

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2020-0098

**FOR THE CONSIDERATION OF
COUNCIL
NOVEMBER 18, 2020**

**SUBJECT: GEORGINA AGRICULTURAL ADVISORY COMMITTEE COMMENTS ON
THE CANNABIS PRODUCTION FACILITIES ZONING BY-LAW
AMENDMENT
PLANNING DIVISION FILE: 03.05BQ**

1. RECOMMENDATION:

- 1. That Council receive Report No. DS-2020-0098 prepared by the Planning Division, Development Services Department dated November 18, 2020 respecting the Georgina Agricultural Advisory Committee Comments on the Cannabis Production Facilities Zoning By-law Amendment.**
- 2. That Council adopt the Zoning By-law Amendment respecting Cannabis Production Facilities provided as Attachment 1 to Report DS-2020-0098.**

2. PURPOSE:

The purpose of this report is two-fold:

1. Present comments received from the Georgina Agricultural Advisory Committee (GAAC) in relation to the Cannabis Production Facilities (CPFs) Zoning By-law Amendment (ZBA or By-law) approved by Council on August 19, 2020; and,
2. Recommend that Council adopt the CPFs ZBA provided as Attachment 1 to this report.

3. BACKGROUND:

On August 19, 2020, Report No. DS-2020-0028 was presented to Council and a Statutory Public Meeting held to consider a Town initiated proposed ZBA as it relates to CPFs. Following consideration by Council, the proposed ZBA was approved subject to revisions to the outdoor cultivation setbacks, but the By-law was not adopted. The By-law, which incorporates revised outdoor cultivation setbacks, is provided as Attachment 1.

As per Item 2(l) of Resolution No. C-2020-0258, Council resolved:

“2. That as no public or Council concerns have been raised at the public meeting warranting investigation and a further meeting, staff recommend the following:

1. That Council approve and adopt the Zoning By-law Amendment provided as Attachment 1 to Report DS-2020-0028, respecting Cannabis Production Facilities, subject to revisions to the outdoor cultivation setbacks as discussed at Council, and further, that Council not adopt the by-law until the Agricultural Advisory Committee has reviewed and provided comments.”

The meeting minutes and full resolution of Council are provided as Attachment 2.

The approved ZBA was not adopted by Council in order to give the GAAC the opportunity to review and provide comment on the By-law. As explained in Report No. DS-2020-0028, a couple of times staff had attempted to present the proposed ZBA to the GAAC for their information and comment prior to reporting to Council in August. However, due to inclement weather and the COVID-19 Pandemic, this was not possible. Therefore, prior to the adoption of the By-law, Council directed that the GAAC have the opportunity to review and provide comment. This report has been prepared to satisfy Council's direction.

4. PUBLIC CONSULTATION AND NOTICE REQUIREMENTS:

There are no public consultation or notice requirements as it relates to this report.

5. ANALYSIS:

On October 8, 2020, staff presented the Council adopted ZBA to the GAAC. Comments from the GAAC are provided by way of Resolution No. GAgAC-2020-0010 (Attachment 3) which states:

“That the Georgina Agricultural Advisory Committee recommends to Council that the Town of Georgina restricts the outdoor production of Cannabis. That Cannabis Production Facilities be subject to appropriate fencing requirements for both facilities.”

Below is staff's response to the GAACs concerns related to outdoor cannabis production and fencing requirements.

5.1 OUTDOOR CULTIVATION

Concern

As noted in Attachment 3, the concern with outdoor cultivation is due to the possibility of “...cannabis seeds being carried from the outdoor fields via wind or birds to other

traditional crop fields whereby they would grow, be harvested with the regular crop, and potentially be ingested by the animals.”

Cannabis Act Regulations Permissions/Requirements

Cannabis is permitted to be cultivated outdoors, subject to obtaining the necessary Health Canada approvals. All other activities associated with cannabis (i.e. processing, testing, storing, packaging, or labeling) must be conducted indoors.

Related Zoning Provisions in the CPF ZBA

The By-law currently permits the growing of cannabis outdoors as a field crop within the Rural (RU) zone, subject to setbacks from sensitive land uses and property lines. Outdoor cultivation is not permitted within the industrial zones (M1, M2 and BP-3).

Staff Response

The dispersion of seeds by wind and/or animals is a naturally occurring process when it comes to agriculture/horticulture. In the research conducted on the topic of cannabis cultivation, the issue of cannabis seeds spreading from one property to adjacent properties and growing into a mature plant has not been raised as a concern or consideration.

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) staff have confirmed, “cannabis is considered an agricultural crop in Ontario and, as such, is permitted to be grown on agricultural land, provided a federal license has been approved.” Understanding this position and in accordance with the Farming and Food Production Protection Act (FFPPA), staff advise that municipalities must be cautious when attempting to regulate or restrict something that may be considered a “normal farm practice” through municipal by-laws such as zoning. In the opinion of staff, prohibiting the outdoor cultivation of cannabis as an agricultural outdoor crop in the rural/agricultural area could potentially lead to a challenge of the By-law to the Normal Farm Practice Protection Board (NFPPB).

Growing cannabis indoors in a climate-controlled setting is preferred to growing cannabis outdoors for reasons such as:

- Preventing pollination of female plants, thereby making the plant produce seeds which would impact the quality of the marihuana;
- Preventing bugs, animals and weather from ruining a crop; and,
- To ensure that the cannabis produced is consistent and complies with good production and processing standards, or in order to qualify for organic certification. Most Licensed CPFs have their growing down to a science and to deviate from it could render the crop unusable.

Most Licensed CPFs that produce cannabis to be sold for recreational or medical purposes grow indoors for the reasons noted above, as well as for security. Notwithstanding, growing cannabis outdoors is still a viable option in some circumstances.

Industrial hemp historically has been grown outdoors as a field crop.

When it comes to the topic of cannabis seeds, there are a couple important facts to understand about the cannabis plant. Cannabis plants, which include industrial hemp¹, can be either male or female. For the purpose of this report, the term 'cannabis' will refer to cannabis plants which are typically grown for their marihuana², while 'industrial hemp' will refer to cannabis plants which are typically grown for their fiber and edible seeds.

The female cannabis plant is grown for the flowers they produce which are consumed (smoked or eaten) for their intoxicating effects, while the male plants are typically grown for the pollen sacs they produce which are used to pollenate female plants in order to create seeds. Industrial hemp on the other hand is grown for its fiber and edible seeds which are used in industrial and health product applications. Similar to the cannabis plant, male hemp plants are used to pollenate female hemp plants in order to produce seeds.

Cannabis and hemp seeds grow tightly packed in the flower of the plant and because of the resin the plants produce, effort is required to remove the seeds from the flower. Generally speaking, once seeds produced from both plants mature, they typically have to be dried and cured prior to being able to germinate properly. The process of drying and curing may take up to two months. Even when this is done correctly, there is no guarantee that a seed will germinate and sprout.

In light of the above, it is possible that seeds from cannabis or industrial hemp plants may be spread to adjacent properties via birds and/or wind. However, considering the length of time it would take a cannabis plant to mature to the point of producing seeds, the likelihood of these seeds then being spread to an adjacent property, drying, curing and then being capable of germinating and possibly sprouting a new plant, the outdoor growing season in Georgina would likely be coming to an end. Therefore, it is staffs opinion that for this sequence of events to occur would be very unlikely at best. With respect to industrial hemp being grown for its seeds, it is reasonable to suggest that a farmer would monitor the crop closely to ensure that it could be harvested prior to the point where wind would be able to blow them off the plant.

¹ Industrial hemp is considered cannabis that contains 0.3% tetrahydrocannabinol (THC) or less in the flowers and leaves. Industrial hemp does not give off intoxicating effects when consumed and among other reasons, is grown for the cannabidiol (CBD) it produces which is known to have various health benefits.

² Marihuana is commonly used to refer to parts of a cannabis plant, such as the leaves or flowers, which contain high levels of THC and produce intoxicating effects when consumed.

In order to provide a buffer between cannabis and industrial hemp grown outdoors and neighbouring properties, the Council approved By-law requires cannabis or industrial hemp be subject to the same setbacks to property lines as a non-residential use building. These setbacks include:

- Front Yard: minimum 15 metres;
- Rear Yard: minimum 9 metres;
- Interior Side Yard: minimum 9 metres; and,
- Exterior Side Yard: minimum 15 metres.

Given the above, staff do not support prohibiting the outdoor growing of cannabis in the RU zone.

5.2 FENCING

Concern

That both Designated and Licensed CPF should “be subject to appropriate fencing requirements”. One comment noted by a Committee member was that each year, crops planted near the road are stolen from her field by people. She then questioned, what would stop someone from doing the same with cannabis growing in a field?

Cannabis Act and Regulations Permissions/Requirements

The *Cannabis Act* Regulations provide the following direction with respect to site security:

- Licensed CPF: The site must be designed in a manner that prevents unauthorized access. The perimeter of the site must be monitored at all times by visual recording devices to detect any attempted or actual unauthorized access to the site. The perimeter of the site must also be secured by means of an intrusion detection system that operates at all times and that allows for the detection of any attempted or actual unauthorized access to the site and any attempted or actual tampering with the system. This intrusion detection system must be monitored at all times.

Prior to an applicant being issued a license from Health Canada to operate a Licensed CPF, the applicant is required to demonstrate that their site has been fully built, including site security measures. A license will not be issued unless compliance is demonstrated.

- Designated CPFs: Reasonable steps must be taken to ensure the security of the cannabis in their possession.

To staff's knowledge, Health Canada does not require an applicant to demonstrate the reasonable steps to be taken to ensure the security of cannabis to be grown prior to issuing a registration certificate for a Designated CPF.

Under the By-law, a Licensed CPF would include the growing of industrial hemp. Industrial Hemp falls under the Cannabis Act, but has its own regulations. Pursuant to the Industrial Hemp Regulations, there are no requirements for site or product security.

Proposed Zoning Provisions

The By-law does not contain any requirements related to fencing.

Staff Response

Although not specifically required by the Regulations, fencing is the standard method used to secure and/or prevent unauthorized access to a CPF. Many CPFs will hire security consultants to design and implement appropriate security measures for their site.

Based on the above, there are specific checks in place through the federal licensing process to ensure that Licensed CPFs are designed to prevent unauthorized access prior to license issuance. Staff are satisfied that through this process, all Licensed CPFs will be designed and developed to be secure. Mandating fencing through zoning may cause unnecessary additional requirements for Licensed CPF. For instance, if a Licensed CPF has been issued a federal license, but their design does not comply with the Town's requirements for fencing, this would unnecessarily require the applicant to apply for a Minor Variance or alternatively redesign the site to comply with the fencing requirements. This would not be a desirable situation.

Industrial Hemp, as noted above, does not require any fencing or site security. Staff believe this is because hemp does not have intoxicating effects when consumed, so protecting and securing it is not a matter of public health and/or safety. Requiring Industrial Hemp fields to provide fencing would be unreasonable and is not recommended.

Although Designated CPFs do not have to demonstrate how they will be securing the cannabis in their possession prior to being issued a registration certificate, they are still required to comply with the Regulations. Nevertheless, one would think that if a Designated CPF is going to be growing cannabis outdoors that they would want to secure their crop, regardless of what the Regulations require. Furthermore, through Site Plan Control (SPC), staff will work with applicants to ensure that Designated CPFs are designed in a way that will ensure public safety.

Based on the above, staff are of the opinion that through the federal regulations and the use of SPC, appropriate measures are in place to ensure that Licensed and Designated CPFs will be designed with the health and safety of the public in mind.

Therefore, specific zoning requirements for fencing in the By-law (i.e. design, height, location, etc.) are not necessary or recommended.

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

This report addresses the following strategic priorities:

- “Grow Our Economy”
- “Promote a High Quality of Life”.

7. FINANCIAL AND BUDGETARY IMPACT:

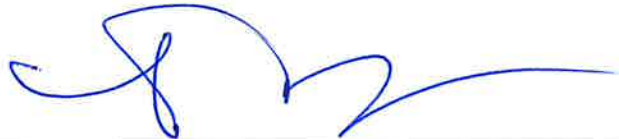
There are no financial or budgetary impacts as a result of this report.

8. CONCLUSION:

Staff recommend that Council approve the Recommendations as presented in Section 1 to received the report and adopt the CPF ZBA provided as Attachment 1.

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



David Reddon
Chief Administrative Officer

October 30, 2020

Attachment 1 – Council approved Cannabis Production Facility Zoning By-law Amendment

Attachment 2 – Council meeting Minutes and Resolution (August 19, 2020)

Attachment 3 – Georgina Agricultural Advisory Committee Resolution re: CPF ZBA (October 8, 2020)

**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
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 6,000 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**:

"(l) 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 these uses complying with the minimum separation distances from sensitive land uses and the minimum yard setbacks for non-residential 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.”

READ a first, second and third time and finally passed this ____ day of _____
2020.

Margaret Quirk, Mayor

Rachel Dillabough, Town Clerk

APPROVED NOT ADOPTED



GEORGINA

1

**THE CORPORATION OF THE
TOWN OF GEORGINA
Council Minutes**

Date: Wednesday, August 19, 2020
Time: 7:00 PM

**Members of Council
Present:**

Mayor Margaret Quirk
Regional Councillor Grossi
Councillor Waddington
Councillor Fellini
Councillor Neeson
Councillor Sebo
Councillor Harding (joined at 7:20pm via telephone)

Staff Present:

David Reddon, CAO
Harold Lenters, Director of Development Services
Ryan Cronsberry, Deputy CAO
Tolek Makarewicz, Senior Policy Planner
Ingrid Fung, Planner II
Ken McAlpine, Manager, Parks Development & Operations
Karyn Stone, Manager, Economic Development & Tourism
Mamata Baykar, Deputy Clerk
Rachel Dillabough, Town Clerk
Racheal Rossetti, Committee Services Coordinator

1. CALL TO ORDER- MOMENT OF MEDITATION

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

2. ROLL CALL

As noted above

3. COMMUNITY ANNOUNCEMENTS

- The Fire Department rescued a sailboat whose engine would not start and the weather was windy so they could not sail into the harbour. The Fire Department used the rescue fireboat to tow the sailboat into the harbour.

- Birthday wishes extended to Madam Mayor Quirk.

4. INTRODUCTION OF ADDENDUM ITEM(S)

- Item 18(i)(A) Advise that is subject to solicitor-client privilege including communications necessary for that purpose under section 239(2)(f) of the *Municipal Act*
- Item 11.1.1.1 Additional Correspondence received from Rob Cooper pertaining to Item No. 11.1.1 of the Agenda.
- Item 12.2.1.1 Additional Recommendation for Item No. 12.2.1 of the Agenda
- Item 13.2.2.1.1 Correspondence Received by the Mayor's Office from DG Group with respect to Maple Lake Estates

5. APPROVAL OF AMENDED AGENDA

RESOLUTION NO. C-2020- 0256

Moved By Councillor Fellini

Seconded By Councillor Waddington

That the agenda with the following addendum items be adopted:

- Item 18(i)(A) Advise that is subject to solicitor-client privilege including communications necessary for that purpose under section 239(2)(f) of the *Municipal Act*
- Item 11.1.1.1 Additional Correspondence received from Rob Cooper pertaining to Item No. 11.1.1 of the Agenda.
- Item 12.2.1.1 Additional Recommendation for Item No. 12.2.1 of the Agenda
- Item 13.2.2.1.1 Correspondence Received by the Mayor's Office from DG Group with respect to Maple Lake Estates

Carried.

6. DECLARATION OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF *None.*

7. ADOPTION OF MINUTES *None.*

All motions are to be taken by recorded vote, due to Councillor Harding being in attendance via telephone only.

8. SPEAKERS

- Michael Smith of Michael Smith Planning Consultants, Agent respecting Item No. 12.2.1.1, Report DS-2020-0025 to represent Ballymore Development (Keswick) Corp and the beneficial owner Chanthiran Kanagaratnam. Michael Smith suggested removing the following clauses under 5.1.2: Clause 18, Clause 21, and Clause 22.
- Chanthiran Kanagaratnam: requests the grant application severance for both parcels be accepted.

- Jason May on behalf of Anne May from 100 Glenwoods advocates for the severance and application of 110 Glenwoods Ave.

RESOLUTION NO. C-2020-0257

Moved by Councillor Waddington

Seconded by Regional Councillor Grossi

That Michael Smith of Michael Smith Planning Consultants, Report DS-2020-0025, agent for Ballymore Development (Keswick) Corp and representing the beneficial owner Chanthiran Kanagaratnam suggesting the removal of clauses 18, 21 and 22 under Section 5.1.2, Chanthiran Kanagaratnam requesting the grant application severance for both parcels be accepted and Jason May on behalf of Anne May of 100 Glenwoods Avenue advocating for the severance and application of 110 Glenwoods Avenue, be received.

	YEA	NAY
Regional Councillor Grossi	X	
Mayor Quirk	X	
Councillor Neeson	X	
Councillor Waddington	X	
Councillor Fellini	X	
Councillor Harding		
Councillor Sebo	X	
Results	6	0

Carried.

9. DELEGATIONS/ PETITIONS None.

10. PRESENTATIONS None.

11. PUBLIC MEETINGS

1. Statutory Meeting(s) Under The Planning Act Or Meetings Pertaining To The Continuation Of Planning Matters
 - a. Proposed Town Initiated Zoning Bylaw Amendment respecting Cannabis Production Facilities (7:00pm)

TOWN OF GEORGINA

Planning Division File No. 0.3.05BQ

Planner is Tolek Makarewicz

Report No. DS-2020-0028

Tolek Makarewicz advised as follows;

- Hugh Handy is a Land Use Planner from GSP Group representing Gary Foch re: Cannabis zoning by-law and the development property at 26037 Woodbine Ave. Mr. Handy thanks the Planning staff and Harold Lenters.
- Mr. Handy indicates they believe this would be an appropriate location for a Cannabis facility.
- Gary Foch indicates he is here for any questions the staff or Council might have.
- Harold Lenters indicates they are open to hearing the proposal but there are 2 pieces to this: If the current zoning of the land lends to conformity with the Official Plan and if the zoning should be through a minor variance or if it requires a zoning amendment presented through Council; these factors would be determined by the scope, the scale, and the size of the project. Mr. Lenters recommends putting together a concept of what they would like to construct for a Cannabis facility.
- Councillor Neeson promotes the economic development opportunities that the Cannabis facilities will create.
- Regional Councillor Grossi inquired about the 30% restriction and confirmed if someone wanted to increase the size they could apply for a minor variance.
- Regional Councillor Grossi requests the Town re-consider the retail sale of Cannabis.
- Mr. Lenters indicates this report is different than the retail sales and recommends creating a staff report.
- Madam Quirk requests a recommendation from staff come back with a report that looks at the Cannabis shop's in York Region and Ontario. Mayor Quirk would like to refer this to go to Agricultural Committee; Mr. Makarewicz will present this to them and get comments on the by-law.
- Mr. Lenters suggests approving the by-law and wait for the adoption of the by-law pending comments from the Agricultural Advisory Committee. A briefing memo will be presented to Council to give any suggestions to the by-law.
- Councillor Sebo enquired if the new by-law has been thoroughly reviewed by the Town Solicitor. Mr. Makarewicz confirmed it has been reviewed by the Town Solicitor.
- Councillor Fellini requested staff create a report about how other municipalities are dealing with the brick and mortar Cannabis stores. That it would be useful to see what changes have been made.

RESOLUTION NO. C-2020- 0258

Moved By Regional Councillor Grossi

Seconded By Councillor Neeson

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 as no public or Council concerns have been 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, subject to revisions to the outdoor cultivation setbacks as discussed at Council, and further, that Council not adopt the by-law until the Agricultural Advisory Committee has reviewed and provided comments.
 - 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.
3. That Council direct staff to review the retail sale of Cannabis in other jurisdictions when it was previously approved in the Province of Ontario and report back on its potential retail sale in the Town of Georgina.

	YEA	NAY
Councillor Sebo	X	
Councillor Harding	X	
Councillor Neeson	X	
Mayor Quirk	X	
Councillor Fellini	X	
Regional Councillor Grossi	X	
Councillor Waddington	X	
Results	7	0

Carried unanimously.

12. REPORTS

12.1 Adoption Of Reports Not Requiring Separate Discussion *None.*



Interoffice Memorandum

GEORGINA

The Clerks Division

To: Council

From: Racheal Rossetti, Committee Services Coordinator

cc: Rachel Dillabough, Town Clerk

Date: Friday October 9, 2020

Re: RESOLUTION NO. GAgAC-2020-0010

On October 8, 2020, the Georgina Agricultural Advisory Committee (GAgAC) passed the following resolution requesting Council consider restricting the outdoor production of Cannabis. The Committee had a number of concerns, one of which is Cannabis seeds being carried from the outdoor fields via wind or birds to other traditional crop fields whereby they would grow, be harvested with the regular crop, and potentially be ingested by the animals.

Moved By: Glenda Hamilton, Seconded By: Kevin Hutchings

RESOLUTION NO. GAgAC-2020-0010

That the Georgina Agricultural Advisory Committee recommends to Council that the Town of Georgina restricts the outdoor production of Cannabis. That Cannabis Production Facilities be subject to appropriate fencing requirements for both facilities.

Carried.

Please note the comments and resolution are provided from an un-adopted draft minutes.