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# Agenda

## Public Meeting of Council

Chair: Mayor Gervais

Tuesday, October 1, 2024

Council Chambers

6:00 p.m.

1. **Land Acknowledgement**
2. **Call to Order**
3. **Disclosure of Pecuniary Interest & General Nature Thereof**
4. **Approval/Amendment of Agenda**
5. **New Business**
  - Planning Advisory & Adjustment Committee Minutes Attached
  - a. Z-9/2024 – Cannabis Production Facilities – City of Pembroke
    - i. Zoning By-law Amendments Application
    - ii. Planning Report and Notice Attached
  - b. Z-9/2024 – Cedar Lane Properties – City of Pembroke
    - i. Zoning By-law Amendments Application
    - ii. Notice, Planning Report, and Letter to Property Owners Attached
6. **Adjournment**

# Planning Advisory & Adjustment Committee Meeting Minutes

## Council Chambers

Pembroke, Ontario

Monday, August 26, 2024

1630hrs

## Present:

Gary Severin, Chair

Councillor Ed Jacyno

Councillor Ian Kuehl

Marie-Josée Levesque

Marcel Mantha

## Also Present:

Colleen Sauriol, Director of Planning, Building & By-law

Owen Hutton, Planner

Nevill Carney, Planning Technician & Recording Secretary

## Regrets:

Romeo Levasseur, Vice-Chair

## 1. Land Acknowledgement

Mr. Severin read the City's land acknowledgement.

## 2. Call to Order

Mr. Severin called the meeting to order at 1632hrs.

## 3. Approval of Agenda

### Motion:

Moved by Councillor Kuehl

Seconded by Mr. Mantha

That the agenda be approved with no additions or modifications.

**Carried**

## 4. Approval of Minutes – July 29, 2024

### Motion:

Moved by Councillor Jacyno

Seconded by Councillor Kuehl

That the minutes of the Planning Advisory & Adjustment Committee meeting of July 29, 2024, be approved with no additions or modifications.

**Carried**

**5. Disclosure of Pecuniary Interest and General Nature Thereof**

There were no disclosures of pecuniary interest.

**6. Business Arising from Minutes**

**a) B-4/2024 & Z-8/2024 – 960 Mackay Street – Taylor Gagne**

Mr. Hutton re-introduced the item and noted that the applicant was again not present to represent the application.

**Motion:**

Moved by Councillor Kuehl

Seconded Ms. Levesque

That the Committee table the consent to sever and zoning by-law amendment applications for 960 Mackay Street.

**Carried**

**7. New Business**

**a) A-8/2024 – 612 Elizabeth Street – Katherine Blok Donley**

Mr. Hutton presented his report, including the Planning Department's recommendation for approval.

Mr. Hutton noted that no submissions nor informational inquiries were received prior to the meeting.

Mike Fox of 610 Elizabeth Street was present and requested general information about the ditching work that was completed on the applicant's property that affected his front yard. Mr. Hutton responded that Mr. Fox's contact information would be forwarded to the Operations Department for responses following the meeting.

Katherine Blok Donley was present to represent the application.

**Motion:**

Moved by Councillor Kuehl

Seconded Mr. Mantha

That the Committee approve the minor variance application for 612 Elizabeth Street.

**Carried**

**b) A-9/2024 – 136 Craig Street – Brittany Clelland**

Mr. Hutton presented his report, including the Planning Department's recommendation for approval.

Brittany Clelland was present electronically to represent the application.

**Motion:**

Moved by Councillor Kuehl

Seconded by Councillor Jacyno

That the Committee approve the minor variance application for 136 Craig Street.

**Carried**

**c) A-10/2024 – 769 Mary Street – Andrew Plummer**

Mr. Hutton presented his report, including the Planning Department's recommendation for approval.

Mr. Hutton noted that a single submission from Patricia Costey-Henry of 312 Third Avenue had been received prior to the meeting and provided a summary of the submission.

Andrew Plummer was present electronically to represent the application.

**Motion:**

Moved by Councillor Kuehl

Seconded by Mr. Mantha

That the Committee approve the minor variance application for 769 Mary Street.

**Carried**

**d) A-11/2024 & A-12/2024 – 604A Weston Street & 604B Weston Street – Brittany Clelland**

Mr. Hutton presented his report, including the Planning Department's recommendation for approval.

Mr. Hutton noted that no submissions nor inquires had been received prior to the meeting.

Brittany Clelland was present electronically to represent the application.

**Motion:**

Moved by Councillor Kuehl

Seconded by Ms. Levesque

That the Committee approve the minor variance applications for 604A Weston Street and 604B Weston Street.

**Carried**

**e) Z-9/2024 – Cannabis Production Facilities – City of Pembroke**

Ms. Sauriol presented her report, including the Planning Department's recommendation for approval.

**Motion:**

Moved by Councillor Kuehl

Seconded by Ms. Levesque

That the Committee recommend to Council the approval of the housekeeping zoning by-law amendments of Z-9/2024, including those regarding cannabis production facilities.

**Carried**

**f) Z-9/2024 – Cedar Lane Properties – City of Pembroke**

Ms. Sauriol presented her report, including the Planning Department's recommendation for approval.

**Motion:**

Moved by Councillor Kuehl

Seconded by Councillor Jacyno

That the Committee recommend to Council the approval of the housekeeping zoning by-law amendments of Z-9/2024, including those regarding the zoning of Cedar Lane properties.

**Carried**

**8. Past Decision Update – Mr. Hutton**

- a. B-5/2024 – 1106 Boundary Road – Danny Kargus
- b. A-6/2024 – 168 Cecil Street – Bruce McGuire
- c. A-7/2024 – 135 Bell Street – Tyler Van Hoof

Mr. Hutton indicated that each of the items successfully passed their 20-day appeal periods, and that the minor variances for items b. and c. are considered final, while the consent to sever for item a. has been provisionally granted.

**9. Next Meeting**

Mr. Severin indicated that the next meeting of the Planning Advisory & Adjustment Committee would be scheduled for Monday, September 23, 2024.

**10. Adjournment**

**Motion:**

Moved by Councillor Kuehl

Seconded by Mr. Mantha

That the Planning Advisory & Adjustment Committee meeting of August 26, 2024, adjourn at 1728 hrs.

**Carried**



# Committee Report

**To:** Planning Advisory and Adjustment Committee

**From:** Colleen Sauriol, Director  
Planning, Building & By-law Enforcement Department

**Date:** 2024-08-26

**Re:** **Z-9/2024 - Cannabis Production Facility Provisions**

## **Recommendation:**

It is recommended that the Planning Advisory and Adjustment Committee recommend to Council the approval of the addition of an odour mitigation plan to Zoning By-law 2020-05 as a required provision for a cannabis production facility.

A Public Meeting of Council is scheduled for October 1, 2024.

## **Background:**

In 2015, Council amended the Comprehensive Zoning By-law to allow medical marijuana production facilities in “General Industrial – M1” and “Economic Enterprise – M2” zones. Then in January 2020, Council passed the new Comprehensive Zoning By-law which expanded the definition to allow cannabis production facilities in “M1” and “M2” zones.

A cannabis production facility is defined under the present Zoning By-law as a building used for growing, production, processing, testing, destroying, storing, packaging and/or distribution of medical and/or recreational cannabis authorized by a federally issued license or registration. For purpose of clarification, no part of this operation, whether accessory or not, may be located outside.

The Zoning By-law goes on to state that a licensed producer shall provide to the City’s Chief Administrative Officer a copy of a current and valid production license issued by Health Canada. Further a cannabis production facility shall be at least 70 metres from the building to a lot in a residential or institutional zone, a school, day nursery, community centre or a training facility aimed primarily at children less than 16 years of age. No outdoor signage and advertising shall be permitted and there shall be no accessory open storage. Finally the Zoning By-law requires a Site Plan Agreement for a use of this type.

There has been issues with a particular cannabis production facility recently in the City. There were complaints about the odour. A vast majority of these types of operations are operating under Health Canada's registration system to produce cannabis for medical



purposes in separate suites in one building. There is a lack of inspection from Health Canada. What that means is that they have received authorization from Health Canada to grow a certain amount of cannabis and in many cases, they are growing well over what they are allotted. Further they do not have to meet the requirements like odour control etc. when they are operating in smaller suites. This has caused a problem in many Ontario municipalities.

In previous discussions with Health Canada about the legislation, they have confirmed that medical cannabis can be produced at a site with multiple licence holders and individuals with medical cannabis needs can appoint an individual to grow for them. There are no restrictions on the number of licences permitted on a single parcel or within a single building, so long as there are separate 'sites'. A site is defined in the Regulations as an area that is used exclusively by the holder and that consists of at least one building or one part of a building. Health Canada did note that local municipal by-laws may impose restrictions on setbacks between cannabis production sites and/or the location of licensed sites within their jurisdiction. The City of Pembroke has limited cannabis production facilities to "M1" and "M2" zones but does not limit the distance between cannabis production facilities nor does it require any odour mitigation measures.

The City did obtain a legal opinion about the multiple licences in the same building. The City's lawyer Tony Fleming of Cunningham Swan indicated this is not something that is regulated under the Zoning By-law. Further how the building owner manipulates the federal licensing process is not within the municipality's control. Zoning can impose limitations in the form of separation distances and it might also be possible to limit the density of uses within certain areas but there needs to be a land use planning rationale to defend the restriction. If it makes good land use planning sense to limit the negative impacts or to restrict cannabis to certain areas of the municipality that is a limitation that our solicitor feels can be defended. The City's solicitor stated if the land use planning limitations are arbitrary or unnecessarily restrictive or are intended to restrict an otherwise legal use for an improper purpose, the limitation will not survive the challenge.

This has been an issue with other municipalities dealing with cannabis production facilities. Many municipalities have established a minimum separation distance that the facilities must be away from community sensitive land uses such as schools, residences and community centres. To assist with this, cannabis production facilities were specifically assessed in the context of the Ministry of Environment's (D-6) Guidelines for Compatibility between Industrial Facilities and Sensitive Land Uses and this is where the City of Pembroke's 70 metres separation was determined.

Many municipalities are now adding odour control requirements to the provisions of a cannabis production facility. Licensed producers are expected to obey all relevant federal, provincial and municipal laws and by-laws, including municipal zoning by-laws. The City of Pembroke is proposing as part of zoning provisions for a cannabis production facility that they must submit an Odour Mitigation Plan detailing the measures they will take to prevent and mitigate odour emissions. This plan must include information on the types of air filtration



and ventilation systems that will be used. Further, as part of the plan, these facilities would be subject to regular inspection reports to ensure compliance with their Odour Control Plan. These plans will be peer reviewed, at the developer's cost, to ensure the Odour Control Plan is appropriate and effective.

The Combined Committee of Council reviewed this concern about lack of odour mitigation measures for cannabis production facilities at its meeting of July 16, 2024. The Committee recommended the rezoning process to keep the existing provisions as listed in this report and add odour mitigation plans as a required provision for future cannabis production facilities.

The City's Official Plan states that the Industrial classification of land shall be for industrial uses including warehousing, processing, manufacturing... and storage. The Official Plan also sets out influence areas, as dictated by the Ministry of the Environment, Climate and Parks (MECP) between sensitive land uses and industrial uses. The OP states Council shall also establish separation distances in the implementing zoning by-law as a measure to minimize or avoid incompatibility with sensitive land uses. The City's Zoning By-law states that a Class I Industrial use such as a cannabis production facility should be 70 meters away from sensitive land uses and this setback forms part of the existing requirements for a facility of this type.

Section 1.2.6 of the Provincial Policy Statement 2020 states major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.

Section 1.3.2.2 of the Provincial Policy Statement 2020 also states that employment areas planned for industrial and manufacturing uses shall provide for separation or mitigation from sensitive land uses to maintain long-term operational and economic viability.

By adding the requirement for an odour mitigation plan for cannabis production facilities along with the existing separation distance of 70 metres from the facility to sensitive land uses will minimize and mitigate any potential adverse affects and ensure compatibility between these uses.

### **Financial Implications:**

None at this time.

Respectfully submitted,

Colleen Sauriol, Director  
Planning, Building & By-law Enforcement Department





# THE CORPORATION OF THE CITY OF PEMBROKE

## PUBLIC MEETING CONCERNING PROPOSED AMENDMENTS TO COMPREHENSIVE ZONING BY-LAW 2020-05 OF THE CITY OF PEMBROKE

TAKE NOTICE THAT the Council of the Corporation of the City of Pembroke will hold a **Public Meeting** on **Tuesday, October 1, 2024**, at City Hall at 7:00 p.m., to consider a proposed amendment to the Comprehensive Zoning By-law 2020-05 under Section 34 of the Planning Act R.S.O., 1990.

The Planning Advisory & Adjustment Committee will be discussing the application at their meeting set for **Monday, August 26, 2024**, at 4:30 p.m. in the Council Chambers at City Hall.

These are public meetings and you are encouraged to participate either in-person or by requesting a link to attend virtually via Zoom or by providing a letter of your concerns to [ohutton@pembroke.ca](mailto:ohutton@pembroke.ca) or by calling 613-735-6821 Ext. 1304. Both meetings will be live streamed on the City's YouTube channel at <https://www.youtube.com/channel/UCMmnlvi4hXXaKXGRto06jQw>.

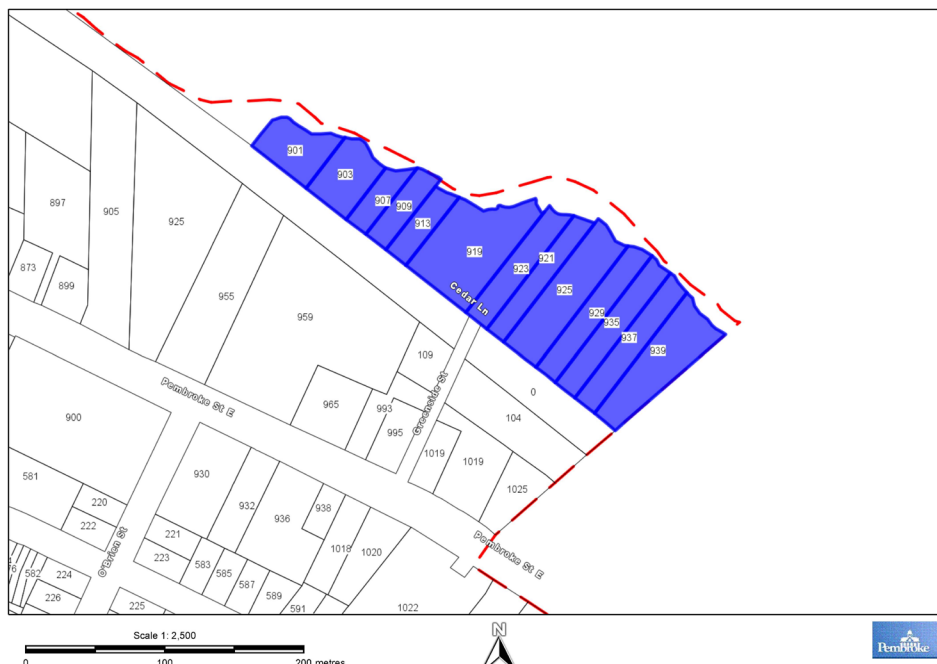
The draft amendments proposed to change the City of Pembroke's Zoning By-law are as follows:

- 1) **Cannabis Production Facility Provisions:** Presently this use is permitted in "General Industrial – M1" and "Economic Enterprise – M2" zones. Along with existing provisions in "M1" and "M2" zones, additional provisions to be added to Cannabis Production Facility requirements would be as follows:
  - That an odour mitigation plan be required prior to occupancy. This plan will be peer reviewed at the developer's cost.
  - That cannabis production facilities shall not become a nuisance because of noise, odour, garbage, traffic or parking; and
  - That cannabis production facilities shall be in compliance with all other applicable by-laws, including but not limited to building, fire, noise, parking, property standards, and traffic control by-laws.
  
- 2) **Cedar Lane (901, 903, 907, 909, 913, 919, 921, 923, 925, 929, 935, 937 and 939)** and legally described as Concession 2, Part Lot 25 from a "Residential Type 1-5 – R1-5", "Residential Type 1-flood fringe – R1-ff" and "Flood Plain – FP" zones (907 Cedar Lane) and "Residential Type 1 – R1", "Residential Type 1-flood fringe – R1-ff" and "Flood Plain – FP" (901, 903, 909, 913, 919, 921, 923, 925, 929, 935, 937 and 939 Cedar Lane) zones to a "Residential Type 1-water", "Residential Type 1-flood fringe-water -R1-ff-w" and "Flood Plain – FP" zones. These properties should have been zoned with the "w" symbol to indicate they have City water service only and no sanitary sewer connection.

Properties on Cedar Lane (901 to 939)

Subject of "Housekeeping" Zoning By-law Amendments

Jul 24, 2024



If you wish to be notified of the decision of the Corporation of the City of Pembroke on the proposed zoning by-law amendment, you must make a written request to Colleen Sauriol at 1 Pembroke Street East, Pembroke, ON K8A 3J5 or [csauriol@pembroke.ca](mailto:csauriol@pembroke.ca).

If a person or public body would otherwise have an ability to appeal the decision of the Corporation of the City of Pembroke to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the Corporation of the City of Pembroke before the by-law is passed, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Corporation of the City of Pembroke before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

FOR MORE INFORMATION about this matter, including information about appeal rights, contact Colleen Sauriol at 613-735-6821 Ext. 1301 or by email at [csauriol@pembroke.ca](mailto:csauriol@pembroke.ca).

DATED at Pembroke, Ontario this 1<sup>st</sup> day of August, 2024.

Colleen Sauriol, Director  
Planning and Building Departments  
735-6821 Ext. 1301

Victoria Charbonneau  
Clerk

**EXPLANATORY NOTE:** The Planning Department is recommending two proposed “housekeeping” changes to the City of Pembroke’s zoning by-law. Firstly, odour mitigation plans are recommended to be added as a provision to Cannabis Production Facilities. Secondly, the Planning Department has found inconsistencies with the zonings of properties along Cedar Lane and recommends these be corrected to accurately reflect that the properties are permitted to have municipal water service but that no municipal sanitary sewer services are available.



# Committee Report

**To:** Planning Advisory and Adjustment Committee

**From:** Colleen Sauriol, Director  
Planning, Building & By-law Enforcement Department

**Date:** 2024-08-26

**Re:** **Z-9/2024 – Cedar Lane Housekeeping Rezoning**

## **Recommendation:**

It is recommended that the Planning Advisory and Adjustment Committee recommend to Council the approval of this housekeeping amendment to change the zoning of 901-939 Cedar Lane to include the (water -“w”) zoning marker to all the properties along Cedar Lane. A Public Meeting of Council is scheduled for October 1, 2024.

## **Background:**

The Planning Department has recently found inconsistencies with the zoning of properties on Cedar Lane (901 to 939).

Under the City’s previous comprehensive zoning by-law (2010-57), every property on Cedar Lane carried the zoning marker of “w”, meaning that municipal water services are available to the properties and must be used, but that municipal sanitary sewer services are not available to the properties and private septic services may be used instead. This “w” zoning marker was accurate and reflected the existing servicing situation of properties on Cedar Lane.

However, when the new and current comprehensive zoning by-law (2020-05) was reviewed and completed by a consulting firm, the “w” zoning marker was left off of some properties on Cedar Lane; thus inaccurately reflecting the servicing availability on Cedar Lane and making the use of private septic services a zoning by-law contravention.

The Planning Department wishes to correct these inconsistencies under the current zoning by-law (2020-05) back to their correct zoning which was in place under the previous zoning by-law (2010-57). To do so, zoning by-law amendments for all properties on Cedar Lane are required in a “housekeeping” zoning by-law amendment.



The zoning of the properties will change from “Residential Type 1-5 – R1-5”, “Residential Type 1-flood fringe – R1-ff” and “Flood Plain – FP” zones (907 Cedar Lane) and “Residential Type 1 – R1”, “Residential Type 1-flood fringe – R1-ff” and “Flood Plain – FP” (901, 903, 909, 913, 919, 921, 923, 925, 929, 935, 937 and 939 Cedar Lane) zones to a “Residential Type 1-water – R1-w”, “Residential Type 1-flood fringe-water - R1-ff-w” and “Flood Plain – FP” zones. These properties should have been zoned with the “w” symbol to indicate they have City water service only and no sanitary sewer connection. This is considered a housekeeping amendment.

Therefore, the zoning of the properties will remain the same but a “w” symbol will be added to the zone to indicate these properties have City water service with no sanitary sewer connection. This is a minor change just to indicate there is City water services along Cedar Lane.

**Financial Implications:**

None at this time.

Respectfully submitted,

Colleen Sauriol, Director  
Planning, Building & By-law Enforcement Department



July 24, 2024

Dear Property Owners:

**Re: Rezoning of Properties on Cedar Lane (901, 903, 907, 909, 913, 919, 921, 923, 925, 929, 935, 937 & 939)**

The Planning Department has recently found inconsistencies with the zoning of properties on Cedar Lane (901 to 939).

Under the City's previous comprehensive zoning by-law (2010-57), every property on Cedar Lane carried the zoning marker of "w", meaning that municipal water services are available to the properties and must be used, but that municipal sanitary sewer services are not available to the properties and private septic services may be used instead. This "w" zoning marker was accurate and reflected the existing servicing situation of properties on Cedar Lane.

However, when the new and current comprehensive zoning by-law (2020-05) was reviewed and completed by a consulting firm, the "w" zoning marker was left off of some properties on Cedar Lane; thus inaccurately reflecting the servicing availability on Cedar Lane and making the use of private septic services a zoning by-law contravention.

The Planning Department wishes to correct these inconsistencies under the current zoning by-law (2020-05) back to their correct zoning which was in place under the previous zoning by-law (2010-57). To do so, zoning by-law amendments for all properties on Cedar Lane will be included in a "housekeeping" zoning by-law amendment, a notice for which will appear in the August 1, 2024, edition of the Pembroke Observer & News.

The basic zoning ("Residential Type 1 – R1") and any other zoning markers ("flood fringe – ff", "Flood Plain – FP", etc.) currently attached to properties will remain the same; only a "w" zoning marker will be added to all properties currently without one.

Should you have any questions or require further information, please do not hesitate to contact Owen Hutton, Planner at 613-735-6821 ext. 1304 or [ohutton@pembroke.ca](mailto:ohutton@pembroke.ca).

Sincerely,

Owen Hutton  
Planner

**CITY OF PEMBROKE**

1 Pembroke Street East  
Pembroke, Ontario  
K8A 3J5  
Tel. 613-735-6821

**Chief Administrative  
Officer & Human  
Resources**

Extension 1330  
Fax: 613-735-3660

**Finance**

Extension 1320  
Fax: 613-735-3660

**Fire**

Extension 1201  
Fax: 613-732-7673

**OPP Administration**

613-732-3332

**Economic Development  
Culture, & Tourism**

Extension 1303  
Fax: 613-735-3660

**Operations**

Extension 1409  
Fax: 613-732-1421

**Planning, Building &  
By-Law Enforcement**

Extension 1304  
Fax: 613-735-3660

**Purchasing**

Extension 1409  
Fax: 613-732-1421

**Parks & Recreation**

Extension 1501  
Fax: 613-635-7709

**general email:**

**[pembroke@pembroke.ca](mailto:pembroke@pembroke.ca)**

**[www.pembroke.ca](http://www.pembroke.ca)**



**Properties on Cedar Lane (901 to 939)**

Subject of "Housekeeping" Zoning By-law Amendments

Jul 24, 2024

**CITY OF PEMBROKE**

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**OPP Administration**

613-732-3332

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**Parks & Recreation**

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*general email:*

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[www.pembroke.ca](http://www.pembroke.ca)

