

THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH
PUBLIC MEETING MINUTES – APRIL 12, 2021 @ 2:00 P.M.
VIA WEB CONFERENCING <https://www.youtube.com/watch?v=7BlkL48opao>

Members Present:

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

Staff Present:

Chief Administrative Officer: Michael Givens
Director of Legislative Services/Clerk: Karren Wallace
Deputy Clerk: Catherine Conrad
Director of Finance: Adam McNabb
Economic Development Officer: Dale Small
Director of Operations: Matthew Aston
Community Recreation Coordinator: Mandy Jones
Manager of Recreation Services: Tom Bowden
Chief Building Official: Darren Jones
Director of Fire Services/Fire Chief: Chris Harrow
Planner: Matthieu Daoust
Development Clerk: Tammy Pringle

CALLING TO ORDER - Mayor Lennox

Mayor Lennox called the meeting to order.

DISCLOSURE OF PECUNIARY INTEREST

No pecuniary interest declared.

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.

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 signage was posted on the subject property on March 18, 2021.

PRESENTATIONS

Matthieu Daoust, Planner, presented comments prepared by Asavari Jadhav, Junior Planner and Matthieu Daoust, Planner; County of Wellington, Township of Wellington North

- Planning Report dated March 15, 2021

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.

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.

CORRESPONDENCE FOR COUNCIL'S REVIEW

Michael Oberle, Environmental Planning Technician, Saugeen Conservation Authority

- Letter dated April 7, 2021 (No Objections)

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

Due to technical issues, there were no comments or questions from the floor.

COMMENTS/QUESTIONS FROM COUNCIL

Councillor McCabe expressed concern with the use of the property for a kennel. He questioned how many kennels are in Wellington North, Minto and Mapleton and how many kennels we wish to have in Wellington North. Karren Wallace, Clerk, stated that there are six kennels in Wellington North, which includes two that are inactive.

Councillor Burke commented that the Planners Report shows that they meet the criteria and asked if the Applicant is aware of the licencing requirements, and further, has the Animal Control Officer inspected the facility or done a site visit. Karren Wallace, Clerk, stated that the Animal Control Officer has inspected the property and is confident that the kennel licensing criteria can be met. The applicant is aware of the licencing requirements.

Councillor Yake asked if Mr. Martin is aware of the criteria. Karren Wallace, Clerk, explained that proper zoning is a requirement of obtaining a kennel licence. Once the zoning is in place and the Animal Control Officer has inspected and approved the kennel a licence can be issued. A licence is not issued until all other criteria has been met.

Mayor Lennox stated that the zoning determines if this is an appropriate location for a kennel.

Michael Givens, CAO, commented that the zoning deals with the location. The Animal Control Officer assesses the existing building to be retrofitted and determines if it is viable to meet the required criteria for kennel licencing. Often zoning amendments are brought to bring a property into compliance.

RESOLUTION: 005-2021

Moved: Councillor Burke

Seconded: Councillor McCabe

Council deferred the application until a new a new public meeting can be held due to technical issues.

CARRIED

ADJOURNMENT

RESOLUTION: 006-2021

Moved: Councillor Yake

Seconded: Councillor Hern

THAT the Public Meeting of April 12, 2021 be adjourned at 2:56 pm.

CLERK

MAYOR