

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH
PUBLIC MEETING AGENDA – FEBRUARY 6, 2023 @ 2:00 P.M.
HYBRID MEETING – IN PERSON AND 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/89039013173>

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: 890 3901 3173

**PAGE
NUMBER**

CALLING TO ORDER - Mayor Lennox

DISCLOSURE OF PECUNIARY INTEREST

ZBA 01/23 Township of Wellington North

OWNERS/APPLICANT

Township of Wellington North

LOCATION OF THE SUBJECT LAND

The land subject to the proposed amendment is described as 9442 Highway 6, WOSR Pt Lot 13, Div 1, RP61R8621, Part 12. The property is 5.11 ha (12.62 ac) in size and is currently vacant. *The location is shown on the map attached.*

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PURPOSE AND EFFECT OF THE APPLICATION

The property is currently zoned Agricultural Site Specific (A-71) which only permits the use of the property as a sanitary landfill and associated buffer area. The purpose and effect of the amendment is to rezone the lands from Agricultural Site Specific (A-71) to Agricultural Site Specific (A-114) to permit the use of the property for rural industrial uses.

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 13, 2023.

PRESENTATIONS

Curtis Marshall, Manager of Development Planning, County of Wellington, Township of Wellington North

- Planning Report dated January 31, 2023

4

CORRESPONDENCE FOR COUNCIL'S REVIEW

Michael Oberle, Environmental Planning Coordinator, Saugeen Conservation

- Letter dated January 25, 2023 (No Objection) 12

Lorne Horst

- Letter received January 30, 2023 14

REQUEST FOR NOTICE OF DECISION

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.

MAYOR OPENS FLOOR FOR ANY COMMENTS/QUESTIONS

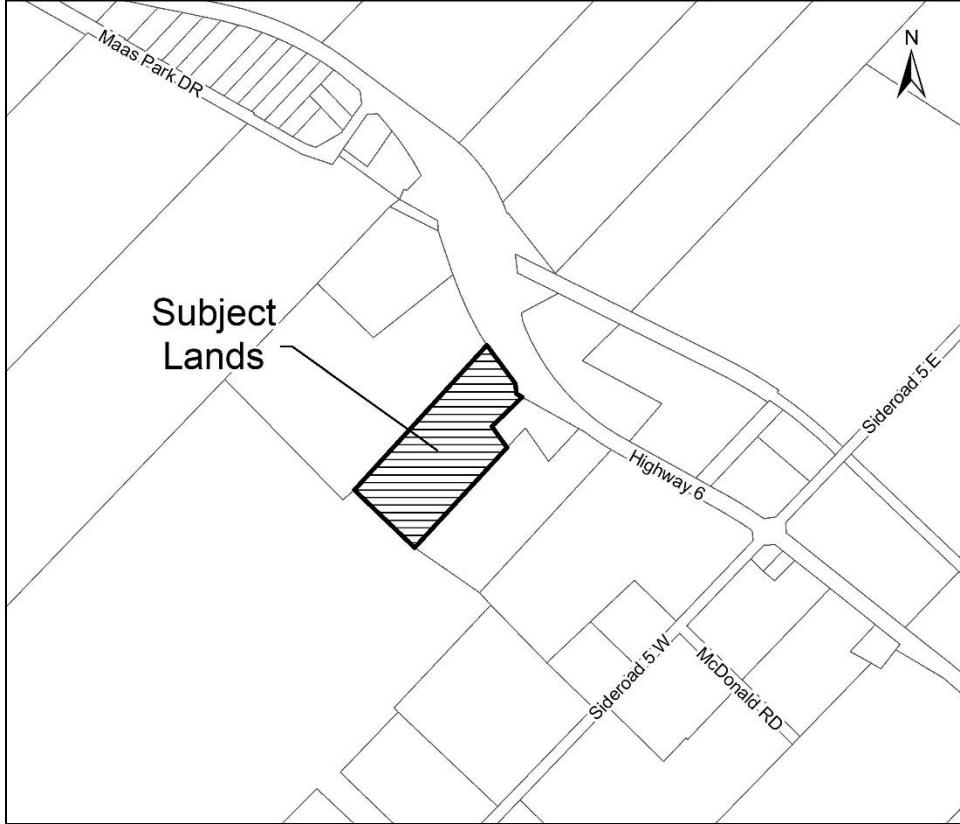
COMMENTS/QUESTIONS FROM COUNCIL

ADJOURNMENT

Recommendation:

THAT the Public Meeting of February 6, 2023 be adjourned at _____ pm.

TOWNSHIP OF WELLINGTON NORTH





PLANNING REPORT for the TOWNSHIP OF WELLINGTON NORTH

Prepared by the County of Wellington Planning and Development
Department

DATE: January 31st, 2023
TO: Darren Jones, C.B.O.
Township of Wellington North
FROM: Curtis Marshall, Manager of Development Planning
County of Wellington
SUBJECT: **9442 Highway 6**
WOSR Pt Lot 13, Div 1, RP61R8621, Part 12
Zoning By-law Amendment (ZBA 01/23)

Planning Opinion

The purpose of this zoning by-law amendment is to rezone the subject property from Agricultural Site Specific (A-71) to Agricultural Site Specific (A-114) with Holding provision (H) to facilitate the future use of the property for agricultural commercial and rural industrial uses. The current zoning only permits the use of the property as a sanitary landfill and associated buffer area. The property is 5.11 ha (12.62 ac) in size and is owned by the Township of Wellington North.

Planning staff have no concerns with the proposed application. The application is consistent with applicable Provincial Policy and generally conforms with the Official Plan. A draft zoning by-law has been attached to this report for public viewing and Council consideration.

A holding provision (H) has been included as part of the draft zoning by-law which requires that a D-4 Compatibility Study be completed to the satisfaction of the County of Wellington Solid Waste Services (SWS) Division prior to the issuance of any future building permit(s) on site.

INTRODUCTION

The property subject to the proposed amendment is described as WOSR Pt Lot 13, Div 1, RP61R8621, Part 12 and known Municipally as 9442 Highway 6. The property subject to the proposed amendment is approximately 5.11 ha (12.62 ac) in size and is currently vacant. The location of the property is shown on Figure 1.



Figure 1: 2020 Air Photo of Property

PROPOSAL

The purpose and effect of the proposed amendment is to rezone the subject lands to Agricultural Site Specific (A-114) to permit agricultural commercial and rural industrial uses on the property. The subject property is currently zoned Agricultural with a site-specific provision (A-71) which only permits the use of the property for a sanitary waste landfill including any associated buffer areas.

PROVINCIAL POLICY STATEMENT (PPS)

The subject property is located within the 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"*.

Section 2.3.3.3 requires that new land uses, including the creation of lots, shall comply with MDS 1 setbacks. Planning Staff have confirmed that MDS 1 setbacks have been met to adjacent livestock facilities.

WELLINGTON COUNTY OFFICIAL PLAN

The subject property is designated as PRIME AGRICULTURAL. 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"*.

Section 13.8.2 – Status Zoning, states that a legally established use which does not conform with the policies of the Official Plan may be recognized as a permitted use in the local municipal zoning by-law. A Council may also consider zoning the property to allow a similar or more compatible use or to provide for a limited expansion of the current use. Council shall have regard for the following matters:

- a) The need for the change or extension of the use;
- b) The proposed use is not offensive with regard to noise, vibration, smoke, dust, fumes, odour, lighting and complies with the Health Protection and Promotions Act;
- c) Compatibility;
- d) The need for landscaping, screening, buffering and setbacks;
- e) Traffic impacts and parking;
- f) The adequacy of services;
- g) Impacts on the natural environment;
- h) Impacts on groundwater and surface water quality and quantity in accordance with Sections 4.9.5 and 4.9.5.13 of this Plan.

Section 13.8.3 of the Wellington County Official Plan states that “Council... may consider applications to extend a non-conforming use or to allow a similar or more compatible use of land.”

WELLINGTON NORTH ZONING BY-LAW

The subject lands are zoned Agricultural Site Specific (A-71). Permitted uses are limited to only a “sanitary waste landfill including any associated buffer areas”.

The purpose of the application is to rezone the lands on a site specific basis to permit agricultural commercial and rural industrial uses.

PLANNING DISCUSSION

Provincial D-4 Compatibility Guidelines

The subject property is adjacent to the Riverstown Waste Facility which includes a landfill. The Ministry of the Environment has established a guideline (D-4) which specifies restrictions and controls on land uses in the vicinity of landfills and dumps, in order to protect the health, safety, convenience and welfare of residents near such facilities. The guideline applies to all proposals for land use on, or near, operating and non-operating landfills, (as defined in O. Reg. 347) and dumps which contain municipal solid waste, industrial solid waste and/or sewage sludges.

The County of Wellington Solid Waste Services (SWS) Division has informed Planning Staff that a D-4 Study will need to be completed for any proposed development on the subject property. The study will need to be prepared based on the specific development as proposed, and will review impacts, assess risks, and recommend setbacks, buffering etc. for the proposal.

Planning Staff have included a Holding (H) provision as part of the draft zoning by-law amendment which will require that a D-4 Study be completed prior to development of the site

and issuance of a building permit. Planning Staff have confirmed with County SWS that they are agreeable to this approach.

Site Plan Approval

Planning Staff note that site plan approval will be required for the proposed development which will finalize details relating to tree planting and retention, buffering, fencing, snow storage etc. and address compatibility of the building with the adjacent properties.

Draft Zoning By-law Amendment

A draft Zoning By-law amendment has been prepared for public review and Council's consideration, and is attached to this report.

The proposed site specific zoning for the property includes the following provisions:

- Permitted uses include Agriculturally Related Commercial and Industrial Uses, and Rural Industrial Uses as listed in Section 25.1 of the By-law.
- The permitted uses shall be subject to the Rural Industrial (RIN) zone regulations under sections 25.2, 25.3 and 25.4 of the By-law.
- Buffering which may include berming, tree plantings, and/or fencing shall be required adjacent to any existing residential dwellings.

As identified above, a Holding Provision (H) is being proposed which requires that a D-4 Study Compatibility Study be completed to the satisfaction of the County of Wellington Solid Waste Services (SWS) Division prior to development of the site and issuance of a building permit.

Conclusion

Planning staff have no concerns with the proposed application. The application is consistent with applicable Provincial Policy and generally conforms with the Official Plan.

Respectfully submitted

County of Wellington Planning and Development Department



Curtis Marshall MCIP, RPP
Manager of Development Planning

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH
 BY-LAW NUMBER _____.**

**BEING A BY-LAW TO AMEND ZONING BY-LAW NUMBER 66-01
 BEING THE ZONING BY-LAW FOR THE TOWNSHIP OF WELLINGTON NORTH**

WHEREAS, the Council of the Corporation of the Township of Wellington North deems it necessary to amend By-law Number 66-01; as amended pursuant to Section 34 and 36 of the Planning Act, R.S.O. 1990, as amended

NOW THEREFORE the Council of the Corporation of the Township of Wellington North enacts as follows:

1. THAT Schedule 'A' Map 1 to By-law 66-01 is amended by changing the zoning on the lands described as 9442 Highway 6, WOSR Pt Lot 13, Div 1, RP61R8621, Part 12, as shown on Schedule "A" attached to and forming part of this By-law from **Agricultural Site Specific (A-71)** to **Agricultural Site Specific (A-114)** with a **Holding Provision (H)**.
2. THAT Section 33, rural area exception zone, is hereby amended by adding the following new exceptions:

<p>33.114 WOSR Pt Lot 13, Div 1, RP61R8621, Part 12</p>	<p>(H) A-114</p>	<p>a) <u>Permitted Uses</u> Notwithstanding any other provisions of the Zoning By-law to the contrary, the land zoned A-114, shall only be used for the following uses:</p> <ul style="list-style-type: none"> • Agricultural Commercial and Industrial Uses • Rural Industrial Uses as listed under Section 25.1 of the Zoning By-law. <p>b) <u>Regulations</u></p> <ul style="list-style-type: none"> • The permitted uses shall be subject to the regulations under Section 25.2, 25.3 and 25.4 of the Zoning By-law • Notwithstanding any other provisions to the contrary, Section 6.3 BUFFER AREA shall apply and buffering shall be provided to any adjacent residential dwellings. <p>c) <u>Holding (H) Provision</u> Notwithstanding any other provisions of this By-law, where the Holding (H) Provision is in place on the property, permitted uses and buildings are limited to those legally existing as of the date of the passing of this amendment until the Holding (H) provision is removed by</p>
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		<p>Council.</p> <p>Council may pass a By-law removing the holding symbol once it is satisfied that the following matter has been addressed:</p> <ul style="list-style-type: none">• A D-4 Compatibility Study has been completed to the satisfaction of the County of Wellington, Solid Waste Services (SWS) Division related to the adjacent landfill.
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3. That except as amended by this By-law, the land as shown on the attached Schedule 'A' shall be subject to all applicable regulations of Zoning By-law 66-01, as amended.
4. THAT this By-law shall become effective from the date of passage by Council and come into force in accordance with the requirements of the Planning Act, R.S.O. 1990, as amended.

READ A FIRST AND SECOND TIME THIS _____ DAY OF _____, 2023

READ A THIRD TIME AND PASSED THIS _____ DAY OF _____, 2023

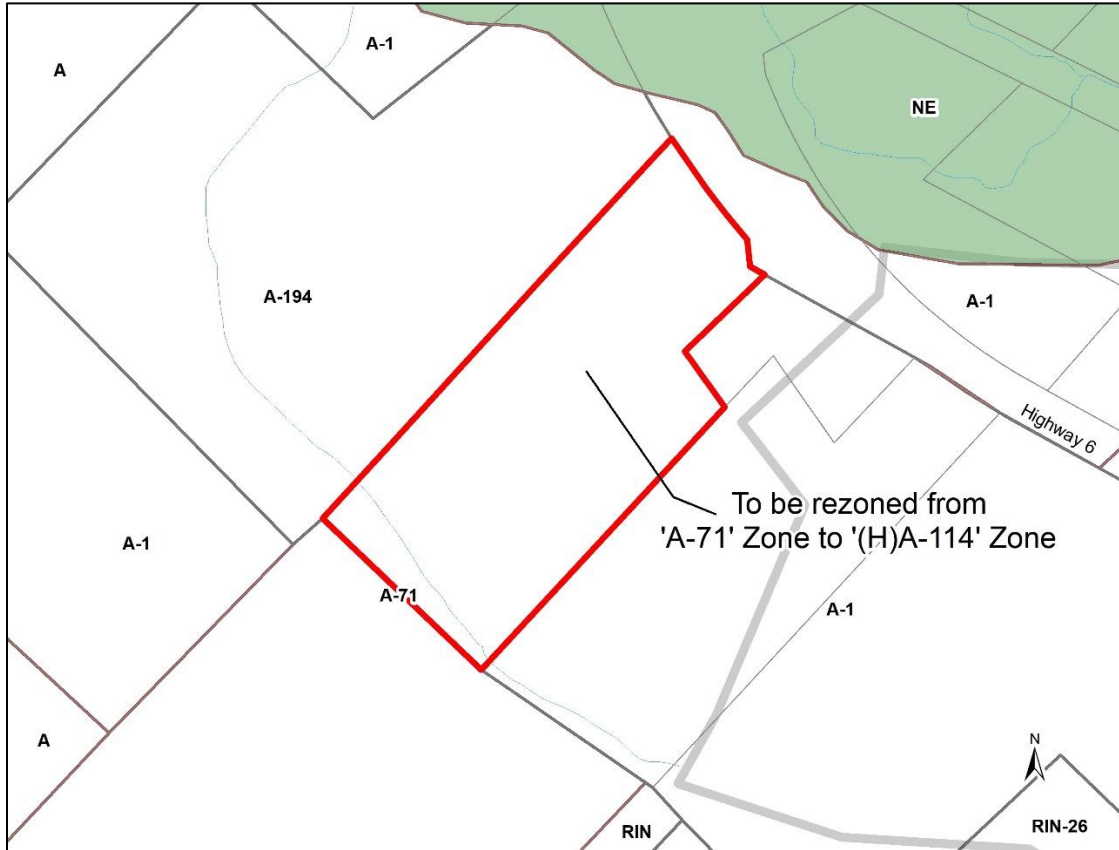
MAYOR

CLERK

THE TOWNSHIP OF WELLINGTON NORTH

BY-LAW NO. _____

Schedule "A"



This is Schedule "A" to By-law _____.

Passed this ___ day of _____ 2023

MAYOR

CLERK

EXPLANATORY NOTE

BY-LAW NUMBER _____.

THE LOCATION OF THE SUBJECT LANDS is legally described as WOSR Pt Lot 13, Div 1, RP61R8621, Part 12 and known Municipally as 9442 Highway 6. The property subject to the proposed amendment is approximately 5.11 ha (12.62 ac) in size and is currently zoned Agricultural Site Specific (A-71).

THE PURPOSE AND EFFECT of the proposed amendment is to rezone the subject lands from Agricultural Site Specific (A-71) Zone to Agricultural Site Specific (A-114) Zone with a Holding Provision (H) to permit development of Agricultural Commercial and Rural Industrial uses.

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

January 25, 2023

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

ATTENTION: Tammy Pringle, Development Clerk

Dear Ms. Pringle

RE: Zoning By-law Amendment 01/23
9442 Highway 6
Roll No.: 234900000906850
Part Lot 13 WOSR, Division 1, Part 12 Plan RP61R8621
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 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 provided comments as per our Memorandum of Agreement (MOA) with the County of Wellington representing natural hazards.

Purpose

The property is currently zoned Agricultural Site Specific (A-71) which only permits the use of the property as a sanitary landfill and associated buffer area. The purpose and effect of the amendment is to rezone the lands from Agricultural Site Specific (A-71) to Agricultural Site Specific (A-114) to permit the use of the property for rural industrial uses.

Recommendation

SVCA staff find the application acceptable. The subject property does not contain any natural hazard features of interest to SVCA. As such, it is the opinion of SVCA staff that the application is consistent with the Natural Hazard Policies of the PPS, 2020 and the County of Wellington Official Plan. Additionally, the property not subject to Ontario Regulation 169/06, or to the policies of SVCA at this time, and as such, permission (permit) from the SVCA is not required for development on the property.

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.

Township of Wellington North
Zoning By-law Amendment 01/23
January 25, 2023
Page 2 of 2

Sincerely,



Michael Oberle
Environmental Planning Coordinator
Saugeen Conservation
MO\

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

RE: Amendment to property at 9442 Hwy 6

Dear Sir/Madame

Following a conversation with Darren regarding the amendment to property at 9442 Hwy 6. I do have some concerns with the existing property and would like to see these addressed before the transfer is completed. To the very west side of the lot adjoining against the east side of the Wellington County waste facility there is a large steel culvert dumping runoff water from the dump. I have invested substantial capital to control this water. Wellington County officials have also put in an effort constructing a small berm along my field line, but it still isn't sufficient. My proposal would be to construct a large dug out earthen storm water reservoir to be dug in area immediately east of culvert and with subsoil being dug out to construct a berm along my field line west against dump fence line and continuing east as far as necessary to fix this problem in its entirety.

I would like to thank Darren Jones again for reaching out to me and look forward to seeing this issue permanently resolved.

RECEIVED

JAN 30 2023

TWP. OF WELLINGTON NORTH

Yours Truly
Lorne Horst
Lorne Horst
9446 Hwy 6
Mt. Forest ON N0G 2L0
519-323-0416