

August 21, 2020

COR/2020/02727

Ms. Valerie Rogers
Town Clerk
Trinity Bay North
Port Union, NL A0C 2J0

Dear Ms. Rogers:

**TRINITY BAY NORTH
Municipal Plan Amendment No. 1, 2019
Development Regulations Amendment No. 1, 2019**

I am pleased to inform you that the **Town of Trinity Bay North Municipal Plan Amendment No. 1, 2019 and Development Regulations Amendment No. 1, 2019**, as adopted by Council on the **24th day of July, 2020**, has now been registered.

Council must publish a notice in the **Newfoundland and Labrador Gazette** within 10 days of this letter. The Amendments come into effect on the date that this notice appears in the Gazette. The notice must also appear in a local newspaper.

The Newfoundland and Labrador Gazette is published every Friday. **Notices must be submitted a week in advance.** Council can submit the notice by email (queensprinter@gov.nl.ca), by fax (729-1900) or by mail (Queen's Printer, P.O. Box 8700, St. John's, and NL, A1B 4J6).

Council's registered copies of the Amendments are enclosed. As these are legal documents, they should be reserved in a safe place.

Yours truly,



MARY OLEY
Director
Local Governance and Land Use Planning Division

**MUNICIPALITY OF TRINITY BAY NORTH
MUNICIPAL PLAN AMENDMENT
NO. 1, 2019**

**Cannabis Production Facility
Civic No. 220 Discovery Trail, Former OCI Fish
Plant, Port Union
New Industrial Land Use Designation**

**Prepared by:
Mary Bishop, FCIP
October, 2019**


**RESOLUTION TO ADOPT
MUNICIPALITY OF TRINITY BAY NORTH
MUNICIPAL PLAN AMENDMENT No. 1, 2019**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Council of the Municipality of Trinity Bay North adopts Municipal Plan Amendment No.1, 2019.

Adopted by the Council of the Municipality of Trinity Bay North on the 10th day of February, 2020.

Signed and sealed this 24 day of July, 2020.

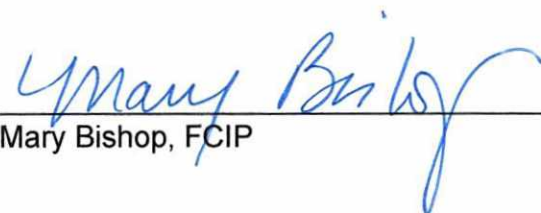
Mayor: 
Shelly Blackmore

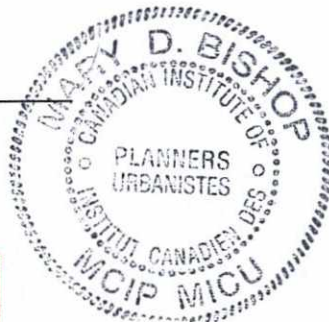
Clerk: 
Valerie Rogers




CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Municipal Plan Amendment No. 1, 2019 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.


Mary Bishop, FCIP



Municipal Plan/Amendment	
REGISTERED	
Number	5153-2020-002
Date	August 20, 2020
Signature	

**URBAN AND RURAL PLANNING ACT
RESOLUTION TO APPROVE
MUNICIPALITY OF TRINITY BAY NORTH
MUNICIPAL PLAN AMENDMENT NO. 1, 2019**

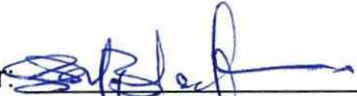
Under the authority of Sections 16, 17 and 18 of the *Urban and Rural Planning Act 2000*, the Council of the Municipality of Trinity Bay North

1. Adopted Municipal Plan Amendment No. 1, 2019 on the 10th day of February, 2020.
2. Gave notice of the adoption of Municipal Plan Amendment No. 1, 2019 by advertisement inserted on the 4th and 11th days of March, 2020 in the Packet.
3. Set the 19th day of March, 2020 at 7:00 p.m. at the Frank Power Chalet, Trinity Bay North for the holding of a Public Hearing to consider objections and submissions.

Now under Section 23 of the *Urban and Rural Planning Act 2000*, the Council of the Municipality of Trinity Bay North approves Municipal Plan Amendment No. 1, 2019 on the 14 day of July, 2020.

SIGNED AND SEALED this 24 day of July, 2020.

Mayor:


Shelly Blackmore

Clerk:


Valerie Rogers



MUNICIPAL PLAN AMENDMENT NO. 1, 2019

INTRODUCTION

The Municipality of Trinity Bay North Municipal Plan came into effect in 2019. The Municipality has received a proposal which requires an amendment to the current Plan and Development Regulations and this report has been prepared to explain the proposed change, and to serve as a basis for consideration by the general public before it is adopted and approved by Council and submitted to the Minister of Municipal Affairs and Environment for registration.

BACKGROUND

The Municipality of Trinity Bay North has received a request to convert the former Ocean Choice International (OCI) fish plant building in Catalina for use as a cannabis production facility. The federal licensing agency, Health Canada, as well as the province of Newfoundland and Labrador, require that cannabis production facilities be located on sites that are zoned for industrial use.

The property is designated and zoned Mixed Development in the Trinity Bay North Municipal Plan and Development Regulations. Cannabis production facilities are not addressed in the Plan or the Development Regulations and are therefore considered as not permitted. In order to consider an application for use of the property as a cannabis production facility at this location, an amendment to both the Municipal Plan and the Development Regulations is required. The amendment process provides an opportunity for the community to consider whether this location is appropriate for use as a cannabis production facility.

SUBJECT PROPERTY

The subject property shown in Figure 1 and in a survey plan (Figure 2) on the following page is approximately 2.2 ha in area. The property is located between the Discovery Trail (Route 230) and Port Union Harbour, adjacent to Sutton's Brook. There are six main structures on the site that include the main processing facility, maintenance/office building, ice plant, pumphouse, meal plant, crew discharge building and a small electrical shed located adjacent to the west finger pier. A former carpentry shop is not part of the property proposed for the cannabis production facility. The site has a history of continuous industrial use since 1956 when the fish plant was constructed. The plant was used for groundfish processing until 1998 when it was converted to a shrimp processing facility.

The site is serviced with municipal water and sewer services.

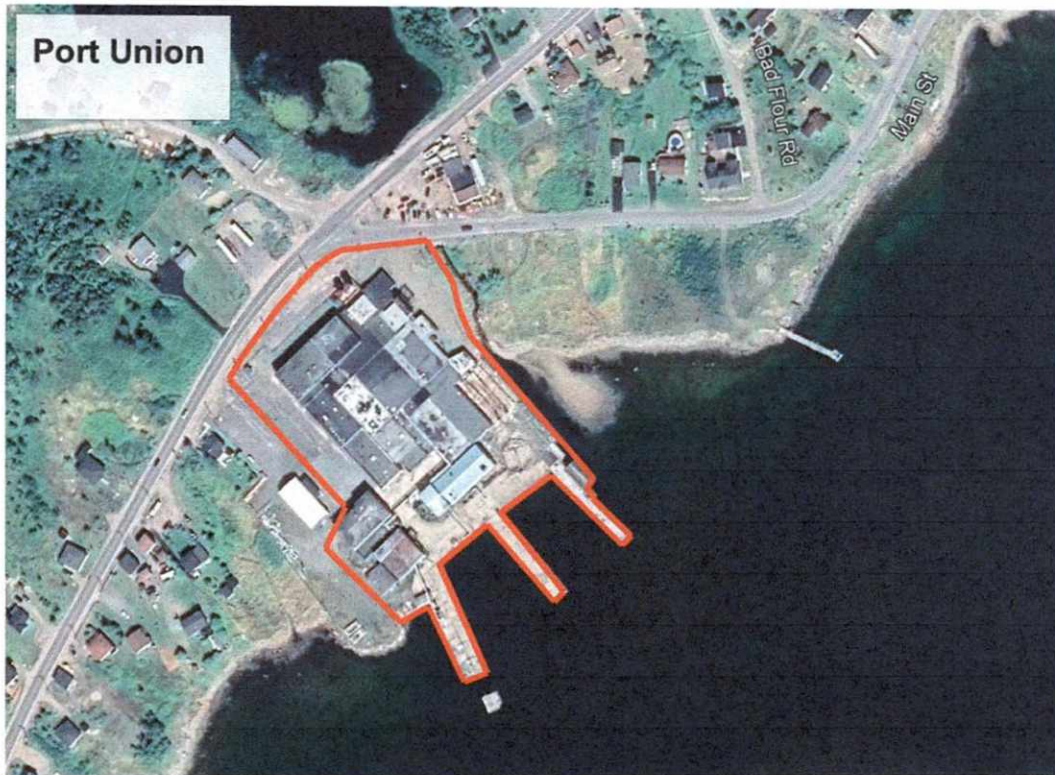


Figure 1. Location of Proposed Cannabis Production Facility – Former OCI Fish Plant, Civic No. 220 Discovery Trail, Port Union

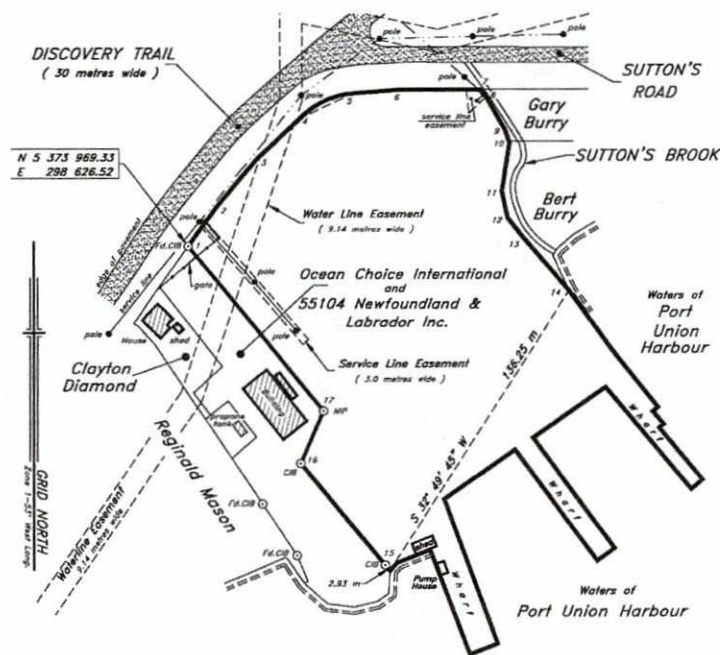


Figure 2. Subject Property Survey Plan

SURROUNDING LAND USE

Figure 3 shows the extent of development within 500m of the subject property. Land use consists mostly of low density residential development with homes spread out along the Discovery Trail Highway to the southwest and northeast of the former OCI plant. The closest residential dwellings are located next to the site, one approximately 52m on the southwest side, and another across the highway approximately 84m from the site. Immediately to the northwest is Chards Automotive Ltd.



Figure 3. Land use within 500m of the subject building.



Figure 4. View along Discovery Trail (Route 230) to the Southwest



Figure 5. Former OCI Plant and nearest residential dwelling 52m to the southwest.

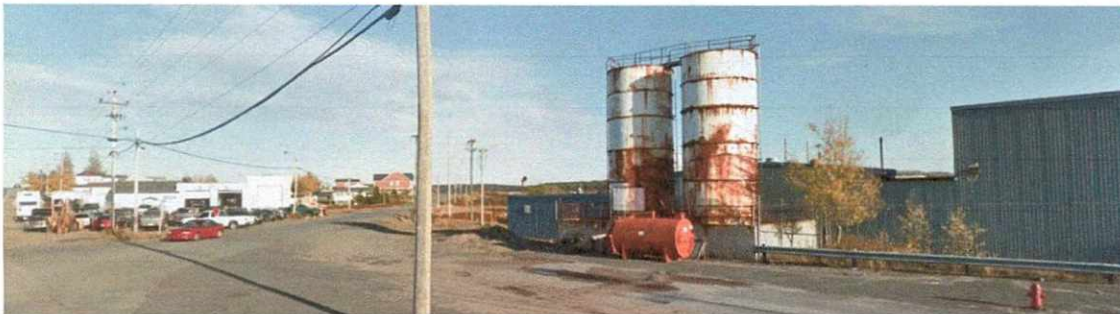


Figure 6. View looking northeast of the site to Chards Automotive Lit. at the corner of Discovery Trail and Main Street.

REGULATION AND LICENSING OF CANNABIS PRODUCTION FACILITIES

In Canada, *The Cannabis Act* and its supporting Regulations came into force on October 17, 2018 and provide the framework for legal access to cannabis for adults and the control and regulation of its production, distribution and sale.

Under this framework a person is required to obtain a licence issued by Health Canada to conduct various activities with cannabis.

The application process for most licence classes, including the information required in an application, is set out in the [Cannabis Licensing Application Guide](#). This document gives guidance to those wishing to apply for these licence classes and subclasses which include:

- Cultivation (including micro and standard cultivation or nursery)
- Processing (including micro or standard processing)
- Sale for medical purposes
- Analytical testing
- Research

The Government of Newfoundland and Labrador passed the *Cannabis Control Act* and *Regulations* in October, 2018. The Province regulates cannabis sales and recreational use. Under the *Environment Assessment Act* the Province also requires that cannabis production facilities be registered for environmental

assessment and to conform to conditions identified as part of the environmental assessment review.

Municipalities, through their authority for land use planning under the *Urban and Rural Planning Act 2000*, are responsible for ensuring that cannabis production facilities and retail sales outlets are appropriately sited within communities. Across Canada, municipalities and provincial planning agencies (including the Province of Newfoundland and Labrador) have interpreted Cannabis Production Facilities to be industrial uses that should be located in Industrial land use zones, or, for large-scale growing facilities, in intensive agricultural land use zones. Health Canada and the Government of Newfoundland and Labrador, require that Cannabis Production Facilities, be located in appropriately zoned sites within communities.

CANNABIS PRODUCTION FACILITIES

Cannabis production facilities are highly regulated by Health Canada. To obtain a license to produce cannabis for medical and/or recreational use, a licensee must meet the following requirements:

1. Effective May 8, 2019, Health Canada requires new applicants for **cultivation, processing or sales for medical purposes licences** to have a fully built site that meets all the requirements of the *Cannabis Regulations* at the time of their application, as well as satisfying other application criteria.
2. Detailed information is required (names and qualifications) of persons owning and operating the facility, including security personnel.
3. Production facilities must have physical security around the perimeter of the property, and within the facility, including controlled access and 24/7 monitoring through use of surveillance cameras.
4. Production buildings must have highly controlled air quality control systems including equipment to prevent the release of odours from the building.
5. Systems to accurately monitor production, processing and shipment of cannabis product from the facility.
6. Strict protocols for handling and disposing of waste materials from growing and processing operations.

To date, the applicant for the proposed cannabis production facility has not provided specific details on how the site or building will be developed to house the operation. This information will be required by Health Canada for the federal license, by the Government of Newfoundland and Labrador for registration under the Environmental Assessment Act, and by the Municipality for consideration of the development's conformity with the Development Regulations.

In considering an application for a Cannabis Production Facility, the Municipality would require an applicant to have undergone and been released from provincial

environmental assessment, proof of a licence from Health Canada for the facility, and compliance with all applicable provincial and municipal regulations.

MUNICIPAL PLAN POLICY

In considering the change to designate the former OCI Plant property for industrial use, Council recognizes that the property has historically been an industrial site. Policy MD-3 of the Municipal Plan recognizes the economic importance of the fish plants in Port Union and Catalina as community assets and commits Council to investigating potential redevelopment/re-use opportunities.

Conversion of the building for cannabis production would result in major renovations to the building, and a general improvement to both the building and the site. The nature of activities associated with a cannabis production facility should be less intrusive to surrounding residential properties than previous marine industrial activities, including such things as the frequency and type of truck traffic to and from the facility.

At the time the Trinity Bay North Municipal Plan was prepared, cannabis production in Canada was illegal and therefore, such uses were not included or addressed in the Plan or Development Regulations. With the legalization of cannabis, Council considers the conversion of the former OCI plant to a cannabis production facility to be an appropriate use of the facility. Council proposes to designate the property as Industrial in the Municipal Plan. A corresponding amendment to the Development Regulations would rezone the property to a new Industrial use zone that would permit a Cannabis Production Facility, and include conditions that would apply to such a use.

PUBLIC CONSULTATION

An opportunity for broader public comment on the proposed amendment was provided by posting a notice in the Packet on December 4th, and in locations in the community and the Town's social media channels. Notices provided a two week window for comments. No inquiries or representations were received by the time of the advertised deadline of December 19th. In addition, the company held a public meeting to present their proposal for use of the site.

The Municipality also consulted with other agencies of government and the City of St. John's who have experience dealing with the development of Cannabis Production Facilities.

AMENDMENT No. 1, 2019

The Municipality of Trinity Bay North Municipal Plan shall be amended as follows:

1. By redesignating Civic No. 220 Discovery Trail (Route 230), currently designated Mixed Development on the Future Land Use Map, to a new Industrial land use designation. The land to be redesignated is shown on the attached map - Municipality of Trinity Bay North Future Land Use Map, Municipal Plan Amendment No. 1, 2019.
2. Adding Industrial to the legend of the Future Land Use Map.
3. Adding "Industrial" to Policy LU-1 Land Use Designations, Section 5, page 21 of the Plan.
4. Adding the following as Section 5.7 to Section 5.0 of the Municipal Plan:

5.7 Industrial

The Industrial Designation is applied to the site of the former OCI fish plant. The intent of this designation is to accommodate industrial uses at the site that would facilitate the redevelopment or re-use of the site to enhance it, and create employment within the community.

Objectives

- *To provide opportunities for marine industrial sites to be redeveloped or reused for a range of industrial uses.*
- *To increase local employment in the community by encouraging industrial land development.*

Policies

Policy IND-1 Uses Permitted

Within the Industrial land use designation, a variety of uses are permitted. These include uses associated with fish processing and other marine uses such as ship and marine equipment servicing, storage and repair, and marine transportation. Other non-marine industrial uses that are appropriate include general and light industry.

Policy IND-2 Cannabis Production Facility

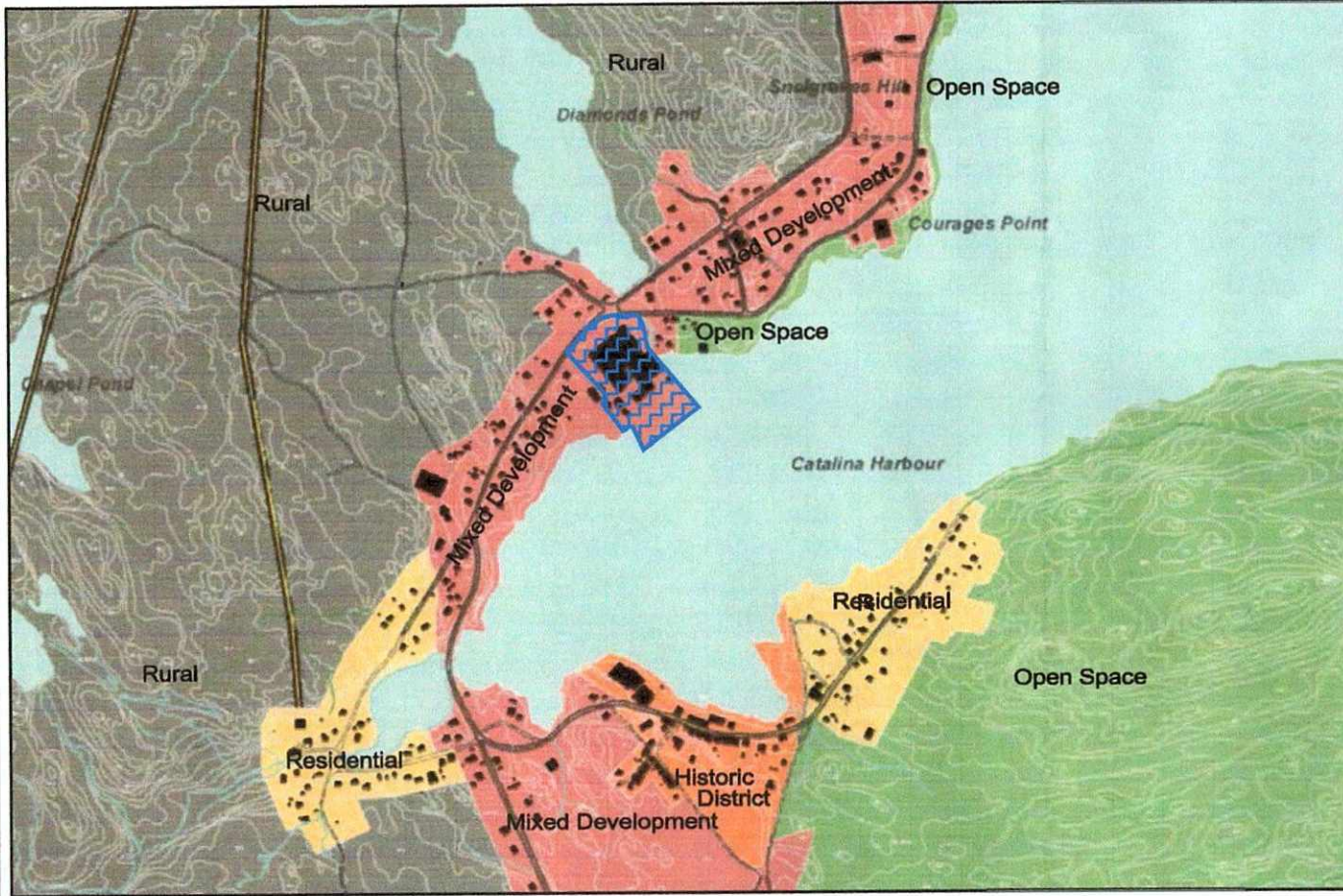
Cannabis Production Facilities shall be permitted in the Industrial land use designation, provided they meet all requirements for a license from Health Canada and are reviewed and released under the provincial Environmental Assessment Act and the requirements of the Municipality's Development Regulations.

Policy IND-2 Non-Industrial Uses

Non-industrial commercial uses may be considered where:

1. *Council determines the proposed use(s) will have a positive impact on the local economy in terms of job creation;*

2. *Council determines the proposed use(s) will improve the general appearance of buildings and the site;*
3. *Any environmental contamination is identified and remediated to ensure the site is safe for the proposed use(s).*



Dated: NOV7-2019

Municipality of Trinity Bay North
 Municipal Plan 2012-2022
 Future Land Use Map
 Amendment No.1, 2019



From: Mixed Development
 To: Industrial

Municipal Plan Amendment

REGISTERED

Number 5153-2020-002
 Date AUG 25 20, 2020
 Signature Mary D. Bishop

Dated at Trinity Bay North, Newfoundland and Labrador

This 24 day of July, 2020

Shelly Blakmore
 Shelly Blakmore, Mayor

Valerie Rogers
 Valerie Rogers, Town Clerk

I certify that this Municipal Plan Amendment No.1, 2019 has been prepared in accordance with the requirements of the Urban and Rural Planning Act, 2000.



Mary D. Bishop
 Mary D. Bishop, FCIP

**MUNICIPALITY OF TRINITY BAY NORTH
DEVELOPMENT REGULATIONS
AMENDMENT NO. 1, 2019**

**Cannabis Production Facility, Former OCI Plant,
Port Union
Mixed Development to Industrial**

**Prepared by:
Mary Bishop, FCIP
May, 2019**

**URBAN AND RURAL PLANNING ACT
RESOLUTION TO ADOPT
MUNICIPALITY OF TRINITY BAY NORTH
DEVELOPMENT REGULATIONS AMENDMENT NO. 1, 2019**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Council of the Municipality of Trinity Bay North adopts Development Regulations Amendment No. 1, 2019.

Adopted by the Council of the Municipality of Trinity Bay North on the 10th day of February, 2020.

Signed and sealed this 24 day of July, 2020.

Mayor: 
Shelly Blackmore

Clerk: 
Valerie Rogers



CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Development Regulations Amendment No. 1, 2019 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act 2000*.


Mary Bishop, FCIP



Development Regulations/Amendment	
REGISTERED	
Number	<u>5153-2020-002</u>
Date	<u>August 20, 2020</u>
Signature	<u>Mary Bishop</u>

**URBAN AND RURAL PLANNING ACT
RESOLUTION TO APPROVE
MUNICIPALITY OF TRINITY BAY NORTH
DEVELOPMENT REGULATIONS AMENDMENT NO. 1, 2019**

Under the authority of Sections 16, 17 and 18 of the *Urban and Rural Planning Act 2000*, the Council of the Municipality of Trinity Bay North

1. Adopted Development Regulations Amendment No. 1, 2019 on the 10th day of February, 2020.
2. Gave notice of the adoption of Development Regulations Amendment No. 1, 2019 by advertisement inserted on the 4th and 11th days of March, 2020 in the Packet.
3. Set the 19th day of March, 2020 at 7:00 p.m. at the Frank Power Chalet, Trinity Bay North for the holding of a public hearing to consider objections and submissions.

Now under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the Council of Municipality of Trinity Bay North approves Development Regulations Amendment No. 1, 2019 on the 14 day of July, 2020.

SIGNED AND SEALED this 24 day of July, 2020.

Mayor: 
Shelly Blackmore

Clerk: 
Valerie Rogers



MUNICIPALITY OF TRINITY BAY NORTH DEVELOPMENT REGULATIONS AMENDMENT NO. 1, 2019

BACKGROUND

This amendment to the Development Regulations is intended to comply with Municipal Plan Amendment No. 1, 2019.

The Municipality proposes to rezone Civic No. 220 Discovery Trail Highway (Route 230) from the Mixed Development land use zone to a new Industrial land use zone to allow development of a cannabis production facility.

PUBLIC CONSULTATION

The public consultation process for this amendment was the same as that for the Municipal Plan Amendment No. 1, 2019.

AMENDMENT

The Municipality of Trinity Bay North Development Regulations shall be amended as follows:

1. Adding a new Industrial land use zone (See Schedule A) as Section 8.11 - to the use zone tables in Section 8 of the Development Regulations.
2. Adding the following definitions to Section 2 of the Development Regulations:

CANNABIS means cannabis as defined in the Cannabis Act (Canada).

CANNABIS PRODUCTION FACILITY means a facility, comprised of one or more buildings or structures, used for the purpose of growing, producing, cultivating, testing, processing, researching, destroying, storing, packaging or shipping of cannabis by a federal government licensed commercial producer in accordance with federal legislation. This does not include the growing or processing of plants that are considered by federal legislation to be industrial hemp.

3. Adding Cannabis Production Facility as an example use to the General Industry use class table in Appendix C of the Development Regulations.
4. Rezoning Civic No. 220 Discovery Trail (Route 230) Road from the Mixed Development land use zone to the Industrial land use zone.

5. The lands to be rezoned are shown on the attached Map - Municipality of Trinity Bay North Development Regulations, Land Use Zoning Map Amendment No. 1, 2019.

8.11 Industrial Zone (Ind)

8.11.1 Permitted Uses

Cannabis Production Facility
Food and Beverage Processing
General Industry
Light Industry
Marine Industry
Marine Transportation
Public Works and Utilities
Telecommunications
Conservation

8.11.2 Discretionary Uses

Commercial
Craft Brewery
General Services
Office

8.11.3 Cannabis Production Facilities

1. The Municipality shall not approve an application for a Cannabis Production Facility without the appropriate Federal and Provincial licensing and authorizations.
2. An application for a Cannabis Production Facility Development Permit shall include the following:
 - a) a detailed description of the facility, including the proposed building/structures, types of production/cultivation, storage and parking that will take place at the site;
 - b) information on hours of operation and security measures;
 - c) existing or proposed servicing arrangements (water and sewer and stormwater management);
 - d) the anticipated facility traffic generation to the property including employee traffic;
 - e) plans for landscaping, signage, and exterior lighting;
 - f) mitigation measures to reduce impact of lighting, noise and odour on adjoining neighbours.

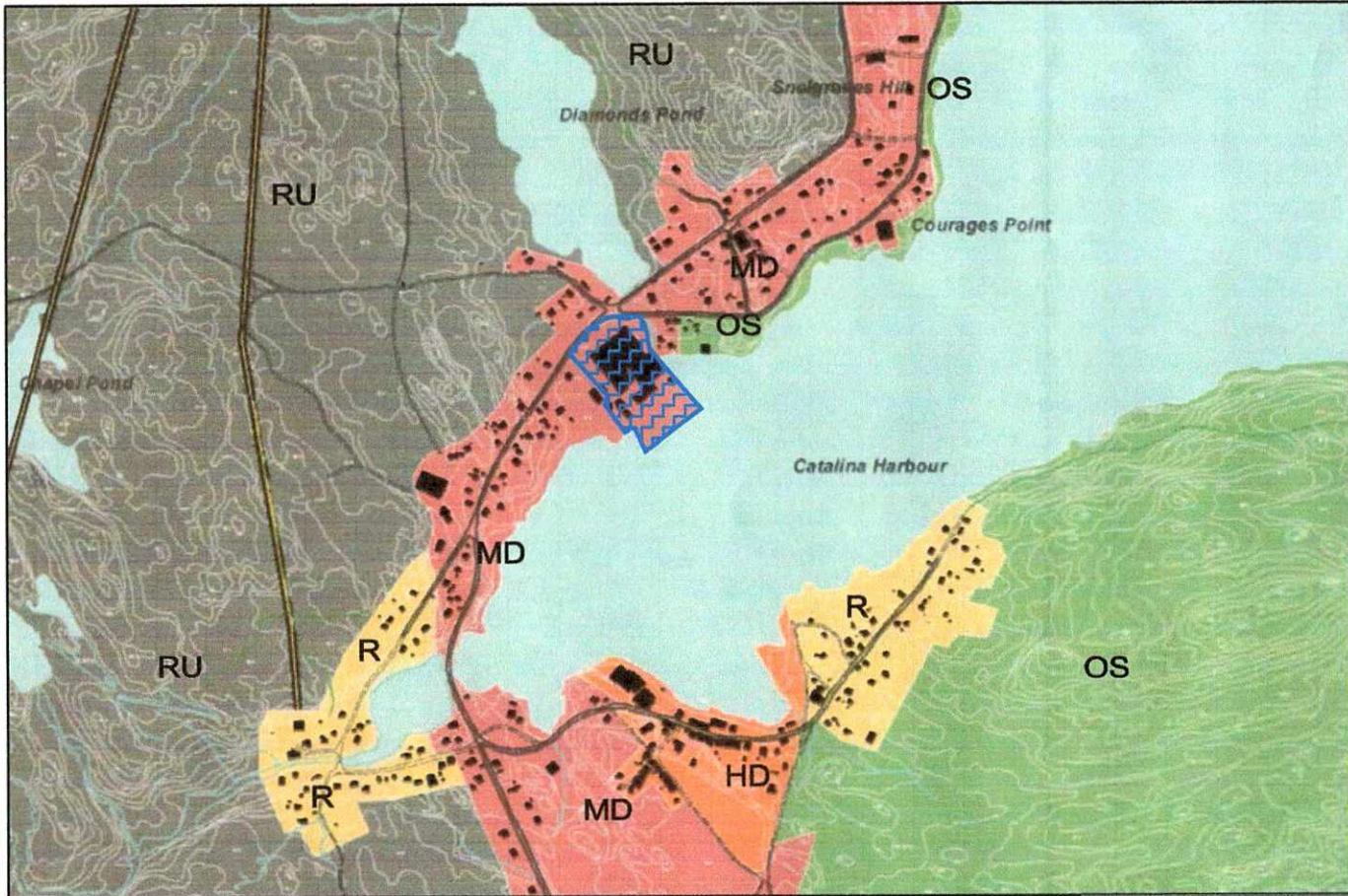
3. Any expansion beyond the approved Development Permit shall require a new Development Permit under the Cannabis Production Facility use requirements.
4. Cannabis Retail Sales shall not be permitted from an approved Cannabis Production Facility.

8.11.4 Screening

Council may require a screen or barrier such as a fence to be erected between a use permitted in this zone and adjoining residential uses to reduce impacts due to noise, light or traffic generated from an approved development.

8.11.5 Outdoor Storage

1. Outdoor storage shall not be permitted in front or flanking yards for any development.
2. Outdoor storage shall not be permitted in a commercial or industrial yard abutting a residential or public/institutional use.
3. Council may require fencing or other forms of screening to reduce the appearance of outdoor storage.



Municipality of Trinity Bay North
 Development Regulations 2012-2022
 Land Use Zoning Map
 Amendment No.1, 2019



From: Mixed Development (MD)
 To: Industrial (Ind)

Development Regulations/Amendment

REGISTERED

Number 5153-2020-002

Date August 20, 2020

Signature Mary D. Bishop

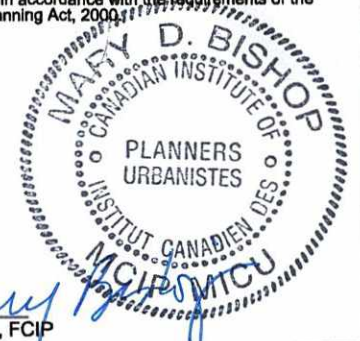
Dated at Trinity Bay North, Newfoundland and Labrador

This 24 day of July, 2020

Shelly Blackmore
 Shelly Blackmore, Mayor

Valerie Rogers
 Valerie Rogers, Town Clerk

I certify that this Development Regulations Amendment No.1, 2019 has been prepared in accordance with the requirements of the Urban and Rural Planning Act, 2000.



Mary D. Bishop
 Mary D. Bishop, FCIP