

TOWNSHIP OF WELLINGTON NORTH

PUBLIC MEETING - MINUTES

Monday, June 17, 2013

The Public Meeting was held Monday, June 17, 2013 at 7:00 p.m. at the Township of Wellington North Council Chambers, Kenilworth to consider three Zoning Amendment applications.

Present:

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

Also Present:

Acting C.A.O.: Mike Givens
Deputy Clerk: Catherine More
Executive Assistant: Cathy Conrad
Township Planner: Linda Redmond
Planner: Jameson Pickard

Mayor Tout called the meeting to order. (7:11 p.m.)

Declaration of Pecuniary Interest:

None declared.

Owner/Applicant: Sonia and Ricardo Aguirre

Location of the Subject Land

The property subject to the proposed amendment is described as Part of Lot 27, Concession 5 with a civic address of 8619 Concession 6 South. The property is 40.46 hectares (100 acres) in size.

The Purpose and Effect of the Application

The purpose and effect of the proposed amendment is to rezone the subject lands to restrict any future residential development on the agricultural, “severed” portion of the property. Additionally relief from the zoning by-law is required for over-sized accessory buildings on the retained portion – three sheds with a combined area of (2,030 sq.ft.). This rezoning is a condition of severance application B72/12 under the surplus farm dwelling policies that was granted provisional approval by the Wellington County Land Division Committee March 14th, 2013.

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

Information – At a meeting under subsection (12), the Council shall ensure that information is made available to the public regarding the power of the Municipal Board under subsection (14.1) to dismiss an appeal if an appellant has not provided the Council with oral submissions at a public meeting or written submissions before a By-law is passed.

1. Notice for this public meeting was sent to property owners within 120 m and required agencies and posted on the property on May 23, 2013.

2. Presentation by:

Linda Redmond, Senior Planner, reviewed her comments dated June 6, 2013.

The zoning amendment is required as a condition of provisional consent (B72/12) by the Wellington County Land Division Committee. The Planning Department had no objections to implementing this decision. Both the Provincial Policy Statement and County Plan provide for surplus farm dwelling severances, provided the agricultural lands are rezoned to prohibit future residential dwellings. The intention of this policy is to allow farmers to reduce their costs of acquiring additional farm parcels where the impact on existing and future farm operations can be kept to a minimum.

Additional zoning relief is also required for the existing accessory structures on the retained residential parcel. The applicant would like to retain the three sheds which have a combined floor area of 2,030 ft², for personal use, whereas 1,300 ft² is permitted. Council should be satisfied that the accessory buildings are intended for personal use and not for commercial purposes.

The subject land is legally described as Part Lot 27, Concession 5 with a civic address of 8619 Concession 6 South. The land is approximately 40.46 hectares (100 acres) in size.

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The purpose of the amendment is to rezone the subject lands to restrict any future residential development on the agricultural portion of the property and to address the oversized sheds on the residential portion of the subject lands. This rezoning is a condition of severance application B72/12, that was granted provisional approval by the Wellington County Land Division Committee on March 14, 2013. The consent will sever the existing farm dwelling and accessory buildings (1.62 ha. (4 ac) from the remainder of the agricultural parcel 38.4 ha. (95 ac).

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

Under the Wellington County Official Plan the subject lands are designated PRIME AGRICULTURE and CORE GREENLANDS. This application is required as a result of a severance application. Section 10.3.4 of the Official Plan implements the Provincial Policy Statement and requires that the remnant parcel be rezoned to prohibit dwellings.

Section 10.3.4 of the Official Plan states:

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

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

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

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The subject lands are zoned Agricultural (A) and Natural Environment (NE). There will be two site specific zones required on the subject lands. The first site specific will prohibit a dwelling on the 95 acre agricultural parcel and the second one will address the accessory structures on the 4 acre residential parcel.

As a result of the severance, the residential dwelling would be considered the main use and the existing accessory structures would be reviewed under section 6.1 as accessory uses to a residential dwelling. In this case there are three sheds with a combined floor area of 2,030 ft², which exceeds the allowable ground floor area of 1,300 ft². (Section 6.1.4 ii).

3. Review of Correspondence received by the Township:
 - Nathan Garland, Resource Planner, GRCA
 - No objection

4. The by-law will be considered at the Regular Council Meeting following the public meeting. Mayor Tout asked those wishing to receive further notices regarding this application to make their request in writing.

5. Mayor Tout opened the floor for any questions/comments.

Angela Alaimo, agent for the Applicant, was present to answer any questions. Ms. Alaimo explained that they had appeared at an earlier Council meeting regarding removal of the barn. They are now requesting rezoning. The remaining buildings will be for personal use only.

6. Comments/questions from Council.

None.

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Owner/Applicant: 940749 Ontario Ltd.

The location of the subject land is described as Part Lot 37, Part 5, RP 60R1443, and is municipally known as 8021 Highway 109, Arthur. The area of the property subject to the amendment is approximately 2.52 acres.

The purpose and effect of the amendment is to rezone a portion of the property from Agricultural (A) and Highway Commercial (C2) to a site specific zone to permit the development of a Mini Storage Facility.

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

(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.

7. Notice for this public meeting was sent to property owners within 120 m and required agencies and posted on the property on May 23, 2013.

8. Presentations by:

Linda Redmond, Senior Planner, reviewed her comments dated June 6, 2013.

This zoning by-law amendment would allow for a Mini Storage Facility on the subject lands.

The parcel is currently zoned Agricultural (A) and is located within the built boundary of Arthur. The lands subject to the amendment are also in an area of mainly highway commercial uses, close to the intersections of Highway 6 and 109.

Based on the policy direction of the Official Plan and the intent of the zoning by-law related to the uses permitted within the highway commercial zone, the mini-storage facility would be an appropriate use under the commercial zoning category.

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It is staffs opinion that the proposed site specific commercial zoning would be more compatible then the current agricultural zoning, with the surrounding area. Additionally, with the C2 zoning category, it is possible that other future uses which are in keeping with the intentions of the Official Plan designation could be accommodated on the subject lands in the future and would not adversely affect the transition to other compatible uses in the future.

The subject land is legally described as Part of Lot 37, Concession 1 with a civic address of 8021 Highway 109. The entire property is approximately 9.0 ha (22.3 ac) in size and is under cultivation. The area subject to this rezoning is 1.0 hectare (2.5 acres) in size and is located within the Arthur Urban Boundary.

The purpose of the amendment is to rezone a portion of the subject property from Agricultural (A) to a site specific zone to permit the development of a Mini storage facility.

The area of the property subject to the zone amendment is considered to be within the settlement area of Arthur. Section 1.1.3.1 of the Provincial Policy Statement states that “settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.” Settlement areas are encouraged to include a mix of densities and land uses.

Under the Wellington County Official Plan the majority of the land subject to the amendment is designated HIGHWAY COMMERCIAL. Section 8.6.2 and 8.6.3 of the Highway Commercial area land use policies provide an opportunity for the development of commercial services that would service the travelling public; as well as provide sites for commercial uses that require large lots for storage and parking, which cannot be located in the downtown area. These sections also make reference to providing, on a limited basis, convenience facilities to serve the needs of the local residents. Development within the urban centers must have an adequate water supply and sewage disposal system available.

The subject lands are zoned Agricultural (A). The applicant is proposing to develop a mini storage facility, which would not be compatible with the Agricultural zoning currently in place. This application would rezone the lands to (C2) Highway Commercial exception zone permitting the storage facility. This zoning category would be in conformity with the Official Plan designation on the lands.

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Currently the zoning by-law places the use of a mini storage facility within the Industrial (M1) zone. The proposed use as described is not directly permitted within the C2 zone although it shares many of the same characteristics as other uses permitted under the Highway Commercial zone. The zoning by-law defines a mini storage facility as follows:

“Mini Storage facility, means a building containing separate, individual self-storage units divided from the floor to the ceiling by a wall with an independent entrance from the exterior of the building, designed to be rented or leased on a short-term basis to the general public for private storage of personal goods, materials and equipment; but shall not include the storage of hazardous chemicals, flammable substances or toxic materials.”

Many of the permitted uses in the (C2) Highway Commercial zone, specifically the Rental Outlet store, by nature allow for the storage and housing of equipment and materials on site, while also allowing for short term rental contracts to be entered into by the general public. Based on the policy direction of the Official Plan and the intent of the zoning by-law related to the uses permitted within the highway commercial zone, the mini-storage facility would be an appropriate use under either the Industrial or Commercial zoning category.

The applicant has also filed a consent application to sever the property concurrent with this rezoning application. The proposed severance pertains to the same area that this rezoning application deals with and will divide the area proposed for the mini storage facility from the remainder of the lands. The proposed severance location also aligns with the Arthur Urban Boundary and the land within the Prime Agricultural area. The severance application will be heard at the July 25th, 2013 Wellington County Land Division Committee meeting.

9. Review of Correspondence received by the Township:
 - Pasquale Costanzo, Engineering Technologist, County of Wellington Engineering Services
 - No objection
 - David Secord, corridor Management Planner, Ministry of Transportation
 - Requests deferral of the application pending a Traffic Impact Study

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9. Review of Correspondence received by the Township: (continued)

- Tom Ristov
 - Concerns regarding amendment
- MTO
 - Requesting application be deferred until an updated Traffic Impact Study is completed.

10. The by-law will be considered at the regular council meeting following the public meeting. Persons wishing notice of the passing of the By-law must submit a written request.

11. Mayor opens floor for any questions/comments.

Jim Coffey, applicant, was present to answer any questions. He stated that R.J. Burnside is the engineer and expects to have the traffic study in the next two weeks.

Tom Ristov, 7061 Hwy. 6, Arthur, questioned if zoning as highway commercial was the best use of this land. Other development in the area, such as Tim Horton's and Union Burger, has created jobs. A mini storage facility does not create jobs. Mr. Ristov did not feel this was the best place for storage units. Storage units should be located in an industrial area. For tax purposes, retail vendors would create more taxes. Land cannot be recreated and we need to use it properly. There has been other interest in this property, such as a site for the O.P.P. He stated that he doesn't want to stop development but feels that job creation and taxes should be looked at when considering development.

Mayor Tout commented that Mr. Ristov was right about the O.P.P. being interested in the site previously; but, that use would not have generated taxes either. Some places have storage units located in industrial areas. A commercial use will pay higher taxes than agricultural. The main interest in that property was that we were pushing for the O.P.P. MTO holds a lot of the cards in their hands and are waiting on the traffic studies regarding traffic congestion. Mayor Tout stated that growth is good in his eyes. A storage facility will benefit the municipality with higher taxes as commercial rather than agricultural.

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12. Comments/questions from Council.

Councillor Lennox asked if the applicant was okay with the deferral suggested by MTO.

Mr. Coffey stated that he respects the MTO request and is prepared to wait until they are satisfied.

Owner/Applicant: Earl and Anne Schneider

The location of the subject land is described as Part of Lot 1, Concession 11 with a civic address of 8026 Line 10. The property is 35.1 hectares (86.73 acres) in size.

The purpose and effect of the amendment is to rezone the subject lands to restrict any future residential development on the agricultural, “retained” portion of the property. This rezoning is a condition of severance application B118/12 under the surplus farm dwelling policies that was granted provisional approval by the Wellington County Land Division Committee December 6th, 2012.

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

(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.

13. Notice for this public meeting was sent to property owners within 120 m and required agencies and posted on the property on May 23, 2013.

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14. Presentation by:

- Jameson Pickard, Junior Planner, reviewed his comments dated June 6, 2013.

The zoning By-law amendment is required as a condition for application (B118/12) which was granted provisional consent December 6th, 2012 by the Wellington County Land Division Committee. The Planner had no objections to implementing this decision. Both the Provincial Policy Statement and County Plan provide for surplus farm dwelling severances, provided the agricultural lands are rezoned to prohibit future residential dwellings. The intention of this policy is to allow farmers to reduce their costs of acquiring additional farm parcels where the impact on existing and future farm operations can be kept to a minimum.

MDS relief is not being sought through this rezoning application for the existing barn and accessory structure on the retained agricultural parcel. The applicant has agreed to remove these buildings to achieve compliance with the MDS 1 requirement.

The subject land is legally described as Part Lot 1, Concession 11 with a civic address of 8026 Line 10. The land is approximately 36 hectares (88.9 acres) in size.

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 B118/12, that was granted provisional consent by the Wellington County Land Division Committee in December 6th, 2012. The consent will sever the existing farm dwelling 0.5 ha. (1.2 ac) from the remainder of the agricultural parcel 35.5 ha (87.7 ac) and accessory structures.

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

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Under the 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 Provincial Policy Statement 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.”

The subject lands are zoned Agricultural (A). The attached draft by-law places a site specific exemption to prohibit a dwelling on the 87.7 acre agricultural parcel.

15. Review of Correspondence received by the Township:

- Nathan Garland, Resource Planner, GRCA
 - No objection
- Pasquale Costanzo, Engineering Technologist, County of Wellington Engineering Services
 - No objection

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15. Review of Correspondence received by the Township:
 - Craig and Yvonne Boardman, 9309 Wellington Road 14, Conn, ON
 - Support the change
 - Erik Downing, Environmental Planning Coordinator, Saugeen Conservation
 - No objection

16. 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.

17. Mayor opens floor for any questions/comments.

The applicants were present to answer any questions. They did advise Council that the barns have been removed.

18. Comments/questions from Council.

None.

19. Adjournment 7:33 p.m.

DEPUTY CLERK

MAYOR