

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH
PUBLIC MEETING MINUTES
OCTOBER 21, 2019 @ 7:00 P.M.
MUNICIPAL OFFICE COUNCIL CHAMBERS, KENILWORTH**

Members Present:

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

Staff Present:

Chief Administrative Officer:	Michael Givens
Deputy Clerk:	Catherine Conrad
Director of Finance:	Adam McNabb
Director of Operations:	Matthew Aston
Chief Building Official:	Darren Jones
Senior Planner:	Michelle Innocente

CALLING TO ORDER - Mayor Lennox

DISCLOSURE OF PECUNIARY INTEREST

None

OWNERS/APPLICANT

Erla & Marvin Bauman

LOCATION OF THE SUBJECT LAND

The land subject to the proposed amendment is described as Part Lot 18, Concession 10, and is Municipally known as 8949 Concession 11, Registered Plan No. 61R-9990, Part 2, Geographic Township of Arthur. The property is approximately 37.37 ha (92.34 ac) in size.

PURPOSE AND EFFECT OF THE APPLICATION

The purpose and effect of the proposed amendment is to rezone the subject lands to permit a dog kennel. The lands are currently zoned Agricultural (A) and are occupied by a single dwelling, barn and sheds. The applicants are proposing to remove two existing sheds and construct a new 197.3 m² (2124 ft²) accessory structure for the dog kennel. Additional relief may be considered at this meeting.

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 September 30th, 2019.

PRESENTATIONS

- Michelle Innocente, Senior Planner, County of Wellington, Township of Wellington North
 - Planning Report dated October 15, 2019

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 restricts the use in all zones unless specifically permitted by an amendment. The amendment is also required to comply with the Kennel Licencing process outlined in the Township's 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.

BACKGROUND

In 2018, the applicants submitted a zoning by-law amendment application to permit a dog kennel on the second floor of an existing bank barn on the subject lands. Council denied the application.

The applicants are proposing a new building for a kennel in this current application.

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 (92.34 ac) in size.

PROPOSAL

The purpose of the application is to rezone the subject lands to permit the operation of a dog kennel within a new 197 m² (2,124 ft²) accessory structure. The applicant has indicated that they are proposing to remove two existing sheds in order to locate the new structure in that location. The property is currently occupied by a dwelling, barn and accessory buildings.

PROVINCIAL POLICY STATEMENT (PPS)

The subject property is located 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."

GROWTH PLAN

The Growth Plan for the Greater Golden Horseshoe (GGH) provides growth management policy direction for the GGH, which includes Wellington County. All planning decisions are required to conform to the applicable policies and provisions of the Growth Plan. We are satisfied that the policies in the Growth Plan have been met and the proposed development generally conforms to the Growth Plan.

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 area. 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 Core Greenland and Greenland features on the property.

ZONING BY-LAW

The subject lands are zoned Agricultural (A). 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."

An amendment to the zoning by-law is required to permit a kennel on the subject 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 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 92.34 acres in size.

The applicants have indicated that the kennel will be located within a new 197 m² accessory building. 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 sketch provided by the applicant indicates a proposed location for the dog run.

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 approximately 322 m (1,056 ft) from the closest neighbours dwelling and 343 m (1,125 ft) from the closest barn housing livestock and 260 m (853 ft) from the closest vacant lot.

PLANNING CONSIDERATIONS

Compatibility

The subject property is located on a farm and is surrounded by agricultural uses. The farm parcel located at 8970 Concession 11 across from the subject lands contains a dwelling that is approximately 322 m from the proposed kennel and a barn that is approximately 343 m from the proposed kennel. The rural residential parcel located at 7038 Sideroad 7 W contains a dwelling that is approximately 426 m from the proposed kennel. The vacant lot located at 8935 Concession 11 is approximately 260 m from the proposed kennel. Section 2.26 of By-law 046-17 (Township Operation and Licensing of Kennel By-law) states the following with respect to setbacks:

No person shall own or operate a kennel or facility or structure used in connection with the kennel and established before the passage of this bylaw, located less than 150 metres (492 feet) of any adjacent property owners habitable building or buildings for the keeping of livestock.

The setbacks exceed the minimum 150 metres required by By-law 046-17.

The applicant is proposing that the kennel house 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.

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

- Terence Rothwell
 - Letter dated October 15, 2019 (Objection)
- Terence Rothwell
 - Letter dated June 2, 2018 (Objection)
- Lois McGinn & Bryan Kramer
 - Email dated October 20, 2019 (Objection)

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 Applicants, Marvin and Erla Bauman, were present to answer questions regarding their application. They stated that the kennel will be far away from neighbouring houses, the dogs will be controlled, and an inspection will be done by the Inspector.

Terence Rothwell, 8927 Concession 11, referred to the correspondence he submitted and stated that there is no grievance with the applicants; however, he would have liked to have a conversation with them regarding their proposal. He and his family are strong proponents of farming, diversification, prosperity and the need to offset farm income. Mr. Rothwell would endorse a legitimate secondary use on a small scale. This proposal would be disruptive, farm hindering and affect neighbours. He would like to stop the conflict before it starts.

Nigel Brown, owner of the vacant lot at 8935 Concession 11, commented that he and his wife plan to build a home and move there someday. He spends quite a bit of time there and frequently notices the applicant's dogs on his property and can hear dogs barking. If the applicant is managing the dogs appropriately there would be nothing wrong with the proposal; however, the dogs are not being managed now and he is concerned about what will happen when there are twenty-five dogs there.

Mr. Bauman explained that they have a farm dog that runs with the tractor and suggested they could destroy the dog, so he doesn't run and disturb the neighbours.

COMMENTS/QUESTIONS FROM COUNCIL

Councillor McCabe inquired how many kennels are in Wellington County. Senior Planner, Michelle Innocente stated that the number of kennels in the County is unknown. Most municipalities in the County are similar in respect to licensing and planning; with kennels being a permitted use in prime agricultural zones.

Councillor McCabe asked Mr. Brown if it is his opinion that there are already dogs on the property. Mr. Brown confirmed that he believes there are already dogs there.

Councillor Burke questioned who would be inspecting kennels now that the Township has changed how dog licencing is done. CAO, Michael Givens responded that inspections would remain the same.

Councillor Burke stated that she understands there are already dogs there and that two buildings will be taken down to allow for the building of the kennel. She questioned the Applicant as to experience in opening a kennel and if they understood the steps outlined in the kennel by-law to qualify for licencing. The Applicants responded that they understand the by-law and they currently have three dogs.

Councillor Burke further questioned the applicants background in managing a breeding facility. The Applicants stated that they have always had a few dogs. The kennel will be inspected. They will have control over the noise with a curtain that can be pulled up and there will be another building beside it to muffle the noise. They are not concerned with noise issues.

Councillor Hern asked why a conversation with the neighbours to discuss the proposal has not happened and how they intend to keep the dogs from barking. The Applicant responded that they did not know this would be an issue with the neighbours; but, they are willing to talk to the neighbours. The dogs will be locked in at night so barking won't be an issue.

Councillor Yake stated that he would prefer the applicants discuss the proposed location and design with the neighbours before Council moves forward. No one wants to see their dog put down; the first line in Mr. Rothwell's letter states he wants to be a good neighbour and hopes the applicants have the same intention. Councillor Yake asked which way the runs will face.

The Applicants responded that the runs are planned to face the south to get more sun; but he could move them to the other side if required.

Mayor Lennox stated that concerns have been raised regarding noise and housing. He asked the Applicants if they had reviewed the Kennel by-law, which is extensive, and if he understood that if there is a complaint the inspector could investigate, and the licence could be revoked. The Applicants stated that the by-law was reviewed with the inspector and they understood the licence could be revoked if complaints are received.

Mr. Rothwell commented that the Animal Control Officer stipulated that the extensive best practices of the Canadian Veterinary Medical Association be followed; which require that dogs have access to a run at all times. He does not want to see the dog needlessly put to death. Mr. Rothwell stated that this will not be an easy decision for Council. He would prefer that discussion be kept to technical grounds and maintain a positive tone to work this out.

Mr. Brown stated that it is was not necessary to talk with the applicant. There is already an issue with noise and animals, and he does not feel confident that there won't be future issues. There is a problem now with three dogs. Having more dogs will affect the enjoyment of his property. The value of his property could be affected as nobody is going to buy a property next to twenty-five dogs.

ADJOURNMENT

RESOLUTION: 008-2019

Moved: Councillor McCabe

Seconded: Councillor Burke

THAT the Public Meeting of October 21, 2019 be adjourned at 7:37 p.m.

CARRIED

DEPUTY CLERK

MAYOR