

Municipality of Lakeshore – Report to Council

Growth & Sustainability

Community Planning



To: Mayor & Members of Council
From: Aaron Hair, MCIP, RPP
Date: January 30, 2023
Subject: Greenhouse Study Public Meeting

Recommendation

Adopt Official Plan Amendment OPA No. 18, to the Municipality of Lakeshore Official Plan, to include policies to regulate Large-Scale Greenhouse Farms and to adopt the implementing by-law (By-law 1-2023); and submit the amendment to the County of Essex for approval; and

Approve Zoning By-law Amendment Application ZBA-01-2023, to add a definition of a Large-Scale Greenhouse Farm, and to remove it as a permitted use in the Agricultural zone and to adopt the implementing zoning by-law (By-law 2-2023). Direct Administration to bring a report describing the scope and estimated cost of a study to consider designating a Large-Scale Greenhouse Facility “Business Park”; all as presented at the February 14, 2022, Council meeting.

Background

On March 9, 2021, Council approved By-law 13-2021 being a By-law to establish an Interim Control By-law, respecting Greenhouses in the Municipality of Lakeshore. An Interim control by-law puts a temporary freeze on a land use while the municipality is studying or reviewing its policies. The temporary freeze is for 1 year, but may be extended for an additional year, and on February 15, 2022, Council extended the By-law until March 9, 2023.

In the Spring of 2021 Lakeshore engaged Storey Samways Planning Ltd. (SSPL) to assist with preparing the terms of reference for the study. The purpose of the study was to look at the impacts of greenhouse developments, and to come up with best practices on how to regulate them, not to prohibit them.

In August and September of 2022, Lakeshore hosted 1 virtual and 2 in-person meetings to go over the Draft Greenhouse Study Report prepared by SSPL, with approximately 450 attending the various sessions. After the public open houses, Lakeshore received 77 email comments, 9 written submissions, 21 comment cards, and a petition opposing

greenhouses with 1656 signatures. Basically, all the comments received from the public were opposed to greenhouses in Lakeshore, based on the experiences in Leamington and Kingsville.

On October 12, 2022 Council passed a resolution advising that Lakeshore oppose large commercial greenhouses in rural areas, and that the province consider reclassifying greenhouses to an industrial use.

At the December 13, 2022, Council meeting, Council considered the final Greenhouse Study prepared by SSPL dated November 29, 2022. Council approved the following motion;

Request the Mayor to send a follow up letter to the Minister of Agriculture, Food, and Rural Affairs outlining Council's ongoing concerns with large scale greenhouse development; and

Direct Administration to proceed with Option 2, to revise the Official Plan policies, Zoning By-law regulations pertaining to Large Scale Greenhouse Facilities, and Design Guidelines for Large Scale Greenhouse Facilities as outlined in Attachment 1, titled Lakeshore Greenhouse Study Final Report, as presented in the report entitled Greenhouse Study Update presented at the December 13, 2022 Council meeting.

Option 2 – Proceed as Presently Directed by the terms of reference
(Administration's Recommendation)

Through Option 2, the existing Official Plan policies and Zoning By-law regulations are modernized based on the most up-to-date information, widespread agency consultation and public consultation submissions.

As part of this approach, it is also proposed that the Lakeshore Zoning By-law be amended so as to remove Large Scale Greenhouse Farms ("LSGF") as a permitted use: i.e., they would no longer be permitted as-of-right as they currently are under the zoning regulations. A site-specific Zoning By-law amendment would be required to establish a LSGF along with a site plan agreement.

In addition, visual design guidelines would be developed for Council approval that would deal with setbacks, landscaping and screening requirements, arrangement of buildings, pedestrian and vehicle movements, along with rules governing the location and built form of worker housing.

At the January 10th Council meeting the draft Official Plan and Zoning By-law amendments were presented to Council for information, prior to them being posted on

Lakeshore's website. At this meeting Council raised several comments and requested several changes, as outlined in the below table:

Council comments:	Action in the Official Plan amendment (Attachment 1):	Recommendation
would like the OP to be more restrictive to eliminate any outdoor odour or light, did not like the word "mitigate".	Replaced "mitigate" with "eliminate". Removed specific reference to how the mitigation was to be done, i.e., the use of light abatement curtains.	Planning made the change but recommends going back to the wording of mitigation. With the advancement in technology with glass used for greenhouses, it is our understanding it is possible to achieve less than 1% through the roof and less than 2% through the walls.
would like the size of the building restricted.	Deferred.	Planning recommends that the regional stormwater assessment be completed prior to a maximum size of building being established. Greenhouse design guidelines could give direction on size and massing of building.
Requested that the no build zone extend the entire length of County Rd 42	The no build zone was extended to run the entire length of County Road 42. (S. 6.2.1. h) vi)) This change extends the no build area to cover the communities of St. Joachim (north of 42) Deerbrook, Stoney Point and Lighthouse Cove.	Planning made the change but recommends that the no build zone, not be extended. The purpose of the no build zone is to stop greenhouse development from restricting the future development of Lakeshore's Primary Settlement area.
wanted a buffer area around the secondary settlement areas.	No change. Regulation 6.23b) of the zoning by-law already requires a 300m separation distance	Planning recommends no change as there is a 300 m separation distance in the

	<p>between a greenhouse and Residential Zone. A buffer area is created for St. Joachim, Deerbook, Stoney Point and Lighthouse Cove, as mentioned above. See Map, Attachment 3.</p> <p>Should Council wish to extend the buffer around the communities of Woodslee and Comber, a 1,000 m buffer from the settlement boundary is suggested similar to the distance from the settlement area (CP rail line) to County Road 42 in the northwest portion of the municipality. See Map, Attachment 4</p>	zoning by-law. See Map, Attachment 3.
Requested setbacks from individual residents.	No change. The zoning by-law requires a 30m setback from a dwelling on a separate lot.	Planning recommends no change as there is a 30m separation distance in the zoning by-law.

Comments

The Official Plan amendment proposes to define what a large-scale greenhouse farm is, and add policies requiring a site-specific zoning amendment, and site plan control for LSGF (Attachment 1). In addition, the proposed Official Plan amendment contains policies regarding the locations of supporting buildings, structures, loading, packing, water storage, housing, stand-by power systems, chillers, CO² systems and waste disposal containers, etc., and directs them away from sensitive land uses. The proposed amendment also requires that the impacts of lighting, noise, odors, traffic, storm water be mitigated.

At some point in the future, Lakeshore could consider amending the comprehensive zoning by-law to permit Large-Scale Greenhouse Farms as of right. However, at this time further information is required. Prior to Large Scale Greenhouses Farms being

permitted the following four items needed to be addressed, as set out in the draft Official Plan amendment:

- 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.

Large-Scale Greenhouse Farms are also proposed to be prohibited north of County Road 42 between Manning Road and the north/south leg of County Road 22. This is to provide a buffer area between large scale greenhouse farms and the urban settlement areas. In addition, it will protect settlement areas from the girdling effect of greenhouse development and allow for extension of services in the future.

The Zoning By-law amendment will add a new definition of Greenhouse Farm, Large Scale, but it will not be added to Table 7.1 – Permitted Uses of the Zoning By-law (Attachment 2). This would then require a site-specific zoning amendment to add the use to a parcel of land.

Based on the information above, and the public input received, described below, Administration recommends adoption of the Official Plan and Zoning By-law amendments as per the Recommendation section of this Report. As the County of Essex is the approval authority for Official Plans, the Recommendation section includes the direction to submit the Official Plan amendment to the County for approval.

It is noted that the “no build zone” to prohibit large scale greenhouse development was extended at the request of Council to run the entire length of County Road 42. (S. 6.2.1. h) vi)). The effect of this change is to extend the no build area to cover the communities of St. Joachim (north of 42) Deerbrook, Stoney Point and Lighthouse Cove. Should Council wish to extend the buffer around the other communities, such as Woodslee and Comber, a 1,000 m buffer from the settlement boundary is suggested similar to the distance from the settlement area (CP rail line) to County Road 42 in the northwest portion of the municipality. The 1,000m buffer is not included in the Official Plan or zoning by-law amendments, but can be brought back at the next meeting if Council so directs. A concept of how this would appear on some of the communities is shown on the map, Attachment 4.

Consideration of Large-Scale Greenhouse Facility Designated “Business Park” Area

The Storey Samways Greenhouse Report (Nov 29, 2022) stated that Lakeshore could consider undertaking an additional study to consider limiting LSGFs to certain

designated area(s) where impacts can be managed and municipal services and utilities could be effectively provided (Section 8, Conclusion). The Storey Samways report referred to a Greenhouse “Business Park”. Should Council wish to proceed with this additional study, Administration will prepare a report to Council to consider the scope and budget for the study, as per the Recommendation section of this report.

Others Consulted

In advance of the public hearing the draft amendments were circulated to the County of Essex, and the two local Conservation Authorities as well as other agencies and adjacent municipalities, as required under the regulations under the Planning Act. The County of Essex circulated the amendments to the provincial Ministry of Municipal Affairs and Housing and the Ministry of Agriculture, Food and Rural Affairs, as per the Provincial-County protocol on land use planning review.

Community Planning did meet with representatives of OMAFRA and went over the draft Official Plan Amendment with them. At this meeting OMAFRA requested that the requirement for completion of the OMAFRA study regarding Greenhouse lighting and other adverse effects be removed. They advised that would focus on lighting only, not other adverse effects, and that they are working on it, but they cannot guarantee that it will be approved or when. As such they have respectfully requested that we not make it a precondition to greenhouse development and the Official Plan amendment has been amended accordingly.

The amendments were also advertised as per the requirements for a public meeting under the Planning Act, and posted on the Municipal website. The public was invited to submit comments. The Community Planning Division will provide a summary of the comments received prior to the Public Meeting.

Financial Impacts

The total cost of the study is \$53,000 and is funded from the approved Department's Consulting Services budget. To date, the study is projected to be on budget.

Attachments

Attachment 1 – Official Plan Amendment

Attachment 2 – Zoning By-law Amendment

Attachment 3 – Map showing 300 metre buffer (in existing zoning by-law)

Attachment 4 – Map showing 1000 metre buffer (concept)

Report Approval Details

Document Title:	Greenhouse Study Public Meeting.docx
Attachments:	<ul style="list-style-type: none">- Attachment 1 Draft Official Plan Amendment.docx- Attachment 2 – Zoning By-law Amendment.DOCX- Attachment 3 Residential Zoned Properties 300m Buffer.pdf- Attachment 4 Residential Zoned Properties 1000m Buffer.pdf
Final Approval Date:	Feb 9, 2023

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

Prepared by Aaron Hair

Submitted by Tammie Ryall

Approved by Justin Rousseau and Truper McBride