



Public Meeting Agenda

Tuesday, February 18, 2025 at 6:00 P.M.

Council Chamber

2nd Floor, 72 Main Street South, Seaforth, ON

The purpose of the public meeting is to consider and amend the Huron East Zoning By-law 52-2006.

- 1. Call to Order**
- 2. Confirmation of the Agenda**
- 3. Disclosure of Pecuniary Interest**
- 4. Zoning By-law Amendment**
 - 4.1 [Planning Report](#) re: Zoning By-law Amendment Z03-2024**

Page 2

- [Public Comments](#)**
- 5. Adjournment**



PLANNING & DEVELOPMENT

57 Napier Street, Goderich, Ontario N7A 1W2 CANADA

Phone: 519.524.8394 Ext. 3 Fax: 519.524.5677 Toll Free: 1.888.524.8394 Ext. 3

www.huroncounty.ca

To: Mayor MacLellan and Members of Huron East Council

From: Shae Stoll, Planner

Date: February 18, 2025

Re: Z03-2024 Zoning Amendment

Concession 10, Lot 32 (45181 Newry Road) and Concession 10, Lot 33 (45252 Newry Road),
Grey Ward, Municipality of Huron East

Applicant/ Owner: Darryl Terpstra & Clayton Terpstra

Recommendation

It is recommended that Zoning Amendment Z03-2024 be **denied**.

Purpose

The proposed Zoning Amendment seeks to amend the zoning on the subject properties from AG1 (General Agriculture) to AG1-51 (General Agriculture- Special Zone) and AG1-52 (General Agriculture- Special Zone).

The proposed amendment to the Huron East Zoning By-Law is required for the construction of a proposed farm residence on Lot 33 and for the construction of an additional hog barn on the existing farm operation on Lot 32. The proposal intends to amend the zoning to two special AG1 zones to reduce the required Minimum Distance Separation (MDS I and MDS II) setbacks that apply for the proposed developments, respectively. The MDS I setback for the new residence is proposed to be reduced from the required 614m (2014 feet) to 470m (1541 feet). The MDS II setback for the barn expansion is proposed to be reduced from the required 440m (1443 feet) to 245m (803feet).

The proposed special zone wording is as follows:

AG1-51 Zone

In the area zoned AG1-51, the required MDS II setback of up to 440m is reduced to 245m to the off-property residence to the east. The barn expansion shall be located no closer to the east property line than the closest existing barn

AG1-52 Zone

In the area zoned AG1-52, the required MDS I setback of up to 614m is reduced to 470m for an otherwise permitted main dwelling or additional residential unit.

Figure 1: 2020 Aerial Photograph of Subject Lands and proposed special zones. Proposed barn addition on lot 32 shown in red. Proposed new residence on lot 33 shown in yellow.



Figure 2: MDS II setback map. Required MDS II setback of 440m to nearby residences shown with blue circles.



Figure 3: MDS I setback map. MDS I setback of 614m for a new residence shown with purple circle.



Figure 4: Proposed amended key map.

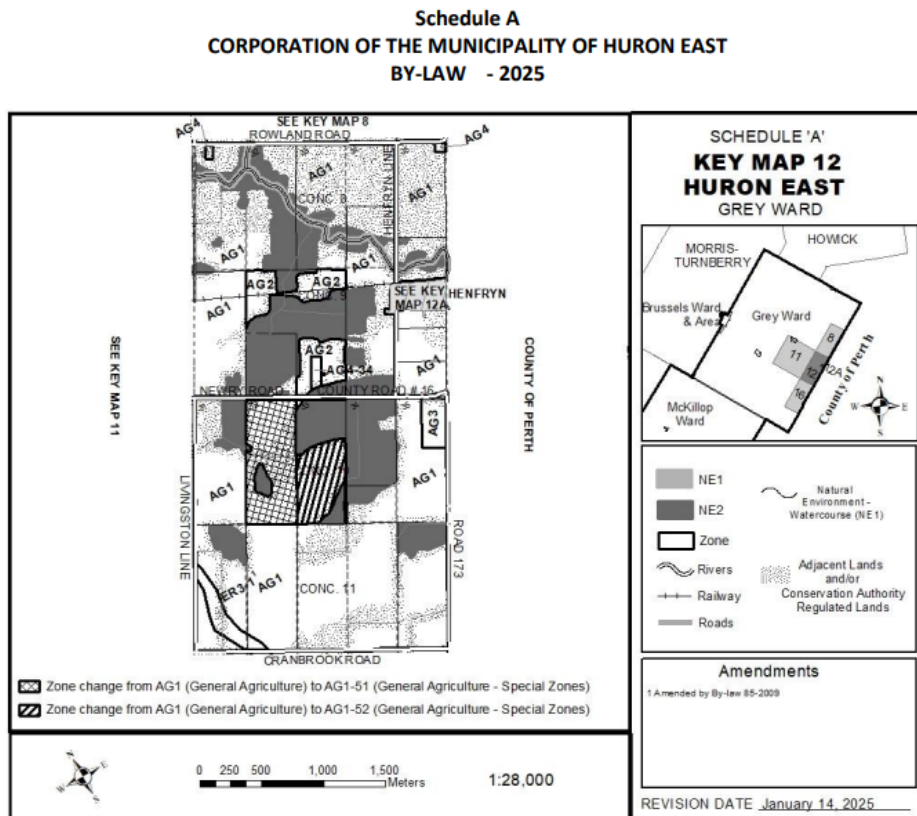


Figure 5: Draft site plan for barn expansion provided by the applicant



Figure 6: Draft site plan for new farm residence provided by applicant. Note: north to right of page.

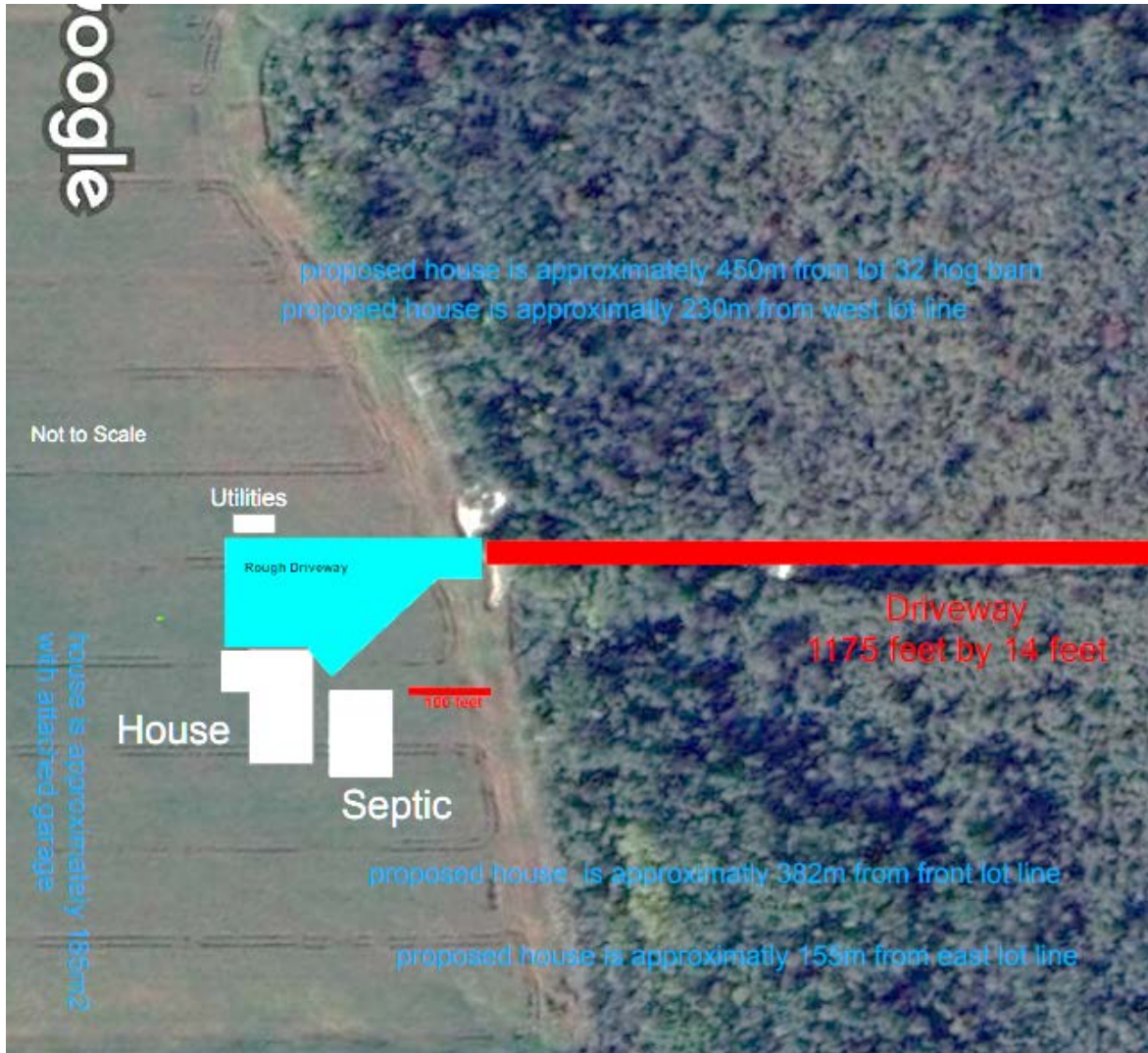
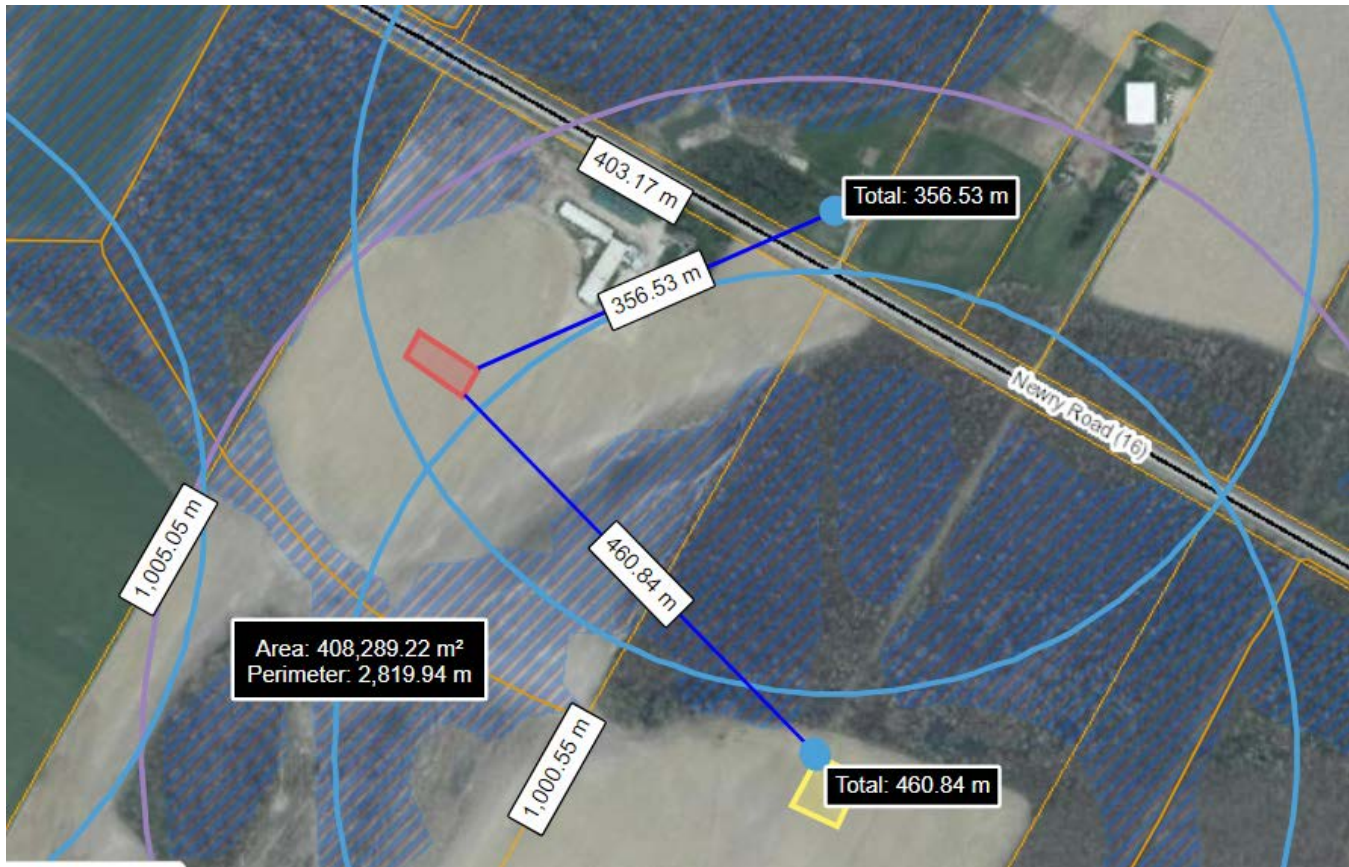


Figure 7: Alternative location. MDS II setbacks to neighbouring houses shown with blue circles, MDS I setback to barn shown with purple circle and flood plain shown with blue hatched area.



Comments Received

Neighbours and members of the public

Several comments and letters of concern were received by neighbouring property owners. The comments received have been included with this report for Council's review and consideration. A summary of those comments is included in the chart below.

Name	Comment Received
Laura & Mark Long (45212 Newry Road)	Concerns related to impacts on their property (odor, health, noise, environmental) and level of MDS reduction to their house.
Jeffery Speiran & family (84590 Livingston Line &	Opposed to proposal due to impacts to their property and surrounding properties. Concern with potential future impacts to their own barn expansions.

Name	Comment Received
84587 Livingston Line)	
Dennis Terpstra (neighbour to southeast)	Concern with impacts to abutting landowners (odor, ammonia concentration) and environmental impacts (nutrient management, greenhouse gas emissions). Also noted concerns with needing more information on the proposal and impacts.

Agency Staff

Maitland Valley Conservation Authority Staff have reviewed the application and have no outstanding concerns from a natural hazard perspective. Both proposed developments maintain a sufficient building envelop outside of the wetland boundary and provide a suitable buffer from the natural hazard. MVCA did note some improvements to the access to the proposed new residence will be required and are working with the property owner to coordinate these improvements.

Review

The subject lands are designated "Agriculture" on Schedule B of the Huron East Official Plan and zoned AG1 (General Agriculture) and NE2 (Natural Environment-Limited Protection) on Key Map 12 of the Huron East Zoning By-Law. Both lots are 100 acres in size and front on Newry Road. Lot 32 contains an existing hog operation, shed and residence and lot 33 consists of vacant farmland and natural environment.

Two separate developments are proposed as part of this application. The applicants are proposing an expansion to the existing hog operation on lot 32. The existing operation consists of approximately 2000 head finishing hogs and an additional 1000 hogs are proposed to be added to the operation. The application requests a reduction from the required 440m MDS II setback to 245m to the neighbouring house to the north. This represents approximately a 44% reduction to the required MDS II setback.

Planning staff met on-site with the applicants to assess options for alternative locations for the new barn. The applicant stated that they do not wish to shift the proposed building location further to the south for the following reasons:

- A location farther from the existing livestock operation would result in significant loss of efficiencies from a bio-security and financial standpoint;

- Infrastructure related to feed operations has been constructed in proximity to the existing barn cluster, decentralizing a new barn would result in increased traffic and staff time to truck feed between barns;
- Parts of the farmland to the south consist of muck soils which are not conducive to development;
- Concern with taking additional active cropped farmland out of production;
- A significant portion of the farmland west of the existing building cluster is constrained by a flood hazard associated with the wetland; and
- The applicant is very familiar with the odor impacts associated with this type of barn and believe the impact of the expanded barn would not pose a significant increase from existing odor impacts.

Alternative farm locations for the proposed barn expansion were also discussed as the applicant owns several other farms in the area. The applicant noted that other farm locations would not be ideal as their other operations house primarily sows which would not be compatible with finishing hogs from an animal husbandry and animal health perspective.

The application also proposes a new residence on lot 33, which is also owned by the applicants. The new residence requires a reduction to the required MDS I setback from the existing and proposed new barn on lot 32. The application proposes a reduction from the required MDS I setback of 614m to 470m. This represents approximately a 23% reduction to the required MDS I setback.

The new residence is proposed for a family member who is actively involved in the livestock operations on lot 32 and would benefit from being in proximity to the existing farm operation. There is an existing farm entrance through the natural environment area and the applicants have consulted with MVCA regarding required setbacks and other requirements for the residence. The applicants also noted they wish to eventually construct a new livestock facility (weaner nursery barn) on this lot at a later date.

Huron East Official Plan

The agriculture policies of the Huron East Official Plan set out various goals and policies related to agricultural operations such as livestock barns and residences accessory to agricultural operations. The Huron East Official Plan (Section 4.3.) outlines various goals for the agricultural area including ensuring flexibility for a range of size, types and intensities of agricultural operations as well as recognizing that strong agricultural communities require housing.

Section 4.4.2 expressly states that residential uses accessory to the commercial scale farm operation are permitted and recognized as an accessory use. The new residence proposed on lot 33 is intended to be accessory to agriculture for a family member who is actively involved in the existing livestock

operation. Further, the proposed residence will help facilitate future succession planning for the farm family. Section 4.4.15 states that all farm operations and buildings will comply with the Minimum Distance Separation I and II formulae. The Official Plan further states that the objective of applying MDS is to prevent land use conflicts and minimize the nuisance complaints from odor. The purpose of the MDS guidelines is to protect both livestock operations and residential uses and ensure maximum compatibility. The Official Plan states that Minimum Distance Separation shall be implemented in accordance with MDS Implementation Guidelines, Publication 853. Implementation guideline #43 states that MDS I and II setbacks may be reduced in limited site-specific circumstances *that meet the intent of the MDS Document*.

The practice has been to permit dwellings on existing lots but where the MDS I setback cannot be met; a planning application would evaluate the appropriateness of a reduced setback. The proposed MDS I reduction (approximately 23%) results in a modest reduced setback and is buffered by a large woodland between the new residence and existing barns. Currently the two properties are both owned by the applicant's family and involved in the livestock operation. Should the properties change hands, it is reasonable to assume that the person residing within said dwelling will have an increased understanding of agriculture and the impacts of abutting livestock operations. The proposed setback to the livestock operation is considered reasonable and likely to have very low potential for land use conflict. As such, the MDS I reduction proposed maintains the intent of the Official Plan and the MDS Document.

The proposed MDS II reduction requests a significant reduction to the required setback to the residence to the north (approximately 44%). The existing livestock barn was constructed prior to today's MDS guidelines. The scale and location of the existing livestock operation would not meet today's standards. The proposed addition would result in an increased impact to the neighbouring residence to the north and could lead to further compatibility concerns. There have been noted concerns with existing impacts, particularly odor impacts, from the current livestock operation to the residence to the north that would serve to be increased as a result of this proposed location. As such, the MDS II reduction proposed does not maintain the intent of the Official Plan and the MDS Document.

Provincial Planning Statement (2024) and Huron County Official Plan

The Provincial Planning Statement (PPS, 2024) requires that new land uses in prime agricultural areas, including new or expanding livestock facilities, shall comply with the Minimum Distance Separation formulae (policy 4.3.2.3). The Huron County Official Plan includes a similar policy but goes further to state that 'all developments in agricultural areas will be compatible with the neighbouring rural uses, be of a scale compatible with the rural character, and have adequate services available' (policy 2.3(11)).

The proposed MDS II reduction does not comply with the MDS formulae, nor does it maintain the intent of the MDS document. The proposed level of reduction raises concerns regarding the compatibility with neighbouring rural uses, as outlined above, and does not maintain the intent of the MDS Document. The MDS II reduction requested is not consistent with the PPS 2024 and does not conform with the Huron County Official Plan.

The proposed MDS I reduction does not comply with the MDS formulae however, the requested reduction does maintain the intent of the MDS document as a modest reduction is requested. The proposed development is considered to be compatible with neighbouring rural uses and does not create new compatibility concerns. Therefore, The MDS I reduction requested is consistent with the PPS 2024 and conforms with the Huron County Official Plan.

Planning Act

Section 2 of the Planning Act requires that decision makers have regard to matters of provincial interest; matters particularly relevant to this application include:

- (n) the resolution of planning conflicts involving public and private interests; and
- (p) the appropriate location of growth and development.

The request for a 44% MDS II setback reduction may result in increased conflicts between the applicant and neighbours and does not present the most appropriate location for the proposed barn development. The MDS II reduction requested is not in compliance with the Planning Act.

Alternative location

Figure 7 depicts an alternative location that pushes the proposed barn further south, away from the neighbouring property, resulting in a smaller MDS II reduction (roughly 20%). This location considers constraints from the flood plain associated with the wetland as well as soil type. This location is within class 1 soils which is more conducive to development of a building as apposed to class 0 (organic, muck soil), found farther south, which provides less stability for construction and infrastructure. This location proposes an alternative location that would result in a lesser impact to the residence to the north and introduces no new MDS impacts. This location meets the intent of the MDS guidelines and would generally be considered appropriate. If there is interest in pursuing the above alternative location, Council may consider deferring the application to allow time to explore this option.

Conclusion

The MDS I reduction requested complies with the Planning Act, is consistent with the PPS, 2024 and conforms with the Huron County and Huron East Official Plans. The MDS II reduction requested does not comply with the Planning Act, is not consistent with the PPS, 2024 and does not conform with the

Huron County and Huron East Official Plans, however, there may be an alternative location that does meet the applicable policies.

Since the application, as submitted, does not meet the applicable policies for both special provisions requested, the application is recommended for **denial**.

Please note this report is prepared without the benefit of input from the public as may be obtained through the public meeting. Council should carefully consider any comments and/or concerns expressed at the public meeting prior to making their decision on this application

Sincerely,

"Original signed by"

Shae Stoll, Planner

Site inspection: February 10, 2025

Comments and Concerns Regarding Proposed Zoning By-Law Amendment

File: 203-2024
 Applicants: Darryl Terpstra & Clayton Terpstra
 Owners: 2849392 Ontario Inc. & 1925066 Ontario Ltd.
 Location of Property: 45253 Newry Rd and 45181 Newry Rd
 Role No. 4040-420-010-03800 & 4040-420-010-03700

To Huron East CAO, Mayor & all Counsel Members,

We are writing you today to advise you of our questions and concerns in regards to the proposed zoning amendment for the above listed properties, specifically the barn expansion proposing the setback being reduced from the required 440m to 245m.

Questions:

- How big is the proposed barn expansion?
- Why are they proposing that we live 245m from the pig barn & proposing the farm owner lives 470m from the barn?
- Why does the new barn need to be in the proposed area when they have multiple other barn placement options on the same property or other owned property, within the required guidelines?

Concerns:

- Decreased property value
- Increased odour (predominant west wind)
- Health concerns with increased flies and bugs
- Increased noise from animals & vehicle traffic
- Manure management and environmental impacts

We purchased our property almost 11 years ago to eventually build our dream house on. At the time, there was no livestock in the barn. Since Darryl purchased the farm and put pigs in the barn, we noticed a significant increase in odour and flies. We realize we live in the country so we have put up with the inconveniences.

We plan to build a new home of our own this summer. With the current odour already unbearable at times due to predominant west winds, we are concerned our property will not only decrease in value but we won't be able to enjoy it with the increased odour, noise, flies/bugs etc. this build will cause.

It is unclear as to why such an aggressive amendment to the current by-laws are being proposed. These by-laws are in place for a reason, to protect neighbours like us who pay a significant amount of taxes each year.

Please seriously consider the points we have made and deny the request to make the proposed amendments.

We will be in attendance of the upcoming meeting on February 18 but would appreciate to receive notice in writing once a final decision has been made on this matter.

Thank you for your consideration.

Mark & Laura Long

45212 Newry Road, Brussels

Role No, 4040-420-009-05200

Please feel free to reach out to us for further discussion/clarification

Mark Long

519-441-1923 mark.long@deltapower.ca

Laura Long

519-492-0772 lauralong818@gmail.com

February 9, 2025

To Whom It May Concern,

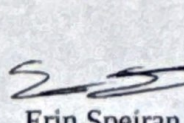
We, Bradley Speiran, Gayle Speiran, Jeff Speiran and Erin Speiran, are writing with regards to our incredible disagreement with the proposed zoning by-law amendment (File: Z03-2024, Applicants: Darryl Terpstra and Clayton Terpstra) affecting us and surrounding properties. As this may not immediately affect our properties (CON 10 LOT 31, CON 11 LOT 30, CON 10 LOT 29, CON 10 LOT 30) negatively, we are strongly against it going forward as we can not guarantee it will not affect us long term, as expansions with both our dairy facilities and beef facilities are in our long term plans.

There is too many unknown variables as to how it could limit our operations for us to allow this to happen without a fight. The purpose of the rezoning from General Agriculture to General Agriculture – Special Zone indicates there are obscure plans on their behalf which is why we are not going to allow this to happen, as we don't feel we need to be left guessing how this will impact us.

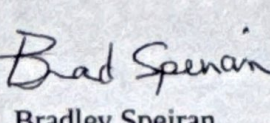
We, Bradley and Gayle Speiran, give Jeff Speiran permission to speak on our behalf at the public meeting taking place Tuesday, February 18th at 6pm.



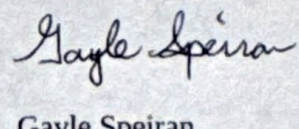
Jeffrey Speiran



Erin Speiran



Bradley Speiran



Gayle Speiran

Municipality of Huron East council members,

Zoning by-laws and Minimum Distance Separation measures are in place for a reason and should be followed. The proposal fails to inform the adjacent landowners and council of other issues like nutrient management plans and whether there is enough land for the manure to be applied to, under what concentrations, potential risk for contamination of municipal drains due to excessive manure spreading and GHG emissions. This can have devastating impact on the environment and the soils by mismanaged manure practices.

Also, missing is the increase of odor and ammonia concentrations that may impact existing landowners, in particular residential landowners living near the livestock facility. The expansion in quantity of livestock and size of the livestock would greatly influence the level of sensitivity experienced by neighbors.

The council should be made aware of issues regarding the documentation to neighboring landowners and request that more information is provided to make a conclusive decision, rather than the municipality leaving it up to the other landowners to search for the correct information.

1. In the proposal, the zoning amendment and minor variance was requested on December 2, 2024 but the municipality signed off on January 16, 2025. It was mailed and received on January 23, 2025 requiring feedback by February 12, 2025 which did not allow much time for the adjacent landowners to find the missing information not included in the document.
2. Missing information – current size and quantity of existing livestock facilities and what is requested for the expansion was not included.
3. Missing information – the existing residential areas and their locations
4. Missing information – the other property owners livestock facilities, homes and their MDS circles (making sure that the information is correct) Landowners are not able to calculate their livestock facilities MDS circle without reaching out to the municipality, not to mention the MDS doesn't account for all types and sizes of livestock – it is an incomplete picture of the calculation leading to inaccurate calculations that is required to make an appropriate decision. Also, does the municipality have the correct livestock sizes for an accurate calculation of surrounding facilities? Why is this information not provided, why do the adjacent landowners have to do more work to gather information from the landowner making the request?
5. There are concerns over the accuracy of the current MDS presented in the document when this livestock facility had been renovated to exclude the nursery portion of the facility and now is all finishing capacity. Was the council aware of this

renovation before the landowner requested a minor variance for the expansion? Is this MDS guideline provided in the document accurate based on quantity and size of the livestock currently present?

6. The information in the document provided was insufficient.

The council should discuss how to make improvements to this process moving forward, such as

- The timeliness of the information and the way in which the documents are communicated (email, not just mail, think about time sensitivity)
- Looking at both the proper MDS standards compared to the requested changes, the other livestock facilities in the area and impact to existing residential homes. Does the municipality have the correct MDS or have you allowed enough time to gather correct information from landowners that will be impacted by the minor variance?
- This lack of information about the area makes it difficult for landowners and council to make an accurate decision. The way the information is presented, it appears the decision is being made in isolation for only one property, missing the big picture.
- The council should be thinking about the larger impact of a new or expansion livestock facility and not just the MDS. Nutrient management plans, livestock concentrations, impact on municipal drains and the impact of increased GHG emissions.
- Why are all the MDS circles not present in the documentation for the neighboring properties?
- Why are there no mentions of the size and quantity of livestock at the current facility and lack of information on the request for expansion?

We are not supportive of a zoning bi-law amendment and the minor variance for both the livestock expansion and residential unit requested by Darryl and Clayton Terpstra. Moving forward, we oppose any zoning bi-law amendment for the building of a new residential unit on the other property Concession 10 lot 32 before information is gathered by the municipality to see if the home is at the proper MDS and would encroach on the property to the southeast which would have an impact to the existing livestock facility to the south.

With the lack of information in the current documentation we recommend that the council deny the requests.

Dennis Terpstra, Silver Corners Inc



File 203-2024 Public Meeting Feb 18, 2025

Darryl and Clayton Terpstra

2849392 Ontario Inc and 1925066 Ontario Inc (operated as Tanda Farms Ltd.)

Tanda Farms is seeking a zoning amendment to ultimately allow the construction of a hog barn addition on lot 32 con 10 and a new primary residence on lot 33 con 10.

Tanda Farms is a family owned and operated farm with primary focus on pork production. We are seeking to expand a current hog finishing site on lot 32 as well as build a house on lot 33. The lot 32 hog site has been in production well before the MDS setbacks were conceived and is noncompliant with a neighbouring house. This is limiting the current building site from reasonable growth. On lot 33 we would be constructing a new primary residence for an active family member of our farming operation.

Lot 33 New construction of primary residence information

- Clayton and his wife Holly, have a location of a new residence site that has been determined after consulting with staff of Huron East and Maitland Valley Conservation authority
- This primary residence is for an actively farming family member
- as we look forward – our family farm requires more houses to facilitate the growing family needs and next generation succession planning
- This would be built to facilitate the addition of future livestock buildings meeting current MDSII requirements
- No additional road entrances would be required

Lot 32 hog barn information

- This site currently has a capacity of approximately 2000/finishing head with feed storage, feed grinding and feed mixing on site
- There is ample corn storage and feed mixing capacity at the current building site to support this expansion, provided the buildings are connected to facilitate the automated feed transfer of feed
- Our preferred farming model is to harvest the crop and use the crop on site as livestock feed
- Manure normally remains on the same farm site for soil nutrients, and this is monitored by an Agronomist
- Corn is stored on the farm in sealed structures eliminating the need to transport it on the roadways for drying or milling



- For our current multi family generations and future generations to have a successful succession, we wish to build a farm site that can generate and create a sustainable farming income from the farming operation to sustain and be successful with the higher cost of farmland
- If the barn addition would be built on another area of the same farm using the MDS II it would be inefficient for services, bio secure entrances, driveways, yards, snow removal, etc. taking more active farmland out of production
- Our normal farm practice is to use manure additives that reduce odour and flies. Cost recovery for this product is captured in pig performance and stabilized nitrogen in the manure
- We propose an addition to be built at the furthest point away from the nearest house, behind the current existing barn
- Our feeling is that an addition behind the current pig spaces would not create a noticeable effect on the neighbouring houses

Please feel free to contact us with any questions.

Darryl Terpstra
519-291-7586

Clayton Terpstra
519-444-8700