



# Township of Wellington North

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

## Public Meeting

Monday, June 17th, 2013 at 7:00 p.m.

Municipal Office Council Chambers, Kenilworth

## A G E N D A

Page 1 of 6

| 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: Sonia and Ricardo Aguirre</b></p> <p><b>Location of the Subject Land</b><br/>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 and the location is shown on the map attached.</p> <p><b>The Purpose and Effect of the Application</b><br/>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 14<sup>th</sup>, 2013.</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 May 23, 2013.</p> | 01       |

| AGENDA ITEM  | PAGE NO. |
|--|----------|
| 2. Application for Zoning By-law Amendment   | 02       |
| 3. Presentations by: <ul style="list-style-type: none"><li data-bbox="342 480 1365 585">- Linda Redmond, Senior Planner<ul style="list-style-type: none"><li data-bbox="435 522 1365 585">- See attached comments and draft by-law</li></ul></li></ul>                 | 11       |
| 4. Review of Correspondence received by the Township: <ul style="list-style-type: none"><li data-bbox="342 669 1365 774">- Nathan Garland, Resource Planner, GRCA<ul style="list-style-type: none"><li data-bbox="435 711 1365 774">- No objection</li></ul></li></ul> | 16       |
| 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.  |          |

| AGENDA ITEM   | PAGE NO.  |
|---|---|
| <p><b>Owners/Applicant: 940749 Ontario Ltd,</b></p> <p><b>Location of the Subject Land</b><br/>                     The proposed amendment 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 and is shown on the map attached.</p> <p><b>The Purpose and Effect of the Application</b><br/>                     The purpose and effect of the proposed 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.</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>8. 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.</p> <p>9. Application for Zoning By-law Amendment</p> <p>10. Presentations by:</p> <ul style="list-style-type: none"> <li>- Linda Redmond, Senior Planner                             <ul style="list-style-type: none"> <li>- See attached comments and draft by-law</li> </ul> </li> </ul> <p>11. Review of Correspondence received by the Township:</p> <ul style="list-style-type: none"> <li>- Pasquale Costanzo, Engineering Technologist, County of Wellington Engineering Services                             <ul style="list-style-type: none"> <li>- No objection</li> </ul> </li> <li>- David Secord, corridor Management Planner, Ministry of Transportation                             <ul style="list-style-type: none"> <li>- Requests deferral of the application pending a Traffic Impact Study</li> </ul> </li> <li>- Tom Ristov                             <ul style="list-style-type: none"> <li>- Concerns regarding amendment</li> </ul> </li> </ul> | <p>19</p> <p>20</p> <p>30</p> <p>35</p> <p>36</p> <p>38</p> |

| <b>AGENDA ITEM</b>  | <b>PAGE NO.</b> |
|---|-----------------|
| 12. 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.<br><br>13. Mayor opens floor for any questions/comments.<br><br>14. Comments/questions from Council |                 |

| AGENDA ITEM   | PAGE NO.  |
|---|-----------|
| <p><b>Owners/Applicant: Earl and Anne Schneider</b></p> <p><b>Location of the Subject Land</b><br/>                     The property subject to the proposed amendment 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 and the location is shown on the map attached.</p> <p><b>The Purpose and Effect of the Application</b><br/>                     The purpose and effect of the proposed amendment is to rezone the subject lands to restrict any future residential development on the agricultural, “retained” portion of the property. 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 6<sup>th</sup>, 2012.</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>15. 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.</p> | <p>39</p> |
| <p>16. Application for Zoning By-law Amendment</p>  | <p>40</p> |
| <p>17. Presentations by:</p>  |           |
| <ul style="list-style-type: none"> <li>- Jameson Pickard, Junior Planner                             <ul style="list-style-type: none"> <li>- See attached comments and draft by-law</li> </ul> </li> </ul>   | <p>51</p> |
| <p>18. Review of Correspondence received by the Township:</p>   |           |
| <ul style="list-style-type: none"> <li>- Nathan Garland, Resource Planner, GRCA                             <ul style="list-style-type: none"> <li>- No objection</li> </ul> </li> </ul>  | <p>55</p> |
| <ul style="list-style-type: none"> <li>- Pasquale Costanzo, Engineering Technologist, County of Wellington Engineering Services                             <ul style="list-style-type: none"> <li>- No objection</li> </ul> </li> </ul>  | <p>57</p> |
| <ul style="list-style-type: none"> <li>- Craig and Yvonne Boardman, 9309 Wellington Road 14, Conn, ON                             <ul style="list-style-type: none"> <li>- Support the change</li> </ul> </li> </ul>  | <p>58</p> |

| AGENDA ITEM   | PAGE NO. |
|---|----------|
| 19. 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. |          |
| 20. Mayor opens floor for any questions/comments.   |          |
| 21. Comments/questions from Council   |          |
| 22. Adjournment   |          |



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)?  
rezoning for purposes of complying with  
terms of Notice of Decision in severance  
application B72/12 - rezoning of land to be  
severed to prohibit residential construction &  
to demolish barn structure  
and restore barn by Dec 31, 2013 +

B. **GENERAL INFORMATION** to allow for oversized buildings on shed.

**3. APPLICANT INFORMATION**

a) Registered Owner's Name(s): SONIA MARIA AGUIRRE & RICARDO JORGE AGUIRRE  
Address: 8019 Conc 6 RR#4 ARTHUR ONT. NOG-1A0.  
Phone: Home <sup>519</sup> 7605275 Work ( ) \_\_\_\_\_ Fax ( ) \_\_\_\_\_

b) Applicant (Agent) Name(s): Angela Alaimo (Agent)  
Address: 197 George St. Arthur Ont NOG-1A0.  
Phone: Home ( ) \_\_\_\_\_ Work <sup>519</sup> ( ) 848 3916 Fax <sup>519</sup> ( ) 848 2395

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? June 2, 2008

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.)



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

Municipal Address: 8619 Conc. 6 RR#4 ARTHUR ONT NO6 1A0

Concession: 5 Lot: 26 Registered Plan No: \_\_\_\_\_

Area: \_\_\_\_\_ hectares Depth: \_\_\_\_\_ meters Frontage (Width): \_\_\_\_\_ meters  
100 acres 4400 feet 990 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

95 ± acres 4400 feet 990 <sup>irregular</sup> feet

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

Agriculture

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

Agriculture

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

Agriculture

C. EXISTING AND PROPOSED LAND USES AND BUILDINGS

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

residential / agriculture

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

1998 & prior to that

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:

(Please use a separate page if necessary.)

|   | <u>Existing</u>   |                     | <u>Proposed</u> |  |
|---|-------------------|---------------------|-----------------|--|
| a) Type of Building (s) -or Structure           |                   |                     |                 |  |
| (s) <u>house &amp; shed</u>                     |                   |                     | <u>n/a.</u>     |  |
| b) Date of Construction                         | <u>house 1890</u> |                     |                 |  |
|   | <u>sheds 1995</u> |                     |                 |  |
| c) Building Height                              | <u>house</u>      | <u>23</u> (ft)      |                 |  |
| d) Number of Floors                             | <u>2</u>          |                     |                 |  |
| e) Total Floor Area (sq.m.)                     |                   | <u>1640</u> (sq ft) |                 |  |
| f) Ground Floor Area (sq.m.) (exclude basement) |                   | <u>977</u> (sq ft)  |                 |  |
| g) Distance from building/structure to the:     |                   |                     |                 |  |
| Front lot line                                  |                   |                     |                 |  |
| Side lot line                                   |                   |                     |                 |  |
| Side lot line                                   |                   |                     |                 |  |
| Rear lot line                                   |                   |                     |                 |  |
| 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?

Concession 6. S

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:

|             | Municipal Sewers | Communal Sewers | Private Wells                           | Other Water Supply | Communal Sewers | Private Septic                          | Other Sewage Disposal |
|-------------|------------------|-----------------|---|--------------------|-----------------|---|-----------------------|
| a) Existing | ( )              | ( )             | ( <input checked="" type="checkbox"/> ) | ( )                | ( )             | ( <input checked="" type="checkbox"/> ) | ( )                   |
| 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 ( <input checked="" type="checkbox"/> ) |
| Zoning By-law Amendment | Yes ( )                                     | No ( <input checked="" type="checkbox"/> ) |
| Minor Variance          | Yes ( )                                     | No ( <input checked="" type="checkbox"/> ) |
| Plan of Subdivision     | Yes ( )                                     | No ( <input checked="" type="checkbox"/> ) |
| Consent (Severance)     | Yes ( <input checked="" type="checkbox"/> ) | No ( )                                     |
| Site Plan Control       | Yes ( )                                     | No ( <input checked="" type="checkbox"/> ) |

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

File No. and Date of Application: B72/12

Approval Authority: COUNTY OF WELLINGTON PLANNING + LDC

Lands Subject to Application: 95 acres

Purpose of Application: surplus residence

Status of Application: provisional consent granted

Effect on the Current Application for Amendment: to complete conditions

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) Sonia Aguirre & Ricardo Aguirre of the Twp of Wellington North in the  
 County / Region of Wellington do hereby authorize Angelo Alaimo

Act as my agent in this application.

[Signature]  
 Signature of Owner(s)

April 25/13  
 Date

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

I (we) Sonia Aguirre & Ricardo Aguirre of the Township of Wellington North  
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 Wellington North in the County / Region of  
Wellington this 29<sup>th</sup> day of April 2013.

[Signature]  
Signature of Owner or Authorized Solicitor or Authorized Agent

April 29/13  
Date

[Signature]  
Signature of Commissioner

April 29/13  
Date

APPLICATION AND FEE OF \$ 1500.00 RECEIVED BY MUNICIPALITY

[Signature]  
Signature of Municipal Employee

May 6, 2013  
Date

SKETCH FOR LAND SEVERANCE APPLICATION

PREPARED FOR SONYA AGUIRRE

SCALE 1" = 300'

ROAD ALLOWANCE BETWEEN CONCESSIONS 4 AND 5

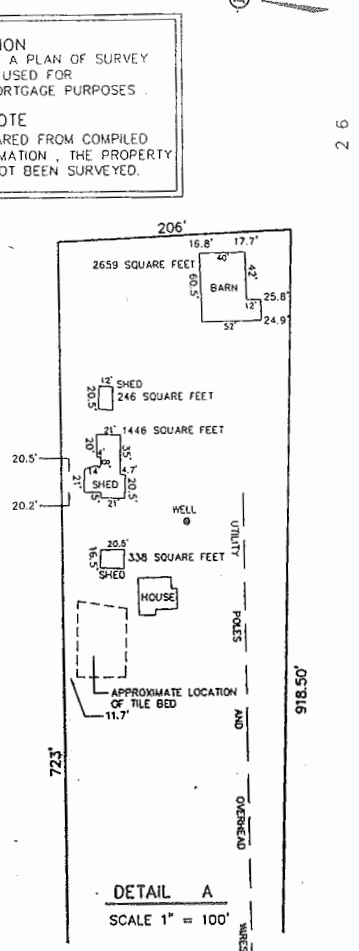
66.00' WIDE

990'

**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.

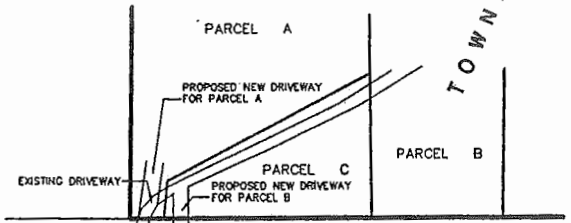
DISTANCES SHOWN ON THIS PLAN ARE IN FEET AND CAN BE CONVERTED TO METRES BY MULTIPLYING BY 0.3048



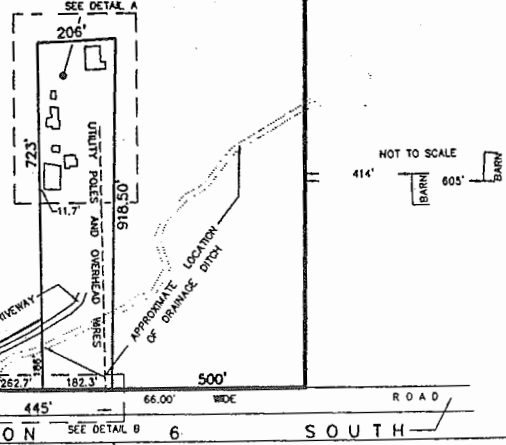
(ARTHUR NORTH)

WELLINGTON

**PARCEL A**  
LAND TO BE SEVERED  
AREA = 95± ACRES



**PARCEL B**  
LAND TO BE RETAINED  
AREA = 4.0± ACRES



## ONTARIO PLANNING ACT, Section 53(14)

## NOTICE of DECISION

On Application B72/12

APPLICANT:

Sonia & Ricardo Aguirre  
 8619 Concession 6, RR#4  
 Arthur ON N0G 1A0

LOCATION of SUBJECT LANDS:

WELLINGTON NORTH (Arthur Twp)  
 Part Lot 27  
 Concession 5

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 Sonia & Ricardo Aguirre pursuant to Section 53 of the Planning Act, R. S. O. 1990 as amended for consent to convey land for agricultural use together with an easement for connecting tile drains into municipal ditch, being Part of Lot 27, Concession 5, geographic Arthur Township, now Township of Wellington North, **PROVISIONAL CONSENT IS GRANTED SUBJECT TO THE FULFILMENT OF TEN 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.

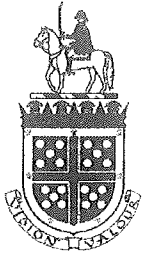
**THE PLANNING AND LAND DIVISION COMMITTEE ADVISES THE APPLICANT** that all of the conditions of approval for this provisional consent must be fulfilled within a period of one year after written notice of this decision was given or consent shall be deemed to be refused. In the event of an appeal to the 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. MARCH 21, 2014:**

- 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 B72/12.
- 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 fulfillment of this condition.
- 6) THAT the Owner satisfy all the requirements of the local municipality, financial and otherwise which the local municipality may deem to be necessary at the time of issuance of the Certificate of Consent for the proper and orderly development of the subject lands; and further 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 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.
- 8) 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 severed 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.
- 9) THAT the Owner's lawyer prepare a letter of undertaking that the barn will be demolished and removed by December 31, 2013 to the satisfaction of the Township of Wellington North; and 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.
- 10) THAT the Owner receive zoning compliance and classification from the Local Municipality in a manner deemed acceptable by the Local Municipality to allow for the oversized accessory buildings or remove the sheds over 1000 sq.ft from the retained; and that the Local Municipality 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 .....





## 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

June 6, 2013

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

Dear Mr. Jones:

**Re: Aguirre – Part lot 27, Concession 5  
Restrict Agricultural Land from Future Residential  
Permit oversized accessory structures  
Draft Zoning By-law Amendment**

### **PLANNING OPINION**

The zoning amendment is required as a condition of provisional consent (B72/12) 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.

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 ft<sup>2</sup>, for personal use, whereas 1,300 ft<sup>2</sup> is permitted. Council should be satisfied that the accessory buildings are intended for personal use and not for commercial purposes.

### **SUBJECT LAND**

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.

### **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 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 in 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).

### **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 and CORE GREENLANDS. 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."

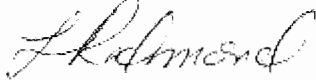
## ZONING BY-LAW

The subject lands are zoned Agricultural (A) 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 ft<sup>2</sup>, which exceeds the allowable ground floor area of 1,300 ft<sup>2</sup>. (Section 6.1.4 ii).

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

Sincerely,



Linda Redmond B.A.  
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;

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 Lot 27, Concession 5 as shown on Schedule "A" attached to and forming part of this By-law from:

- Agricultural (A) to "Agricultural Exception (A-142)
- Agricultural (A) to "Agricultural Exception (A-143)

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

|   |   |
|---|---|
| <b>33.142</b><br><b>Part Lot 27, Concession 5</b> | <b>A-142</b><br><b>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.</b> |
|---|---|

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

|   |  |
|---|--|
| <b>33.143</b><br><b>Part Lot 27, Concession 5</b> | <b>A-143</b><br><b>Notwithstanding Section 6.1.4 ii or any other section of this by-law, the three sheds existing on the day of passing of this by-law may have a maximum combined floor area of 188.6 m<sup>2</sup>. (2030 ft<sup>2</sup>).</b> |
|---|--|

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 \_\_\_\_\_, 2013

READ A THIRD TIME AND PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013

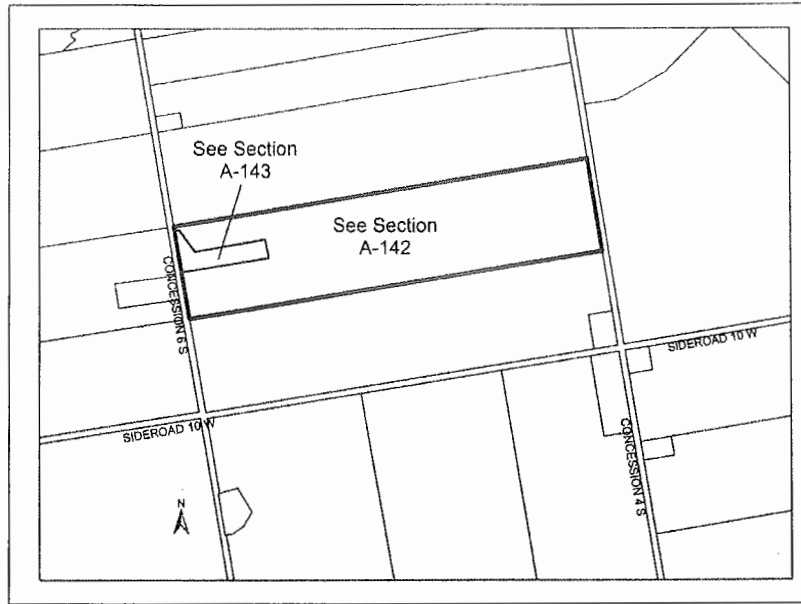
\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

THE TOWNSHIP OF WELLINGTON NORTH

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

Schedule "A"



Rezone from Agricultural (A) to Agricultural Exceptions (A-142 and A-143)

Passed this \_\_\_\_ day of \_\_\_\_\_ 2013.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

## EXPLANATORY NOTE

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

**THE LOCATION** being rezoned is in Part lot 27, Concession 5 with a civic address of 8619 Concession 6 south. The property is approximately 40.46 hectares (100 acres) in size and is occupied by a residence and three sheds.

**THE PURPOSE AND EFFECT** of the amendment is to rezone the subject lands to restrict any future residential development on the agricultural land (A-142) and to allow three accessory structures that exceed the maximum floor area on the residential portion of the lands (A-143). This rezoning is a condition of severance application B72/12, that was granted provisional approval by the Wellington County Land Division Committee in March 14, 2013. The consent will sever the existing farm dwelling, and accessory building (1.62 ha. (4 ac) from the remainder of the agricultural parcel (38.4 ha. (95 ac).



**PLAN REVIEW REPORT: Township of Wellington North  
Darren Jones, CBO/Building Department**

**DATE:** June 5<sup>th</sup>, 2013

**YOUR FILE:**

**GRCA FILE:** Wellington/NorthWell/2013/ZC/NC

**RE:** Application for Zoning By-law Amendment  
Part of Lot 27, Concession 5, Township of Wellington North  
8619 Concession 6 South

**GRCA COMMENT: \***

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

**BACKGROUND:**

**1. Resource Issues:**

Information currently available at this office indicates that the subject property contains watercourse, floodplain and its associated regulatory allowance.

**2. Legislative/Policy Requirements and Implications:**

Due to the above mentioned features, portions of the subject lands are regulated by the GRCA under the *Development, Interference, with Wetlands, and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 150/06)*. Future development or other alteration within the regulated areas will require a permit from our office.

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

A plan review fee will not be required as payment was already received for our review of consent application B72/12.

We trust that this information is of assistance. Should you have any questions or require additional information, please do not hesitate to contact me at extension 2236.

Yours truly,

A handwritten signature in black ink, appearing to read "Nathan Garland".

Nathan Garland  
Resource Planner  
Grand River Conservation Authority  
NG/mk

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

cc: Linda Redmond - County of Wellington



**LEGEND**

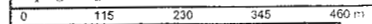
- WATERSHED BOUNDARY (GRCA)
- UTILITY LINE (NRVIS)
- ROADS-ADDRESSED (MNR)
- RAILWAY (NRVIS)
- DRAINAGE-NETWORK (GRCA)
- PARCELS-ASSESSMENT (MPAC)
- LOTS (NRVIS)
- FLOODPLAIN (GRCA)
- ENGINEERED
- APPROXIMATE
- ESTIMATED
- WETLAND (GRCA)
- SLOPE VALLEY (GRCA)
- STEEP
- OVERSTEEP
- SLOPE EROSION (GRCA)
- STEEP
- OVERSTEEP
- TOE
- WETLAND (NRVIS)
- PROVINCIALLY SIGNIFICANT
- OTHER
- UNEVALUATED
- PARKS (GRCA)
- REGULATION LIMIT (GRCA)
- DRAINAGE-POLY (NRVIS)
- 2010 ORTHO (ONT)

**GRCA Disclaimer**

This map is for illustrative purposes only. Information contained hereon is not a substitute for professional review or a site survey and is subject to change without notice. The Grand River Conservation Authority takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user.

The source for each data layer is shown in parentheses in the map legend. For a complete listing of sources and citations go to

<http://grims.grandriver.eu/docs/SourcesCitations1.htm>



NAD 1983, UTM Zone 17 Scale: 1:10,000







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 Re-ZONE 2.5 ACRES for a "Site Specific"  
USE being "mini-storage facility"

B. GENERAL INFORMATION

3. APPLICANT INFORMATION

a) Registered Owner's Name(s): 940749 Ontario Limited  
Address: 206 George street, Arthur, ONT  
Phone: Home ( ) 848-3530 Work ( ) 848-2819 Fax ( ) 848-5792

b) Applicant (Agent) Name(s): JAMES Coffey  
Address: (AS ABOVE)  
Phone: Home ( ) \_\_\_\_\_ Work ( ) \_\_\_\_\_ Fax ( ) \_\_\_\_\_

c) Name, Address, Phone of all persons having any mortgage charge or encumbrance on the property: NONE

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

e) When did the current owner acquire the subject land? JAN. 17, 2011

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.)

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

Municipal Address: 8021 Highway # 109  
Concession: 1 Lot: Part Lot 37 Registered Plan No: Part 5 of 60R1443  
Area: 9.01 hectares Depth: 264.74 meters Frontage (Width): 84.86 meters  
22.25 acres 868.57 feet (hwy #6) 278 feet

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

Area: 1.01 hectares Depth: 87.02 meters Frontage (Width): 84.86 meters  
2.53 acres 285 feet 278 feet

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

Agricultural AND Highway Commercial

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

Variety of uses

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

Agricultural zone - variety of uses

C. EXISTING AND PROPOSED LAND USES AND BUILDINGS

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

VACANT LAND with a portion being farmed

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

MANY YEARS

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

2.5 ACRE PARCEL FRONTING ON HWY #6 AND 109  
will be used for a self storage development and the  
BALANCE of the lands being farmed.

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

(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)            | <del>_____ (sq ft)</del> | _____ (sq m)    | _____ (sq ft) |
| f) Ground Floor Area (sq.m.) (exclude basement) | <del>_____ (sq m)</del> | <del>_____ (sq ft)</del> | _____ (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?

highway # 6

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:

|             | Municipal Sewers                    | Communal Sewers          | Private Wells            | Other Water Supply       | Communal Sewers                     | Private Septic           | Other Sewage Disposal    |
|-------------|-------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a) Existing | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Proposed | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

18. HOW IS THE STORM DRAINAGE PROVIDED?

Storm Sewers  Ditches  Swales  Other means (explain below)

NATURAL DRAINAGE TOWARDS Covesdoga RIVER.

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 (✓) | 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: Being Submitted MAY 10<sup>th</sup>, 2013  
Approval Authority: County | Township  
Lands Subject to Application: 2.5 ACRES  
Purpose of Application: Severve a portion of subject LANDS  
Status of Application: N/A  
Effect on the Current Application for Amendment: Applications coincides

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.)

(REPORTS AVAILABLE) TRAFFIC STUDY COMPLETED - MARCH 2011.  
GEO TECHNICAL REPORT - OCTOBER 2011  
G. APPLICATION DRAWING: PHASE 2 ENVIRONMENTAL SITE ASSESSMENT - OCTOBER 2011.

22. PLEASE PROVIDE AN ACCURATE DRAWING OF THE PROPOSAL, PREFERABLY PREPARED BY A QUALIFIED PROFESSIONAL. IN SOME CASES IT MAY MOORE APPROPRIATE TO SUBMIT ADDITONAL 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)

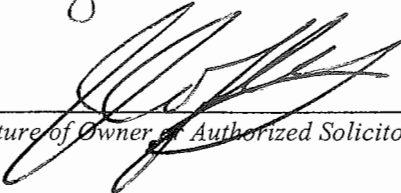
I (we) \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_ in the  
 County / Region of \_\_\_\_\_ do hereby authorize \_\_\_\_\_ to  
 Act as my agent in this application.

\_\_\_\_\_ *Signature of Owner(s)* \_\_\_\_\_ *Date*

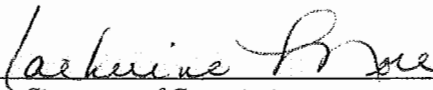
I. AFFIDAVIT: (This affidavit be signed in the presence of a Commissioner)

I (we) Tom Coffey of the Township of the Wellington North 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 Wellington North in the County / Region of Wellington this 8 day of May 2013.

  
Signature of Owner or Authorized Solicitor or Authorized Agent

May 8/2013  
Date

  
Signature of Commissioner

May 8/13  
Date

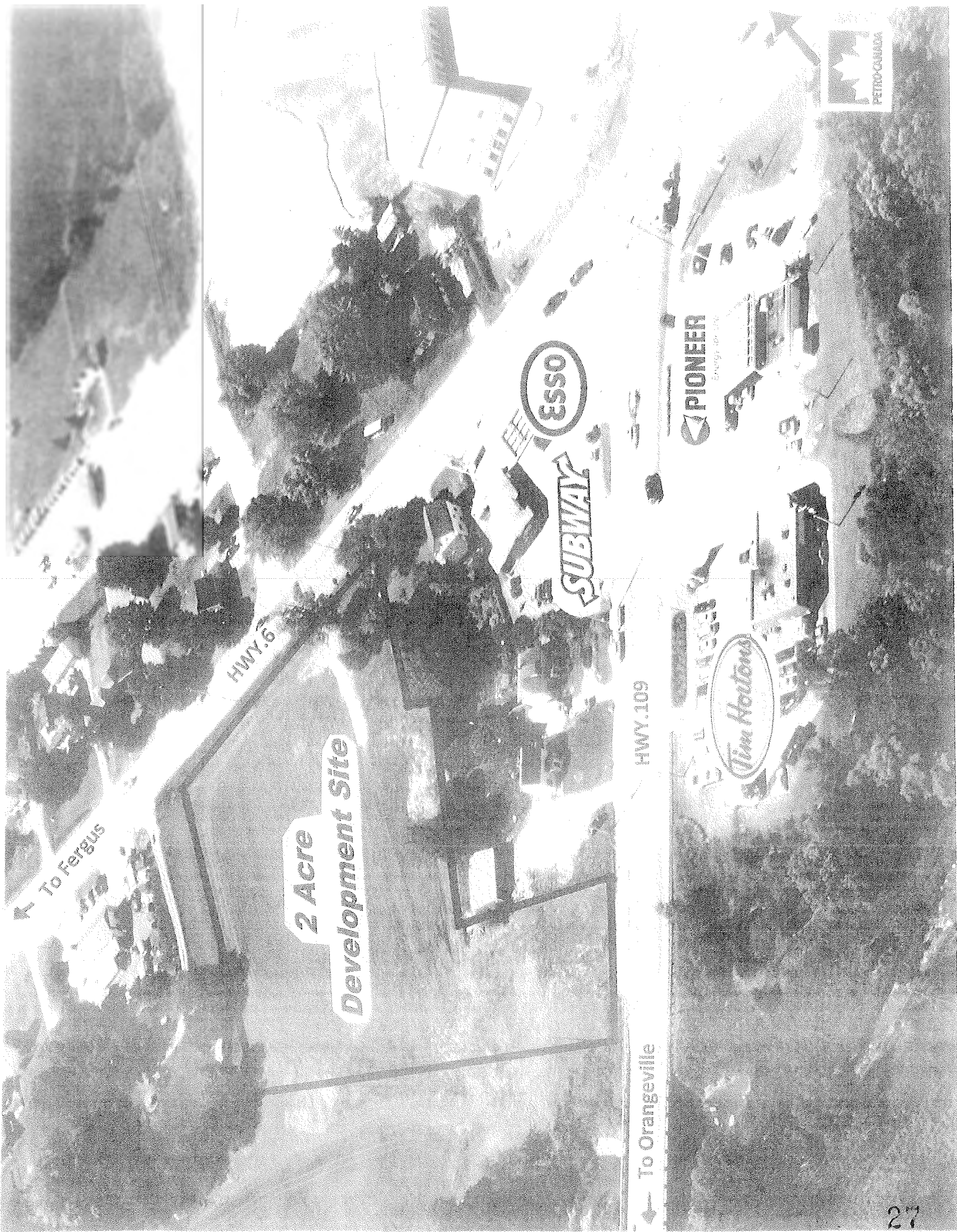
CATHERINE E. MORE, a Commissioner,  
etc., County of Wellington, Deputy Clerk  
of the Corporation of the Township of  
Wellington North.

APPLICATION AND FEE OF \$ 1500.00 RECEIVED BY MUNICIPALITY

  
Signature of Municipal Employee

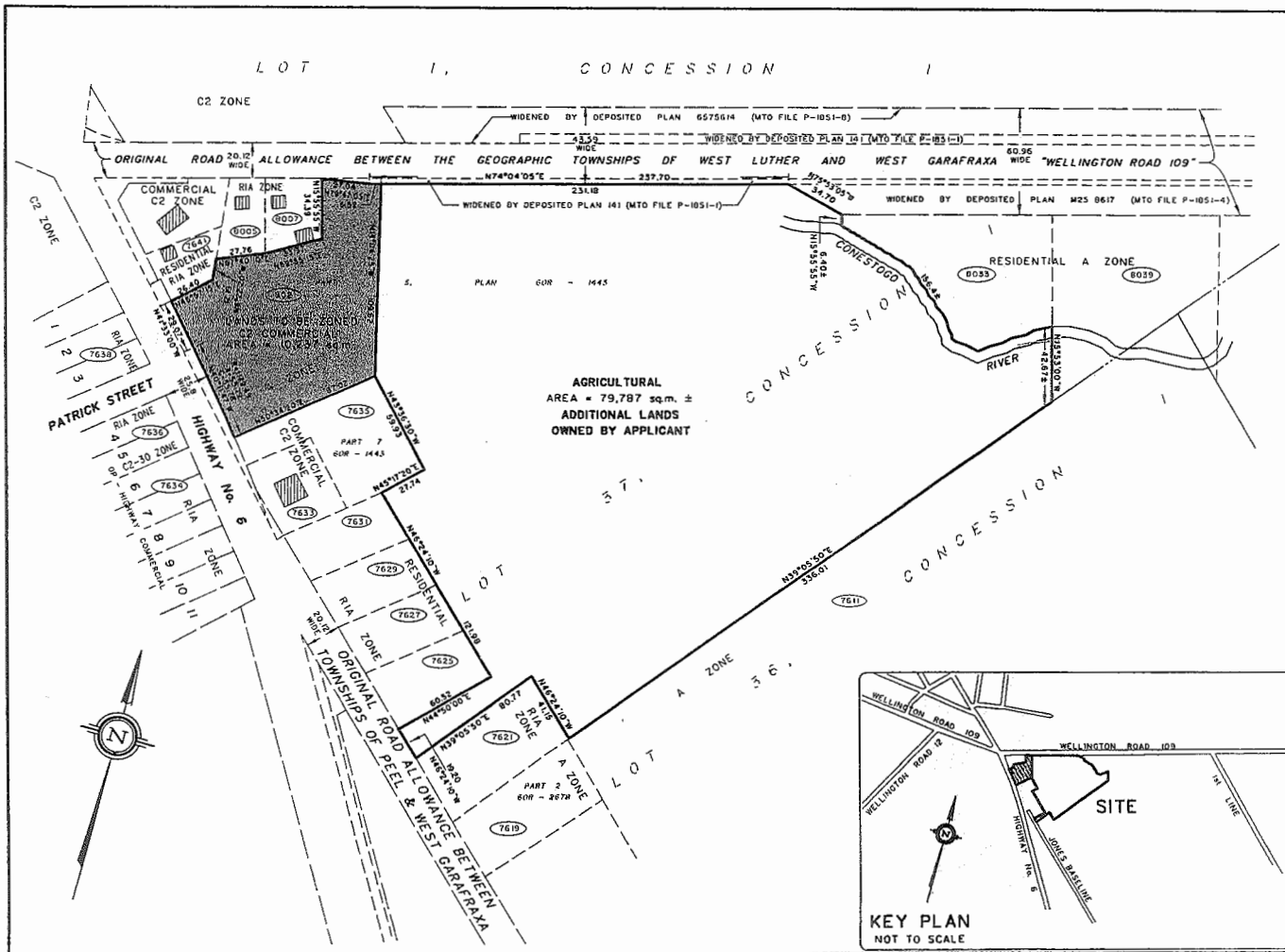
May 8, 2013  
Date







22  
Acre  
Site



**SKETCH**  
 PREPARED FOR ZONE CHANGE APPLICATION  
**TOWNSHIP OF WELLINGTON NORTH**  
 (FORMERLY TOWNSHIP OF WEST GARAFRAXA)  
**COUNTY OF WELLINGTON**  
 SCALE 1 : 2000



**CAUTION :** THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.

**NOTES:**  
 1. LOT DIMENSIONS ARE AS SHOWN ON DEPOSITED PLAN 60R-1443 AND ARE SUBJECT TO VERIFICATION BY AN UP-TO-DATE FIELD SURVEY.

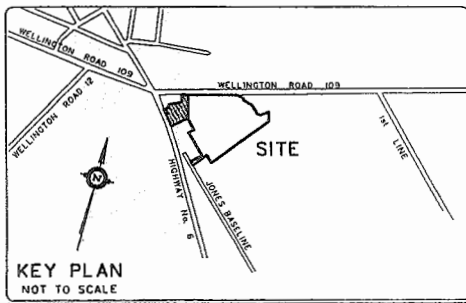
**METRIC:** DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

**LEGEND:**  
 (5674) DENOTES MUNICIPAL ADDRESS NUMBER  
 [Shaded Area] DENOTES LANDS TO BE REZONED FROM THE AGRICULTURAL A ZONE TO A SITE SPECIFIC HIGHWAY COMMERCIAL C2 ZONE TO PERMIT A MINI STORAGE FACILITY.

THIS SKETCH WAS PREPARED FOR 940749 ONTARIO LIMITED AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

*[Signature]*  
 IAN D. ROBINSON  
 ONTARIO LAND SURVEYOR

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**BLACK, SHOEMAKER, ROBINSON & DONALDSON LIMITED**  
**BSRD &** Ontario Land Surveyors  
 Urban and Rural Planners [www.BSRD.COM](http://www.BSRD.COM)  
 351 Speedvale Avenue West TEL: (519) 822-4031  
 Guelph, Ontario N1H 1C6 FAX: (519) 822-1220  
 DATE: APRIL 29, 2013 KS PROJECT 11-8826-2



## 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

June 7, 2013

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

Dear Mr. Jones:

**Re: 940749 Ontario Ltd (Coffey) – Part lot 37, Concession 1  
Mini Storage Facility  
8021 Highway #109  
Draft Zoning By-law Amendment**

### PLANNING OPINION

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.

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.

### SUBJECT LAND

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.

### PURPOSE

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.

### PROVINCIAL POLICY STATEMENT (PPS)

The area of the property subject to the  
June 2013



940749 Ontario Ltd. (Coffey)

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.

#### **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.

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

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.

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."

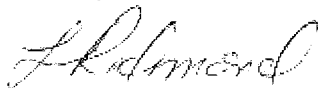
Many of the permitted uses in the (C2) Highway Commercial zone, specifically the Rental Outlet store, by nature allow for the storage and housing of equipment and materials on site, while also allowing for short term rental contracts to be entered into by the general public. Based on the policy direction 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.

#### **ADDITIONAL INFORMATION**

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 25<sup>th</sup>, 2013 Wellington County Land Division Committee meeting.

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

Sincerely,



Linda Redmond, B.A  
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;

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 Lot 37, Concession 1 as illustrated on Schedule "A" attached to and forming part of this By-law from **Agriculture (A)** to **Highway Commercial Exception (C2-32)**.
2. THAT Section 31, Exception Zone – Arthur Village, is amended by the inclusion of the following new exception:

|  |   |
|--|---|
| <b>31.32</b><br><br>Part Lot 37,<br>Concession 1<br>RP 60R1443 | <b>C2-32</b><br><br>In addition to the permitted uses under section 17.1, the lands zoned <b>C2-32</b> may also be used for a <b>Mini Storage Facility</b> , and shall comply with the requirements under the (C2) Commercial Zone. |
|--|---|

3. That except as amended by this By-law, the subject lands, as shown on Schedule 'A' to this By-law, shall be subject to all other applicable regulations of By-law Number 66-01, as amended.
4. This By-law shall come into effect on the final passing thereof by the Council of Corporation of the Township of Wellington North, subject to compliance with the provisions of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

READ A FIRST AND SECOND TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013

READ A THIRD TIME AND PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013

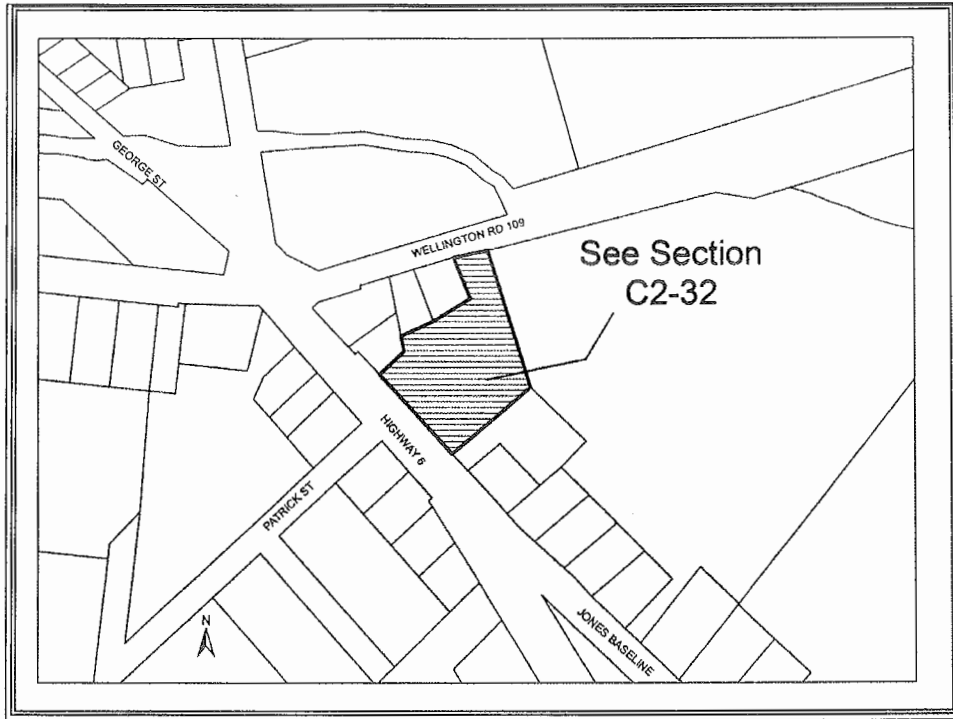
\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

THE TOWNSHIP OF WELLINGTON NORTH

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

Schedule "A"



This is Schedule "A" to By-law \_\_\_\_\_.

Passed this \_\_\_ day of \_\_\_\_\_ 2013.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

## EXPLANATORY NOTE

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

### **SUBJECT LAND**

The subject land is legally described as Part of Lots 37, Concession 1; with a civic address of 8021 Highway 109. The property is approximately 1.0 hectares (2.5 acres) in size.

### **PURPOSE**

The purpose of the amendment is to rezone a portion of the subject property from Agricultural (A) to a site specific Commercial - C2-32 to permit the development of a Mini storage facility.



RECEIVED

TOWNSHIP OF WELLINGTON NORTH

MAY 29 2013

A NOTICE OF

TWP. OF WELLINGTON NORTH PUBLIC MEETING TO CONSIDER AMENDMENTS TO THE COMPREHENSIVE ZONING BY-LAW 66-01

TAKE NOTICE that the Council of the Corporation of the Township of Wellington North has received a complete application to consider a proposed amendment to the Comprehensive Zoning By-law 66-01, pursuant to Section 34 of the *Planning Act, R.S.O. 1990*, as amended.

A Public Meeting will be held by the Wellington North Council to consider this on:

**Monday, June 17, 2013**  
Township of Wellington North Municipal Offices  
Council Chambers  
7490 Sideroad 7 West, Kenilworth  
7:00 p.m.

COUNTY OF WELLINGTON  
MAY 28 2013  
ENGINEERING SERVICES  
DEPARTMENT

**Location of the Subject Land**

The proposed amendment 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 and is shown on the map below.

**The Purpose and Effect of the Application**

The purpose and effect of the proposed 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.

**Oral or Written Submissions**

Any person or public body is entitled to attend the public meeting and make written or oral submissions in support of or in opposition to the proposed zoning by-law amendment. Written comments should be submitted to the Township Clerk at the address shown below.

**Power of OMB to Dismiss Appeals**

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Township of Wellington North before the by-law is passed, the person or public body is not entitled to appeal the decision of the Council of the Township of Wellington North to the Ontario Municipal Board.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Township of Wellington North before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

**Request for Notice of Decision**

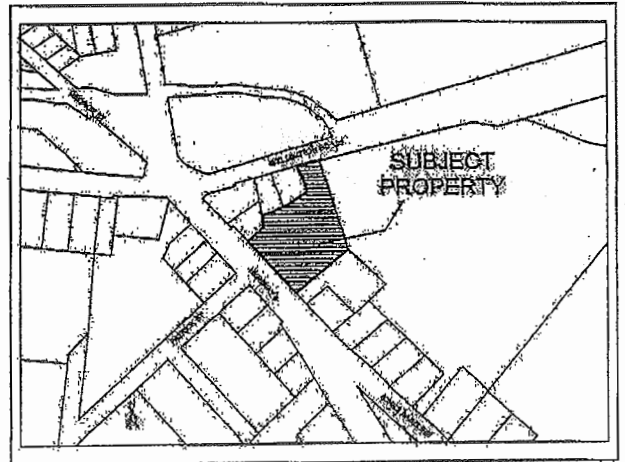
If you wish to be notified of the decision in respect of the proposed Township of Wellington North Zoning By-law Amendments, you must make a written request to the Clerk.

**Additional Information**

Additional information regarding this application is available for inspection at the Township of Municipal Office at the address shown below.

Dated at the Township of Wellington North  
This 23rd day of May, 2013.

Darren Jones, Building/Zoning Dept.  
Township Wellington North  
7490 Sideroad 7, W  
Kenilworth, ON N0G 2E0  
Phone: (519) 848-3620  
Fax: (519) 848-1119



COUNTY OF WELLINGTON  
ENGINEERING SERVICES  
NO OBJECTION  
NOTICE OF DECISION REQ'D.  
*[Signature]*  
PASQUALE COSTANZO, CET  
ENGINEERING TECHNOLOGIST  
MAY 29/13  
Date:

COUNTY OF WELLINGTON  
PLANNING  
DEPARTMENT

Ministry of Transportation

Ministère des Transports

Engineering Office  
Corridor Management Section  
West Region

Bureau du génie  
Section de gestion des couloirs routiers  
Région de l'Ouest

659 Exeter Road  
London, Ontario N6E 1L3  
Telephone: (519) 873-4580  
Facsimile: (519) 873-4228

659, chemin Exeter  
London (Ontario) N6E 1L3  
Téléphone: (519) 873-4580  
Télécopieur: (519) 873-4228



June 12, 2013

Township of Wellington North  
7490 Sideroad 7 W  
Kenilworth, Ontario  
N0G 2E0  
[djones@wellington-north.com](mailto:djones@wellington-north.com)

Attention: Darren Jones, Building/Zoning

RE: Applicant: James Coffey  
Submission No.: 66-01 Coffey  
Lot 37, Concession 1, Geographic Township of West Garafraxa  
Township of Wellington North  
County of Wellington - Highway 6

---

The Ministry of Transportation (MTO) has completed its review of the above noted amendment. The amendment has been considered in accordance with the requirements of our highway access control policies and the *Public Transportation and Highway Improvement Act*. The following outlines our comments.

The subject site resides within MTO's permit control area thus require entrance, building/land use and sign permits and is subject to the conditions of these permits prior to any site grading/construction.

As a condition of an entrance permit and to ensure that the proposed access to the highway will function safely, MTO requires the owner to submit an updated Traffic Impact Study (TIS) for the proposed "site specific" development for our review and approval. A commercial entrance will only be considered if the TIS, prepared by a qualified engineered firm, demonstrate that the "site specific" use would not adversely impact the operation and safety of the highway and surrounding road network. If highway improvements such as a southbound left turn lane are required as a result of the development, MTO will not permit a commercial access to the site. All access would be limited from Wellington Road 109. As mentioned in previous correspondence with the owner, the location of the site relevant to Wellington Road 109 and Jones Baseline does not provide the required distances to accommodate a southbound left turn lane.

If a commercial entrance is not permitted from Highway 6, and as a condition of the anticipated consent application, MTO will require the owner to convey to the Ministry of Transportation by deed, free and clear of all encumbrances, a 0.3m reserve along the entire highway frontage of the subject lands to ensure that site access remain from Wellington Road 109 only.

MTO suggests that the zoning amendment and any consent application be deferred until the required TIS has been submitted, reviewed and the possibility of obtaining a commercial access to Highway 6 be determined.

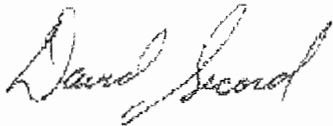
.../2

As conditions of permit pertaining to future circulations of the site development, engineered plans such as the site plan, grading plan, servicing plan and illumination plan will be required to be submitted for MTO review and approval. Additionally, to ensure that stormwater runoff from this property does not affect our highway drainage system or right-of-way, we require the owner to submit a stormwater management report along with grading/drainage plans for the proposed development for our review and approval. The owner's consultant should refer to our website at [www.mto.gov.on.ca/english/engineering/drainage/index.html](http://www.mto.gov.on.ca/english/engineering/drainage/index.html) for a ministry drainage requirements to assist in preparing their report.

We would appreciate receiving a copy of your Council's decision on this application for our records.

Should you have any questions, please contact our office.

Regards,

A handwritten signature in black ink that reads "David Secord". The signature is written in a cursive, flowing style.

David Secord  
Corridor Management Planner

c. Tracy Pastor, Corridor Management Officer

## Cathy More

---

**To:** Cathy More  
**Subject:** FW: council meeting

---

**From:** imac [mailto:tom.ristov@sympatico.ca]  
**Sent:** June-12-13 7:02 PM  
**To:** Cathy More  
**Cc:** tom.ristov@sympatico.ca  
**Subject:** Re: council meeting

Hi Cathy

Thank you for your help today!

If you could forward this email of my concerns to council with the amendment to Part Lot 37,Part 5, RP 60R1443, I would greatly appreciate it.

I would like to address council on Monday night with my concerns to this amendment.

Our family owns property adjacent to the proposed subject land and we are concerned that the land in question would not be fully utilized to its full potential. We are taking land that is prime agricultural land and putting storage units in its place. If we are willing to use up this agricultural land we should be looking to fill it with retail space that would at least help our tax base and create jobs for our community like Tim Horton has. We have also invested monies in sewer and water lines to service this end of town which should be considered in the planning of how these lands should be developed.

I do not disagree with having storage facilities in town but I'm sure there is land that would more suit this type of development.

Thanks Tom Ristov



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 meet conditions of severance application  
B118-12

B. GENERAL INFORMATION

3. APPLICANT INFORMATION

a) Registered Owner's Name(s): Earl and Anne Schneider  
Address: 5989 5th Line Palmerston, ON N0G 2P0  
Phone: Home ( ) 519-343-2315 Work ( ) 519-292-0440 Fax ( ) 519-343-3792

b) Applicant (Agent) Name(s): \_\_\_\_\_

Address: \_\_\_\_\_

Phone: Home ( ) \_\_\_\_\_ Work ( ) \_\_\_\_\_ Fax ( ) \_\_\_\_\_

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? \_\_\_\_\_

4. WHAT AREA DOES THE AMENDMENT COVER? [ ] the "entire" property [x] a "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: 8026 Line 10,

Concession: 11 Lot: 1 Registered Plan No: B118/12

Area: \_\_\_\_\_ hectares Depth: \_\_\_\_\_ meters Frontage (Width): \_\_\_\_\_ meters  
86.73 acres \_\_\_\_\_ feet \_\_\_\_\_ feet

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

Area: 35.5 hectares Depth: 675 meters Frontage (Width): 541 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

Agricultural

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

Agricultural

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?

100+ yrs

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:

*(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

14. WHAT IS THE ACCESS TO THE SUBJECT PROPERTY?

|                    |                          |                                       |                                     |              |                          |
|--------------------|--------------------------|---------------------------------------|-------------------------------------|--------------|--------------------------|
| Provincial Highway | <input type="checkbox"/> | Continually maintained municipal road | <input checked="" type="checkbox"/> | Right-of-way | <input type="checkbox"/> |
| County Road        | <input type="checkbox"/> | Seasonally maintained municipal road  | <input type="checkbox"/>            | Water access | <input type="checkbox"/> |

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.)

\_\_\_\_\_  
\_\_\_\_\_

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 | ( )              | ( )             | ( <input checked="" type="checkbox"/> ) | ( )                | ( )             | ( <input checked="" type="checkbox"/> ) | ( )                   |
| b) Proposed | ( )              | ( )             | ( <input checked="" type="checkbox"/> ) | ( )                | ( )             | ( <input checked="" type="checkbox"/> ) | ( )                   |

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 (✓) |
| Zoning By-law Amendment | Yes ( ) | No (✓) |
| Minor Variance          | Yes ( ) | No (✓) |
| Plan of Subdivision     | Yes ( ) | No (✓) |
| Consent (Severance)     | Yes (✓) | 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: B118112

Approval Authority: County of Wellington

Lands Subject to Application: Entire property

Purpose of Application: sever surplus farmland dwelling.

Status of Application: Conditional Approval

Effect on the Current Application for Amendment: \_\_\_\_\_

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) \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_ in the  
 County / Region of \_\_\_\_\_ do hereby authorize \_\_\_\_\_ 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) Anne and Earl Schneider of the Township of Minto of the Minto 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 Wellington in the County / Region of Wellington this 21 day of May, 2013.

Anne and Earl Schneider  
Signature of Owner or Authorized Solicitor or Authorized Agent

May 21/13  
Date

Catherine More  
Signature of Commissioner

CATHERINE E. MORE, a Commissioner,  
etc., County of Wellington, Deputy Clerk  
of the Corporation of the Township of  
Wellington North.

May 21/13  
Date

APPLICATION AND FEE OF \$ 1500.00 RECEIVED BY MUNICIPALITY

Darren Jones  
Signature of Municipal Employee

May 21, 2013  
Date

## ONTARIO PLANNING ACT, Section 53(14)

## NOTICE of DECISION

On Application B118/12

APPLICANT:

Earl & Anne Schneider  
 6180 5<sup>th</sup> Line, RR#3  
 Palmerston ON N0G 2P0

LOCATION of SUBJECT LANDS:

WELLINGTON NORTH (West Luther)  
 Part Lot 1  
 Concession 11

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 Earl & Anne Schneider pursuant to Section 53 of the Planning Act, R. S. O. 1990 as amended for consent to convey land for rural residential use, being Part of Lot 1, Concession 11, geographic Township of West Luther, now Township of Wellington North, **PROVISIONAL CONSENT IS GRANTED SUBJECT TO THE FULFILMENT OF NINE 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. DECEMBER 15, 2013:

- 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 B118/12.
- 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 severed and 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 fulfillment of this condition.
- 6) THAT the Owner satisfy all the requirements of the local municipality, financial and otherwise which the local municipality may deem to be necessary at the time of issuance of the Certificate of Consent for the proper and orderly development of the subject lands; and further 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 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.
- 8) 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.
- 9) THAT MDS 1 compliance is achieved by the removal of the barn/accessory building(s) or by rezoning the retained parcel rezoning the retained parcel to the satisfaction of the County of Wellington; and further that the County of Wellington Planning Department submit to the Secretary-Treasurer of the Planning and Land Division Committee written approval which indicates that the Minimum Distance Separation required under Formula 1 are met.

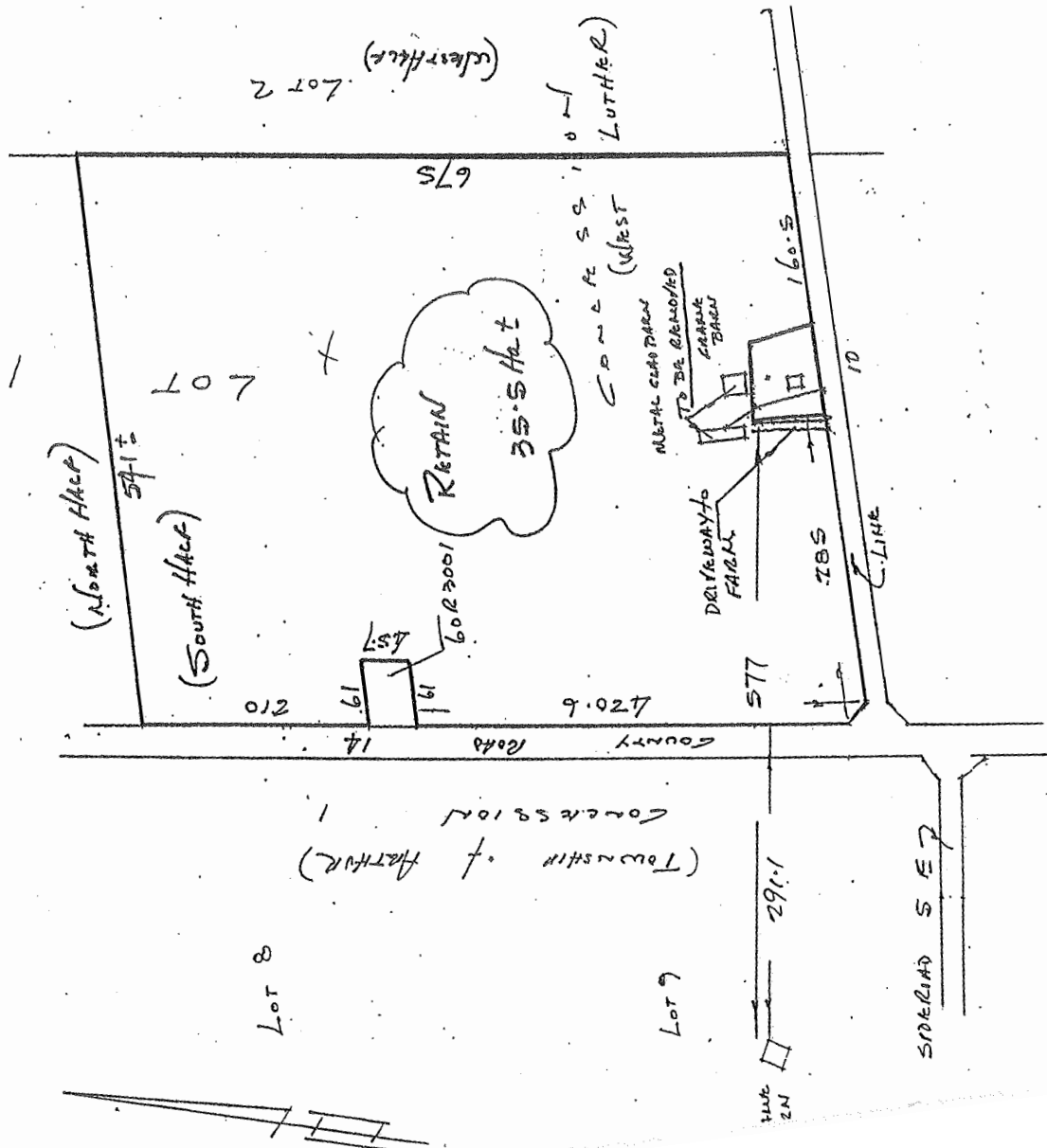
..... End of Conditions of Approval; see page two for signatures, dates and other information .....

SHEET 1 of 2 SHEETS

SKETCH AS THE  
(TOWNSHIP OF WEST LUTHER)  
TOWNSHIP OF WELLINGTON  
COUNTY OF WELLINGTON  
1:5000

8219  
Oct/12  
*Beiler*

Alex R. Wilson  
SUNDERMNG. INC.  
MOUNT FOREST  
519 323 2451



Street 2 of 2 Streets

8319  
05/12

*Dulan*

RETAIN  
75.5 Ha

SEWER  
0.5 Ha

Metal Gas Tank

To Be Removed

FRAME BARN

WOOD  
FENCE

DRAINAGE  
WELL

62.4

160.5

EXISTING  
HOUSE FENCEL

2 STOREY  
Pavilion Building  
with FLOOR  
ADDITIONS

18.2

89.4

LINE 10

74.5

7.3

1.26

28.9

HYDRO  
PUMP

SEPTIC  
SERVICED

285

GRAVEL DRIVE  
TO FARM

LOT 1

CONCRESSION 11



## 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

June 6, 2013

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

Dear Mr. Jones:

**Re: Earl and Anne Schneider– Part lot 1, Concession 11  
Restrict Agricultural Land from Future Residential  
Draft Zoning By-law Amendment**

### **PLANNING OPINION**

The zoning By-law amendment is required as a condition for application (B118/12) which was granted provisional consent December 6<sup>th</sup> 2012 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.

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.

### **SUBJECT LAND**

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.

### **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 B118/12, that was granted provisional consent by the Wellington County Land Division Committee in December 6<sup>th</sup>, 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.

### **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 87.7 acre agricultural parcel.

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

Sincerely,

Jameson Pickard  
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;

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 Lot 1, Concession 11 as shown on Schedule "A" attached to and forming part of this By-law from:

- **Agricultural (A) to "Agricultural Exception (A-144)**

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

|   |   |
|---|---|
| <b>33.144</b><br><b>Part Lot 1, Concession 11</b> | <b>A-144</b><br><b>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.</b> |
|---|---|

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 \_\_\_\_\_, 2013

READ A THIRD TIME AND PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013

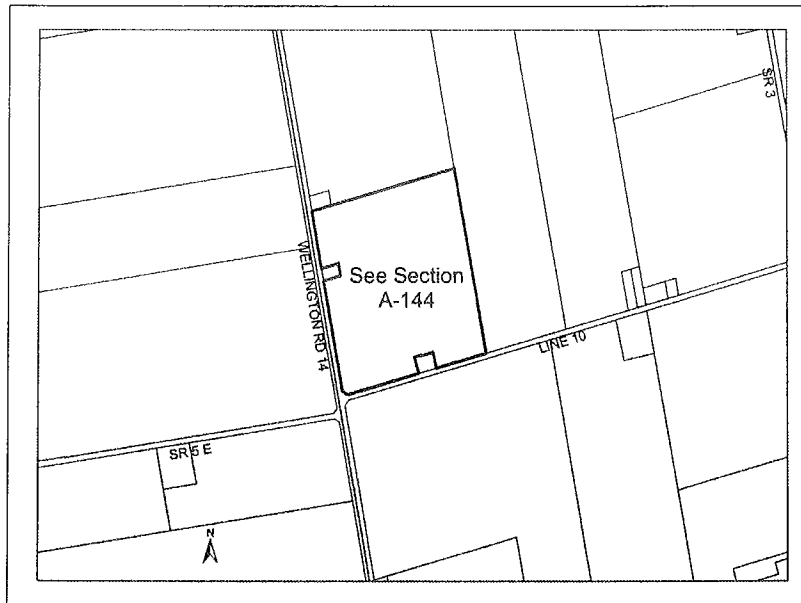
\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

THE TOWNSHIP OF WELLINGTON NORTH

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

Schedule "A"



Rezone from Agricultural (A) to Agricultural Exceptions (A-144)

Passed this \_\_\_\_ day of \_\_\_\_\_ 2013.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

## EXPLANATORY NOTE

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

**THE LOCATION** being rezoned is in Part lot 1, Concession 11 with a civic address of 8026 Line 10. The property is approximately 35.5 hectares (87.7 acres) in size and is occupied by a residence and metal clad shed and barn.

**THE PURPOSE AND EFFECT** of the amendment is to rezone the subject lands to restrict any future residential development on the agricultural lands (A-144). This rezoning is a condition of severance application B118/12, that was granted provisional approval by the Wellington County Land Division Committee in December 6th 2012. The consent will sever the existing farm dwelling (0.5ha. (1.2 ac) from the remainder of the agricultural parcel (35.5 ha. (87.7ac) and accessory structures.



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, CBO/Building Department**

**DATE:** June 5<sup>th</sup>, 2013

**YOUR FILE:**

**GRCA FILE:** Wellington/NorthWell/2013/ZC/NC

---

**RE:** Application for Zoning By-law Amendment  
Part of Lot 1, Concession 11, Township of Wellington North

---

**GRCA COMMENT: \***

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

---

**BACKGROUND:**

**1. Resource Issues:**

Information currently available at this office indicates that the subject property contains no features of interest to the GRCA.

**2. Legislative/Policy Requirements and Implications:**

None.

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

A plan review fee will not be required as payment was already received for our review of consent application B118/12.

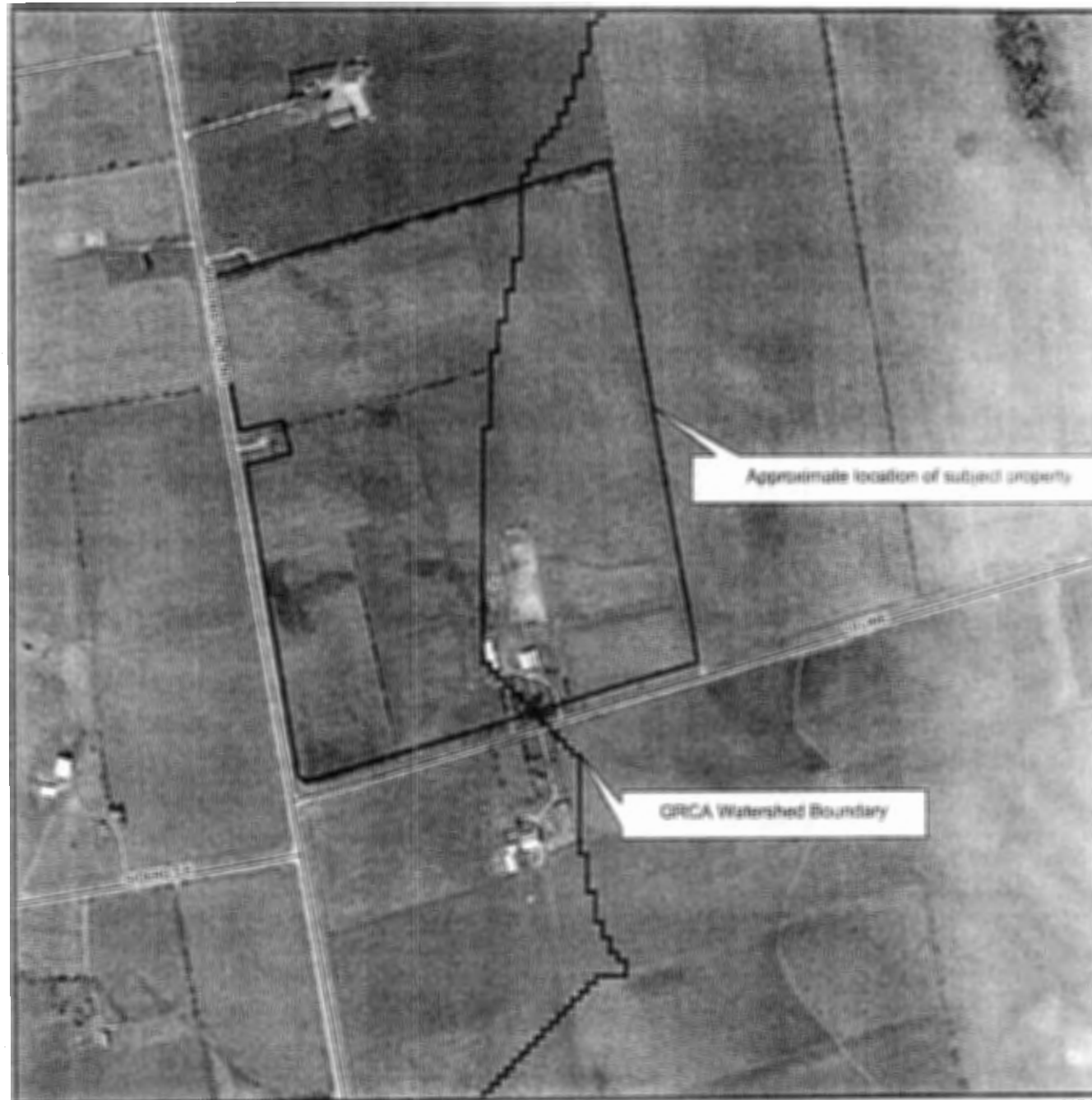
We trust that this information is of assistance. Should you have any questions or require additional information, please do not hesitate to contact me at extension 2236.


Yours truly,

Nathan Garland  
Resource Planner  
Grand River Conservation Authority  
NG/mk

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








cc: Linda Redmond - County of Wellington




**Grand River  
Conservation Authority**  
 Map created: May 29, 2013

### 8026 Line 10

#### LEGEND

-  WATERSHED BOUNDARY (GRCA)
-  UTILITY LINE (NRVIS)
-  ROADS-ADDRESSED (MNR)
-  RAILWAY (NRVIS)
-  DRAINAGE-NETWORK (GRCA)
-  PARCELS-ASSESSMENT (MPAC)
-  FLOODPLAIN (GRCA)
- ENGINEERED
- APPROXIMATE
- ESTIMATED
- WETLAND (GRCA)
- SLOPE VALLEY (GRCA)
- STEEP
- OVERSTEEP
- SLOPE EROSION (GRCA)
- STEEP
- OVERSTEEP
- TOE
- WETLAND (NRVIS)
- PROVINCIALY SIGNIFICANT
- OTHER
- UNEVALUATED
- DRAINAGE-POLY (NRVIS)
- 2010 ORTHO (ONT)

#### GRCA Disclaimer

This map is for illustrative purposes only. Information contained hereon is not a substitute for professional review or a site survey and is subject to change without notice. The Grand River Conservation Authority takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user.

The source for each data layer is shown in parentheses in the map legend. For a complete listing of sources and citations go to

<http://grims.grandriver.ca/docs/SourcesCitations1.htm>

0 85 170 255 340 m

NAD 1983, UTM Zone 17

Scale: 1:7,500

N

**TOWNSHIP OF WELLINGTON NORTH**

RECEIVED

MAY 29 2013

TWP. OF WELLINGTON NORTH

**A NOTICE OF  
A PUBLIC MEETING TO CONSIDER AMENDMENTS TO THE  
COMPREHENSIVE ZONING BY-LAW 66-01**

TAKE NOTICE that the Council of the Corporation of the Township of Wellington North has received a complete application to consider a proposed amendment to the Comprehensive Zoning By-law 66-01, pursuant to Section 34 of the *Planning Act, R.S.O. 1990*, as amended.

A Public Meeting will be held by the Wellington North Council to consider this on:

COUNTY OF WELLINGTON

**Monday, June 17, 2013**

Township of Wellington North Municipal Offices  
Council Chambers  
7490 Sideroad 7 West, Kenilworth  
7:00 p.m.

MAY 28 2013  
ENGINEERING SERVICES  
DEPARTMENT

**Location of the Subject Land**

The property subject to the proposed amendment 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 and the location is shown on the map below.

**The Purpose and Effect of the Application**

The purpose and effect of the proposed amendment is to rezone the subject lands to restrict any future residential development on the agricultural, "retained" portion of the property. 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 6<sup>th</sup>, 2012.

**Oral or Written Submissions**

Any person or public body is entitled to attend the public meeting and make written or oral submissions in support of or in opposition to the proposed zoning by-law amendment. Written comments should be submitted to the Township Clerk at the address shown below.

**Power of OMB to Dismiss Appeals**

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Township of Wellington North before the by-law is passed, the person or public body is not entitled to appeal the decision of the Council of the Township of Wellington North to the Ontario Municipal Board.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Township of Wellington North before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

**Request for Notice of Decision**

If you wish to be notified of the decision in respect of the proposed Township of Wellington North Zoning By-law Amendments, you must make a written request to the Clerk.

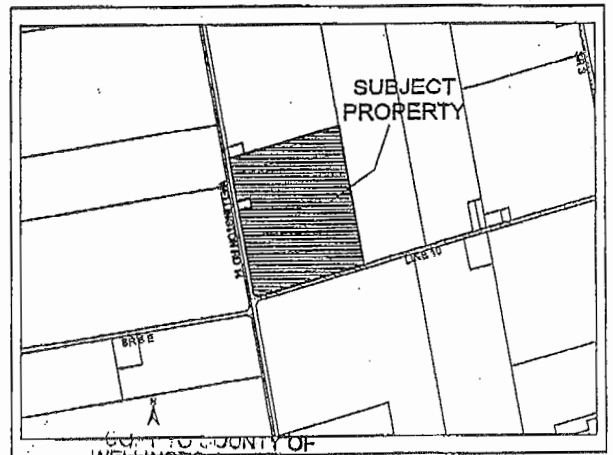
**Additional Information**

Additional information regarding this application is available for inspection at the Township of Municipal Office at the address shown below.

Dated at the Township of Wellington North  
This 23rd day of May, 2013

Darren Jones, CBO  
Township Wellington North  
7490 Sideroad 7, W  
Kenilworth, ON N0G 2E0  
Phone: (519) 848-3820  
Fax: (519) 848-1119

COUNTY OF WELLINGTON  
ENGINEERING SERVICES  
NO OBJECTION  
NOTICE OF DECISION REQ'D.  
*[Signature]*  
PASQUALE COSTANZO, CET  
ENGINEERING TECHNOLOGIST  
MAY 29/13



June 5, 2013

To whom it may concern:

When we first received the notice concerning severance application B118/12, I replied that I was not in favor of the severance unless something was in place to keep the balance of the property from being developed residentially or commercially. We have now received word of a proposed amendment to zoning by LC #66-01 that will "restrict any future residential development on the agricultural 'retained' portion of the property". As this appears to safeguard the farmland from being built upon and allowing the continued use for food production, we support the change.

Please advise us as to the decision when made.

Regards,  
S. T. A.  
Craig T. Boardman  
9309 Wellington Rd. 14  
R.R. #1 Conny, Ont.  
N0G 1N0

RECEIVED

JUN 7 2013

TWP. OF WELLINGTON NORTH