

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH
PUBLIC MEETING MINUTES – FEBRUARY 6, 2023 @ 2:00 P.M.
HYBRID MEETING – IN PERSON AND VIA WEB CONFERENCING**

Members Present:

**Mayor: Andrew Lennox
Councillors: Sherry Burke VIA ZOOM
Lisa Hern
Steve McCabe
Penny Renken VIA ZOOM**

Staff Present:

**Chief Administrative Officer: Brooke Lambert
Director of Legislative Services/Clerk: Karren Wallace
Deputy Clerk: Catherine Conrad
Chief Building Official: Darren Jones
Economic Development Officer: Dale Small
Human Resources Manager: Amy Tollefson
Director of Finance: Farhad Hossain
Director of Operations: Matthew Aston
Recreation Community Coordinator: Tasha Grafos
Manager, Environmental and Development Services: Corey Schmidt
Risk Management Officer: Kyle Davis
Manager, Recreation Services: Tom Bowden
Manger of Development Planning: Curtis Marshall
Senior Planner: Matthieu Daoust**

CALLING TO ORDER - Mayor Lennox

Mayor Lennox called the meeting to order.

DISCLOSURE OF PECUNIARY INTEREST

No pecuniary interest disclosed.

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. .

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

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.

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.

CORRESPONDENCE FOR COUNCIL'S REVIEW

Michael Oberle, Environmental Planning Coordinator, Saugeen Conservation

- Letter dated January 25, 2023 (No Objection)

Lorne Horst

- Letter received January 30, 2023

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

James Martin, Sentry Door Inc., was available to answer questions.

COMMENTS/QUESTIONS FROM COUNCIL

Councillor McCabe inquired if they should wait to pass the by-law until the D-4 Study Compatibility Study is completed. Curtis Marshall, Manger of Development Planning, explained that there is an order of operations. The study cannot be completed until we know what is being proposed The County of Wellington Solid Waste Services (SWS) Division is satisfied with the holding provision.

Mayor Lennox asked what happens if the study indicates the proposed use cannot happen. Mr. Marshall commented that the design would need to consider the sensitivity of the proposal. It is most likely appropriate in this situation.

ADJOURNMENT


RESOLUTION: 001-2023

Moved: Councillor Burke

Seconded: Councillor Renken

THAT the Public Meeting of February 6, 2023 be adjourned at 3:21 pm.

CARRIED

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MAYOR

DocuSigned by:
Karren Wallace
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CLERK