



**CORPORATION OF THE TOWNSHIP OF MELANCTHON
APPLICATION FOR AMENDMENT TO
ZONING BY-LAW**

Township of Melancthon
157101 Highway 10
R.R. # 6
Shelburne, ON
L0N 1S9
Attention: CAO/Clerk-Treasurer

The undersigned hereby applies to the Township of Melancthon for an amendment to the Zoning By-law for lands shown in Schedule A attached hereto.

Enclosed herewith is a cheque payable to the Township of Melancthon in the amount of **\$1,500.00** for the Township's fee and required deposit towards the cost of processing this application. It is hereby agreed that pursuant to By-law No. 8-2007 the applicant shall bear all the costs of the application, including internal review, administrative services, costs of circulation, holding public meetings, in-house and external professional services, independent professional peer reviews, studies, plans and such other expenditures as are incurred by the municipality in order to properly administer, process and evaluate the application, appeal proceedings to the Ontario Municipal Board and Court action.

The following is to be completed by the applicant. Please use a separate sheet of paper if there is insufficient room to answer any question.

1. **APPLICANT AND OWNERSHIP INFORMATION**

Applicant's Name 3191574 Nova Scotia Company doing business as "The Highland Companies"

Applicant's Address 477476 Third Line, R.R. #2, Shelburne, Ontario, L0N 1S6

Applicant's Phone Number (519) 217-8885 Fax No. (416) 979-1234

Applicant's Email Address bvanbodegom@highlandcompanies.ca

Date of Application March 4, 2011

Applicant's interest in subject lands:

Registered Owner Prospective Purchaser Mortgagor/Mortgagee
 Neighbouring Owner Other

If applicant is not the registered owner, he/she must attach a letter from the registered owner authorizing this application

Registered Owner's Name 3191574 Nova Scotia Company

Address 477476 Third Line, R.R.#2 Shelburne, Ontario L0N 1S6

Phone Number (519) 217-8885 Fax No. (416) 979-1234

Any mortgages, charges, or other encumbrances in respect of the subject land: Yes No . If yes, please provide the following information:

Name Please refer to the attached Schedule "B"

Address _____

Name _____

Address _____

2. **INFORMATION REGARDING THE SUBJECT LAND(S)**

Location of Subject Land(s)

Lot _____ Property legal descriptions and PINs are found at Schedule "B".

Concession _____

Registered Plan No. _____ Lot
No. _____

Reference Plan No. _____ Part No. _____

Emergency Number/Street Name N/A

Total Lot Area (Metric Units) 937.1 Ha (2,316 Acres)

Frontage (metric units) N/A

Depth (metric units) N/A

Date lands acquired Throughout 2007

3. **OFFICIAL PLAN**

Present Land Use Designation
"Rural", Industrial" and "EP Area"

How does the application conform to the Official Plan
An Official Plan Amendment (OPA) is required. Concurrent OPA application has been filed.

4. **ZONING BY-LAW**

Present Zone A1, A1-72, A2, RR, RR-140, OS2, C2

Nature and Extent of Zoning Requested Extractive Industrial Exception A (M2-A) Zones &
Extractive Industrial - Open Space (M2-OS) Zones. Please see attached Schedule "C" for Draft Zoning By-law text

Reasons for change (detailed description) To permit aggregate extraction including
accessory uses and the continuation of agricultural uses.

5. Is the subject land within an area where the municipality has predetermined the minimum and maximum density requirements? Yes _____ No X

If the answer is yes, please provide a statement of those requirements
N/A

6. Is the application to implement an alteration to the boundary of an area of settlement or to implement a new area of settlement? Yes _____ No X

If the answer is yes, please provide details of the Official Plan or Official Plan Amendment that deals with the matter
N/A

7. Is the application to remove land from an area of employment? Yes _____ No X

If the answer is yes, please provide the details of the Official Plan or Official Plan Amendment that deals with the matter

N/A

8. Is the subject land within an area where zoning with conditions may apply?

Yes _____ No x

Please give an explanation of how the application conforms to the Official Plan policies relating to zoning with conditions N/A

9. **ACCESS TO THE SUBJECT LANDS:**

Provincial Highway _____

Municipal Road (maintained all year round) 20th Sideroad, 3rd Line, 4th Line, and various Township roads for farm access.

County Road 124

Right of Way _____

By Water _____

If access by water only, what parking and docking facilities to be used or will be used and what is the approximate distance of these facilities from the subject land and the nearest public road?

N/A

10. **USE OF SUBJECT LANDS**

Existing Land Uses (detailed description) Agricultural uses (primarily potato farming, with grain, corn, hay and other forage crops).

Proposed Land Uses (detailed description) Aggregate extraction including accessory uses and the continuation of agricultural uses.

If known, what is the length of time that the existing uses of the subject land have continued?

Unknown

11. **STRUCTURES ON SUBJECT LANDS**

Are there any structures or buildings on the subject lands? A number of farm structures exist on the lands. These will not be retained.

If the answer is yes, please provide the following information:

Type of Building/Structure _____

Setbacks from (in metric units):

N/A

Front Lot Line _____

Rear Lot Line _____

Side Lot Lines _____

Height of the Building/Structure _____

Dimensions _____

Floor Area _____

If known, what is the date any existing building or structures were constructed?

Unknown _____

*Please use a separate sheet for additional buildings/structures

12. Are there any buildings/structures proposed to be built on the subject land?

Yes No _____

If the answer is yes, please provide the following information:

Type of building or structure Processing Plants as well as rock crushers, equipment and facilities related to aggregate and agricultural on-site uses. Will be appropriately located in accordance with the Aggregate Resources Act Site Plan. _____

Setbacks from (in metric units):

Front Lot Line N/A _____

Rear Lot Line _____

Side Lot Lines _____

Height of the Building/Structure _____

Dimensions _____

Floor Area _____

*Please use a separate sheet for additional buildings/structures

13. **ENVIRONMENTAL INFORMATION**

Source of Water:

Publicly Owned and Operated Piped System _____

Privately Owned and Operated Individual

Well _____

Communal Well _____

Other Water Body/other means _____

Sewage Disposal:

Publicly Owned and Operated sanitary sewage system _____

Privately owned and operated individual septic system

Communal System _____

Privy or other means _____

Would more than 4,500 Litres (990 Gallons) of effluent be produced per day?

Yes No _____

If the answer is yes, please provide a Servicing Options Report and a Hydrogeological Report.

Storm Drainage

Sewers _____ Ditches Swales Other _____

14. **SUPPLEMENTARY INFORMATION**

Has the subject land ever been the subject of an application under the Planning Act for approval of a Plan of Subdivision of a consent?

Yes _____ No

If the answer is yes, what is the File Number and the status of the application?

N/A

Has the subject land ever been the subject of an application under Section 34 of the Planning Act before?

Yes _____ No

Has the subject land ever been the subject of a Minister's Zoning Order and if known, the Regulation number of that order?

N/A

Is the application for amendment to the zoning by-law consistent with policy statements issued under subsection 3 (1) of the Planning Act?

Yes No _____

Is the subject land within an area of land designated under any Provincial Plan or Plans?

Yes No _____

If the answer is yes, does the application conform to or does not conflict with the applicable provincial plan or plans?

The requested rezoning conforms to the Growth Plan for the Greater Golden Horseshoe, the only applicable Provincial Plan.

15. If this application involves the creation of a non-farm lot within approximately 500 metres of livestock facilities and/or permanent manure storage facilities, a completed MDS I calculation form must be submitted with this application. If this application involves a new or expanded livestock facility and/or permanent manure storage facility, a completed MDS II calculation form must be submitted with this zoning amendment application.

N/A

16. **SKETCH OF PROPERTY**

The sketch, to be marked Schedule "A" or shown on the attached Schedule "A", must show the following (in metric units):

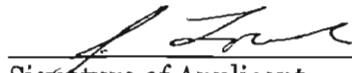
- the boundaries and dimensions of the subject lands
- the location, size and type of all existing and proposed buildings and structures on the subject land, indicating their distance from the front lot line, rear lot line and side lot lines
- the approximate location of all natural and artificial features (for example, buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks), that
 - are located on the subject land and on land that is adjacent to it, and
 - in the applicant's opinion, may affect the application
- the current uses of land that is adjacent to the subject land
- the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way
- if access to the subject land will be by water only, the location of the parking and docking facilities to be used, and
- the location and nature of any easement affecting the subject land

17. **STATUTORY DECLARATION**

I/we, J. R. Lowndes of The Highland Companies

solemnly declare that:

All above statements and the information contained in this application including Schedule "A" transmitted herewith are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is the same force and effect as if made under oath by virtue of The Canada Evidence Act.



Signature of Applicant

Signature of Applicant

Declared before me at the City of Toronto

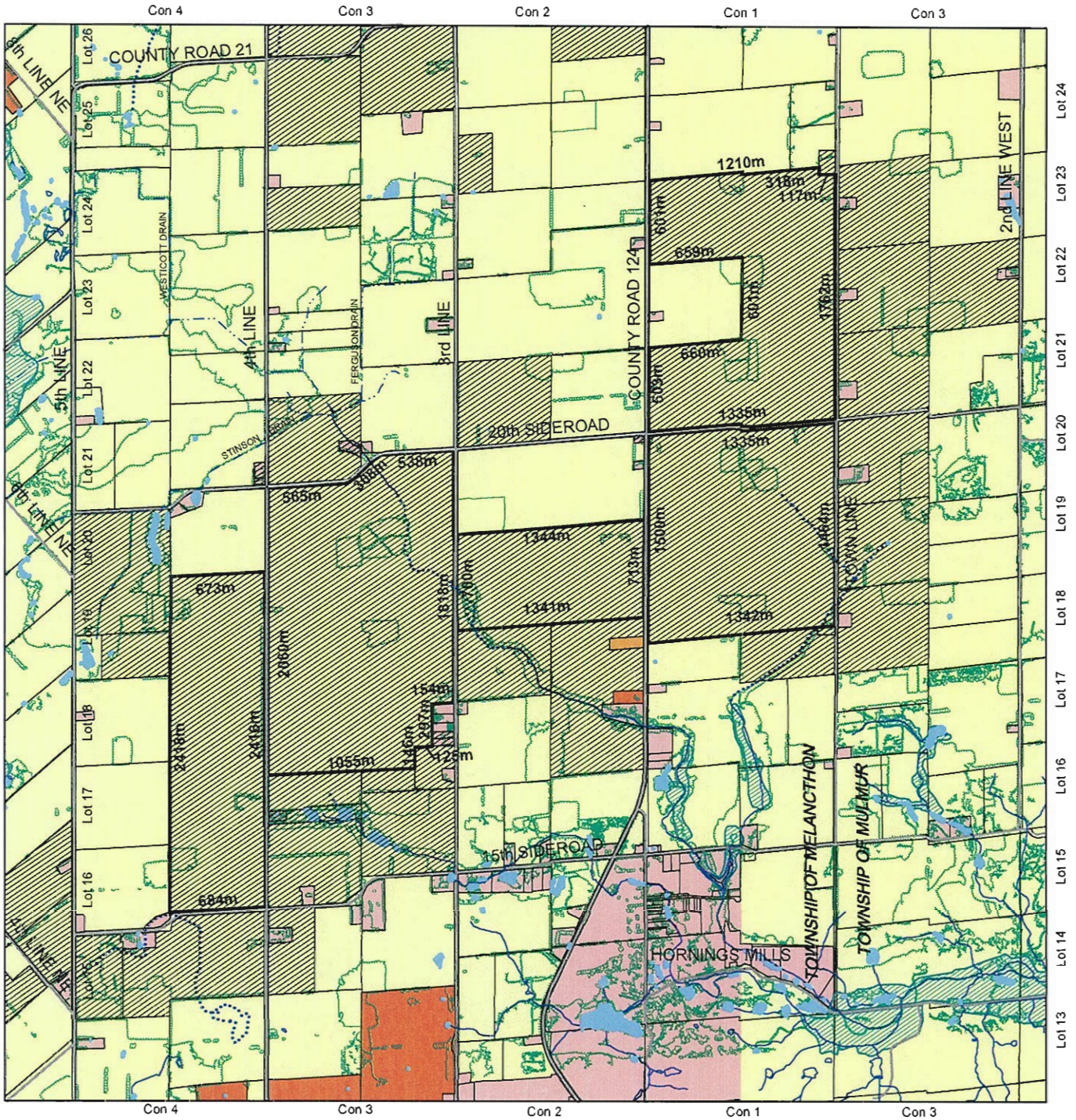
in the Province of Ontario this 25th day of

March, 2011 .



A Commissioner, etc.
Nick Staubitz

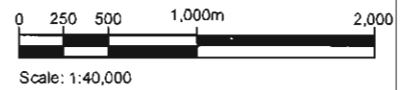
Schedule "A" - Sketch of Property



Proposed Melancthon Quarry

LEGEND

	Road		Footprint 937.1 ha		Agricultural		Agricultural Drain
	Parcel		Residential		Permanent Watercourse		Intermittent Watercourse
	Highland Properties		Commercial		Seasonal Watercourse		
	Waterbody		Industrial				
	Wetland						
	Wooded Area						



January 24, 2011

SCHEDULE B
LEGAL DESCRIPTION/PINs/ENCUMBRANCES

<u>LEGAL DESCRIPTION</u>	<u>PROPERTY IDENTIFICATION NUMBER (PIN)</u>	<u>REGISTERED ENCUMBRANCES</u>
Part of Lots 21, 22 and 23, Concession 1 Old Survey, designated as Parts 1, 2 and 4 on Plan 7R-5972; Township of Melancthon; Subject to MEL18574 and MF51360.	Part of PIN 34141-0106 (LT) (now all of PIN 34141-0108 (LT))	<ol style="list-style-type: none"> 1. Instrument No. MF3628 registered May 7, 1957 being a By-Law. 2. Instrument No. MF51360 registered December 7, 1972 being a Transfer Easement in favour of The Bell Telephone Company of Canada. 3. Instrument No. MF51443 registered December 12, 1972 being a Transfer Easement in favour of The Bell Telephone Company of Canada.
Part of Lots 18, 19 and 20, Concession 1 Old Survey, designated as Parts 1, 2, 3, 4, 5, 6 and 7 on Plan 7R-5976; Township of Melancthon; Subject to MEL18575, MEL18576, MEL18603, MF51356, MF51357, MF51358 and MF51359.	Part of PIN 34140-0137 (LT) (now Part of PIN 34140-0139 (LT))	<ol style="list-style-type: none"> 1. Instrument No. MF3628 registered May 7, 1957 being a By-Law. 2. Instrument No. MF51356 registered December 7, 1972 being a Transfer Easement in favour of The Bell Telephone Company of Canada. 3. Instrument No. MF51357 registered December 7, 1972 being a Transfer Easement in favour of The Bell Telephone Company of Canada. 4. Instrument No. MF51358 registered December 7, 1972 being a Transfer Easement in favour of The Bell Telephone Company of Canada. 5. Instrument No. MF51359 registered December 7, 1972 being a Transfer Easement in favour of The Bell Telephone Company of Canada.
Part of east half of Lot 18, Concession 1 Old Survey, designated as Part 9 on Plan 7R-5976; Township of Melancthon; County of Dufferin.	Part of PIN 34140-0106 (LT)	<ol style="list-style-type: none"> 1. Instrument No. MF3628 registered May 7, 1957 being a By-Law.
Part of Lot 18, Concession 1 Old Survey, designated as Part 11 on Plan 7R-5976; Township of Melancthon; County of Dufferin.	Part of PIN 34140-0105 (LT)	<ol style="list-style-type: none"> 1. Instrument No. MF3628 registered May 7, 1957 being a By-Law.
Part of Lot 18, Concession 2 Old Survey, designated as Part 2 on Plan 7R-5975; Township of Melancthon.	Part of PIN 34140-0132 (LT)	<ol style="list-style-type: none"> 1. Instrument No. MF3628 registered May 7, 1957 being a By-Law.

Part of Lots 18 and 19, Concession 2 Old Survey, designated as Part 3 on Plan 7R-5975; Township of Melancthon.	PIN 34140-0133 (LT)	<ol style="list-style-type: none"> 1. Instrument No. MF3628 registered May 7, 1957 being a By-Law. 2. Instrument No. DC8284 registered January 21, 2002 being an Application (General) re: Agreement containing restrictive covenants and certain rights in favour of The Corporation of the Township of Melancthon. 3. Instrument No. DC83716 registered February 5, 2008 being a Notice under Section 71 of the <i>Land Titles Act</i> of an Amending Agreement re: Instrument No. DC8284.
Part of Lots 17, 18, 20 and 21, Concession 3 Old Survey, Lot 19, Concession 3 Old Survey and Part Road Allowance between the west halves of Lots 20 and 21, Concession 3 Old Survey, designated as Part 5 on Plan 7R-5973; Township of Melancthon	Part of PIN 34140-0136 (LT) (now part of PIN 34140-0141 (LT))	<ol style="list-style-type: none"> 1. Instrument No. MF3628 registered May 7, 1957 being a By-Law.
Part of Lot 17, Concession 3 Old Survey, designated as Part 4 on Plan 7R-5973; Township of Melancthon; County of Dufferin.	Part of PIN 34140-0118 (LT)	<ol style="list-style-type: none"> 1. Instrument No. MF3628 registered May 7, 1957 being a By-Law.
Part of west half of Lot 17, Concession 3 Old Survey, designated as Part 2 on Plan 7R-5973; Township of Melancthon.	Part of PIN 34140-0028 (LT)	<ol style="list-style-type: none"> 1. Instrument No. MF3628 registered May 7, 1957 being a By-Law.
Part of east half of Lots 16, 17 and 18, Concession 4 Old Survey, designated as Part 1 on Plan 7R-5974; Township of Melancthon.	PIN 34140-0134 (LT)	<ol style="list-style-type: none"> 1. Instrument No. MF3628 registered May 7, 1957 being a By-Law.
Part of east half of Lot 19, Concession 4 Old Survey, designated as Part 4 on Plan 7R-5974, Township of Melancthon.	PIN 34140-0135 (LT)	<ol style="list-style-type: none"> 1. Instrument No. MF3628 registered May 7, 1957 being a By-Law.
Part of east half of Lot 19, Concession 4 Old Survey, designated as Part 3 on Plan 7R-5974; Township of Melancthon.	Part of PIN 34140-0017 (LT)	<ol style="list-style-type: none"> 1. Instrument No. MF3628 registered May 7, 1957 being a By-Law.

SCHEDULE C
DRAFT ZONING BY-LAW AMENDMENT

THE CORPORATION OF THE TOWNSHIP OF MELANCTHON

BY-LAW NO. __-2011

BEING A BY-LAW TO AMEND ZONING BY-LAW 12-1979, AS AMENDED

WHEREAS an Official Plan has been approved for the Township of Melancthon.

AND WHEREAS Zoning By-law 12-1979, as amended, is the main governing Zoning By-law of the Corporation of the Township of Melancthon.

AND WHEREAS 3191574 Nova Scotia Company has made an application to amend the Official Plan and Zoning By-law 12-1979, as amended.

AND WHEREAS authority is granted under Section 34 of the Planning Act to enact this amendment.

NOW THEREFORE the Council of the Corporation of the Township of Melancthon enacts as follows:

1. Schedule "A" to By-law 12-1979, as amended, is hereby further amended by rezoning the area shown on Schedule "A-1" attached hereto and forming part of this By-law from the *General Agricultural (A1), General Agricultural Exception (A1-72), Special Agricultural (A2), Rural Residential (RR), Rural Residential Exception (RR-140), Highway Commercial (C2) and Open Space Two (OS2) Zones to the Extractive Industrial Exception A (M2-A) and the Extractive Industrial - Open Space (M2-OS) Zones;*
2. By-law Number 12-1979, as amended, be further amended by adding the following sections after Section 13:

Section 13.A: Extractive Industrial Exception A (M2-A) Zone

13.A.1 Within the Extractive Industrial Exception A (M2-A) Zone as shown on Schedule "A-1", no person shall use any land or erect, alter or use any building or structure for any purpose except in accordance with the following permitted uses and regulations.

13.A.2 USES PERMITTED

- a) the extraction of mineral aggregate resources, under the terms and conditions stipulated in any licence issued under the *Aggregate Resources Act* for any of the lands zoned *Extractive Industrial Exception A (M2-A) Zone* on Schedule "A-1";
- b) all use permissions included in the *Extractive Industrial (M2) Zone* category;
- c) all use permissions included in the *General Agricultural (A1) Zone* category;
- d) ancillary uses which support aggregate extraction uses, including water takings;
- e) manufacturing, storage and processing of aggregate-based products;
- f) existing small-scale service and convenience retail uses, and small-scale service and convenience retail uses accessory to aggregate extraction uses;
- g) existing office facilities, and new office facilities ancillary to aggregate extraction uses and/or agricultural uses.

- h) fuel sales and services accessory to aggregate extraction uses;
- i) vehicle parking and staging areas, including but not limited to truck marshalling areas, accessory to aggregate extraction uses; and
- j) manufacturing, storage and processing of agricultural products.

13.A.3 ZONE REGULATIONS

- a) No quarry extraction or processing, crushing or blasting of sand, gravel or stone shall proceed closer than 30 metres to any Residential, Commercial, Institutional or Industrial M1 or M3 Zone, nor closer than 15 metres to a property line, nor closer than 30 metres to a public road allowance.
- b) Where the M2-A Zone abuts a Residential Zone, or a roadway is the only separation between two such areas, then no industrial use shall be made of any kind within 30 metres of the abutting lot line.
- c) No building or structure shall be permitted within 90 metres of any Residential, Commercial or Industrial M1 or M3 Zone boundary, nor closer than 30 metres to a property line, nor closer than 30 metres to a public road allowance.
- d) Notwithstanding c) above, a weigh scale, an accessory recording office or a guardhouse shall be permitted within 30 metres of a public road allowance.

13.A.4 GENERAL PROVISIONS

The special provisions of Section 3, "General Provisions", shall apply where applicable to any land, lot, building, structure or use within the Extractive Industrial Exception A (M2-A) Zone as shown on Schedule "A-1", with the exception of Sections 3.4, 3.8, 3.10, 3.14, 3.15, 3.18 and 3.21 which shall not apply.

Section 13.B: Extractive Industrial – Open Space (M2-OS) Zone

13.B.1 Within the Extractive Industrial - Open Space (M2-OS) Zone as shown on Schedule "A-1", no person shall use any land or erect, alter or use any building or structure for any purpose except in accordance with the following permitted uses and regulations save and except such lands may be licensed and regulated under the *Aggregate Resources Act*.

13.B.2 USES PERMITTED

The uses permitted in the Extractive Industrial - Open Space (M2-OS) Zone shall be limited to those uses permitted in the Open Space (OS2) Zone category.

13.B.3 ZONE REGULATIONS

The zone regulations in the Extractive Industrial - Open Space (M2-OS) Zone shall be those regulations applicable in the Open Space (OS2) Zone category.

3. This By-law shall take effect on the date of enactment by Council or the approval of the Ontario Municipal Board pursuant to Section 34 of the *Planning Act*.

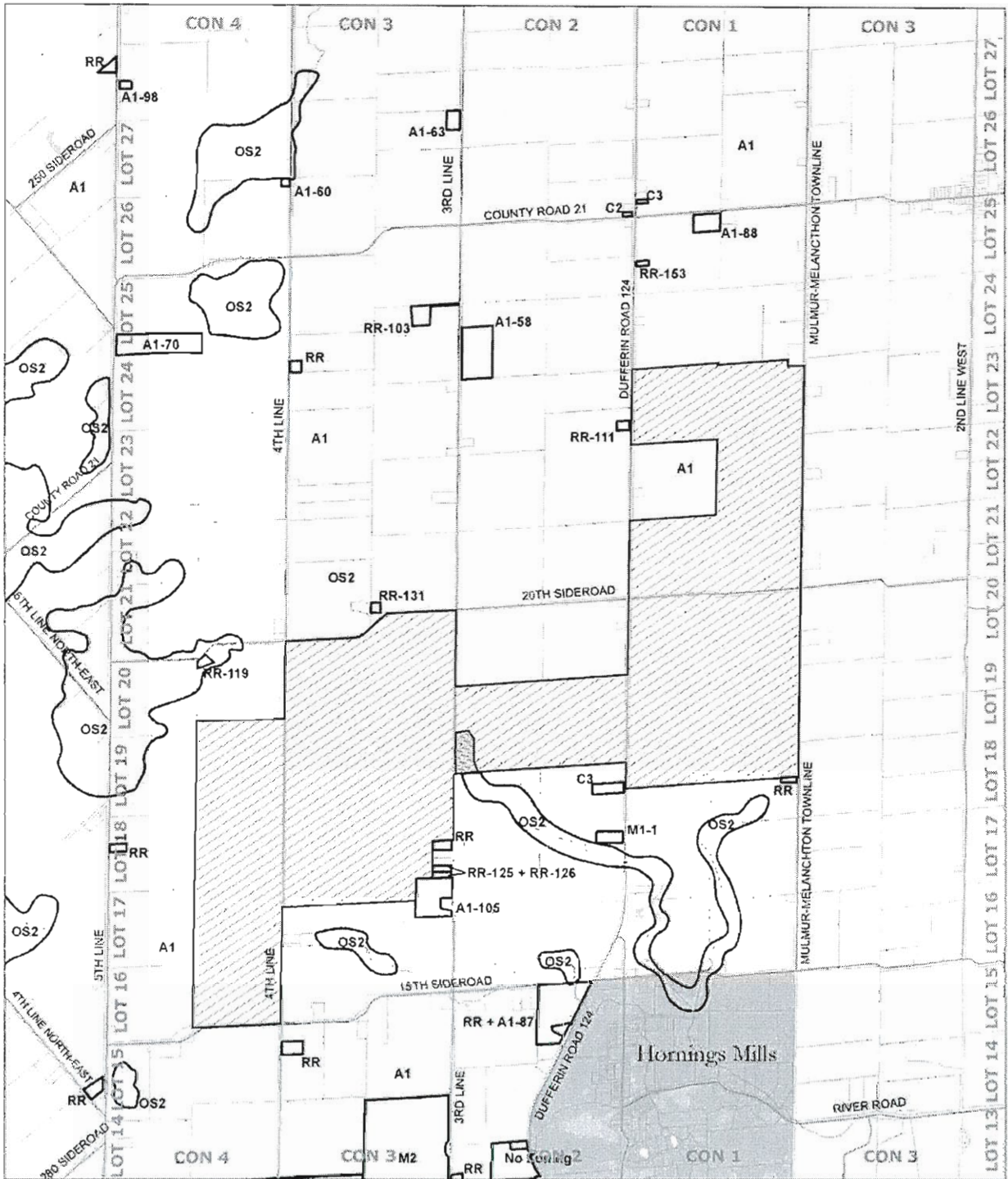
READ a FIRST and SECOND time this __ day of _____, 2011


READ a THIRD time and **FINALLY PASSED** this __ day of _____, 2011


Bill Hill, Mayor

Denise Holmes, CAO/Clerk

Schedule 'A-1'
 Bylaw No. ___ - 2011
 TOWNSHIP OF MELANCTHON
 COUNTY OF DUFFERIN



 Lands to be Rezoned from the General Agricultural (A1), General Agricultural Exception (A1-72), Special Agricultural (A2), Rural Residential (RR), Rural Residential Exception (RR-140), Open Space Conservation (OS2) and Highway Commercial (C2) Zones to the Extractive Industrial Exception A (M2-A) Zone.

 Lands to be rezoned from the General Agricultural (A1) and the Open Space Conservation (OS2) Zones to the Extractive Industrial - Open Space (M2-OS) Zone.

This is Schedule 'A-1' to Bylaw ___ - 2011
 Passed this ___ day of _____, 2011

 Mayor, Bill Hill

 Clerk, Denise B. Holmes