



# **Public Meeting**

# Monday, February 27, 2017 at 7:00 PM Municipal Office Council Chambers, Kenilworth

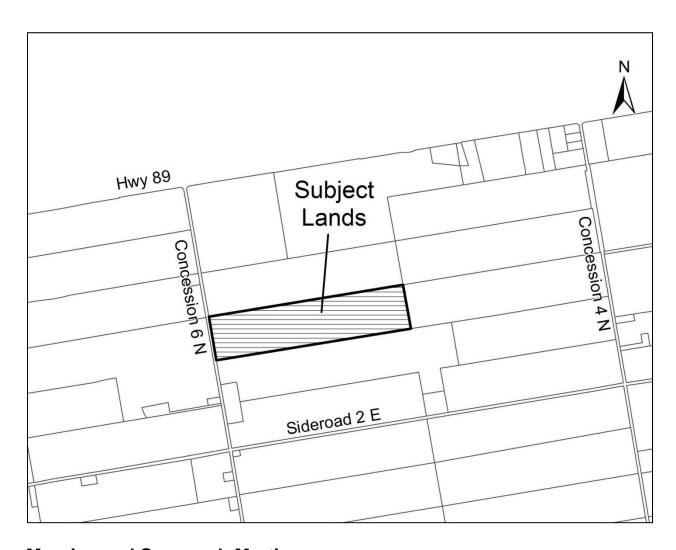
# <u>A G E N D A</u>

AGENDA ITEM	PAGE NO.
CALLING TO ORDER	
- Mayor Lennox	
DISCLOSURE OF PECUNIARY INTEREST(S) AND THE GENERAL NATURE THEREOF	
OWNERS/APPLICANT	
- Maurice and Susannah Martin	
LOCATION OF THE SUBJECT LAND	
The land subject to the proposed amendment is described as Lot 2, Concession 6, municipally known as 9571 Concession 6 N, Geographic Township of Arthur. The property is 40.46 hectares (100 acres) in size. The location is shown on the map attached.	1
PURPOSE AND EFFECT OF THE APPLICATION	
The purpose and effect of the proposed amendment is to permit a temporary garden suite on the subject property for a period of 20 years. Other zoning variances may be considered where deemed appropriate. The property is currently zoned Agricultural and Natural Environment.	

AGENDA ITEM	PAGE NO.
NOTICE	
Notices were mailed to property owners within 120 m of the subject property as well as the applicable agencies and posted on the subject property on February 3, 2017.	
PRESENTATIONS	
Linda Redmond, Senior Planner - See attached report and draft by-law.	2
CORRESPONDENCE FOR COUNCIL'S REVIEW	
Candace Hamm, Environmental Planning Coordinator Saugeen Conservation - Application is acceptable to SVCA staff	7
REQUEST FOR NOTICE OF DECISION	
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.	
MAYOR OPENS FLOOR FOR ANY COMMENTS/QUESTIONS	
COMMENTS/QUESTIONS FROM COUNCIL	

AGENDA ITEM	PAGE NO.
OWNERS/APPLICANT	
- Alette Holsteins Ltd.	
LOCATION OF THE SUBJECT LAND	
The land subject to the proposed amendment is described as Part Lot 3, Concession 6, municipally known as 9531 Concession 6 N, Geographic Arthur Township. The property is 1.97 hectares (4.9 acres) in size. The location is shown on the map attached.	10
PURPOSE AND EFFECT OF THE APPLICATION	
The purpose and effect of the proposed amendment is to rezone the subject lands from Agricultural to Agricultural Commercial to permit the expansion of the existing farm equipment business and address Minimum Distance Separation (MDS I) issues related to the use. This rezoning is a condition of severance application B85/16, that was granted provisional approval by the Wellington County Land Division Committee. The consent will sever 1.97 ha (4.86 acres) from the agricultural parcel and add it to the adjacent farm equipment business.	
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Notices were mailed to property owners within 120 m of the subject property as well as the applicable agencies and posted on the subject property on February 3, 2017.	
PRESENTATIONS	
Linda Redmond, Senior Planner - See attached report and draft by-law prepared by Elizabeth Martelluzzi, Junior Planner	11
CORRESPONDENCE FOR COUNCIL'S REVIEW	
Michael Oberle, Environmental Planning Technician Saugeen Conservation - Application is acceptable to SVCA staff	16

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COMMENTS/QUESTIONS FROM COUNCIL	
<u>ADJOURNMENT</u>	



**Maurice and Susannah Martin** 



### PLANNING REPORT for the TOWNSHIP OF WELLINGTON NORTH

Prepared by the County of Wellington Planning and Development Department

**DATE:** February 22, 2016 **TO:** Mike Givens, C.A.O.

Township of Wellington North

**FROM:** Elizabeth Martelluzzi, Junior Planner

County of Wellington

SUBJECT: Maurice and Susannah Martin

9571 Concession 6 N, Arthur Zoning By-law Amendment

**Planning Opinion** The purpose of this zone amendment is to permit a temporary Garden Suite on the property for a period of 20 years. The draft by-law attached will also address two requirements of the zoning by-law which have not been met by the proposed garden suite. We have no objections to implementing the zoning amendment. Both the PPS and County Plan provide for a temporary garden suite as an accessory residence in a Prime Agricultural area.

#### **INTRODUCTION**

The property subject to the proposed amendment is described as Lot 2, Concession 6, Geographic Township of Arthur, with a civic address of 9571 Concession 6 North. The property is 40.46 hectares (100 ac) and contains an existing single detached dwelling, barn, and equipment shed. Adjacent properties are used for agricultural purposes.

#### **PROPOSAL**

The purpose of the application is to permit a temporary garden suite for period of up to 20 years. Consideration will also be given for the garden suite to exist concurrently with an accessory apartment on the subject property. The By-law does not permit both uses to exist on a property at the same time. Further, the By-law requires that the garden suite be located no closer than 3m (9.8 ft) to the main residence, the whereas applicants have proposed to attach the garden suite to the main residence (setback 0 m).



#### THE PLANNING ACT

Section 39.1 of the Planning Act defines a "Garden Suite" to mean "a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and is designed to be portable." A similar definition is present in the Township of Wellington North By-law. The Planning Act permits a garden suite for a period of up to 20 years, with possible extensions of 3 year periods thereafter.

The Planning Act further authorizes council to enter into an agreement with the owner to deal with such matters including the installation, maintenance and removal of the garden suite, the period of occupancy and the monetary or other form of security that council may require for actual or potential costs the municipality related to the garden suite.

#### WELLINGTON COUNTY OFFICIAL PLAN

The subject lands are designated PRIME AGRICULTURE. Section 6.4.3 permits a Garden Suite in the Prime Agricultural areas subject to the provisions of Section 4.4.7 which states that garden suites are permitted provided they are established near the farm buildings and main residence.

#### **ZONING BY-LAW**

The subject lands are zoned Agricultural (A) and Natural Environment (NE). Garden suites are subject to the provisions of section 6.12 of the Zoning By-law. The proposed garden suite does not meet two of the criteria and will be addressed as exemptions in the draft by-law:

Section 6.12 – Garden Suite requirements	Proposed
a) Only one garden suite may be established	The subject lot contains a single detached
per lot on which a single-detached	dwelling and an accessory apartment, and the
residential dwelling exists. Where a lot already contains a single detached dwelling	
,	
and an accessory apartment as defined in the	
By-law, a garden suite shall not permitted;	
g) No garden suite shall be located closer than	The proposed garden suite is to be attached to
3.0 m (9.8 ft) to the main residence on the lot;	the main residence by way of a breezeway.

#### **Draft By-law**

February 2017

We have attached a Draft By-law for council's review. The temporary use by-law would permit a garden suite for up to 20 years and address the garden suite provision deficiencies as identified above.

Respectfully submitted

E. Martellym

County of Wellington Planning and Development Department

Elizabeth Martelluzzi, 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; as amended pursuant to Section 39 of The Planning Act, R.S.O. 1990, as amended.

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 2, Concession 6 in the Geographic Township of Arthur as shown on Schedule "A" attached to and forming part of this By-law from:
  - Agricultural (A) to "Agricultural Exception (A-190)
- 2. THAT Section 33, Exception Zone 3 Rural Areas, is amended by the inclusion of the following new exception:

exception	•	
33.190	A-190	Notwithstanding any other provisions of this By-law, the lands may be used
Lot 2, Con 6		for the following specific uses in addition to the uses permitted in the
		Agriculture (A) zone:
		a) A Garden Suite
		Subject to the following regulations:
		<ul> <li>i) Notwithstanding Section 6.12(a), a garden suite is permitted on the property in addition to an accessory residence.</li> </ul>
		ii) Notwithstanding Section 6.12 (g), the garden suite may be attached to main dwelling with a breezeway.
		iii) That pursuant to Section 39.1(3) of the Planning Act, R.S.O. 1990, as
		amended, the garden suite is permitted for a 20 year period until
		February 27, 2037.

- 3. 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.
- 4. 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	, 2017
READ A THIRD TIME AND PASSED THIS	DAY OF	, 2017
MAYOR	CLERK	_

### THE TOWNSHIP OF WELLINGTON NORTH

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

### Schedule "A"



### Rezone from Agricultural (A) to Agricultural Exception (A-190)

	Passed this	day of	2017.
	<u>.</u>		·
MAYOR		CLERK	

#### **EXPLANATORY NOTE**

BY-LAW NUMBER	
BY-LAW NUMBFR	

**THE LOCATION** being rezoned is Part Lot 2, Concession 6, Geographic Township of Arthur, with a civic address of 9571 Concession 6 North. The lands subject to the amendment are 40.46 ha (100 ac) in size and are currently zoned Agriculture (A) and Natural Environment (NE).

**THE PURPOSE AND EFFECT** of the amendment is to rezone the subject lands to permit a Garden suite for a period of up to 20 years. The By-law also permits the Garden Suite to exist on the subject property at the same time as an accessory residence, and permits the Garden Suite to be attached to the main dwelling.



# 1078 Bruce Road 12, P.O. Box 150, Formosa ON Canada NOG 1W0 Tel 519-367-3040, Fax 519-367-3041, publicinfo@svca.on.ca, www.svca.on.ca

SENT ELECTRONICALLY ONLY (township@wellington-north.com)

February 14, 2017

Township of Wellington North Committee of Adjustment 7490 Sideroad 7, W Kenilworth, ON NOG 2E0

ATTENTION: <u>Darren Jones, Chief Building Official</u>

Dear Mr. Jones,

RE: Proposed Amendments to the Comprehensive Zoning By-law 66-01

9571 Concession 6 N Part Lot 2, Concession 6

Geographic Township of Arthur

Township of Wellington North (Martin)

Saugeen Valley Conservation Authority (SVCA) staff has reviewed this proposal in accordance with the SVCA's mandate and policies and the Memorandum of Agreement between the SVCA and the County of Wellington relating to plan review. The purpose and effect of the proposed amendment is to permit a temporary garden suite on the subject property for a period of 20 years. The proposed zoning by-law amendment is acceptable to SVCA staff, and the following comments are offered.

#### **Natural Hazard**

Portions of the property are designated as Greenlands and Core Greenlands in the Wellington County Official Plan, and portions of the property are zoned Natural Environment (NE) in the Township of Wellington North Zoning By-law No. 66-01. In general, no new buildings or structures are permitted within the Greenlands/Core Greenlands designation or the EP zone.

SVCA staff are of the opinion that the Core Greenlands designation and the NE zone generally coincide with the hazardous lands mapping originally plotted by SVCA staff. The location of the proposed temporary garden suite (trailer) as shown on the information submitted as part of the application is outside of the Core Greenlands designation and NE zone, in the opinion of SVCA staff.

#### **Natural Heritage Features**

The significant natural heritage features affecting the subject property are the fish habitat associated with



Township of Wellington North Zoning By-law Amendment (Martin) February 14, 2017 Page **2** of **3** 

Bell's Creek (Bethel Creek), and the significant woodlands in the eastern portion of the property.

#### Fish Habitat

Bell's Creek (Bethel Creek) is considered fish habitat by SVCA staff. Section 2.1.8 of the Provincial Policy Statement (PPS 2014) indicates that, among other things, development and site alteration shall not be permitted on the adjacent lands of fish habitat unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on fish habitat or on their ecological functions.

In the opinion of SVCA staff, the proposed temporary garden suite will be more than 120 metres from Bell's Creek (Bethel Creek), thereby negating the need for an Environmental Impact Study to address the lands adjacent to fish habitat.

#### Significant Woodlands

The woodlands in the eastern portion of the property have been included in the Greenlands designation. The proposed temporary garden suite is not within close proximity to the significant woodlands on the property, and the woodlands will not be impacted by this proposal, in the opinion of SVCA staff.

#### **SVCA Regulation**

Portions of the property are subject to the SVCA's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 169/06, as amended). This Regulation is in accordance with Section 28 of the Conservation Authorities Act R.S.O, 1990, Chap. C. 27. This Regulation requires that a person obtain the written permission of the SVCA prior to any "development" within a Regulated Area or alteration to a wetland or watercourse.

#### "Development" and Alteration

Subsection 28(25) of the Conservation Authorities Act defines "development" as:

- a) the construction, reconstruction, erection or placing of a building or structure of any kind,
- b) any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure.
- c) site grading, or
- d) the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

According to Section 5 of Ontario Regulation 169/06, as amended, alteration generally includes the

Township of Wellington North Zoning By-law Amendment (Martin) February 14, 2017 Page **3** of **3** 

straightening, diverting, or interference in any way with the existing channel of a river, creek, steam or watercourse, or the changing or interfering in any way with a wetland.

To determine where the SVCA's areas of interest are located associated with our Regulation on the subject property, please refer to the SVCA's online mapping program, available via the SVCA's website at <a href="http://eprweb.svca.on.ca">http://eprweb.svca.on.ca</a>. Should you require assistance, please contact our office directly.

#### Permission for Development

If development or alteration including construction, reconstruction, conversion grading, filling or excavation is proposed within the approximate Regulated Area on the subject property, the SVCA should be contacted, as permission from the SVCA may be required.

An SVCA permit will not be required for the proposed temporary garden suite.

#### Conclusion

All of the plan review functions listed in the Agreement have been assessed with respect to this proposal. The proposed zoning by-law amendment is acceptable to SVCA staff.

We trust you find this information helpful. Should questions arise, please do not hesitate to contact this office.

Sincerely,

Candace Hamm

Candace damm

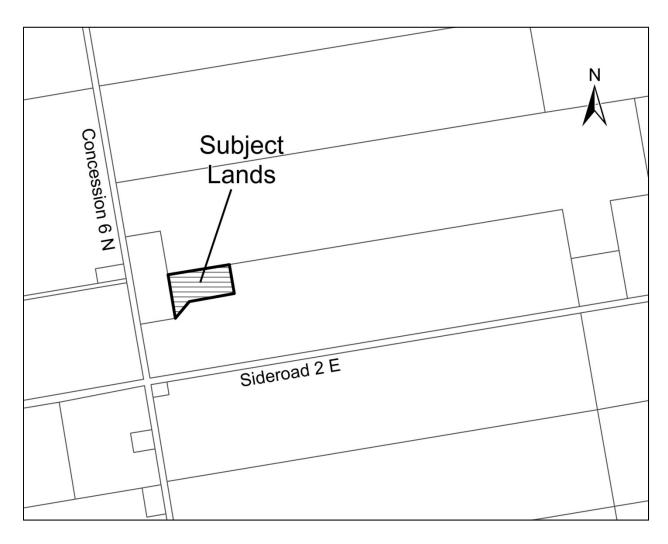
**Environmental Planning Coordinator** 

Saugeen Conservation

cc: Maurice & Susannah Martin, 9571 Concession Road 6, RR # 6 Mount Forest, ON NOG 2L0

Karen Wallace, Clerk, Township of Wellington North (via e-mail)

Steve McCabe, Authority Member, SVCA (via e-mail)



Alette Holsteins Ltd.



### PLANNING REPORT for the TOWNSHIP OF WELLINGTON NORTH

Prepared by the County of Wellington Planning and Development

Department

**DATE:** February 22, 2017 **TO:** Mike Givens, C.A.O.

Township of Wellington North

FROM: Linda Redmond, Senior Planner

County of Wellington

**SUBJECT:** Alette Holsteins Ltd

Part Lot 3, Concession 6
Zoning By-law Amendment

#### **PLANNING OPINION**

The amendment would rezone the subject lands to an Agricultural Commercial (AC) Exception zone to allow the expansion of a farm equipment business and recognize Minimum Distance Separation 1 (MDS1) deficiencies. The rezoning is required as a condition of provisional consent (B85/16) by the Wellington County Land Division Committee.

We do not have any concerns with implementing this decision. As a result of existing institutional and rural residential uses, the proposed rezoning will not further restrict the ability of surrounding livestock operations to expand.

This proposal is agricultural-related and will be providing products for sale from the local farming community. According to the Agriculture First policy of Section 6.4.2 which states that "As a general rule, land use activities that support agriculture will be encouraged and land use activities that do not support agriculture will be discouraged", we believe that the proposal is in keeping with the intent of the Plan. The application would maintain the general intent and purpose of the Official Plan and Zoning By-law.

#### Location

The subject property is legally described as Lot 3, Concession 6, and municipally known as 9531 Concession 6 N, Geographic Arthur Township. The property is 1.97 hectares (4.9 acres) in size.

#### **Proposal**

The proposal is to rezone the subject lands from Agricultural to Agricultural Commercial (AC) to permit the expansion of the existing farm equipment business and address Minimum Distance Separation (MDS I) issues related to the use. This rezoning is a condition of severance application B85/16, that was granted provisional approval by the Wellington County Land Division Committee. The consent will sever 1.97 ha (4.86 acres) from the agricultural parcel and add it to the adjacent farm equipment business.

#### PROVINCIAL PLANNING POLICY

Rezoning's are subject to the Provincial Policy Statement and decisions of a Council are required to be "consistent" with it (Section 4.2). The subject property is considered to be within a PRIME AGRICULTURAL area. Section 2.3.3.1 of the PPS allows for agriculture-related uses provided those uses are compatible with, and shall not hinder surrounding agricultural operations. Agricultural-related uses include "farm related commercial and industrial uses that are small scale and directly related to the farm operation and are required in close proximity to the farm operation".

Section 2.3.3.3 requires that new land uses, including the creation of lots, shall comply with MDS 1. We have been provided with completed MDS 1 calculations from the surrounding livestock facilities. These calculations have been based on assumptions and it would appear that MDS 1 can be met.

#### **COUNTY OFFICIAL PLAN**

The subject property is designated PRIME AGRICULTURAL and CORE GREENLANDS. Section 6.4.3 (b) and (c), of the Plan provides consideration for secondary uses and agriculture-related uses. Agricultural-related uses include "farm related commercial and industrial uses that are small scale and directly related to the farm operation and are required in close proximity to the farm operation".

Agriculture First policy of Section 6.4.2 states that "As a general rule, land use activities that support agriculture will be encouraged and land use activities that do not support agriculture will be discouraged". We believe that the proposed uses meet this intent.

#### **Zoning By-law Amendment**

The draft by-law places the subject lands which are presently zoned Agricultural (A), within the Agricultural Commercial Exception zone (AC-99), that the existing farm implement use is currently zoned. The lands proposed for expansion are considered a Type A land use for the purpose of Minimum Distance Separation 1 (MDS1) calculations. The existing use expanded in 2010 and was given an exemption from the MDS 1 setbacks to the livestock facilities located at 9531 Concession 6N (Alette Holstein Ltd) and 9513 Concession 6N (Weber). The new not configuration will now require an exemption from the livestock facility located at 9559 Concession 6N (Wideman).

#### Site Plan

According to Site Plan by-law 27-15 this proposal would be subject to site plan approval prior to any site development.

Respectfully submitted

County of Wellington Planning and Development Department

Linda Redmond, Senior 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; as amended pursuant to Section 34 of The Planning Act, R.S.O. 1990, as amended

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

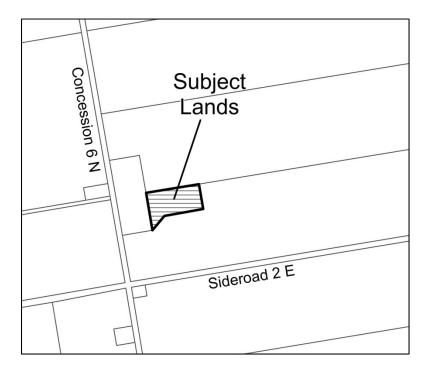
- 1. THAT Schedule "A" Map 3 to By-law 66-01 is amended by changing the zoning on lands described as Part Lot 3, Concession 6 (former Township of Arthur), as shown on Schedule "A" attached to and forming part of this By-law from Agricultural (A) to Agricultural Commercial Exception (AC-99).
- 2. THAT Section 33.99 A-99 Zone is amended by adding the following words at the end of the paragraph: and 9559 Concession 6N (Wideman).
- 3. 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.
- 4. 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.

MAYOR	CLERK	
<u>.</u>		
READ A THIRD TIME AND PASSED THIS	DAY OF	, 2017
READ A FIRST AND SECOND TIME THIS	DAY OF	, 2017

### THE TOWNSHIP OF WELLINGTON NORTH

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

### Schedule "A"



### Rezone from Agricultural (A) to Agricultural Commercial Exception (AC-99)

	This is Sch	nedule "A" to By-la	aw	
	Passed this	day of	2017	
MAYOR		 CLER	 KK	

#### **EXPLANATORY NOTE**

<b>BY-LAW NUMBER</b>	

#### THE LOCATION OF THE SUBJECT LANDS

The subject lands are legally described as Lot 3, Concession 6, and municipally known as 9531 Concession 6 N, Geographic Arthur Township. The property is 1.97 hectares (4.9 acres) in size.

**THE PURPOSE AND EFFECT** of the rezoning is to rezone the subject lands from Agricultural (A) to an Agricultural (AC) Exception zone to allow the expansion of a farm equipment business and recognize that the use is located within the Minimum Distance Separation (MDS I) arcs generated by existing livestock facilities.

This rezoning is a condition of severance application B85/16, that has been granted provisional consent by the Wellington County Land Division Committee. Two of the conditions deal with zoning compliance and the satisfaction of MDS1 issues. This rezoning application is intended to address these issues.



# 1078 Bruce Road 12, P.O. Box 150, Formosa ON Canada NOG 1W0 Tel 519-367-3040, Fax 519-367-3041, publicinfo@svca.on.ca, www.svca.on.ca

SENT ELECTRONICALLY ONLY (township@wellington-north.com)

February 6, 2017

Township of Wellington North 7490 Sideroad 7 West Kenilworth, Ontario NOG 2E0

ATTENTION: <u>Darren Jones, CBO</u>

Dear Mr. Jones,

RE: Proposed Zoning By-law Amendment

9531 Concession 6N

Roll No.: 234900000815100 Part Lot 3 Concession 6 Geographic Township of Arthur

Geographic Township of Arthur Township of Wellington North

(Alette Holsteins Ltd.)

Saugeen Valley Conservation Authority (SVCA) staff has reviewed this proposal in accordance with the SVCA's mandate and policies. The purpose and effect of the proposed amendment is to rezone the subject lands from Agricultural to Agricultural Commercial to permit the expansion of the existing farm equipment business and address MDS 1 issues related to the use. The rezoning is a condition of severance application B85/16.

Authority staff provided comments to the County of Wellington dated November 11, 2016 regarding the associated proposed Consent to Sever Land B85/16. Please refer to that letter for more details on the property. The proposed Zoning By-law Amendment is acceptable to SVCA staff.

We trust you find this information helpful. Should questions arise, please do not hesitate to contact this office.

Sincerely,

Michael Oberle

**Environmental Planning Technician** 

Saugeen Conservation

Michael Obele

MO\

cc: Karren Wallace, Clerk – Township of Wellington North (via email)

Bruce A. Fulcher, applicant (via email)

Steve McCabe, Authority Member, SVCA (via email)

