

# Municipality of Lakeshore – Report to Council

## Growth and Sustainability

### Community Planning



**To:** Mayor and Members of Council

**From:** Tammie Ryall MCIP, RPP, Corporate Leader – Growth and Sustainability

**Date:** May 13, 2025

**Subject:** Proposed County of Essex Modifications to Council-Adopted Official Plan Amendment, Commercial Greenhouse amendment (OPA No. 18)

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### Recommendation

Endorse the proposed Modifications to the Lakeshore Official Plan Amendment 18, attached as Attachment 1; and

Direct Administration to advise the County of Essex of this endorsement, all as presented at the June 3, 2025 Council meeting.

### Background

Lakeshore initiated an Official Plan Amendment to regulate the development of large-scale Commercial Greenhouses (Municipality of Lakeshore Official Plan Amendment No. 18). The amendment was adopted on March 7, 2023. The adoption followed an extensive public, stakeholder and agency engagement process which included Public Information meetings, engagement and a formal Public Meeting. The related Zoning By-law amendment By-law 2-2023 was adopted at the same meeting (Attachment 4).

Subsequent to Council's adoption of the Official Plan Amendment No. 18, ("OPA 18") the document was forwarded to the County of Essex (the Approval Authority) for review and approval. As part of the review process, the County of Essex Planning Department engaged in further circulation and discussions with the local Conservation Authorities and the provincial Ministries regarding the policies contained in OPA 18. The County sent a letter to Lakeshore stating that the OPA 18, particularly the implementing zoning by-law amendment was not consistent with the Provincial Policy Statement. It stated:

"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."

This letter was reviewed by Lakeshore Council at the December 12, 2023 Regular Council Meeting and direction was given for Administration to meet with the County.

At the March 5, 2024 Regular Council meeting, a report was presented to provide an update on the OPA 18 and Zoning By-law Amendment 2-2023 as well as an update on the Greenhouse Facility “Business Park” study. At that meeting, the following motion was passed:

Direct Administration to continue discussions with the County of Essex and Provincial Ministries on 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 March 5, 2024 Council meeting; and Receive the update relating to the Greenhouse Business Park for information only at this time.

With regard to the second part of Council’s direction, Administration will be preparing a related report on the Greenhouse Business Park and design guidelines, and is recommending that this be presented to Council when a decision on the OPA 18 has been made by the County.

Regarding the County review of OPA 18, and the related Zoning By-law amendment, Administration met a few times after March 5, 2024 with the County, the Essex Region Conservation Authority and provincial representatives.

Council passed a motion on October 1, 2024 to defer consideration of the Greenhouse Business Park Plan Study Update report pending a response from the County of Essex on OPA 18. The following motion was passed (emphasis added):

**Defer consideration of the Greenhouse Business Park Plan Study Update report pending a response from the County of Essex on Official Plan Amendment No.18 and request the County of Essex to make a modification to Section 6.2.1 (h) of OPA No. 18 (Greenhouse Official Plan Amendment) to state that: monitoring and review of the Official Plan policies will be undertaken to identify trends in greenhouse issues in the Region, to analyze the impact of future water main expansions, as well as trends in the price of land and demand for Large Scale Commercial greenhouses in Lakeshore. Reporting back to Council on the monitoring of the policies and issues will be in the form of annual briefings or status reports;**

And further direct that Administration to prepare a follow-up report regarding interim mitigation measures that are currently in place or require updating, as well as the financial impacts on the Municipality that would need to be recouped by development charges.

The County of Essex Manager of Planning subsequently issued a draft decision with suggested modifications for Lakeshore Council to consider (Attachment 1). Unlike the County response of December 2023, the County has accepted the OPA 18 as adopted

by Council, with changes which essentially provide clarity to aid in the interpretation of the Policies. As the County has responded, it is appropriate to bring forward this report now to Council in keeping with Council's motion passed on October 1, 2024.

County Planning has requested that the proposed modifications be reviewed with Council in order to seek its endorsement prior to the OPA 18, with modifications, being approved by the County. It is a common practice and a courtesy for an approval authority, to seek Council endorsement of proposed modifications.

Accordingly, Attachment 2 provides a chart with the County requests and Administrations' comments/responses. The chart represents the final distillation of the comments that were brought forward.

The comment section of this report describes how the polices in OPA 18, and the proposed modifications, achieve the direction from Lakeshore Council to restrict the location of Commercial Greenhouses. Further restrictions on the location of Commercial Greenhouses are contained in the implementing zoning by-law (Attachment 4), the wording of which **is not impacted by the proposed modifications**.

If the County approves OPA 18 with modifications, there is a 20-day appeal period during which qualifying individuals and agencies can lodge an appeal. If that occurs, the decision will not come into effect but will be referred to the Ontario Land Tribunal ("OLT") for a hearing and subsequent decision. If there are no appeals, OPA 18 and the implementing zoning by-law will go into effect, as permitted under the provisions of the *Planning Act*.

## Comments

Through the review process, 14 proposed modifications to OPA 18 were identified by County Planning (see Attachment 1). These proposed modifications were developed in consultation with Lakeshore Administration. Many of these are minor in nature to correct wording and clarify intent. A chart explaining the need for the proposed changes is included as Attachment 2. A red-lined version of OPA 18 is appended as Attachment 3.

Planning is of the opinion that Council should endorse the modifications as the changes will provide clarity for interpretation of the Official Plan policies. Council's direction to set out criteria for the development of Commercial Greenhouses in the Official Plan, and then not permit any Commercial Greenhouses through the zoning by-law will not be altered by the proposed modifications. Some details of interest to Council are described below.

Will the setbacks requested by Council still be in the OPA and ZBLA?

- 1000 metre setbacks from all secondary settlement areas including the Town of Essex Settlement Boundaries and the Tilbury Settlement Boundaries? Yes – in ZBLA - "Notwithstanding 6.23 a) iii) and iv), the setback from a CGF to a settlement area (primary or secondary) shall be 1,000 m including the Tilbury and Essex settlement areas."

- no-build zone past north/south leg of County Road 22, north of County Road 42? Yes, in OPA 18, 6.2.1 h) vi): “CGF shall be prohibited on all lands designated “Agricultural” north of County Road 42 between Manning Road (County Road 19) and the north/south leg of County Road 22;”
- 550 metre setbacks from residential properties? Yes – in ZBLA - Section 6.23 a) iii) and iv)
- setback from the observatory of 5000 metres? Yes – in ZBLA - Section 6.23 a) is amended by adding item vi) as follows: “the minimum setback from the Hallam Observatory located at 3989 South Middle Road shall be 5,000 m.”

Will there be control of light and odours? Yes – in OPA 18:

- 6.2.1 h) vii - CGF shall be designed to eliminate any impact resulting from the use of supplementary grow lighting.
- 6.2.1 h) viii - CGF shall be required to provide a photometric plan for all exterior lighting and demonstrate that all fixtures are full cut-off and dark sky compliant;
- 6.2.1 h) ix - CGF shall be designed to eliminate the impact of any odours generated from the growing or processing so as to prohibit the transmission of odour beyond the greenhouse structure;

Will there be a requirement for consideration of economic and community impact?

- Yes, in OPA 18 - 6.2.1(h)(i)(c) “Notwithstanding any provisions of OPA #18 or the Lakeshore Official Plan to the contrary a CGF shall not be considered a permitted use in the implementing zoning by-law until such time as the following have been completed to the satisfaction of the Municipality and the applicable local Conservation Authorities: ...
  - c) determination of financial and community impact on Lakeshore.”

## Planning Opinion

The Official Plan policies do permit commercial greenhouse farms in the Prime Agricultural Area (through Sections 3.3.11 and 6.2.1 a) and therefore these policies are consistent with the Provincial Planning Statement “PPS” 2024. However, it is noted that the zoning by-law amendment defines and then does not permit greenhouses as of right (Attachment 4) and therefore is not consistent with the PPS. The PPS defines commercial greenhouses as a type of agricultural use that are permitted in prime agricultural areas.

The Planner is however, of the opinion that commercial greenhouse development is at a greater scale and can have a greater impact than an industrial use. It has a greater impact on agricultural land, the natural environment and sensitive land uses than traditional agricultural uses. Therefore, restrictions are advisable to provide a thorough review of new commercial greenhouse proposals. The OPA 18 and the proposed modifications balance the directions provided in the Provincial Planning Statement (2024), the *Planning Act*, and the planning principles contained in the County of Essex

Official Plan and the Lakeshore Official Plan regarding separation of incompatible land uses. In this case, commercial greenhouse development would be considered an incompatible land use, requiring mitigation of its impacts, similar to new industrial uses. In addition, the approach in OPA 18 requires a process for reviewing the impact of commercial greenhouse development prior to a change of land use occurring through re-zoning. Commercial greenhouse development is treated as a development application requiring consultation, background studies, review by the applicable Conservation Authority, public notice and approval by Council. The re-zoning would be followed by a site plan review process under the *Planning Act*.

## **Conclusion**

All of the proposed modifications to OPA 18 are supported by Administration and it is therefore recommended that Council endorse the modifications as per the Recommendation Section of this report.

## **Others Consulted**

The draft Official Plan and zoning amendments were circulated for comment and notice was given of the statutory Public Meeting, which was held on February 14, 2023, in compliance with the requirements of the *Planning Act*. Administration is not aware of any pending objections which would trigger an appeal to the OLT.

Consultation of OPA 18 was coordinated by the County of Essex with the Essex Region Conservation Authority, Lower Thames Valley Conservation Authority, MMAH, OMAFRA.

## **Financial Impacts**

Storey Samways Planning Consultants were retained to prepare a study to consider the potential impact of Large-Scale Greenhouse development and to prepare an Official Plan amendment and implementing zoning by-law amendment. The cost was \$53,000, funded from the Division's approved Consulting Services budget. The study was completed on budget. There are no additional budget impacts resulting from the Recommendation.

Council's direction for Administration to prepare a follow-up report regarding the financial impacts on the Municipality that would need to be recouped by development charges (October 1, 2024) will be presented in a future report.

## **Attachments**

- Attachment 1 – County of Essex request with Draft Decision
- Attachment 2 – Summary Chart of Modifications
- Attachment 3 - Red lined version of the Official Plan showing modifications
- Attachment 4 – By-law 2-2023, Implementing Zoning By-law amendment

## Report Approval Details

Document Title:	Proposed County of Essex Modifications to Council-Adopted Official Plan Amendment, Commercial Greenhouse amendment (OPA No. 18).docx
Attachments:	-Attachment 1 – County of Essex request with Draft Decision.pdf -Attachment 2 – Summary Chart of Modifications.pdf -Attachment 3 - Red lined version of the Official Plan showing modifications.pdf -Attachment 4 – By-law 2-2023, Implementing Zoning By-law amendment.pdf
Final Approval Date:	May 27, 2025

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

Prepared by Tammie Ryall

Approved by the Corporate Leadership Team