

**SPECIAL MEETING  
MUNICIPALITY OF HURON EAST  
Tuesday, July 8<sup>th</sup>, 2014**

Huron East Municipal Council met in the Council Chambers of the Municipal Office, Seaforth on Tuesday, July 8<sup>th</sup>, 2014 at 7:00 p.m. All members of Council were in attendance.

Also present for the special meeting were:

- Huron County Planning and Development Department Senior Planner Claire Dodds
- Derek Van Dieten, applicant of the proposed rezoning application on Lot 32, part of east part Lot 33, Concession 2, McKillop Ward
- Ivo and Angela Gerretsen, adjoining property owners to the proposed rezoning application
- Martha Van Dieten, Jennifer Van Dieten, Garrett Van Dieten Mark Van Dieten and Ken Scott

**CALL TO ORDER**

Deputy Mayor Joseph Steffler called the meeting to order at 7:00 pm.

*Moved* by David Blaney and seconded by Nathan Marshall:

That the Agenda for the Special Meeting of Council dated July 8<sup>th</sup>, 2014 be adopted as circulated. Carried.

**DISCLOSURE OF ELECTED OFFICIALS – PECUNIARY INTEREST**

CAO/Clerk Brad Knight advised that the following provisions are contained in Ontario Regulation 545/06, Section 5(11) 5;

- i. If a person or public body does not make oral submissions at a public meeting or make written submissions to the Municipality of Huron East before the by-law is passed, the person or public body is not entitled to appeal the decision of the Council of the Municipality of Huron East to the Ontario Municipal Board.
- ii. If a person or public body does not make oral submissions at a public meeting or make written submissions to the Municipality of Huron East before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal to the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Zoning By-Law Amendment

Lot 32, Part of East Part Lot 33, Concession 2, McKillop Ward

CAO/Clerk Brad Knight explained the purpose and intent of the proposed by-law. The by-law proposes to change the zoning on a portion of the property that is north and west of the Maitland River that crosses through the property, from ‘General Agriculture (AG2)’ to ‘General Agriculture – Special Provisions (AG1-38)’.

CAO/Clerk Brad Knight advised that the zoning proposes to permit a livestock building to be extended to within 30m of the river. He advised that Huron County Senior Planner Claire Dodds had provided comments concerning the proposed rezoning in a report to Council dated July 3<sup>rd</sup>, 2014 and was in attendance to review the report and answer any questions concerning the application.

Huron County Planning and Development Department

Senior Planner Claire Dodds attended before Council to review her report on the proposed zoning amendment with the following points being noted. An L-shaped dairy barn was constructed on the subject property in 2008. The owner is proposing to build a 21m x 30m addition onto the east end of the existing barn for feed/equipment storage and to provide some additional livestock housing. The owner is requesting a reduction in the setback from a watercourse from 60m to 30m to facilitate the addition. The purpose of the expansion is to have 50% of the addition to house and feed 20 large frame heifers that are currently kept at a neighbouring property. The remaining 50% of the area is for storage of hay/straw and equipment.

After the proposed expansion the maximum number of animals that would be housed in the barn is 74 milking cows, 10 dry cows and 6 calves and 20 heifers. The operation is serviced by a liquid manure tank and the applicant has identified that the existing manure tank has been sized to handle the additional manure generated by the extra 20 heifers. The applicant also has a certificate of approval dated June 23<sup>rd</sup>, 2014 from OMAFRA for an amended nutrient management plan consistent with the expansion plans identified in their zoning by-law amendment application.

**Recommendation:**

The Huron County Planning and Development Department is satisfied that this zoning by-law amendment is consistent with Provincial Policy Statement, conforms with Huron East Official Plan, and represents appropriate planning for the subject property. The application is recommended for approval, subject to the following changes:

1. That Council amend the zoning by-law that was circulated by adding the words “of the top of bank” so the AG1-38 zoning reads:  
*AG1-38 – Notwithstanding the provisions of Section 3.34.4 to the contrary an existing livestock housing facility (constructed in 2008) on the land zoned AG1-38 shall be permitted to be enlarged to within 30m of the top of bank of a watercourse. Any new livestock housing facilities shall meet the setbacks established in section 3.34.4. All other provisions of the Huron East Zoning By-Law 52-2006 shall continue to apply.*
2. Based on the nature of the proposed amendment to the zoning by-law, it is recommended that no further public notice be given and that Council pass a resolution under Section 34(17) of the Planning Act stating that no further notice is required.

**Rachel White, Huron Stewardship Coordinator**

Correspondence dated July 3<sup>rd</sup>, 2014 was received from Huron Stewardship Coordinator Rachel White advising that the landowner has completed a nutrient management plan, the manure from the livestock will be stored outside of the 60m setback, and the proximity to the edge of the watercourse would be at least 90m. Ms. White noted that it is unlikely that there will be a significant impact on the quality of the adjacent natural features and therefore she had no objections to the application.

**Maitland Valley Conservation Authority**

Correspondence dated May 13<sup>th</sup>, 2014 was received from the MVCA advising they had reviewed the application and the following comments were provided:

- The property features floodplain (one-zone floodplain) and is therefore subject to a flooding hazard under a regional storm event.
- MVCA staff carried out a site assessment on the property and advised the river valley slopes are well vegetated and appears to be stable. The valley relief is low and relatively flat in the location of the proposed development. As such, the proposed development is not affected by an erosion hazard.
- The MVCA staff identified the top of bank of the river valley and marked (with wooden stakes) MVCA’s regulatory limit, which is 15 metres from the stable top of bank. They also marked a 30 metre setback from top of bank. The proposed development is setback 30m – 50m from the floodplain.
- Based on their review of the proposed development on the property, the addition will be located out of the floodplain.
- There is no development proposed within MVCA regulated lands on the property as part of this application.

MVCA had no concern for the proposed zoning by-law amendment. The application is in conformance with the Natural Hazard Policies of the Provincial Policy Statement, 2014; and is not affected by *Ont. Reg. 164/06*.

**Gerretsen farms Ltd.**

Correspondence dated June 30<sup>th</sup>, 2014 was received from Ivo and Angela Gerretsen of Gerretsen Farms Ltd. expressing objection to the zoning by-law amendment application. Ivo and Angela Gerretsen were also in attendance at the meeting to review the correspondence and expressed the following concerns to Council.

- potential for adverse environmental impacts if building is permitted closer to the river than the required 60m setback, new addition will be built on the floodplain.
- will safeguards be put in place against manure spilling into the river
- within 500m of the proposed addition, there are eight neighbouring properties with dug wells, drawing water from the Maitland River – potential for adverse health affects for these neighbours
- potential for instability to the river bank if this significant addition is built
- manure pit located on subject property is often full to overflowing and the addition of livestock will only worsen this problem
- is there a nutrient management plan in place or will be in place for the subject property – requesting a copy of the nutrient management plan
- request an environmental impact study be undertaken prior to any decision regarding the by-law
- there are 150 acres available to build on the west side of the barn, away from the river – no objection to expansion in that direction and it would not require a zoning amendment

Derek Van Dieten, applicant of the proposed rezoning application, advised Council there is a certificate of approval from OMAFRA for an amended nutrient management plan consistent with the expansion plans identifying that the operation has 241.8 days of storage capacity for the expanded operation. He noted that he spread manure from the tank 3 to 4 times a year to take advantage of good weather conditions and crop requirements. The required minimum separation distance from the nearest neighbours dwelling is 351 feet and the actual distance to the nearest neighbours dwelling is 991 feet. Mr. Van Dieten noted he intends to build a residence on the property and has planted over 1,000 trees on this property and the barn expansion was part of their long term operational plan.

**Moved** by David Blaney and seconded by Frank Stretton:  
That the Special Meeting for Zoning By-Law Amendment No. 43 for 2014  
be closed at 7:28 p.m. Carried.

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Joseph Steffler, Deputy Mayor

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Brad Knight, CAO/Clerk