



Municipality of Brockton Planning Report



To: Municipality of Brockton Committee of Adjustment
From: Dana Kieffer, Planner
Date: April 28, 2020
Application: Minor Variance
File: A-2020-009

Recommendation

That Minor Variance A-2020-009 made by Turner Reeves be approved as attached subject to the conditions on the decision sheet.

Summary

The application proposes to reduce the Minimum Distance Separation (MDS I) setback between the proposed development and a livestock facility across the road in order to allow the construction of a new house on a vacant lot.

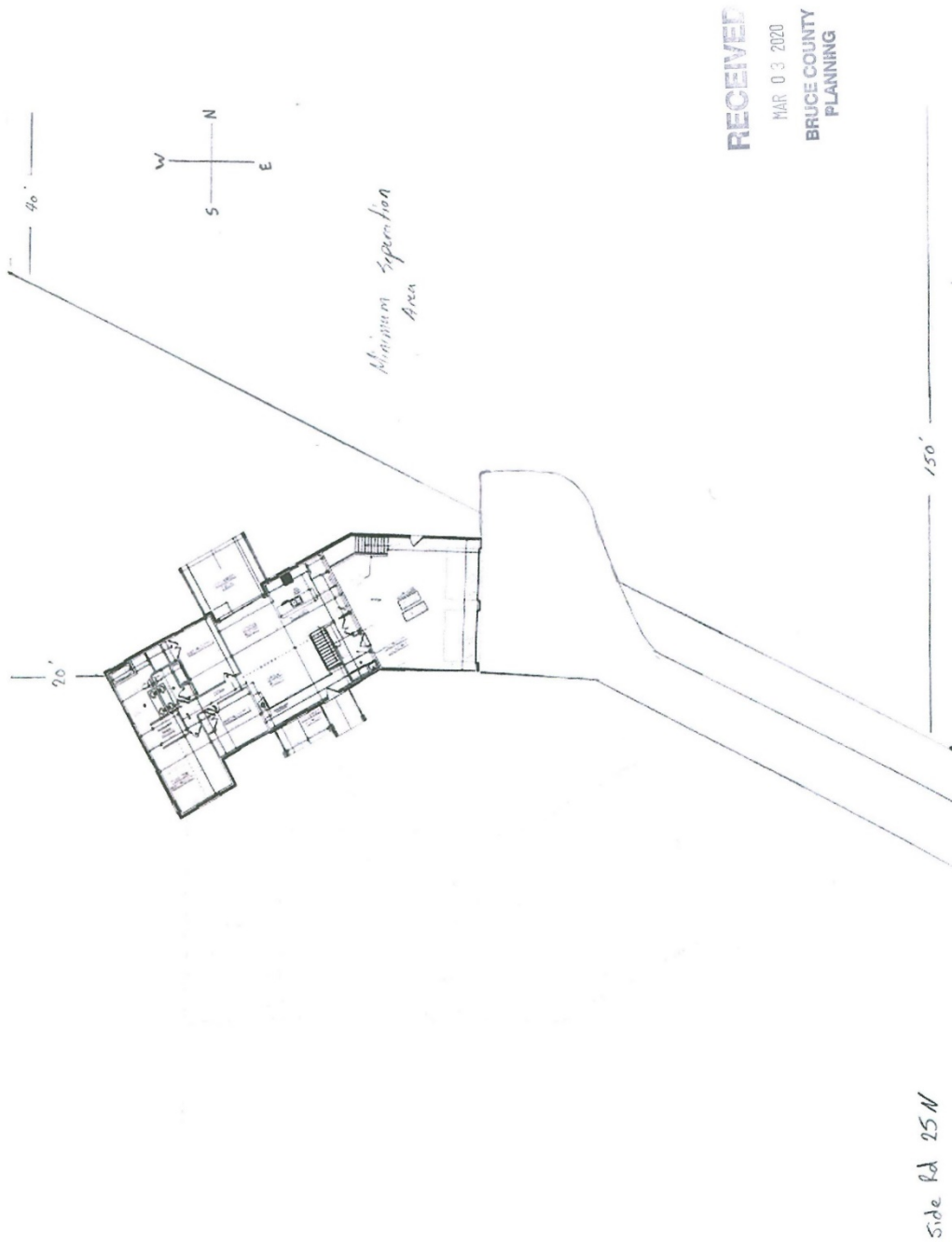
The subject lands are 0.62 ha (1.5 acres) and zoned 'A1- General Agriculture'. The required setback from the livestock facility to the new dwelling is 286 m. The setback from the livestock facility to the back of the lot is 242 m +/- . Without zoning relief from the MDS I requirement, building a house would not be permitted.

The following considerations have been reviewed in the Planning Analysis section of this report:

- Minimum Distance Separation Guidelines
- Four Tests of a Minor Variance

The proposal maintains the intent and purpose of the Official Plan and Zoning By-law and is not expected to have an impact on surrounding property owners, the environment, or municipal functions and is desirable for the appropriate development of the land. Therefore, the application satisfies the four tests of a minor variance and is good land use planning.

Site Plan



Planning analysis

The following section provides an overview of the planning considerations that were factored into the staff recommendation for this application, including relevant planning policy sections, agency comments and public comments where applicable.

Minimum Distance Separation

In 1976 The Agricultural Code of Practice was established, and this code introduced the principle of a sliding scale for separation distances from livestock facilities. The Minimum Distance Separation (MDS) setbacks are intended to minimize nuisance issues relating to odour generated from livestock facilities. It is acknowledged that the MDS setbacks will not eliminate all potential odour complaints, nor will they address other possible irritants related to farming (noise, dust, lights, flies, slower farm machinery on the road).

The variables that are factored into the calculation of the separation distances under the MDS separation formulae relate to type of livestock, number of nutrient units, the degree of expansion proposed, type of manure system, and the type of adjacent land use that may be affected.

The Ontario Ministry of Agriculture and Food and Rural Affairs (OMAFRA) Guidelines on MDS recognize that there are circumstances where a proposed use may not comply with the precise setbacks required by the MDS formulae, but the use would meet the intent of the document. This leads to Planning Act applications (in this case, a minor variance). In the document, OMAFRA states that it does not support or encourage reductions to MDS setbacks and they should be approached with caution. The tests that the MDS publication outlines are aligned with the Planning Act tests for minor variances.

The Provincial Policy Statement requires that new and expanding livestock facilities shall comply with the minimum distance separation formulae (2.3.3.3).

Four tests of a minor variance

Does the variance maintain the intent and purpose of the Official Plan?

Yes. The subject land is designated as 'Agricultural Area' where residential uses on existing lots are permitted.

The Bruce County Official Plan states that all new land uses, including the expansion of existing, or the establishment of any non-agricultural uses including the creation of lots, and new or expanding livestock facilities shall comply with the Provincial MDS Formulae.

A Minor Variance or Zoning Amendment to allow for a reduction in the Provincial MDS requirements shall consider the following:

- (i) does the reduction have regard for the intent of the Official Plan;
- (ii) does the reduction have regard for the intent of the Zoning By-Law;
- (iii) is the reduction minor in nature;
- (iv) is the reduction desirable and appropriate for the area; and
- (v) can any potential environmental impacts be appropriately mitigated.

The reduction proposed has regard for the intent of the Official Plan and Zoning By-law as the applicant's land has space limitations to build within the required setbacks. The reduction is minor in nature as there is still sufficient distance between the two uses to allow for future expansion potential of the livestock facilities in question. This reduction is desirable and appropriate because a residential dwelling is permitted in the Zoning.

The application maintains the intent and purpose of the Official Plan.

Does the variance maintain the intent and purpose of the Zoning By-law?

The property is zoned General Agriculture (A1). Meeting the required MDS I setback is also a requirement of the Brockton Zoning By-law. The barn across the road is a feeder operation with a current maximum housing capacity of 300. The required MDS setback is 286 m and Mr. Reeves is requesting a setback of 197 m.

It is my understanding the farm to which the reduction applies sold the lot to Mr. Reeves. Additionally, the farmer would have received a notice in the mail advising the nature of this application. It is important to build in some flexibility for future owners of the farm in should they wish to expand in the future. The MDS II formula (see attached Appendix 4) for expanding livestock operations found that the farmer across the road does still have some expansion ability if the house is permitted, and could increase his operation by 50% for a total of 450 feeders with no setback relief [these calculations are for illustration purposes only, any expansion will have to have more accurate numbers calculated]. If the farmer were to do a complete rebuild of the facility, they would have flexibility to build a barn further back on the lot to meet setbacks.

The variance maintains the intent and purpose of the zoning bylaw.

Is the application desirable for the appropriate development of the land, building or structure?

Yes. The space limitations on the lot do not permit a house to be built that meets the setback requirements. The variance will enable the property owner to build a new house while the farm will still have flexibility to expand.

Is the application minor in nature?

The decreased Minimum Distance Separation (MDS I) setbacks to the barn across the road will have minimal impacts on surrounding property owners as the farmers are still left with the ability to expand their operations. Since the lot legally exists, and is vacant and underutilized for its intended use at present, it does warrant a reduction in the MDS setbacks. The new house is not expected to have negative impacts

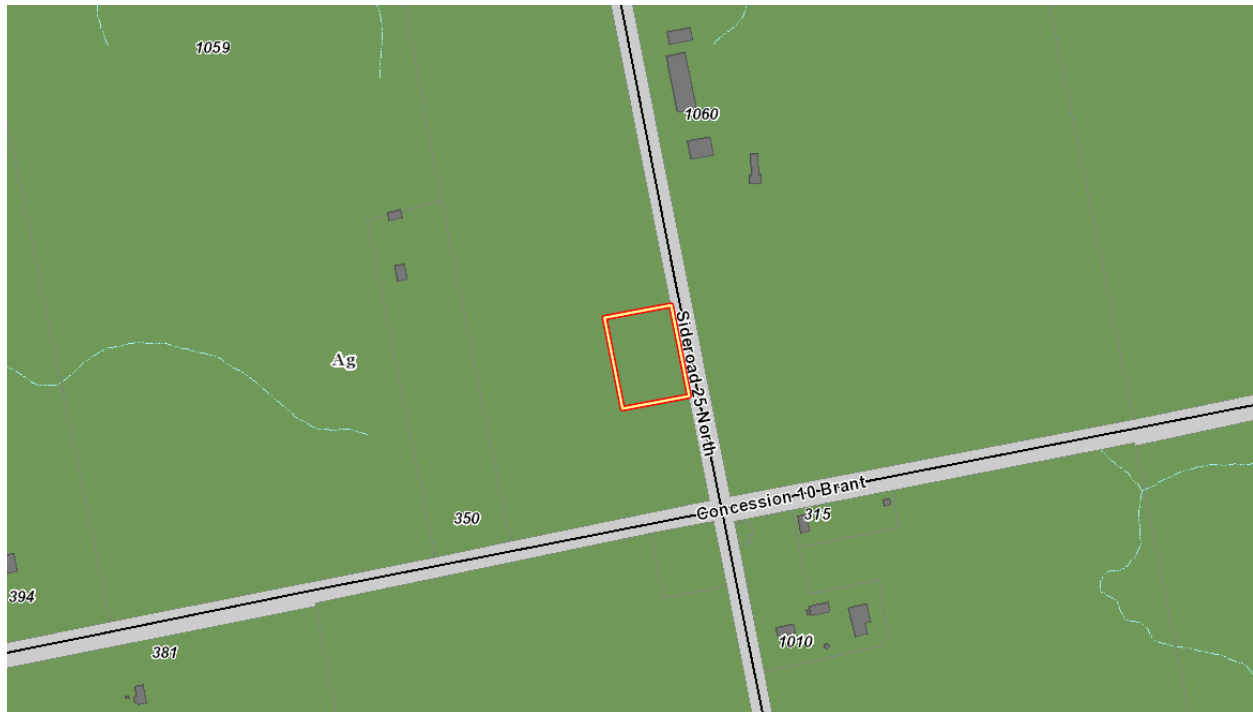
Whether a variance is minor is evaluated in terms of the impact the proposed development is expected to have on the surrounding neighbourhood. It is not expected that permitting the variance will have any impact on the character of the area, on the ability of adjacent property owners to use their property for permitted uses, on the environment, or on municipal functions.

The variance is considered to be minor.

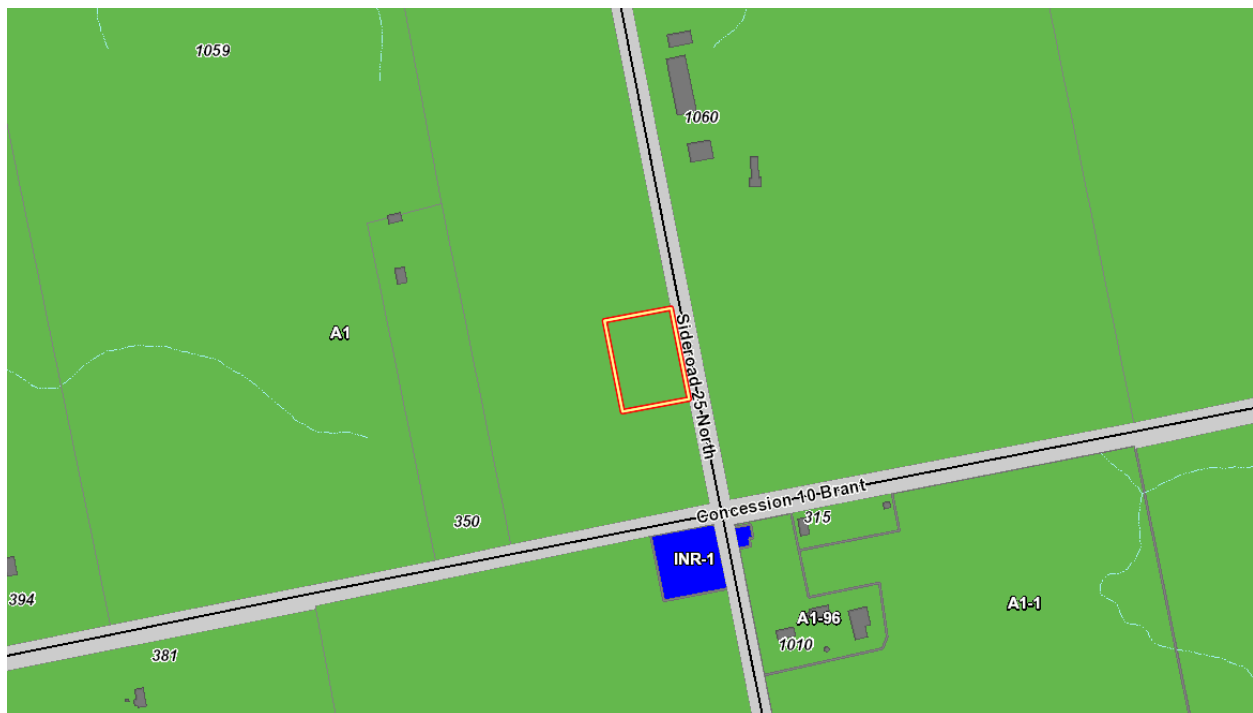
Appendices

1. County / Local OP / zoning maps
2. Public Notices
3. Agency Comments
4. MDS II

Appendix 1 - Maps



Bruce County Official Plan- designated Agriculture



Municipality of Brockton Comprehensive Zoning By-law- Zoned A1



Air Photo (2015)

Appendix 2 - Public Notice



County of Bruce
Planning & Development Department
30 Park Street, P.O. Box 848
Walkerton, ON N0G 2V0
brucecounty.on.ca
226-909-5515



April 6, 2020

File Number: A-2020-009

Public Hearing Notice

You're invited

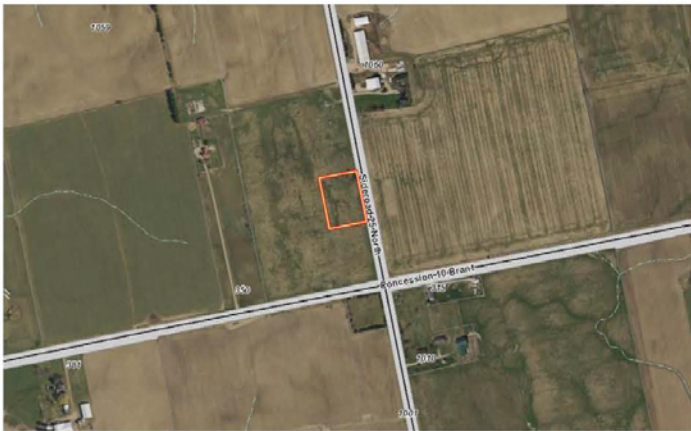
Tuesday, April 28, 2020, 7:00 pm

As a result of the COVID-19 Pandemic, the Municipality of Brockton has closed the Municipal Office to the public. The Public Meeting will be held in electronic format only.

For information on how to participate in the public meeting, please visit the municipal website at: <https://www.brockton.ca/en/our-services/Current-Council-Meeting-Agenda.aspx>.

Please contact the Municipality of Brockton at fhamilton@brockton.ca or 519 881 2223 ext 124 if you have any questions regarding how to participate in the meeting.

A change is proposed in your neighbourhood: The Applicant is requesting relief from the MDS 1 setback from 286 m to approximately +/- 197 m in order to construct a new single detached dwelling.



CON 11 PT LOT 25 RP
3R6426;PART 1 (Brant)
Municipality of Brockton
Roll Number
410434000705801

COVID-19 Notice: All Bruce County and Municipal offices are closed to the public until further notice. Our staff would be pleased to connect with you by email or phone.

Learn more

You can view more information about the applications at <https://brucecounty.on.ca/living/land-use>. Once our offices re-open, information about the application will be available in person at the County of Bruce Planning Office noted above, between 8:30 a.m. and 4:30 p.m. (Monday to Friday).

Have your say

Comments and opinions submitted on these matters, including the originator's name and address, become part of the public record, may be viewed by the general public and may be published in a Planning Report and Council Agenda.

1. Please contact us by email bcplwa@brucecounty.on.ca, mail, or phone (226-909-5515) if you have any questions, concerns or objections about the application.
2. You can participate in the public meeting. For information on how to participate in the public meeting, please visit the municipal website at: <https://www.brockton.ca/en/our-services/Current-Council-Meeting-Agenda.aspx>.

The Planner on the file is: Dana Kieffer

Stay in the loop

If you'd like to be notified of the decision of the Committee of Adjustment on the proposed application(s), you must make a written request to the Bruce County Planning Department on behalf of the Secretary-Treasurer for the Committee of Adjustment.

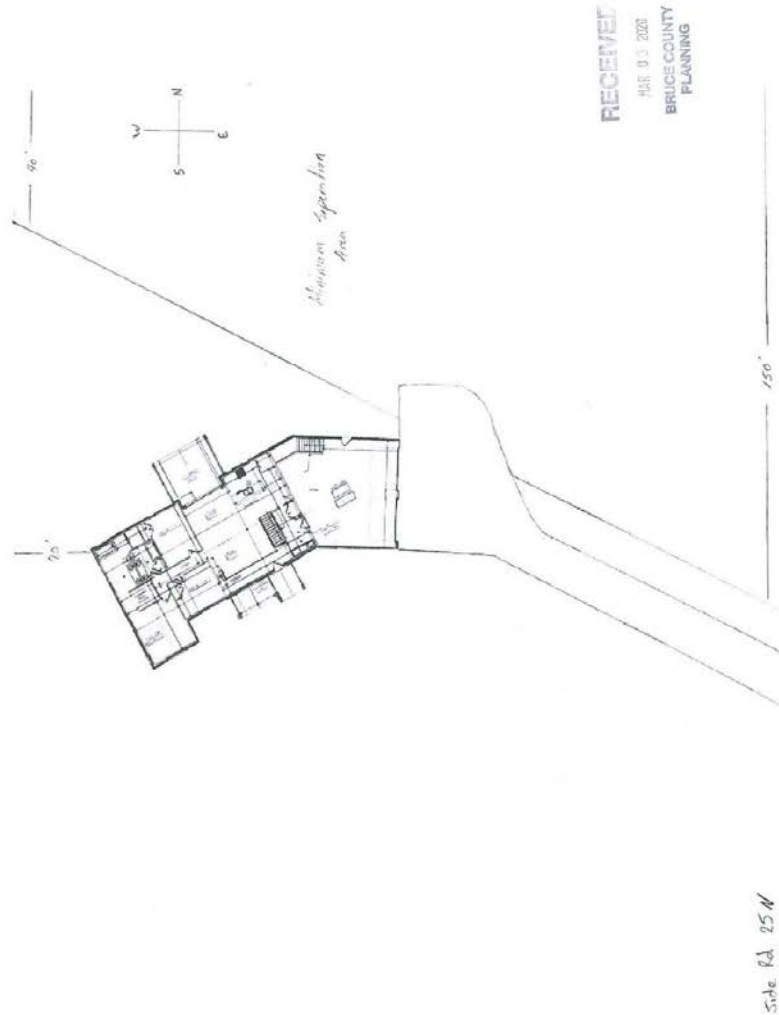
Know your rights

The applicant, the Minister or any other person or public body who has an interest in the matter may within 20 days of the making of the decision appeal to the Tribunal against the decision of the committee by filing with the secretary-treasurer of the committee a notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the secretary-treasurer of the fee charged by the Tribunal under the Local Planning Appeal Tribunal Act, 2017 as payable on an appeal from a committee of adjustment to the Tribunal, in accordance with Section 45(12) of the Planning Act

For more information please visit the Local Planning Appeal Tribunal website at <https://elto.gov.on.ca/tribunals/lpat>.

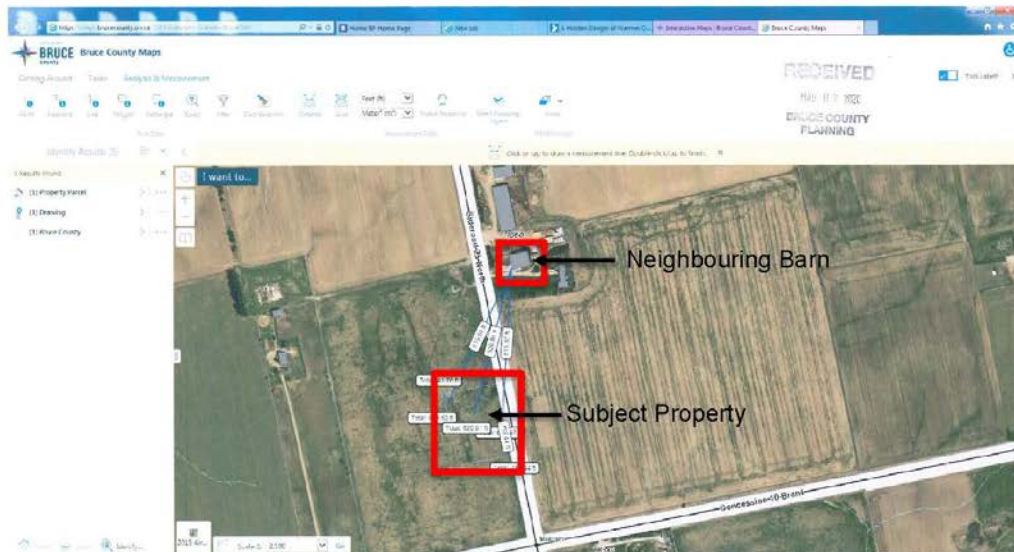
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Site plan



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Minimum Distance Separation



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Appendix 3 - Agency Comments

Municipality of Brockton

- 1) The lot was created as a retirement lot by the father of the current owner of the barns in the 1990's. Both barns existed at the time of creation of the lot.
- 2) There are no sanitary sewer or water services available for this lot and the Municipality of Brockton Operations Department will need to be consulted about the driveway entrance on to the roadway. The address will also need to be identified.

SVCA

SVCA staff find the application acceptable.

The subject property does not contain any natural hazard features of interest to the SVCA.

It is the opinion of SVCA staff that the natural heritage features affecting the property may include habitat of endangered species and threatened species. The Ministry of Environment, Conservation and Parks (MECP) for information on how to address this policy.

The property is not subject to the SVCA's Ontario Regulation 169/06.

Historic Saugeen Metis

No objection or opposition to the proposed development, land re-designation, zoning, land severance, Official plan and/or Zoning By-law Amendments.

Appendix 4 – MDS II



Ontario

Minimum Distance Separation I

Worksheet 1

Prepared By: Raymond Holliday, Municipality of Brockton

Description: to Monk barns

Application Date: Tuesday, March 03, 2020

Municipal File Number:

Proposed Application: Building permit for the construction of a dwelling (farm or non-farm)
Type A Land Use

Applicant Contact Information

Turner Reeves

Location of Subject Lands

County of Bruce, Municipality of Brockton

BRANT, Concession: 11 NORTH OF DURHAM ROAD, Lot: 25

Roll Number: 410434000705801

Calculation Name: **Farm 1**

Description: Monk barn 300 feeders

Farm Contact Information

Byron Monk

Location of existing livestock facility or anaerobic digester

County of Bruce, Municipality of Brockton

BRANT, Concession: 11 NORTH OF DURHAM ROAD, Lot: 26

Roll Number: 410434000706000

Total Lot Size: 40 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.

Manure Type	Type of Livestock/Manure	Existing Maximum Number	Existing Maximum Number (NU)	Estimated Livestock Barn Area
Solid	Beef, Feeders (7 - 16 months), Confinement Bedded Pack	300	100.0	1,394 m ²

Existing Manure Storage: V3. Solid, outside, no cover, >= 30% DM

Design Capacity (NU): 100.0

Potential Design Capacity (NU): 300.0

Factor A (Odour Potential) 0.8 X Factor B (Size) 463.8 X Factor D (Manure Type) 0.7 X Factor E (Encroaching Land Use) 1.1 = Building Base Distance 'F' (minimum distance from livestock barn) 286 m (937 ft) Storage Base Distance 'S' (actual distance from livestock storage) TBD

Storage Base Distance 'S' (minimum distance from manure storage) (actual distance from manure storage) 286 m (937 ft) TBD

Calculation Name: **Farm 2**

Description: Monk barn 300 backgrounders

Farm Contact Information

Byron Monk

Location of existing livestock facility or anaerobic digester

County of Bruce, Municipality of Brockton

BRANT, Concession: 11 NORTH OF DURHAM ROAD, Lot: 26

Roll Number: 410434000706000

Total Lot Size: 40 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.

Manure Type	Type of Livestock/Manure	Existing Maximum Number	Existing Maximum Number (NU)	Estimated Livestock Barn Area
Solid	Beef, Backgrounders (7 - 12.5 months), Yard/Barn	300	100.0	1,115 m ²



Minimum Distance Separation I

Worksheet 1

Prepared By: Raymond Holliday, Municipality of Brockton

Existing Manure Storage: V3. Solid, outside, no cover, >= 30% DM

Design Capacity (NU): 100.0

Potential Design Capacity (NU): 300.0

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)
0.8	X	463.8	X	0.7	X
1.1	=			286 m (937 ft)	TBD
Storage Base Distance 'S'					
(minimum distance from manure storage)					(actual distance from manure storage)
286 m (937 ft)					TBD

both sizes
of animals
same
MDS 1

Calculation Name: **Farm 3**

Description: Monk 90 hd in bank barn

Farm Contact Information
Byron Monk

Location of existing livestock facility or anaerobic digester
County of Bruce, Municipality of Brockton
BRANT, Concession: 11 NORTH OF DURHAM ROAD, Lot: 26
Roll Number: 410434000706000
Total Lot Size: 40 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.

Manure Type	Type of Livestock/Manure	Existing Maximum Number	Existing Maximum Number (NU)	Estimated Livestock Barn Area
Solid	Beef, Feeders (7 - 16 months), Confinement Bedded Pack	90	30.0	418 m ²

Existing Manure Storage: V3. Solid, outside, no cover, >= 30% DM

Design Capacity (NU): 30.0

Potential Design Capacity (NU): 90.0

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)
0.8	X	306.81	X	0.7	X
1.1	=			189 m (620 ft)	TBD
Storage Base Distance 'S'					
(minimum distance from manure storage)					(actual distance from manure storage)
189 m (620 ft)					TBD

same result as
60 gave in Aug 2019
(shut keeps)

Calculation Name: **Farm 4**

Description: Ahrens

Farm Contact Information
Dan Ahrens

Location of existing livestock facility or anaerobic digester
County of Bruce, Municipality of Brockton
BRANT, Concession: 11 NORTH OF DURHAM ROAD, Lot: 23
Roll Number: 410434000705600
Total Lot Size: 60 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.



Minimum Distance Separation I

Worksheet 1

Prepared By: Raymond Holliday, Municipality of Brockton

Manure Type	Type of Livestock/Manure	Existing Maximum Number	Existing Maximum Number (NU)	Estimated Livestock Barn Area
Solid	Dairy, Calves Large Frame (45 - 182 kg) (eg. Holsteins)	10	1.7	33 m ²
Solid	Dairy, Heifers Large Frame (182 - 545 kg) (eg. Holsteins), Deep Bedded	50	25.0	325 m ²
Liquid	Dairy, Milking-age Cows (dry or milking) Large Frame (545 - 658 kg) (eg. Holsteins), 3 Row Free Stall	60	85.7	585 m ²

Existing Manure Storage: M1. Liquid, outside, no cover, straight-walled storage

Design Capacity (NU): 112.4

Potential Design Capacity (NU): 337.1

check dairy farm on liquid to west.

Factor A (Odour Potential) 0.7 X Factor B (Size) 483.14 X Factor D (Manure Type) 0.78 X Factor E (Encroaching Land Use) 1.1 = Building Base Distance 'F' (minimum distance from livestock barn) 289 m (947 ft) (actual distance from livestock barn) TBD

Storage Base Distance 'S' (minimum distance from manure storage) 360 m (1181 ft) (actual distance from manure storage) TBD

Preparer Information

Raymond Holliday
Municipality of Brockton

Email: rayholliday@brockton.ca

Signature of Preparer: _____

Raymond Holliday

Date: _____

Mar 3, 2020

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) Formulae 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.



Minimum Distance Separation I

Worksheet 1
Prepared By: dominic paquette

Harmony

Description:

Application Date: Tuesday, March 3, 2020

Municipal File Number:

Proposed Application: Building permit for the construction of a dwelling (farm or non-farm)
Type A Land Use

Applicant Contact Information
turner reeves

Location of Subject Lands
County of Bruce, Municipality of Brockton
BRANT, Concession: 10 NORTH OF DURHAM ROAD, Lot: 29
Roll Number: 410434000705200

Calculation Name: **Farm 1**

Description:

Farm Contact Information
Not Specified

Location of existing livestock facility or anaerobic digester
County of Bruce, Municipality of Brockton
BRANT, Concession: 10 NORTH OF DURHAM ROAD, Lot: 29
Roll Number: 410434000705200
Total Lot Size: 186.16 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.

Manure Type	Type of Livestock/Manure	Existing Maximum Number	Existing Maximum Number (NU)	Estimated Livestock Barn Area
Solid	Dairy, Calves Large Frame (45 - 182 kg) (eg. Holsteins)	20	3.3	65 m ²
Solid	Dairy, Milking-age Cows (dry or milking) Large Frame (545 - 658 kg) (eg. Holsteins), Bedded Pack	15	21.4	209 m ²
Solid	Dairy, Milking-age Cows (dry or milking) Large Frame (545 - 658 kg) (eg. Holsteins), Bedded Pack	25	35.7	348 m ²
Liquid	Dairy, Heifers Large Frame (182 - 545 kg) (eg. Holsteins), Free Stall	150	75.0	1,045 m ²
Liquid	Dairy, Milking-age Cows (dry or milking) Large Frame (545 - 658 kg) (eg. Holsteins), 6 Row Free Stall	220	314.3	2,044 m ²

Existing Manure Storage: H1. Liquid, outside, no cover, sloped-sided storage

Design Capacity (NU): 449.8

Potential Design Capacity (NU): 600.0

Factor A (Odour Potential) 0.7 X Factor B (Size) 591.14 X Factor D (Manure Type) 0.79 X Factor E (Encroaching Land Use) 1.1 = Building Base Distance 'F' (minimum distance from livestock barn) 358 m (1175 ft) approx 3850 ft (actual distance from livestock barn) TBD

Storage Base Distance 'S' (minimum distance from manure storage) (actual distance from manure storage) 486 m (1596 ft) TBD

Preparer Information

dominic paquette

Email: dpaquette@brockton.ca

Signature of Preparer: dominic paquette

Date:

NOTE TO THE USER:

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Minimum Distance Separation I

Worksheet 1
Prepared By: Dominic Paquette

Ahrens

Description:

Application Date: Tuesday, March 3, 2020

Municipal File Number:

Proposed Application: Building permit for the construction of a dwelling (farm or non-farm)
Type A Land Use

Applicant Contact Information
turner reeves

Location of Subject Lands
County of Bruce, Municipality of Brockton
BRANT, Concession: 11 NORTH OF DURHAM ROAD, Lot: 25
Roll Number: 410434000705801

Calculation Name: **Farm 1**

Description:

Farm Contact Information
Paul Ahrens

Location of existing livestock facility or anaerobic digester
County of Bruce, Municipality of Brockton
BRANT, Concession: 11 NORTH OF DURHAM ROAD, Lot: 23
Roll Number: 410434000705600
Total Lot Size: 56.66 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.

Manure Type	Type of Livestock/Manure	Existing Maximum Number	Existing Maximum Number (NU)	Estimated Livestock Barn Area
Solid	Dairy, Calves Medium Frame (39 - 148 kg) (eg. Guernseys)	15	2.1	45 m ²
Liquid	Dairy, Milking-age Cows (dry or milking) Medium Frame (455 - 545 kg) (eg. Guernseys), Free Stall	15	17.6	139 m ²
Liquid	Dairy, Heifers Medium Frame (148 - 455 kg) (eg. Guernseys), Pack Scrape	60	25.0	446 m ²
Liquid	Dairy, Milking-age Cows (dry or milking) Medium Frame (455 - 545 kg) (eg. Guernseys), Free Stall	60	70.6	557 m ²

Existing Manure Storage: M1. Liquid, outside, no cover, straight-walled storage

Design Capacity (NU): 115.4

Potential Design Capacity (NU): 346.1

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	487.61	X	0.8	X
				1.1	=
				300 m (983 ft)	TBD

± 2260 ft

Storage Base Distance 'S'
(minimum distance from manure storage) (actual distance from manure storage)
370 m (1213 ft) TBD

Preparer Information

Dominic Paquette

Email: dpaquette@brockton.ca

Signature of Preparer: _____
Dominic Paquette

Date: _____

NOTE TO THE USER:

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Minimum Distance Separation I

Worksheet 1
Prepared By: dominic paquette

Van Vuuren

Description:

Application Date: Tuesday, March 3, 2020

Municipal File Number:

Proposed Application: Building permit for the construction of a dwelling (farm or non-farm)
Type A Land Use

Applicant Contact Information
turner reeves

Location of Subject Lands
County of Bruce, Municipality of Brockton
BRANT, Concession: 11 NORTH OF DURHAM ROAD, Lot: 23
Roll Number: 410434000704200

Calculation Name: **Farm 2**

Description:

Farm Contact Information
van vuuren everardus L

Location of existing livestock facility or anaerobic digester
County of Bruce, Municipality of Brockton
BRANT, Concession: 11 NORTH OF DURHAM ROAD, Lot: 23
Roll Number: 410434000704200
Total Lot Size: 34.8 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.

Manure Type	Type of Livestock/Manure	Existing Maximum Number	Existing Maximum Number (NU)	Estimated Livestock Barn Area
Solid	Dairy, Heifers Large Frame (182 - 545 kg) (eg. Holsteins), Deep Bedded	45	22.5	293 m ²
Liquid	Dairy, Heifers Large Frame (182 - 545 kg) (eg. Holsteins), Free Stall	65	32.5	453 m ²
Solid	Dairy, Calves Large Frame (45 - 182 kg) (eg. Holsteins)	15	2.5	49 m ²
Solid	Dairy, Milking-age Cows (dry or milking) Large Frame (545 - 658 kg) (eg. Holsteins), Bedded Pack	25	35.7	348 m ²
Liquid	Dairy, Milking-age Cows (dry or milking) Large Frame (545 - 658 kg) (eg. Holsteins), 4 Row Free Stall Head To Head	110	157.1	1,277 m ²

Existing Manure Storage: V5. Liquid, inside, underneath slatted floor

Design Capacity (NU): 250.4

Potential Design Capacity (NU): 450.0

Factor A (Odour Potential) 0.7 X Factor B (Size) 534.52 X Factor D (Manure Type) 0.78 X Factor E (Encroaching Land Use) 1.1 = Building Base Distance 'F' (minimum distance from livestock barn) 319 m (1048 ft) ± 1850 ft. (actual distance from livestock barn) TBD
Storage Base Distance 'S' (minimum distance from manure storage) (actual distance from manure storage) 319 m (1048 ft) TBD

Preparer Information

dominic paquette

Email: dpaquette@brockton.ca

Signature of Preparer: _____
dominic paquette

Date: _____

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