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Date: July 10, 2019

To: Mayor and Council

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Manager, Planning Service

RE: Application for Site Plan Approval by
Great Northern Hydroponics
1270 Road 3 E
Part of Lot A, Concession 3 ED

Report No.: PS 2019-023

AIM

To provide Council with details on the development of a medical marihuana production facility on lands located at 1270 Road 3 E on the north side of Road 3 E, in the Town of Kingsville.

BACKGROUND

The subject lands is a 10 ha (25 ac.) farm parcel with an existing dwelling and outbuildings to be removed. The property was the focus of a Zoning By-law amendment to permit the establishment of a medical marihuana production facility. The applicant is now proceeding with the site plan approval stage of the development. The proposal for the initial phase is a 4.2 ha (10.6 ac.) greenhouse with a service building and support facilities. The plan also includes provisions for up to an addition 2.43 ha (6 ac.) A new storm water retention area is proposed at the front of the property. (See Appendix A) Access to the property would be from the existing access on the lands to the east which the subject parcel was consolidated with last year.

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 74 (A1-74)'. The attached site plan 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 A1-74 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 functioning 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. In addition the regulations under the Cannabis Act outline that, 'The building or part of the building where cannabis is produced, packaged, labelled and stored must be equipped with a system that filters air to prevent the escape of odours. Failure under Section 85 of the Cannabis Act can result in fines and/or suspension or loss of license. 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 utilized in the operation is outlined in Appendix B.

Heating of the greenhouse is done with traditional hot water piping. Cooling of the greenhouse in the summer months is done with large scale chiller units.

4.0 Site Plan

One common element of MMPF locations and a concern during the zoning process has been the addition of fencing to the properties to satisfy Health Canada security requirements. Specific fencing requirements on each site can vary depending on the type of construction used for the greenhouse. In this case the area that would need to be fenced is located over 60 m (200 ft.) from Road 3 E and away from any nearby rural residential uses. The easterly side of the property also has an existing mature tree row.

The overall plan for Phase one includes 4.2 ha (10.6 ac.) of greenhouse, a 2,960 sq. m (31,862 sq. ft.) service building, hot water tank, parking area, cooler units, transformers and generators all detailed on the attached site plan. Placement of the

greenhouse is in compliance with the minimum 100 m setback for growing areas (actual is 114 m).

Grow lighting in the greenhouse will need to be controlled with the use of screening that can be installed along the walls and ceiling. Screening options have a 99% capture ability that will maintain dark-sky compliance. Lighting is detailed in Appendix C.

The growing of cannabis requires a significant level of climate control, particularly in the greenhouse environment. The standard temperature control in a vegetable greenhouse relies on natural ventilation and the use of fans. In a cannabis greenhouse the facility must be a more closed environment which necessitates the need for mechanical cooling usually with the use of large commercial chillers. Due to the size of these operations multiple chiller units are required. These units generate noise and placement and screening may be necessary in close proximity to sensitive uses.

The nearest dwelling in this case is located approximately 78 m (255 ft.) from the chiller units. This represents enough distance to dissipate the noise levels. The applicant has also indicated the units being used can be purchased with a noise reduction kit to further improve noise reduction. Lastly there is an existing mature treed buffer in place along the south lot line as additional safeguard. Noise reduction and abatement will be included as a provision in the site plan agreement.

A large water service application will be necessary for the proposed greenhouse, however there is sufficient capacity in the water system on Road 3 E to accommodate the development. Town sanitary service is available along Road 3 E.

MMPFs require a significant amount of security given the nature of what they produce. It was not raised as an issue specific to this site however there has been some concern noted that security camera placement and coverage could impact abutting property owner's privacy. This does not pose a problem on this site however the site plan agreement will still require that all security surveillance on the site be directed away from neighbouring residential uses.

The applicant has also provided an outline of the type and volume of traffic to and from the site. (Appendix D) Unlike vegetable greenhouses the volume of heavy truck traffic is significantly reduced (post construction) as the end product is shipped via courier to the end user versus in bulk.

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. As the approval has an additional phase, new securities will be required at the time that the future phase is initiated.

LINK TO STRATEGIC PLAN

Support growth of the business community.

FINANCIAL CONSIDERATIONS

The proposed development represents a substantial investment in the community and will result in a significant increase in assessment to the subject lands.

CONSULTATIONS

Public Consultations

Due to the interest of abutting lands owners and changes to the site plan review process a notice of meeting is provided to surrounding neighbours to provide an opportunity for Council to hear comment and input on the final approved site plans for cannabis production facilities.

Agency & Administrative Consultations

Municipal Staff and outside agencies have been provided with information on the proposal and their comment is outlined as follows:

Agency or Administrator	Comment
Essex Region Conservation Authority Watershed Planner	<ul style="list-style-type: none">• ERCA comment is attached as Appendix 'E'.• SGRA and HVA has been addressed by the engineer and attached as Appendix Ei
Town of Kingsville Management Team	<ul style="list-style-type: none">• The property will require new service connections, at the applicant's expense sized appropriately to the proposed use• Storm water management is required• The final building design will be subject review under the Building Code Act• A fire safety plan and lock box will be required for the building• An on-site hydrant is required to supply the production building on the site. A standpipe may also

	be required however this will be determined as part of the proposed construction and permit review
MTO	<ul style="list-style-type: none"> • A permit will be required from MTO prior to release of the building permits • The two principle issues for MTO are review of the proposed SWM to determine no impact to the highway corridor and no encroach of existing or proposed development onto MTO lands • The SWM Report and plan have been provided

RECOMMENDATION

It is recommended that:

Council approve the development of a two phase 6.63 ha (16.4 ac.) greenhouse and support facilities for a medical marihuana production facility, subject to the conditions outlined in the site plan agreement and authorize the Mayor and Clerk to sign the 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 light control system to be deposited with the Town prior to release of any building permits.

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Peggy Van Mierlo-West

Peggy Van Mierlo-West, C.E.T.
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