

**To: Mayor and Members of Township of South-West Oxford Council**

**From: Laurel Davies Snyder, Development Planner, Community Planning**

## **Application for Zone Change ZN 4-25-09 – Jacob Hiebert**

### **REPORT HIGHLIGHTS**

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- This zone change application proposes to rezone the subject property from 'General Agricultural Zone (A2)' to 'Special General Agricultural Zone (A2-sp)' to facilitate the development of an existing undersized parcel in the Township of South-West Oxford.
- The applicant has requested special provisions to permit a single detached dwelling not associated with an agricultural use, to recognize a frontage of approximately 90 m (295.3 ft) where a minimum of 100 m (328 ft) is required, to permit a minimum lot area of 2.4 ha (5.9 ac) where a minimum of 30 ha (74.1 ac) is required.
- Planning staff support rezoning the proposed building footprint to facilitate the proposed residential dwelling and propose a holding provision until such time that the recommendations of the Environmental Impact Study (EIS) and Landscape Plan have been completed to the satisfaction of the County of Oxford.
- Planning staff are recommending that the application be approved-in-principle as it is generally consistent with the Provincial Planning Statement (PPS) and maintains the intent and purpose of the Official Plan with respect to non-farm rural residential development in prime agricultural areas.

### **DISCUSSION**

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#### **BACKGROUND**

OWNERS: Jacob Hiebert  
7 Sycamore Drive, Tillsonburg, ON N4G 5H9

AGENT: Zelinka Priamo Ltd. c/o Laura Jamieson  
318 Wellington Road, London ON N6C 4P4

LOCATION:

The subject property is legally described as Part Lot 23, Concession 12 (Dereham), in the Township of South-West Oxford. The lands are located on the south side of Hawkins Road, between Culloden Line and Pigram Line and are known municipally as 143480 Hawkins Road.

COUNTY OF OXFORD OFFICIAL PLAN:

Schedule “S-1”                      Township of South-West Oxford                      Agricultural Reserve  
Land Use Plan

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

Existing Zoning:                      ‘General Agricultural Zone (A2)’  
Proposed Zoning:                      ‘Special General Agricultural Zone (A2-sp)’  
Recommended Zoning:                      ‘Special General Agricultural Holding zone (A2-sp(H))’

PROPOSAL:

This zone change application proposes to rezone the subject property from ‘General Agricultural Zone (A2)’ to ‘Special General Agricultural Zone (A2-sp)’ to facilitate the development of a single detached dwelling on the subject lands. The proposed location for the access driveway, dwelling, and septic bed is shown on Plate 2 and Plate 3. The applicant has requested special provisions to permit a single detached dwelling not associated with an agricultural use, a frontage of approximately 90 m (295.3 ft) where a minimum of 100 m (328 ft) is required, and a minimum lot area of 2.4 ha (5.9 ac) where a minimum of 30 ha (74.1 ac) is required for lands zoned ‘A2’.

The subject property is rectangular in shape, approximately 2.4 ha (5.9 ac) in area, with a frontage of approximately 90 m (295.3 ft) on Hawkins Road, and an approximate depth of 261 m (856.3 ft). The subject property contains concrete foundations of previous structures, also shown on Plate 3.

The subject lands contain Significant Woodlands, and the A.M. Smith Municipal Drain runs along the westerly and southerly border of the subject lands shown on Plate 1 and Plate 2. The subject lands are within the Catfish Creek Conservation Authority (CCCA) regulation limit.

In support of the application, the applicants submitted a Planning Justification Report, Environmental Impact Study (EIS), Tree Inventory Report, and Boundary Topographic Survey.

Surrounding land uses include a non-farm residential property to the east containing a single detached dwelling, and agricultural properties to the north, south, east and west, zoned ‘General Agricultural Zone (A2)’.

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

Plate 2, Aerial Map (2020), provides an aerial view of the subject lands and surrounding uses as existing in the Spring of 2020, and the approximate location of the proposed dwelling and proposed septic bed.

Plate 3, Applicant’s Sketch, illustrates the subject property and proposed development and building area footprint, as provided by the applicant.

## **APPLICATION REVIEW**

### 2024 PROVINCIAL PLANNING STATEMENT

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.

Section 4.1, Natural Heritage, directs that natural features and areas shall be protected for the long term, and that the diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

Section 4.3, Agriculture, directs that prime agricultural areas shall be protected for long term agricultural use. Section 4.3.2, Permitted Uses, establishes that new land uses in prime agricultural areas shall comply with the minimum distance separation formulae and that principal dwellings associated with an agricultural operation shall be permitted in prime agricultural areas as an agricultural use, in accordance with provincial guidance, except where prohibited in accordance with policy 4.3.3.1. c).

The PPS defines agricultural uses to mean the growing of crops, including nursery, biomass and horticulture crops, as well as the raising of livestock and animals for food, fur or fibre including poultry and fish, apiaries, agro-forestry, maple syrup production and associated on-farm buildings and structures including accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

An agricultural system is comprised of a group of inter-connected elements that collectively create a viable, thriving agri-food sector. More specifically, it contains agricultural land base comprised of prime agricultural areas, including specialty crop areas, it may also include rural lands that help to create a continuous productive land base for agriculture and an agri-food network which includes agricultural operations, infrastructure, services, and assets important to the viability of the agri-food sector.

### OFFICIAL PLAN

The subject lands are located within the Agricultural Reserve 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.

Section 3.1.4.2.3, Existing Undersized Agricultural Lots, establishes and recognizes that there are numerous existing smaller agricultural lots within the prime agricultural area of the County. It is the intent of the Official Plan that such lots continue to be utilized for agricultural use over the long term and do not simply become development sites for residential and other non-agricultural uses. The following key objectives apply to existing undersized agricultural lots:

- To ensure that the primary function of existing undersized agricultural lots is for agricultural purposes;
- To encourage the consolidation of existing undersized agricultural lots with abutting agricultural lots to form one larger agricultural lot under identical ownership; and,
- To ensure the manure generated by smaller livestock and/or poultry operations that are not regulated by the Nutrient Management Act is appropriately managed.

Existing undersized agricultural lots may be used for a primary use permitted in Section 3.1.4.1; however, the development of a residential dwelling and/or other buildings and structures shall not be permitted, except, in accordance with the policies of 3.1.4.2.3.1. Notwithstanding the permitted uses, existing undersized agricultural lots that are greater than 1 ha (2.5 acres) in area and contain an existing permanent residential dwelling or have existing zoning that allows for a permanent residential dwelling, shall be identified through an appropriate agricultural zoning category in the Area Municipal Zoning By-law. The zoning shall recognize the existing lot area and permit the primary agricultural uses in Section 3.1.4.1, and a dwelling and/or necessary farm buildings. Where livestock or poultry facilities and/or manure storages may be proposed, including expansions to existing facilities. They shall also be subject to the requirements of Section 3.1.4.2.1.

Section 3.1.4.2.3.1, Development of an Existing Undersized Agricultural Lot, sets out development criteria for the establishment of a dwelling, and/or agricultural buildings and structures on an existing undersized agricultural lot. Where it has been demonstrated that the proposed building envelope satisfies the following criteria:

- i) Has frontage on, or direct vehicular access to, a public road, maintained year-round, at a reasonable standard of construction;
- ii) Is the minimum size required to accommodate the dwelling and associated outdoor amenity areas, driveway and individual on-site water services and individual on-site sewage services and shall not exceed 0.4 ha (1 acres);
- iii) Is located so as to minimize the loss of tillable agricultural land and potential impacts on existing and future agricultural uses on surrounding lots (e.g., MDS II setback requirements) and to maximize the continued and/or potential future use of the lot for agricultural purposes (e.g., by locating on lands with existing constraints for agriculture, wherever possible, and not creating small or irregularly shaped areas for tillage and cropping);
- iv) Complies with MDS I requirements;
- v) Where development or site alteration is proposed within or adjacent to natural heritage features and areas, it is supported by an Environmental Impact Study, in accordance with the requirements of Section 3.2; and,

- vi) Proposals shall also comply with all other applicable policies of this Plan, including, but not limited to: Section 3.2, Environmental Resource Policies, Section 3.3, Cultural Resource Policies and Chapter 10, Implementation Measures. Site plan approval shall generally be required for such development.

The site-specific zoning provisions and, where required, site plan approval, shall incorporate any restrictions or requirements that may be necessary to ensure the above noted policy criteria and any other development and site design related matters are addressed. The Area Municipality may also utilize any other tools or measures (i.e., conservation easements, development agreements etc.) deemed necessary or advisable to assist in implementing and ensuring continued compliance with the above noted policies.

### ZONING BY-LAW

The subject property is currently 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 agricultural 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 frontage of 100 m (328.1 ft).

The applicant has requested special provision to permit 2.4 ha (5.9 ac) in area, 90 m (295.3 ft) of frontage on Hawkins Road, and a single detached dwelling not associated with an agricultural use.

### AGENCY COMMENTS

The application was circulated to public agencies considered to have an interest in the proposal. All the comments received through the circulation process are summarized below.

Township of South-West Oxford Building Services Department and the Township of South-West Oxford Drainage Superintendent commented that:

- Any structure will need to be set back 30 metres from the top of bank from the A.M. Smith Drain.
- Catfish Creek Conservation Authority (CCCA) approval for the location of the new septic system and proposed dwelling and an exemption from the County of Oxford Woodlands Conservation By-law is required prior to development

Oxford County Public Works and Ministry of Environment, Conservation and Parks (MECP) – Species at Risk Branch, replied that they reviewed the application and do not have any comments.

### PUBLIC CONSULTATION

Notice of Complete Application and Notice of Public Meeting regarding the application for Zone Change were provided to surrounding property owners in accordance with the requirements of the Planning Act on January 9, 2026, and March 18, 2026, respectively.

At the time of writing this report, Staff had not received any questions or comments from the public.

## **Planning Analysis**

This zone change application proposes to rezone the subject property from 'General Agricultural Zone (A2)' to 'Special General Agricultural Zone (A2-sp)' as per the Planning Justification Report submitted by the applicant, and specifically, to facilitate the construction of a single detached dwelling in the previously disturbed in the northeasterly portion of the subject lands, generally in the same location of a former structure.

The Planning Justification Report submitted by the applicant indicates that all trees beyond the proposed building envelope depicted on Plate 3 will be preserved as a woodlot. In support of the application, the applicant submitted a Planning Justification Report, Environmental Impact Study (EIS), Tree Inventory Report, and Boundary Topographic Survey. Although the applicant has indicated that the proposed location for the development is conceptual and the location may change over time depending on further site evaluation, Staff note that the EIS, EIS Peer Review, and Planning analysis and this recommendation are based on the proposed plan as submitted by the applicant.

The proposal was reviewed using the criteria set out in Section 3.1.4.2.3.1, Development of an Existing Undersized Agricultural Lot. Consistent with the criteria, the subject property has frontage and direct vehicular access to Hawkins Road and Planning staff are of the opinion that the establishment of a single detached dwelling would not create conflicts with surrounding land uses or limit the existing and future agricultural uses on surrounding lots. The proposal complies with MDS I requirements and the property meets the minimum size required to accommodate a dwelling and associated outdoor amenity areas, driveway, and individual on-site water services and individual on-site sewage services.

When development is proposed for an Undersized Agricultural Lot, the amending Zoning By-law is to be structured to ensure that the policy criteria in Section 3.1.3.2.3.1 is addressed. Therefore, to ensure minimal impact of non-agricultural development on lands in the Agricultural Reserve that development on an undersized agricultural lot does not exceed 0.4 ha (1 ac), Staff are of the opinion that it is appropriate that the amending Zoning By-law includes provisions to identify the maximum area required for the proposed development, specifically, the building footprint required for the proposed single detached dwelling and related service infrastructure as submitted by the applicant and shown in Plate 3.

### *Environmental Impact Study (EIS)*

The EIS noted that the development area for the proposed single-detached dwelling with the two-car garage and septic bed area is within an existing open area with previous foundations present. The driveway is proposed to be within the existing laneway. The EIS establishes that these locations were selected after reviewing the results of field investigation to avoid unnecessary impacts to natural heritage features, both short-term and long-term.

The EIS concluded that the proposed development would not introduce net negative impacts on the natural features or functions on the subject property if the recommendations provided in the EIS are implemented. The EIS includes sixteen (16) recommendations including but not limited to applying for an exemption to the County of Oxford Woodland Conservation By-law concerning removal of the cultural woodland community, avoiding vegetation clearing and site disturbance during the migratory bird breeding season (April to August 31), completing a Tree Preservation Plan to ensure trees that are to remain are protected during construction activities, ensuring a 30 m buffer between the municipal drain and proposed development to protect potentially sensitive species found within the watercourse, assessing all trees proposed for removal for bat habitat

and removing trees outside of the bat maternity roost period (April 1 to September 30), providing and implementing a project-specific Environment and Sediment Control (ESC) Plan which will implement a multi-barrier approach for sediment and erosion control, ensuring regular site clean-up to ensure that adjacent features are not degraded, implementing dust abatement measures as appropriate, re-seeding all disturbed areas as soon as possible to minimize establishment of native species and maximize erosion protection, and implementing invasive species management using best management practices.

Recognizing the findings of the Environmental Impact Study and Peer Review of the EIS, Planning Staff notes that Policy 3.2.6.5 requires that an EIS demonstrate that a proposed development results in a net environmental gain to mitigate any negative impacts of the proposed development. In this case, options for achieving net environmental gain include removing the concrete pad and other debris where the septic bed is proposed to be located and restoring the area by planning a higher diversity of native trees and shrubs.

Planning staff are of the opinion that consistent with the findings of the EIS and Peer Review, it is reasonable to support a single detached dwelling on the subject property in the proposed location pending completion of the recommendations of the EIS and submission of a Landscape Plan for the restoration works with securities for the implementation of restoration works to illustrate net environmental gain. The securities for the implementation of restoration works would be released once it is confirmed that the Landscape Plan has been implemented to the satisfaction of the County.

An amending By-law will be prepared when the applicant has confirmed the distance from the rear lot line to the septic bed area, and the distance from the westerly interior lot line, easterly interior lot line, and front lot line to the proposed dwelling to confirm the extent of the building envelope. As previously mentioned in this report, Staff propose a holding provision until such time that the recommendations of the Environmental Impact Study (EIS), Landscape Plan have been completed to the satisfaction of the County of Oxford, as the proposal is exempt from site plan approval.

Staff note that the applicant is required to obtain a permit from the Catfish Creek Conservation Authority (CCCA) and apply for an exemption from the County of Oxford Woodlands Conservation By-law prior to development.

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 zone change application be approved in principle.

## **RECOMMENDATIONS**

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It is recommended that the Council of the Township of South-West Oxford approve-in principle the zone change application submitted by Jacob Hiebert (ZN 4-25-09), whereby a portion of the lands described as Part Lot 23, Concession 12 (Dereham), Township of South-West Oxford are to be rezoned from 'General Agricultural Zone (A2)' to 'Special General Agricultural Holding Zone (A2-sp(H))'.

## **SIGNATURES**

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**Authored by:** Original Signed By Laurel Davies Snyder, MCIP, RPP  
Development Planner

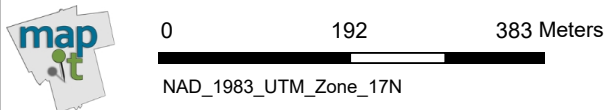
**Approved for submission:** Original Signed By Eric Gilbert, MCIP, RPP  
Manager of Development Planning



**Legend**

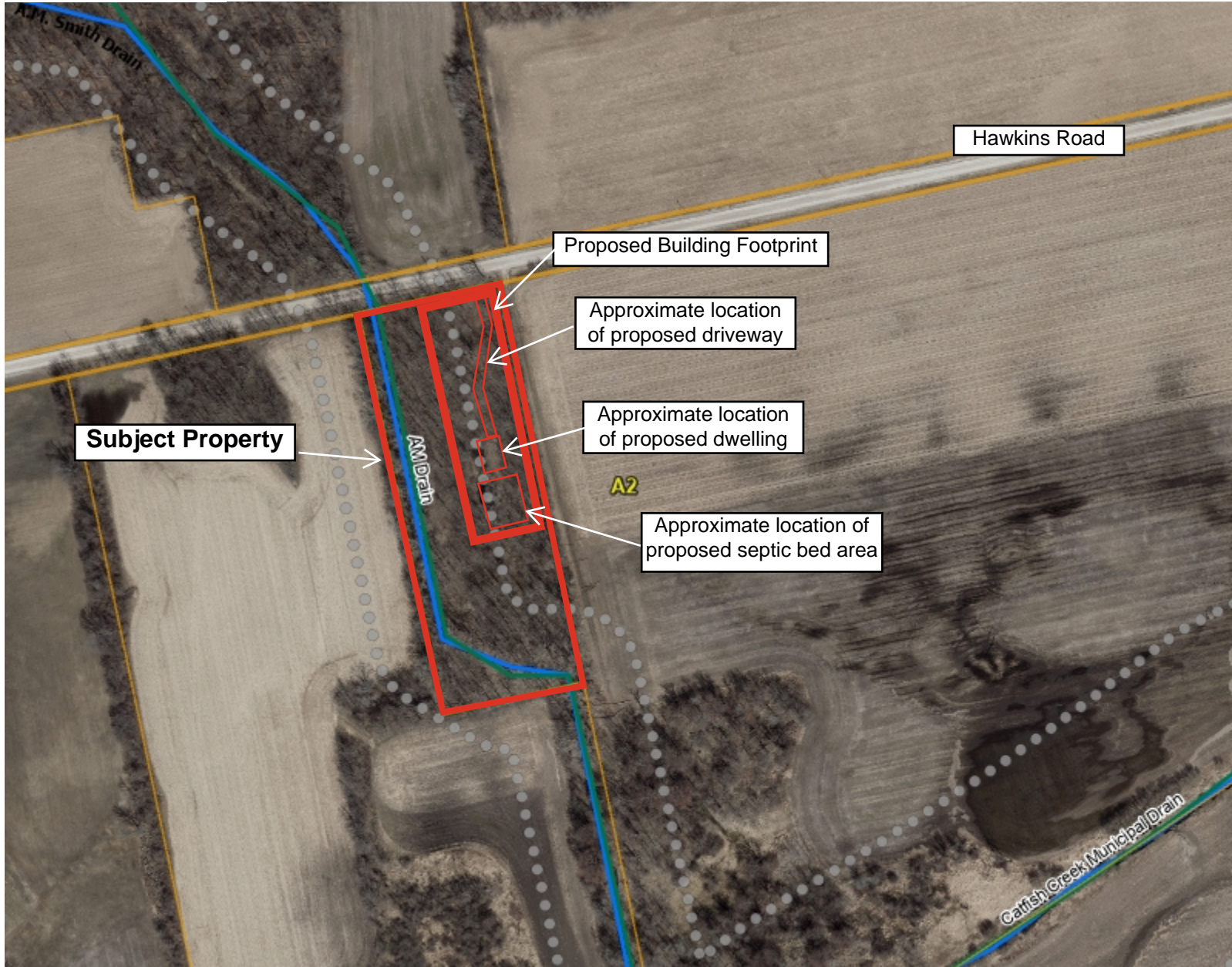
- Parcel Lines
  - Municipal Boundary
  - Property Boundary
  - Assessment Boundary
  - Road
  - Unit
- Zoning Floodlines
  - Regulation Limit
    - ◆ 100 Year Flood Line
    - ▲ 30 Metre Setback
    - Conservation Authority Regulation Limit
    - Regulatory Flood And Fill Lines
- Land Use Zoning (Displays 1:16000 to 1:500)
  - RE
  - A2
- Constructed Drains
  - Open or Unknown
  - Closed/Tiled
- SWOX Constructed Drains
  - Open
  - Closed/Tiled

**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

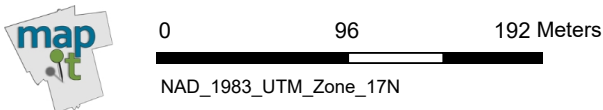
December 15, 2025



**Legend**

- Parcel Lines**
  - Municipal Boundary
  - Property Boundary
  - Assessment Boundary
  - Road
  - Unit
- 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)**
- Constructed Drains**
  - Open or Unknown
  - Closed/Tiled
- SWOX Constructed Drains**
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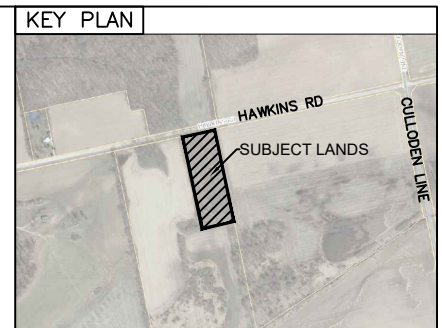
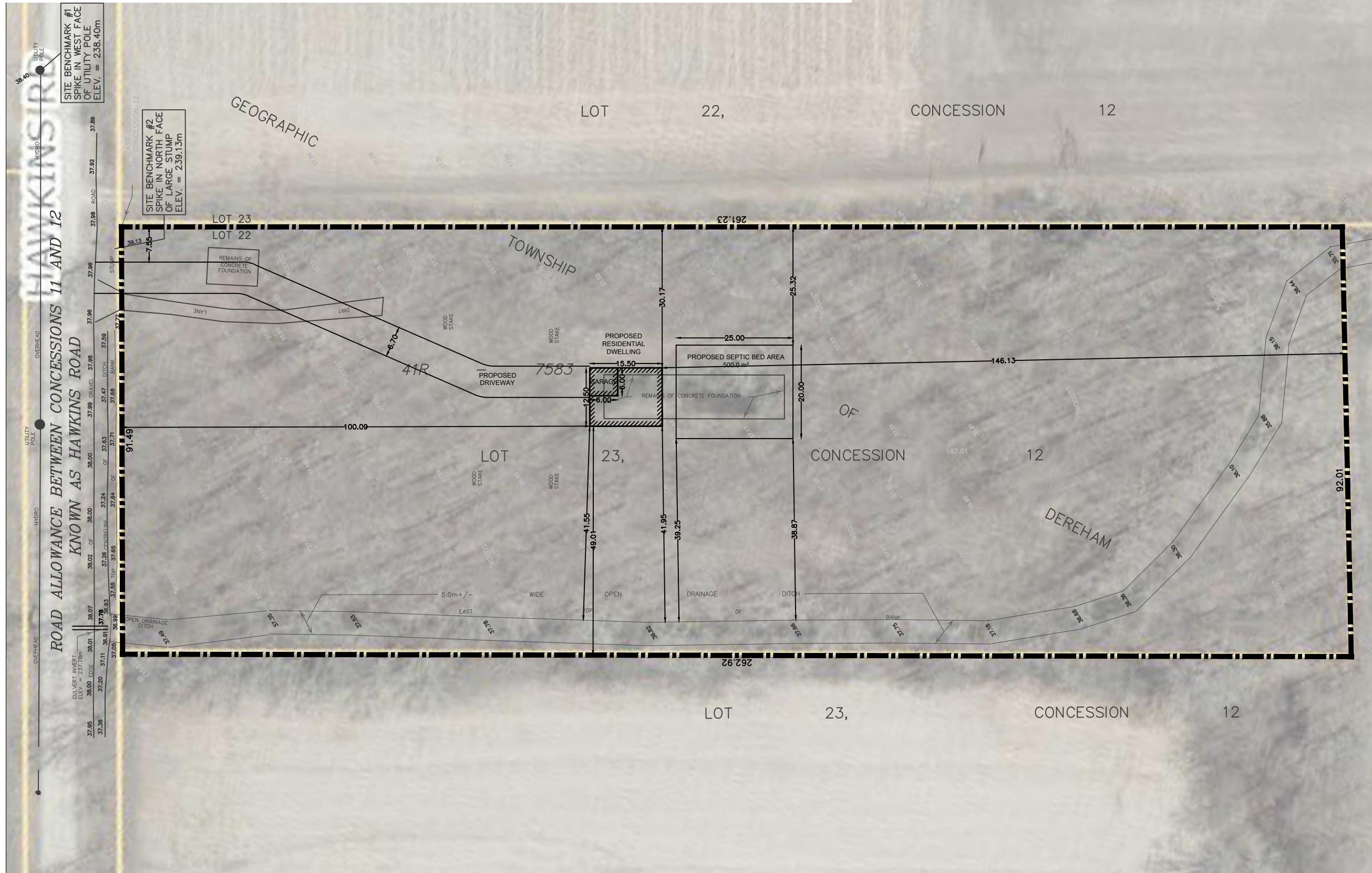
**Notes**



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December 15, 2025

**Plate 3: Applicants' Sketch**  
**File No. ZN4-25-09 (Jacob Hiebert)**  
**Part Lot 23, Concession 12 (Dereham), 143480 Hawkins Road, Township of South-West Oxford**



**CONCEPT PLAN OF  
PART OF LOT 23, CONCESSION 12,  
PART 1, PLAN 41R-7583**

(GEOGRAPHIC TOWNSHIP OF DEREHAM)  
TOWNSHIP OF SOUTH-WEST OXFORD  
COUNTY OF OXFORD

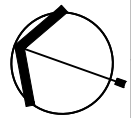
**SITE STATISTICS**  
CURRENT ZONE: A2  
PROPOSED ZONE: A2-(L)

	REQUIRED	PROPOSED
LOT AREA(min)	30ha	*2.4ha
LOT FRONTAGE	100.0m	*91.5m
LOT DEPTH	N/A	262.9m
FRONT YARD SETBACK	10.0m	100.1m
REAR YARD SETBACK	7.5m	146.1m
INT. SIDYARD (W)	7.5m	49.0m
INT. SIDYARD (E)	7.5m	30.1m
ROAD SETBACK	21.0m	>100.1m
HEIGHT	15.0	<15.0m
PARKING	2 spaces/unit	2 spaces

\* DENOTES SITE SPECIFIC REGULATION

NOTES:  
1 - PROPERTY DIMENSIONS ARE AS SHOWN ON DEPOSITED PLAN 41R-7583  
2 - THIS TOPOGRAPHIC SURVEY WAS COMPLETED FROM FIELD WORK COMPLETED BY KIM HUSTED SURVEYING LTD. ON FEBRUARY 26, 2024


NO.	REVISION	DATE	INITIAL
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143480 HAWKINS ROAD

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DRAWN BY DSE	PROJECT NO. HBT/SWO/22-01
DATE AUG 2024	SCALE 1:850