

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH
PUBLIC MEETING AGENDA – APRIL 12, 2021 @ 2:00 P.M.
VIA WEB CONFERENCING**

HOW TO JOIN

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join. <https://us02web.zoom.us/j/83254705715>

Description: Public Meeting Under the Planning Act

Or join by phone:

Dial (for higher quality, dial a number based on your current location):

855 703 8985 (Toll Free)

Webinar ID: 832 5470 5715

**PAGE
NUMBER**

CALLING TO ORDER - Mayor Lennox

DISCLOSURE OF PECUNIARY INTEREST

OWNERS/APPLICANT

ZBA 09-21 Allen & Erma Martin

LOCATION OF THE SUBJECT LAND

The land subject to the proposed amendment is described as Lot 6, Concession 5, with Civic address of 7522 Sideroad 3 E. The property is approximately 36.41 ha (89.98 ac) in size. *The location is shown on the map attached.*

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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 Agriculture (A) and Natural Environment (NE). The subject property is occupied by a dwelling, a barn and two sheds. The applicants are proposing to use an existing 136.75 m² (1472ft²) 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 March 18, 2021.

PRESENTATIONS

Asavari Jadhav, Junior Planner and Matthieu Daoust, Planner; County of Wellington, Township of Wellington North

- Planning Report dated March 15, 2021

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CORRESPONDENCE FOR COUNCIL'S REVIEW

Michael Oberle, Environmental Planning Technician, Saugeen Conservation Authority

- Letter dated April 7, 2021 (No Objections)

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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

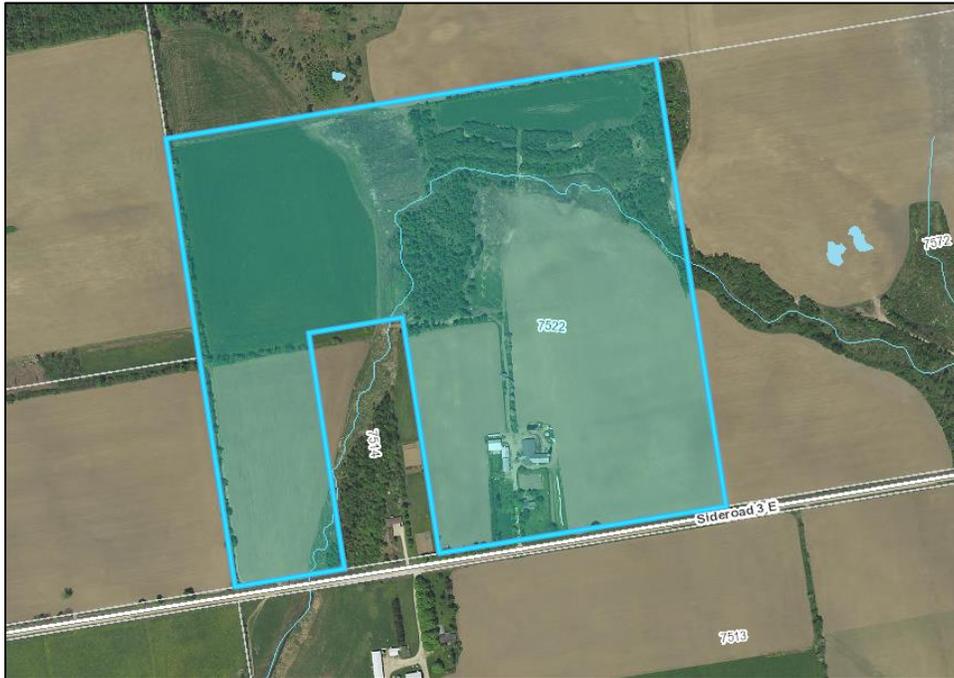
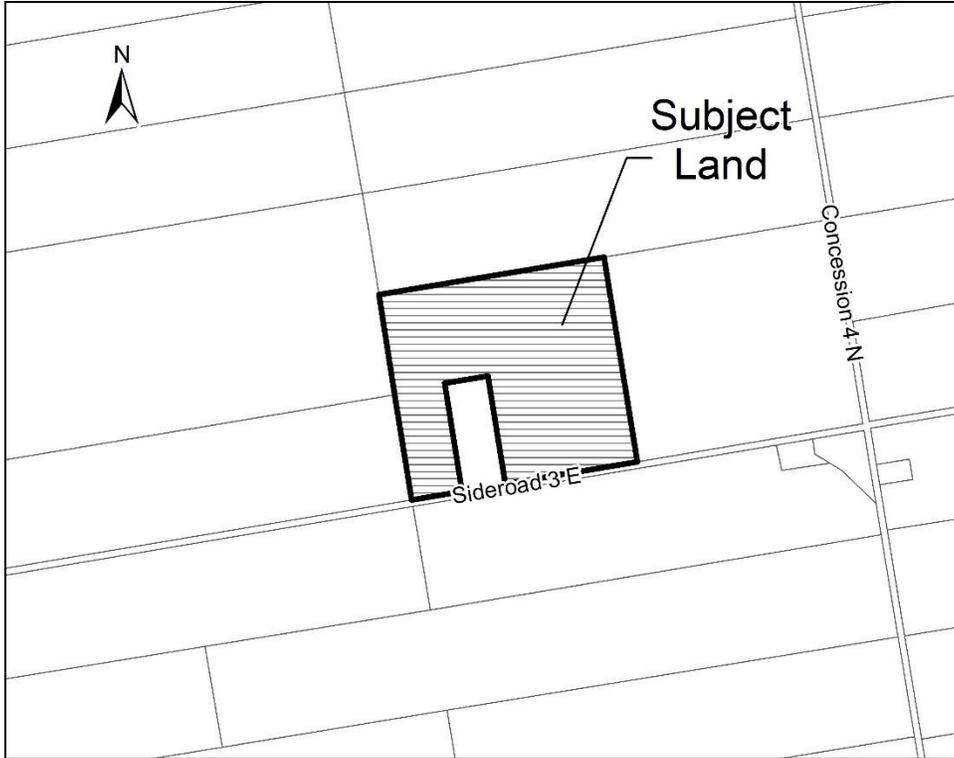
COMMENTS/QUESTIONS FROM COUNCIL

ADJOURNMENT

Recommendation:

THAT the Public Meeting of April 12, 2021 be adjourned at _____ pm.

ALLEN & ERMA MARTIN





PLANNING REPORT

for the TOWNSHIP OF WELLINGTON NORTH

Prepared by the County of Wellington Planning and Development Department

DATE: March 15, 2021
TO: Darren Jones, C.B.O.
Township of Wellington North
FROM: Asavari Jadhav, Junior Planner
Matthieu Daoust, Planner
County of Wellington
SUBJECT: **Allen & Erma Martin**
7522 Sideroad 3 E
Lot 6 Concession 5
Zoning By-law Amendment – Dog Kennel

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.

INTRODUCTION

The property subject to the proposed amendment is legally described as Lot 6 Concession 5 with a civic address of 7522 Sideroad 3 E and is approximately 36.41 ha (89.98 ac) in size.

PROPOSAL

The purpose of the application is to rezone the subject lands to permit the operation of a dog kennel within an existing 136.75 m² (1472ft²) accessory structure. The property is currently occupied by a dwelling, a barn and two sheds.

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 within the County Official Plan. Kennels are considered a permitted use within the Prime Agricultural area under Section 6.4.3 of the Plan.

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 89.98 ac acres in size.

The applicants have indicated that the kennel will be located within an existing 136.75 m² (1472ft²) accessory structure. 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. Figure 1 below shows

the proposed location of the kennel on the subject property and approximate setbacks to the abutting uses.

Figure 1: Air Photo Showing Setbacks



Source: County of Wellington, 2015

PLANNING CONSIDERATIONS

Compatibility

The subject property is located on a farm and is surrounded by agricultural uses. The farm parcel located at 7514 Sideroad 3E contains a dwelling that is approximately 159.44 m (523.12ft) from the proposed kennel. The farm parcel across from the subject lands on 7513 Sideroad E has a dwelling and is 262.41 m (860.92 ft) from the proposed kennel. The farm parcel located on 7572 Sideroad E is approximately 288 m (944.88ft) 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 currently has 10 dogs and as the business scales up will be housing 25 dogs permitted. The proposed kennel is 136.75 m² (1472ft²) in size and will include 7 whelping area, 9 outdoor runs, 9 indoor penning and an outdoor exercise area. 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.

Respectfully submitted

County of Wellington Planning and Development Department



Asavari Jadhav, Junior Planner



Matthieu Daoust, Planner

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH
BY-LAW NUMBER _____.**

**BEING A BY-LAW TO AMEND ZONING BY-LAW NUMBER 66-01
BEING THE ZONING BY-LAW FOR THE TOWNSHIP OF WELLINGTON NORTH**

WHEREAS, the Council of the Corporation of the Township of Wellington North deems it necessary to amend By-law Number 66-01; as amended pursuant to Section 34 of The Planning Act, R.S.O. 1990, as amended.

NOW THEREFORE the Council of the Corporation of the Township of Wellington North enacts as follows:

1. THAT Schedule "A" Map 1 to By-law 66-01 is amended by changing the zoning on lands described as Lot 6, Concession 5 in the Geographic Township of Arthur as shown on Schedule "A" attached to and forming part of this By-law from:

- **Agricultural (A) to Agricultural Exception (A-101)**

2. THAT Section 33, Exception Zone 3 – Rural Areas, is amended by the inclusion of the following new exception:

33.101 Lot 6 Concession 5 7522 Sideroad 3 E	A-101	Notwithstanding any other section of this by-law to the contrary, a Kennel may be permitted in addition to the uses permitted under the Agriculture (A) Zone, and shall operate in accordance with the regulations set out in the Townships Dog Licencing By-law, as amended;
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4. THAT except as amended by this By-law, the land as shown on the attached Schedule 'A' shall be subject to all applicable regulations of Zoning By-law 66-01, as amended.

5. THAT this By-law shall come into effect upon the final passing thereof pursuant to Section 34(21) and Section 34(22) of The Planning Act, R.S.O., 1990, as amended, or where applicable, pursuant to Sections 34 (30) and (31) of the Planning Act, R.S.O., 1990, as amended.

READ A FIRST AND SECOND TIME THIS _____ DAY OF _____, 2021

READ A THIRD TIME AND PASSED THIS _____ DAY OF _____, 2021

_____.

MAYOR

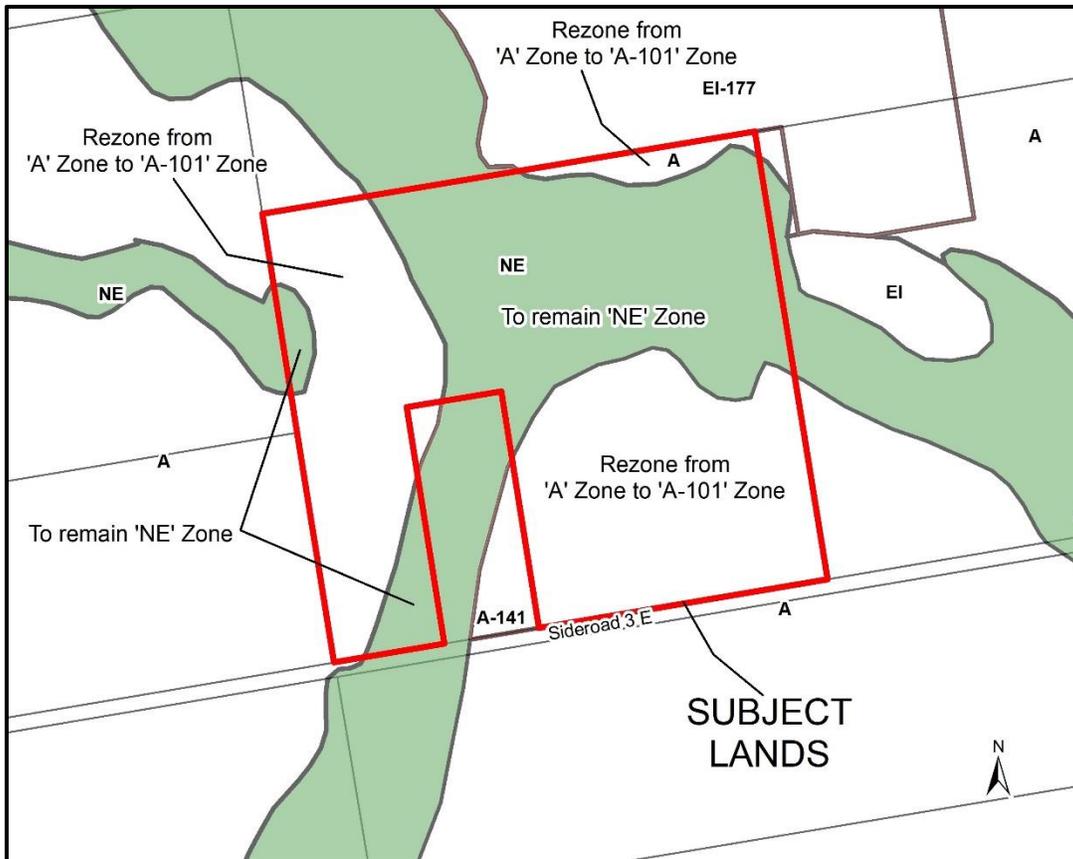
_____.

CLERK

THE TOWNSHIP OF WELLINGTON NORTH

BY-LAW NO _____.

Schedule "A"



Rezone from Agricultural (A) to Agricultural Exception (A-101)

Passed this ___ day of _____ 2021.

MAYOR

CLERK

EXPLANATORY NOTE

BY-LAW NUMBER _____.

THE LOCATION being rezoned is legally described as Lot 6, Concession 5, with Civic address of 7522 Sideroad 3 E. The lands subject to the amendment is approximately 36.41 ha (89.98 ac) in size in size and is currently zoned Agriculture (A).

THE PURPOSE AND EFFECT of the amendment is to rezone the subject lands to permit a Dog Kennel to operate on the subject lands.



1078 Bruce Road 12, P.O. Box 150, Formosa ON Canada N0G 1W0
Tel 519-367-3040, Fax 519-367-3041, publicinfo@svca.on.ca, www.svca.on.ca

SENT ELECTRONICALLY ONLY (tpringle@wellington-north.com)

April 7, 2021

Township of Wellington North
7490 Sideroad 7 West
Kenilworth, Ontario
N0G 2E0

ATTENTION: Tammy Pringle, Development Clerk

Dear Ms. Pringle,

RE: Proposed Zoning by-law Amendment 09-21 (Allen and Emma Martin)
7522 Sideroad 3E
Roll No.: 234900000813100
Part Lot 6 Concession 5
Geographic Township of Arthur
Township of Wellington North

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). SVCA staff has also reviewed the application as part of our role as a public body under the *Planning Act* as per our CA Member approved Environmental Planning and Regulations Policies Manual, amended October 16, 2018.

According to the Notice of Public Hearing, the purpose and effect of the proposed amendment is to rezone the subject lands to permit a dog kennel. The lands are currently zoned Agriculture (A) and Natural Environment (NE). The subject property is occupied by a dwelling, a barn and two sheds. The applicants are proposing to use an existing 136.75 m² (1472ft²) accessory structure for the dog kennel. Additional relief may be considered at this meeting.

Recommendation

SVCA staff find the application acceptable.

DELEGATED RESPONSIBILITY AND ADVISORY COMMENTS

SVCA staff has reviewed the development proposal through our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020). We have also reviewed the development proposal through our responsibilities as a



Watershed Member Municipalities

Municipality of Arran-Elderslie, Municipality of Brockton, Township of Chatsworth, Municipality of Grey Highlands,
Town of Hanover, Township of Howick, Municipality of Morris-Turnberry, Municipality of South Bruce,
Township of Huron-Kinloss, Municipality of Kincardine, Town of Minto, Township of Wellington North,
Town of Saugeen Shores, Township of Southgate, Municipality of West Grey

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service provider to the County of Wellington in that we provide expert advice and technical clearance on *Planning Act* applications with regards to natural hazards, and natural heritage as set out in the PPS, 2020, County Official Plan (OP) and/or local official plans. Comments below only include features/technical requirements affecting the property.

Natural Hazards:

A portion of the property is designated Core Greenlands in the County of Wellington Official Plan (OP), Schedule A6 Wellington North, the same area appears to be zoned Natural Environment (NE) in the Township of Wellington North Zoning By-law No. 66-01. The Core Greenlands designation and the NE zone are representing in part, the natural hazard features associated with the flood and erosion hazards and adjacent wetlands of an unnamed tributary of Bell's (Bethel Creek). In general, no new buildings or structures are permitted within the Core Greenlands designation or in the NE zone. Based on the application, the existing building to be used as a kennel is not located within the NE zone.

Provincial Policy Statement – Section 3.1

Section 3.1.1 of the PPS, 2020 states in part that development shall generally be directed to areas outside of hazardous lands, and hazardous sites. It is the opinion of SVCA staff that, based on the application, the development proposal is consistent with Section 3.1.1 of the PPS, 2020.

Wellington County OP Policies

Section 5.4.3 of the Wellington County OP generally directs development to be located outside of Hazardous Lands. It is the opinion of SVCA staff that, based on the application, the development proposal is consistent with Wellington County OP natural hazard policies.

Natural Heritage:

As part of SVCA staff's desktop review, the following significant natural heritage features were identified as affecting the property: significant woodlands, wetlands, significant wildlife habitat, fish habitat, and potentially the habitat of endangered species and threatened species.

Provincial Policy Statement – Section 2.1

Section 2.1 of the PPS, 2020 states in part that development shall not be permitted in significant woodlands, fish habitat, significant wildlife habitat, and the habitat of endangered species and threatened species, and the adjacent lands to the above referenced features, except in accordance with Policies found in Section 2.1.

Wellington County OP Policies

Significant Woodlands

Significant woodlands are included in the Core Greenlands and Greenlands designation and are shown on Schedule A6 of the Wellington County OP in accordance with section 5.5.4 of the Wellington County OP. The woodlands on and on lands adjacent to the property are considered significant woodlands. Based on the application, the existing detached building for the proposed kennel will not be located within the woodlands or

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the adjacent lands to the woodlands. Therefore the preparation of an environmental impact study (EIS) to address the significant woodlands is not recommended by SVCA staff at this time.

Wetlands

SVCA mapping has identified unevaluated wetlands on the property. According to section 5.4.1 of the Wellington County OP, all wetlands are included in the Core Greenlands designation and are shown on Schedule A6 Wellington North of the Wellington County OP. Based on the application, development will not be located within the wetlands or its adjacent lands. Therefore, the preparation of an EIS to address the wetlands is not recommended by SVCA staff at this time.

Fish Habitat

An unnamed tributary of Bell's Creek (Bethel Creek) flows through the property. The watercourse is considered fish habitat by SVCA staff, and section 5.4.2 of the Wellington County OP is applicable. However, based on the application the existing detached building for the proposed kennel will not be located within fish habitat or its adjacent lands. Therefore, the preparation of an EIS to address fish habitat is not recommended by SVCA staff at this time.

Significant Wildlife Habitat

It has come to the attention of SVCA staff that significant wildlife habitat may be located on and/or adjacent to the property. Section 5.5.1 of the Wellington County OP states, in part, that development and site alteration shall not be permitted within significant wildlife habitat, unless it has been demonstrated that there will be no negative impacts to the habitat or its ecological functions. However, it is the opinion of SVCA staff that based on the application the existing detached building for the proposed kennel will not have negative impacts to significant wildlife habitat resulting from this proposal, and the preparation of an EIS to significant wildlife habitat is not recommended by SVCA staff at this time.

Habitat of Endangered Species and Threatened Species

It has come to the attention of SVCA staff that habitat of endangered species and threatened species may be located on and/or on lands adjacent to the property. Section 5.4.2 of the Wellington County OP states in part that development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements. It is the responsibility of the applicant/landowner to ensure the endangered species and threatened species policy referred to in the PPS has been appropriately addressed. Please contact the Ministry of Environment, Conservation and Parks (MECP) for information on how to address this policy. MECP inquiries can be sent via email to: SAROntario@ontario.ca.

STATUTORY COMMENTS

SVCA staff has reviewed the development proposal as per our responsibilities as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). This regulation, made under Section 28 of the *Conservation Authorities Act*, enables SVCA to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands and wetlands. Subject to the CA Act, development taking place on or adjacent to these lands may require permission from SVCA to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected. SVCA also regulates the alteration to or interference in any way with a watercourse or wetland.

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A portion of the property is located within the SVCA's Approximate Screening Area associated with Ontario Regulation 169/06. As such, development and/or site alteration within the SVCA Approximate Regulated Area requires the permission from SVCA, prior to work commencing.

"Development" as defined under the *Conservation Authorities Act* means:

- a) *the construction, reconstruction, erection or placing of a building or structure of any kind;*
- b) *any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;*
- c) *site grading; or,*
- d) *the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.*

And; "Alteration" as per Section 5 of Ontario Regulation 169/06 generally includes the straightening, diverting or interference in any way with a river, creek, stream or watercourse, or the changing or interfering in any way with a wetland.

For the property, the SVCA Approximate Screening Area is representing the natural hazard features associated with the flood and erosion hazards and adjacent wetlands of an unnamed tributary of Bell's (Bethel Creek), and an offset distance from these features. To determine the SVCA Approximate Screening Area on the property, please refer to the SVCA's online mapping program, available via the SVCA's website at <http://eprweb.svca.on.ca>. Should you require assistance, please contact our office directly.

SVCA Permission for Development or Alteration

Development or alteration including construction, reconstruction, conversion, grading, filling, or excavation, including agricultural tile drainage, within the SVCA Approximate Screening Area may require permission (SVCA Permit) prior to those works commencing.

Based on the application, the existing buildings and structures located in the farmstead area are not within the SVCA Approximate Screening Area. A permit from the SVCA will not be required for the proposed kennel.

Summary

SVCA staff has reviewed the application in accordance with our mandated responsibilities for natural hazard management, including our regulatory role under the *Conservation Authorities Act*.

The proposed application is acceptable to SVCA staff.

Given the above comments, it is the opinion of the SVCA staff that:

- 1) Consistency with Section 3.1, Natural Hazard policies of the PPS, 2020 has been demonstrated;
- 2) Consistency with Section 2.1, Natural Heritage policies of the PPS, 2020 has been demonstrated, with the exception of endangered species and threatened species policy, which must be addressed by the applicant/landowner; and

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- 3) Consistency with local planning policies for natural hazards and natural heritage has been demonstrated, with the exception of endangered species and threatened species policy, which must be addressed by the applicant/landowner.

Please inform this office of any decision made by the planning approval authority with regards to this application. We respectfully request to receive a copy of the decision and notice of any appeals filed. Should you have any questions, please contact the undersigned.

Sincerely,



Michael Oberle
Environmental Planning Technician
Saugeen Conservation
MO/

cc: Allen and Emma Martin, owners (via regular mail)
Karen Wallace, Clerk, Township of Wellington North (via email)
Steve McCabe, SVCA Member representing the Township of Wellington North (via email)