

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH
MEETING AGENDA OF THE COMMITTEE OF ADJUSTMENT
SEPTEMBER 9, 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/86136002478>

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: 861 3600 2478

**PAGE
NUMBER**

CALLING TO ORDER

DISCLOSURE OF PECUNIARY INTEREST

A07/24 Eli Bauman

MINUTES OF PREVIOUS MEETING

Committee of Adjustment, August 12, 2024 (A06/24)

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Recommendation:

THAT the Committee of Adjustment meeting minutes of August 12, 2024 – A06/24 be adopted as presented.

APPLICATION

A07/24 – Eli Bauman

THE LOCATION OF THE SUBJECT PROPERTY is described as Concession 4 N Part Lot 7 and is Municipally known as 7649 Sideroad 3 E. The property is approximately 39.4 ha (97.3 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. The applicant is proposing to construct a new barn and manure storage building and cannot meet the minimum distance required of 37 m (121 ft) to the nearest road allowance (Sideroad 3 E). 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 August 20, 2024

PRESENTATIONS

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

- Planning Report dated August 30, 2024 7

CORRESPONDENCE FOR COMMITTEE'S REVIEW

Michael Oberle, Environmental Planning Coordinator, Saugeen Conservation

- Letter dated August 22, 2024 (No Objections) 10

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/seconded required)

THAT the minor variance applied for in Application A07/24, for the property described as Concession 4 N Part Lot 7, geographic Township of Arthur, with a civic address of 7649 Sideroad 3 East, to provide the following relief;

1. **THAT a reduced MDS II Setback from the nearest road allowance, being Sideroad 3 E., of 19m (61 ft) be permitted, for a proposed new barn and manure storage facility, whereas the By-Law requires 37m (121 ft).**

ADJOURNMENT

Recommendation:

THAT the Committee of Adjustment meeting of September 9, 2024 be adjourned at

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH
MEETING MINUTES OF THE COMMITTEE OF ADJUSTMENT
AUGUST 12, 2024 AT 2:00 P.M.
HYBRID MEETING – IN PERSON AND VIA WEB CONFERENCING**

Members Present: Chair: Andrew Lennox
Steve McCabe
Penny Renken

Members Absent: Sherry Burke
Lisa Hern

Staff Present:

Chief Administrative Officer:	Brooke Lambert
Director of Legislative Services/Clerk:	Karren Wallace
Deputy Clerk:	Catherine Conrad
Executive Assistant to the CAO:	Tasha Grafos
Director of Finance:	Jeremiah Idialu
Human Resources Manager:	Amy Tollefson
Chief Building Official:	Darren Jones
Senior Project Manager:	Tammy Stevenson
Manager Environment and Development Services:	Corey Schmidt
Manager of Transportation Services:	Dale Clark
Manager Community & Economic Development:	Mandy Jones
Community Development Coordinator:	Mike Wilson
Recreation Service Manager:	Tom Bowden
Director of Fire Services:	Chris Harrow
Senior Planner:	Jessica Rahim

CALLING TO ORDER

Chair Lennox called the meeting to order.

DISCLOSURE OF PECUNIARY INTEREST

No pecuniary interest disclosed.

MINUTES OF PREVIOUS MEETING

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

RESOLUTION: COA 013-2024

Moved: Renken

Seconded: McCabe

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

CARRIED

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 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

CORRESPONDENCE FOR COMMITTEE'S REVIEW

Marvin Martin, Property Owner at 7488 Highway 89

- Letter dated March 25, 2024 (In Support)

Dwayne Bowman, Property Owner at 7518 Highway 89

- Letter dated March 25, 2024 (In Support)

Allan Hodgins, Corridor Management Planner, Ministry of Transportation

- Memo dated July 26, 2024 (No Objection)

Michael Oberle, Environmental Planning Coordinator, Saugeen Conservation

- Letter dated July 30, 2024 (No Objection)

Barclay Nap, Wellington Federation of Agriculture, President

- Letter dated August 9, 2024 (Concerns regarding reduced MDS II)

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

Cleon Martin, Applicant's Agent, was present to review the application and to answer any questions regarding the application.

Cleon Martin, Applicant, was present to answer any questions regarding the application.

COMMENTS/QUESTIONS FROM THE COMMITTEE

Member Renken asked if there were any concerns with the MTO regarding the Wellington Federation of Agriculture objection related to odours. Mr. Martin, Agent, explained that the MTO has requested an application be submitted to file the current status of the operation, and there was some signage that was out of compliance.

Member Lennox commented that regarding the Wellington Federation of Agriculture's objection, this is the standard type of thing they would be concerned with. The context in this case is important in terms of the opportunities to put this barn in other locations being very limited by water course and the woodlands. Member Lennox stated that he is supportive of the application given the circumstances.

DECISION

CALL FOR VOTE: SHOW OF HANDS

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).**

APPROVED

ADJOURNMENT

RESOLUTION: COA 014-2024

Moved: McCabe

Seconded: Renken

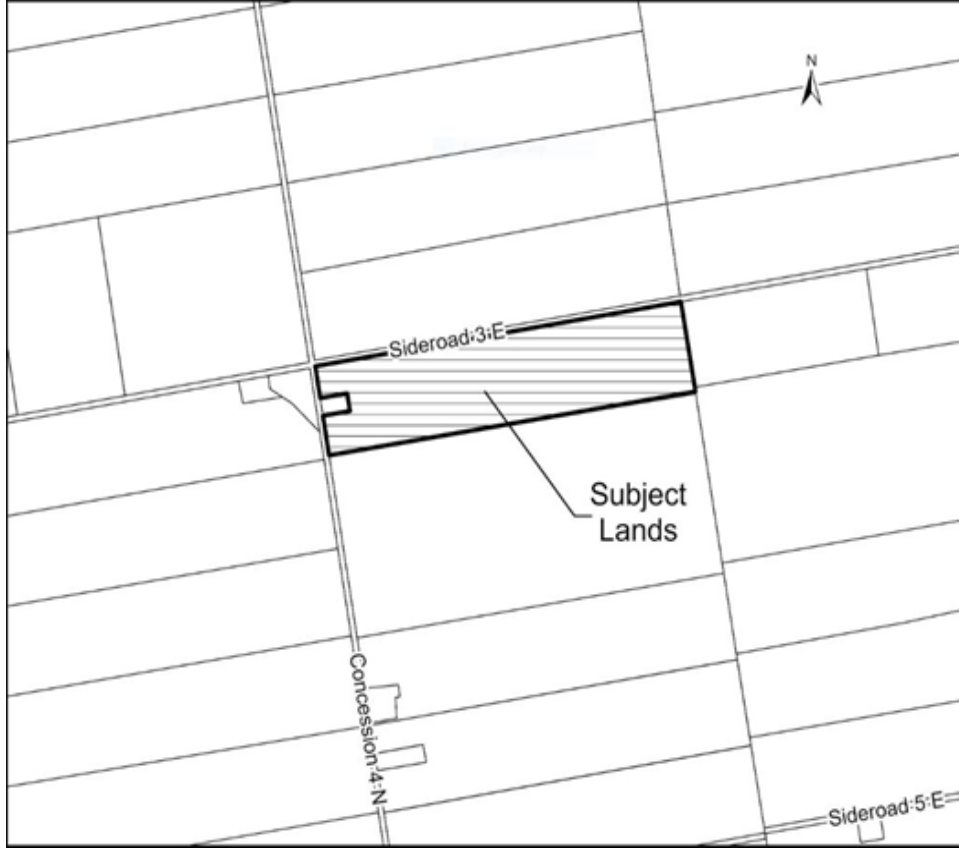
THAT the Committee of Adjustment meeting of August 12, 2024 be adjourned at 2:14 p.m.

CARRIED

CHAIRPERSON

SECRETARY TREASURER

A07/24 ELI BAUMAN – 7649 SIDEROAD 3 E





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 30th, 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 A07/24**
Concession 4 N Part Lot 7
7649 Sideroad 3 E
Eli Bauman

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. The applicant is proposing to construct a new barn and manure storage facility and cannot meet the minimum distance required of 37 m (121 ft) to the nearest road allowance (Sideroad 3 E).

We have no concerns provided the Township roads department has no concerns with the relief requested for the new barn and manure storage facility. The location of the new barn and manure storage facility provides operational efficiency while avoiding irregular elevation and maintaining appropriate setbacks from the Natural Environment zone. 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 4 N Part Lot 7 and is municipally known as 7649 Sideroad 3 E. The property is approximately 39.4 ha (97.3 ac) in size and is occupied by a dwelling, sheds 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. The applicant is proposing to construct a new barn and manure storage facility and cannot meet the minimum distance required of 37 m (121 ft) to the nearest road allowance (Sideroad 3 E).

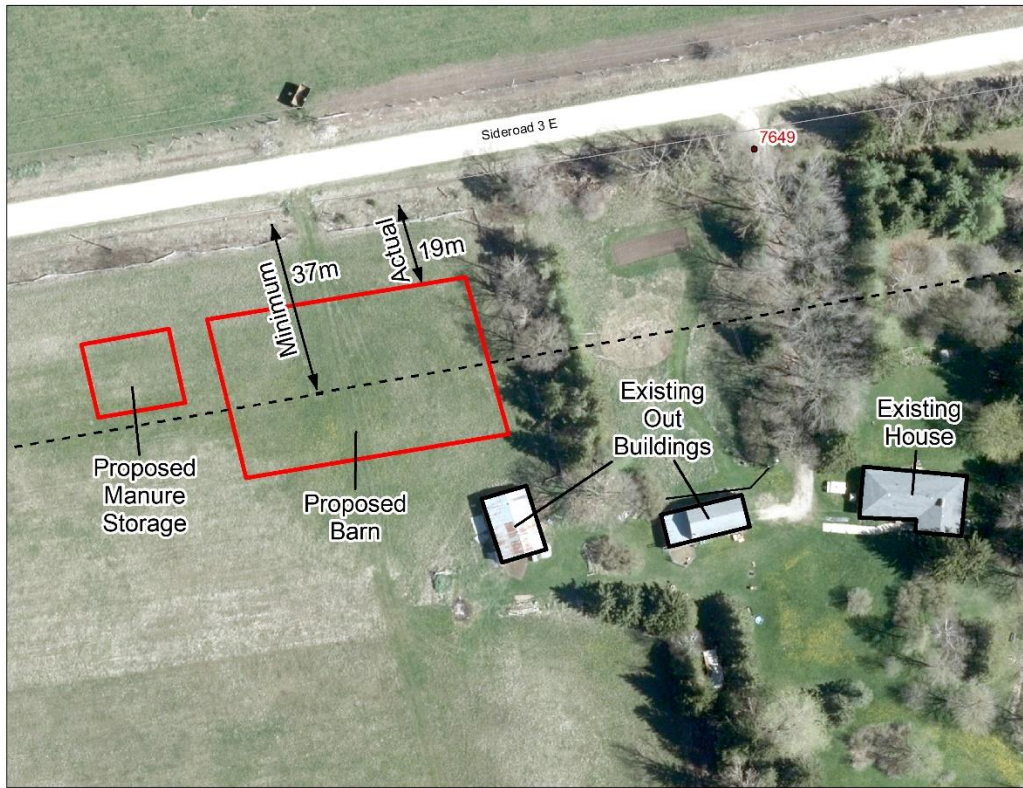


Figure 1: Aerial Photo indicating existing and proposed uses on the subject lands (Source: Wellington County 2020)

Provincial Policy Statement (PPS)

The subject property is within a PRIME AGRICULTURE, CORE GREENLANDS and 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. The identified environmental features include Saugeen Valley Conservation Authority (SVCA) regulated Hazard Lands, Provincially Significant Wetlands and Significant Wooded Area. The proposed barn and manure storage facility appear to be located outside of these Core Greenlands and Greenlands features on the property.

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 and manure storage facility appear to be located outside the NE zone. The location of the proposed barn and manure

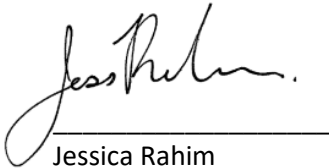
storage facility do not meet the Minimum Distance Separation II (MDS II) from the nearest road allowance being Sideroad 3 E.

The applicants have indicated that the location of the new barn and manure storage facility would provide operational efficiency on the subject property while avoiding irregular elevation and maintaining appropriate setbacks from the natural environment zone. Therefore, the following relief is required in order to facilitate this proposal:

New Barn & Manure Storage	Required	Proposed	Difference
MDS II to Road Allowance (Section 6.17.2 & 8.8)	37 m (121 ft)	19 m (61 ft)	18 m (59 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

SENT ELECTRONICALLY (tpringle@wellington-north.com)

August 22, 2024

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

ATTENTION: Tammy Pringle, Development Clerk

Dear Ms. Pringle,

RE: Minor Variance A07-24 (Eli Bauman)
7649 Sideroad 3E
Roll No. 234900000809900
North Part Lot 7, Concession 4
Geographic Township of Arthur
Township of Wellington North

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 41/24. The application has also been reviewed through our role as a public body under the Planning Act as per SVCA's 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 and effect of the of the application is to provide relief from the Minimum Distance Separation II (MDS II) setback requirements. The applicant is proposing to construct a new barn and manure storage building and cannot meet the minimum distance required of 37 m (121 ft) to the nearest road allowance (Sideroad 3 E). Other variances may be considered where deemed appropriate.

Recommendation

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

Minor Variance A07-24 (Eli Bauman)

August 22, 2024

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Delegated Responsibility and Advisory Comments - Natural Hazards

Areas of the property are designated as Core Greenlands in the County of Wellington Official Plan (OP), Schedule B6 Wellington North, and zoned NE in the Township of Wellington North Zoning By-law 66-01. In general, the Core Greenlands designation and NE zone is identifying the watercourses (tributaries of Bell's/Bethel Creek) and its floodplain and valley slope, and wetlands/swamps on the property.

However, the location of the proposed development on the property is not within the NE zone.

Provincial Policy Statement – Section 3.1

Section 3.3.1 of the PPS (2020) states, in general, that development shall be directed to areas outside of hazardous lands, and hazardous sites.

County of Wellington 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 PPS (2020), and the County of Wellington OP.

Drinking Water Source Protection

The subject property appears to SVCA staff to not be located within an area that is subject to the local Drinking Water Source Protection Plan.

SVCA Regulation 41/24

SVCA staff has reviewed the application as per our responsibilities as a regulatory authority under Ontario Regulation 41/24. 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 Conservation Authorities Act (CAA), development taking place on or adjacent to these lands may require permission from SVCA to confirm that the control of flooding, erosion. SVCA also regulates the alteration to or interference in any way with a watercourse or wetland.

Areas of the property are within the SVCA Approximate Screening Area associated with Ontario Regulation 41/24. As such, development and/or site alteration within this area requires permission from SVCA, prior to carrying out the work. For the property, the SVCA Approximate Screening Area is representing the natural hazard features associated with the tributaries of Bells/Bethel Creek and its related flood, erosion and valley slope hazards and wetlands/swamps, plus an offset distance from these features.

However, based on the application and site plan submitted as part of the application, proposed development will not be located within the SVCA Approximate Screening Area. Therefore, a permit from the SVCA will not be required.

Minor Variance A07-24 (Eli Bauman)

August 22, 2024

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Summary

SVCA staff has reviewed this application as per our mandated responsibilities for natural hazard management, including our regulatory role under the Conservation Authorities Act. Additionally, we have screened the proposed to determine the applicability of the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan, prepared under the Clean Water Act, 2006.

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 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 the undersigned.

Sincerely,

Michael Oberle
Environmental Planning Coordinator
Saugeen Conservation
MO/

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