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To: Ministry of the Environment, Conservation and Parks

From: Jennifer Catarino, Senior Planner

Date: July 29, 2021

Re: Proposed Land Use Compatibility Guideline Updates

Thank you for the opportunity to review, participate in the virtual engagement sessions and provide feedback regarding the proposed changes to the Land Use Compatibility Guidelines. Please see Norfolk County's comments regarding the draft guidelines:

1. Section 2.5 of the Land Use Compatibility Guideline states,

*"The planning authority is responsible for reviewing the documents (e.g. compatibility studies) prepared by the proponent and **must** be in agreement with the conclusions of the documents, before Planning Act approval is provided. When adverse effects from major facilities cannot be minimized and mitigated such that no adverse effects are expected, the planning authority must not permit the new development."*

Given the legislated timelines for *Planning Act* applications, if the planning authority is to ensure that the proponent and the municipality are in agreement with the conclusions of the review documents, is the intent of these guidelines to require that the mitigation measures are agreed upon before the proponent submits a *Planning Act* application and it is deemed complete?

It would be helpful to understand what mechanism the planning authority can use when agreement on the conclusions of the review documents cannot be achieved in a timely manner.

2. There are a number of smaller scale industrial uses (e.g. home industries), or on-farm diversified uses within the agricultural area, that may not fully meet the definition of 'major facility', however, may warrant a higher level of review from a compatibility stand point. Norfolk County Staff recommend that consideration be given to a minor facility designation with less stringent tests that will help assess compatibility issues between uses considered industrial in nature and more sensitive land uses, such as residential.

3. Norfolk County supports the use of compatibility studies as a tool to help assess whether a new land use is appropriate for a site. However, in some cases, it may be considered a barrier to economic development and also may become costly for smaller municipalities if each compatibility study is required to be peer reviewed.
4. There is some concern that there is a limited number of qualified professionals within rural areas to complete compatibility studies and the necessary peer reviews. Smaller staff complements may not have the expertise or capacity to conduct the reviews.
5. Cannabis Production Facilities

The County acknowledges the steps the Province is taking to add guidance for cannabis production in Industrial lands, however, Norfolk County has concerns with producers in the Agricultural areas and the lack of rules and guidelines for these operators when it comes to odour, light and noise controls and proper mitigation measures.

Regulating and creating clear standards around odour control and separation of cannabis production and processing facility uses from sensitive lands in Agricultural areas is a critical discussion for Norfolk County as we are the home to a large (and growing) number of facilities which continue to be a public health and safety concern in the community.

It should be stated that in the absence Provincial policy, regulations, and guidelines in relation to odour, light, and noise controls for Cannabis Production and Processing Facilities in agricultural areas, Norfolk County has created its own provisions to regulate cannabis production and processing. The County has encountered production sites in agricultural areas where the following issues have been identified:

- Operations within close proximity to sensitive lands uses causing land use conflicts;
- Operations which have no mitigation tools (odour control, light control, dust, noise, etc), causing public health and safety concerns for neighboring communities and sensitive land uses;

Norfolk County does permit Cannabis Production & Processing Facilities in specific zones; however based on our extensive experience in the matter, there continues to be a need for more guidance from the Province in regards to the establishment of these uses, and in particular, in relation to compatibility with other land uses. County staff are looking for clear guidance in relation to appropriate distancing, buffering, and other appropriate mitigation measures in

order to support the safe and appropriate establishment of these uses in an appropriate way.

Norfolk County is urging the Province to implement similar regulations identified for cannabis production and processing facilities located in industrial areas to be applied for these facilities located in agricultural areas.

- Effective and consistent tools to properly establish cannabis production and processing facilities are necessary whether they are established in industrial or agricultural areas.
- The consistent approach needs to apply standards in relation to mitigate against the emanation of adverse odour and other nuisances (including light pollution, noise property standards, outdoor storage, traffic impact, and waste disposal).
- There must be sufficient physical separation between the production site and adjacent residential and other sensitive uses that may be adversely impacted by adverse odours emanating from the production site.

The County encourages the Province to use the administrative discretion available to it to protect the public from production activities that occur at the expense of community health and safety when it comes to these uses in Agricultural areas.

Given the Area of Influence (AOI), Class and minimum separation distance for Cannabis production and processing facilities in Table 1, (2,000 m, Class 5 and 500 m), is there any guidance as to how this would translate into the agricultural area given there will most likely be multiple residential uses and on-farm diversified uses within the 2,000 m AOI?