

TOWNSHIP OF WELLINGTON NORTH

PUBLIC MEETING - MINUTES

Monday, March 19, 2012

The Public Meeting was held Monday, March 19, 2012 at 7:00 p.m. at the Township of Wellington North Council Chambers, Kenilworth to consider two Zoning Amendment applications.

Present:

Mayor: Raymond Tout
Councillors: Sherry Burke
Mark Goetz
Andy Lennox
Dan Yake

Also Present:

C.A.O./Clerk: Lorraine Heinbuch
Executive Assistant: Cathy Conrad
Township Planner: Linda Redmond

Mayor Tout called the meeting to order.

Declaration of Pecuniary Interest:

None declared.

Owner/Applicant: Alette Holsteins Ltd.

THE LOCATION of the property subject to the proposed amendment is described as Part of Lot 6, Concession 5 and is municipally known as 7572 Sideroad 3 East. The property is 100.0 acres in size and the location is shown on the map attached.

THE PURPOSE AND EFFECT of the proposed amendment is to rezone a portion of the subject lands from Natural Environment (NE) to Agricultural (A) to allow the construction of a single family dwelling.

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.

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1. Notice for the public meeting was sent to property owners within 120 m and required agencies and posted on the property on February 21, 2012.
2. Application for Zoning By-law Amendment
3. Presentation by:

Linda Redmond, Planner, reviewed her comments dated March 13, 2012.

This amendment is to rezone a 0.77 acre area of an existing vacant lot from Natural Environment to Agriculture in order to permit the construction of a residence. The Saugeen Valley Conservation Authority (SVCA) has provided comments in support of the building location and rezoning. The Planning Department had no concerns with the request to rezone the lands.

The subject land is legally described as Part of Lot 6, Concession 5 and is municipally known as 7572 Sideroad 3 East. The property is 97.8 acres in size and is vacant.

The purpose of the amendment is to rezone a 0.77 acre portion of the subject lands from Natural Environment (NE) to Agricultural (A) to allow the construction of a single family dwelling.

Under the Wellington county Official Plan the subject lands are designated PRIME AGRICULTURE and CORE GREENLANDS. The Core Greenlands designation protects hazard lands and a forested area. The Prime Agriculture designation permits residential uses. Section 14.2 of the Official Plan allows minor deviations from the text and mapping in order to prevent undue hardship. Given the comments of the SVCA we feel that this flexibility is warranted.

Under the Zoning By-law the subject lands are zoned Agricultural (A) and Natural Environment (NE). The applicants would like to construct a dwelling on the property in an area that is currently zoned NE. The draft by-law rezones a 0.77 acre portion of the property to allow the construction of a dwelling.

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Section 2.6 of the By-law allows for interpretation of the boundaries of the NE zoned area's and states the following:

“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.”

Correspondence has been received from the Saugeen Valley Conservation Authority (SVCA) indicating they have no concerns with the location of the proposed lot and are supportive of rezoning the area identified in figure 2 to allow a dwelling. A revised Schedule “A” of the proposed by-law shows an enlarged portion to be rezoned to agriculture to include a 30 metre buffer zone. The Building envelope will remain the same.

4. Review of Correspondence received by the Township:

Saugeen correspondence

- No objections providing construction of the single family dwelling is within the building envelope

5. 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.

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

The applicant's agent, Bruce Fulcher, was present to answer any questions. He indicated that the original understanding was that the conservation authority map showed the building envelope and the 30 metre setback was to be around it.

7. Comments/questions from Council.

Councillor Lennox confirmed with the planner that setback outlined would be 30 metres around the building envelope.

Owner/Applicant: Schill-Land Holdings Inc.

Declaration of Pecuniary Interest:

None declared.

THE LOCATION of the property subject to the proposed amendment is described as Part of Lot 15, Concession 3 and is municipally known as 7716 Sideroad 7 East. The property is approximately 97 acres in size.

THE PURPOSE AND EFFECT of the amendment is to rezone the subject lands to restrict any future residential development on the agricultural, "retained" portion of the property. This rezoning is a condition of severance application B53/11, that was granted provisional approval by the Wellington County Land Division Committee in May 2011.

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.

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8. Notice for this public meeting was sent to property owners within 120 m and required agencies and posted on the property on February 21st, 2012.
9. Application for Zoning By-law Amendment
10. Presentation by:

Linda Redmond, Planner, reviewed her comments dated March 8, 2012.

The zoning amendment is required as a condition of provisional consent (B53/11) by the Wellington County Land Division Committee. The Planning Department had no objections to implementing this decision. Both the Provincial Policy Statement and County Official 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 subject land is legally described as Part of Lot 15, Concession 3 and has a civic address of 7716 Sideroad 7 East. The land is approximately 97.8 ha in size and is occupied by a dwelling.

The purpose of the amendment is to rezone the subject lands to restrict any future residential development on the agricultural portion of the property. This rezoning is a condition of severance application B53/11, that was granted provisional approval by the Wellington County Land Division Committee in May 2011. The consent will sever the existing farm dwelling 0.7 ha (1.8 ac) from the remainder of the agricultural parcel (38.8 ha (96 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.

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Under the 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.

Under the Zoning By-law the subject lands are zoned Agricultural (A). The draft by-law places a site specific exemption to prohibit a dwelling on the 100 acre agricultural parcel.

11. Review of Correspondence received by the Township:

- none

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.

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13. Mayor opens floor for any questions/comments.

The applicant was present to answer any questions.

14. Comments/questions from Council.

None.

15. Adjournment 7:18 p.m.

C.A.O./CLERK

MAYOR