

To: Chair and Members of Oxford County Land Division Committee

From: Laurel Davies Snyder, Development Planner, Community Planning

Application for Consent B25-26-4 – Paul Boesterd

REPORT HIGHLIGHTS

- This Application for Consent proposes a farm consolidation where approximately 24.3 ha (60 ac) of lands zoned 'General Agricultural Zone (A2)' will be severed and added to the abutting 21.9 ha (54 ac) agricultural parcel to the immediate south, resulting in a total enlarged parcel of 45.7 ha (112.9 ac).
- The proposed lot to be retained will be approximately 0.81 ha (2 ac) and contains a single detached dwelling, a detached garage, and a shed. No new construction is proposed as part of this application.
- Planning staff are recommending approval of the application, as it is consistent with the policy criteria of 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/APPLICANT: Paul Boesterd
243930 Airport Road, Tillsonburg, ON N4G 4H1

AGENT: White Coad LLP, c/o Gordon Klein
408 Dundas Street, Woodstock, ON N4S 1B9

LOCATION:

The subject lands are described as Part Lots 13-14, Concession 8 (Dereham) in the Township of South-West Oxford. The lands are located on the south side of Airport Road, lying between Dereham Line and Plank Line and municipally known as 243930 Airport Road.

OFFICIAL PLAN:

Lot to be Severed

Schedule "S-1"	Township of South-West Oxford Land Use Plan	Agricultural Reserve
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Lot to be Retained

Schedule "S-1"	Township of South-West Oxford Land Use Plan	Agricultural Reserve, Environmental Protection
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Lot to be Enlarged

Schedule "S-1"	Township of South-West Oxford Land Use Plan	Agricultural Reserve, Environmental Protection
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TOWNSHIP OF SOUTH-WEST OXFORD ZONING BY-LAW 25-98:

Lot to be Severed:	'General Agricultural Zone (A2)' Floodplain and Fill Regulated Area
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Lot to be Retained:	'General Agricultural Zone (A2)' Floodplain and Fill Regulated Area
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Lot to be Enlarged:	'General Agricultural Zone (A2)' Floodplain and Fill Regulated Area
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SERVICES:

Lot to be Severed:	none
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Lot to be Retained:	private septic, private well
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Lot to be Enlarged:	private septic, private well
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ROAD ACCESS:

Lots to be Severed and Retained:	Gravel Township Road (Airport Road)
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Lot to be Enlarged:	Paved Township Road (Ostrander Road)
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PROPOSAL:

	<u>SEVERED LOT</u>	<u>RETAINED LOT</u>	<u>ENLARGED LOT</u> (prior to severance)
Area	24.3 ha (60 ac)	0.8 ha (2 ac)	21.9 ha (54 ac)
Frontage	658.5 m (2,160 ft)	41.4 m (135.8 ft)	265.3 m (870.4 ft)
Depth	406.4 (1,333.3 ft)	173 m (567.6 ft)	827.8 m (2,715.9 ft)

The Application for Consent proposes a farm consolidation and the retention of a 0.8 ha (2 ac) lot for non-farm rural residential use. It is proposed that the lot to be severed will be added to the abutting agricultural lot to the immediate south. Once merged, the lot to be severed and the lot to be enlarged will result in an agricultural parcel size of approximately 45.7 ha (112.9 ac) with frontage on Ostrander Road.

The lot to be severed comprises approximately 24.3 ha (60 ac). Part of the lot is designated Agricultural Reserve and part is designated Environmental Protection. The part designated Environmental Protection contains Provincially Significant Wetlands, significant woodlands and is within the Long Point Region Conservation Authority (LPRCA) watershed. Approximately 13.8 ha (34 ac) along Airport Road are in agricultural production (organic crops).

The lot to be severed also contains a beef barn (coverall structure) located on the east side of the property. It was constructed in 2008 and although this structure is currently used for storage, it is still considered a livestock housing facility, based on the previous Building Permit issued. As such, meeting the Minimum Distance Separation I (MDS I) setback between the existing beef barn and retained parcel is required. However, the agent and owner have confirmed that they will apply to the Township to confirm that the livestock barn is no longer reasonably capable of housing livestock and obtain a Change of Use permit to confirm the change of use to a suitable use permitted in the 'A2' zone (i.e. a use that would not require MDS I). Upon completion of this, the requirement for an MDS I calculation would not be applicable. This has been discussed with the Township of South-West Oxford Chief Building Official (CBO), the agent, and the owner who are all agreeable to include this as a condition of approval.

The lot to be enlarged is approximately 21.8 ha (54 ac) in area. Part of the lot is designated Agricultural Reserve, and part is designated Environmental Protection. The part of the lot designated Environmental Protection is connected to the part of the lot designated Environmental Protection on the lot to be severed, and also contains Provincially Significant Wetlands, significant woodlands and is within the Long Point Region Conservation Authority (LPRCA) watershed. The remainder of the parcel is designated Agricultural Reserve and is in agricultural production (cash crops) and contains a single detached dwelling and three agricultural structures that have driveway access on Ostrander Road.

The lot to be retained will be approximately 0.8 ha (2 ac) in area after the severed portion is removed. The lot to be retained fronts onto Airport Road and contains an existing single detached dwelling, a detached garage, a shed and a private well and septic system. The existing single detached dwelling on the retained lands was built in approximately 1988, as per assessment records on file.

Land uses to the north, east, south, and west of the subject lands are agricultural, zoned 'General Agricultural Zone (A2)'. Land uses surrounding the lot to be enlarged are primarily agricultural, zoned 'General Agricultural Zone (A2)'. The property adjacent to the southern part of the lot to be

enlarged is an agri-business land use and contains a landscape contractor/designer and a garden centre.

A Zone Change Application will be required as a condition of this application which will seek to rezone the lot to be severed from 'General Agricultural Zone (A2)' to 'Rural Residential Zone (RR)' to recognize the change in land use resulting from the proposed severance. A Zone Change Application has been received by the Township and will be processed pending the decision by the Land Division Committee (LDC).

Plate 1, Location Map with Existing Zoning, shows the location of the lot to be retained, lot to be severed, and lot to be enlarged, and the existing zoning in the immediate vicinity.

Plate 2a, Aerial Map (2020), provides an aerial view of the lot to be retained, lot to be severed, and lot to be enlarged, and surrounding area.

Plate 2b, Close-up View – Lot to be Retained (2020 Aerial Map), provides a close-up view of the lot to be retained.

Plates 3a and 3b, Applicant's Sketch, illustrates the proposed configuration of the lot to be retained, lot to be enlarged, and lot to be severed; and the existing structures, as provided by the applicant.

Application Review

2024 PROVINCIAL PLANNING STATEMENT (PPS)

In respect of the exercise of any authority that affects a planning matter, Section 3 of the Planning Act requires that decisions affecting planning matters shall be consistent with the policy statements issued under the Act. The following outlines the key PPS policies that have been considered, but it is not intended to be an exhaustive list.

The policies of Section 4.3.1, General Policies for Agriculture, require municipalities to use an agricultural system approach 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. Permitted uses in prime agricultural areas include agriculture, agriculture-related uses and on-farm diversified uses.

Section 4.3.3 Lot Creation and Lot Adjustments provides that:

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:

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 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.

OFFICIAL PLAN

The subject lands are located within Agricultural Reserve and Environmental Protection areas according to the Township of South-West Oxford Land Use Plan as contained in 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 as well as accessory residential uses required for the farm.

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

As set out in Section 3.2.3, the Natural Heritage System is the unifying concept for the conservation of the natural environment in Oxford County and represents a conceptual image or vision of a county-wide green network. The approach is based on the understanding that natural area remnants, once part of a continuous natural landscape, should be linked in order to facilitate the ecological exchanges and biodiversity, which ensure their long-term maintenance and enhancement.

Section 3.2.3.1, Natural Heritage System Components, establishes that the Environmental Protection Area designation contains those lands which perform important ecological functions and/or protect biological diversity and life supporting systems that would be lost or degraded if such areas were altered. The priority within this policy area is to preserve and enhance important environmental areas and features while protecting them from land use impacts that would detrimentally alter their size and physical form, impair their ecological, hydrologic or hydrogeologic functions or degrade their quality.

The objective of the Environmental Protection designation is to ensure the long-term protection, conservation and enhancement of designated Environmental Protection Areas. Uses incompatible with this objective will be prohibited, and development permitted within or adjacent to Environmental Protection Areas will be required to adhere to environmental planning principles.

Section 3.1.5.2, Rural Residential Uses, states that non-farm rural residential development is considered to be incompatible with agriculture such that it can create conflicts with farming

activities and remove land from agricultural use. As such, only limited non-farm rural residential development in locations within the Agricultural Reserve designation which will not conflict with the Goal for Agricultural Policies as set out in Section 3.1.1 will be supported.

Section 3.1.5.3, Creation of Rural Residential Lots, establishes that non-farm rural residential development outside of a settlement shall be prohibited, except in accordance with the following:

The proposed non-farm rural residential development consists of one of the following:

- 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.

The resulting agricultural lot shall also comply with the applicable policies of Section 3.1.4.2.4.

Section 3.1.5.3 also establishes criteria for non-farm rural residential lots, which includes maximum lot size, servicing, minimum distance separation formulae, access and traffic safety, agricultural structures, and other items.

With respect to maximum lot size, non-farm rural residential lots shall be as small as 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).

TOWNSHIP OF SOUTH-WEST OXFORD ZONING BY-LAW NO. 25-98:

The lots to be retained, severed, and enlarged are zoned 'General Agricultural Zone (A2)' in the Township's Zoning By-law.

Section 8 establishes permitted uses and development standards within the 'A2' zone. Relevant to this application, the 'A2' zone requires a minimum lot area of 30 ha (74.1 ac).

The lands to be retained will be required to be rezoned to the 'Rural Residential (RR)' zone. This has been included as a condition of approval, and the applicant has submitted a Zoning By-law Amendment application. Section 10 establishes permitted uses and development standards within the 'RR' zone. With respect to this application, the 'RR' zone requires a minimum lot area of 2,800 m² (30,139 ft²), minimum lot frontage of 35 m (114.8 ft), and minimum lot depth of 80 m (262.5 ft). Based on the information provided by the applicant, it appears that the lot to be retained satisfies these provisions.

Section 10.2.1 establishes that dwellings, buildings or structures hereafter erected outside of a designated settlement are required to satisfy the minimum distance separation requirements as determined through the application of the Minimum Distance Separation Formula I (MDS I) in accordance with Section 4.7 of the Township's Zoning By-Law. As mentioned previously in this report, the agent and owner have confirmed that they will apply to the Township to confirm that the livestock barn is no longer reasonably capable of housing livestock and obtain a Change of Use permit to confirm the change of use to a suitable use permitted in the 'A2' zone (i.e. a use that would not require MDS I). Upon completion of this, Planning staff are of the opinion that the requirement for an MDS I calculation would not be applicable. This has been discussed with the Township of South-West Oxford Chief Building Official (CBO), the agent, and the owner who are all agreeable to include this as a condition of approval.

AGENCY COMMENTS

Staff from Oxford County Public Works, Long Point Region Conservation Authority (LPRCA), Ministry of Environment Species at Risk and Hydro One commented that they reviewed the application and do not have any concerns.

The Township of South-West Oxford Chief Building Official provided the following comments:

- An MDS I calculation is required for the existing livestock housing facility (beef barn under Permit 2008-113). If this structure is not being used for livestock, the owner is required to obtain a Change of Use permit to confirm the change of use of the existing livestock housing facility to any other suitable use as permitted in the 'A2' zone.
- Confirmation of the existing septic system servicing the lot to be retained is required to be completed and verified by the Building Department prior to registration.
- As per the Ontario Building Code (OBC), access for Fire Department/Emergency Services equipment shall be provided to each farm building by means of a street, private roadway or yard. The coverall structure is currently accessed via a laneway from Airport Road. Pending approval of this application for consent, access to the structures on the subject lands that conforms to the minimum requirements for access for fire/emergency services will need to be established and confirmed to the satisfaction of the Township and this has been included as a condition of approval.
- Addressing of all structures on the lot to be severed and retained shall conform to the County Civic Addressing Guidelines.

PUBLIC CONSULTATION

Notice of the application for consent was provided to the public and surrounding property owners on August 15, 2025, in accordance with the requirements of the *Planning Act*. At the time of writing this report, the Planning Office had not received any questions or concerns regarding the application.

Planning Analysis

The Application for Consent proposes a farm consolidation and the retention of a 0.8 ha (2 ac) lot for non-farm rural residential use and has been reviewed under the policy direction of the Provincial Planning Statement (PPS) and the County Official Plan.

It is proposed that the lot to be severed will be added to the abutting agricultural lot to the immediate south. Once merged, the lot to be severed and the lot to be enlarged will result in an agricultural parcel size of approximately 45.7 ha (112.9 ac) with frontage on Ostrander Road.

Given that the proposal will result in a farm consolidation and the retention of an existing surplus dwelling, planning staff are of the opinion that the proposal is consistent with the policy direction of the PPS regarding lot creation and adjustments in the prime agricultural area. Specifically, staff are satisfied that the resultant agricultural parcel will be of a sufficient size for the type of agricultural uses in the area and will be appropriately large enough to provide flexibility for future changes in the type and size of agricultural operation. Further staff are satisfied that the retained lands will be limited in size to the area needed to accommodate the new rural residential use and the necessary private services.

The Official Plan permits limited non-farm rural residential development within the Agricultural Reserve designation and provides a decision-making framework for evaluating non-farm rural residential development. In this case, consistent with Section 3.1.5.3, Creation of Rural Residential Lots, the application is proposing the creation of a lot for a residence surplus to a farming operation as a result of farm consolidation with an abutting agricultural lot and the lot to be retained will contain a habitable dwelling that was constructed prior to December 13, 1995.

Staff are of the opinion that the proposed enlargement will continue to be compatible with the abutting agricultural uses and will not create conflicts with farming activities and as such, is consistent with the Goal for Agricultural Policies as set out in Section 3.1.1. Further, staff are satisfied that the proposed farm consolidation will not result in the fragmentation of the existing woodlot or natural heritage features on the subject lands and no new development is proposed that would have a negative impact on this area.

Staff are also satisfied that the proposed agricultural parcel, once enlarged, will comply with the zoning requirements of the 'A2' zone, however staff are recommending that the retained lands be rezoned from 'A2' to 'RR' as a condition of consent to recognize the new land use of the retained lands as non-farm rural residential.

The Township Zoning By-law provides that any new non-farm rural residential development shall be required to comply with the MDS I formulae setback requirement. As noted in this report, an agricultural structure is present on the lot to be severed that was originally established as a livestock structure for the purpose of housing cattle. Staff are recommending that as a condition of approval, the applicant be required to demonstrate that this structure complies with the MDS I formulae setback, to the satisfaction of the Township, or the applicant shall be required to obtain a change of use permit, such that the existing structure is no longer capable of housing livestock.

Overall, it is the opinion of this Office the application for consent is consistent with the policies of the PPS with respect to prime agricultural areas and maintains the general intent and purpose of the County Official Plan and staff are recommending approval of the application, subject to the conditions included below for the Committee's consideration.

RECOMMENDATIONS

Whereas the application for consent is consistent with the 2024 Provincial Planning Statement and complies with the policies of the County of Oxford Official Plan, we are of the opinion that the application is acceptable from a planning perspective, and should be granted, subject to the following conditions:

1. The Owner shall demonstrate, to the satisfaction of the Township Building Department, that the existing livestock structure (Permit 2008-113) on the lot to be severed complies with the Minimum Distance Separation I setback requirement, or the Owner shall obtain a Change of Use Permit for the existing livestock structure (Permit 2008-113) to a use in conformance with the provisions of the Township Zoning By-law, and any applicable requirements of the Ontario Building Code, to the satisfaction of the Township Chief Building Official.
2. The Owner shall demonstrate that sufficient access is provided to the existing livestock structure (Permit 2008-113) on the lot to be severed that conforms to the minimum requirements for the provision of access for fire/emergency services as per the Ontario Building Code, to the satisfaction of the Township of South-West Oxford.
3. The Owner shall demonstrate that municipal addressing for all structures on the lot to be severed and lot to be retained conforms to the County Civic Addressing Guidelines to the satisfaction of the Township of South-West Oxford.
4. The location of the existing septic system servicing the lot to be severed is confirmed and verified by the Township of South-West Oxford Building Department prior to registration.
5. The lot to be retained be appropriately zoned to the satisfaction of the Township of South-West Oxford.
6. The parcel intended to be severed be conveyed to the abutting lands to the south and be consolidated with said owner's existing property. Any additional transactions with regard to the severed parcel must comply with Section 50(3) & (5) of the Planning Act, R.S.O., 1990, as amended, and be reflected on the certificate.
7. The Clerk of the Township of South-West Oxford advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Township of South-West Oxford, financial, services and otherwise, have been complied with.

SIGNATURES

Authored by:

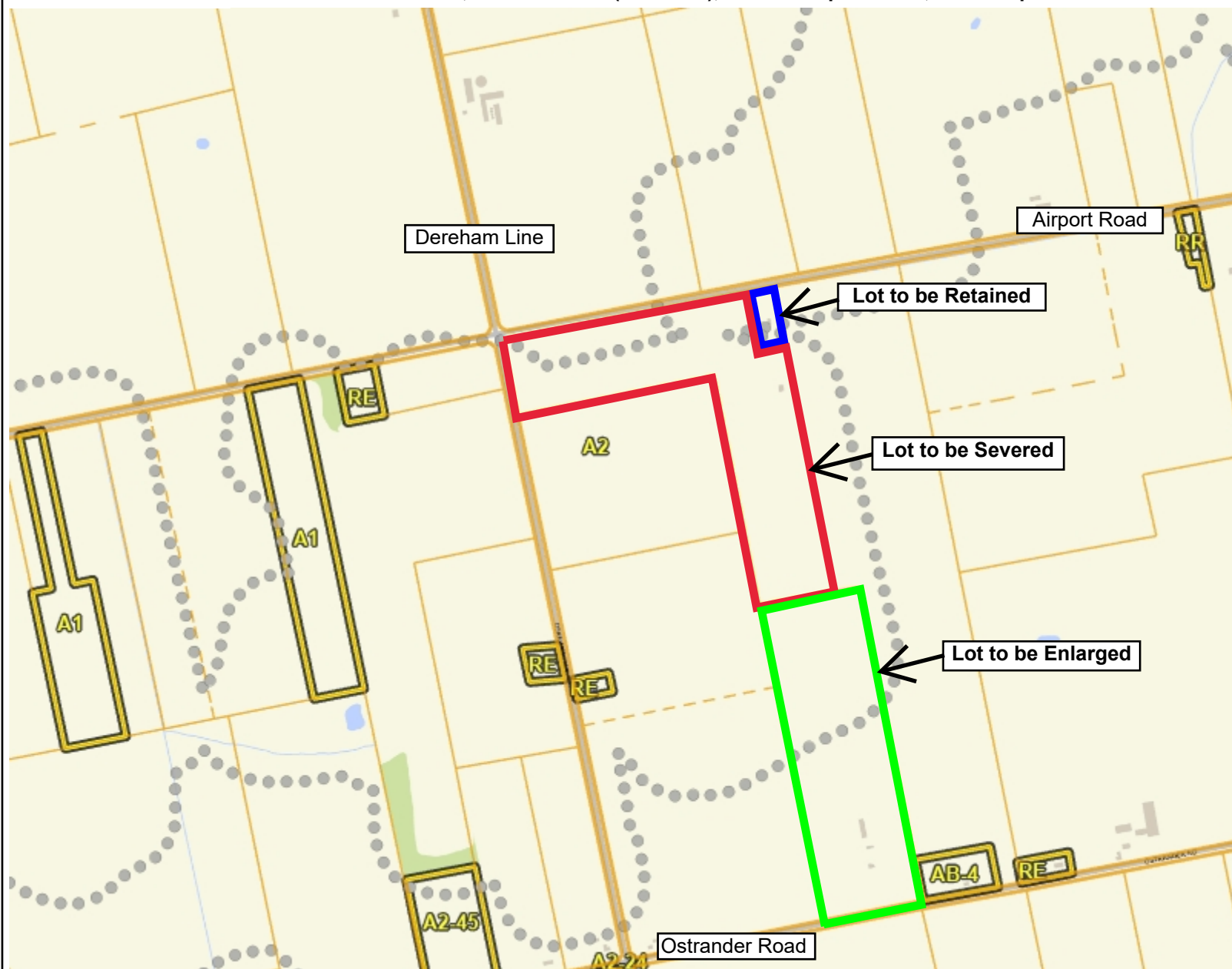
"Original Signed by"

Laurel Davies Snyder, RPP, MCIP
Development Planner

Approved for submission:

"Original Signed by"

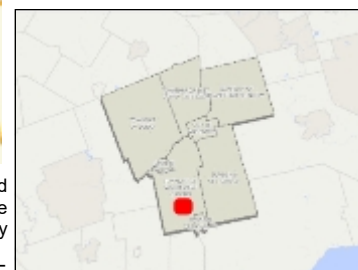
Heather St. Clair, RPP, MCIP
Senior Development Planner



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



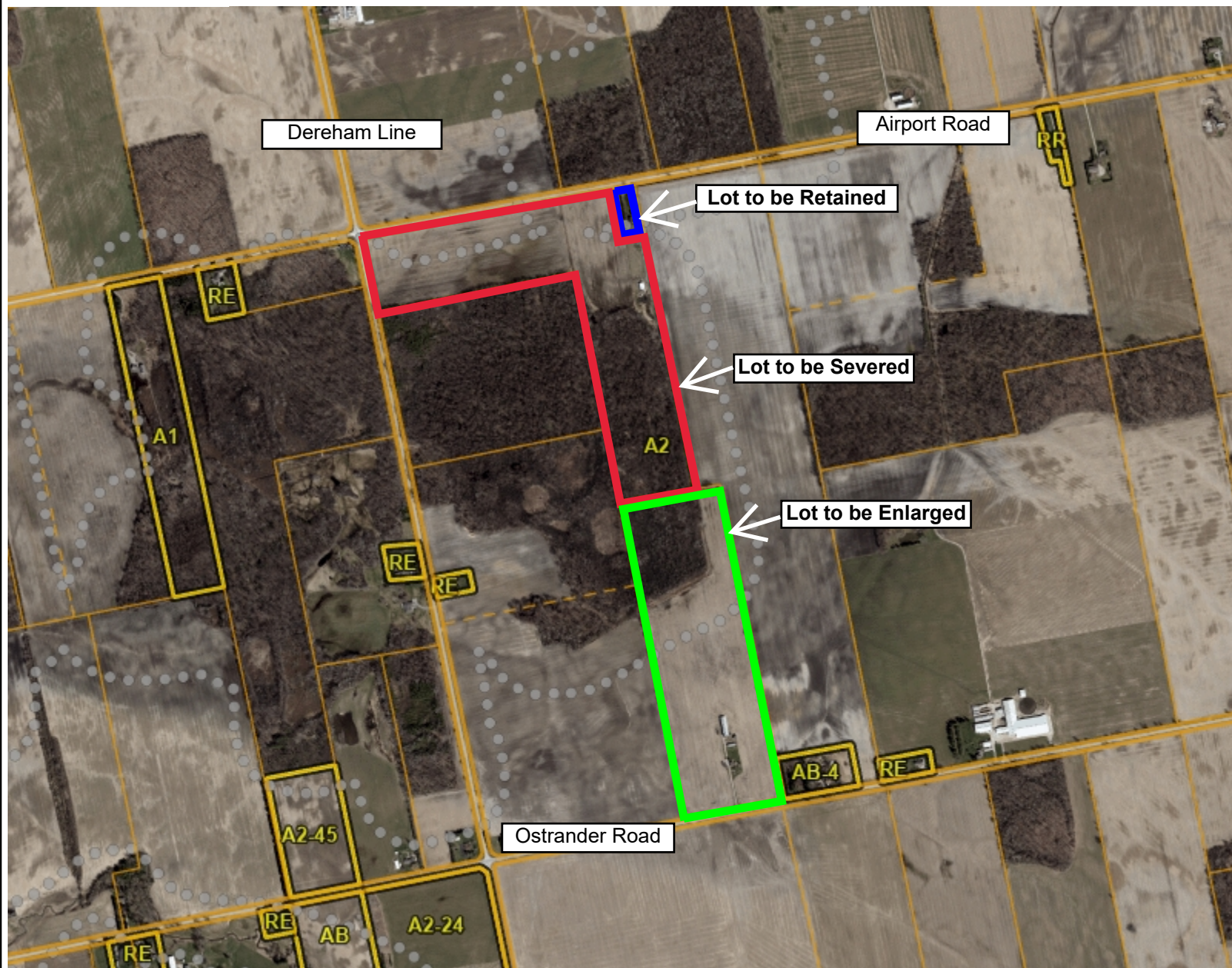
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NAD_1983_UTM_Zone_17N



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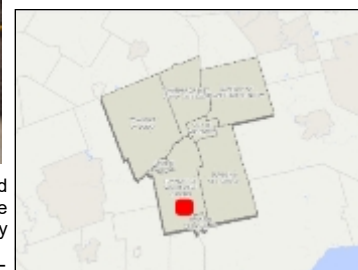
May 13, 2025



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



0 383 766 Meters

NAD_1983_UTM_Zone_17N



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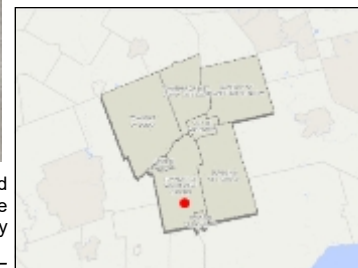
May 13, 2025



Legend

- 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 48 96 Meters

NAD_1983_UTM_Zone_17N



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August 25, 2025

Airport Road

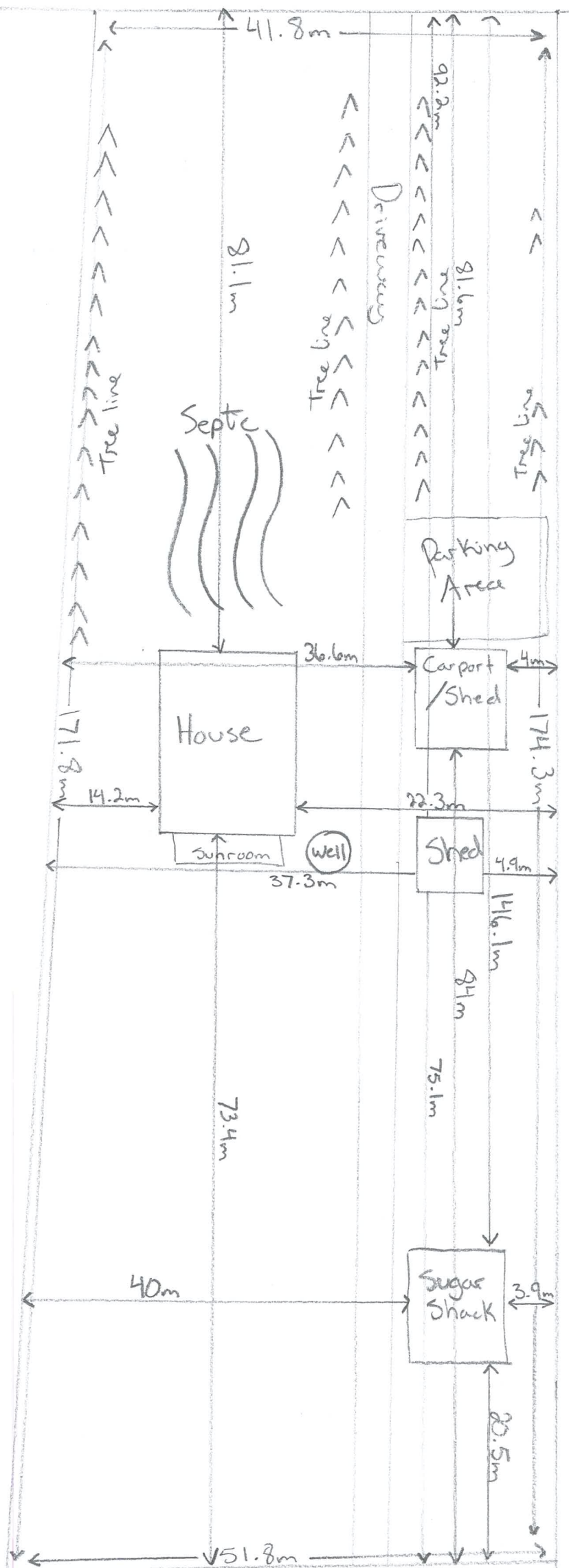


Plate 3a: Applicant's Sketch
 File No.: B25-26-4 (Boesterd)
 Part Lots 13-14, Concession 8 (Dereham) as in 497541,
 243930 Airport Road, Township of South-West Oxford

Airport Road

658.5m

41.8m

Lot to be
Retained

171.8m

174.3m

51.8m

Lot to be
severed

517.5m

184.4m

Coverall
Structure

601.3m

628.3m

Wooded
Area

195.6m
265.9m

Lot to be
enlarged

831.8m

823.9m



265.3m

Ostrander Road

Plate 3b: Applicant's Sketch

File No.: B25-26-4 (Boesterd)

Part Lots 13-14, Concession 8 (Dereham) as in 497541,
243930 Airport Road, Township of South-West Oxford