

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH
MEETING AGENDA OF THE COMMITTEE OF ADJUSTMENT
AUGUST 12 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:

Please click this URL to join. <https://us02web.zoom.us/j/81199395700>

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: 811 9939 5700

**PAGE
NUMBER**

CALLING TO ORDER

DISCLOSURE OF PECUNIARY INTEREST

A06/24 Cleon & Betty Martin

MINUTES OF PREVIOUS MEETING

Committee of Adjustment, July 8, 2024 (A05/24)

4

Recommendation:

THAT the Committee of Adjustment meeting minutes of July 8, 2024 – A05/24 be adopted as presented.

APPLICATION

A06/24 – Cleon & Betty Martin

THE LOCATION OF THE SUBJECT PROPERTY is described Concession 5 Part Lot 1 and Concession 6 Part Lot 1 and is Municipally known as 7489 Highway 89. The property is approximately 52.02 ha (128.54 ac) in size. The location of the property is shown on the map attached.

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THE PURPOSE AND EFFECT of the application is to provide relief from the Minimum Distance Separation II (MDS II) setback requirements to both a Type A and Type B land use. The applicant is proposing to construct a new barn and cannot meet the minimum distance required of 474 m (1,555 ft) to the nearest Type A land uses (dwelling) and cannot meet the minimum distance required of 948 m (3110 ft) to the nearest Type B land use (rural settlement area). Other variances may be considered where deemed appropriate.

SECRETARY TREASURER

Notices were mailed to property owners within 60 meters of the subject property as well as the applicable agencies and posted on the subject property on July 26, 2024.

PRESENTATIONS

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

- Planning Report dated August 1, 2024 8

CORRESPONDENCE FOR COMMITTEE'S REVIEW

Marvin Martin, Property Owner at 7488 Highway 89

- Letter dated March 25, 2024 (In Support) 11

Dwayne Bowman, Property Owner at 7518 Highway 89

- Letter dated March 25, 2024 (In Support) 12

Allan Hodgins, Corridor Management Planner, Ministry of Transportation

- Memo dated July 26, 2024 (No Objection) 13

Michael Oberle, Environmental Planning Coordinator, Saugeen Conservation

- Letter dated July 30, 2024 (No Objection) 15

REQUEST FOR NOTICE OF DECISION

Persons wishing to be notified of the decision must submit a written request to the Secretary-Treasurer.

CHAIRPERSON OPENS FLOOR FOR COMMENTS/QUESTIONS

COMMENTS/QUESTIONS FROM THE COMMITTEE

DECISION

CALL FOR VOTE: SHOW OF HANDS (no mover/seconder required)

THAT the minor variance applied for in Application A06/24, for the property described as Concession 5 Part Lot 1 and Concession 6 Part Lot 1 with a civic address of 7489 Highway 89, to provide the following relief;

1. **THAT a reduced MDS II to Type A Land Use (dwelling) distance for a proposed barn of 310 m (1017 ft) be permitted, whereas section 6.17.2 & 8.8 of the By-law requires a distance of 406 m (1332 ft); and**
2. **THAT a reduced MDS II to Type B Land Use (rural settlement area) distance for a proposed barn of 503 m (1650 ft) be permitted, whereas section 6.17.2 & 8.8 of the By-law requires a distance of 812 m (2664 ft).**

ADJOURNMENT

Recommendation:

THAT the Committee of Adjustment meeting of August 12, 2024 be adjourned at _____.

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH
HEARING MINUTES OF THE COMMITTEE OF ADJUSTMENT
JULY 8, 2024 @ 2:00 P.M.
HYBRID MEETING – IN PERSON AND VIA WEB CONFERENCING
<https://www.youtube.com/watch?v=d2ahbZjeo-s>**

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

Staff Present:
Chief Administrative Officer: Brooke Lambert
Director of Legislative Services/Clerk: Karren Wallace
Deputy Clerk: Catherine Conrad
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 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
Deputy Fire Chief: Callise Loos
Senior Planner: Jessica Rahim

CALLING TO ORDER

Chair Lennox called the hearing to order.

DISCLOSURE OF PECUNIARY INTEREST

No pecuniary interested disclosed.

MINUTES OF PREVIOUS MEETING

Committee of Adjustment, June 24, 2024 (A04/24)

RESOLUTION: COA 011-2024

Moved: McCabe

Seconded: Burke

THAT the Committee of Adjustment meeting minutes of June 24, 2024 – A04/24 be adopted as presented.

CARRIED

APPLICATION

A05/24 – Pinestone Construction Inc.

THE LOCATION OF THE SUBJECT PROPERTY is described as Plan 61M255 Lot 21 and is municipally known as 210 Schmidt Dr. The property is approximately 469 m² (0.12 ac) in size.

THE PURPOSE AND EFFECT of the application is to provide relief from minimum width requirements for a proposed private garage. The proposed variance will permit a reduced width of 5.59 m (18.3 ft) whereas the By-law requires a minimum width of 6 m (19.6 ft) in order to park 2 vehicles. The applicants are proposing to add an additional dwelling unit and require one additional permanent parking space. Other variances may be considered where deemed appropriate.

SECRETARY TREASURER

Notices were mailed to property owners within 60 meters of the subject property as well as the applicable agencies and posted on the subject property on June 18, 2024.

PRESENTATIONS

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

- Planning Report dated June 28, 2024

CORRESPONDENCE FOR COMMITTEE'S REVIEW

Danielle Fisher, Source Protection Coordinator, Wellington Source Water Protection

- Email dated June 19, 2024 (No Objections)

Andrew Herreman, Resource Planning Technician, Grand River Conservation Authority

- Email dated June 27, 2024 (No Objections)

REQUEST FOR NOTICE OF DECISION

Persons wishing to be notified of the decision must submit a written request to the Secretary-Treasurer.

CHAIRPERSON OPENS FLOOR FOR COMMENTS/QUESTIONS

Shayne DeBoer, Pinestone Construction was present to answer questions regarding the application.

COMMENTS/QUESTIONS FROM THE COMMITTEE

No comments or questions from the Committee.

DECISION

CALL FOR VOTE: SHOW OF HANDS

THAT the minor variance applied for in Application A05/24, for the property described as Plan 61M255 Lot 21 with a civic address of 210 Schmidt Drive, to provide the following relief;

Committee of Adjustment Minutes July 8, 2024
Page 2 of 3

1. **THAT a reduced width of 5.59 m (18.3 ft) be permitted, for a private garage to allow for an additional permanent parking space for an additional residential unit (attached), whereas the By-law requires 6.0 m (19.6 ft).**

APPROVED

ADJOURNMENT

RESOLUTION: COA 012-2024

Moved: McCabe

Seconded: Burke

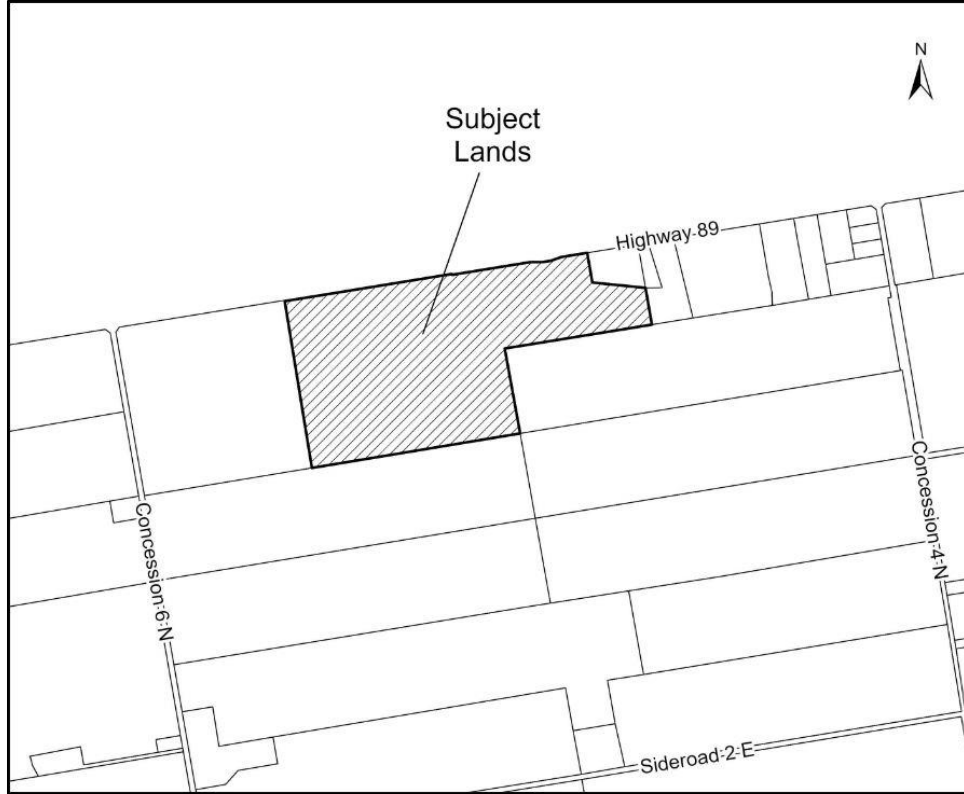
THAT the Committee of Adjustment meeting of July 8, 2024 be adjourned at 2:08 p.m.

CARRIED

CHAIRPERSON

SECRETARY TREASURER

A06/24 CLEON & BETTY MARTIN





COUNTY OF WELLINGTON

PLANNING AND DEVELOPMENT DEPARTMENT
ALDO SALIS, M.Sc., B.E.S., MCIP, RPP, DIRECTOR
TEL: (519) 837-2600
FAX: (519) 823-1694
1-800-663-0750

ADMINISTRATION CENTRE
74 WOOLWICH STREET
GUELPH, ONTARIO
N1H 3T9

August 1st, 2024

Mr. Darren Jones, Chief Building Official
Township of Wellington North Committee of Adjustment
7490 Sideroad 7 West
Kenilworth, ON N0G 2E0

Dear Mr. Jones,

Re: **Minor Variance Application A06/24**
Concession 5 Part Lot 1 and Concession 6 Part Lot 1
7489 Highway 89, Mount Forest
Cleon and Betty Martin

We have reviewed the application for minor variance and provide the following comments. Please be advised that these comments were formulated without the benefit of a site visit.

Planning Opinion

The variance requested would provide relief from the Minimum Distance Separation II (MDS II) setback requirements to both a Type A and Type B land use. The applicant is proposing to construct a new barn and cannot meet the minimum distance required of 406 m (1332 ft) to the nearest Type A land uses (dwelling) and cannot meet the minimum distance required of 812 m (2664 ft) to the nearest Type B land use (rural settlement area).

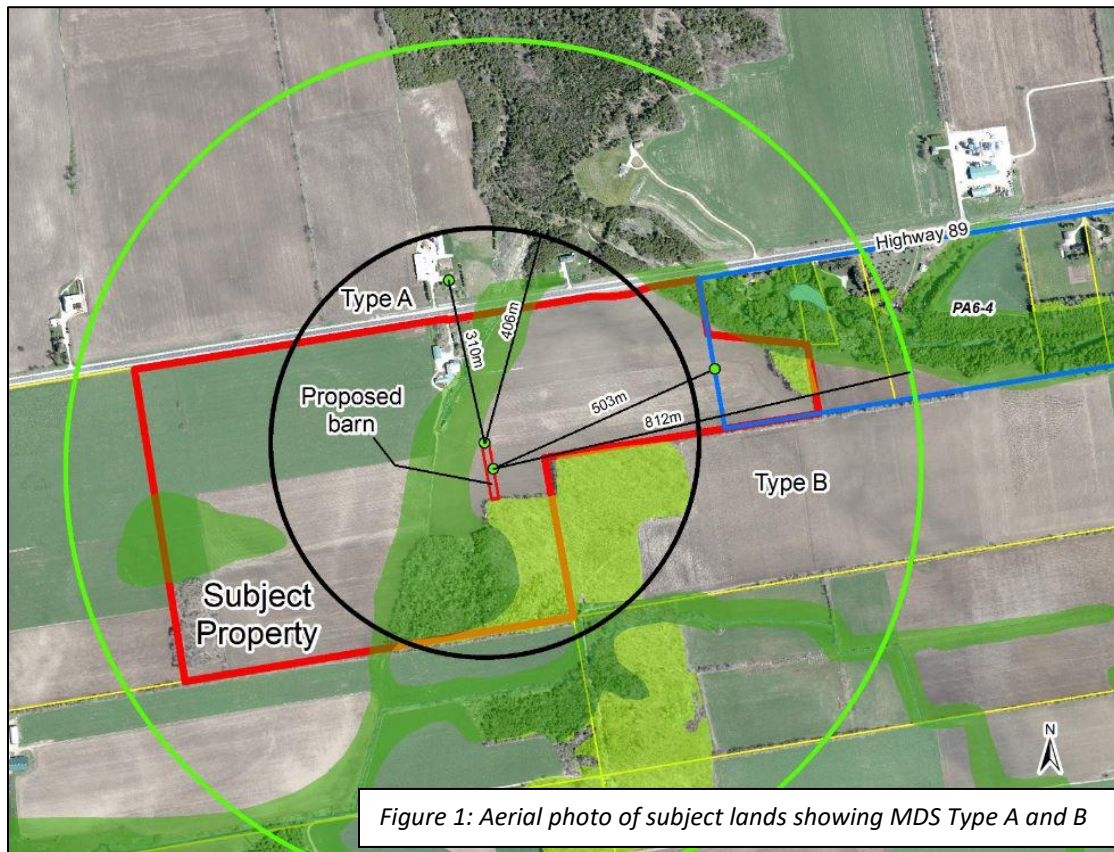
We have no concerns with the relief requested for the new barn. The location of the new barn provides operational efficiency while maintaining appropriate setbacks from the Core Greenland features and road allowance. The application would maintain the general intent and purpose of the Official Plan and Zoning By-law, is minor, desirable and appropriate for the development of the subject property.

SUBJECT PROPERTY AND LOCATION

The location of the subject property is described as Concession 5 Part Lot 1 and Concession 6 Part Lot 1 and is Municipally known as 7489 Highway 89. The property is approximately 56.6 ha (140 ac) in size and is occupied by a dwelling and farm operation. The location of the property is shown on Figure 1 below.

PROPOSAL

The purpose of this of the application is to provide relief from the Minimum Distance Separation II (MDS II) setback requirements to both a Type A and Type B land use. The applicant is proposing to construct a new barn and cannot meet the minimum distance required of 406 m (1332 ft) to the nearest Type A land uses (dwelling) and cannot meet the minimum distance required of 812 m (2664 ft) to the nearest Type B land use (rural settlement area).



Provincial Policy Statement (PPS)

The subject property is within a PRIME AGRICULTURE, GREENLANDS and CORE GREENLANDS area. New or expanding livestock facilities shall comply with the minimum distance separation formulae. Guideline #43 of the MDS Implementation Guidelines outlines that minor variances to MDS II distances can be considered based on site specific circumstances, including the avoidance of natural hazards. Circumstances that meet the intent, if not the precise distances of MDS II, or mitigate environmental impacts, may warrant further consideration.

WELLINGTON COUNTY OFFICIAL PLAN

The subject property is designated PRIME AGRICULTURAL, CORE GREENLANDS and GREENLANDS with a portion designated SPECIAL POLICY AREA (PA6-4). The identified environmental features include Significant Wooded Area and Saugeen Valley Conservation Authority (SVCA) regulated Hazard Lands. The proposed barn appears to be located outside of these Core Greenlands and Greenlands features on the property.

The proposed barn also appears to be located beyond the portion of the subject lands designated Rural Cluster Special Policy Area. However, development in proximity to the rural settlement area creates a Type B land use and as a result is subject to Section 9.7.2 PA6-4 item c) that the appropriate provincial minimum distance separation formula will be applied.

In Prime Agricultural Areas, all types, sizes and intensities of agricultural uses and normal farm practices will be promoted and protected in accordance with provincial standards. Furthermore, Section 13.7 of the Plan provides consideration for minor variances provided the general intent of the Official Plan and Zoning By-law are maintained and the variance is minor and desirable for the appropriate development of the land. Consideration shall be given as to whether compliance with the by-law would be unreasonable, undesirable or would pose an undue hardship on the applicant.

TOWNSHIP OF WELLINGTON NORTH ZONING BY-LAW

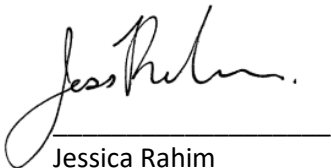
The subject property is zoned Agriculture (A) and Natural Environment (NE). The proposed barn appears to be located outside the NE zone. The location of the proposed barn does not meet the Minimum Distance Separation II (MDS II) from the Type A land use being the nearest neighboring residential dwellings located at 7518 and 7488 Highway 89.

The applicants have indicated that the location of the new barn would provide operational efficiency on the subject property while maintaining appropriate setbacks from the SVCA regulated hazard lands and proximity to Highway 89. Therefore, the following relief is required in order to facilitate this proposal:

New Barn	Required	Proposed	Difference
MDS II to Type A Land Use (Section 6.17.2 & 8.8)	406 m (1332 ft)	310 m (1017 ft)	96 m (315 ft)
MDS II to Type B Land Use (Section 6.17.2 & 8.8)	812 m (2664 ft)	503 m (1650 ft)	309 m (1014 ft)

I trust that this information will be of assistance to the Committee when making their decision on this application.

Yours truly,



Jessica Rahim
Senior Planner

The Committee of Adjustments
Township of Southgate

March 25th 2024

Dear Committee:

I am the "affected landowner" residing at

7488 HWY 89
MOUNT FOREST ON **NOG 2L0**

in close proximity to a proposed humane swine barn with under barn liquid manure storage requiring a minor variance to MDS II setback requirement to my house.

I would like to inform planning staff and the committee of adjustments that I am in support and would suggest that the committee vote "in favor" of the project.

Warm regards,

Marvin Martin



Signer ID: HVU8GZMJ9C...

The Committee of Adjustments
Township of Southgate

March 25th 2024

Dear Committee:

I am the "affected landowner" residing at

**7518 HWY 89
MOUNT FOREST ON NOG 2L0**

in close proximity to a proposed humane swine barn with under barn liquid manure storage requiring a minor variance to MDS II setback requirement to my house.

I would like to inform planning staff and the committee of adjustments that I am in support and would suggest that the committee vote "in favor" of the project.

Warm regards,

Dwayne Bowman



Signer ID: HVU8GZMJ9C...

Ministry of Transportation

West Operations
Corridor Management Section West

659 Exeter Road
London, Ontario N6E 1L3
Telephone: (226) 973-8580
Facsimile: (519) 873-4228

Ministère des Transports

Opérations ouest
Section de la gestion des couloirs routiers de l'Ouest

659, chemin Exeter
London (Ontario) N6E 1L3
Téléphone: (226) 973-8580
Télécopieur: (519) 873-4228



Date: July 26, 2024

To: Tammy Pringle, Township of Wellington North

Re: REVISED NOTICE OF PUBLIC HEARING OF APPLICAITON FOR
MINOR VARIANCE: A06/24 7489 Highway 89

The Ministry of Transportation (MTO) has reviewed the proposed minor variance (A06-24) for the subject property (7489 Highway 89, Mount Forest ON). The variance has been considered in accordance with the *Public Transportation and Highway Improvement Act* (PTHIA), MTO's Highway Corridor Management Manual (HCMM) and all related guidelines and policies. The following outlines our comments:

Highway 89 along the subject property is classified as a **Class 2B – Provincial Arterial** and with a posted speed of 80 km/h designated as a **Kings Highway** (KH). As such, all requirements, guidelines and best practices in accordance with this classification and designation shall apply.

While MTO has no fundamental concerns with the proposal, access to provincial highways is limited and will require valid MTO Entrance Permits. Our review indicates this site is without the valid MTO permit(s). For MTO to be supportive of the variance proposed, the owner shall be agreeing to the following:

1. The owner is required to submit an MTO Entrance Permit applications for the existing entrances to recognize ownership and document the permitted uses.
 - The application shall be completed to the satisfaction of the MTO.
2. The owner is required to submit an MTO Sign Permit application for the existing for any existing/proposed signage visible from the highway property limits located on the retained lands.
 - The application shall be completed to the satisfaction of the MTO, including a plan identifying the entire site signage existing/proposed, fully dimensioned, for any permanent and/or temporary signs.

Permit Applications:

MTO accepts permit applications through our online portal. This application process will provide you the contact information of MTO staff assigned to your permit application and allow you to track the status of the application. In addition to the permit application, all pertinent supporting drawings and reports can be uploaded into the permit wizard. The link to our system is as follows: <https://www.hcms.mto.gov.on.ca/PermitWizard>

An MTO Building and Land Use Permit will not be required for the proposed barn given the location and separation from the highway property limit, should the variance be awarded.

MTO would appreciate receiving the approval authority's decision on this file.

If any further clarification is required regarding the MTO site plan approval or permits process, or if any issues are encountered during the additional consultation or application phase, please feel free to contact myself at Allan.Hodgins@ontario.ca / (226) 973-8580 or Maureen Mclver at Maureen.Mclver@ontario.ca / (226) 980-7195 and we will be more than happy to assist.

Regards,



Allan Hodgins
Corridor Management Planner

c. Maureen Mclver, Corridor Management Officer, MTO

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

July 30, 2024

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

ATTENTION: Tammy Pringle, Development Clerk

Dear Ms. Pringle

RE: Minor Variance A06.24
7489 Highway 89
Roll No.: 2349000008146000
Part Lot 6 Concession 1
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 41/24 (SVCA's Prohibited Activities, Exemptions and Permits Regulation). Staff have also provided comments as per our Memorandum of Agreement (MOA) with the County of Wellington representing natural hazards. The application has also 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. Finally, we have screened the application to determine the applicability of the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan, prepared under the Clean Water Act, 2006.

Purpose

The purpose of the application is to provide relief from the Minimum Distance Separation II (MDS II) setback requirements to both a Type A and Type B land use. The applicant is proposing to construct a new barn and cannot meet the minimum distance required of 474 m (1,555 ft) to the nearest Type A land uses (dwelling) and cannot meet the minimum distance required of 948 m (3110 ft) to the nearest Type B land use (rural settlement area). Other variances may be considered where deemed appropriate.

Background

As part of the SVCA regulatory/permit review process, the agent (Cleon Martin) for the owner contacted the SVCA on April 11, 2024 regarding the proposal. SVCA staff conducted a site inspection to the

July 30, 2024

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property on July 14, 2024. Based on site conditions, SVCA revised (to reduce) our SVCA Hazard Lands mapping, and recommended a revision to the NE zone for the property. SVCA permit 24-174 was issued on July 19, 2024 for the proposal.

Recommendation

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

Natural Hazards

A portion of the property is designated Core Greenlands as shown in Schedule B6 Wellington North in the County of Wellington Official Plan (OP). This area is also zoned Natural Environment (NE) in the Township of Wellington North Zoning By-law. The natural hazard features affecting the property include the open channel municipal drain (White municipal drain), its floodplain, and any wetlands/swamps on the property. As noted above, SVCA recommend a revision to the NE zone to better represent site conditions for the property. The recommended NE zone is shown on the attached SVCA map.

Provincial Policy Statement – Section 3.1

Section 3.1.1 of the PPS (2020) states, in general, that development shall be directed to areas outside of hazardous lands (flooding hazards, erosion hazards, dynamic beach hazards), and hazardous sites (organic soils, leda clay, unstable bedrock). It is the opinion of SVCA staff that the application appears to comply with the natural hazard policies of the PPS (2020).

Wellington County Official Plan 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 complies with the natural hazard policies of the Wellington County OP.

SVCA Regulation 41/24

SVCA staff has reviewed the proposal as per our responsibilities as a regulatory authority under Ontario Regulation 41/24 (SVCA's Prohibited Activities, Exemptions and Permits 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, or unstable soil or bedrock are not affected. SVCA also regulates the alteration to or interference in any way with a watercourse or wetland.

Portions of the property are within the Approximate Screening Area associated with the SVCA's Prohibited Activities, Exemptions and Permits Regulation (Ontario Regulation 41/24). This Regulation is in accordance with Section 28 of the *Conservation Authorities Act* R.S.O, 1990, Chap. C. 27, and requires that a person obtain the written permission of the SVCA prior to any "development" within a Regulated Area or alteration to a wetland or watercourse.

SVCA comments A06.24

July 30, 2024

Page 3 of 3

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.

SVCA Permission for Development or Alteration

If development or alteration including construction, reconstruction, conversion, grading, filling or excavation, including agricultural tile drainage, is proposed within the SVCA Approximate Screening Area, associated with our Regulation on the property, the SVCA should be contacted, as permission may be required.

As noted above, SVCA permit 24-174 (attached) was issued on July 19, 2024 for the proposal.

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. 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 has been demonstrated; and
- 2) Consistency with local planning policies for natural hazards has been demonstrated.

Please inform this office of any decision made by the Township of Wellington North with regard to the application. We respectfully request to receive a copy of the decisions and notices of any appeals filed. Should you have any questions, please contact this office.

Sincerely,



Michael Oberle

Environmental Planning Coordinator

Saugeen Conservation

MO\

Enclosures: SVCA map dated July 18, 2024 and SVCA permit 24-174

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