

**Ontario Municipal Board
Commission des affaires municipales de l'Ontario**

OMB File No.: PL130873
Municipality: Township of Ramara
Municipal No.: OPA 16 and
Property Location: Part of Lots 3 & 4, Concession C, geographic Township of Rama
Applicant: NRK Holdings Ltd.
Appellant: NRK Holdings Ltd.

Minutes of Settlement

**NRK Holdings Ltd.
(hereinafter NRK)**

-and-

**The Corporation of the Township of Ramara
(hereinafter the Township)**

WHEREAS NRK has applied for an Official Plan Amendment and a Zoning By-law Amendment to permit the establishment, use and operation of a "soil bio-remediation facility" which requires an Environmental Compliance Approval (for a Waste Disposal Site (soil transfer and processing)) to be issued under Part V of the *Environmental Protection Act*;

AND WHEREAS the establishment and operation of such soil bio-remediation facility would only occur following the exhaustion of mineral aggregates from the lands upon which the soil bio-remediation facility will be located (being Phase I of the *Aggregate Resources Act* Licensed Quarry);

AND WHEREAS all environmental impacts of the proposed soil bio-remediation facility will be addressed through the Environmental Compliance Approval process, within which the Township and any member of the public may participate;

AND WHEREAS the issuance of an Environmental Compliance Approval includes a statutory right of appeal to the Environmental Review Tribunal which may be exercised by the Township or any member of the public;

AND WHEREAS the parties agree that the most suitable and efficient forum to address potential environmental concerns is through the foregoing ECA and/or appeal processes;

NOW THEREFORE THE PARTIES AGREE AS FOLLOWS:


1. The parties agree to request the Board to issue an Order approving the Official Plan Amendment and Zoning By-law Amendment attached hereto as Schedules "A" and "B".
2. The parties agree that should the Township have concerns regarding environmental aspects of the proposed "soil bio-remediation facility" such concerns may be raised in the Environmental Compliance Approval process and/or through an Environmental Review Tribunal proceedings and nothing in these Minutes or the approval of the OPA and ZBLA shall prejudice the

advancement of such environmental concerns in the foregoing proceedings.

3. Each party will present such witnesses to the Ontario Municipal Board on their own behalf, as determined necessary by each party in its sole discretion, to support the settlement contemplated herein.
4. Each party will be responsible for its own costs of this proceeding.

Dated at the TOWN OF NEWMARKET this 4th day of JULY,
2014.

By the Applicant/Appellant NRK Holdings Ltd.



Per: NICK MARCHESE, PRESIDENT

I have authority to bind the corporation.

Dated at the City of Orillia this 15th day of July,
2014.

By the Corporation of the Township of Ramara



Per: JANICE MCKINNON, ACTING CAO

I have authority to bind the Corporation

Schedule A to the Minutes of Settlement
OMB Case: PL130873

PART B - THE AMENDMENT

All of the amendment entitled Part B - THE AMENDMENT consisting of the attached text and the schedule constitute Amendment No. 16 to the Official Plan of the Township of Ramara.

1. Schedule "A" entitled "Land Use Plan" is hereby amended by changing part of the existing Mineral Aggregate Extraction designation to Rural Special Policy Area 9.4.10.4. as depicted on Schedule "A" to this Amendment No. 16.
2. Section 9.4 RURAL of the Official Plan of the Township of Ramara is hereby amended by adding the following new section 9.4.10.4:

NRK Holdings Inc., Part of Lot 4, Concession C (Rama), (OPA No. 16)

Notwithstanding sections 6.4.2, 6.4.6 and 9.4.2 of this Plan, the only permitted uses of the lands shall be

- i. a "soil bio-remediation facility" and
- ii. any uses permitted by the MAE-11 Zone provided such uses are conducted in accordance with the provisions of such zone and a license issued pursuant to the Aggregate Resources Act.

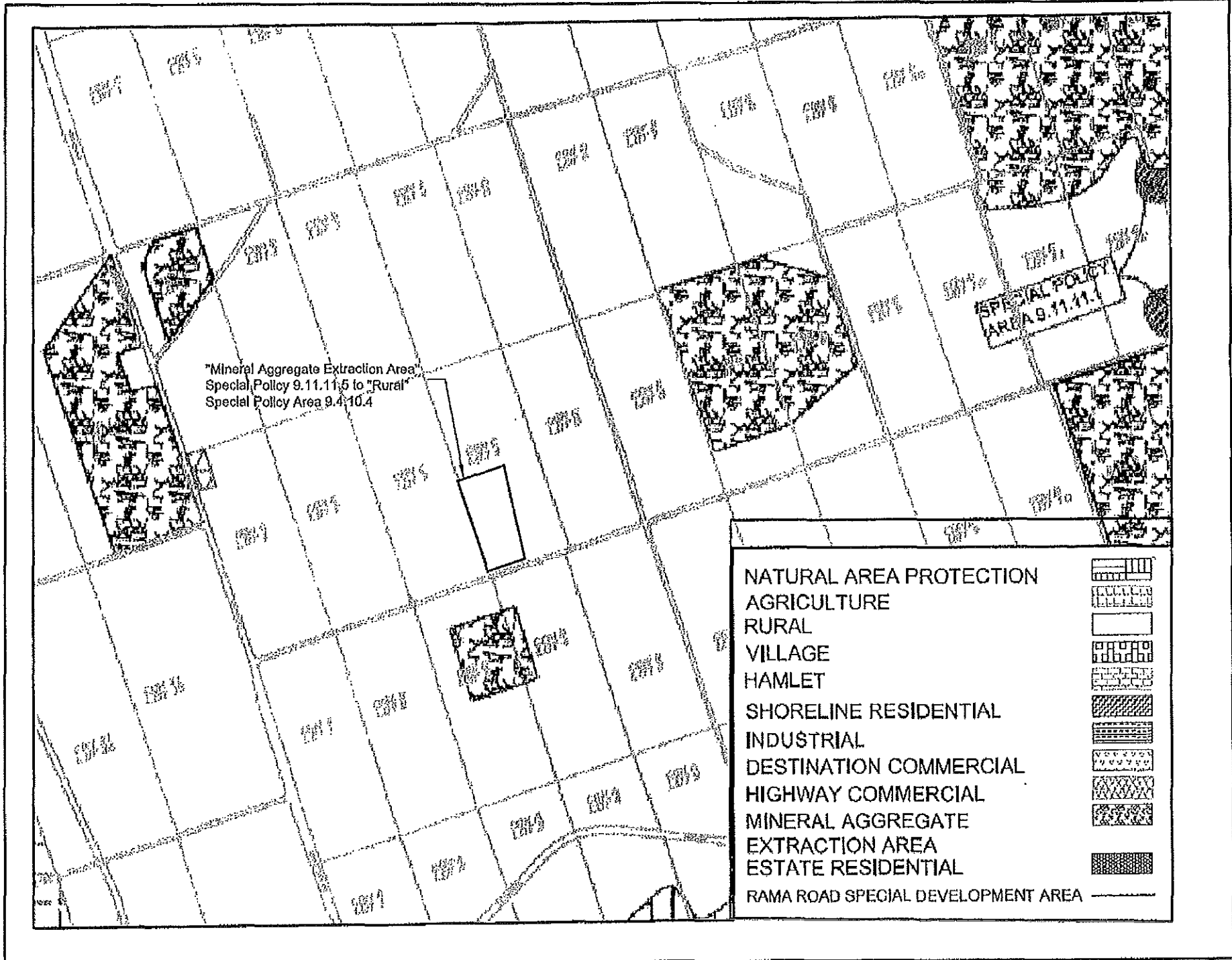
For the purposes of this Special Policy 9.4.10.4, a:

"soil bio-remediation facility" shall mean the use of land, which may include buildings and/or structures, for the purpose of the collection, recycling, temporary storage, separation, processing and biological treatment of non-hazardous soils contaminated with petroleum hydro-carbons including works for the collection and treatment of on-site stormwater run-off and for which an Environmental Compliance Approval authorizing the use and operation of a Waste Disposal Site (soil transfer and processing) has been issued under Part V of the *Environmental Protection Act*.

The Zoning By-law amendment required to permit the *"soil bio-remediation facility"* shall be subject to holding provisions which preclude the lifting of the holding symbol until all of the foregoing have been satisfied:

- a. the quarry license applicable to the lands upon which the *"soil bio-remediation facility"* will be located has been surrendered by the owner or operator of the quarry pursuant to section 19 of the *Aggregate Resources Act*; and

- b. the owner of the lands upon which the "soil bio-remediation facility" will be located has entered into an agreement with the Township of Ramara concerning the use, improvement and maintenance of Concession Road B-C and any financial requirements of the Township related thereto; and
 - c. the owner has received site plan approval and entered into a site plan agreement addressing among other things, the management of storm water and site grading.
 - d. the Environmental Compliance Approval for a Waste Disposal Site (soil transfer and processing) has been issued under Part V of the *Environmental Protection Act*.
3. The zoning for the lands affected by this Rural Special Policy Area 9.4.10.4 shall be subject to the condition that upon the lifting of the "H" symbol in relation to the W-1 Zone, the MAE-11 Zone that also applies to the lands affected by this Rural Special Policy Area 9.4.10.4 shall be deemed to be repealed and of no further force and effect.
4. The Provisions of the Official Plan of the Township of Ramara as amended, shall apply in regard to the interpretation of the this Amendment.



Schedule B to the Minutes of Settlement
OMB Case: PL130873

1. That Schedule "A", Map F7, of Zoning Bylaw 2005.85 is hereby further amended by re-zoning the lands from "MAE-11" to a dual "MAE-11 Zone" and "Waste Processing and Disposal (W) Zone-1" as shown in the Schedule "A" to this by-law.
2. That section 20. (3) Special Provisions is amended by adding the following subsection:
 - a. "W-1-(H) (Map F7)
 - i. Notwithstanding subsection 20(1), the only permitted use of lands zoned W-1-(H) shall be a *soil bio-remediation facility* as defined herein. The land subject to the W-1-(H) is also subject to the MAE-11 Zone. All uses existing as on the date of the passing of this Bylaw and all uses permitted by the MAE-11 Zone shall be permitted in accordance with that zoning until such time as the "H" symbol has been lifted. Upon the lifting of the "H" symbol as provided for herein:
 1. the only permitted use shall be a *soil bio-remediation facility*; and
 2. the MAE-11 Zone shall be deemed to be repealed and of no further force and effect as it relates to lands subject the Rural Special Policy Area Designation 9.4.10.4.
 - ii. For purposes of subsection (1) of this Bylaw "*soil bio-remediation facility*" shall mean the use of land, which may include buildings and/or structures, for the purpose of the collection, recycling, temporary storage, separation, processing and biological treatment of non-hazardous soils contaminated with petroleum hydro-carbons including works for the collection and treatment of on-site stormwater run-off and for which an Environmental Compliance Approval authorizing the use and operation of a Waste Disposal Site (soil transfer and processing) has been issued under Part V of the *Environmental Protection Act*.
 - iii. The Holding symbol shall be removed by amendment to this Bylaw when the following conditions have been fulfilled to the satisfaction of the Township of Ramara:
 1. the quarry license applicable to the lands subject this zone has been surrendered by the owner or operator of the quarry pursuant to section 19 of the *Aggregate Resources Act*; and

2. the owner of the lands subject to this zone has entered into an agreement with the Township of Ramara concerning the use, improvement and maintenance of Concession Road B-C and any financial requirements of the Township related thereto; and

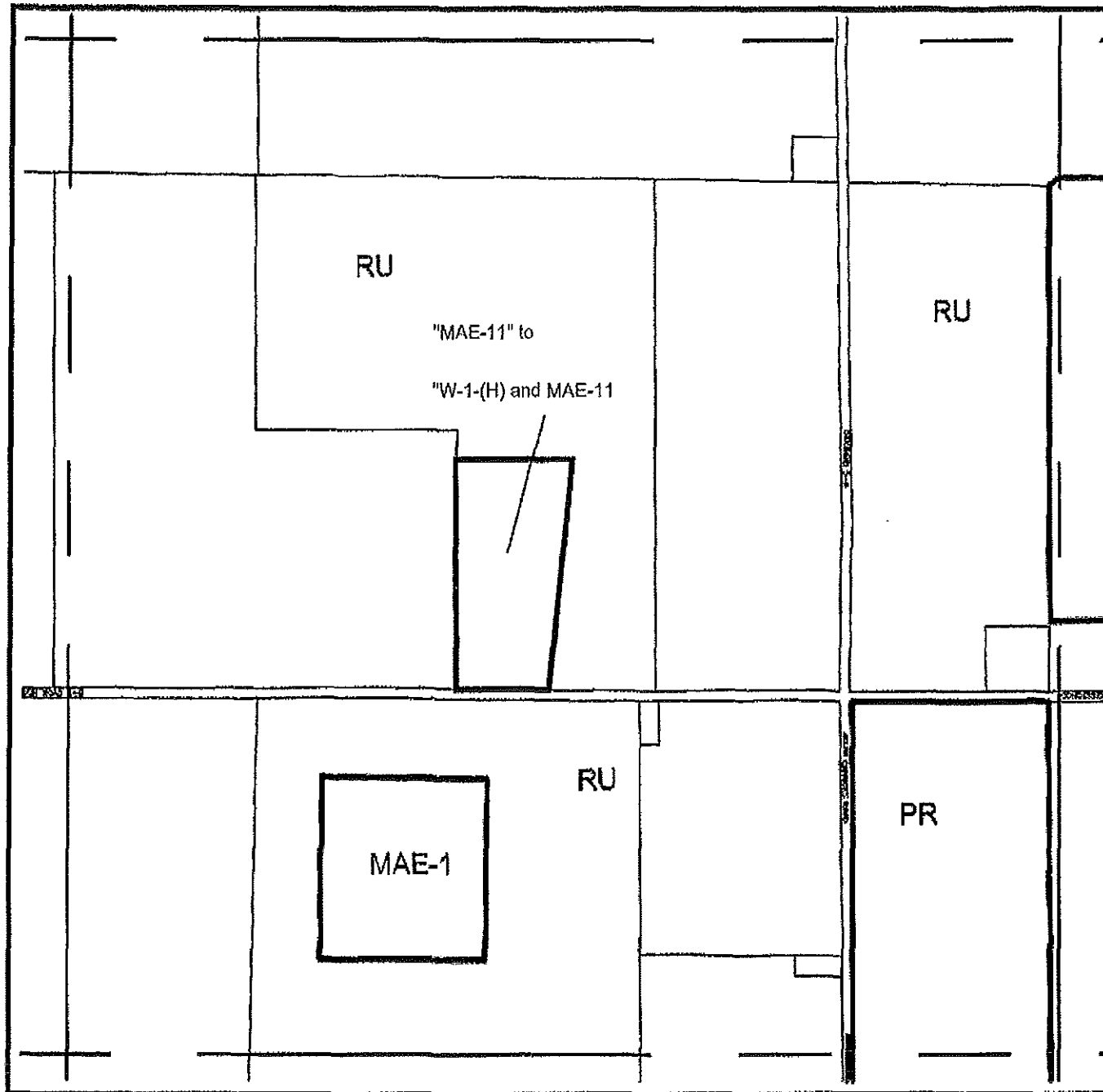
3. received site plan approval and entered into a site plan agreement addressing among other things, the management of stormwater and site grading.

4. the Environmental Compliance Approval for a Waste Disposal Site (soil transfer and processing) has been issued under Part V of the Environmental Protection Act.

- iv. Subsection 20.(2) (f) of this Bylaw shall not apply to the operation of a soil bio-remediation facility provided that any Environmental Compliance Approval issued under the Environmental Protection Act establishes conditions for the establishment or expansion of sensitive land uses in the vicinity of the facility.

All other relevant provisions of this Bylaw shall apply.”

3. That Schedule "A" attached, does and shall form part of this Bylaw.
4. That this Bylaw shall come into force and take effect on the date of the passing thereto, subject to the provisions of section 34 of the Planning Act, as amended.



TOWNSHIP OF RAMARA
 SCHEDULE "A"
 TO BY-LAW 2005.85
 Map F7

ZONES

- NAP Natural Area Protection
- AG Agriculture
- RU Rural
- RCR Rural and Countryside Residential
- VR Village Residential
- VC Village Commercial
- VID Village Industrial
- VIN Village Institutional
- H Hamlet
- SR Shoreline Residential
- IND Industrial
- DC Destination Commercial
- HC Highway Commercial
- MAE Mineral Aggregate Extraction
- W Waste Processing and Disposal
- AR Active Recreation
- PR Passive Recreation

IR Indian Reservation

--- Municipal Boundary

••••• Wellhead Protection Area

Revision Date:

Scale: 1:12000

Mark L. Dostman, Planner Inc.,
 2200th Street