

# MEMORANDUM

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**DATE:** JANUARY 5, 2023

**TO:** TOWNSHIP OF EDWARDSBURGH CARDINAL – COMMITTEE  
OF WHOLE - COMMUNITY DEVELOPMENT

**FROM:** NOVATECH

**RE:** 3485 GLEN SMAIL RD – ZONING BY-LAW AMENDMENT – HFI  
PROTECHNICS LTD

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## Background & Applicant's Proposal

A Zoning By-law amendment application has been received for a property located in Part of Lot 32, 33, 34, Concession 4, Township of Edwardsburgh Cardinal, known locally as 3485 Glen Smail Road. The application has been filed by iN Engineering + Surveying on behalf of the owner, HFI Pyrotechnics Ltd. The application proposes to rezone lands to accommodate the long-term expansion plans of HFI Pyrotechnics Ltd, a local business engaged in the production of specialty pyrotechnics products.

The subject site is located on the north side of Hands Road and east of Glen Smail Road, and encompasses approximately 123 ha of land. The subject lands are presently developed with an abandoned dwelling, with the balance of lands being forested. The lands in question are sited adjacent to 3308 Hands Road, which are lands also owned and operated by HFI Pyrotechnics Ltd. Surrounding land uses include rural lands and a few rural residential properties. The majority of the lands surrounding the property are owned by the Province of Ontario.

The subject site is designated as Rural Policy Area on Schedule A of the Township's Official Plan. Schedule B of the Township's Official Plan identifies Significant Woodlands on majority of the site, as well as organic soils and Mineral Aggregate Reserves (Bedrock Resources and Sand and Gravel Resources) on its northeast quadrant. A watercourse also transects the northeastern portion of the site. The site is zoned Rural (RU) on Schedule A of Zoning By-law No. 2022-37.

The Zoning By-law amendment application proposes to rezone the subject lands to Rural Industrial Special Exception 1 Holding (MR-1-h) zone in order to permit the expansion of the pyrotechnic business, HFI Pyrotechnics Ltd. The holding zone is proposed to establish the pyrotechnic business use on the entire site, but limit uses to existing until certain criteria are met to lift the holding prior to development on site. The application notes there are plans to develop approximately 3.6 acres of lands on Hands Road just east of Glen Smail Road for a new office building which will be developed on private services (well/septic).

## Planning Discussion

The proposed zoning by-law amendment application has been reviewed against the following planning policy documents:

## 2020 Provincial Policy Statement

The 2020 Provincial Policy Statement (PPS) recognizes that rural areas are important to the economic success of the Province and states that the diversification of the economic base and employment opportunities should be promoted in supporting healthy, integrated and viable rural areas (Policy 1.1.4.1(f)). Further to this, it is a policy of the PPS to promote development that is compatible with the rural landscape and can be sustained by rural service levels (Policy 1.1.5.4). It is also a policy of the PPS that opportunities should be retained to accommodate new or expanding land uses that require separation from other uses (Policy 1.1.5.6.).

The PPS requires that major facilities, such as manufacturing uses and industries, which may require separation from sensitive land uses, such as residential dwellings, be planned and developed to avoid – or, if avoidance is not possible, to minimize and mitigate – any potential adverse effects from odour, noise, and other contaminants, as well as to 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 (Policy 1.2.6.1).

The proposed amendment will allow the expansion of an existing industrial use which benefits from being located in the rural area to ensure appropriate separation is achieved from sensitive land uses and to meet health and safety requirements for buildings on site.

## United Counties of Leeds and Grenville Official Plan

The subject property is designated as Rural Lands on Schedule A of the United Counties of Leeds and Grenville Official Plan. One of the Counties' objectives for the Rural Area is to provide for a diversified range of economic activities. Similar to the PPS, the Counties' Plan permits limited economic uses that benefit from being located within the rural area. Counties' objectives for Rural Lands include promoting development opportunities for rural uses which cannot be located in settlement areas (Policy 3.3.1(a)), and providing opportunities to accommodate new or expanding land uses that require separation from other uses (Policy 3.3.1(h)). The Counties' Plan also promotes limited development that is compatible with the rural landscape and character and can be sustained by rural service levels (Policy 3.3.1(e)).

Further, the Plan requires that an appropriate separation distance, based on the Province's relevant land use compatibility guidelines, will be established between a rural industrial land use and a sensitive land use, and will be enforced through a site specific zoning amendment and/or through site plan control (Policy 3.3.3(i)). It is a policy of the Plan that uses which create or potentially create adverse impacts as a result of air, noise, and/or vibration emissions will only be considered based on the submission of an impact assessment to the satisfaction of the Counties and/or local municipality, as applicable (Policy 3.3.3(g)).

The proposed amendment will allow the expansion of an existing industrial use which benefits from being located within the Township's rural area. The criteria proposed to lift the holding symbol will ensure the development of the site considers appropriate separation and land use compatibility criteria as determined by a specific development proposal and the constraints identified in the Township's Official Plan.

## Township of Edwardsburgh Cardinal Official Plan

The subject property is designated in the Township of Edwardsburgh Cardinal Official Plan as Rural Policy Area. Additionally, the presence of Significant Woodlands on the majority of the subject site is identified on Schedule B of the Official Plan, as are the presence of organic soils and Mineral Aggregate Reserves (Bedrock Resources and Sand and Gravel Resources) at the northeast corner of the site.

The Rural Policy Area designation permits a variety of land uses that are compatible and appropriate for the rural service levels available. Objectives for the Rural Policy Area include promoting a wide range of development opportunities that diversify the rural economy and providing opportunities to locate new or expanding uses that require separation from other uses (Policy 3.4.1). The Township's Official Plan permits commercial and industrial uses within the Rural Policy Area such as non-agricultural industrial and commercial uses which relate to local resources as well as custom workshops and service shops (Policy 3.4.3.1).

It is a policy of the Plan that development and site alteration within or up to a 120m distance from Significant Woodlands shall not be permitted unless an Environmental Impact Assessment (EIS) demonstrates there will be no negative impacts on the woodlands or their ecological functions (Policies 6.17.5.1 & 6.17.5.2). Additionally, lands containing organic soils are considered to be potentially unstable for development purposes by the Township and constitute potential threats to the safety of human life and property. Policies of the Official Plan therefore state that development on lands containing potentially unstable soils may require sufficient soil and geotechnical engineering information as a condition of approval by the approval authority to ensure safe site conditions (Policy 4.4.2.1), and uses associated with manufacturing and/or the storage of hazardous substances are explicitly prohibited on such lands (Policy 4.4.2.3).

Areas containing known aggregate resources are intended to be protected by the Township to ensure proper utilization of the resource. Accordingly, the objectives of the Township Official Plan include limiting development within and adjacent to known aggregate resource areas to uses which are compatible with the aggregate industry, as well as prohibiting sensitive land uses on such lands and within the influence area of the resource(s) (Policy 3.6.1). Further, as per Policy 3.6.3.7 of the Official Plan, development and activities not associated with aggregate resource access/extraction in areas identified as Mineral Aggregate Reserves on Schedule B, as well as on adjacent lands, are only permitted subject to the following:

1. The resource use would not be feasible; or
2. The proposed land use or development serves a greater long-term public interest; and
3. Issues of public health, public safety and environmental impact are addressed.

Section 6.8 of the Official Plan outlines development criteria for Council to consider when reviewing a development application. Development criteria include items such as safe access, parking, servicing, stormwater management, landscaping and appropriate setbacks from adjacent land uses. The development criteria of Section 6.8 can be further reviewed when a site plan control application is submitted for review for a specific development proposal.

Section 7.2.2 provides policies on Holding Provisions which can be implemented through the Township's Zoning By-law. A holding provision can be adopted to clearly state that certain conditions must be met prior to the removal of the holding zone and that the use of holding zone provisions shall conform to policies of the Township Official Plan (Section 7.2.2.1). As described further in this report,

a holding zone is proposed to ensure certain studies, as required by the Official Plan, are implemented for a specific development proposal on the subject lands prior to the holding zone being removed in accordance with Planning Act requirements. These studies will ensure the above noted development constraints such as significant woodlands, mineral aggregate reserves, organic soils and land use compatibility are addressed, and any identified mitigation measures are implemented prior to removal of the holding symbol and development occurring on the property for the business' expansion.

#### Township of Edwardsburgh Cardinal Zoning By-law 2022-35

The subject property is zoned Rural (RU) which permits a limited range of rural-oriented residential and non-residential uses. The proposed industrial manufacturing use associated operations and office use related to the pyrotechnic business are not permitted under the current zoning. Therefore, the purpose of the zoning by-law amendment is to permit these uses on the property. The applicant's have proposed that the Rural Industrial Special Exception 1 (MR-1) zone subject to a holding symbol be applied to the entire 123 ha site.

The intent of the application is to allow the pyrotechnic business expansion, a draft by-law has been prepared to rezone the subject lands to a Rural Industrial Special Exception (MR-3) zone to limit permitted uses to the pyrotechnic business manufacturing and on-site testing. The draft by-law also requires that the National Standard of Canada: Explosives – Quantity Distances minimum separation distances be met for buildings and structures on the property. The Explosives Regulatory Division of National Resources Canada noted to the Township this is the national standard to implement for minimum separation distance requirements.

Furthermore, the draft amendment includes a holding zone to note that the following studies are required, as determined by a specific development proposal, prior to removal of the holding symbol:

- Environmental Impact Assessment/Study;
- Hydrogeological Assessment & Terrain Analysis;
- Geotechnical Report;
- Aggregate Impact Assessment; and/or
- Land Use Compatibility Assessment, which shall include a blast/vibration/noise impact analysis, where applicable.

It is noted that the intent of the holding symbol is to only require certain studies once a specific development proposal is brought forward as not all studies may be required based on Official Plan policies and/or development constraints. The holding symbol could also be removed in stages based on the location of a development proposal on the property. Only existing uses will be permitted on the subject lands until the holding provision has been removed.

Additionally, a more detailed review of the Site Plan for Zoning By-law compliance will occur during the Site Plan Control process when a detailed site plan is submitted.

#### Site Plan Control

HFI Pyrotechnics Ltd current operations at 3308 Hands Roads are currently under a site plan control agreement. The Township has made the applicant aware that a site plan control application will be required for the newly proposed uses on the subject property. In addition to addressing stormwater

management and servicing requirements for the proposed buildings, the site plan control agreement can address items such as site access, screening, parking, fencing, and lighting. Additionally, the site plan control agreement can address required minimum separation distances of the Explosives – Quantity Distances National Standard and any mitigation measures of required studies are implemented.

Subject to conditions being met to lift the holding symbol following the rezoning of the subject lands, the applicant is proposing to develop a new office building at the southwest corner of the site, adjacent to Hands Road. The proposed development is to occur in phases over an extended period of time, beginning with the proposed office building.

### Public and Agency Comments

Written and oral comments were submitted by members of the public through the public consultation process, which included a public meeting that was held for the proposed application on December 5, 2022. While no objections were received, comments received included:

- Provisions be included to ensure there is an appropriate buffer between residential properties and the proposed use;
- Concerns regarding water stability in the area and how water will be provided to the proposed office building;
- Proper due diligence and thorough review be completed prior to consideration of the application.

It is noted that the proposed by-law includes a holding symbol requesting certain studies prior to the holding symbol being removed to permit the development on the property which assist in addressing public concerns raised.

No agency comments were provided on the proposed zoning amendment application.

### **Recommendations**

The proposed Zoning By-law amendment is found to be consistent with the 2020 Provincial Policy Statement and conforms to both the United Counties' and the Township of Edwardsburgh Cardinal Official Plan policies regarding development on Rural lands. The proposed amendment is an appropriate form of industrial development within the Township's rural area that can be supported by rural service levels and benefits from being located within the rural area. The proposed amendment would allow the expansion of existing business that will support economic activities of the community.

The amendment has been drafted to rezone the subject property to limit permitted uses on the 123 ha site to a business engaged in the manufacturing and testing of pyrotechnic products subject to a holding zone provision. The holding zone will ensure that as development plans evolve for the site appropriate studies are provided to address Official Plan policies for land use compatibility and to address on site development constraints.

Sincerely,

**NOVATECH**

**Prepared By:**



Kamal Chaouni, B.E.S. (PI)  
Planner

**Reviewed By:**



Jordan Jackson, RPP, MCIP  
Project Planner

**THE CORPORATION OF THE  
TOWNSHIP OF EDWARDSBURGH CARDINAL**

**BY-LAW NO. 2022-**

**“BEING A BYLAW TO AMEND ZONING BY-LAW NO. 2022-37”**

**iN Engineering + Surveying o/b HFI Pyrotechnics Ltd.  
Part of Lots 32-34, Concession 4  
3485 Glen Smail Road**

**WHEREAS** By-law No. 2022-37 regulates the use of land and the use and erection of buildings and structures within the Township of Edwardsburgh Cardinal;

**AND WHEREAS** the Council of the Corporation of the Township of Edwardsburgh Cardinal deems it advisable to amend By-law No. 2022-37 as hereinafter set forth;

**NOW THEREFORE** the Council of the Corporation of the Township of Edwardsburgh Cardinal enacts as follows:

1. The lands affected by this By-law are shown as shaded and outlined by heavy black lines on Schedule “A” which is attached hereto and forms part of this By-law.
2. Zoning By-law No. 2022-37, as amended, is hereby further amended by adding the following new subsection at the end of Section 9.3.4 (Special Exception Zones):

**3. MR-3 (Part of Lot 32-34, Concession 4)**

**Notwithstanding the provisions of Section 9.3.1 and 9.3.2 to the contrary, on lands zoned MR-3, permitted uses shall be limited to a business engaged in the manufacture of pyrotechnic products and the on-site testing of these products.**

**All materials stored on the subject lands shall be approved and stored in accordance with the requirements of the appropriate public body having jurisdiction. All buildings and structures located on the subject lands shall be located in accordance with the National Standard of Canada Explosives – Quantity Distances (CAN/BNQ 2910-510/2015), as amended, or other such tables of separation distances as may from time to time be approved by the appropriate public body having jurisdiction.**

3. Zoning By-law No. 2022-37, as amended, is hereby further amended by adding the following new subsection at the end of Section 5.4 (Holding Zones):

**3. MR-3-h (Part of Lot 32-34, Concession 4)**

**On the lands zoned MR-3-h, the ‘holding’ provision denotes a future expansion of a business engaged in the manufacture of pyrotechnic products and the on-site testing of these products. The holding provision shall only be removed upon completion of the following studies, in relation to a specific development project and any setbacks and/or impact mitigation is implemented, to the satisfaction of the Township:**

- **Environmental Impact Assessment/Study;**
- **Hydrogeological Assessment & Terrain Analysis;**
- **Geotechnical Report;**
- **Aggregate Impact Assessment; and/or**
- **Land Use Compatibility Assessment, which shall include a blast/vibration/noise impact analysis, where applicable.**

**Only existing uses shall be permitted until such time that the holding provision has been removed.**

4. Schedule “A” to Zoning By-law No. 2022-37, as amended, is hereby further amended by changing the zoning of the lands affected by this By-law from “RU” to “MR-3-h”.
5. The By-law shall become effective on the date of passing hereof, subject to the provisions of Section 34 (21) of the *Planning Act*, R.S.O. 1990, as amended.

Read a first and second time in open Council this \_\_\_\_day of \_\_\_\_\_, 202\_\_.

Read a third and final time, passed, signed and sealed in open Council this \_\_\_\_ day of \_\_\_\_\_, 202\_\_.

\_\_\_\_\_  
**Mayor**

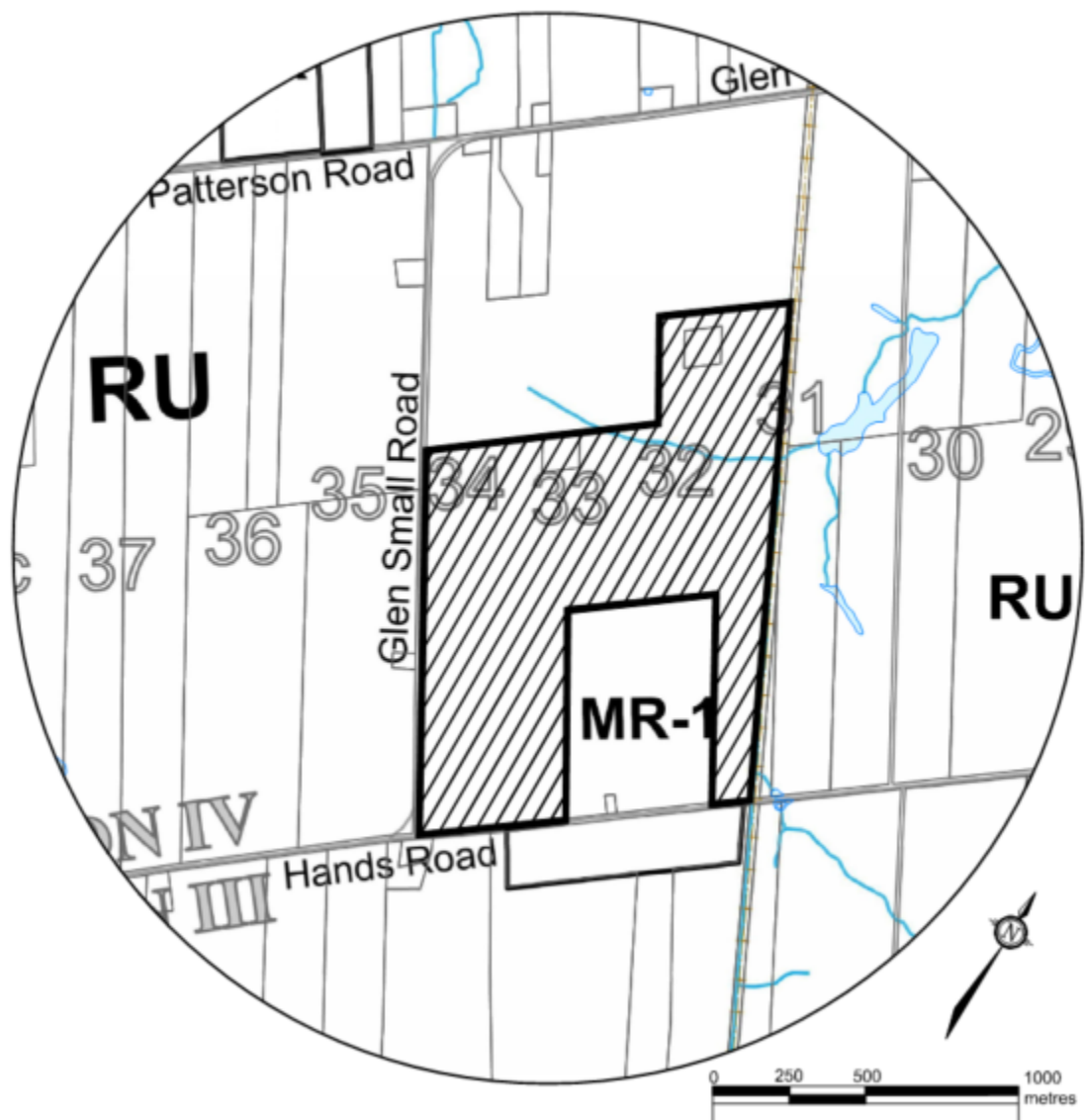
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**Clerk**



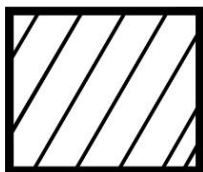
Schedule “A” to By-law No. \_\_\_\_\_

TOWNSHIP OF EDWARDSBURGH CARDINAL

iN Engineering + Surveying o/b HFI Pyrotechnics Ltd.  
Part of Lots 32-34, Concession 4  
3485 Glen Small Road



AREA(S) SUBJECT TO THIS BY-LAW



TO: RURAL INDUSTRIAL SPECIAL EXCEPTION 3  
HOLDING (MR-3-h) ZONE

FROM: RURAL (RU) ZONE