

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH
PUBLIC MEETING MINUTES MAY 6, 2024 AT 2:00 P.M.
HYBRID MEETING – IN PERSON AND VIA WEB CONFERENCING
<https://www.youtube.com/watch?v=YjZcBCGADh0>**

Members Present:
Mayor: Andrew Lennox
Councillors: Sherry Burke (via Zoom)
Lisa Hern
Steve McCabe
Penny Renken

Staff Present:
Chief Administrative Officer: Brooke Lambert
Director of Legislative Services/Clerk: Karren Wallace
Deputy Clerk: Catherine Conrad
Executive Assistant to CAO: Tasha Grafos
Director of Finance: Jeremiah Idialu
Human Resources Manager: Amy Tollefson
Chief Building Official: Darren Jones
Senior Project Manager: Tammy Stevenson
Manager of Transportation Services: Dale Clark
Manager Environment & Development Services: Corey Schmidt
Manager Community & Economic Development: Mandy Jones
Economic Development Officer: Robyn Mulder
Community Development Coordinator: Mike Wilson
Recreation Service Manager: Tom Bowden
Director of Fire Services: Chris Harrow
Manager of Development Planning: Curtis Marshall
Junior Planner: Jamie Barnes
Manager of Policy Planning: Sarah Wilhelm

CALLING TO ORDER

Mayor Lennox called the meeting to order.

DISCLOSURE OF PECUNIARY INTEREST

Councillor Burke declared an indirect pecuniary interest with Zoning By-law Application 07/24 Larry Schill, as her employer prepared some of the appendices for the application.

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.

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

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).

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.
- A further description of the educational component is outlined in the Planning Justification Report (see section 3.2 of the report).

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 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.

CORRESPONDENCE FOR COUNCIL'S REVIEW

Kim Funk, Source Protection Coordinator, Wellington Source Water Protection

- Email dated April 15, 2024 (No Objection)

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

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

Jessica Conroy, Resource Planner, Grand River Conservation Authority

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

Amy Kress, Arthur

- Letter of support

Debbie Farrelly

- Letter of support dated April 30, 2024

Missy-Jai Jamieson

- Letter of support

Elizabeth Laros

- Letter of support dated April 30, 2024

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

James Phillips, Applicant, was present to answer questions regarding the application. They naturalized a large portion of the property with the plan of offering the land as a free resource for outdoor education. It will initially be funded through Copernicus with the hope that the market garden will help to support the program.

Melissa Kooiman, Community Liaison & Program Coordinator, Copernicus Educational Products, highlighted some of the elements of the five-week pilot project.

COMMENTS/QUESTIONS FROM COUNCIL

Councillor McCabe inquired if the greenhouse would require a minor variance. CBO Jones responded that it would be a building permit for a regular farm building and does not require a minor variance.

Councillor McCabe noted that it was mentioned this program would be semestered and asked about summers. Ms. Kooiman clarified that it would be semestered with one drop-in day a week through the school year. During the summer it would be weeklong blocks at a time for increased need for child care.

Councillor Renken asked if there were any plans to increase the age limit as there are older students that would benefit. Ms. Kooiman stated that there has been discussion regarding a leader in training program to work towards volunteer hours. Possibly an adult program. The pilot focused on children.

Councillor Renken inquired if the remainder of the land would be used for agriculture. Ms. Kooiman explained that the market garden is part of a larger vision and commitment to agriculture and protecting the natural space.

Councillor Hern requested more information about the agricultural program as to qualify for an on farm diversified use the proposal needs to be secondary to the agricultural use. Ms. Kooiman stated that she is participating in a new farmer training program so she can anchor some connections in the natural world and be able to provide learning opportunities linked to the agricultural role that the farm would play in support in program planning.

Councillor McCabe inquired about the GRCA as they won't support it if there is no safe access. Ms. Kooiman has spoken to the GRCA to get a better understanding of the area they are looking at. They have also contacted an Ontario Land Surveyor regarding a topographical survey and hydraulic assessment. A traffic study was requested as well. They are waiting for quotes to address the concerns.

Mayor Lennox asked if connecting with 4H has been considered regarding youth leadership. Ms. Kooiman stated someone had mentioned this to her, but she has not reached out yet. The goal is to bring the community together and work with them.

Councillor Burke left the meeting.

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.

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

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.

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© 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.

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)

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

Larry and Debbie Schill, Applicants, were present to answer questions regarding the application. Mr. Schill commented that they are in the business of farming and do not wish to be landlords as it is difficult to manage additional houses. This is a decent house with a separate driveway and will not affect the farming operation. There are two outbuildings that have no value and will be removed.

COMMENTS/QUESTIONS FROM COUNCIL

Councillor Hern commented that she was pleased to see the smaller lot size as the PPS states that it should just accommodate a well and septic. She was supportive of the amendment.

Councillor Burke returned to the meeting.

ADJOURNMENT

RESOLUTION: PM-2024-005

Moved: Councillor McCabe

Seconded: Councillor Renken

THAT the Public meeting of May 6, 2024 be adjourned at 2:50 p.m.

CARRIED

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MAYOR

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CLERK