



7490 Sideroad 7 W, PO Box 125,  
Kenilworth, ON N0G 2E0

[www.wellington-north.com](http://www.wellington-north.com)

519.848.3620

1.866.848.3620 FAX 519.848.3228

Plan to  
Simply Explore.

[www.simplyexplore.ca](http://www.simplyexplore.ca)

## Committee of Adjustment

Monday, November 6<sup>th</sup>, 2017

2:00 p.m.

Municipal Office Council Chambers, Kenilworth

### AGENDA

AGENDA ITEM	PAGE NO.
<b><u>CALLING TO ORDER</u></b>	
- Chairman Lennox	
<b><u>DISCLOSURE OF PECUNIARY INTEREST(S) AND THE GENERAL NATURE THEREOF</u></b>	
<b><u>MINUTES OF PREVIOUS MEETING(S)</u></b>	
Committee of Adjustment, October 23rd, 2017 (A09-17)	1
<b><u>APPLICATION A10-17</u></b>	
<b><u>OWNERS/APPLICANT</u></b>	
- Alette Holsteins Ltd.	
<b><u>LOCATION OF THE SUBJECT LAND</u></b>	6
The location of the subject property is described as Part Lot 3, Concession 6, geographic Arthur, Township, with a civic address of 9531 Concession 6 N. The subject land is approximately 37.56 ha (92.81 acres) and is occupied by an existing dairy operation. The location of the property is shown on the map attached.	

<b>AGENDA ITEM</b>	<b>PAGE NO.</b>
<p><b><u>PURPOSE AND EFFECT OF THE APPLICATION</u></b></p> <p>The purpose and effect of the application is to provide relief from the Minimum Distance Separation 2 (MDS 2) setback requirements. The applicant is proposing to expand an existing dairy barn. The required MDS 2 distances to two neighbouring dwellings and the road allowances (Concession 6 N &amp; Sideroad 2 E) cannot be met. Other variances may be considered where deemed appropriate.</p>	
<p><b><u>SECRETARY TREASURER</u></b></p> <p>Notices were mailed to property owners within 60 m of the subject property as well as the applicable agencies and posted on the subject property on October 25th, 2017.</p>	
<p><b><u>PRESENTATIONS</u></b></p> <p>Curtis Marshall, MCIP, RPP, Senior Planner - See attached comments</p>	7
<p><b><u>CORRESPONDENCE FOR COMMITTEE'S REVIEW</u></b></p> <p>Michael Oberle, Environmental Planning Technician, SVCA - The proposed minor variance is acceptable to SVCA staff</p>	10
<p><b><u>REQUEST FOR NOTICE OF DECISION</u></b></p> <p>Persons wishing to be notified of the decision must submit a written request to the Secretary-Treasurer.</p>	
<p><b><u>CHAIRMAN OPENS FLOOR FOR ANY COMMENTS/QUESTIONS</u></b></p> <p>Are there any persons present who wish to make oral and/or written submissions in support of the proposed minor variance?</p> <p>Are there any persons present who wish to make oral and/or written submissions against this application?</p>	

AGENDA ITEM	PAGE NO.
<p data-bbox="188 279 1073 317"><b><u>COMMENTS/QUESTIONS FROM THE COMMITTEE</u></b></p> <p data-bbox="188 365 480 403"><b><u>ADJOURNMENT</u></b></p>	

**TOWNSHIP OF WELLINGTON NORTH  
COMMITTEE OF ADJUSTMENT  
MONDAY, OCTOBER 23, 2017 – 7:00 P.M.  
A09/17**

The Committee of Adjustment met in the Municipal Office Council Chambers, Kenilworth.

**Members Present: Chairman:** Andy Lennox  
Sherry Burke  
Lisa Hern  
Steve McCabe  
Dan Yake

**Also Present:**

Secretary-Treasurer, Clerk:	Karren Wallace
CAO/Deputy Clerk:	Michael Givens
Deputy Clerk:	Catherine Conrad
Treasurer:	Kimberly Henderson
Interim Director of Public Works:	Derek McCaughan
Chief Building Official:	Darren Jones
Director of Recreation, Park and Facilities:	Barry Lavers
Fire Chief:	David Guilbault
Manager, Mount Forest Sports Complex:	Mark McKenzie
Senior Planner:	Curtis Marshall

**THE CHAIRMAN CALLED THE MEETING TO ORDER**

**DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF**

No pecuniary interest reported.

**MINUTES OF PREVIOUS MEETING(S)**

**RESOLUTION NUMBER CoA 2017-20**

Moved by: Member Burke

Seconded by: Member McCabe

*THAT the Committee of Adjustment meeting minutes of August 28, 2017 be adopted as presented.*

**CARRIED**

**APPLICATION A09/17**

**Owners/Applicant: Lloyd, Stuart and Mark Wright**

**The location of the subject property** is described as Lot 25, WOSR DIVS 1 to 4, geographic Arthur Township, with a civic address of 7591 Sideroad 8 W, Kenilworth. The subject land is approximately 79.7 ha (197 acres) and is occupied by an existing dairy operation.

**TOWNSHIP OF WELLINGTON NORTH  
COMMITTEE OF ADJUSTMENT  
MONDAY, OCTOBER 23, 2017 – 7:00 P.M.  
A09/17**

**The purpose and effect** of the application is to provide relief from the Minimum Distance Separation 2 (MDS 2) setback requirements. The applicant is proposing to expand their existing dairy operation by constructing a new barn and liquid manure tank. The required MDS 2 distances to the nearest neighbour's dwelling cannot be met. Other variances may be considered where deemed appropriate.

**NOTICE OF THIS MEETING** was mailed to property owners within 60 m of the subject property as well as the applicable agencies and posted on the subject property on October 12, 2017 pursuant to the provisions of the Planning Act.

**PRESENTATION**

Curtis Marshall, Senior Planner, reviewed his comments dated October 16, 2017.

Planning Comments: The variances requested would permit the construction of a new dairy barn and liquid manure tank. The manure tank is being located to allow for gravity flow from the new barn to the tank. The location of the proposed barn and manure tank do not meet the minimum distance separation (MDS II) from the nearest neighbours dwelling.

We have no concerns with the relief requested for the barn addition. The location of the proposed new barn and liquid manure tank provides operational efficiency. The structures are proposed to be built at the rear of the existing farm building cluster which is furthest from the neighbouring home. The application would maintain the general intent and purpose of the Official Plan and Zoning By-law, is minor, desirable and appropriate for the development of the subject property.

**SUBJECT PROPERTY AND LOCATION**

The location of the property is described as Lot 25, WOSR DIVS 1 to 4, with a civic address of 7591 Sideroad 8 West. The subject property has an area of approximately 79.7 ha (197 ac) and is occupied by a farming operation including a dwelling, barns and sheds.

**PROPOSAL**

The purpose of this application is to provide relief from the minimum distance separation (MDS II) setback requirement from the nearest neighbours dwelling for a proposed new dairy barn and liquid manure tank.

**Provincial Policy Statement (PPS)**

The subject property is within an area of prime agricultural land. New or expanding livestock facilities shall comply with the minimum distance separation formulae. Guideline #43 of the MDS Implementation Guidelines outlines that minor variances to MDS II distances can be considered based on site specific

**TOWNSHIP OF WELLINGTON NORTH  
COMMITTEE OF ADJUSTMENT  
MONDAY, OCTOBER 23, 2017 – 7:00 P.M.  
A09/17**

circumstances. Circumstances that meet the intent, if not the precise distances of MDS II, or mitigate environmental impacts, may warrant further consideration.

**WELLINGTON COUNTY OFFICIAL PLAN**

The subject property is designated PRIME AGRICULTURAL, CORE GREENLANDS, GREENLANDS. The farm building cluster is well removed from the CORE GREENLANDS AND GREENLANDS areas. In Prime Agricultural Areas, all types, sizes and intensities of agricultural uses and normal farm practices will be promoted and protected in accordance with provincial standards. Furthermore, Section 13.7 of the Plan provides consideration for minor variances provided the general intent of the Official Plan and Zoning By-law are maintained and the variance is minor and desirable for the appropriate development of the land. Consideration shall be given as to whether compliance with the by-law would be unreasonable, undesirable or would pose an undue hardship on the applicant.

**TOWNSHIP OF WELLINGTON NORTH ZONING BY-LAW**

The subject property is zoned Agricultural (A) and Natural Environment (NE). The location of the proposed new barn and liquid manure tank do not meet the minimum distance separation (MDS II) from the nearest neighbours dwelling.

According to the calculations submitted with the application all other MDS requirements can be met.

The following relief is required:

	Required	Proposed	Difference
New Dairy barn MDS II setbacks to Type A Uses (Sections: 6.17.2 & 8.8)	194 m (636 ft.)	159 m (523 ft.)	35 m (113 ft.)
New Manure Tank MDS II setbacks to Type A Uses (Sections: 6.17.2 & 8.8)	274 m (901 ft.)	219 m (717 ft.)	55 m (184 ft.)

**CORRESPONDENCE/COMMENTS RECEIVED**

None received.

**TOWNSHIP OF WELLINGTON NORTH  
COMMITTEE OF ADJUSTMENT  
MONDAY, OCTOBER 23, 2017 – 7:00 P.M.  
A09/17**

**REQUEST FOR NOTICE OF DECISION**

Persons wishing to be notified of the decision must submit a written request to the Secretary-Treasurer.

**CHAIRMAN OPENS FLOOR FOR ANY COMMENTS/QUESTIONS**

- Persons present who wish to make oral and/or written submissions in support of the proposed minor variance.

The applicant was present to answer questions regarding the application.

- Persons present to make oral and/or written submissions against the proposed minor variance.

No persons were present to make oral and/or written submissions against the proposed minor variance.

**COMMENTS/QUESTIONS FROM THE COMMITTEE**

The Committee was supportive of the application.

The Committee of Adjustment of the Corporation of the Township of Wellington North considered all written and oral submissions received on this application, the effect of which has assisted the Committee to make an informed decision on this planning matter.

**RESOLUTION NUMBER CoA 2017-**

Moved by: Member Burke

Seconded by: Member McCabe

*THAT the minor variance applied for in Application A09/17, for the property described as Lot 25, WOSR Divs 1 to 4, geographic Township of Arthur, 7591 Sideroad 8 West, to provide the following relief:*

1. *THAT an MDS II Setback to a Type A Land Use of 159 m (523 ft.) for a new dairy barn be permitted, whereas section 6.17.2 & 8.8 of the By-law requires 194 m (636 ft.)*
2. *THAT an MDS II Setback to a Type A Land Use of 219 m (717 ft.) for a manure tank be permitted, whereas section 6.17.2 & 8.8 of the By-law requires 274 m (901 ft.).*

*be authorized.*

**CARRIED**

**TOWNSHIP OF WELLINGTON NORTH  
COMMITTEE OF ADJUSTMENT  
MONDAY, OCTOBER 23, 2017 – 7:00 P.M.  
A09/17**

**ADJOURNMENT**

**RESOLUTION NUMBER CoA 2017-22**

Moved by: Member Burke

Seconded by: Member McCabe

*THAT the Committee of Adjustment meeting of October 23, 2017 be adjourned at 7:30 p.m.*

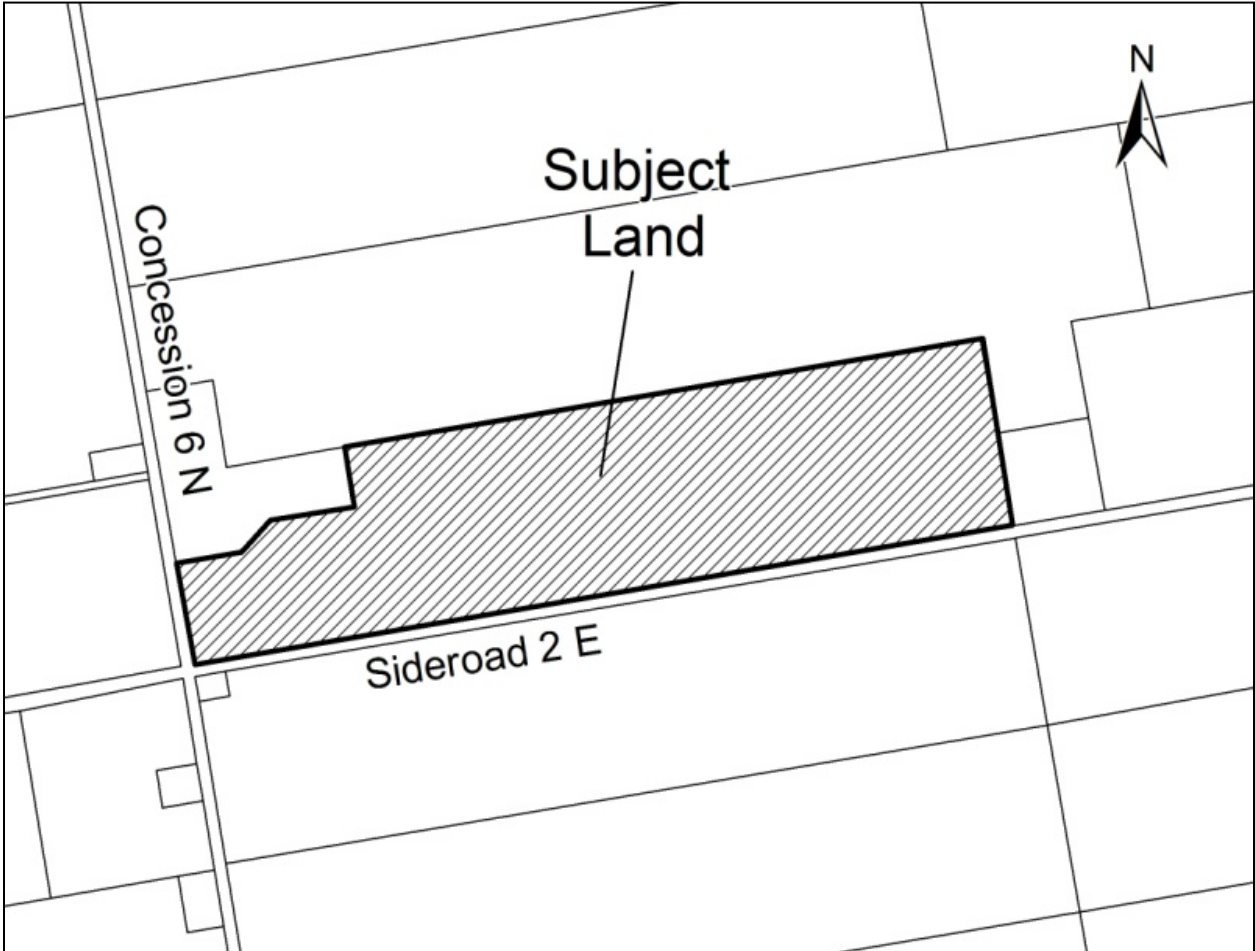
**CARRIED**

\_\_\_\_\_  
Secretary Treasurer

\_\_\_\_\_  
Chair



**Committee of Adjustment  
November 6th, 2017**



**A10-17 – Alette Holsteins Ltd.**



## COUNTY OF WELLINGTON

PLANNING AND DEVELOPMENT DEPARTMENT  
ALDO SALIS, M.Sc., B.E.S., MCIP, RPP, DIRECTOR  
TEL: (519) 837-2600  
FAX: (519) 823-1694  
1-800-663-0750

ADMINISTRATION CENTRE  
74 WOOLWICH STREET  
GUELPH, ONTARIO  
N1H 3T9

October 30, 2017

Mr. Darren Jones, Chief Building Official  
Township of Wellington North Committee of Adjustment  
7490 Sideroad 7 West  
Kenilworth, ON N0G 2E0

Dear Mr. Jones,

Re: **Minor Variance Application A10/17**  
**Part Lot 3, Concession 6, Geographic Township of Arthur**  
**9531 Concession 6 N**  
**Alette Holsteins Ltd.**

We have reviewed the application for minor variance and provide the following comments.

**Planning Comments:** The variances requested would permit the expansion of an existing dairy barn. The location of the expansion does not meet the minimum distance separation (MDS II) from the nearest neighbours dwelling and the adjacent road allowances (Concession 6N & Sideroad 2E).

We have no concerns with the relief requested for the barn addition. The location of the proposed addition provides operational efficiency and locating the building addition in another location would cause similar MDS II conflicts as the existing nearest neighbours dwelling is 86 m (282 ft.) away. The application would maintain the general intent and purpose of the Official Plan and Zoning By-law, is minor, desirable and appropriate for the development of the subject property.

### **SUBJECT PROPERTY AND LOCATION**

The location of the property is described as Part Lot 3, Concession 6, with a civic address of 9531 Concession 6 N, geographic Township of Arthur. The subject land is approximately 37.56 ha (92.81 acres) and is occupied by an existing dairy operation. The location of the property is shown on the map below.

### **PROPOSAL**

The purpose of this application is to provide relief from the minimum distance separation (MDS II) setback requirement from the nearest neighbours dwelling and the adjacent road allowances (Concession 6N & Sideroad 2E) for a proposed barn addition.

**Provincial Policy Statement (PPS)**

The subject property is within an area of prime agricultural land. New or expanding livestock facilities shall comply with the minimum distance separation formulae. Guideline #43 of the MDS Implementation Guidelines outlines that minor variances to MDS II distances can be considered based on site specific circumstances. Circumstances that meet the intent, if not the precise distances of MDS II, or mitigate environmental impacts, may warrant further consideration.

**WELLINGTON COUNTY OFFICIAL PLAN**

The subject property is designated PRIME AGRICULTURAL, CORE GREENLANDS, GREENLANDS. The farm building cluster is well removed from the CORE GREENLANDS AND GREENLANDS areas. In Prime Agricultural Areas, all types, sizes and intensities of agricultural uses and normal farm practices will be promoted and protected in accordance with provincial standards. Furthermore, Section 13.7 of the Plan provides consideration for minor variances provided the general intent of the Official Plan and Zoning By-law are maintained and the variance is minor and desirable for the appropriate development of the land. Consideration shall be given as to whether compliance with the by-law would be unreasonable, undesirable or would pose an undue hardship on the applicant.

**TOWNSHIP OF WELLINGTON NORTH ZONING BY-LAW**

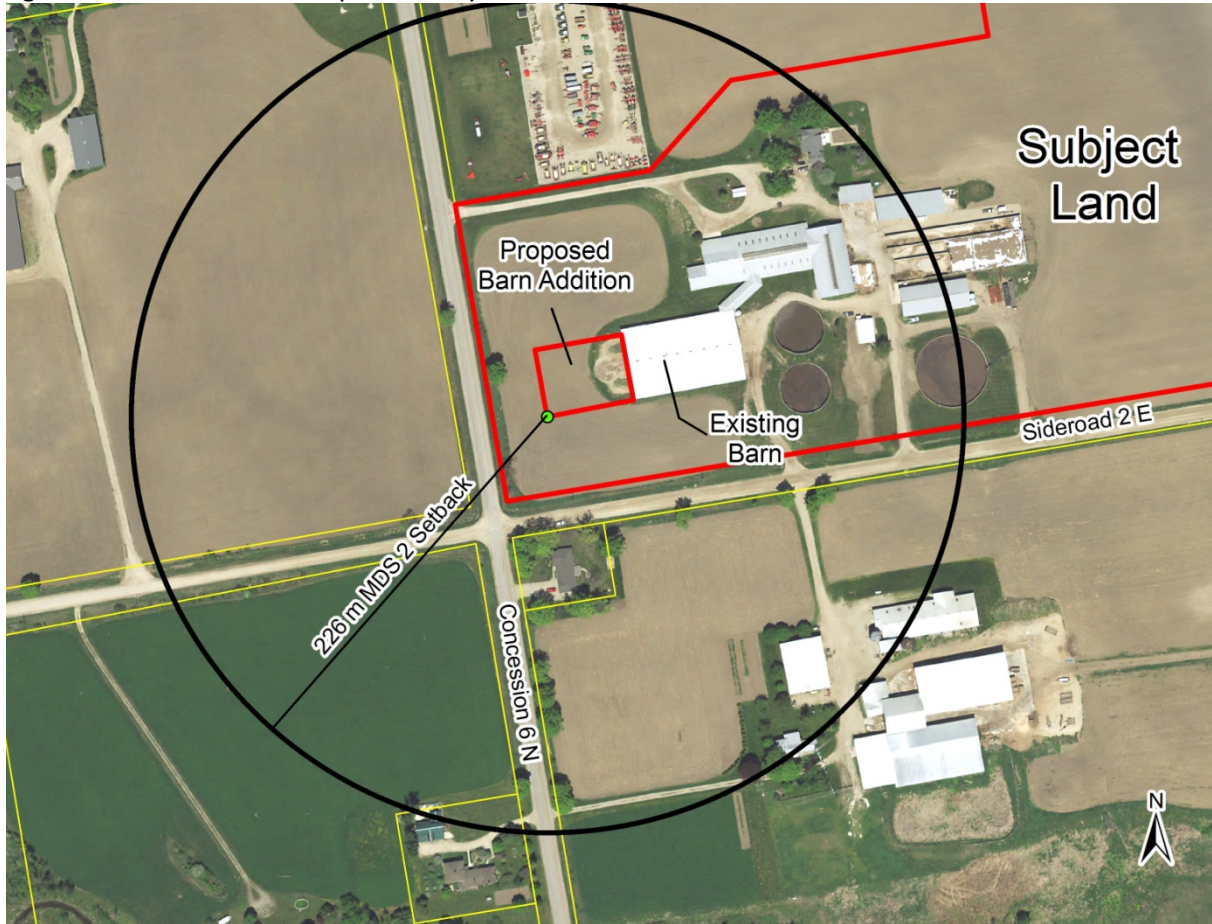
The subject property is zoned Agricultural (A) and Natural Environment (NE). The location of the proposed barn addition does not meet the minimum distance separation (MDS II) from the nearest neighbours dwelling and the adjacent road allowances (Concession 6N & Sideroad 2E).

According to the calculations submitted with the application all other MDS requirements can be met.

The following relief is required:

	<b>Required</b>	<b>Proposed</b>	<b>Difference</b>
<b>Dairy Barn Addition</b> MDS II setbacks to Type A Uses (Sections: 6.17.2 & 8.8)	226 m (740 ft.)	71 m (233 ft.)	155 m (508.5 ft.)
MDS II setbacks to Road Allowance- Concession 6N (Sections: 6.17.2 & 8.8)	45 m (148 ft.)	28 m (92 ft.)	17 m (184 ft.)
MDS II setbacks to Road Allowance- Sideroad 2 E (Sections: 6.17.2 & 8.8)	45 m (148 ft.)	41 m (134.5 ft.)	4 m (13 ft.)

Figure 1: MDS Arcs from Proposed Dairy Barn Addition



I trust that this information will be of assistance to Committee when making their decision on this application.

Yours truly,

Curtis Marshall, MCIP, RPP



1078 Bruce Road 12, P.O. Box 150, Formosa ON Canada N0G 1W0  
Tel 519-367-3040, Fax 519-367-3041, publicinfo@svca.on.ca, www.svca.on.ca

SENT ELECTRONICALLY ONLY ([township@wellington-north.com](mailto:township@wellington-north.com))

October 30, 2017

Township of Wellington North  
Committee of Adjustment  
7490 Sideroad 7, W  
Kenilworth, Ontario  
N0G 2E0

ATTENTION: Darren Jones, Chief Building Official

Dear Mr. Jones,

RE: Proposed Minor Variance A10/17  
9531 Concession 6N  
Roll No.: 234900000815100  
Part Lot 3 Concession 6  
Geographic Township of Arthur  
Township of Wellington North

(Alette Holsteins Ltd. c/o Ghent)

Saugeen Valley Conservation Authority (SVCA) staff has reviewed this proposal in accordance with the SVCA's mandate, and the Saugeen Valley Conservation Authority Environmental Planning and Regulations Policies Manual, Approved May 16, 2017. The purpose and effect of the application is to provide relief from the Minimum Distance Separation 2 (MDS 2) setback requirements. The applicant is proposing to expand an existing dairy barn. The required MDS 2 distances to two neighbouring dwellings and the road allowance (Concession 6N and Sideroad 2E) cannot be met. Other variances may be considered where deemed necessary. The proposed minor variance is acceptable to SVCA staff, and the following comments are offered.

#### **Natural Hazard**

In the opinion of SVCA staff, the eastern portion of the property is designated Core Greenlands and Greenlands in the Wellington County Official Plan (OP) Schedule A6 Wellington North, this area is also zoned Natural Environment Zone (NE) in the Township of Wellington North Zoning By-law 66-01, Schedule 'A' Map 1. In general no new buildings or structures are permitted in the Core Greenlands designation or in the NE zone. In the opinion of SVCA staff, the proposed barn addition is not located within the NE zone.

#### **Natural Heritage**

In the opinion of SVCA staff, the natural heritage features and areas affecting the property include fish habitat, significant woodlands, and potentially the significant habitat of endangered species or threatened species.



#### **Watershed Member Municipalities**

Municipality of Arran-Elderslie, Municipality of Brockton, Township of Chatsworth, Municipality of Grey Highlands, Town of Hanover, Township of Howick, Municipality of Morris-Turnberry, Municipality of South Bruce, Township of Huron-Kinloss, Municipality of Kincardine, Town of Minto, Township of Wellington North, Town of Saugeen Shores, Township of Southgate, Municipality of West Grey

### Fish Habitat

Bell's Creek (Bethel Creek) flows through the northeast corner of the property, and is considered fish habitat by SVCA staff. Section 2.1.8 of the Provincial Policy Statement (PPS 2014) indicates that, among other things, development and site alteration shall not be permitted on the adjacent lands of fish habitat unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on fish habitat or on their ecological function. In the opinion of SVCA staff, the proposed barn addition will not be in the adjacent lands to fish habitat, therefore the completion of an Environmental Impact Study (EIS) to address the adjacent lands to fish habitat is not warranted for this proposal.

### Significant Woodlands

SVCA staff are of the opinion that the woodlands in the eastern portion of the property, and on lands adjacent to the property are considered significant woodlands. The woodlands have been included in the Core Greenlands and Greenlands designation of the Wellington County OP. In the opinion of SVCA staff, the proposed barn addition is not within the adjacent lands to the woodlands, therefore the completion of an EIS to address significant woodlands on the property is not warranted for this proposal.

### Significant Habitat of Endangered Species or Threatened Species

It has come to the attention of SVCA staff that habitat of endangered species or threatened species may be located on or adjacent to the property. Section 2.1.7 of the Provincial Policy Statement (PPS 2014) indicates that development and site alteration shall not be permitted in habitat of endangered species or threatened species, except in accordance with provincial and federal requirements. It is the responsibility of the applicant to ensure the endangered species and threatened species policy referred to in the PPS has been appropriately addressed. Please contact the Ministry of Natural Resources and Forestry (MNRF) for information on how to address this policy.

### **SVCA Regulation**

The eastern portion of the property is within the SVCA's Approximate Screening Area associated with the SVCA's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 169/06, as amended). This Regulation is in accordance with Section 28 of the *Conservation Authorities Act*, R.S.O, Chap. C. 27, and requires that a person obtain the written permission of the SVCA prior to any "development" in a Regulated Area or alteration to a wetland or watercourse.

### "Development" and Alteration

Subsection 28(25) of the *Conservation Authorities Act* defines "development" as:

- a) *the construction, reconstruction, erection or placing of a building or structure of any kind,*
- b) *any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure increasing the number of dwelling units in the building or structure,*
- c) *site grading, or*
- d) *the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere*

Township of Wellington North  
Proposed Minor Variance A10/17 (Alette Holsteins Ltd. c/o Ghent)  
October 30, 2017  
Page 3 of 3

According to Section 5 of Ontario Regulation 169/06, as amended, alteration generally includes the straightening, diverting or interfering in any way the existing channel of a river, creek, stream or watercourse, or the changing or interfering in any way with a wetland.

To determine the SVCA's Approximate Screening Area, associated with our Regulation on the property, please refer to the SVCA's online mapping program, available via the SVCA's website at <http://eprweb.svca.on.ca>. Should you require assistance, please contact our office directly.

#### Permission for Development or Alteration

If development or alteration including construction, reconstruction, conversion, grading, filling or excavation, including agricultural tile drainage, is proposed within the Approximate Screening Area associated with our Regulation on the property, the SVCA should be contacted, as permission may be required.

However, according to the plans submitted as part of the proposed minor variance application, the proposed barn addition is not within the SVCA's Approximate Screening Area. A Permit from the SVCA is not required for the proposed barn addition.

#### **Conclusion**

The proposed minor variance is acceptable to SVCA staff. The SVCA would appreciate receiving a copy of the decision for the proposed minor variance, once available.

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

Sincerely,



Michael Oberle  
Environmental Planning Technician  
Saugeen Conservation  
MO\

cc: Karren Wallace, Clerk – Township of Wellington North (via email)  
Cuesta Planning Consultants Ltd., agent (via email)  
Alette Holsteins Ltd. c/o Ghent, owner (via email)  
Steve McCabe, Authority Member, SVCA (via email)