



Public Meeting Minutes September 5, 2024

Present: Deputy Mayor Jennifer Dailloux
Councillor Sabrina Richards
Councillor Lisa Barry
Councillor Julia Shortreed

Absent: Mayor Liz Danielsen

Also Present: CAO Angie Bird
Clerk Dawn Newhook
Planner Sean O'Callaghan
Sherry Lawr
Frank Ingram
Matthew Toole
Beth Carey
Shelly Fellows
Amy Paul
Tim Kegel
Monica Hamilton Elliott
Patti Ingram
Mary Fox
Debbie Withers
Barb Lytollis
Jim Fox
Doug Lawr
Cheryl Morrow
Darlene Lawson
Suzie Kegel
Nancy Wheeler
John Patton
Chris Lawson
Jodi Robinson Dunn
Bruce Green
Robert McConnell
Craig Campbell
Rae Mavor
Ken Mavor

Call to Order

The Deputy Mayor called the Public Meeting to order at 9:01 AM.

Purpose of Meeting

**Zoning By-law Amendment Application – AH-ZBA-09/24,
Part of Lot 15, Concession 8, Geographic Township of Stanhope**

The Planner presented the application.

The subject lands are zoned SR2 and designated Rural and waterfront under the Official Plan and approximately 5.8 ac with 360ft of frontage via an unnamed right-of-way.

The surrounding uses are generally shoreline residential, Rural, recreational commercial and industrial. The lands are currently developed with several accessory structures and a hobby farm. The principle dwelling recently was razed by fire and the applicants are in the process of rebuilding.

A By-law complaint regarding the hobby farm was received and staff investigated the matter accordingly. The applicants believed their property was zoned rural (RU) and were in compliance with the Township's Zoning By-law. Staff's investigation into the matter determined the property was in fact Zoned Shoreline Residential Two (SR2) and a hobby farm is not a permitted use.

The applicant is proposing to rezone the subject lands to Rural - Exception (RU- Exception). The exception would eliminate the following permitted uses of the Rural Zone Portable Asphalt Plant, Commercial Kennel and Group Home. The RU-Exception Zone would allow for the hobby farm use to remain and for an accessory dwelling to be constructed in the future.

The Planner advised notice of the rezoning was posted on the property, circulated to all property owners within 120 metres of the subject lands, posted on the Township's website, circulated to all prescribed agencies. Several letters of objection, and support, have been received and are attached to the staff report circulated to Council.

The Planner advised following the preparation of the staff report and posting of the Agenda to Council additional letters were received regarding the proposed rezoning.

The Planner read the following letters:

Brandon Munro and Terry Ingram-Monro opposed the rezoning and expressed concerns with the impact it may have on lake, impact on property values, environmental concerns, noise, smell, impact on greenspaces, compatibility with lake community in this area, and lack of public consultation.

Ruth Morrow Oldham opposed the rezoning and expressed concerns with the potential impacts it may have on the lake, wildlife, fish population, community, spawning areas for small mouth bass and trout along Halls lake.

Elaine Burbidge opposed the rezoning and expressed concerns with potential impact on the lake and groundwater as the property has a stream that runs through it and into the lake, and concerns related to the fish and wildlife in the area.

Celine Duguay provided additional comments to a letter already submitted questioning the numbers related to nutrient units under the minimum distance separation requirements and a written report from the Field Officer that inspected the site should have accompanied application as a supporting document.

Jo-Ann Perkin opposed the rezoning.

Janet & Bill L'Heureux opposed the rezoning and expressed concerns with uses permitted in the rural areas, soil, water, odors, effluent manure management and if approved the owner should only have the right to hobby farm with strict conditions around waste management, a limited number of animals, and no additional uses permitted.

Wilfred Doyle is in support of the zoning to RU.

Alyssa Wood is in support of the proposed rezoning and has completed a co-op at post-secondary school, specifically focused on negative impacts of agricultural on water quality, under the direction of a professor with a PHD in water quality and feels the proposed hobby farm will not have a large enough agricultural load to impact the lake.

Stephen Barker supports the proposed rezoning to RU.

Suzie Kegel resides there year-round and is in support of the rezoning, has never been bothered by odor or activity on property and advised Tim and Laura are very respectful neighbours.

Philip Premavera is in support of the rezoning as the owners recently discovered their property, which historical was zoned rural residential, the current use aligns with the owners' expectation and property's characteristics, and it will not adversely affect the local community.

Gloria Wheeler is in support of the rezoning and stated the smell from pigs is minimal and only apparent when at the pen.

The Planner advised that staff contacted the Ministry of Agriculture, Food and Agribusiness and the Ministry of Rural Affairs and they had no concern with the proposal. The Planner noted that his recommendation was to approve the application, however given the number of concerns that have been raised it is recommended that Council defer the application so some of the concerns can be addressed.

Deputy Mayor Dailloux asked the Planner what actions could be taken to address the concerns.

The Planner advised due to the number of environmental concerns raised an Environmental Impact Study could be requested, and further consultation with the Ministry, and brought back to Council.

Deputy Mayor Dailloux asked members of Council if they have any questions for the Planner. There were no questions from members of Council.

Deputy Mayor Dailloux asked the Planner to explain how the Official Plan and Zoning By-law work together. The Planner advised that the Official Plan designates the property as waterfront/Rural and the Official Plan states that generally lands within 150 meters of a waterbody would be part of the waterfront designation distance, as it notes "generally" it is not a hard number. The Zoning By-law zones the property Shoreline Residential Two in entirety and has no rural zoning on there currently.

Deputy Mayor Dailloux asked the Planner if the livestock will be located within the 150m of the waterfront. The Planner advised the Zoning By-law that has been drafted is for the entire property. The farm portion is being directed to northern portion of the property with the home and accessory structures being in the southerly portion of the property where it is adjacent to the waterfront.

Councillor Barry asked the Planner if the zoning is changed to rural zone can a site plan be requested to identify where the animals and run off will be located. The Planner advised the property could not be placed under site plan control however a site plan could be attached to the a Zoning By-law schedule which would have a similar effect.

Deputy Mayor Dailloux asked the Planner what the ability of the Township is to control animal waste and pesticides on anyone's property in any designation. The Planner advised with respect to manure there are nutrient units that are defined. With an area of this size the owner would be restricted to two nutrient units and nutrient units depend on what the animal is for example 3.5 pigs equal one unit, eight goats equal one unit. The Planner advised with respect to pesticide use he was not aware of any by-laws that would restrict that.

Deputy Mayor Dailloux asked what implications there may be should the owner sell in future, and expand list of uses in the rural zone. The Planner advised should the property sell, the zoning would remain with the property and restricted to the remaining uses including hobby farm restrictions.

Deputy Mayor Dailloux asked about the unassessed wetlands on the property. The Planner advised that the Environmental Impact study would address this and noted there is a small area zoned EP however the agricultural use being proposed is not occurring in that area of the property.

Councillor Richards asked if the environmental impact study would address the slope of property towards neighbouring properties and the lake. The Planner advised this could be discussed with the consultant to scope the report to address this.

Councillor Richards asked what precedence the rezoning could set around lakes to allow hobby farms. The Planner advised there would be no precedent set as each application would be assessed on its own merits and the planning policies in place at that time.

Councillor Barry asked if the excluded uses in the zoning would stay if the property is sold. The Planner confirmed that was correct.

Councillor Richards noted that the SR2 designation was established by an OMB decision and asked if its decision on the rezoning can be changed. The Planner advised the zoning is not locked into place as a result of the OMB decision and an owner can apply to rezone their property.

Deputy Mayor Dailloux asked Council if they had any further questions for the Planner. There were no further questions from Council.

The Deputy Mayor asked if the applicant would like to make comments.

Tim Kegel, applicant, advised within 33ft their property abuts 100 acres of rural property and there is additional rural property around the lake.

Mr. Kegel stated that some of those properties were much closer to the lake than their property. Mr. Kegel stated there were no complaints of smell from previous years when they had pigs except for this year and they did not have pigs. Mr. Kegel advised there is no stream or creek that runs through their property.

Mr. Kegel advised there have been no complaints by cottagers regarding smell or noise. Mr. Kegel advised there are no environmental concerns with the property as per his discussions with the Ministry and advised it does not warrant an Environmental Impact Study. Mr. Kegel advised an assessment was completed by an Agricultural Officer which has no concerns with impact on the lake. Mr. Kegel offered to engage with a nutrient management consultant to comment on the property for Council.

Councillor Richards asked Mr. Kegel what the plan is for disposal of pig excrement. Mr. Kegel advised he is limited to two nutrient units which depends on which animals they have and confirmed they don't have animals all year round. Mr. Kegel advised the plan is to use a three or four pen system and every year the pigs are on new ground, which is better for the pigs, better for the ground and allows waste to dissipate from year to year eliminating a concentrated spot all at one time.

Mr. Kegel confirmed they will be building their home and well about 100 ft from the areas the pigs will be kept. Mr. Kegel advised they will be following the rules of the Ministry and they are not looking to disrupt neighbours and if smell arises, they will look at the number of pigs for the next time.

Deputy Mayor Dailloux asked Mr. Kegel what the Ministry recommends. Mr. Kegel advised that the number of animals does not warrant a nutrient management plan and because a hobby farm is so small the Ministries of Agriculture and Environment advised there will be almost no impact to surrounding property and lakes it does not require a nutrient management plan. Mr. Kegel addressed concerns related to potential run off and noted there is almost no chance of this as the area where the animals will be kept is almost like a bowl, and stated this was another reason why the Ministries had no concerns.

Deputy Mayor Dailloux asked if Council had any additional questions for the applicant. There were no additional questions from Council.

Sherri Lawr advised her property is adjacent to the subject property. Ms. Lawr advised she is strongly opposed to the proposed zoning by-law amendment. Ms. Lawr expressed concerns with the potential effect on lake and drinking water. Ms. Lawr is requesting studies be completed by the Ministry of Natural Resources and Fisheries and the Ministry of Environment and Climate Change on the impact the proposed change would have given the proximity to Halls Lake, unevaluated wetlands and impact on neighbouring properties, and also a report from the Ministry of Agriculture on the MDS guidelines for the property.

Frank Ingram resides on Deacon Trail and his property abuts the applicants and strongly objects to the rezoning property and expressed concerns related to the odor of the pig manure they have been experiencing.

Matthew Toole advised the comments he wished to raise have been covered by others.

Beth Cary resides on Old Mill Road is opposed to the rezoning and expressed concerns with lake health because of the pig and chicken waste and expressed concerns with contamination of groundwater, lake water and impacts on wildlife.

Shelly Fellows resides on Big Hawk Lake Road and is the President of Halls Hawk Lakes Property Owners Association (HHLPOA). Ms. Fellows has expressed concerns with activities permitted in a rural zone which could result in the contamination of lake and potential impact on public health and safety. On behalf of the property owners of the HHLPOA Ms. Fellows requested the zoning by-law amendment be declined and future requests to the rural zoning from SR1 and SR2 be automatically declined when the subject property is less than 230 ft from a permanent or vernal watercourse.

Amy Paul resides on Deacons Trail. Ms. Paul is opposed to the rezoning and expressed concerns with environmental impacts of the rezoning.

Robert McConnell resides on Old Mill Road. Mr. McConnell expressed concerned with the hobby farm and potential attraction of wild animals to the area and the safety of individuals.

Craig Campbell resides on Halls Lake Road and expressed concerns that once the property is rezoned the zoning goes forever with the property. Mr. Campbell expressed concerns with the rural uses being proposed to be excluded could be brought back in the future, enforcement of the zoning and how to police the uses on the property.

John Patton resides on North Shore Road and noted from his experience SR1 and SR2 properties are often abutted by RU zoned properties and is common throughout the County. Mr. Patton noted that other properties that are zoned rural in this area are closer to the lake then the subject property and that is why he is in support of the proposed zoning change.

Amity Lam (via zoom) owns property on Carey Close expressed concerns with the rezoning related to potential health problems because of manure and contamination of wells and lakes.

Deputy Mayor asked if the Planner and the applicant have any comments related to the public comments.

The Planner advised he had no additional comments to add and that his recommendation for deferral with the additional information, as discussed, should address the concerns expressed.

The Applicants had no further comments or questions.

The Public Meeting adjourned at 10:27 AM.



Mayor Liz Daniels

Clerk/Deputy CAO Dawn Newhook