

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH
PUBLIC MEETING AGENDA JANUARY 29, 2024 @ 7:00 P.M.
HYBRID MEETING – IN PERSON AND VIA WEB CONFERENCING**

HOW TO JOIN

Join from a PC, Mac, iPad, iPhone or Android device:

<https://us02web.zoom.us/j/89429961169>

Please click this URL to join.

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: 894 2996 1169

**PAGE
NUMBER**

CALLING TO ORDER

DISCLOSURE OF PECUNIARY INTEREST

OWNERS/APPLICANT

ZBA 23/23 Gwen & Donald Cormack

LOCATION OF THE SUBJECT LAND

The land subject to the proposed amendment is described as WOSR PT LOT 6 DIV 3 TO 4 RP 60R2342 PARTS 1 TO 3 61R8418 PART 4 with a civic address of 9724 Highway 6. The subject property is approximately 47.1 ha (116.4 ac) in size. *The location is shown on the map attached.* 3

PURPOSE AND EFFECT OF THE APPLICATION

The purpose and effect of the proposed amendment to rezone a portion of the subject lands (approximately 19.8 ha) from Agricultural (A) to Agricultural Commercial Site Specific (AC-xx) zone to facilitate the construction of a farm equipment sales and service dealership (Maple Lane Farms Services).

Additional relief may be considered at this meeting.

NOTICE

Notices were mailed to property owners within 120 meters of the subject property as well as the applicable agencies and posted on the subject property on January 9, 2024.

PRESENTATIONS

Jessica Rahim, Senior Planner, County of Wellington, Township of Wellington North

- Planning Report dated January 22, 2024 4

CORRESPONDENCE FOR COUNCIL'S REVIEW

Jason Dodds, Environmental Planning Technician, Saugeen Conservation

- Letter dated January 16, 2024 (Generally Acceptable) 10

Tammy Stevenson, Senior Project Manager, Township of Wellington North

- Letter dated January 22, 2024 (No Objection) 14

REQUEST FOR NOTICE OF DECISION

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

MAYOR OPENS FLOOR FOR COMMENTS/QUESTIONS

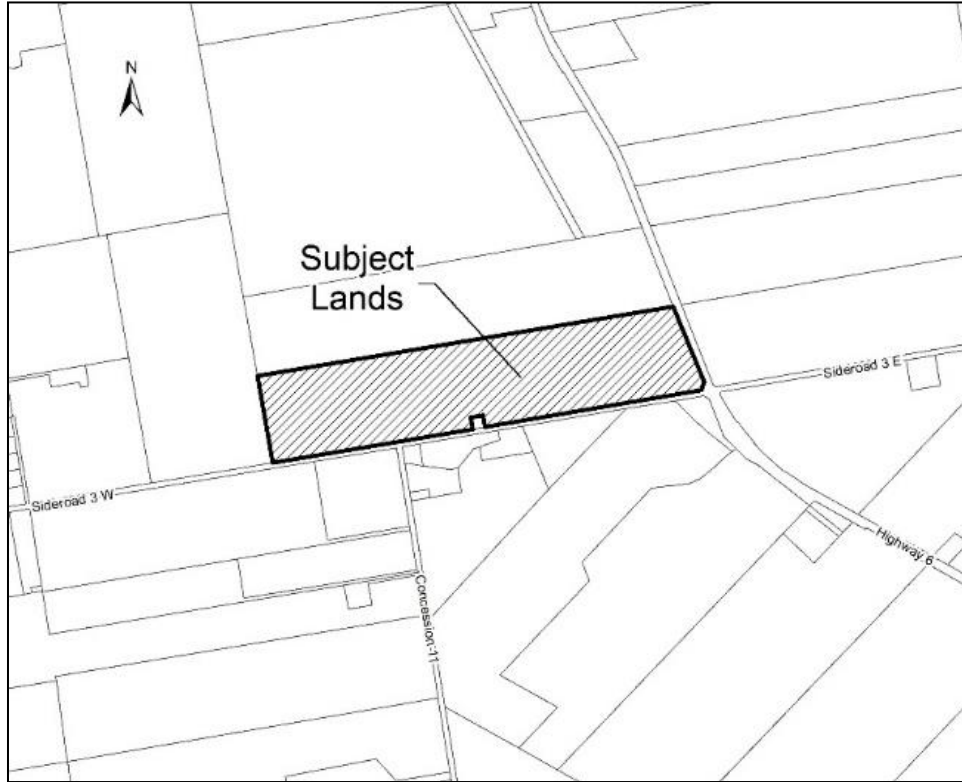
COMMENTS/QUESTIONS FROM COUNCIL

ADJOURNMENT

Recommendation:

THAT the Public meeting of January 29, 2024 be adjourned at _____pm

9724 HIGHWAY 6 - GWEN & DONALD CORMACK





**PLANNING REPORT
for the TOWNSHIP OF WELLINGTON NORTH**

Prepared by the County of Wellington Planning and Development Department

DATE: January 22nd, 2024
TO: Darren Jones, C.B.O.
Township of Wellington North
FROM: Jessica Rahim, Senior Planner
County of Wellington
SUBJECT: **Gwen & Donald Cormack**
9724 Highway 6, Mount Forest
Zoning By-law Amendment (ZBA 23/23)

PLANNING OPINION

The purpose of this zoning amendment is to rezone a portion of the subject land, approximately 19.8 ha (48.9 ac) from Agricultural (A) to Agricultural Commercial Site Specific (AC-xx) to facilitate the construction of a farm equipment sales and service dealership (Maple Lane Farm Service). The applicants are proposing to construct a new 10,200 m² (109,792 ft²) facility with an outdoor equipment display area. The subject property is approximately 47.1 ha (116.4 ac) in size.

The purpose of this report is to provide the Township with an overview of the proposed zoning amendment application and facilitate the public meeting. Further, this statutory public meeting will provide the opportunity for the community and area residents to ask questions and seek more information from the applicant. It will also provide the opportunity for the applicant to address any concerns that may have been raised through the notification process.

Following the public meeting, Planning Staff will consider any comments that are received and will prepare a final report and By-law for Council's consideration.

INTRODUCTION

The subject land is legally described as WOSR Pt Lot 6 Div 3 to 4 RP 60R2342 Parts 1 to 3 61R8418 Part 4 with a civic address of 9724 Highway 6. The subject property is approximately 47.1 ha (116.4 ac) in size and is currently being farmed. An air photo is shown in Figure 1.

PROPOSAL

The purpose of this zoning amendment is to rezone a portion of subject property (approximately 19.8 ha (48.9 ac)) from Agricultural (A) to Agricultural Commercial Site Specific (AC-xx) to facilitate the construction

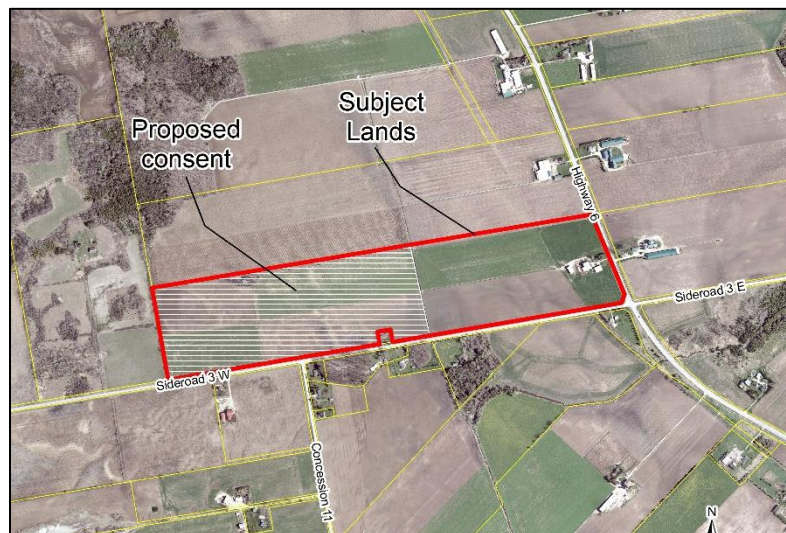


Figure 1: Subject Lands 2020 Aerial Photo Explore Wellington

of a farm equipment sales and service dealership (Maple Lane Farm Service). The applicants are proposing

to construct a new 10,200 m² (109,792 ft²) facility with an outdoor equipment display area. The existing buildings (dwelling and barns) will be demolished to facilitate the construction. See figure 2 below.

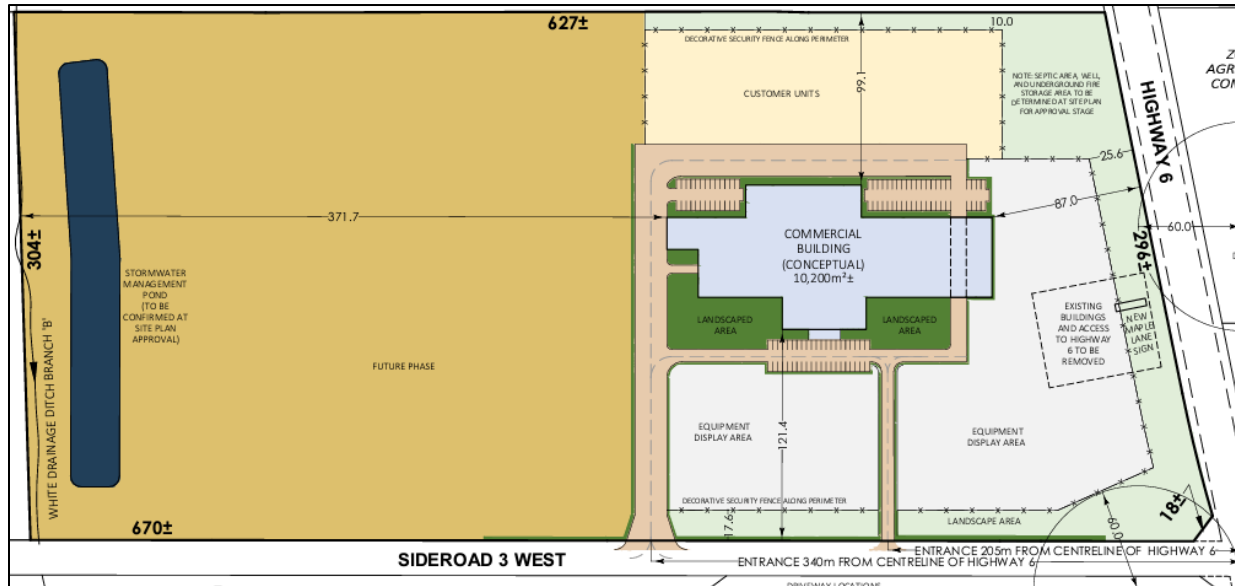


Figure 2: Site Plan submitted by Van Harten Surveying Inc., December 2023

SUPPORTING STUDIES

The applicant has completed the following technical reports and studies in support of the proposed application:

- A Planning Justification Report prepared by Van Harten Surveying Inc.
- A Traffic Impact Study prepared by Salvini Consulting Inc.

RELATED APPLICATION

This rezoning application is a condition of approval of consent application B100/23. The lot line adjustment would sever the west side of the property and merge it with the adjacent farm parcel to the north. This will result in a retained 19.8 ha (48.9 ac) agricultural lot located at the northwest corner of Highway 6 and Sideroad 3 W (subject parcel to be rezoned). The application will be going to the February 10th, 2024, County of Wellington Land Division Committee meeting. See figure 3 below.

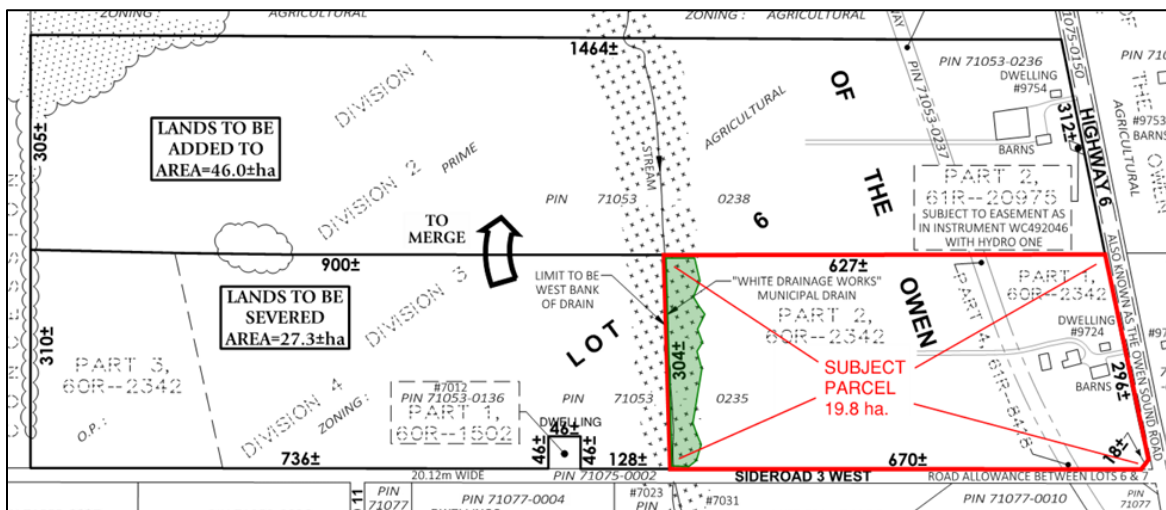


Figure 3: Severance application sketch prepared by Van Harten Surveying Inc., December 2023

PROVINCIAL PLANNING POLICY

Zoning by-law amendments are subject to the Provincial Policy Statement and decisions of a Council “shall be consistent with” the PPS. 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 in the Prime Agricultural Area provided those uses are compatible with and shall not hinder surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.

Guidelines on Permitted Uses in Ontario’s Prime Agricultural Area

The PPS further directs planning applications to be reviewed under more detailed guidelines to help interpret the policies in the PPS on the uses permitted in prime agricultural areas.

Section 2.2 of the guideline document provides criteria for agricultural-related uses in prime agricultural areas. Specifically, *“agricultural-related uses are farm-related commercial and industrial uses. They add to the vitality and economic viability of prime agricultural areas because they are directly related to and service farm operations in the area as a primary activity”*.

“Agricultural-related uses: means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the areas, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as primary activity”.

Section 2.2.1 outlines the criteria that must be met to qualify as agricultural-related uses in prime agricultural areas which include:

1. The uses must be farm-related commercial or farm related industrial use;
2. Shall be compatible, and shall not hinder, surrounding agricultural operations;
3. Directly relates to farm operations in the area;
4. Supports agriculture;
5. Provides direct products and/or services to farm operations as a primary activity; and
6. Benefits from being in close proximity to farm operations.

The planning justification report prepared by Van Harten Surveying Inc. provides a detailed review of Provincial policy and the specific criteria for agricultural-related uses. The report covered that the proposed farm dealership can be considered an agricultural-related use and can be appropriately located in the prime agricultural area.

Minimum Distance Separation (MDS) Document

Section 2.3.3.3 of the PPS requires that new land uses in prime agricultural areas, shall comply with the minimum distance separation formulae. MDS guideline 35 (MDS setbacks for agricultural-related uses and on-farm diversified uses) states:

“MDS I setbacks from existing livestock facilities and anaerobic digesters will generally not be needed for land use planning applications which propose agricultural-related uses and on-farm diversified uses. However, some proposed agricultural-related uses and on-farm diversified uses may exhibit characteristics that could lead to potential conflicts with surrounding livestock facilities or anaerobic digesters. Therefore, it may be appropriate for municipalities to require an MDS I setback to permit certain types of these uses.

Typically, this subset of uses may be characterized by a higher density of human occupation or activity or will be uses that may generate significant visitation by the broader public to an agricultural area.”

“MDS II setbacks to existing agriculture-related uses and on-farm diversified uses will generally not be needed for building permit applications for first or altered livestock facilities and anaerobic digesters. However, some existing agricultural-related uses and on-farm diversified uses may exhibit characteristics that could lead to potential conflicts with first or altered livestock facilities or anaerobic digesters. Therefore, it may be appropriate for municipalities to require MDS II setbacks to certain types of these uses.

Typically, this subset of uses may be characterized by a higher density of human occupation or activity or will be uses that may generate significant visitation by the broader public to an agricultural area.”

The planning justification report prepared by Van Harten Surveying Inc. provided a detailed review of Provincial policy and the specific criteria for agricultural-related uses related to MDS setbacks. The report indicated that the proposed farm dealership can be considered an agricultural-related use that does not require MDS I or MDS II setbacks. Planning Staff are satisfied that MDS I setback are not required, which is consistent with existing tractor dealership uses in the County that meet the criteria for agricultural-related uses.

COUNTY OFFICIAL PLAN

The subject property is designated PRIME AGRICULTURE and CORE GREENLANDS. The identified feature include Saugeen Valley Conservation Authority regulated Hazard Lands. Section 6.4.3 (c), of the plan provides consideration for agriculture related uses. Agriculture-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 6.4.2 of Agriculture First policy 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 use meets this intent.

Section 6.4.5 of the County Official Plan allows small scale agricultural-related businesses to serve agriculture and benefits from being in close proximity that are directly related to the farm operations. The proposed farm equipment sales and service dealership serves directly and only the agricultural community and benefits from being in close proximity to the farms.

Site Plan Approval

Planning Staff note that site plan approval will be required for the proposed development. Based on the provided site plan, it appears the closest neighboring dwelling is approximately 60 m (197 ft) from the proposed new AC zone. Screening and landscaping should be considered as part of the site plan review.

ZONING BY-LAW

The subject lands are zoned Agriculture (A) and Natural Environment (NE). No changes are proposed to the NE zone. The proposal is to rezone a portion of the subject lands (19.8 ha) from Agriculture (A) to a Site Specific Agricultural Commercial (AC-xx) zone to be used for a farm equipment sales and service facility. The proposed use is permitted within the AC zone. Site-specific regulations have also been requested as part of this application for parking and the minimum setbacks from residence on an adjacent lot. The following site-specific relief is being requested:

AC Zone (Section 23.2)	Minimum Required	Proposed	Difference
Setback from residential (Section 23.2.8)	121.9 m (400.0 ft)	60 m (197 ft)	61.9 m (203 ft)
Barrier Free Parking (Section 6.27.5)	8	3	5
Parking Regulations (Section 6.27.8 Table #3)	219	100	119

Planning Staff note that the zoning by-law does not have a parking calculation requirement for this exact use (Agricultural Commercial use). Therefore, the applicant has provided the minimum parking calculation based on “*all other commercial uses*” as outline in the Township zoning by-law. Due to the unique nature of the proposed use which requires the building to accommodate large machinery and considering that type of business that does not have typical peak “busy” hours, Planning staff are satisfied that the reduce parking being proposed is sufficient to accommodate staff (approximately 55 employees) and customers.

Draft Zoning By-law

A draft zoning by-law has been prepared by the applicant’s planner in support of the application. The proposed zoning for the site is attached in Appendix 1.

NEXT STEPS

Following the public meeting, Planning Staff will consider any comments that are received and will prepare a final recommendation report and a draft zoning by-law amendment for Council’s consideration.

Respectfully submitted
 County of Wellington Planning and Development Department



 Jessica Rahim
 Senior Planner

APPENDIX 1

THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH

By-law Number (2024 – xxxx)

A by-law to amend By-law Number 66-01, as amended, known as the Zoning By-law for the Township of Wellington North as it affects property known municipally as 9724 Highway 6, Mount Forest and legally described as Part of Lot 6, West of the Owen Sound Road, Geographic Township of Arthur, Township of Wellington North, County of Wellington.

WHEREAS Section 34(1) of the Planning Act, R.S.O. 1990, c.P.13 authorizes the Council of a Municipality to enact Zoning By-laws;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH ENACTS AS FOLLOWS:

1. By-law Number 66-01, as amended, is hereby further amended by changing the applicable zone on the lands denoted on Schedule 'A' attached, from Agricultural (A) to Agricultural Commercial (AC)-XX.
2. Land zoned Agricultural Commercial (AC)-XX as denoted on Schedule "A" attached, shall be subject to the following:

Notwithstanding any other provision of this zoning by-law to the contrary, the following special provisions shall apply:

 - a) No permitted Agricultural Related Use, including outdoor storage and display areas shall be located within 60.0 m of any residence on a nearby lot existing as of January 1, 2024;
 - b) Minimum Distance Separation setbacks are not applicable to a permitted Agricultural Related Use, however it is recognized that land zoned AC-xx is located within the MDS arc of existing livestock facilities;
 - c) A minimum of two (2) loading spaces are required for a permitted Agricultural Related Use.
 - d) A minimum of one hundred (100) parking spaces are required, inclusive of a minimum of three (3) barrier free spaces for a permitted Agricultural Related Use

This by-law shall come into force and effect on the date of its final passing, subject to the provisions of the Planning Act, 1990 and amendments thereto.

PASSED this ____ day of _____, 2024.

MAYOR

CLERK

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

January 16, 2024

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 23-23
9724 Highway 6
Roll No.: 234900000908000
WOSR PT LOT 6 DIV 3 TO 4 RP 60R2342 PARTS 1 TO 3 61R8418 PART 4
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 purpose and effect of the proposed amendment is to rezone a portion of the subject lands (approximately 19.8 ha) from Agricultural (A) to Agricultural Commercial Site Specific (AC-xx) zone to facilitate the construction of a farm equipment sales and service dealership (Maple Lane Farms Services).

Recommendation

The proposed application is generally acceptable to SVCA staff. We elaborate in the following paragraphs.

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Zoning By-law Amendment 23-23
January 16, 2024
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Background

This proposal is related to the B100-23 application and the majority of the SVCA comments will remain the same for this application. However, there is a concern with the location of the stormwater management pond with the proposed proximity to the White Drainage Works on the west side of the property.

Delegated Responsibility and Advisory Comments-Natural Hazards

SVCA staff has reviewed the application through our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020). We have also reviewed the application through our responsibilities as a service provider to the County of Wellington in that we provide expert advice and technical clearance on *Planning Act* applications with regards to natural hazards, and natural heritage as set out in the PPS, 2020, County Official Plan (OP) and/or local official plans. Comments below only include features/technical requirements affecting the property.

Natural Hazards:

A portion of the property is mapped Hazard due to the White Drainage Works watercourse flows through the property in a North-South alignment. This area is designated as Core Greenlands in the County of Wellington Official Plan (OP), Schedule A6 Wellington North and is zoned Natural Environment (NE) in the Township of Wellington North Zoning By-law, Schedule 'A' Map 1. The Core Greenlands and NE zone identify the natural hazard features affecting the property, namely the White Drainage Works watercourse that flows through the property, as well as any flood plain and/or wetland associated with the watercourse. The Core Greenlands designation and NE zone generally match the SVCA Hazardous Lands for the property as plotted by SVCA staff.

Based on the plans submitted with the application, the proposed stormwater management pond on the western side of the property appears to encroach into the NE zoned lands. The stormwater management pond location should be shifted slightly east to ensure it is not located within the NE zoned lands. Once further details of the stormwater management pond are known, review by the SVCA will be required if within the SVCA Approximate Screening Area.

Provincial Policy Statement – Section 3.1

Section 3.1.1 of the PPS, 2020 states in part that development shall generally be directed to areas outside of hazardous lands, and hazardous sites. Provided the stormwater management pond location can be shifted slightly east to ensure it is not located within the NE zoned lands, the application would be consistent with Section 3.1.1 of the PPS, 2020.

Wellington County OP Policies

Section 5.4.3 of the Wellington County OP generally directs development to be located outside of Hazardous Lands. Provided the stormwater management pond location can be shifted slightly east to ensure it is not located within the NE zoned lands, it is the opinion of SVCA staff that, the application is consistent with Wellington County OP policies.

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Drinking Water Source Protection

The subject property appears to SVCA staff to not be located within an area that is subject to the local Drinking Water Source Protection Plan. To confirm, please contact the Risk Management Official (RMO), Kyle Davis (kdavis@centrewellington.ca) for directly.

SVCA Regulation 169/06

SVCA staff has reviewed the application as per our responsibilities as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). This regulation, made under Section 28 of the *Conservation Authorities Act*, enables SVCA to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands, and wetlands. Subject to the CA Act, development taking place on or adjacent to these lands may require permission from SVCA to confirm that the control of flooding, erosion, dynamic beaches, pollution, or the conservation of land are not affected. SVCA also regulates the alteration to or interference in any way with a watercourse or wetland.

A portion of both the parcel to be severed and parcel to be retained are within the SVCA Approximate Screening Area associated with Ontario Regulation 169/06, as amended. As such, development and/or site alteration within this area may require permission from the SVCA, prior to carrying out the works. For the property, the SVCA Approximate Screening Area includes the watercourse and its floodplain and valley and any wetlands/swamps, as well as an offset distance from these features.

"Development" as defined under the *Conservation Authorities Act* means:

- a) the construction, reconstruction, erection or placing of a building or structure of any kind;
- b) any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;
- c) site grading; or,
- d) the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

And;

"Alteration" as per Section 5 of Ontario Regulation 169/06 generally includes the straightening, diverting or interference in any way with a river, creek, stream or watercourse, or the changing or interfering in any way with a wetland.

To determine where the SVCA Approximate Screening Area is located associated with our Regulation on the property, please refer to the SVCA's online mapping program, available via the SVCA's website at <http://eprweb.svca.on.ca>. Should you require assistance, please contact our office directly.

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SVCA Permission for Development or Alteration

Development or alteration including construction, reconstruction, conversion, grading, filling, or excavation, within the SVCA Approximate Screening Area may require permission (SVCA Permit) prior to the works commencing.

Based on the site plan, the stormwater management pond and outlet(s) will require SVCA review and/or permit. Once further details of the stormwater management pond are known, review by the SVCA will be required if within the SVCA Approximate Screening Area. The property owner/agent is encouraged to contact the SVCA to continue working forward in mitigating issues in the development process.

Summary

SVCA staff has reviewed the application as per our mandated responsibilities for natural hazard management, including our regulatory role under the *Conservation Authorities Act*. The application is generally acceptable to SVCA staff, provided the stormwater management pond location can be shifted slightly east to ensure it is not located within the NE zoned lands. Given the above comments, it is the opinion of the SVCA staff that:

- 1) Consistency with Section 3.1, Natural Hazard policies of the PPS can be demonstrated; and
- 2) Consistency with local planning policies for natural hazards can be demonstrated.

Please inform this office of any decision made by the County of Wellington with regard to the application. We respectfully request to receive a copy of the decisions and notices of any appeals filed.

Please provide the property owner a copy of these comments so they can contact the SVCA to continue with the SVCA permit process. Should you have any questions, please contact the undersigned at j.dodds@svca.on.ca

Sincerely,

Jason Dodds
Environmental Planning Technician
Saugeen Conservation
JD/

cc: Darren Jones, CBO, Township of Wellington North (via email)
Karren Wallace, Clerk, Township of Wellington North (via email)
Steve McCabe, Authority Member, SVCA (via email)
township@wellington-north.com



WELLINGTON NORTH
SEMPER PORRO

January 22, 2024

Tammy Pringle
Township of Wellington North
7490 Sideroad 7W
Kenilworth, ON
N0G 2E0

RE: Public Meeting to Consider Amendments to the
Comprehensive Zoning By-Law 66-01

Infrastructure Department has no comments on the rezoning of this land.

The subject property (9724 Highway 6) will be subject to Site Plan Control application upon which time a detailed engineering review will be completed including review of various designs and reports such as grading, servicing, stormwater management, entrance requirements, and implementation of recommendations from the approved Traffic Impact Study.

Sincerely,

Tammy Stevenson, C.E.T.
Senior Project Manager