



Regulating Cannabis in the Township of Cavan Monaghan

September 20, 2021

Background

- Report presented to Council on December 21, 2020
- Council requested that two additional options be added for consideration:
 - 1) Status quo or in other words 'do nothing' approach; and
 - 2) An approach that is as permissive as possible with minimal or no regulation.
- Council requested that the report material be prepared in a more streamlined fashion to more easily compare options and the implications of each.



Purpose

- The Addendum Memo:
 - Identifies best practices for managing the impacts of indoor and outdoor cultivation of cannabis; and,
 - Presents options and makes recommendations as to how cannabis may be regulated in the Township of Cavan Monaghan.



Purpose

This Addendum provides recommendations for commercially licenced cannabis operations. This report does not address cultivation of cannabis for personal use or designated growers.



Growing Cannabis

Licensed cannabis operations grow cannabis in 3 primary ways:

- As outdoor field crops (can be in hoopouses);
- In greenhouses; and
- In warehouse-type buildings in mostly industrial areas



Impacts

- Odour
- Light pollution has also been an issue due to the 24-hour growing operation.
- Noise
- Water and wastewater – high water needs
- Traffic



Purple light from a large cannabis greenhouse in Leamington.

Mitigation of Impacts

- Odour – setbacks and separation distances
- Security – fencing, internal loading spaces, location of security huts/buildings
- Lighting Facilities – directed downward
- Outdoor Storage – prohibit outdoor storage of any materials associated with the cannabis use

Other Considerations

- Accessory retail sales
- Parking Standards
- Studies that may be required as part of a complete application
- Compatibility Study

Land Use Compatibility: Establishing Separation Distances

It is challenging to pre-determine an appropriate separation distance given the following factors:

- Type of building
- The size and scale of the proposed facility
- The proximity and number of sensitive uses in the area including the potential for additional sensitive uses on vacant lots that are zoned to permit a sensitive use
- The location of the proposed facility in relation to prevailing winds and the impact of topography on the dispersion of odour
- The nature of the adverse effects that exist at the time in relation to existing indoor cannabis cultivation facilities

Provincial Land Use Compatibility Guidelines

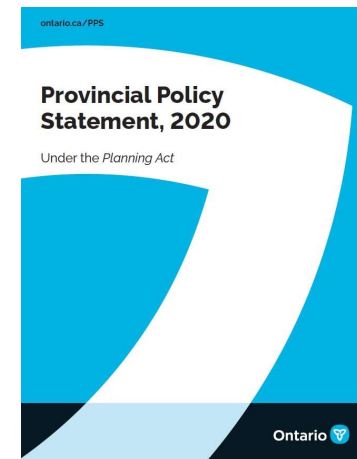
- Update of Draft Land Use Compatibility Guidelines
- Indoor cannabis production and processing facilities that are in a settlement area, on lands zoned for industrial uses, are now characterized as an industrial use by the Province
- Provincial standard for minimum separation distance requirements between indoor cannabis production and processing facilities in a settlement area and sensitive land uses – 500 metres

Provincial Land Use Compatibility Guidelines

Major Facility	Description of Facility	Area Of Influence & Facility Class	Minimum Separation Distance
Cannabis Production and Processing Facilities	Indoor cannabis production facilities that are located in a settlement area on land that are zoned for industrial uses; and all cannabis processing facilities	2000 metres Class 5	500 metres

Excerpted from Draft Land Use Compatibility Guideline (page 23)

- Land Use Compatibility Guideline is triggered by Section 1.2.6 of the Provincial Policy Statement
- Province characterizes the outdoor cultivation of cannabis as an agricultural use and thus is not subject to the Draft Land Use Compatibility Guideline



Option A

Only Permit Indoor Cannabis Production Subject To A Zoning By-Law Amendment

Official Plan - Permit cannabis production in the following Official Plan designations:

- Urban Employment Area (indoor cannabis production only)
- Rural Employment Area (indoor cannabis production only)
- Agricultural Area;
- Rural Area; and,
- Applicable ORM designations.

Zoning - Indoor cannabis production facilities will only be permitted by amendment to the Zoning By-law. Outdoor cannabis production will be permitted as-of-right in the Agricultural and Rural Zones as well as the applicable ORM Zones subject to a minimum 300 metre separation distance from sensitive land uses.

Meridian is supportive of Option A



Option A

Only Permit Indoor Cannabis Production Subject To A Zoning By-Law Amendment

Implications- The Zoning By-law amendment process offers the most comprehensive approach to ensure that all matters related to a proposed cannabis operation are considered and addressed. It affords the Township the opportunity to consider any proposed cannabis operations on a case-by-case basis and allows the municipality to specify the studies and mitigative measures required for each specific scenario. This equally provides an opportunity for the public in the surrounding area to be notified of any applications and provide comments.

Municipal Actions - An Official Plan Amendment and Zoning By-law Amendment are required to implement Option A .



Option B – Status Quo

Continue To Permit Indoor Cannabis Production In The Millbrook Urban Employment Area As-Of-Right

- Official Plan -** Permit indoor cannabis production in the Urban Employment Area designation as-of-right.
- Zoning -** Permit a cannabis production facility in the Urban Employment (M1) Zone as-of-right subject to the requirements of Section 11.7 of the Zoning By-law. Outdoor cannabis production will be permitted as-of-right in the Agricultural and Rural Zones as well as the applicable ORM Zones subject to a minimum 300 metre separation distance from sensitive land uses.

Meridian does not support Option B



Option B – Status Quo

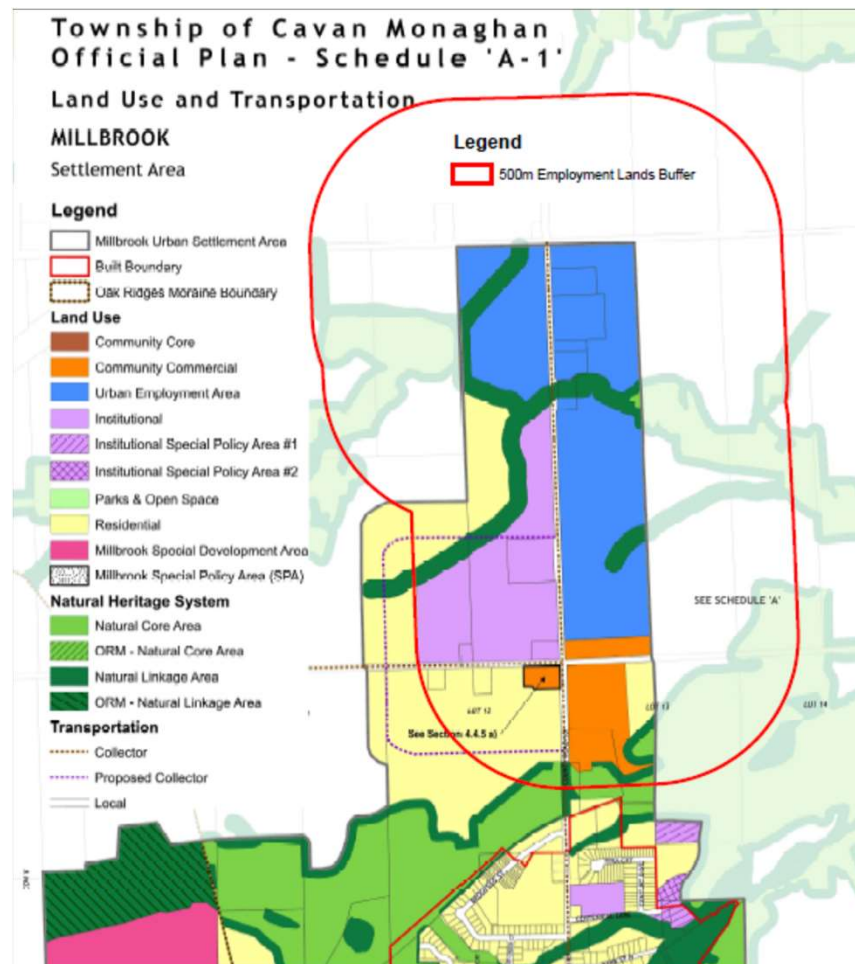
Continue To Permit Indoor Cannabis Production In The Millbrook Urban Employment Area As-Of-Right

Implications- The requirement for a 500 metre minimum separation distance for cannabis uses in the Millbrook employment area significantly impacts the feasibility of Option B. The 500 metre minimum separation distance encompasses a large portion of the lands already designated for future residential and institutional uses north of Brookside Street as shown on the Schedule A-1.

Municipal Actions - An Official Plan Amendment and Zoning By-law Amendment is required to implement Option B. A 'cannabis production facility' not expressly permitted within the Urban Employment Area designation of the Township Official Plan. A Zoning By-law amendment will still be required to implement the requirements of the Draft Provincial Land Use Compatibility Guideline.

Option B – Status Quo

Schedule A-1



Option C

Permit Indoor Cannabis Production In Urban And Rural Employment Areas As-Of-Right

- Official Plan -** Permit indoor cannabis production in the Urban Employment Area and Rural Employment Area land use designations of the Official Plan
- Zoning -** A cannabis production facility is already permitted as-of-right in the Urban Employment (M1) Zone. Option C would apply this same as-of-right permission to the Rural Employment (M2) Zone subject to the requirements of Section 11.7 of the Zoning By-law. Outdoor cannabis production would be permitted as-of-right in the Agricultural and Rural Zones as well as the applicable ORM Zones.

Meridian does not support Option C



Option C

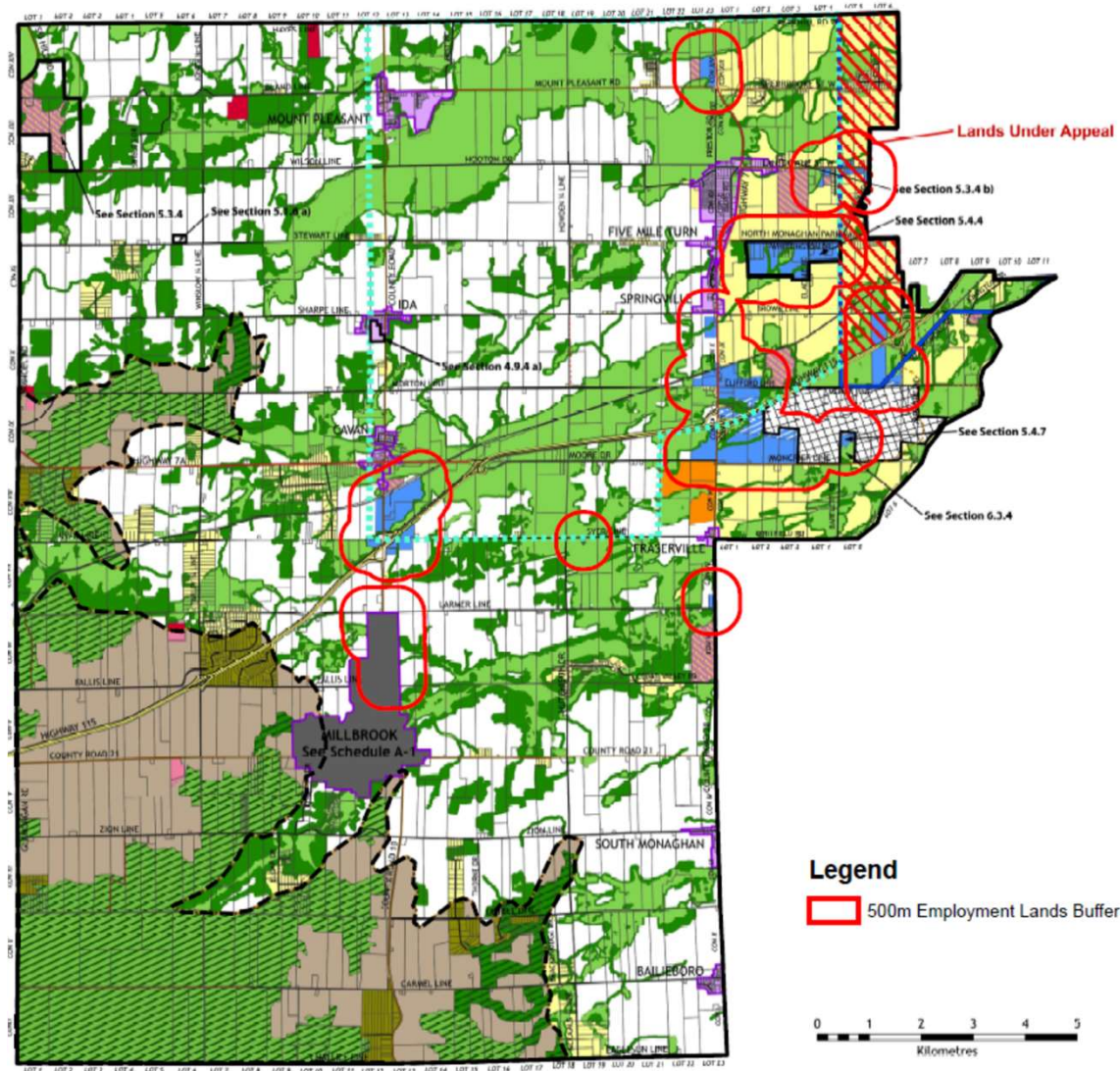
Permit Indoor Cannabis Production In Urban And Rural Employment Areas As-Of-Right

Implications- The requirement for a 500 metre minimum separation distance applied to the rural employment areas significantly impacts the feasibility of Option C. The characteristics of the surrounding land uses are such that it is not feasible to permit indoor cannabis production in the rural employment area as-of-right. Consideration must be given to suitability of the property, servicing requirements, access, parcel size and vacancy, and surrounding land uses. Schedule A illustrates the 500 metre minimum separation distance around each of the Township's Rural Employment Areas.

Municipal Actions - An Official Plan Amendment and a Zoning By-law Amendment would be required to implement Option C.

Option C

Schedule A



Option D

Maximally Permissive – Little Or No Regulation

Council has asked that consideration be given to a maximally permissive scenario with little to no regulation. This would involve expressly permitting cannabis production wherever agricultural uses are permitted and in the Urban and Rural Employment Zones. No unique setbacks for this use would be established beyond those required by the Province.

In order to somewhat mitigate the potential impacts of this land use, site plan control could be required wherever a building permit was needed.

Meridian does not support Option D



Recommendations

Meridian recommends Option A for the following reasons:

- Ensures that the municipality is involved in the planning for cannabis facilities and provides the municipality with the appropriate legislative planning tools to assess a broad range of impacts and secure mitigative measures;
- Provides the most comprehensive approach to ensure that all matters related to a proposed cannabis production facility are considered on an individual case-by-case basis;
- Focuses on land use compatibility between uses in the community as well as environmental and servicing considerations; and
- Represents good planning.

Regardless of the Option chosen, a municipally initiated Official Plan Amendment and Zoning By-law Amendment are required to modify the existing policy framework and to bring the Township's planning documents into conformity with Provincial policy directives.



Discussion

