

DATE: October 27th, 2021

REPORT NO: COA-041-21

SUBJECT: **Recommendation Report**
Application for Minor Variance by Chris Attema of Attema Consulting Services Inc. on behalf of Spring Creek Quail Farms
File No. A29/2021WL

CONTACT: Madison Etzl, Planner II
Brian Treble, Director of Planning and Building

OVERVIEW:

- A minor Variance application has been submitted by Chris Attema of Attema Consulting Services Inc. on behalf of Spring Creek Quail Farms/ CRO Quail Farms Inc. for the property legally known as Concession 8, Part Lot 13, in the former Township of South Grimsby, now in the Township of West Lincoln, Region of Niagara, municipally known as 3625 Sixteen Road.
- This Minor Variance application is requesting a decrease in the Minimum Distance Separation II (MDS II) for a new proposed livestock operation to neighboring single detached dwellings.
- A minor variance application has been applied for to permit the decrease in the minimum distance separation II (MDS II) setback for a proposed quail livestock barn from 176 metres to 103 metres.
- The last livestock operations had a permit approved April 23, 2019, roughly 918 days ago (2 years, 6 months, and 4 days ago).
- The separation distances calculated by MDS II vary according to a number of variables, including type and number of livestock, type of manure system, livestock management (i.e., tie stall barn vs. free stall barn), and expansion factor (any building permits issued for expansion in the previous 3 years).
- The Expansion Factor only applies for MDS II, and is based on the percentage increase in the number of Nutrient Units for the proposed construction of a first or altered livestock facility, compared to the Nutrient Units of all existing livestock facilities on the lot. The greater the percentage increase, the greater the value for the Expansion Factor and the further the resulting MDS II setbacks, all things being equal.
- Where a livestock facility is to be expanded, and one or more building permits to establish or expand that livestock facility were already issued within the previous 3 years, the percentage increase shall be calculated using the total additional Nutrient Units established or added by building permit(s) issued during the previous 3-year period, plus the proposed expansion, as the numerator, and the total existing Nutrient Units prior to the previous 3-year period as the denominator.

OVERVIEW CONTINUED:

- If it had been over 3 years since the last permit was issued for a livestock operation on the property, then the minimum distance separation requirement would be 126 metres.
- However, it has not technically been 3 years since the last permit was issued for a livestock operation on the property so the minimum distance separation requirement is 176 metres.
- The requested variance for a separation of 103 metres is a reduction in the MDS formula II of 23 metres if the previous building permit was granted longer than 3 years ago and a reduction in the MDS formula II of 73 metres if the previous building permit was granted less than 3 years ago.
- The application has identified that it will not be feasible for the applicants to construct the proposed barn on the property without relief from the calculated MDS II.
- Further, the applicants have identified that there is also a Niagara Peninsula Conservation Authority constraint on this property.
- This application has been reviewed against the four tests of a Minor Variance and can be recommended for approval; subject to a condition.

RECOMMENDATION:

1. THAT, the application made by Chris Attema on behalf of Spring Creek Quail Farms as outlined in Report COA-041-21; to permit a decrease in the required Minimum Distance Separation II (MDS II) setback for a proposed new quail livestock barn (230 feet x 50 feet x 1 storey total barn area) to 103 metres, BE APPROVED; subject to the following condition:
 - a. THAT, the variance not be deemed to be in full force and effective until after April 23, 2022.

BACKGROUND:

The subject lands are situated on the north side of Sixteen Road, west of Victoria Avenue Road, east of Moote Road, and south of Twenty Mile Road, being legally described as Concession 6, Part Lot 2, and Part Lot 3, in the former Township of Gainsborough, now in the Township of West Lincoln, Regional Municipality of Niagara. The subject property is municipally known as 3625 Sixteen Road. (See attachment 1 for a site sketch)

The subject property is approximately 56.67 acres (22.94 hectares) in size. The property is designated as Good General Agricultural with pockets of the Natural Heritage System and is zoned predominantly Agricultural 'A' with some Environmental Protection 'EP' zoning as well. The property also has a site specific provision that indicates that the maximum gross floor area for an abattoir is 237 square metres. The majority of the surrounding properties to 3625 Sixteen Road also share the same designation and zoning.

This Minor Variance application is requesting a decrease in the Minimum Distance Separation II (MDS II) for a new proposed livestock operation to neighboring single detached dwellings. The owners of the property are hoping to obtain a minor variance to permit the decrease in the minimum distance separation II (MDS II) setback for a proposed quail livestock barn from 176 metres to 103 metres.

The last livestock barn at this operation had a permit approved April 23, 2019, roughly 918 days ago (2 years, 6 months, and 4 days ago). The separation distances calculated by MDS II vary according to a number of variables, including type and number of livestock, type of manure system, livestock management (i.e., tie stall barn vs. free stall barn), and expansion factor (any building permits issued for expansion in the previous 3 years). The Expansion Factor only applies for MDS II, and is based on the percentage increase in the number of Nutrient Units for the proposed construction of a first or altered livestock facility, compared to the Nutrient Units of all existing livestock facilities on the lot. The greater the percentage increase, the greater the value for the Expansion Factor and the further the resulting MDS II setbacks, all things being equal. Where a livestock facility is to be expanded, and one or more building permits to establish or expand that livestock facility were already issued within the previous 3 years, the percentage increase shall be calculated using the total additional Nutrient Units established or added by building permit(s) issued during the previous 3-year period, plus the proposed expansion, as the numerator, and the total existing Nutrient Units prior to the previous 3-year period as the denominator.

If it had been over 3 years since the last permit was issued for a livestock operation on the property, then the minimum distance separation requirement would be 126 metres. However, it has not technically been 3 years since the last permit was issued for a livestock operation on the property so the minimum distance separation requirement is 176 metres. The requested variance for a separation of 103 metres is a reduction in the MDS formula II of 23 metres if the previous building permit was granted longer than 3 years ago and a reduction in the MDS formula II of 73 metres if the previous building permit was granted less than 3 years ago. The application has identified that it will not be feasible for the applicants to construct the proposed barn on the property without relief from the calculated MDS II. Further, the applicants have identified that there is also a Niagara Peninsula Conservation Authority constraint on this property.

A pre-consultation meeting was held for this application on April 1, 2021. Following the meeting the applicants were provided with comments from the Township, Region, and NPCA. Within the Township's comments it was asked that the applicants provide a justification letter written by the owner and their agent providing the reasons why a reduction of this size is appropriate. It was also indicated that it would be helpful for the applicants and their agent to address page 102 of the MDS Guideline titled 'Reducing MDS II Setbacks'. Furthermore, the Township indicated that it would be helpful for the applicant to have something in writing from the neighbour indicating no objection. The requested documentation from the Pre-Consultation meeting was not prepared with this application.

CURRENT SITUATION:

Planning Staff have completed an analysis of the proposed Minor Variance application and can provide the following evaluation:

**Does the proposal maintain the general intent and purpose of the Official Plan?
Yes, with a condition**

The property is primarily designated as Good General Agriculture under the Township's Official Plan. The Good General Agricultural designation comprises those lands designated as the second highest level of protection and preservation for agricultural purposes. Agricultural main and accessory buildings are permitted in Good General Agricultural areas. Residential and accessory residential uses are also permitted in the Good General Agricultural designation. The agricultural property in question is approximately 56.67 acres (22.94 hectares) in size.

Section 4 of the Township's Official Plan discusses Agricultural Land Use Policies. Part 4.2.1 c) identifies that one of the policies for all agricultural areas is that *the Minimum Distance Separation Formulae, as amended from time to time, shall be utilized to determine separation distances between new or expanding livestock operations and new or expanding non-farm uses in all Agricultural areas. The implementation of the Minimum Distance Separation Formulae shall be through the Township's Zoning By-law. New and expanding uses within all Agricultural Designations including the creation of new lots as permitted by Section 17.13 of this plan and new or expanding livestock facilities shall comply with the minimum distance separation formulae.*

The minor variance application is proposing to decrease the setback for a proposed livestock operation to neighboring single detached dwellings to 103 metres. The Minimum Distance Separation II (MDS II) formula identifies that the setback, as calculated by Mr. Attema, would be 176 metres if the last livestock building permit was issued within the last three years and would be 126 metres if the last livestock building permit was issued more than three years ago. See chart below for a comparison of the setbacks.

Comparing permit issued less than 3 years ago to one issued more than 3 years ago

Permit date	Distance	Reduction to proposed setback
If last livestock permit was issued within the last 3 years	176 metres	73 metres 41.5% reduced
If the livestock permit was issued more than 3 years ago	126 metres	23 metres 18.25% reduced

Township staff believe that a 41.5% reduction in the MDS requirement cannot be justified at this time. However, staff believe that an 18.25% reduction is more understandable as it is a comparable reduction as to what has been accepted in the past. In order to obtain the 18.25% reduction, Township staff recommend adding the

following condition: that the variance not be deemed to be in full force and effective until after April 23, 2022.

**Does the proposal maintain the general intent and purpose of the Zoning By-law?
Yes, with a condition**

The subject land is primarily zoned Agricultural 'A' under the Township's Zoning By-law 2017-70, as amended. The property also has a site specific provision that indicates that the maximum gross floor area for an abattoir is 237 square metres. The Agricultural zone permits agricultural main buildings, single detached dwellings, and accessory buildings. The proposed accessory building is a permitted use under the regulations of the A zone.

Under Section 3.10 of the Township's Zoning By-law 2017-70, as amended, Minimum Distance Separation formulas are identified. Part 3.10.2 specifically discusses the regulations related to Minimum Distance Separation II (MDSII). Part 3.10.2 a) indicates the following: *Notwithstanding the yard or setback requirements of this By-law to the contrary, all buildings and structures to be used for housing livestock or manure storage or anaerobic digesters, including any alterations, enlargements, renovations or replacements thereof, shall comply with the Minimum Distance Separation II (MDS II) Guidelines attached as Schedule "B" to this By-law.*

A pre-consultation meeting was held for this application on April 1, 2021. Following the meeting the applicants were provided with comments from the Township, Region, and NPCA. Within the Township's comments it was asked that the applicants provide a justification letter written by the owner and their agent providing the reasons why a reduction of this size is appropriate. It was also indicated that it would be helpful for the applicants and their agent to address page 102 of the MDS Guideline titled 'Reducing MDS II Setbacks'. Furthermore, the Township indicated that it would be helpful for the applicant to have something in writing from the neighbour indicating no objection.

The requested documentation from the Pre-Consultation meeting was not prepared with this application. As a result, Township staff believe that a 41.5% reduction in the MDS requirement cannot be justified.

However, staff believe that an 18.25% reduction is more acceptable as it is a comparable reduction as to what has been accepted in the past. In addition, this reduction will be mitigating environmental impacts as it will allow the applicants to avoid Niagara Peninsula Conservation Authority Features that exist throughout the property.

In order to obtain the 18.25% reduction, Township staff recommend adding the following condition: that the variance not be deemed to be in full force and effective until after April 23, 2022.

Is the proposal desirable for the appropriate development or use of the land?
Yes, with a condition

There are five livestock barns (230 feet x 50 feet x 1 storey total barn area) on the property already. The proposed barn will be located beside the existing cluster of livestock barns and will help grow the agricultural operations on the property.

As such, Planning Staff are of the opinion that the requested variance is appropriate development and use of the land subject to the recommended condition.

Is the proposal minor in nature?
Yes, with a condition

The subject application is requesting to permit a setback of 103 metres for a proposed livestock barn to existing nearby single detached dwellings.

Township staff believe that a 41.5% reduction in the MDS requirement cannot be justified as it is not a minor reduction. However, staff believe that an 18.25% reduction is more acceptable as it is a comparable reduction to what has been accepted in the past. In addition, this reduction will be mitigating environmental impacts as it will allow the applicants to avoid Niagara Peninsula Conservation Authority Features that exist throughout the property.

In order to obtain the 18.25% reduction, Township staff recommend adding the following condition: that the variance not be deemed to be in full force and effective until after April 23, 2022.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this application.

INTER-DEPARTMENTAL COMMENTS:

Notification was mailed to all applicable agencies and departments on October 6th, 2021. A yellow sign was also posted on the property a minimum of 10 days before the hearing.

The Township's Septic Inspector has not yet commented on this application.

The Township's Public Works Department does not have any objections to this application.

Regional Planning and Development Services staff offers no comments to this Minor Variance application.

The Niagara Peninsula Conservation Authority (NPCA) has indicated that the subject property is impacted by NPCA regulated Watercourses, Unevaluated Wetlands, and a

mapped Floodplain Hazard. However, the proposed Quail Livestock Barn is located outside of the Floodplain Hazard, outside of the 15 metre development buffer associated with the Watercourses, and outside of the 30 metre development buffer associated with the Wetlands. As such, the NPCA has no objections to the proposed Minor Variance.

PUBLIC COMMENTS:

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands October 7th, 2021. A notice was posted to the Township's website on the same day, and a Yellow sign was posted on the property a minimum of 10 days before the hearing.

No comments have been received as of October 7th, during the preparation of this report.

CONCLUSION:

A Minor Variance application has been submitted by Chris Attema of Attema Consulting Services Inc. on behalf of Spring Creek Quail Farms/ CRO Quail Farms Inc. for the property municipally known as 3625 Sixteen Road. To ensure that the variance is in fact minor the Township can only recommend supporting this minor variance application with the following condition that the variance not be deemed to be in full force and effective until after April 23, 2022.

ATTACHMENTS:

1. Site Sketch / MDS II Calculation
2. Zoning Provisions
3. Comments

Prepared by:

Madyson Etzl
Planner II

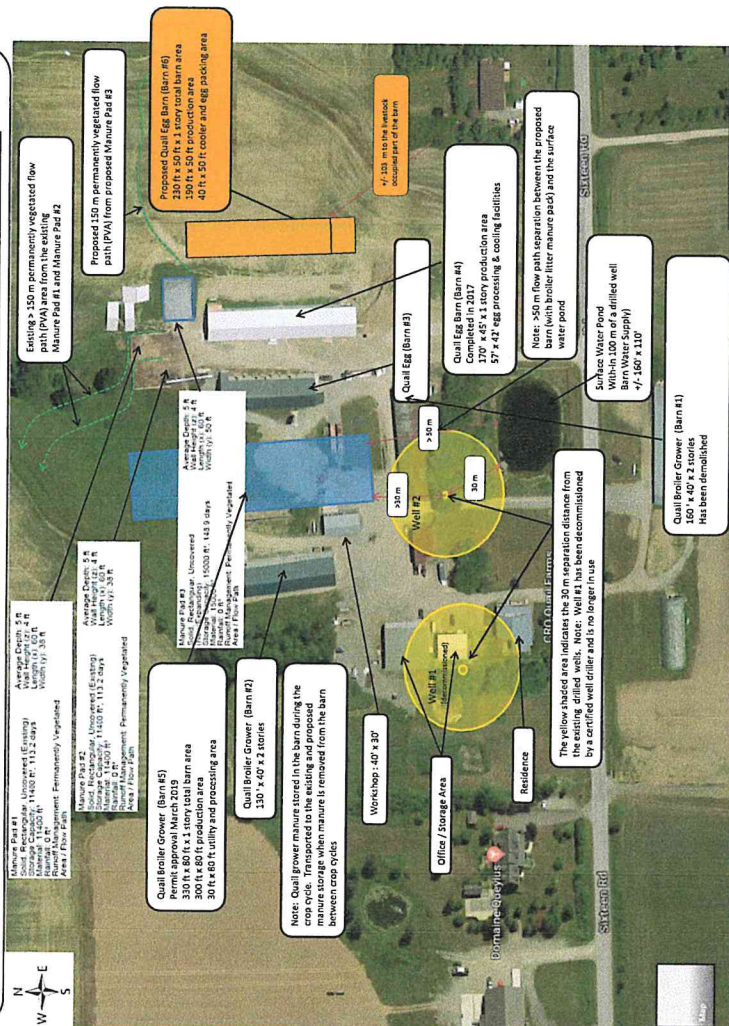
Brian Treble, RPP, MCIP
Director of Planning and Building

APPENDIX 4



This farm:	Farm Location
Generates ASM	Regional Municipality of Niagara, Township of West Lincoln
Receives ASM	GAINSBOROUGH, Concession 6, Lot 3 (Generates ASM)
Receives Commercial Fertilizer	GAINSBOROUGH, Concession 6, Lot 2 (Generates ASM)
Status: Owned	Roll Number(s) 26020200020900
Tillable Area 20 ac	911 Address: 3625 Sinden Road

Federal Business Number:
Operation Type: Corporation
Legal Firm Name: CRO QUAIL FARMS INC.
Operator Contact Information
Aaron Oosterhoff
3625 Sixteen Road
St. Ann's, ON, Canada L0R 1Y0
Phone #: 905 562-3495
Email: aaron.lyndsay@gmail.com



ates:

There are no municipal wells located within 100 m of the farm unit.

There are no municipal wells located within 100 m of the farm unit. There are no drilled wells within 15 m of new or expanding manure storage facilities.

There are no other wells within 30 m of new of expanding manure storage facilities.

There are no other wells within 30 m of new or expanding manure storage facilities. The dugout pond is classified as surface water. The dugout pond is the barn water supply. The dugout pond is the barn water supply.

The dugout pond is the barn water supply. The dugout pond is classified as surface water (as defined in the Nutrient Management Act) or little inlet (as defined in the Nutrient Management Act) or little inlet (as defined in the Nutrient Management Act).

There is no other surface water (as defined in the Nutrient Management Act) or tile in

Barn	Length	Width	Area
Proposed Barns (After Proposed 2022 Construction)			

Figure 1

Bar#2 (Qual Grower)	130	40
Bar#3 (Qual Grower)	140	40

	Year	Value
Barn #1 (Qual Egg Constructed 2018)	45	170
Barn #2 (Qual Egg Constructed 2019)	60	250

1970s (0.01074) 55.7 (0.01074) 55.7
1980s (0.01250) 59.0 (0.01250) 59.0

Proposed Quail Egg Barn (Barn #6)
230 ft x 44 ft x 1 story total barn area

+10 ft x 4 ft cooler and egg packing area

1

The proposed Barn #6 Building permit application will be 3-years after Building per

There are no municipal wells located within 100 m of the farm unit. There are no cilled wells within 15 m of new of expanding manure storage facilities. There are no other wells within 30 m of new of expanding manure storage facilities. There are no other wells within 50 m of new of expanding manure storage facilities. There are no other surface water (as defined in the Nutrient Management Act) or the wells within a 50 m flowpath distance from new of expanding manure storage facilities.

Proposed Item (After Proposed 2022 Construction)	Qty	Unit	# of Forms	Unit Price	Total Price	Unit Price
Item #2 (Gal Crawler)	130	40	2	10403		
Item #3 (Gal Crawler)	130	40	2	10403		
Item #4 (Gal Egg Constructed 2018)	110	45	1	6009		
Item #5 (Gal Egg Constructed 2018)	110	45	1	6009		
Item #6 (Gal Crawler Constructed 2018)	250	40	1	24520		
Item #7 (Gal Egg Constructed 2022)	190	44	1	8463		
Total						
					10741 (Item Area)	55419

Proposed Gal Egg 2022 (15 in 45)
 230' x 44' in 45' gal egg
 150' in 44' in 45' gal egg
 40' in 44' in 45' gal egg

The Barn #5 building permit was issued in May of 2019 and the building was completed and occupied in November 2019. The proposed Barn #6 Building permit application will be 3-years after Building permit application for Barn #5

**Minimum Distance Separation II**

Worksheet 1

Prepared By: Chris Attema, Attema Consulting Services Inc.

Description:**Application Date:** Wednesday, March 20, 2019**Municipal File Number:****Applicant Contact Information**

Aaron Oosterhoff

Location of Subject Livestock Facilities

Regional Municipality of Niagara, Township of West Lincoln

GAINSBOROUGH, Concession: 6, Lot: 2

Roll Number: 2602020200052090000

Calculation Name: *Farm 1***Description:**

The barn area is an estimate only and is intended to provide users with an indication of whether the number of livestock entered is reasonable.

Manure Type	Type of Livestock/Manure	Existing Maximum Number	Existing Maximum Number (NU)	Total Maximum Number	Total Maximum Number (NU)	Estimated Livestock Barn Area
Solid	Quail, -	29,200 ft ²	109.4	57,550 ft ²	215.6	57,550 ft ²

There have been building permits issued on this lot for livestock barns or manure storages in the past three years.

Manure Storage: V3. Solid, outside, no cover, >= 30% DM**Existing design capacity (NU):** 109.4**Design capacity after alteration (NU):** 215.6

$$\begin{array}{ccccccc} \text{Factor A} & \text{Factor B} & \text{Factor C} & \text{Factor D} & & \text{Building Base Distance 'F'} & \\ (\text{Odour Potential}) & (\text{Size}) & (\text{Orderly Expansion}) & (\text{Manure Type}) & & (\text{minimum distance from livestock barn}) & \\ 0.7 & \times & 413.15 & \times & 0.8700 & \times & 0.7 & = & 176 \text{ m (578 ft)} \end{array}$$

$$\begin{array}{l} \text{Storage Base Distance 'S'} \\ (\text{minimum distance from manure storage}) \\ 176 \text{ m (578 ft)} \end{array}$$

MDS II Setback Distance Summary

Description	Minimum Livestock Barn Setback Distance	Actual Livestock Barn Setback Distance	Minimum Manure Storage Setback Distance	Actual Manure Storage Setback Distance
Type A Land Uses	176 m 578 ft	TBD	176 m 578 ft	TBD
Type B Land Uses	352 m 1,156 ft	TBD	352 m 1,156 ft	TBD
Nearest lot line (side or rear)	18 m 58 ft	TBD	18 m 58 ft	TBD
Nearest road allowance	35 m 116 ft	TBD	35 m 116 ft	TBD



Minimum Distance Separation II

Worksheet 1

Prepared By: Chris Attema, Attema Consulting Services Inc.

Preparer Information

Chris Attema
Attema Consulting Services Inc.
5365 Concession Four Road
St. Ann's, ON, Canada L0R 1Y0
Phone #1: 905 386-0272
Email: chrisattema@gmail.com

Signature of Preparer: _____

Chris Attema

Date: _____

NOTE TO THE USER:

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has developed this software program for distribution and use with the Minimum Distance Separation (MDS) Formulae as a public service to assist farmers, consultants, and the general public. This version of the software distributed by OMAFRA will be considered to be the official version for purposes of calculating MDS. OMAFRA is not responsible for errors due to inaccurate or incorrect data or information; mistakes in calculation; errors arising out of modification of the software, or errors arising out of incorrect inputting of data. All data and calculations should be verified before acting on them.



Minimum Distance Separation II

Worksheet 1

Prepared By: Chris Attema, Attema Consulting Services Inc.

Description:
Application Date: Wednesday, March 20, 2019

Municipal File Number:
Applicant Contact Information
 Aaron Oosterhoff

Location of Subject Livestock Facilities

Regional Municipality of Niagara, Township of West Lincoln

GAINSBOROUGH, Concession: 6, Lot: 2

Roll Number: 2602020200052090000

Calculation Name: *Farm 1*
Description:

The barn area is an estimate only and is intended to provide users with an indication of whether the number of livestock entered is reasonable.

Manure Type	Type of Livestock/Manure	Existing Maximum Number	Existing Maximum Number (NU)	Total Maximum Number	Total Maximum Number (NU)	Estimated Livestock Barn Area
Solid	Quail, -	48,050 ft ²	180.0	57,550 ft ²	215.6	57,550 ft ²

There have been building permits issued on this lot for livestock barns or manure storages in the past three years.

Manure Storage: V3. Solid, outside, no cover, >= 30% DM

Existing design capacity (NU): 180.0

Design capacity after alteration (NU): 215.6

$$\begin{array}{ccccccc}
 \text{Factor A} & \text{Factor B} & \text{Factor C} & \text{Factor D} & & \text{Building Base Distance 'F'} & \\
 (\text{Odour Potential}) & (\text{Size}) & (\text{Orderly Expansion}) & (\text{Manure Type}) & & (\text{minimum distance from livestock barn}) & \\
 0.7 & \times & 413.15 & \times & 0.6226 & \times & 0.7 = 126 \text{ m (414 ft)}
 \end{array}$$

$$\begin{array}{c}
 \text{Storage Base Distance 'S'} \\
 (\text{minimum distance from manure storage}) \\
 126 \text{ m (414 ft)}
 \end{array}$$

MDS II Setback Distance Summary

Description	Minimum Livestock Barn Setback Distance	Actual Livestock Barn Setback Distance	Minimum Manure Storage Setback Distance	Actual Manure Storage Setback Distance
Type A Land Uses	126 m 414 ft	TBD	126 m 414 ft	TBD
Type B Land Uses	252 m 827 ft	TBD	252 m 827 ft	TBD
Nearest lot line (side or rear)	13 m 41 ft	TBD	13 m 41 ft	TBD
Nearest road allowance	25 m 83 ft	TBD	25 m 83 ft	TBD



Minimum Distance Separation II

Worksheet 1

Prepared By: Chris Attema, Attema Consulting Services Inc.

Preparer Information

Chris Attema
Attema Consulting Services Inc.
5365 Concession Four Road
St. Ann's, ON, Canada L0R 1Y0
Phone #1: 905 386-0272
Email: chrisattema@gmail.com

Signature of Preparer: _____

Chris Attema

Date: _____

NOTE TO THE USER:

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- v. Along the boundaries of *outside storage areas*, where required in order to screen the *outside storage* from view from adjoining *lots* and *public streets*; and,
 - vi. Along the *interior side lot line* or *rear lot line* of a *lot* that contains an *outside display and sales area* and abuts a Residential Zone, along such abutting *lot line* or portion thereof;
 - vii. In accordance with the requirements of the applicable *zone*.
- b) The area of a *lot* required as *planting strips* may form part of the minimum *landscaped open space* required by this By-law.
 - c) Where an area of a *lot* is required to be used for no other purpose than a *planting strip*, it shall have a minimum width of 1.5 metres measured perpendicular to the adjoining *lot line* unless otherwise specified in this By-law.
 - d) Required *planting strips* shall be uninterrupted along their entire length except for required *driveways* and walkways which shall be permitted to interrupt the *planting strip* within 3 metres of the edge of a required *driveway* or within 1.5 metres of the edge of a walkway. For the purposes of this Subsection, a walkway that interrupts a required *planting strip* shall have a maximum width of 2 metres.
 - e) *Planting strips* shall be planted with vegetation except for any required fence or wall that forms part of the *planting strip* to achieve the required screening.
 - f) Where a fence, wall, row of trees or hedgerow forms part of a *planting strip* required by this By-law, it shall have a minimum *height* of 1.5 metres measured from the *average finished grade*. Within a required *sight triangle*, the *height* of the *planting strip* shall not exceed 0.8 metre measured from *average finished grade*. For the purposes of this Subsection, the *average finished grade* shall be measured along the nearest *lot line*.

3.10 MINIMUM DISTANCE SEPARATION

3.10.1 Compliance with Minimum Distance Separation I (MDS I) Guidelines

The following regulations apply to *non-agricultural uses, buildings and structures*:

- a) Notwithstanding the *yard* or setback requirements of this By-law to the contrary, all *lots, buildings and structures* to be used for a *non-agricultural use* outside of a *settlement area* shall comply with the *Minimum Distance Separation I (MDS I) Guidelines* attached as Schedule “B” to this By-law.
- b) The requirements of this Subsection shall not apply to prevent the continuation of an *existing non-agricultural use*, the *alteration* of the boundaries of an *existing lot*, or the enlargement, repair, renovation or replacement of *existing buildings and structures* on an *existing lot* outside of a *settlement area*, in accordance with Section 3.5.
- c) The requirements of this Subsection shall not apply to permitted *agriculture-related uses* and *on-farm diversified uses*, except where specifically required otherwise in this By-law.
- d) Nothing in this Subsection shall provide relief from the requirement for all *buildings and structures* to comply with the minimum *yard* and setback requirements of the applicable *zone* and the General Provisions of this By-law.

3.10.2 Compliance with Minimum Distance Separation II (MDS II) Guidelines

The following regulations apply to *agricultural uses, buildings and structures*:

- a) Notwithstanding the *yard* or setback requirements of this By-law to the contrary, all *buildings* and *structures* to be used for housing livestock or manure storage or anaerobic digesters, including any *alterations*, enlargements, renovations or replacements thereof, shall comply with the *Minimum Distance Separation II* (MDS II) Guidelines attached as Schedule “B” to this By-law.
- b) *Buildings* and *structures* to be used for housing livestock or manure storage or anaerobic digesters shall not be permitted on any *lot* or part thereof that is located within a *settlement area*. This Subsection shall not apply to prevent the continued *use* of *existing lots, buildings* and *structures* within a *settlement area* that were lawfully used for one or more of these purposes on the effective date of this By-law:
 - i. In accordance with Section 3.5; and,
 - ii. Provided that, for any *existing building* or *structure* that is subject to MDS II the *building* or *structure* shall not be *altered*, renovated, repaired or replaced in a manner that would increase the required separation distance calculated in accordance with Schedule “B”.
- c) Notwithstanding this Subsection, an *existing* manure storage system which does not meet the MDS II requirements may be replaced by a more compatible system which results in a reduction in the required separation distance calculated in accordance with Schedule “B”, provided the livestock housing capacity is not increased.
- d) The requirements of this Subsection shall not apply to require setbacks to permitted *agriculture-related uses* and *on-farm diversified uses*, except where such uses are subject to MDS I where specifically required in this By-law.
- e) Nothing in this Subsection shall provide relief from the requirement for all *buildings* and *structures* used for housing livestock or manure storage or anaerobic digesters to comply with the minimum *yard* and setback requirements of the applicable *zone* and the General Provisions of this By-law.
- f) For the purposes of this By-law and application of MDS II, *existing cemeteries* which are closed or inactive and receive low levels of visitation shall be treated as Type A land uses.

3.10.3 Cannabis Production (By-law 2019-04)

The following regulations apply to *cannabis production*:

- a) All *cannabis production* where permitted in *Agricultural Zones* shall have a minimum setback of 150m from all *lot lines* of other *lots*, except where specifically provided otherwise.
- b) All *cannabis production* where permitted in *Employment Zones* shall have a minimum setback of 45m from all *lot lines* abutting *lots* that are *used* or permitted to be *used* for a *dwelling* or an *institutional use*, except where specifically provided otherwise.
- c) No *outside storage* or outdoor growing or production of cannabis shall be permitted.
- d) For any *cannabis production building* or *structure* that consists of more than 10% glass and where artificial lighting is required, a solid fence having a minimum *height* of 1.8 metres

Meghan Birbeck

From: Nikolas Wensing <nwensing@npca.ca>
Sent: October 14, 2021 9:50 AM
To: Meghan Birbeck
Subject: NPCA Comments - October 27th Committee of Adjustment Meeting

Hello Meghan,

Please see below the NPCA's comments on the four applications you had circulated to me for the October 27th Committee of Adjustment meeting.

20 Wallis Avenue

- A portion of the subject property is impacted by a mapped Floodplain Hazard, and the 30 metre development buffer associated with a Provincially Significant Wetland (PSW). However, the proposed carport addition does not fall within the hazard or development buffer on site.
- As such, the NPCA will have no objections to the proposed Minor Variance.

6662 Vaughan Road

- A portion of the subject property falls within 15 metres of a Watercourse. However, the proposed shop appears to be located outside of the 15 metre development buffer associated with the Watercourse.
- As such, the NPCA will have no objections to the proposed Minor Variance.

3625 Sixteen Road

- The subject property is impacted by NPCA regulated Watercourses, Unevaluated Wetlands, and a mapped Floodplain Hazard. However, the proposed Quail Livestock Barn is located outside of the Floodplain Hazard, outside of the 15 metre development buffer associated with the Watercourses, and outside of the 30 metre development buffer associated with the Wetlands.
- As such, the NPCA will have no objections to the proposed Minor Variance.

7330 Concession 3 Road

- The subject property is impacted by NPCA regulated Watercourses, and Provincially Significant Wetlands (PSW). Although the proposed lot lines appear to bisect a portion of the 15 metres development buffer associated with a Watercourse, NPCA Policy does not prohibit lot creation within 15 metres of a Watercourse.
- As such, the NPCA will have no objections to the proposed Surplus Farm Dwelling Severance application.

Please let me know if you have any questions.

Sincerely,