

Municipality of Lakeshore – Report to Council

Growth & Sustainability

Community Planning



To: Mayor & Members of Council
From: Tammie Ryall MCIP, RPP, Corporate Leader – Growth and Sustainability
Date: November 30, 2023
Subject: Commercial Greenhouse Farm OPA-18 and ZBA- County comments

Recommendation

Direct Administration to meet with the County of Essex and Provincial Ministries to discuss Official Plan Amendment No. 18 to the Municipality of Lakeshore Official Plan and related Zoning By-law Amendment 2-2023 and report back to Council, as presented at the December 12, 2023 Council meeting.

Background

Lakeshore initiated a study to consider the potential impact of Large-Scale Greenhouse development and retained a consultant to prepare an Official Plan Amendment and implementing zoning by-law.

Following two Open House sessions, on February 14th, 2023, Lakeshore held a public meeting with 3 members of the public making verbal presentations on the draft Commercial Greenhouse Official Plan amendment and zoning by-law amendment and received 41 written comments. As a result of the comments and input received, Council directed Administration to prepare changes to the draft Greenhouse Official Plan Amendment and Zoning By-law Amendment, where applicable, to:

- a) change the term from Large Scale Greenhouse Farms to Commercial Greenhouse and to reduce the size specifications in the definition;
- b) to include 1000 metre setbacks from all secondary settlement areas;
- c) to include 550 metre setbacks from residential properties;
- d) to include a setback from the observatory of 5000 metres;
- e) to include a setback from the Town of Essex settlement boundaries and Tilbury settlement boundaries;
- f) to revise subsection 6.2.1(h) para 12 to permit temporary stockpiling only;
- g) to introduce more restrictive language regarding odour emission from the property;
- h) Add determination of community impacts on Lakeshore to draft official plan amendment paragraph 6.2.1(h)(i)(c); and

- i) Include provisions prohibiting light escape from commercial greenhouses.

At the February 28, 2023, Regular Council meeting, Council passed resolution 72-02-2023:

Approve Option 1 as described in the February 28, 2023 Council Report with a revision to include no commercial greenhouses permitted north of County Road 42; and Direct Administration to prepare the necessary by-laws for adoption at the March 7, 2023 Council meeting.

The map showing Option 1 is attached as Attachment 1. The necessary by-laws, By-law 1-2023 and By-law 2-2023 were passed by Council at the following March 7, 2023 Council meeting.

The Storey Samways Greenhouse Report (Nov 29, 2022) stated that Lakeshore could consider undertaking an additional study to consider limiting Commercial Greenhouse Farms (CGFs) to certain designated area(s) where impacts can be managed, and municipal services and utilities could be effectively provided. The Storey Samways report referred to a Greenhouse "Business Park". At the February 14, 2023, Council meeting, Council directed Administration to prepare a report to consider the scope and budget for the additional study, and subsequently approved the study to proceed. This study is underway, with a consultant retained and actively working on reports. An update to Council is expected in the new year.

Comments

After the Official Plan amendment and the implementing zoning by-law were adopted, Administration submitted both to the County of Essex. The County of Essex is the approval authority for Official Plans and Official Plan amendments of the local municipalities in Essex. As part of this process, the County circulated the amendments to the Province for comment through the Ministry of Municipal Affairs and Housing one-window provincial review and circulated to other relevant stakeholders. Based on these comments the County Planning Manager could pursue the following options: (1) approve the Official Plan Amendment as is, or (2) approve it with modifications, or (3) direct the decision to County Council with a recommendation for refusal.

A response has recently been received from the County of Essex (Attachment 2). County planning staff indicate that the documents were circulated to the Province; and, that County Planning is not in a position to approve the Official Plan amendment as it is not in conformity with the Provincial Policy Statement, 2020:

"...the Official Plan Amendment and more so, the associated Zoning By-law Amendment (ZBA-01-2023) are not in conformity with the Agricultural policies in the Provincial Policy Statement 2020. The Zoning By-law Amendment as passed would severely limit the ability for commercial greenhouses to locate within areas

designated and zoned Agricultural within the municipality. County Planning as the delegated approval authority for local Official Plan Amendments, is not in a position to approve a local OPA that would bring the ZBA into effect, which has been identified not in conformity to the policies in the Provincial Policy Statement.

There are several concerns however, the main concern is the setbacks in the Zoning Bylaw Amendment.

Please provide this correspondence to Council along with a request for planning administration to be directed to meet with County Planning and Provincial Ministries including OMAFRA to discuss solutions to these policy and regulatory issues.”

Based on this letter it is understood that the County would like to meet to discuss modifying both the Official Plan and Zoning By-law amendments to bring them into conformity with provincial policy. Administration recommends meeting with the County and Provincial Ministries to discuss ways to solve or narrow the scope of the issues. Any potential solutions or modifications will be presented to Council for their acceptance as per the Recommendation section of this Report.

Others Consulted

The draft amendments were circulated for comment and notice was given of the statutory Public Meeting (February 14, 2023) in keeping with the requirements of the Planning Act.

Financial Impacts

The total cost of the study was \$53,000 and was funded from the approved Department’s Consulting Services budget. The study was completed on budget.

Attachments

Attachment 1 – Option 1 Constraint Map

Attachment 2 – Comment letter from the County of Essex

Report Approval Details

Document Title:	Commercial Greenhouse Farm OPA 18 and ZBA.docx
Attachments:	- Attachment 1 – Option 1 Constraint Map.pdf - Attachment 2 Correspondence from the County of Essex seeking to meet - OPA 18.pdf
Final Approval Date:	Dec 5, 2023

This report and all of its attachments were approved and signed as outlined below:

Prepared by Tammie Ryall

Approved by Justin Rousseau and Truper McBride