

Schedule B: Minimum Distance Separation Formulae

4. IMPLEMENTATION GUIDELINES

The following outlines the specific Implementation Guidelines which shall be executed during the application of the *Minimum Distance Separation (MDS) Formulae* to calculate setbacks.

MDS I	MDS II
#1. Referencing MDS in Municipal Planning Documents	
<p>In accordance with the Provincial Policy Statement, 2014, this MDS Document shall apply in <i>prime agricultural areas</i> and on <i>rural lands</i>. 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 <i>livestock facilities</i> and <i>anaerobic digesters</i> are permitted.</p> <p>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 <i>Minimum Distance Separation Formulae</i> 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.</p>	
#2. For What, and When, is an MDS Setback Required?	
<p>The MDS I setback distances shall be met prior to the approval of: proposed <i>lot</i> creation in accordance with Implementation Guidelines #8 and #9; rezonings or re-designations in accordance with Implementation Guideline #10; <i>building permits</i> on a <i>lot</i> which exists prior to March 1, 2017 in accordance with Implementation Guideline #7; and as directed by municipalities for local approvals for <i>agriculture-related uses</i> or <i>on-farm diversified uses</i> in accordance with Implementation Guideline #35.</p> <p>The information used to carry out an MDS I calculation must reflect the circumstances at the time that the municipality deems the planning or building permit application to be complete.</p>	<p>The MDS II setback distances shall be met prior to the approval of the building permit application for a <i>first</i> or <i>altered livestock facility</i> occupying an area greater than 10 m² or any <i>anaerobic digester</i>.</p> <p>The information used to carry out an MDS II calculation must reflect the circumstances at the time that the municipality deems the building permit application to be complete.</p>

MDS I	MDS II
#3. For What, and When, is an MDS Setback <u>NOT</u> Required?	
<p>Certain proposed uses are not reasonably expected to be impacted by <i>existing livestock facilities</i> or <i>anaerobic digesters</i> and as a result, do <u>NOT</u> require an MDS I setback. Such uses may include, but are not limited to:</p> <ul style="list-style-type: none"> • extraction of minerals, petroleum resources and mineral aggregate resources; • <i>infrastructure</i>; and • landfills. <p>However, if one of the uses exempted from MDS I by this Implementation Guideline is later proposed to be rehabilitated or redeveloped to a use that is not an <i>agricultural use</i>, then MDS I setbacks shall be met prior to the approval of any required planning or building permit application.</p> <p>In addition, MDS I setbacks are <u>NOT</u> required from:</p> <ul style="list-style-type: none"> • <i>livestock barns</i> occupying an area less than 10 m²; • certain <i>unoccupied livestock barns</i> in accordance with Implementation Guideline #20; • certain <i>unused manure storages</i> in accordance with Implementation Guideline #21; • apiaries; • aquaculture facilities; • deadstock handling facilities; • fairground buildings; • feed storages; • field shade shelters; • greenhouses; • kennels; • machinery sheds; • meat plants (including abattoirs and slaughterhouses); • mushroom facilities; • pastures; • poultry hatcheries; • stockyards; • temporary field nutrient storage sites (as defined under the <i>Nutrient Management Act, 2002</i>); • veterinary clinics with housing for <i>livestock</i>; and • zoos. 	<p>Certain things that may or may not be associated with agriculture do <u>NOT</u> require MDS II setbacks. Such things may include, but are not limited to:</p> <ul style="list-style-type: none"> • apiaries; • aquaculture facilities; • deadstock handling facilities; • fairground buildings; • feed storages; • field shade shelters; • greenhouses; • kennels; • machinery sheds; • meat plants (including abattoirs and slaughterhouses); • mushroom facilities; • pastures; • poultry hatcheries; • stockyards; • temporary field nutrient storage sites (as defined under the <i>Nutrient Management Act, 2002</i>); • veterinary clinics with housing for <i>livestock</i>; and • zoos. <p>In addition, MDS II setbacks are <u>NOT</u> required from:</p> <ul style="list-style-type: none"> • extraction of minerals, petroleum resources and mineral aggregate resources; • <i>infrastructure</i>; and • landfills.

MDS I	MDS II
#4. MDS Setbacks for Manure Transfer Facilities	
<p>Some <i>livestock facilities</i> and <i>anaerobic digesters</i> require transfer facilities that store manure for less than 14 days before transfer to a longer-term permanent storage, or transfer to field spreading areas, or transfer off the farm.</p> <p>Transfer facilities include, but are not limited to: areas for settling sand out of liquid manure, small sumps for collection or mixing of liquid manure from several areas of a <i>livestock barn</i>, or outside concrete pads where solid manure is temporarily stored awaiting pickup by a custom manure broker.</p> <p>Manure transfer facilities are not considered permanent <i>manure storages</i> and instead will receive the same MDS setbacks as the <i>livestock barn</i>. In other words, the MDS setback for a transfer facility is the same as Building Base Distance 'F', and shall not generate its own separate Storage Base Distance 'S'.</p>	
#5. MDS Setbacks for Earthen <i>Manure Storages</i>	
<p>MDS setbacks are applied to <i>first</i> or <i>altered livestock facilities</i> (MDS II) and, reciprocally, from <i>existing livestock facilities</i> (MDS I), which in both cases includes earthen <i>manure storages</i>, despite these storages not being considered 'buildings' and, consequently, not requiring building permits at the time of construction. Simply because earthen <i>manure storages</i> do not require building permits does not exclude them from MDS setbacks, as these <i>livestock facilities</i> are permanent <i>manure storages</i> with defined boundaries and represent an odour source with the highest odour potential according to Table 5.</p>	
#6. Required Investigation Distances for MDS	
<p>A separate MDS I setback shall be required to be measured from all <i>existing livestock facilities</i> and <i>anaerobic digesters</i> on <i>lots</i> in the surrounding area that are reasonably expected by an approval authority to be impacted by the proposed application.</p> <p>As part of municipal consideration of planning or building permit applications, all <i>existing livestock facilities</i> or <i>anaerobic digesters</i> within a 750 m distance of a proposed Type A land use and within a 1,500 m distance of a proposed Type B land use shall be investigated and MDS I setback calculations undertaken where warranted.</p> <p>In circumstances where large <i>livestock facilities</i> (e.g., >1,200 <i>Nutrient Units</i>) exist beyond the 750 m or 1,500 m study area, MDS I setbacks from these facilities should also be calculated.</p>	<p>When investigating the surrounding area for applications to permit a <i>first</i> or <i>altered livestock facility</i> or <i>anaerobic digester</i>, MDS II setbacks shall be required to be measured from all existing and approved sensitive receptors reasonably expected by an approval authority to be impacted by the proposed <i>first</i> or <i>altered livestock facility</i> or <i>anaerobic digester</i>, including all existing and approved <i>development</i> and all <i>dwellings</i> on <i>lots</i> in the surrounding area.</p>

MDS I	MDS II
#7. MDS I Setbacks for Building Permits on Existing Lots	
<p>MDS I setbacks are not required for <i>dwelling</i> additions and renovations proposed on existing <i>lots</i>, even where an addition results in the existing <i>dwelling</i> being closer to a surrounding <i>livestock facility</i> or <i>anaerobic digester</i>. However, MDS I setbacks are required for all other building permit applications for <i>dwellings</i> on <i>lots</i> that existed prior to March 1, 2017, unless otherwise specified in a municipality's zoning by-law or where otherwise not required by this MDS Document.</p> <p>For <i>lots</i> created after March 1, 2017, MDS I setbacks shall be required for building permit applications for <i>dwellings</i> unless otherwise not required by this MDS Document.</p> <p>Where a setback is required, MDS I measurements shall be taken as the shortest distance between the proposed building to be constructed and either the <i>manure storages</i>, or <i>anaerobic digesters</i>, or the <i>livestock occupied portions</i> of the <i>livestock barns</i>.</p> <p>While municipalities have the option to exempt buildings proposed through building permit applications on <i>lots</i> which exist prior to March 1, 2017, they are strongly discouraged from exempting these applications.</p> <p>If local exemptions are supported for building permits on existing <i>lots</i>, a municipality shall adopt provisions in their comprehensive zoning by-law which clearly state the details for such exemptions. Examples of such provisions may include, but are not limited to, those which only require an MDS I setback for building permit applications:</p> <ul style="list-style-type: none"> • on existing <i>lots</i> that are in a particular land use zone or designation (e.g., rural residential, estate residential); • on existing <i>lots</i> that are above or below a certain size threshold (e.g., 4 ha); 	<p>Not applicable</p>

MDS I	MDS II
<ul style="list-style-type: none"> • on existing <i>lots</i> which are vacant (e.g., no existing <i>dwellings</i> or other buildings); • on existing <i>lots</i>, but where the MDS I setback cannot be met, then through a planning application, allow a <i>dwelling</i> provided that it be located as far as possible from the <i>existing livestock facility</i> from which the setback cannot be met; • on <i>lots</i> which exist prior to a specific date (e.g., March 1, 2017 or the date of adoption of comprehensive zoning by-law); or, • for certain types of buildings (e.g., <i>dwellings</i>). 	
<p>#8. MDS I Setbacks for Lot Creation</p>	
<p>Where <i>lot</i> creation is proposed, including new <i>lots</i> for <i>agricultural</i> uses, an MDS I setback is required for both the severed and retained <i>lot</i>.</p> <p>However, an MDS I setback is not required:</p> <ul style="list-style-type: none"> • for a severed or retained <i>lot</i> for an <i>agricultural</i> use when that <i>lot</i> already has an existing <i>dwelling</i> on it; • for purposes such as easements, corrections of deeds, quit claims and minor boundary adjustments which do not result in the creation of a new <i>lot</i>; • for a severed or retained <i>lot</i> for <i>infrastructure</i> in accordance with Implementation Guideline #3; • for a severed or retained <i>lot</i> for an existing <i>non-agricultural</i> use; • for a severed or retained <i>lot</i> for <i>agriculture-related</i> uses, except where required by a municipality in accordance with Implementation Guideline #35; or • where noted in Implementation Guideline #9. <p>NOTE: The <i>lot</i> creation policies contained in the PPS, provincial plans and other local <i>lot</i> creation policies continue to apply despite any exemptions from MDS I setbacks.</p>	<p>Not applicable</p>

MDS I	MDS II
#9. MDS I Setbacks and Lot Creation for a Residence Surplus to a Farming Operation	
<p>For a proposed severance of a <i>residence surplus to a farming operation</i>:</p> <ol style="list-style-type: none"> 1. Where the existing <i>dwelling</i> to be severed and the nearby <i>livestock facility</i> or <i>anaerobic digester</i> are located on separate <i>lots</i> prior to the consent, an MDS I setback is not required for the consent application (or associated rezoning) unless otherwise required by a municipal official plan policy. This is because a potential odour conflict may already exist between those surrounding <i>livestock facilities</i> or <i>anaerobic digesters</i> and the existing <i>dwelling</i>. 2. An MDS I setback is always required for a proposed <i>lot</i> with an existing <i>dwelling</i> when prior to the consent, that <i>dwelling</i> is located on the same <i>lot</i> as an <i>existing livestock facility</i> or <i>anaerobic digester</i> and after the consent, the <i>dwelling</i> would be on a <i>lot</i> separate from that same <i>existing livestock facility</i> or <i>anaerobic digester</i>. This is because such a proposal could create a potential odour conflict as the <i>dwelling</i> and the <i>livestock facility</i> or <i>anaerobic digester</i> will be on separate conveyable <i>lots</i> if the severance is approved. This is the case regardless of how a municipality chooses to treat <i>existing livestock facility</i> on <i>lots</i> separate from the <i>dwelling</i> prior to the consent. 3. Where a new <i>lot</i> is proposed with an existing <i>dwelling</i> AND an <i>existing livestock facility</i> or <i>anaerobic digester</i> on it, an MDS I setback is not required for that <i>livestock facility</i> or <i>anaerobic digester</i> in accordance with Implementation Guideline #14. <p>Refer to Figure 3 in Section 7 of this MDS Document for a drawing illustrating these three scenarios.</p> <p>NOTE: For severances of a <i>residence surplus to a farming operation</i>, an MDS I setback shall only be required for the newly created surplus <i>dwelling lot</i> and shall not be required for the remnant farm parcel nor for any associated rezonings of the severed or retained parcels.</p>	<p>Not applicable</p>

MDS I	MDS II
#10. MDS I Setbacks for Zoning By-Law Amendments and Official Plan Amendments	
<p>An MDS I setback is required for all proposed amendments to rezone or redesignate land to permit <i>development in prime agricultural areas and rural lands</i> presently zoned or designated for <i>agricultural use</i>. This shall include amendments to allow site-specific exceptions which add <i>non-agricultural uses or residential uses</i> to the list of <i>agricultural uses</i> already permitted on a <i>lot</i>, but shall exclude applications to rezone a <i>lot</i> for a <i>residence surplus to a farming operation</i> (e.g., to a rural residential zone) in accordance with Implementation Guideline #9 above.</p> <p>Amendments to rezone or redesignate land already zoned or designated for a <i>non-agricultural use</i>, shall only need to meet the MDS I setbacks if the amendment(s) will permit a more sensitive land use than existed before. In other words, if the proposal is to change an existing Type A land use (e.g., industrial use outside of a <i>settlement area</i>) to a Type B land use (e.g., commercial) in accordance with Implementation Guidelines #33 and #34, then an MDS I setback shall be required.</p>	Not applicable
#11. MDS Setbacks for Reconstruction	
<p>Where a municipality explicitly requires MDS I setbacks for building permit applications on <i>lots</i> which exist prior to March 1, 2017, in accordance with Implementation Guideline #7, an MDS I setback is <u>NOT</u> required for building reconstruction provided <u>ALL</u> of the following conditions are met:</p> <ul style="list-style-type: none"> • the building which existed before the application was habitable; • the proposed building is for the same or less sensitive land use type (i.e., Type A or Type B in accordance with Implementation Guidelines #33 and #34) than the former building; and 	<p>MDS II setbacks are <u>NOT</u> required for <i>livestock facility</i> reconstruction provided the resulting <i>livestock facility</i> is built no closer to the surrounding existing or approved <i>development or dwelling</i> than the <i>livestock facility</i> which existed before the building permit application.</p> <p>However, MDS II setbacks shall be required if the proposed reconstruction includes an <i>anaerobic digester</i> or a <i>livestock facility</i> that meets at least <u>ONE</u> of the following conditions:</p> <ul style="list-style-type: none"> • will house a different <i>livestock type(s)</i> which is more odorous than existed before reconstruction (resulting in a greater value for Factor A); or

MDS I	MDS II
<ul style="list-style-type: none"> the proposed building is built no closer to the surrounding <i>livestock facilities</i> or <i>anaerobic digesters</i> than the former building. 	<ul style="list-style-type: none"> will house a greater number or area of <i>livestock</i> or store a greater volume of imported manure than existed before reconstruction (resulting in a greater value for Factor B); or will change from a solid to a liquid manure system (resulting in a greater value for Factor D); or will have a new <i>manure storage</i> with an increased relative odour potential (based on Table 5) than existed before reconstruction (e.g., going from a 'Very Low' to a 'Low' odour potential).
#12. Existing Uses that Do Not Conform to MDS	
<p>An MDS I setback is required for proposed <i>development</i> or <i>dwelling</i>s, even though there may be existing or approved <i>development</i> or <i>dwelling</i>s nearby that do not conform to MDS I requirements.</p> <p>However, a reduced MDS I setback may be permitted provided there are four, or more, <i>non-agricultural uses, residential uses</i> and/or <i>dwelling</i>s closer to the subject <i>livestock facility</i> than the proposed <i>development</i> or <i>dwelling</i>s and those four or more <i>non-agricultural uses, residential uses</i> and/or <i>dwelling</i>s are:</p> <ul style="list-style-type: none"> 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 <i>development</i> or <i>dwelling</i> and the nearest <i>livestock facility</i> or <i>anaerobic digester</i>; located on separate <i>lots</i>; 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 <i>development</i> or <i>dwelling</i>. 	<p>Even though there may be a portion of the existing <i>livestock facility</i> or existing <i>anaerobic digester</i> that does not conform to the MDS II setbacks, building permit applications for any <i>altered livestock facility</i> or <i>anaerobic digester</i> are still required to meet the MDS II setbacks.</p>

MDS I	MDS II
<p>If <u>ALL</u> of the above conditions are met, the MDS I setback for the proposed <i>development</i> or <i>dwelling</i> may be reduced such that it is located no closer to the <i>livestock facility</i> or <i>anaerobic digester</i> than the furthest of the four <i>non-agricultural uses</i>, <i>residential uses</i> and/or <i>dwellings</i> as shown in <u>Figure 4</u>.</p>	
<p>#13. Non-Application of MDS to Accessory Structures</p>	
<p>When an MDS I setback is required by a municipality for building permit applications on a <i>lot</i> which existed prior to March 1, 2017, in accordance with Implementation Guideline #7, an MDS I setback shall <u>NOT</u> be required for proposed structures accessory to a <i>dwelling</i>, including, but not limited to: decks, garages, gazebos, greenhouses, outbuildings, patios, picnic areas and sheds.</p>	<p>MDS II setbacks shall <u>NOT</u> be required from existing structures accessory to a <i>dwelling</i>, including, but not limited to: decks, garages, gazebos, greenhouses, outbuildings, patios, picnic areas and sheds.</p>
<p>#14. Uses Located on the Same Lot</p>	
<p>An MDS I setback is <u>NOT</u> required to be met for proposed <i>development</i>, <i>dwelling</i>, <i>agriculture-related use</i>, or <i>on-farm diversified use</i> from an <i>existing livestock facility</i> or <i>anaerobic digester</i> located on the same <i>lot</i> as the proposal.</p>	<p>MDS II setbacks are <u>NOT</u> required to be met for the <i>first</i> or <i>altered livestock facility</i> or <i>anaerobic digester</i> to any existing or approved <i>development</i>, <i>dwelling</i>, <i>agriculture-related use</i>, or <i>on-farm diversified use</i> located on the same <i>lot</i>.</p>
<p>#15. Same Ownership</p>	
<p>An MDS I setback is required for proposed <i>development</i> or <i>dwellings</i> even if the <i>lot</i> on which they are proposed is held by the same owner as the <i>existing livestock facility</i> or <i>anaerobic digester</i> nearby. This recognizes that a <i>lot</i> may be sold to a new owner, possibly resulting in a potential future land use conflict.</p>	<p>MDS II setbacks are required for a proposed <i>first</i> or <i>altered livestock facility</i> or <i>anaerobic digester</i> even if the <i>lot</i> on which they are proposed is held by the same owner as the existing or approved <i>development</i> or <i>dwellings</i> nearby. This recognizes that a <i>lot</i> may be sold to a new owner, possibly resulting in a potential future land use conflict.</p>

MDS I	MDS II
#16. Obtaining Required Information to Calculate MDS Setbacks	
<p>The preferred method for obtaining information (e.g., <i>livestock</i> and manure type as well as <i>design capacity</i>) to be used in MDS I calculations for a complete planning application is visiting the site and getting information directly from the farm operator(s) or owner(s) of the property where the <i>livestock facilities</i> or <i>anaerobic digesters</i> are located.</p> <p>If cooperation is not forthcoming, or there is concern about the accuracy of the information available, it may be helpful to obtain independent information by consulting other sources, including, but not limited to:</p> <ul style="list-style-type: none"> • aerial photography; • best professional judgement about the past/most recent use of building(s); • current farm owner or operator (if different than the original information source); • existing municipal building permits on record; • Municipal Property Assessment Corporation (MPAC) records; • neighbouring landowners; • qualified consultant(s) knowledgeable about <i>livestock facilities</i>; or • OMAFRA staff. <p>NOTE: Even though information may be provided by the applicant or their agent, ultimately, it is the responsibility of the municipality to determine if information used for an MDS I calculation is reasonably accurate and reflects existing conditions.</p>	<p>The only method for obtaining information (e.g., <i>livestock</i> and manure type as well as <i>design capacity</i>) to be used in MDS II calculations for the <i>first or altered livestock facility</i> is from the owner(s) or their agent with the application for the proposed construction.</p> <p>In some circumstances where information is missing, or there is a concern about the accuracy of the information available, it may be helpful to obtain independent information by carrying out a site visit or consulting other sources, including, but not limited to:</p> <ul style="list-style-type: none"> • aerial photography; • best professional judgement about the past/most recent use of building(s); • current farm operator (if different than the owner/agent); • existing municipal building permits on record; • Municipal Property Assessment Corporation (MPAC) records; • neighbouring landowners; • qualified consultant(s) knowledgeable about <i>livestock facilities</i>; or • OMAFRA staff. <p>NOTE: Even though information may be provided by the applicant or their agent, ultimately, it is the responsibility of the municipality to determine if information used for an MDS II calculation is reasonably accurate and reflects the proposed construction.</p>

MDS I	MDS II
#17. Fewest Number of <i>Nutrient Units</i> Used when Calculating MDS	
<p>The fewest number of <i>Nutrient Units</i> used in calculating MDS I setbacks is 5 <i>Nutrient Units</i>, even if the actual <i>design capacity</i> is fewer than 5 <i>Nutrient Units</i>.</p> <p>Accordingly, the MDS software will automatically round-up to the minimum of 5 <i>Nutrient Units</i>.</p>	<p>MDS II setbacks are required for all <i>first or altered livestock facilities</i>; however, the fewest number of <i>Nutrient Units</i> used in calculating MDS II setbacks is 5 <i>Nutrient Units</i>, even if the actual <i>design capacity</i> is fewer than 5 <i>Nutrient Units</i>.</p> <p>Accordingly, the MDS software will automatically round-up to the minimum of 5 <i>Nutrient Units</i>.</p>
#18. MDS II for Building Permit Applications to Renovate Existing <i>Livestock Facilities</i>	
<p>Not applicable</p>	<p>An MDS II setback is required prior to the approval of a building permit application to renovate <i>existing livestock facilities</i> that would result in an <i>altered livestock facility</i>.</p> <p>This is true even if the renovation results in the same <i>design capacity</i>, or a lower <i>design capacity</i> than what existed before. For example, an <i>existing livestock facility</i> to be renovated is more than 3 years old and has a <i>design capacity</i> of 150 <i>Nutrient Units</i> for swine feeders on a liquid manure system with an outside, uncovered, straight-walled liquid <i>manure storage</i> (M1 storage in Table 5). After the proposed renovation, the <i>altered livestock facility</i> will instead have a <i>design capacity</i> of 50 <i>Nutrient Units</i> for chicken broilers on a solid manure system with an outside, uncovered, solid <i>manure storage</i> (V3 storage in Table 6).</p> <p>NOTE: This would result in fewer <i>Nutrient Units</i> than before the renovation.</p> <ul style="list-style-type: none"> • Factor A = 0.7 for chicken broilers (just for those <i>livestock</i> being added) • Factor B = 260 for 50 <i>Nutrient Units</i> • Factor C = 0.5 for a -66.7% increase (or 66.7% decrease), but Factor C always equals 0.5 for any decrease in <i>Nutrient Units</i> • Factor D = 0.7 for solid manure (just for those <i>livestock</i> being added)

MDS I	MDS II
Not applicable	<ul style="list-style-type: none"> • Building Base Distance (‘F’) = $0.7 \times 260 \times 0.5 \times 0.7 = 63.7$ m • Storage Base Distance (‘S’) = 63.7 m (for a V3 storage) <p>Likewise, an MDS II setback is also required prior to the approval of a building permit application to renovate existing <i>anaerobic digesters</i> in accordance with Implementation Guideline #22.</p>

#19. Cumulative Design Capacity of Livestock Facilities on a Lot

MDS calculations shall be based on the combined *design capacity* for all *livestock barns* on a *lot*, even if they are *unoccupied livestock barns* or separated by a substantial distance on the *lot*.

Where there are no *livestock barns* on a *lot*, MDS calculations shall be based on the combined *design capacity* for all *manure storages* on a *lot*, even if they are *unused manure storages* or separated by a substantial distance on the *lot*.

#20. MDS Setbacks for Unoccupied Livestock Barns

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 barns*:

- Factor A = 1.0
- Factor B is based on 1 *Nutrient Unit*/ 20 m² of area of *livestock* housing (NOTE: Assume the barn is only one-story high if using aerial photography.)
- Factor D = 0.7

Design capacity for an MDS II calculation shall include all *unoccupied livestock barns* on a *lot*.

However, buildings deemed by a municipal building official, with input from a professional engineer or a consultant knowledgeable about *livestock facilities* where appropriate, as no longer being structurally sound, or reasonably capable of housing *livestock* shall not be included in an MDS II calculation.

MDS I	MDS II
<p>However, an MDS I setback is not required when:</p> <ul style="list-style-type: none"> the building has been deemed by a municipal building official, with input from a professional engineer or a consultant knowledgeable about <i>livestock facilities</i> where appropriate, as no longer being structurally sound or reasonably capable of housing <i>livestock</i>; or the portion of the <i>lot</i> on which the <i>unoccupied livestock barn</i> is located is zoned such that the building shall not be used for housing <i>livestock</i>; or the floor area of the <i>unoccupied livestock barn</i> is <100 m². 	
#21. MDS Setbacks for Unused Manure Storages	
<p><i>Design capacity</i> for an MDS I calculation shall include all <i>manure storages</i> on a <i>lot</i> in accordance with this Implementation Guideline, even if those storages are unused and not storing manure at the time of the MDS I application.</p> <p>First and foremost, the volume of <i>unused manure storages</i> should be based on information supplied by the farm operator(s) and/or owner(s).</p> <p><i>Unused manure storages</i> for <u>SOLIDS</u>: 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 Factors apply for <i>unused manure storages</i> for <u>SOLIDS</u>:</p> <ul style="list-style-type: none"> Factor A = 1.0 Factor B is based on 1 <i>Nutrient Unit</i>/19.8 m³ of volume for storages with two or more walls (NOTE: Assume manure is stored 1 m deep over the area enclosed by the two or more walls if using aerial photography). Factor D = 0.7 	<p><i>Design capacity</i> for an MDS II calculation shall include all <i>manure storages</i> on a <i>lot</i>, even if those storages are unused and not storing manure at the time of an MDS II application.</p> <p>However, structures deemed by a municipal building official, with input from a professional engineer or a consultant knowledgeable about <i>livestock facilities</i> where appropriate, as no longer being structurally sound, or reasonably capable of storing manure, shall not be included in an MDS II calculation.</p>

MDS I	MDS II
<p>However, an MDS I setback is not required when:</p> <ul style="list-style-type: none"> • there is only one, or no, walls; or, • the structure has been deemed by a municipal building official, with input from a professional engineer or a consultant knowledgeable about <i>livestock facilities</i> where appropriate, as no longer being structurally sound or reasonably capable of storing manure; or, • the portion of the <i>lot</i> on which the <i>unused manure storage</i> is located is zoned such that the structure shall not be used for storing manure; or, • the floor area of the <i>unused manure storage</i> is <100 m². <p><i>Unused manure storages for LIQUIDS:</i> 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 Factors apply for <i>unused manure storages for LIQUIDS:</i></p> <ul style="list-style-type: none"> • Factor A = 1.0 • Factor B is based on 1 <i>Nutrient Unit</i>/19.8 m³ of <i>design capacity</i> (NOTE: Assume manure is stored 2.5 m deep and level over the area enclosed by storage walls if using aerial photography). • Factor D = 0.8 <p>However, an MDS I setback is not required when:</p> <ul style="list-style-type: none"> • the structure has been deemed by a municipal building official, with input from a professional engineer or a consultant knowledgeable about <i>livestock facilities</i> where appropriate, as no longer being structurally sound or reasonably capable of storing manure; or, • the portion of the <i>lot</i> on which the <i>unused manure storage</i> is located is zoned such that the structure shall not be used for storing manure; or, • the floor area of the <i>unused manure storage</i> is <40 m². 	

MDS I	MDS II
#22. MDS Setbacks for Anaerobic Digesters	
<p>There is no calculation for an MDS I setback from an <i>anaerobic digester</i>. Instead, the required MDS I setbacks are fixed as follows:</p> <ul style="list-style-type: none"> • 200 m to proposed Type A land uses • 450 m to proposed Type B land uses • 200 m to proposed <i> dwellings</i> <p>Refer to Figure 5 in Section 7 of this MDS Document.</p> <p>Secondary elements related to the <i>anaerobic digester</i> such as gas and water pipes and electrical generator buildings or wires are not subject to MDS I setbacks.</p> <p>MDS I setbacks are measured from the closest associated component of the existing <i>anaerobic digester</i>.</p>	<p>There is no calculation for an MDS II setback for an <i>anaerobic digester</i>. Instead the required MDS II setbacks are fixed as follows:</p> <ul style="list-style-type: none"> • 200 m from existing Type A land uses • 450 m from existing Type B land uses • 200 m from existing <i> dwellings</i> on a separate <i> lot</i> • 20 m from a rear and side <i> lot</i> line • 40 m from the edge of a road allowance <p>Refer to Figure 6 in Section 7 of this MDS Document.</p> <p>Secondary elements related to the <i>anaerobic digester</i> such as gas and water pipes and electrical generator buildings or wires are not subject to MDS II setbacks.</p> <p>MDS II setbacks are measured to the closest associated component of the proposed <i>anaerobic digester</i>.</p> <p>MDS II setbacks for <i>anaerobic digesters</i> cannot be reduced through Implementation Guideline #43.</p>
#23. Calculating Building Base Distance ('F')	
<p>The MDS I formula for calculating Building Base Distance ('F') is: 'F' = Factor A x B x D x E.</p> <p>NOTE: Factor C is <u>NOT</u> used in MDS I.</p>	<p>The MDS II formula for calculating Building Base Distance ('F') is: 'F' = Factor A x B x C x D.</p> <p>NOTE: Factor E is <u>NOT</u> used in MDS II.</p>
#24. Determining Storage Base Distance ('S')	
<p>Storage Base Distance ('S') is <u>NOT</u> calculated, but read directly from Table 6. First calculate the Building Base Distance ('F') in accordance with Implementation Guideline #23, then select the <i> manure storage</i> type from Table 5 that best matches the <i> manure storage</i> type on the <i> lot</i> and use this information to determine the corresponding value on Table 6.</p> <p>If there are multiple <i> manure storage</i> types on the <i> lot</i>, the storage type with the highest relative Storage Odour Potential is selected from Table 5.</p>	

MDS I	MDS II
#25. Factor A: Odour Potential Factor (Table 1)	
<p>Factor A is determined by selecting the value aligned with the applicable <i>livestock</i>/manure description on Table 1. Factor A is based on the relative potential for emanating offensive odours. The greater the value of Factor A, the higher the odour potential and the further the resulting MDS setbacks, all other things being equal.</p>	
#26. Factor B: Nutrient Units Factor (Table 2)	
<p>Factor B used in MDS I setbacks for <i>settlement area</i> expansions shall only be based on the <i>design capacity</i> for all <i>livestock facilities</i> on a <i>lot</i>.</p> <p>In addition, for other MDS I setbacks where the <i>livestock facilities</i> are located on <i>lots</i> ≤5 ha, Factor B is also only based on the <i>design capacity</i> for all <i>livestock facilities</i> on the <i>lot</i>.</p> <p>For all other MDS I setbacks where the <i>livestock facilities</i> are located on <i>lots</i> >5 ha, Factor B is based on the possible future expansion of the existing <i>livestock facilities</i> on the <i>lot</i>, known as the 'potential' <i>design capacity</i>.</p> <p>More specifically, the potential <i>design capacity</i> for MDS I is determined by knowing the <i>design capacity</i> for all <i>livestock facilities</i> on the <i>lot</i>, and the total area of the <i>lot</i>. With both of these pieces of information, use the table below to determine the appropriate potential <i>design capacity</i>. This value should then be used to find the value of Factor B for the purposes of calculating an MDS I setback where the <i>livestock facilities</i> are located on a <i>lot</i> >5 ha.</p>	<p>For MDS II, Factor B is based on the <i>design capacity</i> for all <i>livestock facilities</i> on a <i>lot</i>.</p> <p>In accordance with Table 2, the more <i>Nutrient Units</i>, the greater the value for Factor B and the further the resulting MDS II setbacks, all other things being equal.</p> <p>While using Table 2, it may be necessary to interpolate a value for Factor B. When interpolating, do not include more than two decimal places, rounded accordingly.</p>

MDS I					MDS II
Design Capacity (NU)	Total Lot Size ≤5 ha	Total Lot Size >5 ha, but ≤25 ha	Total Lot Size >25 ha, but ≤50 ha	Total Lot Size >50 ha	
≤5 NU	Factor B based on <i>design capacity</i> only	Factor B based on <i>design capacity</i> only	Factor B based on <i>design capacity</i> only	Factor B based on <i>design capacity</i> only	
>5 NU, but ≤25 NU	Factor B based on <i>design capacity</i> only	Factor B based on 2 x <i>design capacity</i>	Factor B based on 2 x <i>design capacity</i>	Factor B based on 2 x <i>design capacity</i>	
>25 NU, but ≤125 NU	Factor B based on <i>design capacity</i> only	Factor B based on 2 x <i>design capacity</i>	Factor B based on 3 x <i>design capacity</i>	Factor B based on 3 x <i>design capacity</i>	
>125 NU	Factor B based on <i>design capacity</i> only	Factor B based on 2 x <i>design capacity</i> , to max of 300 NU	Factor B based on 3 x <i>design capacity</i> , to max of 450 NU	Factor B based on 3 x <i>design capacity</i> , to max of 600 NU	

NOTE: To determine *design capacity* for *unoccupied livestock barns* or *unused manure storages*, see Implementation Guidelines #20 and #21 respectively.

In accordance with Table 2, the more *Nutrient Units*, the greater the value for Factor B and the further the resulting MDS I setbacks, all other things being equal.

While using Table 2, it may be necessary to interpolate a value for Factor B. When interpolating, do not include more than two decimal places, rounded accordingly.

MDS I	MDS II
#27. Factor C: Expansion Factor (Table 3)	
Not applicable	<p>Factor C only applies for MDS II, and is based on the percentage increase in the number of <i>Nutrient Units</i> for the proposed construction of a <i>first</i> or <i>altered livestock facility</i>, compared to the <i>Nutrient Units</i> of all <i>existing livestock facilities</i> on the <i>lot</i>. The greater the percentage increase, the greater the value for Factor C and the further the resulting MDS II setbacks, all things being equal.</p> <p>Expansion of a <i>livestock facility</i> is a necessary and typical process for most farm operations, and can reasonably be expected over time.</p> <p>Factor C is 1.14 (Table 3) for the <i>first livestock facility</i> on a <i>lot</i>, resulting in a building location that will allow for future expansion of most subsequent <i>livestock facilities</i> within a reasonable building envelope.</p> <p>Factor C is 0.5 (Table 3) for no increase in <i>Nutrient Units</i> (0% increase) and for decreases in <i>Nutrient Units</i>.</p> <p>Where an <i>existing livestock facility</i> is to be expanded, the percentage increase shall be calculated using the total additional <i>Nutrient Units</i> proposed as the numerator and the total existing <i>Nutrient Units</i> as the denominator, with the result multiplied by 100.</p> <p>For example, if an <i>existing livestock facility</i> currently has a <i>design capacity</i> of 200 <i>Nutrient Units</i> and proposes to increase <i>design capacity</i> by 100 additional <i>Nutrient Units</i>, the percentage increase is calculated as 100 <i>Nutrient Units</i> (numerator) divided by 200 <i>Nutrient Units</i> (denominator) and multiplied by 100 for a value of 50% $(100/200) \times 100 = 50\%$. From Table 3, Factor C = 0.8100.</p> <p>Where a <i>livestock facility</i> is to be expanded, and one or more building permits to establish or expand that <i>livestock facility</i> were already issued within the previous 3 years, the percentage increase shall be calculated using the total additional <i>Nutrient Units</i> established or added by building permit(s) issued during the previous 3-year period, plus the proposed expansion, as the numerator, and the total existing</p>

MDS I	MDS II
	<p><i>Nutrient Units</i> prior to the previous 3-year period as the denominator.</p> <p>For example, an <i>existing livestock facility</i> currently has a <i>design capacity</i> of 200 <i>Nutrient Units</i> and proposes to increase <i>design capacity</i> by 100 additional <i>Nutrient Units</i>. A building permit for this <i>livestock facility</i> was issued 2 years ago which increased the size of the operation at that time from 100 <i>Nutrient Units</i> to 200 <i>Nutrient Units</i>. In this case, the percentage increase is calculated as 200 <i>Nutrient Units</i> (numerator) (100 <i>Nutrient Units</i> for this expansion plus 100 <i>Nutrient Units</i> for expansion 2 years ago) divided by 100 <i>Nutrient Units</i> (denominator) (the <i>design capacity</i> of the <i>livestock facility</i> 3 years ago) and then multiplied by 100 for a value of 200% $[(100+100)/100] \times 100 = 200\%$. From Table 3, Factor C = 1.0000.</p> <p>In using Table 3, it may be necessary to interpolate a value for Factor C. When interpolating, do not include more than four decimal places, rounded accordingly.</p>
<p>#28. Factor D: Manure Type (Table 1)</p>	
<p>Factor D is determined by selecting the value aligned with the applicable manure type (liquid manure or solid manure) in Table 1. Factor D is based on the physical state of manure (liquid or solid) on the <i>lot</i> and its relative potential for emanating offensive odours. The greater the value for Factor D, the higher the odour potential and the further the resulting MDS setbacks, all other things being equal.</p>	
<p>#29. Factor E: Encroaching Land Use Factor (Table 4)</p>	
<p>Factor E is determined by selecting the encroaching land use factor in Table 4 (Type A Land Use or Type B Land Use) that best matches the descriptions in Implementation Guidelines #33 and #34. Factor E is based on the relative sensitivity of an encroaching land use as it relates to odour from an <i>existing livestock facility</i>. The more sensitive the land use (based on an anticipated higher density of human occupancy, habitation or activity), the greater the value (1.1 or 2.2) of the encroaching land use factor and the further the resulting MDS I setbacks, all other things being equal.</p>	<p>Not applicable</p>

MDS I	MDS II
#30. Determining Factor A When More Than One Type of <i>Livestock</i> are Housed and/or More Than One Type of Manure are Stored, With Differing Values for Factor A	
<p>In MDS I, Factor A will require a weighted average when there is more than one type of <i>livestock</i> housed and/or more than one type of manure stored on a <i>lot</i> with differing values for Factor A.</p> <p>For example, if a <i>livestock</i> facility on a <i>lot</i> has 50 <i>Nutrient Units</i> of chicken broilers (Factor A = 0.7), as well as 100 <i>Nutrient Units</i> of swine feeders (Factor A = 1.2), then the weighted average Factor A is: $[(50 \times 0.7) + (100 \times 1.2)] \div (50 + 100) = 1.03$</p> <p>When calculating a weighted average, the value of Factor A should not include more than two decimal places, rounded accordingly.</p>	<p>In MDS II, Factor A will require a weighted average when there is more than one type of <i>livestock</i> proposed to be added and/or more than one type of manure proposed to be added at the same time with differing values for Factor A.</p> <p>For example, if a farmer proposes to expand a <i>livestock facility</i> by adding 50 <i>Nutrient Units</i> of chicken broilers (Factor A = 0.7), as well as adding 100 <i>Nutrient Units</i> of swine feeders (Factor A = 1.2) at the same time, then the weighted average Factor A is: $[(50 \times 0.7) + (100 \times 1.2)] \div (50 + 100) = 1.03$</p> <p>When calculating a weighted average, the value of Factor A should not include more than two decimal places, rounded accordingly.</p>
#31. Determining Factor D When <u>BOTH</u> Solid and Liquid Manure are Stored on a <i>Lot</i>	
<p>In MDS I, Factor D will require a weighted average when <u>BOTH</u> solid and liquid manure are being stored on a <i>lot</i>.</p> <p>For example, if a <i>livestock facility</i> has 50 <i>Nutrient Units</i> of chicken broilers with a solid manure system (Factor D = 0.7) <u>AND</u> 100 <i>Nutrient Units</i> of swine feeders with a liquid manure system (Factor D = 0.8) then the weighted average Factor D is: $[(50 \times 0.7) + (100 \times 0.8)] \div (50 + 100) = 0.77$</p> <p>When calculating a weighted average, the value of Factor D should not include more than two decimal places, rounded accordingly.</p>	<p>In MDS II, Factor D will require a weighted average when <u>BOTH</u> solid and liquid <i>manure storages</i> are being proposed as part of the same building permit application.</p> <p>For example, if a farmer proposes to add 50 <i>Nutrient Units</i> of chicken broilers with a solid manure system (Factor D = 0.7) <u>AND</u> 100 <i>Nutrient Units</i> of swine feeders with a liquid manure system (Factor D = 0.8) then the weighted average Factor D is: $[(50 \times 0.7) + (100 \times 0.8)] \div (50 + 100) = 0.77$</p> <p>When calculating a weighted average, the value of Factor D should not include more than two decimal places, rounded accordingly.</p>

MDS I	MDS II
#32. Rounding of MDS Calculations	
All resulting calculated separation distances are rounded <u>UP</u> to the nearest metre. For example, if the final MDS setback is 364.72 m, round up to 365 m.	
#33. Type A Land Uses (Less Sensitive)	
<p>For the purposes of MDS I, proposed Type A land uses are characterized by a lower density of human occupancy, habitation or activity including, but not limited to:</p> <ul style="list-style-type: none"> • industrial uses outside a <i>settlement area</i>; • <i>open space uses</i>; • building permit applications on existing <i>lots</i> outside a <i>settlement area</i> for <i>dwellings</i>, unless otherwise specified in a municipality's zoning by-law in accordance with Implementation Guideline #7; • the creation of <i>lots</i> for <i>agricultural uses</i>, in accordance with Implementation Guideline #8; and • the creation of one or more <i>lots</i> for <i>development</i> on land outside of a <i>settlement area</i> that would NOT result in four or more <i>lots</i> for <i>development</i> 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 <i>lots</i> are vacant. 	<p>For the purposes of MDS II, existing Type A land uses are characterized by a lower density of human occupancy, habitation or activity including, but not limited to:</p> <ul style="list-style-type: none"> • industrial uses outside a <i>settlement area</i>; • <i>open space uses</i>; and, • <i>dwellings</i> on <i>lots</i> which are located outside of a <i>settlement area</i> and are not recognized through an official plan designation for <i>development</i>; includes <i>dwellings</i> that are located on <i>lots</i> zoned for <i>agricultural uses</i>, <i>residential uses</i> or <i>non-agricultural uses</i> (such as zones for general agriculture, rural residential, estate residential, etc.), provided the <i>lot</i> remains in a <i>prime agricultural area</i> or <i>rural lands</i> type designation.
#34. Type B Land Uses (More Sensitive)	
<p>For the purposes of MDS I, proposed Type B land uses are characterized by a higher density of human occupancy, habitation or activity including, but not limited to:</p> <ul style="list-style-type: none"> • new or expanded <i>settlement area</i> boundaries; 	<p>For the purposes of MDS II, existing Type B land uses are characterized by a higher density of human occupancy, habitation or activity including, but not limited to:</p> <ul style="list-style-type: none"> • <i>settlement area</i> boundaries; and • existing <i>development</i> outside of a <i>settlement area</i> which is recognized through an official plan designation.

MDS I	MDS II
<ul style="list-style-type: none"> • an official plan amendment to permit <i>development</i>, excluding industrial uses, on land outside a <i>settlement area</i>; • a zoning by-law amendment to permit <i>development</i>, excluding industrial uses or <i>dwellings</i>, on land outside a <i>settlement area</i>; and • the creation of one or more <i>lots</i> for <i>development</i> on land outside a <i>settlement area</i>, that results in four or more <i>lots</i> for <i>development</i>, 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 <i>lots</i> are vacant. <p>Because of the increased sensitivity of these uses, a new or expanding Type B land use will generate an MDS I setback that is twice the distance as the MDS I setback for a Type A land use. This is reflected in the value of Factor E which is 2.2 for Type B versus 1.1 for Type A.</p>	<p>Because of the increased sensitivity of these uses, an MDS II setback from existing Type B land uses is twice the distance from existing Type A land uses.</p>
<p>#35. MDS Setbacks for Agriculture-Related Uses and On-Farm Diversified Uses</p>	
<p>MDS I setbacks from <i>existing livestock facilities</i> and <i>anaerobic digesters</i> will generally not be needed for land use planning applications which propose <i>agriculture-related uses</i> and <i>on-farm diversified uses</i>. However, some proposed <i>agriculture-related uses</i> and <i>on-farm diversified uses</i> may exhibit characteristics that could lead to potential conflicts with surrounding <i>livestock facilities</i> or <i>anaerobic digesters</i>. Therefore, it may be appropriate for municipalities to require an MDS I setback to permit certain types of these uses.</p> <p>Typically, this subset of uses may be characterized by a higher density of human occupancy or activity or will be uses that may generate significant visitation by the broader public to an agricultural area. Examples include, but are not limited to: food service, accommodation, <i>agri-tourism uses</i> and retail operations.</p>	<p>MDS II setbacks to existing <i>agriculture-related uses</i> and <i>on-farm diversified uses</i> will generally not be needed for building permit applications for <i>first</i> or <i>altered livestock facilities</i> and <i>anaerobic digesters</i>. However, some existing <i>agriculture-related uses</i> and <i>on-farm diversified uses</i> may exhibit characteristics that could lead to potential conflicts with <i>first</i> or <i>altered livestock facilities</i> or <i>anaerobic digesters</i>. Therefore, it may be appropriate for municipalities to require MDS II setbacks to certain types of these uses.</p> <p>Typically, this subset of uses may be characterized by a higher density of human occupancy or activity, or are uses that generate significant visitation by the broader public to an agricultural area. Examples include, but are not limited to: food service, accommodation, <i>agri-tourism uses</i> and retail operations. Surrounding land uses and geographic context can also play a role in determining the</p>

MDS I	MDS II
<p>Surrounding land uses and geographic context can also play a role in determining the suitability of applying MDS I setbacks to proposed <i>agriculture-related uses, on-farm diversified uses and agricultural uses</i>.</p> <p>For these reasons, and in keeping with the intent of this MDS Document, municipalities may choose to require an MDS I setback for proposals, including <i>lot</i> creation, to permit certain types of <i>agriculture-related uses</i> or <i>on-farm diversified uses</i>. In these circumstances, <i>agriculture-related uses</i> and <i>on-farm diversified uses</i> shall be considered as Type A land uses. Municipalities shall include specific provisions in their comprehensive zoning by-law to clearly indicate the types of <i>agriculture-related uses</i> and <i>on-farm diversified uses</i> that will be required to meet MDS I setbacks, including provisions related to the measurement of MDS I setbacks from <i>existing livestock facilities</i> and <i>anaerobic digesters</i>. Otherwise, MDS I setbacks will <u>NOT</u> be required for these types of uses.</p> <p>Municipalities are strongly encouraged to develop policies in their official plans and provisions in their comprehensive zoning by-law to provide consistent direction on this issue.</p>	<p>suitability of applying MDS II setbacks from existing <i>agriculture-related uses, on-farm diversified uses and agricultural uses</i>.</p> <p>For these reasons, and in keeping with the intent of this MDS Document, municipalities may choose to require MDS II setbacks for <i>new or altered livestock facilities</i> and <i>anaerobic digesters</i> to certain types of existing <i>agriculture-related uses</i> or <i>on-farm diversified uses</i>. In these circumstances, <i>agriculture-related uses</i> and <i>on-farm diversified uses</i> shall be considered as Type A land uses. Municipalities shall include specific provisions in their comprehensive zoning by-law to clearly indicate the types of <i>agriculture-related uses</i> and <i>on-farm diversified uses</i> that MDS II setbacks are applied to and how they are measured. Otherwise, MDS II setbacks will <u>NOT</u> be required to these types of uses.</p> <p>Municipalities are strongly encouraged to develop policies in their official plans and provisions in their comprehensive zoning by-law to provide consistent direction on this issue.</p>
#36. Non-Application of MDS Within Settlement Areas	
<p>MDS I setbacks are <u>NOT</u> required for proposed land use changes (e.g., consents, rezonings, redesignations, etc.) within approved <i>settlement areas</i>, as it is generally understood that the long-term use of the land is intended to be for non-agricultural purposes.</p>	<p>MDS II setbacks are <u>NOT</u> required where municipalities permit <i>first or altered livestock facilities</i> (e.g., urban agriculture) or <i>anaerobic digesters</i> within approved <i>settlement area</i> designations, as MDS II was not designed to be used in an urban setting. However, because other issues could be considered when raising <i>livestock</i> in <i>settlement areas</i>, municipalities may choose to establish local approaches governing urban agriculture.</p>

MDS I	MDS II
#37. MDS Setbacks for Churches, Schools and Cemeteries Used Primarily by a Community Reliant on Horse-Drawn Transportation	
Normally churches, schools and cemeteries are considered Type B land uses as they are institutional uses; however, existing, new and expanding churches, schools and cemeteries intended to primarily serve a community which relies on horse-drawn vehicles as a predominate mode of transportation, shall be considered as Type A land uses for the purposes of both MDS I and MDS II.	
#38. MDS Setbacks for Cemeteries	
Except where noted in Implementation Guideline #37, for the purposes of MDS I, new cemeteries and expansion to existing cemeteries are considered Type B land uses, as they are institutional uses.	<p>For the purposes of MDS II, existing cemeteries are considered Type B land uses, as they are institutional uses.</p> <p>However, certain cemeteries may be treated as Type A land uses at the discretion of the municipality. For example, those cemeteries which are closed, or receive low levels of visitation, or where no place of worship is present, in addition to where noted in Implementation Guideline #37.</p> <p>NOTE: Cemeteries meeting the above criteria shall be clearly identified in the municipality's planning documents on a comprehensive basis in order to be treated as Type A land uses. Otherwise all cemeteries will continue to be treated as Type B land uses, except where noted in Implementation Guideline #37.</p>
#39. MDS II Setbacks for Rear Lot Lines, Side Lot Lines and Road Allowances	
Not applicable	<p>In addition to setbacks from surrounding Type A and Type B land uses, <i>first or altered livestock facilities</i> shall also meet the following MDS II setbacks:</p> <ul style="list-style-type: none"> Rear and side lot line MDS II setbacks are calculated as 0.1 multiplied by the Building Base Distance 'F' and Storage Base Distance 'S' to a maximum of <u>30 m</u>.

MDS I	MDS II
Not applicable	<p>For example, if an MDS II calculation yields values of 100 m for Building Base Distance 'F' and 123 m for Storage Base Distance 'S', the MDS II setback for the <i>livestock barn</i> from the ear and side <i>lot</i> lines would be 10 m ($100 \text{ m} \times 0.1 = 10 \text{ m}$). The MDS II setback for the <i>manure storage</i> from the rear and side <i>lot</i> lines would be 12.3 m ($123 \text{ m} \times 0.1 = 12.3 \text{ m}$). This value is rounded to the nearest whole number, so in this instance, the setback for the <i>manure storage</i> would be 12 m.</p> <p>As another example, if an MDS II calculation yields values of 350 m for Building Base Distance 'F' and 400 m for Storage Base Distance 'S', the MDS II setback for the <i>livestock barn</i> from the rear and side <i>lot</i> lines would be 30 m ($350 \text{ m} \times 0.1 = 35 \text{ m}$, but reduced to the maximum of 30 m). The MDS II setback for the <i>manure storage</i> from the rear and side <i>lot</i> lines would be 30 m ($400 \text{ m} \times 0.1 = 40 \text{ m}$, but reduced to the maximum of 30 m).</p> <ul style="list-style-type: none"> Road allowance MDS II setbacks are calculated as 0.2 multiplied by the Building Base Distance 'F' and Storage Base Distance 'S' to a maximum of <u>60 m</u>. <p>For example, if an MDS II calculation yields values of 100 m for Building Base Distance 'F' and 123 m for Storage Base Distance 'S', the MDS II setback for the <i>livestock barn</i> from the edge of the road allowance would be 20 m ($100 \text{ m} \times 0.2 = 20 \text{ m}$). The MDS II setback for the <i>manure storage</i> from the edge of the road allowance would be 24.6 m ($123 \text{ m} \times 0.2 = 24.6 \text{ m}$). This value is rounded to the nearest whole number, so in this instance, the setback for the <i>manure storage</i> would be 25 m.</p> <p>As another example, if an MDS II calculation yields values of 350 m for Building Base Distance 'F' and 400 m for Storage Base Distance 'S', the MDS II setback for the <i>livestock barn</i> from the edge of the road allowance would be 60 m ($350 \text{ m} \times 0.2 = 70 \text{ m}$, but reduced to the maximum of</p>

MDS I	MDS II
	<p>60 m). The MDS II setback for the <i>manure storage</i> from the edge of the road allowance would be 60 m ($400\text{ m} \times 0.2 = 80\text{ m}$, but reduced to the maximum of 60 m).</p> <p>Rear and side <i>lot</i> line and road allowance MDS II setbacks for <i>anaerobic digesters</i> are found in Implementation Guideline #22.</p> <p>These MDS II setbacks are measured as the shortest distance between the point of new construction for the <i>manure storages</i>, or the <i>anaerobic digester</i>, or the <i>livestock occupied portions</i> of each of the surrounding <i>livestock barns</i> and the side and rear <i>lot</i> lines, as well as the edge of the road allowance.</p>
<p>#40. Measurement of MDS Setbacks for Development and Dwellings</p>	
<p>For proposed <i>development</i>, MDS I setbacks are measured as the shortest distance between the area proposed to be rezoned or redesignated to permit <i>development</i> and either: the surrounding <i>livestock occupied portions</i> of <i>livestock barns</i>, <i>manure storages</i> or <i>anaerobic digesters</i>. Refer to Figure 7 in Section 7 of this MDS Document. This shall include areas proposed to be rezoned or redesignated with site-specific exceptions that add <i>non-agricultural uses</i> or <i>residential uses</i> to the list of <i>agricultural uses</i> already permitted on a <i>lot</i>.</p> <p>For building permit applications for proposed <i>dwellings</i>, where required in accordance with Implementation Guideline #7, MDS I setbacks are measured as the shortest distance between the proposed <i>dwelling</i> and either the surrounding <i>manure storages</i>, <i>anaerobic digesters</i> or the <i>livestock occupied portions</i> of the <i>livestock barns</i>.</p>	<p>For existing <i>development</i>, MDS II setbacks are measured as the shortest distance between the point of new construction for the <i>livestock occupied portions</i> of the <i>livestock barns</i>, <i>manure storages</i>, <i>anaerobic digesters</i> and the surrounding area that is zoned or designated to permit <i>non-agricultural uses</i> or <i>residential uses</i> in a zoning by-law or official plan respectively, even if there are portions of the <i>existing livestock facility</i> or existing <i>anaerobic digester</i> that do not conform to the MDS II setbacks.</p> <p>For existing <i>dwellings</i>, MDS II setbacks are measured as the shortest distance between the point of new construction for the <i>livestock occupied portions</i> of the <i>livestock barns</i>, <i>manure storages</i> or <i>anaerobic digesters</i>, and the surrounding <i>dwellings</i>, even if there are portions of the <i>existing livestock facility</i> or existing <i>anaerobic digester</i> that do not conform to the MDS II setbacks. Refer to Figure 8 in Section 7 of this MDS Document.</p> <p>NOTE: Where there are two <i>dwellings</i> on the same <i>lot</i>, the MDS II setback shall be measured to both.</p>

MDS I	MDS II
#41. Measurement of MDS I Setbacks for the Creation of Lots	
<p>Where an MDS I setback is required for the creation of a <i>lot</i>, in accordance with Implementation Guideline #8 or #9, measurement of the MDS I setback should be undertaken as follows:</p> <ol style="list-style-type: none"> 1. For proposed <i>lots</i> with an existing <i>dwelling</i> that are ≤ 1 ha, MDS I setbacks are measured as the shortest distance between the proposed <i>lot</i> line and either the surrounding <i>livestock occupied portions</i> of the <i>livestock barns</i>, <i>manure storages</i> or <i>anaerobic digesters</i>. 2. For proposed <i>lots</i> with an existing <i>dwelling</i> that are >1 ha, MDS I setbacks are measured as the shortest distance between the existing <i>dwelling</i> and either the surrounding <i>livestock occupied portions</i> of the <i>livestock barns</i>, <i>manure storages</i> or <i>anaerobic digesters</i>. 3. For proposed <i>lots</i> without an existing <i>dwelling</i> that are ≤ 1 ha, MDS I setbacks are measured as the shortest distance between the proposed <i>lot</i> line and either the surrounding <i>livestock occupied portions</i> of the <i>livestock barns</i>, <i>manure storages</i> or <i>anaerobic digesters</i>. 4. For proposed <i>lots</i> without an existing <i>dwelling</i> that are >1 ha, MDS I setbacks are measured as the shortest distance between a 0.5 ha or larger building envelope (for a potential <i>dwelling</i>) and either the surrounding <i>livestock occupied portions</i> of the <i>livestock barns</i>, <i>manure storages</i> or <i>anaerobic digesters</i>. <p>For <i>lots</i> created after March 1, 2017, MDS I setbacks shall be required for all building permit applications for <i>non-agricultural uses</i> and <i>dwellings</i> in accordance with Implementation Guideline #7.</p>	Not applicable

MDS I	MDS II
<p>#42. Non-Effect of Wind Direction, etc. on MDS Setbacks</p>	
<p>The direction of prevailing wind, surrounding topography, and presence of trees, berms or other screening are not part of, and are not intended to affect, the calculation of MDS setbacks. However, these or other similar elements could be considered in applications to vary or reduce MDS setbacks, where appropriate, and in accordance with Implementation Guideline #43.</p>	
<p>#43. Reducing MDS Setbacks</p>	
<p>MDS I setbacks should not be reduced except in limited site specific circumstances that meet the intent of this MDS Document. Examples include circumstances that mitigate environmental or public health and safety impacts, or avoid natural or human-made hazards.</p> <p>If deemed appropriate by a municipality, the processes by which a reduction to MDS I may be considered could include a minor variance to the local zoning by-law provisions, a site specific zoning by-law amendment or an official plan amendment introducing a site specific policy area.</p>	<p>MDS II setbacks should not be reduced except in limited site specific circumstances that meet the intent of this MDS Document. Examples include circumstances that mitigate environmental or public health and safety impacts, or avoid natural or human-made hazards.</p> <p>If deemed appropriate by a municipality, the process by which a reduction to MDS II may be considered would typically be through a minor variance to the local zoning by-law provisions. To a lesser extent a site specific zoning by-law amendment may also be appropriate.</p>