

April 6, 2021

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Health Canada
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Ottawa, Ontario
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RE: Cannabis (Marijuana) Production Facilities

Please be advised the above-noted matter was placed before Council at its meeting held on March 23, 2021 and the following resolution was passed:

- 1) That Council enact Cannabis Interim Control By-law 2021-023-ZO, for a period of 1-year, in order to undertake a Cannabis Cultivation and Production Regulatory Study to support the development of an appropriate regulatory municipal and planning process; and
- 2) That Council direct Staff to fund the Cannabis Regulatory Study in the amount of \$35,000, excluding HST, through the Ontario Cannabis Legalization Implementation Fund; and
- 3) That Council direct Staff to forward this report to Health Canada, all York Region MP's, Premier Doug Ford, Honourable Paul Calandra, MPP, Honourable Doug Downey, Attorney General of Ontario, the Alcohol and Gaming Commission of Ontario, the Regional Municipality of York, with the request that legislation be enacted to support local governments with regulation and enforcement of legal and illegal cannabis operators; and
- 4) That Council direct Staff to develop a standard internal procedure for cannabis related complaints; and
- 5) That Council direct Staff to distribute this report to AMO, FCM, all regions in Ontario, with a request to the Province of Ontario and the Federal Government to provide additional funding through the Ontario Cannabis Legalization Implementation fund for the development of local policies and legislation to enforce and to mitigate the negative impacts on residents caused by illegal cannabis cultivation facilities.

Please find attached a copy of Staff Report No. DS-008-21 regarding Cannabis (Marijuana) Production Facilities.



TOWN OF
WHITCHURCH-STOUFFVILLE

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If you have any questions, please contact Haiqing Xu, Director, Development Services at haiqing.xu@townofws.ca or 905-640-1910 x2431.

Yours truly,

Kristina Soolepp, Council Coordinator
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Attachments

cc. York Region MP's
Premier Doug Ford
Honourable Paul Calandra, MPP
Honourable Doug Downey, Attorney General of Ontario
Alcohol and Gaming Commission of Ontario
Regional Municipality of York
AMO
FCM
All regions in Ontario

Town of Whitchurch-Stouffville Council Report**Item 2**

Subject: Cannabis (Marijuana) Production Facilities**Staff Report No. DS-008-21****Department: Development Services****Date: March 23, 2021**

Recommendation:

- 1) That Council enact Cannabis Interim Control By-law 2021-023-ZO, for a period of 1-year, in order to undertake a Cannabis Cultivation and Production Regulatory Study to support the development of an appropriate regulatory municipal and planning process; and**
- 2) That Council direct Staff to fund the Cannabis Regulatory Study in the amount of \$35,000, excluding HST, through the Ontario Cannabis Legalization Implementation Fund; and**
- 3) That Council direct staff to forward this report to Health Canada, Premier Doug Ford, Honourable Paul Calandra, MPP, Honourable Doug Downey, Attorney General of Ontario, the Alcohol and Gaming Commission of Ontario, the Regional Municipality of York, with the request that legislation be enacted to support local governments with regulation and enforcement of legal and illegal cannabis operators; and**
- 4) That Council direct staff to develop a standard internal procedure for cannabis related complaints.**

1. Purpose:

The purpose of this report is to obtain Council direction on a process for regulating and enforcing cannabis (marijuana) production facilities, also referred to as cannabis production facilities in this report, within the Town of Whitchurch-Stouffville.

2. Executive Summary:

Following the legislative approvals by the Federal government to legalize recreational cannabis, the Town has faced an increase in the amount of interest to develop cannabis production facilities, along with complaints from the public regarding these facilities. Council has directed staff to report back with a task force strategy to address illegal cannabis grow operations. In this context, staff feel it is important to address cannabis from a regulatory and enforcement perspective. Staff have outlined the land use planning, regulatory and enforcement considerations in dealing with both legal and illegal cannabis production facilities, including a proposed framework for next steps.

3. Background:

In 2013, the Federal government released regulation regarding marihuana production known as the Marihuana for Medical Purposes Regulations (MMPR). Through a February 3, 2015 report to Council (Report #6), staff were given direction that Medical Marihuana Facilities only be permitted on lands designated Agricultural, Oak Ridges Moraine - Countryside Area and Oak Ridges Moraine - Linkage Area in the Town's Official Plan, subject to site-specific rezoning to permit the use and to establish the appropriate regulatory provisions. In the absence of other regulatory policies, staff have continued to advise interested individuals of this approach.

On October 17, 2018 Ontario passed Bill 36, the Cannabis Statute Law Amendment Act. This Act provides the legal structure for private cannabis retail in Ontario. The Act provides a licensing framework for the production, testing, packaging, labelling, delivery, transportation, sale, possession or disposal, importation and exportation of medical and recreational cannabis.

On November 20, 2018 staff brought forward a Council report outlining available details regarding both retail cannabis and public consumption and enforcement of recreational cannabis (see Report DS-059-18). After that date, more details were released pertaining to the regulations for the private sale of recreational cannabis. Staff provided a summary of the updated regulations in Report DS-061-18 on December 18, 2018. Following staff Report DS-021-19, Council made the decision to opt-in to allow private retail cannabis stores within the Town.

On October 20, 2020 Council directed staff to report back on the creation of a task force strategy to address illegal cannabis grow operations. The lack of a municipal framework

for both regulation and enforcement has created challenges in addressing cannabis related issues within the Town. Rather than create a task force, staff are recommending a hybrid approach, that will include a study in order to address the regulatory issues and the creation of internal procedures for addressing complaints. This will be completed with the help of a staff working group.

Over the last several years, Town staff have experienced an increased amount of inquiries as well as pre-consultations related to cannabis production facilities. Without a current comprehensive regulatory framework in place, staff have been applying the previous Council direction (Report #6, Amendments to Federal Medical Marihuana Access Regulations), as an interim solution in the consideration of cannabis production facilities within the Town. Due to an increase in interest related to cannabis production facilities, along with illegal production activities, it is now recommended that a clear direction and regulatory framework be established for the Town.

The Cannabis Act

The Federal government has updated the terminology related to cannabis. Previously, cannabis was referred to as “marihuana”. This changed after the release of the Access to Cannabis for Medical Purposes Regulations (ACMPR) in August 2016. This change of terminology has continued under the Cannabis Act, as the term “cannabis” is deemed to be more appropriate within a regulatory context over the term “marihuana”.

Cannabis is commonly used as a broad term to describe the products derived from the leaves, flowers and resins of the *Cannabis sativa* and *Cannabis indica* plants, or hybrids of the two. These products exist in various forms, such as dried leaves or oils. They are used for different purposes, including medical, non-medical, and industrial purposes. Under the Cannabis Act, cannabis is broadly defined and includes:

- Any part of the cannabis plant, other than mature stalks that do not contain leaves, flowers or seeds, the cannabis plant fibre, or the plant root.
- Any substance or mixture of substances that contains or has on it any part of a cannabis plant.
- Any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.

Marihuana (marijuana) is commonly used to refer to parts of a cannabis plant, such as the leaves or flowers. It not a defined term under the Cannabis Act. Under the Controlled Drugs and Substances Act, marihuana is referred to as a form of cannabis.

Under the Cannabis Act and regulations, cannabis may be produced in three ways:

- 1) By a licensed commercial producer for medical or recreational purposes;
- 2) By a registered or designated person for medical purposes; or,
- 3) By any adult for personal recreational use.

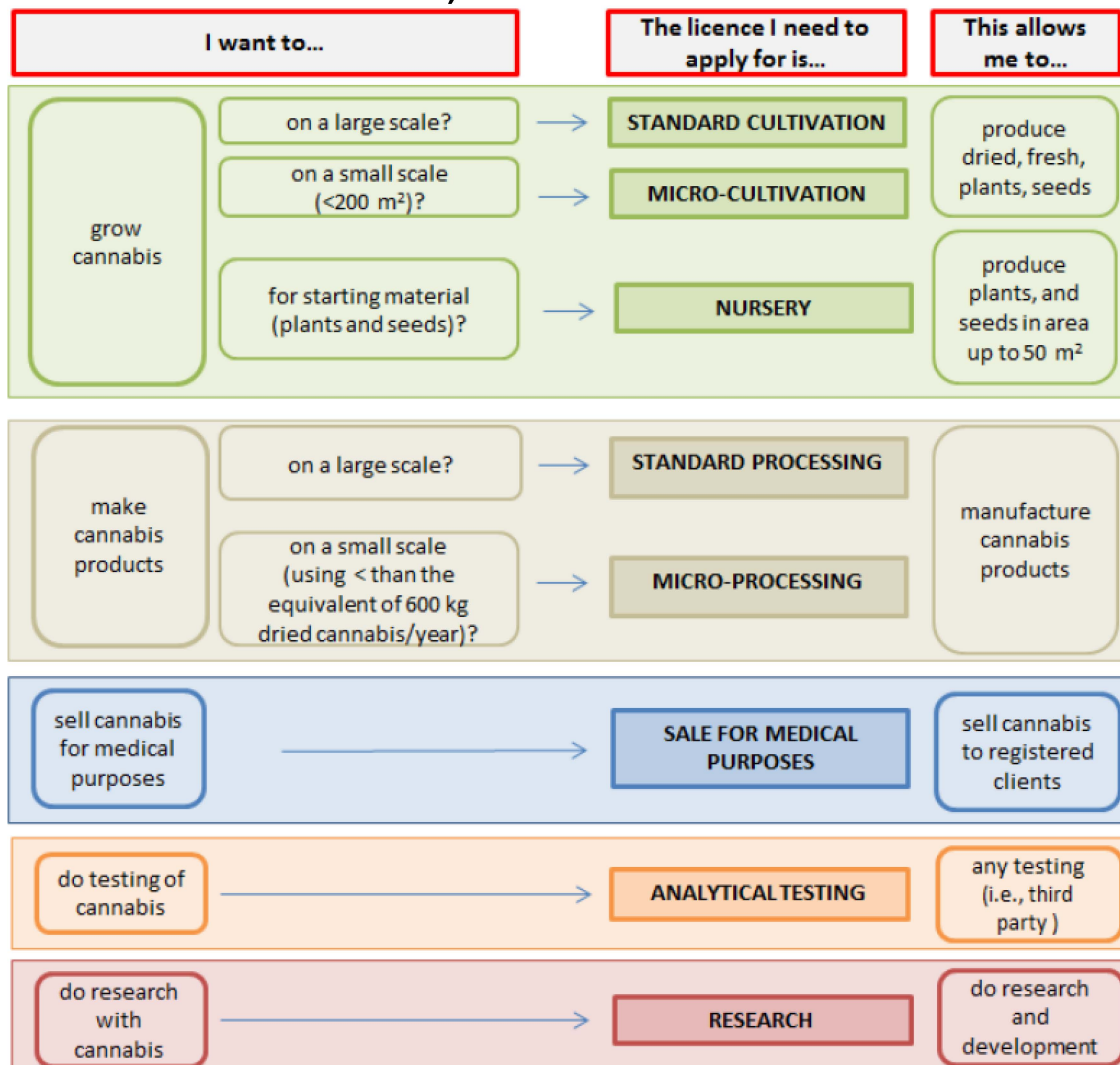
The Cannabis Act – License Classes

The Cannabis Act has established a series of license classes related to cannabis approvals, including:

- Cultivation;
- Processing;
- Analytical Testing;
- Sale (Medical Purposes);
- Research; and,
- Cannabis Drug.

As shown in Figure 1 below: Licenses under the Cannabis Act (Cannabis Licensing Application Guide – Government of Canada), there are a series of subclasses of licenses applicable to cannabis cultivation.

Figure 1: Licenses under the Cannabis Act (Cannabis Licensing Application Guide – Government of Canada)



Types of Cannabis Cultivation Licences (Indoors and Outdoors):

- **Micro-cultivation** permits:
 - production of dried and fresh cannabis, cannabis plants and cannabis plant seeds;
 - ancillary activities include drying, trimming and milling;
 - maximum cultivation area of 200m² (2,100 ft²) for a total of 400 plants.
- **Standard Cultivation** permits:
 - production of dried and fresh cannabis, cannabis plants, and cannabis plant seeds;
 - ancillary activities include drying, trimming and milling;
 - No maximum cultivation area. Facilities range in size from 2,000m² to 200,000m²:
 - Small: 2,000m² (21,000 ft.²) growing area with up to 4,000 plants
 - Medium: 20,000m² (210,000 ft²) growing area with up to 40,000 plants
 - Large: up to 200,000m² (2,100,000 ft²) with 400,000 plants.
- **Nursery** permits:
 - production of cannabis plants and plant seeds;
 - ancillary activities include drying;
 - Maximum permitted area for producing plants with the purpose of obtaining cannabis plant seeds is 50m².

Those approved under the cultivation license class, may conduct cannabis sales and distribute to other license holders and provincially authorized retailers.

Types of Cannabis Processing Licences (Indoors):

- **Micro-processing** – Permitted to process up to 600 kg of dried flower (or its equivalent) per year.
- **Standard Processing** – No maximum processing amount per year.

Those approved under the processing license class, may conduct cannabis sales and distribute to other license holders and provincially authorized retailers.

On a single site, applicants are permitted to receive a combination of license classes and subclasses, as described in Figure 2 below.

Figure 2: Combination of Licenses (Cannabis Licensing Application Guide – Government of Canada)

	Standard Cultivation	Micro-cultivation	Nursery	Standard Processing	Micro-processing	Sale ²	Analytical Testing	Research
Standard Cultivation				✓		✓	✓	✓
Micro-cultivation					✓	✓	✓	✓
Nursery						✓	✓	✓
Standard Processing	✓					✓	✓	✓
Micro-processing		✓				✓	✓	✓
Sale ²	✓	✓	✓	✓	✓		✓	✓
Analytical Testing	✓	✓	✓	✓	✓	✓		✓
Research	✓	✓	✓	✓	✓	✓	✓	

The Cannabis Act also permits individuals to grow up to 4 cannabis plants per residence either indoors or outdoors, regardless of the number of adults living in the residence. Individuals do not require a licence for cultivation of cannabis of a personal recreational nature. Since individuals are within their legal rights to grow 4 cannabis plants per residence, there is no regulation required for this purpose. Adults are only permitted to cultivate cannabis plants at the residence in which they ordinarily reside.

Licence Requirements

The Town does not have to fulfill any requirements for an applicant to receive a Federal license. As part of the requirement to obtain a license, Section 7(1) of the Cannabis Act requires that applicants provide written notice to the local government, local fire authority and the local police force before submitting an application to the Minister. As such, Town staff should be receiving a written notice from any applicant interested in a Federal license for cannabis.

To date, the Town has not received formal written notice from any interested applicant. In the experience of Staff, there have been several pre-meetings prior to any formal submission of pre-consultation applications, along with four formal pre-consultation applications. This is in addition to many inquiries related to cultivation, processing and packaging of cannabis in both the Town's agricultural and industrial areas.

Additionally, in accordance with the Cannabis Act, license holders are required to notify the municipality when a new license has been issued within 30 days of the issuance of the licence.

The Cannabis Control Act, 2017

Each province is responsible for the regulation of the purchase and sale of cannabis under its jurisdiction. In Ontario, there are two options to purchase recreational cannabis - either

from the online Ontario Cannabis Store or from privately-run dealers in a retail store that has been authorized. The privately-run authorized dealers are licensed by the Alcohol and Gaming Commission of Ontario (AGCO). As part of the AGCO process, the Town has opted-in to allow cannabis retail stores in the Municipality.

Local Municipalities

Local municipalities are responsible for the implementation and local planning and enforcement regulations related to cannabis production. As mentioned above, the Town currently does not have a comprehensive regulatory framework in place, apart from the 2015 Council direction. There is need at this time for further Council direction, along with policies and regulations that provide comprehensive guidance on the Town's position on cannabis production facilities. The [Municipal Guide to Cannabis Legalization](#) developed by the Federation of Canadian Municipalities (FCM), outlines possible municipal approaches in terms of policy options available through the Official Plan and regulatory options available through the Zoning By-law for commercial cannabis cultivation and processing. Below is a summary of some of the options available to local municipalities in regulating cannabis facilities from a planning perspective:

Official Plan Policy Options:

- Simply allow the activities to occur within the rubric of existing land use regulations, as agricultural or industrial activities in the case of production and industrial or manufacturing activities in the case of processing.
- Carve the activities out from existing permitted use categories, to be permitted only at locations specified in the regulations or under the authority of a special use permit.
- Carve the activities out from existing permitted use categories, with an exception for existing cannabis production operations that were established under the medical cannabis regime.
- Prohibit the activities entirely, as activities that the local government simply does not wish to permit within its jurisdiction, if the enabling legislation permits prohibition of uses.

Zoning By-law Regulatory Options:

- Make no regulatory change or amend existing regulations to make it clear that activities related to the commercial production or processing of cannabis are included in permitted or permissible use categories.
- Amend existing permitted or permissible use categories to exclude commercial cannabis production or processing activities, except at specific locations or under the authority of a special permit.
- As immediately above, but limit production to the scale that is appropriate to supply cannabis for medical uses.
- Add these activities to a list of prohibited uses or amend all permitted or permissible use categories that could conceivably include them, to specifically exclude the activities.

4. Analysis and Options:

This section provides an outline and analysis of the land use and enforcement considerations regarding cannabis production facilities in the context of the development of a regulatory framework for the Town. The considerations outlined in this section are based on the research conducted and approaches being taken by other local area municipalities. This may not be a comprehensive list and may not necessarily reflect the ultimate recommended approach. Attachment 1 to this report provides an overview of the different approaches being taken by other municipalities.

4.1 Land Use Planning Considerations

a) Cannabis as a Normal Farm Practice

In some cases, the opinion of owners/potential owners of cannabis facilities is that the growing of cannabis compares to a typical agricultural operation and thus should be protected under the Farming and Food Production Protection Act, 1998.

According to the Farming and Food Production Act, 1998, a normal farm practice is defined as a practice that,

- a) 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
- b) makes use of innovative technology in a manner consistent with proper advanced farm management practices;

This interpretation means that an individual who is growing cannabis cannot be liable for nuisance in an agricultural operation carried as a “normal farm practice”. In order to overcome any issue surrounding the enforcement of cannabis, municipalities have amended their Zoning By-laws with explicit definitions and regulations to clearly state the applicable standards for cannabis facilities. By explicitly defining and stating the applicable standards, municipalities have more power to enforce cannabis facilities and apply fines and penalties as required.

b) Cannabis Facility Regulation

In order to develop appropriate policies and regulations regarding cannabis production facilities regulation, there are a number of decisions that will be required regarding how cannabis can and should be cultivated within the municipality. For example, other municipalities have chosen to permit outdoor growing of cannabis or only permit cannabis in greenhouses or other indoor facilities. If the Town chooses to only permit cannabis growth in greenhouses or other indoor facilities, the facility will be required to provide proof of compliance with federal licensing and odour abatement.

Another consideration is where cannabis production facilities should be permitted. In some municipalities, cannabis has been permitted in industrial areas since greenhouse facilities take up large amounts of land and it is deemed to be incompatible within the agricultural designation.

As per Section 40 of the Cannabis Act, an authorized license holder must not conduct any activity that is authorized by the license in a dwelling. Accordingly, the Town is able to provide guidance on residential uses not being permitted through the regulation.

Section 41 of the Cannabis Act clarifies that only cannabis cultivation, propagation and harvesting may occur outdoors while testing, storage, packaging and labeling of cannabis cannot occur outdoors. These requirements can be accommodated through the Zoning By-law.

In matters of local regulation, it may be beneficial to the Town to distinguish between different forms of cannabis production facilities and associated regulations. This would also mean that the Town should consider creating land use regulations for cannabis production and cannabis processing as separate activities.

The production of cannabis for non-medical use at a commercial scale is an activity that has some similarities to certain agricultural uses carried out in greenhouses, usually but not necessarily in Agricultural zones. As a result, greenhouse agriculture is at times permitted in Business Park zones and Industrial zones. Since there are two main scales of cannabis cultivation – micro-cultivation and standard cultivation, it is up to the local municipality to decide whether the scales should be distinguished through the regulatory zoning process. The distinction may be made through the basis of the cultivation area or the product volume or weight.

Since cannabis cultivation is deemed to be an intensive form of agriculture, a typical cannabis production facility needs a supply of water for irrigation, electricity for lighting, and energy for heating. For any application, it is vital for the proper assessment of adequate utilities available to ensure appropriate land use management consideration. Thus, consideration for the capacity of the utility systems needed to support the permitted land uses is required when determining if cannabis cultivation and processing is permitted in Agricultural zones, Industrial zones, or any other zones.

Furthermore, the Town can also use the Zoning By-law to regulate outdoor storage, the landscaping of land or buildings, signage, and access and parking for cannabis cultivation production facilities.

c) Security & Safety

All cannabis cultivation facilities are required through the regulations to meet certain security requirements. Security considerations for each prospective site outlined in the *Cannabis Act* include:

- The site must be designed to prevent unauthorized access.
- The site boundary must be monitored by a visual recording device which is capable of recording any unauthorized access attempt. It should also be able to detect any attempt or actual unauthorized access to the site and any attempt or actual tampering with the system.
- Operation and storage areas must be surrounded by a physical barrier that prevents unauthorized access and the entry and exit point of the grow area must also be monitored at all times by a visual recording device.
- The license holder for micro-cultivation, micro-processing or nursery must ensure that the site and storage areas have a physical barrier to prevent unauthorized access and, is designed in a manner that prevents unauthorized access.

All cannabis production facilities require heightened security that is typically associated with high-value crops.

Additionally, it is important that the commercial-scale processing of cannabis be considered in the development of a regulatory framework. For example, the extraction of cannabis oil can involve the use of butane, which is explosive at ordinary temperatures. Commercial scale processing of cannabis may be considered in the development of the regulatory framework which may include but not be limited to appropriate zoning, planning and building criteria.

For this industrial-type activity, appropriate zones may be Industrial zones or in buildings with specific design and construction characteristics which would need to be regulated through the planning and building process of applications. Moreover, all appropriate fire safety regulations are required to be adhered to.

d) Lighting

Lighting is an important requirement to grow cannabis. At different stages of growth of the cannabis plant cycle, more or less lighting is required. As part of the cannabis production facility design, some facilities are designed to take advantage of the natural light through the installation of skylights with retractable blackout blinds while others solely use artificial light. Lighting may also be required externally for the exterior security of the cannabis production facility itself. In some municipal experiences, the lighting used for security has been seen as a nuisance, particularly when the facilities are located in rural and agricultural areas.

Through the development approvals process, options available to the Town that other municipalities have requested include the request for photometric plans and a review the building and site design to ensure that the proposed lighting is within the site and does not negatively impact neighbouring properties.

Additionally, applicants will need to ensure that there are adequate utilities available to support cannabis facilities.

e) Landscaping

Appropriate landscape requirements can create buffer and increase the visual aesthetic of cannabis production facilities. This may be included as a requirement of the development application approvals process. The requirement of landscaping may also help in reducing nuisance related complaints. Fencing may also be required as part of the landscaping to ensure the safety of a property. The requirement for a landscaping plan through the development approvals process can facilitate this component of a potential facility.

f) Water Requirements

Depending on the nature of the cannabis cultivation and facility design, cannabis production facilities may require significant amounts of water which is typically similar to other agricultural uses. For any operation taking 50,000 litres of water a day or more from surface or ground water services, a Permit to Take Water is required from the Ministry of Environment, Conservation and Parks (MOECP). As part of the process, all permit holders are required to collect and record the volumes of water taken daily and submit records annually to the Ministry.

As the MOECP classifies wastewater from greenhouses as sewage, an Environmental Compliance Approval (ECA) from the Ministry may also be required for wastewater and/or storm water discharge from greenhouses or agricultural buildings where cannabis crops are grown indoors. In cases where the wastewater is discharged directly into a sanitary sewer, exemptions are provided.

Due to the requirement of water, the Town may need to prohibit cannabis facilities in certain areas in the Zoning By-law.

In the experience of other municipalities, there have been concerns that excess water may be contaminated by means of unauthorized municipal water connections that risk back-flow into the municipal water services. Additionally, there is also concern of implications of septic with high employment at a facility.

g) Minimum Distance Separation

Another planning related consideration is the distance of cannabis facilities from other potential sensitive land uses. In such a case, the development of minimum

distance separation requirements for cannabis production facilities from uses identified as sensitive could be beneficial. Regulations can be imposed to restrict the location of cannabis cultivation and processing facilities from being established within a specific distance of schools, parks, daycares, community centres, recreational facilities, residential uses, estate residential areas, and other cannabis facilities.

In the Town's current Zoning By-law, uses of a sensitive nature can be found in all zones. A comprehensive review of the zones would be required to establish parameters for minimum distance of separation requirements.

In addition to implementing setbacks through the Zoning By-law, another approach that can be considered is to either locate cannabis production facilities in certain areas or distance cannabis facilities from one another by imposing minimum distances between each facility.

Through a review of other municipalities, most require a setback of 150 metres for cannabis production facilities near existing sensitive land uses or from specific zone in the Zoning By-law. In some cases, mainly dependent on appropriate air filtration systems in indoor cannabis facilities, some municipalities require a setback of 300 metres. Setback requirements also differ based on whether indoor or outdoor cultivation is permitted.

In order to implement setback regulations, a mapping exercise would need to be undertaken to determine if there is an appropriate amount of land parcels available after the implementation of the zoning regulations and setbacks.

4.2 Enforcement and Regulation Considerations

In addition to the regulatory context that can be dealt with through the planning process, the enforcement context is also a required consideration. Despite the fact that cannabis is regulated by the federal and provincial levels of government, local municipalities and local law enforcement are essentially responsible at the implementation level. However, there are limitations to that enforcement which is causing gaps in dealing with illegal cannabis operations.

a) Building Code & Enforcement

Municipal enforcement roles are required for inspection and compliance with provincial building codes and Municipal By-laws. This also includes disputes over nuisance issues. As a result, considerations for what will be enforced and how that work aligns with municipal partners to ensure appropriate levels of support is an important consideration.

Illegal cannabis production often results in building code compliance issues as it is common to see shoddy construction, overloaded or bypassed electrical wiring, private security measures that block required fire exits, unauthorized municipal water connections that risk back-flow into municipal water services and, persistent mould and air quality issues that endure even after cannabis production has ended.

Should the Town implement further regulation as a result of the recommended study, there may be an opportunity for the Town to recover investigation and enforcement costs from the building owners as outlined in the By-law.

Although one of the goals of legalizing non-medical cannabis is to undermine unlawful production, illegal facilities continue to persist. The Town continues to be required to inspect illegal cannabis production facilities operating without Federal permits or operating at a scale that exceeds the Federal authorization.

In conducting inspections, the Town is required to protect the safety of inspectors and act within the authority given to inspect and enforce By-laws without allowing the inspection to become an unlawful search and seizure for the purposes of enforcing Federal laws. If the Town is able to ensure that the work aligns with municipal partners, staff may coordinate such inspections with police and provincial health inspectors. Involving the police will ensure the safety of Town inspectors.

Staff have had discussion with key Town departments (Fire, Building, and By-law) and the Town's external partner (YRP) regarding cannabis production facilities. When required, Town staff, along with York Regional Police are able to follow-up on complaints that have been made through the correct channels. Ultimately, depending on the complaint, Health Canada also has the ability to enforce and if needed issue a withdrawal of the cannabis license approval.

In the current context, any complaint received requires coordination between key Town departments – the Building Department, By-law Enforcement, Fire & Emergency Services, and York Regional Police (YRP). In cases where a cannabis facility is determined to be a legal operation, Town staff are able to inspect the site as required. In the case that the cannabis facility is determined to be an illegal operation, Town staff coordinate with YRP and rely on the YRP's expertise and resources in order to investigate the site accordingly.

Generally, Town staff have limited enforcement powers. In the event of a complaint, By-law Officers are able to conduct an exterior inspection, however, By-law Officers require the permission or consent of the property owner to enter any dwelling/structure. Building Inspectors on the other hand require a complaint that specifically raises structural safety concerns to trigger a response and inspection. In the case of Fire, staff require a complaint specific to health and safety which would then trigger an inspection.

As the Town's mechanism of enforcement is limited, staff rely heavily on the resources and support of YRP to ensure that all complaints are resolved appropriately. Once YRP staff have visited the site in question, Town staff are then able to follow-up and do work as required on the site.

b) Nuisance

In many municipal cases, a public nuisance and/or odour By-law has been used to provide the Municipality with powers to regulate and enforce cannabis production. In general, the goal of such a by-law is to ensure the deterrence of any public nuisance that inadequately regulated growing of cannabis otherwise would create. Such By-laws use the powers granted through Section 128 & 129 of the *Municipal Act, 2001* as an authority for the regulation of cannabis facilities. As such, the Municipality has the authority to address:

- Unregulated odour;
- Potential criminal activity by the growers;
- Potential trespassing to steal cannabis; or,
- Adverse impacts on agriculture and the environment from growers without a stake in the community who employ harmful growing practices, such as excessive fertilizer usage and unmanaged storm water run off.

A Nuisance By-law is a tool that can be used as specific regulation in relation to cannabis cultivation and processing businesses for the prevention of nuisance by requiring the annual maintenance and documentation of odour control equipment.

Nuisance By-laws can apply to both legal and illegal cannabis cultivation facilities. This allows for the regulation of the nuisance regardless of the legal status or whether federal licenses have been issued.

c) Odour

Cannabis production facilities need to adhere to all requirements to diminish the impacts of odour emissions as odour issues rank high in terms of nuisance related complaints received by local municipalities. Typically, cannabis production facilities can result in an increase of odour/nuisance complaints. Complaints around odour are very difficult to regulate and remediate.

Since cannabis related odours are hard to quantify objectively in terms of strength or character, setting regulatory standards is challenging. Odour is also particularly difficult to control as it is subjective person to person. Typically, the cannabis plant is known to produce odour once the plant begins to flower. The odour is most noticeable during the harvest period of the plant.

The usefulness of odour testing labs for regulatory purposes is questionable and testing may be onerous and expensive. Even if and when the quantification of odour can be satisfactorily addressed, the source of an odour can be challenging to prove to the standard needed in court. Thus, it is preferred to have proactive approaches to cannabis-related odour and nuisance abatement. For example, odour impact assessments and control plans can be included in the requirements for the required development approvals of cannabis facilities in circumstances where these are authorized and warranted.

Further basic locational criteria, zoning setbacks, landscaping, buffer and other similar requirements may be considered for certain types of facilities that are anticipated to cause odour and other nuisances.

In addition, through the development approvals process, the Town has the opportunity to require the submission of an odour management plan in order to demonstrate that the odours will not be noticeable in sensitive areas.

For indoor cannabis cultivation odour, it is most appropriate that cannabis production facilities are required to implement Town approved odour controls determined through an odour management plan. Typically, cannabis cultivation production facilities utilize industrial grade carbon air filtration systems or H13 high efficiency particulate air (HEPA) filters to reduce and/or treat the emission of pollen particulate and odours from the facility before it is released into the environment. If indoor cannabis production facilities are equipped with an appropriately designed and installed air filtration system, there is a potential for odours found outside of the building to be reduced.

For outdoor cannabis cultivation odour, greater setbacks for sensitive land uses can be considered if outdoor cannabis cultivation is permitted. Setbacks may help in reducing the amount of odour to neighbouring properties.

4.3 Staff Safety

Through conversation with key Town departments, staff have found that the main concern for all departments, is staff safety and security. Upon receiving a cannabis related complaint, the priority in all cases is to first ensure staff safety and security for complaints on both legal and illegal cannabis facilities. Town staff have identified that moving forward, staff require training and resources to ensure the safety of individuals completing inspections.

4.4 Financial Considerations

There is concern about economic implications of cannabis facilities on municipalities. In some municipalities, there are cases where residential owners are paying more in taxes than producers of cannabis. This is because agriculture does not have a high tax base compared to residential. There is concern that residents may move out of an area when cannabis operations move in.

Furthermore, there is concern about additional cost to municipalities when producers don't pay their 'share' of taxes. This is because cannabis facilities typically experience low agriculture tax rates, high use of infrastructure but no development charges and, other exemptions to cannabis producers.

Additionally, the Town may want to consider an alternative avenue to gain revenue from cannabis production and processing facilities. To date, there is no precedence of this from other municipalities. If the Town does choose to pursue this revenue mechanism, it will be a made-in Stouffville option unique to the Town.

4.5 Assistance from Upper Levels of Government Required

Other municipalities have raised similar concerns regarding cannabis cultivation and processing, as have been outlined in this report. The Municipality of Tweed passed a resolution dated August 25, 2020 (Attachment #2). The resolution is directed at the need of support from the Federal and Provincial level regarding clarification, regulation, and enforcement of cannabis at the municipal level. Staff are in support of this resolution and agree that further clarification on cannabis is needed from Health Canada. Staff agree that better engagement is needed from the Alcohol and Gaming Commission of Ontario and that the Federal and Provincial Government should provide support and resources to municipalities for cannabis enforcement. Staff also request that Federal and Provincial Governments provide local area municipalities with enforcement support for legal and illegal cannabis operations.

4.6 Next Steps & Recommended Options

Interim Control By-law

As outlined above, there are many considerations that need to go into the regulation and enforcement of cannabis. The Town is currently lacking a comprehensive approach in this matter and requires both land use planning regulations and clear enforcement direction. In order to provide a proper comprehensive review of all of the land use matters, staff are recommending that Council enact an Interim Control By-law on cannabis cultivation and production facilities within the Town.

During a scan of municipal approaches to cannabis production facilities, a common Council direction has been the passing of a 1-year Interim Control By-law and if required,

extending the Interim Control By-law to 2-years. This has provided staff with the ability to conduct a comprehensive land use planning study and develop an appropriate approach for zoning of cannabis production facilities.

There is a considerable amount of work required to assess the land use planning considerations as mentioned in this report. An Interim Control By-law will ensure that staff can undertake a more comprehensive assessment of cannabis cultivation and processing within the context of the Town. This temporary pause on planning applications for cannabis cultivation and production facilities in the Town will allow staff to carry out a study to develop the regulatory framework for cannabis in the Town.

Staff recognize that the Interim Control By-law will only capture cannabis operators that are approaching the Town through the legal regulatory process. The Interim Control By-law will be unable to capture any illegal cannabis facility operators in the Town. However, the Interim Control By-law can be enforced at the building permit level for any applicants seeking building permits for cannabis production facilities. In order to complete a comprehensive study on the regulatory framework for cannabis in the Town, staff request that Council follows the approach of other local area municipalities and directs staff to immediately implement the Interim Control By-law. The implementation of such By-law will provide staff with the opportunity to formulate tools of enforcement for both legal and illegal cannabis operators through the study.

Cannabis Cultivation and Production Regulatory Study

Staff recommend that a Cannabis Cultivation and Production Regulatory Study be undertaken to address the land use planning considerations outlined in this report. The scope of the work can include a review and update of the Nuisance By-law or determine if it is appropriate to have a separate cannabis-specific Nuisance By-law, draft Official Plan, Zoning By-law and Site Plan Control By-law amendments. A mapping exercise will also be undertaken to determine the availability of parcels following the regulatory constraints placed by the Town.

In addition to the above components, the Town would require the completion of a background report to review and analyze the policy implications related to cannabis cultivation and processing.

Other items to address will include defining sensitive land uses in the Town as it relates to cannabis. Through this process, the Town will be able to consider areas to permit the use subject to setbacks and other requirements and, areas to prohibit the use.

Consideration for the creation of a Cannabis By-law for a Town-wide cannabis governing approach would also be undertaken as part of the scope of the project. Subject to further scoping, the purpose of this By-law would be to provide Town Enforcement Officers and Inspectors with the ability to enter cannabis cultivation and processing facilities without a warrant after receiving complaints and to check for compliance on regulatory matters.

Additionally, the study may also be able to examine possible financial opportunities from having cannabis production processing facilities in the Town. This will require working with Finance staff to build a viable, made-in-Stouffville option to capture such opportunities. Such mechanisms may include requiring additional fees or securities in the Site Plan Agreement in order support the Town with cost recovery and support Town staff with costs associated with training and equipment.

There are two options to consider in undertaking such a study at this time:

Option A: Retain a Consultant

To achieve the next steps, staff recommend Council consider retaining a consultant to undertake a potential study for cannabis cultivation and processing. Retaining a consultant will especially be helpful in completing the required technical work while analyzing where to permit cannabis cultivation and processing in the Town.

Retaining a consultant will enable Planning staff to create a comprehensive process to address new and innovative approaches to cannabis within the Town. As recreational cannabis cultivation and processing has only recently gained Federal approvals, similar to other local Municipalities, Town staff have found that there is no precedence for the Town to follow. The Region has allowed local Municipalities to decide their own approach and the Federal and Provincial level governments have only produced guiding material. As such, any approach taken will be a built-in-Stouffville approach and retaining a consultant will provide staff with the opportunity to explore innovative solutions for the Town. A consultant may also support the Town by working alongside staff to create an approach that best fits the Town to common nuisance concerns due to cannabis and determine appropriate economic considerations for the Town.

Option B: Town to Lead Project

Alternatively, the Town may use staff resources to conduct a comprehensive study and complete the required components to address cannabis cultivation and processing facilities in the Town. From a resource perspective, this is not the preferred approach as it will result in a much longer project timeframe in comparison to retaining a consultant. Town staff also do not have all of the necessary technical knowledge in-house to undertake such an exercise. Additionally, as there have now been other similar studies undertaken by other municipalities, there are consultants who may have very specific subject matter expertise that would prove to be beneficial to the Town.

Internal Processes and Procedures

Establish Working Group

In order to promote cross-departmental and cross-agency collaboration, staff recommend the establishment of a Cannabis Working Group. The Working Group will include key Town departments – Building, By-law, Fire, and Planning, and the Town's external partners YRP, TRCA, LSRCA and others as identified. The Working Group will be a

means for Town staff to identify resources and share information and updates on cannabis related activity.

Establish Internal Complaint Process

Through discussion with Fire, Building, and By-law departments, Staff have recognized that the Town should consider an internal process of developing a standard procedure for cannabis related complaints. Under the direction of Council, Staff can work with customer service and other front-line customer service support departments to ensure that all cannabis related complaints are directed internally to the Fire department and externally to YRP. Once any cannabis related complaints are directed to the correct channels, staff will be able to follow-up to complaints and respond accordingly.

5. Financial Implications:

It is estimated that the cost to undertake a Study with the expertise of a consultant will be in the order of \$35,000. Staff recommend that this be funded through the Ontario Cannabis Legalization Fund. The Town of Whitchurch-Stouffville has received funds through this program that was established to help Ontario municipalities with the implementation costs of recreational cannabis legalization.

The direction from the Ontario Cannabis Legalization Fund, states that Municipalities are required to fall within the guidelines of the examples of permitted costs to be permitted to use the Fund. Since the staff are proposing By-law and policy development in order to regulate cannabis facilities in the Town, staff would be permitted to use the funds as it falls within the examples of permitted costs. As mentioned previously, the funds will be used to retain a consultant who would support the Town in completing technical work required for the study.

As outlined in this report, the Study will require the consultant to have extensive subject matter and technical knowledge and experience related to cannabis and a regulatory framework. A scope of work may include:

- A comprehensive mapping of all the land parcels in the Town to determine the availability of lands with the regulatory context in place,
- Determining the appropriate setbacks or minimum distance of separation between sensitive uses in the Town,
- Determining if the Town should consider both outdoor and indoor cannabis or apply restrictions to limit the production to just one,
- Creation of zoning regulations and performance standards
- Consideration of standards to reduce nuisance caused by odour,
- Development of policies and tools to support Town staff in enforcement of legal and illegal cannabis facilities, and
- Determination of the resources and support Town staff require to enforce legal and illegal cannabis cultivation and production in the Town.

As per the guidelines which outline the permitted use of the funds from the Ontario Cannabis Legalization Fund, the Town would be able to carry out the proposed work program as it directly relates to By-law and policy development.

6. Alignment with Strategic Plan:

1. Expanding the tax base through a growing, diversified economy
Building and maintaining a tax base that supports the highest quality program and service delivery.
 - Update the Economic Development strategy and continue to attract businesses to locate in WS
 - Identify expansion areas for Industrial / Commercial growth

7. Attachments:

1. Review of Municipal Approaches to Cannabis
2. Municipality of Tweed Cannabis Resolution

8. Related Reports:

- December 18, 2018 – DS-061-18 – Cannabis
- November 20, 2018 – DS-059-18 – Cannabis
- February 3, 2015 – Report #6 – Amendments to Federal Medical Marijuana Access Regulations (D26)

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For further information on this report, please contact the Department Head: Haiqing Xu, Director, Development Services at 905-640-1910 or 1-855-642-8697 ext. 2431 or via email at haiqing.xu@townofws.ca.

Review of Municipal Approaches to Cannabis

Municipality	Permitted Areas	Use	Comments
Town of Pelham	Agriculture General Industrial	Cannabis-related Use – Indoor Industrial Hemp-related Use - Indoor	<ul style="list-style-type: none"> • OPA/ZBA completed • Interim Control By-law from (October 2018 – July 2020) • Defined ‘cannabis-related use – indoor’, ‘cannabis-related use – outdoor’, industrial hemp-related use – indoor’, ‘industrial hemp-related use – outdoor’, ‘sensitive land use’ • Setback (outdoor) from a sensitive land use - 300 m (984 ft) • Indoor cannabis cultivation permitted • 1 parking space per 100 m² (1076.39 ft²) of gross floor area • Minimum lot area for micro-processing and micro-cultivation is 3 ha • Minimum lot area for standard processing and standard cultivation is 10 ha • Maximum lot coverage in an Agricultural zone is 30% • No storage area permitted within 30 m of a street or the lot line of an adjacent lot with a residential use • Odour By-law

Municipality	Permitted Areas	Use	Comments
Town of Halton Hills	Agriculture	Cannabis Cultivation – Outdoor	<ul style="list-style-type: none"> OPA/ZBA completed Interim Control By-law (1-year) Defined ‘cannabis analytical testing facility’, ‘cannabis cultivation – indoor’, ‘cannabis cultivation – outdoor’, ‘cannabis drug production facility’, ‘cannabis processing facility’, ‘cannabis research facility’ Setback (outdoor cultivation) from lot lines minimum 50 m Minimum setback to sensitive land uses is 150 m Minimum parking space requirement (net floor area) <ul style="list-style-type: none"> 1/30 m² for the first 1,000m², 1/100 m² for the floor area between 1,000 and 5,000m² plus 1/200m² in excess of 5,000m² Site Plan Control requirement Outdoor cultivation, storage or processing is not permitted Indoor cannabis cultivation permitted
	Protected Countryside		
	Urban Employment	Cannabis Analytical Testing Facilities	
	Rural Employment	Cannabis Cultivation -Indoor, Cannabis Cannabis Drug Production Facilities Cannabis Processing Facilities Cannabis Research Facilities	

Municipality	Permitted Areas	Use	Comments
Norfolk County	General Industrial Light Industrial Rural Industrial Agricultural	Cannabis Production and Processing	<ul style="list-style-type: none"> • ZBA completed • Defined 'cannabis', 'cannabis production and processing', 'air treatment control system' • 'Medical Marihuana Production Facility' is replaced with 'Cannabis Production and Processing' • Amended the definition of farm, gardening centre, and wholesale outlet to specifically exclude a cannabis production and processing use • Cannabis Production Processing building in the Industrial zone containing an air treatment control system cannot be closer than; <ul style="list-style-type: none"> • 70 m to any Residential, Institutional, or Open Space zone • 150 m to any dwelling, public school, private school, place of worship, or day care nursery • Cannabis Production Processing building in the Agricultural zone containing an air treatment control system cannot be closer than; <ul style="list-style-type: none"> • 70 m to any Residential, Institutional, or Open Space zone • 150 m to any dwelling, public school, private school, place of worship, or day care nursery • Cannabis Production Processing building that does not contain an air treatment control system located in a Agricultural or Industrial zone cannot be located closer than 300 m to any dwelling, public school, private school, place of worship, or day care nursery • Outdoor storage is prohibited • Site Plan Control required • Security building or structure does not need to comply with minimum setbacks and may be located in the front yard

Municipality	Permitted Areas	Use	Comments
Town of Bradford West Gwillimbury	Agriculture Marsh Agriculture Rural Natural Heritage System Two	Agricultural Use	<ul style="list-style-type: none"> • Interim Control By-law (2-years, currently in place) to prevent cannabis micro-cultivation operations on lands zoned Agricultural, Marsh Agricultural, Rural, Natural Heritage System Two • All cannabis growing facilities that require a Health Canada license are subject to Site Plan Control • Prepared Draft Nuisance By-law • Preparing Draft ZBA to permit cannabis cultivation facilities in Agricultural and Rural zones and prohibit cannabis cultivation facilities in the Marsh Agricultural, Rural, Natural Heritage System One and, Natural Heritage System Two zones • Proposed in Draft ZBA: <ul style="list-style-type: none"> • Minimum 150 metre setback from sensitive land uses (school, day care, playground, sporting venue, park, recreational area, residence, place of worship, community centre or any other place where people regularly gather or sleep • Minimum 150 metre setback from Settlement Area Boundary • Enclosed security fence having a minimum height of 1.8metre • Hooped style, free-standing greenhouses or other temporary style structures that are not adequately constructed as to prevent unwanted emissions, would not be permitted. • Minimum lot area 2 ha for Agricultural Cannabis Micro-Cultivation Facility

Municipality	Permitted Areas	Use	Comments
Town of Georgina	Restricted Industrial General Industrial Rural Business Park 3	Designated Cannabis Production Facility Licensed Cannabis Production Facility	<ul style="list-style-type: none"> • Prepared Draft ZBA • Interim Control By-law (1-year) • Defined 'air treatment control', 'cannabis production facility, designated', 'cannabis production facility, licensed', 'gatehouse', 'registered person' • Deleted 'Marihuana Production Facility', 'Research and Development Facility' • Parking requirement <ul style="list-style-type: none"> • Cannabis production facility licensed <ul style="list-style-type: none"> ▪ 2 spaces, plus 2 spaces per 95m² of non-residential floor area • Cannabis production facility, designated <ul style="list-style-type: none"> ▪ 2 spaces, plus 1 space per 95m² of non-residential floor area • Outdoor cultivation is prohibited • Designated or licensed cannabis production facility which contains air treatment control, minimum setback 150 m from Residential, Estate Residential, Institutional, Transitional, Rural zones • Designated or licensed cannabis production facility that does not contain air treatment control, minimum setback 300 m from Residential, Estate Residential, Institutional, Transitional, Rural zones • Designated or licensed cannabis production facility, minimum setback of 300 m from private or public school • Open storage prohibited in Rural zone

Municipality	Permitted Areas	Use	Comments
Township of King	Rural General	Agricultural Cannabis Production Facility Medical Cannabis Production Site	<ul style="list-style-type: none"> Defined 'industrial cannabis production facility', 'agricultural cannabis production facility', 'medical cannabis production site', 'sensitive and use', 'air treatment control' Minimum lot area for Rural General is 10 ha Agricultural cannabis production facility or medical cannabis production site that is equipped with air treatment control has a setback of minimum of 150 m from a sensitive land use or any residential zone, institutional zone or open space zone A medical cannabis production site that is not equipped with air treatment control has a setback of 300 m from sensitive land use or any residential zone, institutional zone or open space zone
	General Industrial Employment General	Industrial Cannabis Production Facility Medical Cannabis Production Site	<ul style="list-style-type: none"> Outdoor storage is prohibited Outdoor signage and advertising is prohibited Site Plan Control required Parking Requirement – Industrial Cannabis Production Facilities and Medical Cannabis Production Site <ul style="list-style-type: none"> 1.0 spaces for every 37 m² of gross floor area up to 3000m², plus 1.0 for each additional 100m² of gross floor area up to 6000m², and 1.0 spaces for each 200m² over 6000m² Parking Requirement – Agricultural Cannabis Production Facility <ul style="list-style-type: none"> 1.0 spaces for every 37 m² of gross floor area

Municipality	Permitted Areas	Use	Comments
Town of Milton	Employment General Industrial Extractive Industrial Business Park Agricultural Rural	Cannabis Production and Processing Facility	<ul style="list-style-type: none"> • Defined 'cannabis production and processing facility' • Deleted 'medical marijuana production facility' • Minimum setback when located in an general industrial, extractive industrial or business park zone <ul style="list-style-type: none"> • Residential, institutional or open space zone 70 m • Residential or institutional use 70 m • Minimum setback when located in an agricultural or rural zone <ul style="list-style-type: none"> • Residential, institutional or open space zone 150 m • Residential use on a separate lot or an institutional use 150 m • Outdoor storage prohibited • Site Plan Control required • Update to Property and Standards By-law • Applicants required to submit: <ul style="list-style-type: none"> • Odour and Dust Impact Assessment • Light Impact Assessment • Transportation Impact Study • Hydrogeological Studies • Agricultural Impact Assessment

Municipality	Permitted Areas	Use	Comments
Town of Lincoln	Agricultural		<ul style="list-style-type: none"> • Defined 'cannabis production facility' • Interim Control By-law (1.5-year) • Site Plan Control required • Prohibited in a residential zone • Prohibited on any lot containing a dwelling • Minimum setback of 150 m required to any residential or institutional zone, parks, open space zone, any residential lot in an agriculture zone (i.e. a residential lot with a lot area of 4.0 ha or less), day nursery, school, community centre, place of entertainment, place of assembly, place of worship, long term care home, retirement home or cultural facility • Parking requirement is 1 parking space per 100m² of gross floor area • Outdoor storage prohibited • Minimum separation distance between cannabis production facilities is 1000m when located in an agricultural zone • Minimum lot area must be greater than 6.0 ha • No other use permitted on a lot with a cannabis production facility or within the building other than the growing of accessory agricultural crops • Minimum setback for all structures associated with a cannabis production facility is 30 m from all property lines • Building or structure used for security purposes can be located in the front yard and does not have to comply with the required minimum from yard setback • Loading spaces must be in a wholly enclosed building

Municipality	Permitted Areas	Use	Comments
Township of Brock	Restricted Industrial General Industrial Rural Industrial	Cannabis Production and Processing	<ul style="list-style-type: none"> • Interim Control By-law (2-years, extended March 2020) • Defined 'air treatment control', 'cannabis', 'cannabis production and processing', 'cannabis micro-cultivation', 'sensitive land use' • Site Plan Control required • Open storage prohibited under the cannabis production and processing use • Building or structure used for security purposes for cannabis production and processing does not need to comply with the required minimum front yard, side yard, and rear yard setbacks. • Setback of 300m from sensitive use for cannabis production and processing use not equipped with air treatment control located in rural, rural buffer, restricted industrial, general industrial, and rural industrial • Setback of 150m from sensitive use for cannabis production and processing use equipped with air treatment control located in restricted industrial, general industrial, rural industrial • Setback of 150m from residential, community facility, recreation, and open space zone for cannabis production and processing in rural and rural buffer • Setback of 70m from residential, community facility, recreation, and open space zone for cannabis production and processing in restricted industrial, general industrial and rural industrial
	Rural Rural Buffer	Cannabis Micro-Cultivation	

Municipality	Permitted Areas	Use	Comments
Municipality of Tweed	Rural Industrial	Cannabis Production Facility	<ul style="list-style-type: none"> • Defined 'cannabis production facility' • Cannabis production facility must be in a fully enclosed facility • Outdoor storage not permitted • Loading spaces must be in a fully enclosed facility • Security fencing must be installed around the facility • No use shall produce odour, glare, or noise that creates a nuisance • Setback of 70 m from residential, commercial, and community facility zone • Setback of 70 m from public school, private school, place of worship, and day nursery • On private water supply, the owner is required to confirm sufficient water for daily usage and adequate fire suppression. • On a private septic system or other on-site disposal system, the owner is required to confirm that the discharge from the facility can be safely treated in a private septic system alternative

Municipality	Permitted Areas	Use	Comments
City of Hamilton (Draft By-law)	Industrial Rural Agricultural	Cannabis Growing and Harvesting Facility	<ul style="list-style-type: none"> Defined 'agricultural processing establishment – stand alone', 'agriculture', 'cannabis growing and harvesting facility' Deleted 'medical marihuana growing and harvesting facility' References to 'medical marihuana' deleted and replaced with 'cannabis' Minimum setback of 150 m from a lot line of residential, institutional, commercial and mixed use zone Minimum setback of 150 m from residential dwelling, building used for farm labour residence, mobile home, educational establishment, residential care facility, place of worship, day care, park in a rural classification zone Outdoor storage prohibited

Municipality	Permitted Areas	Use	Comments
Town of Caledon (Draft By-law)	Prestige Industrial Serviced Industrial	Cannabis Production Facility	<ul style="list-style-type: none"> Defined 'cannabis', 'cannabis production facility' Deleted 'cannabis', 'marihuana', 'medical marihuana production facility' Setback of 150 m from <ul style="list-style-type: none"> Residential or institutional zone Villages, hamlets, palgrave estate residential community Lots containing school, day nursery, community centre or training facility aimed primarily at children less than 16 years of age No open storage Loading spaces in the rear and enclosed within the building Site Plan Control required

Municipality	Permitted Areas	Use	Comments
Township of Cramahe	General Industrial Agricultural Rural Oak Ridges Moraine Countryside	Cannabis Production and Processing	<ul style="list-style-type: none"> • Interim Control By-law (extended 2-years) • Defined 'air treatment control', 'cannabis', 'cannabis production and processing' • Setback of 150 m of facility equipped with air treatment control from residential, community facility, open space and sensitive land uses • Setback of 300 m of facility not equipped with air treatment control from residential, community facility, open space and sensitive land uses • Setback of 300 m of agricultural, rural, and oak ridges moraine countryside cultivating cannabis from residential, community facility, open space and sensitive land use • Building or structure for security of the facility may be located in the front yard and does not have to comply with the required minimum front yard, side yard, and rear yard setbacks • Open storage prohibited • Site Plan Control required

Municipality of Tweed Council Meeting



Resolution No.

343.

Title:

County of Hastings and County of Lennox & Addington

Date:

Tuesday, August 25, 2020

Moved by

J. Flieler

Seconded by

J. Palmateer

WHEREAS the Government of Canada passed the *Cannabis Act S.C. 2018, c. 16* legislation legalizing properties to grow a maximum of 4 plants without a licence; and

WHEREAS Health Canada issues licences for medicinal cannabis production that are specific to set properties without municipal consultation and regardless of land use zoning by-laws; and

WHEREAS pharmaceutical companies and industries are required to follow strict regulations and governing legislation to produce medicinal products including *Narcotic Control Regulations C.R.C., c. 1041* and *Controlled Drugs and Substances Act (Police Enforcement) Regulations SOR/9-234*; and

WHEREAS Municipalities are authorized under the *Planning Act, R.S.O. 1990, C. P 13* to pass a comprehensive zoning by-law that is in compliance with the appropriate County Official Plan which must be in compliance with the Provincial Policy Statement, Under *The Planning Act, 2020*; and

WHEREAS the Provincial Policy Statement, Official Plan and Zoning By-Law in effect for each area is designed to secure the long-term safety and best use of the land, water and other natural resources found in that area's natural landscape; and

WHEREAS the Municipality of Tweed has passed *Comprehensive Zoning By-Law 2012-30* and further amended it by the *Cannabis Production By-Law 2018-42*, limiting cannabis production facilities to rural industrial zoned lands with required setbacks from residential zoned properties; and

WHEREAS the Municipality of Tweed has not been consulted by Health Canada prior to the issuance of licences for properties not in compliance with the Municipal zoning by-laws for a cannabis production facility; and

WHEREAS the Province needs to amend legislation to establish a new Provincial Offence Act fine regime that creates an offence(s) when unlicensed cannabis operations break planning and environmental regulations, ignore Building Code requirements and build without a permit at a fine of at least \$100,000 per offence;

NOW THEREFORE BE IT RESOLVED THAT the Municipality of Tweed requests that immediate action be taken by all levels of government for medical cannabis licencing to follow similar regulations and guidelines as all other pharmaceutical industries;

AND FURTHER, that the Association of Municipalities of Ontario advocate with the Federation of Canadian Municipalities for advocacy to the Government of Canada for similar regulations and guidelines for medical cannabis licencing in alignment with other pharmaceutical industries;

AND FURTHER, that the distribution of medical cannabis be controlled through pharmacies in consistency of all other medications;

AND FURTHER, that Health Canada withhold licencing until the potential licence holder can provide evidence of acceptable zoning of the intended property in question;

AND FURTHER, that licenced locations be disclosed in advance to the municipalities hosting the licenced locations; and

AND FURTHER, that this resolution be circulated to the Prime Minister of Canada, Health Canada, the Premier of the Province of Ontario, the Minister of Municipal Affairs and Housing, the Ontario Provincial Police, the Association of Municipalities of Ontario, and all upper, lower and single tier municipalities within the Province of Ontario.

Carried

Defeated by a Tie

Defeated

Mayor

