



Planning Report

To: Municipality of Brockton Council

From: Coreena Smith, Senior Development Planner

Date: October 13, 2020

Re: Zoning By-law Amendment Application - Z-2020-054 (165 Kincardine Highway Development Inc.)

Recommendation:

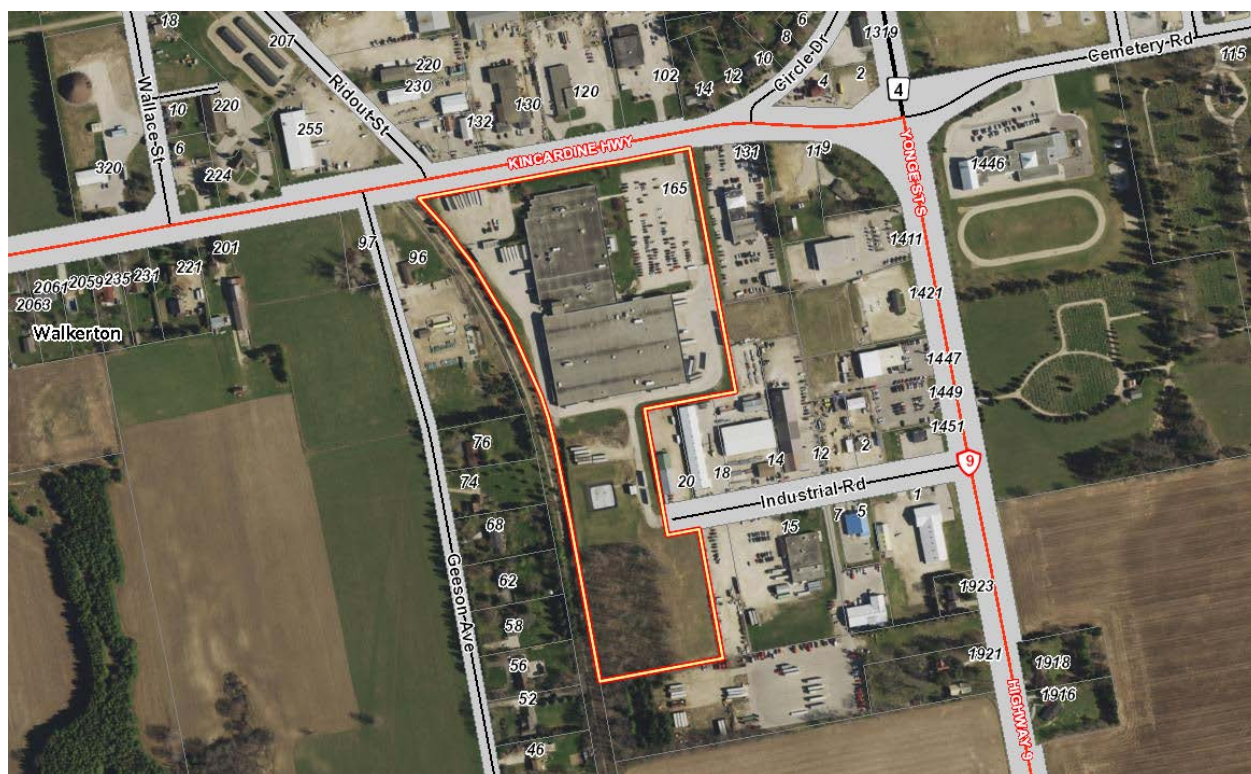
Subject to a review of submissions arising from the public meeting:

That Council approve Zoning By-law Amendment Z-2020-054 as attached and the necessary by-law be forwarded to Council for adoption.

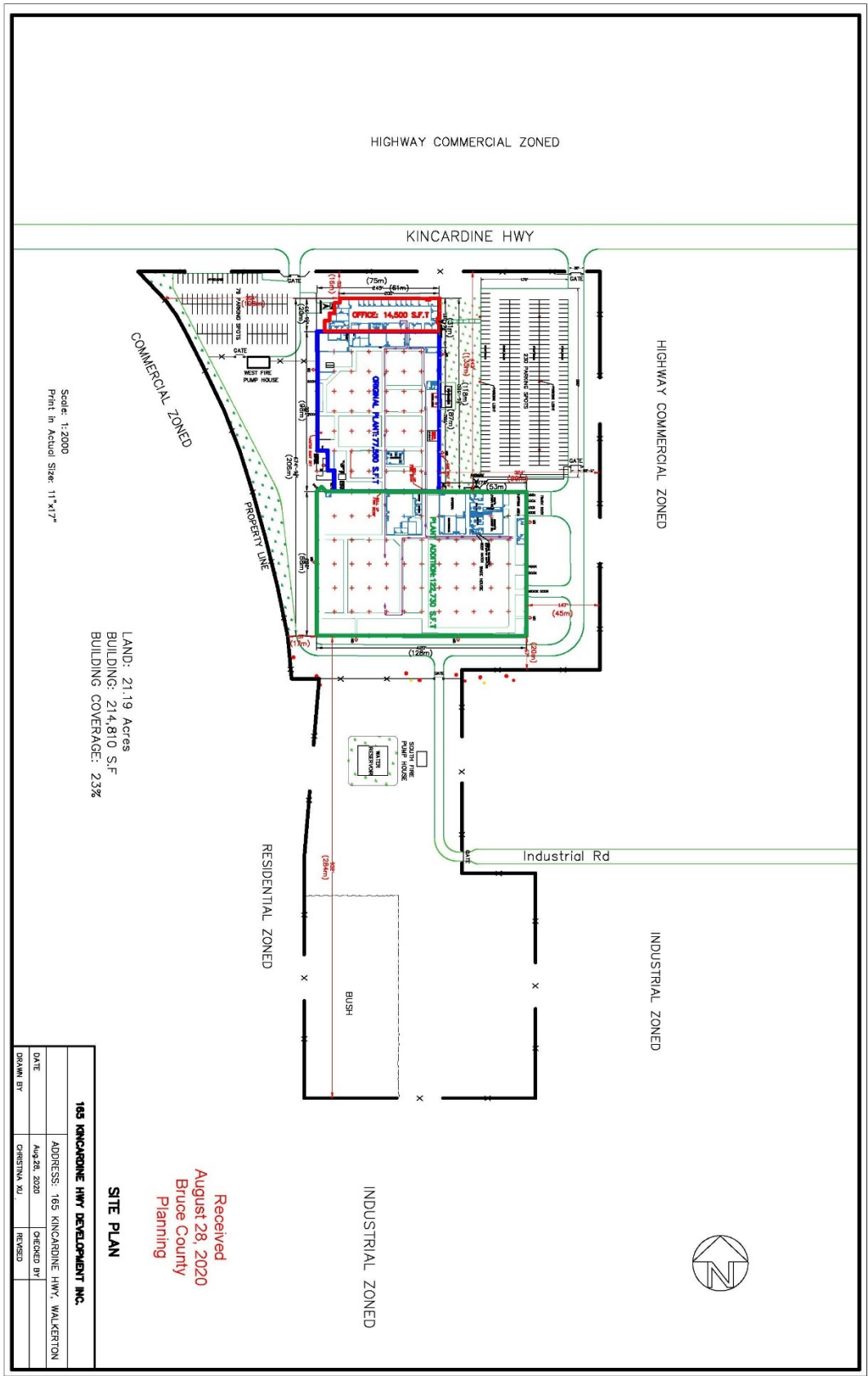
Summary:

The application proposes to allow a Licenced Marihuana Growing Facility as a permitted use in the BP1 - Business Park 1 zone. If approved, the proposed amendment would facilitate cannabis production in an existing industrial warehouse building at 165 Kincardine Highway, in the Municipality of Brockton.

Airphoto:



Site Plan:



Planning Analysis:

The following section provides an overview of the planning considerations that were factored into the staff recommendation for this application, including relevant agency comments (attached), public comments (attached) and planning policy sections.

Site Description

The subject lands are located in the south end of Walkerton, south of Kincardine Highway and west of Yonge Street South. The lands are currently occupied by a vacant 19,957 square metre warehouse building, parking lots and wooded area. The site is approximately 8.58 hectares in size with approximately 207.26 metres of frontage on Kincardine Highway.

Conformity with the County of Bruce Official Plan

The subject lands are located in the Walkerton settlement area. The County of Bruce Official Plan designates this area as Primary Urban Communities. The Official Plan seeks to encourage and strengthen the role of Primary Urban Communities as regional service centres within the County.

The County Official Plan directs industrial growth, particularly growth that requires municipal water and sanitary services, to locate in the Primary Urban Communities. The subject proposal is in conformity with County Official Plan as it proposes a new industrial use in Walkerton on a site that has existing municipal services.

Conformity with the Walkerton Community Official Plan

The Walkerton Community Official Plan designates the subject lands Business Park 1. The Business Park designation was created to accommodate, among other uses, the needs of industrial uses.

The Goals relating to the Business Park include the promotion of environmentally clean industry, to diversify the economic base and provide employment opportunities. Licenced Marihuana Growing Facilities are new to the Municipality of Brockton and will diversify the economic base. In this specific facility, approximately 10 people will be employed.

In the Business Park 1 designation, the following uses are permitted: Retail Commercial, Business Park Commercial, Light Industrial and Complementary uses. Licenced Marihuana Growing Facilities would fall within the Light Industrial use category. Light Industrial uses are specifically intended to be contained within an enclosed, single purpose building. Their operation is not to be obnoxious, offensive, or dangerous by reason of their presence, emission or production of odour, dust and noise among other things. The subject proposal will occupy a currently vacant industrial warehouse building. The licensing process through the federal government controls many elements of the operation of these facilities including access security, monitoring and emissions so matters such as public safety, smell and dust should not be a concern. Also, because the operation must be carried out indoors, noise is also not expected to be an issue.

The local Official Plan policies encourage the re-use of vacant and underutilized buildings, which is contemplated on this site. Municipal water and sewage systems are available to

service the facility. There are also two existing wells on the property that can be used to supplement the water supply.

Business Park development proposals are also subject to Site Plan Control, wherein operational concerns can be addressed. Matters typically covered under Site Plan Control through the Municipality of Brockton include landscaping and screening, outdoor storage, signage, lighting, parking, loading and stormwater management. The applicant will be required to go through the Site Plan Control process.

Based on the above, the proposed use is in conformity with the Walkerton Community Official Plan.

Required Zoning By-law Amendment

The application proposes to rezone the lands from BP1 - Business Park 1 to BP1-X - Business Park 1 Special to allow a Licenced Marihuana Growing Facility as a permitted use.

The definition of a Licensed Marihuana Growing Facility was added to the Municipality of Brockton Comprehensive Zoning By-law through By-Law 2018-034 in 2018. The definition is as follows:

‘Licensed Marihuana Growing Facility’ means a federally-licensed facility used for the cultivation, processing, testing, destruction, packaging or shipping of marihuana within enclosed and detached buildings and which are compliant under the federal government’s Marihuana for Medical Purposes Regulations or any subsequent legislation which may be enacted.

The approach taken at the time of by-law adoption was to establish a definition for Licenced Marihuana Growing Facilities that would be incorporated into the Comprehensive Zoning By-law and then permit the use by way of a special provision in the by-law in areas where such a facility is proposed. This would require submission of a zoning by-law amendment application, which would be circulated for agency and public comment and then considered by Council.

Agency comments on the subject application are attached to this report. There are no agency objections to the proposal. The applicant will be required to go through Brockton’s Site Plan Control Process, as discussed above, and must confirm the electrical service size with Westario Power Inc.

Public comments are also attached to this report and relate to concerns over odour control. As noted previously, odour emissions are regulated through the federal licencing system. The applicant is required to provide a filtration system to control odour generated through site operations.

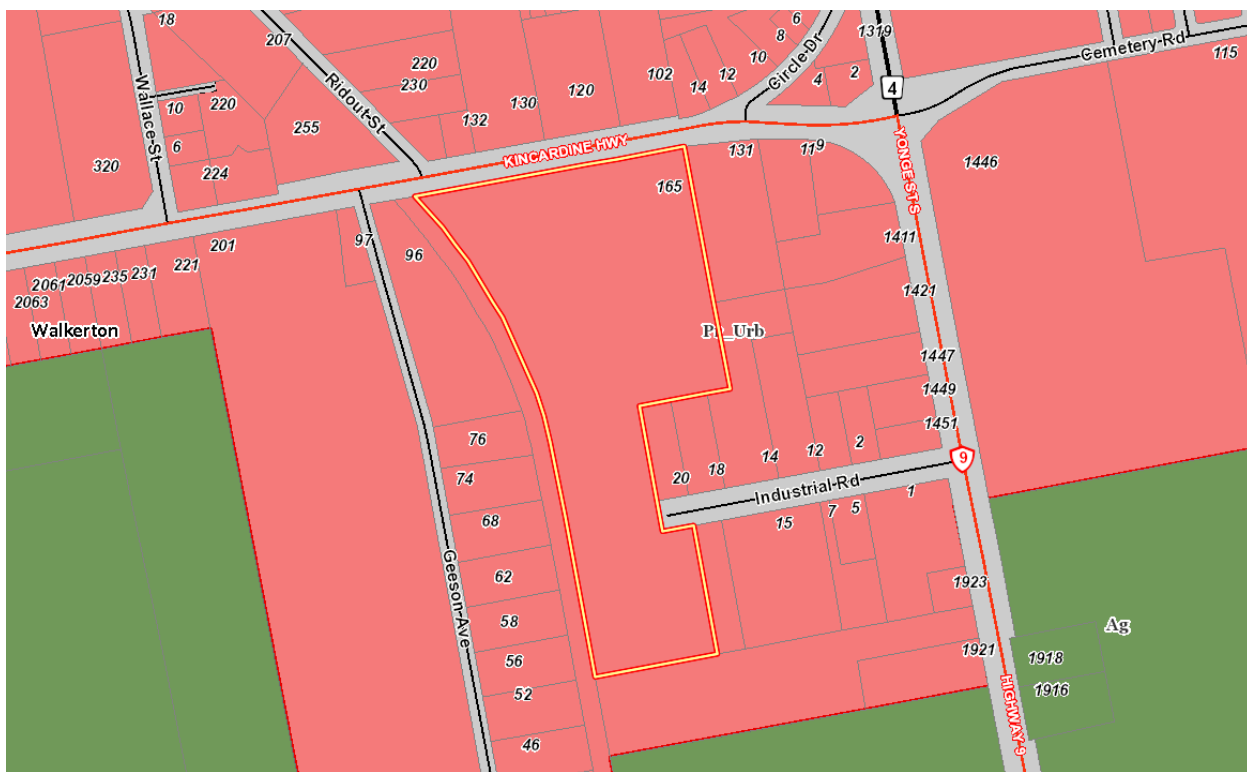
The subject proposal meets the definition of a Licensed Marihuana Growing Facility and the existing building complies with the zoning provisions in the BP1 - Business Park 1 zone for frontage, coverage and setbacks. No other amendments are required other than to add the new proposed use.

The only noted variation from the By-law is the separation distance to adjacent uses. Brockton's By-law states that no part of any Light Industrial principle use building shall be located closer than 20 metres to a Residential Zone, Institutional Zone, residential use, or institutional use. In this case, the building is currently 17 metres from the closest of these zones and uses. This is the distance from the closest Residential Zone on Geeson Avenue. All other Residential and Institutional Zones and uses are more than 20 metres from the building. In this case, however, the building is existing and was used for Business Park purposes previously. As such, the proposal maintains the intent and purpose of the local Zoning By-law.

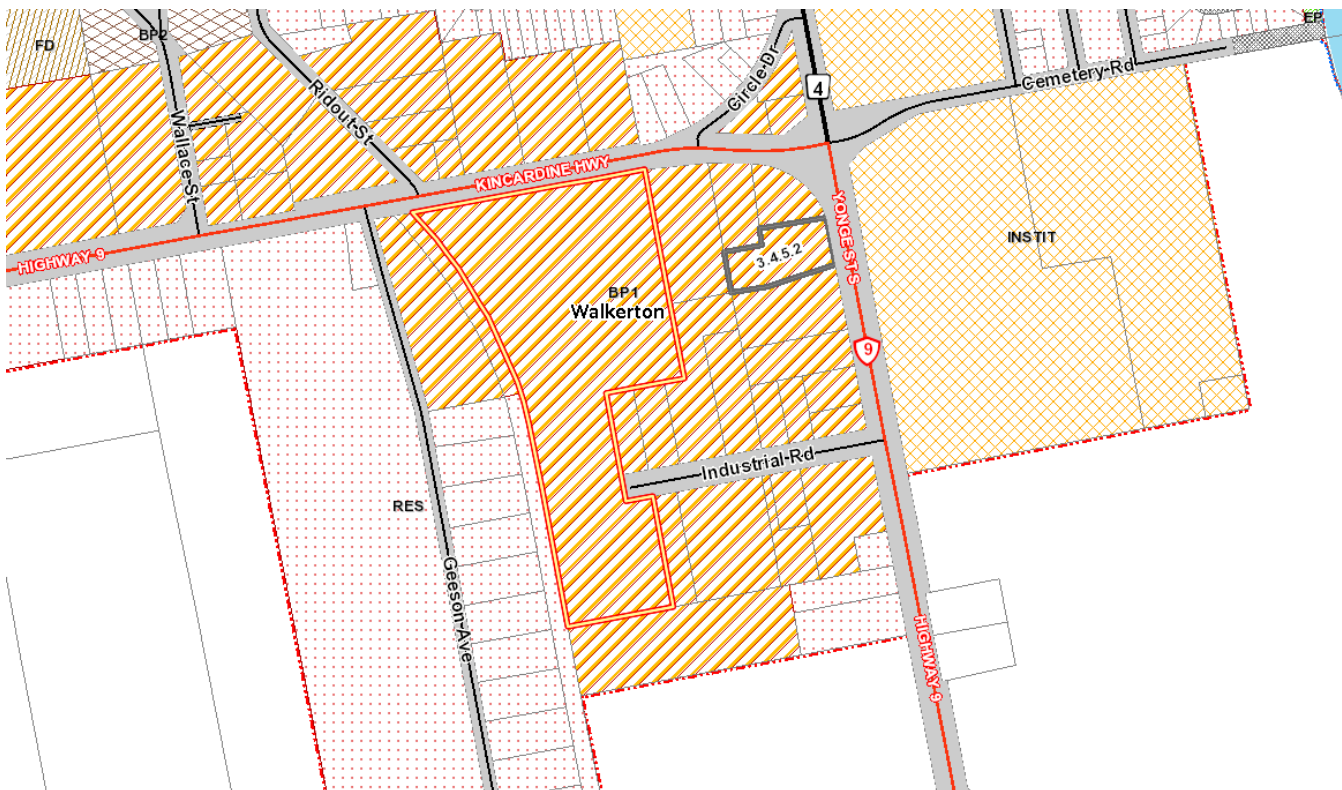
Appendices

- County Official Plan Map
- Local Official Plan Map
- Local Zoning Map
- Agency Comments
- Public Comments

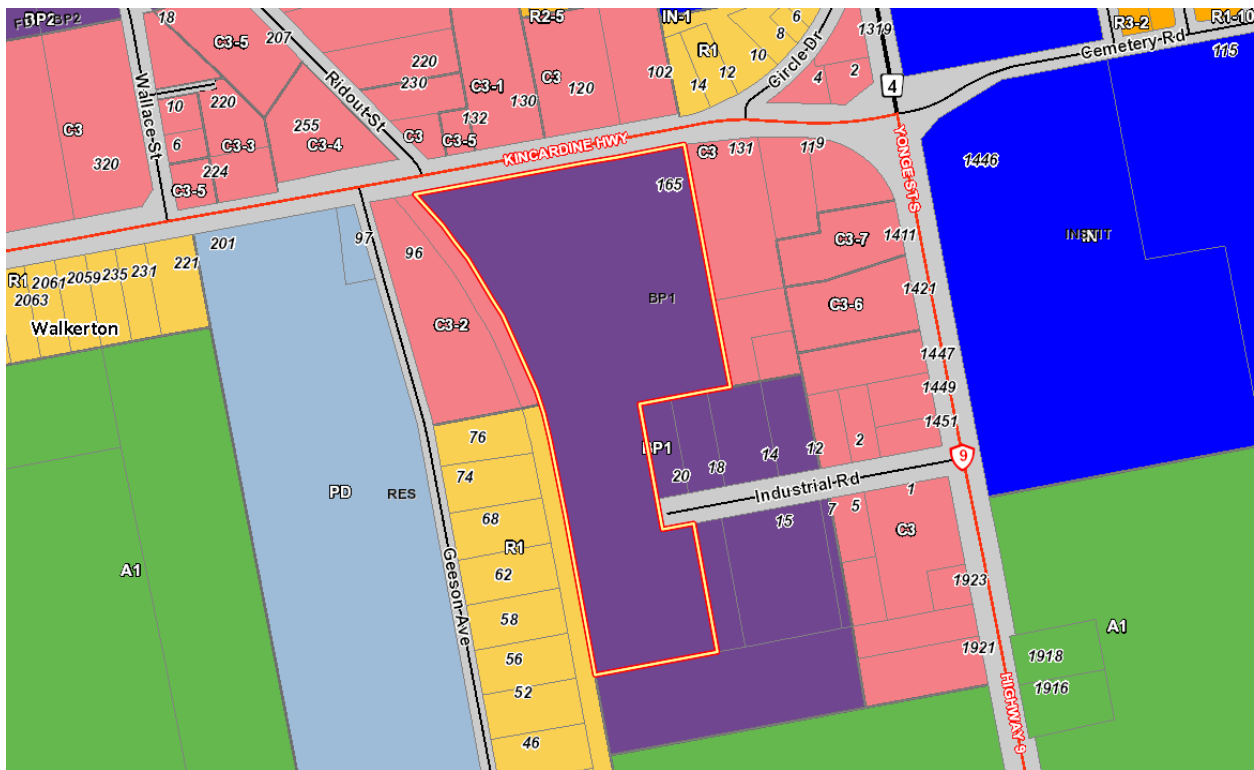
County Official Plan Map (Designated Primary Urban Communities)



Local Official Plan Map (Designated Business Park 1)



Local Zoning Map (Zoned BP1 - Business Park 1)



Agency Comments

Municipality of Brockton: Operational concerns will be addressed through the site plan approval process.

Westario Power Inc.: The applicant is asked to contact Westario Power Inc. for electrical service size.

Historic Saugeen Métis: No objection or opposition.

Saugeen Valley Conservation Authority (SVCA): SVCA staff find the application acceptable. The comment letter is provided in full below.



1078 Bruce Road 12, P.O. Box 150, Formosa ON Canada N0G 1W0
Tel 519-367-3040, Fax 519-367-3041, publicinfo@svca.on.ca, www.svca.on.ca

SENT ELECTRONICALLY ONLY: CJSmith@brucecounty.on.ca and bcplwa@brucecounty.on.ca

October 6, 2020

County of Bruce Planning & Development Department
30 Park Street
Walkerton, Ontario
N0G 2V0

ATTENTION: Coreena Smith, Planner

Dear Ms. Smith,

RE: Proposed Zoning By-law Amendment Z-2020-054 (165 Kincardine Highway)
165 Kincardine Highway
Part Lots 23 and 24 Concession 3SDR, Part 1 Plan 3R2869
Roll No.: 410436000607900
Geographic Town of Walkerton
Municipality of Brockton

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). SVCA staff has also provided comments as per our Memorandum of Agreement (MOA), dated September 2019, with the County of Bruce representing natural hazards, natural heritage, and water resources; and the application has also been reviewed through our role as a public body under the *Planning Act* as per our CA Member approved Environmental Planning and Regulations Policies Manual, amended October 16, 2018.

The purpose of the application is to allow a Licensed Marihuana Growing Facility as a permitted use in the BP1-Business Park 1 zone.

Recommendation

SVCA staff find the application acceptable.

Delegated Responsibility and Advisory Comments

SVCA staff has reviewed the application through our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020). We have also reviewed the application through our responsibilities as a service provider to the County of Bruce in that we provide expert advice and technical clearance on *Planning Act* applications with regards



Watershed Member Municipalities

Municipality of Arran-Elderslie, Municipality of Brockton, Township of Chatsworth, Municipality of Grey Highlands, Town of Hanover, Township of Howick, Municipality of Morris-Turnberry, Municipality of South Bruce, Township of Huron-Kinloss, Municipality of Kincardine, Town of Minto, Township of Wellington North, Town of Saugeen Shores, Township of Southgate, Municipality of West Grey

to natural hazards, natural heritage, and water resources as set out in the PPS, 2020, County Official Plan (OP) and/or local official plans. Comments below only include features/technical requirements affecting the property.

Natural Hazards:

The subject property does not contain any natural hazard features of interest to the SVCA. The property is not designated Environmental Protection in the Walkerton Community Official Plan (OP) or zoned Environmental Protection (EP) Zone in the Municipality of Brockton Zoning By-law 2013-26. As such the application appears to be consistent with Section 3.1. of the PPS, 2020; and the natural hazard policies of the Walkerton Community OP.

Natural Heritage:

It is the opinion of SVCA staff that the natural heritage feature affecting the property may include significant woodlands.

Provincial Policy Statement – Section 2.1

Section 2.1 of the PPS, 2020 states in part that development shall not be permitted in significant woodlands and its adjacent lands except in accordance with the policies found in Section 2.1.

Walkerton Community OP

Schedule 'C' – Natural Heritage System of the Walkerton Community OP identifies, in part, natural heritage features. As mentioned above, it is the opinion of SVCA staff that significant woodlands may be located in the southern portion of the property and on lands adjacent to the southern portion of the property. Section 3.7.6 d) of the Walkerton Community OP allows the waiving of an EIS upon the recommendation of the SVCA. In the opinion of SVCA staff, the impacts to significant woodlands as a result of this proposal will be negligible based on the proposal for this site. As such, SVCA staff are not recommending the preparation of an EIS at this time to address the woodlands.

Statutory Comments

SVCA staff has reviewed the application as per our responsibilities as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). This regulation, made under Section 28 of the *Conservation Authorities Act*, enables SVCA to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands and wetlands. Subject to the CA Act, development taking place on or adjacent to these lands may require permission from SVCA to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected. SVCA also regulates the alteration to or interference in any way with a watercourse or wetland.

The property is not within the SVCA Regulated Area, and is not subject to Ontario Regulation 169/06, or to the policies of SVCA at this time, and as such, permission from the SVCA is not required for development on the property.

Summary

SVCA staff has reviewed the application in accordance with our MOA with the County of Bruce, and as per our mandated responsibilities for natural hazard management, including our regulatory role under the *Conservation Authorities Act*.

The application is acceptable to SVCA staff.

Given the above comments, it is the opinion of the SVCA staff that:

- 1) Consistency with Section 3.1, Natural Hazard policies of the PPS, 2020 has been demonstrated;
- 2) Consistency with Section 2.1, Natural Heritage policies of the PPS, 2020 has been demonstrated; and
- 3) Consistency with local planning policies for natural hazards and natural heritage has been demonstrated.

Please inform this office of any decision made by the Municipality of Brockton and/or the County of Bruce with regards to the application. We respectfully request to receive a copy of the decisions and notices of any appeals filed. Should you have any questions, please contact the undersigned.

Sincerely,



Michael Oberle
Environmental Planning Technician
Saugeen Conservation
MO\

cc: Fiona Hamilton, Clerk, Municipality of Brockton (via email)
Dan Gieruszak, Authority Member, SVCA (via email)

Candace Hamm

From: Lisa Racicot <lisa@dactrailer.ca>
Sent: Tuesday, September 22, 2020 10:14 AM
To: Planning Applications Walkerton
Subject: re:Z-2020-054 and Z-2020-051

**** [CAUTION]:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

We received the notice of public meeting regarding Z-2020-054 and Z-2020-051. We have properties adjacent to both of these proposed businesses.

We are not apposed to new businesses or to what they will be doing with their operation. However, Emblem Cannabis is located across the road from our property in Paris and we have a basic understanding of the process. We want to ensure that there will be a proper filtration system in place so that the odours will not travel outside the building. We would also like to be kept up to date on any other complaints or questions brought forward and the answers provided, if possible.

Thank you

Lisa Racicot

D.A.C. 
TRAILERS INC.
50 Ontario Rd Box 1903
Walkerton ON N0G 2V0
519-881-1466

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From: [Sarah Snider](#)
To: [Planning Applications Walkerton](#)
Subject: Objection to application change Roll number 410436000607900
Date: Monday, September 28, 2020 2:17:30 PM

**** [CAUTION]: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hello,

I am writing to formally object to the proposed licenced marijuana growing facility located at 165 Kincardine Hwy. I live in the general area and don't agree with the location of this plant. I enjoy opening my windows in my home and having fresh air in my home. Our family enjoys to be outside and playing at the park. Our kids attend school down the road from this location. I do not want the smell of marijuana in my area, I don't want to have my kids complain that it stinks at the park or school. I want to be able to enjoy walks with my family without that smell. I have visited an area in Kincardine where there is a plant close by and the smell is nauseating and over powering. (I am speaking about the plant near the Bruce Power visitors centre.)

It's been argued that this would bring business to the town, which I agree with and would love to see more job opportunity in our town but I would also like my family's quality of life to be taken into consideration as well.

Thank you,
Sarah Snider
519-507-1727