



Township of Wellington North

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

PUBLIC MEETING

Monday, May 2nd, 2011 at 7:00 p.m.

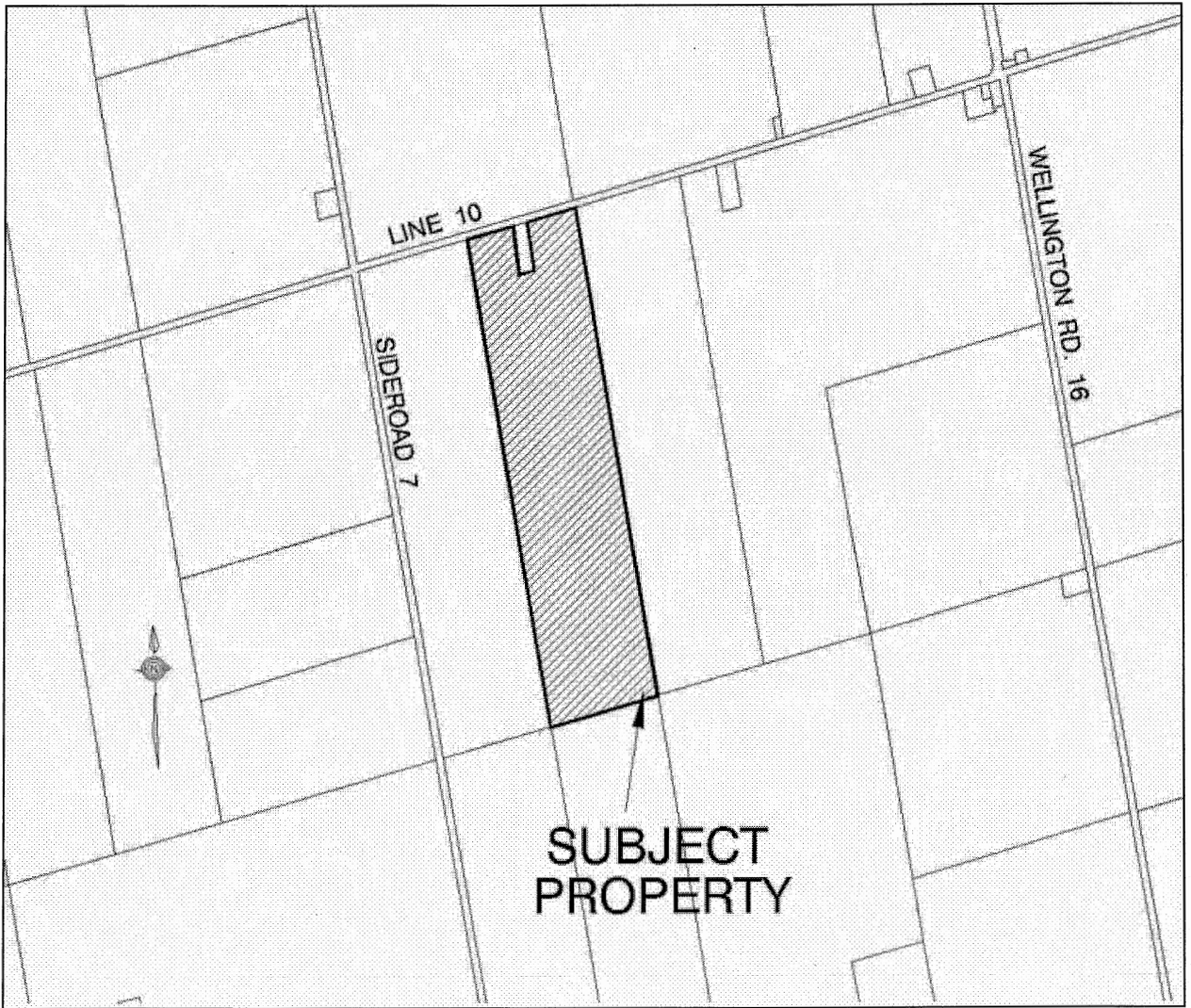
Municipal Office Council Chambers, Kenilworth

A G E N D A

Page 1 of 2

AGENDA ITEM	PAGE NO.
<p>The Mayor will call the meeting to order.</p> <p>Declaration of Pecuniary Interest.</p> <p>Owners/Applicant: Randall Martin</p> <p>THE LOCATION being rezoned is legally described as Lot 7, Concession 10 and has a civic address of 8339 10th Line. The land is approximately 40.5 ha (100.2 ac) in size. [See map attached]</p>	01
<p>THE PURPOSE AND EFFECT of the amendment is to rezone the subject lands to restrict any future residential development on the agricultural portion of the property. This rezoning is a condition of severance application B21/11, that was granted provisional approval by the Wellington County Land Division Committee in February 2011. The consent will sever the existing farm dwelling (0.5 ha (1.28 ac)) from the remainder of the agricultural parcel (40.5 ha (100.2 ac)). The property is currently zoned Agricultural.</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> <ol style="list-style-type: none">1. Notice for this public meeting was sent to property owners within 120 m and required agencies and posted on the property on April 12th, 2011.2. Application for Zoning By-law Amendment	02

AGENDA ITEM	PAGE NO.
3. Presentations by: <ul style="list-style-type: none">- Linda Redmond, Planner- See attached comments and draft by-law	19
4. Review of Correspondence received by the Township:	
<ul style="list-style-type: none">- Liz Yerex, Resource Planner, GRCA- No objection	24
<ul style="list-style-type: none">- Nick and Agnes Ammerlaan, RR 4, Kenilworth, ON- Not in favor of this application	25
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	



COPY

RECEIVED

MAR 28 2011

Woods, Clemens & Fletcher

Professional Corporation - Lawyers

TWP. OF WELLINGTON NORTH

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

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Fax (519) 669-5618

E-mail: lawoffice@woodsclomens.ca

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

March 23, 2011

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: **Randall Martin- Lot 7, Concession 10, West Luther**

We act for Randall Martin who have obtained approval to sever certain lands – Application No. B21/11. One of the conditions imposed is a rezoning of the retained parcel.

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 client's cheque payable to Township of Wellington North in the amount of \$1,500.00.

We trust this is sufficient to allow the process to begin. We understand the Planning Department of the County of Wellington will suggest appropriate wordings for the required site specific amendments. We would be pleased to review this at the draft stage, prior to final passing.

We thank you for your co-operation and assistance. If further information is required please contact myself, or in my absence, Mary-Lou Fletcher of this office.

Yours very truly,

WOODS, CLEMENS & FLETCHER

Per:

(J. Arthur Woods)

JAW/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)?

comply with condition #7 of severance Application B21/11 -
to prohibit new residential dwelling on retained parcel

B. GENERAL INFORMATION

3. APPLICANT INFORMATION

a) Registered Owner's Name(s): Randall James Martin

Address: 1091 Upper Woolwich Road, RR#1 Elmira, ON N3B 2Z1

Phone: Home () 519-669-1967 Work () _____ Fax () _____

b) Applicant (Agent) Name(s): Woods, Clemens + Fletcher

Address: 9 Memorial Avenue, Elmira, ON N3B 2Z6

Phone: Home () _____ Work () 519-669-5101 Fax () 519-669-5618

c) Name, Address, Phone of all persons having any mortgage charge or encumbrance on the property:
1511890 Ontario Limited - 3141 Hemlock Hill Drive, RR#4 Elmira, ON N2B 2Z3

d) Send Correspondence To? Owner Agent Other _____

e) When did the current owner acquire the subject land? October 1, 2010

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.)

- retained portion after severance

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

Municipal Address: 8339 10th Line, RR#1 Conn, ON N0G-1N0

Concession: 10 Lot: Pt 7 Registered Plan No: _____

Area: _____ hectares Depth: _____ meters Frontage (Width): _____ meters

100.2 acres 4434 feet 870 feet

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

Area: _____ hectares Depth: _____ meters Frontage (Width): _____ meters

_____ acres _____ feet _____ feet

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

Prime Agricultural

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

- see attached - 6.4 of Official Plan

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

Agricultural (A)

- see attached - s. 8 of By-law 66-01

C. EXISTING AND PROPOSED LAND USES AND BUILDINGS

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

Agricultural (A)

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

unknown

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

AGRICULTURE

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

(Please use a separate page if necessary.)

	<u>Existing</u>		<u>Proposed</u>	
a) Type of Building (s) -or Structure (s)				
b) Date of Construction				
c) Building Height	_____ (m)	_____ (ft)	_____ (m)	_____ (ft)
d) Number of Floors				
e) Total Floor Area (sq.m.)	_____ (sq m)	_____ (sq ft)	_____ (sq m)	_____ (sq ft)
f) Ground Floor Area (sq.m.) (exclude basement)	_____ (sq m)	_____ (sq ft)	_____ (sq m)	_____ (sq ft)
g) Distance from building/structure to the:	_____ (sq m)	_____ (sq ft)	_____ (sq m)	_____ (sq ft)
Front lot line	_____ (m)	_____ (ft)	_____ (m)	_____ (ft)
Side lot line	_____ (m)	_____ (ft)	_____ (m)	_____ (ft)
Side lot line	_____ (m)	_____ (ft)	_____ (m)	_____ (ft)
Rear lot line	_____ (m)	_____ (ft)	_____ (m)	_____ (ft)
h) % Lot Coverage				
i) # of Parking Spaces				
j) # 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?

Line 10

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.)

N/A

17. INDICATE THE APPLICABLE WATER SUPPLY AND SEWAGE DISPOSAL: N/A

	Municipal Sewers	Communal Sewers	Private Wells	Other Water Supply	Communal Sewers	Private Septic	Other Sewage Disposal
a) Existing	()	()	()	()	()	()	()
b) Proposed	()	()	()	()	()	()	()

18. HOW IS THE STORM DRAINAGE PROVIDED?

Storm Sewers () Ditches Swales Other means (explain below)

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?

Official Plan Amendment	Yes ()	No (X)
Zoning By-law Amendment	Yes ()	No (X)
Minor Variance	Yes ()	No (X)
Plan of Subdivision	Yes ()	No (X)
Consent (Severance)	Yes (X)	No ()
Site Plan Control	Yes ()	No (X)

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

File No. and Date of Application: B21/11 February 10, 2011

Approval Authority: Wellington Land Division Committee

Lands Subject to Application: Part Lot 7, Concession 10

Purpose of Application: severance of existing surplus dwelling

Status of Application: approved with conditions

Effect on the Current Application for Amendment: N/A

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.)

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:

- Owners' / applicant's name;
- Legal description of property;
- Boundaries and dimensions of the subject property and its current land use;
- Dimensions of area of amendment (if not, the entire property);
- The size and use of all abutting land;
- All existing and proposed parking and loading areas, driveways and lanes;

- The nature of any easements or restrictive covenants on the property;
- The location of any municipal drains or award drains;
- Woodlots, forested areas, ANSI's, ESA's, wetlands, floodplain, and all natural watercourses (rivers, stream banks, etc);
- The dimensions of all existing and proposed buildings and structures on the subject land and their distance to all lot lines;
- The name, location and width of each abutting public or private road, unopened road allowance or right of way;
- If access to the subject land is by water only, provide the location of the parking and docking facilities to be used; and
- 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).

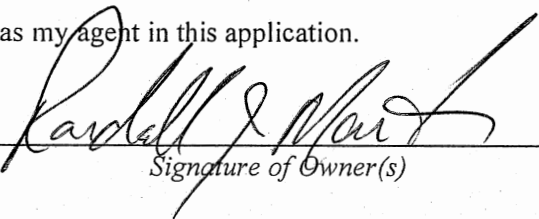
THE DRAWING SHOULD ALSO INCLUDE THE SCALE, NORTH ARROW AND DATE WHEN THE DRAWING WAS PREPARED.

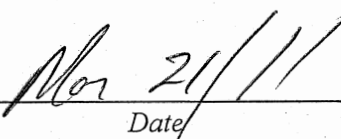
H. AUTHORIZATION FOR AGENTS / SOLICITOR TO ACT FOR OWNER:

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

I (we) Randall Martin of the Township of Woolwich in the
~~County~~ / Region of Waterloo do hereby authorize J. Arthur Woods to

Act as my agent in this application.


 Signature of Owner(s)


 Date

I. AFFIDAVIT: (This affidavit be signed in the presence of a Commissioner)

I (we) Randall Martin of the Township of the

Woolwich ~~County~~ / Region of Waterloo 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 Woolwich in the ~~County~~ / Region of Waterloo this 21st day of Mar / 2011

Randall J. Martin
Signature of Owner or Authorized Solicitor or Authorized Agent

Mar 21 / 11
Date

[Signature]
Signature of Commissioner

Mar 21 / 11
Date

APPLICATION AND FEE OF \$ 1,500.00 RECEIVED BY MUNICIPALITY

[Signature]
Signature of Municipal Employee

March 28, 2011
Date

SECTION 8 – A – AGRICULTURAL ZONE

8.1 PERMITTED USES

- Agricultural uses, buildings and structures
- Hobby Barn
- A Single detached residential dwelling accessory to a farm
- A Single detached residential dwelling on a lot
- Second Residential Dwelling as per Section 8.4
- Conversion of a single detached residential dwelling accessory to a farm for one additional residential dwelling unit in accordance with Section 6.29 (a-d)
- Bed and Breakfast Establishment (Class 2)
- Home Occupation
- Home Industry
- Wayside Pits
- Wayside Quarries
- Temporary Portable Asphalt Plant
- Legally established existing uses, buildings and structures
- Recreational Trails operated by a Public Agency
- Accessory uses, buildings and structures to the above permitted uses

8.2 REGULATIONS

8.2.1 LOT AREA, Minimum

35.0 ha (86.0 ac)

- a) Notwithstanding the above minimum lot area requirement, lots legally existing as of the day of passing of the Zoning By-law and having a lot area of less than 35.0 ha (86.0 ac) but more than 10.1 ha (25.0 acres) may be allowed a permitted use including agricultural uses, buildings and structures. Lots of less than 10.1 ha (25.0 ac) may be permitted a hobby barn in accordance with the regulations of Section 8.3 of this By-law.
- b) A new lot created by consent or new parcels created by lot line adjustment pursuant to the provisions of the Planning Act, and which parcel (severed and/or retained lands) lacks either the required frontage or area, or both the required frontage and area, shall be deemed to comply with the lot frontage and lot area regulations of Section 8.2.1 and 8.2.2.

8.2.2 LOT FRONTAGE, Minimum

122.0 m (400.3 ft)

8.2.3 FRONT YARD, Minimum

- a) For residential dwellings 18.3 m (60.0 ft)
- b) For livestock buildings, structures and manure storage 18.3 m (60.0 ft) or applicable MDS requirements which ever is greater
- c) For buildings accessory to dwellings 18.3 m (60.0 ft)
- d) For all other accessory buildings and structures excluding livestock facility 15.2 m (49.2 ft)
- e) A front yard abutting a public street shall be increased by the applicable distance required by the applicable Road Authority as specified in Section 6.31 of this By-law.

8.2.4 INTERIOR SIDE YARD, Minimum

51

- a) For residential dwellings 3.0 m (9.8 ft)
- b) For buildings accessory to dwellings 3.0 m (9.8 ft)
- c) For livestock buildings, structures and manure storages 18.3 m (60.0 ft) or applicable MDS requirements whichever is greater
- d) For all other accessory buildings and structures excluding livestock facility 18.3 m (60.0 ft)

8.2.5 EXTERIOR SIDE YARD, Minimum

- a) For residential dwellings 18.3 m (60.0 ft)
- b) For livestock buildings, structures and manure storages 18.3 m (60.0 ft) or applicable MDS requirements whichever is greater
- c) For all other accessory buildings and structures excluding livestock facility 15.2 m (49.2 ft)
- d) An exterior side yard for a) and b) above shall be increased by the applicable distance required by the applicable Road Authority as specified in Section 6.31 of this By-law.

8.2.6 REAR YARD, Minimum

- a) For residential dwellings 7.6 m (24.9 ft)
- b) For buildings accessory to residential dwellings 3.0 m (9.8 ft)
- c) For livestock buildings, structures and manure storages 18.3m (60.0ft) or applicable MDS requirements whichever is greater
- d) For all other accessory buildings and structures excluding livestock facility 18.3m (60.0 ft)
- e) A rear yard abutting a public street for a) and b) above shall be increased by the applicable distance required by the applicable Road Authority as specified in Section 6.31 of this By-law.

8.2.7 RESIDENTIAL DWELLINGS

- 8.2.7.1 Floor Area, Minimum 102.2 m² (1,100.0 ft²)
- 8.2.7.2 Building Height, Maximum 10.5 m (34.5 ft)

8.3 HOBBY BARN

On lots of less than 10.1 ha (25.0 ac), a hobby barn is permitted as an accessory use to a single detached dwelling subject to the following:

8.3.1 GROUND FLOOR AREA, Maximum

A lot of less than 0.8 hectares (2.0 acres) shall not be permitted a hobby barn. A lot equaling 0.8 ha (2.0 ac) shall be permitted a hobby barn 27.9 m² (300.3 ft²). For each additional full 0.4 ha (1.0 ac) of lot area, an additional 9.3 m² (100.1 ft²) of ground floor area may be added to the hobby barn.

PART 6

THE RURAL SYSTEM

6.1 DEFINED

The Rural System is primarily natural resource land and some other uses typically found in non-urban areas.

The Rural System includes:

- prime agricultural areas
- secondary agricultural areas
- mineral aggregate areas
- seasonal and recreational use areas
- rural housing
- rural industrial areas
- highway commercial areas
- waste management sites
- special use areas

6.2 PURPOSE

The Rural System, for the most part, is a relatively stable part of the County landscape devoted to economic activities based on natural resources.

The Rural System policies are intended to maintain the essential character of these areas and to ensure that the economic activities and employment opportunities which depend on Wellington's natural resources are maintained and enhanced.

The Rural System is a large and diverse area. Opportunities exist for a variety of resource, employment and community uses which need to be accommodated.

6.3 PLANNING APPROACH

Prime agricultural areas will be protected for farming uses.

Secondary agricultural areas of non-prime farmland will be identified. While farming will be the main land use activity in these areas, a broader range of residential, employment and community uses will be allowed than in prime agricultural areas so

long as the use does not adversely impact existing agricultural operations and is in keeping with the rural character of the area. While existing Country Residential and Lifestyle Community areas in the rural system are recognized, they will not be allowed to expand and new locations will not be permitted.

Significant mineral aggregate deposits will be identified and policies established to protect the resource and provide for appropriate extraction activities.

Areas of existing seasonal and recreational use will be identified. Many of these uses were established to take advantage of the rural setting or the proximity to natural heritage features.

Rural housing primarily supports natural resource activities such as farming. Non farm related housing may be considered in areas which do not conflict with resource related or other rural uses.

Rural industrial and highway commercial lands are intended to provide locations for business activities that may be better served by sites outside urban areas.

New locations for Country Residential and Lifestyle Communities are not allowed in the Rural System unless specifically provided for by an existing policy in this Plan. Existing Country Residential and Lifestyle Communities in the Rural System may be recognized but will not be expanded unless provided for by an existing policy in this Plan.

Waste Management Facilities may be allowed in the Rural System subject to the Environmental Assessment Act or the Environmental Protection Act and the Environmental Services policies of this Plan.

A variety of special purpose areas will be identified to recognize the diverse character and history of the rural system. Some of these areas reflect environmental concerns or existing development patterns.

6.4 PRIME AGRICULTURAL AREAS

6.4.1 Defined

Class 1, 2 and 3 agricultural soils, associated Class 4 to 7 soils and additional areas where there is a local concentration of farms which exhibit the characteristics of ongoing agriculture, and specialty crop land will be designated as prime agricultural areas. These areas will be protected for agriculture.

6.4.2 Agriculture First

In Prime Agricultural Areas, agricultural uses and normal farm practices will be promoted and protected.

As a general rule, land use activities which support agriculture will be encouraged and land use activities which do not support agriculture will be discouraged.

6.4.3 Permitted Uses

Permitted uses and activities in Prime Agricultural Areas may include:

- a) agricultural uses
- b) secondary uses including home businesses and farm businesses
- c) agriculture-related uses
- d) existing uses
- e) single detached homes
- f) accessory residential uses
- g) forestry uses
- h) wayside pits and quarries, portable asphalt plants and portable concrete plants used on public authority contracts
- i) licensed aggregate operations
- j) community service facilities
- k) group homes on existing lots of records
- l) kennels on existing lots of record

All uses permitted by this section must be compatible with and not hinder surrounding agricultural uses.

Agricultural uses and normal farm practices will be protected and promoted.

6.4.4 Home Businesses and Farm Businesses

Home businesses are home occupations and home industries that are secondary to the principal use of the property and may be allowed, subject to zoning provisions, as a means of supplementing farm incomes and providing services in agricultural areas and may include:

- small home occupations conducted from the main residence with employment normally limited to the occupants of the property – examples include bed and breakfast, day care, hairdresser, and professional services;
- home industries which are small in scale with a limited number of employees, and minimal off-site impacts – examples include minor equipment repair, woodworking, crafts, and welding;

Farm businesses are small scale businesses that provide value-added products from the farm and may be allowed subject to zoning provisions – examples include:

- farm vacation enterprises;
- cottage wineries;
- value-added processing or packing;
- sales outlets for agricultural products produced on the farm;
- seed cleaning

- pick-your-own, catch-your-own operations

6.4.5 Agriculture-related Uses

Small scale agriculture-related businesses as required to serve agriculture and directly related to farm operations may be allowed in appropriate locations and subject to zoning provisions, where they are needed in close proximity to farms – examples include:

- livestock assembly;
- grain drying;
- cold storage;
- custom spraying;
- animal husbandry.

6.4.6 Accessory Residences

Accessory residential uses needed for farm help or a garden suite may be allowed provided they are established near the farm buildings. An accessory apartment unit may be established within the main residence on a lot. In all cases adequate water supply and sewage disposal systems must be available.

In the case of garden suites, municipalities may enact zoning provisions to address the following matters:

- a) the second unit is located close to the existing residence on the property and is portable so that it can be easily removed when the need for the unit has discontinued;
- b) no additional access shall be provided to the lot from a public road;
- c) adequate screening/buffering, where deemed necessary, is provided to minimize the visual impact of the second unit to adjacent properties;
- d) adequate amenity areas are provided for the existing dwelling and the second unit;

- e) the provision of a satisfactory site plan and/or which illustrates how items a) to d) above, and any other matters deemed necessary by the municipality, have been addressed; and

- f) the establishment of a development agreement between the owner and the municipality to address the installation and removal of the unit, site rehabilitation, listing the occupant(s) of the unit and the period of occupancy, and any other matter deemed necessary by the municipality.

6.4.7 Rural Settlements

Rural settlements are existing small communities that form part of the rural fabric of Wellington. These settlements are primarily small clusters of housing with occasional commercial, industrial or institutional uses. These areas are not designated on Schedule "A" and are not expected to grow but they may be recognized in the zoning by-law and limited residential infilling may be allowed.

6.4.8 Wayside Pits, Portable Asphalt Plants and Portable Concrete Plants

Wayside pits and quarries, portable concrete plants and portable asphalt plants are allowed by provincial policy without municipal official plan amendment, rezoning or development permit. Municipal zoning by-laws may establish setback distances between these uses and sensitive land uses including:

- residential uses
- commercial and institutional uses
- livestock facilities
- natural heritage features
- other sensitive land uses

6.4.9 Mineral Aggregate Areas

Areas of high potential for mineral aggregate are shown as an overlay over the Prime Agricultural Areas. Mineral

aggregate operations may be allowed in these areas subject to the more detailed policies of this Plan.

6.4.10 Community Service Facilities

For the purposes of this section, community service facilities are restricted to buildings, structures and uses for which a location in the prime agricultural area is necessary for reasons of public safety or government service delivery, such as: emergency services (fire halls, police detachments, ambulance facilities, public works, temporary emergency facilities); municipal works garages; trails; and schools, churches and cemeteries required for local communities that rely extensively on horse drawn vehicles as their sole means of transportation. The foregoing does not include: any other schools or churches; hospitals; medical clinics; seniors housing; or waste management facilities.

6.4.11 Minimum Distance Formula (MDS)

The appropriate provincial minimum distance separation formula will be applied to new land uses, lot creation and new or expanding livestock facilities.

6.4.12 Group Homes

Small scale group homes may be allowed on existing lots of record and local zoning by-laws may be establish criteria for these uses.

6.4.13 Kennels

Kennels may be allowed on existing lots of record and local zoning by-laws may establish criteria for these uses.

6.5 SECONDARY AGRICULTURAL AREAS

6.5.1 Defined

Secondary Agricultural Areas include lands within the Rural System which are determined to be non-prime farmland but which can sustain certain agricultural activities.

6.5.2 Identification

Secondary Agricultural Areas will be determined either by:

- a) the existence of large blocks of land which are not Class 1, 2, or 3 or specialty crop land;
- b) an alternative evaluation system developed with the co-operation of the Ministry of Agriculture, Food and Rural Affairs which examines the land base in greater detail to determine the long term agricultural potential based on:
 - Canada Land Inventory
 - farm investment
 - nature of agricultural operations
 - constraints and opportunities for farming
 - land use patterns
 - land fragmentation
 - other matters.

It is not the intention of this Plan to use the Secondary Agricultural Area designation to create small pockets of poorer agricultural land in the midst of prime agricultural land unless a specific use is justified under the policies of this Plan.

6.5.3 Permitted Uses

Permitted uses and activities in Secondary Agricultural Areas may include:

- a) all uses allowed in the Prime Agricultural Area;
- b) small scale commercial, industrial and institutional uses;
- c) public service facilities.

6.5.4 Commercial, Industrial & Institutional

Small scale commercial, industrial and institutional uses may be permitted provided that:

COUNTY of WELLINGTON PLANNING & LAND DIVISION COMMITTEE
Wellington County Administration Centre
74 Woolwich Street Guelph, Ontario N1H 3T9

ONTARIO PLANNING ACT, Section 53(14)

NOTICE of DECISION

On Application B21/11

APPLICANT:

Randall Martin
1091 Upper Woolwich Road
RR#1
Elmira ON N3B 2Z1

LOCATION of SUBJECT LANDS:

WELLINGTON NORTH (West Luther)
Lot 7
Concession 10

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 Randall Martin pursuant to Section 53 of the Planning Act, R. S. O. 1990 as amended for consent to convey land for rural residential surplus farm dwelling, being Part of Lot 7, Concession 10, geographic Township of West Luther, now Township of Wellington North, **PROVISIONAL CONSENT IS GRANTED SUBJECT TO THE FULFILMENT OF EIGHT 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. FEBRUARY 17, 2012:

- 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 B21/11.
- 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 fulfilment of this condition.
- 6) **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.
- 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 removed the barns on the retained lands to the satisfaction of the Township of Wellington North; and further that the Township of Wellington North file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

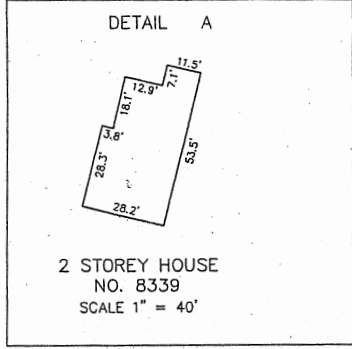
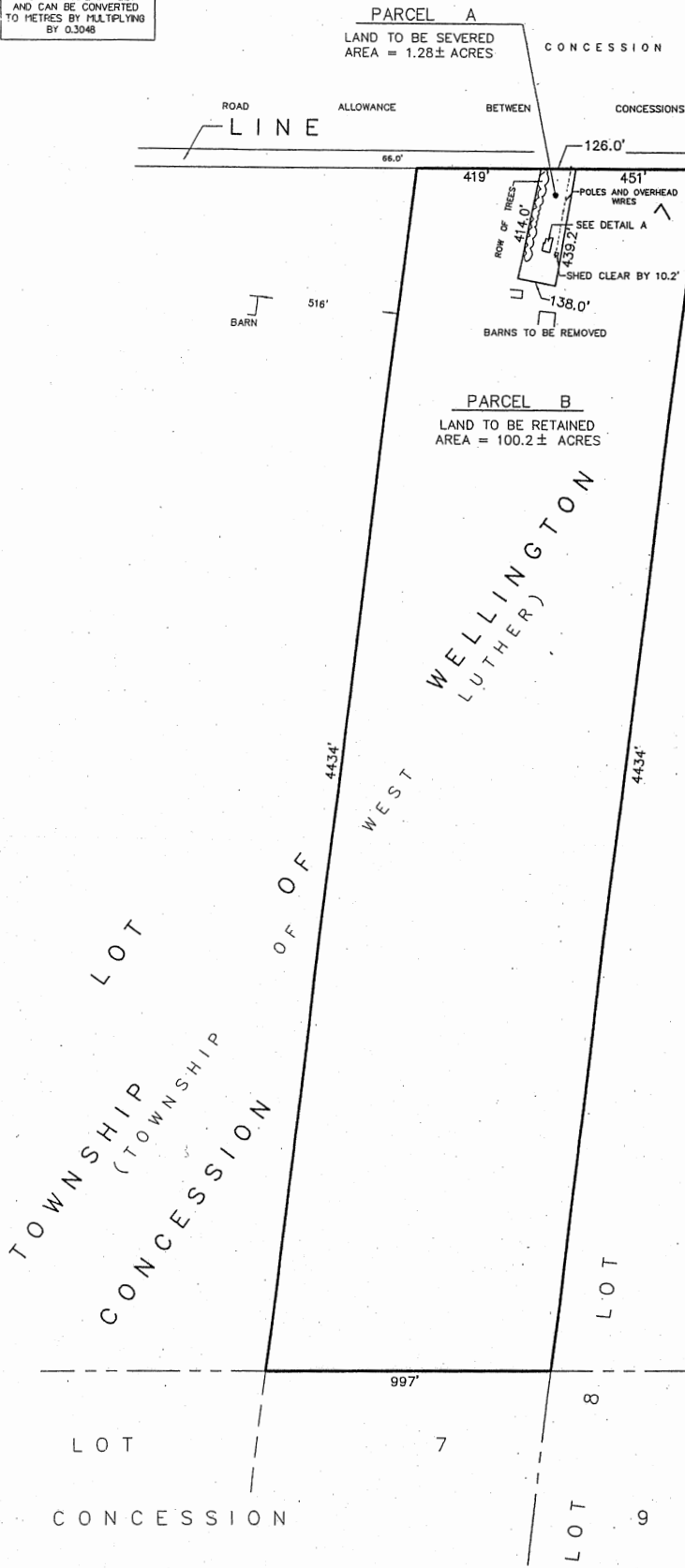
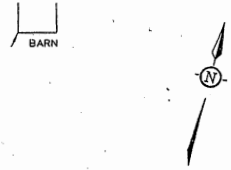
..... **End of Conditions of Approval; see page two for signatures, dates and other information**

SKETCH FOR LAND SEVERANCE APPLICATION

PREPARED FOR RANDY MARTIN

SCALE 1" = 400'

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



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.



COUNTY OF WELLINGTON

PLANNING AND DEVELOPMENT DEPARTMENT
GARY A. COUSINS, M.C.I.P., DIRECTOR
TEL: (519) 837-2600
FAX: (519) 823-1694
1-800-663-0750

ADMINISTRATION CENTRE
74 WOOLWICH STREET
GUELPH, ONTARIO
N1H 3T9

April 20, 2011

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

Dear Mr. Jones:

**Re: Randall Martin – Lot 7, Concession 10
8339 10th Line
Restrict Agricultural Land from Future Residential
Draft Zoning By-law Amendment**

PLANNING OPINION

The zoning amendment is required as a condition of provisional consent (B21/11) by the Wellington County Land Division Committee. We have no objections to implementing this decision. Both the PPS 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.

SUBJECT LAND

The subject land is legally described as Lot 7, Concession 10 and has a civic address of 8339 10th Line. The land is approximately 40.5 ha (100.2 ac) in size.

PURPOSE

The purpose of the amendment is to rezone the subject lands to restrict any future residential development on the agricultural portion of the property. This rezoning is a condition of severance application B21/11, that was granted provisional approval by the Wellington County Land Division Committee in February 2011. The consent will sever the existing farm dwelling (0.5 ha (1.28 ac)) from the remainder of the agricultural parcel (40.5 ha (100.2 ac)). The property is currently zoned Agricultural.

PROVINCIAL POLICY STATEMENT (PPS)

The subject property is considered to be 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.

WELLINGTON COUNTY OFFICIAL PLAN

The subject lands are designated PRIME AGRICULTURE. 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.”

ZONING BY-LAW

The subject lands are zoned Agricultural (A). The attached draft by-law places a site specific exemption to prohibit a dwelling on the 100 acre agricultural parcel.

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

Sincerely,



Linda Redmond B.A.
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 7, Concession 10, as shown on Schedule "A" attached to and forming part of this By-law from Agricultural (A) to "Agricultural Exception (A-107)
2. THAT Section 33, Exception Zone 3 – Rural Areas, is amended by the inclusion of the following new exception:

"33.107
Lot 7, Con 10

A-107 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."

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 _____, 2011

READ A THIRD TIME AND PASSED THIS _____ DAY OF _____, 2011

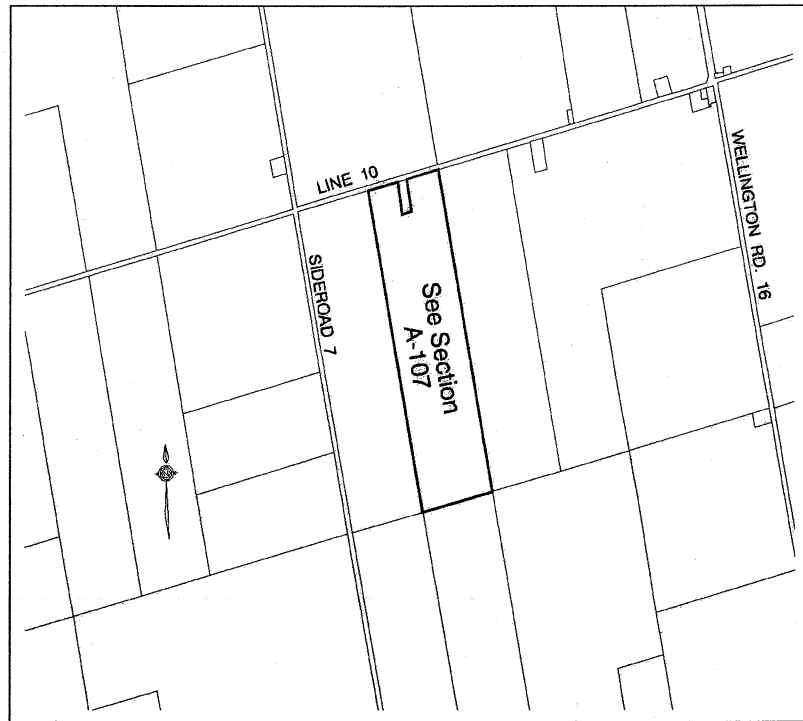
MAYOR

CLERK

THE TOWNSHIP OF WELLINGTON NORTH

BY-LAW NO _____.

Schedule "A"



Rezone from Agricultural (A) to Agricultural Exception (A-107)

Passed this ____ day of _____ 2011.

MAYOR

CLERK

EXPLANATORY NOTE

BY-LAW NUMBER _____.

THE LOCATION being rezoned is legally described as Lot 7, Concession 10 and has a civic address of 8339 10th Line. The land is approximately 40.5 ha (100.2 ac) in size and is currently farmed.

THE PURPOSE AND EFFECT of the amendment is to rezone the subject lands to restrict any future residential development on the agricultural land (A-107). This rezoning is a condition of severance application B21/11, that was granted provisional approval by the Wellington County Land Division Committee in February, 2011. The consent will sever the existing farm dwelling (0.5 ha (1.28 ac)) from the remainder of the agricultural parcel (40.5 ha (100.2 ac)). The property is currently zoned Agricultural.



400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

Phone: 519.621.2761 Toll free: 866.900.4722 Fax: 519.621.4844 Online: www.grandriver.ca

PLAN REVIEW REPORT - Township of Wellington North
Darren Jones, Building/Zoning

DATE: APRIL 26, 2011
GRCA FILE: Wellington/Well N/ZC/C

YOUR FILE:

RE: Application for Zoning By-law Amendment
Lot 7, Concession 10, Township of Wellington North

GRCA COMMENT: *

The Grand River Conservation Authority has no objection to the proposal to rezone the subject lands to restrict any future residential development on the agricultural portion of the property.

BACKGROUND:**1. Resource Issues:**

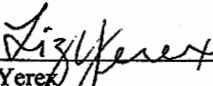
Information currently available at this office indicates that portions of the retained lands are within the allowance adjacent to wetlands located on neighbouring lands.

2. Legislative/Policy Requirements and Implications:

Portions of the lands to be retained are subject to Ontario Regulation 150/06. Future development or other alteration within the regulated areas will require prior written approval from the Grand River Conservation Authority.

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

None


Liz Yerex
Resource Planner
Resource Management Division

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

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RECEIVED

APR 20 2011

Kenilworth, April 2011

TWP. OF WELLINGTON NORTH
To Council of Wellington North Township

Regarding the rezoning of lot 7 concession 10 civic address
8339 10th line in the former West Luthers Township

To whom it may concern.

As a neighbour of the aforementioned property with rezoning
request to sever the house of the farm property.

I am not in favour of this rezoning.

Why? Most likely non farm oriented people will buy the house and
start complaining about manure, odour, noise etc.

The property owner who requested this severance would be
cutting his own fingers by such a neighbour in the severed house

Second issue is more a generality that large truck crops
farmers buy up farm properties, sometimes buying far away
in other townships. They drive up farm prices and then
separate itself to apply for a severance of the house with
a small bit of land and have the remaining property for
about half the original purchase price, making it
impossible for new young farmers to compete in buying
a property.

One only has to look at the current position of this
particular property.

The fence line between this property and the former
Wayne Orr farm has already been removed to
support large equipment and be able to farm every
bit of available ^{land}, since the purchaser already owns
the former Orr farm as well.

Sincerely

Nick + Agnes Ammelman

R.R. 4 Kenilworth, Ont.

April 20/11