



September 3, 2024

Darrell Russett  
President  
Beef Farmers of Hastings County

Dear Darrell,

Re: *MDS Guideline Enforcement Resolution 24-01*

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The following resolution was passed at the Beef Farmers of Ontario (BFO) annual general meeting in February and was recently discussed by the BFO Board of Directors:

**WHEREAS**, Minimum Distance Separation guidelines (MDS) are not consistently enforced by municipalities; and

**WHEREAS**, rural lot severances and new house builds/buildings are impacting the “if and where” a new barn or manure storage can be built on the original or neighbouring agricultural land which is involved in raising livestock; and

**WHEREAS**, farmers have a small window of time to object to new lots or zoning changes, or in the case of a new house build, have no opportunity to object with regards to minimum distance separation; and

**WHEREAS**, nuisance complaints increase from rural neighbours that have built too close to livestock housing or manure storages;

**THEREFORE, BE IT RESOLVED THAT BFO** consider working with the Ontario Ministry of Agriculture, Food and Rural Affairs to ensure better enforcement of Minimum Distance Separation guidelines and ensure more accountability for municipalities and land planners that approve development that is in violation of MDS guidelines.

BFO thanks the Beef Farmers of Hastings County for bringing this resolution forward. Minimum Distance Separation (MDS) continues to be an important tool to prevent land use conflicts and to minimize nuisance complaints related to normal farming practices between farming operations and surrounding residential land uses. With that said, producer concerns with the application of MDS by their municipality, in addition to this resolution, have been raised in the past.

BFO has long supported the use of MDS policies across the province and has regularly communicated to the provincial government the importance of MDS. In regards to the matter addressed in this resolution, BFO has also previously communicated that the Ontario Ministry of Agriculture, Food and Agribusiness (OMAFRA) should support municipal planners with educational and training opportunities related to MDS, particularly for those planners who have little understanding of livestock operations.

In 2023 and 2024, the provincial government held consultations around creating a new, consolidated provincial land use plan, titled the *Provincial Planning Statement (PPS)*. The proposed PPS included a number of changes related to agricultural and rural lands, including provisions related to MDS. BFO clearly communicated our strong belief that MDS should continue to apply across the province and our opposition to any proposals that would weaken MDS. The new PPS has been finalized, which maintains MDS as a tool.

It should also be noted the provincial government made changes to the *Planning Act* that limited third party appeals for a number of planning matters, including consents and minor variances, in an effort to address the backlog at the Ontario Land Tribunal (OLT). BFO recognizes the need to address issues at the OLT, but communicated our opposition to this change as it has removed a crucial tool for farmers to use when planning-related mistakes are made that impact their farm property.

For background, MDS applies in rural and prime agricultural areas throughout Ontario, as outlined in the PPS and other provincial land use plans. Despite MDS existing within provincial land use plans, OMAFA states municipalities are responsible for MDS setbacks when reviewing land use planning applications or building permits. OMAFA outlines that while municipalities are responsible for ensuring the requirements of MDS are met, municipalities may implement this requirement in different ways. Specifically, some municipalities may ask an applicant to provide the information necessary for the municipality to complete the calculation of MDS while others may request an applicant provide a calculated MDS setback.

To assist municipalities and others who may work with MDS, OMAFA created a technical guidance document in 2017 titled *Minimum Distance Separation Document*, which outlines the MDS formulae and implementation guidelines in great detail. The document stipulates its intended use is for those with a basic understanding of livestock agriculture and to provide support and clarification.

To assist in the calculation of MDS setbacks, OMAFA's *AgriSuite* software can be used in conjunction with the guidance document. In the guidance document, it states it is the responsibility of the person using the MDS Document and the *AgriSuite* software to verify the accuracy and correctness of the data and information used, and that OMAFA 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." OMAFA recommends all data and calculations be verified before acting on them. Despite the existence of these tools to support the accurate use of MDS, issues have been encountered by producers in various municipalities around the improper application of MDS.

BFO is engaging with OMAFA to discuss concerns around improper application of MDS at the municipal level and efforts to ensure planners understand MDS, its importance, and steps that can be taken when there are valid concerns with the implementation of MDS by municipalities. BFO has also been in communication with OFA to share the concerns addressed in this resolution and gain an understanding of OFA's position on this matter and opportunities for our organizations to collaborate to advance this issue.

Thank you, again, to Beef Farmers of Hastings County for bringing this resolution forward. We will keep Beef Farmers of Hastings County apprised of our discussions with OMAFA and next steps.

Sincerely,

A handwritten signature in black ink that reads "Craig McLaughlin". The signature is written in a cursive, flowing style.

Craig McLaughlin  
President

cc: Jim McComb (mover)  
Paul Kinlin (Advisory Councillor)  
Al and Marg Govier (Secretary)