for the asphalt plant. The majority of these trucks (approximately 70%) would use the haul route of County Road 2 to County Road 5 (Palace Road) to Highway 401. The remainder would use County Road 2 to access markets to the east or within Napanee. Each of these roads are existing truck routes.

The proposed plant would add an additional truck every 5-to-6 minutes to the existing arterial truck routes surrounding the proposed development. CastleGlenn concluded that this will likely have a negligible impact on the surrounding roadway network.

A left-turn warrant analysis was undertaken for the existing quarry access and County Road 2. It was determined that a slip lane would be required based on traffic volumes in the afternoon peak hour. The slip lane would serve to separate the turning vehicles from the advancing through movement. The dimensions of the left-turn lane, storage and taper would be determined subsequent to a geometric review of the access and County Road 2. The appropriate time to undertake this work would be through the site plan control approval process.

3.4 Storm Water Management

Groundwork Engineering Limited prepared a Stormwater Management Design Brief for the Subject Lands as requested by the County and Town. The adjacent quarry has a stormwater management plan that includes quantity and quality control. The stormwater outlets to the roadside ditch of Palace Road. The plan was approved by the MECP under an Environmental Compliance Approval (ECA) for Industrial Sewage Works (No. 1967-BPKLCB).

The proposed plant will provide the required stormwater management control of post-development flows to pre-development level for the 2-year to 100-year storm events. The plan will require the construction of a wet storage pond to provide runoff storage, detention, and discharge control using a rectangular weir. The stormwater management plan will utilize sheet flow and drainage swales to provide additional quality control measures that will achieve an "enhanced" level of TSS removal for all runoff from the site. Construction of erosion protection and sediment control will eliminate sediment laden runoff from leaving the site.

4 PLANNING ANALYSIS

4.1 Provincial Policy Statement

The Provincial Policy Statement (PPS) is issued under Section 3 of the Planning Act, and most recently came into effect on May 1, 2020. It replaced the 2014 PPS. The Planning Act requires that all decisions affecting planning matters shall be consistent with the PPS.

The PPS is to be read in its entirety with the relevant policies applied to each development proposal. When more than one policy is relevant, planning authorities are to consider all relevant policies to understand how they work together. The Province's resource base includes mineral resources, natural heritage resources, water resources, agricultural resources, and cultural heritage and archaeological resources. These provide important environmental, economic and social benefits, and the management of these resources over the long term is a key provincial interest.

In the 'Part IV: Vision for Ontario's Land Use Planning System' section of the PPS:

"Efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities"

The Proposal optimizes the use of land and resources by virtue of the Subject Lands being located immediately adjacent to an operating, ARA licensed quarry which is a known and established source of the type of stone required in the production of Hot-Mix Asphalt (HMA). The co-location of these uses reduces the amount of truck travel required to otherwise import crushed stone which is a critical ingredient in the production of asphalt.

As is the norm for high-bulk commodities, a significant fraction of the cost of the delivered material is related to shipping, i.e. trucking. The availability of the proposed asphalt plant would result in shorter haul distances for delivery of HMA to road projects in the Napanee area. Currently, the closest permanent asphalt plant to the Subject Lands is located approximately 20 km to the east near Millhaven (Kiley Paving).

The Subject Lands are well served by a network of arterial roads designed to accommodate truck traffic including County Road 2, County Road 5 (Palace Road) and Highway 401 which is located approximately 3.5 km from the existing access on County Road 2.

With regards to the 'Part V: Policies' sections of the PPS (excerpt below):

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment

- (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;

The Proposal is an example of an industrial development that itself provides employment, but serves an industrial sector which in turn provide for a greater and broader employment source. In the case of asphalt, this sector is essentially exclusively the road-building and maintenance industry, which sector also provides critical infrastructure necessary for modern societies to function and grow.

Technical studies have been completed in support of, and in the design of, the Proposal as it relates to the required ZBA application. In addition, other applications/approvals are required in order for the asphalt plant to come into operation, which will then require detailed operating, monitoring and reporting requirements. Taken as a whole, the studies, approvals and operating requirements associated with the asphalt plant have the effect of addressing environmental, public health and safety concerns.

The Subject Lands are included within a settlement area, a mapping classification generally described as applying to the former Town of Napanee and serviced areas in the abutting former Townships of North Fredericksburgh and Richmond. The Subject Lands are approximately 300 m from lands designated 'Low Density Residential' in the Town OP along Palace Road. However, there are and will remain industrial uses in-between the Subject Lands and the residential uses in the long-term. Further, the proposal would not prevent the efficient expansion of the settlement area given the presence of a licensed, active quarry and supply of other available lands for potential urban expansion.

1.2.6 Land Use Compatibility

1.2.6.1 *Major facilities and sensitive land uses* shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential *adverse effects* from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of *major facilities* in accordance with provincial guidelines, standards and procedures.

Asphalt plants including the proposal would be classified as "major facilities" based on the definition in the PPS. "Sensitive land uses" in the form of residential development exist to the north, northwest and south of the Subject Lands.

The proposed asphalt plant is located on lands designated and zoned for aggregate extraction uses. From this perspective there is a planned intent that extraction and related uses may occur on the Subject Lands. Further, there are extensive Industrial-designated lands along County Road 2 west of the Subject Lands. As noted, there are existing and former quarries, and the Town's public works yard located between the Residential-designated lands to the north and the Subject Lands. In addition Tomlinson owns the lands immediately north, east and south of the Subject Lands.

Land use compatibility is further addressed by the Proposal with respect to buffering through separation distance.

In the mid-1990s, the MECP released guidelines on land use compatibility under the Environmental Protection Act. The guidelines are intended to be a planning tool used to separate incompatible land uses when a change in land use is proposed. The guidelines are, however, 25 years old and the MECP has not updated them since they were released.

Guideline D-6 specifically addresses compatibility between industrial facilities and sensitive land uses. The objective of this guideline is to prevent or minimize the encroachment of sensitive land use upon industrial land use and vice versa as these two types of land uses are normally incompatible due to possible adverse effects on sensitive land use created by industrial operations.

The guideline recommends a minimum separation distance of 300 m for the type of industrial use proposed. Studies can be also used to help demonstrate that the proposed development will prevent or minimize adverse effects and meet the intent of the Ministry guidelines.

Tomlinson is proposing a combination of buffers, plant layout design and separation distance to minimize and prevent adverse effects and ensure land use compatibility in accordance with PPS 1.2.6.1.

The houses in a more concentrated type of settlement to the north and northwest are located more than 300 m from the Subject Lands, whereas the more individual residential lots along County Road 2, which are on designated Industrial lands, are partially located within 300 m of the Subject Lands (**Figure 3**). In recognition of this, a critical design principle for the asphalt plant has been to maintain a separation of 300 m from the actual permanent asphalt plant footprint. This is reflected in the Conceptual Asphalt Plant on **Figure 2** and would be specifically identified and regulated as part of Site Plan Control, as well as the Environmental Compliance Approval.

Regardless it should be noted that the closest off-site houses are located on lands that are designated Industrial where other forms of industrial development are already permitted. These houses are also located along a major arterial road that is considered a truck route, and are located within close proximity to the Lafarge Quarry as well as Tomlinson's Napanee Quarry, both licensed quarry operations under the Aggregate Resources Act.

As discussed further in Sections 4.2 and 4.3, both the County's and Town's Official Plans contain policies that protect the existing quarry operations from incompatible uses. So from a policy perspective and in consideration of PPS 1.2.6.1, the Subject Lands are in some ways already buffered from incompatible uses.

Lastly, the future ECA application through MECP will require the support of detailed impact assessments as noted in Section 2.2.3, which process of study, assessment, review and potential approval all serves to ensure land use compatibility issues are addressed at a detailed level.

2.1 Natural Heritage

2.1.4 Development and site alteration shall not be permitted in:

- a) significant wetlands in Ecoregions 5E, 6E and 7E1; and
- b) significant coastal wetlands.

2.1.5 Development and site alteration shall not be permitted in:

- a) significant wetlands in the Canadian Shield north of Ecoregions 5E, 6E and 7E1;
- b) significant woodlands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River);
- c) significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River);
- d) significant wildlife habitat;
- e) significant areas of natural and scientific interest; and
- f) coastal wetlands in Ecoregions 5E, 6E and 7E1 that are not subject to policy

2.1.4(b)

unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

2.1.6 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.

2.1.7 Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

There are no significant natural features as outlined in PPS 2.1.4, 2.1.5, 2.1.6 and 2.1.7 located on the Subject Lands. There will be no negative impacts on potential species at risk habitat (Eastern Meadowlark) on adjacent lands due to the separation distance (150 m), and intervening large berm and red cedar woodland.

2.3 Agriculture

2.3.1 Prime agricultural areas shall be protected for long-term use for agriculture.

The Subject Lands are not located within a prime agricultural area based on the Town's Official Plan. Further, the lands are not currently used for agricultural purposes.

2.5 Mineral Aggregate Resources

2.5.1 Mineral aggregate resources shall be protected for long-term use and, where provincial information is available, deposits of mineral aggregate resources shall be identified.

2.5.2.1 As much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible.

Mineral aggregate resources will be protected for long-term use. The proposed asphalt plant would not sterilize the potential aggregate resources on the site. As noted below, this proposal would contribute to mineral aggregate resource conservation.

2.5.2 Protection of Long-Term Resource Supply

2.5.2.3 *Mineral aggregate resource conservation* shall be undertaken, including through the use of accessory aggregate recycling facilities within operations, wherever feasible.

Mineral aggregate resource conservation is defined in the PPS as:

- a) the recovery and recycling of manufactured materials derived from mineral aggregates (e.g. glass, porcelain, brick, concrete, asphalt, slag, etc.), for re-use in construction, manufacturing, industrial or maintenance projects as a substitute for new mineral aggregates; and
- b) the wise use of mineral aggregates including utilization or extraction of on-site mineral aggregate resources prior to development occurring.

The proposed asphalt plant would facilitate recycling of previously manufactured asphalt pavement into Recycled Asphalt Pavement (RAP) and would use known aggregate resources for their highest and best use for road infrastructure projects.

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...

The proposed asphalt plant would not preclude or hinder the continued use or expansion of the Napanee Quarry (or the nearby Lafarge Quarry). As noted, the asphalt plant would use crushed stone extracted from the Napanee Quarry so the 'co-location' of these uses provides strategic advantages and they would be considered compatible and complementary uses.

The Zoning By-law Amendment (ZBA) application to permit the asphalt plant is therefore consistent with the PPS.

4.2 County of Lennox & Addington Official Plan

The County of Lennox & Addington Official Plan (OP) was adopted by County Council in September 2015 and approved by the Province in March 2016. It is the first Official Plan for the County, and provides a broad policy framework of guidance to local municipalities in the preparation of updated local Official Plans, Official Plan Amendments and Zoning By-laws. The OP expressly recognizes the land use planning responsibilities vested with local municipalities, and it is not intended to duplicate the policies of lower tier Official Plans. County policies provide broad context and guidance to the Town's OP requirements by introducing Provincial Policy Statement considerations (e.g. land use compatibility).

The Subject Lands are under the single land use designation of 'Urban Area' in the County OP (**Figure 4**). As confirmed by the County and Town through pre-consultation, an amendment is not required to the County's Official Plan based on the broad policy direction in C1.3 'Permitted Uses in Urban Areas', which permits a range of uses in accordance with local Official Plan policies and land use designations.

B9 of the County OP provides policies for new development in existing urban areas that are outside of the built up area. While this would apply to the Subject Lands from a locational perspective, the policies are directed towards urban uses and in our opinion would not apply to the proposal which is otherwise permitted by virtue of the existing Aggregate designation.

D5 outlines the mineral aggregate resources policies for the County. Several of the policy objectives appear to mimic the PPS mineral aggregate policies which are reviewed in Section 4.1 of this Report. The proposed asphalt plant protects mineral aggregate resources for long-term use and would not preclude or hinder the adjacent quarries including Tomlinson's Napanee Quarry.

D5.5.1 provides a 500 m protective buffer for bedrock operations where incompatible uses are generally not permitted. As previously discussed in relation to the PPS land use compatibility policies and MECP D-6 guidelines, these existing policies help illustrate that the Subject Lands are in some ways already appropriately buffered from incompatible uses.

E2.2.2 states that the function of all County Roads is to connect Urban Areas and Provincial highways. The asphalt plant would be accessed from a County Road utilizing an existing driveway and access for the Napanee Quarry. County Road 2 is classified as a "Rural Arterial" and County Road 5 (Palace Road) is classified as an "Urban Collector", and both roads are existing truck routes.

E2.3 b) states that MECP guidelines shall be considered to ensure appropriate land use compatibility between industrial and sensitive land uses when considering development applications. As reviewed in Section 4.1 of this Report, the MECP guidelines have been considered in this application and conceptual design of the proposed plant. The Subject Lands are well separated and buffered from sensitive uses. Further, the ECA application process under the Environmental Protection Act ensures that any potential adverse effects are minimized and mitigated in accordance with Provincial guidelines for operating an asphalt plant.

As the proposed asphalt plant is permitted based on the policy direction in the County's OP and meets the overall policy objectives outlined above as well as the PPS, the proposed ZBA conforms with the County's OP.

4.3 Town of Greater Napanee Official Plan

The Official Plan (OP) of the Town of Greater Napanee was approved by the Province in February 2002. The Subject Lands are designated as 'Aggregate' (**Figure 5**). Section 4.3.3.1 states that permanent asphalt plants may be permitted in the 'Aggregate' designation by *"placement in a separate zone category provided these associated operations are compatible with other uses permitted by this Plan and in no way retard the rehabilitation of these areas for other land use"*.

Based on Section 4.3.3.1 and as agreed to by the Town through pre-consultation, an Official Plan Amendment (OPA) is not required to permit the proposed asphalt plant. A ZBA is being submitted to place the proposed plant in a separate zone category to specifically permit a permanent asphalt plant. Since the Subject Lands are not located within the ARA licensed area of the Napanee Quarry, the proposed plant would not "retard the rehabilitation" of the quarry. Rehabilitation is a separate matter under the jurisdiction of the Ministry of Natural Resources and Forestry, in accordance with the quarry's ARA Site Plan requirements.

Although an OPA is not required for this proposal, the ZBA must consider and address other applicable policies in the Town OP, chiefly to determine if, and describe how, the proposal is "compatible with other uses" permitted by the OP.

Adjacent land use designations to the Subject Lands include 'Fringe Area' (to the south and east), 'Arterial Commercial' (further to the south along County Road 2), 'Industrial' (to the west); and, 'Aggregate' (to the north) (Figure 5).

The following table summarizes the permitted uses in each of these designations:

Fringe Area	Arterial Commercial	Industrial	Aggregate
<ul style="list-style-type: none"> -Existing uses -Agriculture -Passive recreation -Conservation uses 	<ul style="list-style-type: none"> -Retail facilities -Specialized retail -Warehouse outlets -Furniture and appliance sales -Automobile sales and service establishments -Building supply outlets -Garden nurseries and greenhouses -Travel plazas -Hotels and/or motor hotels -Places of entertainment -Eating establishments -Offices -Studios -Open space uses -Institutional uses 	<ul style="list-style-type: none"> -Business park uses -Warehousing and distribution -Light manufacturing and assembly from previously prepared materials -Catering -Laboratories -Research and development -Offices -Communications -Printing and publishing -Building supply 	<ul style="list-style-type: none"> -Aggregate extraction and associated operations (blasting, crushing, screening, washing, aggregate blending, aggregate storage, aggregate recycling, and associated buildings) -Permanent concrete batching plants and permanent asphalt batching plants

With the exception of the Fringe Area (which are additional lands owned by Tomlinson), the adjacent land uses as currently permitted by the Town's OP range from heavy industrial e.g. quarries to light manufacturing uses to commercial and retail uses along County Road 2. None of the adjacent designations permit new residential uses.

Lands designated as 'Fringe Area' are generally identified on the basis of being possible directions of future growth, beyond the 20 year time horizon of the OP (i.e. beyond 2021), and where in the path of the logical extension of existing designated growth areas and expanding municipal services. We understand that the Town is planning to undertake a review of the 'Fringe Areas' in the OP. No urban development is permitted on these lands until a Secondary Plan has been completed.

Tomlinson owns the lands designated 'Fringe Area' which are adjacent to the Subject Lands. No portion of the 'Fringe Area' is subject to this proposed application.

There are several other policies in the Town's OP that apply to the proposed ZBA application which are reviewed and discussed below.

The Subject Lands are not located within a sourcewater protection area as they are well removed from the Intake Protection Zone for the Town's backup water supply along the Napanee River (Figure 6). Surface water intake protection zones will be protected in accordance with Section 3.2.1.6.

The OP encourages the development of industrial uses at locations compatible with the surrounding area and where they can be adequately serviced (3.3.1.2). As reviewed in this Report, the Subject Lands are considered an appropriate location for heavy industrial uses. The proposed asphalt plant would not require municipal services.

The Subject Lands are not within or adjacent to lands designated 'Environmental Protection Area' on Schedule A of the OP which applies to ANSIs, wetlands, significant habitat of endangered and threatened species, fish habitat and environmental hazard lands (4.2.2). Further, they are also not located within or adjacent to the 'Environmentally Sensitive Area' on Schedule C of the OP which applies to, among others, significant woodlands and significant wildlife habitat (4.2.3).

The Town's OP recognizes the concept of an influence area surrounding Aggregate designations in order to offer protection from encroachment by incompatible uses (4.3.3.6). For the Subject Lands, the OP establishes a 500 m minimum influence area.

Section 5.1 of the OP states there are a number of policy areas which have an impact on the use of land but are not represented by a specific land use designation. Development is to comply with these policies, where applicable. Section 5.2 addresses 'Adverse Impacts', and Section 5.2.1 provides policy on 'Buffering and Conflicting Uses', which states as follows:

- a) Where conflicting land uses abut, the development proponent will be required to minimize conflicts between such uses. Buffering will be required for the purpose of reducing or eliminating the adverse effects of one land use upon another. A buffer shall be sufficient to accomplish the intended purpose. A "buffer" is defined in Part 8 of this Plan.
- b) Sensitive receptors shall be sufficiently buffered from an incompatible land use, whether existing or proposed.
- c) The Ministry of Environment guidelines and procedures respecting land use compatibility and separation distances will be used as a guide in the evaluation and approval of development proposals.

The definition of "buffer" in the OP is relatively wide-ranging: an open space, berm, wall, fence, plantings, distance separation or intervening compatible uses.

As previously discussed in this Report, the Subject Lands are well buffered from sensitive uses. The Town's existing land use designations and policies already provide a level of protection for the existing quarry including the Subject Lands that restrict incompatible uses within proximity of these lands. Further, there are intervening industrial and aggregate uses between the Subject Lands and the residences along Palace Road and County Road 2.

5.2.1 c) states that the MECP guidelines respecting land use compatibility and separation distances will be used as a "guide" in the review of this ZBA application. However based on the Town's Zoning By-law, the proposed application would not be subject to the requirement to comply with these guidelines since the Subject Lands are already located within an industrial zone category (see Section 4.4 of this Report). Regardless, the MECP guidelines have been reviewed for the purpose of this ZBA application and development of the conceptual plan.

As discussed in Section 4.1 of this Report, MECP Guideline D-6 specifically addresses compatibility between industrial facilities and sensitive land uses. The guideline recommends a minimum separation distance of 300 m for the type of industrial use proposed. Studies can be also used to help demonstrate that the proposed development will prevent or minimize adverse effects and meet the intent of the Ministry guidelines.

Tomlinson is proposing a combination of buffers e.g. berms, plant layout design and separation distance to meet the intent of the D-6 guidelines to minimize and prevent adverse effects and ensure land use compatibility.

The houses in a more concentrated type of settlement to the north and northwest are located more than 300 m from the Subject Lands, whereas the more individual residential lots along County Road 2, which are on designated Industrial lands, are partially located within 300 m of the Subject Lands (**Figure 3**). In recognition of this, a critical design principle for the asphalt plant has been to maintain a separation of at least 300 m from the actual permanent asphalt plant footprint. This is reflected in the Conceptual Asphalt Plant on **Figure 2** and would be specifically identified and regulated as part of Site Plan Control.

Regardless it should be noted that the closest off-site houses are located on lands that are designated Industrial where other forms of industrial development are already permitted. These houses are also located along a major arterial road that is considered a truck route, and are located within close proximity to the Lafarge Quarry as well as Tomlinson's Napanee Quarry, both licensed quarry operations under the Aggregate Resources Act.

Lastly, the future ECA application through MECP will require the support of detailed impact assessments as noted in Section 2.2.3, which process of study, assessment, review and potential approval all serves to ensure land use compatibility issues are addressed at a detailed level.

Section 5.2.1 also states that open storage areas will be subject to appropriate landscaping and screening to ensure they do not detract from the visual amenity of sensitive uses such as residential areas. The proposed open storage areas (aggregate and RAP stockpiles) will be well screened from any public views including County Road 2 and the residential areas along Palace Road and County Road 2. This is primarily due to the large buffer areas as well as intervening vegetation and other uses.

Section 5.2.3 states where it is anticipated that a development may be subjected to unacceptable noise, the potential impact shall be assessed and appropriate mitigation to acceptable levels implemented. In the case of the proposed asphalt plant, MECP would not approve the ECA if it were shown that the plant would produce unacceptable noise impacts.

Notwithstanding the ECA requirements, an Acoustic Assessment Report has been prepared in support of this ZBA application. The assessment concluded that noise levels from the asphalt plant at nearby receptors are in compliance with MECP sound level limits provided that the required noise mitigation measures are implemented. Further in accordance with Section 5.2.3, potential noise impacts have been assessed and appropriate mitigation to acceptable levels have been recommended. This study has been prepared in accordance with Provincial guidelines.

The OP states that all development in the urban area unless specially stated otherwise shall be on full services defined as piped water, sanitary sewers and stormwater systems (7.2.4). As noted, the Subject Lands are within the urban area. While stormwater management is proposed for the asphalt plant, the proposal does not require piped water or sanitary sewers. Regardless of Section 7.2.4, the proposed asphalt plant is specifically permitted on the Subject Lands subject to the ZBA application. Extending full municipal services to the Subject Lands would not represent an efficient use of infrastructure.

The proposed ZBA application to permit the proposed asphalt plant conforms with the Town's Official Plan.

4.4 Town of Greater Napanee Zoning By-law

Zoning By-law 02-22 of the Town of Greater Napanee was passed by Town Council in April 2002. The Subject Lands are zoned as 'M4 - Extractive Industrial' (**Figure 7**). The M4 Zone permits the following uses (among others):

- Aggregate recycling facilities
- Portable asphalt plant or concrete plant
- Aggregate processing plant
- Pit
- Quarry

These uses are already permitted on the Subject Lands. While a portable asphalt plant is permitted, Tomlinson is applying for permission to operate a permanent plant as portable plants are temporary uses limited to the duration of a specific public authority contract.

As discussed in Section 4.3, the Official Plan permits a permanent asphalt plant on the Subject Lands subject to placement in a separate zone category. A Draft Zoning By-law Amendment is provided in **Appendix 3** for consideration by the Town as part of the ZBA application process.

Only the Subject Lands are proposed to be amended to permit the asphalt plant. As discussed in Section 2.2.2 of this Report, the plant will be accessed via an existing driveway that is in place between the Subject Lands and County Road 2. This driveway has been used for over 10 years by heavy truck traffic to access the Napanee Quarry. The gravel-surfaced driveway is located on the Subject Lands and adjacent lands owned by Tomlinson (8235 County Road 2).

Section 4.4 of the Zoning By-law outlines distance separation requirements for sensitive land uses and industrial facilities, as well as residential uses adjacent to the M4 Zone. Subsection d) states the establishment of new industrial facilities outside areas zoned within an industrial category (zones M1 to M4) shall comply with the MECP separation distance guidelines. As the Subject Lands are already located within an industrial category, this requirement would not apply. However the MECP guidelines have been reviewed for the purposes of this ZBA application as discussed in earlier sections of this Report.

In addition to the aggregate protection policies in the PPS and Official Plans, Section 4.4 g) of the Zoning By-law states that no new dwellings shall be located within 500 m of an area zoned M4 in which the removal and processing of rock is involved e.g. Napanee Quarry. This helps to demonstrate the

appropriateness of locating a heavy industrial use where land use compatibility at a general level has been addressed by existing policies.

5 CONCLUSIONS

Tomlinson is proposing to establish a permanent asphalt plant facility at 8205 County Road 2 where crushed stone and sand will be combined with asphalt cement in a process to produce hot-mix asphalt (HMA). The proposed plant would be located adjacent to their Napanee Quarry on lands that are currently zoned and designated for aggregate extraction and related uses.

The Subject Lands are well screened and buffered from sensitive uses which are generally located more than 300 m from the proposed asphalt plant. Further, there are existing industrial uses including licensed quarries and the Town's public works yard that are located between the Subject Lands and sensitive uses. Further, Tomlinson owns the lands immediately north, east and south of the Subject Lands.

Locating a permanent asphalt plant on the Subject Lands would allow the facility to utilize an existing access and driveway associated with the quarry. Further, crushed stone extracted from the Napanee Quarry would be used at the asphalt plant which would reduce environmental impacts associated with otherwise hauling these materials from off-site sources.

The proposed asphalt plant will be subject to additional approvals including Site Plan Control and an Environmental Compliance Approval (ECA) from MECP which will ensure that potential impacts are minimized to acceptable levels.

The ECA would set out the permitted equipment, minimum performance requirements and maximum production rates for the asphalt plant. MECP will not issue an ECA unless it can be demonstrated the proposed asphalt plant will not cause adverse effects.

In our opinion, the proposed ZBA application to permit a permanent asphalt plant is consistent with the Provincial Policy Statement, 2020, and conforms to the County of Lennox and Addington Official Plan and Town of Greater Napanee Official Plan. The proposed application represents wise resource management by providing essential road building materials for the Napanee area.



Neal DeRuyter, BES, MCIP, RPP



Amarjit Sandhu, B.Sc.

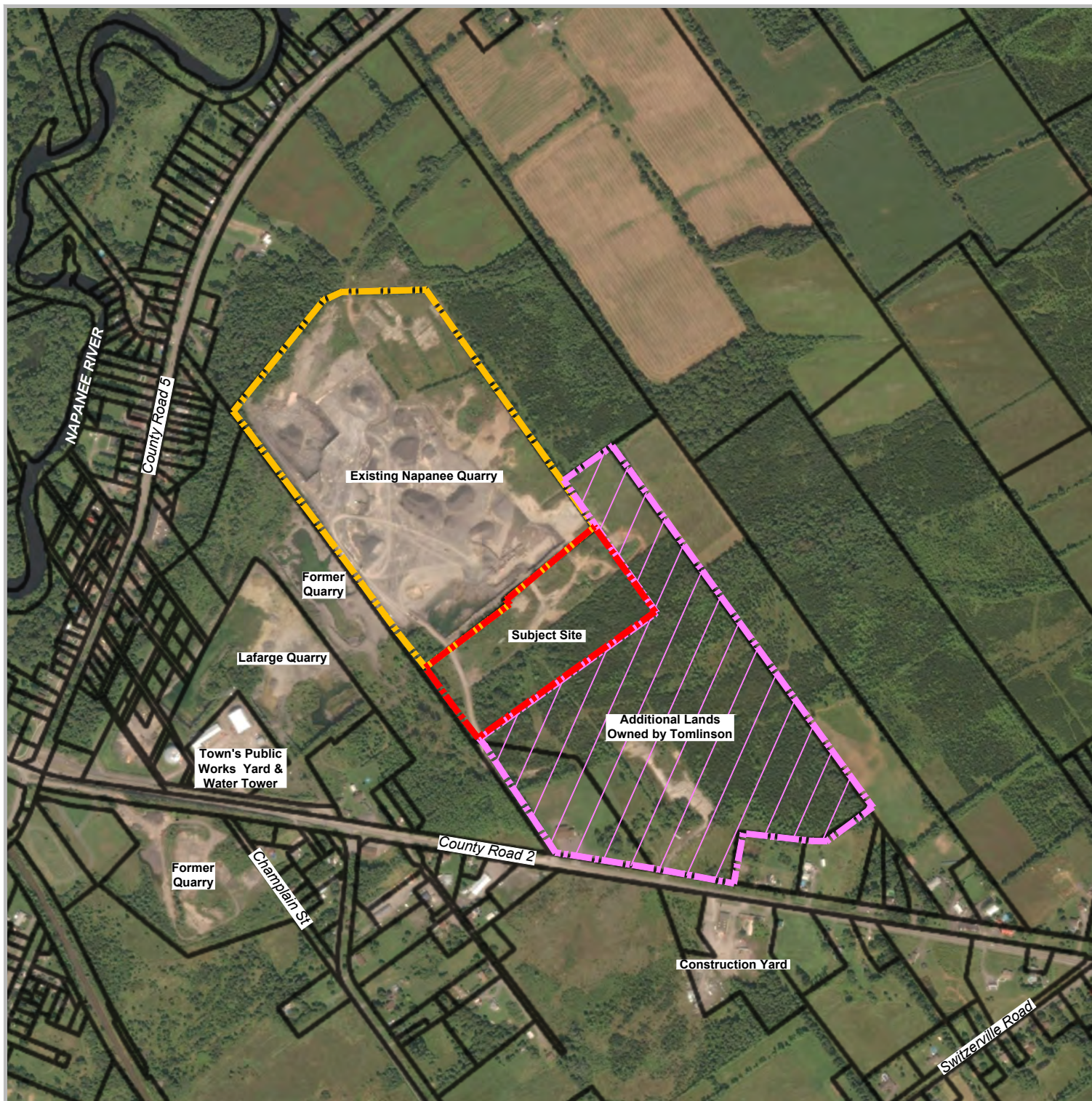





Figure:1
Location Map

LEGEND

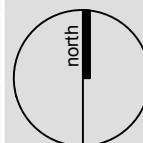
-  Subject Site $\pm 6.23\text{ha}$ (15.41ac)
-  Existing Napanee Quarry $\pm 22.28\text{ha}$ (55.06ac)
-  Additional Lands Owned by Tomlinson $\pm 22.99\text{ha}$ (56.83ac)

DATE: June, 2020

SCALE: NTS

FILE: 9137AG

DRAWN: GC



K:\9137AG-TOMLINSON HARTIRPT\LOCATION_MAP.DWG

8205 County Rd 2

Part of Lot 21, Concession 7, Former Township of North Fredericksburgh, Town of Greater Napanee

Source: Teranet Parcel Data/ Vumap First Base Solutions.
2017 Google Earth Imagery.

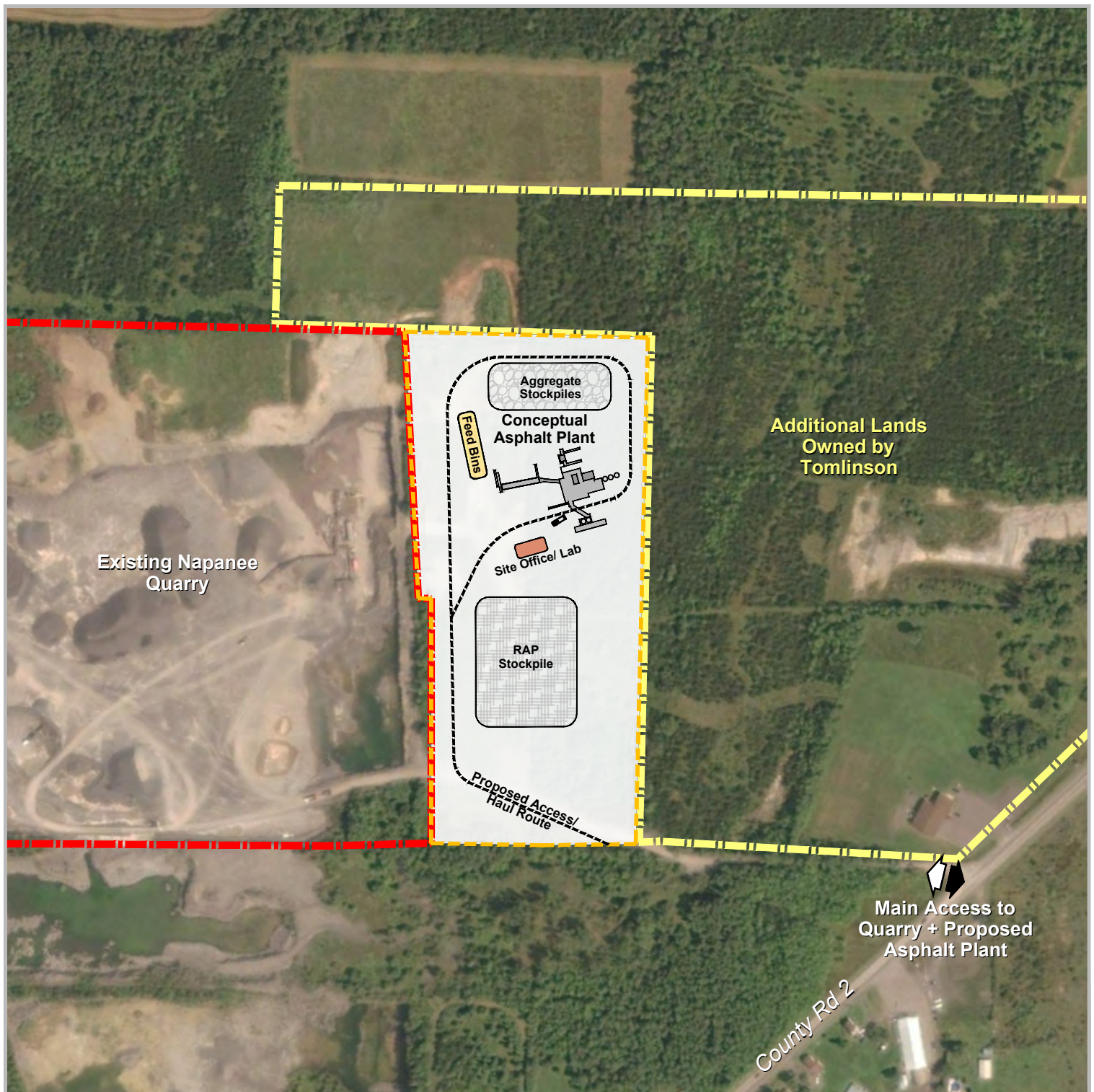





Figure: 2
Conceptual Asphalt Plant

LEGEND

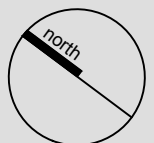
-  Existing Napanee Quarry
ARA Licence #4425
-  Additional Lands Owned by
Tomlinson
-  Lands Designated & Zoned
for Extraction ($\pm 6.2\text{ha} / 15.4\text{ac}$)
*Subject to Proposed Re-Zoning to
Permit Asphalt Plant

DATE: June, 2020

SCALE: NTS

FILE: 9137AG

DRAWN: GC



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8205 County Rd 2

Part of Lot 21, Concession 7, Former Township of
North Fredericksburgh, Town of Greater Napanee

Source: Google Satellite Imagery 2017










Figure:3
**Adjacent Residences-
 MECP D-6 Guidelines**

8205 County Rd 2

Part of Lot 21, Concession 7, Former Township of
 North Fredericksburgh, Town of Greater Napanee

LEGEND

-  Subject Site $\pm 6.23\text{ha}$ (15.41ac)
-  Existing Napanee Quarry $\pm 22.28\text{ha}$ (55.06ac)
-  Additional Lands Owned by Tomlinson $\pm 20.19\text{ha}$ (49.89ac)
-  Existing/ Former Industrial Uses
-  Off-Site Residences (in proximity of subject lands)
-  Residence 30m Buffer (assumed yard area)
-  300m Buffer (from 30m assumed yard area)

Note: The MOE minimum separation distances are guidelines only. Specific setbacks and buffering would be determined by the required impact assessments for the asphalt plant. Not all off-site residences are identified. Only those residences within close proximity of the subject lands in each direction are identified.

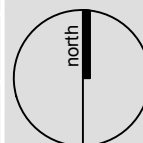
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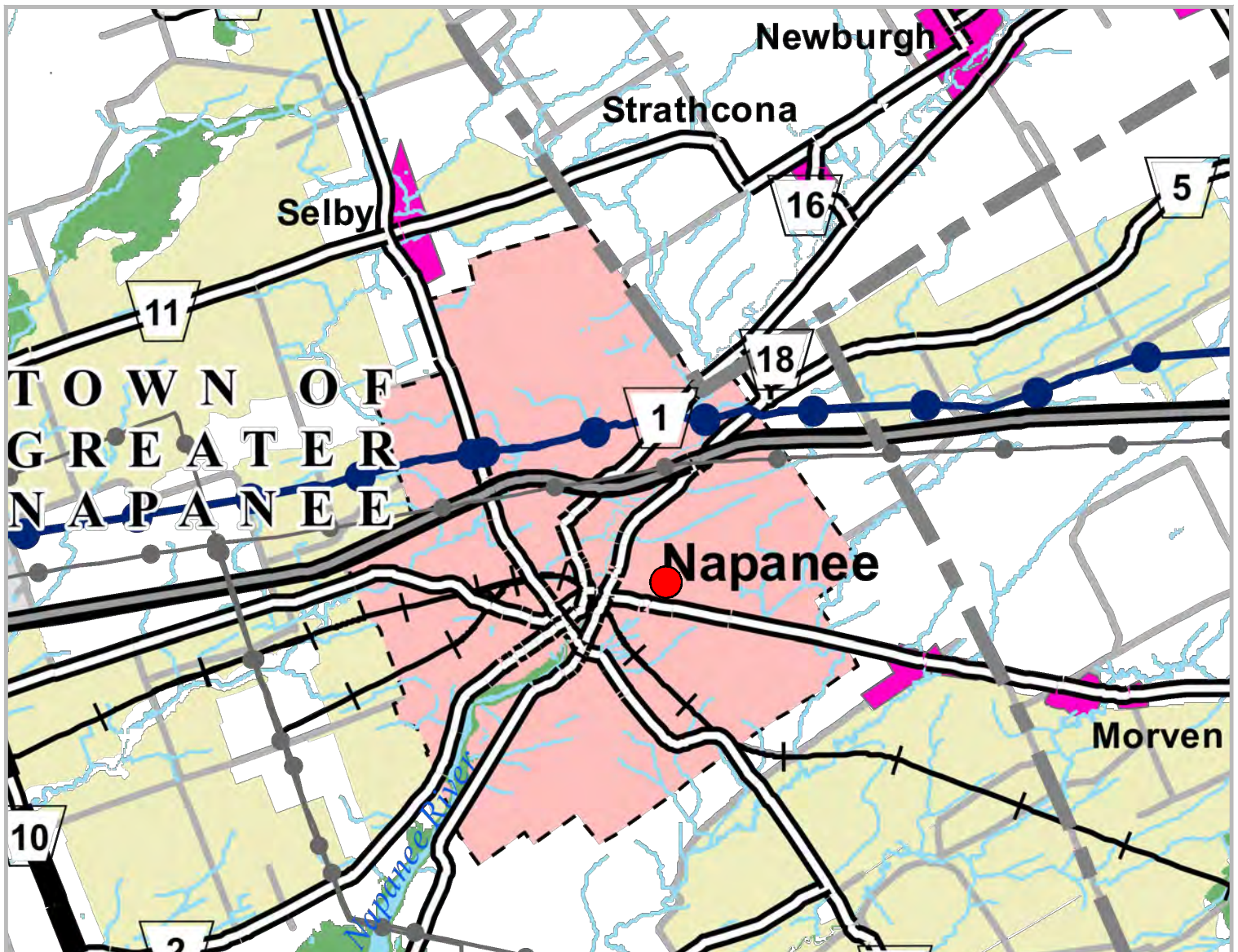
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Land Use Designations

-  Urban Area
-  Rural Settlement Area
-  Rural Area
-  Agricultural Area
-  Environmental Protection Area

Transportation Elements

-  Trans-Canada Highway
-  Provincial Highway
-  County Road
-  Local Road
-  Ferry
-  Railway

Other Map Elements








-  Crown Land
-  Provincial Park and Conservation Reserves
-  TransCanada Pipelines
-  Hydro Line
-  Municipal Boundary
-  Lennox & Addington Boundary

Figure:4
**County of Lennox & Addington Official Plan
 Schedule A- Land Use**

LEGEND

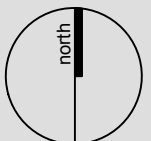
-  Subject Site

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SCALE: NTS

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8205 County Rd 2

Part of Lot 21, Concession 7, Former Township of
 North Fredericksburgh, Town of Greater Napanee

MHBC PLANNING
 URBAN DESIGN
 & LANDSCAPE
 ARCHITECTURE

200-540 BINGEMANS CENTRE DR. KITCHENER, ON, N2B 3X9
 P: 519.576.3650 F: 519.576.0121 | WWW.MHBCPLAN.COM

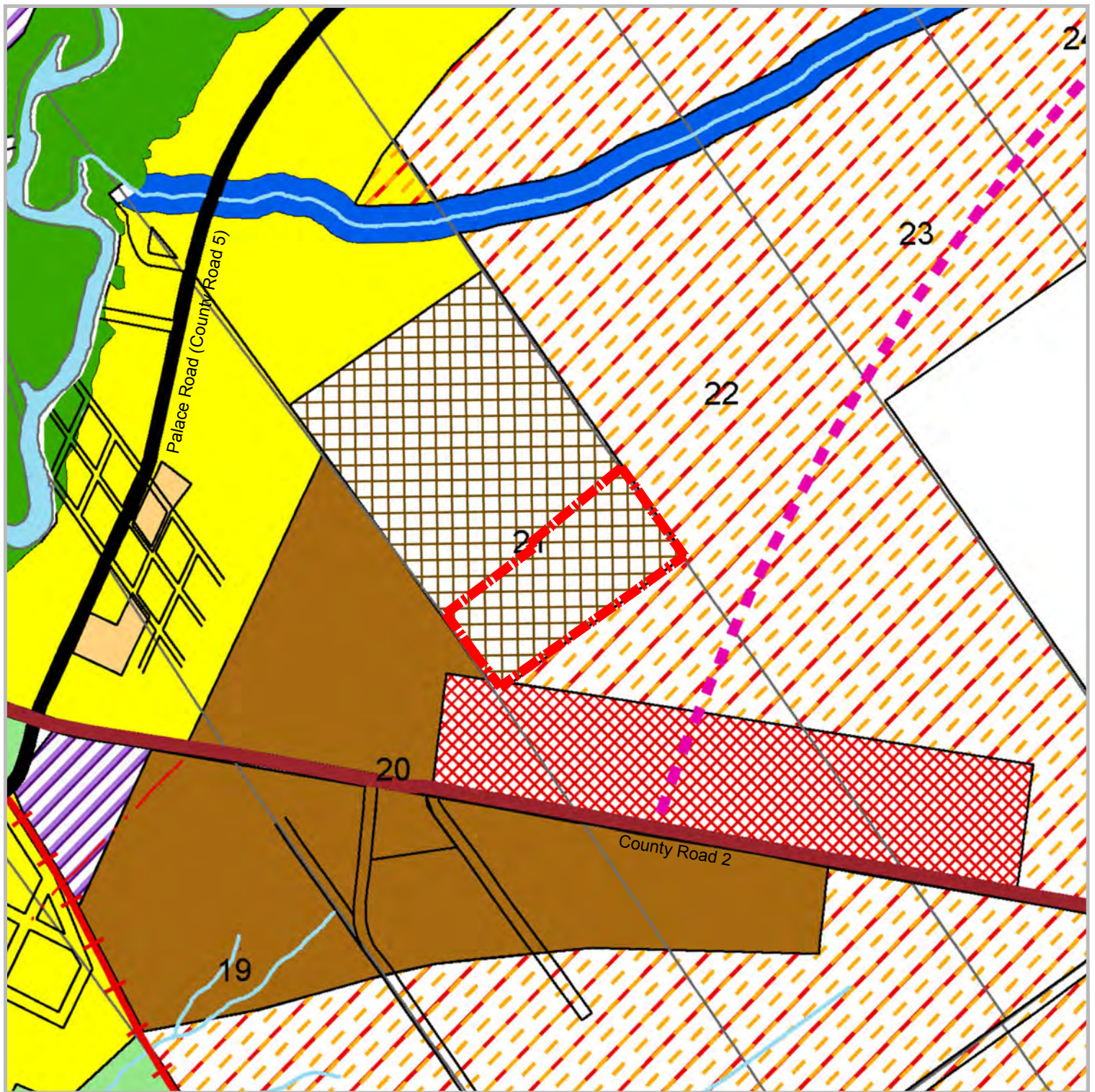


Figure: 5
**Schedule 'C' Land Use
 Plan Town of Greater
 Napanee**

8205 County Rd 2

Part of Lot 21, Concession 7, Former Township of
 North Fredericksburgh, Town of Greater Napanee

LEGEND



Subject Lands

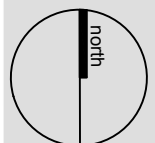
Aggregate	Urban Area
Arterial Commercial	Municipal Boundary
Neighbourhood Commercial	Existing Principal Roads
Central Business	Provincial Highway
Low Density Residential	County Road
Medium Density Residential	Gas
Industrial	Hydro Utility
Rural	Abandoned Railway
Fringe Area	Railway
Major Institutional	Stream
Environmental Protection	Selby Creek Secondary Plan
Environmentally Sensitive	Future Principal Roads
Open Space	Future Bridge

DATE: June, 2020

SCALE: NTS

FILE: 9137AG

DRAWN: GC



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MHBC PLANNING
 URBAN DESIGN
 & LANDSCAPE
 ARCHITECTURE

200-540 BINGEMANS CENTRE DR. KITCHENER, ON, N2B 3X9
 P: 519.576.3650 F: 519.576.0121 | WWW.MHBCPLAN.COM



Figure: 6
**Quinte Conservation-
 Napaneer Intake Protection
 Zones 1 & 2**

LEGEND

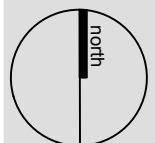


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8205 County Rd 2

Part of Lot 21, Concession 7, Former Township of
 North Fredericksburgh, Town of Greater Napanee

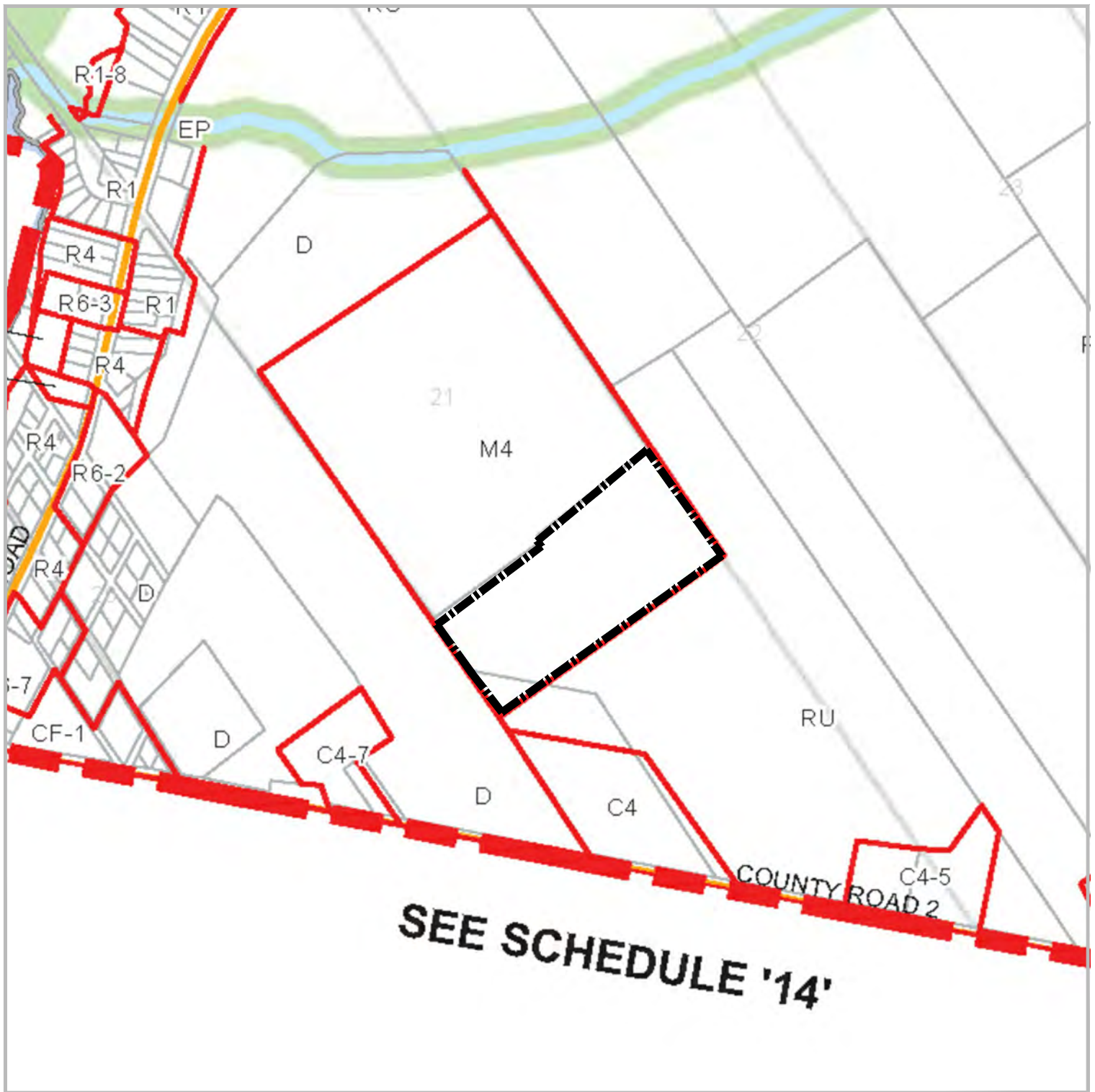


Figure:7
Town of Greater Napanee
Zoning by-law No. 02-22
Schedule '15'

8205 County Rd 2

Part of Lot 21, Concession 7, Former Township of
 North Fredericksburgh, Town of Greater Napanee

LEGEND



Subject Lands



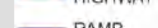
EP - ENVIRONMENTAL PROTECTION



SCHEDULE BOUNDARY



HWY 401



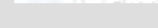
HIGHWAY



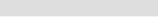
RAMP



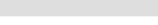
ARTERIAL



CN TRACKS



WATERBODY



WATERCOURSE

OS- Open Space
 RU- Rural
 RR- Rural Residential
 R1- Residential Type 1
 R4- Residential Type 4
 R6- Residential Type 6
 CF- Community Facility
 C2- Arterial Commercial
 C4- Rural Commercial
 C6- Neighbourhood Commercial
 M4- Extractive Industrial

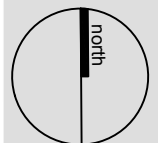
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MHBC PLANNING
 URBAN DESIGN
 & LANDSCAPE
 ARCHITECTURE

200-540 BINGEMANS CENTRE DR. KITCHENER, ON, N2B 3X9
 P: 519.576.3650 F: 519.576.0121 | WWW.MHBCPLAN.COM

Appendix A

Pre-Consultation
Meeting Summary
(Feb 10, 2020)

From: [Michael Nobes](#)
To: [Neal DeRuyter](#)
Cc: cbellinger@tomlinsongroup.com; [Amarjit Sandhu](#)
Subject: RE: Tomlinson Napanee Asphalt Plant
Date: March-02-20 3:58:03 PM
Attachments: [image002.png](#)
[image004.png](#)
[image006.png](#)

Hi Neal,

Thank you for the detailed notes from the meeting provided below.

I am in agreement with the content and I can confirm that the Town will not require an archaeological assessment at this time in support of the applications.

Thank you,

Michael D. Nobes, P.Eng.
Director of Development Services
T: 613.354.5931 ext. 2117



From: Neal DeRuyter <nderuyter@mhbcplan.com>
Sent: February 21, 2020 3:31 PM
To: Michael Nobes <mnobes@greaternapanee.com>
Cc: cbellinger@tomlinsongroup.com; [Amarjit Sandhu <Asandhu@mhbcplan.com>](mailto:Asandhu@mhbcplan.com)
Subject: Tomlinson Napanee Asphalt Plant

Michael,

Thank you for meeting with us on Feb 10 for the pre-consultation meeting for Tomlinson's proposed asphalt plant. While it is still fresh in our minds, we wanted to summarize some of the key aspects of the discussions and the requirements for the planning application.

It was agreed that an amendment to the Town or County Official Plan was not required to permit the asphalt plant. A zoning by-law amendment however is required which will be followed by site plan control and MECP approval(s). It was also noted at the meeting that a CA permit will not be required as the site is located outside the regulated area.

For the zoning application, it is our understanding that the following studies/information are required:

Traffic impact study – will account for quarry trucks in analysis and identify proposed haul routes; will also note that truck traffic will be accounted for in noise study; will assess quarry entrance/2 and 2/Palace Rd intersections (in addition to the other information requested by Vanessa by email in January).

- **Stormwater management** – will speak to existing conditions and sewage work approvals for quarry.
- **Planning** – will include draft zoning by-law amendment which will address principal and associated uses; will provide visual examples of other Tomlinson asphalt plants; will generally outline requirements for MECP approvals; will provide overview of public consultation work.
- **EIS** – overview of 2019 fieldwork and update for early spring survey 2020.
- **Noise** – we were told this could be left to the MECP approval but the Town may prefer to have it up front (Tomlinson is open to providing this study with the zoning application).

It was mentioned that the Town would confirm whether an archaeological assessment was required. Can you please confirm?

Regarding the future site plan application, it was noted that a landscape plan would not be required and that this application would be focussed on stormwater management and grading.

I am attaching a map of the sensitive receptors within proximity of the proposed asphalt plant that we discussed at the meeting (Mark had requested a copy). Tomlinson is in the process of purchasing the property with the closest receptor (the access property). This will be further assessed in the planning report as part of land use compatibility discussions.

We look forward to working with the Town on this application. If you have any questions, please let us know.

Enjoy your weekend!

Neal

NEAL DERUYTER BES, MCIP, RPP | Partner

MHBC Planning, Urban Design & Landscape Architecture

540 Bingemans Centre Drive, Suite 200 | Kitchener | ON | N2B 3X9 | T 519 576 3650 X 733
| F 519 576 0121 | nderuyter@mhbcplan.com

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Appendix B

Photos of
Tomlinson's
Stittsville Asphalt
Plant in Ottawa







Appendix C

Draft Zoning By-law Amendment

TOWN OF GREATER NAPANEE

BY-LAW NO. ____

BEING A BY-LAW TO AMEND ZONING BY-LAW NO. 02-22 OF THE TOWN OF GREATER NAPANEE

WHEREAS Zoning By-law No. 02-22 as amended, was passed under the authority of Section 34 of the Planning Act, R.S.O. 1990, as amended, and regulates the use of land and the use and erection of buildings and structures within the Town of Greater Napanee;

AND WHEREAS the Council of the Corporation of the Town of Greater Napanee received a request to amend Zoning By-law 02-22 to rezone the subject property located at Part Lot 21, Conc. 7, geographic Twp. of North Fredericksburgh, now in Town of Greater Napanee (8205 County Road 2) to permit a permanent asphalt plant;

AND WHEREAS the Council of the Corporation of the Town of Greater Napanee has given due consideration to the need to proceed with such changes and considers it reasonable to amend By-law 02-22 to permit the requested amendments;

AND WHEREAS the matters herein are in conformity with the provisions of the Official Plan for the Town of Greater Napanee;

NOW THEREFORE the Council of the Corporation of the Town of Greater Napanee enacts as follows:

1. **THAT** Schedule 15 of By-law 02-22 is hereby amended by changing to M4-3 the zone symbol of the lands shown as 'Zone Change to M4-3' on Schedule 'A' attached hereto and forming part of this by-law;
2. **THAT**, Section 5.30.4 Exception Provisions – Extractive Industrial (M4) Zone is hereby amended by the addition of the following new subsection following 5.30.4.2:

5.30.4.3 Extractive Industrial Exception Three (M4-3) Zone

(Part Lot 21, Concession 7, in the Geographic Township of North Fredericksburgh)

Notwithstanding any provisions to the contrary, within the M4-3 Zone, the following provisions apply:

Within the M4-3 Zone, the following uses shall be permitted in addition to the uses permitted in M4:

- permanent asphalt plant.
- concrete batching plant.

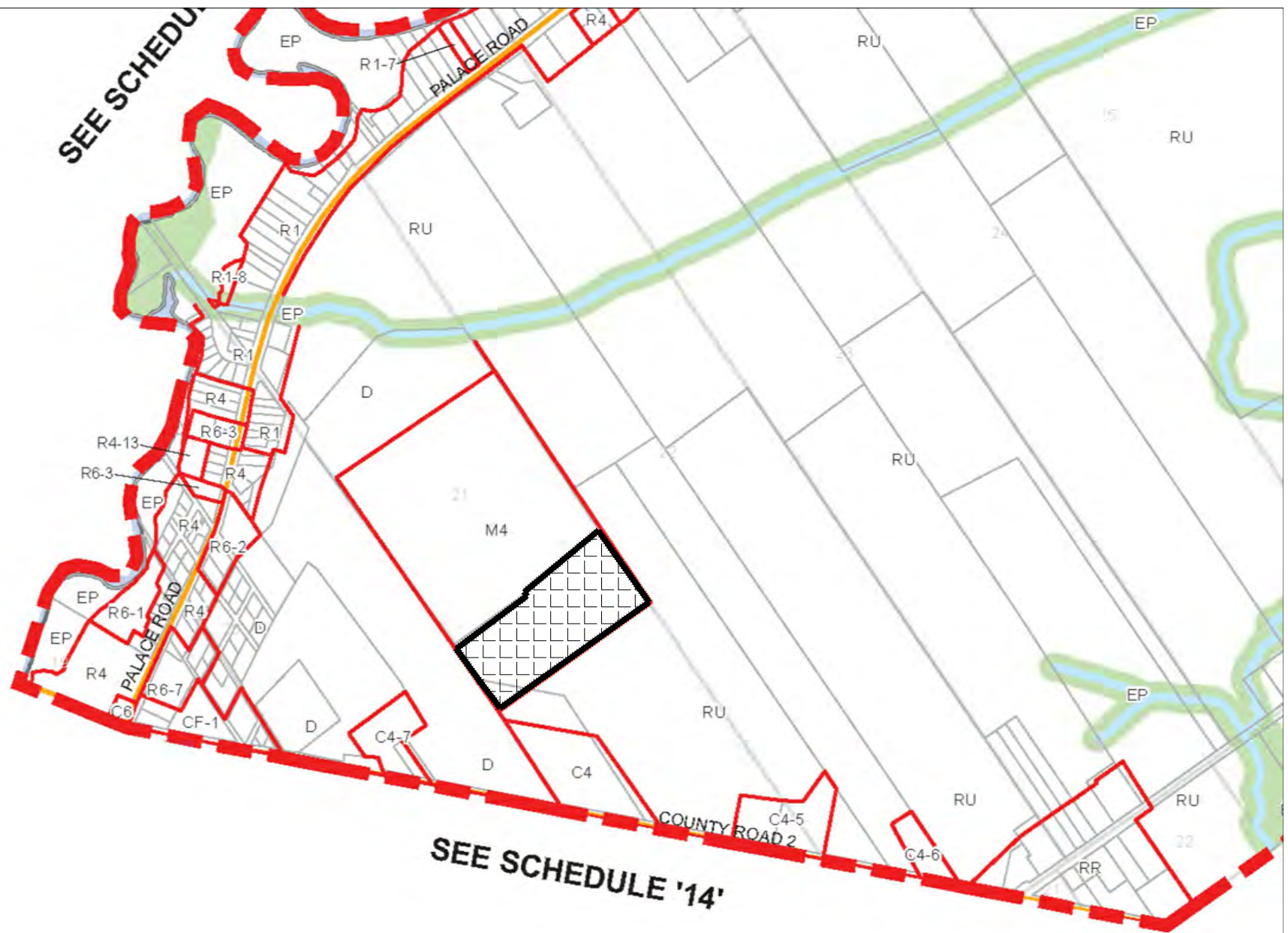
3. **THIS** By-law shall come into force and take effect on its date of passing, subject to the provisions and subsections 34(30) and (31) of the Planning Act, R.S.O. 1990, c.P.13, as amended, in the event a notice of appeal of this by-law is filed in accordance with subsection 34 (19) of the Act.

Read a first and second time this _____ day of _____ 2020

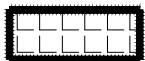
Read this third time and passed this _____ day of _____ 2020

Marg Isbester (Mayor)

Susan Beckel (Clerk)



"SCHEDULE A"



Lands to be re-zoned from Extractive Industrial (M4) Zone
to Extractive Industrial Exception Three (M4-3) Zone.