



## PLANNING & DEVELOPMENT

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To: Reeve and Members of Council  
Carson Lamb (Clerk), Township of North Huron

From: Hanna Homan, Planner

Date: January 12, 2022

RE: **Application Z09-21 – Zoning By-law Amendment (Municipal Initiated Amendment)**  
Applicable to all lands within the Township of North Huron

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### RECOMMENDATION

It is recommended that the Zoning By-law Amendment Z09-21 be **approved** subject to the recommended revisions to include planting strip requirements.

If Council is agreeable to the recommended revisions to the temporary use by-law another motion is required to the following effect:

**WHEREAS** the Council of the Township of North Huron has held a public meeting pursuant to section 34(12) of the Planning Act with respect to proposed zoning By-law;

**AND WHEREAS** certain changes have been made to the proposed By-law after the holding of the public meeting;

**NOW, THEREFORE**, the Council of the Township of North Huron hereby RESOLVES that, pursuant to section 34(17) of the *Planning Act*, R.S.O. 1990, c. P. 13 the changes were of such a nature that no further notice is to be given in respect of the proposed By-law prior to its passing;

### PURPOSE AND DESCRIPTION OF AMENDMENT

On December 6, 2021, Township of North Council passed a motion to direct the Planner to prepare an amendment to the North Huron Comprehensive Zoning By-law to establish provisions to establish setbacks to sensitive uses and other related provisions regarding the cannabis production facilities.

The purpose of the proposed zoning by-law amendment is to establish provisions within the Zoning By-law to allow for the production of cannabis as a permitted use within appropriate zones subject to provisions that protect neighbouring sensitive uses. This amendment applies to the Zoning By-law and therefore, across the municipality.

In the existing Zoning By-law as per housekeeping amendments in 2015 and 2019, cannabis production facilities are permitted in the following zones; General Industrial Zone (IND2), Light Industrial Zone (IND1), General Agricultural Zone (AG1), and Agricultural Commercial/Industrial Zone (AG3) as per the following definition:

*CANNABIS PRODUCTION FACILITY 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. (as amended by By-law 98-2019)*

The proposed amendment includes the introduction of the following provisions:

1. General provisions in Section 3.45 including setbacks between facilities and *sensitive uses* defined as follows:
  - a Residential Zone, Community Facility Zone, commercial recreational facility, park or similar recreational use, dwelling, public school, private school, place of worship, community centre, or a day care.
  - Setbacks are not applicable for dwellings located on the same titled property as the cannabis facility
2. In the General Agricultural Zone (AG1), and Agricultural Commercial/Industrial Zone (AG3), a minimum 150 metres setback to sensitive uses is required for facilities with air treatment control and a minimum 300 metres of setback required for facilities without air treatment control
3. In the General Industrial Zone (IND2) and Light Industrial Zone (IND1), a minimum 150 metre setback to sensitive uses is required and air treatment control is required, production must be entirely within wholly enclosed buildings
4. Provide provisions for the location of accessory security structures, prohibit outdoor storage
5. Specify planting strip requirements for facilities in proximity to sensitive uses
6. Specify that establishment or expansion of facilities be subject to Site Plan Control

The proposed amendment is adapted from the Norfolk County Zoning By-law. Similarly, other municipalities within Huron County have adopted similar by-laws which were adapted from the Norfolk County Zoning By-law. Neighbouring municipalities in Huron County, including Central Huron, Morris-Turnberry and Ashfield-Colborne-Wawanosh have established setback provisions for facilities.

The proposed by-law setbacks are also similar to Zoning By-law provisions for other municipalities in Ontario. A 2021 research project<sup>1</sup> examined setback provisions across Ontario, identifying 12 other Ontario municipalities with different setbacks for facilities that did and did not have air treatment control. There was a median setback of 150 metres for facilities with air treatment control and a median setback of 300 metres for facilities without air treatment control, similar to the proposed amendment.

## **REVIEW**

Zoning By-law Amendments are required to be consistent with the Provincial Policy Statement and conform to the County Official Plan and North Huron Official Plan.

### **Planning Act and Provincial Policy Statement (PPS)**

Section 2 of the Planning Act outlines matters of provincial interest and responsibilities of Municipal Councils in controlling land uses. This includes addressing the orderly development of safe and healthy communities and establishing the appropriate location of growth and development. The PPS generally speaks to land use compatibility and buffering to sensitive uses.

The proposed amendments will contribute to the orderly development of communities while establishing appropriate buffers between sensitive uses and cannabis production facilities. The proposed amendment is consistent with the PPS.

### **Huron County Official Plan (OP)**

The Huron County OP provides policy direction for the long-term growth and development in the County, including speaking generally to the compatibility of uses. Section 7.3.6(3) of the County Official

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<sup>1</sup> Boerema, G. (2021). Cannabis and Rural Land Use Conflicts in Southern Ontario (Master's thesis, University of Waterloo).

Plan states that *“...industries will be designed, buffered and/or separate from sensitive land uses such as residential areas, and education, community and health facilities to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities.”*

This provides policy justification for buffering industrial uses, such as a cannabis facility, from sensitive uses, while balancing the long-term viability of these industries as proposed by this amendment. The proposed amendment conforms to the Huron County Official Plan.

### **North Huron Official Plan (OP)**

The North Huron OP generally speaks to compatibility between uses, although cannabis production is not referenced specifically. Section 1.2 of the Bluewater Official Plan identifies the purposes of the plan including the development of a land use planning program that maximizes compatibility and minimizes conflict between different land uses. Section 10 outlines Community-Wide Policies, in particular Section 10.2.2 establishes goals related to Community Economic Development including: *To ‘strike a balance’ between encouraging and supporting flexibility and innovative ideas, while maintaining a compatibility of land uses.*

The proposed amendments provide a balance between maintaining economic development opportunities while ensuring compatibility with different and surrounding land uses by reducing possible conflicts through the establishment of buffers to sensitive uses. The proposed amendment conforms to the North Huron OP.

### **STAFF, AGENCY, AND PUBLIC COMMENTS**

At the time of report submission, no written comments from neighbours or members of the public have been received. North Huron staff and prescribed agencies were circulated on this application. Township staff provided comment on the draft by-law. In particular, Township Staff inquired about options for site screening or buffering. In response, the by-law as circulated is proposed to be revised to include references to site fencing or planting strips as described in the following section.

### **REVISION**

Based on comments received and a further review, it is recommended that revisions be made to the proposed Zoning By-law Amendment text to add reference to planting strip requirements for facilities. The revisions include additions to the existing Planting Strip General provisions in Section 3.28 of the Zoning By-law are as follows.

Section 3.28 includes existing planting strip requirements for agricultural-commercial-industrial uses, which would include cannabis production facilities in agriculture zones. Section 3.28 also already provides for the use of a fence as an alternative to a planting strip.

Add the following:

#### **3.28 Planting Strip Requirements**

##### **3.28.1 A planting strip shall be provided:**

- For use of cannabis production facilities on lands zoned General Industrial Zone (IND2) or Light Industrial Zone (IND1) abutting lands that are otherwise not zoned or used for industrial or utilities along the interior or rear lot line

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## RECOMMENDATION

The proposed zoning by-law amendment to provide setbacks for cannabis production facilities is consistent with the PPS and in conformity with the County OP and North Huron OP, and provides the desired balance between the promotion of development opportunities and land use compatibility.

It is recommended that the Zoning By-law Amendment Z09-21 be **approved** subject to the recommended revisions to include planting strip requirements.

Should Council be agreeable to the proposed revisions, it is recommended that Council pass a motion under Section 17(34) of the Planning Act to note that a change has been made to the Zoning By-law since the time of the Public Meeting, but that no further notification is required. As per the following motion:

**WHEREAS** the Council of the Township of North Huron has held a public meeting pursuant to section 34(12) of the Planning Act with respect to proposed zoning By-law;

**AND WHEREAS** certain changes have been made to the proposed By-law after the holding of the public meeting;

**NOW, THEREFORE**, the Council of the Township of North Huron hereby RESOLVES that, pursuant to section 34(17) of the *Planning Act*, R.S.O. 1990, c. P. 13 the changes were of such a nature that no further notice is to be given in respect of the proposed By-law prior to its passing.

If Council wishes to approve the by-law as originally proposed and circulated without the revision, then the above additional motion is not required.

Please note this report is prepared without the benefit of input from the public as may be obtained through the public meeting. Council should carefully consider any comments and/or concerns expressed at the public meeting prior to making their decision on this application.

Sincerely,



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Hanna Holman, Planner