

THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH
PUBLIC MEETING MINUTES – MAY 10, 2021 @ 2:00 P.M.
VIA WEB CONFERENCING <https://www.youtube.com/watch?v=jwp78vJDe8E>

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
Human Resources Manager:	Chanda Riggi
Director of Fire Services/Fire Chief:	Chris Harrow
Canine Control Officer:	Rick Rauwerda
Manager of Development Planning:	Curtis Marshall
Planner:	Matthieu Daoust

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 posted on the subject property on April 16, 2021.

PRESENTATIONS

Matthieu Daoust, Planner, reviewed 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.

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

- Letter dated April 7, 2021 (No Objections)

Barbara M.J. Baranow, Analyst Land Support, Enbridge Gas Inc.

- Email dated April 16, 2021 (No Objections)

Rick Rauwerda, Animal Control, R&R Animal Control

- Report dated May 3, 2021 (No Objections)
- Kennel Barn Layout Drawing submitted by Allen & Erma Martin

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

Allen Martin, Applicant, was present to answer any questions regarding the application.

COMMENTS/QUESTIONS FROM COUNCIL

Councillor McCabe inquired how long the kennel has been operating. Rick Rauwerda, Canine Control Officer, stated the kennel has been operating for at least 10 years.

Councillor Burke questioned why the applicant is seeking compliance with the zoning now and stated that she does not support the application to bring the kennel into compliance. Mr. Martin stated that they were under the impression that it was legal to have 10 dogs.

Councillor Burke suggested that Council may need to revisit the by-law to clarify that if you have 10 dogs it is not for breeding purposes but for other farm uses. It is just to have 10 dogs. Mr. Rauwerda commented that there were thirteen dogs on site at the time of his first visit.

Mayor Lennox stated that he is not in favour of dog kennels in our community; however, there is a need for them. Wellington North has a robust by-law to ensure dogs are treated appropriately and bringing kennels into compliance is favourable to protect the animals. The Canine Control Officer's report indicates that we can bring this applicant into compliance.

OWNERS/APPLICANT

ZBA 13/21 Hewvilla Farms Inc.

LOCATION OF THE SUBJECT LAND

The land subject to the proposed amendment is described as Part Lot 3 EOSR RP 60R2771; PT 1, 2 E DIV 3 DIV 4, with Civic address of 7076 Sideroad 2 E. The property is 19.66 ha (48.56 ac) in size.

PURPOSE AND EFFECT OF THE APPLICATION

The purpose and effect of the proposed amendment is to rezone the 1.76 ha (4.36 ac) rural residential parcel from Site Specific Agricultural (A-120) zone to Site Specific Agricultural (A-1) zone. Furthermore, this application is seeking to amend the existing Site Specific Agricultural (A-120) zone for the retained agricultural portion of the property 17.9 ha (44.2 ac) to permit the existing horse breeding operation. This rezoning is a condition of severance application B78/20, that was granted provisional approval by the Wellington County Land Division Committee. The consent will sever a 1.76 ha (4.36 ac) rural residential parcel with an existing dwelling and shed. A 17.9 ha (44.2 ac) agricultural parcel will be retained with an existing dwelling and accessory buildings. 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 April 15, 2021.

PRESENTATIONS

Matthieu Daoust, Planner; County of Wellington, Township of Wellington North

- Planning Report dated April 26, 2021

Planning Opinion

The purpose of this zoning amendment is to replace the existing Agricultural Site Specific (A-120) zoning on the retained lands to remove the second dwelling provisions. The retained lands will be rezoned to A-1 zone which prohibits any new livestock operations. The existing livestock

barn for horse breeding can continue to operate under the new A-1 zone. Furthermore, the zone amendment will amend the existing A-120 zone on the severed lands to prohibit any new livestock facilities and address the MDS deficiency from the closest barn located on the retained lands.

This rezoning is a condition of severance application B78/20, that was granted provisional consent by the Wellington County Land Division Committee. The consent will sever a 1.76 ha (4.36 ac) rural residential parcel with an existing dwelling and shed from the retained 17.9 ha (44.2 ac) parcel with an existing dwelling and accessory structures.

Planning Staff have prepared a draft Zoning By-law amendment for Council's consideration which is attached to this report.

INTRODUCTION

The property subject to the proposed amendment is legally described as 7076 Sideroad 2 E DIV 3 DIV 4 Pt Lot 3 EOSR RP 60 R2771; Pt 1, municipally known as 9851 Highway 6. The proposal is a condition of a recent severance application on the property, B78/20. The proposed severed parcel is a 1.76 ha (4.36 ac) rural residential parcel with an existing dwelling and shed. The retained 17.9 ha (44.2 ac) parcel contains an existing dwelling and accessory structures.

PROPOSAL

The purpose of this zoning amendment is to replace the existing Agricultural Site Specific (A-120) zoning on the retained lands to remove the second dwelling provisions. The retained lands will be rezoned to A-1 zone which prohibits any new livestock operations. The existing livestock barn for horse breeding can continue to operate under the new A-1 zone. Furthermore, the zone amendment will amend the existing A-120 zone on the severed lands to prohibit any new livestock facilities and address the MDS deficiency from the closest barn located on the retained lands. This rezoning is a condition of severance application B78/20, that was granted provisional consent by the Wellington County Land Division Committee. Planning Staff did not support the proposed severance application which severed a second dwelling from the farm operation.

WELLINGTON COUNTY OFFICIAL PLAN

The subject lands are designated PRIME AGRICULTURE and CORE GREENLANDS areas. Identified environmental features include a Saugeen Valley Conservation Authority regulated Hazard Lands. This application is required as a result of a severance application B78/20.

WELLINGTON NORTH ZONING BY-LAW

The subject lands are zoned Site Specific Agricultural (A-120) and Natural Environment (NE). Permitted uses in the Agricultural zone include agricultural uses, single detached dwellings and accessory uses, buildings and structures. The existing site specific provisions permit a livestock operation for the breeding of horses, and a second dwelling permitted outside the farm building cluster.

The purpose of this zoning amendment is to replace the existing Agricultural Site Specific (A-120) zoning on the retained lands to remove the second dwelling provisions. The retained lands will be rezoned to A-1 zone which prohibits any new livestock operations. The existing livestock barn for horse breeding can continue to operate under the new A-1 zone. Furthermore, the zone amendment will amend the existing A-120 zone on the severed lands to prohibit any new livestock facilities and address the MDS deficiency from the closest barn located on the retained lands. The restriction on additional livestock buildings is being applied to the property as it is located within 1 km of the Mount Forest Urban Area. Properties located within 1 km of a settlement area are placed in a site specific zone which does not permit new livestock facilities.

Draft Zoning By-law Amendment

A draft zoning by-law amendment has been prepared and attached to this report for Council's consideration.

CORRESPONDENCE FOR COUNCIL'S REVIEW

Michael Oberle, Environmental Planning Technician, Saugeen Conservation

- Letter dated May 5, 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

Jim Hewson, Applicant, was present to answer any questions regarding the application.

COMMENTS/QUESTIONS FROM COUNCIL

Councillor McCabe requested clarification regarding the planning staff comment that they did not support the proposed severance application, which severed a second dwelling from the farm operation. Matthieu Daoust, Planner, stated that the application dates back a number of years ago to a zoning by-law amendment to permit a second dwelling to be constructed outside the building cluster to expand a horse operation, which didn't work out, and ultimately planning staff did not support that application for building outside the cluster.

Councillor McCabe questioned if the property is for sale, and what would happen if this zoning amendment were not granted. Mr. Hewson explained that if they obtain the severance, they want to sell the 44 acres, which includes the house and barn. He and his wife plan to build a new house on the front lot, which is the severed lot, and move to there.

OWNERS/APPLICANT

ZBA 14/21 Christian F. Martin

LOCATION OF THE SUBJECT LAND

The land subject to the proposed amendment is described as Con 14, Pt Lot 16, Con 13, Pt Lot 16 & 17. The property is approximately 104.95 ha (259.36 ac) in size.

PURPOSE AND EFFECT OF THE APPLICATION

The purpose and effect of the proposed amendment is to rezone the property to permit a new 557.4 m² (6,000 ft²) metal workshop and permit a maximum of 6 employees on site. 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 April 15, 2021.

PRESENTATIONS

Matthieu Daoust, Planner; County of Wellington, Township of Wellington North

- Planning Report dated April 21, 2021

Planning Opinion

The proposed zoning amendment would provide relief from the regulations of the home industry to establish a 557.4 m² (6,000 ft²) m² metal workshop and permit a maximum of six (6) employees. The property is currently zoned Agricultural (A) and Natural Environment (NE). The proposal would amend the lands currently zoned Agricultural.

The home industry criteria provided in the zoning by-law is intended to regulate the size and scale of these types of uses in the Prime Agricultural areas. This criterion was established under the former Provincial Policy requirements for secondary uses in Prime Agricultural areas in which small scale was defined and further regulated through local zoning by-laws. Under the

current Provincial Policy State (PPS) criteria, the size and scale is contained by an area of operation that shall not exceed 2% of the area of the farm to a maximum area of 1 ha. This proposal does not exceed the aforementioned figures.

Based on the PPS criteria staff are satisfied that the proposal is in general conformity with the County of Wellington Official Plan and we are supportive of the request to rezone the property. The business remains secondary to the main agricultural use and complies with the other home industry regulations under the Zoning By-law.

INTRODUCTION

The subject property is legally described as Con 14, Pt Lot 16, Con 13, Pt Lot 16 & 17. The property is approximately 104.95 ha (259.36 ac) in size. The land is currently a vacant agricultural property.

PROPOSAL

The proposed amendment is to rezone the subject lands to provide relief from the regulations of the home industry to establish a 557.4 m² (6,000 ft²) m² metal workshop and permit a maximum of six (6) employees. The proposal would amend the current Agricultural zone.

PROVINCIAL POLICY STATEMENT (PPS)

The subject property is located within the PRIME AGRICULTURAL area. Under the PPS permitted uses within prime agricultural areas include: agricultural uses, agricultural related uses, and on-farm diversified uses. An on-farm diversified use is defined as: uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products.

According to the Province's Guidelines on Permitted Uses in Ontario's prime Agricultural Areas (Publication 851), a home industry on a commercial farm is not limited to producing products that are agriculturally related. The guidelines also recommend that such uses not occupy more than 2% of the area of a farm (up to a maximum of 1 hectare in area). Municipalities may set building size limits/caps to regulate building size to a scale deemed appropriate in the prime agricultural area.

WELLINGTON COUNTY OFFICIAL PLAN

The subject lands are designated PRIME AGRICULTURE, GREENLANDS and CORE GREENLANDS. Identified environmental features include a Provincial Significant Wetland, Significant Wooded Area, an Environmental Sensitive Area and a Saugeen Valley Conservation Authority regulated Hazard Lands. The proposed use is beyond the required 30m set back from the environmental feature on the subject property.

Under section 6.4.3 of the Plan, secondary uses including home businesses and farm businesses are permitted. Section 6.4.4 further outlines that a home business includes home industries which "are small in scale with a limited number of employees, and minimal off site impacts – examples include minor equipment repair, woodworking, crafts, and welding".

ZONING BY-LAW

The subject property is zoned Agricultural (A) and Natural Environmental (NE). The area subject to the proposed zoning amendment is zoned Agricultural. Home Industries are permitted within the Agricultural zone subject to criteria outlined in Section 6.14. Section 6.14 b) a home industry may include such uses as a woodworking shop, welding shop, and machine shop among others. Under 6.14 d) the maximum square footage for any or all buildings or structures used for a home industry shall not exceed 232.25 m² (2,500 ft²) of floor area which shall include but is not limited to: generator room, lunchroom, office, mechanical room, basement area and inside storage area.

An amendment to the zoning by-law is necessary to permit the proposed increase in area for the home industry use. The applicant is proposing to utilize 557.4 m² (6,000 ft²) for the metal workshop and permit a maximum of six (6) employees as the business scales up.

PLANNING DISCUSSION

Home Industry criteria

The home industry criteria provided in the zoning by-law is intended to regulate the size and scale of these types of uses in the Prime Agricultural areas. The criteria was established under the former PPS requirements for secondary uses in Prime Agricultural areas in which small scale was defined and further regulated through local zoning by-laws. The current PPS (2020) policies for on-farm diversified uses which replaces secondary uses has broadened the area of operation to reflect the farm size. Under the new PPS criteria, the size and scale is contained by an area of operation that shall not exceed 2% of the area of the farm to a maximum area of 1ha (10,000 m²).

Site Plan Control

The Township Site Plan Control By-law (2013-079 as amended) is applicable. This proposal will be subject to site plan approval.

Draft Zoning By-law:

Planning Staff have prepared a draft site specific by-law that provides relief from the regulations of the home industry to establish a 557.4 m² (6,000 ft²) m² metal workshop and permit a maximum of six (6) employees. The draft by-law is attached to this report for public viewing and Council's consideration.

CORRESPONDENCE FOR COUNCIL'S REVIEW

Barbara M.J. Baranow, Analyst Land Support, Enbridge Gas Inc.

- Email dated April 15, 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

Applicant was not present to speak to the application.

COMMENTS/QUESTIONS FROM COUNCIL

There were no comments or questions from Council

ADJOURNMENT

RESOLUTION: 008-2021

Moved: Councillor McCabe

Seconded: Councillor Yake

THAT the Public Meeting of May 10, 2021 be adjourned at 2:25 pm.

CARRIED

CLERK

MAYOR