

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH
PUBLIC MEETING MINUTES- JUNE 19, 2023 @ 7:00 P.M.
HYBRID MEETING – IN PERSON AND VIA WEB CONFERENCING
<https://www.youtube.com/watch?v=Prkb6FefuVA>**

Members Present:

Mayor: Andrew Lennox
Councillors: Lisa Hern (via Zoom)
Steve McCabe
Penny Renken

Member Absent:

Councillor: Sherry Burke

Staff Present:

Chief Administrative Officer: Brooke Lambert
Director of Legislative Services/Clerk: Karren Wallace
Deputy Clerk: Catherine Conrad
Chief Building Official: Darren Jones
Human Resources Manager: Amy Tollefson
Acting Treasurer: Mary Jo Marshall
Manager, Community and Economic Development: Dale Small
Recreation Community Coordinator: Tasha Grafos
Recreation Services Manager: Tom Bowden
Manager of Development Planning: Curtis Marshall

CALLING TO ORDER - Mayor Lennox

Mayor Lennox called the meeting to order

DISCLOSURE OF PECUNIARY INTEREST

No pecuniary interest disclosed.

OWNERS/APPLICANT

ZBA 07/23 Township of Wellington North

LOCATION OF THE SUBJECT LAND

The proposed amendment affects all lands in the Township of Wellington North. A map showing the affected lands has not been provided since the By-law affects all lands in the Township.

PURPOSE AND EFFECT OF THE APPLICATION

The purpose and effect of the proposed amendment is to update and introduce new zoning regulations for cannabis related uses in the Township. The proposed zoning by-law amendment includes regulations for the growing of cannabis, the processing of cannabis and other related uses. The proposed by-law does not propose to regulate the growing of cannabis plants for recreational purposes at a residence in accordance with the personal use allotments permitted under the Cannabis Act and by the Province of Ontario.

NOTICE

Notice was posted in the May 25th, 2023 edition of the Wellington Advertiser and mailed and emailed to agencies on May 25, 2023.

PRESENTATIONS

Curtis Marshall, Manager of Development Planning, County of Wellington, Township of Wellington North

- Planning Report dated June 6, 2023

PURPOSE

The purpose of this report is to present a draft zoning by-law amendment for public review and council's consideration which proposes to regulate cannabis production and processing uses in the Township. Planning Staff have prepared the draft zoning by-law amendment following the preparation of a background report (April 2022) and a regulatory options report (June 2022) which were endorsed by Council. The preparation of this draft by-law completes the Cannabis Production and Processing Land Use Study.

INTERIM CONTROL BY-LAW (092-21)

On September 21, 2023, Township Council passed an interim control by-law which prohibits the establishment of "Cannabis Production Related Uses" in the Township for a one year period to allow for a land use planning study on the growing and processing of cannabis to be undertaken.

On September 12, 2022, Township Council extended the interim control by-law for a second year. The interim control by-law is set to expire on September 27, 2023.

CANNABIS PRODUCTION AND RELATED USES STUDY

In late 2021, Planning Staff together with Township Staff commenced a study of the Township's planning policies related to cannabis production and processing facilitates. The study includes 4 main phases:

1. **Background Review**
A review of applicable policy and regulations, land use impacts, and municipal best practices. A background report has been prepared (dated April 2022), completed and presented to Council.
2. **Review of Policy Options**
A regulatory option report has been prepared presenting and reviewing regulatory options for cannabis production and processing uses.
3. **Public Consultation**
A public meeting will be held in accordance with the Planning Act. Input welcomed throughout process from agencies and the public.
4. **Final Recommendations**
Final report which includes final policy recommendations for Council's consideration.

BACKGROUND REPORT: CANNABIS PRODUCTION AND PROCESSING AS A LAND USE

Planning Staff prepared a background report titled: "A Review of Cannabis Production and Processing as a Land Use" dated April 2022. The report was presented to Council on April 11, 2022. The purpose of the report was to provide Township with background information on cannabis production and processing as a land use.

REGULATORY OPTIONS

In June of 2022 Planning Staff prepared a regulatory options report which reviewed and recommended policy options for regulating cannabis production and processing uses in the Township. The Council endorsed options have formed the basis of the draft zoning by-law provisions.

PUBLIC MEETING

Notice of the public meeting for the proposed zoning by-law amendment has been provided in accordance with the Planning Act to the public and commenting agencies. No written comments have been submitted to date. The public meeting is scheduled for June 19, 2023.

DRAFT ZONING BY-LAW

A draft zoning by-law amendment is attached as Schedule 1 to this report which proposes to regulate cannabis production and processing uses in the Township. Planning Staff have prepared this by-law in consultation with Township Staff and having considered the background and regulatory option reports which have been endorsed by Township Council.

A summary of the proposed zoning by-law provisions and regulations are provided below.

Additional Defined Terms:

The draft by-law revises existing definitions and adds new definitions to the Township's comprehensive zoning by-law which serve to define cannabis related uses. The new definitions include:

- CANNABIS
- CANNABIS-RELATED USE – INDOOR
- CANNABIS-RELATED USE – OUTDOOR
- GREENHOUSE STRUCTURE
- HOOP HOUSE STRUCTRE
- INDUSTRIAL HEMP-RELATED USE – INDOOR
- INDUSTRIAL HEMP-RELATED USE – OUTDOOR
- SENSITIVE LAND USE

New Parking Standard for Cannabis Uses:

The draft by-law revises the parking regulations in the Township comprehensive zoning by-law to include new parking standards for indoor cannabis and hemp uses. This standard will ensure that parking is provided for any employees at a production or processing facility.

Site Plan Approval for Indoor Cannabis Uses:

Township Staff will proceed with updating the Township's Site Plan Control By-law to clarify that indoor cannabis and hemp uses, both production and processing, are subject to site plan approval. Wording has been included in the draft zoning by-law to this effect as well. A revised site plan by-law will be brought to Council for consideration and approval in the future.

Outdoor Growing of Cannabis:

The draft by-law includes provisions which permit the growing of cannabis and hemp within the agricultural area of the Township subject to specific standards and regulations. Planning Staff have proposed that cannabis and hemp can be grown

outdoors on agricultural properties which meet a minimum size of 10.1 ha (25.0 ac) and have a minimum of 122.0 m (400.3 ft) of frontage. Furthermore, the following additional regulations apply:

<p>OUTDOOR GROWING ONLY Cannabis and hemp shall only be grown outdoors and shall not be grown in a greenhouse structure or hoop house structure.</p>
<p>MAXIMUM BUILDING AREA All buildings and structures associated with Cannabis-Related – Outdoor, and Industrial Hemp-Related - Outdoor uses shall be limited to a maximum of 232 m² (2,500.0 ft²) on a lot.</p>
<p>SETBACK TO LOT LINE All activities associated with Cannabis-Related – Outdoor, and Industrial Hemp-Related - Outdoor uses including, but not limited to the outdoor growing of cannabis or hemp, security fencing, associated buildings, and parking and loading areas, shall be setback a minimum of 30 m (98.4 ft) from a lot line.</p>
<p>SETBACK TO SENSITIVE USES All activities associated with Cannabis-Related – Outdoor, and Industrial Hemp-Related - Outdoor uses including, but not limited to the outdoor growing of cannabis or hemp, security fencing, associated buildings, and parking and loading areas, shall be setback a minimum of 300 m (984.2 ft) from the lot line to a sensitive use. In the case where the sensitive land use is a dwelling, the measurements shall be to the dwelling and not the lot line.</p>
<p>SETBACK TO SETTLEMENT AREAS All activities associated with Cannabis-Related – Outdoor, and Industrial Hemp-Related - Outdoor uses including, but not limited to the outdoor growing of cannabis or hemp, security fencing, associated buildings, and parking and loading areas, shall be setback a minimum of 500 m (1640.4 ft) from the boundary of the settlement areas of Arthur (Schedule A, Map 2), Conn (Schedule A, Map 6), Damascus (Schedule A, Map 7), Kenilworth (Schedule A, Map 4), Mount Forest (Schedule A, Map 3), and Riverstown (Schedule A, Map 5).</p>

The permission to allow the outdoor growing of cannabis and hemp recognizes the agricultural nature of “growing” the plant, and it is noted that the proposed setbacks and separation distances to sensitive land uses, should serve to limit impacts and nuisances related to odours. The seasonal nature of outdoor growing will also limit impacts and nuisances to sensitive land uses as only one crop per year is grown, as opposed to an indoor facility where numerous crops can be grown with plants potentially always in bloom and odorous.

The growing of cannabis outdoors is also subject to federal law and regulations and these must be met for any outdoor growing use. The proposed zoning by-law amendment also does not prohibit or regulate the growing of cannabis plants for recreational purposes at a residence as permitted by the *Cannabis Act* and provincial regulations (currently 4 or fewer cannabis plants).

Indoor Growing and Processing of Cannabis:

The draft zoning by-law introduces three new zoning categories for the indoor growing and processing of cannabis and hemp: A-CAN - Agricultural Cannabis zone, M1-CAN - Industrial Cannabis zone, and RIN-CAN Rural industrial zone.

The new A-Can – Agricultural Cannabis Zone permits the indoor growing and processing of cannabis and hemp on lands subject to this zone. A zoning by-law amendment is required to rezone lands to this zone in the agricultural area. The following regulations apply to this zone:

LOT AREA, MIN	10.1 ha (25.0 ac)
LOT FRONTAGE, MIN	122.0 m (400.3 ft)
MAXIMUM BUILDING AREA	
All buildings and facilities associated with Cannabis-Related – Indoor, and Industrial Hemp-Related - Indoor uses shall be limited to a maximum of 464.5 m ² (5000.0 ft ²) on a lot.	
SETBACK TO LOT LINE	
All activities associated with Cannabis-Related – Indoor, and Industrial Hemp-Related - Indoor, including, but not limited to the indoor growing of cannabis or hemp, security fencing, all associated buildings, and parking and loading areas, shall be setback a minimum of 80 m (262.5 ft) from a lot line.	
SETBACK TO SENSITIVE USES	
All activities associated with Cannabis-Related – Indoor, and Industrial Hemp-Related – Indoor uses including, but not limited to the indoor growing of cannabis or hemp, security fencing, all associated buildings, and parking and loading areas, shall be setback a minimum of 500 m (1640.4 ft) from the lot line to a sensitive use. In the case where the sensitive land use is a dwelling, the measurements shall be to the dwelling and not the lot line.	
SETBACK TO SETTLEMENT AREAS	
All activities associated with Cannabis-Related – Indoor, and Industrial Hemp-Related - Indoor uses including, but not limited to the indoor growing of cannabis or hemp, security fencing, associated buildings, and parking and loading areas, shall be setback a minimum of 1000 m (3280.8 ft) from the boundary of the settlement areas of Arthur (Schedule A, Map 2), Conn (Schedule A, Map 6), Damascus (Schedule A, Map 7), Kenilworth (Schedule A, Map 4), Mount Forest (Schedule A, Map 3), and Riverstown (Schedule A, Map 5).	
No light or glare from lighting used for the for the growing of cannabis or hemp shall be visible from outside the building. All external lighting for the building or site shall comply with section 6.9 (External Lighting) of the zoning by-law.	
All buildings where cannabis or hemp is being grown, processed or stored shall be designed and equipped with air treatment controls which prevent cannabis odour from escaping. The odour control equipment shall be maintained and utilized at all times. Zoning by-law amendment applications for proposed Cannabis-Related – Indoor, and Industrial	

Hemp-Related - Indoor uses shall submit an odour control study in support of the application to the satisfaction of the Township of Wellington North.

Cannabis-Related – Indoor, and Industrial Hemp-Related - Indoor uses are subject to site plan control.
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Planning Staff note that the by-law has been structured so that a proponent will need to obtain a zoning by-law amendment to produce and process cannabis and hemp on an agricultural property in the Township. The zoning by-law amendment would provide the opportunity to confirm that compatibility of the proposed use has been met. The applicant will be required to provide an odour control report/study which addresses compatibility and odour controls of the facility. Odour is a concern at indoor facilities considering that plants are grown in a concentrated fashion, and there are typically multiple crops being grown at once which may be in various stages of growth. Potentially, there may be some plants which are odours at any given time of the year. Planning Staff are recommending this approach considering the absence of any further guidance from the province or federal government related to odour and compatibility such as an “MDS” type of guideline.

The new M1-CAN - Industrial Cannabis zone permits the indoor growing and processing of cannabis and hemp on lands subject to this zone. A zoning by-law amendment is required to rezone lands to this zone in urban industrial areas. The following regulations apply to this zone:

The M1 Industrial Zone regulations under sections 24.2, 24.4, and 24.6 are applicable to this zone.

SETBACK TO SENSITIVE USES

All activities associated with Cannabis-Related – Indoor, and Industrial Hemp-Related – Indoor uses including, but not limited to the indoor growing of cannabis or hemp, security fencing, all associated buildings, and parking and loading areas, shall be setback a minimum of 300 m (984.2 ft) from the lot line to a sensitive use. In the case where the sensitive land use is a dwelling, the measurements shall be to the dwelling and not the lot line.

No light or glare from lighting used for the for the growing of cannabis or hemp shall be visible from outside the building. All external lighting for the building or site shall comply with section 6.9 (External Lighting) of the zoning by-law.

All buildings where cannabis or hemp is being grown, processed or stored shall be designed and equipped with air treatment controls which prevent cannabis odour from escaping. The odour control equipment shall be maintained and utilized at all times. Zoning by-law amendment applications for proposed Cannabis-Related – Indoor, and Industrial Hemp-Related - Indoor uses shall submit an odour control study in support of the application to the satisfaction of the Township of Wellington North.
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Cannabis-Related – Indoor, and Industrial Hemp-Related - Indoor uses are subject to site plan control.
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Planning Staff note that the M1 Industrial regulations are being applied for uses within the new M1- CAN zone (e.g. lot sizes, setbacks etc.).

Similarly to the A-Can zone, it is proposed that a proponent will have to obtain a zoning by-law amendment for a cannabis or hemp production or processing use in an urban industrial area of the Township.

Finally the new RIN-CAN zone permits the indoor growing and processing of cannabis and hemp on lands subject to this zone. A zoning by-law amendment is required to rezone lands to this zone in rural industrial areas. The following regulations apply to this zone:

The RIN Industrial Zone regulations under sections 25.2.1 to 25.2.8 and 25.3 are applicable to this zone.

SETBACK TO SENSITIVE USES

All activities associated with Cannabis-Related – Indoor, and Industrial Hemp-Related – Indoor uses including, but not limited to the indoor growing of cannabis or hemp, security fencing, all associated buildings, and parking and loading areas, shall be setback a minimum of 300 m (984.2 ft) from the lot line to a sensitive use. In the case where the sensitive land use is a dwelling, the measurements shall be to the dwelling and not the lot line.

No light or glare from lighting used for the for the growing of cannabis or hemp shall be visible from outside the building. All external lighting for the building or site shall comply with section 6.9 (External Lighting) of the zoning by-law.

All buildings where cannabis or hemp is being grown, processed or stored shall be designed and equipped with air treatment controls which prevent cannabis odour from escaping. The odour control equipment shall be maintained and utilized at all times. Zoning by-law amendment applications for proposed Cannabis-Related – Indoor, and Industrial Hemp-Related - Indoor uses shall submit an odour control study in support of the application to the satisfaction of the Township of Wellington North.
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Cannabis-Related – Indoor, and Industrial Hemp-Related - Indoor uses are subject to site plan control.
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Similarly to the A-Can and M1-CAN zones, it is proposed that a proponent will have to obtain a zoning by-law amendment for a cannabis or hemp production or processing use in a rural industrial area of the Township.

Planning Staff note that the growing and processing of cannabis indoors is also subject to federal law and regulations which must be met for any indoor use. The proposed zoning by-law amendment also does not prohibit or regulate the growing of cannabis plants for recreational purposes at a residence as permitted by the *Cannabis Act* and provincial regulations (currently 4 or fewer cannabis plants).

EXISTING CANNABIS APPROVALS IN RIVERSTOWN
There are two properties in the Township of Wellington North where the growing of cannabis is specifically permitted in the Zoning By-law. The two properties are located in the Riverstown Rural Employment Area and both obtained site specific zoning by-law amendments to permit “the indoor cultivation of cannabis for commercial sale by a

licensed producer ... subject to approval and licensing by Health Canada under the Access to Cannabis for Medical Purposes Regulations (ACMPR) or subsequent regulations". Planning Staff are not proposing any changes to the zoning of these properties.

CONCLUSION

Planning Staff have prepared a draft zoning by-law for Council's consideration which regulates cannabis related uses in the Township. Planning Staff are of the opinion that the proposed by-law is consistent with provincial policy and the County of Wellington Official Plan. Planning Staff have prepared the draft by-law based on the Council endorsed background and regulatory options reports, and based on a review of other municipal by-laws and best practices in the province.

Planning Staff also recommends that the Township continue to monitor federal cannabis laws and regulations, as well as other municipal best practices related to zoning and land use. The Township may wish to revisit the matter in the future if desired or necessary.

CORRESPONDENCE FOR COUNCIL'S REVIEW

Michael Oberle, Environmental Planning Coordinator, Saugeen Valley Conservation Authority

- Email dated June 9, 2023 (No Objection)

Jessica Conroy, Resource Planner, Grand River Conservation Authority

- Email dated June 12, 2023 (No Objection)

REQUEST FOR NOTICE OF DECISION

The by-law will be considered at the regular council meeting following the public meeting. Persons wishing notice of the passing of the by-law must submit a written request.

MAYOR OPENS FLOOR FOR ANY COMMENTS/QUESTIONS

No one registered or was present with comments or questions.

COMMENTS/QUESTIONS FROM COUNCIL

Councillor Renken expressed concern with the wording "the distance between the growing operation in a rural area to the sensitive area". She is okay with it going to the lot line of the sensitive area; but it says that if there is a residence on the sensitive area then the distance goes to the residence itself; which would shorten the distance between the growing operation and the house. Her concern is that the area on the sensitive area between the house and the lot line may be occupied by people or children playing there. Could the wording be changed to "the distance to the lot line of the sensitive area". Mr. Marshall stated that what is proposed in the rural area is a 300m setback from outdoor growing and 500m for indoor growing, if permitted, from a sensitive land use. In cases where it's a cemetery, lands zoned residential or designated as residential, a place of worship or a school; those types of use are to the lot line. However, in the case of a farm or rural residential the by-law proposes to the dwelling itself. The difficulty with using to the lot line would be most farm sizes were surveyed at 300m wide, so effectively with a 300m to the lot line most farms would have very little room. If it is to the dwelling there would be additional opportunity to

locate a facility or field. Being at the rear of the farm you could meet the distance to the neighbouring dwelling. Councillor Renken stated that she understands the difficulty and the size of the farm; however, she is concerned for the people in the residence. People wanting to grow cannabis should be aware of the by-law and their farmland and should use it accordingly.

Mayor Lennox asked for clarification in terms of outdoor growing in an agricultural zone, if you can meet the setback distances, that they do not require a zone amendment, as long as they meet other regulation. Mr. Marshall stated that they would not require a zone amendment. There are proposals for minimum frontage, lot area, setbacks to lot lines, limits on a storage shed for fertilizer etc., and the setbacks to sensitive areas and settlement areas. Mayor Lennox inquired if anything indoor will require a zoning by-law amendment. Mr. Marshall confirmed that an indoor facility would require a zone amendment. The by-law creates the three zones, one to the rural area, one to the industrial areas in town, and then the rural industrial like Riverstown. Any new indoor use for hemp or cannabis would require a zoning amendment.

Mayor Lennox inquired if the passing of the new by-law automatically ends the interim control by-law that expires in September. Mr. Marshall stated that the intent is that once the new by-law approved and comes into force and affect the interim control by-law will be repealed. Karren Wallace, Clerk, commented that there is a twenty-day appeal period for the by-law so they will wait until after that to repeal the interim control by-law.

Mayor Lennox asked if the operations currently in Riverstown comply with this or will be legal nonconforming. Mr. Marshall commented that as proposed they would be compliant and would continue under their current site-specific zoning amendments. There are no further changes being proposed to them.

Councillor McCabe inquired what happens if the operators in Riverstown sell their property. Would they be grandfathered in for the next buyers? Mr. Marshall stated that they would maintain the zoning unless it had been changed. Zoning stays with the property, even if the facility closes or doesn't operate.

ADJOURNMENT

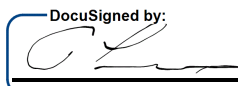
RESOLUTION: 007-2023


Moved: Councillor Renken

Seconded: Councillor Hern

THAT the Public Meeting of June 19, 2023 be adjourned at 8:08 pm.

CARRIED

DocuSigned by:

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MAYOR

DocuSigned by:

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CLERK