

TOWNSHIP OF WELLINGTON NORTH

PUBLIC MEETING - MINUTES

Monday, February 10, 2014

The Public Meeting was held Monday, February 10, 2014 at 7:00 p.m. at the Township of Wellington North Council Chambers, Kenilworth to consider a Zoning Amendment application.

Present:

Mayor: Raymond Tout
Councillors: Mark Goetz
Andy Lennox
Dan Yake

Absent:

Councillor: Sherry Burke

Also Present:

C.A.O./Clerk: Michael Givens
Deputy Clerk: Catherine More
Executive Assistant: Cathy Conrad
Township Planner: Mark Van Patter
Director of Public Works: Deb Zehr

Mayor Tout called the meeting to order.

Declaration of Pecuniary Interest:

None declared.

Owner/Applicant: Douglas and Patricia Smith

The property subject to the proposed amendment is described as Part Lot 7, Concession 11 to 12, Geographic Township of Arthur, with a civic address of 9370 Concession 11. The property is 42.36 hectares (104.67 acres) in size.

The purpose and effect of the proposed amendment is to rezone the “severed” agricultural (41.4 ha) portion of the subject lands - to restrict future residential development, to consider relief for accessory building setbacks and to consider limiting livestock usage of accessory buildings. Additionally, relief from a deficient frontage on the “retained” (0.96 ha) portion is required. This rezoning is a condition of severance application B89/13 granted by the Wellington County Land Division Committee October 10th, 2013.

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Please note – Section 34 (12) of the Planning Act.

(12) Information. – At a meeting under subsection (12), the council shall ensure that information is made available to the public regarding the power of the Municipal Board under subsection (14.1) to dismiss an appeal if an appellant has not provided the council with oral submissions at a public meeting or written submissions before a By-law is passed.

1. Notice for this public meeting was sent to property owners within 120 m and required agencies and posted on the property on January 17, 2014.
2. Presentations by:

Mark Van Patter, Senior Planner, reviewed his comments dated January 8, 2014.

This rezoning is a condition of severance application B89/13 granted by the Wellington County Land Division Committee October 10th, 2013. Both the Provincial Policy Statement and County Official Plan provide for surplus farm dwelling severances, provided the agricultural lands are rezoned to prohibit future residential dwellings. In this case, the retained, residential lot needs relief for insufficient frontage. The severed, agricultural parcel is unable to meet MDS requirements; no more than 2 horses are permitted. As well, both the barn and shed have insufficient sideyards and zoning relief is required.

The property subject to the proposed amendment is described as Part Lot 7, Concession 11 and 12, Geographic Township of Arthur, with a civic address of 9370 Concession 11. The property is 42.36 hectares (104.67 acres) in size.

The “severed” agricultural (41.4 ha) portion of the subject lands is to be rezoned to:

- to prohibit future residential development
- to prohibit livestock use of the existing barn and shed
- to provide relief for an insufficient side yard for the existing barn and shed

The “retained” residential (0.96 ha) portion of the subject lands is to be rezoned to:

- to provide relief for an insufficient frontage

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The area of the surplus farm dwelling and agricultural buildings is within a PRIME AGRICULTURAL area. Section 2.3.4.1(c) of the Provincial Policy Statement provides consideration for the severance of a surplus residence, provided that new residential dwellings are prohibited on the remnant parcel of farmland. Section 2.3.3.3 requires Minimum Distance Separation (MDS) requirements to be met.

The subject area is designated PRIME AGRICULTURE. Section 10.3.4 of the Wellington County Official Plan implements the PPS and requires that the remnant parcel be rezoned to prohibit dwellings. Section 10.3.4 of the severance policies requires MDS to be met.

Under the Zoning By-law the subject area is zoned Agricultural (A). There is an area of Natural Environment (NE) on the western portion of the agricultural lands.

Planning considerations include:

Recognize Insufficient Frontage for the Retained Surplus Farm Dwelling Parcel

The residential parcel will only have a frontage of 10.06 metres; whereas, Section 8.5.2.2 for Reduced Lot Regulations requires a frontage of 30.5 metres. This parcel is to be put into the Agricultural Exception (A-160) zone, to recognize this deficiency.

Restrict Future Dwelling on Severed Agricultural Land

This is to be placed into Agricultural Exception (A-161) to prohibit a dwelling.

Livestock Usage of Barn on Severed

The existing 2,000 sq. ft. barn is quite close to the residential lot being created. It does not meet the Minimum Distance Separation (MDS 1) requirements and therefore, the keeping of livestock is prohibited. It is my understanding that the new owner wishes to keep two horses in the barn. I have structured the amendment to prohibit the housing of livestock, other than a maximum of two horses.

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Insufficient Side Yard for Barn and Shed

The severance sketch indicates that the frame barn is 4.9 metres from the side lot property line. The setback for the metal clad shed is not indicated. Section 8.2.4 (c) and (d) of the by-law require a minimum side yard setback of 18.3 metres for livestock facilities and other accessory buildings. The distance is not met for the barn and probably not met for the shed. I have included a regulation in the draft by-law to permit the existing accessory buildings at their current setback. Should they be reconstructed, they will have to meet the by-law's requirements.

Mr. Van Patter stated that there was some confusion regarding the use of the barn. He understood that the new owner wanted to keep a couple of horses. Darren Jones, CBO, talked to the new owner who indicated that they want to use the barn for beef cattle. MDS cannot be met for cattle.

3. Review of Correspondence received by the Township:
 - Jenifer Prenger, Environmental Planning Technician, SCVA
 - Proposal is acceptable to the SVCA
4. 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.
5. Mayor opens floor for any questions/comments.

Adam Rice, employee of applicant's solicitor, was present to answer questions regarding the application. Mr. Rice spoke regarding the issue of two horses. He understood there was an issue of a goat kept with the horses. He and his client were not aware that the new owner wanted to keep beef cattle in the barn.

Wayne Weber, new owner of property, responded regarding the issue with the barn. He had never asked for two horses to be allowed. He would like to keep a few beef cattle to keep the water fresh and the barn from freezing.

Mr. Van Patter suggested that the application be deferred until he has had an opportunity to discuss the MDS figures with Mr. Weber.

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6. Comments/questions from Council.

Council had no comments or questions at this time but agreed to deferral of this application.

7. Adjournment 7:10 p.m.

C.A.O./CLERK

MAYOR