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October 26, 2020

**DELIVERED VIA EMAIL**  
**[clerks@kawarthalakes.ca]**  
**[rmustard@kawarthalakes.ca]**

Economic Recovery Task Force  
City of Kawartha Lakes  
26 Francis Street  
Lindsay, Ontario K9V 5R8

Dear Members:

**Re: Growers Retail – Huge Shops Ontario Inc.**  
**Proposed Retail Store at 566 Frank Hill Road, Kawartha Lakes, Ontario**

We are the solicitors for Huge Shops Ontario Inc. (“**Huge Shops**”), the operators of Growers Retail cannabis retail chain in Ontario. Growers Retail is one of Ontario’s largest retail providers of cannabis and cannabis-related products, with four licensed locations currently operating, including three in the Greater Toronto Area one in downtown Peterborough. Four additional locations are slated to open before the end of the year.

With the success of Growers Retail, Huge Shops has sought to expand its retail services to the City of Kawartha Lakes (the “**City**”). The City has “opted in” to the Province’s cannabis retail regime and Huge Shops believes that this community would be well suited for its specialized and personal approach to cannabis retailing. To that end, Huge Shops entered into a lease with the property owner of 566 Frank Hill Road, Kawartha Lakes, Ontario (the “**Subject Property**”) with the intent to operate a Growers Retail store at this location (the “**Proposed Store**”).

Unfortunately, despite Huge Shops’ efforts in working with the City’s planning staff, the Proposed Store has not been able to operate. City staff takes the position that a cannabis retail use is not permitted at the Subject Property given that Highway Commercial Zoning applicable to the Subject Property permits some retail, but not retail in general. Huge Shops disagrees with this interpretation – the *Cannabis Licence Act, 2018* prohibits the differentiation between cannabis and non-cannabis uses and hence any retail use should permit the sale of cannabis.

Our client is disappointed by the position taken by City staff, which it believes is overly restrictive and without an appreciation for the economic climate facing the City particularly in respect of retail. Huge Shops feels that they have an opportunity to contribute to the City’s local economy and to be a positive member of the community at this time of need. The purpose of this letter is to engage with the Economic Recovery Task Force (the “**ERTF**”) in order to open a dialogue on potential solutions that would be beneficial to the City, its residents, Huge Shops, and the local economy.

## Planning Process

The following is a history of Huge Shops' dealings with the City:

- In October 2019, Huge Shops applied for a building permit to allow fit-up work for the Proposed Store. However, after processing the application, City staff informed Huge Shops that, while other specific retail uses are permitted at the Subject Property pursuant to the zoning by-law, a cannabis retail use was not.
- On October 23, 2019, Huge Shops' solicitors wrote to Mr. Richard Holy, Manager of Planning for the City, objecting to his department's interpretation of the zoning by-law and the *Cannabis Licence Act, 2018*. Attached to this letter is a copy of the October 23, 2019 correspondence.
- On November 6, 2019, Ms. Robyn Carlson, the City's Solicitor, sent a letter to Huge Shops' solicitors disagreeing with their interpretation of the zoning by-law and recommended that Huge Shops seek a costly zoning by-law amendment application. Attached to this letter is a copy of the November 6, 2019 correspondence.
- Due to the City's position, Huge Shops was forced to relocate the store intended for the Subject Property to Peterborough. It is still our client's view, however, that the Subject Property is an appropriate location for a future cannabis retail store.
- In the spirit of cooperation and notwithstanding its position that the use should be permitted as of right, Huge Shops engaged in a pre-consultation meeting commencing March 2020 with the City's planning staff regarding a potential rezoning of the Subject Property to allow for cannabis retail along with other form of specific retail uses.
- While the City's planning staff was conducting its review, Huge Shops engaged in communication with Mayor Andrew Latham and Ward 8 Councillor Tracey Richardson on or about May 14, 2020 regarding the position taken by City staff.
- The City's planning staff issued a pre-consultation report on July 30, 2020 stating that staff would not support the proposal to rezone the Subject Property to allow for a cannabis retail use. The reason provided was that "the proposed use would be better suited in an urbanized environment where it will serve a larger population base". A copy of the report is attached to this letter. Notwithstanding this, the report stated that a development application for such a use would require the following:
  - Zoning By-law amendment
  - Official Plan amendment
  - Site Plan application
  - Road entrance application
  - Planning Justification Report
  - Building floor plans
  - Traffic brief
  - Species at Risk evaluation
  - Agricultural impact brief

The Subject Property was previously used for several years as a retail store for wellness products, jewellery, clothing, and home décor items. The Proposed Store maintains a retail use, but with a different product. As a result, we fail to see why these amendments, applications, and supporting reports are now needed given the nature of the use of the Subject has not changed. For instance, there is no logical reason as to why using the Subject Property to sell cannabis instead of wellness products or jewellery should now require an evaluation of endangered species or require traffic or agricultural studies. The store on the Subject Property is still a store. Distinguishing a retail cannabis use from other retail uses runs counter to the *Cannabis Licence Act, 2018* and general zoning principles.

The pre-consultation report does not disclose a reason for this positioning other than City staff's preference for the Proposed Store to "serve a larger population base". It appears that City staff is weighing in on a business factor rather than a planning one. Whether the store should serve a larger population base is purely a business decision to be made by Huge Shops. As one of Ontario's largest cannabis retailers, it understands the market and is better equipped to determine appropriate retail locations for its business in order to meet the needs of its consumers.

Huge Shops has cooperated extensively with City planning staff to assist with their concerns, including engaging in the pre-consultation meeting, proposing a minor variance for a change of use (although we do not see this as necessary), and providing an appropriate interpretation of the zoning by-law and *Cannabis Licence Act, 2018*. City staff has nevertheless decided to continue to oppose a simple retail store.

### **Local Economy**

The City established the ERTF to focus on stimulating local economic and business recovery. One of its three strategic areas of focus is on planning and development stimulus.

We believe the Proposed Store presents a rare opportunity to stimulate the City's economy during these challenging times.

Cannabis retail is flourishing at a time where the traditional retail sector has experienced a persistent downward trend. It is estimated that the legal recreational cannabis market in Canada has already become a \$4 billion dollar industry since legalization in October 2018 and is expected to continue to grow sharply over the next few years. It was reported that the potential overall economic impact to Canada associated with legal recreational cannabis is more than \$22 billion.

The City has an opportunity to capitalize on this impact and growth at a time its economy desperately needs it. The City's COVID-19 Business Survey results dated May 2020 found that 85% of respondent businesses reported a decrease in activity, with 38.6% reporting a "significant" decrease and 30.1% not currently operating (at that time). With respect to staffing levels, the survey found the following:

- 31.1% of the respondent businesses had to lay off staff
- 38.4% of the respondent businesses had to temporarily close their business
- 23.4% of the respondent businesses had to shorten their hours of operation
- 75.3% of the respondent businesses that reported a decrease in business mentioned that it was "very difficult" or "somewhat difficult" to maintain their current levels of staff

These figures are concerning given that local businesses are a backbone of the City's economy. As the Province enters into the "second wave" of the pandemic, these concerns will likely continue to persist.

The Proposed Store is expected to bring approximately 15 new full-time jobs to the City, with additional employment depending on the season. In fact, Huge Shops received over 400 employment applications for this location alone. This is indicative of not only the excitement for the business, but the need for gainful employment as well. Our client is eager to do its part to alleviate some of the employment concerns confronting this community and is asking for an opportunity to do so. Huge Shops' Peterborough store has enjoyed tremendous success since opening earlier this year, both in terms of local support and staff engagement, and our client strongly believes that similar success can be found here as well.

The Proposed Store is ready to operate. As mentioned, it is supported by the Alcohol and Gaming Corporation of Ontario and meets all of the requirements for a Retail Store Authorization including being in a fully enclosed space, is over 150 metres away from a school (closest is approximately 8 kilometres away), and is equipped with proper safeguards. There has been no public opposition to a cannabis retail store at this location. Further, a lease for the Subject Property has been effected and fit up work can be completed quickly. The store is ready to be staffed with employees at this time and can commence operations immediately.

ERTF's Terms of Reference mentions a focus on "shovel ready" projects. In this case, the Proposed Store is more than "shovel ready". Our client is ready, willing, and eager to get going.

The creation of more than 15 employment opportunities, along with bringing in the City's first cannabis retailer, is the type of stimulus the local economy needs. It will be welcomed news to your residents during these difficult times and would be seen as a success story for the City.

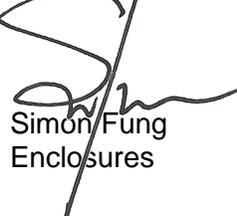
The only thing preventing this from going forward is an overly narrow interpretation of the zoning by-law and the *Cannabis Licence Act, 2018* by the City's planning department. We think this is an unfortunate position that has clear negative effects on the economy and runs counter to the City's and the ERTF's priorities during this time.

We wanted to bring this issue to the ERTF's attention as a result. The ERTF was established to provide advice and recommendations to Council and City staff on particularly this type of situation. Accordingly, we would like to open a dialogue with the ERTF on potential solutions for the Proposed Store that would be beneficial for all parties involved.

We would be happy to discuss further at your convenience. Thank you for your time.

Yours truly,

**BORDEN LADNER GERVAIS LLP**



Simon Fung  
Enclosures

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October 23, 2019

**Delivered by Email**

Richard Holy  
Manager of Planning  
Development Services - Planning Division  
Kawartha Lakes  
180 Kent Street West  
Lindsey, ON K9V 2Y6

Email: rholy@kawarthalakes.ca

Dear Mr. Holy:

**Re: Building Permit Application for a *Cannabis License Act, 2018* retail cannabis store  
566 Frank Hill Road, Kawartha Lakes (the “Property”)**

We are solicitors for Huge Shops Ontario Inc. (“Huge Shops”). Huge Shops applied for a building permit to allow fit-up work for a retail cannabis store on the Property on October 10, 2019. The Property is located in the C2 zone pursuant to By-law 32-83. We understand that the Municipality of Kawartha Lakes (the “Municipality”) informed our client’s consultant that a cannabis retail facility would not be permitted in the C2 zone.

Respectfully we disagree with that comment on the basis of the *Cannabis Licence Act, 2018* and particularly section 42(2). Section 42(2) of the *Cannabis Licence Act, 2018* provides as follows:

Planning Act by-laws

(2) The authority to pass a by-law under section 34, 38 or 41 of the *Planning Act* does not include the authority to pass a by-law that has the effect of distinguishing between a use of land, a building or a structure that includes the sale of cannabis and a use of land, a building or a structure that does not include the sale of cannabis.

This very broad exemption essentially codifies the planning principle that municipalities may zone the use but not the user but goes further to prevent an interpretation of a by-law that would distinguish between cannabis and non-cannabis related uses. Therefore, if retail uses are permitted within a zone, a cannabis retail use would also be permitted within the zone. The Highway

Commercial (C2) Zone permits a number of retail uses, including but not limited to major electrical appliances, art and craft objects and antiques, broodloom and draperies, etc. It is irrelevant what a retail store sells for the purposes of section 42(2) of the *Cannabis Licence Act, 2018*, a retail use is a retail use.

This interpretation is also supported by the fact the Province of Ontario has instituted its own regime with respect to determining the appropriate location of private cannabis retail facilities, for example by requiring separation distances to public and private schools (150m) pursuant to s. 11 of O. Reg. 468/18.

We are happy to discuss the *Cannabis Licence Act, 2018* with you, or any questions you may have about the foregoing.

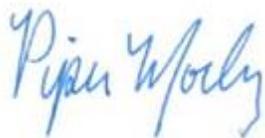
Aside from the provincial statutory regime, which would permit a retail cannabis facility where retail is permitted; there are also good planning reasons to permit a retail cannabis facility within C2 zone. The C2 zone, and specifically 566 Frank Hill, is an appropriate location for cannabis retail facilities as it provides a significant amount of space to service non-pedestrian retail customers and would not dominate the character of the downtown core. The Property is already occupied by a commercial use and a retail cannabis store would simply be a continuation of the same type of use that is currently present. It is important to note that the C1 zoned lands are more sensitive areas given they are closer in location to schools and other small local retail uses.

Huge Shops is excited to be a positive member of the Kawartha Lakes community. In addition to providing quality products in a safe and welcoming environment, the store will bring upwards of 25 new jobs to the area and tax revenue.

Kawartha Lakes has “opted in” to the Province’s cannabis retail regime and we look forward to working with you to operationalize Council’s direction in a way that respects the character of Kawartha Lakes.

Please feel free to contact me if you have any questions.

Kind Regards,  
BORDEN LADNER GERVAIS LLP

A handwritten signature in blue ink that reads "Piper Morley". The signature is written in a cursive, flowing style.

Piper Morley and Stephen Waqué



The Corporation of the  
**City of Kawartha Lakes**  
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**Robyn Carlson, City Solicitor**

*Delivered by email*

November 6, 2019

Borden Ladner Gervais LLP  
Bay Adelaide Centre, East Tower  
22 Adelaide Street West  
Toronto, Ontario  
M5H 4E3

Dear Ms. Morley and Mr. Waque:

Re: Building Permit Application for retail cannabis store – 566 Frank Hill Road

This letter confirms my discussion on Thursday, October 31, 2019 with Ms. Morley and is in reply to your letter to Mr. Holy dated October 23, 2019 and your further email to Mr. Holy and I on November 5, 2019. After consulting with Mr. Holy, Manager of Planning, I must respectfully disagree with your interpretation that a retail store (in this case, a cannabis store) is permitted as of right in the Town of Lindsay's Highway Commercial zoning.

Cannabis retail is permitted in all zones where general retail is permitted, and thus is permitted in the general commercial zone. In the Highway Commercial zone, on the other hand, certain retail uses are permitted. However, this is a finite list and thus the list of permitted uses that you indicate are permitted in the Highway Commercial zone is incorrect; it is too broad in that it adds in retail uses not permitted in the list of permitted uses.

In response to the second page of your October 23, 2019 letter: I cannot comment on the appropriateness of adding general retail at this location, as I am not a planner. However, in consultation with Mr. Holy I understand that adding general retail at this location would require the Planning Department to conduct a planning exercise and may require the submission of a traffic study.

It is regrettable that your client did not consult with the City's Planning Department earlier. In any event, I recommend that your client make a zoning by-law amendment application at its earliest convenience should it wish to pursue a retail use at this location.

Regards,

*RC*

**Robyn Carlson**

*City Solicitor*

City of Kawartha Lakes

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RC/rc



City of Kawartha Lakes

File: D38-2020-028

Final Preconsultation Comments

Circulation Date: June 19, 2020

**Final preconsultation comments are typically current for six (6) months from the date of the preconsultation meeting. Preconsultation does not imply or suggest any decision whatsoever on behalf of City staff or the Corporation of the City of Kawartha Lakes to support or refuse the application. Comments are considered confidential until such time as a Planning Act application is filed with the City.**

Preconsultation Meeting Date, Time and Location:	Circulated By Email – Friday, June 19, 2020 Comments Due By – Friday, July 3, 2020
File Number:	D38-2020-028
City Departments and Agencies who may have an interest:	Development Services Department Planning Division Building Division Building Division – Part 8 Sewage Systems Economic Development Division Engineering and Corporate Assets Department Otonabee Region Conservation Authority Ministry of Transportation Haliburton, Kawartha, Pine Ridge District Health Unit Ministry of the Environment, Conservation and Parks County of Peterborough Township of Selwyn
Applicant and Consultants Present for Meeting:	Circulation by email only
Owner:	10208957 Canada Corp. Tel:
Applicant:	Borden Ladner Gervais LLP c/o Piper Morley Tel: 416.367.6591 or <a href="mailto:PMorley@blg.com">PMorley@blg.com</a>
Project Description:	The applicant proposes to rezone the property to permit a cannabis retail store to be located in the existing building.
Site Address / Location:	566 Frank Hill Road; 57R-9264 Part 2; Part of Lot 23 Concession 4, Geographic Township of Emily
Roll Number:	165100100117300
Property Identification No.:	632570452
Lot Area:	1.03 ha. (2.54 ac.) of which 457.7 sq. m. (4,927 sq. ft.) are proposed for the development

Method of Servicing:	Private communal well and septic system and ditches
Housing Affordability:	Not Applicable
Road Access:	Provincial – Highway (Highway 7) Municipal – Arterial (Frank Hill Road – CKL Rd 26)
Widening, Easement, Etc.:	Potentially (As directed by MTO for any improvements on Highway 7)
Municipal Drain:	Not Applicable
Heritage Designation:	Not Applicable
Source Water Protection:	Not Applicable
Conservation Authority Jurisdiction:	Otonabee Region Conservation Authority (Otonabee Conservation) – Ontario Regulation 167/06
Other Agencies Who May Have Interest/Jurisdiction:	Otonabee Region Conservation Authority (Otonabee Conservation) – Memorandum Of Understanding (MOU) for Natural Heritage and/or Hazards Curve Lake First Nation – Any First Nation’s interests Ministry of Transportation (MTO) – Within 1 km of Hwy 7 Haliburton Kawartha Pine Ridge District Health Unit (Health Unit) – Small Drinking Water System Ministry of the Environment, Conservation and Parks (MECP) – On-site sewage system >10,000L/day; Species at Risk (SAR) County of Peterborough and Township of Selwyn – Within 1 km of proposal
Applicable Provincial Policy and Plan(s):	Provincial Policy Statement, 2020 (PPS, 2020) A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (2019 Growth Plan)
Provincial Policy and Plan Comments:	On May 1, 2020, the PPS, 2020 came into effect. You may wish to determine what impact, if any, this change has on the proposal.  In accordance with the February 9, 2018 released mapping for the Growth Plan, the entire property is mapped as Candidate Area in the Provincial Agricultural System. You may wish to determine what impact, if any, this mapping has on the proposal.
Growth Management Strategy (GMS):	The proposal is not within the Settlement Boundary Area identified in the City’s 2011 Growth Management Strategy

Official Plan Designation:	‘Rural’ (Schedule ‘A-3’) with no identified natural features (Schedule ‘B-3’) in the City of Kawartha Lakes Official Plan (Official Plan)
Official Plan Comments:	The ‘Rural’ designation only permits commercial uses which are agriculture-related. Existing uses are subject to Section 34.1 of the Official Plan. An Official Plan Amendment may be required, if the proposed use is not in accordance with the policies of Section 34.1.
Zoning:	‘Highway Commercial Exception Seven (C2-7) Zone’ (Schedule ‘D’) in the Township of Emily Zoning By-law 1996-30, as amended
Zoning Comments:	The ‘C2-7’ zone only permits specific retail uses, but does not permit the proposed cannabis retail use. A rezoning is required.
Planning Act Applications required for the proposal to proceed:	Official Plan Amendment Rezoning Site Plan Approval

**Comments:**

**Planning Division**

Further to the Preconsultation meeting and our review, staff provide the following comments for consideration:

**There is no staff support for this proposal to amend the designation and zoning on the property for the purpose of the proposed cannabis retail use, as the proposed use would be better suited in an urbanized environment where it will serve a larger population base.**

Should the prescribed Official Plan Amendment and Rezoning applications be approved, a **site plan application** will be necessary to approve the development but will be limited to a **Plans Only** approval or **Scoped Site Plan Agreement**. **City staff will provide additional detail for the site plan submission should the Official Plan Amendment and Rezoning be approved.** The owner should request a separate meeting in advance of submission of the site plan application, to discuss the submission requirements in order to deem that application complete. This will assist with deeming the application complete, and facilitate a faster circulation of that application for review and response.

Based on the proposed new use, we advise that there is a requirement for the proponent to **confirm any existing entrance(s) and/or proposed entrance(s)** comply with the City’s By-law 2017-151: A By-law to Regulate Access to Municipal Right of Ways. A copy of the By-law can be obtained from the City’s website. The purpose of this request is to ensure that if the Planning applications are successful, that the appropriate Access Permit(s) can be granted if any upgrades are required based on the

appropriate (largest) entrance standard for all uses (i.e. Residential, Agricultural, Commercial, Industrial, etc.). The City will review any potential new or revised access to the property.

In order to comply with the above request, the appropriate entrance details shall be included on the drawings, for the City to review and confirm all entrances comply with By-law 2017-151. Alternatively, a completed '**Application for the Review and Authorization of a Road Entrance**' along with the associated application fee shall be submitted to the Building Division or at any Municipal Service Centre. On Page 2 of the application, check off the '**For Review Purposes Only**' checkbox. The application form is available in person at the Building Division or at any Service Centre, or can be found on the City's website under the 'Building Permits' section, within the 'Forms, applications and information sheets' heading:

<https://www.kawarthalakes.ca/en/living-here/my-property.aspx>

Based on Provincial natural heritage mapping, your property has been identified as potentially containing a Species at Risk (SAR). The Ministry of the Environment, Conservation and Parks (MECP) has responsibility for the administration of the Ontario Endangered Species Act, 2007 (ESA), as amended. MECP currently processes any ESA authorizations relating to Species at Risk in Ontario (SARO) listed under Ontario Regulation 230/08 (O. Reg. 230/08), as amended. **To determine if you require an ESA permit or authorization from the MECP, please send an email to [SAROntario@ontario.ca](mailto:SAROntario@ontario.ca) and include 'request for preliminary screening guide' in the subject line.** At a minimum, the confirmation response will be required to be submitted as part of the required studies or plans noted below

**In accordance with the provisions of the Planning Act, the City is required to circulate any Planning Act applications to all municipalities within 1 km of the proposed development.** As such, the development applications will be circulated to the County of Peterborough and the Township of Selwyn.

In addition to the applicable **application form(s)** and associated **processing fee(s)** required, the following studies and/or plans are also required in support of the proposed development. All studies/plans/reports/etc. listed below will also be included in a checklist at the end of this document, indicating the required number of copies. **A copy of this checklist must be submitted with the application(s).** Where multiple requirements are captured in one report, please note that on the submitted checklist:

- A **Planning Justification Report (PJR)** prepared by a qualified Registered Professional Planner (RPP), outlining and justifying the proposal with respect to the Provincial Policy Statement, 2014 (PPS); A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (2019 Growth Plan); and City of Kawartha Lakes Official Plan (Official Plan). The PJR will also speak to the various reports and plans submitted with the application(s);
  - Staff recommend the applicant prepare a **Draft Official Plan and companion Zoning By-law Amendments** to address the entire site comprehensively. These should be included in the PJR above;

- A **Conceptual Site Plan Layout** is required illustrating any impervious areas (hard surfaces) on the site, including existing and new buildings, entrance(s), parking lot location and number of spaces (gravel or pavement), loading spaces, septic system and associated loading areas, amenity areas and landscaping, prepared by a qualified professional;
- **Preliminary Building Floor Plans** are required, illustrating the proposed units/gross floor area. Necessary to confirm proposed zoning requirements for built form (e.g. parking, etc.);
- A **Traffic Brief** is required, to identify the expected number of employees, confirm the number of vehicles, types of vehicles, traffic patterns, internal site movements, and entrance locations;
- If details are not provided on the appropriate plans, an **Entrance Permit Review Confirmation Letter** is required, to verify the existing or proposed entrance(s) comply with By-law 2017-151;
- A **Species At Risk (SAR) Evaluation** is required, as the subject lands may contain the habitat of a Rare, Threatened or Endangered (RTE) species, in accordance with the comments noted above. This evaluation may include a copy of any correspondence received from the [SAROntario@ontario.ca](mailto:SAROntario@ontario.ca) email, if it demonstrates or provides confirmation that your proposal is not affected by any SAR, and/or that an Endangered Species Act (ESA) authorization is not required;
- An **Agricultural Impact Brief (AIB)** is required (prepared by a Qualified Professional / Practitioner (QP) with established technical and planning expertise with credentials in the fields of Planning and Agriculture, to be appended to the AIB) since the property is designated Rural in the Official Plan and entirely mapped as Candidate Area in the Province's Growth Plan Agricultural System Mapping. The AIB is required to review potential impacts resulting from the proposal on surrounding farming operations.

These comments reflect the understanding of the requirements based on the submission materials. The Planning Division reserves the right to provide additional comments should any updated information become available through processing of an application. Should the proponent have additional detail or information to provide for review prior to the formal submission of any application, we recommend a follow-up meeting to confirm the requirements.

### **Engineering and Corporate Assets Department**

Further to our review of the Pre-Consultation application for the proposed Official Plan amendment and Rezoning at 566 Frank Hill Road, Emily, we confirm we have no engineering requirements for the proposed cannabis retail store in an existing building.

### **Economic Development Division**

The Economic Development Division's Manager and Agriculture Development Officer advise the following:

- The Economic Development Division supports the Planning recommendation that this use is better suited to an urban setting. If the applicant is interested in pursuing options within an urban area, please let my team know and we will be happy to assist;
- Although this property is Zoned Highway Commercial, it is designated Rural, and is identified as a Candidate Area by the Province of Ontario within the Agricultural Systems mapping;
- Also, it is adjacent to a farm property. As such, an **Agricultural Impact Brief** is suggested in order to achieve outcomes identified in Agricultural System policies: achieving compatibility and to assess impact to agricultural potential on this property and any impact on adjacent or other nearby properties as well as possible mitigations. Please note that we are requesting only an Agricultural Impact Brief, limited in depth and scope and may be solely a desktop review;
- See this link to the Draft Ontario Agricultural Impact Assessment (AIA) Guidance Document as a reference: [www.omafra.gov.on.ca/english/landuse/aiagd.pdf](http://www.omafra.gov.on.ca/english/landuse/aiagd.pdf).

### **Otonabee Region Conservation Authority (Otonabee Conservation)**

Otonabee Conservation's Planner provides the following:

- The subject property is outside any known floodplain and is was found to be more than 120 metres to the nearest hydrological feature (Fowlers PSW);
- No major exterior construction is proposed to the existing building at this time. However, if the Stormwater Management is required to be updated, Otonabee Conservation would request a copy for review.

### **Building Division**

As the building exists and was a mercantile use, building division has no concerns with the application.

Please note, the Building Division cannot issue any permits until all relevant applicable law approvals have been submitted to accompany building permit applications (including but not limited to zoning approvals, CA permits, etc.). For a full list of potential applicable law approvals please contact the Building Division.

### **Building Division – Part 8 Sewage Systems**

The Part 8 Sewage System Supervisor advised the following:

- An analysis of the total daily sewage flows for the entire property would need to be conducted to determine or confirm jurisdictional authority. Once authority is determined the applicable process for review will be provided.

### **Ministry of Transportation (MTO)**

The Ministry of Transportation's Planner provides the following:

- Depending on the existing and potential traffic volume, there may be a need to look at traffic volume and some turning movements, especially the northbound left turning movement;
- MTO requires a **Traffic Brief** to review the traffic levels generated by the proposal and whether improvements to the road network will be necessary, prepared by an MTO RAQS approved consultant.

### **Ministry of the Environment, Conservation and Parks (MECP)**

The Ministry of the Environment, Conservation and Park's Senior Environmental Officer provides the following:

- If the proposed redevelopment will result in an alteration to the approved sewage works they should contact the Ministry to discuss the proposed changes at the site. Specifically, the Ontario Water Resources act states:
  - 53 (1) Subject to section 47.3 of the Environmental Protection Act, no person shall use, operate, establish, alter, extend or replace new or existing sewage works except under and in accordance with an environmental compliance approval.

### **Haliburton, Kawartha, Pine Ridge District Health Unit (Health Unit)**

The Health Unit may be involved with any development applications, specifically around public drinking water systems. We suggest that you contact the Health Unit directly.

### **County of Peterborough**

No comments provided.

### **Township of Selwyn**

No comments provided.

### **Follow-up:**

If the applicant wishes to pursue this proposal, the applicant must submit official plan amendment and rezoning applications with the necessary supporting documentation outlined below for consideration of the proposed use. Staff would note that the traffic study may be subject to a peer review to be paid for by the applicant.

**Should Council approve these applications, an application for site plan approval must subsequently be submitted for consideration.**

### **Application Fees:**

The application forms, process guides, and application fees are available from the Planning Division counter or on the City website at:

<https://www.kawarthalakes.ca/en/business-growth/development-applications.aspx>

The Conservation Authority fees are found at the end of the Planning Application fee document.

**Please note, upon submission of the application(s) to the City, an electronic copy of the complete submission is required to accompany the paper reports / studies / plans noted below in the checklist. Please note, electronic submissions will not be accepted through the City's email or online file sharing programs.**

**Applications which are not accompanied by the required materials and/or the electronic copy will be deemed incomplete, and will be returned to the applicant for resubmission.**

**Please provide a copy of the checklist with your submission.**

**Additional Notes:**

1. The above noted comments and attached checklist are based on the proposal as reviewed by the Preconsultation Committee. If significant changes are proposed, the comments and/or reports may require amending, or require a new Preconsultation meeting to review the revised proposal.
2. During the review of the application, it may be determined that additional studies and/or information will be required to be submitted as a result of issues arising during the processing of the application, or subsequent revisions that have been made to an application.
3. The purpose of the above comments is to identify all the relevant information required to be submitted in order to deem these application(s) complete under the Planning Act.
4. The comments are based on the current Provincial Legislation, Regulations, Policies and Plans that are in effect, and the City's official plans and zoning by-laws that existed at the time the Committee considered this matter. While the City has an official plan which came into effect in 2012, there are portions of the plan which remain under appeal. The City has adopted secondary plans which are also under appeal. If decisions are made by the appeal body (Local Planning Appeal Tribunal) regarding these appeals, the documents could change the contents of this report as it relates to the proposal.
5. The City is currently in the process of consolidating the existing zoning by-laws. If passed by Council, these documents could also change the comments above as they relate to this proposal. If passage of these documents is imminent, then this will be noted in the comments.
6. The final preconsultation comments are typically **current for six (6) months** from the date of the preconsultation circulation. You may wish to contact the Development Services – Planning Division office and confirm if any of these above noted documents have been passed by Council or come into effect, prior to submitting your applications.

7. An application submitted without the required information identified in this Preconsultation Report may be recommended for refusal based on insufficient information to properly evaluate the application.
8. Please note that even if a study is mentioned more than once or similar studies are mentioned by various agencies (i.e. Geotechnical Report and Geotechnical Analysis), they may be consolidated into one comprehensive report which addresses all issues.

**Contacts:**

<p>Ms. Sherry Rea                  Development Planning Supervisor                  Planning Division, Development Services                  Department                  City of Kawartha Lakes                  180 Kent Street West                  Lindsay, ON K9V 2Y6                  Tel: (705) 324-9411 x1331                  Fax: (705) 324-4027                  srea@kawarthalakes.ca</p>	<p>Ms. Christina Sisson                  Supervisor, Development Engineering                  Engineering and Corporate Assets                  Department                  City of Kawartha Lakes                  12 Peel Street                  Lindsay, ON K9V 3L8                  Tel: (705) 324-9411 x1152                  Fax: (705) 324-2982                  csisson@kawarthalakes.ca</p>
<p>Ms. Susanne Murchison                  Chief Building Official                  Building Inspection, Development                  Services Department                  City of Kawartha Lakes                  180 Kent Street West                  Lindsay, ON K9V 2Y6                  Tel: (705) 324-9411 x1200                  Fax: (705) 324-5514                  smurchison@kawarthalakes.ca</p>	<p>Ms. Anne Elmhirst                  Part 8 Sewage Systems Coordinator                  Building Inspection, Development                  Services Department                  City of Kawartha Lakes                  180 Kent Street West                  Lindsay, ON K9V 2Y6                  Tel: (705) 324-9411 x1882                  Fax: (705) 324-5514                  aelmhirst@kawarthalakes.ca</p>
<p>Ms. Rebecca Mustard                  Manager of Economic Development                  Economic Development Division,                  Development Services Department                  City of Kawartha Lakes                  180 Kent Street West                  Lindsay, ON K9V 2Y6                  Tel: (705) 324-9411 x1395                  Fax: (705) 324-4965                  rmustard@kawarthalakes.ca</p>	<p>Ms. Kelly Maloney                  Agriculture Development Officer                  Economic Development Division,                  Development Services Department                  City of Kawartha Lakes                  180 Kent Street West                  Lindsay, ON K9V 2Y6                  Tel: (705) 324-9411 x1208                  Fax: (705) 324-4965                  kmaloney@kawarthalakes.ca</p>

<p>Mr. Matt Wilkinson          Planner          Otonabee Conservation          250 Milroy Drive          Peterborough, ON K9H 7M9          Tel: (705) 745-5791 x213          Fax: (705) 745-7488          mwilkinson@otonabeeconservation.com</p>	<p>Mr. Parvez Rahman          Public Health Inspector          Haliburton, Kawartha, Pine Ridge District          Health Unit          108 Angeline Street South          Lindsay, ON K9V 3L5          Tel: (866) 888-4577 x2264          Fax: (705) 324-0455          prahman@hkpr.on.ca</p>
<p>Mr. Prabin Sharma          Corridor Management Planner          Ministry of Transportation          Highway Corridor Management Section          1355 John Counter Blvd.          PO Bag 4000          Kingston, ON K7L 5A3          Tel: (613) 544-2220 x4119          Prabin.Sharma@ontario.ca</p>	<p>Mr. Glenn Rutherford          Senior Environmental Officer          Ministry of the Environment, Conservation          and Parks          Robinson Place, South Tower, 2nd Floor          300 Water Street          Peterborough, ON K9J 3C7          Tel: (705) 755-4305          Glenn.Rutherford@ontario.ca</p>
<p>Mr. Iain Mudd          Planner          County of Peterborough          470 Water Street          Peterborough, ON K9H 3M3          Tel: (705) 743-0380          Fax: (705) 876-1730          imudd@ptbocounty.ca</p>	<p>Township of Selwyn          P.O. Box 270          Bridgenorth, ON K0L 1H0          Tel: (705) 292-9507          planning@selwyntownship.ca</p>

**Supporting Reports/Studies/Plans Required to Process and Evaluate the Proposal. Should you wish to further discuss these requirements, kindly contact Sherry Rea, Development Planning Supervisor, [srea@kawarthalakes.ca](mailto:srea@kawarthalakes.ca) or 705-324-9411 ext. 1331.**

Required Reports, Studies, Plans & Number of Copies	OPA	ZBA	Subdivision	Condominium	Site Plan	Consent	Other	Copies
<b>Study Requirements for Proposal – Rezone to permit cannabis retail use</b>								
Application Form(s) with Associated Processing Fee(s)	√	√			√			10 OPA 1 ZBA 1 Site Plan
Planning Justification Report (PJR)	√	√						8
Draft Official Plan and Zoning By-law Amendments <b>**Included in PJR above**</b>	√	√						8
Conceptual Site Plan Layout	√	√			√			10 Large 10 Small
Preliminary Building Floor Plans	√	√			√			8
Traffic Brief	√	√			√			8
Entrance Permit Review Confirmation Letter <b>**If details not provided on the drawings**</b>	√	√						2
Species At Risk (SAR) Evaluation <b>**Written response from <a href="mailto:SAROntario@ontario.ca">SAROntario@ontario.ca</a>**</b>	√	√						2
Agricultural Impact Brief (AIB) <b>**Prepared by a Qualified Professional / Practitioner**</b>	√	√						8
<p>Other Development Permits, Approvals and/or Processes that <b>may potentially</b> be required along with or after the Planning Act approvals (please note, this is <b>not</b> an exhaustive list):</p> <ul style="list-style-type: none"> <li>• MTO Building / Land Use Permit</li> <li>• Building / Change of Use / Demolition / Plumbing Permit</li> <li>• Part 8 Septic System Permit</li> <li>• Entrance Permit</li> <li>• Small Drinking Water Systems</li> <li>• MECP Environmental Compliance Approval (ECA) for septic system</li> </ul>								