

Municipality of Chatham-Kent
Community Development
Planning Services

To: Mayor and Members of Council

From: Ryan Jacques, MCIP, RPP
Manager, Planning Services

Date: August 12, 2020

Subject: Application for Site Plan Control
PL201900171 – Sunmaster Produce Inc. o/a Medisun Inc.
6640 Rivard Line, Community of Dover (North Kent)

Recommendation

It is recommended that:

1. Site Plan Control application File D-11 DO/12/19/S, to permit the construction of:
 - i. a 5.2 ha (12.85 ac.) greenhouse for cannabis production; and,
 - ii. a 12,414 sq. m (133,625 sq. ft.) service building and warehouse,

in Part of Lot 8, Concession 7, in the Community of Dover as shown on the site plan drawing, prepared by N.J. Peralta Engineering Ltd., and dated June 22, 2020, be approved and that the site plan agreement be executed.

Background

The subject lands are located on the south side of Rivard Line, west of Big Pointe Road, in the Community of Dover. The lands are 20.2 ha (50 ac.) in area and contain an existing greenhouse facility currently operating as a Cannabis Production Facility. The property is within the Agricultural Site-Specific Policy Area 3.10.2.18.8 in the Chatham-Kent Official Plan and zoned Agricultural (A1-1363). A key map showing the subject property and surrounding area is attached as Appendix A. Site photos are attached as Appendix B.

The greenhouse operator, Medisun Inc., is a Good Agricultural and Collection Practices (GACP) certified licensed producer of Cannabis in Canada and has received both the Health Canada cultivation license on October 12, 2018 and standard processing license on April 16, 2020. According to Medisun Inc., it can currently produce approximately

340,000 kg of cannabis annually in the existing 13 ac. greenhouse. The proposed addition has the potential to double production.

The application proposes to construct:

- a) a 5.2 ha (12.85 ac.) greenhouse for cannabis production; and
- b) a 12,414 sq. m (133,625 sq. ft.) service building and warehouse

as shown on the site plan attached as Appendix C. The annual production will double as a result of the expansion.

In November 2019, it was brought to the attention of Building Development Services that construction of the proposed greenhouse expansion was underway without the appropriate municipal site plan approval or building permits in place. The applicant was advised of the municipal approvals required, and an Order to Comply and Stop Work Order was issued by Building Development Services on November 27, 2019. The greenhouse structure was nearly completed at the time, and the applicant was permitted to enclose the structure prior to winter.

From November 2019 to July 2020, the applicant has prepared and filed an application for site plan approval and provided the appropriate technical studies. The necessary permits are required to be obtained by the applicant following approval of the site plan application.

Comments

Provincial Policy Statement (PPS)

The proposal does not raise any issues of Provincial interest.

Official Plan

The property is designated Agricultural Area, which permits a Cannabis Production Facility on the lands. Specifically the policies read as follows:

3.10.2.2 The Agricultural Area designation means that the primary use shall be agriculture, farm-related industrial and farm-related commercial uses and accessory uses.

3.10.2.3 Permitted uses in the Agricultural Area designation will include the growing of crops, including nursery and horticultural crops; the raising of livestock and other animals for food or fur, including poultry and fish; aquaculture; agroforestry; maple syrup production; and associated on-farm buildings and structures. Also permitted are farm-related commercial and farm-related industrial uses that are small scale and directly related to the operation, which are required to be in close proximity to the farm operation. Also permitted are sustainable forestry uses, conservation, retail stands for the sale of agricultural

products produced on the same farm unit, and bed and breakfast establishments...

Cannabis production will be a permitted use in accordance with Health Canada regulations and in conformity with the policies of Section 2.7 of this Plan.

Section 2.7 of the Official Plan contains policies specific to Cannabis Production, as follows:

2.7.2.1 The following land-use policies shall apply:

- a) Facilities shall not be located within close proximity to sensitive land uses such as residential, institutional, open space, or as more specifically outlined in the Zoning By-law;*
- b) Construction of new facilities shall be subject to site plan approval, as outlined in the Site Plan Control By-law;*
- c) Facilities shall be located and designed in accordance with Federal regulations to mitigate potential impacts including light emissions, air emissions, odour, and so forth;*
- d) Only facilities registered or licensed by Health Canada are permitted.*

The proposed greenhouse is located centrally within the Community of Dover, away from residential settlement areas, institutional and open space uses. The applicant is subject to a site plan agreement for the existing and approved development on the lands. Medisun Inc. holds the appropriate licenses from Health Canada and operates within Federal regulations.

It is understood that the greenhouse and cannabis industry are aware of lighting and odour issues. The industry as a whole is trying to address them, especially the lighting issue. There is development of curtains that can be used in some instances in greenhouses at night to prevent light from escaping. However, this apparently can also cause heat to be trapped, which can damage crops. So, this then becomes an expense and engineering issue for greenhouse operators. There will need to be fair evaluation of the light impact at sites, taking into consideration the public expectation, and practical implementation of mitigation options. This includes horizontal impacts on neighbouring properties, and vertical impacts on night sky.

There is no government regulation (federal, provincial, or local) to regulate light impacts at this time. Site plan tools are limited in the ability to implement, regulate, and enforce the operation aspects of lighting mitigation techniques. Lighting mitigation requires daily adjustment of fittings internal to the greenhouse. This is a functional aspect of a greenhouse operation and not directly related to the building placement, servicing, or overall site layout, which are aspects of the site that are addressed in the approval and

site plan agreement.

The applicant has stated that, *“One of the common industry challenges associated with cannabis cultivation is the amount of light that the plants require; in order to successfully grow cannabis, the plant requires 12 hours of light. With Canada’s varying length of daylight hours, it becomes a necessity to implement artificial lighting for year-round growth.*

Medisun is a front-runner in the industry with 75% of our artificially lit facilities fitted with blackout shades to minimize the potential for light-pollution within the community. It is our goal to have 100% coverage within the next 5 years on all new and existing facilities.”

In consideration of lighting impacts at this location, the following is considered:

- The property is centrally located in the former Township of Dover in an area dominated by agricultural uses.
- The property is distant from the following settlement areas:
 - Grande Pointe – approximately 2.8 km away.
 - Pain Court – approximately 5.8 km away.
 - Mitchell’s Bay – approximately 6.6 km away.
- The property is approximately 4.8 km away from significant coastal wetlands along the shore of Lake St. Clair, including the St. Clair National Wildlife Area.
- Properties fronting on Rivard Line, and St. Philippes Line to the north and Heron Line to the south, are primarily 50-100 acre farms. Many of these farms contain a residential dwelling.

In support of the Site Plan application, the applicant has also submitted a number of supporting studies and technical documents, which have been reviewed and accepted by the Municipality:

a) Detailed Site Plan

Site Planning is a tool used in Chatham-Kent when property is being developed to coordinate the developer’s needs as well as the interests of the community, and use of public resources. It is extremely valuable in implementing Chatham-Kent’s goals for continuous improvement towards being a welcoming, active and sustainable place to work and live.

The site plan submitted with this application implements Chatham-Kent’s Official Plan and Zoning By-law. The site plan coordinates municipal servicing, public safety and compatibility of land uses. It provides opportunities for being a healthier and progressive place, and respects the developer’s choice, style and budget for the project. The proposed site plan adheres to Chatham-Kent’s requirements and will form part of the site plan agreement.

b) Stormwater Management Plan & Report

A storm water management Plan (SWM) starts with calculations to determine the storm water volumes for the proposed site development and then a design for the movement and storage of storm water that will not upset the natural water cycle of the area. A SWM plan will determine measures that are necessary to allow sediment to settle out of the storm water and to prevent flooding and erosion. The developer has submitted a stormwater management plan acceptable to the Municipality and it will form part of the site plan agreement.

c) Infrastructure Servicing Report

The site will be serviced by an existing municipal piped water connection and private septic system.

d) Medisun Inc. submitted a company profile as information to support the application. This document is attached to this report as Appendix D.

Overall, the proposal conforms to the Official Plan.

Zoning By-law

The subject property is zoned Agricultural-1363 (A1-1363), which permits a Cannabis Production Facility.

The site plan drawing demonstrates how the site will function in terms of utilizing the existing entrance from Rivard Line. The site plan provides 145 parking spaces, including three (3) AODA, and four (4) loading spaces.

The site plan complies with all regulations of the Zoning By-law.

Conclusion

The proposed development conforms to the relevant policies of the Official Plan and complies with the Zoning By-law and the applicable regulations. Therefore, the application is being recommended for approval.

Areas of Strategic Focus and Critical Success Factors

The recommendation in this report supports the following areas of strategic focus:

Economic Prosperity:

Chatham-Kent is an innovative and thriving community with a diversified economy

A Healthy and Safe Community:

Chatham-Kent is a healthy and safe community with sustainable population growth

People and Culture:

Chatham-Kent is recognized as a culturally vibrant, dynamic, and creative community

Environmental Sustainability:

Chatham-Kent is a community that is environmentally sustainable and promotes stewardship of our natural resources

The recommendation in this report supports the following critical success factors:

Financial Sustainability:

The Corporation of the Municipality of Chatham-Kent is financially sustainable

Open, Transparent and Effective Governance:

The Corporation of the Municipality of Chatham-Kent is open, transparent and effectively governed with efficient and bold, visionary leadership

Has the potential to support all areas of strategic focus & critical success factors

Neutral issues (does not support negatively or positively)

Consultation

Internal

Technical Advisory Committee

The Technical Advisory Committee supports the application.

Financial Implications

There are no financial implications resulting from the recommendation.

Prepared by:



Greg Houston, CPT
Planner II, Planning Services

Reviewed by:



Ryan Jacques, MCIP, RPP
Manager, Planning Services

Reviewed By:

A handwritten signature in black ink, appearing to read "Bruce McAllister", written over a horizontal line.

Bruce McAllister, MCIP, RPP
Acting General Manager, Community Development
Director, Planning Services

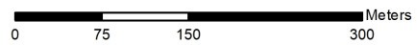
Attachments: Appendix A – Key Map
Appendix B – Site Photos
Appendix C – Site Plan

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Report.docx

Appendix A – Key Map



This is not a plan of survey.
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Appendix B – Site Photos



Looking east at the existing service building from Rivard Line.



Looking south at the existing greenhouse from Rivard Line.

Appendix C – Site Plan dated June 22, 2020

