

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH  
PUBLIC MEETING MINUTES  
APRIL 29, 2019 @ 7:00 P.M.  
MUNICIPAL OFFICE COUNCIL CHAMBERS, KENILWORTH**

**Members Present:**

**Mayor: Andrew Lennox  
Councillors: Sherry Burke  
Lisa Hern  
Steve McCabe  
Dan Yake**

**Staff Present:**

**Chief Administrative Officer: Michael Givens  
Director of Legislative Services/Clerk: Karren Wallace  
Deputy Clerk: Catherine Conrad  
Chief Building Official: Darren Jones  
Community Recreation Coordinator: Mandy Jones  
Manager of Planning and Environment: Linda Redmond  
Senior Planner: Michelle Innocente**

**CALLING TO ORDER - Mayor Lennox 8:00**

**DISCLOSURE OF PECUNIARY INTEREST**

**APPLICATION**

**1542441 Ontario Inc.**

THE LAND SUBJECT TO THE PROPOSED AMENDMENT is described as Part Lots 6, RP61R-11110, Part 2, geographic Town of Mount Forest and is Municipally known as 211 Birmingham Street West. The property is 866 m<sup>2</sup> (0.214 ac) in size.

THE PURPOSE AND EFFECT OF THE PROPOSED AMENDMENT is to rezone the subject land to permit limited temporary overnight accommodations within the existing learning centre (Aletha's Place). The property is currently zoned Institutional (IN) Zone. Additional relief may be considered at this meeting.

**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 April 5<sup>th</sup>, 2019.

**PRESENTATIONS**

Linda Redmond, Manager of Planning & Environment, County of Wellington, Township of Wellington North

- Planning Report dated April 24, 2019

**PLANNING SUMMARY**

The proposed amendment for the above noted lands is to rezone the property to allow the temporary overnight accommodation within the existing building. The property is currently zoned Institutional (IN). This use is in addition to the uses permitted within the institutional zoning.

The purpose of this report is to provide the Township with an overview of the above referenced Zone Amendment application to facilitate the public meeting. Further, this statutory public meeting will provide an opportunity for the community and area residents to ask questions and seek more information from the proponent. It will also provide an opportunity for the applicant to address some of the concerns that have been raised through the notification process.

The subject property is 866 m<sup>2</sup> (0.214 ac) in size and is located in the central area of Mount Forest. The property is municipally known as 211 Birmingham Street West and is legally described as Part Lots 6, RP61R-11110, Part 2 (Figure 1). The property is currently occupied by former church building.

The property is currently zoned Institutional (IN) in the Township of Wellington North Zoning By-law 66-01 and designated Residential in the County of Wellington Official Plan. The surrounding land uses are primarily residential.

#### PROPOSAL

The purpose of the application is to amend the zoning on the lands to allow the temporary overnight accommodations for youth. This use is accessory to the existing established services provided on site otherwise known as Aletha's Place. The Wellington County Official Plan provides consideration for the establishment of special needs housing/accommodation in residential areas within the Urban Area of the County. This amendment would facilitate this proposal.

#### PROVINCIAL PLANNING POLICY

Rezoning is subject to the Provincial Policy Statement (PPS) and decisions of a Council are required to be "consistent" with it (Section 4.2). The subject property is considered to be within a SETTLEMENT area. The PPS under Section 1.4.3 directs municipalities to permit and facilitate "all forms of housing to meet the social, health and well-being requirements of current and future residents, including special needs requirements". The legislation places a positive obligation on municipalities to facilitate housing for people with special needs.

#### COUNTY OFFICIAL PLAN

According to Schedule A6-1 (Mount Forest) of the Official Plan, the property is designated RESIDENTIAL.

Section 4 of the County Plan outlines the general County policies that apply throughout the County of Wellington. The main applicable policy, Section 4.4.2, deals with housing variety and states, "the County will provide for a variety of housing types to satisfy the present and future social, health and well-being requirements of residents of the regional market area.

The policies of Section 8.3.2 of the Official Plan sets out a number of objectives for residential development including, b) "to provide a variety of dwelling types to satisfy a broad range of residential requirements, and d) to support the development, at appropriate locations and densities of residential facilities that meet the housing needs of persons requiring specialized care."

#### DRAFT ZONING BY-LAW

The subject lands are zoned Institutional (IN). The proposed additional use would be addressed through the zoning by adding a site specific exemption to the current IN zoning to permit the temporary overnight accommodation. A draft by-law has not been drafted at this time.

### **CORRESPONDENCE FOR COUNCIL'S REVIEW**

Emily Vandermeulen, Risk Management Inspector/Source Water Protection Coordinator, Wellington Source Water Protection

- Email & Map dated April 9, 2019 (No Objection)

Shannon Faulkner

- Letter dated April 17, 2019 (In Support)

Rev. Karen Wake

- Email dated April 19, 2019 (In Support)

Erin McArthur (Aletha and Bob's daughter)

- Email dated April 22, 2019 (In Support)

Don Yake & Kay Ayres

- Letter received April 23, 2019 (In Support)

Crystal Seifried

- Letter dated April 23, 2019 (In Support)

Susan Hengeveld

- Email dated April 23, 2019 (In Support)

Sarah Fish

- Email dated April 24, 2019 (In Support)

Taunia Nielsen

- Email dated April 24, 2019 (In Support)

Laurie Morgan

- Email dated April 24, 2019 (In Support)

Vernon and Steffani Laxton

- Letter received April 25, 2019 (In Support)

Norine Broomhead

- Letter received April 29, 2019 (In Support)

Melanie Smith

- Email received in support

### **REQUEST FOR NOTICE OF DECISION**

A draft by-law has not been completed at this time.

### **MAYOR OPENS FLOOR FOR ANY COMMENTS/QUESTIONS**

Aletha McArthur, applicant, was present to support her application. Ms. McArthur advised clients are 12 – 16 years of age, living in regular homes in Mount Forest. The intent is to help families in distress by providing a safe place for youth to go to while working with their families to resolve issues. The goal is to preserve families and keep them together. Paid staff are vetted, assessed and trained. Volunteers are not responsible for care without supervision. Everything is quiet and confidential.

Erin Kiers, employee with New Growth Family Centre, supported the work of the organization and explained the need for this type of centre.

Pam Zmija, supported the centre. Her children have worked with Aletha in troubled times and she considers the centre to be essential to the area.

Ron Hodgins, retired principle, previously worked with Aletha. He sat on the NGFC board since inception and stressed the need for the type of programming being offered at Aletha's Place. He encouraged support of the application to facilitate growth.

Juile Pugliese, received support from Aletha in handling a situation with a teenager and expressed her support for the centre.

Heather Crough, lives two doors from Aletha's Place, and described the centre as a quiet, wonderful facility. She questioned what would happen when Aletha retires with respect to the zoning amendment: would it open it up for overnight accommodation?

Cheryl Edwards, 185 Birmingham St. W., had expressed concern when the centre opened in 1999, and was advised at that time by Aletha there would be no overnight stays. Will there be rules and regulations for overnight accommodation? What happens if these children have no place to go after 48 hours? She is afraid that these children will have issues with drugs and alcohol and concerned about possible break ins. Will this decrease her property value when she sells her home in a couple years? Who is liable if something goes wrong and who will be responsible? The centre does a good job with daytime programs; but, neighbours are concerned.

Sharon O'Sullivan, neighbour, commented that her concern is not with the centre's programs, only the zoning amendment to allow overnight accommodation. What happens if the centre is sold; can

the building then be used for other types of overnight accommodation? Will property values decrease? She had no concerns with the day programs, just the overnight accommodation. Mrs. O'Sullivan presented a petition signed by concerned neighbours.

Joe Wetlaufer, local Scout leader and volunteer within the community, stated that they are always alert for resources in the community and want to be able to help youth and families in a serious situation. Aletha's Place is a safe place for a short term. Calling CAS would mean having to leave the community. He is very supportive of the proposed amendment and feels we should be using local resources.

Matt Morgan has been involved with the program for 7 years for his son with ADHA. The family program helps families to deal with a child with ADHA. Overnight respite would be an extension of the day program. He sits on the Board for the centre. The program is not for kids with alcohol and drug problems; it is for families.

Bob McArthur, New Growth Family Centre, explained that they are not proposing a shelter. This will be an extension of existing programs and provide temporary, 24 – 48 hour, overnight respite to allow families some quieting down time. Currently there is no place locally for a teenager to go as the police can only take them to a child shelter in Guelph. This will be a place that a child can come and calm down and receive counselling. Staff contacts parents to find out what the issue is and hopefully the child can go back to their family with support. Too much effort is going into separating family. They are trying to keep families together. This has been their vision since 2004. They know what they are doing.

Angelina McLaughlin stated that she has know Aletha for 6 years and is grateful for the help she has received. Aletha has helped many families. Children with problems running away from home have no place to go. The centre can help many children and their families. There are many families need these programs.

Vernon Laxton is familiar with the family centre and recognized the difficulties of dealing with emotion rather than what's practical. Every village should have a place like this. We need this type of place in our community to help children who have fallen between the cracks. It is well worth the risk to do this.

Aletha McArthur stated that no one has stayed overnight at the centre. The maximum allowed will be 48 hours. The program will provide safe separation so children do not have to go into foster care.

#### **COMMENTS/QUESTIONS FROM COUNCIL**

Mayor Lennox questioned if the by-law can be drafted to specify an amount of time allowed for accommodation. Linda Redmond stated that a limit on time can be included; however, consideration should be given to how that can be enforced. The proposed amendment is an accessory to the main use of the centre. If the centre ceases the zoning would permit other uses for overnight accommodation.

Councillor Yake was supportive of the proposed amendment. He has known the McArthur family for a long time and knows they put their heart and soul into what they do. The McArthur's are also involved with the local safe communities program. He stated that he feels comfortable that this is something we should move ahead with.

Councillor Burke thanked the McArthur's for their passion for the program. In regards to the concerns raised by the neighbours what rules and regulations will they need to follow for overnight accommodation? Mr. and Mrs. McArthur explained that they do have rules and regulations to follow. Children's Aid has guidelines and they currently send children to her. This is not a foster home. The centre has higher standards than foster homes.

Councillor McCabe was supportive of the proposed amendment.

Councillor Hern was hopeful that they can find a way to make this work.

Mayor Lennox stated that Planning Staff will work to draft a by-law for consideration at a future meeting.

## **APPLICATION**

### **Circuit Holdings Inc.**

THE LAND SUBJECT TO THE PROPOSED AMENDMENT is described as Part Lots 2 to 4, W/S Arthur St and is Municipally known as 331 Arthur St., Geographic Town of Mount Forest. The property is approximately 0.40 ha (0.99 ac) in size.

THE PURPOSE AND EFFECT OF THE PROPOSED AMENDMENT is to rezone the subject land from Industrial (M1) zone to an appropriate Residential zone to facilitate the construction of a new townhouse development (11 units total). The subject lands are designated Residential in the County Official Plan. Additional relief may be considered at this meeting.

## **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 April 5<sup>th</sup>, 2019.

## **PRESENTATIONS**

Linda Redmond, Manager of Planning & Environment, presented the Planning Report, dated April 23, 2019, from Jessica Rahim, Planner, County of Wellington, Township of Wellington North.

### **Planning Opinion**

The purpose and effect of the proposed amendment is to rezone the subject lands from Industrial (M1) to Medium Density Residential (R2) to facilitate the construction of a townhouse block development (11 units total).

The proposed site plan as submitted provided limited information. Currently the proposal is showing 11 units, however Staff understand this may change based on availability of services. Further detailed review of the site plan may identify zoning deficiencies that could be included in this zone amendment. As such, Council may wish to defer the amendment until such time that a more detailed review of the site plan can be completed.

Planning Staff have no concerns with the application to permit the townhouse development, as it is consistent with the Provincial Policy Statement, the Growth Plan and meets the criteria of the County Official Plan. The introduction of medium density residential development is consistent with the Wellington North with the Wellington North Community Growth Plan and implements the Official Plan residential designation.

### **LOCATION**

The subject property is legally described as Part Lots 2 to 4, W/S Arthur Street, Mount Forest with a civic address of 331 Arthur Street. The property is approximately 0.4 ha (0.99 ac) in size with existing storage buildings to be removed.

### **PROPOSAL**

The proposal will rezone the subject lands from Industrial (M1) to Medium Density Residential (R2) to facilitate the construction of street townhouse blocks (11 units total) depending on availability of services.

### **PROVINCIAL PLANNING POLICY**

The subject property is located within the settlement area of Mount Forest. Section 1.1.3.1 of the Provincial Policy Statement states that "settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted." Settlement areas are encouraged to include a mix of

densities and land uses.

The Provincial Growth Plan directs the majority of growth to settlement areas as a better use of land and infrastructure while prioritizing intensification in strategic growth areas, including urban growth centres, major transit station areas, brownfield sites and greyfields.

### **GROWTH PLAN**

All planning decisions are required to conform to the applicable policies and provisions of the Growth Plan. The Growth Plan for the Greater Golden Horseshoe (GGH) provides growth management policy direction for the GGH, which includes Wellington County. The Plan directs growth to settlement areas.

### **COUNTY OFFICIAL PLAN**

The lands subject to the amendment are designated RESIDENTIAL in the Urban Centre of Mount Forest. The property is located within the “built boundary”.

### **Intensification**

The policies of Section 3 of the Official Plan outline the general strategies for guiding growth within the County. Section 3.3 sets out objectives for growth and encourages growth in urban areas. It further seeks to identify and promote opportunities for growth in the built up areas of urban centres through intensification and redevelopment where this can be accommodated, taking into account small town scale and historic streetscapes.

Section 3.3.1 identifies targets and states “by the year 2015 and for each year thereafter, a minimum of 20 percent of all residential development occurring annually will be within the built-up area”. This application is located within the built boundary of Mount Forest and will contribute and support this target.

Section 4.4.3 of the Official Plan encourages intensification in urban centres and further states in subsection b) that the plan “supports appropriate intensification in all areas within the built boundary including adaptive re-use or redevelopment of brownfields and greyfields”.

### **Residential Designation**

The policies of Section 8.3.2 of the Official Plan sets out a number of objectives for residential development including, b) “to provide a variety of dwelling types to satisfy a broad range of residential requirements, e) to ensure that an adequate level of municipal services will be available to all residential areas, f) to minimize potential compatibility issues between residential and other land uses, and g) to encourage intensification, development proposals provided they maintain the stability and character of existing neighbourhoods”.

### **Housing Variety**

Section 8.3.1 identifies that the new housing types are needed to provide a greater variety of residential accommodation as well as a more affordable housing supply. It is anticipated that semi-detached, townhouse and apartment dwellings will be developed to respond to this need.

### **Medium Density Development**

Section 8.3.5 identifies that medium density development such as townhouses and apartments may be permitted in RESIDENTIAL designated areas provided that:

- a) Development should not exceed 35 units per hectare (14 units per acre) for townhouses;
- b) The design is compatible with existing or future development on adjacent properties;
- c) The site has a suitable size and shape to accommodate the development and required infrastructure;
- d) Adequate services are available;
- e) The development is encouraged to locate on major roadways; and,
- f) Appropriate zoning is provided.

### **WELLINGTON NORTH COMMUNITY GROWTH PLAN**

The following relevant Growth Management Goals have been identified:

1. To direct and focus development to the urban areas of Arthur and Mount Forest as the primary centres and complete communities with a mix of land uses, housing, jobs and services.
4. To plan and promote orderly, compact development within the urban areas, based on phasing to align with planning for infrastructure, transportation, facilities and services.

**WELLINGTON NORTH ZONING BY-LAW**

The subject lands are currently zoned Industrial (M1). The applicant has requested to rezone the subject lands to Medium Density Residential (R2) Zone to facilitate the construction of a new townhouse development (11 units total). The Residential (R2) Zone permits street townhouse units.

**PLANNING DISCUSSIONS**

**Medium Density Development**

Section 8.3.5 of the County Official Plan identifies that medium density development such as townhouses may be permitted in RESIDENTIAL designated areas provided that specific criteria are addressed.

The specific criteria are addressed as follows:

Policy Requirement:	Response:
a) Development should not exceed 35 units per hectare (14 units per acre) for townhouses	The proposed density (11 units) meets the medium density requirements with 25 units per hectare (11 units per acre).
b) The design is compatible with existing or future development on adjacent properties;	Adjacent uses include single detached dwellings to both the north and south of the subject property, Industrial (Rona) across the street to the east, and Commercial sale of used vehicles including auto parts, automotive memorabilia and antiques to the west of the subject property.
c) The site has a suitable size and shape to accommodate the development and required infrastructure	The site is 0.40 ha (0.99 ac) in size with 89.6 m frontage on Arthur St, which is suitable in size and shape for a street townhouse development. Site design, grading, drainage, landscaping etc. will be reviewed as part of the site plan application.
d) Adequate services are available	Limited municipal servicing is available in Mount Forest. The applicants have provided a site plan proposing 11 units, but will need to confirm if servicing is available for 11 units. Servicing design and stormwater management will be reviewed as part of the site plan application.
e) In greenfield areas, medium density street townhouses are allowed on local roads	The property is located on Arthur Street, which is a local road.
f) Appropriate zoning is provided.	The property is proposed to be zoned Residential R2 which provides standards for street townhouse dwellings.

**Site Plan Approval**

The proposed development will be subject to Site Plan Review by the Township. Site design, grading, servicing, stormwater management, landscaping, parking, fencing etc. will be reviewed as

part of the site plan review.

### **Draft Zoning By-law Amendment**

A site specific draft Zoning By-law amendment has been prepared for public review and Council's consideration which rezones the property to R2.

### **CORRESPONDENCE FOR COUNCIL'S REVIEW**

Jim Klujber, CEO/President, Wellington North Power

- Letter dated April 8, 2019, notifying applicant that:
  - All electrical distribution system plans must meet Wellington North Power standards for design and construction. Applicant to contact WNP for a copy of standards
  - All electrical plans must be reviewed and approved by WNP
  - Applicant required to enter into a Construction Agreement with WNP

Jennifer Passy, Manager of Planning, Upper Grand District School Board

- Letter dated April 11, 2019 (Does Not Object)

Emily Vandermeulen, Risk Management Inspector/Source Water Protection Coordinator, Wellington Source Water Protection

- Email dated April 11, 2019
  - Restricted Land Use Notice (No Prohibition or Risk Management Plan Required)

Dorothy Cook

- Letter dated April 23, 2019 (Concerns regarding access to backyard, water management and drainage, elevation of units, height of proposed units, soil sample results)

### **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**

Sharmaine Kenwell expressed concern with the drain on Arthur Street that serves as the main drain for the whole block. Where is the water to go? There is an easement off the back of her neighbour's property. Will there be fencing around it so her yard does not become a thoroughfare.

Mark Brubacher, co-applicant, explained that there are three easements on Dublin and Arthur Streets that would become theirs. Fencing will follow by-laws. They will be addressing storm water management. Ms Redmond stated that site plan approval will be required through which storm water, grading and fencing will be addressed.

Linda McDonald, 545 Waterloo St., the easement includes gates to her property used to get to the back yard. There is flooding every year on her property and neighbours. Mayor Lennox confirmed that drainage will be addressed.

Dorothy Cook stated that she is not opposed to project. She just wanted her concerns noted on file.

### **COMMENTS/QUESTIONS FROM COUNCIL**

Councillor Yake inquired if the access to the garage in Mrs. Cook's backyard will be taken into account. Mr. Brubacher commented that it will depend if that space is needed for the last unit. Councillor Yake commented that drainage from the property is connected to the storm sewer.

Mayor Lennox commented that there is a significant storm drain through the property. He is in favour of the change to residential but would like to see more detail on a site plan dealing with storm drainage and easements. Darren Jones, CBO, requested a concept plan and title searches showing easements and rights of way.

**APPLICATION****Clayton Squirrel**

THE LAND SUBJECT TO THE PROPOSED AMENDMENT is described as Lot 8, Conn Village and is Municipally known as 9639 Wellington Rd 14, Geographic Township of West Luther. The property is approximately 849.8 m<sup>2</sup> (0.21 ac) in size.

THE PURPOSE AND EFFECT OF THE PROPOSED AMENDMENT is to rezone the subject land from Hamlet Commercial (C5) zone to an appropriate Residential zone in order to recognize the existing residential use. Additional relief may be considered at this meeting.

**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 April 5<sup>th</sup>, 2019.

**PRESENTATIONS**

Linda Redmond, Manager of Planning & Environment, presented the Planning Report, dated April 24, 2019, from Jessica Rahim, Planner, County of Wellington, Township of Wellington North.

**Planning Opinion**

The purpose of this zoning amendment is to rezone the subject lands from Hamlet Commercial (C5) Zone to Unserviced Residential (R1A) Zone to recognize the existing dwelling on the property.

We have no objections to the zoning amendment. The proposal is consistent with the Provincial Policy Statement and conforms to the Official Plan policies. The property is currently used for residential purposes and the zoning by-law amendment will recognize this use.

The property subject to the proposed amendment is described as Lot 8, Conn Village and is Municipally known as 9639 Wellington Rd 14, Geographic Township of West Luther. The property is approximately 849.8 m<sup>2</sup> (0.21 ac) in size with an existing single detached dwelling.

**PROPOSAL**

The purpose of this zoning amendment is to rezone the subject lands from Hamlet Commercial (C5) zone to an appropriate Residential zone in order to recognize the existing residential use.

**PROVINCIAL POLICY STATEMENT (PPS)**

The subject property is located within the settlement area of Conn Village. Section 1.1.3.1 of the Provincial Policy Statement states that "settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted." Settlement areas are encouraged to include a mix of densities and land uses.

**WELLINGTON COUNTY OFFICIAL PLAN**

The property is within the Conn Village Hamlet Area. "Development will be relatively small-scale given the rural context and level of service available in hamlets. The primary residential use will be low density single detached units, although some small-scale multiple-unit development may be considered to provide greater housing variety".

Section 7.4.3 of the County Official Plan provides details on land use compatibility in hamlets "the establishing of specific areas for various land uses is normally left to the zoning by-law. In establishing zones, Councils shall ensure that existing and proposed uses are compatible and that adverse impacts are kept to a minimum and that appropriate mitigation is provided where practical".

**WELLINGTON NORTH ZONING BY-LAW**

The subject lands are zoned Hamlet Commercial (C5). The subject lands are proposed to be rezoned to Unserviced Residential (R1A) in order to recognize the existing use on the subject property. The property is currently used for residential purposes (single detached dwelling) and the

proposed amendment will recognize this use.

### **Draft Zoning By-law Amendment**

A draft Zoning By-law amendment has been prepared for public review and Council's consideration.

### **CORRESPONDENCE FOR COUNCIL'S REVIEW**

Pasquale Costanzo, Engineering Technologist, County of Wellington, Engineering Services

- Notice received April 10, 2019 (No Objection)

Michael Oberle, Environmental Planning Technician, Saugeen Conservation

- Letter dated April 24, 2019 (No Objection)

### **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**

Clayton Squirrell, applicant, was present to answer any questions regarding the application.

### **COMMENTS/QUESTIONS FROM COUNCIL**

None.

### **APPLICATION**

940749 Ontario Ltd. – Maple Ridge Estates

THE LAND SUBJECT TO THE PROPOSED AMENDMENT is described as Lot 20, WOSR Division 3 & 4, Lots 1-19 on Draft Plan 23T-87018 and has frontage on Sideroad 7 W, Kenilworth, Geographic Township of Arthur. The property is approximately 8.45 ha (20.9 ac) in size.

THE PURPOSE AND EFFECT OF THE PROPOSED AMENDMENT is to amend the Unserviced Residential Site Specific (R1A-93) zone on the subject land to permit an accessory apartment within the proposed main dwelling or within a detached accessory structure. The applicants are also requesting to permit an increased height for the accessory structures in order to accommodate the accessory apartments.

The County Official Plan permits one second unit within a main residence or one second unit within an ancillary building or structure under Section 4.4.6.1 and Section 4.4.6.2. Other zoning relief may be considered for the proposal where appropriate.

### **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 April 5<sup>th</sup>, 2019.

### **PRESENTATIONS**

Linda Redmond, Manager of Planning & Environment, County of Wellington, Township of Wellington North

- Planning Report dated April 24, 2019

### **Planning Opinion**

This proposal would amend the zoning on the subject property to allow second units (accessory) to be located within the proposed dwellings or on the second level only of an accessory structure. The zone amendment will also place the park and SWM facility into an open space zone category. The final amendment will place a small block of land in a holding zone until such time that the use or ownership of the property can be determined. The zone amendment is a requirement of draft

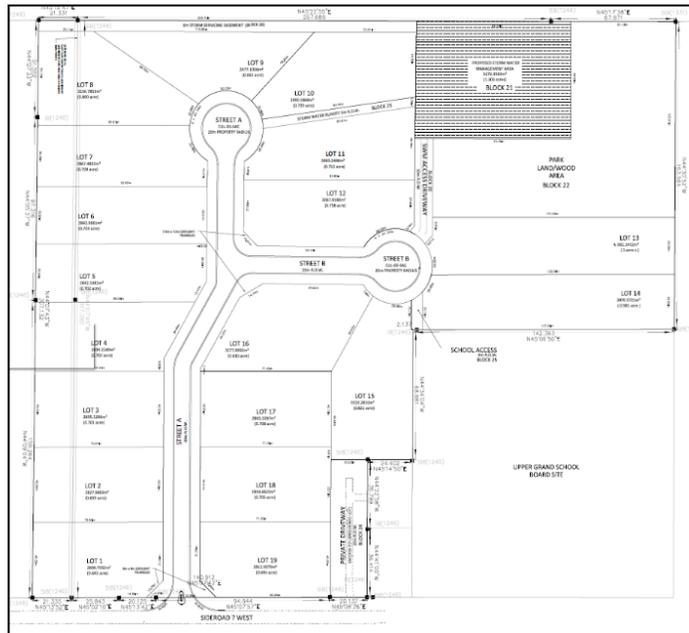
plan approval. Staff have no concerns with the proposed rezoning provided Council is satisfied.

## INTRODUCTION

The subject lands are described as Lot 20, WOSR Division 3 & 4. The lands are located in the Hamlet of Kenilworth and abut the Kenilworth Public School. The lands consist of approximately 20.88 acres and are located on the north/west side of Sideroad 7 West. The surrounding land uses are primarily agricultural. The property has recently received draft plan approval for a 19 the creation of 19 estate residential lots on private services.

## PROPOSAL

The proposal will amend the existing Residential Site Specific (R1A-93) zone on the subject lands to permit an accessory apartment within the proposed main dwelling or within a detached accessory structure. The applicants are also requesting to permit an increased height for the accessory structures in order to accommodate the accessory apartments. The amendment will also address the lands within the draft approved subdivision that are to be used for SWM facilities and park area. This zone amendment is required as a condition of draft plan approval.



## DRAFT PLAN OF SUBDIVISION 23T-89018

This subdivision was given draft approval by the Province in 1988. The original draft plan proposed a looped street with two entrances onto Sideroad 7W. A cul-de-sac extended into the area behind the school with a total of 31 lots and a small park block behind and to the west side of the school. A redline revision was submitted that reduced the number of lots to 19 and included a stormwater management area as well as a park (figure 2). The redline revision was draft approved on March 20, 2019. A condition of approval was the rezoning of the lands as proposed.

## PROVINCIAL POLICY STATEMENT

The subject property is considered to be within the settlement area of Kenilworth. Section 1.1.3.1 of the Provincial Policy Statement states that “settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.” Settlement areas are encouraged to include a mix of densities and land uses.

The Provincial Growth Plan directs the majority of growth to settlement areas as a better use of land and infrastructure while prioritizing intensification in strategic growth areas.

## COUNTY OFFICIAL PLAN

The land subject to the amendment is designated HAMLET. Section 7.4.1 of the Hamlet area land use policies identify hamlet areas as relatively low density residential usually characterized as having private sewer and water facilities. The plan does provide an opportunity for multiple-unit development in the form of a second unit or garden suite. This will create greater housing variety of residential accommodations, which will ensure a broad range of affordable housing is available for the future.

The plan, under section 4.4.6.1 and 4.4.6.2, contains provisions to allow one second unit within a main residence or one second unit within an ancillary building or structure.

## ZONING BY-LAW

The subject lands are currently zoned Residential Exception (R1A-93) zone. This zoning reflects

the development of the subdivision that was draft approved in 1988 and contained 31 lots. The zoning recognized the small lot size and associated setbacks. The zone amendment is a requirement of the draft approval of the amended draft plan to recognize the new configuration and larger parcels. As part of this amendment the applicant has expressed an interest in allowing second units on the property and would like to market the development as such. The proposed zone amendment will address a second unit in either the dwelling or on the second level only of an accessory structure. The zone amendment will also place the park and SWM facility into an open space zone category. The final amendment will place a small block of land in a holding zone until such time that the use or ownership of the property can be determined. This parcel is currently used as an access to an abutting land locked parcel. A draft zoning by-law will be completed after the public meeting.

#### **CORRESPONDENCE FOR COUNCIL'S REVIEW**

None.

#### **REQUEST FOR NOTICE OF DECISION**

The by-law will be considered at 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**

Mark Goetz, neighbouring property owner, inquired about the block of land proposed to be zoned as (H)R1A-93. That block is access to property that is land locked. Mr. Goetz was advised that the landowner is trying to sell the access to the landlocked property.

Lorne Small, neighbouring property owner, supported the concept proposed by the developer.

#### **COMMENTS/QUESTIONS FROM COUNCIL**

Councillor McCabe inquired what type of building was proposed to allow second units that are accessory. Ms. Redmond and Mr. Jones indicated that the second unit would be on the second level of an accessory structure or would be a basement apartment in the main dwelling.

#### **APPLICATION**

##### **Eric Beamish**

THE LAND SUBJECT TO THE PROPOSED AMENDMENT is described as Part Lot 13, Part Div 4, Registered Plan 60R-2772, Part 1 and is Municipally known as 7294 Sideroad 5 W, Geographic Township of Arthur. The property is approximately 1.17 ha (2.9 ac) in size.

THE PURPOSE AND EFFECT OF THE PROPOSED AMENDMENT is to rezone the subject lands to permit the indoor cultivation of cannabis as part of a cannabis production facility to be licensed by Health Canada. The property is currently zoned Rural Industrial. Other zoning relief may be considered for the proposal where appropriate.

#### **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 April 5<sup>th</sup>, 2019.

#### **PRESENTATIONS**

Michelle Innocente, Senior Planner, County of Wellington, Township of Wellington North

- Planning Report dated April 16, 2019

#### **Planning Opinion**

The purpose of the site specific zoning amendment is to permit the indoor cultivation of cannabis on the subject property. The applicant is proposing to operate a cannabis production facility within a new 743 m<sup>2</sup> (8,000 ft<sup>2</sup>) building on the property.

The proposed facility includes both industrial and agricultural components. The processing component of the operation is permitted by the Rural Industrial (RIN) zoning on the property as an industrial use, however it is the introduction of indoor cultivation of cannabis (an agricultural use) which requires an amendment to the zoning by-law.

The proposed facility is subject to federal legislation and approval must be obtained from Health Canada above and beyond any municipal requirements in order for the proposal to proceed.

We have no objections to the proposed amendment and are satisfied that the proposal is consistent with the PPS and is in general conformity with the County of Wellington Official Plan.

Planning Staff have prepared a draft Zoning By-law amendment for Council's consideration.

### **LOCATION**

The land subject to the proposed amendment is described as Part Lot 13, Div 4, Registered Plan 60R-2772, Part 1 and is Municipally known as 7246 Sideroad 5 West, Geographic Township of Arthur. The property is approximately 1.17 hectares (2.9 acres) in size. The subject property is located within a rural industrial area and within the Hamlet area of Riverstown. The property is adjacent to agricultural uses and an established rural industrial area.

### **PROPOSAL**

The purpose of the site specific zoning amendment is to rezone the property to permit the indoor cultivation of cannabis on the subject property. A cannabis production facility is being proposed on the subject property to be located within a new 743 m<sup>2</sup> (8,000 ft<sup>2</sup>) industrial building on the property.

The proposed facility includes both industrial and agricultural components. The processing component of the operation (processing of harvested cannabis) is permitted by the Industrial RIN zoning on the property as an industrial use, however it is the introduction of indoor cultivation of cannabis (an agricultural use) which requires an amendment to the zoning by-law. Health Canada identifies that it is the applicant's responsibility to address all local municipal requirements.

The proposed facility is subject to federal legislation and approval must be obtained from Health Canada above and beyond any municipal requirements in order for the proposal to proceed. The Cannabis Act includes site design requirements which must be met for facilities related to security and air quality.

In regards to servicing, the applicant has indicated that water for the facility will be provided by a well on the property and a septic system will be used for waste. Municipal services are not available in the area. According to the applicant, the facility will not use large volumes of water or generate large volumes of waste water. The only waste water will come from cleaning and bathroom use by employees.

### **PROVINAL POLICY STATEMENT (PPS)**

Under Section 1.3.1 (Employment) of the PPS, Planning authorities shall promote economic development and competitiveness by providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.

### **GROWTH PLAN**

The Growth Plan for the Greater Golden Horseshoe (GGH) provides growth management policy direction for the GGH, which includes Wellington County. All planning decisions are required to conform to the applicable policies and provisions of the Growth Plan. According to Employment Policy 2.2.5.1 (a), "Economic development and competitiveness in the GGH will be promoted by:

making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities.” We consider the proposed development to be making more efficient use of the land.

The Agricultural Land Base mapping prepared under the Growth Plan for the Greater Golden Horseshoe was issued on February 9, 2018 and is now in effect. A portion of the subject lands are identified as Prime Agricultural within the Agricultural System mapping. The province has given some flexibility with regards to interpretation of the mapping:

*While every effort has been made to accurately depict the information, the resulting map should not be relied on as being a precise indicator of locations of features or roads nor as a guide to navigation. Designation boundaries generally reflect information provided by the relevant municipality. For precise boundaries and locations of settlement areas and employment areas the appropriate municipalities and provincial plans should be consulted.<sup>1</sup>*

We have reviewed the Official Plan mapping for the subject property and determined the precise boundary of the Rural Employment Area and therefore we have treated this area as Rural Employment Area as opposed to Prime Agricultural. We are satisfied that the policies in the Growth Plan have been met and the proposed development generally conform to the Growth Plan.

### **COUNTY OFFICIAL PLAN**

The subject property is designated Rural Employment Area on a portion of the lands with the balance of the property being located within the Hamlet of Riverstown. Permitted uses within the Rural Employment Area include dry industrial and commercial uses requiring large lots. Such industrial uses may include manufacturing, processing, fabrication and assembly of raw materials or repair, servicing, distribution and storage of materials. Permitted uses within Hamlet areas include local commercial and small scale industrial where compatible and where adequate levels of service can be provided.

Under Section 6.8.3, Councils when considering rezoning applications shall ensure that existing and proposed uses are compatible, and that sensitive uses are adequately separated from industrial uses. The Zoning By-law may also limit the location and size of industrial uses.

### **ZONING BY-LAW**

The subject lands are zoned Rural Industrial (RIN) and Agricultural (A). Permitted uses within the Rural Industrial zone include dry industry, warehousing and existing agricultural uses. The growing of cannabis indoors is not considered an existing agricultural use on the property. A zoning by-law amendment is required to permit the indoor growing of cannabis as an agricultural use.

### **PLANNING DISCUSSION**

#### **Site Plan Approval:**

The proposed new industrial facility is subject to site plan approval according to Site Plan by-law 27-15.

#### **Compatibility:**

The proposed facility includes both processing and cultivation (“growing” of cannabis) components. The processing component of the operation is permitted by the zoning on the property as an industrial use, however it is the indoor cultivation which requires an amendment to the zoning by-law.

We note that facility will be entirely indoors, and will include typical components associated with an industrial use such shipping, receiving, loading, truck and employee traffic, deliveries etc. which are appropriate in an industrial area. The inclusion of indoor cultivation is compatible in a rural

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industrial area and involves many of the same supportive activities.

### **Draft Zoning By-law:**

Planning Staff have prepared a draft site specific by-law that adds the cultivation of cannabis indoors as an additional permitted use on the property. Planning Staff have included wording to require that the facility must be licensed by Health Canada.

## **CORRESPONDENCE FOR COUNCIL'S REVIEW**

Michael Oberle, Environmental Planning Technician, Saugeen Conservation

- Letter dated April 24, 2019 (No Objection)

Allan Hodgins, Corridor Management Planner (A), Ministry of Transportation

- The subject property resides within MTO's Permit Control Area (PCA).
  - MTO Building and Land Use Permits are required before any clearing, grading, construction, demolition or alteration to the site commences.
  - Note that, in accordance with the Ontario Building Code, municipal permits may not be issued until such time as all other applicable requirements (i.e.: MTO permits/approvals) are satisfied.
- MTO may require a Traffic Impact Study (TIS) to be submitted for our review and approval, indicating the anticipated volumes of traffic and its impact upon the Highway 6 and Sideroad 5 West intersection.
  - Parking spaces must meet or exceed the Municipal requirements.
- MTO may require the owner to submit a Stormwater Management Report to MTO for review and approval, should address MTO's Stormwater Management Requirements for Land Development Proposals.
- All signs visible from Highway 6 will require an MTO permit prior to installation.
- All services shall connect to existing infrastructure from Sideroad 5 West where possible, each individual service connection may require an MTO Encroachment Permit if connections are made from Highway 6.

## **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**

Roger Ferreira, purchaser of subject property, was present to answer questions regarding the application. He requested a copy of the MTO comments.

## **COMMENTS/QUESTIONS FROM COUNCIL**

Mayor Lennox inquired if the by-law would need to be altered in light of the MTO comments. Michelle Innocente, Senior Planner, responded that items outlined in the MTO comments can be dealt with at the site plan stage.

## **ADJOURNMENT**

RESOLUTION: 01-2019

Moved: Burke

Seconded: McCabe

*THAT the Public Meeting of April 29, 2019 be adjourned.*

CARRIED

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**CLERK**

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**MAYOR**