

**Public Open House
for a Proposed Official Plan
Amendment and Zoning By-law
Amendment
Regulating Cannabis in the
Township of Cavan Monaghan**

October 18, 2021

**MERIDIAN
PLANNING**

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 study included:
 - A review of how cannabis is grown and processed
 - A review of best practices used in other municipalities
 - Formulation of a recommended approach to regulating cannabis production in Cavan Monaghan



Introduction continued

- 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 designated growers.



Purpose of the Public Open House

- The purpose of this Public Open House is to:
 - Present the findings of the study and the recommended option for moving forward
 - To obtain public input on the proposed regulatory approach for cannabis production



Agenda

Presentation

- Legislative Context
- Growing of Cannabis
- Understanding Impacts
- Mitigation of Impacts
- Considerations for Land Use Compatibility
- Recommended Approach

Questions and Comments



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

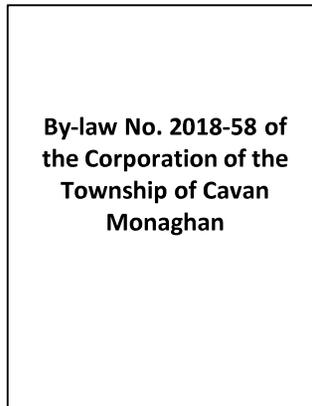
Federal	Provincial	Municipal
<ul style="list-style-type: none"> • Health Canada is responsible for issuing licenses for the production of cannabis (cultivation and processing) • Establishes the division of authority between the federal government and the Province 	<ul style="list-style-type: none"> •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



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 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)



Growing Cannabis

- Licenced cannabis operations grow cannabis in 3 primary ways:
 - i.) As outdoor field crops;
 - ii.) In greenhouses which are also considered indoor agricultural uses; and,
 - iii.) In indoor warehouses.



Growing Cannabis as Field Crops

- Outdoor cultivation of cannabis significantly influenced by climate, weather and topography.
- Common to use hoop houses (temporary greenhouses) to grow cannabis.
- Poses a particular challenge as conventional pollution controls cannot be readily applied.
- Outdoor cannabis operations can only really rely on separation distances from sensitive land uses to mitigate impacts.



Growing Cannabis in Greenhouses

- Utilize natural light although artificial climate controls such as light and cooling systems are still required.
- Can have significant light and noise impacts on surrounding land uses in addition to odour.
- Can exhaust significant amounts of air to control temperature and humidity.
- Impacts depend on type of building and air treatment control system used.



Growing Cannabis in Warehouses



- Different from greenhouses.
- Warehouse structures are completely sealed from the outdoors – no natural light, air temperature and humidity controlled and recirculated.
- Amount of exhausted air can more easily be minimized or mitigated – odour controls may be more easily adopted.



Impacts



- Odour
- Light pollution
- Noise
- Water and wastewater
- Traffic

Odour

- Depends on the specifics of the operation and building (retrofit vs. purpose-built)
- No 'one size fits all' solution
- Odour control is part of the federal licensing requirement
- Many possible technologies may be used to treat odour for an indoor cannabis operation
- Separation distances are the only real remedy to address odours from outdoor cannabis operations



Light & Noise

- In greenhouse operations, artificial lighting is required to augment natural daylight hours as well as mechanical systems to control heat/cooling systems and humidity
- Light and noise pollution can also be an issue due to the 24-hour growing operation.



Purple light from a large cannabis greenhouse in Leamington.



Water/Wastewater

- Cultivation of cannabis has high water needs (quantity and quality)
- Must meet high standards of water quality for irrigation, processing, cleaning and disinfecting
- Consideration for environmental impact of water taking from ground and surface water sources
- Consideration of quality and quantity of effluent post-use
- Capacity in municipal systems
- Stormwater requirements



Traffic

- Truck traffic on rural roads
- Site circulation of traffic
- Internal loading bays for trucks
- Parking for employees



Mitigation of Impacts

Odour & Noise

- Setbacks and separation distances
- Enhanced setbacks from lot lines
- Separation distances that are applied between cannabis operations and sensitive land uses
- Municipal examples ranged from 150 metres to 300 metres for indoor industrial operations and 300 metres for outdoor operations from sensitive land uses
- Only permit in purpose-built structures

Lighting

- Require that lighting facilities be directed downward
- Landscape buffers along lot lines that abut sensitive land uses

Security

- Fencing, internal loading spaces, location of security huts/buildings
- Prohibit outdoor storage of any materials associated with the cannabis use

Mitigation of Impacts continued

Other

- Only permit indoor cannabis facilities in purpose-built structures
- Parking standards
- Accessory retail sales
- Requirement for studies when evaluating an application for a cannabis facility (Zoning By-law Amendment or Official Plan Amendment)
- Specify that planning applications to permit a cannabis facility may only occur by way of Zoning By-law Amendment – not a minor variance

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 surrounding 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

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 necessary to update the Township Official Plan and the Township Zoning By-law to bring municipal regulations into conformity with the updated Provincial requirements for land use compatibility and to address the siting of cannabis facilities in a more comprehensive way.

Premise of the Recommendations

Underlying Principle for Zoning Regulations:

As a first principle, the avoidance of adverse effects is preferred. However, if avoidance is not possible, adverse effects must be minimized to the greatest degree possible and appropriately mitigated.

Recommendations

- Only Permit Indoor Cannabis Production Subject To A Zoning By-Law Amendment
- Permit Outdoor Cannabis Production in the Rural and Agricultural Zones + applicable ORM Zones subject to a minimum 300 metre separation distance from sensitive land uses

Recommendations continued

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.

Recommendations continued

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 zoning amendment application. This equally provides an opportunity for the public in the surrounding area to be notified of any applications and provide comments.

The existing as-of-right permissions for a 'cannabis production facility' in the M1 Zone (Millbrook Employment Area) will be rescinded. Any existing facilities may continue.

Rationale for the Recommendation

- 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.

Next Steps

1. Prepare Draft Official Plan Amendment to add use-specific policies for cannabis to the Official Plan.
2. Prepare Draft Zoning By-law Amendment to revise and update the zoning regulations applicable to cannabis facilities.
3. Public opportunity to review and comment on draft Official Plan Amendment and Draft Zoning By-law Amendment at Statutory Public Meeting.
4. Council adoption of planning documents.



Comments?

Please forward any comments that you may have to:

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Discussion

