

**TOWNSHIP OF SOUTH-WEST OXFORD  
COUNCIL MINUTES  
(Web Conference/ YouTube Live)  
June 2, 2020**

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

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Mary Ellen Greb, Chief Administrative Officer  
Diane Larder, Treasurer  
Julie Forth, Clerk  
Jeff VanRybroeck, Fire Chief  
Howard Leaver, Chief Building Official  
Adam Prouse, Works Superintendent

**CALL MEETING TO ORDER**

The meeting was called to order at 9:00 a.m. by Mayor David Mayberry and a quorum was present.

**MOTION TO ACCEPT AGENDA**

Resolution No. 1 Moved by Craig Gillis  
Seconded by Peter Ypma

RESOLVED that the regular meeting agenda for the June 2<sup>nd</sup>, 2020 meeting of council be approved as amended.

DISPOSITION: Motion Carried

**DECLARATION OF PECUNIARY INTEREST**

Mayor David Mayberry declared a pecuniary interest with respect to zone change application ZN 4-20-02 submitted by Generation Grain Elevators Inc. as he has a son that works there part-time.

**MINUTES**

*May 5th, 2020 Regular Council Meeting Minutes*

Resolution No. 2 Moved by Peter Ypma  
Seconded by Jim Pickard



RESOLVED that the Council of the Township of South-West Oxford move into public meeting at 9:15 a.m. to consider zone change application ZN 4-20-02 for property located at 454500 Trillium Line.

DISPOSITION: Motion Carried

*9:15 a.m. - Development Planner Amanda Stellings - Public Meeting - ZN 4-20-02 Generation Grain Elevators Ltd. for property located at 454500 Trillium Line*

Development Planner Amanda Stellings explained that this application for zone change proposes to rezone the property from 'Agri-Business Zone (AB)' to 'Special Agri-Business Zone (AB-sp)' to add a new use to the list of permitted uses. The proposed amendment will permit a truck repair and certification facility for equipment related to the agricultural business within an existing shop on the property. The proposed truck repair and certification facility will be located in an existing workshop on the property. The existing workshop is approximately 116 m<sup>2</sup> (1,248 ft<sup>2</sup>) in size, and the applicant has indicated that the proposed truck repair and certification facility can be accommodated within this building.

The subject lands are described as Part Lot 6, Concession 2 (West Oxford), in the Township of South-West Oxford. The lands are located on the east side of Trillium Line, north of Curry Road, and are municipally known as 454500 Trillium Line.

Ms. Stellings commented on staff's concerns that any vehicles travelling on the road would need to adhere to weight restrictions in the months of March and April as Trillium Line is subject to weight restrictions.

Planning staff are recommending approval of the application as the proposal is generally consistent with the policies of the Provincial Policy Statement and County Official Plan with respect to agricultural-related uses in the agricultural area.

#### Questions from Council

Councillor Ypma questioned whether the application was to service their own vehicles or to service others. The applicant advised that this is primarily to service their own vehicles.

#### Comments from Members of the Public

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





*9:30 a.m. - Development Planner Amanda Stellings - Public Meeting ZN 4-20-04 Scott and Laura Dempsey & Carol Carter for property located at 343796 Ebenezer Road*

Development Planner Amanda Stellings explained that the application for zone change proposes to rezone the subject lands from 'General Agricultural Zone (A2)' to 'Special General Agricultural Zone (A2-sp)' to permit one acre of the subject lands to be used for a temporary commercial trucking company, consisting of an office building and parking, for a period of five years. The applicant has indicated that the business currently operates with a fleet of approximately 28 transport trucks and trailers. The existing commercial trucking office building is approximately 139 m<sup>2</sup> (1,496 ft<sup>2</sup>) in size and the commercial trucking business will be accessory to an existing cash crop operation on the subject lands. While it is noted that the subject property is zoned 'A2', which does not permit a commercial trucking business, the applicant has confirmed that the business has been operating on this property since their acquisition of the property in 2010.

The subject property is described as Part Lot 16, Concession 4 (Dereham), Township of South-West Oxford. The lands are located on the south side of Ebenezer Road, lying between Culloden Line and Dereham Line and are known municipally as 343796 Ebenezer Road, in the Township of South-West Oxford.

Ms. Stellings advised that the applicants are trying to find a new site for their operations however they have requested the temporary zoning from the Township to give them time to find a more appropriate site. They were originally seeking five years; however, they have been advised that the maximum that may be requested is three years. The applicants advised that the office structure on the property has been there since 2019.

The Township Works Superintendent has expressed concerns with the location of the business, given that it is located on a seasonal weight restricted road from March 1st to April 30th each year. The restriction is five tonnes per axle, which is enforced by the Ontario Provincial Police. The landowner must ensure that all vehicles being used for their trucking company, loaded or empty, be under the five tonnes per axle limit during the seasonal weight restrictions.

Following circulation of the notice of public meeting, letters of concern were received from a neighbouring property owner and their solicitor. The letters include concerns respecting preservation of farmland in lands identified as prime agricultural in the PPS and agricultural reserve in the County of Oxford Official Plan, concerns with the size and scale of the business, the proximity of the site to a municipal drain, the use of oil and fuel on the property, the use of the property as a repair facility for the trucks, noise concerns with large

trucks on Ebenezer Road, the wear and tear of Ebenezer Road due to large trucks, traffic concerns relating to the access into the property, speed of the transportation trucks and interaction with the railroad tracks, and concerns relating to pedestrian and bicycle safety on the street.

Planning staff are of the opinion that the proposal does not maintain the general intent and purpose of the Official Plan policies regarding on-farm diversified uses, and is not in keeping with provincial guidelines respecting permitted uses in prime agricultural areas. Planning staff have recommended against approval of the application.

#### Questions from Council

In response to an inquiry from Mayor Mayberry, Ms. Stellings advised that if the zone change is not approved, then the applicants will be required to relocate their operations to another site.

#### Comments from the Applicants

Laura Dempsey, Applicant, thanked Council for the consideration of their request for a temporary zone change amendment. She commented that the business has been operating for approximately ten years and that they have been paying commercial property taxes to the Township for one acre of their land which has been assessed as such since 2014. The operation of the business has not been a secret, and they were not aware that they were not in compliance with the Township's Zoning By-law until a complaint was received by the Township.

Ms. Dempsey commented that she agrees that agricultural land should not be lost, and noted that the portion of the land which is being used for the operation currently has never been used for farm crops. The land was previously a horse pasture and no land that is being worked previously is being used for the trucking operation. She advised that the topsoil has been stripped and is piled and ready to be spread when the trucking operation relocates.

She advised that the current office is a trailer on wheels. The business is continuing to thrive and grow and they will soon require a shop. When they received notice of the zoning violation, they began to give thought to relocating. The applicants have requested the temporary rezoning to give them some time to do this.

Comments from the Public

*Registered Delegation - Thomas Palen, Neighbour*

Thomas Palen, commented on the proposed zone change and referenced a letter he submitted in response to circulation for comments. He stated that the operation is not in compliance with the Township's Zoning By-law and he also stated that building permits have not been obtained for structures and sheds on the property. The operation has continued to expand and use an increasingly more amount of agricultural land on the property.

Mr. Palen questioned if any environmental assessment or traffic study has been completed for the operation on the property and stated that he believes this should be done because trucks are fueled and maintained on site. Development Planner Amanda Stellings stated that in her communication with the conservation authority, she was advised that an environmental assessment would not be required so long as they stayed out of the woodlot. The wetland area is near the back of the subject property. She advised that the applicants would need to work with the Township's public works department to determine the location for the entrance to the property which they have done. Ms. Stellings further advised that if the application is approved, the applicants would also be required to obtain site plan approval from the Township.

Chief Building Official Howard Leaver will look into whether there have been any building permits issued for structures on site. Currently, there is a class one outhouse at the back of the property which is serviced regularly – this is permitted.

Mr. Palen commented on the Oxford County Official Plan and the requirements of the Provincial Policy Statement with respect to the protection of farmland. He suggested that the application should be considered as a new operation, not an ongoing operation.

Mayor Mayberry commented that the zoning for the operation is not correct as it is today and that this is the reason the application is being considered – to correct this issue. The applicants have used this location as a place to start their business and they have since grown. They have identified the need to relocate to a different site. The applicants are seeking time from Council to allow them to do that and correct the issue.

Laura Dempsey advised that oil changes are not completed on site, a company is hired to come in to fuel the trucks. Only minor repairs of the trucks are completed on site.





of the subject property to be used temporarily as a commercial trucking business for three years.

*Discussion on the motion:*

Discussion took place regarding the need to restore the property to its original state and to follow up on any building permit requirements for any structures on site.

DISPOSITION: Motion Carried

*10:00 a.m. - CL 21-2020: Town of Ingersoll/Township of South-West Oxford Boundary Adjustment*

Clerk Julie Forth provided a report to Council to provide them with the information necessary for Council to provide direction on proceeding with the preparation of a boundary adjustment agreement with the Town of Ingersoll.

*Registered Delegation*

*Dirk Boogerd, President - Oxford County Federation of Agriculture*

Dirk Boogerd, President of the Oxford County Federation of Agriculture addressed Council regarding the proposed boundary adjustment with the Town of Ingersoll. He expressed concern about the loss of prime agricultural land – this is a big concern for them. Since 2016, they have lost over 320,000 acres of land. He stated that there is currently still land available within the Town of Ingersoll for development which has remained undeveloped.

Mr. Boogerd also commented on the significant tax increase that agricultural property owners will have if their land becomes part of the Town of Ingersoll. Treasurer Diane Larder clarified for Council that the Township portion of agricultural taxes will increase by approximately 90%. The County and school board portion of taxes will remain the same. Mr. Boogerd questioned what property owners will get in return for the increased taxes and that their farming income will remain the same. He proposed that a grandfathering clause be included in the agreement with Ingersoll to maintain agricultural taxes at South-West Oxford rates.

Mr. Boogerd noted the uncertainty within the economy at this time and stated that this decision would be best dealt with when members of the public can meet in person. Some residents have experienced issues with electronic meetings and internet connectivity. He stated that they should have a fair opportunity to have a good understanding of what is going to happen.



















Mayor David Mayberry advised Council that he hopes to provide Council with an update on a new proposal from SWIFT with respect to rural broadband internet.

Council was asked to give further consideration to possible projects within the Township and will discuss this again at their next meeting on June 16<sup>th</sup>.

#### Beachville Road Speed Limit

Mayor David Mayberry provided Council with an update on a conversation he had with County staff regarding the speed limit within Beachville. The County is proposing to bring in the boundaries of the zone a little bit and change the speed limit from 50 kph to 60 kph and install a flashing speed sign. This will be considered by County Council in July.

Liability concerns were discussed as well as the need to obtain more traffic data within Beachville over a two-week period. Works Superintendent Adam Prouse is going to locate the speed spy in Beachville starting on June 15<sup>th</sup> for a two-week period and again the second week of September. Mayor Mayberry suggested the Township spend this time to collect the traffic/speed data and request that the County defer a decision on this matter until October.

Councillor Gillis commented that this is a hot topic within Beachville and that residents are still expressing their concerns and are upset with the proposal to raise the speed limit within the community.

#### SWOX Housing Opportunities Committee

Mayor David Mayberry requested that a SWOX Housing Opportunities Committee meeting be scheduled.

#### **COUNCIL ROUND TABLE**

*Council members shared updates from their respective wards and community involvement. Council commended the Township's public works department for their work recently on street sweeping, the completion of the driveway at the Beachville Museum and work along Ostrander Road, Keswick Road and Daniel Road.*

*The ROEDC AGM will be held this Friday; the executive will remain the same for the upcoming year.*

*The Township's COVID Recovery Committee will be working on guidelines with respect to gradually reopening Township facilities and activities.*





