

**Township of South-West Oxford
Council Minutes
June 20, 2023**

Members Present: Mayor: Mayor David Mayberry, Paul Buchner (Ward 1), Peter Ypma (Ward 2), Valerie Durston (Ward 3),
Councillors: George Way (Ward 4), Jim Pickard (Ward 5), Craig Gillis (Ward 6)

Members Absent: None.

Staff Present: Adam Prouse, Works Superintendent
Howard Leaver, Chief Building Official
Julie Middleton, Clerk
Nicole Chambers, Records Management Co-ordinator/Clerk's Assistant
Spencer McDonald, Development Planner
Meghan House, Development Planner

Call Meeting to Order
The meeting was called to order at 7:00 p.m. by Mayor David Mayberry and a quorum was present.

Motion to Accept Agenda

Resolution No. 1 Moved by Peter Ypma
Seconded by George Way

RESOLVED that the regular meeting agenda for the June 20th, 2023 meeting of council be approved, as amended (West Nile Prevention Program).

DISPOSITION: Motion Carried

Declaration of Pecuniary Interest

Councillor Pickard declared a pecuniary interest in relation to planning application OP 23-03-4 submitted by Murgo Farms Ltd. His son rents the residence on the subject property.

Minutes

June 6th, 2023 Regular Council Meeting Minutes

Resolution No. 2 Moved by Jim Pickard

Seconded by Peter Ypma

RESOLVED that the regular minutes of the June 6th, 2023 Council meeting be approved.

DISPOSITION: Motion Carried

Business Arising from the Minutes

CL 29-2023: Business Arising from the Minutes of June 6th, 2023

Clerk Julie Middleton provided Council with a report to provide them with an overview of the staff actions arising from the minutes of the last Council meeting.

Resolution No. 3 Moved by George Way
Seconded by Valerie Durston

RESOLVED that the Council of the Township of South-West Oxford receive report CL 29-2023 Summary of Staff Actions Related to Business Arising from the Minutes of June 6th, 2023 as information.

DISPOSITION: Motion Carried

APPROVED

Appointments

7:00 p.m. - Development Planner Meghan House - Public Meeting re: Application for Zone Change ZN 4-23-03 – Township of South-West Oxford (Additional Residential Units)

Resolution No. 4 Moved by George Way
Seconded by Peter Ypma

RESOLVED that the Council of the Township of South-West Oxford move into public meeting to consider zone change application ZN 4-23-03 to consider general amendments to the Township of South-West Oxford Zoning By-law in relation to additional residential units at 7:00 p.m.

DISPOSITION: Motion Carried

Development Planner Meghan House explained that the zone change application proposes a number of general amendments to the Township Zoning By-law to incorporate standards and requirements for Additional

Residential Units (ARUs), as well as to amend related definitions and general provisions and include ARUs as a permitted use in various zones that permit residential uses.

Development Planner Meghan House advised that an Official Plan Amendment (OPA 285) was adopted by County Council on February 8, 2023, which requires that ARUs be generally permitted in serviced settlement areas, and enables the Township to permit ARUs in unserviced areas, where appropriate and subject to various criteria. OPA 285 further requires the Township to implement the Official Plan policies in their Zoning By-law.

Ms. House reviewed the proposed zoning provisions as attached to planning report CP 2023-176, included as part of the Council meeting agenda package. With respect to additional residential units within the Township, and other proposed general amendments, she advised as follows:

- Official Plan policies require that the zoning permit up to two ARUs per lot (i.e., two in the principal dwelling or one in the principal dwelling and one in an ancillary structure) in zones permitting single detached, semi-detached and/or street townhouse dwellings (e.g., R1, R2, R3, V), where adequate servicing capacity exists;
- municipal water and wastewater services – must confirm adequate capacity is available, but limited in specific areas where constraints are known (Mount Elgin);
- policies enable the Township to permit one ARU per lot, either within the principal dwelling or in a detached structure in zones permitting single detached, semi-detached and street townhouse dwellings (e.g., R1, R2, V, RE, RR);
- the minimum lot area requirement to permit an ARU in a detached structure is 0.6 ha (1.48 ac);
- no ARUs are permitted in Dereham Centre and a portion of Beachville, where serviced by municipal water services as capacity is not available;
- property owners are required to demonstrate adequacy of private services (on-site septic and well);
- ARUs in a detached structure on a farm are subject to approval by Committee of Adjustment to ensure locational criteria are met;
- ARU(s) must be clearly secondary to the principal dwelling;
- gross floor area (GFA) of all ARUs is 50% of the GFA principal dwelling on the lot, to a maximum of:
 - 100 m² (1,076 ft²) within a settlement; and
 - 140 m² (1,506 ft²) outside of a settlement (i.e., farm or RR lot);
- with respect to ARUs in a detached structure:
 - structure to be located in rear or interior side yard, except on farms;

- minimum side and rear yards and building height same as existing for accessory buildings;
- maximum setback for fire access;
- avoid impacts to agricultural operations on the farm or nearby farms - maximum distance of 30 meters from principal dwelling on a farm and must comply with MDS I; and
- to minimize potential impacts on adjacent properties – minimum fencing, no windows above ground floor or upper-level balconies, decks, and rooftop patios are permitted;
- other proposed amendments include:
 - converted Dwellings removed from AB, I and REC zones; and
 - changed to ‘up to four units’, permitted in R3 Zone; and
- other definitions and minor housekeeping amendments:
 - updated servicing and natural hazard terminology to match OP/PPS;
 - definition of tandem parking space has been added;
 - permit residential dwellings in basement or cellar;
 - home occupation only in principal dwelling;
 - home daycare and bed and breakfast not permitted on same lot as ARUs, converted dwelling or garden suite in a settlement; and
 - Garden Suite provisions revised to allow such units to remain for up to 20 years.

Planning staff are of the opinion that the proposed zoning provisions attached to and described in this report are appropriate and will comply with and implement the changes approved to County Official Plan policies.

Questions from Council:

Members of Council discussed the policy changes proposed and clarification was provided in relation to the need to confirm servicing availability on site for any additional residential unit and requirements in relation to second story windows, fences and balconies in detached additional residential units. The restrictions in relation to windows, fences and balconies are intended to address privacy concerns of neighbouring property owners when a detached additional residential unit is added to a property.

It was confirmed that additional residential units will be permitted as a right so long as the property meets all related zoning requirements and subject to approval of a building permit application, with the exception that a Minor Variance is required for an ARU in a detached building on a farm.

With respect to servicing, it was stated that there is not sufficient water capacity within Dereham Centre and portion of Beachville that are services by

DISPOSITION: Motion Carried

Resolution No. 6

Moved by Jim Pickard
Seconded by Valerie Durston

RESOLVED that the Council of the Township of South-West Oxford approve-in-principle the proposed Zoning By-Law amendment (File No. ZN 4-23-03) to introduce amendments to Township Zoning By-Law No. 25-98 and that the By-law be brought back to a subsequent Council meeting.

AND FURTHER THAT Council direct Township staff to work with County staff to implement a process to confirm servicing capacity, which is acceptable to both the County and Township, prior to approval of any Building Permit to establish an Additional Residential Unit.

AND FURTHER THAT Council direct Township staff to review and report back to Council regarding implementation of a licensing/registration system or other process to confirm compliance with all municipal requirements.

AND FURTHER THAT Planning staff be requested to report back to Council once the amended By-law provisions have been in effect for at least six months to identify any implementation or interpretation issues and the number and nature of Minor Variance applications submitted to facilitate Additional Residential Units.

DISPOSITION: Motion Carried

Resolution No. 7

Moved by Craig Gillis
Seconded by Paul Buchner

RESOLVED that the Council of the Township of South-West Oxford move into public meeting to consider application for official plan amendment OP 23-03-4 submitted by Murgo Farms Ltd. at 7:32 p.m.

DISPOSITION: Motion Carried

* *Councillor Pickard left the meeting.*

7:30 p.m. - Development Planner Spencer McDonald - Public Meeting re: Application for Official Plan Amendment OP 23-03-4 – Murgo Farms Ltd.

Development Planner Spencer McDonald explained that the application for Official Plan amendment proposes to include a site-specific policy to facilitate the severance of approximately 2,365 m² (0.58 ac) containing a single-detached dwelling, while retaining approximately 61.35 ha (151.6 ac) of Agricultural lands containing a single-detached dwelling within an area identified as a Sand and Gravel Resource Area and a Limestone Resource Area.

The subject lands are described as Lot 3, Concession 4 (West Oxford), Township of South-West Oxford. The property is located on the south side of Sweaburg Road, between Dodge Line and Cedar Line, and is municipally known as 484820 Sweaburg Road. The subject lands are located within a 'Prime Agricultural Area', as defined by the PPS. The policies of Section 2.3 (Agriculture) direct that prime agricultural areas shall be protected for long term agricultural use. Permitted uses in prime agricultural areas include agriculture, agriculture related uses and on-farm diversified uses.

Mr. McDonald advised that no comments were received from members of the public in relation to the application. One comment was received from the conversation authority asking to ensure that the drain on the subject lands is not severed.

He explained that the proposal is generally consistent with the policies of the Provincial Policy Statement and supports the strategic initiatives and objectives of the Official Plan, including policies recently adopted by County Council via OPA 269 regarding the County's agricultural areas, with respect to rural non-farm residential uses and can be supported from a planning perspective.

Questions from Council

None.

Comments from the Applicant

The applicant commented that they are in support of the recommendations from staff outlined in the planning report.

Comments members of the public

No member of the public spoke in support or opposed to the application.

Resolution No. 8 Moved by George Way
Seconded by Paul Buchner

RESOLVED that the Council of the Township of South-West Oxford reconvene in regular session at 7:37 p.m.

DISPOSITION: Motion Carried

Resolution No. 9 Moved by Craig Gillis
Seconded by George Way

RESOLVED that the Council of the Township of South-West Oxford advise County Council that the Township supports the application for Official Plan Amendment, File No. OP 23-03-4, submitted by Murgo Farms Ltd., for lands described as Lot 4, Concession 3 (West Oxford), Township of South-West Oxford, and municipally known as 484820 Sweaburg Road, to facilitate the severance of a surplus farm dwelling as the proposal is consistent with the policies of the PPS and maintains the intent and purpose of policies contained in OPA 269.

DISPOSITION: Motion Carried

* *Councillor Pickard returned to the meeting.*

Staff Reports

CL 30-2023: Revised Records Management Policy

Records Management Co-ordinator Nicole Chambers provided Council with a report to provide them with information regarding a proposed amendment to the Township’s Records Management By-law No. 67-2021 to include a section regarding recorded meetings.

Resolution No. 10 Moved by Valerie Durston
Seconded by Peter Ypma

RESOLVED that Council of the Township of South-West Oxford receive report CL 30-2023: Amended Records By-law for information;

AND FURTHER THAT Council approve the amended Records Management By-law attached to report CL 30-2023.

DISPOSITION: Motion Carried

Appointments (continued)

7:45 p.m. - Development Planner Spencer McDonald - Public Meeting re: Applications for Official Plan Amendment and Zone Change OP22-10-4 & ZN4-22-30 – Barbara & Johannes Hakkenberg

Resolution No. 11 Moved by George Way
 Seconded by Peter Ypma

RESOLVED that the Council of the Township of South-West Oxford move into public meeting to consider official plan amendment and zone change applications OP 22-10-4 & ZN 4-22-30 submitted by Barbara & Johannes Hakkenberg at 7:42 p.m.

DISPOSITION: Motion Carried

Development Planner Spencer McDonald explained that the applicant proposes to amend the Official Plan to include a site-specific policy to permit the continued operation of an existing truck terminal on approximately 2.3 ha (5.8 ac) of the subject lands as an 'on-farm diversified use'. The purpose of the zone change application is to rezone the proposed area dedicated to the truck terminal from 'General Agricultural Zone (A2)' to 'Special General Agricultural Zone (A2-sp), to add a "truck terminal" as a permitted use.

The subject lands are described as Part Lots 10-11, Conc. 4, (Dereham) in the Township of South-West Oxford. The lands are located near the southeast corner Plank Line and Ebenezer Road, and are municipally known as 344154 Ebenezer Road. The whole of the subject lands comprise approximately 40.3 ha (98.6 ac) and will continue to be used for agricultural purposes or retained as natural environment features.

Mr. McDonald advised that the Ministry of Transportation (MTO) provided comments noting that revisions and actions were required to satisfy the MTO's requirements with respect to both signage and entrances/access points. The Ministry of the Environment, Conservation and Parks (MECP) provided comment, advising that while a zone change is not an activity that may impact species at risk (SAR) protected under the *Endangered Species Act, 2007 (ESA 2007)*, some proposed future development may. In this case, it is MECP's understanding that the zone change is for existing buildings on-site and that no additional development or site alteration is proposed.

Mr. McDonald explained that when planning staff test applications against planning policies, they need to consider if someone was proposing a new trucking terminal on this lot, whether or not it would be supported. He noted that this is an existing business on-site and that it functions well. The total area of the property is 98 acres and approximately 6 acres is used for the business operation.

He advised, that based on the above, it is the opinion of planning staff that the proposal is not consistent with the relevant policies of the Provincial Policy Statement, and does not support the strategic initiatives and objectives of the Official Plan regarding on-farm diversified uses, agriculture-related uses and/or non-agricultural uses in agricultural areas.

Questions from Council

Mayor Mayberry questioned why the existing operation would not be considered an agri-business use. Mr. McDonald explained that it does function as an agri-business use, and that the most appropriate zoning for the property would be an A2-sp to provide a site-specific provision to the property should the application be approved by Council.

Comments from the Applicant

The Applicants' Agent, Simona Rasanu, addressed Council regarding the application. She stated that the subject property is approximately 42.7 hectares (105.5 acres). Since 53% of the property is forested, about 10 hectares (24 acres) is farmed. The applicants have added approximately 5 acres of workable farmland since purchasing the property in 2004. Although the property is located in a prime agricultural area, she suggested that not all agricultural properties are equal in terms of their farming capacity or can be characterized as "prime agricultural land". The subject property, including the existing business area proposed to be rezoned, was historically part of a larger gravel quarry and it is challenging to restore these lands back to a prime agricultural condition. The existing business area takes up approximately 2 hectares of the property, excluding the shared driveway that is used to access both the business area and the principal residence.

She further suggested that it was of note that, except for the opinion of planning staff, no negative comments have been received from municipal, County, or agency staff. No negative comments have been received from members of the public, including the abutting neighbours, which suggests that the existing business has no negative impacts on the surrounding agricultural lands.

The Applicant, Johannes Hakkenberg, spoke in support of the application and advised Council that they are not using any land available for agricultural use for the business on site. He noted that there are a lot of wooded areas and wetlands on the property. They are seeking a change to the zoning to ensure compliance with the Township's Zoning By-law going forward.

Comments from members of the public

No member of the public spoke in support of or opposed to the application.

Members of Council expressed their support for the application and noted that the trucking operation is an existing use on the property and that it primarily supports the surrounding agricultural area.

It was noted that Ebenezer Road is a weight restricted road for two months each year. It is the preference of Township Public Works staff that Plank Line (Highway 19) be used as the primary access to the site. Discussion took place regarding the Ministry of Transportation's preference for the property to be accessed via Ebenezer Road. The applicants were encouraged to obtain approval from MTO to primarily use the property access off of Plank Line.

Resolution No. 12 Moved by Craig Gillis
 Seconded by George Way

RESOLVED that the Council of the Township of South-West Oxford reconvene in regular session at 8:12 p.m.

DISPOSITION: Motion Carried

Resolution No. 13 Moved by Valerie Durston
 Seconded by Peter Ypma

RESOLVED that the Council of the Township of South-West Oxford advise County Council that the Township supports the application for Official Plan Amendment, File No. OP22- 25-4, submitted by the SBM Ltd. for the lands legally described as Part Lot 10-11, Conc. 4, (Dereham) as in 482053, Township of South-West Oxford to include a site-specific policy to recognize a truck terminal on approximately 2.4 ha (5.8 ac) in area of the lands.

AND FURTHER that the Council of the Township of South-West Oxford approve-in-principle, the zone change application File No. ZN4-22-30, submitted by

SBM Ltd. for lands described as Pt. Lot 10-11, Conc. 4 from 'General Agricultural Zone (A2)' to 'Special General Agricultural Zone (A2-sp) to add a "truck terminal" as a permitted use and to recognize the existing trucking business as an on-farm diversified use.

DISPOSITION: Motion Carried

8:00 p.m. - Noise By-law Exemption Request - Mike Hague: Sweaburg Lions Park

CL 31-2023: Noise By-law Exemption Request - Mike Hague - Sweaburg Lions Park

Clerk Julie Middleton provided Council with a report to present Council with a request received from Mike Hague for an exemption to the Township's Noise By-law to permit the amplification of sound (music) for a community event to be held outdoors on Saturday, July 15th. She advised Council that she has received no comments or concerns from members of public in relation to the request. Staff are recommending support of the noise by-law exemption request.

Resolution No. 14 Moved by Jim Pickard
Seconded by Craig Gillis

RESOLVED that the Council of the Township of South-West Oxford receive report CL 31-2023: Noise By-law Exemption Request: Mike Hague - Sweaburg Lions Park as information;

AND FURTHER THAT Council authorize an exemption to Section 3.3 of the Township's Noise By-law No. 49-2021 for an outdoor community event to be held on Saturday, July 15th, 2023 at Sweaburg Lions Park from 6:00 p.m. until 1:00 a.m. July 16th, 2023;

AND FURTHER THAT Council provide direction to staff to notify residents that provided comments in relation to this request, enforcement staff and the OPP of the event to be held on Saturday, July 15th, 2023 of the noise by-law exemption granted by Council.

DISPOSITION: Motion Carried

Agenda Items & Correspondence

#116 - 2023 AMO Conference: What You Can Expect

Resolution No. 15 Moved by Peter Ypma
 Seconded by Valerie Durston

RESOLVED that the Council of the Township of South-West Oxford receive agenda and correspondence item #116 as information and that it be noted and filed.

DISPOSITION: Motion Carried

Accounts Payable Report

June 20th, 2023 - Accounts Payable Report

Resolution No. 16 Moved by George Way
 Seconded by Paul Buchner

RESOLVED that the following Accounts be approved for payment:

Accounts Payable for June 4 to 17, 2023	\$386,036.76
Bi-Weekly Payroll #12	\$46,537.18
Total:	\$432,573.94

DISPOSITION: Motion Carried

Information Items & Correspondence

#117 - City of Quinte West Resolution re: "Renoviction" Support Request

#118 - South Stormont Resolution re: Bill 97 and Draft Provincial Policy Statement

Resolution No. 17 Moved by Peter Ypma
 Seconded by Craig Gillis

RESOLVED that the Council of the Township of South-West Oxford receive information and correspondence items #117 and #118 as information and that they be noted and filed.

DISPOSITION: Motion Carried

By-laws and Agreements

- By-Law No. 41-2023 - To amend By-law 67-2021 being a By-law to establish and amend retention periods for records for the Township of South-West Oxford

Resolution No. 18 Moved by Valerie Durston
 Seconded by Craig Gillis

RESOLVED that the following By-Law be introduced and that they be read a first and second time:

- By-Law No. 41-2023 being a by-law to amend By-law 67-2021 being a By-law to establish and amend retention periods for records for the Township of South-West Oxford.

DISPOSITION: Motion Carried

Resolution No. 19 Moved by Paul Buchner
 Seconded by George Way

RESOLVED that By-Law 41-2023 be read a third time and finally passed, and that the Mayor and Clerk be authorized to sign the By-Law and affix the corporate seal.

DISPOSITION: Motion Carried

Committees

- Engage and Inform Committee Minutes
- Environment and Energy Innovation Committee
- SWOX Housing Opportunities Committee Minutes

Resolution No. 20 Moved by Jim Pickard
 Seconded by Valerie Durston

RESOLVED that the Council of the Township of South-West Oxford receive the following committee minutes as information:

- Engage and Inform Committee Minutes of April 5th, 2023;
- Environment and Energy Innovation Committee Minutes of May 3rd, 2023;
- SWOX Housing Opportunities Committee Minutes of May 2nd, 2023.

Confirmatory By-law

By-Law No.42-2023 - To confirm all actions and proceedings of Council (June 20th, 2023)

Resolution No. 22 Moved by Craig Gillis
 Seconded by Paul Buchner

RESOLVED that By-law 42-2023 being a By-law to confirm the proceedings of Council held Tuesday, June 20th, 2023 be read a first, second and third time this 20th day of June, 2023.

AND FURTHER THAT the Mayor and Clerk are hereby authorized to sign the By-law and affix the corporate seal.

DISPOSITION: Motion Carried

Adjournment

Resolution No. 23 Moved by Craig Gillis
 Seconded by Valerie Durston

RESOLVED that there being no further business, the Council meeting be adjourned at 8:37 p.m. to meet again in special session on Tuesday, June 27th, 2023 at 6:00 p.m.

DISPOSITION: Motion Carried

CLERK: Julie Middleton

MAYOR: David Mayberry

This document is available in alternate formats upon request.