

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c.

P.13, as amended

Applicant and Appellant:

R.W. Tomlinson Ltd.

Subject:

Request to amend the Official Plan – Failure to adopt the amendment

Description:

To permit a Class A gravel pit

Reference Number:

OPA 40

Property Address:

432 Storyland Road

Municipality/UT:

Horton/ Renfrew

OLT Case No.:

OLT-23-000526

OLT Lead Case No.:

OLT-23-000526

OLT Case Name:

R.W. Tomlinson v. Renfrew (County)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c.

P.13, as amended

Applicant/ Appellant:

R.W. Tomlinson Ltd.

Subject:

Request to amend the Zoning By-law – Refusal or neglect to make a decision

Description:

To permit a Class A gravel pit

Reference Number:

ZB2246.9

Property Address:

432 Storyland Road

Municipality/UT:

Horton/ Renfrew

OLT Case No.:

OLT-23-000527

OLT Lead Case No.:

OLT-23-000526

OLT Case Name:

R.W. Tomlinson v. Horton (Township)

MINUTES OF SETTLEMENT

WHEREAS R.W. Tomlinson Ltd. ("**Tomlinson**") applied for approval of an official plan amendment (application #OPA 40 the "**OPA Application**") and a zoning by-law amendment (application # ZB2246.9 the "**Zoning Amendment Application**") for the lands known municipally as 432 Storyland Road (the "**Property**").

AND WHEREAS Tomlinson appealed the County of Renfrew's (the "**County**") failure to make a decision with respect to the OPA Application within 120 days, pursuant to section 22(7) of the *Planning Act* RSO 1990, c. P13.

AND WHEREAS Tomlinson appealed the Township of Horton's (the "**Township**") failure to make a decision with respect to the Zoning Amendment Application within 90 days, pursuant to section 34(11) of the *Planning Act* RSO 1990, c. P13.

AND WHEREAS Tomlinson has submitted an application to the Ministry of Natural Resources and Forestry for Site Plan approval under the *Aggregate Resources Act* (the "**Site Plan Application**") to permit a class A gravel pit at the Property.

AND WHEREAS the parties have agreed to resolve the Appeals on the basis of the terms and conditions contained within these Minutes of Settlement;

NOW THEREFORE the parties agree as follows:

1. The recitals above are correct and form part of the terms of these Minutes of Settlement.
2. The parties will each bear their own costs in connection with the Appeals and these Minutes of Settlement. The parties will not seek, nor are they entitled to, an award of costs against one another by the Ontario Land Tribunal.
3. The parties will jointly request that the Ontario Land Tribunal allow these Appeals and issue the Draft Order attached as Schedule 1 to these Minutes.
4. Within 30 days of the execution of these Minutes, Tomlinson will amend the Site Plan Application as follows:
 - a. Amend site plan condition (L) Report Recommendations 1. Noise (b) Wash Plant sub-paragraph (iii) as follows, "The maximum outdoor sound power of the generator, if used to power the wash plant, and all processing equipment associated with the wash plant must not exceed the levels given in Table 2 ... Item iii above does not apply to the wash plant if hydro is used to provide power to the plant.
 - b. Amend site plan condition L Report Recommendations 1. Noise (c) Loaders and Excavators to add the following paragraph "(iii) A Best Management Practices Plan shall be implemented, which plan will ensure that all loaders and excavators shall be equipped with a broad band warning device in place of back-up alarms (beepers) for all vehicles mandated to have such alarms that are owned and operated by the Licensee.
 - c. Amend site plan condition L Report Recommendations 1. Noise (d) Trucks to add the following paragraphs:
 - (ii) A Best Management Practices Plan shall be implemented, which plan will ensure that all trucks shall be equipped with a broad band warning device in place of back-up alarms (beepers) for all vehicles mandated to have such alarms that are owned and operated by the Licensee.
 - d. Amend site plan condition "L Report Recommendations 1. Noise to add a new paragraph immediately before (f) and renumber the remaining paragraphs accordingly. The New (f) shall read, "The loader and dragline or dredge shall be assessed by a qualified acoustical consultant prior to commissioning and all recommended noise mitigation implemented prior to operation."
 - e. Amend site plan condition "L Report Recommendations 1. Noise to add a new sub-paragraph to the new paragraph (g) [former (f)] as follows: "(ii) Within six (6) months of commencement of operations conduct an acoustic audit to confirm noise impacts. Noise mitigation measures shall be reviewed, and altered, if necessary, to implement any recommended mitigation measures and to ensure that MECP sound level limits are met at all points of reception."
 - f. Modify the typical berm details for those berms facing private residences to include landscaping details, ensuring that the berms are planted with trees and shrubs in addition to grasses. These details shall be included in the drawings included in the ARA site plan.

5. Once the Site Plan application has been revised in accordance with paragraph 4, Tomlinson will provide the Township with a copy of the revised Site Plan.
6. These Minutes constitute the entire agreement between the parties in connection with the Appeals.
7. These Minutes of Settlement replace and supersede all prior representations, communications, negotiations and understandings, whether oral, written, express or implied.
8. These Minutes of Settlement shall be construed and enforced in accordance with the laws of the Province of Ontario and the laws of Canada applicable thereto.
9. These Minutes of Settlement may be executed in counterparts, all of which shall constitute one agreement when taken together and shall be deemed to be an original agreement. Counterparts may be executed either in original or electronically transmitted and the parties may adopt any signatures received by facsimile or other means of electronic communication as original signatures of the parties.

IN WITNESS WHEREOF, the parties have executed these Minutes of Settlement this ___ day of _____, 2024.

R.W. TOMLINSON LTD.

Per:  _____

Name: **ROB PIERCE**

Title: **ASO**

(I have authority to bind the Corporation)

-----further signatures follow-----

COUNTY OF RENFREW

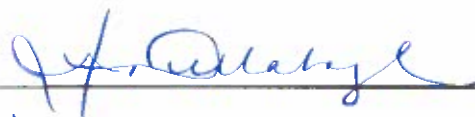
Per:  _____

Name: Craig Kelley

Title: Chief Administrative Officer (CAO)/Deputy-Clerk

(I have authority to bind the Corporation)

TOWNSHIP OF HORTON

Per:  _____

Name: Hope Dillabough

Title: CAO / Clerk

(I have authority to bind the Corporation)

SCHEDULE 1

Draft Order