



PLANNING REPORT for the TOWN OF ERIN

Prepared by the County of Wellington Planning and Development Department in our capacity as planning consultants for the Town

DATE: March 1, 2019
TO: Nathan Hyde, CAO/Town Manager
Town of Erin
FROM: Jessica Rahim, Junior Planner
County of Wellington
SUBJECT: **PLANNING RECOMMENDATION (Chapman)**
Zoning By-law Amendment (Z18-05)
Proposal to rezone from Agricultural (A) to a site specific Agricultural zone
5154 First Line (Part Lot 7, Concession 1), Town of Erin

RECOMMENDATION

- 1) That Council receive this Planning Report prepared by the County of Wellington Planning and Development Department;
- 2) That Council approve the zoning by-law amendment attached to this report.

SUMMARY

This zoning by-law amendment is consistent with the Provincial Policy Statement and generally conforms to the Town of Erin Official Plan and County Official Plan. There were no public or agency concerns raised during the circulation. The application would satisfy a condition of severance application B81/18.

The amending by-law has been structured so that it is clear that the accessory building (drive shed) is used for personal storage and that the barn is used as a hobby barn only. The by-law also voids the site specific provisions if either buildings are removed. If the amending by-law is approved by Council, notification should be provided in accordance with the Planning Act.

INTRODUCTION

The property subject to the proposed amendment is legally described as Part Lot 7, Concession 1, with a municipal address of 5154 First Line. This 41.5 ha (102.5 ac) property contains a single detached dwelling, pool, sheds, drive shed and bank barn.

PURPOSE

The purpose of the proposed zoning by-law amendment is to rezone a portion of the subject lands from Agricultural (A) Zone to an appropriate Agricultural Exception Zone to permit an increased accessory building size and limit the number of livestock on the property. The proposed zoning by-law amendment has been submitted as a result of a condition of approval for consent application B81/18.

PUBLIC CONSULTATION

The public meeting for this application was held on February 19, 2019. At the public meeting, no members of the public spoke or expressed any concerns regarding the proposed zoning by-law amendment, and there were no agency concerns. Town Staff have also indicated they have no concerns with the application. Council raised questions at the public meeting about the intent of the oversized buildings and that this could be cause for concerns for future owners. These concerns have been addressed in the draft amending by-law.

Figure 1 Aerial View



PROVINCIAL POLICY STATEMENT (PPS)

The Provincial Policy Statement (2014) Section 1.1.5.9 requires new land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the *minimum distance separation formulae*.

Staff have no concerns with the MDS provided that the attached by-law is approved.

COUNTY OFFICIAL PLAN

The subject property is designated Primary Agricultural. Some permitted uses in Prime Agricultural lands includes agricultural uses and single detached home. According to Section 6.5.6 of the Plan "The provincial minimum distance formula will be applied to new land uses, lot creation and new or expanding livestock facilities".

The applicants have requested to restrict the number of nutrient units to 5 on the subject property in order to preserve the barn that is in good condition on the subject lands (see figure 2). The barn is larger than historically permitted hobby barns on a property 3.3 ha (8.4 ac) in size. By restricting the nutrient units through the zoning, it will eliminate any MDS concerns on the subject property and allow the barn to operate as a hobby barn only. We have no concerns with MDS for the barn provided the attached draft by-law is approved which allows the existing barn to operate as a hobby barn and removal of the barn shall void the provisions for the nutrient units.

Figure 2 – Bank Barn located at 5154 First Line



TOWN ZONING BY-LAW

According to Schedule 'A' of the Zoning By-law 07-67, the subject property is zoned Agricultural (A). The proposed zoning by-law amendment has been submitted as a result of a condition of approval for consent application B81/18. As requested, this application proposes to amend the zoning as follows:

- From Agricultural (A) to Agricultural Site-Specific (A-__) on the retained parcel to limit the number of nutrient units to 5 within the existing barn and recognize the oversized accessory building.

The applicants have requested to recognize the existing oversized accessory structure (drive shed) on the subject lands. The current zoning by-law permits a maximum accessory building size of 464.5 m² (5000 ft²) and a maximum building height 4.5 m (14.76 ft) on a lot this size. The existing accessory structure is

approximately 696.7 m² (7200 ft²) in size and 7 m (23 ft) to the mid point of the roof. Staff have no concerns with the accessory building size provided that the attached zoning by-law is approved which restricts a home industry use on the subject lands and removal of the existing accessory structure shall void the provision for the floor area and height for an accessory structure.

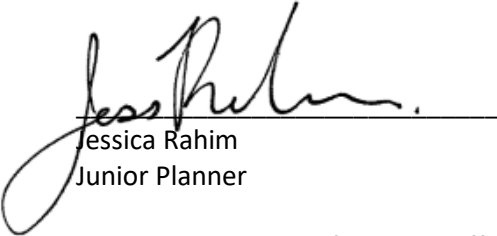
DRAFT AMENDING BY-LAW

We have attached a draft amending by-law for Council's review, which would recognize the oversized accessory building and number of nutrient units permitted for the barn.

PLANNING OPINION

This rezoning application is consistent with provincial policy and generally conforms to the Town of Erin Official Plan and the County of Wellington Official Plan. This rezoning would satisfy a condition of severance B32/15, which was provisionally approved by the County Land Division Committee. Conditions must be fulfilled by September 20, 2019.

Respectfully submitted
County of Wellington Planning and Development Department



Jessica Rahim
Junior Planner

- c. Paul Evans, Chief Building Official
- c. Joanna Salsberg, Building and Planning Technician