

**3. ZONING BY-LAW AMENDMENT – 5130 AND 5208 RAMSAYVILLE ROAD  
MODIFICATION AU RÈGLEMENT DE ZONAGE – 5130 ET 5208, CHEMIN  
RAMSAYVILLE**

**COMMITTEE RECOMMENDATION**

**That Council approve an amendment to Zoning By-law 2008-250 for 5130 and 5208 Ramsayville Road to permit a medical marihuana production facility use and to add specific zoning provisions for that use, as shown on Document 1 and detailed in Document 2.**

**RECOMMANDATION DU COMITÉ**

**Que le Conseil approuve une modification au Règlement de zonage n° 2008-250 relativement aux 5130 et 5208, chemin Ramsayville, afin de permettre une installation de production de marijuana à des fins médicales et d'ajouter des dispositions de zonage propres à cette utilisation, comme l'illustre le document 1 et le précise le document 2.**

**DOCUMENTATION / DOCUMENTATION**

1. Director, Planning Services, Planning, Infrastructure and Economic Development Department report dated 18 January 2018 (ACS2018-PIE-PS-0010 ).

Rapport de la Directrice, Services de la planification, Direction de la planification, de l'infrastructure et du développement économique daté le 18 janvier 2018 (ACS2018-PIE-PS-0010 ).

2. Extract of draft Minutes, Agriculture and Rural Affairs Committee, 1 February 2018.

Extrait de l'ébauche du procès-verbal, Comité de l'agriculture et des affaires rurales, le 1 février 2018.

**AGRICULTURE AND RURAL  
AFFAIRS COMMITTEE  
REPORT 31  
14 FEBRUARY 2018**

**27**

**COMITÉ DE L'AGRICULTURE ET  
DES AFFAIRES RURALES  
RAPPORT 31  
LE 14 FÉVRIER 2018**

**Report to  
Rapport au:**

**Agriculture and Rural Affairs Committee  
Comité de l'agriculture et des affaires rurales  
1 February 2018 / 1er février 2018**

**and Council  
et au Conseil  
14 February 2018 / 14 février 2018**

**Submitted on 18 January 2018  
Soumis le 18 janvier 2018**

**Submitted by**

**Soumis par:**

**Lee Ann Snedden,  
Director / Directrice**

**Planning Services / Services de la planification**

**Planning, Infrastructure and Economic Development Department / Direction  
générale de la planification, de l'infrastructure et du développement économique**

**Contact Person / Personne ressource:**

**Lorraine Stevens, Planner / Urbaniste, Development Review Rural / Examen des  
demandes d'aménagement ruraux**

**(613) 580-2424, 15077, Lorraine.Stevens@ottawa.ca**

**Ward: OSGOODE (20)**

**File Number: ACS2018-PIE-PS-0010**

**SUBJECT: Zoning By-law Amendment – 5130 and 5208 Ramsayville Road**

**OBJET: Modification au Règlement de zonage – 5130 et 5208, chemin  
Ramsayville**

## **REPORT RECOMMENDATIONS**

- 1. That Agriculture and Rural Affairs Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 5130 and 5208 Ramsayville Road to permit a medical marihuana production facility use and to add specific zoning provisions for that use, as shown on Document 1 and detailed in Document 2.**
- 2. That Agriculture and Rural Affairs Committee approve the Consultation Details Section of this report be included as part of the 'brief explanation' in the Summary of Written and Oral Public Submissions, to be prepared by the City Clerk and Solicitor's Office and submitted to Council in the report titled, "Summary of Oral and Written Public Submissions for Items Subject to Bill 73 'Explanation Requirements' at the City Council Meeting of 14 February 14 2018, subject to submissions received between the publication of this report and the time of Council's decision.**

## **RECOMMANDATIONS DU RAPPORT**

- 1. Que le Comité de l'agriculture et des affaires rurales recommande au Conseil d'approuver une modification au Règlement de zonage n° 2008-250 relativement aux 5130 et 5208, chemin Ramsayville, afin de permettre une installation de production de marijuana à des fins médicales et d'ajouter des dispositions de zonage propres à cette utilisation, comme l'illustre le document 1 et le précise le document 2.**
- 2. Que Comité de l'agriculture et des affaires rurales donne son approbation à ce que la section du présent rapport consacrée aux détails de la consultation soit incluse en tant que « brève explication » dans le résumé des observations écrites et orales du public, qui sera rédigé par le Bureau du greffier municipal et de l'avocat général et soumis au Conseil dans le rapport intitulé « Résumé des observations orales et écrites du public sur les questions assujetties aux 'exigences d'explication' aux termes du projet de loi 73 », à la réunion du Conseil municipal prévue le 14 février 2018, à la**

**condition que les observations aient été reçues entre le moment de la publication du présent rapport et le moment de la décision du Conseil.**

## **BACKGROUND**

Learn more about [link to Development Application process - Zoning Amendment](#)

For all the supporting documents related to this application visit the [link to Development Application Search Tool](#).

### **Site location**

5130 and 5208 Ramsayville Road

### **Owner**

1019884 Ontario Inc. and 1496013 Ontario Inc., c/o Peter Abboud

### **Applicant**

Jacob Bolduc, Fotenn Consultants

### **Description of site and surroundings**

The site at 5130 and 5208 Ramsayville Road is located between the Greenbelt and the villages of Metcalfe and Greely. The surrounding area is predominately composed of agricultural, heavy industrial and recreational uses. To the north is a mix of agricultural uses and rural woodland areas. Further north is the Greenbelt. To the east is a mix of agricultural uses and rural woodland areas. Further east is Highway 417. To the south are agricultural uses, rural woodland areas and the Champions Nest Golf Club. Further south are the Villages of Greely and Metcalfe, as well as some large country estate subdivisions. To the immediate west are the Hawthorne Industrial and the Brickyards Industrial Parks. Surrounding the Industrial Parks are several large-scale aggregate operations.

The site is 40.5 hectares in size with 410 metres of frontage along Ramsayville Road. The site is bisected by an easement for the TransCanada Pipeline, which runs north-south through the site. The Findlay Creek Municipal Drain also runs through the

site, diagonally from north-west to south-east. The properties are zoned Agricultural Subzone 2 (AG2), with the exception of the pipeline easements which are zoned Open Space Subzone 1O (O1O).

The site contains approximately 51,000 square metres of greenhouses, a 1,700 square metre accessory packaging and processing building and 1,100 square metres of other accessory farm buildings used for the growing and sale of food products.

### **Summary of requested Zoning By-law amendment proposal**

The proponent proposes to convert and retrofit the existing greenhouses from the growing of food products to the growing of medical marihuana. The accessory packaging and processing building is proposed to be retrofitted and utilized for the required indoor packaging, labelling and storage of product. Parking to accommodate the operations is also proposed. Additional greenhouses and parking are proposed for future phases.

Phase I of the proposed development would see the conversion and retrofitting of approximately 5,000 square metres of greenhouses and of the packaging, labelling and storage building. In addition, associated parking to accommodate the proposal is also proposed.

Future phases propose an additional 60,000 square metres of greenhouses from retrofitting existing greenhouses and the construction of new greenhouses. In addition, associated parking to accommodate the expansion of operations is also proposed.

The use of “medical marihuana production facility” is not a permitted use in the Agricultural Zones in the City of Ottawa Comprehensive Zoning By-law 2008-250. In addition, for lands zoned AG2, the permitted lot coverage is 20 per cent. However, there was a minor variance approved in 2012 to allow a lot coverage of 33.2 per cent for 5130 Ramsayville Road. The two properties, which are of the same size, are proposed to be combined under one ownership. To balance the currently permitted lot coverage the proponent is requesting a maximum lot coverage of 27 per cent for the combined properties. In addition, specific provision amendments are being requested to

accommodate the use, including a reduced parking rate, removal of landscape buffer requirement for a parking lot, and a reduction in requirement for loading spaces.

A Site Plan Control application has been provided for a portion of the site. The majority of 5208 Ramsayville Road will not be developed until later phases.

In summary, a site-specific Zoning By-law amendment is being proposed to:

- Add “medical marihuana production facility” as a permitted use
- Permit a maximum lot coverage of 27 per cent
- Reduce the parking rate from 0.8 spaces per 100 metre square to 1 space per 250 square metres
- Not require a landscaped buffer for a parking lot
- Reduce the requirement from three to two loading spaces

### **Brief history of proposal**

In January 2014, Planning Committee and Council were provided a recommendation regarding amendments to the Zoning By-law required to appropriately allow ‘medical marihuana production facility’ uses in the City. These recommendations were approved and have been incorporated into the Zoning By-law as of February 26, 2014.

As a result, the ‘medical marihuana production facility’ use is permitted only in the industrial zones of the City. Although, not recommended to be permitted in the Agricultural Zone (AG), the zone was contemplated. In the report, it stated:

“The single most important factor in determining whether land should be in the Agricultural Resource Area designation is the quality of the soils. Production of medical marihuana takes place entirely within a building. Construction of a building and associated parking areas on high quality soils that have been set aside for agricultural production would be

inconsistent with the objective to preserve farmland for future generations”.

In this particular case, the use will mainly be accommodated in the existing buildings (mostly greenhouses) with additional greenhouses being proposed for future phases. Parking is proposed to be located where the storage of equipment and supplies currently are located. The number of parking spaces are being requested at a reduced rate, which has been determined to be more accurate to the nature of the proposed operations. Therefore, the objective to preserve farmland for future generations is not being compromised.

## **DISCUSSION**

### **Public consultation**

Notification and public consultation was undertaken in accordance with the Public Notification and Consultation Policy approved by City Council for Zoning By-law amendments. The proposal was subject to public notification. A public information package was mailed to property owners with properties within 120 metres of 5130 and 5208 Ramsayville Road, various Community Associations, and Councillor George Darouze. In addition, a development sign was posted on the property.

Concern was expressed from two community members, which will mostly be addressed through the site plan process, of which this proposed development will be subject to.

For this proposal's consultation details, see Document 3 of this report.

### **Official Plan designation**

The lands are designated Agricultural Resource Area in Schedule A of the Official Plan (OP).

As per policy 3.7.3 (1), lands are designated Agricultural Resource on Schedule A with the intent of:

- a. protecting major areas of agricultural and other lands suitable for agriculture from loss to other uses;

- b. ensuring that uses, which would result in conflicts with agricultural operations, are not established in productive farming areas.

As per policy 3.7.3 (2), the primary use of land in Agricultural Resource Areas will be agriculture.

As per policy 3.7.3 (4) secondary uses are permitted provided they are compatible with, and do not hinder, surrounding agricultural uses.

### **Planning rationale**

The proposed development is consistent with the intent of the Agriculture Resource Area designation. There are currently greenhouses on the property and an accessory packaging and processing building, which are proposed to be utilized for a different crop. Therefore, the proposal for a medical marihuana production facility does not change the existing agricultural nature of the property and so protects from the loss of agricultural lands to other non-agricultural uses. Further, the proposed medical marihuana production facility takes advantage of the agriculture nature of the site and its location within a productive farming area.

As per policy 3.7.3 (2), the primary use of land in Agricultural Resource Areas will be agriculture. The 2014 Provincial Policy Statement (PPS) defines agricultural uses, among other things, as the growing of crops. The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has verified that growing marihuana is considered to be growing of a crop.

As per policy 3.7.3 (4) secondary uses are permitted provided they are compatible with, and do not hinder, surrounding agricultural uses. These uses shall be limited in scale and include uses secondary to the principle use of the property that produce value-added agricultural products from the farm operation on the property. The building(s) to be utilized for the processing of the medical marihuana are considered value retained facilities and secondary to the growing of medical marihuana.

The majority of the properties are zoned Agricultural (AG2) in the City's Comprehensive Zoning By-law. The purpose of the zone is to:



- Recognize and permit agricultural uses in areas designated Agricultural Resource Area in the Official Plan
- Restrict the range of permitted uses to agricultural, forestry and related accessory uses in order to preserve these prime agricultural lands from loss to other uses
- Regulate uses in a manner that respects the character of the area and minimizes land use conflicts

In 2014, new zoning provisions for medical marihuana production facilities were introduced in the Zoning By-law. A general strategy was developed to determine where this new land use may be permitted. A conservative approach was taken based on the information available at the time, limited experience with such facilities, and a desire to direct the use to locations that were best able to accommodate what could be an impactful land use. This general strategy identified industrial zones as a reasonable location for these facilities, in terms of locating a new land use that may have unforeseen impacts in a context that already includes impactful uses. In addition, at that time, staff were not aware that a federal license could be obtained for production of medical marihuana in a greenhouse.

This site-specific amendment has provided staff with the opportunity to review details concerning the operation of a specific facility. As a result, staff are better informed about the potential impacts and have determined that these impacts can be addressed through the federal license and the site plan control approval process. In addition, staff are of the opinion that the intent of the separation distance provisions between medical marihuana production facilities and adjacent sensitive land uses in Section 97 of the Zoning By-law will be maintained. Staff are satisfied that this facility will not be incompatible with adjacent uses, and that the proposed facility is compatible with the intent of the Agricultural Zone given that a crop will be produced in existing greenhouses currently used for vegetable production and packaging. As noted above, the 2014 Provincial Policy Statement (PPS) defines agricultural uses, among other things, as the growing of crops. The Ontario Ministry of Agriculture, Food and Rural

Affairs (OMAFRA) has verified that growing marihuana is considered to be growing of a crop.

The proposed development is subject to site plan control. The concept plan for the initial phases, provided with the application, demonstrates that the proposal can respect the character of the area and minimizes land use conflicts.

Two members of the public brought forward concerns for consideration by staff. Most items of concern will be addressed through site plan control. For those items that cannot be addressed through site plan control or that are not regulated through zoning, responses have been provided regarding those concerns in Document 3 - Details of Public Consultation.

### **Provincial Policy Statement**

Staff have reviewed this proposal and have determined that it is consistent with the Provincial Policy Statement, 2014.

### **RURAL IMPLICATIONS**

This is a site-specific application to permit a medical marihuana production facility in existing greenhouses in an Agriculture Zone. Future proposals to permit a medical marihuana production facility in a rural zone where such is not currently permitted would be evaluated on a case-by-case basis, based on detailed information about the operation of the specific facility proposed.

### **COMMENTS BY THE WARD COUNCILLOR**

Councillor Darouze is aware of the application related to this report and has no objections. He “supports the job creation opportunities in the community that would result from this project. The Councillor has received no communications from residents who are opposed to the project, only a phone call from a resident who was concerned about security, which will be dealt with by the site plan. The councillor is looking forward to the site plan so that concerns that the community may have can be addressed.”

## **LEGAL IMPLICATIONS**

If the application is approved by Council and the rezoning appealed to the Ontario Municipal Board/Local Planning Appeals Tribunal, it is anticipated that a two day hearing will result. It is expected that such hearing could be conducted within staff resources. Should the application be refused, reasons must be provided. In the event of an appeal of a refusal to the Board/Tribunal, an external planner would need to be retained.

## **RISK MANAGEMENT IMPLICATIONS**

There are no risk implications with this report.

## **ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications associated with the recommendations of this report.

## **FINANCIAL IMPLICATIONS**

Potential financial implications are within the above Legal Implications. In the event that an external planner is retained, the expense would be absorbed from within Planning, Infrastructure and Economic Development's operating budget.

## **ACCESSIBILITY IMPACTS**

There are no accessibility implications associated with this report.

## **TERM OF COUNCIL PRIORITIES**

This project addresses the following Term of Council Priority:

EP2 – Support growth of local economy

## **APPLICATION PROCESS TIMELINE STATUS**

This application was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendment applications due to no meeting of Agriculture and Rural Affairs Committee being scheduled for December 2017 or January 2018.

## **CONCLUSION**

The Planning, Infrastructure, and Economic Development Department supports this application because it is consistent with the Official Plan (OPA 150) and the Provincial Policy Statement (2014). Staff are satisfied that for these subject properties, permitting the 'medical marihuana production facility' use, with the associated zoning provisions, supports growth of the local economy, with little to no impact to the adjacent property owners.

## **DISPOSITION**

Legislative Services, Office of the City Clerk and Solicitor to notify the owner; applicant; Ottawa Scene Canada Signs, 1565 Chatelain Avenue, Ottawa, ON K1Z 8B5; Krista O'Brien, Tax Billing, Accounting and Policy Unit, Revenue Service, Corporate Services (Mail Code: 26-76) of City Council's decision.

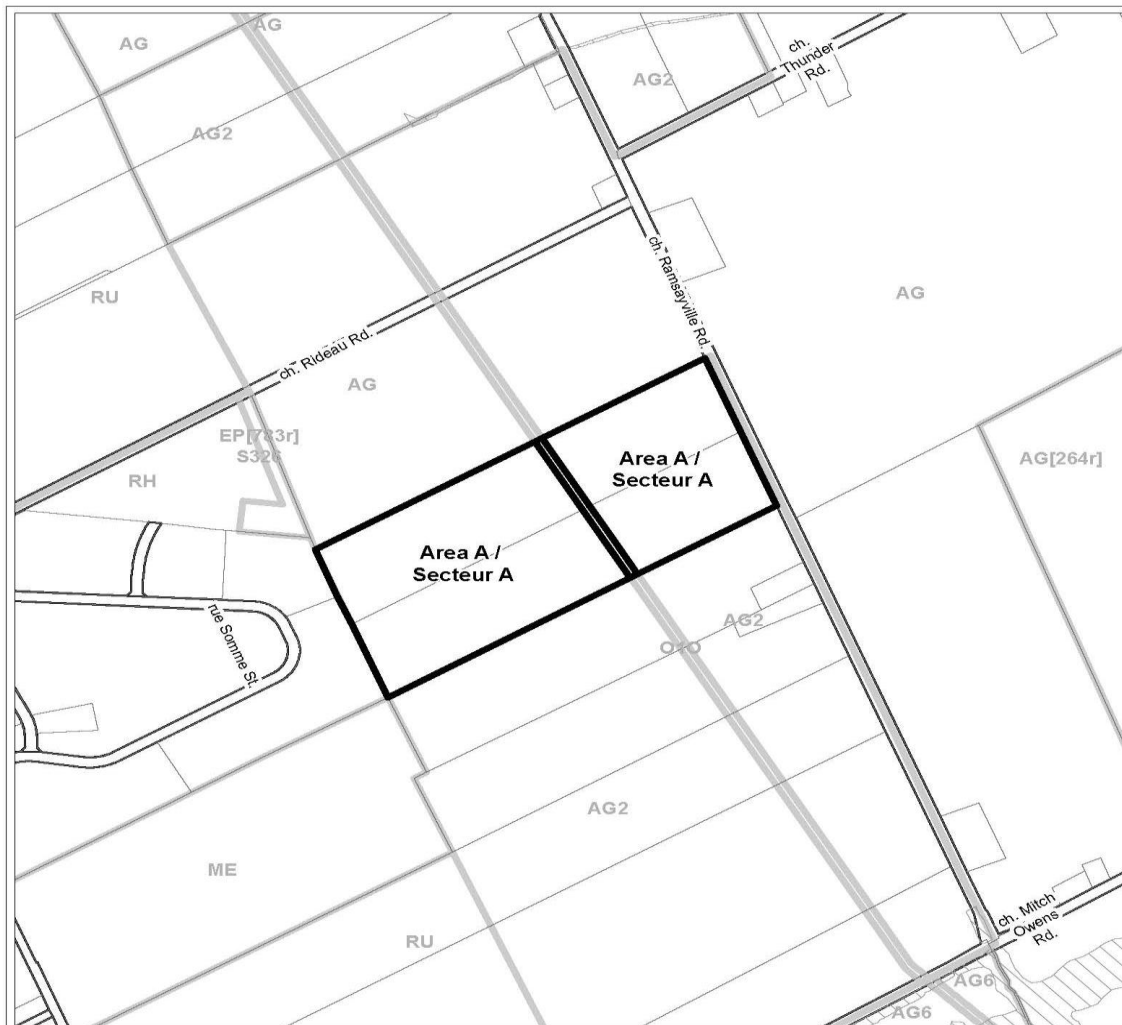
Zoning and Interpretations Unit, Policy Planning Branch, Economic Development and Long Range Planning Services to prepare the implementing by-law and forward to Legal Services.





Legal Services, Office of the City Clerk and Solicitor to forward the implementing by-law to City Council.

Planning Operations Branch, Planning Services to undertake the statutory notification.

Document 1 – Location Map

For an interactive Zoning map of Ottawa visit [geoOttawa](http://geoOttawa)



		LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE	
<b>5130, 5208 chemin Ramsayville Road</b>		 Area A to be rezoned from AG2 to AG2[xxxr] Le zonage du secteur A sera modifié de AG2 à AG2[xxxr]	
 Existing Flood Plain (Section 58) / Plaine inondable (Article 58)			
D02-02-17-0077      17-1184-D			
I:\CO\2017\Zoning\Ramsayville_5130_5208			
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REVISION / RÉVISION - 2018 / 01 / 04			

## **Document 2 – Details of Recommended Zoning**

The proposed change to the City of Ottawa Zoning By-law 2008-250 for part of 5130 and part of 5208 Ramsayville Road:

1. Rezone the lands as shown in Document 1.
2. Add a new exception to Section 240 – Rural Exceptions with provisions similar in intent to the following:
  - a) In column II add the text, “AG2[xxxr]”
  - b) In column III add the text, “medical marihuana production facility”
  - c) In column V, add the following”
    - maximum lot coverage of 27 per cent
    - minimum parking space rate for a medical marihuana production facility:1 space per 250 square metres of GFA
    - no landscaped buffer is required for a parking lot
    - despite Columns VIII and IX of row (a) of Table 113A, the minimum number of vehicle loading spaces is 2.”

### **Document 3 – Details of Public Consultation**

Notification and public consultation was undertaken in accordance with the Public Notification and Consultation Policy approved by City Council for Zoning By-law amendments. The proposal was subject to public notification. A public information package was mailed to property owners with properties within 120 metres of 5130 and 5208 Ramsayville Road, various Community Associations, and Councillor George Darouze. In addition, a development sign was posted on the property.

Concern was expressed from two community members.

#### **Public Comments and Responses**

##### **Comment:**

Of particular concern was regarding the potential of additional stormwater exiting the property, as drainage from the subject property onto adjacent land is already a problem that is not properly taken care of.

##### **Response:**

Stormwater issues will be reviewed through the Site Plan Control application process. Property maintenance is not regulated through zoning, however the applicant has indicated that the property owner has been made aware of these drainage issues and will take measures to ensure the drainage system functions as intended

##### **Comment:**

Concern with security and vandals trying to access the facility property via the adjacent properties.

##### **Response:**

Property maintenance is not regulated through zoning; however, fencing will be reviewed at the time of Site Plan Control from the perspective of meeting the intent of the Zoning By-law. The property owner has indicated that the facility will have a secure fenced perimeter surrounding the buildings, located approximately 12 feet (3.66 metres)

from the walls of the building. The fencing and buildings proposed will be required to meet the standards for Health Canada.

Comment:

Concern with the number of wells and water taking on the subject property and the potential impacts on wells of adjacent property owners.

Response:

Water takings for irrigation are not regulated through zoning. Water takings are required to go the Ministry of the Environment and Climate Change (MOECC) 'permit to take water' process if the taking represents more than 50,000 litres of water per day. The property owner has indicated that the proposed facility will use a closed-loop system, and that it is not anticipated that the operation will use more than 50,000 litres of water per day or generate any undue adverse impacts on the wells on adjacent properties. Should the facility foresee surpassing this number at any time, the proper permits will be required.

Questions or concerns about water conflicts can be directed to the MOECC Eastern Region Office General Inquiry Line.

Comment:

Concern with increase in activity on the property causing an increase in problems from lack of care on the property such as plastic garbage blowing around.

Response:

Property maintenance is not regulated through zoning, however the applicant has indicated that the property owner has been made aware of the plastic blowing around the property and will take measures to contain garbage and other materials associated with on-site agricultural activities.

Comment:

Currently there is a residence on 5130 Ramsayville Road but in Planning Rationale, it states that there are no dwellings on the subject site.



Response:

Section 97 of the Zoning By-law provides for provisions for 'Medical Marihuana Production Facility', which does not permit a medical marihuana production facility to be located within a dwelling. The property owner has also indicated the house at 5130 Ramsayville is currently a rental and the house at 5208 currently serves as an office for the existing use. If the proposal proceeds as submitted, the rental house will no longer be available for rent. As such, there will be no residential use on the properties.

Comment:

The planning rationale states that a medical Marihuana Production facility must be located completely within a building. Is a greenhouse considered a building?

Response:

The zoning by-law defines a building as:

“a structure that has a roof, walls and a floor that stands more or less permanently in one place.”

Staff have verified that a greenhouse meets the definition of a building.