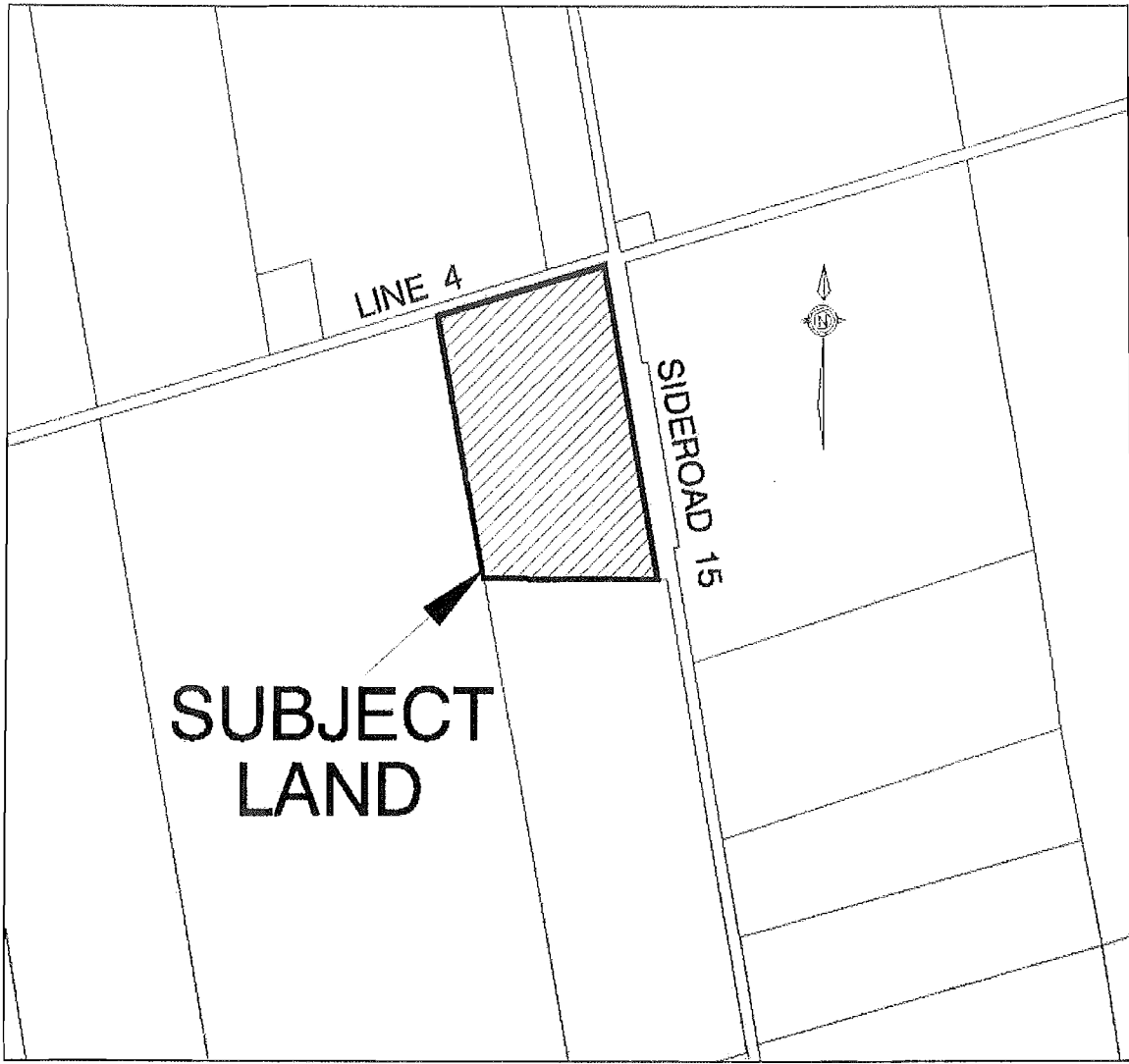


AGENDA ITEM	PAGE NO.
3. Presentations by: <ul style="list-style-type: none">- Linda Redmond, Planner<ul style="list-style-type: none">- See attached comments and draft by-law	12
4. Review of Correspondence received by the Township: <ul style="list-style-type: none">- Liz Yerex, Resource Planner, GRCA<ul style="list-style-type: none">- See attached comments.	17
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: Noah Martin and Verna Martin</p>	
<p>THE LOCATION being rezoned is in Part of Lot 18, Concession 10, RP 61R9990; Part 1, with a civic address of 7044 Sideroad 7 West. The property is approximately 1.86 hectares (4.59 Acres) in size and occupied by a residence. (See attached map).</p>	20
<p>THE PURPOSE AND EFFECT of the amendment is to rezone the subject lands to allow a combination accessory structure and hobby barn of 371.6 sq. m. (4000 sq.ft) on the subject lands.</p>	
<p>Please note – Section 34 (12) of the Planning Act.</p>	
<p>(12) Information. – At a meeting under subsection (12), the council shall ensure that information is made available to the public regarding the power of the Municipal Board under subsection (14.1) to dismiss an appeal if an appellant has not provided the council with oral submissions at a public meeting or written submissions before a By-law is passed.</p>	
<p>8. Notice for this public meeting was sent to property owners within 120 m and required agencies and posted on the property on October 17th, 2011.</p>	
<p>9. Amended Site Plan, submitted by Applicant.</p>	21
<p>10. Presentations by:</p> <ul style="list-style-type: none"> - Linda Redmond, Planner - See attached comments and draft by-law 	22
<p>11. Review of Correspondence received by the Township:</p> <ul style="list-style-type: none"> - Brandi Walter, Environmental Planner, MVCA - See attached comments. 	28
<p>12. The by-law will be considered at the regular council meeting following the public meeting. Persons wishing notice of the passing of the By-law must submit a written request.</p>	
<p>13. Mayor opens floor for any questions/comments.</p>	
<p>14. Comments/questions from Council.</p>	
<p>15. Adjournment</p>	



CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH

COPY

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)?

REZONE FROM INDUSTRIAL EXTRACT TO AGRICULTURE

B. GENERAL INFORMATION

3. APPLICANT INFORMATION

a) Registered Owner's Name(s): DANNY & DONNA CLARK

Address: RR#4 KENKWORTH

Phone: Home (519-848-3713) Work () 519-848-3070 Fax () 519-848-5987

b) Applicant (Agent) Name(s): _____

Address: _____

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

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

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

e) When did the current owner acquire the subject land? 1990

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: _____

Concession: EP-2 Lot: 15 CON 4 Registered Plan No: _____

Area: 14.7 hectares Depth: 540 meters Frontage (Width): 300 meters
_____ acres _____ feet _____ 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?

_____ INDUSTRIAL EXTRACT _____

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

_____ GRAVEL PIT _____

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

C. EXISTING AND PROPOSED LAND USES AND BUILDINGS

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

_____ GRAVEL PIT _____

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

30 YEARS!

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

FARM LAND

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

NONE

(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?

SIDEROAD #15 W LUTHER

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:

N/A

	Municipal Sewers	Communal Sewers	Private Wells	Other Water Supply	Communal Sewers	Private Septic	Other Sewage Disposal
a) Existing	()	()	()	()	()	()	()
b) Proposed	()	()	()	()	()	()	()

18. HOW IS THE STORM DRAINAGE PROVIDED?

Storm Sewers () Ditches () Swales () N/A Other means (explain below)

E. OTHER RELATED PLANNING APPLICATIONS

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

Official Plan Amendment	Yes ()	No (<input checked="" type="checkbox"/>)
Zoning By-law Amendment	Yes ()	No (<input checked="" type="checkbox"/>)
Minor Variance	Yes ()	No (<input checked="" type="checkbox"/>)
Plan of Subdivision	Yes ()	No (<input checked="" type="checkbox"/>)
Consent (Severance)	Yes ()	No (<input checked="" type="checkbox"/>)
Site Plan Control	Yes ()	No (<input checked="" type="checkbox"/>)

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

File No. and Date of Application: _____

Approval Authority: _____

Lands Subject to Application: _____

Purpose of Application: _____

Status of Application: _____

Effect on the Current Application for Amendment: _____

F. OTHER SUPPORTING INFORMATION

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

G. APPLICATION DRAWING

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

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

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

Note

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)

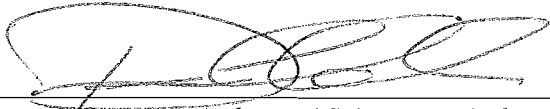
I (we) _____ of the _____ of _____ in the
 County / Region of _____ do hereby authorize _____ to
 Act as my agent in this application.

Signature of Owner(s) _____ *Date*

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

I (we) Dan Clark of the Township of the Wellington North County / Region of Wellington solemnly declare that all the statements contained in this application are true, and I, (we), make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the **CANADA EVIDENCE ACT**.

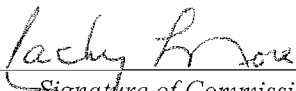
DECLARED before me at the Township of Wellington North in the County / Region of Wellington this 25 day of October, 2011



Signature of Owner or Authorized Solicitor or Authorized Agent

Oct. 5/11

Date



Signature of Commissioner

Oct 5/11

Date

APPLICATION AND FEE OF \$ 1500.00 RECEIVED BY MUNICIPALITY



Signature of Municipal Employee

Oct 5/11

Date

Ministry of
Natural Resources

Ministère des
Richesses naturelles



Guelph District
1 Stone Road West
Guelph, Ontario
N1G 4Y2

Telephone: (519) 826-1955
Facsimile: (519) 826-4929

September 26, 2011

Danny and Donna Clark
RR#2
Arthur, ON
N0G 1A0

**Subject: Surrender of Licence #5652
Licensee – Danny & Donna Clark
Lot: E ½ 15, Concession: 4 (Luther Twp.)
Township of Wellington North
County of Wellington**

Mr. and Mrs. Clark

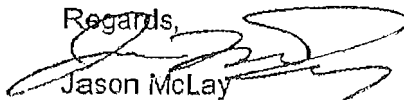
Please be advised that the Ministry has received your request to surrender the aggregate licence located at the above noted location. A site inspection was conducted on September 21, 2011 to ensure that the site was rehabilitated in accordance with the site plan and the Act.

The site was found to be well sloped and good vegetation was noted at the time of inspection. Vegetation was not as predominant on the western slope as the remainder of the site however it was beginning to grow. At the time of the inspection the new property owner was on site and spraying the field to prepare it for agricultural crops next season. After discussing the property with the new owner it is my understanding that the site will be used for agriculture cropping including areas of the western slope.

Please be advised that the rehabilitation meets the requirements of the site plans and the Aggregate Resources Act (ARA) and that there are no further obligations for the licensee under the ARA. The Ontario Aggregate Resources Corporation has also confirmed that there are no outstanding fees as of September 26, 2011 as a result of no production in 2011. The licence fees have been waived for 2011 as a result of no production and waiting for vegetation to become established.

If you should have any questions please feel free to contact me at the number below.

Regards,

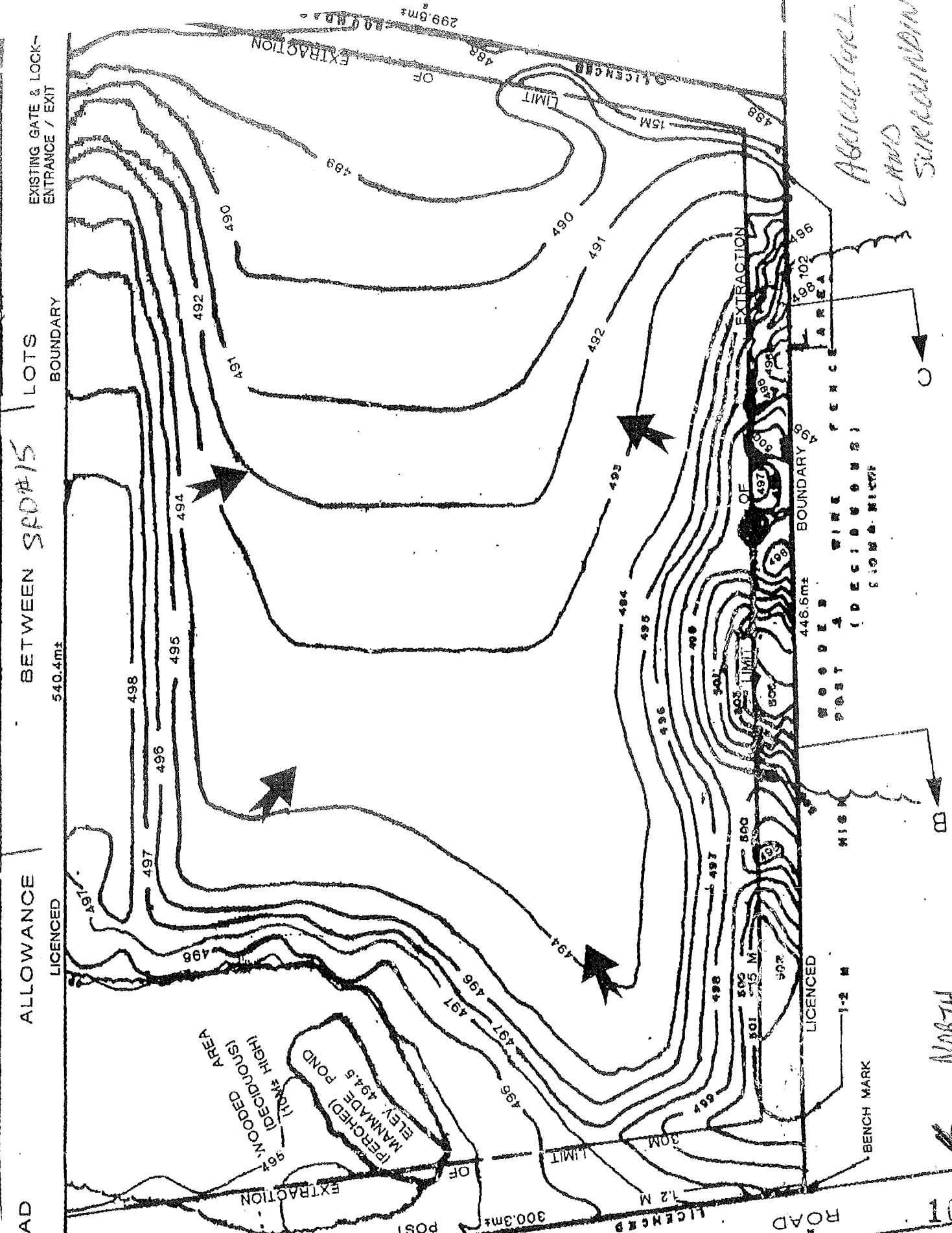

Jason McLay
Aggregate Technical Specialist
Guelph District
519-826-4927

This office does not provide access to direct services.
To meet with our staff please be sure to call ahead and make an appointment.
Visit us at our website: www.gov.on.ca

6

11/11/91

(HIGH)



Agriculture
MOUND SURROUNDING

LOT 15

NORTH

101

CON 4

1992 BY ALEX R. WILSON

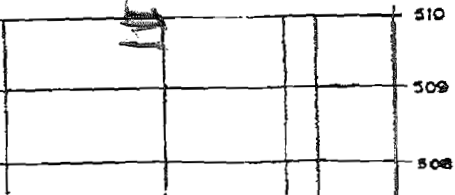
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NORTH WEST CORNER OF

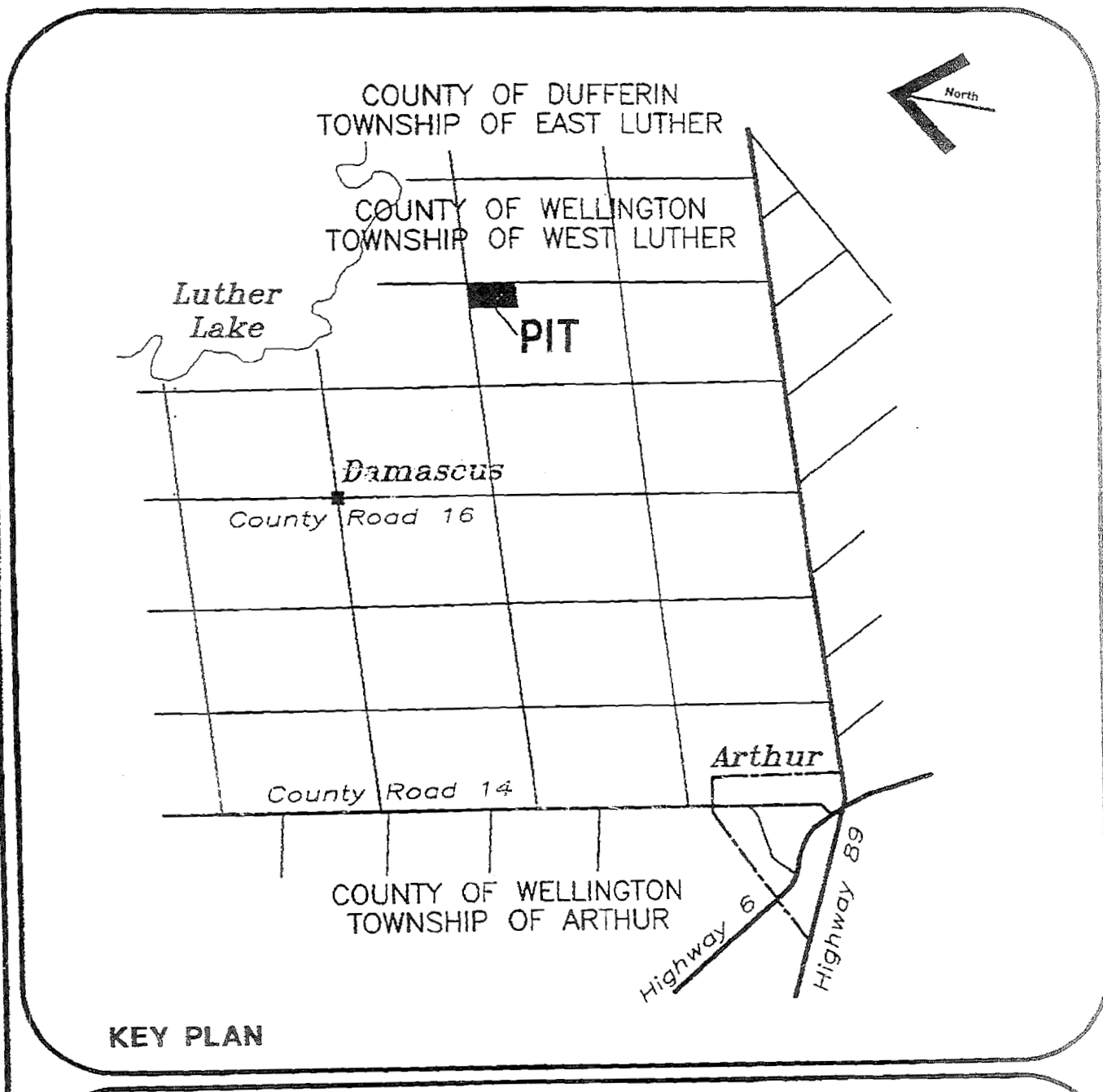
METRIC AND CAN BE

X R WILSON SURVYING INC.

FEATURES



FEATURES





COUNTY OF WELLINGTON

PLANNING AND DEVELOPMENT DEPARTMENT
GARY A. COUSINS, M.C.I.P., DIRECTOR
TEL: (519) 837-2600
FAX: (519) 823-1694
1-800-663-0750

ADMINISTRATION CENTRE
74 WOOLWICH STREET
GUELPH, ONTARIO
N1H 3T9

November 2, 2011

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

Dear Mr. Jones:

**Re: Danny & Donna Clark – Depleted Gravel Pit Back to Agriculture
E Pt. Lot 15, Concession 4 (West Luther)
Zoning By-law Amendment**

PLANNING OPINION

We have no concerns with the proposal to amend the zoning of the property from Extractive Industrial (EI) to Agriculture (A) and Natural Environment (NE). The former gravel pit has been rehabilitated and the pit license surrendered. This would allow the property to have a dwelling constructed on it. The GRCA has indicated that the existing wetland on the property should be placed in a NE zone.

SUBJECT PROPERTY AND LOCATION

The location of the subject land is described as Part of Lot 15, Concession 4 (Former West Luther) and is municipally known as # 8702 Side Road 15. The property is approximately 36 acres in area.

PURPOSE

The purpose is to rezone the property from Extractive Industrial (EI) to Agricultural (A).

WELLINGTON COUNTY OFFICIAL PLAN

The land is designated Prime Agricultural, with a Mineral Aggregate Area overlay designation.

ZONING BY-LAW

The land is zoned Extractive Industrial (EI).

PLANNING CONSIDERATIONS

This is a straight-forward application. A residential dwelling is not permitted in the EI zone, so the Clark's need to return the zoning to the Agricultural zone, where a dwelling would be allowed. A September 26 letter from the Ministry of Natural Resources to the Clarks indicates that the gravel pit has been rehabilitated and that the license has been surrendered.

We have an October 21 letter from the Grand River Conservation Authority indicating that a wetland is present in the northeast corner of the property and that it should be rezoned to Natural Environment.

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

Sincerely,

A handwritten signature in black ink that reads "Mark Van Patter". The signature is written in a cursive, flowing style.

Mark Van Patter, RPP
Senior Planner

THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH

BY-LAW NUMBER _____.

BEING A BY-LAW TO AMEND ZONING BY-LAW NUMBER 66-01
BEING THE ZONING BY-LAW FOR THE TOWNSHIP OF WELLINGTON NORTH

WHEREAS, the Council of the Corporation of the Township of Wellington North deems it necessary to amend By-law Number 66-01;

NOW THEREFORE the Council of the Corporation of the Township of Wellington North enacts as follows:

1. THAT Schedule "A" Map 1 to By-law 66-01 being the Zoning By-law for the Township of Wellington North is amended by changing the zoning on the land described as East Part of Lot 15, Concession 4, Geographic Township of West Luther, as shown on Schedule "A" attached to and forming part of this By-law from "**Extractive Industrial (EI)**" to "**Agricultural (A) and Natural Environment (NE)**".
2. 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.
3. 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 _____, 2011.

READ A THIRD TIME AND PASSED THIS _____ DAY OF _____, 2011.

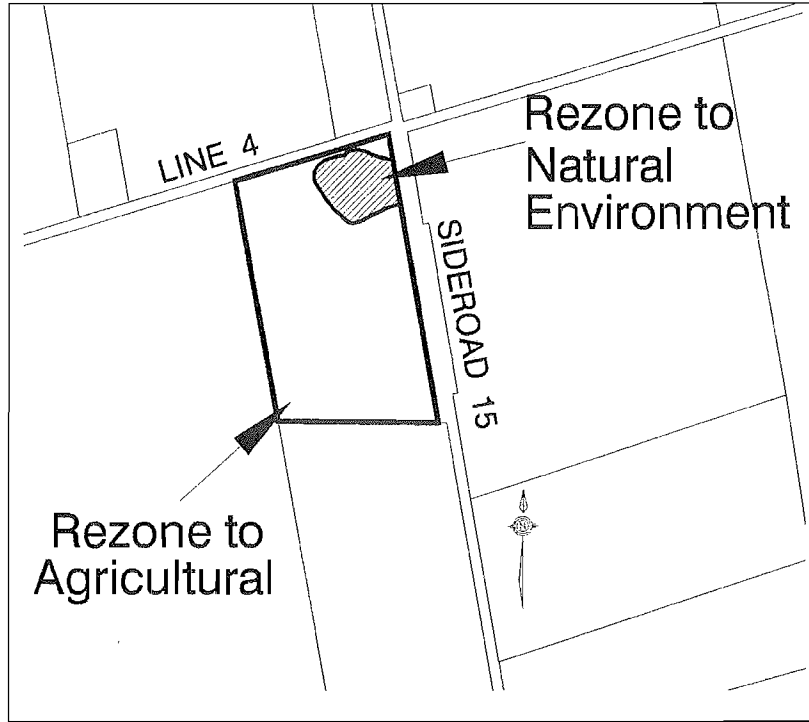
MAYOR

CLERK

THE TOWNSHIP OF WELLINGTON NORTH

BY-LAW NO _____.

Schedule "A"



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

Passed this ____ day of _____ 2011.

MAYOR

CLERK

EXPLANATORY NOTE

BY-LAW NUMBER _____.

THE LOCATION OF THE SUBJECT LAND is described as Part of Lot 15, Concession 4 (Former West Luther) and is municipally known as # 8702 Side Road 15. The property is approximately 36 acres in area.

THE PURPOSE AND EFFECT of the amendment is to rezone the property from Extractive Industrial (EI) to Agricultural (A) and Natural Environment (NE). This parcel is a former gravel pit, which has been rehabilitated and has had the license surrendered back to the Ministry of Natural Resources. The NE zone is to recognize an existing wetland on the property.



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

Phone: 519.621.2761 Toll free: 866.900.4722 Fax: 519.621.4844 Online: www.grandriver.ca

PLAN REVIEW REPORT: Township of Wellington North
Darren Jones, Chief Building Official

DATE: OCTOBER 21, 2011 **YOUR FILE:**
GRCA FILE: Wellington/Well.N/ZC/C

RE: Application for Zoning By-law Amendment
Part Lot 15, Concession 4, Township of Wellington North (former West Luther Township)

GRCA COMMENT: *

The Grand River Conservation Authority has no objection to the rezoning of the property from Extractive Industrial to Agricultural, however there is a wetland in the north east corner of the property which should be zoned as part of the Natural Environment Zone.

BACKGROUND:

1. Resource Issues:

Information currently available at this office indicates that there is a wetland in the north east corner of the subject property. The wetland and allowance adjacent to the wetland are subject to the Grand River Conservation Authority: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses (Ontario Regulation 150/06)


2. Legislative/Policy Requirements and Implications:

The wetland in north east corner of the subject property should be zoned as part of the Natural Environment Zone (please see attached map).

Please be advised that any future development within the regulated area on the subject property should be reviewed by this office.

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

A plan review fee of \$380.00 is required for the processing of this minor zone change application.


Liz Yerex
Resource Planner
Resource Management Division

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

L15C4 W Luther

LEGEND

-  WATERSHED BOUNDARY (GRCA)
-  UTILITY LINE (NRVIS)
-  ROADS-ADDRESSED (MNR)
-  RAILWAY (NRVIS)
-  DRAINAGE-NETWORK (GRCA)
-  PARCELS-ASSESSMENT (MPAC)
-  LOTS (NRVIS)
-  WETLAND (GRCA)
-  PARKS (GRCA)
-  DRAINAGE-POLY (NRVIS)
-  2010 ORTHO (ONT)

GRCA Disclaimer

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

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

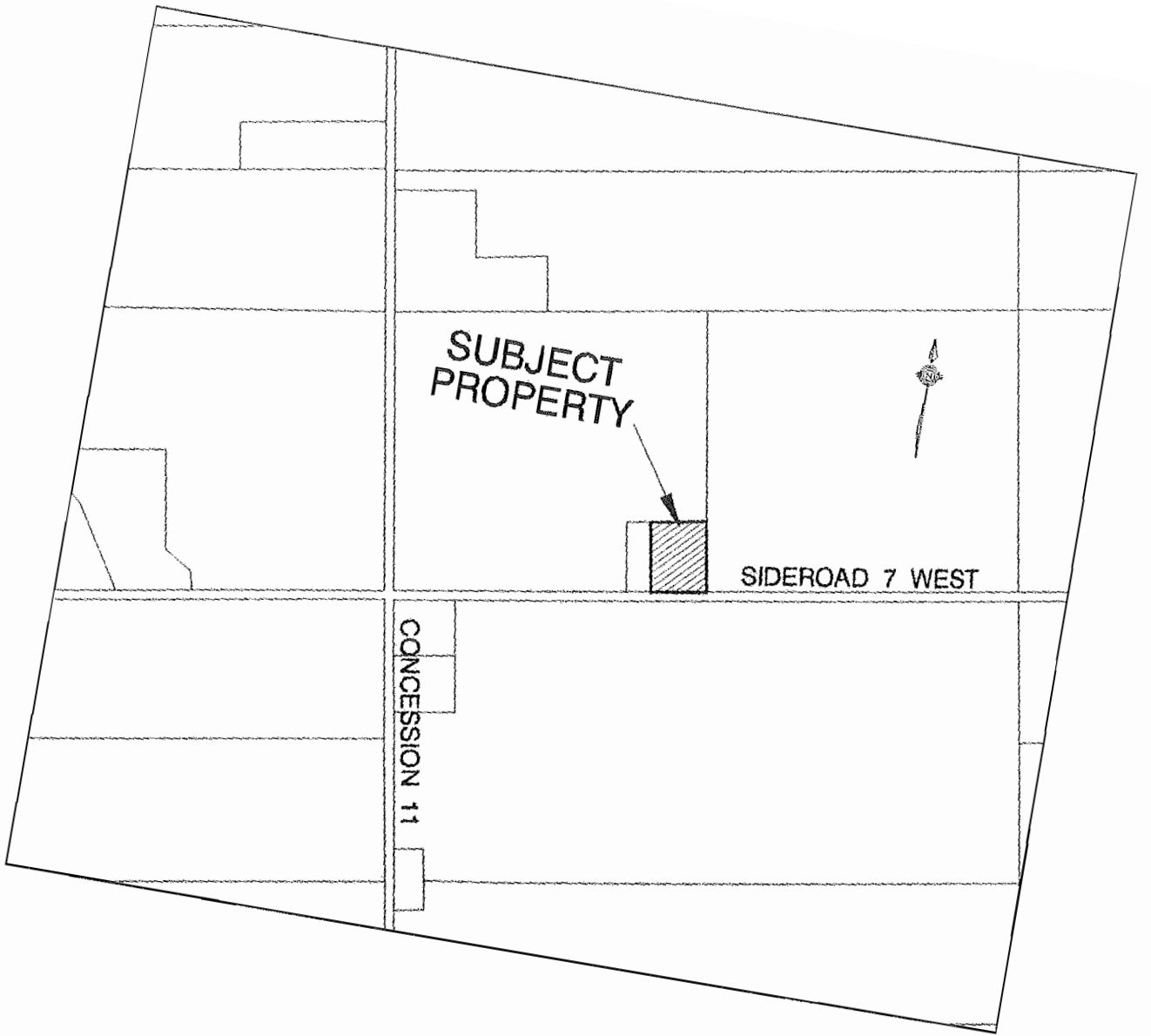
<http://gr.cas.gov.on.ca/files/Sources/Citations/L.htm>

0 110 220 330 440 m

NAD 1983, UTM Zone 17 Scale: 1:9,750

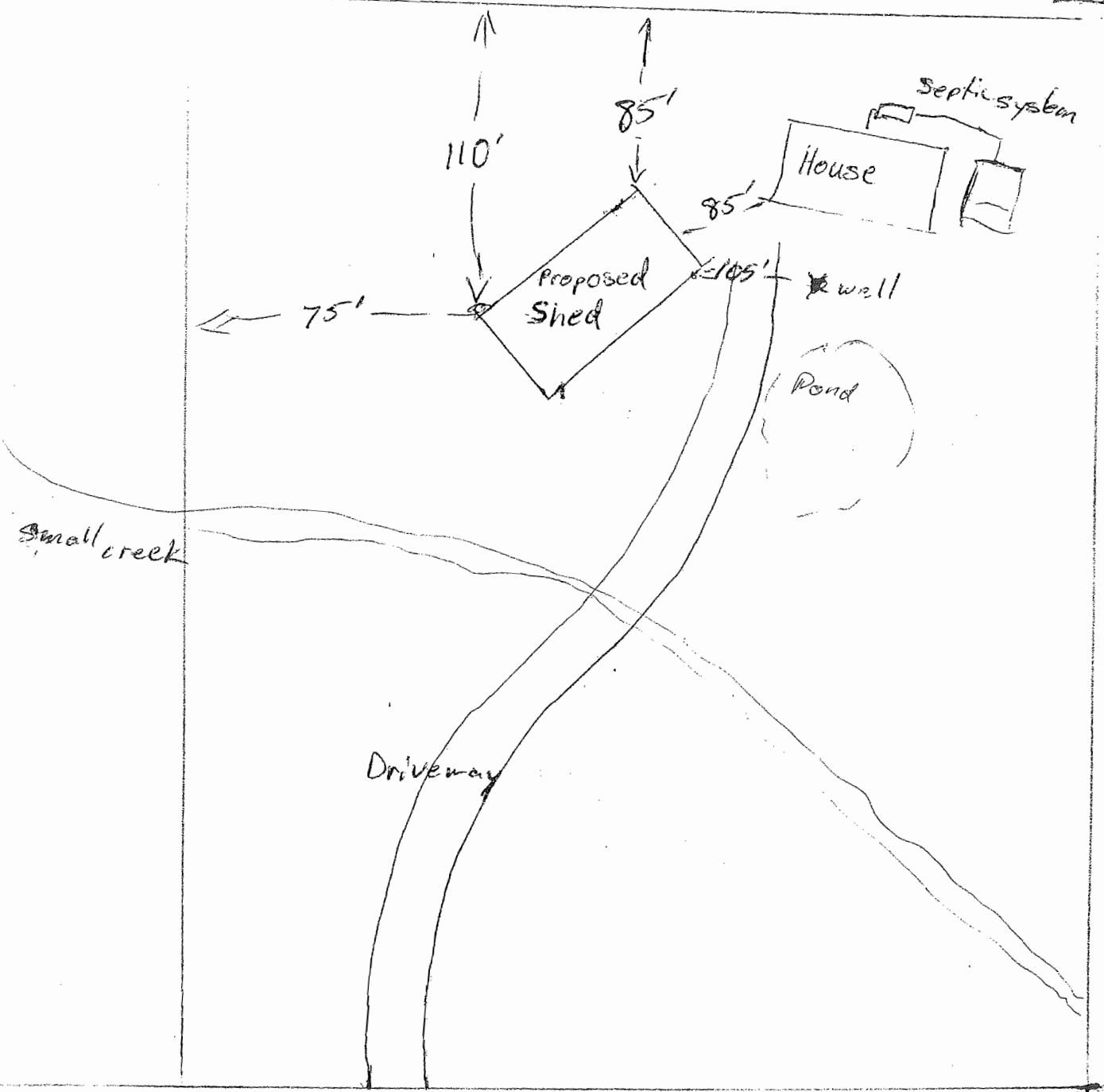


THIS MAP IS NOT TO BE USED FOR NAVIGATION



Noah & Verna Martin
Site Plan 7044 Sideroad 7 West
(Revised Oct 2011)

Note: Shed moved according to
Midland Valley Conservations
recomendation



Sideroad 7 West



COUNTY OF WELLINGTON

PLANNING AND DEVELOPMENT DEPARTMENT
GARY A. COUSINS, M.C.I.P., DIRECTOR
TEL: (519) 837-2600
FAX: (519) 823-1694
1-800-663-0750

ADMINISTRATION CENTRE
74 WOOLWICH STREET
GUELPH, ONTARIO
N1H 3T9

November 2, 2011

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

Dear Mr. Jones:

**Re: Martin
Pt Lot 18, Concession 10, 7490 Sideroad 7
Permit oversized accessory structure
Draft Zoning By-law Amendment**

PLANNING OPINION

The zoning amendment would allow an oversized accessory structure on a rural residential lot and provide for a reduced setback to the Natural Environment (NE) zone for a hobby barn. The by-law will regulate the size and use of the structure including any future structures on the property.

We understand that the Maitland Valley Conservation Authority (MVCA) has conducted a site visit of the subject property and has no objection to the proposal provided certain conditions are imposed.

Council should be satisfied that the application would maintain the general intent and purpose of the Official Plan and Zoning By-law and further that the proposed use of the structure will be for personal storage only and not for commercial or residential purposes except as permitted and regulated under the home industry criteria as outlined in section 6.14.

SUBJECT LAND

The subject land is legally described as Part of Lot 18, Concession 10, RP 61R9990; Part 1, with a civic address of 7044 Sideroad 7 West. The property is approximately 1.86 hectares (4.59 Acres) in size and occupied by a residential.

PURPOSE

The purpose of the amendment is to rezone the subject lands to allow a combination accessory structure and hobby barn of 371.6 sq.m. (4000 sq.ft.) on the subject lands. The hobby barn will consist of approximately 51.9 sq.m (559 sq.ft.) and the accessory structure will have a floor area of 319.6 sq.m (3441 sq.ft.).

WELLINGTON COUNTY OFFICIAL PLAN

The subject lands are designated PRIME AGRICULTURE. Section 6.4.3 of the Prime Agricultural Areas land use policies permits single detached homes. The proposed building is permitted as accessory to the residential use.

ZONING BY-LAW

The subject lands are zoned Agricultural (A) and Natural Environment (NE). The property is approximately 1.86 hectares (4.59 Acres) in area, the applicants are proposing to construct an accessory structure and hobby barn of 371.6 sq.m. (4000 sq.ft.) Under the current zoning provisions, the property would be permitted an accessory structure of 92.9 sq.m. (1000 sq.ft.) and a hobby barn of 51.9 sq.m (559 sq.ft.) The applicants have indicated that they have four horses. The remaining floor area of the building (3441 sq.ft.) would be used as an accessory storage area. The applicants have indicated that the large accessory structure is required in order to store personal vehicles, lawn and garden equipment as well as excavation equipment.

The accessory structure/hobby barn is located adjacent to the Natural Environment (NE) zone on the property. The applicants had met with the Maitland Valley Conservation Authority (MVCA) on site to determine a location for the structure that would not have a negative impact on the natural features. As a result the structure was relocated marginally to ensure it is located outside the NE zone. The Township relies on the discretion of the Conservation Authorities in determining the location of natural features as stated in Section 2.6:

Figure 1 – Section 2.6 Interpretation

The Natural Environment (NE) zone boundaries identified on the schedules to this By-law are intended to generally identify the location of potentially hazardous environmental features. During review of development applications and building permit applications, if necessary, the boundaries of the NE zone shall be more precisely determined in consultation with the Conservation Authority or other agencies having jurisdiction in the area. Where detailed resource mapping and/or site inspection results in a re-interpretation of the limits of the NE zone boundary, all requirements of this by-law shall be reviewed relative to the revised interpretation of the NE Zone boundary, including any applicable setbacks.

The MVCA has supported the new location of the accessory structure with following conditions:

1. The shed is constructed outside the drip line of the forest edge.
2. Existing vegetation within the treeline is not disturbed during the construction.
3. The natural features will not be disturbed post development
4. The shed be located outside the NE zone and a new site plan be submitted to illustrate the new location.

The by-law requires, under Section 6.20.1b), that all accessory buildings/structures have a minimum 3m (9.8 ft) setback from the NE zone boundary. Additionally under Section 8.3.2d) a hobby barn is required to be setback a distance of 30m (98.4 ft). Based on aerial mapping (figure 2) and the applicants sketch we have determined that the closest point of the proposed structure to the NE boundary is approximately 6m (20 ft.).

Based on this the draft by-law will address the oversized structure and the reduced setback to the NE zone for a hobby barn.

PLANNING COMMENTS

This application was originally submitted as a minor variance and was before the Committee of Adjustment in September, 2011. At that time staff had raised concerns regarding the size and use of the proposed structure and the application was deferred to allow staff to obtain more information. Since then we have had an opportunity to discuss the use of the structure with the applicant and have been advised of the following:

- The applicants currently live on 100 ac parcel and are relocating to this smaller parcel.
- Mr. Martin currently owns a bulldozer and backhoe and works for a concrete contractor (Oscar Brubacher). He does not own a contracting business and has no intention of starting a business at this location.
- Would be using accessory structure for storage of equipment (backhoe and bulldozer) and personal use.

Figure 2 – Aerial showing proposed building and NE limits (red)

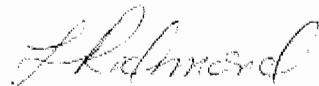


Mr. Martin has four horses and would require a barn also. We discussed utilizing a portion of the building for this purpose which would reduce the floor area being used for the accessory structure.

Given the size of the proposed accessory structure staff felt that the request could not be considered minor and would have to be reviewed as a zone amendment. Furthermore, staff determined that a zone amendment would provide tighter controls in terms of the use of the structure that a variance may not.

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

Sincerely,

A handwritten signature in cursive script that reads "L. Redmond".

Linda Redmond B.A.
Planner

THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH
BY-LAW NUMBER _____.

BEING A BY-LAW TO AMEND ZONING BY-LAW NUMBER 66-01
BEING THE ZONING BY-LAW FOR THE TOWNSHIP OF WELLINGTON NORTH

WHEREAS, the Council of the Corporation of the Township of Wellington North deems it necessary to amend By-law Number 66-01;

NOW THEREFORE the Council of the Corporation of the Township of Wellington North enacts as follows:

1. THAT Schedule "A" Map 1 to By-law 66-01 is amended by changing the zoning on lands described as Part of Lot 18, Concession 10, RP 61R9990; Part 1, as shown on Schedule "A" attached to and forming part of this By-law from:

- **Agricultural (A) to "Agricultural Exception (A-110)**

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

33.110 Part Lot 18, Concession 10	A-110	<p>1. Notwithstanding Section 6.1.4ii, or any other section of this by-law to the contrary, the total floor area of an accessory building may be 319.6 sq.m (3441 sq.ft.). Further, the accessory structure may be constructed in combination with a 51.9 sq.m (559 sq.ft.) hobby barn.</p> <p>Subject to the following:</p> <ul style="list-style-type: none"> i. The combined floor area of the accessory structure/hobby barn does not exceed 371.6 sq.m. (4000 sq.ft.). ii. Additional accessory structures including a structure for a home industry, as permitted in section 6.14, would not be permitted. iii. The accessory structure will only be permitted for personal storage and will not permit a commercial, industrial or residential use. <p>2. Notwithstanding Section 8.3.2 d) the hobby barn may have a minimum 6 m (20 ft) setback from the limit of the Natural Environment (NE) Zone.</p>
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4. THAT except as amended by this By-law, the land as shown on the attached Schedule 'A' shall be subject to all applicable regulations of Zoning By-law 66-01, as amended.
5. THAT this By-law shall come into effect upon the final passing thereof pursuant to Section 34(21) and Section 34(22) of The Planning Act, R.S.O., 1990, as amended, or where applicable, pursuant to Sections 34 (30) and (31) of the Planning Act, R.S.O., 1990, as amended.

READ A FIRST AND SECOND TIME THIS _____ DAY OF _____, 2011

READ A THIRD TIME AND PASSED THIS _____ DAY OF _____, 2011

MAYOR

CLERK

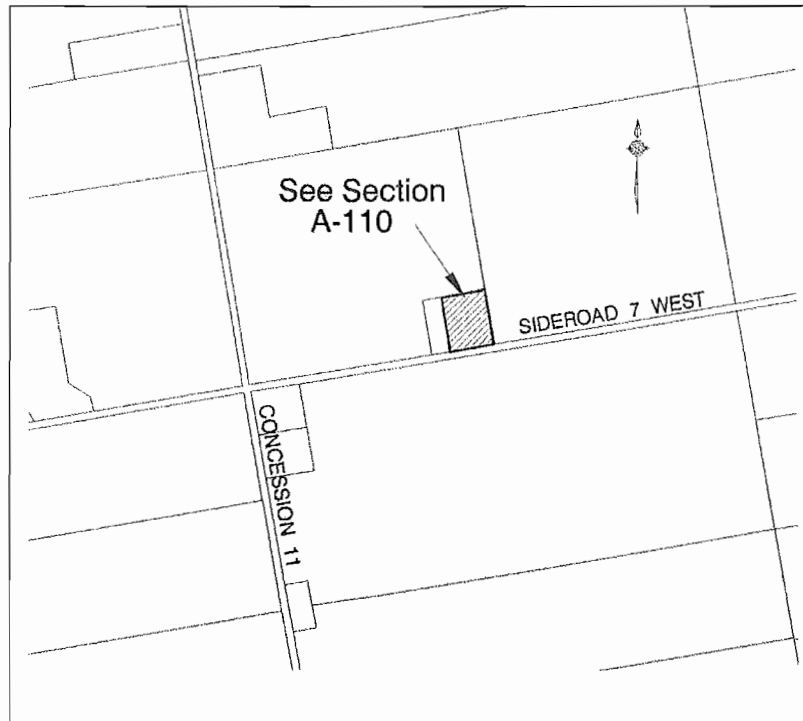
November 2011

Noah Martin

THE TOWNSHIP OF WELLINGTON NORTH

BY-LAW NO _____.

Schedule "A"



Rezone from Agricultural (A) to Agricultural Exception (A-110)

Passed this ____ day of _____ 2011.

MAYOR

CLERK

EXPLANATORY NOTE

BY-LAW NUMBER _____.

THE LOCATION being rezoned is in Part of Lot 18, Concession 10, RP 61R9990; Part 1, with a civic address of 7044 Sideroad 7 West. The property is approximately 1.86 hectares (4.59 Acres) in size and occupied by a residential.

THE PURPOSE AND EFFECT of the amendment is to rezone the subject lands to allow a combination accessory structure and hobby barn of 371.6 sq. m. (4000 sq.ft) on the subject lands.



Maitland Valley Conservation Authority

Providing leadership to protect and enhance our water, forests and soils!

MEMORANDUM

TO: Linda Redmond, Planner, County of Wellington
CC: Darren Jones, CBO, Township of Wellington North
FROM: Brandi Walter, Environmental Planner / Regulations Officer
Maitland Valley Conservation Authority (MVCA)
DATE: November 3, 2011
SUBJECT: Application for Zoning By-Law Amendment
Part Lot 18, Conc. 10, RP 61R9990; Pt 1, Township of Wellington North
Known as 7044 Sideroad 7 West: Martin

We have reviewed the proposed zoning by-law amendment with respect to Provincial and Authority Policies and associated mapping related to Natural Heritage features and Natural Hazards. Based on our review and a site visit to the above-noted property, we offer the following comments.

It is our understanding that the purpose of zoning by-law amendment is to rezone the property to permit an oversized accessory structure and hobby barn. The subject lands are zoned a combination of Agricultural (A) and natural Environment (NE)

Located on the subject property are locally significant wetlands, woodlands and a watercourse. These lands are designated Greenlands under the Wellington County Official Plan and Natural Environment under the Township of Wellington North's Zoning By-Law. The natural heritage features were confirmed on-site, September 8, 2011.

Based on staff observations and recommendations made to Mr. Martin during our site visit, Mr. Martin has re-submitted a site plan (Revised October 2011). The revised site plan does not appear to match Authority recommendations made on that day. We had recommended that the new location be in an open area currently used for lawn and zoned Agricultural. However, MVCA feels that there may be an unintentional incorrect interpretation of Authority recommendations made on September 8, 2011. As such, in an effort to move forward with the proposal, we offer the following comments;

MVCA has no objection to the proposed zoning by-law amendment subject to the following recommended conditions:

1. That the shed is constructed (including excavation limits) outside the drip line of the existing forest edge (approximately 3+ metres). This condition appears to be in conformance with Section 6.20.1 (Natural Environment Zone Setbacks) of Wellington North's Zoning By-Law No. 66-01; and,

MAITLAND VALLEY CONSERVATION AUTHORITY
1093 Marietta Street, Box 127, Wroxeter, ON N0G 2X0
519 335-3557 Fax: 519 335-3516 Email: maitland@mvca.on.ca

Member of



2. That existing vegetation within the treeline is not disturbed during construction; and that,
3. The natural heritage features will not be disturbed post development (i.e. parking and operation of heavy equipment, removal of vegetation)

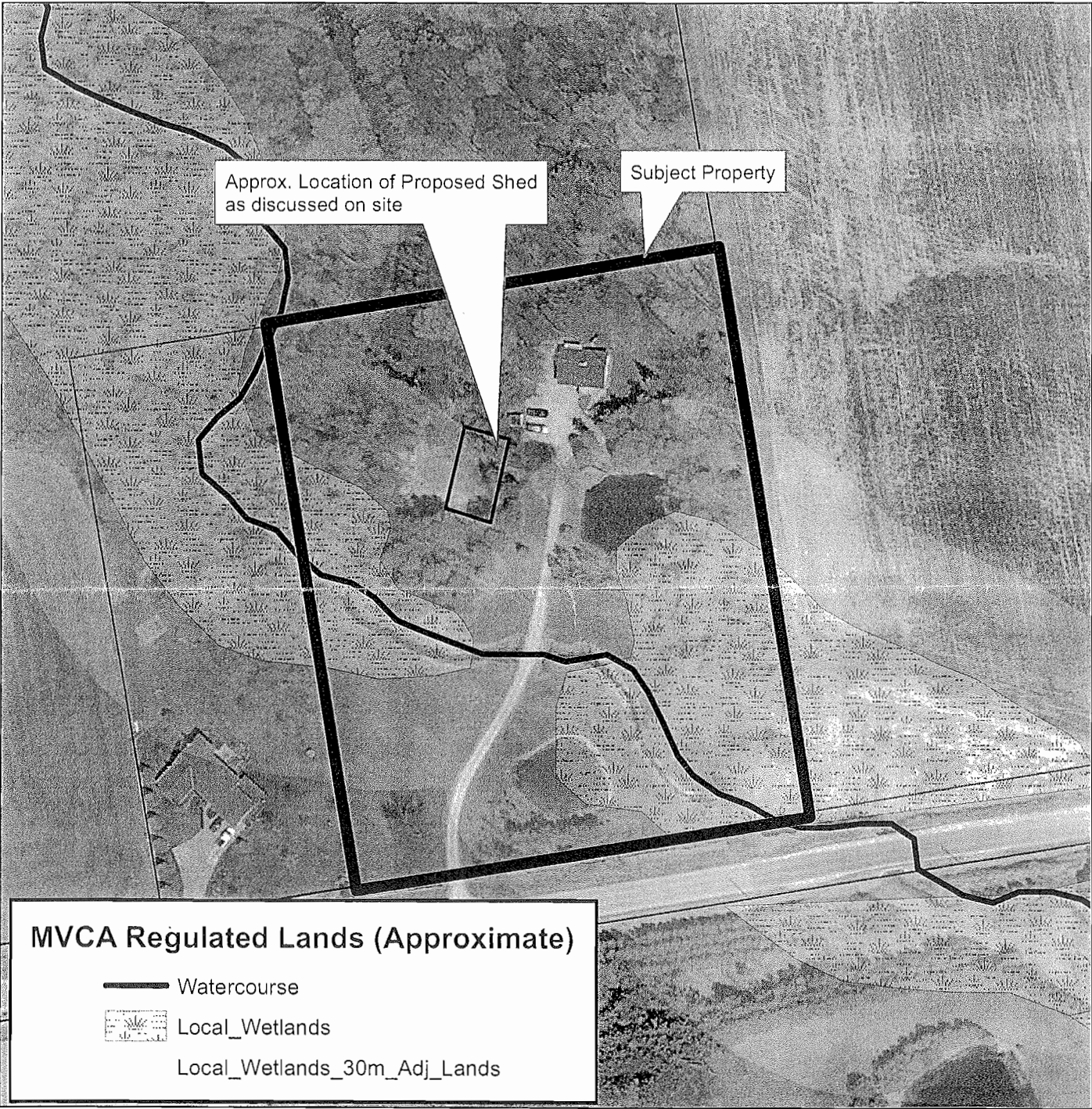
Authority staff feels that there should not be negative impacts to the natural heritage features on the Property if the above recommendations are followed.

Additionally, locally significant wetlands plus 30 metres adjacent land and watercourses plus 15 metres from the top of bank (to be identified by Authority staff on-site) are regulated by MVCA, pursuant to *Ontario Regulation 164/06 (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation)*. As such, proposed development within Authority regulated lands must be reviewed and approved by MVCA.

Consequently, Authority staff feels that if the structure's foundation footings are located above the high water table and if the above-mentioned conditions are met, a permit from the Authority will not be required.

Please be advised that excavated material from construction of the structure shall not be deposited in any wetland, watercourse, ravine or other MVCA Regulated area without Authority approval.

Thank you for the opportunity to comment at this time. A fee of \$100.00 is required for MVCA's review of this application. We will invoice the applicant directly.



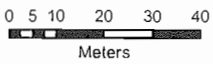
Part Lot 18, Conc 10, Twp. of Wellington North, Arthur Ward: Noah Martin MV and Proposed Shed

MVCA 2006 Aerial Photography by First Base Solutions.
 This information is believed to be correct, however, the Authority assumes no liability for negligence, inaccuracies or omissions.
 You may make a personal examination of the applicable files and maps at the Authorities office.

Date: 09-09-2011
 Completed By: Brandi Walter



1:1,500



1 cm = 0 km

MATLAND VALLEY CONSERVATION AUTHORITY
 1093 Marietta Street, Box 127, Wroxeter, ON N0G 2X0
 519 335-3557 Fax: 519 335-3516 E-mail: matland@mvca.on.ca

