

From: [REDACTED]
To: [Bruce County Planning - Peninsula Hub](#)
Subject: Emily Azevedo - Comment on Cannabis Facility proposed at 46 Bruce Road 17 rev005
Date: Sunday, March 26, 2023 9:27:52 PM
Attachments: [REDACTED]

**** [CAUTION]:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please find the PDF documents below for the proposed cannabis facility at 46 Bruce Road 17 Tara, Ontario, which include my comments, evidence and supporting documents.

I also want to be added to the list of speakers for the meeting on 05APR2023.

Thank you,

Emily Azevedo

[REDACTED]
Tara, ON
N0H 2N0

Please see attached documents:

Write up:

- Emily Azevedo Review - Cannabis Facility Planning Justification proposed at 46 Bruce Road 17 rev005

Evidence

- 79-20-Greenhouse-Light-Abatement---with-in-force-provisions
- BlackburnNews.com - City decides to wait and see on smelly pot plant issue
- BlackburnNews.com - Leamington greenhouse growers still not complying with light pollution bylaw
- By-law-41-22-Greenhouse-Light-Abatement-repeals-79-20
- Leamington greenhouse owners facing charges over light abatement _ CTV News
- North America's greenhouse capital passes light abatement by-law - Greenhouse Canada

Email from Patrick Johnston - Zoning A1 permit for a horse barn October 2017

- zoning email OCT2017
- zoning email image OCT2017

Letter rom applicants sent 20MAR2023

- letter from applicants 20MAR2023 - REV000

Emily Azevedo Concerns Related to the Cannabis Facility Proposed at 46 Bruce Road 17

Opening Statement

The legalization of cannabis in Canada in 2018 has led to the establishment of numerous cannabis-growing facilities across the country. While the industry has the potential to contribute to economic growth, it also raises concerns about the environmental and social impact on small communities. Tara, Ontario, is one such community where the introduction of a cannabis growing facility could have significant consequences. I will discuss the potential issues associated with water usage, water pollution, odors, light pollution, crime, proximity to sensitive areas, and drug addiction in the context of a cannabis growing facility in Tara.

Water Usage

Cannabis cultivation is a water-intensive process, with some estimates suggesting that a single plant can consume up to 22 liters of water per day (Bauer et al., 2015). In a small community like Tara, where water resources may already be limited, the increased demand for water from a large-scale growing facility could strain the local water supply. This strain could lead to water restrictions for residents and negatively impact other water-dependent industries, such as agriculture.

Water Pollution

The use of fertilizers, pesticides, and other chemicals in cannabis cultivation can pose a risk to local water sources if not managed properly. Runoff from these substances can contaminate nearby rivers, streams, and groundwater, posing risks to both human health and the environment (Scott et al., 2018). In a small community like Tara, where residents rely on local water sources, the potential for water pollution from a cannabis growing facility is a significant concern.

Odours

Cannabis plants produce strong odours, particularly during the flowering stage. These odours can be a nuisance to nearby residents and businesses, impacting their quality of life and potentially leading to complaints and conflicts within the community (Belackova et al., 2017). In Tara, where the community is small and tightly knit, the introduction of a cannabis growing facility could create tension and dissatisfaction among residents.

Light Pollution

Cannabis growing facilities often use artificial lighting to optimize plant growth, resulting in significant light pollution. This can disrupt local ecosystems, impact the behavior of nocturnal animals, and interfere with the enjoyment of the night sky for stargazing enthusiasts (Longcore & Rich, 2004). In Tara, where residents value their rural lifestyle and connection to nature, the introduction of a cannabis growing facility could negatively impact the community's environment and ambiance.

Crime

Although the legalization of cannabis in Canada has reduced some criminal activities associated with the drug, the presence of a cannabis growing facility could still attract crime to the area. Theft, vandalism,

and other crimes may increase as individuals attempt to gain access to the facility or its products (Dragan et al., 2019). This would not only put a strain on local law enforcement but also create a sense of unease and insecurity within the community.

Proximity to Sensitive Areas

The location of a cannabis growing facility in Tara may be particularly concerning due to its proximity to sensitive areas such as schools and churches. The presence of a cannabis facility near these locations could expose children and other vulnerable populations to the drug, potentially leading to increased usage and normalization of cannabis within the community (Shi et al., 2016). This could undermine the efforts of educators and religious leaders to promote healthy behaviors and positive values among local residents.

Drug Addiction and Cannabis

While cannabis is often considered a less harmful substance compared to other drugs, it is not without risks. Long-term cannabis use has been associated with addiction, mental health issues, and cognitive impairment, particularly among young people (Volkow et al., 2014). The introduction of a cannabis growing facility in Tara could increase the availability and accessibility of the drug, potentially leading to higher rates of usage and addiction within the community. This would place additional burdens on local healthcare and social services, as well as families and individuals struggling with addiction.

Closing Statement

The establishment of a cannabis growing facility in Tara, Ontario, will have significant environmental, social, and health consequences for the small community. Concerns about water usage, pollution, odors, light pollution, crime, proximity to sensitive areas, and drug addiction must be carefully considered by local decision-makers and residents. While the cannabis industry may offer economic opportunities, it is crucial to weigh these benefits against the potential costs to the community's well being and quality of life.

References

Bauer, S., Olson, J., Cockrill, A., van Hattem, M., Miller, L., Tauzer, M., & Leppig, G. (2015). Impacts of surface water diversions for marijuana cultivation on aquatic habitat in four northwestern California watersheds. *PloS one*, 10(3), e0120016.

Belackova, V., Wilkins, C., & Rácmolnár, L. (2017). Cannabis regulation, rural communities and local government: the case of the Uruguayan model. *Drugs: Education, Prevention and Policy*, 24(6), 468-477.

Dragan, M., Worthington, A. K., & Hardin, J. W. (2019). The impact of marijuana legalization on crime: A partial replication of Miles and Raymer (2016). *International Journal of Drug Policy*, 72, 46-51.

Longcore, T., & Rich, C. (2004). Ecological light pollution. *Frontiers in Ecology and the Environment*, 2(4), 191-198.

Scott, C. E., Arnold, T., Monohan, C., & Suliman, A. (2018). Environmental and health risks of cannabis cultivation in California. *Journal of Environmental Planning and Management*, 61(5-6), 797-816.

Shi, Y., Meseck, K., & Jankowska, M. M. (2016). Availability of medical and recreational marijuana stores and neighborhood characteristics in Colorado. *Journal of Addiction*, 2016, 7193740.

Volkow, N. D., Baler, R. D., Compton, W. M., & Weiss, S. R. (2014). Adverse health effects of marijuana use. *New England Journal of Medicine*, 370(23), 2219-2227.

Emily Azevedo Review of the Planning Justification for the Cannabis Facility proposed at 46 Bruce Road 17 and Evidence collected and analyzed

General concerns

- A1 zoning on the property currently does not allow the cannabis facility to be built and should not be amended to allow this. Residential zoning is the initial zoning to the property, which leads to the A1 zoning, and the proposed plans do not align with current zoning requirements.
- Sewer property size
- The size of the well to be built potentially interfering with neighbouring houses wells with the large amount of water consumption required for cannabis growing. Current neighbours are already having difficulties with sufficient water with their currents wells.
- Odour issues from the growing of cannabis to the community
- Air quality for the community
- Grow light issues from the light requirements for growing cannabis.
- Even though the applicants are proposing a metal sided facility, there is no guarantee, once permitted, that they will not add additional greenhouses on the 5 acre property that are a traditional style greenhouse, which will cause grow light issues
- Extra traffic requirements for the shipping, receiving, sales, deliveries, workers etc.
- Hours of operation, hours of work (example: 12 hours, 24 hours)
- Hours of work may not be good for shift workers
- What will be the construction time noise?
- Chemical spill plan
- Will the waste product on the compost site be disposed of in our local dumps? Where will the waste pickup from the facility be disposed of?
- Is there proper drainage for underground and natural run off?
- Will it be fenced in to protect pets, animals and children from harm? (Example: wind blowing compost beyond the facility to accessible property)
- How can a permit be obtained when there are unmarked graves on or near the property? (Currently two commentaries at the Church with the gravestones that were moved from their original locations, plus the potential for graves that never had gravestones)
- How can this type of business be built near a Church?
- Every person has the right to own and enjoy private property as per the Canadian charter of rights and freedoms, the cannabis plant goes against this right
- Constitution states that everyone has the right to life, liberty, security of the person and enjoyment of property and the right not to be deprived thereof except in accordance with the principles of fundamental justice. The community of Tara is being deprived of this right if this cannabis facility is permitted.
- As per an email in October of 2017 of Emily Azevedo inquiring on 46 Bruce Road 17 about building on barn on the property, Patrick Johnson, the chief building official stated **“because you are so close to the village”** it would be very

difficult to obtain a permit to build a small horse barn and if I was able to be approved for this, it would only be in the back corner of the property due to the distance to the residential zoning. So how can A1 zoning have difficulties with a small horse barn because it is so close to the village, yet a cannabis facility is not? This does not make any sense.

- There is no notice for a cannabis plant proposal nor a permit for the current construction posted at 46 Bruce Road 17 as of 26MAR2023
- The document states that the applicants are growing their plants from seed, in which case, why would they need or have a quarantine area? This would indicate they are bringing in plants from an outside source. They contradict themselves and say that plants come in and go into quarantine and then move around.
- The cameras are being contracted through a third party security system; this seems extremely unsafe for the community of Tara.

Thesis based out of University of Waterloo;

From a thesis based out of University of Waterloo;

“Medicinal and recreational cannabis dispensaries and retail stores appear to impact the communities socially through real or perceived increase access for youth, addiction, and other health impacts (Johnson, 2018; Nemeth & Ross, 2014).

Impacts from cannabis production facilities have also been noted. In jurisdictions such as California and Washington State, environmental concerns have arisen including impacts on water supply, waste and wastewater disposal, and energy consumption (Bustic, et al., 2017; Stoa, 2016). There have been other impacts noted from cannabis production including noise, traffic, light, and security concerns (Stoa, 2016; 2017; Mills, 2012; and Nevius, 2015).

In Ontario compatibility issues, mainly surrounding odour emissions from cannabis production facilities, have arisen (Vaughan, 2018). Cannabis when grown can emit a pungent smell often compared to the odour from a skunk (Turpin, 2020). Concerns about odour emissions have also led to concerns around potential mental and physical health impacts.”

Sounds like a good partner for our current odour emitting plant never mind the potential community risks...Ask Saugeen First Nation about their ongoing issues after permitting numerous cannabis facilities, etc on their territory few years back. Money may be good for owners, results for community, not so much.

Bruce Angel

Current Leamington lighting, odour and by-law issues

Since the Cannabis Act (also known as Bill C-45) came into effect on October 17, 2018 and facilities started to emerge. Leamington municipality has had to pass several by-laws, which greenhouses have still not complied with in 2023. By-laws have been passed in 2020 and 2022 and even so, 12 greenhouse owners are facing 88 charges in February 2023, related to the greenhouse lighting. Kingsville, Ontario, which is the neighbouring town to Leamington, had to pass their own by-law to address greenhouse lighting and cannabis odours on October 25, 2020. Across the boarder, the municipality of Huron, Ohio had to implement restrictions on greenhouse light abatement curtains between sunrise and sunset.

Farming and Food Production Protection Act, 1998 indicates that a farmer is not liable in nuisance to any person for a disturbance resulting from an agricultural operation carried on as a normal farm practice. The legislation defines a “disturbance” as odour, dust, flies, light, smoke, noise and vibration. Light from greenhouses at night, or farm equipment used at night is one example of a common nuisance complaint identified on the Ontario Ministry of Agriculture, Food and Rural Affairs’ (OMAFRA). Part of the legislation also indicates **“no municipal by-law applies to restrict a normal farm practice carried on as a part of an agricultural operation.”**

Farmers who feel that a municipal by-law is preventing them from carrying out normal farm practices are able to apply to the Normal Farm Practices Protection Board. The board will then determine whether the practice in question is indeed a normal farm practice under those particular circumstances. “If it is, then, under the FFPPA, the by-law does not apply to that practice at that location,” says OMAFRA’s website. Similarly, a person directly affected by a disturbance from an agricultural operation may apply to the Board for a determination as to whether the disturbance results from a normal farm practice.

The Act defines a **normal farm practice** as one that is,

- *“is conducted in a manner consistent with **proper and acceptable customs and standards**, as established and followed by similar agricultural operations under similar circumstances, or*
- *makes use of innovative technology in a manner consistent with proper advanced farm management practices”*

Normal is site specific for a given set of circumstances, and may change over time.

The recently enacted by-laws in Kingsville and Leamington may be impractical and unenforceable.

Hence, if the cannabis facility is allowed in Tara, we already have a precedence from 7

Acres in the local cannabis plant in Tiverton, which currently has odour and lighting problems, however it is situated in a commercial area surrounded primarily by farm land verses what is found in Leamington and neighbour towns, where they have had to pass multiple by-laws, which have not been effective, in addition to by-laws not being able to be enforceable anyways.

References and Evidence

The Corporation of the Municipality of Leamington **By-law 79-20** Being a by-law requiring the abatement of interior **greenhouse light** Being a by-law requiring the abatement of interior greenhouse light

- <https://www.learmington.ca/en/municipal-services/resources/79-20-Greenhouse-Light-Abatement--with-in-force-provisions.pdf>

The Corporation of the Municipality of Leamington **By-law 41-22** Being a by-law requiring the abatement of interior **greenhouse light**

- <https://www.learmington.ca/en/resources/ZBA-Content-2022/By-law-41-22-Greenhouse-Light-Abatement-repeals-79-20.pdf>

Leamington greenhouse growers still not complying with **light pollution** bylaw → April 29, 2021

- <https://blackburnnews.com/windsor/windsor-news/2021/04/29/learmington-greenhouse-growers-still-not-complying-light-pollution-bylaw/>

12 greenhouse owners in Leamington facing 88 charges for bylaw offences → October 23, 2020

- <https://windsor.ctvnews.ca/12-greenhouse-owners-in-learmington-facing-88-charges-for-bylaw-offences-1.6287815#:~:text=The%20Municipality%20of%20Leamington%20says.meeting%20held%20June%2014%2C%202022.>

City decides to wait and see on smelly pot plant issue → May 4, 2021

- <https://blackburnnews.com/windsor/windsor-news/2021/05/04/city-decides-wait-see-smelly-pot-plant-issue/>

North America's greenhouse capital passes **light abatement by-law** → December 12, 2020

- <https://www.greenhousecanada.com/north-americas-greenhouse-capital-passes-light-abatement-by-law/>

**Analysis of the
Application for Zoning By-Law Amendment 4 Bruce Road 17
Municipality of Arran-Elderslie
County of Bruce
Planning Opinion**

• Reference: Page 2 section 2.0 Purpose:

A pre-consultation meeting with the county of Bruce Planning staff was held on September 14, 2022.

- There are no meeting minutes for this pre-consultation. The meeting which took place on September 15, 2022, is the only meeting that took place, which this bylaw amendment is not discussed, nor is not referenced in the meeting minutes or agenda.
- Where are the details to this? This is supposed to be public information.

• Reference: Page 4 section 5.0 Proposal:

The growing of the cannabis crop will take place inside the proposed **469 m² (5,045 ft²) building**.

- As per an email in October of 2017 of me inquiring on 46 Bruce Road 17 about building on barn on the property, Patrick Johnson, the chief building official stated **“because you are so close to the village”** it would be very difficult to obtain a permit to build a small horse barn and if I was able to be approved for this, it would only be in the back corner of the property due to the distance to the residential zoning. So, how can A1 zoning have difficulties with a small horse (2-4 horses) barn because it is so close to the village, yet a cannabis facility is not? This does not make any sense.
- There are more restrictions on normal farming on A1 then cannabis, which cannabis farming does not exist within A1 zoning.
- **Reference email attached**

• Reference: Page 6 section 5.0 Proposal

All waste (fan leaves, stems, etc.) from Flower Room 1, Flower Room 2, Drying Room 1, Drying Room 2, Processing Area, Mother Room and Clone Room are moved to the **Destruction Area for cannabis destruction**. The plant waste is ground down and is **mixed with vinegar and soil**, making the cannabis wastes a good **compost material**, and unfit for consumption. The compost can then be **sent out to an authorized composting facility or composted on-site**. This is considered an eco-friendly option to dispose of the cannabis plant waste.

- There should be no **“or”** option here. The waste should be removed from site by an authorized composting facility, not composted on-site, regardless of their process with vinegar and soil. There is a potential of the waste to be accessible

to people or pets and thus is an unacceptable practice.

• **Reference: Page 6 section 5.1 Access**

There **currently exists a crushed gravel driveway** access from Bruce Road 17 to the existing dwelling on the property. It is proposed to **extend this driveway** to the proposed Micro Cultivation and Micro Processing Facility building. The proposed extended driveway will encircle the building, thereby providing satisfactory access for emergency vehicles.

- Driveway is on residential zoning, you are not able to merely extend a driveway to accommodate your business needs and have a driveway from residential breakoff into commercial/A1.

• **Reference: Page 6 section 5.2 Parking**

The Municipality's Zoning Bylaw is thirteen years old and pre-dates legalization and advances in the cannabis industry. The current By-law does not provide parking requirements for a Micro-cultivation and Micro Processing Cannabis Facility. The facility will be operated by approximately 2-4 family members living in the existing dwelling on the property. In reality, only 2 to 3 parking spaces will be required, however, we have provided for **9 parking spaces**.

- Please explain how the Municipality's Zoning Bylaw is "thirteen years old and pre-dates legalization" when it does not conform to the needs or wants of the applicants, yet that same zoning bylaw, when it fits within their needs is argued as allowed. If this is our zoning bylaw at this time then no changes shall be made at this time. If there is no need for 9 parking spaces, then why is the applicant requiring them? This seems as though they are planning for a larger establishment than the proposed plan is showing. Not to mention that some details on the floor plan differ from one page to the next.

• **Reference: Page 6 section 5.3 Landscaping/Buffering**

Proposed vegetative planting is proposed on both the northern and southern lot boundary, where no existing natural buffer exists to the north and south of the proposed building.

- What vegetative planting are they planning to plant? What size? How far apart? This could just as easily be an eye sore or completely useless if small vegetation was chosen.

• **Reference: Page 7 section 5.4 Servicing**

A **new septic system and drilled well** are proposed to service the proposed new building. **Details** of these proposed private services will be **submitted at building permit stage**.

- This information should be noted directly in this document. Many items seem to be strategically missing from this document. If these applicants are completely forthcoming, this document would have everything listed. Instead this document is a repeat of the same information and missing some glaring details.
- The size of this well could easily be detrimental to surrounding wells considering

how much water is required for a cannabis facility grow operation. Their property is surrounded by residential homes with wells that are already having difficulties over the last few years.

• **Reference: Page 8 section 6.1 Provincial policy statement (PPS) 2020**

The subject **lands are governed by the County of Bruce Official Plan**. The policies of the Local Official Plan are not applicable. The subject property has dual designations. The **front one-third is designated Primary Urban Community** and **remaining property** is designated **Rural**. The area designated **Rural is outside the settlement area of Tara** and is therefore considered Rural lands.

- The rural portion of this property can only be accessed by the urban portion of this property through a driveway that is zoned residential for 48 meters of frontage. To say that the rural portion of this property is “outside the settlement area of Tara and is therefore considered Rural lands” is simply a play on words and is not accurate.

• **Reference: Page 9 section 6.1 Provincial policy statement (PPS) 2020**

Recreational, tourism and other economic opportunities **should be** promoted. [Sec. 1.1.5.3]

- Should be indicated that it does not have to be

Reference: Development that is **compatible** with the rural landscape and can be sustained by rural service levels should be promoted. [Sec. 1.1.5.4]

- This is a commercial business on rural land that is accessed through residential/urban property

Reference: Is **compatible** with the surrounding rural landscape.

- A micro cultivation and micro processing facility (greenhouse) **is not compatible** with surrounding rural landscape. Between odour and lighting, not to mention that this is part of the town of Tara where students walk past daily to school, daycares walk past, pets are walked past and located directly beside a church.

Reference: Healthy, integrated and viable rural areas should be supported by promoting diversification of the **economic base** and **employment opportunities** through goods and services, including value-added products, and the sustainable management or use of resources.

- This does not improve Tara’s economics. This is a family employed only business. The only “benefit” to Tara would be the increased land taxes. In fact, this would negatively impact our community. Please reference the thesis from Waterloo University attached.

Reference: Ontario's long-term prosperity, environmental health and social well-

being depend on **reducing the potential for public cost or risk to Ontario's residents from natural or human-made hazards.**

The proposed development **will not be a risk to public health or safety or property damage and will not create new hazards.**

- The waste is proposed to be dealt with by an “authorized composting facility **or composted on-site**”, and even though the waste is being mixed with vinegar and soil, this still proposes a risk to people and animals. An on-site compost site, due to winds and potential break-ins poses a risk to animals and people, remembering of course that this property is attached to a sidewalk that children walk to/from school, people walk with their pets/children, and famers have their grazing animals near.

- **Reference: Page 11 section 6.2 Bruce County Official plan**

The Bruce County Official Plan does not identify any constraints on the subject lands.

- A1 zoning does, hence why applicants are proposing A1-xx bylaw amendment

Reference: Section 1.1(2)(iv) further states that “Through this Official Plan it is County Council’s intent to **encourage economic development** and prosperity. Recognize the interest in and importance of **economic growth of the County** [Sec. 3.4.1(5)(iii)]; and

- This is not economic for the residents of Tara, Arran-Elderslie, or Bruce County; this is only economical for the applicants. This corporation is family run; there is no benefit to the county with the possible exception of increased property taxes which does not help the residents of Tara. Considering the property values will decrease with this imposed on Tara, this has a negative impact.

- **Reference: Page 13 section 6.3 Arran-Elderslie Zoning By-Law 36-09**

The Municipality’s Zoning Bylaw is thirteen years old and pre-dates legalization and advances in the cannabis industry. The current By-law does not contemplate cannabis facilities in the A1 Zone. The County has indicated that there is a need to update the Zoning Bylaw to account for this, however, there are **no immediate plans to do so in the near future** and therefore, a site-specific Zoning By-law Amendment (ZBA) to allow a Micro Cultivation and Micro Processing Cannabis Facility as an additional permitted use under the A1 Zone is required. The **site-specific ZBA** will also provide a definition for the Micro Cultivation and Micro Processing Cannabis Facility and place limits on the scale of the operation. A Zoning Letter of Support for Health Canada Application under Cannabis Regulations, prepared by ‘**canndelta**’, is **found in Appendix ‘D’.**

The definition for a Non-Farm Lot means a lot that is less than 4.0 hectares (9.9 ac.) in size. The portion of the property zoned A1 is approximately 1.58 ha in size and therefore is considered a ‘**Non-Farm Lot**’. A

If there is no by-law for cannabis, no cannabis facility should be built until the municipality/county has vetted through the difficulties other municipalities have had

since the passing of the Cannabis act in 2018, before creating a by-law amendment. This process takes time to ensure the well being of all and should not be done hastily.

Example → February 24, 2023 article: The Municipality of Leamington has laid dozens of charges against greenhouse operators for allegedly violating new rules restricting lighting. Eighty-eight charges have recently been laid against 12 greenhouse companies, stemming from enforcement that began **last November**, the municipality said in a news release Friday. <https://www.cbc.ca/news/canada/windsor/leamington-greenhouse-lights-charges-1.6759395>



- **Reference: Page 14 section 6.4 Farming and food production protection act, 1998**

From these definitions, the growing of cannabis, as well as the processing of the same, where legal through the licencing process, appears to be captured in the definition of agricultural operation.

“No municipal by-law applies to restrict a **normal** farm practice carried on as part of an agricultural operation.”

- The definition of “agricultural operation” does not capture cannabis farming, hence why the applicants want to amend the A1 zoning by-law. Also, cannabis is not a “normal” farming practice.

- **Reference: Page 15-17 section 6.5 Cannabis act**

Odour Controls - There must be an air filtration system that prevents the escape

of odours from any building where cannabis is produced, packaged, labelled and stored.

- If this is the case then Leamington and Tiverton plants also have this system, which does not eliminate the odour. The odour is atrocious when passing the Tiverton plant.

Reference: The heating, ventilation, and air conditioning (HVAC) system is equipped with a series of high- performance activated carbon (also known as activated charcoal) filters **which are the gold standard for achieving odour mitigation in cannabis facilities.**

- Which plants use this system? Tiverton and Leamington have extensive odour released from their plant.

Reference: The Strict Operational Practices (SOP's) at the facility, dictated by Health Canada-approved SOP's, will also ensure the **prevention of odour release to surrounding areas.** Open cannabis will not be handled in areas that contain an exterior door. All areas that contain an exterior door must only contain cannabis that is vacuum sealed and stored in sealed containers in order to prevent odour release.

- **Prevention** does not mean **elimination**, thus the smell will still be present by their own admission in the town of Tara, beside a church, near a school which students walk past daily to attend school, with a maintained sidewalk used by the community.

Reference: Odour controls, as directed by **Section 81 of the Cannabis Regulations, are a strict requirement from Health Canada and every licence applicant must demonstrate sufficient odour mitigation strategies using carbon filtration and airflow prior to being awarded a licence.** Upon licensing, the enforcement of odour control requirements is carried out by Health Canada's Compliance and Enforcement Officers during regular on-site inspections of cannabis licence holders.

- How do you demonstrate this before you build a plant? A paper based "demonstration" is not sufficient considering what Leamington and Tiverton currently release.

Reference: During inspections, licence holders must **demonstrate the continued functionality of odour controls** at their site and must also present their approved facility maintenance schedule and maintenance logs to demonstrate that the odour control features at the site are regularly maintained and are continually operational.

- If so, how does Leamington and Tiverton still release an atrocious odour. Tiverton I can say first hand that their plant has an extreme odour released.

- **Reference: Page 18 section 6.6 Guidelines on Permitted uses in Ontario prime agricultural areas – publication 851**

As a best practice, the Guideline states, **most municipalities exempt**

agricultural uses from Site Plan Control and this practice should continue. The Guideline also indicates that “Site Plan Control may be used to ensure that new uses fit in with the agricultural character of the area and are compatible with surrounding agriculture. Use of this tool avoids the need for official plan and zoning by-law amendments”.

- Does Arran-Elderslie municipality exempt this?
- If yes, then why are the applicants applying for a zoning by-law amendment?

• **Reference: Page 18 section 6.6 Guidelines on Permitted uses in Ontario prime agricultural areas – publication 851**

As noted above, the Municipality’s Zoning Bylaw is thirteen years old and pre-dates legalization and advances in the cannabis industry. The current By-law does not contemplate cannabis facilities in the A1 Zone. The County has indicated that there is a need to update the Zoning Bylaw to account for this, however, there are no immediate plans to do so in the near future and therefore, the County has requested a site-specific Zoning By-law Amendment to allow a Micro Cultivation and Micro Processing Cannabis Facility as an additional permitted use under the A1 Zone, provide a definition for the Micro Cultivation and Micro Processing Cannabis Facility and place limits on the scale of the operation.

- A1 zoning does not allow a cannabis facility the way it is currently written

• **Reference: Page 19 section 7.0 Conclusion**

The proposed development has merit and constitutes good planning.

- Many areas of planning are missed or not planned well
- Odour has not been addressed efficiently
- Lighting has not been addressed at all
- Waste has not been addressed efficiently
- Please reference **general concerns** and **Analysis of the Application for Zoning By-Law Amendment 4 Bruce Road 17 Municipality of Arran-Elderslie** section, at the top of this document

• **Reference: Appendix B Certificate of incorporation**

Corporation Name **1000336730 Ontario Inc.**, Ontario corporation number **1000336730** issued October 13, 2022 does not say who the corporation is owned by or any additional details as per www.ontario.ca search. It is also registered under Southampton Ontario.

Ontario  [Français](#)

Services Noticeboard

1000336730 ONTARIO INC. (1000336730) [Ontario Business Corporation]

View Corporation

Request Search Products [If you want to maintain this corporation you need to be logged in and have authority over it.](#)

General Details Business Names

Corporation Name	1000336730 ONTARIO INC.
Ontario Corporation Number (OCN)	1000336730
Incorporation Date	October 13, 2022
Type	Ontario Business Corporation
Status	Active
Governing Jurisdiction	Canada - Ontario
Registered or Head Office Address	Southampton, Ontario, Canada

The information shown above sets out the most recent information filed on or after June 27, 1992, and recorded in the Ontario Business Information System.

[Exit](#)

• **Reference: Appendix E Draft zoning by-law amendment**

It is completely unacceptable that an applicant would draft a by-law amendment to a zoning (A1) in order to ensure that their business can run, especially when the majority of their argument through their “Planning Opinion” document was that the current A1 zoning already allowed their business to be permitted within our community. In addition to their argument that the Municipality’s Zoning Bylaw is thirteen years old and pre-dates legalization and advances in the cannabis industry in specific areas that did not work for their business plans and the municipality should allow regardless of the zoning requirements.

The fact that the applicants have contradicted themselves multiple times within their application document.

For example:

The document states that the applicants are growing their plants from seed, in which case, why would they need or have a quarantine area? This would indicate they are bringing in plants from an outside source. They contradict themselves and say that plants come in and go into quarantine and then move around.

The document does not define the area named “**Sales area (with Possessions)**”. The document references the “**with possessions**” portion of the title only in the floor plan. This area is also referred to as the “**shipping & receiving area**” and “**sales area**”.

- Figure 2

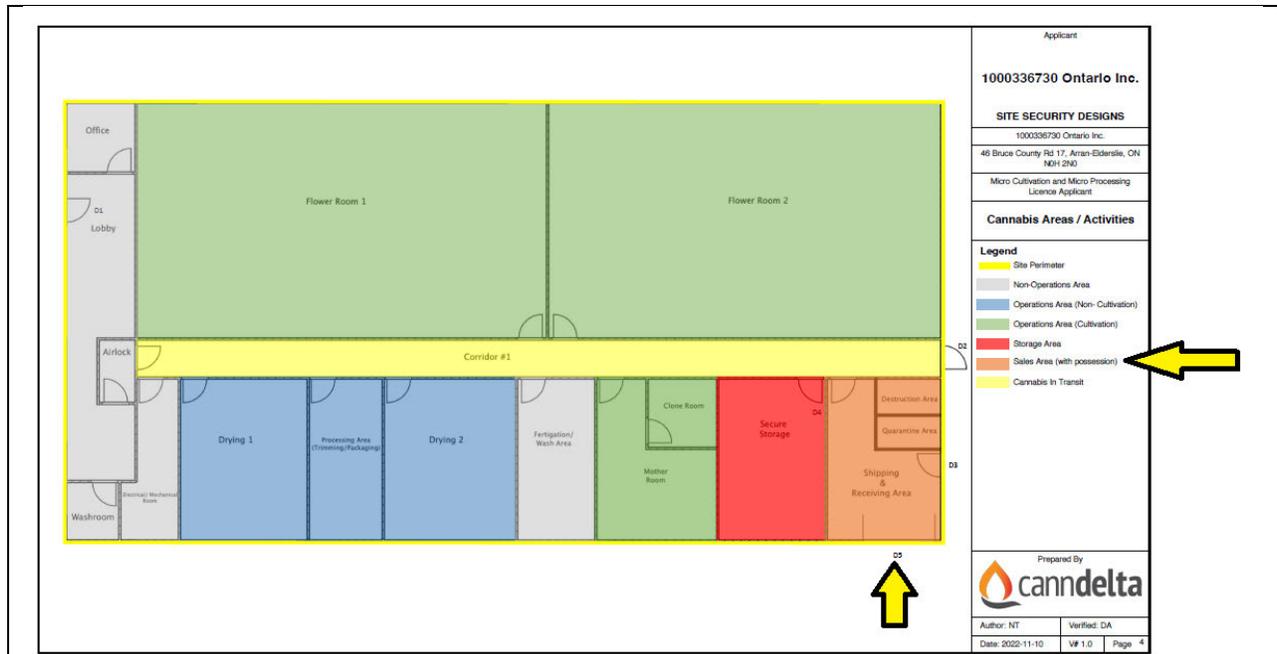


Figure 2. 1000336730 Ontario Inc.'s site floor plan with the site perimeter outlined in

5.0 Activities with Cannabis – Areas where Cannabis will be present

Area Name	Room Name	Activities
Building 1	Lobby	Non-Operation
Building 1	Office	Non-Operation
Building 1	Washroom	Non-Operation
Building 1	Airlock	Non-Operation
Building 1	Fertigation/ Wash Area	Non-Operation
Building 1	Electrical/ Mechanical Room	Non-Operation
Building 1	Corridor #1	Cannabis in Transit
Building 1	Mother Room	Operation (Cultivation)
Building 1	Clone Room	Operation (Cultivation)
Building 1	Flower Room 1	Operation (Cultivation)
Building 1	Flower Room 2	Operation (Cultivation)
Building 1	Drying 1	Operation (Non-Cultivation)
Building 1	Drying 2	Operation (Non-Cultivation)
Building 1	Secure Storage	Storage
Building 1	Shipping & Receiving Area	Sales Area

Reference: 7.0 Cannabis tracking and record keeping

1000336730 Ontario Inc. will be using a **paper-based record-keeping system** implemented through Standard Operating Procedures (SOPs) for tracking of all cannabis materials and products from the point of entry onto the premises until it leaves the premises.

- Something like cannabis should not merely be a paper-based record keeping system. This information should have an electronic record keeping. Paper based is too easily changed.

Reference: Please refer to: 1000336730 Ontario Inc.'s Record-Keeping document which is part of **1000336730 Ontario Inc.'s Licensing Application** for more information.

- This cannot be easily attained and needs to be included in order for the community to be properly educated of the applicant's intents of the business.

The Corporation of the Municipality of Leamington

By-law 79-20

Being a by-law requiring the
abatement of interior greenhouse light

Whereas, Section 128(1) of the Municipal Act, 2001, R.S.O. 2001, c. 25 (herein the “Act”) provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances.

And Whereas without proper abatement of interior greenhouse light, the effects of such unabated light could become or cause a public nuisance.

Now Therefore by its Council The Municipality of Leamington Hereby Enacts as Follows:

Interpretation

1. In this By-Law:
 - a) “Council” means the Council of the Municipality.
 - b) “Curtains” shall mean a “blackout” curtain or shade that that blocks one hundred percent (100%) of light from emitting from the Greenhouse.
 - c) “Greenhouse” means a structure made of plastic or glass that is used for growing plants including but not limited to fruits, vegetables, flowers or cannabis in regulated temperatures, humidity and ventilation.
 - d) “Lights” means any light that is used for the purpose of inducing plant growth including, but not limited to Incandescent, Halogen, Fluorescent, Metal halide, Induction, Light Emitting Diode or High Pressure Sodium lights.
 - e) “Municipality” means The Corporation of the Municipality of Leamington.
 - f) “Owner” means the registered owner, lessee or occupant of a Greenhouse.

Requirements for Greenhouse Curtains

2. An Owner of a Greenhouse that utilizes Lights shall install and maintain Curtains on the sidewalls and endwalls of the Greenhouse in accordance with section 4(a) and 4(b). **Section 2 to come into force April 1, 2021**

3. An Owner of a Greenhouse that utilizes Lights shall install and maintain Curtains on the ceiling of the Greenhouse in accordance with section 4(c). **Section 3 to come into force October 1, 2021**
4. Curtains shall be installed and maintained as follows:
 - (a) to the height of the top of the sidewalls and endwalls; **Section 4(a) to come into force April 1, 2021**
 - (b) such that the Curtain seals between the sidewalls and endwalls ensuring that no light escapes; and **Section 4(b) to come into force April 1, 2021**
 - (c) such that the Curtain seals between the sidewalls, endwalls and ceiling ensuring that no light escapes. **Section 4(c) to come into force October 1, 2021**
5. An Owner of a Greenhouse shall ensure that:
 - (a) Curtains are closed completely on Greenhouse sidewalls and endwalls from one hour before sunset until one hour after sunrise; and **Section 5(a) to come into force April 1, 2021**
 - (b) Curtains are closed completely on a Greenhouse ceiling from one hour before sunset until one hour after sunrise; except between the hours of 2:00 a.m. and 6:00 a.m. during which time ceiling Curtains must be at least ninety percent (90%) closed, **Section 5(b) to come into force October 1, 2021**

sunrise and sunset being determined by the National Research Council Canada's sunrise/sunset calculator.
6. **Commencing January 1, 2021** and on each any every day thereafter between the hours of 8:00 p.m. and 2:00 a.m. an Owner of a Greenhouse shall ensure that:
 - (a) Lights are shut off and remain off; or
 - (b) Curtains are closed completely on Greenhouse sidewalls and endwalls and on a Greenhouse ceiling. **Section 6 to be repealed upon section 5(b) coming into force.**
7. Upon the coming into force of sections 2, 3, 4(a), 4(b), 4(c), 5(a) and 5(b) respectively, such sections shall not apply if Lights in a Greenhouse are shut off and remain off from one hour before sunset until one hour after sunrise.

Severability

8. If a Court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, such section shall not be construed as having persuaded

or influenced Council to pass the remainder of the By-law and it is hereby declared that the remainder of the By-law shall be remain in force.

Penalty

9. Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is subject to a fine pursuant to the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended from time to time.

Continuing Offence

10. Each calendar day a violation of section 2, 3, 4, 5 or 6 continues is deemed to be a separate offence.

Enforcement

11. Pursuant to section 447.1 of the Act and in addition to any other penalty or remedy available to the Municipality, the Council may, on behalf of the Municipality with the consent of the local detachment commander of the Ontario Provincial Police or the chief of police of the municipal police force as the case may be, and with notice to the Attorney-General of Ontario, apply to the Superior Court of Justice for an order requiring all or part of a Greenhouse be closed for a period not exceeding two (2) years if it be proved on a balance of probabilities that:
 - (a) activities or circumstances on or in the Greenhouse constitute a public nuisance or cause or contribute to activities or circumstances constituting a public nuisance in the vicinity of the Greenhouse;
 - (b) the public nuisance has a detrimental impact on the use and enjoyment of property in the vicinity of the Greenhouse;
 - (c) the Owner of the Greenhouse or part of the Greenhouse knew or ought to have known that the activities or circumstances constituting the public nuisance were taking place or existed and did not take adequate steps to eliminate the public nuisance; or
 - (d) a conviction for a contravention of this By-law by a court of competent jurisdiction of a public nuisance in respect to the Greenhouse has been entered, and the conviction is not currently under appeal.

Powers of Entry

12. Pursuant to section 436 of the Act and in addition to any other powers of entry granted to the Municipality, the Municipality, by its employees or agents, may enter into the Greenhouse at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
 - (a) this By-law or any other by-law passed by the Municipality;

- (b) any direction or order of the Municipality made under the Act or this By-law;
or
- (c) an order to discontinue or remedy a contravention of this By-law for which a conviction has been entered by a court of competent jurisdiction.

Powers of Inspection

- 13. The Municipality may do any of the following for the purposes of an inspection under section 12:
 - (a) require the production for inspection of documents or things relevant to the enforcement of this By-law;
 - (b) inspect and remove documents or things relevant to the enforcement of this By-law for the purpose of making copies or extracts;
 - (c) require information from any person concerning a matter relevant to the enforcement of this By-law; and
 - (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, sample or photographs necessary for the purposes of the inspection.

Effective Date

- 14. Sections 2, 4(a), 4(b) and 5(a) of this By-law will take effect and come into force on April 1, 2021.
- 15. Sections 3, 4(c) and 5(b) of this By-law will take effect and come into force on October 1, 2021.
- 16. Section 6 shall be and is hereby repealed upon the coming into force of section 5(b).
- 17. Subject to sections 14 and 15, this By-law will take effect and come into force upon its enactment.

Read a first, second and third time and finally enacted this 8th day of December, 2020.

Signature on File

Hilda MacDonald, Mayor

Signature on File

Brenda M. Percy, Clerk



City decides to wait and see on smelly pot plant issue



Cannabis plant. (Photo courtesy of Statistics Canada)

By **Adelle Loiselle**

May 4, 2021 11:03am



The problem is not so much those who have up to four cannabis plants for their own use but those who have a license to grow many more for medical use. A [report to councillors](#) said there have been ten complaints to 311, all about the same home.

Leamington has a bylaw on the books restricting where people can grow large numbers of plants to industrial areas. However, the bylaw is before the Superior Court of Justice, which will decide if it violates the federal law legalizing cannabis.

Health Canada is also expected to wrap up public consultations this week.

Ward 8 councillor Gary Kaschak asked the administration why bylaw enforcement can investigate complaints about garbage in yards and smells associated with that, but not the odour from cannabis cultivation.

“I can understand that it is frustrating for residents,” said City Clerk Valerie Critchley. “The challenge is that the source of these odours is something that is



corrected, but we're still in the interim stages here, and we're not quite there yet," he said.

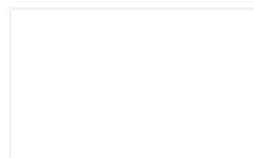
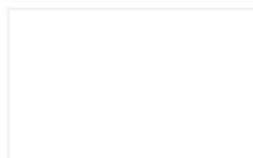
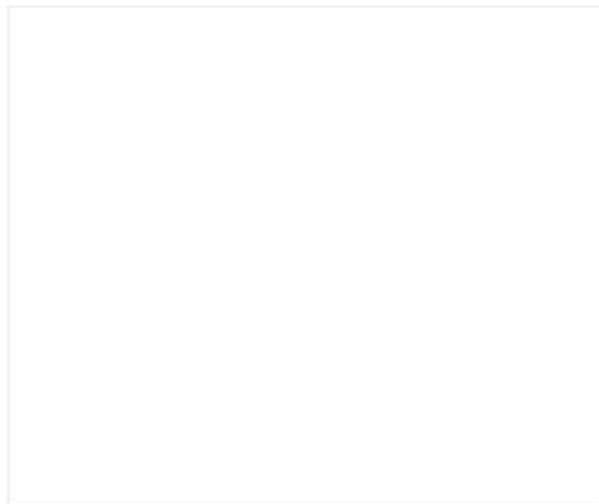
Councillors ultimately decided to defer the report until after the courts rule on Leamington's bylaw.

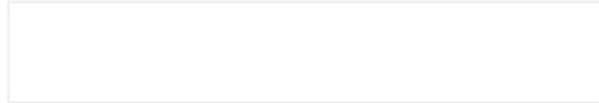
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Podcasts





Leamington greenhouse growers still not complying with light pollution bylaw



Leamington's greenhouse glow from Tilbury. (Photo by Adelle Loiselle)

By [Adelle Loiselle](#)

April 29, 2021 9:59am

Since putting a bylaw on the books forcing
greenhouses to turn off their grow lights at night,



After sending out letters to the operators, more than half either cut the lights at night or installed blackout curtains, but 12 are still in violation.

Councillors received a report Tuesday night saying five orders have been issued by the Superior Court of Justice, and another seven are being prepared.

Two of the seven orders still in the works are also for violating the municipality's Cannabis bylaw. The report does not say what specifically the violation is, but the bylaw addresses odour along with other issues.

Those greenhouse operators who have already been served have an appearance in court next month. It is estimated the others will appear in June.

Related story: [Enforcement on light control underway in Kingsville](#)

Leamington and Kingsville enacted bylaws governing light pollution after residents complained their sleep was being disrupted by almost daylight

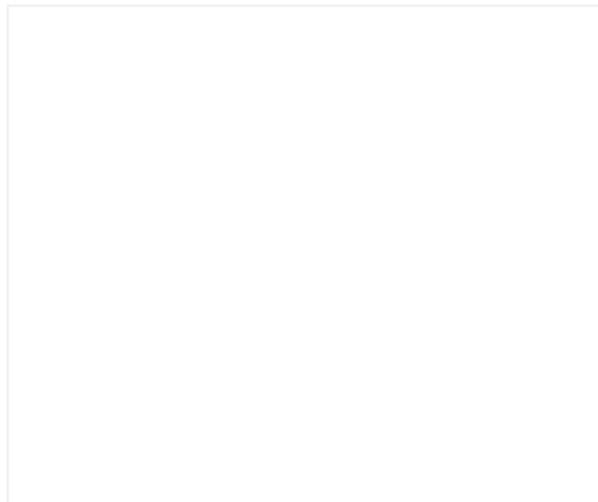


\$750 fine for each occurrence, although in the most egregious cases fines could be up to \$100,000 depending on the seriousness of the violation and the size of the operation.

Kingsville's bylaw was enacted last October, and Leamington's, in December.

[PREVIOUS](#)

[NEXT](#)



The Corporation of the Municipality of Leamington

By-law 41-22

Being a by-law requiring the
abatement of interior greenhouse light

Whereas, Section 128(1) of the Municipal Act, 2001, R.S.O. 2001, c. 25 (herein the “Act”) provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances.

And Whereas without proper abatement of interior greenhouse light, the effects of such unabated light could become or cause a public nuisance.

Now Therefore by its Council The Municipality of Leamington Hereby Enacts as Follows:

Interpretation

1. In this By-Law:
 - a) “Council” means the Council of the Municipality.
 - b) “Curtains” shall mean a “blackout” curtain or shade that based upon the manufacturer’s specifications blocks ninety-nine percent (99%) of light from emitting from the Greenhouse.
 - b1.) “Director” shall mean the Director of Legal and Legislative Services or his or her designate.
 - c) “Greenhouse” means a structure made of plastic or glass that is used for growing plants including but not limited to fruits, vegetables, flowers or cannabis in regulated temperatures, humidity and ventilation.
 - d) “Lights” means any light that is used for the purpose of inducing plant growth including, but not limited to Incandescent, Halogen, Fluorescent, Metal halide, Induction, Light Emitting Diode or High Pressure Sodium lights.
 - e) “Municipality” means The Corporation of the Municipality of Leamington.
 - f) “Owner” means the registered owner, lessee or occupant of a Greenhouse.

Requirements for Greenhouse Curtains

2. An Owner of a Greenhouse that utilizes Lights shall install and maintain Curtains on the sidewalls and endwalls of the Greenhouse in accordance with section 4(a) and 4(b).

3. On or before October 1, 2023, an Owner of a Greenhouse that utilizes Lights shall install and maintain Curtains on the ceiling of the Greenhouse in accordance with section 4(c).
4. Curtains shall be installed and maintained as follows:
 - (a) to the height of the top of the sidewalls and endwalls;
 - (b) such that the Curtain covers the entirety of the sidewalls and endwalls; and
 - (c) such that the Curtain covers the entirety of the sidewalls, endwalls and ceiling, subject to section 5 of this By-law.
- 4.1 An Owner of a Greenhouse that utilizes Lights shall ensure that Curtains are closed completely on the sidewalls and endwalls from 5:00 p.m. until 8:00 a.m.
- 4.2 On or before October 1, 2022, an Owner of a Greenhouse that utilizes Lights but has not, by such date, installed Curtains on the ceiling of the Greenhouse in accordance with section 4(c), shall submit to the Director, in a form and in the manner as determined by the Director in his or her sole discretion, the following:
 - (a) evidence that Owner shall be in a position to install and maintain Curtains on the ceiling of the Greenhouse in accordance with section 4(c) on or before October 1, 2023; or
 - (b) a declaration that section 5 of this By-law shall not apply as the Lights in the Greenhouse shall be shut off and remain off.
5. On the earlier of October 1, 2023 or the date that an Owner of a Greenhouse has installed Curtains on the ceiling of the Greenhouse in accordance with section 4(c), an Owner of a Greenhouse that utilizes Lights shall ensure that Curtains are closed completely on a Greenhouse ceiling from 5:00 p.m. until 8:00 a.m.; except:
 - (a) between the hours of 5:00 p.m. and 10:00 p.m.; and
 - (b) between the hours of 2:00 a.m. and 8:00 a.m.,during which time ceiling Curtains must be at least ninety percent (90%) closed.
- 5.1 Until the earlier of October 1, 2023 or the date that an Owner of a Greenhouse has installed Curtains on the ceiling of the Greenhouse in accordance with section 4(c), the Owner of a Greenhouse that uses Lights shall, between the hours of 10:00 p.m. and 8:00 a.m. ensure that such Lights are shut off and remain off.
6. Sections 2, 3, 4(a), 4(b), 4(c), 4.1 and 5 respectively, shall not apply if Lights in a Greenhouse are shut off and remain off.

Severability

7. If a Court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, such section shall not be construed as having persuaded or influenced Council to pass the remainder of the By-law and it is hereby declared that the remainder of the By-law shall be remain in force.

Penalty

8. Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is subject to a fine pursuant to the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended from time to time.

Continuing Offence

9. Each calendar day a violation of section 2, 3, 4, 4.1, 5 or 5.1 continues is deemed to be a separate offence.

Enforcement

10. Pursuant to section 447.1 of the Act and in addition to any other penalty or remedy available to the Municipality, the Council may, on behalf of the Municipality with the consent of the local detachment commander of the Ontario Provincial Police or the chief of police of the municipal police force as the case may be, and with notice to the Attorney-General of Ontario, apply to the Superior Court of Justice for an order requiring all or part of a Greenhouse be closed for a period not exceeding two (2) years if it be proved on a balance of probabilities that:
 - (a) activities or circumstances on or in the Greenhouse constitute a public nuisance or cause or contribute to activities or circumstances constituting a public nuisance in the vicinity of the Greenhouse;
 - (b) the public nuisance has a detrimental impact on the use and enjoyment of property in the vicinity of the Greenhouse;
 - (c) the Owner of the Greenhouse or part of the Greenhouse knew or ought to have known that the activities or circumstances constituting the public nuisance were taking place or existed and did not take adequate steps to eliminate the public nuisance; or
 - (d) a conviction for a contravention of this By-law by a court of competent jurisdiction of a public nuisance in respect to the Greenhouse has been entered, and the conviction is not currently under appeal.

Powers of Entry

11. Pursuant to section 436 of the Act and in addition to any other powers of entry granted to the Municipality, the Municipality, by its employees or agents, may enter

into the Greenhouse at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

- (a) this By-law or any other by-law passed by the Municipality;
- (b) any direction or order of the Municipality made under the Act or this By-law;
or
- (c) an order to discontinue or remedy a contravention of this By-law for which a conviction has been entered by a court of competent jurisdiction.

Powers of Inspection

- 12. The Municipality may do any of the following for the purposes of an inspection under section 12:
 - (a) require the production for inspection of documents or things relevant to the enforcement of this By-law;
 - (b) inspect and remove documents or things relevant to the enforcement of this By-law for the purpose of making copies or extracts;
 - (c) require information from any person concerning a matter relevant to the enforcement of this By-law; and
 - (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, sample or photographs necessary for the purposes of the inspection.

Effective Date and Repeal

- 13. Section 5.1 be and is hereby repealed on September 30, 2023.
- 14. By-law 79-20 be and is hereby repealed.

Read a first, second and third time and finally enacted this 14th day of June, 2022.

Hilda MacDonald, Mayor

Ruth Orton, Deputy Clerk

WINDSOR | News

12 greenhouse owners in Leamington facing 88 charges for bylaw offences



Greenhouse lights in Essex County on Oct. 23, 2020. (Chris Campbell/CTV News Windsor)



Melanie Borrelli
CTV Windsor Multi-Skilled Journalist / Digital Lead

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Published Feb. 24, 2023 11:19 a.m. EST

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The Municipality of Leamington says 12 greenhouse owners are facing 88 charges related to the [Greenhouse Light Abatement By-law](#).

After an investigation, the municipality the charges under Part III of the Provincial Offences Act.

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Leamington Council passed the Bylaw 41-22 at its meeting held June 14, 2022.

“It is unfortunate that several greenhouse owners continue to be in violation of our bylaw, particularly those greenhouse owners with whom the municipality settled previous proceedings,” said Mayor Hilda MacDonald. “We are hopeful that in most cases, compliance will be achieved within a reasonable amount of time.”

The bylaw requires owners of greenhouses utilizing lights to have installed and keep closed, sidewall and endwall curtains from 5 p.m. to 8 a.m.

Those greenhouse owners who had not already installed curtains on the greenhouse ceiling were required to submit evidence that the owner would be able to install ceiling curtains on or before Oct. 1, 2023.

Alternatively, owners could submit a declaration that the greenhouse lights would be shut off and remain off.

The date upon which either of these documents was required to be submitted was Oct. 1, 2022.

The municipality says only two owners submitted evidence related to a planned ceiling curtain installation and no owners submitted a declaration that lights would be shut off and remain off.

Since November 2022, Leamington By-law Enforcement Officers have engaged in a patrol of the municipality for the purpose of gathering evidence of greenhouse owners operating in contravention of the bylaw.

The municipality says the charges reflect numerous contraventions across many calendar days.

The matters are not expected to be heard by the courts for a number of months. In the interim, investigations will continue and further proceedings are pending.

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News

North America's greenhouse capital passes light abatement by-law

December 12, 2020 By Greenhouse Canada

Note: This article was updated Dec. 19.

The municipality of Leamington, Ont. passed a greenhouse light abatement by-law this week to curb light pollution concerns.

Approved at Tuesday's council meeting, the by-law mandates complete closure of light abatement curtains on greenhouse ceilings, sidewalls and endwalls one hour before sunset until one hour after sunrise.

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Based on practices in the Netherlands, the council allowed ceiling curtain openings up to a maximum of 10 per cent between 2 am and 6 am to help release heat and humidity in the greenhouse.

The provision on sidewalls and endwalls is set to take effect on April 1, 2021, while the provision on ceiling curtains begins October 1, 2021. In the interim, operators without

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the designated curtains will be required to shut off greenhouse lights between 8pm and 2am.



The neighbouring town of Kingsville, Ont. passed their own by-law to address greenhouse lighting and cannabis odours on Oct. 26 this year. The by-law does not allow any light to “shine upon the land of others” or “into the dark night sky.” Cannabis odours that cause a nuisance to the public are not allowed at any time.

Across the border, the municipality of Huron, Ohio allows a 10 per cent opening in greenhouse light abatement curtains between sunrise and sunset.

The Farming and Food Production Protection Act

In a document submitted by Ruth Orton, director of legal and legislative services for the municipality of Leamington, she noted, “It is important to acknowledge that the Farming and Food Production Protection Act, 1998 indicates that a farmer is not liable in nuisance to any person for a disturbance resulting from an agricultural operation carried on as a normal farm practice. The legislation defines a “disturbance” as odour, dust, flies, light, smoke, noise and vibration.

To this point, “light from greenhouses at night, or farm equipment used at night” is one example of a common nuisance complaint identified on the Ontario Ministry of Agriculture, Food and Rural Affairs’ (OMAFRA) website.

Part of the legislation also indicates that “no municipal by-law applies to restrict a normal farm practice carried on as a part of an agricultural operation.”

Farmers who feel that a municipal by-law is preventing them from carrying out normal farm practices are able to apply to the Normal Farm Practices Protection Board. The board will then determine whether the practice in question is indeed a normal farm practice under those particular circumstances. “If it is, then, under the FFPPA, the by-law does not apply to that practice at that location,” says OMAFRA’s website.

“Similarly, a person directly affected by a disturbance from an agricultural operation may apply to the Board for a determination as to whether the disturbance results from a normal farm practice,” Orton noted.

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The Act defines a normal farm practice as one that is,

- *“is conducted in a manner consistent with proper and acceptable customs and standards, as established and followed by similar agricultural operations under similar circumstances, or*
- *makes use of innovative technology in a manner consistent with proper advanced farm management practices”*

The ministry also adds, “What is normal, or not, varies depending on location, type of farm, method of operation, and timing of the farm practice. Normal is site specific for a given set of circumstances, and may change over time.”

All eyes will be on the results of ongoing research projects collaboratively undertaken by OMAFRA, Agriculture and Agri-Food Canada (AAFC), the University of Guelph, University of Windsor and Ontario Greenhouse Vegetable Growers (OGVG). Addressing light abatement products and best practices, final results are expected around 2023.

Update: Addressing community concerns and greenhouse needs

In a statement issued by OGVG on Dec. 18, the association says that while they recognize legitimate concerns from the community regarding greenhouse nighttime glow, they are concerned that the recently enacted by-laws in Kingsville and Leamington may be impractical and unenforceable.

“The realities of Canadian winters, such as low light levels and temperatures, mean that growers must provide plants with additional light and heat to support their growth. As a critical source of fresh local vegetables during the COVID-19 pandemic, that goal is only becoming more important,” continues the release.

In addition to light abatement solutions, OGVG is working with their partners on the adoption of good neighbour policies that can meet both the expectations of residents

and the interests of greenhouse vegetable farmers. To find out more, read our [privacy policy](#).



“These research initiatives are ongoing and will provide growers with the technical knowledge needed to meet crop needs and provide more nighttime glow abatement”, said Joseph Sbrocchi, General Manager of OGVG. “I am confident that our work with government and academia will provide solutions that meet community expectations and ensure the continued production of safe, nutritious, local produce year-round”.

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Emily Azevedo <eazevedo698@gmail.com>

Zoning question

5 messages

Emily Azevedo [REDACTED]
To: building@arran-elderslie.ca

Tue, Oct 3, 2017 at 12:47 PM

I'm looking to purchase 46 Bruce Road 17. Roll# 41034900315400

I am wanting to know if animals can be on the agriculture portion of this land. How much of the property is a1. I believe it's 4 acres. Can I build a small barn on this land. How many animal units are allowed on this land. Mine will be horses.

What are the restrictions on the barn?

Thank you

Emily Azevedo

Sent from my iPhone

Patrick Johnston <building@arran-elderslie.ca>
To: Emily Azevedo [REDACTED]

Wed, Oct 4, 2017 at 8:23 AM

Emily,
Yes & no.....

Generally speaking you are allowed .5 Nutrient units per acre, meaning you might be allowed -2- full size horses?

That being said, if you were to hire someone to do a Nutrient Management Strategy for you, we could rule that number out and it would be based upon the findings of the NMS.

Regardless, of NMS, I would still also need to check your MDS (Minimum Distance Setback), and because you are so close to the village, that number may be too much.

How many animals were you thinking? I can run a quick MDS to double check.

pj

Patrick Johnston
Chief Building Official
Municipality of Arran Elderslie
1925 Bruce Road 10 PO Box 70
Chesley, ON
N0G 1L0
519-363-3039 ext 106
[Quoted text hidden]

Emily Azevedo [REDACTED]
To: Patrick Johnston <building@arran-elderslie.ca>

Wed, Oct 4, 2017 at 9:02 AM

I am wanting 2 horses Right now and would like have possibly 4. If you could run that, that would be great.

Emily Azevedo

Sent from my iPhone

[Quoted text hidden]

Patrick Johnston <building@arran-elderslie.ca>
To: Emily Azevedo [REDACTED]

Wed, Oct 4, 2017 at 9:29 AM

Emily,

A barn for -4- medium framed (227-680kg= 4 Nutrient Units) horses would need to be 550' away from the R1 Zone.

A barn for -4- large framed (227-680kg= 5.7 Nutrient Units) horses would need to be 559' away from the R1 Zone.

This one would technically trigger a NMS as it is over 5 Nutrient Units.

The A1 setbacks are 66' from the property line.

I quickly drew something out (refer attached) and it looks like you would be into the R1 zone once the barn is built, but you are very close. I'm not sure whether this helps, but at least gives you an idea of the requirements.

pj

Patrick Johnston

Chief Building Official

Municipality of Arran Elderslie

1925 Bruce Road 10 PO Box 70

Chesley, ON

N0G 1L0

519-363-3039 ext 106

[Quoted text hidden]

 **PrintResult (8).pdf**
224K

Emily Azevedo [REDACTED]
To: Patrick Johnston <building@arran-elderslie.ca>

Wed, Oct 4, 2017 at 3:42 PM

So the barn would need to be built at the back of the property? Is that what you're saying. Sorry I'm a little confused.

Emily Azevedo

Sent from my iPhone

[Quoted text hidden]

<PrintResult (8).pdf>



County of Bruce

Bruce County



1: 2,500

0.1 Kilometers

NAD_1983_UTM_Zone_17N
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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION



Legend

- Wellhead Protection Area Bou**
 - Zone A - 100m Buffer
 - Zone B - 2 yr ToT
 - Zone C - 10 yr ToT
 - Zone D - 25 yr ToT
- Provincial Highway
- County Road
- Municipal or Other Road
- Deemed Lot
- Property Parcel
- Assessment Parcel
- Condo Unit or Common Element
- First Nation Parcel
- Propane buffer placemaker
- Severance**
 - Severed portion
 - Retained portion
- Subdivision**
 - Draft Approved
 - Final Approved
- Wellhead Protection Area**
 - Wellhead Protection Zone A
 - Wellhead Protection Zone B
 - Wellhead Protection Zone C
 - Wellhead Protection Zone D
- Municipal Drain

Notes

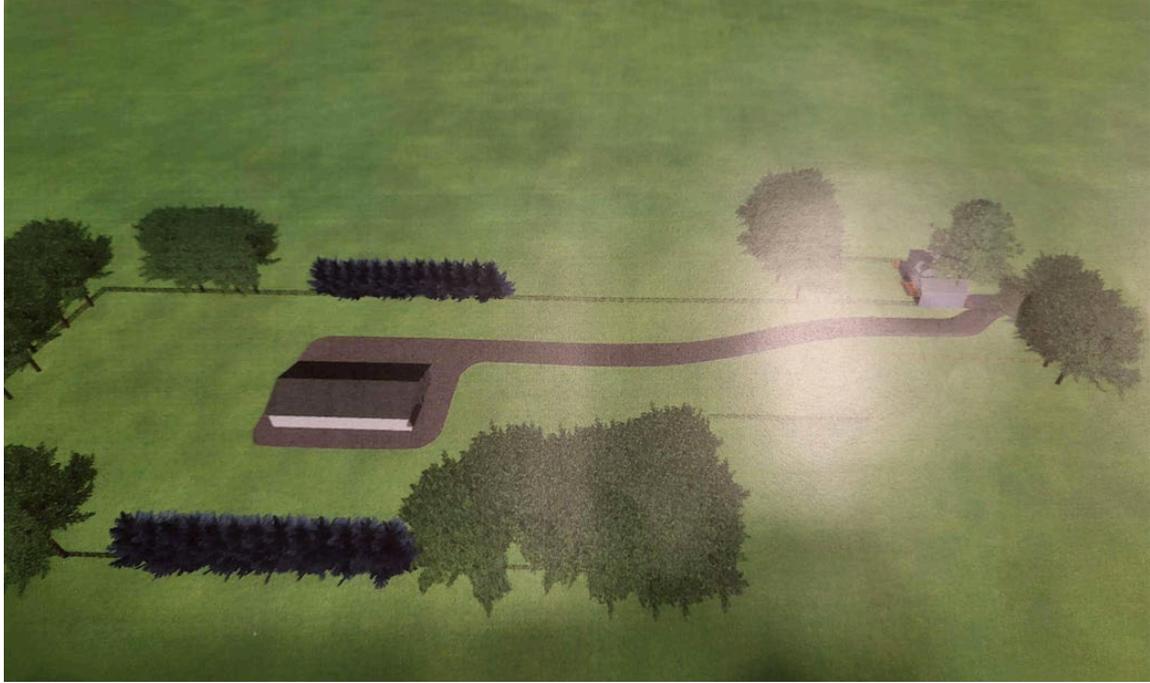
46 Bruce Road 17

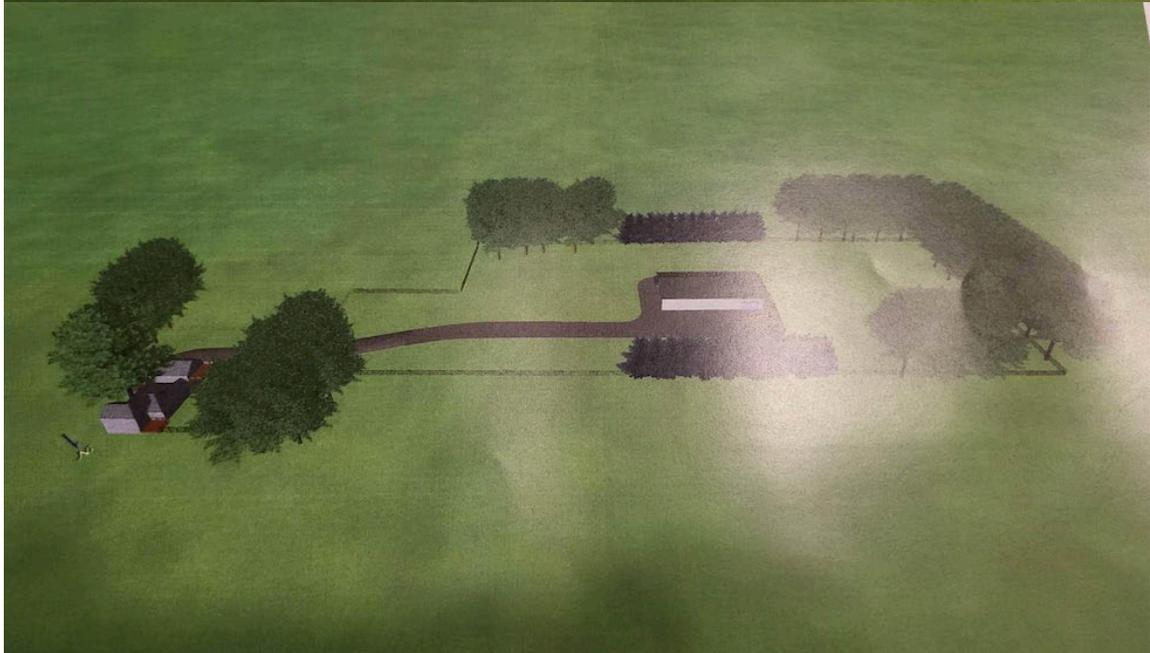
Hello Tara community!

We are a small family from the Southampton and Warton area, who are in the process of opening a small batch, quality craft cannabis indoor grow. This will be a 5000 sq ft metal building with front entrance, and office window only. This operation will be Health Canada approved and under strict regulations at all times. There will be no light emitting from the building, and it will be equipped with top of the line, Health Canada approved filtration system so that no odours will be of concern. There will be no machinery except for our hands as the cannabis will be grown from seed, to plant, and harvested by us. Then the hand packaged bud will be transported to Ontario Cannabis Stores (OCS). There will be no increase in traffic since the craft business will be operated by our family. Our family will be residing on the property as this will be our home. We want to be a part of the community and support all that is Tara. We are fully disclosing to you out of respect, and so that we can educate and alleviate concerns as we understand the term "cannabis" may sound concerning. We look forward to meeting you all. Warm regards,

Lisa and Greg Thorn.
905-414-4471
gthorn66@gmail.com







From: [REDACTED]
To: [Megan Stansfield; Bruce County Planning - Peninsula Hub](#)
Subject: Re: Emily Azevedo - Comment on Cannabis Facility proposed at 46 Bruce Road 17 rev005
Date: Sunday, March 26, 2023 11:08:23 PM
Attachments: [REDACTED]

**** [CAUTION]: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Please also note that in the **planning & development department form on planning act application** file # 2-2022-127, which I attached, the application has the following problems:

- question on page 5 of the document, **is the property abutting a cemetery**, the applicants answered **no**.
- the property has zoning for **source water protection - WHPA E vulnerability**, yet on page 7 question 14, **is there a steam, pong, or other wetlands within 100 meter of the subjects land** they answered **no**.

On Sun, Mar 26, 2023 at 9:35 PM Emily [REDACTED] wrote:

----- Forwarded message -----

From: **Emily** [REDACTED]
Date: Sun, Mar 26, 2023 at 9:25 PM
Subject: Emily Azevedo - Comment on Cannabis Facility proposed at 46 Bruce Road 17 rev005
To: <bcplwi@brucecounty.on.ca>

Please find the PDF documents below for the proposed cannabis facility at 46 Bruce Road 17 Tara, Ontario, which include my comments, evidence and supporting documents.

I also want to be added to the list of speakers for the meeting on 05APR2023.

Thank you,

Emily Azevedo
192 Yonge St, PO BOX 390
Tara, ON
N0H 2N0

Please see attached documents:

Write up:

- Emily Azevedo Review - Cannabis Facility Planning Justification proposed at 46 Bruce Road 17 rev005

Evidence

- 79-20-Greenhouse-Light-Abatement---with-in-force-provisions
- BlackburnNews.com - City decides to wait and see on smelly pot plant issue
- BlackburnNews.com - Leamington greenhouse growers still not complying with light pollution bylaw
- By-law-41-22-Greenhouse-Light-Abatement-repeals-79-20
- Leamington greenhouse owners facing charges over light abatement _ CTV News
- North America's greenhouse capital passes light abatement by-law - Greenhouse Canada

Email from Patrick Johnston - Zoning A1 permit for a horse barn October 2017

- zoning email OCT2017
- zoning email image OCT2017

Letter rom applicants sent 20MAR2023

- letter from applicants 20MAR2023 - REV000