

THE MUNICIPAL BOARD OF MANITOBA  
**DECISION AND ORDER**

**DECISION DATE:** March 8, 2023

Order No. B-23-001  
File No. 22B3-0007

**MATTER:** Zoning By-law  
*The Planning Act, Section 82.1(1)*

**LOCAL AUTHORITY:** Rural Municipality of Springfield

**BY-LAW NO.:** 08-01

**HEARING DATES:** October 19, 2022  
October 20, 2022  
October 28, 2022

**PANEL:** Dan McInnis, Acting Chair  
Margaret Bonkemap, Member  
Rick Borotsik, Member

**PARTIES AND APPEARANCES:**

*for the Rural Municipality of Springfield*

Sharna Nelko, Legal Counsel, Fast Trippier Law  
Vienna Luong, Legal Counsel, Fast Trippier Law  
Faron Trippier, Legal Counsel, Fast Trippier Law  
Megan Boles, Senior Planner, WSP Canada Inc.  
Dan Doucet, Director of Planning and Development, Rural  
Municipality of Springfield

*for Sio Silica Corporation*

James Mercury, Legal Counsel, MLT Aikins LLP  
Curtis Parker, Legal Counsel, MLT Aikins LLP  
Feisal Somji, President and CEO, Sio Silica Corporation  
Brent Bullen, COO, Sio Silica Corporation  
John Wintrup, Principal, Richard + Wintrup  
Michelle Richard, Principal, Richard + Wintrup

*Public Presenters*

Shandy Walls	Rachel Mustard Leonard	Gloria Romanuk
Janet Nylén	Tangi Bell	Darryl Speer
Jack Kowalchuk	Brent Belluk	Georgina Mustard
Ted Cole	Pauly Kleinsasser	Armand Poirier
Heather Erickson	Verne Derrough	Helen Garrod
Hugh Arklie	Margaret Marion Akins	

**INTRODUCTION**

The Municipal Board held a Hearing, pursuant to Section 82.1(1) of *The Planning Act* (the "Act"), in which Sio Silica Corporation (the "Applicant"), appealed the decision of the Council of the Rural Municipality of Springfield (the "Municipality") denying the application to amend Zoning By-law No. 08-01 (the "Zoning By-law"). The Applicant seeks to add a new zoning district MRP Industrial Resource Processing Zone (the "Proposed Zoning District") and to apply the Proposed Zoning District to the lands (the "Proposed Zoning Amendment"), legally described as Part of NE 32-10-8E and Part of SE 32-10-8E (the "Subject Lands").

If the Proposed Zoning Amendment is approved, the Applicant intends to construct a Silica Sand Processing Facility (the "Processing Facility") and Rail Line Infrastructure on the Subject Lands.

**BACKGROUND**

On May 20, 2022, the Applicant filed the application to amend the Zoning By-law with the Municipality (the "Application").

On June 23, 2022, the Council of the Municipality reviewed the Application, and pursuant to Section 80(2)(a) and (b) of the Act, Council refused the Application. The Municipality refused the Application on the basis that the Project could be completed under a conditional use application and is without merit.

On June 29, 2022, following the decision made by the Municipality, James Mercury, Legal Counsel for the Applicant appealed the decision (the "Appeal") to the Municipal Board (the "Board").

On July 29, 2022, the Municipality sent correspondence to the Board indicating that the Appeal is without merit as the Municipality rejected the Application for the following reasons:

"In fact, all of Council agrees with the position of Mayor Fell the application is without merit and is not valid, as the application was discussed at the June 23<sup>rd</sup>, 2022, Council meeting with supporting documents and a decision of Council under Resolution of Council 22-249.

Mr. John Wintrup of Richard + Wintrup Planning and Development obo Sio Silica Corporation currently has the ability to file an application for a Conditional Use application instead of their request for a substantial Zoning text amendment.

Secondly, with the new draft Zoning By-law 21-25 is currently in process. Second Reading has been completed already. If Council would entertain a zoning by-law text and mapping amendment under Zoning By-law 08-01, and Zoning By-law 25-21 (sic) were also passed in the future, another entire Zoning By-law amendment process would need to take place again under the new Zoning By-law 25-21 (sic)."

On August 8, 2022, the Board acknowledged the objection to the matter being appealed to the Board and scheduled the parties to attend a Preliminary Hearing on September 16, 2022.

On September 16, 2022, the Board held a Preliminary Hearing to determine whether the Appeal before the Board is a valid appeal under Section 82.1(1) of *The Planning Act* (the "Act") when the Application for rezoning has been refused by the Municipality under Section 80(2) of the Act. Following the Preliminary Hearing, the Board issued Municipal Board Interim Order No. B-22-011, determining the Appeal is with merit and that the parties are to proceed to a hearing.

The Board held a hearing on the appeal on October 19, 20, and 28, 2022 (the "Hearing").

### ISSUES

Taking into consideration the submissions made, should the Board reject the proposed amendment to the zoning by-law, confirm the proposed by-law or any part of it, or direct the council to alter the by-law subject to any terms or conditions the Board considers advisable.

### THE LEGISLATION

The following Sections of *The Planning Act* (the "Act") are relevant to these proceedings:

#### **Appeal of refusal or conditions**

82.1(1) In respect of an application for an amendment to a zoning by-law initiated under clause 80(1)(b), the applicant may appeal to the Municipal Board

- (a) if a board or council resolves not to proceed with the by-law amendment; or

(b) if, as a condition of amending the zoning by-law, the owner of the affected property is required to enter into a development agreement under section 150.

### **Decision of Municipal Board**

82.1(7) The Municipal Board must make an order

- (a) rejecting the proposed amendment to the zoning by-law;
- (b) confirming the proposed by-law or any part of it; or
- (c) directing the board or council to alter the by-law in the manner it specifies.

The order may be subject to any terms or conditions the Municipal Board considers advisable.

### **Effect of decision**

82.1(8) The board or council must not require the owner of the affected property to enter into a development agreement under section 150 unless the Municipal Board requires a development agreement as a condition under subsection (7).

### **Development agreements**

150 As a condition of amending a zoning by-law, making a variance order or approving a conditional use, a board, council or planning commission may, unless this Act provides otherwise, require the owner of the affected property to enter into a development agreement with the planning district or municipality in respect of the affected property and any contiguous land owned or leased by the owner dealing with one or more of the following matters:

- (a) the use of the land and any existing or proposed building;
- (b) the timing of construction of any proposed building;
- (c) the siting and design, including exterior materials, of any proposed building;
- (c.1) the provision of affordable housing, if the application is for an amendment to a zoning by-law to permit a new residential development that is subject to a requirement under subsection 71(5);
- (d) the provision of parking;
- (e) landscaping, the provision of open space or the grading of land and fencing;

- (f) the construction or maintenance — at the owner's expense or partly at the owner's expense — of works, including but not limited to, sewer and water, waste removal, drainage, public roads, connecting streets, street lighting, sidewalks, traffic control, access and connections to existing services;
- (g) the payment of a sum of money to the planning district or municipality in lieu of the requirement under clause (f) to be used for any of the purposes referred to in that clause;
- (h) the dedication of land or payment of money in lieu thereof, where the application is for an amendment to a zoning by-law to permit a residential use, use for a mobile home park or an increase in residential density, in which case item 6 of section 135 applies to the dedication.

**Failing to conclude development agreement**

151.0.1 If a board, council or planning commission and the owner of the affected property are unable to agree to the terms or conditions of a development agreement within 90 days after the agreement is required under section 150, the owner may appeal the matter to the Municipal Board under clause 151.0.3(1)(a).

**Appeals re development agreement**

151.0.3(1) An applicant may appeal the following to the Municipal Board:

- (a) in respect of a development agreement required under section 150, the terms and conditions to be included in such an agreement;
- (b) in respect of an application to amend a development agreement made under subsection 151.0.2(1),
  - (i) a decision of a board or council to reject the application, or
  - (ii) a decision of a board or council to require a new or varied condition in a development agreement.

**SUBMISSIONS**

**The Applicant**

Feisal Somji, on behalf of the Applicant, presented the following:

- Sio Silica Corporation is a private company based in Calgary, Alberta founded in 2016 with operations in Manitoba. It is entirely owned by Canadian shareholders, with the Canadian National Railway Pension Fund being the largest shareholder.

- The Applicant is proposing to extract underground high purity silica sand using wells, transport the silica sand to the Processing Facility using slurry pipes, wash/size/dry the silica sand, treat and return the excess water to the extraction wells via pipeline and transport the finished product by rail to markets (the "Project").
- The Applicant is committed to being environmentally responsible and aims to bring high purity silica sand to green initiatives markets in the most sustainable way possible while respecting the people, community and environment.
- The high purity silica sand makes a significant contribution to the green economy and can be used in the manufacture of solar panels, batteries, smart glass, ceramics, fibre optics and other products.
- The Subject Lands were purchased in 2021, and is a total of 256 acres in size and will contain the Processing Facility and the rail line loading infrastructure. No extraction activities will take place on the Subject Lands. The Project will be adjacent to Vivian, Manitoba and approximately 35 kilometers east of Winnipeg.
- The Applicant owns 335 acres of land south of the Subject Lands that will be used for silica sand extraction during the first 5 years of operation, and also holds mineral claims on an additional 65,000 acres of land within the Province. The Project and extraction activities are based on a 24-year mining plan but, due to the large size of the silica sand deposits in the area, activity could be sustained for over 200 years.
- The economic benefits include 250 jobs during construction and 50 to 100 direct jobs at full operation. The estimated direct revenue to the Municipality would be 2 to 3 million dollars per year. Indirect revenue is estimated to be 2 to 4 million dollars per year and the overall contribution to Manitoba through taxes, payroll, royalties and municipal charges are estimated at 1.2 billion dollars.
- A natural gas pipeline will be extended from Anola, Manitoba to the Processing Facility and other residents can access it if they choose.
- A new substation will be constructed at the Subject Lands to supply electricity.
- The Applicant is committed to being involved in the community by supporting other local businesses - in services, sponsorships and participation at events.
- The Applicant was advised by the Department of Natural Resources and Northern Development, and the Department of Conservation and Climate of the Province of Manitoba that the Project should be separated into two separate projects for the purpose of approvals. One project being the Processing Facility, and the other being the extraction activities.

- On June 17, 2020, the Applicant submitted a conditional use application to the Municipality for the Project (the "Conditional Use Application").
- On July 2, 2020, the Applicant submitted an *Environment Act* Proposal for licensing of the Processing Facility on the Subject Lands. The licensing process involved technical reviews, public consultation and the Applicant responses to the concerns raised.
- On December 16, 2021, the Environmental Approvals Branch of Manitoba Conservation and Climate issued Environment Act License No. 3367 (the "License"). The License contains 63 requirements (conditions) that must be complied with. The License also states that if construction has not commenced by December 16, 2024, the License will be revoked.
- The Applicant abandoned the Conditional Use Application due to the Municipality not processing it and after a discussion with Mayor Fell whereby she advised that the Conditional Use Application would not be approved by Council. The Applicant was also concerned about the Conditional Use Application not having the permanence of a permitted use and the impact that could have on the ability to attract investors and future operational impacts.
- On May 22, 2022, the Applicant applied to the Municipality for an amendment to the Zoning By-law. The Proposed Zoning District would be added and applied to the Subject Lands.

Brent Bullen, on behalf of the Applicant, presented the following:

- The extraction of the silica sand is done by using a patent pending process involving drilling a cluster of five water wells and using air pressure to lift the slurry of 90% silica sand and 10% water to the surface.
- The extraction process has been proved through field testing. The cluster of 5 wells will operate for about one week. The wells are then decommissioned in accordance with provincial and federal regulations.
- The extraction operation is currently under review by the Clean Environment Commission as part of *The Environment Act* Licensing process.
- The Processing Facility consists of four components:
  - The Wet Plant component is where the silica sand slurry (90% silica sand, 10% water) from the extraction wells will be initially processed and stockpiled. These stockpiles will reach a maximum height of 28.7 metres in the fall and a minimum height of 6.1 metres in the spring. The extraction activities and wet plant will operate from mid-April to mid-November each year.

- The Dry Plant component consists of drying and screening of the silica sand. This enclosed building operates under negative pressure and contains a bag house to reduce any air borne particulate matter from leaving the building.
  - The Silo Storage component is four 5,000 tonne, 42 metre high, enclosed silos.
  - The Rail Load Out component is a belt conveyor from the silos to a 2.6-kilometre-long looped rail track. The looped track, with gravity roll, reduces the need to couple and uncouple train cars. On average, three trains will be loaded per week.
- *The Environment Act* application process required the identification of impacts and required mitigation measures associated with the Processing Facility operations. These potential impacts included vegetation, wetlands, wildlife, heritage resources, air quality, noise, water and traffic and were considered in the License:
  - Air quality mitigation measures include having the dry plant in an enclosed facility under negative pressure with a dust collection system. The final product will be stored in enclosed silos and fine particles considered a danger to public health are removed in the wet process before stockpiling.
  - Noise is limited to 55 decibel (dBA) during the day and 45 dBA at night. The Subject Lands are naturally vegetated, and most of the processing equipment is within an enclosed building.
  - Water usage is expected to be 757 to 1,136 litres per day, the equivalent water usage of a household of 4 to 6 people. On-site septic systems will treat the wastewater in accordance with Manitoba government regulations. Water from the silica sand slurry will be treated, returned to the wells and injected underground.
  - Traffic is limited to employees. A traffic study determined that there were no substantial increases in traffic on PTH 15 and PR 302. The final product is shipped by rail and the silica sand slurry will be transported from the wells to the Processing Facility by pipeline. During the construction phase there will be increased traffic but not a substantial increase compared to existing traffic volumes.

John Wintrup, on behalf of the Applicant, presented the following:

- Natural Resource Development and Processing Use are conditional uses in the MXH Industrial Extractive Holding Zone (the "MXH Zoning District").
- He prepared the Conditional Use Application not including any extraction activity.



- On June 17, 2020, the Conditional Use Application was submitted to the Municipality.
- On October 6, 2020, an enquiry was made of the Municipality regarding the status of the Conditional Use Application. The Municipality responded by requesting information related to a Hydrogeological Report of Groundwater Resource Potential prepared by a Professional Hydrogeological Engineer.
- Further in the email, the Municipality's Development Officer advised that he was not sure if the Municipality will consider the Conditional Use Application on the processing plant until the science and engineering are considered regarding the extraction activities.
- In a subsequent email, the Development Officer stated that until someone addresses the technical questions, the Conditional Use Application will be considered incomplete.
- The Municipality never asked any questions pertaining to the Processing Facility or the Conditional Use Application.
- Given the October 6, 2020 response, a review of the Act, planning regulations, guidance documents and the Municipality's Development Plan By-law No. 18-09 (the "Development Plan") was undertaken.
- The Subject Lands are designated in the Development Plan as Aggregate. The Project is consistent with the Aggregate designation and would meet the objectives and policies outlined in the Development Plan.
- The Municipal Planning Guide to Zoning By-laws in Manitoba states: "As a general rule, conditional uses should not outnumber permitted uses in most zones. Conditional uses should be reserved for development proposals that require additional public input, council debate, and conditions." This is considered best practice and is not unique to Manitoba alone.
- The Subject Lands are presently zoned as the MXH Zoning District. The MXH Zoning District does not contain any permitted uses.
- The MX Industrial Extractive Zoning District (the "MX Zoning District") has 2 permitted uses (one being Natural Resource Development) and 5 conditional uses (one being Processing Use). Consideration was made to apply for the Subject Lands to be rezoned to the MX Zoning District from the MXH Zoning District. This would still require a conditional use application. Given the Municipality's non-response to the Conditional Use Application, it was decided not to pursue the Conditional Use Application any further.
- Section 80(1)(b) of the Act allows for owners of the affected property to apply for an amendment to zoning by-laws.

- On May 20, 2022, the Applicant was made to the Municipality to amend the Zoning By-law to create the Proposed Zoning District and to apply the Proposed Zoning District to the Subject Lands. The Proposed Zoning District would contain 13 permitted uses (one being Resource Manufacturing) and 5 conditional uses. The proposed definition of Resource Manufacturing would include 24 land uses of which Processing Uses and Natural Resource Development are included. The proposed definition of Resource Manufacturing also includes 24 land use exclusions. The Processing Facility would be considered a permitted use under Resource Manufacturing.
- The Proposed Zoning Amendment is extensive and thorough in keeping with the guidance provided in the Manitoba Planning Regulations and guidelines. It does not create conflicts with other sections of the Zoning By-law.
- The Code of Ethics of the Canadian Institute of Planners requires planners to consider the best interests of the public when doing their work and this level of detail would be considered in the best interest of the public. The Proposed Zoning Amendment was prepared as if it was being done for the Municipality.
- Section 150 of the Act allows for a development agreement to be entered in to with the Municipality as a condition of amending the Zoning By-law.
- After submission of the Application, there was no contact from the Municipality on the status or contents of the Proposed Zoning Amendment.
- On June 23, 2022, the Municipality refused the Application as per Sections 80(2)(a) and (b) of the Act.
- The Municipality has been working on a new zoning by-law, Zoning By-law No. 21-25 (the "Proposed Zoning By-law"), but it has not been approved to date.
- A revised application for the Zoning By-law amendment (the "Revised Application") was provided to the Board. The revision simplifies the original Application and is specific to the Processing Facility only. It does not impact or conflict with other zones within the Municipality. The Proposed Zoning District has one permitted use, Resource Manufacturing.
- The Revised Application was prepared to address the concerns expressed by the Municipality and conforms with the Development Plan.
- If approved, the Applicant and the Municipality may be required to negotiate a development agreement as per the Act.

Michelle Richard, on behalf of the Applicant, presented the following:

- The Provincial Land Use Policies (PLUPs) explicitly directs that local authorities must protect aggregate, quarry and mine resources and ensure that appropriate security of tenure is achieved. The PLUPs also identify that it is in the province's interest to minimize economic risk.
- The tenure for a project of this economic magnitude is very important for investor confidence. Certainty and predictability are necessary. Conditional use does not provide the tenure required and creates issues with the provincial interests for economic development. Conditional use creates uncertainty since it may be terminated at any time and the Municipality may impose any conditions that it considers necessary.
- Given the imperative to protect natural resources for development and the associated investment that is required to develop the resource, the only appropriate instrument is land use zoning.
- There is no dispute that the proposed use aligns with the Development Plan. The site is designated "Aggregate".
- The Zoning By-law designates the Subject Lands as the MXH Zoning District. There are 7 conditional uses and no permitted uses for the MXH Zoning District. The Province of Manitoba's Municipal Planning Guide for Zoning By-laws states that, as a general rule, the conditional uses should not outnumber permitted uses in most zones. Given that the Zoning By-law does not meet this requirement, a Zoning By-law amendment was applied for as per the Act.
- The Proposed Zoning Amendment provides the certainty, predictability and stability which the existing Zoning By-law does not have. It represents good planning and is in the public interest.

James Mercury, Legal Counsel for the Applicant, presented the following:

- This Hearing is being held in accordance with the Act. There have been some recent amendments to the Act so the process of conducting the Hearing may be different from what was done in the past.
- The focus of this Hearing should be on what constitutes good planning and what is in the public interest. Every Hearing is on a de novo basis and, based on the evidence provided by the Municipality at this Hearing, there is no reason to deny the Revised Application.
- The Act does give the Board authority to require that a development agreement be entered into between the Municipality and the Applicant. If the development agreement cannot be agreed to within 90 days, the Owner can appeal this to the Board.

- The Revised Application being proposed meets all the requirements in the Act and is in the public interest. It also provides certainty to what can be done on the Subject Lands.
- The Zoning By-law does not contain any permitted uses for the MXH Zoning District, which does not comply with Section 71(1)(b) of the Act and is not in keeping with the Municipal Planning Guide to Zoning Bylaws in Manitoba guidance document.
- Without permitted uses in a zone, there is no predictability or certainty for any developer, particularly for the Applicant which is a very significant economic development opportunity for the Municipality.
- The Municipality does not seem interested in proceeding with this issue until the Clean Environment Commission has dealt with the extraction in *The Environment Act* licensing. However, this is not the mandate of the Municipal Board. The Project is compatible with the adjacent lands and should be approved using good planning practices.
- The Project was the subject of a very rigorous environmental review as part of *The Environment Act* licensing requirements. The License was issued with 63 conditions. The Municipality did not participate in the public consultation process related to the environmental impact and instead asked for hydrogeological studies as part of the Conditional Use Application. This is not consistent with good planning practices.
- It is clear to the Applicant that the Conditional Use Application was not going anywhere.
- The application for an amendment to a zoning by-law is a process contained in the Act, and is not an attempt to avoid scrutiny or to make the approval process easier. The lack of communication with the Municipality was not due to the Applicant as it had reached out many times.
- There was no feedback or engagement by the Municipality after the Application was made.
- The Municipality instructed WSP Canada Inc. (WSP) to finish the Proposed Zoning By-law quickly and very little effort was made in dealing with the Application. WSP was asked to review the Application but was not made aware of the License or the submissions that were made as part of that review process.
- WSP's recommendation to apply for a conditional use rather than the Zoning By-law amendment creates delays in the Project and uncertainty. The Manitoba government recently changed the Act to avoid delays and uncertainty and to provide transparency in the process. The Board is independent from the government and will make a decision, based on the Act, that is fair.

- The Applicant understands and appreciates that residents and others have concerns about the impacts to the aquifer. These concerns will be taken into account by the Clean Environment Commission as part of *The Environment Act* licensing process for the extraction activities. This is not a land use matter for the Board.
- The Municipality's Proposed Zoning By-law No. 21-25 (the "Proposed By-law") does not include permitted industrial uses in the MX Zoning District.
- WSP stated that aggregate operation land use is not appropriate for the Processing Facility, and an employment lands use would be a better fit.
- However, that is not what the Proposed Zoning By-law indicates. Simply waiting for the Proposed Zoning By-law to be approved and then applying for another Zoning By-law amendment would not be productive or timely given that the License expires in December 2024 if construction has not started by that time. There are no timelines available as to when the Proposed Zoning By-law would come into effect.
- The Applicant wants to work with the Municipality and residents to ensure that the Project meets or exceeds best practice in land use planning, as well as providing the economic benefits to the community and Province. The Applicant is recommending to the Board that it require a development agreement as part of the Order so that this can be achieved.

#### The Municipality

Dan Doucet, Development Officer for the Municipality, presented the following:

- Mr. Doucet has been employed for 30 years in development and zoning matters with municipal governments and has a C.E.T. Diploma. He provides advice to the Municipality on planning issues and takes direction from the Chief Administrative Officer (CAO) of the Municipality.
- Most of the work is dealing with applications for planning and building related matters.
- When the Conditional Use Application was received, the Municipality's Geographic Information System (GIS) was used to research the Subject Lands and a review of the municipal legislation took place.
- Mr. Doucet reviewed the Development Plan to determine if the proposal was consistent. It was determined that it was consistent, but noted that there is an emphasis on groundwater protection for developments of this nature.

- He noted that some silica sand exploration work had taken place on the Subject Lands. This was not discussed with the Municipality prior to it occurring. Permission was given by the Provincial government for this work.
- The Municipality considers the Processing Facility and the silica sand extraction to be one project, and not separate projects/approvals as the Province of Manitoba does.
- He reviewed the Zoning By-law and determined that the proposal would pertain to Natural Resource Development and Processing Use, which are both conditional uses in the MXH Zoning District.
- Also, it is noted that a Natural Resource Development shall be developed in accordance with Section 54.0 of the Zoning By-law and any Municipal By-laws dealing with Natural Resource Developments (Section 71.6).
- On October 6, 2020, the Conditional Use Application was deemed to be incomplete due to missing information pertaining to hydrogeological data. The Applicant was advised of this by email.
- On June 8, 2021, he met with Kevin Zaharia of Sio Silica Corporation, and again asked about the status of the Conditional Use Application. No response was received from the Applicant.
- The Applicant was never told that the Conditional Use Application would not be approved, the application was simply in abeyance until the requested hydrogeological information was received.
- On May 20, 2022, the Application was received. There was no advance notification from Sio Silica that this Application was being submitted.
- On May 27, 2022, the Applicant was advised that the Application was incomplete due to the non-payment of the processing fee and three required forms were not completed.
- On May 30, 2022, the Applicant provided the completed forms and payment was made.
- Due to the Application proposing extensive changes to the Zoning By-law, assistance was sought from Larissa Sveinson, District Planner, Community Planning and Development, Province of Manitoba and Megan Boles.
- Ms. Sveinson responded that if the Proposed Zoning Amendment was approved, it would not be grandfathered into the Proposed Zoning By-law as it had received second reading already.
- Ms. Boles responded on June 13, 2022 with a memo that indicated the Proposed Zoning Amendment was unnecessarily complex and a conditional use would be the more appropriate approval process. The memo also recommends that the Proposed Zoning Amendment is without merit and should be rejected by the Municipality.

- On June 20, 2022, a report for the Municipality was prepared that recommended that the Application be refused. The report raised two questions. The first was whether or not the Proposed Zoning Amendment was necessary given that the uses could fall under existing land use classification. The second was the ramification of accepting the Application while the approval process for the Proposed Zoning By-law was underway.
- On June 23, 2022, the Municipality refused the Application as per Section 80(2)(a) and (b) of the Act.

Megan Boles, on behalf of the Municipality, presented the following:

- Megan Boles shared her qualifications and experience over the more than 15 years working as a professional planner. This includes many assignments in the Municipality as well as preparing revisions to the Province of Manitoba Planning Act Handbook and Plan 2050 for the Winnipeg Metropolitan Region.
- Since 2019, Ms. Boles assisted the Municipality in the public engagement and development of the Proposed Zoning By-law. Three public engagement opportunities were provided for the public to participate and provide feedback. Input was also sought from government departments, the Chamber of Commerce, aggregate groups and others.
- The Manitoba Heavy Construction Association recommended having aggregate uses as conditional uses rather than permitted uses.
- The Proposed Zoning By-law reduces the number of zones from the Zoning By-law and removes the designated holding zones. The goal was to simplify the Zoning By-law by broadening definitions in order to provide flexibility.
- The Proposed Zoning By-law has gone through several revisions. First and second readings have taken place. The Proposed Zoning By-law is currently awaiting a hearing due to more than 25 objections being made, triggering a referral to the Board.
- The Letter of Intent contained in the Application was reviewed in relation to the policies contained in the Development Plan. Policies 11.2.1.a), 11.2.1.b), 11.2.13, 11.2.5, 3.2.6., 3.4.10., and 3.4.13. would be applicable and would indicate that the Project would generally conform to the Development Plan.
- The Proposed Zoning Amendment was reviewed in relation to the policies contained in the Development Plan. Policies 9.4.3 and 9.4.4. looks at compatibility with adjacent land uses for industrial development and considers General, Transportation and Environment factors. Neither of these Policies are addressed adequately in the amendment and therefore does not conform to the Development Plan.

- A more appropriate land use designation would be 'Employment' which permits heavy industrial uses such as those that occur within an enclosed building or outdoors and may generate higher levels of nuisance as per Policy 9.4.3. The Proposed Zoning Amendment is not generally consistent with the Development Plan.
- The Zoning By-law indicates that the Natural Resource Development and Processing Use are the two conditional uses that would apply to the Subject Lands under the MXH Zoning District. One of the parcels that make up the Subject Lands does not meet the minimum site width requirement of 91.44 metres and a variance would be required.
- There was not enough information provided in the Application to assess if other site and building setback requirements would be met. The Applicant could have provided a site plan, location of the extraction activities, impacts on the Manitoba Hydro lands and details on the access to the CN rail line including the required approvals.
- The Proposed Zoning Amendment has serious ramifications for future development in the Municipality due to the number of uses and as such requires an in-depth consideration outside of just the context of the Project.
- An option would be for the Applicant to reapply for a Zoning By-law amendment once the Proposed Zoning By-law comes into effect.
- The Proposed Zoning By-law indicates that the zoning district for the Subject Lands would be MX, and the two conditional uses would be Aggregate Operation and General Industrial, Heavy.
- The Proposed Zoning By-law would still require a conditional use application, along with a variance application for the parcel that doesn't meet the minimum width requirement.
- The Proposed Zoning Amendment would have a similar effect on the Proposed Zoning By-law. Due to the inordinate number of uses, a full review of the Proposed Zoning By-law would have to be undertaken to determine if they are acceptable for development across the Municipality.
- It was recommended that the Municipality meet with the Applicant to better understand their intent in creating the new zone, as opposed to proceeding with a Conditional Use under the Zoning By-law.
- In conclusion the Proposed Zoning Amendment is without merit as it proposes a new zone, mapping changes, a list of permitted and conditional uses, and new bulk table requirements for a use that is already listed as a conditional use in the Zoning By-law but also the Proposed Zoning By-law. Also, the Proposed Zoning Amendment does not comply with the Development Plan as the Aggregate land use designation does not support all the permitted and conditional uses outlined in the Proposed Zoning District.



Faron Trippier, on behalf of the Municipality, presented the following:

- The Hearing deals with an appeal of a decision of the Municipality regarding the Application. The Zoning By-law is consistent with the Act and this process should have been dealt with as a conditional use application.
- It was the Applicant that decided not to pursue the Conditional Use Application and this is not the right process as it is inconsistent with the spirit of the Act. The Applicant was never denied a conditional use and there is no evidence that the Municipality refused to respond to the Conditional Use Application. The Board should not consider why the Conditional Use Application process came to an end.
- This is more complicated than the narrow issue that the Applicant is pursuing. The Zoning By-law and the Development Plan requires that the processing and extraction activities be considered together. The Applicant has attempted to split the Project but the Municipality considers it one project.
- The Municipality simply put the brakes on the Proposed Zoning Amendment until after the Clean Environment Commission process concludes. Until the Clean Environment Commission sorts this out, the approval process is on hold.
- The proposal is for 300 extraction wells per year for 20 years. The depth of the extraction wells is a concern and there are more questions than answers. The Board should not proceed without knowing the answers to these questions.
- The Subject Lands are aggregate lands and the Development Plan states that the resource underneath should be preserved. The Project should be located elsewhere.
- There is no evidentiary framework for the Revised Application that the Applicant has presented at this Hearing. It is simply not necessary.
- Economic development opportunities should not be approved at all costs.
- If the Board approves the Proposed Zoning Amendment, the Applicant will be able to say that to the Clean Environment Commission and make their approval more likely.
- The Board should deny the Appeal and allow the Municipality to deal with the Project with the Conditional Use Application. An application to amend the Zoning By-law is a very blunt approach while a conditional use is a precise approach. Not denying the Application would be a bad precedent.

- In response to the alternative to the Proposed Zoning Amendment provided at the Hearing, Mr. Trippier stated that this is the first time that the Municipality has seen the Revised Application and has not had a chance to review it.
- It is not standard practice that revisions like this are proposed at a hearing.

#### Public Presentations

The Board heard presentations from the following:

##### Shandy Walls

- She spoke in favour of the Proposed Zoning Amendment.
- Ms. Walls is a long-time resident of the Municipality, including a term on Council.
- She started working with Sio Silica in 2020 and moderated the public information forum.
- There is a lot of misinformation and anger associated with this Project.
- There have been communication efforts made but perhaps they could have been done better.
- Wants the Project to proceed to provide much needed jobs in the community.
- Supports the views expressed by Martin Electric in their email to the Board.

##### Janet Nysten

- She spoke in opposition to the Proposed Zoning Amendment.
- The opinion of Mayor Fell on the Conditional Use Application is not the opinion of Council, it is hers alone.
- The Proposed Zoning Amendment is excessive in scope and content.
- The opinions of John Wintrup are more focused on economic development than they are on land use planning.
- The Zoning District was known when the Subject Lands were purchased and the timing of the Application is questionable.

##### Jack Kowalchuk

- He spoke in opposition to the Proposed Zoning Amendment.
- Mr. Kowalchuk was a Conservation Officer in the area from 1974 to 2000 and is very familiar with water issues in the Vivian area.
- The aquifer in the Vivian area is a pressure ridge and water flows from the aquifer into the river.

- If there was ever a disaster with the piping, the water would flow to the river and this could cause issues with fish spawning in Lake Winnipeg.
- The Applicant has failed to provide any assurances that this will not happen and is placing profit ahead of the environment.
- St. Rita is an original Metis settlement and there are artifacts in the area that should not be disturbed.
- Any damage to the waterways due to drainage mishaps cannot be cleaned up.
- An independent environmental study needs to take place.

Ted Cole

- He spoke in opposition to the Proposed Zoning Amendment.
- He stated that, nothing presented in the Hearing has reduced the level of fear he has associated with the Project.
- It was stated that the water going back into the aquifer would be cleaner than it was when taken out, but the water in the aquifer is already clean.
- The silica sand stockpiles will be 95 to 100 feet tall and the same amount of material will be needed to backfill the space in the aquifer where it was taken from.
- Canadians fought for their freedom and now the Applicant is taking it away.
- The Project must be safe.
- The people proposing this Project don't live here.

Heather Erickson

- She spoke in opposition to the Proposed Zoning Amendment.
- There has been no public consultation for the Project.
- The increased traffic on PTH 15 is a concern.
- The increased rail traffic is also a concern.
- The groundwater will be further contaminated and she will have to install a filter for her drinking water.
- There will be less wildlife due to the removal of the forested area.

Hugh Arklie

- Mr. Arklie spoke in opposition to the Proposed Zoning Amendment.
- He has been involved in environmental studies in the Municipality since 2010.
- The Applicant wants to change the rules and is doing an end run on the process by applying for the Proposed Zoning Amendment after applying for a conditional use.
- This is an affront to due process and democracy.

- The presentation by John Wintrup should be ignored. The focus by Richard + Wintrup is more on economic development than proper land use planning as per their website.

Gloria Romaniuk

- Ms. Romaniuk spoke in opposition to the Proposed Zoning Amendment.
- She is alarmed by the questions on why the Municipality did not follow up with the Applicant. It should be the Applicant's responsibility to contact the Municipality.
- It was inappropriate for the Applicant to speak directly with Mayor Fell.
- The Municipality did not give permission to the Applicant to do the boreholes.
- This is a big responsibility for the Board and you will have to live with the consequences.

Barbara Simmons (email read by Darryl Speer)

- Ms. Simmons is in opposition to the Proposed Zoning Amendment.
- The Board seems to be biased in favour of the Applicant.
- She expressed her concerns with the Project, namely increased pollution and the resulting adverse impacts that this will have in the Municipality.

Darryl Speer

- Mr. Speer spoke in opposition to the Proposed Zoning Amendment.
- He is not in favour of the alternative to the Proposed Zoning Amendment.
- The protection of the air, water and land is paramount, and should not be overruled by economic development.
- Effective enforcement, particularly air pollution, has always been an issue in the Municipality.

Georgina Mustard

- She spoke in opposition to the Proposed Zoning Amendment.
- Her property backs on to the Processing Facility and no one has consulted with her.

Rachel Mustard Leonard

- She is in opposition to the Proposed Zoning Amendment.
- She owns the gravel pits adjacent to the Processing Facility as well as farms on the east side of PR 302.
- These are Metis grounds and there are artifacts on the land that need to be protected.

- There are already aquifer issues in this area and who is going to fix them when things go wrong.

**Sue Ziemski (read by Janet Nysten)**

- She is in opposition to the Proposed Zoning Amendment.
- Any amendment to the Zoning By-law should not be considered until the Clean Environment Commission recommendations have been made.
- The Proposed Zoning By-law is being considered by the Municipality, and the Proposed Zoning Amendment should not be considered within the Zoning By-law.
- The Conditional Use Application is still pending and the reports that were asked for should be provided.

**Tangi Bell**

- She spoke in opposition to the Proposed Zoning Amendment.
- The Project's possible impacts on the quality of the groundwater in the aquifer need to be considered.
- This is a high groundwater pollution area and needs to be protected.

**Brent Belluk**

- Mr. Belluk is a longtime resident of the Municipality. He has experience in heavy construction and approaches issues from a process perspective.
- This has been an interesting journey.
- He attended the March 2020 Open House with the Applicant and asked questions to gain understanding of the Project.
- He is confident that the Project can be undertaken safely. The Clean Environment Commission is involved and we need to put faith in that process.
- We need to work together to find a solution as this is a significant economic opportunity for the Municipality.
- We don't have all the answers yet but the Project can be done right.

**Pauly Kleinsasser**

- He spoke in favour of the Proposed Zoning Amendment.
- He is a large business Owner in the Municipality and is located in proximity to the Project.
- There is support in the business community because of increased business, increased employment and increased applicant paid infrastructure.
- He believes in God and he has put these resources in place for humans to use.

**Verne Derrough**

- He spoke in opposition to the Proposed Zoning Amendment.
- There is good quality water in the Municipality. A mistake may be made and then there will be a disaster.
- The right decision is to deny the Proposed Zoning Amendment.

**Margaret Akins**

- She spoke in opposition to the Proposed Zoning Amendment.
- The decision of the Clean Environment Commission is still pending.
- The Proposed Zoning By-law is still in process and until it is in place the Proposed Zoning Amendment should not be approved.
- The Conditional Use Application is still pending, and this is the process that should be undertaken.
- The alternative to the Proposed Zoning Amendment provided by John Wintrup is without any hearing or public input.
- There has been no consultation with the Municipality, WSP or residents.
- The Applicant wants certainty but cannot provide certainty to the residents.
- The public interest should be the top priority, not the decision of the Board.
- The alternative to the Proposed Zoning Amendment being proposed is offensive.
- The Board needs to change their lens when looking at this, as it will be a large economic and environmental disaster.

**Armand Poirier**

- Mr. Poirier is the newly elected Mayor of the Municipality of Tache.
- The views presented by the Applicant are not the views of the Municipality and should not be considered.
- The Board process is scary and bypasses the decisions made by local Councils.
- Corporations should not be allowed to override these decisions.

**Helen Garrod**

- She spoke in opposition to the Proposed Zoning Amendment.
- She lives near Birds Hill Park.
- There are pristine aquifers in the area, and East St. Paul and St. Clements draws water from them.
- Over the past 10 years there have been climate issues and it is hard to imagine what the next 10 years may look like.
- We can't fix the environment after it is gone.
- We need to look at the long term - the Project is the short term.

In addition, the Board received and reviewed written submissions from the following:

- Darrell Hiebert, in favour of the proposed Zoning By-law amendment.
- Jan Regehr, in favour of the proposed Zoning By-law amendment.
- Lyle Foster, in favour of the proposed Zoning By-law amendment.
- Dan Martin, in favour of the proposed Zoning By-law amendment.

### ANALYSIS

The Board has carefully considered the positions of those who support and those who oppose the Proposed Zoning Amendment. In particular, the sentiments and arguments presented by the public were heartfelt and sincere. The issue being considered here is obviously important to the Municipality and residents.

#### 1. Groundwater Impacts

There were a considerable number of presentations made that expressed concern with the possible negative impact to the aquifer due to the extraction activities. The Board acknowledges those concerns as significant, but does not consider them to be within the scope of the Hearing as outlined in the Act.

Firstly, the extraction does not take place on the Subject Lands. Secondly, *The Environment Act*, specifically the upcoming Clean Environment Commission hearing, are where the aquifer water quality concerns will be addressed.

#### 2. Project Splitting

The splitting of the project into two parts, Processing Facility and the extraction activity, was examined by the Board. The evidence by the Applicant was that this was done at the request of the Province of Manitoba to be a better fit for the various regulatory approval processes. The Municipality and others suggested that this was done to circumvent a rigorous review and approval process.

The Board has reviewed the evidence related to the two *Environment Act* proposals and the public consultations. The Board has no concerns with proceeding to decide on the matter put before it – a land use planning issue for the Proposed Zoning Amendment. For the Board to consider matters outside of this scope would interfere with, and detract from, the other regulatory approval processes that have already occurred or are under consideration presently.

3. Zoning By-law No. 08-01

The Board's decision in this matter relies on legislation that includes the Zoning By-law. Both the Municipality and the Applicant provided evidence that the contents of the Zoning By-law do not meet the best practice standards currently being used in Manitoba. To the credit of the Municipality, the process to update the Zoning By-law is underway and the Board commends the Municipality for doing so.

4. Proposed Zoning By-law No. 21-25

The Proposed Zoning By-law was the topic of much discussion and argument during the Hearing. The proposed zoning for the Subject Lands is MX – Industrial Extractive. The intent of this district is to accommodate aggregate quarries and mining operations. The two uses listed for MX – Industrial Extractive are both conditional and would require a conditional use application for the Processing Facility.

While the points made were interesting, the Proposed Zoning By-law is currently in draft form and will be the subject of a separate Municipal Board hearing. The Board is only considering the Zoning By-law as the one in effect at the time of the Application.

5. Conditional Use Application

The status of the Conditional Use Application was a significant part of the evidence. The Municipality states that the Conditional Use Application is still under consideration, and they are waiting for the information requested on October 6, 2020. The Applicant states that a conditional use approval would not provide the certainty needed to attract investment for a project of this size, and that Mayor Fell advised the Applicant the Conditional Use Application would not be approved by Council. The Applicant further states that the additional information requested on October 6, 2020 was not related to the Conditional Use Application but was for hydrogeological studies that were related to the extraction activities not on the Subject Lands.

The Board was unable to determine if a conditional use or a zoning by-law amendment would provide a greater degree of certainty for the Project. Both options may require a development agreement to be negotiated between the Municipality and the Applicant. No discussions have taken place as to the terms and conditions that would be included in a development agreement. The specific terms and conditions, and the Applicant's compliance with them, would provide the certainty required for the Project.



When the Board heard evidence that Mayor Fell had advised the Applicant that the Conditional Use Application would not be approved, the Board was surprised and skeptical as to the validity of this statement. It would be highly irregular for a head of Council to state this before the Council has an opportunity to consider the Application. The Board was expecting Mayor Fell to provide evidence to confirm or deny this statement. Despite ample opportunity in the Hearing, Mayor Fell did not provide any evidence confirming or denying that this occurred. Absent any direct evidence challenging the assertion being made, the Board accepts this statement to be true and that the Applicant understood that the Conditional Use Application would not be approved.

The actions of the Municipality while processing the Conditional Use Application is also a concern to the Board. It took 111 days between the Conditional Use Application being received, reviewed and the request for additional information was made (which the Municipality stated was boilerplate text). In comparison, it took 34 days from the receipt of the Application to the Council decision during which time the Municipality engaged two separate planners for guidance and analysis, prepared a Council report, posted the agenda item for 7 days on the website and held the Council meeting. When comparing the two timelines, they appear incongruous to the Board and gives the impression that the Conditional Use Application was not being supported by the Municipality initially.

In addition, the Board noticed that when the Municipality presented an overview of the GIS information related to the Subject Lands, the overlay map of the groundwater sensitivity information was not shared, even though the menu item did exist. The Board did find the groundwater sensitivity information in the Proposed Zoning By-law and noted that the Subject Lands is in a low/medium vulnerability groundwater sensitivity area. It is unclear to the Board if the request for the hydrogeological information was required or just standard practice, or made as an abundance of caution or a tactic to "kill" the Conditional Use Application before it proceeded to Council. The request for the hydrogeological information raises more doubts than certainty as to how appropriately the Conditional Use Application was handled.

The Board is of the opinion that a conditional use application would be an appropriate avenue to seek approval for this Project. However, given the number of procedural anomalies which have occurred in this case, the Applicant would not have confidence that the Conditional Use Application would receive fair, transparent and timely consideration by Council.

The Act gives the Applicant two avenues to seek approval for the Project – one is the conditional use and the other is the Zoning By-law amendment.

In the circumstances, reverting to an application to amend the Zoning By-law appears to be the most feasible avenue available to the Applicant to seek Project approval.

#### 6. Proposed Zoning Amendment

The Proposed Zoning District has 13 permitted uses and 5 conditional uses. The permitted use that describes the Project is Resource Manufacturing. The definition proposed for Resource Manufacturing includes 24 land uses and excludes 24 land uses. The Proposed Zoning District would only apply to the Subject Lands.

The Board took into consideration whether or not the Proposed Zoning Amendment is consistent with the Development Plan. After review of the objectives as outlined in Policies 9.4.3 and 9.4.4, the Board finds that the Proposed Zoning Amendment is not consistent with the Development Plan. The inconsistency, however, may be attributed to the lack of detailed information that was submitted with the Application.

The Board also noted that the Project, as described in the letter of intent that accompanied the Application, is consistent with the Development Plan as stated by WSP.

As well, the Board also considered how the Proposed Zoning Amendment would impact other zoning districts as described in the Zoning By-law. The Board agrees with the Municipality that the amendments are inconsistent with the form and context of the Zoning By-law. While well intentioned, the Board acknowledges that it is overreaching and it may cause confusion and uncertainty for other projects in other zoning districts in the Municipality.

#### 7. Other Municipal Approvals

While not a part of this appeal, the Board would like to note as information that additional approval(s) may be required if the Project were to proceed. The Board heard that a variance may be required due to one of the parcels that make up the Subject Lands does not have the required width, and the other is that the extraction activities, not located on the Subject Lands, would require a conditional use application.

### CONCLUSION

The Act directs the Board to consider one of three options in dealing with this matter.

The first option is to reject the Proposed Zoning Amendment.

The evidence unveiled a number of procedural anomalies that are a concern to the Board and question as to whether or not the Council had the information required to make an informed decision. This includes the Municipality not advising the Applicant as to when Council would be considering the Proposed Zoning Amendment so that a presentation could be made to Council and not seeking the additional information from the Applicant that WSP had recommended to determine the best next steps.

The evidence also indicates that the planned development, as described in the letter of intent, conforms with the Development Plan. Had the Municipality engaged with the Applicant in a meaningful way there may have been an opportunity to amend the Proposed Zoning Amendment that may have addressed the concerns of the Municipality.

The Board heard that the Zoning By-law has a number of deficiencies. The lack of permitted uses and holding zones do not align with what is considered best practice in Manitoba. Had the Zoning By-law been updated the application process for this Project may have been different and this Proposed Zoning Amendment may not have been required.

If the Board were to reject the Proposed Zoning Amendment the Applicant's only option, if they chose, would be to pursue the Conditional Use Application. The Board noted how the Conditional Use Application was considered by the Municipality and does not have confidence that a fair process would result based on the facts.

The Board concludes that the Project itself is not without merit and the Proposed Zoning Amendment should not be rejected.

The second option is to confirm the Proposed Zoning By-law or any part of it.

The Board notes that it is dealing with the Proposed Zoning Amendment as opposed to a proposed by-law which is the wording found in Section 82.1(7)(b) of the Act. The Proposed By-law will be subject to separate proceedings. The Board further notes that the evidence indicated that the Proposed Zoning Amendment would have ramifications for development outside of the Subject Lands and was missing information needed to complete a thorough review.

For the above reasons, the Board concludes that the Proposed Zoning Amendment should not be confirmed.

The third option is to direct the Municipality to alter the Zoning By-law.

The Board finds that from a planning perspective the Processing Facility on the Subject Lands is compatible with adjacent land uses and aligns with the PLUPs.

The Board notes that the License contains conditions and requirements for the Processing Facility that mitigate any impacts as well as provides an enforcement mechanism in case there is non-compliance or additional mitigation that may be required in the future.

The Board does note that this development will provide jobs, enhance the community's well-being through taxation and additional infrastructure services that benefit more than just the Applicant, such as the natural gas pipeline extension. On a more global view, the product being produced will assist with the transition away from fossil fuels.

The issue of a development agreement being required as part of the Proposed Zoning Amendment was also considered. The Board is of the opinion that a development agreement should be required to address the issues that may still be of concern to the Municipality, the Applicant and the community at large. In addition to giving consideration to any one or more of the matters outlined in Section 150 of the Act, the development agreement could formalize a community liaison committee which, among other matters, could report on activities undertaken, any items of concern and compliance with the conditions in the License. The development agreement could also define the site regulations specific to the Subject Lands.

After very detailed consideration of the evidence and submissions made, the Board directs the Municipality to alter the Zoning By-law, to have application solely to the Subject Lands, as ordered below:

**THEREFORE, THE BOARD ORDERS:**

1. That the Rural Municipality of Springfield Council **ALTER** Zoning By-law No. 08-01 in the following manner:
  - a. That at Section 67.0 **Industrial Zoning Districts** under subsection 67.1 **Purpose**, under clause 2), add a new subclause (e) **MRP: Industrial Resource Processing Zoning District**.
  - b. That after Section 71 and before Section 72 a new Section be added and named **MRP: Industrial Resource Processing Zoning District**.

- c. That in the new Section, a subsection 1 be added and named **General Purpose** to read as follows:

To establish a Zoning District for the manufacturing or processing or transformation of materials or substances from quarrying and mining.

- d. That in the new Section, a subsection 2 be added and named **Permitted Uses** and a clause 1) be added thereunder containing one permitted use, to read Resource Manufacturing.

- e. That at Section 7.6 **Natural Resource Development Use Classes**, a new class be added as clause 7) and named **Resource Manufacturing**, to read as follows:

**Resource Manufacturing** means establishments primarily engaged in the chemical, mechanical or physical transformation of materials or substances from resource related-uses [quarrying and mining] into new products. These products may be finished, in the sense that they are ready to be used or consumed, or semi-finished, in the sense of becoming a raw material for an establishment to use in further manufacturing.

Accessory uses may include, but not limited to, activities, such as the assembly of the component parts of manufactured goods; the blending of materials; treatment, preparation, packaging, transportation, handling and storage – washing, crushing, mixing and primary processing of minerals and sediments such as sand, clay, gravel, and silt; and the finishing of manufactured products by dyeing, heat-treating, plating and similar operations are also treated as manufacturing activities. Manufacturing establishments are known for a variety of trade designations, such as plants, factories, processing facilities or mills.

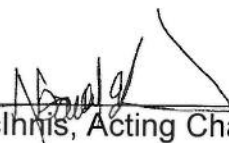
Land uses include:

- a) Glass and glass product manufacturing;
- b) Non-metallic mineral product manufacturing;
- c) Processing Uses for the washing, screening, beneficiation or otherwise preparing sand and/or gravel;
- d) Natural resource development; and
- e) Handling and storage of raw materials.

- f. That Zoning Map Figure 5 be amended to designate Part of NE 32-10-8E and Part of SE 32-10-8E as the **MRP Industrial Resource Processing Zoning District**.
- g. That all other necessary renumbering and other editorial changes be made to Zoning By-law No. 08-01 to accommodate the addition and application of the **MRP Industrial Resource Processing Zoning District** to Part of NE 32-10-8E and Part of SE 32-10-8E.
2. That as a condition of amending the Rural Municipality of Springfield Zoning By-law No. 08-01, the Rural Municipality of Springfield and Sio Silica Corporation enter into a development agreement as per Sections 150 and 151 of *The Planning Act*.
3. That the development agreement shall run with, and be filed by caveat against Part of NE 32-10-8E and Part of SE 32-10-8E as provided in Section 151(1) of *The Planning Act*.

FOR THE MUNICIPAL BOARD

March 8, 2023  
Date

  
Dan McInnis, Acting Chair

  
Erin Wills, Secretary