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## Public Meeting

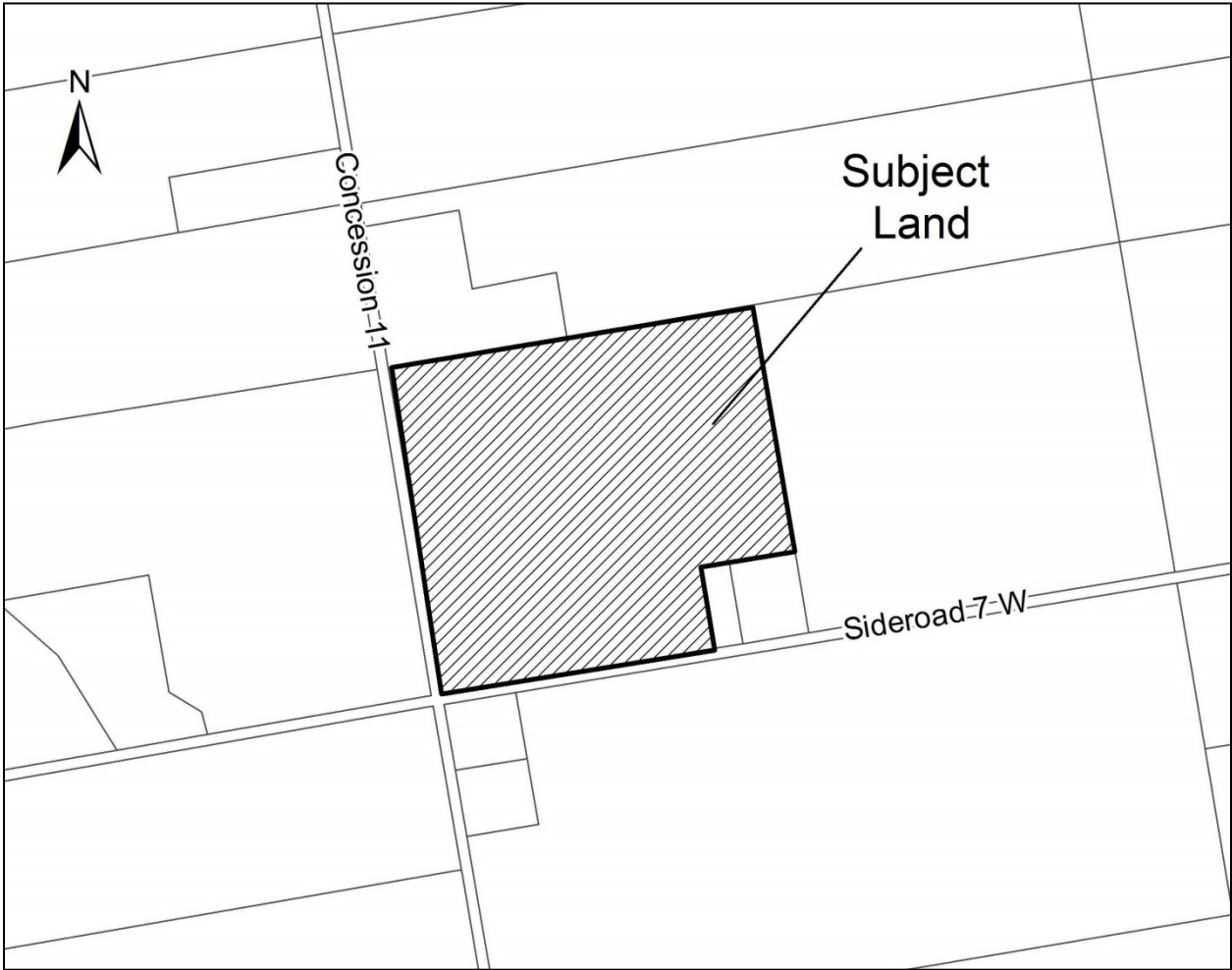
Monday, June 4, 2018 at 2:00 PM

Municipal Office Council Chambers, Kenilworth

### AGENDA

| AGENDA ITEM  | PAGE NO. |
|--|----------|
| <p><b><u>CALLING TO ORDER</u></b></p> <ul style="list-style-type: none"><li>- Mayor Lennox</li></ul> <p><b><u>DISCLOSURE OF PECUNIARY INTEREST(S) AND THE GENERAL NATURE THEREOF</u></b></p> <p><b><u>OWNERS/APPLICANT</u></b></p> <ul style="list-style-type: none"><li>- Marvin and Erla Bauman</li></ul> <p><b><u>LOCATION OF THE SUBJECT LAND</u></b></p> <p>The land subject to the proposed amendment is described as Part Lots 18, Concession 10, and is Municipally known as 8949 Concession 11, Geographic Arthur Township. The property is 37.37 ha (92.4 ac) in size. The location is shown on the map attached.</p> <p><b><u>PURPOSE AND EFFECT OF THE APPLICATION</u></b></p> <p>The purpose and effect of the proposed amendment is to rezone the subject lands to permit a dog kennel on the second level of the bank barn. The lands are currently zoned Agricultural (A) and Natural Environment (NE) Zone and are occupied by a single dwelling, bank barn and sheds. Additional relief may be considered at this meeting.</p> | 1        |

| <b>AGENDA ITEM</b>   | <b>PAGE NO.</b>   |
|--|---|
| <p><b><u>NOTICE</u></b></p> <p>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.</p> <p><b><u>PRESENTATIONS</u></b></p> <p>Curtis Marshall, MCIP, RPP, Senior Planner</p> <ul style="list-style-type: none"><li>- See attached report and draft by-law.</li></ul> <p><b><u>CORRESPONDENCE FOR COUNCIL'S REVIEW</u></b></p> <ul style="list-style-type: none"><li>- Rick Rauwerda, Animal Control</li></ul> <p><b><u>REQUEST FOR NOTICE OF DECISION</u></b></p> <p>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.</p> <p><b><u>MAYOR OPENS FLOOR FOR ANY COMMENTS/QUESTIONS</u></b></p> <p><b><u>COMMENTS/QUESTIONS FROM COUNCIL</u></b></p> <p><b><u>ADJOURNMENT</u></b></p> | <p></p> <p></p> <p>2</p> <p></p> <p>9</p> <p></p> <p></p> <p></p> <p></p> <p></p> |



**Marvin and Erla Bauman**



**PLANNING REPORT  
for the TOWNSHIP OF WELLINGTON NORTH**

Prepared by the County of Wellington Planning and Development Department

**DATE:** May 29, 2018  
**TO:** Mike Givens, C.A.O.  
Township of Wellington North  
**FROM:** Jessica Wilton, Junior Planner  
Curtis Marshall, Senior Planner  
County of Wellington  
**SUBJECT:** **Erla and Marvin Bauman**  
**8949 Concession 11**  
**Part Lot 18, Con. 11 (Arthur)**  
**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 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). A map showing the approximate setbacks is provided below.

**Figure 1: Air Photo Showing Setbacks**



## **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.

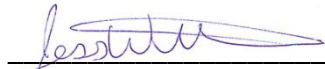
The applicant is proposing that the kennel to be located on the second level of the existing bank barn housing a maximum of 25 dogs. The applicant will be required to provide a detailed site plan as part of the kennel license application. This site plan will need to include an outdoor fenced area for 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.

Respectfully submitted

County of Wellington Planning and Development Department



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Jessica Wilton, Junior Planner



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Curtis Marshall, MCIP, RPP  
Senior 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 Part Lot 18, Concession 10 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-198)**

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

|  |              |   |
|--|--------------|---|
| <b>33.198</b><br>Part Lot 18,<br>Con 10<br>8949 Con 11 | <b>A-198</b> | 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; |
|--|--------------|---|

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 \_\_\_\_\_, 2018

READ A THIRD TIME AND PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018

\_\_\_\_\_  
MAYOR

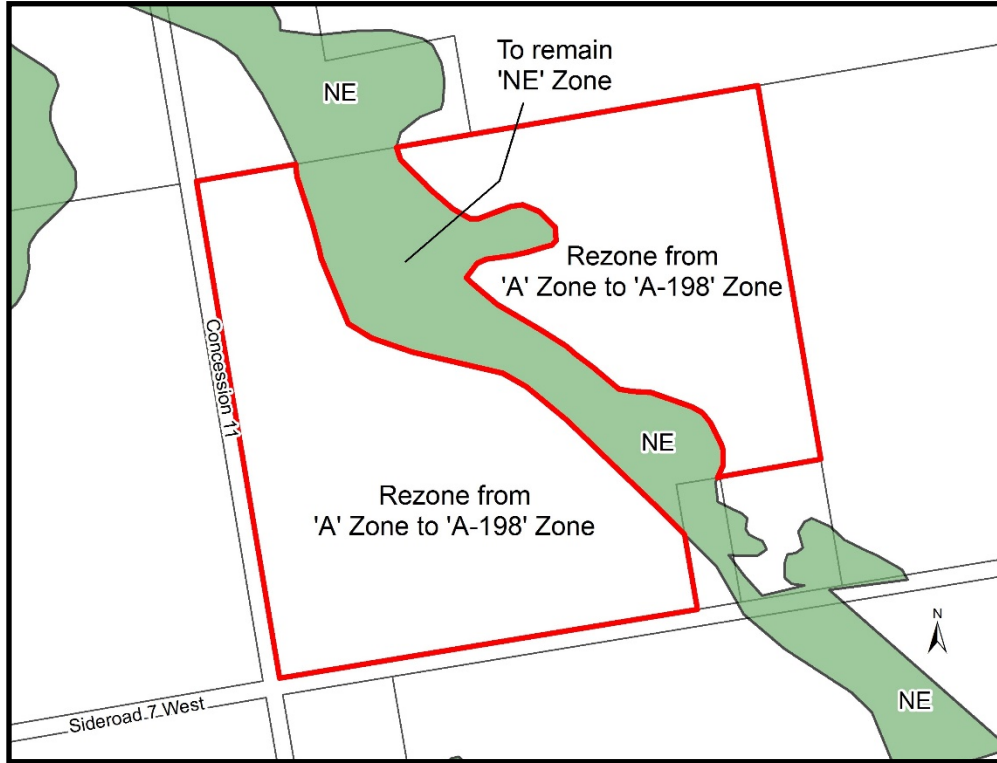
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CLERK



THE TOWNSHIP OF WELLINGTON NORTH

BY-LAW NO \_\_\_\_\_.

Schedule "A"



Rezone from Agricultural (A) to Agricultural Exception (A-198)

Passed this \_\_\_\_ day of \_\_\_\_\_ 2018.

\_\_\_\_\_.

MAYOR

\_\_\_\_\_.

CLERK

**EXPLANATORY NOTE**

**BY-LAW NUMBER \_\_\_\_\_.**

**THE LOCATION** being rezoned is Part Lot 18, Concession 10, Geographic Township of Arthur, with a civic address of 8949 Concession 11. The lands subject to the amendment is 37.37 ha (92.4 ac) in size and is currently zoned Agriculture (A) and Natural Environment (NE).

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

## **Marvin Bauman Cedar Creek Kennels 8949 Concession 11 Mount Forest**

Site visit on Mar 13 2018

I spoke with Erla and Marvin Bauman about a proposed kennel and we went over preliminary requirements of what was required as per our bylaw. I had referenced "A code of practice for Canadian kennel operations 2007" at that time and since then a new edition has come out with new requirements. "A code of practice for Canadian kennel operations 2018" has been recently released and as per our bylaw will now replace the 2007 edition.

The area being proposed is on the second floor of a bank barn above a dairy operation. It will require a significant amount of work to comply with our bylaws.

The license can be approved as long as all of the requirements for kennel construction and kennel procedures as outlined in this new edition are followed.

It should be noted that kennel sizes have been greatly increased in the new edition of the code.

I had asked for construction drawings to review but have not seen them and a building permit has not yet been acquired.

Rick Rauwerda  
Animal Control