



Township of Wellington North

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

PUBLIC MEETING

Monday, December 13th, 2010 at 6:30 p.m.

Municipal Office Council Chambers, Kenilworth

A G E N D A

Page 1 of 2

AGENDA ITEM	PAGE NO.
<p>The Mayor will call the meeting to order.</p> <p>Declaration of Pecuniary Interest.</p> <p>Owners/Applicant: Duane and Marlene Brubacher</p> <p>THE LOCATION being rezoned is in Part Lot 21, Concession 2, former Arthur Township, with a civic address of 7868 Sideroad 9 East. The property is approximately 60.7 ha (150 acres) in size and is occupied by a residence and two metal clad sheds. (see map attached)</p> <p>THE PURPOSE AND EFFECT of the amendment is to rezone the subject lands to restrict any future residential development on the agricultural land (A-101) and to allow two oversized metal clad sheds on the residential portion of the lands (A-102). This rezoning is a condition of severance application B112/10, that was granted provisional approval by the Wellington County Land Division Committee on October 5, 2010. The consent will sever the existing farm dwelling, and accessory buildings (0.75 ha (1.87 acres) from the remainder of the agricultural parcel (40.1 ha (99.1 acres).</p> <p>Please note – Section 34 (12) of the Planning Act.</p> <p>(12) Information. – At a meeting under subsection (12), the council shall ensure that information is made available to the public regarding the power of the Municipal Board under subsection (14.1) to dismiss an appeal if an appellant has not provided the council with oral submissions at a public meeting or written submissions before a By-law is passed.</p> <p>1. Notice for this public meeting was sent to property owners within 120 m and required agencies and posted on the property on November 22nd, 2010.</p>	<p>01</p>

AGENDA ITEM	PAGE NO.
2. Application for Zoning By-law Amendment	02
3. Presentations by: - Linda Redmond, Planner - See attached comments and draft by-law	17
4. Review of Correspondence received by the Township: - Liz Yerex, Resource Planner, GRCA - No objection	22
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.	
8. Adjournment	



CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH

Application for Zoning By-law Amendment

Application No. _____

A. THE AMENDMENT

1. TYPE OF AMENDMENT? Site Specific Other _____

2. WHAT IS THE PURPOSE OF AND REASONS FOR THE PROPOSED AMENDMENT(S)?

Rezone the retained lands to prohibit a new residential dwelling

B. GENERAL INFORMATION

3. APPLICANT INFORMATION

a) Registered Owner's Name(s): Duane Brubacher and Marlene Brubacher

Address: 8134 - 10th Line, R.R. #1, Conn, Ontario N0G 1N0

Phone: Home () 519-848-3518 Work () _____ Fax () _____

b) Applicant (Agent) Name(s): Vince Starratt, Grant & Acheson LLP

Address: 265 Bridge St., Box 128, Fergus, Ontario N1M 2W7

Phone: Home () _____ Work () 519-843-1960 Fax () 519-843-6888

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

d) Send Correspondence To? Owner Agent Other _____

e) When did the current owner acquire the subject land? August 12, 2004

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: 7868 Sideroad 9, R.R. #2, Kenilworth, Ontario N0G 2E0

Concession: 2 Lot: Part Lot 21 Registered Plan No: _____

Area: _____ hectares Depth: _____ meters Frontage (Width): _____ meters
100.97 acres 1989.4 feet 2218.3 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
99.1 acres 1989.4 feet 2008.3 feet

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

Prime Agricultural and Core Greenlands

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

agricultural

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

agricultural

C. EXISTING AND PROPOSED LAND USES AND BUILDINGS

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

pasture and cash crops

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

100 years

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

pasture and cash crops

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

BANK BARN AND METAL CLAD ADDITION TO BE DEMOLISHED

(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	_____ (sq m)	_____ (sq ft)	_____ (sq m)	_____ (sq ft)
Side 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 9

16. IF ACCESS IS BY WATER ONLY, PLEASE DESCRIBE THE PARKING AND DOCKING FACILITIES USED OR TO BE USED AND THE APPROXIMATE DISTANCE OF THESE FACILITIES FROM SUBJECT LAND TO THE NEAREST PUBLIC ROAD. (This information should be illustrated on the required drawing under item G of this application.)

17. INDICATE THE APPLICABLE WATER SUPPLY AND SEWAGE DISPOSAL:

NOT APPLICABLE

	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 () Other means (explain below)

NOT APPLICABLE

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 (X)	No ()
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: B112/10 - August 5, 2010

Approval Authority: County of Wellington Planning & Land Division

Lands Subject to Application: Part Lot 21, Conc. 2, Arthur Township

Purpose of Application: severance for surplus dwelling

Status of Application: ongoing

Effect on the Current Application for Amendment: satisfy cond. 8 of Application B112/10

F. OTHER SUPPORTING INFORMATION

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

G. APPLICATION DRAWING

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

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

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

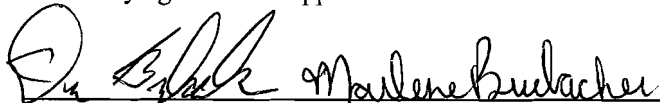
THE DRAWING SHOULD ALSO INCLUDE THE SCALE, NORTH ARROW AND DATE WHEN THE DRAWING WAS PREPARED.

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

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

I (we) Duane & Marlene Brubacher of the Township of Wellington ^{North} in the
 County / Region of Wellington do hereby authorize Vince Starratt to

Act as my agent in this application.

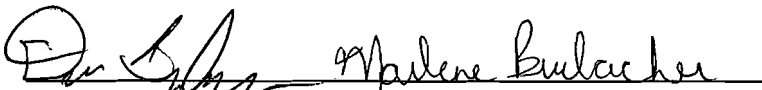

Signature of Owner(s)

Nov 5 2010
Date

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

I (we) Duane Brubacher & Marlene Brubacher 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 Centre Wellington of Wellington in the County / Region of Wellington this 5th day of Nov. 2010


Signature of Owner or Authorized Solicitor or Authorized Agent

Nov 5 2010
Date


Signature of Commissioner

Nov. 5th 2010
Date

APPLICATION AND FEE OF \$ _____ RECEIVED BY MUNICIPALITY

Signature of Municipal Employee

Date

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)?

Rezone the severed lands for relief from size of metal clad buildings

B. GENERAL INFORMATION

3. APPLICANT INFORMATION

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e) When did the current owner acquire the subject land? August 12, 2004

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Area: _____ hectares Depth: _____ meters Frontage (Width): _____ meters
100.97 acres 1989.4 feet 2218.3 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
1.87 acres 210 feet 388 feet

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

Prime Agricultural

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

agricultural

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

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agricultural

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

100 years

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

residential

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

ESTIMATES ONLY

(Please use a separate page if necessary.)

	<u>Existing</u>	Proposed EXISTING
a) Type of Building (s) -or Structure (s)	house	Metal Clad Buildings
b) Date of Construction	1980	1980 1980
c) Building Height	15 ft ____ (m) ____ (ft)	20 ft 20ft ____ (m) ____ (ft)
d) Number of Floors	1	1 1
e) Total Floor Area (sq.m.)	1100 sq ft ____ (sq m) ____ (sq ft)	2812.5 sq ft 4687.5 sq ft ____ (sq m) ____ (sq ft)
f) Ground Floor Area (sq.m.) (exclude basement)	1100 sq ft ____ (sq m) ____ (sq ft)	2812.5 sq ft 4687.5 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) 106 ft (ft)	____ (m) 262.5 ft (ft)
Side lot line	____ (m) 75 ft (ft)	____ (m) 33 ft (ft)
Side lot line	____ (m) 49.9 ft (ft)	____ (m) 100 ft (ft)
Rear lot line	____ (m) 250 ft (ft)	____ (m) 78 ft (ft)
h) % Lot Coverage		
i) # of Parking Spaces	not applicable	
j) # of Loading Spaces		

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a) Existing	()	()	(X)	()	()	(X)	()
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Lands Subject to Application: Part Lot 21, Conc. 2, Arthur Township

Purpose of Application: severance for surplus dwelling

Status of Application: ongoing

Effect on the Current Application for Amendment: satisfy cond. 9 of Appln. B112/10

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I (we) Duane & Marlene Brubacher of the Township of Wellington ^{North} in the Wellington ^{Pronk} County / Region of Wellington do hereby authorize Vince Starratt to

Act as my agent in this application.



 Signature of Owner(s)

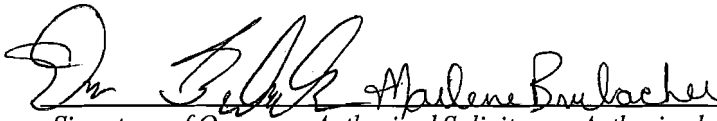
Nov 5 2010

 Date

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

I (we) Duane & Marlene Brubacher 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 Centre Wellington of Wellington in the County / Region of Wellington this 5th day of Nov. 2010


Signature of Owner or Authorized Solicitor or Authorized Agent

Nov 5 2010
Date


Signature of Commissioner

Nov. 5th 2010
Date

APPLICATION AND FEE OF \$ _____ RECEIVED BY MUNICIPALITY

Signature of Municipal Employee

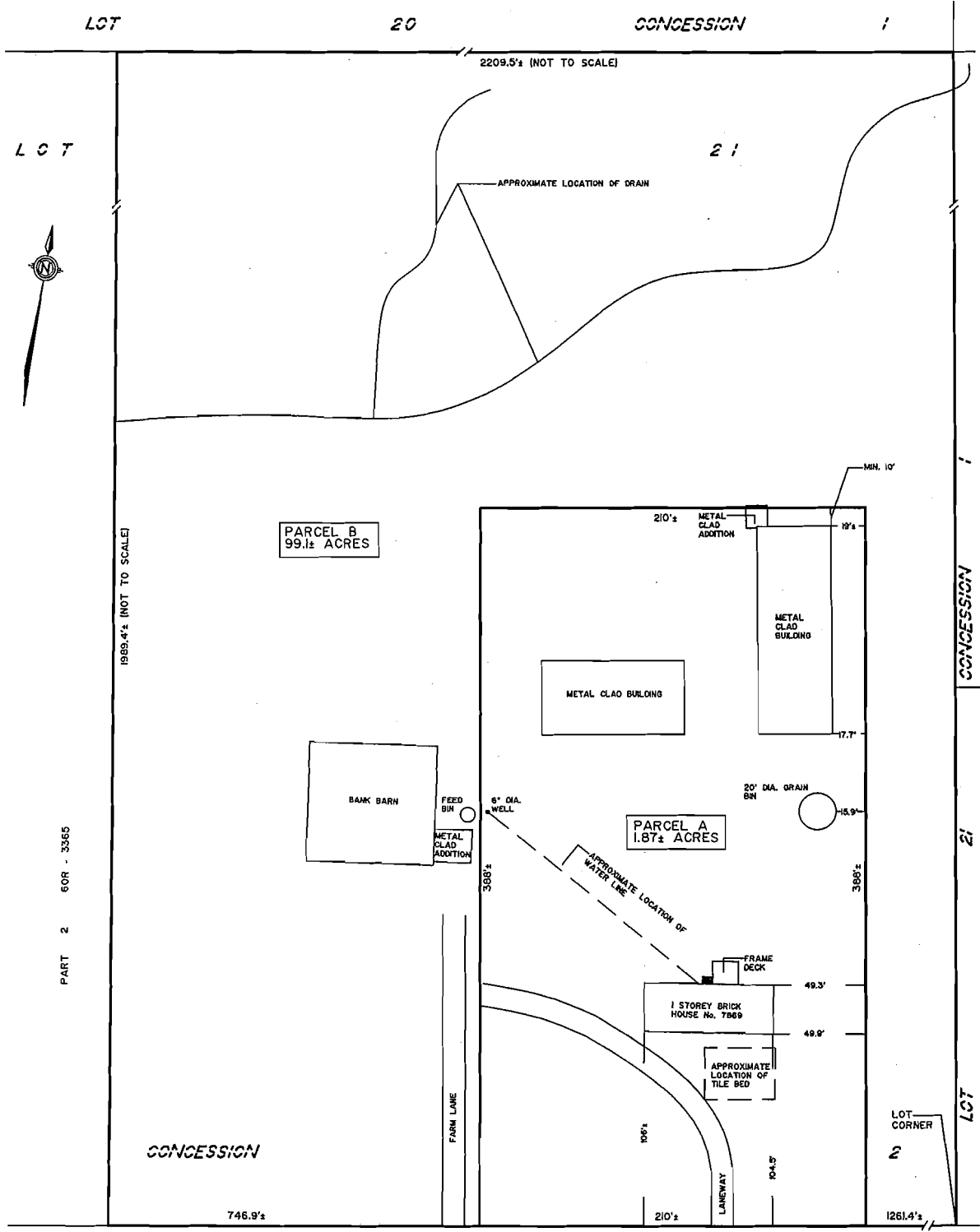
Date

**SKETCH
OF PART OF LOT 21, CONCESSION 2
TOWNSHIP OF WELLINGTON NORTH**
(FORMERLY GEOGRAPHIC TOWNSHIP OF ARTHUR)
COUNTY OF WELLINGTON

SCALE: 1 INCH = 50 FEET
DEREK GIBSON GRAHAM
PROFESSIONAL SURVEYOR

THIS IS NOT A PLAN OF SURVEY

ALL DIMENSIONS SUBJECT TO FINAL FIELD SURVEY
ALL DIMENSIONS APPROXIMATE AND DERIVED FROM
FIELD MEASUREMENTS AND FROM COUNTY OF WELLINGTON
ON LINE GIS MAPPING (2005 PHOTOGRAPHY)



ORIGINAL ROAD ALLOWANCE BETWEEN LOTS 21 AND 22 (66' WIDE)

Derek G. Graham Limited

Professional Land Surveying
Land Use Planning

OFFICE: 7669 Coburne Street East
R.R. 1, Ferqus, Ontario
N4M 2W3
(519) 846-5533 (telephone)
(519) 846-9305 (facsimile)

MAILING ADDRESS:
P.O. Box 295
Egira, Ontario
N0B 1S0

PER:	Ontario Land Surveyor
ACAD DATE:	AUGUST 4, 2010
FILE:	8 - 2 ARTHUR
NOTE:	Valid copy with embossed seal only

SEAL



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 30, 2010

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

RECEIVED

DEC 3 2010

TWP. OF WELLINGTON NORTH

Dear Mr. Jones:

**Re: Brubacher – Pt. Lot 21, Conc. 2
Restrict Agricultural Land from Future Residential
Permit oversized accessory structures
Draft Zoning By-law Amendment**

PLANNING OPINION

The zoning amendment is required as a condition of provisional consent (B112/10) by the Wellington County Land Division Committee. We have no objections to implementing this decision. Both the PPS and County Plan provide for surplus farm dwelling severances, provided the agricultural lands are rezoned to prohibit future residential dwellings. The intention of this policy is to allow farmers to reduce their costs of acquiring additional farm parcels where the impact on existing and future farm operations can be kept to a minimum.

The by-law will also address the accessory structures on the residential parcel. It is not unusual to maintain an existing barn and or implement shed for storage as a result of a severance. In this case the applicants are requesting to keep two drive sheds with a combined floor area of 7500 sq.ft. Given the size of the subject property and neighbouring agricultural lots the impact of the relief requested appears to be minor in nature, however, Council should be satisfied that the accessory building is intended for personal use and not for commercial purposes.

SUBJECT LAND

The subject land is legally described as Part of Lot 21, Concession 2, Township of Wellington North, with a civic address of 7868 Sideroad 9. The property is approximately 60.7 ha (150 acres) in size and is occupied by a residence and two metal clad sheds.

PURPOSE

The purpose of the amendment is to rezone the subject lands to restrict any future residential development on the agricultural portion of the property and to address the oversized metal clad sheds on the residential portion of the subject lands. This rezoning is a condition of severance application B112/10, that was granted provisional approval by the Wellington County Land Division Committee on October 5, 2010. The consent will sever the existing farm dwelling, and accessory buildings (0.75 ha (1.87 acres) from the remainder of the agricultural parcel (40.1 ha (99.1 acres)).

PROVINCIAL POLICY STATEMENT (PPS)

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

WELLINGTON COUNTY OFFICIAL PLAN

The subject lands are designated PRIME AGRICULTURE. This application is required as a result of a severance application. Section 10.3.4 of the Official Plan implements the PPS and requires that the remnant parcel be rezoned to prohibit dwellings.

Section 10.3.4 of the Official Plan states:

"A severance may be considered for an existing residence that is surplus to a farming operation as a result of farm consolidation, provided that:

- a) The remaining vacant farmland is large enough to function as a significant part of the overall farm unit; and
- b) The result of removing the surplus dwelling from the farm does not render the remaining farmlands difficult or inefficient to farm; and
- c) The amount of good farmland retained with the surplus house is kept to a minimum size needed for residential purposes, taking into consideration environmental and topographic features; and
- d) The surplus residence is habitable and is not expected to be demolished by a future owner; and
- e) The Minimum Distance Separation formula will be met, and
- f) The vacant parcel of farmland is rezoned to prohibit a residential use."

The intention of this policy is to allow farmers to reduce their costs of acquiring additional farm parcels, where the impact on existing and future farm operations can be kept to a minimum."

ZONING BY-LAW

The subject lands are zoned Agricultural (A) and Natural Environment (NE). There will be two site specific zones required on the subject lands. The first site specific will prohibit a dwelling on the 99.1 acre agricultural parcel and the second one will address the accessory structures on the 1.87 acre residential parcel.

Non-Complying Accessory Buildings

As a result of the severance, the residential dwelling would be considered the main use and the existing accessory structures would be reviewed under section 6.1 as accessory uses to a residential dwelling. In this case there are two agricultural buildings with floor areas of 2812.5 sq.ft. and 4687.5 sq.ft. This combined floor area of 7500 sq.ft. exceeds the allowable ground floor area of 1,000 sq. ft. (Section 6.1.4 ii). This deficiency should be recognized in the rezoning.

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

Sincerely,

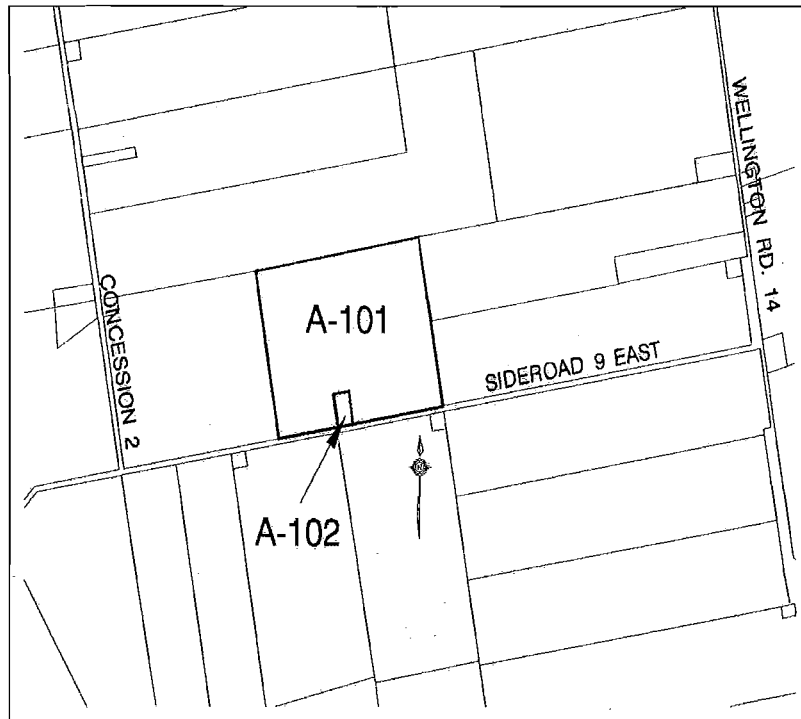


Linda Redmond B.A.
Planner

THE TOWNSHIP OF WELLINGTON NORTH

BY-LAW NO _____.

Schedule "A"



Rezone from Agricultural (A) to Agricultural Exceptions (A-101 and A-102)

Passed this ____ day of _____ 2010.

MAYOR

CLERK

EXPLANATORY NOTE

BY-LAW NUMBER _____.

THE LOCATION being rezoned is in Part Lot 21, Concession 2, former Township of Wellington North, with a civic address of 7868 Sideroad 9. The property is approximately 60.7 ha (150 acres) in size and is occupied by a residence and two metal clad sheds.

THE PURPOSE AND EFFECT of the amendment is to rezone the subject lands to restrict any future residential development on the agricultural land (A-101) and to allow two oversized metal clad sheds on the residential portion of the lands (A-102). This rezoning is a condition of severance application B112/10, that was granted provisional approval by the Wellington County Land Division Committee on October 5, 2010. The consent will sever the existing farm dwelling, and accessory buildings (0.75 ha (1.87 acres) from the remainder of the agricultural parcel (40.1 ha (99.1 acres).



**PLAN REVIEW REPORT: Township of Wellington North
Darren Jones, Building/Zoning Dept.**

DATE: NOVEMBER 25, 2010 **YOUR FILE:**
GRCA FILE: Wellington/Well N/ZC/C

RE: Application for Zoning By-law Amendment
Part Lot 21, Concession 2 Former Township of Arthur
7868 Sideroad 9

GRCA COMMENT: *

The Grand River Conservation Authority has no objection to the proposal to rezone the subject lands to restrict any future residential development on the agricultural portion of the retained parcel and to address the oversized sheds on the residential portion of the subject lands related to application B112/10.

BACKGROUND:

1. Resource Issues:

The retained parcel contains a tributary of the Conestogo River and its associated flood plain allowance. In addition, a portion of the retained parcel lies within 120 metres of a wetland located on the adjacent property. These areas are subject to Ontario Regulation 150/06.

There are no resource features related to the severed parcel.

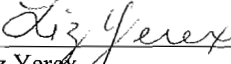
2. Legislative/Policy Requirements and Implications:

Please be advised that any future construction or other alteration on the retained parcel within the regulated area will require the prior written approval of the Grand River Conservation Authority.

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

None




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.*