

**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:

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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 22nd day of March, 2021.

Signed: Original Signed
John Grant, Mayor

CORPORATE SEAL OF
MUNICIPALITY

Signed: Original Signed
Becky Jamieson, Clerk

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 22nd day of March, 2021.

Signed: Original Signed
Becky Jamieson, Clerk

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 22nd day of March, 2021.

Signed: Original Signed
Mayor – John Grant

CORPORATE SEAL OF
MUNICIPALITY

Signed: Original Signed
Clerk – Becky Jamieson

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

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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**