



# Minimum Distance Separation Statement of Conformity

Bridge-Brook Corp, Uxbridge, Region of Durham

Location: 7370 Centre Road, Parts 1 & 2 of Lot 33, Concession 6, Township of Uxbridge

CCS Project: No. 4623  
Date: November 3, 2020

Prepared for: Bridge-Brook Corp  
Prepared by: Clark Consulting Services

## 1. INTRODUCTION

Clark Consulting Services (CCS) was retained by MDR Planning to review if, and how, the OMAFRA Minimum Distance Separation formulae (MDS) is applied to a proposed subdivision in the Urban Area of the Town of Uxbridge.

The application of MDS is guided by a set of 43 guidelines within a document entitled “The Minimum Distance Separation (MDS) Document, Formulae and Guidelines for Livestock Facility and Anaerobic Digester Odour Setbacks, Publication 853”.



## **2. PROPOSAL FOR DEVELOPMENT**

The subject lands consist of approximately 39.9 ha of lands currently within the Uxbridge Urban Area. The proposal is for the development of a residential subdivision entirely within the urban limits of the municipality.

## **3. MINIMUM DISTANCE SEPARATION FORMULAE (MDS)**

Minimum Distance Separation is a planning tool used to ensure the appropriate separation of incompatible uses. Livestock facilities and anaerobic digesters may be incompatible with neighbouring non-agricultural (in this case residential) uses and so OMAFRA have set a series of guidelines to ensure the proper application of MDS and the appropriate calculation of setback distances between incompatible uses. These guidelines are set within the OMAFRA document known as Publication 853.

This report will review the Guidelines as they apply to the proposed development of the subject lands and discuss where MDS may impact the application or any decisions on the application.

The form of this review is to re-print appropriate sections of the MDS Document and follow each of those sections with comments on how the Guideline applies to the subject lands.

### **Guideline 1:**

In accordance with the Provincial Policy Statement, 2014, this MDS Document shall apply in prime agricultural areas and on rural lands. Consequently, the appropriate parts of this MDS Document shall be referenced in municipal official plans, and detailed provisions included in municipal comprehensive zoning by-laws such that, at the very least, MDS setbacks are required in all designations and zones where livestock facilities and anaerobic digesters are permitted.

Sections 1, 2, 6, 7 and 8 of this document are primarily provided for information purposes, and are not required for inclusion in municipal planning documents; however, Sections 3, 4 and 5 comprise the Minimum Distance Separation Formulae as referenced in the PPS, and as such shall form the basis for MDS provisions enshrined in local land use planning documents. To exercise the various options available to municipalities under Implementation Guidelines #7, #9, #35 and #38, appropriate references must be included in the appropriate implementing land use planning document (official plan and/or comprehensive zoning by-law depending on the trigger for MDS); otherwise, the default approaches outlined in Implementation Guidelines #7, #9, #35 and #38 shall apply as written in this MDS Document.

### **Comment**

MDS is applied to lands outside a settlement area. Where a municipality wishes MDS to be applied within settlement area boundaries reference to that provision is to be made within the planning documents. The Official Plan of the Township of Uxbridge makes specific reference to the application of MDS within Section 2.5.20, in the Rural Estate Area designation for lands outside the Urban boundary along the 6<sup>th</sup>



Concession. No specific requirement for MDS appears to be made for lands within the urban area.

Guideline 7 is for the provision of building permits on existing lots, 9 is for the severance of an existing residence surplus to a farming operation, 35 is for agriculture related and on-farm diversified uses, and 38 is for setbacks for cemeteries. None of these categories apply in this case.

Since the municipal documents do not include appropriate references to vary the application of MDS then MDS is not applied to applications or lands within the Uxbridge Urban Area

#### **Guideline 36**

MDS I setbacks are NOT required for proposed land use changes (e.g., consents, rezonings, redesignations, etc.) within approved settlement areas, as it is generally understood that the long-term use of the land is intended to be for non-agricultural purposes.

#### **Comment**

The proposal is for development within the Uxbridge Urban Area. Since all lands within the urban boundary represent an approved settlement area the proposed land use changes, as outlined in the required planning applications for the development of these lands, are not subject to MDS setbacks from neighbouring livestock facilities or anaerobic digesters.

#### **4. REGION OF DURHAM OFFICIAL PLAN**

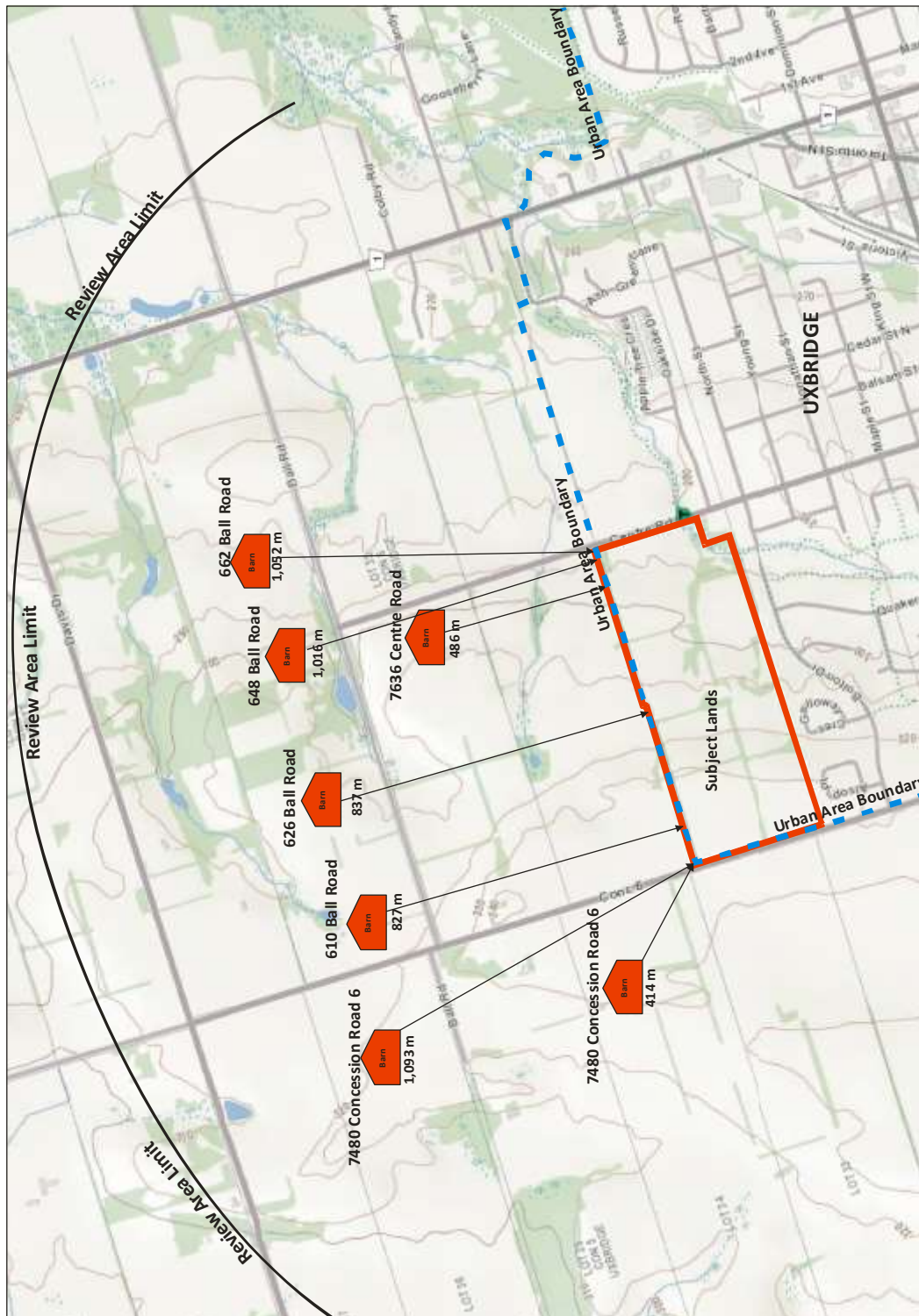
The Regional Official Plan provides policy on land use within the Region including the subject lands within the Uxbridge Urban Boundary. MDS is defined in Sub-Section 15A as, “*formulae developed by the Province to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.*” Further direction is given within Schedule E – Table ‘E8’, Complete Application Requirements, that a “*Statement of Conformity with Minimum Distance Separation formulae are required for any proposal for development or site alteration outside of urban areas and/or within 500 metres of a livestock facility.*” In this case MDS is not applied since the lands are not outside the urban area and, although we have livestock facilities within 500 m, MDS does not require a setback to be applied to these neighbouring barns when the subject lands are within an approved settlement area.

#### **5. NEIGHBOURING BARNs – LIVESTOCK FACILITIES**

**Guideline 36** directs that MDS setbacks are not applied to neighbouring barns unless there is specific mention of this requirement in local planning documents. In completing this MDS review CCS understands a comment on neighbouring barns outlining the location, type and possible use of these barns may assist in understanding the type of agriculture practiced within the review area. This section of the report includes a map showing the extent of the review area, the general location of barns in the review area, a picture, where possible, of each barn, and an individual comment on each of these barns.



Neighbouring land use is largely agricultural. A number of active livestock facilities were noted during the site visit of October 28, 2020. The following is a map of Uxbridge, the Urban Area Boundary line, the Review Area Limit to the north, and the noted barns near the Subject Lands.



**5.1. BARN AT 7480 CONCESSION ROAD 6**

The barn at 7480 Concession Road 6 is a grey wooden sided and steel roofed barn with three silos. There is a second barn to the north of this main barn. These barns appear to be suited to housing beef cattle or horses. The farm has well defined fields for pasturing, hay and common field crops. The barns are set away from the road and non-farm dwellings along Concession Road 6. This barn is approximately 414 m from the closest part of the subject lands.



**5.2. BARN AT 7780 CONCESSION ROAD 6**

The barn at 7780 Concession Road 6 is a red painted gable roof style barn. The barn is set back from the road with the farmhouse to its south, and is part of a grouping of outbuildings. The farm has defined fields suitable for hay, pasture and common feed crops. The barn appears in good condition and would be suitable to house a range of large and small livestock. This barn is approximately 1,093 m from the closest corner of the subject lands.



### **5.3. BARN AT 610 BALL ROAD**

A horse barn and arena is sited on property at 610 Ball Road. Horse training arenas are not considered livestock facilities for the purpose of MDS since horses do not generate a substantial amount of manure within the arena. There may be stabling stalls in the barn but the barn was visually blocked by trees during the site visit. If there are stalls for housing horses there may be no more than ten or twelve stalls. There are well fenced paddocks in the front of the property. The barn is sited approximately 827 m from the subject property.



### **5.4. BARN AT 626 BALL ROAD**

A grey wooden barn and drive shed are located on 626 Ball Road. These do not appear to be currently housing livestock but may be capable of housing beef cattle, horses or small stock. The barn is 837 m from the subject property.



**5.5. BARN AT 648 BALL ROAD**

The barn at 648 Ball Road appears to be an active livestock facility and suited to housing a few horses. The view of the barn is obscured from the roadside by trees but an aerial shot shows what may be an outdoor training ring and fenced areas. The barn would not house a large number of animals, and is set approximately 1,016 m from the subject property.



**5.6. BARN AT 662 BALL ROAD**

A grey wooden barn and silo sits on the north side of Ball Road approximately 1,052 m from the subject lands. The grouping of buildings does not appear to be used currently for housing livestock, however the buildings could be used for a variety of livestock types.



### **5.7. BARN AT 7636 CENTRE ROAD**

An older grey barn with an attached single storey long barn, possibly designed for pigs or poultry, lies approximately 486 m north of the subject lands. The farm is open with well defined fields. No livestock were seen during the site visit. The barn is not entirely visible from the roadside.





## 6. SUMMARY

Clark Consulting Services (CCS) was asked to complete a review of the Minimum Distance Separation formulae for a planned subdivision within the Uxbridge Urban Boundary, at 7370 Centre Road, Uxbridge. A review of applicable planning policy was made and the OMAFRA Minimum Distance Separation (MDS Document, Publication 853) was reviewed and used as a guide in the preparation of this report. A site visit was made to the subject lands and the immediate surrounding area with the purpose of reviewing land use, specifically vacant and occupied livestock facilities, within a 1,500 m review area around the subject property.

The subject lands are 39.9 ha of land of vacant land currently used for growing field crops. At the time of the site visit corn was being harvested from the property.

Lands to the north west of Uxbridge are mostly agricultural and a number of older barns exist within groupings of farm outbuildings. These barns appear in good repair and many should be capable of housing livestock. During the site visit CCS noted seven livestock barns within the review area. Additional barns are within this area however they may be in poor condition or set in an area away from the subject lands or closer to existing homes in the urban area.

The subject lands are within an approved settlement area. The municipal planning documents do not require a review of MDS for applications within the urban boundary. If the planning documents did require such a review we note that the barns reviewed lie at a distance of between 414 m and 1,093 m. MDS setback distances of these amounts are more commonly seen generated from pig farms and large dairy barns with open liquid manure tanks.

In creating Uxbridge Urban Area Council are of the expectation that the subject lands will be developed. Farming in the area appears to have adapted to that expectation and local livestock barns appear to be used for smaller groups of common farm animals or horses for recreational purposes.

Minimum Distance Separation (MDS) accepts that development proposals on lands to be developed within an approved settlement area boundary are anticipated and are therefore exempt from MDS setbacks from neighbouring barns unless local planning documents require compliance with MDS. If MDS did apply in this case the neighbouring barns will generate MDS setbacks less than the actual setback between the barn and subject lands.

For the reasons stated above, and based upon our review of the Minimum Distance Separation (MDS) Document, Publication 853, and a review of local, Regional and Provincial planning policy documents, Clark Consulting Services are of the opinion that the applications required for the development of a residential subdivision at 7370 Centre Road Uxbridge meet the requirements of MDS, as published and maintained by OMAFRA and updated from time to time.



Clark Consulting Services respectfully submits this Minimum Distance Separation Statement of Conformity to the Bridge-Brook Corporation in support of their applications to permit a residential subdivision at 7370 Centre Street Uxbridge.

Sincerely,



Bob Clark, *P.Eng., P.Ag., MCIP, RPP, OLE*  
Principal Planner

Reference Material:

Minimum Distance Separation (MDS) Document, Publication 853  
<http://www.omafra.gov.on.ca/english/nm/buildev/MDSAODA.pdf>

