

**PUBLIC MEETING  
MUNICIPALITY OF HURON EAST  
Tuesday, August 9<sup>th</sup>, 2016**

Huron East Municipal Council met in the Council Chambers of the Municipal Office, Seaforth on Tuesday, August 9<sup>th</sup>, 2016 at 7:36 p.m. All members of Council were in attendance with the exception of Councillor Larry McGrath.

Also present for the public meeting were:

- Huron County Planning and Development Department Senior Planner Claire Dodds
- Huron County Planning and Development Department Student Planner Laura Young
- Marvin Bachert, Wendy Bachert, Wayne Williamson, Linda Williamson, Ken Dalton, Doris Williamson, Tom Williamson, Bruce Godkin, Graeme Craig, Helen Craig and Michael Craig

**CALL TO ORDER**

Mayor Bernie MacLellan called the meeting to order at 7:36 p.m.

*Moved* by Raymond Chartrand and seconded by Nathan Marshall:

That the Agenda for the Public Meeting for Zoning By-Law Amendment 52 for 2016 dated August 9<sup>th</sup>, 2016 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 21, Concession 14, McKillop Ward, G & B Acres (Derick Bachert)

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 from ‘General Agriculture (AG1)’ to ‘Agriculture Commercial Industrial (AG3)’.

The CAO advised that Huron County Senior Planner Claire Dodds had provided comments concerning the proposed rezoning in a report to Council dated August 5<sup>th</sup>, 2016 and was in attendance to review the report and answer any questions concerning the application. The CAO/Clerk also advised that written comments were also received from the following:

- Ministry of the Environment and Climate Change
- Ministry of Agriculture, Food and Rural Affairs
- Tom Williamson

#### Huron County Planning & Development Department

Senior Planner Claire Dodds attended before Council to review the report on the proposed zoning amendment with the following points being noted:

The zoning by-law amendment proposes to establish an agricultural commercial/industrial zone (AG3) on 4.62 hectares (approximately 11 acres) of the farm. This area includes the existing house, abattoir, and barn on the property. The application identified there has been meat processing occurring on the property for 36 years. At present there is an abattoir which is licensed by the province (OMAFRA & MOECC) operating on the property, along with other general agricultural uses such as cropping occurring on the balance of the farm parcel. The owners have considered options for long term succession planning for the business and are applying for commercial zoning to enable them to sever the buildings from the farm, with future plans to build a house on the farm.

The application stated they have up to date and approved licence for meat processing and an approved NASM (non-agricultural source materials) plan for the waste water for the operation under the Nutrient Management Act (NMA). Both of the approvals are obtained from the province. The MOECC is the enforcement agency for the NMA. The Municipality does not have any authority for approvals or enforcement under the NMA.

The Huron East Zoning By-law lists an agricultural processing establishment as a permitted use in the agricultural commercial/industrial (AG3) zone. An agricultural processing establishment includes an abattoir, provided it occupies less than 20 hectares (50 acres).

The Huron East Official Plan permits agricultural commercial/industrial uses in the agricultural designation provided they are related to the processing of agricultural products or the servicing of farms by rezoning provided that (s.4.4.viii):

- The use is required in proximity to farms;
- Any permitted accessory residence remain with the industrial commercial holding;
- The portion of the business relating to agriculture must relate to commercial scale agricultural and not to those goods or services which are normally required by the general public;
- Applicable Provincial requirements are met;
- Additional requirements are addressed to site plan control.

The Provincial Policy Statement 2014 (PPS) considers agricultural commercial/industrial uses as agriculture-related uses. PPS permits agriculture-related uses to be severed provided any new lot be of a minimum size needed to accommodate the use and appropriate sewage and water services.

A number of concerned neighbours had contacted staff in both the Huron East Municipal

Office and the Huron County Planning Department about this application. CAO/Clerk Brad Knight and Senior Planner Claire Dodds held a meeting on August 3<sup>rd</sup>, 2016 with 4 individuals who live in close proximity to the subject property at 43181 Blyth Road to discuss their concerns with the application. The individuals raised a number of concerns and objections to the zoning by-law amendment application. They questioned the ownership of the property, treatment of wastewater, hours of operation, noise from business operations, sources of odours coming from the plant, garbage, and the land application of wastewater. Neighbours were concerned that the change in zoning may lead to an expansion in the abattoir plant and may exacerbate the impacts they identified that they have experienced in the past. There was particular concern expressed about how wastewater would be handled if there was an expansion, and how that might impact both groundwater and surface water with it being noted that an open municipal drain crossed the property.

Ms. Dodds noted that an expansion of the abattoir could occur once an AG3 zone is established on the property, subject to meeting all regulatory approvals from the province, including updating their meat processing licence and their NASM plan to the satisfaction of OMAFRA and MOECC. The individuals were advised that the AG3 zone would allow the Municipality to put the property under site plan control which provides more regulation in terms of site development than there has been in the past.

The Huron County Planning Department recommended Council defer making a decision on this application to allow the applicant time to respond to the concerns from neighbours and for staff to obtain further information from the Ontario Ministry of Agriculture & Rural Affairs and the Ministry of Environment & Climate Change about the provincial regulations that apply to abattoirs.

#### Ministry of the Environment and Climate Change

- a) A copy of an email and letter dated March 8<sup>th</sup>, 2016 sent from Mr. Andrew Torrie, an Agricultural Environment Officer with the MOECC to Mr. Williamson, a neighbour of the subject property was received on July 12<sup>th</sup>, 2016. The letter outlined a response to concerns raised by a neighbour about the abattoir owned by the Bacherts. Mr. Torrie states that the province classifies the Bachert Meats Inc. operation as a non-agricultural operation as the abattoir processes animals raised off-site (NASM – Non-Agricultural Source Material).

The letter identified the main legislation that pertains to the Bachert Meats is the Nutrient Management Act and its regulations. NMA regulations require a NASM plan to be prepared prior to the land application of washwater. A NASM plan has been issued for the Bacherts to land apply the washwater and a tank to hold the washwater was constructed with a minimum of 240 days storage. The washwater must be tested prior to being land applied and be spread by a company certified to land apply NASM materials directly into the soil. MOECC are aware of the concerns of neighbours and have committed to monitoring the land application of materials to ensure protection of human health and the environment.

- b) A copy of an email dated August 5<sup>th</sup>, 2016 from Heather G. Pollard, District Supervisor, Owen Sound District Office, Ministry of the Environment and Climate Change to Mr.

Bachert of Bachert Meats was received on August 9<sup>th</sup>, 2016. The email confirms the current compliance status with the Ministry of the Environment and Climate Change requirements for the Bachert Meats facility.

#### Ministry of Agriculture, Food and Rural Affairs

Mr. Mark Mitchell, Area Manager (Stratford), Meat Inspection Program, Ministry of Agriculture, Food and Rural Affairs, provided correspondence dated August 5<sup>th</sup>, 2016 concerning Bachert Meats Inc. Mr. Mitchell verified that Bachert Meats Inc. (Plant 0113) is currently a provincially licensed Meat Plant and is in good standing.

Provincial meat plants that slaughter and/or produce meat and meat products for sale only in Ontario are provincially licensed and inspected by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA). These facilities and their operators are obligated to comply with the *Food Safety and Quality Act, 2001* and applicable regulations. In addition to regular inspection services, all provincially licensed meat plants are subject to periodic compliance verification audits. Audit and inspection services are administered by the Food Inspection Branch of OMAFRA. The noted facility continues to meet or exceed the expected level of risk-based compliance and maintains a “Pass” audit rating.

#### Tom Williamson

Tom Williamson provided written comments to Council on August 8<sup>th</sup>, 2016 expressing concerns and objections to the zoning by-law amendment application. The following is a list of concerns/objections raised:

1. What limitations are going to be put in place for future expansions?
2. If there is 24 hour a day slaughtering of hogs, 5 to 6 days a week, who will address the complaints regarding the increase in the amount of traffic flow along with noise and odours?
3. If the rezoning request is for the increased traffic of employees coming to work at different times of day, that raises a red flag to the neighbours about an expansion of their facility.
4. Increased truck traffic of tandems, large tractor trailers loaded with live hogs for slaughtering, dressed hogs for retail, how much noise will that generate when unloaded in the wee hours of the morning?
5. 24 hour operation – odour issues, noise issues, decreased property values, safe drinking water.
6. Previous odour issues, now asking for rezoning of severance to expand and cause more of the same.
7. If increase slaughtering numbers, can the farm land handle that kind of saturation of the blood and water without affecting the ground water?
8. Is their 88 acres of land, not all workable, will it be able to accommodate all the blood and water waste products generated from the processing of the large amounts of hogs daily and their future expansion of their facility?
9. Who is going to police this problem now and will it get worse?
10. Responsibility of owners of a business to make sure they don't impact on the lives of the surrounding neighbourhood.

#### Questions/Concerns

Tom Williamson questioned if there was an expansion would it be allowed to the front or back of the property with a buffer zone of 15 metres.

- Planner Claire Dodds advised they have 11 acres to expand within the AG3 zone and would need to accommodate an expansion within that area. The existing storage tank or new tank would need to meet requirements and regulations including certain requirements under the Nutrient Management Plan as to setback distances.

Bruce Godkin questioned the AG3 zone and 30% coverage of the property would indicate there could be up to 100,000 sq. ft. building on the property.

- Planner Claire Dodds advised the AG3 zone does permit 30% lot coverage however numerous regulations/requirements would need to be addressed and it was not anticipated this zoning would allow a building of that size.

Bruce Godkin questioned if there would be enough land base for the spreading of the waste water if they expanded their operation.

- Planner Claire Dodds advised the nutrient management agreement allows spreading on other lands if a permit is obtained as required from OMAFRA.

Doris Williamson expressed concern that if/when there was expansion, there would be more noise and smell.

Tom Williamson expressed concerns with the injection of blood into water and fields twice a year onto fields planted in edible corn and soybean crops. Mr. Williamson also stated that he had real concerns with the expansion and more saturation and pollution in local drainage tile, ditches, the Maitland River and Lake Huron. He questioned that if the water table became polluted, who would be responsible and he wanted some accountability from OMAFRA to ensure clean water in the community. Mr. Williamson advised he has complained in the past and has been told it was too far to drive down to inspect the compliant and was ignored by OMAFRA and MOECC.

- Planner Claire Dodds advised they have an up to date approved licence for meat processing and an approved NASM plan for the waste water for the operation under the Nutrient Management Act, both obtained from the Province. She noted that approvals stipulate how waste will be spread and the contents of nutrients spread has to be tested in advance of being spread including conditions and moisture of soil, weather crops etc. by certified nutrient management specialists and applied by a specialized person. The MOECC is the enforcement branch and concerns have been expressed in the past on this property. The Ministry has committed to monitoring the land application of materials to ensure protection of human health and the environment and there is an enforcement branch to contact if there are concerns. The MOECC does not currently have any outstanding orders issued to Bachert Meats, nor are any voluntary abatement requirements outstanding.

Mr. Bachert advised that succession planning for the business has initiated his son Derek to consider taking over 50% of the Bachert Meats business and possibly building a home on the

property. The process of this zoning application would enable the buildings to be severed from the farm with future plans to build a house on the farm.

Mr. Bachert noted that in regards to odour complaints last year, a solid layer of straw cover had been placed on the tank and since that application good reports have been received from neighbours regarding odours. He also noted that the individual who he hired to put the straw layer back in place after the tank was drained was tied up for a couple of weeks, but he recognized the need to have the arrangements in place to replace the straw cover as soon as the tank was emptied. He also noted that living in a rural area that he was cognizant of odours from other livestock barns, even though they had been located and built according to MDS ( Minimum Distance Separation) standards.

Recommendation

Council recommended deferring making a decision on this application to allow the applicant time to respond to the concerns from neighbours and for staff to obtain further information from the Ontario Ministry of Agriculture & Rural Affairs and the Ministry of the Environment & Climate Change about the provincial regulations that apply to abattoirs.

*Moved* by Nathan Marshall and seconded by Raymond Chartrand:  
That the Public Meeting for Zoning By-Law Amendments No. 52 for 2016  
be closed at 8:21 p.m. Carried.

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Bernie MacLellan, Mayor

Brad Knight, CAO/Clerk