

Municipality of Lakeshore

By-law 1-2023

Being a By-law to adopt OPA 18 to the Lakeshore Official Plan (Municipality of Lakeshore)

Whereas the *Planning Act*, R.S.O. 1990, c. P. 13 permits municipal Councils to adopt amendments to Official Plans in accordance with the procedure outlined in the Act and corresponding regulations;

And whereas the Council of the Municipality of Lakeshore supports amendments to the Official Plan as provided herein;

Now therefore the Council of the Municipality of Lakeshore enacts as follows:

1. Amendment No. 18 to the Official Plan for the Municipality of Lakeshore, consisting of the attached explanatory text, is hereby adopted.
2. The Clerk is authorized and directed to make application to the County of Essex for approval of Amendment No. 18 to the Official Plan for the Municipality of Lakeshore.
3. This by-law shall come into force in accordance with Sections 17 and 21 of the *Planning Act*, R.S.O. 1990, c. P. 13.

Read and passed in open session on February 14, 2023.

**Mayor
Tracey Bailey**

**Clerk
Kristen Newman**

The Constitutional Statement

Part A – The Preamble: Does not constitute part of this amendment

Part B – The Amendment: Consisting of the following explanatory text and map schedule, constitutes Amendment No. 18 to Municipality of Lakeshore Official Plan

Also attached is Part C – The Appendices: which does not constitute part of this amendment. These appendices contain the planning analysis and public involvement associated with this amendment.

DECISION

With respect to Official Plan Amendment No. 18 to the Official Plan for the Municipality of Lakeshore

Subsection 17(34) of the Planning Act

I hereby approve Amendment # 18 the Official Plan for the Municipality of Lakeshore, as adopted by By-law 1-2023

Dated at Essex, Ontario this day ____ of _____, 2023.

Rebecca Belanger,
MCIP, RPP Manager,
Planning Services
County of Essex

AMENDMENT NO. 18

TO THE OFFICIAL PLAN FOR THE MUNICIPALITY OF LAKESHORE

PROPOSED POLICIES FOR GREENHOUSE FARMS, LARGE SCALE

Official Plan Amendment No. 18

Part A – The Preamble

Purpose and basis of the amendment – In 2019 Lakeshore Council directed that a study be undertaken regarding the various impacts of large-scale greenhouse farms, based on the observed experiences of the Municipality of Leamington and the Town of Kingsville. The study, which included a robust agency and public consultation component, was received by Council at its Dec 13, 2022 regular meeting. The study provided four options for Council’s consideration including “do nothing” and outright prohibition approaches. Council selected Option 2 which states:

- Proceed as directed by the original Terms of Reference whereby the existing Official Plan policies are modernized based on the most current information, widespread agency consultation and public submissions.
- No large-scale greenhouse farm development occur until the following four items have been addressed:
 - Regional stormwater study to identify a common release rate on the various watersheds;
 - Implementation of a stormwater discharge quality monitoring program similar to the Kingsville/Leamington nutrient program;
 - Receipt of a best practice study from the province regarding greenhouse lighting abatement and other general adverse effects, and,
 - A municipal financial impact analysis.
- The Lakeshore Zoning By-law be amended so as to remove large scale greenhouse farms as a permitted use in an agriculture zone.

The purpose of this amendment is to implement the Option 2 approach as directed by Council.

After further consideration, the criteria “Receipt of a best practice study from the province regarding greenhouse lighting abatement and other general adverse effects” has been removed, as the guideline from the province may only deal with lighting abatement, and the timing of the release is unknown and outside the control of the Municipality.

Part B – The Amendment

Details of the Amendment

Section 3.3.11 “Agricultural Area” is hereby amended by the revision of the following:

1. Amending Section 3.3.11, paragraph one, to include large scale greenhouses as an agricultural use.
2. Amending Section 3.3.11 item d) by adding the words “including large scale greenhouses” after the word “uses”

Section 6.2 “Agricultural Designation” is hereby amended as follows:

1. Amending Section 6.2.1 Permitted Uses item a) to include “large scale greenhouse” as a primary use of land.
2. Deleting Section 6.2.1 h) and replacing with the following:

“6.2.1 h) – Large Scale Greenhouse Farms (LSGF) permitted in the Agricultural designation shall be subject to the following policies:

- i) Notwithstanding any provisions of OPA #18 or the Lakeshore Official Plan to the contrary a LSGF 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:
 - a. Regional stormwater assessment;
 - b. Implementation of a water discharge quality monitoring program; and
 - c. Determination of financial impact on Lakeshore.
- ii) specific development standards as outlined more specifically in the Zoning By-law;
- iii) LSGF are subject to Site Plan Control in accordance with Section 8.3.4;
- iv) Notwithstanding item iii) all greenhouse farms regardless of size may also be subject to Site Plan Control at the discretion of the Municipality;
- v) LSGF shall be required to locate and/or orient all supporting buildings, structures, including but not limited to, loading, packing, water storage, housing, stand-by power systems, chillers, CO² systems, ventilation fans and waste disposal

- containers as to maximize the separation distance to a sensitive land use;
- vi) LSGF shall be prohibited on all lands designated Agricultural north of County Road 42;
 - vii) LSGF shall be designed to eliminate any impact resulting from the use of supplementary grow lighting.
 - viii) LSGF 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;
 - ix) LSGF shall be designed to eliminate the impact of any odours generated from the growing or processing;
 - x) LSGF shall demonstrate that all necessary services are available to the property to be developed;
 - xi) LSGF shall provide a detailed waste management plan which includes how waste from the greenhouse facility is to be removed, location of all waste receptacles and composting facilities;
 - xii) Any on-site disposal of greenhouse waste, including vines and vegetables, shall be done a minimum of 150 m from all sensitive lands uses. Stockpiling of greenhouse waste on-site shall be prohibited.
 - xiii) LSGF internal recycling of fertigation water shall be required in order to reduce primary water use. A water recycling plan shall be prepared and submitted as part of any servicing plan. When 100% water recycling is not possible, the waste fertilizer solution or leachate must be managed in accordance with the Greenhouse Nutrient Feedwater (GNF) Regulation O. Reg. 300/14 under the Nutrient Management Act and/or Ontario Water Resources Act or subsequent regulations.
 - xiv) The use of well water as a source of irrigation water in a LSGF is prohibited;
 - xv) LSGF development shall be required to demonstrate no negative impact to traffic and provide safe access to the subject property in accordance with Municipal and County Road standards;
 - xvi) LSGF development shall be responsible for any necessary road upgrades as determined by the Municipality or County of Essex;
 - xvii) LSGF located within the MTO Highway 401 or Highway 77 Permit Control Area shall be subject to MTO review and permitting and shall require, but not be limited to, submission of a site plan, grading plan, photometric plan, drainage plan (stormwater management), site servicing plan, sanitary outlet

- locations and detail, Traffic Impact Study (TIS) completed in accordance with MTO standards, access plan, signage details and locations or encroachment permits. Proponents shall undertake pre-consultation with MTO staff as part of the application submission process for site plan approval. LSGF within the Permit Control Area shall require an MTO Building and Land Use Permit for any development or separate/individual phase of construction.
- xviii) The Municipality shall develop and provide an information bulletin which provides the full details of the MTO requirements for development located within the Permit Control Area.
 - xix) LSGF proposed adjacent to a lot with an existing commercial wind turbine are required to consult with the wind turbine operator and provide confirmation and comment from said consultation;
 - xx) To alleviate impact on local road maintenance LSGF development will be encouraged to locate in close proximity to roads with direct access to Highway 401;
 - xxi) LSGF shall demonstrate that they are providing sufficient labour housing for the crop(s) being grown. Such labour housing shall be provided wholly on the same property as the LSGF. Notwithstanding labour housing may be provided off-site but must be in compliance with the Lakeshore Zoning By-law and must demonstrate that adequate, safe and appropriate transportation is provided to the LSGF site(s);
 - xxii) LSGF shall be encouraged to provide active transportation linkages to existing and future active transportation corridors including the CWATS and Chrysler Greenway;
 - xxiii) Stormwater management systems shall be constructed, operated and maintained in accordance with MECP requirements and approvals, as and when applicable.
 - xxiv) Depending on the greenhouse operation practices, the greenhouse may require several approvals such Environmental Compliance Approval, permit or license from MECP. LSGF development shall be required to demonstrate that consultation with MECP has occurred on regulatory requirements and have all necessary approvals prior to undertaking works on the subject site.
 - xxv) Stormwater management systems will be required to demonstrate conformity to regional stormwater requirements. The Municipality will require the development of a regional stormwater management plan and universal release rate;

- xxvi) LSGF site plan agreements shall include provisions for regular maintenance and function confirmation as outlined by the Essex Region Conservation Authority (ERCA) or Lower Thames Valley Conservation Authority (LTVCA).
- xxvii) All LSGF will require on-site water storage and installation of rate-of-flow control facilities. Rate-of-flow will be established by the applicable water provider and subject to inspection by the Municipality;
- xxviii) LSGF shall be designed and oriented so as to maximize buffering between it and sensitive land uses to minimize or mitigate adverse effects as defined in Provincial Policy Statement and detailed in ECRA's Environmental Assessment Guidelines. Generally, "adverse effect" can be summarized as impairment of the quality of the natural environment; injury or damage to property, plant, or animal life; harm or material discomfort to any person; an adverse effect on the health of any person; impairment of the safety of any person; rendering any property or plant or animal life unfit for human use; loss of enjoyment or normal use of property; and interference with normal conduct of business.

Section 8.8 "Definitions" is hereby amended by adding the following definition between Green Infrastructure and Ground Water Feature:

"Greenhouse Farm, Large Scale as defined in the Lakeshore Comprehensive Zoning By-law means a building or structure whose roof and sides are made largely of glass or other transparent or translucent material, in which the temperature and humidity can be regulated for the cultivation of plants, and which has a cumulative production (growing) area of 2 ha (5acres) or greater. For clarity purposes any existing greenhouse or new greenhouse with less than 2 ha (5 ac.) of production (growing) area and expands to 2 ha (5 ac.) or greater will be subject to the policies for a Large-Scale Greenhouse Farm."

Implementation of the Amendment:

The Official Plan Amendment will be implemented through a corresponding zoning by-law amendment and site plan control which will establish specific regulations and standards for Large Scale Greenhouse Farms.

Part C – The Appendices

Appendix 1 – Planning and Land Use Analysis

The planning and land use analysis in support of this Official Plan Amendment is contained within the following attachments:

- Lakeshore Greenhouse Study Final Report, (Executive Summary) prepared by Tom Storey, Storey Samways Planning Ltd., dated November 29, 2022.

EXECUTIVE SUMMARY

- In 2019, Council reacting to public complaints in Kingsville and Leamington, where there is an extensive large scale greenhouse farm (LSGF) industry, directed Lakeshore Administration “to bring back a report on a light pollution by-law relating to greenhouses”. Subsequently Council enacted an Interim Control By-law (ICBL) to be lifted once a study had been completed.
- Based on a high-level environmental scan which informed the Terms of Reference (see **Appendix “A”**), SSPL was retained to undertake the study in February 2022, the proposed report was expanded to cover a potential wide range of effects, positive and negative, from LSGF’s.
- These effects included: financial; land use compatibility (consisting of lighting, odour, girdling, employee housing and eventually, wind turbines); environmental impact and climate change.
- Research has been based on extensive interviews with those with active experience and interests in LSGF’s, a comprehensive public consultation process, and various related documents.
- Although many sources were tapped, the most valuable information was provided by the Ontario Greenhouse Vegetable Growers Association (OGVG); the Municipality of Leamington Development Review Team, and Town of Kingsville Planning Department; Essex Region Conservation Authority (ERCA); the Lower Thames Valley Conservation Authority (LTVCA); and public submissions.
- The effects of lighting, odour, girdling, wind turbines, and environmental impact can be addressed through official plan policies and zoning regulations. Financial effects can be dealt with through an updated Lakeshore Strategic Plan and climate change effects through modern policies already found in the draft Lakeshore Official Plan awaiting final approval.
- Following the completion of the public consultation process, Council adopted a resolution on October 12, 2022 opposing LSGF’s as a permitted land use in Lakeshore for a variety of reasons (see **Appendix “B”**).

- Although the motion provided clarity previously lacking as to the strategic direction Lakeshore wishes to follow with respect to LSGF development, this study can not recommend prohibition of LSGF's as a land use policy, given the overt conflict such a policy has with Provincial policy.
- This study has noted that four further studies need to be completed, however before any LSGF development can occur, namely:
 - Regional stormwater assessment
 - Implementation of water quality monitoring program
 - Completion of Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) study regarding greenhouse lighting and other adverse effects
 - Determination of financial impact on Lakeshore
- This study concludes with the articulation of four options for Council action:
 - Do nothing – existing inadequate policies / regulations will remain in place after the Interim Control By-law (ICBL) expires on March 9, 2023
 - Proceed in accordance with the original Terms of Reference – while LSGF would continue to be recognized as an agricultural use in the Official Plan, no development would be permitted until after the four studies referenced above have been completed. The zoning by-law would be amended so as to delete LSGF's as a permitted agricultural use.
 - Restrict LSGF development within a described geographical area, a sort of greenhouse business park – significant research would be required to develop policy to establish such an area.
 - Prohibit LSGF development in Lakeshore. There would likely be substantial pushback from the Province and industry stakeholders.