

**Minimum Distance Separation (MDS) Study
Proposed Honey Harbour Heights
Subdivision Development
Whitfield Road, Port Perry
Part of Lots 21 & 22, Concession 8 (Reach)
Township of Scugog, Durham Region**

Prepared For:

Shawn Rondeau
Honey Heights Developments Ltd.
513 Westney Road South, Unit 4
Ajax, Ontario
L1S 6W8

ORE File No. 24-3516

May 2025



ORE

Oakridge Environmental Ltd.

Environmental and Hydrogeological Services

May 8th, 2025

Honey Heights Developments Ltd.
513 Westney Road South, Unit 4
Ajax, Ontario
L1S 6W8

Attention: **Shawn Rondeau**

Re: Minimum Distance Separation (MDS) Study
Proposed Honey Harbour Heights Subdivision Development
2080 Whitfield Road, Port Perry
Part of Lots 21 & 22, Concession 8 (Reach)
Township of Scugog, Durham Region
Our File No. 24-3516

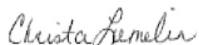
Dear Mr. Rondeau:

Oakridge Environmental Ltd. (ORE) is pleased to present our updated Minimum Distance Separation (MDS) Study for the above-mentioned site. The report has been completed as per our proposal of December 6th, 2024 and in general accordance with the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) document titled *The Minimum Distance Separation (MDS) Document - Formulae and Guidelines for Livestock Facility and Anaerobic Digester Odour Setbacks (Publication 853)*. This study has been completed for the purposes of supporting a subdivision development application.

As you will see, our report indicates that one of the identified facilities does not meet the MDS setback. The MDS setback for the facility located at 2075 Whitfield Road encroaches into the northern portion of the subject property. No development should occur within the MDS I arc associated with 2075 Whitfield Road, as illustrated in the report.

If you have any questions or require further assistance, please contact our office.

Yours truly,
Oakridge Environmental Ltd.



Christa Lemelin, BSc.
Environmental Specialist

**Minimum Distance Separation (MDS) Study
Proposed Honey Harbour Heights Subdivision Development
2080 Whitfield Road, Port Perry
Part of Lots 21 & 22, Concession 8 (Reach)
Township of Scugog, Durham Region**

May 8th, 2025
ORE Project No. 24-3516

Prepared For:
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513 Westney Road South, Unit 4
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Minimum Distance Separation (MDS) Study
Proposed Honey Harbour Heights Subdivision Development
2080 Whitfield Road, Port Perry
Part of Lots 21 & 22, Concession 8 (Reach)
Township of Scugog, Durham Region

1.0 Introduction

1.1 Purpose

This report presents the results of our Minimum Distance Separation (MDS) Study completed for the proposed Honey Harbour Heights Subdivision, located at 2080 Whitfield Road in Port Perry, Ontario.

It is understood that the study is required as a condition of the settlement area expansion for Port Perry. This assessment will also accompany a Zoning By-law Amendment application to re-zone the property from its current Agricultural zoning to site-specific Urban Partial Service Residential (R3).

The purpose of this report is to determine whether the proposed 26 lot subdivision development is in compliance with the MDS requirements, as outlined in the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) document titled *The Minimum Distance Separation (MDS) Document - Formulae and Guidelines for Livestock Facility and Anaerobic Digester Odour Setbacks (Publication 853)*.

1.2 Property Information

The subject property is situated at 2080 Whitfield Road on Part of Lots 21 & 22, Concession 8 (former Reach Township), in the Township of Scugog, Durham Region, on the south side of Whitfield Road, approximately 4 km north of central Port Perry (Figure 1). The site is situated north of the current Honey Harbour Heights Estates development.

The subject property consists of approximately 19.83 hectares (49 acres), is zoned Agricultural, and is designated Greenfield Area with the Port Perry Urban Area. The property is divided into two parcels by Indian Way, and can be accessed from Simcoe Road, by heading east on Whitfield Road.

1.3 Background Information

An agricultural assessment was conducted in 1997 for the proposed expansion of the urban boundary for the Honey Heights Phase II development, which included the lands for the subject property. The report is referred as the following:

Toombs, Dale. Agricultural Assessment, Proposed Expansion of Urban Boundary for Honey Heights - Phase II, Port Perry, Township of Scugog, Durham Region;

October 1997.

The assessment included calculation of the MDS I formula for all livestock barns located within a kilometre of the proposed lands. At that time, three (3) farms were identified. The calculations resulted in one arc (278 m from Cohoon barns) partially imposing on the northern portion of the subject property.

Since that time, Honey Harbour Heights Estates was developed to the south of the subject lands.

An updated MDS assessment was completed in 2014, resulting in a total of eighteen (18) potential livestock facilities identified within a 2 km radius of the subject lands. Similar to the 1997 study, one (1) of those livestock facilities (located immediately north of the site at 2075 Whitfield Road) resulted in an MDS arc imposing on a portion of the subject property.

2.0 Approach

According to OMAFRA, the MDS formula is a land use planning tool that was developed by the Province of Ontario to determine recommended separation distances between agricultural operations and other land uses. The objective of the MDS calculations is to prevent land use conflicts and minimize nuisance complaints from odour generated by livestock facilities. The MDS assessment is normally conducted at the time of Planning or review for a proposed new development and is applied to all livestock facilities that are reasonably expected to be impacted by the proposed development.

The MDS applies to livestock facilities such as barns or permanent structures with livestock occupied portions, intended for keeping or housing livestock. A livestock facility also includes all manure or material storage and anaerobic digesters.

Two (2) separate MDS formulae are provided by the Province - MDS I and MDS II. MDS I provides the minimum distance separation between proposed new development and existing livestock facilities and/or permanent manure storage, while MDS II provides the minimum distance separation between proposed new, enlarged or remodelled livestock facilities and/or permanent manure storage from existing development.

There are also two (2) types of land uses that are applicable when applying the MDS formulae - Type A and Type B. Type A land uses are typically characterized by uses that have a lower density of human occupancy, habitation or activity (i.e., development of a dwelling on an existing lot, or development of up to three lots, either by consent or

plan of subdivision). A 750 m investigation distance is applied to MDS I calculations for Type A land uses.

Type B land uses are typically characterized by uses that have a higher density of human occupancy, habitation or activity (i.e., development of residential subdivisions in rural areas, expansion of a settlement area, creation of a multiple residential development, rural residential cluster). A 1,500 m investigation distance is applied to MDS I calculations for Type B land uses. Additional calculations may be required where large livestock facilities exist beyond the investigation distance.

For this study, an MDS I Type B report was prepared according to OMAFRA Guidelines (Publication 853). Calculations were completed using the Ministry's online version of AgriSuite - an online agricultural and environmental suite of decision support tools.

3.0 Scope of Work

To conduct the study, the following tasks were completed:

- Available background data including published mapping and aerial photographs were compiled and reviewed. Parcel boundaries of the subject property were identified.
- An MDS site plan was prepared utilizing ArcGIS and available mapping sources. A 1,500 m radius was applied to the boundary of the subject property. Livestock facilities were preliminarily identified through the mapping and available aerial photography.
- A site visit was conducted on January 14th, 2025 to verify and catalogue the identified livestock facilities within the 1500 m radius (and immediately outside the radius). Details of the livestock facilities were recorded as observed from the road or property boundaries, where possible. Details such as the type of facility, size, livestock numbers, type of livestock, etc., were noted.
- An attempt to contact the livestock facility owners in person was conducted. A letter was left providing the owner with the reason for our visit and our contact information. A questionnaire was also provided, and included a request to provide details regarding their livestock facilities, if present.
- The collected information was utilized to calculate the minimum distance separation for each livestock facility identified during the investigation, using the latest version AgriSuite software available from OMAFRA.

- Where information was not provided by the owner of the livestock facility, the type and size of livestock facility was estimated, or historic information was utilized.
- A site plan was prepared to include the MDS calculated for each identified livestock facility.
- This report was prepared outlining the results of the work completed.

4.0 Survey Results

A survey was conducted by ORE staff on January 14th, 2025. The purpose of the survey was to contact the owners of suspected livestock facilities identified within 1500 m of the subject property, through aerial photography and obtain information regarding their facility. Figure 2 illustrates the location of this 1500 m study area from the approximate subject property. A letter of explanation for our study and a questionnaire was distributed to all suspected facility owners within a 1500 m radius of the subject property boundary. Recipients were provided with a toll free telephone number, website and email address, and were asked to contact our office to provide their information. Where possible, details of the property were recorded (i.e., types of animals, number of barns, etc.), as visible from property lines.

A copy of the letter and questionnaire is presented in Appendix A. Despite our efforts, only one (1) response was received. The lack of response mimics the low response rate noted in 2014.

The property owner of 2075 Whitfield Road provided some details at the time of the survey drop off, and followed-up with an email response. Unfortunately, only minimal details regarding their livestock facilities were provided.

Previous attempts to obtain additional information from the Township of Scugog regarding the farms in the area revealed that this type of information is not typically available. In addition, OMAFRA was contacted to determine if a public database of livestock facilities was available to view. Unfortunately, no such database appears to be available.

The results of our background data review and field observations are provided in Table 1. Figure 3 illustrates the locations of the potential facilities identified from aerial photography, historical data and site observations.

Table 1 - Background Review & Field Observations

Address	Animal Types	Comments
17751 Simcoe St	None observed.	Letter placed in locked gate. Signage for selling firewood noted out front. No livestock facilities noted.
18025 Simcoe St	None observed.	Letter was rolled and placed in door handle. Large structures and three silos were observed from the street. Signage for selling Christmas trees was noted out front. Historic data suggests cattle and horses present on site.
18600 Simcoe St	None observed.	Letter was rolled and placed in door handle. Several large structures and barns were present on the site. Historic data suggests chickens present on-site.
1851 Whitfield Rd	None observed.	Letter was placed in mailbox. One large structure was observed to the right of the house from the street, however, had signage for printing service business. Does not appear to be used for livestock.
1881 Whitfield Rd	None observed.	Letter was placed in mailbox. Large elongated barns were observed on the property from the street. Historic data confirmed size of facilities and that chickens were present on-site.
2075 Whitfield Rd	None observed.	Letter handed to property owner and animals present on site were discussed. Animal types were confirmed (some chickens, cows and a donkey). The property owner reported that they have been there for several years and that they will be scaling back on farm operations, and that they would fill out and send the questionnaire. A letter from the property owners (Twin Erin Farms Inc.) was subsequently received by email on January 28 th , 2025, stating that the property has livestock facilities, including a liquid manure storage facility with a certificate of compliance and a decided MDS calculated distance. The details of the certificate of compliance and the MDS calculated distance were not provided in the letter, or upon request. Historic data reports that manure storage was not in use and was used for historic swine operation. The swine operation equipment was removed prior to 1997. Historic data (prior to 1997) also reported that the large barn might be converted to a broiler barn for chickens.
17750 Old Simcoe Rd	None observed.	Letter was placed in mailbox. Agricultural structures were observed from the road, including barns and silos. Historical data reported potential cattle present.
18031 Old Simcoe Rd	None observed.	Several signs for “no trespassing without appointment” and “absolutely no solicitation of any kind” were posted around the property. Did not appear to be agriculturally related as the large structure at the back of the property was observed to be a garage. No letter was left.
2170 Harper Rd	None observed.	Letter was rolled and placed with the door handle. Farmhouse appeared to be uninhabited. Cultivation equipment was observed from the road. Historical data assumed potential cattle present.
1940 Whitfield Rd	None observed.	Letter placed at entrance, east of trading post. Appears to contain a barn and silo, and other older structures in possible disrepair. Historical data assumed cattle for calculation.

5.0 MDS Calculations

Based on the information collected (i.e., background information and ground observations) and our review of previous work completed, it appears that seven (7) properties within the 1,500 m study radius may contain structures that are used or have the potential to be used to house livestock. It is important to note that ground observations were difficult due to heavy traffic, tree lines as well as the distance of the facilities from the observation points. As a result, it was not possible to fully determine the use of some of the structures.

Considering the limitations combined with the absence of responses to our survey, we have assumed that all seven (identified) locations and associated structures could potentially be utilized for livestock, and have prepared calculations for each facility with some assumed parameters. The locations of the structures are identified on Figure 3, and the details utilized for the calculations are outlined in Table 2.

The MDS I Type B formula was applied to the identified structures. The size of the potential livestock facility/structures were measured utilizing aerial photography and GIS mapping databases. Where livestock use was unknown or uncertain, historical information was utilized, or livestock type was assumed based on the type of structure. Setbacks were measured from the closest potential livestock facility located on a property.

The following results were obtained:

Table 2 - MDS Setback Summary

Facility ID	Address	Estimated size of livestock facility (m ²)	Assumed Livestock Use	Calculated MDS Required Setback (in metres from closest facility)	Meet MDS Setback?
Farm 1	1940 Whitfield Rd	Facility #1 - 300 Facility #2 - 420	Cattle	397	Y
Farm 2	18025 Simcoe St	Facility #1 - 270 Facility #2 - 1170	Cattle Horses	350	Y
Farm 3	18600 Simcoe St	Facility #1 - 1340 Facility #2 - 290 Facility #3 - 370 Facility #4 - 310	Chickens	334	Y
Farm 4	1881 Whitfield Rd	Facility #1 - 2230 Facility #2 - 1486	Chickens	393	Y
Farm 5	2075 Whitfield Rd*	Facility #1 - 730	Chickens	236	N

Farm 6	17750 Old Simcoe Rd	Facility # 1 - 380 Facility # 2 - 620	Cattle	445	Y
Farm 7	2170 Harper Rd	Facility #1 - 440 Facility #2 - 740 Facility #3 - 670	Cattle	552	Y

* Cattle noted in response from property owner, however, no enclosed feature noted for cattle from roadside review. Open liquid manure storage noted on site, however, historical data suggest that it was utilized for historical swine operations. Equipment for swine operation was reported to have been removed over 30 years ago. Manure storage has not been included in the calculations above, as per previous studies completed.

Figure 3 illustrates the required setback for the closest livestock facility located on each property. The MDS calculations completed for each property are presented in Appendix B.

It is important to note that a liquid manure storage facility was identified at 2075 Whitfield Road, however, was not included in the calculations above. As outlined in Section 4.0, historic information suggests that the manure storage has not been in use since prior to 1997 and was historically utilized for a swine operation. It was further reported that the swine operation equipment was removed prior to 1997 (as confirmed in the 1997 Toombs report and reaffirmed by the property owner in 2014).

The MDS publication manual states that unused manure storage facilities should be considered in the calculations, as long as the facility continues to be structurally sound and reasonably capable of storing manure. Further considerations to determine if a liquid manure storage facility is “reasonably capable” and if it should be utilized in the calculations are outlined in the manual’s Appendix (Page 130). The considerations include the following:

- *“Was the structure used as manure storage before the Nutrient Management Act, 2002, came into effect?”*
- *“Would reasonable people avoid using the storage because it is functionally outdated?”*
- *“Is there missing supporting infrastructure onsite that would normally be associated with a manure storage, such as pumps, loaders, manure spreader, tractor, etc.?”*
- *“Is the manure storage so close to an owner’s house that they likely would not use it?”*

In the absence of the property owner’s information (despite our attempt to request

additional information regarding the certificate of approval and a decided MDS calculated distance for the liquid manure storage facility), the questions above have been considered as part of this assessment, and the answers appear to reasonably validate the exclusion of the liquid manure storage in the MDS calculations. For example, the liquid manure storage structure was utilized prior to the implementation of the Nutrient Management Act of 2002. The structure could also be considered “outdated”, given its construction prior to 1997. Historic information suggests that equipment was removed for the swine operations (also prior to 1997), and therefore, the structure is likely missing supporting infrastructure that would be associated with the manure storage. The manure storage is also located less than 50 m from the on-site residence, suggesting that its proximity may be too close to the residence and would possibly not be used for that reason.

In addition to the considerations above, a memorandum was prepared by the proponent’s legal team, Aird Berlis (April 28th, 2025), following their review of the MDS framework, and the potential implications of the liquid manure storage located at 2075 Whitefield Road being “reactivated”. A copy of the memorandum is attached in Appendix C. The memorandum argues that reactivation of the manure storage could constitute a material change to the current farm’s operation and may be considered an “altered livestock facility”, requiring compliance with MDS II. Their memorandum also states that it is reasonable to contend that bringing a long-unused manure storage back into use effectively amounts to an expansion of design capacity.

Based on the above considerations and the opinion provided by Aird Berlis, the liquid manure storage facility has been excluded from the MDS calculation.

6.0 Conclusions and Recommendations

Based on our review of available mapping, aerial photography, ground observations and our survey, potential barn structures and/or manure storage areas were identified on seven (7) properties within a 1,500 m radius of the subject lands. The MDS setback for the livestock facility located at 2075 Whitfield Road encroaches into the northern portion of the subject property. No development should occur within the MDS I arc associated with 2075 Whitfield Road, as illustrated on Figure 3.

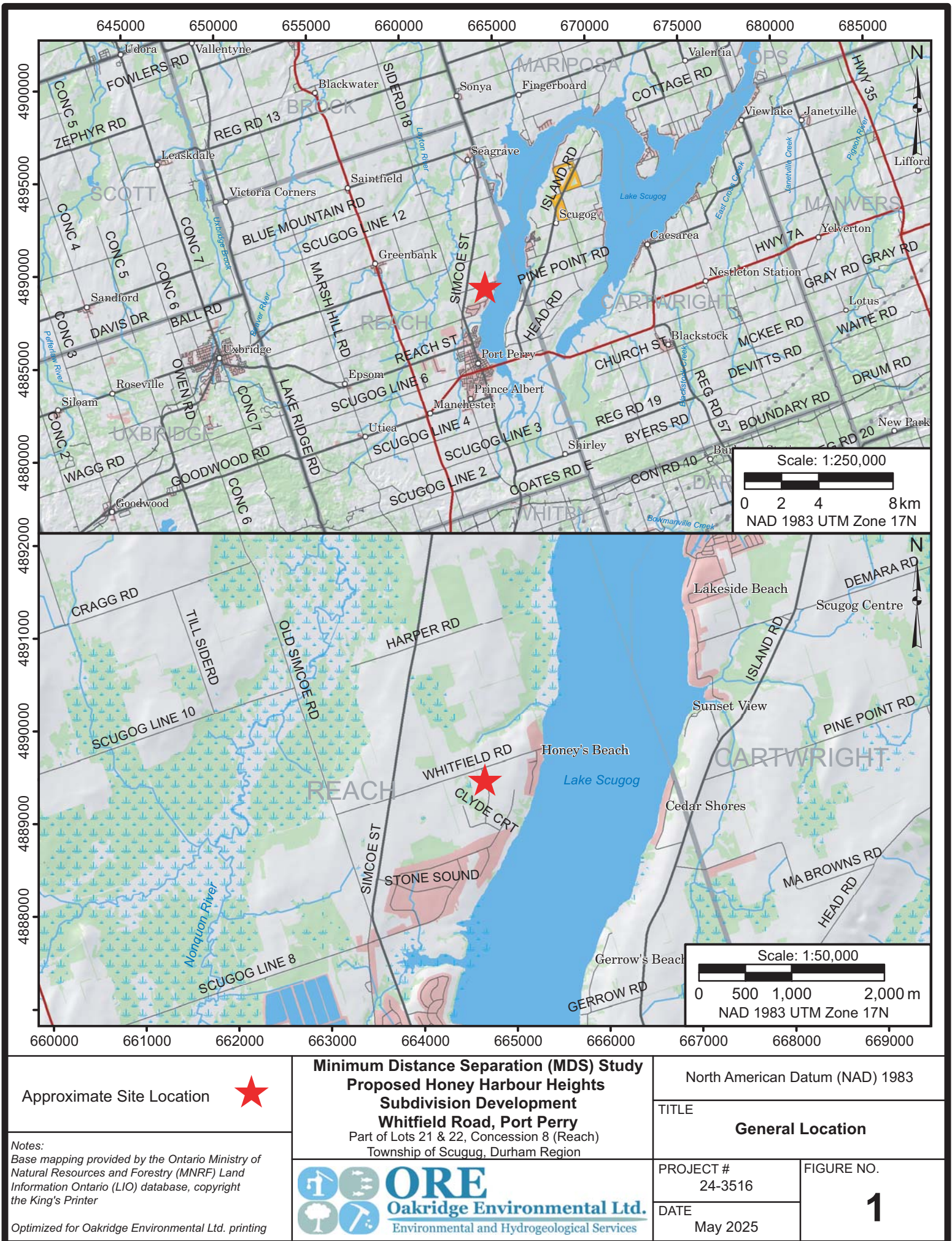
Yours truly,
Oakridge Environmental Ltd.



Christa Lemelin, BSc.
Environmental Compliance Specialist

cc: file

FIGURES



Approximate Site Location



**Minimum Distance Separation (MDS) Study
Proposed Honey Harbour Heights
Subdivision Development
Whitfield Road, Port Perry**
Part of Lots 21 & 22, Concession 8 (Reach)
Township of Scugog, Durham Region

North American Datum (NAD) 1983

TITLE
General Location

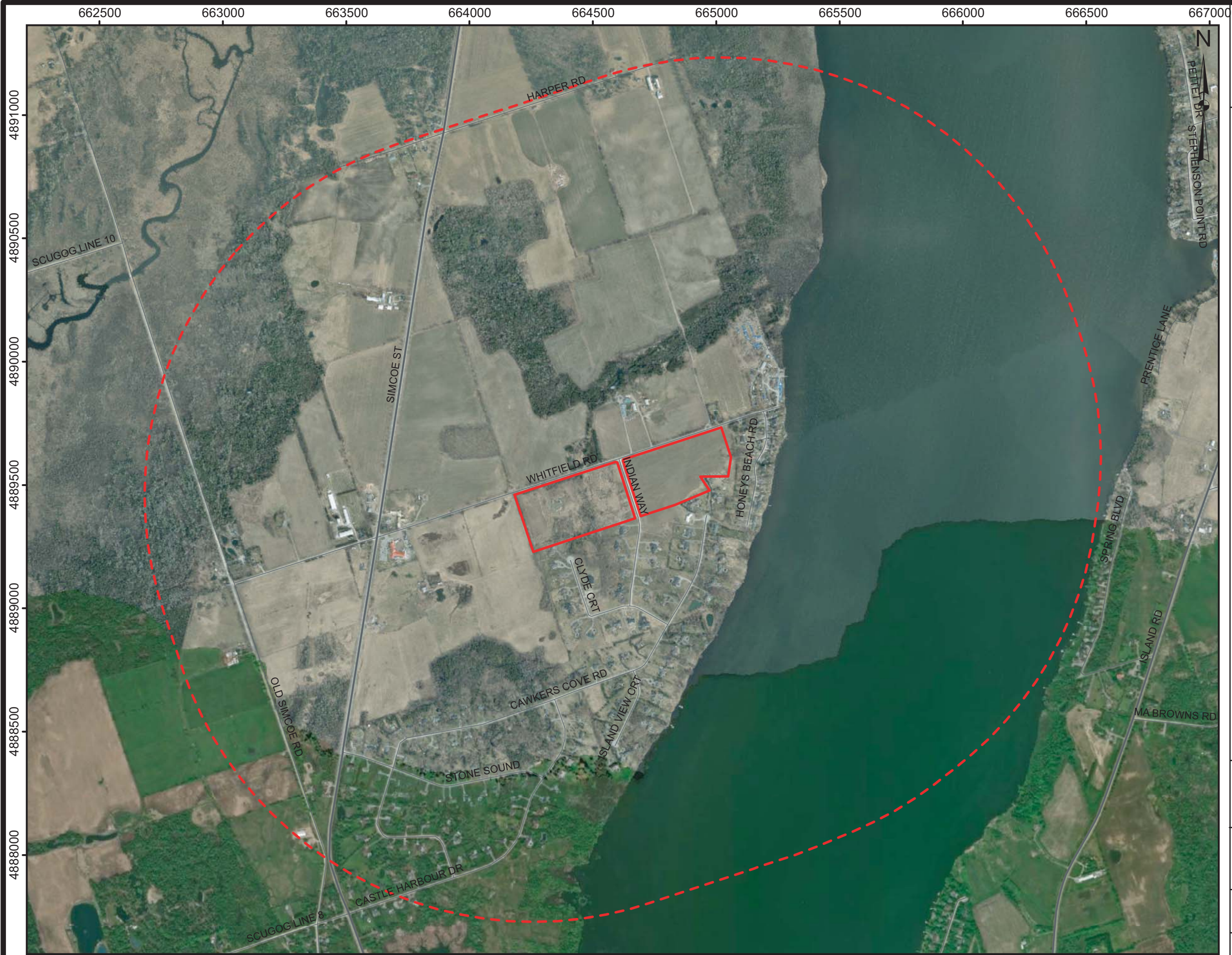
Notes:
Base mapping provided by the Ontario Ministry of
Natural Resources and Forestry (MNRF) Land
Information Ontario (LIO) database, copyright
the King's Printer

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PROJECT #
24-3516
DATE
May 2025

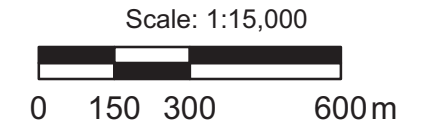
FIGURE NO.
1



NAD 1983 UTM Zone 17N

Minimum Distance Separation (MDS) Study
Proposed Honey Harbour Heights
Subdivision Development
Whitfield Road, Port Perry
Part of Lots 21 & 22, Concession 8 (Reach)
Township of Scugog, Durham Region

-  Approximate Site Location
-  1500 m Study Area



Notes:

Base mapping provided by the Ontario Ministry of Natural Resources and Forestry (MNR) Land Information Ontario (LIO) database, copyright the King's Printer (2025)

Imagery provided by ESRI Maxar (2023) & Durham Region Ortho (2021)

Feature locations determined by differential GPS (+/- 3.0 m)

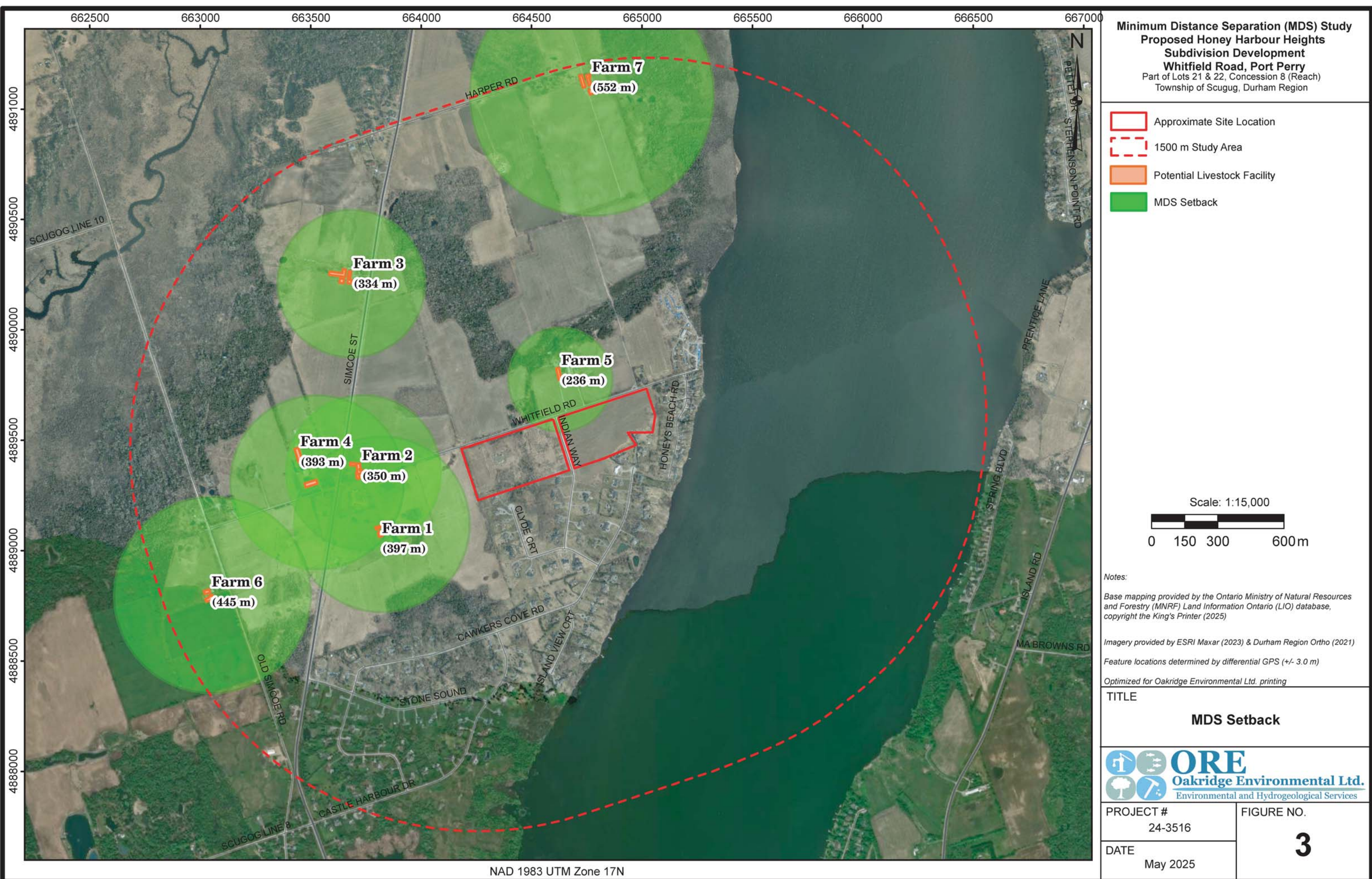
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TITLE

Study Area



PROJECT # 24-3516	FIGURE NO. 2
DATE May 2025	



Minimum Distance Separation (MDS) Study
Proposed Honey Harbour Heights
Subdivision Development
Whitfield Road, Port Perry
Part of Lots 21 & 22, Concession 8 (Reach)
Township of Scugog, Durham Region

-  Approximate Site Location
-  1500 m Study Area
-  Potential Livestock Facility
-  MDS Setback

Scale: 1:15,000



0 150 300 600m

Notes:

Base mapping provided by the Ontario Ministry of Natural Resources and Forestry (MNRF) Land Information Ontario (LIO) database, copyright the King's Printer (2025)

Imagery provided by ESRI Maxar (2023) & Durham Region Ortho (2021)

Feature locations determined by differential GPS (+/- 3.0 m)

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TITLE

MDS Setback



PROJECT # 24-3516	FIGURE NO. 3
DATE May 2025	

Appendix A

Survey Letter & Questionnaire

January 14, 2025

Dear Property Owner:

Oakridge Environmental Ltd. (ORE) has been commissioned by a neighbouring property owner to conduct a survey of livestock facilities and manure storage in your area. The survey is being conducted as part of a Minimum Distance Separation (MDS) study that is required by the Municipality to accompany an application for a proposed subdivision development. The proposed subdivision development area is located north of port Perry in the vicinity of Part Lots 21 & 22, Concession 8 (former Reach Township), Township of Scugog.

The objective of the MDS study is to prevent land use conflicts and minimize nuisance complaints from odour related to livestock facilities and manure storage. The MDS study is normally conducted at the time of planning or development review for a proposed development, and is applied to all livestock facilities that are reasonably expected to be impacted by the proposal. The MDS applies to livestock facilities such as barns or permanent structures with livestock occupied portions, intended for keeping or housing of livestock. A livestock facility also includes all manure or material storage and anaerobic digesters.

The purpose of this survey is to obtain data regarding livestock facilities located within a 1500 m radius of the proposed development. Data regarding the types of animals housed at the facility, the total number of animals that can be housed, if there is manure storage, manure type (etc.) are needed to complete the MDS study.

If you are in receipt of this letter, it means that your property was identified as having a potential livestock facility located within a 1500 m radius of the proposed development. As such, data regarding your livestock facility is considered important to this MDS study. It would be appreciated if your information can be included in the study, which will be submitted to the Township and/or Region for their review. If you do not have a livestock facility, it would be appreciated if you could advise us by emailing us at the contact information below.

The success of our survey depends on obtaining accurate information. You are under no obligation to participate in our survey, however, if you are interested in participating, please contact our office at your earliest convenience using the information provided below. Alternatively, you can fill out the attached survey and send it to us by email.

We would appreciate receiving your response on or before January 20th, 2025.

If you have any questions, please feel free to contact our office. We thank you for your time.

Christa Lemelin, BSc.
Environmental Compliance Specialist
Project Manager

Oakridge Environmental Ltd.

647 Neal Drive, Suite 3
Peterborough, Ontario
K9J 6X7

telephone: (705) 745-1181
1-888-OAKRIDGE (625-7434)
fax: (705) 745-4163
1-877-796-7781

Email: christa@oakridgeenvironmental.com
Website: www.oakridgeenvironmental.com

Livestock Facility & Manure Storage Questionnaire

Project No. 24-3516

Date: _____

Contact Information

Full Name: _____ Farm/Company Name: _____

Address: _____

City/Town: _____ Postal Code: _____

Telephone: _____ Email: _____

Property Information

Address: _____

City/Town: _____ Postal Code: _____

Lot & Concession: _____ Geographic Township: _____

Roll Number: _____

How many livestock facility structures are located on your farm? _____

What is the approximate size/area of each facility? _____

What is the maximum number of animals that each facility can house? _____

Do you plan on expanding your livestock facility? If so, when? _____

Are there permanent manure/material storage or anaerobic digesters located on the property? If yes, please give details including location of storage. _____

Please fill in the details of animals/materials located on your property in the following table:

	Type of Animal/Material	Range of Age or Size	Yard /Barn/ Confinement	How is manure managed?	Total # of Animals	Maximum Allowable Number of Animals
1.						
2.						
3.						
4.						

Appendix B

MDS Calculation Sheets



MDS I - Honey Heights

General information

Application date May 1, 2025	Municipal file number	Proposed application New or expanding settlement area boundary
Applicant contact information Shawn Rondeau Honey Heights Developments Ltd. 513 Westney Road South, Unit 4 Ajax, ON L1S 6W8 905-427-0390 shawn@fourteenestates.com	Location of subject lands Regional Municipality of Durham Township of Scugog REACH Concession 8 , Lot 21 Roll number: 182001000818846	

Notes

The address is 2080 Whitfield Road. Also includes part of Lot 22, Concession 8, and Roll Number 182001000818800

Calculations

Farm 1 - 1940 Whitfield Rd

Farm contact information

unknown unknown
1940 Whitfield Rd
Port Perry, ON

Location of existing livestock facility or anaerobic digester

Regional Municipality of Durham
Township of Scugog
REACH
Concession 8 , Lot 20
Roll number: 1820

Total lot size

41.9 ha

Livestock/manure summary

Manure Form	Type of livestock/manure	Existing maximum number	Existing maximum number (NU)	Estimated livestock barn area
Solid	Beef, Cows, including calves to weaning (all breeds), Yard/Barn	65	65 NU	302 m ²
Solid	Beef, Cows, including calves to weaning (all breeds), Yard/Barn	90	90 NU	418 m ²



Confirm Livestock/Manure Information (Farm 1 - 1940 Whitfield Rd)

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

Setback summary

Existing manure storage	V3. Solid, outside, no cover, >= 30% DM		
Design capacity	155 NU		
Potential design capacity	155 NU		
Factor A (odour potential)	0.7	Factor B (design capacity)	368.09
Factor D (manure type)	0.7	Factor E (encroaching land use)	2.2
Building base distance 'F' (A x B x D x E) (minimum distance from livestock barn)			397 m (1302 ft)
Actual distance from livestock barn			NA
Storage base distance 'S' (minimum distance from manure storage)			397 m (1302 ft)
Actual distance from manure storage			NA

Farm 2 - 18025 Simcoe Street

Farm contact information

unknown unknown
18025 Simcoe Street
Port Perry, ON

Location of existing livestock facility or anaerobic digester

Regional Municipality of Durham
Township of Scugog
REACH
Concession 9 , Lot 20
Roll number: 1820

Total lot size

27.5 ha

Livestock/manure summary

Manure Form	Type of livestock/manure	Existing maximum number	Existing maximum number (NU)	Estimated livestock barn area
Solid	Beef, Cows, including calves to weaning (all breeds), Yard/Barn	58	58 NU	269 m ²
Solid	Horses, Medium-framed, mature; 227 - 680 kg (including unweaned offspring)	50	50 NU	1161 m ²



Confirm Livestock/Manure Information (Farm 2 - 18025 Simcoe Street)

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

Setback summary

Existing manure storage	V3. Solid, outside, no cover, >= 30% DM		
Design capacity	108 <u>NU</u>		
Potential design capacity	108 <u>NU</u>		
Factor A (odour potential)	0.7	Factor B (design capacity)	324.37
Factor D (manure type)	0.7	Factor E (encroaching land use)	2.2
Building base distance 'F' (A x B x D x E) (minimum distance from livestock barn)	350 <u>m</u> (1148 <u>ft</u>)		
Actual distance from livestock barn	<u>NA</u>		
Storage base distance 'S' (minimum distance from manure storage)	350 <u>m</u> (1148 <u>ft</u>)		
Actual distance from manure storage	<u>NA</u>		

Farm 3 - 18600 Simcoe Street

Farm contact information

unknown unknown
18600 Simcoe Street
Port Perry, ON

Location of existing livestock facility or anaerobic digester

Regional Municipality of Durham
Township of Scugog
REACH
Concession 9 , Lot 20
Roll number: 1820

Total lot size

35.5 ha

Livestock/manure summary

Manure Form	Type of livestock/manure	Existing maximum number	Existing maximum number (NU)	Estimated livestock barn area
Solid	Chickens, Broilers	1340 m ²	54 NU	1340 m ²
Solid	Chickens, Broilers	290 m ²	11.7 NU	290 m ²
Solid	Chickens, Broilers	370 m ²	14.9 NU	370 m ²
Solid	Chickens, Broilers	310 m ²	12.5 NU	310 m ²



Confirm Livestock/Manure Information (Farm 3 - 18600 Simcoe Street)

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

Setback summary

Existing manure storage	V1. Solid, inside, bedded pack		
Design capacity	93.2 NU		
Potential design capacity	93.2 NU		
Factor A (odour potential)	0.7	Factor B (design capacity)	309.63
Factor D (manure type)	0.7	Factor E (encroaching land use)	2.2
Building base distance 'F' (A x B x D x E) (minimum distance from livestock barn)			334 m (1096 ft)
Actual distance from livestock barn			NA
Storage base distance 'S' (minimum distance from manure storage)			334 m (1096 ft)
Actual distance from manure storage			NA

Farm 4 - 1881 Whitfield Rd

Farm contact information

unknown unknown
1881 Whitfield Rd
Port Perry, ON

Location of existing livestock facility or anaerobic digester

Regional Municipality of Durham
Township of Scugog
REACH
Concession 9 , Lot 19
Roll number: 1820

Total lot size

20.1 ha

Notes

Data confirmed in 2014.

Livestock/manure summary

Manure Form	Type of livestock/manure	Existing maximum number	Existing maximum number (NU)	Estimated livestock barn area
Solid	Chickens, Broilers	2230 <u>m²</u>	89.9 <u>NU</u>	2230 <u>m²</u>
Solid	Chickens, Broilers	1486 <u>m²</u>	59.9 <u>NU</u>	1486 <u>m²</u>



Confirm Livestock/Manure Information (Farm 4 - 1881 Whitfield Rd)

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

Setback summary

Existing manure storage	No storage required (manure is stored for less than 14 days)		
Design capacity	149.8 <u>NU</u>		
Potential design capacity	149.8 <u>NU</u>		
Factor A (odour potential)	0.7	Factor B (design capacity)	363.76
Factor D (manure type)	0.7	Factor E (encroaching land use)	2.2
Building base distance 'F' (A x B x D x E) (minimum distance from livestock barn)	393 <u>m</u> (1289 <u>ft</u>)		
Actual distance from livestock barn	<u>NA</u>		
Storage base distance 'S' (minimum distance from manure storage)	No existing manure storage		
Actual distance from manure storage	<u>NA</u>		

Farm 5 - 2075 Whitfield Road

Farm contact information

Cphoon Zac
Twin Erin Farms Inc.
2075 Whitfield Rd
Port Perry, ON
L9L 0C5
twinerinfarms@gmail.com

Location of existing livestock facility or

anaerobic digester
Regional Municipality of Durham
Township of Scugog
REACH
Concession 9 , Lot 21
Roll number: 1820

Total lot size

44 ha

Livestock/manure summary

Manure Form	Type of livestock/manure	Existing maximum number	Existing maximum number (NU)	Estimated livestock barn area
Solid	Chickens, Broilers	730 m ²	29.4 NU	730 m ²



Confirm Livestock/Manure Information (Farm 5 - 2075 Whitfield Road)

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

Setback summary

Existing manure storage	V3. Solid, outside, no cover, >= 30% DM		
Design capacity	29.4 NU		
Potential design capacity	29.4 NU		
Factor A (odour potential)	0.7	Factor B (design capacity)	218.88
Factor D (manure type)	0.7	Factor E (encroaching land use)	2.2
Building base distance 'F' (A x B x D x E) (minimum distance from livestock barn)	236 m (774 ft)		
Actual distance from livestock barn	NA		
Storage base distance 'S' (minimum distance from manure storage)	236 m (774 ft)		
Actual distance from manure storage	NA		

Farm 6 - 17750 Old Simcoe Road

Farm contact information

unknown unknown
17750 Old Simcoe Road
Port Perry, ON

Location of existing livestock facility or anaerobic digester

Regional Municipality of Durham
Township of Scugog
REACH
Concession 8 , Lot 18
Roll number: 1820

Total lot size

43.4 ha

Livestock/manure summary

Manure Form	Type of livestock/manure	Existing maximum number	Existing maximum number (NU)	Estimated livestock barn area
Solid	Beef, Cows, including calves to weaning (all breeds), Yard/Barn	82	82 <u>NU</u>	381 <u>m²</u>
Solid	Beef, Cows, including calves to weaning (all breeds), Yard/Barn	133	133 <u>NU</u>	618 <u>m²</u>



Confirm Livestock/Manure Information (Farm 6 - 17750 Old Simcoe Road)

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

Setback summary

Existing manure storage	V3. Solid, outside, no cover, >= 30% DM		
Design capacity	215 <u>NU</u>		
Potential design capacity	215 <u>NU</u>		
Factor A (odour potential)	0.7	Factor B (design capacity)	412.76
Factor D (manure type)	0.7	Factor E (encroaching land use)	2.2
Building base distance 'F' (A x B x D x E) (minimum distance from livestock barn)			445 <u>m</u> (1460 <u>ft</u>)
Actual distance from livestock barn			<u>NA</u>
Storage base distance 'S' (minimum distance from manure storage)			445 <u>m</u> (1460 <u>ft</u>)
Actual distance from manure storage			<u>NA</u>

Farm 7 - 2170 Harper Road

Farm contact information

unknown unknown
2170 Harper Road
Port Perry, ON

Location of existing livestock facility or anaerobic digester

Regional Municipality of Durham
Township of Scugog
REACH
Concession 9 , Lot 22
Roll number: 1820

Total lot size

24 ha

Livestock/manure summary

Manure Form	Type of livestock/manure	Existing maximum number	Existing maximum number (NU)	Estimated livestock barn area
Solid	Beef, Cows, including calves to weaning (all breeds), Yard/Barn	95	95 NU	441 m ²
Solid	Beef, Cows, including calves to weaning (all breeds), Yard/Barn	159	159 NU	739 m ²
Solid	Beef, Cows, including calves to weaning (all breeds), Yard/Barn	144	144 NU	669 m ²



Confirm Livestock/Manure Information (Farm 7 - 2170 Harper Road)

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

Setback summary

Existing manure storage	V3. Solid, outside, no cover, >= 30% DM		
Design capacity	398 NU		
Potential design capacity	398 NU		
Factor A (odour potential)	0.7	Factor B (design capacity)	512.03
Factor D (manure type)	0.7	Factor E (encroaching land use)	2.2
Building base distance 'F' (A x B x D x E) (minimum distance from livestock barn)			552 m (1811 ft)
Actual distance from livestock barn			NA
Storage base distance 'S' (minimum distance from manure storage)			552 m (1811 ft)
Actual distance from manure storage			NA

Preparer signoff & disclaimer

Preparer contact information

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Peterborough, ON
K9J 6X7
705-745-1181
christa@oakridgeenvironmental.com

Signature of preparer

Christa Lemelin , Environmental
Compliance Specialist

Date (mmm-dd-yyyy)

Note to the user

The Ontario Ministry of Agriculture, Food and Agribusiness (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 OMAFA will be considered to be the official version for purposes of calculating MDS. 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. All data and calculations should be verified before acting on them.

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Appendix C

Aird Berlis Memorandum

M E M O R A N D U M

TO: Client

FROM: Alexander Suriano, Naomi Mares, and Jonathan Marun-Batista

DATE: April 28, 2025

RE: 2080 Whitfield Road - Minimum Distance Separation Requirements
Overview and Implications

File #: 302292

You have asked us to review how the Minimum Distance Separation (“**MDS**”) requirements would apply to your neighbour’s decision to begin using a previously vacant earthen manure storage area on their property, as they relate to your property at 2080 Whitfield Road (the “**Property**”) in Port Perry, within the Township of Scugog (the “**Township**”). Specifically, the concern relates to a manure storage pit located on the neighbouring farm at 2075 Whitfield Road, which we understand from you has remained unused for at least 30 years but is now being considered for reactivation by its owner, to be filled with pig manure. The key question is whether that reactivation could trigger MDS II setback requirements, thereby limiting the farmer’s ability to proceed unless appropriate separation from your lands can be demonstrated.

This memorandum outlines the relevant MDS policy framework and presents an argument that could be raised in support of that position—namely, that the reactivation of the pit constitutes a material change to the farm’s operation, requiring compliance with MDS II.

Minimum Distance Separation Requirements

MDS formulae are land use planning tools that determine setback distances between livestock barns, manure storages or anaerobic digesters, and surrounding land uses. In Ontario, MDS setback requirements are presently determined in accordance with the Ministry of Agriculture, Food, and Rural Affairs’ guidance in a document titled: [The Minimum Distance Separation \(MDS\) Document: Formulae and Guidelines for Livestock Facility and Anaerobic Digester Odour Setbacks – Publication 853](#) (the “**MDS Document**”).

The objective of MDS is to minimize land use conflicts and nuisance complaints related to odour. MDS does not account for other nuisances such as noise or dust. MDS is made up of two separate, but related, formulae that act reciprocally to site both new development and new or expanding livestock facilities:

MDS I setbacks are determined between proposed new development and existing livestock barns, manure storages and/or anaerobic digesters.

MDS II setbacks are determined between proposed new or altered livestock facilities and/or anaerobic digesters and existing or approved development, lot lines and road allowances.

Section 4.12 of the Township's Zoning By-law ([By-law 14-14](#)) confirms the application of both MDS I and II setback requirements, requiring that any new development and new or expanding agricultural operations meet the relevant formulae..

Reactivating the Manure Storage Constitutes an “Altered Livestock Facility,” Triggering the Application of MDS II Setbacks

MDS II setbacks apply to an “altered livestock facility”.¹ An “altered livestock facility” is defined as any building activity occurring on or in an existing livestock facility that (1) requires a building permit and (2) results in a change in “design capacity.” The definition of “altered livestock facility” explicitly includes the alteration of earthen manure storages, despite the fact that such storages are not considered “buildings” and therefore do not require building permits at the time of construction.²

By extension, MDS II applies where an earthen manure storage is modified in a manner that alters the farm's design capacity. “Manure storage” is defined as a permanent structure that is structurally sound and reasonably capable of storing manure, whether liquid or solid. A structure that once held manure but is currently unused and still meets these criteria qualifies as an “unused manure storage” under the MDS Document.

The term “design capacity” refers to the maximum volume of manure that can be reasonably housed in all of the manure storages on a lot. It is arguable that reactivating the pit represents a material increase to that capacity, triggering a duty for the farmer to comply with MDS II. Although the technical definition of “altered livestock facility” refers to “building activity” that changes design capacity, and “building activity” is undefined in the MDS Document, it is reasonable to contend that bringing a long-unused manure storage pit back into use effectively amounts to an expansion of design capacity.

Further support for this position arises from the MDS guidelines' overarching objective of minimizing land use conflicts and odour-related complaints. Guideline No. 5 specifically provides that a manure storage does not escape MDS II merely because it lacks a building permit requirement. Such facilities are classified as permanent structures with the highest odour potential, meaning a pit that significantly increases manure volume on the farm could fairly be seen as changing design capacity, regardless of whether any “building activity” occurs.

Guideline No. 2 provides that MDS II setback distances must be met prior to the approval of a building permit for a first or altered livestock facility. While the trigger identified in the guideline is a building permit, the principle it reflects is broader: MDS II applies when a livestock facility—such as a manure storage—is materially altered in a way that increases the farm's design capacity.

¹ See MDS Document, Guideline No. 5.

² See MDS Document, Guideline No. 5 makes clear that the lack of a building permit requirement does not exempt these facilities from MDS II.

Guideline No. 5 confirms that earthen manure storages, despite not requiring a building permit, are not exempt from MDS II. Accordingly, a building permit should not be treated as the sole condition for MDS II compliance, particularly where the change in use gives rise to the same planning concerns MDS is intended to address.

Conclusion

Based on the foregoing, the reactivation of the unused manure storage pit at 2075 Whitfield Road may constitute an “altered livestock facility” under the MDS framework. Consequently, if the farmer proceeds to use the pit to store pig manure, the case can be made that MDS II setbacks must be satisfied.

We emphasize that the argument above is grounded in an interpretation of the policy objectives and definitions of the MDS framework, but as with any planning matter, outcomes will depend on how the relevant authorities interpret and apply these policies in context. While the ultimate resolution may rest with the applicable planning authorities, the argument above draws on the underlying policy objective of minimizing odour-related land use conflicts and can serve as a basis for demonstrating that renewed use of the pit would trigger additional obligations under MDS II.

JMB/NM/AJS