

THE CORPORATION OF THE UNITED COUNTIES
OF STORMONT, DUNDAS AND GLENGARRY

BY-LAW NO. 5369

A BY-LAW to adopt Official Plan Amendment No. 14 to the Official Plan of the United Counties of Stormont, Dundas and Glengarry.

WHEREAS the Official Plan of the United Counties of Stormont, Dundas and Glengarry was adopted by Council on July 17, 2017, and approved by the Minister of Municipal Affairs and Housing on February 4, 2018.

AND WHEREAS Section 17 (22) of the Planning Act, R.S.O., 1990 provides for the adoption of an official plan (or amendment) by a municipal council.

AND WHEREAS Official Plan Amendment No. 14 is an amendment to introduce policies regarding the Cannabis Production and Processing Facilities to the Official Plan initiated by the United Counties of Stormont, Dundas and Glengarry pursuant to Section 22 of the Planning Act, R.S.O., 1990.

NOW THEREFORE the Council of the Corporation of the United Counties of Stormont, Dundas and Glengarry enacts as follows:

1. That Official Plan Amendment No. 14 to the Official Plan of the Corporation of the United Counties of Stormont, Dundas and Glengarry, attached hereto as Schedule "A" to this By-law, is hereby adopted.
2. That this By-law come into force and effect on the final passing thereof.

READ and passed in Open Council, signed and sealed this 22nd day of August, 2022.



WARDEN



CLERK

SCHEDULE "A" TO BY-LAW No. 5369

**AMENDMENT NO. 14 TO THE OFFICIAL PLAN FOR THE UNITED COUNTIES OF
STORMONT, DUNDAS AND GLENGARRY**

Official Plan Amendment

Cannabis Cultivation and Production Amendment

United Counties of Stormont, Dundas, and Glengarry

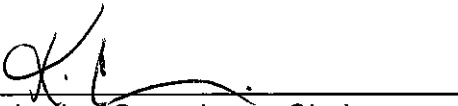


**UNITED COUNTIES OF STORMONT
DUNDAS AND GLENGARRY**

**CERTIFICATION OF COMPLIANCE WITH PUBLIC INVOLVEMENT AND NOTICE
REQUIREMENTS**

I, Kimberley Casselman, Clerk, hereby certify that the requirements for the giving of notice and the holding of at least one (1) public meeting as set out in Subsection 17(15) of the Planning Act, R.S.O. 1990, and the giving of notice as set out in Subsection 17(23) of the Planning Act, R.S.O. 1990, have been complied with.

Signed



Kimberley Casselman, Clerk

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STATEMENT OF COMPONENTS

PART A - PREAMBLE

Introduces the actual Amendment but does not constitute part of Amendment No. 14 to the Official Plan for the United Counties of Stormont, Dundas and Glengarry.

PART B - THE AMENDMENT

Consists of the following text, which constitutes Amendment No. 14 to the Official Plan for the United Counties of Stormont, Dundas and Glengarry.

PART C - THE APPENDICES

Do not form part of Amendment No. 14 but are provided to clarify the intent and to supply background information related to the Amendment.

PART A – PREAMBLE

Purpose

The purpose of Amendment No. 14 to the Official Plan for the United Counties of Stormont, Dundas and Glengarry, which is a housekeeping amendment initiated by the United Counties pursuant to Section 22 of the *Planning Act*, is to clarify policy and mapping regarding the permitting of cannabis cultivation and production facilities, including the mitigation measures, land use compatibility, and studies required, in the County Official Plan.

Location

The amendments apply to all lands within the corporate boundaries of the United Counties.

Basis

Section 1.1.4.1 of the Provincial Policy Statement (PPS) states that healthy, integrated, and viable rural areas should be supported by:

- promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;
- providing opportunities for economic activities in prime agricultural areas, in accordance with policy 2.3

Section 1.1.5.4 goes on to say that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

Section 1.2.6.1 adds that major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards, and procedures.

Section 1.3.1 says that planning authorities shall promote economic development and competitiveness by:

- providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;
- 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;

Section 1.3.2.2 goes on to say that employment areas planned for industrial and manufacturing uses shall provide for separation or mitigation from sensitive land uses to maintain the long-term operational and economic viability of the planned uses and function of these areas.

Section 2.3.3.1 states that in prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses, and on-farm diversified uses.

Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.

Section 2.3.3.2 says that in prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.

Section 2.3.3.3 goes on to say that new land uses in prime agricultural areas, including the creation of lots and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.

The Cannabis Act came into effect in October 2018. It legalized the production, sale, and use of cannabis for recreational purposes in Canada.

When the United Counties of Stormont, Dundas, and Glengarry Official Plan was approved in 2018, the cultivation and production of cannabis was not a legal activity, and as such, it was not addressed in the Official Plan. With the introduction of the Cannabis Act, cannabis production is now permitted for commercial growth for both medical and recreational purposes. The Official Plan's should provide a framework to ensure compatibility and mitigate possible nuisances that may arise from the establishment of cannabis facilities, such as odour, noise, light pollution, and security.

The policies for Agricultural Resource Lands are outlined in Section 5.3 of the SDG Official Plan. It states that “Agriculture-related uses on prime agricultural lands are encouraged to strengthen and diversify the agricultural industry and to supplement farm income. For the purposes of this section, agriculture-related uses are farm-related commercial and industrial uses directly related to farm operations in the area that support agriculture, and benefit from being close to farm operations.” It seeks to minimize land use conflicts and ensure compatibility with agricultural uses.

The policies for Agricultural Resource Lands are outlined in Section 3.4.6 of the SDG Official Plan. It states that “The intent of this designation is to accommodate a variety of land uses that are appropriate for a rural location and a limited amount of residential development where such development will not preclude continued agricultural and non-residential uses.”

Section 3.4.3 of the Official Plan discusses the Employment District, and states that “Employment District uses may include a mix of industrial uses, manufacturing, construction, warehousing, offices, employment supportive commercial uses including associated retail and ancillary facilities, public service facilities and institutional uses”. Section 5.3.2.1 also specifies that “A large-scale agriculture-related use should be directed to an Employment District where it will reinforce local municipal investment or policies for a commercial or industrial area, or if not feasible, to lands having lesser soil capability for agriculture.”

It is recommended that the Official Plan text be amended to allow a local municipality to permit a licensed cannabis cultivation and production facility in the Rural District, Agricultural Resource Lands designation, and/or Employment District. Any adverse impacts that could be generated by noise, dust, odour, light, and traffic should be appropriately mitigated, as demonstrated by the required studies.

PART B - THE AMENDMENT

The Introductory Statement

All of this part of the document entitled, Part B - The Amendment, consisting of the following text and Schedule 'A', constitutes Amendment No. 14 to the Official Plan for the United Counties of Stormont, Dundas and Glengarry.

Details of the Amendment

The Official Plan of the United Counties of Stormont, Dundas and Glengarry is amended as follows:

1. Section 3.5.2 – Section 3.5.2.10 will be added.
2. Section 3.5.2.10 – A Licensed Cannabis Cultivation and Production Facility means any building, structure or land used for the cultivation, processing, testing, destruction, packaging and/or shipping of cannabis in accordance with the Cannabis Act. A Licensed Cannabis Cultivation and Production Facility is subject to other pertinent policies of this Plan and may be permitted by a local municipality in the Rural District, Agricultural Resource Lands designation, and/or Employment District. A Licensed Cannabis Cultivation and Production Facility shall be directed away from mixed-use corridors including areas with tourism and highway commercial uses.
3. A Licensed Cannabis Cultivation and Production Facility may be subject to site plan control pursuant to the Planning Act, R.S.O. 1990, c.P. 13.
4. Upon receipt of a development application to permit a Licensed Cannabis Cultivation and Production Facility, local municipalities shall be satisfied that the following criteria are met:
 - a) Where a Licensed Cannabis Cultivation and Production Facility is proposed as an agricultural use, only new purpose-built facilities will be permitted, and any retrofit or use of existing agricultural buildings or structure is prohibited unless a change of use permit is obtained;
 - b) That mitigation measures be taken to reduce adverse impacts on nearby residential, institutional, recreational, and other sensitive land uses, and to determine the appropriate separation distance of the proposed facility to existing sensitive land uses and zones, including residential uses and

commercial, institutional, and recreational land uses frequented by members of the public. Local municipalities are encouraged to establish a minimum setback from a Licensed Cannabis Cultivation and Production Facility to a sensitive land use in their Zoning By-law. Site-specific reductions to these setbacks are strongly discouraged.

- c) Any adverse impacts generated by noise, dust, odour, light, and traffic be appropriately mitigated, as demonstrated by the required studies identified in this section.
 - d) That a waste management plan will be submitted demonstrating that waste generated from the use can be appropriately managed;
5. Where processing, testing, destruction, packaging and/or shipping of cannabis is proposed as an agricultural use, it must be demonstrated that the Licensed Cannabis Cultivation and Production Facility meets the Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas as prepared by the Ontario Ministry of Agriculture, Food and Rural Affairs by satisfying the following criteria:
- a) Farm-related commercial and farm-related industrial use.
 - b) Shall be compatible with, and shall not hinder, surrounding agricultural operations.
 - c) Directly related to farm operations in the area.
 - d) Supports agriculture.
 - e) Provides direct products and/or services to farm operations as a primary activity
 - f) Benefits from being in close proximity to farm operations
6. A Licensed Cannabis Cultivation and Production Facility shall not be considered an On-Farm Diversified Use or Home Occupation, unless specifically listed as a permitted use in the local municipality's zoning by-law.
7. Where the cultivation of cannabis is proposed as an industrial use, the proposed Licensed Cannabis Cultivation and Production Facility is required to demonstrate conformity to the Land Use Compatibility Guidelines as prepared by the Ministry of the Environment, Conservation and Parks.
8. The following studies (as applicable) should be submitted as part of a complete application for a Zoning Bylaw amendment or Site Plan Control application to the satisfaction of the local municipality:

- a) Odour Impact Assessment and an Odour Mitigation Plan
- b) Light Mitigation Plan
- c) Agricultural Impact Assessment (if applicable)
- d) Traffic Impact Study
- e) Noise and Vibration Impact Assessment
- f) Hydrogeological Study (if on private services)
- g) Site Servicing Study
- h) Any other appropriate studies identified by the municipality

A site servicing study must ensure the proposed development can be adequately serviced without negatively impacting municipal water servicing capacity and municipal wastewater facilities. If the facility is serviced privately, it must be proven that it will have no negative impacts on watershed health.

The municipal may retain, at the applicant's expense, a qualified consultant to peer-review the above noted submissions and provide professional conclusions and recommendations to the municipality.

9. Where there is an existing Licensed Cannabis Cultivation and Production Facility, it is a policy of this Plan to require a site plan approval for any additional floor area beyond the existing facility.

PART C – THE APPENDICES

APPENDIX A: NOTICE OF PUBLIC MEETING

APPENDIX B: RECORD OF PROCEEDINGS

APPENDIX C: RECORD OF PUBLIC COMMENTS RECEIVED

APPENDIX A: NOTICE OF PUBLIC MEETING



NOTICE OF A PUBLIC MEETING Cannabis Cultivation and Production Official Plan Amendment for the United Counties of Stormont Dundas and Glengarry

TAKE NOTICE that the Council of the Corporation of the United Counties of Stormont, Dundas and Glengarry (SDG) will hold a Public Meeting as per Section 17 and Section 21(1) of the *Planning Act* on Monday July 18, 2022, commencing at 9:00 A.M.

THE PURPOSE AND EFFECT – The purpose of the Public Meeting is to provide an opportunity for Council to receive input from the public and stakeholders in respect of the current proposed Cannabis Cultivation and Production Amendment to the SDG Official Plan. The amendment is intended to clarify policy and mapping regarding the permitting of cannabis cultivation and production facilities, including the mitigation measures, land use compatibility, and studies required, in the County Official Plan. The Official Plan applies to the entire geographical area of SDG; as such, no key map is provided.

Copies of the draft Cannabis Cultivation and Production Amendment can be found at sdgcounties.ca.

ANY PERSON may attend the public meeting and/or make written or verbal representation either in support of or in opposition to the proposed amendment to the SDG Official Plan.

IF A PERSON or public body does not make oral submissions at a public meeting or make written submissions to SDG before the proposed Official Plan amendment is adopted, the person or public body is not entitled to appeal the decision of the Ontario Lands Tribunal.

IF A PERSON or public body does not make oral submissions at a public meeting or make written submissions to SDG before the proposed Official Plan amendment is adopted, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal there is reasonable grounds to add the person or public body as a party.

IF YOU WISH TO BE NOTIFIED of the adoption of the Cannabis Cultivation and Production Amendment to the Official Plan you must make a written request to the Director of Planning (at the address below) or to info@sdgcounties.ca.

ADDITIONAL INFORMATION relating to the Cannabis Cultivation and Production Amendment to the Official Plan is available on the SDG website and at the local township offices.

DATED this 28th day of June, 2022

Planning Services
United Counties of Stormont, Dundas and Glengarry
26 Pitt Street, K6J 3P2
Cornwall, Ontario
Tel: (613) 932-1515
Fax: (613) 936-2913

APPENDIX B: RECORD OF PROCEEDINGS

The Corporation of the United Counties of Stormont, Dundas and Glengarry

REGULAR COUNCIL MINUTES

July 18, 2022, 9:00 a.m.

Council Chambers, Suite 321, 26 Pitt Street, Cornwall

Members Present:

Deputy Warden A. Armstrong,
Councillors, S. Byvelds, T.
Fraser, K. Gardner, S. Jaworski,
F. Landry, J. MacDonald, B.
McGillis, D. Smith, J. Wert

Staff Present:

CAO Simpson, Clerk Casselman,
Director de Haan, Director Young,
Manager of Infrastructure Jans

1. Call Meeting to Order by Resolution

Resolution No. 2022-139

Moved by Councillor Smith

Seconded by Councillor MacDonald

THAT the meeting of the Council of the United Counties of Stormont, Dundas and Glengarry be hereby called to order.

CARRIED

2. Adoption of Agenda

Resolution No. 2022-140

Moved by Councillor Wert

Seconded by Councillor McGillis

THAT Council approve the agenda.

CARRIED

3. Disclosure of Pecuniary Interest and General Nature Thereof

4. Adoption of Minutes

4.1 June 20 & 30, 2022

Resolution No. 2022-141

Moved by Councillor McGillis

Seconded by Councillor MacDonald

THAT the minutes of the meetings, including the in-camera minutes, of the Council of the United Counties of Stormont, Dundas and Glengarry, held June 20 and June 30, 2022, be adopted as circulated.

CARRIED

5. Public Meeting

5.1 Official Plan Amendment No. 13 - Minor Zoning Amendments / Notification Requirements Amendment

5.2 Official Plan Amendment No. 14 - Cannabis Cultivation and Production Amendment

Resolution No. 2022-142

Moved by Councillor MacDonald

Seconded by Councillor Smith

THAT the Public Meeting to consider Official Plan Amendments be opened at 9:02 a.m.

CARRIED

Clerk Casselman stated that there was one member of the public participating in the public meeting in-person. She stated that their name and contact information was recorded as part of the registration process. Clerk Casselman added that should there be members of the public unable to join the meeting who wish to provide comments related

to the items considered, or who wish to be notified of the decisions, to send an email to info@sdgcounties.ca.

Director Young stated that the public meeting was a forum for the public and Council to receive information that pertains to the proposed amendments to the Official Plan related to Minor Zoning Amendments/Notification Requirements and Cannabis Cultivation and Production, as well as voice any questions or concerns regarding the amendments. He stated that the meeting was being held pursuant to Section 17 and Section 21(1) of the *Planning Act*. Director Young presented information regarding the proposed amendments.

Deputy Warden Armstrong permitted questions and comments from the public and Council members. There were no questions or comments concerning Official Plan Amendment No. 13 - Minor Zoning Amendments / Notification Requirements Amendment.

Jacqueline Milner, 19166 Hay Road, Summerstown, spoke to Official Plan Amendment No. 14 - Cannabis Cultivation and Production Amendment. She stated that she was happy to see this item being considered as she had to deal with a cannabis facility close to her home. She spoke to odour concerns with these types of facilities and encouraged definitive wording in the amendment text. Councillor McGillis asked if the facility located near Ms. Milner's home was an indoor or outdoor facility. Ms. Milner stated indoor facility.

Councillor Byvelds stated South Dundas had various challenges on this matter and that he supported strengthening policy at the County level. He added that cannabis was a unique agricultural product and that he endorsed the proposed amendment.

Resolution No. 2022-143

Moved by Councillor McGillis

Seconded by Councillor Gardner

THAT the Public Meeting to consider Official Plan Amendments be closed at 9:18 a.m.

CARRIED

APPENDIX C: RECORD OF PUBLIC COMMENTS RECEIVED

N/A