

COUNTY OF RENFREW

CORPORATE SERVICES DEPARTMENT REPORT

TO: Finance and Administration Committee
FROM: Jeffrey Foss, Director of Corporate Services
DATE: May 13, 2021
SUBJECT: Addendum to Corporate Services Report

RESOLUTIONS

10. Recreational Cannabis in Ontario and Land Use Planning [Strategic Plan Goal No. 3(b)]

Recommendation: THAT the Finance and Administration Committee agree with Development and Property Committee that funds be used from the Cannabis Reserve Fund to undertake a land use planning study with respect to cannabis cultivation, production and processing in the County or study area region;

AND FURTHER THAT the study include evaluating potential associated impacts on sensitive land uses and recommending an approach for zoning cannabis production facilities, and that the authors of the study consider and report upon any other land use planning considerations as relevant and deemed appropriate;

AND FURTHER THAT this project be done in partnership with local municipalities.

Background

County of Renfrew Planning staff have been engaged with several lower tier municipalities as they seek clarification on zoning matters as they pertain to cannabis cultivation, production and processing in their region(s). The legalization of recreational cannabis in Canada has caused local municipalities in Ontario to attempt to discern how the related Federal and Provincial legislation framework impacts their communities. Legalization

affects land use planning in two forms: zoning related to retail use, and zoning related to production.

Recreational Cannabis Retail Sales and Zoning/Land Use As per Section 42(2) of the Cannabis Licencing Act:

"the authority to pass a by-law under section 34, 38 or 41 of the Planning Act does not include the authority to pass a by-law that has the effect of distinguishing between a use of land, a building or a structure that includes the sale of cannabis and a use of land, a building or a structure that does not include the sale of cannabis."

Section 34 of the Planning Act relates to zoning by-laws, Section 38 to interim control by-laws and Section 41 to site plan control by-laws.

Municipalities have, within their powers, the permitted right to impose zoning requirements on land being developed, such as separation distances from sensitive land uses (i.e. residential, institutional, open space, etc.). However, current cannabis regulations remove the ability for municipalities such autonomy in many instances. For the purposes of this report and recommendation, planning staff have focused their efforts and conversations on the product of cannabis as many municipalities are already familiar with retail operations and have taken appropriate steps at this time to determine where they could be located in their communities.

Production of Cannabis

A licence is required from Health Canada in order to cultivate (i.e. grow) cannabis in Canada, whether it be for commercial, medical or recreational purposes. There are three types of licences where licensees would be permitted to grow cannabis indoors/outdoors, subject to meeting a number of imposed conditions and requirements of the licence. The three types of cannabis cultivation licences include:

- i. standard licence
- ii. micro-licence
- iii. nursery licence.

In addition to permitting the growing of cannabis, a standard and micro cultivation licence also permits the drying, trimming and milling of cannabis as ancillary uses. Whereas, a nursery licence only permits the drying of

cannabis as an ancillary use. In accordance with the regulations, cannabis must be produced, packaged, labelled, stored, sampled and tested indoors.

It should also be pointed out that municipal zoning requirements must be complied with when cultivating/producing cannabis under any of the three licences noted above.

Cannabis production in Ontario is a relatively new land use and the potential impacts on sensitive land uses are not fully understood. What we are seeing, in several municipalities, is a number of producers establishing themselves without permission or consultation. There have been significant impacts to neighbours, entrances, and local officials who do not have a clear path forward for approvals, or otherwise. During County staff's conversation with local municipalities that reached out for guidance, some of the main concerns were with regards to security, access, lighting, water supply, effluent and drainage, and noxious odours.

At this point, three municipalities have passed and imposed an interim control by-law that prohibits cannabis production facilities until a study is completed to determine compatible land use impacts and methods of regulation. These three municipalities have asked the County of Renfrew to complete this study, but we do not have the capacity to do so within the timelines required.