



Township of Wellington North

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

PUBLIC MEETING

Monday, August 9th, 2010 at 6:30 p.m.

Municipal Office Council Chambers, Kenilworth

A G E N D A

Page 1 of 5

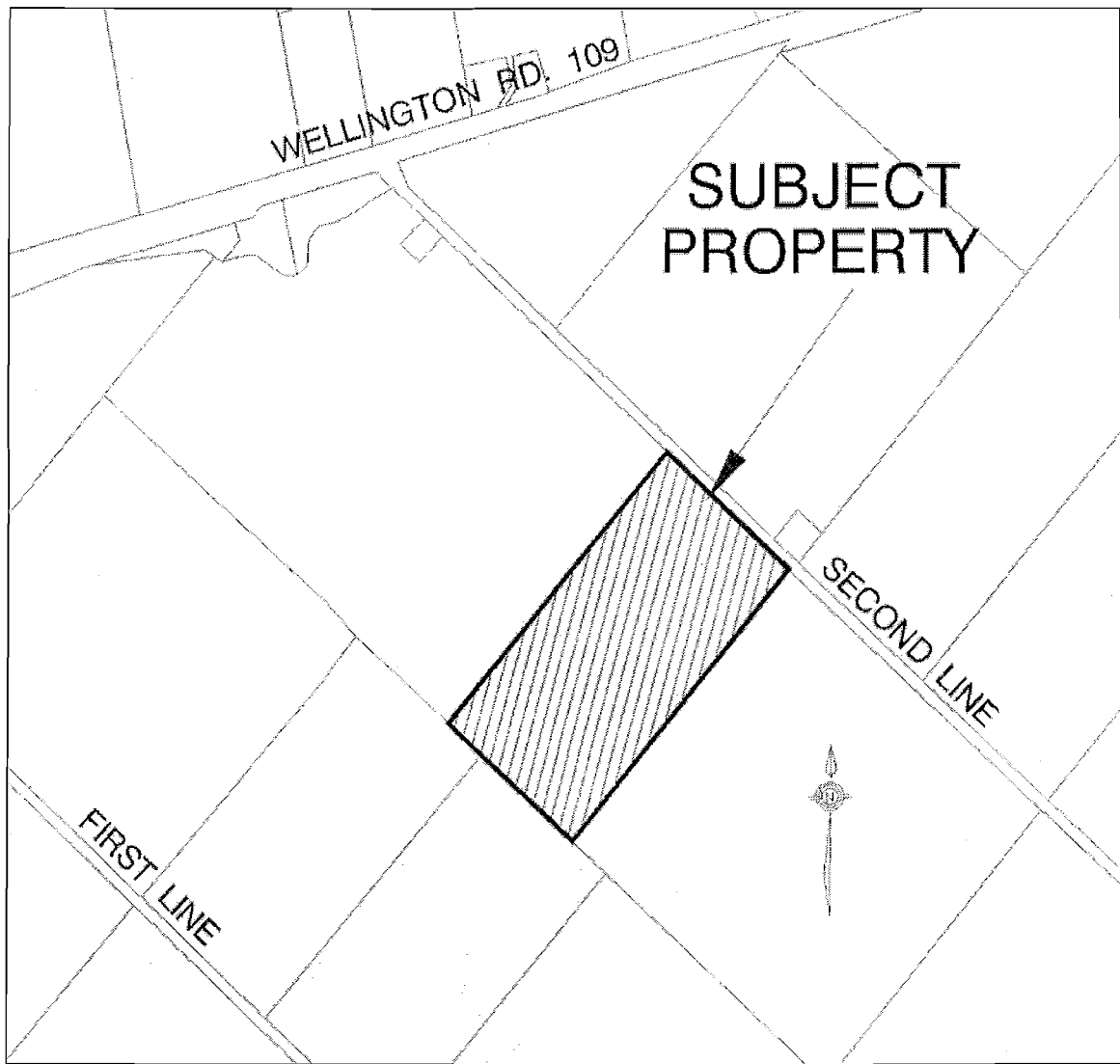
AGENDA ITEM	PAGE NO.
<p>The Mayor will call the meeting to order.</p> <p>Declaration of Pecuniary Interest.</p> <p>Owners/Applicant: Johanna Baars, Patric, Sam and Ailene van den Eijnden</p> <p>THE LOCATION being rezoned is in East Part Lot 33, Concession 2, Former Township of West Garafraxa, and is municipally known as 7470 Second Line. The parcel is approximately 17.34 ha (43.36 ac) in size. [See map attached]</p> <p>THE PURPOSE AND EFFECT of the amendment is to rezone the subject lands to an appropriate zone to recognize and allow the expansion of a Greenhouse operation on the property. The property is currently zoned Agricultural.</p> <p>Please note – Section 34 (12) of the Planning Act.</p> <p>(12) Information. – At a meeting under subsection (12), the council shall ensure that information is made available to the public regarding the power of the Municipal Board under subsection (14.1) to dismiss an appeal if an appellant has not provided the council with oral submissions at a public meeting or written submissions before a By-law is passed.</p> <p>1. Notice for this public meeting was sent to required agencies and property owners within 120 m as well as posted on the property on July 20th, 2010.</p>	<p>01</p>

AGENDA ITEM	PAGE NO.
2. Application for Zoning By-law Amendment	02
3. Presentations by: <ul style="list-style-type: none">- Linda Redmond, Township Planner<ul style="list-style-type: none">- Review of comments and draft by-law provided by Mark Van Patter, Senior Planner	15
4. Review of Correspondence received by the Township: <ul style="list-style-type: none">- Fred Natolochny, Supervisor of Resources Planning Grand River Conservation Authority<ul style="list-style-type: none">- No objection	21
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>Owners/Applicant: 2073022 Ontario Limited</p> <p>THE LOCATION OF THE SUBJECT PROPERTY is described as Lots 40 and 45, draft plan of subdivision 23T-89010, also known as Eastridge Landing, in the former Village of Arthur. The lots are shown on the map attached.</p> <p>THE PURPOSE AND EFFECT of the amendment is a minor housekeeping revision, to more accurately describe the location of the land recently rezoned by By-law 35-10. Section 1 of By-law 35-10 describes the location of the subject lands as – Lots 40 and 45, Eastridge Landing. Additional wording will be added to clarify that the lands are part of an approved draft plan of subdivision, 23T-89010.</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 required agencies and property owners within 120 m as well as posted on the property on July 20th, 2010.</p> <p>9. Presentations by:</p> <ul style="list-style-type: none"> - Linda Redmond, Township Planner <ul style="list-style-type: none"> - Review of comments and draft by-law provided by Mark Van Patter, Senior Planner 	<p>23</p>
<p>10. Review of Correspondence received by the Township:</p> <ul style="list-style-type: none"> - None <p>11. 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.</p> <p>12. Mayor opens floor for any questions/comments.</p> <p>13. Comments/questions from Council.</p>	<p>24</p>

AGENDA ITEM	PAGE NO.
<p>Owners/Applicant: Alette Holsteins Limited</p> <p>THE LOCATION being rezoned is in Part Lot 3, Concession 6, former Township of Arthur, and is approximately 1.46 ha (3.6 ac) in size. [See map attached]</p> <p>THE PURPOSE AND EFFECT of the amendment is to rezone the subject lands to a site specific Agricultural Commercial (AC) zone to permit the expansion of a farm equipment business and address Minimum Distance Separation (MDS I) issues related to the agricultural commercial use. This rezoning is a condition of severance application B74/10, that has been granted provisional consent by the Wellington County Land Division Committee. The consent will sever the subject lands and add it to the adjacent farm equipment business. The property is currently zoned Agricultural.</p> <p>Please note – Section 34 (12) of the Planning Act.</p> <p>(12) Information. – At a meeting under subsection (12), the council shall ensure that information is made available to the public regarding the power of the Municipal Board under subsection (14.1) to dismiss an appeal if an appellant has not provided the council with oral submissions at a public meeting or written submissions before a By-law is passed.</p> <p>14. Notice for this public meeting was sent to required agencies and property owners within 120 m as well as posted on the property on July 19th, 2010.</p>	<p>30</p>
<p>15. Application for Zoning By-law Amendment</p>	<p>31</p>
<p>16. Presentations by:</p> <ul style="list-style-type: none"> - Linda Redmond, Township Planner - Review of comments and draft by-law provided by Charlie Toman, Planner 	<p>45</p>
<p>17. Review of Correspondence received by the Township:</p> <ul style="list-style-type: none"> - Erik Downing, Environmental Planning Technician Saugeen Valley Conservation Authority - No objection 	<p>51</p>

AGENDA ITEM	PAGE NO.
18. 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.	
19. Mayor opens floor for any questions/comments.	
20. Comments/questions from Council.	
21. Adjournment	



ARTHUR GREENHOUSES

7470 second line RR#3
ARTHUR ON NOG 1A0

www.arthurgreenhouses.ca

Phone & Fax 1-519-848-6816 info@arthurgreenhouses.ca

- Plants
- Flowers
- Shrubs
- Trees
- Garden Design
- Garden Maintenance
- Landscaping



The Council of Wellington North
7490 Sideroad 7 West
Kenilworth, ON N0G 2E0

Date: July 14th, 2010

Subject: re-zoning property 7470 second Line, Arthur

Dear Members of the Council,

With this letter we want to provide you with extra information with the purpose to apply for a proper zoning for our greenhouse-operation and applying for a thirth greenhouse on our property.

The farm-size is about 43 acres, and was in use by the former owner as a horsefarm. This included 10 acres in non-maintained pasture. We purchased the property in 2007.

When we applied for a third greenhouse on our property earlier this month, we were told that we are not properly zoned. We were very surprised about this as we understood in the past that our type of farming was allowed on the property, including selling our products from the property as a farm-outlet.

If we would have known this, we not even had considered to purchase this property (October of 2007). Also the building permit for two greenhouses was issued in a couple of days (Chief Building Official Harold Knox); at that time we applied for two of them, but indicated in the application for four of them for future expansion. We only were not allowed to put the two on the yard, because the minimum distance to the existing pond should at least be 15 meter, so one was erected on indication of Mr. Knox into the field, which was non-maintained pasture at that time.

Nowadays we use approximate 5 acres for our own growing activities, approximate 23 acres are rented out to a neighbouring farmer (cash-cropped), the remainder is bush (6 acre-controlled by GRCA), plantation (8.5 acre) and yard and lot-line areas. One existing greenhouse is situated on the yard, the other one including (future) proposed ones are abutting the yard. This latter covers about 2675 square meter (0.67 acre), partly because the engineer of the greenhouses wants to see at least 30 foot between the greenhouses, which are constructed as metal frames with two plastic inflated layers (all 30'x96').

The nature of our growing activities is agricultural-based on prime agricultural land and recognized/allowed in this way by OMAFRA and the Farming & Food Production Protection Act, which includes nursery stock and greenhouse crops. We buy our starting material (seed, transplants or bare rooted), do our own propagation and, make our own cuttings. We grow them to a considerable (more mature) age, depending on the life-span of the product. We don't sell transplants, seedlings, grafts, intended to be the starting material for other businesses in the industry, which we consider is the meaning/definition of a commercial greenhouse/nursery; a large scale operation with acres of greenhouses and/or containerfields, selling annually thousands of flats, whips, grafts or bare rooted stock.

Continue on page 2 of 2

ARTHUR GREENHOUSES

7470 second line RR#3
ARTHUR ON NOG 1A0

www.arthurgreenhouses.ca

Phone & Fax 1-519-848-6816 info@arthurgreenhouses.ca

- Plants
- Flowers
- Shrubs
- Trees
- Garden Design
- Garden Maintenance
- Landscaping



Continued from page 1

Page 2 of 2

We and the industry consider our business as a small scale agricultural greenhouse operation with horticultural or specialty crops (annuals, perennials, shrubs and trees, vegetables, field grown cut flowers). We market products modestly from our property, selling on farmers markets, (fall) fairs, garden shows, wholesale and use for landscaping/garden maintenance, which is also part of our business.

To indicate we pursue good farming practices, we obtained spraying licences, have an Environmental Farm Plan and tilled all the workable land of our farm.

Recently we were able to purchase the greenhouse of Roots and Shoots, because they went out-of business. It is identical to our existing greenhouses. Roots and Shoots was located between Arthur and Kenilworth on Highway 6, Zoned Agricultural-Commercial in 2003.

We have no intention to expand in a way that we should need acres of greenhouses. And we are not and have no intention to be a garden centre, selling garden equipment, furnishings, pottery and so on. But we would like to retail some mulch, soils, soil ammendments and landscape fabric, because there is not such a possibility close to Arthur and customers are very frequently asking for it. These products we already use for landscaping and garden maintenance.

We think we are contributing the community of Arthur and surroundings, as a similar self-growing operation doesn't exist in this area and commercial retailing places (not growing!) have disappeared, recently and in the past. Providing a Buy Local oportunity has also an positive impact on the local community and the environment by limiting milage.

We want to indicate emphatically we act(ed) quite sincere. The issued building permit confirmed at that time the possibility for our (future) plans.

At this moment we don't know what a more adequate zoning type is; agricultural-commercial zoning or a (partly) modified agricultural zoning. We're also not aware of all the effects there may be.

We trust in a reasonable solution for this uncertainty, business- and family wise.

Yours Sincerely,

Arthur Greenhouses
Patrick van den Eijnden
Jolanda Baars

Enclosed:

- Application Zoning By-Law
- Details Buildings
- Application Drawing
- Detail (of Application Drawing)
- Sheet with pictures of greenhouse

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)?

Zoning from agricultural to modified agricultural or agricultural / commercial greenhouse / nursery.
Property is not properly zoned for current use according to County Planner and Zoning Department.
See also our enclosed letter dated July 14th, 2010.

B. GENERAL INFORMATION

3. APPLICANT INFORMATION

a) Registered Owner's Name(s): Johanna Petronella Baars & Patrick Antoine Rosalie Marie van den Eijnden

Address: 7470 Second Line (West Garafraxa), Arthur, N0G 1A0

Phone: Home () 519-848-6816 Work () 519-848-6816 Fax () 519-848-6816

b) Applicant (Agent) Name(s): n/a

Address: _____

Phone: Home () _____ Work () _____ Fax () _____

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

d) Send Correspondence To? Owner Agent [] Other [] _____

e) When did the current owner acquire the subject land? October 15th, 2007

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: 7470 Second Line, West Garafraxa, Arthur

Concession: 2 Lot: 33 east part Registered Plan No: _____

Area: 17.34 hectares Depth: 605.5 meters Frontage (Width): 301.5 meters
43.36 acres 1,986.53 & 1,988.54 feet 989.33 feet

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

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

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

Agricultural

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

AGRICULTURAL, means a use of land, building or structure for the purpose of animal husbandry, raising of live stock and other animals for food or fur including poultry, bee-keeping, fish, aquaculture and dairy, the growing of field crops, vegetables, agro-forestry, forestry, fruit farming, sod farming, greenhouses and horticulture crops, pasturage, fallow, maple syrup production or any other farming use; and includes the growing, raising, packing, treating, storing, and sale of agricultural products produced on the premises but does not include an abattoir, a kennel or a rendering plant, commercial greenhouse and/or nursery or garden centre. For kennel requirements, local Dog Control By-laws should be consulted

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

AGRICULTURAL, means a use of land, building or structure for the purpose of animal husbandry, raising of live stock and other animals for food or fur including poultry, bee-keeping, fish, aquaculture and dairy, the growing of field crops, vegetables, agro-forestry, forestry, fruit farming, sod farming, greenhouses and horticulture crops, pasturage, fallow, maple syrup production or any other farming use; and includes the growing, raising, packing, treating, storing, and sale of agricultural products produced on the premises but does not include an abattoir, a kennel or a rendering plant, commercial greenhouse and/or nursery or garden centre. For kennel requirements, local Dog Control By-laws should be consulted

C. EXISTING AND PROPOSED LAND USES AND BUILDINGS

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

Greenhouse-operation and field grown horticultural / specialty crops, cash-crops, bush, plantation and agricultural building cluster. Sales to public, base of operations for farmers markets, landscaping, garden maintenance. See also our enclosed letter dated July 14th, 2010.

11. HOW LONG HAS THE "EXISTING" USE(S) CONTINUED ON THE SUBJECT LAND?
 Since spring 2008.

12. WHAT IS THE "PROPOSED" USE OF THE SUBJECT LAND?
 Greenhouse operation and field grown horticultural / specialty (trees, shrubs, perennials, annuals, vegetables, cut flowers, cash-crop, bush, plantation and agricultural buildings. Sales to public, base of operations for farmers markets, landscaping, garden maintenance. Possibility to sell soils, mulch, soil ammendments, lanscape fabric See also under B10 and De also ur enclosed letter dated July 14th, 2010.

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	See Separate Page			
c) Building Height	_____ (m)	_____ (ft)	_____ (m)	_____ (ft)
d) Number of Floors				
e) Total Floor Area (sq.m.)	_____ (sq m)	_____ (sq ft)	_____ (sq m)	_____ (sq ft)
f) Ground Floor Area (sq.m.) (exclude basement)	_____ (sq m)	_____ (sq ft)	_____ (sq m)	_____ (sq ft)
g) Distance from building/structure to the:	_____ (sq m)	_____ (sq ft)	_____ (sq m)	_____ (sq ft)
Front lot line	_____ (m)	_____ (ft)	_____ (m)	_____ (ft)
Side lot line	_____ (m)	_____ (ft)	_____ (m)	_____ (ft)
Side lot line	_____ (m)	_____ (ft)	_____ (m)	_____ (ft)
Rear lot line	_____ (m)	_____ (ft)	_____ (m)	_____ (ft)
h) % Lot Coverage				
i) # of Parking Spaces				
j) # of Loading Spaces				

D. EXISTING AND PROPOSED SERVICES

14. WHAT IS THE ACCESS TO THE SUBJECT PROPERTY?

Provincial Highway Continually maintained municipal road Right-of-way
 County Road Seasonally maintained municipal road Water access

15. WHAT IS THE NAME OF THE ROAD OR STREET THAT PROVIDES ACCESS TO THE SUBJECT PROPERTY?

Second Line (West Garafraxa)

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	()	()	(X)	()	()	(X)	()
b) Proposed	()	()	()	()	()	()	()

18. HOW IS THE STORM DRAINAGE PROVIDED?

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

Property is tiled in 2010.

E. OTHER RELATED PLANNING APPLICATIONS

19. HAS THE CURRENT OWNER (OR ANY PREVIOUS OWNER) MADE APPLICATION FOR ANY OF THE FOLLOWING, EITHER ON OR WITHIN 120 METRES OF THE SUBJECT LAND?

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

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

File No. and Date of Application: N/A

Approval Authority: N/A

Lands Subject to Application: N/A

Purpose of Application: N/A

Status of Application: N/A

Effect on the Current Application for Amendment: N/A

F. OTHER SUPPORTING INFORMATION

21. PLEASE LIST THE TITLES OF ANY SUPPORTING DOCUMENTS: (E.G. Environmental Impacts Study, Hydrogeological Report, Traffic Study, Market Area Study, Aggregate License Report, Stormwater Management Report, etc.) N/A

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.

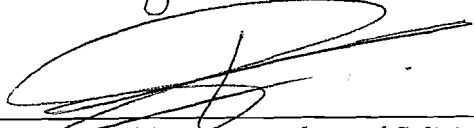
Signature of Owner(s) _____ *Date*



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

I (we) Patrick vanden Eijnden of the Township of the ~~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 15 day of July, 2010.



Signature of Owner or Authorized Solicitor or Authorized Agent

15-07-2010.

Date




Signature of Commissioner

July 15/10

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 \$ 7500.- RECEIVED BY MUNICIPALITY



Signature of Municipal Employee

July 15, 2010

Date

DETAILS BUILDINGS

Applicant: P. van den Eijnden & J.P Baars

East Part Lot 33 Con 2 West Garafraxa, Arthur

	A		B		C		D		E		F, G		G		H, I	
Type of building	Residence		Shed		Shed		Lean-to		Lean-to		Greenhouse exist.		Greenhouse exist.		Gr.house (fut.) prop.	
Date of construction	1988?		1989?		1989?+2003?		1989?		1989?		2007 /2008		2008		N/A	
Roof type	Gable roof		Gable roof		Gable roof		<20° = flat		<20° = flat		Arched= 2/3		Arched= 2/3		Arched= 2/3	
Building height	12.5 ft	3.81 m	13.5 ft	4.11 m	15.5 ft	4.72 m	9 ft	2.74 m	9 ft	2.74 m	9.3 ft	2.83 m	9.3 ft	2.83 m	9.3 ft	2.83 m
Number of floors	1 + basement			1		1		1		1		1		1		1
Total floor area	2047 sq ft	190 sq m	1200 sq ft	111 sq m	3536 sq ft	329 sq m	512 sq ft	48 sq m	512 sq ft	48 sq m	2880 sq ft	268 sq m	2880 sq ft	268 sq m	2880 sq ft	268 sq m
Ground floor area (exclude basement)	2047 sq ft	190 sq m	1200 sq ft	111 sq m	3536 sq ft	329 sq m	512 sq ft	48 sq m	512 sq ft	48 sq m	2880 sq ft	268 sq m	2880 sq ft	268 sq m	2880 sq ft	268 sq m
Distance from build. to:*)																
front lot line	111 ft	34 m	265 ft	81 m	233 ft	71 m	369 ft	112 m	134 ft	40 m	241 ft	73 m	161 ft	49 m	236 ft/296 ft	72 m/90 m
side lot line NW	65 ft	20 m	34 ft	10 m	76 ft	23 m	111 ft	34 m	283 ft	86 m	133 ft	40 m	333 ft	101 m	333 ft	101 m
side lot line SW	849 ft	259 m	925 ft	282 m	879 ft	268 m	846 ft	258 m	674 ft	205 m	826 ft	252 m	560 ft	171 m	560 ft	171 m
rear lot line	1851 ft	564 m	1681 ft	512 m	1649 ft	503 m	1601 ft	488 m	1836 ft	560 m	1649 ft	503 m	1795 ft	547 m	1720 ft/1660 ft	524 m/506 m

*) Rounded measurements

% lot coverage	1.04%	
# of parking spaces	3	(combined area)
# of loading spaces	1	

The sheds are used for storage of agricultural equipment, tools, potting soil. The 34'x104' shed is also partly used as potting area

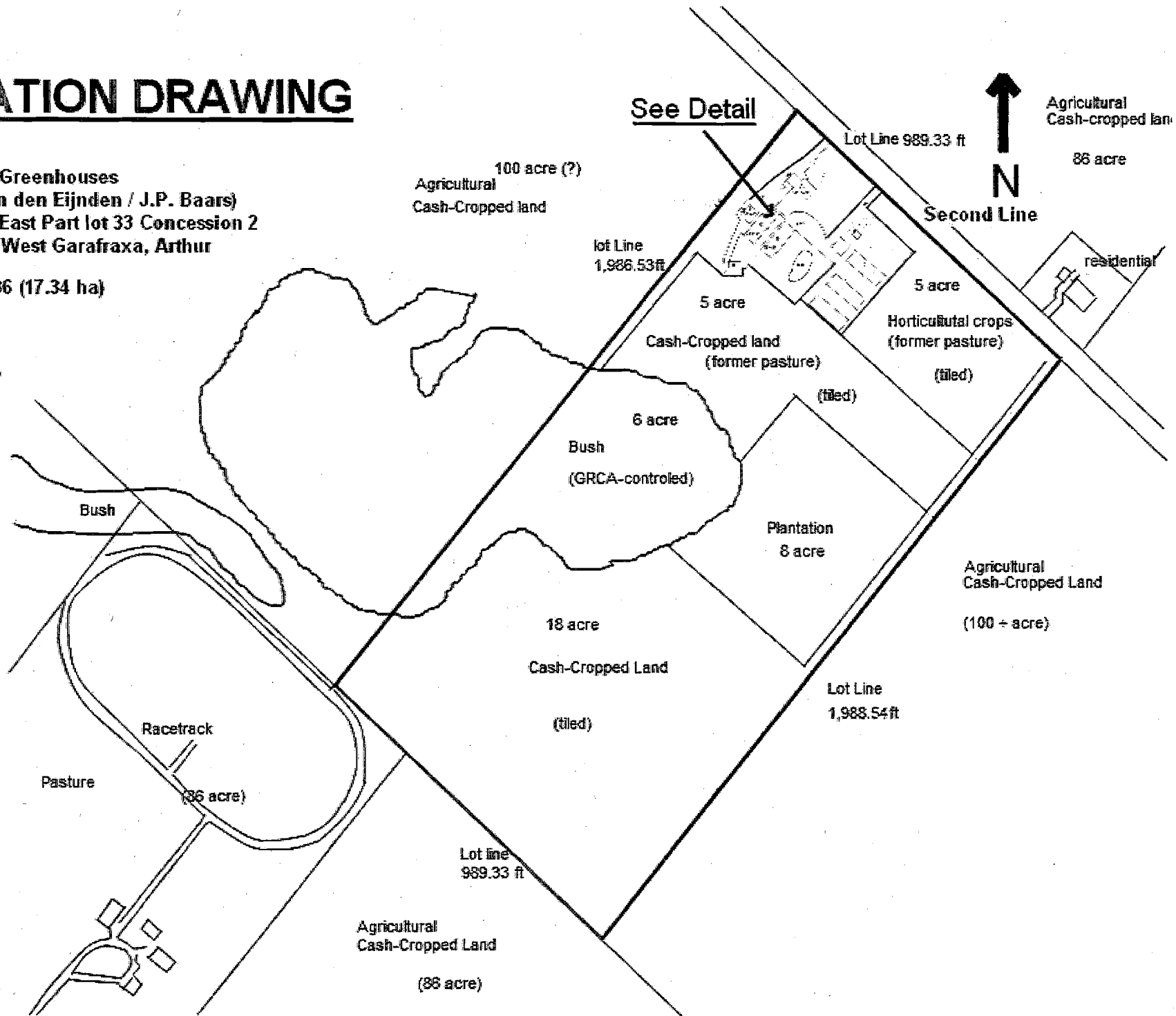
APPLICATION DRAWING

applicant: Arthur Greenhouses
 (P. van den Eijnden / J.P. Baars)
 legal discription: East Part lot 33 Concession 2
 West Garafraxa, Arthur

total acreage 43.36 (17.34 ha)

scale: 1:4485

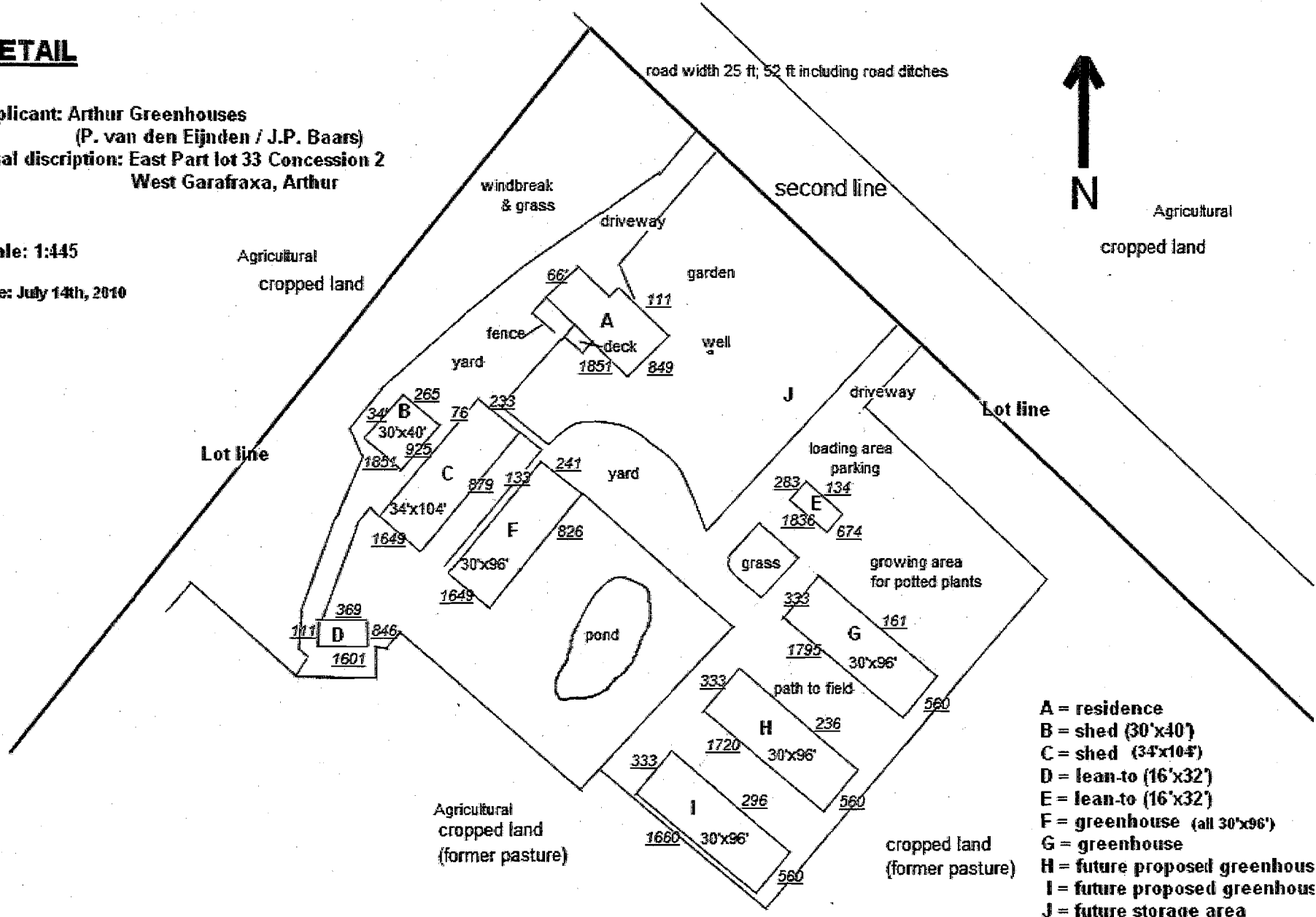
date: July 14th, 2010



DETAIL

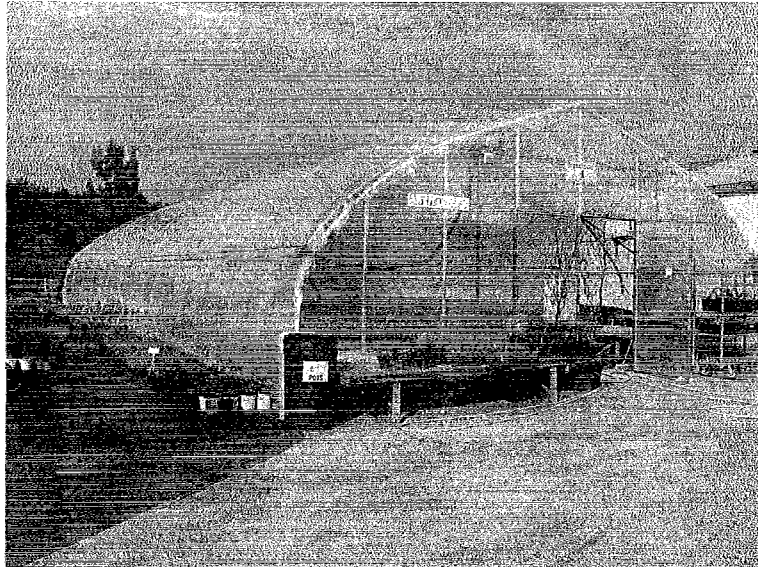
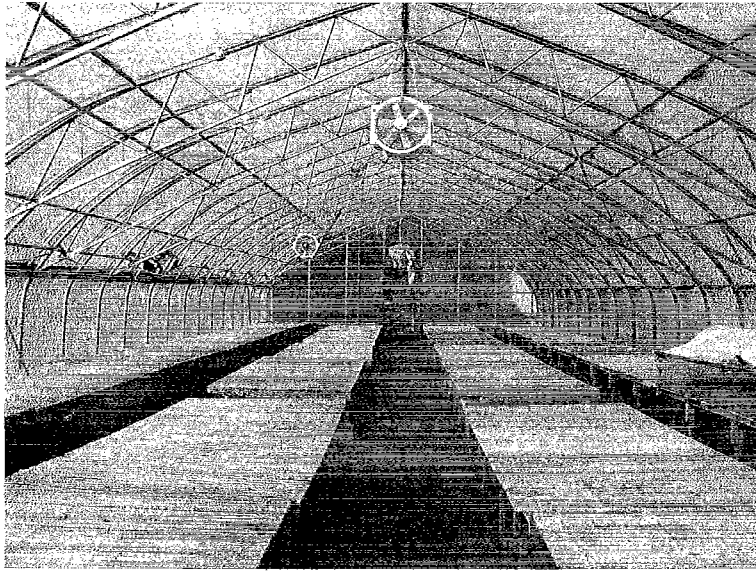
applicant: Arthur Greenhouses
 (P. van den Eijnden / J.P. Baars)
 legal discription: East Part lot 33 Concession 2
 West Garafraxa, Arthur

scale: 1:445
 date: July 14th, 2010



- A = residence
- B = shed (30'x40')
- C = shed (34'x104')
- D = lean-to (16'x32')
- E = lean-to (16'x32')
- F = greenhouse (all 30'x96')
- G = greenhouse
- H = future proposed greenhouse
- I = future proposed greenhouse
- J = future storage area
- 66' = distance to lot line (ft)

Pictures of greenhouse



July 26, 2010

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

Dear Mr. Jones:

**Re: Arthur Greenhouses – E. Pt. Lot 33, Conc. 2 (former West Garafraxa Twp.)
7470 Second Line
Draft Zoning By-law Amendment**

PLANNING OPINION

The proposed rezoning would be in conformity with the Provincial Policy Statement as well as the Official Plan. Provided the operation complies with the definition of a “*commercial greenhouse and / or nursery*”, we have no concerns with the application. Minor accessory sales of associated products is also acceptable, provided that the degree does not approach that of a “Garden Centre”, as defined in the by-law. Garden Centres are permitted in the Highway Commercial designation, but not in the Prime Agricultural designation.

SUBJECT LAND

The area being rezoned is in East Part Lot 33, Concession 2, Former Township of West Garafraxa, and is municipally known as 7470 Second Line. The parcel is approximately 17.34 ha (43.36 ac) in size.

PURPOSE

The purpose of the amendment is to rezone the subject lands to an appropriate zone to recognize and allow the expansion of a greenhouse and landscaping operation on the property. The property is currently zoned Agricultural.

BACKGROUND

The business involves growing of nursery stock and greenhouse crops from seed. The plants are sold at farmers markets, wholesale and garden shows, with some “modest” farm gate retail sales. The applicant’s also have a landscaping / garden maintenance business which is run from the property. They have no intention of being a garden centre and do not intend on selling garden equipment, furnishings, pottery, etc. However, they would like to retail some minor associated products such as mulch, soil amendments and landscape fabric. The applicants are proposing to construct two additional greenhouses on site.

PROVINCIAL POLICY STATEMENT (PPS)

The subject property is considered to be within a PRIME AGRICULTURAL area, which permits Agriculture Uses, Agricultural-Related Uses and Secondary Uses. The definition of Agriculture includes the growing of nursery and horticultural crops.

WELLINGTON COUNTY OFFICIAL PLAN

The subject lands are designated PRIME AGRICULTURE. Section 6.4.4 permits Farm Businesses, which are "...small scale businesses that provide value-added products from the farm and may be allowed subject to zoning provisions ... examples include ... sales outlets for agricultural products produced on the farm".

ZONING BY-LAW

The subject property is zoned Agriculture (A). Under the definition of Agriculture in the By-law, "a commercial greenhouse and / or nursery" is specifically excluded. The definition for a commercial greenhouse and / or nursery is as follows:

5.53 COMMERCIAL GREENHOUSE AND/OR NURSERY, means the use of land, buildings or structures for the growing and/or storing of flowers, fruit trees, ornamental trees, vegetable plants, shrubs, trees and similar vegetation for the purpose of transplanting, for use as stock or grafting, and includes the retail sale or wholesale distribution of such items directly from the premises/lot including the sale of associated items such as soil, mulch, planting mediums, fertilizers and similar materials.

PLANNING CONSIDERATIONS

Both the Provincial Policy Statement and the Official Plan provide consideration for such a use. I would characterize the application as being relatively small scale and in conformity with the Official Plan's policy direction. The applicants also wish to be permitted minor accessory sales of associated products as included in the above definition. I do not have a concern with this, provided that the degree does not approach that of a "Garden Centre" as defined in the by-law, as follows:

5.103 GARDEN CENTRE, means the use of land, buildings, structures, or parts thereof for the purpose of buying or selling lawn and garden equipment, furnishings and supplies.

DRAFT AMENDMENT

I have attached a draft zoning by-law amendment for Council's consideration. I trust that these comments will be of assistance to Council in their consideration of this matter.

Sincerely,

Mark Van Patter, RPP
Senior Planner

C: Patrick van den Eijnden and Jolanda Baars by email

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 33, Concession 2, former Township of West Garafraxa), as shown on Schedule "A" attached to and forming part of this By-law from **Agricultural (A) to Agricultural Exception (A-100)**.
2. THAT Section 33, Exception Zone 3 – Rural Areas, is amended by the inclusion of the following new exception:

**"33.100 A-100
L33, C2 (WG)**

In addition to other uses permitted under Section 8.1 of the Agricultural Zone, the land zoned A-100 may also be used for a commercial greenhouse and / or nursery, including the following:

- Wholesale and retail sale of plants grown on the property
- Minor accessory sales of related produces such as soils, mulch, soil amendments, landscape fabric

The land zoned A-100 may also serve as the base of operations for a landscaping / garden maintenance business, provided it is operated by the owner of the property.

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 _____, 2010

READ A THIRD TIME AND PASSED THIS _____ DAY OF _____, 2010

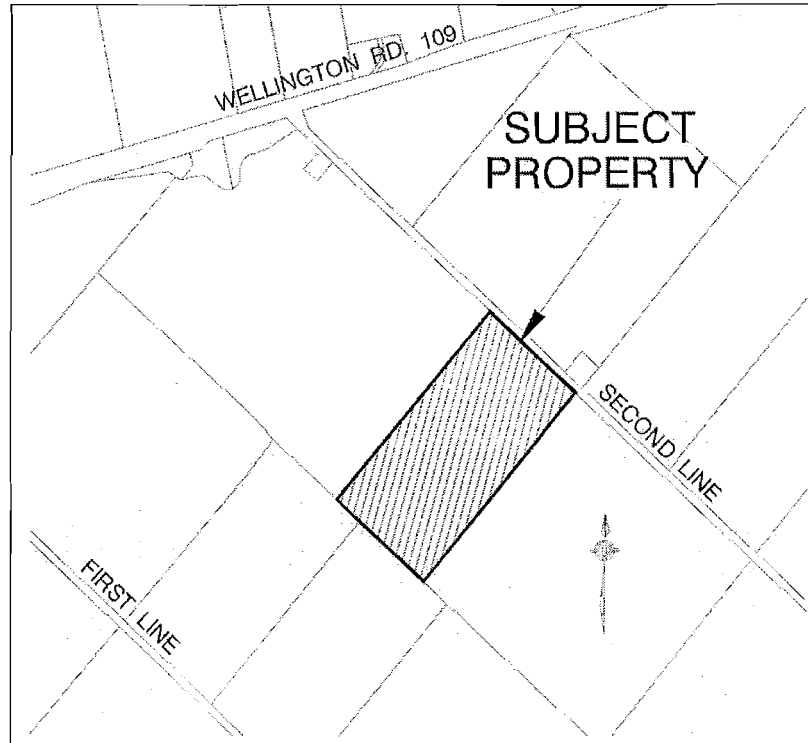
MAYOR

CLERK

THE TOWNSHIP OF WELLINGTON NORTH

BY-LAW NO _____.

Schedule "A"



Rezone from Agricultural (A) to Agricultural Exceptions (A-100)

Passed this ____ day of _____ 2010.

MAYOR

CLERK

EXPLANATORY NOTE

BY-LAW NUMBER _____.

THE LOCATION being rezoned is in East Part Lot 33, Concession 2, Former Township of West Garafraxa, and is municipally known as 7470 Second Line. The parcel is approximately 17.34 ha (43.36 ac) in size.

THE PURPOSE AND EFFECT of the amendment is to rezone the subject lands to Agricultural Exception (A-100), to recognize two existing greenhouses and to allow for future expansion of the greenhouse operation. The retail and wholesale sale of plants grown on-site is permitted, as well as minor accessory sales of related products such as mulch, soils, soil amendments and landscaping fabric. Also permitted is a landscaping / gardening maintenance business, which is to be operated by the property owner.



RECEIVED

JUL 26 2010

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

TWP. OF WELLINGTON NORTH 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

DATE: JULY 21, 2010 YOUR FILE: N/A
GRCA FILE: Wellington north ZBA

RE: Application for Zoning by-law Amendment
7470 Second Line, Wellington North

GRCA COMMENT: *

The Grand River Conservation Authority has no objection to the proposed zoning By-law Amendment to recognize and allow an expansion to a greenhouse.

BACKGROUND:

1. Resource Issues:

A portion of the subject property has been identified as a wetland.

2. Legislative/Policy Requirements and Implications:

The wetland and its associated adjacent lands are subject to Ontario regulation 150/06, which requires a permit to be issued by the Grand River Conservation Authority prior to construction. The policies of the GRCA and the county of wellington would direct development to an area outside the wetland, that would not impact on the wetland. There is sufficient area outside the identified area of concern to accommodate proposed development.

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

We will invoice for the required Plan Review fee of \$360 under separate cover. Please provide the contact information for the applicant to Kathy Round at our office.

Fred Natolochny
Supervisor of Resources Planning
Resources Planning

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



ISO 14001 Registered








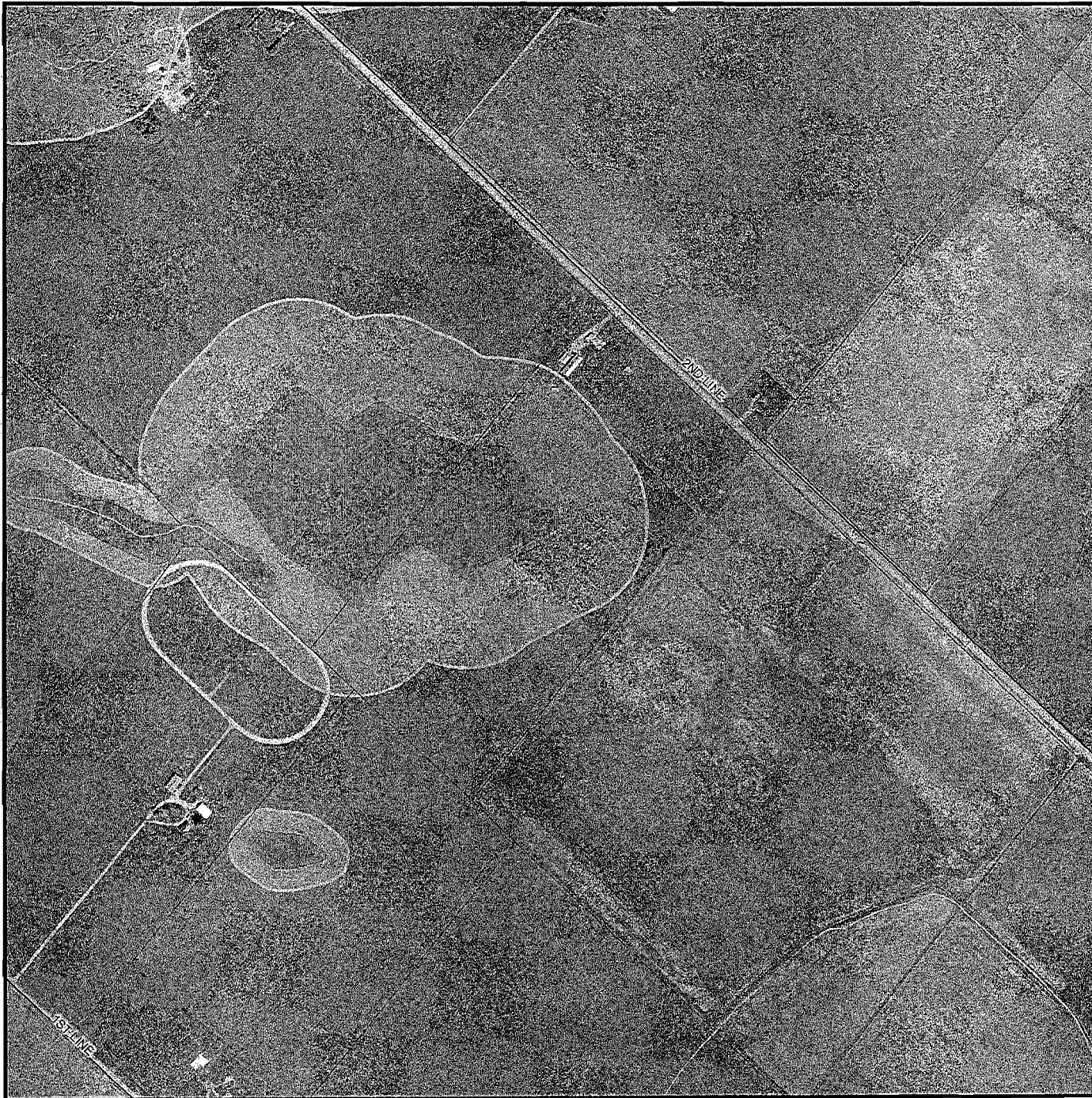


Grand River Conservation Authority

Map created: July 21, 2010

LEGEND

-  WATERSHED BOUNDARY (GRCA)
-  UTILITY LINE (NRVIS)
-  ROADS-ADDRESSED (MNR)
-  RAILWAY (NRVIS)
-  DRAINAGE-NETWORK (GRCA)
-  PARCELS-ASSESSMENT (MPAC)
-  WETLAND (GRCA)
-  PARKS (GRCA)
-  REGULATION LIMIT (GRCA)
-  DRAINAGE-POLY (NRVIS)



GRCA Disclaimer

This map is for illustrative purposes only. Information contained herein 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>

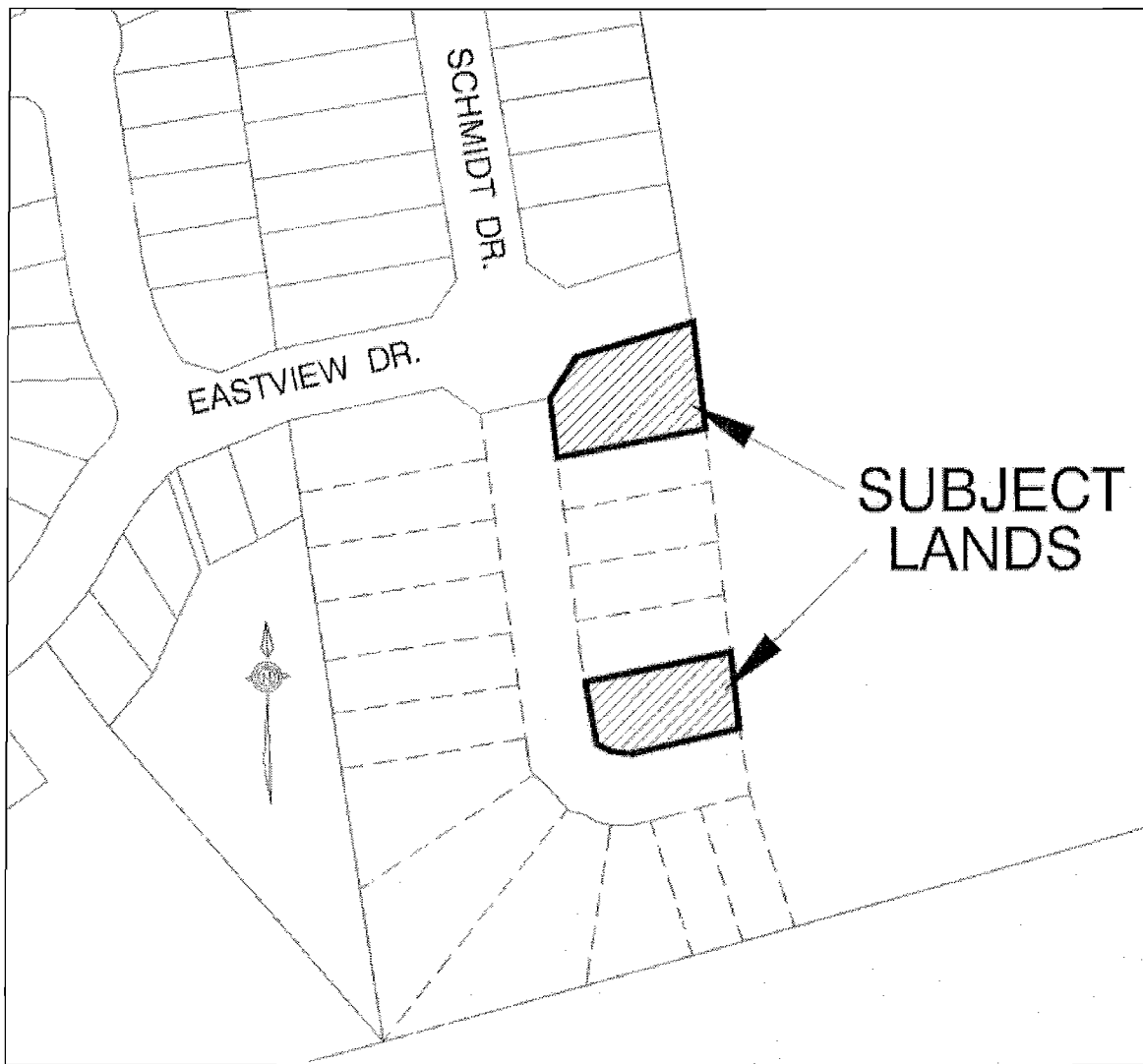
0 90 180 270 360 m.

NAD 1983, UTM Zone 17

Scale 1:7,537



22



July 28, 2010

Darren Jones, Chief Building Official
Township of Wellington North
P.O. Box 125, 7490 Sideroad 7 W
Kenilworth, ON N0G 2E0

Dear Mr. Jones:

**RE: Jim Coffey – Eastridge Landing – Arthur Village
Minor Revision – Location Correction
Zoning By-law Amendment**

PLANNING OPINION

No concerns. Please note that Lots 40 and 45 are not lots in Plan 61M-140. If the draft by-law is revised to the Township's format, please ensure that any reference to location is to Draft Plan of Subdivision 23T-89010. By-law 35-10 is being repealed.

SUBJECT LAND

The subject land is located in Lots 40 and 45 of the Eastridge Subdivision, Schmidt Drive, Arthur urban area,

PURPOSE

This amendment is to correct a minor error relating to the location of the subject property for By-law 35-10, approved by Wellington North Council on May 3, 2010.

BACKGROUND

In approved zoning by-law 35-10, the subject lands are referred to as being "*Lots 40 and 45, Eastridge Landing*". The numbering of these lots is correct in relation to Draft Plan of Subdivision 23T-89010; however, they are not correct in relation to Plan 61M-140, which only includes the first 39 lots in the draft plan.

Mr. Deverell, Township solicitor, pointed out to me that when Phase 2 is registered, all of the lots will be renumbered, starting from the number "one". This is a registry office requirement. Therefore, draft plan lots 40 and 45 are likely to become Lots 1 and 6 in the next registration.

While this is a minor housekeeping matter, I agree with Mr. Deverell, it should be rectified to assure that the owners have no problems later on.

DRAFT ZONING BY-LAW

I have revised clause number one of the draft zoning amendment, clarifying that Lots 40 and 45 are part of Draft Approved Plan of Subdivision 23T-89010.

It is my understanding that the owner may be revising the draft plan dimensions for Lots 40 and 45, marginally increasing their frontages prior to final approval and registration, to better accommodate development of semi-detached dwellings. It is my opinion that the Schedule 'A' sketch of the subject lands which is part of the amending by-law does not need to reflect this. Section 7.5 b) of the Wellington North By-law indicates that "*where zone boundaries are indicated as approximately following lot lines, such lot lines shall be deemed to be the said zone boundary.*"

In addition, By-law 35-10 is being repealed as it is being replaced by the current amendment.

The County will not be invoicing the Township for work on this amendment.

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

Sincerely,

Mark Van Patter, RPP
Senior Planner

C. Jim Coffey, owner by email
Gil Deverell, Township Solicitor

**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 2 - Arthur to By-law 66-01 being the Zoning By-law for the Township of Wellington North is amended by changing the zoning on the lands described as Lots 40 and 45 of Draft Approved Plan of Subdivision 23T-89010, Eastridge Landing, Schmidt Drive, Arthur urban area, as shown on Schedule "A" attached to and forming part of this By-law, from Residential Exception Holding (R1C-26 [H]) to Residential Exception Holding (R2-29 [H]).

2. THAT Section 31, Exception Zone – Arthur Village, is amended by the inclusion of the following new exception:

"31.29 R2-29 [H] <i>Schmidt Dr.</i>	<i>Notwithstanding Section 12.2, the minimum interior side yard for a two storey dwelling shall be 1.2 metres (3.9 feet), provided there is an attached garage. Notwithstanding Section 12.2, the minimum exterior side yard for a two storey dwelling shall be 6.09 metres (20 feet)."</i>
--	---

3. THAT the Township of Wellington North Zoning By-law Amendment No. 35-10 is hereby repealed.

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 Amendment 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 _____, 2010.

READ A THIRD TIME AND PASSED THIS _____ DAY OF _____, 2010.

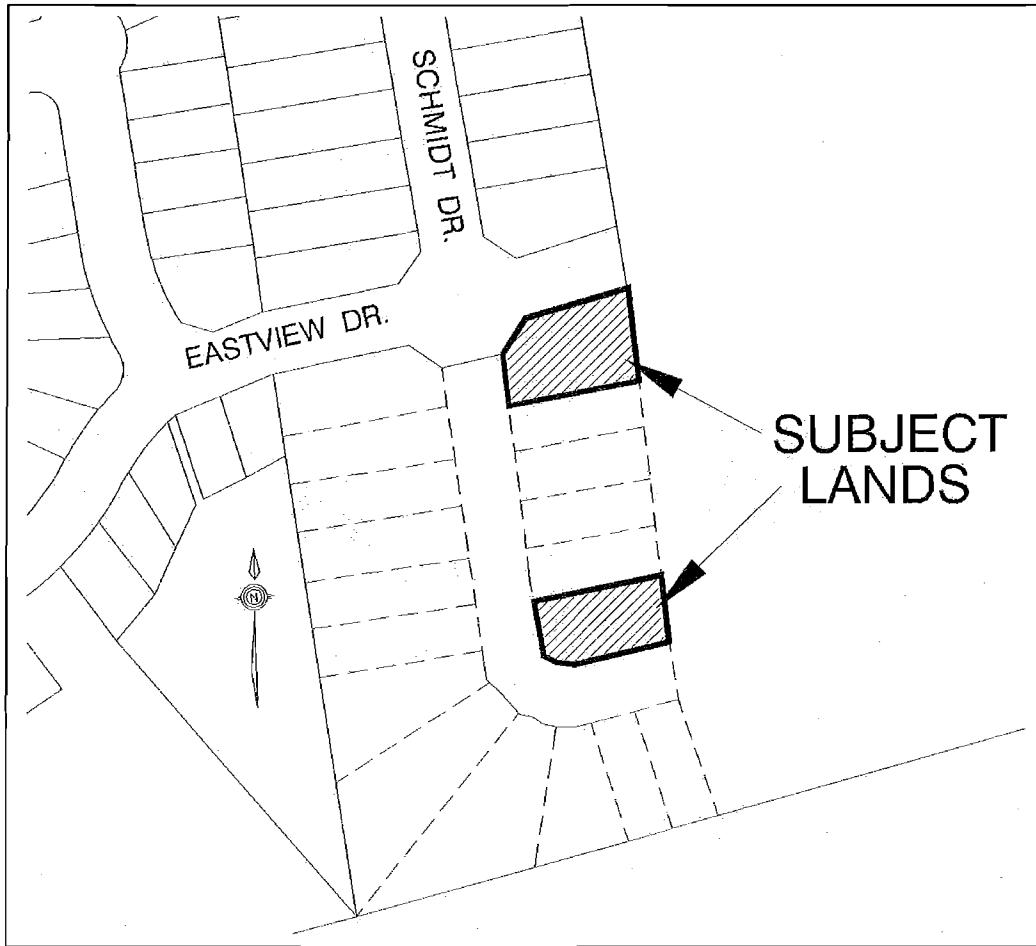
MAYOR

CLERK

THE TOWNSHIP OF WELLINGTON NORTH

BY-LAW NO. _____

Schedule "A"



**From Residential Exception Holding (R1C-26[H])
to Residential Exception Holding (R2-29[H])**

This is Schedule "A" to By-law _____.

Passed this ____ day of _____ 2010

MAYOR

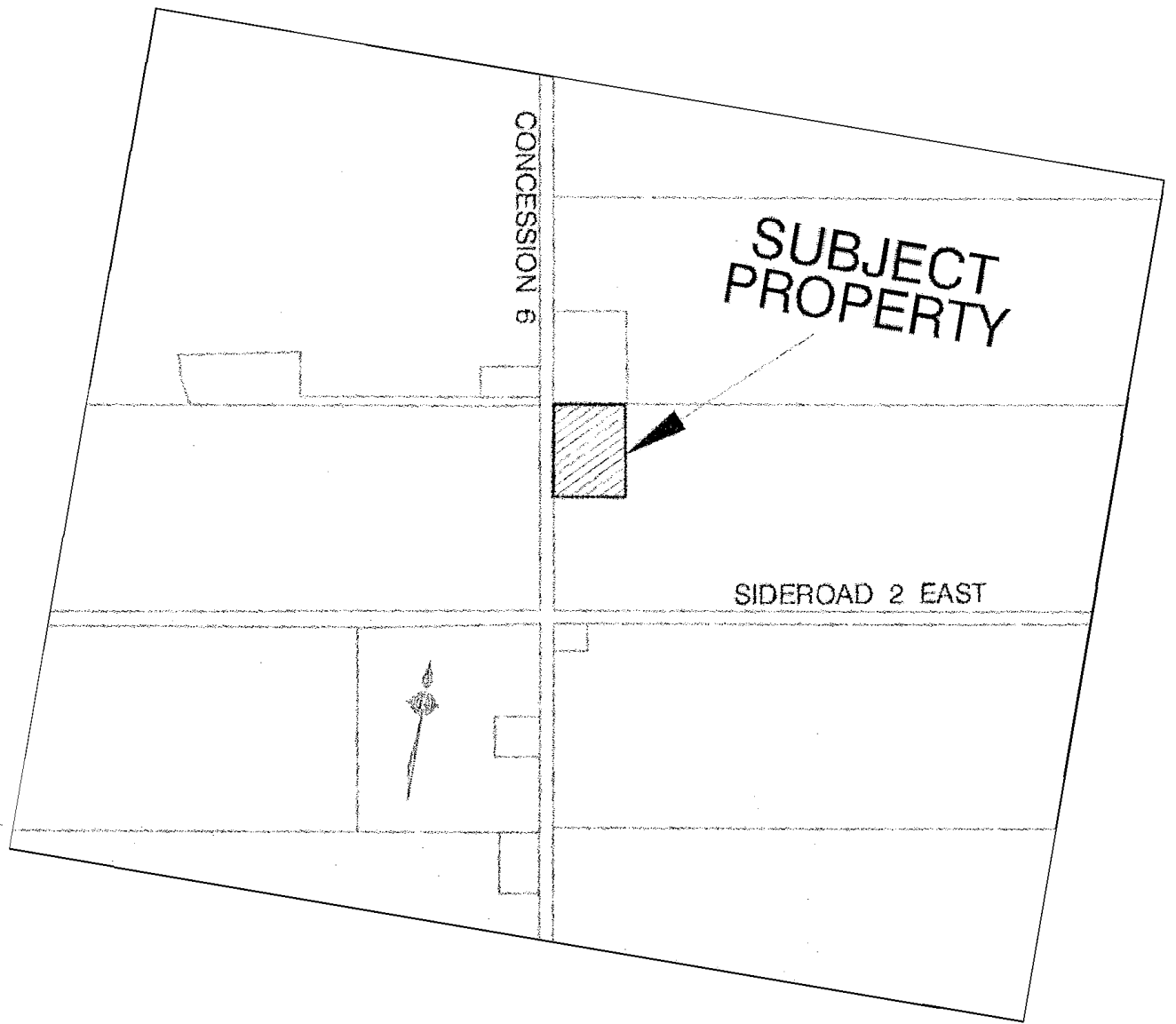
CLERK

EXPLANATORY NOTE

BY-LAW NUMBER _____.

THE LOCATION OF THE SUBJECT LANDS is described as Lots 40 and 45, Eastridge Landing on Schmidt Drive, in the former Village of Arthur.

THE PURPOSE AND EFFECT of the amendment is a minor housekeeping revision, to more accurately describe the location of the land recently rezoned by By-law 35-10. Section 1 of By-law 35-10 describes the location of the subject lands as – Lots 40 and 45, Eastridge Landing. Additional wording has been added in this by-law to clarify that the lands are part of an Draft Approved Plan of subdivision 23T-89010. By-law 35-10 is repealed and replaced by the current by-law amendment.



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)?
PER THE CONDITIONS OF CONSENT B74/10,
CHANGE THE ZONING FROM AGRICULTURAL TO
AGRICULTURAL COMMERCIAL.

B. GENERAL INFORMATION

3. APPLICANT INFORMATION

a) Registered Owner's Name(s): ALATTE HULSTEINS LTD.
Address: 9531 CONCESSION 6N, RR#6 MOUNT FOREST
Phone: Home () 519-323-4096 Work () 519-323-7954 Fax () _____

b) Applicant (Agent) Name(s): BRUCE A. FULLNER
Address: 411199 Southgate SR 41, RR#2 Mount Forest, N0G 2L0
Phone: Home () 519-323-2099 Work () 519-321-9051 Fax () _____

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

d) Send Correspondence To? Owner Agent Other _____

e) When did the current owner acquire the subject land? 1955

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: 9531 Con 6N ARTHUR TWP.

Concession: 6 Lot: SOUTH PT LOT 3 Registered Plan No: REF: DN 43295

Area: 40.5 hectares Depth: 1340 meters Frontage (Width): 304.9 meters

100 acres 4396 feet 1000 feet

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

Area: 1.46 hectares Depth: 106.68 meters Frontage (Width): 137.16 meters

3.6 acres 350 feet 450 feet

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

AGRICULTURAL

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

AGRICULTURAL USES AND AGRICULTURAL-RELATED USES.

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

AGRICULTURAL, AGRICULTURAL USES, BUILDINGS AND STRUCTURES.

C. EXISTING AND PROPOSED LAND USES AND BUILDINGS

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

AGRICULTURAL, CURRENTLY CULTIVATED.

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

50 PLUS YEARS

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

DISPLAY, ASSEMBLY AND STORAGE OF FARM EQUIPMENT.

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

NO BUILDINGS EXISTING OR PROPOSED.

(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 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 N

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.)

NA.

17. INDICATE THE APPLICABLE WATER SUPPLY AND SEWAGE DISPOSAL:

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

18. HOW IS THE STORM DRAINAGE PROVIDED?

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

PROPERTY IS SUBJECT TO A DRAINAGE GRADING PLAN.

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: MAR 29/10 874/10

Approval Authority: COUNTY OF WELLINGTON

Lands Subject to Application: SOUTH HALF LOT 3 CON 6, ARTHUR TWP.

Purpose of Application: LOT ADDITION TO NORTH HALF LOT 3

Status of Application: APPROVED JUNE 16/10

Effect on the Current Application for Amendment: COMPLIANCE.

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.)

COPY OF 874/10 DECISION AND MOS CALCULATIONS FOR 2 ADJACENT PROPERTIES AND ACKNOWLEDGEMENT FROM OWNERS.

G. APPLICATION DRAWING

22. PLEASE PROVIDE AN ACCURATE DRAWING OF THE PROPOSAL, PREFERABLY PREPARED BY A QUALIFIED PROFESSIONAL. IN SOME CASES IT MAY BE APPROPRIATE TO SUBMIT ADDITIONAL DRAWINGS AT VARYING SCALES TO BETTER ILLUSTRATE THE PROPOSAL. THE DRAWING MUST INCLUDE THE FOLLOWING:

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

- The nature of any easements or restrictive covenants on the property;
- The location of any municipal drains or award drains;
- Woodlots, forested areas, ANSI's, ESA's, wetlands, floodplain, and all natural watercourses (rivers, stream banks, etc);
- The dimensions of all existing and proposed buildings and structures on the subject land and their distance to all lot lines;
- The name, location and width of each abutting public or private road, unopened road allowance or right of way;
- If access to the subject land is by water only, provide the location of the parking and docking facilities to be used; and
- Other features both on site or nearby that in the opinion of the applicant will have an effect on the application (such as bridges, railways, airports, wells, septic systems, springs, slopes, gravel pits).

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

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

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

I (we) BRAD & MICHELE GHENT of the TWP of WELLINGTON in the NORTH. County / Region of WELLINGTON do hereby authorize BRUCE FULCHER to Act as my agent in this application.

Michele Ghent
Signature of Owner(s)

June 28, 2010
Date

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

I (we) Bruce Fulcher of the TWP of ~~the~~
SOUTHGATE County / Region of GREY 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 Well N in the County / Region of
Wellington this 29 day of June 2010

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

JUNE 29/10
Date

[Signature]
Signature of Commissioner

JUNE 29/10
Date

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

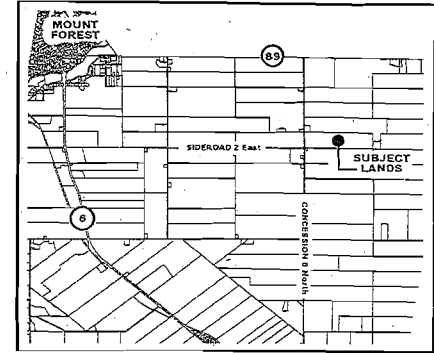
APPLICATION AND FEE OF \$ 1500. - RECEIVED BY MUNICIPALITY

[Signature]
Signature of Municipal Employee

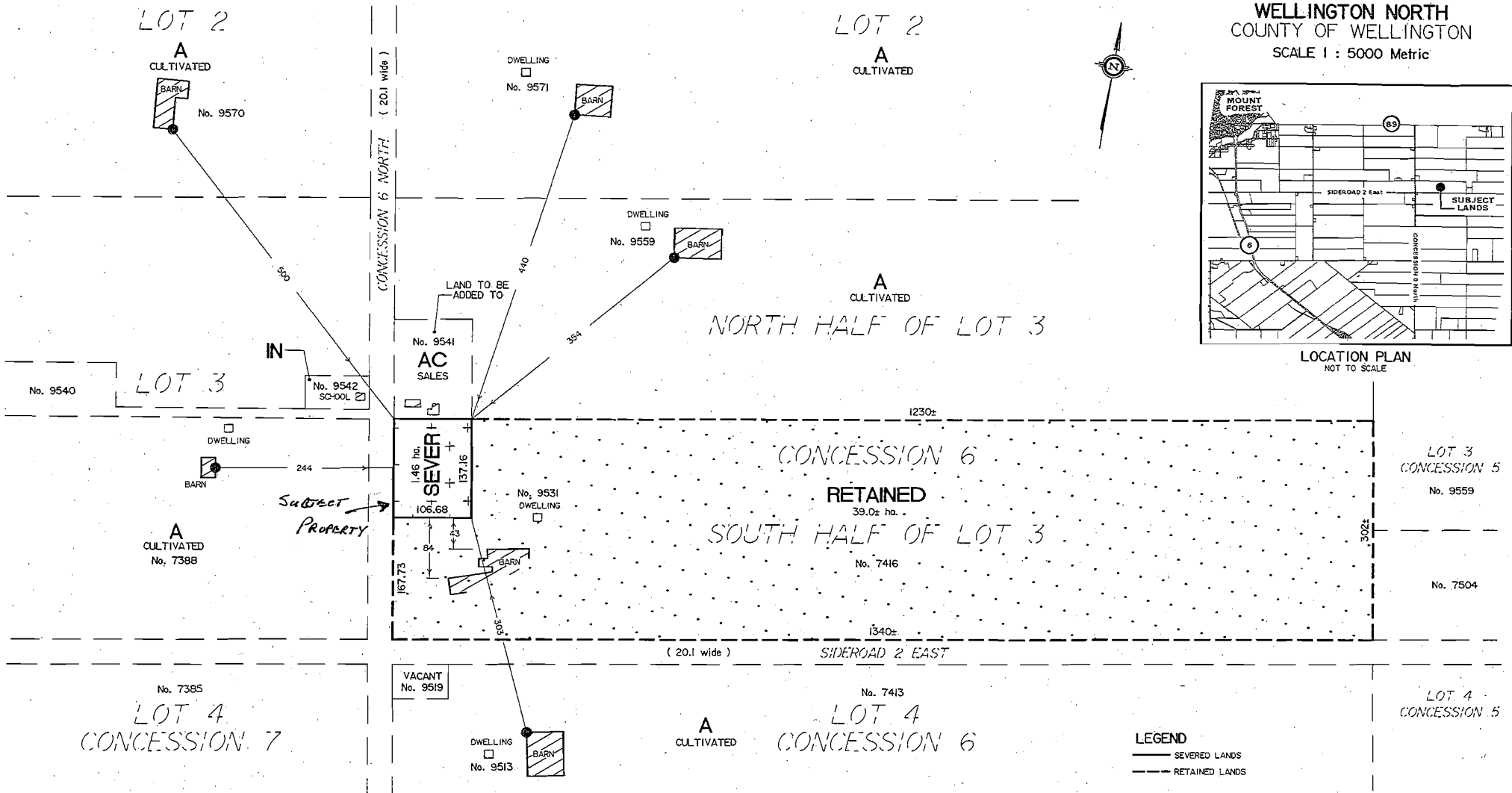
JUNE 29/10
Date

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

LAND DIVISION SKETCH OF
**SOUTH HALF OF LOT 3
 CONCESSION 6**
 GEOGRAPHIC TOWNSHIP OF ARTHUR
WELLINGTON NORTH
 COUNTY OF WELLINGTON
 SCALE 1 : 5000 Metric



LOCATION PLAN
 NOT TO SCALE



CAUTION
 THIS SKETCH IS NOT A PLAN OF SURVEY AND INFORMATION
 SHOWN ON THIS SKETCH IS APPROXIMATE AND IS NOT
 THE RESULT OF A FULL FIELD SURVEY. THIS SKETCH IS TO BE
 USED FOR THE PURPOSES AS SET OUT IN THE TITLE BLOCK.

LEGEND
 - - - SEVERED LANDS
 ——— RETAINED LANDS

C.W. & W. Ltd. Chartered Surveyors 150 GERRARD ST. E. TORONTO, ONT. M5C 1S6	Drawing Number : 8039-2010-001	
	(59) 369-9907 Dwg File : 8039201.dwg	
Party Chief PG	Computer PC	DWG DATE : 2010/03/22 10:16 hr.

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

ONTARIO PLANNING ACT, Section 53(14)

NOTICE of DECISION

On Application B74/10

APPLICANT:

Alette Holsteins Ltd.
Brad & Michele Ghent
9531 Concession 6N, RR#6
Mount Forest ON N0G 2L0

LOCATION of SUBJECT LANDS:

WELLINGTON NORTH (Arthur Township)
Part Lot 3
Concession 6

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 Alette Holsteins Ltd. pursuant to Section 53 of the Planning Act, R. S. O. 1990 as amended for consent to convey land for commercial use, being Part of Lot 3, Concession 6, geographic Township of Arthur, now Township of Wellington North to effect an addition to the abutting Abner and Adeline Wideman parcel, **PROVISIONAL CONSENT IS GRANTED SUBJECT TO THE FULFILMENT OF EIGHT CONDITIONS OF APPROVAL.** The Planning and Land Division Committee has the opinion that a plan of subdivision of the subject lands is not necessary for the proper and orderly development of the municipality for this proposal; that the proposal satisfies generally the intent of the criteria of Section 51, subsection 24 of the Planning Act, R.S.O. 1990 as amended; and that the Planning and Land Division Committee is satisfied with the proposal for additional land to be added to the existing agricultural commercial business; and, further, that the proposal represents compatible development, good planning and does not offend the public interest for lot line adjustments. Section 50, subsection (3) of the Planning Act, R.S.O. 1990 as amended shall apply to the severed parcel.

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 4:00 p.m. JUNE 17, 2011:


- 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 and 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 **and Application for Consolidation of Parcels document for the consented parcel and the abutting lands to which the consented parcel is to be added** for Consent B74/10.
- 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 Purchaser take title of the severed lands in the same manner as he holds his abutting lands; and **THAT** Section 50, subsection (3) of the Ontario Planning Act, R.S.O. 1990 as amended shall apply to any subsequent conveyance or any transaction involving the parcel of land that is the subject of this consent.
- 6) THAT** the conveyancing documents for the severed parcel contain a statement to ensure that Section 50, subsection (3) of the Planning Act, R. S. O. 1990, as amended shall apply to any subsequent conveyance or transaction with respect to the land described herein; and a statement that the consented parcel and the abutting lands to which this consented parcel is to be added shall be dealt with contemporaneously in any future conveyances or transactions unless further consent is granted under the Planning Act or other lawful order.
- 7) 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 fulfilment of this condition.
- 8) THAT** the Owner receive zoning compliance and classification from the Local Municipality to address agricultural commercial use and Minimum Distance Separation 1 (MDS1) compliance in a manner deemed acceptable by the Local Municipality; and that the Local Municipality file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

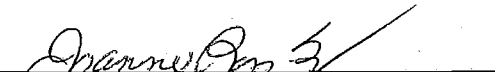
NOTICE OF DECISION ON APPLICATION B 74/10, continued:

PLEASE BE ADVISED:

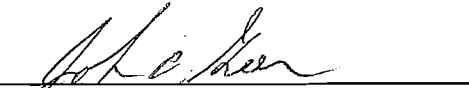
1. Additional information regarding this application for consent is available to the public for inspection at the County of Wellington Planning and Land Division Office, 74 Woolwich Street, Guelph ON N1H 3T9 during regular business hours, Monday through Friday, holidays excepted.
2. You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have either made a written request to be notified of the decision to give or refuse to give provisional consent or made a written request to be notified of changes to the conditions of the provisional consent.
3. Only individuals, corporations or public bodies may appeal decisions in respect of applications for consent to the Ontario Municipal Board. A notice of appeal may be filed on behalf of an unincorporated association by a person who is a member of the association but not by the association.

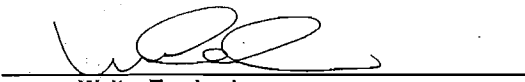
WE, the undersigned


Barbara McKay


Joanne Ross-Zuj


Carl Hall


John Green


Walter Trachsel

CONCURRED IN THE ABOVE DECISION TO GRANT PROVISIONAL CONSENT ON JUNE 10, 2010

AN APPEAL TO THE ONTARIO MUNICIPAL BOARD IN RESPECT OF THIS DECISION OR CONDITION(S) OF APPROVAL MUST BE FILED WITH THE SECRETARY-TREASURER OF THE PLANNING & LAND DIVISION COMMITTEE NO LATER THAN 4:00 p.m. ON July 6, 2010

I certify that these two pages are the decision of the County of Wellington Planning and Land Division Committee with respect to this application for consent.

DATED: JUNE 16, 2010

SIGNED: Deborah Twidest

Minimum Distance Separation I (MDS I) Report

Application Date: 29-Apr-2010
File Number: B74/10

Preparer Information
Sarah Wilhelm
County of Wellington
74 Woolwich Street
Guelph, ON, Canada N1H 3T9

Applicant Information
Brad & Michelle Ghent
Alette Holsteins Ltd.
9531 Concession 6N
RR #6
Mount Forest, ON, Canada N0G 2L0

County of Wellington
Township of Wellington North
Geotownship: ARTHUR
Concession: 6
Lot: 3

Calculation #1

Alette Holsteins Ltd. (Retained Lands)

Adjacent Farm Contact Information
Alette Holsteins Ltd.
9531 Concession 6N
Wellington North, ON, Canada

Farm Location
County of Wellington
Township of Wellington North
Geotownship: ARTHUR
Concession: 6
Lot: 3

Manure Form	Type of Livestock/Material	Existing Capacity	Existing NU	Estimated Barn Area
Liquid	Dairy; Milking-age Cows (dry or milking) Large Frame (545 - 636 kg) (eg. Holsteins)	300	428.6	Unavailable
Solid	Horses; Large-framed, mature; > 680 kg (including unweaned offspring)	1	1.4	Unavailable

Encroaching Land Use Factor: Type A Land Use

Tillable area of land on this lot: 34.4 ha

Manure/Material Storage Type: V7. Liquid (treated manure/material), outside, no cover

Factor A (Odour Potential): 0.7
Factor B (Nutrient Units): 526
Factor D (Manure/Material Type): 0.8
Factor E (Encroaching Land Use): 1.1
Total Nutrient Units: 430

	Required Setback	Actual Setback
Distance from nearest livestock building 'F' (A x B x D x E):	324 m (1063 ft)	
Distance from nearest permanent manure/material storage 'S':	324 m (1063 ft)	

Signature of Preparer:



Sarah Wilhelm, County of Wellington

Date: APRIL 29, 2010

NOTE TO THE USER:

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has developed this software program for distribution and use with the Minimum Distance Separation (MDS) Formulae as a public service to assist farmers, consultants, and the general public. This version of the software distributed by OMAFRA will be considered to be the official version for purposes of calculating MDS. OMAFRA is not responsible for errors due to inaccurate or incorrect data or information; mistakes in calculation; errors arising out of modification of the software, or errors arising out of incorrect inputting of data. All data and calculations should be verified before acting on them.



Minimum Distance Separation I (MDS I) Report

File: MDS B74-10 Alette Holsteins.mds

Application Date: 29-Apr-2010
File Number: B74/10

Preparer Information
Sarah Wilhelm
County of Wellington
74 Woolwich Street
Guelph, ON, Canada N1H 3T9

Applicant Information
Brad & Michelle Ghent
Alette Holsteins Ltd.
9531 Concession 6N
RR #6
Mount Forest, ON, Canada N0G 2L0

County of Wellington
Township of Wellington North
Geotownship: ARTHUR
Concession: 6
Lot: 3

Calculation #2

Weber

Confirmed tillable area to be 30.4 ha (75 ac) for the lot containing farm buildings by telephone conversation with Mr. Weber at 2:30 pm on Thursday, April 29, 2010.

Adjacent Farm Contact Information
Laverne Weber
9513 Concession 6N
Wellington North, ON, Canada

Farm Location
County of Wellington
Township of Wellington North
Geotownship: ARTHUR
Concession: 6
Lot: 4

Manure Form	Type of Livestock/Material	Existing Capacity	Existing N/U	Estimated Barn Area
Solid	Beef; Shortkeepers (12.5 - 17.5 months)	450	225.0	Unavailable
Liquid	Swine; Sows with litter, dry sows/boars (non-SEW)	80	22.9	Unavailable
Liquid	Swine; Weaners (7 - 27 kg)	300	15.0	Unavailable
Liquid	Swine; Feeders (27 - 105 kg)	400	66.7	Unavailable

Encroaching Land Use Factor: Type A Land Use

Tillable area of land on this lot: 30.4 ha

Manure/Material Storage Type: L1. Solid, outside, no cover, 18-30% DM, with uncovered liquid runoff storage

Factor A (Odour Potential): 0.91
Factor B (Nutrient Units): 479
Factor D (Manure/Material Type): 0.73
Factor E (Encroaching Land Use): 1.1
Total Nutrient Units: 330

	Required Setback	Actual Setback
Distance from nearest livestock building 'F' (A x B x D x E):	350 m (1150 ft)	
Distance from nearest permanent manure/material storage 'S':	367 m (1203 ft)	

Signature of Preparer: 
Sarah Wilhelm, County of Wellington

Date: APRIL 29, 2010

NOTE TO THE USER:

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has developed this software program for distribution and use with the Minimum Distance Separation (MDS) Formulae as a public service to assist farmers, consultants, and the general public. This version of the software distributed by OMAFRA will be considered to be the official version for purposes of calculating MDS. OMAFRA is not responsible for errors due to inaccurate or incorrect data or information; mistakes in calculation; errors arising out of modification of the software, or errors arising out of incorrect inputting of data. All data and calculations should be verified before acting on them.



To Whom It May Concern:

I, Laverne Weber, 9513 Concession 6N, Arthur Twp., am fully aware of the MDS setback limitations created with the lot addition to Maple Lane Farm Services Inc. and have no concerns with the potential additional setback requirements to my farm operation created with this lot addition.


Laverne Weber
Laverne Weber

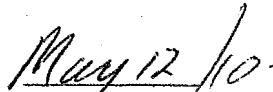
May 17 2016
Dated

To Whom It May Concern:

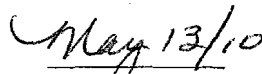
We, Brad and Michele Ghent, owners of Alette Holsteins Ltd., 9531 Concession 6N, Arthur Twp., are fully aware of the MDS setback limitations created with the lot addition to Maple Lane Farm Services Inc. and have no concerns with the potential additional setback requirements to our farm operation created with this lot addition.

Furthermore, we recommended to Maple Lane Farm Services Ltd., that they extend their property boundary over to our lane in order not to create a sliver of land to be farmed by us between their property and ours.


Brad Ghent


Dated


Michele Ghent


Dated



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 CENT.
74 WOOLWICH STRE
GUELPH, ONTAR
N1H 3

August 3, 2010

Darren Jones, Chief Building Official
Township of Wellington North
P.O. Box 125, 7490 Sideroad 7 W
Kenilworth, ON N0G 2E0

Dear Ms. More:

**RE: Alette Holsteins Ltd.
Part Lot 3, Concession 6 (Formerly Arthur Township)
Zoning By-law Amendment**

PLANNING OPINION

The amendment would rezone the subject lands to an Agricultural Commercial (AC) Exception zone to allow the expansion of a farm equipment business and recognize Minimum Distance Separation 1 (MDS1) deficiencies. The rezoning is required as a condition of provisional consent (B74/10) by the Wellington County Land Division Committee.

We do not have any concerns with implementing this decision. As a result of existing institutional and rural residential uses, the proposed rezoning will not further restrict the ability of surrounding livestock operations to expand.

This proposal is agricultural-related and will be providing products for sale from the local farming community. According to the Agriculture First policy of Section 6.4.2 which states that "As a general rule, land use activities that support agriculture will be encouraged and land use activities that do not support agriculture will be discouraged", we believe that the proposal is in keeping with the intent of the Plan. The application would maintain the general intent and purpose of the Official Plan and Zoning By-law.

SUBJECT LAND

The subject lands is a 1.46 ha (3.60 ac) portion of Part Lot 3, Concession 6 (former Township of Arthur).

PURPOSE

The purpose of the application is to rezone the subject lands from Agricultural (A) to an Agricultural (AC) Exception zone to allow the expansion of a farm equipment business and permit the use to be located within the Minimum Distance Separation (MDS I) arcs generated by existing livestock facilities.

This rezoning is a condition of severance application B74/10, that has been granted provisional consent by the Wellington County Land Division Committee. Two of the

conditions deal with zoning compliance and the satisfaction of MDS1 issues. This rezoning application is intended to address these issues.

COUNTY OF WELLINGTON OFFICIAL PLAN

The subject lands are designated PRIME AGRICULTURAL in the County of Wellington Official Plan. Agricultural-related uses are permitted in Prime Agricultural Areas and Section 6.4.5 of the Official Plan states "*Small scale agricultural-related businesses as required to serve agriculture and directly related to farm operations may be allowed in appropriate locations and subject to zoning provisions, where they are needed in close proximity to farms.*"

WELLINGTON NORTH ZONING BY-LAW

The draft by-law places the subject lands which are presently zoned Agricultural (A), within an Agricultural Commercial (AC) Exception zone. The proposed agricultural commercial use, which is considered a Type A land use for the purpose of Minimum Distance Separation 1 (MDS1) calculations, is within a MDS1 arc created by two livestock operations located to the south (9531 Concession 6N – Alette Holstein Ltd & 9513 Concession 6N – Weber).

PLANNING CONSIDERATIONS

Livestock Expansion

Consideration was given to whether the expansion of the farm equipment business would limit the expansion potential of existing livestock facilities located near the subject lands.

Expansion of the Alette Holstein Ltd. livestock operation is already restricted as a MDS1 setback of 324 m would be required from the nearest livestock facility and permanent manure storage, whereas a distance of 43 m is shown on the survey sketch submitted as part of the consent application.

For the Weber livestock operation, almost half of the proposed severed parcel encroaches into the MDS1 arc from the barn. There are currently two existing rural residential lots located closer to the livestock operation than the subject lands and the Chief Building Official has indicated that the livestock operation is already restricted. Therefore, the proposed rezoning will not result in a restriction of the existing agricultural operation.

A map illustrating the MDS1 arcs from both properties is attached.

Minor Variance

While at this time the applicants are not proposing to construct any structures on the subject lands, the site specific zoning by-law amendment recognizes the parcels location within existing MDS1 arcs. This recognition will ensure that the applicants will not require a variance from MDS1 setback requirements should they apply for a building permit in the future.

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

Sincerely,

Charlie Toman, B.E.S.
Planner

Attached

**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" to By-law 66-01 being the Zoning By-law for the Township of Wellington North is amended by changing the zoning on the land described as Part Lot 3, Concession 6 (former Township of Arthur), as illustrated by Schedule 'A' attached to and forming part of this By-law from **Agricultural (A)** to **Agricultural Commercial Exception (AC-99)**.
2. THAT Section 33, Exception Zone 3 – Rural Areas, is amended by the inclusion of the following new exception:

 "33.99 AC-99 Notwithstanding any other section of this by-law to the contrary, the uses allowed within lands zoned AC-99 are permitted within Minimum Distance Separation (MDS I) arcs created by livestock operations situated at 9531 Concession 6N (Alette Holstein Ltd) & 9513 Concession 6N (Weber)."
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 Amendment 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 _____, 2010.

READ A THIRD TIME AND PASSED THIS _____ DAY OF _____, 2010.

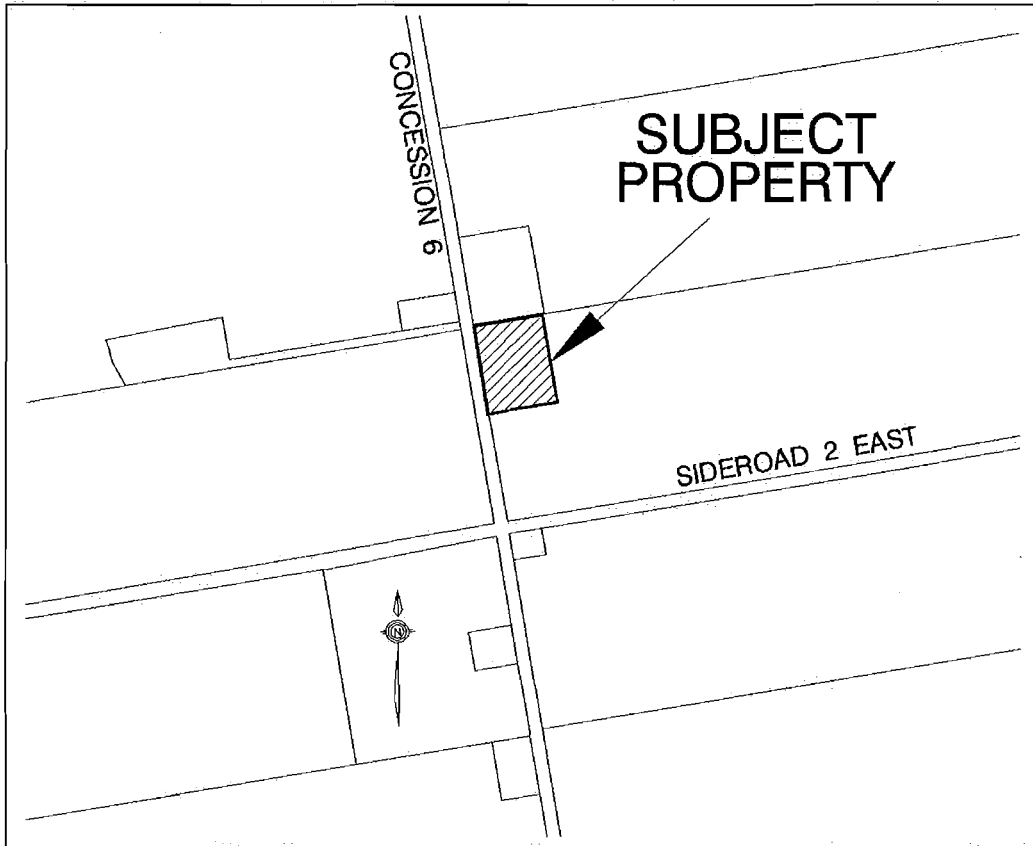
MAYOR

CLERK

THE TOWNSHIP OF WELLINGTON NORTH

BY-LAW NO. _____

Schedule "A"



Rezone from Agricultural (A) to Agricultural Commercial Exception (AC-99)

This is Schedule "A" to By-law _____.

Passed this ____ day of _____ 2010

MAYOR

CLERK

EXPLANATORY NOTE

BY-LAW NUMBER _____.

THE LOCATION OF THE SUBJECT LANDS The subject lands is a 1.46 ha (3.60 ac) portion of Part Lot 3, Concession 6 (former Township of Arthur).

THE PURPOSE AND EFFECT of the rezoning is to rezone the subject lands from Agricultural (A) to an Agricultural (AC) Exception zone to allow the expansion of a farm equipment business and recognize that the use is located within the Minimum Distance Separation (MDS I) arcs generated by existing livestock facilities.

This rezoning is a condition of severance application B74/10, that has been granted provisional consent by the Wellington County Land Division Committee. Two of the conditions deal with zoning compliance and the satisfaction of MDS1 issues. This rezoning application is intended to address these issues.



261123 Grey Rd. 28
Municipality of West Grey
(former Normanby Twp.)

Mailing Address:
R.R. 1, Hanover, ON
Canada N4N 3B8

Tel 519-364-1255
Fax 519-364-6990
www.svca.on.ca
publicinfo@svca.on.ca

July 23/10

RECEIVED

July 23, 2010

JUL 28 2010

TWP. OF WELLINGTON NORTH

Township of Wellington North
7490 Sideroad 7, W
Kenilworth, ON
N0G 2E0

ATTENTION: Darren Jones, Building/Zoning Dept.

Dear Mr. Jones:

RE: Proposed Zoning By-law amendment
Part Lot 3, Concession 6
Geographic Township of Arthur
Township of Wellington North

The Saugeen Valley Conservation Authority (SVCA) has reviewed this proposed Zoning By-law amendment in accordance with the SVCA's mandate and policies and the Memorandum of Agreement between the Authority and the County of Wellington with respect to Plan Review. The SVCA has no objection to the approval of this proposed Zoning By-law amendment.

For this particular property, there are no natural heritage features or natural hazards affecting the property.

All of the plan review functions listed in the agreement have been assessed with respect to this proposed Zoning By-law amendment, the Authority is of the opinion that the proposed Zoning By-law amendment appears to comply with the relevant policies of the Wellington Official Plan and Provincial Policies referred to in the agreement.

We trust this information is helpful. Should questions arise, please do not hesitate to contact this office.

Yours sincerely,

Erik Downing
Environmental Planning Technician

ED/

cc: Mark MacKenzie, SVCA Director, via email

Conservation
Through
Cooperation

A MEMBER OF



Conservation
ONTARIO
Natural Champions