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**Date:** October 31, 2019

**To:** Mayor and Council

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

**RE:** Application for Site Plan Approval SPA 23/19 by  
Chris Chevalier  
318 County Road 8  
Part of Lot 11, Concession 11

**Report No.:** PS 2019-053

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## **AIM**

To provide the Mayor and Council with details on the proposed development of a building for use as a micro license cannabis facility on lands located at 318 County Road 8, in the Town of Kingsville.

## **BACKGROUND**

The subject land totals 20.23 ha (50 ac.) and contains a single detached house and several outbuildings. The applicant is proposing to develop an internal growing operation for the production of cannabis (Cannabis Production Facility (CPF)). At the October 15, 2019 meeting of Council the applicant received approval of an amendment to the Kingsville Zoning By-law to permit a CPF and an amendment to the Kingsville Official Plan to permit a new build CPF. The applicant has made application for the next step in the process, site plan approval which outlines the detailed specifics of the new building including odour control, building placement, driveway access, parking and security. (Appendix A)

## **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 79 (A1-79)'. 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 A1-79 Zone.

More specifically the zoning implements the odour control requirements for a cannabis 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. Each individual pod has a self-contained system for light, ventilation and odour control. Areas used for production and drying will also require odour and climate control. Specifications on the system are outlined in Appendix B.

## **4.0 Site Plan**

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. The proposed building will however be located back from the road and is surrounded by an existing mature tree row.

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.

Water supply for the facility will be provided by private well which will full meet the needs of the operation. A new private septic system will be needed for the building and is shown on the site plan.

## 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 can 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

Agency or Administrator	Comment
Essex Region Conservation Authority Watershed Planner	<ul style="list-style-type: none"><li>• Full comment is attached as Appendix 'C';</li><li>• ERCA has indicated no additional comment and their original comment related to the Official Plan and Zoning amendment remains unchanged.</li></ul>
Town of Kingsville Management Team	<ul style="list-style-type: none"><li>• No concerns with the requested site plan.</li><li>• The new building will need to comply with the requirements of the OBC.</li><li>• A new septic system will be required for the new building</li></ul>
County of Essex	<ul style="list-style-type: none"><li>• Any new buildings must comply with the required County Rd. setbacks</li><li>• A traffic memo should be prepared by the consultant to speak to traffic movements and volume for the new development</li></ul>

## RECOMMENDATION

It is recommended that:

Council approve the requested site plan approval for the development of a 535 sq. m (5,760 sq. ft.) building for an indoor cannabis production facility, detailed in the attached site plan (Appendix A) and subject to the conditions outlined in the site plan agreement.

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

Council authorize the Mayor and Clerk to sign the site plan agreement and register said agreement on title.

*Robert Brown*

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

*Peggy Van Mierlo-West*

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