

To: Mayor and Members of Township of East Zorra-Tavistock Council

From: Dustin Robson, Development Planner, Community Planning

Application for Zone Change ZN2-24-05 – The Estate of Sjoerd Heeg

REPORT HIGHLIGHTS

- The Zone Change Application proposes to rezone the retained lot resulting from Consent Application B24-55-2 from ‘General Agricultural Zone (A2)’ to ‘Special Rural Residential Zone (RR-sp).’
- The related consent application was approved by the Oxford County Land Division Committee on November 27, 2024. The Zone Change Application is required to fulfill a condition of the consent.
- Planning staff are recommending that the application be approved as it is consistent with the Provincial Planning Statement and maintains the intent and purpose of the Official Plan with respect to farm consolidations and non-farm rural residential development in prime agricultural areas.

DISCUSSION

Background

OWNER: The Estate of Sjoerd Heeg
966104 Oxford-Waterloo Road, New Hamburg, ON N3A 4K3

APPLICANT: Rinske Heeg Falkena (Estate Trustee)
966104 Oxford-Waterloo Road, New Hamburg, ON N3A 4K3

SOLICITOR: Payden Shrubb
408 Dundas Street, Woodstock, ON N4S 1B9

LOCATION:

The subject lands are described as Part Lot 35-36, Concession 19 (East Zorra), in the Township of East Zorra-Tavistock. The lands are located at the southwest corner of the Perth-Oxford Road and Oxford Road 5 intersection and are municipally known as 986044 Perth-Oxford Road.

COUNTY OF OXFORD OFFICIAL PLAN:

Schedule “E-1” Township of East Zorra-Tavistock ‘Agricultural Reserve’

Land Use Plan

TOWNSHIP OF EAST ZORRA-TAVISTOCK ZONING BY-LAW 2003-18:

Lots to be severed and enlarged:

Existing Zoning: 'General Agricultural Zone (A2)'
Proposed Zoning: 'General Agricultural Zone (A2)'

Lot to be retained:

Existing Zoning: 'General Agricultural Zone (A2)'
Proposed Zoning: 'Special Rural Residential Zone (RR-sp)'

PROPOSAL:

The Zone Change Application proposes to rezone the retained lot resulting from Consent Application B24-55-2 from 'General Agricultural Zone (A2)' to 'Special Rural Residential Zone (RR-sp).' The related consent application was approved by the Oxford County Land Division Committee on November 7, 2024. A special provision is requested to permit an increase to the maximum lot coverage for accessory buildings to 294.4 m² (3,169.1 ft²). The subject Zone Change Application is a requirement to fulfill a condition of the consent.

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, Applicants' Sketch, shows the configuration and dimensions of the lands to be severed, retained and enlarged as proposed by the applicants.

Plate 4, Applicants' Sketch – Proposed Lot to be Retained, shows the configuration and dimensions of the lands to be retained and the location of the existing buildings and structures.

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.

Section 4.3 (Agriculture) of the PPS directs that prime agricultural areas shall be protected for long term agricultural use.

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:

- 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, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;
- one new residential lot per farm consolidation for a residence surplus to an agricultural operation, provided that:
 1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and
 2. 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 residential 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
- infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights of way.

The policies of the PPS also direct that lot adjustments in prime agricultural areas may be permitted for legal or technical reasons, which are defined to mean consents for the purpose of easements, corrections of deeds, quit claims and minor boundary adjustments that do not result in the creation of a new lot.

Official Plan

The subject lands are located within the 'Agricultural Reserve' designation according to the Township of East Zorra-Tavistock Land Use Plan in the Official Plan.

According to Section 3.1.1, 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.

The goal of the Agricultural Reserve designation is to minimize conflict with farm operations, including commercial, industrial, and residential.

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:

- i) 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,
- ii) 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 physical separated from the remainder of the farm by significant natural heritage features/watercourses;
 - To conserve 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

Zoning By-law

The subject lands are currently zoned 'General Agricultural Zone (A2)' in the Township of East Zorra-Tavistock Zoning By-Law. 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 'A2' zone requires a minimum lot area of 30 ha (74.1 ac) and a minimum lot frontage of 100 m (328.1 ft). Once merged, the newly enlarged lot will be approximately 48 ha (118.9 ac), with approximately 654.8 m (2,148.4 ft) of frontage on the Oxford Road 5, Perth-Oxford Road, and 19th Line and will meet the provisions of the 'A2' zone with respect to lot area, frontage, and depth.

The lot to be retained is proposed to be used for non-farm rural residential purposes and will be required to be rezoned to recognize the use of the lands as such. The 'Rural Residential Zone (RR)' requires a minimum lot area of 2,800 m² (30,139 ft²), a minimum lot frontage of 35 m (114.8 ft), and a minimum lot depth of 80 m (262.5 ft). The lot to be retained is proposed to have an area of 0.7 ha (1.8 ac), frontage of approximately 95.9 m (314.6 ft) on Perth-Oxford Road, and a depth of 80 m (262.4 ft).

Section 5.1 outlines the provisions for accessory buildings in the Township. For lots zoned RR, accessory buildings are permitted to have a maximum lot coverage of 280 m² (3,014 ft²) or 10% of the lot, whichever is lesser, a maximum height of 5.5 m (18 ft), and minimum setbacks of 1.2 m (3.9 ft) from the rear yard and interior side yard lot lines.

The applicant is proposing to retain the existing detached garage and the historic bank barn on the lot to be retained. The detached garage is approximately 106.8 m² (1,150 ft²) in size while the barn, after the proposed interior alterations are completed, would be approximately 187.5 m² (2,019.1 ft²) in size. Collectively, the two accessory buildings have a total lot coverage of 294.4 m² (3,169.1 ft²). A special provision in the zoning is required to permit the two accessory buildings to remain on the lot to be retained.

Agency Comments

The Oxford County Public Works Department and Township Chief Building Official provided recommended conditions of consent that were included in Oxford County Land Division's provisional approval of the consent.

The Township Fire Chief, the Township Public Works Manager, the Grand River Conservation Authority (GRCA), Enbridge, Canada Post, and Perth County have indicated no concerns with the proposal.

Public Consultation

Notice of a Complete Application for the proposal was circulated to neighbouring property owners on January 10, 2025 and the Notice of a Public Meeting was circulated on January 15, 2025 in

accordance with the requirements of the Planning Act. As of the date of this report, no comments or concerns had been received from the public.

Planning Analysis

The subject Zone Change Application is proposing to rezone the lot to be retained from 'General Agricultural Zone (A2)' to 'Special Rural Residential Zone (RR-sp)' to recognize its use as a non-farm rural residential lot. A special provision is also being requested to recognize the existing accessory buildings that are proposed to remain on the lot to be retained. The applicant is proposing to retain the existing detached garage and the historic bank barn on the lot to be retained.

The related consent application severed approximately 26 ha (64.3 ac) of agricultural land to be added to the existing farm parcel to the immediate west, which is approximately 22 ha (54.6 ac) in area, for a total farm parcel size of approximately 48 ha (118.9 ac). The resulting agricultural lot size and configuration is consistent with the PPS's direction of maintaining farm parcels of adequate size to adapt to changing agricultural conditions.

The retained parcel resulting from the consent will be approximately 0.7 ha (1.8 ac) in area and will be used for non-farm rural residential purposes. A lot for a surplus residence 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 generally 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 proposal also appears to maintain the general intent of the Official Plan. 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. Furthermore, the applicants' request to maintain the dwelling on the subject lands as a surplus dwelling would comply with the non-farm rural residential policies of the Official Plan. Once merged, the lots to be severed and enlarged will maintain the minimum lot area, frontage, and depth requirements of the 'A2' zone.

The detached garage is approximately 106.8 m² (1,150 ft²) in size while the barn, after proposed interior alterations, would be approximately 187.5 m² (2,019.1 ft²) in size. Collectively, the two accessory buildings have a total lot coverage of 294.4 m² (3,169.1 ft²). As the structures already exist and do not have an imposing or detrimental impact on abutting properties, Staff are of the opinion that allowing the two structures to remain is supportable.

In light of the foregoing, it is the opinion of this Office that the proposal is consistent with the policies of the PPS and maintains the intent of the Official Plan and Planning staff recommend that the application be given favourable consideration.

The proposed amending Zoning By-Law will be brought forward for Council's consideration once the associated reference plan has been received to generate the appropriate by-law schedules.

RECOMMENDATIONS

It is recommended that the Council of the Township of East Zorra-Tavistock approve in principle the Zone Change Application submitted by The Estate of Sjoerd Heeg (File No. ZN2-24-05) whereby a portion of the lands described as Part Lot 35-36, Concession 19 (East Zorra), Township of East Zorra-Tavistock are to be rezoned from 'General Agricultural Zone (A2)' to 'Special Rural Residential Zone (RR-sp).'

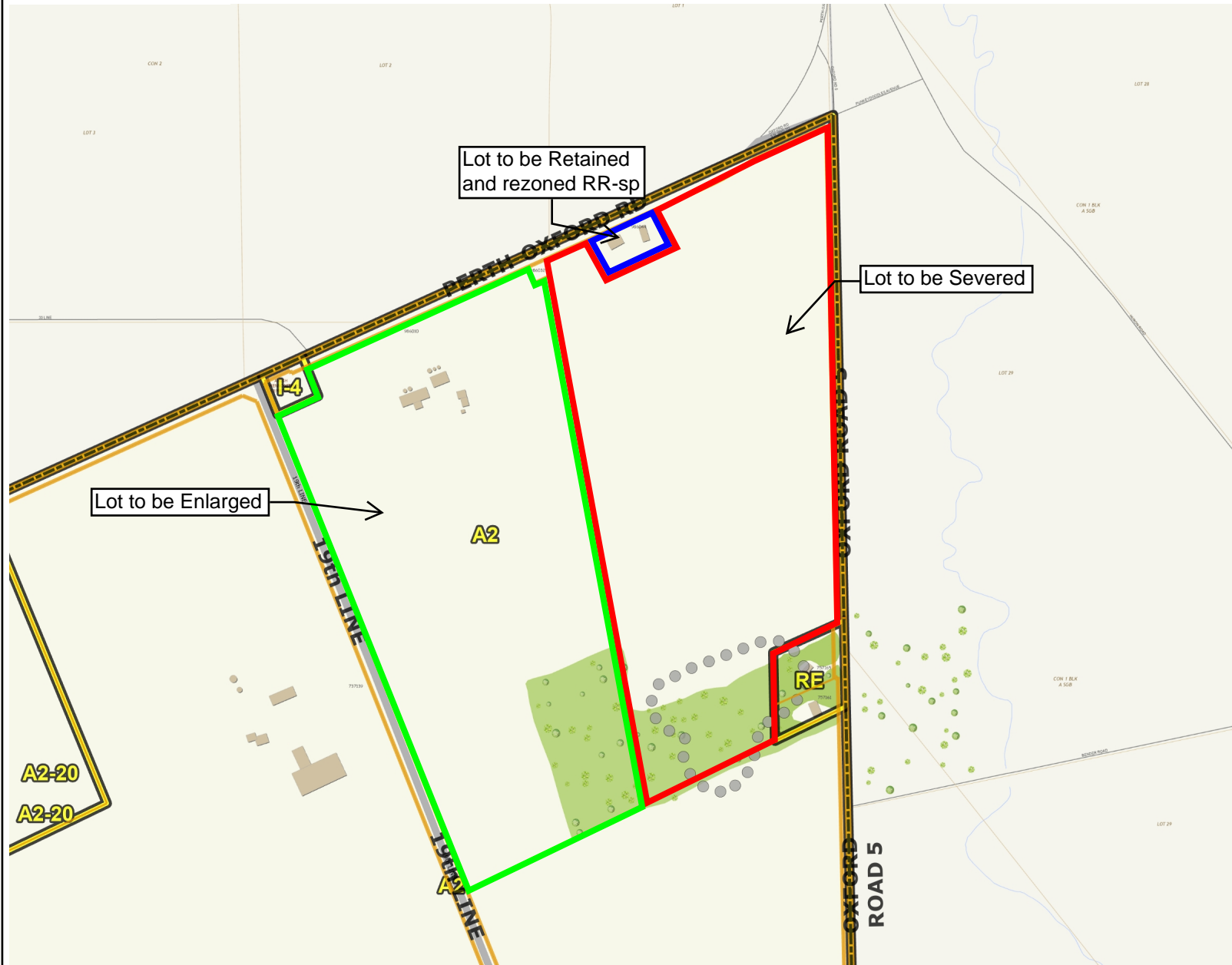
SIGNATURES

Authored by: *"Original Signed By"*

Dustin Robson, MCIP, RPP
Development Planner

Approved for submission: *"Original Signed By"*

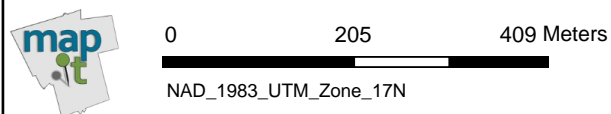
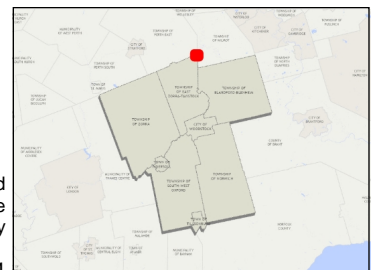
Eric Gilbert, MCIP, RPP
Manager of Development Planning



Legend

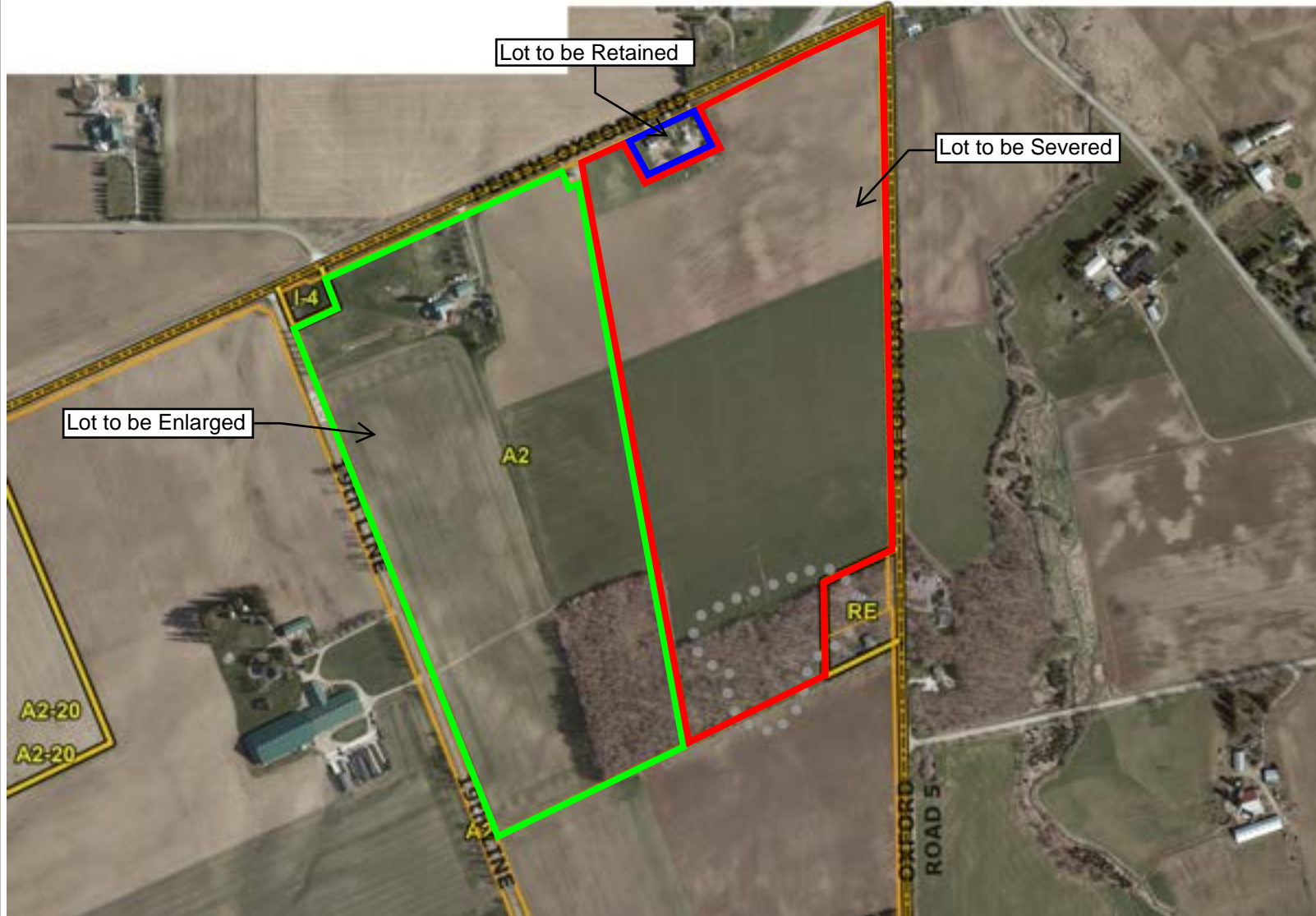
- Parcel Lines**
 - Property Boundary
 - Assessment Boundary
 - Unit
 - Road
 - Municipal Boundary
- Zoning Floodlines**
- Regulation Limit**
 - ◆ 100 Year Flood Line
 - ▲ 30 Metre Setback
 - Conservation Authority Regulation Limit
 - Regulatory Flood And Fill Lines
- Land Use Zoning (Displays 1:16000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

Notes



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 2, 2024



Legend

- Parcel Lines**
 - Property Boundary
 - Assessment Boundary
 - Unit
 - Road
 - Municipal Boundary
- 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



0 205 409 Meters



NAD_1983_UTM_Zone_17N



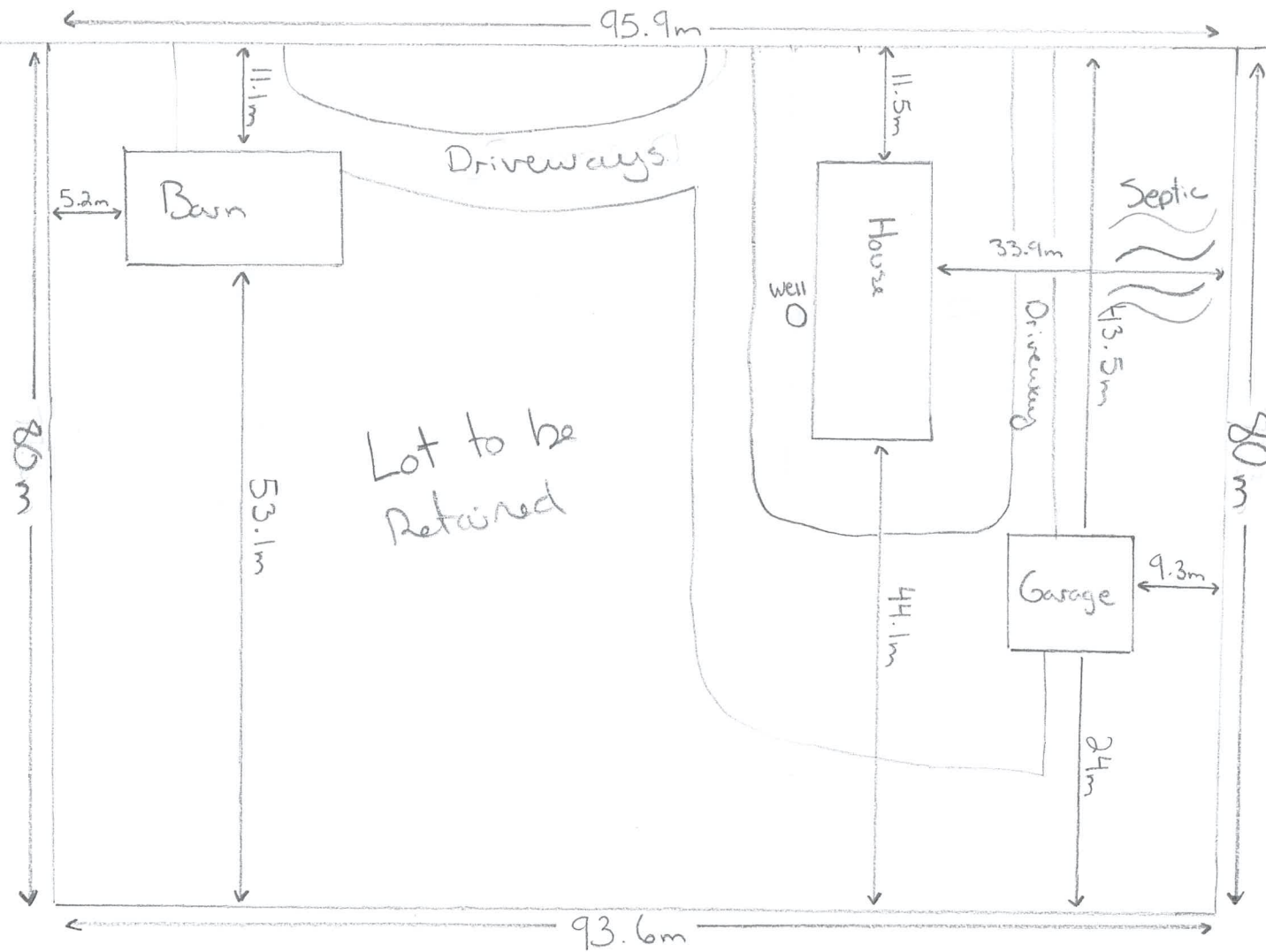
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This is not a plan of survey

August 2, 2024



Plate 3: Applicants' Sketch
 File No. B24-55-2 (The Estate of Sjoerd Heeg)
 Part Lots 35-36, Concession 19 (East Zorra), Township of East Zorra-Tavistock, 986044 Perth-Oxford Road

Perth-Oxford Road



Lot to be severed
(see overview map).

Plate 4: Applicants' Sketch - Proposed Lot to be Retained

File No. B24-55-2 (The Estate of Sjoerd Heeg)

Part Lots 35-36, Concession 19 (East Zorra), Township of East Zorra-Tavistock, 986044 Perth-Oxford Road