

J.L. COX PLANNING CONSULTANTS INC.
URBAN & RURAL PLANNING SERVICES

17 Spencer Crescent
Guelph, Ontario
N1L 1N1
Tel: (519) 836-5622
jlcox@coxplan.ca

January 2, 2020
File No.: 1910

Ms. Deborah Turchet, Secretary-Treasurer
Wellington County Land Division
74 Woolwich Street
Guelph ON
N1H 3T7

Dear Ms. Turchet,

Re: Planning Justification Brief
Proposed Lot Line Adjustment
Part Lot 7, Concession 1
Township of Guelph Eramosa

The following planning justification brief is submitted in support of a lot line adjustment application being submitted to the Wellington County Land Division Committee by Lawrence and Rosemarie Coombs. The subject property consists of Part of Lot 7, Concession 1, Township of Guelph-Eramosa (former Township of Eramosa). The property is known municipally as 5161 Jones Baseline Road.

1. Description of Application

The intent of the application is to sever a 11.95 ha. parcel of agricultural land and merge it with an adjacent parcel of land consisting of 78.83 ha. This property has already been subject of a previous lot line adjustment (Application B16-19) which added a further 38.84 ha. of agricultural land to the parcel. The resulting amalgamated agricultural parcel has a total area of 129.6 ha (320.2 acres).

The retained parcel containing the existing dwelling, barn and accessory buildings will have an area of 3.84 ha. It is intended that this parcel will remain in agricultural use and will contain the existing small agricultural operation housing alpacas and chickens as well as provide for the development of a proposed cannabis micro-cultivation use. The retained lot includes approximately 1.7 ha. of land in addition to the amount required to accommodate the existing building envelope, of which about 0.5 ha. are wooded and wetland areas which are not useable for agriculture, so the amount of agricultural land included is quite small.

The proposed use of the retained lands is described more fully in Section 4 of this report.



A severance sketch showing the proposal is attached to this report. It is noted that the proposed severed lot is approximately the same size and depth as the existing adjacent property known as 5179 Jones Baseline Road.

2. Policy Context

2.1. Provincial Policy Statement 2014 (PPS)

The PPS provides policy direction on matters of Provincial interest related to land use planning and development. The PPS is issued under the authority of Section 3 of the Planning Act, which requires that *"decisions affecting planning matters shall be consistent with the policy statements issued under the Act"*.

The subject lands are considered to be within a prime agricultural area. In prime agricultural areas the PPS permits agricultural uses which are defined as:

"The growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquacultures; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment."

Based on the above definition, the proposed micro-cultivation facility would be considered an agricultural use. Section 2.3.3.2 of the PPS further states that:

"In prime agricultural area, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards."

The PPS further states in Section 2.3.4.1 c) that a lot creation is permitted for *"a residence surplus to a farming operation."*

The subject application is a hybrid version of a surplus dwelling lot creation since the bulk of the agricultural land is being merged with an adjacent large agricultural parcel; but the surplus dwelling is retaining a small amount of agricultural land for use by the existing small agricultural operation on the property and to permit a more intensive type of agricultural use to also be operated.

2.2. The Growth Plan for the Greater Golden Horseshoe (Growth Plan)

The Ministry of Public Infrastructure and Renewal released the Growth Plan for the Greater Golden Horseshoe to manage growth in Ontario under the authority of the Places to Grow Act 2005. An update of the Growth Plan came into effect on May 16, 2019 and any decisions made after that date that affect a planning matter must conform to the plan.

The Growth Plan provides an overall growth strategy for the Greater Golden Horseshoe region that complements the Provincial Policy Statement and is implemented by municipal planning documents.

Section 4.2.6.2 of the Growth Plan states:

"Prime agricultural areas, including specialty crop areas, will be designated in accordance with mapping identified by the Province and these areas will be protected for long-term use for agriculture."

The proposed severance conforms to the policies of the Growth Plan by protecting prime agricultural areas for ongoing agriculture.

2.3. Greenbelt Plan (2005)

The subject property is not located within an area to which the Greenbelt Plan applies.

2.4. Wellington Official Plan (County OP)

The Wellington County Official Plan came into effect on May 6, 1999. The Plan has subsequently been amended several times, including a comprehensive 5 Year Review (OPA 81) which was approved by MMAH on April 29, 2014, appealed to the Ontario Municipal Board and approved by the Board on December 19, 2014.

The County OP designates the property as Prime Agricultural Area. Section 6.4.3 Permitted Uses includes *"agricultural uses"*. The definition in Section 15 of the OP is the same as contained within the PPS set out in Section 2.1 of this brief. Both the severed and retained portions resulting from the subject application will remain in agricultural use.

Section 10 of the County OP sets out the policies for lot creation. Section 10.3.1 states that new lots may be created for both *"agricultural uses"* and *"a residence surplus to a farming operation"*. Section 10.3.2 of the OP further states:

10.3.2 Agricultural Uses

New lots for agricultural operations shall be of a size appropriate for the type of agricultural uses(s) common in the area and sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations. new agricultural lots will normally be a minimum of 35 hectares in size. Smaller lots may only be considered where there is clear evidence that the farmer intends to conduct an agricultural pursuit which can be successful on a smaller property."

The severed portion of the property will be merged with an adjacent parcel resulting in a parcel that substantially exceeds the normal 35 ha. minimum. The smaller retained lot will continue in agricultural use for an activity which can be successful on the smaller acreage as described in more detail in Section 4 of this brief.

The policies for a surplus dwelling severance as set out in Section 10.3.4 of the County OP state:

"A severance may be considered for an existing residence that is surplus to a farming operation as a result of farm consolidation, provided that:

- a) the remaining vacant farmland is large enough to function as a significant part of the overall farm unit; and*
- b) the result of removing the surplus dwelling from the farm does not render the remaining farmlands difficult or inefficient to farm; and*
- c) the amount of good farmland retained with the surplus house is kept to a minimum size needed for residential purposes, taking into consideration environmental and topographic features; and*
- d) the surplus residence is habitable and is not expected to be demolished by a future owner; and*
- e) the Minimum Distance Separation formula will be met; and*
- f) the vacant parcel of farmland is rezoned to prohibit a residential use.*

The intention of this policy is to allow farmers to reduce their costs of acquiring additional farm parcels, where the impact on existing and future farm operations can be kept to a minimum."

The application conforms to these policies with the exception of Subsection c). The retained lot is proposed to be 3.84 ha. to support the current and proposed agricultural use of the property. As previously noted, the application represents a hybrid of a surplus dwelling severance, but where the retained portion is being proposed at size which will allow a viable agricultural use which can be successful on a smaller property.

3. Zoning Bylaw Regulations

The Township of Guelph-Eramosa's Comprehensive Zoning Bylaw 40/2016 was adopted August 8, 2016. The subject lands are primarily zoned Agricultural (A) zone with a small portion of Environmental Protection (EP) zone.

The A zone requires a minimum lot area of 35 ha. The severed portion of the property will be merged into a resulting 129.6 ha. parcel which complies with the A zoning.

The retained portion is 3.84 ha (9.5 ac.), and since it will continue in agriculture use a variance to the current zoning regulations may be required. The frontage of the retained portion of the property is proposed to be 134.8 m., which exceeds the bylaw minimum requirement of 120 m. It is noted that the existing overall size of the subject parcel at 15.8 ha. is means it is an currently an undersized lot.

4. Viability of Proposed Agricultural Use of the Retained Lands

The policies of the Wellington County Official Plan permit smaller lots to be created in a prime agricultural area where it can be demonstrated that the proposed use can be successful on a smaller acreage. In support of this application the owners are submitting the following information:

1. A Summary of Business Opportunity which outlines the intent to obtain a micro-cultivation licence to construct greenhouse facilities of up to 300 m² (3250ft²) for the cultivation of cannabis. A financial business plan is also attached demonstrating the financial viability of the proposal.
2. A Letter of Intent from Cann Tx Life Science Inc. is also attached demonstrating the intent to enter into a contractual agreement for the construction and operation of the micro-cultivation facility.
3. A submission from the owner which clarifies their current and intended use of the property. This includes current housing of alpacas and chickens in the existing barn, use of other accessory buildings for equipment storage and workshop areas; as well as the intended use of the balance of the property for the micro-cultivation facilities and accommodation of the current livestock..

The foregoing demonstrates the viability of using the retained portion of the property for agricultural purposes.

5. Conclusions

The conclusions of this planning justification brief are:

1. that the proposed lot line adjustment application is consistent with Provincial policy including the PPS 2014 and the Growth Plan 2019.
2. that the application conforms to the relevant policies of the County OP.
3. that a variance to the current A zoning regulations may be required to address the size of the retained portion of the property.
4. that the owners have demonstrated the viability of the agricultural use of the retained property for a cannabis micro-cultivation facility.

In conclusion, it is my opinion that the proposed application is appropriate and represents good planning.

Respectfully submitted,
JL Cox Planning Consultants Inc.



John L. Cox, BES, RPP

PARCEL 3
TO BE ADDED TO
AREA = 78.83 ha. ±

CULTIVATED FIELD

OF

PARCEL 2
~~TO BE SEVERED &~~
ADDED TO PARCEL 3
AREA = 11.95 ha. ±

CULTIVATED FIELD

APPROXIMATE EDGE OF BUSH
GREENLANDS

WETLANDS, CORE GREENLANDS AND EP ZONE

GRCA REGULATED
WATERCOURSE

PIN 71179-0020

GREENLANDS

5184
(W.R.29)

CULTIVATED FIELD

MONSANTO
CANADA

5174 - 5192

A

ZONE

PARCEL 1
TO BE RETAINED
AREA = 3.84 ha. ±

71179-0202

PART 1,
PLAN 61R-8582

5179

PIN

CULTIVATED FIELD

PIN

5161

PIN 71179-0201

A

ZONE

PIN 71179-0023

PART 1, PLAN 61R-1533

5151

WETLANDS, CORE GREENLANDS AND EP ZONE

CULTIVATED FIELD

20.117 WIDE

LOT

6,