

# TOWNSHIP OF WELLINGTON NORTH

## PUBLIC MEETING - MINUTES

**Monday, August 11, 2014**

The Public Meeting was held Monday, August 11, 2014 at 7:00 p.m. at the Township of Wellington North Council Chambers, Kenilworth to consider an existing Draft Plan of Subdivision, a County of Wellington Official Plan and Zoning Amendment application, and a Zoning Amendment application.

**Present:**

**Mayor: Raymond Tout**  
**Councillors: Sherry Burke**  
**Mark Goetz**  
**Andy Lennox**  
**Dan Yake**

**Also Present:**

**C.A.O./Clerk: Michael Givens**  
**Deputy Clerk: Catherine More**  
**Executive Assistant: Cathy Conrad**  
**Township Planner: Mark Van Patter**  
**Chief Building Official: Darren Jones**  
**Business Economic Manager: Dale Small**  
**Treasurer: Paul Dowber**  
**Acting Fire Chief: Dave Guilbault**

**Mayor Tout called the meeting to order.**

**Declaration of Pecuniary Interest:**

None declared.

**Owner/Applicant: Reeves Construction Ltd.**

The subject land is described as Part of Park Lot 3, South of King Street. The land is approximately 1.75 acres in size, with 66 feet of frontage on King Street. This land is being added to existing draft plan of subdivision 23T-79087, which fronts on Albert Street and was given draft approval in 1980 by the Province.

The purpose of the application is a major revision to the existing draft plan 23T-79087. Five lots fronting on Albert Street are proposed to be removed from the draft plan, as they have already been created through the severance process. The above-noted 1.75 acres is new land proposed to be added to the draft plan. These new lands are for 5 single detached lots, a storm water management block and an extension of Road 'A' out to King Street. A public meeting was held in May, 2014 to discuss rezoning the subject land to Residential (R2). Township approval is pending. Please note – Section 34 (12) of the Planning Act.

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Please note – Section 51 (43) of the Planning Act.

(43) Appeal. – Subject to Section 51, subsection (43) of the Planning Act, any person or public body may appeal a decision of the County of Wellington not later than 20 days after the day that the giving of written notice has been completed. If you wish to be notified of the decision you must make a written request to the Director of Planning and Development, Corporation of the County of Wellington, 74 Woolwich Street, Guelph, ON N1H 3T9.

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

2. Presentations by:

Mark Van Patter, Township Planner reviewed his comments, dated May 1, 2014.

The County will be asking for a multi-residential component somewhere on the draft plan to conform to the Official Plan. There may be further revisions required with the storm water management area. Once the Township is satisfied with the revised draft plan, Council will be asked to pass a resolution in support and forward this to the County.

The property subject to the revised draft plan of subdivision is described as Part Park Lot 3, South of King St and Part of Park Lot 3, North of Albert Street, Town of Mount Forest. The property is 2.46 hectares (6.1 acres) in size.

Plan 23T-79087 was given “draft” approval by the Province on March 31, 1980 for a subdivision of 31 single detached lots. The draft plan fronts on Albert Street and goes just over half-way to King Street.

A second parcel of land owned by John Padfield was purchased by Reeves Construction. This is the land immediately north of 23T-79087 and is to be added to the draft plan area. On November 16, 2009, Reeves Construction applied to Wellington County for a major revision to draft Plan 23T-79087. A subsequent revised plan was provided to the County.

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The following changes are proposed:

- Deletion of 5 lots fronting on Albert Street previously severed (south part)
- Addition of stormwater management Block 32 (north part)
- Extension of internal Road 'A' up to King Street with 5 new lots (north part)
- The net result is still 31 lots

Under the Planning Act, a public meeting is mandatory for an application for a plan of subdivision. Because the major revision application adds the Padfield land, a public meeting is required for this portion.

Under the Wellington County Official Plan the subject land is designated Residential.

The lower portion of the subject land was zoned Residential (R1B), which permits single detached dwellings. This area was rezoned earlier in May, 2014, from R1B to R2, which permits from 1 to 4 units. The upper portion (former Padfield land) is also zoned Residential (R2).

The public meeting is a requirement of the Planning Act. There were no concerns expressed during the rezoning process for the same subject lands earlier in 2014.

The Padfield portion is considered "Greenfield" development and as per Section 4.4.4 (b) (i) of the Official Plan, a development density of 6.5 units per gross acres is required. The County will be asking the owner to provide a multi-residential component (e.g. townhouses, semi-detached) somewhere in the development, either on the Padfield or Reeves portion.

Further refinements may also be needed for the storm water management area. Once this has been sorted out by the applicant's engineer to the Township's satisfaction, the Township can move forward with supporting the major revisions to draft plan of subdivision 23T-79087.

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3. Review of Correspondence received by the Township:
  - Jennifer Prenger, Planning Technician, SVCA
    - Proposal Acceptable.
  - Emily Bumbaco, Planning Department, Upper Grand District School Board
    - No objections, subject to conditions
4. Mayor opens floor for any questions/comments.

None.
5. Comments/questions from Council.

None.

### **Owner/Applicant: Stephen Hummel**

**THE SUBJECT PROPERTY** is described as Part Lot 9, Ellis Survey, RP 60R-1202 – Part 3, with a civic address of 320 Cork Street, former Town of Mount Forest, Township of Wellington North. The property is approximately 0.325 acres (14,136 sq. ft.).

**THE PURPOSE** of the proposed **Official Plan Amendment** (File No. OP-2014-04) is to redesignate the property from Highway Commercial to Residential. This will have the effect of permitting residential development on the vacant subject land. Schedule A6-1 – Mount Forest is to be revised.

**THE PURPOSE** of the proposed **Zoning By-law Amendment** is to rezone the subject property from Highway Commercial (C2) zoning to Residential (R2), which would allow for up to 4 dwelling units on the property, provided zoning regulations could be complied with.

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#### **Power of OMB to Dismiss Appeals**

If a person or public body does not make oral submissions at a public meeting or make written submissions to the **County of Wellington** before the proposed **Official Plan amendment** is adopted, or **Township of Wellington North** before the proposed **Zoning By-law amendment** is passed, the person or public body is not entitled to appeal the decision of the County of Wellington or the Council of the Township of Wellington North to the Ontario Municipal Board.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the **County of Wellington** before the proposed **Official Plan amendment** is adopted, or **Township of Wellington North** before the proposed **Zoning By-law amendment** is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

6. Notice for this public meeting was sent to property owners within 120 m and required agencies and posted on the property on July 17, 2014.

7. Presentations by:

Mark Van Patter, Township Planner reviewed his comments dated July 30, 2014.

Mr. Van Patter provided a Comprehensive Review that is required when dealing with the conversion of employment lands. In his opinion the loss of such a small property (0.325 acres) that does not front on Queen Street will have no impact on the overall inventory of Highway Commercial lands in Mount Forest. Mr. Van Patter felt that the Official Plan amendment can be approved now. If Council is in support, then I would ask that a resolution be passed in favor of the OPA, and that this be forwarded to the County. An Engineer's Report should be provided by the owner to deal with drainage / storm water management prior to zoning approval. Once the County has adopted the OPA and a satisfactory Engineer's Report has been provided, Wellington North Council can approve the Zoning By-law amendment.

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The subject property is described as Part Lot 9, Ellis Survey, RP 60R-1202 – Part 3, with a civic address of 320 Cork Street, former Town of Mount Forest, Township of Wellington North. The property is approximately 0.325 acres (14,136 sq. ft.).

The purpose of the proposed Official Plan Amendment (File No. OP-2014-04) is to redesignate the property from Highway Commercial to Residential. This will have the effect of permitting residential development on the vacant subject land. The purpose of the proposed Zoning By-law Amendment is to rezone the subject property from Highway Commercial (C2) to Residential (R2), which would allow for up to 4 dwelling units on the property, provided yard setbacks can be met.

Both the Places to Grow (PTG) and the Provincial Policy Statement (PPS) policy documents state that municipalities are to protect 'Employment Areas', which includes Highway Commercial. Both require a comprehensive review, where a municipality is considering the conversion of lands within employment areas to other uses.

The subject land is designated Highway Commercial in the Wellington County Official Plan. Section 4.2.2 of the Plan requires a comprehensive review where employment lands (industrial and highway commercial), are being considered for conversion. It can be seen that the subject land is at the boundary of the Highway Commercial and Residential designations.

The Zoning of the subject property follows the Official Plan; the lot is zoned Highway Commercial (C2). Lands east and south of the subject property are all zoned Residential (R2).

At the time of writing, the only comments the County had been received are as follows:

SVCA Area subject to high groundwater and potential ponding. Drainage feature is not considered to be a watercourse. Recommending that engineer's report be provided to address drainage issues. Recommending that holding zone be applied. (July 24).

Upper Grand School Bd.

No objections as long as development charge paid prior to building permit (July 22)

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#### Planning Considerations for Official Plan Amendment

a) Loss of Employment Lands - Comprehensive Review

The proposed severance is within an Employment Lands area, designated Highway Commercial in the Official Plan, that runs along the frontage of Queen Street to the west.

The main issue with this application is whether the conversion of the proposed severance will compromise:

- Mount Forest's overall inventory of Highway Commercial land, or
- This specific Highway Commercial node along Queen Street

In the 2014 PPS, it notes under the definition for 'Comprehensive Review' that "...the level of detail of the assessment should correspond with the complexity and scale of the ... development proposal." I would characterize the current applications to be a fairly minor development proposal. The following Comprehensive Review is based on Section 4.2.2 of the Official Plan, which requires consideration of the following:

- a) there is a need for the conversion;

Comment:

*There is the personal need of applicant's to develop the building lot.*

- b) the municipality will meet its employment forecast allocation;

Comment:

*Mount Forest has excess industrial employment lands for the planning period located to the north of town, east of Hwy. 6. There is also considerable land designated Highway Commercial to the west on Queen Street. New Highway Commercial lands are being added to Mt. Forest south of the river and part of the Avila development.*

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- c) conversion will not adversely affect the overall viability of employment area ...

Comment:

*The subject property fronts on Cork Street, not Queen Street. The abutting property to the north on Queen Street was recently re-developed. The subject property is on the Highway Commercial / Residential boundary. There remains a large amount of Highway Commercial land to the west that is undeveloped. In my opinion, the current Official Plan amendment will have a negligible impact on the employment area.*

- d) there is existing/planned infrastructure to accommodate the proposed conversion;

Comment:

*Wellington North's public works should provide comments in terms of available municipal water and sewage services.*

- e) the lands are not required over the long term for the employment purposes ...

Comment:

*I have discussed this proposal with Dale Small, Wellington North's Economic Development Officer. It's my understanding that he has no concerns with conversion of this property and considers it to be minor.*

- f) cross-jurisdictional issues, if any, have been considered.

Comment:

*Not applicable.*

**b) Stormwater Management / Drainage**

South of the subject property, a drain crosses over 340 Cork Street, running from east to west. The applicant owns 330, 340 and 350 Cork Street as well, and recently reconfigured the lots, with consent from the Wellington County Land Division Committee. Condition No. 8 of the consent file B8/14, requires the owner to address the issue of drainage via an approved Engineer's Report to the satisfaction of the SVCA.



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The SVCA is recommending that an Engineer's Report be provided and that holding be placed on the zoning. If a satisfactory Engineer's Report is provided first, then holding will be unnecessary. The by-law cannot be approved anyway, until September 25, the earliest time County Council can adopt the OPA. I have no concerns with the OPA being approved now.

### Draft Zoning By-law Amendment

A draft zoning amendment was included with the Planner's comments. The draft places the property in the Residential (R2) zone. The R2 zone permits up to 4 residential units, as long as lot area, lot frontage and yard setbacks can be complied with.

8. Review of Correspondence received by the Township:
  - Nancy M. Marshall, Canada Post
    - No objection
  - Emily Bumbaco, Upper Grand District School Board
    - No objection
  - Erik Downing, Manager, Environmental Planning & Regulations, SVCA
    - Recommends a holding provision via the zoning by-law amendment.
9. The by-law will be considered at a future regular council meeting following the public meeting. Persons wishing notice of the passing of the By-law must submit a written request.
10. Mayor opens floor for any questions/comments.

The Applicant was present to answer questions regarding the application.

Charles Rachar, 575 Waterloo St. stated that he wants to ensure drainage for ditch is proper so it does not affect his property.

Bruce Fulcher, Applicant's Agent, commented that this lot does not border on drainage ditch.

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11. Comments/questions from Council.

None.

### **Owner/Applicant: James and Selema Martin**

The property subject to the proposed amendment is described as Lot 9, Concession 12, Geographic Township of Arthur, with a municipal address of 6816 Sideroad 4. The property is 52 hectares (130 acres) in size.

The Purpose and Effect of the Application is to rezone a portion of the subject property to permit a saw mill in a building of approximately 2,240 square feet. In addition, the applicant would also like to expand a home industry that fabricates wooden pallets. The shop area is proposed to be 2,880 square feet, with another 1,280 square feet for lumber and pallet storage.

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.

12. Notice for this public meeting was sent to property owners within 120 m and required agencies and posted on the property on July 17, 2014.

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13. Presentations by:

Mark Van Patter, Township Planner reviewed his comments dated July 30, 2014.

The applicants are proposing a 6,400 sq. ft. building for a sawmill, pallet making shop and material storage area. Mr. Van Patter recommended the Wellington North Council could support the application, provided noise impacts on the neighbouring dwelling to the south are acceptable. In Mr. Van Patter's opinion, the building should be located outside of the 400 foot setback from a dwelling, as specified in the zoning by-law and also recommended that the southern portion of the building be sound-proofed.

The property subject to the proposed amendment is described as Lot 9, Concession 12, Geographic Township of Arthur, with a municipal address of 6816 Sideroad 4. The property is 52 hectares (130 acres) in size.

The purpose and effect of the application is to rezone the subject property to permit a saw mill of approximately 2,240 square feet. In addition, the applicant would also like to expand a home industry that fabricates wooden pallets. The shop area is proposed to be 2,880 square feet, with another 1,280 square feet for lumber and pallet storage.

Section 2.3.3.1 of the Provincial Policy Statement (PPS) permits "on-farm diversified uses" and "agriculture-related uses" in a Prime Agricultural areas. [New PPS policies came into effect April 30, 2014]

*On-farm Diversified Uses "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."*

*Agriculture-Relate Uses means "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."*

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The subject property is designated PRIME AGRICULTURAL in the Wellington County Official Plan. Sections 6.4.3 (b) and (c), and Sections 6.4.4 and 6.4.5 of the Plan provide consideration for secondary uses and agriculture-related uses. The intention is to allow businesses which supplement farm income or provide services in agricultural areas. The Official Plan as well as the Provincial Policy Statement direct larger industrial and commercial uses to Hamlets or Urban Centres.

The subject property is zoned mainly Agricultural (A) at the west end of the farm where the uses are proposed.

### PLANNING CONSIDERATIONS

#### Proposed Building

A new building is proposed on the right side of the farm late, and before the barn. The sawmill is to be located at the rear of the building (northmost). The shop area making the pallets is in the middle and the lumber and finished pallet storage area is closest to the road (southernmost).

Sawmill	28 X 80 ft.	2,240 sq. ft.
Shop Area	40 X 72 ft.	2,880 sq. ft.
Storage	32 X 40 ft.	<u>1,280 sq. ft.</u> 6,400 sq. ft.

The front yard setback provided in the application appears to be inconsistent. One of the sketches shows the building to be setback 100 yards (300 ft.) from the front property line. The building is 132 feet long. When I calculate 432 from the front property line using the air photo, I get the north end of the building going to the manure yard. The applicant should recheck his measurements.

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#### Proposed Sawmill

The sawmill component could be considered an Agriculture-related Industrial Use. Logs originate from forests on farms in rural areas. There are no regulations present in the zoning by-law to control the scale of such uses. Generally agriculture-related uses can be larger than a home industry use. It is my understanding that the owner wishes to use the sawmill to make pallet lumber as well as to do custom work. The sawmill is part of the building cluster and should not have an impact on agriculture. I don't have a problem with a sawmill as long as it is compatible with neighbouring land uses.

#### Proposed Expansion to Home Industry

The other part of the operation, pallet making, I would consider a home industry. Section 6.14 of the By-law contains regulations for Home Industries.

Section 6.14 (d) of the by-law states that the Ground Floor Area can be no larger than 2,000 sq. ft. The application is for a shop of 2,880 square feet and an area for lumber / finished pallet storage of 1,280 square feet – for a total of 4,160 sq. ft. While this is approximately twice the floor area allowed in the by-law, almost half is for storage. In addition, woodworking shops do require larger areas to accommodate large machines and long boards in order to have a safe workplace.

Section 6.14 (e) of the by-law limits the number of employees to 2 person who do not reside on the property. It's my understanding that Mr. Martin will meet this requirement.

Section 6.14 (f) requires a home industry to be set back at least 400 feet from a dwelling on a neighbouring property. I am concerned that the application as proposed appears not meet this requirement. I have shown the 400 foot setback on the air photo below. The owner should consider relocating or reorienting the building to meet this setback.

#### Potential Noise Impacts

I do have some concerns with potential noise impacts from nail guns and the sawmill. However, I would note that the sawmill portion is at the north end of the building. The storage portion of the building would provide some buffering for the house to the south. I am recommending that sound proofing should be required as part of the building construction. In my opinion, the 400 foot setback in the by-law should be respected in this situation.

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#### **DRAFT ZONING BY-LAW**

A draft zoning by-law was attached. It is based on Mr. Martin being able to meet the 400 foot setback. I have added requirements that sound proofing be used in the southern portion of the building.

14. Review of Correspondence received by the Township:
  - Valerie Lamont, Environmental Planning Technician (Acting), SVCA
    - No objection.
  - Brandi Walter, Environmental Planner/Regulations Technician, MVCA
    - No objection.
  - Stacey Pennington, Clerical Assistant, Water Source Protection and Building Assistant, Town of Minto
    - No objection.
15. 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.
16. Mayor opens floor for any questions/comments.

James Martin, applicant, was present to answer any questions regarding the application.

Charles Lawlor, 9290 Concession 11, owns property that abuts the subject property. Mr. Lawlor inquired how the sawmill would be powered. He is concerned about noise if a diesel generator is required. There is no power along the road.

David Lyons, neighbouring property owner, explained that the hydro comes off of Wellington Road 6 and across a field.

Mr. Martin provided that they will use hydro where applicable. A diesel engine may be used if the hydro service isn't enough to power the sawmill. It will be within the building cluster.

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17. Comments/questions from Council.

None

18. Adjournment 7:36 p.m.

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**C.A.O./CLERK**

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**MAYOR**