

**PUBLIC MEETING
MUNICIPALITY OF HURON EAST
Tuesday, July 10th, 2018, 7:02 p.m.**

Huron East Municipal Council met in the Council Chambers of the Municipal Office, Seaforth on Tuesday, July 10th, 2018 at 7:02 p.m. All members of Council were in attendance except Mayor MacLellan. Councillor McGrath arrived at 7:25 p.m.

Also present for the public meeting were:

- Huron County Planning and Development Department Senior Planner Denise Van Amersfoort
- Finance Manager-Treasurer/Deputy Clerk, Paula Michiels
- Public Works Coordinator, Barry Mills
- Chief Building Official Brad Dietrich
- Economic Development Officer, Jan Hawley
- Joe & Miriam Terpstra, owners of the subject property
- Steve Weaver, Planner with the GSP group representing the applicant
- Anne Cooper, neighbouring property owner
- Huron East residents Curtis McKinnon and Bonnie Pennington

CALL TO ORDER

Deputy-Mayor Joe Steffler called the meeting to order at 7:02 p.m.

Moved by Ray Chartrand and seconded by Brenda Dalton:

That the Agenda for the Public Meeting for Zoning By-law Amendment 53-2018 dated July 10th, 2018 be adopted as circulated. Carried

DISCLOSURE OF ELECTED OFFICIALS – PECUNIARY INTEREST – None stated

ZONING BY-LAW AMENDMENT 53-2018

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 would otherwise have an ability to appeal the decision of the Council of the Municipality of Huron East to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at the 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.
- 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 Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

The CAO noted that the agenda package circulated to Council had contained 3 reports in support of the proposed application and that the circulation of the proposed amendment had generated comments from four agencies which had also been included in the agenda package. He briefly summarized the reports as follows

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| a) | 2018-04-18 | Planning justification report from GSP group |
| b) | 2018-04-18 | Event Centre Audit by GB Architect Inc. |
| c) | 2018-04-06 | Wastewater Treatment Report by MTE Consultants |
| d) | 2018-06-28 | Maitland Valley Conservation Authority – no concerns with zoning by-law amendment but requested the storm water management/site grading plans be forwarded to the MVCA for review during site plan approval |
| e) | 2018-06-29 | Huron County Health Unit comments – given that total daily sewage flows would exceed 10,000 litres per day, the sewage system servicing the proposed assembly hall would have to be submitted to the MOECC for review and approval. Also noted that the applicant would be required to register the drinking water system with the Health Unit prior to the assembly hall being used for public occupancy. |
| f) | 2018-06-27 | Huron County Highways – through the site plan approval process, will require a commercial entrance modification permit for the property |
| g) | 2018-07-05 | Huron County Senior Planner Denise Van Amersfoort – planning report recommending that the zoning by-law amendment be denied |

Steve Weaver from the GSP group spoke to the documentation that had been supplied supporting the application and he presented an additional PowerPoint presentation to Council. He suggested to Council that the proposed by-law would contain the following provisions

- would permit the existing and expanded assembly hall as on-farm diversified use
- would recognize two existing dwellings
- would remove feed mill as permitted use under the current zoning on the property

He noted that the existing building of approximately 290 m² had been developed primarily for the use of the owner, but the owner wished to expand the facility by approximately 245 m² to provide kitchen facilities and they would host a maximum of 8 non-family events per month. He noted that the applicant had offered to reduce this number to an average of 6 per month if such a reduction was required to meet requirements of the Health Unit

He further suggested that the 2014 Provincial Policy Statement allowed for on-farm diversified uses provided they were secondary to the principal agricultural use of the property, they were limited in area and could include home occupations, home industries and agri-tourism uses

Mr. Weaver advised that the Province had produced a guideline entitled *Guidelines on Permitted Uses in Ontario's Prime Agricultural Area (Publication 851)* and he suggested the proposed use met a number of guidelines including being secondary to the primary agricultural use and was compatible with existing farm operations in the vicinity. He also indicated that the MDS (minimum distance separation) formula did not apply to this proposal.

Mr. Weaver noted that there were currently four existing septic systems on the property, including one servicing the banquet facility and that the applicant was continuing to work with the Health Unit to confirm sewage flows and system requirements. He noted that his client had reduced the proposed occupancy of the assembly hall from 140 to 105 to meet the requirements of the Health Unit, but also noted that there was some interpretation in the requirements recognizing that the septic system would be based on the worst case scenario and that portable washrooms could be used to address the overall issue of usage being more than 10,000 litres per day.

Mr. Weaver concluded his comments by indicating that there had been some precedent set in other areas of the Province recognizing the proposed use as an on-farm diversified use and cited examples in Middlesex Centre, Southwest Oxford and Caledon

Huron County Planner Denise Van Amersfoort presented her report to Council and also presented an additional PowerPoint presentation. She generally concurred that the purpose of the proposed by-law was to permit an assembly hall on the property with a maximum size of 535 m² and a maximum capacity of 105 occupants. She noted that the proposed by-law would recognize two detached dwellings on the property and would remove a feed mill as a permitted use in the existing AG3-2 zone

She noted that her report contained a summary of comments from various agencies and she noted the following points for clarification;

Maitland Valley Conservation Authority – noted that while the construction of the pond was not a regulated feature, the outlet from the pond to the municipal drain is a regulated feature

Huron County Highways - had expressed concern with two entrances in very close proximity to the County Road, and that one of the laneways may have to be moved further away from the County Road as part of site plan approval

Huron East Chief Building Official- no concerns with the changes proposed to convert the existing structure to allow for the proposed occupancy, but noted that while the building had been reviewed by an architect for Building Code Compliance, the grounds had not been and noted that the armour rock and stairs need to be evaluated in terms of compliance with the Ontario Building Code

Huron County Health Unit – had expressed concerns with the cumulative sewage flows exceeding 10,000 litres/day which required a geotechnical report and the review/approval by the MOECC. Ms. Van Amersfoort noted that the applicant had reduced the proposed occupancy of the banquet hall from 140 to 105 to come in under 10,000 litres per day but noted that the applicant had indicated that 12 migrant employees were housed in the office complex when the facility had been

licensed for 16 employees and she noted that the septic system had been designed for significantly fewer employees as an office complex

Ms. Van Amersfoort made reference to the Provincial Policy Statement (2014), Publication 851 “*Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas (2016)*” and the Huron County/Huron East Official Plans. She noted the definition of “on-farm diversified uses as; secondary to the principal agricultural use of the property, limited in area and could include home occupations, home industries, agri-tourism and uses that provide value-added agricultural products. She suggested that the proposed banquet hall was not agri-tourism and there was no agricultural component to the proposal save and except the use being proposed on a farm

She further noted that one of the primary guidelines in Publication 851 regarding on-farm diversified uses was that the use shall be compatible with surrounding agricultural operations and she noted that the proposal was located in very close proximity to an intensive livestock operation to the north.

Ms. Van Amersfoort concurred with Mr. Weaver’s comments that MDS did not apply to this application, but noted that Publication 851 had only been produced in 2016 and that Huron East had not yet incorporated “on-farm diversified uses” in its Official Plan, but that MDS policies would likely be implemented to regulate such uses. She noted that while specific policies were not contained within the Huron East documents, Council would still have to take into consideration compatibility issues

Ms. Van Amersfoort concluded her comments indicating that the Planning Department was recommending that the application be denied primarily because they didn’t consider the banquet facility as on “on-farm diversified use” and she provided the following excerpt from OMAFRA Publication 851, Section 2.3.3;

Examples of Uses that Would Typically Not be On-Farm Diversified Uses – uses with high water and sewage needs and/or that generate significant traffic, such as large food processors, distribution centres, full-scale restaurants, banquet halls

Miriam Terpstra noted that they intend to use products from their own farming operations in the operation of the banquet facility. She also indicated with respect to grading/drainage, that they had utilized the topography of this section of the property with respect to the location of barn and the construction of the pond, that no trees had been removed and noted that many additional trees had been planted and that the overflow tile from the pond was an existing farm tile outlet into the municipal drain

Several councillors asked for clarification of the application of MDS or lack thereof to an on-farm diversified use. Ms. Van Amersfoort confirmed that the Huron East Official Plan did not contain policies regarding on-farm diversified uses and therefore MDS could not be applied to the proposal but noted that MDS calculations could be used to assist with evaluating compatibility.

Anne Cooper noted a concern with potential impacts of the proposed facility on livestock operations on her farm.

Moved by Nathan Marshall and seconded by John Lowe;
That the Public Meeting for Zoning By-law Amendment 53-2018 be closed at 8:30 p.m. Carried

Joe Steffler, Deputy-Mayor

Brad Knight, CAO/Clerk