

**To: Warden and Members of County Council**

**From: Director of Community Planning**

## **Application for Official Plan Amendment OP 23-03-4 – Murgo Farms Ltd.**

### **RECOMMENDATIONS**

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- 1. That Oxford County Council approve Application No. OP 23-03-4, submitted by Murgo Farms Ltd., for lands described as Lot 34, Concession 4 (West Oxford), Township of South-West Oxford, and municipally known as 484820 Sweaburg Road, to facilitate the severance of a surplus farm dwelling, as the proposal is consistent with the policies of the PPS and maintains the intent and purpose of policies contained in Official Plan Amendment No. 269;**
- 2. And further, that Council approve the attached Amendment No. 300 to the County of Oxford Official Plan;**
- 3. And further, that the necessary by-law to approve Amendment No. 300 be raised.**

### **REPORT HIGHLIGHTS**

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- The application for Official Plan amendment proposes to include a site specific policy to facilitate the severance of approximately 2,365 m<sup>2</sup> (0.58 ac) containing a single detached dwelling, while retaining approximately 61.35 ha (151.6 ac) of agricultural lands containing a single detached dwelling within an area identified as a Sand and Gravel Resource Area.
- The proposal is generally consistent with the policies of the Provincial Policy Statement and supports the strategic initiatives and objectives of the Official Plan, including policies recently adopted by County Council via OPA 269 regarding the County's agricultural areas, with respect to rural non-farm residential uses and can be supported from a planning perspective.

### **Implementation Points**

This application will be implemented in accordance with the relevant objectives, strategic initiatives and policies contained in the Official Plan.







### **Financial Impact**

Approval of this application will have no financial impacts beyond what has been approved in the current year's budget.

**Communications**

Notice of complete application and notice of public meeting regarding this proposal was provided to surrounding property owners in accordance with the requirements of the Planning Act on March 8, 2023 and May 31, 2023, respectively. As of the date of the writing of this report, no comments have been received.

**Strategic Plan (2020-2022)**

					
<i>WORKS WELL TOGETHER</i>	<i>WELL CONNECTED</i>	<i>SHAPES THE FUTURE</i>	<i>INFORMS &amp; ENGAGES</i>	<i>PERFORMS &amp; DELIVERS</i>	<i>POSITIVE IMPACT</i>
		3.ii			

**DISCUSSION**

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**Background**

**Owner:** Murgo Farms Ltd.  
 454500 Trillium Line, Beachville, ON, N0J 1A0

**Agent:** White Coad Lawyers c/o Gord Klein  
 408 Dundas St, Woodstock, ON, N4S 1B9

**Location:**

The subject lands are described as Lot 3, Concession 4 (West Oxford), Township of South-West Oxford. The property is located on the south side of Sweaburg Road, between Dodge Line and Cedar Line, and is municipally known as 484820 Sweaburg Road.

**County of Oxford Official Plan:**

**Existing Designation:**

Schedule “S-1”	Township of South-West Oxford Land Use Plan	‘Agricultural Reserve’
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**Proposed Designation:** same, with site specific provision to sever a surplus farm dwelling and to permit the creation of a non-farm rural residential lot within an area identified as Sand and Gravel Resource

## Township of South-West Oxford Zoning By-law 25-98:

Existing Zoning: 'General Agricultural Zone (A2)'

### Proposal:

The purpose of the proposed Official Plan Amendment is to implement site specific policies to permit the severance of a surplus farm dwelling in the Agricultural Reserve and further, to allow the said severance in an area identified as a Sand and Gravel Resource Area. The applicant proposes to facilitate the severance of a lot comprising approximately 2,365 m<sup>2</sup> (0.58 ac), containing an existing residential dwelling with attached garage for non-farm residential purposes. The retained lands resulting from this proposal consist of approximately 61.35 ha (151.6 ac) of agricultural land with a single-detached dwelling.

The lands front on and have direct access to Sweaburg Road. Surrounding land uses are primarily agricultural, with residential uses found within 500 m (1,640 ft) to the southwest in the Village of Sweaburg. There are also a number of significant natural heritage features to the north, south and east.

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

Plate 2, Aerial Map (2020), provides an aerial view of the subject lands and development in the immediate area.

Plate 3, Applicant's Sketch, provides an overview of the proposal, as provided by the applicant.

Plate 4, Additional Applicant's Sketch, provides a closer view of the proposed severed lands, as provided by the applicant.

### Comments

#### 2020 Provincial Policy Statement

The 2020 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.

The subject lands are located within a 'Prime Agricultural Area', as defined by the PPS. The policies of Section 2.3 (Agriculture) direct that prime agricultural areas shall be protected for long term agricultural use. Permitted uses in prime agricultural areas include agriculture, agriculture-related uses and on-farm diversified uses.

Further, Section 2.3.4 (Lot Creation and Lot Adjustments) discourages the creation of new lots in prime agricultural areas and provides only four instances where such lot creation may be permitted, as summarized below:

- for agricultural uses, provided the lots are of a sufficient size for the type of production common in the area and are sufficiently large enough to maintain flexibility in adapting the operation in the future;
- for agricultural-related uses;
- for a surplus farm residence resulting from a farm consolidation; and,
- for infrastructure facilities and corridors in lieu of an easement or right-of-way.

In addition, Section 2.4.4.1 directs that mineral extraction is permitted in prime agricultural areas provided that the site will be rehabilitated. Section 2.5 further directs that mineral aggregate resources shall be protected for long-term use and, where provincial information is available, deposits of mineral aggregate resources shall be identified. Furthermore, as much of the mineral aggregate resource as is realistically possible shall be made available as close to markets as possible. Extraction shall also be undertaken in a manner which minimizes social, economic and environmental impacts.

#### Official Plan

The subject lands are designated Agricultural Reserve according to the Official Plan. In the Agricultural Reserve designation, lands are to be developed for a wide variety of agricultural land uses, including general farming, animal or poultry operations, regulated livestock farms, cash crop farms and specialty crop farms together with farm buildings and structures necessary to the farming operation, and accessory residential uses required for the farm.

The policies of Section 3.1.4.4.1 (Farm Consolidation) apply to proposals where lands being conveyed are to be added to an adjoining farm property. The following criteria will be evaluated to determine the acceptability of severing agricultural land for farm consolidation purposes:

- the intended use of the lands must be farming;
- proposals to consolidate farm parcels must conform to the provisions of the Zoning By-law;
- conformity with criteria regarding flexibility, suitability, viability and avoidance of further fragmentation of Class 1 to 3 agricultural lands and removal of woodlots;
- compliance with Minimum Distance Separation Formula II (MDS II); and,
- compliance with Section 3.2 Environmental Resource policies.

In addition to the above farm consolidation policies, an evaluation system has been included in the County Official Plan under Section 3.1.5.4 (Rural Residential Uses) to provide an impartial and consistent method of evaluating proposals which would result in non-farm rural residential development within the Agricultural Reserve designation. The system is designed to evaluate proposals on the basis of criteria such as agricultural land preservation, location, land use compatibility, and environmental compatibility. Points are assigned to each factor to reflect that particular factor's level of importance in supporting the goal for agricultural policies.

According to the policies of the Official Plan, proposals for non-farm residential development which accumulate less than +12 points may be considered for approval, provided that the proposal conforms to the general policies for such consent applications.

The proposal to retain approximately 2,365 m<sup>2</sup> (0.58 ac) for non-farm rural residential purposes would accumulate +15 points, as follows:

<u>Site Assessment Factors</u>	<u>Points</u>
Land Capability for Agriculture	n/a
Surrounding Agricultural Land Use	+10
Compliance with the Minimum Distance Separation 1	0
Surrounding Extractive Resource Land Use	+5
Access to Major Roads	0
Traffic Safety	0
Surplus Farm Dwelling	0
Heritage	<u>0</u>
<b>Total</b>	<b>+ 15</b>

The final step of the evaluation system consists of general policies for the consideration of non-farm rural residential severance proposals. It is the intent that new or expanded non-farm rural residential lots will be as small as is practical in order to preserve the County’s agricultural land base. Severance proposals to create new or expanded lots for non-farm rural residential development will generally not exceed 0.8 ha (2 ac). Proposals seeking to sever parcels larger than this limit will only be permitted where it can be demonstrated that the additional area is required to accommodate a private water supply or on-site sewage facilities, where the topography of the area has limitations for agriculture, or where the proposed lots are physically isolated by natural features such as streams.

Further, the subject lands are identified in the Official Plan as being within a Sand and Gravel resource area. In accordance with Section 3.4 – Resource Extraction, it is the goal of the County to recognize the importance of the mineral extraction industry and endeavour to protect existing operations and mineral aggregate resources from incompatible land uses while ensuring that extraction is carried out with minimal social and environmental cost. Consequently, it is the strategic approach of the County, in the context of other land use planning objectives, to:

- identify and protect aggregate resources;
- ensure orderly extraction and optimum utilization of these resources to provide for local and regional needs and to contribute to provincial needs while minimizing negative environmental, financial, social and land use effects on the County and its residents;
- maximize the protection of agricultural land and ensure that extraction occurs in a coordinated and progressive manner;
- ensure that extraction does not have permanent adverse effects on environmental features by use of mitigation measures and best management practices for new and expanding operations;
- enhance or restore the quality and quantity of water by ensuring compatibility between aggregate operations and water resources;

- minimize potential conflict between existing and potential aggregate resource extraction and settlement uses;
- improve mineral aggregate resource conservation and management throughout the County through cooperation of the industry, stakeholders, and the community; and,
- ensure comprehensive rehabilitation is conducted in an environmentally sensitive manner to return the land to back to agricultural production, or where possible an improvement of the natural heritage system in accordance with the concept of a net environmental gain that is consistent with the long-term intent of the Official Plan.

Section 3.4.1.3.1.3 of the OP states that within the Quarry Area designation, and within the Limestone Resource Area and the Sand and Gravel Resource Area as identified on the schedules and appendices of the Plan, new non-agricultural commercial, industrial or institutional, or non-farm rural residential and/or active recreational uses shall not be permitted.

For Council's information, County Council adopted OPA No. 269 in May, 2022, which is an amendment to the Official Plan primarily affecting the County's Agricultural Reserve. This amendment was provided to the Province for approval in June 2022 and to date, has not been approved. While not yet approved by the Province, the Council-adopted policies contained in OPA 269 provide an updated framework (Section 3.1.5.3) for assessing the creation of rural residential lots.

Generally, non-farm rural residential lot creation outside of a settlement is prohibited. However, with respect to a proposal to create a lot for a residence surplus to a farming operation resulting from a farm consolidation may be permitted where the proposal is to retain an existing permanent, habitable dwelling where the farm owner owns multiple agricultural lots which may or may not abut, and providing:

- The lot containing the surplus dwelling proposed to be severed contains a minimum of 2 existing dwellings, and all such dwellings were constructed prior to December 13, 1995;
- The resulting agricultural lot is owned by the farm owner; and,
- The resulting agricultural lot is rezoned to prohibit the future construction of a new residential dwelling of any type and an agreement for such prohibition is also registered on the property title. The requirement for the Zoning By-law amendment and agreement, as noted above, shall be implemented through conditions imposed by the County's Land Division Committee at the time that provisional consent approval is given.

### Zoning By-law

The subject property is zoned "General Agricultural Zone (A2)" in the Township of South-West Oxford Zoning By-law No. 25-98. The A2 zone permits a variety of agriculture-related uses, including a farm, a regulated farm, and a single detached dwelling, if accessory to a farm or a regulated farm. The zone requires a minimum lot area of 30 ha (74.1 ac) and a minimum lot frontage of 100 m (328.2 ft).

If the proposed Official Plan amendment is given favourable consideration and a subsequent application for consent is submitted, the applicant will be responsible for ensuring that the severed and retained lands are appropriately zoned in accordance with the provisions of the Township's Zoning By-law and the relevant policies adopted by County Council via OPA 269.

## Agency Comments

The Township of South-West Oxford Chief Building Official, the Township Fire Chief, the Township Director of Public Works and the Oxford County Public Works Department have indicated no objections to the proposal.

The Upper Thames River Conservation Authority indicated no objections to the proposal, but specified that the drain should be wholly contained on the larger agricultural parcel.

The Township Septic Inspector commented that while the proposed rural residential lot is less than 2,800 m<sup>2</sup> (30,139 ft<sup>2</sup>) the Township is satisfied that there is sufficient room on the subject lands to accommodate the existing septic system and any necessary replacement.

The Ministry of Municipal Affairs and Housing (MMAH) provided comment summarizing the applicable policies of the PPS, 2020, as they relate to the subject applications. No objections were noted as part of the comments received.

## Township of South-West Oxford Council

Township of South-West Oxford Council recommended support of the proposed Official Plan amendment at the Township's regular meeting of June 20, 2023.

## Planning Analysis

The purpose of the proposed Official Plan Amendment is to implement site specific policies to permit the severance of a surplus farm dwelling in the Agricultural Reserve and further, to allow the said severance in an area identified as a Sand and Gravel Resource Area. The applicant proposes to sever a lot comprising approximately 2,365 m<sup>2</sup> (0.58 ac) with an existing single-detached dwelling and retain a lot comprising 61.35 ha (151.6 ac), containing an existing single-detached dwelling and a significant amount of tillable acreage.

The policies of the Provincial Policy Statement (PPS) direct that prime agricultural areas shall be protected for long term agricultural use and permits the severance of a dwelling made surplus as the result of farm consolidation. The dwelling located on the proposed lot to be severed is one of two dwellings on the larger agricultural parcel and further, the applicant owns a number of agricultural properties in the vicinity of Sweaburg. While there are no parcels owned by the farm operation that are immediately abutting the lands, staff are of the opinion that the second dwelling on the subject lands is clearly surplus to the needs of the larger agricultural operation. As such, Planning staff are generally satisfied that the proposal is consistent with the relevant policies of the PPS regarding agricultural uses and lot creation in prime agricultural areas.

The PPS further directs that mineral aggregate resources shall be protected for long-term use and, where provincial information is available, deposits of mineral aggregate resources shall be identified. The subject lands, as well as the surrounding area, have been identified as a significant sand and gravel resource and Planning staff are of the opinion that the applicant's proposal to amend the policies of the Official Plan on a site specific basis to facilitate the retention of a non-farm dwelling will have no impact on the future extraction of aggregate resources in this area.



Any proposal for aggregate extraction in this area will be impacted by the extent of existing development and the creation of a 'new' lot occupied by a single-detached dwelling in this circumstance would not appear to have any significant repercussions for future extraction activities.

The property subject to the proposed OPA is an agricultural parcel (cash cropping) comprising two dwellings and significant tillable acreage (approximately 61 ha or 151 ac). With respect to the subject proposal, the intended use of the severed lands is for non-farm rural residential purposes and the proposed severance of the existing single detached dwelling from the property would result in an agricultural lot which would continue to meet the provisions of the 'A2' zone and be large enough to maintain the flexibility, suitability and viability of the lands for a range of agricultural uses. Further, the area proposed to be severed for the non-farm residential purposes is reflective of the area required for the dwelling, well and septic system only, ensuring the amount of agricultural lands being removed from production is minimized.

The proposal to sever a surplus dwelling from the subject lands does not conform to the current policies of the Official Plan as the lands that are proposed to be retained will not be consolidated with an abutting farm parcel and the creation of the surplus dwelling would not meet the requirements contained in the 'points system' as outlined previously in this report.

However, with respect to the relevant policies contained in OPA No. 269, supported by Planning staff and adopted by County Council, the proposed severance would meet the criteria as outlined in the 'Official Plan' section of this report for the severance of a second, surplus farm dwelling. As noted, the applicant owns multiple agricultural lots within the County and the lot containing the surplus dwelling contains two dwellings, both of which were constructed prior to 1950, based on current assessment data. The OPA required to implement this proposal will include performance standards that direct, at such time as the severance of the surplus dwelling is considered by the County Land Division Committee, the imposition of conditions to ensure that the larger farm parcel resulting from the consent be prohibited from the construction of additional dwellings.

## **Conclusions**

In conclusion, Planning staff are of the opinion that an amendment to the Official Plan to facilitate a proposed severance of an existing dwelling with an area of approximately 0.58 ac (2,365 m<sup>2</sup>), and retention of an Agricultural parcel over 61.35 ha (151.6 ac) in area with an existing single-detached dwelling, is consistent with the policies of the Provincial Policy Statement and is generally supported by the objectives and strategic initiatives of the Official Plan and the recently adopted policies contained in OPA No. 269 regarding such severances and the protection of aggregate resources in the County. As such, staff are satisfied that the application can be given favourable consideration.



## SIGNATURES

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### Report Author:

Original Signed By \_\_\_\_\_  
Spencer McDonald, MCIP, RPP  
Development Planner

### Departmental Approval:

Original Signed By \_\_\_\_\_  
Gordon K. Hough, RPP  
Director of Community Planning

### Approved for submission:

Original Signed By \_\_\_\_\_  
Benjamin R. Addley  
Chief Administrative Officer

## ATTACHMENTS

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- Attachment 1 - Plate 1, Location Map & Existing Zoning
- Attachment 2 - Plate 2, Aerial Map (2020)
- Attachment 3 - Plate 3, Applicant's Sketch
- Attachment 4 - Plate 4, Additional Applicant's Sketch
- Attachment 5 - Official Plan Amendment No. 300