

**Statutory Public Meeting  
Proposed Official Plan Amendment  
and Zoning By-law Amendment  
Regulating Cannabis in the  
Township of Cavan Monaghan**

**December 20 2021**



# Introduction

- Over the past year, the Township of Cavan Monaghan has undertaken a study to investigate how cannabis production can be best regulated in the Township.
- The purpose of this study is to provide recommendations for commercially licensed cannabis operations. This study does not address cultivation of cannabis for personal use or cannabis grown for medicinal use as prescribed by a physician.



# Planning Process To Date

- Report: “Regulating Cannabis in the Township of Cavan Monaghan” dated December 14, 2020 as presented to Council on December 21, 2020
- Subsequent addendum (September 2021) to the December 2020 Report to consider additional options and provide additional details to the original options considered
- Public Open House on October 18, 2021 to present the findings of the Addendum and to provide a final set of recommendations
- Statutory Public Meeting on December 20, 2021 to present the draft planning documents and to obtain public feedback on those documents



# Legislative Context

## Federal Cannabis Act, 2018

- The federal government is responsible for administering Canada's cannabis production licensing process. Under the Cannabis Act (2018), a license must be obtained from Health Canada to cultivate, process, package, or conduct research and development relating to legal cannabis, cannabis products or industrial hemp.
- The Federal Act provides that the federal and Provincial governments will share responsibility for the oversight of cannabis operations.

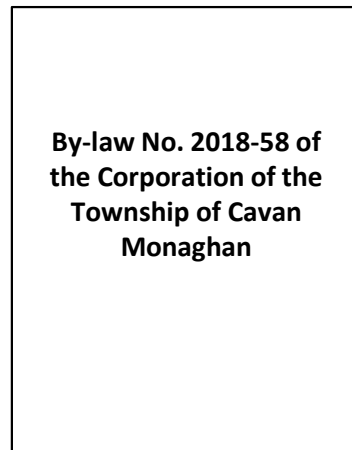
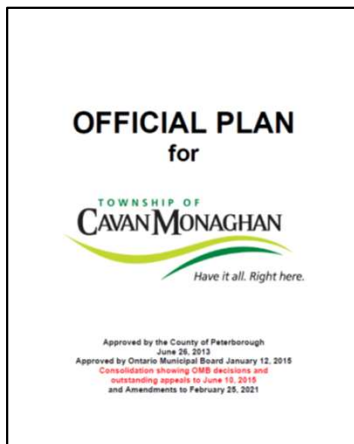
# Legislative Context continued

Federal	Provincial	Municipal
<ul style="list-style-type: none"> <li>Health Canada is responsible for issuing licenses for the production of cannabis (cultivation and processing)</li> <li>Establishes the division of authority between the federal government and the Province</li> </ul>	<ul style="list-style-type: none"> <li>Authorize the distribution and retail sale of cannabis</li> <li>Recognizes outdoor cultivation of cannabis as an agricultural operation subject to the policies of the Provincial Policy Statement and normal farm practices</li> </ul>	<ul style="list-style-type: none"> <li>Cannabis producers must meet municipal regulations respecting land uses as defined in a municipal Zoning By-Law</li> <li>License holder must provide written notice to local authorities within 30 days of:               <ul style="list-style-type: none"> <li>- issuance of a licence</li> <li>- amendment of a licence</li> <li>- reinstatement of a licence</li> <li>- suspension or revocation of a licence</li> </ul> </li> </ul>

# Legislative Context continued

## Township of Cavan Monaghan

- Currently, the Township Official Plan does not contain any policies to provide regulatory guidance for establishing cannabis facilities in the Township.
- The Township's Comprehensive Zoning By-law 2018-58 as amended, provides some zoning regulations for cannabis facilities (Section 11.7). A 'cannabis production facility' is currently permitted in the Urban Employment (M1) Zone (Millbrook Employment Area).



# Municipal Tools

- Official Plan, Zoning By-law, Site Plan Control can be relied upon the put in place policies and regulatory requirements at the municipal level to mitigate the impacts of cannabis production. All 3 of these municipal tools work together to effectively guide and regulate the use of land within the Township.
- It is now Council's direction to update the Township's planning documents (Official Plan, Zoning By-law and Site Plan Control By-law) to address the siting of cannabis facilities in a more comprehensive way.

# Official Plan Amendment

The Official Plan Amendment will incorporate new policies in the Official Plan to regulate Cannabis Production Facilities and Outdoor Cannabis Cultivation. This includes:

- Definitions for Cannabis Production Facility and Outdoor Cannabis Cultivation;
- Specify in what Official Plan designations such uses will be permitted; and,
- Provide use-specific policies to direct how such uses may be established.





# Official Plan - Definitions

- ***“Cannabis Production Facility:*** any building or structure used for cultivation, producing, packaging, testing, processing, destroying, storing or distribution of *cannabis* authorized by a licence issued by Health Canada pursuant to the *Cannabis Regulations* SOR/2018-144, to the *Cannabis Act*, SC 2018, c 16, the *Controlled Drugs and Substances Act*, SC 1996, c 19 and the *Food and Drugs Act*, RSC 1985, c F-27, as amended from time to time, or any successors thereto. *Cannabis* processing is permitted only as an agriculture-related use to the primary cultivation function of a *Cannabis Production Facility*. ”
- ***“Outdoor Cannabis Cultivation:*** the growing of *cannabis* as an outdoor crop as authorized by a licence issued by Health Canada pursuant to the *Cannabis Regulations* SOR/2018-144, to the *Cannabis Act*, SC 2018, c 16, the *Controlled Drugs and Substances Act*, SC 1996, c 19 and the *Food and Drugs Act*, RSC 1985, c F-27, as amended from time to time, or any successors thereto.”

# Official Plan - Permissions

Official Plan Land Use Designation	Cannabis Production Facility (1)	Outdoor Cannabis Cultivation (2)
Urban Employment Area (Millbrook)	•	
Rural Employment Area	•	
Agricultural Areas	•	•
Oak Ridges Moraine Prime Agricultural Area	•	•
Rural Areas	•	•
Oak Ridges Moraine Rural Area	•	•

(1) Only permitted subject to a Zoning By-law Amendment

(2) Only permitted subject to a 300 metre minimum separation distance from surrounding sensitive land uses.

# Official Plan - Setbacks

## Setbacks

- Cannabis Production Facilities and Outdoor Cannabis Cultivation shall maintain a minimum 300 metre minimum separation distance from surrounding sensitive land uses.
- Outdoor cannabis cultivation must be setback a minimum of 50 metres from the lot line of the lot on which the cannabis crop is located.

# Official Plan - Policies

## Development Criteria

- Mitigation of adverse effects including noise, odour, dust, and light
- No outdoor storage permitted
- Only permitted in new, purpose-built buildings
- Subject to site plan control
- Identified criteria to be considered prior to municipal approval including environmental impacts, servicing, waste management, parking, and traffic
- Identified set of minimum required studies which must accompany a Zoning By-law Amendment application or Site Plan application
- Cannabis processing as an Agriculture-Related Use only



# Zoning By-law Amendment

The Zoning By-law Amendment will amend the existing regulations for Cannabis Production Facilities and provide new regulations for Outdoor Cannabis Cultivation. This includes:

- Adding a number of new definitions to the Zoning By-law;
- Deleting the existing as-of-right permission for a Cannabis Production Facility in the Urban Employment Zone;
- Adding as-of-right permissions for Outdoor Cannabis Cultivation to the Agricultural and Rural Zones; and,
- Provide use-specific regulations to direct how such uses may be established.



# Zoning By-law Amendment

## Permitted Uses

- A Cannabis Production Facility is only permitted subject to a Zoning By-law Amendment. Current as-of-right permission for a Cannabis Production Facility will be deleted from the Zoning By-law. Any existing uses will be recognized as a legal non-conforming use.
- Outdoor Cannabis Cultivation will be added as an as-of-right permitted use in the following zones:
  - Agricultural (A) Zone;
  - Rural (RU) Zone; and,
  - Oak Ridges Moraine Countryside (ORMCO) Zone.

# Zoning By-law Amendment

## Use Specific Regulations

Section 11.7 will be deleted in its entirety and replaced with a new set of regulations including:

- Only the uses of a single licence holder permitted on any single lot
- Other than cultivation, all other cannabis uses may only occur in a wholly enclosed building
- Only permitted in new, purpose-built buildings
- Lot and setback requirements
- No outdoor storage
- Minimum parking and loading requirements
- Not permitted on a lot with a bed and breakfast establishment, agri-tourism use, home business or home industry
- No accessory sale of cannabis or related products
- Subject to Site Plan Control



# Site Plan Control By-law

- Site Plan Control By-law applies to all lands in the Township
- Required to amend the Site Plan Control By-law to ensure consistency with the zoning
- Amended Site Plan Control By-law specifies that any buildings or structures associated with a cannabis operation are not exempt from Site Plan Control



# Next Steps

1. The Township will receive comments on the draft Official Plan Amendment and Draft Zoning By-law Amendment through this and a subsequent Statutory Public Meeting in January of 2022. Any comments can be forwarded to Township Staff.
2. Council adoption of the final Official Plan Amendment, Zoning By-law Amendment and Site Plan Control By-law.
3. The Official Plan Amendment, once adopted by Council will be forwarded to the County of Peterborough for approval.



# Comments?

Please forward any comments that you may have to:

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# Discussion

