

SCHEDULE C
MINIMUM DISTANCE SEPARATION

THIS IS SCHEDULE “C” TO ZONING BY-LAW NO. 216-2009 (AS AMENDED)

1.0 DEFINITIONS

In this By-law as it relates to minimum distance separation and other requirements relating to livestock operations and manure storage, the following definitions shall apply:

- i) “Abandoned Manure Storage” means a manure storage that has not been in use for two years or more.

“Abandoned Well” means a well that has been covered, filled or left unused and from which water is not taken or not intended to be taken or is impractical to take, and which has or should be decommissioned in accordance with government regulations but does not include wells that are not currently used or are only occasionally used and that are properly constructed, maintained and protected and pose no risk to ground water quality.

“Building” includes any structure whether temporary or permanent, used or built for any purpose other than a lawful boundary, wall or fence. Any enclosure, awning, bin, bunk or other container, or platform, used upon any land or in conjunction with or connected to any structure for any purpose shall be deemed a building.

“Building Code” means O.Reg. 403/97, as amended.

“Building Code Act” means *Building Code Act*, 1992, S.O. 1992, c.23, as amended.

“Consultant in Agriculture” means a practicing agricultural professional who has been certified in accordance with Part X of O.Reg. 277/03.

“Consultant in Agriculture” means a practicing agricultural professional who has been certified in accordance with Part X of O.Reg. 277/03.

“Council” means the Council of the Corporation of the Municipality of Chatham-Kent.

“Erect” includes build, construct, or reconstruct, alter, enlarge and relocate and without limiting the generality of the foregoing, shall be taken to include any associated physical operation such as excavating, grading, berming, piling, cribbing, filling or draining, structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

“Livestock” means cattle, horses, swine, sheep, chickens, turkeys, geese, goats, ducks, mink, emu, ostriches, rabbits, fox, buffalo and any other domesticated animal used for consumption, propagation, or intended for profit.

“Livestock Facility” means buildings and structures used for the housing, feeding or keeping of livestock.

“Livestock Operation” means the raising or keeping of livestock with or without buildings, structures or manure storage facilities.

“Manure” means a substance principally composed of livestock feces and urine, and may include some bedding material and water.

“Minimum Distance Separation II” means the requirements published under this name in March 1995 by the Ontario Ministry of Agriculture, Food and Rural Affairs to replace the Minimum Distance Separation Formula II of the Agricultural Code of Practice and MDS II shall have a like meaning.

“Municipality” means the Corporation of the Municipality of Chatham-Kent.

“NMAN” has the same meaning as defined in O.Reg. 267/03, as amended.

“Nutrient Unit” has the same meaning as defined in O.Reg. 267/03, as amended.

“OMAF” means the Ontario Ministry of Agriculture and Food.

“Operator” means a person who owns or has charge, management or control of a regulated livestock operation.

“Permitted Manure Storage” means an earthen, steel or concrete type storage facility used for the storage of liquid manure and includes a facility for the storage of dry manure.

“Person” includes any association, partnership, agent or trustee and the heirs, executors or other legal representative of a person.

“Regulated Livestock Operation” means a livestock operation to which this By-law applies.

“Renovation” means the repair and restoration of a livestock facility or manure storage to good condition within existing external walls and dikes but shall not include its replacement.

“Site” means a parcel of land that is capable of being legally conveyed.

“Third Party Review” means a review of a nutrient management plan by qualified OMAF staff or by a Consultant in Agriculture and which review must include confirmation that the nutrient management plan meets the requirements of the *“Nutrient Management Act, 2002, as amended, O.Reg. 267.03, as amended, and the associated protocols.*

“Tillable Ha” means the total area of land including pasture that can be worked or cultivated.

“Tillable Land Base” means the number of Tillable Ha available for the spreading of manure.

2.0 SCOPE

This By-law shall not apply to new livestock operations or to expanding livestock operations that are or, after expansion, will be comprised of a sufficient number of livestock to generate more than 300 nutrient units annually.

3.0 MINIMUM DISTANCE SEPARATION DISTANCES AND OTHER REQUIREMENTS RELATING TO LIVESTOCK OPERATIONS

In addition to other applicable setback requirements of this By-law, buildings and uses shall be set back from livestock operations in accordance with Schedules CI.

4.0 MINIMUM DISTANCE SEPARATION DISTANCES AND OTHER REQUIREMENTS RELATING TO MANURE STORAGE

In addition to other applicable requirements of this By-law, manure storage shall be regulated in accordance with the following provisions and Schedules C2, C3 and C4 to this By-law.

4.1 GENERAL PROHIBITIONS

4.1.1 No person shall erect or use or cause or permit the erection or use of a manure storage other than a permitted manure storage except as provided in Section 4.5.3.

4.1.2(a) No person shall erect or use or cause or permit the erection or use of any new or newly expanded livestock facility, livestock operation, permitted manure storage or any part thereof and no persons shall alter or cause or permit the alteration of any existing livestock facility, livestock operation, permitted

manure storage or any part thereof except in conformity with the provisions of this By-law. For the purpose of this section, a new livestock facility or livestock operation includes an existing livestock operation that has been newly acquired by conveyance or otherwise.

- (b) Subsection 4.2.1 (a) shall not apply to the expansion of an existing manure storage where there is no increase in the number of livestock units in the livestock operation served by such manure storage provided the manure storage is in compliance with the requirements of MDS II.
- 4.1.3 (a) No person shall carry on a regulated livestock operation except in compliance with the provisions of this By-law.
- (b) Every operator shall enter into a compliance agreement with the municipality substantially in the form attached hereto as Schedule "C4" and shall ensure that the regulated livestock operation to which an agreement applies is carried on in compliance with the terms and conditions of the agreement.
 - (c) Subsections 4.1.2 (a) and (b) shall not apply to regulated livestock operations that were lawfully in existence as of the date of the passing of this By-law so long as they continue without an increase in the number of livestock units or any other change or alteration.

4.2 REQUIREMENTS FOR BUILDING PERMITS

- 4.2.1 No person shall erect or use or cause or permit the erection of use of any new or newly expanded livestock facility, permitted manure storage or any part thereof and no person shall alter or cause or permit the alteration of any existing livestock facility, permitted manure storage or any part thereof unless a building permit has been issued therefore by the Chief Building Official.
- 4.2.2 No permit for a livestock facility or permitted manure storage shall be issued unless the applicant has complied with the requirements of this By-law, the Municipality's Building By-law, the *Building Code Act*, the *Building Code* and any other applicable law.
- 4.2.3 In addition to the information expressly required by this By-law, every applicant for a building permit under Section 4.1.3, above, shall provide any other information deemed necessary by the Chief Building Official in order to fully evaluate the proposed construction.

4.3 NUTRIENT MANAGEMENT PLANS

- 4.3.1 A nutrient management plan shall be completed:
- (a) for a new livestock facility or manure storage to serve a regulated livestock operation, or
 - (b) for an expanding livestock facility or manure storage for any livestock operation that, after expansion, is or will become a regulated livestock operation.

4.3.2 Every nutrient management plan shall be prepared using OMAF's NMAN program in accordance with the requirements set out in Part III of O.Reg. 267/03 and its associated protocols, except that:

the person preparing the Nutrient Management Plan is not required to be qualified under Part X of O.Reg. 267.03;

any identification numbers to be assigned will be given by the Municipality;

the provisions relating to Short-Form Plans in O.Reg. 267/03 do not apply.

4.3.3 Prior to the issuance of a Building Permit, the operator shall satisfy the Municipality that the nutrient management plan has undergone Third Party Review and that any concerns identified by the Third Party Review have been addressed.

4.3.4 A Nutrient Management Plan ceases to be of force and effect and shall be renewed in accordance with O.Reg. 267/03, as amended.

4.3.5 Every operator shall notify the Municipality within 30 days of any new or amended Manure Application Agreements or any change in tillable land base and shall renew the nutrient management plan for his/her regulated livestock operation within 6 months of any change in land base or increase in livestock units.

4.3.6 Every renewal of Nutrient Management Plan shall be subjected to Third Party Review.

4.3.7 Every operator shall maintain a tillable land base for spreading manure as determined by their nutrient management plan.

4.3.8 Nutrient management plans shall be submitted to the Municipality together with signed Manure Application Agreements substantially in the form set out in Schedule "C3" with persons, other than the operator, whose lands will be used for the spreading of Manure.

4.3.9 The spreading of manure on land shall be done in accordance with O.Reg. 267/03, as amended, and its associated protocols.

4.3.10 No person shall erect a livestock facility or manure storage unless the separation distances comply with the Minimum Distance Separation II (MDS II) formula or the local zoning by-law, whichever is greater.

4.3.11 Notwithstanding Section 16, above, every person who obtains a minor variance pursuant to the *Planning Act, R.S.O. 1990, c.P.13*, as amended, with respect to separation distance requirements in the local zoning by-law shall be deemed to be in compliance with MDS II for the purposes of this By-law.

4.4 REGULATIONS FOR MANURE STORAGE

4.4.1 Every manure storage shall be designed, sited and constructed in accordance with O.Reg. 267/03, as amended, and its associated protocols and shall comply with the said regulation and protocols in every respect.

4.5 GENERAL PROVISIONS

4.5.1 Nothing in this By-law shall relieve any person from the obligation to comply with the requirements of the *Building Code Act*, 1992, S.O. 1992, c.23, the municipality's Zoning By-law or any other by-law of the municipality or the obligation to obtain any other license, permit, authority or approval lawfully required by a governmental authority.

4.5.2 Where a livestock facility or manure storage was lawfully established prior to the passing of this By-law, and is of a type permitted by this By-law, but is not in compliance with the regulations prescribed in this By-law, the said facility or storage may be enlarged, repaired or renovated provided that:

- (a) the enlargement, extension, expansion of capacity, repair or renovation does not increase the level of non-compliance of the livestock facility or manure storage with this By-law's regulations; and

all other applicable provisions of this By-law and the Zoning By-law are complied with.

4.5.3 Where a livestock facility or manure storage was lawfully erected prior to the passing of this By-law and is of a type not permitted by this By-law, the said facility or storage may be repaired or renovated provided that:

- (a) the repair or renovation does not involve any change in use or an increase in the number of livestock units; and

all other applicable regulations in this By-law and the Zoning By-law are complied with.

4.5.4 Where a livestock facility or manure storage, that does not conform with the requirements of the By-law, has been destroyed to the extent of more than fifty percent (50%) of its value as of the date of damage, it shall not be restored except in conformity with the requirements of this By-law and the Zoning By-law unless such restoration is completed on the existing foundation and the capacity is not increased.

4.5.5 Every operator shall maintain all components of a permitted manure storage, including all fences, to a safe standard.

4.5.6 Every operator shall drain any abandoned manure storage, in his/her charge, management or control, of liquid and manure.

4.6 PENALTY

4.6.1 Every person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a penalty as provided in the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended, exclusive of costs and every such fine shall be recoverable under the said Act.

**THIS IS SCHEDULE "C1" TO
ZONING BY-LAW NO. 216-2009 (as amended)**

Y-1

**MINIMUM DISTANCE SEPARATION I (MDS I)
CALCULATION SHEET FOR NON-AGRICULTURAL USES**

USE: To determine the required Minimum Distance Separation (MDS I) for non-agricultural uses establishing or expanding in proximity to livestock facilities.

PURPOSE: To reduce the potential for odour between existing livestock facilities and proposed neighbouring land uses.

Minimum Distance Separation required from Livestock Facility = _____ m (from Table 2)

Actual distance as reported from Livestock Facility = _____ m

Minimum Distance Separation required from Manure Storage = _____ m (from Table 3)

Actual distance as reported or estimated from Manure Storage = _____ m

This application MEETS DOES NOT MEET MDS requirements for the barn and manure storage.

**MINIMUM DISTANCE SEPARATION I (MDS I)
CALCULATION SHEET FOR NON-AGRICULTURAL USES (CONTINUED)**

ASSESSMENT OF THE LIVESTOCK FACILITY

To calculate Livestock Units, complete Step 1 based on information in Table 1 below.

STEP 1. TOTAL LIVESTOCK UNITS

Column 1 TYPE OF LIVESTOCK	Column 2 HOUSING CAPACITY	Column 3 NUMBER OF ANIMALS PER LIVESTOCK UNIT (From Table 1)	Column 4 NUMBER OF LIVESTOCK UNITS (Col. 2/Col. 3)
(A) = TOTAL LIVESTOCK UNITS (Sum of Column 4)			

If there are more than 300 livestock units, reference must be made to a full set of tables available from the Ontario Ministry of Agriculture, Food and Rural Affairs.

TABLE 1. ANIMAL GROUPS

ANIMAL GROUP 1	ANIMAL GROUP 2	ANIMAL GROUP 3	ANIMAL GROUP 4	ANIMAL GROUP 5
1 Livestock Unit Equals	1 Livestock Unit Equals	1 Livestock Unit Equals	1 Livestock Unit Equals	1 Livestock Unit Equals
200..Chicken Broilers 1...Horse ³	4...Adult Sheep ³ 1...Beef Cows 10...Feeder lambs 100...Ducks 5...Emu 4...Adult Goats ³ 10... Feeder Goats 3...Ostrich 500...Pullets 50...Turkeys (>10 kg) 75...Turkeys (<5-10 kg) 100...Turkeys(<5 kg)	1...Beef Cow ¹ Yard/Barn 2...Beef Feeder Yard/Barn 1...Dairy Cow ^{1,2} 2...Dairy Heifer Yard/Barn 40...Adult Rabbits ⁴ 3...Red Veal <300 kg 125..Chicken Breeder Layers 75...Turkey Breeder Layers	80...Adult Mink ⁴ 40...Adult Fox ⁴ 125...Caged Layers	4...Feeder Hogs 5..Sows/Boars 20...Weaners 4-30 kg 6...White Veal

¹Includes calf to 150 kg, ² Multiple the number of milking cows by 1.5 to account for dry cows, heifers and calves on the same farm, ³ Includes offspring until weaned, ⁴ includes offspring to market size.

Select Animal Group 1, 2, 3, 4 or 5 depending on type of animals on farm. If there are animals from different groups, select the highest group number. The group number is used when referring to Table 2.

STEP 2. LAND BASE ASSESSMENT (B)

Number of tillable ha* on site _____ x 5 = _____ **(B)** Potential Livestock Units

* Maximum (B) is 150 Livestock Units.

STEP 3.

Enter the GREATER OF (A) Total Livestock Units OR **(B)** Potential Livestock Units _____
Use this figure to enter Column 1 of Table 2.

**MINIMUM DISTANCE SEPARATION I (MDS I)
CALCULATION SHEET FOR NON-AGRICULTURAL USES (CONTINUED)**

STEP 4. TABLE 2. MINIMUM DISTANCE SEPARATION FROM LIVESTOCK FACILITY

Read across appropriate line from Column 1 to respective Animal Group and Land Use Type. This number is the Minimum Distance Separation requirement in m from a livestock facility.

COLUMN 1 Greater of Livestock Units (A) or Potential Livestock Units (B)	NEW OR EXPANDING BUILDINGS IN ZONES LISTED IN SCHEDULE Y1				
	Animal Group				
	(1)	(2)	(3)	(4)	(5)
1-5	39	42	48	60	85
10	55	60	68	85	98
15	65	70	80	100	115
20	72	78	89	111	127
25	78	84	95	119	136
30	82	88	101	126	144
35	86	92	106	132	151
40	89	96	110	137	157
45	92	99	113	142	162
50	95	102	117	146	167
55	98	105	120	150	172
60	100	108	123	154	176
65	102	110	126	158	180
70	105	113	129	161	184
75	107	115	131	164	188
80	109	117	134	167	191
85	111	119	136	170	194
90	113	121	138	173	198
95	114	123	140	176	201
100	116	125	143	178	204
110	119	128	146	183	209
120	122	131	150	188	214
130	125	134	154	192	219
140	127	137	157	196	224
150	130	140	160	200	228
160	133	143	164	205	234
170	136	147	168	210	240
180	139	150	172	214	245
190	143	154	175	219	251
200	146	157	179	224	256
210	149	160	183	229	262
220	152	164	187	234	267
230	155	167	194	239	273
240	158	171	195	244	278
250	162	174	199	248	284
260	165	177	203	253	290
270	168	181	207	258	295
280	171	184	210	263	301
290	174	188	214	268	306
300	177	191	218	273	312

**MINIMUM DISTANCE SEPARATION I (MDS I)
CALCULATION SHEET FOR NON-AGRICULTURAL USES (CONTINUED)**

STEP 5. TABLE 3. MINIMUM DISTANCE SEPARATION FROM MANURE STORAGE

The following table is used to calculate MDS requirements in m from manure storages associated with livestock facilities.

Using the resulting MDS distance from Table 2, read across the appropriate line to Column 1, 2, 3 or 4.

This is the MINIMUM DISTANCE SEPARATION REQUIREMENT from the manure storage of a livestock facility for the establishment of a non-farm use.

- Column 1: Roofed or covered storages for manure, runoff, and milkhouse washwater. Includes any covered or roofed concrete, steel or earthen storages, in-barn solid manure storage packs, and storages under fully slatted floors.
- Column 2: Open solid storage manure pile on concrete slab. Includes the runoff storages (concrete or earthen) used for capturing seepage liquids from solid manure storage or runoff liquids from yards. If yards are scraped into runoff storage, use Column 3 when runoff storage is a concrete or steel tank and Column 4 when runoff storage is earthen. Milkhouse washwater may be added to runoff storage.
- Column 3: Open concrete or steel tanks used for storing liquid manure, milkhouse washwater, or yard runoff where yard is scraped into storage.
- Column 4: Open earth-sided or earth-sided storage with concrete floor to be used for storing liquid manure or yard runoff when yard is scraped into storage or milkhouse washwater.

**MINIMUM SEPARATION DISTANCE FROM MANURE STORAGE FOR NEW OR EXPANDING BUILDINGS FOR
ZONED LISTED IN SCHEDULE Y1**

Distance for Livestock Facility from Table 2 (Step 4) (m)	Column 1	Column 2	Column 3	Column 4
	Covered Storage Systems (m)	Open Solid and Runoff Systems (m)	Open Liquid Tank and Runoff Storage Systems (m)	Earthen Liquid and Runoff Storage Systems (m)
40	40	55	119	324
45	45	60	123	326
50	50	65	127	328
55	55	70	132	331
60	60	74	136	333
65	65	79	140	335
70	70	84	144	337
75	75	89	149	339
80	80	94	153	342
85	85	99	157	344
90	90	103	161	346
95	95	108	165	348
100	100	113	170	351
110	110	123	178	355
120	120	133	187	359
130	130	142	195	364
140	140	152	203	368
150	150	162	212	373
160	160	172	220	377
170	170	181	229	382
180	180	191	237	386
190	190	201	246	390
200	200	210	254	395
210	210	220	263	399
220	220	230	271	404
230	230	239	280	408
240	240	249	288	413
260	260	268	305	421
280	280	288	322	430
300	300	307	339	439
320	320	327	356	448
340	340	346	372	457

Distance for Livestock Facility from Table 2 (Step 4) (m)	Column 1	Column 2	Column 3	Column 4
	Covered Storage Systems (m)	Open Solid and Runoff Systems (m)	Open Liquid Tank and Runoff Storage Systems (m)	Earthen Liquid and Runoff Storage Systems (m)
360	360	366	389	466
380	380	385	406	475
400	400	404	423	483
450	450	453	465	506
500	500	501	508	528
550	550	550	550	550

**MINIMUM DISTANCE SEPARATION II (MDS II)
CALCULATION FORM (CONTINUED)**

TABLE 1: FACTOR 'A' (Barn Odour Potential).
and Animals per Livestock Unit (based on housing capacity)

Animals per Livestock Unit			Factor A.
BEEF	1	Beef Cow ¹(barn confinement).....	0.7
	1	Beef Cow ¹(barn with yard).....	0.8
	2	Beef Feeders.....(barn confinement).....	0.7
	2	Beef Feeders.....(barn with yard).....	0.8
CHICKEN	125	Caged Layers.....(manure stored in barn).....	1.0
	125	Caged Layers.....(daily manure removal).....	0.8
	125	Chicken Breeder Layers.....	0.8
	200	Chicken Broilers/Roasters.....	0.65
	500	Pullets (replacement layers).....	0.7
DAIRY	1	Milking Cow ^{1,2}(tie/stall).....	0.65
	1	Milking Cow ^{1,2}(free-stall).....	0.7
	2	Dairy Heifers.....(barn confinement).....	0.7
	2	Dairy Heifers.....(barn with yard).....	0.8
DUCK	100	Ducks.....	0.7
EMU	5	Emu.....	0.7
FOX	40	Adult Fox ⁴	1.1
GOAT	4	Adult Goats ³	0.7
	10	Feeder Goats (>20 kg).....	0.7
HORSE	1	Horse ³	0.65
MIN	80	Adult Mink ⁴	1.1
OSTRICH	3	Ostrich.....	0.7
RABBIT	40	Adult Rabbits ⁴	0.8
SHEEP	4	Adult Sheep ³	0.7
	10	Feeder Lambs (>20 kg).....	0.7
SWINE	5	Sows/Boars.....	1.0
	20	Weaners (4-30 kg) ⁵	1.0
	4	Feeder Hogs (30-120 kg).....	1.0
TURKEY	50	Meat Turkeys (>10 kg).....	0.7
	75	Meat Turkeys (5-10 kg).....	0.7
	75	Turkey Breeder Layers.....	0.8
	100	Meat Turkeys (<5 kg).....	0.7
	500	Pullets (replacement breeders).....	0.7
VEAL	6	White Veal.....	1.0
	3	Red Veal (<300 kg).....	0.8

NOTES: For all other animals/poultry use 1 livestock unit per 450 kg housed at one time (A=0.8).

1. Includes calf to 150 kg

2. A dairy farm usually has milking cows, dry cows, heifers and calves. Multiply the number of milking cows by 1.5 to account for the followers when they are all kept on the same farm.

3. Includes offspring until weaned.

4. Includes offspring to market size.

5. Multiply number of sows by 2.4 to determine the number of weaners.

**MINIMUM DISTANCE SEPARATION II (MDS II)
CALCULATION FORM (CONTINUED)**

TABLE 2: FACTOR 'B' (Final Livestock Units).

Livestock Units		Factor B	Livestock Units		Factor B	Livestock Units		Factor B
5	-	107	95	-	313	1600	-	821
6	-	119	100	-	318	1650	-	829
7	-	129	110	-	327	1700	-	836
8	-	138	120	-	335	1750	-	844
10	-	145	130	-	343	1800	-	851
12	-	152	140	-	350	1850	-	858
14	-	164	150	-	357	1900	-	865
16	-	175	160	-	366	1950	-	872
18	-	183	170	-	374	2000	-	879
20	-	191	180	-	383	2100	-	892
22	-	198	190	-	392	2200	-	905
24	-	205	200	-	400	2300	-	917
26	-	210	210	-	409	2400	-	929
28	-	216	220	-	418	2500	-	941
30	-	221	230	-	426	2600	-	952
32	-	225	240	-	435	2700	-	963
34	-	230	250	-	444	2800	-	974
38	-	234	260	-	452	2900	-	985
40	-	241	280	-	470	3200	-	1015
45	-	245	290	-	478	3400	-	1034
50	-	253	300	-	487	3600	-	1053
60	-	261	320	-	501	3800	-	1071
65	-	275	360	-	522	4200	-	1105
70	-	281	380	-	531	4400	-	1121
75	-	287	400	-	540	4600	-	1136
80	-	293	420	-	548	4800	-	1152
85	-	298	440	-	556	5000	-	1166
90	-	304	460	-	564	7500	-	1326
	-	309	480	-	571	10000	-	1455

TABLE 2: FACTOR 'B' (Final Livestock Units).

Percentage Increase		Factor C	Percentage Increase		Factor C	Percentage Increase		Factor C
0.50	-	0.70	120	-	0.86	280	-	1.03
55	-	0.72	130	-	0.88	300	-	1.04
60	-	0.73	140	-	0.90	325	-	1.05
65	-	0.75	150	-	0.91	350	-	1.06
70	-	0.76	160	-	0.92	375	-	1.07
75	-	0.77	170	-	0.94	400	-	1.08
80	-	0.78	180	-	0.95	425	-	1.09
85	-	0.79	190	-	0.96	450	-	1.10
90	-	0.81	200	-	0.97	500	-	1.11
95	-	0.82	220	-	0.99	550	-	1.12
100	-	0.83	240	-	1.00	650	-	1.13
110	-	0.85	260	-	1.02	700	-	1.14

Note: For new livestock farms or if the % increase is greater than 700 per-cent, use Factor C=1.14.

**MINIMUM DISTANCE SEPARATION II (MDS II)
CALCULATION FORM (CONTINUED)**

TABLE 4. SITING DISTANCES FOR MANURE STORAGES (M)

Column 1:	Roofed or covered storages for manure, runoff, and milkhouse washwater. Includes any covered or roofed concrete, steel or earthen storages, in-barn solid manure storage packs, and storages under fully slatted floors.
Column 2:	Open solid storage manure pile on concrete slab. Includes the runoff storages (concrete or earthen) used for capturing seepage liquids from solid manure storage or runoff liquids from yards. If yards are scraped into runoff storage, use Column 3 when runoff storage is a concrete or steel tank and Column 4 when runoff storage is earthen. Milkhouse washwater may be added to runoff storage.
Column 3:	Open concrete or steel tanks used for storing liquid manure, milkhouse washwater, or yard runoff where yard is scraped into storage.
Column 4:	Open earth-sided or earth-sided storage with concrete floor to be used for storing liquid manure or yard runoff when yard is scraped into storage or milkhouse washwater.

MANURE STORAGE BASIC DISTANCE 'S'

Minimum Base Distance 'F' for the Building	Column 1	Column 2	Column 3	Column 4
	Covered Storage Systems (m)	Open Solid and Runoff Systems (m)	Open Liquid Tank and Runoff Storage Systems (m)	Earthen Liquid and Runoff Storage Systems (m)
40	40	55	119	324
45	45	60	123	326
50	50	65	127	328
55	55	70	132	331
60	60	74	136	333
65	65	79	140	335
70	70	84	144	337
75	75	89	149	339
80	80	94	153	342
85	85	99	157	344
90	90	103	161	346
95	95	108	165	348
100	100	113	170	351
110	110	123	178	355
120	120	133	187	359
130	130	142	195	364
140	140	152	203	368
150	150	162	212	373
160	160	172	220	377
170	170	181	229	382
180	180	191	237	386
190	190	201	246	390
200	200	210	254	395
210	210	220	263	399
220	220	230	271	404
230	230	239	280	408
240	240	249	288	413
260	260	268	305	421
280	280	288	322	430
300	300	307	339	439
320	320	327	356	448
340	340	346	372	457
360	360	366	389	466
380	380	385	406	475
400	400	404	423	483
450	450	453	465	506
500	500	501	508	528
550	550	550	550	550

**THIS IS SCHEDULE "C3" TO
ZONING BY-LAW NO. 216-2009 (as amended)**

MANURE APPLICATION AGREEMENT

THIS AGREEMENT made in duplicate this __ day of _____, 20

BETWEEN:

OPERATOR'S NAME

(hereinafter referred to as the "Operator")

-and-

LANDOWNER'S NAME

(hereinafter referred to as the "Landowner")

WHEREAS the Operator has applied to expand a livestock operation located at "address" in the Municipality of Chatham-Kent;

AND WHEREAS By-law ----- 2004 of the Municipality of Chatham-Kent (the "By-law") provides for the preparation of a nutrient management plan prior to the issuance of a building permit;

AND WHEREAS the Landowner's lands legally described as (*insert legal description of lands*) are included in the said enhanced nutrient management plan as land upon which the Operator intends to spread manure;

AND WHEREAS the By-law requires the Operator to enter into manure application agreements with the owners of lands upon which the Operator intends to spread manure;

AND WHEREAS the Landowner is willing to enter into this Agreement;

NOW THEREFORE this Agreement witnesseth that in consideration of the mutual covenants contained herein and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties hereto covenant and agree as follows:

1. The landowner agrees to permit the Operator to incorporate the lands of the Landowner described in Schedule "A" ("Subject Lands") to this agreement in the enhanced nutrient management plan required by the Municipality of Chatham-Kent and to apply manure on the Subject Lands. The permission granted in this section is granted exclusively to the Operator and the Landowner agrees not to give permission to any other person to use the Subject Lands for the application of manure or sewage sludge during the term of this Agreement.
2. This agreement shall be for a term of five (5) years, commencing on _____ and ending on ____.
3. The Operator agrees to apply manure to the subject lands only in accordance with the nutrient management plan into which the subject lands have been incorporated and in accordance with O.Reg.267/03, as amended.
4. The Landowner agrees to permit the Operator, his/her servants and or agents to enter upon the subject lands to do soil sampling to determine the condition of the soil, as required for the purposes of the enhanced nutrient management plan.
5. The Landowner agrees to permit the servants and/or agents of the Municipality of Chatham-Kent ("Municipality") to enter upon the Subject Lands for the purposes of inspecting, testing and/or sampling water and soil to assess compliance with the Municipality's Nutrient Management By-Law and the Operator's Nutrient Management Plan and to measure the environmental impacts of the spreading of manure on the Subject Lands.

**THIS IS SCHEDULE "C4" TO
ZONING BY-LAW NO. 216-2009 (as amended)**

COMPLIANCE AGREEMENT

THIS AGREEMENT made in duplicate this __ day of _____, 20

BETWEEN:

OPERATOR'S NAME

(hereinafter referred to as the "Operator")

-and-

**The Corporation of the Municipality of
Chatham-Kent**

(hereinafter referred to as the "Landowner")

WHEREAS the Operator has applied to expand a livestock operation located at "address" in the Municipality of Chatham-Kent;

AND WHEREAS the Landowner' owns the lands on which the livestock operation is to be established or expanded;

AND WHEREAS By-law ----2004 of the Municipality of Chatham-Kent (the "By-law") provides for conditions to be met prior to the issuance of a building permit for the establishment of expansion of a livestock operation;

AND WHEREAS such requirement is to enter into this Agreement;

AND WHEREAS the Operator and the Landowner are willing to enter into this Agreement;

NOW THEREFORE this Agreement witnesseth that in consideration of the mutual covenants contained herein and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties hereto covenant and agree as follows:

1. The Operator undertakes and agrees to complete a nutrient management plan in accordance with the requirements of the By-law and to provide Chatham-Kent with a copy of the said nutrient management plan for production to any interested party at the municipal office of the Municipality of Chatham-Kent.
2. The Operator agrees to comply with the provisions of the nutrient management plan referred to in Clause 1, above.
3. The Operator hereby irrevocably consents to the employees and/or agents of Chatham-Kent entering upon the lands covered by the nutrient management plan referred to in Clause 1, above, and into any structure thereon, other than a structure actually used as a dwelling within the meaning of the *Building Code Act, 1992*, S.O. 1992, c.23, for the purposes of inspections in relation to ensuring compliance with the provisions of the nutrient management plan and the By-law.
4. This Agreement shall be subject to all existing and future provincial legislation and municipal by-laws with respect to Enhanced nutrient management plans and the parties agree that this Agreement shall be amended to the higher or lower standard(s), as applicable as dictated by such legislation or by-laws.
5. The Operator agrees to obtain as part of their standard property insurance coverage on the said lands pollution liability insurance up to Two Million Dollars per occurrence, acceptable to Chatham-Kent.
6. In the event of non-compliance with the nutrient management plan that requires action on part of Chatham-Kent, the cost of such corrective or remedial action shall be the responsibility of the Operator and in the event of non-payment if these costs by the Operator, after reasonable written demand by Chatham-Kent, such costs shall be added to the tax rolls and collected in like manner as property taxes under the appropriate provisions of the *Municipal Act, 2001*.

