

APPENDIX B

Abe Fehr, 427 County Road 34 West indicated he is very interested as to how these works will affect his property, indicating there is a problem with drainage at his property. Engineer Rood explained that the subject works are related to the replacement access bridge reconstruction only, and any other items would be beyond the scope of the report. Engineer Rood also advised Mr. Fehr that procedures are in place under the *Drainage Act* for property owners to make a request to the municipality for drain maintenance or repair works. Mr. Vegh advised that the maintenance on the 9th Concession Road Drain was performed in 2016, which is relatively recently. He stated that if there is anything specific to Mr. Fehr's address (427 County Rd. 34 W) that Mr. Fehr wishes to discuss, then Mr. Vegh would arrange to meet with him to identify it.

There were no further questions or comments from anyone else in attendance in the audience.

342-2018

Moved By Councillor Larry Patterson

Seconded By Councillor Tony Gaffan

That Council adopt the Engineer's Report dated April 6, 2018 for the 9th Concession Drain (Bridge Replacement for Thomas and Melissa Neufeld and Kottoor Investments Inc., Parcels 530-01900 and 530-01830; Part Lot 3, Concession 9; Rood Engineering Inc. Project No. 2016D015); read By-law 59-2018 being a by-law to provide for the construction of a bridge over the 9th Concession Road 9 a first and second time; and Schedule Court of Revision for a future date.

CARRIED

3. PUBLIC MEETING--Application for Zoning By-law Amendment ZBA/08/18 1507 Road 3 E Part of Lot 9, Concession 2 ED

R. Brown, Manager of Planning Services

i) Notice of Public Meeting, dated May 7, 2018

ii) Report of R. Brown, dated May 11, 2018 with attached Appendices.

iii) Proposed By-law 63-2018, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville.

Mr. Brown presented his Report and indicated that two property owners residing to the east of the subject lands had expressed concerns via email dated May 28,

2018 regarding odours and lighting. He fielded questions from Council, including an explanation regarding the Town's current required minimum distance separation provision of 100 m (328 feet).

Comments from the audience:

Ashley Colasanti, 1556 Road 3 E., asked who would be inspecting the air filtration systems, indicating that she lives nearby and is concerned about odour control. Mr. Brown responded that Health Canada has outlined air filtration system requirements. The Town would be requesting, as part of the site plan agreement process, the details of the air filtration system in order to prevent the escape of the odour, and that Health Canada has the overall enforcement obligation.

Gary Atkinson, 1573 County Road 34 E, stated he lives outside of the 100 m minimum distance separation area by 10 metres, that he is also concerned about odour, stating it is a 'skunky smell'. Mr. Atkinson also stated he likes to look at the night sky.

Fred Driedger, 930 Road 4 East stated that the discussion surrounds concerns of odour, regulation, and who takes care of it. He indicated he is part of a concerned group who have been researching the matter for two weeks. He stated that he agrees it is Health Canada who is ultimately responsible for the odour. He was advised by the Municipality of Leamington that odour complaints are directed to be forwarded to Ottawa--residents are provided with a phone number and a website. Mr. Driedger stated that "might be good enough for Leamington, but not good enough for Kingsville".

Jon Elcombe, stated that he lives in Windsor, is moving to Kingsville, and also has odour concerns. He stated that perhaps it would be a good idea for Council to hold off on the approval.

Comments from the Applicant:

Mr. Guido Van het Hof, President of Great Northern Seedlings, stated that he appreciates concerns raised tonight especially regarding light and odour. He stated that he also operates 1507 Road 3 E. as well as 1400 Road 3 E. They have implemented light abatement at 1400 Road 3 East and have also provided for light abatement in their current drawings for this project, and are providing the required odour filtration systems. He stated they want to be good stewards of the environment, good operators, and not impact anyone around the facility.

343-2018

Moved By Councillor Thomas Neufeld

Seconded By Councillor Tony Gaffan

That Council defers Zoning By-law Amendment ZBA/08/18 to permit a medical marihuana production facility on property located at 1507 Road 3 E until more information is obtained from Administration.

CARRIED

Mayor Santos called for a recess at 8:47 p.m. and the meeting resumed at 8:59 p.m.

**4. PUBLIC MEETING—Application for Zoning By-law Amendment ZBA/09/18
1000 County Road 34 Part of Lot 258, Concession NTR, Part 1, PL 12R 3375**

R. Brown, Manager of Planning Services

i) Notice of Public Meeting, dated May 7, 2018;

ii) Report of R. Brown, dated May 11, 2018 with attached Appendices.

iii) Proposed By-law 84-2018, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville

Comments:

Solicitor Candice Kennedy (Ricci Enns Rollier & Settrington LLP) was in attendance on behalf of the Applicants to answer any questions.

There were no questions or comments from Council.

There were no questions from anyone in attendance in the audience.

344-2018

Moved By Councillor Thomas Neufeld

Seconded By Councillor Tony Gaffan

That Council approves Zoning By-law Amendment ZBA/09/18 to permit a medical marihuana production facility on property located at 1000 County Road 34 and address the required relief or exemption from specific provisions in Section 4.46 on the Kingsville Zoning By-law 1-2014 as outlined in the attached amendment and adopt the implementing by-law.

D. DISCLOSURE OF PECUNIARY INTEREST

Mayor Santos reminded Council that any declaration is to be made prior to each item being discussed and to identify the nature of the conflict, if any, as the agenda items come forward.

E. MATTERS SUBJECT TO NOTICE

1. PUBLIC MEETING--Supplemental Report Application for Zoning By-law Amendment ZBA/08/18 by Great Northern Seedlings - 1507 Road 3 E Part of Lot 9, Concession 2 ED, Parts 1 & 2, PL 12R 16606

R. Brown, Manager of Planning Services

i) Notice of Public Meeting (Supplemental): Zoning By-law Amendment, dated June 19, 2018;

ii) Supplementary Report of R. Brown, dated June 27, 2018;

iii) Proposed By-law 63-2018, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville

iv) Original Report of R. Brown, dated May 11, 2018.

Mr. Brown presented the Supplementary Report and fielded questions from Members of Council.

Comments from the audience:

Dorothy Johnson, 710 Road 3 East--Ms. Johnson commented that she and her husband agree that medical marihuana is a good thing, however, she is concerned about an "over-concentration of greenhouses". She stated in her area alone she counts approximately 50 greenhouse operations within a radius of 5 miles. She indicated concerns regarding odour, traffic, security, lighting, etc. and additional concerns with respect to the legalization of recreational marihuana that will also be coming into play. She asked if Council has a plan as to how many MMPFs will be allowed, and asked Council to consider that the decisions made will affect Kingsville for future generations.

Keith Johnson, 710 Road 3 East, mentioned that he viewed the "No smoking" poster in the municipal entranceway and asked how enforcement in regard to the marihuana legislation will be handled. He asked how the Town can differentiate between those purchasing illegally or legally. He stated that a plan needs to be in place to accommodate medical marihuana, but also asked Council to be vigilant so that quality of life remains for future generations.

Fred Driedger, 930 Road 4 East, commented that he and his resident group who are researching this matter are not speaking against greenhouses, nor are they speaking against marihuana greenhouses. He emphasized that the "no perceptible odour" standard does not mean getting close to no odour, but rather the target standard is "no odour".

He made several comments in regard to the MMPFs: he has learned that are outside investors interested in establishing MMPFs in this area; that enforcement is an important consideration (through performance bonds, letters of credit, etc.) to give incentive to do it right the first time; and, finally, education and fact-finding, suggesting that Council and/or staff, at time of site plan review, actually ask "where does it work?" and then send staff to that regional area with a successful odour plan to investigate.

Gary Atkinson, 1573 County Rd. 34 East, stated that he is not against greenhouse marihuana but he would like to see a larger setback requirement. Mr. Brown explained how the Town established the 100 m (328 ft. setback) as set out in the initial planning report and explained the odour control system requirements which will be dealt with as part of the site plan approval process.

Comments from the Applicant's agent:

Solicitor Josh Cheifetz, representing the Applicant, explained that the vent installations will be different installations, through new roof design and construction. He stated that the intent is for no perceptible odour at the property line for this part 1 application. Mr. Cheifetz also inquired whether, having in mind there will be no odour at the property line, setback minimum can be reduced?

Comments from the audience:

Rudy Mastronardi, 1156 Road 3 East, (Rico Roots Plant Farm Inc.) stated that Rico Roots' MMPF application was pre-approved in March and a by-law amendment in that regard is being discussed this evening (Item E-4; ZBA/18/18). He expressed that he appreciates the residents' stated concerns about the odour, and added that he wished to take this opportunity to comment on another issue that is somewhat related. He informed Council that upon learning a few years ago that his child was extremely sensitive to exposure to pesticides and herbicides, he installed odour control carbon filters in his home to take chemicals out of his home. At the time, his home was situated adjacent to outdoor agricultural fields. He has since moved into an urban area in Kingsville, and as people still spray their lawns in Town, he asks for a 'courtesy call' when herbicide or pesticide spraying is planned nearby. He then shuts off his home's air exchange before the spraying occurs.

He commented that he feels that decisions made here should set a precedent for what is done on farms and on residential properties; that marihuana odour is an inconvenience, but that he feels the more important issue is the use of pesticides and herbicides, particularly to children and those individuals who may have a sensitivity to such chemicals.

Joanne Winger of Cottam requested that larger setback requirements (more than 100 m.) should be put in place for schools (so that children's playgrounds and other school areas are not impacted).

417-2018

Moved By Councillor Thomas Neufeld

Seconded By Councillor Tony Gaffan

That Council approve zoning by-law amendment ZBA/08/18 to:

permit a medical marihuana production facility on property located at 1507 Road 3 E;

address the required relief or exemption from specific provisions in Section 4.46 of the Kingsville Zoning By-law 1-2014;

add odour control provisions as outlined in the attached amendment, and adopt the implementing by-law.

CARRIED

2. PUBLIC MEETING--Supplemental Report Application for Zoning By-law Amendment ZBA/10/18 by J.C. Fresh Farms Ltd. - 2415-2495 Graham Side Road Part of Lot 6, Concession 3 ED, Part 1, BL 12R 24954

R. Brown, Manager of Planning Services

i) Notice of Public Meeting (Supplemental): Zoning By-law Amendment, dated June 19, 2018;

ii) Supplementary Report of R. Brown, dated June 27, 2018;

iii) Proposed By-law 65-2018, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville;

iv) Original Report of R. Brown, dated May 11, 2018.

Mr. Brown presented his report.