



# Township of Wellington North

P.O. Box 125 • 7490 Sideroad 7 W • Kenilworth • ON • N0G 2E0

## Public Meeting

Monday, January 12, 2015 at 7:00 p.m.

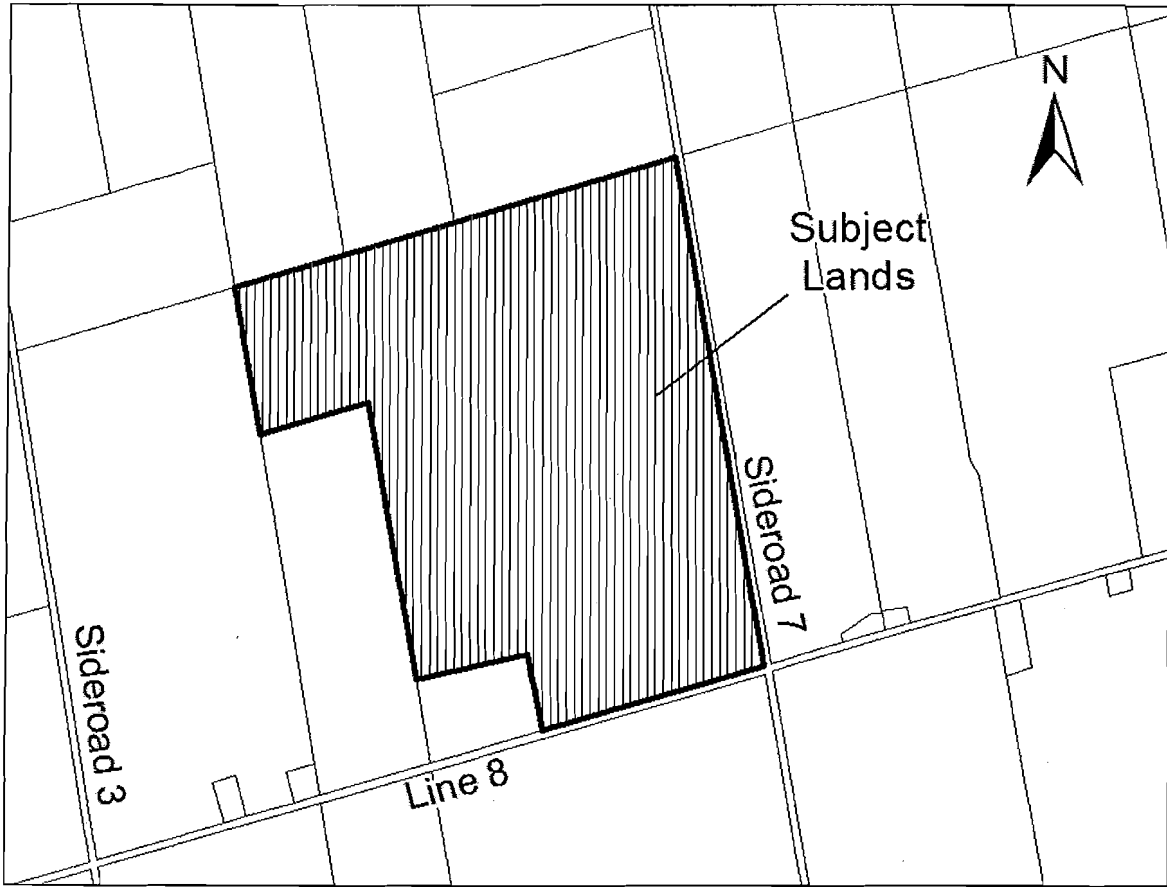
Municipal Office Council Chambers, Kenilworth

## AGENDA

Page 1 of 2

AGENDA ITEM	PAGE NO.
<p><b>The Mayor will call the meeting to order.</b></p> <p><b>Declaration of Pecuniary Interest.</b></p> <p><b>Owners/Applicant: Powerline Ridge Farms Inc.</b></p> <p><b>Location of the Subject Land</b> The property subject to the proposed amendment is described as Lot 6 and Part Lot 5, Concession 9, Geographic Township of West Luther, with a municipal address of 8290 Line 8. The property is 125.9 hectares (311.1 acres) in size and the location is shown on the map attached.</p> <p><b>The Purpose and Effect of the Application</b> is to rezone the subject lands to restrict any future residential development on the agricultural, retained portion of the property and to further address a reduced frontage on the severed residential parcel. Additional relief to Minimum Distance Separation (MDS) may be considered at the time of the meeting. This rezoning is a condition of severance application B13/14, that was granted provisional approval by the Wellington County Land Division Committee. The consent will sever a 0.84 ha (2.1 ac) parcel with an existing dwelling and shed from the agricultural 125.9 ha (311.1 ac) parcel. The property is currently zoned Agricultural and Natural Environment. The Natural Environment zone will remain unchanged.</p> <p>Please note – Section 34 (12) of the Planning Act.</p> <p>(12) Information. – At a meeting under subsection (12), the council shall ensure that information is made available to the public regarding the power of the Municipal Board under subsection (14.1) to dismiss an appeal if an appellant has not provided the council with oral submissions at a public meeting or written submissions before a By-law is passed.</p> <p>1. Notice for this public meeting was sent to property owners within 120 m and required agencies and posted on the property on December 19, 2014.</p>	1

<b>AGENDA ITEM</b>	<b>PAGE NO.</b>
2. Application for Zoning By-law Amendment	
3. Presentations by:	
- Jameson Pickard, Junior Planner	12
- See attached comments and draft by-law.	
4. Review of Correspondence received by the Township:	
- Andrew Herreman, Resource Planner, GRCA	18
- No objection.	
5. The by-law will be considered at the regular council meeting following the public meeting. Persons wishing notice of the passing of the By-law must submit a written request.	
6. Mayor opens floor for any questions/comments.	
7. Comments/questions from Council.	
8. Adjournment.	



**Owners/Applicant: Powerline Ridge Farms Inc.**

*Woods, Clemens, Fletcher & Cronin*

Professional Corporation - Lawyers

J. Arthur Woods, B.A., LL.B.  
William G. Clemens, B.A., LL.B.  
Mary-Lou Fletcher, B.A., LL.B.  
Tracey G. Cronin, B.A., LL.B.

9 Memorial Avenue, P.O. Box 216  
Elmira, Ontario N3B 2Z6

**Tel. (519) 669-5101**

Fax (519) 669-5618

E-mail: [lawoffice@woodsclomens.ca](mailto:lawoffice@woodsclomens.ca)

RECEIVED

NOV 25 2014

TWP. OF WELLINGTON NORTH

November 10, 2014

Corporation of the Township  
of Wellington North  
Building/Zoning Dept.  
7490 Sideroad 7 West  
Kenilworth, ON N0G 2E0

Attention: Mr. Darren Jones

Dear Sir:

RE: **Powerline Ridge Farms Inc. – Part Lot 6, Concession 9 (West Luther)**

We act for Powerline Ridge Farms Inc. who have obtained approval to sever certain lands – Application No. B13/14. One of the conditions imposed is a rezoning of the severed land.

We enclose herewith the following:

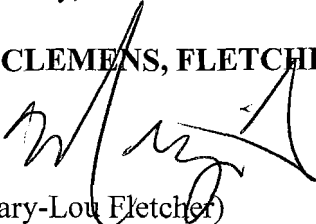
1. Three copies of the Application Form;
2. Three copies of the Conditions of Severance;
3. Three copies of sketch;
4. Our ~~4000~~ cheque in the amount of \$1,500.00.

We trust this is sufficient to allow the process to begin. We thank you for your co-operation and assistance.

Yours very truly,

**WOODS, CLEMENS, FLETCHER & CRONIN**

Per:

  
(Mary-Lou Fletcher)

MLF/rb

CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH

Application for Zoning By-law Amendment

Application No.: \_\_\_\_\_

**A. THE AMENDMENT**

1. TYPE OF AMENDMENT? Site Specific  Other \_\_\_\_\_

2. WHAT IS THE PURPOSE OF AND REASONS FOR THE PROPOSED AMENDMENT(S)?

TO SATISFY CONDITIONS OF SEVERANCE  
APPLICATION B13/14

**B. GENERAL INFORMATION**

**3. APPLICANT INFORMATION**

- a. Registered Owner's Name(s): POWERLINE RIDGE FARMS INC. c/o DAN SCHILL  
Address: 5088 LINE 91, RR # 2 PALMERSTON, ON N0G 2P0  
Phone: Home (519) 343-4475 Work (519) 577-6795 Fax ( ) \_\_\_\_\_  
Email: \_\_\_\_\_
- b. Applicant (Agent) Name(s): WOODS CLEMENS, FLETCHER & CRONIN  
Address: 9 MEMORIAL AVENUE ELMIRA, ON N3B 2Z6  
Phone: Home ( ) \_\_\_\_\_ Work (519) 669-5101 Fax (519) 669-5618  
Email: mfletcher@woodsclemens.ca
- c. Name, Address, Phone of all persons having any mortgage charge or encumbrance on the property:
  - i. THE TORONTO DOMINION BANK - 4720 Tahoe Blvd, Bldg 1, 4<sup>th</sup> Floor MISSISSAUGA, ON L4W 5P2
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_
- d. Send Correspondence To? Owner  Agent  Other  \_\_\_\_\_
- e. When did the current owner acquire the subject land? APRIL 1, 2009

**4. WHAT AREA DOES THE AMENDMENT COVER?**

the "entire" property [ ] a "portion" of the property  
(This information should be illustrated on the required drawing under item G of this application.)

5. PROVIDE A DESCRIPTION OF THE "ENTIRE" PROPERTY:

a. Municipal Address: R.R. #4 KENILWORTH, ON NOG 2 E0

b. Concession: 9 Lot: 5+6 Registered Plan No: \_\_\_\_\_

c. Area: \_\_\_\_\_ hectares Depth: \_\_\_\_\_ meters Frontage (Width): \_\_\_\_\_ meters

Area: 311 ± acres Depth: 4400 feet Frontage (Width): 1469 feet

6. PROVIDE A DESCRIPTION OF THE AREA TO BE AMENDED IF ONLY A "PORTION" OF THE PROPERTY:

a. Area: \_\_\_\_\_ hectares Depth: \_\_\_\_\_ meters Frontage (Width): \_\_\_\_\_ meters

Area: 2.1 acres Depth: 143 feet Frontage (Width): 172 feet

7. WHAT IS THE CURRENT COUNTY OF WELLINGTON OFFICIAL PLAN DESIGNATION OF THE SUBJECT PROPERTY?

PRIME AGRICULTURAL + GORE GREENLANDS AREA

8. LIST LAND USES THAT ARE PERMITTED BY CURRENT OFFICIAL PLAN DESIGNATION

PRIME AGRICULTURAL + GORE GREENLANDS AREA

9. WHAT IS THE CURRENT ZONING OF THE SUBJECT PROPERTY AND WHAT USES ARE PERMITTED?

SEC 8A OF BY-LAW 66-01 - AGRICULTURAL

SEC 30NE BY-LAW 66-01 - NATURAL ENVIRONMENT ZONE

C. EXISTING AND PROPOSED LAND USES AND BUILDINGS

10. WHAT IS THE "EXISTING" USE(S) OF THE SUBJECT LAND?

PORTION TO BE SEVERED - RESIDENTIAL

RETAINED LANDS - CASH CROP FARMING

11. HOW LONG HAS THE "EXISTING" USE(S) CONTINUED ON THE SUBJECT LAND?

PRIOR TO TRANSFER APRIL 1, 2009 + CONTINUOUSLY THROUGH CURRENT OWNERSHIP

12. WHAT IS THE "PROPOSED" USE OF THE SUBJECT LAND?

SEVERED LANDS - RESIDENTIAL

RETAINED LANDS - AGRICULTURAL -> PROHIBIT RESIDENTIAL USE

13. PROVIDE THE FOLLOWING DETAILS FOR ALL BUILDINGS OR STRUCTURES ON THE SUBJECT LAND:

(Please use a separate page if necessary.)

	Existing	Proposed	Existing
a. Type of building(s) or structure(s)	House	N/A	Drive Shed
b. Date of construction	1970 <sup>+</sup>		1990 <sup>+</sup>
c. Building height	(m) 20 (ft)	(m) (ft)	
d. Number of storey's (excluding basement)	one		one
e. Total floor area	(sq m) 1500 (sq ft)	(sq m) (sq ft)	512'
f. Ground floor area	(sq m) " (sq ft)	(sq m) (sq ft)	"
g. Distance from building to the:			
i. Front lot line	(m) 1194 (ft)	(m) (ft)	1324' <sup>+</sup>
ii. Side lot line	(m) 60 (ft)	(m) (ft)	22.6'
iii. Side lot line	(m) 60 (ft)	(m) (ft)	133.4'
iv. Rear lot line	(m) 140 (ft)	(m) (ft)	16.9'
h. Percent lot coverage	(%)	(%)	
i. Number of parking spaces			
j. Number of loading spaces			

D. EXISTING AND PROPOSED SERVICES

14. WHAT IS THE ACCESS TO THE SUBJECT PROPERTY?

Provincial Highway  Continually maintained municipal road  Right-of-way   
 County Road  Seasonally maintained municipal road  Water access

15. WHAT IS THE NAME OF THE ROAD OR STREET THAT PROVIDES ACCESS TO THE SUBJECT PROPERTY?

EIGHTH LINE ROAD

16. IF ACCESS IS BY WATER ONLY, PLEASE DESCRIBE THE PARKING AND DOCKING FACILITIES USED OR TO BE USED AND THE APPROXIMATE DISTANCE OF THESE FACILITIES FROM SUBJECT LAND TO THE NEAREST PUBLIC ROAD.

*(This information should be illustrated on the required drawing under item G of this application.)*

17. INDICATE THE APPLICABLE WATER SUPPLY AND SEWAGE DISPOSAL

	Municipal Sewers	Communal Sewers	Private Septic	Municipal Water	Communal Well	Private Well
a. Existing	[ ]	[ ]	[X]	[ ]	[X]	[X]
b. Proposed	[ ]	[ ]	[X]	[ ]	[X]	[ ]

18. HOW IS THE STORM DRAINAGE PROVIDED?

a. Storm Sewers [ ] Ditches [ ] Swales [ ] Other means (explain below) [ ]

Tile drain to municipal drain

**E. OTHER RELATED PLANNING APPLICATIONS**

19. HAS THE CURRENT OWNER (OR ANY PREVIOUS OWNER) MADE APPLICATION FOR ANY OF THE FOLLOWING, EITHER ON OR WITHIN 120 METRES OF THE SUBJECT LAND?

a. Official Plan Amendment	Yes	[ ]	No	[ ]
b. Zoning By-law Amendment	Yes	[ ]	No	[ ]
c. Minor Variance	Yes	[ ]	No	[ ]
d. Plan of Subdivision	Yes	[ ]	No	[ ]
e. Consent (Severance)	Yes	[X]	No	[ ]
f. Site Plan Control	Yes	[ ]	No	[ ]

20. IF THE ANSWER TO QUESTION 19 IS YES, PLEASE PROVIDE THE FOLLOWING INFORMATION:

- a. File No. and Date of Application: B13/14 APRIL 16, 2014
- b. Approval Authority: COUNTY OF WELLINGTON
- c. Lands Subject to Application: PART LOT 6, CONCESSION 9
- d. Purpose of Application: SURPLUS FARM DWELLING
- e. Status of Application: CURRENT
- f. Effect on the Current Application for Amendment: \_\_\_\_\_



**F. OTHER SUPPORTING INFORMATION**

**21. PLEASE LIST THE TITLES OF ANY SUPPORTING DOCUMENTS:**

*(E.G. Environmental Impacts Study, Hydrogeological Report, Traffic Study, Market Area Study, Aggregate License Report, Stormwater Management Report, etc.)*

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**G. APPLICATION DRAWING**

**22. PLEASE PROVIDE AN ACCURATE DRAWING OF THE PROPOSAL, PREFERABLY PREPARED BY A QUALIFIED PROFESSIONAL. IN SOME CASES IT MAY BE MORE APPROPRIATE TO SUBMIT ADDITIONAL DRAWINGS AT VARYING SCALES TO BETTER ILLUSTRATE THE PROPOSAL. THE DRAWING MUST INCLUDE THE FOLLOWING:**

- a. Owners' / applicant's name;
- b. Legal description of property;
- c. Boundaries and dimensions of the subject property and its current land use;
- d. Dimensions of area of amendment (if not , the entire property);
- e. The size and use of all abutting land;
- f. All existing and proposed parking and loading areas, driveways and lanes;
- g. The nature of any easements or restrictive covenants on the property;
- h. The location of any municipal drains or award drains;
- i. Woodlots, forested areas, ANSI's, ESA's, wetlands, floodplain, and all natural watercourses (rivers, stream banks, etc);
- j. The dimensions of all existing and proposed buildings and structures on the subject land and their distance to all lot lines;
- k. The name, location and width of each abutting public or private road, unopened road allowance or right of way;
- l. If access to the subject land is by water only, provide the location of the parking and docking facilities to be used;
- m. Other features both on site or nearby that in the opinion of the applicant will have an effect on the application (such as bridges, railways, airports, wells, septic systems, springs, slopes, gravel pits); and
- n. The drawing should also include the scale, north arrow and date when the drawing was prepared.

**H. AUTHORIZATION FOR AGENTS / SOLICITOR TO ACT FOR OWNER:**

(If affidavit (I) is signed by an Agent / Solicitor on Owner's behalf, the Owner's written authorization below must be completed)

I (we) DAN SCHILL, PRESIDENT OF POWERLINE RIDGE FARMS INC. of the TOWN of MINTO,  
County/Region of WELLINGTON do hereby authorize MARY-LOU FLETCHER to Act as my agent in this application.

Dan Schill  
Signature of Owner(s)

July 23, 2014  
Date

**I. AFFIDAVIT:**

(This affidavit be signed in the presence of a Commissioner)

I (we) DAN SCHILL of the TOWN of MINTO,

County/Region of WELLINGTON solemnly declare that all 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 TOWNSHIP of MAPLETON, County/Region of WELLINGTON this 23<sup>rd</sup> day of JULY, 2014.

Dan Schill  
Signature of Owner or Authorized Solicitor or Authorized Agent

July 23, 2014  
Date

Mary Lou Fletcher  
Signature of Commissioner

July 23, 2014  
Date

APPLICATION AND FEE OF \$ 1500 RECEIVED BY MUNICIPALITY

Loren Jones  
Signature of Municipal Employee

November 27, 2014  
Date

SKETCH FOR LAND SEVERANCE APPLICATION

PREPARED FOR DAN SCHILL

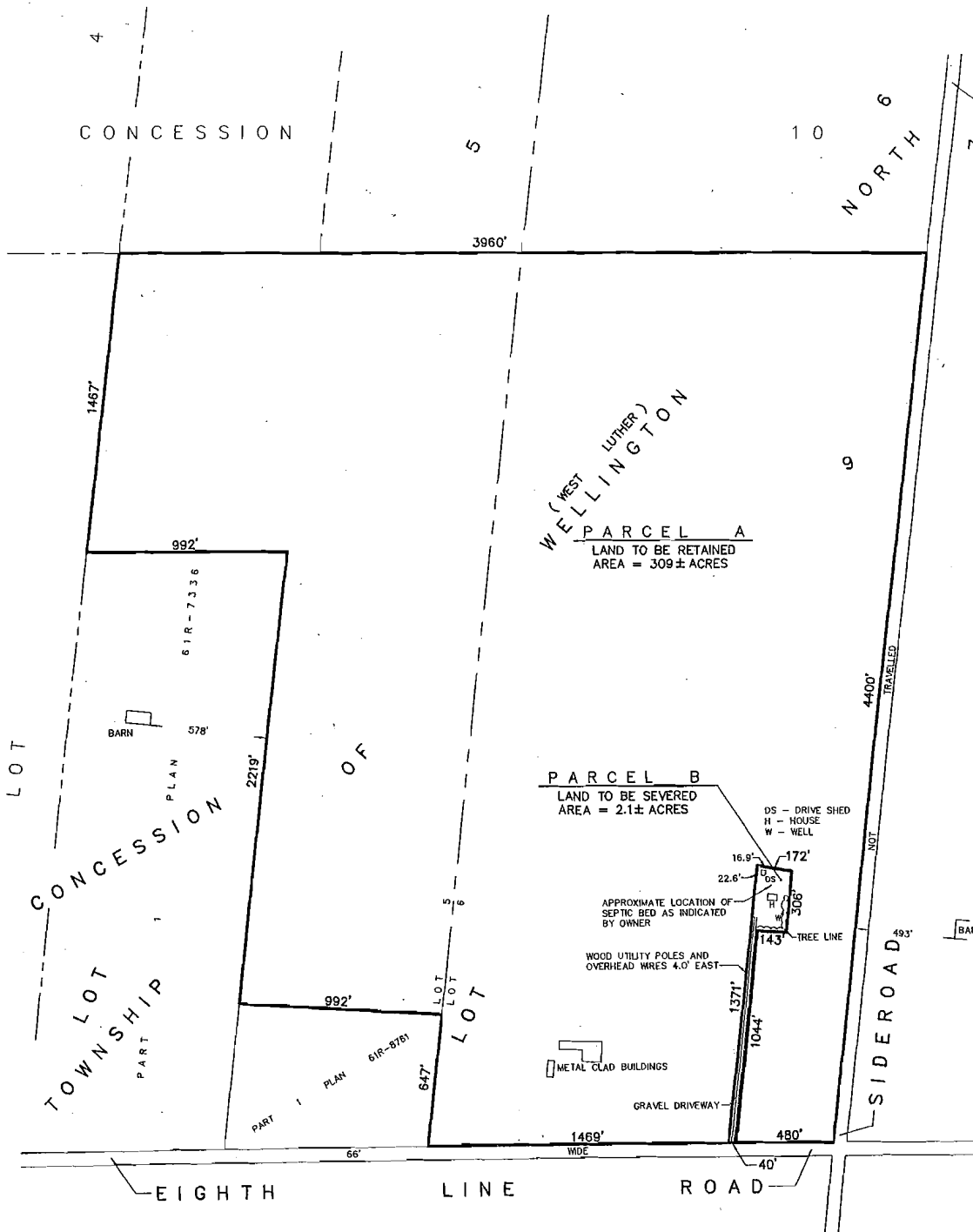
SCALE 1" = 500'

CAUTION

THIS SKETCH IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR TRANSACTION OR MORTGAGE PURPOSES.

NOTE

THIS SKETCH IS PREPARED FROM COMPILED AND CALCULATED INFORMATION, THE PROPERTY LIMITS SHOWN HAVE NOT BEEN SURVEYED.



NOTE  
LIMITS OF PARCEL B WERE SET TO ENCOMPASS THE LAWN AREAS, TREES, HYDRO POLES AND THE DRIVEWAY PERTINENT TO THE USE OF THIS PARCEL.

DISTANCES SHOWN ON THIS PLAN ARE IN FEET AND CAN BE CONVERTED TO METRES BY MULTIPLYING BY 0.3048

ONTARIO PLANNING ACT, Section 53(14)

NOTICE of DECISION

On Application B13/14

**APPLICANT:**

Powerline Ridge Farms Inc.  
5088 Perth Line 91, RR#2  
Palmerston ON N0G 2P0

**LOCATION of SUBJECT LANDS:**

WELLINGTON NORTH (West Luther)  
Part Lot 6  
Concession 9

**The Planning and Land Division Committee, considering all of the evidence presented, and being assured that it had jurisdiction to consider the matter which was submitted to it, concludes that:**

In the matter of an application by Powerline Ridge Farms Inc. pursuant to Section 53 of the Planning Act, R. S. O. 1990 as amended for consent to convey land for Surplus Farm Dwelling, being Part of 6, Concession 9, geographic Township of West Luther, now Township of Wellington North, **PROVISIONAL CONSENT IS GRANTED SUBJECT TO THE FULFILMENT OF TEN CONDITIONS OF APPROVAL.** The Planning and Land Division Committee has the opinion that a plan of subdivision of the subject lands is not necessary for the proper and orderly development of the municipality for this proposal; that the proposal satisfies generally the intent of the criteria of Section 51, subsection 24 of the Planning Act, R.S.O. 1990 as amended; and that the proposal is consistent with the intent and policies of the Provincial Policy Statement; and that it conforms generally to the intent and policies of the County's official plan; and, further, that the proposal represents compatible development, good planning and does not offend the public interest.

**FINAL CONSENT IS DEEMED TO BE GIVEN** when the Secretary-Treasurer of the Planning and Land Division Committee has received written proof that all of the conditions of approval have been fulfilled within the prescribed period of time.

**THE PLANNING AND LAND DIVISION COMMITTEE ADVISES THE APPLICANT** that all of the conditions of approval for this provisional consent must be fulfilled within a period of one year after written notice of this decision was given or consent shall be deemed to be refused. In the event of an appeal to the Ontario Municipal Board, the application for consent shall not be deemed to be refused for failure to fulfill the conditions until the expiry of one year from the date of the order or date of the notice of the Ontario Municipal Board issued in respect of the appeal.

**CONDITIONS OF APPROVAL TO BE FULFILLED NO LATER THAN 4:30 p.m. APRIL 17, 2015:**

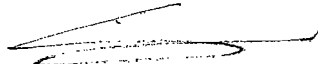
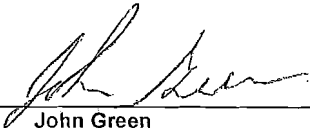
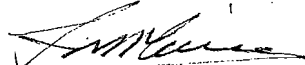
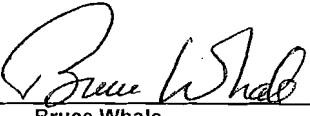
- 1) THAT the Owner's solicitor, in preparation for the issuance of the Certificate of Consent, provide to the Secretary-Treasurer of the County of Wellington Planning and Land Division Committee a printed copy of the "completed electronic transfer document in preparation".
- 2) THAT the Solicitor for the Owner give an undertaking in writing to provide to the Secretary-Treasurer of the County of Wellington Planning and Land Division Committee within 30 days of the date of registration in the Land Registry/Land Titles Office for Wellington (No. 61) a copy of the receipted and registered electronic transfer document for Consent B13/14.
- 3) THAT the Owner, as provided for under Section 69 of the Planning Act, R.S.O. 1990, shall pay to the Treasurer of the County of Wellington the administrative fee which is in effect at the time of the payment of the fee for the review for and issuance of the Certificate of Consent.
- 4) THAT the transfer for registration with respect to description complies with Ontario Regulation 43-96; and if that description contains a reference to a Reference Plan(s), the Owner's solicitor shall provide a full print of that deposited reference plan(s) to the secretary-treasurer of the Planning and Land Division Committee.
- 5) THAT the Owner receive approval from the applicable road authority in a manner deemed acceptable to that road authority for an entrance to the retained parcel; and further that the applicable authority file a letter of clearance of this condition with the Secretary-Treasurer of the Planning and Land Division Committee as written proof of fulfillment of this condition.
- 6) THAT the Owner satisfy all the requirements of the local municipality, financial and otherwise which the local municipality may deem to be necessary at the time of issuance of the Certificate of Consent for the proper and orderly development of the subject lands; and further that the Local Municipality file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
- 7) THAT the Owner receive zoning compliance and classification from the Local Municipality and the County of Wellington Planning Department to prohibit a new residential dwelling on the retained parcel in a manner deemed acceptable; and that the Local Municipality and the County of Wellington Planning Department file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
- 8) THAT the Owner satisfy the requirements of the Local Municipality in reference to parkland dedication as provided for in the Planning Act, R.S.O. 1990; and that the Local Municipality file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
- 9) THAT the County of Wellington Planning Department submit to the Secretary-Treasurer of the Planning and Land Division Committee written approval which indicates that the Minimum Distance Separation required under Formula 1 are met.
- 10) THAT the Owner receive zoning compliance and classification from the Local Municipality in a manner deemed acceptable by the Local Municipality to address frontage of severed; and that the Local Municipality file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

NOTICE OF DECISION ON APPLICATION B 13/14, continued:

PLEASE BE ADVISED:

1. Additional information regarding this application for consent is available to the public for inspection at the County of Wellington Planning and Land Division Office, 74 Woolwich Street, Guelph ON N1H 3T9 during regular business hours, Monday through Friday, holidays excepted.
2. You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have either made a written request to be notified of the decision to give or refuse to give provisional consent or made a written request to be notified of changes to the conditions of the provisional consent.
3. Only individuals, corporations or public bodies may appeal decisions in respect of applications for consent to the Ontario Municipal Board. A notice of appeal may be filed on behalf of an unincorporated association by a person who is a member of the association but not by the association.

WE, the undersigned

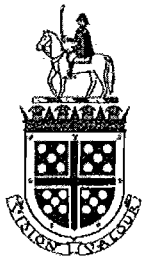
 _____ Shawn Watters	 _____ John Green
 _____ Lou Maieron	 _____ Bruce Whale
<u>absent</u> _____ Chris White	

CONCURRED IN THE ABOVE DECISION TO GRANT PROVISIONAL CONSENT ON APRIL 10, 2014

AN APPEAL TO THE ONTARIO MUNICIPAL BOARD IN RESPECT OF THIS DECISION OR CONDITION(S) OF APPROVAL MUST BE FILED WITH THE SECRETARY-TREASURER OF THE PLANNING & LAND DIVISION COMMITTEE NO LATER THAN 4:30 p.m. ON MAY 6, 2014

I certify that these two pages are the decision of the County of Wellington Planning and Land Division Committee with respect to this application for consent.

DATED: APRIL 16, 2014 SIGNED: Daboral T. White



## COUNTY OF WELLINGTON

PLANNING AND DEVELOPMENT DEPARTMENT  
GARY A. COUSINS, M.C.I.P., DIRECTOR  
T 519.837.2600  
F 519.823.1694  
1.800.663.0750

ADMINISTRATION CENTRE  
74 WOOLWICH STREET  
GUELPH ON N1H 3T9

January 5<sup>th</sup>, 2015

Darren Jones, Building Official  
Township of Wellington North  
7490 Sideroad 7 W, Kenilworth, ON N0G 2E0

Dear Mr. Jones:

**Re: Powerline Ridge Farms Ltd. – Lot 6, Con. 9 (West Luther) – 8290 8<sup>th</sup> Line  
Prohibit Future Residential / Prohibit Livestock / Frontage  
Zoning By-law Amendment**

### **PLANNING OPINION**

This rezoning is a condition of severance application B13/14 granted by the Wellington County Land Division Committee April 10th, 2014. Both the PPS and County Official Plan provide for surplus farm dwelling severances, provided the agricultural lands are rezoned to prohibit future residential dwellings. In this case, the severed, residential lot needs relief for insufficient frontage. The barn on the retained, agricultural parcel is unable to meet applicable MDS 1 requirements; the necessary relief will be provided through this rezoning to address this concern. I have no concerns at this time with the application.

### **SUBJECT LAND**

The property subject to the proposed amendment is described as Lot 6 and Part Lot 5, Concession 9, Geographic Township of West Luther, with a civic address of 8290 Line 8. The property is 125.9 hectares (311.1 acres) in size.

### **THE PURPOSE AND EFFECT OF THE APPLICATION**

The purpose and effect of this application is to rezone both the severed and retained lands to address conditions of approval associated with provisionally approved consent application B13/14. The subject property will be rezoned as follows:

The "Severed" residential (0.84 ha) portion of the subject lands is to be rezoned to:

- to provide relief for an insufficient frontage

The "Retained" agricultural (125 ha) portion of the subject lands is to be rezoned to:

- to prohibit future residential development
- to provide MDS relief for the existing livestock facility to the severed parcel

### **PROVINCIAL POLICY STATEMENT (PPS)**

The area of the surplus farm dwelling and agricultural buildings is within a PRIME AGRICULTURAL area. Section 2.3.4.1(c) of the PPS provides consideration for the severance of a surplus residence, provided that new residential dwellings are prohibited on the remnant parcel of farmland. Section 2.3.3.3 requires Minimum Distance Separation (MDS) requirements to be met.

## WELLINGTON COUNTY OFFICIAL PLAN

The subject area is designated PRIME AGRICULTURE and CORE GREENLANDS. Section 10.3.4 of the Official Plan implements the PPS and requires that the remnant parcel be rezoned to prohibit dwellings. Section 10.3.4 of the severance policies requires MDS to be met.

## ZONING BY-LAW

The subject area is zoned Agricultural (A). There is a Natural Environment (NE) zone which bisects the agricultural lands that will remain unchanged.

## PLANNING CONSIDERATIONS

### Recognize Insufficient Frontage for the Retained Surplus Farm Dwelling Parcel

The residential parcel will only have a frontage of 12 metres; whereas, Section 8.5.2.2 for Reduced Lot Regulations requires a frontage of 30.5 metres. This parcel is to be put into the Agricultural Exception (A-172) zone, to recognize this deficiency.

### Restrict Future Dwelling on Retained Agricultural Land

This restriction is required by Provincial policy and County of Wellington Official Plan. The retained lands will be placed into Agricultural Exception (A-173) to prohibit a dwelling.

### Minimum Distance Separation (MDS) Relief for Existing Barn

The existing 10,000 sq. ft. barn cannot meet the required 250 m MDS setback from the severed parcel; a distance of 207 m is provided. Total relief required would be 43 m.

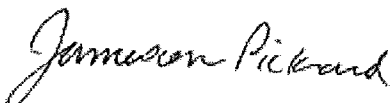
MDS setbacks are determined by a number of factors including; the type of animal units held, manure storage and handling practices, size of the barn and parcel size. In this particular case the large (309 ac) land base is driving the MDS setback to be greater. This is because potential expansion of this livestock facility is greater on a lot this size and the MDS calculation is sensitive to this fact. MDS's goal is to ensure that incompatible land uses are not situated in close proximity to each other and to ensure that viable agricultural operations are not impeded by new development.

In order to address MDS 1 compliance this rezoning will place the retained lands into an Agricultural Exception (A-173) zone. This zone will contain provisions that provide the necessary MDS 1 relief to the livestock facility. Relief to MDS 1 ensures that this livestock facility can operate, as is, unimpeded by the new lot. It should be noted that the house and building envelope are setback outside of the required 250 m setback.

Any future expansions to the existing livestock facility will be subject to the appropriate MDS 2 setback requirements to the severed parcel.

I trust that these comments will be of assistance to Council in their consideration of this matter.

Sincerely,



Jameson Pickard  
Junior Planner

THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH  
BY-LAW NUMBER \_\_\_\_\_.

BEING A BY-LAW TO AMEND ZONING BY-LAW NUMBER 66-01  
BEING THE ZONING BY-LAW FOR THE TOWNSHIP OF WELLINGTON NORTH

WHEREAS, the Council of the Corporation of the Township of Wellington North deems it necessary to amend By-law Number 66-01;

NOW THEREFORE the Council of the Corporation of the Township of Wellington North enacts as follows:

1. THAT Schedule "A" Map 1 to By-law 66-01 is amended by changing the zoning on lands described as Lot 6 and Part Lot 5, Concession 9, geographic Township of West Luther, as shown on Schedule "A" attached to and forming part of this By-law, from Agricultural (A) to **Agricultural Exception (A-172)** and **Agricultural Exception (A-173)**.
2. THAT Section 33, Exception Zone 3 – Rural Areas, is amended by the inclusion of the following two new exceptions:

**"33.172 A-172  
Lot 6 and Pt.  
Lot 5, Con 9**

**Notwithstanding Section 8.5.2.2 or any other section of this by-law to the contrary, the minimum required lot frontage for this zone shall be 12 m. (40 ft.).**

**33.173 A-173  
Lot 6 and Pt.  
Lot 5, Con 9**

**Notwithstanding any other section of this by-law to the contrary, a residential dwelling shall be prohibited in this zone. Other agricultural uses, that are not accessory to a dwelling, are permitted, subject to the requirements of Section 8.2 and the following:**

**a) Notwithstanding section 6.17 or any other section of this by-law to the contrary, MDS 1 shall not be applied from the existing 10,000 ft<sup>2</sup> barn to the lands zoned A-172 and shall be deemed to comply with MDS 1. Any future expansions shall comply with the applicable MDS requirements."**

3. THAT the existing **Natural Environment (NE)** zone remains unchanged on the property.
4. THAT except as amended by this By-law, the land as shown on the attached Schedule 'A' shall be subject to all applicable regulations of Zoning By-law 66-01, as amended.



5. THAT this By-law shall come into effect upon the final passing thereof pursuant to Section 34(21) and Section 34(22) of The Planning Act, R.S.O., 1990, as amended, or where applicable, pursuant to Sections 34 (30) and (31) of the Planning Act, R.S.O., 1990, as amended.

READ A FIRST AND SECOND TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015

READ A THIRD TIME AND PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015

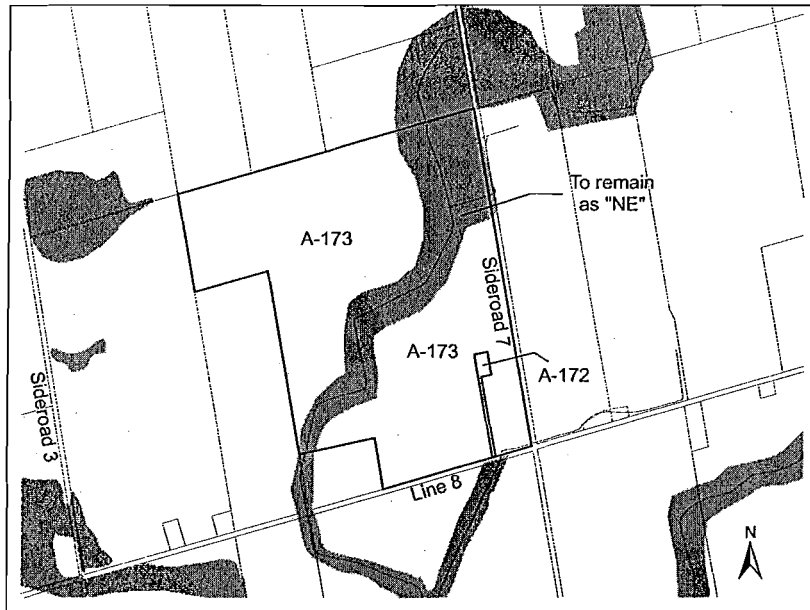
\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

THE TOWNSHIP OF WELLINGTON NORTH

BY-LAW NO \_\_\_\_\_.

Schedule "A"



Rezone from Agricultural (A) to Agricultural Exceptions (A-172) & (A-173)

Existing Natural Environment Zone Remains Unchanged

Passed this \_\_\_\_ day of \_\_\_\_\_ 2015.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

## **EXPLANATORY NOTE**

**BY-LAW NUMBER \_\_\_\_\_.**

### **SUBJECT LAND**

The property subject to the proposed amendment is described Lot 6 and Part Lot 5, Concession 9, Geographic Township of West Luther, with a civic address of 8290 Line 8. The property is 125.9 hectares (311.1 acres) in size.

### **THE PURPOSE AND EFFECT OF THE APPLICATION**

The "severed" residential 0.84 ha (2.1 ac) portion of the subject lands is to be rezoned to Agricultural Exception (A-172) to provide relief for an insufficient frontage; 30.5 metres is required and only 12 metres is provided. The "retained" agricultural 125 ha (309 ac) portion of the subject lands is to be rezoned to Agricultural Exception (A-173):

- to prohibit future residential development on this parcel
- to provide relief for an insufficient MDS 1 setback from the existing livestock facility to the new severed lot

This rezoning is a condition of severance application B13/14, that was granted provisional consent by the Wellington County Land Division Committee.



**PLAN REVIEW REPORT: Township of Wellington North  
Darren Jones, CBO**

**DATE:** December 31, 2014 **YOUR FILE:** N/A  
**GRCA FILE:** ZBA 8290 8<sup>th</sup> Line – Powerline Ridge Farms

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**RE:** **Application for Zoning By-Law Amendment  
Part Lot 6, Concession 9, Geographic Township of West Luther  
Powerline Ridge Farms Inc.**

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**GRCA COMMENT: \***

The Grand River Conservation Authority (GRCA) has no objection to the zoning by-law amendment to restrict residential development on the agricultural land and permit reduced frontage as well as reduced Minimum Distance Separation (MDS).

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**BACKGROUND:**

**1. Resource Issues:**

Information currently available at this office indicates that the subject lands contain Municipal Drain Number 55, floodplain, and the allowances adjacent to these features.

**2. Legislative/Policy Requirements and Implications:**

Due to the presence of the above-noted features, portions of the subject lands are regulated by the GRCA under Ontario Regulation 150/06 - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation. Any future development or other alteration within the regulated areas will require prior written approval from the GRCA in the form of a permit pursuant to Ontario Regulation 150/06.

**3. Additional Information/Suggestions provided in an advisory capacity:**

We wish to acknowledge receipt of the applicable plan review fee for the related application B13/14. As such, a plan review fee for this application is not required.

Should you have any questions or require further information, please contact me at 519-621-2763 ext. 2236.

Yours truly,



Andrew Herreman  
Resource Planner  
Grand River Conservation Authority

*\* These comments are respectfully submitted to the Committee and reflect the resource concerns within the scope and mandate of the Grand River Conservation Authority.*

c.c. Powerline Ridge Farms Inc. – 5088 Perth Line 91, R.R.#2 Palmerston, ON N0G 2P0



**Grand River  
Conservation Authority**  
Map created: December 30, 2014  
Prepared by: ah

**ZBA-PL6C9**

LEGEND

- WATERSHED BOUNDARY (GRCA)
- UTILITY LINE (NRVIS)
- ROADS-ADDRESSED (MNR)
- RAILWAY (NRVIS)
- MUNICIPAL BOUNDARY (GRCA)
- CLASSIFIED STREAMS - NEW (NRVIS)
- COLD WATER
- COOL WATER
- UNKNOWN
- WARM WATER
- DRAINAGE-NETWORK (GRCA)
- PARCELS-ASSESSMENT (MPAC)
- LOTS (NRVIS)
- FLOODPLAIN-SPECIAL POLICY AREA (GRCA)
- FLOODPLAIN (GRCA)
- ENGINEERED
- APPROXIMATE
- ESTIMATED
- WETLAND (GRCA)
- SLOPE VALLEY (GRCA)
- STEEP
- OVERSTEEP
- SLOPE EROSION (GRCA)
- STEEP
- OVERSTEEP
- TOE
- WETLAND (NRVIS)
- PROVINCIALLY SIGNIFICANT
- LOCALLY SIGNIFICANT
- UNEVALUATED
- PARKS (GRCA)
- REGULATION LIMIT 2014 (GRCA)
- DRAINAGE-POLY (NRVIS)
- 2010 ORTHO (GNT)

**GRCA Disclaimer**

This map is for illustrative purposes only. Information contained hereon is not a substitute for professional review or a site survey and is subject to change without notice. The Grand River Conservation Authority takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user.

The source for each data layer is shown in parentheses in the map legend. For a complete listing of sources and citations go to:

<http://grains.grandriver.ca/docs/SourcesCitations1.htm>

0 170 340 510 680 m.

NAD 1983, UTM Zone 17 Scale 1:14,513



Subject Lands