

For Office Use Only:

File Number	<u>ZNPK2019253</u>	Public Notice Sign	<u>YES</u>
Related File Number		Application Fee	<u>\$5287.00</u>
Pre-consultation Meeting	<u>MAY 25 2016</u>	Conservation Authority Fee	
Application Submitted	<u>JULY 11 2019</u>	Well & Septic Info Provided	<u>N/A</u>
Complete Application	<u>JULY 17 2019</u>	Planner	<u>MICHAEL HIGGINS</u>

Check the type of planning application(s) you are submitting.

- | | |
|-------------------------------------|---|
| <input type="checkbox"/> | Official Plan Amendment |
| <input checked="" type="checkbox"/> | Zoning By-Law Amendment |
| <input type="checkbox"/> | Temporary Use By-law |
| <input type="checkbox"/> | Draft Plan of Subdivision/Vacant Land Condominium |
| <input type="checkbox"/> | Condominium Exemption |
| <input type="checkbox"/> | Site Plan Application |
| <input type="checkbox"/> | Consent/Severance |
| <input type="checkbox"/> | Minor Variance |
| <input type="checkbox"/> | Easement/Right-of-Way |
| <input type="checkbox"/> | Extension of a Temporary Use By-law |
| <input type="checkbox"/> | Part Lot Control |
| <input type="checkbox"/> | Cash-in-Lieu of Parking |
| <input type="checkbox"/> | Renewable Energy Project or Radio Communication Tower |

Please explain the desired end result of this application (for example: a special zoning provision on the subject lands, changing the zone and/or official plan designation of the subject lands, creating a certain number of lots, or similar)

Proposed Zoning By-law Amendment is to permit below water aggregate extraction where above water aggregate extraction is currently permitted.

Property Assessment Roll Number: 403.025.11201

A. Applicant Information

Name of Owner Livingston Excavating and Trucking Inc. c/o Gerald Livingston

It is the responsibility of the owner or applicant to notify the planner of any changes in ownership within 30 days of such a change.

Address 638 Norfolk Street South
Town and Postal Code Simcoe, Ontario N3Y 4K1
Phone Number 519-426-6810
Cell Number _____
Email Livingston@kwic.com

Name of Applicant Same as owner
Address _____
Town and Postal Code _____
Phone Number _____
Cell Number _____
Email _____

Name of Agent MHBC c/o Brian Zeman
Address 113 Collier Street
Town and Postal Code Barrie, Ontario L4M 1H2
Phone Number 705-728-0045 ext 226
Cell Number _____
Email bzeman@mhbcplan.com

Please specify to whom all communications should be sent. Unless otherwise directed, all correspondence and notices in respect of this application will be forwarded to the agent noted above.

☐ Owner

☒ Agent

☐ Applicant

Names and addresses of any holder of any mortgagees, charges or other encumbrances on the subject lands: RBC

B. Location, Legal Description and Property Information

1. Legal Description (include Geographic Township, Concession Number, Lot Number, Block Number and Urban Area or Hamlet):

Part of Lots 5 & 6, Geographic Township of Windham (Delhi), Former Town of Simcoe, County of Norfolk

Municipal Civic Address: 259 Windham East Quarter Line Road

Present Official Plan Designation(s): Agriculture & Hazard Lands

Present Zoning: Agriculture (A) Special Provision 14.871 & Hazard Lands (HL)

2. Is there a special provision or site specific zone on the subject lands?

☒ Yes ☐ No If yes, please specify:

Agriculture (A) Special Provision 14.871

3. Present use of the subject lands:

Licensed as a Class B gravel pit and active agriculture.

4. Please describe all existing buildings or structures on the subject lands and whether they are to be retained, demolished or removed. If retaining the buildings or structures, please describe the type of buildings or structures, and illustrate the setback, in metric units, from front, rear and side lot lines, ground floor area, gross floor area, lot coverage, number of storeys, width, length, and height on your attached sketch which must be included with your application:

See enclosed ARA site plans.

5. If an addition to an existing building is being proposed, please explain what it will be used for (for example: bedroom, kitchen, or bathroom). If new fixtures are proposed, please describe.

See enclosed ARA site plans.

6. Please describe **all proposed** buildings or structures/additions on the subject lands. Describe the type of buildings or structures/additions, and illustrate the setback, in metric units, from front, rear and side lot lines, ground floor area, gross floor area, lot coverage, number of storeys, width, length, and height on your attached sketch which must be included with your application:

See enclosed ARA site plans.

7. Are any existing buildings on the subject lands designated under the *Ontario Heritage Act* as being architecturally and/or historically significant? Yes ☐ No ☒

If yes, identify and provide details of the building:

N/A

8. If known, the length of time the existing uses have continued on the subject lands:

Agriculture- unknown and Class B gravel pit- 2015

9. Existing use of abutting properties:

Agriculture, rural residential and mineral aggregate extraction.

10. Are there any existing easements or restrictive covenants affecting the subject lands?

☒ Yes ☐ No If yes, describe the easement or restrictive covenant and its effect:

Easement along Fourteenth Street West for Bell.

Note: Please complete all that apply.

1. Please explain what you propose to do on the subject lands/premises which makes this development application necessary:

Below water aggregate extraction.

2. Please explain why it is not possible to comply with the provision(s) of the Zoning By-law/and or Official Plan:

Below water aggregate extraction is not permitted in the Agricultural zone.

3. Does the requested amendment alter all or any part of the boundary of an area of settlement in the municipality or implement a new area of settlement in the municipality? ☐ Yes ☒ No If yes, describe its effect:

N/A

4. Does the requested amendment remove the subject land from an area of employment? ☐ Yes ☒ No If yes, describe its effect:

N/A

5. Does the requested amendment alter, replace, or delete a policy of the Official Plan?
☐ Yes ☒ No If yes, identify the policy, and also include a proposed text of the policy amendment (if additional space is required, please attach a separate sheet):

6. Description of land intended to be severed in metric units:

Frontage: N/A severance is not proposed.

Depth: _____

Width: _____

Lot Area: _____

Present Use: _____

Proposed Use: _____

Proposed final lot size (if boundary adjustment): _____

If a boundary adjustment, identify the assessment roll number and property owner of the lands to which the parcel will be added: _____

Description of land intended to be retained in metric units:

Frontage: _____

Depth: _____

Width: _____

Lot Area: _____

Present Use: _____

Proposed Use: _____

Buildings on retained land: _____

7. Description of proposed right-of-way/easement:

Frontage: N/A right-of-way or easement is not proposed.

Depth: _____

Width: _____

Area: _____

Proposed use: _____

8. Name of person(s), if known, to whom lands or interest in lands to be transferred, leased or charged (if known):

N/A

9. Site Information

Existing

Proposed

Please indicate unit of measurement, for example: m, m² or %

Lot frontage	See enclosed ARA site plans	
Lot depth		
Lot width		
Lot area		
Lot coverage		
Front yard		
Rear yard		
Left Interior side yard		
Right Interior side yard		
Exterior side yard (corner lot)		
Landscaped open space		
Entrance access width		
Exit access width		
Size of fencing or screening		
Type of fencing		

10. Building Size

Number of storeys	See enclosed ARA site plans	
Building height		
Total ground floor area		
Total gross floor area		
Total useable floor area		

11. Off Street Parking and Loading Facilities

Number of off street parking spaces	See enclosed ARA site plans	
Number of visitor parking spaces		
Number of accessible parking spaces		
Number of off street loading facilities		

12. Residential (if applicable)

Number of buildings existing: N/A

Number of buildings proposed: _____

Is this a conversion or addition to an existing building? ☐ Yes ☐ No

If yes, describe: _____

Type	Number of Units	Floor Area per Unit in m ²
Single Detached	_____	_____
Semi-Detached	_____	_____
Duplex	_____	_____
Triplex	_____	_____
Four-plex	_____	_____
Street Townhouse	_____	_____
Stacked Townhouse	_____	_____
Apartment - Bachelor	_____	_____
Apartment - One bedroom	_____	_____
Apartment - Two bedroom	_____	_____
Apartment - Three bedroom	_____	_____

Other facilities provided (for example: play facilities, underground parking, games room, or swimming pool): _____

13. Commercial/Industrial Uses (if applicable)

Number of buildings existing: N/A

Number of buildings proposed: Scale house to be removed as part of final rehabilitation

Is this a conversion or addition to an existing building? ☐ Yes ☒ No

If yes, describe:

N/A

Indicate the gross floor area by the type of use (for example: office, retail, storage):

Scale house to be less than 10 m² (108 sq.ft).

Seating Capacity (for assembly halls or similar): N/A

Total number of fixed seats: N/A

Describe the type of business(es) proposed: Aggregate extraction operation

Total number of staff proposed initially: 5-6

Total number of staff proposed in five years: 5-6

Maximum number of staff on the largest shift: 5-6

Is open storage required: ☒ Yes ☐ No

Is a residential use proposed as part of, or accessory to commercial/industrial use?

☐ Yes ☒ No If yes please describe:

14. Institutional (if applicable)

Describe the type of use proposed: N/A

Seating capacity (if applicable): _____

Number of beds (if applicable): _____

Total number of staff proposed initially: _____

Total number of staff proposed in five years: _____

Maximum number of staff on the largest shift: _____

Indicate the gross floor area by the type of use (for example: office, retail, or storage):

N/A

15. Describe Recreational or Other Use(s) (if applicable)

N/A

D. Previous Use of the Property

1. Has there been an industrial or commercial use on the subject lands or adjacent lands? ☒ Yes ☐ No ☐ Unknown
If yes, specify the uses (for example: gas station or petroleum storage):
Licensed aggregate operation at the adjacent property to the east.
2. Is there reason to believe the subject lands may have been contaminated by former uses on the site or adjacent sites? ☐ Yes ☒ No ☐ Unknown
3. Provide the information you used to determine the answers to the above questions:
Owner information.
4. If you answered yes to any of the above questions in Section D, a previous use inventory showing all known former uses of the subject lands, or if appropriate, the adjacent lands, is needed. Is the previous use inventory attached? ☐ Yes ☒ No

E. Provincial Policy

1. Is the requested amendment consistent with the provincial policy statements issued under subsection 3(1) of the *Planning Act*, R.S.O. 1990, c. P. 13? ☒ Yes ☐ No
If no, please explain:
Yes, please see enclosed Planning Justification Report.
2. It is owner's responsibility to be aware of and comply with all relevant federal or provincial legislation, municipal by-laws or other agency approvals, including the Endangered Species Act, 2007. Have the subject lands been screened to ensure that development or site alteration will not have any impact on the habitat for endangered or threatened species further to the provincial policy statement subsection 2.1.7? ☒ Yes ☐ No
If no, please explain:
Yes, please see enclosed Natural Heritage Evaluation.

3. Have the subject lands been screened to ensure that development or site alteration will not have any impact on source water protection? ☒ Yes ☐ No

If no, please explain:

Yes, please see enclosed Hydrogeology/ Hydrology Report.

Note: If in an area of source water Wellhead Protection Area (WHPA) A, B or C please attach relevant information and approved mitigation measures from the Risk Manager Official.

4. Are any of the following uses or features on the subject lands or within 500 metres of the subject lands, unless otherwise specified? Please check boxes, if applicable.

Livestock facility or stockyard (submit MDS Calculation with application)

☐ On the subject lands or ☐ within 500 meters – distance _____

Wooded area

☐ On the subject lands or ☒ within 500 meters – distance +/- 400m

Municipal Landfill

☐ On the subject lands or ☐ within 500 meters – distance _____

Sewage treatment plant or waste stabilization plant

☐ On the subject lands or ☐ within 500 meters – distance _____

Provincially significant wetland (class 1, 2 or 3) or other environmental feature

☐ On the subject lands or ☐ within 500 meters – distance _____

Floodplain

☐ On the subject lands or ☐ within 500 meters – distance _____

Rehabilitated mine site

☐ On the subject lands or ☐ within 500 meters – distance _____

Non-operating mine site within one kilometre

☐ On the subject lands or ☐ within 500 meters – distance _____

Active mine site within one kilometre

☐ On the subject lands or ☐ within 500 meters – distance _____

Industrial or commercial use (specify the use(s))

☐ On the subject lands or ☒ within 500 meters – distance _____

gravel pit on adjacent property

Active railway line

☐ On the subject lands or ☐ within 500 meters – distance _____

Seasonal wetness of lands

☐ On the subject lands or ☐ within 500 meters – distance _____

Erosion

☐ On the subject lands or ☐ within 500 meters – distance _____

Abandoned gas wells

☐ On the subject lands or ☒ within 500 meters – distance Unknown

MNRF believes the abandoned gas well is within the municipal road allowance for Quarterline Road.

F. Servicing and Access

1. Indicate what services are available or proposed:

Water Supply

☐ Municipal piped water

☐ Individual wells

Drilled well _____

☐ Communal wells

☒ Other (describe below)

Sewage Treatment

☐ Municipal sewers

☐ Septic tank and tile bed in good working order

☐ Communal system

☒ Other (describe below)

N/A _____

Storm Drainage

☐ Storm sewers

☐ Other (describe below)

☒ Open ditches

Future conditions: site will be grade to capture surface water on-site. _____

2. Existing or proposed access to subject lands:

☒ Municipal road

☐ Unopened road

☐ Provincial highway

☐ Other (describe below)

Name of road/street: _____

G. Other Information

1. Does the application involve a local business? ☒ Yes ☐ No

If yes, how many people are employed on the subject lands?

2. Is there any other information that you think may be useful in the review of this application? If so, explain below or attach on a separate page.

Please see enclosed application package.

H. Supporting Material to be submitted by Applicant

In order for your application to be considered complete, **folded** hard copies (number of paper copies as directed by the planner) and an **electronic version (PDF) of the properly named site plan drawings, additional plans, studies and reports** will be required, including but not limited to the following details:

1. Concept/Layout Plan
2. All measurements in metric
3. Key map
4. Scale, legend and north arrow
5. Legal description and municipal address
6. Development name
7. Drawing title, number, original date and revision dates
8. Owner's name, address and telephone number
9. Engineer's name, address and telephone number
10. Professional engineer's stamp
11. Existing and proposed easements and right of ways
12. Zoning compliance table – required versus proposed
13. Parking space totals – required and proposed
14. All entrances to parking areas marked with directional arrows
15. Loading spaces, facilities and routes (for commercial developments)
16. All dimensions of the subject lands
17. Dimensions and setbacks of all buildings and structures
18. Location and setbacks of septic system and well from all existing and proposed lot lines, and all existing and proposed structures
19. Gross, ground and useable floor area
20. Lot coverage
21. Floor area ratio
22. Building entrances, building type, height, grades and extent of overhangs
23. Names, dimensions and location of adjacent streets including daylighting triangles
24. Driveways, curbs, drop curbs, pavement markings, widths, radii and traffic directional signs
25. All exterior stairways and ramps with dimensions and setbacks
26. Retaining walls including materials proposed
27. Fire access and routes
28. Location, dimensions and number of parking spaces (including visitor and accessible) and drive aisles
29. Location of mechanical room, and other building services (e.g. A/C, HRV)
30. Refuse disposal and storage areas including any related screening (if indoors, need notation on site plan)
31. Winter snow storage location

32. Landscape areas with dimensions
33. Natural features, watercourses and trees
34. Fire hydrants and utilities location
35. Fencing, screening and buffering – size, type and location
36. All hard surface materials
37. Light standards and wall mounted lights (plus a note on the site plan that all outdoor lighting is to be dark sky compliant)
38. Business signs (make sure they are not in sight lines)
39. Sidewalks and walkways with dimensions
40. Pedestrian access routes into site and around site
41. Bicycle parking
42. Architectural elevations of all building sides
43. All other requirements as per the pre-consultation meeting

In addition, the following additional plans, studies and reports, including but not limited to, **may** also be required as part of the complete application submission:

- ☐ Zoning Deficiency Form
- ☐ On-Site Sewage Disposal System Evaluation Form (to verify location and condition)
- ☐ Architectural Plan
- ☐ Buildings Elevation Plan
- ☐ Cut and Fill Plan
- ☐ Erosion and Sediment Control Plan
- ☐ Grading and Drainage Control Plan (around perimeter and within site) (existing and proposed)
- ☐ Landscape Plan
- ☐ Photometric (Lighting) Plan
- ☐ Plan and Profile Drawings
- ☐ Site Servicing Plan
- ☐ Storm water Management Plan
- ☐ Street Sign and Traffic Plan
- ☐ Street Tree Planting Plan
- ☐ Tree Preservation Plan
- ☐ Archaeological Assessment
- ☐ Environmental Impact Study

- ☐ Geotechnical Study / Hydrogeological Review
- ☐ Minimum Distance Separation Schedule
- ☐ Noise or Vibration Study
- ☐ Record of Site Condition
- ☐ Storm water Management Report
- ☐ Traffic Impact Study – please contact the Planner to verify the scope required

Site Plan applications will require the following supporting materials:

1. Two (2) complete sets of the site plan drawings folded to 8½ x 11 and an electronic version in PDF format
2. Letter requesting that the Holding be removed (if applicable)
3. A cost estimate prepared by the applicant's engineer
4. An estimate for Parkland dedication by a certified land appraiser
5. Property Identification Number (PIN) printout

Standard condominium exemptions will require the following supporting materials:

- ☐ Plan of standard condominium (2 paper copies and 1 electronic copy)
- ☐ Draft condominium declaration
- ☐ Property Identification Number (PIN) printout

Your development approval might also be dependent on Ministry of Environment and Climate Change, Ministry of Transportation or other relevant federal or provincial legislation, municipal by-laws or other agency approvals.

All final plans must include the owner's signature as well as the engineer's signature and seal.

I. Development Agreements

A development agreement may be required prior to approval for site plan, subdivision and condominium applications. Should this be necessary for your development, you will be contacted by the agreement administrator with further details of the requirements including but not limited to insurance coverage, professional liability for your engineer, additional fees and securities.

J. Transfers, Easements and Postponement of Interest

The owner acknowledges and agrees that if required it is their solicitor's responsibility on behalf of the owner for the registration of all transfer(s) of land to the County, and/or transfer(s) of easement in favour of the County and/or utilities. Also, the owner further acknowledges and agrees that it is their solicitor's responsibility on behalf of the owner for the registration of postponements of any charges in favour of the County.

K. Permission to Enter Subject Lands

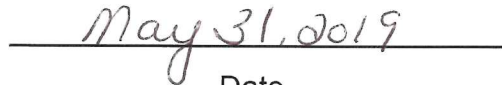
Permission is hereby granted to Norfolk County officers, employees or agents, to enter the premises subject to this application for the purposes of making inspections associated with this application, during normal and reasonable working hours.

L. Freedom of Information

For the purposes of the *Municipal Freedom of Information and Protection of Privacy Act*, I authorize and consent to the use by or the disclosure to any person or public body any information that is collected under the authority of the *Planning Act, R.S.O. 1990, c. P. 13* for the purposes of processing this application.



Owner/Applicant Signature



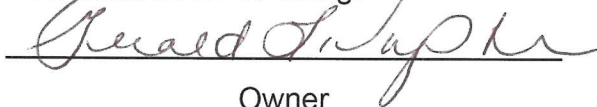
Date

M. Owner's Authorization

If the applicant/agent is not the registered owner of the lands that is the subject of this application, the owner(s) must complete the authorization set out below.

I/We Livingston Excavating and Trucking Inc. am/are the registered owner(s) of the lands that is the subject of this application.

I/We authorize MHBC c/o Brian Zeman to make this application on my/our behalf and to provide any of my/our personal information necessary for the processing of this application. Moreover, this shall be your good and sufficient authorization for so doing.



Owner



Date

Owner

Date

N. Declaration

I, Gerald Livingston of Simcoe

solemnly declare that:

all of the above statements and the statements contained in all of the exhibits transmitted herewith are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act*.

Declared before me at:

Simcoe, Ontario

Gerald Livingston
Owner/Applicant Signature

In _____

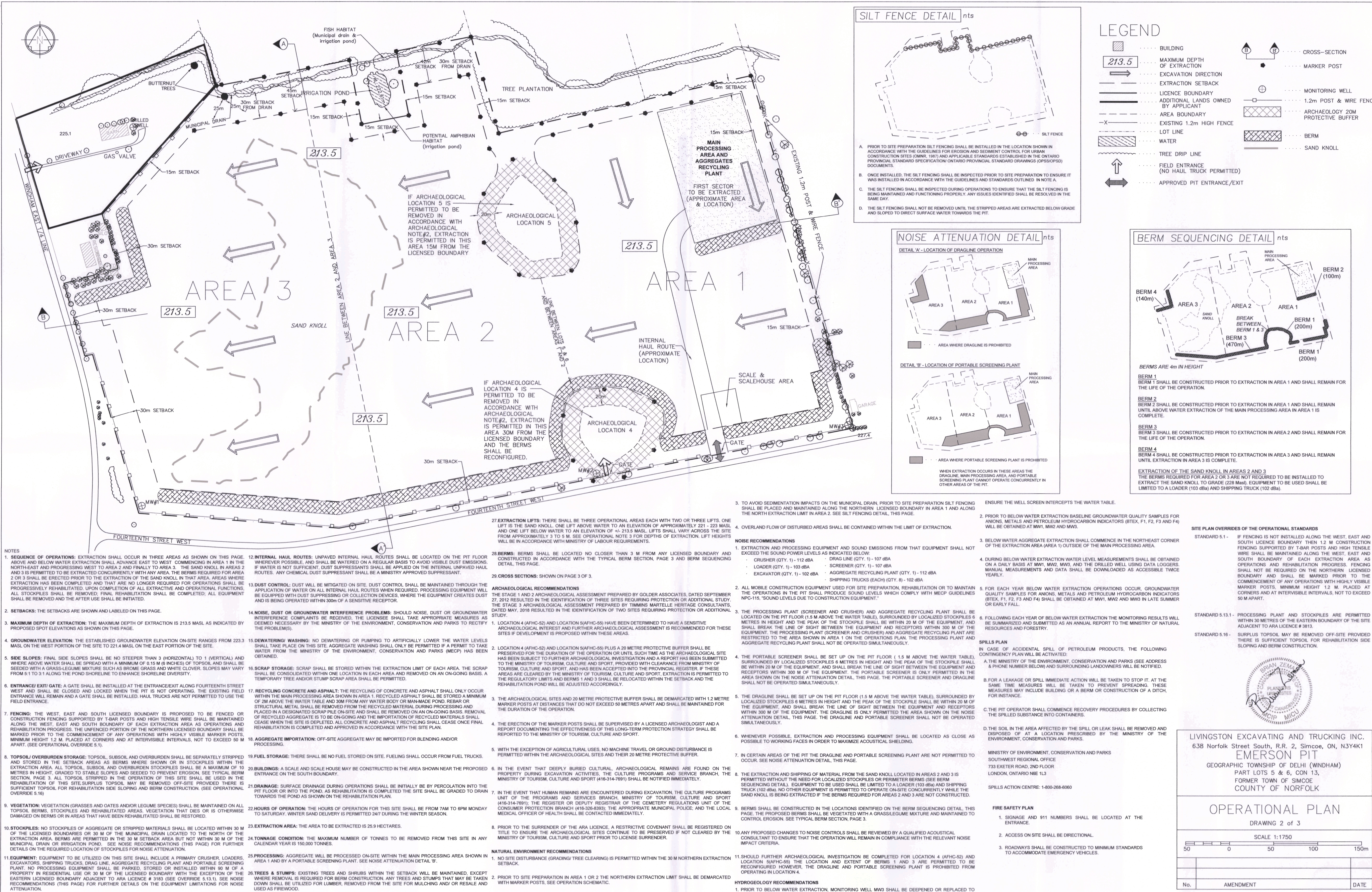
This 31 day of may

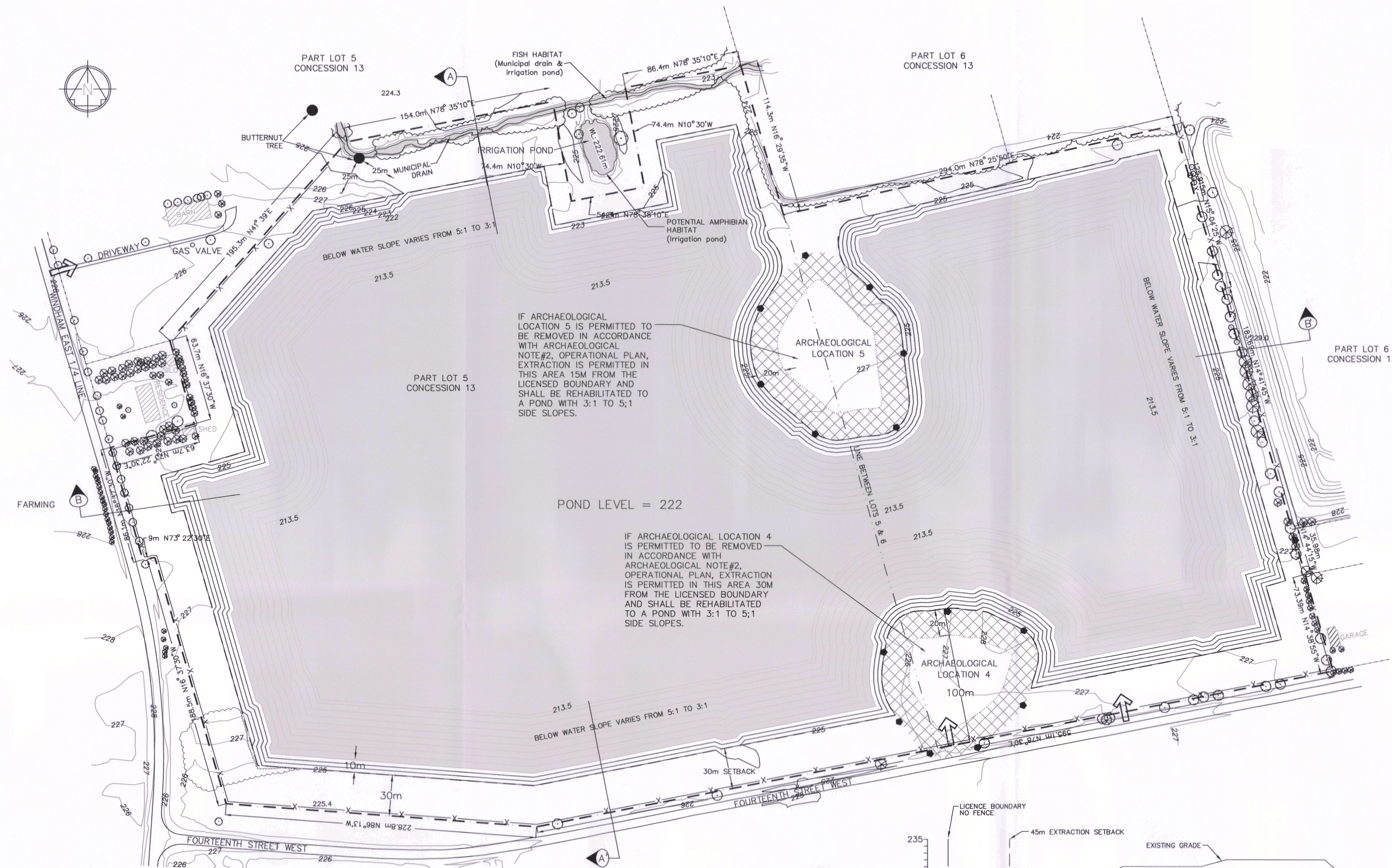
A.D., 20 19

Michele Roberts

A Commissioner, etc.

Michele Jane Roberts, a Commissioner, etc.,
Province of Ontario, for MacLeod Hosack Nunn
Pereira Kinkel LLP, Barristers and Solicitors.
Expires January 20, 2021.





REHABILITATION NOTES

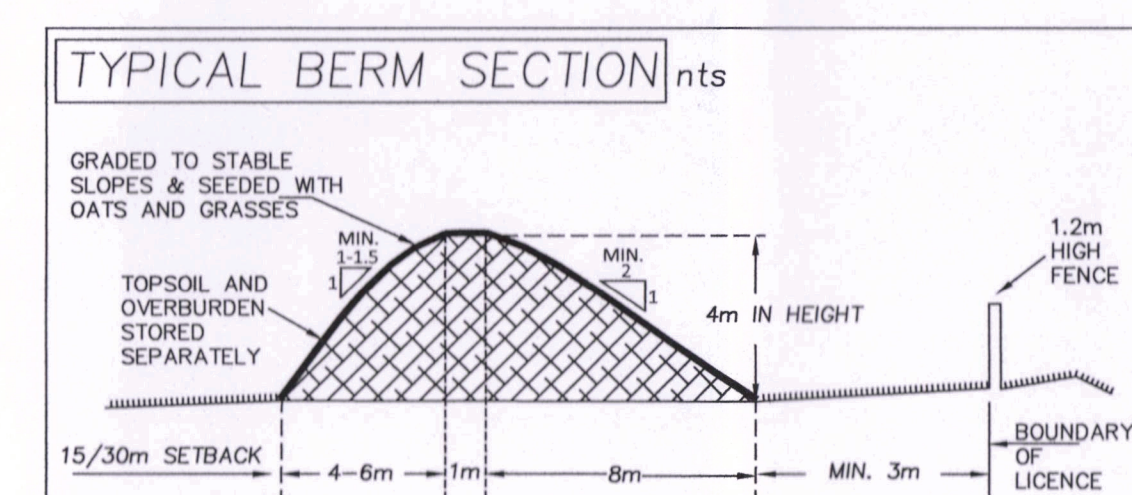
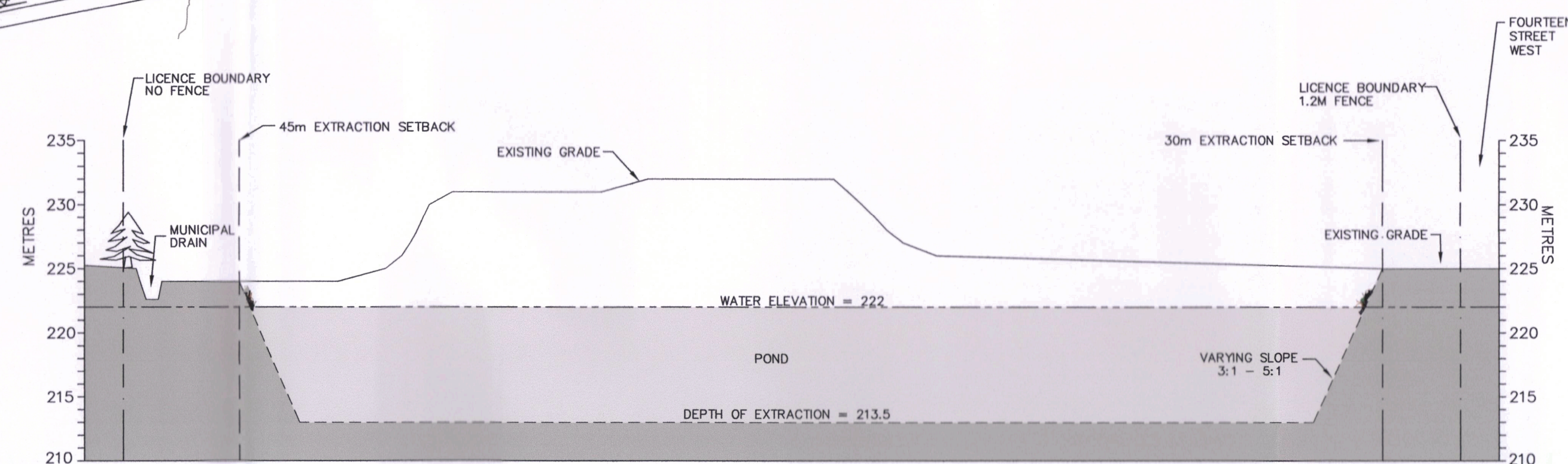
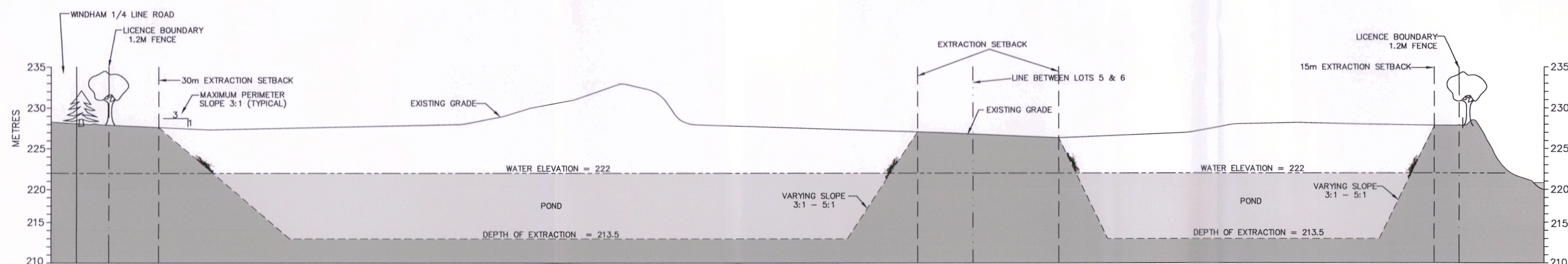
1. THE AREA TO BE REHABILITATED IS 25.9 HECTARES.
2. THE SITE IS TO BE REHABILITATED TO A NATURAL ENVIRONMENT AFTER USE. THE FINAL LANDFORM IS SHOWN ON THIS PAGE AND SHALL INCLUDE A 23.9 HA POND. THE ANTICIPATED ELEVATION OF THE POND IS 222 MASL WITH AN AVERAGE DEPTH OF 8.5 M.
3. GRADED SLOPES SHALL BE SPREAD WITH A MINIMUM OF 0.15 METRES (6 INCHES) OF TOPSOIL AND SHALL BE SEEDED WITH A GRASS-LEGUME MIXTURE SUCH AS BROME GRASS AND WHITE CLOVER. SLOPES MAY VARY FROM 5:1 TO 3:1 IN THE POND SHORELINE ZONES TO ENHANCE SHORELINE DIVERSITY.
4. AREAS SHALL BE GRADED TO DIRECT DRAINAGE TOWARDS THE POND AS SHOWN. MOST SURFACE WATER SHALL PERCOLATE INTO THE GROUND.
5. THE REHABILITATED POND SHALL BE SCULPTED TO DIVERSIFY THE POND EDGE AND ENCOURAGE WILDLIFE USE.
6. NATURAL AQUATIC VEGETATION PLANTING SHALL OCCUR IN THE SHALLOW EDGES OF THE OPEN WATER POND. HABITAT FEATURES SUCH AS LARGE WOODY DEBRIS TO PROMOTE AQUATIC HABITAT COMPLEXITY AND NEST BOXES FOR WATERFOWL AND OTHER WATER BIRDS SHALL BE INSTALLED.
7. ALL BERMS SHALL BE REMOVED TO FACILITATE FINAL REHABILITATION.
8. THE INTERNAL HAUL ROAD SHALL BE REMOVED FOLLOWING OPERATIONS AS PART OF SITE REHABILITATION.
9. THE SCALE AND SCALE HOUSE SHALL BE REMOVED FOLLOWING OPERATIONS AS PART OF SITE REHABILITATION.

LEGEND:

- BUILDING (R=RESIDENCE, S=SHED)
- EXTRACTION SETBACK
- PROPOSED LICENCE BOUNDARY
- EXISTING 1.2m POST & WIRE FENCE
- LOT LINE
- SPOT ELEVATION
- CONTOUR LINE
- DECIDUOUS TREE
- CONIFEROUS TREE
- TREE DRIPLINE
- FIELD ENTRANCE
- OPEN WATER / POND
- MARKER POST
- CROSS-SECTION
- ARCHAEOLOGY 20M PROTECTIVE BUFFER

CROSS-SECTION B-B'
SCALE: HORIZONTAL 1:2000
VERTICAL 1:400

CROSS-SECTION A-A'
SCALE: HORIZONTAL 1:2000
VERTICAL 1:400



LIVINGSTON EXCAVATING AND TRUCKING INC.
638 Norfolk Street South, R.R. 2, Simcoe, ON, N3Y4K1
EMERSON PIT
GEOGRAPHIC TOWNSHIP OF DELHI (WINDHAM)
PART LOTS 5 & 6, CON 13,
FORMER TOWN OF SIMCOE
COUNTY OF NORFOLK

PROGRESSIVE REHABILITATION AND FINAL REHABILITATION PLANS

DRAWING 3 of 3

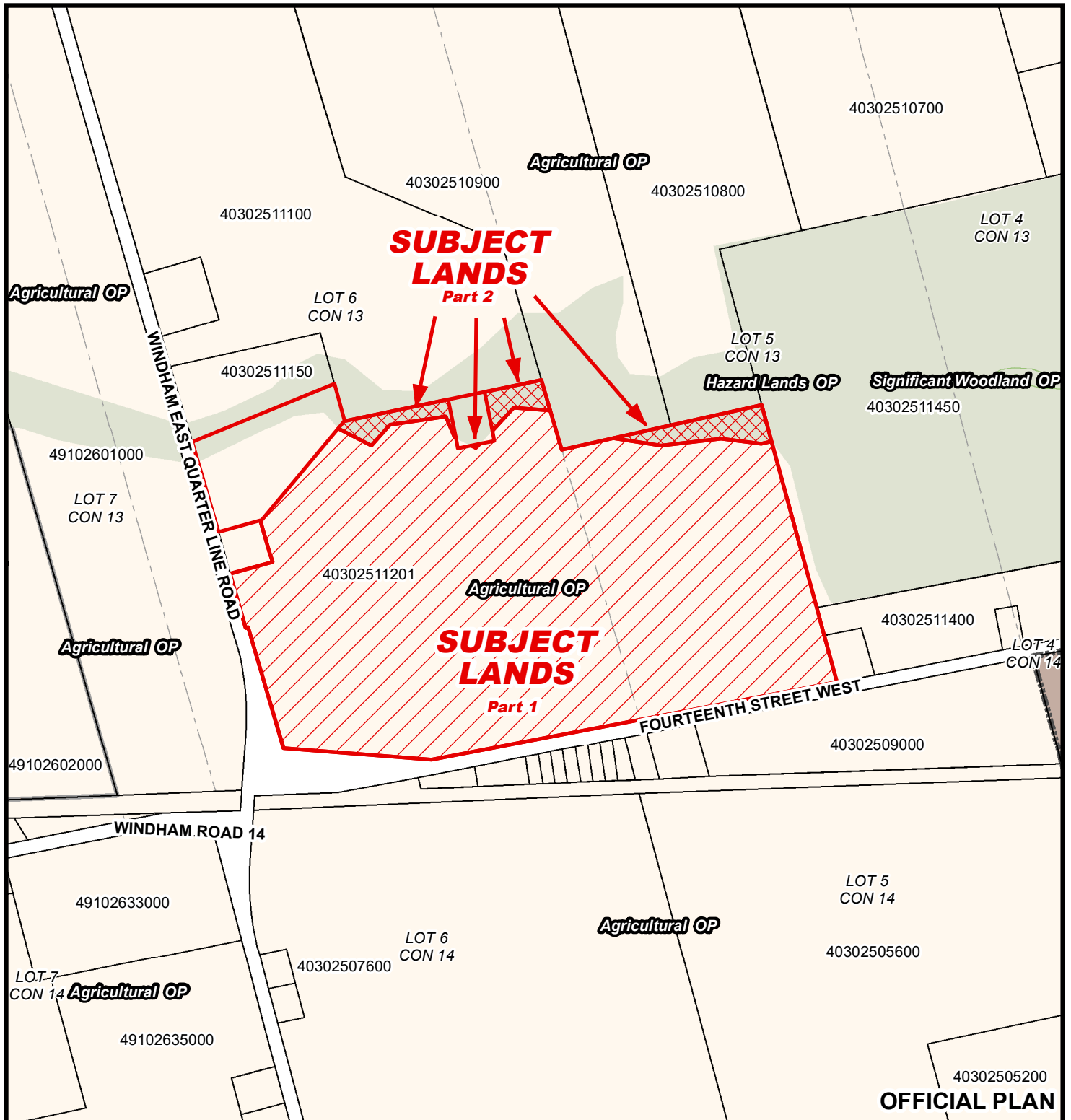
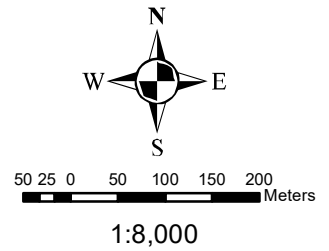
SCALE 1:1750

50 0 50 100 150m		
No.	AMENDMENT	DATE

MAP 2

File Number: ZNPL2019253

Geographic Township of WINDHAM



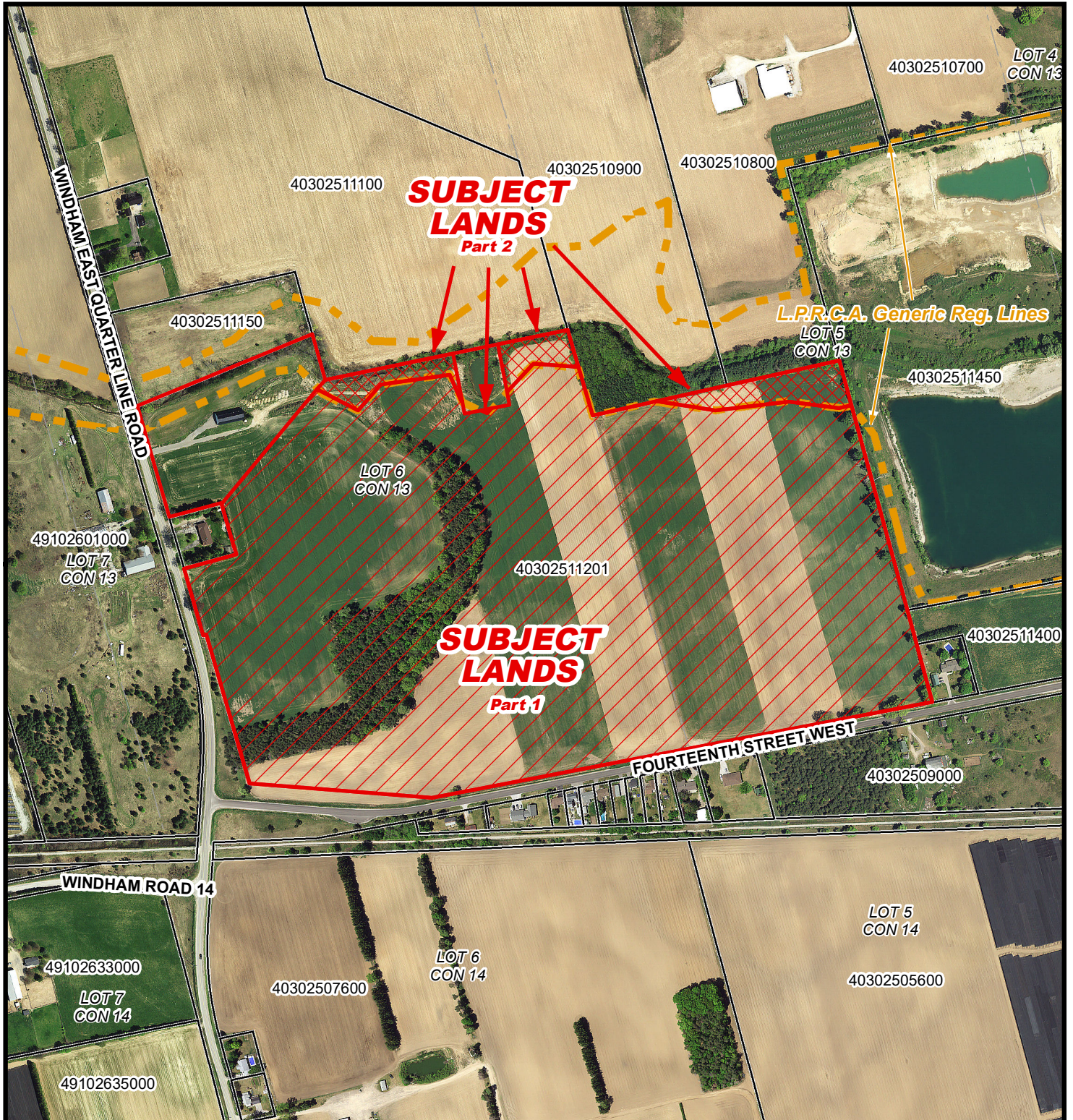
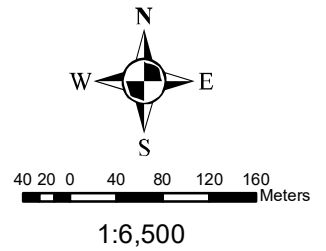
OFFICIAL PLAN

8/6/2019

MAP 3

File Number: ZNPL2019253

Geographic Township of WINDHAM



Geographic Township of WINDHAM

