

**PUBLIC MEETING
MUNICIPALITY OF HURON EAST
Tuesday, September 20th, 2016**

Huron East Municipal Council met in the Brussels Public Library on Tuesday, September 20th, 2016 at 7:36 p.m. All members of Council were in attendance with the exception of Mayor Bernie MacLellan and Councillors Kevin Wilbee, Dianne Diehl and David Blaney.

Also present for the public meeting were:

- Huron County Planning and Development Department Senior Planner Claire Dodds
- John Calderwood, applicant of the proposed rezoning application on Lot 5, Concession 11, HRS, Tuckersmith Ward

CALL TO ORDER

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

Moved by Raymond Chartrand and seconded by Larry McGrath:

That the Agenda for the Public Meeting for Zoning By-Law Amendment 61 for 2016 dated September 20th, 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 5, Concession 11, HRS, Tuckersmith Ward (Sheila Calderwood)

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 ‘Agricultural Commercial/Industrial Zone (AG3) and ‘General Agriculture (AG1)’ to ‘General Agriculture – Special Provision Zone (AG1-40)’.

The CAO advised that Huron County Senior Planner Claire Dodds had provided comments concerning the proposed rezoning in a report to Council dated September 15th, 2016 and was in attendance to review the report and answer any questions concerning the application.

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 property has a workshop surrounded by a gravel yard at the corner of Hensall Road and Stone Road that is zoned AG3 (agricultural commercial/industrial). The balance of the farm is vacant workable farmland, with some bush along the south property line. As the applicants only use the workshop for their own farm operation, they wish to remove the agricultural commercial/industrial (AG3) zoning from this portion of the property and change it back to a general agriculture zone. The applicants also wish to build a new dairy barn to house 100 head of cattle adjacent to the existing workshop and gravel yard on the property. In order to keep the new barn close to the existing building and yard, they requested permission to build the new barn at a setback of 40m from the lot line. The normal setback for a building housing livestock is 60m from the front lot line and exterior side (Hensall Road) lot line.

The circulated AG1-40 zone permits a building to house livestock may be established with a front yard setback of 40m and an exterior side yard setback of 40m, provided a minimum separation distance of 200m is maintained from the nearest neighbours' dwelling. In the area zoned AG1-40, the existing workshop is deemed to comply with the zone setbacks and yards of section 4.4 for general buildings and accessory structures. The existing workshop may not house livestock. Ms. Dodds recommended a minor modification to the zoning by-law amendment. The circulated zoning by-law amendment set a fixed number of 200m for the MDS distance between the proposed barn and the nearest neighbours dwelling. The MDS formulae is currently under review by OMAFRA, and as it may be some time before the applicants begin construction, it was recommended a modified zoning by-law amendment be passed that simply states that the location of the barn must meet the required MDS distance. The recommended modified AG1-40 zoning is as follows:

AG1-40

Notwithstanding the provisions of Section 4.4 to the contrary, in the area zoned AG1-40, a building to house livestock may be established with a front yard setback of 40m and an exterior side yard setback of 40m, provided the required minimum separate distance is maintained from the nearest neighbours dwelling.

In the area zoned AG1-40, the existing workshop is deemed to comply with zone setbacks and yards of section 4.4 for general buildings and accessory structures. The existing workshop may not house livestock.

All other provisions of By-Law 52-2006 shall continue to apply.

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.

Senior Planner Claire Dodds advised that with the modifications identified above, the zoning by-law amendment conforms to the Huron East Official Plan, the County Official Plan, and

is consistent with the Provincial Policy Statement and recommended approval of the zoning by-law amendment with modifications.

John Calderwood

Mr. Calderwood attended before Council and provided a detailed description of the history leading up to the request for a proposed zoning amendment application. Mr. Calderwood explained how the dairy operation and farm have developed over the past 10 years and the desire to have a viable operation to support himself, his three sons and their families.

Moved by Nathan Marshall and seconded by Raymond Chartrand:
That the Public Meeting for Zoning By-Law Amendments No. 61 for 2016
be closed at 7:15 p.m. Carried.

Joseph Steffler, Deputy Mayor

Brad Knight, CAO/Clerk