



**GEORGINA**

# **Cannabis Production Facilities Zoning By-law Amendment**

Statutory Public Meeting

August 19, 2020

File No.: 03.05BQ

Report DS-2020-0028



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# Cannabis Production

- Cannabis may be produced in the following ways:
    1. Commercial production of recreational and medical cannabis authorized by a license issued by Health Canada (**Licensed CPF**)
    2. A person with a medical prescription for cannabis may register with Health Canada to grow a limited amount of cannabis for their own personal use (**Registered Person**)
    3. A person with a medical prescription for cannabis may designate someone through Health Canada to grow a limited amount of cannabis for their own personal use (**Designated CPF**)
    4. An individual who is at least 19 years of age may grow up to 4 cannabis plants at their household (not per person) for personal recreational purposes (cannot sell to others)
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# Cannabis Production

- Who can produce medical cannabis vs. recreational cannabis?

<b>Medical Cannabis</b>	<b>Recreational Cannabis</b>
Registered Person	Any adult – up to 4 plants per household
Designated CPF	Licensed CPF
Licensed CPF	



# Purchasing Cannabis for Consumption

- **Recreational Cannabis:**
    - Brick and mortar retail stores (Georgina has passed a resolution to not permit retail stores within the Town)
    - Online through the Ontario Cannabis Store website
  - **Medical Cannabis:**
    - From a Licensed CPF; purchases may only be done online through the company's website (recreational cannabis stores cannot fill prescriptions)
    - From a Designated CPF; designated someone to grow cannabis for you and then purchase it from them
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# Proposal

- Define and regulate the location and zoning standards for:
    - **Licensed Cannabis Production Facilities**
      - Produce and process cannabis on a commercial scale for medical and/or recreational purposes
      - License(s) from Health Canada required
    - **Designated Cannabis Production Facilities.**
      - Produce cannabis for another individual's medical purpose
      - Registration Certificate from Health Canada required
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## Proposal Cont'd.

- To permit CPFs within the Rural (RU), Restricted Industrial (M1), General Industrial, and Business Park 3 (BP-3) zones
  - To implement specific zoning provisions for CPFs based on the type of CPF and the zone in which they are located
  - Repeal the existing definition of 'Marihuana Production Facility' and related requirements in ZBL 500
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## Proposal Cont'd.

- Define, but not strictly regulate **Registered Persons**
- The By-law does not propose to regulate the personal recreational cultivation of up to 4 cannabis plants per household





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# Public Comments

- 2 comments received
- GSP Group on behalf of the owner of 26037 Woodbine Ave (June 26, 2020)
  - Request to permit CPF use on property
- Rob Cooper of 374 Victoria Rd (August 15, 2020)
  - Concerns with odour, regulation and enforcement



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# Department and Agency Comments

- Detailed comments provided by:
    - York Region
    - York Catholic District School Board and York Region District School Board
  - Remaining Depts./Agencies providing comment have indicated no objections or concerns
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# York Region

- Regional Planning:
  - Consider the Estate Residential (ER) zone and/or other existing residential uses as sensitive land uses requiring separation distance, where appropriate





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# York Region

- York Region Public Health:
    - Preventing large-scale indoor/land intensive CPFs in RU zone
    - Min. 150 m setback from sensitive land uses to CPFs
    - Min. 300 m setback from sensitive land uses to outdoor cultivation or to Designated CPFs with no odour controls
    - Include a definition for ‘sensitive land use’
    - CPFs be required to submit an odour control plan as part of any future SPC approval process
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# York Region

- Water Resources:
    - Development must comply with the South Georgian Bay Lake Simcoe Source Protection Plan and York Region Official Plan
    - The use of best management practices are encourage during and post construction with respect to handling and storage of chemicals, and that risk management measures are put in place with respect to chemical use and storage.
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# York Region Catholic District School Board and York Region District School Board

- Concern with permitting CPFs to be as close as 70 m to an Institutional Zone, which permits schools.
  - The following provisions are being requested:
    - CPFs shall not be located within 200 m of an existing or proposed school
    - The distance shall be measured from the property line of the school to the property line of the CPF
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# Land Use

- Cultivation, propagation and harvesting of the cannabis plant:
    - Considered an agricultural use when it is conducted in a rural or agricultural area; or,
    - Considered a production, processing and manufacturing use when it is conducted in an employment or industrial area
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# Proposed Zones

Zone	Designated Cannabis Production Facility	Licensed Cannabis Production Facility
Restricted Industrial (M1)	✓	✓
General Industrial (M2)	✓	✓
Business Park 3 (BP-3)		✓
Rural (RU)	✓	✓



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# Registered Person

- Definition of Registered Person proposed
- General provision proposed to permit Registered Person to cultivate cannabis at any property and in any manner that is permitted by their Health Canada Registration Certificate





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# Sensitive Land Uses

- Sensitive land uses include:
  - Residential, Estate Residential, Institutional and Transitional zones
  - Rural zoned lots with a minimum lot area of 8,000 sq m (~1.97 acres)





# Separation Distances from Sensitive Land Uses

- Required for both Licensed and Designated CPF
  - Based on a CPF having air treatment control (ATC) or not and outdoor cultivation:
    - If CPF contains ATC – min. 150 metres
    - If no ATC or outdoor cultivation – min. 300 metres
  - Min. setback from property which contains an existing or proposed school is 300 m
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# Air Treatment Control

- Not required by the zoning by-law, but setbacks from sensitive land uses based on having ATC or not.
- Definition of ATC requires the submission of a report prepared by a qualified person, to be approved through the Town.





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# Gatehouse

- Definition proposed for Gatehouse
  - Permitted within RU, M1, M2 and BP-3 zones accessory to a CPF
  - May be located from and ext. side yard, a min. of 1.5 m from property line and a max. of 20 sq. m
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# Parking Requirements

Use	Required Spaces
<b>Licensed Cannabis Production Facility</b>	2 spaces, plus 2 spaces per 95 sq. metres of non-residential floor area
<b>Designated Cannabis Production Facility</b>	2 space, plus 1 space per 95 sq. metres of non-residential floor area



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# Requirements by Zone Category

- Cannabis Production Facilities are generally subject to the non-residential use requirements of the zone they are permitted within
  - Additional requirements are proposed for each zone to mitigate potential land use conflicts and ensure compliance with provincial land use policy
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# Restricted Industrial (M1) and General Industrial (M2) Zones

- Designated and Licensed Cannabis Production Facilities permitted
  - Specific requirements imposed:
    - No outdoor growing of cannabis
  - All other requirements for non-residential uses in the M1 and M2 zone apply
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# Business Park 3 (BP-3) Zone

- Only Licensed Cannabis Production Facilities permitted
- Specific requirements imposed:
  - No outdoor growing of cannabis







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# Rural (RU) Zone

- Licensed and Designated Cannabis Production Facilities permitted
  - Specific requirements imposed:
    - Lot coverage: Max. 30%
    - Height: Max. 11 m
    - Loading spaces: In accordance with the requirements for a commercial/industrial/business park use pursuant to Sec. 5.25
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## Rural (RU) Zone, Cont'd

- Specific requirements imposed, continued:
    - Restrictions on Licensed Facilities:
      - Processing, research, testing, and sale for medical purposes only permitted if cannabis used is grown on the property
      - Maximum floor area devoted to processing, research, testing, and sale for medical purposes shall be 2% of the overall lot area of the property, to a maximum of 10,000 sq. m
    - Restrictions on Designated Facilities:
      - No part of a CPF may be permitted within a dwelling unit
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## Rural (RU) Zone, Cont'd

- Currently, outdoor cultivation is permitted in the RU zone and is required to comply with the sensitive land use setbacks
  - Proposed revision to by-law to also require outdoor cultivation to comply with the setbacks for non-residential uses:
    - Front and ext. side yard – 15 m min.
    - Rear and int. side yard – 9 m min.
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# Provincial, Regional and Municipal Plans

- Consistent with the Provincial Policy Statement (2020)
  - Conforms with the Growth Plan (2019), Greenbelt Plan (2017), LSPP (2009), York Region OP (2010) and the Town of Georgina OP and Secondary Plans
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# Concerns with Medical Cannabis Registration Regime

- Section 9 of report outlines concerns with Medical Cannabis Registration Regime
  - Licensed CPF required to comply with strict regulations;
  - Designated CPF and Registered Persons have significantly less regulations/requirements
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# Concerns with Medical Cannabis Registration Regime

- Designated CPFs have been reported to grow additional cannabis than permitted and then circumvent this cannabis to the illegal market
  - Lack of regulation and oversight by Health Canada creates serious concerns which require further review and evaluation
  - East Gwillimbury Council enacted resolution requesting a committee of rural communities be established to review and propose changes to Cannabis Act
  - Staff support the resolution by EG and have recommended that Council pass a similar resolution
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# Conclusion

- Staff recommend approval of the application a presented in Section 1, subject to a revision to the by-law re: outdoor cultivation setbacks

**OR**

- Should comments/concerns be raised at the public meeting, Staff recommend that further investigation occur before the matter is brought back before Council.

