

PRESENTATIONS

Mark Van Patter, Manager of Planning and Environment, reviewed the report and draft by-law provided by Elizabeth Martelluzzi, Junior Planner, dated February 22, 2017.

Planning Opinion The purpose of this zone amendment is to permit a temporary Garden Suite on the property for a period of 20 years. The draft by-law attached will also address two requirements of the zoning by-law which have not been met by the proposed garden suite. We have no objections to implementing the zoning amendment. Both the PPS and County Plan provide for a temporary garden suite as an accessory residence in a Prime Agricultural area.

INTRODUCTION

The property subject to the proposed amendment is described as Lot 2, Concession 6, Geographic Township of Arthur, with a civic address of 9571 Concession 6 North. The property is 40.46 hectares (100 ac) and contains an existing single detached dwelling, barn, and equipment shed. Adjacent properties are used for agricultural purposes.

PROPOSAL

The purpose of the application is to permit a temporary garden suite for a period of up to 20 years. Consideration will also be given for the garden suite to exist concurrently with an accessory apartment on the subject property. The By-law does not permit both uses to exist on a property at the same time. Further, the By-law requires that the garden suite be located no closer than 3m (9.8 ft) to the main residence, whereas the applicants have proposed to attach the garden suite to the main residence (setback 0 m).

THE PLANNING ACT

Section 39.1 of the Planning Act defines a "Garden Suite" to mean "*a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and is designed to be portable.*" A similar definition is present in the Township of Wellington North By-law. The Planning Act permits a garden suite for a period of up to 20 years, with possible extensions of 3 year periods thereafter.

The Planning Act further authorizes council to enter into an agreement with the owner to deal with such matters including the installation, maintenance and removal of the garden suite, the period of occupancy and the monetary or other form of security that council may require for actual or potential costs the municipality related to the garden suite.

WELLINGTON COUNTY OFFICIAL PLAN

The subject lands are designated PRIME AGRICULTURE. Section 6.4.3 permits a Garden Suite in the Prime Agricultural areas subject to the provisions of

Section 4.4.7 which states that garden suites are permitted provided they are established near the farm buildings and main residence.

ZONING BY-LAW

The subject lands are zoned Agricultural (A) and Natural Environment (NE). Garden suites are subject to the provisions of section 6.12 of the Zoning By-law. The proposed garden suite does not meet two of the criteria and will be addressed as exemptions in the draft by-law:

Section 6.12 – Garden Suite requirements	Proposed
a) Only one garden suite may be established per lot on which a single-detached residential dwelling exists. Where a lot already contains a single detached dwelling and an accessory apartment as defined in the By-law, a garden suite shall not permitted;	The subject lot contains a single detached dwelling and an accessory apartment, and the applicant has proposed one new garden suite.
g) No garden suite shall be located closer than 3.0 m (9.8 ft) to the main residence on the lot;	The proposed garden suite is to be attached to the main residence by way of a breezeway.

Draft By-law

We have attached a Draft By-law for council’s review. The temporary use by-law would permit a garden suite for up to 20 years and address the garden suite provision deficiencies as identified above.

CORRESPONDENCE FOR COUNCIL’S REVIEW

Candace Hamm, Environmental Planning Coordinator
Saugeen Conservation

- Application is acceptable to SVCA staff

Emily Bumbaco, Upper Grand District School Board – tabled at the meeting

- Does not object

REQUEST FOR NOTICE OF DECISION

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.

MAYOR OPENS FLOOR FOR ANY COMMENTS/QUESTIONS

The applicants were present.

COMMENTS/QUESTIONS FROM COUNCIL

None

OWNER/APPLICANT: Alette Holsteins Ltd.

LOCATION OF THE SUBJECT LAND

The land subject to the proposed amendment is described as Part Lot 3, Concession 6, municipally known as 9531 Concession 6 N, Geographic Arthur Township. The property is 1.97 hectares (4.9 acres) in size.

PURPOSE AND EFFECT OF THE APPLICATION

The purpose and effect of the proposed amendment is to rezone the subject lands from Agricultural to Agricultural Commercial to permit the expansion of the existing farm equipment business and address Minimum Distance Separation (MDS 1) issues related to the use. This rezoning is a condition of severance application B85/16, that was granted provisional approval by the Wellington County Land Division Committee. The consent will sever 1.97 ha (4.86 acres) from the agricultural parcel and add it to the adjacent farm equipment business.

NOTICE

Notices were mailed to property owners within 120 m of the subject property as well as the applicable agencies and posted on the subject property on February 3, 2017 pursuant to the provisions in the *Planning Act*.

PRESENTATIONS

Mark Van Patter, Manager of Planning and Environment, reviewed report and draft by-law provided by Linda Redmond, Senior Planner, dated February 22, 2017.

Planning Opinion: The amendment would rezone the subject lands to an Agricultural Commercial (AC) Exception zone to allow the expansion of a farm equipment business and recognize Minimum Distance Separation 1(MDS1) deficiencies. The rezoning is required as a condition of provisional consent (B85/16) by the Wellington County Land Division Committee.

We do not have any concerns with implementing this decision. As a result of existing institutional and rural residential uses, the proposed rezoning will not further restrict the ability of surrounding livestock operations to expand.

This proposal is agricultural-related and will be providing products for sale from the local farming community. According to the Agriculture First policy of Section 6.4.2 which states that "As a general rule, land use activities that support agriculture will be encouraged and land use activities that do not support agriculture will be discouraged", we believe that the proposal is in keeping with

the intent of the Plan. The application would maintain the general intent and purpose of the Official Plan and Zoning By-law.

Location

The subject property is legally described as Lot 3, Concession 6, and municipally known as 9531 Concession 6 N, Geographic Arthur Township. The property is 1.97 hectares (4.9 acres) in size.

Proposal

The proposal is to rezone the subject lands from Agricultural to Agricultural Commercial (AC) to permit the expansion of the existing farm equipment business and address Minimum Distance Separation (MDS 1) issues related to the use. This rezoning is a condition of severance application B85/16, that was granted provisional approval by the Wellington County Land Division Committee. The consent will sever 1.97 ha (4.86 acres) from the agricultural parcel and add it to the adjacent farm equipment business.

PROVINCIAL PLANNING POLICY

Rezoning is subject to the Provincial Policy Statement and decisions of a Council are required to be “consistent” with it (Section 4.2). The subject property is considered to be within a PRIME AGRICULTURAL area. Section 2.3.3.1 of the PPS allows for agriculture-related uses provided those uses are compatible with, and shall not hinder surrounding agricultural operations. Agricultural-related uses include *“farm related commercial and industrial uses that are small scale and directly related to the farm operation and are required in close proximity to the farm operation”*.

Section 2.3.3.3 requires that new land uses, including the creation of lots, shall comply with MDS 1. We have been provided with completed MDS 1 calculations from the surrounding livestock facilities. These calculations have been based on assumptions and it would appear that MDS 1 can be met.

COUNTY OFFICIAL PLAN

The subject property is designated PRIME AGRICULTURAL and CORE GREENLANDS. Section 6.4.3 (b) and (c), of the Plan provides consideration for secondary uses and agriculture-related uses. Agricultural-related uses include *“farm related commercial and industrial uses that are small scale and directly related to the farm operation and are required in close proximity to the farm operation”*.

Agriculture First policy of Section 6.4.2 states that “As a general rule, land use activities that support agriculture will be encouraged and land use activities that do not support agriculture will be discouraged”. We believe that the proposed uses meet this intent.

Zoning By-law Amendment

The draft by-law places the subject lands which are presently zoned Agricultural (A), within the Agricultural Commercial Exception zone (AC-99), that the existing farm implement use is currently zoned. The lands proposed for expansion are considered a Type A land use for the purpose of Minimum Distance Separation 1 (MDS1) calculations. The existing use expanded in 2010 and was given an exemption from the MDS 1 setbacks to the livestock facilities located at 9531 Concession 6N (Alette Holstein Ltd) and 9513 Concession 6N (Weber). The new not configuration will now require an exemption from the livestock facility located at 9559 Concession 6N (Wideman).

Site Plan

According to Site Plan by-law 27-15 this proposal would be subject to site plan approval prior to any site development.

CORRESPONDENCE FOR COUNCIL’S REVIEW

Michael Oberle, Environmental Planning Technician
Saugeen Conservation

- Application is acceptable to SVCA staff

REQUEST FOR NOTICE OF DECISION

The by-law will be considered a future regular council meeting. Persons wishing notice of the passing of the By-law must submit a written request.

MAYOR OPENS FLOOR FOR ANY COMMENTS/QUESTIONS

The Applicant was not present.

COMMENTS/QUESTIONS FROM COUNCIL

None

ADJOURNMENT

RESOLUTION 002

Moved by: Councillor Hern

Seconded by: Councillor Yake

THAT the Public Meeting of February 27, 2017 be adjourned at 7:18 p.m.

CARRIED

CLERK

MAYOR