Minimum Distance Separation
Hunter, PEC Farms, County of Prince Edward

Location: Lot 13, Concession 1 Lake Side, Ameliasburgh
CCS Project: No. 4592
Date: September 22, 2020

Prepared for: Bob Hunter, PEC Farms
Prepared by: Clark Consulting Services

1. INTRODUCTION

Clark Consulting Services (CCS) was retained by Bob Hunter, of P.E.C. Farms, to review any MDS implications arising from a proposed severance of property at 17283 Loyalist Parkway, Wellington. The property is residential with an existing house on the east side of the lot. The proposal is to sever approximately 0.8 ha (2 acres) from the western half of the lot for residential purpose.
2. **MINIMUM DISTANCE SEPARATION FORMULAE (MDS)**

Minimum Distance Separation is a planning tool used to ensure the appropriate separation of incompatible uses. Livestock facilities and manure piles may be incompatible with residential uses and so the appropriate separation of these uses is the purpose of this review.

The application of Minimum Distance Separation (MDS) is guided by OMAFRA Publication 853 which is a series of 43 guidelines which direct the application of MDS to specific types of reviews and calculations.

**Guideline 2** says that MDS shall be met prior to the approval of proposed lot creation or building permits.

**Guideline 6** says, "A separate MDS I setback shall be required to be measured from all existing livestock facilities and anaerobic digesters on lots in the surrounding area that are reasonably expected by an approval authority to be impacted by the proposed application". It goes further to say that the review area for MDS is 750 m for a Type A application and 1,500 m for a Type B application.

**Guideline 8** says MDS I is required for both the severed and retained lots where a new lot is proposed. Exemption is made for a severed or retained lot for an existing non-agricultural use. In this case the retained lot has an existing house and so the retained lot is exempt from meeting the requirements of MDS.

**Guideline 12** says: An MDS I setback is required for proposed development or dwellings, even though there may be existing or approved development or dwellings nearby that do not conform to MDS I requirements.

However, a reduced MDS I setback may be permitted provided there are four, or more, non-agricultural uses, residential uses and/or dwellings closer to the subject livestock facility than the proposed development or dwellings and those four or more non-agricultural uses, residential uses and/or dwellings are:

- located within the intervening area (120° field of view shown in Figure 4 in Section 7 of this MDS Document) between the closest part of the proposed development or dwelling and the nearest livestock facility or anaerobic digester;
- located on separate lots; and
- of the same or greater sensitivity (i.e., Type A or Type B in accordance with Implementation Guidelines #33 and #34) as the proposed development or dwelling.

In this case there are residential uses along the lakeshore to the east and west. A barn to the east at 17124 Loyalist Parkway and a barn to the west at 17432 Loyalist Parkway have 4 or more
dwellings closer to them than the proposal lands, and so those barns do not affect the application. A barn is located to the north 17270 Loyalist (red barn). Barns further north on Hubbs Creek Road are too far from the lands to influence the application. Based on this one barn remains to be reviewed.

**Guideline 34** says that Type B uses are characterized by a higher density of human occupancy, and can be described as, “the creation of one or more lots for development on land outside a settlement area, that results in four or more lots for development, which are in immediate proximity to one another (e.g., sharing a common contiguous boundary, across the road from one another, etc.), regardless of whether any of the lots are vacant”.

Based on these guidelines we are to prepare an MDS I Type B review for the application to sever one residential lot of approximately 2 acres. Based on the site visit the existing density of the residential uses cannot easily be described as “characterized by a higher density of human occupancy” which sets a basis for a Type B review. However, the proposal is part of a series of contiguous residential lots of 4 or more outside an approved settlement area.
3. **Barn at 17270 Loyalist Parkway (12 Hubbs Creek Road).**

The barn at 17270 Loyalist Parkway is part of a farm property with the address 12 Hubbs Creek Road. This is a parcel of approximately 27 ha and sits within an area of mixed farm uses, including pasture and vineyards, and residential uses. The barn is a well maintained 'L' shaped barn adjacent to Loyalist Parkway and is easily identified as a red painted two storey barn on the north side of the road east of Wellington. The has a two storey steel roofed main portion with a smaller two storey steel roofed livestock area on the east side.

![Main barn south gable end adjacent to Loyalist Parkway](image1)

![Eastern side of main barn showing livestock housing](image2)
4. **Use of Barn at 17270 Loyalist Parkway**

   In reviewing the use and capability of a barn the reviewer should visit the site and get information on the barn directly from the barn owner (**Guideline 16**). CCS staff visited the area on August 27, 2020. A review of the barn was made from the roadside and three horses were seen to the north of the barn. The applicant provided the owner’s telephone number for direct contact to gather the best possible information. The application said the barn is used to house three horses and from the site visit this information appeared accurate.

   Following the site visit CCS attempted to contact the owners five times over a two-week period. Each of these calls remained unanswered and so the use of the applicant’s information and information from the site visit have been used for the calculation of the MDS setback.

   The barn is a large barn with no fencing or livestock use evident on the south and west side of the main building. This main building appears to be used for storage. The eastern portion is fenced and is set up for housing livestock. This building is well suited to housing horses and evidence of horses were seen. Although the applicant said the barn houses three horses, and three horses were seen during the site visit, there is the capability of housing more than three horses. For this review CCS have considered the housing of three large framed horses and three medium framed horses in this building.

5. **Increasing the Number or Class of Livestock in Red Barn**

   When an owner wishes to make a substantial change to a livestock facility which may require physical changes to the building including adding plumbing features for animal watering or electrical changes for lighting or ventilation fans municipal approvals may be needed. OMAFRA Publication 07-007 says that farm building construction is regulated under the National Farm Building Code of Canada, 1995 (**NFBC**). MDS **Guideline 18** says that an MDS II setback is required prior to the approval of a building permit application to renovate existing livestock facilities or for an altered livestock facility.

   An MDS II setback is applied to ensure an adequate distance from the occupied portion of the altered (or new) barn to non-farm uses, in this case the nearest residential use. The nearest dwellings to the barn are at 17239 Loyalist Parkway, 17283 Loyalist Parkway (the applicant’s home) and 17285 Loyalist Parkway. The construction of a dwelling on the application lands would result in a home in proximity to the barn. The following actual setbacks would be expected:

<table>
<thead>
<tr>
<th>Dwelling ID</th>
<th>Setback from Livestock Portion</th>
<th>Setback from Main Barn</th>
</tr>
</thead>
<tbody>
<tr>
<td>17239 Loyalist</td>
<td>157 m</td>
<td>155 m</td>
</tr>
<tr>
<td>17283 Loyalist</td>
<td>138 m</td>
<td>121 m</td>
</tr>
<tr>
<td>Proposed Dwelling</td>
<td>165 m</td>
<td>140 m</td>
</tr>
<tr>
<td>17285 Loyalist</td>
<td>202 m</td>
<td>179 m</td>
</tr>
</tbody>
</table>

   From this table we can see that the existing dwellings at 17239 and 17283 Loyalist will be closer to the eastern livestock portion and 17283 Loyalist will be closer to the main barn than a
dwellings on the proposed lot. (These setbacks make the assumption that a new dwelling on the new lot would be sited along the same general front setback as the existing neighbouring homes along Loyalist).

With these setbacks it would appear that barn renovations requiring a building permit and MDS II review to increase the number or class of animals would be limited by the existing dwelling at 17283 and, to a lesser extent, 17239 Loyalist, and not limited by a new dwelling on the proposed lot.

6. **MDS Calculated Setback from Barn**

Clark Consulting Services has prepared an MDS I Type B calculation and MDS Sketch for the livestock occupied portion of the barn, and shows graphically the locations of the local dwellings relative to the barn and the proposed new lot. Using the assumption that the barn is capable of housing three large frame and three medium frame horses, and that the farm lot is approximately 27 ha, the MDS setback is 196 m from the barn and 196 m from the manure pile. The actual distance from the subject lot is 36 m from the barn and 63 m from the manure pile.

**MDS Guideline 8** requires a setback to the severed and retained portion. In this case the setbacks are as follows:

<table>
<thead>
<tr>
<th>MDS I Setback from and to</th>
<th>Livestock Housing</th>
<th>Manure Pile</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retained Portion</td>
<td>36 m</td>
<td>63 m</td>
</tr>
<tr>
<td>Existing Dwelling on Retained Portion</td>
<td>140 m</td>
<td>153 m</td>
</tr>
<tr>
<td>Severed Portion</td>
<td>79 m</td>
<td>95 m</td>
</tr>
<tr>
<td>Expected Setback to Dwelling on Severed Portion</td>
<td>164 m</td>
<td>181 m</td>
</tr>
</tbody>
</table>

7. **Application of MDS I Setback**

Guideline 8 says MDS I is required for both the severed and retained lots where a new lot is proposed. However, an exemption is made for the retained lot since there is an existing dwelling.

The severed portion actual setbacks to the new lot and the new house are less than the MDS I Type B calculated setback of 196 m. A Type B setback is generally double that of a Type A setback. The reason for the Type B setback is that the new lot is within an area of residential uses where there are four or more residential uses. MDS defines residential uses as:

"Land, vacant or otherwise not yet fully developed, for which the zoning or designation permits dwellings for human habitation as the principal use, including, but not limited to: estate residential, low-density residential, rural residential, etc. However, this does not include dwellings accessory to an agricultural use."
If this review was for an MDS I Type A application the calculated setbacks would be approximately half of the Type B setback, or in this case 98 m. This review shows a new dwelling on the new lot would most likely be located approximately 164 m from the livestock portion of the barn, outside the MDS I Type A setback.

8. **MDS Guideline 6**

MDS Guideline 6 directs that an MDS I setback shall be required from all existing livestock facilities that are **reasonably expected** to be impacted by the proposed application. In this case this review shows the application is a Type B application (part of a group of four or more rural dwellings), is not subject to setbacks from other neighbouring barns, and is farther from the livestock occupied portion of the barn and the manure pile than an existing dwelling. The review also shows that if this was a Type A application the new dwelling would be built outside the MDS setback.

The review shows that if renovations were planned to alter the barn for the purpose of increasing the livestock capacity of the barn, or changing the class of animal, a building permit application would trigger an MDS II review and setback, and that the existing home at 17283 Loyalist Parkway will be closer to the barn than a new dwelling, such that the existing dwelling causes the most restriction to making changes to the barn, and that the new dwelling would not cause further restrictions on any barn alterations than already exist.

MDS Guideline 6 directs that MDS setbacks be applied from barns that are reasonably expected to be impacted by the approval of the application. This review has shown the various setbacks from the barn and how existing development already impacts the barn. It also shows how proposed new development would have little, if any, additional impact on the barn. If it is not reasonable to expect the application will impact the barn then the elimination of the setbacks, or a reduction in the setbacks, should be applied.

9. **MDS Guideline 43**

Guideline 43 says MDS setbacks should not be reduced but may under site specific circumstances that meet the intent of MDS. The purpose of MDS is to maintain appropriate distances between livestock facilities and non-farm (usually residential) uses where occupants of that use (or dwelling) could be offended by the uses in the livestock facility. Where a municipality considers reducing an MDS setback it may be done by minor variance or site-specific zoning.

In this case the use of the barn is for storage and for housing a few horses. The barn is in proximity to existing dwellings with no obvious offense to those dwellings. If required it would appear a reduction in the MDS setback may be considered in this case.
10. MDS SKETCH
Attached to this report is the MDS Sketch graphically showing the locations of the subject barn, the subject lot, the neighbouring dwellings, the calculated MDS setbacks, and an arc showing the existing MDS II restriction.

The sketch shows the location of the barn and manure pile and how the MDS I Type B setbacks extend into the subject lands and the neighbouring properties.

A comment of MDS II is made above in Section 8 of this report. This shows that a new dwelling does not create additional restrictions to any redevelopment of the barn since the existing house at 17283 is closer than a new house.
11. SUMMARY

Clark Consulting Services (CCS) was asked to complete a review of the Minimum Distance Separation formulae for an application for a severance of land at 17283 Loyalist Parkway, Wellington in the County of Prince Edward. A site visit on August 27, 2020 showed that one barn, at 17270 Loyalist Parkway, may be impacted by the approval of the application to sever a 0.8 ha lot for the purpose of a residential use. The barn is on a 27-ha lot and is used for the housing of a few horses. Repeated calls to the barn owners were unanswered and so CCS staff have made some assumptions based on discussions with the applicant, Bob Hunter of P.E.C. Farms, and information gained from the site visit.

The application is deemed a MDS I Type B application because of the number of existing residential uses in proximity to the barn. The calculated setbacks show that the application lands and existing dwellings are within the setbacks from the barn and the manure pile.

A full review of the MDS Guidelines found in the OMAFRA document “The Minimum Distance Separation (MDS) Document, publication 853” shows that MDS setbacks are to be applied to all applications reasonably expected to impact existing livestock facilities. In this case the barn has existed in proximity to existing dwellings without obvious offense, and that the proposed new house will not be closer than an existing residence. It would appear that the approval of the severance and the addition of a new residence similarly sited on the lot as the existing residences would not result in an additional impact to the barn.

Based on this review of the application of MDS Clark Consulting Services is of the opinion that the approval of the application for a severance, and any subsequent approval of a building permit for a residence, will not represent a substantial impact on the livestock facility, the Red Barn, at 17270 Loyalist Park than currently exists from the existing dwellings along Loyalist Parkway.

CCS respectfully submits this review, the accompanying MDS Sketch and the MDS Calculation sheet, to the County of Prince Edward, in support of the application for a severance at 17283 Loyalist Parkway, Wellington.

Sincerely,

[Signature]

Bob Clark, P.Eng., P.Ag., MCIP, RPP, OLE
Principal Planner
ATTACHMENT A
MDS SKETCH
ATTACHMENT B
MDS CALCULATION
Minimum Distance Separation

Hunter Severance, PEC

Prepared By: Hugh Stewart, Planner, Clark Consulting Services

Description: Hunter Severance, PEC
Application Date: Tuesday, September 22, 2020
Municipal File Number: Unknown
Proposed Application: Lot creation that results in a cluster of four, or more, non-agricultural use lots in immediate proximity to one another
Type B Land Use

Applicant Contact Information
Bob Hunter
PEC Farms

Location of Subject Lands
City of Prince Edward County
AMELIASBURGH, Concession: 1 LAKE SIDE, Lot: 13
Roll Number: 135062225061000

Calculation Name: Red Barn
Description: 12 Hubbs Creek

Farm Contact Information
Peter and Sophie
12 Hubbs Creek
Wellington, ON, Canada
Phone #1: 4165625278

Location of existing livestock facility or anaerobic digester
City of Prince Edward County
AMELIASBURGH, Concession: 1 LAKE SIDE, Lot: 13
Roll Number: 135062225066000
Total Lot Size: 27 ha

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.

<table>
<thead>
<tr>
<th>Manure Type</th>
<th>Type of Livestock/Manure</th>
<th>Existing Maximum Number</th>
<th>Existing Maximum Number (NU)</th>
<th>Estimated Livestock Barn Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Solid</td>
<td>Horses, Large-framed, mature; &gt; 680 kg (including unweaned offspring)</td>
<td>3</td>
<td>4.3</td>
<td>91 m²</td>
</tr>
<tr>
<td>Solid</td>
<td>Horses, Medium-framed, mature; 227 - 680 kg (including unweaned offspring)</td>
<td>3</td>
<td>3.0</td>
<td>70 m²</td>
</tr>
</tbody>
</table>

The livestock/manure information has not been confirmed with the property owner and/or farm operator.

Existing Manure Storage: V3. Solid, outside, no cover, >= 30% DM
Design Capacity (NU): 7.3
Potential Design Capacity (NU): 14.6

Factor A (Odour Potential) Factor B (Size) Factor D (Manure Type) Factor E (Encroaching Land Use) Building Base Distance F' (minimum distance from livestock barn) (actual distance from livestock barn)
0.7 X 181.9 X 0.7 X 2.2 = 196 m (643 ft) 36 m (118 ft)

Storage Base Distance 'S' (minimum distance from manure storage) (actual distance from manure storage)
196 m (643 ft) 63 m (207 ft)

Preparer Information
Hugh Stewart
Planner
Clark Consulting Services
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Port Hope, ON, Canada
Phone #1: 905-886-8023
Email: hugh@clarkco.com

Signature of Preparer: [Signature]
Date: [Signature]

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) Formulate 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.

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