

**SPECIAL MEETING  
MUNICIPALITY OF HURON EAST  
Tuesday, June 2<sup>nd</sup>, 2015**

Huron East Municipal Council met in the Council Chambers of the Municipal Office, Seaforth on Tuesday, June 2<sup>nd</sup>, 2015 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 and Planner Laura Young
- Scott Schoonderwoerd, applicant of the proposed zoning amendment on part Lots 2 and 3, Concession 11, McKillop Ward
- Lisa Rapien, Debby Bennewies and Dale Bennewies, adjacent property owners to the proposed zoning amendment on part Lots 2 and 3, Concession 11, McKillop Ward
- Laverne Kirkness of Kirkness Consulting Inc. Urban and Rural Planning

**CALL TO ORDER**

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

*Moved* by Brenda Dalton and seconded by Alvin McLellan:  
That the Agenda for the Special Meeting of Council dated June 2<sup>nd</sup>, 2015 be adopted as circulated. Carried.

**DISCLOSURE OF ELECTED OFFICIALS – PECUNIARY INTEREST**

Councillor Wilbee declared a pecuniary interest on the proposed zoning amendments as the legal firm that he was employed with was involved in both amendments.

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 5, Concession 15, Grey Ward

CAO/Clerk Brad Knight explained the purpose and intent of the proposed by-law. The by-law proposes to change the zoning from ‘General Agricultural (AG1)’ to ‘Agricultural Small Holding – Special Zone (AG4-31)’ and ‘Restricted Agriculture (AG2)’.

The Clerk advised that the zoning is a condition of severance application B58/14 which severs a surplus farm dwelling. He advised that Huron County Senior Planner Claire Dodds had provided comments concerning the proposed rezoning in a report to Council dated May 28<sup>th</sup>, 2015 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.

The rezoning is a condition of severance application B58/14 which severs a surplus farm dwelling. The severed lot is approximately 0.8 hectares (1.97 acres) with an existing residence and driving shed. The Special Zone acknowledges that the severed surplus farm dwelling, at the time of application was deficient in meeting the required Minimum Distance Separation setback by 3.7% (requires distance = 282m; actual distance = 271.5m). The MDS Implementation Guideline permits variances to MDS 1 distance based on site specific circumstances where they meet the intent, if not the precise distance of MDS 1.

The retained lands are 39.6 hectares (97.85 acres) and will continue to be used for agricultural purposes.

**Recommendation:**

The Huron County Planning and Development Department advised the application conforms with the policies of the Huron East Official Plan and is consistent with the Provincial Policy Statement and recommended approval of the application.

**Zoning By-Law Amendment****Part Lot 2 and 3, Concession 11, McKillop Ward**

CAO/Clerk Brad Knight explained the purpose and intent of the proposed by-law. The by-law proposes to change the zoning from ‘General Agricultural – Special Provision (AG1-29)’ to ‘General Agriculture – Special Provision (AG1-40)’. The proposed zoning amendment will allow an exemption from the Minimum Distance Separation Formulae to permit an existing 1000 head feeder hog barn to expand to house 2000 feeder hogs.

The Clerk advised that a report from Kirkness Consulting Inc. in support of the application was received and had been forwarded to Council. Council were also provided a copy of a letter of objection from Jason Beuermann dated May 31<sup>st</sup>, 2015. He also advised that Huron County Senior Planner Claire Dodds had provided comments concerning the proposed rezoning in a report to Council dated May 28<sup>th</sup>, 2015 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.

The proposed amendment will change the zoning on the property from AG1-29 (General Agriculture – Special Provision) to AG1-40 (General Agriculture – Special Provision) to allow an exemption from the Minimum Distance Separation (MDS) Formulae to permit an existing 1000 head feeder hog barn to expand to house 2000 feeder hogs. The MDS Formulae requires 403 metres between the expanded barn and the nearest dwelling and the proposed distance to the nearest dwelling is 200 metres.

The property has been subject to a surplus dwelling severance application in 2010 and was currently zoned AG1-29 – General Agriculture and AG2 – Restricted Agriculture. The property included 2 barns: an old bank barn that was rezoned in 2010 to only permit storage and a barn for a 1000 head feeder hog operation.

The application proposed to expand the 1000 head feeder hog operation to 2000 feeder hogs. The proposed addition will extend the barn to the north and proposes to extend the existing under barn manure storage system to minimize odour from the manure. The nearest neighbouring dwelling is a house owned by Jason and Helene Beuermann which was severed as a surplus dwelling in 2010. The closest point of the barn to the Beuermann house is 200 metres. There is another hog barn located to the south of the subject property which is owned by the Bennewies family located 245 metres from the Beuermann house. It was also noted there is a small lot (0.97 acres) that was separated from Lot 2 in 1968 that is owned by Bradley Rapien. This dwelling was noted in the planners report for the 2005 rezoning. It has been the practice of the Municipal Chief Building Official to not calculate MDS from this lot, as it has historically been restricted by the size and type of neighbouring barns in area.

**Recommendation:**

The Huron County Planning and Development Department advised there continues to be locations elsewhere on the subject property where the farmer could construct a new barn that can meet the MDS II distances for 2000 feeder hogs from neighbouring residences. It was noted the owner of the subject property contacted the Huron East Building Department and the Huron County Planning Department prior to purchasing the subject property regarding his plans to double the capacity of the hog barn on the property. The purchaser, now owner, was made aware of the restrictions on expansion due to the MDS deficiency prior to purchasing the property. The owner was advised that at that time the Planning Department could not support this application. The recommendation from the Planning Department is consistent with the information given to the owner prior to purchasing the property, that this zoning by-law amendment application be denied.

**Jason Beuermann**

Jason Beuermann submitted a letter of objection to the zoning application on Part Lots 2 and 3, Concession 11, McKillop Ward. Mr. Beuermann advised that any new additional hog spaces at 44676 Sawmill Road would clearly put the contract and Mr. Benneweis farm business at risk. Mr. Beuermann requested Council consider existing farm business prior to any by-law changes.

Dale and Debby Bennewies

Dale and Debby Bennewies attended before Council to express concern with the proposed zoning amendment. Mr. Bennewies advised the proximity of the existing barn to their barn had created a bio-security concern which has contributed to the loss of a feeder contract for his barn and he was concerned that an expansion of this barn could further compromise the bio-security issues. He indicated that they did not object to the applicant building a barn if the required distances were met to reduce the impact to their own farm operation.

Lisa Rapien

Lisa Rapien, adjacent property owner to the proposed amendment, attended before Council to express concern with the proposed zoning amendment. Ms. Rapien advised the smell is quite acute and the proposed amendment would further restrict the value and use of their property. Ms. Rapien also questioned why the proposed addition could not be located elsewhere on the property to meet the required distances from neighbouring residences.

Kirkness Consulting Inc.

Laverne Kirkness of Kirkness Consulting Inc. attended before Council in support of a zoning amendment for the expansion of an existing livestock facility at part Lots 2 and 3, Concession 11, McKillop Ward. Mr. Kirkness reviewed the Planning Justification Report prepared by Kirkness Consulting Inc. that was provided to Council with the following points being highlighted:

1. the historical pattern of development which has occurred at 44676 Sawmill Road and adjacent lands has not resulted in land use compatibility issues;
2. odour control measures have and would continue to be implemented from manure storage to land application to ensure no significant odour impact on the Beuermann dwelling;
3. undue financial hardship would be created for the farmer, there would be less efficient use of existing infrastructure, land, and resources, and there would be a greater loss of crop land if the expansion were not permitted at its suggested location;
4. although inadvertently, the approval of the special agricultural AG4-15 Zone negatively impacted neighbouring “farmers’ ability to farm”, and no mitigative measures had been previously provided to the neighbouring farmers at 44676 Sawmill Road or the Bennewies hog operation;

Scott Schoonderwoerd

Scott Schoonderwoerd, applicant of the proposed zoning amendment on part Lots 2 and 3, Concession 11, McKillop Ward attended before Council to answer questions on the proposed rezoning.

Council questioned Mr. Schoonderwoerd if prior to purchasing the subject property had he spoken to the Planning Department and if he was made aware of any potential concerns. Mr. Schoonderwoerd advised that he had spoke with the previous owner prior to the purchasing the property and was under the impression there would be no issue with expansion. He also advised he was already in an agreement to purchase the property when he spoke with the Planning department regarding any expansion and was aware that the Planning Department had concerns with the proposed expansion.

**Moved** by Nathan Marshall and seconded by Kevin Wilbee:  
That the Special Meeting for Zoning By-Law Amendments No. 33 for 2015 and 34 for 2015 be closed at 8:10 p.m. Carried.

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Joseph Steffler, Deputy Mayor

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Brad Knight, CAO/Clerk