



## Regular Council Meeting

<b>To:</b>	Mayor and Council
<b>Date:</b>	December 20, 2021
<b>From:</b>	John F Connolly, Executive Director, Planning & Development
<b>Report Number:</b>	Planning 2021-67
<b>Subject:</b>	Regulating Cannabis in the Township of Cavan Monaghan

### Recommendations:

1. That Council review and consider all public and agency verbal and written comments received regarding these applications;
2. That proposed Official Plan Amendment, Zoning By-law Amendment and Site Plan Control Amendments be presented to Council at a future date for consideration.

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### Overview:

At its Regular Council meeting of September 20, 2021, Council received a presentation and update from Meridian Consulting (the Consultant) on "Regulating Cannabis in the Township of Cavan Monaghan". At this meeting, Council also reviewed a technical Addendum to the previous December 2020 Report "Regulating Cannabis in the Township of Cavan Monaghan". That technical Addendum outlined four (4) Options for Council's consideration and direction to amend the Official Plan, Zoning By-law and any other planning instruments.

As part of the presentation and discussion at that meeting, Council identified its preferred Option (Option "A") and directed the Consultant (and Staff) to proceed to hold a public meeting and to bring back to Council for a decision later in 2021. Since that meeting, Staff have been working with the Consultant and legal counsel to develop and refine the proposed amendments to the Official Plan, Zoning By-law and Site Plan Control.

### Background:

On July 6, 2020, Township of Cavan Monaghan Council authorized Staff to hire a consultant to review the current Zoning By-law (ZBL) and Official Plan (OP) policies and develop a set of policy, planning tools and amendments utilizing funds from the Cannabis Legalization Implementation Funds (OCLIF). Council agreed that these policies are needed to be amended to respond to private and public interest in this sector.

The municipality continues to receive inquiries of interest regarding the establishment of cannabis related businesses, the local market and the potential of future employment opportunities for consideration. As has been reported earlier, a number of businesses have already secured property and are developing business plans looking to the Township as it works with the Consultant on a package of policy, planning tools and amendments to the ZBL and OP to address cannabis in the municipality.

As the current Township's Official Plan and Zoning By-law do not currently meet Council's direction, certain amendments are required to bring the relevant planning documents into alignment.

#### Official Plan Amendment

Currently, the Township Official Plan does not contain any policies that provide regulatory guidance or even contemplate establishing cannabis facilities as a land use in the Township. The proposed Official Plan Amendment will apply to all lands in the Township of Cavan Monaghan and will, if approved, permit Cannabis Production Facilities responsibly within the Township.

Through amendments to the General Development Policies that will permit this land use, detailed development criteria will be added in order to establish cannabis production facilities. These facilities will be subject to Site Plan Control and only permitted in certain designations through a Zoning By-law Amendment with established minimum setbacks and separation distances to ensure land use compatibility with adjacent land uses. Criteria will also be added regarding the processing of cannabis as an agriculture-related use.

In addition, subject to a Zoning By-law Amendment, Cannabis Production Facilities will be a permitted use indoor in certain employment areas and outdoor in the Agricultural Areas, Oak Ridge's Moraine (ORM) Prime Agricultural Areas, Rural Areas, ORM Rural Areas, and Rural Employment Areas designations in the Township.

The Official Plan will also be amended to provide a definition of a Cannabis Production Facility, add the requirement for additional studies under a complete application (i.e., Odour Study & Management Plan, Waste Management Plan) and also clarification that agricultural buildings are not exempt from Site Plan Control.

#### Zoning By-law Amendment

The Township's current Zoning By-law 2018-58, as amended does provide some regulations for cannabis facilities and is only permitted in the Urban Employment Zone (Millbrook Employment Area). As noted above, if the Official Plan is amended to permit cannabis production facilities, the implementing Zoning By-law will also have to be amended to conform to the amended Official Plan.

The Zoning By-law will amend the existing regulation for Cannabis Production Facilities and provide new guidance for Outdoor Cannabis Cultivation. This means that the current provision for as-of-right in Urban Employment Zone will be deleted and only permit a Cannabis Production Facility by Zoning By-law Amendment. This amendment will add "as-of-right" permissions for Outdoor Cannabis Cultivation in the Agricultural,

Rural and ORM Countryside Zones. It will also provide use-specific regulation of how such uses may be established.

Section 11.7 Cannabis Production Facilities will be deleted and replaced with a new set of regulations that address criteria such as:

- licence holder permission;
- other cannabis uses only occur in a wholly enclosed building;
- only permitting new, purpose built buildings;
- lot and setback requirements;
- no outdoor storage;
- parking and loading requirements;
- not permitted with bed and breakfast, agri-tourism, home business, home industry;
- no accessory sale or related products; and
- subject to Site Plan Control.

As a result, through the proposed amendment, indoor Cannabis Production Facilities will only be permitted by amendment to the Zoning By-law and only in the Urban Employment and Rural Employment land use designations in the Official Plan. Outdoor cannabis cultivation will be permitted as-of-right in the Agricultural & Rural Zones as well as the applicable ORM Zones subject to a 300 metre separation distance from sensitive land uses.

Requiring a Zoning By-law Amendment offers the most comprehensive approach to consider and address any issues related to this subject. This will allow the Township to deal with these proposals on a case-by-case basis through the studies and mitigation measures provided. This will also allow the public in the surrounding area to be aware of any applications provide comment and allow Council to make a final decision on the merits of the proposal.

#### Site Plan Control

As noted above, implementing the direction of Council through this option means that no Official Plan Amendment is required to permit a Cannabis Production Facility in the above noted Official Plan designations. The only planning applications that would be required is a Zoning By-law Amendment and Site Plan Control. This would allow for an appropriate assessment of individual proposals.

The Site Plan Control By-law applies to all lands in the Township of Cavan Monaghan and will have to be amended to ensure consistency with the proposed changes to the zoning. The proposed amendment would provide a definition of a Cannabis Production Facility with a new clause added that would not exempt a cannabis operation from Site Plan Control.

#### **Response to Notice**

Notice of the Official Plan Amendment, Zoning By-law Amendment and Site Plan Control By-law Amendment was circulated, by first class mail, to all required ministries and agencies and to all Township Department Directors. The Notice of Public Meeting was printed in the December 1, 2021 edition of the Millbrook Times.

At the time of writing this Report, Staff has received a range of comments over the past several months from “no comment” to an expressed desire to speak to this matter at the public meeting scheduled for December 20, 2021. Based on this, and acknowledgement that the agency circulation was less than 20 days Staff will be holding a second public meeting at its Regular Council meeting of January 17, 2022.

Notice of this second Public Meeting will be provided in compliance with Planning Act requirements.

**Financial Impact:**

To date, the Township has paid Meridian Consulting an estimated \$28,500 for this project work.

**Attachments:**

Attachment No. 1: Presentation: Statutory Public Meeting Proposed Official Plan Amendment and Zoning By-law Amendment Regulating Cannabis in the Township of Cavan Monaghan (dated December 20, 2021 – Meridian Consulting)

Attachment No. 2: Draft Official Plan Amendment

Attachment No. 3: Draft Zoning By-law Amendment

Attachment No. 4: Draft Site Plan Control By-law Amendment

Respectfully Submitted by,

Reviewed by,

John F. Connolly  
Executive Director, Planning & Development

Yvette Hurley  
Chief Administrative Officer