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Date: September 24, 2019

To: Mayor and Council

Author: Robert Brown, H, Ba. MCIP, RPP
Manager, Planning Services

RE: Application for Site Plan Approval by
1659437 Ontario Limited o/a DC Farms
1555-1557 County Road 34 E
Part of Lot 9, Concession 3 ED

Report No.: PS 2019-04

AIM

To provide Council with details on the proposed development of a building for use as a micro license cannabis facility and additions to the existing vegetable greenhouse on lands located at 1555 and 1557 County Road 34 E, in the Town of Kingsville.

BACKGROUND

The subject land is an 8.5 ha (21 ac.) greenhouse operation containing approximately 2.7 ha (6.6 ac.) of greenhouse along with support facilities, a bunkhouse a single detached dwelling and a large road side stand. The applicant was granted approval via a zoning amendment in 2018 permitting the growing of medical marihuana on the property.

The facility has an existing site plan approval from 2011 for a total of 3 additional phases (Appendix A). Only Phase 2 was constructed. The applicant has submitted a revised site plan (Appendix B) that shows a revised development plan as follows:

- i) Construction of a new building 1,419 sq. m (15, 273 sq. ft.) for an indoor micro license cannabis production facility;
- ii) Phase 4, 5 and 6 for added greenhouse space (vegetable), and
- iii) A 949 sq. m (10,211 sq. ft. addition to the existing greenhouse storage building.

As required by the medical marihuana policies the next step in the approval process is site plan approval to address items such as light abatement, odour control and security specific to the cannabis facility.

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 64 (A1-64)'. The attached site plan (Appendix B) 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 A1-64 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 carbon filtration. The draft layout is detailed in Appendix C including the internal layout of the building and the associated mechanical supporting the odour control system.

4.0 Site Plan

The existing site plan approval on the property will be replaced by a new agreement which addresses the specifics related to the cannabis production and will update the requirements for the existing and future phase of vegetable greenhouse.

A concern during the zoning process was the addition of fencing to cannabis producing properties to satisfy Health Canada security requirements. Because the

operation is small in scale and an indoor grow versus greenhouse fencing is not required.

Lighting details for the cannabis facility would be similar to a commercial/industrial building, full-cut-off and dark sky complaint for any exterior security lighting. Lighting related to the greenhouses would be updated to the current standard that requires the use of vertical and horizontal screening in grow lights are to be used. Security camera positioning is not criteria in this particular location but the Town would ask that the layout be provided as a requirement of the final site plan sign-off.

Sanitary and water servicing to the site will remain unchanged. Any additional water allocation to the property would require approval by Union Water. Storm water management is a requirement of approval. There is an existing pond on the subject site. This will be expanded and the applicant has provided a complete storm water management report which addresses the needs of the entire site and full build out.

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. Collection of a 50% deposit based on the cost of lighting and odour control has been the accepted, recommended standard to date. For this development the deposit would be solely based on odour control. Lighting control for grow lights is not a concern as this is an indoor grow versus a greenhouse.

As this does represent a significant amount to the developer the site plan agreement is structured in such a way that securities can be released as requirements are reviewed to the satisfaction of the Town.

LINK TO STRATEGIC PLAN

Support growth of the business community.

FINANCIAL CONSIDERATIONS

Both indoor and greenhouse grow facility represent a considerable investment for applicants. There will be an increase in assessment resulting from the proposal once it is completed. Building permit fees and development charges will be collected at the time of permit.

CONSULTATIONS

As the property was subject to a recent zoning approval to permit a medical marijuana 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 'D';• 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 and construction of the new building will need to comply with the requirements of the OBC.
County of Essex	<ul style="list-style-type: none">• Any new buildings must comply with the required County Rd. setbacks• A traffic memo should be prepared by the consultant to speak to traffic movements and volume for the new development

RECOMMENDATION

That Council approve the requested site plan approval for additional phases of development on the subject property including: i) three greenhouse structures for vegetable production; ii) development of a 1,419 sq. m (15,273 sq. ft.) building for indoor medical marihuana production, and iii) a 949 sq. m (10, 211 sq. ft.) storage building addition, all as detailed in the attached site plan (Appendix B) and subject to the conditions outlined in the site plan agreement;

And That Council require a security deposit equal to 50% of the total cost of the odour control system to be deposited with the Town prior to the release of any building permits; and That Council authorize the Mayor and Clerk to sign the site plan agreement and register said agreement on title.

Robert Brown

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Manager, Planning Services

Peggy Van Mierlo-West

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