



# Township of Wellington North

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

## PUBLIC MEETING

Monday, May 7, 2012 at 7:00 p.m.

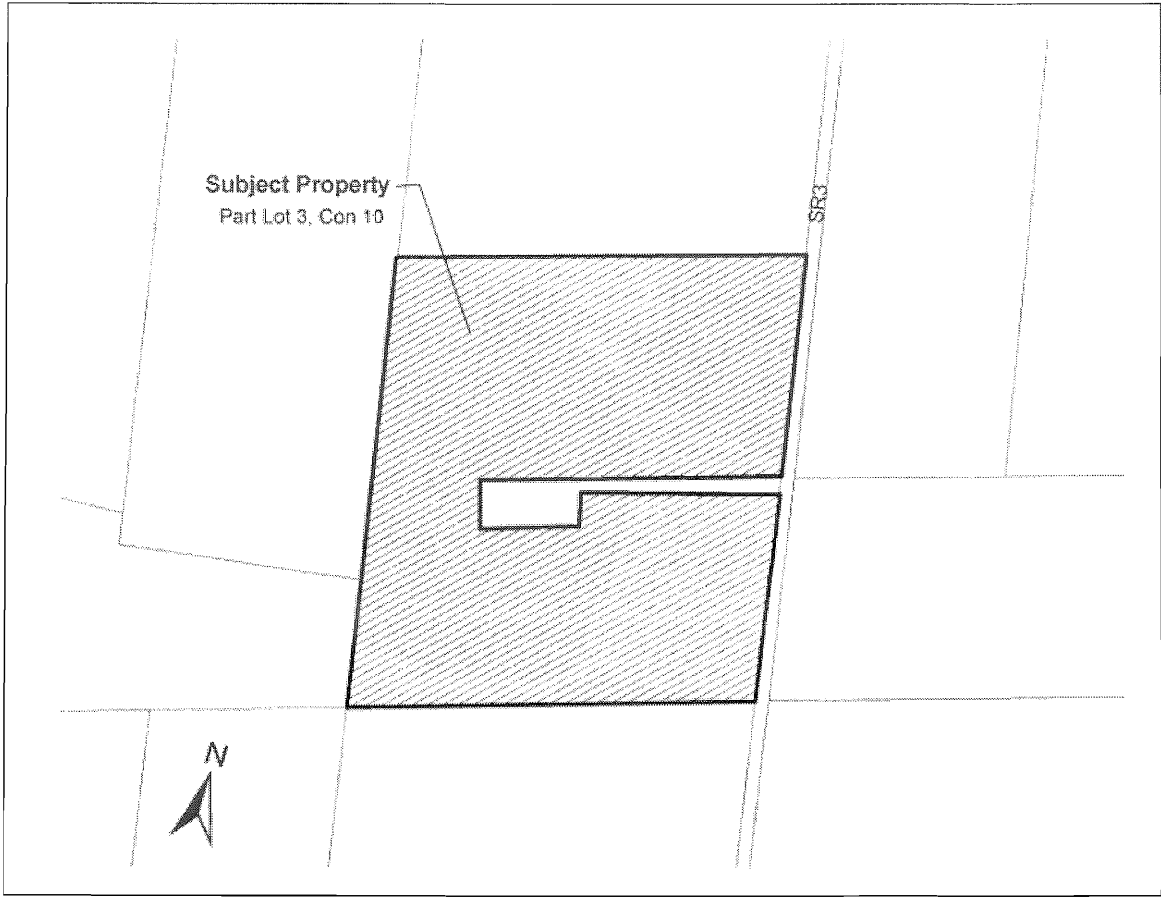
Municipal Office Council Chambers, Kenilworth

## A G E N D A

Page 1 of 2

AGENDA ITEM	PAGE NO.
<p><b>The Mayor will call the meeting to order.</b></p> <p><b>Declaration of Pecuniary Interest.</b></p> <p><b>Owners/Applicant: Ross Woods</b></p> <p>SUBJECT LAND The subject land is legally described as Part of Lot 3, Concession 10, geographic Township of West Luther, and has a civic address of 9204 Sideroad 3. The land is approximately 100 acres in size and is occupied by a dwelling and a small shop (approximately 900 square feet). See attached map.</p> <p>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 B166/11. The consent will sever the existing farm dwelling 3.9 acres from the remainder of the agricultural parcel 96.4 acres.</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 April 10<sup>th</sup>, 2012.</p>	<p>01</p>

AGENDA ITEM	PAGE NO.
2. Application for Zoning By-law Amendment	02
3. Review of Correspondence received by the Township: - Mark Van Patter, Senior Planner - See attached comments and draft by-law	11
4. 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.	
5. Mayor opens floor for any questions/comments.	
6. Comments/questions from Council.	
7. Adjournment	



# Grant & Acheson

Barristers • Solicitors • Notaries Public

In Partnership with SmithValeriotte Law Firm LLP

RECEIVED

MAR 23 2012

TWP. OF WELLINGTON NORTH

March 19, 2012

Randy S. Brant B.A. LL.B.  
Robert W. Dowhan B.A. LL.B.  
Michelle M. Dwyer B.A. M.A. J.D.  
Lisa M. Gazzola B.A. LL.B.  
Richard A. Gazzola B.A.Sc LL.B. P.Eng  
Robert D. Grant B.A. LL.B.  
Sarah A. Greatrix B.A. LL.B.  
Chelsea A. Harron B.A. LL.B.  
Michelle L. Kelly B.Comm. LL.B.  
Donald G. Kidd B.A. LL.B.  
Liam N. Legate B.B.A. LL.B.  
M. Alysha McColl B.A. J.D. LL.B.  
Nicola Melchers LL.B.  
Robert M. Mullin B.A. LL.B. LL.M. A.C.C.I.  
Christina L. Parkes B.Soc.Sc LL.B.  
(On Leave)  
Diana M. Piccoli B.A. LL.B.  
James B. Pietrangelo B.A. LL.B.  
Mark Muir Rodenburg B.Math LL.B.  
Ronald George Sansom B.Sc.Eng. LL.B.  
David Crawford Smith B.A. LL.B.  
Diane Kennedy Squires B.A. LL.B.  
Vincent J. Starratt B.A. M.A. LL.B.  
Ernest J. Stross B.A. LL.B.  
Stephanie L. L. Sutherland B.A.S. LL.B.  
John E. Valeriotte B.B.A. LL.B.  
  
Francis M. Valeriotte B.A. LL.B.  
(Counsel)  
James A. Runions  
(Retired)  
R. Paul Gillies Smith Q.C. B.A. LL.B.  
(Retired)  
J. Ronald Nicholson B.A. LL.B.  
(Retired)  
Cavan B. Acheson B.A. LL.B.  
(Retired)  
David E. Hastings, Q.C.  
1930 – 1999

Township of Wellington North  
Box 125  
7490 Sideroad 7 West  
Kenilworth, Ontario N0G 2E0

**Attention: Darren Jones and Cathy More**

Dear Darren and Cathy:

**Re: Paul and Judy Culp (Applicants)  
Ross Woods (Owner)  
Part Lot 3, Concession 10, West Luther  
County of Wellington Application B166/11**

We wish to advise that we are solicitors for Paul and Judy Culp with respect to the above-captioned Application for Consent. Condition 6 requires a zoning amendment and we enclose, herewith, the following:

1. Application for Zoning By-law Amendment in duplicate;
2. Surveyor's Sketch;
3. Trust cheque in the amount of \$1,500.00 representing payment of your application fee.

Pursuant to Brenda's telephone conversation with Darren, we understand that Ross Woods spoke with Darren and advised that he intends to demolish a portion of the shed in order to bring the size of it into compliance with the zoning by-law. Once Mr. Woods does this, we understand that no rezoning will be required for this parcel (severed lands 1.6 hectares).

We trust you find the enclosed to be in order and look forward to being advised of the date this amendment will be heard at Council. Thank you.

Yours truly,

**Grant & Acheson**  
Per:

Vincent J. Starratt  
VJS:bs  
Enc.

Mailing Address:  
P.O. Box 128  
Fergus, Ontario  
N1M 2W7

Courier Address:  
265 Bridge Street  
Fergus, Ontario  
N1M 2W7

Ph: 519.843.1960  
Fax: 519.843.6888

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 prohibit a new residential dwelling on the subject lands

\_\_\_\_\_

\_\_\_\_\_

**B. GENERAL INFORMATION**

**3. APPLICANT INFORMATION**

a) Registered Owner's Name(s): Ross Woods

Address: 9204 Sideroad 3, R.R. #1, Conn, Ontario N0G 1N0

Phone: Home ( ) 519-848-6506      Work ( ) \_\_\_\_\_      Fax ( ) \_\_\_\_\_

b) Applicant (Agent) Name(s): Vincent Starratt, Grant & Acheson

Address: P.O. Box 128, 265 Bridge St., Fergus, On N1M 2W7

Phone: Home ( ) \_\_\_\_\_      Work ( ) 519-843-1960      Fax ( ) 519-843-6888

c) Name, Address, Phone of all persons having any mortgage charge or encumbrance on the property:

d) Send Correspondence To?    Owner [ ]      Agent []      Other [ ] \_\_\_\_\_

e) When did the current owner acquire the subject land? December 4, 2000

4. WHAT AREA DOES THE AMENDMENT COVER?    [ ] the "entire" property      [  ] "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:**

Municipal Address: 9204 Sideroad 3, R.R. #1, Conn, On NOG 1N0

Concession: 10 Lot: Pt. Lot 3 Registered Plan No: \_\_\_\_\_

Area: 40.6 hectares      Depth: 610 meters      Frontage (Width): 676 meters  
\_\_\_\_\_ acres                              \_\_\_\_\_ feet                              \_\_\_\_\_ feet

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

Area: 39 hectares      Depth: 610 meters      Frontage (Width): 656 meters  
\_\_\_\_\_ acres                              \_\_\_\_\_ feet                              \_\_\_\_\_ feet

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

Agricultural and Core Greenlands  
\_\_\_\_\_

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

agricultural  
\_\_\_\_\_

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

Agricultural and Core Greenlands  
\_\_\_\_\_

**C. EXISTING AND PROPOSED LAND USES AND BUILDINGS**

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

agricultural  
\_\_\_\_\_

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

50 years or more

---

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

agricultural

---



---

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

none

*(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:				
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**

none

**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?**

Sideroad 3

**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 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 (x)      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 (✓)
Zoning By-law Amendment	Yes ( )	No (✓)
Minor Variance	Yes ( )	No (✓)
Plan of Subdivision	Yes ( )	No (✓)
Consent (Severance)	Yes (x)	No ( )
Site Plan Control	Yes ( )	No (✓)

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

File No. and Date of Application: B166/11

Approval Authority: County of Wellington Planning and Land Division

Lands Subject to Application: Part Lot 3, Concession 10, West Luther

Purpose of Application: sever surplus dwelling

Status of Application: provisional consent

Effect on the Current Application for Amendment: rezoning is condition of consent

**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 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) Ross Ernest Woods of the Township of Wellington North in the  
 County / Region of Wellington do hereby authorize Vince Starratt to

Act as my agent in this application.

Ross Woods  
 Signature of Owner(s)

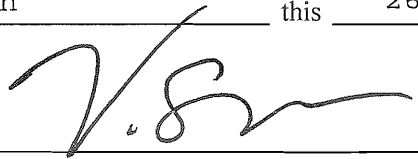
March 15 / 12  
 Date

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

I (we) Vincent James Starratt of the Township of the

Centre Wellington 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**.

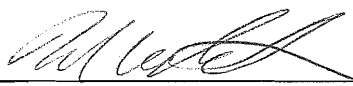
DECLARED before me at the Township of Centre Wellington in the County / Region of Wellington this 26th day of March, 2012.



Signature of Owner or Authorized Solicitor or Authorized Agent

March 26, 2012

Date



Signature of Commissioner

**Malora Diane Whitman, a Commissioner, etc.,  
Province of Ontario for Grant & Acheson in  
Partnership with SmithValeriotte Law Firm LLP  
Expires November 30, 2014.**

March 26, 2012

Date

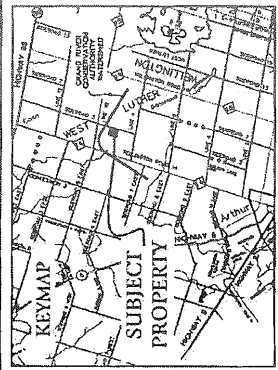
APPLICATION AND FEE OF \$ 1500.00 RECEIVED BY MUNICIPALITY



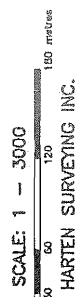
Signature of Municipal Employee

March 26, 2012

Date



**SEVERANCE SKETCH**  
 PART OF LOT 3, CONCESSION 10  
 GEOGRAPHIC TOWNSHIP OF WEST LUTHER  
 TOWNSHIP OF WELLINGTON NORTH  
 COUNTY OF WELLINGTON



VAN HARTEN SURVEYING INC.

- NOTES:
1. THIS IS NOT A PLAN OF SURVEY AND SHOULD NOT BE USED FOR REAL ESTATE TRANSFERS OR MORTGAGES.
  2. SUBJECT LANDS ARE ZONED AGRICULTURAL & NATURAL ENVIRONMENT.
  3. SUBJECT LANDS HAVE AN OFFICIAL PLAN DESIGNATION OF PRIME AGRICULTURAL AND CORE GREENLANDS.
  4. NO BARNs WITHIN 500m OF SEVERED OR RETAINED PARCELS.
  5. DISTANCES ON THIS PLAN ARE SHOWN IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
  6. SEE ATTACHED LIST OF NAMES AND ADDRESSES OF OWNERS.

**SURVEYOR'S CERTIFICATE**

THIS SKETCH WAS PREPARED  
 ON THE 2nd DAY OF DECEMBER, 2011.

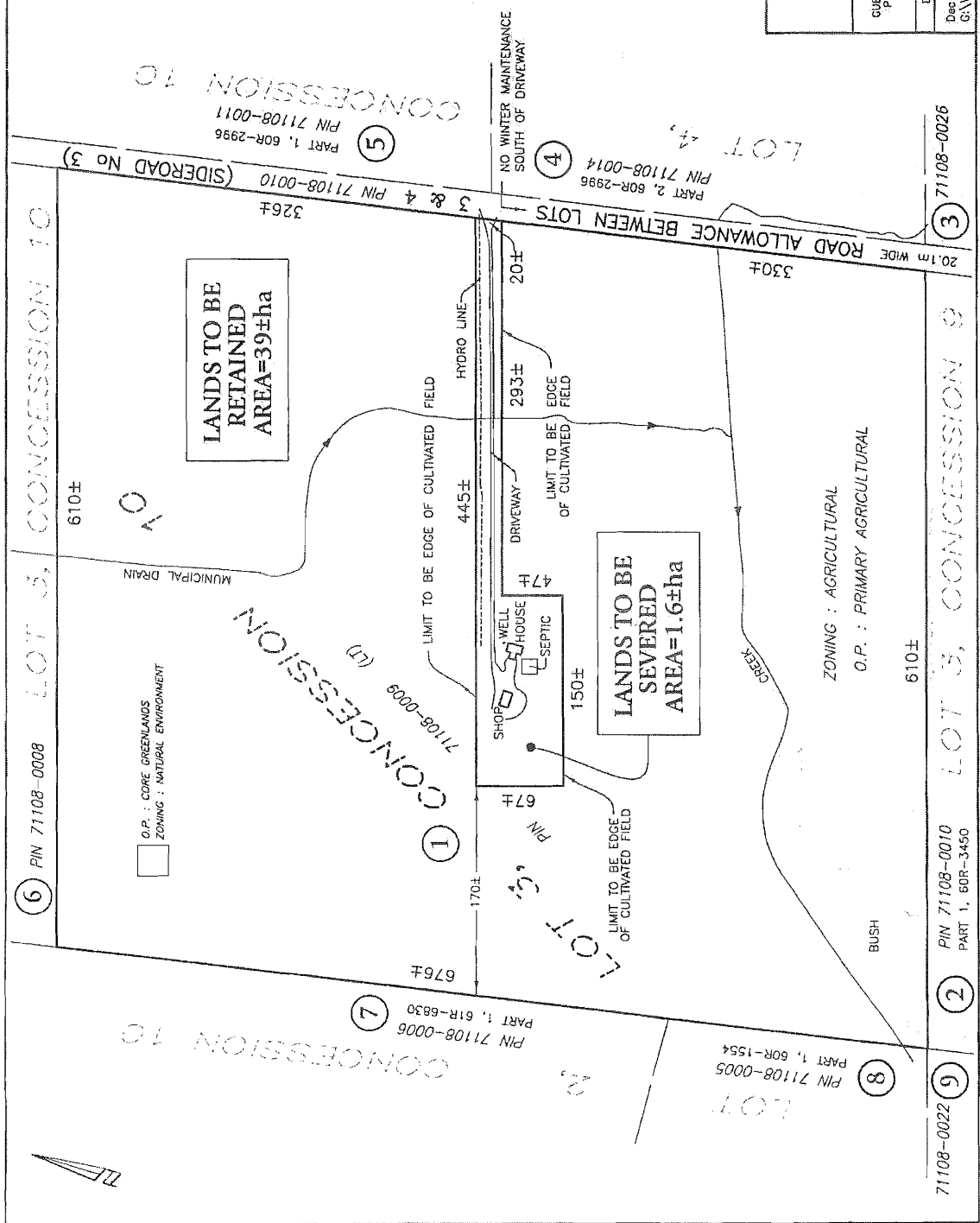
JEFFREY E. BUJSMAN  
 ONTARIO LAND SURVEYOR

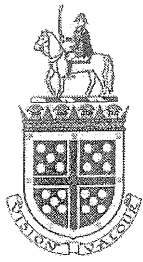


423 WOODMICH STREET  
 GUELPH - ONTARIO, N1H 3X3  
 PHONE: (519) 821 - 2770  
 FAX: 821 - 2770  
 www.vanharten.com

560 RIDGELL ROAD, UNIT 1  
 ORANGEVILLE - ONTARIO, L9W 5G5  
 PHONE: (519) 940 - 4110  
 FAX: 519 - 940 - 4113  
 www.vanharten.com

DRAWN BY: JAM CHECKED BY: JEB PROJECT No. 20384-11  
 Dec 02, 2011 - 8:36am  
 G:\WEST LUTHER\Con 10\ACAD\SEV PT3 (Culp-Woods).dwg





# 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

May 1, 2012

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

Dear Mr. Jones:

**Re: Draft Zoning By-law Amendment  
Ross Woods – Pt Lot 3, Concession 10 (West Luther)  
9204 Sideroad 3  
Restrict Agricultural Land from Future Residential**

## **PLANNING OPINION**

The zoning amendment is required as a condition of provisional consent (B166/11) 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 Part of Lot 3, Concession 10, geographic Township of West Luther, and has a civic address of 9204 Sideroad 3. The land is approximately 100 acres in size and is occupied by a dwelling and a small shop (approximately 900 square feet).

## **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 B166/11. The consent will sever the existing farm dwelling 3.9 acres from the remainder of the agricultural parcel 96.4 acres.

## **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."

## ZONING BY-LAW

The subject lands are zoned mainly Agricultural (A). There is a narrow band of Natural Environment (NE) zoning which follows a watercourse across the southern portion of the property; the NE zoning is to remain as is, unchanged. The attached draft by-law places a site specific exception to prohibit a dwelling on the 96.4 acre agricultural parcel.

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

Sincerely,



Mark Van Patter  
Senior Planner MCIP

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 Part of Lot 3, Concession 10, 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-115)".

2. THAT Section 33, Exception Zone 3 – Rural Areas, is amended by the inclusion of the following new exception:

**"33.115 A-115**                      **Notwithstanding any other section of this by-law**  
**Part of Lot 3, Con 10**            **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 the existing **Natural Environment (NE)** zone, following the watercourse across the southern portion of the subject lands, remains unchanged.

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 \_\_\_\_\_, 2012

READ A THIRD TIME AND PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012

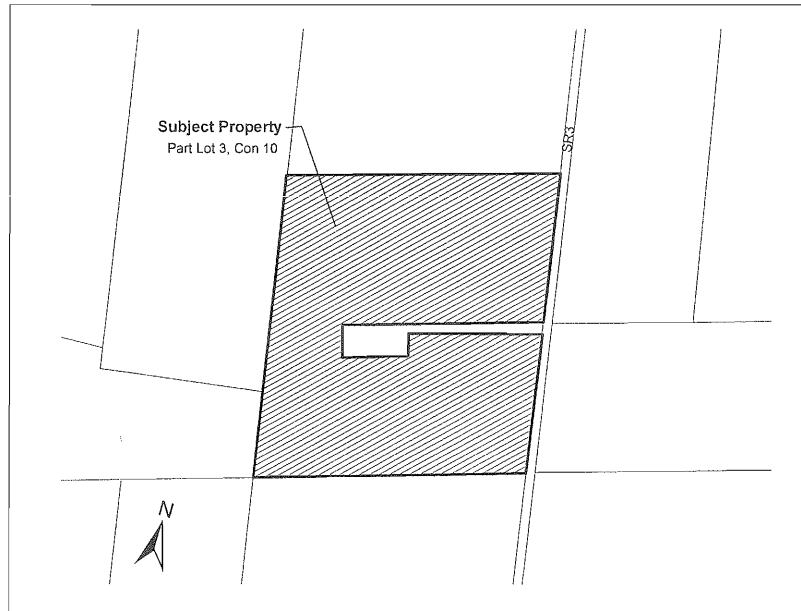
\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

THE TOWNSHIP OF WELLINGTON NORTH

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

Schedule "A"



**Rezone from Agricultural (A) to Agricultural Exception (A-115)**

**Existing Natural Environment Zone Remains Unchanged**

Passed this \_\_\_\_ day of \_\_\_\_\_ 2012.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK



*EXPLANATORY NOTE*

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

**THE LOCATION** being rezoned is legally described as Part of Lot 3, Concession 10, geographic Township of West Luther, and has a civic address of 9204 Sideroad 3. The land to be rezoned is approximately 96.4 acres in size and is occupied by a dwelling and a 900 square foot shop.

**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 B166/11, that was granted provisional approval by the Wellington County Land Division Committee. The consent will sever the existing farm dwelling (3.9 acres) from the remainder of the agricultural parcel (96.4 acres). The property is currently zoned Agricultural and Natural Environment. The existing watercourse which crosses over the southern part of the subject land is to remain zoned as Natural Environment (NE), as it presently is.