

THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH  
PUBLIC MEETING MINUTES – MARCH 22, 2021 @ 7:00 P.M.  
VIA WEB CONFERENCING <https://www.youtube.com/watch?v=QTCoQV5nwd0>

**Members Present:**

**Mayor:** Andrew Lennox  
**Councillors:** Sherry Burke  
Lisa Hern  
Steve McCabe  
Dan Yake

**Staff Present:**

|   |                         |
|---|-------------------------|
| <b>Chief Administrative Officer:</b>                  | <b>Michael Givens</b>   |
| <b>Director of Legislative Services/Clerk:</b>        | <b>Karren Wallace</b>   |
| <b>Deputy Clerk:</b>                                  | <b>Catherine Conrad</b> |
| <b>Director of Finance:</b>                           | <b>Adam McNabb</b>      |
| <b>Economic Development Officer:</b>                  | <b>Dale Small</b>       |
| <b>Community Recreation Coordinator:</b>              | <b>Mandy Jones</b>      |
| <b>Manager of Recreation Services:</b>                | <b>Tom Bowden</b>       |
| <b>Chief Building Official:</b>                       | <b>Darren Jones</b>     |
| <b>Director of Fire Services/Fire Chief:</b>          | <b>Chris Harrow</b>     |
| <b>Human Resources Manager:</b>                       | <b>Chanda Riggi</b>     |
| <b>Manager, Environment and Development Services:</b> | <b>Corey Schmidt</b>    |
| <b>Manager of Planning and Environment:</b>           | <b>Linda Redmond</b>    |
| <b>Planner:</b>                                       | <b>Matthieu Daoust</b>  |

**CALLING TO ORDER - Mayor Lennox**

Mayor Lennox called the meeting to order 7:40 p.m.

**CCR HOLDINGS WELLS ST. INC. (ZBA 05/21)**

**DISCLOSURE OF PECUNIARY INTEREST**

No pecuniary interest declared.

**OWNERS/APPLICANT**

CCR Holdings Wells St. Inc. (ZBA 05/21)

**LOCATION OF THE SUBJECT LAND**

The land subject to the proposed amendment is described as Svy Crown Pt Park Lots 11-12; S/S Smith Pt Park Lots 6-7; N/S Catherine RP60R2465 Pt 1; RP 60R2514 Pt1 RP 602590 Pt 2 with a civic address of 10 Wells St W, Arthur. The property is 2.08 ha (5.14 ac) in size.

**PURPOSE AND EFFECT OF THE APPLICATION**

The purpose and effect of the proposed amendment is to rezone the property to permit an indoor cannabis cultivation and processing facility. The applicants are proposing to retrofit the existing industrial building for the proposed use. Additional relief may be considered at this meeting.

**NOTICE**

Notices were mailed to property owners within 120 m of the subject property as well as the applicable agencies and posted on the subject property on March 1, 2021.

## PRESENTATIONS

Matthieu Daoust, Planner, County of Wellington, Township of Wellington North

- Planning Report dated March 17, 2021

### PLANNING COMMENTS

The purpose of the site specific zoning amendment is to permit the indoor cultivation and processing of cannabis on the subject property. The applicant is proposing to retrofit the existing 1,625 m<sup>2</sup> (17,491 ft<sup>2</sup>) industrial building on the property.

The initial application indicated the facility would be for a commercial/industrial operation however, new information has come to light on this application. On March 16th, the planners representing the client has informed planning staff that the zone amendment pertains to a personal medical cannabis growing operation with the flexibility to permit a commercial operator on subject lands in the future. The personal license would permit a single individual to grow up to 438 plants on site and only said individual can tend to the plants. Under the Health Canada regulations up to four (4) personal medical growing licenses can be located at one address. Through discussions with the applicant's planners it was explained that the Health Canada regulations/standards for a personal license differ from those required for a commercial license. Planning staff require additional information on the requirements which pertain to elements such as noise, security, ventilation, etc. to formulate an accurate recommendation report for Council's consideration. This report has been drafted for information and to provide an opportunity for public consultation.

### LOCATION

The land subject to the proposed amendment is described as Svy Crown Pt Park Lots 11-12; S/S Smith Pt Park Lots 6-7; N/S Catherine RP60R2465 Pt 1; RP 60R2514 Pt 1 RP 602590 Pt 2 and is Municipally known as 10 Wells St W, Geographic Town of Arthur. The property is approximately 2.08 hectares (5.14 acres) in size. The subject property is located within an industrial area and within the Urban Center of Arthur. The property is adjacent to industrial/commercial uses.

### PROPOSAL

The purpose of the site specific zoning amendment is to rezone the property to permit the indoor cultivation and processing of cannabis on the subject property. A cannabis cultivation and processing facility is being proposed on the subject property to be located within an existing 1,625 m<sup>2</sup> (17,491 ft<sup>2</sup>) industrial building on the property.

The proposed facility includes both industrial and agricultural components. The processing component of the operation (processing of harvested cannabis) is permitted by the Industrial (M1) zoning on the property as an industrial use, however it is the introduction of indoor cultivation of cannabis (an agricultural use) which requires an amendment to the zoning by-law. Health Canada identifies that it is the applicant's responsibility to address all local municipal requirements.

The proposed facility is subject to federal legislation and approval must be obtained from Health Canada above and beyond any municipal requirements in order for the proposal to proceed. The applicant has obtained the required personal licensing from Health Canada for the indoor production and cultivation of cannabis on the subject property. The Cannabis Act includes site design requirements which must be met for facilities related to security and air quality. It should be noted, the minimum requirements for the personal medical growing license differ from those for a commercial growing license.

### PROVINCAL POLICY STATEMENT (PPS)

Under Section 1.3.1 (Employment) of the PPS, Planning authorities shall promote economic development and competitiveness by providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.

## GROWTH PLAN

The Growth Plan for the Greater Golden Horseshoe (GGH) provides growth management policy direction for the GGH, which includes Wellington County. All planning decisions are required to conform to the applicable policies and provisions of the Growth Plan. According to Employment Policy 2.2.5.1 (a), "Economic development and competitiveness in the GGH will be promoted by: making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities."

Per Section 2.2.1.2 (a) of the Growth Plan directs a vast majority of growth to settlements areas with a delineated built boundary, existing water and wastewater servicing systems and can support the achievement of complete communities. Further, Section 2.2.1.2 (c) adds within settlement areas growth will be focused in delineated built-up areas; strategic growth areas; locations with existing or planned transit, priority on higher order transit where it exists or is planned; and areas with existing or planned public service facilities. The subject lands are located within a Built-Up Area in the County Official Plan.

## COUNTY OFFICIAL PLAN

The subject property is designated Industrial and located within the Urban Center of Arthur. Permitted uses within the Industrial area may include manufacturing, processing, fabrication and assembly of raw materials or repair, servicing, distribution and storage of materials.

## ZONING BY-LAW

The subject lands are zoned Industrial (M1). Permitted uses within the Industrial zone include manufacturing, processing, assembly and warehouse. The growing of cannabis indoors is not considered a permitted use within the Industrial zone. A zoning by-law amendment is required to permit the indoor growing of cannabis as an Industrial use.

## Site Plan Approval:

The proposed industrial facility is subject to site plan approval according to Site Plan by-law 27-15.

## NEXT STEPS

Staff require direction from Council to prepare a recommendation report.

## **CORRESPONDENCE FOR COUNCIL'S REVIEW**

- Laura Warner, Grand River Conservation Authority
  - Email dated March 1, 2021 (No Comments) & GRCA Map
- Trevor Roberts and Sarah Wilson, Trevor Roberts Auto Repair Inc., 497 Smith Street, Arthur
  - Email dated March 21, 2021, (opposed, concerned with odours and water and waste implications)

## **REQUEST FOR NOTICE OF DECISION**

The by-law will be considered at a future regular council meeting. Persons wishing notice of the passing of the by-law must submit a written request.

## **MAYOR OPENS FLOOR FOR ANY COMMENTS/QUESTIONS**

Lincoln Lo, Principal and Ashley Barter, Planner, Malone Given Parsons, reviewed the site location and context, Zoning By-law amendment, and proposed development and operation.

Francois Vallerand, General Manager, Golden Valley Farms Inc., expressed concerns regarding water usage and the impact employment opportunities will have on existing businesses efforts to recruit and retain employees, nothing water has been the reason new housing developments could not happen. More housing would help provide a larger work force. Mr. Lo commented that only one person is permitted on a personal use licence and the maximum number of people would be four. A commercial use would also have employees for shipping, maintenance, etc.

John Vanderwoerd, neighbouring resident on Duke Street, expressed concerns regarding odour and the amount of water that will be needed. He suggested that this type of use should not be this close to residential areas. There is a lot of development proposed and he questioned if there will be enough water supply.

#### **COMMENTS/QUESTIONS FROM COUNCIL**

Councillor McCabe inquired about the mitigation of odours. Mr. Lo responded that if the licence is for personal use Health Canada has very little regulation regarding odour. If this building ends up as a commercial use, then odour mitigation would be under Federal rules. The Landlord has committed to installing air and carbon filters to mitigate odour. He suggested that an odour study should be done so recommendations can be addressed.

Councillor Yake questioned how much municipal water will they use and how much wastewater will there be? How will the cannabis be transported? Mr. Lo, advised that for personal use it would be handheld watering. A Commercial use would use an overhead system. Removal of any product will be from a third party; a commercial use would have indoor loading area.

Mayor Lennox asked if the zoning is in place for personal use what would be needed for commercial. Matthieu Daoust, Planner, stated that the applicant has asked that the by-law be open ended. Mayor Lennox commented that this proposal is too open ended for him to support.

Councillor Hern commented that this would be agricultural use in an urban area, Mayor Lennox stated that there is land available in the rural areas for this type of development.

Darren Jones, CBO, stated that with a commercial licence lighting, odour, etc. are regulated federally. With a private use it is municipally regulated.

#### **DRABYK, KAREN AND MICHAEL (ZBA 07-21)**

##### **DISCLOSURE OF PECUNIARY INTEREST**

No pecuniary interest declared.

##### **OWNERS/APPLICANT**

Karen & Michael Drabyk (ZBA 07-21)

##### **LOCATION OF THE SUBJECT LAND**

The land subject to the proposed amendment is described as Part Lot 33, EOSR, Division 3 & 4, with civic address of 8593 Highway 6, Arthur. The property is 39.3 ha (97.1 ac) in size.

##### **PURPOSE AND EFFECT OF THE APPLICATION**

The purpose and effect of the proposed amendment is to rezone the subject lands from Agricultural (A) zone to Site Specific Agricultural (A-2) zone. This application is seeking to rezone the retained agricultural portion of the property to prohibit any future residential development. This rezoning is a condition of severance application B97/20, that was granted provisional approval by the Wellington County Land Division Committee. The consent will sever a 1.3 ha (3.2 ac) parcel with an existing dwelling, shop, shed and associated services. A vacant 39.3 ha (97.1 ac) agricultural parcel would be retained. Additional relief may be considered at this meeting.

##### **NOTICE**

Notices were mailed to property owners within 120 m of the subject property as well as the applicable agencies and posted on the subject property on March 1, 2021.

## **PRESENTATIONS**

- Matthieu Daoust, Planner & Asavari Jadhav, Junior Planner, County of Wellington, Township of Wellington North
  - Planning Report dated March 17, 2021

### Planning Opinion

The purpose of this zoning amendment is to prohibit future residential development on the retained agricultural portion of the subject lands. This rezoning is a condition of severance application B97/20, that was granted provisional consent by the Wellington County Land Division Committee. The consent will sever a 1.3 ha (3.2 ac) parcel with an existing dwelling, shop, shed and associated services leaving a retained 39.3 ha (97.1 ac) vacant agricultural parcel.

We have no objections to the zoning amendment. Both the PPS and County Official Plan provide for surplus farm dwelling severances, provided the agricultural lands are rezoned to prohibit future development dwellings.

### INTRODUCTION

The property subject to the proposed amendment is legally described as Part Lot 33, EOSR, Division 3 & 4 with a civic address of 8593 Highway 6. The proposal is a condition of a recent severance application on the property, B97/20. The proposed severed parcel is 1.3 ha (3.2 ac) with an existing dwelling, shop, shed and associated services. The retained parcel is 39.3 ha (97.1 ac) in size.

### PROPOSAL

The purpose of the application is to rezone the subject lands to restrict future residential development on the retained agricultural lot. This rezoning is a condition of severance application B97/20, that was granted provisional approval by the Wellington County Land Division Committee. The consent will sever the existing dwelling, shop, shed and associated services from the vacant agricultural parcel under the surplus farm dwelling policies.

### PROVINCIAL POLICY STATEMENT (PPS)

The subject property is considered to be within a PRIME AGRICULTURAL area. Section 2.3.4.1(c) of the PPS provides consideration for the severance of a surplus residence, provided that new residential dwellings are prohibited on the remnant parcel of farmland.

### WELLINGTON COUNTY OFFICIAL PLAN

The subject lands are designated PRIME AGRICULTURE. This application is required as a result of a severance application B97/20. Section 10.3.4 of the Official Plan implements the PPS and requires that the remnant parcel be rezoned to prohibit dwellings. The intention of this policy is to allow farmers to reduce their costs of acquiring additional farm parcels where the impact on existing and future farm operations can be kept to a minimum.

### WELLINGTON NORTH ZONING BY-LAW

The subject lands are zoned Agricultural (A) and Natural Environment (NE). Permitted uses in the Agricultural zone include agricultural uses, single detached dwellings and accessory uses, buildings and structures. This zoning amendment will apply the standard A-2, which will restrict any future residential development on the retained vacant agricultural parcel.

### Draft Zoning By-law Amendment

A draft zoning by-law amendment has been prepared and attached to this report for Council's consideration.

## **CORRESPONDENCE FOR COUNCIL'S REVIEW**

- Laura Warner, Grand River Conservation
  - Email dated March 1, 2021 (No Objections) & GRCA Map

## **REQUEST FOR NOTICE OF DECISION**

The by-law will be considered at the regular council meeting following the public meeting. Persons wishing notice of the passing of the by-law must submit a written request.

## **MAYOR OPENS FLOOR FOR ANY COMMENTS/QUESTIONS**

Jeff Buisman, Applicant's Agent, was present to answer questions regarding the application.

## **COMMENTS/QUESTIONS FROM COUNCIL**

Councillor Hern questioned why the parcel is so large at 3.2 acres. Mayor Lennox stated that comments were submitted to the Land Division Committee. Jeff Buisman responded that the farmer asked for this separation.

## **MCALISTER, DAVID COLVIN, MARGARET ELIZABETH, ROGER (ZBA 08-21) DISCLOSURE OF PECUNIARY INTEREST**

No pecuniary interest declared.

## **OWNERS/APPLICANT**

David Colvin, Margaret Elizabeth & Roger McAlister (ZBA 08-21)

## **LOCATION OF THE SUBJECT LAND**

The land subject to the proposed amendment is described as Part Lot 18, Concession 2, with Civic address of 8737 Line 2, Arthur. The property is 40 ha (98.8 ac) in size.

## **PURPOSE AND EFFECT OF THE APPLICATION**

The purpose and effect of the proposed amendment is to rezone the subject lands from Agricultural (A) zone to Site Specific Agricultural (A-2) zone. This application is seeking to rezone the retained agricultural portion of the property to prohibit any future residential development. This rezoning is a condition of severance application B76/20, that was granted provisional approval by the Wellington County Land Division Committee. The consent will sever a 0.8 ha (2 ac) rural residential parcel with an existing dwelling and garage. A 40 ha (98.8 ac) agricultural will be retained. Additional relief may be considered at this meeting.

## **NOTICE**

Notices were mailed to property owners within 120 m of the subject property as well as the applicable agencies and posted on the subject property on March 1, 2021.

## **PRESENTATIONS**

Matthieu Daoust, Planner & Asavari Jadhav, Junior Planner, County of Wellington, Township of Wellington North

- Planning Report dated March 17, 2021

### **Planning Opinion**

The purpose of this zoning amendment is to prohibit future residential development on the retained agricultural portion of the subject lands. This rezoning is a condition of severance application B76/20, that was granted provisional consent by the Wellington County Land Division Committee. The consent will sever a 0.8 ha (2 ac) parcel with an existing dwelling and garage leaving a retained 40 ha (98.8 ac) vacant agricultural parcel.

We have no objections to the zoning amendment. Both the PPS and County Official Plan provide for surplus farm dwelling severances, provided the agricultural lands are rezoned to prohibit future development dwellings.

### **INTRODUCTION**

The property subject to the proposed amendment is legally described as Part Lot 18, Concession 2 with civic address 8737 Line 2, Arthur. The proposal is a condition of a recent severance application on the property, B76/20. The proposed severed parcel is 0.8 ha (2 ac) with an existing dwelling and garage. The retained parcel is 40 ha (98.8 ac) in size.

### **PROPOSAL**

The purpose of the application is to rezone the subject lands to restrict future residential development on the retained agricultural lot. This rezoning is a condition of severance application B76/20, that was granted provisional approval by the Wellington County Land Division Committee. The consent will sever the existing dwelling and garage from the agricultural parcel with shed under the surplus farm dwelling policies. The existing shed on the retained agricultural parcel will remain until the severed lot is sold.

#### PROVINCIAL POLICY STATEMENT (PPS)

The subject property is considered to be within a PRIME AGRICULTURAL and CORE GREENLANDS areas. Section 2.3.4.1(c) of the PPS provides consideration for the severance of a surplus residence, provided that new residential dwellings are prohibited on the remnant parcel of farmland.

#### WELLINGTON COUNTY OFFICIAL PLAN

The subject lands are designated PRIME AGRICULTURE and CORE GREENLANDS areas. Identified environmental features include a GRCA regulated Wetland and Flood Plain. This application is required as a result of a severance application B76/20. Section 10.3.4 of the Official Plan implements the PPS and requires that the remnant parcel be rezoned to prohibit dwellings. The intention of this policy is to allow farmers to reduce their costs of acquiring additional farm parcels where the impact on existing and future farm operations can be kept to a minimum.

#### WELLINGTON NORTH ZONING BY-LAW

The subject lands are zoned Agricultural (A) and Natural Environment (NE). Permitted uses in the Agricultural zone include agricultural uses, single detached dwellings and accessory uses, buildings and structures. This zoning amendment will apply the standard A-2, which will restrict any future residential development on the retained vacant agricultural parcel.

#### Draft Zoning By-law Amendment

A draft zoning by-law amendment has been prepared and attached to this report for Council's consideration.

### **CORRESPONDENCE FOR COUNCIL'S REVIEW**

- Barbara M.J. Baranow, Enbridge Gas Inc.
  - Email dated March 1, 2021 (No Objections)
- Andrew Herreman, Grand River Conservation Authority
  - Letter dated March 15, 2021 (No Objections)

### **REQUEST FOR NOTICE OF DECISION**

The by-law will be considered at the regular council meeting following the public meeting. Persons wishing notice of the passing of the by-law must submit a written request.

### **MAYOR OPENS FLOOR FOR ANY COMMENTS/QUESTIONS**

Jeff Buisman, Applicant's Agent, was present to answer questions regarding the application.

### **COMMENTS/QUESTIONS FROM COUNCIL**

There were no comments or questions from Council.

### **ADJOURNMENT**

RESOLUTION: 004-2021

Moved: Councillor Burke

Seconded: Councillor McCabe

*THAT the Public Meeting of March 22, 2021 be adjourned at 8:26 pm.*

CARRIED

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CLERK

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MAYOR