

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2019-0006

**FOR THE CONSIDERATION OF
COUNCIL
JANUARY 16, 2019**

**SUBJECT: PROPOSED INTERIM CONTROL BY-LAW TO PROHIBIT CANNABIS
CULTIVATION
PLANNING DIVISION FILE: 05.258**

1. RECOMMENDATION:

- 1. That Council receive Report No. DS-2019-0006 prepared by the Planning Division, Development Services Department dated January 16, 2019 respecting an Interim Control By-law prohibiting cannabis cultivation.**
- 2. That Council direct a land use planning study be undertaken with respect to the cultivation of cannabis in the Rural (RU) zone and on any lands having a site-specific Rural (RU) zoning, including evaluating potential associated impacts on sensitive land uses and recommending an approach for zoning cannabis production facilitates, and that the authors of the study consider and report upon any other land use planning considerations as relevant and deemed appropriate.**
- 3. That Council pass the interim control by-law included as Attachment 2 to Report DS-2019-0006 and that the Town Clerk provide notice of passing in accordance with Section 38 of the Planning Act.**
- 4. That the Town Clerk forward a copy of Report DS-2019-0006 and Council's Resolution thereon to the York Region Director of Community Planning and Development Services.**

2. PURPOSE:

The purpose of this report is to provide Council with an interim control by-law (ICB) for consideration and passing which would have the effect of prohibiting the cultivation of cannabis in the Rural (RU) zone and on any lands having a site-specific RU zoning for a period of one (1) year, to allow the municipality to conduct a land use planning study regarding the implementation of zoning provisions for cannabis production facilities.

3. BACKGROUND:

On December 12, 2018, Council considered Report CAO-2018-0021 respecting general cannabis information and passed Resolution No. C-2018-0538 (refer to Attachment 1).

Report CAO-2018-0021 provides background information and context with respect to cannabis cultivation and zoning considerations. Due to its length, the report has not been attached, but can be viewed online through the Agendas and Minutes webpage on the Town's website as follows:

- December 12, 2018 Council Meeting Agenda, pages 53 through 71. Link to the agenda: https://www.georgina.ca/sites/default/files/agendas-and-minutes/2018/december_12_2018_continuous_agenda.pdf

Item 4 of Resolution C-2018-0021 (refer to Attachment 1) states:

“That Planning Staff be directed to prepare an interim control by-law for Council’s consideration and passing at the January 16, 2019 Council meeting which would have the effect of prohibiting the production of cannabis in the Rural (RU) zone within the Town of Georgina for a period of one (1) year to allow the municipality to conduct a land use planning study regarding the implementation of zoning provisions for cannabis production facilities.”

In consideration of the foregoing, this report has been prepared to satisfy the above-noted direction of Council.

4. REPORT:

Section 38(1) of the *Planning Act* provides that:

“Where the Council of a local municipality has, by by-law or resolution, directed a review or study be undertaken in respect of land use planning policies in the municipality or in any defined area or areas thereof, the Council of the municipality may pass a by-law (herein referred to as an interim control by-law) to be in effect for a period of time specified in the by-law, which period shall not exceed one year from the date of passing thereof, prohibiting the use of land, buildings or structures within the municipality or within the defined area or areas thereof for, or except for, such purposes as are set out in the by-law.”

Given the foregoing, Staff have included a recommendation in Section 1 of this report directing that a land use planning study be undertaken with respect to the cultivation of cannabis in the RU zone and on any lands having a site-specific RU zoning, including evaluating potential associated impacts on sensitive land uses and recommending an approach for zoning cannabis cultivation facilitates, and that the authors of the study consider and report upon any other land use planning considerations as relevant and deemed appropriate.

Should Council agree with Staff's recommendation and direct that the land use planning study be undertaken, a subsequent recommendation has been included for Council to pass the ICB which has been included as Attachment 2 to this report. The ICB has been prepared by Planning Staff in consultation with the Town Solicitor and placed on today's agenda for passing.

Staff should note that the prohibition regarding the cultivation of cannabis in the RU zone and on any lands having a site-specific RU zoning is not intended to extend to the cultivation of cannabis within the RU zone for personal use¹.

It is recommended by Staff that the ICB be in effect for a period of one (1) year from the date of passing to allow Staff to complete the study. Council may, if necessary, extend the period of time that the by-law is in effect, provided the time period does not exceed two (2) years from the date of passing.

5. RELATIONSHIP TO STRATEGIC PLAN:

This report addresses the following strategic goal:

- GOAL 2: "Promote a High Quality of Life" – HEALTHY, SAFE, SUSTAINABLE COMMUNITIES.

6. FINANCIAL AND BUDGETARY IMPACT:

There are no financial or budgetary impacts as a result of this report.

7. PUBLIC CONSULTATION AND NOTICE REQUIREMENTS:

In accordance with Section 38(3) of the *Planning Act*, there are no requirements to provide notice or hold a public meeting prior to the passing of an ICB; however, the clerk of the municipality shall, in the manner and to the persons and public bodies and containing the information prescribed, give notice of the passing of an ICB within thirty (30) days of the passing of the by-law. In this regard, Staff have incorporated a recommendation to this effect in Section 1 of the report.

Staff note that only the Minister may appeal the initial passing of an ICB (i.e. a by-law in effect for up to a maximum of a year), of which must be done within sixty (60) days of the date of passing of the by-law. Should Council wish to extend the duration of the by-law past one (1) year, then the extension of the by-law may be appealed by the general public.

8. CONCLUSION:

In consideration of the foregoing, Staff recommend that Council approve the recommendations contained in Section 1 of this report.

¹ The Cannabis Act permits adults to cultivate up to four (4) plants on their property for personal use.

Should Council agree with Staff's recommendations, it is anticipated that the study will be conducted in-house. In this regard, Staff will report back to Council in the first quarter of 2019 with respect to the land use planning study approach and terms of reference.

Prepared by:



Tolek A. Makarewicz, BURPI, MCIP, RPP
Senior Policy Planner

Reviewed/Recommended by:



Harold W. Lenters, M.Sc.PI, MCIP, RPP
Director of Development Services

Approved by:



Winanne Grant, B.A., AMCT, CEMC
Chief Administrative Officer

December 20, 2018

Attachment 1 – December 12, 2019 Council Minutes and Resolution No. C-2018-0538

Attachment 2 – Proposed Draft Interim Control By-law

THE CORPORATION OF THE TOWN OF GEORGINA

COUNCIL MINUTES

Wednesday, December 12, 2018

9:00 AM

Staff:

Winanne Grant, Chief Administrative Officer
David Reddon, Acting Chief Administrative Officer
Harold Lenters, Director of Development Services
Dan Buttineau, Director of Recreation & Culture
Ron Jenkins, Director of Emergency Services and Fire Chief
Rob Wheeler, Director of Corporate Services and Treasurer
Bev Moffatt, Director of Human Resources
John Armstrong, Acting Director of Operations and Infrastructure
Ryan Cronsberry, Acting Deputy Chief Administrative Officer
Karyn Stone, Manager of Economic Development and Tourism
Shawn Conde, Manager of Information Technology Services
Geoff Harrison, Manager of Taxation, Revenue & Customer Service
Darlene Carson-Hildebrand, Manager of Finance and Deputy Treasurer
Kelly Powis, Revenue and Taxation Supervisor
Zaidun Alganabi, Manager of Development Engineering
Tolek Makarewicz, Senior Policy Planner
Mike Hutchinson, Acting Chief Municipal Law Enforcement Officer
Ken McAlpine, Landscape Architectural Planner
Shawn Nastke, Head of Corporate Service Delivery Excellence
Tanya Thompson, Communications Manager
John Espinosa, Town Clerk
Carolyn Lance, Council Services Coordinator

A moment of meditation was observed.

1. CALL TO ORDER - MOMENT OF MEDITATION

"We would like to begin today's meeting by acknowledging that the Town of Georgina is located over lands originally used and occupied by the First Peoples of the Williams Treaties First Nations and other Indigenous Peoples and thank them for sharing this land. We would also like to acknowledge the Chippewas of Georgina Island First Nation as our close neighbour and friend, one with which we strive to build a cooperative and respectful relationship."

2. ROLL CALL

The following Members of Council were present:

2. That the Draft 2019 Operating and Capital Budget, Ten Year Capital Forecast, and the Budget Supplementary Information Package be received;
3. That Council approve the rental of three sidewalk machines with equipment as described in Capital Project 19-PRK-1; Fleet Replacements for \$120,000 to be funded from the Operating Budget in Account 1-2-1531101-3620.

Carried.

John A. Staff was requested to bring forward a permanent solution along with a full analysis concerning sidewalk machines to make a decision on the level of service to be provided in the future.

Reports from the Chief Administrative Officer:

(G) **General Cannabis Information Report**

Report No. CAO-2018-0021

Ryan Cronsberry and Tolek Makarewicz provided information with respect to the use of and establishment of cannabis within the municipality;

- staff need to fully evaluate the use and understand the impacts on land use zones as these facilities can adversely affect communities
- three issues; i) to opt-in or opt-out, ii) the consumption and potential to further restrict consumption through a bylaw, and iii) production and implementation of an Interim Control Bylaw to allow staff to review the provisions for appropriate zoning
- tight window for public engagement; intend to promote a survey to be launched through the website, newspaper, libraries, promote contact email address through Bylaw Division for feedback and will report results to Council on January 16th

Moved by Councillor Neeson, Seconded by Councillor Fellini

RESOLUTION NO. C-2018-0538

Ryan C.

1. That Council receive Report No. CAO-2018-0021 prepared by the Office of the CAO dated December 12, 2018 respecting General Cannabis Information.
2. That Staff report back to Council at the January 16, 2019 Council meeting to obtain direction with respect to Council's decision to "opt-in" or "opt-out" with respect to the retail sale of cannabis within the Town of Georgina and that staff conduct public consultation and provide results to Council on January 16th, 2019.

- 3 That Staff report back to Council at the January 16, 2019 Council meeting on the preferred option with respect to regulating the consumption of cannabis on Town properties and if applicable, prepare any necessary by-law(s) for Council's consideration and passing.
- 4 That Planning Staff be directed to prepare an interim control by-law for Council's consideration and passing at the January 16, 2019 Council meeting which would have the effect of prohibiting the production of cannabis in the Rural (RU) zone within the Town of Georgina for a period of one (1) year to allow the municipality to conduct a land use planning study regarding the implementation of zoning provisions for cannabis production facilities.

Carried.

13. DISPOSITIONS/PROCLAMATIONS, GENERAL INFORMATION ITEMS AND COMMITTEE OF ADJUSTMENT

(1) Dispositions/Proclamations

- (A) Economic Development & Tourism Division advising of its recent approvals of Economic Development, Community Betterment and Development Application Rebate Grants.

Moved by Councillor Neeson, Seconded by Councillor Fellini

RESOLUTION NO. C-2018-0539

Cristina L.
Karyn S.

That the Interoffice Memorandum from the Economic Development Department advising of approvals of Economic Development and Community Betterment Grant and Development Application Rebate Grants, namely \$4,000 for the Lake Simcoe Championship Ice Fishing Derby under the Economic Development Grants, \$10,000 to Harrison Land Co Ltd. under the Development Application Fee Rebate Program, \$7,822 to Sterling Tire Services under the Development Application Fee Rebate Program and \$10,000 to Wellers Tree Service under the Development Application Fee Rebate Program, be received.

Carried.

- (B) Ontario Good Roads Association requesting nominations to serve on the 2019-2020 Board of Directors in various capacities by the submission deadline of December 21, 2018.

Moved by Regional Councillor Grossi, Seconded by Councillor Harding

RESOLUTION NO. C-2018-0540

**THE CORPORATION OF THE TOWN OF GEORGINA
IN THE
REGIONAL MUNICIPALITY OF YORK**

BY-LAW NUMBER 2019 – <> (PL-3)

BEING A BY-LAW TO IMPOSE INTERIM CONTROL ON THE
USE OF LANDS, BUILDINGS AND STRUCTURES WITHIN THE
MUNICIPALITY IN ACCORDANCE WITH SECTION 38 OF THE
PLANNING ACT, R.S.O. 1990.

WHEREAS Section 38(1) of the Planning Act, R.S.O. 1990, as amended, provides that where the Council of a local municipality has, by by-law or resolution, directed that a review or study be undertaken in respect of land use planning policies in the municipality or in any defined area or areas thereof, the Council of a municipality may pass a by-law to be in effect for a period of time specified in the by-law, which period shall not exceed one year from the day of passing thereof, prohibiting the use of land, buildings or structures within the municipality or within the defined area or areas thereof for, or except for, such purposes as are set out in the by-law;

AND WHEREAS the Government of Canada has legalized the cultivation of cannabis for recreational purposes subject to a cultivation licence issued by Health Canada and compliance with municipal zoning requirements;

AND WHEREAS the cultivation of cannabis as a legal agricultural use was not contemplated when Zoning By-law No. 500 was drafted and passed;

AND WHEREAS in accordance with Zoning By-law No. 500, as amended, the cultivation of cannabis may be permitted indoors or outdoors as an agricultural use in the Rural (RU) zone and on any lands having a site-specific Rural (RU) zoning, subject to compliance with the non-residential use provisions;

AND WHEREAS concerns have been raised with respect to utilizing the current zoning by-law definitions and non-residential use provisions in relation to the establishment of cannabis cultivation facilities in the Rural (RU) zone and on any lands having a site-specific Rural (RU) zoning;

AND WHEREAS concerns have also been raised with respect to potential impacts on sensitive land uses resulting from the cultivation of cannabis in the Rural (RU) zone and on any lands having a site-specific Rural (RU) zoning;

AND WHEREAS Council has directed that a land use planning study be undertaken with respect to the cultivation of cannabis in the Rural (RU) zone and on any lands having a site-specific Rural (RU) zoning, including evaluating potential associated impacts on sensitive land uses and recommending an approach for zoning cannabis cultivation facilities;

NOW THEREFORE, pursuant to Section 38(1) of the Planning Act, R.S.O. 1990, as amended, the Council of the Corporation of the Town of Georgina **ENACTS AS FOLLOWS:**

1. Notwithstanding any other provision of the Town of Georgina's Comprehensive Zoning By-law No. 500, as amended, no person shall on land which is zoned Rural (RU) and on any lands having a site-specific Rural (RU) zoning, or in a building or structure thereon, use the land, building or structure for the purpose of cultivating cannabis, unless the cultivation is for the personal use of a resident of the land, building or structure.
2. This by-law shall remain in effect for a period of one (1) year from the date of its enactment.

READ and enacted this 16th day of January, 2019.

Margaret Quirk, Mayor

John Espinosa, Town Clerk