To: Mayor and Members of Township of Norwich Council

From: Rebecca Smith, Development Planner, Community Planning

Application for Zone Change
ZN 3-17-15 – John, Helen & David Ysselstein

REPORT HIGHLIGHTS

- The application for zone change proposes to amend the existing ‘Special Limited Agricultural Zone (A1-11)’ that applies to the property to increase the maximum permitted nutrient units from 100 to 170.

- The proposed amendment will facilitate the construction of a veal barn, capable of housing approximately 70 nutrient units.

- Planning staff are recommending approval of the application as the proposal is generally consistent with the policies of the Provincial Policy Statement and County Official Plan with respect to permitted uses in the agricultural area.

DISCUSSION

Background

OWNERS: John, Helen & David Ysselstein
445140 Gunn's Hill Road, RR # 4 Woodstock ON, N4S 7V8

APPLICANT: David Ysselstein
445140 Gunn's Hill Road, RR # 4 Woodstock ON, N4S 7V8

LOCATION:

The subject property is described as Part Lots 17 & 18, Concession 5 (East Oxford), Township of Norwich. The property is located on the north side of Curries Road, between Middletown Line and County Road 59, and is municipally known as 465065 Curries Road, Township of Norwich.
COUNTY OF OXFORD OFFICIAL PLAN:

Schedule “N-1” Township of Norwich Land Use Plan Agricultural Reserve

TOWNSHIP OF NORWICH ZONING BY-LAW 07-2003-Z:

Existing Zoning: Special Limited Agricultural Zone (A1-11)

Proposed Zoning: Amended Special Limited Agricultural Zone (A1-11)

PROPOSAL:

The application for zone change proposes to amend the existing ‘Special Limited Agricultural Zone (A1-11)’ that applies to the property to increase the maximum permitted nutrient units from 100 to 170. The proposed amendment will facilitate the construction of a veal barn to the east of the existing chicken barn on the property, capable of housing approximately 70 nutrient units.

For Council’s information, the ‘A1’ zone does not permit regulated farms and limits the number of nutrient units to 2.5 units/ha (1 unit/ac). In June 2016, the owners obtained approval from Township Council to facilitate the construction of the existing chicken barn on the property, which is capable of housing 100 nutrient units. As the owners propose to construct a second livestock barn, further relief is required from the Zoning By-law.

In this case, the owners have received approval from the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) for the development of the proposed veal barn. The approved Nutrient Management Strategy (NMS) indicates that the proposed nutrient units will be transferred to an existing farm property located in the Township of Malahide.

The subject property is currently occupied by an existing chicken barn (2016), two agricultural related buildings and an accessory farm dwelling. Surrounding land uses are predominately agricultural lands, with a number of rural residential lots to the southeast.

Plate 1, Existing Zoning & Location Map, shows the location of the subject property and existing zoning in the immediate vicinity.

Plate 2, Aerial Map (2015) with Existing Zoning, provides an aerial view of the subject property and surrounding area.

Plate 3, Applicants Sketch, shows the location of the existing buildings/structures on the property.
Application Review

PROVINCIAL POLICY STATEMENT:

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Under Section 3 of the Planning Act, where a municipality is exercising its authority affecting a planning matter, such decisions “shall be consistent with” all policy statements issued under the Act.

Section 2.3 directs that prime agricultural areas shall be protected for long term agricultural use. In prime agricultural areas, permitted uses and activities include agricultural uses, agriculture-related uses and on-farm diversified uses. All types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.

According to the PPS, agricultural uses include the growing of crops, such as nursery, biomass and horticulture crops, and the raising of livestock.

OFFICIAL PLAN:

The subject property is located within the ‘Agricultural Reserve’ designation according to the Township of Norwich Land Use Plan, as contained in the County Official Plan.

In the Agricultural Reserve, lands are to be developed for a wide variety of agricultural land uses, such as general farming, animal or poultry operations, regulated livestock farms, cash crop farms and specialty crop farms. Permitted uses also include woodlands, market gardening, tobacco farming, nurseries and orchards, together with farm buildings and structures necessary to the farming operation, and accessory residential uses required for the farm.

It is noted in Section 3.1.4.2 of the Official Plan that the County recognizes the importance of the agricultural industry and that large livestock farms are important in the agricultural sector with respect to food production and local economic impacts. The County also recognizes the importance of minimizing conflicts between farm operations and non-farm uses, as well as providing for the protection of environmental resources.

As per Section 3.1.4.3, it is an objective of the County to ensure the primary function of existing undersized agricultural land parcels is for agricultural purposes, permit accessory residential uses only where the principal agricultural function of the undersized parcel is not compromised, and ensure regulated farm operations on small lots are not harmful to the environment.

While it is recognized that there are numerous small agricultural land holdings in the agricultural designation, the intent of the Official Plan is to ensure such parcels are primarily utilized for agricultural pursuits, not non-agriculturally related development.

Township Council has established the minimum farm parcel size in the Township Zoning By-law. An undersized farm parcel is smaller than the established zoning standard and will require an amendment to the Zoning By-law prior to the development of farm buildings, structures or accessory residential uses.
To assist in the implementation of these policies, existing parcels within the Agricultural Reserve that are greater than 1 ha (2.47 ac) but not more than 16 ha (39.5 ac), and are occupied by an existing dwelling, shall generally be zoned in an appropriate restrictive agricultural zoning category, being ‘Limited Agricultural Zone (A1)’.

Existing undersized agricultural parcels may be used agricultural purposes, however, larger more intensive livestock farms shall not generally be permitted on an undersized agricultural parcel. The provisions of the Township Zoning By-law shall implement this limitation.

According to Section 3.1.4.3.1, prior to the development of an existing undersized agricultural parcel for agricultural use, the following criteria shall be satisfied:

- It has been demonstrated that the proposed farm will be economically viable within a period of five (5) years;
- The applicant has provided information necessary to evaluate the viability of a new farming operation including the scale and nature of the operation, projected revenues, expenses, financing and any other criteria deemed to be relevant to the proposal;
- Proposals will be evaluated by OMAFRA to provide an objective opinion regarding the information and analysis pertaining to a viable operation;
- Proposals shall comply with Environmental Resource Policies;
- Private services will be established in accordance with County Public Health;
- Any accessory residential dwelling will be situated in close proximity to any farm buildings, and will utilize the same driveway, and satisfy the Minimum Distance Separation Formula I (MDS I) requirements;
- Any accessory residential dwelling will be located on a property that has frontage on a public road maintained year round;
- Where the development of farm outbuildings is proposed, the proponent shall enter into an agreement with the municipality, prior to the development approval, requiring that the construction of the proposed farm buildings be complete prior to the construction of any residential building. Alternatively, where no farm outbuildings are proposed, the implementing zoning by-law shall include an “H” holding provision prohibiting the construction of a residential building until the proponent has demonstrated, to the satisfaction of the Area Municipality, that the first two years of the approved farm plan has been implemented.

**TOWNSHIP OF NORWICH ZONING BY-LAW:**

The subject property is currently zoned ‘Special Limited Agricultural Zone (A1-11)’ according to the Township’s Zoning By-law. A portion of the eastern and northeastern boundary of the property is also regulated by the Upper Thames River Conservation Authority due to the presence of the Lampman and Barnes Municipal Drains.

In addition to the standard provisions of the ‘A1’ zone, the ‘A1-11’ zone also permits a regulated farm with a maximum of 100 nutrient units. As the owners propose to construct a second livestock barn on the property, the existing zoning is proposed to be amended to permit a total of 170 nutrient units.
AGENCY COMMENTS:

The application was circulated to those agencies that were considered to have an interest in the proposal. The following comments were received.

The Upper Thames River Conservation Authority has no concerns with the proposal, provided the proposed veal barn is located outside of the regulated floodplain areas on the east side of the property.

The Township Chief Building Official has confirmed that the proposed barn can be located to meet Minimum Distance Separation (MDS II) requirements.

The Township Director of Public Works, County Public Works Department and County Public Health & Emergency Services Department indicated that they have no concerns with the proposal.

PUBLIC CONSULTATION:

Notice of complete application and notice of public meeting regarding the application were circulated to surrounding property owners on September 7, 2017 and September 26, 2017.

Planning Analysis

The application for zone change proposes to amend the existing ‘Special Limited Agricultural Zone (A1-11)’ that applies to the property to increase the maximum permitted nutrient units from 100 to 170, to facilitate the construction of a veal barn on the property.

The applicants have received approval from the Ontario Ministry of Agriculture, Food and Rural Affairs to permit the proposed barn. According to the approved nutrient management strategy, nutrient units produced on the property will be transferred to an existing farm located in the Township of Malahide.

The PPS directs that lands in prime agricultural areas are to be promoted for all types and sizes of agricultural uses. Further, the Official Plan provides that agricultural lands are to be developed for a wide variety of farm uses, and the development of undersized agricultural parcels shall not compromise the agricultural function of the property. In this respect, Planning Staff are satisfied that the applicant’s request is in keeping with these objectives, as the proposal will result in the development of a Ministry approved veal operation on a previously developed undersized agricultural parcel.

The subject property already contains an existing accessory farm dwelling and it is not anticipated that the proposed veal barn will jeopardize the agricultural function of the property. In this case, it is likely that the proposed barn will make the undersized agricultural parcel more viable.

It is further the intent of the Official Plan to ensure that livestock operations on undersized parcels will not have negative environmental impacts. In this case, the applicant has demonstrated, to the satisfaction of the Ontario Ministry of Agriculture, Food and Rural Affairs, that on-site manure will
be successfully managed on another farm property. In addition, the proposed barn will be located outside of the area regulated by the UTRCA.

The proposed livestock barn will also be located to comply with the required MDS II setbacks and relevant provisions of the Zoning By-law.

In light of the foregoing, it is the opinion of this Office that the proposal is consistent with the policies of the Provincial Policy Statement and maintains the general intent and purpose of the County Official Plan. As such, Planning Staff are satisfied that the application can be given favourable consideration.

RECOMMENDATION

It is recommended that the Council of the Township of Norwich approve the zone change application submitted by John, Helen & David Ysselstein, whereby the existing ‘Special Limited Agricultural Zone (A1-11)’ that applies to the lands described as Part Lots 17 & 18, Concession 5 (East Oxford), Township of Norwich is to be amended to increase the maximum permitted nutrient units from 100 to 170, to facilitate the construction of a veal barn.

SIGNATURES

Authored by: original signed by
Rebecca Smith, MCIP, RPP
Development Planner

Approved for submission: original signed by
Eric Gilbert, MCIP, RPP
Senior Planner
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This is not a plan of survey.
Plate 2: Aerial Map (2015) with Existing Zoning
File No. ZN 3-17-15 - John, Helen & David Ysselstein
Part Lots 17 - 18, Concession 5 (East Oxford), Parts 1 & 2, 41R-6832 - 465065 Curries Road, Township of Norwich

Legend
- Parcel Lines
  - Property Boundary
  - Assessment Boundary
  - Unit
  - Road
  - Municipal Boundary
- Environmental Protection/Flood Overlay
  - Flood Fringe
  - Floodway
  - Environmental Protection (EP1)
  - Environmental Protection (EP2)
- Zoning Floodlines/Regulation Limit
  - 100 Year Flood Line
  - 30 Metre Setback
  - Conservation Authority
  - Regulation Limit
  - Regulatory Flood And Fill Lines
- Zoning (Displays 1:16000 to 1:500)
  - Watermain Breaks
  - Service Breaks
  - Watermain
  - Gravity Watermain
  - Production Well
  - Monitoring Well
  - Sewage Pump
  - Sanitary Pipe Break
  - Sanitary Gravity Main
    - Collector
    - Drain
    - Interceptor
    - Overflow
    - Trunk
    - Vent

Notes
- Sanitary Force Main
- Sanitary Low Pressure Main

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This is not a plan of survey.

August 22, 2017
- No Municipal wells within 100m of farm unit
- No other known wells within 100' of proposed barn
- No non-ag source material spread
- No surface water/tile inlets/catchbasins with 50m of proposed building
- Not to scale