

**Call:** 226-906-0906

**Office location:** 14 Erie Street,  
Stratford, Ontario N5A 2M4



**Email:** main@kdb.law

**Mail to:** PO Box 902,  
Stratford PO Main Ontario N5A 6S8

February 22, 2024

Via Email: [LWhite@brucecounty.on.ca](mailto:LWhite@brucecounty.on.ca)

Via Email: [JBurnett@brucecounty.on.ca](mailto:JBurnett@brucecounty.on.ca)

Via Email: [JVanDorp@brucecounty.on.ca](mailto:JVanDorp@brucecounty.on.ca)

Via Email: [CPeabody@brucecounty.on.ca](mailto:CPeabody@brucecounty.on.ca)

Via Email: [DMurray@brucecounty.on.ca](mailto:DMurray@brucecounty.on.ca)

Via Email: [KCraig@brucecounty.on.ca](mailto:KCraig@brucecounty.on.ca)

Via Email: [LCharbonneau@brucecounty.on.ca](mailto:LCharbonneau@brucecounty.on.ca)

Via Email: [MGoetz@brucecounty.on.ca](mailto:MGoetz@brucecounty.on.ca)

Via Email: [MMcIver@brucecounty.on.ca](mailto:MMcIver@brucecounty.on.ca)

Via Email: [SHammell@brucecounty.on.ca](mailto:SHammell@brucecounty.on.ca)

Via Email: [JKirkland@brucecounty.on.ca](mailto:JKirkland@brucecounty.on.ca)

County of Bruce

30 Park St. P.O. Box 70

Walkerton, On N0G 2V0

Attention: Linda White, Jennifer Burnett, Jack Vandorp, Chris Peabody, Don Murray,  
Kenneth Craig, Luke Charbonneau, Mark Goetz, Milt McIver, Steve Hammell, Jay Kirkland

Dear Sirs/Madams:

**Re: Municipal File Nos. S-2022-030, C-2022-016, L-2022-018, and Z-2022-142  
Part Lots 18 and 19 (Amabel) in the Town of South Bruce Peninsula  
Chesley Lake Subdivision**

We act on behalf of Larry and Nancy Skinner (“Clients”), owners of land known municipally as 392 Blind Line Allenford, Town of South Bruce Peninsula, County of Bruce. Our clients have an interest in the above-noted Planning Act Applications as they directly impact the long-term viability of their existing livestock facilities. For the purposes of this letter, our Clients’ land is referred to as the “Adjacent Land”. The property subject to the planning applications, known legally as Part Lots 18 and 19 (Amabel) in the Town of South Bruce Peninsula, is referred to as the “Subject Property”.

The Subject Land is designated “Rural” in the South Bruce Peninsula Official Plan (SBPOP) and is not located in a defined settlement area, per the Provincial Policy Statement, 2020.

It is our understanding that a residential subdivision is proposed on the Subject Property to permit the creation of 12 residential lots and an associated municipal road. The residential lots are intended for single detached dwellings. To permit the residential development, approvals are required for a South Bruce Peninsula Official Plan Amendment, a Zoning By-law Amendment, and a Draft Plan of Subdivision. The Official Plan Amendment is required to permit estate residential on the Subject Land, as it is currently not permitted in the “Rural” area. As part of the evaluation of allowing estate residential uses within the “Rural” area, the South Bruce Peninsula Official Plan requires that impact on surrounding agricultural operations be considered. This includes the application of Minimum Distance Separation.

In addition to the evaluation criteria in the South Bruce Peninsula Official Plan, Section 5.5.11 of the County of Bruce Official Plan requires the following:

#### Provincial Minimum Distance Separation

1. New land uses, including the expansion of existing or the establishment of any non-agricultural uses including the creation of lots, and new or expanding livestock facilities shall comply with the Provincial Minimum Distance Separation Formulae (as amended from time to time).
2. The Municipal Comprehensive Zoning By-Law shall incorporate the Provincial Minimum Distance Separation (MDS) Formulae (as amended from time to time).
3. A Minor Variance or Zoning Amendment to allow for a reduction in the Provincial Minimum Distance Separation requirements shall consider at a minimum the following: (i) does the reduction have regard for the intent of the Official Plan; (ii) does the reduction have regard for the intent of the Zoning By-Law; (iii) is the reduction minor in nature; (iv) is the reduction desirable and appropriate for the area; and (v) can any potential environmental impacts be appropriately mitigated.

The Adjacent Land is an agricultural property with an existing livestock facility and manure storage. The livestock facility includes the original bank barn and the building addition for additional livestock area.

The existing livestock facility has been considered by the County and the proponent as part of the evaluation of the planning applications for the Subject Land. In submitting the planning applications, the proponent considered the livestock facility as decommissioned as it was currently unoccupied.

Through the public consultation process of the planning applications, our Clients submitted written and verbal comments to the County. Comments included the most recent use of the livestock facility, being organic sows and that the facility was currently unoccupied. Our Clients confirmed that the facility was not, in fact, decommissioned.

We understand that the County subsequently updated the MDS calculations, based on the assumption that only the original bank barn could reasonably house livestock. Without visiting the livestock facility, an assumption was made that the building addition could not house livestock. This assumption provided an MDS setback that impacted two (2) of the proposed 12 residential lots and County Planning staff determined this impact to be minor in the context of Section 5.5.11 of the County Official Plan.

In January of 2024, at the request of our Clients, County planning staff completed a site visit on the Adjacent Land. Our Client's noted through the site visit and historical pictures that the original bank barn and the building addition are capable of housing livestock and have been used to house livestock (please refer to the photos attached to this letter in Appendix A). The building addition has concrete floors and proper ventilation to accommodate livestock. Based on the foregoing, the livestock facility has a floor area of 6,415 square feet.

Through consultations with the Ontario Ministry of Agriculture, Food and Rural Affairs, our Clients were advised to utilize the "unoccupied barn" approach for calculating MDS as the barn is capable of housing livestock. The livestock facility has historically housed feeder pigs, swine and cattle.

Guideline 20 of the Minimum Distance Separation (MDS) Document, 2016 states that:

"Design capacity for an MDS I calculation shall include all unoccupied livestock barns on a lot in accordance with this Implementation Guideline. First and foremost, the number of livestock or the area of livestock housing of unoccupied livestock barns should be based on information supplied by the farm operator(s) and/or owner(s). Only after concerted, documented effort has been made to obtain information from the farm operator(s) and/or owner(s), but obtaining information was not possible, then the following default Factors apply for unoccupied livestock" can be used.

Only when the building, deemed by a municipal building official, with input from a professional engineer or a consultant knowledgeable about livestock facilities, is no longer structurally sound or reasonably capable of housing livestock, is MDS I setbacks not required.

The MDS Document defines a “livestock barn” as a “livestock barn that does not currently house any livestock, but that housed livestock in the past and continues to be structurally sound and reasonably capable of housing livestock.”

Ms. Tina Beirnes, a Nutrient Management Consultant, completed updated MDS calculations (Appendix B), based on direct information from the farm operator (our Clients). Utilizing information directly from the farm operator is the directive provided in the MDS Document for the purposes of calculating setbacks. The MDS calculations considered the following two scenarios:

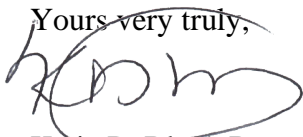
- An unoccupied barn of 6,415 square feet
- A barn capable of housing sows

The MDS calculations create a required MDS setback of 481 and 780 metres, respectively. The impact of these setbacks is illustrated in Appendix C. The MDS setback for an unoccupied barn impacts all 12 proposed lots, with 10 of the proposed lots being almost entirely within the MDS setback.

The approval of the proposed development on the Subject Land will significantly impact the livestock facility on the Adjacent Land, such that it could no longer be used to house livestock. Based on Section 5.5.11 of the County of Bruce Official Plan, this impact is neither minor nor appropriate. A reduction in the MDS setback is required on every proposed lot within the residential development and contravenes the County of Bruce Official Plan policies.

We would respectfully request that the County include the MDS calculations within their Staff Report and an updated analysis of policy consistency and conformity.

Yours very truly,



Katie DeBlock Boersma

[katie@kdb.law](mailto:katie@kdb.law)

KDB/jv

Encl.