

May 2, 2019

MUNICIPAL COUNCIL

A Special Session of the Municipal Council of the Municipality of the County of Colchester was held in the Courthouse, Truro, Nova Scotia, on Thursday, May 2, 2019 at 6:00 pm.

Roll Call

The roll was called with the following Councillors in attendance:

Mayor Christine Blair, Chair	
Councillor Eric Boutilier	District 1
Councillor Bill Masters	District 2
Deputy Mayor Geoff Stewart	District 3
Councillor Mike Cooper	District 4
Councillor Lloyd Gibbs	District 5
Councillor Karen MacKenzie	District 6
Councillor Michael Gregory	District 7
Councillor Ron Cavanaugh	District 8
Councillor Bob Pash	District 9
Councillor Tom Taggart	District 10
Councillor Wade Parker	District 11

Also Present

Rob Simonds, Chief Administrative Officer (CAO)
 Dennis James, Municipal Solicitor
 Tracey Veno, Recording Secretary
 Paul Smith, Senior Planner
 Pam Macintosh, Planner

Purpose of Meeting

The purpose of the meeting was for a Public Hearing and Second Reading for the Commercial Dog Care and Kennel Facility By-law and Concurrent Amendments to the Central Colchester Land Use By-law.

Approval of Agenda

Moved by Councillor Cavanaugh
 Seconded by Deputy Mayor Stewart

“That the agenda be approved with the following addition:

- Item # 3, Authority to Approve - Funding for RECC Facility Upgrades.”

Motion Carried Unanimously.

Public Hearing and Second Reading – Commercial Dog Care and Kennel Facility By-law and Concurrent Amendments to the Central Colchester Land Use By-law

Mayor Blair called the Public Hearing to order respecting the adoption of the Commercial Dog Care and Kennel Facility By-law and associated amendments to the Central Colchester Land Use By-law (CCLUB).

The draft By-law and proposed amendments and related staff reports have been circulated to Council members and have been made available to the public.

Rob Simonds, CAO, advised that the guidelines of the Municipal Government Act regarding advertising of Second Reading and the Public Hearing have been followed.

Councillors were reminded that only those Councillors present throughout the Public Hearing can vote on the proposed By-law and associated amendments when it is eventually considered by Council. This Public Hearing is Council's opportunity to hear about the proposed By-law and associated amendments and any concerns of Colchester County residents. Individual Councillors will have an opportunity to debate the merits of the By-law when the motion is presented to Council. Staff are present at this Hearing to answer any technical questions that may arise as a result of the public's input.

Paul Smith, Senior Planner, began his presentation with a summary of the directives to PAC for the development of a County-wide By-law which would focus on the location of facilities, the expected timelines, and extensive public engagement. Highlights of the presentation included the purpose and scope of the proposed By-law; requirements for new versus existing facilities; detailed information on siting requirements and setbacks; noise control; subsequent CCLUB amendments; and public feedback received on the proposed By-law.

Areas of concerns as identified by the Cobequid Dog Club, were related to the requirement for acoustical buffering only on sides of properties being encroached by outdoor kennels; definition of hobby breeders specifically around allowance for smaller breeds to breed up to four times annually; and, setback distances for outdoor enclosures being too excessive. Suggested reduction of setbacks included 250 m to 150 m under Section 4.1, and 150 m to 75 m under Section 4.3 of the proposed By-law. Concerns relating to the acoustical buffering, number of allowable breeds and setback distances were noted at First Reading for consideration at Second Reading. A local breeder agreed with the concerns of the Cobequid Dog Club and in addition, suggested an extension of discontinuation/inactivity of operation being increased to one year as opposed to six months as per Section 3.4.2 of the proposed By-law.

In response to the above noted concerns, staff indicated that the issues relating to acoustical buffering, and breeding allowances would not have serious effect on the intent of the By-law, and, an extension from six months to one year for facility inactivity period as per Section 3.4.2 would be consistent with development and building permits. Referring to setback reductions, staff believe that moderate reductions from 250 m to 150 m and 150m to 100 m under Sections 4.1 and 4.3 respectively can be made without compromising the intent of the proposed By-law, however, the suggested setbacks by the Cobequid Dog Club, are too close. Therefore, staff recommend that Council approve the By-law with minor amendments.

Some members of Council expressed concern with the By-law addressing breeds and number of litters when the primary objective of the By-law was to address noise issues. Questions were raised concerning the appeal process and revoking licenses; whether the By-law applied to groomers; if setbacks for outdoor enclosures were in proximity to existing houses or property lines; existing facilities being grandfathered; and, new facilities being built to National Building Code.

As Chair of the Planning Advisory Committee (PAC), Councillor Taggart presented the report from the PAC meeting held on March 6, 2019.

The CAO advised that three pieces of correspondence were received by staff and Council members. Mr. Marcel Marcotte wrote to address concerns regarding setbacks being excessive; Ms. Jenny Best wrote with concerns surrounding breeds, number of litters, and the six-month expiration of inactivity of existing facilities; and Ms. Emily Gratton requested that consideration be given around increasing the allowable number of litters per year.

Mr. Marcel Marcotte, Owner of Red Woof Inn in North River, appeared before Council to address his concerns relative to setback distances, noting that a 250 m setback would be approximately 50 to 55 acres and 150 m would be about 17.5 acres. The Cobequid Dog Club feels these setbacks are excessive and is proposing reduced setbacks to 150 m and 75 m. A brief slideshow was provided to give a visual of existing setbacks versus the proposed reduced setbacks. There are a lot of smaller operations throughout the County and based on the setbacks as recommended in the By-law, it will kill smaller businesses. Mr. Marcotte indicated that the By-law is being implemented to deal with a problem being created by 1% but will affect the remaining 99% who are not the problem. During his presentation, Mr. Marcotte also noted that All My Pets is closing which will have an impact on existing businesses.

Ms. Sherry O'Brien-Stevens addressed Council relative to breeding concerns as well as number of litters. She indicated that with amendments, the By-law could be acceptable. An area of concern is that the By-law should require that every puppy be registered.

Ms. Emily Gratton expressed concern related to the litter limits within the proposed By-law citing that it is not fair to small toy breed dogs, and how to define hobby breeders versus puppy mills. Ms. Gratton suggested amending the proposed By-law to allow small breeds of up to 20 pounds, four litters per year.

Ms. Melanie Smith advised Council that she is not done growing her business in Great Village. She wants to expand her business but is not convinced that the By-law will allow this. Her concerns are setbacks relative to Sections 4.1 and 4.2 as well as the final sentence of Section 3.2 of the proposed By-law. Mr. Dennis James, Municipal Solicitor, indicated that the criteria would apply to the addition.

Mr. Maurice Rees addressed Council to note his observations indicating that the proposed By-law is dealing with two things - noise and breeding. The issue of breeding needs to be removed from the By-law.

Discussion was held on average setback distances across the province and country as well as 15 m setback on outdoor structures being required on both sides. Staff indicated that setback distances range from 10 m to 15 m and up to 250 m and that requirements vary depending on zones. Further discussion was held on survey results relative to setback distances; approving the proposed By-law with amendments; exempting CKC registered breeds relative to breeding and litters; concerns with the By-law addressing noise relative to outdoor enclosures but not dogs barking inside; and what is

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considered reasonable behaviour relative to barking dogs. The Municipal Solicitor noted a number of changes that are being discussed such as behavioural amendments and exempting breeders would be considered substantive changes. Anything new being introduced would require bringing back to First Reading. Clarification was sought on whether setback distances would be considered substantive. It was noted that since setbacks were identified at First Reading for consideration at Second Reading, it would not be considered substantive.

Moved by Councillor Taggart
Seconded by Councillor Pash

“That Council approves at Second Reading, the Commercial Dog Care and Kennel Facility By-law and associated amendments to the Central Colchester Land Use By-law.”

Motion Carried. *(Councillor Gibbs opposed)*

In Amendment

Moved by Councillor Masters
Seconded by Councillor MacKenzie

“That Council approves at Second Reading, the Commercial Dog Care and Kennel Facility By-law and associated amendments to the Central Colchester Land Use By-law with the following amendments:

1. Changes to Section 2.3.4 which establishes the number of litters per calendar year for hobby or occasional breeding to allow up to four litters for smaller breeds up to 20 lbs.;
2. Changes to Section 4.3 involving the amount of acoustical buffering which would be required on the infringing side(s) of the property only; and,
3. Changes to Section 4.1 and 4.3 which establishes minimum setback distances of an outdoor enclosure and an adjacent dwelling with setbacks being reduced from 250 m to 150 m and 150 m to 100 m respectively; and,
4. Changes to Section 3.4.2 which would increase discontinuance of operation from six months to one year.”

Motion Carried. *(Councillors Gibbs and Parker opposed)*

In Amendment

Moved by Councillor Cooper
Seconded by Councillor Masters

“That the wording ‘*kept in an outdoor enclosure or run*’ be removed from Section 4.5.1.”

Motion Carried Unanimously

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Mayor Blair advised that Council's decision on the adoption of the Commercial Dog Care and Kennel Facility By-law is final and has the force of law upon publication in the newspaper. The associated amendments to the Central Colchester Land Use By-law are appealable to the Nova Scotia Utility and Review Board. Any appeal of Council's decision must be made within 14 days of the advertising of same in the local newspaper.

With no further business on this matter, Mayor Blair declared the Public Hearing closed.

**Authority to Approve -
Funding for RECC
Facility Upgrades**

The CAO advised that staff is seeking authority for Council Committee to make final decision on funding for RECC Facility Upgrades at their upcoming Presentation Meeting.

Moved by Councillor Boutilier
Seconded by Councillor Taggart

"That Council grants authority to Council Committee at its Presentation Meeting on May 7, 2019, to make a decision on funding for RECC Facility Upgrades."

Motion Carried Unanimously.

Adjournment

Moved by Councillor Gibbs
Seconded by Councillor Gregory

"That the meeting adjourn at 8:59 pm."

Motion Carried Unanimously.

Tracey Veno
Recording Secretary