

THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH  
PUBLIC MEETING MINUTES – FEBRUARY 22, 2021 @ 7:00 P.M.  
VIA WEB CONFERENCING: <https://www.youtube.com/watch?v=dr6vQ0qQdJk>

**Members Present:**

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

**Staff Present:**

<b>Chief Administrative Officer:</b>	<b>Michael Givens</b>
<b>Director of Legislative Services/Clerk:</b>	<b>Karren Wallace</b>
<b>Deputy Clerk:</b>	<b>Catherine Conrad</b>
<b>Director of Finance:</b>	<b>Adam McNabb</b>
<b>Economic Development Officer:</b>	<b>Dale Small</b>
<b>Human Resources Manager:</b>	<b>Chanda Riggi</b>
<b>Director of Fire Services:</b>	<b>Chris Harrow</b>
<b>Deputy Chief:</b>	<b>Marco Guidotti</b>
<b>Deputy Chief:</b>	<b>Callise Loos</b>
<b>Director of Operations:</b>	<b>Matthew Aston</b>
<b>Community Recreation Coordinator:</b>	<b>Mandy Jones</b>
<b>Manager of Recreation Services:</b>	<b>Tom Bowden</b>
<b>Chief Building Official:</b>	<b>Darren Jones</b>
<b>Manager of Planning and Environment:</b>	<b>Linda Redmond</b>

**CALLING TO ORDER - Mayor Lennox**

Mayor Lennox called the meeting to order.

**DISCLOSURE OF PECUNIARY INTEREST**

No pecuniary interest disclosed.

**OWNERS/APPLICANT**

Harvey & Kathryn Martin

**LOCATION OF THE SUBJECT LAND**

The land subject to the proposed amendment is described as Part Lot 7, Concession 9, RP 834349102 with a civic address of 8330 Line 8, Kenilworth. The property is 39.7 ha (98.1 ac) in size.

**PURPOSE AND EFFECT OF THE APPLICATION**

The purpose and effect of the proposed amendment is to rezone the property to permit a commercial licensed mechanic shop to operate in the existing 772 m<sup>2</sup> (8,307 ft<sup>2</sup>) accessory structure. 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 January 29, 2021.

**PRESENTATIONS**

Linda Redmond, Manager of Planning and Environment, presented comments provided by Michelle Innocente, Senior Planner, County of Wellington, Township of Wellington North

- Planning Report dated February 17, 2021

## PLANNING OPINION

The proposal is to rezone a portion of the property to permit a motor vehicle inspection station.

Under the PPS and the Official Plan, on-farm diversified uses in prime agricultural areas may be permitted provided that they meet several criteria including demonstrating compatibility with the surrounding agricultural area. Based on the information provided with the application, Staff do not support the proposed motor vehicle inspection station as the use does not meet the policies of the Provincial Policy Statement (PPS) or the County Official Plan for permitted uses in the Prime Agricultural area.

## INTRODUCTION

The property subject to the proposed amendment is described as Part Lot 7, Concession 9, RP 83439102, with a civic address of 8330 Line 8, Kenilworth. The property is 39.7 ha (98.1 ac) in size.

## PROPOSAL

The purpose of this zoning amendment is to rezone the subject agricultural property to permit a motor vehicle inspection station. The applicant has indicated that the area of land proposed to be rezoned is approximately 0.54 ha (1.33 ac) in size. There is an existing shop that is 772 m<sup>2</sup> (8,307 ft<sup>2</sup>) in size, a parking area that is 0.25 ha (0.63 ac) in size, and a loading area that 0.12 ha (0.3 ac) in size.

## ADDITIONAL INFORMATION

The applicant has also indicated that Saugeen Agri Services Ltd. operates from this location. The property includes the large shop that was constructed in 2009, an office, mechanic shop, wash bay and yard for parking vehicles and other equipment. The details of the scale and size of this business were not included with the application. The balance of the property is currently used for cash crop farming.

## PROVINCIAL POLICY STATEMENT (PPS)

Re-zonings are 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 located within a PRIME AGRICULTURAL area. Section 2.3.3.1 states that in Prime Agricultural areas, permitted uses and activities are: agricultural uses, agricultural related uses and on farm-diversified uses. Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations.

An agriculture-related uses is defined as follows: “means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity”. It should also be noted that the PPS specifically lists off season/site storage facilities as uses that would not be considered as agriculturally related uses by example

A motor vehicle inspection station is not considered to be an agricultural related use.

An on-farm diversified use is defined as follows: “means uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products”.

All of the following criteria must be met to qualify as on-farm diversified uses, in accordance with the PPS:

1. Located on a farm
2. Secondary to the principal agricultural use of the property
3. Limited in area
4. Includes, but is not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products
5. Shall be compatible with, and shall not hinder, surrounding agricultural operations.

With respect to Criteria 5 noted above, details of the proposed motor vehicle inspection station use were not provided with the application in terms of anticipated number of employees, number of vehicles, size of vehicles, parking of vehicles. Based on the information provided with the application, staff cannot determine whether or not Criteria 5 can be met. It should also be noted that some uses may be better suited to settlement areas where municipal services are available. Further, municipalities should consider how effectively any impacts can be mitigated before allowing different uses in prime agricultural areas.

#### WELLINGTON COUNTY OFFICIAL PLAN

The subject lands are designated PRIME AGRICULTURE, CORE GREENLANDS and GREENLANDS. Under section 6.4.3 of the Plan, secondary uses including home businesses and farm businesses are permitted. Section 6.4.4 further outlines that home and farm businesses are secondary to the principal use of the property and are allowed as a means of supplementing farm incomes and providing services in the agricultural areas.

Taking into account also 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”.

*According to the **Ministry of Transportation**, under the **Motor Vehicle Inspection Stations Program**, the Ministry licenses qualified, garage operators to conduct mandatory motor vehicle safety and structural inspections to certify that vehicles meet minimum safety requirements. Inspections are required either at specified time intervals, or when an event such as the sale of a used vehicle takes place. The Motor Vehicle Inspection Station (MVIS) program oversees the inspection of vehicles at approved facilities and the issuing of safety standards certificates, structural inspection certificates and annual and semi-annual inspection certificates and stickers. The program ensures that vehicles meet a minimum safety standard before they receive a certificate or sticker. (Source: Ministry of Transportation)*

Motor Vehicle Inspection Stations provide inspections for a variety of vehicles and are not limited to agriculturally based vehicles. Planning staff believe that the proposal for the addition of a motor vehicle inspection station is not in keeping with the Official Plan.

#### ZONING BY-LAW

The subject lands are zoned Agricultural (A) and Natural Environment (NE).

The applicant is seeking to add a motor vehicle inspection station as a permitted use on a portion of the property currently zoned Agricultural. The applicant has indicated that the area of land proposed to be rezoned is approximately 0.54 ha (1.33 ac) in size. There is an existing shop that is 772 m<sup>2</sup> (8,307 ft<sup>2</sup>) in size, a parking area that is 0.25 ha (0.63 ac) in size, and a loading area that 0.12 ha (0.3 ac). Details of the proposal can be found in Figure 2 above.

A draft by-law will be provided following the public meeting and based on Council direction.

#### PLANNING DISCUSSION

Planning staff are not in a position to support the proposed motor vehicle inspection station at this time.

The PPS outlines five criteria that must all be met to qualify as an on-farm diversified use. The proposed use is not compatible within a prime agricultural area as it services many different types of motor vehicles that are not related to agriculture. The information provided with the application does not demonstrate that the use is compatible with the surrounding agricultural area. Such a use would more appropriately be located within an urban centre.

#### CORRESPONDENCE FOR COUNCIL'S REVIEW

- Andrew Herreman, Resource Planning Technician, Grand River Conservation Authority
  - Letter & Map dated February 2, 2021 (No Objection)

## **REQUEST FOR NOTICE OF DECISION**

A by-law will be not considered at the regular council meeting following the public meeting. Persons wishing notice of the future passing of a by-law must submit a written request to the Clerk.

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

Harvey Martin, Applicant, and Chris Seddon, Biosolids Manager and NASM Plan Developer for Saugeen Agri Services Ltd., were present to answer questions regarding the application.

Mr. Martin, Applicant, explained that Saugeen Agri Services has operated in Wellington North for 19 years. They have expanded from agricultural manures to biosolids and digester waste. They are doing all their own equipment maintenance and have a truck mechanic who is licenced to do safeties on vehicles, but they need to have the shop licenced as well to complete the safeties on site. Currently they must take equipment to another shop for safety approvals. This requires taking equipment to Hanover, Stayner or Elmira; which puts down time on the trucks. They are not bringing other equipment in for safeties but would like to be able to safety their own equipment on site.

## **COMMENTS/QUESTIONS FROM COUNCIL**

Councillor McCabe inquired what the outstanding information is that is needed to proceed with the rezoning. Linda Redmond, Manager of Planning and Environment, stated that clarification is needed regarding vehicles that will be using the inspection station. Mr. Martin has indicated that this will only be for their own equipment. If this is considered a non-farm diversified use there is criteria to be considered, such as, the number of employees and size of the building. Councillor McCabe asked what the timeline would be to review and bring back to Council. He is in favour of this application if it is only for their equipment and would like to see this proceed as soon as possible. Ms. Redmond stated that as soon as Mr. Martin provides the information, they can draft a by-law.

Councillor Yake stated that he agrees with Councillor McCabe. This is a successful agricultural business within our community that does a lot of good work and we need to do what we can to make this work.

Councillor Hern agreed and commented that they provide an essential service to the agricultural community and it does not sound like much will change there. Councillor Hern inquired if there is a way to put a restriction in the by-law to allow them to work on only their equipment. Darren Jones, CBO, stated that the MTO licencing is either a yes or no on the forms that the Township would need to complete, they don't restrict the vehicles. A by-law can be passed but would be difficult to enforce. Michael Givens, CAO, commented that the intent is to only work on their own equipment and will probably not be significant changes to the property. To a certain degree this a leap of faith for Council. We cannot be overly restrictive in the zoning by-law to allow the MTO part to be addressed.

Mayor Lennox inquired, given the nature of the business applying nutrient to farmland, does this not also fit within the agricultural related option as well as the diversified uses. Ms. Redmond stated that their business is an agricultural related use. The issue is the vehicle repairs and MTO licencing component to give them permission is the issue. If it is their own vehicles, then it's related; but it's hard to control that. Mayor Lennox asked for clarification on the consideration of impact on agricultural operations. Ms. Redmond, the issue is the use. The agricultural policies are there to support agricultural uses and uses that support agricultural. When you introduce uses that do not do that, the compatibility problem comes in; but the other side is the size of scale. On farm diversified uses are usually smaller in size and secondary to the farm business and are allowed; but limited in size, scale, and type. Mayor Lennox requested confirmation that in terms of the scale if the existing building and some parking area is rezoned any expansion would have to come back for further rezoning; and by

capturing the existing structure and parking around it we are limiting the scope. Ms. Redmond confirmed that a further rezoning would be required for expansion.

Councillor Yake addressed the CAO's comment regarding taking a leap of faith. He stated that there are times when Council needs to do that. Mr. Martin is busy enough with his own business and he did not think we need to worry about other business.

Council directed staff to bring a by-law forward to permit the zoning by-law amendment once the applicant has submitted additional information to the satisfaction of the Chief Building Official and the Planning Department.

## **ADJOURNMENT**

RESOLUTION: 002-2021

Moved: Councillor Burke

Seconded: Councillor McCabe

*THAT the Public Meeting of February 22, 2021 be adjourned at 7:57 pm.*

CARRIED

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CLERK

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ACTING MAYOR