

Presentation to County of Brant Planning and Development Services Meeting  
Sept 7th, 2021 regarding File Number: ZBA21-21-DN  
Presented by Bruce Harschnitz, [REDACTED]

Thank you, Chair, councillors and members of the planning committee, for allowing us to present our objections to this proposal to rezone the lands and then potentially further split off with two additional lots. My name is Bruce Harschnitz and with my partner Marian, we live at [REDACTED].

This is our 2<sup>nd</sup> presentation, we spoke previously in June, and expressed our reasons for refusing this application including proximity to livestock facilities, traffic concerns and no additional wells being drilled due to low water supply in existing wells.

As per the information provided by the County, unfortunately, the details shown of this property in the submitted Severance Plan do not accurately reflect the current buildings within the MDS. The aerial photograph is approximately 2+ years old and does not show the current development in this area. There is another residential home (239 Langford Church Road) that is not shown immediately west of the property requesting rezoning. This impacts the potential addition of more residential properties within the MDS limit.

Allowing this proposal will seriously impact the agricultural use of 237 Langford Church Road.

We feel the information shown on the Severance Plan map submitted is incorrect as per the points below:

The location of the farm building which should be used in the MDS calculation, is the building to the north east, as it also houses livestock, not the current building as submitted in the Severance Plan.

Since this application is proposing to change the zoning on the entire parcel from the current Agriculture (A zone) to the Rural Residential (RR zone), the MDS distance should be calculated to the nearest point of the entire property (241 Langford Church Road), not the location of the proposed parcels to be severed. By calculating from the north easterly livestock barn (which was not used), that measurement is only 130.88m versus 197.33m indicated.

Also, the MDS calculation on the Severance Plan appears to be for Type A Land Use, and according to the OMAFRA Publication 853 (Implementation Guideline #34), we feel this should be Type B Land Use which would increase the MDS limit 2.2 times farther than indicated. There are already 4 properties within the MDS calculation shown in the Severance Plan – 235, 237, 239 and 241 Langford Church Road. This would create a significantly larger exemption request.

In the OMAFRA publication 853-Minimum Distance Separation Document, it states that: **"In accordance with the PPS**, new land uses in *prime agricultural areas* and on *rural lands* shall comply with the *Minimum Distance Separation Formulae*. Consequently, both the formulae and Implementation Guidelines contained in this MDS Document shall be referenced in municipal official plans, and detailed provisions included in municipal comprehensive zoning by-laws such

that, **as a minimum, MDS setbacks are required in all designations and zones where livestock facilities and anaerobic digesters are permitted.**"

As in a previous similar application to rezone properties on West Harris Road, proposing to reduce minimum distance separation requirements, planning staff recommended **refusing** the application for the following reasons:

The application does not maintain the intent of the Minimum Distance Separation Guidelines.

The application does not conform to policies of the Provincial Policy Statement.

Quoted in this report were sections of Provincial Policy Statement (2014) that would also apply to this application are:

Section 1.1.5.9 of the Provincial Policy Statement states "new land uses, including the creation of new lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae."

Section 2.3.3.2 of the Provincial Policy Statement describes how in prime agricultural areas all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.

Section 2.3.3.3 of the Provincial Policy Statement describes how new land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the minimum distance separation formulae.

The report stated:

**It is Planning Staff's opinion that the proposal does not comply with the policies in the PPS for the following reasons:**

- ***Staff acknowledge the Provincial Policy Statement does contemplate for limited residential development on rural lands.***
- ***The PPS requires new development to comply with the minimum distance separation formulae. Staff note this application is seeking to reduce the required minimum distance separation from 514m (1,86ft) to 248m (814ft); therefore the application does not meet this policy.***
- ***Since the application is seeking to reduce the minimum distance separation, it is staffs belief the application would contradict the policies within the PPS that require prime agricultural areas and normal farm practices to be protected.***

It is for these same reasons above, we feel that this application should also be refused.

Thank you.

Bruce and Marian Harschnitz

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