



The Municipal Corporation of the Town of Fort Erie

BY-LAW NO. 06-2014

**BEING A BY-LAW TO ENACT AN AMENDMENT TO THE
OFFICIAL PLAN FOR THE TOWN OF FORT ERIE**

**AMENDMENT NO. 18
HOUSEKEEPING AMENDMENTS TO TOWN OF FORT ERIE OFFICIAL
PLAN TO ALLOW MEDICAL MARIHUANA GROW AND PRODUCTION
FACILITIES WITHIN INDUSTRIAL BUSINESS PARK AND OPEN SPACE
AREAS OUTSIDE THE URBAN AREA BOUNDARY AND TO ESTABLISH
POLICIES FOR SEPARATION DISTANCES AND SITE PLAN CONTROL**

350302-0086

**THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF FORT ERIE IN
ACCORDANCE WITH THE PROVISIONS OF SECTION 17 OF THE PLANNING ACT S.O.
1990 HEREBY ENACTS AS FOLLOWS:**

1. **THAT** amendment No.18 to the Official Plan for the Town of Fort Erie consisting of the attached explanatory text is hereby adopted and approved.
2. **THAT** this by-law shall come into force and take effect on the day of the final passing thereof.
3. **THAT** pursuant to the provisions of Sections 23.1 to 23.5 inclusive of the *Municipal Act, 2001*, as amended, the Clerk of the Town of Fort Erie is hereby authorized to effect any minor modifications or corrections solely of an administrative, numerical, grammatical, semantical or descriptive nature or kind to this by-law or its schedules as such may be determined to be necessary after the passage of this by-law.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 20TH DAY OF
JANUARY 2014.**



MAYOR



CLERK

I, the Clerk, Carolyn J. Kett, of The Corporation of the Town of Fort Erie hereby certify the foregoing to be a true certified copy of By-law No. 06-14 of the said Town. Given under my hand and the seal of the said Corporation this ____ day of _____, 2014.

AMENDMENT NO. 18

TO THE

OFFICIAL PLAN

FOR THE

CORPORATION OF THE TOWN OF FORT ERIE

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PART "A" - THE PREAMBLE

SECTION 1

TITLE AND COMPONENTS

This document, when approved in accordance with Sections 17 and 21 of The Planning Act, 1990, shall be known as Amendment No.18 to the Official Plan adopted by By-law No. 150-06 of the Fort Erie Planning Area.

Part "A", the Preamble does not constitute part of this amendment.

Part "B", the Amendment, consisting of the following text constitutes Amendment No. 18 to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area.

Also attached is Part "C", the Appendices, which do not constitute part of this amendment. These Appendices (1 through 3 inclusive) contain the background data, planning considerations and public involvement associated with this amendment.

SECTION 2

PURPOSE OF THIS AMENDMENT

The purpose of this Amendment to the Town's Official Plan is to establish policies to permit medical marihuana grow and production facilities within Industrial Business Park Areas and Open Space areas outside the urban area. In addition, the amendment establishes policies with regard to separation distances from these medical marihuana grow and production facilities and policies to control these facilities through site plan control.

This Amendment proposes to permit the growing of licenced medical marihuana plants within buildings within the Industrial Business Park designations in the Town's Official Plan. This however does not mean that all agricultural operations would be permitted within the industrial designations and zones. This facility is unique as it must incorporate the growing, the processing, the testing and the warehousing all on one site and indoors. These uses cannot be separate unlike some agricultural operations where you can grow produce and send the produce to an industrial facility to be processed. In other agricultural instances the growing of crops is done outside but is processed indoors and this again is not indicative of an industrial operation.

The Open Space designation in the Town's Official Plan permits the growing plants which would include medical marihuana however, this Amendment proposes to make a modifications to ensure that this type of use can only occur within the Open Space

designation outside the urban area boundary provided the size and intensity is compatible with the main use of the property.

This Amendment also proposes policy to recognize that these facilities may create some negative impacts to sensitive land uses and that appropriate separation should be considered.

Further this amendment proposes that Medical Marihuana Grow and Production Facilities be subject to site plan control.

SECTION 3

LOCATION OF THIS AMENDMENT

The lands, which are the subject of this amendment, are located designated on Schedule "A" of the Official Plan as Industrial Business Park, Open Space (outside the Urban Settlement Area).

SECTION 4

BASIS OF THIS AMENDMENT

Subsection 13.7(III) of the Official Plan adopted by By-law No. 150-06 of the Fort Erie planning area provides that amendments may be made to the Official Plan. Policies in Subsection 13.7(III) have been considered in the preparation of this amendment and the following factors have been reviewed in supporting this amendment to the Official Plan:

a) The need for the proposed use:

The new "*Marihuana for Medical Purposes Regulations (MMPR)*," is a federal regulation under the "*Control Drug and Substances Act*" and the federal government has exclusive jurisdiction in the licencing of these new facilities. However, the federal government has stated in writing to the Town that all licenced producers must comply with all municipal laws and by-laws including municipal zoning by-laws. Therefore, staff are looking to sensitively locate these facilities within appropriate land uses designations and zones and establish specific development parameters in order to mitigate the impact of these facilities on adjacent land uses.

b) The extent to which the existing areas in the proposed categories are developed, and the nature and adequacy of such existing development:

The proposed use has been interpreted as being agricultural and permitted within the Agricultural, Rural and Open space designations. The amendment proposes to permit the facilities within lands designated as Industrial Business Park and to limit these facilities to Open Space destinations outside the Urban Settlement Area. The facilities can be constructed on lands within these designations or

within existing buildings in these designations subject to Site plan Control, the Building Code Act and "*Marihuana for Medical Purposes Regulations* (MMPR),"

- c) **The physical suitability of the land for such proposed use, and in the case of lands exhibiting or abutting a Natural Heritage feature, demonstration of compliance with the Natural Heritage policies of this plan:**

Development within the above noted designations will be subject to the Natural Heritage policies of Section 8 of the Official Plan in the same manner as other developments.

- d) **The location of the area under consideration with respect to:**

- (i) **the adequacy of the existing and proposed highway system in relation to the development of such proposed areas,**
- (ii) **the convenience and accessibility of the site for vehicular and pedestrian traffic and the traffic safety in relation thereto, and**
- (iii) **the adequacy of the potable water supply, sewage disposal facilities, and other municipal services in view of the policies contained in this Plan and in accordance with technical reports or recommendations of the Ministry of the Environment and the Regional Niagara Health Services Department and any other appropriate authority deemed advisable;**

The production, processing, and storing of medical marihuana will be entirely indoors with the majority of the floor space devoted to growing, rather than processing. These facilities could employ a significant numbers of employees depending on the size of the operation. These facilities will also be responsible for shipping the medical marihuana off site to those who can legally possess. The frequency of shipments will be dependent on the size of the facility as there is a limitation within the regulations on the size of shipment. Also under the new regulations these facilities will be secured and monitored at the perimeter of the site as well as within areas where cannabis is present. As these facilities will be responsible for the growing of crop, they will require significant water and electrical resources to operate. Electrical resources will be dependent on night time lighting and cloudy day growing in a greenhouse environment or year round growing with artificial light within other types of building structures. In addition, these facilities will require sanitary facilities to accommodate the required employee washrooms.

In the past, medical marihuana operations have taken several building forms such as outbuildings, industrial-type buildings that use entirely artificial light sources, greenhouses using both natural and artificial light, commercial buildings in downtowns, residential basements, storage containers, etc. and although they can no longer be located within a dwelling there is no restriction on the other past sites mentioned above. Therefore since the new "*Marihuana for Medical Purposes Regulations* (MMPR)" do not regulate land use or land use impacts, municipalities must ensure that these facilities are appropriately located to minimize any negative impacts.

The location of the facilities within the designations proposed combined with site plan control will allow the locational criteria in this policy to be addressed.

e) The compatibility of the proposed use with uses in adjoining areas:

Another change to the Town's Official Plan is to recognize that these facilities may create some negative impacts to sensitive land uses and that appropriate separation should be considered.

The implementing zoning amendment considered the Ministry's D-6 guidelines and determined that the "Medical Marihuana Grow and Production Facility" is close to a Class I facility which is *a small business, self-contained plan or building which produces or stores a product which is contained in a package and has low probability of fugitive emissions*. A Minimum Distance Separation distance of 70 metres which is the separation distance for a Class I industrial facility is proposed for new construction in the implementing zoning by-law.

f) The effects of such proposed use on the surrounding area in respect of the minimizing of any possible depreciating or deteriorating effect upon adjoining properties:

The proposed amendment identifying the appropriate land use designations, requiring appropriate separation distances and site plan control combined with implementing zoning by-law regulations will minimize land use impacts.

g) The potential effect of the proposed use on the financial position of the Municipality:

Since Health Canada requires that the facilities grow, process and warehouse in all one building or facility it poses some difficulties in terms of taxes and development charges. Currently these facilities may be exempt from development charges and staff will need to consider whether or not during the update of our development charges to include this type of facility.

These facilities given their Industrial nature should be taxed industrially as the facility does process the product and warehouse the product for shipping. The Town will need to discuss the taxation of these facilities further with the Municipal Property Assessment.

For a large facility the number of employees can range from 20 for initial startup and an additional 80 when they are fully operational.

h) The potential effect of the proposed use in relation to the intent and implementing regulations of the Environmental Protection Act.

This development will be no different than any other industrial type development in this regard.

SECTION 5

IMPLEMENTATION AND INTERPRETATION

The relevant policies of the Official Plan adopted by By-law No. 150-06 of the Fort Erie planning area shall apply to the implementation and interpretation of this Amendment.

PART "B" - THE AMENDMENT

All of this part of the document entitled "Part "B" - "The Amendment" consisting of the following policies constitute Amendment No. 18 to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area. The Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area is hereby amended as follows:

1. The addition of Policy 4.10.1.III, with all other policies in 4.10.1.III renumbered accordingly, as follows:

4.10.1.III "The growing of marihuana plants will be permitted within buildings licensed and operated in accordance with the Marihuana for Medical Purposes Regulations and subject to other pertinent policies of this Plan and requirements of the Zoning By-law, as amended."

2. Policy 4.13.1.I being replaced with the following wording:

4.13.1.I "Lands intended for Open Space use are identified on Schedule "A" of this Plan. The predominant use of land in this category shall be conservation, open space and recreation. Other *secondary uses* that may be permitted include golf courses, education buildings, docks, arenas, recreational buildings, overnight campgrounds, cemetery. Outside of the urban area boundary agricultural uses, except intensive animal operations and accessory dwellings will be permitted."

3. Policy 10.5 - Subject Heading is amended with the addition of the following wording:

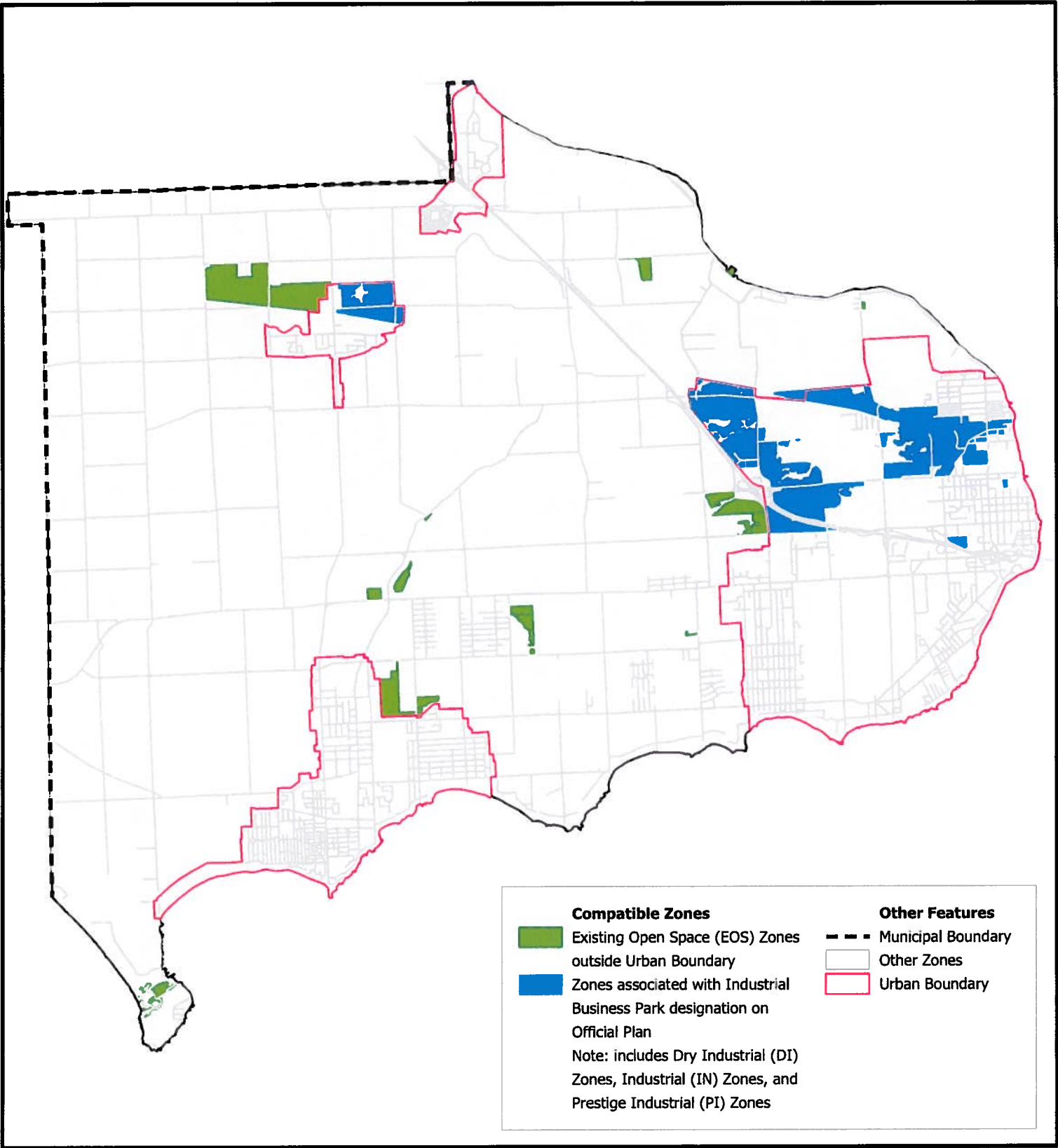
"AND MEDICAL MARIHUANA GROW AND PRODUCTION FACILITIES"

4. The addition of Policy 10.5..II to read as follows:

10.5.II "It is important that facilities for the production of Marihuana for Medical Purposes, licensed and operated in accordance with the Marihuana for Medical Purposes Regulations and permitted as an agricultural or industrial use be appropriately distanced from sensitive land uses, including residences, schools, churches etc. Policy 10.5.1 shall provide guidance on distance separation in this regard. Further as permitted by Policies 13.4.I and 13.4.II, these facilities shall be put under Site Plan Control to enhance land use and operational compatibility. "

5. Policy 13.4.II. b) is amended by the addition of the words " medical marihuana grow and production facilities" between the words "greenhouses" and "mushroom farms".

SCHEDULE "A" LAND USE



**Town of Fort Erie
POTENTIAL LANDS FOR MEDICAL MARIHUANA
PRODUCTION FACILITIES**



Community & Development Services
Map created January 15, 2014



PART “C” - THE APPENDICES

- Appendix 1 - Notice of Public Meeting
- Appendix 2 - Public Meeting Minutes
- Appendix 3 - Circulation comments

APPENDIX 1



TOWN OF FORT ERIE

NOTICE OF PUBLIC MEETING

OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT APPLICATION

PURPOSE: OFFICIAL PLAN AND ZONING BY-LAW 129-90 HOUSEKEEPING
AMENDMENT -
MEDICAL MARIHUANA GROW AND PRODUCTION FACILITIES

APPLICANT: TOWN OF FORT ERIE

DATE: MONDAY, DECEMBER 2ND, 2013 **APPLICATION #:** 350309-0374 &
350302-0086

LOCATION: COUNCIL CHAMBERS, TOWN HALL **TIME:** 6:00 P.M.
1 MUNICIPAL CENTRE DRIVE, FORT ERIE

A location map is not provided with this notice, as the proposed amendments apply to all lands within the corporation limits of the Town of Fort Erie.

PURPOSE: In June of 2013, new "*Marihuana for Medical Purposes Regulations (MMPR)*" were added to the *Controlled Drugs and Substances Act*. These new regulations allow larger medical marihuana production facilities to be established within the municipality. The purpose of the Town's amendments is to ensure that new medical marihuana grow and production facilities are appropriately located in the Town, within specific designations and zones, and with specific setback requirements to minimize any impacts to adjacent land uses.

HAVE YOUR SAY

Input on the proposed Official Plan and Zoning By-law Amendments is welcome and encouraged. You can provide input by speaking at the public meeting or by making a written submission to the Town. Please note that unless you do one of the above now, you may not be able to appeal the decision later.

WRITTEN SUBMISSIONS

To provide input in writing, or to request written notice of the decision of the Official Plan and Zoning By-law Amendment, please send a letter c/o the Town Clerk Carolyn Kett, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to ckett@town.forterie.on.ca.

MORE INFORMATION

For further information please contact Kira Dolch Manager of Development Approvals at (905) 871-1600 extension 2502 or kdolch@town.forterie.on.ca. A copy of the Information Report will be available to the public on November 29th, 2013. The information report will be available in the Council agenda portion of the Town's Web Site: www.town.forterie.on.ca or from the Community and Development Services Department.

PLANNING ACT LEGAL NOTICE REQUIREMENTS

The Town of Fort Erie has not yet made a decision regarding this application. After considering any written comments and the comments from the public meeting, a Recommendation Report will be prepared for a future Council-in-Committee meeting.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Town of Fort Erie before the Official Plan amendment and Zoning By-law is passed, the person or public body is not entitled to appeal the decision of the Town of Fort Erie Council to the Ontario Municipal Board.

If a person or public body does not make oral submissions at the public meeting, or make written submissions to the Town of Fort Erie before the Official Plan and Zoning By-law is passed, the person or public body may not be added as party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

If you do not attend the public meeting but wish to be notified of the adoption of the Official Plan and Zoning By-law amendment, you are required to make a written request to Carolyn Kett, Town Clerk and such request should include the name and address to which such notice should be sent.

Dated this 7TH day of November, 2013.

Carolyn Kett, Town Clerk

Dave Heyworth, MCIP, RPP, Acting Director of Community and
Development Services

Web Site: www.town.forterie.on.ca

Tel. (905) 871-1600

1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6

Fax (905) 871-6411

APPENDIX 2



The Municipal Corporation of the
Town of Fort Erie

COUNCIL-IN-COMMITTEE MEETING

MONDAY, DECEMBER 2, 2013

COUNCIL CHAMBERS

MINUTES

1) CALL TO ORDER

The meeting was called to order at 6:00 p.m.

2) ROLL CALL

PRESENT: Mayor Douglas G. Martin; Councillors Collard, Hill, Lubberts, Passero, Shular and Steckley

ALSO PRESENT:

R. Brady, Interim Chief Administrative Officer

C. J. Kett, Town Clerk

H. Chamberlain, Director of Financial Services

D. Heyworth, Acting Director of Community and Development Services

T. Kuchyt, Director of Infrastructure Services

L. Coplen, Fire Chief

C. Watson, Legislative Assistant (departed at 8:00 p.m.)

K. Dolch, Manager of Development Services

M. Kernahan, Senior Development Planner

B. Romanuk, Chief Building Official

MEDIA PRESENT: James Culic, The Post and Sarah Ferguson, The Times.

MEMBERS OF THE PUBLIC PRESENT: 40

3) REVIEW OF ADDENDUM/ANNOUNCEMENTS

Addendum

Correction to Report No. CDS-104-2013 – New Legislation on Medical Marihuana Operations re circulation of correct copy of Appendix "3".

Announcements

The agenda reflects standard Council information and Council Chamber protocol.

4) DISCLOSURES OF PECUNIARY INTEREST AND GENERAL NATURE

(a) Councillor Steckley

Councillor Steckley disclosed a pecuniary interest with respect to Report No. CDS-107-2013 since he owns property that has accessory apartments. Councillor Steckley abstained from discussing or voting on this matter and removed himself from the Council Chambers accordingly.

(b) Councillor Lubberts

Councillor Lubberts disclosed a pecuniary interest with respect to Public Meeting (b) and Report No. CDS-105-2013 respecting the former Rose Seaton Public School since he lives within 400 feet of the subject lands and received notice. Further, Councillor Lubberts advised he should have declared a pecuniary interest in the matter when it first came to Council on November 4, 2013 under Report No. CDS-94-2013. Therefore, he declared the interest now and apologized to Council for the oversight. Councillor Lubberts vacated his seat in the Council Chambers when the matter was under consideration and abstained from discussing or voting.

5) PUBLIC NOTICE

(a) 2014 Budget Meeting Schedule

Re: Wednesday, December 4, 2013 - Water & Wastewater; Budget; Wednesday January 8, 2014 - EDTC Budget; Wednesday January 15, 2014 - Library Budget; Wednesday January 29, 2014 - General Levy Budget; Wednesday February 12, 2014 - (If Required).

(b) Public Meeting (*Planning Act*)

Re: Zoning By-law Amendment - Town of Fort Erie Housekeeping Amendment - Regulation of Outdoor Private Patios and Commercial Uses on Municipal Lands - Monday, January 13, 2014 - 6:00 p.m. - Town Hall Council Chambers. The public information report will be available to the public on January 10, 2014.

(c) Public Notice

Re: Stevensville Secondary Plan Information Open House - Thursday, December 5, 2013 - 6:00 - 8:00 p.m. - Stevensville Memorial Hall, 2508 Stevensville Road.

(d) Public Notice

Re: Douglastown (Black Creek) Secondary Plan Information Open House - Tuesday, December 10, 2013 - 6:00 8:00 p.m. - Black Creek Community Centre, 2959 Baker Road, Stevensville.

6) PUBLIC MEETINGS – PLANNING ACT

(a) Property Rezoning and Official Plan Amendment

Re: Medical Marihuana Grow and Production Facilities. The purpose is to ensure the facilities are appropriately located within specific designations and zones and with specific setback requirements to minimize any impacts to adjacent land uses.

Ms. Dolch delivered a power point presentation, a copy of which is available in the Clerk's Department.

Mayor Martin announced this portion of the meeting would be devoted to the holding of a Public Meeting as provided for under the *Planning Act*, R.S.O. 1990, Chapter P.13 with respect to the proposed Official Plan and Zoning By-law Amendment for Medical Marihuana Grow and Production Facilities.

Mayor Martin advised of the Public Meeting process and enquired as to the manner and date upon which notice of this Public Meeting was given.

Ms. Dolch, Manager of Development Approvals advised the purpose of the public meeting was to get public input on the proposed Official Plan and Zoning By-law Amendment for Medical Marihuana Grow and Production Facilities.

Ms. Dolch advised notice of this public meeting was circulated in accordance with the provisions of the *Planning Act* by placing an ad in The Times on November 7, 2013.

Ms. Dolch explained the "Marihuana for Medical Purposes Regulations" have replaced the existing "Marihuana Medical Access Regulations" which permitted licensed individuals to grow their own medical marihuana. The new regulations will restrict the growing of medical marihuana in residential dwellings, permit the growing by only licensed producers, and the face of the operations have changed significantly. These new grow and production facilities will:

- Grow, process and store indoors;
- Monitor and record the perimeter of the site at all times;
- Restrict access where cannabis is present;
- Filter the air;
- Dry and test the chemical composition of the marihuana;
- Package the dried marihuana in no more than 30g containers; and
- Ship only one shipment per order with a maximum shipment of 150g per client and the order must be tracked.

Ms. Dolch stated the growing of Medical Marihuana is an agricultural use and the drying and packaging is secondary to the main agricultural use. It is permitted in Agricultural and Rural areas within the Town's current Planning documents. It is also permitted in the Open Space areas as agricultural uses are permitted as a secondary use however, the intensity and size of the

secondary use would need to be considered prior to making a final determination that an Official Plan amendment was not required. It is also permitted in Hazard area as an agricultural use.

Ms. Dolch explained as these facilities are both agricultural and industrial in nature, staff are proposing to also permit these operations in industrial areas. Industrial areas are located within the urban serviced area allowing these operations to connect to municipal water and sanitary sewer.

Ms. Dolch provided an overview of the summary of changes to the Town's Official Plan and Zoning By-law No. 129-90.

Ms. Dolch advised an Open House meeting was held on November 21, 2013 and three people attended. Their concerns related to shipping, parking, lighting, odours, property values and setbacks from the new facilities. As a result of this meeting, staff changed three items

1. In "Agricultural A Zone" Section 7.9 of the Zoning By-law the lot coverage provision was revised from 70% to 60%;
2. In Section 7.9 and Section 27 (Industrial) increased the building height from 9m to 12m; and
3. Revised the provisions for visible night time lighting which applies to building consisting of more than 40% glass.

These revised provisions require a closed fence adjacent to any lot line that abuts a residential zone or use, or other sensitive land use.

The Mayor indicated the Committee would now hear from those who wished to speak in favour of the application.

No person(s) came forward.

The Mayor indicated the Committee would now hear from those person(s) who wished to speak in opposition or to ask questions of the application.

No person(s) came forward.

Mayor Martin announced that the Public Meeting was now concluded.

(b) Property Rezoning and Official Plan Amendment

Re: Town of Fort Erie o/b of District School Board of Niagara - 255 Emerick Avenue (former Rose Seaton Public School). The applicant is proposing to change the Official Plan Amendment from Institutional to a Site Specific Policy Area and to rezone from Institutional to a Site Specific Residential Multiple 1 RM1 Zone.

Mr. Kernahan delivered a power point presentation, a copy of which is available in the Clerk's Department.

Mayor Martin announced this portion of the meeting would be devoted to the holding of a Public Meeting as provided for under the *Planning Act*, R.S.O. 1990, Chapter P.13 with respect to the proposed Property Rezoning and

Official Plan Amendment with respect to an application for a combined Official Plan and Zoning By-law amendment

Mayor Martin advised of the Public Meeting process and enquired as to the manner and date upon which notice of this Public Meeting was given.

Mr. Kernahan, Senior Development Planner advised in February 2012, the Accommodation Review Committee's recommendation to close both Fort Erie Elementary School and Rose Seaton Public School as of August 31, 2013 and redirect students between Garrison Road Public School and the Peace Bridge Public School were approved by the School Board Trustees. The District School Board of Niagara requested the Town undertake an amendment to the Official Plan designation and Zoning for the Rose Seaton site through a written request dated September 9, 2013. Council authorized the initiation of the amendments through the approval of the recommendations contained in Report No. CDS-94-2013 on November 4, 2013.

Mr. Kernahan advised notice of this public meeting was circulated in accordance with the provisions of the *Planning Act* by placing an ad in The Times on November 7, 2013 and mailing the notice to all property owners within 120 metres of the subject lands on November 7, 2013.

Mr. Kernahan explained the property is located in the Bridgeburg Neighbourhood between Emerick Avenue and Phipps Street, east of Robinson Street and west of Central Avenue. The 1.27 hectare site is flat with one large school building and a smaller accessory structure. There is an asphalt parking area in the northeast area of the site, a children's play area in the central portion and a grassed sports field in the south portion of the site. Land uses in proximity of the subject site is predominately low density residential. The surrounding uses consist of the follows: Emerick Avenue and single detached dwellings to the north; Phipps Street and single detached dwellings to the south; single detached dwellings to the east and west.

Mr. Kernahan stated the Official Plan designation for the subject site is "Institutional" and is for public uses carried out by or on behalf of, the Town of Fort Erie, Regional Municipality of Niagara, Province of Ontario, Government of Canada or an agency thereof. Uses that are commercial or residential in nature may be permitted on lands designated as "Institutional" but these uses must be ancillary and directly related to the primary public use. An amendment to the Official Plan is required to provide prospective purchasers with increased flexibility in the use or development of the property. It is proposed the Official Plan designation for this site be changed to a "Site Specific Policy Area" that permits residential and institutional uses. In consideration of the subject site's location, neighbourhood composition and compatible land uses, the "Site Specific" designation will permit the "best use" of the subject site. There are no natural heritage features on or in the vicinity of the subject site.

Mr. Kernahan advised the subject site is zoned "Institutional 1 Zone" which are limited to uses typically carried out by a public body such as a school, hospital or home for the aged or religious institutions. It is proposed the lands be rezoned to a "Site Specific Residential Multiple RM1 Zone" to provide the maximum marketability which permits the full range of residential uses including single detached, semi-detached, duplex, triplex and townhouse dwellings as well as home occupations. It is proposed the "Site Specific" provision will limit the permitted residential uses to single detached, semi-detached and townhouse dwellings and limit the height of the townhouse dwellings to 1.5 storeys. The purpose of limiting the housing form of the multiple dwellings is to provide an alternative housing form in the neighbourhood. The "Site Specific" provisions would also permit the continued use of the existing building for residential or institutional purposes such as Offices of Government or not-for-profit agencies, homes for the aged, private schools or community centres and will permit minor alterations and additions to the existing building for these purposes.

Mr. Kernahan stated Planning staff have prepared three development concepts for the site to demonstrate the site's redevelopment potential and are included as Appendix "3" to the report. Concept 1 is for 14 lots for single detached dwellings with 3 fronting onto Emerick Avenue and 11 fronting onto a new public roadway connecting Emerick Avenue to Phipps Street. All proposed lot areas and frontages meet the regulations for single family dwellings in "Residential Multiple 1 RM1 Zones" which are the same as the "Residential 2 R2 Zone." Concept 2 is for 31 townhouse dwellings in 5 blocks all fronting onto a new public roadway connecting Emerick Avenue and Phipps Street. All lots meet the "Residential Multiple 1 RM1 Zone" regulations for street townhouses. Concept 3 is for the adaptive re-use of the school building for residential or institutional purposes and the use of the lands fronting on Phipps Street for 8 townhouse dwellings. The concepts are for demonstration only and the development concept implemented will be decided upon by the purchaser/developer of the site and will be subject to further planning approvals. Further, the developer may be required to enter into a Plan of Subdivision, Plan of Condominium and/or Site Plan Agreement with the Town.

The Mayor indicated the Committee would now hear from the applicant or those who wished to speak in favour of the application.

No person(s) came forward.

The Mayor indicated the Committee would now hear from those person(s) who wished to speak in opposition or to ask questions of the application.

(a) Joseph Iannandrea, 247 Phipps Street

Mr. Iannadrea stated he had a number of concerns regarding the development specifically that townhouse dwellings would change the character of the neighbourhood. Currently the neighbourhood does not include this type of dwelling which would alter the neighbourhood. His

His house would be located at the end of the proposed street down the middle of the property. Traffic lights would shine into their living room and their driveway would exit directly into the intersection.

(b) Phillip MacMillan, 254 Emerick Avenue

Mr. MacMillan stated he lives directly across from Rose Seaton School. He attended the public meeting a couple of weeks ago and voiced concern with the school board because they removed the equipment from the playground but left it at the front of the property. They have since removed the equipment. He is not opposed to residential use. He is not crazy about the proposed road down the middle of the property.

Mr. MacMillan asked if the Town would consider purchasing the property and developing a park since it is directly in the middle of a residential area where there are no parks. He has lived here for 23 years and his children and grandchildren have played at the park. Kids play at the park throughout the summer playing basketball and street hockey. Every four years there are a couple of kids causing problems but nothing major. Over the years he has put up with traffic during pick-ups and school concerts but it was for the school. He would be opposed to multi residential but that has been taken out. There are no Christmas decorations in the north end, it is turning into a ghetto and will be unless the Town does something to rejuvenate it. There is nothing for the kids to do.

Mr. MacMillan reiterated his question if the Town would consider purchasing the property for a park. It could be developed over a 5-year time period with a playground area, soccer field, ball diamond and even a dog park. He is also not opposed to single family dwellings or some townhouse dwellings but not the proposed thru road.

(c) Keith Craig, 268 Emerick Avenue

Mr. Craig stated he would like to see a seniors residence because there are not enough of them or a park. Residential is not a problem but he doesn't want more traffic. He said it's hard because they don't know what the plan is. He has no problem with a community centre.

(d) Bev Ferris, 273 Emerick Avenue

Ms. Ferris stated she just bought a house here in June because it is a community of people with families and a school. She thought the best use of the property was for a seniors facility and sell off the front piece on Phipps Street. It could be for pre-assisted living and as the situation changes they could move into the building as an assisted living facility. There are people on Phipps Street that have been waiting for a seniors facility placement for 3-5 years.

They would not have to leave the neighbourhood and have familiarity. The Town does not have enough senior facilities to accommodate our seniors. It's nice to think of a park for kids but they will grow up and move away. A seniors type of facility would be useful and in the meantime use it as a park.

(e) Denise Everett, 244 Dufferin Street

A copy of Ms. Everett's written presentation is available in the Clerk's Department.

Ms. Everett stated she has lived at this address for 17 years and previous to that at 236 Phipps Street for 6 years. She referred to the proposal of rezoning the former Rose Seaton School and the desire for the community, workability, sustainability, rejuvenation, vibrancy and an urban neighbourhood providing a broad use of land uses designed to complement each other in providing ideal locations for future growth and development. Suggestions are to consider the entire Bridgeburg Redevelopment Plan encompassing Gilmore Road north to Bowen Road for best value.

Ms. Everett suggested the Mayor Youth Advisory Council could have some valuable input to the redevelopment of the Bridgeburg Plan since they affect the youth. Youth are valuable contributors to the community and the decision affects their future more than ours.

Ms. Everett explained a neighbourhood redevelopment for the under-utilized property could provide combined land uses designated to complement each other and contribute to the vibrancy of the neighbourhood and the Bridgeburg Development Plan. She suggested the following land uses:

- Educational – leaving the zoning as is, with an off-site satellite multi-college/university campus utilizing close partnerships with Brock, McMaster and Guelph Universities; and Niagara, Mohawk Ridgeville and Kemptonville Colleges for an Aquaponics Greenhouse, e-learning community centre, mentorship learning centre including aboriginal, ethno cultural and multi-cultural communities;
- Community or privately owned medical centre with x-ray, ultrasound and MRI linked with the Niagara Health System;
- Inclusion of an outdoor playground;
- Multi-residential seniors or institutional living;
- Neighbourhood Community Improvement Project Centre;
- Community vegetable gardening space or farmers market;
- Group homes, youth sports centre or active seniors community centre.

Ms. Everett highlighted the following 3 suggestions:

1. The Town needs an active playground with equipment and park in the north end. She asked that a revision to the rezoning of the property be made to incorporate revitalizing green space for an active outdoor playground.
2. Rezoning to a Residential Multiple RM2 Zone would allow a multiple seniors residence or independent adult seniors living. The Lions Douglas Heights Seniors Residence at 255 High Street has 56 units, no vacancies and a waiting list of 3-5 years or longer.
3. To remain an educational facility as an off-site satellite multi-college/university campus utilizing close partnerships with Brock, McMaster and Guelph Universities; and Niagara, Mohawk, Ridgeville and Kemptville Colleges for green industry, agriculture, horticulture and landscaping programs including aquaponics organic food production.

Ms. Everett stated the possibilities for innovative growth and redevelopment are endless.

(f) Gerald Goulding, 213 Emerick Avenue

Mr. Goulding stated he raised three children that went to Rose Seaton School. The residents are worried about their property values and the neighbourhood. The residents asked him if the neighbourhood is secure. They do not want their properties devalued. He is also concerned because he just retired and intends to stay there. This development has got to be done right.

(g) John Sek, 222 Emerick Avenue

Mr. Sek referred to the three concepts and advised he works for an engineering company. He explained if the Town goes with Concept 1 or 2 there will be high density affecting sewers, water and insurance costs because it is a high flood area. He moved in 30 years ago and raised his family. Although they went to catholic school they played at Rose Seaton School and still do. He stated Concept 3 could be a seniors facility. The school board took away the playground equipment and he questioned if it turns into residential where will the kids go. There is only one other park, Bowen Road Park with 3 swings and a picnic table. This property is very central. There should be a Concept 4 to tear down the building and make it 100% a park.

(h) John Fairgrieve, 270 Highland Avenue

Mr. Fairgrieve suggested the school be knocked down since it is an eye sore. The school board took down the old school and built this new school which is function not fancy. It is 120 ft. of brown brick, 30 ft. high and 12 ft. from the sidewalk. It was acceptable because it was a school and was looked after. That was twenty-

five years ago when there was a fight to have that school. He did not believe the building could be retro-fitted for senior living since that would be cost prohibitive. He referred to a local newspaper article that said the location was not central or large enough for a park. This is the first time he heard it may be used as a youth centre. He would have been opposed to anything until he heard that which would be a plus to the area as long as it was maintained properly. He has not seen vandalism at the school. The park has been used for 100 years and he has been in the neighbourhood for 50 years. This past October he had a touch football game for his daughter's 22nd birthday. It is not like other neighbourhoods.

Mr. Fairgrieve explained 80% of the neighbourhood is low income. The Region takes care of the housing on Highland Avenue, there is Gananawagh House, low rent apartments and subsidized housing. The

property is a park as much as it was a school. He stated Councillor Passero wanted to upgrade Bowen Road Park and Mr. Fairgrieve suggested to not waste money on parks that do not get used but put that money into parks that do. This property is in the heart of the community which was built around the school. Kids don't go to Sugarbowl Park. Parents cannot send their kids to Bowen Road Park because it is unsupervised. He stated schools and parks affect property values and if the school is taken away property values will go down however, if it remains a park it's a wash. The area needs new homes in the \$200,000 range to bring up property values. He commended Mr. Brady and his staff for working with the school board, forward thinking and thinking outside of the box. The properties in the area are taken care of. If the property is developed into a park, people will stay there. He also agrees with a YMCA satellite.

(i) T.J. Gordon, 252 Emerick Avenue

Mr. Gordon advised if the proposed road goes through the middle of the property he would also have headlights flash in his house. Concept 3 is good and he wants to keep the building. He does not want demolition trucks coming in. Thirty townhouses would be low income and would not be taken care of. If it becomes a seniors building and the property on Phipps Street is sold off, there would be no room for a park and there would be more traffic with no place for kids to play. He just moved here 4 years ago and kids are always in the park. He does not want to see the building gone or the street cut through.

(j) Rob Randall, 233 Emerick Avenue

Mr. Randall stated he thought it should be a park. He did not want the road cut through the middle of the property.

(k) Maureen Lewis, 275 Emerick Avenue

Ms. Lewis stated she doesn't want any more houses in the area. There is no gas or grocery stores in the north end of Town. She questioned why the children's playground was taken out at Rose Seaton but not the Senior Elementary School.

Mayor Martin announced that the Public Meeting was now concluded.

(c) Property Rezoning

Re: Applicant: Vic Kerschl o/b of Donald Couture and Alexis Cathcart - 329 Brock Street. The applicant is proposing to rezone the lands from Residential 2 R2 Zone to a Site Specific Residential 3 R3 Zone.

Mr. Kernahan, Senior Development Planner advised the purpose of the public meeting was to get public input on an application for a combined Zoning By-law Amendment received from Vic Kerschl, agent for Don Couture and Alexis Cathcart for lands located at 329 Brock Street, located at the southeast corner of Brock and Jesse Streets.

Mr. Kernahan advised notice of this public meeting was circulated in accordance with the provisions of the *Planning Act* by placing an ad in The Times on November 7, 2013 and mailing the notice to all property owners within 120 metres of the subject lands on November 7, 2013.

Mr. Kernahan explained the property is located in the Bridgeburg Neighbourhood on the southeast corner of Brock Street and Jesse Street. The surrounding land uses consist of the following: Brock Street and single detached dwellings to the north; single detached dwellings to the south and east; Jesse Street and single detached dwellings to the west.

Mr. Kernahan advised Planning staff were notified the owners of 329 Brock Street had converted the dwelling to a triplex in January 2012 which created a zoning infraction. This application was made to address the zoning infraction. The applicant commenced pre-consultation on the Zoning By-law Amendment in May 2012. The applicant actively worked towards completing the application between May 2012 and June 2013 to bring the property into compliance with the Town's Zoning By-law No. 129-90.

Mr. Kernahan stated the Official Plan designation for the subject site is "Urban Residential" and permits the existing triplex. There are no natural heritage features on or in the vicinity of the subject site.

Mr. Kernahan advised the subject site is zoned "Residential 2 R2" which permits single detached dwellings, accessory apartments and home occupations. The existing triplex is not a permitted use in the R2 Zone and an amendment to the zoning designation of the property is required

to recognize the use and existing deficient setbacks and reduced buffer strips.

Mr. Kernahan stated the Site Plan for the subject property shows the existing 2-storey triplex and parking areas for two cars each, off of Brock Street and Jesse Street. The owner installed some landscape at the request of the Town to provide a visual buffer on Brock Street.

The Mayor indicated the Committee would now hear from the applicant or those who wished to speak in favour of the application.

Mr. Vic Kerschel, Agent on behalf of the owners, stated the owners have taken a rundown property and altered it dramatically both externally and internally and created an additional unit. There is new exterior siding, balconies, sidewalks and landscape as a buffer. Unfortunately he did not have a "before" photograph.

Mr. Kerschel advised the request is to bring the structure into conformity with the Town's Zoning By-law. An informal public meeting was held but not one attended. They are working with abutting neighbours for a fence who all strongly support what the property owners have done. The zoning request would recognize the dramatic visual changes and the value of the property. Before the site had a detrimental effect on surrounding property and these changes have had a positive effect.

The Mayor indicated the Committee would now hear from those person(s) who wished to speak in opposition or to ask questions of the application.

No person(s) came forward.

Mayor Martin announced that the Public Meeting was now concluded.

At 7:58 p.m. Council recessed and reconvened at 8:05 p.m.

Recommendation No. 1
Moved by: Councillor Steckley

THAT: Council would first consider Report No. CDS-106-2013 and then CDS-105-2013 respectively however, the order of the Minutes shall reflect the order of the Agenda, as printed.
(CARRIED)

7) COMMUNITY AND DEVELOPMENT SERVICES

(A) DELEGATIONS

NIL

(B) REPORTS

- (a) REPORT NO. CDS-103-2013 – SUBDIVISION AND PERMIT
STATUS REPORT – THIRD QUARTER 2013

Recommendation No. 2

Moved by: Councillor Steckley

THAT: Council hereby receives the Third Quarter 2013 Subdivision and Permit
Status Report for information purposes. (CARRIED)

(B) REPORTS

- (b) REPORT NO. CDS-103-2013 – SUBDIVISION AND PERMIT
STATUS REPORT – THIRD QUARTER 2013

Recommendation No. 3

Moved by: Councillor Steckley

THAT: Council hereby receives the Third Quarter 2013 Subdivision and Permit
Status Report for information purposes. (CARRIED)

- (c) REPORT NO. CDS-104-2013 – NEW LEGISLATION ON
MEDICAL MARIHUANA OPERATIONS

Recommendation No. 4

Moved by: Councillor Hill

THAT: This report be received for information purposes and a report on the
Official Plan and Zoning By-law Amendment be presented to a future Council-in-
Committee Meeting with the recommendations subsequent to the Public
Meeting. (CARRIED)

- (d) REPORT NO. CDS-105-2103 - PROPOSED AMENDMENT TO
TOWN OF FORT ERIE OFFICIAL PLAN AND ZONING BY-LAW
NO. 129-90 – ROSE SEATON PUBLIC SCHOOL – 255
EMERICK AVENUE

Recommendation No. 5

Moved by: Councillor Passero

THAT: This report be received for information purposes and a report on the
Official Plan and Zoning By-law Amendment be presented to a future Council-in-
Committee Meeting with the recommendations subsequent to the Public
Meeting. (CARRIED)

- (e) REPORT NO. CDS-106-2013 – PROPOSED ZONING BY-
LAW AMENDEMENT – DONALD COUTURE AND ALEXIS
CATHACART – OWNERS – VIC KERSCHL – AGENT – 329
BROCK STREET

Recommendation No. 6

Moved by: Councillor Hill

THAT: This report be received for information purposes and a report on the
Zoning By-law Amendment be presented to a future Council-in-Committee
Meeting with the recommendations subsequent to the Public Meeting.
(CARRIED)

COUNCIL-IN-COMMITTEE MINUTES – MONDAY, DECEMBER 2, 2013
PAGE FOURTEEN

- (f) REPORT NO. CDS-107-2013 – PROPOSED AMENDMENT TO THE TOWN OF FORT ERIE OFFICIAL PLAN AND ZONING BY-LAW NO. 129-90 – SECOND DWELLING UNITS AND ACCESSORY APARTMENTS

Recommendation No. 7

Moved by: Councillor Shular

THAT: The amendments to the Town's Official Plan and Zoning By-law No. 129-90 regarding accessory apartments and second dwelling units as set out under pages 4, 5 and 6 of the report be approved and the necessary by-laws be submitted to Council for approval. (CARRIED)

- (g) REPORT NO. CDS-107-2013 – PROPOSED AMENDMENT TO THE TOWN OF FORT ERIE OFFICIAL PLAN AND ZONING BY-LAW NO. 129-90 – SECOND DWELLING UNITS AND ACCESSORY APARTMENTS

Recommendation No. 8

Moved by: Councillor Shular

THAT: The amendments to the Town's Official Plan and Zoning By-law No. 129-90 regarding accessory apartments and second dwelling units as set out under pages 4, 5 and 6 of the report be approved and the necessary by-laws be submitted to Council for approval. (CARRIED)

- (h) REPORT NO. CDS-108-2013 – PROPOSED CHANGES TO LOT GRADING DEPOSITS IN THE LOT GRADING AND DRAINAGE POLICY AND BY-LAW NO. 252-92, AS AMENDED

Recommendation No. 9

Moved by: Councillor Hill

THAT: Council hereby consider the changes proposed in this report, and further

THAT: Council hereby authorizes staff to invite home builders and developers to a meeting to discuss the implementation of the proposed changes, and further

THAT: A further report be presented to Council following the meeting.

(CARRIED)

(C) **NEW BUSINESS/ENQUIRIES**

- (a) Councillor Shular

Councillor Shular advised he has been approached by a resident inquiring about establishing a crosswalk near the Hospital at Bertie Street and Hospital Drive in the area of the bus shelter. He explained enrollment has increased at the Peace Bridge School and there is a walkway in front of the Medical Arts Building connecting Bertie Street to Champlain Drive where people use that location to cross Bertie Street. He suggested maybe a crossing guard could be installed down the road but he would first like to know the criteria for a crosswalk and suggested a Response to Enquiry, or I.C.E. would be sufficient.

Mr. Kuchyt advised he would provide an I.C.E. memo. He added that area is not a controlled intersection and there are no traffic lights. It would require an electronically controlled crossing or crossing guard and to make it a crosswalk that is not controlled would make it dangerous.

(D) BUSINESS STATUS REPORT

N/C

9) SCHEDULING OF MEETINGS

- (a) Hospital Services Advisory Committee Meeting - Tuesday, December 3, 2013 at 6:00 p.m. – Conference Room No. 1.
- (b) Council-in-Budget Committee Meeting #2 - Wednesday, December 4, 2013 –5:30 p.m. – Council Chambers.
- (c) Stevensville Secondary Plan - Thursday, December 5, 2013 – Stevensville Memorial Hall.
- (d) Monday, December 9, 2013 - Special Council-in-Committee (Corporate Services and Infrastructure Services) followed by Regular Council Meeting
- (e) Hospital Services Advisory Committee Meeting - Tuesday, December 3, 2013 at 6:00 p.m. – Conference Room No. 1.
- (f) Council-in-Budget Committee Meeting #2 - Wednesday, December 4, 2013 –5:30 p.m. – Council Chambers.
- (g) Stevensville Secondary Plan - Thursday, December 5, 2013 – Stevensville Memorial Hall.
- (h) Monday, December 9, 2013 - Special Council-in-Committee (Corporate Services and Infrastructure Services) followed by Regular Council Meeting
- (i) Monday, December 16, 2013 - Council-in-Committee Meeting (Corporate Services and Infrastructure Services)
- (j) Monday, December 23, 2013 - NO MEETING
- (k) Monday, December 30, 2013 - NO MEETING
- (l) Monday, January 6, 2014 - NO MEETING
- (m) Monday, January 13, 2014 - Council-in-Committee Meeting (Community and Development Services)
- (n) Monday, January 20, 2014 - Regular Council Meeting
- (i) Monday, January 27, 2014 - Council-in-Committee Meeting (Corporate Services and Infrastructure Services) and Special Council Meeting (if required)

10) ADJOURNMENT

Recommendation No. 10
Moved by: Councillor Passero

THAT: Council-in-Committee does now hereby adjourn at 8:49 p.m. (CARRIED)

MAYOR

CLERK

APPENDIX 3



Housekeeping Official Plan and Zoning Bylaw Amendment Medical Marihuana Grow and Production Facilities

Landry, Denise

to:

Kira Dolch

01/03/2014 01:38 PM

Cc:

"Gray, Teresa"

Hide Details

From: "Landry, Denise" <Denise.Landry@niagararegion.ca>

To: Kira Dolch <kdolch@town.forterie.on.ca>

Cc: "Gray, Teresa" <Teresa.Gray@niagararegion.ca>

Hi Kira,

Regional staff has reviewed the draft Official Plan and Zoning Bylaw Amendments to permit Medical Marihuana Grow and Production Facilities in Agricultural, Rural, Industrial and Open Space Areas outside the urban area boundary and is supportive of the Town's efforts to regulate this land use. The growing of medical marihuana is considered an agricultural use by definition in the Regional Policy Plan and the processing and distributing of the product is supported by the Region's value added policies.

If you could please notify us of Council's decision regarding the Official Plan Amendment and Zoning Bylaw Amendment for our information it would be much appreciated.

If you have any questions please do not hesitate to contact me by phone (extension 3593) or by e-mail denise.landry@niagararegion.ca.

Yours truly,

Denise Landry, B.U.R.Pl

Planner - Policy

Integrated Community Planning

Tel: 905 685 - 4225 ext. 3593

denise.landry@niagararegion.ca

Niagara  Region



Medical Marijuana OPA & ZBA

Lampman, Cara

to:

Kira Dolch (KDolch@town.forterie.on.ca)

01/06/2014 11:07 AM

Hide Details

From: "Lampman, Cara" <clampman@npca.ca>

To: "Kira Dolch (KDolch@town.forterie.on.ca)" <KDolch@town.forterie.on.ca>

Kira,

Please accept this email as confirmation that the NPCA has no objection to the proposed amendments related to Medical Marijuana.

Cara Lampman

Planning Approvals Analyst

Niagara Peninsula Conservation Authority

250 Thorold Road West, 3rd Floor

Welland, Ontario L3C 3W2

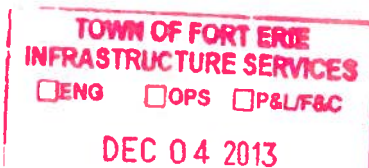
Phone: 905 788 3135 (ext. 272)

Fax: 905 788 1121

email: clampman@npca.ca



Interoffice Memorandum



November 29, 2013
350309-0374

From: Robert Judd, P. Eng.
To: Kira Dolch, MCIP, RPP, CNU-A
From: REQUEST FOR COMMENTS
To: HOUSEKEEPING OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT
Subject: MEDICAL MARIHUANA GROW AND PRODUCTION FACILITIES
APPLICANT: TOWN OF FORT ERIE

In 2001 the "Marihuana Medical Access Regulations (MMAR)" came into effect that authorized those suffering from grave and debilitating illnesses to access marihuana for medical use. Under the previous regulations personal and designated production of dried marihuana for medical purposes was licensed by Health Canada. This meant authorized users could grow their own medical marihuana in their homes and gardens. In addition these regulations also permitted other authorized persons to grow on behalf of a limited number of users.

The new "Marihuana for Medical Purposes Regulations (MMPR)," have established a licensing framework to allow the larger production, processing and distribution of dried marihuana for medical purposes. Now authorized users, medical practitioners or hospitals must obtain their supply of medical marihuana from federally approved and regulated producers.

The Town of Fort Erie has initiated a housekeeping amendment to the Town's Official Plan and Zoning By-law to amend the policies and regulations for medical marihuana grow and production facilities. The proposed Official Plan will permit Medical Marihuana Grow and Production Facilities in Agricultural, Rural, Industrial and Open Space Areas outside the urban area boundary. The proposed Zoning By-law Amendment will permit and provide regulations for Medical Marihuana Grow and Production Facilities in Agricultural A Zone, Rural RU Zone, Existing Open Space OS Zone, Industrial IN Zone and Prestige Industrial PI Zone.

The proposed Official Plan amendment and Zoning By-law amendment changes have been attached for your review and comment.

In order for the Planning Department to properly assess the application and prepare our report to Town Council, we would appreciate your comments as they pertain to the scope and jurisdiction of your department or agency in the form of a memorandum or letter. If we do not receive your comments or a request for an extension, staff may interpret this as your approval of the applications as submitted.

We would request any comments you have on this application within 30 days (i.e. not later than December 28, 2013), as prescribed by The Planning Act, R.S.O. 1990, as amended.

If you have any questions please do not hesitate to contact me at (905) 871-1600, ext. 2502.

NO CONCERNS OR COMMENTS

R. J. Judd

DEC 4/2014



Fw: Marijauna grow ops
David Heyworth Kira Dolch

12/04/2013 11:41 AM

fyi
Kind Regards,

Dave Heyworth, MCIP, RPP
Acting Director of Community and Development Services
Town of Fort Erie
905-871-1600, ext. 2504
DHeyworth@town.forterie.on.ca

----- Forwarded by David Heyworth/FortErie on 12/04/2013 11:41 AM -----

From: "Jim Thibert" <jthibert@forteriecanada.com>
To: <mayor@town.forterie.ca>, <jhill@town.forterie.on.ca>, <claudio@thepilatos.com>, <rgorham@cogeco.ca>, <wnelson3@cogeco.ca>, "Adam Joon" <ajoon@forteriecanada.com>
Cc: <RBrady@town.forterie.on.ca>, <dheyworth@town.forterie.on.ca>, <rokane@forteriecanada.com>, <hchamberlain@town.forterie.on.ca>, <tkuchyt@town.forterie.on.ca>
Date: 12/03/2013 10:03 AM
Subject: Marijauna grow ops

Hello Mr Mayor and Councillor Hill

Regarding the attention being paid to the potential for legal grow ops

<http://www.forterietimes.ca/2013/12/02/fort-erie-considers-impact-of-new-grow-op-regulations>

This matter will no doubt continue to increase in scale and attention because of its nature. However, we are constantly bombarded by tire kickers and expressions of interest to use empty or surplus industrial properties in Fort Erie.
(it seems a "hail Mary" type pass for realtors on a large property)

It should be noted that the ongoing and long standing advice from the EDTC to the Town, and indeed, the basis of all Development Charge studies when considering use of or support for industrial purposes, is the ratio of JOBS per ACRE.

It would be the advice of the EDTC to strongly dissuade any use of existing buildings in Fort Erie for uses as a grow-op.

These are industrial /commercial assets that assist Fort Erie so it can and will attract new commerce and jobs more readily than the 3 to 5 years it takes to plan a new manufacturing process.

Further, any building adapted to hydroponics and high humidity and heat render the facility useless (or at least cost prohibitive) to recover in the event such a project fails.

There is also the matter of lighting and energy costs/waste.

There is plenty of land in Fort Erie for greenfield development and before this goes too far in any public planning process for zoning change, please be reminded of the above logic.

The Town could likely not prohibit (and I would I wonder why we would) a legal, medical, Federally licensed grow op but the policy should be a purpose-built, greenfield, new construct, with all the energy efficiencies, security and modern safeguards.

Respectfully

James A Thibert
GM:FE_EDTC

From: "Jim Thibert" <jthibert@forteriecanada.com>
To: "Douglas Martin" <mayor@town.forterie.ca>
Cc: "John Hill" <jhill@town.forterie.on.ca>, "Rick Brady" <rbrady@town.forterie.on.ca>, <Drfdube@gmail.com>, "Adam Joon" <ajoon@forteriecanada.com>, "Ricci O'Kane" <rokane@forteriecanada.com>
Date: 01/10/2014 08:42 PM
Subject: Re: Letter of Support - Marijuana Processing Facility

As further background to the earlier letter of support:

For the purposes of assisting the Town in the development of its policy on Medical Marijuana cultivation and production; the position of the EDTC was for Grow op... simply the agricultural side of the cannabis issue. Because of that, the EDTC offered its advice to the Town policy as it was being considered and adopted.

That being, an operation that simply was a Grow Op would have few jobs and therefore not really be suitable to the Fort Erie target of minimum 10 jobs per acre for industrial land and further, unique under-utilized industrial buildings are an important tool in our arsenal to attract new industry.

Having spoken to Rick Brady prior to the EDTC advice, we discussed and agreed that with Fort Erie being so short of available industrial sites and the prospects for job creation within under-utilized industrial buildings being higher than Greenfield, that we would all hold firm and dissuade lesser values/benefits on applications for use where possible.

There was however no contemplation to dissuade a grow-op business that would contain all aspects of industrial application, especially with high employment potential.

When Dr. Dube approached the EDTC in early December, he advised us that his plans include acquisition of the Pharmetics building, the grow-op agricultural and harvesting aspects and more so, the technology, the lab and research facilities, security and the call centre, management and admin.

Essentially a drug manufacturing business.... Something this building is ideally suited for. This being the reason that the EDTC Board reviewed the request by Dr. Dube and modified its recommendations to support this manufacturing operation.

So to be clear, the advice the EDTC provided the Town Planning on a cannabis grow-op operation remains intact. But, the greater and more comprehensive proposal would be acceptable since it fundamentally is a drug manufacturing operation so should be supported, permitted and be an asset to the employment base of Fort Erie.

Regards

James A Thibert

GM:FE_EDTC