

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH
PUBLIC MEETING AGENDA – APRIL 25, 2022 @ 7:00 P.M.
VIA WEB CONFERENCING**

HOW TO JOIN

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join. <https://us02web.zoom.us/j/89480934821>

Description: Public Meeting Under the Planning Act

Or join by phone:

Dial (for higher quality, dial a number based on your current location):

855 703 8985 (Toll Free) or 1 438 809 7799 (*long distance charges may apply*)

Webinar ID: 894 8093 4821

**PAGE
NUMBER**

CALLING TO ORDER - Mayor Lennox

DISCLOSURE OF PECUNIARY INTEREST

ZBA 06/22 – Kyle Woods (9638 Concession 8)

OWNERS/APPLICANT

Kyle Woods

LOCATION OF THE SUBJECT LAND

The lands subject to the proposed amendment is described as Concession 9, Part of Lot 1 RP 60R2423, Part 1, and known Municipally as 9638 Concession 8 and the Northeast corner of Part of Lot 1, Concession 9 known Municipally as 9630 Concession 8, Geographic Arthur Township. The property subject to the proposed amendment is approximately 0.89 ha (2.2 ac) in size. *The location is shown on the map attached.* 3

PURPOSE AND EFFECT OF THE APPLICATION

The purpose and effect of the proposed amendment is to rezone the subject lands to permit a commercial licensed automotive body repair shop, automotive sales and service establishment, and salvage yard (commercial towing, salvage, vehicle storage and light and heavy vehicle repairs) on the property. The property is currently zoned Agricultural with a site specific provision (A-25) which permits an Agricultural Equipment Rental Business. 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 1st, 2022.

PRESENTATIONS

Jessica Rahim, Senior Planner, County of Wellington, Township of Wellington North

- Planning Report dated April 14, 2022

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CORRESPONDENCE FOR COUNCIL'S REVIEW

Michael Oberle, Environmental Planning Technician, Saugeen Conservation

- Letter dated April 20, 2022 (No Objections)

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REQUEST FOR NOTICE OF DECISION

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

MAYOR OPENS FLOOR FOR ANY COMMENTS/QUESTIONS

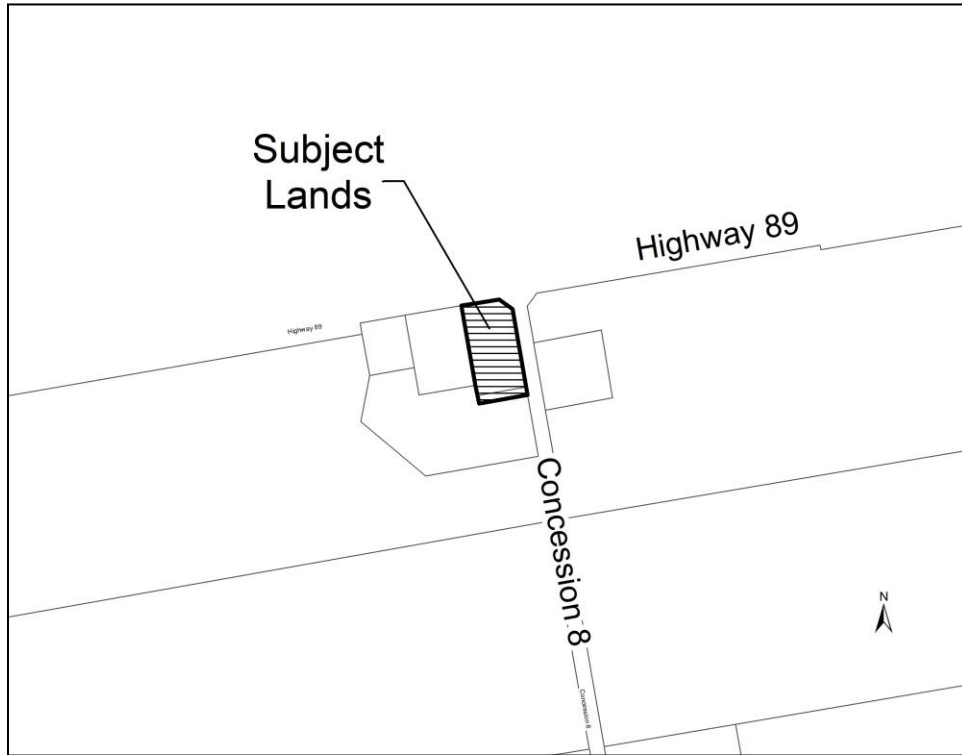
COMMENTS/QUESTIONS FROM COUNCIL

ADJOURNMENT

Recommendation:

THAT the Public Meeting of April 25, 2022 be adjourned at _____ pm.

KYLE WOODS





PLANNING REPORT for the TOWNSHIP OF WELLINGTON NORTH

Prepared by the County of Wellington Planning and Development
Department

DATE: April 14th, 2022
TO: Mike Givens, C.A.O.
Township of Wellington North
FROM: Jessica Rahim, Senior Planner
County of Wellington
SUBJECT: **Concession 9, Part of Lot 1, 9638 Concession 8 & 9630 Concession 8
Zoning By-law Amendment 2022-06**

Summary

The purpose of this zoning amendment is to rezone the subject lands to permit a commercial licensed automotive body repair shop, an automotive sales and service establishment and a salvage yard on the property. The proposed amendment would recognize the current business which includes commercial towing, salvage, vehicle storage and light and heavy vehicle repairs.

The current business was operating out of the building that was destroyed by a fire in 2020. The applicant's intent is to construct a new 3,500 ft² shop on the subject property in order to continue to operate the business. The current zoning (A-25) permits an Agricultural Equipment Rental Business, which does not allow for the existing business.

This report provides an overview of the proposed zoning by-law amendment application and any comments received to date. A Public Meeting is scheduled for April 25, 2022. This meeting will provide the opportunity for the community and area residents to ask questions and seek more information from the proponent regarding the application.

INTRODUCTION

The lands subject to the proposed amendment are described as Concession 9, Part of Lot 1 RP 60R2423, Part 1, and known Municipally as 9638 Concession 8 and the Northeast corner of Part of Lot 1, Concession 9, known Municipally as 9630 Concession 8, Geographic Arthur Township. The property subject to the proposed amendment is approximately 0.89 ha (2.2 ac) in size. The location of the property is shown on Figure 1.

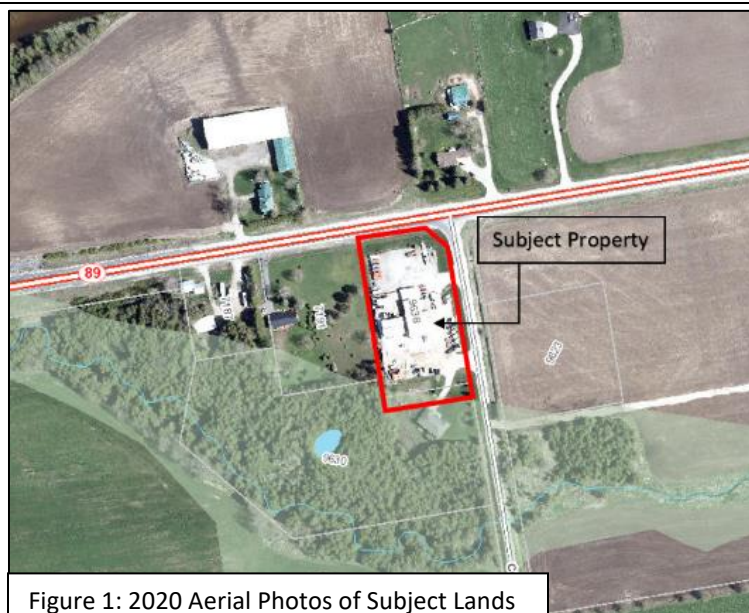


Figure 1: 2020 Aerial Photos of Subject Lands

PROPOSAL

The purpose and effect of the proposed amendment is to rezone the subject lands in order to permit a commercial licensed automotive body repair shop, automotive sales and service establishment, and a salvage yard (commercial towing, salvage, vehicle storage and light and heavy vehicle repairs) on the subject property. The property is currently zoned Agricultural with a site specific provision (A-25) which only permits an Agricultural Equipment Rental Business.

PROVINCIAL POLICY STATEMENT (PPS)

Section 4.2 of the PPS outlines that decisions of Council for zoning by-law amendments shall be “consistent” with the policies of the PPS.

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 Guidelines on Permitted Uses in Prime Agricultural Areas specifically lists off automotive dealerships, towing companies, machine shops or wrecking yards as uses that would not be considered as agriculturally related uses.

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 the criteria listed above, the proposed commercial use is not located on a farm, and therefore is not secondary to the principal agricultural use of the property. It should also be noted that some uses may be better suited to settlement areas where municipal services are available.

WELLINGTON COUNTY OFFICIAL PLAN

The subject lands are designated PRIME AGRICULTURE, and a small portion is CORE GREENLANDS. Under section 6.4.3 of the Plan, secondary uses including home businesses and farm businesses are permitted as agricultural related uses.

Section 6.4.4 further outlines that home and farm businesses are to be 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.

Section 6.4.5 further outlines that “small scale agricultural-related businesses as required to serve agriculture and directly related to farm operations may be allowed in appropriate locations and subject to zoning provisions, where they are needed in close proximity to farms”.

ZONING BY-LAW

The subject lands are zoned Agricultural Site Specific (A-25) and Natural Environment (NE). The property was rezoned in 2006 to permit an Agricultural Equipment Rental Business. The business was considered to be an “agriculturally related use” under Provincial Policy and the County Official Plan. The applicant provided supporting information about the business, which demonstrated that the Agricultural Rental Business served farmers and was required to be in close proximity to the farmers.

The current application is seeking to add a commercial licensed automotive body repair shop, automotive sales and service establishment, and salvage yard as permitted uses on the property. These automotive uses are typically located in urban centres where municipal services are available.

The Township zoning by-law currently prohibits a ‘Salvage or Wrecking and Recycling Facility’ in all zones.

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

SITE PLAN CONTROL

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.

NEXT STEPS

The public meeting for this application is scheduled for April 25, 2022. We will be in attendance at the public meeting to hear the applicant’s presentation and any public comments. A final report and planning recommendation will be provided following the public meeting and resolution of any outstanding matters.

Respectfully submitted

County of Wellington Planning and Development Department



Jessica Rahim, Senior Planner

SENT ELECTRONICALLY ONLY (tpringle@wellington-north.com)

April 20, 2022

Township of Wellington North
7490 Sideroad 7 West
Kenilworth, Ontario N0G 2E0

ATTENTION: Tammy Pringle, Development Clerk

Dear Ms. Pringle,

RE: Proposed Zoning by-law Amendment 06-22 (Woods)
9638 Concession 8
Part Lot 1 Concession 9
Roll No.: 234900000903100
Geographic Township of Arthur
Township of Wellington North

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). SVCA staff has also reviewed the application as part of our role as a public body under the *Planning Act* as per our CA Member approved Environmental Planning and Regulations Policies Manual, amended October 16, 2018.

Purpose

According to the Notice of Public Hearing, the purpose and effect of the proposed amendment is to rezone the subject lands to permit a commercial licensed automotive body repair shop, automotive sales and service establishment, and salvage yard (commercial towing, salvage, vehicle storage and light and heavy vehicle repairs) on the property. The property is currently zoned Agricultural with a site specific provision (A-25) which permits an Agricultural Equipment Rental Business. Additional relief may be considered at this meeting.

Recommendation

SVCA staff find the application acceptable.

DELEGATED RESPONSIBILITY AND ADVISORY COMMENTS

SVCA staff has reviewed the development proposal through our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020). We have also reviewed the development proposal through our responsibilities as a service provider to the County of Wellington in that we provide expert advice and technical clearance on

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Planning Act applications with regards to natural hazards, and natural heritage as set out in the PPS, 2020, County Official Plan (OP) and/or local official plans. Comments below only include features/technical requirements affecting the property.

Natural Hazards:

The 9638 Concession 8 property does not contain any natural hazard features; the property is not designated Core Greenlands or Greenlands in the County of Wellington Official Plan (OP), Schedule A6 Wellington North, or zoned Natural Environment (NE) in the Township of Wellington North Zoning By-law No. 66-01.

Provincial Policy Statement – Section 3.1

Section 3.1.1 of the PPS, 2020 states in part that development shall generally be directed to areas outside of hazardous lands, and hazardous sites. It is the opinion of SVCA staff that, based on the application, the development proposal is consistent with Section 3.1.1 of the PPS, 2020.

Wellington County OP Policies

Section 5.4.3 of the Wellington County OP generally directs development to be located outside of Hazardous Lands. It is the opinion of SVCA staff that, based on the application, the development proposal is consistent with Wellington County OP natural hazard policies.

Natural Heritage:

As part of SVCA staff's desktop review, the following significant natural heritage features were identified as affecting the property: potentially significant wildlife habitat, fish habitat, and potentially the habitat of endangered species and threatened species.

Provincial Policy Statement – Section 2.1

Section 2.1 of the PPS, 2020 states in part that development shall not be permitted in fish habitat, significant wildlife habitat, and the habitat of endangered species and threatened species, and the adjacent lands to the above referenced features, except in accordance with Policies found in Section 2.1.

Wellington County OP Policies

Fish Habitat

An unnamed tributary of the South Saugeen River flows through lands adjacent to the property. The watercourse is considered fish habitat by SVCA staff, and section 5.4.2 of the Wellington County OP is applicable. However, based on the application proposed new buildings will be within the existing building cluster, therefore, impacts to fish habitat are likely to be negligible, and the preparation of an Environmental Impact Study (EIS) to address fish habitat is not recommended by SVCA staff at this time.

Significant Wildlife Habitat

It has come to the attention of SVCA staff that significant wildlife habitat may be located on and/or adjacent to the property. Section 5.5.1 of the Wellington County OP states, in part, that development and site alteration shall not be permitted within significant wildlife habitat, unless it has been demonstrated that there will be no

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negative impacts to the habitat or its ecological functions. However, it is the opinion of SVCA staff that based on the application, proposed new buildings will be within the existing building cluster therefore impacts to significant wildlife habitat are likely to be negligible, and the preparation of an EIS to address significant wildlife habitat is not recommended by SVCA staff at this time.

Habitat of Endangered Species and Threatened Species

It has come to the attention of SVCA staff that habitat of endangered species and threatened species may be located on and/or on lands adjacent to the property. Section 5.4.2 of the Wellington County OP states in part that development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements. It is the responsibility of the applicant/landowner to ensure the endangered species and threatened species policy referred to in the PPS has been appropriately addressed. Please contact the Ministry of Environment, Conservation and Parks (MECP) for information on how to address this policy. MECP inquiries can be sent via email to: SAROntario@ontario.ca.

STATUTORY COMMENTS

SVCA staff has reviewed the development proposal as per our responsibilities as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). This regulation, made under Section 28 of the *Conservation Authorities Act*, enables SVCA to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands and wetlands. Subject to the CA Act, development taking place on or adjacent to these lands may require permission from SVCA to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected. SVCA also regulates the alteration to or interference in any way with a watercourse or wetland.

A small area of the 9638 property is located within the SVCA's Approximate Screening Area associated with Ontario Regulation 169/06. As such, development and/or site alteration within the SVCA Approximate Regulated Area requires the permission from SVCA, prior to work commencing.

"Development" as defined under the *Conservation Authorities Act* means:

- a) *the construction, reconstruction, erection or placing of a building or structure of any kind;*
- b) *any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;*
- c) *site grading; or,*
- d) *the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.*

And; "Alteration" as per Section 5 of Ontario Regulation 169/06 generally includes the straightening, diverting or interference in any way with a river, creek, stream or watercourse, or the changing or interfering in any way with a wetland.

For the property, the SVCA Approximate Screening Area is representing the natural hazard features (watercourse) located on lands adjacent to the 9638 Concession 8 property, and an offset distance from the feature. To determine the SVCA Approximate Screening Area on the property, please refer to the SVCA's online

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mapping program, available via the SVCA's website at <http://eprweb.svca.on.ca>. Should you require assistance, please contact our office directly.

SVCA Permission for Development or Alteration

Development or alteration including construction, reconstruction, conversion, grading, filling, or excavation, including agricultural tile drainage, within the SVCA Approximate Screening Area may require permission (SVCA Permit) prior to those works commencing.

Based on the plans submitted with the application, the proposed new building on the 9638 Concession 8 property will not be located within the SVCA Approximate Screening Area, therefore a permit from the SVCA will not be required for development at this time.

Summary

SVCA staff has reviewed the application in accordance with our mandated responsibilities for natural hazard management, including our regulatory role under the *Conservation Authorities Act*.

The proposed application is acceptable to SVCA staff.

Given the above comments, it is the opinion of the SVCA staff that:

- 1) Consistency with Section 3.1, Natural Hazard policies of the PPS, 2020 has been demonstrated;
- 2) Consistency with Section 2.1, Natural Heritage policies of the PPS, 2020 has been demonstrated, with the exception of endangered species and threatened species policy, which must be addressed by the applicant/landowner; and
- 3) Consistency with local planning policies for natural hazards and natural heritage has been demonstrated, with the exception of endangered species and threatened species policy, which must be addressed by the applicant/landowner.

Please inform this office of any decision made by the planning approval authority with regards to this application. We respectfully request to receive a copy of the decision and notice of any appeals filed. Should you have any questions, please contact the undersigned.

Sincerely,



Michael Oberle
Environmental Planning Technician
Saugeen Conservation
MO/

cc: Kyle Woods, owner (via email)
Darren Jones, CBO, Township of Wellington North (via email)
Karen Wallace, Clerk, Township of Wellington North (via email)
Steve McCabe, SVCA Member representing the Township of Wellington North (via email)