

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2020-0028

**FOR THE CONSIDERATION OF
COUNCIL
AUGUST 19, 2020**

**SUBJECT: PROPOSED TOWN INITIATED ZONING BY-LAW AMENDMENT
RESPECTING CANNABIS PRODUCTION FACILITIES
PLANNING DIVISION FILE: 03.05BQ**

1. RECOMMENDATION:

1. That Council receive Report No. DS-2020-0028 prepared by the Planning Division, Development Services Department dated August 19, 2020 respecting a proposed Town initiated Zoning By-law Amendment respecting Cannabis Production Facilities.
2. That in the event no public or Council concerns are raised at the public meeting warranting investigation and a further meeting, Staff recommend the following:
 - I. That Council approve and adopt the Zoning By-law Amendment provided as Attachment 1 to Report DS-2020-0028, respecting Cannabis Production Facilities;
 - II. That Staff bring forward a by-law to repeal Interim Control By-law No. 2019-0003 (PL-3), as amended by By-law No. 2019-0106 (PL-3), at such time as the amending Zoning By-law comes into force and effect;
 - III. That pursuant to Section 34(17) of the Planning Act, in the event minor revisions are necessary respecting the proposed Zoning By-law Amendment, further notice shall not be required;
 - IV. That Council adopt the resolution provided as Attachment 9 to Report DS-2020-0028 pertaining to Cannabis Legislation; and,
 - V. That staff monitor the legislation and process related to the medical cannabis registration regime and report back to Council as appropriate.

Or alternatively,

3. That in the event concerns are raised by the public or Council which require further investigation, Staff recommend the following:

- I. That Staff report further to Council following the receipt and assessment of the public and Council's concerns; and,
- II. That Staff provide written notice of the next public meeting, a minimum of two weeks in advance of the date of said meeting, to the following:
 - i. Any person or public body that has requested to be notified of any future public meeting(s); and,
 - ii. Any person or public body that has requested to be notified of Council's decision regarding the approval or refusal of the subject application.

2. PURPOSE:

The purpose of this report is to outline comments received and to provide staff's analysis and recommendations with respect to a Town initiated Zoning By-law Amendment (ZBA) for Cannabis Production Facilities (CPFs).

This report was scheduled to be considered by Council at the April 1, 2020 Council meeting. However, due to the proclamation of a State of Emergency on March 19, 2020 and the subsequent cancelling of Council meetings, the report was put on hold pending resumption of Council and planning public meetings.

3. PROPOSAL:

The Town of Georgina is proposing an amendment to Zoning By-law 500 (ZBL 500) to implement zoning requirements for CPFs. The purpose of the ZBA is to regulate the location and zoning standards for Designated and Licensed CPFs, as defined within the by-law. The amendment generally proposes to:

- Define two types of CPFs – a Designated CPF for the producing of medical cannabis authorized by registering with Health Canada and a Licensed CPF for the producing and processing of medical and/or recreational cannabis authorized by a license issued by Health Canada;
- Permit CPFs within the Rural (RU), Restricted Industrial (M1), General Industrial (M2), and Business Park 3 (BP-3) zones;
- Implement specific zoning provisions for CPFs based on type of CPF and the zone in which they are located; and,
- Repeal the existing definition of 'Marihuana Production Facility' and related provisions contained in ZBL 500.

In accordance with the *Planning Act*, this report is being considered by Council as part of a Statutory Public Meeting, the purpose of which is to give the public an opportunity to provide comment on the proposed ZBA which is provided as Attachment 1.

Although it is not part of this ZBA, as part of the approach for dealing with CPFs from a land use planning perspective, it is also proposed that all CPFs be required to obtain site plan control (SPC) approval prior to building permit issuance. In this regard, Council directed Planning staff to work with Development Engineering to make the necessary changes to the SPC By-law. These changes were incorporated into the new SPC by-law (By-law No. 2020-0037 (PL-3) which came into force and effect on May 27, 2020.

4. BACKGROUND:

The *Cannabis Act* came into force on October 17, 2018. The purpose of the Act is to better protect the health and safety of Canadians, to keep cannabis out of the hands of youth, and to keep profits out of the hands of criminals and organized crime. The Act and the associated regulations create a legal and regulatory framework for controlling the production, distribution, sale and possession of recreational and medical cannabis in Canada. Prior to the *Cannabis Act* coming into force, cannabis was only legal in Canada for medical purposes pursuant to federal regulations.

In accordance with the *Cannabis Act* and Regulations, cannabis may be produced in the following ways:

- Commercial production of cannabis may be authorized by a license issued by Health Canada (i.e. 'Licensed CPF' as defined in the proposed ZBA)
- An individual with a medical prescription for cannabis may register with Health Canada to produce a limited amount of cannabis for their own medical purposes (i.e. 'Registered Person' as defined in the proposed ZBA)
- An individual with a medical prescription for cannabis (Registered Person) may designate someone through Health Canada to produce a limited amount of cannabis for their own medical purposes (i.e. 'Designated CPF' as defined in the proposed ZBA)
- An adult who is at least 19 years of age may grow up to a maximum of four (4) cannabis plants at their household (not per person) for personal recreational purposes (cannot sell to someone else).

4.1 PREVIOUS REPORTS TO COUNCIL

Since the *Cannabis Act* came into effect, staff have reported to Council on several occasions respecting cannabis production. These reports and their reception by Council reflect the evolution of the Town's consideration of the cannabis issue. Due to the length of the reports, they have not been attached, however, they do contain valuable background information and are available for viewing at the Planning Division during regular business hours or alternatively they can be found on the Town's website through the dedicated Cannabis Production webpage¹. The webpage contains

¹ www.georgina.ca/CannabisProduction

pertinent information with respect to the subject ZBA process and producing cannabis in Georgina. Below is a summary of the previous staff reports:

December 12, 2018 – General Cannabis Information Report (Report No. CAO-2018-0021)

Council endorsed the recommendations of the report and directed Planning staff to initiate a land use planning study regarding zoning for CPFs and to prepare an interim control by-law (ICB) to prevent CPFs from establishing in the RU zone as an agricultural use while the land use planning study is being completed.

January 16, 2019 – Proposed Interim Control By-law to Prohibit Cannabis Cultivation (Report No. DS-2019-0006)

Council endorsed the recommendations of the report, passed the ICB, and directed staff to proceed with undertaking a land use planning study. On November 20, 2019, the ICB was extended for an additional year, to expire on January 16, 2021 to allow for additional time to complete the planning process related regulating CPFs. However, because of COVID-19 and the extension of *Planning Act* timeframes, the ICB has been extended until April 23, 2021.

September 18, 2019 – Cannabis Production Facilities Land Use Planning Study (Report No. DS-2019-0100)

Council endorsed the recommendations of the report and directed Planning staff to prepare a draft ZBA for Council's review and to work with Development Engineering staff as part of the ongoing SPC by-law and application review process to prepare the appropriate amendment to the SPC by-law to require SPC approval for all new CPFs.

December 11, 2019 – Cannabis Production Facilities Draft Zoning By-law Amendment (Report No. DS-2019-0149)

The purpose of this report was to present the draft ZBA for CPFs to Council in order to receive feedback and direction on proceeding with a Town initiated ZBA. Comments received from Council on the proposed draft by-law included a request to permit open storage in the M2 and BP-3 zones and a request to revise the parking requirements to require 2 parking spaces in addition to the proposed parking ratios. Council endorsed the recommendations of the report and directed Staff to initiate the formal *Planning Act* ZBA process. The draft ZBA circulated to Town departments and external agencies incorporates the above-noted comments received by Council at the December 11, 2019 meeting (refer to Attachment 2).

5. PUBLIC CONSULTATION AND NOTICE REQUIREMENTS:

5.1 PUBLIC CONSULTATION

Notice for the April 1, 2020 Statutory Public Meeting, which was eventually cancelled due to COVID-19, was posted on the Town page in the March 5th and 12th editions of the Georgina Advocate. Notice was also posted on the Town's webpage under the Planning Public Notices webpage. No comments were received from the public through these initial postings.

Pursuant to the provisions of the *Planning Act*, R.S.O. 1990, as amended, a Notice of Statutory Public Meeting for today's (August 19th) meeting was posted on the Town page in the July 23, 2020 edition of the Georgina Advocate. For the purpose of additional public notification, notice was also posted on the Town page in the August 13, 2020 edition of the Advocate and on the Town's website under the dedicated project webpage² and the Planning Public Notices webpage (July 15, 2020). Notice of the meeting was also provided to all Interested Parties on record on July 14, 2020. As of the completion of this report (July 29, 2020), one formal public comment has been received, as discussed below.

Comments from GSP Group Inc. on behalf of 26 OH 37 Woodbine Holdings Inc. as it relates to 26037 Woodbine Avenue

On June 26, 2020, a letter was received from GSP Group Inc. on behalf of the owner of 26037 Woodbine Avenue (refer to Attachment 3). The letter submitted requests that a CPF use be added as a permitted non-residential use within the site-specific Highway Commercial (C2-12) zone located on the property. This would be a site-specific addition to the proposed CPFs ZBA currently being considered by Council. Staff have confirmed with the owner that the request includes permission for both a Designated and Licensed CPF use on the portion of the subject property zoned C2-12.

The subject property is located on the east side of Woodbine Avenue just south of Baseline Road and is currently split-zoned site-specific Rural (RU-10) along the front of Woodbine Avenue with the remainder of the property being zoned site-specific C2-12. The entire site is designated Rural Commercial Area pursuant to the Official Plan. The letter indicates that:

"We believe that the C2-12 portion of the site, designated Rural Commercial, would also permit the proposed Cannabis Production Facility without the need for an amendment to the Official Plan. The Rural Commercial designation permits commercial uses that comply with or are similar to those permitted by the zoning. The current C2-12 zoning permits uses such as warehousing and a garden centre which we believe are similar to types of

² www.georgina.ca/CannabisProduction

uses that can be expected to accompany the Cannabis Production Facility use.”

Staff Comment: The Official Plan permits commercial (emphasis added by the writer) uses which comply with or are similar to those permitted by the zoning. As is explained in Section 7 of this report, staff are of the opinion that a CPF can be considered as both an agricultural use in the rural and agricultural areas and a production, processing and manufacturing use in the employment and industrial areas. CPFs have never been considered a commercial use by staff, nor are staff aware of any other municipalities who have taken this position. The commercial component of the cannabis industry would include the sale of cannabis to the public, however, as discussed below in Section 8, Council resolved to not permit the retail sale of recreational cannabis from brick and mortar stores within the municipality. Staff are of the opinion that an OPA and ZBA are required to permit a CPF use on the property.

5.2 TOWN DEPARTMENTS AND EXTERNAL AGENCIES COMMENTS

No objections/concerns have been received from the following Town departments and external agencies:

- Tax Revenue and Customer Services Division
- Clerk’s Division
- Building Division
- On-Site Sewage System Inspector
- Engineering Division
- Economic Development and Tourism Division
- Parks Division
- Municipal Law Enforcement Division
- Fire Department
- York Regional Police
- Canada Post
- Rogers Cable
- Enbridge Gas Inc.
- Town of Bradford West Gwillimbury
- Township of Brock
- Township of Uxbridge

The Lake Simcoe Region Conservation Authority has advised that they have reviewed the draft ZBA and Report No. DS-2019-0149 and have no comments or concerns with the proposed zoning standards. Any future proposed facility will be subject to the LSRCA normal policies respecting development.

York Region has provided comments that are summarized below (refer to Attachment 4):

Regional Planning

- The Town may want to consider adding the Estate Residential (ER) zone and/or other existing residential uses, where appropriate, to the list of sensitive land uses requiring a separation distance.

York Region Public Health (YRPH)

- YRPH suggests that the Town consider the following:
 - Within the RU zone, preventing large-scale indoor/land intensive CPFs from viable food producing agricultural lands, where feasible.
 - A minimum 150m setback from sensitive land uses to CPFs.
 - A minimum 300m setback from sensitive land uses to outdoor cannabis cultivation or to Designated CPFs with no appropriate odour controls.
 - Including a definition for 'sensitive land use'.
 - That CPFs be required submit an odour control plan as part of any future SPC approval process.

Water Resources

No objections/concerns, but provide the following comments as they relate to source water protection policy:

- Development within an Intake Protection Zone and major development within a Highly Vulnerable Aquifer must comply with the South Georgina Bay Lake Simcoe (SGBLS) Source Protection Plan and York Region Official Plan (ROP).
- Development within a Significant Groundwater Recharge Area are subject to the SGBLS Source Protection Plan water quantity recharge maintenance policies.
- The use of best management practices are encouraged 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.

The York Catholic District School Board (YCDSB) and the York Region District School Board (YRDSB) have provided joint comments (refer to Attachment 5). The comments indicate that the Boards have concern with the draft ZBA which would permit a CPF to be located as close as 70 metres to an Institutional Zone, which permits schools. In this regard, the Boards request the following provisions be included within the by-law:

- A CPF shall not be located within 200 metres of an existing or proposed school.
- Such distance is to be measured from the property line of the school to the property line of the CPF.

The Ministry of Transportation has indicated no concerns, provided that:

- Development located along Highway 48 and within the Ministry's permit control area be circulated to the Ministry for review, approval and permits.

- The current MTO Highway Corridor Management Manual dated September 2018 should be applied for any new access points along Highway 48.

The following Town Committees have been notified of the draft ZBA as follows:

Economic Development Committee

- Staff presented the draft ZBA and responded to questions from the members on February 3, 2020.

Georgina Heritage Committee

- The notice of public meeting was circulated to the Committee and Staff explained the draft ZBA to the members on February 19, 2020.

Agricultural Advisory Committee

- The draft ZBA was circulated to the Committee for their information on January 30, 2020. Upon receipt of the proposed by-law, the Committee requested further clarification from staff. Staff was scheduled to attend the February 27, 2020 Committee meeting to address the draft ZBA and respond to questions from the Committee, however, due to inclement weather, the meeting was cancelled. Staff was requested to attend the next Committee meeting scheduled for March 26, 2020, however the meeting was cancelled due to the COVID-19 Pandemic.

Cannabis Associations

- On December 11, 2019, when staff presented the draft ZBA to Council for comment, Council had requested staff to investigate as to whether there are any Canadian or Ontario-based associations related to growing cannabis and forward a copy of this report for their comments. In attempting to identify any such association or group to review the report and by-law, Staff discussed the matter with the owner of Fox D. Consulting, a regulatory consulting firm established in 2013 focusing on the Canadian cannabis industry and regulations. The response received from the consultant indicated that there are presently no formally established and recognized groups in the industry. While there are a few that have tried to gain traction, they have not created any established guidelines and zoning and planning matters would be something they would not be familiar with. As an alternative, staff requested that the consultant review the draft by-law and provide comment. In response, the consultant indicated that she “appreciates how detailed the by-law is” and that “this will definitely help support the Municipality should there be any issues in the future.”

6. PROPOSED ZONING BY-LAW AMENDMENT:

6.1 REVISIONS TO DRAFT ZONING BY-LAW AMENDMENT

Town departments and external agencies were circulated the draft ZBA which incorporates comments received by Council on December 11, 2019 (refer to Attachment 2). Based on comments received from York Region, additional discussions with the Town Solicitor and external agencies, and further consideration by Staff, the ZBA has been revised since its circulation to Town departments and external agencies. The revisions are discussed below:

Revision 1

Various grammar and formatting revisions have been made

- Reason/Staff Comment: The revisions that have been made to the by-law are grammatical in nature or format related and do not change the purpose or intent of the by-law.

Revision 2

A reference to the Industrial Hemp Regulations has been added to the definition for Licensed CPF (Section 2.36 B))

- Reason/Staff Comment: Industrial hemp is cannabis that contains 0.3% tetrahydrocannabinol (THC) or less in the flowering heads and leaves. In order to grow industrial hemp, a licence issued by the Federal Minister of Health is required pursuant to the Industrial Hemp Regulations under the *Cannabis Act*. The reference has been added to the definition for Licensed CPFs to recognize that industrial hemp grown pursuant to a licence issued in accordance with the Industrial Hemp Regulations shall be permitted.

Revision 3

A definition for 'Air Treatment Control' has been added (Section 2.9 A))

- Reason/Staff Comment: Within the RU zone, staff are proposing to revise the provisions related to separation distances from sensitive land uses based on a CPF having air treatment control or not (see Revision 9 below). The proposed definition requires the submission of a report, to be approved by the Town, prepared by a qualified person which outlines specifications for the filtration system and its operation. The report will be requested by the Town through the SPC approval process and appropriate provisions will be incorporated into the Site Plan Agreement for the property.

Revision 4

A definition for 'Gatehouse' has been added (Section 2.90 A))

- Reason/Staff Comment: ZBL 500 currently contains a provision within the M2 zone which permits a 'gatehouse' within a front yard or exterior side yard a minimum of 1.5 metres from any lot line. However, the By-law does not define a gatehouse. In order to provide clarity on what a gatehouse may be used for, it is appropriate to incorporate a definition within ZBL 500 for same. The Town Solicitor has also suggested this revision.

Revision 5

A definition for 'Registered Person' and a general provision for 'Registered Person' has been added (Sections 2.166 A) and 5.33 A)).

- Reason/Staff Comment: In order to recognize the supremacy of Charter Rights and federal legislation, the Town Solicitor has advised that the by-law should not restrict or regulate a Registered Person who is permitted to grow cannabis for their own medical purposes. Originally, the draft by-law was proposed to be silent with respect to registered persons. However, after further consideration, it has been determined that the silent approach may lead to confusion as to where a Registered Person may grow cannabis for their own medical purpose. In this regard, a definition and general provision are proposed to recognize that a Registered Person shall be permitted to cultivate, propagate and harvest cannabis in accordance with a valid federal registration certificate.

Revision 6

Designated CPFs are proposed to be permitted in the M1 and M2 Zones in addition to the RU Zone.

- Reason/Staff Comment: Originally, it was proposed that Designated CPFs would only be permitted within the RU zone. However, after further consideration and as explained below in Section 7, the cultivating, propagating and harvesting of cannabis conducted at a Designated CPF can also be considered a production, processing and manufacturing use when it is conducted in an industrial or employment area. For this reason, staff are proposing to permit Designated CPFs in the M1 and M2 zones in addition to the RU zone. However, because Designated CPFs are not considered "employment generators" (i.e. only the designated person and Registered Person are able to cultivate, propagate and harvest the cannabis at a Designated CPF), staff do not recommend permitting Designated CPFs on the serviced industrial/employment lands within the Keswick Business Park (i.e. BP-3 Zone).

Revision 7

A provision has been added which prevents Section 5.41 respecting 'Undersized Lots', from being used when determining compliance with lot frontage and area requirements (Sections 20.4(j), 21.4, 28.4(l) and 32.6).

- Reason/Staff Comment: ZBL 500 requires that in order for a use to be established on a lot, the lot must comply with the minimum lot frontage and minimum lot area requirements of the By-law. However, Section 5.41 of ZBL 500 provides that where a lot has a lesser area and/or frontage than required by the By-law, such smaller lot may be used and a building or structure may be erected or used on such lot, provided that certain criteria are met. In order to ensure that all CPFs are established on properties which comply with the minimum lot frontage and area requirements of the zone in which they are located, a provision has been included in each zone that prevents Section 5.41 from being used.

Revision 8

The ER zone has been added to the list of sensitive land uses which CPFs require a separation distance from (Sections 20.4(j), 21.4, 28.4(l) and 32.6).

- Reason/Staff Comment: Comments received from York Region Planning suggest the Town may want to consider adding the ER zone to the list of sensitive land uses requiring a separation distance from CPFs. Staff support this suggestion and have revised the by-law accordingly.

Revision 9

The provisions related to 'Distance from Sensitive Land Uses' have been revised to increase setbacks from sensitive land uses and to determine the setback requirements for a CPF based on having air treatment control, or not. Specifically, CPFs which contain air treatment control are proposed to be subject to a minimum setback of 150 metres; while, CPFs which do not contain air treatment control and cannabis cultivated outdoors, shall be subject to a minimum setback of 300 metres (Sections 20.4(j), 21.4, 28.4(l) and 32.6).

- Reason/Staff Comment: In the draft ZBA, a standard setback of 70m from sensitive land uses is proposed for all CPFs. Comments received from YRPH recommend the Town consider greater setbacks than the proposed 70 metres to minimize the potential for nuisance related impacts associated with CPFs. YRPH recommends the following:
 - A minimum setback of 150 metres to sensitive land uses from CPFs which contain air treatment control; and,
 - A minimum setback of 300 metres to sensitive land uses from outdoor cannabis production and Designated CPFs which do not contain air treatment control.

In accordance with federal licensing, Licensed CPFs are required to contain air treatment control; whereas Designated CPFs are not. It is Staff's understanding that in other municipalities where Designated CPFs have been established, odour is the primary complaint made by residents who live in proximity to such facilities.

Staff are of the opinion that Designated CPFs which do not contain air treatment control, as well as cannabis cultivated outdoors, should be subject to greater setback requirements than CPFs which contain air treatment control. Previously staff had reported to Council that the zoning by-law is not the appropriate land use planning tool to require (emphasis added by the writer) air treatment control measures. The Town Solicitor has confirmed that it is appropriate to include a definition for air treatment control and revise the provisions related to setbacks from sensitive land uses accordingly.

In the case that a proposed CPF has justification for a lesser setback, the proponent could apply for planning approval (i.e. ZBA or minor variance) to have

the setback reduced, and such application would be assessed on a case-by-case basis.

Revision 10

A provision has been added to prohibit any part of a Designated CPF from being located within a dwelling unit (Section 28.4(l)).

- Reason/Staff Comment: In accordance with federal requirements, Licensed CPFs are not permitted to be located within a dwelling unit, whereas Designated CPFs are. The average residential dwelling in Canada is not constructed to deal with the humidity produced by large amounts of cannabis plants, which could result in mold formation leading to serious health issues. Other concerns with growing cannabis in a dwelling include electrical/fire hazards. Preventing Designated CPFs from being located in a dwelling unit is to ensure the health and safety of its occupants. Staff have discussed the proposed requirement with the Town Solicitor who has advised that it is his opinion that this provision is not too restrictive in relation to federal requirements. This provision would not apply to a Registered Person as they would be permitted to produce cannabis in a dwelling unit if permitted to do so by a valid Health Canada approval.

Revision 11

A provision has been added requiring all CPFs to have a minimum setback of 300 metres from a public or private school, measured from the lot line of the property the CPF is proposed to the lot line of the property the school is located (Sections 20.4(j), 21.4, 28.4(l) and 32.6).

- Reason/Staff Comment: Comments received from the YCDSB and YRDSB advise that they have concern regarding the potential for CPFs to be located in proximity to schools and request the Town implement a minimum setback of 200 metres from CPFs to existing or proposed schools. Given that YRPH has requested a minimum setback of 300 metres from CPFs which do not contain air treatment control or outdoor cultivation to sensitive land uses, staff propose to increase the requested 200 metre setback to 300 metres. Further, in the opinion of staff, in order to impose a setback from a “proposed” school, the property would need to be zoned to permit a school. Otherwise, if a property is not zoned to permit a school, it would be difficult, if not impossible, to justify the requirement for a separation distance.

6.2 SUMMARY OF PROPOSED ZONING BY-LAW AMENDMENT

The proposed ZBA incorporating the above-noted revisions is provided as Attachment 1 and a summary of the by-law is provided below:

6.2.1 Definitions

The following definitions are proposed:

- Air Treatment Control; Cannabis Production Facility, Designated; Cannabis Production Facility, Licensed; Gatehouse; and, Registered Person.

A definition for 'Air Treatment Control' has been included which outlines the requirements for same. This definition will be used to determine setback requirements for CPFs from sensitive land uses.

Two types of CPFs are defined within the By-law: Designated CPF and Licensed CPF. A designated CPF is a use that is carried out by someone who has been authorized by Health Canada to produce a limited amount of cannabis on behalf of someone else for their medical use. A Licensed CPF is a use that is generally carried out by a corporation which has been licensed by Health Canada to produce cannabis for medical and/or recreational purposes. Both definitions have been created to reference activities permitted through federal regulations and approvals. In this regard, a CPF use shall only be permitted on a property subject to compliance with the Zoning By-law and the operator having valid approval(s) issued by Health Canada.

A definition for 'Gatehouse' has been added to clarify that it is a building or structure located near the entrance of a property used to house personnel and/or equipment for the purpose of monitoring and securing the premises of the property and its buildings and structures and restricting unauthorized access.

A definition for 'Registered Person' is included to recognize individuals who will be growing cannabis for their own medical purposes. The definition requires that in order to be considered a Registered Person, a valid registration certificate issued by the Federal Minister of Health is required. A general provision is also being proposed that would permit a Registered Person to cultivate, propagate³ and harvest cannabis in accordance with their registration certificate (i.e. if Health Canada permits them to cultivate cannabis at a specific property, ZBL 500 will not restrict it).

6.2.2 Cannabis Production Facilities and Permitted Zone Categories

The table below indicates the zone categories in which the two CPF uses are proposed to be permitted within:

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

³ The word 'propagate', as it relates to horticulture, means to breed specimens of (a plant or animal) by natural processes from the parent stock.

6.2.2 Proposed Parking and Loading Regulations

The following parking requirements are proposed:

Use	Required Spaces
Cannabis production facility, licensed	2 spaces, plus 2 spaces per 95 sq. metres of non-residential floor area
Cannabis production facility, designated	2 spaces, plus 1 space per 95 sq. metres of non-residential floor area

The following loading requirements are proposed for all CPFs:

Floor Area	Number of Loading Spaces Required
185 sq. m or under	0
>185 sq. m and up to 550 sq. m	1
>550 sq. m and up to 2,300 sq. m	2
>2,300 sq. m and up to 7,400 sq. m	3
>7,400 sq. m	3 spaces plus 1 additional space for each 9,200 sq. m or fractional part therefor in excess of 7,400 sq. m

6.2.3 Proposed Regulations by Zone Category

The proposed ZBA requires that CPFs shall be subject to the zone requirements (i.e. lot frontage, lot area, setbacks, etc.) of the zone for which they are located. Additional requirements within each zone are proposed based on the type of CPF and zone. This includes:

- Permissions for a gatehouse;
- Preventing outdoor cultivation in industrial zones and permitting outdoor cultivation in the RU zone;
- Restrictions on processing, research, testing and sale of cannabis in the RU zone;
- Maximum lot coverage and height requirements in the RU zone; and,
- Separation distances from sensitive land uses based on having air treatment control or not.

Staff are of the opinion that the additional requirements proposed are necessary to ensure that the built form and operation of these facilities are appropriate for the zone they are located within and that provincial land use planning policies are complied with. For ease of reference, Attachment 6 provides a consolidated list of the zoning regulations for each zone category.

7. ANALYSIS:

The cultivation, propagation and harvesting of the cannabis plant can be looked at from two different perspectives:

- 1) Considered an agricultural use when it is conducted in a rural or agricultural area; or
- 2) Considered a production, processing and manufacturing use when it is conducted in an employment or industrial area.

With respect to the cultivation, propagation and harvesting of cannabis in the rural or agricultural areas, staff have received email correspondence from Ontario Ministry of Agriculture Food and Rural Affairs (OMAFRA) indicating that *“cannabis is considered an agricultural crop in Ontario and, as such, is permitted to be grown on agricultural land, provided a federal licence has been approved.”* This interpretation remains true regardless of whether the cannabis is produced indoors in a controlled environment or outdoors as a field crop, as not all forms of agriculture are reliant on the agricultural land on which they are located, yet they are still accepted as agricultural uses that commonly exist in rural or agricultural areas (i.e. poultry farms, indoor fish farms (aquaculture), greenhouses and mushroom farms). Furthermore, it should also be noted that not all forms of agriculture necessarily produce consumable food products (i.e. sod farming and tobacco cultivation). For these reasons, it is staff’s opinion that it is appropriate to consider permitting CPFs within the rural and agricultural areas of the Town.

A general interpretation that has also been widely used by many municipalities when siting CPFs is that the cultivation, propagation and harvesting of cannabis is similar to or interchangeable with production, processing and manufacturing uses. For example, Merriam-Websters Dictionary defines ‘manufacture’ as “something made from raw materials by hand or by machinery”. Licensed CPFs may also have a processing license from Health Canada and be permitted to further refine the cannabis plant into new products. Licensed CPFs may also obtain licenses to permit activities such as research and analytical testing. Further, Licensed CPFs are also generally known to be large employment generators based on the size and operations of the facility. For these reasons, it is staff’s opinion that it is appropriate to consider Licensed CPFs within employment and industrial areas of the Town.

In consideration of the above, staff are of the opinion that CPFs can be considered as both an agricultural use in the rural and agricultural areas (i.e. RU zone) and a production, processing and manufacturing use in the employment and industrial areas (i.e. M1, M2 and BP-3 zones).

7.1 PROVINCIAL POLICY FRAMEWORK

The *Planning Act* is provincial legislation which establishes Ontario’s land use planning system. Among other things, the *Planning Act* sets out the ground rules for land use

planning and describes how land uses may be controlled. Pursuant to Section 3(5) of the Act, a decision of the Council of a municipality, in respect of the exercise of any authority that affects a planning matter, shall be consistent with the Provincial Policy Statement (PPS) and shall conform to, or not conflict with, the Provincial Plans that are in effect.

7.1.1 Provincial Policy Statement, 2020

The PPS provides policy direction on matters of provincial interest related to land use planning and development, and plays a key role in setting the policy foundation for regulating development and the use of land in Ontario.

In addition to permitting agricultural uses in prime agricultural areas, the PPS supports diversification of the agricultural economy through agricultural related uses⁴ and on-farm diversified uses⁵. In this respect, the PPS recognizes that agricultural resources of all types, sizes and intensities provide important environmental, economic and social benefits and as such, views agricultural land as a valuable and finite resource that should be protected for its long-term use for agriculture. While healthy, integrated and viable rural areas should be supported by providing opportunities for economic activities in prime agricultural areas and promoting diversification of the economic base and employment opportunities through goods and services, including value-added products. With respect to employment, the PPS directs growth and development to settlement areas and provides that economic development and competitiveness shall be promoted by providing opportunities for a diversified economic base and an appropriate mix and range of employment uses to meet long term needs.

The proposed ZBA will contribute to the diversification of the agricultural economy and economic base by establishing new permitted agricultural uses (i.e. CPFs) and associated on-farm diversified uses such as the production of value added products (i.e. processing cannabis to create new products) within the rural and agricultural areas. In order to maintain conformity with the PPS, restrictions have been imposed for on-farm diversified uses such as processing, research and analytical testing within the RU zone in accordance with OMAFRA's Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas.

In relation to employment, the ZBA proposes that Licensed CPFs be permitted within the Keswick Business Park (i.e. BP-3 Zone) and select Industrial zones (i.e. M1 and M2). Within these zones, the full range of activities authorized by federal licensing is permitted with no restrictions on processing, research and analytical testing. Cannabis

⁴ The PPS defines agricultural related uses as "means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity".

⁵ The PPS defines on-farm diversified use as "means uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value added agricultural products."

grown outdoors however, is being prohibited within the three industrial zones in order to preserve valuable industrial zoned lands from being turned into field crops, especially the as it relates to the serviced industrial lands. Staff are of the opinion that the proposed ZBA is consistent with the PPS.

7.1.2 Growth Plan, 2019

The Growth Plan (GP) for the Greater Golden Horseshoe is a policy document which informs decision-making regarding growth management and environmental protection until the year 2041. For lands within the Greenbelt Area of the GP, the applicable policies in the Greenbelt Plan apply.

One of the Guiding Principles of the GP is to provide flexibility to capitalize on new economic employment opportunities as they emerge. The policies of the GP support employment lands and encourage economic development, competitiveness, and making more efficient use of existing employment areas and vacant underutilized employment lands. Employment areas are to be protected by municipalities for employment uses, while non-employment uses are to be directed to lands outside of employment areas.

The proposed revised by-law would permit Licensed CPFs within the Keswick Business Park and within select industrial zoned lands which would capitalize on a new and emerging economic employment opportunity. Additionally, the by-law proposes that Designated CPFs, which are not by their nature an “employment use”, to RU, M1 and M2 zoned lands, generally found outside of employment/settlement areas and within the rural and agricultural area of Town. Staff are of the opinion that the proposed revised by-law conforms to the GP.

7.1.3 Greenbelt Plan, 2017

The Greenbelt Plan (GBP) identifies where urbanization should not occur in order to provide permanent protection to the agricultural land base and the ecological features and functions occurring on the landscape.

Within the Protected Countryside (i.e. lands located outside of the Town’s Secondary Plan areas), the GBP permits a full range of agricultural, agricultural related and on-farm diversified uses in Specialty Crop Areas, Prime Agricultural Areas and Rural Areas. Within the Specialty Crop Areas and Prime Agricultural Areas all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected.

The proposed ZBA permits Designated and Licensed CPFs within the agricultural and rural areas. With respect to Licensed CPFs, restrictions have been proposed to ensure that associated processing, research and analytical testing uses remain within the provincial requirements for on-farm diversified uses (i.e. capping the size/floor space

of these uses and requiring that cannabis used for these uses is grown on-site). Staff are of the opinion that the proposed ZBA conforms to the GBP.

7.2 REGIONAL AND MUNICIPAL PLANNING DOCUMENTS

7.2.1 York Region Official Plan

The ROP's Agricultural and Holland Marsh Specialty Crop Area policies permit a full range of agricultural, agricultural related and secondary agricultural uses (e.g. uses that produce value-added agricultural products from the farm operations on the property). With respect to the Urban Area and Towns and Villages, the ROP states that each has a unique sense of place and identity, with mainstreets and places to work, live and play, and that each will have a role to play in accommodating future growth while still maintaining their character.

Comments received by York Region are discussed above in Section 5.2 and provide suggestions in relation to the by-law (refer to Attachment 4). Regional Staff have advised that the suggestions are for consideration and that they have no concerns with the draft ZBA. In this regard, Town Staff are of the opinion that the proposed ZBA, which incorporates suggestions from York Region, complies with the ROP.

7.2.3 Town of Georgina Official Plan and Secondary Plan

The intent of the Official Plan is to preserve, protect and support a permanent, healthy, sustainable Countryside Area and agricultural industry in the Town, not only for the production of food and other products, but also as an important component of the Town's economic base and a source of employment. It is an objective of the Plan to maintain the rural and agricultural character of the Countryside Area and provide opportunities to diversify the rural economy by encouraging value-added agricultural goods and products. Consistent with the Provincial and Regional Plans, the Town's Official Plan permits agricultural, agricultural-related and on-farm diversified uses in the Agricultural Protection Area, Specialty Crop Area and Rural Area land use designations.

With respect to economic development, the Official Plan looks to maximize the Town's economic potential by ensuring the continuing expansion of economic opportunities and diversification of the economic base. It is an objective of the Plan to focus the location of the majority of new businesses and job creation in the employment and commercial lands within the Keswick Business Park and within the serviced communities of Keswick and Sutton/Jackson's Point. In this regard, the Industrial designations in the Official Plan, Keswick Business Park Secondary Plan and Pepperlaw Secondary Plan (the Sutton/Jackson's Point Secondary Plan and Keswick Secondary Plan do not have industrial designations) permit a range of industrial uses including manufacturing, processing, assembly, and warehousing.

The proposed ZBA would permit Designated CPFs on RU, M1 and M2 zoned lands, but not within the employment lands of the Keswick Business Park. Licensed CPFs would be permitted on RU, M1, M2 and BP-3 zoned lands. As discussed above, in accordance with Provincial Policy, appropriate zoning provisions have been proposed for CPFs within industrial/employment lands (i.e. no outdoor cultivation and no Designated CPFs within the Keswick Business Park) and rural/agricultural lands (i.e. restrictions on processing, research and analytical testing uses). In the opinion of staff, the proposed ZBA is in conformity with the Official Plan and its Secondary Plans.

8. RETAIL SALE OF RECREATIONAL CANNABIS

On September 18, 2019, Council passed Resolution No. C-2019-0494. Item 5 of the resolution states:

“That staff report to Council in the second quarter of 2020 to provide an update on the process to date including retail sales, eligibility, requirements, stores that have opened inside and outside the Greater Toronto Area, how is it working in smaller retail areas.”

The Alcohol and Gaming Commission of Ontario (AGCO) is the provincial body which regulates and licenses the retail sale of recreational cannabis in Ontario. On January 16, 2019, Council resolved to not permit the retail sale of recreational cannabis from brick and mortar stores within the Town. Province wide, as of July 13, 2020, the AGCO website shows that out of 414 municipalities, 341 have opted in to having cannabis retail sales from “brick and mortar” stores within their jurisdiction, while 73 have opted out. Out of the nine York Region local municipalities, only Aurora and Whitchurch-Stouffville have opted in. Report No. CAO-2018-0021 referenced above in Section 4.1, provides background information with respect the provincial licensing framework and process.

Through the initial phases of retail store authorization licensing, the AGCO imposed restrictions on the number of licenses which could be issued based on prescribed geographic regions. The regulations also required that the first 25 retail store authorizations shall only be issued to stores proposed within municipalities which had a minimum population of 50,000 people. As of July 13, 2020, a total of 109 retail store authorizations have been issued within the Province, so the maximum population requirement is no longer applicable. Of the 109 retail stores, one authorization has been provided for a store within York Region; One Plant Stouffville located in Whitchurch-Stouffville. There are 515 retail store authorizations currently in process, seven of which are for stores located in York Region; two applications for stores proposed in Whitchurch-Stouffville (Gormley Cannabis and Corner Cannabis) and five applications for stores proposed in Aurora (Satica Cannabis Aurora; Nature’s Haze; Alpha Cannabis; Jane’s Cannabis Shop; Malibu Road). A retail store has also opened up on the Chippewas of Georgina Island First Nations Reserve lands located at the Virginia Beach Marina & Island View Business Centre in Virginia Beach. The AGCO

website⁶ contains an interactive map showing the location of all legal cannabis retail stores within Ontario authorized to open and all proposed retail stores with applications currently in process. Staff are not aware of any issues with the above-noted existing retail stores.

On December 12, 2019, the Provincial Government announced future changes to take place in early 2020, which would facilitate a move to an open market for retail cannabis stores (refer to Attachment 7). Notable changes include:

- Removing the temporary cap on the number of private cannabis stores (AGCO began accepting store authorization applications on March 2, 2020. Expected authorizations are to be issued in April, at an initial rate of approximately 20 per month);
- Increasing the ability of licensed producers to participate in the retail market and allowing them to open a store at one of their facilities;
- Phasing in limits on the number of authorized stores a licence holder can have; and,
- Enabling retailers to sell additional cannabis-related items such as cannabis-related magazines and cookbooks.

Going forward, should Council want to permit the retail sale of cannabis within the Town, a resolution of Council would need to be passed authorizing the AGCO to issue licenses for retail stores within the Town. Once a municipality opts in to having retail sales within their jurisdiction, they cannot opt out in the future. Should Council opt in, a license could be issued for a store within Town, subject to the applicant meeting all of the AGCO licensing requirements. In accordance with the *Cannabis Licensing Act* Regulations, municipalities are not permitted to pass by-laws under the *Planning Act* which have the effect of distinguishing a retail store which sells cannabis from a retail store which does not sell cannabis. Therefore, if Council was to opt in, cannabis retail stores would be permitted in all zones which permit a retail store (i.e. C1, C2, C3, C4, C5 and C6 zones).

9. CONCERNS WITH CURRENT MEDICAL CANNABIS REGISTRATION REGIME

Individuals who have been authorized by their health care practitioner may register with Health Canada to produce a limited amount of cannabis for their own medical purposes (i.e. Registered Person) or may designate a person to grow it for them (i.e. designated person). Through this registration process, individuals are permitted to obtain cannabis by cultivation, propagation and harvesting.

The proposed ZBA defines a 'Registered Person' and permits them to grow cannabis for their own medical purposes on any property and within any zone in which their Health Canada registration certificate permits (i.e. no restrictions on growing). As

⁶ https://www.agco.ca/sites/default/files/map/ONT_CN_ST_E.html

discussed above in Section 6.1, this is being done in order to recognize the supremacy of Charter Rights and federal legislation, as regulating a Registered Person through zoning could potentially be seen as restricting an individual's access to their medication.

The ZBA also defines a Designated CPF (i.e. a facility which is operated by a designated person) and permits them in RU, M1 and M2 zones, subject to compliance with the zoning requirements. Designated CPFs are subject to SPC. Given that the purpose of a designated person is to operate a Designated CPF in order to produce cannabis for an individual's medical purpose, Staff and the Town Solicitor are of the opinion that it is appropriate to regulating Designated CPFs through zoning requirements as these facilities are conducting the use for remuneration and not for their own medical purposes.

As discussed in Staff Report DS-2019-01000, Licensed CPFs are required by Health Canada to comply with strict regulations related to providing notice to local authorities, tracking and reporting on cannabis production, inventory and sales, physical security and monitoring, air treatment control, and good production practices. Registered Persons and Designated CPFs which grow cannabis for medical purposes (medical grow site) have significantly less requirements to comply with.

For example, unlike a Licensed CPF, medical grow sites are not required to provide notice to the local authorities (i.e. municipality, police and fire) of their intent to grow or process cannabis at a specific property and therefore, these facilities are establishing without prior knowledge of local authorities. This is a serious safety concern to municipal staff and first responders.

Medical grow sites may also grow cannabis within a dwelling unit (i.e. single detached, townhouse, apartment, etc.) and are not required to contain any form of air treatment control. Given that a Registered Person may grow anywhere from several to several thousand plants at any given time, this is a concern from a health and safety and nuisance perspective, especially when a Registered Person is growing within or near a residential area.

Medical grow sites are also not required to track and report any of their cultivation progress to Health Canada. It has been reported in the media that some medical grow sites obtain Health Canada approval to grow medical cannabis, but then grow in excess of their approvals for sale to the illegal market. The lack of regulation and oversight of these facilities by Health Canada causes serious concerns which requires further review and evaluation.

On June 23, 2020, East Gwillimbury Council enacted a resolution pertaining to Cannabis Legislation. The resolution requests that the Federal Minister of Health and Attorney General establish a committee of rural municipalities to work together to propose amendments to the Cannabis Act that will remedy the problems experienced by municipalities as a result of the Cannabis Act and Health Canada's administration

of the medical registration regime. It also proposes that East Gwillimbury Staff pursue a common front with the Federation of Canadian Municipalities, the Association of Municipalities of Ontario and the York Region municipalities in seeking amendments to the *Cannabis Act* that will remedy the problems experienced by municipalities as the result of the *Cannabis Act* and Health Canada's administration of the medical registration regime. The entire resolution is provided as Attachment 8.

Staff support the resolution passed by East Gwillimbury Council to establish a committee of rural municipalities to work together to propose amendments to the *Cannabis Act*. Staff recommend that Georgina Council participate in any "common front" initiative pursued by the Town of East Gwillimbury. A proposed resolution to this effect is provided in Attachment 9.

10. RELATIONSHIP TO STRATEGIC PLAN (2019-2023):

This report addresses the following strategic priorities:

- "Grow Our Economy"
- "Promote a High Quality of Life"

11. FINANCIAL AND BUDGETARY IMPACT:

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

12. CONCLUSION:

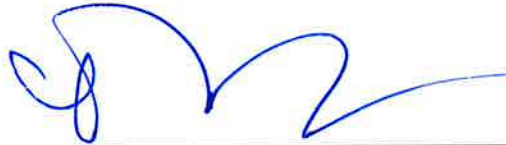
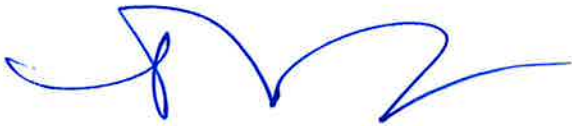
The proposed Town initiated ZBA to regulate CPFs is consistent with the Provincial Policy Statement and conforms to the Growth Plan, Greenbelt Plan, York Region Official Plan, Town of Georgina Official Plan and related Secondary Plans.

As noted above in Section 5.1, only one comment has been received from the public. Staff are recommending that in the event no public or Council concerns are raised at the public meeting warranting investigation and a further meeting, that Council approve

and pass the proposed ZBA (refer to Attachment 1), and that Staff bring forward a by-law to repeal the existing ICB, once the amending ZBA is in force and effect. Alternatively, in the event concerns are raised by the public or Council which require further investigation, staff recommend that staff report back to Council following receipt and assessment of all concerns.

Prepared by:

Reviewed by:



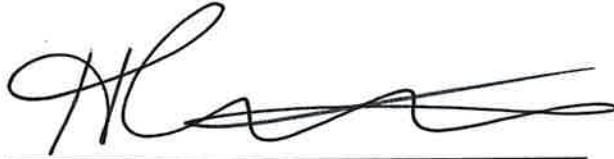
For:

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

Alan Drozd, MCIP, RPP
Manager of Planning – Acting

Reviewed/Recommended by:

Approved by:



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



For David Reddon
Chief Administrative Officer

July 29, 2020

Attachment 1 – Proposed Zoning By-law Amendment
Attachment 2 – Draft Zoning By-law Amendment circulated for review and comment
Attachment 3 – Public Comments: GSP Group Inc. in relation to 26037 Woodbine Ave.
Attachment 4 – York Region comments dated February 21, 2020
Attachment 5 – YCDSB and YRDSB joint comments dated March 6, 2020
Attachment 6 – Proposed Zoning Provisions for CPFs by zone category
Attachment 7 – Ministry of the Attorney General News Release dated Dec 12, 2019
Attachment 8 – East Gwillimbury Council Resolution pertaining to Cannabis Legislation

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

BY-LAW NUMBER 500-2020-XXXX (PL-5)

**A BY-LAW TO AMEND BY-LAW NUMBER 500, BEING A BY-LAW TO REGULATE
THE USE OF LANDS AND THE CHARACTER, LOCATION AND USE OF BUILDINGS
AND STRUCTURES WITHIN THE TOWN OF GEORGINA.**

Pursuant to Section 34 of the Planning Act, R.S.O., 1990, c.P.13, as amended, the Council of the Town of Georgina **ENACTS AS FOLLOWS:**

1. That Section 2 **DEFINITIONS** is hereby amended by adding the following new definitions:

“2.9 A) AIR TREATMENT CONTROL: means an industrial multi-stage carbon filtration system, or similar technology, which reduces and/or treats the emission of pollen, dust and odours expelled from a facility, and which filtration system is operated at all times in accordance with the specifications as set out within a report prepared by a qualified person and approved by the Town.

2.36 A) CANNABIS PRODUCTION FACILITY, DESIGNATED: means the use of land, buildings or structures for cultivating, propagating, harvesting, drying, storing, packaging and distribution of cannabis which is authorized by a valid registration certificate and document for designated person issued by the Federal Minister of Health, pursuant to the Cannabis Regulations, SOR/2018-144, as amended, under the Cannabis Act, S.C. 2018, c. 16, as amended, or its successor.

2.36 B) CANNABIS PRODUCTION FACILITY, LICENSED: means the use of land, buildings or structures for cultivating, propagating, producing, harvesting, drying, storing, processing, research, analytical testing, destroying, packaging, sale, and distribution of cannabis which is authorized by a valid license issued by the Federal Minister of Health, pursuant to the Cannabis Regulations, SOR/2018-144, as amended, and the Industrial Hemp Regulations, SOR/2018-145, under the Cannabis Act, S.C. 2018, c. 16, as amended, or its successor.

2.90 A) GATEHOUSE: means a building or structure located near the entrance of a property used to house personnel and/or equipment for the purpose of monitoring and securing the premises of the property and its buildings and structures and restricting unauthorized access.

2.166 A) REGISTERED PERSON: means an individual who is authorized to cultivate, propagate and harvest cannabis in accordance with a registration certificate issued under by the Federal Minister of Health, pursuant to the Cannabis Regulations, SOR/2018-144, as amended, under the Cannabis Act, S.C. 2018, c. 16, as amended, or its successor.”

2. That Section 2 **DEFINITIONS** is hereby amended by deleting Subsection 2.129 A) **MARIHUANA PRODUCTION FACILITY** in its entirety.
3. That Section 2 **DEFINITIONS** is hereby amended by renumbering Subsection 2.166 A) **RESEARCH AND DEVELOPMENT FACILITY** to Subsection 2.166 B).
4. That Section 5 **GENERAL PROVISIONS** is hereby amended by adding the following new provision after Subsection **5.33 REFRESHMENT VEHICLES, BICYCLE UNITS, AND CARTS:**

“5.33 A) REGISTERED PERSON

A registered person is permitted to cultivate, propagate and harvest cannabis at any property and in such manner as identified pursuant to a registration certificate issued by the Federal Minister of Health to said registrant.”

5. That Section 5.28 **PARKING AREA REGULATIONS**, and specifically the Industrial table within Subsection 5.28 (b) **NUMBER OF PARKING SPACES (MINIMUM), NON-RESIDENTIAL USES** be amended by deleting the reference to “marihuana production facility”, including the associated parking requirements, and replacing it with the following:

Industrial:

Use	Required Spaces
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Cannabis production facility, licensed	2 spaces, plus 2 spaces per 95 square metres of non-residential floor area
Cannabis production facility, designated	2 spaces, plus 1 space per 95 square metres of non-residential floor area

6. That Section 20.2 **PERMITTED NON-RESIDENTIAL USES** in the Restricted Industrial (M1) Zone is hereby amended by adding “cannabis production facility, designated” and “cannabis production facility, licensed”.
7. That Section 20.4 **ZONE REQUIREMENTS – NON-RESIDENTIAL USES** in the Restricted Industrial (M1) Zone is hereby amended by adding the following after Subsection (i) **OPEN STORAGE**:

“(j) CANNABIS PRODUCTION FACILITY, DESIGNATED OR LICENSED

A designated or licensed cannabis production facility in the M1 Zone is subject to the requirements of Section 20.4 respecting ‘Other Uses’ and the following additional requirements:

LOT FRONTAGE AND LOT AREA

Section 5.41 respecting undersized lots shall not apply when determining compliance with lot frontage and lot area requirements.

OUTDOOR CULTIVATION PROHIBITED

Cultivating, propagating and harvesting of cannabis shall only be permitted in a wholly enclosed building or structure.

GATEHOUSE

A building or structure used solely for a gatehouse shall be permitted in the front and exterior side yard and may be located a minimum of 1.5 metres from any lot line. Such building or structure shall have a maximum floor area of 20 square metres.

DISTANCE FROM SENSITIVE LAND USES

A designated or licensed cannabis production facility which contains air treatment control, shall have a minimum setback of 150 metres from:

1. Residential (R, R1, R2 or R3), Estate Residential (ER), Institutional (I) or Transitional (T) zones, including any related site-specific zones. The setback shall be measured from the closest portion of the designated or licensed cannabis production facility to the closest portion of a Residential (R, R1, R2 or R3), Estate Residential (ER), Institutional (I) or Transitional (T) zone boundary.
2. Rural (RU) zoned lots, including any related site-specific zones, which have a lot area of 8,000 square metres or less. The setback shall be measured from the closest portion of the designated or licensed cannabis production facility to the closest portion of the lot line of such a RU zoned property.

Notwithstanding any other provision in this by-law, a designated or licensed cannabis production facility which does not contain air treatment control, shall have a minimum setback of 300 metres from:

3. Residential (R, R1, R2 or R3), Estate Residential (ER), Institutional (I) or Transitional (T) zones, including any related site-specific zones. The setback shall be measured from the closest portion of the designated or licensed cannabis production facility, to the closest portion of a Residential (R, R1, R2 or R3), Estate Residential (ER), Institutional (I) or Transitional (T) zone boundary.
4. Rural (RU) zoned lots, including any related site-specific zones, which have a lot area of 8,000 square metres or less. The setback shall be measured from the closest portion of the designated or licensed cannabis production facility to the closest portion of the lot line of such a RU zoned property.

Notwithstanding paragraphs 1 and 3, above, a designated or licensed cannabis production facility shall have a minimum setback of 300 metres from a private or public school. The setback shall be measured from the closest portion of the designated or licensed cannabis production facility to the closest portion of the lot line containing the private or public school.”

8. That Section 21.4 **ZONE REQUIREMENTS – NON-RESIDENTIAL USES** in the General Industrial (M2) Zone is hereby amended by adding the following after **AUTO BODY GARAGES**:

“CANNABIS PRODUCTION FACILITY, DESIGNATED OR LICENSED

A designated or licensed cannabis production facility in the M2 Zone is subject to the requirements of Section 21.4 respecting 'Other Uses' and the following additional requirements:

LOT FRONTAGE AND LOT AREA

Section 5.41 respecting undersized lots shall not apply when determining compliance with lot frontage and lot area requirements.

OUTDOOR CULTIVATION PROHIBITED

Cultivating, propagating and harvesting of cannabis shall only be conducted in a wholly enclosed building or structure.

DISTANCE FROM SENSITIVE LAND USES

A designated or licensed cannabis production facility which contains air treatment control, shall have a minimum setback of 150 metres from:

1. Residential (R, R1, R2 or R3), Estate Residential (ER), Institutional (I) or Transitional (T) zones, including any related site-specific zones. The setback shall be measured from the closest portion of the designated or licensed cannabis production facility to the closest portion of a Residential (R, R1, R2 or R3), Estate Residential (ER), Institutional (I) or Transitional (T) zone boundary.
2. Rural (RU) zoned lots, including any related site-specific zones, which have a lot area of 8,000 square metres or less. The setback shall be measured from the closest portion of the designated or licensed cannabis production facility to the closest portion of the lot line of such a RU zoned property.

Notwithstanding any other provision in this by-law, a designated or licensed cannabis production facility which does not contain air treatment control, shall have a minimum setback of 300 metres from:

3. Residential (R, R1, R2 or R3), Estate Residential (ER), Institutional (I) or Transitional (T) zones, including any related site-specific zones. The setback shall be measured from the closest portion of the designated or licensed cannabis production facility, to the closest portion of a Residential (R, R1, R2 or R3), Estate Residential (ER), Institutional (I) or Transitional (T) zone boundary.

4. Rural (RU) zoned lots, including any related site-specific zones, which have a lot area of 8,000 square metres or less. The setback shall be measured from the closest portion of the designated or licensed cannabis production facility to the closest portion of the lot line of such a RU zoned property.

Notwithstanding paragraphs 1 and 3, above, a designated or licensed cannabis production facility shall have a minimum setback of 300 metres from a private or public school. The setback shall be measured from the closest portion of the designated or licensed cannabis production facility to the closest portion of the lot line containing the private or public school.”

9. That Section 28.2 **PERMITTED NON-RESIDENTIAL USES** in the Rural (RU) Zone is hereby amended by adding “cannabis production facility, designated” and “cannabis production facility, licensed”.
10. That Section 28.4 **ZONE REQUIREMENTS – NON-RESIDENTIAL USES** in the Rural (RU) Zone is hereby amended by adding the following after Subsection (k) **AERODROME**:

“(I) CANNABIS PRODUCTION FACILITY, DESIGNATED OR LICENSED

A designated or licensed cannabis production facility in the RU Zone is subject to the requirements of Section 28.4 (a), (b), (c) (d), (e) and (f), and the following requirements:

LOT FRONTAGE AND LOT AREA

Section 5.41 respecting undersized lots shall not apply when determining compliance with lot frontage and lot area requirements.

LOT COVERAGE (MAXIMUM) 30%

HEIGHT OF BUILDING (MAXIMUM) 11 metres

LOADING SPACES

Loading spaces shall be provided in accordance with the requirements for a Commercial / Industrial / Business Park use pursuant to Section 5.25.

OPEN STORAGE PROHIBITED

The storage of goods, materials or machinery shall only be permitted in a wholly enclosed building or structure.

OUTDOOR CULTIVATION PERMITTED

Cultivation, propagation and harvesting of cannabis outdoors shall be permitted subject to the distances from sensitive land uses as outlined in this section.

GATEHOUSE

A building or structure used solely for a gatehouse shall be permitted in the front and exterior side yard and may be located a minimum of 1.5 metres from any lot line. Such building or structure shall have a maximum floor area of 20 square metres.

DISTANCE FROM SENSITIVE LAND USES

A designated or licensed cannabis production facility which contains air treatment control, shall have a minimum setback of 150 metres from:

1. Residential (R, R1, R2 or R3), Estate Residential (ER), Institutional (I) or Transitional (T) zones, including any related site-specific zones. The setback shall be measured from the closest portion of the designated or licensed cannabis production facility to the closest portion of a Residential (R, R1, R2 or R3), Estate Residential (ER), Institutional (I) or Transitional (T) zone boundary.
2. Rural (RU) zoned lots, including any related site-specific zones, which have a lot area of 8,000 square metres or less. The setback shall be measured from the closest portion of the designated or licensed cannabis production facility to the closest portion of the lot line of such a RU zoned property.

Notwithstanding any other provision in this by-law, cannabis cultivated outdoors or a designated or licensed cannabis production facility which does not contain air treatment control, shall have a minimum setback of 300 metres from:

3. Residential (R, R1, R2 or R3), Estate Residential (ER), Institutional (I) or Transitional (T) zones, including any related site-specific zones. The setback shall be measured from the closest portion of the cannabis cultivated outdoors or the designated or licensed cannabis production facility, whichever of the two is closest, to the closest portion of a Residential (R, R1, R2 or R3), Estate Residential (ER), Institutional (I) or Transitional (T) zone boundary.

4. Rural (RU) zoned lots, including any related site-specific zones, which have a lot area of 8,000 square metres or less. The setback shall be measured from the cannabis cultivated outdoors or the designated or licensed cannabis production facility, whichever of the two is closest, to the closest portion of the lot line of such a RU zoned property.

Notwithstanding paragraphs 1 and 3, above, both cannabis cultivated outdoors and a designated or licensed cannabis production facility shall have a minimum setback of 300 metres from a private or public school. The setback shall be measured from the cannabis cultivated outdoors or the designated or licensed cannabis production facility, whichever of the two is closest, to the closest portion of the lot line containing the private or public school.

RESTRICTIONS

Notwithstanding Section 2.36 B), processing, research, analytical testing, and sale of cannabis shall only be permitted with respect to cannabis that is grown on the same property. Further, the total maximum floor area devoted to the above-noted uses shall cumulatively be limited to a maximum of 2% of the overall lot area of the property, to a maximum of 10,000 square metres.

No designated or licensed cannabis production facility or part thereof shall be located within a dwelling unit.”

11. That Section 32.2 **PERMITTED NON-RESIDENTIAL USES** in the Business Park 3 (BP-3) Zone is hereby amended by deleting “marihuana production facility” and adding “cannabis production facility, licensed”.
12. That Section 32.4 **ZONE REQUIREMENTS – NON-RESIDENTIAL USES** in the Business Park 3 (BP-3) Zone, and more specifically Subsection (i) **OPEN STORAGE**, is hereby amended by deleting the sentence “however, open storage associated with a marihuana production facility is prohibited.”
13. That Section 32 **BUSINESS PARK 3 (BP-3) ZONE** is hereby amended by adding the following after Section 32.5 **ANCILLARY RETAIL SALES SHOW ROOM AND ANCILLARY OFFICE USES**:

“32.6 CANNABIS PRODUCTION FACILITY, LICENSED

A licensed cannabis production facility in the BP-3 Zone is subject to the requirements of Section 32.4 and the following additional requirements:

LOT FRONTAGE AND LOT AREA

Section 5.41 respecting undersized lots shall not apply when determining compliance with lot frontage and lot area requirements.

OUTDOOR CULTIVATION PROHIBITED

Cultivating, propagating and harvesting of cannabis shall be conducted in a wholly enclosed building or structure.

GATEHOUSE

A building or structure used solely for a gatehouse shall be permitted in the front and exterior side yard and may be located a minimum of 1.5 metres from any lot line. Such building or structure shall have a maximum floor area of 20 square metres.

DISTANCE FROM SENSITIVE LAND USES

A licensed cannabis production facility shall be located a minimum of 150 metres from:

1. Residential (R, R1, R2 or R3), Estate Residential (ER), Institutional (I) or Transitional (T) zones, including any related site-specific zones. The setback shall be measured from the closest portion of the licensed cannabis production facility to the closest portion of a Residential (R, R1, R2 or R3), Estate Residential (ER), Institutional (I) or Transitional (T) zone boundary.
2. Rural (RU) zoned lots, including any related site-specific zones, which have a lot area of 8,000 square metres or less. The setback shall be measured from the closest portion of the licensed cannabis production facility to the closest portion of the lot line of such a RU zoned property.

Notwithstanding paragraph 1, above, a licensed cannabis production facility shall have a minimum setback of 300 metres from a private or public school. The setback shall be measured from the closest portion of the lot line containing the licensed cannabis production facility to the closest portion of the lot line containing the private or public school.”

EXPLANATORY NOTE

**(TOWN OF GEORGINA)
(FILE NO. 03.05BQ)**

1. The purpose of Zoning By-law Number 500-2020-XXXX (PL-5), which amends Zoning By-law 500, as amended, is to implement specific zoning provisions for cannabis production facilities within the Town of Georgina. Specifically, the by-law proposes to define cannabis production facilities; permit cannabis production facilities within the Rural (RU), Restricted Industrial (M1), General Industrial (M2), and Business Park 3 (BP-3) zones; and, implement specific zoning provisions for same. The by-law also proposes to repeal the existing definition of 'Marihuana Production Facility' and related provisions.
2. This by-law conforms to the Town of Georgina Official Plan, the Keswick Secondary Plan, the Sutton/Jackson's Point Secondary Plan, the Pefferlaw Secondary Plan, and the Keswick Business Park Secondary Plan.
3. This by-law shall apply to all lands within the Town of Georgina which are zoned RU, M1, M2 and BP-3.
4. A Key Map has not been provided as part of this amendment due to the significant number of RU, M1, M2 and BP-3 zoned lands within the Town of Georgina.

BY-LAW NUMBER 500-2020-XXXX (PL-5), WHICH AMENDS ZONING BY-LAW NO. 500 OF THE CORPORATION OF THE TOWN OF GEORGINA

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

BY-LAW NUMBER 500-2020-XXXX (PL-5)

A BY-LAW TO AMEND BY-LAW NUMBER 500, BEING A BY-LAW TO REGULATE
THE USE OF LANDS AND THE CHARACTER, LOCATION AND USE OF BUILDINGS
AND STRUCTURES WITHIN THE TOWN OF GEORGINA.

Pursuant to Section 34 of the Planning Act, R.S.O., 1990, c.P.13, as amended, the Council of the Town of Georgina **ENACTS AS FOLLOWS:**

1. That Section 2 **DEFINITIONS** is hereby amended by adding the following new definitions:

“2.36 A) CANNABIS PRODUCTION FACILITY, DESIGNATED: means the use of land, buildings or structures for cultivating, propagating, harvesting, drying, storing, destroying, packaging and shipping of cannabis which is authorized by a valid registration certificate of a designated person issued by the Federal Minister of Health, pursuant to the Cannabis Regulations, SOR/2018-144, as amended, under the Cannabis Act, S.C. 2018, c. 16, as amended, or its successor.

2.36 B) CANNABIS PRODUCTION FACILITY, LICENSED: means the use of land, buildings or structures for cultivating, propagating, producing, harvesting, drying, storing, processing, research, testing, destroying, packaging, sale for medical purposes, and shipping of cannabis which is authorized by a valid license issued by the Federal Minister of Health, pursuant to the Cannabis Regulations, SOR/2018-144, as amended, under the Cannabis Act, S.C. 2018, c. 16, as amended, or its successor.”

2. That Section 2 **DEFINITIONS** is hereby amended by deleting Subsection 2.129 A) **MARIHUANA PRODUCTION FACILITY** in its entirety.

3. That Section 5.28 **PARKING AREA REGULATIONS**, and specifically the Industrial table within Subsection 5.28 (b) **NUMBER OF PARKING SPACES (MINIMUM), NON-RESIDENTIAL USES** be amended by deleting the reference to “marihuana production facility”, including the associated parking requirements, and replacing it with the following:

Industrial:

Use	Required Spaces
Cannabis production facility, licensed	2 spaces, plus 2 spaces per 95 square metres of non-residential floor area
Cannabis production facility, designated	2 spaces, plus 1 space per 95 square metres of non-residential floor area

4. That Section 20.2 **PERMITTED NON-RESIDENTIAL USES** in the Restricted Industrial (M1) Zone is hereby amended by adding “cannabis production facility, licensed”.
5. That Section 20.4 **ZONE REQUIREMENTS – NON-RESIDENTIAL USES** in the Restricted Industrial (M1) Zone is hereby amended by adding the following after Subsection (i) **OPEN STORAGE**:

“(j) CANNABIS PRODUCTION FACILITY, LICENSED

A licensed cannabis production facility is subject to the requirements of Section 20.4 respecting “Other Uses”. Further, a licensed cannabis production facility is also subject to the following requirements:

USE MUST BE WHOLLY CONTAINED

Notwithstanding any other provision in this by-law to the contrary, growing, propagating and harvesting of cannabis shall be conducted in a wholly enclosed building or structure.

GATEHOUSE

Notwithstanding the yard and setback provisions of this by-law, a building or structure used solely for a gatehouse shall be permitted in the front and exterior

side yard and may be located a minimum of 1.5 metres from any lot line. Such building or structure shall have a maximum floor area of 20 square metres.

DISTANCE FROM SENSITIVE LAND USES

Notwithstanding any other provision in this by-law to the contrary, a licensed cannabis production facility shall not be located closer than 70 metres from a:

- Residential (R, R1, R2 or R3), Institutional (I) or Transitional (T) zone, including any related site-specific zones. The setback shall be taken from the closest portion of the cannabis production facility measured to the closest zone boundary.
- Rural (RU) zoned lot, including any related site-specific zones, which has a lot area of 8,000 square metres or less. The setback shall be taken from the closest portion of the cannabis production facility measured to the closest lot line of the RU zoned property.

For the purpose of this provision, a licensed cannabis production facility means any buildings or structures in which cannabis is permitted within in accordance with federal licensing. Further, no licensed cannabis production facility lawfully established under these provisions shall be deemed to be in violation of the zoning by-law by the subsequent establishment of a Residential, Institutional or Transitional zone or the creation of a RU zoned lot which has a lot area of 8,000 square metres or less."

6. That Section 21.4 **ZONE REQUIREMENTS – NON-RESIDENTIAL USES** in the General Industrial (M2) Zone is hereby amended by adding the following after **AUTO BODY GARAGES**:

"CANNABIS PRODUCTION FACILITY, LICENSED

A licensed cannabis production facility is subject to the requirements of Section 21.4 respecting "Other Uses". Further, a licensed cannabis production facility is also subject to the following requirements:

USE MUST BE WHOLLY CONTAINED

Notwithstanding any other provision in this by-law to the contrary, growing, propagating and harvesting of cannabis shall be conducted in a wholly enclosed building or structure.

DISTANCE FROM SENSITIVE LAND USES

Notwithstanding any other provision in this by-law to the contrary, a licensed cannabis production facility shall not be located closer than 70 metres from a:

- Residential (R, R1, R2 or R3), Institutional (I) or Transitional (T) zone, including any related site-specific zones. The setback shall be taken from the closest portion of the cannabis production facility measured to the closest zone boundary.
- Rural (RU) zoned lot, including any related site-specific zones, which has a lot area of 8,000 square metres or less. The setback shall be taken from the closest portion of the cannabis production facility measured to the closest lot line of the RU zoned property.

For the purpose of this provision, a licensed cannabis production facility means any buildings or structures in which cannabis is permitted within in accordance with federal licensing. Further, no licensed cannabis production facility lawfully established under these provisions shall be deemed to be in violation of the zoning by-law by the subsequent establishment of a Residential, Institutional or Transitional zone or the creation of a RU zoned lot which has a lot area of 8,000 square metres or less."

7. That Section 28.2 **PERMITTED NON-RESIDENTIAL USES** in the Rural (RU) Zone is hereby amended by adding "cannabis production facility, designated" and "cannabis production facility, licensed".
8. That Section 28.4 **ZONE REQUIREMENTS – NON-RESIDENTIAL USES** in the Rural (RU) Zone is hereby amended by adding the following after Subsection (k) **AERODROME**:

"(I) CANNABIS PRODUCTION FACILITY, DESIGNATED OR LICENSED

The requirements for lot frontage, lot area, front yard, and exterior side yard, rear yard and interior side yard shall be in accordance with the provisions of Section 28.4 (a), (b), (c) (d), (e) and (f), respectively. Further, a designated cannabis production facility and licensed cannabis production facility are also subject to the following requirements:

LOT COVERAGE (MAXIMUM) 30%

HEIGHT OF BUILDING (MAXIMUM) 11 metres

OPEN STORAGE

Notwithstanding any other provision in this by-law to the contrary, the open storage of goods, materials or machinery, shall not be permitted other than in a wholly enclosed building.

LOADING SPACES

Shall be provided in accordance with the requirements for a Commercial / Industrial / Business Park use pursuant to Section 5.25.

GATEHOUSE

Notwithstanding the yard and setback provisions of this by-law, a building or structure used solely for a gatehouse shall be permitted in the front and exterior side yard and may be located a minimum of 1.5 metres from any lot line. Such building or structure shall have a maximum floor area of 20 square metres.

DISTANCE FROM SENSITIVE LAND USES

Notwithstanding any other provision in this by-law to the contrary, a designated or licensed cannabis production facility shall not be located closer than 70 metres from a:

- Residential (R, R1, R2 or R3), Institutional (I) or Transitional (T) zone, including any related site-specific zones. The setback shall be taken from the closest portion of the cannabis production facility measured to the closest zone boundary.
- Rural (RU) zoned lot, including any related site-specific zones, which has a lot area of 8,000 square metres or less. The setback shall be taken from the closest portion of the cannabis production facility measured to the closest lot line of the RU zoned property.

For the purpose of this provision, a designated or licensed cannabis production facility means any buildings or structures in which cannabis is permitted within in accordance with a federal certificate or federal licensing and also includes cannabis which is grown outdoors. Further, no cannabis production facility lawfully established under these provisions shall be deemed to be in violation of the zoning by-law by the subsequent establishment of a Residential, Institutional or

Transitional zone or the creation of a RU zoned lot which has a lot area of 8,000 square metres or less.

RESTRICTIONS

Notwithstanding Section 2.36 B), processing, research, testing, and sale for medical purposes as authorized by a license issued by the Federal Minister of Health, shall only be permitted if the cannabis used for such purposes is grown on the property. To further clarify, cannabis shall not be brought onto the property from any other property for any purpose.

Further, the total maximum floor area devoted to uses such as 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 square metres.”

9. That Section 32.2 **PERMITTED NON-RESIDENTIAL USES** in the Business Park 3 (BP-3) Zone is hereby amended by deleting “marihuana production facility” and adding “cannabis production facility, licensed”.
10. That Section 32.4 **ZONE REQUIREMENTS – NON-RESIDENTIAL USES** in the Business Park 3 (BP-3) Zone, and more specifically Subsection (i) **OPEN STORAGE**, is hereby amended by deleting the sentence “however, open storage associated with a marihuana production facility is prohibited.”
11. That Section 32 **BUSINESS PARK 3 (BP-3) ZONE** is hereby amended by adding the following after Section 32.5 **ANCILLARY RETAIL SALES SHOW ROOM AND ANCILLARY OFFICE USES**:

“32.6 CANNABIS PRODUCTION FACILITY, LICENSED

A licensed cannabis production facility is subject to the requirements of Section 32.4 respecting “Zone Requirements – Non-Residential Uses”. Further, a licensed cannabis production facility is also subject to the following requirements:

USE MUST BE WHOLLY CONTAINED

Notwithstanding any other provision in this by-law to the contrary, growing, propagating and harvesting of cannabis shall be conducted in a wholly enclosed building or structure.

GATEHOUSE

Notwithstanding the yard and setback provisions of this by-law, a building or structure used solely for a gatehouse shall be permitted in the front and exterior side yard and may be located a minimum of 1.5 metres from any lot line. Such building or structure shall have a maximum floor area of 20 square metres.

DISTANCE FROM SENSITIVE LAND USES

Notwithstanding any other provision in this by-law to the contrary, a licensed cannabis production facility shall not be located closer than 70 metres from a:

- Residential (R, R1, R2 or R3), Institutional (I) or Transitional (T) zone, including any related site-specific zones. The setback shall be taken from the closest portion of the cannabis production facility measured to the closest zone boundary.
- Rural (RU) zoned lot, including any related site-specific zones, which has a lot area of 8,000 square metres or less. The setback shall be taken from the closest portion of the cannabis production facility measured to the closest lot line of the RU zoned property.

For the purpose of this provision, a licensed cannabis production facility means any buildings or structures in which cannabis is permitted within in accordance with federal licensing. Further, no licensed cannabis production facility lawfully established under these provisions shall be deemed to be in violation of the zoning by-law by the subsequent establishment of a Residential, Institutional or Transitional zone or the creation of a RU zoned lot which has a lot area of 8,000 square metres or less."



June 26th, 2020

File No: 20095
Submitted Via Email

Tolek Makarewicz, Senior Policy Planner, MCIP, RPP
Town of Georgina
26557 Civic Centre Road, R.R.#2
Keswick, ON
L4P 3G1

**Re: Cannabis Production Facilities Draft Zoning By-law Amendment
26037 Woodbine Avenue, Town of Georgina
26 OH 37 Holdings Inc. (c/o Belair Credit)**

The Town of Georgina is currently considering an amendment to the Town of Georgina Zoning By-law 500 to permit Cannabis Production Facilities in specific zones throughout the Town. Based on our discussions with you, as well as our review of the information available online, it appears as though Cannabis Production Facilities are being considered in the Rural (RU), Restricted Industrial (M1), General Industrial (M2) and Business Park 3 (BP-3) Zones. Zoning requirements related to the Cannabis Production Facility use are also proposed based on the zone in which they are located.

By way of this letter, on behalf of 26 OH 37 Holdings Inc. (the "Owner"), GSP Group Inc. respectfully requests that the Cannabis Production Facility use be added to the C2-12 zone located at 26037 Woodbine Avenue (the "Site") as a site specific addition to the proposed Zoning Amendment being considered by the Town. The basis for this request is outlined in the subsequent sections of this letter.

Site Description and Context

The Site is located east of Woodbine Avenue and between Baseline Road and Boyers Road. The Site currently houses a residential dwelling with an accessory apartment at the front of the Site. The owner of the home also runs a printing business on-site. There is also a garage building behind the dwelling. The garage contains two businesses, Simcoe Printing and Aim Fabrication. In addition to these uses there is also a storage facility on the easterly portion of the Site. The Site is approximately 11,005sq.m in size and has approximately 51m of frontage along Woodbine Avenue.

Adjacent uses include industrial properties to the south including Mason Place Fireplace and BBQ Centre, Gincor Werx, Daystar Keswick Ltd and Vaultra Self-Storage. There are rural properties across Woodbine Avenue to the west and the adjacent property to the north is the Georgina Military Museum. East of the property is a small portion of industrial lands which are vacant and natural heritage lands. The attached Site Location & Context Plan shows the location of the Site and some of the surrounding uses.

The Owner has recently made a submission for Site Plan Approval with the Town for a proposed building expansion which would include approximately 2,300sq.m of additional gross floor area. The site plan will support the development of new businesses permitted in the Highway Commercial Zone.

Official Plan Designation

The Site has a split designation with a small portion of the front of the property designated Agricultural Protection Area. The rest of the Site is designated Rural Commercial. The Agricultural Protection Area permits agricultural uses, agricultural-related uses, on-farm diversified uses, a single detached dwelling and accessory apartment, among other uses. The Rural Commercial designation permits:

- a. Commercial uses that service the rural/agricultural/recreational communities or provide services to the traveling public; and,
- b. Commercial uses which comply with or are similar to those permitted by the zoning for the site existing at the date of the adoption of this Plan. (Section 6.4.1)

The policies of the Rural Commercial section state that uses in this designation shall not require the use of large amounts of water for their operation, they shall be a low fire risk, and shall not to contain uses or produce effluents which are polluting or noxious (Section 6.4.2).

The Site is located on a Regional Road, Woodbine Avenue, and is also located within the Greenlands System overlay shown on Schedule A2 of the Official Plan.

Through the Cannabis Production Facilities Draft Zoning By-law Amendment process, Town of Georgina Staff have been considering where appropriate locations are for this type of development. As part of that analysis, in Report No. DS-2019-0100, the Town explains how the Agricultural Protection Area, Specialty Crop Area, Industrial areas and Keswick Business Park lands do not require an Official Plan amendment to permit the Cannabis Production Facility. We believe that the C2-12 portion of the site, designated Rural Commercial, would also permit the proposed Cannabis Production Facility without the need for an amendment to the Official Plan. The Rural Commercial designation permits commercial uses that comply with or are similar to those permitted by the zoning. The current C2-12 zoning permits uses such as warehousing and a garden centre which we believe are similar to types of uses that can be expected to accompany the Cannabis Production Facility use (further discussion below).

Zoning

The Site has split zoning with approximately 2,900sq.m zoned Rural RU and the rest zoned Highway Commercial C2-12. The RU Zone permits single family dwellings and agricultural uses among other uses as listed in Section 28 of the Zoning By-law. The C2-12 zone permits non-residential uses including but not limited to garden centres, retail stores and wholesale

establishments as outlined in Section 15 of the Zoning By-law. The Site Specific zoning (C2-12) permits a minimum interior side yard of 4m and also permits the use of a motor vehicle sales and/or rental establishment, automobile, towing service and mechanical garage (Section 15.5.12).

The Cannabis Production Facility use being proposed by the Town would be permitted in the RU, M1, M2 and BP-3 zones. If approved, the 2,900sq.m front portion of the Site would be permitted to introduce a Cannabis Production Facility, subject to applicable regulations. Currently, the draft zoning amendment document does not permit the inclusion of Cannabis Production Facilities in any commercial zones. However, we believe the extension of the permitted use to the C2-12 zone would be appropriate at this location given the context of the area and because the use would already be permitted in the RU zone on a portion of the Site.

Abutting properties to the south, east and west are zoned M2 and RU, which would permit the Cannabis Production Facility based on the proposed Zoning Amendment. A Cannabis Production Facility at this location could also meet all of the proposed zone requirements proposed in the draft by-law which include a maximum lot coverage of 30%; a maximum building height of 11m; regulations regarding open storage that shall not be permitted other than in wholly enclosed buildings; loading space requirements; gatehouse setbacks and size restrictions; and, distances from sensitive land uses.

Request for Consideration of Cannabis Production Facilities Uses in the C2-12 Zone

We are of the opinion that there is an opportunity to integrate this use on the commercial portion of the Site given the mixed industrial/rural character of the area. We also believe that the Site would be appropriate for this type of development as a portion of the Site is already zoned RU, which would permit the Cannabis Production Facility based on the proposed zoning. Similar uses are currently permitted in the C2-12 zone like Garden Centres, which is defined as,

"building, structure or premises used for the growing or displaying of trees and other plants which may be sold for transplanting and may also include the sale of lawn, garden, and landscaping equipment, furniture, and supplies, excluding farm implements or large machinery or equipment",

The Cannabis Production Facility would be an extension of this type of permitted use. As such, we respectfully request that the Town of Georgina consider adding the proposed Cannabis Production Facility zoning permissions and regulations from the RU zone to the C2-12 site specific zoning through the Zoning Amendment process.

We trust that our request will be considered as part of the Cannabis Production Facility Zoning Amendment process initiated by the Town of Georgina. Please let us know if you require any additional information to further inform our request. We look forward to discussing opportunities for this Site through this Zoning exercise.

By way of this letter we would also like to confirm that GSP Group (Hugh Handy, hhandy@gspgroup.ca and Megan Gereghty mgereghty@gspgroup.ca), along with our client Gary Foch of 26 OH 37 Holdings Inc. , consent to being added to the Town's distribution list to be kept apprised of this matter.

Yours truly,
GSP Group

A handwritten signature in blue ink, appearing to read "Hugh Handy".

Hugh Handy MCIP, RPP
Senior Associate

c.c. Alan Drozd, Town of Georgina
Ingrid Fung, Town of Georgina
Gary Foch, 26 OH 37 Holdings Inc. (c/o Belair Credit)



Context Plan - 26037 Woodbine Avenue, Town of Georgina

Source: Google Aerial Imagery (2015)



File No.: 03.05BQ (ZBA)
Refer To: Sara Brockman

February 21, 2020

Mr. Harold Lenters, MCIP, RPP
Director of Planning & Building
Town of Georgina
26557 Civic Centre Road
Keswick, ON L3Y 6Z1

Attention: Tolek Makarewicz, Senior Policy Planner

**Re: Request for Comments - Town-Initiated General Zoning By-law Amendment
Zoning Standards for Cannabis Production Facilities
Town of Georgina
York Region File No.: ZBA.20.G.0014**

York Region has received the above noted Zoning By-law Amendment (ZBA) regarding zoning standards for cannabis production facilities in the Town of Georgina.

The purpose of the ZBA is to:

- 1) Define "cannabis production facilities";
- 2) Permit cannabis production facilities within the Rural (RU), Restricted Industrial (M1), General Industrial (M2), and Business Park 3 (BP-3) zones and implement specific zoning standards, including but not limited to, site requirements, parking, and separation distance from sensitive land uses; and,
- 3) Repeal the existing definition of "Marihuana Production Facility" and related provisions.

The lands subject to this application include all lands within the Town of Georgina zoned RU, M1, M2 and BP-3.

We understand the ZBA addresses both Licensed Cannabis Production Facilities and Designated Cannabis Production Facilities and that these facilities, will be subject to subsequent approvals under the *Planning Act* such as Site Plan Control.

York Region has reviewed this submission and offers the following comments for the Town's consideration:

Regional Planning

1. The draft ZBA proposes a minimum separation distance from sensitive land uses for cannabis production facilities. In addition to the Residential (R, R1, R2 and R3), Institutional (I) and Transitional (T) zones already listed, the Town may want to consider adding the "Estate Residential" (ER) zone and/ or other existing residential uses, where appropriate, to the list.

Public Health

The following comments primarily focus on preventing odour and other nuisance complaints as research on public health impacts is emerging:

General

2. The Federal government (Health Canada) as a requirement of any Federal licence through the *Cannabis Act* and the *Federal Cannabis Regulation* requires cannabis production facilities in Canada to have appropriate air filtration and the installation of odour control equipment to eliminate odours. A 2018 Public Health Ontario evidence brief found that current practices recommended cannabis production and cultivation facilities use appropriate ventilation and filtration to mitigate the release of substances that may result in odours. They also suggest a system to report and track odours could help assist local authorities to remedy potential problems.

Zoning Permissions

3. In other jurisdictions cannabis production operations have consumed land that could otherwise be used for food production. Within the RU zone, we suggest the Town take into consideration safeguarding large-scale indoor/ land intensive Cannabis Production Facilities from viable food producing agricultural lands, where feasible.

Setbacks and Separation Distances

4. Section 1.2.6.1 of the Provincial Policy Statement, 2014, addresses the prevention or mitigation of adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, to ensure the long-term viability of major facilities. York Region Public Health (YRPH) recommends the Town consider setbacks greater than the proposed 70 metres to minimize nuisance related impacts associated with cannabis production facilities that could affect well-being, including odours, light and noise. A number of municipalities in Ontario have passed zoning by-laws that establish setbacks greater than 70m for cannabis production facilities from certain types of uses, including schools, residential areas, institutional lands, and recreational uses with distances depending on which zone the facility is permitted in.

In reviewing the draft ZBA, we noted that M1, M2, BP-3 and RU zones propose a 70m separation distance from select residential and institutional zones; however, we recommend that the Town consider a 150m minimum setback from Cannabis Production Facilities to sensitive land uses. This setback distance has been used across Ontario and is also consistent with Ontario Regulation (O. Reg) 468/18 under the *Cannabis Licence Act* which prohibits cannabis retail stores to be located within 150m of a sensitive land use. In December 2019, the Ontario Government announced plans to allow licensed producers to open storefronts at their facilities. In future, should the Town opt in to allow retail cannabis in the municipality, a 150 m setback establishes consistency with provincial regulations.

5. *Facilities without Odour Controls & Outdoor Cultivation*

A number of municipalities in Ontario have passed zoning by-laws that establish setbacks of 300 metres for outdoor cannabis production and cannabis production facilities without odour controls. Odour related to outdoor cultivation is not addressed in Health Canada regulations or guidelines. The draft ZBA proposed to permit outdoor cannabis production/ designated cannabis production facilities in the RU zone. As such, YRPH recommends that the Town consider a 300 metre minimum setback from any sensitive land use for outdoor production facilities or for designated cannabis production facilities with no appropriate odour controls.

Definitions

6. For the purposes of this ZBA, the Town may want to consider including a definition for "Sensitive Land Use". For clarity in interpreting the definition, consider listing example such as schools (Public/ Private), child care centre, long term care home/ Senior's Facility (e.g. retirement homes), Lodging Home or Home for Special Care, and/ or Community Health facilities).

Odour Control Plan

7. Potential sources of odour from marijuana production include volatile organic compounds (VOCs) from the plants and emissions from the use of chemical solvents to extract oils or concentrate cannabis. As part of any future site plan approval process, consider including a requirement that cannabis production facilities submit an odour control plan. The development of an odour control plan would provide municipal staff the opportunity to carefully assess the potential impacts of odour for proposals.

Additional Resources

8. The following additional resources are provided in support of the comments above:

Good Production Guide for Cannabis, Health Canada

Municipal Guide to Cannabis Legalization A roadmap for Canadian local governments

Public Health Ontario's evidence brief on odours from cannabis production

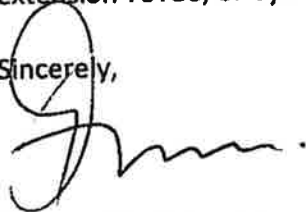
Water Resources

9. Water Resources does not have any objections/concerns subject to the following comments with the Zoning Bylaw Amendment as it relates to Source Protection policy:
- Any development on lands within the Intake Protection Zone must adhere to the SGBLS Source Protection Plan, and where appropriate, the Intake Protection Zone policies outlined in the York Region Official Plan (ROP).
 - Any major development on lands within a Highly Vulnerable Aquifer must adhere to the SGBLS Source Protection Plan, and where appropriate, the Highly Vulnerable Aquifer policies outlined in the ROP.
 - Properties within a Significant Groundwater Recharge Area (SGRA) are subject to the SGBLS Source Protection Plan water quantity recharge maintenance policies. Any major development on lands within a SGRA are required to maintain recharge as demonstrated through a hydrogeological study that shows the existing (i.e. pre proposed development) water balance can be maintained in the future (i.e. post proposed development).
 - The use of best management practices during construction and post construction with respect to the handling and storage of chemicals (such as used oil, degreasers and salt) on site are encouraged, and that Risk Management Measures are put in place with respect to chemical use and storage including spill kits, secondary containment, a spill response plan and training.

Should the proposal change and/or the application be amended, Water Resources will require recirculation for comment and/or approval.

We respectfully request a copy of Town Council's decision on this application. Should you have any questions or require further information, please contact Sara Brockman, Senior Planner, at extension 75750, or by e-mail at sara.brockman@york.ca.

Sincerely,



Duncan MacAskill, MCIP, RPP
Manager, Development Planning

SB/

YORK-#10581023



March 6, 2020

Tolek A. Makarewicz
Senior Policy Planner
Town of Georgina
26557 Civic Centre Road
Keswick, ON
L4P 3G1

Dear Mr. Makarewicz

**Re: NOTICE OF PUBLIC MEETING AND REQUEST FOR COMMENTS
TOWN INITIATED PROPOSED AMENDMENT TO ZONING BY-LAW 500
ZONING STANDARDS FOR CANNABIS PRODUCTION FACILITIES**

Thank you for the opportunity to comment on the above noted zoning by-law amendment.

The Boards would like to express their concern regarding the potential for cannabis production facilities to be located in proximity to schools.

The Boards have policies and guidelines that include prudent avoidance of potential hazards be ensured when determining school site locations. The concept of prudent avoidance is also applicable when considering proposed land uses in proximity to existing schools. The following is a list of uses the Boards consider to be non-compatible in close proximity to a school, or proposed future school.

- Place of entertainment (arcade/video store/adult entertainment)
- Hotel/Motel
- Brewers Retail Outlet
- LCBO Outlet
- Restaurant licensed to serve alcohol
- Cannabis Production Facility
- Cannabis Dispensary / Retail store

The Boards have concerns with the draft zoning by-law amendment that would allow a cannabis production facility as close as 70m to an Institutional (I) zone, which includes schools.

Should the Town of Georgina consider a zoning by-law amendment for the purposes of regulating the location of cannabis production facilities, the YCDSB and YRDSB request the following provisions be included:

1. A cannabis production facility (designated or licensed) shall not be located within 200 metres of an existing or proposed school
2. Such distance is to be measured from the property line of the school to the property line of the property line of said cannabis production facility

The Boards appreciate the opportunity to comment on this zoning by-law amendment look forward to continued collaboration with the Town of Georgina to ensure the safety and well being of its residents.

Regards,



Adam McDonald
Senior Planner
York Catholic District School Board



Gilbert Luk
Manager – Property and System Operations
York Region District School Board

PROPOSED ZONING REGULATIONS FOR CANNABIS PRODUCTION FACILITIES BY ZONE CATEGORY

The following regulations are being proposed for Designated and Licensed CPFs in the M1 and M2 Zones:

Provision	Proposed Requirement
Lot Frontage (min.)	No minimum, except that in the case of a lot fronting on Highway 48, the minimum lot frontage shall be 45 metres.
Lot Area (min.)	Private Sanitary Services, 4 000 sq. metres Municipal Sanitary Sewers, no minimum required
Front Yard (min.)	15 metres
Exterior Side Yard (min.)	15 metres
Rear Yard (min.)	11 metres, provided that where the rear yard abuts a Residential or Transitional Zone, the minimum rear yard shall be increased to 15 metres.
Interior Side Yard (min.)	6 metres, provided that where the interior side yard abuts a Residential or Transitional Zone, the minimum interior side yard shall be increased to 15 metres.
Lot Coverage (max.)	20%, provided that where served by sanitary sewers, the maximum coverage may be increased to 50%.
Height of Building (max.)	11 metres
Lot Frontage and Lot Area	Section 5.41 respecting undersized lots shall not apply when determining compliance with lot frontage and lot area requirements.
Open Storage	M1 zone: The storage of goods, material, or machinery, shall not be permitted other than in a wholly enclosed building. M2 zone: Open storage of goods, materials and vehicles shall be permitted, subject to the following provisions: <ul style="list-style-type: none"> such open storage is a permitted use or accessory to the use of the main building on the lot; such open storage is not located within the minimum yards; such open storage does not cover more than 30% of the lot area.
Gatehouse	M1 zone: A building or structure used solely for a gatehouse shall be permitted in the front and exterior side yard and may be located a minimum of 1.5 metres from any lot line. Such building or structure shall have a maximum floor area of 20 square metres. M2 zone: Notwithstanding the yard and setback provisions of this by-law, a building or structure used solely for a gatehouse shall be permitted in the front and exterior side yard and may be located a minimum of 1.5 metres from any lot line.
Outdoor Cultivation Prohibited	Cultivating, propagating and harvesting of cannabis shall only be permitted in a wholly enclosed building or structure.
Distance from Sensitive Land Uses	A designated or licensed cannabis production facility which contains air treatment control, shall have a minimum setback of 150 metres from: <ol style="list-style-type: none"> Residential (R, R1, R2 or R3), Estate Residential (ER), Institutional (I) or Transitional (T) zones, including any related site-specific zones. The setback shall be measured from the closest portion of the designated or licensed cannabis production facility to the closest

	<p>portion of a Residential (R, R1, R2 or R3), Estate Residential (ER), Institutional (I) or Transitional (T) zone boundary.</p> <p>2. Rural (RU) zoned lots, including any related site-specific zones, which have a lot area of 8,000 square metres or less. The setback shall be measured from the closest portion of the designated or licensed cannabis production facility to the closest portion of the lot line of such a RU zoned property.</p> <p>Notwithstanding any other provision in this by-law, a designated or licensed cannabis production facility which does not contain air treatment control, shall have a minimum setback of 300 metres from:</p> <p>3. Residential (R, R1, R2 or R3), Estate Residential (ER), Institutional (I) or Transitional (T) zones, including any related site-specific zones. The setback shall be measured from the closest portion of the designated or licensed cannabis production facility, to the closest portion of a Residential (R, R1, R2 or R3), Estate Residential (ER), Institutional (I) or Transitional (T) zone boundary.</p> <p>4. Rural (RU) zoned lots, including any related site-specific zones, which have a lot area of 8,000 square metres or less. The setback shall be measured from the closest portion of the designated or licensed cannabis production facility to the closest portion of the lot line of such a RU zoned property.</p> <p>Notwithstanding paragraphs 1 and 3, above, a designated or licensed cannabis production facility shall have a minimum setback of 300 metres from a private or public school. The setback shall be measured from the closest portion of the designated or licensed cannabis production facility to the closest portion of the lot line containing the private or public school.</p>
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The following regulations are being proposed for Designated and Licensed CPFs in the RU Zone:

Provision	Proposed Requirement
Lot Frontage (min.)	60 metres
Lot Area (min.)	8,000 sq. metres
Front Yard (min.)	15 metres
Exterior Side Yard (min.)	15 metres
Rear Yard (minimum)	9 metres
Interior Side Yard (min.)	9 metres
Lot Coverage (max.)	30%
Height of Building (max.)	11 metres
Lot Frontage and Lot Area	Section 5.41 respecting undersized lots shall not apply when determining compliance with lot frontage and lot area requirements.
Open Storage Prohibited	The storage of goods, materials or machinery, shall only be permitted in a wholly enclosed building or structure.
Outdoor Cultivation Permitted	Cultivation, propagation and harvesting of cannabis outdoors shall be permitted subject to the distances from sensitive land uses as outlined in this section.
Gatehouse	A building or structure used solely for a gatehouse shall be permitted in the front and exterior side yard and may be located a minimum of 1.5

	metres from any lot line. Such building or structure shall have a maximum floor area of 20 square metres.
Distance from Sensitive Land Uses	<p>A designated or licensed cannabis production facility which contains air treatment control, shall have a minimum setback of 150 metres from:</p> <ol style="list-style-type: none"> 1. Residential (R, R1, R2 or R3), Estate Residential (ER), Institutional (I) or Transitional (T) zones, including any related site-specific zones. The setback shall be measured from the closest portion of the designated or licensed cannabis production facility to the closest portion of the zone boundary. 2. Rural (RU) zoned lots, including any related site-specific zones, which have a lot area of 8,000 square metres or less. The setback shall be measured from the closest portion of the designated or licensed cannabis production facility to the closest portion of the lot line of the RU zoned property. <p>Notwithstanding any other provision in this by-law, cannabis cultivated outdoors and/or a designated or licensed cannabis production facility which does not contain air treatment control, shall have a minimum setback of 300 metres from:</p> <ol style="list-style-type: none"> 3. Residential (R, R1, R2 or R3), Estate Residential (ER), Institutional (I) or Transitional (T) zones, including any related site-specific zones. The setback shall be measured from the closest portion of the cannabis cultivated outdoors and/or the designated or licensed cannabis production facility to the closest portion of the zone boundary. 4. Rural (RU) zoned lots, including any related site-specific zones, which have a lot area of 8,000 square metres or less. The setback shall be measured from the closest portion of the cannabis cultivated outdoors and/or the designated or licensed cannabis production facility to the closest portion of the lot line of the RU zoned property. <p>Notwithstanding paragraphs 1 and 3, above, cannabis cultivated outdoors and/or a designated or licensed cannabis production facility shall have a minimum setback of 300 metres from a private or public school. The setback shall be measured from the closest portion of the cannabis cultivated outdoors and/or the designated or licensed cannabis production facility to the closest portion of the lot line containing the private or public school.</p>
Restrictions	<p>Notwithstanding Section 2.36 B), processing, research, analytical testing, and sale of cannabis shall only be permitted with respect to cannabis that is grown on the same property. Further, the total maximum floor area devoted to the above-noted uses shall be a maximum of 2% of the overall lot area of the property, to a maximum of 10,000 square metres.</p> <p>No designated or licensed cannabis production facility or part thereof shall be located within a dwelling unit</p>

The following regulations are being proposed for Licensed CPFs in the BP-3 Zone:

Provision	Proposed Requirement/Staff Comment
Lot Frontage (min.)	20 metres
Lot Area (min.)	2,000 sq. m
Front Yard (min.)	6 metres
Exterior Side Yard (min.)	6 metres
Rear Yard (min.)	11 metres
Interior Side Yard (min.)	6 metres
Lot Coverage (max.)	60%
Height of Building (max.)	15 metres or 4 storeys (whichever is greater)
Lot Frontage and Lot Area	Section 5.41 respecting undersized lots shall not apply when determining compliance with lot frontage and lot area requirements.
Open Storage	Permitted only as an accessory use in conjunction with a permitted use in existence on the lot.
Outdoor Cultivation Prohibited	Cultivating, propagating and harvesting of cannabis shall be conducted in a wholly enclosed building or structure.
Gatehouse	A building or structure used solely for a gatehouse shall be permitted in the front and exterior side yard and may be located a minimum of 1.5 metres from any lot line. Such building or structure shall have a maximum floor area of 20 square metres.
Distance from Sensitive Lan Uses	<p>A licensed cannabis production facility shall be located a minimum of 150 metres from:</p> <ol style="list-style-type: none"> 1. Residential (R, R1, R2 or R3), Estate Residential (ER), Institutional (I) or Transitional (T) zones, including any related site-specific zones. The setback shall be measured from the closest portion of the licensed cannabis production facility to the closest portion of the zone boundary. 2. Rural (RU) zoned lots, including any related site-specific zones, which have a lot area of 8,000 square metres or less. The setback shall be measured from the closest portion of the licensed cannabis production facility to the closest portion of the lot line of the RU zoned property. <p>Notwithstanding paragraph 1, above, a licensed cannabis production facility shall have a minimum setback of 300 metres from a private or public school. The setback shall be measured from the closest portion of the lot line containing the licensed cannabis production facility to the closest portion of the lot line containing the private or public school.</p>

Ontario Opening Cannabis Retail Market*Province helping build safe and convenient retail system to combat illegal market*

December 12, 2019 6:45 P.M.

TORONTO — The Government of Ontario is taking steps to move to an open market for retail cannabis stores beginning in January 2020. This will provide consumers with more choice and convenience and a safe, reliable supply of cannabis.

"In response to the federal government's decision to legalize cannabis, our government is determined to open the cannabis market as responsibly as possible," said Attorney General Doug Downey. "We have said all along that opening more legal stores is the most effective way to combat the illicit market, protect our kids and keep our communities safe. That is our number one priority."

Removing the temporary cap on the number of private cannabis stores in the province and eliminating pre-qualification requirements for prospective retailers are some of the key changes the government has made to cannabis regulations. Other amendments include:

- Increasing the ability of licensed producers to participate in the retail market and allowing them to open a store at one of their facilities. These changes enable more capital, experience and capacity to enter the market and will help more legal stores open faster.
- Phasing in limits on the number of authorized stores a licence holder can have, to ensure fair access for retailers while creating medium and long-term market certainty.
- Enabling retailers to sell additional cannabis-related items such as cannabis-related magazines and cookbooks.

The Alcohol and Gaming Commission of Ontario (AGCO) will begin accepting operator licence applications from prospective retailers on January 6, 2020, followed by store authorization applications on March 2, 2020. Store authorizations from this open application process are expected to be issued beginning in April, at an initial rate of approximately 20 per month.

The province continues to have strict rules for private cannabis stores to help keep kids safe and ensure retailers behave with integrity. These include regulations that deny licences to anyone with certain cannabis-related offences or any association with organized crime.

Regulations also require licence holders, cannabis retail managers and employees to complete approved training.

QUICK FACTS

- Some of the 42 proposed cannabis stores selected through the second lottery have been authorized to open their doors this month.
- Until August 31, 2020, retail operators may own a maximum of 10 cannabis stores, increasing to 30 in September 2020 and 75 in September 2021.
- Retailers are required to comply with the [Cannabis Licence Act](#) and regulations, as well as the AGCO's [Registrar's Standards for Cannabis Retail Stores](#).
- Prospective retailers must post a public notice at their proposed retail location; the AGCO will accept comments from the local community for 15 days.
- Authorized cannabis stores can now offer click and collect services that allow customers to order and pay for products online for in-store pick-up.
- Proposed cannabis stores selected through the second lottery and the First Nations first come, first served allocation will continue the licensing and authorization process. More details are available on the AGCO website.

LEARN MORE

- [Learn more about Ontario's cannabis laws](#)
- [Learn more about AGCO's cannabis retail licensing and authorization process](#)

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Brian Gray Ministry of the Attorney General, Communications Branch
MAG-Media@ontario.ca
416-326-2210

Available Online
Disponible en Français



Town of
East Gwillimbury

Fernando Lamanna, B.A., Dipl. M. M., CMO

Municipal Clerk
Legal & Council Support Services
Tel: 905-478-3821 Fax: 905-478-2808
flamanna@eastgwillimbury.ca

June 25, 2020

[SENT VIA EMAIL: CHRISTOPHER.RAYNOR@YORK.CA]

Chris Raynor, Regional Clerk
Regional Municipality of York
17250 Yonge Street
Newmarket, ON
L3Y 6Z1

Dear Mr. Raynor:

RE: Resolution pertaining to Cannabis Legislation

For your information and records, at its electronic meeting held on June 23, 2020 the Council of the Town of East Gwillimbury enacted as follows:

WHEREAS the Federal Government has enacted the Cannabis Act and created a regime for the production, possession, distribution and sale of cannabis in Canada for recreational and medical use; and

WHEREAS Health Canada administers a system of licences and registrations required for the legal production, possession, distribution and sale of cannabis in Canada; and

WHEREAS federal licences issued to commercial cannabis producers compel producers to follow strict criteria that include an obligation to provide advance notice of commercial production to local municipalities and first responders; and

WHEREAS Health Canada issues registrations to individuals for the production of cannabis for personal medical consumption; and

WHEREAS Health Canada advises personal medical registrants that they are expected to comply with all provincial/territorial and municipal laws including local by-laws about zoning, electrical safety, fire safety, together with all related inspection and remediation requirements; and

Report No. DS-2020-0028
Attachment 8
Page 1 of 3

"Our town, Our future"

19000 Leslie Street, Sharon, Ontario L0G 1V0 Tel: 905-478-4282 Fax: 905-478-2808
www.eastgwillimbury.ca

WHEREAS the conditions of a medical registration do not require personal producers to provide advance notice of production to local municipalities and first responders, nor are personal producers required to provide evidence of compliance with applicable law; and

WHEREAS absent Health Canada requirements of: (1) advance notice of cannabis production to municipalities and first responders; and (2) evidence of compliance with applicable law, multiple registrants are consolidating their medical cannabis production at sites located in the Town's rural and residential zones where cannabis production is prohibited; and

WHEREAS registrants have re-purposed existing structures or built greenhouses for the production of cannabis without obtaining building and other required permits, and without required Building Code and Fire Code inspections, creating health and safety risks for building occupants and first responders; and

WHEREAS prohibited cannabis production in the Town's rural and residential zones is a nuisance to neighbouring residents and the public at large as the result of odor and light pollution associated with unregulated cannabis production; and

WHEREAS municipalities have cumbersome enforcement tools that are primarily limited to costly and protracted prosecutions under the Planning Act (Ontario) and the Building Code Act (Ontario);

BE IT THEREFORE RESOLVED THAT:

- 1. The Council of the Town of East Gwillimbury respectfully requests that the federal Minister of Health and Attorney General establish a committee of rural municipalities to work together to propose amendments to the Cannabis Act that will remedy the problems experienced by municipalities as the result of the Cannabis Act and Health Canada's administration of the medical registration regime; and*
- 2. THAT Town staff pursue a common front with the Federation of Canadian Municipalities, the Association of Municipalities of Ontario and the York Region municipalities in seeking amendments to the Cannabis Act that will remedy the problems experienced by municipalities as the result of the Cannabis Act and Health Canada's administration of the medical registration regime; and*

-
3. *THAT this resolution be forwarded to the The Honourable Patty Hajdu, Minister of Health (Canada), The Honourable David Lametti, Minister of Justice and Attorney General of Canada, The Honourable Christine Elliott, Minister of Health (Ontario), Doug Downey, Attorney General of Ontario, Scot Davidson, MP York-Simcoe, Tony Van Bynen, MP Newmarket-Aurora, Hon. Caroline Mulroney, MPP York-Simcoe, Association of Municipalities Ontario, Federation of Canadian Municipalities, Ontario Association of Chiefs of Police, Ontario Association Of Fire Chiefs, Municipal Law Enforcement Officers' Association, and York Region Municipalities.*

If you have any further questions, feel free to contact the undersigned.

Yours truly,



Fernando Lamanna, B.A., CMO, Dipl. M.M.
Municipal Clerk

cc: The Honourable Patty Hajdu, Minister of Health (Canada)
The Honourable David Lametti, Minister of Justice and Attorney General of Canada
The Honourable Christine Elliott, Minister of Health (Ontario)
Doug Downey, Attorney General of Ontario
Scot Davidson, MP York-Simcoe
Tony Van Bynen, MP Newmarket-Aurora
Hon. Caroline Mulroney, MPP York-Simcoe
Association of Municipalities Ontario
Federation of Canadian Municipalities
Ontario Association of Chiefs of Police
Ontario Association of Fire Chiefs
Municipal Law Enforcement Officers' Association
Lower-tier Municipalities within York Region

WHEREAS the Federal Government has enacted the Cannabis Act and created a regime for the production, possession, distribution and sale of cannabis in Canada for recreational and medical use; and

WHEREAS Health Canada administers a system of licences and registrations required for the legal production, possession, distribution and sale of cannabis in Canada; and

WHEREAS federal licences issued to commercial cannabis producers compel them to follow strict criteria that include an obligation to provide advance notice of commercial production to local municipalities and first responders, a requirement for air treatment control for indoor facilities, and an obligation to track and report cannabis cultivation, inventory and sales to Health Canada; and

WHEREAS Health Canada issues registrations to individuals for the production of cannabis for personal medical use; and

WHEREAS Health Canada advises medical registrants that they are expected to comply with all provincial/territorial and municipal laws including local by-laws about zoning, electrical safety, fire safety, together with all related inspection and remediation requirements; and

WHEREAS depending on the prescription issued by a health care practitioner, medical registrants could conceivably be permitted to cultivate thousands of cannabis plants at a single municipal address; and

WHEREAS medical registrants are permitted to combine registrations so that up to four medical registrants could grow cannabis at a single municipal address, resulting in potentially several thousands plants being cultivated at any one time; and

WHEREAS there are no restrictions or requirements currently preventing medical registrants from cultivating cannabis within a dwelling unit or within a densely populated residential area; and

WHEREAS the conditions of a medical registration do not require the producers to provide advance notice of production to local municipalities and first responders, do not require air treatment control for indoor cultivation, do not require the producers to track and report cultivation progress to Health Canada, and do not require the producers to provide evidence of compliance with applicable law;

WHEREAS absent Health Canada requirements for: (1) advance notice of cannabis production to municipalities and first responders; (2) cultivating within a dwelling and within densely populated residential areas; (3) air treatment control for indoor cultivation; (4) reasonable limits on the amount of medical cannabis permitted to be grown under an individual registration and when combined with multiple registrations; and (5) evidence of compliance with applicable law, the Town has serious concerns with the potential impact that cannabis cultivated by medical registrants may have on the surrounding area;

BE IT THEREFORE RESOLVED THAT:

1. The Council of the Town of Georgina respectfully requests that the federal Minister of Health and Attorney General establish a committee of rural municipalities to work together to propose amendments to the Cannabis Act that will remedy the problems experienced by municipalities as the result of the Cannabis Act and Health Canada's administration of the medical registration regime; and

2. THAT Town Staff participate in any common front that the Town of East Gwillimbury is pursuing with the Federation of Canadian Municipalities, the Association of Municipalities of Ontario and the York Region municipalities in seeking amendments to the Cannabis Act that will remedy the problems experienced by municipalities as the result of the Cannabis Act and Health Canada's administration of the medical registration regime; and

3. THAT this resolution be forwarded to the The Honourable Patty Hajdu, Minister of Health (Canada), The Honourable David Lametti, Minister of Justice and Attorney General of Canada, The Honourable Christine Elliott, Minister of Health (Ontario), Doug Downey, Attorney General of Ontario, Scot Davidson, MP York-Simcoe, Tony Van Bynen, MP Newmarket-Aurora, Hon. Caroline Mulroney, MPP York-Simcoe, Association of Municipalities Ontario, Federation of Canadian Municipalities, Ontario Association of Chiefs of Police, Ontario Association Of Fire Chiefs, Municipal Law Enforcement Officers' Association, and York Region Municipalities.