

THE CORPORATION OF THE
TOWNSHIP OF SIDNEY



TELEPHONE (613) 966-8330
FAX (613) 966-4973
TUCKER'S CORNERS
RURAL ROUTE #5
BELLEVILLE, ONTARIO
K8N 4Z5

November 25, 1996

Mr. William Sherk
R. R. # 4
STIRLING ON KOK 3E0

Dear Sir:

RE: E - Environmental Protection Zone Mapping
Township of Sidney

Further to your letter of November 14, 1996, concerning the above referenced, please be advised that representatives of Council are continuing to meet with Hastings Federation of Agriculture representatives regarding the E zone mapping issue. A request to discuss the matter further was made by the Federation and accepted by Council.

I trust this is appropriately informative.

Yours truly,

TOWNSHIP OF SIDNEY

R. Carl Cannon, M.C.I.P.
Director of Corporate and Planning Services

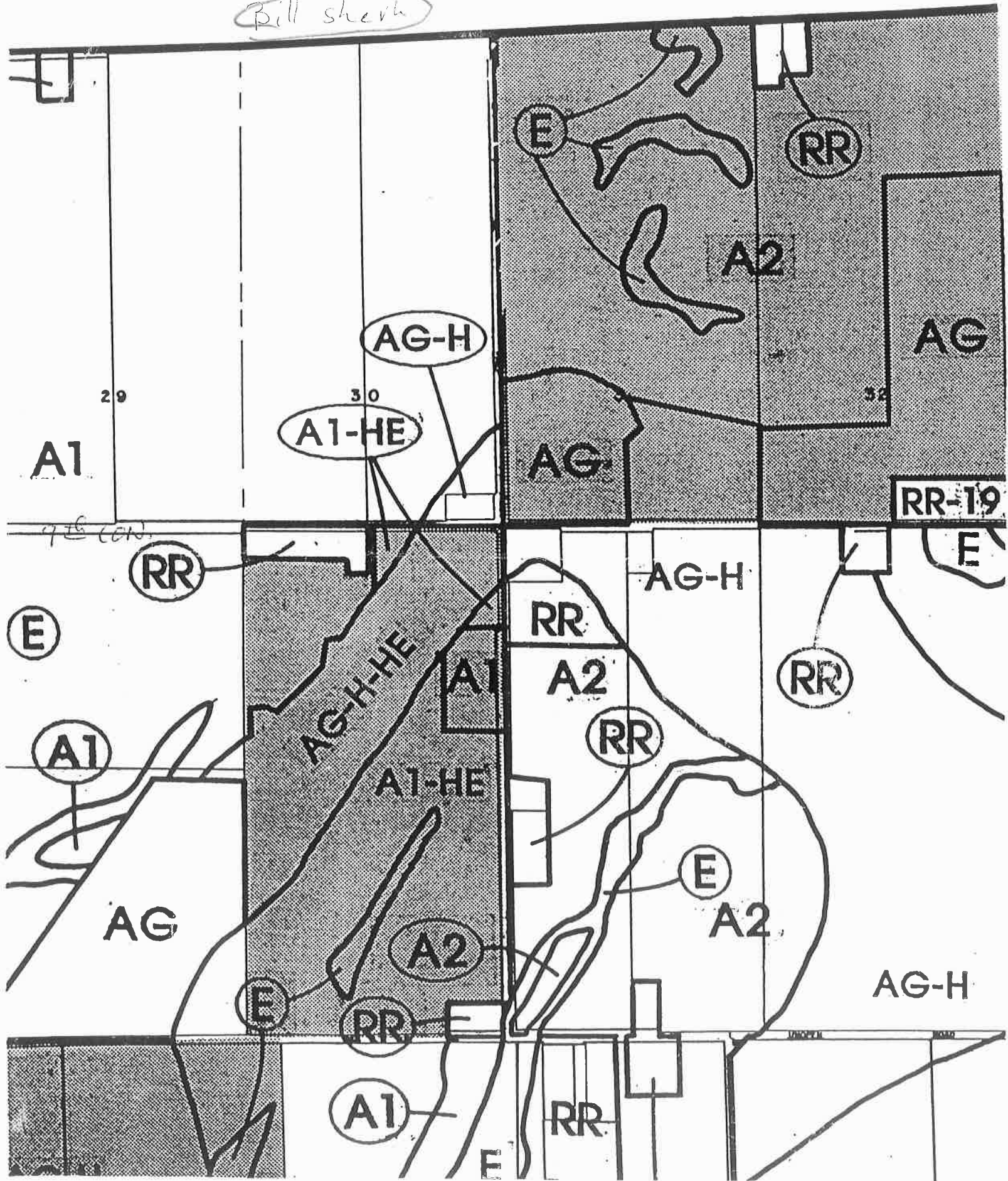
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Anna to Cleveland
Bill Shevch

Ethel Danforth



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July 2, 1996

FAX AND MAIL

Mr. James A. Taylor, Q.C.
Thompson, MacColl and Stacy
Suite 5
1020 Matheson Boulevard East
MISSISSAUGA, Ontario
L4W 4J9

Dear Sir:

RE: Hastings Federation of Agriculture Appeal
of Township of Sidney By-Law 3129-95 (OMB File R950125)

Please be advised that the Township of Sidney invites the Hastings Federation of Agriculture, Mr. Klaus Lehmann of M.M. Dillon Limited and yourself to a special meeting of Council to be held at the Township's Council Chambers on July 8, 1996 between 6:00 p.m. to 7:00 p.m. The municipality will reply to the Hastings Federation of Agriculture's June 3, 1996 submission regarding its appeal of By-Law 3129-95.

By means of a copy of this correspondence the landowners subject to this appeal and represented by the Hastings Federation of Agriculture are also invited to attend.

It would be appreciated if you could confirm whether the Hastings Federation of Agriculture representatives, Mr. Lehmann and yourself will be able to attend. Unfortunately the July 8, 1996 date appears to be the earliest and only date available for Council within the immediate future.

Yours truly,

TOWNSHIP OF SIDNEY

R. Carl Cannon, M.C.I.P.
Director of Corporate and Planning Services

RCC:cap

cc: Members of Sidney Township Council
Mr. D. Wayne Fairbrother, Templeman, Menninga, et al
HFA Appellants





June 11, 1996

William and Donalda Sherk
R. R. # 4
STIRLING, Ontario
K0K 3E0

Dear Mr. and Mrs. Sherk:

RE: Hastings Federation of Agriculture Appeal to Township of
Sidney By-Law 3129-95 (Ontario Municipal Board File R950125)

As you are aware, the Hastings Federation of Agriculture has appealed By-Law 3129-95 to the Ontario Municipal Board on behalf of certain agricultural landowners, including yourself.

By-Law 3129-95 is a comprehensive by-law amendment to the Township's current Zoning By-Law (ie. By-Law 2076-80, as amended). The intent of By-Law 3129-95 is, among other things, to implement various Provincial land use policies, Township Official Plan policies, and to address a number of health, safety and environmental issues.

The Hastings Federation of Agriculture has stated on your behalf a desire to ensure that the Zoning By-Law as amended by By-Law 3129-95 does not impose any limitations on the ability of farmers to construct new buildings or structures, make drainage improvements, and locate crops within the setbacks as defined by the municipal by-law.

The municipality has provided to the Hastings Federation of Agriculture some potential revisions that the Township believes should clarify and address certain matters identified on your behalf.

The municipality's Official Plan and the Zoning By-Law are partially based on certain principles, including:

- that *all Township and Quinte area landowners* live and work within one (1) environment or ecosystem, of which each person's actions can potentially impact upon others within the same ecosystem
- that the Bay of Quinte (as recognized by the International Joint Commission on the Great Lakes) is one (1) of the forty-three (43) most impaired ecosystems of the Great Lakes
- that *all landowners* share a common responsibility not to use lands in ways, or locate buildings or structures, in areas that might negatively affect people's health or safety or the environment
- that *all landowners* should operate in a sound and environmentally sustainable manner, as many do



- that it is not sound financial or operational practice to spend money on buildings or structures in areas that are potentially prone to flooding or otherwise unsuitable.

With the above in mind the Zoning By-Law identifies and zones as E - Environmental Protection lands located in:

- a regulatory flood plain,
- an interpreted flood plain (determined through aerial photographs, mapping, and other resources),
- a local wetland,
- hazard or wet soils area; and/or
- proximity to a water course or water body.

It should also be noted that the "Stage 2 Report - Time to Act" prepared by the Bay of Quinte Remedial Action Plan Coordinating Committee in 1993 and endorsed by the municipality, identified eighty (80) recommendations to be implemented to help improve the Bay of Quinte ecosystem. Recommendation 67 states that Quinte area municipalities should protect the Bay's shoreline and water courses with a 15 metre or wider undisturbed natural protection zone. Other recommendations of the Report comment on the protection of wetlands and natural/wildlife corridors as well as appropriate practices to consider during farming.

The following table attempts to summarize the differences between the previous Zoning By-Law (that presently applies to your lands) and By-Law 3129-95 as proposed to be revised. The A1 - Agriculture and A2 - Agriculture zones permit farming and agriculturally related practices subject to the following:

TABLE 1	
PREVIOUS BY-LAW (1980 TO 95)	BY-LAW 3129-95 AS REVISED
<ul style="list-style-type: none"> • farming is permitted except buildings and structures are not to be located within 30 metres of the high water mark of a water course or water body 	<ul style="list-style-type: none"> • same, except farm related structures such as fencing, piping, laneways/ accesses, culverts and tile drainage <i>will be</i> permitted
<ul style="list-style-type: none"> • farming is permitted, except buildings and structures are not to be located within 15 metres of the limit of the E zoned area 	<ul style="list-style-type: none"> • same, except farm related structures such as fencing, piping, laneways/ accesses, culverts and tile drainage <i>will be</i> permitted
<ul style="list-style-type: none"> • buildings and structures are not to be located within the E zone 	<ul style="list-style-type: none"> • same, except farm related structures such as fencing, piping, laneways/ accesses, culverts and tile drainage <i>will be</i> permitted
<ul style="list-style-type: none"> • agricultural cropping and pasturing allowed in the E zone and within the 30 metre and 15 metre setbacks 	<ul style="list-style-type: none"> • same, except cropping is not to be undertaken within 15 metres of the high water mark of a water body or water course having a <i>year round</i> flow

For your information, "high water mark" in general means the line at which lands are covered for a sufficient time with water to preclude vegetation and remove any value for agricultural cropping or pasturing purposes.

Diagram 1 attached to this letter attempts to pictorially illustrate those aspects of By-Law 3129-95, as revised and described in Table 1.

Nothing in By-Law 3129-95 prevents the use, maintenance, or restoration of a building or structure located in an E zone or within the setbacks so long as it was legally there prior to By-Law 3129-95 and continues to be used. The expansion of such buildings and structures would require some review process (eg. Committee of Adjustment approval) to ensure the expansion does not create a health or safety hazard or have significant environmental effects. Lands located within 15 metres of a year round flowing water course that have been cropped agriculturally on an ongoing basis (ie. part of a normal rotation) can continue to be cropped.

Through this correspondence the municipality has attempted to clarify certain matters with regards to the Hastings Federation of Agriculture appeal on your behalf. As you may or may not be aware, Council for the Township of Sidney has met with Hastings Federation of Agriculture representatives (including their technical support people) on a number of occasions as a means to acquire an appreciation of the concerns of the farming community and determine what revisions may be appropriate. Council is committed to ensuring that opportunities continue to exist for meaningful dialogue.

Should you have any questions concerning this correspondence or the Hastings Federation of Agriculture appeal do not hesitate to contact me at 966-8330. Obviously you can also contact the Hastings Federation of Agriculture concerning this matter should you so desire.

On behalf of Council, I remain,

Yours truly,

TOWNSHIP OF SIDNEY



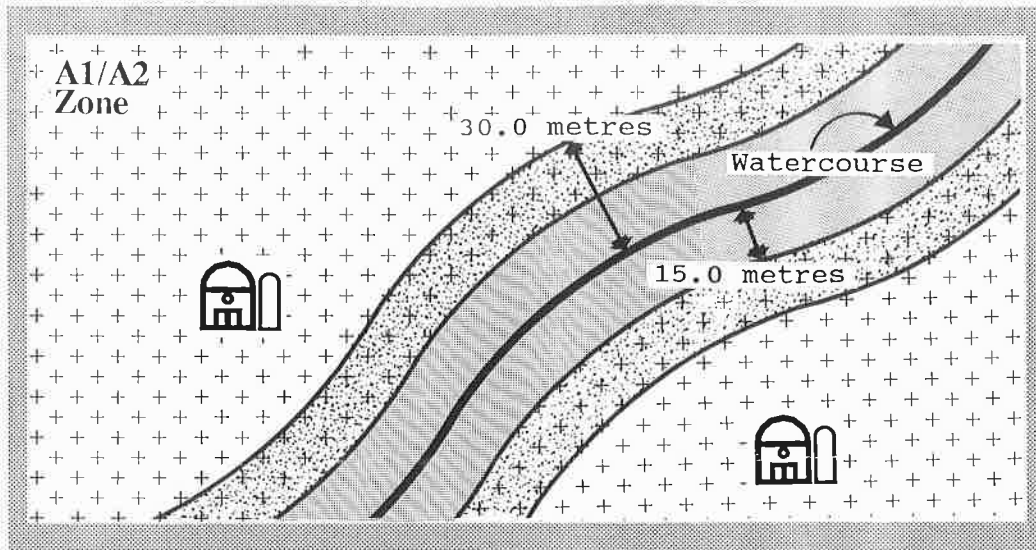
R. Carl Cannon, MCIP
Director of Corporate and Planning Services




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cc: Council
Jim Pine, Chief Administrative Officer
Wayne Fairbrother, Templeman, Menninga, et al
James Taylor, Thompson, MacColl & Stacy

Diagram 1

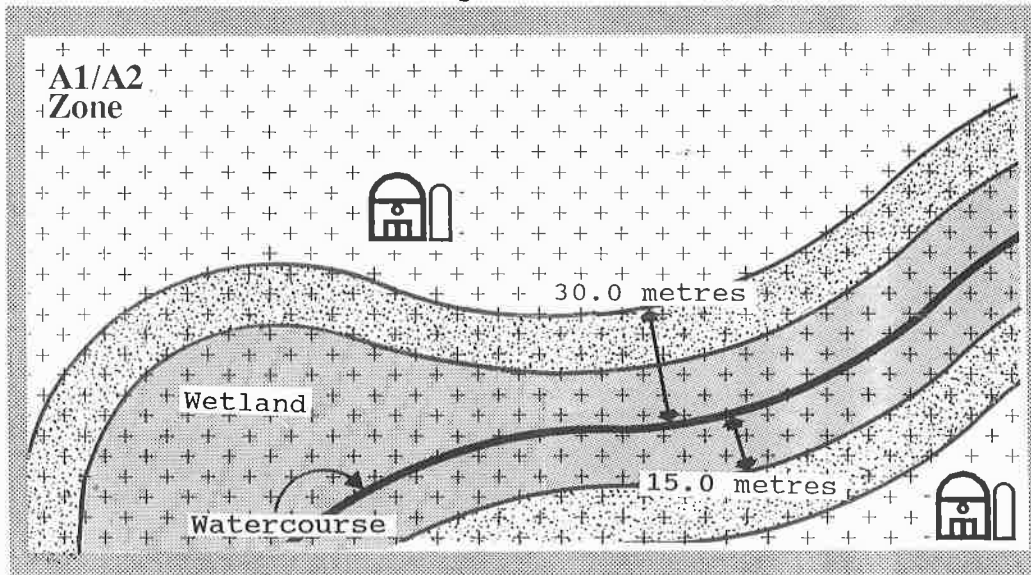
Year Round Flowing Watercourse






-  lands that can be used for crops and pasture
-  E - zone
-  15 metre setback from E - zone

- all lands croppable except within 15 metres of year round flowing water course or water body
- 15 metre wide natural vegetative buffer strip adjacent to year round water course
- 30 metre building and structure setback from year round water course or water body except farm related structures such as fencing, piping, laneways/accesses, culverts and tiled drainage
- no buildings or structures in the E - zone except farm related structures such as fencing, piping, laneways/accesses, culverts and tiled drainage

Intermittent Flowing Watercourse and Wetland



-  lands that can be used for crops and pasture
-  E - zone
-  15 metre setback from E - zone

- all lands croppable
- 30 metre building and structure setback from water course or water body except farm related structures such as fencing, piping, laneways/accesses, culverts and tiled drainage
- 15 metre building and structure setback from E - zone except farm related structures such as fencing, piping, laneways/accesses, culverts and tiled drainage
- no buildings or structures in the E - zone except farm related structures such as fencing, piping, laneways/accesses, culverts and tiled drainage