

To: Warden and Members of County Council

From: Director of Community Planning

Phase 1 Official Plan Update - Agricultural Policies - Recommended Amendment

RECOMMENDATIONS

1. That Oxford County Council adopt application OP22-01-9 to amend Chapter 3, Section 3.1 – Agricultural Land Resource, of the County Official Plan, and Chapter 1 Section 1.6, to update the corresponding definitions;
2. And further, that County Council declare that Amendment No. 269 conforms with provincial plans, has regard to matters of provincial interest and is consistent with the Provincial Policy Statement, 2020;
3. And further, that Council adopt the attached Amendment No. 269 to the County of Oxford Official Plan;
4. And further, that the necessary by-law to adopt Amendment No. 269 be raised;
5. And further, that staff be directed to prepare and submit Amendment No. 269 to the Ministry of Municipal Affairs and Housing for final approval in accordance with the requirements under the Planning Act.

REPORT HIGHLIGHTS

- The purpose of this report is to recommend County Council adoption of the Official Plan Amendment included in Attachment 1 to amend the County Official Plan, primarily as it pertains to Chapter 3, Section 3.1 along with the associated terms and definitions to be included within Chapter 1, Section 1.6.
- A public meeting was held on March 23, 2022 to consider the revised draft agricultural policies and as set out in [Report CP 2022-98](#). The policies in the attached amendment include a few minor revisions to address some of the additional feedback received and final staff review. This report includes a summary of the additional feedback received and associated revisions.

Implementation Points

The review and update of the County's agricultural policies represents the first phase of the current Official Plan review process. The primary purpose of the review and update of the Official Plan is to identify any updates to the policies that may be required to ensure they are consistent with relevant Provincial legislation, plans, policies, and guidelines, as required by the Planning Act, including changes made to the Provincial Policy Statement (PPS), 2020. It will also improve the overall intent, clarity, and implementation of policies, and better reflect local goals and objectives within the Official Plan.

The adoption of the recommendations contained in this report will endorse and adopt the changes to amend the policies of the County Official Plan as they pertain to the agricultural policies. Final approval of the amendment from the Province is required, as they are the approval authority for Official Plan updates under Section 26 of the Planning Act. Details regarding the subsequent phases of the Official Plan review will be provided in a subsequent staff report that is currently expected to be presented to County Council at the May 26th meeting.

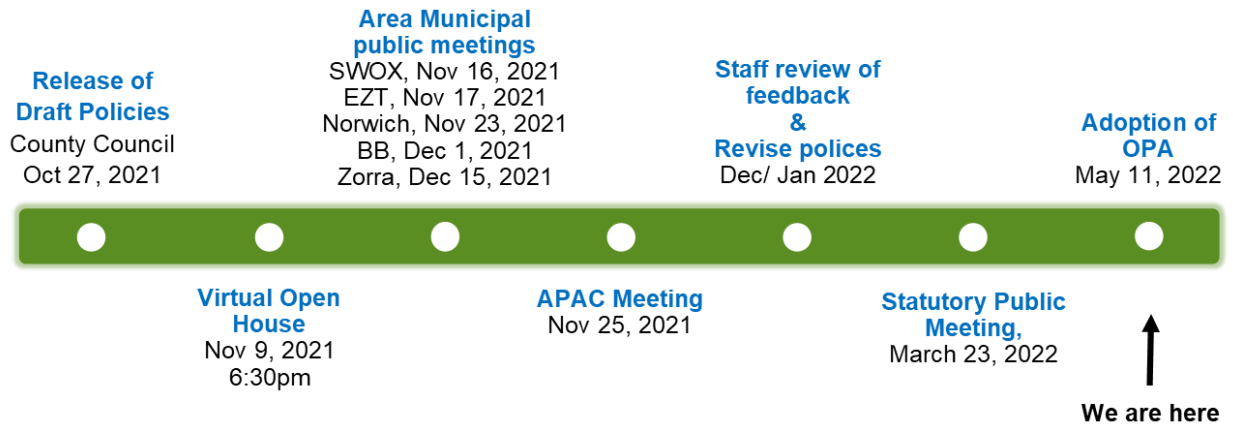
Financial Impact

No immediate financial implications beyond this year's approved budget. Any additional funding that may be required for future phases will be considered as part of the annual budget process.

Communications

Community engagement is an important component of the Official Plan review process, including the review and update of the County's agricultural policies. A combination of an open house, public meetings, and online participation opportunities have been provided and were advertised as part of the consultation on the October 27, 2021 draft of the agricultural policies, as detailed in Report [CP 2021-337](#). In addition, a public meeting was held regarding the revised policies on March 23, 2022, which was also advertised publicly and is detailed in Report [CP 2022-98](#). An overview of the process timing is shown in Figure 1. below.

Figure 1. Timeline for Agricultural Policy Updates



The recommended policies, along with this report have been included on the [agricultural policy updates webpage](#) on Speak Up Oxford, and notifications were provided to those members of the public that have requested to be kept informed regarding the agricultural updates, and/or the OP review as a whole.

Strategic Plan (2020-2022)

WORKS WELL TOGETHER	WELL CONNECTED	SHAPES THE FUTURE	INFORMS & ENGAGES	PERFORMS & DELIVERS	POSITIVE IMPACT
		3.ii. 3.iii.	4.i. 4.ii.		

DISCUSSION

Background

The Planning Act requires that municipalities review and revise their Official Plan policies to ensure they comply with any new and/or updated land use related legislation and regulations; have regard for matters of Provincial interest listed in the Planning Act; and are consistent with policy statements issued under Section 3(1) of the Act (e.g. Provincial Policy Statement, 2020), including any associated guideline documents.

County Council commenced a review of the County Official Plan on October 13, 2021 by holding a special meeting of Council, as required under Section 26 of the Planning Act, and as detailed in Report CP [2021-336](#).

A draft set of policies were released for public input on October 27, 2021 as detailed in Report CP 2021-337. Public input and feedback was received, including from the Oxford Chapter of the Ontario Federation of Agriculture, the County's Agricultural and Planning Advisory Committee, as well as preliminary Provincial 'one-window' feedback from the Ministry of Municipal Affairs and Housing. This feedback resulted in the revised policies as detailed in Report CP 2022-98. A statutory public meeting was held March 23, 2022 regarding the revised policies, as an opportunity for further feedback and input.

As such, the following sections of this report focus on:

- the feedback received in relation to the Public Meeting and additional discussions with Provincial staff;
- the revisions contained within the recommended Official Plan Amendment included in Attachment 1, made in response to the above noted feedback and discussions; and,
- the process and next steps regarding the amendment.

Comments

Feedback received from the Public Meeting

Several submissions were received in advance of the meeting, as well as a delegation made at the public meeting. The submissions/comments focused on two policy areas (i.e. existing undersized agricultural parcels and surplus farm dwelling severances) and generally related to specific properties. These comments were similar to a number of the public comments previously received with respect to the draft amendments seeking increased flexibility for dwellings to be established on, or to be severed from, existing undersized agricultural parcels and the severance of surplus farm dwellings built after December 1995 from a farm. Additional clarification regarding both of these policy matters was included in Report CP 2022-98.

Given that the comments received as part of the public meeting were largely property specific and pertained to policy matters that have already been thoroughly considered as part of the development and review of the proposed amendments and that planning staff remain of the position that the recommended policies strike an appropriate balance in regard to those matters, no further revisions to the policies are proposed.

There were also a number of comments and questions from Council at the public meeting with respect to the ability and/or process for the County to seek potential changes to Provincial policies and/or guidelines relating to such matters as Minimum Distance Separation Formula (MDS) and planning for certain rural employment uses. As the recommended policies must be consistent with the Provincial policies and guidelines currently in effect, these matters are not addressed in the amendments or staff report. However, if these are matters that Council wishes to pursue further, separate direction would need to be provided/considered.

Provincial Comments

The Province provided their formal comments on the County's proposed draft policies on February 28, 2022, and were attached to Report CP 2022-98. Given the extensive pre-consultation undertaken with the Province, their formal comments were relatively limited and

focused primarily on a number of minor technical questions, but did identify concerns with respect to the proposed rural entrepreneurial use policies. Planning staff have had ongoing discussions with Provincial staff since the March 23, 2022 public meeting, regarding the comments surrounding rural entrepreneurial uses. Policy revisions have been included within the recommended policies, in response to the Provincial feedback, in an effort to resolve the outstanding Provincial concerns. These specific changes are discussed further below.

It is also noted that the Province also previously requested in its formal comments that the County delete the policy that allows for a previously existing rural residential lot that has legally merged with an abutting parcel, but remains residentially zoned, to be re-established through a minor boundary adjustment process. However, given that this policy was simply a carry forward of an existing Official Plan policy, staff are proposing to maintain this policy in the recommended policies within the amendment included in Attachment 1.

Recommended Policies

Several changes were incorporated into the policies contained within the Official Plan Amendment in Attachment 1 and are summarized as follows:

- Revisions to the rural entrepreneurial use definition and policies to clarify the type and range of uses intended to be permitted, improve compatibility requirements to protect surrounding agricultural uses and clarify the application of MDS I. These changes are intended to address some of the concerns expressed by the Province with these policies.
- Minor corrections to formatting, italics and grammatical edits.

An extract showing the changes to the rural entrepreneurial uses policies is included in Attachment 2.

Overall the recommended policies included in Attachment 1 incorporate updates to the agricultural policies to ensure they are consistent with relevant Provincial legislation, plans, policies, and guidelines, as required by the Planning Act, as well as to improve the overall intent, clarity, and implementation, and to better reflect local goals and objectives.

In staff's opinion these policy updates, as included in the recommended policies in the Amendment in Attachment 1:

- Are consistent with the Provincial Policy Statement, 2020;
- Conform to, and advance, the purpose and objectives and policies of the present County Official Plan while also incorporating applicable directions established through the Future Oxford Community Sustainability Plan, and consultation with the Area Municipalities and other stakeholders; and
- Represent good planning.

Next Steps

Unlike other Official Plan amendments for which the County is the approval authority, the Province is the approval authority for any amendments undertaken as part of an official plan review process. As such, following adoption by County Council, the proposed agricultural policy amendments will be subject to Provincial approval. As part of their approval, the Province has the authority to impose any modifications to the County's adopted policies that it determines to be necessary to ensure they are consistent with Provincial legislation and policies.

Staff must submit the amendment for Provincial approval within 15 days of County Council adopting the amendment. Under the Planning Act, the Province is required to make a decision regarding the amendment within 120 days from the date the complete application is received. Based on this, staff anticipate a decision from the Province regarding the agricultural policies sometime in the fall. However, it is currently unclear whether recent amendments to Provincial authorities with respect to the approval of municipal Official Plan amendments, incorporated into the Planning Act through Bill 109, may impact that timing.

In anticipation of Provincial approval, staff have started to work on supporting implementation tools and materials. Staff will work with Area Municipal staff, the Rural Oxford Economic Development Corporation (ROEDC) and other stakeholders, as applicable, to assist in identifying the types of supporting tools and materials that would assist with implementation and communication of the new policies.

Conclusions

The purpose of this report is to present Council with the recommended official plan amendment for updating the agricultural policies to support the long-term protection of the County's prime agricultural area, as included in Attachment 1. This amendment updates the County's Agricultural Policies as contained in Section 3.1 of the Official Plan, together with associated terms and definitions to be updated and included within Section 1.6.

The policy updates have been prepared based on extensive background research, consideration of applicable Provincial legislation, policies, guidelines and input, detailed analysis of spatial (i.e. GIS) and non-spatial data and extensive community engagement and input as described in Reports CP 2021-337 and CP 2022-98.

The recommended agricultural policies, as included in the Amendment within Attachment 1, are consistent with current Provincial legislation, plans, policies, and guidelines, and also improve the overall intent, clarity and implementation of the policies and ensure they continue to reflect local planning goals and objectives.

If Council wishes to further consider seeking potential changes to Provincial policies and/or guidelines relating to such matters as Minimum Distance Separation Formula (MDS) and planning for certain rural employment uses, that is something that can be further pursued outside of the current Official Plan amendment process.

SIGNATURES

Report Author:

Original signed by _____
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Chief Administrative Officer

ATTACHMENTS

Attachment 1 - Official Plan Amendment 269
Attachment 2 - Rural Entrepreneurial Use policy changes in response to Provincial comments