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File: Z-8795
Planner: M. Tomazincic

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: MAINLINE PLANNING SERVICES INC. 6188 COLONEL TALBOT ROAD MEETING ON NOVEMBER 6, 2017

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of Mainline Planning Services Inc. relating to the property located at 6188 Colonel Talbot Road:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on November 14, 2017 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** an Agricultural (AG2) Zone, **TO** a Holding Agricultural Special Provision (h-18●AG2(*)) Zone and a Holding Agricultural Special Provision (h-18●AG2(**)) Zone that would have the effect of permitting a severed parcel with a minimum lot area of 4 ha and a lot frontage of 100m and a retained parcel with a minimum lot frontage of 36m to be created through a future consent application. It being noted that as a condition of the future Consent application, the retained parcel with a lot area of 14.29 ha and a lot frontage of 36.3m will be required to be merged with adjacent lands to form a consolidated parcel with an area of 40 ha or greater;
- (b) the request to amend Zoning By-law No. Z.-1 by changing the zoning of the subject property **FROM** an Agricultural (AG2) Zone **TO** a Holding Agricultural Special Provision (h-18●AG2(_)) Zone, **BE REFUSED** for the following reasons:
 - i) The requested amendment is not consistent with the Provincial Policy Statement, 2014 with regards to agricultural lot creation;
 - ii) The requested amendment does not comply with the policies of the Official Plan for the City of London that relate to agricultural lot creation;
 - iii) The requested amendment does not comply with the policies of *The London Plan* that relate to agricultural lot creation;
 - iv) The requested amendment would facilitate the creation of a parcel that is not of a suitable size for the type of agricultural uses common to the area, and therefore does not maintain flexibility for future changes in the type or size of agricultural operations.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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Z-8795 – 6188 Colonel Talbot Road – Report to Planning and Environment Committee (October 23, 2017) – Report to Planning Committee recommending refusal of the requested application to amend the Zoning By-law to facilitate a severance which will have the effect of creating a 4.04 ha parcel *and* a 14.29 ha parcel.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of the recommended Zoning By-law amendment is to facilitate the severance of a 4ha agricultural parcel while the recommended refusal of the requested

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amendment will require the property owner, through the consent process, to merge the proposed 14ha parcel with another parcel to meet the 40ha minimum lot area.

RATIONALE

1. The recommended amendment is consistent with the Provincial Policy Statement (2014) with regards to lot creation and lot adjustments in prime agricultural areas,
2. The recommended amendment conforms to the Official Plan policies for lot creation in the Agriculture designation,
3. The recommended amendment conforms to The London Plan policies for lot creation in the Farmland place type, and
4. The recommended amendment will not permit an increase in the number of agricultural lots, facilitates the creation of a new agricultural parcel by way of consolidation that meets the minimum lot area requirement, and is consistent with the goal to support a pattern of agricultural land holdings that increases the viability of farm operations and avoids the fragmentation of land ownership.

BACKGROUND

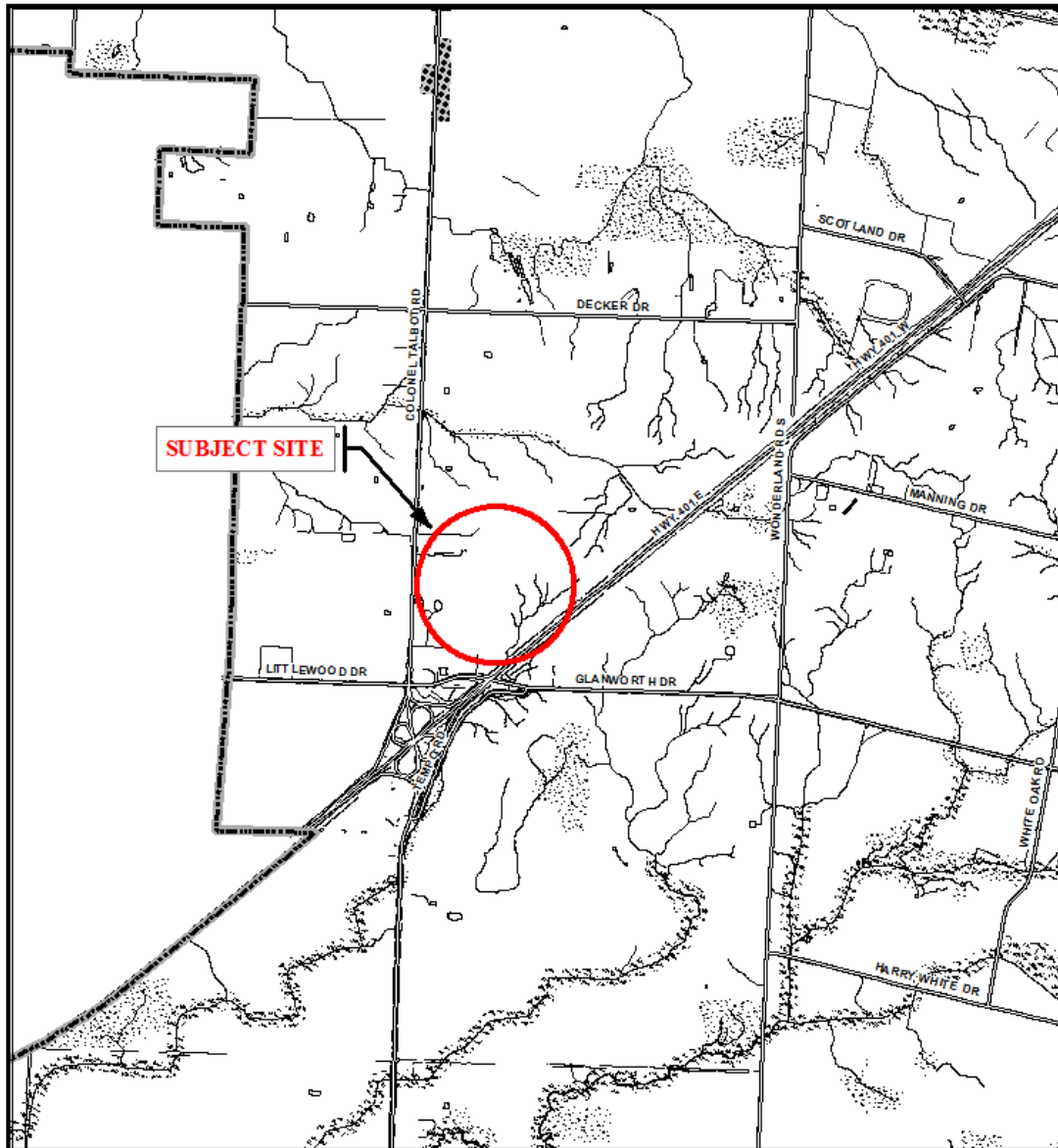
Date Application Accepted: June 22 nd , 2017	Agent: Mainline Planning Services Inc. c/o Joe Plutino
REQUESTED ACTION: Change Zoning By-law Z.-1 FROM Agricultural (AG2) Zone, which permits agricultural uses and includes a minimum lot area of 40 ha and a minimum lot frontage of 300m, TO a Holding Agricultural Special Provision (h-18●AG2()) Zone, which permits the same agricultural uses but also permits two parcels having a lot area of 4.04 ha and 14.29 ha, and a lot frontage of 100m and 36.3m.	

SITE CHARACTERISTICS:
<ul style="list-style-type: none"> • Current Land Use – Agriculture • Frontage – 136.34m • Depth – Approx. 915m • Area – 18.3ha • Shape – Irregular

SURROUNDING LAND USES:
<ul style="list-style-type: none"> • North – Primarily agriculture, some industrial uses along Colonel Talbot Road • South – Primarily agriculture, some industrial uses along Colonel Talbot Road • East – Agriculture, Highway 401 abutting the property • West – Agriculture

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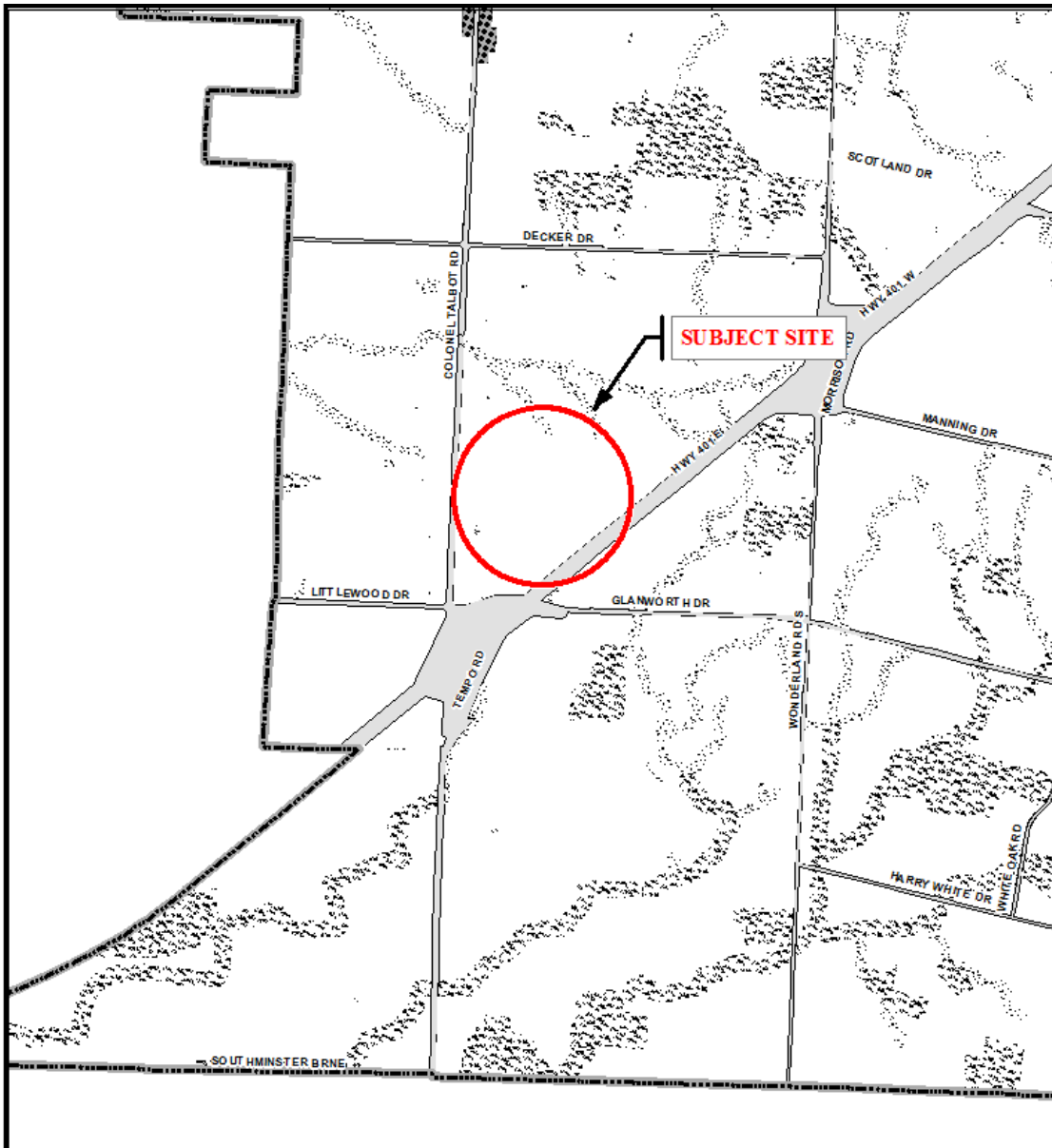


Legend		
Downtown	Multi-Family, Medium Density Residential	Office Business Park
Wonderland Road Community Enterprise Corridor	Low Density Residential	General Industrial
Enclosed Regional Commercial Node	Office Area	Light Industrial
New Format Regional Commercial Node	Office/Residential	Commercial Industrial
Community Commercial Node	Regional Facility	Transitional Industrial
Neighbourhood Commercial Node	Community Facility	Rural Settlement
Main Street Commercial Corridor	Open Space	Environmental Review
Auto-Oriented Commercial Corridor	Urban Reserve - Community Growth	Agriculture
Multi-Family, High Density Residential	Urban Reserve - Industrial Growth	Urban Growth Boundary

<p>CITY OF LONDON Department of Planning and Development</p> <p>OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: Z-8795</p> <p>PLANNER: JA</p> <p>TECHNICIAN: MB</p> <p>DATE: 2017/08/23</p>
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PROJECT LOCATION: e:\planning\proj\cts\p_officialplan\work\coo\ns\00\excorp\ts\mod_templates\scheduleA_b&w_box14_with_SWAP.mxd

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Legend

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|------------------------|--------------------------|---|
| Downtown | Future Community Growth | Environmental Review |
| Transit Village | Heavy Industrial | Farmland |
| Shopping Area | Light Industrial | Rural Neighbourhood |
| Rapid Transit Corridor | Future Industrial Growth | Waste Management Resource Recovery Area |
| Urban Corridor | Commercial Industrial | Urban Growth Boundary |
| Main Street | Institutional | |
| Neighbourhood | Green Space | |

This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

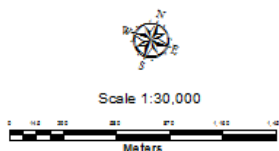
At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

CITY OF LONDON

Planning Services

LONDON PLAN MAP 1
- PLACE TYPES -

PREPARED BY: Planning Services



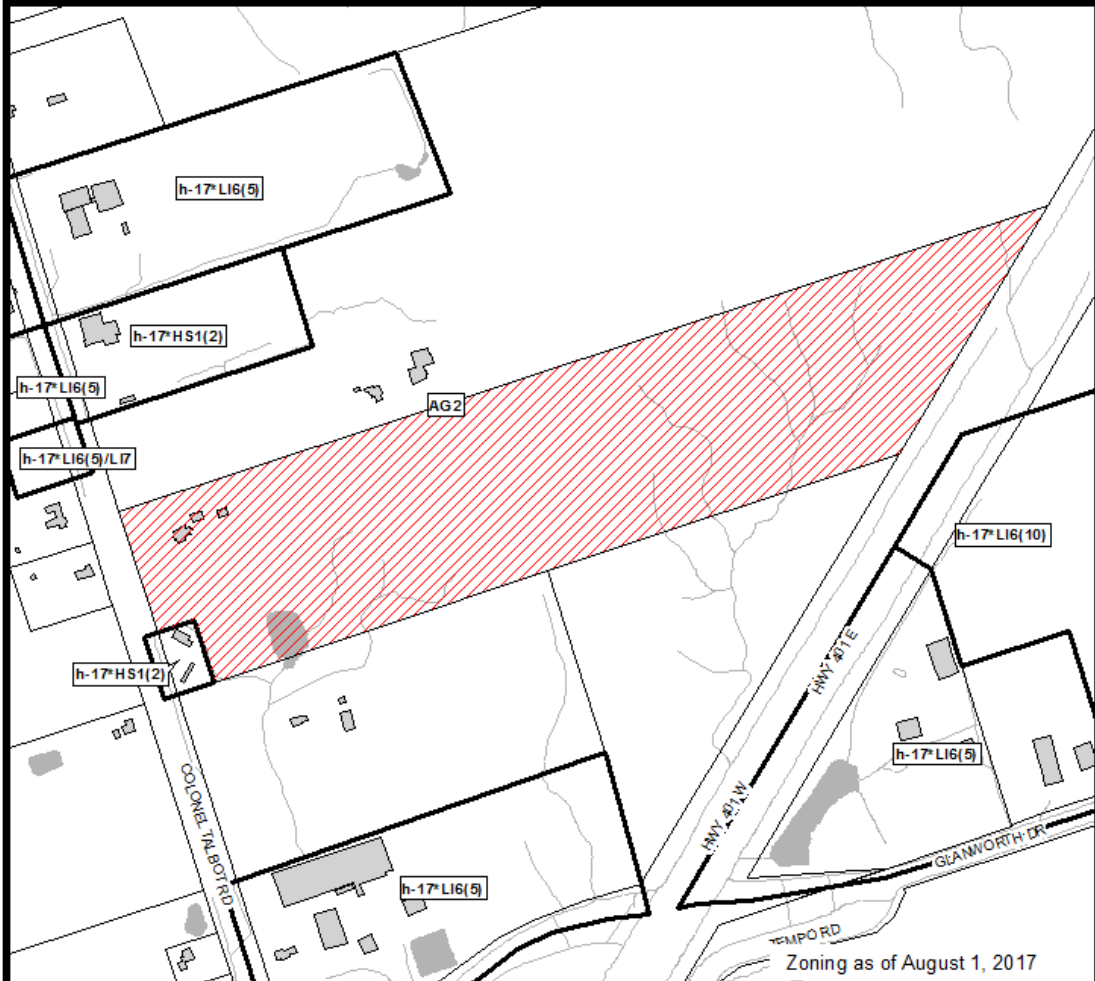
File Number: Z-8795

Planner: JA

Technician: MB

Date: August 23, 2017

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COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: AG2

1) **LEGEND FOR ZONING BY-LAW Z-1**

- R1 - SINGLE DETACHED DWELLINGS
- R2 - SINGLE AND TWO UNIT DWELLINGS
- R3 - SINGLE TO FOUR UNIT DWELLINGS
- R4 - STREET TOWNHOUSE
- R5 - CLUSTER TOWNHOUSE
- R6 - CLUSTER HOUSING ALL FORMS
- R7 - SENIOR'S HOUSING
- R8 - MEDIUM DENSITY/LOW RISE APTS.
- R9 - MEDIUM TO HIGH DENSITY APTS.
- R10 - HIGH DENSITY APARTMENTS
- R11 - LODGING HOUSE

- DA - DOWNTOWN AREA
- RSA - REGIONAL SHOPPING AREA
- CSA - COMMUNITY SHOPPING AREA
- NSA - NEIGHBOURHOOD SHOPPING AREA
- BDC - BUSINESS DISTRICT COMMERCIAL
- AC - ARTERIAL COMMERCIAL
- HS - HIGHWAY SERVICE COMMERCIAL
- RSC - RESTRICTED SERVICE COMMERCIAL
- CC - CONVENIENCE COMMERCIAL
- SS - AUTOMOBILE SERVICE STATION
- ASA - ASSOCIATED SHOPPING AREA COMMERCIAL

- OR - OFFICE/RESIDENTIAL
- OC - OFFICE CONVERSION
- RO - RESTRICTED OFFICE
- OF - OFFICE

- RF - REGIONAL FACILITY
- CF - COMMUNITY FACILITY
- NF - NEIGHBOURHOOD FACILITY
- HER - HERITAGE
- DC - DAY CARE

- OS - OPEN SPACE
- CR - COMMERCIAL RECREATION
- ER - ENVIRONMENTAL REVIEW

- OB - OFFICE BUSINESS PARK
- LI - LIGHT INDUSTRIAL
- GI - GENERAL INDUSTRIAL
- HI - HEAVY INDUSTRIAL
- EX - RESOURCE EXTRACTIVE
- UR - URBAN RESERVE
- AG - AGRICULTURAL
- AGC - AGRICULTURAL COMMERCIAL
- RRC - RURAL SETTLEMENT COMMERCIAL
- TGS - TEMPORARY GARDEN SUITE
- RT - RAIL TRANSPORTATION

- "h" - HOLDING SYMBOL
- "D" - DENSITY SYMBOL
- "H" - HEIGHT SYMBOL
- "B" - BONUS SYMBOL
- "T" - TEMPORARY USE SYMBOL

CITY OF LONDON

PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

**ZONING
BY-LAW NO. Z-1
SCHEDULE A**



FILE NO:

Z-8795

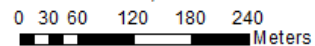
JA

MAP PREPARED:

2017/08/23

MB

1:6,000



THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS

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OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map)	
<ul style="list-style-type: none"> • Agricultural 	
THE LONDON PLAN PLACE TYPE: (refer to The London Plan Map)	
<ul style="list-style-type: none"> • Farmland 	
INTENSIFICATION: (identify proposed number of units)	
<ul style="list-style-type: none"> • N/A 	<ul style="list-style-type: none"> • N/A
EXISTING ZONING: (refer to Zoning Map)	
<ul style="list-style-type: none"> • Agricultural (AG2) Zone 	

PLANNING HISTORY

The subject property has historically been used for agricultural uses including field crops. In September, 2015 a Minor Variance was considered and approved by the Committee of Adjustment to facilitate the development of a hydroponic mushroom farm facility on the subject site. The Minor Variance was required to permit a minimum setback of 60m from the nearest dwelling unit whereas 90m was required. Building permits were issued in June 2016.

When the mushroom farm use was first proposed in 2015 it was found that the zoning regulations were inadequate and should be updated to address the specific issues typically associated with mushroom farms. The Minor Variance process was used as an interim approach to permit the proposed mushroom farm, while allowing City staff enough time to complete a thorough review as a separate process. This City-initiated review was begun in August, 2015 (File Z-8513) but adoption of the recommended zoning was deferred until such time as construction of the Shogun Maitake Mushroom farm building was finalized in order to avoid the new City-initiated zoning regulations from overriding the site-specific regulations approved by way of the previous Minor Variance application. The building was finalized in January 2017 and the Zoning By-law amendment was approved in January 2017.

In June 2017, an application for a Zoning By-law amendment was submitted to change the zoning from an Agricultural (AG2) Zone to a Holding Agricultural Special Provision (h-18●AG2(_)) Zone, to facilitate the future severance of the existing Shogun Maitake Mushroom Farm from the larger agricultural parcel. Special Provisions to the Zoning By-law were requested to permit lot areas of 4.04 hectares and 14.29 hectares, whereas the standard zoning requirement is a minimum lot area of 40 hectares, as well as to permit lot frontages of 100.01 metres and 36.33 metres, whereas the standard zoning requirement is a minimum lot frontage of 300 metres. The Holding Zone requires that the lands are assessed for archaeological resources prior to development or site alteration.

On October 10, 2017, a report was presented to the Planning and Environment Committee recommending that the requested amendment be refused on the basis that the further fragmentation of this under-sized agricultural parcel is contrary to the Provincial Policy Statement, 2014 and the City of London Official Plan.

At the Municipal Council meeting on October 30, 2017, Council resolved that this matter be referred back to Planning Staff to report back to the Planning and Environment Committee with the appropriate by-law to facilitate the creation of a 4ha agricultural parcel.

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ANALYSIS

Provincial Policy Statement 2014:

The Provincial Policy Statement, 2014 (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS is more than a set of individual policies. It is intended to be read in its entirety and the relevant policies are to be applied to each situation. As it relates to this application, the PPS provides direction to this matter. The *Planning Act* requires that decisions affecting planning matters “shall be consistent with” the Provincial Policy Statement.

Policy 2.3.4. of the PPS discourages lot creation in prime agricultural areas. However, the policies to do permit limited exceptions including situations where the new lot is for “*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.*”

This policy was at the core of the Planning Staff report presented to the Planning and Environment Committee on October 10, 2017. The concern was that the existing lot area of the subject site was already below the minimum lot size required by the Official Plan and Zoning By-law. And the requested amendment to facilitate further fragmentation of this undersized parcel into two smaller parcels restricts their “*flexibility for future changes in the type or size of agricultural operations*” in contravention to the policies of the PPS.

Alternatively, the Staff recommendation to support the Zoning By-law amendment for the 4ha parcel only will require that the retained 14.29 ha parcel be merged with the 34.97 ha abutting property, which shares common ownership interests with the subject site. When the abutting property is taken into consideration, the recommended amendment will not result in the creation of additional agricultural lots. And the net result will improve the existing situation, which is characterized by two undersized agricultural lots, by facilitating the creation of one agricultural lot that conforms to the minimum lot area requirements and one that facilitates the expansion of the existing mushroom operation on an undersized parcel.

Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas (Publication 851)

These Guidelines have been published by the Government of Ontario to assist municipalities, decision makers, farmers, and others to interpret the policies of the Provincial Policy Statement, 2014 (PPS). The Guidelines are meant to complement, be consistent with and explain the intent of the PPS policies. They are based on the judgment and experience of the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) and the Ministry of Municipal Affairs (MMA).

The PPS states that within prime agricultural areas, all types, sizes and intensities of agricultural uses shall be promoted and protected (2.3.3.2). Publication 851 elaborates on this policy by explaining that:

This criterion is not intended to suggest that small farm lots may be created. In general, the larger the farm parcel, the more adaptable it is to changing conditions and the more efficient it is to run the farm. Keeping farms large enough to maintain flexibility is key to agricultural viability and to achieving the PPS requirement of protecting prime agricultural areas for long-term use in agriculture.

As a result of these Guidelines, the previous Staff report recommended refusal of the requested zone to facilitate the severance of smaller agricultural parcels which may negatively impact their adaptability to changing conditions. The Guidelines further explain that:

Lot size may vary depending on the agricultural use. For traditional crops, large lots are optimal. Higher-value specialty crops tend to be located on smaller parcels.

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The subject site currently utilizes the majority of the acreage for field crops and accommodates the Shogun Maitake Mushroom Farm at the northwest corner of the site. As per the Guidelines, the field crops can be interpreted as a traditional crop which are optimally suited for a large lot. The Mushroom Farm can be interpreted to be a higher value specialty crop which may be located on a smaller parcel.

Based on the above, the recommended amendment which will facilitate a future severance of a 4 ha parcel around the Maitake Mushroom Farm and require the consolidation of the remaining 14.29 ha parcel with the abutting lands is consistent with the policies of the PPS.

City of London Official Plan

The Official Plan contains Council's objectives and policies to guide the short-term and long-term physical development of the municipality. The policies promote orderly urban growth and compatibility among land uses. While the objectives and policies in the Official Plan primarily relate to the physical development of the municipality, they also have regard for relevant social, economic and environmental matters.

The policies of the Official Plan discourage the severing of smaller parcels from larger land holdings. The policies regard 40 hectares (100 acres) as the minimum size for a basic farm parcel. However, an application to sever may be permitted if the land is to be used for agricultural purposes and provided that the relevant policies are met. As it relates to this application, the relevant policies to consider are: (i) whether both the severed and retained parcels are of a nature and size that are suitable to support an efficient farm unit and, (ii) whether the size of both the severed and retained parcels conforms to the provisions of the Zoning By-law (9.2.14.3).

As previously indicated, the Maitake Mushroom farm is a specialty crop requiring less land to accommodate the agricultural operation whereas the retained lot is used to grow traditional crops requiring a larger lot area to support an efficient farm. Therefore, the Staff recommendation, which will facilitate a future severance of a 4 ha parcel around the Maitake Mushroom Farm, is suitable to efficiently support its operations and the recommendation to refuse a minimum lot area of 14.29 ha for the retained parcel will require consolidation of that parcel with abutting lands creating a lot with an area that meets the minimum prescribed by policy and maintaining an efficient farm unit for production of traditional crops.

The second policy requiring both the severed and retained parcels to conform to the provisions of the Zoning By-law is currently not being fulfilled by the existing lot fabric. While the existing AG2 zone requires a minimum lot area of 40 ha the subject site has an existing lot area of 18.3 ha. By way of the recommended Agricultural Special Provision zone, the amendment proposes to permit an undersized agricultural lot that conforms to the provisions of the Zoning By-law on a portion of the subject site while requiring the majority of the parcel to meet the requirements of the existing zone. The recommended amendment will result in the subject site conforming to the provisions of the Zoning By-law, as per the policies of the Official Plan, whereas currently it does not.

The London Plan

The London Plan includes policies on agricultural land consents. Policy 1228 applies to Consents for farming operations, and are considered in this case since both the severed and retained parcels are proposed to be used for agriculture. *The London Plan* states that severances are generally discouraged, and establishes 40 hectares as the minimum size for a basic farm parcel. If agricultural lands are to be severed, the following criteria must be met:

1. *Both the severed and retained parcels are of sufficient size for the predominant type of agricultural uses common in the area, and are sufficiently large to maintain flexibility to provide for future changes in the type or size of agricultural operations.*

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- The size of both the severed and retained parcels conforms with the provisions of the Zoning By-law. Should the severed or retained parcel not conform with the minimum lot area requirements of the Zoning By-law, a zoning by-law amendment will be required (Policy 1228).*

These policies are virtually identical to those of the current Official Plan which have been analyzed above. The rationale described to support the recommended amendment under the current Official Plan apply to The London Plan as well and no further analysis is required.

CONCLUSION

The recommended Zoning By-law amendment facilitates the future severance of a 4ha agricultural parcel while the recommended refusal of the requested amendment will require property owner, through the consent process, to merge the proposed 14ha parcel with another parcel to meet the 40ha minimum lot area.

The recommended amendment will not permit an increase in the number of agricultural lots, facilitates the creation of a new agricultural parcel by way of consolidation that meets the minimum lot area requirement, and is consistent with the goal to support a pattern of agricultural land holdings that increases the viability of farm operations and avoids the fragmentation of land ownership.

PREPARED AND SUBMITTED BY:
MICHAEL TOMAZINCIC, MCIP, RPP MANAGER, CURRENT PLANNING
RECOMMENDED BY:
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER

November 1, 2017

MT/mt

Y:\Shared\implemen\DEVELOPMENT APPS\2017 Applications 8723 to\8795Z - 6188 Colonel Talbot Road (JA)/Z-8795 - Referred
PEC Report

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**File: Z-8795
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Appendix "A"

Bill No. (number to be inserted by Clerk's Office)
2017

By-law No. Z.-1-17 _____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 6188 Colonel Talbot Road.

WHEREAS Mainline Planning Services Inc. has applied to rezone an area of land located at 6188 Colonel Talbot Road, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 6188 Colonel Talbot Road, as shown on the attached map comprising part of Key Map No. A115, from an Agricultural (AG2) Zone to a Holding Agricultural Special Provision (h-18●AG2(*)) Zone and a Holding Agricultural Special Provision (h-18●AG2(**)) Zone.

- 2) Section Number 45.4 b) of the Agricultural (AG) Zone is amended by adding a new Special Provision:

AG2(*) 6188 Colonel Talbot Road

a) Regulations

i) Lot Area (Minimum) 4 hectares (10 acres)

ii) Lot Frontage (Minimum) 100 metres (328 feet)

- 3) Section Number 45.4 b) of the Agricultural (AG) Zone is amended by adding a new Special Provision:

AG2(**) 6188 Colonel Talbot Road

b) Regulations

i) Lot Frontage (Minimum) 36 metres (118 feet)

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on November 14, 2017.

Agenda Item # Page #

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Matt Brown
Mayor

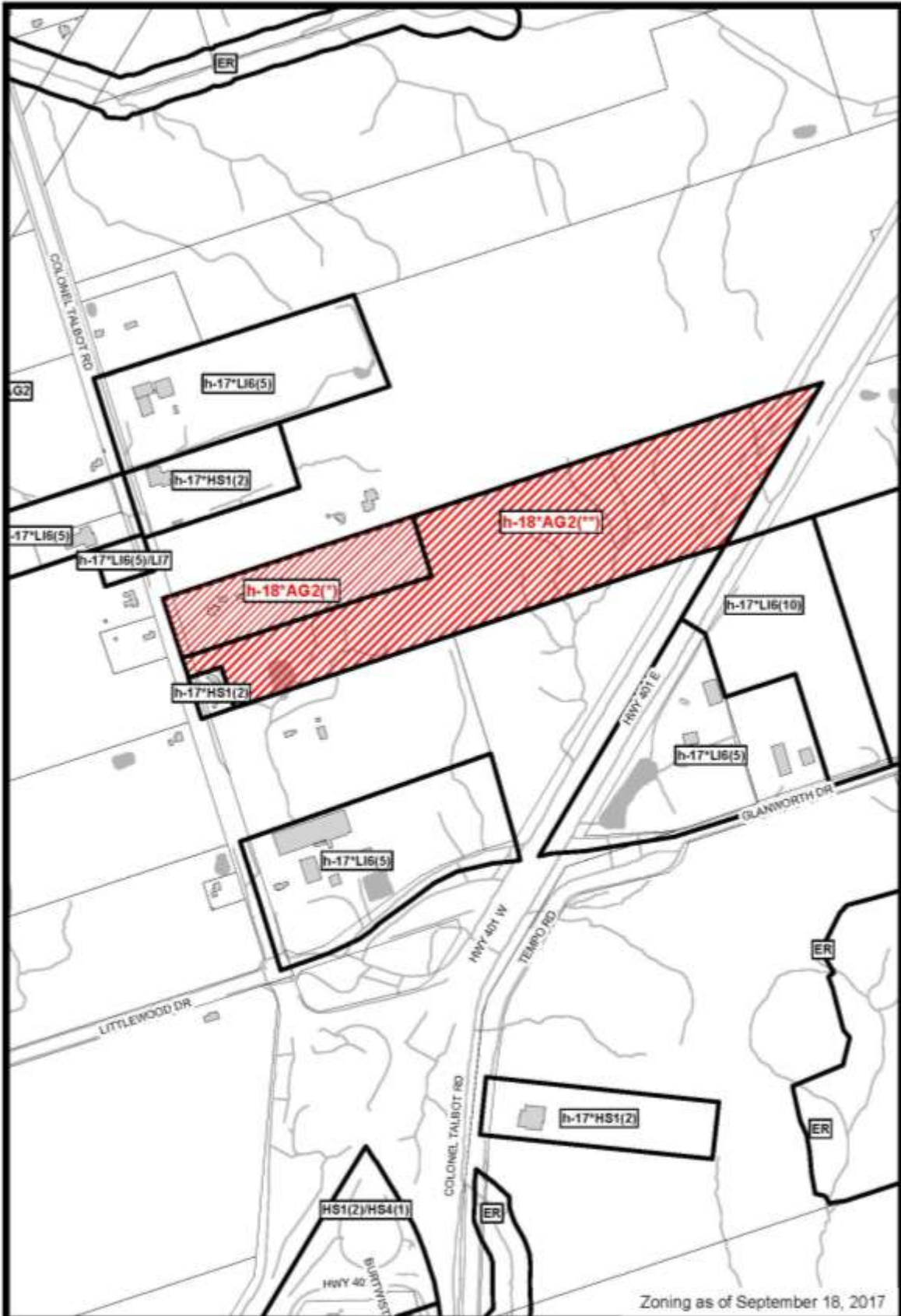
Catharine Saunders
City Clerk

First Reading – November 14, 2017
Second Reading – November 14, 2017
Third Reading – November 14, 2017

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File: Z-8795
Planner: M. Tomazincic

AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



File Number: Z-8795
 Planner: JA
 Date Prepared: 2017/10/13
 Technician: MB
 By-Law No: Z.-1-

SUBJECT SITE 

1:7,500

