

**AMENDMENT NO. 9
TO THE
OFFICIAL PLAN OF THE
TOWNSHIP OF CAVAN MONAGHAN**

Cannabis Production Facilities

Prepared For:

The Corporation of the Township of Cavan Monaghan

Prepared By:

Meridian Planning Consultants

Final Draft

November 30, 2021

**Certificate
THE CORPORATION OF THE
TOWNSHIP OF CAVAN MONAGHAN**

BY-LAW NO. [REDACTED]-2021

Being a By-law passed pursuant to the provisions of Sections 17, 21 and 22 of the Planning Act, R.S.O. 1990, as amended.

The Council of the Corporation of the Township of Cavan Monaghan, in accordance with the provisions of Sections 17, 21 and 22 of the Planning Act, R.S.O. 1990, as amended, hereby enacts as follows:

1. Amendment No. 9 to the Official Plan of the Township of Cavan Monaghan, consisting of the attached explanatory text is hereby adopted.
2. That the Clerk is hereby authorized and directed to make application to the County of Peterborough for approval of Amendment No. 9 to the Official Plan of the Township of Cavan Monaghan.
3. That the Clerk is hereby authorized and directed to proceed with the giving of notice under Section 17(23) of the Planning Act.
4. This By-law shall come into force and take effect on the day of final passing thereof.

Enacted and passed this [REDACTED] day of [REDACTED], 2021.

Signed: _____
Scott McFadden, Mayor

CORPORATE SEAL OF
MUNICIPALITY

Signed: _____
Cindy Page, Clerk

Certified that the above is a true copy of By-law No. [REDACTED]-2021, as enacted and passed by the Council of the Township of Cavan Monaghan on the [REDACTED] day of [REDACTED], 2021.

Signed: _____
Cindy Page, Clerk

**AMENDMENT NO. 9
OFFICIAL PLAN OF
THE TOWNSHIP OF CAVAN MONAGHAN**

The attached explanatory text constituting Amendment No. 9 to the Official Plan of the Township of Cavan Monaghan, was prepared by the Council of the Township of Cavan Monaghan and was adopted by the Council of the Township of Cavan Monaghan by By-law No. 3015-2021 in accordance with the provisions of Sections 17, 21 and 22 of the Planning Act, R.S.O. 1990, on the [redacted] day of [redacted], 2021.

Signed: _____
Scott McFadden, Mayor

CORPORATE SEAL OF
MUNICIPALITY

Signed: _____
Cindy Page, Clerk

Signed: _____
Yvette Hurley, CAO

This amendment to the Official Plan of the Township of Cavan Monaghan, which has been adopted by the Council of the Township of Cavan Monaghan, is hereby approved in accordance with the provisions of Sections 17, 21 and 22 of the Planning Act, R.S.O. 1990 as Amendment No. 9 to the Official Plan of the Township of Cavan Monaghan.

Date

County of Peterborough

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**AMENDMENT NO. 9
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INTRODUCTION

STATEMENT OF COMPONENTS

- PART "A" THE PREAMBLE does not constitute part of this Amendment.
- PART "B" THE AMENDMENT, consisting of the following text constitutes Amendment No. 9 to the Official Plan of the Township of Cavan Monaghan.
- PART "C" THE APPENDICES do not constitute part of Amendment No. 9 to the Official Plan of the Township of Cavan Monaghan, and contain background information and public and agency comments pertaining to the Amendment as well as the draft implementing Zoning By-law Amendment.

PART "A" -- THE PREAMBLE

1.0 PURPOSE OF THE AMENDMENT

The Township of Cavan Monaghan Official Plan currently does not contemplate Cannabis Production Facilities as a land use. As such, an amendment to the Official Plan is necessary to permit Cannabis Production Facilities responsibly in the Township, as well as to ensure that the implementing Zoning By-law conforms to the Township of Cavan Monaghan Official Plan and the County of Peterborough Official Plan. Therefore, the purpose of Amendment No. 9 to the Township of Cavan Monaghan Official Plan is to:

1. Amend Section 3 'General Development Policies' by adding a new Section '3.28 Cannabis Production Facilities' to provide more detailed development criteria for a 'Cannabis Production Facility' including the requirement that Cannabis Production Facilities be subject to Site Plan Control, that Cannabis Production Facilities only be permitted by Zoning By-law Amendment, providing minimum setbacks and separation distances to facilitate compatibility between land uses, and adding criteria for the processing of cannabis as an agriculture-related use;
2. Amend Section 4.6.2(a) 'Employment Areas Permitted Uses' to permit Cannabis Production Facilities subject to a Zoning By-law Amendment and provided that such use satisfies the Official Plan criteria and zoning requirements of the Township Zoning By-law to permit such a use;
3. Amend Section 5.1.2 Agricultural Areas Permitted Uses to permit outdoor cannabis cultivation and to further permit Cannabis Production Facilities subject to a Zoning By-law Amendment subject to a Zoning By-law Amendment and provided that such use satisfies the Official Plan criteria and zoning requirements of the Township Zoning By-law to permit such a use;
4. Amend Section 5.1.5.1 ORM Prime Agricultural Permitted Uses to permit outdoor cannabis cultivation and to further permit Cannabis Production Facilities subject to a Zoning By-law Amendment subject to a Zoning By-law Amendment and provided that such use satisfies the Official Plan criteria and zoning requirements of the Township Zoning By-law to permit such a use;
5. Amend Section 5.2.2 Rural Areas Permitted Uses to permit outdoor cannabis cultivation and to further permit Cannabis Production Facilities subject to a Zoning By-law Amendment subject to a Zoning By-law Amendment and provided that such use satisfies the Official Plan criteria and zoning requirements of the Township Zoning By-law to permit such a use;

6. Amend Section 5.2.4.1 ORM Rural Areas Permitted Uses to permit outdoor cannabis cultivation and to further permit Cannabis Production Facilities subject to a Zoning By-law Amendment subject to a Zoning By-law Amendment and provided that such use satisfies the Official Plan criteria and zoning requirements of the Township Zoning By-law to permit such a use;
7. Amend Section 5.4.2 Rural Employment Areas Permitted Uses to permit Cannabis Production Facilities subject to a Zoning By-law Amendment and provided that such use satisfies the Official Plan criteria and zoning requirements of the Township Zoning By-law to permit such a use;
8. Amend Section 8.4 Complete Application by adding requirements for Cannabis Production Facilities to Subsections (xiii) and (xiv) and by adding two additional studies to the list of studies that may be required as part of a complete application: (xviii) an Odour Study and Management Plan; and (xix) a Waste Management Plan;
9. Amend Section 8.7 Site Plan Control to add the requirement that agricultural buildings and structures used in conjunction with a Cannabis Production Facility are not exempt from Site Plan Control; and,
10. Amend Appendix 1 of the Official Plan by providing definitions for Cannabis, Cannabis Production Facility, and Outdoor Cannabis Cultivation.

These amendments apply to the entirety of the Township of Cavan Monaghan.

2.0 BASIS OF THE AMENDMENT

Currently, the Township Official Plan does not contemplate Cannabis Production Facilities as a land use. Consequently, many of the policies governing land use within various land use designations indirectly permit Cannabis Production Facilities. The Official Plan Amendment contained herein, will provide clarity to municipal planners, prospective developers and the public regarding the appropriate location and site development requirements for Cannabis Production Facilities in the Township.

PART "B" -- THE AMENDMENT

1.0 INTRODUCTORY STATEMENT

All of this part of the document entitled PART "B" -- THE AMENDMENT, consisting of the following text, constitutes Amendment No. 9 to the Official Plan of the Township of Cavan Monaghan.

2.0 DETAILS OF THE AMENDMENT

The Official Plan of the Township of Cavan Monaghan is hereby amended as follows:

1. Section 3 ‘General Development Policies’ is hereby amended by adding a new ‘Section 3.28 Cannabis Production Facilities And Outdoor Cannabis Cultivation’ which reads as follows:

“Section 3.28 Cannabis Production Facilities And Outdoor Cannabis Cultivation

Where a *Cannabis Production Facility* or *outdoor cannabis cultivation* is permitted, such uses shall only be permitted in accordance with the requirements of this Section and any other applicable policies of this Official Plan.

3.28.1 Development Criteria

Where permitted, all *Cannabis Production Facilities*, *Outdoor Cannabis Cultivation*, and any associated agriculture-related uses shall be subject to the following:

- a) All *Cannabis Production Facilities* shall be designed and sited to mitigate any adverse effects on surrounding land uses and to blend in with the rural character of the surrounding area. This includes the mitigation of any noise, dust or odour impacts that may impede the enjoyment, privacy or function of neighbouring land uses;
- b) Buffering and screening shall be provided to mitigate any adverse effects on surrounding land uses;
- c) All *Cannabis Production Facilities* shall demonstrate dark sky friendly lighting and building design;
- d) No outdoor storage is permitted in association with a *Cannabis Production Facility* or any associated agriculture-related use thereto;
- e) Notwithstanding Section 8.7(a)(iii) of this Official Plan, all *Cannabis Production Facilities* shall be subject to Site Plan Control;
- f) *Cannabis Production Facilities* shall only be permitted through express permission in a site specific Zoning By-law Amendment and may only be permitted in new, purpose-built facilities. Any retrofit or use of existing agricultural buildings or structures is prohibited;

- g) Prior to approving an application for a Zoning By-law Amendment or Site Plan Application, Council shall be satisfied that:
- i) there will be no adverse effect on the quality and quantity of groundwater and surface water, natural heritage features, hydrologic features or that the *Cannabis Production Facility* would otherwise pose a negative impact on the ecological health of the watershed;
 - ii) the proposed *Cannabis Production Facility* can appropriately be serviced giving consideration to both the quality and quantity of water supply and effluent generated;
 - iii) stormwater requirements can be managed on-site;
 - iv) waste management facilities can be provided on-site as demonstrated by a Waste Management Plan including but not limited to the location, storage, processing, and loading facilities for haulage of waste by-products from the site;
 - v) adequate parking and loading facilities and associated site circulation are provided on the lot; and,
 - vi) the proposed use will not cause any traffic hazards or any unacceptable impacts on surrounding roads.
- h) Section 8.4(e) of this Official Plan shall apply to any Zoning By-law Amendment or Site Plan application submitted in support of a proposed *Cannabis Production Facility*. Any of the studies identified in Section 8.4(e) may be required as part of a complete application including at a minimum, the following required studies:
- i) Land Use Compatibility Study;
 - ii) Hydrogeological Study where the proposed use would be on private services;
 - iii) Servicing Study where the proposed use would be on municipal services;
 - iv) Stormwater Management Study and Plan;
 - v) Odour Study and Management Plan; and,
 - vi) Waste Management Plan

3.28.2 Cannabis Production Facility and Outdoor Cannabis Cultivation Setbacks

In achieving compatibility between land uses, the avoidance of adverse effects is the preferred first principle. However, if avoidance is not possible, adverse effects must be minimized to the greatest degree possible and appropriately mitigated. One means of achieving this is through minimum required setbacks and minimum separation distances between land uses. In this regard, Cannabis Production Facilities and outdoor cannabis cultivation shall be sited in accordance with the following:

- a) *Cannabis Production Facilities* and/or an associated agriculture-related use shall maintain a minimum separation distance of 300 metres from any surrounding sensitive land uses or an alternate distance as determined by a Land Use Compatibility Study to the satisfaction of the Township;
- b) The setback guidelines established in sub-section a) will be considered during the review of an application and can be lower or higher, depending on:
 - i) Whether the Cannabis Production Facility is within a greenhouse or in a wholly enclosed building;
 - ii) The size and scale of the proposed Cannabis Production Facility;
 - iii) 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;
 - iv) The location of the proposed Cannabis Production Facility in relation to prevailing winds;
 - v) The nature of the adverse effects that exist at the time in relation to existing cannabis cultivation facilities; and
 - vi) The impact of topography on the dispersion of odour;
- c) *Outdoor Cannabis Cultivation* shall maintain a minimum separation distance of 300 metres from any surrounding sensitive land uses and is required to be set back a minimum of 50 metres from all lot lines for the lot on which the outdoor cannabis crop is located.

3.28.3 Cannabis Processing As An Agriculture-Related Use

The processing of *cannabis*, as a value-added component of a *Cannabis Production Facility* and as licenced by Health Canada, may only be permitted as an agriculture-related use subject to Site Plan Control provided:

- a) *Cannabis* processing occurs only in conjunction with a *Cannabis Production Facility* where such processing is subordinate to the primary use of the lot for the cultivation of cannabis;
 - b) *Cannabis* processing, where permitted as an agriculture-related use, is subject to the requirements of Section 3.28.1 above; and,
 - c) In order for *cannabis* processing to be permitted as an agriculture-related use on the same lot as the primary Cannabis Production Facility, it must be demonstrated that the proposed agriculture-related use satisfies all of the criteria below:
 - i) Is compatible with and does not hinder surrounding agricultural operations;
 - ii) Is directly related to farm operations in the area;
 - iii) Supports agriculture;
 - iv) Provides direct products and/or services to farm operations as a primary activity; and,
 - v) Benefits from being in close proximity to farm operations.
2. Section 4.6.2(a) (Urban Employment Permitted Uses) is hereby amended by adding a new subsection (v) as follows:
- “a) Permitted uses in Urban Employment Areas include the following:
- v) A *Cannabis Production Facility* may be permitted subject to all applicable Official Plan policies and subject to a Zoning By-law Amendment to permit such use. A *Cannabis Production Facility* is only permitted within a fully enclosed building. Notwithstanding Section 4.6.2(a)(iii) and Section 4.6.3(d) of the Official Plan, no outdoor storage shall be permitted in conjunction with a *Cannabis Production Facility*.”
3. Section 5.1.2 (Agricultural Areas Permitted Uses) is hereby amended by adding a new subsection (n) and (o) as follows:

“The primary use of land in the Agricultural designation shall be agricultural uses as defined by the Provincial Policy Statement. Additional permitted uses are limited to:

- n) *Outdoor Cannabis Cultivation* subject to a minimum separation distance of 300 metres from surrounding sensitive land uses. Notwithstanding Section 5.1.2(d) or Section 5.1.4(b) of the Official Plan, *Outdoor Cannabis Cultivation* shall not be permitted as or on a lot containing a home-based industry. Notwithstanding Section 5.1.4(c) or Section 5.1.2(e) of the Official Plan, *Outdoor Cannabis Cultivation* shall not be permitted on a lot containing a farm-related commercial tourism establishment.”
 - o) A *Cannabis Production Facility* subject to a Zoning By-law Amendment provided a minimum separation distance of 300 metres from surrounding sensitive land uses or a distance as determined by a land use compatibility study is maintained as required by Section 3.12 and 3.28.1 of this Official Plan. Notwithstanding Section 5.1.2(d) or Section 5.1.4(b) of the Official Plan, a *Cannabis Production Facility* shall not be permitted as, or on a lot containing a home-based industry. Notwithstanding Section 5.1.4(c) or Section 5.1.2(e) of the Official Plan, a *Cannabis Production Facility* shall not be permitted on a lot containing a farm-related commercial tourism establishment.”
4. Section 5.1.5.1 (ORM Prime Agricultural Permitted Uses) is hereby amended by adding new subsections (b) and (c) and subsequently renumbering the remaining subsections. The new subsection (b) and (c) shall read as follows:

“Notwithstanding the uses permitted in the Agricultural designation, the following uses are permitted in the ORM – Prime Agricultural designation.

- b) *Outdoor Cannabis Cultivation* subject to a minimum separation distance of 300 metres from surrounding sensitive land uses. Notwithstanding Section 5.1.5.1(h) and Section 5.1.5.1(i) of the Official Plan, *Outdoor Cannabis Cultivation* shall not be permitted as, or on a lot containing, a home-based business or a home-based industry. Notwithstanding Section 5.1.5.1(j) and Section 5.1.5.1(k) of the Official Plan, *Outdoor Cannabis Cultivation* shall not be permitted on a lot containing a *bed and breakfast establishment* nor a *farm vacation home*.”
- c) A *Cannabis Production Facility* subject to a Zoning By-law Amendment provided a minimum separation distance of 300 metres from surrounding sensitive land uses or a distance as determined by a land use compatibility study is maintained as required by Section 3.12 and 3.28.1 of this Official Plan. Notwithstanding Section 5.1.5.1(h) and Section 5.1.5.1(i) of the Official Plan, a *cannabis production facility* shall not be permitted as, or on a lot containing, a *home-based business* or a *home-based industry*. Notwithstanding Section

5.1.5.1(j) and Section 5.1.5.1(k) of the Official Plan, *outdoor cannabis cultivation* shall not be permitted on a lot containing a *bed and breakfast establishment* nor a *farm vacation home*.”

5. Section 5.2.2 (Rural Areas Permitted Uses) is hereby amended by adding a new subsection (g) and (h) as follows:

“The predominant use of land within the Rural designation shall include all agricultural uses outlined in Section 5.1.2 of this Plan. Limited residential uses, recreational uses and small-scale commercial or industrial uses such as the following are also permitted:

- h) *Outdoor Cannabis Cultivation* subject to a minimum separation distance of 300 metres from surrounding sensitive land uses. Notwithstanding Section 5.2.2 (b) of the Official Plan *Outdoor Cannabis Cultivation* shall not be permitted as, or on a lot containing, a home-based business. Notwithstanding Section 5.2.2 (e) of the Official Plan, *Outdoor Cannabis Cultivation* shall not be permitted on a lot containing a bed and breakfast establishment nor any accommodation use catering to tourists and travellers.”
- g) A *Cannabis Production Facility* subject to a Zoning By-law Amendment provided a minimum separation distance of 300 metres from surrounding sensitive land uses or a distance as determined by a land use compatibility study is maintained as required by Section 3.12 and 3.28.1 of this Official Plan. Notwithstanding Section 5.2.2 (b) of the Official Plan a *Cannabis Production Facility* shall not be permitted as, or on a lot containing, a home-based business. Notwithstanding Section 5.2.2 (e) of the Official Plan, a *Cannabis Production Facility* shall not be permitted on a lot containing a bed and breakfast establishment nor any accommodation use catering to tourists and travellers.”

6. Section 5.2.4.1 (ORM Rural Areas Permitted Uses) is hereby amended by adding a new subsection (g) and (h) as follows:

“In addition to the uses permitted in the ORM – Prime Agricultural designation, the following uses are permitted in ORM – Rural designation subject to Part III and IV of the Oak Ridges Moraine Conservation Plan.

- g) *Outdoor Cannabis Cultivation* subject to a minimum separation distance of 300 metres from surrounding sensitive land uses. Notwithstanding Section 5.2.5.1(a) of the Official Plan, *Outdoor Cannabis Cultivation* shall not be

permitted on a lot containing an agriculturally-related commercial use offering accommodations or catering to tourists and travellers.”

- h) A *Cannabis Production Facility* subject to a Zoning By-law Amendment provided a minimum separation distance of 300 metres from surrounding sensitive land uses or a distance as determined by a land use compatibility study is maintained as required by Section 3.12 and 3.28.1 of this Official Plan. Notwithstanding Section 5.2.5.1(a) of the Official Plan, a *Cannabis Production Facility* shall not be permitted on a lot containing an agriculturally-related commercial use offering accommodations or catering to tourists and travellers.”

- 7. Section 5.4.2 (Rural Employment Areas Permitted Uses) is hereby amended by adding a new paragraph and inserting this paragraph as a the second paragraph as follows:

“A *Cannabis Production Facility* may be permitted subject to all applicable Official Plan policies and subject to a Zoning By-law Amendment to permit such use. A *Cannabis Production Facility* is only permitted within a fully enclosed building. Notwithstanding any other policy of the Official Plan, no outdoor storage shall be permitted in conjunction with a *Cannabis Production Facility*.”

- 8. Section 8.4(e) (Complete Application) is hereby amended by adding the following additional second paragraph to Subsection (xiii):

“e) The supplementary information requirements may include, but shall not be limited, to the following reports or studies. The description of such study or report is intended to be general and not exhaustive:

- xiii) The requirements for a Land Use Compatibility Study shall also apply to the siting of a new or expanding *Cannabis Production Facility* and/or the establishment of sensitive land uses in proximity of any existing *Cannabis Production Facility*. Any such assessment shall include at a minimum: 1) an assessment of lighting, noise, dust and odour impacts; 2) mitigation measures proposed; and 3) determination of an appropriate separation distance between the *Cannabis Production Facility* and surrounding sensitive land uses.”

- 9. Section 8.4(e) (Complete Application) is hereby amended by amending Subsection (xiv) by including a *Cannabis Production Facility* in the final line as follows:

- “xiv) Noise Impact and Vibration Study - The intent of this study is to identify noise and vibration impacts and mitigation requirements proposed for development involving sensitive land uses that are adjacent to or in proximity to an airport, highway, arterial road, industrial use, *Cannabis Production Facility*, or railway;

10. Section 8.4 (Complete Application), is hereby amended by adding the following additional studies to Subsection (e):

- “e) The supplementary information requirements may include, but shall not be limited, to the following reports or studies. The description of such study or report is intended to be general and not exhaustive:

- xviii) Odour Study & Management Plan –The purpose of an Odour Study and Management Plan is to assess the odour impacts and mitigation measures of a proposed *Cannabis Production Facility*, any associated agriculture-related use, or any expansion thereto.

- xix) Waste Management Plan – A Waste Management Plan shall provide information on the waste by-products and effluent generated as a result of a *Cannabis Production Facility* along with a management plan for how such waste will be treated and stored on the lot before being disposed and/or hauled away.”

11. Section 8.7 (Site Plan Control), is hereby amended by revising subsection (a)(iii) and adding a new sentence at the end of the paragraph as follows:

- “a) Pursuant to the Planning Act, the Township designates all of the land within the Township boundary as outlined on Schedule A as a Site Plan Control Area. All development shall be subject to Site Plan Control, with the following exceptions:

- iii) Any permitted agricultural buildings or structures that are used for farming operations and which by their nature do not directly serve the public and/or do not charge public fees, except a building used only for agricultural uses. Agricultural buildings or structures associated with a *Cannabis Production Facility* shall not be exempt from site plan control;”

12. Section 8.7 (Site Plan Control), is hereby amended by revising subsection (b) by adding a new sentence at the end of the paragraph as follows:

- “b) Notwithstanding the above agricultural buildings or structures and residential buildings containing less than three dwelling units may be subject to site plan control for the purposes of implementing requirements from an Environmental Impact Study, a cultural heritage evaluation, a natural heritage evaluation or a hydrological evaluation. Agricultural buildings and structures used in association with a *Cannabis Production Facility* shall be subject to site plan control;

13. Appendix 1 is hereby amended by adding the following definitions:

“***Cannabis***: a genus of flowering plants in the family Cannabaceae. Synonyms include but are not limited to marijuana, and marihuana. This definition does not include the industrial or agricultural production of hemp (a source of foodstuffs (hemp milk, hemp seed, hemp oil), fiber and biofuels).”

“***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.”

3.0 IMPLEMENTATION AND INTERPRETATION

The implementation and interpretation of Official Plan Amendment No. 9 shall be in accordance with the respective policies of the Official Plan of the Township of Cavan Monaghan.

PART "C" -- THE APPENDICES

The following appendices do not constitute part of Official Plan Amendment No. 9, but are included as information supporting the Amendment.

- **Appendix No. 1 - Zoning By-law Amendment**
- **Appendix No. 2 – Public Comments**

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