

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 May 11th, 2018 pursuant to the provisions of the Planning Act.

PRESENTATIONS

Curtis Marshall, Senior Planner, reviewed the Planning Report dated May 29, 2018.

Planning Opinion: This zone amendment will rezone the property to permit a dog kennel to operate on a site specific basis on the subject lands. This amendment is required as the current by-law restrict the use in all zones unless specifically permitted by an amendment, and in order to comply with the Kennel Licencing process outlined in the Townships Kennel License By-law.

Planning Staff generally have no concerns with the rezoning application to permit a kennel on the property. Under the Township Kennel Licensing By-law, the applicant will have to submit a detailed site plan showing how outdoor access will be provided to the dogs to the satisfaction of the Township. Additional buffering in the form of a planting strip or a solid fence can be required if deemed necessary.

INTRODUCTION

The property subject to the proposed amendment is described as Part Lot 18, Concession 10, Geographic Township of Arthur, with a civic address of 8949 Concession 11 and is approximately 37.37 ha (92.4 ac).

PROPOSAL

The purpose of the application is to rezone the subject lands to permit the operation of a dog kennel on the second level of the existing bank barn. The property is occupied by a dwelling, sheds and a bank barn (dairy operation).

PROVINCIAL POLICY STATEMENT (PPS)

The subject property is considered to be within a PRIME AGRICULTURAL area. Section 2.3.3.1 of the PPS 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."

PROVINCIAL GROWTH PLAN (2017)

A portion of the property is located within the provincial Natural Heritage System, however the proposed kennel (in the bank barn) is located outside of the Natural Heritage System and is well removed from any identified environmental features.

WELLINGTON COUNTY OFFICIAL PLAN

The subject lands are designated PRIME AGRICULTURAL, CORE GREENLANDS, and GREENLANDS within the County Official Plan. Identified features include wetlands, provincially significant wetlands, and significant wooded areas. Kennels are considered a permitted use within the Prime Agricultural area under Section 6.4.3 of the Plan. The location of the proposed kennel is well removed from the identified environmental features on the property.

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.”

This zoning amendment is required in order to permit a kennel on the property.

KENNEL LICENSING

The Township has recently updated the Kennel Licensing By-law (046-17), 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 for kennel operations. Operators must also apply for and obtain a license from the Township.

Under the Kennel Licensing By-law, a kennel may only be permitted on a property that is within an Agricultural zone and has a minimum lot area of 25 acres. The proposed kennel appears to meet the minimum eligibility requirements set out in the kennel by-law as the applicant's property is located within the agricultural area (zoned Agricultural (A)) and the property is 92.4 acres in size.

The applicants have indicated that the kennel will be located on the second floor of the existing bank barn. Section 2.9.7 of the Kennel Licensing By-law requires that *“access to a fenced area to the outside that permits the animals to access the outside area and return to the inside area on its own accord”* be provided.

The applicant has not indicated how outdoor access will be provided to the dogs on the second floor of the barn.

Finally, Section 2.19 of the Kennel Licensing By-law outlines that a kennel shall not be located less than 150 m (492 ft) of any adjacent house or livestock barn. The proposed kennel is to be located within the existing bank barn which is setback approximately 430 m (1,410 ft) from the closest neighbours dwelling, 340 m (1,115 ft) from the closest barn housing livestock and 190 m (623 ft) to an adjacent vacant lot (to the property line).

PLANNING CONSIDERATIONS

Compatibility

The subject property is located on a dairy farm within and is surrounded by agricultural and rural residential uses. There are two rural residential lots located to the south east of the proposed kennel; however, they exceed the setback requirements outlined in the kennel licensing by-law.

The applicant is proposing that the kennel to be located on the second level of the existing bank barn housing a maximum of 25 dogs. The applicant will be required to provide a detailed site plan as part of the kennel license application. This site plan will need to include an outdoor fenced area for the animals to access on their own accord. Council could require additional buffering through a planting or solid fencing around the kennel if deemed necessary.

Draft Zoning By-law

A draft zoning by-law amendment has been attached to this report for public review and Council's consideration which introduces a site specific exception permitting a kennel on the subject lands.

CORRESPONDENCE FOR COUNCIL'S REVIEW

Rick Rauwerda, Animal Control

- Request to review construction drawings

Terrance Rothwell, 8927, Concession 11

- Concerns regarding noise, animal welfare

REQUEST FOR NOTICE OF DECISION

The by-law will be considered at the 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's were not present

COMMENTS/QUESTIONS FROM COUNCIL

Councillor McCabe expressed concern that no drawings have been provided and requested deferring a decision until the applicant provides more information.

Councillor Burke questioned if a site visit have taken place and how using the second floor of the barn will work for access, ventilation, etc. Rick Rauwerda, Animal Control Officer, did a preliminary site visit and explained to the applicant that they need to provide drawings, information regarding materials to be used, access, ventilation and noise buffering. There could be problems buffering noise if using the second floor. Councillor Burke supported deferring until more information is available.

Councillor Hern commented that she had concerns with using the second floor of a barn as the second floor usually doesn't have windows. Mr. Rauwerda stated that the second floor of this barn does have windows.

Mayor Lennox asked that it be communicated to the applicant that there is scepticism regarding the proposed kennel and minimizing noise. More specifics regarding design, layout and viability are needed prior to making a decision.

ADJOURNMENT

RESOLUTION 4

Moved by: Councillor McCabe

Seconded by: Councillor Hern

THAT the Public Meeting of June 4, 2018 be adjourned at 3:21: p.m.

CARRIED

CLERK

MAYOR