

## MINUTES

### **PUBLIC COUNCIL MEETING**

*As per The Planning Act*

**Held during the Regular Council Meeting  
on Friday, May 10, 2019**

**Regarding: ZONING BY-LAW AMENDMENT - RZ-01-19 (1819543 ONTARIO LTD.)**

**Council Members Present:** Mayor Carol Ballantyne  
Councillors: Cheryl Philip; Mike Rickward; and Liz Stermsek

**Staff Present:** Brenda J. Fraser, Clerk Administrator  
Keven Beaucage, Deputy Clerk Treasurer  
Linda Moyer, Planning Technician  
Brian Horsman, Chief Building Official

**Regrets:** Councillor Paul Ziraldo

#### **7. Public Hearings (Pursuant to the *Planning Act*)**

**(a) Report and Resolution re:** Amendment to Zoning By-law No. 2002-28, as amended – RZ-01-19 (1819543 ONTARIO LTD.)

Mayor Ballantyne stated that this was a Public Meeting for a Zoning By-law amendment held by Council under Section 34 of the *Planning Act*. Mayor Ballantyne then declared the Public Meeting open at 1:09 p.m., to consider a proposed rezoning of lands located in Part of Lot 34, Concession 11, in the Geographic Township of Perry, now in the Town of Kearney (1734 Highway 518 E) from the Rural (RU) and Hazard Lands (HZ) Zones to a Rural Commercial Exception (CR-X) Zone and Hazard Lands Exception (HZ-X) Zone.

The Mayor asked the Planning Technician to explain the purpose of the proposed rezoning.

The Planning Technician stated that the purpose of the amendment is to allow for a Zoo/Wildlife Education Centre, together with accessory uses and structures (gift shop, concession stands, shade structures, bleachers, washrooms, animal enclosures and shelters) and a mobile home to be located on the property.

The Mayor asked if any written concerns been received.

The Planning Technician stated that one written submission was received this morning from John and Cathleen Wright. This submission was then read aloud.

The Mayor asked if the applicant wished to make any comments.

The proponents, Ms. Ruth LaBarge and Mr. Rick Parker, responded to the statements in the submission from Mr. and Mrs. Wright, as follows:

- With regard to water treatment of contaminated runoff: the animals produce no more waste than a horse or a cow or a dog; waste will be picked up daily and composted or taken to the dump; Mr. Rick Parker added that this area will be for public viewing; septic tanks probably are more corrosive; if not permitted at the dump, animal feces will be taken to another facility; animals do not go to the washroom in the ponds; you may find more things in the lake; and he doesn't feel this impact will be an issue.
- With regard to noise pollution: Ruth LaBarge replied that Bears are laid-back – don't make noise.
- With regard to negativity of animals being captive: Ruth LaBarge stated that the animals are contained by four security fences around the perimeter and that these animals have never attempted to escape.
- With regard to the possibility of vandals releasing the animals: Ruth LaBarge commented that she is hoping to bring positivity to the area as ambassadors.
- With regard to the Town managing the number of animals and species that will be allowed in this compound: Ruth LaBarge stated that there will be 4 large, 2 medium, 5 little animals and maybe a deer.
- With regard to the location being in a more rural area: Rick Parker responded this is a great location, at the beginning of the Park, that people will stop and stay to do business here; that this property is under utilized, will be beautiful and he felt this location is safer for the bears.
- With regard to Mating Season: Ruth LaBarge stated that both male bears are neutered; the females are 27 & 21 years old; Rick Parker added that there is no breeding program and for the most part, Bears are solitary creatures.
- With regard to attracting wild bears to the Town: Rick Parker responded that for the first month nature adjusts to change such as a new house, trucks travelling on the road, a fire, etc., and if local bears smell a different smell, they usually go farther away; bears are clean creatures, for example if a blind person were living next door to this center, they would not know the bears were there. Rick Parker stated that Ruth LaBarge has worked around the world with the bears; that she's looked after them well; that they want to help provide something that the Town does not have to pay for; that this is a most un-intrusive addition; and that he feels it is a better fit than ATV's. Ruth LaBarge added that it is called a Zoo because that is the permit name but it's intended to be an educational centre and that training is enrichment.

The Mayor asked if anyone wished to speak in opposition of the proposed rezoning.

Karen Fraser: stated she is not in opposition, just wants to ask questions. Ruth LaBarge responded to Karen Fraser's questions with the following: that they were originally from the US, then went to Alberta

and are now in Ottawa; they were born and bred in captivity, that she raised them from birth and she didn't foresee replacing them. Rick Parker added that the hope is that young students will find a passion to continue training animals for use in the film industry. Karen Fraser questioned parking, to which Karen Canning replied that there is enough parking area planned to accommodate buses if need be. Rick Parker added that at the height of the business, there may be two shows a day with approximately 25 people for each show.

The Mayor asked if anyone wished to speak in opposition of the proposed rezoning.

Art Murdy: commented that he didn't see any redeeming values; society has gone past training for fun; leave the animals in their natural habitat; they're doing this as a money-making proposition and in his opinion, will not make money and then the business will just leave; he objects to taking wild animals and doing this with them; asked if Council has a business plan; and if it fails will the Town be doing a clean-up. Rick Parker replied that this is on private property; all businesses are the same if they do not make money; that these animals were born in captivity; and we are trying to educate people so they can live amongst and with animals like these. John Canning, the property owner, stated that a Business Plan was started years ago and the property is still being cleaned up.

Jacqueline Tumber: questioned the Hazard Zone, asking for a definition and stating that the land zoned hazard is saturated with water 60 – 70% of the year. Planning Technician Linda Moyer stated that the entire property is not zoned hazard, only the easterly side, primarily based on the watercourse; that hazard areas are usually determined by aerial photography; the Zoning By-law does not define 'hazard'; most of the proposed development is located in the Rural Zone; and, the only reason the hazard area is included is because part of the habitat for the cheetah expands into the Hazard Zone. Councillor Rickward added that in this general area the 'hazard area' is basically low-lying land.

The Mayor asked if anyone else wished to speak in opposition of the proposed rezoning.

Catherine Potts: asked if the animals were native to the area to increase awareness; questioned the ability of the land to support very many animals; questioned if they would be using the land for grazing; asked about the limit on the kind of animals and the land-to-animal ratio; questioned the impact on the hazard lands; expressed concern with the manure; and asked about the amount of acreage. Rick Parker responded that the land is not for grazing, they are fed 'zoo food' and given clean water; that MNR looks at the property for the animals facility(s); they have vets in Montreal; these animals were born in captivity and would die in the wild; and, that individual cottages (or a cow) are a greater concern than the bears with regard to impact to the ground. Planning Technician Linda Moyer answered that we tried to speak to MNR about the criteria regarding animals and their space requirements and received very little information and advised that the portion of the property to be rezoned is approximately 8.4 acres, 3.4 hectares.

Don Hainey: stated that he is not sure how many businesses can run out of one chunk of land and questioned where the parking would be. He asked if they are affiliated with Bear-With-Us in Sprucedale. Karen Canning replied the parking is shown on the site plan. Ruth LaBarge added that Bear-With-Us does rehabilitation and we do education. Linda Moyer commented that the lot coverage provisions within the zones would determine the amount of development as long as the zone permits the use. Staff also suggested that a 15 metre buffer adjacent to residential properties apply.

The Mayor asked if anyone wished to speak in favour of the proposed rezoning.

Rick Parker commented that the north is growing and he'd like to see growth in Kearney to help with taxes; the library; bring people with different interests; in an aging community more businesses may attract a pharmacy or doctor. He knows the track record of Ruth LaBarge who likes to educate people and do away with myths.

Mayor Ballantyne asked if anyone else wished to speak in favour of the rezoning. There were no further submissions.

The Mayor asked if Council had any questions or comments.

Councillor Stermsek asked if they have a permit/license? Ruth LaBarge stated that their license is under review pending a site visit.

Mayor Ballantyne asked if the Planning Technician had anything to add. Linda Moyer advised that her recommendation was reserved until a license from MNR was obtained. Linda Moyer asked for more information from the applicant regarding nutrient management and stated that we are unsure if run off or drainage are issues, as there are presently no buildings being proposed. The proposed buildings on the site plan were at the recommendation of Staff, for future development and not part of the initial proposal.

Mayor Ballantyne asked if there were any further comments.

Mayor Ballantyne then added that she would like to see the license from MNR before rezoning. Councillor Philip agreed adding that MNR would lay out the restrictions and put conditions in place. Councillor Stermsek agreed to wait for the license from MNR and for additional information to be received. Mayor Ballantyne stated that we are going to wait on this until we have a license or permit from MNR before we can rezone.

Rick Parker asked, in essence of time, if MNR does what is needed, and if we need another meeting, is there the ability to go forward, to put up fences knowing that you should be agreeing. Linda Moyer outlined the process of giving notice, having the public meeting, Council making a decision, giving notice of the decision and that there is no guarantees with zoning due to appeal rights. Linda Moyer stated that she believes there are no building restrictions for putting up fences or some shelters. Rick Parker responded

that it's a big expense to put them up, if they don't obtain permission. Mayor Ballantyne said the next step is getting MNR in to look at this property.

Mrs. Moyer asked the proponent if it is possible to have a submission for Staff regarding nutrient management? Rick Parker answered that manure is collected, placed in a container and deposited at a sanitation depot. Mrs. Moyer asked if they would give us something that deals with run off.

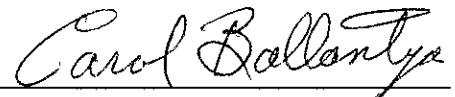
At this time, Carol Plato asked to speak. She then spoke to being involved in conservation and why learning centers are so important, including that everyone can make a difference and a small group can change the world.

Mayor Ballantyne thanked everyone for their comments and questions.

The Mayor asked the public to come forward and sign the sign-in sheet with their name, address and phone number, if they wished to receive the notice of decision. Mayor Ballantyne advised of the public's rights to appeal the decision of Council, if approved, to the Local Planning Appeal Tribunal.

Mayor Ballantyne stated that this completed the Public Meeting process and declared the Public Meeting for this Zoning Amendment closed at 2:07 p.m.

**THE CORPORATION OF THE  
TOWN OF KEARNEY**



Carol Ballantyne, Mayor



Brenda J. Fraser, Clerk