



**The Corporation of the Township of Brock  
Council Revised Agenda**

**Session 3**

**Monday, March 22, 2021, 5:00 p.m.**

**Virtual Meeting**

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**Pages**

1. **Call to Order - 3:00 p.m.**
2. **Disclosure of Pecuniary Interest and Nature thereof in Closed Session**
3. **Closed Session**
  - a) Employee Matters: To discuss matters relating to employees of the Township as per Section 239(2)(b) of the Municipal Act

**Recommendation:**

That Council move in closed session at (time) to discuss personal matters about an identifiable individual, including municipal or local board employees as per Section 239 (2) (b) of the Municipal Act.

4. **Rise from Closed Session**
5. **Call Open Session to Order & Moment of Silence - 5:00 p.m.**
6. **Disclosure of Pecuniary Interest and Nature Thereof**
7. **Matters from Closed Session**
8. **Presentations**
9. **Delegations and/or Petitions**
10. **Consent Agenda**

**Recommendation:**

That the items listed in Section 10, Consent Agenda be approved save and except items.

**10.1. Adoption of Minutes of Previous Meetings**

- 10.1.1. 5th Meeting of Special Council - In Camera Session - February 12, 2021

**Recommendation:**

That the minutes of the 5th Meeting of Special Council - In Camera Session as held on February 12, 2021 be approved.

10.1.2.	2nd Meeting of Council - February 22, 2021	8
	<b>Recommendation:</b> That the minutes of the 2nd Council meeting, as held on February 22, 2021, be approved.	
10.1.3.	6th Meeting of Special Council - March 2, 2021	21
	<b>Recommendation:</b> That the minutes of the 6th Special Council meeting, as held on March 2, 2021, be approved.	
10.1.4.	6th Meeting of Special Council - In Camera Session - March 2, 2021	
	<b>Recommendation:</b> That the minutes of the 6th Meeting of Special Council - In Camera Session, as held on March 2, 2021 be approved.	
10.1.5.	7th Meeting of Special Council - March 4, 2021	23
	<b>Recommendation:</b> That the minutes of the 7th Meeting of Special Council as held on March 4, 2021, be approved.	
10.1.6.	7th Meeting of Special Council - In Camera Session - March 4, 2021	
	<b>Recommendation:</b> That the minutes of the 7th Meeting of Special Council - In Camera Session as held on March 4, 2021 be approved.	
10.1.7.	8th Meeting of Special Council - March 8, 2021	27
	<b>Recommendation:</b> That the minutes of the 8th Meeting of Special Council as held on March 8, 2021 be approved.	
10.1.8.	8th Meeting of Special Council - In Camera Session - March 8, 2021	
	<b>Recommendation:</b> That the minutes of the 8th Meeting of Special Council - In Camera Session as held on March 8, 2021 be approved	
10.1.9.	9th Meeting of Special Council - March 15, 2021	31
	<b>Recommendation:</b> That the minutes of the 9th Meeting of Special Council as held on March 15, 2021 be approved.	
10.1.10.	1st Meeting of Planning and Community Affairs Committee - March 15, 2021	33
	<b>Recommendation:</b> That the minutes of the 1st meeting of the Planning and Community Affairs Committee, as held on March 15, 2021 be approved.	

10.1.11.	10th Special Meeting of Council - March 15, 2021	41
	<b>Recommendation:</b> That the minutes of the 10th Meeting of Special Council as held on March 15, 2021 be approved.	
10.1.12.	10th Meeting of Special Council - In Camera Session - March 15, 2021	
	<b>Recommendation:</b> That the minutes of the 10th Meeting of Special Council - In Camera Session as held on March 15, 2021 be approved.	
*10.1.13.	4th Committee of the Whole Meeting - March 8, 2021	43
	<b>Recommendation:</b> That the minutes of the 4th Committee of the Whole as held on March 8, 2021 be approved.	
10.2.	Reports	
10.2.1.	Report: 2021-CO-09 - 2020 Council Remuneration and Expense Report John Gormaly, CPA, CMA Communication No. 376/21	52
	<b>Recommendation:</b> That Council receive report 2021-CO-09 for information.	
10.3.	Correspondence	
10.3.1.	2021 COVID-19 Recovery Funding Ministry of Municipal Affairs and Housing Communication No. 343/21	55
	<b>Recommendation:</b> That Communication No. 343 be received for information, That the Treasurer be authorized to sign and return the letter to the Ministry of Municipal Affairs and Housing in order to receive an allocation of \$262,400.00 for the purpose of assisting with COVID-19 costs and pressures, and That staff report back to the province and Council on the 2021 COVID-19 costs and pressures and the use of this funding.	
10.3.2.	Beaverton Thorah Health Centre Lease Brock Community Health Centre Communication No. 375/21	58
	<b>Recommendation:</b> That the Mayor and Clerk be and are hereby authorized to execute a Lease Agreement between the Corporation of the Township of Brock Community Health Centre.	

## 10.4. By-Laws

- 10.4.1. By-law Number 2962-2021 65
- Being a By-law under the provisions of Section 34 of the *Planning Act* R.S.O. 1990, as amended, to amend Zoning By-law Number 287-78-PL, as otherwise amended, of the Corporation of the Township of Brock with respect to certain land located at Part Lot 23, Concession 12, PT 2, 40R-13288, Brock Township (Municipally known as 396 Cameron Street, Cannington), Region of Durham.
- Recommendation:**
- That By-law Number 2962-2021 being a By-law under the provisions of Section 34 of the *Planning Act* R.S.O. 1990, as amended, to amend Zoning By-law Number 287-78-PL, as otherwise amended, of the Corporation of the Township of Brock with respect to certain land located at Part Lot 23, Concession 12, PT 2, 40R-13288, Brock Township (Municipally known as 396 Cameron Street, Cannington), Region of Durham, be read a first, second, and third time and passed in open Council and that the Mayor and Clerk were authorized to sign the by-law on behalf of the municipality and to have same engrossed in the by-law book.
- 10.4.2. By-Law Number 3000-2021 73
- A By-law to prescribe a tariff of fees for the processing of applications made in respect of planning matters ("The Planning Fees By-law")
- Recommendation:**
- That By-law Number 3000-2021, being a by-law to prescribe a tariff or fees for the processing of applications made in respect of planning matters ("The Planning Fees By-law") be read a first, second and third time and passed in open Council and that the Mayor and Clerk were authorized to sign the by-law on behalf of the municipality and to have same engrossed in the by-law book.
- 10.4.3. By-law Number 3014-2021 85
- Being a By-law under the provisions of Section 34 of the *Planning Act*, R.S.O., 1990, as amended, to amend by-law Number 287-78-PL, as otherwise amended, of the Corporation of the Township of Brock, Region of Durham, with respect to Cannabis Product and Processing.



**Recommendation:**

That By-law Number 3014-2021 being a By-law under the provisions of Section 34 of the *Planning Act* R.S.O., 1990, as amended, to amend By-law Number 287-78-PL, as otherwise amended, of the Corporation of the Township of Brock, Region of Durham, with respect to Cannabis Production and Processing be read a first, second and third time and passed in open Council and that the Mayor and Clerk were authorized to sign the by-law on behalf of the municipality and to have same engrossed in the by-law book.

- 10.4.4. By-law Number 3015-2021 95  
Being a By-law passed pursuant to the provisions of Sections 17, 21 and 22 of the *Planning Act* , R.S.O. 1990, as amended.

**Recommendation:**

That By-law Number 3015-2021 being a By-law passed pursuant to the provisions of Sections 17, 21 and 22 of the *Planning Act* , R.S.O. 1990, as amended be read a first, second and third time and passed in open Council and that the Mayor and Clerk were authorized to sign the by-law on behalf of the municipality and to have same engrossed in the by-law book.

- 10.4.5. By-law Number 3024-2021 190  
Being a By-law to provide for the actual cost recovery of the McFeeters Drain in the Township of Brock in the Regional Municipality of Durham.

**Recommendation:**

That By-law Number 3024-2021, being a By-law to provide for the actual cost recovery of the McFeeters Drain in the Township of Brock in the Regional Municipality of Durham be read a first, second and third time and passed in open Council and that the Mayor and Clerk were authorized to sign the by-law on behalf of the municipality and to have same engrossed in the by-law book.

- 10.4.6. By-law Number 3025-2021 191  
Being a By-law to amend By-law Number 2915-2021, being a By-law to regulate open air, recreational and agricultural fire and to repeal by-law 2613-2015-PP.

**Recommendation:**

That By-law Number 3025-2021, being a By-law to amend By-law Number 2915-2021, being a By-law to regulate open air, recreational and agricultural fire and to repeal by-law 2613-2015-PP be read a first, second and third time and passed in open Council and that the Mayor and Clerk were authorized to sign the by-law on behalf of the municipality and to have same engrossed in the by-law book.

10.4.7. By-law Number 3026-2021

192

A By-law to re-divide the wards in the Township of Brock

**Recommendation:**

That By-law Number 3026-2021, being a by-law to re-divide the wards in the Township of Brock, be read a first, second and third time and passed in open Council and that the Mayor and Clerk were authorized to sign the by-law on behalf of the municipality and to have same engrossed in the by-law book.

**11. Items Extracted from Consent Agenda**

**12. Notices of Motions**

12.1. Cannabis By-law and Controls

That copies of the new cannabis bylaws and controls be distributed to all cannabis production facilities in Brock Township.

**Recommendation:**

Moved by Councillor Pettingill

Seconded by Councillor Jubb

That copies of the new cannabis by-laws and controls be distributed to all cannabis production facilities in Brock Township.

**13. Council Member Updates**

**14. Other Business**

**15. Public Questions and Clarification**

**16. Closed Session (if required)**

**17. Confirmation By-law**

**Recommendation:**

That By-law Number 3023-2021, being a by-law to confirm the proceedings of the Council of the Corporation of the Township of Brock at its meeting held on March 22, 2021, be read a first, second and third time and passed in open Council and that the Mayor and Clerk were authorized to sign the by-law on behalf of the municipality and to have same engrossed in the by-law book.

**18. Adjournment**

**Recommendation:**

That we do now adjourn at TIME.

**Electronically**

**Monday, February 22, 2021**

Members present:	Regional Councillor:	W.E. Ted Smith
	Councillors:	Michael Jubb
		Claire Doble
		Walter Schummer
		Cria Pettingill
		Lynn Campbell

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Inspector Connolly advised that foot patrols have increased in Brock, engagement continues with community housing officers, and businesses are receiving education with respect to seniors who are victims of fraud.

#### Equity and Inclusion

- Attend, Embrace and Support diversity in North Division
- Encourage our members to engage with the community
- Inspire frontline officers toward increased police community interaction

#### Community Safety through Collaboration with our Youth

- Pro actively participate in special events with the youth in the schools
- Collaborate with CAS, Elementary and Secondary Schools in (VTRA) Violence, Threat Risk Assessment for at risk students

Inspector Connolly advised that officers are educating Grade 9 students on human trafficking noting that more information is available at [www.stopht.com](http://www.stopht.com).

#### Durham Connect North and Community Safety Advisory Council

- Positive intervention for those that have been identified as being “At Risk”
- Improve the levels of satisfaction across the communities that we serve

Inspector Connolly advised that the Community Safety Advisory Council engages citizens of North Durham who meet monthly and discuss initiatives such as the investigation ‘Project Ambassador’.

#### Monitor High Risk Offenders, Suppress Narcotic Trafficking

- Reduce recidivism of defendants on conditional releases who are awaiting trial
- Monitor non compliance of offenders on court release conditions
- Suppress trafficking of Schedule 1 substances

#### Creating Future Leaders

- Development of our members through coaching, mentoring, and learning opportunities.
- Foster positive organizational culture

Councillors enquired as to the statistics regarding the increase in violence and weapons in Beaverton and were advised that the statistics encompass all of Brock. Inspector Connolly advised that the police are aware of the individuals responsible and are focussed on remediation efforts noting that he could provide a breakdown of statistics for each town in Brock.

Councillors enquired as to DRPS response times and were advised that Priority One calls (911) take precedence over other issues and officers can be pulled to assist with those.

Councillors enquired as to the function of the Police Services Board and were advised that it is a civilian board that provides management of police services. Deputy Mayor Smith advised that the Durham Region Police Services Board consists of 4 appointed citizens, Mayor Bobbie Drew as Chair, and Regional Chair John Henry.

Councillors enquired whether the Beaverton Police station would be staffed to which Inspector Connolly advised that he would follow up. Councillors enquired as to the effectiveness of Neighbourhood Watch programs to which Inspector Connolly advised that officers could work together with the members to provide door to door educational campaigns.

Councillors enquired as to the social media information with respect to enforcement activities and were advised R.I.D.E. programs, as a preventative measure. Councillors enquired whether police have any involvement with the placement of Vision Zero traffic cameras and were advised not, that the Regional taskforce uses statistics to determine locations. Inspector Connolly advised

Council members to email him the locations of any specific enforcement concerns in the towns and parks.

Councillors expressed concern with respect to police not being able to assist the By-law officers with parking violations to which Inspector Connolly advised that he would investigate the matter.

Councillors enquired as to the progress with respect to the violence in the Durham Region Housing facility in Cannington and were advised that officers continue to liaise with the building superintendent and manager on implementing safety measures.

Councillors enquired as to police efforts with respect to illegal cannabis operations to which Inspector Connolly advised that a summer campaign is spearheaded by the Regional drug enforcement unit, local By-laws require amending to permit enforcement by police, and DRPS would engage with the local area Council's to implement the changes necessary. The Chief Building Official advised that himself and the Clerk met with the drug enforcement unit last year in preparation for the Interim Control By-law.

Councillors enquired whether police have a constant presence in each patrol zone in North Durham and were advised in the affirmative. Inspector Connolly advised that officers from South Durham are re-deployed to North Durham as necessary.

Councillors enquired as to financial fraud assistance and were advised that communications are circulated through the Financial Crimes Unit in collaboration with Ontario Provincial Police and the RCMP.

**5. Hearing of Delegations and/or Petitions**

None

**6. Consent Agenda**

Resolution Number 1-2

MOVED by Walter Schummer and SECONDED by Cria Pettingill that the items listed in Section 6, Consent Agenda be approved save and except (a)7, 228, 241, 242, 250, 150, and (d) 1 and 2.

MOTION CARRIED

**(a) Adoption of Minutes of Previous Meetings**

- (1) 3rd Special Council meeting – January 22, 2021

Resolution Number 2-2

That the minutes of the 3rd Special Council meeting as held on January 22, 2021 be approved.

- (2) 3rd Special Council meeting - In Camera Session – January 22, 2021

Resolution Number 3-2

That the minutes of the In Camera session of the 3rd Special Council meeting as held on January 22, 2021 be approved.

- (3) 1st Council meeting – January 25, 2021

Resolution Number 4-2

That the minutes of the 1st Council meeting as held on January 25, 2021 be approved.

- (4) 4th Special Council meeting – February 1, 2021

Resolution Number 5-2

That the minutes of the 4th Special Council meeting as held on February 1, 2021 be approved.

- (5) 4th Special Council meeting - In Camera Session – February 1, 2021

Resolution Number 6-2

That the minutes of the In Camera session of the 4th Special Council meeting as held on February 1, 2021 be approved.

- (6) 5th Special Council meeting – February 12, 2021

Resolution Number 7-2

That the minutes of the 5th Special Council meeting as held on February 12, 2021 be approved.

**(b) Reports**

- 251 Becky Jamieson – Report: 2021-CO-08, Section 78 of the Drainage Act re. Drain Improvement – Gordon Drain

Resolution Number 8-2

That Report: 2021-CO-08, Section 78 of the Drainage Act re: Drain Improvement – Gordon Drain, be received for information; and,

That the Township of Brock Council Resolution adopted on May 4, 2020, appointing Tulloch Engineering be appointed as Engineers under Section 8(1) The Drainage Act for the purposes of a Municipal Drain Improvement for the Gordon Drain be rescinded; and,

That Council appoint Sid Vander Veen of R.J. Burnside & Associates Limited as Engineer under Section 8(1) The Drainage Act for the purposes of a Municipal Drain Improvement for the Gordon Drain as per the requests from Ms. Lynn Factor and Mr. Rob Wood.

**(c) Correspondence**

- 154 Town of Ajax – Funding Sick Leave

Resolution Number 9-2

That Communication Number 154 be received for information and filed.

- 197 Peter Frank – Ontario Fire College Closing

Resolution Number 10-2

That Communication Number 197 be received for information and filed.

**(d) Reports of Committees**

**(e) Motions**

None

**(f) By-Laws**

- (1) By-Law Number 3003-2021 – being a by-law to authorize the Corporation of the Township of Brock to enter into a Site Plan Agreement with the Regional Municipality of Durham regarding Lot 18 Concession 12, Brock.

Resolution Number 11-2

That By-law Number 3003-2021, being a by-law to authorize the Corporation of the Township of Brock to enter into a Site Plan Agreement with the Regional Municipality of Durham regarding Lot 18 Concession 12, Brock, was read a first, second and third time and passed in open Council and that the Deputy Mayor and Clerk were authorized to sign the by-law on behalf of the municipality and to have same engrossed in the by-law book.

- (2) By-law Number 3017-2021 – being a by-law to regulate the proceedings of Council

By-law Number 3017-2021 will be addressed at a future meeting together with the requested revisions to Report 2021-CO-07, Procedural By-law Amendments.

**7. Items Extracted from Consent Agenda**

**(a) Adoption of Minutes of Previous Meetings**

- (7) 5th Special Council meeting - In Camera Session – February 12, 2021

Councillors expressed disappointment with the content of the in camera minutes to which the CAO advised that he could provide an expanded version of those minutes.

Resolution Number 12-2

MOVED by Walter Schummer and SECONDED by Cria Pettingill That the minutes of the In Camera session of the 5th Special Council meeting as held on February 12, 2021 be received and that staff provide an amended version.

MOTION CARRIED

Resolution Number 13-2

MOVED by Lynn Campbell and SECONDED by Claire Doble that Council break for a recess at 6:17 p.m.

MOTION CARRIED

Deputy Mayor Smith reconvened the meeting at 6:25 p.m. with the same members of Council and staff in attendance.

**(b) Reports**

- 228 Becky Jamieson – Report: 2021-CO-06, Vacancy of the Office of the Mayor (Head of Council)

Deputy Mayor Smith requested further clarification with respect to this report.

Resolution Number 14-2

MOVED by Walter Schummer and SECONDED by Lynn Campbell That Council receive Report: 2021-CO-06.

The Clerk provided an overview of the options for filling the vacancy of the Office of the Mayor and explained the role of the Mayor under the Municipal Act noting that the vacancy would be filled for the remainder of this term of Council (to November 14, 2022).

Options included:

- Appoint a qualified person through the following three options:



1. Appointment through an Open Call for Qualified Applicants
  - Any member of the public may submit an application – accepted between March 1 and 22, 2021
  - Special Council meeting March 31, 2021 to receive submissions and delegations of each certified applicant
2. Appointment of an existing Member of Council
  - Procedures developed by Clerk and discussed at the March 22, 2021 Council meeting
3. Appointment of a 2018 Municipal Election Candidate
  - Council would identify at least 2 candidates
  - Council meeting March 22, 2021 would receive delegations by each candidate
4. Hold a by-election (tentative dates)
  - By-law passed March 22, 2021 Council meeting (prior to April 1, 2021)
  - Nomination period: March 23 to May 4, 2021 at 2:00 p.m.
  - Nomination day: Tuesday, May 4, 2021
  - Election day: Friday, June 18, 2021
  - Mayor-Elect takes oath: Monday, June 21, 2021

The Clerk advised that options 1, 2, and 3 would be completed by April 1, 2021, and would have maximum costs of \$5,000, \$2,000, and \$2,000 respectively. Option 4 would be completed by mid July with a maximum cost of \$50,000. She advised of the advantages and disadvantages of each option.

Questions were posed by Council members to which the Clerk provided clarification.

Councillors supported the vacancy be filled through means of a By-election as it is a fair and democratic process.

Councillor Schummer advised that he would amend the resolution to choose option 4 to which Councillor Campbell agreed.

#### Resolution Number 14-2

MOVED by Walter Schummer and SECONDED by Lynn Campbell That Report: 2021-CO-06 be received; and, That the Office of the Mayor vacancy be filled by holding a By-Election; that the Clerk provide notice to the public of the method selected by Council; That the Clerk be authorized to bring forward the necessary by-law to hold the By-Election to fill the vacancy of the Mayor and to authorize the use of vote by mail and vote tabulators where appropriate as the preferred method for the By-Election to be held on June 18, 2021; and, that the By-law be brought forward to the March 22 Council meeting.

Deputy Mayor Smith requested a recorded vote.

Recorded Vote

Yeas

Nays

Lynn Campbell  
Claire Doble  
Michael Jubb  
Cria Pettingill  
Walter Schummer  
W.E. Ted Smith

MOTION CARRIED

241 Debbie Vandenaeker – Report: 2021-CO-05, Site Plan Approval for Cannington Wells 9 and 10

Councillors enquired whether the wells would be concealed by the existing shrubbery to which the Chief Building Official advised in the affirmative noting that the landscaping would be maintained.

Resolution Number 15-2

MOVED by Walter Schummer and SECONDED by Michael Jubb That Council approve Site Plan application 6-2020-SP Cannington Wells 9 and 10, and, that Council authorize the Deputy Mayor and Clerk to enter into a Site Plan agreement with the Region of Durham, as contained within Report: 2021-CO-05.

MOTION CARRIED

242 Paul Lagrandeur – Report: 2021-CO-04, Commemorative Donation Program

There was discussion with respect to updating the application with the new costs and options as contained in the report prior to posting it on the Township website and for staff to consult with downtown businesses prior to placing benches.

Resolution Number 16-2

MOVED by Claire Doble and SECONDED by Lynn Campbell That Report: 2021-CO-04 be received; and, that Council direct staff to implement a Commemorative Donation Program based on the terms and fees outlined in the report; and, that the information be posted on the Township website.

MOTION CARRIED

250 Becky Jamieson – Report: 2021-CO-07, Procedural By-law Amendments

Resolution Number 17-2

That Report: 2021-CO-07, Procedural By-law Amendments, be received for information; and that Council recommends that the Procedural By-law, as contained or amended, be approved.

Councillor Schummer requested that the following points be modified or the reasons clarified:

2.1.3. remove/reword - Chair to vacate seat to participate in debate, speak to a motion.

3.11. remove/reword - Members of Council shall not act as Chair or Vice Chair.

3.12. remove/reword - Mayor shall nominate the members of Ad-Hoc Committees.

4.4.2. (b) change - 'personal' to 'personnel'

6.2.1. (c) hold in strict confidence information from closed sessions

Councillor Schummer noted that when an issue has been publicly disclosed, Council may comment on the matter as per the Integrity Commissioner.

The CAO advised that the intention is to outline what is reasonable and responsible for the Corporation and that matters discussed in closed session remain confidential.

Councillor Schummer requested clarification that Other Business 7.1.1.(13) would not introduce new motions during a meeting and was advised in the affirmative. There was further discussion with respect to the process for motions as a result of a delegation and the opportunity for Council to defer any requests to staff for investigation.

Councillor Schummer expressed concern for the Mayor's authority within 8.5.15. 'delegations not permitted within 6 months of last appearance unless approved by Mayor' and was advised that this rule would only be waived by the Mayor should staff provide extenuating circumstances of the delegation.

8.6.3. reword - 'shall' to 'may'

8.7.7. reword - minutes of advisory, ad-hoc, and other board committees be received for information 'and approved'.

The Clerk advised that Council has the authority to waive the rules of the Procedural By-law as may be necessary.

Councillor Schummer advised that he would withdraw his motion noting that he would prefer to receive the Procedural By-law with revised language prior to approval.

Councillor Pettingill requested stronger language within 2.1.3. to limit how often the Chair could speak to a motion.

#### Resolution Number 18-2

MOVED by Michael Jubb and SECONDED by Lynn Campbell That Resolution Number 17-2 be tabled until staff have incorporated the changes into the Procedural By-law to be brought forward to a Special Council Meeting.

MOTION CARRIED

#### Resolution Number 17-2

That Report: 2021-CO-07, Procedural By-law Amendments, be received for information; and that Council recommends that the Procedural By-law, as contained or amended, be approved.

MOTION TABLED

### **(c) Correspondence**

150 Jordan Mount – 2021 Sunderland Farmer's Market

#### Resolution Number 19-2

MOVED by Walter Schummer and SECONDED by Cria Pettingill That Communication Number 150 be received for information.

Councillor Schummer expressed concern with respect to the reference to an association, insurance certificates being provided to the Township, the

possibility of lawsuits, and signage at the market to indicate that it is not a Township facilitated market.

Councillors advised that the same individual as last year would be organizing the market and that staff have previously secured the necessary documents to provide for a successful market.

Resolution Number 19-2

MOVED by Walter Schummer and SECONDED by Cria Pettingill That Communication Number 150 be received for information.

MOTION LOST

Resolution Number 20-2

MOVED by Lynn Campbell and SECONDED by Claire Doble That Communication Number 150 be received for information, and that Council have no objection to the requests contained in Communication Number 150 pending an update to the agreement in regard to hydro use and all other conditions including insurance and otherwise are met.

MOTION CARRIED

**(d) Reports of Committees**

- (1) 2nd Committee of the Whole Meeting – January 22, 25, and 26, 2021
- (2) 3rd Committee of the Whole Meeting – February 1, 2021

Deputy Mayor Smith requested a current update as to legal costs, given that approving these minutes is approving the Budget, to which the Clerk advised \$30,000 - \$35,000 for 2020, and \$25,000 to date in 2021. He advised that a resident expressed concern for having the aerial truck as a front line vehicle which could reduce its lifespan to which the Fire Chief advised that the Aerial Truck Committee considered the wear and tear on the vehicle, however, supported the decision to use it as front line to justify the expense. The Fire Chief advised that the lifespan would be similar to aerial trucks used in larger municipalities.

Resolution Number 21-2

That the minutes of the 2nd and 3rd Committee of the Whole meetings, as held on January 22, 25, 26, and February 1, 2021, respectively, be approved.

MOTION CARRIED

**8. Notices of Motions**

- (1) Notice of Motion re: Cannabis licensing and enforcement

Resolution Number 22-2

MOVED by Michael Jubb and SECONDED by Cria Pettingill

WHEREAS the Government of Canada introduced Bill C-45 (the Cannabis Act) to create the foundation for a comprehensive national framework to provide restricted access to regulated cannabis, and to control its production, distribution, sale, importation, exportation, and possession;

WHEREAS the police have not been given lawful authority to lay charges under the Cannabis Act to appropriately respond to violations of Health Canada Registrations and Licenses;

WHEREAS there is no direct communication or dedicated effort to provide a communication channel between Municipal government staff or Police Agencies for dealing with Health Canada Registrations and Licenses;

WHEREAS the Township of Brock has not been consulted by Health Canada prior to the issuance of licenses for properties not in compliance with municipal zoning by-laws;

BE IT RESOLVED THAT the Township of Brock requests that Health Canada:

1. Require Federal Licenses and Registrations for Designated Growers to conform with local zoning and control by-laws;
2. Ensure local authorities are provided with notification of any licence issuance, amendment, suspension, reinstatement or revocation within their region;
3. Provide dedicated communication with local governments and Police services;
4. Provide lawful authority to Police agencies to lay charges when registered or licences operations grow in excess of their registration or licence through Health Canada; and
5. Provide enforcement support and guidance to local municipalities for dealing with land use complaints relating to Cannabis.

AND FURTHER BE IT RESOLVED THAT the Township of Brock will forward this motion by email to the following partners: All municipalities in Ontario, the MP and MPP of Haliburton–Kawartha Lakes–Brock, the Minister of Agriculture, Food and Rural Affairs, the Minister of Agriculture and Agri-Food, and the Durham Region Police Services with the request that the Federal government enact legislation to better support local governments with land use management and enforcement issues as they relate to Cannabis Production and Processing.

MOTION CARRIED

Deputy Mayor Smith vacated the Chair and Councillor Schummer assumed the Chair.

- (2) Notice of Motion re: Community Safety Zones – Osborne Street and Mara Road, Beaverton

Resolution Number 23-2

MOVED by W.E. Ted Smith and SECONDED by Claire Doble

THAT the Township of Brock request that the Region of Durham consider the establishment of a Community Safety Zone on Osborne Street and Mara Road in the Beaverton urban area due to the high traffic volume on Regional Road 23.

MOTION CARRIED

Deputy Mayor Smith resumed the Chair.

- (3) Notice of Motion re: Ontario Fire College

There was discussion with respect to the Provincial government downloading training responsibilities to the municipalities.

Resolution Number 24-2

MOVED by Michael Jubb and SECONDED by Cria Pettingill

WHEREAS the Ontario Fire College has been in existence since 1949; and,

WHEREAS the Ontario Fire College is one of the primary sources of certified training for Ontario Firefighters; and,

WHEREAS the Ontario Fire College has built a reputation of integrity, credibility, and reliability in providing some of the best training to our Fire Services within the Province of Ontario; and,

WHEREAS the Ontario Fire College has been used to train and certify both Volunteer, Part Time and Career firefighters throughout Ontario; and,

WHEREAS the Ontario Fire College gives Ontario Firefighters another option other than Regional Training Centres to obtain National Fire Protection Association (NFPA) certifications; and,

WHEREAS the Ontario Fire College is the most cost effective method to certify Firefighters to NFPA Standards in Ontario; and,

WHEREAS the Ontario Government enacted and revoked O. Reg. 379/18: Firefighter Certification in 2018; and,

WHEREAS when the Ontario Government revoked O. Reg. 379/18: The Firefighter certification, it was made known by the Office of the Solicitor General that the act would be amended and brought back in the future;

THEREFORE, BE IT RESOLVED THAT the Corporation of the Township of Brock requests that the Province of Ontario reverse their decision to close the Ontario Fire College as the OFC is one of the best and most cost effective methods for municipalities to train their firefighters which assists us in protecting our residents; and,

BE IT FUTHER RESOLVED THAT this Resolution is forwarded to the Honourable Doug Ford Premier of Ontario, the Honourable Sylvia Jones; Ontario Solicitor General, the Honourable Steve Clark, Minister of Municipal Affairs and Housing, Jon Pegg, the Ontario Fire Marshal; and all municipalities within the Province of Ontario.

MOTION CARRIED

- (4) Notice of Motion re: Crosswalk at Osborne Street and Simcoe Street, Beaverton

There was discussion with respect to the requested sidewalk being placed north to south as opposed to east to west.

Resolution Number 25-2

MOVED by Claire Doble and SECONDED by Michael Jubb

That the Township of Brock request that the Region of Durham investigate the feasibility of the installation of a crosswalk at the intersection of Osborne Street and Simcoe Street, in Beaverton

MOTION CARRIED

- (5) Notice of Motion re: 2021 Budget

There was discussion with respect to having a motion to approve the tax increase as there was none moved during budget discussions.

Resolution Number 26-2

MOVED by Walter Schummer and SECONDED by Claire Doble

That Council approve the Operating and Capital Budget for 2021 with an increase of 2.4% (2.28% of the increase is attributable to a one time adjustment for streetlighting redistribution) over the 2020 budget and that staff prepare the necessary by-law for enactment.

MOTION CARRIED

- (6) Notice of Motion re: Street names list

Councillors supported the motion in honour of Mayor Bath-Hadden.

Resolution Number 27-2

MOVED by Lynn Campbell and SECONDED by Michael Jubb

That the Township of Brock send a request to the Region of Durham, to add the name Debbie Bath-Hadden to the list of approved street names for Brock Township. We acknowledge that there is already a similar street name in Kaitlin subdivision (Don Hadden) so if this creates a conflict, we suggest the abbreviated name Debbie Bath.

MOTION CARRIED

- (7) Notice of Motion re: Burn By-law

Councillors and the Fire Chief advised that they support this motion.

Resolution Number 28-2

MOVED by Lynn Campbell and SECONDED by Michael Jubb

That the recreation section of the burn by-law for the Township of Brock be amended. The relevant part of the by-law already states: "Burning only occur during the following: From 6:00 p.m. to 1:00 a.m. between the first day of May and the last day of September and/or THIS IS THE NEW PART TO ADD IN "from 1:00 p.m. to 12:00 a.m. between the first day of December and the last of March."

MOTION CARRIED

**9. Other Business**

- (1) LSRCA Appointment

The Clerk advised that the appointment must be a member of Council and is to fill the vacancy left by Mayor Bath-Hadden. Councillor Pettingill accepted the appointment.

Resolution Number 29-2

MOVED by Michael Jubb and SECONDED by Claire Doble That Councillor Pettingill be appointed as the LSRCA Representative for the Township of Brock.

MOTION CARRIED

- (2) COVID-19 Update

The Fire Chief advised that By-law Officers have been distributing Red Zone information to local businesses, he would be meeting with the By-law Supervisor and the Clerk to discuss recommendations for beach operations, and the Municipal Control Group is reviewing summer day camp recommendations. He advised that assessment clinics are operational in Sunderland and Beaverton, Health units are preparing an agreement for a vaccination centre at the Rick

MacLeish Memorial Centre, 21 firefighters have been vaccinated, and fit testing of N95 masks for staff has commenced. He advised everyone to continue with hand hygiene, mask wearing, and social distancing.

Councillor Jubb enquired whether ice fishers are permitted overnight rentals to which the Fire Chief advised in the affirmative noting that family members only is strongly recommended.

(3) Memorial Drive by for Mayor Bath-Hadden

The Fire Chief advised that he has assisted Councillor Campbell with a drive by memorial ceremony to honour Mayor Bath-Hadden on March 6, 2021, which will have an Honour Guard, a firefighter would play bagpipes on the driveway, the route is planned, DRPS would offer traffic control, and the Miller Group would also be assisting.

Councillor Campbell advised that 10:30 a.m. is the tentative time and invitations have been sent and the event would be publicized in the newspaper and on social news/media.

**10. Public Questions and Clarification**

None

**11. Closed Session**

None

**12. Confirmation By-law**

By-law Number 3013-2021 – to confirm the proceedings of the Council of the Corporation of the Township of Brock at its meeting held on February 22, 2021

Resolution Number 30-2

MOVED by Claire Doble and SECONDED by Lynn Campbell that By-law Number 3013-2021, to confirm the proceedings of the Council of the Corporation of the Township of Brock at its meeting held on February 22, 2021, was read a first, second and third time and passed in open Council and that the Mayor and Clerk were authorized to sign the by-law on behalf of the municipality and to have same engrossed in the by-law book.

MOTION CARRIED

**13. Adjournment**

Resolution Number 31-2

MOVED by Cria Pettingill and SECONDED by Walter Schummer that we do now adjourn at 9:30 p.m.

MOTION CARRIED

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DEPUTY MAYOR

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CLERK



**Electronically**

**Tuesday, March 2, 2021**

Resolution Number 3-6

MOVED by Michael Jubb and SECONDED by Claire Doble that By-law Number 3020-2021, to confirm the proceedings of the Council of the Corporation of the Township of Brock at its meeting held on March 2, 2021, was read a first, second and third time and passed in open Council and that the Mayor and Clerk were authorized to sign the by-law on behalf of the municipality and to have same engrossed in the by-law book.

MOTION CARRIED

**7. Adjournment**

Resolution Number 4-6

MOVED by Lynn Campbell and SECONDED by Cria Pettingill that we do now adjourn at 6:33 p.m.

MOTION CARRIED

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DEPUTY MAYOR

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CLERK

**The Corporation of the Township of Brock**

**Special Council Minutes - Draft**

**Electronically**

**Session Seven**

**Thursday, March 4, 2021**

The Seventh Meeting of the Council of the Township of Brock, in the Regional Municipality of Durham, was held on Thursday, March 4, 2021, electronically.

Members present:      Regional Councillor:      W.E. Ted Smith  
   Councillors:                   Michael Jubb  
                     Claire Doble  
                     Walter Schummer  
                     Cria Pettingill  
                     Lynn Campbell

Staff Members present:      Municipal Clerk Becky Jamieson  
   (recording the minutes)  
   Deputy Clerk Deena Hunt  
   CAO Dean Hustwick  
   Director of Public Works Paul Lagrandeur  
   Chief Building Official Richard Ferguson  
   Planner Debbie Vandenakker  
   Interim Treasurer John Gormaly  
   Fire Chief Rick Harrison

**1.      Call Closed Session to Order**

Deputy Mayor W.E. Ted Smith called the meeting to order at 12:30 p.m.

**2.      Closed Session Disclosure of Pecuniary Interest and Nature Thereof**

None

**3.      Closed Session**

Resolution Number 1-7

MOVED by Walter Schummer and SECONDED by Cria Pettingill that Council move in camera at 12:32 p.m. pursuant to Section 239(2)(e) and (f) of the Municipal Act, 2001, to discuss litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board, and that is subject to solicitor-client privilege, including communications necessary for that purpose.

MOTION CARRIED

- 1)      To discuss potential litigation and discuss advice that is subject to solicitor-client privilege regarding the Beaverton Supportive Housing Project as per Section 239 (2)(e) and (f) of the Municipal Act.

**4.      Rise from Closed Session**

Resolution Number 2-7

MOVED BY Lynn Campbell and SECONDED by Walter Schummer that we rise from in camera at 1:16 p.m.

MOTION CARRIED

Resolution Number 3-7

MOVED BY Lynn Campbell and SECONDED by Cria Pettingill that Council break for a recess at 1:17 p.m. and reconvene at 1:30 p.m.

MOTION CARRIED

**5. Call Open Session to Order and Moment of Silence**

Deputy Mayor Smith reconvened the meeting with at 1:36 p.m. with the same members of Council and staff in attendance, with the exception of Councillor Jubb, and requested a moment of silence.

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

None

**7. Delegations**

None

**8. Consideration of business for which Notice was Given**

- 1) Matters from Closed Session

Resolution Number 4-7

MOVED BY Claire Doble and SECONDED by Walter Schummer that the verbal advice provided to Council by the solicitor in closed session be approved.

MOTION CARRIED

- 2) Staff Report: 2021-CO-08, Debbie Vandenakker, Planner – Beaverton Supportive Housing Site Plan Application Recommendation

Deputy Mayor Smith expressed concern for the financial implications should Council proceed.

Resolution Number 5-7

MOVED BY Walter Schummer and SECONDED by Cria Pettingill

That Council hereby directs that the solicitor and such staff and consultants as may be necessary, be directed to attend at the Local Planning Appeal Tribunal in opposition to the Region of Durham's appeal of its site plan application, on the basis that it is premature, until:

1. The expiry of Interim Control By-law No. 2994-2020;
2. The completion of the planning study currently underway with respect to the appropriate zoning regulations for modular construction, supportive housing, and manufactured dwelling houses; and
3. The implementation of the recommendations arising out of the study referred to in #2 above; or,
4. The zoning for the lands are otherwise amended to permit the uses proposed by the Region, which are currently not permitted by Zoning By-law 287-78-PL.

Deputy Mayor Smith requested a recorded vote.

Recorded Vote

Yeas

Claire Doble  
Cria Pettingill  
Walter Schummer

Nays

Lynn Campbell  
W.E. Ted Smith

MOTION CARRIED

- 3) Tabled Resolution No. 17-2 - February 22, 2021 Council re: Procedural By-law.

Resolution Number 6-7

MOVED BY Walter Schummer and SECONDED by Cria Pettingill that Resolution No. 17-2 of the February 22, 2021 Council meeting be lifted from the table and filed.

MOTION CARRIED

Resolution Number 17-2

That Report: 2021-CO-07, Procedural By-law Amendments, be received for information; and that Council recommends that the Procedural By-law, as contained or amended, be approved.

- 4) Memorandum from Becky Jamieson, Municipal Clerk – Procedural By-law Amendments

Resolution Number 7-7

MOVED BY Walter Schummer and SECONDED by Claire Doble that Council receive Report: 2021-CO-07, Procedural By-law Amendments for information and that the Procedural By-law, as contained in Attachment No. 2, be approved.

Councillor Campbell expressed concern with respect to permitting a member of Council act as Chair of an appointed committee advising that it should only be a last resort. She advised that both the Chippewas of Georgina Island the Mississauga's of Scugog Island approve of the Township's Land Acknowledgement Statement.

Resolution Number 8-7

MOVED BY Claire Doble and SECONDED by Walter Schummer that Council meetings start at 6:00 p.m. as opposed to 5:00 p.m.

There was discussion with respect to the challenge of selecting a time for Council meetings that ensures that the public could attend and not result in a late night meeting.

Resolution Number 8-7

MOVED BY Claire Doble and SECONDED by Walter Schummer that Council meetings start at 6:00 p.m. as opposed to 5:00 p.m.

MOTION LOST

Resolution Number 7-7

MOVED BY Walter Schummer and SECONDED by Claire Doble that Council receive Report: 2021-CO-07, Procedural By-law Amendments for information and that the Procedural By-law, as contained in Attachment No. 2, be approved.

MOTION CARRIED

- 5) By-law Number 3017-2021 – being a by-law to regulate the proceedings of Council

Resolution Number 9-7

MOVED BY Cria Pettingill and SECONDED by Walter Schummer That By-law Number 3017-2021, being a by-law to regulate the proceedings of Council, was read a first, second and third time and passed in open Council and that the Deputy Mayor and Clerk were authorized to sign the by-law on behalf of the municipality and to have same engrossed in the by-law book..

MOTION CARRIED

**9. Public Questions and Clarification**

None

**10. Confirmation By-law**

By-law Number 3018-2021 – to confirm the proceedings of the Council of the Corporation of the Township of Brock at its meeting held on March 4, 2021

Resolution Number 10-7

MOVED by Lynn Campbell and SECONDED by Claire Doble that By-law Number 3018-2021, to confirm the proceedings of the Council of the Corporation of the Township of Brock at its meeting held on March 4, 2021, was read a first, second and third time and passed in open Council and that the Mayor and Clerk were authorized to sign the by-law on behalf of the municipality and to have same engrossed in the by-law book.

MOTION CARRIED

**11. Adjournment**

Resolution Number 11-7

MOVED by Lynn Campbell and SECONDED by Walter Schummer that we do now adjourn at 2:01 p.m.

MOTION CARRIED

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DEPUTY MAYOR

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CLERK

**Electronically**

**Monday, March 8, 2021**

Staff Members present:

- Municipal Clerk Becky Jamieson  
(recording the minutes)
- Deputy Clerk Deena Hunt
- Director of Public Works Paul Lagrandeur
- Chief Building Official Richard Ferguson
- Interim Treasurer John Gormaly
- Fire Chief Rick Harrison

Resolution Number 4-8

MOVED BY Cria Pettingill and SECONDED by Claire Doble that Council break for a recess at 10:00 a.m. and reconvene after the Committee of the Whole meeting.

MOTION CARRIED

Deputy Mayor Smith reconvened the meeting at 12:45 p.m. with the same members of Council and staff.

- 2) Notice of Reconsideration – Vacancy of the Office of the Mayor (Head of Council) Staff Report: 2021-CO-06, Vacancy of the Office of the Mayor (Head of Council), and Resolution No. 14-2 adopted by Council on February 22, 2021, be opened for reconsideration.

Resolution Number 5-8

MOVED BY Cria Pettingill and SECONDED by Claire Doble That Staff Report: 2021-CO-06, Vacancy of the Office of the Mayor (Head of Council), and Resolution No. 14-2 adopted by Council on February 22, 2021, be opened for reconsideration.

Councillor Campbell requested a recorded vote.

Recorded Vote

Yeas

Claire Doble  
Michael Jubb  
Cria Pettingill  
Walter Schummer  
W.E. Ted Smith  
Lynn Campbell

Nays

MOTION CARRIED

Resolution Number 14-2

MOVED by Walter Schummer and SECONDED by Lynn Campbell That Report: 2021-CO-06 be received; and, That the Office of the Mayor vacancy be filled by holding a By-Election; that the Clerk provide notice to the public of the method selected by Council; That the Clerk be authorized to bring forward the necessary by-law to hold the By-Election to fill the vacancy of the Mayor and to authorize the use of vote by mail and vote tabulators where appropriate as the preferred method for the By-Election to be held on June 18, 2021; and, that the By-law be brought forward to the March 22 Council meeting.

There was discussion with respect to the challenges of holding a By-Election given that the Municipal Clerk is leaving the Township, staff do not have the skill set to properly run a By-Election, and the Office of the Mayor vacancy should be filled by an appointment.

Resolution Number 6-8

MOVED BY Walter Schummer and SECONDED by Lynn Campbell That Resolution Number 14-2 be rescinded.

MOTION CARRIED

Resolution Number 14-2

MOVED by Walter Schummer and SECONDED by Lynn Campbell That Report: 2021-CO-06 be received; and, That the Office of the Mayor vacancy be filled by holding a By-Election; that the Clerk provide notice to the public of the method selected by Council; That the Clerk be authorized to bring forward the necessary by-law to hold the By-Election to fill the vacancy of the Mayor and to authorize the use of vote by mail and vote tabulators where appropriate as the preferred



method for the By-Election to be held on June 18, 2021; and, that the By-law be brought forward to the March 22 Council meeting.

MOTION RESCINDED

Resolution Number 7-8

MOVED by Michael Jubb and SECONDED by Cria Pettingill That Report: 2021-CO-06 be received for information;

That Council declared the Office of the Mayor vacant on February 1, 2021,

That as per Section 263(1) of the Municipal Act, if a vacancy occurs in the office of a member of council, the municipality shall, subject to this section,

- (a) fill the vacancy by appointing a person who has consented to accept the office if appointed; or
- (b) require a by-election to be held to fill the vacancy in accordance with the Municipal Elections Act, 1996, 2001, c. 25, s. 263 (1).

That as per Section 263(2) of the Act, if the offices of a person who is a member of council of both a local municipality and its upper-tier municipality become vacant, the local municipality and not the upper-tier municipality shall fill the vacancy in accordance with subsection (1) as noted above.

NOW Therefore Be it Resolved that the Office of Mayor vacancy be filled by appointment as per Section 263 (1) (2) of the Municipal Act; and that Council direct the Clerk to determine the interest and eligibility of the second place candidate in the October 2018 election, John Grant, and report back to Council as soon as possible to advise of his eligibility and interest.

There was discussion with respect to the experience that John Grant has as Mayor, the stability that he would provide to staff and Council, and that while the application process for appointment was an option, it would have required the Clerk's involvement and more time to be implemented.

The Clerk advised that, should Mr. Grant agree to the appointment, Council should adopt a Resolution at a future Council meeting, a confirming By-law would be passed, Mr. Grant would take the oath of office and receive the Chain of Office.

Councillor Campbell requested a recorded vote.

Recorded Vote

Yeas

Claire Doble  
Michael Jubb  
Cria Pettingill  
Walter Schummer  
W.E. Ted Smith  
Lynn Campbell

Nays

MOTION CARRIED

Resolution Number 8-8

MOVED by Claire Doble and SECONDED by Walter Schummer That Council reconvene the in camera session at 1:14 p.m. pursuant to Section 239(2)(b) of the Municipal Act, 2001, to discuss matters relating to employees of the Township.

MOTION CARRIED

Resolution Number 9-8

MOVED BY Lynn Campbell and SECONDED by Cria Pettingill that we rise from in camera at 2:20 p.m.

MOTION CARRIED

**5. Public Questions and Clarification**

None

**6. Confirmation By-law**

By-law Number 3022-2021 – to confirm the proceedings of the Council of the Corporation of the Township of Brock at its meeting held on March 8, 2021.

Resolution Number 10-8

MOVED by Walter Schummer and SECONDED by Claire Doble that By-law Number 3018-2021, to confirm the proceedings of the Council of the Corporation of the Township of Brock at its meeting held on March 8, 2021, was read a first, second and third time and passed in open Council and that the Mayor and Clerk were authorized to sign the by-law on behalf of the municipality and to have same engrossed in the by-law book.

MOTION CARRIED

**7. Adjournment**

Resolution Number 11-8

MOVED by Lynn Campbell and SECONDED by Cria Pettingill that we do now adjourn at 2:22 p.m.

MOTION CARRIED

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DEPUTY MAYOR

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CLERK

**Electronically**

**Monday, March 15, 2021**

Staff Members present:

- Municipal Clerk Becky Jamieson  
(recording the minutes)
- Deputy Clerk Deena Hunt
- Clerks Assistant Maralee Drake
- CAO Dean Hustwick
- Director of Public Works Paul Lagrandeur
- Chief Building Official Richard Ferguson
- Interim Treasurer John Gormaly
- Fire Chief Rick Harrison

NOW THEREFORE be it resolved that Council hereby appoint John Grant to the Office of the Mayor for the Township of Brock as per Section 263 (1) & (2) of the Municipal Act.

Deputy Mayor Smith requested a recorded vote.

Recorded Vote

Yeas

Claire Doble  
Lynn Campbell  
Michael Jubb  
Cria Pettingill  
Walter Schummer  
W.E. Ted Smith

Nays

MOTION CARRIED

**8. Public Questions and Clarification**

None

**9. Confirmation By-law**

By-law Number 3021-2021 – to confirm the proceedings of the Council of the Corporation of the Township of Brock at its meeting held on March 15, 2021.

Resolution Number 2-9

MOVED by Lynn Campbell and SECONDED by Michael Jubb that By-law Number 3021-2021, to confirm the proceedings of the Council of the Corporation of the Township of Brock at its meeting held on March 15, 2021, was read a first, second and third time and passed in open Council and that the Mayor and Clerk were authorized to sign the by-law on behalf of the municipality and to have same engrossed in the by-law book.

MOTION CARRIED

**10. Adjournment**

Resolution Number 3-9

MOVED by Walter Schummer and SECONDED by Cria Pettingill that we do now adjourn at 1:08 p.m.

MOTION CARRIED

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DEPUTY MAYOR

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CLERK

**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.

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

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 – 6<sup>th</sup> 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

**The Corporation of the Township of Brock**

**Special Council Minutes - Draft**

**Electronically**

**Session Ten**

**Monday, March 15, 2021**

The Tenth Meeting of the Council of the Township of Brock, in the Regional Municipality of Durham, was held on Monday, March 15, 2021, electronically.

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

Staff Members present: Municipal Clerk Becky Jamieson  
(recording the minutes)  
Deputy Clerk Deena Hunt

**1. Call to Order & Moment of Silence**

Mayor Grant called the meeting to order at 3:00 p.m.

**2. Disclosure of Pecuniary Interest and Nature Thereof**

None

**3. Consideration of Business for which Notice was Given**

**Closed Session**

Resolution Number 1-10

MOVED by W.E. Ted Smith and SECONDED by Michael Jubb that Council move in camera at 3:01 p.m. Pursuant to Section 239(2)(b) of the Municipal Act, 2001 to discuss personal matters about an identifiable individual, including municipal employees.

MOTION CARRIED

The Clerk left the meeting at 3:42 p.m.

**4. Rise From Closed Session**

Resolution Number 2-10

MOVED by Walter Schummer and SECONDED by W.E. Ted Smith That we rise from in camera at 4:29 p.m.

MOTION CARRIED

**5. Matters From Closed Session**

Resolution Number 3-10

MOVED by Claire Doble and SECONDED by Lynn Campbell That the direction provided in closed session be approved.

MOTION CARRIED

**6. Public Questions and Clarification**

None

**7. Confirmation By-law**

By-law Number 3022-2021 – to confirm the proceedings of the Council of the Corporation of the Township of Brock at its meeting held on March 15, 2021.

Resolution Number 4-10

MOVED by Michael Jubb and SECONDED by W.E. Ted Smith that By-law Number 3022-2021, to confirm the proceedings of the Council of the Corporation of the Township of Brock at its meeting held on March 15, 2021, was read a first, second and third time and passed in open Council and that the Mayor and Clerk were authorized to sign the by-law on behalf of the municipality and to have same engrossed in the by-law book.

MOTION CARRIED

**8. Adjournment**

Resolution Number 5-10

MOVED by Michael Jubb and SECONDED by W.E. Ted Smith that we do now adjourn at 4:30 p.m.

MOTION CARRIED

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MAYOR

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CLERK

## Electronically

**Monday, March 8, 2021**

**Township of Brock Ward Boundary Review (WBR) – Final Report**

**Project Summary**

The study began in the Spring of 2020. Mr. Ammendolia advised that COVID-19 altered the project timeline and work began mostly in the fall of 2020. Watson & Associates, in association with Dr. Robert Williams, was the consultant team selected to conduct this review on behalf of the municipality which encompassed the following:

- Research/information gathering, interviews with Council and staff
- Population forecasting/technical analysis/evaluation of existing wards
- Development of preliminary ward boundary options
- Public engagement (i.e. surveys, information sessions, webpage)
- Reports (discussion paper, interim report, final report)
- Council meeting

The existing ward system was evaluated against a set of established guiding principles. A reconfiguration of the existing ward boundaries was implemented. A comprehensive public engagement strategy was employed which included:

- Dedicated public engagement webpage and platform – 850 visits
- Surveys – 125 responses
- Social media engagement: Facebook – close to 10,000 people reached
- Public consultation sessions: virtual public information sessions (also live streamed and recordings of session on website)
- Interviews, direct community outreach, print

**Feedback**

Responses by Ward

Ward 1	10 responses (19%)
Ward 2	14 responses (26%)
Ward 3	4 responses (7%)
Ward 4	10 responses (10%)
Ward 5	11 responses (20%)
Ward unknown	6 responses (9%)

When respondents were asked to indicate the two principles they believed should be given priority as the consultants redesign the current ward makeup of Brock, the responses were Representation by Population, and Effective Representation.

The consultant team developed a total of 4 preliminary ward boundary options for consideration in the Interim Options Report. The preliminary options considered a variety of factors such as:

- Guiding principles, Best practices, Case law
- Community feedback/engagement

Option 1 was selected as the preferred option by approximately 40% of survey respondents. Option 3 was selected as the preferred option by 15% of respondents; however, 22% of respondents also selected Option 3 as the second most preferred option.

The consultants presented charts indicating the proposed boundaries for Option 1, Option 1B, Option 2, and Option 2B and advised that these options best address the guiding principles and community input.



## **Evaluation**

Option 1: this was a 'minimal' change model. Focus was on re-configuration of the northern area of the Township (wards 1 and 2).

Option 2: The focus of this option was for the wards to constitute coherent groupings of neighborhoods and communities of interest.

The 'B' Options were based on feedback received and connects the beachfront communities south of Beaverton to the Beaverton Ward(s). These options can be attached to either Option 1 or 2.

## **Next steps**

Council can choose one of the recommended options, ask for changes or revisions to a recommended option, or take no action. Should Council choose to implement new ward boundaries, it would have to pass a bylaw.

Any action respecting ward boundary reconfigurations (including taking no action) could be appealed to the Local Planning Appeals Tribunal. A new bylaw can be appealed up to 45 days after passage.

Councillor Pettingill enquired whether the Cedarhurst Beach properties could remain with Ward 4 to which Mr. Ammendolia advised it would be Council's decision. There was discussion with respect to making modifications to the proposed boundary options should it be deemed appropriate by Council.

Mr. Ammendolia advised that Option 2 keeps the 3 communities of interest, Beaverton, Sunderland, and Cannington, all within their own wards, leaving 2 rural wards around them.

Councillors expressed concern for the population size of Beaverton enquiring whether ward boundaries would need to be reviewed within 10 years to which Dr. Williams advised that electoral boundaries should be reviewed/adjusted as growth occurs and Council should develop a policy to address this at least every 3 elections.

Mr. Ammendolia advised that it is important to educate residents on the importance of having good representation on Council to address their issues which can be the result of a ward boundary review. He advised that growth is fluid and change can come from the Province or the Region of Durham making a periodic review of those boundaries prudent.

Councillors expressed support for Option 1 and enquired whether there should be 6 wards to which the consultants advised that it would not be warranted at this time.

299 Becky Jamieson – Report: 2021-GG-02, Ward Boundary Review - Final Report

## **Resolution Number 2-4**

MOVED BY Cria Pettingill THAT Council receive Report 2021-GG-02, Ward Boundary Review – Final Report, for information;

THAT the Final Report on the Township of Brock's Ward Boundary Review from Watson & Associates Economists Ltd. in association with Dr. Robert J. Williams, be received;

THAT, the Committee wishes to change the Township of Brock's Ward Boundaries, and that Council directs staff to prepare a by-law for the March 22, 2021 Council meeting for Ward Boundary Option No. 1, inclusive of that portion of Cedarhurst Beach Road into Ward 4; and;

THAT this decision be communicated to the public through all appropriate Township communications channels.

**MOTION CARRIED**

There was discussion with respect to formally requesting periodic reviews of the ward boundaries to which the Clerk advised that a resolution would be appropriate.

**Resolution Number 3-4**

MOVED BY Claire Doble that the Municipality of Brock complete a review of the Ward boundaries every 3 elections or every 12 years.

**MOTION CARRIED**

**9. Delegations**

None

**10. Sub-Committees**

Councillor Schummer assumed the Chair for the Finance Committee

**Finance Committee**

**a) Staff Reports**

None

**b) Consent Agenda**

None

**c) Items Extracted from Consent Agenda**

294 Durham Region Legislative Services - Regional Budget By-law Passed by Regional Council on February 24, 2021

Deputy Mayor Smith advised that the Regional tax rate increased by 1.98% which equates to \$55 per year on a Current Value Assessment of \$483,100. He advised that of the \$238 per month, police services is \$73, social services is \$46, roads and bridges is \$31, transit is \$21, waste is \$15, planning and economic development is \$18, paramedic services is \$11, external agencies is \$7, and public health is \$7.

**Resolution Number 4-4**

MOVED BY Claire Doble That communication number 294 be received for information.

**MOTION CARRIED**

Councillor Schummer enquired as to the timing for the meetings between the Sub Committee Chairs and staff to which the Clerk advised that she would follow up with the CAO.

Councillor Pettingill assumed the Chair for Operations Committee

**Operations Committee**

**a) Staff Reports**

None

**b) Consent Agenda**

None

**c) Items Extracted from Consent Agenda**

None

Councillor Jubb assumed the Chair for Parks, Recreation and Facilities Committee

**Parks, Recreation and Facilities Committee**

**a) Staff Reports**

None

**b) Consent Agenda**

None

**c) Items Extracted from Consent Agenda**

- 177 Ainsley Gillespie, Beaverton Horticultural Society – Raised Beds at the Beaverton Harbour

Resolution Number 5-4

MOVED BY Cria Pettingill That Communication Number 177 be received for information; and That the request be sent to the Beaverton Harbour Advisory Committee (BHAC) for approval.

There was discussion with respect to the mandate of BHAC to provide the overarching plan for the harbour and make recommendations to Council, that this request could be approved for this year, and BHAC is aware of the request.

Resolution Number 5-4

MOVED BY Cria Pettingill That Communication Number 177 be received for information; and That the request be sent to the Beaverton Harbour Advisory Committee (BHAC) for approval.

MOTION WITHDRAWN

There was discussion with respect to the type of plants to be grown in the raised beds and staff to provide ongoing maintenance.

Councillors requested that staff follow up with Durham Region with respect to concerns for growing vegetables in the raised beds to which the Clerk advised that staff would follow up with Durham Region Health and coordinate efforts between Works Department and the Beaverton Horticultural Society.

Resolution Number 6-4

MOVED BY Cria Pettingill That Communication Number 177 be received for information; That the recommendation from the Beaverton Horticultural Society be approved, and that this communication be shared with BHAC.

MOTION CARRIED

Councillor Doble assumed the Chair for the Tourism and Economic Development Committee

**Tourism and Economic Development Committee**

**a) Staff Reports**

None

**b) Consent Agenda**

None

**c) Items Extracted from Consent Agenda**

None

Councillor Campbell assumed the Chair for the Protection Services Committee

**Protection Services Committee**

**a) Staff Reports**

301 Becky Jamieson – Report: 2021-PS-03, Animal Services Peer Review

Councillors enquired as to the cost for the peer review and were advised approximately \$1,000.

Councillors enquired as to staff providing a follow up in fall 2021 with respect to the implementations within the report and the impact on the 2022 budget and were advised in the affirmative.

Resolution Number 7-4

MOVED BY W.E. Ted Smith that Committee receive Report 2021-PS-03, Animal Services Peer Review, for information; and

That a letter of thanks be sent to Ms. Lindsey Narraway, Supervisor of Animal Services for the City of Pickering and Kevin Strooband, Executive Director, of Lincoln County Humane Society (St. Catharines); and

That staff continue to implement the recommendations, where appropriate, as contained within the report.

MOTION CARRIED

**b) Consent Agenda**

Resolution Number 8-4

MOVED BY Cria Pettingill that items listed under Section 10, Protection Services Consent Agenda, be approved, save and except communication numbers 243.

MOTION CARRIED

167 Chris McConnell, OPSEU Local 317 – Closure of the Ontario Fire College

Resolution Number 9-4

That communication number 167 be received for information.

176 City of Oshawa - COVID-19 Economic Recovery and Provincial Occupancy Restrictions

Resolution Number 10-4

That communication number 176 be received for information; and that the Township of Brock supports the City of Oshawa's recommendation to the Premier of Ontario.

195 Municipal email – Save the Ontario Fire College

Resolution Number 11-4

That communication number 195 be received for information.

220 Durham Regional Police Services Board – Launch of Community Survey on the Action Plan to Enhance Trust and Confidence

Resolution Number 12-4

That communication number 220 be received for information.

- 283 Durham Region Planning and Economic Development Committee –  
Resolution re: Durham Environmental Advisory Committee, 2020 Annual  
Report and 2021 Workplan

Resolution Number 13-4

That communication number 283 be received for information.

- 285 Durham Region Legislative Services – Correspondence from Peggy  
Sattler, MPP London West re: Bill 239 – Stay Home If You Are Sick Act

Resolution Number 14-4

That communication number 285 be received for information.

**c) Items Extracted from Consent Agenda**

- 243 Durham Regional Police Services Board – Board Meeting Highlights,  
February 16, 2021

Councillors enquired whether information with respect to the DRPS survey was  
posted on the Township website and were advised in the affirmative.

Resolution Number 15-4

MOVED BY Cria Pettingill That communication number 243 be received for  
information.

MOTION CARRIED

Deputy Mayor Smith assumed the Chair for the General Government Committee

**General Government Committee**

**(a) Staff Reports**

- 298 Becky Jamieson – Report: 2021-GG-01, 2020 Annual Status Report –  
Multi Year Accessibility Plan 2017-2021

Councillors enquired whether a plan for sidewalk improvements would come  
forward to committee and be circulated to B.A.A.C. for review and were advised  
in the affirmative.

Resolution Number 16-4

MOVED BY Claire Doble That the Committee receive Report: 2021-GG-01, 2020  
Annual Status Report – Multi Year Accessibility Plan 2017-2021 for information;  
and That the 2020 Annual Status Report as contained in Attachment No. 1 be  
posted on the Township's website.

MOTION CARRIED

**(b) Consent Agenda**

Resolution Number 17-4

MOVED BY Cria Pettingill that items listed under Section 10, General  
Government Consent Agenda, be approved.

MOTION CARRIED

- 156 Durham Region Legislative Services – 2021 Census of Population Stats  
Canada

Resolution Number 18-4

That Communication Number 156 be received for information.

211 Brock Accessibility Advisory Committee – Minutes, January 19, 2021

Resolution Number 19-4

That the Brock Accessibility Advisory Committee meeting minutes dated January 19, 2021 be approved.

278 Town of Ajax – In-store Alcohol Service at Convenience Stores

Resolution Number 20-4

That Communication Number 278 be received for information; and that the Township of Brock endorse the Resolution of the Town of Ajax.

282 Durham Region Planning and Economic Development Committee –  
Resolution re: Durham Active Transportation Committee, 2020 Annual  
Report and 2021 Workplan

Resolution Number 21-4

That Communication Number 282 be received for information.

284 Durham Region Planning and Economic Development Committee -  
Resolution re: Durham Agricultural Advisory Committee, 2020 Annual  
Report and 2021 Workplan

Resolution Number 22-4

That Communication Number 284 be received for information and filed.

296 Ward 4 Shoreline Ratepayers Association – re: Brock Ward Boundary  
Review

Resolution Number 23-4

That Communication Number 296 be received for information and filed.

331 Ward 4 Shoreline Ratepayers Association – re: Brock Ward Boundary  
Review, update

Resolution Number 24-4

That Communication Number 331 be received for information and filed.

**(b) Items Extracted from Consent Agenda**

None

**(c) Other Business**

None

**11. Other Business**

**(1) COVID-19 Update**

The Fire Chief advised that the Durham Region Health Department is planning for the vaccination clinic at the Rick MacLeish Memorial Centre for Phase One, persons 80 years of age and older, to be open tentatively on March 15, 2021 from 10:30 a.m. to 8:30 p.m. He advised that online registration would open once the number of vaccinations for Brock is determined and the toll free number to book an appointment is 1-888-444-5113.

Councillors enquired as to the number of appointments per day and were advised that it would depend on the availability of the vaccines for Brock.

The Fire Chief advised that the ECG would be reviewing upcoming May and June events of various organization's together with their COVID-19 plan. He advised that there was a discussion with respect to beaches between the Clerk, Public Works Department, and By-law Department, noting that information would be provided to Council.

There was discussion with respect to the successful Memorial Drive-by for Mayor Debbie Bath-Hadden.

**12. Public Questions and Clarifications**

None

**13. Closed Session (if required)**

None

**14. Adjournment**

Resolution Number 25-4

MOVED by Michael Jubb that we do now adjourn at 12:01 p.m.

MOTION CARRIED

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CHAIR

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SECRETARY

Date:	17/03/2021
Refer to:	Council
Meeting Date:	March 22, 2021
Action:	null
Notes:	Report
Copies to:	



## Corporation of the Township of Brock

### Staff Report to the Mayor and Members of Council

<b>From:</b>	John Gormaly, CPA, CMA
<b>Position:</b>	Interim Director of Finance/Treasurer
<b>Title / Subject:</b>	2020 Council Remuneration and Expense Report
<b>Date of Report:</b>	March 17, 2021
<b>Date of Meeting:</b>	March 22, 2021
<b>Report No:</b>	2021-CO-09

#### 1.0 Strategic Goal/Priority

Compliance mandate

#### 2.0 Issue / Origin

Transparency

#### 3.0 Background

Pursuant to Section 284(1) of the Municipal Act, S.O. 2001, the attached statement itemizes the remuneration and expenses paid to each Member of Council in respect of his/her duties as a Member of the Council of the Township of Brock for the year 2020 in accordance with By-law Number 2371-2011-AP.

#### 4.0 Analysis

Annual summary totals below. 2020 Council Remuneration and Expense Report detail attached

	Basic Pay	Expense Allowance	RRSP	Severance	Optional Benefits	Sub Total Gross Pay	Kilo metres	Conferences &	Other	Total	YR/YR
For the year ending December 31, 2020	177,512	19,057	8,823	-	26,251	231,643	468	10,530	1,628	\$ 244,269.83	(15.1%)
For the year ending December 31, 2019	176,711	19,000	8,682	26,679	34,614	265,685	1,182	18,516	2,197	\$ 287,580.16	34.4%
For the year ending December 31, 2018	149,606	19,000	7,513	6,430	26,472	209,021	112	4,745	138	\$ 214,016.19	3.4%

#### 5.0 Related Policies / Procedures

N/A



## 6.0 Financial / Budget Assessment

Council remuneration and expenses are budgeted and monitored in keeping with the Corporation practice.

## 7.0 Communications

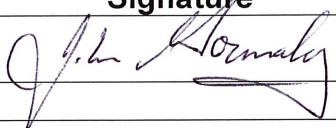
Report will be available to public as part of council minutes.

## 8.0 Conclusion

Expenses consistent with expectations and lower than prior year due to Severance costs (\$27k) and Covid 19 impact on Conferences (\$8k).

## 9.0 Recommendation

That the Committee receive report 2021-CO-09 for information.

Title	Name	Signature	Date
Treasurer	John Gormaly, CPA, CMA		Mar 17, 2021

**MAYOR & COUNCILLORS' REMUNERATION & EXPENSES**  
For the year ending December 31, 2020

Name	Basic Pay	Expense Allowance	RRSP	Severance	Optional Benefits	Sub Total Gross Pay	Kilometres	Conferences & Education	Other	Total
Mayor D. Bath-Hadden	36,386.08	4,000.10	1,818.43	-	-	42,204.61	189.18	3,225.41	1,080.72	\$ 46,699.92
Regional Councillor W. Smith	25,731.59	2,557.60	1,237.99	-	5,250.19	34,777.37	-	808.84	547.26	\$ 36,133.47
Ward 1 Councillor M. Jubb	23,078.90	2,499.90	1,153.34	-	-	26,732.14	185.42	3,079.50	-	\$ 29,997.06
Ward 2 Councillor C. Doble	23,078.90	2,499.90	1,153.34	-	5,250.19	31,982.33	-	808.82	-	\$ 32,791.15
Ward 3 Councillor W. Schummer	23,078.90	2,499.90	1,153.34	-	5,250.19	31,982.33	-	1,444.37	-	\$ 33,426.70
Ward 4 Councillor C. Pettingill	23,078.90	2,499.90	1,153.34	-	5,250.19	31,982.33	93.66	1,163.21	-	\$ 33,239.20
Ward 5 Councillor L. Campbell	23,078.90	2,499.90	1,153.34	-	5,250.19	31,982.33	-	-	-	\$ 31,982.33
	<b>177,512.17</b>	<b>19,057.20</b>	<b>8,823.12</b>	<b>-</b>	<b>26,250.95</b>	<b>231,643.44</b>	<b>468.26</b>	<b>10,530.15</b>	<b>1,627.98</b>	<b>\$ 244,269.83</b>

**Notes:**

Regarding the Optional Benefits, its mandatory for council to have Life Insurance. Extended Health and Dental are optional. This is why Mayor D. Bath-Hadden and Ward 1 Councillor M. Jubb have no amounts for Optional Benefits.

Conferences

Include payment made by the Township for registration fee and/or accommodation, as well as direct reimbursement of expenses.

Other

Includes cell phone.

Expenses

Excludes G.S.T. or recoverable H.S.T.

**Ministry of  
Municipal Affairs  
and Housing**

Office of the Minister  
777 Bay Street, 17<sup>th</sup> Floor  
Toronto ON M7A 2J3  
Tel.: 416 585-7000

**Ministère des  
Affaires municipales  
et du Logement**

Bureau du ministre  
777, rue Bay, 17<sup>e</sup> étage  
Toronto ON M7A 2J3  
Tél. : 416 585-7000

Date:	08/03/2021
Refer to:	Council
Meeting Date:	March 22, 2021
Action:	null
Notes:	Corresp
Copies to:	



234-2021-1005

March 4, 2021

Mayor Debbie Bath-Hadden  
Township of Brock  
1 Cameron Street East P.O. Box 10  
Cannington ON L0E 1E0

Dear Mayor Bath-Hadden:

Ontario has heard directly from the municipal sector that operating impacts due to the pandemic will continue in 2021. In order to respond to municipal need and to further strengthen our communities, we are now investing an additional \$500 million to help municipalities respond to ongoing and unprecedented 2021 COVID-19 operating pressures. While the actual extent of municipal impacts for 2021 are uncertain at this time, the province expects that this funding will help municipalities continue to deliver the high-quality local services that residents and business rely on, as well as help municipalities proceed with planned capital projects in 2021.

I am pleased to inform you that the Government of Ontario has committed financial support to the **Township of Brock** through the 2021 COVID-19 Recovery Funding for Municipalities program in order to support your COVID-19 operating costs and pressures. All municipalities in Ontario are eligible for this program and the level of funding is based on the proportion of COVID-19 cases in the Public Health Unit for your respective municipality during the period of January 1, 2021 to February 18, 2021. I have reviewed the eligibility criteria for provincial assistance under the program and have determined that accordingly, your municipality will receive **\$262,400.00**, subject to your municipality returning a copy of this letter, signed by your municipal treasurer, to the ministry by March 31, 2021. You will receive these funds in two equal instalments – one instalment on or before May 1, 2021 and the other on or before November 1, 2021.

Please note that your municipality is accountable for using this funding for the purpose of addressing your priority COVID-19 operating costs and pressures. If the amount of the funding your municipality receives exceeds your 2021 COVID-19 operating costs and pressures, the province's expectation is that your municipality will place the excess

funding into a reserve fund to be accessed to support any future COVID-19 operating costs and pressures.

The province realizes that municipalities are facing financial impacts due to the COVID-19 pandemic and that in some instances, this provincial funding will not be sufficient to cover all municipal operating impacts due to COVID-19. The province expects municipalities to do their part by continuing to find efficiencies in their operating services and using existing reserves and reserve funds that have been specifically put aside for such unforeseen circumstances.

Your municipality will be expected to provide two report backs on your COVID-19 operating impacts and the use of these funds as follows:

1. An interim report in June 2021, which will include:
  - a) Use of funds provided last year under the Safe Restart Agreement – Operating funding stream; and
  - b) 2021 estimated COVID-19 operating impacts and how your municipality plans to use the funding under the 2021 program.
2. A final report back in Spring 2022.

We had previously indicated that Safe Restart Agreement reporting would be expected in March 2021. However, we have decided to streamline this reporting and the new 2021 COVID-19 Recovery Funding for Municipalities program. The template for this report back will be provided by the ministry with more details to follow in the coming months. While the province expects your municipality to complete this report, your second instalment under the 2021 COVID-19 Recovery Funding for Municipalities program is not contingent on the province receiving your interim report.

**At this time, I am requesting that your municipal treasurer sign the acknowledgement below and return the signed copy to the ministry by email to: [Municipal.Programs@ontario.ca](mailto:Municipal.Programs@ontario.ca). If the province has not received your letter on or before March 31, 2021, you will not be eligible for this program and your municipality's allocation will not be paid. In order to allow for processing time, please provide your signed letter to the ministry on or before March 24, 2021.**

Our government continues to stand with our municipal partners as we have throughout the pandemic, advocating for funding for communities from the federal government to support local economic recovery. Communities may need more COVID-19 related operating funding in the coming year, and we will continue to advocate on your behalf to the federal government. I encourage you to contact your local Member of Parliament to seek further federal support in order to help municipalities deal with their operating impacts due to COVID-19.

The government thanks all 444 Ontario municipal heads of council for their support throughout the pandemic and our ongoing partnership in Ontario's economic recovery.

Sincerely,



Steve Clark  
Minister of Municipal Affairs and Housing

c. Municipal Treasurer and Municipal CAO

By signing below, I acknowledge that the allocation of **\$262,400.00** is provided to the **Township of Brock** for the expected purpose of assisting with COVID-19 costs and pressures and that the province expects any funds not required for this purpose in 2021 will be put into a reserve fund to support potential COVID-19 costs and pressures in 2022. I further acknowledge that the **Township of Brock** is expected to report back to the province on 2021 COVID-19 costs and pressures and the use of this funding.

Name:

Title:

Signature:

Date:

Date:	17/03/2021
Refer to:	Council
Meeting Date:	March 22, 2021
Action:	null
Notes:	Corresp.
Copies to:	

THIS INDENTURE made in quadruplicate this \_\_ day of February, 2021.

IN PURSUANCE OF THE SHORT FORMS OF LEASES ACT

B E T W E E N:                    THE CORPORATION OF THE TOWNSHIP OF BROCK

Hereinafter called the LESSOR

OF THE FIRST PART

AND                                BROCK COMMUNITY HEALTH CENTRE

Hereinafter called the LESSEE

OF THE SECOND PART

1.     WITNESSETH that in consideration of the rents, covenants and agreements herein reserved and contained on the part of the Lessees, the Lessor doth demise and lease unto the Lessee for use and occupation as offices for the medical profession, and for no other purpose, all those certain premises (herein called the premises) forming part of the Lessor's building known as the Beaverton Thorah Health Centre, and described as Rooms 106, 107, 108, 112, 113, 114, 122, 125, and 126, as shown on the sketch attached hereto as Schedule A, along with other occupants of the said health centre, of the common areas of the said health centre.
2.     TO HAVE AND TO HOLD the premises for the term of five (5) years, to be computed from the 1st day of February 1, 2021, paying therefor monthly and every month during the said term unto the Lessor the sum of \$1658.00 to be payable on the 1st day of each and every month for the first year. In the subsequent year, the rent shall be adjusted in accordance with the consumer price index only when the Lessee receives base funding increases to the operating budget (exclusive of salaries). The parties acknowledge that the Harmonized Sales Tax shall be paid by the Lessee on all rents. Further, the Lessee shall be responsible for the payment of all caretaking costs for the leased space and the Lessee's proportionate share of the common areas. For 2021, the rate for all caretaking costs is \$845.00 and shall be adjusted annually based on an the consumer price index.
3.     THE LESSOR COVENANTS with the Lessee:
  - (a)    That the Lessee duly and regularly pays the said rent and performs all and every covenant, proviso and agreement contained herein and on the part of the Lessee to be paid and performed, the Lessor will, at the expiration of this term (at the cost of the Lessee and upon the Lessee's written request mailed by registered post to, or delivered to, the Lessor), and not later than three months before the expiration of the said term, grant to the Lessee a further renewal Lease of the said lands and premises for a further five (5) years, at a rent to be negotiated and settled not later than one month prior to the expiration of the said term.

4. THE LESSEE COVENANTS with the Lessor:

- (a) To pay rent.
- (b) To keep the leased premises in a neat and tidy condition, and save as hereinafter mentioned to repair, reasonable wear and tear and damage by fire, lightning, tempest, water and steam only excepted, and that the Lessor may enter and view state of repair, and that the Lessee will repair according to notice in writing reasonable wear and tear and damage by fire, lightning, tempest, water or steam, as aforesaid, only excepted.
- (c) The Lessee will not assign or sublet without leave, such leave not to be unreasonably withheld, but provided that the Lessee remains the principal occupant of the said premises, the Lessee shall have the right to assign or sublet the premises to a management company at any time during the currency of this lease or any renewal thereof without the consent of the Lessor.
- (d) Subject to the conditions set out in paragraph 4 (c), the Lessee covenants not to assign, sublet or part with the possession of the premises or any part thereof or part with or share the Lessee's possession or occupation of the premises with any other practitioner's associations, businesses, or volunteer groups without first obtaining the consent in writing of the landlord.
- (e) The Lessee covenants that in the event of an assignment or sublease, each assignee or subtenant shall covenant with the Lessor to operate on the leased premises only the business set out in paragraph 1 and no other business, to carry on such business in the way its assignor or sublessor was bound to carry on such business and to be bound by all the terms and conditions of this lease to which its assignor or subtenant was bound.
- (f) The Lessee will leave the premises in good repair, reasonable wear and tear and damage by fire, lightning, tempest, water or steam, as aforesaid, only excepted.
- (g) The Lessee will not carry on any business on the premises which shall be deemed a nuisance, or be improper, noisy or contrary to law, or any by-law of the Township of Brock, for the time being in force, or by which the premises of any building thereon shall be injured, or by which the rate of insurance on the block or building shall be increased or any insurance rendered void or voidable.
- (h) To pay any business and property taxes inclusive of HST levied as a result of occupation and use of the said premises by the said Lessee.
- (i) The Lessee will be responsible for the costs associated with any leasehold improvements including painting, carpeting and personal remodeling. The Lessee shall not without the Lessor's prior written approval otherwise make any significant structural change, alteration, repair, addition or improvement to the leased premises. The Lessee shall submit to the Lessor adequate details of any proposed work, which requires the Lessor's approval including

drawings and specifications conforming to good engineering practice, which have been prepared by qualified designers.

- (j) To supply a certificate of liability insurance naming the Lessor as an additional insured having a minimum coverage of \$2,000,000.

5. THE LESSOR COVENANTS with the Lessee for quiet enjoyment.

6. PROVISIO for reentry by the Lessor on nonpayment of rent (whether lawfully demanded or not), upon 30 days' notice and the default is not cured, or nonperformance or nonobservance or covenants, or seizure or forfeiture of the said term for any of the causes herein mentioned. This proviso shall extend and apply to any covenants herein, whether positive or negative.

7. THE LESSOR COVENANTS with the Lessee:

- (a) To adequately heat the premises in such a manner as may be reasonably required for the use of the said Lessee - the heating system to be capable of maintaining 75 degrees Fahrenheit.
- (b) To provide air conditioning capable of reducing inside temperature 15 degrees Fahrenheit less than outside temperature to a minimum of 70 degrees Fahrenheit.
- (c) To supply water from the public main.
- (d) To provide adequate lighting fixtures and hydroelectric power and to pay the hydroelectric power charges covering the entire building from a common meter.
- (e) To repair and keep in repair the exterior and structure of the said building, provided that in the event of fire, lightning or tempest, rent shall cease until the premises are rebuilt; provided that in the event of destruction or partial destruction of the said premises, the Lessor may declare the term hereby granted to be forthwith terminated, and in such event, rent shall be payable only up to the time of such destruction or partial destruction.
- (f) To provide necessary snow removal and lawn maintenance services to the premises.
- (g) To make all structural repairs to heating, air conditioning, electric and plumbing systems forming part of the said premises not caused by the negligence of the Lessee.

8. THE LESSEE COVENANTS with the Lessor:

- (a) That in case the Lessee shall become insolvent or bankrupt, or make an assignment for the benefit of the Lessee's creditors, or in the case of the nonpayment of rent at the time herein provided, or in the case the premises, or any part thereof become and remain vacant and unoccupied for the period of 30 days, or be used by any other person or for any other purpose than as above provided, without the written consent of the Lessor, this lease shall, at



the option of the Lessor, cease and be void, and the term hereby created shall expire and be at an end, anything herein to the contrary notwithstanding, and the then current and next succeeding month's rent shall thereupon immediately become due and payable, and the Lessor may reenter and take possession of the premises as though the Lessee or his servants or other occupant or occupants of the premises was or were holding over after the expiration of the said term. And in case the rent hereby reserved or any other part thereof shall at any time be in arrears for a period 30 days and there shall then be insufficient distress upon the premises, the Lessor may thereupon reenter and take possession thereof by force or otherwise as the Lessor may see fit and there from eject and remove any person, goods and chattels, and upon any such reentry and taking possession, this lease shall cease and be void and the term hereby created expire. PROVIDED, nevertheless, that the rent so in arrears and accrued up to the time of such reentry and taking possession shall remain owing and shall forthwith be due and payable.

- (b) That he will cooperate with the other occupants of the building to keep the washrooms, hallways, entrances and stairs clean and in a neat and tidy condition.
- (c) That the Lessor shall not be liable for any damage to any property at any time in the premises or building, from steam water-works, water, rain, or snow, which may leak into, issue or flow from any part of the said building of which the premises form a part, or from the pipes or plumbing works thereof, or from any other place unless the Lessor shall have been negligent and derelict in completing repairs of which the Lessor shall have received written notice as hereinafter provided.
- (d) That the Lessee shall give to the Lessor immediate written notice of any incident or defect in the water pipes, gas pipes, or heating apparatus, electric light or other wires.

9. In no event shall the Lessor have any obligation or liability in connection with the cessation or unavailability, or interruption or suspension of any service or utility of any kind at any time during the term. Without the prior written consent of the Lessor, no service or utility, which is not available in the leased premises at the date of this lease, shall be introduced or brought into the leased premises by the Lessee. In the event of the cessation or unavailability or interruption or suspension of any service or utility of any kind, the Lessor shall forthwith notify the responsible person to repair or cause to be repaired such service or utility.

IT IS HEREBY AGREED that this indenture shall enure to the benefit of, and be binding upon the parties hereto, their executors, administrators and assigns respectively.

IN WITNESS WHEREOF the Lessor of the First Part has hereunto caused to be affixed its Corporate Seal under the hands of its duly authorized officers, and the Lessee of the Second Part has hereunto set his hand and seal.

SIGNED, SEALED AND DELIVERED )  
IN THE PRESENCE OF: )

**THE CORPORATION OF THE  
TOWNSHIP OF BROCK**

\_\_\_\_\_  
W.E. Ted Smith  
Deputy Mayor

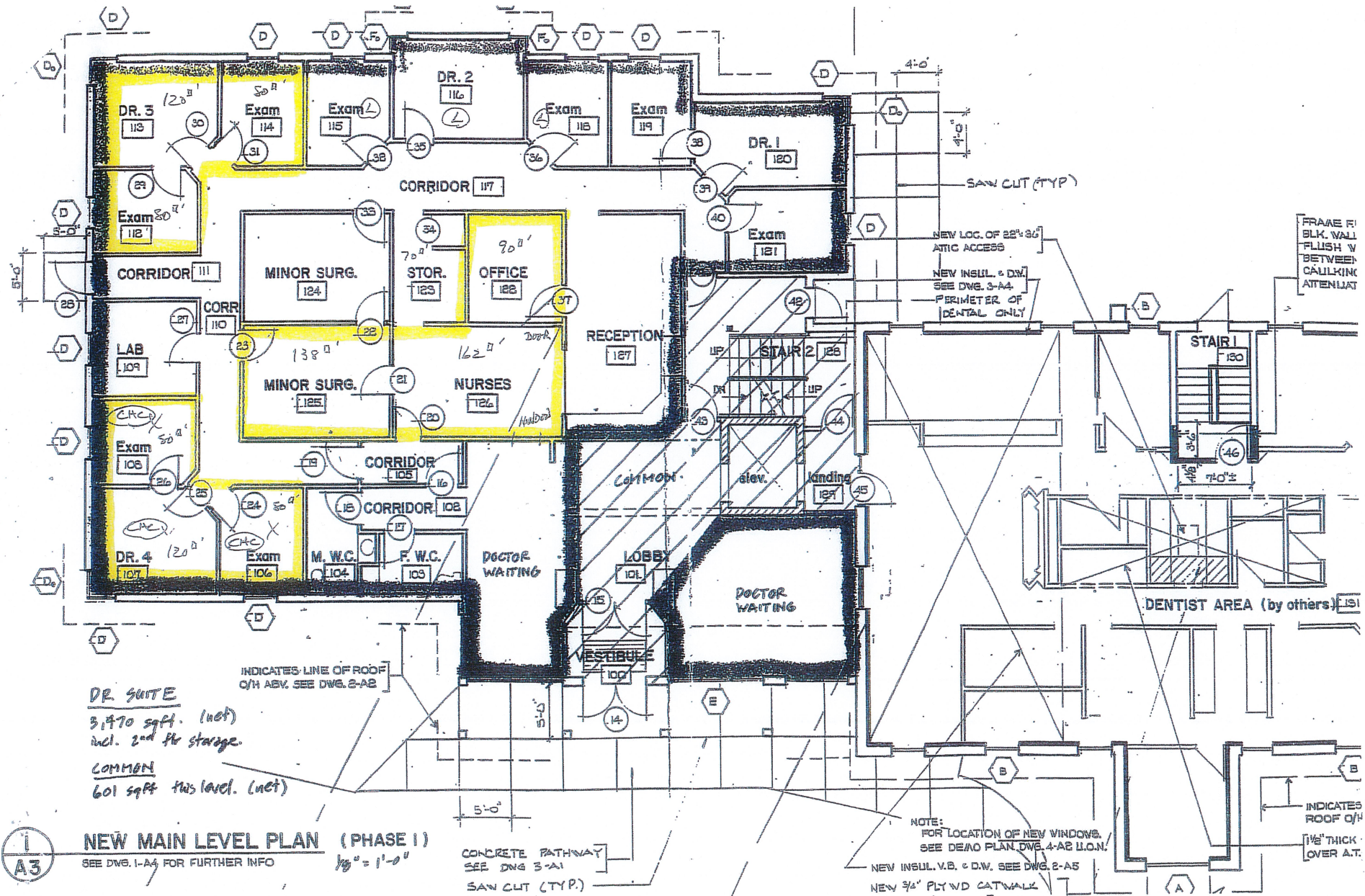
\_\_\_\_\_  
Becky Jamieson  
Clerk

**BROCK COMMUNITY HEALTH  
CENTRE**

\_\_\_\_\_  
*Janet McPherson*  
Janet McPherson

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
WITNESS



## Healthcare Insurance Reciprocal of Canada

### Memorandum of Insurance

To: *The Corporation of the Township of Brock*  
*1 Cameron Street East, Cannington, Ontario L0E 1E0*

Re: *Lease of Premises*

INSURANCE AS DESCRIBED HEREIN HAS BEEN ARRANGED ON BEHALF OF THE INSURED NAMED HEREIN UNDER MASTER POLICY NO. 2021/1, AND AS MORE FULLY DESCRIBED IN SAID POLICY AND CERTIFICATES ISSUED THEREUNDER AND ANY ENDORSEMENTS ATTACHED THERETO.

INSURED: *Brock Community Health Centre*

	Certificate Number	Date		Limit of Liability
		Effective	Expiration	
Composite Healthcare Insurance Policy, including:	107443	Jan. 1/21	Until cancelled	\$2,000,000  Any one occurrence
Bodily Injury Personal Injury Third Party Property Damage Cross-Liability Tenant's Legal Liability Non-Owned Automobile	<i>The Additional Insured shown hereon is added to this policy but only with respect to liability arising out of the actions of Brock Community Health Centre in connection with the lease of premises at Beaverton Thorah Health Center, 468 Main Street East (Units 106, 107, 108, 112, 113, 114, 122, 125, and 126) in Beaverton, Ontario, effective from February 1, 2021 to January 31, 2026, and only to the extent of the insurance provided under coverage Section A - Bodily Injury and Section B - Third Party Property Damage inclusive of this policy.</i>			

Additional Insured: Only with respect to the above and arising out of the Named Insured's operations is the following name added to the policy as an Additional Insured. The policy limits are not increased by the addition of such Insured beyond those stated in this Memorandum.

Additional Insured: *The Corporation of the Township of Brock*

THIS MEMORANDUM CONSTITUTES A STATEMENT OF THE FACTS AS OF THE DATE OF ISSUANCE AND ARE SO REPRESENTED ONLY TO THE ADDRESSEE.

*February 26, 2021*

Date



Attorney

depts/fo mem/xt/107443-41

**DARMAR FARMS / DALE MCFEETERS**

**ZONING BY-LAW AMENDMENT**

**PART LOT 23, CONCESSION 12, PT 2, 40R-13288  
(396 CAMERON STREET, CANNINGTON)  
TOWNSHIP OF BROCK**

**March 2021  
File No. 02-2020-RA  
By-law No: 2962 – 2021**

**NOTICE OF THE PASSING  
OF A ZONING BY-LAW BY THE  
CORPORATION OF THE TOWNSHIP OF BROCK**

**TAKE NOTICE** that the Council of the Corporation of the Township of Brock passed By-law No. **2962-2021** on the 25th day of March, 2021, pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, as amended. All written/oral submissions made in respect of this application were considered by Council as contained within the staff report/resolution.

**AND TAKE NOTICE** that any person or agency who, **before the by-law was enacted, made oral submissions at a public meeting or written submissions to Council**, may appeal to the Local Planning Appeal Tribunal (LPAT) in respect of the By-law by filing with the Clerk of the Corporation of the Township of Brock not later than **4:30 p.m. on the 15th day of April, 2021** a notice of appeal on the prescribed form available in the office of the Clerk or from the LPAT website at [www.elto.gov.on.ca](http://www.elto.gov.on.ca) together with a certified cheque in the amount of \$300.00 payable to the Minister of Finance.

**The grounds for an appeal are restricted to: a) inconsistency with a Provincial Policy Statement; b) fails to conform with or conflicts with a Provincial Plan; or c) fails to conform with an applicable Official Plan. A notice of appeal must explain how the by-law is inconsistent with a Provincial Policy Statement, fails to conform with or conflicts with a Provincial Plan, or fails to conform with an applicable Official Plan.**

**PLEASE NOTE** that only individuals, corporations and public bodies may appeal a zoning by-law to the LPAT. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

**NO PERSON** or public body shall be added as a party to the hearing of the appeal unless, before the by-law was passed, the person or public body made oral submissions at a public meeting or written submissions to the Council or, in the opinion of the LPAT, there are reasonable grounds to add the person or public body as a party. Additional information regarding public participation at LPAT, is available through the LPAT Support Centre at 1-866-448-2248.

An explanation of the purpose and effect of the By-law, describing the lands to which the By-law applies, and a Key Map showing the location of the lands to which the By-law applies, are attached.

The complete By-law is available in the office of the Clerk during regular office hours (8:30 a.m. – 4:30 p.m.) and on the Township website: [www.townshipofbrock.ca](http://www.townshipofbrock.ca).

Dated at the Corporation of the Township of Brock this 25<sup>th</sup> day of March, 2021.

Ms. Becky Jamieson  
Municipal Clerk  
[brock@townshipofbrock.ca](mailto:brock@townshipofbrock.ca)  
P.O. Box 10, Cannington, Ontario, L0E 1E0  
705-432-2355 (Telephone), 705-432-3487 (Fax)

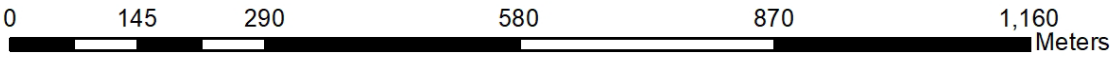
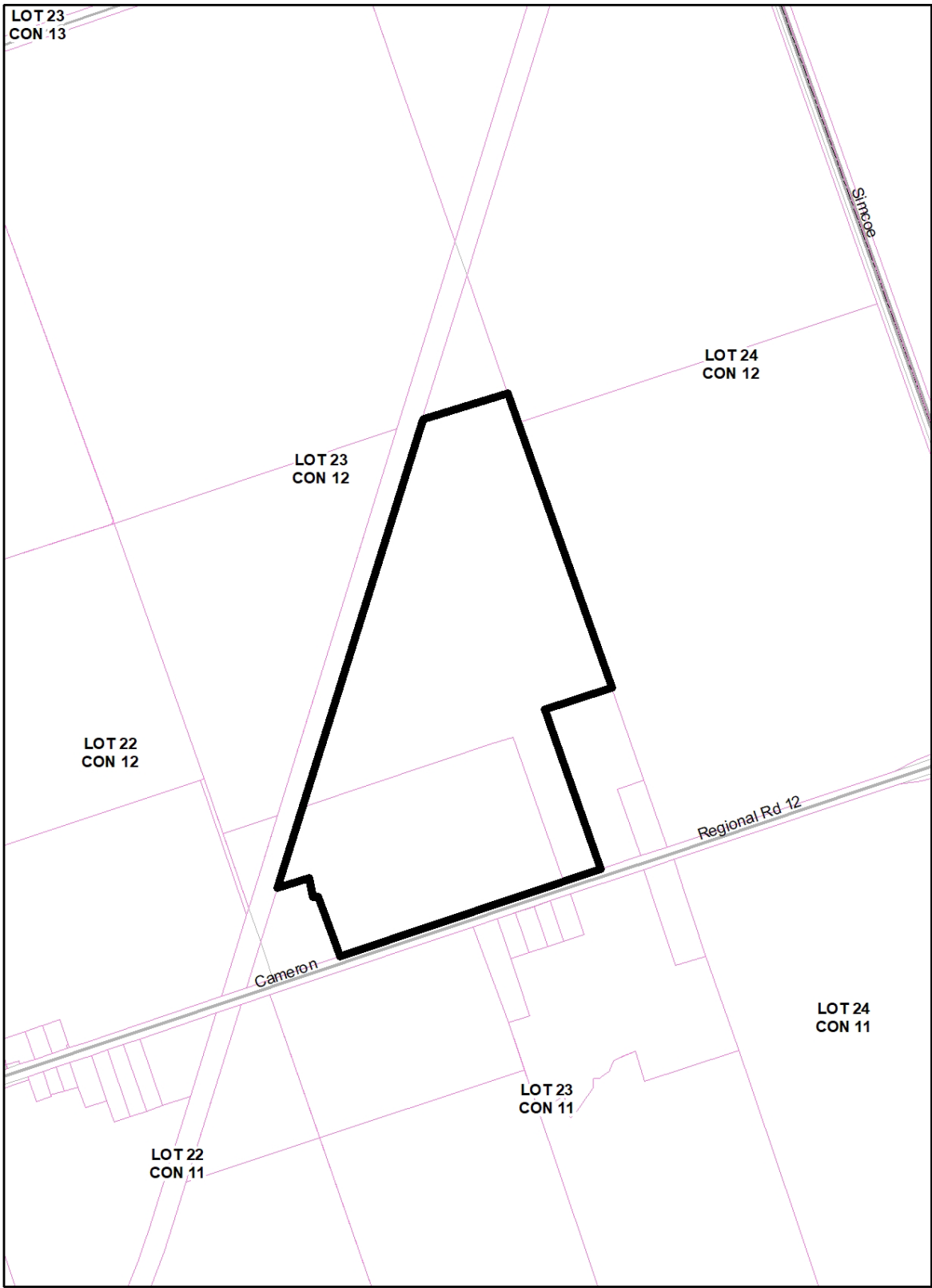


**EXPLANATORY NOTE**

**TO ZONING BY-LAW NO. 2962-2021 PASSED  
BY THE COUNCIL OF THE CORPORATION  
OF THE TOWNSHIP OF BROCK**

- LANDS AFFECTED:** This By-law applies only to certain land located on the north side of Regional Road 12 (Cameron Street), west of Simcoe Street in Cannington. The property is described as Part Lot 23, Concession 12, Pt 2, 40R-13288, Brock Township (municipally known as 396 Cameron Street, Cannington). The general location of the subject land is shown on the Key Map attached hereto.
- PRESENT ZONING:** Zoning By-law No. 287-78-PL, as otherwise amended, places the subject land in the Rural (RU) and Environmental Protection (EP) Zone categories.
- PROPOSED ZONING:** The amendment, upon approval, will rezone the land within the Rural (RU) and Environmental Protection (EP) Zone categories to Rural Exception 59 (RU-59), Rural Exception 60 (RU-60) and Environmental Protection (EP).
- PURPOSE & EFFECT:** The purpose and effect of By-law Number 2962-2021 is:
1. To prohibit the development of additional residential uses on those lands identified as Part 1 (retained lands) on the appended Key Map.
  2. To recognize the front-yard and centreline setback deficiency of the single-family dwelling on the severed parcel identified as Part 2 (severed lands) on the appended Key Map.

Subject Lands Map  
To Zoning By-law No. 2962-2021



Subject Land



**The following is a copy of  
Zoning By-law No. 2962-2021 of the  
Corporation of the Township of Brock**

**ZONING BY-LAW NUMBER 2962-2021**  
**OF THE**  
**CORPORATION OF THE TOWNSHIP OF BROCK**

**BEING A BY-LAW UNDER THE PROVISIONS OF SECTION 34 OF THE  
*PLANNING ACT*, R.S.O., 1990, AS AMENDED, TO AMEND ZONING BY-LAW  
NUMBER 287-78-PL, AS OTHERWISE AMENDED, OF THE CORPORATION OF  
THE TOWNSHIP OF BROCK, WITH RESPECT TO CERTAIN LAND LOCATED  
PART LOT 23, CONCESSION 12, PT 2, 40R-13288, BROCK TOWNSHIP  
(MUNICIPALLY KNOWN AS 396 CAMERON STREET, CANNINGTON), REGION  
OF DURHAM.**

**WHEREAS** the Council of the Corporation of the Township of Brock has received a formal application to amend By-law Number 287-78-PL, as otherwise amended, with respect to the above-noted lands;

**AND WHEREAS** the By-law hereinafter set out is in conformity with the approved Official Plans for the Regional Municipality of Durham and the Township of Brock;

**AND WHEREAS** the Council of the Corporation of the Township of Brock conducted a public meeting on the 13th day of July, 2020, pursuant to Section 34 (12) of the *Planning Act*, R.S.O. 1990, as amended;

**NOW THEREFORE** the Council of the Corporation of the Township of Brock **ENACTS** as follows:

1. **THAT** Plate “A1” of By-law Number 287-78-PL, as otherwise amended to the contrary, is hereby further amended by changing the Zone classification on those lands located within Part Lot 23, Concession 12, Pt 2, 40R-13288, Brock Township, from the Rural (RU) and Environmental Protection (EP) Zone categories to Rural Exception 59, Rural Exception 60 and Environmental Protection (EP) Zone categories in accordance with Schedule “A” attached hereto and forming part hereof.
2. **THAT** Section 9.4, entitled “Rural (RU) Zone Category Exceptions” is hereby amended by inserting the following clause which shall read as follows:

**“9.4.59 RURAL EXCEPTION 59 (RU-59) ZONE**

Notwithstanding the uses permitted within the Rural (RU) Zone, as set forth on Plate “B” of By-law Number 287-78-PL, as otherwise amended to the contrary, within the Rural Exception 59 (RU-59) Zone, located within Part Lot 23, Concession 12, Pt 2, 40R-13288, Brock Township, all residential uses as set forth on Plate “B”, Column 5, Lines 1 – 11, inclusive, shall be prohibited. In all other

respects the provisions of the Rural (RU) Zone and By-law Number 287-78-PL shall be complied with.”

3. **THAT** Section 9.4, entitled “Rural (RU) Zone Category Exceptions” is hereby amended by inserting the following clause which shall read as follows:

“9.4.60           RURAL EXCEPTION 60 (RU-60) ZONE

Notwithstanding the uses permitted within the Rural (RU) Zone, as set forth on Plate “B” of By-law Number 287-78-PL, as otherwise amended to the contrary, within the Rural Exception 60 (RU-60) Zone, located within Part Lot 23, Concession 12, Pt 2, 40R-13288, Brock Township, the front-yard setback provision to the edge of the front porch shall be 2m and the centerline setback shall be no closer than 12m. In all other respects the provisions of the Rural (RU) Zone and By-law Number 287-78-PL shall be complied with.”

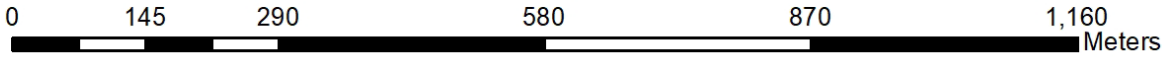
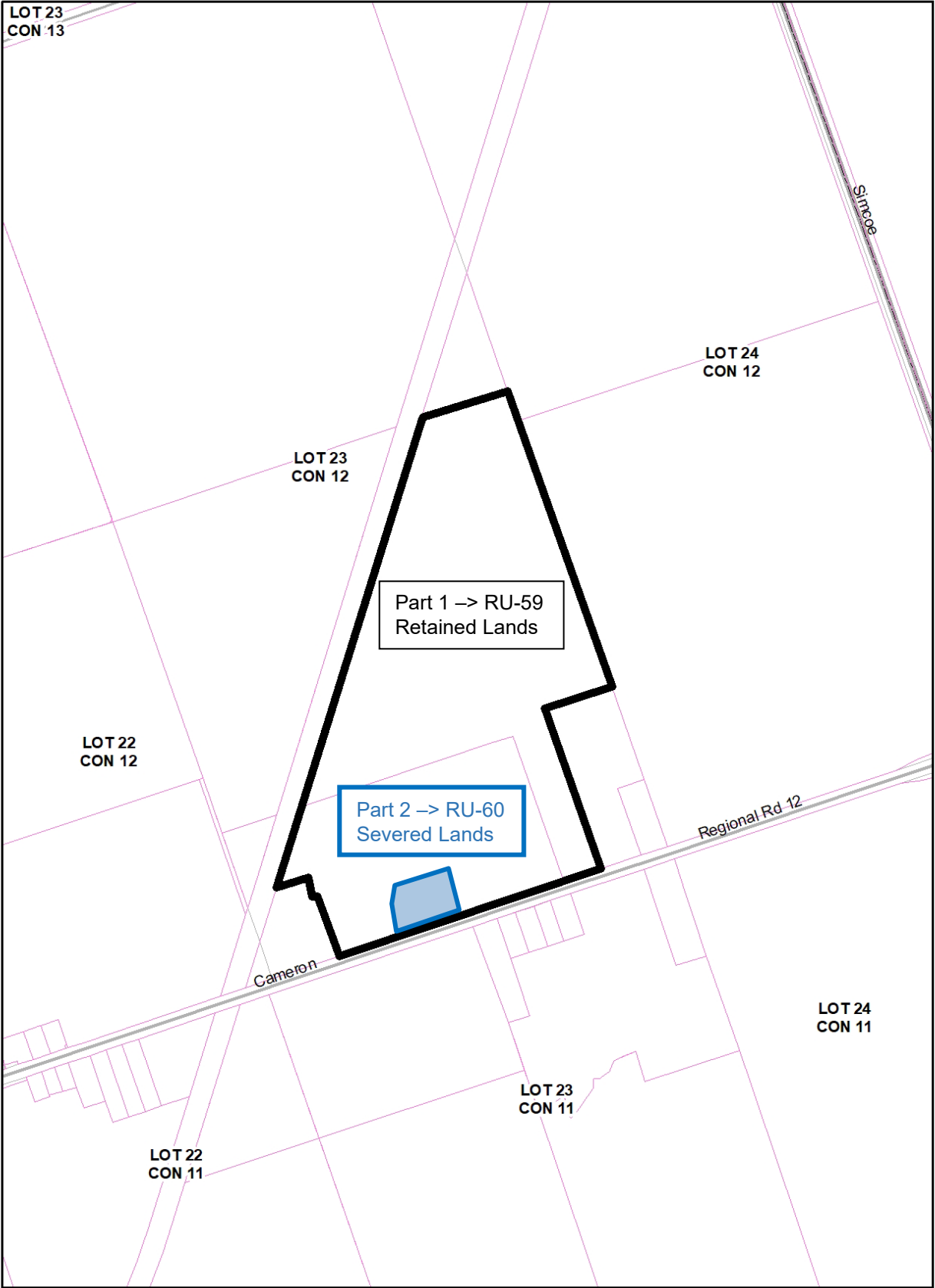
4. **THAT** Zoning By-law No. 287-78-PL, as otherwise amended, is hereby amended to give effect to the foregoing, but Zoning By-law No. 287-78-PL, as otherwise amended, shall in all other respects remain in full force and effect.
5. **THAT** Zoning By-law No. 2962-2021 shall come into force on the date it is passed by the Council of the Corporation of the Township of Brock subject to the applicable provisions of the *Planning Act*, R.S.O., 1990, as amended.

**THIS BY-LAW READ A FIRST, SECOND AND THIRD TIME THIS 22<sup>ND</sup> DAY OF MARCH, A.D., 2021.**

\_\_\_\_\_  
Mayor  
John Grant

\_\_\_\_\_  
Clerk  
Becky Jamieson

SCHEDULE A  
To Zoning By-law No. 2962-2021



This is Schedule “A” to By-law No. 2962-2021  
Passed this 22<sup>nd</sup> day of March 2021

\_\_\_\_\_  
Mayor – John Grant

\_\_\_\_\_  
Clerk – Becky Jamieson

## BY-LAW NUMBER 3000-2021

### A BY-LAW TO PRESCRIBE A TARIFF OF FEES FOR THE PROCESSING OF APPLICATIONS MADE IN RESPECT OF PLANNING MATTERS (“THE PLANNING FEES BY-LAW”)

---

WHEREAS section 69(1) of the *Planning Act*, R.S.O. 1990, c. P.13, provides that the council of a municipality may, by by-law, prescribe a tariff of fees for the processing of applications made in respect of planning matters;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF BROCK enacts as follows:

1. In this by-law,
  - (a) “Act” means the *Planning Act*, R.S.O. 1990, c. P.13, as may be amended from time to time;
  - (b) “Applicant” means a person who submits an application;
  - (c) “Application” means any application referred to in subsection 2 (a) hereof;
  - (d) “CAO” means the Chief Administrative Officer for the Township;
  - (e) “Clerk” means the Clerk for the Township;
  - (f) “Consultant” includes, but is not limited to, any engineer, surveyor, solicitor or planner, other than the Township Planner;
  - (g) “Consulting Costs” means the fees and disbursements payable by the Township to a consultant or consultants for services rendered in connection with the application;
  - (h) “Floor Area” means the aggregate of the horizontal areas of each floor, whether any such floor is above or below grade, measured between the exterior faces of the exterior walls of the building or structure at the level of such floor;
  - (i) “Planning Services Costs” means fees and disbursements applicable to services provided by the Township Planner;
  - (j) “Township” means the Corporation of the Township of Brock, and for the purposes of this by-law includes the Committee of Adjustment for the Township of Brock;
  - (k) “Township Planner” means a qualified planner employed by the Township to provide planning services and consultation to the Township;
  - (l) “Major” Zoning By-Law Amendment means a zoning by-law amendment application may be considered “major” when external consulting expertise is required;
  - (m) “Minor” Zoning By-Law Amendment means a Zoning by-law amendment application may be considered “minor” when Township staff are confident that the application can be processed and reviewed by internal staff;
  - (n) “Major” Site Plan Development Approval means a Site Plan Development Approval application may be considered “major” when external consulting expertise is required;
  - (o) “Minor” Site Plan Development Approval means a Site Plan Development Approval application may be considered “minor” when Township staff are confident that the application can be processed and reviewed by internal staff;

- (p) Pre-Consultation Meeting – Minor means a pre-consultation meeting may be considered “minor” when only internal staff are required to attend;
  - (q) Pre-Consultation Meeting – Major means a pre-consultation meeting may be considered “major” when external consulting expertise or additional technical expertise are required to attend.
2. (a) There shall be a fee for the submission and processing of each application submitted to the Township for:
- (i) an amendment to the Official Plan under section 21 of the Act;
  - (ii) an amendment to the Zoning By-Law under sections 34, 36, 37, 38 and 39 of the Act;
  - (iii) site plan development approval under section 41 of the Act;
  - (iv) a minor variance under subsection 45 (1) of the Act;
  - (v) permission under subsection 45 (2) of the Act;
  - (vi) consent under section 53 of the Act;
  - (vii) municipal review and comments for draft plan of subdivision approval under section 51 of the Act;
  - (viii) municipal review and comments for draft plan of subdivision approval for registration of a condominium under section 51 of the Act;
  - (ix) removal of a holding symbol under section 36 of the Act;
  - (x) making a cash payment in lieu of providing required parking under section 40 of the Act;
  - (xi) approval under sections 4 and 8 of the *Rental Housing Protection Act*, R.S.O. 1990, c. R.24;
  - (xii) designating lands not subject to part lot control under subsection 50 (7) of the *Planning Act*, R.S.O. 1990, c. P.13.
- (b) The fee shall be in the amount as set out in the schedules attached hereto and forming part of this by-law.
- (c) The applicable fee shall be paid at the time that the application is submitted.
3. In addition to the fee required pursuant to Section 2 hereof:
- (a) Planning services costs related to all work in excess of 25 hours which is undertaken by the Township Planner in connection with an application shall be charged as a fee to the applicant based upon an hourly rate of \$45.00; and,
  - (b) Where the CAO and/or Clerk in their absolute discretion deems it advisable to retain a consultant or consultants to assist in processing the application, then the consulting costs shall be charged as a fee to the applicant.
  - (c) In the event fees are chargeable to the applicant pursuant to paragraphs (a) or (b) hereof, the applicant shall pay the fees to the Township based upon invoices provided by the Clerk.
4. Where Section 3 applies, the CAO or Clerk may at any time, including before or after a consultant is retained, require the applicant to enter into an agreement with the Township, such agreement to be in the form as set out in Schedule “C” attached hereto and forming part of this by-law, and the obligations thereunder shall be secured by the posting of a cash security or letter of credit as set out in Schedule “C.”

5. Notwithstanding Sections 3 and 4 of this by-law, where
- (a) the Township is opposed to any application mentioned in Section 2 (a), and
  - (b) the application is appealed to or comes before the Land Planning Appeal Tribunal (LPAT), then the planning services costs and consulting costs incurred thereafter may not be charged as a fee to the applicant, and any agreement entered into between the Township and the applicant under Section 4 shall be limited to the planning services costs and consulting costs incurred prior to and including the day upon which Council for the Township makes a decision concerning the subject application.
6. The Township may not accept or process any application in respect of which there has not been compliance with Section 2 (c) or 4.
7. The CAO or Clerk shall, in their absolute discretion, determine whether any application constitutes a “minor” or a “major” application type or revision whenever such terms are used in the tariff of fees contained in the schedules to this by-law.
8. Wherever a discretion to make a decision is conferred upon the CAO or Clerk in this by- law, the applicant may appeal the decision of the Clerk or CAO to the Township Council upon written application to the Clerk who shall refer the matter to Township Council for a final decision.
9. The tariff of fees set out in the schedules attached hereto shall be nonrefundable, except that Township Council or the Committee of Adjustment, as the case may be, may, by resolution, waive or refund, in whole or in part, the applicable fees for any application upon written application to the Clerk who shall refer the matter to the appropriate body for a final decision.
10. If any provision of this by-law is declared invalid for any reason by a court of competent jurisdiction, the remainder of this by-law shall continue in force.
11. In this by-law, words importing the singular number only shall include the plural, and vice versa, and words importing the masculine gender shall include the feminine gender.
12. This by-law shall be known as the “Planning Fees By-Law.”
13. By-law Number 1290-1994-PL, as amended, is hereby repealed in its entirety.
14. This By-law shall come into full force and effect on the date of its passing.

**THIS BY-LAW READ A FIRST, SECOND AND THIRD TIME THIS 22<sup>ND</sup> DAY OF MARCH, A.D., 2021.**

\_\_\_\_\_  
Mayor  
John Grant

\_\_\_\_\_  
Clerk  
Becky Jamieson

**Schedule “A”**  
**Planning Applications Fees**

<b>Planning Application Type</b>	<b>Fee</b>
a) Application to Amend the Township of Brock Official Plan	\$7,000.00
b) Application for Municipal Review and Comments on Regional Official Plan Amendment	\$1,000.00
c) Application Deemed “Major” to Amend the Zoning By-Law	\$5,400.00
d) Application Deemed “Minor” to Amend the Zoning By-Law	\$3,700.00
e) Application for Temporary Use By-Law	\$2,450.00
f) Application for an extension to a Temporary Use By-Law	\$725.00
g) Application for Municipal Review and Comments for Draft Plan of Subdivision Approval	\$10,500.00
h) Application for Municipal Review and Comments for Red-Line Draft-Approved Plan of Subdivision	\$2,500.00
i) Application for Municipal Review and comments for Draft Plan of Subdivision Approval for Registration of Condominium	\$10,500.00
j) Application for Municipal Review and Comments for Red-Line Draft-Approved Plan of Subdivision for Registration of a Condominium	\$2,500.00
k) Application Deemed Major for Site Plan Development Approval	\$3,500.00
l) Application Deemed Minor for Site Plan Development Approval	\$2,000.00
m) Application to Amend an Existing Site Plan Development Agreement	\$1,300.00
n) Land Division Committee Application comment to the Region	\$650.00
o) Application for Minor Variance under subsection 45 (1) of the Act	\$750.00
p) Minor Variance Permission under subsection 45 (2) of the Act	\$750.00
q) Application for Minor Variance or Permission under subsections 45 (1) and 45 (2) of the Act - Tabling Fees	\$170.00
r) Removal of a holding symbol	\$1000.00
s) Making a cash payment in lieu of providing required parking	\$2000.00 (per space)
t) Pre-Consultation Meeting – Minor	\$100.00
u) Pre-Consultation Meeting – Major	\$350.00
v) Approval under section 8 of the <i>Rental Housing Protection Act</i>	\$125.00/unit with a min of \$550.00 to a max of \$2,740.00
w) Designating lands not subject to part lot control	\$1,095.00
x) An additional public meeting for any application which requires one (1) statutory public meeting in accordance with the Act	\$820.00
y) Release of 1-foot reserve (0.3m)	\$550.00
z) Solar Application Review	\$285.00
aa) Telecommunication Tower Review	\$2,500.00
bb) Reactivation of Dormant Application (longer than 1 year)	\$1,000.00

Note: Application fees include required planning Clearance Letters and municipal advertising fees.



**Schedule “B”**  
**Concurrent Application Fees**

These fees are set out for circumstances where multiple or concurrent applications are being processed for one property.

Concurrent Planning Application Type	Fee
a) Applications for Severance of a dwelling surplus to a farming operation within the Greenbelt that require a Regional Official Plan Amendment, Zoning By-law Amendment and Land Division. This fee includes the pre-consultation and Clearance Letters.	\$5,000.00
b) Concurrent application for Minor Zoning By-law Amendment and comment on Land Division application	\$4,000.00
c) Concurrent application for Major Zoning By-law Amendment and comment on Land Division application	\$5,700.00
d) Concurrent application for Major Zoning By-law Amendment and Major Site Plan Development Approval	\$7,000.00
e) Concurrent application for Minor Zoning By-law Amendment and Major Site Plan Development Approval	\$5,800.00
f) Concurrent application for Major Zoning By-law Amendment and Minor Site Plan Development Approval	\$6,000.00
g) Concurrent application for Minor Zoning By-law Amendment and Minor Site Plan Development Approval	\$4,500.00
h) Concurrent application for Municipal Comment on Subdivision Approval and Major Zoning By-law Amendment	\$12,500.00
i) Concurrent application for Municipal Comment on Subdivision Approval for Registration of a Condominium and Major Zoning By-law Amendment	\$12,500.00

**Schedule “C”**  
**Financial Agreement – 3000-2021 Planning Fees By-law**

THIS AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

BETWEEN:

**THE DEVELOPER**

\_\_\_\_\_ (Developer Legal Name)

\_\_\_\_\_ (Developer Address)

\_\_\_\_\_ (Phone Number) \_\_\_\_\_ (Email Address)

Regarding property,

\_\_\_\_\_ (Property Legal Description – Lot and Concession Number)

\_\_\_\_\_ (Property municipal address)

\_\_\_\_\_ (Property Roll or Pin Number(s))

(hereinafter called the “Developer”) OF THE FIRST PART;

AND

**THE CORPORATION OF THE TOWNSHIP OF BROCK**

(hereinafter called the “Township”)

OF THE SECOND PART.

**WHEREAS** the Developer is desirous of developing certain lands more particularly described in Schedule “A” (the “Lands”) attached hereto;

**AND WHEREAS** the Developer has submitted an application to the Township and/or the Committee of Adjustment for \_\_\_\_\_  
\_\_\_\_\_ pertaining to the land (“Application”);

**AND WHEREAS**, in addition to the prescribed application fee, pursuant to the Planning Fees By-Law Number 3000-2021, as amended, the Developer may be required to pay for planning services provided by a planner employed by the Township (“Township Planner”);

**AND WHEREAS** the Developer has agreed that the fees and disbursements for planning services provided by the Township Planner (“Planning Services Costs”) and fees and disbursements payable by the Township to the Consultant for services rendered in connection with the application (“Consulting Costs”) may be charged as a fee to the Developer;

**AND WHEREAS** the Developer has agreed to reimburse the Township for all fees and

disbursements incurred by the Township in connection therewith;

**NOW THEREFORE THIS AGREEMENT WITNESSETH** that in consideration of the covenants hereinafter expressed, and in further consideration of the sum of Two Dollars (\$2.00) of lawful money of Canada now paid by the Township to the Developer, the receipt of which is hereby acknowledged, the parties hereto covenant and agree as follows:

1. The Developer agrees to indemnify and save the Township completely harmless with respect to all costs, fees and disbursements incurred by the Township in connection with the processing of the above-noted matters. The Developer specifically acknowledges and agrees to pay all planning services costs as well as consulting costs. Without limiting the generality of the foregoing, such indemnification shall extend to the following:
  - (a) all planning and engineering fees, disbursements and related expenses of the Township Engineer and Township Planner as a result of their services required to be performed for the Township in connection with these matters and any subconsultants required to be retained by them;
  - (b) all legal fees and disbursements as a result of legal services rendered to the Township in connection with these matters;
  - (c) all other fees, disbursements and related expenses incurred by the Township in any way whatsoever in connection with these matters; and
  - (d) all other consultants.
2. The Township may render an account to the Developer from time to time for planning services costs and consulting costs chargeable to the Developer. The Developer shall pay promptly any and all accounts rendered by the Township to the Developer pursuant to any provision of this agreement. All accounts shall be due and payable thirty (30) days after the date the same are rendered. Any question or dispute concerning any account rendered by the Township to the Developer shall be submitted to the Clerk, in writing, within two weeks of the date on which the account is rendered. If within two weeks of the rendering of any account a question or dispute is received by the Clerk concerning the account, the Clerk shall, at the request of the Developer, submit the matter to Council for the Township for resolution. The parties agree that any question or dispute concerning the account, including the appropriateness of the amount, the service rendered or any other matter, shall be determined finally by Council for the Township in its sole discretion. If no question is received by the Clerk within the said two-week period, the accounts shall be deemed acceptable to the Developer and shall be paid by the Developer in accordance with this agreement. Failure to pay such accounts within thirty (30) days from the date of issue thereof shall result in interest being added thereto at the rate of fifteen (15%) per cent per annum calculated monthly until payment in full has been received.

3. The Developer shall, forthwith after execution hereof, post with the Township a security deposit in cash or by certified cheque or in lieu thereof, by irrevocable letter of credit, in the following amounts:

- (a) \$5,000.00 in the case of a minor zoning application,
- (b) \$10,000.00 in the case of a major zoning application,
- (c) \$2,000.00 in the case of a minor site plan approval application,
- (d) \$5,000.00 in the case of a major site plan approval application,
- (e) \$5,000.00 in the case of concurrent minor zoning and minor site plan approval applications,
- (f) \$10,000.00 in the case of concurrent major zoning and major site plan approval applications,
- (g) \$10,000.00 in the case of subdivision and condominium applications (including all concurrent application options),
- (h) \$5,000.00 in all other cases to guarantee the performance of the Developer's obligations to pay the consulting costs, and
- (i) In the event the application is for a plan of subdivision or a plan of condominium, the Developer agrees to post an additional \$5,000.00 security upon draft plan approval pursuant to the *Planning Act*, R.S.O. 1990, c. P.13, as amended from time to time, being given for the plan of subdivision or the condominium plan, which amount shall, together with any other amounts required to have been posted, be held by the Township to guarantee the performance of the Developer's obligations to pay the planning services costs and consulting costs. The additional \$5,000.00 shall take the form of cash, certified cheque or irrevocable letter of credit only.

In the event that an application has been referred and/or appealed to the LPAT, and provided that the Township and the Developer are supportive of the application, the Developer shall post with the Township a security deposit in cash or by certified cheque or in lieu thereof, by irrevocable letter of credit, of up to \$25,000.00, the amount of which shall be determined by the Clerk, in his or her absolute discretion. In the event that a cash deposit is provided as security, the Township shall have no obligation to invest such money in an interest-bearing vehicle, nor to pay any interest earned by the Township on such monies to the Developer. If, in the opinion of the Clerk, in the Clerk's absolute discretion, at any time and from time to time, such amounts are insufficient, such amounts shall be increased, and the Developer shall post such additional sum as may be required as a result of such increase. For the purposes of this section and Section 4, the Clerk for the Township shall in his or her absolute discretion determine whether any application constitutes a "minor" or "major" planning application.

4. The Developer agrees that if at any time accounts not paid within thirty (30) days

accumulate to an amount greater than 50% of the total security held by the Township pursuant to this agreement, the Developer shall be in default of this agreement and all Township staff, including the Township Planner, and Consultants shall immediately cease processing the application, and the Clerk may immediately draw on the security in whole or in part without any obligation to account to the Developer for any such amount drawn. Any monies drawn pursuant to this paragraph shall be applied towards outstanding accounts and any surplus may be retained by the Township without any obligation on the part of the Township to account to the Developer for any such surplus. Thereafter, processing of the application will not recommence until the security deposit is replenished in accordance with one of the following:

- (a) if the application is for major site plan approval, the security shall be replenished to \$5,000.00;
- (b) if the application is for minor site plan approval, the security shall be replenished to \$2,000.00;
- (c) if the application is for a minor zoning application or for a concurrent minor zoning and site plan approval application, the security shall be replenished to \$5,000.00;
- (d) if the application is for a major zoning application or for a concurrent major zoning and site plan approval application, the security shall be replenished to \$10,000.00;
- (e) if the application is for a plan of subdivision or condominium, the security shall be replenished to \$10,000.00;
- (f) for all other applications, the security shall be replenished to \$5,000.00; or
- (g) if the application is for an approval for a plan of subdivision or condominium which, at the time of such replenishment has received draft plan approval, the security shall be replenished to \$15,000.00;
- (h) if the application has been appealed to the LPAT, the security shall be replenished to 50% of what was placed on deposit in accordance with paragraph 3 contained herein.

5. Any letter of credit posted with the Township pursuant to paragraph 3 or 4 shall be drawn on a chartered bank of Canada acceptable to the Treasurer of the Township provided that such letter of credit shall be in a form acceptable to the Township solicitors and shall contain the following provisions:

- (a) the letter of credit shall be security for any obligations of the Developer pursuant to the provisions of this agreement, without any limitations whatsoever;
- (b) drawings on the letter of credit shall be permitted upon presentation of a letter from the Township to the bank claiming default by the Developer under the terms of this agreement, and such default shall not be limited to

- the actions of the Developer;
- (c) partial drawings shall be permitted;
  - (d) if the Township has not determined the extent of the default or the amount required to rectify the default or compensate the Township or third parties as a result thereof, the Township may draw on the full amount of the letter of credit without any requirements to justify the amount of the draw;
  - (e) the irrevocable standby letter of credit shall be deemed to be automatically extended without amendment for one year from the present or any future expiration date hereof, unless thirty days prior to any such date the bank notifies the Township in writing by registered mail that it elects not to consider the irrevocable standby letter of credit renewed for any such additional period. Upon receipt by the Township of such notice, the Township may thereunder by means of a sight draft(s) accompanied by the Township's written certification that the amounts drawn will be retained and used by it to meet the obligations incurred or to be incurred in connection with the agreement, and further that the Township will release any amount(s) not required by it to the Developer.
6. Notwithstanding the posting of the security referred to in paragraphs 3 and 5 of this agreement, the Developer's obligation to pay the planning services costs and consulting costs to the Township shall continue in full force and effect. The security remaining shall be released by the Township to the Developer when the Developer has fulfilled all his obligations under this agreement.
7. Notwithstanding any provisions in this agreement, where the Township refuses or opposes the application and the application is appealed or referred to the LPAT for a hearing, the planning services costs and consulting costs incurred by the Township following such refusal or opposition may not be charged as a fee to the Developer. However, nothing herein shall prevent the Township from recovering from the Developer any planning services costs and consulting costs incurred prior to and including the day upon which Council for the Township makes a decision concerning the subject application.
8. The Developer's obligations pursuant to this agreement shall continue, regardless of whether the Developer is or remains the owner of the lands. If the Developer ceases to be the owner of the lands, the Developer's obligations, pursuant to this agreement may be terminated on delivering written notice to that effect to the Township, in which event such notice shall take effect thirty (30) days from the date of receipt by the Township ("Effective Date of Termination"). Notwithstanding such termination, the Developer's obligations pursuant to this agreement shall continue in full force and effect until the effective date of termination and thereafter until all obligations incurred by the Developer pursuant to this agreement to the effective date of termination have been satisfied in full.
9. This agreement shall ensure to the benefit of and be binding upon the respective

heirs, executors, successors and assigns of each of the parties hereto. For greater certainty, it is understood and agreed that upon a change of ownership of the lands, the new registered owner from the date of registration shall become bound by the provisions hereof and thereafter shall be required to post security in accordance with paragraphs 3, 4 and 5 hereof, notwithstanding any security held for the previous owner.

- 10. The Developer agrees that the Township shall be permitted, from time to time, and upon reasonable notice to the Developer, to enter onto the Lands, at reasonable hours, for the purposes of inspecting the lands.
- 11. The Developer agrees that this agreement may be registered on title to the lands.

**FINANCIAL AGREEMENT SIGNATURES**

I have read and agree to the provisions laid out in by-law 3000-2021 and understand it's content and application. Further, I hereby agree to the provisions of Schedule "D" of by-law 3000-2021, "Financial Agreement" of The Planning Fees By-Law.

**DEVELOPER SIGNATURE**

I/we have the authority to bind the Corporation.

\_\_\_\_\_

Property Owner – Please print name

\_\_\_\_\_

Property Owner - Signature

Signed on this \_\_\_\_th day of \_\_\_\_\_, 20\_\_.

**TOWNSHIP OF BROCK SIGNATURES**

We have the authority to bind the Corporation.

\_\_\_\_\_

CAO

\_\_\_\_\_

Date

\_\_\_\_\_

Clerk

\_\_\_\_\_

Date

**IN WITNESS WHEREOF** the parties hereto have affixed their corporate seals, duly attested by the hands of their proper signing officers in that respect.

SIGNED, SEALED AND DELIVERED in the presence of	)	THE CORPORATION OF THE TOWNSHIP OF BROCK
	)	
Authorized to be executed by By-Law	)	Per: _____
Number _____	)	Mayor
passed on the _____	)	
	)	
day of _____,	)	
_____.	)	Per: _____
	)	Clerk
	)	
	)	
	)	
	)	We have the authority to bind the Corporation.
	)	
	)	Per: _____
	)	(Authorized Signing Officer)
	)	
	)	Per: _____
	)	(Authorized Signing Officer)
	)	
	)	
	)	
	)	We have the authority to bind the Corporation.
	)	
	)	Per: _____
	)	(Authorized Signing Officer)
	)	
	)	



**CANNABIS PRODUCTION & PROCESSING**  
**ZONING BY-LAW AMENDMENT**  
**TOWNSHIP OF BROCK**

**March 2021**  
**File No. 01-2020-PL**

**NOTICE OF THE PASSING**

**OF A ZONING BY-LAW BY THE  
CORPORATION OF THE TOWNSHIP OF BROCK**

**TAKE NOTICE** that the Council of the Corporation of the Township of Brock passed By-law No. 3014-2021 on the 22<sup>nd</sup> day of March, 2021, pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, as amended. All written/oral submissions made in respect of this application were considered by Council as contained within the staff report/resolution.

**AND TAKE NOTICE** that any person or agency who, **before the by-law was enacted, made oral submissions at a public meeting or written submissions to Council**, may appeal to the Local Planning Appeal Tribunal (LPAT) in respect of the By-law by filing with the Clerk of the Corporation of the Township of Brock not later than **4 p.m. on the 15<sup>th</sup> day of April, 2021** a notice of appeal on the prescribed form available in the office of the Clerk or from the LPAT website at [www.elto.gov.on.ca](http://www.elto.gov.on.ca) together with a certified cheque in the amount of \$300.00 payable to the Minister of Finance.

**The grounds for an appeal are restricted to: a) inconsistency with a Provincial Policy Statement; b) fails to conform with or conflicts with a Provincial Plan; or c) fails to conform with an applicable Official Plan. A notice of appeal must explain how the by-law is inconsistent with a Provincial Policy Statement, fails to conform with or conflicts with a Provincial Plan, or fails to conform with an applicable Official Plan.**

**PLEASE NOTE** that only individuals, corporations and public bodies may appeal a zoning by-law to the LPAT. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

**NO PERSON** or public body shall be added as a party to the hearing of the appeal unless, before the by-law was passed, the person or public body made oral submissions at a public meeting or written submissions to the Council or, in the opinion of the LPAT, there are reasonable grounds to add the person or public body as a party. Additional information regarding public participation at LPAT, is available through the LPAT Support Centre at 1-866-448-2248.

An explanation of the purpose and effect of the By-law is attached.

The complete By-law is available in the office of the Clerk during regular office hours (8:30 a.m. – 4:30 p.m.) and on the Township website: [www.townshipofbrock.ca](http://www.townshipofbrock.ca).

Dated at the Corporation of the Township of Brock this 25<sup>th</sup> day of March, 2021.

Becky Jamieson  
Municipal Clerk  
[bjamieson@townshipofbrock.ca](mailto:bjamieson@townshipofbrock.ca)  
P.O. Box 10, Cannington, Ontario, L0E 1E0  
705-432-2355 (Telephone), 705-432-3487 (Fax)

**EXPLANATORY NOTE**

**TO ZONING BY-LAW NO. 3014-2021 PASSED  
BY THE COUNCIL OF THE CORPORATION  
OF THE TOWNSHIP OF BROCK**

<b>LANDS AFFECTED:</b>	This By-law applies to the entirety of the Township of Brock.
<b>PRESENT ZONING:</b>	N/A
<b>PROPOSED ZONING:</b>	N/A
<b>PURPOSE &amp; EFFECT:</b>	<p>The purpose and effect of By-law Number 3014-2021 is to amend Restricted Area By-law Number 287-78 PL of the Corporation of the Township of Brock as follows:</p> <ol style="list-style-type: none"><li>1. To include the following new definitions: “adverse effect”, “air treatment control”, “cannabis”, “cannabis production and processing facility”, “medical cannabis production site”, and “sensitive land use” in relation to the establishment of cannabis production and processing as a permitted land use within the Township of Brock.</li><li>2. To delete and replace in the following definitions: “farm”, “home industry”, “home occupation”, “manufacturing, processing, assembling or fabricating plant”, “warehouse”, and “wholesale establishment” to ensure that these definitions exclude cannabis production and processing.</li><li>3. To add “cannabis production and processing facility” and “medical cannabis production site” to Plate “B”, entitled “Permitted Uses and Activities in General Zone Categories”.</li><li>4. To permit a “cannabis production and processing facility” in the Rural (RU) Zone, Restricted Industrial (M1) Zone, the General Industrial (M2) Zone, and the Rural Industrial (M3) Zone and to include a letter “v” to reference a subsection of Section 6 of the Zoning By-law.</li><li>5. To permit a “medical cannabis production site” in the Rural (RU) Zone, Restricted Industrial (M1) Zone, the General Industrial (M2) Zone, and the Rural Industrial (M3) Zone and to include a letter “w” to reference a subsection of Section 6 of the Zoning By-law.</li><li>6. To add a new subsection “10.37 Cannabis Production” to Section 10, entitled ‘General Provisions’ with regulations specific to cannabis cultivation and processing including required setbacks from certain zones and sensitive land uses. Larger setbacks are required when cannabis production and processing does not include air treatment control. This new subsection also contains regulations specific to buildings or structures for security purposes and open storage and requires that all cannabis production and processing be subject to Site Plan Control.</li></ol>

**The following is a copy of  
Zoning By-law No. 3014-2021 of the  
Corporation of the Township of Brock**

**ZONING BY-LAW NUMBER 3014-2021**  
**OF THE**  
**CORPORATION OF THE TOWNSHIP OF BROCK**

**BEING A BY-LAW UNDER THE PROVISIONS OF SECTION 34 OF THE  
*PLANNING ACT*, R.S.O., 1990, AS AMENDED, TO AMEND BY-LAW NUMBER 287-  
78-PL, AS OTHERWISE AMENDED, OF THE CORPORATION OF THE  
TOWNSHIP OF BROCK, REGION OF DURHAM, WITH RESPECT TO  
CANNABIS PRODUCTION AND PROCESSING.**

**WHEREAS** By-law No. 287-78-PL was passed under the authority of Section 34 of the Planning Act, R.S.O. 1990, c P.13, as amended, and regulates the use of land and the use and erection of buildings and structures within the Township of Brock;

**AND WHEREAS** the Council of the Corporation of the Township of Brock conducted a public meeting on the 15<sup>th</sup> day of March, 2021, pursuant to Section 34 (12) of the *Planning Act*, R.S.O. 1990, as amended;

**AND WHEREAS** Section 34 of the Planning Act, R.S.O. 1990, as amended, permits Council to pass an amending Zoning By-law, and the Council of the Township of Brock deems it advisable to amend By-law No. 287-78-PL with respect to Cannabis Production and Processing;

**AND WHEREAS** the By-law hereinafter set out is in conformity with the approved Official Plans for the Regional Municipality of Durham and the Township of Brock;

**NOW THEREFORE** the Council of the Corporation of the Township of Brock **ENACTS** as follows:

1. **THAT** Section 11 of By-law No. 287-78-PL, as amended, entitled “Definitions” is hereby amended with the addition of the following terms (subsections), ordered appropriately, which shall read as follows:

“**ADVERSE EFFECT** as defined in the *Environmental Protection Act*, shall mean one or more of:

- a) impairment of the quality of the natural environment for any use that can be made of it;
- b) injury or damage to property or plant or animal life;
- c) harm or material discomfort to any person;
- d) an adverse effect on the health of any person;
- e) impairment of the safety of any person;
- f) rendering any property or plant or animal life unfit for human use;
- g) loss of enjoyment of normal use of property; and
- h) interference with normal conduct of business.”

“**AIR TREATMENT CONTROL** shall mean a mechanical system designed, approved and implemented in accordance with a license issued by Health Canada for the purposes

of controlling emissions and mitigating *adverse effects*. This includes but is not limited to treatment of particulate matter, odour, and noise emissions discharged as a by-product of a *cannabis production and processing facility* or a *medical cannabis production site*.”

“**CANNABIS** shall mean a genus of flowering plants in the family *Cannabaceae*. Synonyms include but are not limited to marijuana, and marihuana. This definition does not include the industrial or agricultural production of hemp (a source of foodstuffs [hemp milk, hemp seed, hemp oil], fiber and biofuels).”

“**CANNABIS PRODUCTION AND PROCESSING FACILITY** shall mean lands, buildings or structures used for growing, producing, processing, testing, destroying, packaging and/or shipping of *cannabis* authorized by an issued license or registration by the Federal Minister of Health, pursuant to the Cannabis Regulations, SOR/2018-144, to the Cannabis Act, SC 2018, c 16, the Controlled Drugs and Substances Act, SC 1996, c 19 and the Food and Drugs Act, RSC 1985, c F-27, as amended from time to time, or any successors thereto.”

“**MEDICAL CANNABIS PRODUCTION SITE**” shall mean the use of any land, buildings or structures for the purpose of producing, processing, testing, destroying, packaging and/or shipping of *cannabis* which is authorized by registration of a designated person by the Federal Minister of Health, pursuant to the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230, to the Controlled Drugs and Substances Act, SC 1996, c 19, as amended from time to time, or any successors thereto.”

“**SENSITIVE LAND USE**: Shall mean buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more *adverse effects* from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities.”

2. **THAT** Section 11 of By-law No. 287-78-PL, as amended, entitled “Definitions” is hereby amended by deleting and replacing subsection 11.60 FARM, which shall read as follows:

“**11.60 FARM**: Shall mean any farming or agricultural use and includes berry or bush crops; breeding, raising or training horses or cattle; farms for grazing; flower gardening; field crops; goat or cattle dairies; growing, raising, picking, treating and storing of vegetable or fruit produce produced on the premises; mushroom farms; nurseries, orchards, riding stables; the raising of sheep or goats; the raising of swine, tree crops; market gardening; wood lots; such uses or enterprises as are customarily carried on in the field of general agriculture. “FARM” shall include a single-family dwelling house, buildings and structures, such as barns, silos, biogas digestion system, and accessory buildings, which are incidental to the operation of the farm, **but shall not include** a slaughterhouse; commercial greenhouses, farms devoted to the intensive hatching raising and marketing of chickens, turkeys; other fowl or game birds; fur-bearing animals including game farms which specialize in the raising of wild and undomesticated animals; fish, frogs or bees; a *cannabis production and processing facility* or a *medical cannabis production site*. Barns and silos, for the purposes of this By-law, shall be considered as principal or main buildings or structures on the lot in which they are located”.

3. **THAT** Section 11 of By-law No. 287-78-PL, as amended, entitled “Definitions” is hereby amended by deleting and replacing subsection 11.80 HOME INDUSTRY, which shall read as follows:

“**11.80 (b) HOME INDUSTRY**: Shall mean a small scale industry which is carried on in accordance with the provisions of this By-law as an accessory use in a building accessory to the principal residence use of the property, but shall not include a *cannabis production*

*and processing facility or a medical cannabis production site.*

4. **THAT** Section 11 of By-law No. 287-78-PL, as amended, entitled “Definitions” is hereby amended by deleting and replacing subsection 11.82 HOME OCCUPATION, which shall read as follows:

**“11.82 HOME OCCUPATION:** Shall mean any occupation which is carried on, in accordance with the provisions of this By-law relative thereto, as an accessory use and only by members of one family residing on the premises, but shall not include a *cannabis production and processing facility or a medical cannabis production site*”.

5. **THAT** Section 11 of By-law No. 287-78-PL, as amended, entitled “Definitions” is hereby amended by deleting and replacing subsection 11.102 MANUFACTURING, PROCESSING, ASSEMBLING OR FABRICATING PLANT, which shall read as follows:

**“11.102 MANUFACTURING, PROCESSING, ASSEMBLING OR FABRICATING PLANT:** Shall mean a plant in which the process of producing a product suitable for use, by hand or mechanical power and machinery, is carried on systematically with division of labour, but shall not include a *cannabis production and processing facility or a medical cannabis production site*”.

6. **THAT** Section 11 of By-law No. 287-78-PL, as amended, entitled “Definitions” is hereby amended by deleting and replacing subsection 11.191 WAREHOUSE, which shall read as follows:

**“11.191 WAREHOUSE:** Shall mean a building or part of a building used for the storage and distribution of goods, wares, merchandise, substances, articles or things, and may include facilities for a wholesale or retail commercial outlet, but shall not include a truck terminal or a *cannabis production and processing facility or a medical cannabis production site*”.

7. **THAT** Section 11 of By-law No. 287-78-PL, as amended, entitled “Definitions” is hereby amended by deleting and replacing subsection 11.199 WHOLESALE ESTABLISHMENT, which shall read as follows:

**“11.199 WHOLESALE ESTABLISHMENT:** Shall mean the use of land or the occupancy of a building and/or structure, for the purposes of selling, and/or offering for sale, goods, wares and/or merchandise on a wholesale basis, and includes the storage or warehousing of those goods, wares and/or merchandise but shall not include a *cannabis production and processing facility or a medical cannabis production site*”.

8. **THAT** Plate “B” of By-law No. 287-78-PL, as amended, entitled “Permitted Uses and Activities in General Zone Categories” is hereby amended by adding the non-residential use “*Cannabis Production and Processing Facility*” and re-ordering the non-residential uses appropriately.

9. **THAT** Plate “B” of By-law No. 287-78-PL, as amended, entitled “Permitted Uses and Activities in General Zone Categories” is hereby amended by permitting “*Cannabis Production and Processing Facility*” within the Rural (RU) Zone, Restricted Industrial (M1) Zone, the General Industrial (M2) Zone; and Rural Industrial (M3) Zone (columns 5, 21, 22, and 23). A letter “(v)” shall be included with the dot indicating “*Cannabis*

*Production and Processing Facility*” as a permitted use in each of the above-mentioned zones.

**10. THAT** Section 6 of By-law No. 287-78-PL, as amended, entitled “Plate ‘B’, Permitted Uses and Activities in Zones” is hereby amended by adding a new subsection “v”, which shall read as follows:

“v.     A *Cannabis Production and Processing Facility* is a permitted use provided such use complies with all requirements of Subsection 10.37 of this By-law.”

**11. THAT** Plate “B” of By-law No. 287-78-PL, as amended, entitled “Permitted Uses and Activities in General Zone Categories” is hereby amended by adding the non-residential use “*Medical Cannabis Production Site*” and re-ordering the non-residential uses appropriately.

**12. THAT** Plate “B” of By-law No. 287-78-PL, as amended, entitled “Permitted Uses and Activities in General Zone Categories” is hereby amended by permitting “*Medical Cannabis Production Site*” within the Rural (RU) Zone, Restricted Industrial (M1) Zone, the General Industrial (M2) Zone; and Rural Industrial (M3) Zone (columns 5, 21, 22, and 23). A letter “(w)” shall be included with the dot indicating “*Medical Cannabis Production Site*” as a permitted use in each of the above-mentioned zones.

**13. THAT** Section 6 of By-law No. 287-78-PL, as amended, entitled “Plate ‘B’, Permitted Uses and Activities in Zones” is hereby amended by adding a new subsection “w”, which shall read as follows:

“w.     A *Medical cannabis Production Site* is a permitted use provided such use complies with all requirements of Subsection 10.37 of this By-law.”

**14. THAT** Section 10 of By-law No. 287-78-PL, as amended, entitled “General Provisions” is hereby amended by adding a new Subsection 10.37 “CANNABIS PRODUCTION AND PROCESSING” as follows:

**“10.37           Cannabis Production and Processing**

Notwithstanding any other provision of this By-law to the contrary, where a *Cannabis Production and Processing Facility* or a *Medical Cannabis Production Site* is permitted, the following provisions shall apply:

- a)     Only one *Cannabis Production and Processing Facility* or one *Medical Cannabis Production Site* shall be permitted on a single, conveyable lot;
- b)     A *Cannabis Production and Processing Facility* or a *Medical Cannabis Production Site* located within an enclosed building or structure shall be equipped with an *Air Treatment Control* system;
- c)     Open storage of any goods, materials, or supplies associated with a *Cannabis Production and Processing Facility* or a *Medical Cannabis Production Site* shall be prohibited;
- d)     A building or structure used for security purposes for a *Cannabis Production and Processing Facility* or a *Medical Cannabis Production Site* may be located in the required front yard of the lot upon which the



*Cannabis Production and Processing Facility* or *Medical Cannabis Production Site* is located and is not required to comply with the minimum required front, side, or rear yard setbacks for the lot;

- e) All development in relation to the establishment or expansion of a *Cannabis Production and Processing Facility* or a *Medical Cannabis Production Site* shall be subject to Site Plan Control;
- f) No minor variance to the zoning requirements for a *Cannabis Production and Processing Facility* or a *Medical Cannabis Production Site* shall be permitted by the Committee of Adjustment and shall only be considered by way of a Zoning Bylaw Amendment; and,
- g) Separation distances between a *Cannabis Production and Processing Facility* or a *Medical Cannabis Production Site* and any Residential Zone, Community Facility (CF) Zone, Recreation (R) Zone or Open Space (OS) Zone shall be measured from the edge of the nearest building or crop line associated with the *Cannabis Production and Processing Facility* or *Medical Cannabis Production Site* to the greater of either the nearest lot line of a *sensitive land use* or the nearest zone boundary of any Residential Zone, Community Facility (CF) Zone, Recreation (R) Zone or Open Space (OS) Zone.

#### 10.37.1 **Cannabis Production in Industrial Zones**

Notwithstanding any other provision of this By-law to the contrary, the following additional requirements shall apply to a *Cannabis Production and Processing Facility* or a *Medical Cannabis Production Site* that is permitted in an Industrial Zone:

- a) A *Cannabis Production and Processing Facility* or a *Medical Cannabis Production Site* equipped with an *Air Treatment Control* system shall be setback the greater of:
  - i) 70 metres from the zone boundary of any Residential Zone, Community Facility (CF) Zone, Recreation (RE) Zone, or Open Space (OS) Zone; or
  - ii) 150 metres from the nearest lot line of a sensitive land use.

#### 10.37.2 **Cannabis Production in Rural Zones**

Notwithstanding any other provision of this By-law to the contrary, the following additional requirements shall apply to a *Cannabis Production and Processing Facility* or a *Medical Cannabis Production Site* in a Rural Zone:

- a) A Cannabis Production and Processing Facility or a Medical Cannabis Production Site equipped with an Air Treatment Control system shall be setback the greater of:
  - i) 70 metres from the zone boundary of any Residential Zone, Community Facility (CF) Zone, Recreation (RE) Zone, or Open Space (OS) Zone; or
  - ii) 150 metres from the nearest lot line of a sensitive land use.
- b) An outdoor Cannabis Production and Processing Facility and a Medical Cannabis Production Site not equipped with an Air Treatment Control system shall be setback a minimum of 300 metres from the nearest lot line of a sensitive land use.
- c) Only one building or structure having a cement-based foundation of up to a maximum of 200 square metres may be used in association with a Cannabis Production and Processing Facility or a Medical Cannabis Production Site on a single lot.”

**15. THAT** Section 10 of By-law No. 287-78-PL, as amended, entitled “General Provisions” is hereby amended by amending the “PARKING SPACE REQUIREMENT TABLE” in subsection 10.18 “Parking and Regulations”. The type or nature of use in category (f) “Manufacturing, Processing, Assembly and/or Fabrication Plant, Hydro Generating” shall be deleted and replaced with the following text:

“Manufacturing, Processing, Assembly and/or Fabricating Plant, Hydro Generating Station, *Cannabis Production and Processing Facility*”.

**16. THAT** Zoning By-law No 3014-2021, as otherwise amended, is hereby amended to give effect to the foregoing, but Zoning By-law No. 287-78-PL, as otherwise amended, shall in all other respects remain in full force and effect.

**17. THAT** Zoning By-law No. 3014-2021 shall come into force on the date it is passed by the Council of the Corporation of the Township of Brock subject to the applicable provisions of the *Planning Act*, R.S.O., 1990, as amended.

**THIS BY-LAW READ TWICE THIS 22<sup>nd</sup> DAY OF March, A.D., 2021.**

\_\_\_\_\_  
Mayor  
John Grant

\_\_\_\_\_  
Clerk  
Becky Jamieson

**THIS BY-LAW READ A THIRD TIME AND FINALLY PASSED THIS 22<sup>nd</sup> DAY OF March, A.D., 2021.**

\_\_\_\_\_  
Mayor  
John Grant

\_\_\_\_\_  
Clerk  
Becky Jamieson

**AMENDMENT NO. 5  
TO THE  
OFFICIAL PLAN OF THE  
TOWNSHIP OF BROCK**

**Cannabis Production and Processing**

**Prepared For:**

The Corporation of the Township of Brock

**Prepared By:**

EcoVue Consulting Services Inc.  
311 George Street North  
Suite 200  
Peterborough, ON K9J 3H3

Drafted: February 1, 2021

**THE CORPORATION OF THE  
TOWNSHIP OF BROCK**

**BY-LAW NO. 3015-2021**

**Being a By-law passed pursuant to the provisions of Sections 17, 21 and 22 of the *Planning Act*, R.S.O. 1990, as amended.**

The Council of the Corporation of the Township of Brock, in accordance with the provisions of Sections 17, 21 and 22 of the *Planning Act*, R.S.O. 1990, as amended, hereby enacts as follows:

1. Amendment No. 5 to the Official Plan of the Township of Brock, consisting of the attached explanatory text is hereby adopted.
2. That the Clerk is hereby authorized and directed to make application to the Region of Durham for approval of Amendment No. 5 to the Official Plan of the Township of Brock.
3. That the Clerk is hereby authorized and directed to proceed with the giving of notice under Section 17(23) of the *Planning Act*.
4. This By-law shall come into force and take effect on the day of final passing thereof.

Enacted and passed this 22<sup>nd</sup> day of March, 2021.

Signed: \_\_\_\_\_  
John Grant, Mayor

CORPORATE SEAL OF  
MUNICIPALITY

Signed: \_\_\_\_\_  
Becky Jamieson, Clerk

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Certified that the above is a true copy of By-law No. 3015-2021, as enacted and passed by the Council of the Township of Brock on the 22<sup>nd</sup> day of March, 2021.

Signed: \_\_\_\_\_  
Becky Jamieson, Clerk

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**CERTIFICATE**  
**AMENDMENT NO. 5**  
**OFFICIAL PLAN OF**  
**THE TOWNSHIP OF BROCK**

The attached explanatory text constituting Amendment No. 5 to the Official Plan of the Township of Brock, was prepared by the Council of the Township of Brock and was adopted by the Council of the Township of Brock by By-law No. 3015-2021 in accordance with the provisions of Sections 17, 21 and 22 of the *Planning Act*, R.S.O. 1990, on the 22<sup>nd</sup> day of March, 2021.

Signed: \_\_\_\_\_  
Mayor – John Grant

CORPORATE SEAL OF  
MUNICIPALITY

Signed: \_\_\_\_\_  
Clerk – Becky Jamieson

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This amendment to the Official Plan of the Township of Brock, which has been adopted by the Council of the Township of Brock, is hereby approved in accordance with the provisions of Sections 17, 21 and 22 of the *Planning Act*, R.S.O. 1990 as Amendment No. 3 to the Official Plan of the Township of Brock.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Region of Durham

**AMENDMENT NO. 5  
TO THE  
OFFICIAL PLAN OF  
THE TOWNSHIP OF BROCK**

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**AMENDMENT NO. 5  
TO THE  
OFFICIAL PLAN OF  
THE TOWNSHIP OF BROCK**

**INTRODUCTION**

**STATEMENT OF COMPONENTS**

- PART “A”      THE PREAMBLE does not constitute part of this Amendment.
- PART “B”      THE AMENDMENT, consisting of the following text constitutes Amendment No. 5 to the Official Plan of the Township of Brock.
- PART “C”      THE APPENDICES do not constitute part of Amendment No. 5 to the Official Plan of the Township of Brock, and contain planning reports, background information and public and agency comments pertaining to the Amendment.

## **PART “A” -- THE PREAMBLE**

### **1.0 PURPOSE OF THE AMENDMENT**

The Township of Brock Official Plan currently does not contemplate Cannabis Production or Processing as a land use. As such, an amendment to the Official Plan is necessary to permit Cannabis Production and Processing responsibly in the Township, as well as to ensure that the implementing Zoning By-law conforms to the Township of Brock Official Plan and the Durham Region Official Plan. Therefore, the purpose of Amendment No. 5 to the Township of Brock Official Plan is to:

1. Amend the Agricultural Land Sectoral Policies (Section 3.2.1) to establish a ‘Cannabis Production and Processing Facility’ and a ‘Medical Cannabis Production Site’ as independent land uses separate and distinct from an ‘Agricultural Use’ or a ‘Home Occupation’;
2. Amend the Agricultural Land Sectoral Policies (Section 3.2.1) by adding a new Section 3.2.1.6 to permit a ‘Cannabis Production and Processing Facility’ and a ‘Medical Cannabis Production Site’ within the Rural Area provided the proposed uses satisfy the criteria outlined within the Official Plan and subject to the regulations of the Township Zoning By-law;
3. Amend the Settlement Areas Policies (Section 5.4 Mixed Use Corridors) to prohibit the establishment of a ‘Cannabis Production and Processing Facility’ or a ‘Medical Cannabis Production Site’ within the Mixed Use Corridors Land Use Designation;
4. Amend the Settlement Areas Policies (Section 5.6 Employment Areas) to permit a ‘Cannabis Production and Processing Facility’ and a ‘Medical Cannabis Production Site’ within the Employment Land Use Designation subject to criteria;
5. Amend the Development Review Policies (Section 7.3 Information Requirements) by adding a new Section 7.3.2.1 to provide more detailed application requirements for a ‘Cannabis Production and Processing Facility’ and a ‘Medical Cannabis Production Site’ including the requirement for pre-consultation with the Township, requirement that such applications be subject to Site Plan Control, and a more detailed list of studies required in support of an application; and
6. Amend the Interpretation Policies (Section 9) by adding a new ‘Section 9.6 – Definitions’ and by providing definitions for a ‘Cannabis Production and Processing Facility’ and a ‘Medical Cannabis Production Site’.

These amendments apply to the entirety of the Township of Brock.

### **3.0 BASIS OF THE AMENDMENT**

On April 8, 2019, Council for the Township of Brock passed an Interim Control By-law (ICBL) to temporarily prohibit the establishment of new Cannabis Production or Processing Facilities, or the expansion of existing Cannabis Production and Processing Facilities on any lands within the Township of Brock for a period of twelve months in order to allow for the completion of research and consultation. The ICBL excluded the establishment of Cannabis Production and Processing Facilities on lands where a “Manufacturing, Processing, Assembling and/or Fabrication Plant” is legally permitted. A Report to Council (dated September 10, 2019) provided an overview of the



recommendations derived from a Cannabis Land Use Impact Study completed by EcoVue Consulting Services Inc. The study recommended changes to land use planning documents including the Township's Official Plan, Zoning By-law and Site Plan Control By-law in order to mitigate potential land use impacts. The report is included as Part C – Appendix 1. Two Public Open Houses were held on February 26, 2020 to present the results of the land use study as well as the draft Official Plan and Zoning By-law Amendments. A Statutory Public Meeting presenting revised amendments to the Official Plan and Zoning By-law was held on March 15, 2021. The comments received from the public are included as Part C – Appendix 2.

Currently, the Official Plan does not contemplate Cannabis Production and Processing as a land use. Consequently, many of the policies governing land use within various land use designations indirectly permit Cannabis Production and Processing. The Official Plan Amendment contained herein, will provide clarity to municipal planners, prospective developers and the public regarding the appropriate location and site development requirements for Cannabis Production and Processing in the Township.

## **PART “B” -- THE AMENDMENT**

### **1.0 INTRODUCTORY STATEMENT**

All of this part of the document entitled PART “B” -- THE AMENDMENT, consisting of the following text, constitutes Amendment No. 5 to the Official Plan of the Township of Brock.

### **2.0 DETAILS OF THE AMENDMENT**

The Official Plan of the Township of Brock is hereby amended as follows:

1. Section 3.2.1 (Agricultural Lands Sectoral Policies) is hereby amended by deleting and replacing Section 3.2.1.3, which shall read as follows:

“Permitted agricultural uses include the growing of crops, including nursery and horticultural crops, raising of livestock and poultry and other animals for food, fur and/or fiber, as well as aquaculture; apiaries, agro-forestry; and maple syrup production, but shall not include a *cannabis production and processing facility* or a *medical cannabis production site*. Agriculture-related uses are those farm-related commercial and farm-related industrial uses that are small scale and directly related to the farm operation and are established in proximity to the farm operation”.

2. Section 3.2.1 (Agriculture Lands Sectoral Policies) is hereby amended by creating a new subsection (3.2.1.6), and re-numbering all subsequent sections accordingly. The new Section 3.2.1.6 shall read as follows:

“*Cannabis Production and Processing Facilities* and *Medical Cannabis Production Sites* are permitted in Rural Areas, including areas designated Agricultural or Major Open Space in the Region of Durham Official Plan, subject to the following:

- i) A *Cannabis Production and Processing Facility* or a *Medical Cannabis Production Site* shall not be permitted in conjunction with any residential use on a single lot;

- ii) All *Cannabis Production and Processing Facilities* and *Medical Cannabis Production Sites* shall be subject to the Information Requirements contained in Section 7.3.2.1 of this Plan; and,
  - iii) A *Cannabis Production and Processing Facility* or a *Medical Cannabis Production Site* is permitted subject to the requirements of the implementing Zoning By-law.
3. Section 3.2.4 (Home Occupations) is hereby amended by deleting and replacing Section 3.3.4.5, which shall read as follows:
- “Home occupations shall include businesses such as bed and breakfast accommodation, but shall not include medical offices, medical facilities, group homes a *cannabis production and processing facility* or a *medical cannabis production site*”.
4. Section 5.4 (Mixed Use Corridors) is hereby amended by adding a new subsection 5.4.1.4, which shall read as follows:
- “A *cannabis production and processing facility* or a *medical cannabis production site* shall not be permitted in Mixed Use Corridors”.
5. Section 5.6 (Employment Areas) is hereby amended by deleting and replacing Section 5.6.3.2, which shall read as follows:
- “Permitted uses in Employment Areas are: manufacturing, assembly and processing of goods, service industries, research and development facilities, warehousing, business parks, limited personal service uses, hotels, storage of goods and materials, freight transfer and transportation facilities, *cannabis production and processing facilities*, and *medical cannabis production sites*. *Cannabis production and processing facilities* and *medical cannabis production sites* will be encouraged to locate in Employment Areas with municipal servicing. Applications for the development of a *cannabis production and processing facility* or *medical cannabis production site* are subject to the Information Requirements contained in Section 7.3.2.1 of this Plan. Uses declared to be obnoxious under the provisions of any applicable statute, regulation or guidelines shall not be permitted.
- Limited personal service and retail uses, serving the Employment Area may be permitted up to 10% of the aggregate gross floor area of the permitted uses. Major retail use with a gross leasable area of 2,000 square metres or greater or any single retail use greater than 500 sq. metres that is not ancillary to employment uses shall not be permitted within Employment Areas”.
6. Section 7.3 (Information Requirements) is hereby amended by adding a new Section 7.3.2.1, which shall read as follows:

**“7.3.2.1 Cannabis Production and Processing**

In addition to the information requirements of Section 7.3.2 of this Official Plan, the following requirements shall also apply to an application to establish a *Cannabis Production and Processing Facility* or a *Medical Cannabis Production Site*:

- a) Applicants shall attend a pre-consultation with Township staff in advance of submitting any planning application in order to review the proposal for a *cannabis production and processing facility* or a *medical cannabis production site*;
- b) All proposed *cannabis production and processing facilities* and *medical cannabis production sites* shall be subject to Site Plan Control;
- c) All proposed cannabis production and processing facilities and medical cannabis production sites shall demonstrate dark sky friendly lighting and building design as part of the Site Plan Control process;
- d) All proposed cannabis production and processing facilities and medical cannabis production sites will be required to undertake detailed hydrogeological and/or site servicing studies, to the satisfaction of the Municipality, to ensure the proposed development can be adequately serviced without negatively impacting municipal water servicing capacity, surface or ground water supply, municipal wastewater facilities, watershed health and fish habitat. Development of cannabis production and processing facilities or medical cannabis production sites may not be permitted if adequate water or wastewater servicing cannot be provided. Development of cannabis production and processing facilities and medical cannabis production sites shall address to the greatest extent possible, any adverse effects identified;
- e) Where ecological and hydrologic features are present, all proposed cannabis production and processing facilities shall undertake an Environmental Impact Assessment, which includes an assessment of impacts of wastewater on the ecological and hydrological integrity of the watershed including fish habitat. The Township may require that medical cannabis production sites also undertake an Environmental Impact Statement where assessment of the potential impacts of the medical cannabis production site are deemed necessary. Development of a cannabis production and processing facility or medical cannabis production site in these situations shall undertake appropriate measures to mitigate to the greatest extent possible, any adverse effects identified;
- f) All cannabis production and processing facilities and medical cannabis production sites shall be required to undertake odour screening studies, to the satisfaction of the Municipality, and to mitigate identified impacts through recommended odour control measures;
- g) All proposed cannabis production and processing facilities and medical cannabis production sites may be required to undertake noise impact studies, at the discretion of the Municipality, to assess potential impacts on adjacent sensitive receptors and mitigate as appropriate;
- h) All proposed cannabis production and processing facilities and medical cannabis production sites are subject to the Township's Zoning By-law."

7. Section 9 (Interpretation) is hereby amended by adding a new **Section 9.6 - Definitions**, which shall read as follows:

**“9.6 Definitions**

Defined terms are *italicized* throughout the text, except where otherwise stated:

**Adverse Effect** as defined in the *Environmental Protection Act*, shall mean one or more of:

- a) impairment of the quality of the natural environment for any use that can be made of it;
- b) injury or damage to property or plant or animal life;
- c) harm or material discomfort to any person;
- d) an adverse effect on the health of any person;
- e) impairment of the safety of any person;
- f) rendering any property or plant or animal life unfit for human use;
- g) loss of enjoyment of normal use of property; and
- h) interference with normal conduct of business.

**Cannabis** shall mean a genus of flowering plants in the family *Cannabaceae*. Synonyms include but are not limited to marijuana, and marihuana. This definition does not include the industrial or agricultural production of hemp (a source of foodstuffs [hemp milk, hemp seed, hemp oil], fiber and biofuels).

**Cannabis Production and Processing Facility** shall mean lands, buildings or structures used for growing, producing, processing, testing, destroying, packaging and/or shipping of cannabis authorized by an issued license or registration by the Federal Minister of Health, pursuant to the Cannabis Regulations, SOR/2018-144, to the Cannabis Act, SC 2018, c 16, the Controlled Drugs and Substances Act, SC 1996, c 19 and the Food and Drugs Act, RSC 1985, c F-27, as amended from time to time, or any successors thereto.”

**Medical Cannabis Production Site** - shall mean the use of any land, buildings or structures for the purpose of producing, processing, testing, destroying, packaging and/or shipping of cannabis which is authorized by registration of a designated person by the Federal Minister of Health, pursuant to the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230, to the Controlled Drugs and Substances Act, SC 1996, c 19, as amended from time to time, or any successors thereto.”

**3.0 IMPLEMENTATION AND INTERPRETATION**

The implementation and interpretation of Official Plan Amendment No. 5 shall be in accordance with the respective policies of the Official Plan of the Township of Brock.

## **PART “C” -- THE APPENDICES**

The following appendices do not constitute part of Official Plan Amendment No. 5 but are included as information supporting the Amendment.

- **Appendix No. 1 – Land Use Study**
- **Appendix No. 2 – Public Comments**



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## Land Use Study


Planning for the Impacts of **Cannabis Cultivation and Production Facilities**

Prepared for: Township of Brock

EcoVue Reference No.: 19-1435-02

Date: September 10, 2019

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A large, stylized tree graphic in a light beige color, positioned on the left side of the page. It has a thick trunk and a dense, rounded canopy with many small, leaf-like shapes.

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## 1.0 INTRODUCTION

The Government of Canada passed the bill legalizing cannabis for recreational purposes on June 19, 2018 with a legalization date of October 17, 2018. With the legalization of production, processing and sales for both recreational and medical use now in place, individuals and businesses are actively searching for land to establish growing operations, processing and packaging facilities. The rise of this new market has prompted public debate on the planning impacts associated with Cannabis Cultivation and Processing Facilities (CCPFs). There are many considerations for municipal staff to determine how to appropriately define, categorize and regulate Cannabis production and processing through the mechanisms available under the *Planning Act*.

On April 8, 2019 Council for the Township of Brock passed an Interim Control By-law (ICBL) to temporarily prohibit the establishment of new Cannabis Production or Processing Facilities, or the expansion of existing Cannabis Production and Processing Facilities on any lands within the Township of Brock. The ICBL excluded the establishment of Cannabis Production or Processing Facilities located on lands where "Manufacturing, Processing, Assembling and/or Fabricating Plan" is legally permitted (Appendix X). The purpose of the ICBL is to allow staff and the planning consultant (EcoVue) adequate time to conduct research and consult the public in order to amend the Official Plan, Zoning Bylaw or Site Plan Control By-law to properly manage these facilities from a land use planning perspective.

The Government of Canada passed the bill legalizing cannabis for recreational purposes on June 19, 2018 with a legalization date of October 17, 2018. With the legalization of recreational cannabis, land use planning policies and regulations are required to manage both recreational and medical marijuana facilities. The domestic and global demand for cannabis production and processing provides great opportunity for economic development in rural communities through job creation and the diversification of the economic base. The advent of Cannabis Production and Processing presents an opportunity for the Township of Brock to support the development of the cannabis industry in appropriate locations which promote sustainability and best practices.

This study sets out to evaluate the implications associated with the production and processing of cannabis. It is intended to provide a background on the existing legislation, studies and reports associated with the establishment of CCPFs, and review how municipalities throughout the Province are managing

this new land use. It will also provide an analysis of the implications of CCPFs in the context of the current Official Plan for the Township of Brock (BOP) and Zoning By-Law (BZBL), and provide a description of five possible strategies to manage the land use implications of CCPFs. The report will conclude with a final recommendation regarding the best approach for the Township of Brock.

## **1.1 Cannabis Cultivation and Production Facilities (CCPFs)**

### **1.1.1 Licensing**

The Cannabis Regulations (SOR/2018-144) published by the Federal Government applicant, establishes a number of classes and subclasses of licences that permit cannabis-related activities:

- A license for cultivation;
  - A license for micro-cultivation;
  - A license for standard cultivation; and
  - A license for a nursery.
- A license for processing;
  - A license for micro-processing; and
  - A license for standard processing.
- A license for analytical testing;
- A license for sale;
  - A licence for sale for medical purposes
- A license for research; and
- A cannabis drug license.

The type and number of licenses held will have different impacts on cannabis-related land uses within the Township. For example, a person or company can hold a license for cultivation only, processing only or both. While it is anticipated that many applicants will apply for both a cultivation and processing license so both activities can take place on the same property, information on licenses granted and applied for is required to determine if that is the case.

➤ Cultivation Licenses

Cultivation is permitted to take place either indoors – typically in a greenhouse – or outdoors in the native soils. The difference between cultivation and micro-cultivation is that the licensed area for micro-cultivation cannot exceed 200 square metres (the area in which all plants and parts of plants must be contained). A holder of a nursery license can carry out activities similar to those with a cultivation or micro-cultivation license, except they are not permitted to obtain fresh or dried cannabis. If a nursery license holder cultivates cannabis for the purpose of harvesting seeds, the surface area for budding and flowering plants is limited to 50 square metres.

➤ Processing License

Holders of a processing license are only permitted to process cannabis for sale. A micro-processing license permits a maximum of the equivalent of 600 kilograms of dried cannabis to be sold or distributed each year. Processors are not permitted to be involved in the propagation, cultivation or harvesting of cannabis.

➤ Analytical Testing License

This license holder is permitted to possess cannabis for the purposes of altering its chemical or physical properties. All samples of a batch must be destroyed within 90 days of completing the testing. Cultivation or processing is not permitted with this license.

➤ License for Sale for Medical Purposes

A holder of this license is permitted to possess and sell cannabis products. Under this license, cannabis products can be sold to holders of other types of licenses, a person with an exemption under the *Cannabis Act* and a hospital employee.

➤ Research License

This license holder is able to possess cannabis, produce cannabis, or transport, send or deliver between sites set out by the license. Someone with this license can sell cannabis plants and seeds to other license holders, the Minister or a person with an exemption under the *Cannabis Act*.

➤ Cannabis Drug License

A holder of a cannabis drug license is permitted to possess cannabis and produce or sell drugs containing cannabis.

### **1.1.2 Land Use Restrictions for License Holders**

Sections 39, 40 and 41 of the Cannabis Regulations outline some restrictions on cannabis license holders which are relevant to land use planning. Section 39 states that a license holder may only conduct activities at the site that are authorized by the license, and, if applicable, may only conduct these activities within a particular building set out in the license. Additionally, the regulations prohibit all licensed producers from conducting any activity that is authorized by a cannabis license within a dwelling-house. Finally, as stated previously, the production of cannabis outdoors, in the native soils, is permitted, however *“a holder of a license must not produce cannabis – other than obtain cannabis by cultivating, propagating or harvesting it – or test, store, package or label cannabis outdoors”* (s. 41).

## **1.2 Access to Cannabis for Medical Purposes**

In August of 2016, the Access to Cannabis for Medical Purposes Regulations (ACMPR) came into force (as Part 14 of the Cannabis Regulations [SOR/2018-144]), and the Federal Government began accepting applications for cultivation from those prescribed medical marijuana. The new regulations were in response to *Allard v. Canada*, which found that individuals requiring marijuana for medical purposes did not have “reasonable access”.

An individual with a medical permit for cannabis may apply to register with Health Canada to produce a limited amount for their own medical purposes, or designate a 3<sup>rd</sup> party to do so. Once an individual is successfully registered, they will receive a certificate from Health Canada including their legal authority to possess and produce cannabis as well as the location and maximum limits on production, storage and possession. If an individual wishes to designate a 3<sup>rd</sup> party to be their producer, the application process is similar, but they must prove that the designated person has not been convicted or received a sentence for a drug offence in the last 10 years. A designated person can only produce for a maximum of two

individuals (including themselves). The regulations also permit a maximum of four registrations per address.<sup>1</sup>

### **1.2.1 Land Use Restrictions for Health Canada Registrants**

The amount of medical marijuana that an individual is entitled to on a daily basis determines how many plants they are legally entitled to grow. A prescription of 1 gram per day is roughly equivalent to 2 outdoor plants or 5 indoor plants. Section 326(1) of the Cannabis Regulations states that a Health Canada registrant must “*not propagate or harvest [cannabis plants] a) indoors and outdoors at the same time; or b) outdoors if the production site is adjacent to a school, public playground, daycare facility or other public place frequented mainly by individuals under 18 years of age*”. Other than proving that any outdoor plants will not be produced adjacent to the sensitive land uses listed above, there are very few rules in place at the Federal level to regulate the production and processing of marijuana by medical permit holders. Since it is possible that one individual may be entitled to grow an unlimited number of plants, as prescribed by a doctor, and up to four registrants may be located at one address (and sometimes there are multiple addresses on one property), thousands of plants may be grown on a single property with few regulations in place to protect sensitive land uses. These registered individuals are also known as “Alternative Production Sites”.

## **1.3 Planning Implications**

There is no requirement for applicants to seek municipal support before applying for a license under the *Cannabis Act* – it is only required that applicants provide municipalities with written notice of an application. License holders are also required to notify the municipality, with a copy sent to the Minister, of a license being issued. Similarly, there is no requirement for applicants seeking to register with Health Canada under the ACMPR to obtain municipal support or approval. Although a municipality does not have a role in the issuance of licenses or registration certificates under the *Cannabis Act*, they still possess the authority to regulate land uses.

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<sup>1</sup> Mat Vaughan (2018). “Change is in the Wind”, <https://ontarioplanners.ca/blog/planning-exchange/june-2018/change-is-in-the-wind> (accessed June 21, 2019).

From a planning perspective, CCPFs (this includes “Alternative Production Sites”), like any other agricultural or industrial use, can be regulated through zoning and site plan control. According to our research, some of the common issues that come up when revising the definitions and provisions associated with a Municipality’s Zoning By-laws are:

- Whether to categorize cannabis production as an agricultural or industrial use
- How to define Cannabis - an agricultural crop or pharmaceutical product?
- How to determine the appropriate provisions to appropriately separate cannabis production from sensitive land uses such as residential areas, community facilities, etc.
- Whether to distinguish between different scales of production and processing reflecting the federal licensing regime.

As with any guidelines, provisions or regulations within a Zoning By-law, any amendment to restrict where CCPFs can be established must have a basis in applicable planning policy (e.g. Provincial Policy Statement (PPS), A Place to Grow: Growth Plan for the Greater Golden Horseshoe, the Region of Durham Official Plan (DOP), and the BOP. The Township must avoid applying reactionary amendments to the zoning by-law that do not conform to the aforementioned documents as such amendments are not defensible before the Local Planning Appeals Tribunal (LPAT) and do not represent good planning.

## **2.0 Impacts of Cannabis Cultivation and Production Facilities**

The main land use issues associated with cannabis production and processing are:

- The impacts of odours, light and noise resulting from production and processing on sensitive land uses;
- The impacts associated with placing large-scale indoor cannabis production or processing facilities on productive farmland;

- The size and scale of unlicensed facilities under the ACMPR – these are determined by an individual's prescription and may vary widely. There are no requirements for these facilities to implement odour control (unlike licensed facilities);
- Impacts on Watershed Health;
- Human Health and Safety Concerns related to Processing Facilities; and
- Security.

## **2.1 Land Use Impacts**

### **2.1.1 Impacts on Sensitive Land Uses**

Certain land uses should be separated for a variety of reasons. As an example, waste management facilities should not be located adjacent to residential land uses. Concern has been expressed by residents of the Township and other municipalities regarding the location of CCPFs in proximity to sensitive land uses such as residential dwellings, schools and community centres. There are many reports of impacts related to noise, light pollution and odours produced by these facilities.

#### **2.1.1.1 NOISE & USE OF ENERGY UTILITIES**

Reports of “deafening” noise from CCPFs exist throughout Canadian news articles. Cannabis plants require careful regulation of temperature and humidity to maintain a suitable microclimate, meaning that typical CCPFs require a full heating, ventilating, and air-conditioning (HVAC) system. The system may be run at reduced capacity during nighttime hours. However, in order to support the appropriate growing environment, the system needs to operate 24 hours a day. In addition to creating noise, the HVAC system requires a large amount of energy. One study published in the Journal of Energy Policy found that 2,000 kWh of power are required to produce one pound of cannabis, while by comparison, one pound of aluminum requires 7 kWh.<sup>2</sup> This power is typically provided at a high voltage to a transformer substation on the site of the facility where it is reduced to a more usable voltage. These transformers can generate

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<sup>2</sup> Peter Maloney, “Utilities grapple with growth in cannabis legalization”, 2018, <https://www.publicpower.org/periodical/article/utilities-grapple-with-growth-cannabis-legalization> (accessed June 21, 2019).

a significant amount of noise, but also produce a “frequency hum” which generates strong tones. According to Andrew Carballeira, an acoustics consultant, “tonal sounds tend to be more disturbing to communities than sounds with many frequency components”.<sup>3</sup> The third potential source of noise pollution are deliveries of materials to the facilities. Carbon dioxide gas is used to boost production and is usually delivered by tanker truck to the facility. Other potential sources of noise are alarm systems and large machinery (e.g., tractors).<sup>4</sup>

Zoning regulations for cannabis should be in step with the capacity of utility systems to support the permitted land use and design goals for facility-generated sound can be effectively derived through computer modelling.<sup>5,6</sup> Site plan control and setback provisions can effectively mitigate noise pollution.

#### 2.1.1.2 LIGHT POLLUTION

A number of anecdotal reports have highlighted issues arising from the light pollution generated by CCPFs. Since the majority of cannabis produced at an industrial scale is grown indoors (and usually in a greenhouse), the indoor lighting system is not contained to the building. While urban areas are quite accustomed to light pollution, many CCPFs are being established in rural and agricultural areas, which are not impacted as severely by light. Cannabis plants require particular amounts of light and heat; during one of the growth phases, cannabis requires light for 18 hours each day. This may disturb not only neighbouring residential dwellings, but also the lifecycles of local wildlife including plants, animals and migrating birds.<sup>7</sup>

Most site plan control regulations address outdoor lighting designs, but do not consider the specific requirements of CCPFs and their effects on surrounding land uses. Section 4.10.3 of the Township of Brock Official Plan states that: “*Outdoor lighting and light pollution has an impact on the natural*

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<sup>3</sup> Andrew Carballeira, “Legal Marijuana: Where there’s Smoke there’s Sound”, 2017, <https://www.acentech.com/blog/legal-marijuana-theres-smoke-theres-sound/> (accessed July 10, 2019).

<sup>4</sup> Ibid.

<sup>5</sup> Federation of Canadian Municipalities (2018). Municipal Guide to Cannabis Legalization: A roadmap for Canadian local governments, <https://fcm.ca/sites/default/files/documents/resources/guide/municipal-guide-cannabis-legalization.pdf> (accessed June 21, 2019).

<sup>6</sup> Andrew Carballeira, “Legal Marijuana: Where there’s Smoke there’s Sound,” 2019, <https://www.acentech.com/blog/legal-marijuana-theres-smoke-theres-sound/> (accessed June 9, 2019).

<sup>7</sup> Emily Robertson, “Greenhouse Light Pollution is Affecting Prey, Migration, and Humans,” 2019, <https://www.rxleaf.com/greenhouse-light-pollution-is-affecting-prey-migration-and-humans/> (accessed June 9, 2019).



*environment and the general quality of life.... the impact of lighting should be assessed and measures implemented to mitigate against detrimental impacts on natural features and functions*". Section 4.10.5 of the Township of Brock Official Plan also recognizes the detrimental effects of light pollution and directs Council to consider the enactment of a light pollution by-law.

The issue of light pollution originating from CCPFs can be addressed through site plan control regulations or through the introduction of a general Dark Sky Friendly Lighting By-law that would require dark sky friendly lighting for all new developments in the Township of Brock (see Appendix C for an example of Dark Sky Friendly Lighting policies).

#### 2.1.1.3 ODOUR

Cannabis has a unique smell compared to other agriculture or agricultural processing facilities, and odour is proving to be one of the chief complaints of community members living or working nearby to CCPFs. That said, many other agricultural uses produce strong odours, such as chicken farming or feedlots. In those cases, Minimum Distance Separation (MDS) regulates the distance between livestock barns, manure storages or anerobic digesters and surrounding sensitive land uses, which would not apply to the production and processing of cannabis. One anecdotal report stated that odour became a nuisance 5 kilometres from two CCPFs, particularly on hot, humid days when the facility needed to ventilate more frequently.<sup>8</sup> To date, there have been no scientific studies associated with the health effects resulting from exposure to cannabis odours.<sup>9</sup>

Part 5, Section 85 of the Cannabis Regulations, states 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"*. Thus, in theory, licensed facilities should not be creating nuisance odours. However, according to news articles, even when facilities meet these Federal regulations there may still be odour complaints. Additionally, facilities operating under the ACMPR do not have air filtration requirements. In the Township of Brock, neighbours of an ACMPR growing facility spoke of obnoxious

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<sup>8</sup> Armina Ligaya, "Pot a 'two-edge sword' in Ontario town where producers face pushback over smell," 2019, <https://www.bnnbloomberg.ca/pot-a-two-edge-sword-in-ontario-town-where-producers-face-pushback-over-smell-1.1198073> (accessed June 6, 2019).

<sup>9</sup> Public Health Ontario, "Evidence Brief: Odours from Cannabis Production," 2018, <https://www.publichealthontario.ca/-/media/documents/eb-cannabis-production-odours.pdf?la=en> (accessed June 6, 2019).

odours during harvest. Municipalities can better manage odour pollution through a combination of site plan control and setback provisions in the applicable zoning by-law. Facilities operating under the ACMPR without odour filtration could be required to adhere to greater setbacks from sensitive land uses. Odour Screening Reports and Odour Control Reports can be required to help determine sufficient setbacks and odour control measures.<sup>10</sup>

#### *2.1.1.4 IMPACTS ON FARMLAND*

Cannabis is a form of intensive agriculture and is usually performed in a controlled environment such as a greenhouse or warehouse. This approach to cultivating cannabis does not require arable soils. In many parts of Canada, the production of medical marijuana has traditionally been permitted in agricultural areas. Due to the dramatic increase in new and proposed CCPFs after the legalization of recreation cannabis, some areas of Canada are experiencing growing pressure on farmland from CCPFs. The concern is that locating warehouses and large-scale industrial-style greenhouses on arable soils is inappropriate and results in the permanent loss of farmland. In British Columbia, there is an ongoing debate as to whether intensive cannabis cultivation should be permitted on the provincial Agricultural Land Reserve (ALR).<sup>11</sup> One of the reasons that producers are often interested in locating their indoor facilities on farmland is because it is often much more affordable than acquiring space in industrial zoned areas.

In 2018, the Federal Government lifted the ban on outdoor cultivation of medical and recreational cannabis. Outdoor production is permitted for Nursery, Micro, and Standard Cultivation Licenses, as well as those with a certificate from Health Canada permitting production for medical use under the ACMPR. Outdoor cultivation is challenging in the Canadian climate, but dramatically reduces costs for the producer. A farm in southwestern Ontario may be the first business to be awarded a license for outdoor cultivation on a 40-hectare property.<sup>12</sup> Outdoor cultivation requires arable soils in an agricultural area.

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<sup>10</sup> Ortech Consulting Inc., "Cannabis Industry and Odour Regulations," 2018, <https://www.ortechconsulting.com/blog1/cannabis-industry-and-odour-regulations> (accessed June 6, 2019).

<sup>11</sup> Lyonel Doherty, "Council to consider not allowing cannabis production on ALR," 2018, <https://www.oliverchronicle.com/council-to-consider-not-allowing-cannabis-production-on-alr/> (accessed June 6, 2019).

<sup>12</sup> Dale Carruthers, "Southwestern Ontario farm could have first licensed outdoor cannabis crop," <https://lfpres.com/news/local-news/southwestern-ontario-farm-could-have-first-licensed-outdoor-cannabis-crop> (accessed June 1, 2019).

Therefore, it is important to consider policies and regulations that are specific to both indoor and outdoor cultivation.

The Durham Region Official Plan (DROP) contains the policies and designations for the rural portion of the Township of Brock, referred to as the “Rural System”. The Rural System is comprised of Prime Agricultural Areas, Rural Settlements, Major Open Space Areas, Regional Nodes and Aggregate Resource Extraction Areas. “Prime Agricultural” areas are designated on Schedule “A” – Map “A1” to the DROP and are comprised of Canada Land Inventory Class 1-3 soils, as well as Class 4-7 soils and areas where farms predominate. Section 3.2.1.2 of the Township of Brock Official Plan states that the predominant use of land within the Prime Agricultural designation “*shall be agriculture and agriculture-related uses*”. These include “*the growing of crops, including nursery and horticultural crops...Agriculture-related uses are those farm-related commercial and industrial uses that are small scale and directly related to the farm operation and are established in proximity to the farm operation*”. Section 3.2.1.4 states that “*All types, sizes and intensities of agricultural uses are permitted...*”.

Section 2 of the Township of Brock Official Plan discusses the Vision and Strategic Direction for the municipality. Section 2.2.7.2 states that one of the objectives is to protect prime agricultural land from urban development, and to “*support farm practices that will protect the long-term productivity of agricultural lands and minimum environmental impact*”. The DROP states that the goal of the Rural System is to support agriculture, but also more specifically, “*to support community food security*” (s. 9.1.2, DROP). Subsection 9A of the DROP also states that all development within the Prime Agricultural area will be on private services, and that “*the intrusion of urban type land uses into Prime Agricultural areas shall not be permitted*” (s. 9A.1.5, DROP).

The Township of Brock may wish to prohibit industrial-style (“urban type”) CCPFs in areas with Canada Land Inventory Soil Classes 1-3 in order to adhere to the goal of preserving community food security and to restrict the scale of facilities developing in rural areas on private services. This could be accomplished by restricting the total area devoted to cultivation or processing in Prime Agricultural areas to 200 square metres (which is consistent with Health Canada’s distinction between micro and standard scales of production and processing).

#### 2.1.1.5 IMPACTS ON WATER SUPPLY AND WATERSHED HEALTH

Cannabis has high water needs when grown indoors, but particularly when grown outdoors. A cannabis plant needs approximately 22 litres of water per day (compared to wine-producing grape plants, which require approximately 12 litres per day). Water used in cannabis production must meet high quality standards to maximize maturation and yield, and when water is drawn from a depleted aquifer it is more likely to be contaminated with bacteria and fungi which can be passed to the crop. Water usage for outdoor cultivation is particularly demanding. In California, studies have shown that irrigation of cannabis is having impacts at the watershed scale with lethal and sub-lethal effects on fish and amphibian populations.<sup>13</sup> Where CCPFs are proposed, decision makers should look carefully at the impacts to the overall watershed and local flow needs. Additionally, cannabis production may produce effluent containing growth nutrients and pesticides, which can affect local ecosystems negatively. Approvals may be needed for producers to discharge effluent or for monitoring to ensure compliance with discharge requirements or restrictions. Special attention should be paid to discharge occurring near fish bearing habitat to ensure compliance with the *Fisheries Act*.<sup>14</sup>

The Township of Brock presents some unique considerations as the urban areas of Cannington and Sunderland depend on a communal well system for drinking water, and Beaverton draws its water from Lake Simcoe. Schedules ID, 2D and 3D depict Wellhead Protection Areas for Cannington and Sunderland, as well as Intake Protection Zones for Beaverton. Section 6.4.2.3 of the BOP states that “*Within WHPAs and IPZs, it may be necessary to restrict or even prohibit certain land uses and activities due to their potential to negatively impact groundwater and surface water quality and drinking water quantity*”. Careful consideration is required during the approvals process to ensure proposed facilities can be sustained without causing a negative impact. When considering development that may impact source water protection areas, the South Georgian Bay Lake Simcoe (SGBLS) Source Water Protection Plan should be consulted (BOP, s. 6.4.1).

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<sup>13</sup> Bauer S, Olson J, Cockrill A, van Hattem M, Miller L, et al., “Impacts of Surface Water Diversions for Marijuana Cultivation on Aquatic Habitat in Four Northwestern California Watersheds,” 2015, PLOS ONE 10(9): e0137935, <https://doi.org/10.1371/journal.pone.0137935>.

<sup>14</sup> Selina Lee-Anderson, “Spotlight on Cannabis – Part 2: Taking a Closer Look at the Environmental Costs of Cannabis Cultivation,” 2018, <https://www.mccarthy.ca/en/insights/blogs/canadian-era-perspectives/spotlight-cannabis-part-2-taking-closer-look-environmental-costs-cannabis-cultivation> (accessed May 27, 2019).

Overall, concerns regarding watershed health can be addressed through the inclusion of the appropriate guiding policies regarding servicing capacity and environmental impact studies for CCPFs. Additionally, the involvement of the Conservation Authority in all CCPF development proposals is important for assessing the impacts of CCPFs at the watershed scale and ensuring that proposals conform to the Lake Simcoe Protection Plan where applicable.

#### 2.1.1.6 HUMAN HEALTH AND SAFETY

Processing cannabis has certain human health and safety concerns. Extraction of cannabis oil can involve the use of butane, which is explosive at ordinary temperatures.<sup>15</sup> Section 17(4) of the Cannabis Regulations permits *“a holder of a license for micro-processing or standard processing...to alter or offer to alter the chemical or physical properties of cannabis by the use of an organic solvent when conducting that activity”*. At least seven cases of explosions resulting from the improper use of butane (associated with unlicensed and illegal activity) have been documented in Ontario.<sup>16</sup> This risk can be managed through zoning and site plan control. Consideration could be given to restricting any processing activities to the Restricted Industrial (M1) Zone or the General Industrial (M2) Zone, and specific fire-restrictive design or construction characteristics could be required through site plan control.

#### 2.1.1.7 IMPACTS OF UNLICENSED FACILITIES UNDER THE ACMPR

Land use conflicts are occurring at a scale that was unanticipated with the introduction of the ACMPR. Since the size and scale of these operations is determined by an individual's particular certificate, it is difficult to anticipate and plan for the land use considerations associated with this category of cultivation and processing. Like the Township of Brock, Norfolk County has experienced widespread issues and complaints from citizens, mainly regarding odour from large-scale greenhouse operations cultivating cannabis for multiple permit holders who have delegated to a third-party producer. Since it is possible for thousands of plants to be grown on one property without odour control, and there are no federal regulations regarding minimum separation distances (other than outdoor operations not being located

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<sup>15</sup> Federation of Canadian Municipalities (FCM; 2018). *“Municipal Guide to Cannabis Legalization: A roadmap for Canadian local governments”*, <https://fcm.ca/sites/default/files/documents/resources/guide/municipal-guide-cannabis-legalization.pdf> (accessed May 24, 2019).

<sup>16</sup> Jennifer Bieman, “Legalized marijuana prompts drug-related explosion, fire warning,” 2018, <https://lfpres.com/news/local-news/legalized-marijuana-prompts-drug-related-explosion-fire-warning> (accessed June 10, 2019).

directly adjacent to an area frequented by children), many cannabis cultivation operations are occurring adjacent to sensitive land uses in Norfolk County. Norfolk County Planning Department has derived an effective solution to this problem through specific setback requirements for CCPFs without odour control in their zoning by-law (see Section 3.1.5 of this report for more details).<sup>17,18</sup> In addition, including facilities that operate under the ACMPR in the definition of “Cannabis Production and Processing” can help ensure that the land use implications associated with these facilities are managed properly.

#### *2.1.1.8 SECURITY AND CRIME RATES*

There are some reports of increased crime rates as a result of CCPFs. However, our research only revealed studies which examined the relationship between crime rates and cannabis retail dispensaries.

Members of the public may be concerned about a CCPF locating in proximity to their home due to the belief that it will attract crime to the area. However, the Cannabis Regulations require that licensed facilities be equipped with stringent security measures. These measures are intended not only to protect the operations of the CCPF, but also to reduce the possibility of crime in the surrounding area.

Facilities licensed for standard cultivation, standard processing, sale (which authorizes cannabis possession), and those with a drug license (if the amount sold/distributed annually exceeds 600 kilograms), are required to have a site design which prevents unauthorized access, and to monitor the perimeter of the site as well as all operation and storage areas with visual recording devices and intrusion detection systems. The only exception is the grow area which must only be monitored at the exit and entry points.

Micro-cultivation, micro-processing, and nursery licensed facilities must also have a site design which prevents unauthorized access, and the site must be surrounded by a physical barrier to prevent access. Storage areas must be surrounded by a physical barrier that prevents unauthorized access and access must be restricted to those who require it to perform their duties. Micro-cultivation, micro-processing and nursery licenses do not require the visual recording devices or intrusion detection systems that those licensed under a standard cultivation, standard processing or certain licences for sale require. Those

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<sup>17</sup> Mat Vaughan, “Change is in the Wind,” 2018, <https://ontarioplanners.ca/blog/planning-exchange> (accessed May 20, 2019).

<sup>18</sup> Mat Vaughan (Principal Planner, Norfolk County), Telephone interview, 7 May 2019.



licensed only for analytical testing or those who possess a drug license or research license also require specific security measures.

Unlicensed facilities operating under a certificate (ACMPR) are not required to employ specific site design or security measures. Under the ACMPR, it is the individual's responsibility to ensure that all marijuana plants or cannabis products are secure, and that other people, including children, cannot access them. The Township of Brock could consider requiring security measures such as perimeter fencing through Site Plan Control for those submitting a *Planning Act* or Building Permit application for a CCPF as a registrant under the ACMPR. Additionally, by restricting the development of CCPFs within residential areas and in proximity to sensitive land uses, any potential impacts on security will be mitigated through prohibitions in certain zones or land use designations, as well as through minimum separation distances. To be clear, our research did not determine any causation between CCPFs and increased crime rates.

### **2.1.2 Defining and Protecting Sensitive Land Uses**

The Durham Region Official Plan defines "Sensitive Uses" as *"means such uses as residences, nursing and retirement homes, elementary & secondary schools, day care facilities, provincial hospitals, places of workshop and other similar institutional uses, and recreational uses which are deemed by an area municipality to be sensitive"* (Durham Region Official Plan, Sub-Section 15A, Definitions). This definition echoes the definition provided in the Provincial Policy Statement (PPS).

The Township of Brock Official Plan and Zoning By-law Number 287-78-PL do not contain a definition of sensitive land uses. Although a definition is not absolutely necessary, a list of specific land uses considered to be sensitive to the production and processing of cannabis in the Township of Brock should be established and included in the local planning document. The Township of Brock Official Plan also does not include any policies regarding the separation of Industrial and sensitive land uses, other than within the Employment Lands designation: *"Adequate buffers shall be provided to separate employment uses from residential areas in order to reduce conflicts. Buffers may include such features as setbacks, berms, walls, fences and landscape strips"* (s. 5.6.3.7, BOP). Theoretically, this policy would likely apply to the majority of cannabis production uses. However, it would not apply to CCPFs that are located outside of Employment Areas (e.g. within the Rural system), and would only protect residential uses (i.e.

not institutions like schools or daycares). Additionally, no guidelines are provided for minimum setbacks or criteria for determining such setbacks.

A definition of Class I, II and III Industrial is provided in the Ontario Government's "D-6 Compatibility between Industrial Facilities", while the "D-6-3 Separation Distances" provides the Area of Influence and recommended Minimum Separation for each of the classes. A licensed Cannabis facility would most likely be categorized as Class II, since there are likely to be periodic outputs of minor annoyance and occasional outputs of either point source or fugitive emissions (noise, odour, dust and/or vibration). A Class II Industrial use is defined as having a 300-metre area of influence and a 70-metre minimum separation from incompatible development.

Ultimately, the separation of sensitive land uses and CCPFs can be managed effectively through the appropriate definitions, zoning (minimum separation distances) and site plan control.

### **3.0 Managing the Land Use Implications of CCPFs**

An amendment to the existing Township of Brock Official Plan (BOP) and Township of Brock Zoning Bylaw (BZBL) will allow the Township to introduce new policies, definitions, provisions and regulations that are specific to facilities that produce or process cannabis. It is also possible to amend the Township's Site Plan Control By-law in order to introduce provisions of site plan control that would be specific to all new CCPFs. While the Zoning By-law and Site Plan Control By-law are useful tools available to the Township, it is important to note that they are amended in conformity with Provincial and municipal planning policy.

#### **3.1 Strategies**

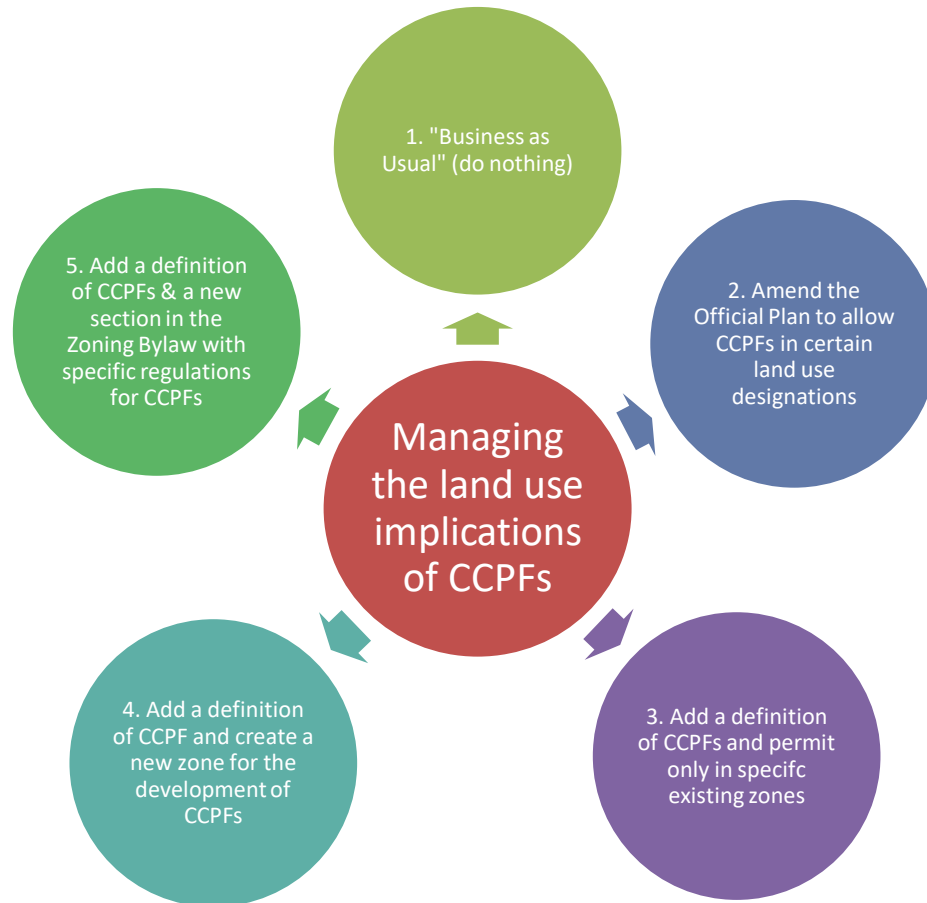
We have identified five strategies for consideration by the Township of Brock.

These include:

1. "Business-As-Usual" (do nothing). Production and processing will be permitted in a variety of existing land use designations and zones;
2. Amend the BOP to include a definition of CCPFs and permit in certain land use designations;



3. Add a definition of CCPFs to the BZBL and permit CCPFs in certain zones;
4. Add a definition of CCPFs to the BZBL and create a new CCPF-specific zone; or
5. Add a definition of CCPFs and create a new section in the General Provisions of the BZBL with specific regulations for CCPFs.



**Figure 1.** Five strategies for managing the land-use implications of Cannabis Production and Processing Facilities (CCPFs) in the Township of Brock.

### 3.1.1 “Business As-Usual” (do nothing)

An analysis of the BZBL was performed in the context of the nature of CCPF developments, the definitions provided in Section 10 of the BZBL and the Federal Cannabis regulations (SOR/2018-144). The results indicate that out of 25 existing zones, cultivation, production, processing or sales (excluding retail sales to the public) is currently permitted in 10 of these zones (Table 1). If no amendments are made to the BOP or BZBL, prospective developers could legitimately apply for building permits or carry out activities associated with the production or processing of cannabis within these 11 zones. Currently, CCPF activities would be permitted in the Environmental Protection (EP), Rural (RU), Rural Buffer (RB), Rural Residential (RR), Hamlet Residential (HR), Shoreline Residential (SR), Residential Type One (R1), Residential Type Two (R2), Restricted Industrial (M1) and General Industrial (M2) zones.

These determinations were made by reviewing *Plate “B” Permitted Uses and Activities in General Zone Categories* as well as the definitions in Section 11 of the Township of Brock Comprehensive By-law for each of the permitted uses within each of the zones. The definitions which currently permit a CCPF are listed in Appendix A.

The “business as usual” approach was considered by the Town of Erin. After a review of the existing zoning by-law, Town planning staff determined that cannabis production facilities were already permitted within a number of zones, and that amendments to the zoning by-law were not necessarily required.<sup>19</sup>

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<sup>19</sup> Laura Dean, “Municipal Land Use Planning Regulations and Cannabis Production Facilities,” 2018, <https://www.airdberlis.com/insights/publications/publication/municipal-land-use-planning-regulations-and-cannabis-production-facilities> (accessed May 27, 2019).

**Table 1 - Zones in which CCPFs are currently permitted according to the Township of Brock Comprehensive Zoning By-law No. 287-78-PL. Please see Appendix A for the definitions of the permitting use(s) referenced in this table.**

<b>Zone</b>	<b>Zone Symbol</b>	<b>CCPF Permitted? (YES/NO)</b>	<b>Permitting Use(s)</b>
<b>Rural</b>			
Rural	RU	<b>YES</b>	<ul style="list-style-type: none"> <li>• Farm</li> <li>• Home Industry</li> <li>• Home Occupation</li> </ul>
Rural Buffer	RB	<b>YES</b>	<ul style="list-style-type: none"> <li>• Farm</li> <li>• Home Industry</li> <li>• Home Occupation</li> </ul>
<b>Residential</b>			
Rural Residential	RR	<b>YES</b>	<ul style="list-style-type: none"> <li>• Home Occupation</li> </ul>
Hamlet Residential	HR	<b>YES</b>	<ul style="list-style-type: none"> <li>• Home Occupation</li> </ul>
Shoreline Residential	SR	<b>YES</b>	<ul style="list-style-type: none"> <li>• Home Occupation</li> </ul>
Residential Type One	R1	<b>YES</b>	<ul style="list-style-type: none"> <li>• Home Occupation</li> </ul>
Residential Type Two	R2	<b>YES</b>	<ul style="list-style-type: none"> <li>• Home Occupation</li> </ul>
<b>Industrial</b>			
Restricted Industrial	M1	<b>YES</b>	<ul style="list-style-type: none"> <li>• Manufacturing, Processing, Assembling &amp;/or Fabricating Plant</li> <li>• Warehouse</li> <li>• Wholesale Commercial Establishment</li> </ul>
General Industrial	M2	<b>YES</b>	<ul style="list-style-type: none"> <li>• Manufacturing, Processing, Assembling &amp;/or Fabricating Plant</li> <li>• Warehouse</li> <li>• Wholesale Commercial Establishment</li> </ul>
<b>Other</b>			

<b>Zone</b>	<b>Zone Symbol</b>	<b>CCPF Permitted? (YES/NO)</b>	<b>Permitting Use(s)</b>
Environmental Protection	EP	YES	<ul style="list-style-type: none"> <li>Farm</li> </ul>

### 3.1.1.1 DISCUSSION

The “business as usual” approach is not recommended due to the fact that sensitive land uses could be negatively affected by the externalities outlined in Section 2.1 of this report, particularly in the Rural and Residential Zones outlined in Table 1. In addition, this approach would make it difficult for prospective developers to determine if and where CCPFs would be permitted and under which provisions, without meeting with staff directly. A strategy that reduces land use conflicts and provides more certainty and clarity to prospective developers and the general public is preferred.

### 3.1.2 Amend the Township of Brock Official Plan

A second strategy to consider is to amend the BOP to include a definition of Cannabis Production and Processing Facilities (or similar), and to list this term as a permitted or prohibited use within each land-use designation. The amendment would also include the requirement that any application for a CC PF would require a Zoning By-law Amendment (ZBA) in order to prescribe the appropriate setbacks or other site development requirements. Guidelines for the appropriate setbacks to protect sensitive land uses and prevent other land use conflicts would also need to be included in the Official Plan Amendment. These guidelines would be used to determine specific requirements during the Zoning By-law Amendment application process.

The land use designations which currently and indirectly permit CCPFs include the Prime Agriculture (as part of the Rural System of the Region of Durham), Employment Areas, Hamlets. All of these land use designations are likely to be suitable for CC PF development with the appropriate provisions in place.

#### 3.1.2.1 PRIME AGRICULTURAL

Without a specific definition of “Cannabis Production and Processing” Facilities, cannabis production could legitimately occur within the Agricultural land use designation according the policies outlined in Section 3.2.1 of the BOP and Section 9A of the DROP. These policies permit “a full range of agricultural,

*agriculture-related and secondary uses*". Section 3.2.1.5 defines Secondary Uses as: "*uses that are secondary to the principal use of the property, including but not limited to, home occupations, home industries, and uses that produce value-added agricultural products from the farm operation on the property. Such uses will be permitted in the Rural System and Prime Agricultural Areas, subject to the following conditions:*

- *The use is compatible with, and does not hinder, surrounding agricultural operations;*
- *Complies with the Provincial Minimum Distance Separation formulae; and,*
- *Does not adversely affect the cultural and rural character of the area or the natural environment*".

However, the "*intrusion of urban type land uses*" is not permitted (DROP, s. 9A.1.5), and agriculture-related uses (e.g., processing) may only be permitted if they are deemed to be "*small scale and exclusively devoted to the farm operation*" (DROP, s. 9A.2.3).

Though some forms of production and processing of cannabis and cannabis products may be considered to be appropriate within the Prime Agricultural designation, these sections may need to be amended to provide specific guidelines for CCPFs. The guidelines which already exist for prohibiting "urban type" land uses provide some protection against inappropriate development on agricultural land. However, section 3.2.1 of the BOP could benefit from specific guidelines or provisions for developing CCPFs on agricultural lands such as those pertaining to scale of development (e.g., ≤ 200 square metres devoted to production or processing of cannabis or specific technical studies required). Requirements such as these could be set up to align with the federal licensing structure (ie., ≤ 200 square metres for micro-production or micro-processing and >200 square metres for standard production and processing).

### 3.1.2.2 EMPLOYMENT AREAS

Permitted uses in Employment Areas include: "*manufacturing, assembly and processing of goods, service industries, research and development facilities, warehousing, business parks, limited personal service uses, hotels, storage of good and materials, and freight transfer and transportation facilities. Uses declared to be obnoxious under the provision of any applicable statute, regulation or guideline shall not be permitted*" (BOP, s. 5.6.3.2). Therefore, depending upon how one defines cannabis production (ie. As

a product or crop), CCPFs would likely be permitted under the definition of “*manufacturing, assembly and processing of goods*”. Activities permitted under a research license would also be permitted in Employment Areas under “*research and development facilities*”.

Employment Areas are one of the most suitable locations for industrial-style CCPFs since they are already designated for industrial uses and are separated from Residential Areas as well as areas designated as Prime Agricultural. Additionally, Employment Areas have the additional benefit of municipal servicing: “*Generally, Employment Areas will develop on lands having municipal water and sewage services*” (BOP, s. 5.6.3.1). However, in Cannington and Sunderland where the water supply is derived from a communal well system, careful consideration of water usage of proposed CCPFs will still be required.

Although Durham Region has an employment objective of 50 jobs/hectare, it is acknowledged that this will be challenging in Brock Township. As such, the minimum density is 12 jobs per hectare. Permitting CCPFs that are appropriately designed and located in Employment Areas can help Brock Township achieve employment targets. The BOP states that there will likely be a deficit of employment lands at or before 2031. The demand for Employment Areas for the development of CCPFs may be further increased due to the legalization of recreational cannabis.

As discussed previously in Section 2.1.2 of this report, the Employment Areas policies provide some protection to sensitive land uses: “*Adequate buffers shall be provided to separate employment uses from residential areas in order to reduce conflicts. Buffers may include such features as setbacks, berms, walls, fences and landscape strips*” (BOP, s. 5.6.3.7). However, this policy only provides protection to residential uses. A comprehensive list of uses considered to be sensitive in the context of CCPFs should be included in the Official Plan and Zoning By-law amendments.

### 3.1.2.3 HAMLET

According to the BOP:

*“Development in Hamlets is to be compatible with the surrounding land uses and may consist of a variety of uses including: residential uses; community facilities;*

*employment uses and commercial uses that meet the immediate needs of the residents of the hamlets and the surrounding rural area” (BOP, s. 5.9.2.2).*

Therefore, it would be possible for a CCPF to locate within the Hamlet designation as an “employment use” given the current policy. It will be up to the municipality to decide whether this is appropriate.

The BOP also states that the Hamlet areas “*are to be a focus of limited development outside of the Urban Areas. The residential character and cultural heritage that is unique to each hamlet is to be preserved and enhanced*” (BOP, s. 5.91.1).

Depending upon the type and scale of CCPF, and as long as sensitive land uses are adequately protected, it is our opinion that there are no issues with the establishment of a CCPF where any other light industrial or manufacturing uses are permitted. The most significant factor would be adhering to minimum separation distances and complying with any other recommendations for location or mitigation recommended as a result of a site-by-site analysis as part of the zoning by-law amendment proposed herein.

#### 3.1.2.4 DISCUSSION

It is our recommendation that an amendment to the BOP be undertaken in order to:

- 1) Define and permit CCPFs within certain land use designations;
- 2) Provide guidelines for setbacks and site development requirements and
- 3) Require a zoning by-law amendment for each CCPF application.

The current structure and form of the BOP is somewhat conducive to this option. This strategy would allow each CCPF application to be assessed on a case-by-case basis, including the determination of the appropriate setbacks and site development requirements, while completely prohibiting CCPFs in the land use designation areas considered inappropriate for such development.

A possible drawback to this approach is the introduction of setbacks through the BOP instead of the BZBL. This would be a guiding policy as opposed to a regulation, and therefore would be subject to more variation. This could also be considered a positive aspect if Council wishes to evaluate and determine

site-specific setbacks for each CCPF as opposed to having regulated minimum separation distances. Regardless of the approach, a definition and additional clarity is required regarding CCPFs as a permitted or prohibited use in each land use designation of the BOP.

### **3.1.3 Permit CCPFs in Certain Existing Zones**

A third strategy involves the creation of a definition for “Cannabis Cultivation or Processing” in the BZBL, and permitting the use in the appropriate zones. These zones would likely include the Rural (RU), Rural Buffer (RB), Development (D), Restricted Industrial (M1), General Industrial (M2), and Rural Industrial (M3) Zones. In Ontario, all uses are presumed to be prohibited, except those that are explicitly permitted in a zoning by-law. Thought should be given to which types of CCPFs should be permitted in each zone (indoor/outdoor, warehouse/greenhouse, micro/standard, with or without air quality control, etc.).

As shown in Section 3.1.1 of this report, CCPFs are considered to be permitted in 10 of 25 zones due to the definitions of the permitted uses including the activities typically associated with CCPFs (please see Appendix A for a list of these permitted uses and their definitions). After listing “CCPFs” as a permitted and defined use, this term would then be excluded from the definitions of the uses which indirectly permit CCPFs (ie., Farm, home industry, home occupation, warehouse, manufacturing, etc.).

#### **3.1.3.1 DISCUSSION**

The benefit of this approach is that it provides prospective producers with some certainty as to where their contemplated use is permitted. However, it becomes more difficult to implement a specific set of provisions regulating CCPFs (e.g., separation distances) since the listed provisions must be appropriate for all permitted uses in each zone.

### **3.1.4 Create a New Zone for CCPFs**

The fourth strategy is to create a definition of CCPFs, and create a new zone to exclusively permit their development. CCPFs would be prohibited in all other zones. This approach would require identifying and re-zoning specific areas of the Township for CCPF development.



#### 3.1.4.1 DISCUSSION

This approach may be suitable if the Township is planning to be highly restrictive regarding the establishment of CCPFs (i.e., if there are a limited number of sites which would be considered suitable). Otherwise, this approach may result in areas of the Township with split or multiple zones on individual properties. The benefit of this strategy is that it would provide prospective developers with exceptional clarity as to where a CCPF would be permitted with CCPF-specific regulations, which would likely not require a site-specific analysis during the application process.

#### 3.1.5 Create a New Section in the Township of Brock Zoning By-Law

The final strategy involves the creation of a definition for CCPFs; permitting CCPFs within certain existing zones; and requiring all CCPFs to adhere to a set of special provisions set out in a new section of the General Provisions of the BZBL. This is by far the most popular method implemented by municipalities throughout Ontario. The Municipality of Trent Hills, the Township of Cavan-Monaghan, the Town of Erin, Brant County and most notably, Norfolk County have all implemented a strategy similar to this in order to manage the land use implications of CCPFs (Appendix B).

Southwestern Ontario (and specifically Norfolk County), which was traditionally the site of widespread tobacco production, has now become a popular area for cannabis cultivation and processing in response to both domestic and international demand. Norfolk County has had a significant influx of both licensed and unlicensed CCPFs, and has found success in managing the impacts through a detailed set of general provisions in their zoning by-law.<sup>20</sup>

Norfolk County's definition of "Cannabis Production and Processing" is as follows: *"means lands, buildings or structures used for producing, processing, testing, destroying, packaging and /or shipping of cannabis authorized by an issued license or registration by the federal Minister of Health, pursuant to the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230, to the Controlled Drugs and Substances Act, SC 1996, c 19, as amended from time to time, or any successors thereto"*. This definition

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<sup>20</sup> Mat Vaughan (Principal Planner, Norfolk County), Telephone Interview, 7 May 2019.

is effective in that it specifically includes operations permitted under license as well as registrants under the ACMPR.

Norfolk County's Zoning By-law also provides a definition of "Cannabis": *"shall mean a genus of flowering plants in the family Cannabaceae. Synonyms include but are not limited to marijuana, and marihuana. This definition does not include the industrial or agricultural production of hemp (a source of foodstuffs (hemp milk, hemp seed, hemp oil), fiber and biofuels)".*

"Cannabis Production and Processing" is excluded from Norfolk County's definition of "Farm", "Garden Centre", and "Wholesale Outlet" and is exclusively permitted in the General Industrial Zone (MG), the Light Industrial Zone (ML), the Rural Industrial Zone (MR), and the Agricultural Zone (A), subject to the General Provisions in Section 3.21 of the Zoning By-law.

The General Provisions of Norfolk County's Zoning By-law for "Cannabis Production and Processing" (Section 3.21) outline specific setbacks from sensitive land uses for operations with and without air treatment control (Table 2). Norfolk County has identified the Residential Zone, the Institutional Zone, and the Open Space Zone, as well as any dwelling, public school, private school, place or workshop, and daycare nursery as sensitive land uses. The required 70 metre and 300 metre setbacks between CCPFs and sensitive land uses appear to be based on the recommended minimum distance in which incompatible development should not take place for Class II and III Industrial land uses.<sup>21</sup> Any setbacks implemented for CCPFs in the Township of Brock should not be arbitrary and should be based on a defensible policy document. The following table summarizes the provisions for "Cannabis Production and Processing" in Norfolk County.

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<sup>21</sup> Government of Ontario, "D-6-3 Separation Distances", <https://www.ontario.ca/page/d-6-3-separation-distances#section-1> (accessed June 19, 2019).

**Table 2.** Example Zoning By-law provisions for “Cannabis Production and Processing” from the Zoning By-Law of Norfolk County 1-Z-2014.

Zone(s) where “Cannabis Production and Processing” is located	Air Treatment Control (Y/N)	Required setback (metres)	Identified Sensitive Land where Setback is Required
-General Industrial -Light Industrial -Rural Industrial	YES	70	-Residential Zone -Institutional Zone -Open Space Zone
-Agricultural	YES	150	-Residential Zone -Institutional Zone -Open Space Zone
-General Industrial -Light Industrial -Rural Industrial	YES	150	-Dwelling -Public School -Private School -Place of Worship -Day Care Nursery
-Agricultural -General Industrial -Light Industrial -Rural Industrial	NO	300	-Dwelling -Public School -Private School -Place of Worship -Day Care Nursery

Additionally, the general provisions in Norfolk County’s Zoning By-law permit a *“building or structure used for security purposes for Cannabis Production and Processing”* to be located in the front yard which is not required to comply with the minimum yard setbacks. Outdoor storage is prohibited on any site where

Cannabis Production and Processing takes place, and *“All development in relation to the establishment of or expansion to Cannabis Production and Processing shall be subject to Site Plan Control”*.

#### 3.1.5.1 DISCUSSION

The strategy discussed above is a viable and perhaps the most preferable method of proceeding with managing the land use implications of CCPFs in the Township of Brock. The approach can be detailed and specific to CCPFs without complicating the provisions outlined for more general purposes in existing zones. Not only does this strategy appear to be the most straightforward and effective way of managing CCPFs, but it also provides exceptional clarity to prospective developers who can look directly to the zones where CCPFs are permitted and the specific requirements outlined in a new section of the General Provisions. Attracting developers through a straight-forward and inviting process is important since CCPF development represents significant economic development potential for rural communities.

### 3.2 Final Recommendations

It is our recommendation that the Township amend the Official Plan, Zoning By-law and Site Plan Control By-law in line with the strategy outlined in Section 3.1.5 of this report. This strategy involves the implementation of land use policies and zoning by-law provisions that are specific to CCPFs. Through an amendment to the Site Plan Control By-law, the Township will ensure that all new CCPFs will be safely and efficiently designed. Moreover, these changes to the Zoning By-law and Site Plan Control By-law are defensible before the LPAT, are consistent with applicable policy and are non-discriminatory.

Specific recommendations include:

- Create a new definition of “Cannabis” and “CCPF” (or similar term) in the BOP and BZBL (this includes Alternative Production Sites). A definition which is similar to that of “Cannabis Production and Processing” in Norfolk County is recommended as it is not specific to production within a “facility” and thus applies to both outdoor and indoor operations. The definition should include cannabis production and processing operating under **license, registration or authorization** by Health Canada.

- Add this newly defined term as a permitted or prohibited use in each land use designation in the BOP (and include a policy stating that CCPFs are allowed only where they are permitted in the Township Zoning By-law, and are subject to the CCPF-specific provisions, to provide clarity).
- Prohibit the newly defined term for cannabis production and processing in the definitions identified as requiring revision in Appendix A of this report.
- Amend *Plate “B” Permitted Uses and Activities in General Zone Categories* to include the newly defined term, “Cannabis Production or Processing” (or similar) in Column 1
  - Permit this newly defined use within the appropriate zones: The **Rural (RU) Zone; Rural Buffer (RB) Zone; Development (D) Zone; Restricted Industrial (M1) Zone; General Industrial (M2) Zone; and Rural Industrial (M3) Zone** are recommended.
  - Consider permitting industrial-style operations only in the Industrial and Development zones and reserving Prime Agricultural lands for smaller or otherwise less impactful CCPFs and the agri-food sector. Consider limiting CCPFs to micro-cultivation and micro-processing on agricultural lands ( $\leq 200$  square metres).
  - Consider operations involving processing to be permitted only in the Restricted (M1) and General (M2) Industrial Zones.
- Create a section of corresponding text to the permitted use in Plate “A” which requires Site Plan Control for all CCPFs and a specific set of site design requirements based on Best Practices. Setbacks should always respect the minimum separation outlined in the by-law but consideration should be given to adjusting the requirements based on the outcomes of technical studies on a site-by-site basis.

We recommend requiring:

- Detailed building design requirements to minimize externalities and protect human health and safety

- Detailed servicing and environmental impact reports on projected water needs, wastewater, and the anticipated impacts on watershed health and fish habitat
- Water Conservation practices including the recycling of greywater to reduce overall consumption and reduce the impacts of wastewater on ecosystems
- Noise impact studies to assess the impact of HVAC systems, electrical transformers and traffic on adjacent land use
- Odour screening reports and odour control measures for all indoor CCPFs
- Dark sky friendly lighting and building design (e.g., blackout systems) for all CCPFs and consider this requirement for all new development in the Township
- Create a new Plate for Cannabis Production and Processing Provisions
  - This plate should include appropriate setbacks or minimum separation distances between CCPFs and identified sensitive land uses or zones. It is recommended that all Residential Zones and the Community Facility Zone be treated as sensitive, and that all uses listed in the DROP definition of “Sensitive Land Use” be treated as sensitive. Include specific setback provisions for operations with and without air quality control. Ensure setbacks are based on defensible land use planning policy documents.
- Consider offering developers an “accelerated development process” for CCPFs to boost economic development in the Township
- Require a pre-consultation for all prospective CCPF developers to clearly outline the process and discuss development opportunities.

## 4.0 Conclusions

There is considerable interest in establishing production and processing facilities for cannabis products in the Township of Brock. There has also been growing concern from the public regarding the impacts from these operations. We hope that the concerns relating to land use compatibility have been addressed

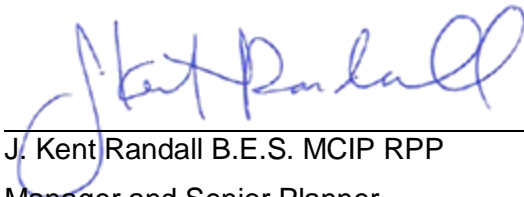


in this report and are accompanied by a set of recommendations that will provide clarity and certainty to the public and prospective developers alike. Overall, the development of the cannabis industry presents a significant opportunity for economic growth and employment in the Township of Brock. However, the land use impacts that are associated with cannabis production and processing must be carefully considered in the context of sensitive land uses and the natural environment.

It is up to the municipality to determine the extent of land use control that is required. However, much like any other major planning decision, the municipality must exercise caution and ensure that its ultimate decision is grounded in policy and follows good planning principles.

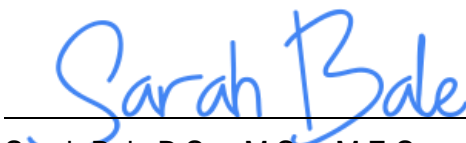
Respectfully Submitted,

**ECOVUE CONSULTING SERVICES INC.**

A handwritten signature in blue ink, reading "J. Kent Randall", is positioned above a horizontal line.

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J. Kent Randall B.E.S. MCIP RPP  
Manager and Senior Planner

A handwritten signature in blue ink, reading "Sarah Bale", is positioned above a horizontal line.

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Sarah Bale B.Sc., M.Sc., M.E.S  
Planner

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# **Appendix A**

## **Township of Brock Zoning Bylaw**

### **Definitions Currently Permitting CCFPs/Recommended for Revision**

**11.60 FARM:** Shall mean any farming or agricultural use and includes berry or bush crops; breeding, raising or training horses or cattle; farms for grazing; flower gardening; field crops; goat or cattle dairies; growing, raising, picking, treating and storing of vegetable or fruit produce produced on the premises; mushroom farms; nurseries, orchards, riding stables; the raising of sheep or goats; the raising of swine, tree crops; market gardening; wood lots; such uses or enterprises as are customarily carried on in the field of general agriculture. "FARM" shall include a single-family dwelling house, buildings and structures, such as barns, silos, biogas digestion system, and accessory buildings, which are incidental to the operation of the farm, but shall not include a slaughterhouse; commercial greenhouses, farms devoted to the intensive hatching raising and marketing of chickens, turkeys; other fowl or game birds; fur bearing animals including game farms which specialize in the raising of wild and undomesticated animals; fish, frogs or bees. Barns and silos, for the purpose of this By-law, shall be considered as principal or main buildings or structures on the lot in which they are located.

**11.80 (b) HOME INDUSTRY:** Shall mean a small scale industry which is carried on in accordance with the provisions of this By-law as an accessory use in a building accessory to the principal residence use of the property.

**11.82 HOME OCCUPATION:** Shall mean any occupation which is carried on, in accordance with the provisions of this By-law relative thereto, as an accessory use and only by members of one family residing upon the premises

**11.102 MANUFACTURING, PROCESSING, ASSEMBLING OR FABRICATING PLANT:** Shall mean a plant in which the process of producing a product suitable for use, by hand or mechanical power and machinery, is carried on systemically with division of labour.

**11.191 WAREHOUSE:** Shall mean a building or part of a building used for the storage and distribution of goods, wares, merchandize, substances, articles or things, and may include facilities for a wholesale or retail commercial outlet, but shall not include truck terminal.



**11.192 WASTE DISPOSAL AREA:** Shall mean a place where garbage, refuse or domestic or industrial waste is disposed of or dumped.

**11.199 WHOLESALE ESTABLISHMENT:** Shall mean the use of land or the occupancy of a building and/or structure, for the purposes of selling, and/or offering for sale, goods, wares and/or merchandise on a wholesale basis, and includes the storage of warehousing of those goods, wares and/or merchandise.



## **Appendix B**

### **Summary of Other Municipal Approaches**

#### **Managing Land Use Implications of CCPFs**

### **Municipality of Trent Hills**

The Municipality of Trent Hills passed Zoning By-law Amendment 2019-037 that establishes definitions of “Cannabis”, “Cannabis Production and Processing” and “Air Treatment Control”. The By-law establishes cannabis production and processing uses as permitted uses in the Rural (RU), Agricultural (A) and General Industrial (M1) Zones. New general provisions include setbacks that range from 300 metres to 70 metres, depending on adjacent land uses and whether air treatment control is implemented.

### **City of Quinte West**

The City of Quinte West passed a housekeeping amendment (16-062) to their Zoning By-law which included definitions for “Medical Marijuana Production Facility” and “Marijuana Dispensary”. The By-law does not explicitly permit or prohibit the use in any zone or establish any general provisions associated with the use. The definition of “Commercial Greenhouse” was amended to exclude medical marijuana production facilities.

### **City of Belleville**

In 2016, the City of Belleville passed Zoning By-law Amendments 2016-02, 2016-03 and 2016-04, amending their Zoning By-law Numbers 10245, 3014 and 2076-80 to incorporate definitions for “Medical Marihuana Production Facility” and “Marihuana Dispensary”. The By-law does not explicitly permit or prohibit the use in any zone or establish any general provisions associated with the use.

On March 4, 2019, the City of Belleville hosted a public meeting to consider an amendment to the Zoning By-law to update terminology and definitions related to cannabis, ensuring that they are in accordance with Federal and Provincial regulations. A decision has not yet been made regarding the proposed amendment at the time of writing this Report.

### **Township of Cavan Monaghan**

The Township of Cavan Monaghan recently completed an update to their Zoning By-law that came into effect on October 1, 2018. The By-law contains definitions for “Cannabis” and “Cannabis Production Facility”. Further, cannabis production facilities have specifically been excluded in the definition of “Agricultural Uses” and “Farm”.



General provisions for cannabis production facilities include a minimum setback of 70 metres and the requirement that all such facilities be subject to Site Plan Approval. Cannabis production facilities are a permitted use in the Urban Employment (M1) Zone.

#### **Township of Havelock-Belmont Methuen**

Zoning By-law Amendment 2018-029 amends the Township's Zoning By-law by amending the definition of "Commercial Greenhouse" to not include the growing of marihuana. The By-law establishes a definition for "Marihuana Production Facility" and permits it as a use in the Restrictive Industrial (M1) Zone. No other uses shall be permitted on the same lot and a marihuana production facility shall only be located where full municipal services are available.

#### **Town of Erin**

Zoning By-law Amendment 18-35 passed by the Town of Erin establishes a definition of "Medical Cannabis Production Facility" and sets out a number of general provisions for such uses to meet. The amendment permits medical cannabis production facilities in the Agricultural (A), Light Industrial (M1), General Industrial (M2) and Rural Industrial (M3) Zones.

Facilities established in the M1 or M2 Zone would require a minimum setback of 70 metres from Residential, Institutional or Open Space Zones. In the A and M3 Zones, a 150-metre setback is required.

#### **Norfolk County**

Norfolk County passed By-law 25-Z-2018 to amend their Zoning By-law to include definitions for "Cannabis", "Cannabis Production and Processing" and "Air Treatment Control". The by-law further amends the definitions of "Farm", "Garden Centre" and "Wholesale Outlet" to exclude cannabis production and processing.

The by-law provides general provisions for cannabis production and processing facilities and establishes it as a permitted use in the General Industrial (MG), Light Industrial (ML), Rural Industrial (MR) and Agricultural (A) Zones. Minimum setbacks range from 300 metres to 70 metres depending on the applicable zone and the use of air treatment control.



## **Brant County**

A definition and general provisions for “Medical Marijuana Production Facility” were established as part of Comprehensive Zoning By-law 61-16. Medical marijuana production facilities are listed as a permitted use in the Light Industrial (M2), Heavy Industrial (M3), Agricultural (A) and Agricultural Employment (AE) Zones.

Minimum setbacks are 70 metres from Residential, Institutional or Open Space Zones when the use is located in the M2 and M3 Zone and 150 metres when in the A and AE Zones.





## **Appendix C**

### **Dark Sky Friendly Lighting Policies**

#### **Gravenhurst Official Plan & Zoning By-Law**

The following is provided as a template for implementing dark sky friendly lighting policies in the BOP and BZBL. These policies are taken from the Gravenhurst Official Plan and Zoning By-law. Gravenhurst was the first municipality in Ontario to require dark sky friendly lighting for all new development. Policies like these will be important to implement before permitting the development of CCPFs, and particularly those situated in large-scale greenhouses. Consideration could be given to requiring dark sky friendly lighting for all new development in the Township.

**DARK SKY FRIENDLY LIGHTING & DESIGN – From the Gravenhurst Official Plan:**

*K21.1 Dark sky lighting policies shall be implemented by By-law and will apply to all development, including residential, commercial, industrial and institutional uses, and are implemented primarily through Site Plan Control.*

*K21.2 New and existing development is encouraged to provide exterior lighting that avoids light trespass, and does not impose glare on neighbouring properties. In all cases, lighting must be designed to direct downwards rather than outwards.*

*K21.3 Exterior lighting shall not interfere with water navigation.*

*K21.4 The intensity of light on both existing and new development should be reduced where possible to minimize the impact on surrounding properties. Exterior floodlights are not permitted.*

*K21.5 Full cut-off dark sky compliant lighting will be required for all new development and, where appropriate, redevelopment. Low level lighting is encouraged.*

*K21.6 In the case of major development, a detailed lighting plan will be required.*

**Excerpt from the Gravenhurst Zoning By-law General Regulations:**

**LIGHTING**

*5.15.1 The use of sensitive lighting practices that do not interfere with the view of the night sky or spill into surrounding properties is required for all land uses. Lighting fixtures shall be directed downward (not exceed 2% above horizontal).*



The Corporation of the Township of Brock  
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## Summary of On-Line Cannabis Survey Comments

1. The intention of this by-law is to direct the production and processing of Cannabis to industrially zoned lands where impacts can and will be mitigated. In the rural areas, only micro-cultivation is proposed to be permitted, which means buildings for producing or cultivating cannabis can't be larger than 200 square metres. Do you have feedback on the proposed purpose and effect of the by-law as described above?

Please do not include nor permit temporary zoning in a retail commercial/residential area.

I don't think rural areas should be restricted from farming/cultivating cannabis like this. Farms in BC do really well with cannabis crops with minimal incident. Lots of fear based decisions going on here.

Less worries about residences in rural areas than industrial too.

not with in town limits

There is a cannabis grower east of our property, our address is [REDACTED]

Growing in greenhouses and white barn, it smells like a 1000 skunks, no telling what the chemical fertilizer is doing to our drinking water!!!!

Sounds right

Agreed

I don't prefer to see any cannabis grown anywhere in Brock Township. There are enough barriers in the North we don't need to add other problems.

I agree. Cultivation should be kept out of residential areas. Keep it rural or industrial, but let's keep it I Brock.

My feedback is that it is too little, too late. Council COULD have voted NO to cannabis, but folded to pressure to allow it in the Township.

That would be almost impossible to impose since the operations all started up as soon as the feds legalized cannabis Farms near us are growing in large barns and acres of green houses with no regulation, observations or inspections

What will the filter process be required to prevent the odour from the processing of Cannabis from creating awful smell in the vicinity?

I agree to limit all production to industrial areas only. I do not agree with permitting micro cultivation in rural areas. All production of any kind should be limited to industrial areas.

There are many rural locations where the distance between neighbours is relatively small and a micro cultivation would reasonably impinge upon a neighbour.

If people can grow and sell legal products for distribution and generation of income, it can only improve a community . ( and btw I find it interesting that on your Facebook post you to



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## Summary of On-Line Cannabis Survey Comments

link to this survey, you post a picture of skateboarders. What does skateboarding have to do with legal cannabis growth it leads me to believe that there is a slanted presentation by using this photo, towards having people believe cannabis users are all young male skateboarders. An unfortunate choice for a picture).
That sounds fair. If someone wanted more, could they apply for an exception?
If land is available at a distance from residential and community/ recreation areas, I would not have a problem with any facility to produce cannabis being larger than 200m, in this way treating cannabis like a crop.
Are there any "industrialized areas" in the township? I think not! The township is not open for business so why have this survey?
I have no objection to having the township open up to the Cannabis industry. It would employ people who leave the township daily to earn money.
That's too small for it to be effective or cost effective for larger operations.
I have no problem with the growth or production of cannabis in the township and see no reason to delay allowing such facilities, nor to restrict them to a micro in size. This is a legitimate business which would be economically beneficial to our area
Against production and processing of Cannabis within all regions of Brock Township
We think it is a good idea to restrict this to industrial zoned lands only.
A 200 sq ft building will not sufficiently be possible to grow, cultivate, process, cannabis. Especially if individuals wanted to choose this site as their provider for medical prescriptions!
Do we need to have any buildings in Brock Township for this purpose? Who will be monitoring these buildings? Will there be security requirements?
I agree with it.
Brock's slogan (above) is ironic, given the recent article in Durham Region News: <a href="https://www.durhamregion.com/news-story/9872841--the-smell-is-horrendous-residents-weigh-in-on-brock-cannabis-bylaw/?utm_source=twitter&amp;source=newsdurham&amp;utm_medium=socialmedia&amp;utm_campaign=&amp;utm_campaign_id=&amp;utm_content=">https://www.durhamregion.com/news-story/9872841--the-smell-is-horrendous-residents-weigh-in-on-brock-cannabis-bylaw/?utm_source=twitter&amp;source=newsdurham&amp;utm_medium=socialmedia&amp;utm_campaign=&amp;utm_campaign_id=&amp;utm_content=</a>
Do you really expect residents to be subjected to the stink of those plants, especially when plants are grown out-of-doors? Even a single person smoking it the open air in the summer, two yards over, is enough to drive a person off! Imagine having to live next to acres of it! None of this stuff should be grown close to residences. And certainly not outdoors. You're impinging on their human rights to breathe clean air, especially in the place they live.
Sounds realistic



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## Summary of On-Line Cannabis Survey Comments

As a green belt region Brock should be giving prime consideration to outdoor growing as opposed to indoor. Cannabis is an agricultural crop and there is years of experience from the hemp industry that could be applied to the knowledge base creating the planning guidelines for cannabis in the township. The demand for outdoor grown, and particularly organic outdoor cannabis is as high or higher than the demand for indoor grown. Setting aside a % of permits for organic growing would also contribute to Brock's climate change plans and green belt protections.

Outdoor grown requires only existing infrastructure other than fencing. Outdoor uses far fewer agricultural inputs as problems associated with greenhouse and indoor growing e.g. mould, do not exist. Outdoor growing will not tax our water supply nor wastewater processing, irrigation is not practical. Cannabis production, processing and ancillary businesses will provide much needed employment in the township.

I tend to agree. Large cultivations would tend to produce a large amount of cannabis odor which wouldn't be acceptable for residential areas to have to smell. The Industrial areas themselves need to be far enough away from residential areas so the odor cannot reach the residential areas. The same with the rural areas.

**2. The draft by-law proposes that the following conditions must be met in order for cannabis to be permitted in those zones: a) No cannabis production or processing with air treatment control in an industrial zone can be any closer to a residential, community, recreational or open space zone than 70m. Do you have feedback on this requirement?**

Yes.

Yes.

The one next to us is about 500 meters away, no air control.

Sounds right

Agreed

I don't want to see it in the region at all. It's ridiculous how we are paying huge money for solutions to the countries drug problem and yet we feel we need to grow more.

Good.

NOT ENOUGH SPACE. 70m is far too close to a residential area.

Are you going to go out and measure the distances? We cannot enjoy our property during the pleasant months as the stench is nauseating not to mention being unable to keep our windows open

70 m is still too close to a residential or community area.



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## Summary of On-Line Cannabis Survey Comments

I agree with this.
I think you will have negative feedback on 70m
Fair
Because I understand some of the more central areas of our communities (ex. downtown Cannington) are zoned industrial or mixed industrial because of long-past business that operated on certain premises, I feel strongly that any cannabis production facility in an industrial zone should meet the stipulation of being at least 150m between itself and any residential, community, or recreational space. Bring in cannabis production, we have loads of space, but keep it away from our homes and local retail businesses to preserve something of the character we have in our downtown centres. In the coming years, that unique flavour - the walkable downtown with stores and restaurants - will be what distinguishes us from the massive, encroaching suburbs. If commercial cannabis production is established near to our residences, recreation areas, and retail centres, we will lose any character we might lay claim to and all future business that might attract people will look elsewhere.
should be same requirements as 3b
What is an open space zone? We're a rural area with lots of open spaces. Since there is no industrialized zone then 70m is superfluous.
It should fall under the same category as any other industrial farming bylaws.
70m sounds fine as a distance from neighbouring buildings
Against - 70 m is too close
Good, increased space would be even better.
The bylaws are being worded and set to make it impossible to successfully run this plant!
70 m is much too close. My closest neighbors are at least that distance away and when the breeze is moving it the right direction I cannot enjoy my backyard due to the smell of cannabis. We need much more control and better laws before we proceed any further with this.
I do not want ANY production in my neighborhood. If crime rates increase, my property value decreases, as does my sense of security in my own home or walking on my street.
70m? Seriously?! The length of a single building lot (if you're lucky)? A mile *might* be enough... depending on how much is being grown. But NOT 70 m. The stink travels. Ask anyone who lives within a few houses of someone who smokes it.
In other words: - NONE of it should be grown OUTDOORS. - Air treatment control should ALWAYS been a requirement of any production/growing operation.



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## Summary of On-Line Cannabis Survey Comments

- NO production should be anywhere near (i.e. within a mile of) residential, community, recreational zones, and WILDLIFE reserves/forests/wetlands/etc.
Why 70 m why not greater, worried about possible negative aroma and worried it can be carried some distance
Perhaps consider that this and other set-back requirements may be amended over time as the aggressive personal opinions of people personally adverse to cannabis will likely reduce over time. NIMBY (not in my back yard) attitudes existed towards hemp in 1998 when it was legalised, those attitudes disappeared within a few years
I'm not sure if 70M is far enough away. The larger the production, and or processing, the further away they should be from residential areas. I would suggest that to be taken into consideration, going by other production/processing plants to determine what the distance should be. I understand that this has been a complaint in established cannabis production areas.
Beaverton is very close to rural areas and we don't have a lot of industrial area do we? I would be concerned that because we get a lot of high winds coming off from the West and North West, odors of cannabis production or processing make reach a large area surrounding the plants.
70 m is not enough
<b>3. b) No cannabis production or processing with air treatment control in a rural zone can be any closer to a residential, community, recreational or open space zone than 150m. Do you have feedback on this requirement?</b>
Yes
Sure - why the difference for rural?
Sounds right
Agreed
I don't want to see it anywhere
Also good.
FAR TOO CLOSE-should be much farther.
Again, it will require constant policing,
150 m is still not far enough from residential!
No micro processing allowed. See above comment
That's better
Fair



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## Summary of On-Line Cannabis Survey Comments

At least 150m.
Rural zone should be no more than the 70m.
Should be treated the same as other ag operations
Against 150 m is too close
Good, increased space would be even better
Nope can or can't?
Needs to be much further away
It's not anywhere near enough.
More study is needed possibly a much larger number
as above.
Do we know if 150m is enough. See 1 & 2 answers.
150 m is not enough
<b>4. c) No cannabis production or processing with air treatment control in an industrial zone can be any closer to a sensitive land use than 150m. Do you have feedback on this requirement?</b>
Should not be allowed or at least further controls in wellhead protection areas.
I'm not sure what sensitive land uses may entail. Not able to offer a true answer on this.
Sounds right
Agreed
Grow it in Ottawa where Justin pushed the legislation through! He can have it in his back yard!
FAR TOO CLOSE - should be much farther.
This is not an acceptable distance - what about local wildlife - both plants and animals!?
150m is not a large enough gap. It is reasonable that the smell will impinge on neighbouring land.
Not sure
Fair
At least 150m. Brock Township has a lot of space, there's no need for any cannabis production to be within 150m of a sensitive land use area.
should be same as 5d





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## Summary of On-Line Cannabis Survey Comments

Define the nebulous "sensitive land use." I don't know what this means. The survey question needs to be rewritten and clarified.
Same as any other agricultural operations.
Against 150 m is too close
Good, increased space would be even better.
Again, makes no sense by writing " which is it. Can or can't?
What is sensitive land use? Hopefully that includes residential property, but it still needs greater distance
<ul style="list-style-type: none"> <li>- What is 'sensitive land use'?</li> <li>- Does that term include 'residences/residential'?</li> <li>- If you allow this to be grown outdoors, how will you control its spread into other places, especially into 'wild' areas such as marshes, forests, etc., let alone farm fields?</li> <li>- How will you control its possible ingestion by animals/birds?</li> </ul>
as above. Thought needs to be given to outdoor facilities.
Again, I do not know if 150m is enough. Do we have recommendations that suggests this distance?
<b>5. d) No cannabis production or processing without air treatment control in an industrial OR rural zone can be any closer to a sensitive land use than 300m. Do you have feedback on this requirement? - Responses</b>
Same as above - sensitive land?
Still too close.
Same, 150m
Agreed
FAR TOO CLOSE - should be much farther
Who will monitor the air quality?
Air treatment control mandatory
Fine
That seems excessive. 150m is good
Winds blow in the smell of manure so at least 300m
agree
Can't answer without a definition of sensitive land



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## Summary of On-Line Cannabis Survey Comments

See above
Against 300 m is too close
Increase the 300m
no.
Nowhere near enough. (see above)
Agri-chemicals & pollen are hazardous
<b>6. e) A security building for the purposes of cannabis production or processing does not have to comply with front, side or rear-yard setbacks. (Note: as security buildings need to be able to see the perimeter of the yard or fence, the standard setbacks would not be appropriate). Do you feel it appropriate to not have set-back requirements for security buildings for the purpose of a cannabis production or processing facility? - Responses</b>
Should have security setbacks
Security buildings should suit the security needs. Fine to not have set-back requirements.
Need those setbacks
Agreed
Iâm ok with this.
Of course, it is not appropriate. Cannabis-producing and processing buildings should fall under the same requirements as other buildings. Why should these drug dealers have special consideration?
Not acceptable! Security is of primary importance with an industry such as this, given what happened to a Cannabis production building near Beaverton!
Agreed
Just have the building comply to all Standards
Whatever best promotes safety
Cannabis production and processing shouldn't be located anywhere close enough to our residential, retail, recreation, or community areas that having a set-back requirement is relevant. Create these facilities in those large areas where they do not impact the average citizen.
yes
There is high-end security required under the federal legislation. I see no requirement for a set back.



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## Summary of On-Line Cannabis Survey Comments

Yes. It's no more a threat for theft than any other cash crop operation.
Yes this sounds fine
Not appropriate
Unknown
Most cannabis facilities have indoor security. So in my opinion having no outdoor security is appropriate.
Not sure what this is
There should still be setbacks in rural zones.
No, I do not. They need to follow ALL existing bylaws, regardless. Also, if security is an issue to begin with, then why allow production facilities in your community? And if you do allow them, how do you propose to ensure the safety of Brock's residents?
No too great an impact on surrounding appearance also starting argument for multiple use with some security aspect
Yes
In some locations there may not be a problem, but it would depend on what was located in the adjacent lots. If it is agreed upon by those owners of adjacent lots then I would accept that.
<b>7. f) No "Open Storage" of cannabis is permitted. Do you agree that open storage of cannabis should be prohibited?</b>
Yes
If by open storage you mean final product waiting to go to market, then I agree.
If you mean product that has just been gathered, is drying or being processed, then I'm fine with open storage during production.
Yes
Correct
Agreed
Disagree. Open storage can be an integral part of properly curing cannabis. Without proper curing cannabis can become unpleasant to consume at the least and potentially toxic at worst case. This should be reviewed on a case by case basis to ensure it does not affect neighbors while allowing for safe and proper production and harvesting procedures.
No storage at all.
Of course it should be prohibited. I'm surprised you even ask the question.



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## Summary of On-Line Cannabis Survey Comments

Absolutely agree! Otherwise, trespassers would be causing problems trying to steal the product.
Agreed
I am not sure what this means
Fair
yes
Again, define open storage. Definition requires the state of cannabis, i.e. growing plants, harvested plants, waste.
If the producer wants to take the chance that their crop will be destroyed by exposure to the weather, then they have that right.
Agree, however, still disagree with entire proposal of cannabis production within Brock township
Yes.
So you propose by this question that you will grow, cultivate the cannabis to selling grade, package, and process as well package, and make available for delivery, cannabis all within a 200 sq ft building? Can't see this as doable.
Yes
yes.
Definitely.
Agree
Cannabis quality degrades with improper storage including exposure to heat, light and moisture. Unclear what this means, was not in the presentation. Cannabis would never be stored like hay for instance simply due to the value of the crop.
Yes. Though, if open storage was in a secured area, not accessible and securely monitored 24 hours a day, then it might be ok.
Yes
<b>8. g) Cannabis production and processing can ONLY happen in the zones indicated above. Do you agree that cannabis production and proceession should only be allowed in the Rural, Rural Buffer and Industrial Zones with the above noted restrictions?</b>
Yes
I agree with the zones. Not necessarily all the restrictions.
out in the country on farmland not in town



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## Summary of On-Line Cannabis Survey Comments

Distances should be increased
Yes
Agreed
Yes
I don't agree with it being in the Township at all, but if we have to put up with it (and that's Council's fault), then yes, it should be in outlying area - BUT the distance requirements are MUCH TOO SMALL.
They are already there in abundance, these bylaws will be akin to shutting the barn doors after the horse has left. We as homeowners and tax payers should have had a say before they were allowed to commence operations as soon as the law legalizing cannabis was passed.
Yes. We do not wish to see Cannabis production/processing near to town proper, especially near health centres and schools.
Only in industrial zones with air treatment. No production in any other zone.
Not necessarily
On what scale? Would residents be allowed 4 plants on their property as they should be?
I think cannabis production and processing should happen in the rural areas considering that we have so much land in our township. Introducing production and processing into industrial zones only invites the kind of conflict we had when the downtown Cannington facility was proposed. Once you allow any such facility - for production or processing - into our downtown retail areas, you are destroying any chance for retail growth in those areas. Brock Township is surrounded by suburbs that are getting closer. The one thing that distinguishes us that we can exploit for attention and gain is that we still have historic downtown areas in our main communities. These areas are RARE and getting rarer. People who only have big box centres to shop at like to be able to come somewhere and walk around and shop and have something to eat, they enjoy going to festivals and community events where community is still alive because the suburbs are indeed "communities" but they lack unity. We are different!
yes
What is a rural buffer zone? Again, lacks definition. Therefore, can't answer this question as stated.
It should be allowed to be grown wherever other crops are allowed to grow.
I do not feel cannabis growth and production needs to be restricted to these areas
Totally disagree with cannabis production and proceession anywhere in Brock township
Yes, we agree.



The Corporation of the Township of Brock  
1 Cameron Street E, Cannington ON, L0E 1E0

## Summary of On-Line Cannabis Survey Comments

No!
NO! I live in a rural area and do not want it here! It also makes any suspicious activity less visible and encourages potential crimes. I like my peaceful living area and would like to keep it that way.
I do not agree with cannabis processing being done in rural or rural buffer zones.
It should NOT be allowed in Rural Buffer zones at all. And NOT allowed in Rural zones unless it is in an indoor facility -- however, any building erected on rural land will most likely destroy the arable land beneath the structure... land where food should be grown.
Even these zones may be too broad some rural zones border residential it needs to be more restrictive
Brock should be thoughtful about limiting the future scope of cannabis as a crop. Climate change is altering the viability of corn, soy and other common crops grown in the region and this will become an issue for farmers in the near future. Brock should consider building in the ability for these parameters to be changed in the future as agricultural and economic parameters change. Also as NIMBY attitudes decrease the ability to be flexible will be important.
I agree, only if it is confirmed that odors cannot reach surrounding homes.
Yes
<b>9. h) ALL cannabis related development will be subject to Site Plan control. This means that things like fencing, lighting, grading, parking etc. will all have to be looked at on every cannabis development application. Do you agree that Site Plan control should be applied to all cannabis development applications?</b>
Yes
Yes.
yes
Yes
Yes
Agreed
Yes
OF COURSE it should be applied. Why do you even ask? Why is a drug producer being considered for special treatment?
Only on new Operations? What are you going to do about existing operations
Absolutely agree! A very high standard must be applied to all development applications!



The Corporation of the Township of Brock  
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## Summary of On-Line Cannabis Survey Comments

Agreed. Specific site plan controls should be drafted around cannabis production sites. Specific concerns are ground water seepage, traffic management, air quality in surrounding areas, light pollution, security and access control, security of staff, staff safety from environment
Yes
Yes. This sounds like literally every other type of building
Yes
Yes
You can't have an "etc" in a survey. You need to list all sir plan entities. The federal statute defines security which includes fencing and lighting. I can see grading and parking.
Sure. If it is required, then each facility should meet that minimum requirement.
Cannabis production should not be treated any differently than other local business ventures Would these restrictions be put in place if a winery opened up here? If not, then I say they are not needed
Agree, however, disagree with cannabis production and procession anywhere in Brock township
Yes.
Yes.
And none of those things will stop any potential crime in a rural area where there are not as many people to detect suspicious activity.
yes
Yes. Definitely!
Absolutely
The cannabis industry includes many products, services and businesses other than the growing and processing of the physical plant. All of these other cannabis related industries should be unregulated and unencumbered in the region. Brock has no jobs, all of these ancillary opportunities should be openly encouraged. Bringing successful, entrepreneurial businesses to the community is critical.
Brock should also be open to the establishment of cannabis culture stores including those that sell cannabis for recreational purposes.
Yes
Yes, I agree. Neighbouring site has no fencing, no security at all. Who is supposed to be enforcing these controls??



The Corporation of the Township of Brock  
1 Cameron Street E, Cannington ON, L0E 1E0

## Summary of On-Line Cannabis Survey Comments

**10. Do you have any other feedback that you would like to share regarding the proposed draft by-law regarding the growth and production of Cannabis in the Township of Brock?**

I just feel basic common sense needs to prevail with this - it's a legal crop now - regardless of people's mixed feelings.

Intelligent decisions on air quality, security, etc. are all good thoughts, but I hope that the "loud" people who are afraid of cannabis and don't want it to be legal are not the ones steering the by-law ship. Thanks you for the opportunity to add my voice.

No

Should make it a point to hire locally, people within the community. If we are going to bring production of this size to Brock, then the jobs should go to Brock citizens where possible.

This mostly seems reasonable as long as it only applies to industrial or commercial applications. If any of this were to be applied to residential/home growers it would seem as an attempt to dissuade people from growing in their back yards by making the process too expensive.

It grieves me that we even consider this considering drug problems in our communities. Cannabis is far stronger strains and we want to grow it to impact the not yet developed brains of our youth. I hate everything about supporting anything to do with this.

Yes - Council could have voted NO - so Mayor Bath's comment in a recent Brock Citizen article that we couldn't say no to cannabis is not true. This country is in a drug crisis. Legalizing pot and then having our local municipal council vote for having it in the Township is disappointing and counterproductive. Children and pets are already suffering because people can buy cannabis legally. NO ONE has to use cannabis for recreational purposes, so this is entirely unnecessary. In Brock Township, cannabis producers should come under MORE STRINGENT CRITERIA than other businesses, NOT LESS. And I repeat that I am disappointed with our Council voting yes to cannabis. As someone who does not use recreational drugs, I can tell you it takes courage to NOT use drugs (including alcohol) in our society. Think about that. Pretty scary. And you on Council have now exacerbated this situation. YOU COULD HAVE VOTED NO.

I would like to know what kind of security is required for these processing/production areas. Security cameras that are functioning always must be in place surrounding the area, as well as the safety of the employees working in these areas must be taken into consideration - i.e., there should be security guards on duty during work hours at least.

I think the rhetoric around cannabis growth is slanting the presentation of this to the public

Cannabis production and processing is a huge industry that appears poised to grow even larger. It's an opportunity for jobs and growth within our township. Keep it out of our downtown





**The Corporation of the Township of Brock**  
**1 Cameron Street E, Cannington ON, L0E 1E0**

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## **Summary of On-Line Cannabis Survey Comments**

areas, those are the areas that make us unique. We have so much room in Brock Township, encourage facilities in the agricultural areas.

The township is not open to business. All the above is an infringement on my rights. The whole content of this survey wrecks of acquiesce to the few to the detriment of the many.

The site plan should be encouraging me business not stifling it.

Cannabis had been with us for millennia how is it different now? Federal register are in place already.

We need to stop treating cannabis as if it's some sort of way out, crazy plant. It is a crop. And needs to be treated as any other crop. Let's stop demonizing it, and start to look at it as the valuable cash crop that it is.

Although I do not personally use cannabis, I also see no reason for any stigma against it. I would be just as happy to see this type of business develop here as any other.

Disagree with cannabis production and procession anywhere in Brock township

Not at this time.

By this survey, it appears as though you have set this up to be a failure. A 200 sq ft is not sufficient. Having been involved with cannabis now for 4 yrs. Using several of them, all medical grade cannabis however, implies that this is something the township does not want. That's the impression given. And would be a loss to those who would work for a facility such as this in Cannington and possibly find employment there.

You need to clarify if this cannabis facility would be a processing plant for growing, processing, and delivering medical cannabis? If so, it's not sufficient.

If this is simply a store much like the pot shops, sure these guidelines would be fine. But the money it would bring in as a growing medical cannabis would be lost.

I think it is obvious that I do not want it anywhere near me. I moved to a rural area for a reason, and I want to have to move due to cannabis production in my neighborhood. Law or no law, it is not something I can live comfortably with. Especially with the lack of education our society has of the associated risks (ie cannabis induced psychosis). If Brock township is going to allow production then I certainly hope they also plan to educate those who are using what is produced.

It is legal now. there is nothing we can do about that part.

However I am very concerned about security and safety of all residents. Especially in rural zones it will be next to impossible to keep the neighbouring residents save.



The Corporation of the Township of Brock  
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## Summary of On-Line Cannabis Survey Comments

The growth and production of food, clean air, and the health and well-being of Brock's residents are FAR more important than production of this useless crop. We don't NEED it.

It's time for \$\$ to take a backseat. Be brave and lead the way toward sustainable agriculture and a healthy environment.

Go slowly, there is lots to be learned

Cannabis was legalised by the Federal government to reduce the black market and diversify Canada's economic base. Many of these companies trade on the stock market and should be viewed with the same regard as a Unilever or Kraft.

Many long-time farmers, both young and old, are already growing cannabis on farms in Brock completely illegally. The final by-law should recognise that positive attitudes to this agricultural crop far outweigh the complaints of a few individuals.

Cannabis odours are 100% non-toxic. Cannabis contains the same aromatic compounds as hundreds of skin creams, shampoos, baby products and foods. Only female cannabis plants are grown, producing no allergy causing pollen.

Current ag-chemical use in Brock causes hazardous drift, odours and environmentally damaging effects that will not be an issue with cannabis.

Brock should consider promoting hemp as a crop alongside cannabis.

Again my concern is that residential areas in Beaverton are close to rural areas and I don't think any of our industrial areas are very large and would most likely be close to residential areas as well.

The larger the production/processing plant the further away it needs to be. I have to assume that the distances stated above are already acceptable distances, but wind needs to be considered around here as it can be often at high rates of velocity.

It would be nice to know that someone is inspecting these sites regularly, and that security guidelines are being followed. It would also be nice if neighbours were informed BEFORE these sites were permitted to open!! I feel like my quality of life has changed and my property value has plunged.

**Note: 13 people provided contact information to be kept informed of the rest of the Cannabis process.**



The Corporation of the Township of Brock  
1 Cameron Street E, Cannington ON, L0E 1E0

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## Summary of Comments

Received at the February 26, 2020 Open Houses Regarding Cannabis Production and Processing

Please find below a table of the comments received during the open houses. The comments will be considered during a review of the draft by-law following the April 6, 2020 Statutory Public Meeting. These comments, any comments received by phone or email, as well as the responses from the on-line survey will be thoroughly considered and changes made where appropriate prior to the by-law being presented to the Committee of the Whole for consideration.

Please note that any personal information of individuals submitted on forms has been removed to protect privacy.

Comment	Response	How Received
After reviewing the By-Law proposal, I feel it necessary that changes be made allowing farmers to be able to grow Cannabis outdoors on a larger scale than a micro growing facility. I would also like to add that growing outdoors has a much smaller carbon footprint and is much more sustainable. Allowing outdoor Cannabis would add an element of diversification for my farming operation. It would also create jobs and fit Durham's current agenda regarding Climate Change.	Thank you for your comment. This will be considered during the revision process to the proposed by-law.	2pm Open House Comment Sheet
Having substantial cannabis farming in Brock would attract cutting edge research and phy to chemical extraction industries. Cannabis contains multiple terpenes and other healthy phytochemicals proven to prevent and treat a host of diseases. This market will explode. Having quality cannabis grown here would bring jobs in health, and green energy to Brock.	Thank you for your comment. This will be considered during the revision process to the proposed by-law.	2pm Open House Comment Sheet
Why would you remove Cannabis from the definition of a farm? It is a crop.	In order to place land use controls on Cannabis specifically, "Cannabis" has to be removed from the current definition of "farm" in the by-law and	During 3pm Presentation



The Corporation of the Township of Brock  
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## Summary of Comments

Received at the February 26, 2020 Open Houses Regarding Cannabis Production and Processing

Comment	Response	How Received
	defined on its own. Otherwise, the controls put on “Cannabis” would apply to all “farm” uses, which is not appropriate.	
Does the extension of the Interim Control By-law until August mean that a new By-Law won’t be in effect until then?	No. When the new By-law is enacted, the Interim Control By-Law will no longer be in effect.	During 3pm Presentation
With the proposed By-law, if an existing agricultural operation is looking into outdoor Cannabis production and wants to grow more than micro-cultivation allows currently, is there a chance to increase the amount currently proposed? There is less environmental impact compared to indoor cultivation.	We will consider the current 200m <sup>2</sup> condition in the rural areas during the By-law review process to make sure it is the most appropriate for Brock.  The operation of larger, outdoor, licenses facilities is a very new reality. Previous to the last few months, it just wasn’t the most productive or effective way to grow Cannabis in Canada. Due to some new innovations, this is becoming more of a reality and we will definitely address this consideration in the next steps.	During 3pm Presentation
Did you look at hemp? It has been legal since 1988 and there was unwarranted fear around that when it was legalized as well. We are farm country and greenbelt. People aren’t going to build large facilities – they want to farm.	We have looked at hemp, but if you have additional technical information or research you would like to provide to us, we would appreciate the contribution and review it.	During 3pm Presentation
Will the next draft include outdoor cultivation because the presentation did not specify?	It will be considered, along with the entirety of the by-law during the review process.	During 3pm Presentation
The request for an Environmental Impact Study – is that for	The study requirements are done on a case-by-	During 3pm



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## Summary of Comments

Received at the February 26, 2020 Open Houses Regarding Cannabis Production and Processing

Comment	Response	How Received
indoor facilities only? These aren't requested for other crops for example.	case basis as an application is received.	Presentation
What about wastewater in Cannington and Sunderland? Would applicants have restrictions for that, and would it impact the capacity in those towns?	Water and wastewater would be detailed in terms of what would be used and needed within each application. There could be a larger infrastructure impact for water and wastewater, depending on the size and nature of the application. The Region is involved in these discussions too during a planning application process at the pre-consultation stage, and Cannabis applications would be no different.	During 3pm Presentation
The statistic of 22L of water per day per Cannabis plant is simply untrue. Where did you get that? I disagree with removing Cannabis from the definition of a farm.	The 22L per day per plant is a widely used statistic in much of the Cannabis research available. It depends on the method of cultivation, the region it is grown in and a variety of factors. If you have data with another viable statistic, please provide it.	During 3pm Presentation
This By-law doesn't affect the ACMPR? [insert: Access to Cannabis for Medical Purposes Regulations]	To a certain degree, yes. Future ACMPR facilities would be subject to Site Plan. The Official Plan and Zoning By-law amendments do address facilities operating under the ACMPR. We have designed the by-law to address both licensed facilities as well as facilities operating under medical certificate.	During 3pm Presentation



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## Summary of Comments

Received at the February 26, 2020 Open Houses Regarding Cannabis Production and Processing

Comment	Response	How Received
Do you think the Town will limit the amount of people allowed to build a facility? What if a landowner wants to put up a greenhouse with Cannabis vs. a greenhouse for tomatoes?	<p>No, that would require some type of first come, first serve system with a cap on it. That is not an appropriate land use control.</p> <p>We have approached Cannabis as an agricultural crop with different concerns and nuisance possibilities than say a tomato crop.</p>	During 3pm Presentation
Cannabis has an all-natural smell. Nobody is talking about the smell of Round-up or other herbicides/fungicides sprayed on agricultural crops and these have an awful smell. It is windy all the time now and the overspray can be smelled all over the Township. You aren't talking about trying to control that. The odour of Cannabis is not harmful. What are your qualifications to create a by-law regarding Cannabis? You do not seem to be experts.	<p>The odour of Cannabis is one of the known issues that have come up for all municipalities trying to create their land use controls regarding Cannabis and we therefore need to consider it.</p> <p>Sarah specifically has done hours and hours of research on this issue. The bottom line is that we do not have to be Cannabis experts, we are Land Use experts creating a by-law, which is a land use tool regarding a new land use issue in the Province, on behalf of the Township.</p>	During 3pm Presentation
Grow op by [REDACTED] only has one door. Not legal – no one has gone by to inspect.	Thank you for your comment. As discussed at the Open House, Township Staff will follow up with you on this situation.	6:30pm Open House Comment Sheet
I'm in agreement with much of the new by-law items, however, 300m is not enough distance for the stink issues of the	Thank you for your comment. This will be considered during the revision process to the	6:30pm Open House



The Corporation of the Township of Brock  
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## Summary of Comments

Received at the February 26, 2020 Open Houses Regarding Cannabis Production and Processing

Comment	Response	How Received
greenhouse grow-ops. They should also have to use proper air filtering options. Just rising the sides of the green houses lets the stink out worse. Please put a section in the by-law that the Township has the right to do surprise inspections, even if they are under the pretense of safety inspections.	proposed by-law.	Comment Sheet
The 300m from residences is NOT enough – INSANE! Should be at least 1km / 2.2 miles from anyone's homes. The SMELL IS HORRIBLE – we should not have to tolerate this – if you had to smell this you would throw up. We are having water issues on Brock Concession 11 and nothing is being done. We are not happy – should be written that grow ops can be inspected anytime. [Note: assuming commenter intended 2.2km or 1 mile]	Thank you for your comment. This will be considered during the revision process to the proposed by-law.	6:30pm Open House Comment Sheet
I recommend that grow-ops be prohibited in Rural Residential areas. 300m <sup>2</sup> is not nearly far enough away. I am concerned about water as well. What if the water in wells run dry from a Cannabis facility?	Thank you for your recommendation regarding the 300m <sup>2</sup> set-back. In terms of water, studies will be required where the amount of water required, where it comes from, and how it will be disposed will be submitted as part of an application.	During 7:30pm Presentation
This process is doing nothing for what we are already dealing with. I have property damage from people access a facility next to me, I have water issues. What will happen to my animals if the water runs dry? You have done nothing to help our situation and this is a complete waste of time.	We are extremely sorry for the situation you are in. Land use planning or this By-law will help us to minimize any future impacts from Cannabis, but it cannot unfortunately retroactively change what is already happening now. We do not have the legal authority to go back and change the way	During 7:30pm Presentation



The Corporation of the Township of Brock  
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## Summary of Comments

Received at the February 26, 2020 Open Houses Regarding Cannabis Production and Processing

Comment	Response	How Received
	someone is using their land if they were using it before the Interim Control By-law or this one came into effect. The only control we have is if one of these operations tries to change something about how they are operating. For example, adding a greenhouse etc. The municipality then has a role to implement some standards.	
So, you are just going to “grandfather” everything that is here now?	We aren’t going to actually do anything. That is the process for all land uses. If the use existed before the By-law, it is considered legal non-conforming. To use your term, “grandfathered”.	During 7:30pm Presentation
Where did the 300m <sup>2</sup> smell zone come from? Who is going to be responsible for enforcing this?	<p>The setbacks are based on a successful Cannabis Zoning By-law in Norfolk County. Norfolk is the pioneer of dealing with Cannabis land use impacts in Ontario and have found that their zoning has been quite successful in controlling the impacts while also providing clarity to the public and prospective developers.</p> <p>In terms of enforcement, it depends on what part of the By-law is being contravened. It could involve our By-Law Department, the Building</p>	During 7:30pm Presentation





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## Summary of Comments

Received at the February 26, 2020 Open Houses Regarding Cannabis Production and Processing

Comment	Response	How Received
	department if it is a Building Code violation or it could be the Police. It depends on the situation.	
Will Durham Region Police be involved in the consultation?	They have not been to date, but they will be.	During 7:30pm Presentation
The smell can last for 60 to 90 days and reaches for miles. Will there be inspectors going into each of these facilities? There is documentation saying that you can inspect at any time – you should look into that.	No. Inspections would be done based on resident complaint as is the current standard operating procedure once permits have been obtained.  We're not sure what documentation you are referring to specifically, but if you can provide it to us, that would be appreciated. <b>Follow-Up Note:</b> This commenter has provided the "Municipal Guide to Cannabis Legalization: A Roadmap for Canadian Local Governments" by the Federation of Canadian Municipalities by email. This document will continue to be used during the review process.	During 7:30pm Presentation
I am concerned that the smells or nuisances from other "normal" farming operations are going to start being reviewed and changed if we start putting controls on this agricultural product. Is that your intention?	No, that is not the Township's intention to start looking at other established agricultural practices or standards.	During 7:30pm Presentation
What is Council's stance on Cannabis in general?	<b>Explanatory Note:</b> Councillor Doble and Councillor Schummer were in attendance, and	During 7:30pm Presentation



The Corporation of the Township of Brock  
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## Summary of Comments

Received at the February 26, 2020 Open Houses Regarding Cannabis Production and Processing

Comment	Response	How Received
	<p>this question was directed to them with the caveat that Council does not yet have all of the information regarding this issue.</p> <p>Councillor Doble: This is an issue of concern for many residents and I think we need to proceed with caution and collect as much information as possible moving forward.</p> <p>Councillor Schummer: This is a complicated situation and let's face it, we have an enforcement problem in north Durham. If the rules are going to be put in place, we need a way to enforce them.</p>	
<p>1. The by-law could stipulate how cannabis will be (for the large part) treated like any other crop - in this way, there is more normalcy connoted about cannabis agricultural activities while reducing stigma. As I mentioned in the meeting, I used greenhouse tomatoes as an example to compare what degree of restrictions are placed on this crop versus greenhouse cannabis.</p> <p>2. There could be a restriction on the scale of operations. i.e. no greater than 10 football fields (a random number but something</p>	<p>Thank you for your detailed comment. It will be considered during the review process for the By-law.</p>	<p>Received by email on February 26, 2020 at 7:30pm</p>



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## Summary of Comments

Received at the February 26, 2020 Open Houses Regarding Cannabis Production and Processing

Comment	Response	How Received
<p>to consider). The need for economic stimulus in Brock is very important. More so is the need for small mom and pop farming operations to be welcomed as a main or secondary income stream. I am concerned with the massive scale of industrial cannabis operations from companies like Cannabis Corp., Aurora Cannabis etc. They are the main culprits of the kind of agro-chemical and water usage that has detrimental impacts to the community, ecology, local economy (and take over or squeeze out individual or family businesses - while reducing biodiversity). Local operations are not impeded or directly impacted by global price fluctuations of cannabis which most of these multinational corporations are subject to. Therefore, there is less economic risk for local-small scale operations, and significant less environmental impacts.</p> <p>3. I know there are not a lot of examples of outdoor micro-cannabis operations, but that does look like it is the trend. It would seem that most of the citizens interested in growing are going to select the cheapest routes since they are not big companies so having a better understanding of what this could look like - and the by-law rules - would be ideal (now that you</p>		



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## Summary of Comments

Received at the February 26, 2020 Open Houses Regarding Cannabis Production and Processing

Comment	Response	How Received
<p>have a better gauge of the audience of potential entrepreneurs).</p> <p>4. The by-law could outline what are triggers for the need to conduct impact studies. A two-tier process with a clear chart of the steps would make things less confusing. The small farmers can be overwhelmed with the process of licensing as is - and so a complex by-law will only hinder economic development. More illustrations!</p> <p>5. I suggest that cultivation properties should include the suggestion of a berm to obscure operations. Safety is obviously a big issue as theft is common. In addition, many people consider a field of cannabis to be unsightly or encouraging youth to smoke based merely on the visual presence. Not sure if there is a 'not in your front yard' policy...</p> <p>6. Lastly, consider mentioning water source protection and the need for agricultural activities to be a certain distance away from WHPAs, significant ground water recharge areas, etc.</p>		



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## Summary of Comments

Received at the February 26, 2020 Open Houses Regarding Cannabis Production and Processing

**Thank you once again to all attendees of the open-houses. We appreciate your time and your feedback.**

Please be aware that the on-line survey regarding Cannabis will be available until March 13, 2020 should you have additional feedback you would like to provide.

For additional information regarding Cannabis in Brock, please see [www.townshipofbrock.ca/cannabis](http://www.townshipofbrock.ca/cannabis).

Should you wish to contact the Township of Brock, please call 705-432-2355 or email [brock@townshipofbrock.ca](mailto:brock@townshipofbrock.ca).



The Corporation of the Township of Brock  
1 Cameron Street E, Cannington ON, L0E 1E0

## Summary of Comments

Received during the 2021 Statutory Public Commenting Period in advance of the March 15, 2021  
Statutory Public Meeting

Please note that any personal information of individuals submitted on forms has been removed to protect privacy.

Comment	How Received
Think about amending your Brock tag line "Breathe it in"? Tee Hee Hee	<a href="http://www.letstalkbrock.ca">www.letstalkbrock.ca</a>
Work with DRPS to ensure enforcement measures will work. Increase separation from residences. Designated grower must be a restricted use.	<a href="http://www.letstalkbrock.ca">www.letstalkbrock.ca</a>
Great report, and lots of work involved, we appreciate it!  For fear of getting caught on appeal for technicalities, we noted a few minor details -  Report, Page 5, # 6 states:  <i>"To add a new subsection "10.37 Cannabis Production" to Section 10, entitled 'General Provisions' with regulations specific to cannabis cultivation and processing including required setbacks from certain zones and sensitive land uses...."</i> - <b>but does not mention "medical cannabis production site"</b> .  Zoning By-law preamble: AND WHEREAS the Council of the Corporation of the Township of Brock conducted a public	By email



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## Summary of Comments

Received during the 2021 Statutory Public Commenting Period in advance of the March 15, 2021  
Statutory Public Meeting

Comment	How Received
meeting on the <u>22<sup>nd</sup></u> day of March, 2021, pursuant to Section 34 (12) of the <i>Planning Act</i> , R.S.O. 1990, as amended  (should this be the <b>15th</b> day of March?)	
<b>TO: Brock Council and Staff</b>  <b>RE: Cannabis in Brock</b>  I represent several families on Concession 6, Beaverton, which is a quiet, residential neighbourhood with 3rd generation residents as well as new families and many small children. I have lived here for 35 years.  I applaud Brock on initiating an Interim Control By-law, and the pending Zoning By-law. We have been working with Councillor Jubb and Township staff over the past year regarding a cannabis operation on our road. My neighbours, [REDACTED] have also made written submissions today to detail our nightmare.  My submission is about the challenges to the Township, and our best tool, the pending Zoning By-law. This builds on the correspondence you recently received from [REDACTED] of Norfolk County, and your recent discussions with DRPS regarding enforcement.	By email and included as Communication on March 15, 2021 Planning and Community Affairs Committee agenda



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## Summary of Comments

Received during the 2021 Statutory Public Commenting Period in advance of the March 15, 2021  
Statutory Public Meeting

Comment	How Received
<p>Norfolk County is in crisis with more than one hundred and thirty-one (131) Part 2 Medical Marijuana (MMR) grow operations, caused by glaring loopholes in federal cannabis legislation and regulations. The legalization of cannabis was meant to keep cannabis from our youth and to get it off the black market; however, according to law enforcement the legislation has had the opposite effect. It has allowed organized crime to gain an even stronger foothold. The revenues envisioned by the federal government have disappeared into unmonitored tax accounting and the black market. They avoid retail and commercial property taxes while adding enforcement and legal costs to the municipality. There are <b>no economic benefits</b>, except to the producers. In fact, there are detrimental economic effects to the Township and residents with reduced property values and assessments.</p> <p>Municipalities across Ontario, plus the representative organizations of municipalities have been asked to join together to fix this problem. Efforts are under way to amend legislation.</p> <p>Norfolk has refocused its approach to investigate cannabis grow operations with respect to violations of their Zoning By-law and to lay appropriate charges; ensuring that proper setbacks from nearby residences and site plan control issues such as parking, lighting and odour emissions are met. I understand that East Gwillimbury has had some enforcement success working in conjunction with York Regional Police. News of their progress is great, but since the growers target agricultural areas, I fear that as those municipalities get tougher and find solutions, the growers will gravitate north towards us.</p>	





The Corporation of the Township of Brock  
1 Cameron Street E, Cannington ON, L0E 1E0

## Summary of Comments

Received during the 2021 Statutory Public Commenting Period in advance of the March 15, 2021  
Statutory Public Meeting

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<p>Durham Regional Police have also made some progress with effective by-law provisions, and it is essential that Brock work with DRPS in this regard.</p> <p><u>Key quotations from [REDACTED] are worth repeating, and some are quite scary:</u></p> <p>"Our nightmare started... at a tomato greenhouse. It was purchased by owners from the city who are brazen and hold no respect for the well being of their new neighbours. They have disrupted the quality of life for local residents and tell residents no truths."</p> <p>"80% of the MMRs in Norfolk are owned by GTA-based numbered companies and the individuals involved are not putting down roots in the community." "They don't care about the illegalities because they are easily selling \$50,000 per week. Employees are trained on what to say during a raid and they have a lawyer on standby."</p> <p>"(residents were told)...<b>report suspicious activity like middle of the night shipments, and call 911 if you see people on a site with a gun, but don't get involved.</b>"</p> <p>"The categorical assertion that there is no health effect from the odour is not correct and we will not fully realize this effect until the long term. As a parent and grandparent it is such a helpless feeling when you get the impression that no one really cares about your health and safety."</p> <p>"Many local residents are concerned about real estate values and she knows of one family who was reported to Children's Aid Society because their house and children's clothing carries the distinctive odour from a neighbouring MMR site."</p>	



The Corporation of the Township of Brock  
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<p><u>Further information worth knowing:</u></p> <p>"Banks will not mortgage residential properties....or may not renew mortgages to residents living near unregulated, unmonitored facilities because of deteriorating property values. Insurance companies may or may not raise property insurance rates for residents who live near an unregulated cannabis facility or could refuse insurance." (facilities are prone to fires, explosions, thefts - we have seen this first-hand on the 6th Concession).</p> <p>We have had many discussions with many agencies and authorities. The warnings have come through clearly that any 'Health Canada Permits' were not likely properly obtained, and that violent criminal elements are common to these facilities. I was told by one DRPS officer that is familiar with our situation, specifically with this grower "They are very smooth, manipulative operators with violent tendencies as you have already witnessed - <b>you must do everything you can to protect yourselves.</b>"</p> <p><u>What is the solution? Some suggestions:</u></p> <ul style="list-style-type: none"><li>- Work with Regional representatives and DRPS, and connect with valuable resources such as Norfolk County and East Gwillimbury, to develop enforcement protocols</li><li>- Recognize that a Health Canada 'permit' <u>does not</u> trump the Zoning By-law, regardless if it is medical use or otherwise. The Health Canada website clearly states that <u>all</u> cannabis facilities must conform to zoning and municipal by-laws.</li><li>- Our Zoning By-law must clearly state that any cannabis growth/production (other than 4 plants</li></ul>	



The Corporation of the Township of Brock  
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<p>for personal use) must be a site-specific zoning. Cannabis operations are more industrial than agriculture in nature and they should be located no closer than 1/2 km (minimum) to a sensitive use, even though the odour and light can be seen and smelled from much farther away. <b>It is certainly not appropriate in a residential area with young families, and within 1/4 mile of a school!</b></p> <p><u>Final thoughts from the residents of this community:</u></p> <p>"Home ownership is a Canadian dream. Our property values are depreciating. We have all invested in Brock and we want our investment protected. This is a <b>RESIDENTIAL</b> neighbourhood and we have a right to the quiet, safe enjoyment of our homes."</p> <p>I want to thank the Township for its continued support - we are stronger if we work together. As our logo says -</p> 	
<p>Hello,</p> <p>I would like to share a short summary of the impacts of an intended grow-op in my rural residential</p>	<p>By email and included as Communication on March 15, 2021 Planning and</p>



The Corporation of the Township of Brock  
1 Cameron Street E, Cannington ON, L0E 1E0

## Summary of Comments

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area.  1. Excessive odors of cannabis, both inside and outside my home at times. <ul style="list-style-type: none"><li>Have avoided having visitors at times</li><li>Unable to keep windows open for the breeze during a heatwave</li><li>Have been unable to sit outside and enjoy my own property many times</li></ul> (I have actually left to find outdoor space that I could enjoy on multiple occasion. This is a significant violation of my legal rights as a property owner!)  2. Excessive Noise. In the spring and early summer this was daytime noise, now it is nighttime noise <ul style="list-style-type: none"><li>Unable to enjoy being outside (or at times inside) during the day</li><li>Loss of sleep at night. There was actually one point where I had to leave my home for a few nights to get caught up on sleep!). There are often machines running all night and large trucks in and out of there at all hours of the night</li></ul> 3. Excessive light pollution at night <ul style="list-style-type: none"><li>In our neighborhood it is a beautiful thing to sit outside at night and see the stars,</li></ul>	Community Affairs Committee agenda



The Corporation of the Township of Brock  
1 Cameron Street E, Cannington ON, L0E 1E0

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<p>however, the constant bright lights shining over their house all night (I believe they generally close down between 5:30 and 6 am currently) takes away from the absolute darkness that I have always enjoyed. I live in the country because I do not like light at night, but now I never get to experience that absolute darkness.</p> <p>4. Changes to my environment</p> <ul style="list-style-type: none"><li>• There has been clear cutting of protected lands that serve as a natural habitat for significant wildlife, including bears that have lived there for years. These bears were seen much more frequently out of that area in the spring – their home was destroyed</li><li>• Although I am told there will be a replant order for the spring of 2021, I fear that it can never be the same. The amount of fill that was brought in will likely change the soil composition forever and the large pond that I am told was created in the north east corner of the property will likely have a significant impact on the drainage of the wetlands as well.</li></ul> <p>5. Inflammatory, retaliatory and intimidating behaviours</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	



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## Summary of Comments

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Comment	How Received
<p>As a property owner, I have a <b>legal</b> right to the enjoyment of my property which has been consistently violated over the past 6 months. This has been reported to the township, the police and to Health Canada on many occasions. Unfortunately, my rights have not been protected. We need protection for current residents in this township, of this province and of this country. Whether that comes from changes in the federal permit requirements, from municipal zoning or by law requirements (with adequate ability to enforce those), or something completely different does not matter, as long as everyone can maintain the legal right to enjoyment of their own property as stated in Bill 190, Property Rights and Responsibilities Act, 2009.</p> <p>Thank you,</p> <p>██████████</p>	
<p>To whom it may concern</p> <p>I am writing concerning the ██████████ of Beaverton. I have lived on this very quiet street for many years.</p> <p><b><u>Wetlands</u></b></p> <p>In the spring of 2020 the neighbours started to clear-cut their 10 acres which is designated conservation land. The concern was, it was the home for many of our wild life and where would</p>	<p>By email and included as Communication on March 15, 2021 Planning and Community Affairs Committee agenda</p>



The Corporation of the Township of Brock  
1 Cameron Street E, Cannington ON, L0E 1E0

## Summary of Comments

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<p>they go? I had heard from a neighbour that they had a bear on their back deck because their natural habitat has been destroyed so they can no longer forage for food. With the clear-cutting comes the machinery noise from morning to late evening. This was 7 days a week at which point it was hard to enjoy being outside in your yard, or inside when your windows were open.</p> <p><b><u>Traffic</u></b></p> <p>The traffic in and out of the property was constant.</p> <p><b><u>Offensive Smell</u></b></p> <p>The smell coming from the property was offensive and at the time when they were harvesting, I could not stay outside or keep my windows open for fresh air because you could smell the odour inside my house. You should be able to enjoy your property in spring and summer or any time of year without being offended by that kind of smell.</p> <p><b><u>Behaviour</u></b></p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED] I understand nothing was done but a warning. [REDACTED]</p>	





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<p>[REDACTED]</p> <p>Their dogs cornered the neighbor beside them on their deck and By-laws was called. They sent the canine control officer to talk to them. [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>I believe this is not a good place for a grow op as it was a very quiet neighbourhood. I have been on this street for many years. We can normally enjoy the outdoors and the fresh air, but this year that has been impossible. If this grow op continues to operate, the neighbours will never enjoy their yards again or feel safe.</p> <p>Thank You</p> <p>[REDACTED]</p>	

Note: Two email conversations for clarifications also took place (one also required a phone conversation). These were not comments or suggestions and have therefore not been included in this table.

THE CORPORATION OF THE TOWNSHIP OF BROCK

BY-LAW NUMBER 3024-2021

**BEING A BY-LAW TO PROVIDE FOR THE ACTUAL COST RECOVERY OF THE  
MCFEETERS DRAIN IN THE TOWNSHIP OF BROCK IN THE REGIONAL MUNICIPALITY  
OF DURHAM**

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**WHEREAS** the Council of the Township of Brock enacted By-law Number 2426-2012-PW in accordance with the provisions of the Drainage Act (the Act) to provide for the consideration of the McFeeters Drain at an estimated cost of \$163,475.00;

**AND WHEREAS** the construction of the McFeeters Drain has not been completed and certified complete by the Engineer that prepared the report for the drain;

**AND WHEREAS** the actual cost for the McFeeters Drain is \$165,913.53;

**AND WHEREAS** Council is of the opinion that the improvement to the area described is desirable;

**NOW THEREFORE**, the Council of the Corporation of the Township of Brock **ENACTS** as follows:

1. That the actual cost of the McFeeters Drain shall be levied to the assessed lands and roads in accordance with the provisions of the Engineer's report in By-law 2426-2012-PW which adopted the report;
2. That the actual cost levied shall be reduced by the amount of grant received under Section 85 of the Act and by the amount of allowances granted under the Act in accordance with Section 62(3) of the Act;
3. That the actual cost be levied shall be as outlined in Schedule "A" attached hereto and the amounts shown in Schedule "A" shall be due within 30 days of the date of the invoice for the amount owing unless alternate provisions for payment are made as noted in By-law 2426-2012-PW;
4. This by-law comes shall come into force and effect on the date of its passing and may be cited the "McFeeters Drain Actual Cost Levy Bylaw."

**THIS BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS  
22<sup>nd</sup> DAY OF MARCH, 2021.**

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Mayor  
John Grant

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Clerk  
Becky Jamieson

THE CORPORATION OF THE TOWNSHIP OF BROCK

BY-LAW NUMBER 3025-2021

**BEING A BY-LAW TO AMEND BY-LAW 2915-2019, BEING A BY-LAW TO REGULATE OPEN AIR, RECREATIONAL and AGRICULTURAL FIRES AND TO REPEAL BY-LAW 2613-2015-PP**

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WHEREAS, Section 7.1(1) of the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended empowers a municipality to pass by-laws regulating fire prevention, including prevention of the spreading of fires and regulating the setting of open-air fires, including establishing the times during which open air fires may be set;

AND WHEREAS Section 11(3), paragraph 6, of the Municipal Act, 2001, S.O. 2001, c. 25 as amended (hereinafter referred to as the Municipal Act, 2001) authorizes a municipality to pass a By-law respecting the health, safety and well-being of Persons and respecting the protection of Persons and property;

AND WHEREAS Council is empowered under Section 128(1) of the Municipal Act 2001, S.O. 2001, c. 25., as amended, to pass by-laws to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

AND WHEREAS Section 391.1(a) of the Municipal Act, 2001 provides that a municipality may pass by-laws imposing fees or charges on Persons for services or activities provided or done by or on behalf of it including permit fees for Burn Permits;

**AND WHEREAS** the Council of the Corporation of the Township of Brock hereby deems in expedient to amend By-Law Number 2915-2019;

**NOW THEREFORE** the Council of the Corporation of the Township of Brock hereby enacts as follows:

1. That Section 24 (A Recreation Burn Permit requires that) be removed it its entirety and replaced with the following:
  24. A Recreational Burn Permit requires that:
    - a) All fires be contained within an Outdoor Fireplace and must not exceed 1 metre x 1 metre x 1 metre/1 cubic metre or (3 feet x 3 feet x 3 feet) in size;
    - b) The Outdoor Fireplace be located on concrete, patio slabs, stone or other such non-combustibles material;
    - c) A fire be set or maintained at least six (6) metres (18 feet) away from all structures, trees, hedges, fence, property line, street/road/highway or overhead wires (hydro lines).
    - d) Burning only occur during the hours of 6:00 p.m. and 1:00 a.m. between the first day of May and last day of October.
    - e) Burning only occur during the hours of 1:00 p.m. to 12:00 a.m. between the first day of December and the last day of March.

2. Effective Date

That this By-law shall come into full force and effect on the date of its enactment.

**THIS BY-LAW READ A FIRST, SECOND, AND THIRD TIME AND FINALLY PASSED THIS 22<sup>ND</sup> DAY OF MARCH, A.D., 2021.**

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Mayor  
John Grant

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Clerk  
Becky Jamieson

THE CORPORATION OF THE TOWNSHIP OF BROCK

BY-LAW NUMBER 3026-2021

A BY-LAW TO RE-DIVIDE THE WARDS IN THE TOWNSHIP OF BROCK

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**WHEREAS** pursuant to Section 11(2), of the *Municipal Act*, S.O. 2001, c. 25, as amended, provides a lower-tier municipality may pass by-laws respecting the governance structure of the municipality and its local boards;

**AND WHEREAS** pursuant to Section 222(1) of the *Municipal Act*, S.O. 2001, c. 25, as amended, authorizes a municipality to divide or re-divide the municipality into wards;

**AND WHEREAS** a motion adopted by Council of the Corporation of the Township of Brock gave final approval to re-divide the wards within the Township of Brock

**NOW THEREFORE BE IT ENACTED** by the Council of the Corporation of the Township of Brock as follows:

1. That the boundary lines of the existing five (5) wards shall be re-divided into five (5) wards as illustrated in Schedule A attached hereto;
2. That Schedule A attached hereto shall form part of this by-law;
3. That the Clerk is hereby authorized and directed to do all things necessary to give effect to this By-law, including giving the required notice;
4. That this By-law shall come into force and take effect on the day set out in subsection 222(8) of the *Municipal Act*, S.O. 2001, c. 25 as amended.

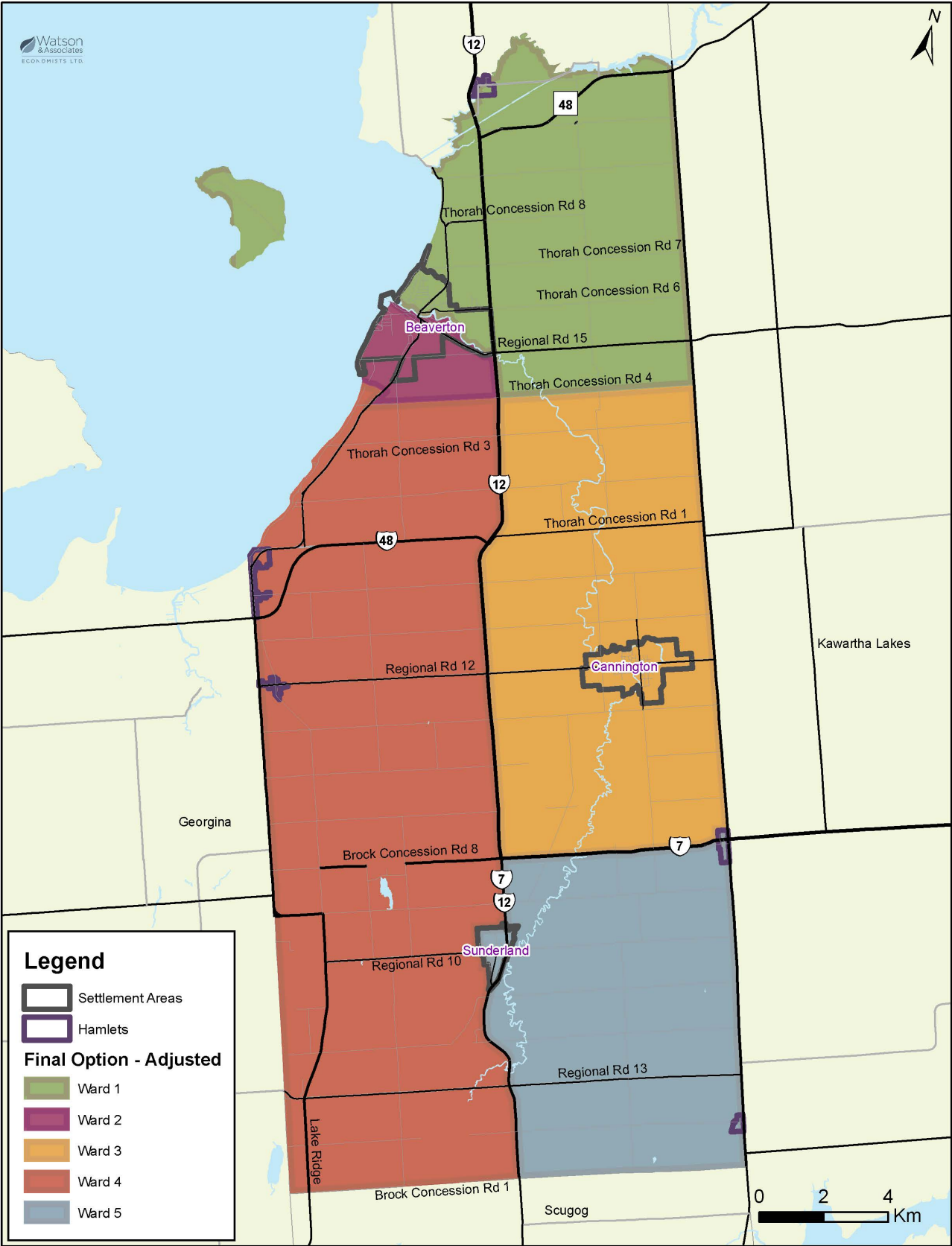
**THIS BY-LAW READ A FIRST, SECOND AND THIRD TIME THIS 22<sup>nd</sup> DAY OF MARCH, A.D., 2021.**

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Mayor  
John Grant

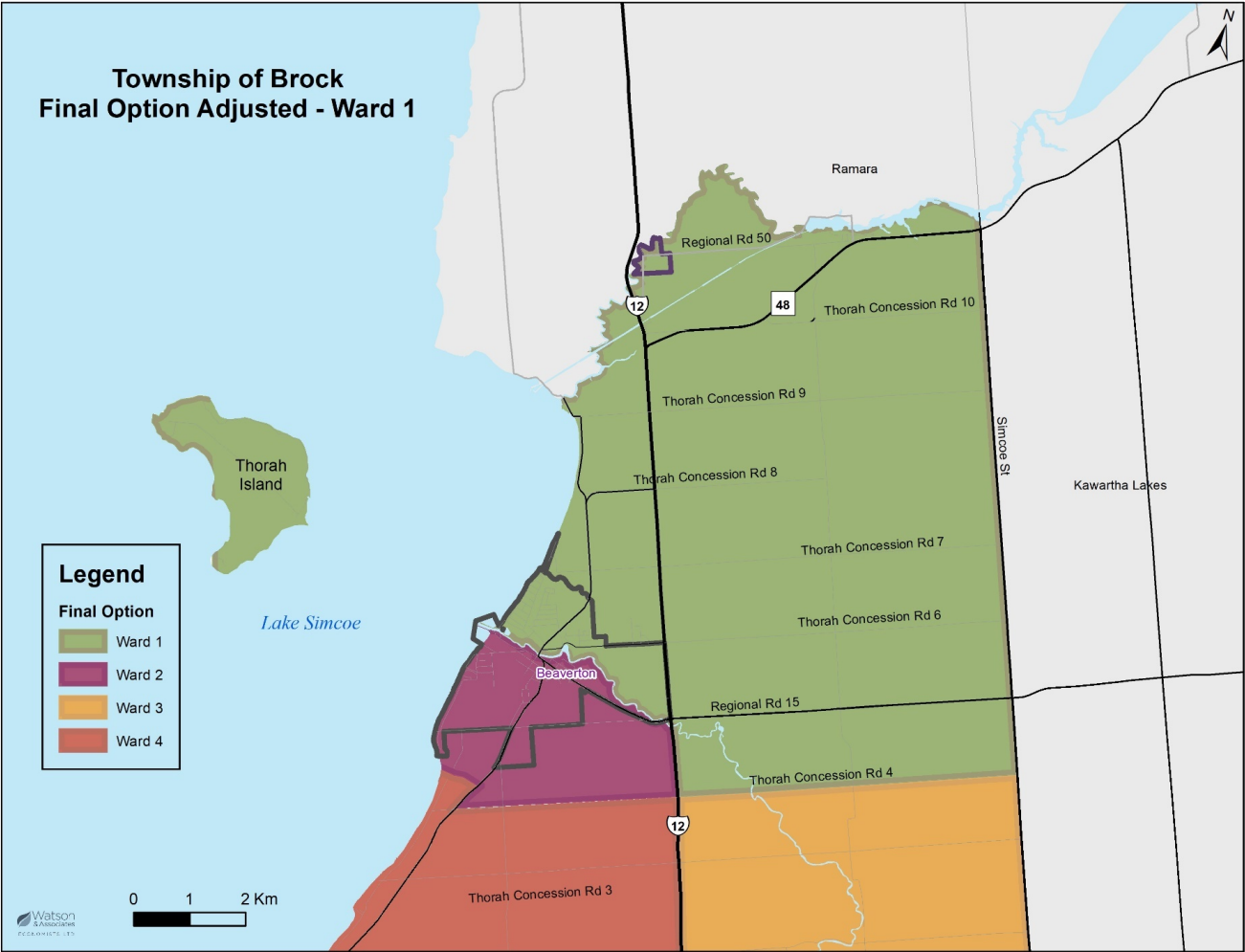
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Clerk  
Becky Jamieson



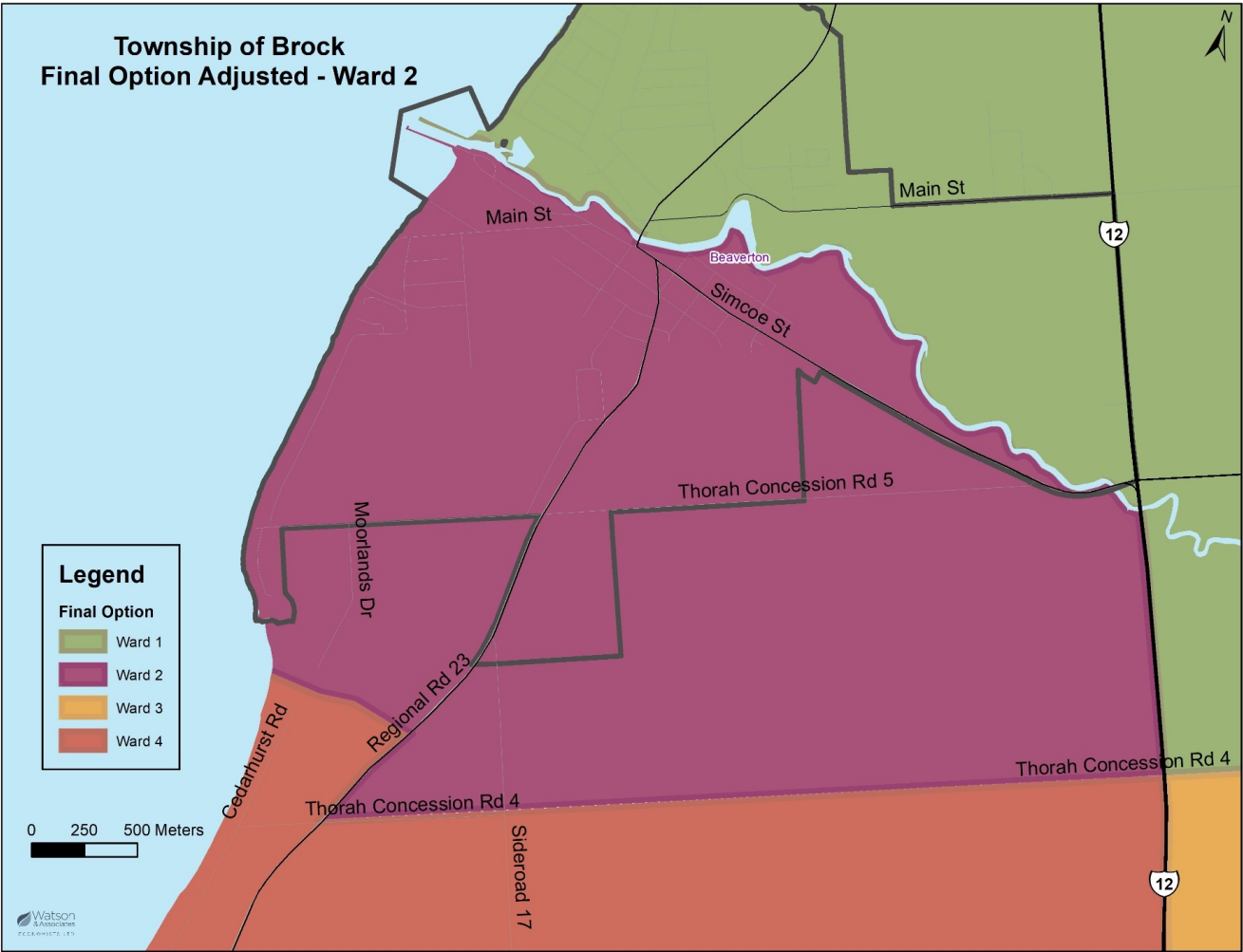
Ward One

Beginning with the centre line of Simcoe Street where it meets the northern municipal boundary of the Township of Brock with the Township of Ramara, following in a southerly direction along the centre line of Simcoe Street to the centre line of Thorah Concession Road 4, then in a westerly direction along the centre line of Thorah Concession Road 4 to the centre line of Highway 12 then in a northerly direction following the centre line of Highway 12 to the centre of the Beaver River. Following the centre of the Beaver River in a westerly direction to Lake Simcoe, then in a northerly direction along the Lake Simcoe shoreline until it meets the municipal boundary with the Township of Ramara and in an easterly direction to the point of origin. Thorah Island is also included in Ward One.



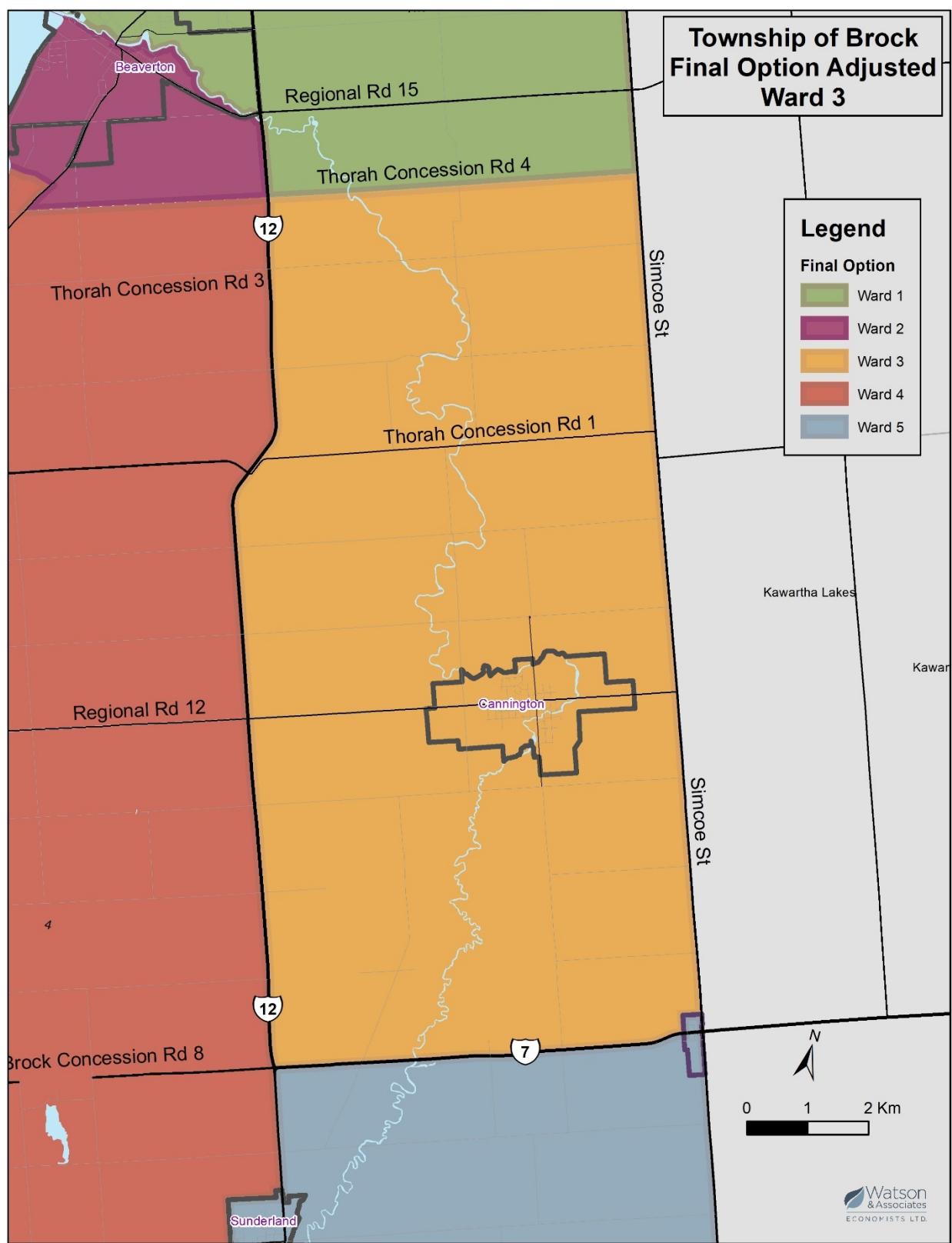
Ward Two

Beginning where the centre line of Highway 12 meets the centre of the Beaver River, following in a southerly direction along the centre line of Highway 12 to the centre line of Thorah Concession Road 4 then in a westerly direction on a line drawn from that point on Highway 12 to the extension of Thorah Concession Road 4 east of Regional Road 23. Ward 2 continues north along Regional Rd 23 to the north lot line of B27300 Regional Rd 23 where it turns west along the creek and out to Lake Simcoe, capturing all of Moorlands Drive residences within Ward 2 and all of Cedarhurst Beach Rd residences within Ward 4. Continuing in a northerly direction along Lake Simcoe shoreline to the centre of the Beaver River, then in an easterly direction along the centre of the Beaver River to the point of origin of the centreline along Highway 12.



Ward Three

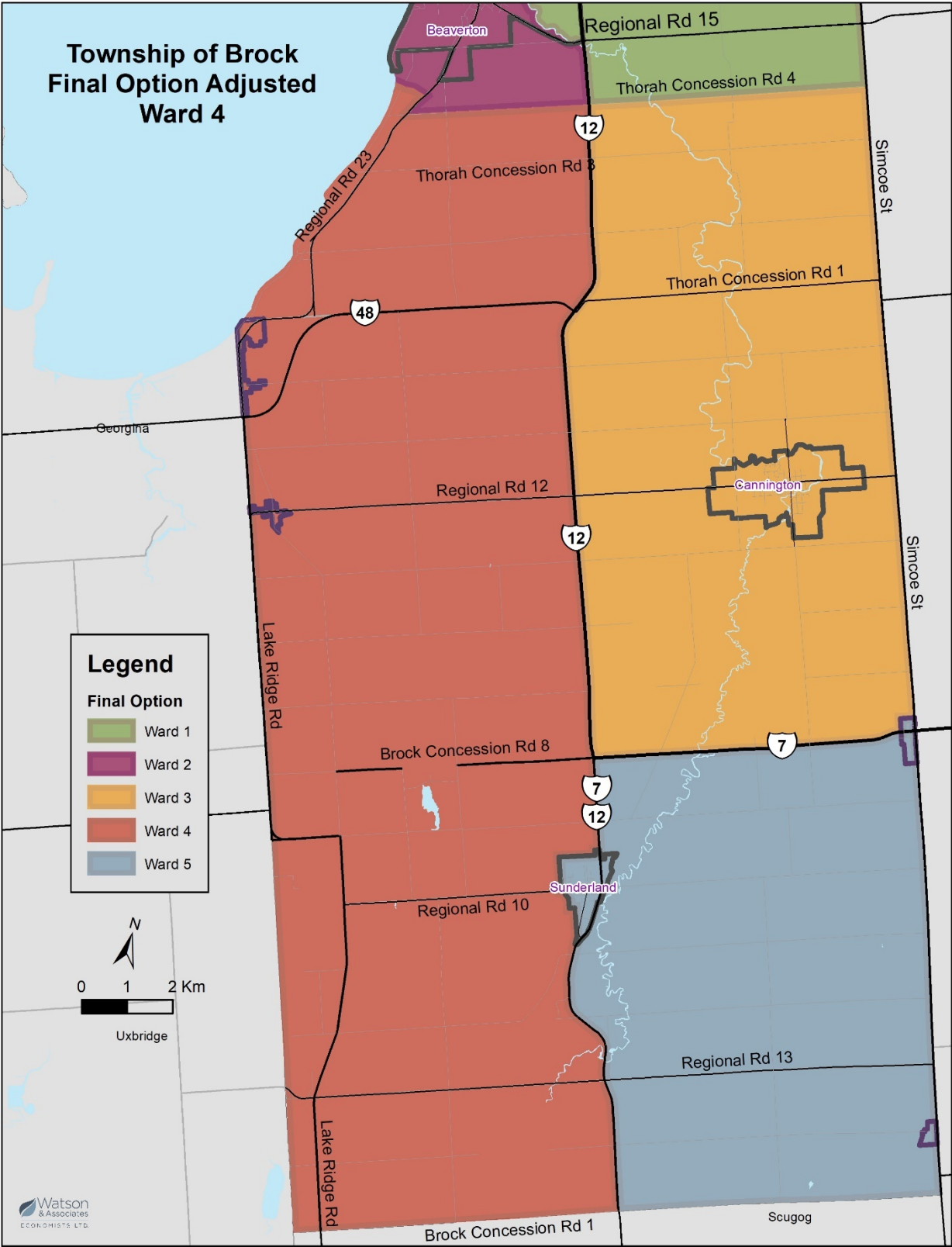
Beginning where the centre line where Simcoe Street meets the centre line of Thorah Concession Road 4, following in a southerly direction along the centre line of Simcoe Street to the defined urban boundary of Manilla (northern edge of C17290 Simcoe Street property line), then in a westerly and southerly direction around that defined area to the centre line of Highway 7, then in a westerly direction along the centre line of Highway 7 to the centre line of Highway 12, then in a northerly direction along the centre line of Highway 12 to the centre line of Thorah Concession Road 4, then in an easterly direction along the centre line of Thorah Concession Road 4 to the point of origin.





Ward Four

Beginning where the centre line of Highway 12 meets the centre line of Thorah Concession Road 4, following in a southerly direction along the centre line of Highway 12 to the centre line of Highway 7, then continuing in a southerly direction along the centre line of Highway 7 and 12 to the defined urban boundary of Sunderland (northern edge of 100 Highway 7 & 12 property line) , then following that boundary in a westerly, southerly and easterly direction back to the centre line of Highway 7 and 12, then in a southerly direction along the centre line of Highway 7 and 12 to the Township of Brock municipal boundary with the Township of Scugog, then in a westerly direction along the municipal boundary to the municipal boundary with the Town of Georgina, then in a northerly direction along that boundary to Lake Simcoe then in a northerly along that shoreline to the creek located on the northern edge of B27440 Cedarhurst Road property line (containing all Cedarhurst Beach Road residents within Ward 4), then in an easterly direction along the creek to Regional Road 23 to Thorah Concession Road 4 and back to the point of origin.



Ward Five

Beginning where the centre line of Simcoe Street meets the northern boundary of the defined urban boundary of Manilla (northern edge of C17290 Simcoe Street property line), following in a southerly direction along the centre line of Simcoe Street to the Township of Brock municipal boundary with the Township of Scugog, then in a westerly direction along the municipal boundary to the centre line of Highway 7 and 12, then in a northerly direction to the southern boundary of the defined urban boundary of Sunderland (northern edge of 100 Highway 7 & 12 property line), then following that boundary in a westerly, northerly and easterly direction back to the centre line of Highway 7 and 12, then in a northerly direction along the centre line of Highway 7 and 12 to the centre line of Highway 7, then in an easterly direction along the centre line of Highway 7 to the urban boundary of Manilla (Ward 5 will contain in their entirety all of Manilla and Sunderland settlement areas), then following that boundary around that defined area in a northerly and easterly direction back to the point of origin.

