

# TOWNSHIP OF WELLINGTON NORTH

## PUBLIC MEETING - MINUTES

**Monday, July 25, 2011**

The Public Meeting was held Monday, July 25, 2011 at 7:00 p.m. at the Township of Wellington North Council Chambers, Kenilworth to consider a Zoning Amendment application.

**Present:**

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

**Absent:**

**Mayor: Raymond Tout**

**Also Present:**

**C.A.O./Clerk: Lorraine Heinbuch**  
**Executive Assistant: Cathy Conrad**  
**Township Planner: Denise Whaley**

**Acting Mayor Goetz called the meeting to order.**

**Declaration of Pecuniary Interest:**

None declared.

**Application Number 1 – 7:00 p.m.**

**Owner/Applicant: Duane Colbers**

THE LOCATION being rezoned is in Part Lot 21 Concession 3, with a civic address of 7778 Sideroad 9 East. The land is approximately 101 acres (40.9 hectares) in size.

THE PURPOSE AND EFFECT of the amendment is to rezone the subject lands to prohibit any future residential development on the agricultural portion of the property, to prohibit the keeping of livestock and allow a reduced setback for the existing agricultural building and to allow for an oversized garage on the residential portion of the property. This rezoning is a condition of severance application B6/11, which was granted provisional approval by the Wellington County Land Division Committee. The consent will sever the existing farm dwelling [2.1 ac (0.8 ha)] from the remainder of the agricultural parcel [99 ac (40 ha)]. The property is currently zoned Agricultural.

# TOWNSHIP OF WELLINGTON NORTH

## PUBLIC MEETING - MINUTES

**Monday, July 25, 2011**

### Page Two

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

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

1. Notice for this public meeting was sent to property owners within 120m and required agencies and posted on the property on June 29, 2011.

2. Presentations by:

Denise Whaley, Junior Planner, reviewed her comments dated July 25, 2011.

The zoning amendment is required as a condition of provisional consent (B6/11) by the Wellington County Land Division Committee. The Planning Department had no objections to implementing this decision.

Both the Provincial Policy Statement 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. Also on the retained parcel, the by-law will address the larger (234m<sup>2</sup>) agricultural building having deficient setback from the lot line and will prohibit the keeping of livestock in both agricultural buildings.

The by-law will also address the oversized accessory structure on the residential parcel (severed). The accessory structure is described as a metal clad garage. The relief requested appears to be minor in nature, however council should be satisfied that the accessory structure will be used for residential rather than commercial purposes.

# TOWNSHIP OF WELLINGTON NORTH

## PUBLIC MEETING - MINUTES

Monday, July 25, 2011

### Page Three

The purpose of the amendment is to rezone the subject lands to prohibit any future residential development on the agricultural portion of the property, to prohibit the keeping of livestock and allow a reduced setback for the existing agricultural building and to allow for an oversized garage on the residential portion of the property. This rezoning is a condition of severance application B6/11, which was granted provisional approval by the Wellington County Land Division Committee. The consent will sever the existing farm dwelling [0.8 ha (2.1 ac)] from the remainder of the agricultural parcel [40.1 ha (99 ac)]. The property is currently zoned Agricultural.

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

The Provincial Policy Statement states in Section 2.3.3.3 that: “*new land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the minimum distance separation formulae.*” “ In this case MDS1 would only apply to any livestock facilities on the retained lands. While the retained lot contains two (2) barns, the barns would not meet the necessary separation from the new lot. The applicant has proposed that they will be used as a drive shed and storage. This by-law will address MDS 1 concerns by prohibiting the keeping of livestock in the existing buildings.

The subject lands are designated Prime Agriculture and Core Greenlands. This application is required as a result of a severance application. Section 10.3.4 of the Official Plan implements the Provincial Policy Statement 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*

# TOWNSHIP OF WELLINGTON NORTH

## PUBLIC MEETING - MINUTES

Monday, July 25, 2011

### Page Four

- 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.”*

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 residential use, prohibit keeping livestock in the agricultural buildings and reduce the required setback for the agricultural building to the severed 0.8ha (2.1ac) residential parcel from 18.3m (60ft) to 6.8m, (22.5ft). The second site specific will address the oversized accessory structure on the 0.8ha (2.1ac) residential parcel.

While the residence formed the farm parcel all accessory uses were permitted to utilize 10% of the lot area. As a result of the severance, the residential dwelling lot would be reviewed under Section 6.1 ii, which requires that in addition to the maximum 10% lot area accessory structures not exceed a ground floor area of 92.9m<sup>2</sup> (1,000ft<sup>2</sup>). In this case there is a metal clad garage with a floor area of 160.5m<sup>2</sup> (1,728ft<sup>2</sup>).

3. Review of Correspondence received by the Township:
  - Liz Yerex, Resource Planner, GRCA
  - No objection
4. The by-law will be considered at the regular Council Meeting following the Public Meeting. Mayor Tout asked those wishing to receive further notices regarding this application to make their request in writing.

# TOWNSHIP OF WELLINGTON NORTH

## PUBLIC MEETING - MINUTES

**Monday, July 25, 2011**

### Page Five

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

The Owner/Applicant was not present to answer any questions

Kathryn Spark, 8851 Hwy. 6, asked for clarification on this application. The large portion will still remain agricultural and agricultural buildings could be built on it but a residential unit won't be allowed. If area expands a hamlet would not be allowed. The owner of the small parcel won't be allowed to keep animals.

Ms. Whaley explained that the zoning amendment restricts the building of residences on the remaining agricultural parcel.

Councillor Lennox stated that the policy allows for the selling of surplus farm dwellings.

6. Comments/questions from Council.

Councillor Lennox commented that while he dislikes the policy of surplus farm dwellings as least this application is retaining a smaller parcel.

### Application Number 2 – 7:15 p.m.

**Owner/Applicant: Hedge Apple Farms Limited**

THE LOCATION being rezoned is in Part Lot 7, Concession 5, which previously formed part of the lot located at civic address of 7513 Sideroad 3 East and was subject to severance. The subject lands are located at the northeasterly portion of the original lot, fronting on Sideroad 3 East. The land is approximately 0.9 ha (2.2 ac) in size.

THE PURPOSE AND EFFECT of the amendment is to rezone the property from Agricultural (A) to an appropriate zone to permit a parochial school to be established on the property. This rezoning is a condition of severance application B64/11, which was granted provisional approval by the Wellington County Land Division Committee. The consent will sever a lot [0.9 ha (2.2 ac)] from the remainder of the agricultural parcel [37.7 ha (93 ac)]. The property is currently designated Prime Agricultural and Core Greenlands in the Official Plan.

# TOWNSHIP OF WELLINGTON NORTH

## PUBLIC MEETING - MINUTES

**Monday, July 25, 2011**

### Page Six

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

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

7. Notice for this public meeting was sent to property owners within 120 m and required agencies and posted on the property on June 29th, 2011.

8. Presentations by:

Denise Whaley, Junior Planner, reviewed her comments dated July 5, 2011.

The zoning amendment is required as a condition of provisional consent (B64/11) by the Wellington County Land Division Committee. The Official Plan provides policies to address this type of special development in the prime agricultural area. The Planning Department is satisfied that the proposal is in general conformity with the County of Wellington Official Plan and are supportive of the request to rezone the severed portion (0.9 hectares) of the property to allow for a parochial school and accessory uses.

The subject lands are designated Prime Agriculture and Core Greenlands in the Wellington County Official Plan.

In the Official Plan, Section 6.4.3 c) allows for community service facilities in prime agricultural areas. Section 6.4.10 further states that: *“community service facilities are restricted to buildings, structures and uses for which a location in the prime agricultural area is necessary for reasons of public safety or government service delivery, such as...schools, churches and cemeteries required for local communities that rely extensively on horse drawn vehicles as their sole means of transportation.”*

It is our understanding that the proposed parochial school will be servicing the local Mennonite Community, who rely exclusively on horse and buggy and active transportation.

# TOWNSHIP OF WELLINGTON NORTH

## PUBLIC MEETING - MINUTES

Monday, July 25, 2011

### Page Seven

Minimum Distance Separation 1 calculations were completed for the consent application for this property using the provided Farm Data Sheet for the livestock facilities located to the east (Pillar) and west (Bauman) of the subject lands. The application meets the MDS 1 requirements and we have no concerns.

The subject lands are currently zoned Agricultural (A) and Natural Environment (NE). The rezoning of the agricultural lands will allow for an additional use of parochial school and associated accessory uses subject to the regulations for reduced lots in an Agricultural zone. A draft by-law is attached.

### **PLANNING CONSIDERATIONS**

It is the County's position that a site specific Agricultural zone is preferable to an Institution (IN) zone for regulating parochial schools. Applying a site specific agricultural zone will not further affect MDS since it is still considered an agricultural use, however it will limit any other institutional uses which may not be compatible in a prime agricultural area.

9. Review of Correspondence received by the Township:
  - Cherielyn Leslie, Environmental Planning Coordinator. Saugeen Conservation Authority
  - No objection
  
10. The by-law will be considered at the regular Council Meeting following the Public Meeting. Mayor Tout asked those wishing to receive further notices regarding this application to make their request in writing.
  
11. Mayor Tout opened the floor for any questions/comments.

The Owner/Applicant was present to answer any questions

# TOWNSHIP OF WELLINGTON NORTH

## PUBLIC MEETING - MINUTES

Monday, July 25, 2011

**Page Eight**

12. Comments/questions from Council.

Councillor Lennox questioned whether the zoning of the proposed lot as an agriculture exception zone would ensure that any neighbouring property owner who wished to construct a barn would not be faced with the situation, where the proposed lot for the school would be treated as an institutional use, which would attract a much larger required setback when calculating MDS II.

Ms. Whaley explained that the zoning amendment would not interfere with future expansion of agricultural operations.

13. Adjournment 7:20 p.m.

---

C.A.O./CLERK

---

MAYOR