

Subject: Requirements for Hoop Houses**Recommendation:**

BE IT RESOLVED THAT Council receive Report #2021-0126 – Requirements for Hoop Houses, for information.

Background:

On March 22, 2021 Council received a presentation from Mr. J. Langendoen on behalf of the Pelham Greenhouse Growers Group providing information on the purpose of hoop houses, the distinction between hoop houses and greenhouses and expressing concern regarding the requirements for building permits for hoop houses. Council directed staff to prepare a report on the matter and report back. This report represents the Town staff findings on the matter.

Analysis:

Town staff recognize that hoop houses are not the same as a greenhouse structure and a hoop house provides a different type of growing condition for plants and particularly in the horticultural industry hoop houses provide winter protection while plants are in their dormant period. However, hoop houses can also be used for growing, particularly the starting of plants in early spring and extending the growing season in late fall for certain types of crops. As well staff recognize that in comparison greenhouses are a more complex building system than a hoop house. Nevertheless, hoop houses are considered to be a structure under *the Ontario Building Code* and require a building permit for the initial construction. This is provincial law and not a local or municipal decision.

Building Code Requirements

The *Ontario Building Code* requires building permits for permanent structures that are larger than 10m² (108 ft²). For temporary structures, the *Ontario Building Code* requires building permits for temporary structures that are larger than 60m² (645 ft²), this includes structures such as tents that are erected for a period as short as a day or weekend. Further the Fire Code requires that tents and air supported structures larger than 30m² (323 ft²) are to be inspected. In addition, some hoop houses have heaters in them and some can require ventilation and a chimney

depending on the heating system. Hoop houses that are used for winter protection have the poly covering on them in the late fall, through the winter and early spring months and then the poly covering is removed and replaced again in the late fall. A hoop house is considered a temporary structure and are typically larger than 60m², therefore a building permit is required by the *Ontario Building Code Act* for its initial installation and construction. A building permit is not required to replace the poly covering, however.

In an effort to accommodate the agricultural community, the Town only charges the minimum building permit fee of \$263 for a hoop house and distinguishes the building permit fee for hoop houses from the rate charged for other farm buildings, such as a greenhouse or barn that would be subject to a permit fee amount of \$0.51/ft². As part of the building permit requirement the Town requires a plot plan or site plan drawing illustrating the location of the hoop house(s), setbacks and other structures on the property. This is a standard requirement for all building permit applications and is not onerous. This plot plan is shared with Fire Services and is important information for Fire Services to have as they can also review this plan and provide feedback with respect to access requirements for emergency services and access. The majority of hoop houses in the Town are about 60m (196ft) in length, however there are some as long as 149m (488ft) and some as short as 30m (98ft) in length and access and maneuvering around large hoop houses is an important safety consideration, particularly when hoop houses are grouped together one beside the other and can occupy several acres of land.

The Pelham Greenhouse Growers Group feels that for most of their members that since there is no actual growing in the hoop house as the plants are in a dormant stage, there is very low human occupancy in the hoop house, therefore a building permit should not be required. The Ontario Building Code does not distinguish if there is growing in a structure or not as a requirement for a building permit and while there is a very low human occupancy, the hoop house structure is still a substantially large structure and the metal framing that supports the hoop house is engineered. Consequently, the Chief Building Official is of the opinion that a hoop house structure requires a building permit under the *Ontario Building Code* and the review of the building permit affords protection to the farmer in ensuring that the structure is safe. Further, the Chief Building Official is not aware of any ruling by the Ontario Building Code Commission that is to the contrary and exempts hoop houses from requiring a building permit.

MPAC Considerations

The Pelham Greenhouse Growers Group are also concerned that if a building permit is required, MPAC is notified, as they receive notification of all building permits issued by the Town. The Pelham Greenhouse Growers Group is concerned that

there might be the potential for changes to a farm's tax assessment if MPAC is notified. Town staff consulted with MPAC and were advised that MPAC has the responsibility of valuing and classifying all properties in Ontario. The issuance of a permit does trigger a review of the property to ensure that all of the information that MPAC has on record is accurate and correct. It is up to MPAC to determine if a building permit is something that has value or classification implications from a tax assessment or tax classification perspective. If upon inspection or review of the building permit a change was found, that could trigger a value increase or a classification change and correspondingly a tax increase and alternatively if the review of building permit determined the permit was not sufficient to trigger a value increase or classification change, there would be no tax increase.

If MPAC records are not accurate and up to date with regards to agricultural properties, this can result in a shift of the tax burden onto other tax classifications, i.e. residential. While no one wants their property taxes to increase, it is important that all people pay their fair share of taxes and one tax classification does not carry the tax burden over another. Generally speaking, the addition of one or two hoop houses would likely not result in a value increase that would result in a tax increase, however the addition of several hoop houses on a farm property might or if the addition of hoop houses results in more land area being actively farmed and in production than previously, but it is up to MPAC to determine this, not the Town. There are several factors that MPAC considers to determine if there is valuation change, not just the issuance of a building permit. It is noted that farm land has the lowest tax rate of all the tax classifications.

Practice of Other Municipalities

Pelham staff consulted with other municipalities in Niagara to determine what other municipalities require and inquired whether the construction of a hoop house for over wintering plants (not growing) requires a building permit and if so, what the fee was and what drawings are required to be submitted with an application. The following are the results of the survey of Niagara municipalities.

Municipality	Building Permit	Cost	Site Plan and other Requirements
Town of Pelham	Required	Minimum fee of \$263	Required, with site plan referenced to an up-to-date survey
City of Niagara Falls	Required, regarded as accessory structure	Minimum fee of \$150, \$3.72 * m ²	Required, with site plan referenced to an up-to-date survey
Town of Grimsby	Required, structure regarded as tents	\$206 up to 225 m ² , \$315 if larger than 225 m ²	Required, with site plan referenced to an up-to-date survey

Municipality	Building Permit	Cost	Site Plan and other Requirements
Town of Niagara-on-the-Lake	Required, structure regarded as greenhouse	Minimum fee of \$150, \$0.17 * ft ²	Required, with site plan referenced to an up-to-date survey
Town of Fort Erie	Required, structure regarded as agricultural use	Minimum fee of \$161, \$0.33 * ft ²	Required, with site plan referenced to an up-to-date survey
City of Port Colborne	Not required if the structure < 60 m ² , regarded as tents/soft sided structures.	Fee of \$200 if required	If required, with site plan referenced to an up-to-date survey.
Township of Wainfleet	Required, if structure exceeds 10 m ² . Regarded as farm building.	\$283.68 for buildings up to 116 m ² , and \$2.43/m ² for building over 116 m ²	Required, with site plan referenced to an up-to-date survey
City of Welland	Required, if structure exceeds 10 m ² .	Minimum fee of \$164, \$0.55 * ft ²	Required, with site plan referenced to an up-to-date survey
Township of West Lincoln	Not required if hoop house provides seasonal plant protection with no heat, hydro or other services in an agricultural setting. Otherwise, required and regarded as farm building.	Minimum fee of \$150, \$2.30 * m ²	Required, with site plan referenced to an up-to-date survey
City of Thorold	Required, regarded as greenhouse.	Minimum fee of \$194.40, \$0.22 * ft ²	Required, with site plan referenced to an up-to-date survey
City of St. Catharines	Not required If the building is coming down every year. Required if used like a greenhouse.	Minimum fee of \$139.50, \$0.55 * ft ²	Required, with site plan referenced to an up-to-date survey
Town of Lincoln	Required, if structure exceeds 10 m ² .	Minimum fee of \$200, \$1.72 * m ²	Required, with site plan referenced to an up-to-date survey

From this review, it appears that only the Township of West Lincoln and St. Catharines do not require building permits for hoop houses if the structure is seasonal and there is no heat and hydro. However, it is clear that the majority of Niagara municipalities do require a building permit and up to date site plan drawing illustrating the boundary of the property, existing structures and the proposed hoop house structure. Pelham is not out of sync with what most other municipalities require or how others interpret the *Ontario Building Code* in that hoop houses are a structure that require a building permit. In addition to Niagara municipalities, staff are also aware that Leamington and Hamilton also require building permits for hoop houses, for example.

While the Pelham Greenhouse Growers representative noted that greenhouse growers in Lincoln and Niagara-on-the-Lake do apply building permits for hoop houses in those municipalities, it could be that the growers are unaware of the need to do so and those municipalities are not actively enforcing the building permit requirement as they are unaware that hoop houses are being constructed.

Site Plan Requirements

The Pelham Greenhouse Growers also expressed concern with regards to site plan requirements for hoop houses. The Town of Pelham does not require site plan approval for hoop houses, however site plan approval is required for greenhouses. For a hoop house what is required during the building permit stage is a drawing that illustrates the location the hoop house that is proposed on the property, its dimensions and the location of other buildings on the property along with setbacks. This type of drawing or plan is standard for all building permit applications and is used to confirm zoning by-law compliance.

Conclusions

The requirement for a building permit for the construction of a hoop house is not a new requirement under the *Ontario Building Code*, but rather has been existence for several years. The *Ontario Building Code* requires building permits for permanent structures larger than 10m² (108 ft²) and for temporary structures larger than 60m² (645 ft²). The Chief Building Official does not have discretion to exempt hoop houses from the building permit requirements given that the structure meets the requirements for a building permit under the *Ontario Building Code*. Building permit approval is required for the initial construction of a hoop house, but not for the yearly replacement of the poly covering. The Town charges a minimum building permit fee of \$263.00 for a hoop house which is the lowest permit fee the Town has. A site plan drawing illustrating the location of the proposed hoop house, its dimensions and setbacks as well as the location of existing structures and limits of the property are required to be shown on the drawing and is part of the building permit submission requirements in order to confirm zoning by-law compliance,

however this is not the same as site plan approval. The requirement of a building permit for a hoop house is consistent with the requirements of the Ontario Building Code and provides protection to the property owner.

Financial Considerations:

The Town imposes a minimum building permit fee for hoop houses, i.e. \$263.00/hoop house which is a nominal fee and does not cause undue financial burden on the farmer.

Alternatives Reviewed:

Town staff investigated what other municipalities in Niagara require with respect to hoop houses and this was reported earlier in this report. The Town does not have the ability to exempt hoop houses from a building permit, that would be contrary to the Ontario Building Code.

Strategic Plan Relationship: Build Strong Communities and Cultural Assets

Support for the agricultural community helps to contribute to building a strong community and supporting the agricultural economy. Hoop houses are recognized as an important component to certain types of agricultural practices, i.e. extending growing season conditions, allowing young tender nursery stock to go dormant and not suffer harm during extreme winter temperatures, i.e. winter protection. The requirement for building permits meets the requirements of the Ontario Building Code Act and affords reasonable protection to the agricultural community.

Consultation:

The Town Chief Building Official, Fire Chief, other local Niagara municipalities and MPAC staff were consulted in the preparation of this report. Town staff also met with representatives of the Pelham Greenhouse Growers Group and their agent.

Other Pertinent Reports/Attachments:

Presentation by J. Langendoen to Council on March 23, 2021.

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