



## STAFF REPORT

### Planning and Development

**Subject:** *Application by Owen d'Entremont / Sherman d'Entremont to amend the LUB to enable a Micro Cannabis Production / Processing Facility*

**To:** Municipality of Argyle CAO and Council for March 30, 2021

**Date Prepared:** March 26, 2021

**Related Motions:** None

**Prepared by:** Jess Harper, LPP, MCIP, Project Planner, WSP Canada Inc.

**Reviewed by:** Jared Dalziel, LPP, MCIP, Project Planner, WSP Canada Inc.

### Summary

The Municipality has received an application from Owen d'Entremont/Sherman d'Entremont to amend the Land Use By-law to enable a micro cannabis production/processing facility along Dennis Point Road at the Dennis Point Wharf, Lower West Pubnico (PID 90081142).

The subject site is split-zoned with the portion fronting onto Dennis Point Road (portion to be rezoned) zoned MI (Marine Industrial) and the rear portion of the site to remain zoned MU (Mixed Use). The current Land Use By-law (LUB) permits micro cannabis production/processing facilities in light industrial zones and the *Cannabis Act* permits up to a maximum of 200 square meters of cultivation area. It is useful to note that while the *Cannabis Act* restricts production areas up to a maximum of 200 square meters, zoning permits the possibility of multiple licensed operations of 200 square meters of cultivation area on a single property through a multiple premise building. WSP are proposing a map amendment to the Land Use By-law to rezone a portion of the subject site (PID 90081142) from Marine Industrial (MI) Zone to Light Industrial (LI) Zone.



Figure 1: Photo of subject site along Dennis Point Road

### Financial Impact Statement

There is no immediate financial impact associated with the adoption of this report, aside from the typical public engagement process and staffing requirements that resulted from the application.

### Recommendation

Recommend that Council give second reading and approve amendments to the Land Use By-law to rezone a portion of the subject site along Dennis Point Road (PID 90081142) from Marine Industrial (MI) Zone to Light Industrial (LI) Zone to enable a micro cannabis production/processing facility.

### Recommended Motion

Municipality of Argyle Public Works Department / Community Development recommends that Council:

- give second reading and approve the proposed amendments to the Land Use By-law as contained in Attachment A of this report to rezone a portion of the subject site along Dennis Point Road (PID 90081142) from Marine Industrial (MI) Zone to Light Industrial (LI) Zone to permit a micro cannabis production/processing facility.

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### Background

Owen d'Entremont/Sherman d'Entremont has applied to amend the Land Use By-law (LUB) to rezone a portion of the subject property along Dennis Point Road (PID 90081142) from Marine Industrial (MI) to Light Industrial (LI) to permit a micro cannabis production/processing facility on the property. An excerpt of the zoning map (Figure 2) shows the location of the subject property.

In response to this application and the amount of vacant, undeveloped Marine Industrial (MI) zoned property within vicinity to the subject site, staff are recommending that map amendments rezoning the portion of the subject property along Dennis Point Road currently zoned Marine Industrial (MI) would be appropriate to rezone to Light Industrial (LI). Note that while the Marine Industrial (MI) Zone is more restrictive in terms of land uses than the Light Industrial (LI) Zone, similar uses are permitted in each zone.

### Subject Property

The subject property is located along Dennis Point Road (PID 90081142) at the Dennis Point Wharf in Lower West Pubnico. As illustrated on Figure 3, the total size of the subject property is approximately 4.9 Acres. The area proposed to be rezoned is  $\pm 3.02$  Acres, with maximum dimensions of 432.97 m (east-west), and 30.59 m (north-south at back of lot) and has a road frontage of 14.06 m along Dennis Point Road.

The subject property is designated Rural Centre in the Generalized Future Land Use Map (GFLUM) and respectively split-zoned with the portion fronting onto Dennis Point Road (portion to be rezoned) zoned MI (Marine Industrial) with the rear portion of the site to remain zoned MU (Mixed Use). Adjacent properties are also split-zoned with portions fronting onto Dennis Point Road zoned Marine Industrial (MI) and the rear portions zoned Mixed Use (MU).

As shown on Figure 3, the subject property is currently vacant, undeveloped marine industrial land (portion fronting onto Dennis Point Road). The applicant intends to maintain the Mixed Use (MU) zoning on the rear portion of the subject property.

### Development Proposal

The major aspects of the applicant's proposal for the property fronting on Dennis Point Road (PID 90081142) include:

- A building for use as a micro cannabis production/processing facility;
- Approximately 7,200 square feet of ground floor area (120 ft. x 60 ft. building) or an alternative, double height building option of approximately 4,800 square feet of ground floor area (80 ft. x 60 ft.);
- Approximately 12 bays in total will be enclosed in the above noted proposed building;
- Rezone the front portion of the subject property, currently zoned Marine Industrial (MI) to Light Industrial (LI);

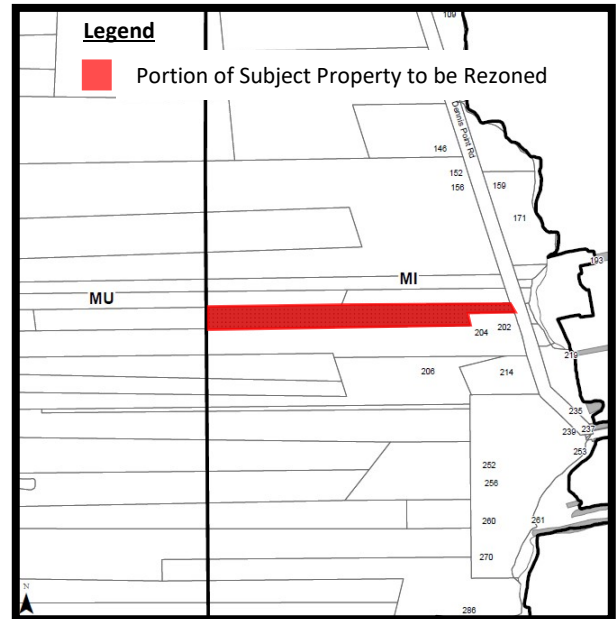


Figure 2: Excerpt of the zoning map for the subject property



Figure 3: Site Plan of the Subject Property

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and

- Retain the rear portion zoning on the subject property, Mixed Use (MU) Zone.

The Light Industrial Zone currently permits micro cannabis production/processing facilities in conformance with the requirements of the *Cannabis Act*. The *Act* restricts micro production area to a maximum of 200 square meters. It is useful to note that while the *Cannabis Act* restricts production area, multiple joined micro cannabis production/processing facilities may exceed this size with the limitation that each facility's cultivation area that can be used at any given time is a maximum of 200 square meters.

The proposed production facility is proposed to be composed of self-contained grow pods, contained in a larger building. Figure 4 below shows example pod designs by Delta 9, constructed from refurbished shipping containers.

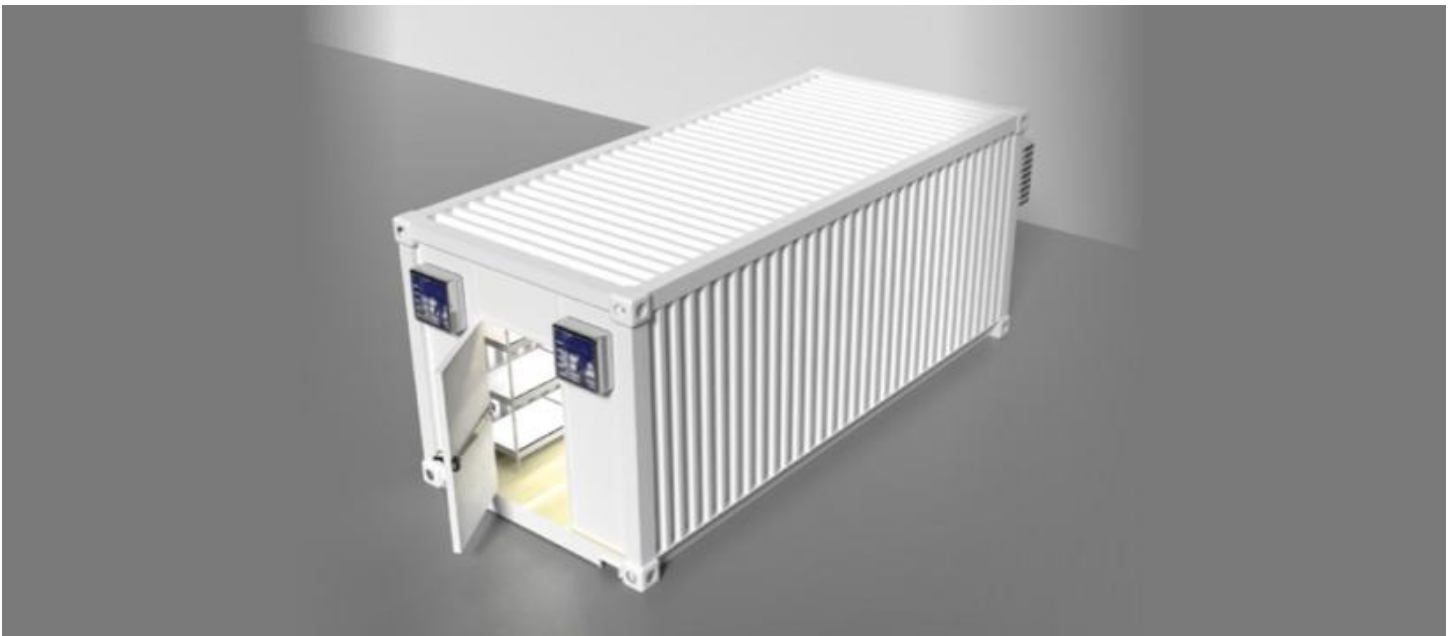


Figure 4: Delta 9 Grow Pod (Source: <https://invest.delta9.ca/pages/b2b-and-grow-pods#gpodconsulting>)

### Policy Analysis

WSP and Staff are currently reviewing the application based on the applicable policies contained in the Municipal Planning Strategy (MPS).

WSP are proposing a map amendment to the Land Use By-law to rezone the portion of PID 90081142 along Dennis Point Road that is currently zoned Marine Industrial (MI) to the Light Industrial (LI) Zone. Existing policies in the MPS allow Council to consider amendments to the LUB regulations without needing amendments to *Municipal Planning Strategy* policy as both zones share the Rural Centre (RC) designation. The rezoning of the subject site is enabled by Policy 13.11.2 of the MPS. As indicated in the *Municipal Government Act*, there is a right of appeal option for approval or refusal of amendments to the Land Use By-law.

Attachment A contains the proposed LUB map amendments that would rezone the portion of PID 90081142 along Dennis Point Road from the Marine Industrial (MI) Zone to the Light Industrial (LI) Zone. Attachment B contains a preliminary table of the evaluative criteria from the enabling policies and corresponding comments from WSP. Attachment C contains additional supplemental information on odour impacts of cannabis production/processing facilities as communicated by other jurisdictions in the province.



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#### Discussion

##### *Proposed Rezoning of a portion of PID 90081142 along Dennis Point Road to Light Industrial*

The surrounding properties along Dennis Point Road are currently split zoned; Marine Industrial (MI) for the portion of the lots fronting onto Dennis Point Road, and Mixed Use (MU) at the rear. The Rural Centre (RC) designation recognizes that the land use near the Wharf Facilities is primarily for marine industrial uses. Light Industrial (LI) uses are permitted within the Rural Centre (RC) designation if they do not cause conflict with residential uses. The Mixed Use (MU) zoned residential properties are located approximately 440 meters (0.44 km) from current industrial uses.

The intent of the Marine Industrial (MI) Zone is to accommodate an ample supply of land for fishery and marine related industrial uses. While it is necessary to maintain lands in relation to the Wharf Facilities zoned Marine Industrial (MI), it is also important to note the current amount of undeveloped, vacant Marine Industrial (MI) zoned lands within proximity to the subject site. The two lots immediately to the north of the subject site are currently vacant, Marine Industrial (MI) zoned properties and additional vacant lands to the south. WSP and Staff feel there is ample land supply within these existing vacant, undeveloped lots for future marine industrial development.

**WSP feels the proposal is consistent with the intent of the Municipal Planning Strategy (MPS) based on the review of policies contained in the MPS, as indicated in more detail in Appendix B.** The rezoning application seeks to maintain an “industrial” zoning on the portion of the site fronting onto Dennis Point Road, as per the intent of these lands with the Municipal Planning Strategy. The general intent of the MPS policy is to ensure that an ample supply of Marine Industrial land is maintained, as well to ensure that new industrial operations are sited to minimize land use conflicts.

There is expected to be a modest increase in traffic to service the proposed use on the site. Nova Scotia Department of Transportation and Infrastructure Renewal (NSTIR) have been solicited for comment on the proposed application, and any comments received will form part of the final review of the rezoning application. As noted previously, the federal *Cannabis Act* permits up to a maximum of 200 square meters of production area for micro production licenses. While the production area is restricted by a maximum area and the proposal includes a total of 12 bays, the maximum production area restricts the number of bays that can be in use at any given time (leaving multiple bays empty). It should also be noted that the Light Industrial (LI) Zone permit more than one main building on a lot so the applicant may also wish to separate the proposed bays into separate buildings to allow up to 200 square meters of production area in use per building at any given time.

Based on Pubnico Point Wind Farm Environmental Assessment<sup>1</sup>, completed by CBCL and AWPC in September 2003, the wind direction coming from the proposed micro cannabis production/process facility appears to be to the westward direction of the site, away from the Wharf Facilities and into the current wooded, vacant land separating the industrial and residential uses. As noted above, there is approximately 440 meters (0.44 km) between the existing marine industrial uses and the existing residential uses.

There is no best practice guidance on appropriate setbacks from cannabis production facilities from Federal or Provincial governments at this time. While not often used in Nova Scotia, a separation distance of 150 m between production facilities of any size and residences is common in Ontario.<sup>2</sup> The proposed separation distance in this application is more than triple that distance, and is for a micro production classification, not a standard production classification. For additional information on odours for cannabis production/processing facilities, including a jurisdictional scan, refer to Appendix C: Supplemental Information on Cannabis Facilities, Odours and Planning Department Feedback (Prepared originally for the Town of Yarmouth).

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<sup>1</sup> Pubnico Point Wind Farm Environmental Assessment, CBCL and AWPC, September 2003, [https://novascotia.ca/nse/ea/pubnicowind/Pubnico\\_TOC\\_Ch1-2.pdf](https://novascotia.ca/nse/ea/pubnicowind/Pubnico_TOC_Ch1-2.pdf)

<sup>2</sup> Cannabis Land Use Report, Pelham, February 2020, <https://pelham-pub.escribemeetings.com/filestream.ashx?DocumentId=21743>



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Current easements and agreements that exist on the subject property are as follows:

- Easement in favour of Nova Scotia Power Incorporated over a portion of the subject property (southern side fronting along Dennis Point Road). This easement appears to also be located on the property adjacent to the south.
- Easement in favour of Nova Scotia Power Incorporated over 6.096m of land fronting along Dennis Point Road for the width of the subject property.
- A Grant Well Line Agreement over lands on the subject property as well as adjacent properties.

Considering the distance from existing residential uses and the amount of undeveloped, vacant Marine Industrial (MI) zoned land within proximity of the subject site and enabling policy review, Staff feel the proposal is appropriate to recommend to Council to give first and second reading and approve amendments to the Land Use By-law to rezone a portion of the subject site along Dennis Point Road (PID 90081142) from Marine Industrial (MI) Zone to Light Industrial (LI) Zone to enable a micro cannabis production/processing facility.

### Public Participation

Staff have complied with the Public Participation Policies of the Municipal Planning Strategy when processing this application. An initial ad indicating an application was received was placed in the Tri-County VanGuard's February 17<sup>th</sup> edition.

Figure 5 illustrates the process followed by the Municipality for a Rezoning Application. A sign was placed on the subject property February 1<sup>st</sup> notifying residents that an application had been received by the Municipality. A notice of the application was also placed on the municipal website. A notice of the application was mailed out to all property owners within 152 meters of the subject property by Staff, which included 13 residents and businesses. Note that there is a right of appeal option for approval or refusal by Council of amendments to the Land Use By-law.

As per Section 206 of the *Municipal Government Act*, a public hearing is required for Land Use By-law amendments to hear input from the community. An advertisement outlining the proposal and indicating the place and time of the public hearing was placed in the March 10<sup>th</sup> and March 17<sup>th</sup>, 2021 editions of the Tri-County VanGuard.

### Conclusion

Staff have completed their review of the proposal by Owen d'Entremont/Sherman d'Entremont to amend the Land Use By-law (LUB) to rezone a portion of the subject property along Dennis Point Road (PID 90081142) from Marine Industrial (MI) to Light Industrial (LI) to permit a micro cannabis production/processing facility on the property. The applicant's proposal has been evaluated using all applicable policies in the Municipal Planning Strategy. WSP and Staff find the proposal to be consistent with the intent of the Municipal Planning Strategy (MPS) and are recommending Council approve the proposed amendments to the Land Use By-law to rezone a portion of the subject site along Dennis Point Road (PID 90081142) from Marine Industrial (MI) Zone to Light Industrial (LI) Zone to permit a micro cannabis production/processing facility.

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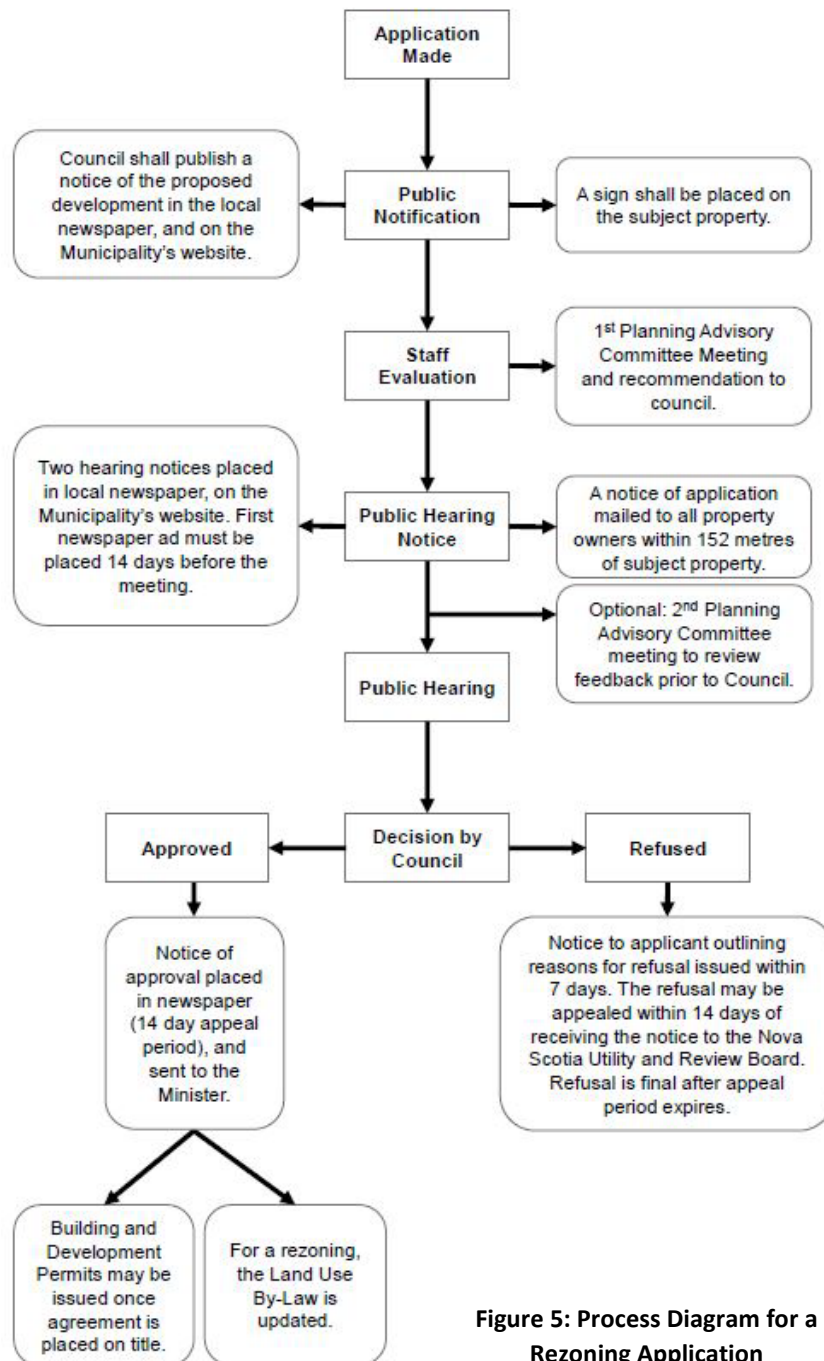


Figure 5: Process Diagram for a Rezoning Application

### Recommendation

Recommend that Council give second and approve amendments to the Land Use By-law to rezone a portion of the subject site along Dennis Point Road (PID 90081142) from Marine Industrial (MI) Zone to Light Industrial (LI) Zone to enable a micro cannabis production/processing facility.

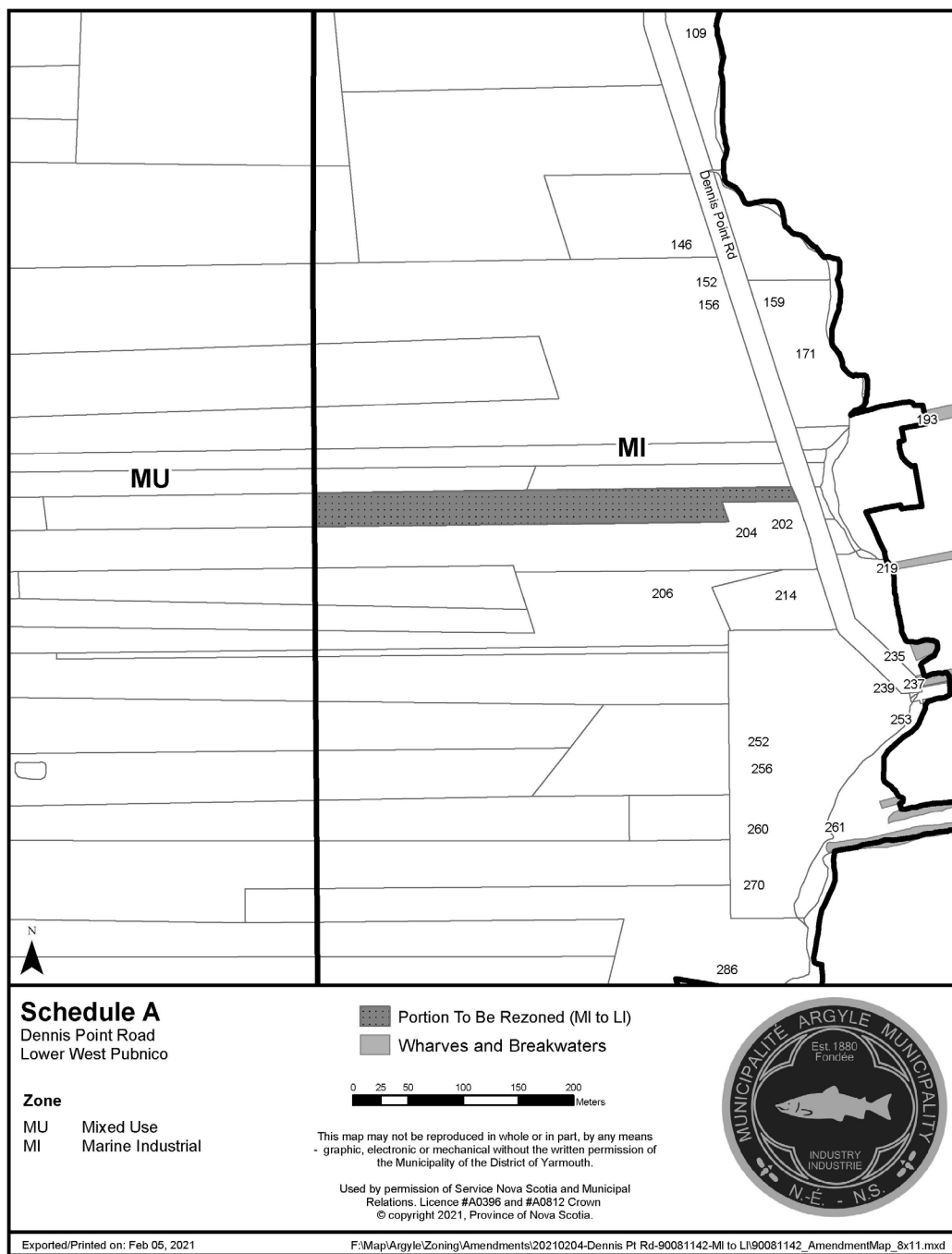
### Alternatives

1. Council may refuse the proposed LUB amendments, and in doing so, must provide reasons why the proposed amendments do not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed LUB amendments is appealable to the N.S. Utility & Review Board.

### Appendix A: Draft Proposed Amendments to the Land Use By-law

BE IT ENACTED by Council of the Municipality of the District of Argyle that the Land Use By-law is hereby further amended as follows which includes all amendments thereto which have been adopted and are in effect as of the [insert date of 'appeal date'] is hereby further amended by:

1. Amending West Pubnico Rural Centre Zoning Map Schedule B, by rezoning the portion of the subject site along Dennis Point Road (PID 90081142) from Marine Industrial (MI) to Light Industrial (LI), as shown below:





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HEREBY CERTIFY that the amendments to the Municipality of Argyle Land Use By-law, as set out above, were duly passed by a majority vote of the Council of the Municipality of Argyle at a meeting held on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

GIVEN under the hand of the Clerk and the Corporate Seal of the Municipality of Argyle this

\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Municipal Clerk



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#### Appendix B: Policy Evaluation

The proposal may be considered by Council through the following applicable policies of the Municipal Planning Strategy for Argyle (MPS):

##### INDUSTRIAL ZONE

Both Heavy and Light Industrial activity in the municipality is largely focused in and around the wharf areas and is almost exclusively related to the fishing industry. Fish processing plants, boat building and repair, welding and machine shops make up the bulk of the industrial activity. Some industrial uses are also scattered throughout both the Mixed Use (MU) Zone in the Rural Centres and Coastal Communities (CC) Zone either as home occupations or as stand-alone developments. For the most part these uses have not caused conflict with residential uses, however the possibility for conflict exists where the scale of the industrial operation or processes involved with the operation could cause nuisance effects for nearby residential uses, institutional, recreational and commercial uses.

Addressing policies for industrial uses in communities in the municipality has been a focus of Council in recent years. A number of issues resulted in amendments to the By-law to deal with existing industrial uses, expansion of existing uses and new industrial uses. A development agreement requirement had been established for certain Heavy Industrial uses which were considered as having the potential for causing conflict with residential uses in the Coastal Communities (CC) Zone. Also, certain Heavy Industrial uses were identified as not being compatible in the Coastal Communities (CC) and Mixed Use (MU) Zones. These include fish reduction plants; fish composting operations; asphalt paving plants; sand, gravel or topsoil storage and processing; landfills; and construction and demolition debris operations. These industrial uses were permitted in the Rural Development designation with special screening requirements and setback distances. To assist in addressing the concerns for potential conflicts between heavy industry and residential and institutional uses Council will expand the use of development agreements for Heavy Industrial uses in the Coastal Community, Mixed Use, and Business Park zones. In recognition that many Light Industrial uses are an integral part of the general business fabric of the municipality these uses will be permitted as of right in the Light Industrial Zone, Coastal Community Industrial Zone, Marine Industrial Zone, Business Park Zone and Rural Development (RD) Zone.

##### MARINE INDUSTRIAL ZONE

To accommodate fishery and marine related industrial uses, excluding fish reduction and fish composting operations in the Rural Centre designation areas of West Pubnico and Wedgeport and Tusket and the Coastal Communities designation, Council designated lands in the vicinity of existing wharves as Marine Industrial and established a Marine Industrial (MI) Zone. Permitted uses in the zone include a variety of fishery and marine industrial uses, commercial uses, institutional uses, dwelling units as accessory uses to any permitted use, parking lots, utility buildings and communication buildings and structures. Expansion of the Marine Industrial (MI) Zone into the immediately adjacent Coastal Communities (CC) and Mixed Use (MU) Zones is anticipated and Council will consider such expansion only by amendment to the By-law subject to policies 18.2.7 and 18.3 of this strategy.

Council recognizes the potential impacts storm surges and coastal flooding could have on fishing industry infrastructure and the coastal environment. An objective of the Municipal Climate Change Action Plan (MCCAP) was to identify significant climate change issues and hazards for the Municipality and to evaluate the economic and environmental risks associated with increased frequency and intensity of storm surge events. Council will liaise with industry representatives and Harbour Authorities in this initiative.

Supported by policies in of this Strategy Council shall include policy in the Marine Industrial designation section of the Strategy for the purpose of addressing these concerns for the fishing industry and the environment in the Municipality.

##### Applicable Policies

**Policy 4.5.1:** It shall be the policy of Council to designate the communities of West Pubnico, Wedgeport and Tusket as Rural Centres (RC) designation on the Generalized Future Land Use Maps to accommodate a wide range of uses in a manner which is flexible and

##### Staff Comments

The subject site is within this designation.



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sensitive to the needs of the residents. The existing wind farm Pubnico Point will be excluded from this designation.	
<b>Policy 4.5.2:</b> It shall be the policy of Council that the intent of the Rural Centres (RC) designation is to accommodate a wide range of residential, institutional, commercial, agricultural, recreational, wind energy, and utility uses.	The subject site is within this designation, and the proposed use of the site is industrial.
<b>Policy 4.5.3:</b> It shall be the policy of Council to establish in the Rural Centres (RC) designation the following zones: a) Mixed Use (MU) Zone; b) A Light Industrial (LI) zone and a Heavy Industrial (HI) Zone. Existing industrial uses will be zoned according to their operations, either as Light Industrial (LI) zone or Heavy Industrial (HI) zone. c) A Pubnico Point Wind Farm (WF) Zone in the Land Use By-law at the Pubnico Point Wind Farm site. d) A Residential Park (RP) Zone for the western portion of the current and former Municipal lands in Tusket. e) A Marine Industrial (MI) Zone as per the policies of Section 8.9.	The subject site is proposed to be added to the Light Industrial (LI) Zone.
<b>Policy 4.5.4:</b> It shall be the policy of Council that the intent of the Light Industrial (LI) zone and a Heavy Industrial (HI) zone will be to provide land for existing industrial development in the rural centres.	The zone was applied to existing industrial properties when the updated plan was established. New properties may be considered as per Policy 13.11.2
<b>Policy 4.5.5:</b> It shall be the policy of Council that single detached dwellings will be permitted as a main or accessory use in the LI and HI zones or a single dwelling unit within any main or accessory building in the LI and HI zones, if a minimum two (2) acre minimum lot area is met.	N/A
<b>Policy 4.5.7:</b> It shall be the policy of Council to exclude from the Rural Centre designation certain agricultural uses, commercial uses, industrial uses and recreational uses deemed not compatible with the fabric of the Rural Centre communities.	Micro cannabis production facilities are not an excluded use.
<b>Policy 4.5.10:</b> It shall be the policy of Council that Council shall consider the following uses by site plan approval in the Light Industrial (LI) Zone: a) Small Scale Wind Turbine Generator	N/A
<b>Policy 4.5.11:</b> It shall be the policy of Council that Council may consider the following uses by development agreement, pursuant to the requirements of Policy 13.14 and Section 4.5, in the Light Industrial (LI) Zone: a) Aquaculture (Indoor and Outdoor) b) Drive-throughs c) Restaurant, Evening Patio Use	N/A
<b>Policy 4.6.1:</b> It shall be the policy of Council to consider rezoning MU Zoned properties to the corresponding LI or HI zone for new or expanding enterprises, in accordance with the implementation policies of this Strategy.	N/A
<b>Policy 4.6.2:</b> It shall be the policy of Council to consider proposals for rezoning from LI or HI to MU for a use	N/A



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permitted in the MU zone subject the implementation policies of this Strategy.	
<b>Policy 8.6.1:</b> It shall be the policy of Council to establish a Heavy Industrial (HI) Zone and a Light Industrial (LI) Zone in the Rural Centre designation (refer to the Rural Centre designation policies).	The subject property is within the Rural Centre designation.
<b>Policy 8.6.4:</b> It shall be the policy of Council to permit compatible Light Industrial uses in the Coastal Communities (CC) Zone, the Light Industrial (LI) Zone, the Business Park (BP) Zone, and the Rural Development (RD) Zone.	The Light Industrial (LI) Zone is proposed to be applied to a portion of the subject property.
<b>Policy 8.9.1</b> It shall be the policy of Council to establish within the Coastal Communities (CC) and Rural Centres (RC) designations a Marine Industrial (MI) Zone to accommodate fishery and marine related industry excluding fish reduction plants and fish composting operations. Included in this area shall be land in the general vicinity of existing wharves in the Rural Centres and Coastal Communities of West Pubnico and Wedgeport.	There is ample vacant land zoned Marine Industrial Zone in the vicinity of the proposed site.
<b>Policy 8.9.2:</b> It shall be the policy of Council to permit commercial uses, institutional uses, dwelling units as accessory uses to any permitted use, parking lots, utility buildings and communication buildings and structures in the Marine Industrial (MI) Zone.	The current Marine Industrial Zone permits a range of industrial uses.
<b>Policy 8.9.3:</b> It shall be the policy of Council to enable expansion of an existing Marine Industrial Zone boundary into the immediately adjacent Mixed Use or Coastal Community zones by amendment to the Land Use By-law subject to the implementation policies of this Strategy.	N/A
<b>Policy 8.9.6:</b> It shall be the policy of Council where Council shall consider the following uses by site plan approval in the Marine Industrial (MI) Zone: a) Small Scale Wind Turbine Generator	N/A
<b>Policy 8.9.7:</b> It shall be the policy of Council where Council may consider the following uses by development agreement, pursuant to the requirements of Policy 13.14 and Section 4.5, in the Marine Industrial (MI) Zone: a) Fish Reduction Plant b) Restaurant, Evening Patio Use	N/A
<b>Policy 13.11.1:</b> To amend the Land Use By-law provided the amendment reflects the intent of the Municipal Planning Strategy.	WSP feels the proposal is consistent with the intent of the Municipal Planning Strategy.
<b>Policy 13.11.2:</b> To consider an application for amendment to the Land Use By-law only if the application has identified a proposed use for the property. Council shall give consideration to both the proposed use and to the impact of other uses permitted in the requested zone.	The existing Marine Industrial (MI) Zone allows for a similar intensity of use compared to the proposed Light Industrial (LI) Zone.
<b>Policy 13.11.3:</b> To consider an application for amendment to the Land Use By-law only if the site meets all of the lot size and zone standards for the zone sought, with the following exceptions:	The lot meets zone standards.



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<b>Policy 13.11.4:</b> A rezoning may be granted for a lot or lots which meet all zone standards but has less than the required frontage or area specified for the zone sought; or	The lot meets zone standards.
<b>Policy 13.11.5:</b> A rezoning may be granted for a lot or lots with a building or buildings on it, which meets all other zone requirements except minimum lot area, frontage, setback or yard standards specified for the zone sought. Any proposed addition to such a building or replacement of such a building shall not further reduce the setback or yard standard.	N/A - The lot meets zone standards.
<b>Policy 13.11.6:</b> To notify by direct mail, land owners located within 500 feet (152 metres) of a property requesting rezoning. The costs associated with this notification shall be the responsibility of the applicant.	A mailout took place as part of the application.
<b>Policy 13.14.1:</b> That a development permit may be issued for any existing use on the lot for which the development agreement or amendment has been requested; and	N/A
<b>Policy 13.14.2:</b> That the proposal conforms to the intent of the Municipal Planning Strategy and to all other applicable Municipal By-laws and regulations, except where the application is for a development agreement and the requirements of the Land Use By-law need not be met; and	The proposal conforms to the intent of the Municipal Planning Strategy and Land Use By-law.
<b>Policy 13.14.3:</b> Where a proposal is for a use which involves the advertising, sales, and/or production of production facilities for alcohol and cannabis, Council will consider the proximity and exposure of the use to areas where children and youth frequent. Council will also consider the potential negative effects on residents by odours resulting from such production facilities.	There is approximately 440 meters (0.4 km) between the existing marine industrial uses and the existing residential uses. WSP does not expect land use proximity concerns to arise due to the large separation distance from the site and existing homes.
<b>Policy 13.14.4:</b> That the proposal is not in conflict with Municipal or Provincial programs in effect in the Municipality; and that the proposal is not premature or inappropriate by reason of the: <b>a)</b> Financial ability of the Municipality to absorb costs related to the development; or <b>b)</b> Adequacy of sewer and water services, including fire flows and water pressure or the adequacy of the site for on-site services; or <b>c)</b> Creation or worsening of a pollution problem in the area such as but not limited to soil erosion and siltation of watercourses; or <b>d)</b> Adequacy of storm drainage and effects of alteration to drainage patterns, including the potential for creation of a flooding problem; or <b>e)</b> Suitability of the site regarding grades, soils and geological conditions, location of watercourses, marshes, bogs and swamps, and proximity to utility rights-of-way; or <b>f)</b> Adequacy and proximity of school, recreation and other community facilities; or	<b>a)</b> No financial impacts are expected to the Municipality from the proposed development. <b>b)</b> Servicing to the site is adequate, on-site services will need to be determined as part of detailed design. <b>c)</b> No concerns are expected from the proposed development. <b>d)</b> No drainage concerns are expected from the proposed development. <b>e)</b> A portion of the rear of the site has marshy conditions, but the front portion of the property appears to be developable, excluding requirements for some easements. <b>f)</b> No significant requirements are expected to the transportation network from the proposed development. NSTIR may provide further detail on if this assumption is accurate. <b>g)</b> No significant impacts are expected to the transportation network from the proposed development. NSTIR may provide further detail on if this expectation is accurate. <b>h)</b> The proposed development needs to conform to zoning requirements for parking.



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- g)** Adequacy of road networks in, nearby, and leading to the development, regarding congestion and traffic hazards; and
- h)** That the proposal provides adequate off-street parking to prevent congestion, nuisance and inconvenience in the area; and
- i)** The hours of operation are appropriate for the neighbourhood; and
- j)** That the primary architectural features of the proposal, including but not limited to bulk, scale, roof shape, building materials, exterior cladding and shape, and size and relationship of doors and windows, shall be visually compatible with nearby buildings in the case of a new building, or with the original building in the case of an addition; and
- k)** That the proposal will not significantly alter the character or stability of the surrounding neighbourhood.

- i)** The operation is not expected to generate significant evening traffic.
- j)** The proposed development's bulk is expected to be similar in size to nearby industrial developments.
- k)** The proposed development is expected to be similar in industrial character to nearby developments.



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## Appendix C: Supplemental Information on Cannabis Facilities, Odours and Planning Department Feedback (Prepared originally for the Town of Yarmouth)

### Background on Cannabis Production/Processing Facility Odours

Cannabis odours are created by cannabis plants during the flowering phase, when the plant's essential oils (terpenes) are noticeable. Public Health Ontario<sup>3</sup> completed a literature review that found no studies correlating health effects with cannabis odours. Cannabis odours can still be perceived as unpleasant (and often are) even if they do not have any health impacts and can be a source of irritation to nearby residents if odours are not properly controlled.

Many industrial uses produce odours that need to be controlled by building systems. As part of reviewing how nearby municipalities have dealt with the use to date, some municipalities have created specific by-laws related to cannabis production facility odours. This could be a more preventative approach, such as requiring an Odour Control Plan or Odour Abatement Protocol prepared by a Registered Occupational Hygienist. Requiring this would add upfront costs to a business seeking a license but would add additional compliance options for the municipality. The Municipality of West Hants considered such an option in December 2019 and decided to not proceed with such a by-law.

More commonly, municipalities have mitigated any potential odour-related compliance issues by simultaneously siting cannabis production/processing facilities in business parks, away from residential areas. This is reflected on the locations of facilities on the jurisdictional scan table below.

Based on our review, five control technologies are used to control odours from cannabis production facilities. Based on our review, and jurisdictional discussions, carbon filters seem to be the preferred odour management system. Metro Vancouver has created a 'A Proposed Emission Regulation for Cannabis Production and Processing Operations in Metro Vancouver'<sup>4</sup> which examines best practices applied in both the United States and Canada. As mentioned in the discussion paper, five technologies can be applied for odour control:

#### **Carbon Filters**

*Activated carbon filters are widely used to control VOC and reduce odours. Carbon filters can be effective and reliable when properly maintained and replaced at appropriate intervals. These filters have relatively large surface areas that adsorb and remove VOC.*

#### **Biofilters**

*A biofilter is a filtration system that employs biological activity to remove odorous contaminants from an air stream. The microorganisms responsible for removing the odorous air contaminants may include bacteria and fungi.*

#### **Odour neutralizers**

*Plant-based odour neutralizers use natural plant oils that interact with and alter VOC emitted by cannabis so they are no longer odorous. VOC reduction can vary from 20% to 90% depending on product and contact time. Odour neutralizers may also contain odour-masking agents.*

#### **Thermal oxidation**

*A thermal oxidizer applies high levels of heat to decompose VOC to waste products that are without odour, typically carbon dioxide and water.*

#### **Ozone generators**

*These generators are used for disinfection and sometimes used in industrial settings to control strong odours. Ozone generators are potentially harmful to crops and human health because they produce ozone by design.*

<sup>3</sup> Evidence Brief, Odours from cannabis production. Retrieved from: <https://www.publichealthontario.ca/-/media/documents/eb-cannabis-production-odours.pdf?la=en>

<sup>4</sup> Metro Vancouver. 'A Proposed Emission Regulation for Cannabis Production and Processing Operations in Metro Vancouver'. Retrieved from: <http://www.metrovancouver.org/services/air-quality/AirQualityPublications/CannabisProductionRegulationDiscussionPaper.pdf>



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#### Federal Government Regulations for Cannabis Production/Processing Facility Odour

In the Cannabis Regulations (SOR/2018-144) Section 85 (excerpt below), any cannabis facility is required to be equipped with a system that filters air to prevent the escape of odours associated with cannabis plant material to the outdoors. Health Canada has indicated that it will inspect all license holders on a regular basis to assess and monitor compliance to ensure odour control technology is maintained and used. If odour does become an issue at a cannabis facility, complaints can be sent to the Federal government using the cannabis reporting form at: <https://health.canada.ca/en/health-canada/services/drugs-medication/cannabis/recalls-adverse-reactions-reporting/reporting-form.html>

#### System – Filtration and Ventilation

- **85 (1)** *Any building or part of a building where cannabis or anything that will be used as an ingredient is produced, packaged, labelled, stored or tested must be equipped with a system that*
  - *(a) filters air to prevent the escape of odours associated with cannabis plant material to the outdoors;*
  - *(b) provides natural or mechanical ventilation with sufficient air exchange to provide clean air and to remove unclean air in order to prevent the contamination of the cannabis or thing that will be used as an ingredient;*
  - *(c) is accessible and, if necessary for its cleaning, maintenance or inspection, is capable of being disassembled;*
  - *(d) is capable of withstanding repeated cleaning; and*
  - *(e) functions in accordance with its intended use.*

#### Jurisdictional Scan of Cannabis Production/Processing Facilities

As shown on the table below, most Cannabis Production Facilities permitted in the province to date have been in industrial parks or in rural areas. We have performed phone interviews with municipal staff in Nova Scotia that have Cannabis Production Facilities, as well as the Provincial Director of Planning for the Province of New Brunswick. Note that New Brunswick has a provincial directive regarding the siting of cannabis production facilities, and the director has been informed on multiple rezoning applications throughout the province.

Based on our media review, and discussion with municipalities, odour control measures with Cannabis Production Facilities can have variable levels of success. From our review, most of the major concerns in Canada occurred directly after initial cannabis production facilities were granted approval, and issues were most common at large-scale operations.



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**Table: Cannabis Production Facility Odours or Land Use Impacts Jurisdictional Scan**

Jurisdiction	Location	Experience with Cannabis Production Facility Odours or Land Use Impacts
Town of Truro	Industrial Park	Not aware of any complaints, issues, or other concerns.
Cumberland County	Agricultural Area	Odour - no major concerns. In an agricultural area
Windsor/ West Hants	Industrial Park	Not aware of any complaints, issues, or other concerns.
Kentville	Industrial Park	Not aware of any complaints, issues, or other concerns. There may be some occasional odour, but no complaints since it on the northern side of their industrial park adjacent to Highway 101, and the industrial park is not fully built out.
NB Provincial Director of Planning	Various	The Province of New Brunswick has a provincial directive for Cannabis Production Facilities, and their provincial director has been involved in numerous rezoning applications throughout the province. In their experience, the standards regarding ventilation systems is not clear, and it sometimes works, and it sometimes does not. Health Canada will deal with complaints, but it is after permit approval, and the building is in operation. The major issue to date with existing facilities has come from extremely large facilities such as the one in Moncton, but there has not been enough small producer (micro production facilities) in operation yet to get a good grasp of their land use impacts.