

## Appendix B



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| PROJECT MANAGEMENT

# Planning Justification Report

1501,1521,1523,1527 & 1506,1508,1526,1640 County Road 34  
Town of Kingsville, County of Essex, Ontario

May 2018

### Prepared For:

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## 1.0 Introduction

T. Johns Consulting Group Ltd. has been retained by the prospective purchasers, Cannucure Corporation, to provide a Planning Justification Report in support of the Zoning By-law amendment application to rezone the lands municipally known as 1506, 1508, 1526, 1640 and 1501, 1521, 1523, 1527 County Road 34, Town of Kingsville in the County of Essex to permit a Medical Marihuana Production Facility. This report includes an overview of the subject lands in context with surrounding lands uses, a detailed description of the proposed use, and a detailed review of the pertinent planning framework in support of the proposed amendments.

### 1.1 Property Description

The subject lands are made up of multiple parcels located on both the east and west side of County Road 34, north of County Road 18 (Road 4 East). The subject lands on the east side of the County Road 34 are legally described Part of Lot 21, Concession 4, Eastern Division Gosfield Designated As Part 1 on Plan 12R15280; Part 2 Plan 12R15280; As R1372997; Part 14 on Plan 12R1554; Part 1 on Plan 12R22797, Town of Kingsville, and County of Essex, Ontario; and municipally known as 1506, 1508, 1526, 1640 County Road 34.

The subject lands on the west side of County Road 34 legally described as Part of Lot 20 Concession 4 Eastern Division Gosfield Designated As Parts 1 to 8 on Plan 12R14851, Parts 1 & 2 on Plan 12R13840 & Parts 1 & 2 on Plan 12R19945, Town of Kingsville, and County of Essex, Ontario; and municipally known as 1501, 1521, 1523, 1527 County Road 34 (**See Figure 1 - Location Plan**).

1506, 1508, 1526, 1640 County Road 34, make up an irregular shaped parcel with an approximate total land area of 28.25 hectares (69.81 acres) with an approximate total frontage of 332.17 metres along County Road 34. 1640 County Road 34 has approximately 156.85 metres of frontage along County Road 18. The subject lands contain three (3) greenhouse buildings with an approximate total growing area of 19.6 hectares (48.4ac) and three (3) one-storey single detached dwellings, one being on the north side of the subject lands with a side yard along County Road 34, another more south on the property fronting County Road 34 and the other being on the far south side of the subject lands with frontage along County Road 18 (**See Figure 2 - Aerial Map**).

1501, 1521, 1523, 1527 County Road 34 are rectangular shape with a curved northerly lot line, following the bend of County Road 34. The subject lands have an approximate area of 19.40 hectares (47.9 acres) with approximately 891 metres of frontage along County Road 34. The subject lands contain multiple existing buildings typical of an agricultural operation. From the most northerly end of the site access will be maintained, one (1) cooler/distribution building and one (1) office building with a packing area. A greenhouse with a total growing area of 11.70 ha. The site also contains four (4) single detached dwellings along County Road 34 and three (3) stormwater management ponds (**See Figure 2 - Aerial Map**).

## 1.2 Surrounding Land Uses

The lands are located within the Rural area of the Town of Kingsville. The immediate surrounding uses are made up of agricultural, medium industrial, recreational and rural residential uses.

## 2.0 Proposed Development

The intent is to rezone the subject lands to permit the use of a medical marihuana production facility (“MMPF”). The proposed agricultural operation will utilize the existing buildings on site. The marihuana will be grown and processed in the existing greenhouses with ancillary uses such as drying, oil extraction, distribution and office uses in the buildings as described. The existing single-detached dwellings will be kept and used for housing of the farm employees.

The proposed operation will follow the policies and standards pursuant to the *Access to Cannabis for Medical Purposes Regulations* imposed by Health Canada licensing including security and odour mitigation. All existing accesses from County Road 34 will be maintained (**See Appendix A - Zoning Sketches**).

### 2.1 Planning Applications

A meeting was held with Town and County Staff on March 26<sup>th</sup>, 2018 to discuss the proposal. The meeting confirmed that approval of a Zoning By-law Amendment (“ZBA”) is required to amend the zoning on the subject lands to facilitate the proposed Medical Marihuana Production Facility. A Planning Justification Report and an Odour Mitigation Strategy are required to be completed and submitted in support of the application.

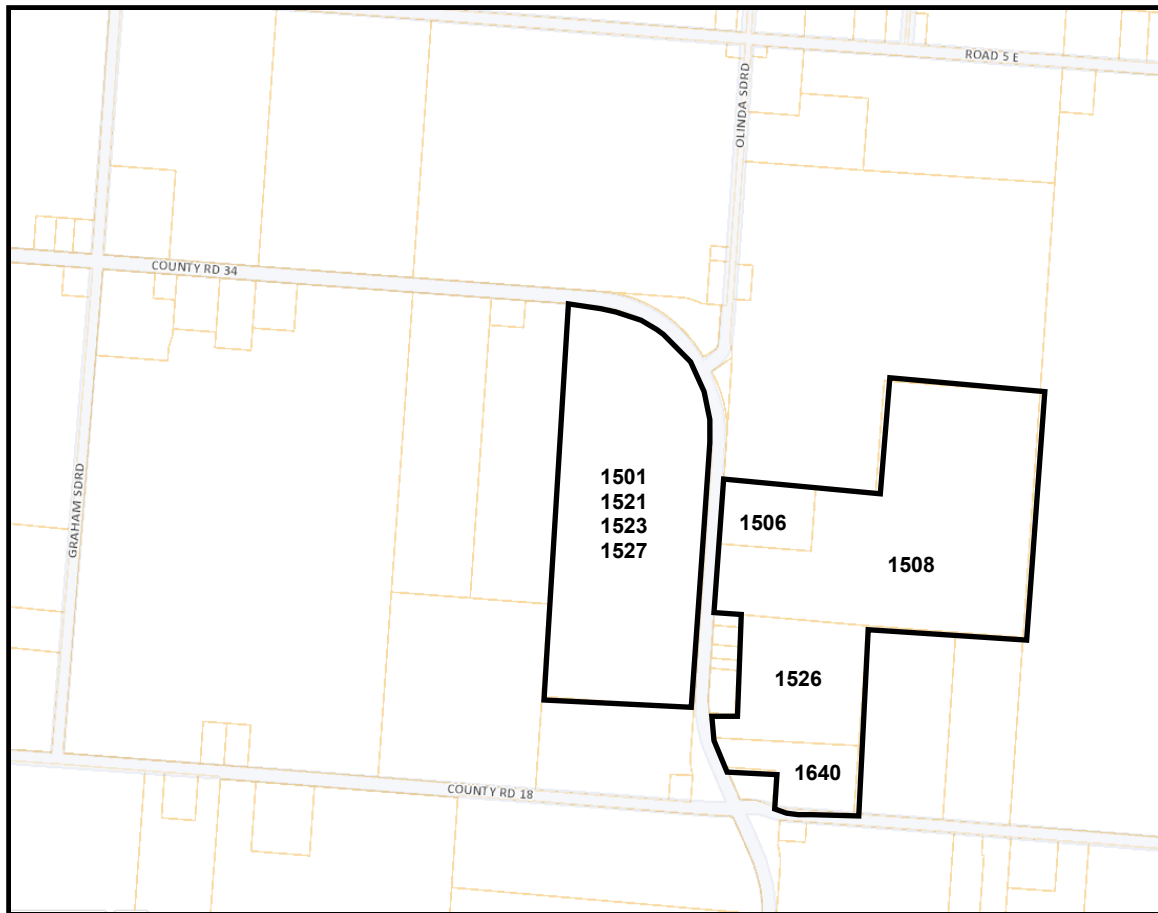
The requested ZBA will rezone the subject lands from Agricultural (A1) Zone to a site specific Agricultural (A1) Zone (**See Appendix B & C - Draft Amending Zoning By-law**).

### 2.2 Odour Mitigation Strategy

Cannacure Corporation will use best practice efforts to mitigate odour by using odour cannons and exhaust filtration filters to help reduce odour and mask scent. A specific odour mitigation strategy will be finalized and employed during the federal licensing process.



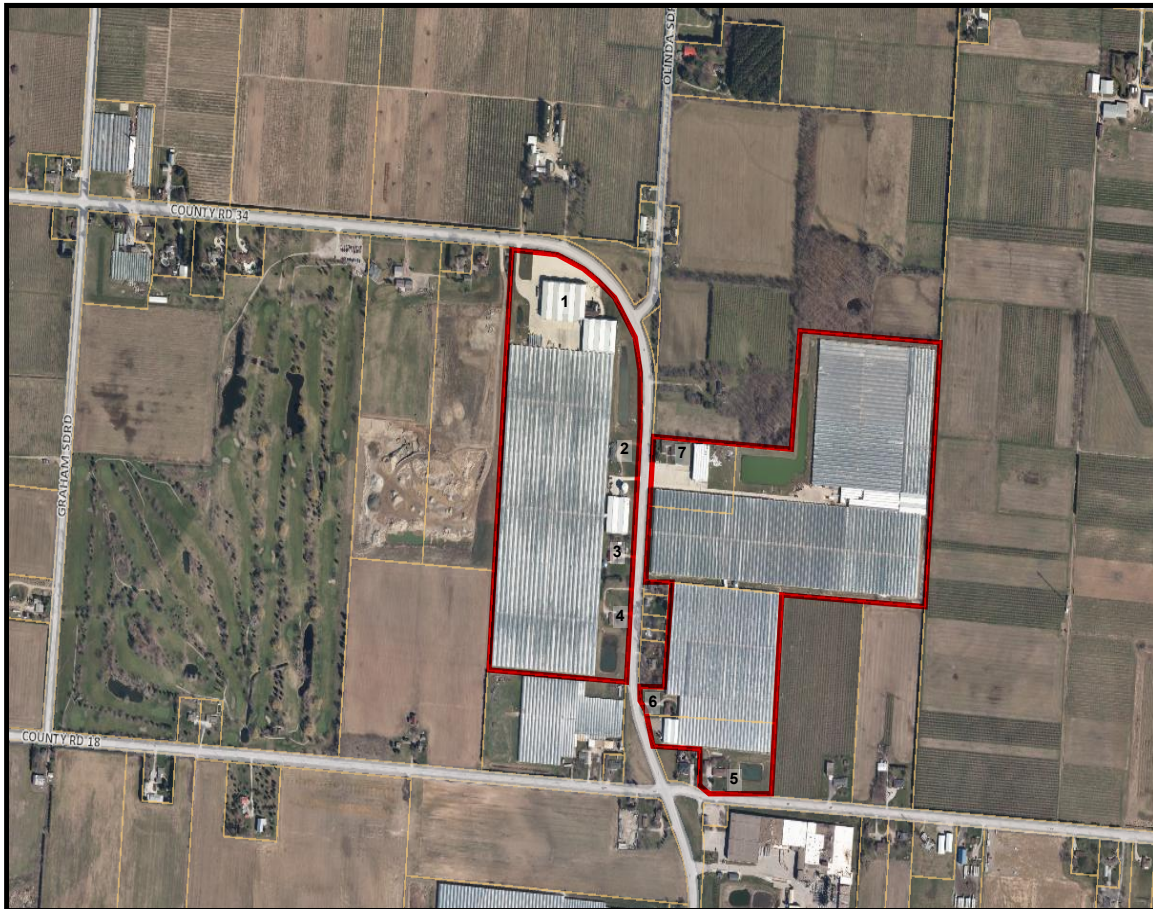
**Figure 1**  
**Location Plan**



**SUBJECT LANDS**

1501, 1521, 1523, 1527 & 1506, 1508, 1526, 1640 County Road 34,  
Township of Kingsville, County of Essex

**Figure 2**  
**Aerial Plan**



**SUBJECT LANDS**

1501, 1521, 1523, 1527 & 1506, 1508, 1526, 1640 County Road 34,  
 Township of Kingsville, County of Essex

**LEGEND**

- 1** Distribution Centre and Office
- 2** Single Detached Dwelling
- 3** Two Single Detached Dwellings & Accessory Structure
- 4-7** Single Detached Dwelling

## 3.0 Planning Framework

This section reviews the planning documents applicable to the subject property, which include the Provincial Policy Statement, Essex County Official Plan, Town of Kingsville Official Plan and the Town of Kingsville Comprehensive Zoning By-law 1-2014, as amended.

### 3.1 Provincial Policy Statement, 2014

The Provincial Policy Statement (“PPS”) came into effect on April 30, 2014 as a policy-led regulating document that provides direction on provincial interest related to managing land use planning and development. The subject lands are within the rural area of the Township of Kingsville in the County of Essex.

The following applicable policies have been noted and reviewed:

#### **1.1.4 Rural Areas in Municipalities**

##### *1.1.4.1 Healthy, integrated and viable rural areas should be supported by:*

- a. building upon rural character, and leveraging rural amenities and assets;*
- b. promoting regeneration, including the redevelopment of brownfield sites;*
- c. accommodating an appropriate range and mix of housing in rural settlement areas;*
- d. encouraging the conservation and redevelopment of existing rural housing stock on rural lands;*
- e. using rural infrastructure and public service facilities efficiently;*
- f. promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management of resources;*
- g. providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;*
- h. conserving biodiversity and considering the ecological benefits provided by nature; and*
- i. providing opportunities for economic activities in prime agricultural areas, in accordance with policy 2.3.*

##### *1.1.4.2 In rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.*

##### *1.1.4.3 When directing development in rural settlement areas in accordance with policy 1.1.3, planning authorities shall give consideration to rural characteristics, the scale of development and the provision of appropriate service levels.*

##### *1.1.4.4 Growth and development may be directed to rural lands in accordance with policy 1.1.5, including where a municipality does not have a settlement area.*

### **Planning Comment:**

The proposal will maintain the rural character of Kingsville, as the proposed site plan retains the existing residential and greenhouse buildings. The proposal does leverage on the fact the greenhouses exist on the subject lands and therefore maintain important agricultural assets. The proposal will regenerate the subject lands by retrofitting the existing greenhouse buildings to produce a crop that is being introduced as a commodity in the future growth of the Province. The existing distribution building with loading docks and the office building will be retained for the operation of the proposed use. The existing single-detached houses will be conserved to house farm help on-site. The proposed agricultural use, medical marihuana, will promote diversification of the agricultural economy and provide employment opportunities. Medical Marihuana requires specialized professionals and farm help to maintain the production facilities' daily operations. As the operation will occur within the existing greenhouses, the surrounding natural environment will be conserved. The subject lands are existing with on-site private water services and storm water ponds that have the capacity to withstand the needs of the operations, thereby mitigating unintended consequences such as water-infiltration into the surrounding natural environment. The proposed agricultural use is appropriate for the rural lands and will provide a commodity that is in demand due to new Federal and Provincial legislation.

## **2.3 Agriculture**

2.3.1 *Prime agricultural areas* shall be protected for long-term use for agriculture.

*Prime agricultural areas* are areas where *prime agricultural lands* predominate. *Specialty crop areas* shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the *prime agricultural area*, in this order of priority.

2.3.2 Planning authorities shall designate *prime agricultural areas* and *specialty crop areas* in accordance with guidelines developed by the Province, as amended from time to time.

### **2.3.3 Permitted Uses**

2.3.3.1 In *prime agricultural areas*, permitted uses and activities are: *agricultural uses*, *agriculture-related uses* and *on-farm diversified uses*.

Proposed *agriculture-related uses* and *on-farm diversified uses* shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.

- 2.3.3.2 In *prime agricultural areas*, all types, sizes and intensities of *agricultural uses* and *normal farm practices* shall be promoted and protected in accordance with provincial standards.
- 2.3.3.3 New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the *minimum distance separation formulae*.

**Planning Comment:**

The proposal will maintain an agricultural land use. The proposed medical marihuana production facility's daily operations will be contained within the greenhouses. Surrounding agricultural land uses include greenhouses and traditional farming fields. The proposed use will be compatible with the surrounding agricultural operations. The medical marihuana agricultural use will be within existing greenhouses with a total approximate footprint of 31 hectares. The proposed crop will be regulated by federal legislation and licensing. The proposed use is known for incompatibilities related to odour. The odour will be mitigated via setbacks as determined by the Zoning By-law and mitigation technologies.

The proposal will repurpose existing greenhouses to maintain an agricultural use, being a medical marihuana production facility, that will maintain the rural landscape of the Township of Kingsville. The proposed use will not have negative impacts on the surrounding natural environment or existing agricultural operations. The operation will be supported by existing on-site private infrastructure and provide residential accommodations for farm help. The proposed crop is in response with the changing Federal and Provincial markets and legislation. The proposed crop will contribute to agricultural diversity within the Town and the County.

The proposal is **consistent** with the PPS, 2014.

## 3.2 County of Essex Official Plan

The County of Essex Official Plan came into force and effect in April 2014 with the general purpose of providing goals and policies to represent the overall public interest for all seven local municipalities within the County of Essex.

Schedule A1-Land Use Plan of the County of Essex Official Plan designates the subject lands **Agricultural** within the Town of Kingsville boundary (See Figure 3 - COP Land Use Plan).

3.3 Agricultural Policies	
Policy	Planning Comment
3.3.3.1	The proposal is for an agricultural use, being a medical marihuana production facility. The proposal will maintain all greenhouses, ancillary buildings (i.e. distribution and

	offices) and the seven (7) existing single detached houses for on-site farm help accommodation. The uses are typically permitted for an agricultural use.
3.3.3.2	The proposed agricultural use does not include secondary uses, therefore this policy shall not apply.
3.3.3.3	Agriculture-Related Uses on the site will include storage and processing facilities for on-farm crops. The existing distribution building and office building will be utilized for logistic operations of the farm. Existing residential dwellings will be used for housing farm help on-site. As such, the farm-related uses are a continuation of typical farming operations and will utilize existing buildings. Therefore, the proposal conforms to this policy.
3.3.3.4	The proposal does not intend to create lots, therefore this policy shall not apply.
3.3.3.5	The proposal will require the employment of full time farm help. The dwellings that will house the farm help are existing and are located along the boundaries of the subject lands, therefore they do not have a negative impact on the farm's viability. The farm help living on site will be aware of the impacts typically associated with medical marihuana production and harvesting.
3.3.3.6	The extraction of mineral resources are not proposed, therefore this policy shall not apply.
3.3.4	<ul style="list-style-type: none"> <li>a) The proposed agricultural use is not for livestock. Therefore, the MDS does not apply. However, due to the nature of the proposed crop, mitigation measures including an appropriate setback from abutting residential uses will be implemented via Zoning By-law standards.</li> <li>b) The subject lands are not within an identified prime agricultural area.</li> <li>c) A land use redesignation to a non-agricultural designation is not proposed.</li> <li>d) The subject lands are not identified as having significant environmental features, therefore policies of the Natural Environment section shall not apply.</li> <li>e) The proposed agricultural crop will be grown with normal farm practices, typical of other flowering crops.</li> </ul>

The proposal will maintain the agricultural land use of the subject lands and therefore is in keeping with the agricultural land use policies of the County of Essex Official Plan. The existing structures, including greenhouses, ancillary buildings and the single-detached houses will be maintained and utilized. The proposed agricultural crop and associated operations are not expected to have negative impacts to the surrounding area.

The proposed land use **conforms** to the County of Essex Official Plan.

### 3.3 Town of Kingsville Official Plan

The Town of Kingsville Official Plan ("OP") was approved by County Council on February 1, 2012. The intent of the OP is to provide goals, objectives and policies to manage land use and growth within the township.

Schedule "A" - Land Use Plan of the OP designates the subject lands **Agricultural** (See Figure 4 - Town of Kingsville Land Use Map).



The following reviews the proposal in context with the applicable policies of the Agriculture designation.

<b>3.1 Agriculture Land Use Policies</b>	
<b>Policy</b>	<b>Planning Comment</b>
3.1	<ul style="list-style-type: none"> <li>a) The proposal is for agriculture and associated land uses including the growing and cultivation of medical marihuana crops. Therefore, the proposal is a permitted use.</li> <li>b) The proposal will maintain and utilize the existing greenhouse structures on site to perform all agricultural related uses including packing and shipping facilities. On-site housing for farm help will take place within the existing single detached dwellings.</li> <li>c) A mushroom farm is not proposed.</li> <li>d) Livestock uses are not proposed.</li> <li>e) Retail-related uses for the trade of goods produced on-site are not proposed.</li> <li>f) Residential uses to house farm help are proposed to occur on the subject lands within the existing dwellings. Due to the make-up of the subject lands, each dwelling is on a separate parcel of land. Therefore, the existing site maintains the policy that permits one residence per lot.</li> <li>g) Secondary small scale farm occupations are not proposed.</li> <li>h) Small scale commercial and dry industrial uses are not proposed.</li> <li>i) Mineral resource exploration and extraction are not proposed.</li> <li>j) Extractive industrial uses are not proposed.</li> <li>k) Part of the subject lands are depicted for Mineral Aggregate Resources, however, the proposal is not for mineral resource uses.</li> <li>l) Lot creation is not proposed.</li> <li>m) Expansion of the built up area is not proposed.</li> <li>n) The subject lands are existing agricultural lands with existing greenhouse structures. The existing agricultural operation is serviced by private sanitary and water services and the proposed agricultural operation intends to utilize the existing private services.</li> <li>o) A restaurant is not proposed.</li> <li>p) The subject lands are not remnants from the Highway No. 3 By-pass construction project.</li> </ul>
3.1.1	The proposal is not for the described uses that are applicable to the MDS policy, therefore the MDS policies shall not apply.

The proposed use, a medical marihuana production facility, will utilize the existing greenhouse and ancillary use buildings for the cultivation, processing, storage and distribution of the proposed crop. The existing dwellings on the subject lands will be used to house farm help. The proposal does not intend to create lots, have livestock, or extract mineral resources. The proposal's operations will be contained to the boundaries of the subject lands, with appropriate distance and odour mitigation measures to ensure compatibility to the surrounding land uses.

The proposal **conforms** for the Town of Kingsville Official Plan.

**Figure 3**  
 County of Essex Official Plan Land Use Map



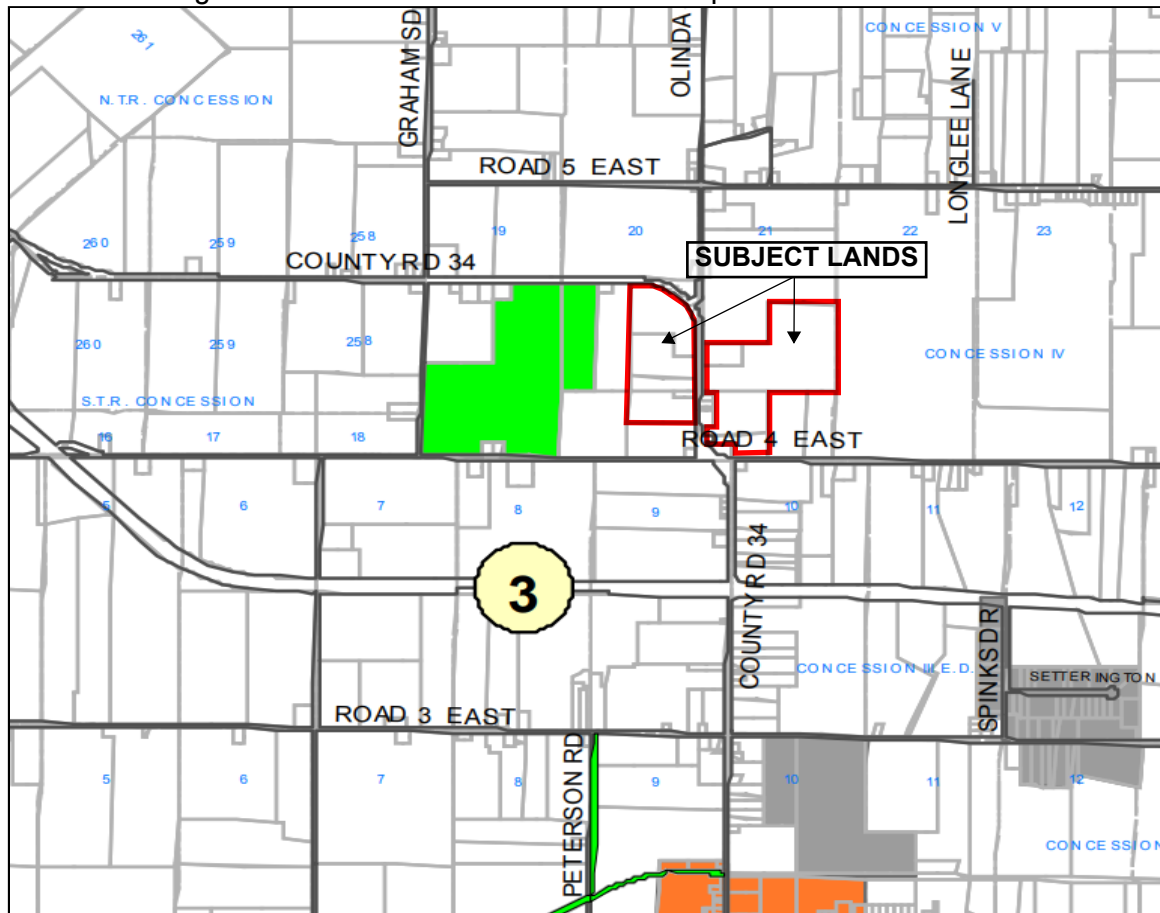
**County of Essex Official Plan**  
 Excerpt from Schedule A1  
 Land Use Plan

**LEGEND**

— Local Roads	□ Lot Fabric
— County Roads	■ Settlement Areas
— Provincial Highway	□ Agricultural
—+— Railway	■ Natural Environment
— Essex County Municipalities	











**Figure 4**  
 Town of Kingsville Official Plan Land Use Map



**Town of Kingsville Official Plan**  
 Excerpt from Schedule "A"  
 Land Use Plan

**LEGEND**

	Agricultural		Special Residential
	Rural Residential		Hamlet
	Lakeshore Residential East		Industrial
	Lakeshore Residential West		Parks and Open Space

### 3.4 Town of Kingsville Comprehensive Zoning By-law 1-2014

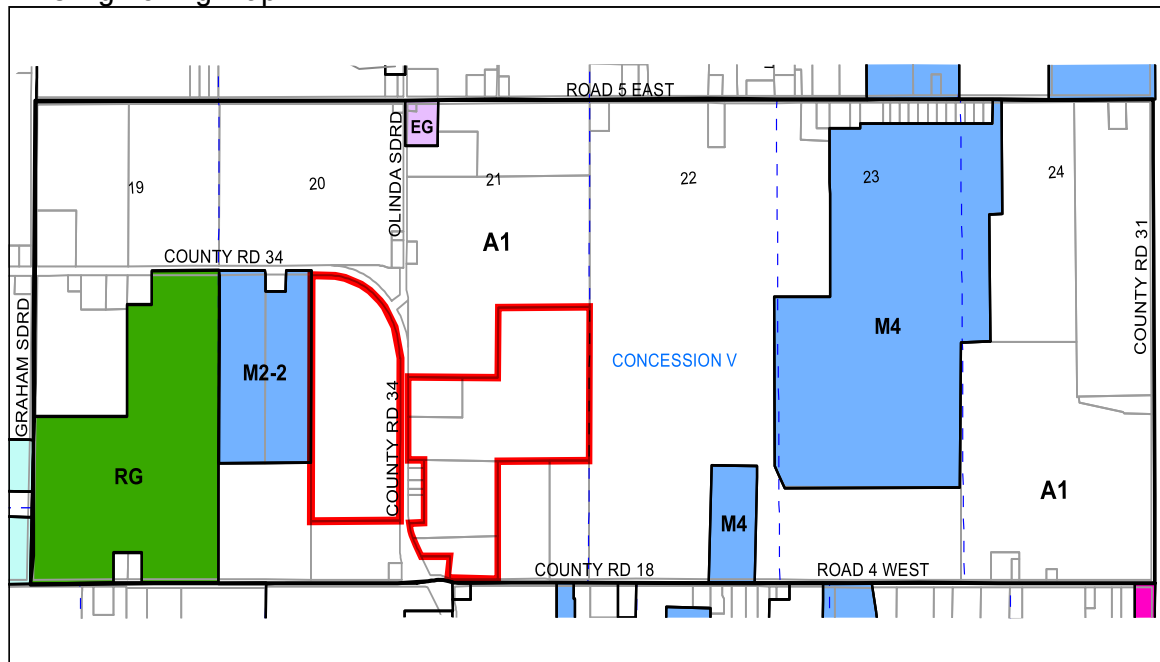
The Town of Kingsville Comprehensive Zoning By-law 1-2014, as amended (“ZBL 1-2014”) is in effect and zones the subject lands **Agricultural (A1) Zone 1** (See Figure 5 - Existing Zoning Map).

The A1 Zone permits uses and structures typical of agricultural land uses including agriculture, research, operations, produce storage, processing facility and/or shipping, fruit/vegetable processing facility, greenhouses, etc.

To facilitate the proposed use, to grow medical marihuana within the existing greenhouses, a Zoning By-law Amendment (“ZBA”) is required to modify the existing A1 Zone. The amendment will also address the provisions of Section 4.46. A draft site specific By-law has been prepared for each of the subject lands and can be found as Appendix B and C.

A change of zone from the A1 Zone to a site specific A1 Zone will maintain the agricultural land use goals determined by the County of Essex and the Town of Kingsville in terms of maintaining agricultural lands within the rural area for agricultural purposes.

**Figure 5**  
**Existing Zoning Map**



**Town of Kingsville Comprehensive Zoning By-law 1-2014**  
**Excerpt from Schedule "A" - Map 44**

**LEGEND**

- A1 Agriculture
- M2 General Industrial
- M4 Extractive Industrial
- EG Education
- RG Recreational
- SUBJECT LANDS

Modifications to the A1 Zone include:

**1. Permit Medical Marihuana as a permitted use**

Per the Zoning By-law, a Zoning By-law Amendment is required to permit the use of a medical marihuana production facility. As the subject lands are existing with greenhouses, the proposed use will be cultivated in a secure and controlled environment. Impacts such as odour will be mitigated with appropriate setbacks and technology. The proposed use is an agricultural production and will require certified agricultural specialists and farm help to manage the facility. Thus, the proposed use will support and maintain agricultural-related jobs in Kingsville.

**2. Permit residential uses accessory to or supportive of on-site agricultural uses**

Policy 4.4.6 c) states that residential uses shall be prohibited on lots having a medical marihuana production facility. It is requested that this policy shall not apply. The subject lands on the east side of County Road 34 have three (3) existing single-detached dwellings. The subject lands on the west side of County Road 34 have four (4) existing single-detached dwellings. The agricultural production for medical marihuana will rely on farm help for daily operations. It is proposed that farm help will reside in the on-site residences. It is typical in the agricultural industry that farm help is provided accommodations on-site, as such, it is reasonable to permit the existing residential uses on the property and any residents of these dwellings will be aware of possible odours related to the production of medical marihuana. The proposed medical marihuana crop is known to have impacts such as odour, however, the proposed medical marihuana production facility will employ mitigative measures that will contain or mask odours. The farm help that is planned to be accommodated within the existing dwellings will be aware of the facilities implications.

**3. Policy 4.46 d) shall not apply**

It is important to note that Policy 4.4.6 d) states that a medical marihuana production facility shall be prohibited from being a secondary/accessory use. It is requested that it is recognized that a use of an agricultural nature is not considered secondary or accessory use as is part of a diversified agricultural production. As such, it is requested that this policy shall not apply.

In order for the proposed MMPF to be implemented, sections of the greenhouses will be converted in a phased approach. As such, the phasing of implementation will allow for vegetables to continue to be grown while sections of the greenhouse are converted for medical marihuana production. This will ensure the financial viability of the farm during the transition of crops and allow for the on-going production of vegetables during the phase in process which is good for agricultural production. At the beginning of the transition, the majority of crops may be vegetables, however, the MMPF will be the primary use. The intent is to eventually have an agricultural operation that is 100% for medical marihuana production. However, since the landowner may continue to utilize

sections of the greenhouses in the interim for existing vegetable production, it is important to recognize this point.

#### **4. Permit Other Uses to Co-exist with Medical Marihuana**

Policy 4.4.6 i) requires that the use of a medical marihuana production facility on a lot not co-exist with any other use on the lot. It is requested that this item shall not apply. This item restricts residential uses that support the proposed production facility. Further, phased implementation would not be viable as the greenhouses would be limited to one crop type at a time (i.e. vegetable or medical marihuana). The item is not aligned with the PPS, 2014 which states that agricultural uses, agriculture-related uses and on-farm diversified uses are permitted uses and shall be supported to expand to be viable and adaptable with change.

#### **4. 4.4.6 g) shall not apply**

Policy 4.4.6 g) requires a minimum distance separation of 100 metres between a MMPF and any structure currently used for residential or institutional uses. It is understood that the 100 metre separation was implemented by rounding up the 70 metre setback established by MOECC for light industrial uses to mitigate MMPF impacts such as odour generation. It is requested to permit the beginning stages (i.e. germination, propagation) of the marihuana growth cycle within 25 metres of an off-site residential use for subject lands locally known as 1506,1508,1526,1640 County Road 34. The greenhouses on the subject lands locally known as 1501, 1521, 1523, 1527 County Road 34 are not within 100 metres of off-site residential uses and as such the zoning amendment for this property does not request relief from this provision and there will be no restrictions of location of operations within the greenhouse. The policy shall be further amended to ensure the minimum distance separation will not apply to on-site residential uses for both subject lands.

There are four (4) stages of marihuana plant growth; germination, propagation, vegetation and flowering. The public perception is that the entire growing and production process of marihuana has offensive odours. However, the first two stages of the growing process are not scientifically known to produce odours. As typical with most flowering plants, odours are present when the plant is reaching its most mature state, the flowering stage or when the plants produce “buds” (**Refer to Appendix D - Cannabis Growth Cycle Diagram**).

As such, the sections of the greenhouses within a 25 metre proximity of residential uses will be used for the germination and propagation of the medical marihuana plant. During the vegetation and flowering stages, the plants will be moved to other sections of the existing greenhouses, outside of the required 100 metre setback from off-site residential uses. This will be ensured by implementing a standardized growing methodology that the employees will follow as standard practice. Further, best practices for odour mitigation will be employed throughout the growing facilities of odour cannons and exhaust filtration filters to help reduce odour and mask scent.

It is important to note that the existing dwellings on site that will be used to house farm employees will be within 100 metres of the entire growing process. However, they will be aware and accept the potential negative impacts, such as odour. It is a common farming practice to house farm employees within a required MDS setback.

#### **5. Minimum Interior Side Yard**

The required minimum interior side yard setback is 3 metres whereas the requested minimum interior side yard is 2.90 metres. The 0.1 metre relief is to accommodate the northerly side yard of an existing single detached dwelling, on the parcel locally known as 1506 County Road 34.

#### **6. Minimum Front Yard Setback**

The required minimum front yard setback is 15 metres whereas the requested minimum front yard setback is 12.0 metres. The relief is to accommodate the existing greenhouse on the subject lands on the east side of County Road 34. The existing front yard provides space for functional storm water mitigation (i.e. swales). The front yard does not have a negative impact on the adjacent rural residential uses or the rural character of the landscape.

#### **7. Minimum Rear Yard Setback**

The required minimum rear yard setback is 15 metres whereas the requested minimum rear yard setback is 6.5 metres. The relief is to accommodate the rear yard of the existing greenhouse on the subject lands on the west side of County Road 34. The rear property line is buffered with vegetation and the adjacent property is occupied with a compatible land use being a greenhouse. The existing rear yard will continue to provide a safe distance between parcels and maintain space for maintenance purposes while ensuring compatibility.

## **4.0 Planning Analysis**

The proposal is consistent with the goals and policies of the PPS, as it retrofits existing greenhouses supported by existing private services. The proposal will retain agricultural lands for agricultural land uses.

The proposal conforms to the County of Essex Official Plan as it maintains the goals identified within the Agriculture designation within the Rural Area of the County. Permitted uses within the County's Agriculture designation include agricultural crops, greenhouses and residential dwellings. Therefore, the proposal is aligned with the permitted uses. Further, the proposal conforms to the Township of Kingsville Official Plan Agriculture designation. The proposed uses are permitted subject to a zoning by-law amendment. The proposal does not involve lot creation.

The existing agricultural lands will be retained for agricultural production. Therefore, an Official Plan Amendment is not required.

The subject lands are zoned General Agriculture (A1) Zone. In order to accommodate the proposed medical marihuana production facility, a Zoning By-law Amendment is required to rezone the subject lands from A1 Zone to a site-specific A1 Zone to permit the proposed use and to modify applicable criteria. The amendment will permit residential uses on-site in support of the agricultural production, permit secondary uses to facilitate the implementation of the crop change over. The subject lands are surrounded by agricultural and rural residential land uses. The existing site design and placement of greenhouses are within 100 metres of residential uses however the operations inside the greenhouse will be arranged to ensure the odour-producing portions of the growing facilities are a minimum setback of 100 metres. The detailed design stage will ensure all required procedures and standards are implemented to maintain public health and safety.

The Zoning By-law Amendment is appropriate for the lands as the proposed agricultural uses are similar in nature to other crops. It will retain greenhouses for agricultural purposes and will provide long-term and seasonal employment utilizing existing private on-site infrastructure.

In conclusion, the proposal, and Zoning By-law Amendment, is consistent with the PPS, conforms to the County of Essex Official Plan and the Township of Kingsville Official Plan and will comply with the Township of Kingsville Comprehensive Zoning By-law 1-2014 General Agriculture (A1) Zone and the Medical Marihuana Production Facility provisions per Section 4.4.6 upon adoption of the proposed by-law amendment. Overall, the proposal demonstrates good land use planning.

## 5.0 Implementation

This proposed development is to be implemented through the Zoning By-law Amendment process. The amendment will allow for the proposed agricultural uses. A draft site specific by-law has been prepared for each of the subject lands and can be found as **Appendices B and C**. An amendment to the existing site plan agreement will be required to ensure appropriate odour mitigation and security measures are implemented.

## 6.0 Conclusions

A Zoning By-law Amendment is required to modify the Agriculture (A1) Zone to permit a medical marihuana production facility with site specific provisions to accommodate the proposed use including permitting on-site residential uses in support of the use, reduce the require minimum distance separation to 25 metres that will specifically apply to the germination and propagation stages of the growth cycle and to permit secondary uses to allow for a feasible transition of crops.

The proposed changes to the Township of Kingsville Comprehensive Zoning By-law 1-2014 are consistent with and conform to the applicable planning policy framework as follows:

- They are consistent with the Provincial Policy Statement in that rural lands be used for agricultural uses;
- The lands are suitable for continued agricultural land use as the proposal will retrofit existing greenhouse structures;
- Will not require any capacity increase or expansion of the existing municipal services and infrastructure;
- Represents good planning, retaining agricultural land uses and associated employment within the municipal boundaries of the Township of Kingsville.

In summary, implementation of the proposal through the site specific by-law is appropriate. The proposed development and associated amendment to the Township of Kingsville Comprehensive Zoning By-law 1-2014 is appropriate, desirable and reflects good land use planning for the subject lands.

Respectfully Submitted,  
**T. Johns Consulting Group Ltd.**

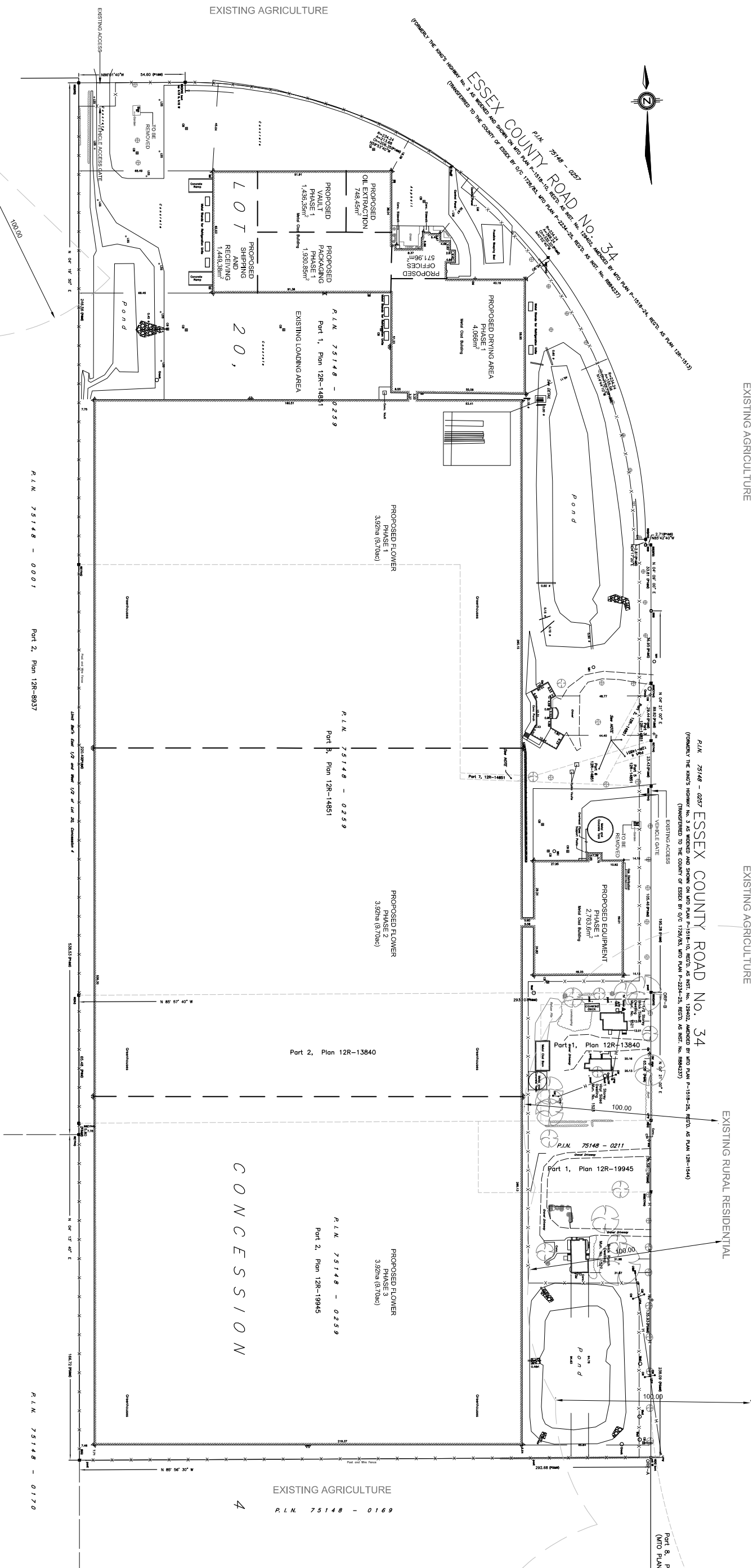


**Cheryl Selig, MCIP, RPP**  
Associate




# Appendix A:

## Zoning Sketches



ZONING CHART				
EXISTING ZONE	AGRICULTURE (A1) ZONE 1	PROPOSED ZONE: AGRICULTURE (A1) ZONE 1, MODIFIED		
		PERMITTED USE	REQUIRED	PROPOSED
7.1.a	MIN. LOT AREA	2ha	MMF	NO
7.1.b	MIN. LOT FRONTAGE	25m	891m	YES
7.2.iii	MIN. INTERIOR SIDE YARD	3m	7.5m	YES
7.2.iii	MIN. FRONT YARD SETBACK	15m	15.5m	YES
7.2.v	MIN. EXTERIOR SIDE YARD	4.5m	12.1m	YES
7.2.vi	MIN. REAR YARD	15m	6.5m	NO
7.2.vii	MAX. LOT COVERAGE	80%	68%	YES
7.2.viii	MAX. BUILDING HEIGHT	15m	15m	YES
7.2.ix	MAX. ACCESSORY STRUCTURE HEIGHT	15m	15m	YES

A SECURITY CAMERA  
 —X— PROPOSED SECURITY FENCE  
 100m BUFFER



LEGEND

REV	DATE	BY	DESCRIPTION
1	15/04/2015	NO	THIS DRAWING IS THE INTELLECTUAL PROPERTY OF J. JOHNS CONSULTING GROUP LTD. AND IS PROTECTED BY PATENT RIGHTS. ANY DISSEMINATION SHALL BE REPORTED TO J. JOHNS CONSULTING GROUP LTD. PRIOR TO THE START OF THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION UNLESS OTHERWISE INDICATED.

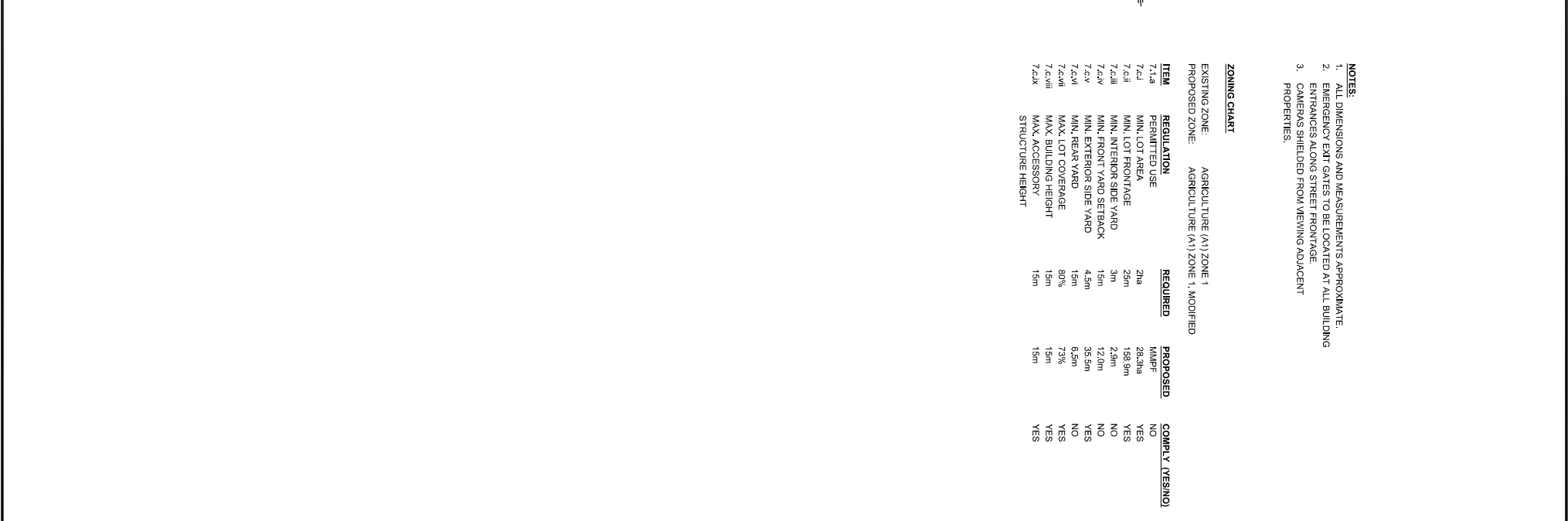
**T. JOHNS  
CONSULTING  
GROUP**  
Urban Planning | Building  
Infrastructure Management

310 LIVERIDGE ROAD WEST SUITE 6  
HAMILTON ONTARIO, L8C 2V2

P 905-574-1993  
F 905-427-0559

**CANNACURE GREENHOUSES**  
1501, 1521, 1523, 1527  
TOWN OF KINGSVILLE, ONTARIO

DRAWN BY		DESIGNED BY	
PRINT DATE 29-MAY-2018		PROJECT NUMBER 11601	
REVISION A		DRAWING NUMBER Z1-1	
SCALE 1:1000			

[illegible]

# Appendix B:

## Draft Zoning Amending By-law 1501,1521,1523,1527 County Road 34

# THE CORPORATION OF THE TOWN OF KINGSVILLE

## BY-LAW NO. \_\_\_\_-2018

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### ***Being a By-law to amend By-law No. 1-2014 the Comprehensive Zoning By-law for the Town of Kingsville***

**WHEREAS** By-law No. 1-2014 is the Town's Comprehensive Zoning By-law to regulate the use of land and the character, location and use of buildings and structures in the Town of Kingsville;

**AND WHEREAS** the Council of the Corporation of the Town of Kingsville deems it expedient and in the best interest of proper planning to further amend By-law No. 1-2014 and herein provided;

**AND WHEREAS** there is an Official Plan in effect in the Town of Kingsville and this By-law is deemed to be in conformity with the Town of Kingsville Official Plan;

### **NOW THEREFORE THE COUNCIL FOR THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:**

1. That Subsection 7.1 e) AGRICULTURE ZONE 1 A1 EXCEPTIONS is amended by adding Subsection XXXX as follows:

#### **7.1. 22 'AGRICULTURE ZONE 1 EXCEPTION \_\_\_\_ (A1-\_\_)**

- a) For lands shown as A1-\_\_ on Map \_\_\_\_ Schedule "A" of this By-law.

#### **b) Permitted Uses**

- i) Those uses permitted under Section 7.1;
- ii) A medical marihuana production facility (MMPF).

#### **c) Permitted Buildings and Structures**

- i) Those buildings and structures permitted under Section 7.1 in the (A1) zone;
- ii) Buildings and structures accessory to the permitted uses.

#### **d) Zone Provisions**

All lot and building requirements for the permitted buildings and structures shall be in accordance with Section 7.1 of this By-law.

Notwithstanding any other provisions of By-law 1-2014, as amended, to the contrary, the lands zoned A1-\_\_\_\_ shall be deemed to be a single existing lot or parcel of land for zoning setback purposes.

Notwithstanding Section 7.1 of the by-law to the contrary the following shall apply:

- i) Minimum Rear Yard                      6.5 metres

Notwithstanding Section 4.46 of the by-law to the contrary the following shall apply:

- i) Item c) is deleted and replaced with as follows: A residential use accessory to or supportive of the agricultural uses on-site, including a MMPF, is permitted;
- ii) Items d), e) and i) are not applicable to lands zoned A1-\_\_\_\_;
- iii) Item g) is deleted and replaced as follows:
  - a. An MMPF growing area shall be located a minimum of 100m from an existing off-site residential use or institutional use;
  - b. Item g) shall not be applicable to an on-site dwelling.

All other items listed under Section 4.46 remain applicable to lands zoned A1-\_\_\_\_.

- 2. Schedule "A", Map \_\_\_\_ of By-law 1-2014 is hereby amended by changing the zone symbol on lands known municipally as (legal description) and locally known as 1501, 1521, 1523, 1527 County Road 34 as shown on Schedule "A" cross-hatched attached hereto from 'Agriculture Zone 1 (A1)' to 'Agriculture Zone 1 Exception \_\_\_\_ (A1-\_\_\_\_)'.
- 3. This by-law shall come into force and take effect from the date of passing by Council and in accordance with Section 34 of the Planning Act.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2018.

---

NELSON SANTOS, MAYOR

---

JENNIFER ASTROLOGO, CLERK

**Schedule 'A'**



**Part of Lot 21, Concession 4  
1501, 1521, 1523, 1527 County Road 34  
Zoning By-law Amendment ZBA/X/X**



Scale:  
1:10000 metres



**Schedule 'A', Map XX of By-law 1-2014 to be amended by changing the zone symbol as shown on Schedule 'A' in cross-hatch attached hereto from 'Agriculture Zone 1 (A1)' to 'Agriculture Zone 1 Exception XX (A1-XX)'**

# Appendix C:

## Draft Zoning Amending By-law 1506, 1508, 1526, 1640 County Road 34



# THE CORPORATION OF THE TOWN OF KINGSVILLE

## BY-LAW NO. \_\_\_\_-2018

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### ***Being a By-law to amend By-law No. 1-2014 the Comprehensive Zoning By-law for the Town of Kingsville***

**WHEREAS** By-law No. 1-2014 is the Town's Comprehensive Zoning By-law to regulate the use of land and the character, location and use of buildings and structures in the Town of Kingsville;

**AND WHEREAS** the Council of the Corporation of the Town of Kingsville deems it expedient and in the best interest of proper planning to further amend By-law No. 1-2014 and herein provided;

**AND WHEREAS** there is an Official Plan in effect in the Town of Kingsville and this By-law is deemed to be in conformity with the Town of Kingsville Official Plan;

### **NOW THEREFORE THE COUNCIL FOR THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:**

1. That Subsection 7.1 e) AGRICULTURE ZONE 1 A1 EXCEPTIONS is amended by adding Subsection XXXX as follows:

#### **7.1. 22 'AGRICULTURE ZONE 1 EXCEPTION \_\_\_\_ (A1-\_\_) – (A1**

- a) For lands shown as A1-\_\_ on Map \_\_\_\_ Schedule "A" of this By-law.

#### **b) Permitted Uses**

- i) Those uses permitted under Section 7.1;
- ii) A medical marihuana production facility (MMPF).

#### **c) Permitted Buildings and Structures**

- i) Those buildings and structures permitted under Section 7.1 in the (A1) zone;
- ii) Buildings and structures accessory to the permitted uses.

#### **d) Zone Provisions**

All lot and building requirements for the permitted buildings and structures shall be in accordance with Section 7.1 of this By-law.

Notwithstanding any other provisions of By-law 1-2014, as amended, to the contrary, the lands zoned A1-\_\_ shall be deemed to be a single existing lot or parcel of land for zoning setback purposes.

Notwithstanding Section 7.1 of the by-law to the contrary the following shall apply:

- |                                |             |
|--------------------------------|-------------|
| i) Minimum Side Yard           | 2.90 metres |
| ii) Minimum Front Yard Setback | 12.0 metres |
| iii) Minimum Rear Yard         | 6.5 metres  |

All other items listed under Section 7.1 remain applicable to lands zoned A1-\_\_\_\_.

Notwithstanding Section 4.46 of the by-law to the contrary the following shall apply:

- i) Item c) is deleted and replaced with as follows: A residential use accessory to or supportive of the agricultural uses on-site, including a MMPF, is permitted;
- ii) Items d) and i) are not applicable to lands zoned A1-\_\_\_\_;
- iii) Item g) is deleted and replaced as follows:
  - a. An MMPF germination and propagation area shall be located a minimum of 25m from an existing off-site residential use or institutional use;
  - b. An MMPF vegetation and flowering area shall be located a minimum of 100m from an existing off-site residential use or institutional use;
  - c. Item g) shall not be applicable to an on-site dwelling.

All other items listed under Section 4.46 remain applicable to lands zoned A1-\_\_\_\_.

- 2. Schedule "A", Map \_\_\_\_ of By-law 1-2014 is hereby amended by changing the zone symbol on lands known municipally as (legal description) and locally known as 1506, 1508, 1526, 1640 County Road 34 as shown on Schedule "A" cross-hatched attached hereto from 'Agriculture Zone 1 (A1)' to 'Agriculture Zone 1 Exception \_\_\_\_ (A1-\_\_\_\_)'.
- 3. This by-law shall come into force and take effect from the date of passing by Council and in accordance with Section 34 of the Planning Act.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2018.

---

NELSON SANTOS, MAYOR

---

JENNIFER ASTROLOGO, CLERK

**Schedule 'A'**



**Part of Lot 21, Concession 4  
1506, 1508, 1526, 1640 County Road 34  
Zoning By-law Amendment ZBA/X/X**



**Scale:  
1:10000 metres**



**Schedule 'A', Map XX of By-law 1-2014 to be amended by changing the zone symbol as shown on Schedule 'A' in cross-hatch attached hereto from 'Agriculture Zone 1 (A1)' to 'Agriculture Zone 1 Exception XX (A1-XX)'**

## Appendix D:

### Cannabis Growth Cycle Diagram

# Cannabis Growth Cycle

Impact on odor emissions



Images source: Leafly – Amy Phung



## Germination

- No odour generated
- 1-2 weeks



## Propagation

- No odour
- 2-3 weeks
- Nursery plants



## Vegetation

- No to low odour closer to flowering
- 2-8 weeks

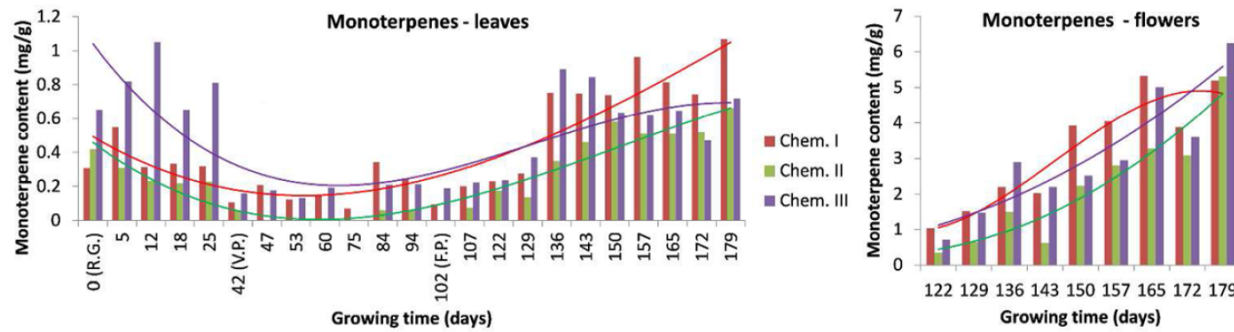


## Flowering

- Odour creation step
- 6 to 8 weeks



# Terpenes evolution



- Responsible for odour creation in many plants.
- Monoterpenes (such as myrcene) are volatile and represent most of the long range odour in cannabis.
- Largest concentration during flowering: 7mg/g VS 1 mg/g in leaves before flowering.

Reference: Aizpurua-Olaizola, O; Soydaner, U; Öztürk, E; Schibano, D; Simsir, Y; Navarro, P; Etxebarria, N; Usobiaga, A: *J. Nat. Prod.* 2016, 79, 324–331