

# Revised Minimum Distance Separation 2005

## A CFFO Response

**Whereas** OMAFRA has proposed a revised Minimum Distance Separation because it holds to a land use planning view that incompatible uses need to be kept apart.

**Whereas** Minimum Distance Separation (MDS) is designed to minimize nuisance complaints about agricultural odours.

**Whereas** some of the details of the revised MDS tend to increase conflicts rather than resolve them.

**Whereas** some of the details of the revised MDS will make it difficult for the business of farming to modernize.

**Therefore be it resolved**

**That CFFO respond to various changes in the revised MDS as follows:**

### **Changes listed on the EBR Registry**

1. Clarification of implementation guidelines to ensure greater consistency of implementation.  
**Support. This is a “motherhood” statement.**
2. Changes so that livestock uses and non-farm development are treated equally.  
**Support. The differences caused confusion.**
3. Ministry reviews of MDS every five years.  
**Support. Information on which livestock facilities create the most odour impacts will keep changing.**
4. Allowance for the application of the MDS II expansion factor only after a minimum of three-years after the issuance of a building permit for livestock housing.  
**Reject. The automatic expansion factor should be completely removed. It is a major point of contention in the countryside. Expansion possibilities should be clear and transparent. The full amount that is to be allowed over time should be allowed immediately.**
5. Additional information to help Committees of Adjustment and municipalities assess requests for minor variances.  
**Reject. Municipalities need more than information about minor variances. They need guidance. We support the availability of minor variances.**

**They should be based on the specific circumstances and should not be limited to 5%. CFFO supports the expansion of existing livestock facilities by up to 25% beyond the limits established for them by the MDS if they undertake specific modifications of their facilities and/or adopt specific management practices that will leave the net effect created by their facilities at a comparable level<sup>1</sup>.**

6. More training and guidance for municipalities and other users of MDS.

**Support. This is a “motherhood” statement.**

7. Stronger encouragement of municipalities to apply MDS to existing lots of record.

**Reject. The MDS should be provincially mandated to apply to all existing lots of record. This is not a responsibility to be left to municipalities. Many existing lots of record are already sterilized. If the construction of homes is allowed much farmland will be sterilized for livestock facilities.<sup>2</sup>**

8. Alignment with existing nutrient management tools (e.g. base MDS on Nutrient Units).

**Support. A lot of recent thought has gone into the Nutrient Unit concept. NUs are better balanced among livestock types than LUs.**

9. Specifying absolute minimum distances between livestock barns and houses, and vice versa (70 metres).

**Support<sup>3</sup>. But we question the regulation of very small farms with MDS. MDS should primarily be about the business of farming. It might be much simpler to regulate these circumstances with municipal animal control bylaws. (Note: barns under 10 m<sup>2</sup> have been exempted.)**

10. Minor changes to separation distances, where warranted (e.g. slightly larger separation distances for hobby farms with livestock, and slightly larger separation distances for some commercial-sized operations such as segregated early weaning (SEW) sow barns).

**Support larger MDS for hobby farms. But we question the regulation of very small farms with MDS. MDS should primarily be about the business of farming. It might be much simpler to regulate these circumstances with municipal animal control bylaws. (Note: barns under 10 m<sup>2</sup> have been exempted.)**

**Support larger distances for some livestock facilities. New technology and genetics in livestock production is not focussed on odour reduction.**

11. Requirement of MDS for manure storages, where no livestock are present on the property.

**Support. This we assume relates to permanent storages and not temporary.**

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<sup>1</sup> See Appendix A for details of this policy position.

<sup>2</sup> In previous discussions CFFO Stewardship and Policy Committee West and CFFO Pork Producers Committee were supportive of this proposal while CFFO Stewardship and Policy Committee East was strongly critical because retroactive limits are an infringement of property rights.

<sup>3</sup> CFFO Pork Producers Committee would like to see this increased to 150 metres.

12. Requirement of MDS for anaerobic digester systems located on farms.  
**Support. Appropriate for new livestock technology.**

**Other changes made in the MDS policy draft**

13. The smallest size of livestock facility is deemed to be five (5) Nutrient Units.  
**Support. A good minimum.**
14. Municipalities have the option not to apply MDS after a catastrophe.  
**Reject. MDS II should not apply anywhere in the province after a catastrophe if the rebuild is comparable to the destroyed facility.**
15. Added more animal types & storages.  
**Support. Helpful.**
16. Added guidance to determine when a building is a livestock barn. To use the building for livestock would require a building permit.  
**Support. This is a better solution than our earlier suggestion to use the minor variance process.**
17. Changed the basis of MDS I to the potential NU housing capacity of the livestock facility based on 7.5 NU per tillable hectare to a maximum of 450 NU on the site. (up from 5 NU per tillable hectare)  
**Support. It keeps new homes suitably distant and will allow appropriate expansion guided by nutrient management plans.**
18. In settlement areas municipalities do not have to apply MDS. It is an option.  
**Reject. If farming is there or is allowed it should be respected.**
19. Trees, berms and other forms of screening do not affect MDS II.  
**Reject. These should be recognized as beneficial to odour reduction through an approval process such minor variance.**

*Adopted January 25, 2006  
Provincial Council  
Christian Farmers Federation of Ontario*

## **Modified Minimum Distance Separation Formulas based on Specific Facility Modifications and Specific Management Practices**

### **A CFFO Policy Statement**

**Whereas** the Minimum Distance Separation formulae have accommodated many severances that now place the intensification and expansion of many farms at risk;

**Whereas** many farms can undertake steps to moderate the inconveniences associated with farming (odour, dust and noise) on which the formulae are based;

#### **Therefore be it resolved**

**That** CFFO support the expansion of existing livestock facilities by up to 25% beyond the limits established for them by the Minimum Distance Separation formulae if they undertake specific modifications of their facilities and/or adopt specific management practices that will leave the net inconvenience created by their facilities at a comparable level;

**That** to be eligible for this expansion option the extra livestock capacity must be within the livestock carrying capacity of the property on which the facilities are situated;

**That** to be eligible for this option the MDS limits should be caused by a recent (20 years) severance or a recent non-agricultural development of a severance;

**That** the farm community in consultation with OMAF and MOE develop a list of specific modifications and specific management practices that will reduce the inconvenience experienced by neighbours when livestock facilities are expanded (possible examples: covered storage, shelterbelts, raised vents, scheduled applications and feed additives);

**That** Committees of Adjustment be given the role of approving these modifications to MDS; and

**That** the Provincial Policy Statement under the Planning Act be amended to include this expansion option so that all municipal zoning bylaws will need to be consistent with this policy.

*Adopted by Provincial Council  
Christian Farmers Federation of Ontario  
June 23, 2004*