

# TOWNSHIP OF WELLINGTON NORTH

## PUBLIC MEETING - MINUTES

**Monday, July 15, 2013**

The Public Meeting was held Monday, July 15, 2013 at 7:00 p.m. at the Township of Wellington North Council Chambers, Kenilworth to consider three Zoning Amendment applications.

**Present:**

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

**Also Present:**

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

**Mayor Tout called the meeting to order. (7:00 p.m.)**

**Declaration of Pecuniary Interest:**

None declared.

**Owner/Applicant: Joseph Harold Fluney**

**Location of the Subject Land**

The property subject to the proposed amendment is described as Part of Lot 22, Concession A with a civic address of 7595 Highway 6. The property is approximately 1.27 ha (3.14 ac.) in size.

**The Purpose and Effect of the Application**

The purpose and effect of the proposed amendment is to amend the site specific zoning on the subject lands to recognize the existing use of a welding shop and to allow a 2400 sq.ft. addition to the existing building currently utilized by the welding business. Other variances to the required setbacks may be considered.

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

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

1. Notice for this public meeting was sent to property owners within 120 m and required agencies and posted on the property on June 21, 2013.

2. Presentation by:

Linda Redmond, Senior Planner, reviewed her comments dated July 11, 2013.

The proposed zoning amendment would allow an oversized home industry building on the subject lands. The applicants currently operate a welding shop out of the existing 2160 sq.ft building and are proposing a 2400 sq.ft. addition to accommodate storage of steel and supplies. Further relief is required for the setbacks to the proposed addition. The exact measurements have been determined and the draft by-law includes this information.

Council should be satisfied that the application would maintain the general intent and purpose of the Official Plan and Zoning By-law. It should be noted that the business is not being expanded and is located adjacent to the Arthur Urban area.

The subject land is legally described as Part Lot 22, Concession A with a civic address of 7595 Highway 6. The land is approximately 1.27 hectares (3.14 acres) in size.

The purpose of the amendment is to amend the site specific zoning on the subject lands to recognize the existing use of a welding shop and to allow a 2400 ft<sup>2</sup> addition to the existing building currently utilized by the welding business. Other variance to the required setbacks may be considered.

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Under the Provincial Policy Statement (PPS) the subject property is considered to be within a PRIME AGRICULTURAL area. Within prime agricultural areas, permitted uses include agricultural uses, secondary uses and agriculture-related uses.

Secondary uses “means uses secondary to the principal use of the property, including but not limited to, home occupations, home industries, and uses that produce value-added agricultural products from the farm operation on the property.”

Under the Wellington County Official Plan the subject lands are designated PRIME AGRICULTURAL. Permitted uses within the Prime agricultural area provide for a variety of farm related uses and include a home business and/or farm business.

Policy 6.4.4 of the County Official Plan permits home businesses in Prime Agricultural Areas provided they are compatible with and would not hinder surrounding agricultural uses. Small-scale home businesses are generally intended to supplement farm incomes and provide services in agricultural areas. Home businesses may include home industries small in scale and with a limited number of employees, and minimal off-site impacts. The intention is to allow businesses which supplement farm income or provide services in agricultural areas. The Official Plan and PPS direct most industrial and commercial uses to Hamlets or Urban Centres.

Section 6.5.4 allows “small scale” industrial uses, provided a number of criteria are satisfied.

Under the Zoning By-law the subject lands are zoned Agricultural exception zone (A-59). In addition to the permitted uses of section 8.1, the lands zoned A-59 may also be used for a contractor’s yard conducted within the existing building.

Section 6.14 of the by-law regulates the establishment of home industries. The existing use of a welding shop is considered a permitted use as a home industry. The regulations as prescribed in Section 6.14 should be applied to this site to control the scale of the use. The criteria controls such things as size of building, number of employee’s, outside storage and signage. It further allows a maximum 2000 sq.ft. building to accommodate the home industry and does not permit outside storage of materials.

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The current existing building is 2160 sq.ft. and the addition will add 2400 sq.ft. for a total floor area of 4560 sq.ft. It is my understanding that the need for the additional floor area is to accommodate storage for steel and supplies. The business itself is not expanding but rather just the floor area so that the storage may be brought inside.

The draft by-law proposes to amend the current site specific exception for the enlargement of the building for the welding business and provide relief for setbacks to the addition.

3. Review of Correspondence received by the Township:

- None

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

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

The applicant was present to answer any questions

6. Comments/questions from Council.

Councillor Lennox noted the proximity of the subject property to the urban boundary and asked if the property would be zoned commercial or industrial if it was located in the urban area.

Ms. Redmond stated that the adjacent area is highway commercial.

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#### **Owner/Applicant: Leslie Eccles and Sheila Eccles**

The property subject to the proposed amendment is described as N1/2 Lot 10, Concession 14 with a civic address of 8405 Highway 89. The property is 40.7 hectares (100.6 acres) in size.

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. Additional relief from the zoning by-law is being requested to permit an oversized shed. The owner is proposing to remove the existing barn and shed and construct a 3600 sq.ft. accessory structure. This rezoning is a condition of severance application B25/13 under the surplus farm dwelling policies that was granted provisional approval by the Wellington County Land Division Committee May 9<sup>th</sup>, 2013.

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

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

7. Notice for this public meeting was sent to property owners within 120 m and required agencies and posted on the property on June 21, 2013.

8. Presentations by:

Jameson Pickard, Junior Planner, reviewed his comments dated July 11, 2013.

The zoning amendment is required as a condition of provisional consent (B25/13) by the Wellington County Land Division Committee. The Planning Department has no objections to implementing this decision. Both the Provincial Policy Statement (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.

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Additional zoning relief is also being sought for a proposed accessory structure on the severed residential parcel. The applicant would like to construct a 3,600 sq.ft drive shed for personal use. Council should be satisfied that the accessory building is intended for personal use and not for commercial purposes.

The subject land is legally described as N 1/2 Lot 10, Concession 14 with a civic address of 8405 Highway 89. The land is approximately 40.7 ha (100.6 ac) in size.

The purpose of the amendment is to rezone the subject lands to restrict any future residential development on the agricultural portion of the property and to address the proposed oversized shed on the residential portion of the subject lands. This rezoning is a condition of severance application B25/13, that was granted provisional approval by the Wellington County Land Division Committee on May 9<sup>th</sup>, 2013. The consent will sever the existing farm dwelling and accessory building (1.06 ha. (2.6 ac) from the remainder of the agricultural parcel (39.7 ha (98.1ac).

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

The subject lands are designated PRIME AGRICULTURE, CORE GREENLANDS. This application is required as a result of a severance application. Section 10.3.4 of the Wellington County 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

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- 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.”

Under the 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 39.7 ha (98.1 ac) agricultural parcel and the second one will address the accessory structure on the 1.06 ha (2.6 ac) residential parcel.

As a result of the severance, the residential dwelling would be considered the main use and the existing accessory structure would be reviewed under section 6.1 as accessory uses to a residential dwelling. In this case the applicants currently have a barn and large drive shed on the property which is to be removed prior to the construction of the new proposed shed. The relief will be applied to the new shed, which will have a floor area of 3,600 sq.ft, which exceeds the allowable floor area of 1,160 sq. ft. (Section 6.1.4 ii).

9. Review of Correspondence received by the Township:

Erik Downing, Environmental Planning Coordinator, Saugeen Conservartion  
- No objection

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

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11. Mayor opens floor for any questions/comments.

The applicants were present to answer any questions.

12. Comments/questions from Council.

Councillor Lennox stated that the Zoning By-law allows for a 1,000 sq. ft accessory building and this application is proposing a 3,600 sq. ft building. Councillor Lennox questioned what the intended use is.

Mr. Eccles responded that the proposed building would have a shop at one end and storage at the other end.

Mr. Pickard explained that approximately 4,000 sq. ft. will be removed from the severed parcel.

### **Owner/Applicant: R & R Mitchell Farms Ltd.**

The property subject to the proposed amendment is described as Part of Lot 22, Concession 7 with a civic address of 8780 Concession 7. The property is 60.7 hectares (150 acres) in size.

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. Additional relief from the zoning by-law is required for an over-sized accessory building on the severed portion – a drive shed with an area of (2,700 ft<sup>2</sup>). This rezoning is a condition of severance application B17/13 under the surplus farm dwelling policies that was granted provisional approval by the Wellington County Land Division Committee April 11<sup>th</sup>, 2013.

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

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



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13. Notice for this public meeting was sent to property owners within 120 m and required agencies and posted on the property on June 21, 2013.

14. Presentation by:

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

The zoning amendment is required as a condition of provisional consent (B17/13) by the Wellington County Land Division Committee. The Planning Department has no objections to implementing this decision. Both the Provincial Policy Statement (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 structure on the severed residential parcel. The applicant would like to retain 2,700 sq.ft of the drive shed for personal use. Council should be satisfied that the accessory building is intended for personal use and not for commercial purposes.

The subject land is legally described as Part Lot 22, Concession 7 with a civic address of 8780 Concession 7. The land is approximately 60.7 hectares (150 acres) in size.

The purpose of the amendment is to rezone the subject lands to restrict any future residential development on the agricultural portion of the property and to address the oversized shed on the residential portion of the subject lands. This rezoning is a condition of severance application B17/13, that was granted provisional approval by the Wellington County Land Division Committee on April, 17 2013. The consent will sever the existing farm dwelling and accessory building (1.93 ha. (4.79 ac) from the remainder of the agricultural parcel (58.8 ha. (145.3 ac).

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.

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Under The Wellington County Official Plan the subject lands are designated PRIME AGRICULTURE, CORE GREENLANDS and 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.”

Under the 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 58.8 ha (145.3 ac) agricultural parcel and the second one will address the accessory structure on the 1.93 ha (4.79 ac) residential parcel.

As a result of the severance, the residential dwelling would be considered the main use and the existing accessory structure would be reviewed under section 6.1 as accessory uses to a residential dwelling. In this case there is a shed on the property with a current floor area of 4,994 sq.ft; the applicant has agreed to remove a portion of the shed to reduce the overall floor area to 2,700 sq.ft, which still exceeds the allowable ground floor area of 1,379 sq. ft. (Section 6.1.4 ii).

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15. Review of Correspondence received by the Township:

- Nathan Garland, Resource Planner, GRCA
- No objection

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

17. Mayor opens floor for any questions/comments.

The applicants and their agent were present to answer any questions.

Mr. Mitchell explained that the main shed is in good shape. The back part of the shed will be removed as well as another small shed. The size of the lot has been reduced from the size originally applied for, as per the recommendation from Land Division.

18. Comments/questions from Council.

None.

### **Owner/Applicant: Edward Michael Baratto and Margaret Ann Baratto**

The property subject to the proposed amendment is described as Park Lot 2, with a civic address of 178 Frederick Street West in Arthur Village. The property is 2.4 hectares (5.9 acres) in size.

The purpose and effect of the proposed amendment is to rezone the subject lands from Natural Environment (NE) to Residential to allow the construction of a single family dwelling. Relief from the required setbacks to the Natural Environment may also be considered. This zone amendment is required as a condition of approval for severance application B59/12, which was granted provisional consent by the Wellington County Land Division Committee September 13, 2012.

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

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

19. Notice for this public meeting was sent to property owners within 120 m and required agencies and posted on the property on June 21, 2013.

20. Presentation by:

- Linda Redmond, Senior Planner, reviewed his comments dated July 11, 2013.

The zone amendment is required as a condition of consent in which the existing dwelling has been severed from the remainder of the land holdings. The applicant would like to construct a residence on the retained lands. The Natural Environment (NE) zone associated with the Conestogo River and floodplain has been further defined by the GRCA and the zoning will reflect the new floodplain location as well as the required setback for any new buildings to the floodplain.

The Planning Department had no concerns with the proposed amendment provided the GRCA is satisfied with the amended boundary of the Natural Environment zone.

The subject land is legally described as Park Lot 2, RP 60R-2919 with a civic address of 178 Frederick Street West in Arthur village. The land is approximately 2.4 hectares (5.9 acres) in size.

The purpose of the amendment is to rezone the subject lands from Natural Environment (NE) to residential to allow for the construction of a single family dwelling. This zone amendment is required as a condition of approval for severance application B59/13 which was granted provisional consent by Wellington County Land Division committee on September 13<sup>th</sup>, 2013.

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The subject property is considered to be within the Urban Centre of Arthur Village. 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.

The lands subject to the rezoning are designated RESIDENTIAL. Section 8.3.2 of the Wellington County Official Plan identifies objectives for the RESIDENTIAL areas of urban centres, stating that an effort be undertaken to ensure potential compatibility issues between residential and other land uses are minimized. Permitted uses within the designated RESIDENTIAL areas of urban centres include residential dwellings, including a variety of housing types.

Under the Zoning By-law the lands subject to the zone amendment are currently zoned Natural Environment (NE). The NE zone does not permit residential development. A draft by-law is attached rezoning a portion of the lands to R3(H)-33.

The subject lands are currently developed with a single family dwelling. The applicants received provisional approval to sever the dwelling from the remainder of the lands and would like to construct a new dwelling to the rear of the existing one (see figure 1). The location of the proposed dwelling is located within the current NE zoned area of the property.

The Natural Environment (NE) zone boundaries identified on the schedules to the Zoning By-law are intended to generally identify the location of potentially hazardous environmental features. In this case the zoning is associated with the Conestogo River and associated floodplain. However during review of development applications and building permit applications, if necessary, the boundaries of the NE zone shall be more precisely determined in consultation with the Conservation Authority. Where detailed resource mapping and/or site inspection results in a re-interpretation of the limits of the NE zone boundary, all requirements of the Zoning by-law shall be reviewed relative to the revised interpretation of the NE Zone boundary, including any applicable setbacks (see section 2.6).

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Section 6.20 (Natural Environment and Municipal Drain setbacks), of the zoning by-law, sets out criteria for the location of uses and buildings adjacent to or within the NE zone. New buildings are required to maintain a 30 metre setback from the limit of a NE zone. However section 6.20c) further states that “interpretation of the limits of the NE zone boundaries is governed by regulations contained in Section 2.6 of the zoning by-law. The location of the 30m setback boundaries shall be adjusted accordingly in the event that the NE zone boundary is re-interpreted.

The Grand River Conservation Authority (GRCA) has reviewed the location of the proposed house and has provided a precise floodplain location or a re-interpretation of the NE limits. The GRCA has further recommended a minimum setback of 5 metres from the Floodplain. As such the draft by-law amends the NE zone to locate it as per the GRCA’s mapping and provides provisions to permit a new building(s) at a 5 metre setback from the NE zone.

21. Review of Correspondence received by the Township:
  - Nathan Garland, Resource Planner, GRCA
    - No objection
  - Jackie Hope, Planning Department, Upper Grand District School Board
    - Does not object
22. 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.
23. Mayor opens floor for any questions/comments.

The applicants and their agent were present to answer any questions.

Jeff Buismann, agent for the applicant, stated that the GRCA provided the flood line. The easement will be deferred until a decision has been made regarding the future development of the lands. Access from Frederick Street will be better than an access from Smith Street.

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24. Comments/questions from Council.

Councillor Lennox asked about the easement for a sewer line. Has the access for an easement or right of way been established for future development? Street access will be from Frederick Street, is this the same area where there easement will be located? Councillor Lennox clarified that a portion of the lands is still Natural Environment.

Ms Redmond explained that the applicant has severed the existing dwelling. The application for easement has been deferred by the County pending rezoning.

Mayor Tout inquired if there was only one spot where the house could be located according to the GRCA.

Ms. Redmond explained that a permit would be needed from the GRCA. The zoning would permit the dwelling to be located anywhere on the property.

25. Adjournment 7:35 p.m.

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DEPUTY CLERK

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MAYOR