

Property Assessment Roll Number:

33-10- 337-010-259-00  
(to be provided by applicant/agent)

Office Use	
File No.	OPN-2/2005 ZNS/2005
Date Submitted	Feb 28, 2005
Date Received	Feb 28, 2005
Sign Issued	March 3, 2005



# APPLICATION FOR AN OFFICIAL PLAN OR A COMBINED OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT

NOTE: This application must be typed or printed in ink and completed in full. An incomplete or improperly prepared application may not be accepted and could result in processing delays.

## A. APPLICANT INFORMATION

1. Name of Owner W. D. Cookson Ltd. Phone No. 519-426-1351  
 Address R.R.#3 Fax No. \_\_\_\_\_  
SIMCOE, ON Postal Code N3Y 4K2  
 E-mail \_\_\_\_\_

2. Agent James A. Boll Phone No. 519-426-5840  
Brimage, Tyrrell, Van Severen & Homeniuk, LLP Fax No. 519-426-5572  
 Address PO Box 188, 21 Norfolk St. N. Postal Code N3Y 4L1  
Simcoe, ON E-mail jboll@brimage.com

Please specify to whom all communications be sent:  Owner  Agent

3. If known, the names and addresses of any holders of any mortgagees, charges or other encumbrances on the subject land:

N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**B. LOCATION/LEGAL DESCRIPTION OF PROPERTY**

1. Geographic Township Woodhouse  
Urban Area or Hamlet \_\_\_\_\_  
Concession Number 3 Lot Number 4  
Registered Plan Number 37R-1374 Lot(s)/Block(s) \_\_\_\_\_  
Reference Plan Number 37R-7552 Part Number(s) 1, 2, 3  
Civic Address 319 Regional Road 3, Norfolk County

2. Are there any easements or restrictive covenants affecting the property?

Yes  No  If YES, describe the easement or covenant and its effect:

\_\_\_\_\_  
\_\_\_\_\_

**C. PURPOSE OF APPLICATION**

1. Please explain what you propose to do on the land/premises which makes this application necessary and include the nature and extent of the amendment requested (If additional space is required, please attach a separate sheet.)

Operate a trucking company - Disposal Container Rental  
Transfer Station - Wood and Metal Recycling  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Which Official Plan do you propose to amend? City of Nanticoke

3. Present Official Plan designation: Agricultural

4. Proposed Official Plan designation: Agriculture ~~Rural Commercial~~

*amend zoning only.* *ADP.*

5. Does the proposed amendment change, replace or delete a policy in the area municipal Official Plan and/or Regional Official Plan? Yes  No

If yes, identify the name of the Official Plan and policy(ies) to be changed, replaced or deleted.

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6. Does the proposed amendment add a policy to the area municipal Official Plan and/or the Regional Official Plan? Yes  No

7. If the answer to question 5 or 6 is YES, include the proposed text of the amendment and schedule separately.

8. Present Zoning: Agricultural

9. Does this application also involve an amendment to the Zoning By-law?

Yes  No

If yes, the name of the Zoning By-law: Agricultural-NW1-2000, City of Nanticoke

10. If a zoning amendment is proposed, what is the proposed zoning?

~~-Commercial~~ Agriculture with added 'waste recycling' use & transfer

11. What is the approximate area of land affected by the proposed amendment? 41931.68m<sup>2</sup>

*P.E.*

**D. PROPERTY INFORMATION**

1. Present use of the subject land: Disposal Trucking and Agricultural

2. Please describe any existing buildings or structures on the subject land and whether they are to be retained, demolished or removed:

Metal Clad Four Bay Shop **\*\*ALL BUILDINGS TO BE RETAINED\*\***

1.5 Storey Aluminum Sided House

3 Sheds

Concrete Block Garage

3. Are there any buildings or structures proposed to be constructed on the subject land?

Yes  No

If yes, describe: \_\_\_\_\_

4. The date the subject land was acquired by the current owner:  
October 20, 1978

5. If known, the date existing buildings or structures were constructed on the subject land:  
Four Bay Shop building in 1983; House and Sheds Unknown - older

6. If known, the length of time the existing uses have continued on the :  
21 years

1940 House  
1895 built  
later date  
83 - Shop M. adjacent subject land.

7. Dimensions of the subject land:

Frontage: 258.214 m 847.158' Depth: 162.4 m 532.8' Area: 41931.00 m<sup>2</sup>  
Width: 258.2 m

8. Do you have any other development applications within 400 feet (120 metres) of the subject land?

Yes  No

If yes, File No.: \_\_\_\_\_ Status: \_\_\_\_\_

**E. PREVIOUS USE OF THE PROPERTY**

1. Has there been an industrial or commercial use on the subject land or adjacent lands?

Yes  No  Unknown

If YES, specify the uses: Landfill, Gravel Pit, Construction Company

2. Has a gas 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 at any time?

Yes  No  Unknown

4. Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes  No  Unknown

5. What information did you use to determine the answers to questions 1 through 4 above?

Personal knowledge of Diesel and Gasoline Storage for equipment refueling

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6. If you answered YES to any of questions 1 through 4, a previous use inventory showing all known former uses of the subject land, or if appropriate, the adjacent lands, is needed.

Is the previous use inventory attached? Yes  No

Lands previously used would have been only for agricultural purposes

**F. STATUS OF OTHER PLANNING APPLICATIONS**

1. Is this property also the subject of an application for approval of a plan of subdivision?

Yes  No  Unknown

If YES, File No.: \_\_\_\_\_ Status: \_\_\_\_\_

2. Has this property ever been the subject of a zoning by-law amendment?

Yes  No  Unknown

If YES, File No. \_\_\_\_\_ Status: \_\_\_\_\_

3. Is this property also the subject of an application for approval of a consent?

Yes  No

If YES, File No. BN-123/2005 Status: pending this application (see)

If the consent application has been approved, what is the lapsing date? \_\_\_\_\_

4. Is there any other application on this property that could affect this application?

Yes  No

If YES, describe \_\_\_\_\_

**G. PROVINCIAL POLICY**

1. Are any of the following uses or features on the subject land or within 500 metres (1,640 feet) of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Land	Within 500 Metres (1,640 feet) of subject land (indicate distance)
A livestock facility or stockyard (see G.2)		
A Wooded area		X
A Municipal Landfill		
A Sewage Treatment Plant or Waste Stabilization Plant		
A Provincially Significant Wetland (Class 1, 2 or 3 wetland) or other environmental feature		
Floodplain		
A Rehabilitated Mine Site		
A Non-Operating Mine Site within 1 Kilometre		
An Active Mine Site		X
An Industrial or commercial use (specify the use(s)) Gravel Pit		X
An Active Railway Line		
Seasonal Wetness of Land		
Erosion		
Abandoned Gas Wells		X

2. If there are any livestock operations within 500 metres (1,640 feet) of the subject land, please complete Form 3 which is available upon request.

**H. SERVICING AND ACCESS**

1. Indicate what services are available or proposed:

<u>Water Supply</u>		<u>Sewage Treatment</u>		<u>Storm Drainage*</u>	
Piped Water	<input type="checkbox"/>	Sewers	<input type="checkbox"/>	Storm Sewers	<input type="checkbox"/>
Individual Wells	<input checked="" type="checkbox"/>	Communal System	<input type="checkbox"/>	Open Ditches	<input checked="" type="checkbox"/>
Other (describe)	<input type="checkbox"/>	Septic Tank & Tile Bed	<input checked="" type="checkbox"/>	Other (describe)	<input type="checkbox"/>
<hr/>		Other (describe)	<input checked="" type="checkbox"/>	<hr/>	
		<u>Holding Tank</u>			

\* Have you consulted with Public Works & Environmental Services concerning stormwater management?

Yes  No

\* Has the existing drainage on the subject land been altered?

Yes  No

\* Does a legal and adequate outlet for storm drainage exist?

Yes  No  Unknown

2. Existing or proposed access to the subject land:

Unopened Road       Municipal Road

Provincial Highway       Other (specify) \_\_\_\_\_

Name of Road/Street Regional Road 3

**I. OTHER INFORMATION**

1. Is there a time limit that affects the processing of this application?

Yes  No  Describe \_\_\_\_\_

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.

\_\_\_\_\_

\_\_\_\_\_



**J. SUPPORTING MATERIAL TO BE SUBMITTED BY APPLICANT**

In order for your application to be considered complete, a plan(s) must be submitted drawn to scale as part of this application which shows:

1. The area and dimensions of the property.
2. The topographical features.
3. The location of all features, including but not limited to, pipelines, gas wells, watercourses, ditches, wetlands, wooded areas.
4. The location of any wells, septic systems and tile beds.
5. The location, name, status and width of any road, lanes, highways, railways, driveways or encroachments, both existing and proposed.
6. The location and nature of any easements.
7. Outlines of all buildings, including building setbacks, building dimensions, height and groupings for each building existing and proposed on the site.
8. Outlines of all planting beds, buffer planting, lawn areas, areas to be seeded and sodded and any other landscaping or site improvements.
9. Location and dimensions of off-street parking, parking structures and aisles, the number of parking spaces to be provided and location of accesses.
10. Any pylon signs, fascia signs, etc., any lighting facilities and their location.
11. Any proposed subdivision of the property.
12. The nature of existing uses of adjacent lands.
13. The legal description of the property in question (Lot, Concession, Registered Plan No., Geographic Township).
14. Location of outside storage, refuse storage and disposal facilities.

**If other documentation/supporting material becomes necessary, you will be contacted and this information must be submitted prior to your application proceeding.**

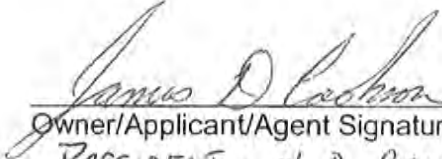
**K. NOTIFICATION SIGN REQUIREMENTS**

For the purpose of public notification and in order for staff to easily locate your land, you will be given a sign to indicate the intent and purpose of your application. It is your responsibility to:

1. Post one sign per frontage in a conspicuous location on the subject property.
2. Ensure one sign is posted at the front of the property at least three feet above ground level.
3. Notify the Planner when the sign is in place in order to avoid processing delays.
4. Maintain the sign until the application is finalized and thereafter removed.

**L. FREEDOM OF INFORMATION**

For the purposes of the 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 for the purposes of processing this application.

  
 \_\_\_\_\_  
 Owner/Applicant/Agent Signature  
 PRESIDENT - W.D. COOKSON LTD.

Feb 25/05  
 \_\_\_\_\_  
 Date

**M. DECLARATION**

I, JAMES COOKSON of Norfolk County 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.

Declared before me at:

Norfolk County

in the Province of Ontario

this 25 day of  
FEBRUARY A.D., 20 05

  
 \_\_\_\_\_  
 Owner/Applicant/Agent Signature  
 PRESIDENT - W.D. COOKSON LTD.

\_\_\_\_\_  
 A Commissioner, etc.

**N. AUTHORIZATION**

If the applicant is not the owner of the land that is the subject of this application, the authorization set out below must be completed by the owner.

**AUTHORIZATION OF OWNER**

I/WE James D. Cookson am/are the owner(s) of the land that is the subject of this application for an approval of an Official Plan Amendment or combined Official Plan and Zoning By-law Amendment.

I/We authorize James A. Boll to make this application on my/our behalf and to provide any of my/our personal information necessary for the processing of this application.

Date: \_\_\_\_\_ Signature \_\_\_\_\_

Date: \_\_\_\_\_ Signature \_\_\_\_\_

**O. NOTES TO APPLICANTS**

The following is required in order for the application to be considered complete:

1. One copy of this application, including the required plan(s), filed with Norfolk County and accompanied by the required application fee. Cheques made payable to Norfolk County. Additional fees or legal costs may apply if an Ontario Municipal Board hearing is held. The application fee is calculated as follows:

Base Fee \$ 1,250.00

Private Services - Health Department Review \$ 77.00

**TOTAL \$ 1,327.00**

2. 2 copies of the required plan(s) illustrating all information noted in Section J. (Supporting Material To Be Submitted By Applicant).
3. 3 copies of any information/reports indicated in the application form
4. For additional information or assistance in completing this application, please contact the Planner at Norfolk County.

**PLEASE SUBMIT APPLICATION TO:**

**Norfolk County Planning & Economic Development Department**  
➤ 60 Colborne Street, South, Simcoe, ON N3Y 4N5 (519) 426-5870  
-or- ➤ 22 Albert Street, Langton, ON N0E 1G0 (519) 875-4485

# CONCESSION

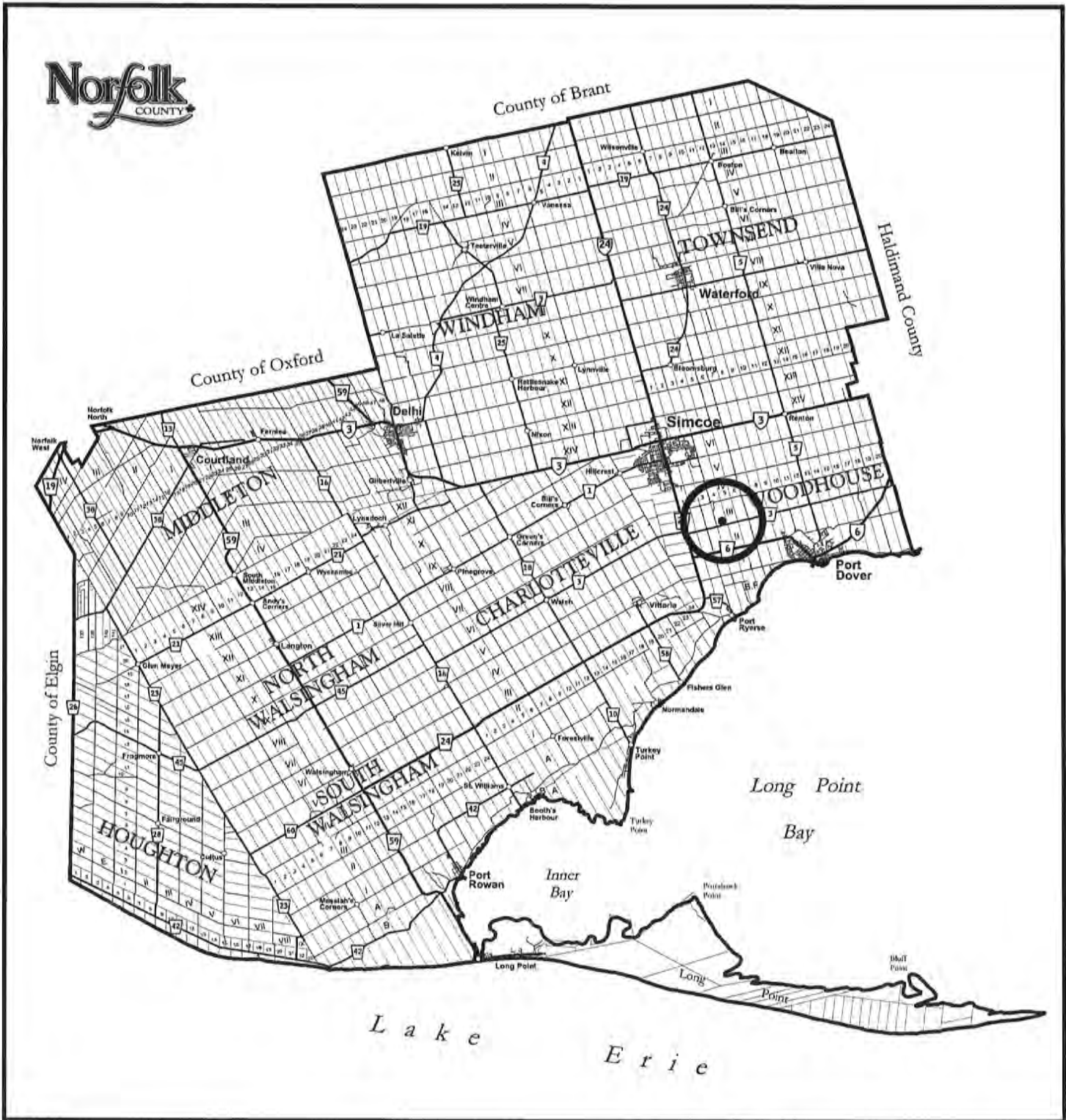
20.117m ALLOWANCE FOR ROAD BETWEEN CONCESSIONS II AND III  
(RESIDUAL ROAD W. 3) (KNOWN AS THE ST. JAMES ROAD)

# II



# MAP 1

File Number: ZN-008/2005  
Geographic Township of WOODHOUSE



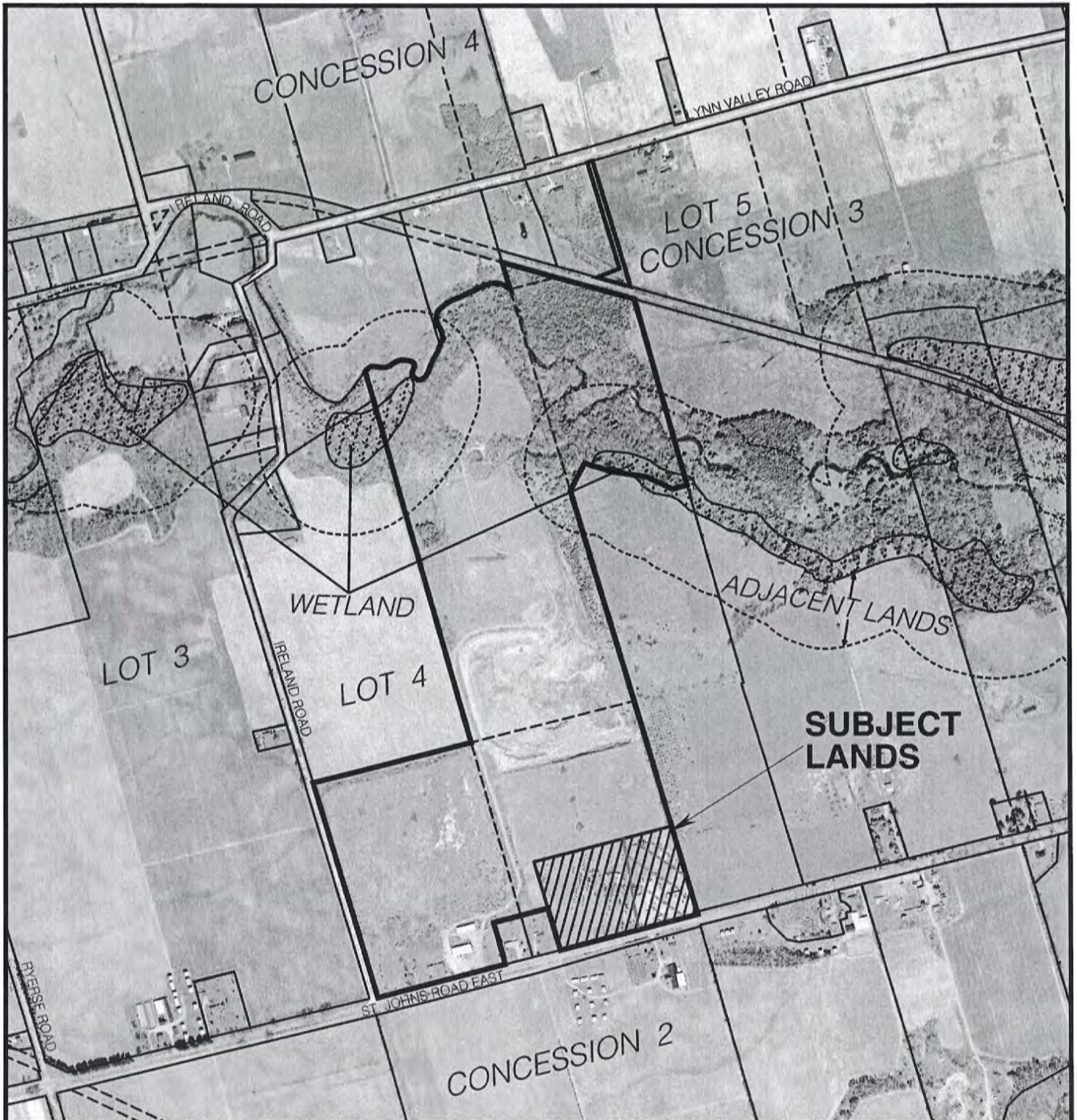
# MAP 2

File Number: ZN-008/2005  
Geographic Township of WOODHOUSE



100 50 0 100 200 METERS

1 : 10000  
Revised: 27-Jul-05



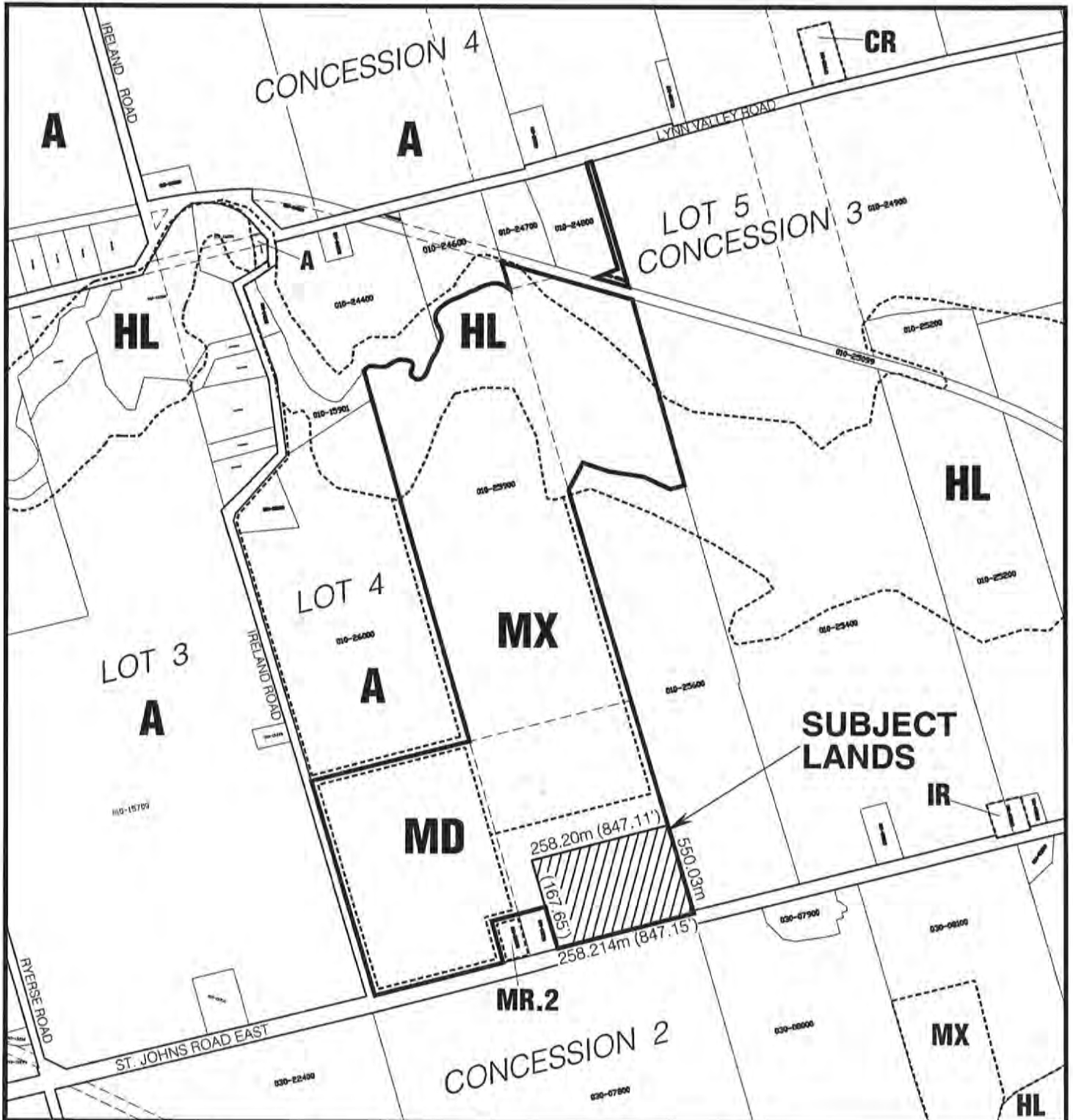
# MAP 3

File Number: ZN-008/2005  
Geographic Township of WOODHOUSE



100 50 0 100 200 METERS

1 : 10000  
Revised: 27-Jul-05



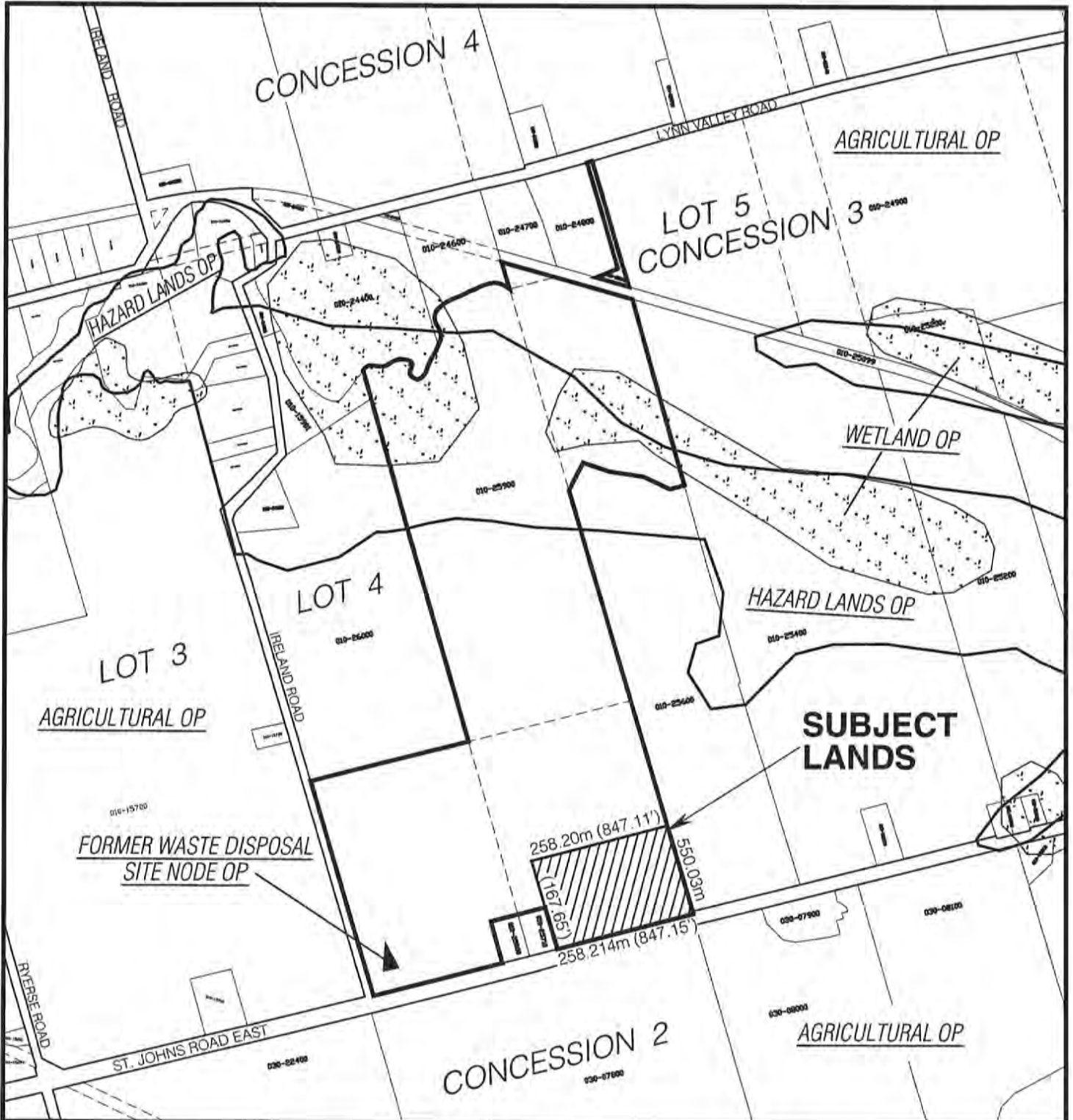
# MAP 4

File Number: ZN-008/2005  
Geographic Township of WOODHOUSE



100 50 0 100 200 METERS

1 : 10000  
Revised: 27-Jul-05





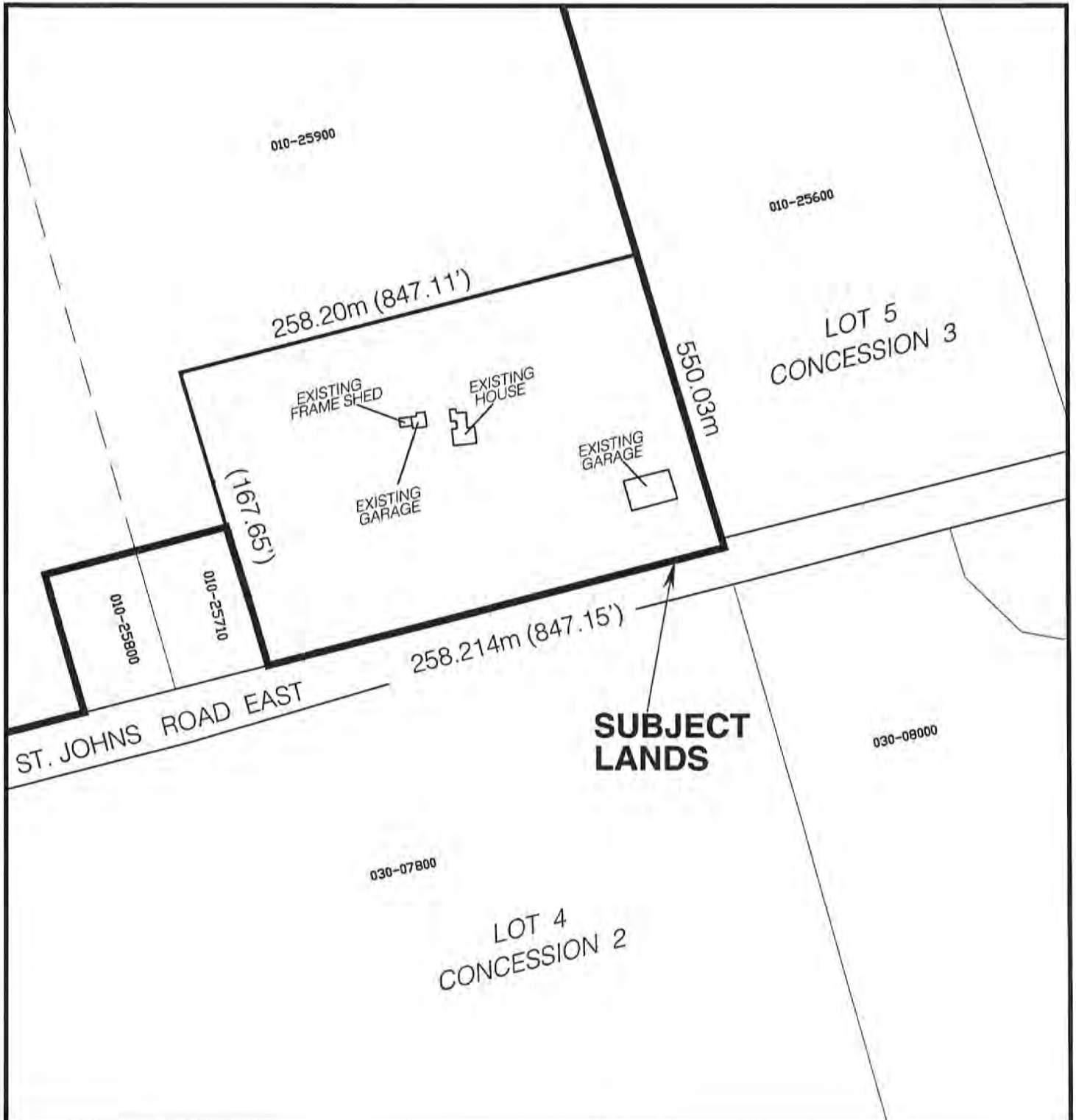
# MAP 5

File Number: ZN-008/2005  
Geographic Township of WOODHOUSE



25 0 25 50 75 METERS

1 : 3000  
Revised: 27-Jul-05



House on retained land



**Regional Road 3 (R.R. #3), Simcoe, ON  
Tenant House #1**

*on retained*



*BUILT, 2000*

**Regional Road 3 (R.R. #3), Simcoe, ON  
Shop #2**

*on retained*



*Built '71  
approx*

**Regional Road 3 (R.R. #3), Simcoe, ON  
Shop #1 with Attached Office**

MD

Landfill area



**Regional Road 3 (R.R. #3), Simcoe, ON  
Agricultural Land**

Landfill Area.



**Regional Road 3 (R.R. #3), Simcoe, ON  
Agricultural Land**



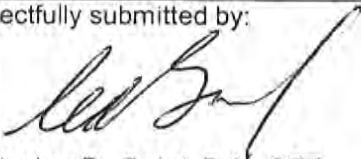

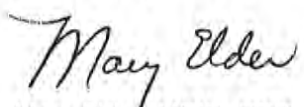
"IN CAMERA"

BUDGET AMENDMENT

<b>DEPARTMENT:</b> Planning & Economic Development Services		<b>PAGE</b>	1 OF 4
<b>DATE PREPARED:</b> October 28, 2005		<b>REPORT NO.</b>	PED 05-128
<b>"COUNCIL" MEETING DATE:</b> November 22, 2005			
<b>SUBJECT:</b> Application to Amend the City of Nanticoke Zoning By-law NW-1 2000 (File ZN-008/2005) (Roll No: 3310-337-010-259-00)			
<b>APPLICANT:</b> R. D. Cookson (Bob) RR #3 Simcoe, ON N3Y 4K2	<b>AGENT:</b> James Boll Brimage, Tyrrell, Van Severen & Homeniuk Box 188, 21 Norfolk St S Simcoe, ON N3Y 4L1		
<b>OWNER:</b> W. D. Cookson (James) RR #3 Simcoe, ON N3Y 4K2			

**INTRODUCTION / BACKGROUND:**

An application has been received to amend the City of Nanticoke Zoning By-law NW-1 2000 in order to recognize an existing business known as R. D. Cookson Disposal Ltd. (a disposal container rental and transfer station for wood and metal recycling) that is considered non-conforming in use. This business is located on lands currently designated and zoned 'Agriculture (A)'. A consent application has been submitted but a decision awaits the outcome of this application. Rural commercial zoning is proposed by the applicant. As part of settling an estate these two family businesses (R. D. Cookson Disposal Ltd. And W. D. Cookson Ltd.) desire separation.

Respectfully submitted by:	Reviewed by:	Prepared by:
		
Christopher D. Baird, B.A., CET General Manager, Planning & Economic Development Services	Jim McIntosh, MCIP, RPP Manager Community Planning For more information call: 875-4485	Mary Elder, MCIP, RPP, Planner, For more information call: 426-5870 ext. 1341
		COUNCIL: <u>Nov 22 2005</u> RES.NO. <u>8</u>
		<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Approved with Amendments <input type="checkbox"/> Other

Community Planning Comments

The subject lands are currently designated 'Agriculture' in the City of Nanticoke Official Plan and zoned 'Agriculture (A)' in the City of Nanticoke Zoning By-law NW 1-2000. A waste recycling facility has operated on the subject lands and as part of the parent company, W. D. Cookson, since the early 70's. This business is considered an existing non-conforming use.

As this application was submitted before March 1, 2005, the 1996 Provincial Policy Statement applies. 1996 Provincial Policy requires that the County's decision 'have regard for' Provincial Policy. Section 2.1 deals with agricultural policy. Permitted uses in agricultural areas are set out in Section 2.1.1. Proposed new secondary uses and agriculturally related uses are permitted in addition to agricultural land uses. According to Provincial policy protecting agricultural lands, this existing business would not be permitted in the 'Agricultural' designation as a 'new development'. Further policy (Section 1.2.4.1) on waste management systems which includes a waste recycling facility states that these 'need to be provided that are of an appropriate size and type to accommodate present and future requirements, and will be located and designed in accordance with provincial standards and legislation. The applicant is well aware of the provincial requirements for this business due to its years of operation on this site.

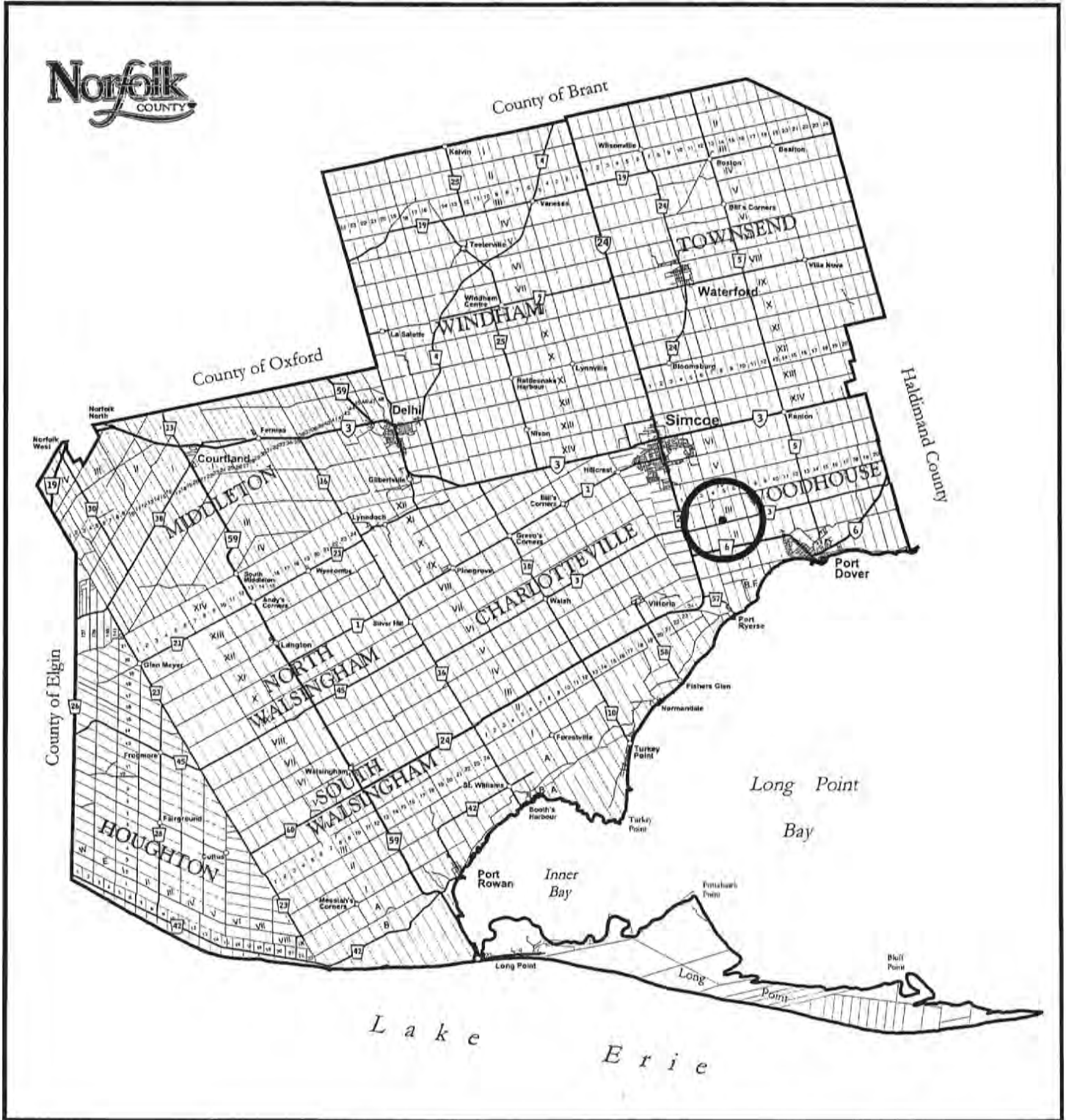
The City of Nanticoke Official Plan contains policy regarding the fact that "some uses will not meet all provisions of the policies and provisions for types of uses in various areas. Notwithstanding the policies of the Plan, such uses may be permitted in any restricted area zoning by-law in accordance with their present use and standards, or appropriate standards of a suitable zoning category provided certain criteria are met. The policy continues that the proposed zoning will not permit a change in use and will not aggravate any situation detrimental to adjacent land uses. There are farm lands to the east and south of the subject lands that are not detrimentally affected by this existing business. There is a vacant house on the west side of the subject lands owned by the applicant which will be part of the retained lands. The operation of the existing company, known as R. D. Cookson Disposal Ltd. (a disposal container rental and transfer station for wood and metal recycling or recycling facility), is not considered a danger to surrounding uses nor does it create a hazardous traffic situation. However, the applicant has pointed out that the current driveway slopes to the road and is just west of a hill on Regional Road 3. Occasionally in the winter months, trucks have slid in the driveway. In order to avoid this situation, he would like to move the driveway further west so it is more centred on the road frontage and more level. The adjacent lands continue in agricultural uses and have not been affected by this business. However, the 'Rural Commercial' zoning proposed by the applicant is not considered acceptable by Planning staff.

Planning staff recommend that the 'Agriculture (A)' zone continue on the subject lands with a special provision permitting this existing business defined as a 'recycling facility'. The rental of containers and the trucks needed to transport them and the related building and storage areas form the basis of the company. The wood and metal from the contents of these containers is recycled. This would address the City of Nanticoke policy discussed above. Retaining the agricultural zoning would mean that agricultural land uses could resume on these lands should this business ever cease operation. In this situation, this appears to be the best way to address Provincial Policy requiring the protection of agricultural lands for agricultural land uses and policy regarding provision of a portion of the County's private waste management system.



# MAP 1

File Number: ZN-008/2005  
Geographic Township of WOODHOUSE



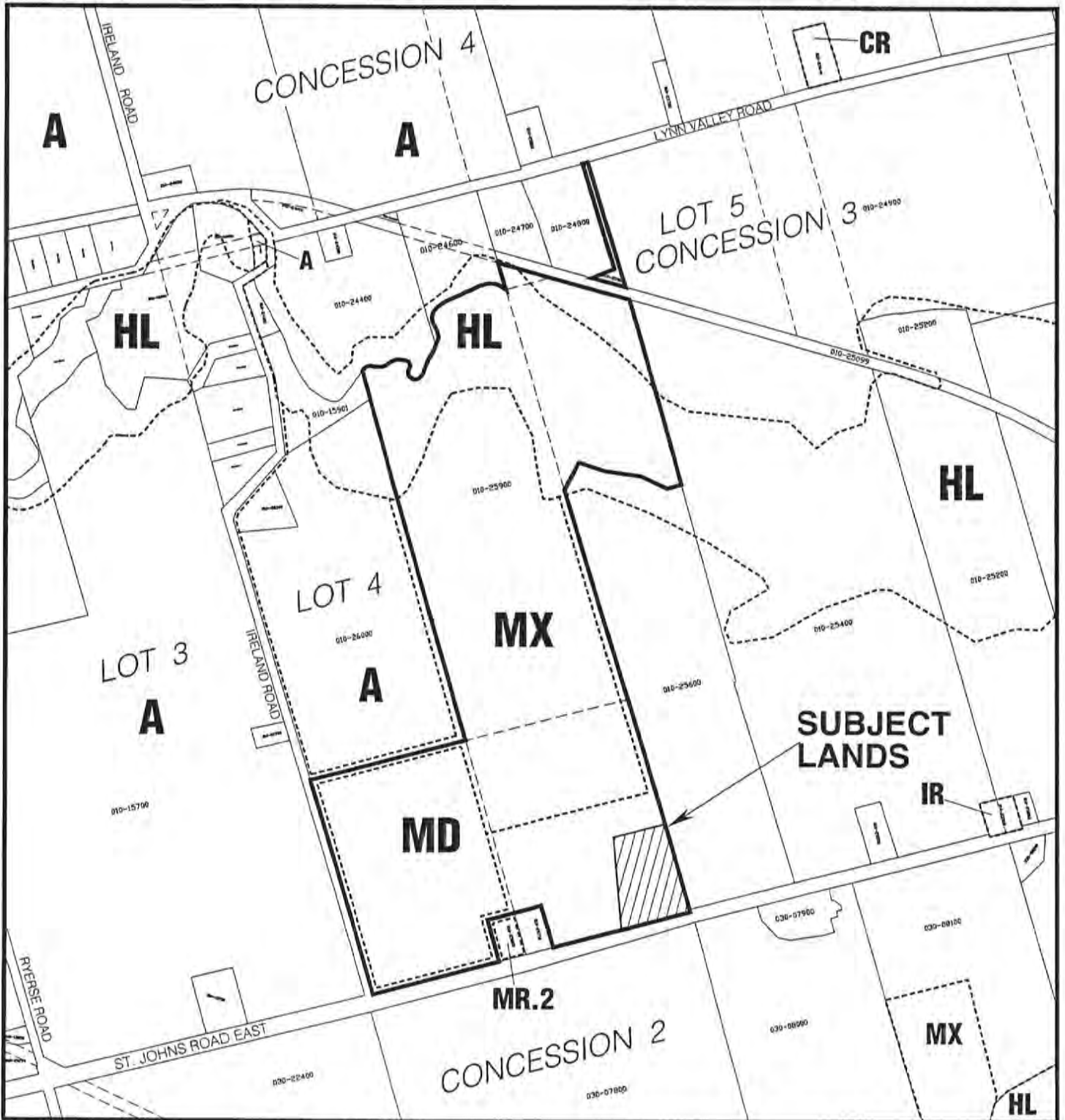
# MAP 3

File Number: ZN-008/2005  
Geographic Township of WOODHOUSE



100 50 0 100 200 METERS

1 : 10000  
Revised: 14-Nov-05



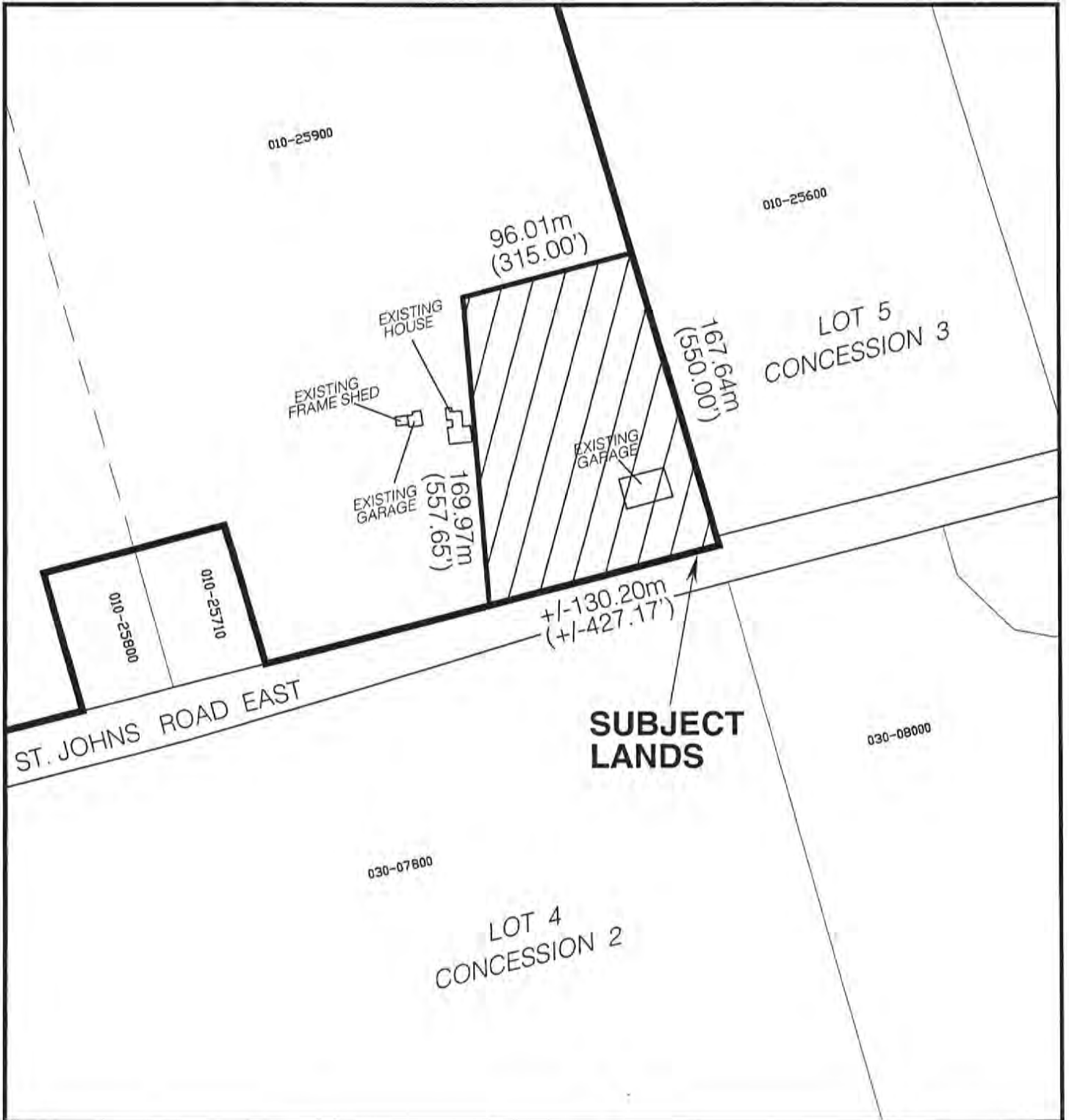
# MAP 5

File Number: ZN-008/2005  
Geographic Township of WOODHOUSE



25 0 25 50 75 METERS

1 : 3000  
Revised: 14-Nov-05





**BY-LAW NO. 2-SP-2006**

OF

***The Corporation of Norfolk County***

**BEING A BY-LAW TO DESIGNATE A CERTAIN AREA OF LAND WITHIN NORFOLK COUNTY AS A SITE PLAN CONTROL AREA AFFECTING PART OF LOT 4, CONCESSION 3 (WOODHOUSE), NORFOLK COUNTY IN THE NAME OF W. D. COOKSON LTD.**

**WHEREAS** Norfolk Council is empowered to enact this By-law, by virtue of the provisions of Section 41 of the Planning Act, R.S.O. 1990;

**AND WHEREAS** this By-law conforms to the Official Plan for the former City of Nanticoke.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF NORFOLK COUNTY HEREBY ENACTS AS FOLLOWS:**

1. That the lands shown as the subject lands on Map A (attached to and forming part of this By-Law) are hereby declared a Site Plan Control area and shall be subject to the provisions of Section 41 of the Planning Act;
2. That all development located on the said lands shall be subject to and in accordance with a development agreement, if required, pursuant to Section 41 of the Planning Act;
3. That the Planner for Norfolk County or designate is hereby delegated all of Council's powers and authority under Section 41 of the Planning Act.
4. That the effective date of this By-law shall be the date of final passage thereof.

**ENACTED AND PASSED THIS 24TH DAY OF JANUARY, 2006.**

First Reading: January 24, 2006

  
\_\_\_\_\_  
Mayor

Second Reading: January 24, 2006

Third Reading: January 24, 2006

  
\_\_\_\_\_  
Clerk/Manager of Council Services

## EXPLANATION OF THE PURPOSE AND EFFECT

### OF BY-LAW 2-SP-2006

This By-law affects a parcel of land described as Part of Lot 4, Concession 3 (Woodhouse), Norfolk County.

The purpose of the By-law is to place the subject lands under site plan control. Placing this property under site plan control is a condition of the Norfolk County approval of a Zoning Amendment application (ZN-008/2005) on November 22, 2005. By placing the subject lands under site plan control, Norfolk County will be able to ensure that all County concerns relative to such matters as outside storage, road access, parking layout, landscaping, grading and drainage are addressed.

W. D. Cookson

File No. ZN-008/2005

Report No PED 05-128

Assessment Roll No. 3310-337-010-259-00

319 Regional Road 3, Woodhouse

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