

# **TOWNSHIP OF WELLINGTON NORTH**

## **PUBLIC MEETING - MINUTES**

**Monday, August 27, 2012**

The Public Meeting was held Monday, September 10, 2012 at 7:00 p.m. at the Township of Wellington North Council Chambers, Kenilworth to consider three 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: Mark Van Patter**

**Mayor Tout called the meeting to order.**

**Declaration of Pecuniary Interest:**

None declared.

**Owner/Applicant: Hewvilla Farms Inc.**

**Location of the Subject Land**

The property subject to the proposed amendment is described as Lot 3, Concessions EOSR, geographic Township of Arthur, Township of Wellington North. The property has a municipal address of 9851 Highway 6, is 48.5 acres in size.

**The Purpose and Effect of the Application**

The purpose and effect of the proposed amendment is to rezone the subject lands to permit a second dwelling on the property, to provide for help on a breeding farm for Standardbred horses. The second dwelling is to be located in the eastern portion of the property and gain access via Sideroad 2 East.

# TOWNSHIP OF WELLINGTON NORTH

## PUBLIC MEETING - MINUTES

**Monday, August 27, 2012**

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

Mark Van Patter, Senior Planner, reviewed his comments dated August 15, 2012.

Mr. Van Pater had concerns about locating the second dwelling so far from the building cluster, and its conformity with the official plan. He did not want this to become a precedence. Council should determine if the application is unique and warrants support. Mr. Hewson noted that it is important for him to have a good vantage point to monitor his high value horses.

The subject property is located immediately south of Mount Forest on the east side of Highway 6, immediately north of Sideroad 2E, in Lot 3, Concession EOSR (Geographic Township of Arthur). It is approximately 48.5 acres in size with an existing older farmhouse and barn.

Mr. Hewson wishes to establish a breeding operation for Standardbred horses on the 48.5 acres. This would involve high value, race horses to be used for breeding stock. Farm income would be generated from the sale of horses. Much of the property would be used for pasturing. Posts for fencing are already on site. As Mr. Hewson has severe back and shoulder problems, he is unable to do much of the physical farm work himself. His son would do most of the physical farm work and occupy the old farm house.

# TOWNSHIP OF WELLINGTON NORTH

## PUBLIC MEETING - MINUTES

Monday, August 27, 2012

### Page Three

Mr. Hewson would build a new dwelling and manage the farm operation. The new dwelling is to be located outside of the farm building cluster on the top of a knoll, as he wants a central, higher location to be able to monitor the horses.

Section 2.3.3.1 of the Provincial Policy Statement states that in Prime Agricultural Areas, *permitted uses and activities are agricultural uses, secondary uses and agriculture-related uses*. Under the definition of “agricultural use”, it includes “... accommodation for full-time farm labour when the size and nature of the operation requires additional employment.”

Under the Wellington County Official Plan the land is designated Prime Agricultural. In prime agricultural areas, the plan in Section 6.4.5 provides that *"accessory residential uses needed for farm help ... may be allowed provided they are established near the farm buildings."* This keeps the residential uses in one area, reducing potential negative MDS 2 impacts on neighbouring farmers wishing to expand or build new livestock facilities. It also reduces the loss of prime farm land to residential uses.

Under the Wellington North Zoning By-law the property is zoned Agricultural Exception (A-1). The A-1 zone prohibits new livestock facilities around the fringe of urban areas like Mount Forest. However, expansions to existing livestock operations are permitted. Consideration of new facilities may be considered through a rezoning, provided they are unlikely to compromise the future expansion of Mount Forest.

Section 8.4, Agricultural Zone, permits a second residential dwelling, provided the property has 86 acres and has a frontage of 800 feet. The by-law goes on to require the second dwelling to share a common driveway with the main farm residence and to be located within a 200 foot radius of the main residence. The relevant section of the zoning by-law is:

#### **“8.4 REGULATIONS FOR ESTABLISHMENT OF A SECOND RESIDENTIAL DWELLING**

- |                                  |  |
|----------------------------------|--|
| <b>8.4.1 LOT AREA, Minimum</b>   | <b>35.0 ha (86.0 ac)</b>                         |
| <b>8.4.2 FLOOR AREA, Minimum</b> | <b>74.3 m<sup>2</sup> (800.0 ft<sup>2</sup>)</b> |

# TOWNSHIP OF WELLINGTON NORTH

## PUBLIC MEETING - MINUTES

Monday, August 27, 2012

### Page Four

#### **8.4.3 LOCATION**

*A second residential dwelling shall be located within the **Farm Building Cluster**. The second residential dwelling unit must be detached from the main residential dwelling, shall share a common driveway with the main farm residence, and shall be located within a 61.0 m (200.0 ft) radius of the main farm residence. A second residential dwelling shall be provided with a potable water supply and adequate **private sewage treatment facility**.*

#### **8.4.4 TYPE OF RESIDENTIAL DWELLING**

*A second residential dwelling unit may be traditionally constructed, pre-fabricated, a modular residential dwelling or a mobile home.”*

Planning Considerations include:

1. The by-law requires the parcel to be 86 acres to have an accessory dwelling as a right. The subject property is only 48.5 acres. It is not unusual for horse operations to be on smaller parcels such as this. Wellington North Council could provide an exception for this through rezoning.
2. The by-law requires that the accessory farm residence be located within 200 feet of the main residence. As I understand it, the proposed location of the new dwelling is about 360 metres or 1,180 feet, which is some distance from the farm building cluster. I am concerned that this may not conform to the wording of the Official Plan policy, which requires location “*near the farm buildings*”. It would be the applicant’s responsibility to demonstrate to Council that monitoring the horses justifies the proposed dwelling location.
3. The zoning by-law also requires that the accessory dwelling share the driveway with the main residence. Mr. Hewson is proposing a separate driveway, which has already been constructed from Sideroad 2E. The original farmhouse gains access from Highway 6. Access via the Sideroad is probably a safer alternative.

# TOWNSHIP OF WELLINGTON NORTH

## PUBLIC MEETING - MINUTES

**Monday, August 27, 2012**

### Page Five

4. There is a barn across Sideroad 2E to the southeast. Mr. Hewson has provided a farm data sheet filled in by the owner, Mr. Phares Martin. He indicates the housing capacity for livestock is: 42 milking age cows, 20 heifers and 8 calves. I have calculated the MDS 1 for this operation. A setback of 231 metres is required from both the barn and manure storage. Mr. Hewson's proposed new dwelling is about 360 metres away. Thus, MDS 1 would be complied with.
  5. I would note that the general area is quite fragmented. The west side of Highway 6 has several parcels in the 25 acre range due to the former rail line, as well as smaller severances. Directly across Highway 6, there is an area zoned for Institutional use and another area for Agricultural Commercial Use. A large 150 acre farm is located to the north and east. Directly south of Sideroad 2E, the farm has been split into 20 acres and 80 acres.
  6. If the second dwelling were to be permitted and constructed, there would be almost no potential to ever sever one of the dwellings from the farm. The applicant should be aware of this.
  7. As an alternative to a second dwelling, if the old farm house were to be demolished, Mr. Hewson would be free to establish a new dwelling anywhere on property outside of the above-noted MDS arc.
4. Review of Correspondence received by the Township:
- Ian Smyth, Corridor Management Planner, Ministry of Transportation
    - No Objection
  - Cherielyn Leslie, Environmental Planning Coordinator, Saugeen Valley Conservation Authority
    - No Objection
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.

# TOWNSHIP OF WELLINGTON NORTH

## PUBLIC MEETING - MINUTES

**Monday, August 27, 2012**

### Page Six

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

The applicants were available to answer any questions. Mr. Hewson explained that this proposal puts the farm to the best use with the entrance off Sideroad 2. The building site is on the least desired farmland. Trucks will use the entrance off Sideroad 2, which will be safer. Mr. Phares Martin owns the land around the Hewson's farm.

7. Comments/questions from Council.

Councillor Yake asked Mr. Van Patter to explain what he means by looking at this application from a unique perspective. Mr. Van Patter explained that he did not want this to be precedence. It is up to Council to decide if Mr. Hewson's needs are unique. If the amendment is passed it will be automatically deemed to conform to the Official Plan. A barn and sheds are to be built. One shed has already been built.

Councillor Lennox stated that he has no concerns with the application regarding odor; however he did have concerns with the location of the house. He felt that the house should be built in the farm cluster.

Mr. Hewson explained that the house would be outside of the MDS1 area. They have proposed the location of the second house where they feel it would be best for the farm operation.

Mayor Tout asked about the use for the original house.

Mr. Hewson explained that his son is living in the original house and is currently studying equine management. His son's help is needed because Mr. Hewson cannot do heavy work due to back and shoulder problems. Building near the cluster would take up good farmland. The proposed location would allow for security and the ability to keep an eye on the horses. He explained that last year he lost a foal because he couldn't keep an eye on it.

# TOWNSHIP OF WELLINGTON NORTH

## PUBLIC MEETING - MINUTES

**Monday, August 27, 2012**

### Page Seven

#### **Owner/Applicant: Laverne White Farms Limited**

#### **Declaration of Pecuniary Interest:**

None declared.

#### **Location of the Subject Land**

The property subject to the proposed amendment is described as Lot 9, Concessions 19, geographic Township of Peel, Township of Wellington North. The property has a municipal address of 7963 Wellington Road 109.

#### **The Purpose and Effect of the Application**

The Agricultural Commercial (AC-57) zone for Alltreat's composting operation is being amended to permit the erection of a 4,645 sq. m. receiving hall building, and an 836 sq. m. administration/scale house/lunchroom building. The receiving hall will allow enclosure of the existing outdoor area receiving organics, which will allow for greater control of potential odours. Consideration will also be given to recognizing a front yard deficiency for the existing coverall building.

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.

8. Notice for this public meeting was sent to property owners within 120 m and required agencies and posted on the property on August 3, 2012.
9. Application for Zoning By-law Amendment

# TOWNSHIP OF WELLINGTON NORTH

## PUBLIC MEETING - MINUTES

**Monday, August 27, 2012**

### Page Eight

10. Presentation by:

Mark Van Patter, Senior Planner, reviewed his comments dated August 17, 2012.

The main purpose of the amendment is to allow Alltreat to develop a 4,645 sq. m. receiving building, to enclose where organic materials arrive on site and are mixed. Inside air will be processed by air pollution control equipment to reduce odours. Also proposed for the future is an 836 sq. m. administrative building. Two errors in zoning are being corrected – the extent of the zone and a metric conversion error. The revisions will see the zone extended to the western boundary of Lot 9, the setback from Wellington Rd. 12 reduced from 95 to 55 metres and the total ground floor area increased from what should be 9,775 sq. m. to 9,996 sq. m. The new receiving building is not to increase production but to work towards odour reduction. Mr. Van Patter had no concerns with the rezoning.

The property subject to the proposed amendment is described as Lot 9, Concession 19, geographic Township of Peel, Township of Wellington North. The property has a municipal address of 7963 Wellington Road 109. Approximately 64 acres of the property is subject to the rezoning.

The Agricultural Commercial (AC-57) zone for Alltreat's composting operation is proposed to be amended to permit the erection of a 4,645 sq. m. receiving building, and an 836 sq. m. administration building which will include a scalehouse, washroom, changeroom and lunchroom.

Under the Wellington County Official Plan the eastern 2/3 of the subject area is designated Rural Industrial and contains the composting operation. The proposed buildings are within this area. The western 1/3 of the area is Prime Agricultural and contains the Stormwater Treatment Ponds.

# TOWNSHIP OF WELLINGTON NORTH

## PUBLIC MEETING - MINUTES

Monday, August 27, 2012

### Page Nine

The eastern 1/2 of the subject area is zoned Agricultural Commercial Exception (AC-57). The proposed buildings are to be located within this zone. The following zoning regulations are in effect for the AC-57 zone.

<b>33.57</b> All Treat	<b>AC-57</b>	Notwithstanding any other provisions to the contrary, in addition to those uses permitted in Section 23.1, the land zoned <b>AC-57</b> may be used for the processing/composting of agricultural/horticultural products for the production and manufacture of potting soil and fertilizer subject to the following regulations: a) The additional buildings shall have a setback of 95 m (311.7 ft) from the lot line of Wellington Rd 12; and a setback of 104 m (341.2 ft) from the southerly property line in Lot 9, Concession 19. b) The total ground floor area of all buildings and structures erected in conjunction with the additional uses shall be 908.1 sq. m (9775 sq. ft).
---------------------------	--------------	---

The western 1/2 of the area is zoned Agricultural Exception (A-1), which prohibits new livestock operations around the urban area. The stormwater treatment ponds are in this zone.

Planning Considerations Include:

#### Recognition of Setback for Existing Coverall Building

While it is supposed to have a setback of 95 metres from Wellington Road 12 (see (a) above), the actual setback of the coverall building is approximately 55 metres. The closest neighbouring dwellings are approximately 250 metres away from the coverall building. Given this distance, Mr. Van Patter was in support of amending the by-law to recognize the existing setback.

#### New Receiving Building – 4,645 Square Metres

The applicants are proposing a new receiving building for the composting operation. It is to be located in the southern part of the zoned area, setback approximately 130 metres from Wellington Road 12. Its purpose is to enclose the area where organic materials arrive on site and are mixed. The new building is to allow for the inside air to be processed by air pollution control equipment, which should reduce odours. It's my understanding that the Ministry of Environment considers this to be a positive upgrade which will benefit air quality.

# TOWNSHIP OF WELLINGTON NORTH

## PUBLIC MEETING - MINUTES

Monday, August 27, 2012

### Page Ten

#### New Administrative Building – 836 Square Metres

The applicant's indicate that this building is in their future plans. It is to include a scale house, computer desk area, washrooms, lunchroom and change room. This building is to be located in the southeastern corner of the zoned area. A truck wheel wash may also be built in the same area. The building is relatively small and at some distance to the closest neighbouring residential dwellings, approximately 490 metres to the north, and 270 metres to the south. To be consistent with the coverall building, it is recommended that a setback of 55 metres be required from Wellington Rd. 12.

#### Corrections to Zoning By-law

In 2001 the new Comprehensive Zoning By-law was created for Wellington North, bringing together the zoning for 5 former municipalities. Two errors were included for Alltreat's AC-57 zone.

1. Currently regulation (b) reads that the total ground floor area of all buildings and structures erected in conjunction with the additional uses shall be 908.1 sq. m (9,775 sq. ft). In the original zoning amendment passed by the Township of Peel, the maximum amounted to 9,775 sq. m., not sq. ft. This error should be corrected – see below under “Total Ground Floor Area All Buildings and Structures”.
2. Currently, the AC-57 zone goes about 1/2 of the way across Lot 9. The other 1/3 is zoned A-1 and contains the Stormwater Treatment Ponds. The Peel by-law permitted the land use all the way across Lot 9. I am recommending that the extent of the zone be corrected and include the Stormwater Treatment Pond area.

#### Total Ground Floor Area All Buildings and Structures

Approval of the two proposed buildings would result in a total ground floor area of:

Existing Coverall Building	4,515 sq. m.
Proposed Receiving Building	4,645 sq. m.
<u>Proposed Administrative Bldg.</u>	<u>836 sq. m.</u>
Total Ground Floor Area	9,996 sq. m.

# TOWNSHIP OF WELLINGTON NORTH

## PUBLIC MEETING - MINUTES

**Monday, August 27, 2012**

### Page Eleven

A ground floor area of 9,996 sq. m. would exceed the corrected, maximum of 9,775 sq. m. by a relatively small amount. Given the proposed locations of the two new buildings and the likelihood that the Receiving Building will reduce odours, Mr. Van Patter supported this increase.

11. Review of Correspondence received by the Township:
  - Pasquale Costanzo, County of Wellington Engineering Services
    - No objection
  - Liz Yerex, Resource Planner, Grand River Conservation Authority
    - No objection
  
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.
  
13. Mayor opens floor for any questions/comments.

The applicants were present to answer any questions. The applicants presented a letter from the Ministry of the Environment stating their support of the application. Mr. White also presented was a letter that had been distributed to surrounding property owners regarding a meeting to discuss the proposal. Mr. White explained that the area where they receive and mix will be covered by a building to help reduce odors.
  
14. Comments/questions from Council.

None.

# TOWNSHIP OF WELLINGTON NORTH

## PUBLIC MEETING - MINUTES

**Monday, August 27, 2012**

### Page Twelve

**Owner/Applicant: John Rooney and Nancy Rooney**

#### **Declaration of Pecuniary Interest:**

None declared.

#### **Location of the Subject Land**

The property subject to the proposed amendment is described as Part of Park Lot 5, N/S Smith Street, Crown Survey, and is municipally known as 320 Smith Street in the Village of Arthur. The area to be rezoned is 1.26 hectares in size and the location is shown on the map attached.

#### **The Purpose and Effect of the Application**

The purpose and effect of the proposed amendment is to rezone the subject lands to address the location of an appropriate building envelope, protect the woodlands and provide for a reduced lot frontage. This rezoning is a condition of severance application B71/11, that was granted provisional approval by the Wellington County Land Division Committee.

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.

15. Notice for this public meeting was sent to property owners within 120 m and required agencies and posted on the property on August 3, 2012.

16. Application for Zoning By-law Amendment

# TOWNSHIP OF WELLINGTON NORTH

## PUBLIC MEETING - MINUTES

**Monday, August 27, 2012**

### Page Thirteen

17. Presentation by:

Mark Van Patter, Senior Planner, reviewed his comments dated August 15, 2012.

The proposed zoning amendment is required as a condition of consent application B71/11, to address the lot frontage of the new lot and the woodlot on the rear portion of the lands.

Wellington North Council commented on the proposed severance and requested that a building envelope be identified so as to provide access to the balance of the lands (ie. the woodlot). The County Land Division Committee recommended that the woodlot be protected from future development following discussion with surrounding neighbours.

The frontage is being addressed by placing the parcel in a RIC zone which requires a minimum frontage of 15 m (49.2 ft). The woodlot is to be added to the parcel with the existing dwelling through consent application B102/12. This will protect the woodlot from development, while maintaining access to it.

The subject land is legally described as Part of Park Lot 5, N/S Smith Street, Crown Survey, and has frontage on Smith Street in the Village of Arthur. The land subject to the rezoning is approximately 1174 sq.m. (12,638 sq.ft.) in size.

The purpose of the amendment is to rezone the property to Residential RIC to reflect the frontage of the lot created by consent application B71/11. The rear portion of the lands, approximately (2.2 acres) is proposed to be severed and merged with the adjacent property. This rezoning is a condition of severance application B71/11, which was granted provisional approval by the Wellington County Land Division Committee.

Under the Wellington County Official Plan the subject lands are designated as RESIDENTIAL within the Arthur URBAN CENTRE. Section 8.3.3 of the County Official Plan states “the predominant use of land in those areas designated Residential shall be residential and a variety of housing types shall be allowed. In addition, non-residential uses such as parks are recognized within the Residential designation.

# TOWNSHIP OF WELLINGTON NORTH

## PUBLIC MEETING - MINUTES

**Monday, August 27, 2012**

### Page Fourteen

The subject lands are zoned Residential (R1B & R1C). The subject lands have deficient frontage under the current zoning (R1B) which requires 20m (66 ft.). This portion of lands is proposed to be rezoned R1C to reflect the frontage of 19 m (62 ft).

The rear portion of the retained parcel has an area of approximately 0.89 ha (2.2 ac.) and is covered in trees. At the County Land Division Committee a number of neighbours who back onto this portion of property expressed concern with the protection of this wooded space. They requested that the lands be protected from development in order to preserve the woodlands. In order to achieve this, the applicant has applied to sever this portion of land and merge it with the existing dwelling located on the adjacent parcel which will be created through consent application B102/12.

18. Review of Correspondence received by the Township:

- Liz Yerex, Resource Planner, Grand River Conservation Authority
- No objection

19. 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.

20. Mayor opens floor for any questions/comments.

The applicant was present to answer any questions.

21. Comments/questions from Council.

Councillor Lennox commented on the process that has taken place with this application. Mr. Van Patter explained that part of the process has been to protect the forested land.

**TOWNSHIP OF WELLINGTON NORTH**

**PUBLIC MEETING - MINUTES**

**Monday, August 27, 2012**

**Page Fifteen**

22. Adjournment 7:40 p.m.

---

**C.A.O./CLERK**

---

**MAYOR**