

The Corporation of the City of Kawartha Lakes

Amended Agenda

Planning Advisory Committee Meeting

PC2021-06

Wednesday, May 5, 2021

Electronic Public Participation - Meeting Commences at 1:00pm

Council Chambers

City Hall

26 Francis Street, Lindsay, Ontario K9V 5R8

Members:

Mayor Andy Letham

Deputy Mayor Patrick O'Reilly

Councillor Kathleen Seymour-Fagan

Councillor Andrew Veale

Mike Barkwell

Wayne Brumwell

Jason Willock

Accessible formats and communication supports are available upon request. The City of Kawartha Lakes is committed to accessibility for persons with disabilities. Please contact agendaitems@kawarthalakes.ca if you have an accessible accommodation request.

To request to speak to the reports on this agenda please email clerks@kawarthalakes.ca and reference the report number in your email by Monday May 3, 2021 at 12pm to register as a deputation. Following receipt of your email you will receive instruction from the City Clerk's Office how to participate in the meeting electronically. Otherwise, please provide written comments by email to agendaitems@kawarthalakes.ca and reference the report number in the subject line.

As no public access to Council Chambers is permitted, members of the public are invited to watch the meeting live on YouTube at www.youtube.com/c/CityofKawarthaLakes

1.	Call to Order and Adoption of Agenda	
2.	Declarations of Pecuniary Interest	
3.	Public Meeting Reports	
4.	Deputations	
*4.1.	PC2021-06.4.1	4 - 7
	Emma Drake, D.M. Wills, Land Use Planner Relating to Item 6.2, Report PLAN2021-020, on the Agenda	
5.	Correspondence	
6.	Regular and Returned Reports	
6.1.	PLAN2021-019	8 - 53
	Zoning By-law Amendment for Cannabis Cultivation and Processing Jonathan Derworiz, Planner II	
	That Report PLAN2021-019, Zoning By-law Amendment for Cannabis Cultivation and Processing, be received;	
	That a Zoning By-law Amendment respecting application D06-2020-027, substantially in the form attached as Appendix B to Report PLAN2021-019, be approved and adopted by Council; and	
	That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.	
6.2.	PLAN2021-020	54 - 70
	Amend the Township of Emily Zoning By-law 1996-30 at 833 Pigeon Lake Road - Gingrich Mark LaHay, Planner II	

That Report PLAN2021-020, **Part of Lot 3, Concession 11, geographic Township of Emily, City of Kawartha Lakes, identified as 833 Pigeon Lake Road, Gingrich – D06-2020-029**, be received;

That a Zoning By-law, respecting application D06-2020-029, substantially in the form attached as Appendix D to Report PLAN2021-020 be approved for adoption by Council; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

7. Adjournment



Request to Speak before Council

Request to Make a Deputation/Presentation to
Council/Committee
City of Kawartha Lakes
City Clerk's Office
26 Francis Street, PO Box 9000
Lindsay, ON K9V 5R8
705-324-9411

Name: *

Emma Drake

Address: *

250 Jameson Drive

City/Town/Village:

Peterborough

Province: *

ON

Postal Code:

K9J0B9

Telephone: *

7057422297 x 285

Email: *

edrake@dmwills.com

There can be a maximum of two speakers for each deputation. Please list the name(s) of the individual(s) who will be speaking. The names that are listed here will be included on the Council Meeting Agenda.

Deputant One:

Emma, Drake

Deputant Two:

First Name, Last Name

Please provide details of the matter to which you wish to speak: *

Application - D06-2020-029 - 833 Pigeon Lake Rd - May 5 PAC

Please attach any additional supporting documents you wish to provide and submit with this completed form.

Have you discussed this matter with City Staff?

☒ Yes

☐ No

If yes, Which department and staff member(s) have you spoken to?

What action are you hoping will result from your presentation/deputation? *

Available to answer any questions from Council on the application, resulting in a hopeful recommendation for approval by Council

By signing this form you are acknowledging that all of the information you are providing on this form is true, and giving the City permission to collect your personal information for the principal purpose of a request to make a deputation to Committee or Council as outlined below.

Signature:

Emma Drake

Date:

4/29/2021



The personal information is being collected by the City of Kawartha Lakes for the principal purpose of a request to make a deputation to Committee or Council pursuant to the City's procedural by-law. This information, including all attachments submitted may be circulated to members of Council, staff, the general public and posted on the City website. Questions about the collection of this information should be directed to the City Clerk or Deputy Clerk at 705 324-9411 ext. 1295 or 1322.

Do you agree to the publication of your name and contact information on the City's website and the City Council agenda? *

☒ Yes

☐ No

Please complete this form and return to the City Clerk's Office by submitting it online or:
Fax: 705-324-8110 Email: agendaitems@kawarthalakes.ca



Planning Advisory Committee Report

Report Number:	PLAN2021-019
Meeting Date:	May 5, 2021
Title:	Zoning By-law Amendment for Cannabis Cultivation and Processing
Description:	To incorporate regulations for cannabis cultivation and processing facilities into all 18 of the City's Zoning By-laws
Type of Report:	Regular Meeting
Author and Title:	Jonathan Derworiz, Planner II

Recommendations:

That Report PLAN2021-019, **Zoning By-law Amendment for Cannabis Cultivation and Processing**, be received;

That a Zoning By-law Amendment respecting application D06-2020-027, substantially in the form attached as Appendix B to Report PLAN2021-019, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

(Acting) Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

At the March 10, 2020, meeting of the Planning Advisory Committee, the following recommendations were adopted and the application was subsequently referred back to staff for further review.

PAC2021-013

Moved By Deputy Mayor O'Reilly

Seconded By M. Barkwell

That Report PLAN2021-008, **Zoning By-law Amendment for Cannabis Cultivation and Processing**, be received for information; and

That Report PLAN2021-008, Zoning By-law Amendment for Cannabis Cultivation and Processing, be referred back to staff to address issues raised through the public consultation process for further review until such time that all comments have been addressed.

Carried

Rationale:

The City of Kawartha Lakes has experienced a significant increase in enforcement matters and inquiries pertaining to cannabis operations with regard to both legitimate and illegitimate operations. Following the Federal Government's decriminalization of cannabis, Health Canada developed a Cannabis Licensing program for the cultivation and processing of the crop. Since then, municipalities across the country have been challenged with implementing cannabis regulations that do not exceed their municipal powers but also effectively regulate the use within their jurisdiction.

Proposal:

The proposed Zoning By-law Amendment is comprised of new definitions, amendments to existing definitions, and new general provisions and zone requirements. Staff is proposing to incorporate these amendments into all of the City's Zoning By-laws.

New Definitions

Air Filtration Control

This definition is intended to clarify measures that would mitigate odour concerns originating from a cannabis production facility. This definition also provides a distinction between indoor and outdoor facilities as the former would require an Air Filtration Control and the latter would not. This is realized further in the proposed General

Provisions where facilities with Air Filtration Control are implied to be indoor and have a lesser separation from sensitive land uses. The proposed definition is as follows:

Air Filtration Control shall mean the functional use of industrial grade multi-stage carbon filtration systems or similar technology, to reduce and/or treat the emission of pollen, dust and odours expelled from a facility and sized accordingly in comparison to the facility it serves as designed by a qualified person.

Cannabis and Cannabis Production and Processing Facility

Defining Cannabis Production and Processing Facility formally introduces the uses into the Zoning By-law and allows further regulations to follow within the By-law. A key part of this definition is the explicit mention of Health Canada licensing as it automatically prohibits any unlicensed facilities and, in turn, provides additional grounds on which to issue enforcement orders for illegal cannabis operations within the municipality. Once defined, the use will be inserted into appropriate zones. A definition for Cannabis is also provided. Proposed definitions are as follows:

Cannabis shall mean a genus of flowering plants in the family Cannabaceae. Synonyms include but are not limited to marijuana and marihuana. This definition does not include the industrial or agricultural production of hemp (a source of foodstuffs [hemp milk, hemp seed, hemp oil], fiber and biofuels).

Cannabis Production and Processing Facility means lands, buildings or structures used for producing, processing, testing, destroying, packaging and /or shipping of cannabis authorized by an issued license or registration by the federal Minister of Health, pursuant to the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230, to the Controlled Drugs and Substances Act, SC 1996, c 19, as amended from time to time, or any successors thereto.

Sensitive Land Uses

In an effort to mitigate impacts of cannabis uses from neighbouring properties, separation distances from land uses that could be negatively impacted are proposed. Rather than listing what are considered Sensitive Land Uses, such as nursing homes or residences, a category for such is being proposed. This definition is currently within the Lindsay Zoning By-law and aligns with the usage of the term as per both Provincial Policy Statement, 2020, and the City of Kawartha Lakes Official Plan (Official Plan). The proposed definition is as follows:

Sensitive Land Use means buildings, amenity areas or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility.

Sensitive land uses may be part of the built or natural environment. Examples include, but are not limited to, residences, day care centres, and educational and health centres.

Amended Definitions

To distinguish cannabis production and processing facilities from general agricultural and industrial uses at large and minimize interpretive issues within Zoning By-laws, amendments to agriculture- and industrial-focused definitions such as Agricultural Use, Farm, Industry, Heavy and Industry, Medium are proposed. It is not the intent to imply that a cannabis production and processing facility is not agricultural or industrial, but to ensure that potential for regulation misinterpretation is minimized and that cannabis uses are subject to separation distances and other agricultural uses are not. Examples of amended definitions are as follows:

Agricultural Use means a use of land, buildings or structures for the purpose of forestry, field crops, fruit farming, market gardening, dairying, animal husbandry, poultry or beekeeping, and such uses as are customarily and normally related to agriculture and includes accessory buildings and does not include a cannabis production and processing facility.

Farm, specialized means any land on which the predominant economic activity consists of raising chickens, turkeys or other fowl, the raising of fur bearing animals, the raising of swine, goats, horses, or cattle on feed lots or other intensive animal operations, the raising or boarding of dogs or cats or the growing of mushrooms and does not include a cannabis production and processing facility.

Industry, Medium, means an industry, assembly, manufacturing or processing plant which is predominantly conducted within a wholly enclosed building but which may also involve a limited amount of open or unenclosed storage areas and the discharge of noise, odour, particulate matter or smoke, or vibration which is detectable beyond the property boundaries. Examples of such uses are sheet metal, plastic, fibre glass or wood fabricating operations; motor vehicle body repair shops; and food processing facilities. This use does not include a cannabis production and processing facility.

Manufacturing, Processing, Assembling or Fabricating Plant shall mean a plant in which the process of producing any product, by hand or mechanical power and machinery, is carried on systematically with division of labour and shall not include a cannabis production and processing facility.

General Regulations

All Zoning By-laws contain a General Regulations or General Provisions section that includes regulations that apply across multiple zones and special regulations for specific

uses. This section can also include interpretative and technical statements on how to apply certain Zoning By-law regulations. Creating new subsections within General Regulations specific to Cannabis Production and Processing Facilities is being proposed. Within this subsection, provisions regarding separation distances and a site plan requirement will be included.

Following further consultation with the Agricultural Development Advisory Committee (ADAC), the Ministry of Agriculture, Food and Rural Affairs (OMAFRA), and the Ontario Federation of Agriculture (OFA), Staff are revising the approach to separation distances as outlined in PLAN2021-008. Rather than measuring the setback from property line-to-property line, a building line or crop line-to-building line approach is being proposed:

- 70 metres from the building line of the sensitive land use-to-the building line or crop line of the Cannabis Production and Processing Facility containing Air Filtration Control systems.
- 300 metres from the building line of the sensitive land use-to-the building line or crop line of the Cannabis Production and Processing Facility without Air Filtration Control systems.

Consideration was given for amenity spaces and outdoor recreational areas, like playgrounds, related to sensitive land uses. Traditional agricultural uses are not setback from such recreational areas and given OFA's position that all levels of government and their agencies are to treat income, workers, and facilities in connection to the growing of cannabis consistent with the treatment applied to other farm activities, a setback considering these used would not be supported by OFA. Other farm activities and crop growth are not subject to such a setback.

Staff is also proposing that Cannabis Production and Processing Facilities complete a Site Plan Agreement. This planning tool will allow Staff to confirm the proposed setbacks, determine if additional studies are required, such as a noise study or hydrogeological study, and evaluate the fencing for the site. A proposed amendment to the Site Plan Control By-law is, therefore, also proposed.

Zones

The Ontario Ministry of Agriculture, Food and Rural Affairs has indicated that cannabis production and processing are agricultural uses and, as such, staff are proposing that this use be inserted into Agricultural Zones. Staff are also proposing that this use be inserted into Industrial Zones as cannabis processing has industrial associations including oil extraction and research and development.

In-effect Zoning By-laws have varying industrial zones that differ in the degree of permitted uses. For instance, General Industrial as per the Ops Zoning By-law, permits

light, medium and heavy industrial uses while the Woodville Zoning By-law permits light industrial uses in the Restricted Industrial Zone and light, medium, and heavy industrial uses in the General Industrial Zone. As part of regulation development, industrial zones were evaluated for suitability of cannabis production and processing facilities.

Provincial Policy Conformity:

Provincial Policy Statement, 2020:

The Provincial Policy Statement, 2020 (PPS) sets the policy foundation for regulating development and land use planning in Ontario. A harmony among economic development, resources, public health and safety, and the quality of the natural and built environment is facilitated through the policies contained in this document. The proposed Zoning By-law amendments demonstrate conformity with the PPS in the following manner.

A Cannabis Production and Processing Facility is considered an agricultural use by OMAFRA but also has industrial use effects, as described above. As such, the proposed amendments overlap policies pertaining to both major facilities, as defined by the PPS, and agricultural uses.

Through consideration of the potential for odours and other nuisances to surpass the boundaries of a site containing a cannabis production or processing facility, separation distances are proposed. This notion aligns with Section 1.2.6, Land Use Compatibility, as it prescribes that, if avoidance between a major facility and a sensitive land use is not possible, any potential adverse effects from odour, noise and other contaminants, are minimized and mitigated to minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures. The proposed 70 metre and 300 metre separation distances align with a document prepared by the Ministry of the Environment, Conservation and Parks that pertains to compatibility between industrial land uses and sensitive land uses. These separation distances are also echoed in the Official Plan.

With regard to the agricultural nature of cannabis uses, the intent of the proposed amendments is to not stifle cannabis production and processing, as an agricultural use, through regulations, but encourage the use to be located and operated in a manner that minimizes and mitigates potential off-site effects like odour. With this in mind, staff is proposing to permit cannabis production and processing facilities in agricultural zones, subject to the conditions outlined in the General Provisions. Through the site plan process, further vetting of a cannabis production and processing facility would be

undertaken to evaluate the impacts of the proposed operation on prime agricultural lands.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019:

To plan for growth and development in a manner that supports economic prosperity, protects the environment, and assists communities in achieving a high quality of life, the Ontario government prepared A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan).

As per section 1.2.1. of the Growth Plan, a guiding principle for planning in Ontario is providing flexibility for economic development and new employment opportunities as they emerge while providing certainty for traditional industries, including resource-based sectors. This principle echoes the direction of the PPS and is realized through the proposed amendment. A cannabis production and processing facility is not clearly permitted uses within the in-effect Zoning By-laws. By formally introducing this use in select zones, clarity as to where this use can operate is given to prospective operators and the general public. This has the potential to encourage operators to establish in the City.

Cannabis production and processing facilities have the potential to utilize substantial amounts of water. Through the Site Plan process, additional studies may be requested. This requirement allows for evaluation of an application for compliance with Section 3.2.6. of the Growth Plan, Water and Wastewater Systems. Requested studies could also analyze potential impacts to water supplies for adjacent property owners.

City of Kawartha Lakes Official Plan, 2012:

The City of Kawartha Lakes Official Plan, 2012 (Official Plan) provides policies and direction on the growth and development of the municipality. While echoing and supporting the policies within Provincial Plans, the Official Plan provides Kawartha Lakes-specific policy direction.

Section 2.2 of the Official Plan contains policy specific to the City's economy. As per 2.2.2, the City recognizes the importance of farming activities within the City and will continue to support and protect the continuation and growth of the agricultural industry. Introducing cannabis production and processing facilities supports this policy given that producing cannabis is recognized as a form of agriculture and this inherently supports the growth of the agricultural industry.

Considering the industrial nature of cannabis production and processing, Section 3.8 Separation and Buffering of Uses, of the Official Plan was utilized to determine the proposed 70 and 300 metre separation distances between cannabis production and

processing facilities and sensitive land uses. Using the evaluation matrix within Section 3.8.3., staff concluded that cannabis production and processing would be considered a Medium Use which requires a 70 metre separation distance. Medium Uses also constitute a 300 metre area of influence. The 70 metre separation distance would be measured from the building line or crop line of the subject site and applies to operations equipped with air filtration control. The 300 metre separation applies to operations without air filtration control. If additional measures to mitigate potential nuisances are provided and considered acceptable by staff, the 300 metre setback could be decreased through a minor variance.

Introducing cannabis production and processing facilities also aligns with the Agriculture objectives prescribed by the Economic Development section of the Official Plan. Namely, h) and i) which instruct as follows: identify and explore the development of new markets, crops, agricultural products, value-added processing and value-chain partnerships, locally, regionally and internationally; and, protect the right-to-farm without overly onerous restrictions. The former is noted inherently as the formal introduction of cannabis production to the City is anticipated to garner interest from prospective producers. With regard to i), Staff feel that the regulations proposed are reasonable given the agricultural and industrial overlap that the uses consist of.

Zoning By-laws:

This amendment proposes inserting cannabis production and processing facilities into zones that currently permit related uses i.e., Agricultural, Rural General, and General Industrial. Given the nature of cannabis production and processing facilities as described in previous sections of this report, Staff feel that this use meets the intent of these zones and is appropriately listed in the same zones as agricultural uses, and medium and heavy industry. At this time, no amendment to Oak Ridges Moraine Zoning By-law 2005-133 is proposed.

The proposed amendment will not create any situations of legal non-compliance.

Other Alternatives Considered:

No other alternatives have been considered.

Alignment to Strategic Priorities:

In line with the Strategic Priority of a Vibrant and Growing Economy, the proposed amendments provide prospective cannabis producers with clarity with regard to establishing in the City of Kawartha Lakes.

Practice of the Strategic Priority of Good Government is conducted through this application as Staff continue to evaluate applications diligently and promote continuous improvement in all steps of the land use planning process.

Financial/Operation Impacts:

There are no financial or operational impacts pertaining to the proposed amendments. Costs would be incurred in the event of an LPAT appeal to the decision made by Council.

Consultations:

Public Comments:

Following the March 10, 2021 Public Meeting, questions and comments regarding the proposed amendments were received from Dan Vanderzwet that pertained to the implementation and definition of the proposed setbacks from sensitive land uses. Staff explained that the definition of Sensitive Land Uses is informed by the PPS and the City of Kawartha Lakes Official Plan and aligns with the existing application of the term. With regard to setbacks, Mr. Vanderzwet inquired if the setbacks account for outdoor amenity spaces like those found at schools or care facilities. Staff indicated that, following consultation with OFA and OMAFRA, this implementation could not be supported as it would constitute treating cannabis differently from other agricultural uses and normal farm practices.

Additional correspondence was received from Michelle Burke that contained questions pertaining the approval process for a Cannabis Production and Processing Facility and if any community consultation would occur as part of the use establishing. Cannabis Production and Processing Facilities are proposed to be a permitted use, subject to conditions, and would not require a public participation process. Additionally, a public consultation process for an agricultural use is not something that would be supported under normal farm practices. Michelle also posed questions about to request additional studies, like a hydrogeological study, during the process. Staff explained that the required studies would be determined during the Site Plan process.

Agency Review Comments:

This Report and proposed amendments were submitted to OMAFRA and OFA for further review. Generally, both agencies support the amendments put forward by Staff and are considered to align with the regulations they have reviewed from other municipalities and best practices.

The proposed amendments were also presented to the ADAC for information at the April 8, 2021 meeting. The following motion was made:

Motion: Moved by R. Bonis, and seconded by S. Westland:

That the presentation by Jonathan Derworiz regarding the progress to date on the new Cannabis Zoning By-law be received.

Carried

Development Services – Planning Division Comments:

Following consultation with the agencies as outlined above, Staff feels that the proposed regulations align with current best practices and applicable policies. Cannabis is an emerging industry and poses challenges for municipalities across the province. Based on current practices and in-effect policies, the proposed amendments are a step forward in the industry. The proposed amendments generally conform with the PPS, the Growth Plan, and the Official Plan provide the regulations necessary to facilitate cannabis production and processing within the City of Kawartha Lakes.

Conclusion:

Based on the comments contained in this report, Staff respectfully recommends that this report for the proposed Cannabis Cultivation and Processing Regulations Zoning By-law amendment be forwarded to Council for approval.

Attachments:



Appendix A.pdf



Appendix B.pdf



Appendix C.pdf

Appendix 'A' – Report LGL2020-011 – Regulation of Nuisance Associated with Cannabis Cultivation and Processing Operations within the City of Kawartha Lakes

Appendix 'B' – Draft Zoning By-law Amendment

Appendix 'C' – Draft Amendment to Site Plan Control Delegation By-law 2016-069

Department Head email: rholy@kawarthalakes.ca

Department Head: Richard Holy, (Acting) Director of Development Services

Department File: D06-2020-027

The Corporation of the City of Kawartha Lakes

Committee of the Whole Report

Report Number LGL2020-011

Meeting Date: November 3, 2020

Title: Regulation of Nuisance associated with Cannabis Cultivation and Processing Operations within the City of Kawartha Lakes

Description: Proposed amendments to the Zoning By-law and Property Standards By-law to address odour and light pollution associated with Cannabis Cultivation and Processing Operations. Proposed amendments to the Fees and Charges By-law re seized cannabis.

Ward Number: All

Author and Title: Robyn Carlson – City Solicitor
Aaron Sloan – Manager of Municipal Law Enforcement
Jonathan Derworiz – Planner II

Recommendations:

That Report RS2020-011 Regulation of Nuisance associated with Cannabis Cultivation and Processing Operations within the City of Kawartha Lakes, be received;

That a by-law to amend the Property Standards By-law in the form attached as Appendix “A” be placed before the Agricultural Development Advisory Committee for review and comment;

That an amendment to the Fees and Charges By-law substantially in the form attached as Appendix “B” be forwarded to Council for adoption;

That a further report come forward from Development Services, to discuss potential by-law amendments to the various Zoning By-laws in force and effect throughout the municipality, following statutory public consultation; and

Department Head:_____

Legal/ Finance/ Other:_____

Chief Administrative Officer:_____

That these recommendations be forwarded to the agenda for the next Council meeting for adoption.

Background:

By way of Council Resolution CW2020-095, Council on June 23, 2020 passed the following resolution:

That the Memorandum from Councillor Richardson, regarding the Regulatory Considerations for Managing Cannabis Cultivation in the City of Kawartha Lakes, be received;

That Staff be directed to provide information and options for zoning by-law regulations for both personal medical and commercial cultivation operations;

That Staff be directed to provide information and options for enforcement measures when commercial or personal medical cultivation operations exceed Federal approvals, or when the impact of the operation exceeds lot coverage percentages and post production/ processing brings a commercial element to otherwise residential or farm dwellings; and

That staff report back to Council with their proposals by the end of Q3 2020.

This Report addresses that direction. This Report does not address retail Cannabis sales, which are permitted in the General Retail category of Commercial zones. This Report addresses cannabis cultivation and processing operations, either through a federal commercial license (allowing sale to the government) or for personal use as a medical license.

Rationale:

If a member of the public is concerned with the legality of a cannabis operation, they should contact the police. The City is not privy to personal medical licenses, nor is it privy to commercial production licenses, both of which are issued by the federal government.

The City is entitled to regulate cannabis cultivation and production to the extent that this regulation falls within the City's ability to regulate land use within Zoning By-laws, enacted for valid planning purposes, and Property Standards By-laws.

The City is entitled to draft and enforce these by-laws to regulate property development to minimize nuisance, such as odour and light pollution. However, it cannot be the intent of these by-laws to supplement the criminal framework set

out in the Criminal Code and Cannabis Act. Perceived increase in crime as a result of the land use is not something that can be regulated under the Planning Act. It is important that all levels of government work together to ensure that residents feel safe in both the rural and urban settings.

Medical Marijuana and Planning Regulation

Medical marijuana can only be accessory to a residential use if the person with the license lives on the property.

Licensing for Commercial Cultivation and Processing

Health Canada is the governing body responsible for reviewing licence applications of prospective commercial cannabis growers. There are two types of licenses available that have tiers based on cultivation area and output:

Cultivation licenses allow the growing of cannabis indoors or outdoors, and if authorized, the sale and distribution to other licence holders and licensed retailers.

- 1) Standard Cultivation – no maximum cultivation area. License can authorize produce fresh and dried cannabis, cannabis plants and seeds. Accessory uses include drying, trimming and milling.
- 2) Micro Cultivation – 200m² maximum cultivation area. Permitted uses are the same as the Standard Cultivation license.
- 3) Nursery – license can permit production of cannabis plants and plant seeds. Accessory uses include drying.

Processing licenses permit the processing of cannabis indoors, and if authorized, the sale and distribution to other license holders and licensed retailers. Processing activities include extraction and refinement to create topicals, extracts and edibles.

- 1) Standard Processing – no maximum processing amount per year.
- 2) Micro Processing – permitted to process up to 600kg of dried flower, or equivalent, per year.

Land Use Issues and Planning Implications

Under the Cannabis Act, interested cultivators or processors are not required to obtain support from a municipality prior to applying for a license. Successful proponents are required to notify the municipality, copying the Minister, when a license is issued. While the Cannabis Act does not require any consultation with the municipality, under the Planning Act, municipalities are granted the authority to regulate land uses. From a land use planning perspective, cannabis crops, grown either indoor or outdoor, have land use planning implications the same as

mainstream agricultural or industrial uses. Staff have identified the following issues and options that require further analyses in determining the most appropriate course of action for regulating cannabis cultivation and processing in the City of Kawartha Lakes. This list is not exhaustive and, as this is an emerging industry, additional issues may arise:

- Distinguishing cannabis cultivation from production by way of defining such uses in Zoning By-laws;
- Amending existing definitions (i.e., Agricultural) or carving out new use-specific definitions.
- Determining an appropriate definition for the uses;
- Determining appropriate separation distances from residential uses and other sensitive land uses;
- Requiring Dark Sky compliance to mitigate light pollution;
- Applying Site Plan Control to each cultivator or producer; and,
- How and when to require studies pertaining to odour, stormwater and noise to minimize potential concerns from neighbouring property owners.

There are various options to address the issues outlined above. Brock, Uxbridge, Clarington and Scugog were examined in a municipal scan and are all currently exploring regulatory options for cannabis cultivation and production. This includes determining appropriate zones and zone requirements, enforcement measures and licensing. Brock and Scugog have both implemented Interim Control By-laws prohibiting the uses in the meantime while regulations are developed. Staff has obtained studies on cannabis cultivation and production from Georgina and Ramara and will be considering findings as regulations are built out. Staff are monitoring the progress made in these municipalities.

Along with odour and servicing, Staff are aware of concerns pertaining to a potential increase in criminal activity as a result of the land use. With regard to any land use, enforcement of applicable laws and maintaining a generally comfortable perception of safety requires a multifaceted approach from the respective municipality.

Planning will be reviewing minimum lot sizes in the agricultural zone to see if it is sufficient for cannabis growing (both indoor and outdoor). Planning will be reviewing agricultural, light industrial and residential lot coverage maximums that currently exist in the zoning by-laws that are in force and effect throughout the municipality to determine if they are sufficient for indoor cannabis cultivation.

Proposed Amendments to the Property Standards By-law

The proposed amendments to the Property Standards By-law should address the odour and light pollution issues associated both with residential cultivation of cannabis pursuant to medical license, the commercial cultivation of cannabis in

the agricultural zone, and the commercial processing of the cannabis plant into product in the industrial zone. The proposed amendments consider regulation of the nuisance issues associated with cannabis cultivation, and maintaining the safety of those in residential buildings where cannabis cultivation is occurring pursuant to a medical license. Proposed additional definitions and sections amendments are as follows:

“Noxious Odour” mean odours from activities emanating from a property that is persistent or continuous and is likely to interfere with the normal and reasonable use of another property;

“Odour Abatement Protocol” means a combination of methods, practices, equipment and technologies designed for the purpose of eliminating the emission and emanation of Noxious Odours from a property.

Light Penetration: Every Owner shall provide and maintain effective barriers to prevent the light from lamp standards, signs, vehicle head-lamps and other sources from shining directly into a Dwelling Unit or onto a neighbouring property.

Cannabis Related Activity: Where a Cannabis Related Activity is permitted on a property which occurs in a green house or building or other structure, the Owner or Occupier shall ensure that a ventilation system is installed to filter and exhaust the Noxious Odours

Exhaust of Noxious and Other Substances: Where a system of mechanical ventilation or Odour Abatement Protocol which exhausts noxious fumes, odours, gases, dust or sawdust from a Building is installed, the Owner shall ensure that the discharge from the system terminates above the roof line of the Building, and not less than three (3) metres (equivalent to nine point eight (9.8') feet) clear of any skylight, window, ventilator or other opening into that or another Building, and is operated in a manner so as not to constitute a Nuisance.

See Appendix “A” for a full list of proposed amendments. These proposals will be put before the Agricultural Development Advisory Committee for its review and comment before returning to Council.

Proposed Amendments to the Fees and Charges By-law

Enforcement of the Criminal Code with respect to illegal cannabis cultivation can be expensive, as the Ontario Provincial Police and the Kawartha Lakes Police are currently subject to the City’s tipping fees when attempting to landfill cannabis plants that have been seized. The by-law amendments to the City’s Fees and Charges By-law proposed at Schedule B provide a waiver of these costs for the enforcement authorities.

Other Alternatives Considered:

No other alternatives have been considered.

Financial/Operation Impacts:

Additional operation impacts will be felt by the Municipal Law Enforcement Office, as the enforcement of these added Property Standards provisions will fall to them. No additional staff is being proposed for that Office, so will result in additional workload for existing staff. Staff in that department are currently at/over capacity, so this is intended to increase wait times for responses. That department currently has a wait time of 2 months for some investigative issues and response.

A waiver of tipping fees will result in reduced revenue by the City.

Relationship of Recommendations to the 2020-2023 Strategic Plan:

This report and recommended resolutions aligns with the Guiding Principle of service excellence. Moreover, this report and recommendations support the strategic priority of good government.

Review of Accessibility Implications of Any Development or Policy:

N/A

Consultations:

Director of Development Services
Manager of Municipal Law Enforcement
Manager of Planning

Attachments:



LGL2020-011
Appendix A - Proper

Appendix A – Proposed Amendments to the Property Standards By-law to Address Nuisance Associated with Cannabis Growth and Processing Operations



LGL2020-011
Appendix B - By-Law

Appendix B – Proposed Amendments to the Fees and Charges By-law to
Address costs associated with police enforcement of illegal cannabis cultivation

Department Head E-Mail: rtaylor@kawarthalakes.ca

Department Head: Ron Taylor

The Corporation of the City of Kawartha Lakes

By-Law 2021-XXX

A By-Law To Amend The Following 18 Zoning By-Laws Within The City Of Kawartha Lakes

Township of Bexley Zoning By-Law No. 93-09
Village of Bobcaygeon Zoning By-Law No. 16-78
Township of Carden Zoning By-Law No. 79-2
Township of Dalton Zoning By-Law No. 10-77
Township of Eldon Zoning By-Law No. 94-14
Township of Emily Zoning By-Law No. 1996-30
Township of Fenelon Zoning By-Law No. 12-95
Village of Fenelon Falls Zoning By-Law No. 89-25
United Townships of Laxton, Digby, Longford Zoning By-Law No. 32-83
Town of Lindsay Zoning By-Law No. 2000-75
Township of Manvers Zoning By-Law No. 87-06
Township of Mariposa Zoning By-Law No. 94-07
Village of Omemee Zoning By-law No. 1993-15
Township of Ops Zoning By-Law No. 93-30
Township of Somerville Zoning By-Law No. 78-45
Village of Sturgeon Point By-Law No. 339
Township of Verulam Zoning By-Law No. 6-87
Village of Woodville Zoning By-Law No. 93-9

[File D06-2020-027, Report PLAN2021-019, respecting lands within The City of Kawartha Lakes]

Recitals:

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. This By-Law is in response to recommendation PAC2020-051 passed at the November 4, 2020 Planning Advisory Committee Meeting, as adopted by Council at the November 17, 2020 Regular Council Meeting by resolution CR2020-368, regarding the regulation of Cannabis Production and Processing in the City of Kawartha Lakes.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-Law 2021-XXX.

Section 1:00 Zoning Details – Definitions

- 1.01 Property Affected: The Property affected by this Section is described as lands within: the former Town of Lindsay; the former Townships of Bexley, Carden, Dalton, Eldon, Emily, Fenelon, Laxton, Digby, Longford, Manvers, Mariposa, Ops, Somerville and Verulam; and, the former Villages of Bobcaygeon, Fenelon Falls, Omemee, Sturgeon Point and Woodville.
- 1.02 Textual Amendment: The following By-Law Nos. and corresponding Sections as described in the table below are further amended by adding the Definitions in alphabetical order, as described in 1.03, in the table below:

Zoning By-law	Definitions Section/Part
Township of Bexley Zoning By-law No. 93-09	2
Village of Bobcaygeon Zoning By-law No. 16-78	2
Township of Carden Zoning By-law No. 79-2	15
Township of Dalton Zoning By-law No. 10-77	15
Township of Eldon Zoning By-law No. 94-14	2
Township of Emily Zoning By-law No. 1996-30	2
Township of Fenelon Zoning By-law No. 12-95	2
Village of Fenelon Falls Zoning By-law No. 89-25	1
Townships of Laxton, Digby, Longford Zoning By-law No. 32-83	19
Town of Lindsay Zoning By-law No. 2000-75	4
Township of Manvers Zoning By-law No. 87-06	21
Township of Mariposa Zoning By-law No. 94-07	2
Village of Omemee Zoning By-law No. 1993-15	2
Township of Ops Zoning By-law No. 93-30	19
Township of Somerville Zoning By-law No. 78-45	19
Village of Sturgeon Point By-law No. 339	2
Township of Verulam Zoning By-law No. 6-87	4
Village of Woodville Zoning By-law No. 93-9	2

1.03 Textual Amendment – Details

“Air Filtration Control shall mean the functional use of industrial grade multi-stage carbon filtration systems or similar technology, to reduce and/or treat the emission of pollen, dust and odours expelled from a facility and size accordingly in comparison to the facility it serves as designed by a qualified person.”

“Cannabis shall mean a genus of flowering plants in the family Cannabaceae. Synonyms include but are not limited to marijuana, and marihuana. This definition does not include the industrial or agricultural production of hemp (a source of foodstuffs [hemp milk, hemp seed, hemp oil], fiber and biofuels).”

“Cannabis Production and Processing Facility means lands, buildings or structures used for producing, processing, testing, destroying, packaging and/or shipping of cannabis authorized by an issued license or registration by the federal Minister of Health, pursuant to the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230, to the Controlled Drugs and Substances Act, SC 1996, c 19, as amended from time to time, or any successors thereto.”

- 2.01 Property Affected: The Property affected by this Section is described as lands within: the former Townships of Bexley, Carden, Dalton, Eldon, Emily, Fenelon, Laxton, Digby, Longford, Manvers, Mariposa, Ops, Somerville and Verulam; and, the former Villages of Bobcaygeon, Fenelon Falls, Omemee, Sturgeon Point and Woodville.
- 2.02 Textual Amendment: The following By-Law Nos. and corresponding Sections as described in the table below are further amended by adding the Definitions in alphabetical order, as described in 2.03, in the table below:

Zoning By-law	Definitions Section/Part
Township of Bexley Zoning By-law No. 93-09	2
Village of Bobcaygeon Zoning By-law No. 16-78	2
Township of Carden Zoning By-law No. 79-2	15
Township of Dalton Zoning By-law No. 10-77	15
Township of Eldon Zoning By-law No. 94-14	2
Township of Emily Zoning By-law No. 1996-30	2
Township of Fenelon Zoning By-law No. 12-95	2
Village of Fenelon Falls Zoning By-law No. 89-25	1
Townships of Laxton, Digby, Longford Zoning By-law No. 32-83	19
Township of Manvers Zoning By-law No. 87-06	21
Township of Mariposa Zoning By-law No. 94-07	2
Village of Omemee Zoning By-law No. 1993-15	2
Township of Ops Zoning By-law No. 93-30	19
Township of Somerville Zoning By-law No. 78-45	19
Village of Sturgeon Point By-law No. 339	2
Township of Verulam Zoning By-law No. 6-87	4
Village of Woodville Zoning By-law No. 93-9	2

2.03 Textual Amendment – Details

“Sensitive Land Use means buildings, amenity areas or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be part of the built or natural environment. Examples include residences, day care centres, and educational and health centres.”

Section 2:00 Township of Bexley Zoning By-law No. 93-09

2.01 Property Affected: The Property affected by this Section is described as lands within the former Township of Bexley.

2.02 Textual Amendment: By-law No. 93-09 of the Township of Bexley is amended by:

2.02.1 In Part 2 – Definitions, replacing the definition for Agricultural Use, Industry, Heavy, Industry, Light, and Industry, Medium, with the following:

“Agricultural Use means a use of land, buildings or structures for the purpose of forestry, field crops, fruit farming, market gardening, dairying, animal husbandry, aquaculture, poultry or beekeeping, and such uses as are customarily and normally related to agriculture but does not include Cannabis Production and Processing Facilities.”

“Industry, Heavy, means an industry, assembly, manufacturing, or processing plant which is land intensive or predominantly conducted in an open or unenclosed space or which by their nature, including volume of truck traffic, use of hazardous or flammable materials, the discharge of noise, odours or particulate matter require extensive buffering. Examples of such uses are steel mills, steel fabricating, metal or rubber recovery plants, foundries, pesticide manufacturing, refineries and bulk fuel storage facilities. This use does not include Cannabis Production and Processing Facilities.”

“Industry, Light, means an industry which is conducted and wholly contained within an enclosed building and the operation of which does not produce emissions of noise, smoke, odour, particulate matter or vibration which is detectable beyond any lot line. Examples of such uses are light assembly, electronics, warehousing and industrial malls. This use does not include Cannabis Production and Processing Facilities.”

“Industry, Medium, means an industry, assembly, manufacturing or processing plant which is predominantly conducted within a wholly enclosed building but which may also involve open storage. Examples of such uses are sheet metal, plastic, fibre glass or wood fabricating, motor vehicle body repair shops and food processing facilities. This use does not include Cannabis Production and Processing Facilities.”

2.02.2 In Part 3: General Provisions, adding the following:

“3.23 Cannabis Production and Processing Facilities

3.23.1 Notwithstanding any other provision of this Bylaw, Cannabis Production and Processing Facilities shall be subject to the following provisions; this by-law only allows for the Production and Processing of cannabis for operators in possession of a valid license or registration by the federal Minister of Health,

pursuant to the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230, to the Controlled Drugs and Substances Act, SC 1996, c 19, as amended from time to time, or any successors thereto.

3.23.2 The cannabis production and processing facility shall comply with all regulations prescribed within the zones where the use is permitted.

3.23.3 Notwithstanding 3.23.2:

- i. in the Rural General (RG) Zone and General Industrial (M2) Zone, a cannabis production and processing facility equipped with air filtration control shall not be located closer than 70m to a Sensitive Land Use. This setback shall be measured from the building line or crop line of the Cannabis Production and Processing Facility to the nearest building line of the sensitive land use.
- ii. in the Rural General (RG) Zone and General Industrial (M2) Zone, a cannabis production and processing facility without air filtration control shall not be located close than 300m to a Sensitive Land Use. This setback shall be measured from the building line or crop line of the Cannabis Production and Processing Facility to the nearest building line of the sensitive land use.”

Section 3:00 Village of Bobcaygeon Zoning By-Law No. 16-78

3.01 Property Affected: The Property affected by this Section is described as lands within the former Village of Bobcaygeon.

3.02 Textual Amendment: By-Law No. 16-78 of the Village of Bobcaygeon is amended by:

3.02.1 Replacing the definition for 2.3 Agricultural Use with the following:

“2.3 Agricultural Use means a use of land, buildings or structures for the purpose of forestry, field crops, fruit farming, market gardening, dairying, animal husbandry, poultry or beekeeping, and such uses as are customarily and normally related to agriculture and includes a farm dwelling and accessory buildings but does not include cannabis production and processing facilities.”

3.02.2 Adding the following to Section 3 General Provisions:

“3.28 Cannabis Production and Processing Facilities

i) Notwithstanding any other provision of this Bylaw, Cannabis Production and Processing Facilities shall be subject to the following provisions; this by-law only allows for the Production and Processing of cannabis for operators in possession of a valid license or registration by the federal Minister of Health, pursuant to the Access to Cannabis for Medical Purposes Regulations,

SOR/2016-230, to the Controlled Drugs and Substances Act, SC 1996, c 19, as amended from time to time, or any successors thereto.

ii) The cannabis production and processing facility shall comply with all regulations prescribed within the zones where the use is permitted.

iii) Notwithstanding ii):

- i. in the Rural General (A1) Zone and Restricted Industrial (M1) Zone, a cannabis production and processing facility equipped with air filtration control shall not be located close than 70m to a Sensitive Land Use. This setback shall be measured from the building line or crop line of the Cannabis Production and Processing Facility to the nearest building line of the sensitive land use.
- ii. in the Rural General (A1) Zone and Restricted Industrial (M1) Zone, a cannabis production and processing facility without air filtration control shall not be located close than 300m to a Sensitive Land Use. This setback shall be measured from the building line or crop line of the Cannabis Production and Processing Facility to the nearest building line of the sensitive land use.”

Section 4:00 Township of Carden Zoning By-Law No. 79-2

4.01 Property Affected: The Property affected by this Section is described as lands within the former Township of Carden.

4.02 Textual Amendment: By-Law No. 79-2 of the Township of Carden is amended by:

4.02.1 Replacing the definition for Agricultural Use in Section 15 with:

“Agricultural Use means a use of land, buildings or structures for the purpose of forestry, field crops, fruit farming, market gardening, dairying, animal husbandry, poultry or beekeeping, and such uses as are customarily and normally related to agriculture and includes accessory buildings and does not include cannabis production and processing facilities.”

4.02.2 Adding the following to Section 14 General Provisions:

“14.29 Cannabis Production and Processing Facilities

i) Notwithstanding any other provision of this Bylaw, Cannabis Production and Processing Facilities shall be subject to the following provisions; this by-law only allows for the Production and Processing of cannabis for operators in possession of a valid license or registration by the federal Minister of Health, pursuant to the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230, to the Controlled Drugs and Substances Act, SC 1996, c 19, as amended from time to time, or any successors thereto.

ii) The cannabis production and processing facility shall comply with all regulations prescribed within the zones where the use is permitted.

iii) Notwithstanding ii):

- i. in the Rural General (RG) Zone and General Industrial (M3) Zone, a cannabis production and processing facility equipped with air filtration control shall not be located close than 70m to a Sensitive Land Use. This setback shall be measured from the building line or crop line of the Cannabis Production and Processing Facility to the nearest building line of the sensitive land use.
- ii. in the Rural General (RG) Zone and General Industrial (M3) Zone, a cannabis production and processing facility without air filtration control shall not be located close than 300m to a Sensitive Land Use. This setback shall be measured from the building line or crop line of the Cannabis Production and Processing Facility to the nearest building line of the sensitive land use.”

Section 5:00 Township of Dalton Zoning By-Law No. 10-77

5.01 Property Affected: The Property affected by this Section is described as lands within the former Township of Dalton.

5.02 Textual Amendment: By-Law No. 10-77 of the Township of Dalton is amended by:

5.02.1 Replacing the definitions for Agricultural Use and Agricultural Use, Specialized, in Section 15, with the following:

“Agricultural Use means a use of land, buildings or structures for the purpose of forestry, field crops, fruit farming, market gardening, dairying, animal husbandry, poultry or beekeeping, and such uses as are customarily and normally related to agriculture and includes accessory buildings and does not include cannabis production and processing facilities.”

“Agricultural Use, Specialized means land on which the predominant use is for buildings for the intensive raising or keeping of chickens, turkeys or other fowl, rabbits or other fur bearing animals, a broiler plant, the growing of mushrooms, the keeping of animals for medical purposed or the intensive feeding of hogs, sheep, goats, horses or cattle in a confined area and does not include cannabis production and processing facilities.”

5.02.2 Adding the following to Section 14 – General Provisions:

“14.32 Cannabis Production and Processing Facilities

i) Notwithstanding any other provision of this Bylaw, Cannabis Production and Processing Facilities shall be subject to the following provisions; this by-law only allows for the Production and Processing of cannabis for operators in

possession of a valid license or registration by the federal Minister of Health, pursuant to the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230, to the Controlled Drugs and Substances Act, SC 1996, c 19, as amended from time to time, or any successors thereto.

ii) The cannabis production and processing facility shall comply with all regulations prescribed within the zones where the use is permitted.

iii) Notwithstanding ii):

- i. in the Rural General (RG) Zone and General Industrial (M2) Zone, a cannabis production and processing facility equipped with air filtration control shall not be located closer than 70m to a Sensitive Land Use. This setback shall be measured from the building line or crop line of the Cannabis Production and Processing Facility to the nearest building line of the sensitive land use.
- ii. in the Rural General (RG) Zone and General Industrial (M2) Zone, a cannabis production and processing facility without air filtration control shall not be located closer than 300m to a Sensitive Land Use. This setback shall be measured from the building line or crop line of the Cannabis Production and Processing Facility to the nearest building line of the sensitive land use.”

Section 6:00 Township of Eldon Zoning By-Law No. 94-14

6.01 Property Affected: The Property affected by this Section is described as lands within the former Township of Eldon.

6.02 Textual Amendment: By-Law No. 94-14 of the Township of Eldon is amended by:

6.02.1 In Part 2 – Definitions, replacing the definitions for Agricultural Produce Storage Facility, Agricultural Use, Agriculturally Related Commercial Use, Industry, Heavy, Industry, Light, and Industry, Medium with the following:

“Agricultural Produce Storage Facility means a building or structure used for the storage of agricultural produce and may include facilities for wholesale distribution or an accessory retail outlet for the sale of such agricultural produce, not including cannabis, to the general public.”

“Agricultural Use means a use of land, buildings or structures for the purpose of forestry, field crops, fruit farming, market gardening, dairying, animal husbandry, aquaculture, poultry or beekeeping, and such uses as are customarily and normally related to agriculture and does not include cannabis production and processing facilities.”

“Agriculturally Related Commercial Use means a use directly related to agriculture and requiring proximity to farm operations and includes such uses as animal husbandry services, produce or grain storage facilities or farm machinery

sales and service outlets and does not include cannabis production and processing facilities.”

“Industry, Heavy, means an industry, assembly, manufacturing, or processing plant which is land intensive or predominantly conducted in an open or unenclosed space or which by their nature, including volume of truck traffic, use of hazardous or flammable materials, the discharge of noise, odours or particulate matter require extensive buffering. Examples of such uses are steel mills, steel fabricating, metal or rubber recovery plants, foundries, pesticide manufacturing, refineries and bulk fuel storage facilities. This use does not include cannabis production and processing facilities.”

“Industry, Light, means an industry which is conducted and wholly contained within an enclosed building the operation of which does not produce emissions of noise, smoke, odour, particulate matter or vibration which is detectable beyond any lot line. Examples of such uses are light assembly, electronics, warehousing and industrial malls. This use does not include cannabis production and processing facilities.”

“Industry, Medium, means an industry, assembly, manufacturing or processing plant which is predominantly conducted within a wholly enclosed building but which may also involve open storage. Examples of such uses are sheet metal, plastic, fibre glass or wood fabricating, motor vehicle body repair shops and food processing facilities. This use does not include cannabis production and processing facilities.”

6.02.2 Adding the following to Section 3 – General Provisions:

“3.24 Cannabis Production and Processing Facilities

3.24.1) Notwithstanding any other provision of this Bylaw, Cannabis Production and Processing Facilities shall be subject to the following provisions; this by-law only allows for the Production and Processing of cannabis for operators in possession of a valid license or registration by the federal Minister of Health, pursuant to the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230, to the Controlled Drugs and Substances Act, SC 1996, c 19, as amended from time to time, or any successors thereto.

3.24.2) The cannabis production and processing facility shall comply with all regulations prescribed within the zones where the use is permitted.

3.24.3) Notwithstanding 3.24.2):

- i. in the Agricultural (A1) Zone, Rural General (A2) Zone and General Industrial (M2) Zone, a cannabis production and processing facility equipped with air filtration control shall not be located closer than 70m to a Sensitive Land Use. This setback shall be measured from the building line or crop line of the Cannabis Production and Processing Facility to the nearest building line of the sensitive land use.

- ii. in the Agricultural (A1) Zone, Rural General (A2) Zone and General Industrial (M2) Zone, a cannabis production and processing facility without air filtration control shall not be located close than 300m to a Sensitive Land Use. This setback shall be measured from the building line or crop line of the Cannabis Production and Processing Facility to the nearest building line of the sensitive land use.”

Section 7:00 Township of Emily Zoning By-Law No. 1996-30

7.01 Property Affected: The Property affected by this Section is described as lands within the former Township of Emily.

7.02 Textual Amendment: By-Law No. 1996-30 of the Township of Emily is amended by:

7.02.1 Replacing definitions for Agricultural Use, Industry, Heavy, Industry Light, and Industry, Medium, in Part 2 – Definitions with the following:

“Agricultural Use means a use of land, buildings or structures for the purpose of forestry, field crops, fruit farming, market gardening, dairying, animal husbandry, aquaculture, poultry or beekeeping, and such uses as are customarily and normally related to agriculture and does not include cannabis production and processing facilities.”

“Industry, Heavy, means an industry, assembly, manufacturing or processing plant which is land intensive or predominantly conducted in an open or unenclosed space or which by its nature, including volume of truck traffic, use of hazardous or flammable materials, the discharge of noise, odours or particulate matter requires extensive buffering. Examples of such uses are steel mills, steel fabricating, metal or rubber recovery plants, foundries, pesticide manufacturing, refineries and bulk fuel storage facilities, but the same does not include aggregate processing operations. This use does not include cannabis production and processing facilities. (OMB Order # 1118 June 9, 1999)”

“Industry, Light, means an industry which is conducted and wholly contained within an enclosed building the operation of which does not produce emissions of noise, smoke, odour, particulate matter or vibration which is detectable beyond any lot line. Examples of such uses are light assembly, electronics, warehousing and industrial malls. This use does not include cannabis production and processing facilities.”

“Industry, Medium, means an industry, assembly, manufacturing or processing plant which is predominantly conducted within a wholly enclosed building but which may also involve open storage. Examples of such uses are sheet metal, plastic, fibre glass or wood fabricating, motor vehicle body shops and food processing facilities. This use does not include cannabis production and processing facilities.”

7.02.2 Adding the following to Part 3 – General Provisions:

“3.24 Cannabis Production and Processing Facilities

3.24.1) Notwithstanding any other provision of this Bylaw, Cannabis Production and Processing Facilities shall be subject to the following provisions; this by-law only allows for the Production and Processing of cannabis for operators in possession of a valid license or registration by the federal Minister of Health, pursuant to the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230, to the Controlled Drugs and Substances Act, SC 1996, c 19, as amended from time to time, or any successors thereto.

3.24.2) The cannabis production and processing facility shall comply with all regulations prescribed within the zones where the use is permitted.

3.24.3) Notwithstanding 3.24.2):

- i. in the Agricultural (A1) Zone, Rural General (A2) Zone and General Industrial (M2) Zone, a cannabis production and processing facility equipped with air filtration control shall not be located closer than 70m to a Sensitive Land Use. This setback shall be measured from the building line or crop line of the Cannabis Production and Processing Facility to the nearest building line of the sensitive land use.
- ii. in the Agricultural (A1) Zone, Rural General (A2) Zone and General Industrial (M2) Zone, a cannabis production and processing facility without air filtration control shall not be located closer than 300m to a Sensitive Land Use. This setback shall be measured from the building line or crop line of the Cannabis Production and Processing Facility to the nearest building line of the sensitive land use.”

Section 8:00 Township of Fenelon Zoning By-Law No. 12-95

8.01 Property Affected: The Property affected by this Section is described as lands within the former Township of Fenelon.

8.02 Textual Amendment: By-Law No. 1996-30 of the Township of Fenelon is amended by:

8.02.1 In Part 2, replacing the definitions for Agricultural Produce Storage Facility, Agricultural Use, Agriculturally Related Commercial Use, Industry, Heavy, Industry, Light, and Industry, Medium, with:

“Agricultural Produce Storage Facility means a building or structure used for the storage of agricultural produce and may include facilities for wholesale distribution or an accessory retail outlet for the sale of such agricultural produce, not including cannabis, to the general public.”

“Agricultural Use means a use of land, buildings or structures for the purpose of forestry, field crops, fruit farming, market gardening, dairying, animal husbandry, aquaculture, poultry or beekeeping, and such uses as are customarily and

normally related to agriculture but does not include cannabis production and processing facilities.”

“Agriculturally Related Commercial Use means a use directly related to agriculture and requiring proximity to farm operations and includes such uses as animal husbandry services, produce or grain storage facilities or farm machinery sales and service outlets but does not include cannabis production and processing facilities.”

“Industry, Heavy, means an industry, assembly, manufacturing, or processing plant, exclusive of a sand or gravel pit, which is land intensive, or predominantly conducted in an open or unenclosed space, or which by its nature generates large volumes of truck traffic; uses and/or stores bulk quantities of hazardous or flammable materials; usually or commonly discharges noise, odours, smoke or particulate matter or vibration beyond the property boundaries; and require extensive buffering. Examples of such uses are steel mills, steel fabricating, metal or rubber recovery plants, foundries, pesticide manufacturing and refineries. This use does not include cannabis production and processing facilities.”

“Industry, Light, means an industry which is conducted and wholly contained within an enclosed building the operation of which does not produce emissions of noise, odour, smoke or particulate matter or vibration which are detectable beyond any lot line. Examples of such uses are light assembly, electronics, warehousing and industrial malls. This use does not include cannabis production and processing facilities.”

“Industry, Medium, means an industry, assembly, manufacturing or processing plant which is predominantly conducted within a wholly enclosed building but which may also involve a limited amount of open or unenclosed storage areas and the discharge of noise, odour, particulate matter or smoke, or vibration which is detectable beyond the property boundaries. Examples of such uses are sheet metal, plastic, fibre glass or wood fabricating operations; motor vehicle body repair shops; and food processing facilities. This use does not include cannabis production and processing facilities.”

8.02.2 Adding the following to Part 3 – General Provisions:

“3.24 Cannabis Production and Processing Facilities

3.24.1) Notwithstanding any other provision of this Bylaw, Cannabis Production and Processing Facilities shall be subject to the following provisions; this by-law only allows for the Production and Processing of cannabis for operators in possession of a valid license or registration by the federal Minister of Health, pursuant to the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230, to the Controlled Drugs and Substances Act, SC 1996, c 19, as amended from time to time, or any successors thereto.

3.24.2) The cannabis production and processing facility shall comply with all regulations prescribed within the zones where the use is permitted.

3.24.3) Notwithstanding 3.24.2):

- i. in the Agricultural (A1) Zone, Rural General (A2) Zone and General Industrial (M2) Zone, a cannabis production and processing facility equipped with air filtration control shall not be located close than 70m to a Sensitive Land Use. This setback shall be measured from the building line or crop line of the Cannabis Production and Processing Facility to the nearest building line of the sensitive land use.
- ii. in the Agricultural (A1) Zone, Rural General (A2) Zone and General Industrial (M2) Zone, a cannabis production and processing facility without air filtration control shall not be located close than 300m to a Sensitive Land Use. This setback shall be measured from the building line or crop line of the Cannabis Production and Processing Facility to the nearest building line of the sensitive land use.”

Section 9:00 Village of Fenelon Falls Zoning By-Law No. 89-25

9.01 Property Affected: The Property affected by this Section is described as lands within the former Village of Fenelon Falls.

9.02 Textual Amendment: By-Law No. 89-25 of the Village of Fenelon Falls is amended by:

9.02.1 In Part 1 – Definitions, replace 1.3 Agricultural Produce Warehouse and 1.116 Manufacturing, Processing, Assembling or Fabricating Plant with the following:

“1.3 Agricultural Produce Warehouse shall mean a building or part of a building used for the storage of agricultural produce and may include facilities for wholesale distribution or an accessory retail commercial outlet for the sale of such agricultural produce, not including cannabis, to the general public.”

“1.116 Manufacturing, Processing, Assembling or Fabricating Plant shall mean a plant in which the process of producing any product, by hand or mechanical power and machinery, is carried on systematically with division of labour and shall not include cannabis production and processing facilities.”

9.02.2 Add the following to Part 5 – General Zone Provisions:

“5.30 Cannabis Production and Processing Facilities

5.30.1 Notwithstanding any other provision of this Bylaw, Cannabis Production and Processing Facilities shall be subject to the following provisions; this by-law only allows for the Production and Processing of cannabis for operators in possession of a valid license or registration by the federal Minister of Health, pursuant to the Access to Cannabis for Medical Purposes Regulations,

SOR/2016-230, to the Controlled Drugs and Substances Act, SC 1996, c 19, as amended from time to time, or any successors thereto.

5.30.2 The cannabis production and processing facility shall comply with all regulations prescribed within the zones where the use is permitted.

5.30.3 Notwithstanding 5.30.2:

- i. in the Restricted Industrial (M1) Zone and General Industrial (M2) Zone, a cannabis production and processing facility equipped with air filtration control shall not be located close than 70m to a Sensitive Land Use. This setback shall be measured from the building line or crop line of the Cannabis Production and Processing Facility to the nearest building line of the sensitive land use.
- ii. in the Restricted Industrial (M1) Zone and General Industrial (M2) Zone, a cannabis production and processing facility without air filtration control shall not be located close than 300m to a Sensitive Land Use. This setback shall be measured from the building line or crop line of the Cannabis Production and Processing Facility to the nearest building line of the sensitive land use.”

Section 10:00 United Townships of Laxton, Digby, Longford Zoning By-Law No. 32-83

10.01 Property Affected: The Property affected by this Section is described as lands within the former United Townships of Laxton, Digby and Longford.

10.02 Textual Amendment: By-Law No. 32-83 of the United Townships of Laxton, Digby, Longford is amended by:

10.02.1: In Section 19 – Definitions, replacing the definition of Agricultural Use, Industry, Heavy, Industry, Light, and, Industry, Medium, with the following:

“Agricultural Use means a use of land, buildings or structures for the purpose of forestry, field crops, fruit farming, market gardening, dairying, animal husbandry, poultry or beekeeping, and such uses as are customarily and normally related to agriculture and includes accessory buildings and does not include cannabis production and processing facilities.”

“Industry, Heavy, means an industry, assembly, manufacturing, or processing plant which is land intensive or predominantly conducted in an open or unenclosed space or which by their nature, including: volume of truck traffic, use of hazardous or flammable materials, the discharge of noise, odours or particulate matter, require extensive buffering. Examples of such uses are steel mills, steel fabricating, metal or rubber recovery plants, foundries, pesticide manufacturing, refineries and bulk fuel storage facilities. This use does not include cannabis production and processing facilities.”

“Industry, Light, means an industry which is conducted and wholly contained within an enclosed building the operation of which does not produce emissions of noise, smoke, odour, particulate matter or vibration which is detectable beyond any lot line. Examples of such uses are light assembly, electronics, warehousing and industrial malls. This use does not include cannabis production and processing facilities.”

“Industry, Medium, means an industry, assembly, manufacturing or processing plant which is predominantly conducted within a wholly enclosed building but which may also involve open storage. Examples of such uses are sheet metal, plastic, fibre glass or wood fabricating, motor vehicle body repair shops and food processing facilities. This use does not include cannabis production and processing facilities.”

10.02.2: In Section 18 – General Provisions, insert the following:

“18.33 Cannabis Production and Processing Facilities

18.33.1 Notwithstanding any other provision of this Bylaw, Cannabis Production and Processing Facilities shall be subject to the following provisions; this by-law only allows for the Production and Processing of cannabis for operators in possession of a valid license or registration by the federal Minister of Health, pursuant to the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230, to the Controlled Drugs and Substances Act, SC 1996, c 19, as amended from time to time, or any successors thereto.

18.33.2 The cannabis production and processing facility shall comply with all regulations prescribed within the zones where the use is permitted.

18.33.3 Notwithstanding 18.33.2:

- i. in the Rural General (AI) Zone and General Industrial (M1) Zone, a cannabis production and processing facility equipped with air filtration control shall not be located close than 70m to a Sensitive Land Use. This setback shall be measured from the building line or crop line of the Cannabis Production and Processing Facility to the nearest building line of the sensitive land use.
- ii. in the Rural General (AI) Zone and General Industrial (M1) Zone, a cannabis production and processing facility without air filtration control shall not be located close than 300m to a Sensitive Land Use. This setback shall be measured from the building line or crop line of the Cannabis Production and Processing Facility to the nearest building line of the sensitive land use.”

Section 11:00 Town of Lindsay Zoning By-Law No. 2000-75

11.01 Property Affected: The Property affected by this Section is described as lands within the former Town of Lindsay.

11.02 Textual Amendment: By-Law No. 2000-75 of the Town of Lindsay is amended by:

11.02.1 In Section 4 – Definitions, replacing 4.2 Agricultural Use and 4.99 Industrial Use with the following:

“4.2 Agricultural Use means a use of land, buildings or structures for the purpose of forestry, field crops, fruit farming, market gardening, dairying, animal husbandry, poultry or beekeeping, and such uses as are customarily and normally related to agriculture. Agricultural use shall also include the use of land, buildings or structures on an accessory basis for the sale of agricultural products produced on the farm, but shall not include an abattoir and does not include cannabis production and processing facilities.”

“4.99 Industrial Use means the use of land, building or structures for the manufacturing, processing, fabricating or assembly of raw materials or goods, warehousing or bulk storage of goods and related accessory uses. This use does not include cannabis production and processing facilities.”

11.02.2 Adding the following to Section 5 – General Provisions for All Zones:

“5.37 Cannabis Production and Processing Facilities

5.37.1 Notwithstanding any other provision of this Bylaw, Cannabis Production and Processing Facilities shall be subject to the following provisions; this by-law only allows for the Production and Processing of cannabis for operators in possession of a valid license or registration by the federal Minister of Health, pursuant to the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230, to the Controlled Drugs and Substances Act, SC 1996, c 19, as amended from time to time, or any successors thereto.

5.37.2 The cannabis production and processing facility shall comply with all regulations prescribed within the zones where the use is permitted.

5.37.3 Notwithstanding 5.37.2:

- i. in the Rural General (AI) Zone and General Industrial (M1) Zone, a cannabis production and processing facility equipped with air filtration control shall not be located close than 70m to a Sensitive Land Use. This setback shall be measured from the building line or crop line of the Cannabis Production and Processing Facility to the nearest building line of the sensitive land use.
- ii. in the Rural General (AI) Zone and General Industrial (M1) Zone, a cannabis production and processing facility without air filtration control shall not be located close than 300m to a Sensitive Land Use. This setback shall be measured from the building line or crop line of the Cannabis Production and Processing Facility to the nearest building line of the sensitive land use.”

Section 12:00 Township of Manvers Zoning By-Law No. 87-06

12.01 Property Affected: The Property affected by this Section is described as lands within the former Township of Manvers.

12.02 Textual Amendment: By-Law No. 87-06 of the Township of Manvers is amended by:

12.02.1 In Section 21 – Definitions, replacing the definitions for Agricultural Use with the following:

“Agricultural Use means a use of land, buildings or structures for the purpose of forestry, field crops, fruit farming, market gardening, dairying, animal husbandry, poultry or beekeeping, and such uses as are customarily and normally related to agriculture and includes a farm dwelling and accessory buildings and does not include cannabis production and processing facilities.”

12.02.2 Inserting the following into Section 20 - General Provisions:

“20.32 Cannabis Production and Processing Facilities

20.32.1 Notwithstanding any other provision of this Bylaw, Cannabis Production and Processing Facilities shall be subject to the following provisions; this by-law only allows for the Production and Processing of cannabis for operators in possession of a valid license or registration by the federal Minister of Health, pursuant to the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230, to the Controlled Drugs and Substances Act, SC 1996, c 19, as amended from time to time, or any successors thereto.

20.32.2 The cannabis production and processing facility shall comply with all regulations prescribed within the zones where the use is permitted.

20.32.3 Notwithstanding 20.32.2:

- i. in the Rural General (A1) Zone, Rural Specialized (A2) Zone, and General Industrial (M1) Zone, a cannabis production and processing facility equipped with air filtration control shall not be located close than 70m to a Sensitive Land Use. This setback shall be measured from the building line or crop line of the Cannabis Production and Processing Facility to the nearest building line of the sensitive land use.
- ii. in the Rural General (A1) Zone, Rural Specialized (A2) Zone, and General Industrial (M1) Zone, a cannabis production and processing facility without air filtration control shall not be located close than 300m to the following to a Sensitive Land Use. This setback shall be measured from the building line or crop line of the Cannabis Production and Processing Facility to the nearest building line of the sensitive land use.”

Section 13:00 Township of Mariposa Zoning By-Law No. 94-07

13.01 Property Affected: The Property affected by this Section is described as lands within the former Township of Mariposa.

13.02 Textual Amendment: By-Law No. 94-07 of the Township of Mariposa is amended by:

13.02.1 In Part 2 – Definitions, replacing the definitions for Agricultural Produce Storage Facility, Agricultural Use, Agriculturally Related Commercial Use, Industry, Heavy, Industry, Light, and Industry, Medium, with the following:

“Agricultural Produce Storage Facility means a building or structure used for the storage of agricultural produce and may include facilities for wholesale distribution or an accessory retail outlet for the sale of such agricultural produce, not including cannabis, to the general public.”

“Agricultural Use means a use of land, buildings or structures for the purpose of forestry, field crops, fruit farming, market gardening, dairying, animal husbandry, aquaculture, poultry or beekeeping, and such uses as are customarily and normally related to agriculture and does not include cannabis production and processing facilities.”

“Agriculturally Related Commercial Use means a use directly related to agriculture and requiring proximity to farm operations and includes such uses as animal husbandry services, produce or grain storage facilities or farm machinery sales and service outlets and does not include uses related to cannabis production and processing facilities.”

“Industry, Heavy, means an industry, assembly, manufacturing, or processing plant which is land intensive or predominantly conducted in an open or unenclosed space or which by their nature, including volume of truck traffic, use of hazardous or flammable materials, the discharge of noise, odours or particulate matter require extensive buffering. Examples of such uses are steel mills, steel fabricating, metal or rubber recovery plants, foundries, pesticide manufacturing, refineries and bulk fuel storage facilities. This use does not include cannabis production and processing facilities.”

“Industry, Light, means an industry which is conducted and wholly contained within an enclosed building the operation of which does not produce emissions of noise, smoke, odour, particulate matter or vibration which is detectable beyond any lot line. Examples of such uses are light assembly, electronics, warehousing and industrial malls. This use does not include cannabis production and processing facilities.”

“Industry, Medium, means an industry, assembly, manufacturing or processing plant which is predominantly conducted within a wholly enclosed building but which may also involve open storage. Examples of such uses are sheet metal,

plastic, fibre glass or wood fabricating, motor vehicle body repair shops and food processing facilities. This use does not include cannabis production and processing facilities.”

13.02.2 Inserting the following into Part 3 - General Provisions:

“3.25 Cannabis Production and Processing Facilities

3.25.1 Notwithstanding any other provision of this Bylaw, Cannabis Production and Processing Facilities shall be subject to the following provisions; this by-law only allows for the Production and Processing of cannabis for operators in possession of a valid license or registration by the federal Minister of Health, pursuant to the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230, to the Controlled Drugs and Substances Act, SC 1996, c 19, as amended from time to time, or any successors thereto.

3.25.2 The cannabis production and processing facility shall comply with all regulations prescribed within the zones where the use is permitted.

3.25.3 Notwithstanding 3.25.2:

- i. in the Agricultural (A1) Zone, Rural General (A2) Zone, and General Industrial (M2) Zone, a cannabis production and processing facility equipped with air filtration control shall not be located closer than 70m to a Sensitive Land Use. This setback shall be measured from the building line or crop line of the Cannabis Production and Processing Facility to the nearest building line of the sensitive land use.
- ii. in the Agricultural (A1) Zone, Rural General (A2) Zone, and General Industrial (M2) Zone, a cannabis production and processing facility without air filtration control shall not be located closer than 300m to a Sensitive Land Use. This setback shall be measured from the building line or crop line of the Cannabis Production and Processing Facility to the nearest building line of the sensitive land use.”

Section 14:00 Village of Omemee Zoning By-Law No. 1993-15

14.01 Property Affected: The Property affected by this Section is described as lands within the former Village of Omemee.

14.02 Textual Amendment: By-Law No. 1993-15 of the Village of Omemee is amended by:

14.02.1 In Part 2 – Definitions, replacing the definitions for Agricultural Produce Storage Facility, Agricultural Use, Industry, Heavy, Industry, Light, and Industry, Medium, with those below:

“Agricultural Produce Storage Facility means a building or structure used for the storage of agricultural produce and may include facilities for wholesale

distribution or an accessory retail outlet for the sale of such agricultural produce, not including cannabis, to the general public.”

“Agricultural Use means a use of land, buildings or structures for the purpose of forestry, field crops, fruit farming, market gardening, dairying, animal husbandry, aquaculture, poultry, worm farming or beekeeping, and such uses as are customarily and normally related to agriculture and does not include cannabis production and processing facilities.”

“Industry, Heavy, means an industry, assembly, manufacturing, or processing plant which is land intensive or predominantly conducted in an open or unenclosed space or which by their nature, including volume of truck traffic, use of hazardous or flammable materials, the discharge of noise, odours or particulate matter require extensive buffering. Examples of such uses are steel mills, steel fabricating, metal or rubber recovery plants, foundries, pesticide manufacturing, refineries and bulk fuel storage facilities. This use does not include cannabis production and processing facilities.”

“Industry, Light, means an industry which is conducted and wholly contained within an enclosed building the operation of which does not produce emissions of noise, smoke, odour, particulate matter or vibration which is detectable beyond any lot line. Examples of such uses are light assembly, electronics, warehousing and industrial malls. This use does not include cannabis production and processing facilities.”

“Industry, Medium, means an industry, assembly, manufacturing or processing plant which is predominantly conducted within a wholly enclosed building but which may also involve open storage. Examples of such uses are sheet metal, plastic, fibre glass or wood fabricating, motor vehicle body repair shops and food processing facilities. This use does not include cannabis production and processing facilities.”

14.02.2 Adding the following to Part 3 – General Provisions:

“3.23 Cannabis Production and Processing Facilities

3.23.1 Notwithstanding any other provision of this Bylaw, Cannabis Production and Processing Facilities shall be subject to the following provisions; this by-law only allows for the Production and Processing of cannabis for operators in possession of a valid license or registration by the federal Minister of Health, pursuant to the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230, to the Controlled Drugs and Substances Act, SC 1996, c 19, as amended from time to time, or any successors thereto.

3.23.2 The cannabis production and processing facility shall comply with all regulations prescribed within the zones where the use is permitted.

3.23.3 Notwithstanding 3.23.2:

- i. in the Rural General (A1) Zone and General Industrial (M2) Zone, a cannabis production and processing facility equipped with air filtration control shall not be located close than 70m to a Sensitive Land Use. This setback shall be measured from the building line or crop line of the Cannabis Production and Processing Facility to the nearest building line of the sensitive land use.
- ii. in the Rural General (A1) Zone and General Industrial (M2) Zone, a cannabis production and processing facility without air filtration control shall not be located close than 300m to a Sensitive Land Use. This setback shall be measured from the building line or crop line of the Cannabis Production and Processing Facility to the nearest building line of the sensitive land use.”

Section 15:00 Township of Ops Zoning By-Law No. 93-30

15.01 Property Affected: The Property affected by this Section is described as lands within the former Township of Ops.

15.02 Textual Amendment: By-Law No. 93-30 of the Township of Ops is amended by:

15.02.1 In Section 19 – Definitions, replacing the definitions for Farm and Farm, Specialized, as per the following:

“19.72 Farm means any farming or agricultural use and includes apiaries, aviaries, berry or bush crops, breeding, raising, training or boarding of horses or cattle, commercial greenhouses, farms devoted to the hatching, raising and marketing of chickens, turkeys or other fowl or game birds, animals fish or frogs, farms for grazing, flower gardening, field crops, goat or cattle dairies, growing, raising, picking, treating and storing of vegetables or fruit produce produced on the premises, nurseries, orchards, riding stables, the raising of sheep or goats or other ruminants, the raising of swine, tree crops, market gardening, bee keeping, wood lots, such uses or enterprises as are customarily carried on in the field of general agriculture not including a specialized farm as defined or cannabis production and processing facilities. ‘Farm’ includes a single-family dwelling house and such principle or main buildings and structure as a barn or silo, as well as accessory buildings and structure which are incidental to the operation of the farm.”

“19.73 Farm, Specialized means any land on which the predominant economic activity consists of raising chickens, turkeys or other fowl, the raising of fur bearing animals, the raising of swine, goats, horses, or cattle on feed lots or other intensive animal operations, the raising or boarding of dogs or cats or the growing of mushrooms and does not include cannabis production and processing facilities.”

15.02.2 Adding the following to Section 2 – General Provisions:

“2.30 Cannabis Production and Processing Facilities

2.30.1 Notwithstanding any other provision of this Bylaw, Cannabis Production and Processing Facilities shall be subject to the following provisions; this by-law only allows for the Production and Processing of cannabis for operators in possession of a valid license or registration by the federal Minister of Health, pursuant to the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230, to the Controlled Drugs and Substances Act, SC 1996, c 19, as amended from time to time, or any successors thereto.

2.30.2 The cannabis production and processing facility shall comply with all regulations prescribed within the zones where the use is permitted.

2.30.3 Notwithstanding 2.30.2:

- i. in the Agricultural (A) Zone, Agricultural Support (AS) Zone, and General Industrial (M) Zone, a cannabis production and processing facility equipped with air filtration control shall not be located close than 70m to a Sensitive Land Use. This setback shall be measured from the building line or crop line of the Cannabis Production and Processing Facility to the nearest building line of the sensitive land use.
- ii. in the Agricultural (A) Zone, Agricultural Support (AS) Zone, and General Industrial (M) Zone, a cannabis production and processing facility without air filtration control shall not be located close than 300m to a Sensitive Land Use. This setback shall be measured from the building line or crop line of the Cannabis Production and Processing Facility to the nearest building line of the sensitive land use.”

Section 16:00 Township of Somerville Zoning By-Law No. 78-45

16.01 Property Affected: The Property affected by this Section is described as lands within the former Township of Somerville.

16.02 Textual Amendment: By-Law No. 78-45 of the Township of Somerville is amended:

16.02.1 In Section 19 – Definitions, replacing the definition for Agricultural Use, Industry, Heavy, Industry, Light, and Industry, Medium, with the following:

“Agricultural Use means a use of land, buildings or structures for the purpose of forestry, field crops, fruit farming, market gardening, dairying, animal husbandry, poultry or beekeeping, and such uses as are customarily and normally related to agriculture and includes accessory buildings and does not include cannabis production and processing facilities.”

“Industry, Heavy, means an industry, assembly, manufacturing, or processing plant, exclusive of a sand or gravel pit or quarry, which is land intensive, or predominantly conducted in an open or unenclosed space, or which by their nature, generates large volumes of truck traffic; uses and/or stores bulk quantities of hazardous or flammable materials; usually or commonly discharges noise, odours, smoke or particulate matter, or vibrations beyond the property

boundaries; and require extensive buffering. Examples of such uses are steel mills, steel fabricating, metal or rubber recovery plants, foundries, pesticide manufacturing and refineries. This use does not include cannabis production and processing facilities.”

“Industry, Light, means an industry which is conducted and wholly contained within an enclosed building the operation of which does not produce emissions of noise, smoke, odour, particulate matter or vibration which is detectable beyond any lot line. Examples of such uses are light assembly, electronics, warehousing and industrial malls. This use does not include cannabis production and processing facilities.”

“Industry, Medium, means an industry, assembly, manufacturing or processing plant which is predominantly conducted within a wholly enclosed building but which may also involve a limited amount of open storage and the discharge of noise, odour, smoke or particulate matter, or vibration which is detectable beyond the property boundaries. Examples of such uses are sheet metal, plastic, fibre glass or wood fabricating, motor vehicle body repair shops and food processing facilities. This use does not include cannabis production and processing facilities.”

16.02.2 In Section 18 – General Provisions, adding the following:

“18.31 Cannabis Production and Processing Facilities

18.31.1 Notwithstanding any other provision of this Bylaw, Cannabis Production and Processing Facilities shall be subject to the following provisions; this by-law only allows for the Production and Processing of cannabis for operators in possession of a valid license or registration by the federal Minister of Health, pursuant to the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230, to the Controlled Drugs and Substances Act, SC 1996, c 19, as amended from time to time, or any successors thereto.

18.31.2 The cannabis production and processing facility shall comply with all regulations prescribed within the zones where the use is permitted.

18.31.3 Notwithstanding 18.31.2:

- i. in the Rural General (RG) Zone and General Industrial (M2) Zone, a cannabis production and processing facility equipped with air filtration control shall not be located close than 70m to a Sensitive Land Use. This setback shall be measured from the building line or crop line of the Cannabis Production and Processing Facility to the nearest building line of the sensitive land use.
- ii. in the Rural General (RG) Zone and General Industrial (M2) Zone, a cannabis production and processing facility without air filtration control shall not be located close than 300m to a Sensitive Land Use. This setback shall be measured from the building line or crop line of the

Cannabis Production and Processing Facility to the nearest building line of the sensitive land use.”

Section 17:00 Village of Sturgeon Point By-Law No. 339

17.01 Property Affected: The Property affected by this Section is described as lands within the former Village of Sturgeon Point.

17.02 Textual Amendment: By-law No. 339 of the Village of Sturgeon Point is amended by:

17.02.1 In Section 2 – Definitions, replacing the definition for 2.3 Agricultural Use with the following:

“Agricultural Use means a use of land, buildings or structures for the purpose of forestry, field crops, fruit farming, market gardening, dairying, animal husbandry, poultry or beekeeping, and such uses as are customarily and normally related to agriculture and includes a farm dwelling and accessory buildings and does not include cannabis production and processing facilities.”

17.02.2 Adding the following to Section 3 – General Provisions:

“3.25 Cannabis Production and Processing Facilities

3.25.1 Notwithstanding any other provision of this Bylaw, Cannabis Production and Processing Facilities shall be subject to the following provisions; this by-law only allows for the Production and Processing of cannabis for operators in possession of a valid license or registration by the federal Minister of Health, pursuant to the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230, to the Controlled Drugs and Substances Act, SC 1996, c 19, as amended from time to time, or any successors thereto.

3.25.2 The cannabis production and processing facility shall comply with all regulations prescribed within the zones where the use is permitted.

3.25.3 Notwithstanding 3.25.2:

- i. in the Rural General (A1) Zone, a cannabis production and processing facility equipped with air filtration control shall not be located close than 70m to a Sensitive Land Use. This setback shall be measured from the building line or crop line of the Cannabis Production and Processing Facility to the nearest building line of the sensitive land use.
- ii. in the Rural General (A1) Zone, a cannabis production and processing facility without air filtration control shall not be located close than 300m to a Sensitive Land Use. This setback shall be measured from the building line or crop line of the Cannabis Production and Processing Facility to the nearest building line of the sensitive land use.”

Section 18:00 Township of Verulam Zoning By-law No. 6-87

18.01 Property Affected: The Property affected by this Section is described as lands within the former Township of Verulam.

18.02 Textual Amendment: By-law No. 6-87 of the Township of Verulam is amended by:

18.02.1 In Section 4 – Definitions, replacing the definition for Farm with the following:

“Farm means a use of land, buildings or structures for the purpose of field crops, fruit farming, market gardening, dairying, woodlots, animal husbandry, poultry or beekeeping, and such uses as are customarily and normally related to agriculture and does not include cannabis production and processing facilities.”

18.02.2 In Section 5 – General Provisions:

“5.29 Cannabis Production and Processing Facilities

5.29.1 Notwithstanding any other provision of this Bylaw, Cannabis Production and Processing Facilities shall be subject to the following provisions; this by-law only allows for the Production and Processing of cannabis for operators in possession of a valid license or registration by the federal Minister of Health, pursuant to the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230, to the Controlled Drugs and Substances Act, SC 1996, c 19, as amended from time to time, or any successors thereto.

5.29.2 The cannabis production and processing facility shall comply with all regulations prescribed within the zones where the use is permitted.

5.29.3 Notwithstanding 5.29.2:

- i. in the General Rural (A1) Zone and General Industrial (M1) Zone, a cannabis production and processing facility equipped with air filtration control shall not be located close than 70m to a Sensitive Land Use. This setback shall be measured from the building line or crop line of the Cannabis Production and Processing Facility to the nearest building line of the sensitive land use.
- ii. in the General Rural (A1) Zone and General Industrial (M1) Zone, a cannabis production and processing facility without air filtration control shall not be located close than 300m to a Sensitive Land Use. This setback shall be measured from the building line or crop line of the Cannabis Production and Processing Facility to the nearest building line of the sensitive land use.”

Section 19:00 Village of Woodville Zoning By-law No. 93-9

19.01 Property Affected: The Property affected by this Section is described as lands within the former Village of Woodville.

19.02 Textual Amendment: By-law 93-9 of the Village of Woodville is amended by:

19.02.1 In Part 2 – Definitions, replacing the definitions for Agricultural Produce Storage Facility, Agricultural Use, Industry, Heavy, Industry, Light, and Industry, Medium, with the following:

“Agricultural Produce Storage Facility means a building or structure used for the storage of agricultural produce and may include facilities for wholesale distribution or an accessory retail outlet for the sale of such agricultural produce, not including cannabis, to the general public.”

“Agricultural Use means a use of land, buildings or structures for the purpose of forestry, field crops, fruit farming, market gardening, dairying, animal husbandry, aquaculture, poultry or beekeeping, and such uses as are customarily and normally related to agriculture and does not include cannabis production and processing facilities.”

“Industry, Heavy, means an industry, assembly, manufacturing, or processing plant which is land intensive or predominantly conducted in an open or unenclosed space or which by their nature, including volume of truck traffic, use of hazardous or flammable materials, the discharge of noise, odours or particulate matter require extensive buffering. Examples of such uses are steel mills, steel fabricating, metal or rubber recovery plants, foundries, pesticide manufacturing and refineries. This use does not include cannabis production and processing facilities.”

“Industry, Light, means an industry which is conducted and wholly contained within an enclosed building the operation of which does not produce emissions of noise, smoke, odour, particulate matter or vibration which is detectable beyond any lot line. Examples of such uses are light assembly, electronics, warehousing and industrial malls. This use does not include cannabis production and processing facilities.”

“Industry, Medium, means an industry, assembly, manufacturing or processing plant which is predominantly conducted within a wholly enclosed building but which may also involve open storage. Examples of such uses are sheet metal, plastic, fibre glass or wood fabricating, motor vehicle body repair shops, food processing facilities and bulk fuel storage facilities. This use does not include cannabis production and processing facilities.”

19.02.2 In Part 3 – General Provisions, adding the following:

“3.23 Cannabis Production and Processing Facilities

3.23.1 Notwithstanding any other provision of this Bylaw, Cannabis Production and Processing Facilities shall be subject to the following provisions; this by-law only allows for the Production and Processing of cannabis for operators in possession of a valid license or registration by the federal Minister of Health, pursuant to the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230, to the Controlled Drugs and Substances Act, SC 1996, c 19, as amended from time to time, or any successors thereto.

3.23.2 The cannabis production and processing facility shall comply with all regulations prescribed within the zones where the use is permitted.

3.23.3 Notwithstanding 3.23.2:

- i. in the Rural General (A1) Zone and General Industrial (M2) Zone, a cannabis production and processing facility equipped with air filtration control shall not be located close than 70m to a Sensitive Land Use. This setback shall be measured from the building line or crop line of the Cannabis Production and Processing Facility to the nearest building line of the sensitive land use.
- ii. in the Rural General (A1) Zone and General Industrial (M2) Zone, a cannabis production and processing facility without air filtration control shall not be located close than 300m to a Sensitive Land Use. This setback shall be measured from the building line or crop line of the Cannabis Production and Processing Facility to the nearest building line of the sensitive land use.”

Section 20:00 Effective Date

20.01 Effective Date: This By-Law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this _____ day of _____, _____.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

The Corporation of the City of Kawartha Lakes

By-Law 2021-XXX

A By-Law To Amend The Site Plan Control Delegation By-law 2016-069 in the City of Kawartha Lakes to Include Cannabis Production and Processing Facilities

[File D06-2020-027, Report PLAN2021-019, respecting lands within The City of Kawartha Lakes]

Recitals:

1. The City of Kawartha Lakes adopted By-law 2003-21 to establish a site plan control by-law for the municipality.
2. By-law 2003-21 requires updating for legislative and position changes.
3. Section 23(1) of the Municipal Act, 2001, S.O. 2001 c.25 as amended, allows Council to delegate its powers and duties.
4. Council wishes to delegate to the Director of Development Services, or the Director's delegate, its powers and authority for Site Plan Control under Section 41 of the Planning Act, excluding Council's authority under Paragraph (a) of subsection B of Section 41 of the Planning Act.
5. The delegation is required to be adopted by by-law.
6. This By-Law is in response to recommendation PAC2020-051 passed at the November 4, 2020 Planning Advisory Committee Meeting, as adopted by Council at the November 17, 2020 Regular Council Meeting by resolution CR2020-368, regarding the regulation of Cannabis Production and Production in the City of Kawartha Lakes.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-Law 2021-XXX.

Section 1.00 Textual Amendments

- 1.01 Insert the following definition for Cannabis Production and Processing Facilities into Section 1.01 Definitions:

Cannabis Production and Processing means lands, buildings or structures used for producing, processing, testing, destroying, packaging and/or shipping of cannabis authorized by an issued license or registration by the federal Minister of Health, pursuant to the Access to Cannabis for Medical Purposes Regulations,

SOR/2016-230, to the Controlled Drugs and Substances Act, SC 1996, c 19, as amended from time to time, or any successors thereto.

1.02 Insert the following into Section 2.00: Site Plan Control Area:

2.03 Cannabis Production and Processing Facilities: Site Plan Control shall apply to Cannabis Production and Processing Facilities:

a) All lands in the City of Kawartha Lakes

By-law read a first, second and third time, and finally passed, this _____ day of _____,
_____.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

Planning Advisory Committee Report

Report Number: PLAN2021-020

Meeting Date: May 5, 2021

Title: Amend the Township of Emily Zoning By-law 1996-30 at 833 Pigeon Lake Road - Gingrich

Description: To change a portion of the property from Agricultural (A1) Zone to an Agricultural (A1-*) Exception Zone to permit a woodworking shop as an additional use and establish applicable development standards, including a reduction in the parking requirements along with an increase in lot coverage for the accessory building

Type of Report Regular Meeting

Author and Title: Mark LaHay, Planner II, MCIP, RPP

Recommendation(s):

That Report PLAN2021-020, **Part of Lot 3, Concession 11, geographic Township of Emily, City of Kawartha Lakes, identified as 833 Pigeon Lake Road, "Gingrich – D06-2020-029"**, be received;

That a Zoning By-law, respecting application D06-2020-029, substantially in the form attached as Appendix 'D' to Report PLAN2021-020 be approved for adoption by Council; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

(Acting) Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The statutory public meeting was held by the Planning Advisory Committee on February 10, 2021, which adopted the following recommendation:

PAC2021-008

Moved By Mayor Letham

Seconded By Councillor Seymour-Fagan

That Report PLAN2021-005, **Part of Lot 3, Concession 11, geographic Township of Emily, City of Kawartha Lakes, identified as 833 Pigeon Lake Road, Gingrich – D06-2020-029**, be received; and;

That the application respecting the proposed Zoning By-law Amendment be referred back to staff until such time as all comments have been received and addressed from all circulated agencies, City Departments, and the public, and for further review and processing.

Carried

At the Council Meeting of February 23, 2021, Council adopted the following resolution:

CR2021-116

Moved By Councillor Veale

Seconded By Councillor Elmslie

That the Minutes of the February 10, 2021 Planning Advisory Committee Meeting be received and the recommendations, included in Section 10.3 of the Agenda, save and except for Item 10.3.3, be adopted.

Carried

10.3.3 PAC2021-008

CR2021-117

Moved By Deputy Mayor O'Reilly

Seconded By Councillor Veale

That Report PLAN2021-005, **Part of Lot 3, Concession 11, geographic Township of Emily, City of Kawartha Lakes, identified as 833 Pigeon Lake Road, Gingrich – D06-2020-029**, be received; and

That the application respecting the proposed Zoning By-law Amendment be referred back to staff until such time as all comments have been received and addressed from all circulated agencies, City Departments, and the public, and for further review and processing.

Carried

This report addresses that direction.

Proposal:	To rezone a portion of the property from Agricultural (A1) Zone to an Agricultural Exception Seven (A1-7) Zone to permit a woodworking shop as an additional use and establish applicable development standards, including a reduction in the parking requirements along with an increase in lot coverage for the accessory building. The effect of the amendment is to rezone a portion of the property to facilitate the creation of a custom woodworking shop as a secondary use to manufacture custom kitchen cabinets and furniture with a total floor area of approximately 600 square metres, inclusive of office and storage space.		
Owner:	David Gingrich		
Applicant:	D.M. Wills Associates Limited c/o Emma Drake		
Legal Description:	Part of Lot 3, Concession 11, geographic Township of Emily		
Official Plan:	Prime Agricultural and Environmental Protection within the City of Kawartha Lakes Official Plan		
Zoning:	Agricultural (A1) Zone, Agricultural Exception Seven (A1-7) Zone and Environmental Protection (EP) Zone in the Township of Emily Zoning By-law 1996-30, as amended.		
Site Size:	41.7 hectares (103 acres – MPAC)		
Site Servicing	Private individual well and septic system		
Existing Uses:	Rural/Agricultural		
Adjacent Uses:	North:	Woodland/Wetland/Agricultural	
	East:	Agricultural/scattered Rural Residential	
	South:	Agricultural/scattered Rural Residential	
	West:	Woodland/Wetland/Agricultural	

Rationale:

The owner has applied to permit an on-farm diversified use, being a custom woodworking shop on the subject land, which is located east of Lindsay and northwest

of Downeyville. The subject property is located within a rural and agricultural area and is considered an agricultural lot, which contains a barn with a few cattle and a single detached dwelling and shed. Hay is cultivated as a cash crop operation on a portion of the property, being approximately 12.2 ha (30 ac.) in area, while the remaining property is mostly woodland and wetland area. The woodworking shop is proposed between the barn and shed to the rear of and east of the dwelling on the opposite side of an existing driveway, which also serves the dwelling. All of the buildings are generally clustered together (see Appendix 'C').

A Zoning By-law Amendment application has been submitted to change the zone category on a portion of the property, comprising an area of approximately 0.74 ha, in order to permit an approximately 593 square metre woodworking shop to manufacture custom kitchen cabinets and furniture, inclusive of a 46.5 square metre office and an 82 square metre storage space, together with the surrounding operational area for loading, parking and driveway. The shop is proposed as a secondary use to the farm operation. A reduction in the number of required parking spaces for the business is being requested, along with an increase in lot coverage for the accessory building together with site specific amendments to recognize non-applicable zoning provisions relating to setbacks on a lot having two or more zone categories.

The business is proposed to be initially operated by the sole proprietor, being the property owner, but have up to three employees as the business progresses, and customer interactions are anticipated to be low given the nature of the business and delivery service of the final product.

The applicant has submitted the following documents and plans in support of the application, which have been circulated to various City Departments and commenting Agencies for review:

1. Planning Justification Report dated September 2020 prepared by D.M. Wills Associates Limited, outlines the nature of the proposed zoning by-law amendment in the context of the Provincial Policy Statement, 2020 (PPS), A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan), the City of Kawartha Lakes Official Plan, 2012 (Official Plan) and the Township of Emily Zoning By-law 1996-30.
2. Agricultural Impact Assessment with Minimum Distance Separation Calculations dated September 2020 prepared by D.M. Wills Associates Limited to review potential impacts on surrounding farm operations and identify extent of productive agricultural land that will potentially be removed. The assessment concluded that no negative impacts are anticipated as a result of traffic and safety risks, or nuisance and compatibility issues and that the proposed development will comply with MDS requirements.

3. Stage 1 & 2 Archaeological Assessment dated June 24, 2020 prepared by Earthworks Archaeological Services Inc., in conjunction with a representative from Curve Lake First Nation, which concluded the study area is free of archaeological material and no additional archaeological assessments are recommended.
4. Conceptual Site Plan dated July 13, 2020 prepared by D.M. Wills Associates Limited illustrates the size and location of the proposed woodworking shop and surrounding buildings, servicing and access.
5. Site Plan dated July 13, 2020 prepared by D.M. Wills Associates Limited.
6. Constraints Map dated July 13, 2020 prepared by D.M. Wills Associates Limited.
7. Zoning By-law Amendment Sketch dated July 13, 2020 prepared by D.M. Wills Associates Limited illustrates the extent of the subject land affected by the proposed rezoning.
8. Draft Zoning By-law Amendment, undated prepared by D.M. Wills Associates Limited.
9. Traffic Letter dated September 10, 2020 prepared by D.M. Wills Associates Limited, which outlined the expected number of employees, trips, internal site movements, deliveries and parking. Given the nature of the business, overall traffic levels are expected to be minimal and accommodated by the existing entrance and driveway, new parking and loading areas with no negative impacts.
10. Entrance Permit Review Confirmation Letter dated August 19, 2020 from the Public Works East Maintenance Area Supervisor that the existing entrance is acceptable.
11. Preliminary analysis of potential Species at Risk (SAR) on the subject property prepared by D.M. Wills Associates Limited. As the proposed development is within an existing hay field, which is actively and repeatedly harvested, it was expected that no SAR habitat would be permanently established. An email response from the Ministry of Environment, Conservation and Parks (MECP) SAR Ontario branch dated June 25, 2020 confirmed that the application will not contravene sections 9 nor 10 of the ESA and no further SAR authorization is required.

Staff has reviewed the Planning Justification Report and other supporting documentation and has evaluated the application in the context of applicable zone provisions and policies and generally accepts the planning rationale given.

Applicable Provincial Policies:

Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan):

Section 4.2.6 provides policy for the protection of prime agricultural areas identified within official plans. Section 4.2.2 permits new agricultural, agricultural-related and on-farm diversified uses, within the Natural Heritage System for the Growth Plan subject to the policies of Sections 4.2.3 and 4.2.4. Although the Provincial mapping does not apply until implemented in the Official Plan, the Growth Plan policies apply to the Natural

Heritage Systems, outside of settlement areas in Official Plans. In this regard, the policies of Section 4.2.4.4 apply to lands where a new development proposal is adjacent to key hydrologic features and key natural heritage features. The proposed building and surrounding area to be rezoned for proposed use would be exempt from having to undertake a key natural heritage evaluation as it appears to be located more than 30 metres from such features.

This application as an on-farm diversified use has been further evaluated and demonstrates conformity with the Growth Plan taking into consideration that the proposed use is compatible with the rural landscape, can be sustained by rural service levels, and will not adversely affect the protection of agricultural uses and/or achieving long term compatibility relating to the interface of agricultural uses and non-agricultural users to minimize and mitigate adverse impacts.

Provincial Policy Statement, 2020 (PPS):

Section 1.1.4.1 supports healthy and viable rural areas by promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management and use of resources. In addition, it provides opportunities for economic activities in prime agricultural areas in accordance with policy 2.3, while protecting agriculture for long-term use.

Section 2.1.8 provides policy with respect to demonstrating there will be no negative impact on natural features or their ecological functions from proposed development and site alteration on adjacent lands to natural heritage features.

Section 2.3.3 permits on-farm diversified uses and agricultural-related uses that are compatible with surrounding agricultural operations and comply with the minimum distance separation formulae.

The PPS defines an on-farm diversified use is defined as "uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products".

The following criteria from the Ministry of Agriculture, Food and Rural Affairs (OMAFRA) Publication 851: Guidelines on permitted uses in Ontario's Prime Agricultural Areas must be met to qualify as an on-farm diversified use in accordance with the PPS.

1. Located on a farm.
2. Secondary to the principal agricultural use of the property.
3. Limited in area.
4. Includes but is not limited to, home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products.

5. Shall be compatible with, and shall not hinder, surrounding agricultural operations.

The proposed application meets the above criteria taking into consideration the evaluation of adjacent lands to natural heritage features by Kawartha Conservation noting no concerns and agricultural development comments that have been provided noting no negative impacts on surrounding agricultural operations.

Based on the above, the application is consistent with the PPS.

Official Plan Conformity:

The subject lands are designated Prime Agricultural with a small portion, which follows a watercourse, designated Environmental Protection within the City of Kawartha Lakes Official Plan (Official Plan). Portions of the property also contain key natural heritage features, such as locally significant wetland, significant wildlife habitat and significant woodlands. The proposed on-farm diversified use is within the Prime Agricultural designation and within 120 metres of significant woodland. Portions of the subject property, including where the proposed use is to be located is within an area regulated by Kawartha Conservation. Kawartha Conservation has provided comments in this regard with respect to regulation and natural heritage features and has no concerns.

Sections 15.1 and 15.2 of the Official Plan provides that agricultural land that is primarily class 1-3 shall be protected from fragmentation, development and land uses unrelated to agriculture. One of the objectives of the Official Plan is to strengthen the viability of the agricultural industry sector, and to support farming operations as an important component of the economy, a source of employment and a way of life for many rural residents. Section 15.3 permits secondary uses within the Prime Agricultural designation.

In consideration of the above, this proposal would conform to the Official Plan.

Zoning By-law Compliance:

The subject land is zoned Agricultural (A1) Zone, Agricultural Seven (A1-7) Exception Zone and Environmental Protection (EP) Zone in the Township of Emily Zoning By-Law 1996-30, as amended. The A1 Zone permits agricultural uses, home occupations and agricultural storage facilities but does not permit the proposed use. The applicant has submitted a Zoning By-law Amendment application for consideration to amend a portion of the A1 Zone to permit a woodworking manufacturing facility. Other amendments are also being considered to facilitate the construction and limit the size of the facility, as well as reducing the parking requirement to six spaces. In addition, the southwest portion of the property that was rezoned by a prior owner to permit specific A1 zoned

uses, including a butcher shop, which are not required and did not get constructed, will be rezoned back to A1 and the A1-7 zone exception will be repurposed for the subject application on a different portion of the property. The lands zoned EP will not be affected by this proposed amendment.

The pre-consultation comments specified that site plan approval is required for this development though it would be limited to a plans only approval. Site-specific zone provisions will address these items, which will require a holding provision for site plan approval.

Other Alternatives Considered:

No alternatives have been considered at this time.

Alignment to Strategic Priorities:

The Council Adopted Strategic Plan identifies these Strategic Priorities:

- Priority 1 – A Vibrant and Growing Economy
- Priority 2 – An Exceptional Quality of Life
- Priority 3 – A Healthy Environment
- Priority 4 – Good Government

This application aligns with a vibrant and growing economy as it provides opportunity to expand the economic base by maintaining and expanding employment.

Financial/Operation Impacts:

There are no financial considerations unless Council's decision is appealed to the Local Planning Appeals Tribunal. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

Servicing Comments:

The agricultural land contains a well. The single detached dwelling on the land is serviced by a private sewage disposal system and well. A new septic system area is proposed to support the proposed woodworking shop. The proposed new Class 4 Sewage System will adhere to the requirements of the Ontario Building Code for clearance distances and sizing and as such, the Septic Division has no concerns.

Consultations:

Notice of this application was circulated to persons within a 500 metre radius, agencies, and City Departments which may have an interest in the application. To date, we have received the following comments:

Public Comments:

There were no comments at the time of writing this report.

Agency Review Comments:

On January 21, 2021, the Community Services Department advised that they have no concerns or comments with respect to this application.

On January 22, 2021, Engineering and Corporate Assets advised that they have no objection or comments to the proposed Zoning By-law Amendment to facilitate the creation of a woodworking shop as a secondary use.

On January 22, 2021, the HKPR District Health Unit advised it has no objection to the proposed zoning by-law amendment.

On January 25, 2021, Fire Services advised this is a Part 9 Building, and they have no issues at this time from fire prevention.

On January 25, 2021, the Building Division advised that confirmation of Exposed Building Face (EBF) areas (south face of existing barn and north building face of proposed) needs to be provided. Spatial separation under the Ontario Building Code may be a concern. The existing barn, as it shows in photos contained in the Archaeological report would seem to present a minor EBF area.

On January 31, 2021, the Part 8 Sewage Systems Supervisor advised that the applicant is proposing to establish a new Class 4 sewage system to service the proposed structure and use on the property. An area has been indicated in the site plan for the Class 4 Sewage System. The proposed site will be able accommodate the Class 4 Sewage System while adhering to the requirements of the Ontario Building Code for clearance distances and sizing. As such, the Septic Division has no concerns with the proposed Zoning By-Law Amendment.

On February 18, 2021, Kawartha Conservation advised that the proposed woodworking shop appears to be in lands regulated by Kawartha Conservation and confirmation of the requirement for a permit should be obtained from their office prior to onsite works. The KRCA has no concern with the approval of the application based on their consideration for natural heritage, natural hazards, and watershed management.

On February 23, 2021, the Agriculture Economic Development Officer, having reviewed the Agricultural Impact Assessment with MDS Report and the Planning Justification Report, was in agreement with the findings that there will be no impact on surrounding agricultural operations, and the minimal amount of land which will be removed from production capabilities is far outweighed by the additional economic benefit provided by the on-farm diversified activities of the woodworking shop.

On March 1, 2021, the Building Division advised that they expect that the required separation between existing and proposed buildings should be in the order of 28 metres total, which the designer can confirm. If the distance does not work, to some extent that can be resolved through the building design. Planning Staff note that the proposed site plan, as submitted, exceeds 28 meters of separation with a distance of approximately 31.7 metres from the proposed shop to the existing barn.

Development Services – Planning Division Comments:

The background information which has been submitted in support of the application has been circulated to the appropriate agencies and City Departments for review and comment. The Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas specify that on-farm diversified uses are to be located on a farm, minimize the amount of land removed from agricultural production, be compatible with the rural character of the neighbourhood, and remain secondary in nature to the on-site agricultural operation. The proposed use is in keeping with the above specifications.

The application for Zoning By-law Amendment demonstrates consistency with the Provincial Policy Statement and conformity to the Growth Plan and Official Plan. The proposed Zoning By-law amendment with specific zone standards will appropriately facilitate the construction of a custom woodworking shop as an on-farm diversified use on the subject property, which is considered secondary to the agricultural use.

Conclusion:

In consideration of the comments and the evaluation contained within this report, and provided there are no further issues or concerns raised, Staff respectfully recommend that the proposed Zoning By-law Amendment application be referred to Council for approval.

Attachments:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Mark LaHay, Planner II, (705) 324-9411 ext. 1324.



Appendix 'A'
PLAN2021-020.pdf



Appendix 'B'
PLAN2021-020.pdf



Appendix 'C'
PLAN2021-020.pdf



Appendix 'D'
PLAN2021-020.pdf

Appendix 'A' – Location Map

Appendix 'B' – Proposed Zoning By-law Amendment Sketch

Appendix 'C' – Concept Site Plan

Appendix 'D' – Proposed Zoning By-law Amendment

(Acting) Department Head email: rholy@kawarthalakes.ca

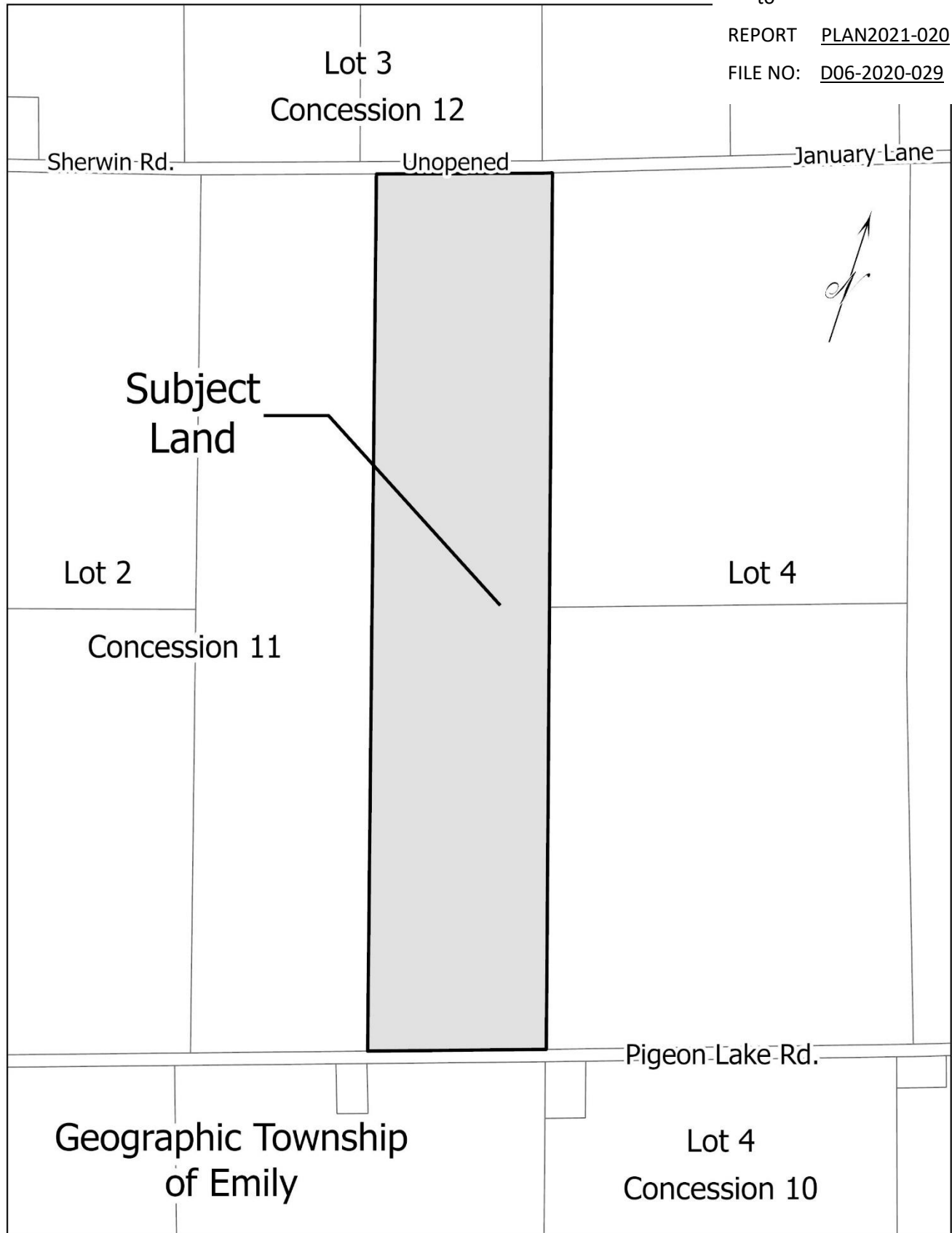
(Acting) Department Head: Richard Holy

Department File: D06-2020-029

to

REPORT PLAN2021-020

FILE NO: D06-2020-029

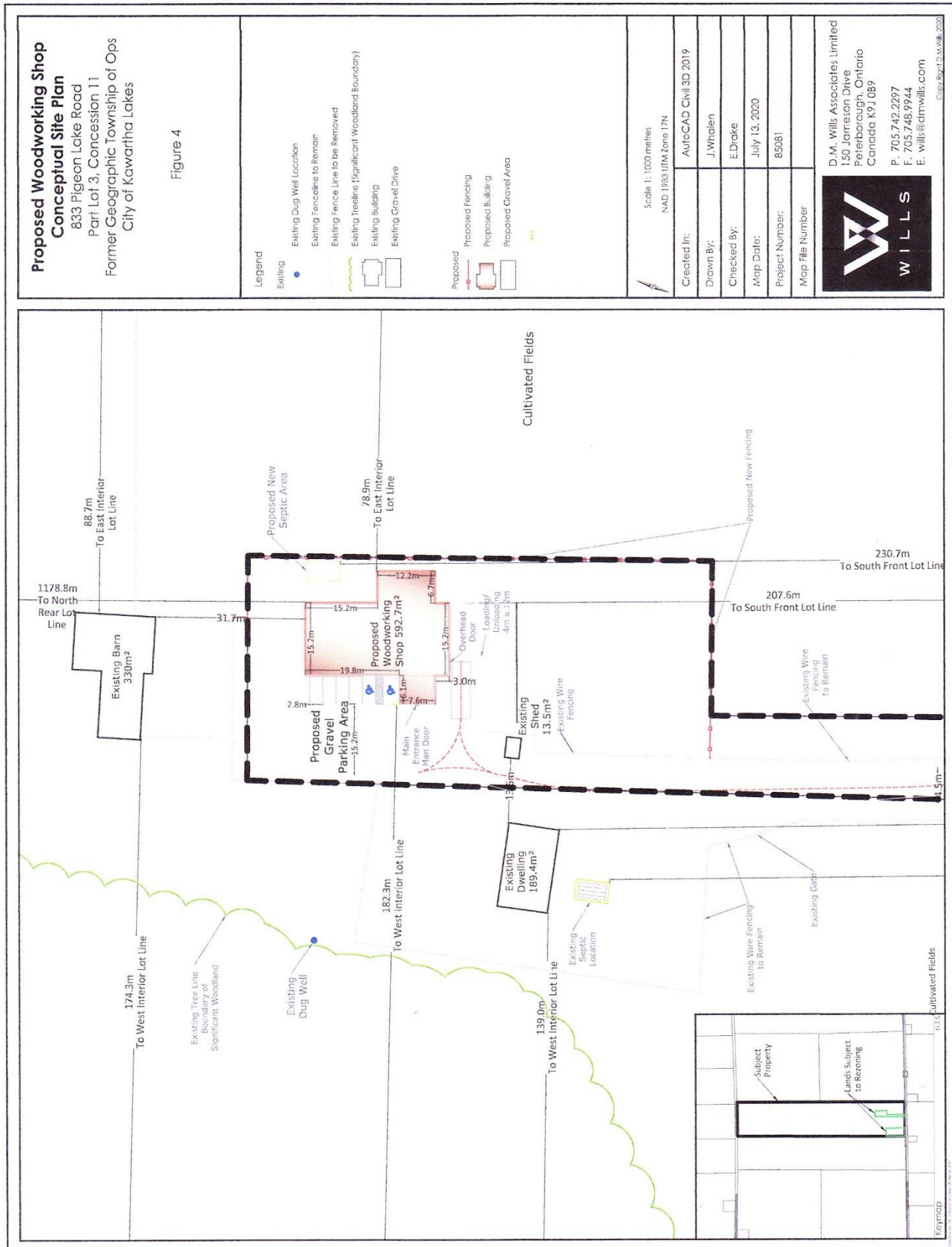




to

REPORT PLAN2021-020

FILE NO: D06-2020-029



Section 2:00 Effective Date

2.01 **Effective Date**: This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Sections 34 and 36 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this ** day of ***, 2021.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF
KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW _____ PASSED
THIS _____ DAY OF _____ 2021.
MAYOR _____ CLERK _____

