



Date	Wednesday, April 07, 2021
From	Maria Gudova, Student Planner
Subject	Official Plan Update - Cannabis Policy
Report	PL.2021.17

Recommendation

That report PL.2021.17, Official Plan Update – Cannabis Policy, be received for information.

Background

In response to concerns identified by residents and members of council, regarding cannabis operations in the Township, this report explores the regulations that govern cannabis operations and provides some policy options for council to consider. This report explains cannabis operations from a policy perspective by looking at existing regulations, reviewing the different use classifications of cannabis, and investigating current municipal practices.

Discussion

Cannabis Legalization Timeline

Historically, cannabis (or marihuana, marijuana, etc.) usage was only permitted for medical purposes through the Marihuana Medical Access Regulations (MMAR), next it was refined and reintroduced as the Marihuana for Medical Purposes Regulations (MMPR), and finally re-established through the Access to Cannabis for Medical Purposes Regulations (ACMPR). In 2017, the *Cannabis Act* legalized cannabis usage for non-medical purposes across Canada.

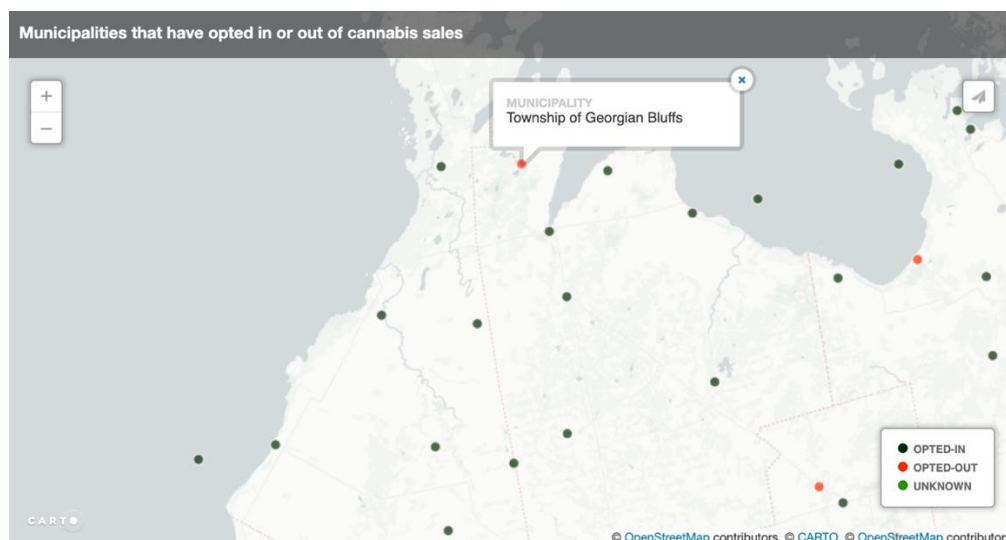
Through the passing of Bill C-45 on November 27, 2017, the *Cannabis Act* legalized the medical and non-medical (recreational) use of cannabis. The Bill came into force on October 17, 2018, regulating the growth, distribution, and sale of cannabis nationally. The Cannabis Statute Law Amendment further refined the act and addressed matters respecting municipalities. The amendment permitted municipalities to pass a resolution to either opt-in or opt-out of cannabis retail stores in their municipalities if passed by

January 22, 2019. The Township of Georgian Bluffs opted-out, meaning there are no retail sales of cannabis permitted in the Township. Since the Township of Georgian Bluffs opted-out in December 2018 from permitting cannabis retail stores, this background study does not go into detail on cannabis retail stores.

A Conflicting Land Use

Municipalities are required to define and regulate the potential land uses associated with cannabis operations. Cannabis facilities and the variety of operations that are permitted under a federal licence, can make it difficult to assign a municipal land-use to the activity. While some claim growing cannabis is an agricultural activity, the different regulations and licensing framework in place point to the fact that it can also be considered industrial, economic development, rural, among other uses.

Municipalities across Ontario are in the process of considering how cannabis operations fit in their municipality and implementing policies to regulate and enforce the rules. The following relevant policies section describes what the responsibilities are for each level of government, the applicable legislation, the differences between medical and personal cannabis use, and how other municipalities are using policies to control cannabis operations under the new framework.



Relevant Policies

Responsibilities of Each Level of Government

To regulate cannabis effectively the Federal, Provincial and Territorial governments must come together to implement the regulatory framework. Generally, it is the responsibility of the Federal government to set requirements for cannabis growth, manufacturing and set industry-wide standards for the related products. On the other

hand, the Provincial and Territorial governments are responsible for developing, implementing, and enforcing cannabis distribution systems. Since Municipalities are “creatures of the province”, their policy options and powers largely rely on provincial decisions. Based on the *Cannabis Act* and its accompanying regulations below is an outline of the responsibilities of for different levels of government.

Table 1: Summary of Federal and Provincial Responsibilities

Federal ¹	Provincial and Territorial ²
<p>The Federal government's responsibilities are to set:</p> <ul style="list-style-type: none"> • strict requirements for producers who grow and manufacture cannabis • industry-wide rules and standards, including: <ul style="list-style-type: none"> ○ types of cannabis products available for sale ○ packaging and labelling requirements for products ○ standardized serving sizes and potency ○ prohibitions on the use of certain ingredients ○ good production practices ○ tracking requirements of cannabis from seed to sale to keep it out of the illegal market ○ restrictions on promotional activities 	<p>They set rules around:</p> <ul style="list-style-type: none"> • how cannabis can be sold • where stores may be located • how stores must be operated • who is allowed to sell cannabis <p>Provinces and territories also have the flexibility to set added restrictions, including:</p> <ul style="list-style-type: none"> • lowering possession limits • increasing the minimum age • restricting where cannabis may be used in public • setting added requirements on personal cultivation

Municipalities are not included in many discussions regarding cannabis operation enforcement. In fact, the legislation loosely addresses municipalities, and mostly in the context of what they cannot do (further discussed under the *Cannabis Act*). Additionally, there is a difference of opinions of what the role of municipalities is in terms of cannabis enforcement. For instance, the Alcohol and Gaming Commission of Ontario (AGCO), responsible for regulating Ontario’s cannabis retail stores, sets out a summary of industry responsibilities (below)³ merely indicate municipalities are responsible for

¹ <https://www.justice.gc.ca/eng/cj-jp/cannabis/>

² <https://www.canada.ca/en/health-canada/services/drugs-medication/cannabis/laws-regulations/provinces-territories.html>

³ https://www.agco.ca/sites/default/files/municipal_webinar_cannabis_-final_-_nov_28.pdf

recreational cannabis consumptions. On the other hand, the Federation of Canadian Municipalities set out a list⁴ of responsibilities of each level of government, citing a larger breadth of municipal control (table below).

Table 2: AGCO Summary of Industry Responsibilities

Areas of Activity	Who is responsible?
Medical cannabis use and distribution	→ Health Canada
Recreational cannabis production licence	→ Health Canada
Recreational cannabis cultivation & processing	→ Health Canada & Licenced Producers
Recreational cannabis wholesale	→ Ontario Cannabis Store
Recreational cannabis online retail sales	→ Ontario Cannabis Store
Recreational cannabis consumption	→ Municipal by-law powers under the Smoke Free Ontario Act
Investigations of criminal activity related to cannabis and illegal dispensaries	→ Police

5

Table 3: FCM Summary of Roles and Responsibilities

⁴ <https://fcm.ca/en/resources/municipal-guide-cannabis-legalization>

⁵ https://www.agco.ca/sites/default/files/municipal_webinar_cannabis_-final_-_nov_28.pdf

Federal	Provincial/Territorial	Municipal
Cannabis production Cannabis possession limits Trafficking Advertising Minimum age limits (18) Oversight of medical cannabis regime, including personal cultivation registration	Wholesale and retail distribution of cannabis Selection of retail distribution model Workplace safety Discretion to set more restrictive limits for: <ul style="list-style-type: none"> • minimum age for consumption • possession amount 	Zoning (density, location) Retail locations Home cultivation Business Licensing Building Codes Nuisance Smoking restrictions Odours Municipal workplace safety Enforcement Regulations around public consumption Personal possession Municipal cost considerations related to local policing

6

However, municipal jurisdiction over cannabis is a balance between the two tables illustrated above. Municipalities generally have power over building code compliance and local enforcement and policies. Likewise, production facilities must also have building code compliance and zoning compliance in terms of density and location. Although municipalities are not allowed to distinguish cannabis retail stores as separate land uses, they can enforce building code compliance.

Table 4: Municipal Jurisdiction

Municipal Jurisdiction	
Can Do ⁷	Cannot Do ^{8,9}

⁶ <https://fcm.ca/en/resources/municipal-guide-cannabis-legalization>

⁷ https://oemc.ca/wp-content/uploads/2019/09/0912_1330_Navigating_Cannibis_Industry.pdf

⁸ https://www.agco.ca/sites/default/files/municipal_webinar_cannabis_final_-_nov_28.pdf

⁹ <https://www.toronto.ca/city-government/council/2018-council-issue-notes/cannabis-legislation/>

<ul style="list-style-type: none"> • Zoning (density, location) • Retail locations (in some capacity) <ul style="list-style-type: none"> ◦ By opting-in/out of cannabis retail in their community • Building Codes • Regulations around public consumption • Enforcement <ul style="list-style-type: none"> ◦ Home cultivation ◦ Smoking restrictions ◦ Odours ◦ Municipal workplace safety ◦ Municipal cost considerations related to local policing 	<ul style="list-style-type: none"> • Are not allowed to designate cannabis retail sales as a separate land use from any other form of retail. • May not create a licensing system respecting the sale of cannabis
--	---

Applicable Legislation and Regulations

Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) is a high-level document that guides growth management, resource management, and environmental planning practices in Ontario. Notably, the focus of the statement is to direct land use policies for Building Strong Health Communities, Wise Use and Management of Resources, and Protecting Public Health and Safety¹⁰. Below are points from the PPS that are relevant to this discussion.

1.1.4 Rural Areas in Municipalities

- promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources.
- providing opportunities for economic activities in prime agricultural areas, in accordance with policy 2.3.

1.1.5 Rural Lands in Municipalities

- Recreational, tourism and other economic opportunities should be promoted.
- Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.

1.2.6 Land use compatibility

¹⁰ <https://files.ontario.ca/mmah-provincial-policy-statement-2020-accessible-final-en-2020-02-14.pdf>

- Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.
- Where avoidance is not possible in accordance with policy 1.2.6.1, adjacent sensitive land uses are only permitted if: a) there is an identified need for the proposed use; b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations; c) adverse effects to the proposed sensitive land use are minimized and mitigated; and d) potential impacts to industrial, manufacturing, or other uses are minimized and mitigated.

The PPS also includes many helpful definitions such as “major facilities” and sensitive uses”. These definitions are important in the context of defining and regulating cannabis production facilities.

Cannabis Act and Cannabis Regulations

Under the legal framework set out by the *Cannabis Act* (S.C. 2018, c. 16)¹¹, (the Act) cannabis production, distribution, sale and possession across Canada is strictly controlled. The Act has 3 main goals to keep cannabis out of the hands of youth, keep profits out of the pockets of criminals, and protect public health and safety by allowing adults access to legal cannabis¹².

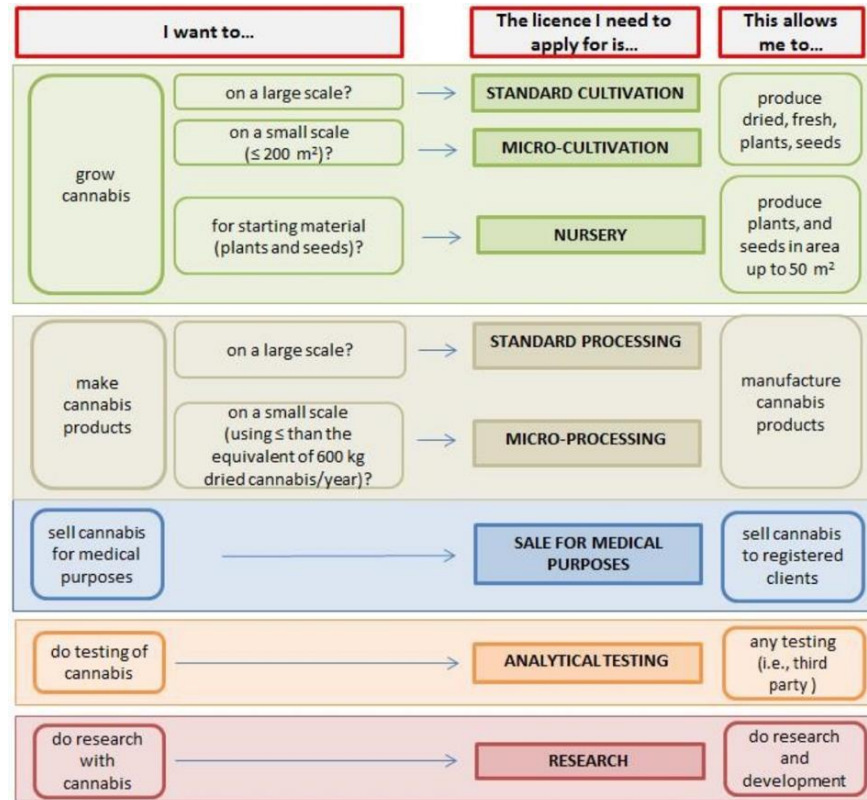
The Act makes it legal for adults to possess cannabis in public, share with other adults, to purchase cannabis (and related products) from a provincially licensed retailer, grow cannabis for personal use, and to make cannabis products at home. The Act also seeks to protect youth by setting age restrictions, restricting promotion and enticement that appeal to youth. Another goal of the act is to protect public health. The shared responsibilities between the federal, provincial and territorial governments are in place to ensure strict regulation of the substance and its use. Lastly, the act seeks to reduce criminal activity. By legalizing cannabis, the adults who use it are kept out of the criminal justice system, and this reduces the burden on the courts. Likewise, there are criminal penalties in place to target those acting outside of the legal framework.

The regulations also outline the different types of licences applicants can apply for. The following chart identifies the classes and subclasses of licences that are available.

¹¹ <https://laws-lois.justice.gc.ca/eng/acts/c-24.5/>

¹² <https://www.justice.gc.ca/eng/cj-jp/cannabis/>

Table 5: Cannabis classes and subclasses of licences¹³



Federal Cannabis Regulations SOR/2018-144¹⁴ further outlines the framework and certain regulations that specifically impact municipalities. These include pre-licensing requirements, licensing classes and the related security clearances. Certain pre-licensing requirements outlined in the regulations compel applicants to submit a notice to the local government, local fire authority, and local police force. The notice must include the person's date, the expected date on which the applicant will submit the application to Health Canada, the type of class and subclass of license being sought, the address of the site, and the cannabis-related activities expected to be conducted. Notification of written notice to local authorities is also required within 30 days after the issuance, amendment, suspension, reinstatement, or revocation of a licence.

Furthermore, all applications and licences are subject to extensive requirements when it comes to security on the premises. The Physical Security Measures requires the submission of an organizational security plan (OSP) outlining a site plan, security reports, visual evidence, and other information regarding access and monitoring. The full scope of the physical security requirements for different licensing types can be found

¹³ <https://www.canada.ca/en/health-canada/services/drugs-medication/cannabis/industry-licensees-applicants/licensing-summary/guide.html#b>

¹⁴ <https://laws-lois.justice.gc.ca/eng/Regulations/SOR-2018-144/FullText.html>

on the licensing application on the Government of Canada's webpage¹⁵. Likewise, Site Detail Requirements include site surveys, aerial view images, production capacity, floor plans with descriptions of the areas present on the site. These application requirements must be submitted to Health Canada through the Cannabis Tracking and Licensing System (CTLS). Below, a chart summarizes the requirements under the application.

Table 6:

Table 5: Application Guide Sections with Required Information in the CTLS, by Licence Class

Guide section	Requirement area	Cannabis Licence Class			
		Cultivation (Micro, Standard, Nursery)	Processing (Micro, Standard)	Sale for medical purposes (with possession of cannabis)	Sale for medical purposes (without possession of cannabis)
6.1	Proposed licence holder (licence ownership)	Required	Required	Required	Required
6.2	Mailing address	Required	Required	Required	Required
6.3	Licence class and subclass (identified as "site activities" in the CTLS)	Required	Required	Required	Required
6.4	Site details (including activities)	Required	Required	Required	Required
6.5	Site personnel	Required	Required	Required	Required
6.6	Site ownership	Required	Required	Required	N/A
6.7	Notice to local authorities	Required	Required	Required	N/A
6.8	Physical security (including organizational security plan)	Required Additional visual evidence to be submitted outside the CTLS	Required Additional visual evidence to be submitted outside the CTLS	Required Additional visual evidence to be submitted outside the CTLS	Required Only organizational security plan is required
6.9	Good production practices (GPP)	Required Additional visual evidence to be submitted outside the CTLS	Required Additional visual evidence to be submitted outside the CTLS	Required Additional visual evidence to be submitted outside the CTLS	N/A
6.10	Record keeping (and reporting)	Required	Required	Required	Required
6.11	Key investors report ³	Required	Required	Required	Required
6.12	Self-identification ⁴	Required	Required	Required	Required
6.13	Associated individuals ⁴	Required	Required	Required	Required

Province of Ontario

In Ontario, the province has determined the minimum age, public usage, possession limits, and where stores are located among other factors under their jurisdiction.

Table 7: Cannabis Permissions

Minimum age	<ul style="list-style-type: none"> You must be 19 and older to buy, use, possess and grow recreational cannabis. This is the same as the minimum age for the sale of tobacco and alcohol in Ontario.
Where you can use it	<ul style="list-style-type: none"> Private residences – this does not include residences that are also workplaces (for example, long-term care and retirement homes) Many outdoor public places (for example, sidewalks and parks) Designated smoking guest rooms in hotels, motels and inns

¹⁵ <https://www.canada.ca/en/health-canada/services/drugs-medication/cannabis/industry-licensees-applicants/licensing-summary/guide.html#b>

	<ul style="list-style-type: none"> • Residential vehicles and boats that meet certain criteria (for example, if they have permanent sleeping accommodations and cooking facilities, and are parked or anchored) • Scientific research and testing facilities (if the cannabis use is for scientific research and testing purposes) • Controlled areas in: <ul style="list-style-type: none"> ○ long-term care homes, certain retirement homes, residential hospices, provincially-funded supportive housing, designated psychiatric facilities or veterans' facilities
Where you cannot use it	<p>Indoors</p> <ul style="list-style-type: none"> • indoor common areas in condos, apartment buildings and university/college residences • enclosed public places and enclosed work places • non-designated guest rooms in hotels, motels and inns <p>Schools</p> <ul style="list-style-type: none"> • at school, on school grounds, and all public areas within 20 metres of these grounds • on children's playgrounds and public areas within 20 metres of playgrounds • in child care centres or where an early years program is provided • in places where home child care is provided — even if children aren't present <p>Hospitals, hospices, care homes and other facilities</p> <ul style="list-style-type: none"> • within 9 metres from the entrance or exit of hospitals (public and private), psychiatric facilities, long-term care homes, independent health facilities • on outdoor grounds of hospitals (public and private) and psychiatric facilities • in non-controlled areas in long-term care homes, certain retirement homes, provincially funded supportive housing, designated psychiatric or veterans' facilities, and residential hospices <p>Publicly owned spaces</p> <ul style="list-style-type: none"> • You cannot smoke or vape cannabis in publicly-owned sport fields (not including golf courses), nearby spectator areas and public areas within 20 metres of these areas. <p>Vehicles and boats</p> <ul style="list-style-type: none"> • You cannot consume cannabis (smoking, vaping and eating) in a vehicle or boat that is being driven or will be driven. <p>Other outdoor areas</p>

	<ul style="list-style-type: none"> • in restaurants and on bar patios and public areas within 9 metres of a patio • on outdoor grounds of specified Ontario government office buildings • in reserved seating areas at outdoor sports and entertainment locations • on grounds of community recreational facilities and public areas within 20 metres of those grounds • in sheltered outdoor areas with a roof and more than two walls which the public or employees frequent, or are invited to (for example, a bus shelter)
Possession	<ul style="list-style-type: none"> • You are able to have a maximum of 30 grams (about one ounce) of dried cannabis (or equivalent) in public at any time. • One gram of dried cannabis is equal (equivalent) to: <ul style="list-style-type: none"> ◦ 5 grams of fresh cannabis, 15 grams of edible product, 70 grams of liquid product, 0.25 grams of concentrates (solid or liquid), 1 cannabis plant seed
Growing your own cannabis	<p>You may grow up to four cannabis plants per residence (not per person) if:</p> <ul style="list-style-type: none"> • you are 19 years of age and older • it is only for your personal use • the starting material was purchased from the Ontario Cannabis Store or an authorized retail store • it is not forbidden by your lease agreement or condo rules
Cannabis edibles	<p>Edible cannabis products are allowed to have:</p> <ul style="list-style-type: none"> • up to 10 milligrams of THC (tetrahydrocannabinol) in a single package • up to 30 milligrams of caffeine, if it is naturally occurring (for example, in chocolate, coffee and tea)
Extracts and Topicals	<ul style="list-style-type: none"> • Extracts (also known as concentrates) that are inhaled or ingested, and topicals (cannabis-infused products for skin, hair and nails) can have up to 1,000 milligrams of THC per package. <p>Products are prohibited from:</p> <ul style="list-style-type: none"> • being appealing to youth • making health, dietary or cosmetic claims (for example, low fat or suitable for joint pain) • having elements that associate the product with alcoholic beverages, tobacco products or vaping products
Rules for the workplace	<p>Consuming recreational cannabis in an enclosed workplace remains illegal after legalization on October 17, 2018.</p> <p>Employers (and supervisors):</p> <ul style="list-style-type: none"> • need to know the rules for medical cannabis • are required to address workplace hazards, under the <i>Occupational Health and Safety Act</i> (OHSA)

	<p>Employees and workers:</p> <ul style="list-style-type: none"> • who are unable or unfit to work safely could be a hazard to themselves or to others in the workplace • have a duty to perform work safely and to report any hazards to their supervisor or employer under the OHSA
Medical Cannabis	<p>Medical cannabis is subject to different rules than recreational cannabis. The production and sale of medical cannabis is regulated exclusively by the federal government. The only way to purchase medical cannabis is:</p> <ul style="list-style-type: none"> • from a federally licensed producer online, by written order, over the phone and delivered by secure mail • You can also receive a licence from Health Canada to grow medical cannabis on your own, or designate someone else to grow it on your behalf.¹⁶

Grey County

The Grey County 2018 Official Plan addresses Cannabis production and cultivation. The County Plan permits Marihuana/Cannabis uses under the Agricultural land use type and considers growing an agricultural use. The Plan, considers the many activities that the different cannabis licences permit, and allows for a cannabis operation of a limited size and scale as an on-farm diversified use. The Plan defers to the local municipality to zone the accessory uses and structures. Below, are excerpts from the Official Plan addressing Cannabis.

5.2.1 Uses Permitted Policies

1) Permitted uses in the Agricultural land use type include:

1. a) All types, sizes and intensities of agricultural uses, and normal farm practices, including accessory uses (see Table 7);
2. b) Agricultural-related uses (see Table 7);
3. c) On-farm diversified uses(see Table 7);
4. d) Marihuana/Cannabis production in accordance with any Federal laws and subsection (3) below (see Table 7);

3) Municipalities may choose to permit or place municipal restrictions on accessory uses to Marihuana/Cannabis production within the Agricultural, Rural, or Special Agricultural land use types. While the growing of Marihuana/Cannabis is considered an Agricultural use, other uses associated with production, such as

¹⁶ <https://www.ontario.ca/page/cannabis-laws#section-1>

laboratories, processing, shipping, etc. may be considered an on-farm diversified use and limited in size and scale. Criteria may be established within municipal official plans or zoning by-laws regarding these additional on-farm diversified uses, accessory to Marihuana/Cannabis production.

Medical Cannabis versus Recreational Cannabis

Recreational use and medical use of cannabis are subject to different rules. While, recreational cannabis is in part governed by provincial governments, medical cannabis is exclusively regulated by the federal government. The main differences between recreational and medical use of cannabis are related to the quantity allowances in regard to public possession and personal production and growth.

Table 8: Permissions for Recreational and Medical Cannabis Use

	Recreational Use	Medical Use ¹⁷
Public Possession	30 grams (about one ounce) of dried cannabis (or equivalent) in public at any time	lesser of 150 grams or a 30-day supply of dried cannabis (or the equivalent in cannabis product) in addition to the 30 grams allowed for non-medical purposes
Production for your own (medical) purposes)	Limit of up to 4 plants per residence in Ontario	<ul style="list-style-type: none"> - Must meet requirements of Cannabis Regulations:¹⁸ <ul style="list-style-type: none"> o live in Canada o be 18 years of age or older o attest that you have not been convicted of a cannabis related offense o not be registered more than once o must complete registration application form for personal production o must provide medical document from your health care provider - Option to designate another person to produce cannabis for you <ul style="list-style-type: none"> o Same requirements apply as listed above

¹⁷ <https://www.canada.ca/en/health-canada/services/drugs-medication/cannabis/medical-use-cannabis.html# Possession and personal>

¹⁸ <https://www.canada.ca/en/health-canada/services/people-registered-designated-produce-cannabis-medical-purposes.html>

		<ul style="list-style-type: none"> ○ Person can be authorized to produce under a maximum of 2 registrations - Limit number of plants based on daily grams authorized: Calculator
Licensing	No licensing required	Must register with Health Canada.

Current Municipal Practices

The Cannabis Statute Law Amendment gave municipalities across Ontario the opportunity to either opt-in or opt-out of cannabis retail stores. The AGCO has an extensive [list of all municipalities prohibiting and allowing](#) cannabis retail stores. Since then, municipalities have developed their own ways to also deal with the influx of requests regarding cannabis operations. The “current municipal practices” in this part of the report focuses on the actions of municipalities that opted-out of retail stores.

Municipalities are facing different challenges when setting out policies as their role has not been diligently defined in the context of cannabis legalization. By updating zoning by-laws and official plans, municipalities are establishing the role of cannabis in their communities. Notably, municipalities assign varying zones to cannabis and its related operations. They are also defining cannabis facilities in different ways to better distinguish and regulate activities under the assigned zone. Below is a chart illustrating what planning tools other municipalities, who have also opted-out, are using to address cannabis operations.

Table 9: Tools to Address Cannabis Operations

Municipality (opted-out)	Cannabis Definitions	Zoning	Other
Township of Oro-Medonte <ul style="list-style-type: none"> - Report - Zoning By-Law 	Defines: <ul style="list-style-type: none"> - Cannabis, - Cannabis Production and Processing Facility, and - Sensitive Land Use. 	Zones Cannabis Production and Processing Facility under “Industrial Zones” Permitted Uses by adding it to: <ul style="list-style-type: none"> - Economic Development (ED) Zone - Rural Industrial (IR) Zone 	<ul style="list-style-type: none"> - Setback of 150 metres from sensitive land uses - Amend “Agricultural Use” to exclude the cannabis production and processing facility and outdoor

			growing of cannabis
Township of Melancthon - Zoning By-Law	Defines: - Cannabis - Cannabis Plant - Cannabis Facility	Permits Cannabis Facilities as an Agricultural (A1) Zone. - Applies regulations such as: setbacks, separations from dwellings, vacant lots, settlement boundaries, and more.	- Site Plan Control for any lands utilized for the outdoor growing of Cannabis and/or a Cannabis Facility.
Town of Georgina - Zoning By-Law - Breakdown of Zoning By-Law	Adds Definitions for: - Air Treatment Control - Cannabis Production Facility, Designated - Cannabis Production Facility, Licensed - Gatehouse - Registered Person	Zones Cannabis Production Facility, Designated or Licensed under: - Restricted Industrial (M1) Zone - General Industrial (M2) Zone - Rural (RU) Zone (different regulations apply than those listed in the row) - Business Park 3 (BP-3) Zone	Regulates by: - Prohibiting outdoor cultivation of cannabis (only permits in enclosed building or structure) - Distance from Sensitive Land Uses <ul style="list-style-type: none"> 150 metres if it contains air treatment control 300 metres if it does not contain air treatment control, and if near a school
Town of East Gwillimbury	Definitions N/A Zoning By-Law is expected to be	ICBL will examine cannabis production facility in the context of:	Currently the Town's Zoning By-Law mentions Medical

<ul style="list-style-type: none"> - Cannabis Interim Control By-Law - Development Services Report - Panel Discussion 	implemented in June of 2021.	<ul style="list-style-type: none"> - Rural and Agricultural areas - the Site Plan Control process 	Marihuana production facilities as a permitted use under employment zone.
Town of Mono <ul style="list-style-type: none"> - Community Standards By-Law 	Defines: <ul style="list-style-type: none"> - Cannabis Plant - Cultivation - Nuisance 	<ul style="list-style-type: none"> - Does not mention cannabis in the Zoning By-Law nor the Official Plan in any context. 	Addresses Cannabis related Nuisances: <ul style="list-style-type: none"> - Lighting from the Cultivation of Cannabis Plants - Odours from the cultivation of cannabis plants
Town of Caledon <ul style="list-style-type: none"> - Zoning By-Law Review 	<ul style="list-style-type: none"> - Previously had supporting definitions for medical marihuana in the Zoning By-Law. Has since changed the definition to “cannabis production facilities” 	Currently permits and regulates cannabis production facilities in: <ul style="list-style-type: none"> - Prestige Industrial (MP) and - Service Industrial (MS) zones Is reviewing the agricultural designation and if it is applicable for cannabis operations: <ul style="list-style-type: none"> - Agricultural (A1 and A1-ORM) - Rural (A2 and A2-ORM) - And Small Agricultural holdings (A3 and A3-ORM) 	<ul style="list-style-type: none"> - The By Law has been appealed to the Local Planning Appeal Tribunal – hearing not yet scheduled.
Town of Erin <ul style="list-style-type: none"> - Zoning By-Law Amendment 	Defines: <ul style="list-style-type: none"> - Medical Cannabis 	Zones Medical Cannabis Production Facility as:	Regulates: <ul style="list-style-type: none"> - Must be located in a building

	Production Facility	<ul style="list-style-type: none"> - Light Industrial Zone (M1) - General Industrial Zone (M2) - Agricultural Zone (1) - Rural Industrial Zone (M3) 	<ul style="list-style-type: none"> - Outdoor storage is prohibited - Subject to Site Plan Control - No minor variances shall be permitted, only dealt with by Zoning By-Law Amendment
--	---------------------	---	--

Proposed Policy Options/ Recommendations

The Township of Georgian Bluffs does not address cannabis production or cultivation in its planning documents. Through the update of the Georgian Bluffs Official Plan, there is an opportunity to include policy to address cannabis operations in settlement areas. Likewise, amendments to the Zoning By-Law will likely be necessary to reflect the updates to the Official Plan.

Cannabis retail operations should not be an issue for the Township since it opted out of permitting such stores in the municipality. The cultivation of cannabis for personal and or medical use are the most likely activities to impact residents in the Township. Although much of the regulations on the production of cannabis for medicinal purposes are under the jurisdiction of Health Canada, the Township still has policy powers related to enforcement. Likewise, the Township can regulate those with cultivation licenses by permitting uses in zones and setting out regulations for cannabis operations at different scales.

The following planning recommendations are provided for council to consider when creating cannabis operations policies:

1. Accurate definitions are important when creating a zoning by-law to regulate activities associated with cannabis operations.
 - The definition of “cannabis facilities” can regulate operations based on their scale and activities of the licenses under Health Canada.
 - Defining “sensitive land uses” can establish settlement areas as uses that require greater setbacks for land uses with potential nuisances.
2. The issues and nuisances caused by cannabis cultivation can be addressed using community standards by-laws.

- By-laws can be passed to address odour, lighting, and noise nuisances that can impact sensitive land uses.
3. Based on the licensing requirements set out by Health Canada, the potential issues that can occur with a cannabis operation can be regulated using a site plan.
 - A “site plan control by-law” requiring the submission of a “site plan” for the approval of a Township can better regulate these nuisances while establishing that Health Canada’s licensing requirements are met.
 4. An interim control by-law is a tool that municipalities across Ontario are using to study the potential impacts and opportunities associated with cannabis operations facilities.
 - The tool is used to freeze development and applications related to cannabis for a period of one year, with a possible one-year extension, to permit the Township to conduct a study and define the permissions for cannabis operations.
 - The use of the interim control by-law can study the potential impacts of such facilities on settlement areas.

Conclusion

Cannabis is difficult to regulate due to all the layers of government and stakeholders involved. With the different cannabis operation licenses available it is challenging for municipalities to implement land use permissions in accordance with federal and provincial permissions. The use is permitted at federal and provincial levels and while it cannot be prohibited across the entire Township, planning tools can be utilized to direct the land use to an appropriate location. By taking into account the history of cannabis legalization in Canada, the relevant policies and planning framework of cannabis operations, and the current municipal practices in Ontario, applying this information can allow for more informed decision making.

It is recommended that report PL.2021.17 regarding updating the Official Plan provisions as they relate to cannabis, be accepted for information.

Respectfully submitted,

Maria Gudova, Student Planner

Recommended Readings/Materials

[Cannabis Licence Act, 2018](#)

[Bill 36, Cannabis Statute Law Amendment Act, 2018](#)

[Department of Justice – Cannabis Legalization and Regulation](#)

[Cannabis sales and distribution in the provinces and territories](#)

[Ontario Cannabis Laws](#)

[Law Enforcement Information - Office of Controlled Substances](#)

[Cannabis regulations for licensed producers](#)

[Application requirements for cannabis cultivation, processing and medical sales
licences](#)

[Alcohol and Gaming Commission of Ontario - Cannabis: Municipalities](#)

[FCM Municipal Guide to Cannabis Legalization](#)

Report Approval Details

Document Title:	PL.2021.17 – Cannabis OP Update
Attachments:	
Final Approval Date:	Mar 30, 2021

This report and all of its attachments were approved and signed as outlined below:

Tim Lewis, Chief Building Official / By-law Enforcement Officer

Jenn Burnett, Senior Planner

Steven Dollmaier, Director of Operations

Janet Hilts, Human Resources Manager

Kassandra Rocca, Director of Finance / Treasurer

Brittany Drury, Clerk

Al Meneses, Chief Administrative Officer