



Planning Report

To: Municipality of Brockton Council

From: Coreena Smith, Senior Development Planner

Date: October 13, 2020

Re: Zoning By-law Amendment Application - Z-2020-051 (Pankaj Bedi / Saurub Bedi)

Recommendation:

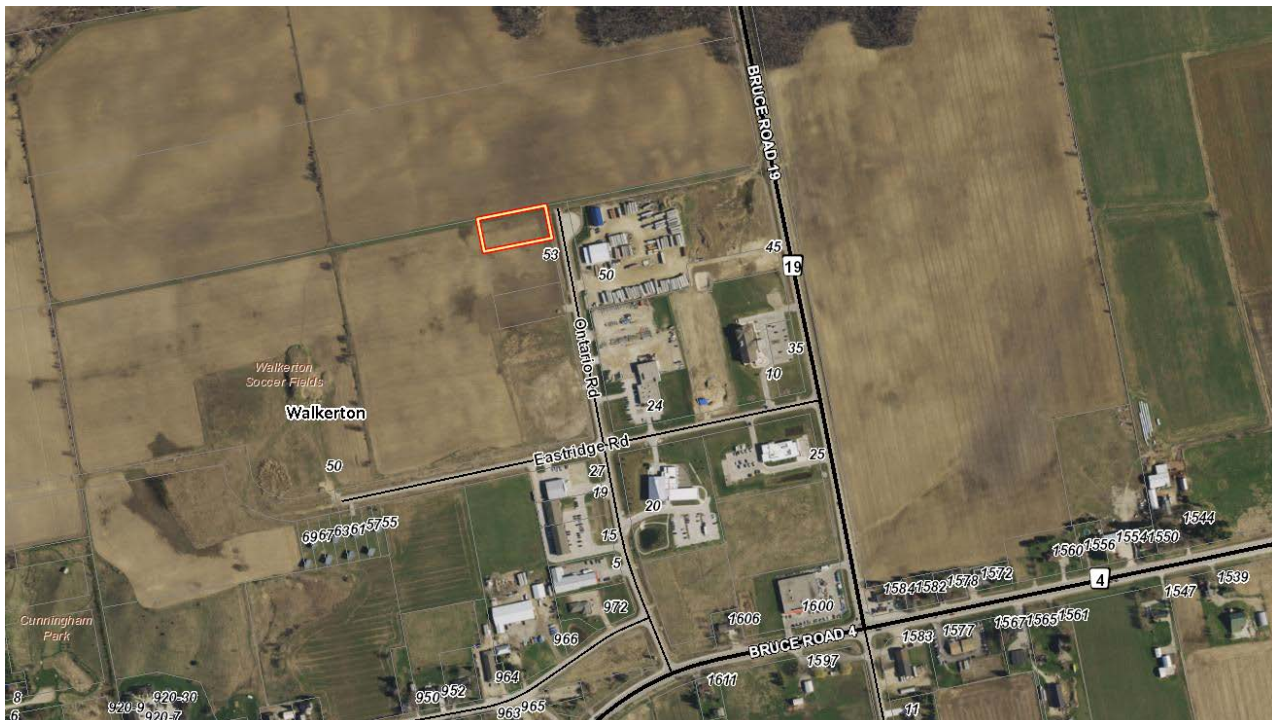
Subject to a review of submissions arising from the public meeting:

That Council approve Zoning By-law Amendment Z-2020-051 as attached and the necessary by-law be forwarded to Council for adoption.

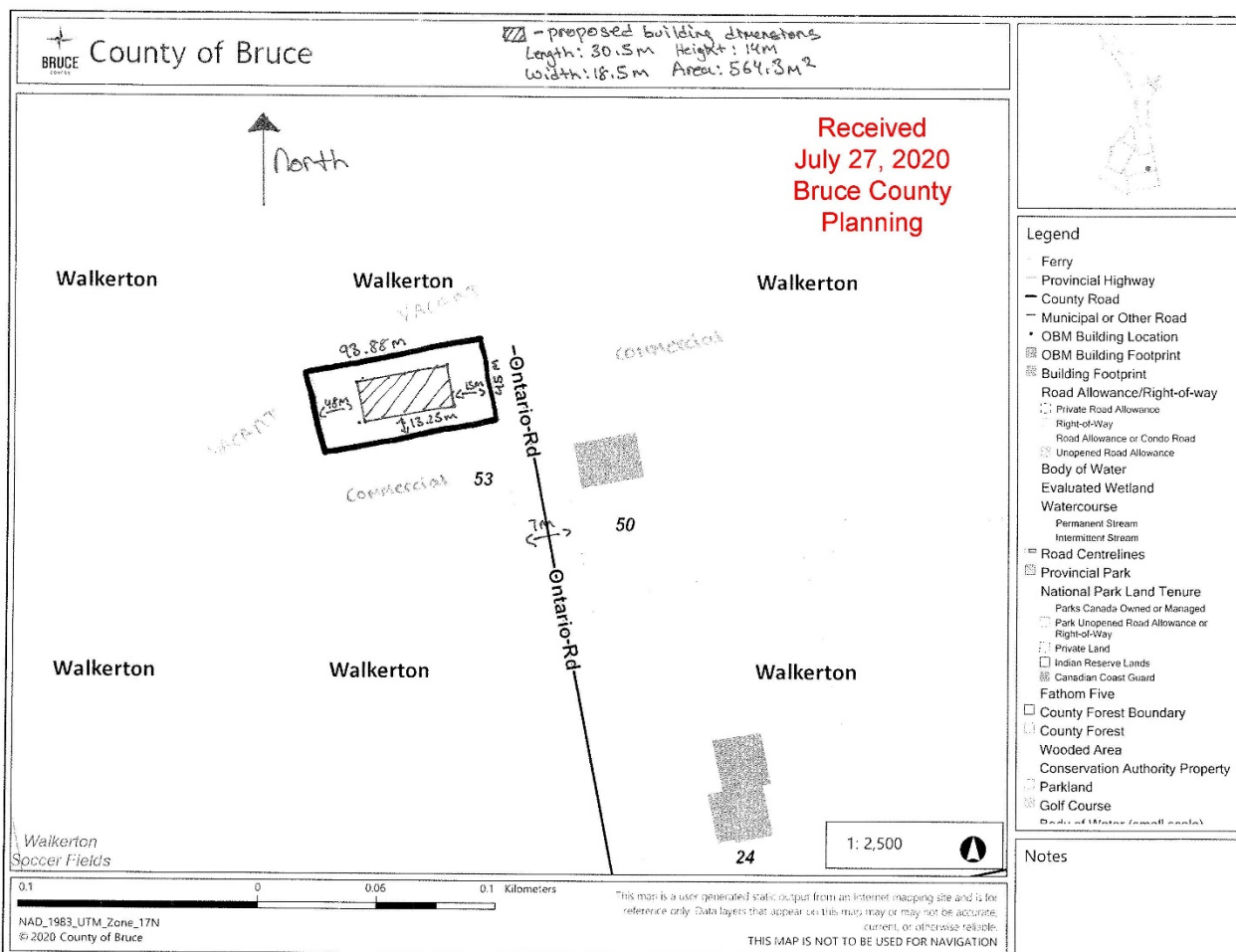
Summary:

The application proposes to allow a Licenced Marihuana Growing Facility as a permitted use in the BP1-1 - Business Park 1 Special zone. If approved, the proposed amendment would facilitate the construction of an indoor cannabis micro-cultivation facility in the East Ridge Business Park at BRANT CON 1 NDR PT LOT 34 RP; 3R10027 PART 1, 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 east end of Walkerton, north of Bruce Road 4 and west of Bruce Road 19, in the East Ridge Business Park. The site is approximately 4,200 square metres in size with approximately 45 metres of frontage on Ontario Road. The lands are currently vacant. An approximate 564.3 square metre metal building with insulated panels is proposed with an associated parking area.

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 and provide new jobs.

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 be contained in a new 564.3 square metre metal building to be constructed on the existing vacant lot. 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.

Municipal water and sewage systems are available in the East Ridge Business Park to service the new facility, which is required under the local Official Plan policies.

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 BP1-1 - Business Park 1 Special 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.

One public comment is also attached to this report and relates 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. In response, the applicant noted that “there will be a carbon filtration system installed for the HVAC of the facility. The entire facility is being designed following the strict criteria for indoor growing set out by Health Canada.”

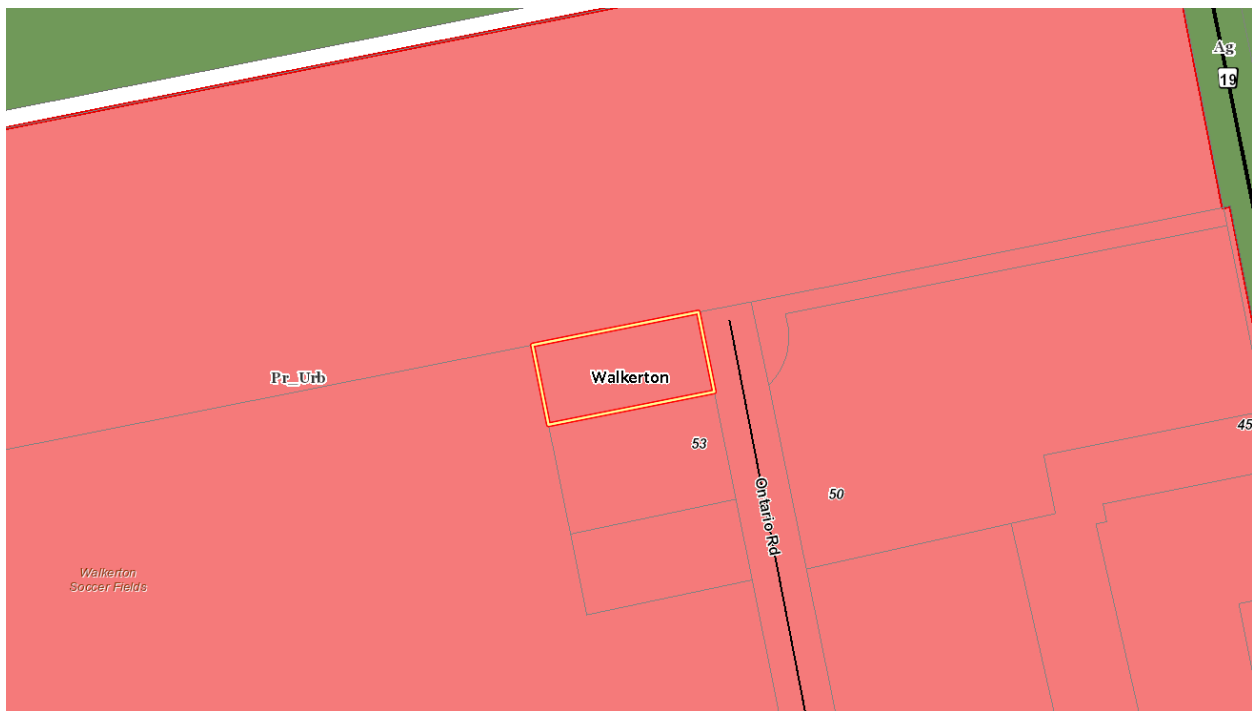
The subject proposal meets the definition of a Licensed Marihuana Growing Facility and the proposed building complies with the zoning provisions in the BP1 - Business Park 1 zone for frontage, coverage and setbacks. No other amendments are required other than to add the new proposed use.

It should also be noted that portions of the East Ridge Business Park to the immediate north and further west are already zoned to permit Licensed Marihuana Growing Facilities. This proposal would add one additional site for that use.

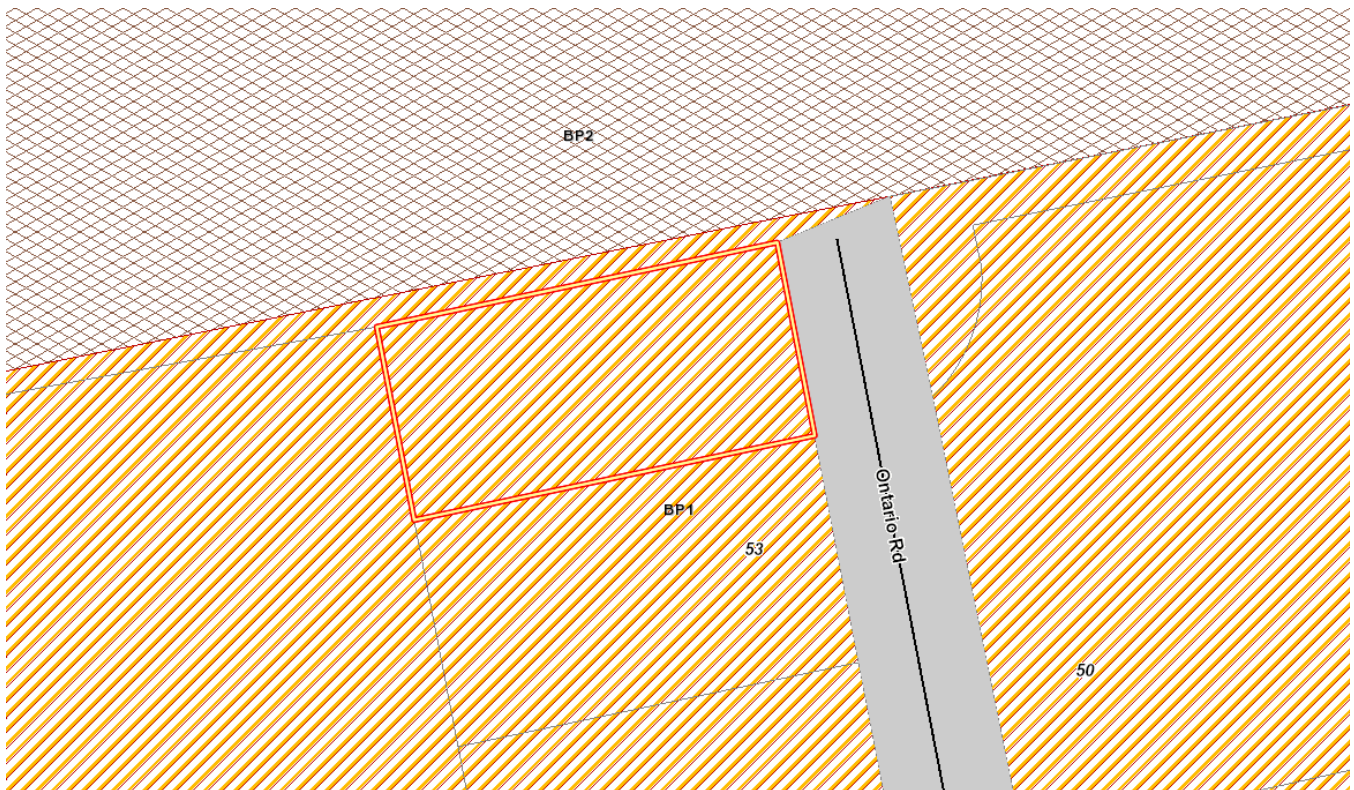
Appendices

- 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 BP1-1 - Business Park 1 Special)



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 as this is a critical load for the proposed location.

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 (bcplwa@brucecounty.on.ca)

October 8, 2020

County of Bruce
Planning and Development Department
30 Park Street, P.O. Box 848
Walkerton, ON N0G 2V0

ATTENTION: Candace Hamm, Applications Technician

Dear Mrs. Hamm,

RE: Application for Zoning By-law Amendment: Z-2020-051
Roll No. 410436000101807
Part Lot 34; Concession 1 NDR; RP 3R10027 PART 1
Town of Walkerton
Municipality of Brocton

[Bedi]

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) 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 Licenced Marihuana Growing Facility as a permitted use in the BP1-1 Business Park - 1 Special zone.

Staff have received and reviewed the following documents submitted with this application:

- 1) Requested for Agency Comments and associated application, dated September 16, 2020.

Recommendation

SVCA staff find the application acceptable.

Site Characteristics

The proposed development is located on vacant field within the Town of Walkerton's East Ridge Business Park.



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

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

Natural Hazards:

The subject Property is not affected by Natural Hazards.

Natural Heritage:

SVCA mapping shows the subject property may feature habitat of endangered species and threatened species.

Provincial Policy Statement (PPS, 2020) – Natural Heritage Policies – Section 2.1

Section 2.1.7 of the PPS states that development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

Based on SVCA staff's review of the East Ridge Business Park Master Plan, September 6, 2019, the subject property was included in a Species at Risk (SAR) habitat assessment undertaken by Natural Resources Solution Inc. (NRSI) on behalf of the Municipality. It is the responsibility of the applicant and/or Municipality to ensure the endangered species and threatened species policy referred to in the PPS, 2020 has been appropriately addressed; and that any recommendations in the SAR assessment have also been addressed. Please contact the Ministry of Environment, Conservation and Parks (MECP) for information on how to address this policy. MECP inquiries can be sent via email to: SAROntario@ontario.ca.

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 subject property is not affected by SVCA Approximate Screening Area/Regulated Lands.

Summary

SVCA staff has reviewed this 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*.

SVCA staff find the application acceptable.

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 has been demonstrated.
- 2) Consistency with Section 2.1, Natural Heritage policies of the PPS has been demonstrated; except for habitat of endangered and threatened species policies, which the applicant must address themselves.
- 3) Consistency with local planning policies for natural hazards and natural heritage has been demonstrated; except for habitat of endangered and threatened species policies, which the applicant must address themselves.

Please inform this office of any decision made by Municipality regarding this application. We respectfully request to receive a copy of the decision and notice of any appeals filed.

Should you have any questions, please contact the undersigned.

Sincerely,



Brandi Walter
Environmental Planning Coordinator
Saugeen Conservation

BW/

cc: Dan Gieruszak, SVCA Member (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.
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Walkerton ON N0G 2V0
519-881-1466

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