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**Date:** December 19, 2018

**To:** Mayor and Council

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**RE:** Greenhouse Development Standards Update

**Report No.:** PDS 2018-064

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## **AIM**

To provide the Mayor and Council with an overview of greenhouse development in Kingsville and outline methods to review and update the current regulations.

## **BACKGROUND**

At the November 26, 2018 meeting of Council a notice of motion was brought forward as follows, 'That Administration, through a report to Council, consider the implementation of an interim control by-law to prohibit all greenhouse development west of Division Road, until such time as Council has the opportunity to review current zoning and Official Plan policies.'

This was brought forward on the basis of concern raised by a local property owners group on Road 3 W as the result of a farm sale to a known greenhouse grower. However, at the time of the application there had been no pre-consultation with the purchaser, no application for site plan approval nor any timeline on the possibility of either. Staff spoke with several property owners in the area and outlined that the only approval that was being requested from the Town was for the severance of the existing dwelling on the property that was surplus to the owner's farming operation. In addition shortly after that severance a farm less than one kilometer from the Road 3 W property was also purchased by a known greenhouse owner but again with no plans or mention of such moving forward. Much of the concern raised with the Road 3 W property was site-specific given the number of rural residential properties and the proximity of a large natural heritage feature.

In the past five years there has been almost no interest in the construction of greenhouses west of Division Rd N based on a lack of most, if not all, of the vital services (water, hydro and natural gas) required to support such development. The concern is likely in part been

based on the significant development along Highway 77 in Leamington that has seen multiple large scale greenhouses in the last two years. Infrastructure in this area is much different and provides an ideal setting for greenhouse development.

Although greenhouse development in Kingsville has been strong in past years it has not represented a significant percent of the overall development in Kingsville. To provide some context I would note the following:

- i) In 2004 there was 543 acres of greenhouse
- ii) At the end of 2018 the Town has approx. 1,140 acres of greenhouse occupying about 1,500 acres.
- iii) Based on past phased approvals there is approx. 100 additional acres that could be constructed
- iv) Based on the total workable area of Kingsville this represents about 2.5% of the total agricultural lands available
- v) Over the period from 2004 to 2018 an average of 43 acres were developed each year
- vi) Growth over the last five years has been about half of the 14 year average or less than 2%
- vii) Agricultural land prices have been on the rise since 2007 but potential greenhouse development has not been the sole motivating factor in this rise

## **DISCUSSION**

The power to enact an interim control by-law (ICBL) is an extraordinary one. Typically exercised in a situation where an unforeseen issue arises with the terms of an existing zoning permission, as a means of providing breathing space during which time the municipality may study the problem and determine the appropriate planning policy and controls for dealing with the situation. To pass an ICBL (Option A) the following steps must be undertaken:

- i) Council passes an Interim Control By-law
- ii) Council authorizes by resolution the necessary study work to be completed
- iii) A terms of reference clearly outlining the planning issues of concern is drafted with input from various stakeholders
- iv) Council approves the Terms of Reference and upset budget limit
- v) A Request for Proposals is prepared and tendered
- vi) The RFP is awarded and work completed

When implementing an ICBL the municipality must substantiate the planning rationale behind the authorizing resolution and the interim control by-law. At present prohibiting greenhouse development west of Division Rd. N. would be based on a speculative land purchase, minimal stakeholder input and limited planning rationale. There are no greenhouses located west of Division to clearly outline an impact to that specific area. There have been no applications filed for site plan approval and the area lacks the basic infrastructure to support greenhouse development.

Similar to other actions under the Planning Act an ICBL still has to be consistent with Provincial Policy and conform with the County and local Official Plan. All development regardless of type, zoning, or location must demonstrate that it can progress on a chosen site. Finally, if new policies were developed would they be applied to the entire Town or just potential development west of Division Rd. N? What impact does that have on the lands east of Division Rd. N.?

As one of the stakeholder groups, the Kingsville Property Owners have raised valid concerns with greenhouse development in general. Much of the concern centers on the current requirements, primarily zoning, but also impact to the existing non-farm uses in agricultural areas and the natural environment. The area in question, which is west of Division and south of Road 4 W, contains the largest concentration of large wooded areas and wetlands. These areas would potentially be impacted by greenhouse development and would be required to demonstrate no negative impact to the satisfaction of the Town and more than one provincial Ministry. This is just one of several requirements prior to even considering development in this area.

There has also been an increased focus on greenhouse development in the last two to three years by the MOECC, ERCA, the Town and the public for several different reasons including:

- i) Storm water management quality of discharge
- ii) Impact to municipal drains
- iii) Impact on aquifers and ground water recharge
- iv) Impact of large septic systems
- v) Infrastructure needs and condition
- vi) Light pollution and associated impacts
- vii) Odour
- viii) Migrant worker housing
- ix) Property tax classification

At the December 10, 2018 Council meeting it was suggested that an adhoc committee consisting of members of the citizens' group and the OGVG be established to open discussion on the issues that the group raised. This would in turn help to establish a framework for new greenhouse regulations and policies. (Option B) It would be recommended that the make-up of the committee be broadened to ensure that a fulsome public consultation on the issue is undertaken. This would be done by establishing a Terms of Reference for the committee and sub sequentially inviting a number of stakeholders to participate.(See Appendix A) This would include but not be limited to the OGVG, the Kingsville Property Owners Group, Essex Federation of Agriculture, Christian Farmers Federation of Ontario, greenhouse growers and other interested members of the public. The committee should also include the Mayor and one member of Council.

Since review and development of new greenhouse policies for Kingsville is a likely outcome of the consultation and review process the Official Plan will be impacted and will require updating. As the 5 Year Official Plan Review is still active and waiting on additional outside input it would be advisable to utilize the review process to incorporate any new policies as part of that rather than a separate amendment. The one consequence of this

would be that the review process would be delayed until such time as the greenhouse policies are formulated and approved for inclusion as part of the Official Plan review.

## **LINK TO STRATEGIC PLAN**

Manage growth through sustainable planning.

## **FINANCIAL CONSIDERATIONS**

If Council chooses to pass an ICBL it must also by resolution authorize the study work necessary to address the issues associated with greenhouse development and establish new regulations or policy. To provide a cost estimate of that work there needs to be a Terms of Reference drafted and approved by Council however prior to that it will be necessary to clearly identify the issues that are to be addressed. To identify the issues requires consultation with the various stakeholders so any study work that is completed is targeted in the right direction and can effectively address the issues and concerns raised by the stakeholders. Once terms of reference are clarified staff would be able, through an RFP, to get cost estimates based on the exact scope of work. If the cost associated with that work is beyond what Council feels is appropriate then the ICBL could be repealed and alternative actions taken.

## **CONSULTATIONS**

CAO and management staff

## **CONCLUSIONS**

The notice of motion was to ‘consider implementation of an interim control by-law.’ This is an important point to keep in mind when choosing the direction forward on this issue. Clearly ongoing greenhouse development under the current regulations has the potential to continue to raise land use compatibility issues with abutting residential and non-farm development. It is evident that the current policy is outdated and does not fully address the compatibility of the current development trend in large-scale greenhouse development. With that said it is also important to consider the impact to the greenhouse industry if development were to be paused, particularly in a localized area.

Greenhouse development has continued over the last five years but not at a significant rate for the area. There has been no indication of an upward trend in Kingsville based on the acreages being constructed and no infrastructure to support a significant influx of development, or any development for that matter, west of Division Rd. N. The current Official Plan policies do require all development to demonstrate to the Town’s satisfaction that it can be serviced regardless of the type of development.

## RECOMMENDATION

It is recommended that Council:

Receive the report on greenhouse development standards for information purposes;

Direct staff to establish an adhoc committee on greenhouse development policy and standards, membership to be outlined in the Council approved Terms of Reference;

Approve the Terms of Reference outlined for the adhoc committee, and

Direct staff to report back to Council with a draft framework and recommendation on new greenhouse regulations and policy.

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*Peggy Van Mierlo-West*

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