

PRECONSULTATION

Preconsultation with City Planning staff is required under By-law No. 2009-170. Preconsultation identifies the information required to commence the processing of a development application. Preconsultation does not imply or suggest any decision whatsoever on behalf of City staff or the City of Niagara Falls to either support or refuse the application.

COMPLETE APPLICATION

The information requested herein, along with the appropriate fee and a signed preconsultation checklist, is required to constitute a "complete" application. A complete application includes all information required under Schedule 1 of Ontario Regulation 543/06 (Official Plan amendments) or Schedule 1 of Ontario Regulation 545/06 (Zoning By-law amendments) and information required under the City of Niagara Falls Official Plan.

Until all required information has been submitted, the City may refuse to accept or further consider the requested amendment. The timing provisions of the Planning Act do not commence until the applicant has been notified by the City that the application is considered complete.

OPEN HOUSE

Proponents of applications to amend the City's Official Plan and/or Zoning By-law are required to attend open houses hosted by City staff to inform surrounding property owners about the development that could result from the proposed amendments. The open houses occur approximately 5 weeks prior to the Public Meeting required by the Planning Act to be held with Council.

TYPE OF APPLICATION

Type of Application:	Fee:
<input type="checkbox"/> Official Plan Amendment	12,200
<input type="checkbox"/> Zoning By-law Amendment	
<input type="checkbox"/> high-rise hotel proposal	14,500
<input type="checkbox"/> complex	12,200
<input type="checkbox"/> standard	5,600
<input checked="" type="checkbox"/> Official Plan & Zoning By-law Amendment (combined)	
<input type="checkbox"/> high-rise hotel proposal	16,200
<input checked="" type="checkbox"/> all other proposals	13,500

Total fees payable to the City:

Niagara Region Development Services review fees to be paid separately at time of application:

<input checked="" type="checkbox"/> Official Plan Amendments to be submitted to Region for approval	7,500
<input type="checkbox"/> Official Plan Amendments exempt from Regional approval	4,000
<input type="checkbox"/> Zoning By-law Amendment (Within Urban Areas)	1,000
<input checked="" type="checkbox"/> Zoning By-law Amendment (Outside Urban Areas)	1,400
<input type="checkbox"/> Zoning By-law Amendment (Agricultural Purposes Only)	325
<input type="checkbox"/> Removal of Holding Symbol	500

Total fees payable to the Regional Municipality of Niagara:

REQUIRED INFORMATION:

It is the responsibility of the applicant or authorized agent to complete the particulars required hereunder and to supply all of the requested documents to Planning & Development:

- 12 (twelve) copies of this application
- 12 (twelve) copies of the deed to the property
- 12 (twelve) copies of surveys or reference plans for the land. For lands which are the whole of a lot(s) or block(s) in a registered plan of subdivision, a survey or reference plan may not be required. Please confirm with Planning staff.
- 12 (twelve) copies of a site plan (see below) and any other material (studies) which are relevant to the proposal.
- 1 (one) full size coloured rendering. All buildings should be coloured following these guidelines:

-Single Detached Residential (Yellow)	-Industrial (Blue)	-Tourist Commercial (Red)
-Multiple Attached Residential (Orange)	-Institutional (Brown)	
- Copies of all required plans are to be provided on a CD in pdf format.
- All on-site landscaping should be coloured green. Any landscaping on the City's/Region's road allowance should not be coloured.

PRELIMINARY SITE PLAN REQUIREMENTS:

- 12 (twelve) copies of a preliminary site plan and one 8 1/2" by 11" or 14" photo reduction are required to be submitted with any Zoning or Official Plan amendment application. The site plan must provide sufficient details of the intended development in order to assist in understanding the proposal. Generally, the following information should be included in the proposed site plan:

(a) Detail of Development

Lot Area (Square Metres)
 Building Coverage (Square Metres and Percentage of Lot Area)
 Total Building Size (Square Metres)

Building Height (Metres and Storeys)
 Landscaped Area (Square Metres and Percentage of Lot Area)
 Number of Units and/or Total Gross Floor Area
 Number of Parking Spaces and Dimensions

(b) Design Details (Basic Information)

- Future road widenings
- Property boundaries (plan to show dimensions)
- Location of proposed and existing buildings (plan to show dimensions from property boundaries)
- Maximum dimensions of buildings (size and type)
- Distance between buildings
- Cross-section of buildings over 4 floors or those that provide underground parking
- Layout and dimensions of roadways, including their name and status, driveways, ramps and parking areas that are on or adjacent to the subject lands or may affect this application
- Location of natural features such as existing trees and watercourses, etc., and artificial features such as wells or septic tanks that are on or adjacent to the subject lands or may affect this application
- North arrow (preferably the drawing shall be oriented to have a vertical north line)
- Metric scale (preferably 1 to 100, 200 or 400)
- All printing shall be clear and legible
- Existing and proposed ground elevations
- General location map
- Existing and proposed utility features on road allowance (fire hydrants, sidewalks, poles, etc.)
- If access is by water only, the location of the parking and docking facilities to be used
- Current land uses on adjacent lands
- The location and nature of any easement affecting the subject land
- Natural/built drainage features

NOTE: Should the amendment application be approved, greater details will be required at the time of processing a final Site Plan. The applicant should be aware that the above development and design details (items 17(a) and (b)) may only reflect a portion of the information which may be required pursuant to the Municipality's Site Plan Control Policy and to facilitate a proper evaluation by Staff and Council. The submission of sufficient information is the responsibility of the applicant and site designer.

ADDITIONAL REQUIRED INFORMATION FOR BUILDINGS IN EXCESS OF FOUR STOREYS IN THE TOURIST COMMERCIAL DISTRICTS (BY-LAW NO. 99-183)

(a) 15 copies of the following:

- site survey
- context plan
- concept plan and massing drawing
- landscaping plans and details
- site plan and preliminary design details
- floor and roof plans
- sections and elevations
- site statistics inclusive of: site area; total gross floor area; gross floor area of building footprint; maximum height; number of parking spaces

(b) For large-scale developments and buildings over 10 storeys in height, the following shall be provided:

- sun/shadow drawings
- pedestrian-level wind study
- transportation and servicing impact study
- Architectural Peer Review report

Applications may require additional support material or studies which can be requested by the City. Please refer to the Tourist Area Development Application Guide for more details.

For Use by City Staff Only

Application Number: _____ Date Received: _____

Date of Preconsultation Meeting: _____ Staff/Planner: _____

Date Application Received Complete: _____ Staff/Planner: _____

CONTACT INFORMATION:

Applicant

Applicant is: Owner or Authorized Agent of Owner (if selected complete and attach authorization form) See lease agreements enclosed

Last Name: N/A First Name: N/A Corporation or Partnership: Walker Aggregates Inc.

Street Address: 2800 Thorold Townline Road Unit No. N/A Lot/Con: N/A

Municipality: Niagara Falls Postal Code: L2E 6S4 Province: Ontario

Telephone Number: 905-227-4142 Cell Number: _____ Email: KKehl@walkerind.com

Owner (if different from applicant)

Last Name: _____ First Name: _____ Corporation or Partnership: _____

Street Address: _____ Unit No. _____ Lot/Con: _____

Municipality: _____ Postal Code: _____ Province: _____

Telephone Number: _____ Cell Number: _____ Email: _____

Agent

Last Name: Walker First Name: Debra Corporation or Partnership: MHBC Planning

Street Address: 7050 Weston Road Unit No. Suite 230 Lot/Con: N/A

Municipality: City of Vaughan Postal Code: L4L 8G7 Province: Ontario

Telephone Number: 905-761-5588 Cell Number: 416-605-6039 Email: dwalker@mhbcpplan.com

GENERAL INFORMATION

1. Brief Description of Proposal (Including the proposed uses):

To permit a mineral aggregate extraction operation.

2. Legal Description of the Subject Lands

Municipal Address: see Ownership details enclosed

Lot No(s): Pt. Lots 119, 120, 136 & 137 (Stamford) Concession No.: _____ Note: Proposed amendments to City OP and Zoning By-law Schedules include Upper's Lane and unopened road allowance between Lots 120 and 136

Reference Plan: _____ Part(s): _____

Reference Plan: _____ Lot(s)/Block(s): _____

3. Are there any easements or restrictive covenants affecting the subject lands? Yes No

If yes, please specify: _____

4. Names and addresses of mortgages, holders of charges or other encumbrances with respect to the subject land(s):

5. What is the current use of the subject lands? Agriculture and Rural Residential

If unknown, how long has this use continued? Varies (>2004)

6. On what date was the property acquired by the current owner (if known)? Varies (2004 and after)

7. Details of the subject lands:

Frontage: 1,285 (m) Depth: 1,050 (m) Lot area: 106.3 ha (m² or ha)

8. What is the current designation of the subject lands in the Official Plan? "Good General Agriculture"; "Environmental Protection Area"; "Environmental Conservation Area"

Land uses currently permitted: Agricultural Uses, forestry, conservation uses, farm related residential dwellings, Secondary uses
that provide farm diversification.

9. What is the current zone classification of the subject lands in the Zoning By-law? "Agriculture (A)", "Agriculture (A)(numbered 467)" and "Hazard Lands (HL)"

Land uses currently permitted: List of permitted uses attached

10. What were the previous uses of the subject lands?

Residential Industrial Commercial

Agricultural Parkland Vacant

Other

If Industrial Commercial, please specify the use(s) and complete the Environmental Site Screening Questionnaire on Appendix 1, attached to this application.

11. Are the subject land(s) or any land(s) within 120 metres, the subject of a Planning Application by the applicant/owner? If yes, please complete the following:

Application	File No.	Approval Authority	Lands	Purpose	Status	Effects on Subject Application
Minor Variance						
Consent						
Official Plan Amendment						
Zoning By-law Amendment						
Plan of Subdivision/ Condominium						
Site Plan						
Minister's Zoning Order (Including Ontario Regulation Number)						
Regional Policy Plan Amendment						

12. What is the planning rationale and justification for this application? (citing how the proposal is consistent with the Provincial Policy Statement, whether the proposal conforms with or does not conflict with the Growth Plan for the Greater Golden Horseshoe or any other applicable Provincial Plan and the City's Official Plan). **Note: the planning rationale and justification, including supporting reports and studies, can be attached to this application in a separate report.*

The proposed quarry will secure an ongoing supply of high quality bedrock resource within Niagara Region and the City of Niagara Falls for the long term. The Planning Justification Report & Summary Statement (enclosed) outlines the Provincial Policy relative to the proposed quarry and presents how such policy is addressed.

13. Should the application be approved, when do you intend to commence construction? When land use and licence are approved to permit construction. _____

14. Servicing:

Water to be provided to the subject land:

- piped, publicly owned and operated
- privately owned and operated individual or communal well
- other (lake, water body) Not applicable

Sewage disposal to be provided to the subject land:

- publicly owned and operated system
- privately owned and operated individual or communal
- other (privy) _____ Not applicable

If the development will produce more than 4,500 litres of effluent when completed, you must submit a hydrogeological report and a servicing options report.

Storm drainage to be provided:

- sewers
- ditches
- swales
- storm water management facilities
- other (lake, water body) _____

OFFICIAL PLAN AMENDMENT APPLICATION

(Complete this section only if the application involves an amendment to the Official Plan)

1. Type of Amendment

- Change to Policy _____ of the Official Plan
- Replacement of Policy _____ of the Official Plan
- Delete Policy _____ of the Official Plan
- New Policy – Provide the text of the requested amendment (attach to application)

- Change or Replacement of a land use designation
Designation to be changed or replaced: _____ "Good General Agriculture"; "Environmental Protection Area"; "Environmental Conservation Area"
If the requested amendment changes or replaces a schedule in the Official Plan, please attach the requested schedule and accompanying text.

Does the proposed amendment alter any part of the urban boundary? Yes No
 If "Yes", provide the Official Plan policy reference, if any, dealing with the alteration or establishment of an area of settlement:

Does the proposed amendment remove land from an area of employment? Yes No
 If "Yes", provide the Official Plan policy reference, if any, dealing with the removal of land from an area of employment:

2. What is the purpose of the proposed amendment?

To permit a new mineral aggregate operation by re-designating the proposed quarry site from "Good General Agriculture", "Environmental Protection Area" and "Environmental Conservation Area" to "Extractive Industrial" on Schedule A (Future Land Use).

3. What land uses will be permitted through the amendment?

Extractive industrial use (mineral aggregate extraction operation)

4. What is the designation of the subject lands in the Regional Niagara Policy Plan? Good General Agriculture Area

5. Is an amendment to the Regional Niagara Policy Plan required: Yes No

ZONING BY-LAW AMENDMENT APPLICATION

(Complete this section only if this application involves an amendment to the Zoning By-law)

1. Type of Amendment

Change in zone classification
 From: Agriculture (A), Agricultural (A)(numbered 467) and "Hazard Lands (HL)" To: "Extractive Industrial (EI)(numbered XXX)".

Additional use(s) to be included under existing zone classification. Provide details:
 Storage and processing of recycled aggregate material, including recycled concrete and asphalt

Modifications or amendments to zone regulations. Provide details in the chart below. (Please note that it is not sufficient to only provide this on a drawing that accompanies this application.

2. The following chart only needs to be completed where changes to the existing zoning by-law regulations or other by-law provisions are proposed to be amended.

Column (a) is to show the existing regulations of the requested zone classification.
 Column (b) is to show the proposed modified regulation which is to apply to the lands.

Zoning Regulations	(a) Existing Regulations	(b) Proposed Modification
Minimum Lot Area		
Minimum Lot Frontage		
Minimum Front Yard Depth *(incl. special setback)	30 metres (99.0 ft.)	Minimum required yard: •from a lot line abutting Townline Road and Beechwood Road: 30m
Minimum Side Yard Width - Interior - Exterior	Minimum interior side yard width: 16 metres (53.0 ft.) Minimum exterior side yard width: 30 metres (99.0 ft.)	•from a lot line abutting any other lot or lot line abutting Upper's Lane:15m
Maximum Lot Coverage		
Minimum Landscaped Open Space		
Maximum Landscaped Open Space		
Maximum Height of Building or	15 metres (49.2 ft.)	15 metres subject to Section 4.7. In addition to section 4.7, a silo and/or conveyor that is used in association with a use permitted on the same lot is exempted from the maximum height of a building or structure
Number of Storeys		
Minimum Floor Area		
Maximum Floor Area		
Maximum Number of Dwellings		
Maximum Number of Buildings		
Minimum Distance Between Building on Same Lot		
Maximum Gross Leasable Floor Area		
Minimum Number of Parking Spaces		
Loading Area Requirements		
Minimum rear yard depth	16 metres (53.0 ft.) plus any applicable distance specified in section 4.27.1	See above - proposed minimum required yard
Definition of lot		Notwithstanding the definition of lot, the Lands shall be considered to be one lot for zoning purposes

Note: The above chart may not permit you to describe all the amendments required to the By-law. In such instances, a separate sheet listing other regulatory changes or other By-law provisions must be provided. Specify the By-law Section for each change (i.e., parking, general or special provisions). **It is your responsibility to ensure that all the amendments required of the By-law are listed.** Please see the Planning Justification Report, Appendix D.

3. Explain how the application conforms to the policies of the Official Plan.
 Please see Planning Justification Report and Appendices which accompany this application.

4. Additional Information:

Is the subject land within an area where the City has pre-determined the minimum and/or maximum density requirements or height requirements? Yes No

If yes, please complete the following chart:

	Existing Requirements		Proposed	
	Minimum	Maximum	Minimum	Maximum
Density (units/ha)				
Height (m)				
Number of Storeys				

If applicable, please explain why the requirements cannot be met:

5. Does the proposed amendment implement the alteration of any part of the urban boundary: Yes No
 If yes, provide details of the Official Plan/Official Plan amendment that deals with the alteration or establishment of a new urban boundary:

6. Does the proposed amendment remove land from an area of employment*? Yes No
 *An area of employment is an area designated in the Official Plan for clusters of business and economic uses such as manufacturing, warehousing, office and tourist commercial uses.
 If yes, provide the Official Plan policy reference or amendment dealing with the removal of land from an area of employment:

7. Why is the zoning amendment being requested?
 A zoning amendment is required to permit a new mineral aggregate operation by rezoning the propose quarry site from "Agriculture (A)", Agricultural (A)(numbered 467) and "Hazard Lands (HL)" to "Extractive Industrial (EI)(numbered XXX)".

8. Detail the buildings and/or structures that exist on the subject lands: If proposed amendments are approved and Aggregate Resource Act licence is issued, all buildings and/or structures will be removed from the subject lands.

Type of Building and Date of Construction	Setbacks from lot lines (m) (Provide the shortest setback from the building to lot line)				Building Height (m)	Total Gross Floor Area (m ²)	Total Building Area (m ²)
	Front	Rear	Interior	Interior or Exterior			

9. Detail the buildings and/or structures that are proposed for the subject lands: N/A

Type of Building and Date of Construction	Setbacks from lot lines (m) (Provide the shortest setback from the building to lot line)				Building Height (m)	Total Gross Floor Area (m ²)	Total Building Area (m ²)
	Front	Rear	Interior	Interior or Exterior			

10. How many parking spaces have been provided? N/A

11. Access to the subject land:

- Provincial highway
- Municipal road Regional or City
- Maintained year round
- Maintained seasonally
- Unopened
- Right-of-way
- Water (provide details on parking and docking facilities including the approximate distance from the subject land and the nearest public road)

OWNERS AUTHORIZATION:

I/We, Walker Aggregates Inc. (Ken Lucyshyn) _____
(Owner's Name) (Owner's Name)

Being the registered owner(s) of the subject property, hereby endorse:

Applicant: _____ Agent: Debra Walker - MHBC Planning _____

To proceed with this application and agree to be bound by the findings of the application as it is processed through the proper stages. I/We hereby declare that the information on this application and the supporting plans and documents are correct.

Signature of Owner:  Signature of Witness: _____

Signature of Owner: _____ Signature of Witness: _____

DECLARATION:


I/We Debra Walker - MHBC Planning _____
Of the City/Town/Township of Toronto _____
In the County/District/Regional Municipality of _____

solemnly declare that all of the statements contained in this application are true, and I/We 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 the _____)
City of Vaughan)
in the Regional Municipality of York)
this 15 day of November)
A.D. 2021)

TO BE SIGNED IN THE PRESENCE OF A COMMISSIONER FOR TAKING AFFIDAVITS

Signature of applicant(s), solicitor or authorized agent


A Commissioner, etc.

AGENT'S ACKNOWLEDGEMENT:

I note that as the applicant or their authorized agent, I must be in attendance at all public meetings for which notice has been given regarding any and all matters of this application.

Name: Debra Walker - MHBC Planning _____

Date: 15 November 2021 _____ Signature: _____

APPENDIX 1**Environmental Site Screening Questionnaire**

In order to assist in determining if the subject lands are potentially contaminated, applicants are to complete the following. It should be acknowledged that if there is reason to suspect contamination, further studies will be required and that a Record of Site Condition will also be required in the event of remediation.

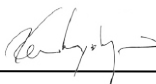
1. Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?
 Yes No Unknown
 2. Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?
 Yes No Unknown
 3. Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown
 4. Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown
 5. Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been applied as pesticides and/or sewage sludge applied to the lands?
 Yes No Unknown
 6. Have the lands or adjacent lands ever been used as a weapons firing range?
 Yes No Unknown
 7. Is the nearest boundary line of the application within 500 metres (1,640 feet) of the boundary line of an operational/non-operational public or private waste disposal site, landfill or dump?
 Yes No Unknown
 8. If there are existing or previously existing buildings on the subject lands, are there any building materials remaining on the site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
 Yes No Unknown
 9. Is there reason to believe the subject lands may have been contaminated by existing or former uses on the site or adjacent sites?*
- Possible uses that can cause contamination include: operation of electrical transformer stations, disposal of waste minerals, raw material storage, and residues left in containers, maintenance activities and spills. Some commercial properties such as gasoline stations, automotive repair garages, and dry cleaning plants have similar potential. The longer a property is under industrial or similar use, the greater the potential for site contamination. Also, a series of different industrial or similar uses upon a site could potentially increase the number of chemicals which are present.
10. If current or previous use of property is industrial or commercial, or if the answer is YES to any of 1 to 9 above, please attach a previous use inventory showing all former uses of the subject land, or if applicable, the land(s) adjacent to the subject lands.

ACKNOWLEDGEMENT CLAUSE:

I hereby acknowledge that it is my responsibility to ensure that I am in compliance with all applicable laws, regulations, guidelines and the City's Official Plan policies pertaining to contaminated sites, and to use all reasonable effort to identify the potential for contamination on the subject property. I acknowledge that as a condition of approval of this application that the City may require me to file a Record of Site Condition signed by a qualified person in the provincial Environmental Site Registry, and provide verification to the City of acknowledgement of this Record of Site Condition by the Ministry of Environment. I acknowledge that the City may require the qualified person signing the Record of Site Condition to submit to the City a Declaration acknowledging that the City may rely on the statements in the RSC. I further acknowledge that the City of Niagara Falls is not responsible for the identification and/or remediation of contaminated site, and I agree, whether in, through, or as a result of any action or proceeding for environmental clean-up of any damage or otherwise, I will not sue or make claim whatsoever against the City of Niagara Falls, its officers, employees or agents for or in respect of any loss, damage, injury or costs.

Date: 15 November 2021

Signature: _____



Proposed Uppers Quarry: Permitted Uses in the current zone classification of the subject lands in the Zoning By-law

Agriculture (A):

Permitted Uses: no person shall within any A Zone use any land or erect or use any building or structure for any purpose except one or more of the following uses:

- (a) Agricultural including the growing of field, berry, bush or tree crops; truck gardening; flower gardening; nurseries; orchards; commercial greenhouses; aviaries, apiaries, mushroom farms, farms devoted to the hatching, raising and marketing of chickens, turkeys, or other poultry, fowl, rabbits or other fur-bearing animals and fish; farms or ranches for grazing of farm animals; breeding, raising or training of horses or cattle; goat or cattle dairies; the raising of sheep or goats; the raising of swine; dog kennels or the breeding and sale of dogs and other domestic animals
- (b) Commercial forestry
- (c) Commercial riding stable
- (d) Accessory buildings and accessory structures which are accessory to any of the foregoing uses, including:
 - (i) storage buildings, including cold storage
 - (ii) farm produce outlet, subject to the provisions of section 4.36
 - (iii) no more than 1 detached dwelling which is on the same lot as and is accessory to a use permitted in clauses a to c of this section and which is occupied as a residence by the owner of such lot or the principal operator of the use being conducted on such lot.
2016-105 81-79 #19
 - (iv) accessory buildings and accessory structures which are accessory to the dwelling units described in subclause iii of this clause d

Agricultural (A) (numbered 467):

None of the provisions of section 12.1 of By -Law No. 79 -200, as amended, shall apply to prevent a person from using the land for a shop to smoke and wholesale meat, except in compliance with the regulations.

Hazard Lands (HL):

Permitted Uses: No person shall within any HL Zone use any land or erect or use any building or structure for any purpose except one or more of the following uses:

- (a) A use permitted in any one or more of clauses a to d inclusive of section 12.1 except a dwelling, dwelling unit or any other building or structure
- (b) A dwelling existing at the date of the passing of this By-law, but not the conversion, extension or enlargement thereof

(c) Parks, playgrounds, tennis courts, lawn bowling greens, outdoor natural rinks, athletic fields, golf courses, picnic areas and boat launching ramps, boat shelters and docking facilities and accessory structures but not including any dwelling or dwelling unit