

**THE CORPORATION OF THE TOWNSHIP OF TAY
PUBLIC MEETING OF MUNICIPAL COUNCIL**

**PROPOSED ZONING BY-LAW AMENDMENT
KENNEL REGULATIONS**

**MARCH 22, 2017
6:30 P.M.**

**MUNICIPAL OFFICE COUNCIL CHAMBERS
MINUTES**

PRESENT:

Mayor Scott Warnock
Deputy Mayor David Ritchie
Councillor Jim Crawford
Councillor Sandy Talbot
Councillor Heinrich Naumann (Chair)
Councillor Catherine Root

STAFF PRESENT:

Robert Lamb, CAO/Deputy Clerk
Alison Thomas, Clerk
Joanne Sanders, Director of Finance
Brian Thomas, Fire Chief
Peter Dance, Director of Public Works
Steven Farquharson, Director of Planning & Development
Daryl O'Shea, IT Coordinator

REGRETS:

Councillor Gerard LaChapelle

1. CALL TO ORDER

Mayor Warnock called the meeting to order at 6:30 p.m. and passed the meeting over to the Chair of the Planning & Development Committee.

2. DECLARATIONS OF PECUNIARY INTEREST

None were presented.

The Chair of the Planning & Development Committee announced that this is a Public Meeting of Council held in compliance with By-law No. 98-75 and Section 34 of the Planning Act. The proposed application this evening is with respect to an Amendment to the General Zoning By-law Number 2000-57. This application would apply to all lands within the Township of Tay.

The Chair advised that all persons present will be given the opportunity to ask questions and comment on the proposed official plan and zoning by-law amendments. Any person who did not receive notice of the public meeting and requires notice of the passage of a By-law regarding the application should leave their name and address on the sign in sheet in the lobby.

The Chair reported that there will be two meetings tonight, first the public meeting under the Planning Act and then the regularly scheduled Council meeting. During the Public Meeting, Council will consider and hear comments on the proposal. This is the opportunity for Council to hear from residents who wish to express their comments and/or concerns on the proposed land use changes. The Chair noted that everyone who wishes to speak and ask a question or comment on the application will be given the opportunity; however, no further opportunity for public comment will be provided. He reported that the application will not be voted on during the meeting and advised that a staff report with a recommendation to Council will be prepared for a future meeting.

The Chair advised that in accordance with the Planning Act, if a person or public body does not provide comments at the Public Meeting or a written submission prior to the final Council decision the Ontario Municipal Board may, on an appeal, dismiss the appeal on the basis that no concerns were raised during the public process. If you have concerns or comments regarding the Applications they should be expressed this evening.

3. STATEMENT OF PUBLIC NOTICE

The Chair then called on the Director of Planning & Development to describe the method by which notice of this meeting was given.

The Director of Planning & Development reported that notice of the Proposed Zoning By-law Amendment, dated March 1, 2017 was published in the Midland Mirror as well as on the municipal website and at the Township Office in the lobby; therefore, the 20 day notice requirement has been met.

4. CORRESPONDENCE RECEIVED

4.1 We received correspondence from David and Lisa Particelli, in support for one of the existing kennel operations.

5. PRESENTATION FROM APPLICANT

The Director of Planning & Development provided an overview of the proposed zoning provisions, as detailed in his PowerPoint presentation. He reviewed the timeline of events to date highlighting Interim Control By-law 2015-119 which directed staff to review the matter and develop land use policies for the operation of kennels. In addition, he advised that staff met with area kennel operators to discuss the proposed standards and have considered their input in the proposed provisions.

The Director detailed the two proposed definitions for commercial kennel and private kennel which is intended to clearly differentiate between land uses. He further outlined the nine proposed zoning provisions and reviewed an example of how the proposed provision may impact a kennel on a 4.0 hectare lot. The Director reported that key elements of the proposed zoning limit kennel uses to certain zones as well as establishing a minimum lot area and setbacks from abutting properties.

6. BACKGROUND REPORT BY TOWNSHIP STAFF

6.1 Report No. PD-2017-11 from the Director of Planning & Development regarding an Amendment to the Zoning By-law (2017-ZBA-01) Proposed Kennel Provisions.

The Director of Planning & Development reported that the proposed provisions are the result of a review of the existing kennel policies for the Township, following the passage of the Interim Control By-law in 2015. He noted that zoning provisions for kennels vary substantially throughout the County of Simcoe and advised that the various provisions are detailed in his report for Council's information.

The Director advised that no new policies are proposed for the Official Plan, and that the proposed zoning provisions, in addition to the kennel licensing requirements are anticipated to address issues such as minimum lot areas, setbacks, sound attenuation, regulations for kennel expansions, etc.

7. QUESTION & CLARIFICATION PERIOD – PUBLIC

The Chair inquired if there were any questions from the audience in regards to this matter.

Mr. Daniel Dorian, 35 Dufferin St, Penetanguishene inquired as to whether or not the current kennels would be grandfathered and if something is already built would it have to meet the new requirements.

The Director of Planning & Development advised that the existing kennels would be grandfathered with respect to proposed new zoning provisions; however, they would still need to meet the kennel licensing requirements. In addition, he noted that if an existing kennel wanted to do an addition or expansion they would have to come into conformity with the new regulations or apply for a minor variance.

Jay Roselle, 4093 Hogg Valley Rd expressed support for a local kennel operation and advised that his only issue would be whether or not the new provisions would be applied retroactively. He noted that the kennel operator is a good neighbour and provides a service to community that is needed.

Keith Ritchie, 185 Gilwood Park Drive, Penetanguishene advised that she has been a user of Hill Cress Kennel for approximately seven years and noted that the kennel is well managed. She expressed her support for the kennel and objected to the proposed by-law changes if they will affect the existing facility.

Wendy Slavin, 43 Copper Cliff Crescent, Tiny expressed her support for the Hill Cress Kennel and noted her concern that the by-law or other circumstances would prevent continued operation of kennel. She inquired as to what instigated the need for the Interim Control By-law. In addition, she inquired as to the amount of time spent on this matter and if the Township has any projections for lost businesses resulting from the proposed regulations. In addition, she inquired as to whether there was any documentation as to the complaints received and requested a copy of any minutes of the meetings with the kennel operators. She further inquired as to how the proposed the permitted size and land use requirements were determined as the space requirements will significantly impact the ability of businesses to operate.

The Chief Administrative Officer advised that there has been no direction impact on the 2017 Budget as a result of the complaints or this matter as most of the costs were incurred in 2016. In addition, he reviewed the origin of the matter and noted that the matter is now with the Ombudsman's Office. Once direction or recommendations are received from the Ombudsman's Office, the matter may be brought back to Council.

The Director of Planning & Development advised that there were no minutes kept from the meeting with the kennel operators; however, noted that the discussion and outcome of the meeting are reflected in the proposed zoning provisions. The Chief Administrative Officer advised that it is standard practice that minutes are not taken of every meeting held with ratepayers.

The Director advised that the size limitations are intended to ensure that the primary property use is residential and the business remains the secondary use of the property.

Sylvia Bumstead, 4093 Hogg Valley Road inquired as to whether or not there would be any reason why a current kennel operator would not be able to get a licence.

The Director of Planning & Development advised that kennels are currently required to be licensed annually and that the only reason why they would not be able to obtain that licence is if they do not meet the requirements of the canine control by-law.

Wayne Hill, 4278 Hogg Valley Road, owner of Hill Cress Kennel stated that the changes in the by-law started through noise complaints and it is his understanding that the new proposed by-law is Council's attempt to appease those complaining and keep noise levels down. He noted that when his business was established he was told he only needed five acres and the new provisions require ten acres. While the new by-law is structured to reduce noise he commented that he believes the new by-law will limit development while not reducing the noise problem. Mr. Hill advised that he believes the new by-law is too restrictive, regulations are ridiculous and is not in favour of the by-law as it may impact his business in the future.

Catherine Bozek, 169 Ellen Street inquired as to whether or not the existing businesses were grandfathered and why kennel licensing is done annually.

The Director of Planning & Development advised that existing businesses are grandfathered unless they expand or construct a new building, and then they would be required to comply with the new provisions. In addition, he reported that kennels are licensed annually as per the canine control by-law and would not have their licence renewed if they failed to comply with the by-law.

Dave Woodrow, 1655 Newton Street inquired as to what is going to happen with continuous barking and inquired as to what may be done.

The Fire Chief advised that the public meeting is respecting the proposed zoning provisions and that once a decision is rendered by Council on the zoning provisions an update to the canine control/kennel licensing by-law will come forward. He also noted that the noise levels and complaints are addressed through the noise by-law.

The Director of Planning & Development advised that future fencing and noise mitigation measures may be considered as part of updates to the canine control/kennel licensing by-law; however, the proposed zoning addresses items such as required setbacks and lot size.

Bob Fowler, 169 Ellen St noted that there is a substantial amount of the proposed by-law that is designed to prevent and mitigate noise from new kennels. He inquired as to whether or not this would result in the current noise restrictions disappearing and asked how it is possible to govern noise, which seems to be the biggest issue.

The Director of Planning & Development advised that the zoning is intended to ensure compatibility with surrounding land uses and protects both business and potential neighbours in the future. He advised that the issue of noise is addressed through the noise by-law.

Paul Pritland, 4254 Hogg Valley Rd inquired as to whether or not the proposed setback includes the fencing and dog run, or just the building, as he had planned an expansion to his business and this will severely restrict that.

The Director of Planning & Development advised that the dog runs are not included in the 10% calculation but are still subject to the setbacks.

8. QUESTION & CLARIFICATION PERIOD - COUNCIL

The Chair inquired if there were any questions from Council in regards to this matter.

Mayor Warnock noted that he has met with the kennel operators and those submitting complaints over the last few years and noted that the Township must enforce their by-laws consistently.

Moved By: Councillor Sandy Talbot

Seconded By: Councillor Catherine Root

That Report No. PD-2017-11 regarding an Amendment to the Zoning By-law (2017-ZBA-01) for Township wide Zoning provisions for kennels be received for information.

Carried.

9. FINAL STATEMENT BY THE CHAIR

The Chair advised that in accordance with the *Planning Act*, if a person does not provide comments at the Public Meeting or a written submission prior to the final decision, the Ontario Municipal Board may, on an appeal, dismiss the appeal on the basis that no concerns were raised during the public process.

10. ADJOURNMENT

Moved By: Councillor Jim Crawford

Seconded By: Deputy Mayor David Ritchie

That this public meeting per the Planning Act adjourn at 7:37 p.m.

Carried.

MAYOR

CLERK