

Municipality of Chatham-Kent

Community Development

Planning Services

To: Mayor and Members of Council

From: Ryan Jacques, MCIP, RPP
Director, Planning Services

Date: April 27, 2021

Subject: Planning for Large Scale Greenhouse Development

Recommendations

It is recommended that:

1. The Interim Control By-law attached to this report (Attachment A), to control large-scale greenhouse development in proximity to urban settlement areas, be passed.
2. Administration undertake further consultation regarding greenhouse lighting abatement, with a broader range of community stakeholders including, but not limited to, the general public, greenhouse owners and operators, agricultural associations, public interest groups, indigenous communities and government bodies, and bring a recommended approach to a Council meeting on or before September 20, 2021, for consideration.

Background

At its December 14, 2020 meeting, Council passed the following motion regarding greenhouse lighting:

“Whereas the greenhouse industry is an important part of agriculture today and in the future in Chatham-Kent, and Whereas it is important to ensure greenhouse owners are able to be successful, while simultaneously promoting the existence of dark night sky in the Municipality of Chatham-Kent. Therefore Be it resolved that staff return to council with a report on the subject of greenhouse light emissions. And, That this report include a summary of engagement with industry stakeholders, members of the public, and neighbouring communities with regard to greenhouse regulations and That this report provide recommendations with options to proactively address any potential light nuisance from greenhouses in CK. and That this report return to council no later than April 1st 2021.”

In considering this direction, Planning Services reviewed the existing land-use policy framework pertaining to large-scale greenhouse development. As a result, the following actions are proposed. These include:

- Adopt regulations for greenhouse lighting abatement.
- Optimize land-use policies related to large-scale greenhouse development.

Planning Background

Planning for a modern Greenhouse industry began in the early 2000s. In developing the current land use strategy, planning and public consultation was undertaken. These efforts produced a Greenhouse Development Feasibility Study (2001) and an Agricultural Economic Impact Study (2002). These studies informed land use policy direction adopted in the first Chatham-Kent Official Plan (2005).

Agriculture is a high municipal priority. The Official Plan promotes the long-term protection of the agricultural industry in Chatham-Kent. Local land use policies affirm that agriculture is a predominant activity in the Municipality. Agriculture is a cornerstone of Chatham-Kent's economy.

The Official Plan sets out that it shall be the objective of Chatham-Kent to:

- Support a healthy and viable agricultural industry as a cornerstone of the Municipality's economy.
- Ensure that non-agricultural uses that may result in conflicts with agriculture are directed to growth centres and less productive farming areas.
- Support Chatham-Kent's agricultural industry, including local food production and distribution systems, farmers' markets and farm-gate sales, to provide healthy and accessible foods that serve the needs of Chatham-Kent residents.

The greenhouse industry generates significant economic activity and employment. This sector is well positioned to succeed in Chatham-Kent, in part due to:

- Access to good infrastructure services.
- Access to professionals with expertise in the development of new products and markets.
- Access to well-trained, skilled workers.
- Access to municipal government.
- Access to specialized training on management practices.

Environmental issues identified through the background studies include the following. Over time, various stakeholders in the greenhouse sector have responded to these issues through implementing best practices, adopting industry standards, and complying with government regulations:

- Disposal of waste.

- Provision of social and community services.
- Stormwater management.

Greenhouse development in Chatham-Kent has increased steadily over the past several years. According to the Canada Census, 168 acres of greenhouses existed in Chatham-Kent in 2011. By 2016, greenhouse development increased by 76% over 2011 to 297 acres. Greenhouse development is anticipated to have exceeded 600 acres in 2021.

As the greenhouse industry evolved, there have been noticeable changes to local facilities and operations. For instance, prior to 2011, a 'large' greenhouse may have been considered by some to be 5-12 acres in area. Since 2011, a 'large' greenhouse is 20-50 acres constructed at one time. This trend in greenhouse size has led to farms in the community containing 50-200 acres of greenhouse development in 2021. In the future, construction may exceed 100 acres at a time, which is expected to lead to complexes of 1000+ acres of contiguous farmland being developed with greenhouses. These greenhouses are expected to include ancillary facilities relative to their size, including centralized sorting, packing, storage, logistics, housing and support services.

Greenhouse Lighting

More recently, greenhouses in southwestern Ontario have been constructed or retrofitted to include internal lighting. Internal lights support the success of the greenhouse industry by allowing more rapid plant growth. In turn, this growth leads to higher annual crop yields.

A consequence of internal greenhouse lighting is evident in the area. Greenhouse lighting has resulted in nuisance concerns by area residents. In general, the concerns involve the noticeable impact of lighting on the night sky, intense lights shining on nearby properties and buildings, disruption to quality of life, and impact to the natural environment.

In reaction to light nuisances created by greenhouse lighting, some neighbouring municipalities have adopted by-laws to regulate and enforce light abatement. The intent of these by-laws is to minimizing or eliminate nuisances over time.

In Chatham-Kent, greenhouses have developed in a dispersed pattern, and not concentrated in any one area. No formal public consultation regarding this issue has occurred to date. Informal consultation with greenhouse operators has revealed an industry best practice for light abatement.

Comments

Light Abatement

To inform a decision to regulate and enforce light abatement in large-scale greenhouses, it is recommended to formalize consultation with stakeholders and present a by-law for Council's consideration.

This process will involve community consultation utilizing online platforms such as Let's Talk CK; industry consultation with local farmers and associations such as the Ontario Greenhouse Vegetable Growers Association, Kent Federation of Agriculture, etc., and Government consultation including Ministries of Environment (MECP), Agriculture (OMAFRA), and other municipalities.

Currently, there are no provincial regulations that address greenhouse lighting. The Town of Leamington, Town of Kingsville, and Municipality of Lakeshore, all in the County of Essex have reacted to greenhouse lighting by passing by-laws using powers under the Municipal Act with the following regulatory approaches:

- Leamington has a by-law requiring 100% light abatement in side and end walls from one hour before sunset to one hour after sunrise. 100% ceiling abatement for the same time period except between 2:00 a.m. and 6:00 a.m. when abatement is required to be 90%.
- Kingsville has a by-law that prohibits greenhouse lighting shining on neighbouring properties or into the night sky at any time.
- Lakeshore has adopted an interim control by-law to prohibit new greenhouse development while it undertakes a municipal review of the effects of greenhouses. There are no large-scale greenhouses in Lakeshore.

The Ontario Greenhouse Vegetable Growers (OGVG) are moving forward with efforts to provide reasonable and effective light mitigation solutions.

The farm practices of the industry's advanced year round production of greenhouse produce – which enhance food security and sustainability in Ontario – requires additional light and heat. OGVG recognizes the community concerns with greenhouse lighting.

As a result, OGVG is promoting draft light abatement standards to its members and to municipalities to guide discussions regarding the feasibility of light abatement using today's technology. These guidelines include 100% light abatement in side and end walls from one hour before sunset to one hour after sunrise, and 75% ceiling abatement for the same time period. OGVG is working to identify and implement mutually beneficial light control solutions such as better control humidity systems and integration of light-generated heat.

It is the intent of Administration to utilize the OGVG standard as a basis for public consultation on this issue.

Long Range Planning

It is also appropriate to consider regulating the location of greenhouse development in the Municipality. It is recommended that Council adopt an interim control by-law to restrict new large-scale greenhouse development in proximity to urban areas. These restrictions will generally apply to farms on the fringe of Blenheim, Charing Cross, Chatham, Dresden, Ridgetown, Tilbury, Wallaceburg, and Wheatley. During the one to two year period where this by-law may be in effect, administration will be undertaking a detailed policy review through the Official Plan update. Generally, the scope of this review will be guided by the following principles:

- To continue to support agricultural development for the long term.
- To preserve future urban growth areas for the long term.
- To identify priority greenhouse areas based on services and utilities available or planned.

The interim control by-law will prevent a new large-scale greenhouse from being erected adjacent to these urban areas. These are locations where it may be decided that it is in the public interest that these lands be reserved for urban growth over the long term. A secondary outcome to this approach is that a new large-scale greenhouse will not be permitted to be constructed adjacent to these urban centres, thus mitigating the potential impacts of greenhouse lighting in proximity to dense urban areas.

Greenhouses within the interim control area that are already approved through the Site Plan Control By-law will not be restricted from implementing the approval and constructing new facilities. This applies to one existing greenhouse operation on Bloomfield Road in Chatham.

The recommended Interim Control By-law is attached as Appendix A.

Areas of Strategic Focus and Critical Success Factors

The recommendations in this report support the following areas of strategic focus:

☒ Economic Prosperity:

Chatham-Kent is an innovative and thriving community with a diversified economy

☒ A Healthy and Safe Community:

Chatham-Kent is a healthy and safe community with sustainable population growth

☐ People and Culture:

Chatham-Kent is recognized as a culturally vibrant, dynamic, and creative community

☐ Environmental Sustainability:

Chatham-Kent is a community that is environmentally sustainable and promotes stewardship of our natural resources

The recommendations in this report support the following critical success factors:

☒ Financial Sustainability:

The Corporation of the Municipality of Chatham-Kent is financially sustainable

☒ Open, Transparent and Effective Governance:

The Corporation of the Municipality of Chatham-Kent is open, transparent and effectively governed with efficient and bold, visionary leadership

☐ Has the potential to support all areas of strategic focus & critical success factors

☐ Neutral issues (does not support negatively or positively)

Consultation

Community Development Advisory Committee

The Community Development Advisory Committee received a presentation on this report at its March 9, 2021 meeting. Discussion and questions from the Committee informed the content of this report.

Financial Implications

There are no financial implications resulting from the recommendations.

Prepared by:



Ryan Jacques, MCIP, RPP
Director, Planning Services

Reviewed by:



Bruce McAllister, MCIP, RPP
General Manager
Community Development

Attachments: Appendix A – Interim Control By-law

P:\RTC\Community Development\2021\Planning Services\May 10-21 Planning for Large Scale Greenhouse Development.docx

By-law Number _____

of The Corporation of the Municipality of Chatham-Kent

Being an Interim Control By-law under Section 38 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Finally Passed the ____ day of _____, 2021

Whereas Section 38 of the Planning Act, R.S.O. 1990, c.P.13, as amended, authorizes the council of a municipality to pass an interim control by-law where the council has directed that a review or study be undertaken in respect of land use planning policies in the municipality, or in any defined area or areas thereof;

And Whereas on May 10, 2021, the Council of the Corporation of the Municipality of Chatham-Kent passed a resolution authorizing the study of agricultural areas, including lands abutting settlement areas to study the effects of greenhouse development in Chatham-Kent with respect to greenhouse lighting;

And Whereas the Municipality will be undertaking a study to examine the effects of greenhouse development within the entire municipal boundary of the Municipality of Chatham-Kent, so as to allow the Municipality to review and, if considered appropriate, implement the findings of the review and study referred to herein;

And Whereas Council has deemed it necessary and expedient to pass this Interim Control By-law to provide the Municipality with time to undertake the review and study referenced above;

Now Therefore Council Enacts As Follows:

1. For the purposes of this By-law "Interim Control Area" shall mean those lands identified in Schedules "A", "B", "C", "D", "E", "F", "G" & "H" attached hereto and forming part of this By-Law.
2. The provisions of this By-law shall only apply to the Interim Control Area.
3. Notwithstanding any other by-law to the contrary, no person shall, within the Interim Control Area:
 - (a) Use any land, building, or structure for a Greenhouse Farm Large Scale, Greenhouse Large Scale, or Greenhouse Small Scale, as defined in the Zoning By-law, except for a use that lawfully existed on the date of the passing of this by-law if the land, building or structure continues to be used for such purpose;
 - (b) Be permitted to construct, alter, or expand any building or structure for a legally existing Greenhouse Farm Large Scale, Greenhouse Large Scale, or Greenhouse Small Scale, as defined in the Zoning By-law, except:
 1. If altering the interior or facade of a legally existing Greenhouse Farm Large Scale, Greenhouse Large Scale, or Greenhouse Small Scale; or,
 2. Repairing or restoring the Greenhouse Farm Large Scale, Greenhouse Large Scale, or Greenhouse Small Scale or a part thereof to a safe condition, provided that such repair or restoration will not increase the height, area, volume or site coverage of such structure and that the building continues to be used for the same purpose and in the same manner as it was used on the effective date of this by-law.

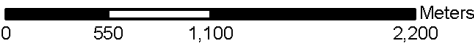
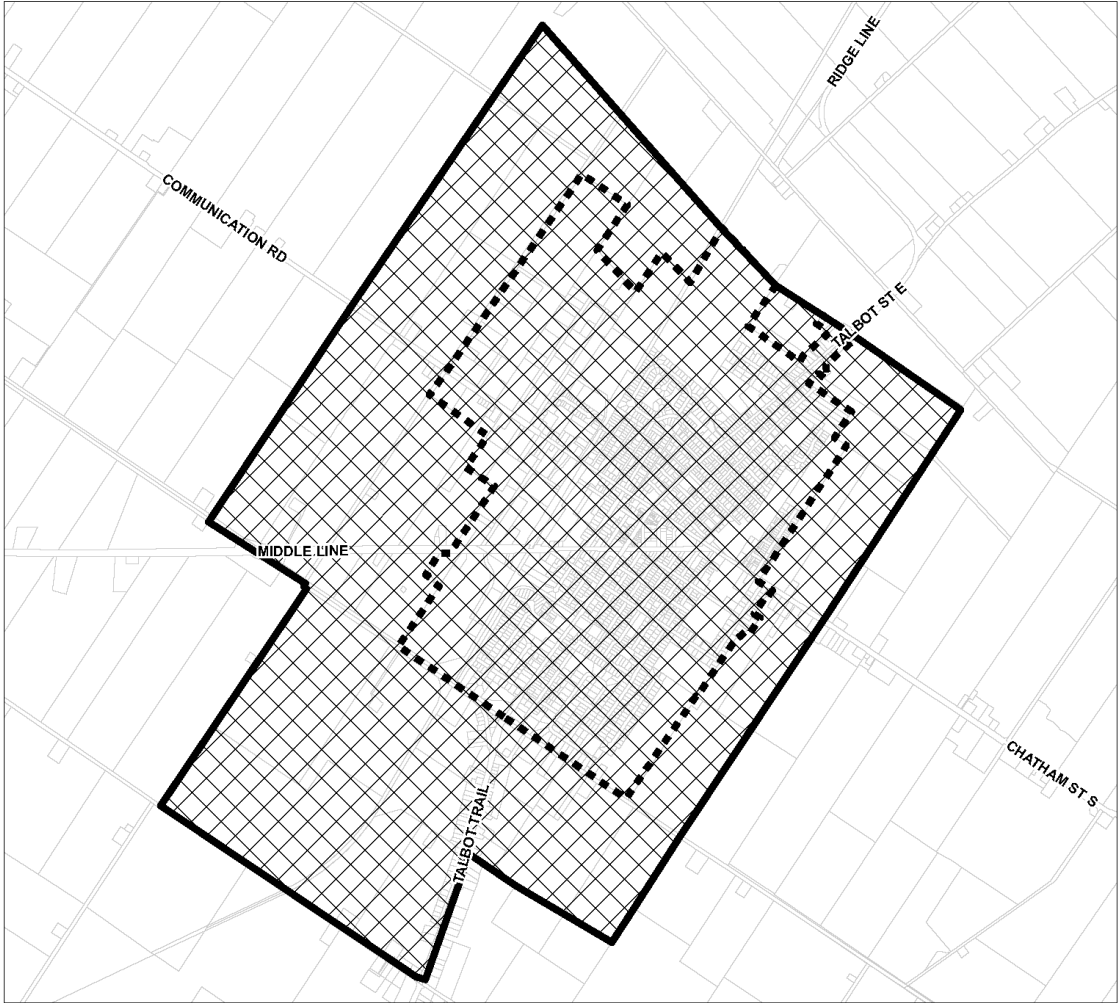
4. A Greenhouse is permitted where the Greenhouse is a temporary or seasonal Accessory use permitted by the Zoning By-law for a Home Improvement Related Merchandise Store, Retail Store, Supermarket, or other like use, as defined in the Zoning By-law.
5. A Greenhouse is permitted where Site Plan approval already exists.
6. If any provision or requirement of this By-law or the application thereof to any person shall to any extent be held to be invalid or unenforceable, the remainder of this By-law or the application of such provision or requirement to all persons other than those to which it is held to be invalid or unenforceable, shall not be affected thereby, and each provision and requirement of this By-law shall be separately valid and enforceable to the fullest extent permitted by law.
7. This By-law shall come into force and take effect immediately upon its passing by Council and shall be in effect until 11:59 p.m. local time on May 10, 2022, unless otherwise extended in accordance with the provisions of the Planning Act, R.S.O., 1990, c.P.13, as amended.

Read a First, Second and Third Time this 10th day of May, 2021.

Mayor – Darrin Canniff

Clerk – Judy Smith

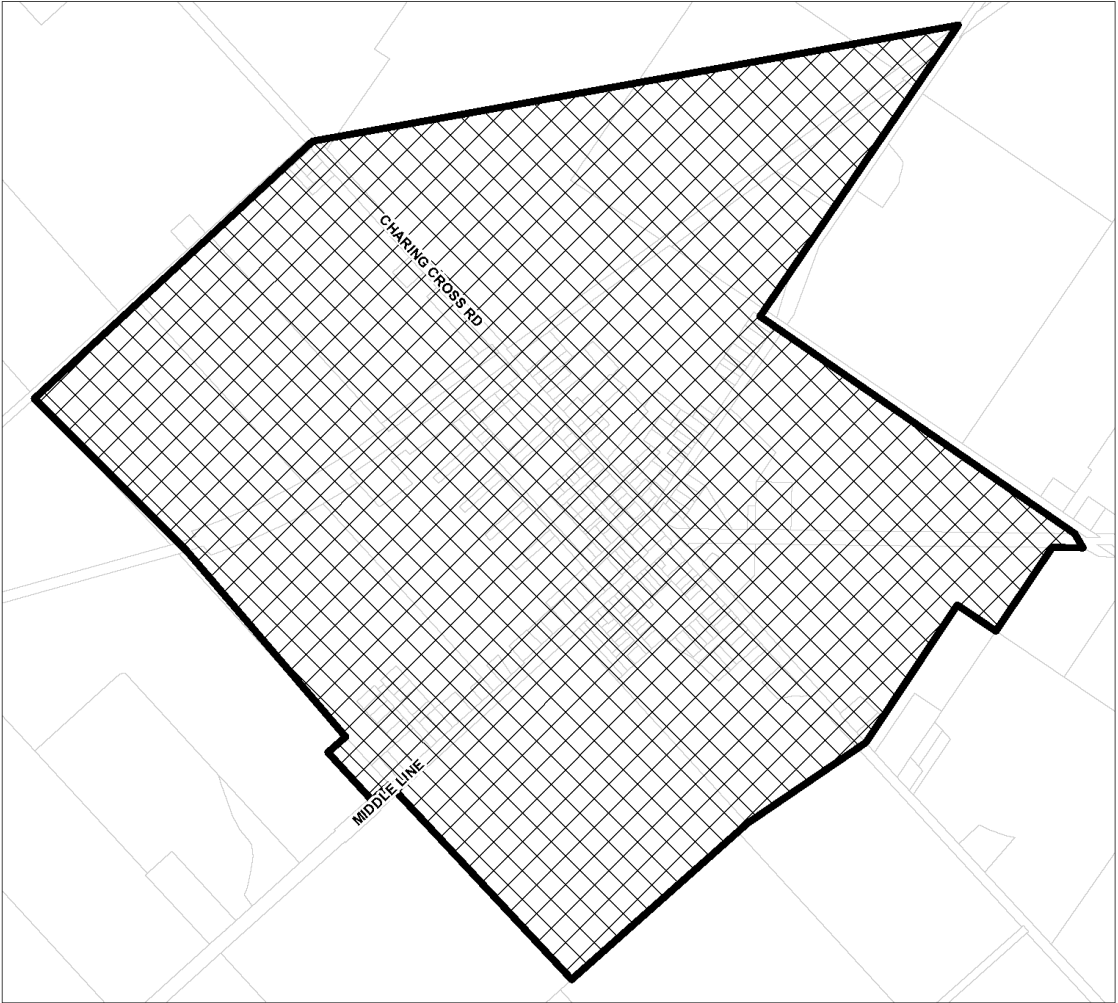
Schedule A - Blenheim



-  Urban Area
-  Lands Included in the Interim Control Area



Schedule B - Charing Cross

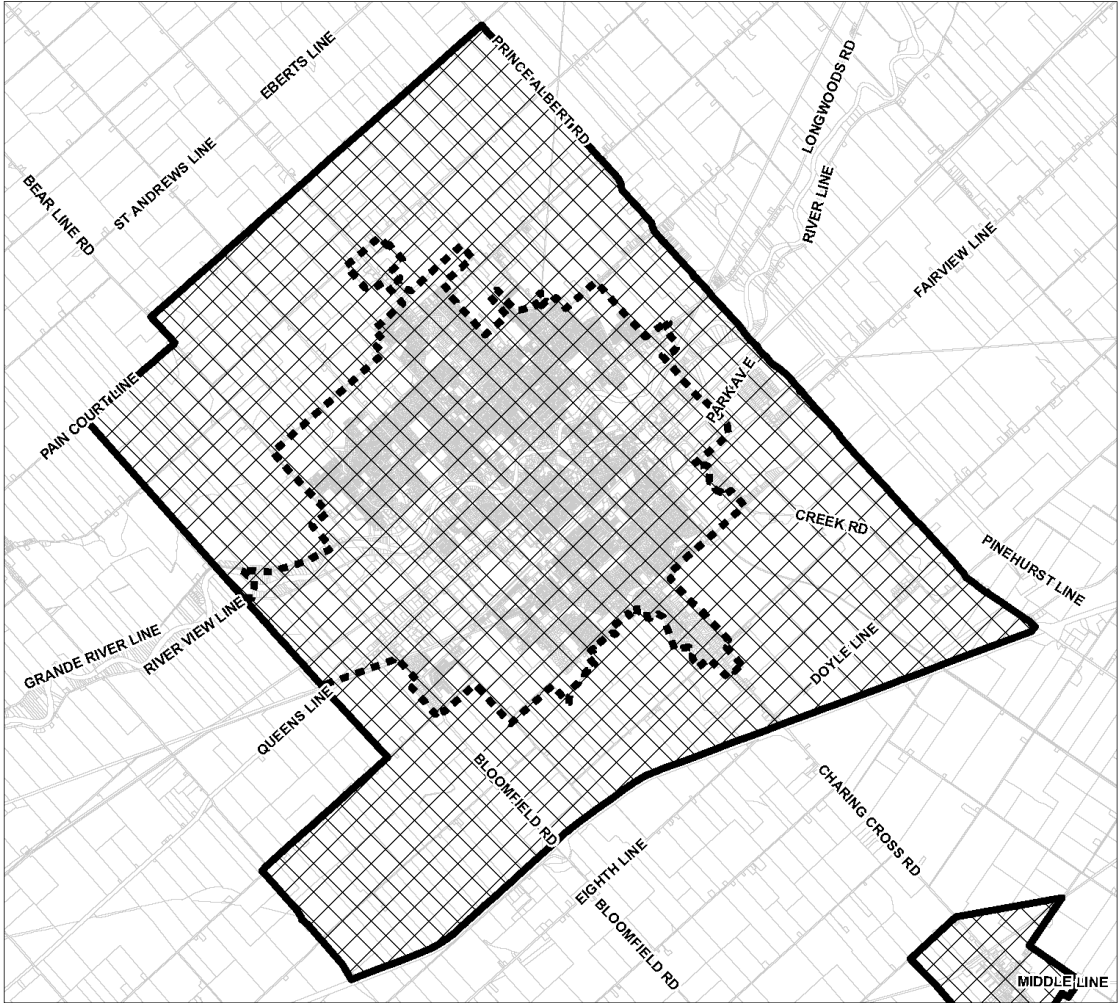


0 275 550 1,100 Meters

- Urban Area
- Lands Included in the Interim Control Area



Schedule C - Chatham



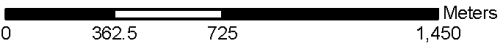
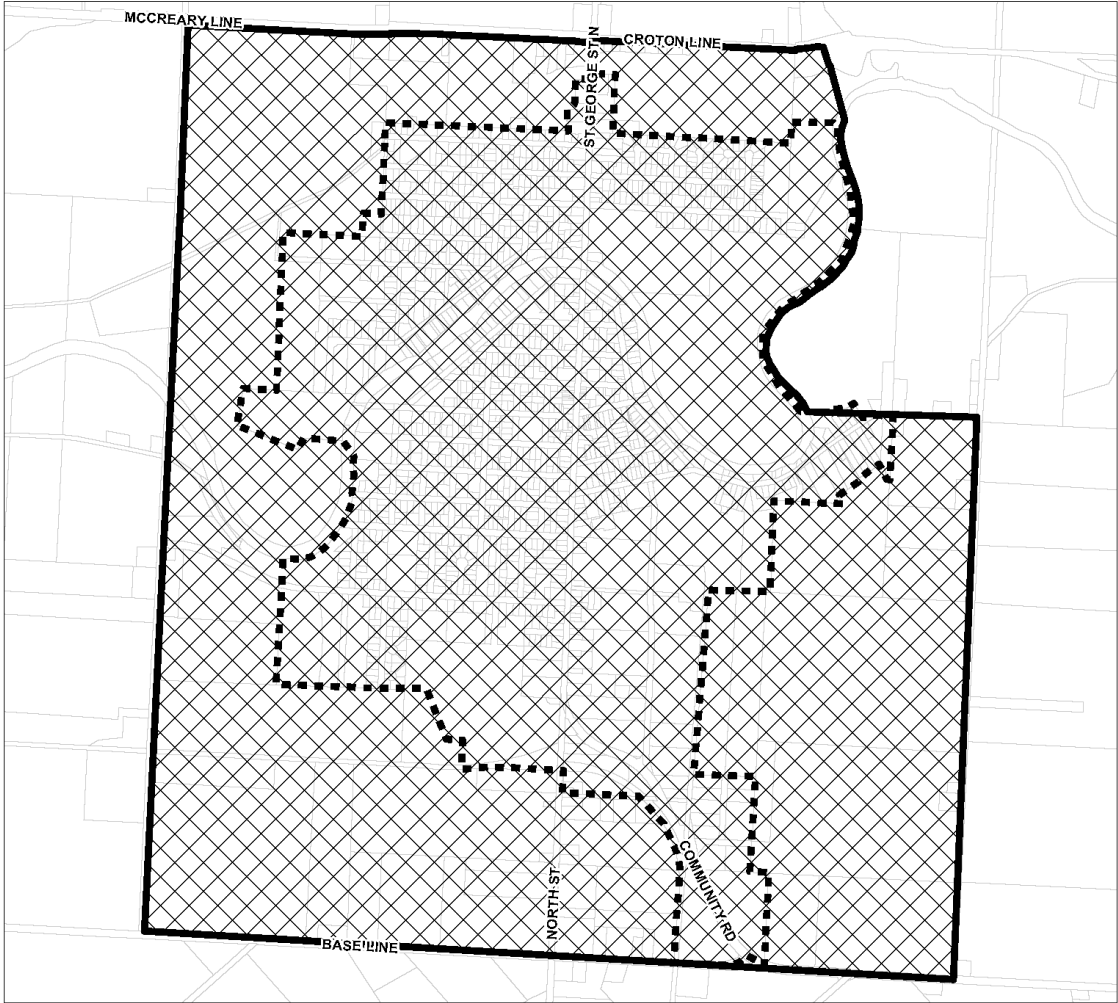
Urban Area




Lands Included in the Interim Control Area



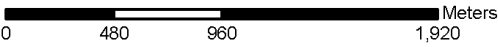
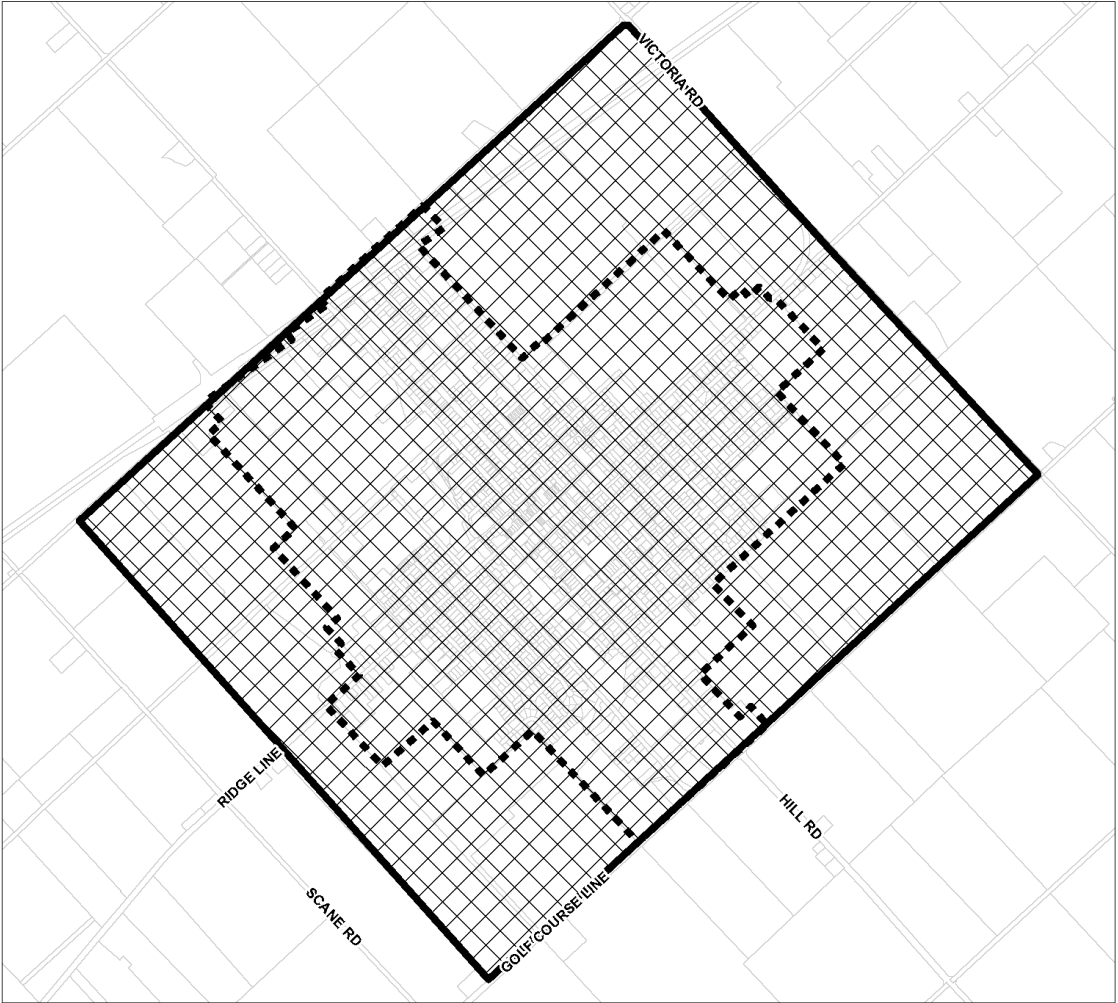
Schedule D - Dresden



-  Urban Area
-  Lands Included in the Interim Control Area



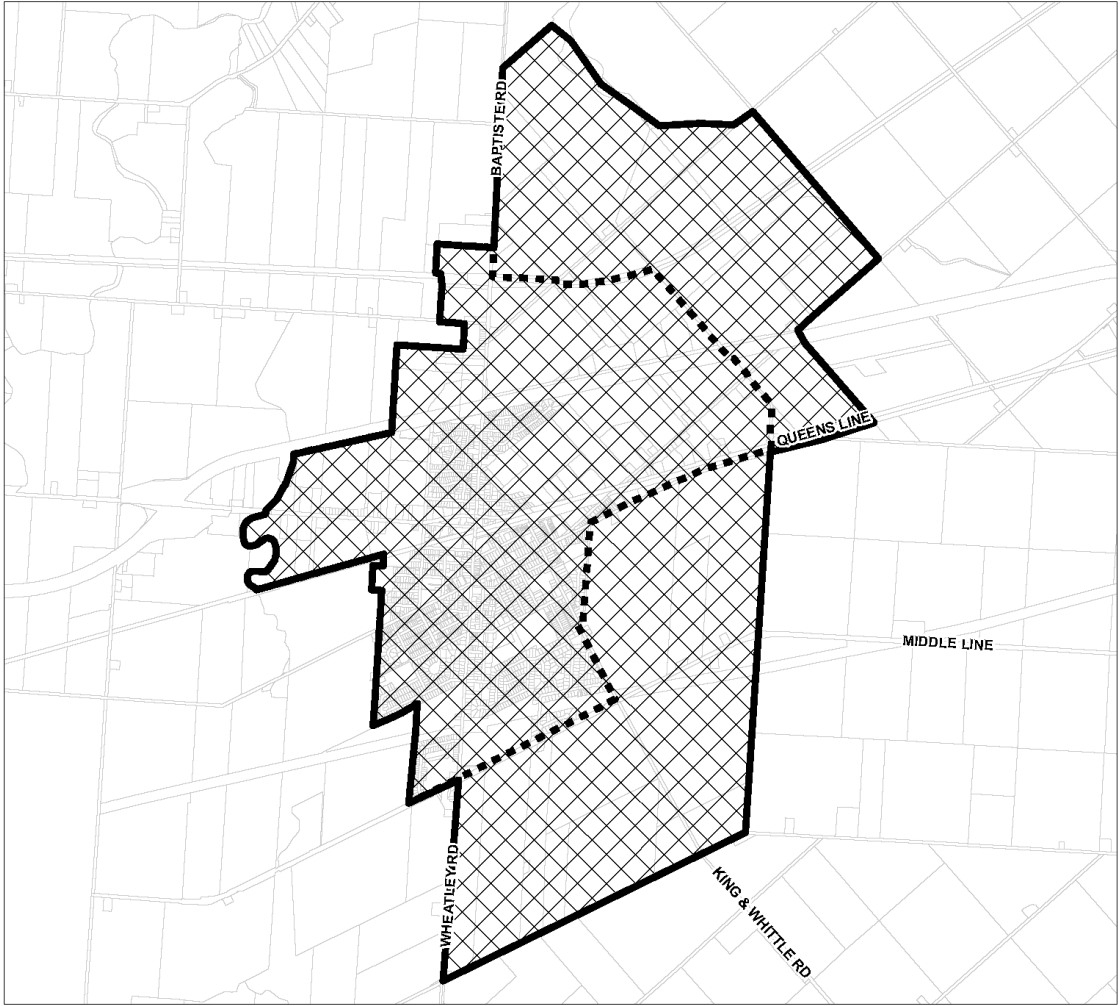
Schedule E - Ridgetown



- Urban Area
- Lands Included in the Interim Control Area



Schedule F - Tilbury



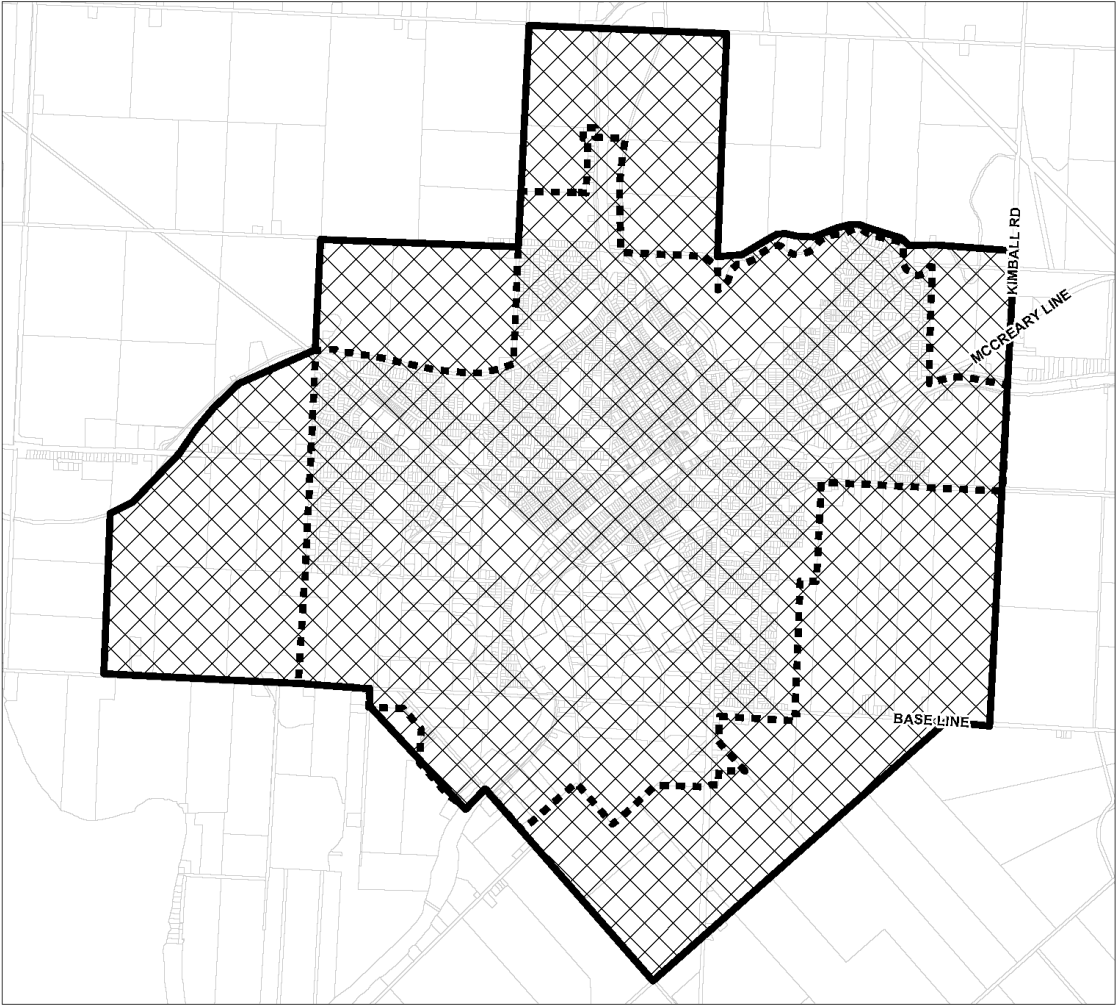
Urban Area



Lands Included in the Interim Control Area



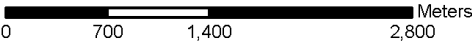
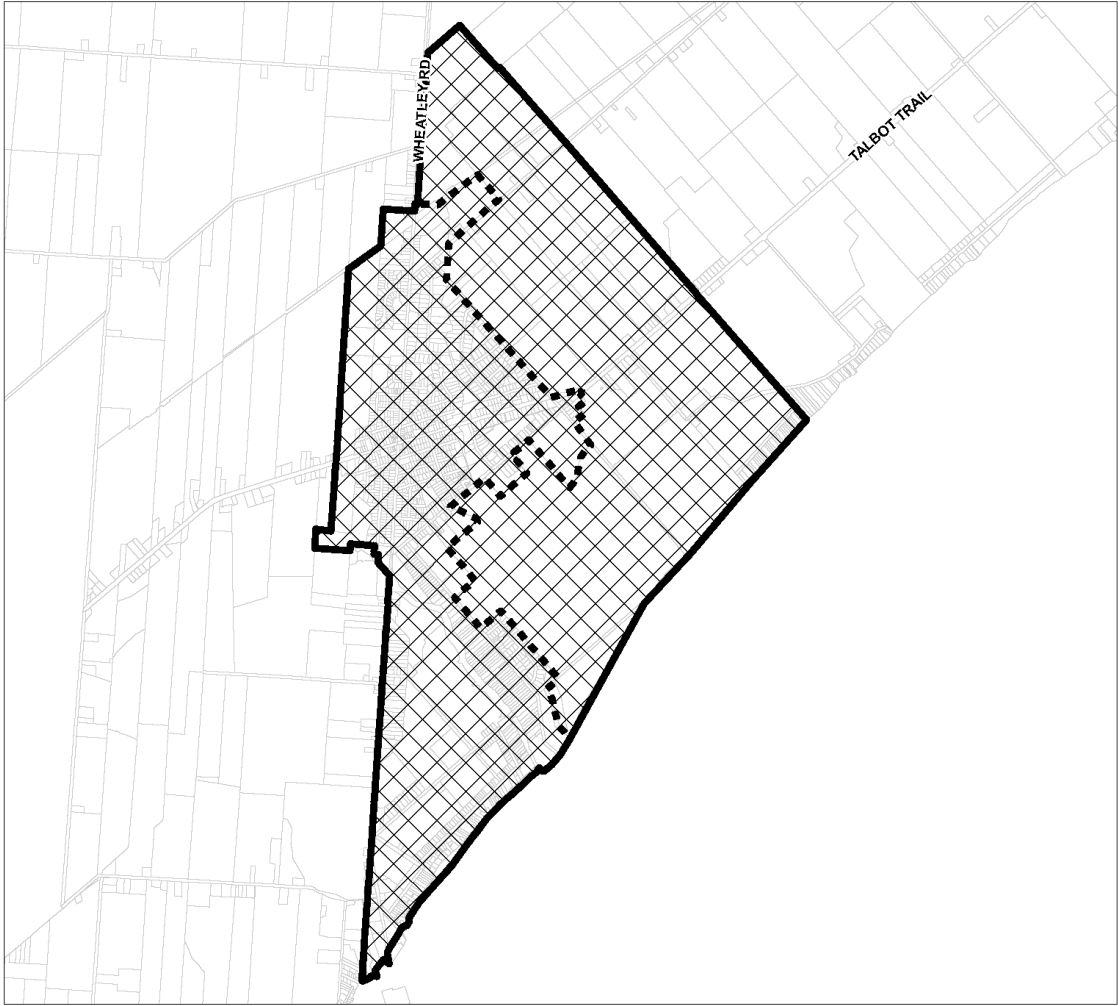
Schedule G - Wallaceburg




- Urban Area
- Lands Included in the Interim Control Area



Schedule H - Wheatley



-  Urban Area
-  Lands Included in the Interim Control Area

