

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2005-48

**A BY-LAW TO DESIGNATE A SITE PLAN CONTROL AREA
ON CERTAIN LANDS ON HIGHWAY 11 NORTH
(TY-CROP INVESTMENTS LIMITED – HIGHWAY 11 NORTH)**

WHEREAS the Council of The Corporation of the City of North Bay, hereinafter referred to as the “City”, deems it desirable to designate a Site Plan Control Area in the City of North Bay pursuant to Section 41 of the Planning Act R.S.O. 1990 as amended;

AND WHEREAS the Council deems it desirable to delegate to the Chief Administrative Officer the authority to enter into an agreement respecting the matters referred to herein;

AND WHEREAS Council intends to pass By-law No. 2005-47 to rezone the subject lands to a “Rural Extractive Industrial Special No. 17 (RME Sp. 17)” to permit the development of a light industrial enterprise (extraction of aggregate for commercial purposes).

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY
HEREBY ENACTS AS FOLLOWS:**

- 1) That certain parcel of land composed of Concession 3, Part Lot 20, 36R-10495, Part 2, Remainder of Parcel 18762 in the City of North Bay, which lands are more particularly described on Schedule "A" attached hereto, is hereby designated as a Site Plan Control Area.
- 2) As a condition of approval, a six (6) metre buffer shall be maintained between the active aggregate operations and the Provincially Significant Wetland.
- 3) As a condition of approval, the Owner agrees that the primary access to the site will not be from the mutual drive shared by J.S. Redpath Holdings and Ty-Crop Investments Ltd.
- 4) As a condition of approval, the Owner agrees to provide a storm water management plan which shall include a lot grading plan for the subject property. Said storm water management plan and any resulting alteration to the subject lands shall occur to the satisfaction of the City Engineer and at no expense to the City of North Bay.
- 5) As a condition of approval the Owner agrees that dust control measures shall be implemented as part of the Day to Day operations of the pit and quarry establishment. The dust control measures will consist of maintaining a vegetative buffer as well as spraying the ground when necessary.
- 6) The owner(s) agree that there will be no blasting on the subject property.
- 7) The Applicant shall implement the following to the continuing satisfaction of the City of North Bay and the North Bay-Mattawa Conservation Authority:
 - a) The total area of the aggregate operation shall not exceed 4.7 hectares and must be contained within the area identified on Schedule B as the extractable area. The proponent retained the right and privilege to operate a smaller area within the extractable area.

- b) The Owner(s) will be required to maintain all existing vegetation in areas that are not identified as an extraction area.
 - c) All topsoil and grubbed material shall be stockpiled no closer than 30 metres from any aggregate operation boundary and retained for use in rehabilitation.
 - d) All new excavations will be no closer than 1.5 metres above the established groundwater table. The referenced elevation of the groundwater table is 98.5 metres.
 - e) A temporary reference elevation benchmark at 100.0 metres has been established. A permanent reference elevation benchmark shall be established and maintained until rehabilitation has been satisfactorily completed.
 - f) If groundwater is encountered during excavation above the final grade reference elevation of 100.0 metres, all further excavations shall cease in this area and the City Engineer and the North Bay-Mattawa Conservation Authority shall be notified.
 - g) All excavation faces shall be sloped at a stable slope of no less than three (3) horizontal metres for every one (1) vertical metre.
 - h) Following depletion of aggregate resources, a portion of the access road as shown on Schedule B shall be removed and excavated down to the existing wetland elevation to re-establish a contiguous vegetation community.
 - i) Following depletion of aggregate resources and appropriate grading to maintain existing drainage patterns, the stockpiled topsoil and grubbing material shall be spread over the disturbed area to promote natural re-vegetation with local pioneer species (i.e. white birch and trembling aspen).
 - j) Following depletion of aggregate resources and appropriate grading to maintain existing drainage patterns, a band of no less than 30 metres wide shall be planted and maintained along the southern boundary of the aggregate operation at a density of no less than one stem per four square metres consisting of a species mix that shall include white pine, red pine, jack pine, white spruce and/or black spruce.
 - k) Unless otherwise specified above, the operational standards shall comply with those contained in the Aggregate Resources on Ontario – Provincial Standard (MNR 1997).
- 8) As a condition of approval the Owner agrees to provide adequate water for fire fighting purposes to the satisfaction of, and at no expense to, the City of North Bay.
- 9) As a condition of approval of buildings and structures referred to in Section 2 hereof, no building or structure shall be erected, constructed, or placed on said Site Plan Control Area until the Owner of the

Site Plan Control Area has entered into an agreement with The Corporation of the City of North Bay respecting the provisions, to the satisfaction of and at no expense to the City of the following matters:

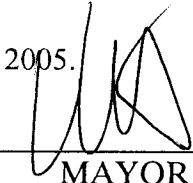
- a) Parking facilities and access driveways and the surfacing of such areas and driveways;
 - b) walkways and the surfacing thereof;
 - c) facilities for lighting, including floodlighting;
 - d) walls, fences, hedges, trees or shrubs, or other groundcover or facilities for the landscaping of the lands;
 - e) collection areas and other facilities and enclosures for the storage of garbage and other waste material;
 - f) grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon;
 - g) adequate water supply for fire fighting purposes.
- 10) a) The Chief Administrative Officer is hereby authorized to enter into, under Corporate Seal, one or more agreements on behalf of The Corporation of the City of North Bay with the Owner of the subject lands herein to ensure the provision of all the facilities mentioned in this By-law, and to impose a fee of \$500.00 upon the Owner for preparation.
- b) The said Agreement may be registered against the lands to which it applies and the City may enforce the provisions of the Registry Act or any successor legislation thereto and The Land Titles Act or any successor legislation thereto against any and all subsequent Owners of the land.
- 11) a) The said Agreement shall be binding on the Owner, its successors, assigns and heirs.
- b) The Owner shall authorize the City to exercise the provisions of Section 427 of The Municipal Act, 2001 (S.O. 2001, c.25), as amended or any successor legislation thereto in the event of a breach by the Owner of a condition of this agreement.
- 11) This By-law comes into force and effect upon being finally passed.

READ A FIRST TIME IN OPEN COUNCIL THE 29 DAY OF MARCH 2005.

READ A SECOND TIME IN OPEN COUNCIL THE 29TH DAY OF MARCH 2005.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 29TH DAY OF MARCH

2005.



MAYOR



CATHERINE CONRAD
CITY CLERK

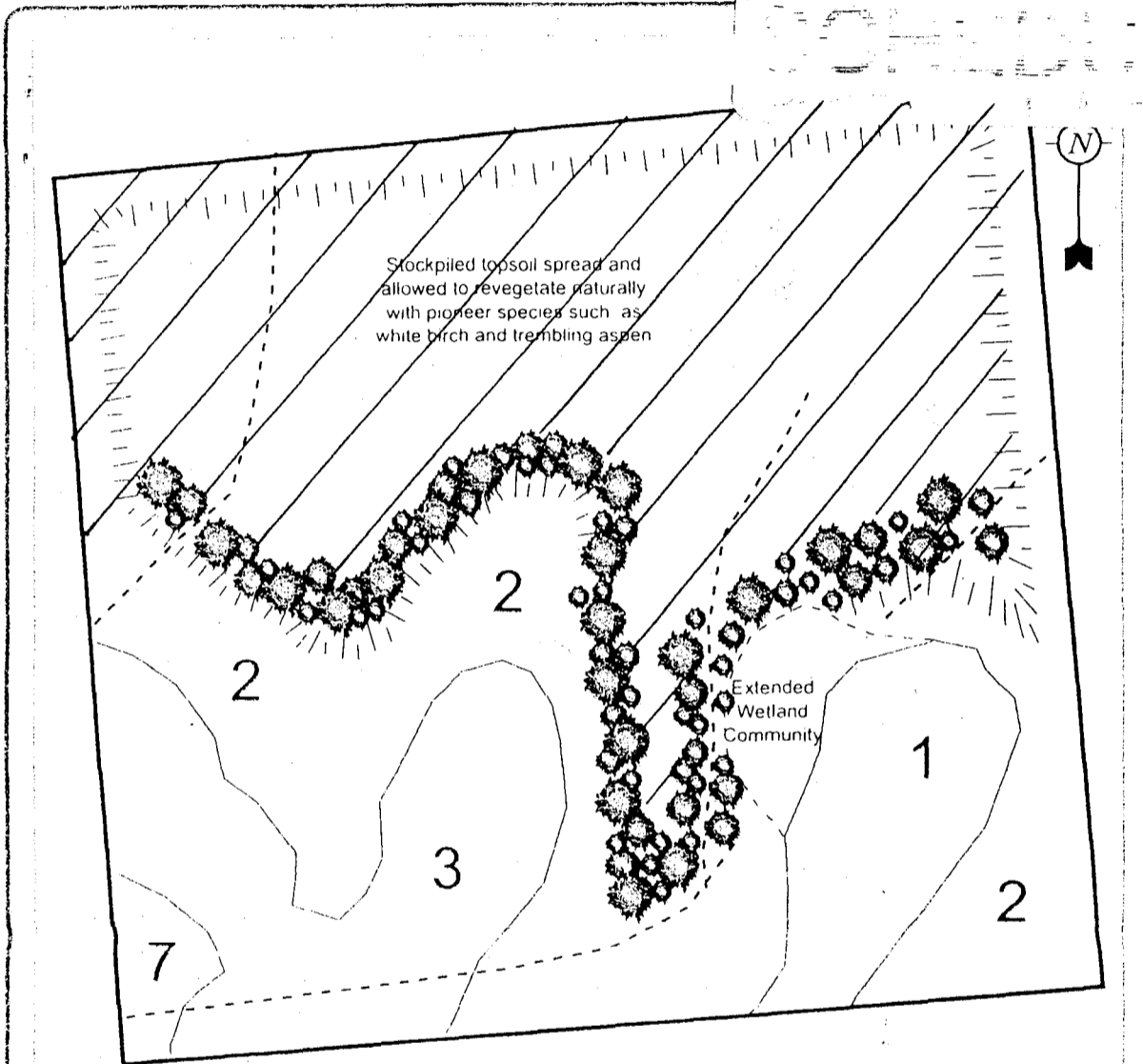
This is Schedule "B"

To By-law No. 2005-48

Passed the 29 day of March 20 05.

[Signature]
Mayor

Latherine Conrad
City Clerk



Notes.

All activities will comply with the Operational Standards contained in the Aggregate Resources of Ontario-Provincial Standards (MNR 1997). A 15m buffer will remain adjacent to all property boundaries and wetland communities. All new excavations will be at least 1.5m above the established groundwater table at approximately 98.5m referenced elevation. All excavation faces will be graded to a stable slope of at least a 3:1 ratio. All stockpiled topsoil will be spread following depletion and allowed to regenerate naturally. A 30m band of planted conifer stock will be completed along the southern boundary of the proposed excavation to improve wildlife cover component and diversify the new vegetative cover. Acceptable species include red pine, white pine, jack pine, white spruce and black spruce. Stock will be planted and maintained at a density of one stem per 4 square metres. A section of the existing access road will be removed following depletion to re-establish a contiguous wetland/lowland community that previously existed as indicated in the above plan labelled as the extended wetland community.

LEGEND

- Property Boundary
- Vegetation Community Boundary
- Extended Wetland Boundary
- Access Roads
- Extractable Area
- 3:1 Sloped Area
- Planted Conifer Area
- Tall Shrub Fen 1
- Upland Intolerant Mixed Woods 2
- Black Spruce Lowlands 3
- Cleared Industrial Area 7

