

The Corporation of the Township of Brock
Planning & Community Affairs Committee Minutes - Draft
Electronically

Session One

Monday, March 15, 2021

The First Planning & Community Affairs Committee Meeting of the Township of Brock, in the Regional Municipality of Durham, was held on Monday, March 15, 2021, electronically.

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| Members present: | Mayor: | John Grant |
| | Regional Councillor: | W.E. Ted Smith |
| | Councillors: | Mike Jubb |
| | | Claire Doble |
| | | Walter Schummer |
| | | Cria Pettingill |
| | | Lynn Campbell |

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| Staff Members present: | Clerk Becky Jamieson (recording the minutes) |
| | Deputy Clerk Deena Hunt |
| | Clerks Assistant Maralee Drake |
| | Chief Building Official Richard Ferguson |
| | Planner Debbie Vandenakker |
| | Director of Public Works Paul Lagrandeur |
| | Fire Chief Rick Harrison (at 2:30 p.m.) |

- 1. Call to Order**
- 2. Disclosure of Pecuniary Interest and Nature Thereof in Closed Session**
- 3. Closed Session**

None

- 4. Rise From Closed Session**
- 5. Call Open Session to Order and Moment of Silence**

Chair W.E. Ted Smith called the meeting to order at 1:30 p.m. Committee paused for a moment of meditation and personal reflection.

Chair W.E. Ted Smith advised that Mayor John Grant was sworn into office today and welcomed him to the Committee.

Mayor John Grant extended sympathy to the family and friends of late Mayor Debbie Bath-Hadden. He extended appreciation to Council for the appointment to Mayor indicating that he was honoured to accept.

- 6. Disclosure of Pecuniary Interest and Nature Thereof**

None

- 7. Matters From Closed Session**

- 8. Public Meetings**

- 8.1. Cannabis Growth and Production By-law**

Proposed amendment to Zoning By-law Number 287-78-PL, the Comprehensive Zoning By-law, and an Official Plan Amendment in accordance with Section 34 of the Planning Act, R.S.O. 1990, as amended, to incorporate a new By-law regarding the growth and production of Cannabis.

Presentation by Mr. Kent Randall, Principal Planner, EcoVue Consulting Services Inc. and Ms. Debbie Vandenakker, Planner, Township of Brock

Cannabis and Production and Processing – Proposed Official Plan and Zoning By-law Amendments, Township of Brock

Mr. Randall provided the following presentation:

Background

- April 10, 2019: Township of Brock passed an Interim Control By-law (ICBL) to temporarily prohibit the establishment of Cannabis facilities while developing a strategy to manage Cannabis production and processing.
- September 2019: EcoVue presented land use study to Council.
- January 2020: Official Plan and Zoning Amendments drafted for discussion and consultation.
- February 2020: Public Open Houses were held at the Rick MacLeish Memorial Community Centre to present findings of the Research Report to the public and accept questions and comments.
- April 2020: Interim Control By-law is extended by 1 year due to pandemic delays.
- March 2020 – February 2021: staff comments gathered; amendments finalized; to be presented to Council.

Reasons for Proposed Amendments

- Cannabis Production and Processing (CPP) is a relatively new land use that can present issues related to compatibility.
- Some of the common impacts from cannabis production are odour, noise, stormwater runoff, light, and security.
- The Official Plan and Zoning By-law should account for and manage all land uses with the potential to negatively impact other land uses.
- The current Official Plan and Zoning By-law texts do not contemplate Cannabis Production or Processing as a land use.
- Although being legalized in 2018, there are no current provisions to control how and where Cannabis Production or Processing occurs within the Township.
- The proposed amendments intend to permit Cannabis Production or Processing responsibly within the Township of Brock through zoning provisions and site plan controls.
- Various designations and zones are not suited to accommodate Cannabis Production and Processing.

Official Plan Amendment (OPA)

The proposed Official Plan Amendment intends to:

- Permit Cannabis Production or Processing or a Medical Cannabis Production Site within certain designations, such as:
 - Employment Lands
 - Rural/Agricultural Areas
- While prohibiting within designations such as:
 - Mixed Use Corridors
 - Residential

With that said, the amendment includes requirements for the establishment of all CPPs, including mandatory setbacks to sensitive land uses, odour control, and the requirement to provide certain studies.

Mr. Randall advised that the amendments would be applicable to new cannabis production and processing facilities and new medical cannabis sites.

Important Terms and Definitions

New definitions being introduced to the Official Plan:

- “Adverse Effect”;
- “Cannabis”;
- “Cannabis Production and Processing Facility”; and
- “Medical Cannabis Production Site”

Zoning By-law Amendment

The proposed Zoning By-law Amendment will:

- Permit Cannabis Production or Processing or a Medical Cannabis Production Site within the:
 - Rural (RU) Zone;
 - Restricted Industrial (M1) Zone;
 - General Industrial (M2) Zone; and
 - Rural Industrial (M3) Zone
- As with the OPA, the amendment includes requirements for the establishment of all CPPs in all parts of the Township.

The proposed Zoning By-law Amendment will provide:

- Setbacks from specific Zones and sensitive land uses such as dwelling units, day care centres, and educational and health facilities;
- The number of uses related to Cannabis Production or Processing permitted per lot; and
- Redefine terms that currently permit Cannabis Production or Processing as a use without applicable provisions.

Important Terms and Definitions

New definitions being introduced to the Zoning By-law:

- “Adverse Effect”;
- “Air Treatment Control”;
- “Cannabis”;
- “Cannabis Production and Processing Facility”;
- “Medical Cannabis Production Site”; and
- “Sensitive Land Use”

Summary

The proposed Amendments are intended to update the Township’s Planning Documents to manage Cannabis Production and Processing as a land use; and ensure the safe and responsible establishment of Cannabis Production or Processing within the Township of Brock.

Chair W.E. Ted Smith opened the meeting to the public to receive input.

Ms. Ashley Athill, Sunderland – advised that her company is a micro-cultivation facility in Sunderland which includes cannabis cultivation and processing and noted that the proposed amendments would be beneficial.

Resolution Number 1-1

MOVED BY Walter Schummer That Committee amend the order of the agenda to bring forward Report: 2021-PCA-07 at this time.

MOTION CARRIED

351 Kent Randall – Report: 2021-PCA-07, Proposed Cannabis Official Plan and Zoning By-law Amendments

Resolution Number 2-1

MOVED BY Lynn Campbell That the Planning and Community Affairs Committee endorse the recommended Official Plan Amendment No. 5 and Zoning By-law Amendment PL-3015-2021, for approval at the March 22, 2021 session of Council.

Councillors enquired as to the size of medical cannabis production sites that the amendments would apply to and whether they could be applied to existing cannabis sites. Mr. Randall advised that the controls would apply to any size of new 'designated' medical cannabis production sites and could only control existing sites if they were to modify/expand their operations (eg. non compliance of zoning by-law). He advised that the Planning Act does not permit retroactive application of by-law amendments and noted that the existing sites were legally established.

There was discussion with respect to providing site plan guidelines to the existing designated cannabis sites.

Councillors requested confirmation that Cannabis Production and Processing facilities/ Medical Cannabis Production sites are not permitted in rural residential areas and were advised in the affirmative.

Councillors enquired as to the enforcement of controls for the Medical Cannabis Production sites and were advised that Health Canada has advised that municipalities are within their rights to manage ACMPR's (access to cannabis for medical purposes regulations) through land use controls.

The Chief Building Official advised that Health Canada provided documentation that they would respect municipal zoning requirements which apply to 'designated' Medical Cannabis Production sites.

Councillors enquired as to the municipality's ability to perform building inspections on existing cannabis operations to which the Chief Building Official advised that it could be triggered through the Building Code Act or Fire Protection and Prevention Act.

Councillors enquired whether the Township By-law staff would enforce the Zoning By-law and were advised in the affirmative as well as the Building Department.

There was discussion with respect to nonconforming land use and noncompliance of zoning and whether a pause in cannabis production operations would trigger same. Mr. Randall advised that he would follow up.

Resolution Number 2-1

MOVED BY Lynn Campbell That the Planning and Community Affairs Committee endorse the recommended Official Plan Amendment No. 5 and Zoning By-law Amendment PL-3015-2021, for approval at the March 22, 2021 session of Council.

MOTION CARRIED

9. Presentations

None

10. Delegations

None

11. Staff Reports

- 346 Debbie Vandenakker – Report: 2021-PCA-02, 2021 Planning Fees Review Report and By-law

There was discussion with respect to the Township's low fees, investigation of average fees, the decision to include Brock's fees into the average figure, and the potential for a future fee study.

Resolution Number 3-1

MOVED BY Walter Schummer that Report: 2021-PCA-02 be endorsed by the Planning and Community Affairs Committee and, That the attached By-law be prepared for enactment at the March 22, 2021 Council Meeting.

MOTION CARRIED

- 352 Debbie Vandenakker – Report: 2021-PCA-03, McFeeter's Surplus Farm Severance Rezoning Report (2-2020-RA – 396 Cameron Street, Cannington)

Resolution Number 4-1

MOVED BY Walter Schummer That the Planning and Community Affairs Committee accept this report and recommend that the associated Zoning By-law 2962-2021 be approved at the March 22, 2021 session of Council.

MOTION CARRIED

12. Correspondence

Resolution Number 5-1

MOVED BY Lynn Campbell that items listed under Section 12, Correspondence, be approved save and except communication number 157.

MOTION CARRIED

- 139 Durham Region Planning Division – Bill 229: Protect, Support and Recover from COVID-19 Act (Budget Measures) – Changes to the Conservation Authorities Act and Planning Act

Resolution Number 6-1

That Communication Number 139 be received for information.

- 144 Kawartha Region Conservation Authority – Kawartha Conservation 2020 Year in Review and Strategic Plan Accomplishments

Resolution Number 7-1

That Communication Number 144 be received for information.

- 145 Durham Region Legislative Services – Regional Broadband Network, Applications for Provincial and Federal Funding

Resolution Number 8-1

That Communication Number 145 be received for information.

- 151 Rescue Lake Simcoe Coalition – Lake Simcoe Protection Plan

Resolution Number 9-1

That Communication Number 151 be received for information.

- 158 City of Pickering – Response to November 25, 2020 Notice of Motion regarding Minister's Zoning Orders

Resolution Number 10-1

That Communication Number 158 be received for information.

- 159 City of Pickering – Request from the Region of Durham that the Region of York Affirm by Resolution, its support for the Lake Simcoe Solution as Documented in the Upper York Sewage Solution (UYSS) Environment Assessment

Resolution Number 11-1

That Communication Number 159 be received for information.

- 160 City of Pickering – Report PLN 06-21, Environmental Registry Posting 019-2811, Comments on MMAH Authority to Address Site Plan matters

Resolution Number 12-1

That Communication Number 160 be received for information.

- 164 Kawartha Region Conservation Authority – Kawartha Conservation 2021 Budget

Resolution Number 13-1

That Communication Number 164 be received for information.

- 171 Town of Whitby – Planning and Development Department Report PL02-21, Envision Durham – Employment Area Conversion Requests

Resolution Number 14-1

That Communication Number 171 be received for information.

- 178 York Region – Regional Council Decision – Upper York Sewage Solutions, Individual Environmental Assessment – Approval Status

Resolution Number 15-1

That Communication Number 178 be received for information.

- 199 Ministry of the Environment, Conservation and Parks – Proclamation of Provisions of the Conservation Authorities Act

Resolution Number 16-1

That Communication Number 199 be received for information.

- 204 Durham Region Legislative Services - Request from the Region of Durham that the Region of York Affirm by Resolution, its support for the Lake Simcoe Solution as Documented in the Upper York Sewage Solution (UYSS) Environment Assessment

Resolution Number 17-1

That Communication Number 204 be received for information.

- 205 Ministry of the Environment, Conservation and Parks – Proclamation of Provisions of the Conservation Authorities Act (FAQs)

Resolution Number 18-1

That Communication Number 205 be received for information.

- 215 Rescue Lake Simcoe Coalition – Lake Simcoe Protection Plan Review – Policy Recommendations

Resolution Number 19-1

That Communication Number 215 be received for information.

- 246 Minister Steve Clark, Ministry of Municipal Affairs and Housing – Consulting on Growing the Size of the Greenbelt

Resolution Number 20-1

That Communication Number 246 be received for information.

- 286 LSRCA – Board of Directors Meeting Number BOD-02-21 – Agenda: February 26, 2021

Resolution Number 21-1

That Communication Number 286 be received for information.

- 287 Lake Simcoe and Couchiching/Black River Source Protection Authority – Meeting Number SPA-01-21 – Agenda: February 26, 2021

Resolution Number 22-1

That Communication Number 287 be received for information.

- 290 City of Oshawa – Durham Region's Municipal Comprehensive Review: City Comments on Major Transit Station Areas – proposed policy directions

Resolution Number 23-1

That Communication Number 290 be received for information.

- 292 City of Oshawa - Durham Region's Municipal Comprehensive Review: City Comments on Major Transit Station Areas – proposed policy directions

Resolution Number 24-1

That Communication Number 292 be received for information.

- 297 Town of Georgina – 10 Year Review of Lake Simcoe Protection Plan

Resolution Number 25-1

That Communication Number 297 be received for information.

- 339 Kitty Bavington – Cannabis in Brock

Resolution Number 26-1

That Communication Number 339 be received for information.

- 340 Bonnie Lambert – Cannabis Grow-Op in Rural Area

Resolution Number 27-1

That Communication Number 340 be received for information.

341 Karen Brohm – Cannabis Grow-Op – 6th Concession, Beaverton

Resolution Number 28-1

That Communication Number 341 be received for information.

350 Susan Ross – Cannabis Zoning By-law Amendments

Resolution Number 29-1

That Communication Number 350 be received for information.

12.1 Items Extracted from the Correspondence Section.

157 Durham Region Legislative Services - Upper York Sewage Solution

Councillors enquired as to a presentation with respect to the Upper York Sewage Solution to which the Clerk advised that it would be a collaboration of both York and Durham Region’s and advised she would follow up.

Resolution Number 30-1

MOVED BY Cria Pettingill That Communication Number 157 be received for information.

MOTION CARRIED

13. Other Business

Councillor Doble enquired as to an update report with respect to the modernization funding received last year to which the CAO advised that a report would be forthcoming with recommendations for allocation of the funding and noted that an application is being submitted for phase 2 of the funding.

Mayor Grant expressed appreciation to Regional Councillor Smith for his efforts as Deputy Mayor over the past few months.

Mayor Grant requested an Emergency Council Meeting at 3:00 p.m. as provided for in Section 4.3.5. of the Procedural By-law 3017-2021.

14. Public Questions and Clarification

None

15. Adjournment

Resolution Number 31-1

MOVED by Lynn Campbell that we do now adjourn at 2:48 p.m.

MOTION CARRIED

CHAIR

SECRETARY