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**Date:** September 23, 2024

**To:** County of Essex, Planning Department

**RE:** Planning Justification Brief for  
Proposed Application for Official Plan Amendment  
810 Mersea Road 4, Pt. of Lot 242, Concession NTR,  
Roll # 3706 640 000 03500

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## **Purpose**

To provide an overview of the related land use planning considerations in support of a site-specific Official Plan amendment to:

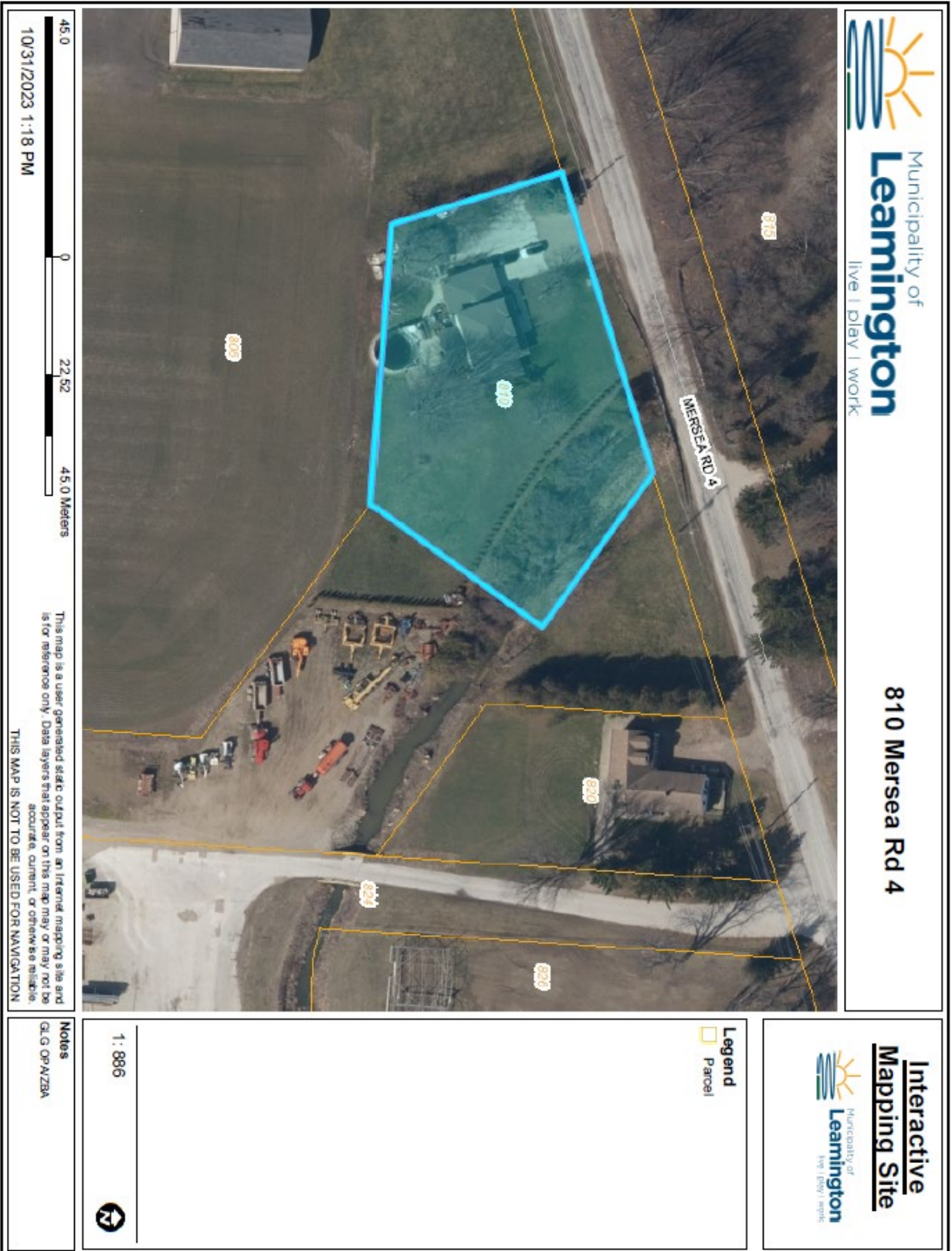
- i) redesignate the subject property from Secondary Settlement Area in the County of Essex Official Plan to Agriculture;

## **Background**

Great Lakes Greenhouse (GLG) operates a total of 52.6 ha (130 ac.) of greenhouses growing a variety of vegetable crops both organic and conventional. The operation is located over a total of 70.5 ha (174.25 ac.) on the south side of Mersea Road 4, just east of Highway 77 and northeast of Leamington.

The property at 810 Mersea Road 4 (See Figure One) is a 0.3 ha (0.76 ac.) rural residential lot with an existing dwelling that was recently purchased because of its immediate proximity to the GLG operation. The intention is to convert the existing dwelling for worker housing.

FIGURE ONE



## **Planning Rationale**

### **1) Provincial Policy Statement (2020)**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The lands are designated Secondary Settlement area by the County of Essex Official Plan and Hwy 77 Corridor Commercial District by the Leamington Official Plan. The lands are therefore considered Employment Area and subject to Section 1.3.2. However, since the proposed use is agricultural and the lands are surrounded by agriculture consideration should be given to the policies of Section 2.3, Agriculture as well.

In order to consider the use of the property for Agricultural Section 1.3.2.4 states the following: “Planning authorities may permit conversion of lands within employment area to non-employment uses through a comprehensive review, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.

Comment: PPS has and continues to support a hierarchy of land use that places prior on the protection of farmland. More directly to the point of comprehensive review the County of Essex has undertaken background work as part of the County’s Official Plan review process. Based on the County of Essex Growth Management Report prepared in 2023 by NPG Planning Solutions the Municipality of Leamington has an available Employment Area land supply of 238.45 ha (589.2 ac.). Over the 30-year time horizon that the report reviewed the Municipality will need, based on the high need scenario, 126.72 ha (313.1 ac.). This means the Municipality has an existing surplus of 111.73 ha (276 ac.) of Employment lands. The Growth Management report, under recommendation 6 concludes that no additional Employment lands are required. With this in mind it would be safe to conclude that the proposed removal of the 0.3 ha (0.76 ac.) subject parcel from the current designation will not have an impact on the 30-year supply of Employment lands. Therefore, this should demonstrate that Section 1.3.2.4 of the PPS has been addressed.

### **2) Official Plan – County of Essex,**

The majority of Secondary Settlement Areas in the County are residential in nature, such as the shoreline areas in the Towns of Essex and Kingsville and the Municipality of Leamington. There are also several employment based Secondary Settlement Areas such as Smith Industrial Park in the Town of Amherstburg and Ruthven in the Town of Kingsville. Further still, there are examples of Secondary Settlement Areas that contain a mixture of uses such as the Hamlet of Cottam in the Town of Kingsville and the Hamlet of McGregor in the Towns of Amherstburg and Essex.

The County recognizes the diversity among the many different Secondary Settlement Areas and accordingly has established the following policy framework that recognizes this diversity:

- a) New development will be permitted to the boundaries of the Secondary Settlement Areas as shown on Schedule "A2" provided such development is consistent with the Provincial Policy Statement, the intent of this Plan, and the policies of the local Official Plan.

Comment: The intent is to remove the lands from the settlement area classification for the purpose of returning them to a higher prior use, agricultural..

- b) The local municipalities will be responsible for determining the hierarchy of Secondary Settlement Areas.

Comment: The Leamington Official Plan classifies the lands as Hwy 77 Corridor Commercial District.

- c) New development is encouraged on full municipal services unless there are interim servicing policies in the local Official Plan that are in effect at the time of approval of this Plan.

Comment: No new servicing is required as a result of the removal. The proposed use will require a new septic system and will continue to have municipal water.

- d) Expansions to the boundaries of a Secondary Settlement Area are not permitted. However, the County encourages local municipalities to undertake a Local Comprehensive Review in accordance with Section 3.2.3.1 that may result in the reduction of the boundaries in conjunction with the corresponding expansion of a Primary Settlement Area boundary. An amendment to this Plan and the local Plan shall be required to alter the boundary of any "Settlement Area".

Comment: The County Official Plan shows the subject property within a secondary settlement area. These areas are not generally to be the focus of growth but rather infilling and the rounding out of existing development. The subject property 0.3 ha (0.76 ac.) and contains an existing dwelling. In consultation with the Municipality it was concluded that the small removal of lands from the secondary settlement area would not negatively impact on the development of the large area with the Hwy 77 Commercial Corridor or the future servicing plans.

- e) All types of land uses are permitted within the Secondary Settlement Areas designation subject to the specific land use policies of the local Official Plans.

Comment: Based on this an alternative approach to removal of the lands from the current designation would be to keep the subject lands within the Secondary Settlement Area and simply amend the Official Plan and zoning to permit the proposed agricultural development. This approach was successfully undertaken several years ago in Chatham-Kent with the development of a large scale greenhouse on Employment lands in Chatham.

- f) In some cases Secondary Settlement Areas are unnamed and do not contain the basic elements that comprise a settlement area as defined by the PPS. The County encourages local municipalities to remove these areas from the land use schedule or permit no new development. County of Essex Official Plan 48 Adopted February 19, 2014 and Approved April 28, 2014.

Comment: N/A

- g) Secondary Settlement Areas, or portions thereof, that generally contain or are planned for non-employment uses, are subject to the following additional policies:
- i. They shall not be the focus of growth or public or private investment in a municipality, and they should, at most, retain their existing historic development patterns. In the interest of clarity, the County Official Plan permits growth and investment in these Secondary Settlement Areas, provided the Primary Settlement Area(s) in the municipality remains the focus of growth.

Comment: Use of the lands for off-site worker housing development in the near future supports an existing agricultural use and viable greenhouse operation. It does not alter the historic development pattern and maintains the focus on Primary Settlement Area growth.

- ii. New development will generally be limited to infilling, redevelopment on existing lots of records, and limited residential intensification.

Comment: Use of the existing lot and dwelling will result in intensification of the existing residential use.

- iii. Residential intensification, outside of infilling, shall only occur on full municipal sewage services and municipal water services.

Comment: N/A

- h) Secondary Settlement Areas, or portions thereof, that generally consist of employment uses are subject to the following additional policies:

- i. Cost effective development patterns and those which reduce servicing costs are encouraged.

Comment: The subject lands are located on the outer edge of the designated area. Their removal is a neutral issue.

- ii. Land use patterns which may cause environmental, heritage preservation or public health and safety concerns shall be avoided.

Comment: The subject parcel is located in close proximity to the applicant's existing greenhouse operation and is well suited to the proposed use as workers can simply walk to work through the existing GLG facility.

- iii. New development shall not have a negative impact on traffic movement, turning movement or the overall function of a Provincial Highway or County Road.

Comment: One of the goals of the updated worker housing policy was to encourage that off-site worker housing be located in close proximity to the operations they service. This in turn reduces traffic as it reduces the need for vehicle transportation to and from the place of work and having less impact on local roads.

- iv. New development on private or partial sewage services and water services shall generally be limited to dry industrial uses.

Comment: The existing property will need an upgraded septic system but continue with the existing municipal water service.

- v. Local Official Plan policies will ensure the orderly and appropriate development of these areas.

Comment: A Local Official Plan amendment has been requested to permit the off-site worker housing and redesignate the lands to agricultural.

As the intent of the application is to return the lands to the Agricultural designation the County Official notes that the following uses are permitted within the "Agricultural" designation subject to the policies of this section:

- e) Accessory farm accommodation, in accordance with Section 3.3.3.5 of this Plan.

Section 3.3.3.5 Accessory Farm Accommodation is permitted for full time or seasonal farm help where:

- a) The size and/or nature of the farm operations makes the employment of such help necessary.
- b) Such additional dwellings do not have a significant effect on the tillable area of the farm or its viability.
- c) Permitted in the local Official Plan.
- d) The lands are appropriately zoned.

The subject property abuts the current GLG operation and will be incorporated as part of it. The use of the existing dwelling for off-site worker housing is better suited to long-term use of the property versus that of rural residential. This in turn would have less impact on the growth and expansion of a viable farming operation and continues to support the Agricultural protection goals of the applicable planning policy.

## **Conclusions**

The County Official Plan, Leamington Official Plan and Provincial Policy Statement each note that removal of lands within an employment land classification such as the Hwy 77 Corridor Commercial District require that a local comprehensive review is undertaken to determine if removal will impact the long-term need.

The background work completed as part of the current County Official Plan review, specifically the results of the Growth Management Report (land needs) completed in 2023, paint a clear picture that the Municipality of Leamington has a surplus of employment lands. The subject parcel represents a minor removal in the northeasterly most corner of the secondary settlement area and should not negatively impact the supply of employment lands over the 30-year planning horizon.

To that end the requested approval represents good land use planning and should be considered consistent with the direction of the County of Essex in this area of land use.

Prepared by:



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