

To: Mayor and Members of the Township of Norwich Council

From: Dustin Robson, Development Planner, Community Planning

Application for Zone Change ZN 3-25-19 – Michele Da Costa

REPORT HIGHLIGHTS

- The Application for Zone Change proposes to rezone the subject lands from 'General Agricultural Zone (A2)' to 'Special General Agricultural Zone (A2-sp)' to permit the development of a single detached dwelling on an undersized agricultural parcel.
- A reduction of the required Minimum Distance Separation I (MDS I) setbacks to surrounding livestock and manure facilities is being requested.
- The subject lands are approximately 0.42 ha (1.06 ac) in area and are currently vacant of any buildings or structures.
- Planning staff are recommending denial of the proposal as it is not consistent with the Provincial Planning Statement and the intent and purpose of the Official Plan respecting development of undersized agricultural lots.

DISCUSSION

BACKGROUND

OWNERS: Michele Da Costa
812305 Base Line Road, La Salette, ON N0E 1H0

LOCATION:

The subject lands are described as Part Lot 1, Concession 11 (South Norwich), Part 2, Plan 41R-7720. The lands are located on the south side of New Road, between Base Line and Highway 59, and are municipally known as 166086 New Road, in the Township of Norwich.

COUNTY OF OXFORD OFFICIAL PLAN:

Schedule "N-1"	Township of Norwich Land Use Plan	'Agricultural Reserve'
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TOWNSHIP OF NORWICH ZONING BY-LAW 07-2003-Z:

Existing Zoning: 'General Agricultural Zone (A2)'

Proposed Zoning: 'Special General Agricultural Zone (A2-sp)'

PROPOSAL:

The purpose of this application is to rezone the subject lands from 'General Agricultural Zone (A2)' to 'Special General Agricultural Zone (A2-sp)' to permit the construction of a single detached dwelling on an undersized agricultural parcel comprising an area of approximately 0.42 ha (1.06 ac).

The applicant is proposing to rezone the subject lands to allow for the future development of a single detached dwelling on private services. The area in which the applicant has identified as being an appropriate location for the future dwelling is located on the east side of the subject lands.

Additionally, as part of the application, the applicant is requesting a reduction to the Minimum Distance Separation (MDS I) setback from a neighbouring livestock operation and manure storage facility. According to the MDS Report provided by the Township Chief Building Official, the livestock facility located at 166056 New Road consists of 1,280 swine and utilizes a liquid manure storage method. The lands proposed to be rezoned would require a reduction to the minimum required MDS I setback from 471 m (1,545 ft) for the livestock barn and 524 m (1,719 ft) from the manure storage facility whereas the actual distance from the subject lands will be 293 m (961 ft) and 326 m (1,070 ft), respectively.

The subject lands are currently vacant and do not appear to be actively used for agricultural purposes at this time. Surrounding land uses are predominantly agricultural operations, ranging in size. Additionally, the Rural Cluster of Hawtrey is located to the east of the subject lands.

Plate 1, Location Map and Existing Zoning, indicates the location of the subject lands and the existing zoning in the immediate vicinity.

Plate 2, Aerial Map (2020) with Existing Zoning, provides an aerial view of the subject lands and surrounding uses as existing in the Spring of 2020.

Plate 3, MDS Setbacks, illustrates the required Minimum Distance Separation setbacks from surrounding livestock operations.

Plate 4, Applicant's Sketch, identifies the general site area as provided by the applicant, in addition to provided MDS setbacks calculated by the applicant.

APPLICATION REVIEW

2024 PROVINCIAL PLANNING STATEMENT

The 2024 Provincial Planning 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. The following outlines the key PPS policies that have been considered, but is not intended to be an exhaustive list.

Section 4.3 of the PPS directs that planning authorities are required to use an agricultural system approach and further 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.

The PPS defines agricultural uses to mean the growing of crops, including nursery, biomass and horticulture crops, as well as the raising of livestock and animals for food, fur or fibre including poultry and fish, apiaries, agro-forestry, maple syrup production and associated on-farm buildings and structure including accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

An agricultural system is comprised of a group of inter-connected elements that collectively create a viable, thriving agri-food sector. More specifically, it contains agricultural land base comprised of prime agricultural areas, including specialty crop areas, it may also include rural lands that help to create a continuous productive land base for agriculture and an agri-food network which includes agricultural operations, infrastructure, services, and assets important to the viability of the agri-food sector.

Section 4.3.2.3 of the PPS directs that new permitted land uses, including creation of lots and new or expanding livestock facilities shall comply with the minimum distance separation formulae.

OFFICIAL PLAN

The subject lands are 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 designation 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.

Section 3.1.4.2.3 of the Official Plan (as recently amended via OPA 269) outlines key objectives that apply to existing undersized agricultural lots:

- To ensure the primary function of existing undersized agricultural lots is for agricultural purposes
- To encourage consolidation of exiting undersized agricultural lots with abutting lots to form one larger agricultural lot under identical ownership;
- To ensure manure generated by smaller livestock and/or poultry operations not regulated by the Nutrient Management Act is appropriately managed.

The policies related to existing undersized agricultural parcels shall apply to all existing agricultural lots that are smaller than 16 ha (39.5 ac) in area. Further, existing undersized agricultural lots may be primarily used for a use permitted in Section 3.1.4.1, however development of a residential dwelling and/or other buildings shall not be permitted, except in accordance with the policies of Section 3.1.4.2.3.1.

Section 3.1.4.2.3.1 provides policy framework to allow Area Municipalities to consider the establishment of a dwelling and/or agricultural buildings and structures on an existing undersized agricultural lot through a site-specific amendment to the Area Municipal Zoning By-law.

The Area Municipality may permit a dwelling and/or agricultural buildings and structures where it has been demonstrated that the proposed building envelope satisfies the following criteria:

- i) Has frontage on, or direct vehicular access to, a public road, maintained year-round, at a reasonable standard of construction;
- ii) Is the minimum size required to accommodate the dwelling and associated outdoor amenity areas, driveway and individual on-site water services and individual on-site sewage services and shall not exceed 0.4 ha (1 acres);
- iii) Is located so as to minimize the loss of tillable agricultural land and potential impacts on existing and future agricultural uses on surrounding lots (e.g., MDS II setback requirements) and to maximize the continued and/or potential future use of the lot for agricultural purposes (e.g., by locating on lands with existing constraints for agriculture, wherever possible, and not creating small or irregularly shaped areas for tillage and cropping);
- iv) Complies with MDS I requirements;
- v) Where development or site alteration is proposed within or adjacent to natural heritage features and areas, it is supported by an Environmental Impact Study, in accordance with the requirements of Section 3.2; and,
- vi) Proposals shall also comply with all other applicable policies of this Plan, including, but not limited to: Section 3.2, Environmental Resource Policies, Section 3.3, Cultural Resource Policies and Chapter 10, Implementation Measures.

ZONING BY-LAW

The subject lands are currently zoned 'General Agricultural Zone (A2)' according to the Township of Norwich's Zoning By-law.

The 'General Agricultural Zone (A2)' permits a wide range of agricultural uses, as well as single detached dwellings accessory to the farm operation. The 'A2' zone requires a minimum lot area of 20 ha (49.4 ac) and a minimum lot frontage of 100 m (328.1 ft) in order to develop the lands for any farm related buildings.

Section 7.2.7 of the A2 zoning provisions also provides that the location of new farm dwellings shall be required to satisfy minimum distance separation requirements as determined through the Minimum Distance Separation Formula I (MDS I) or not further reduce an existing insufficient setback.

Section 5.9 of the Zoning By-law provides that an existing vacant lot, zoned 'A2', held under distinct and separate ownership and having a lot area of at least 16 ha (39.5 ac) may be used and a building or structure may be erected, altered, or used, provided that all other requirements of the Zoning By-law are complied with.

AGENCY COMMENTS

The Township Chief Building Official has advised the following:

1. MDS I setbacks should not be reduced except in limited site-specific circumstances that meet the intent of the MDS Guidelines. Examples include circumstances that mitigate environmental or public health and safety impacts, or avoid natural or human-made hazards.

The intent of the MDS formulae and guidelines is to support the policies of the Provincial Planning Statement and prevent conflicts and minimize nuisance complaints from odour.

The proposed rezoning is to permit the construction of a detached dwelling on the subject property.

MDS Guideline #7 identifies that if local exemptions are supported for building permits on existing lots, a municipality shall adopt provisions in their comprehensive zoning by-law which clearly state the details for such exemptions. The Township of Norwich's Zoning By-law does not state and details pertaining to MDS I exemptions or reductions.

MDS Guideline #12 identifies that a reduced MDS I setback may be permitted provided there are four, or more, non-agricultural uses, residential uses and/or dwellings closer to the subject livestock facility than the proposed development or dwellings and those four or more non-agricultural uses, residential uses and or dwellings are:

- Located within the intervening area (120 degree field of view) between the closest point of the proposed development or dwelling and the nearest livestock facility;
- Located on separate lots; and
- Of the same or greater sensitivity

The subject lot is located closer to the existing livestock facility than any surrounding residential uses and therefore does not meet the criteria of guideline #12.

A reduction to the MDS I calculation could impact future expansions to the existing livestock facility or manure storage.

2. Building permits are required prior to construction of any building or sewage systems on the property.

Canada Post has advised that mail delivery will be via an owner installed/maintained rural mailbox.

The Director of Fire and Protective Services/CEMC, Oxford County Public Works Department, and Enbridge indicated no concerns with the subject application.

PUBLIC CONSULTATION

Notice of complete application and notice of public meeting regarding the application for zoning amendment were circulated to surrounding property owners on November 14, 2025 and November 25, 2025, respectively, in accordance with the requirements of the *Planning Act*. As of the date of this report, no comments or concerns have been received from the public.

Planning Analysis

The applicant is proposing to rezone the subject lands from 'General Agricultural Zone (A2)' to 'Special General Agricultural Zone (A2-sp)' to permit the development of a single detached dwelling on an existing undersized agricultural parcel comprising an area of approximately 0.42 ha (1.06 ac).

The Provincial Planning Statement (PPS) directs that planning authorities are required to use an agricultural system approach and, further, that prime agricultural areas shall be protected for long term agricultural use. The protection of agricultural land for long term agricultural use extends to both cash cropping and livestock operations. To protect livestock operations for long-term use, compliance with Minimum Distance Separation I (MDS I) is required for new non-agricultural uses. The subject zone change application is requesting for, in the opinion of staff, significant MDS I reductions between the existing swine barn and manure storage facility located at 166056 New Road and the subject lands. In the opinion of staff, the proposal does not meet the intent of the PPS.

The Official Plan outlines objectives and criteria when assessing the appropriateness of permitting a single detached dwelling on an undersized agricultural lot. One of the key objectives of the Official Plan is to ensure that the primary function of existing undersized agricultural lots is for agricultural purposes. Given that the subject lands have an approximate area of 0.42 ha (1.06 ac), should a single detached dwelling be established on the lands the amount of land remaining outside of the established building cluster where the dwelling, driveway, and private services are located would be further reduced and it is not likely that any significant portion of the subject lands would be used for agricultural purposes.

The second key objective for existing undersized agricultural lots is to encourage the consolidation of existing undersized agricultural lots with abutting agricultural lots to form larger agricultural lots. In this particular situation staff are of the opinion that given the significantly undersized nature of the subject lands and the limited options for agricultural uses that it would be preferable for the subject lands to merge with the agricultural operation that abuts the subject lands to the east, south, and west.

In reviewing the proposal with the criteria provided in the Official Plan to consider proposals to permit the development of a single detached dwelling staff note that the proposal does comply with some of the criteria. The subject lands maintain frontage to a year-round maintained public road and the subject lands contain adequate land to facilitate a single detached dwelling, both of which are requirements.

The criteria also includes the requirement to ensure minimal loss of tillable agricultural land to ensure that the continued and/or potential future use of the lands is for agricultural purposes. As outlined previously in this report, the existing undersized nature of the subject lands does not offer substantial agricultural opportunities and to further reduce the amount of tillable land would further decrease the useability of the subject lands for agricultural use.

Additionally, the criteria for assessing the development of an undersized agricultural lot includes the requirement for Minimum Distance Separation I (MDS I) setbacks to be complied with. MDS is used as a tool to determine the required distance between livestock operations and other sensitive land uses, such as single detached dwellings. The intent of MDS is to prevent land use conflicts and to minimize nuisance complaints from odour. In this case, the required MDS I setback between a new Type A Use, such as a single detached dwelling, and the existing swine barn located at 166094 New Road is 471 m (1,545 ft) while the required setback from the manure storage is 524 m (1,719 ft).

Given the proximity of the subject lands to the existing swine operation and the fact that the subject lands are only 0.42 ha (1.06 ac) in size, there is not a location on the subject lands that would be compliant with the MDS I setback requirements for a single detached dwelling. To account for the fact that no location on the subject lands would be MDS I compliant, the Township Chief Building Official has produced a MDS report outlining the distance between the barn and manure storage and the closest lot line of the subject lands. The barn is approximately 293 m (961 ft) from the closest lot line of the subject lands and the manure storage is approximately 326 m (1,070 ft) from the closest lot line of the subject lands.

Staff note currently there are three existing Type A Uses (single detached dwellings) within the vicinity that are not complaint with MDS I setbacks from the swine operation at 166094 New Road. The single detached dwelling at 166031 New Road (to the northwest of the swine operation) is approximately 255 m (836.6 ft) from the barn and approximately 353 m (1,158.3 ft) from the manure storage. The single detached dwelling at 166083 New Road (to the northeast of the swine operation) is the closest dwelling on the northeast side of the swine operation and is approximately 340 m (1,115.4 ft) from the barn and approximately 373 m (1,223.7 ft) from the manure storage.

While dwellings with existing deficient MDS setbacks to the swine operation currently exist, staff are of the opinion that permitting the proposal would introduce further constraints on the swine operation and would continue to preclude any expansion to the northeast side of the livestock barn. If approved, the permittance of a single detached dwelling on the subject lands would reduce the closest Type A Use setback to the swine barn (on the northeast side) from 340 m (1,115.4 ft) to 293 m (961 ft) while the closest Type A Use setback to manure storage (on the northeast side) would be reduced from 373 m (1,223.7 ft) to 326 m (1,070 ft). In the opinion of staff, permitting an already inadequate MDS setback to become further deficient is not supportable.

As such, Planning staff are not satisfied that the proposal to permit the dwelling is generally consistent with the Provincial Planning Statement and maintains the intent of the Official Plan regarding the development of undersized agricultural parcels. Planning staff are not supportive of the application and do not recommend approval.

RECOMMENDATIONS

It is recommended that the Council of the Township of Norwich not approve the zone change application submitted by Michele Da Costa, whereby the lands described as Part Lot 1, Concession 11 (South Norwich), Part 2, Plan 41R-7720, in the Township of Norwich are to be rezoned from 'General Agricultural Zone (A2)' to 'Special General Agricultural Zone (A2-sp)' to facilitate the construction of a single-detached dwelling on an undersized agricultural parcel and to reduce required MDS I setbacks.

SIGNATURES

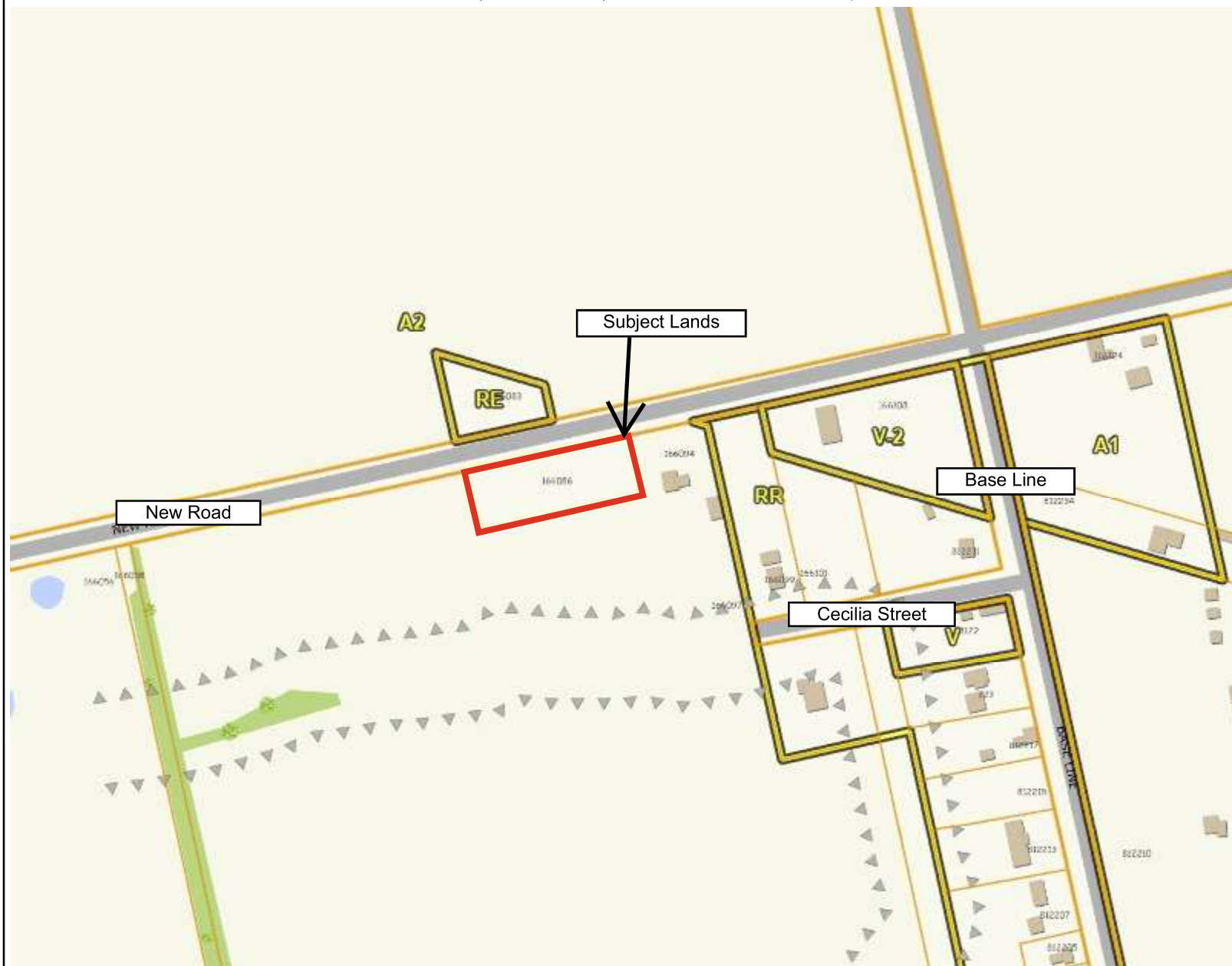
Authored by:

Original Signed By

Dustin Robson
Development Planner

Approved for submission: Original Signed By

Eric Gilbert, MCIP, RPP
Manager of Development Planning



Legend

Parcel Lines

- Municipal Boundary
- Property Boundary
- Assessment Boundary
- Road
- Unit

Zoning Floodlines

Regulation Limit

- ♦♦ 100 Year Flood Line

- ▲ 30 Metre Setback

- Conservation Authority Regulation Limit

- Regulatory Flood And Fill Lines

- Land Use Zoning (Displays 1:16000 to 1:500)

Notes



0 96 192 Meters

NAD_1983_UTM_Zone_17N



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

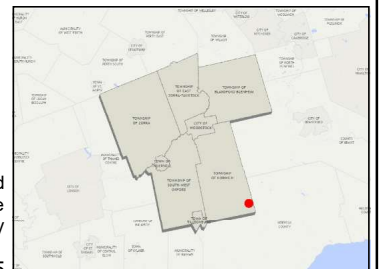
November 13, 2025



Legend

- Parcel Lines**
 - Municipal Boundary
 - Property Boundary
 - - - Assessment Boundary
 - Road
 - Unit
- Zoning Floodlines**
- Regulation Limit**
 - ◆◆ 100 Year Flood Line
 - ▲ 30 Metre Setback
 - Conservation Authority Regulation Limit
 - Regulatory Flood And Fill Lines
- Land Use Zoning (Displays 1:16000 to 1:500)

Notes



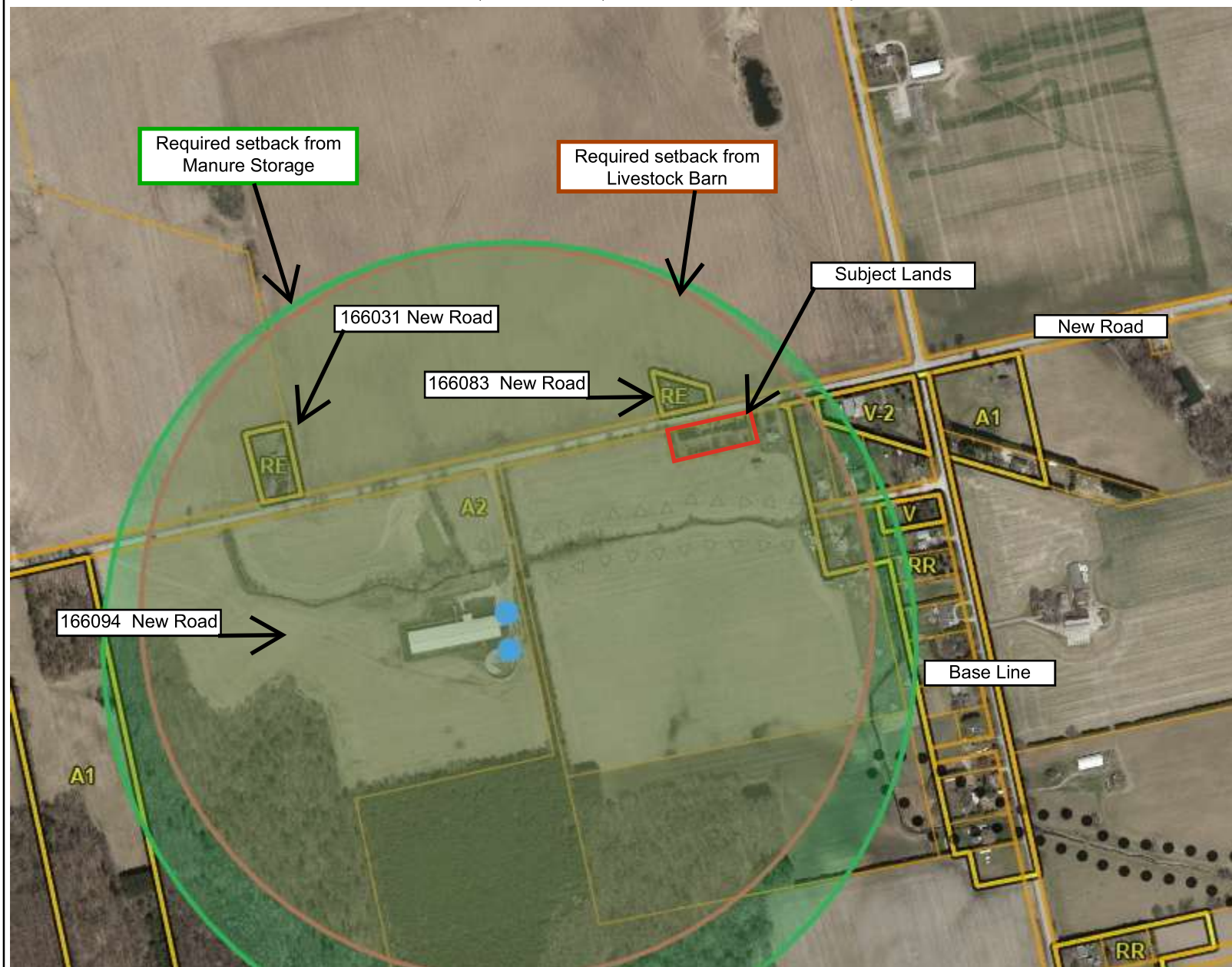
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NAD_1983_UTM_Zone_17N



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November 26, 2025



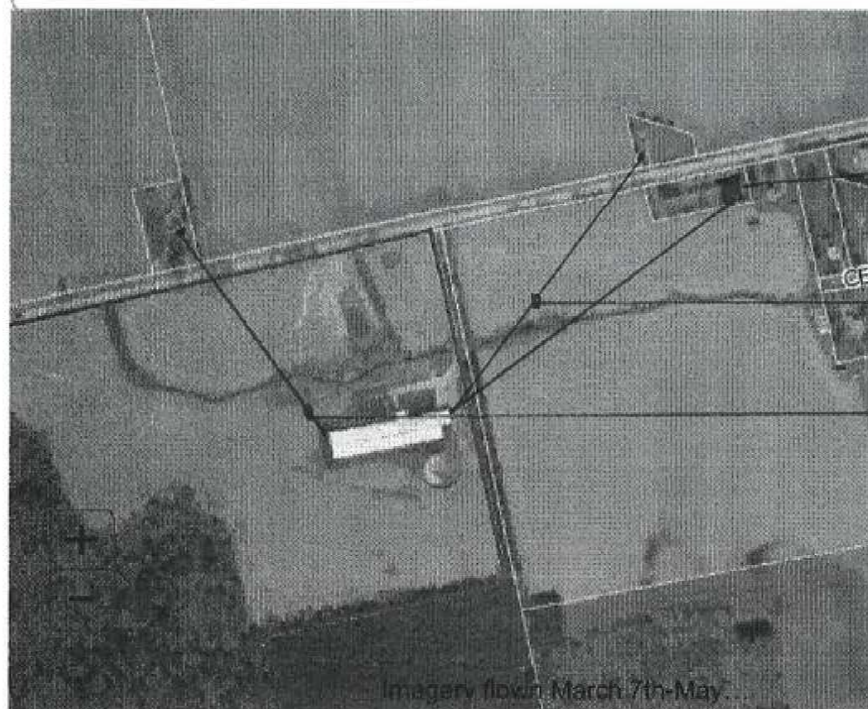
Legend

- Parcel Lines**
 - Municipal Boundary
 - Property Boundary
 - Assessment Boundary
 - Road
 - Unit
- Zoning Floodlines Regulation Limit**
 - ♦♦ 100 Year Flood Line
 - ▲ 30 Metre Setback
 - Conservation Authority Regulation Limit
 - Regulatory Flood And Fill Lines
- Land Use Zoning (Displays 1:16000 to 1:500)

Notes



166056 NEW RD NORWICH TWP



Proposed Dwelling to be Built
· approx 390m.

Current Dwelling #1
· 340m

Current Dwelling #2
· 255m

Plate 4: Applicant's Sketch
File No.: ZN3-25-19 (Da Costa)
Part of Lot 1, Concession 11 (South Norwich); 166086 New Road, Township of Norwich