

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH
PUBLIC MEETING AGENDA MAY 6, 2024 @ 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:

<https://us02web.zoom.us/j/84374271663>

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: 843 7427 1663

**PAGE
NUMBER**

CALLING TO ORDER

DISCLOSURE OF PECUNIARY INTEREST

ZBA 06/24 James Phillips

ZBA 07/24 Larry Schill

OWNERS/APPLICANT

ZBA 06/24 James Phillips

LOCATION OF THE SUBJECT LAND

The land subject to the proposed amendment is described as Concession 1, Part Lot 5 with civic address of 8196 Wellington Road 109. The subject property is approximately 34.96 ha (86.38 ac) in size. *The location is shown on the map attached.*

4

PURPOSE AND EFFECT OF THE APPLICATION

The purpose and effect of the proposed amendment is to rezone the subject lands to permit an outdoor agricultural and nature based school and day camp as an on-farm diversified use. The property is currently zoned Agricultural (A). 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 April 15, 2024.

PRESENTATIONS

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

- Planning Report dated April 23, 2024 5

CORRESPONDENCE FOR COUNCIL'S REVIEW

Kim Funk, Source Protection Coordinator, Wellington Source Water Protection

- Email dated April 15, 2024 (No Objection) 13

Pasquale Costanzo, Technical Services Supervisor, County of Wellington,
Roads Division

- Email dated April 15, 2024 (Request for Traffic Brief) 15

Jessica Conroy, Resource Planner, Grand River Conservation Authority

- Letter dated April 29, 2024 (Request for Deferral) 17

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

OWNERS/APPLICANT

ZBA 07/24 Larry Schill

LOCATION OF THE SUBJECT LAND

The land subject to the proposed amendment is described as Concession 13, Part Lot 12 with civic address of 9496 Sideroad 13. The subject property is approximately 41.35 ha (102.18 ac) in size. *The location is shown on the map attached.* 21

PURPOSE AND EFFECT OF THE APPLICATION

The purpose and effect of the proposed amendment is to rezone the subject lands from Agricultural (A) Zone to Site Specific Agricultural (A-2) Zone. This application is seeking to rezone the retained agricultural portion of the property to prohibit any future residential development and seeking relief on the severed parcel to recognize the existing accessory structure size. This rezoning is a condition of severance application B148/22, that was granted provisional approval by the Wellington County Land Division Committee. This application

would sever a 0.56 ha (1.38 ac) rural residential parcel with existing dwelling, and two sheds. A vacant 40.79 ha (100.8 ac) agricultural parcel would be retained.

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 April 12, 2024.

PRESENTATIONS

Jessica Rahim, Senior Planner & Jamie Barnes, Junior Planner, County of Wellington, Township of Wellington North

- Planning Report dated April 26, 2024 22

CORRESPONDENCE FOR COUNCIL'S REVIEW

Vivian Vanceeder, Environmental Planning Technician, Saugeen Conservation

- Email received April 24, 2024 with January 18, 2023 Letter to County of Wellington Planning and Land Division Committee (No Objections) 27

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 COMMENTS/QUESTIONS

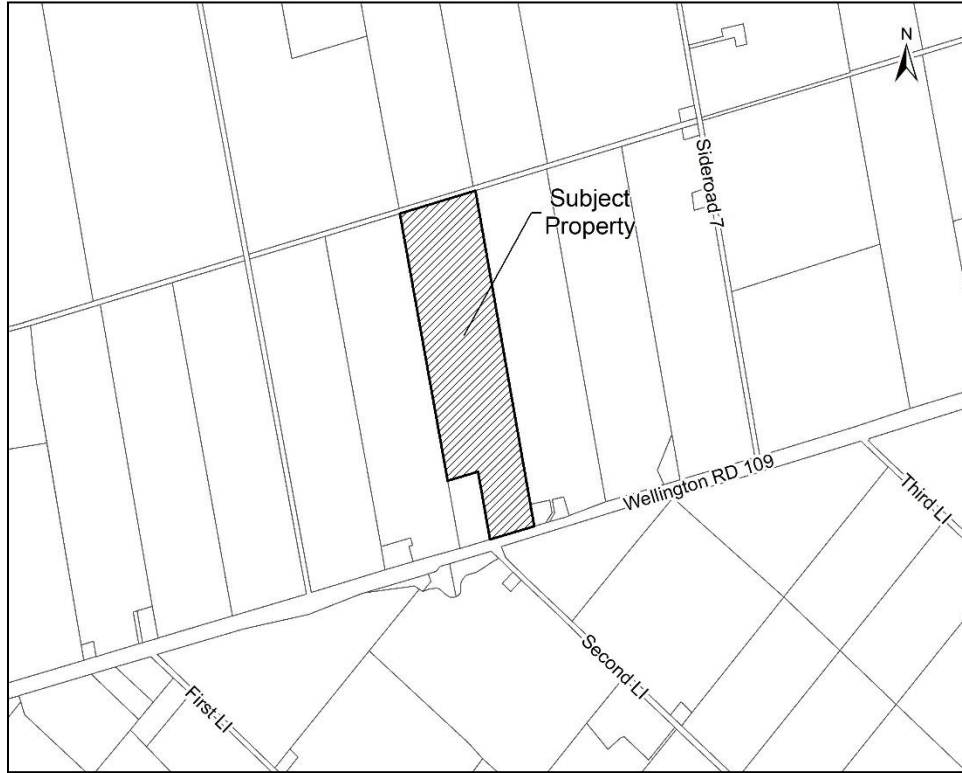
COMMENTS/QUESTIONS FROM COUNCIL

ADJOURNMENT

Recommendation:

THAT the Public meeting of May 6, 2024 be adjourned at

8196 WELLINGTON ROAD 109 – JAMES PHILLIPS





PLANNING REPORT

for the TOWNSHIP OF WELLINGTON NORTH

Prepared by the County of Wellington Planning and Development Department

DATE: April 23, 2023
TO: Darren Jones, CBO
Township of Wellington North
FROM: Curtis Marshall, Manager of Development Planning
County of Wellington
SUBJECT: **Public Meeting Report**
8196 Wellington Road 109 (Con 1, W Part Lot 5)
ZBA 06/24 – James Phillips
Proposed Agricultural Related Outdoor Educational Use

Planning Comment

The purpose of this zoning amendment is to rezone the subject lands from Agricultural (A) to a site specific exception to permit the use of the property for agriculturally related outdoor educational programs. The subject property is approximately 36.96 ha (91.33 ac) in size and contains an existing dwelling. The applicant also owns/operates Copernicus Educational Products which is located on the adjacent property (8194 Wellington Road 109) and is zoned Rural Industrial Exception (RIN-51).

The purpose of this report is to provide the Township with an overview of the proposed zoning by-law amendment 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 an 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 Councils consideration.

INTRODUCTION

The property subject to the proposed amendment is legally described as Concession 1, W Part Lot 5 (West Luther), and municipally known as 8196 Wellington Road 109, Township of Wellington North. The subject property is approximately 36.96 ha (91.33 ac) in size and contains an existing dwelling. The driveway for the property is shared with the adjacent property (8194 Wellington Road 109 – Copernicus Educational Products). The location of the property is shown on Figure 1.

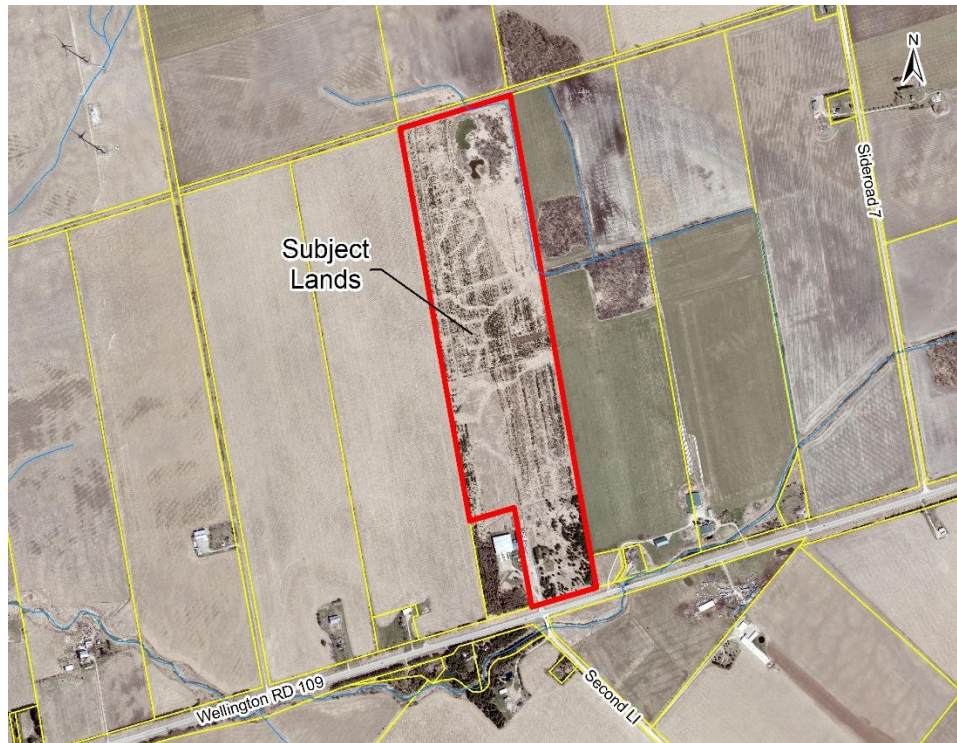


Figure 1: Air photo of subject lands (Source: County of Wellington, 2020)

PROPOSAL

The purpose of this zoning amendment is to rezone the subject lands from Agricultural (A) to a site specific exception to permit the use of the property for agriculturally related outdoor educational programs. According to the provided Planning Justification Report (prepared by Harry Cummings & Associates Inc., dated March 2024) the proposed use will include:

Agricultural Component:

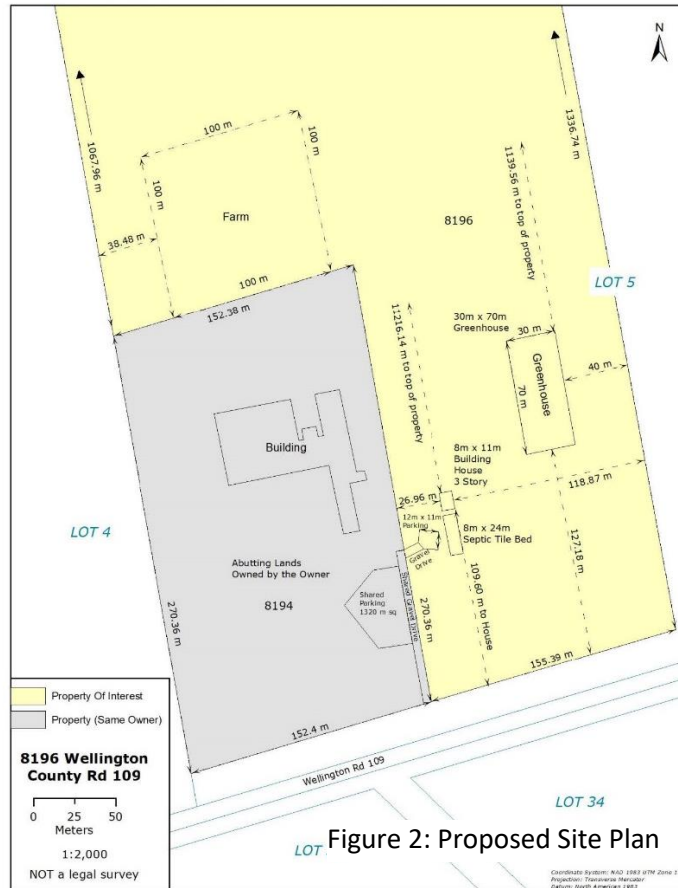
- A market garden agricultural operation, initially 2-3 acres in size.
- A new 30ft x 70ft (2100 ft² or 195 m²) greenhouse building for growing of vegetables.
- Approximately 11.5 ha (28.4 ac) of land is identified for agricultural use.
- Full implementation of the farm plan to take place over 3 years.
- Crops include vegetables and a small orchard.
- A further description of the agricultural operation is outlined in the Planning Justification Report (see section 3.1 of the report).

Educational Component:

- A dedicated outdoor agricultural and nature extracurricular education program for children aged 4-12 from the Arthur area.
- Children to be engaged in the farming activity on the property such as: working the soil, growing plants, seeding, harvesting etc. An educational opportunity is provided without inhibiting the farm activity.
- An outdoor nature component is provided with children learning about, plants, insects, and animals.

- Programs include:
 - a 1 day a week program during the school year (6 children attend a day, each child only attends 1 day a week)
 - A Friday drop-in program for 10 families during the school year (similar to a parent and tot program)
 - a weekly summer program (6 children in a week session)
- Programs will be provided outdoors, except in extreme weather events where children could go into the existing dwelling.
- Washrooms are provided in the existing dwelling.
- The parking area will be utilized on the adjacent property (8194 Wellington Road 109 – Copernicus Educational Products).
- 1 full time staff person to be hired to run the program. Teenage volunteers may also participate.
- An additional staff person could be hired in the future to provide space for another 6 children to attend the program(s) at a time. A ratio of 1 program facilitator to 6 children is proposed.
- A further description of the educational component is outlined in the Planning Justification Report (see section 3.2 of the report).

A copy of the proposed site plan is provided below in Figure 2.



PROVINCIAL POLICY STATEMENT (PPS)

The subject property is located within the PRIME AGRICULTURAL AREA. Section 2.3.3.1 of the PPS allows for agricultural, agriculture-related and on-farm diversified uses. Proposed agriculture-related and on-farm diversified uses shall be 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.

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”.

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”.

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 2.3 of the Guidelines identifies that “a wide variety of uses may qualify as on-farm diversified uses based on the PPS definition, as long as they meet the criteria described below. On-farm diversified uses should be related to agriculture, supportive of agriculture or able to co-exist with agriculture without conflict. On-farm diversified uses are intended to enable farm operators to diversify and supplement their farm income, as well as to accommodate value-added and agri-tourism uses in prime agricultural areas.”

All of the following criteria must be met to qualify as an on-farm diversified uses in accordance with the PPS:

1. The use is located on a farm.
2. The use is secondary to the principal agricultural use of the property.
3. Limited in area.
4. Includes, but is not limited to, home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products.
5. Shall be compatible with, and shall not hinder, surrounding agricultural operations.

The Planning Justification Report prepared by Harry Cummings & Associates Inc. provides a review of Provincial policy and the specific criteria for on-farm diversified uses. The report provides the opinion that the proposed use “supports the agricultural land base and promotes a diversified rural economy”, “fully aligns with the PPS” and meets the criteria for an on-farm diversified use.

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 agriculture-related uses and on-farm diversified uses) outlines that MDS I & II setbacks do not generally apply to agriculture-related, and on-farm diversified uses unless the use is characterized as having a “higher density of human occupancy or activity or will be uses that may generate significant visitation by the broader public to an agricultural area. Examples include, but are not limited to: food service, accommodation, agri-tourism uses and retail operations”.

Planning Staff note that MDS does not apply to most on-farm diversified uses, however MDS has been considered for proposed wedding/event venues on farms (where there would be large numbers of guests) within the County.

COUNTY OFFICIAL PLAN

The subject property is designated PRIME AGRICULTURE and Core Greenlands (Wetlands) in the Official Plan. Permitted uses include agricultural uses, agricultural related uses and secondary uses including home businesses and farm businesses. A small portion at the rear of the property is designated Core Greenlands due to the presence of a wetland.

Section 6.4.4 of the Official Plan further addresses home businesses and farm businesses and states the following:

Home businesses are home occupations and home industries that are secondary to the principal use of the property and may be allowed, subject to zoning provisions, as a means of supplementing farm incomes and providing services in agricultural areas and may include:

- *small home occupations conducted from the main residence with employment normally limited to the occupants of the property – examples include bed and breakfast, day care, hairdresser, and professional services;*
- *home industries which are small in scale with a limited number of employees, and minimal off-site impacts – examples include minor equipment repair, woodworking, crafts, and welding;*

Farm businesses are small scale businesses that provide value-added products from the farm and may be allowed subject to zoning provisions – examples include:

- *farm vacation enterprises;*
- *cottage wineries;*
- *value-added processing or packing;*
- *sales outlets for agricultural products produced on the farm;*
- *seed cleaning;*
- *pick-your-own,*
- *catch-your-own operations*

The policies of section 6.4.4 of the Official Plan implement the “on-farm diversified use” provisions of the Provincial Policy Statement. In other words, “on-farm diversified uses” are permitted and facilitated as home industries and farm businesses (secondary uses) in the Official Plan.

TOWNSHIP ZONING BY-LAW

The subject lands are zoned Agriculture (A) and Natural Environment (NE) in the Township Zoning By-law. Permitted uses include Agricultural Uses and Home Industries (subject to regulations under Section 6.14). Home industries are generally limited to carpentry, welding and other small shops by the Zoning By-law.

The adjacent property- 8194 Wellington Road 109 – Copernicus Education Products, also owned by the applicant is zoned Rural Industrial Exception (RI-51). The site specific exception permits an existing residential dwelling on the property. The dwelling has been removed.

DRAFT ZONING BY-LAW

A draft zoning by-law was not submitted in support of the application. In absence of the draft By-law, Planning Staff have prepared a draft zoning by-law amendment (attached as **Schedule 1**) which reflects the applicant’s wording of the proposed use.

NEXT STEPS

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

Respectfully submitted,

County of Wellington Planning and Development Department



Curtis Marshall, MCIP RPP
Manager of Development Planning

Schedule 1 – Draft Zoning By-law Amendment Prepared For the Applicant

**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**

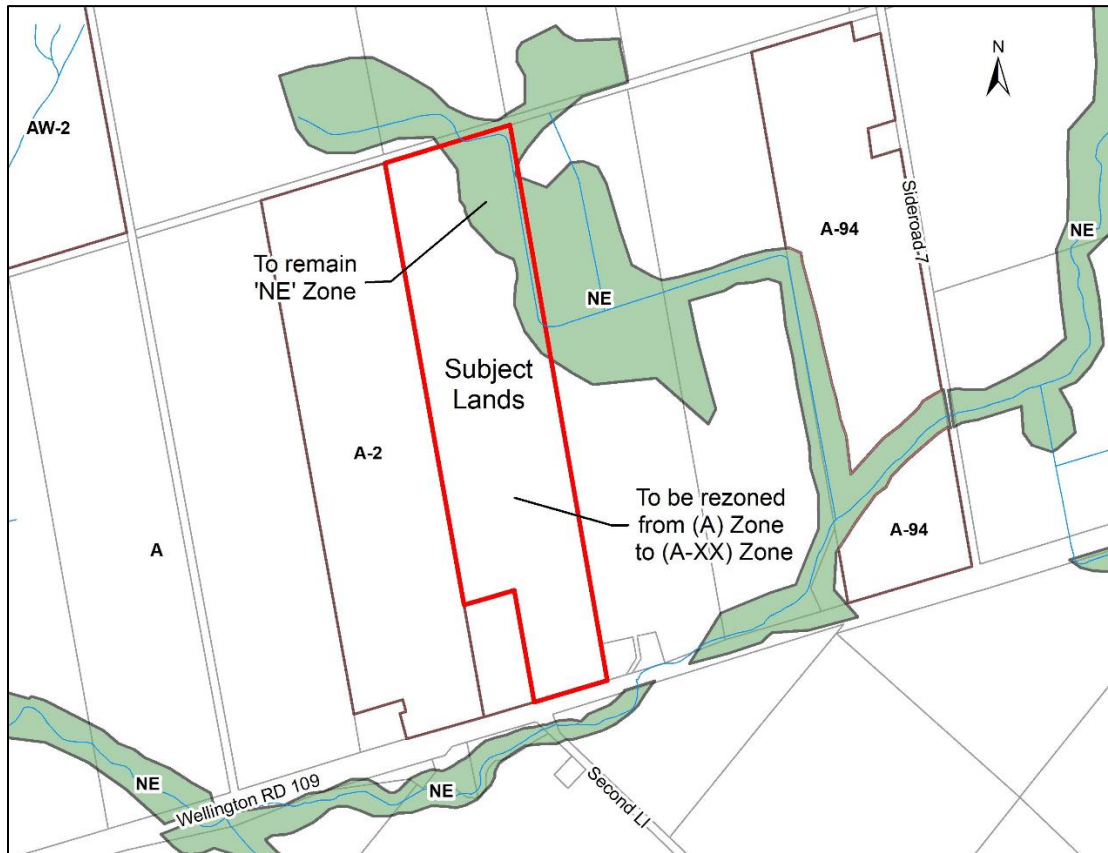
WHEREAS, the Council of the Corporation of the Township of Wellington North deems it necessary to amend By-law Number 66-01; as amended pursuant to Sections 34 of The Planning Act, R.S.O. 1990, as amended

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

1. THAT Schedule “A-1” of By-law 66-01 is amended by changing the zoning on lands described as proposed amendment is legally described as Concession 1, W Part Lot 5 (West Luther), and municipally known as 8196 Wellington Road 109, Township of Wellington North, as shown on Schedule “A” attached to and forming part of this By-law from:
 - **Agricultural (A) to Agricultural Exception (A-xx)**
2. THAT Section 33, Exception Zone 3 – Rural Areas, is amended by adding the following new exceptions:

33.xx 8196 Wellington Road 109 Concession 1, W Part Lot 5 (West Luther)	A-xx	In addition to the permitted uses of the Agricultural Zone (A) an agriculture-related outdoor nature education program is also permitted on the property.
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Schedule A to By-law _____



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 _____, 2024

READ A THIRD TIME AND PASSED THIS _____ DAY OF _____, 2024

MAYOR

CLERK

Tammy Pringle

From: Source Water <sourcewater@centrewellington.ca>
Sent: April 15, 2024 8:26 AM
To: Tammy Pringle
Cc: Source Water; wellington+3174714@lswims.ca
Subject: RE: NOTICE OF PUBLIC MEETING TO CONSIDER AMENDMENTS TO ZONING BY-LAW:
ZBA 06/24 8196 Wellington Rd 109

Good Morning Tammy,

Thank you for providing the above referenced application for review. Since this property is located in a vulnerable area (wellhead protection area, issues contributing area, intake protection zone etc.), but the activity(ies), as indicated, would not create a significant drinking water threat, the application can be screened out and it does not require a Section 59 notice under the *Clean Water Act*.

If you have any further questions regarding this application, or in the event of any technical problem with the email, please contact me.

Thanks,

Kim

From: Tammy Pringle <tpringle@wellington-north.com>
Sent: Friday, April 12, 2024 3:28 PM
Subject: NOTICE OF PUBLIC MEETING TO CONSIDER AMENDMENTS TO ZONING BY-LAW: ZBA 06/24 8196 Wellington Rd 109

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

TOWNSHIP OF WELLINGTON NORTH

A NOTICE OF A PUBLIC MEETING TO CONSIDER AMENDMENTS TO THE COMPREHENSIVE ZONING BY-LAW 66-01

APPLICATION NUMBER: ZBA 06/24

TAKE NOTICE that the Council of the Corporation of the Township of Wellington North has received a complete application to consider a proposed amendment to the Comprehensive Zoning By-law 66-01, pursuant to Section 34 of the *Planning Act, R.S.O. 1990*, as amended.

A Public Meeting will be held by the Wellington North Council to consider this on:

Monday, May 6, 2024 @ 2:00 p.m.

HOW TO JOIN

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

Please click this URL to join. <https://us02web.zoom.us/j/84374271663>

Description: Public Meeting Under the Planning Act

Join by phone:

Dial: 855 703 8985 (Toll Free) or 1 438 809 7799 (*long distance charges may apply*)

Webinar ID: 843 7427 1663

Or

Attend in person:

Township of Wellington North, Administration Office, Council Chambers
7490 Sideroad 7 West, Kenilworth

Location of the Subject Land

The lands subject to the proposed amendment are described as Concession 1, Part Lot 5 with civic address of 8196 Wellington Road 109. The subject property is approximately 34.96 ha (86.38 ac) in size. The location is shown on the map below.

The Purpose and Effect of the Application

The purpose and effect of the proposed amendment is to rezone the subject lands to permit an outdoor agricultural and nature based school and day camp as an on-farm diversified use. The property is currently zoned Agricultural (A). Additional relief may be considered at this meeting.



Tammy Pringle

Development Clerk

Township of Wellington North

519.848.3620 ext. 4435 | 7490 Sideroad 7 W, PO Box 125 Kenilworth ON N0G 2E0

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Tammy Pringle

From: Pasquale Costanzo <pasqualec@wellington.ca>
Sent: April 15, 2024 9:11 AM
To: Tammy Pringle
Cc: Curtis Marshall; Jessica Rahim
Subject: RE: NOTICE OF PUBLIC MEETING TO CONSIDER AMENDMENTS TO ZONING BY-LAW:
ZBA 06/24 8196 Wellington Rd 109

Hi Tammy,

The Wellington Roads requests that a Traffic Brief be completed to review access entering/leaving the site.

Any questions please let me know.
Take care

Pasquale Costanzo, C.E.T., CMMII Infrastructure Specialist
Technical Services Supervisor
County of Wellington, Roads Division
T 519.837.2601 x 2250
E pasqualec@wellington.ca

From: Tammy Pringle <tpringle@wellington-north.com>
Sent: Friday, April 12, 2024 3:28 PM
Subject: NOTICE OF PUBLIC MEETING TO CONSIDER AMENDMENTS TO ZONING BY-LAW: ZBA 06/24 8196 Wellington Rd
109

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TOWNSHIP OF WELLINGTON NORTH

A NOTICE OF A PUBLIC MEETING TO CONSIDER AMENDMENTS TO THE COMPREHENSIVE ZONING BY-LAW 66-01

APPLICATION NUMBER: ZBA 06/24

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Tammy Pringle

Development Clerk

Township of Wellington North

519.848.3620 ext. 4435 | 7490 Sideroad 7 W, PO Box 125 Kenilworth ON N0G 2E0

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Administration Centre: 400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

Phone: 519-621-2761 Toll free: 1-866-900-4722 Fax: 519-621-4844 www.grandriver.ca

April 29, 2024

via email

GRCA File: ZBA06-24 - 8196 Wellington Road 109

Tammy Pringle
Development Clerk
Township of Wellington North
7490 Sideroad 7 West, PO Box 125
Kentilworth, ON, N0G 2E0

Dear Tammy Pringle,

Re: Zoning By-law Amendment Application ZBA 06/24
8196 Wellington Road 109, Township of Wellington North
James Phillips

Grand River Conservation Authority (GRCA) staff has reviewed the above-noted application for zoning by-law amendment. We understand that the purpose and effect of the proposed amendment is to rezone the subject lands to permit an outdoor agricultural and nature based school and day camp as an on-farm diversified use.

Recommendation

At this time, the GRCA recommends deferral of this zoning by-law amendment application to allow the applicant to provide additional information. For the GRCA to support this application, the applicant would need to demonstrate that safe access is available to the proposed day camp/school through completion of a hydraulic analysis and topographic survey. Please see detailed comments below.

Documents Reviewed by Staff

GRCA staff have reviewed the following documents submitted with this application, received by GRCA staff on April 12, 2024:

- Notice of Public Meeting (Township of Wellington North, dated April 15 2024);
- Application for Zoning By-law Amendment (Township of Wellington North, dated March 20 2024); and
- Planning Justification Report (Prepared by Harry Cummings & Associates Inc., dated March 2024).

GRCA Comments

GRCA has reviewed this application under the Mandatory Programs and Services Regulation (Ontario Regulation 686/21), including acting on behalf of the Province regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020), as a regulatory authority under Ontario Regulation 41/24 and as a public body under the *Planning Act* as per our CA Board approved policies.

Information currently available at this office indicates that the subject property contains floodplain associated with the Conestogo River and the associated regulated allowance. A copy

of our resource mapping is attached. A portion of the subject lands are also designated Core Greenlands within the County of Wellington Official Plan.

Due to the presence of the floodplain, a portion of the subject property is regulated by the GRCA under Ontario Regulation 41/24. Any future development or other alteration within the regulated area on the subject property will require prior written approval from GRCA in the form of a permit.

We understand that the property is currently zoned Agricultural (A), and the purpose and effect of the proposed amendment is to rezone the subject lands to permit an outdoor agricultural and nature-based school and day camp. Based on information we currently have available, the entire frontage of the property is within floodplain and safe access does not appear available. If safe access is not present, the GRCA would not be able to support the proposed re-zoning.

The Provincial Policy Statement (PPS, 2020) states that development shall not be permitted in hazardous lands where the use is an institutional use including day cares and schools.

The County of Wellington Official Plan directs development away from areas in which conditions exist which would pose risks to public health and safety or property caused by natural hazards. The Official Plan does not permit development in hazardous lands where the use is an institutional use associated with day care and schools where there is a threat to safe evacuation during an emergency as a result of flooding.

GRCA policies also do not permit an institutional use associated with day care or schools in the floodplain, or where there is a threat to the safe evacuation of the young.

Based on the above-noted policies, in order for the GRCA to support the proposed day camp/school use, it must be clearly demonstrated at a minimum that there is safe access during a flooding event. As such, GRCA recommends deferral of the proposed application so that the applicant may provide the additional required information.

Safe Access means locations where during the Regulatory Flood, the flow velocity does not exceed 1.7 m/s, the product of depth and velocity does not exceed 0.4 m² /s, the depth of flooding does not exceed 1.2 metres along access routes to commercial or industrial buildings or structures, and the depth of flooding does not exceed 2.0 metres adjacent to commercial or industrial buildings or structures.

Current GRCA mapping indicates that the subject property contains floodplain; however, the floodplain is *estimated* and we do not have a floodplain model available for the subject property. This means the floodplain may be different or greater than current mapping suggests. An Estimated Regulatory Floodplain Elevation (RFE) at this location is 465.5 metres (CGVD2013). As estimated velocity for the subject property is 1.0 m/s. Based on our current information, it appears that safe access may not be available.

As such, the GRCA requires a hydraulic (floodplain) analysis to be completed to more accurately define the floodplain boundary and demonstrate safe access is available to the property. Should the applicant choose to proceed with the analysis, GRCA staff would be available to review the proposed scope of the study.

A topographic survey, completed by a licenced Ontario Land Surveyor (OLS), would also be required to accurately determine the existing elevations on the property and along the road and delineate the floodplain boundary based on site specific elevations.

In summary, GRCA requests the following in support of this zoning by-law amendment application:

- Detailed site plans including:
 - Existing and proposed uses and structures.
 - The floodplain boundary should be clearly delineated on all plans. The vertical datum used (for example, CGVD 28 or CGVD 2013) should also be clearly indicated.
 - Generally new development should be outside of the floodplain boundary.
- Topographic survey, completed by an OLS, showing existing elevations on the property and on the road to confirm safe access.
- Hydraulic analysis demonstrating Safe Access is available to the proposed day camp/school. The applicant is advised to consult with the GRCA for scoping the analysis.
 - A terms of reference should be submitted to the GRCA for review and approval.

Fees

Consistent with GRCA's approved fee schedule, this application is considered a 'minor' zoning by-law amendment application and the applicant will be invoiced in the amount of \$465 for the GRCA's review of this application. If the applicant chooses to proceed with the hydraulic analysis, the major fee of \$2,500 would apply for the GRCA's review. The GRCA would invoice the applicant for the difference.

Should you have any questions, please contact me at jconroy@grandriver.ca or 519-621-2763 ext. 2230.

Sincerely,



Jessica Conroy, MES Pl.
Resource Planner
Grand River Conservation Authority

Enclosed: GRCA Map

Copy: James Phillips – Owner (via email)
County of Wellington (via email)



8196 Wellington Road 109,
Wellington North

Legend

- Regulation Limit (GRCA)
- Floodplain (GRCA)
 - Engineered
 - Estimated
 - Approximate
- Floodplain - Special Policy Area (GRCA)
- Slope Erosion (GRCA)
 - Steep
 - Oversteep
 - Toe
- Slope Valley (GRCA)
 - Steep
 - Oversteep
- Regulated Watercourse (GRCA)
- Regulated Waterbody (GRCA)
- Wetland (GRCA)
- Lake Erie Flood (GRCA)
- Lake Erie Shoreline Reach (GRCA)
- Lake Erie Dynamic Beach (GRCA)
- Lake Erie Erosion (GRCA)
- Parcel (Wellington)
- Conservation Area Boundary (GRCA)



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Disclaimer: This map is for illustrative purposes only. Information contained herein is not a substitute for professional review or a site survey and is subject to change without notice. The Grand River Conservation Authority takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user.

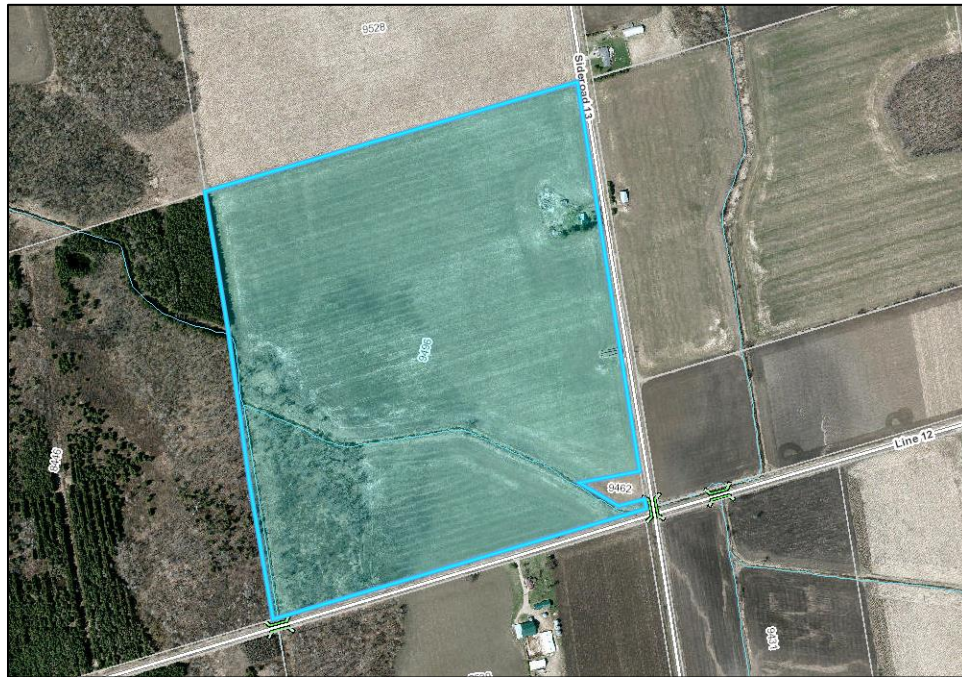
The source for each data layer is shown in parentheses in the map legend. See Sources and Citations for details.

Scale 1:8,976

NAD83 UTM zone 17 (EPSG:26917)



9496 SIDEROAD 14 – LARRY SCHILL





PLANNING REPORT
for the TOWNSHIP OF WELLINGTON NORTH
Prepared by the County of Wellington Planning and Development
Department

DATE: April 26th, 2024
TO: Darren Jones, C.B.O
Township of Wellington North
FROM: Jessica Rahim, Senior Planner
Jamie Barnes, Junior Planner
County of Wellington
SUBJECT: **Larry Schill**
Concession 13, Part Lot 12
9496 Sideroad 13
Zoning By-law Amendment (ZBA07/24)

Planning Opinion

The purpose of this zoning amendment is to prohibit future residential development on the retained agricultural portion of the property. This rezoning is a condition of severance application B148/22, that was granted provisional approval by the Wellington County Land Division Committee. This application would sever a 0.56 ha (1.38 ac) rural residential parcel with existing dwelling, and two sheds. A vacant 40.79 ha (100.8 ac) agricultural parcel would be retained.

We have no objections to the zoning amendment. Both the PPS and County Official Plan provide for surplus farm dwelling severances, provided the agricultural lands are rezoned to prohibit future development dwellings.

INTRODUCTION

The property subject to the proposed amendment is legally described as Concession 13, Part Lot 12 with a civic address of 9496 Sideroad 13. The proposal is a condition of a recent severance application B148/22 on the property. The proposed severed parcel is 0.56 ha (1.38 ac) with an existing dwelling and two sheds. A 40.79 ha (100.8 ac) agricultural parcel is retained. The location of the property is shown on Figure 1.

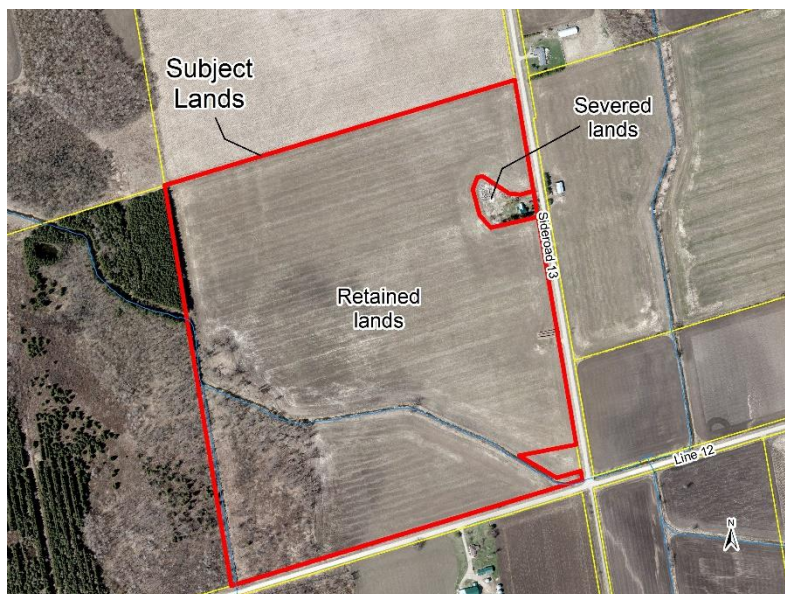


Figure 1. 2020 Aerial photo

PROPOSAL

The purpose of this zoning amendment is to prohibit future residential development on the retained agricultural portion of the subject land. This rezoning is a condition of severance application B148/22, that was granted provisional consent by the Wellington County Land Division Committee. The consent will sever the existing dwelling and two sheds from the agricultural parcel under the surplus farm dwelling policies.

PROVINCIAL POLICY STATEMENT (PPS)

The subject property is considered to be within a PRIME AGRICULTURAL area. Section 2.3.4.1(c) of the PPS provides consideration for the severance of a surplus residence, provided that new residential dwellings are prohibited on the remnant parcel of farmland.

WELLINGTON COUNTY OFFICIAL PLAN

The subject lands are designated as PRIME AGRICULTURE, GREENLANDS and CORE GREENLANDS. Identifying features include Provincially Significant Wetlands, Provincially Significant Wooded Areas and Saugeen Valley Conservation Area Hazard Lands. This application is submitted to facilitate a condition of the proposed severance application B148/22. Section 10.3.4 of the Official Plan implements the PPS and requires that the remnant parcel be rezoned to prohibit dwellings. The intention of this policy is to allow farmers to reduce their costs of acquiring additional farm parcels where the impact on existing and future farm operations can be kept to a minimum.

WELLINGTON NORTH ZONING BY-LAW

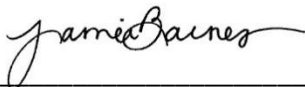
The subject lands are zoned Agricultural (A) and Natural Environment (NE). Permitted uses in the Agricultural zone include agricultural uses, single detached dwellings and accessory uses, buildings and structures. This zoning amendment will apply the standard A-2, which will restrict any future residential development on the retained agricultural parcel.

Draft Zoning By-law Amendment


A draft zoning by-law amendment has been prepared and attached to this report for Council's consideration.

Respectfully submitted

County of Wellington Planning and Development Department



Jamie Barnes,
Junior Planner



Jessica Rahim,
Senior Planner

**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 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 lands legally described as Concession 13, Part Lot 12 with civic address of 9496 Sideroad 13 as shown on Schedule "A" attached to and forming part of this By-law from **Agricultural (A) to Site-Specific Agricultural (A-2)**.
2. 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.
3. THAT this By-law shall come into effect from the date of passing by Council and come into force in accordance with the requirements of the Planning Act, R.S.O., 1990, as amended.

THAT this By-law shall come into effect upon the final passing thereof pursuant to Section 34(21) and Section 34(22) of The Planning Act, R.S.O., 1990, as amended, or where applicable, pursuant to Sections 34 (30) and (31) of the Planning Act, R.S.O., 1990, as amended.

READ A FIRST AND SECOND TIME THIS _____ DAY OF _____, 2024

READ A THIRD TIME AND PASSED THIS _____ DAY OF _____, 2024

_____.

MAYOR

_____.

CLERK

THE TOWNSHIP OF WELLINGTON NORTH

BY-LAW NO. _____

Schedule "A"



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

Passed this ___ day of _____ 2024

MAYOR

CLERK

EXPLANATORY NOTE

BY-LAW NUMBER _____.

THE LOCATION OF THE SUBJECT LANDS

The subject property is legally described as Concession 13, Part Lot 12 with a civic address of 9496 Sideroad 13. The proposed severed parcel is 0.56 ha (1.38 ac) with an existing dwelling and two sheds. A 40.79 ha (100.8 ac) agricultural parcel is retained. The subject lands are currently zoned Agricultural (A) and Natural Environment (NE).

THE PURPOSE AND EFFECT of the amendment is to rezone the subject lands to prohibit future residential development on the retained agricultural portion of the subject land. This rezoning is a condition of severance application B148/22, that was granted provisional consent by the Wellington County Land Division Committee. The consent will sever the existing dwelling and two sheds from the agricultural parcel under the surplus farm dwelling policies.

Tammy Pringle

From: Vivian Vanceeder <v.vanceeder@svca.on.ca>
Sent: April 24, 2024 3:54 PM
To: Tammy Pringle
Cc: Darren Jones; Karren Wallace; Steve McCabe; township
Subject: SVCA Comments ZBA 07/24
Attachments: SVCA Comments_B-2022-148 (Schill co Wilson Ford Surveying).pdf

Good Afternoon Tammy,

Please see previous comments dated January 18, 2023, for B-2022-148, that are generally still applicable.

Kind Regards,

Vivian Vanceeder

Environmental Planning Technician

1078 Bruce Road 12, P.O. Box 150, Formosa ON N0G 1W0

Office: 519-364-1255 Ext. 243

v.vanceeder@svca.on.ca

www.saugeenconservation.ca



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SENT ELECTRONICALLY ONLY (debt@wellington.ca)

January 18, 2023

County of Wellington Planning and Land Division Committee
Wellington County Administration Centre
74 Woolwich Street
Guelph, Ontario N1H 3T9

ATTENTION: Deborah Turchet, Secretary-Treasurer

Dear Ms. Tuchert,

RE: Application for Consent B-2022-148 (Schill c/o Wilson Ford Surveying)
9496 Sideroad 13
Part Lot 12, Concession 13
Roll No. 234900001607400
Geographic Township of Luther
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 3.1 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, and natural heritage; and the application has been reviewed through our role as a public body under the *Planning Act* as per our CA Member approved Environmental Planning and Regulations Policies Manual, amended October 16, 2018.

In accordance with the *More Homes Built Faster Act, 2022*, which was passed last fall, amendments were made to the *Conservation Authorities Act* in support of Ontario's Housing Supply Action Plan, which came into effect January 1, 2023. Following the passing of these legislative amendments, a new Ontario Regulation 596/22 was made under the *Conservation Authorities Act* which also became effective January 1, 2023. Under this new regulation, conservation authorities are no longer able to review and provide commenting services on natural heritage for proposals under the *Planning Act*. However, as an interim measure for the benefit of the County/Municipality, we provide a summary of natural heritage interests for applications received by this office before January 1, 2023.

Purpose

Proposed severance is 0.56 hectares with 43.9m frontage, existing and proposed rural residential use with existing dwelling and shed.

Retained parcel is 40.79 hectares with 637.1m frontage, existing and proposed agricultural use.

Recommendation

The proposed application is generally acceptable to SVCA staff.

Delegated Responsibility and Advisory Comments

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

Large portions of the property are designated as Core Greenlands and Greenlands in the Wellington County Official Plan (OP) Schedule A6 Wellington North. The Core Greenlands designation is identifying the Provincially Significant Wetland (PSW) and the watercourse and its floodplain on the property. These areas are also zoned Natural Environment Zone (NE) in the Township of Wellington North Zoning By-law 66-01, Schedule 'A' Map 1. The Core Greenlands designation and NE zone generally match the SVCA Hazardous Lands for the property as plotted by SVCA staff. In general, no new buildings or structures are permitted in the Core Greenlands or Greenlands designation or in the NE zone.

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. It is the opinion of SVCA staff that the application is 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. It is the opinion of SVCA staff that the application appears to be consistent with the natural hazard/Greenland policies of the Wellington County OP.

Natural Heritage

As part of SVCA staff's desktop review, the following significant natural heritage features were identified as affecting the property: provincially significant wetlands (PSWs), significant woodlands, areas of natural and scientific interest (ANSI), fish habitat and its adjacent lands, significant wildlife habitat, and habitat of endangered species and threatened species.

Provincial Policy Statement – Section 2.1

Section 2.1 of PPS states in part that development shall not be permitted in PSWs, significant woodlands, ANSIs, fish habitat and its adjacent lands, significant wildlife habitat, and habitat of endangered species

and threatened species, and the adjacent lands to be above referenced features, except in accordance with the specific policies found in Section 2.1.

Wellington County OP Policies

Provincially Significant Wetlands (PSW)

Portions of the Luther Marsh PSW are located on the property and on the lands adjacent to the property. According to Section 5.4.1 of the Wellington County OP, PSWs are included in the Core Greenlands designation and are also shown on Schedule A6 Wellington North of the Wellington County OP. In general, development and site alteration are not permitted in wetlands which are considered provincially significant. In the opinion of SVCA staff, impacts to the PSW or its adjacent lands will be negligible as a result of this proposal, as the parcel to be severed will not include any PSW. As such, SVCA staff do not recommend the preparation of an Environmental Impact Study (EIS) to address the PSW or the adjacent lands at this time.

Significant Woodlands

Significant woodlands are included in the Core Greenlands and Greenlands designation and shown on Schedule A6-Wellington North of the Wellington County OP. Significant woodlands are located on the property and on the lands adjacent to the property. In the opinion of SVCA staff, impacts to significant woodlands or their adjacent lands will be negligible as part of this proposal. As such, SVCA staff do not recommend the preparation of an EIS to address the significant woodlands or their adjacent lands at this time.

Life Science Area of Natural and Scientific Interest (ANSI)

The property is within the adjacent lands to the Luther Marsh Life Science ANSI. ANSIs are included in the Greenlands designation as shown on Schedule A6 Wellington North of the Wellington County OP. Section 5.5.2 of the Wellington County OP states, in part, that provincially and regionally significant ANSIs will be protected from development or site alteration which would have a negative impact on the natural features or its ecological function. In the opinion of SVCA staff, the preparation of an EIS to address potential impacts to the Life Science ANSI or its ecological function is not recommended for this proposal at this time.

Fish Habitat and its Adjacent Lands

The West Luther Municipal Drain #26 flows through the property and the adjacent lands to the property. This watercourse is considered fish habitat by SVCA staff. Our review of fish habitat is provided in consideration of the PPS and local policies but does not provide clearance on the required status or legislation from either the Ministry of Natural Resources and Forestry (MNRF) or the Department of Fisheries and Oceans (DFO). Section 5.4.2 of the Wellington County OP states, in part, that development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements. It is the opinion of SVCA staff that the negative impacts to fish habitat and its adjacent lands as a result of this proposal will be negligible. As such, SVCA staff do not recommend the preparation of an EIS to address the potential impacts to fish habitat or their adjacent lands at this time.

Significant Wildlife Habitat

It has come to the attention of SVCA staff that significant wildlife habitat may be located on and/or on lands adjacent to the property. Section 5.5.1 of the Wellington County OP states, in part, that development and site alteration shall not be allowed within significant wildlife habitat, unless it has been demonstrated

that there will be no negative impacts to the habitat or its ecological functions. In the opinion of SVCA staff, an EIS is not recommended to address significant wildlife habitat as SVCA staff does not anticipate any negative impacts to significant wildlife habitat resulting from this proposal.

Significant Habitat of Endangered Species or Threatened Species

It has come to the attention of SVCA staff that habitat of endangered species and threatened species may be located on and/or on lands adjacent to the property. Section 5.4.2 of the Wellington County OP states, in part, that development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements. SVCA's role is to identify endangered and threatened species habitat via screening process in consideration of the PPS and local policies but we must direct applicants to the Ministry of the Environment, Conservation and Parks (MECP) for follow-up. It is the responsibility of the applicant/agent to ensure the endangered species and threatened species policy referred to in the PPS has been appropriately addressed. Please contact the MECP at SAROntario@ontario.ca for information on how to address this policy.

Drinking Water Source Protection Plan

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).

STATUTORY COMMENTS

SVCA staff has reviewed the proposal 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.

The parcel to be severed is not subject to the SVCA's Regulation, however the southern portion of the parcel to be retained is within the SVCA Approximate Screening Area associated with Ontario Regulation 169/06, as amended. As such, development and/or site alteration within the SVCA Approximate Screening Area may require permission from SVCA, prior to work commencing.

For the parcel to be retained, the SVCA Approximate Screening Area represents the watercourse/drain and its related floodplain as well as the provincially significant wetlands that are located on the property and adjacent lands, plus an offset distance outwards 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 the SVCA Approximate Screening Area on the property, please refer to the SVCA’s online mapping program, available via the SVCA’s website at <http://epweb.svca.on.ca>. Should you require assistance, please contact our office directly.

SVCA Permission for Development or Alteration

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

Summary

SVCA staff has reviewed the application in accordance with our mandated responsibilities for natural hazard management, including our regulatory role under the *Conservation Authorities Act*.


The proposed application is generally acceptable to SVCA staff.

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, 2020 has been demonstrated;
- 2) Consistency with Section 2.1, Natural Heritage policies of the PPS, 2020 has been demonstrated; and
- 3) Consistency with local planning policies for natural hazards and natural heritage has been demonstrated.

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 this office.

Sincerely,



Cassandra Malo
Environmental Planning Technician
Saugeen Conservation
CM\

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)