



Public Meeting Under the Planning Act Addendum

PCOW/04-2024

Wednesday, June 26, 2024

6:00 PM

Meridian Community Centre - Accursi A and B

100 Meridian Way

Fonthill, ON

L0S 1E6

The Town of Pelham is holding hybrid meetings of Council and Committee in accordance with Procedure By-law 4507(2022). Public access to meetings will be provided in-person at the location indicated on the agenda, via Livestream: www.youtube.com/townofpelham/live and subsequent publication to the Town's website at www.pelham.ca.

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<u>Pre-Registered Speakers</u>	
2. Bill Heska	
3. Bernie Law	
<u>Written Correspondence</u>	

7. Bernie Law

8. Amanda Johnston

9. Bill Heska



Cannabis Amendment - Town of Pelham Zoning By-law



**PUBLIC MEETING PRESENTATION –
JUNE 26, 2024
*MERIDIAN COMMUNITY CENTRE,
ACCURSI ROOM***

OVERVIEW OF PRESENTATION

The purpose of this presentation is to provide:

1. A brief overview of the process leading to the adoption of Town-initiated Official Plan and Zoning By-law Amendments in July 2020;
2. A brief overview of the OPA and ZBA that was approved by Ontario Land Tribunal on August 23, 2022;
3. A review of the proposed ZBA that is the subject of this public meeting; and
4. Confirmation that the proposed ZBA is exactly in the form that was approved by the Ontario Land Tribunal in August 2022.

Process Leading to Approval of OPA and ZBA

1. In October 2018, the Town passed an Interim Control By-law (By-law 4046-2018) – the purpose of which was to prohibit the use or expansion of cannabis uses in the Town – this By-law was later extended to July 2020
2. Prior to the passage of the Interim Control By-law, two facilities had already been established (CannTrust on Balfour Street and Redecan on Foss Road)
3. In Spring 2019, Council formed the Cannabis Control Committee (‘CCC’) to provide advice on an approach to the development of new cannabis uses in the future
4. Considerable work was completed by the CCC and Town staff on the development of the land use study through to February 2020
5. My firm was retained by Town in January 2020 to review the work completed and prepare OPA and ZBA for consideration of Council
6. OPA and ZBA then approved by Council in July 2020 and both were appealed
7. Prior to the hearing of the appeals, a number of minor changes were made to the OPA and ZBA to ensure they were as defensible as possible
8. Hearing held on January 24 to 27 and July 25, 2022 and in decision dated August 23, 2022 – OPA and ZBA approved as recommended by the Town

Details of OPA approved by the OLT

1. The purpose of the OPA was to establish permissions for indoor cannabis and industrial hemp cultivation in the agricultural area, subject to a zoning by-law amendment, and to establish the criteria to be relied upon when considering such applications.
2. The OPA recognized that the cultivation of cannabis is an agricultural use
3. However, in the absence of Provincial guidelines (similar to MDS), the OPA recognized that it was not feasible to permit indoor cannabis uses as-of-right in the Zoning By-law
4. As a consequence, the OPA set out what is required to support a future Amendment to the Zoning By-law to permit a new or expanded indoor cannabis use – air quality study, light mitigation plan and traffic impact study
5. The OPA lastly indicated that only indoor cannabis uses that have satisfied the requirements of the OPA are to be recognized in the implementing Zoning By-law
6. It is noted that the OPA did not deal directly with the outdoor cultivation of cannabis because it would be an as-of-right permitted use
7. The OPA was approved without modification by the OLT

Details of ZBA approved by the OLT

1. The purpose of the ZBA was to establish two new zones that would permit indoor cannabis uses (A-CAN and M2-CAN)
2. ZBA also included the definitions for:
 - Cannabis-related use – indoor
 - Cannabis-related use – outdoor
 - Industrial hemp-related use – indoor
 - Industrial hemp-related use – outdoor
 - Sensitive land use
3. A parking standard was also included for indoor cannabis and industrial hemp-related uses
4. A 300 metre setback for permitted as-of-right outdoor cultivation from sensitive uses was also established

Details of ZBA approved by the OLT (cont'd)

5. The following zone standards were developed:

- Lot frontage – 100 and 200 metres (micro and standard);
- Lot area – 3 hectares and 10 hectares (micro and standard)
- Maximum lot coverage – 30%
- Minimum front yard – 80 metres
- Minimum side and rear yard for micro processing and micro cultivation – 15 metres and 25 metres
- Minimum side and rear yard for standard processing and standard cultivation – 40 metres and 60 metres
- Minimum exterior side yard for micro processing and micro cultivation – 20.5 metres
- Minimum exterior side yard for standard processing and standard cultivation – 40 metres and 60 metres
- No storage area permitted with 30 metres of street or lot line of lot with residential use
- Accessory retail sales not permitted

6. Site-specific provisions for Foss Road facility also established

Details of proposed new ZBA

- The parent zoning by-law applying to all of Pelham was repealed by Council on August 30, 2022 and replaced by a new Zoning By-law
- All amendments to the older parent Zoning By-law were also repealed (including the cannabis ZBA approved by the OLT)
- The new Zoning By-law did not include provisions that dealt with cannabis
- It is now proposed, through this proposed Amendment, to incorporate those provisions as approved by the OLT.
- All of the provisions initially approved by the OLT have been carried forward into the new ZBL AS-IS
- The only difference is that three new Cannabis zones are being created – Agricultural, Specialty Agricultural and Rural Employment – this is because the former Agricultural Zone has been divided into Agricultural and Specialty Agricultural Zones in new Zoning By-law

QUESTIONS?

Sarah Leach

Subject: RE: Town Hall Meeting Jun 26th.

From: bernie law [REDACTED]
Sent: Saturday, June 22, 2024 2:11 PM
To: Sarah Leach <SLeach@pelham.ca>
Subject: Re: Town Hall Meeting Jun 26th.

Thank you for your e-mail of Friday Jun 21 st.

We have a very serious problem here in Pelham regarding the growing of Cannabis. This Cannabis production company has created two very offensive measures in our town. The Law family have lived in Pelham since 1926, and we wish to support the growth of Fonthill going forward to reside in a clean environment.

These companies took advantage of our agricultural by-laws for growing vegetables and started growing cannabis in our local green houses.

The residents of Pelham have to live with excessive evening light and odour coming from the cannabis growing facilities for years, and we are here today to ask our Elected officials to enact the powers to stop these Cannabis Production Companies from operating in Pelham.

Respectfully Submitted

Bernie Law
[REDACTED]

Fonthill.

Sarah Leach

From: Amanda [REDACTED]
Sent: Saturday, June 22, 2024 1:19 PM
To: clerks pelham
Subject: Zoning Bi Law Cannabis review

To whom it may concern...

I am very appalled at the lack of action being taken when it comes to protecting the residents of Pelhem from the stinking odour of Cannabis producers like Redacan and setbacks and bi laws that have taken so long to get anything done without success.

The set backs are no where near what they should be to protect residents.

There is so much land where there is no housing, that is where these companies should only be allowed to set up business. At the very least we should be inline with what the NOTL bylaws are I don't see what is so difficult about that !!

These companies should be miles and miles away from any residential housing.

The Zoning bylaws have done nothing and again very disappointed in our elected officials. If these lands where zoned commercial which is what they should be NOT AGRICULTURAL that would be a step in the right direction.

Lastly the testing for the smell is just not working. The levels that are set are to high that they do not bring resolution to the problem of smell and therefore no fines to the companies. When will our elected officials start doing what is best for residents and get tough on these companies. ?

Tired of waiting....

Amanda Johnston

Sarah Leach

From: Bill Heska [REDACTED]
Sent: Monday, June 24, 2024 2:29 PM
To: Sarah Leach
Cc: Bob Hildebrandt
Subject: Zoning By-Law Amendment re Cannabis

Good morning Sarah,

I have prepared these comments to be presented at the meeting on Wed. June 26, 2024 Public Planning meeting.

A bit of history- the details of all the communication can be found on the minutes of CCC meetings.

- 1 I was member of the former CCC (Cannabis Control Committee) chaired by Tim Nohara that was appointed by the Town back in 2019. We started meeting with Town staff and after several months of meetings the CCC realized the Town staff had limited knowledge of this industry, and we recommended to Town Council that the Town hire outside consultants for legal and planning experience in the cannabis. As a result Arid Berlis and Meridian Planning Consultants were hired. The challenge for Pelham was that the Town was pioneering By-laws for a new industry in our Municipality, Ontario, and Canada. Our first efforts were to establish Zoning and Official Planning amendments for the industry. After many meetings and iterations the Town Council finally approved on 2020/07/13 .
- 2 An Odorous Industry Nuisance By-Law (OINBL) By-Law 4202 (2020) was developed with the assistance of an PPG Compliance Management (Odour) Consultant. The Town Council approved 2020/03/23, and it was amended by By-Law 4263 (2020) and approved on 2020/07/27.
- 3 The Site Plan Control By-law was approved 2020/07/27

The appeal of the OPA and ZBA by the Cannabis growers led to a OLT hearing January 24- 26, 2022 (only Redecan participated) and July 25, 2022. As a result of this action the CCC was not able to act, and had to wait the ruling which the OLT made Aug. 23/2022. The CCC presented a detailed Closing Memo to Council dated Aug 09, 2022 which provided details of status of CCC progress which was to provide information for the new Council to be elected Oct. 18, 2022.

After several months of NO Council activity on the cannabis issue, the CCC found that the issue had not been communicated by Town staff to the new Council. In fact the issue was not even considered in the new Council's Strategic Plan. The Town staff were asked to follow-up, and Redecan declined to provide documentation for the Minutes of Settlement by June 17, 2024.

At the Council Meeting on May 29, 2024, the CAO David Cribbs submitted a Report to Council on the Cannabis Zoning By-Law Amendment, 2024-0133 - Town Solicitor. The Town staff had told the CCC that the Zoning and Official Plan amendments would be combined in the with old Bylaws- no issues. It was total shock to the former CCC and they were not briefed on the communication that led the report. There was total lack of transparency, and it appears the Town staff misinformed or failed to identify the issue before Council approved the amendments in July 2020. There was a lot of discussion when the amendments were being drafted because there was no clear hi-lighting of changes and the dates on amendments. On June 6, 2024, Lindsay Richardson did supply the Zoning By-Law Amendments re Cannabis for Council to review with changes and additions in red and with a concordance- it can be done. What versions were actually circulated to outside consultants for review? The Town staff has given Council advice and as a result they have dropped the OLT final action. The citizens of Pelham have been waiting for more than 6 years for action (since 2018) on

the cannabis issue and have seen NO ACTION. The Council needs to direct Town staff to make necessary changes to get positive ACTION on the Cannabis issue in Pelham.

Regards,

Bill Heska