

## REPORT TO COUNTY COUNCIL

# Application for Official Plan Amendment – OP 24-19-1 Evelyne Baker, John Mensink, Shelley and Eric Hoffer

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

**From:** Director of Community Planning

## RECOMMENDATIONS

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1. That Oxford County Council approve the attached Amendment No. 334 to the County of Oxford Official Plan and raise the necessary by-law to approve Amendment No. 334.

## REPORT HIGHLIGHTS

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- The Official Plan Amendment application proposes to permit the severance of the only dwelling from an agricultural lot through a farm consolidation.
- Planning staff are recommending that County Council support the Official Plan Amendment application, as submitted, as the request is reasonable given the specific context and circumstances pertaining to the subject lands. While not conforming to all applicable policies, the proposal would maintain the general intent and purpose of the Official Plan in this particular circumstance and will not create an undesirable precedent for other requests to create new non-farm rural residential lots.

## IMPLEMENTATION POINTS

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

**Financial Impact**

The approval of this application will have no financial impact beyond what has been approved in the current year’s budget.

**Communications**

In accordance with the requirements of the Planning Act, notice of complete application regarding this proposal was provided to surrounding property owners on December 18, 2024 and notice of public meeting was issued on January 16, 2025. As of the date of this report, no comments or concerns had been received from the public.

**2023-2026 STRATEGIC PLAN**

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Oxford County Council approved the **2023-2026 Strategic Plan** on September 13, 2023. The Plan outlines 39 goals across three strategic pillars that advance Council’s vision of “Working together for a healthy, vibrant, and sustainable future.” These pillars are: (1) *Promoting community vitality*, (2) *Enhancing environmental sustainability*, and (3) *Fostering progressive government*.

The recommendations in this report support the following strategic goals.

**Strategic Plan Pillars and Goals**

PILLAR 1	PILLAR 2	PILLAR 3
		
<b>Promoting community vitality</b>	<b>Enhancing environmental sustainability</b>	<b>Fostering progressive government</b>
Goal 1.3 – Community health, safety and well-being	Goal 2.2 – Preserve and enhance our natural environment	

See: [Oxford County 2023-2026 Strategic Plan](#)

## DISCUSSION

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### Background

**Owner:** John Mensink and Evelyne Baker  
806046 Oxford Road 29, RR2, Innerkip, ON N0J 1M0

Eric and Shelley Hoffer  
786037 Township Road 6, Innerkip, ON N0J 1M0

### Location:

The subject lands are described as N Lot 5 and S Lot 5, Concession 6, except Part 1, Plan 41R-372 and Part 3, Plan 41R-3127, in the former Township of Blandford, now in the Township of Blandford-Blenheim. The lands are located on the south side of Oxford Road 29, between Blandford Road and Oxford Road 22, and are municipally known as 806046 Oxford Road 29.

### County of Oxford Official Plan:

Schedule "B-1"	Township of Blandford-Blenheim Land Use Plan	Agricultural Reserve, Environmental Protection, and Open Space
Schedule "C-1"	County of Oxford Environmental Features Plan	Provincially Significant Wetland
Schedule "C-2"	County of Oxford Development Constraints Plan	Erosion Hazard Land and Unstable Soil

### Proposal:

The applicants are proposing a farm consolidation that would result in the retention of a surplus farm dwelling on a separate lot as a non-farm, rural residential use. The proposal would result in approximately 33.9 ha (84 ac) being severed and conveyed to the agricultural lot to be enlarged, which is approximately 12.3 ha (30.6 ac) in size. The resulting lot would be 46.3 ha (114.6 ac) in size.

The lot to be retained would be approximately 0.8 ha (2 ac) in size and contain the existing single detached dwelling, two accessory buildings, and a solar panel. The existing barn, which straddles the proposed property line, would be removed. The submitted Official Plan Amendment application proposes to permit the only accessory single detached dwelling to be severed from an agricultural lot, as a result of a farm consolidation.

The Canadian Pacific Kansas City mainline railway (CPKC) currently separates agricultural lands owned by the Hoffers, one of the applicants. The Hoffers own 786037 Township Road, which is a 27.3 ha (67.6 ac) agricultural parcel, south of the CPKC mainline railway. The Hoffers also own

the 12.3 ha (30.6 ac) lot north of the CPKC mainline railway, which is identified as the lot to be enlarged in the subject proposal. The lands north of the railway (the lot to be enlarged) are currently landlocked and access to them has generally been from the Hoffer lands south of the railway through an informal private crossing of the CPKC mainline railway. The proposal being considered would eliminate a landlocked lot, which is considered good planning, and eliminate the need for farm equipment to cross an active mainline rail corridor. As the current access situation is uncommon within Oxford County the proposal would not be precedent setting, if approved.

The subject lands are located within an agricultural area. Agricultural operations exist to the northeast, west, and south of the subject lands. A limited number of rural residential uses are also located within the vicinity and a railway, belonging to CPKC, abuts the southern lot line of the proposed lot to be enlarged.

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

Plate 2, Aerial Photography (2020), provides an aerial view of the subject lands and surrounding area.

Plate 3, Aerial Photography (2020) – Zoomed In, provides a zoomed in aerial view of the subject lands.

## Comments

### 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.

Section 4.3 (General Policies for Agriculture) of the PPS advises that:

1. Planning authorities are required to use an agricultural system approach, based on provincial guidance, to maintain and enhance a geographically continuous agricultural land base and support and foster the long-term economic prosperity and productive capacity of the agri-food network.
2. As part of the agricultural land base, prime agricultural areas, including specialty crop areas, shall be designated and protected for long-term use for agriculture.
3. Specialty crop areas shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the prime agricultural area, in this order of priority.

Further, Section 4.3.3 (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:

1. Lot creation in prime agricultural areas is discouraged and may only be permitted in accordance with provincial guidance for:
  - a. agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
  - b. agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;
  - c. one new residential lot per farm consolidation for a residence surplus to an agricultural operation, provided that:
    - i. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and
    - ii. the planning authority ensures that new dwellings and additional residential units are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new dwellings or additional residential units are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches that achieve the same objective; and
  - d. infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of way.
2. Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.
3. The creation of new residential lots in prime agricultural areas shall not be permitted, except in accordance with policy 4.3.3.1.c).

### Official Plan

The subject lands are located within the 'Agricultural Reserve,' 'Open Space,' and 'Environmental Protection' designations according to the Township of Blandford-Blenheim Land Use Plan in the Official Plan. The majority of the lands fall within the Agricultural Reserve designation.

According to Section 3.1.1 (Goal for Agricultural Policies), the goal of the Agricultural Reserve policies is to ensure prime agricultural lands are preserved for food and fibre production by avoiding the fragmentation of the land base, by minimizing conflict between agricultural and non-agricultural uses, and by supporting the needs of the agricultural community by permitting land uses which are complementary to, and supportive of, agriculture.

Further, a strategic aim of the Agricultural Reserve policies is to prevent situations of land use conflict in the agricultural designations by careful management of non-farm uses, including rural residential development, recreational uses, commercial and industrial uses, and aggregate resource extraction.

The policies of Section 3.1.5.3 (Creation of Rural Residential Lots) permit the consideration of non-farm rural residential lots in the following circumstances:

- 1) A proposal to rezone an existing industrial (with the exception of aggregate or limestone industrial), commercial, or institutionally zoned lot to a residential use, provided such lot does not exceed 1 ha (2.5 acre) in area. Where such lot is larger than 1 ha (2.5 acre) in area, consideration may only be given to rezoning for *agricultural use*, in accordance with the policies of Section 3.1.5.1; or,
- 2) A proposal to create a lot for a *residence surplus to a farming operation* as a result of farm consolidation, provided that:
  - a) The proposal is to retain an existing permanent, habitable dwelling that was constructed prior to December 13, 1995, where such dwelling is contained on an agricultural lot that is to be legally consolidated with an abutting agricultural lot, to form one larger agricultural lot under identical ownership; or
  - b) 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.

If the proposal to create a non-farm, rural residential, lot qualifies under one of the listed scenarios above, then the proposal shall be reviewed against the following criteria:

- The proposal shall not result in the severance of the only dwelling from an agricultural lot, except in the case of a farm consolidation involving the merger of abutting agricultural lots as one larger lot under identical ownership, where one of the agricultural lots to be consolidated is vacant, but the existing zoning would permit the construction of an accessory dwelling on that lot.
- The lands shall be zoned for agricultural use.

- The proposed non-farm rural residential lot shall not be located within a Quarry Area Limestone Resources, or Sand and Gravel Resource Area.
- The proposed non-farm rural residential lot shall not be located within a Future Urban Growth Area designation.
- The creation of new residential lots in prime agricultural areas shall not be permitted, except in accordance with Section 3.1.5.3, which permits a lot for a surplus residence subject to the area of the new lot being limited to a minimum size needed to accommodate the uses and appropriate sewage and water services. Non-farm rural residential lots shall generally not exceed 0.8 ha (2 ac) in size. Proposals to exceed 0.8 ha (2 ac) shall demonstrate the following:
  - The additional area is required to accommodate individual on-site water services and individual on-site sewage;
  - Services, the lands have topographic limitations for agricultural use;
  - The lands are physically separated from the remainder of the farm by significant natural heritage features/watercourses;
  - Conservation of cultural heritage resources;
  - Proposed lot will not exceed 1 ha (2.5 ac) in size;
  - The proposal can demonstrate the ability to provide adequate on-site private services.
  - Compliance with Minimum Distance Separation formulae (MDS);
  - The proposed non-farm rural residential lot shall have direct frontage on a permanent public road maintained year-round and receives approval for access through the appropriate road authority;
  - Compliance with relevant Environmental Resource policies; and,
  - Any enlarged agricultural lot that would result from a proposal for non-farm rural residential *development* through farm consolidation shall comply with the applicable policies of Section 3.1.4.2.4

According to Section 3.2.4 (Environmental Protection Area), the goal of the Environmental Protection Area is to ensure the long-term protection, conservation, and enhancement of designated Environmental Protection Areas. It is also the goal to prohibit incompatible uses and ensure development permitted within or adjacent Environmental Protection Areas achieve environmental planning principles.

According to Section 3.2.5 (Open Space Area), the goal of the Open Space area is to maintain and enhance important ecological functions such as linking of environmental protection areas, to recognize the role of lands having natural constraints, and to provide opportunities for both active recreation and passive enjoyment of the environment in its natural state.

### Zoning By-law

The subject lands are currently zoned 'General Agricultural Zone (A2)' according to the Township's Zoning By-law. The Zone Change Applications propose to rezone the lot to be retained from 'General Agricultural Zone (A2)' to 'Rural Residential Zone (RR)' and the lot to be

severed and lot to be enlarged from 'General Agricultural Zone (A2)' to 'Special General Agricultural Zone (A2-sp).'

### Agency Comments

The Oxford County Public Works Department have indicated no concerns, but did note that the western most access on the lot to be severed shall be removed as a condition of severance approval.

The Township Drainage Superintendent has indicated no concerns, but did note that the proposed severance will require a Section 65 reapportionment on the Skillings Drain.

The Upper Thames River Conservation Authority (UTRCA), Canadian Pacific Kansas City Railway, and Hydro One have indicated no concerns with the proposal.

### Township of Blandford-Blenheim Council

Township of Blandford-Blenheim Council recommended support of the proposed Official Plan Amendment, while also approving the proposed Zone Change Applications 'in principle', at the Township's regular meeting of Council on February 5, 2025.

### Planning Analysis

The proposed Official Plan Amendment application is intended to facilitate the severance of the only dwelling from an agricultural parcel, as a result of a farm consolidation.

### Provincial Planning Statement

As outlined in Section 4.3.3, the PPS only permits the creation of new non-farm rural residential lots through a farm consolidation. The intent of limiting the creation of non-farm rural residential lots is to limit the further fragmentation of agricultural land and reduce the potential for conflict between agricultural operations and non-agricultural uses, such as residential uses.

The proposal would represent a farm consolidation between two abutting farms that would result in a surplus farm dwelling being retained on a non-farm rural residential lot. As the dwelling to be retained has been existing since approximately 1900, it would not be introducing a new point of conflict with surrounding livestock operations from a minimum distance separation formula perspective.

In the opinion of staff, the proposal would not contravene the intent of the PPS to ensure that prime agricultural areas are protected for long term agricultural use.

### Official Plan

It is proposed that approximately 33.9 ha (84 ac) of agricultural land will be severed and added to the existing agricultural parcel to the south, which is approximately 12.3 ha (30.6 ac) in area, for a total agricultural parcel size of proximately 46.3 ha (114.6 ac). The resulting agricultural lot size and configuration is consistent with the PPS direction with respect to maintaining farm parcels of adequate size to adapt to changing agricultural conditions.



The retained parcel will be approximately 0.8 ha (2 ac) in area and will be used for non-farm rural residential purposes. As previously outlined, the creation of a lot for a surplus farm dwelling is permitted as part of a farm consolidation, subject to the area of the new lot being limited to a minimum size needed to accommodate the uses and appropriate sewage and water services. Given the lot size, staff are satisfied that the proposal is consistent with the policies of the PPS regarding non-farm, rural residential, uses and lot creation in prime agricultural areas.

The Official Plan states that proposals for the retention of surplus farm dwellings shall not result in the severance of the only dwelling from an agricultural lot, except in the case of a farm consolidation involving the merger of abutting agricultural lots as one larger lot under identical ownership, where one of the agricultural lots to be consolidated is vacant, but the existing zoning would permit the construction of an accessory dwelling on that lot. The current proposal does not comply with this criterion, as the only dwelling is to be severed from an agricultural lot, and the lot to be enlarged is not eligible for a building permit. The lot to be enlarged is not eligible for a building permit as it is both undersized and landlocked (i.e. has no frontage on, or legal access to, an improved street).

The Official Plan limits non-farm rural residential lots to a maximum size of 0.8 ha (2 ac) unless the need for additional land can be demonstrated, while not exceeding 1 ha (2.5 ac). The proposed lot to be retained will be approximately 0.8 ha (2 ac) in size. As such, the proposal to retain 0.8 ha (2 ac) of land for the purpose of a non-farm rural residential lot would comply with these relevant Official Plan lot size policies.

The subject Official Plan Amendment application proposes a site-specific special policy on the subject lands to permit the severance of the only dwelling from an agricultural lot through a farm consolidation. Staff have reviewed the proposal and are of the opinion that, in this specific circumstance, there is merit to consideration of this request.

The lot to be enlarged is currently owned by the same landowners (the Hoffers) of the parcel to the south of the rail corridor abutting the lot to be enlarged. Currently, in order to access the lot to be enlarged, the Hoffers must cross the CPKC rail corridor from their lands to the south through an informal private crossing of the CKPC mainline railway. CKPC has expressed concerns with this arrangement and the status of the private crossing over the mainline railway is legally unclear. In considering the subject proposal for a farm consolidation, the lot to be severed would be conveyed to the lot to be enlarged and once consolidated, would provide access from an improved street to the formerly landlocked parcel. It is generally considered good planning to eliminate landlocked parcels, where possible.

The newly enlarged parcel will continue to be used for agricultural purposes, will not result in further fragmentation of agricultural land, and the increase in parcel size will aid in flexibility for future changes in the type of farm operation beyond its current capabilities. The proposed consolidation would also remove lot lines that currently fragment natural heritage features between the lot to be severed and lot to be enlarged, such as wetlands and woodlands, putting them into one common ownership. Having one common ownership over natural heritage features is among the strategic goals outlined in Section 3.2 of the Official Plan.

## CONCLUSIONS

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In light of the foregoing, Planning staff are satisfied that the submitted Official Plan Amendment application is consistent with the policies of the Provincial Planning Statement. In this specific circumstance, the proposal still maintains the general intent and purpose of the Official Plan and will not create an undesirable precedent for other requests to create new non-farm rural residential development. As such, Planning staff are recommending that Oxford County Council support the application as presented.

## SIGNATURES

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### Report author:

Original Signed By \_\_\_\_\_

Dustin Robson, MCIP, RPP  
Development Planner

### Departmental approval:

Original Signed By \_\_\_\_\_

Paul Michiels  
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 and Existing Zoning  
Attachment 2 – Plate 2, Aerial Photography (2020)  
Attachment 3 – Plate 3, Aerial Photography (2020) – Zoomed In  
Attachment 4 – Official Plan Amendment No. 334