

PUBLIC HEARING**MUNICIPALITY OF HURON EAST****Tuesday, January 22nd, 2019 – 7:03 P.M.**

Huron East Municipal Council met in the Council Chambers of the Municipal Office, Seaforth on Tuesday, January 22nd, 2019 at 7:03 p.m. All members of Council were in attendance.

Also present for the public hearing were:

- Huron County Planning and Development Department Senior Planner Denise Van Amersfoort
- Heidi Schlumpf and Remo Schlumpf, applicants of the minor variance application
- Dave LeGault and Nancy Dickson, neighbouring property owners

CALL TO ORDER & MAYORS REMARKS

Mayor Bernie MacLellan called the meeting to order at 7:03 p.m.

CONFIRMATION OF THE AGENDA

Moved by Raymond Chartrand and seconded by Joseph Steffler:
That the Agenda for the Public Hearing of the Committee of Adjustment dated January 22nd, 2019 be adopted as circulated. Carried.

Adopt Agenda

DISCLOSURE OF PECUNIARY INTEREST – None declared.**MINOR VARIANCE APPLICATION A02-2018**

The Clerk explained the purpose of the meeting was to consider a minor variance application by Remo Schlumpf on South Part Lot 20, Concession 6 and Lot 20, Concession 7, Grey Ward.

The Clerk advised that a notice of the Committee of Adjustment public hearing had been circulated to all government agencies and adjoining property owners as provided by the legislation and the following replies/comments were received:

1. Report from Planner Denise Van Amersfoort dated January 18th, 2019
2. Edith Stevenson dated January 7th, 2019
3. Interment Right Holders (13) dated January 7th, 2019
4. Dave LeGault and Nancy Dickson dated January 15th, 2019

Huron County Planning and Development Department

Huron County Senior Planner Denise Van Amersfoort reviewed her report to Council concerning the minor variance application on South Part Lot 20, Concession 6 and Lot 20, Concession 7, Grey Ward with the following points being highlighted.

The purpose of the application is to permit reduced Minimum Distance Separation (MDS) setbacks from the proposed dairy barn and manure storage to the Mount Pleasant Cemetery. Two minor variances are being requested as follows:

- Reduce the Minimum Distance Separation distance for the proposed dairy barn from 395 metres to 385 metres;
- Reduce the Minimum Distance Separation distance for the proposed manure storage from 555 metres to 430 metres.

Council were advised the reason the applicant cannot comply with the MDS setbacks is because of the location of a municipal drain (McKee Drain) and changes in topography on the subject parcel. The applicant would also like to co-locate the proposed barn and manure storage with the new residence for biosecurity and convenience reasons.

The subject lands are designated Agriculture in the Huron East Official Plan and zoned General Agriculture (AG1) in the Huron East Zoning By-Law. The subject property is 125 acres in size and contains an existing residence, manure storage facility and grain bins. The proposed dairy barn and manure storage are requested to be located to the rear of the residence, within the required MDS setback to the Mount Pleasant Cemetery. The cemetery is located to the northeast of the proposed location of the barn. The cemetery property is 7.25 acres in size with 5.5 acres designated Natural Environment and 1.75 acres designated Community Facility. It was noted the MDS formula requires different setbacks for different types of uses; land uses are categorized as either Type A or Type B land uses. Type B land uses require larger setback distances, double the distance of a Type A land use. For the purpose of establishing a barn (MDS II), actively used cemeteries are to be treated as a Type B land use when calculating the required setback distance. It is for this reason that the 'double distance

requirement' is applied to the Mount Pleasant Cemetery; it is, however, important to note that the level of human occupancy and activity is much lower than other Type B land uses.

A number of letters of objection were received in relation to this application. Concerns expressed include the desire to care for and maintain the cemetery in a manner in which the interment right holders and the community can take pride, and to preserve the heritage of the cemetery.

Given the level of public interest and insufficient time to contact concerned members of the public prior to submitting the report, the Planner recommended that the minor variance application be deferred to allow for further discussion with interested parties. A subsequent report will be provided at the next Council meeting with a formal planning recommendation.

Remo Schlumpf and Heidi Schlumpf

Remo Schlumpf attended before Council to discuss the proposed development on his property, explain the reasons for the minor variance application and to answer any questions. Mr. Schlumpf advised the dairy barn ideally should be located in close proximity to the house to enable the business to be run properly, for calving purposes and security as there is continuous traffic back/forth to the barn. Mr. Schlumpf noted that in designing the location of the tank, it has been pushed back as far away from the cemetery as possible, essentially near the back of the residence. The view from the cemetery would be the house, the large majority of the barn wouldn't be seen and the manure tank would not be seen.

Nancy Dickson and Dave LeGault

Nancy Dickson attended before Council to question the proposed minor variance application. Ms. Dickson questioned how biosecurity is influenced by location and placement of tank and barn. Ms. Dickson also questioned the probability of odour and if the liquid manure would be treated chemically to reduce odour when spreading in fields. Mr. Schlumpf advised biosecurity for any type of livestock operation is important, close access to the barn from your place of residence provides the ability to monitor access. Mr. Schlumpf also noted that the Dairy Farmers of Ontario have regulations on cleanliness and procedures and the closer you can be to the facility the better. Mr. Schlumpf advised he is not familiar with chemical treatment of manure to eliminate the smell. He advised they farm organic and it would be something he would have to take up with organic certification. Heidi Schlumpf noted the manure currently being spread is not treated chemically and there has not been an issue in the past.

Mayor MacLellan noted there was a recommendation to defer a decision at this time and questioned Mr. Schlumpf if a delay would cause any problem with his proposed plans for the dairy operation. Mr. Schlumpf advised it would depend on the timeline for a decision noting there is a fixed deadline from Dairy Farmers of Ontario as to when to start the dairy facility or quota permitted will be revoked. The facility needs to be constructed and operational during 2019.

Councillor Alvin McLellan advised he has received comments from residents expressing concerns with possible odour, noise, optics of an intensive operation down the road, traffic on Mt. Pleasant and dust generated from the barn footprint. Ms. Schlumpf noted that there are two very large farming operations in the vicinity and there is already large equipment on the road. Mr. Schlumpf advised their proposed barn will house 40 cows on 123 acres and around the corner there are two 800-900 cow dairies with thousand of acres of land. He also noted that dust for the cemetery would consist of the farm land being cultivated and there would be no dust from the barn. Mr. Schlumpf also advised that dairy barns are quiet and they have always been respectful of funerals taking place. With respects to the location of the tank, efforts have already been made to move the tank from the north east side to the south west side of the barn.

Moved by Dianne Diehl and seconded by Alvin McLellan:

That Council of the Municipality of Huron East, acting as Committee of Adjustment, acknowledge the recommendation of the Huron County Planning Department and defer the minor variance application A02-2018 by Remo Schlumpf on 85251 Mount Pleasant Line, South Part Lot 20, Concession 6 and Lot 20, Concession 7, Grey Ward to the next regular meeting of Council to allow the Planner to prepare a recommendation for consideration by the Committee. Carried.

Moved by Brenda Dalton and seconded by Alvin McLellan:

That the Public Hearing for the Committee of Adjustment be closed at 7:40 p.m. Carried.