

**TOWNSHIP OF WELLINGTON NORTH
PUBLIC MEETING - MINUTES
MONDAY, MAY 25, 2015 AT 7:20 P.M.
FOLLOWING COMMITTEE OF ADJUSTMENT**

The Public Meeting was held at the Municipal Office Council Chambers, Kenilworth to consider a Zoning Amendment application.

Present:

**Mayor: Andy Lennox
Councillors: Sherry Burke
Mark Goetz
Steve McCabe
Dan Yake**

Also Present:

**C.A.O./Deputy Clerk: Michael Givens
Clerk: Karren Wallace
Executive Assistant: Cathy Conrad
Treasurer: Paul Dowber
Director of Public Works: Matthew Aston
Director of Recreation, Parks and Facilities: Barry Lavers
Senior Planner: Linda Redmond
Manager of Planning and Environment: Mark Van Patter**

Mayor Lennox called the meeting to order.

Declaration of Pecuniary Interest:

None declared.

OWNER/APPLICANT: Fernando Goncalves

The Property Subject to the Proposed Amendment is described as WOSR Divisions 3 & 4, Pt. lot 3, RP 60R3155 Part 2, Geographic Township of Arthur. The land subject to the amendment is 3.88 hectares (9.6 acres) in size.

The Purpose and Effect of the Application is to rezone a portion of the subject lands (9.6 ac.) from Agricultural to Agricultural Commercial to permit the development of a farm equipment sales and service facility.

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.

Notice for this public meeting was sent to property owners within 120 m and required agencies and posted on the property on May 1, 2015 pursuant to the legislation.

**TOWNSHIP OF WELLINGTON NORTH
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MONDAY, MAY 25, 2015 AT 7:20 P.M.
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PRESENTATIONS

Linda Redmond, Senior Planner, reviewed her comments dated May 20, 2015.

Planning Opinion

The amendment would rezone the subject lands to an Agricultural Commercial (AC) zone to allow a farm equipment business. This proposal is agricultural-related and will be providing products for sale and rental to 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.

The purpose of this report is to provide the Township with an overview of the proposal as submitted. Further information is required in order to determine Minimum Distance Separation 1 compliance. Staff also proposed a different lot configuration and size than originally applied for and are seeking Council direction on this matter. This statutory public meeting will provide an opportunity for the community and area residents to ask questions and seek more information from the proponent and their consultants. A draft by-law will be prepared for Council consideration following the public meeting.

The land subject to the proposed zoning by-law amendment is bounded by Highway 6 and Sideroad 2 W. The property is legally described as WOSR Divisions 3 & 4, Pt. lot 3, RP 60R3155 Part 2, Geographic Township of Arthur. The property has 310 m (1017 ft) of frontage on Highway 6 and has a total area of 22.5 ha (55.6 ac). The property is located on the outskirts of the southern most point of the Mount Forest Urban boundary and is currently farmed with patches of wooded areas. The surrounding lands are primarily agricultural use.

The purpose of the proposed amendment is to rezone a portion of the property from Institutional (IN) to Agricultural Commercial (AC) to permit the development of a farm implement sales and rental facility. In support of the rezoning application, the proponent has filed a Planning report, including Minimum Distance 1 (MDS1) calculations.

Rezoning's 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 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*”.

**TOWNSHIP OF WELLINGTON NORTH
PUBLIC MEETING - MINUTES
MONDAY, MAY 25, 2015 AT 7:20 P.M.
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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 most of the surrounding livestock facilities. These calculations have been based on assumptions and it would appear that MDS 1 can be met. We do still require the farm data forms from the farmers of these properties in order to confirm the calculations.

Under the Wellington 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.

The subject lands are zoned Agricultural (A-1), Institutional (IN) and Natural Environment (NE). A portion of the property received an institutional zoning over 25 years ago to accommodate a future church. This development was never completed and the lands are vacant. The draft by-law proposes to rezone the area to be used for the farm equipment sales and rental facility to Agricultural Commercial (AC). This zoning category permits the following uses:

- Agriculturally related Commercial or Industrial use
- Agricultural products Processing, Storing and Sales
- Commercial Greenhouse and/or Nursery
- Farm Implement Sales and Service
- Farm Supply Outlet
- Farm Produce Sales Outlet
- Fertilizer Processing Establishments
- Grain Drying Establishments
- Livestock Yards
- Veterinarian Clinic/Companion Animal Office
- Accessory residential dwelling unit
- Accessory Uses, Buildings and Structures to the above permitted uses.

The farm equipment sales and rental facility would adequately fall under the Agricultural Commercial zone criteria and this zoning would provide the owners with more flexibility to expand their business as needed. Any remaining lands located within the Institutional zone will be rezoned to Agricultural.

**TOWNSHIP OF WELLINGTON NORTH
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MONDAY, MAY 25, 2015 AT 7:20 P.M.
FOLLOWING COMMITTEE OF ADJUSTMENT**

It is understood that the applicant intends to sever the business from the remaining land in the near future. In the Prime Agricultural area, lot creation for agriculture-related uses is permitted provided that the lot is kept to a minimum size necessary for the use and appropriate water and sewage systems. In this instance the rezoning application includes an area of 3.88 ha (9.58 ac) for the business, which leaves a remaining area of 18.62 (46 ac). During pre consultation staff indicated that the land utilized for the farm implement business should be kept to a minimum and suggested an area of 5-7 ac. Staff's position remains the same.

The parcel configuration as proposed would create an L-shaped retained lot. Staff have suggested, and the applicant has agreed that the property be reconfigured so that the proposed parcel has frontage entirely along Highway 6. This configuration would provide the proposed retained lands with a more usable parcel. This configuration would also provide the farm implement use more usable space given the drainage ditch constraint along Sideroad 2 W. This proposed configuration also demonstrates that the portion of land occupied by the farm implement business could be reduced to approximately 5 – 6 acres.

As indicated earlier in this report MDS 1 calculations have been completed by the applicants Planner and appear to indicate that MDS 1 can be met. However, staff still require the signed farm data forms to be completed by the farmers to verify the information. We have been advised that the farm data forms have been sent to the farms, that are impacted, for completion. Should an MDS 1 constraint be identified, the proposed lot may need to be reconfigured or an exemption may be considered.

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

Comments have been received by MTO indicating that they have no concerns with the rezoning of the land to Agricultural Commercial. The comments further state that there are a number of conditions to be fulfilled including a grading and drainage plan, a storm water management plan and closure of the farm access road located on Hwy 6. All of these items will be required at the Site Plan approval stage.

The applicant should provide staff with a final lot configuration and size in order that staff may prepare a draft zoning amendment.

REVIEW OF CORRESPONDENCE RECEIVED BY THE TOWNSHIP

John Morriesy, Corridor Management Planner, MTO
- No objection

**TOWNSHIP OF WELLINGTON NORTH
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Kristine Loft, Loft Planning Inc.

- Addendum Information of Consideration

BY-LAW

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

MAYOR OPENS FLOOR FOR ANY QUESTIONS/COMMENTS

The Applicant, proposed purchaser and their agent were present to answer any questions regarding this application.

Kristine Loft, agent for Broadline Equipment Rentals, reviewed her client's proposal. The subject property is just over 10 hectares and there is a small shed on the property. Road access will be provided by Sideroad 2. Broadline Equipment Rentals is an existing business with seven employees, currently located on Concession 8, and wants to expand at the proposed location. This is a farm related use and is consistent with the Provincial Policy Statement. They need to have room to accommodate larger equipment. Consideration will be given to stormwater management and MTO setback. This needs to be included in a site plan but won't necessarily be included in the Ag/Commercial Zone. The current Institutional Zone is significant. A real estate agreement is being worked on.

Jim Stewart, 913 Bentley St., lives north of the proposed location. Mr. Stewart expressed concern with the possibility of the portable toilets that are part of the rental business being in view from his property and questioned how many portable toilets would be on site. He is also concerned that the pine trees be kept as a buffer strip. Ms. Loft responded that there are 150 portable toilets but there may only be 100 on site as they are in and out. Mayor Lennox commented that the trees are not part of this application.

Tom Markstahler, 9838 Highway 6, owns the residential property south of the proposed development. He is concerned about noise as there is already a lot of noise from grain bins going from pavement to gravel. Mr Markstahler preferred the new site plan as it is more fluid. He expressed concern about water issues with the ward drain that runs across the subject property. The water flow has increased as people have tile drained into the drain. Mr. Markstahler questioned dividing an agricultural property that is already a small parcel. He further questioned how and where the sewage from the portable toilets would be disposed of.

**TOWNSHIP OF WELLINGTON NORTH
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Mayor Lennox advised that the land division would be dealt with as a severance at the County level. Broadline Equipment has an agreement with the Township for disposal of sewage for treatment at the Waste Water Disposal Plant. Spring flooding is an issue at the front of the property. Mayor Lennox questioned if more areas for water containment are going to be added?

Ross McRobb, lives across from the current Broadline Equipment location, stated that noise is not an issue with this business.

Randy Bye, local businessman, commented that there are communities looking at entrepreneurship. Mr. Gingrich does a good job and his business is a benefit to the community.

COMMENTS/QUESTIONS FROM COUNCIL

Mayor Lennox commented that this is an established business that needs room to grow. He is in support of the application. The applicant can work with staff to minimize the lot area and satisfy the neighbours concerns.

Councillor McCabe stated the growth is a good thing and he is in support of the application.

Councillor Yake commented that he is in support of the application and the concerns of the neighbours can be addressed

ADJOURNMENT

RESOLUTION 5

Moved by: Burke

Seconded by: Goetz

THAT the Public Meeting of May 25, 2015 be adjourned at 7:42 p.m.

CARRIED

CLERK

MAYOR