



Ontario Federation of Agriculture

Ontario AgriCentre

100 Stone Road West, Suite 206, Guelph, Ontario N1G 5L3
Tel: (519) 821-8883 • Fax: (519) 821-8810 • www.ofa.on.ca

May 15, 2015

Mr. John Turvey
Policy Advisor
Ontario Ministry of Agriculture, Food and Rural Affairs
1 Stone Road West
3rd Floor
Guelph, Ontario
N1G 4Y2

Dear Mr. Turvey;

RE: EBR Registry Number 012-3526 – Update of Minimum Distance Separation (MDS) Formulae and Implementation Guidelines

The Ontario Federation of Agriculture (OFA) is Canada's largest voluntary general farm organization, representing more than 36,000 family farm businesses across Ontario. These farm businesses form the backbone of our robust food system and rural communities with the potential to drive the Ontario economy forward.

Ontario farmers value the MDS Formulae as a proven means of separating livestock facilities and permanent manure storages from neighbouring land uses, thereby reducing complaints from these neighbouring land uses arising from livestock/manure odours. OFA wholeheartedly supports the use of the MDS formulae and guidelines to bring about adequate separation. We welcome the opportunity to provide our comments on the current suite of revisions.

Future MDS reviews will be held in concert with major provincial reviews. There is a proposal to amend the Planning Act (Bill 73) to extend Provincial Policy Statement reviews from beginning 5 years after the version came into effect, to 10 years. A 10-year review cycle is also found in the Greenbelt, Oak Ridges Moraine, Niagara Escarpment and Greater Golden Horseshoe Growth Management Plans. The OFA supports aligning future MDS reviews with major provincial land use reviews.

Implementation Guideline #7 will apply MDS I to existing lots (i.e. vacant lots of record), unless the municipality has specifically exempted them by zoning-by-law policy. This puts the onus squarely on the municipality, as the ones who created these building lots in the first place, to either apply MDS I to these lots, or exempt them from MDS I. The OFA wholeheartedly supports this change.



We further advocate that OMAFRA include a reference in Implementation Guideline #7 to the Farming and Food Production Protection Act, and the Normal Farm Practices Protection Board, for resolving complaints about odour that are more likely to follow if houses, etc. are built in close proximity to existing livestock facilities.

While we appreciate the flexibility of an MDS exemption for reconstruction purposes in Implementation Guideline #11, the proposed policy triggers the requirement for an MDS calculation if there is an increase in Factor A (livestock type), Factor B (nutrient units) or Factor D (manure type). This would trigger an MDS calculation if any of these factors changes, even if the resulting MDS separation distance is less than or equal to the current separation distance. The OFA recommends Implementation Guideline 11 be amended to provide an MDS exemption for reconstruction purposes if the calculated MDS is equal to or less than the current facility MDS.

Setback distances for Anaerobic Digesters (Implementation Guideline #22) are now included in MDS. Consequently, the reference to MDS setbacks in Section 98.2.1 (1) of the Nutrient Management Act seems redundant. There is no provision for minor variance application under the Nutrient Management Act. In contrast, MDS allows for a minor variance process if and when appropriate. The OFA recommends that section 98.2.1 (1) of the Nutrient Management Act be deleted.

The changes proposed to Implementation Guideline #26 may be the most significant ones in the policy for calculation of MDS I (the setback between proposed residential development and existing livestock operations). In the past the tillable area was a significant factor. Any parcel with livestock, even hobby farms with 2 horses, with a tillable area of greater than 40 ha was provided the same level of MDS I setback protection as a 300 Nutrient Unit (NU) farm operation.

It appears that the proposed change results in somewhat more MDS setback protection for greater than 150 NU operations located on larger-than 4 ha parcels, but less MDS protection for less than 150 NU operations located on more-than 40 ha parcels, and much less MDS protection for +/- 5 NU operations located on 40 ha parcels.

The new approach is targeted toward providing a more reasonable MDS I setback for the very small hobby farm operations (5 -10 NU). An unintended negative consequence of the proposed change is a lower level of MDS I protection for the 0-150 NU farm operations. This outcome cannot proceed as written.

For producers less than 150 NU, the impact on the level of MDS I protection is significant. It differs depending on commodity, but +/- 10-15% less MDS I protection for 100 NU farm on a 40-ha parcel and +/-30% less MDS I protection for a 50 NU livestock farm on a 40-ha parcel. With implementation of the proposed policy, farms with greater than 150 NU will have a greater level of MDS I protection.

The proposed Factor B is based on a 100% increase in number of NU in existing livestock facilities, e.g. existing housing capacity is 300 NU; Factor B is therefore based



on 600 NU. The OFA recommends that Factor B should be increased to 3-times existing capacity for the +/-20 to 150 NU farm operations, capped at 300 NU maximum. For greater than 150 NU operations, the proposed 100% increase (2x current capacity) is a policy approach we support.

Under Implementation Guideline #35, MDS set-backs for agriculture-related uses and on-farm diversified uses with a higher density of human occupation or activity are to be applied at the municipality's discretion, based on the specific nature of the proposed use. The OFA supports OMAFRA for taking this step, on the condition that OMAFRA provides examples of these uses that are not likely to result in odour complaints, and includes a reference or link to the OMAFRA Guidance Document "Permitted Uses in Ontario's Prime Agricultural Areas".

Under Implementation Guideline #37, Institutional uses (schools, churches, cemeteries) used by communities that rely predominately on horse-drawn transportation, are to be considered as Type A land uses, rather than Type B land uses. The OFA supports this change.

Under Implementation Guideline #38, closed cemeteries may be treated as a Type A land use. The OFA supports this change.

The OFA welcomes the opportunity to voice its perspective on the update of the Minimum Distance Separation Formulae and Implementation Guidelines.

Yours truly,

Neil Currie
General Manager

cc: OFA Board of Directors