

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH  
PUBLIC MEETING - MINUTES  
MONDAY, MARCH 13, 2017 AT 2:00 P.M**

The Public Meeting was held at the Municipal Office Council Chambers, Kenilworth to consider A Zoning Amendment application.

**Present:**

**Mayor: Andy Lennox  
Councillors: Sherry Burke  
Lisa Hern  
Steve McCabe  
Dan Yake**

**Staff Present:**

**CAO: Michael Givens  
Executive Assistant: Cathy Conrad  
Treasurer: Kimberly Henderson  
Chief Building Official: Darren Jones  
Economic Development Officer: Dale Small  
Senior Planner: Linda Redmond**

**Absent:**

**Clerk: Karren Wallace**

**Mayor Lennox called the meeting to order.**

**Declaration of Pecuniary Interest:**

No pecuniary interest declared.

**OWNER/APPLICANT: 2164913 Ontario Inc.**

**LOCATION OF THE SUBJECT LAND**

The land subject to the proposed amendment is described as Part Lot 17, Concession 14 E, Municipally known as 8711 Highway 89, Geographic Township of West Luther. The property is 41.1 ha (101.7 acres) in size and is occupied by a residence, shed and barn.

**PURPOSE AND EFFECT OF THE APPLICATION**

The purpose and effect of the proposed amendment is to allow the operation of a kennel on the subject property. Other zoning relief may be considered where appropriate.

**NOTICE**

Notices were mailed to property owners within 120 m of the subject property as well as the applicable agencies and posted on the subject property on February 17, 2017 pursuant to the provisions in the *Planning Act*.

## **PRESENTATIONS**

Linda Redmond, Senior Planner, reviewed the report and draft by-law provided by Jameson Pickard, Planner, dated March 6, 2017.

**Planning Opinion:** This zone amendment will rezone the property to permit a Kennel to operate on a site specific basis on the subject lands. This amendment is required in order to comply with the Kennel Licencing process outlined in the Township's Dog Licencing By-law.

The Planning Department was generally supportive of the kennel operation on the property; however Council may wish to consider additional buffering to ensure neighbouring properties to the west and north are not negatively impacted. This additional buffering may be provided by relocating the kennel, providing planting or solid fencing around the kennel operation.

## **INTRODUCTION**

The property subject to the proposed amendment is described as Part Lot 17, Concession 14 E, Geographic Township of West Luther, with a civic address of 8711 Highway 89 and is approximately 41.1 ha (101.7 ac).

## **PROPOSAL**

The purpose of the application is to rezone the subject lands to permit the construction and operation of a dog kennel. The property is occupied by a dwelling, drive shed and Barn. The kennel will consist of a 100 ft. x 225 ft. (30 m x 68 m) fenced area with 10-15 (16 ft<sup>2</sup>) portable dog houses.

## **PROVINCIAL POLICY STATEMENT (PPS)**

The subject property is considered to be within a PRIME AGRICULTURAL area. Section 2.3.3.1 states "In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses 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 objective."

## **WELLINGTON COUNTY OFFICIAL PLAN**

The subject lands are designated PRIME AGRICULTURE and CORE GREENLANDS according to schedule "A6" of the County Official Plan. Kennels are considered a permitted use within the Prime Agricultural as per Section 6.4.3 of the Plan.

## **ZONING BY-LAW**

The subject lands are zoned Agricultural (A) and Natural Environment (NE). Section 6.5 of the by-law states:

“a kennel is a restricted use in all zones within the Township of Wellington North. Kennels are prohibited uses unless specifically permitted by an amendment to this By-law. Where specifically permitted by an amendment to this By-law, no land, building or structure shall be used for a kennel, unless the land, building and structure is in compliance with the approved By-Law to regulate and provide for the keeping, control and licensing of dogs within the Township of Wellington North.”

It is our understanding that the applicant is in the process of obtaining the appropriate licensing from the Township for the new kennel operation. This zone amendment is required in order to comply with licensing requirements set out in section 7.15 of the Dog licensing By-law No. 004-17 and to be permitted on a site specific basis in the Agricultural zone.

## **KENNEL LICENSING**

The Township has passed Dog Licensing By-law 004-17, being a By-law to regulate and provide for the keeping, control and licensing of dogs within the Township of Wellington North. This by-law sets out a number of requirements and standards which the applicant must meet in order to successfully carry on the kennel operation over the licensing term.

The definition of a kennel in the Dog Licensing By-law indicates that in order for a kennel to be established the property must house more than 3 dogs, be located within an Agricultural zone and have a minimum acreage of 25 ac. The applicant is proposing to have between 10-15 dogs in the kennel, the subject property is zoned Agricultural (A) and has an acreage of 101 ac. It appears the minimum eligibility requirements set out in the Dog Licensing by-law appear to be met.

The Dog licencing By-law provides no specific setbacks for a kennel operation to maintain however, section 7.11 of the by-law does require the owners of a kennel to undertake measures to ensure residences on adjacent properties are not impacted.

## **PLANNING CONSIDERATIONS**

### **Compatibility**

The subject property is located in the north eastern corner of the Township, which is characterized by agricultural uses and naturalized areas. The subject lands are surrounded by vacant conservation lands to the East, vacant agricultural lands to the South, agricultural lands to the West occupied by a dwelling and barn, and agricultural lands to the north with a residential dwelling and barn.

The applicant is proposing an approximate 100 ft. x 225 ft. (30 m x 68 m) fenced area with 10-15 portable dog houses. Figure 1. shows the approximate location of the Kennel on the subject lands and setbacks from existing neighbouring dwellings. The Dog Licensing By-law does not appear to provide any minimum setback requirements for a kennel from property lines or residential building for staff to consider. Staff reviewed other municipal Kennel by-laws and found the following setback requirements:

Table 1 –Surrounding Municipalities Kennel Requirements		
Municipality	By-law #	Kennel Setback requirements
Township of Mapleton	BY-LAW NO. 2002-14	150 m setback from habitable buildings and livestock facilities.
Town of Minto	BY-LAW NO. 2016-31	150 m setback from habitable buildings and livestock facilities.
Township of South Gate	BY-LAW NO. 15-2011	35 m setback from any boundary line of the owner/operator's property.

It appears that the applicants proposed location would exceed other jurisdictions minimum setback requirements. However, besides the fence surrounding the kennel, there is no other noise or visual mitigations provided on the site to protect neighbouring properties. Council may wish to consider requiring additional buffering around the operation. This additional buffering may be provided by either relocating the kennel or providing planting or solid fencing around the kennel operation.

### **CORRESPONDENCE FOR COUNCIL'S REVIEW**

Nathan Garland, Resource Planner, Grand River Conservation Authority

- No comments

Ministry of Transportation

- Do not object

### **REQUEST FOR NOTICE OF DECISION**

The by-law will be considered at a future 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 ANY COMMENTS/QUESTIONS**

The applicant was present to answer questions regarding the application.

Carl Brubacher, Applicant, explained that the intent is to have a fenced in area with 10 to 15 portable dog houses. The fenced in area would allow dogs to run

around and the portable dog houses can be easily cleaned with a pressure washer.

Kevin Rice, neighbour directly across the road, purchased his farm in November. He initially thought a building was being built to house the dogs; but, since finding out it will be a fenced in area he has no concerns.

### **COMMENTS/QUESTIONS FROM COUNCIL**

Councillor McCabe expressed concern with proximity to the highway and the number of dogs for the square footage indicated. He would like the kennel area moved further back from the highway and a limit on the number of adult dogs allowed.

Councillor Burke suggested additional buffering, such as trees, to decrease noise level.

Councillor Hern also expressed concern with the number of adult dogs and the noise.

Councillor Yake stated that issues with buffering, design and structure need to be addressed.

Mayor Lennox questioned what limitations on the number of dogs a fenced area would have as opposed to a building.

Michael Givens, CAO, stated that buffering around the fenced area for noise reduction and the number of dogs can be addressed in the by-law.

Linda Redmond, Planner, asked the Applicant if there would be other options for the location of the kennel area. The Applicant commented that the location could be changed and offered the use of large straw bales around the enclosure for noise buffering as trees take time to grow.

The Applicant was asked to meet with the Planner to discuss location, buffering and limiting the number of adult dogs to 20.

### **ADJOURNMENT**

#### **RESOLUTION 003**

Moved by: Councillor Burke

Seconded by: Councillor McCabe

*THAT the Public Meeting of March 13, 2017 be adjourned at 2:25 p.m.*

**CARRIED**

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**CLERK**

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**MAYOR**