

TOWNSHIP OF WELLINGTON NORTH

PUBLIC MEETING - MINUTES

Monday, February 11, 2013

The Second Public Meeting was held Monday, February 11, 2013 at 7:00 p.m. at the Township of Wellington North Council Chambers, Kenilworth to consider a Zoning Amendment application.

Present:

Mayor: Raymond Tout
Councillors: Sherry Burke
Mark Goetz
Andy Lennox
Dan Yake

Also Present:

C.A.O./Clerk: Lorraine Heinbuch
Executive Assistant: Cathy Conrad
Township Planner: Linda Redmond (via telephone)

Mayor Tout called the meeting to order.

Declaration of Pecuniary Interest:

None declared.

Owner/Applicant: Estate of Wilfred Costello

Location of the Subject Land

The location of the property subject to the proposed amendment is described as Part of Lot 20, Concession 9 with a civic address of 8890 Concession 9. The property is 40.75 hectares (100.7 acres) in size.

The Purpose and Effect of the Application

The purpose and effect of the proposed amendment is to rezone the subject lands to restrict any future residential development on the agricultural, "retained" portion of the property. The applicant has also requested additional relief from the zoning by-law to allow the retention of the 381.8 sq. m. (4110 sq. ft.) outbuilding on the severed portion. This rezoning is a condition of severance application B90/12 under the surplus farm dwelling policies that was granted provisional approval by the Wellington County Land Division Committee January 3, 2013.

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Please note – Section 34 (12) of the Planning Act.

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.

1. Notice for this public meeting was sent to property owners within 120 m and required agencies and posted on the property on January 18, 2013.
2. Presentation by:

Linda Redmond, Planner, reviewed her comments dated February 5, 2013.

The zoning amendment is required as a condition of provisional consent (B90/12) by the Wellington County Land Division Committee. The Planning Department has no objections to implementing this decision. Both the Provincial Policy Statement and County Plan provide for surplus farm dwelling severances, provided the agricultural lands are rezoned to prohibit future residential dwellings. The intention of this policy is to allow farmers to reduce their costs of acquiring additional farm parcels where the impact on existing and future farm operations can be kept to a minimum.

Additional zoning relief is also required for the existing accessory structure on the retained residential parcel. The applicant would like to retain the 4110 sq.ft shed for personal use. Council should be satisfied that the accessory building is intended for personal use and not for commercial purposes.

The subject land is legally described as Part Lot 20, Concession 9 with a civic address of 8890 Concession 9. The land is approximately 40.75 hectares (100.7 acres) in size.

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The purpose of the amendment is to rezone the subject lands to restrict any future residential development on the agricultural portion of the property and to address the oversized shed on the residential portion of the subject lands. This rezoning is a condition of severance application B90/12, that was granted provisional approval by the Wellington County Land Division Committee in January, 2013. The consent will sever the existing farm dwelling and accessory building (2.85 ha. (7.04 ac) from the remainder of the agricultural parcel (37.9 ha. (93.65 ac).

The subject property is considered to be within a PRIME AGRICULTURAL area. Section 2.3.4.1(c) of the Provincial Policy Statement provides consideration for the severance of a surplus residence, provided that new residential dwellings are prohibited on the remnant parcel of farmland.

The subject lands are designated PRIME AGRICULTURE and CORE GREENLANDS in the Wellington County Official Plan. This application is required as a result of a severance application. 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 Official Plan states:

“A severance may be considered for an existing residence that is surplus to a farming operation as a result of farm consolidation, provided that:

- a) The remaining vacant farmland is large enough to function as a significant part of the overall farm unit; and
- b) The result of removing the surplus dwelling from the farm does not render the remaining farmlands difficult or inefficient to farm; and
- c) The amount of good farmland retained with the surplus house is kept to a minimum size needed for residential purposes, taking into consideration environmental and topographic features; and
- d) The surplus residence is habitable and is not expected to be demolished by a future owner; and
- e) The Minimum Distance Separation formula will be met, and
- f) The vacant parcel of farmland is rezoned to prohibit a residential use.”

The intention of this policy is to allow farmers to reduce their costs of acquiring additional farm parcels, where the impact on existing and future farm operations can be kept to a minimum.”

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The subject lands are zoned Agricultural (A) and Natural Environment (NE). There will be two site specific zones required on the subject lands. The first site specific will prohibit a dwelling on the 93.65 acre agricultural parcel and the second one will address the accessory structure on the 7.04 acre residential parcel.

As a result of the severance, the residential dwelling would be considered the main use and the existing accessory structure would be reviewed under section 6.1 as accessory uses to a residential dwelling. In this case there is a shed with a floor area of 4110 sq.ft, which exceeds the allowable ground floor area of 1,000 sq. ft. (Section 6.1.4 ii).

3. Review of Correspondence received by the Township:
 - Fred Natolochny, Supervisor Resource Planning, Grand River Conservation Authority, dated February 6, 2013
 - No objection
4. The by-law will not be considered at the Regular Council Meeting following the public meeting. Mayor Tout asked those wishing to receive further notices regarding this application to make their request in writing.
5. Mayor Tout opened the floor for any questions/comments.

Robert Goetz, Applicant, was present to answer any questions regarding the application.
6. Comments/questions from Council.

None

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Owner/Applicant: Allan Martin and Diane Martin

Location of the Subject Land

The property subject to the proposed amendment is described as Part of Lot 6, Concession 5 with a civic address of 7514 Sideroad 3 East. The property is 4.1 hectares (10 acres) in size.

The Purpose and Effect of the Application

The purpose and effect of the proposed amendment is to rezone the property in order to permit a temporary residence (Garden Suite) in the form of a mobile home for a 20 year period. The property is currently zoned Agricultural (A), and Natural Environment (NE)

7. Notice for this public meeting was sent to property owners within 120 m and required agencies and posted on the property on January 18, 2013.

8. Presentations by:

Linda Redmond, Planner, reviewed her comments dated February 6, 2013

The Planning Department had no concerns with the request for a garden suite, provided the construction of such residential use complies with the requirements of the Building Code and the remaining regulations of the Zoning By-law, including those specific to garden suites under section 6.12. The Official Plan provides for consideration for this type of land use. It is our opinion that the application meets the general intent of the By-law and County Official Plan.

The subject land is legally described as Part of Lots 6, Concession 5 with a civic address of 7514 Sideroad 3 East. The property is approximately 4.1 hectares (10 acres) in size and is occupied by a residential dwelling.

The purpose of the amendment is to allow a temporary garden suite in the form of a mobile home to be located on the subject lands for a 20 year period.

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The property is designated PRIME AGRICULTURAL and CORE GREENLANDS in the Wellington County Official Plan. Section 6.4.3 and 6.4.6 of the Prime Agricultural Areas land use policies provide for consideration of accessory residential uses such as a garden suite provided that they are established near the farm buildings. An adequate water supply and sewage disposal system must also be available.

The subject lands are zoned Agricultural (A), and Natural Environment (NE). The General Provisions of the Zoning By-law permit a garden suite in the Agricultural Zone pursuant to the Temporary Use Regulations of the Planning Act. The draft by-law will rezone the property to a site-specific exception zone permitting a garden suite on a temporary basis of up to 20 years.

Upon successfully receiving a temporary use rezoning from the municipality, Section 6.12 of the By-law regulates the establishment of a garden suite, including matters such as placement, access, servicing, and portability. etc. Additionally Section 39 of the Planning Act authorizes Council to enter into an agreement with the owner as a condition to passing a by-law allowing the temporary use of a garden suite. This agreement deals with matters related to the temporary use of the garden suite such as the installation, period of occupancy and removal of the garden suite. This agreement is also required under section 6.12 (m) of the Zoning By-law.

9. Review of Correspondence received by the Township:
 - Cherielyn Leslie, Environmental Planning Coordinator, SVCA
 - No objection
10. 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.
11. Mayor opens floor for any questions/comments.

The Applicant was present to answer questions.

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12. Comments/questions from Council.

Councillor Burke questioned if there would be the opportunity for renewal to allow the garden suite to remain beyond 20 years. Ms. Redmond confirmed that a renewal could be applied for.

13. Adjournment 8:03 p.m.

C.A.O./CLERK

MAYOR