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Date: March 18, 2019

To: Mayor and Council

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RE: Application for Site Plan Approval Amendment by
Rico Root Plant Farm, 1156 Road 3 E
Part of Lot 7, Concession 3 ED, Part 1, RP 12R 24428

Report No.: PDS 2019-015

AIM

To provide Council with details on the retrofitting of an existing greenhouse for use as a medical marihuana production facility on lands located on the north side of Road 3 E, in the Town of Kingsville.

BACKGROUND

The subject property contains three greenhouse tracks with a total of approximately 11.7 ha (29 ac.). The proposal for this parcel on the north side of Road 3 E is to establish a medical marihuana growing greenhouse utilizing the existing 1.61 ha (4 acre) track of greenhouse located in the southeast corner of the lot. The subject portion of the greenhouse is detached from the main greenhouse facility and is the newest of the structures on the property. It is the newer, high eave, rigid wall and roof design making retrofit for cannabis more feasible.

DISCUSSION

1.0 Provincial Policy Statement

There are no issues of Provincial significance raised by this application.

2.0 Official Plan

The subject property is designated 'Agriculture' and subject to the policies under Section 3.1 of the Official Plan for the Town of Kingsville. The proposed site plan layout and associated agreement to establish conforms to the Official Plan.

3.0 Comprehensive Zoning By-Law – Town of Kingsville

The subject property is zoned 'Agricultural Zone Exception 63 (A1-63)'. The attached site plan (Appendix A) has been reviewed and the proposed new development will be in compliance with all provisions of the Town of Kingsville Zoning By-law 1-2014 the site-specific regulations outlined by under the A1-63 Zone.

More specifically the zoning implements the odour control requirements for a medical marihuana production facility. This involves the installation of the required 'air treatment control' system. The system must be designed by a qualified person and result in no perceptible odour at the property line of the subject parcel. The applicant must also provide a maintenance schedule for the system and demonstrate that the system is operational prior to beginning operations.

The odour control provisions are implemented and regulated through the zoning by-law. Non-compliance will result in a zoning order to comply with fines and provincial prosecution possible should corrective actions not be taken. The odour control plan itself will be attached as an Appendix to the site plan agreement for ease of tracking and reference in the future.

The specific odour control that is being utilized in the operation is a combination of carbon filtration and broad spectrum high-intensity UV light to provide active microbial and odour mitigation. This is designed to eliminate odours at the source. The layout is detailed in Appendix B.

4.0 Site Plan

One common element of MMPF locations and a concern during the zoning process was the addition of fencing to the properties to satisfy Health Canada security requirements. The applicant is showing fencing (six foot chain link with standard barbwire capping) on the property in close proximity to the perimeter of the subject greenhouse only away from the property lines and road. The area is also mostly screened from view by an existing dwelling and bunkhouse both used by the applicant. Additional tree planting has also been undertaken along the front of the property. The outside of the greenhouse is further monitored through cameras. A planned layout for both the cameras and fencing is provided as part of the site plan review. (Appendix C)

Lighting in the greenhouse will be controlled through use of a double layer retractable curtain on the ceiling and walls of the greenhouse which will provide 99.9 % blackout (Appendix D)

Sanitary and water servicing to the site will remain unchanged. There is existing water allocation to the property and this is not proposed to increase.

Site Plan Security Deposit

The principle concern with the establishment of MMPFs in the Town of Kingsville has been the uncertainty of odour control and grow light issues. Through the site plan approval process the Town can require the submission of various securities for on or off-site requirements. Most often this may include road improvements, signalization, service connections, landscaping, fencing or any other item or issue that the Town views as necessary to insure a development is constructed as outlined. Site plan securities have to-date not represented a significant amount however with the initial uncertainty it is advisable to increase the amount collected given the potential impact. A 50% deposit is recommended based in part on the standard requirements in subdivision agreements which require securities for the installation of roads and services. Those deposits are typically 50% of the total costs.

As this does represent a significant amount to the developer the site plan agreement will be structured in such a way that securities can be released as requirements are reviewed to the satisfaction of the Town. This particular agreement would have two main points, odour control and lighting.

LINK TO STRATEGIC PLAN

Manage growth through sustainable planning.

FINANCIAL CONSIDERATIONS

The development on the site is a retrofit of the existing greenhouse that will not result in a significant assessment initially however should MPAC reassess this portion of the property to a commercial or industrial classification there will be a significant increase in tax revenue to the Town.

CONSULTATIONS

As the property was subject to a recent zoning approval to permit a medical marihuana production facility it is also subject to site plan approval and neighbours are to be circulated as part of this final step. All landowners within 120 m of the property were provided with notice.

Agency & Administrative Consultations

Applicable agencies and Town Administration were circulated for comment by email.

Agency or Administrator	Comment
Essex Region Conservation Authority Watershed Planner	<ul style="list-style-type: none">• Full comment is attached as Appendix 'E';• ERCA has indicated no objection to the proposed amendment
Town of Kingsville Management Team	<ul style="list-style-type: none">• No concerns with the requested site plan.• Any proposed changes to the greenhouse need to comply with the requirements of the OBC.

RECOMMENDATION

It is recommended that:

Council approve the requested site plan amendment for the retrofit of a 1.61 ha (4 ac.) greenhouse for use as a medical marihuana production facility, subject to the conditions outlined in the amending site plan agreement and authorize the Mayor and Clerk to sign the amending site plan agreement and register said agreement on title, and

Council require a security deposit equal to 50% of the total cost of the odour control system and lighting control to be deposited with the Town prior to release of any building permits.

Robert Brown

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Peggy Van Mierlo-West

Peggy Van Mierlo-West, C.E.T.
Chief Administrative Officer