



MEMO

TO: Brent Spagnol, Director of Planning Services
FROM: WSP
SUBJECT: Springwater Cannabis Review Study – Consultation Memo
DATE: March 11, 2021

Introduction

On June 3, 2020, the Township of Springwater Council adopted an Interim Control By-law (ICBL) under Section 38 of the *Planning Act* to place a one-year freeze on the establishment of new cannabis cultivation or production facilities within the Industrial and Agricultural zones. The intent of this ICBL is to provide Council and Township staff with an opportunity to review the existing local context, Federal and Provincial policy framework, and undertake a detailed review of best practices to inform new policy and zoning recommendations. WSP was retained to complete this Cannabis Production Review Study (the “Study”) to provide a land use framework for cannabis production facilities within the Township.

The scope of this Study did not include a public engagement component. However, WSP met with Township Council and staff to discuss the project’s findings and recommendations to be considered. The project team also received one comment from the public via e-mail within the duration of the Study. Further, the Township issued a survey to gather feedback regarding cannabis and/or hemp production in Springwater.

This consultation and feedback was important to ensure that the final recommendations were appropriate for the context in the Township of Springwater.

Feedback from Council and the Public

On August 24, 2020, WSP met with Township Council and staff to present the Study’s initial findings. This meeting also offered an opportunity for Council to provide input on the Study’s progress to date and overall direction. On December 14, 2020, a Special Council Meeting was held to present the recommended policy directions outlined in Section 7 of the Study.

Comments received by Council during these meetings, as well as the public comment received, are discussed in Section 5 of the Study. In addition to the discussion provided in the Study, Table 1 below outlines the comments received by Council and the public, as well as how it was addressed and/or incorporated into the final Study submitted in January 2021.



Table 1: Council Comment Matrix

Comment Source	Comment	Response
August 2020 Council Meeting	The Township has received considerable interest from public and potential businesses regarding cannabis facilities.	This information has been highlighted in Section 5 of the Study.
August 2020 Council Meeting	Ensure best practice review identifies how municipalities are addressing and regulating the issues of odour, lighting, noise and security.	<p>Odour</p> <p>The Town of Lincoln is proposing to address nuisance concerns by implementing standards for odour and lighting through a Property Standards By-law. The Town’s Site Plan Control By-law is proposed to be amended to introduce provisions of site plan control that would address these concerns for all new cannabis production facilities.</p> <p>Norfolk County drafted a County-wide Odour Control By-law to treat the emission of odours expelled from a facility. They introduced the use of Air Treatment Control, which significantly reduces the setback for cannabis production and processing.</p> <p>The Town of Onoway, Alberta requires that facilities include equipment designed and intended to remove odours from the air where it is discharged from the building as part of a ventilation system. They also require a waste management plan that details the incineration of waste products and airborne emission, including odours, as a condition of development permit approval.</p> <p>Air treatment control and ventilation and filtration standards have been implemented to mitigate odours for indoor facilities and Federal regulations require that the escape of odour be controlled. However, there are limited and less reliable options for mitigating odours from outdoor</p>

Comment Source	Comment	Response
		<p>cultivation. Other than attempting to mitigate odours through minimum setbacks from sensitive land uses, there were no measures identified during the best practice review that specifically addresses potential odour from outdoor facilities. An option for municipalities include obtaining devices with the ability to measure particles in the air to monitor odours. However, particle levels in the air can quickly change due to wind conditions, and this is not necessarily a reliable means of mitigating odours from outdoor facilities, which can create issues from an enforcement perspective.</p> <p>Lighting</p> <p>As noted above, the Town of Lincoln is proposing to address lighting concerns through a Property Standards By-law and Site Plan Control. The Town also proposed the following provisions regarding outdoor storage, screening and fencing:</p> <p>For any cannabis production building or structure that consists of 10% glass and where artificial lighting is required, a solid fence having a minimum height of 1.8 metres shall be provided and maintained along every lot line that abuts a lot that is used or permitted to be used for a dwelling or an institutional use.</p> <p>The Township of West Lincoln passed a Zoning By-law amendment requiring that for any cannabis production building or structure that consists of 10% glass and where artificial lighting is required, a solid fence having a minimum height of 1.8 metres shall be provided and maintenance along every lot line that abuts a lot that is used or permitted to be used for a dwelling or an institutional use.</p>

Comment Source	Comment	Response
		<p>Noise</p> <p>To mitigate potential noise concerns, the Town of Lincoln is proposing to address this through a Property Standards By-law.</p> <p>The Town of Bradford West Gwillimbury is proposing to address noise concerns through a Nuisance By-law.</p> <p>Security</p> <p>Multiple municipalities implemented minimum setback requirements for structures used as cannabis production facilities. Minimum setbacks range from 10 metres to 300 metres depending on the context.</p> <p>Municipalities including the Town of West Gwillimbury, the Town of Lincoln, and the Township of West Lincoln require a security fence having a minimum height of 1.7 metres around the entire perimeter of the area of a lot that is used for cannabis production.</p> <p>The Town of Onoway, Alberta requires that no sign shall be displayed on the site that identifies the use.</p> <p>These measures are discussed in more detail in Section 4 of the Study.</p>
August 2020 Council Meeting	Consider Clearview, ON as a best practice to review.	WSP reviewed the Township of Clearview's practices regarding cannabis production to identify potential opportunities for Springwater. Research found that the current Township of Clearview Official Plan and Zoning By-law are silent on the matter of cannabis, marijuana and hemp facilities. The Township is currently in the process of undertaking a study in respect of land use planning policies relating to cannabis operations.

Comment Source	Comment	Response
		This request is included and addressed in Section 5 of the Study.
August 2020 Council Meeting	Are there potential health risks or other impacts related to fumes and odours?	<p>As it relates to potential health risks, the evidence brief “Odours from cannabis production” published by Public Health Ontario in 2018 noted there were no studies to date on the health effects associated with exposure to cannabis cultivation and processing odours. It was noted that odours can result in annoyance and complaints, and that a potential tool for municipalities include adopting a system to report and track odours to inform the timing and extent of the occurrence of odour to assist in potentially addressing the issue. The brief also noted that current practices recommend the use of appropriate ventilation and filtrating systems at indoor cannabis production, but specific recommendations for such systems were not provided (Public Health Ontario, 2018). The brief did not provide specific odour mitigation measures for outdoor cannabis cultivation facilities.</p> <p>As it relates to outdoor cultivation odour concerns, a Health Canada representative stated in a 2019 interview that similar to other agricultural activities, outdoor cultivation of cannabis may produce some odour. It is typically limited to a short period of time during the outdoor growing season when the plants flower (Chatham This Week, 2019).</p> <p>This request is included and addressed in Section 5 of the Study.</p>
December 2020 Council Meeting	Refine the recommended changes to the	The Study recommends introducing provisions that would address issues that are specific to all new cannabis

Comment Source	Comment	Response
	Township's Site Plan Control By-law (e.g. lighting, fencing)	<p>production facilities, which are generally atypical of an agricultural use, including, lighting, fencing, landscaping, and location of certain infrastructure, as needed, associated within these facilities.</p> <p>This request is addressed in Section 7 of the Study.</p>
December 2020 Council Meeting	Would establishing minimum or maximum lot sizes pose a challenge for farmers if they wish to change crop types?	<p>It is difficult to determine whether establishing minimum or maximum lot sizes would pose challenges to farmers. It is recommended that consultation with landowners is considered to better understand potential impacts.</p> <p>This comment has been included in Section 5 of the Study.</p>
December 2020 Council Meeting	Concerns whether additional requirements for cannabis would deter farmers from growing this crop.	<p>It is unknown whether additional requirements for cannabis would deter farmers from growing this crop. As stated during the August 2020 meeting, the Township has received considerable interest from potential businesses regarding cannabis facilities. The intent, based on discussions with Council and staff, would be to only impose restrictions that would recognize the differences between an agricultural use and cannabis: lighting, fencing, security, etc.</p> <p>This comment has been included in Section 5 of the Study.</p>
December 2020 Public Comment	Concerns regarding the proposed recommendation to permit cannabis cultivation as an agricultural use. The commenter states this does not align with PPS, 2020 policies.	<p>As discussed in Section 2 of the Study, the PPS (2020) does not speak directly to cannabis, however, it includes the growing of crops (including nursery) as permitted agricultural uses. The policy recommendations outlined in the Study are in line with the current policy framework and best practices among municipalities. Through the provision of additional regulatory tools, such as Site Plan Control, concerns such as lighting, fencing, minimum distance</p>



Comment Source	Comment	Response
		separation and security can be appropriately addressed for the context of cannabis production facilities. This comment has been included and addressed in Section 5 of the Study.

Conclusion

As noted, the comments and recommendations received from Council during the August 2020 and December 2020 meetings, as well as comments received from the public, are discussed further in Section 5 of the Study.

CANNABIS PRODUCTION REVIEW STUDY



Cannabis Production Review Study, January 2021





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EXECUTIVE SUMMARY

On June 3, 2020, the Township of Springwater Council adopted an Interim Control By-law (ICBL) under Section 38 of the *Planning Act* to place a one-year freeze on the establishment of new cannabis cultivation or production facilities within the Industrial and Agricultural zones. The intent of this ICBL is to provide Council and Township staff with an opportunity to review the existing local context, Federal and Provincial policy framework, and undertake a detailed review of best practices to inform new policy and zoning recommendations. WSP was retained by the Township to complete a Cannabis Production Review Study and provide a land use framework for cannabis production (cultivation and processing) facilities within the Township. The adoption of the ICBL and pursuit of this Study stems from policy uncertainty and growing pressure for the establishment of outdoor cannabis cultivation facilities within Springwater.

On October 17, 2018, the federal *Cannabis Act* was passed and establishes rules for the production, possession and sale of cannabis across Canada, permitting provinces the authority to regulate the use, distribution, and sale of recreational cannabis. The federal *Cannabis Regulation (SOR/2018-144)* is one of a series of regulations that are intended to implement the *Cannabis Act*. Cannabis Regulations establish various classes of licences, including the authorization to cultivate and process cannabis for both medical and recreational purposes. The regulations, in part:

- Permit both indoor and outdoor cultivation, but permit only indoor storage and processing;
- Require reasonable measures to prevent the escape of odours and pollen from indoor areas; and
- Require physical and personnel security measures, such as securing the perimeter to prevent unauthorized access with physical barriers and restricting access to areas where cannabis is present.

In Spring 2018, the Federation of Canadian Municipalities (FCM) released the Municipal Guide to Cannabis Legalization, a document to help guide how municipalities might choose to adapt and develop by-laws related to cannabis in areas ranging from land use management to business regulation to public consumption. This document lists policy options for municipalities to consider, such as:

- Allow the activities to occur within the framework of existing land use regulations, as agricultural or industrial activities in the case of production and industrial or manufacturing activities in the case of processing.
- Separate the activities from existing permitted use categories, to be permitted only at locations specified in the regulations or under the authority of a special use permit.
- Separate the activities from existing permitted use categories, with an exception for existing cannabis production operations that were established under the medical cannabis regime.

The Provincial Policy Statement (2020) and Growth Plan (2020) do not contain specific references to cannabis. The County of Simcoe Official Plan is also silent on the matter of cannabis, as is the Township of Springwater Official Plan. The Township of Springwater Comprehensive Zoning By-law 5000 is also silent on the matter of cannabis.

The best practice review studied eleven municipalities across Canada, located in Ontario, Nova Scotia and Alberta. This review found that following the Cannabis Act, many municipalities opted to use Zoning By-law definitions, Official Plan amendments, use-specific provisions and site-specific lot and building requirements to regulate cannabis production. This includes developing specific definitions related to cannabis and determining where cannabis-related activities would be permitted (i.e. cultivation as an agricultural use and processing as an industrial use). Further measures include developing minimum setback requirements (between 150m – 300m setback), parking and loading provisions, minimum fencing guidelines (e.g. 1.8m in height), and minimum lot area. As odour is a common concern of cannabis production facilities, air treatment control and ventilation and filtration standards have been implemented to mitigate odours for indoor facilities. However, there are limited and less reliable options available to mitigate odours for outdoor facilities. Other than attempting to mitigate odours through lot requirements such as minimum setbacks, there were no measures identified during the best practice review that specifically addresses potential odour concerns from outdoor facilities. Options for addressing this concern may include devices to measure particles in the air to monitor odours. However, particle levels in the air can quickly change due to wind conditions, thus it is not necessarily a reliable manner to mitigating odours from outdoor facilities.

The policy direction recommendations of this Study were informed by the background and best practice reviews. They provide a preferred approach for permitting and regulating the cultivation and processing of cannabis within the Township. These recommendations are outlined below and include options for Official Plan amendments, Zoning By-law amendments and other potential by-laws and tools to be considered.

Official Plan Amendment options:

- Cannabis cultivation should be defined and considered as an agricultural use. This would include any processing of cannabis, which would be considered an agriculture-related use. This is in line with the current policy framework and best practices among the reviewed municipalities.
- Indoor cultivation could be permitted as an industrial or agricultural use. Should it be permitted indoors as an industrial use, it would need to accommodate a smaller yield and include the processing of everything grown on-site. This should also be determined on a case-by-case basis, through a rezoning, which gives the Township control over where they may be permitted as an industrial use.
- Cannabis processing independent from any growing operation should be defined and considered as an industrial use.

- Complete application requirements should be updated, as needed and applicable, to require details relating to lighting, fencing and security, and odour control/ventilation to address nuisance issues, which are atypical of an agricultural use. These uses should be subject to site plan control to mitigate the potential non-agricultural issues like lighting and fencing.

Zoning By-law options:

- New definitions related to Cannabis cultivation and processing should be added to the Zoning By-law.
- Cannabis cultivation and processing should not be permitted as-of-right in Industrial zones; however, it may be considered on a case-by-case basis through a rezoning depending on the scope and scale of the proposed facility.
- Cannabis cultivation should be permitted as-of-right in the Agricultural Zone. Cannabis processing should be permitted as-of-right in the Agricultural Zone provided it is associated with cultivation.
- Specific lot and building requirements, such as minimum lot area, setbacks, separation distances, security, fencing, parking, and loading spaces specific to Cannabis facilities.

New & Existing By-laws/Tools options:

- Nuisance By-law to regulate potential odour, light or noise impacts of existing facilities and establish penalties for non-compliance. It is within the authority of a municipality to enforce such a by-law for legally licensed cannabis facilities.
- Property Standards By-law is another option to address the issues of odour, light or noise impacts.
- Amend existing Site Plan Control By-law to introduce provisions that would address issues that are specific to all new cannabis production facilities, which are generally atypical of an agricultural use, including, lighting, fencing, landscaping, and location of certain infrastructure, as needed, associated within these facilities.
- Amend existing Site Plan Control By-law to apply to Cannabis production facilities within the Agricultural Zone.

1 INTRODUCTION

Following the legalization of recreational cannabis in October 2018 across Canada, municipalities have been working to balance the land use compatibility considerations of legal cannabis production with the demand for land to house new production facilities. The Township of Springwater's Official Plan and Zoning By-law 5000 pre-date this legislation and do not currently regulate the cultivation or processing (production) of cannabis or related uses. In the absence of a land use planning framework to guide cannabis production, issues arose within the Township with an outdoor cannabis cultivation facility.

As a result, the Township of Springwater Council adopted an Interim Control By-law (ICBL) on June 3, 2020 under Section 38 of the *Planning Act* to place a one-year freeze on the establishment of new cannabis facilities within the Industrial and Agricultural zones. The intent of the ICBL is to provide Council and Township staff with an opportunity to review the existing local context, Federal and Provincial policy framework, and undertake a detailed review of best practices to inform new policy and zoning recommendations. The Township retained WSP to complete this Cannabis Production Review Study (the "Study") to provide a land use framework for cannabis production facilities within the Township.

The scope of this Study will provide options for the Township to address cannabis cultivation and processing facilities. Given that federal legislation permits cannabis cultivation to occur indoors and outdoors, this Study will review and discuss options for both types of cultivation facilities. Federal legislation only permits cannabis processing and storage to occur indoors, and therefore are limited to indoor facilities.

2 LEGISLATIVE CONTEXT

This section includes a review of current (including more recent) legislation that has been passed since the Springwater Official Plan and Zoning By-law have come into effect. Policies that will be reviewed as they relate to cannabis cultivation and production include, but are not limited to, the *Cannabis Act*, the Growth Plan for the Greater Golden Horseshoe, the Provincial Policy Statement (2020), the County of Simcoe Official Plan and the Municipal Guide to Cannabis Legalization.

2.1 THE CANNABIS ACT, 2018

The federal *Cannabis Act*, 2018, establishes rules for the production (cultivation and processing), possession and sale of cannabis across Canada, granting provinces the authority to regulate the use, distribution, and sale of recreational cannabis.

CANNABIS REGULATIONS (SOR/2018-144)

The federal *Cannabis Regulations (SOR/2018-144)* is one of a series of regulations that are intended to implement the *Cannabis Act*. The *Cannabis Regulations* establish various classes of licences, including the authorization to cultivate and process cannabis for both medical and recreational purposes. Its regulations include licencing for both large-scale (“standard”) and small-scale (“micro”) production facilities, and authorizes associated activities such as analytical testing, import/export and research. Licences may be granted to individuals or organizations and holding multiple licences would allow multiple activities to be conducted on one site (i.e. both cultivation and processing). Similar to the existing licencing requirements under the Access to Cannabis for Medical Purposes Regulations (ACMPR), The *Cannabis Regulations* regulate matters such as required notice to local authorities (government, fire authority, and police or RCMP), physical and personnel security, and good production practices. The regulations, in part:

- Prohibit any licenced activity in a dwelling;
- Permit both indoor and outdoor cultivation, but permit only indoor storage and processing;
- Require filtration and ventilation measures to prevent the escape of odours and pollen from indoor areas; and
- Require physical and personnel security measures, such as securing the perimeter to prevent unauthorized access with physical barriers and restricting access to areas where cannabis is present.

The *Cannabis Regulations* set out physical security measures that are required to secure sites where licence holders conduct activities with cannabis. The regulations also establish strict requirements related to site design and building standards. For example, Section 85 states, “The building or part of the building where cannabis is produced,

packaged, labelled and stored must be equipped with a system that filters air to prevent the escape of odours.”

Regarding outdoor activities and its associated odours, the *Cannabis Act* and *Cannabis Regulations* are silent. The *Cannabis Regulations* provide formulae for determining the maximum number of cannabis plants that may be cultivated outdoors (Section 325(1)) and indoors (325(2)), and directs that outdoor cultivation is prohibited on sites adjacent to a school, public playground, daycare facility or other public place frequented mainly by young persons (Section 326). Aside from this, it does not speak to potential impacts associated with outdoor cultivation.

Regarding inspection, as licences are federally regulated, the inspection of such facilities is also enforced at the federal level through Part 7 of the *Act*. The *Act* does not distinguish between indoor and outdoor facilities as it relates to inspection.

INDUSTRIALIZED HEMP

The *Cannabis Act* is the Enabling Act for the *Industrial Hemp Regulations* (SOR/2018-145), which establishes the requirements for the cultivation of industrial hemp. Industrial hemp is cannabis that contains 0.3% tetrahydrocannabinol (THC) or less in the flowering heads and leaves.

Prior to the *Cannabis Act*, the *Industrial Hemp Regulations* was enabled under the *Controlled Drugs and Substances Act*. Changes to the *Industrial Hemp Regulations* were made to align license requirements to the relatively low risk posed by industrial hemp as compared with other varieties of cannabis.¹

2.2 MUNICIPAL GUIDE TO CANNABIS LEGALIZATION, SPRING 2018

In Spring 2018, the Federation of Canadian Municipalities (FCM) released the Municipal Guide to Cannabis Legalization (the “Guide”) to help guide how municipalities might choose to adapt and develop by-laws related to cannabis in areas ranging from land use management to business regulation to public consumption. Section 2 of the Guide speaks to Land Use Management and addresses the government regulations for land use activities related to the cultivation, processing, retail sale and consumption of non-medical cannabis. The Guide notes that commercial-scale cannabis production is a form of agriculture and that most zoning by-law definitions of agriculture would include it, unless the cultivation of cannabis has been specifically exempted and separated as its own use by the municipality. The FCM Guide recommends that municipalities have the following options for regulating cannabis operations:

¹ <https://www.canada.ca/en/health-canada/services/drugs-medication/cannabis/laws-regulations/regulations-support-cannabis-act.html>

- a) Allow the activities to occur within the rubric of existing land use regulations, as agricultural or industrial activities in the case of production and industrial or manufacturing activities in the case of processing;
- b) Separate the activities from existing permitted use categories, to be permitted only at locations specified in the regulations or under the authority of a special use permit;
- c) Separate the activities from existing permitted use categories, with an exception for existing cannabis production operations that were established under the medical cannabis regime; or
- d) Prohibit the activities entirely, as activities that the local government simply does not wish to permit within its jurisdiction, if the enabling legislation permits prohibition of uses.

The Guide does not provide a definition for cannabis “production”, thus it is unclear whether the policy options above recommend both cultivation and processing as an agricultural use.

Enforcement practices are also noted within the Municipal Guide to Cannabis Legalization. The following enforcement options were highlighted:

- Business licensing conditions which may be subject to suspension or revocation.
- The ability to withhold building permits or issue stop-work orders issued if proposed or actual construction does not respect applicable building codes or by-law standards.
- Municipal ticketing, injunctions and other court proceedings are usually a last resort as they are generally more expensive and subject to procedural delays.

Regulations such as licensing tend to require the establishment of permitting processes, inspections and enforcement that may require additional resources beyond those allocated for existing permitting processes within the Township.

2.3 PROVINCIAL POLICY STATEMENT, 2020

The Provincial Policy Statement, 2020 (the “PPS”) provides the Province’s position on land use planning matters. The PPS contains policies related to community development, housing, employment areas, public space, infrastructure, economic development, energy, resource management, natural heritage, agriculture, public health and safety. Decisions on land use planning matters must be consistent with the PPS.

The PPS does not contain specific references to cannabis. Section 2.3.3.2 states “in prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted or protected in accordance with provincial standards”. The definition of agricultural uses in the PPS includes the growing of crops and horticultural crops.

The regulation of permitted land uses in agricultural areas is important to help protect the long-term viability of limited and prime agricultural lands. The PPS states that Ontario's prime agricultural areas shall be protected for long-term use for agriculture (Section 2.3.1). However, the PPS also permits additional land uses within prime agricultural areas to support a strong agricultural industry and rural economy, while maintaining the land base for agriculture.

2.3.1 GUIDELINES ON PERMITTED USES IN ONTARIO'S PRIME AGRICULTURAL AREAS

To support a consistent interpretation of the PPS policies regarding permitted uses in prime agricultural areas, including on-farm diversified and agriculture-related uses, the Province published the "Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas" in 2016.

AGRICULTURE-RELATED USES

Agriculture-Related Uses are defined by the Province as "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." Agriculture-related uses are intended to support the general farming community, and are not directly linked or accessory to an individual farm operation like an on-farm diversified use. The Guidelines establish three criteria which must be satisfied to qualify as agriculture-related uses:

- The use must be a farm-related commercial or farm-related industrial use;
- The use shall be compatible with, and shall not hinder, surrounding agricultural operations;
- The use must be directly related to farm operations in area.

Based on the definitions and criteria of the Guidelines, a cannabis processing facility should be considered an agriculture-related use as long as it is associated with an agricultural use (i.e. cannabis cultivation), similar to an agricultural use where processing is located near crops. Overall, the Guidelines provide detailed guidance around agricultural, agriculture-related, and on-farm diversified uses (as defined in the PPS), to limit non-agricultural uses in prime agricultural areas and mitigate the impacts of new or expanding non-agricultural uses. The Guidelines do not differentiate between cannabis production and other agricultural production.

2.4 GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE, 2020 CONSOLIDATION

The Growth Plan for the Greater Golden Horseshoe (the "Growth Plan") 2020 Consolidation, is a framework for implementing the Province's vision for building stronger,

prosperous communities by better managing growth. It includes policies to promote economic development and competitiveness within the Greater Golden Horseshoe, inclusive of the County of Simcoe and Township of Springwater.

The 2020 Consolidated Growth Plan provides the framework for implementing the Province's vision for building stronger, prosperous communities through the development of more efficient, compact settlement patterns and development densities. The Growth Plan contains policies which support the building of healthy and complete communities, which are intended to be well-designed and provide efficient utilization of land.

Policy 4.2.6.3 requires that where agricultural and non-agricultural uses interface outside of settlement areas, land use compatibility will be achieved by avoidance, or where avoidance is not possible, minimizing and mitigating adverse impacts on the agricultural system. Where mitigation measures are required, measures should be incorporated as part of the non-agricultural use within the area being developed.

The 2020 Growth Plan does not contain specific references to cannabis production or related uses.

2.5 COUNTY OF SIMCOE OFFICIAL PLAN

The County of Simcoe Official Plan establishes a policy context for land use planning throughout the County, taking into consideration the economic, social, and environmental impacts of land use and development decisions. The County's Official Plan provides a policy basis for exercising its approval authority for local municipal official plans and amendments, including any which result from this Study.

Specifically, the County's Official Plan seeks to enable resource-based development, including agriculture (Section 3.1.1) and develop communities with diversified economic functions (Section 3.1.4). The Official Plan defines agricultural uses to mean "the growing of crops, including nursery and horticultural crops; raising of livestock and other animals for food, or fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including accommodation for full time farm labour when the size and nature of the operation requires additional employment". Cannabis is considered a crop and is therefore captured within this definition.

Within the Agricultural designation, agricultural-related uses are permitted subject to criteria (Section 3.6.7) and are defined as "...those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefits from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity."

It is the intent of the Official Plan to protect prime agricultural lands and areas (Section 3.6.2) by "...minimizing conflicting and competing uses while accommodating uses and facilities which support the agricultural economy..." If considered an agricultural use, with

provisions in place to mitigate nuisance and potential conflicts, cannabis related uses align with County policy.

3 TOWNSHIP OF SPRINGWATER

PLANNING FRAMEWORK

There are a number of regulatory and policy documents which guide development across the Township of Springwater. The purpose of this section is to review these existing land use policies and regulations to establish what is currently permitted by the Township's Official Plan, Zoning By-law, and Site Plan Control By-law.

3.1 OFFICIAL PLAN

The Township's current Official Plan took effect on February 19, 1998. The Township of Springwater is currently undertaking an Official Plan Review to update the Plan's existing policy framework related to managing growth, improving transportation systems, capitalizing on economic development opportunities, and protecting and enhancing natural heritage features and water resources to the planning horizon of 2031.

The Township occupies significant areas of land which have historically been designated Agricultural (section 17.1.1). Identified as the Township's most important segment of the economy, Agricultural lands shall primarily be used for the growing of crops, raising of livestock and other animals for food or fur including poultry and fish (policy 17.3.3.1). The Official Plan does not explicitly state whether the cultivation of cannabis is considered an agricultural use. It should be noted that one single detached dwelling is permitted per separate farm holding, which includes buildings and structures for the packing, storage and processing of products grown or raised on the farm (policy 17.3.3.2).

Lands designated as Industrial permit a variety of industrial and quasi-commercial uses including the processing and storage of goods (section 12.1). Policy related to industrial uses state that they shall be operated to limit and minimize any adverse effects on adjoining land uses as the result of the emission of noise, dust, smoke or odour (policy 12.3.11).

As the Official Plan is currently in the process of being updated, this provides an opportunity to consider policies and standards as they relate to the cultivation and processing of cannabis within agricultural and industrial land uses.

3.2 COMPREHENSIVE ZONING BY-LAW 5000

One of the core outcomes of this Cannabis Production Review Study will be proposed changes to the Township's Zoning By-law, particularly as it relates to the Agricultural (A), Agricultural Consolidation (AC), General Industrial/Inside Storage (MI), and General Industrial/Outside Storage (MO) zones. The Township's Comprehensive Zoning By-law

(By-law 5000) is silent with respect to the production of cannabis as it was prepared in 2004 prior to the legal permissions associated with cannabis production.

Section 35 of Zoning By-law 5000 defines a number of key permitted uses which may be considered similar to cannabis production uses and may serve as reference points through this Study. These include:

AGRICULTURAL USE shall mean a use of land, buildings, or structures for the purpose of beekeeping, dairying, fallow, field crops, forestry, fruit farming, horticulture, market gardening, pasturage, raising of livestock, or any other farming use.

INDUSTRIAL shall mean the use of land, buildings or structures designed for the purpose of manufacturing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing or storing or adapting for sale, of any goods, substance, article or thing, or any part thereof, and the storage of building and construction equipment and materials, as distinguished from the buying and selling of commodities and the supply of personal services and shall include a printing plant or establishment and food processing.

NURSERY AND GARDEN CENTRE shall mean a place where all forms of plants, plant material, vegetation, landscaping materials and services, and associated supplies are offered for sale together with accessory items and services including, but not limited to, garden and patio equipment, furniture and supplies; hot tubs, spas and supplies; Christmas trees and similar seasonal plant and decorative materials with related supplies; and may also include accessory outside storage.

The current Zoning By-law is silent regarding cannabis production facilities and does not explicitly permit or prohibit the cultivation or processing of cannabis in Agricultural or Industrial zones. However, at a granular level, the cultivation of cannabis could be considered an agricultural land use, and the processing and packaging of cannabis products, independent of cultivation, could be considered an industrial land use. The definition of “nursery and garden centre” includes “all forms of plants, [and] plant material”. This could present interpretive conflicts if a cannabis-related facility is proposed where these uses are permitted.

Error! Reference source not found., below, summarizes permitted uses and building standards in the current Zoning By-law which may provide a reference point for developing standards for cannabis production facilities.

Table 1 - Summary of relevant Zoning By-law 5000 standards

Zone	Relevant Permitted Uses	Key Lot & Building Standards
Agricultural (A)	<p>Residential Uses</p> <ol style="list-style-type: none"> 1. Single detached dwelling 2. Accessory single detached dwelling <p>Non-Residential Uses</p> <ol style="list-style-type: none"> 3. Agricultural use 	<p>Minimum Lot Area – 35 ha.</p> <p>Minimum Lot Frontage – 150 m</p> <p>Minimum Yard (All) – 30 m</p> <p>Maximum Height (Non-Agricultural) – 11m</p> <p>Maximum Height (Agricultural) – N/A</p>
Agricultural Consolidation (AC)	<p>Residential Uses</p> <ol style="list-style-type: none"> 4. Prohibited <p>Non-Residential Uses</p> <ol style="list-style-type: none"> 5. Agricultural use 	<p>Minimum Lot Area – 35 ha.</p> <p>Minimum Lot Frontage – 150 m</p> <p>Minimum Yard (All) – 30 m</p> <p>Maximum Height (Agricultural) – N/A</p>
General Industrial/Inside Storage (MI)	<p>Residential Uses</p> <ol style="list-style-type: none"> 6. Attached accessory dwelling <p>Non-Residential Uses</p> <ol style="list-style-type: none"> 7. Manufacturing, industrial, assembly, research, warehouse, or bulk storage use conducted within an enclosed building or structure 	<p>Minimum Lot Area – 700 sq. m. to 1855 sq. m.</p> <p>Minimum Lot Frontage – 30 m</p> <p>Minimum Rear Yard Depth – 10 m (15 m where the lot line abuts a Residential Zone)</p> <p>Minimum Interior Side Yard Depth – 6 m (15 m where the lot line abuts a Residential Zone)</p> <p>Maximum Lot Coverage – 40%</p> <p>Maximum Building Height – 11 m</p>
General Industrial/Outside Storage (MO)	<p>Residential Uses</p> <ol style="list-style-type: none"> 8. Attached accessory dwelling 	<p>Minimum Lot Area – 700 sq. m. to 1855 sq. m.</p> <p>Minimum Lot Frontage – 30 m</p>

Zone	Relevant Permitted Uses	Key Lot & Building Standards
	<p>Non-Residential Uses</p> <p>9. Any use permitted within the MI Zone</p> <p>10. Garden centre or nursery</p>	<p>Minimum Rear Yard Depth – 10 m (15 m where the lot line abuts a Residential Zone)</p> <p>Minimum Interior Side Yard Depth – 4-6 m (15 m where the lot line abuts a Residential Zone)</p> <p>Maximum Lot Coverage – 40%</p> <p>Maximum Building Height – 11 m</p>

3.3 SITE PLAN CONTROL BY-LAW 2015-027

The Site Plan Control By-law 2015-027 is intended to regulate the various aspects and conditions of development on a site. The By-law designates all lands zoned for commercial, employment, institutional, open space, and industrial uses and multi-residential uses within the Township as the Site Plan Control Area. It is important to note that although site plan control does not apply to lands designated for agricultural use, the Township's Official Plan allows for the consideration of site plan control for an agricultural use. There is an opportunity to amend Site Plan Control By-law 2015-027 to introduce provisions that would be specific to all new cannabis production facilities including, but not limited to, lighting, fencing, landscaping, access, parking, and location of certain infrastructure associated within these facilities.

4 BEST PRACTICES

Since the legalization of recreational cannabis in 2018, many municipalities have conducted studies to determine an appropriate definition for cannabis facilities and its related uses, where the use(s) should be permitted, and appropriate lot and building requirements for the use(s). A best practice review of municipalities has been completed to inform recommendations as they relate to the context of the Township of Springwater, including regulations within industrial and agricultural areas.

The best practices reflect both the local and regional context, as well as jurisdictions outside of Ontario to understand the range of zoning practices that have been implemented to regulate cannabis production. Given that the legalization of recreational cannabis was recently passed in 2018, the long-term outcomes of zoning changes outlined below are not yet known.

4.1 TOWNSHIP OF ORO-MEDONTE, ONTARIO

On April 29, 2020, the Township of Oro-Medonte Council adopted By-law 2020-46 following the completion of a review of its land use planning regulations pertaining to cannabis production and processing facilities. The Township's Comprehensive Zoning By-law 97-95 previously permitted the use in the Agricultural/Rural (A/RU) and Economic Development (ED) Zones.

Following the review of its regulations, Township staff recommended permitting cannabis production and processing facilities only in the Economic Development (ED) and Rural Industrial (IR) Zones.

A number of new definitions were also introduced through the amending By-law, including:

CANNABIS means a plant or any part thereof found in or derived from such a plant that belongs to the genus Cannabis.

CANNABIS PRODUCTION AND PROCESSING FACILITY means any building or structure licensed and authorized by Health Canada to ship, deliver, transport, destroy, grow, dry, export and/or import cannabis for medical or non-medical purposes, including related research as defined in applicable Federal Regulation, as amended from time to time.

SENSITIVE LAND USE means an existing residential building, existing place of worship building or lands containing or zoned to permit a public or private school, day nursery, public park or community centre.

Further, the definition of "Agricultural Use" and "Agricultural Use, Specialized" has been amended by adding the following at the end of the definition: *"An Agricultural Use,*

(Specialized) does not include a Cannabis Production and Processing Facility or the outdoor growing of Cannabis.”

A cannabis production and processing facility is subject to the lot and building requirements of either the ED or IR Zones, with an added requirement that the use be setback a minimum 150 metres from a sensitive land use. A cannabis production and processing facility continues to be subject to site plan control.

This Zoning By-law Amendment is not yet in effect since it was appealed to the Local Planning Appeal Tribunal (Case no. PL200194, Carmel Pharms Corp. v. Oro-Medonte). Three companies operating cannabis facilities or proposing to establish cannabis facilities filed appeals and a community group was granted party status. On October 23, 2020, a Case Management Conference (CMC) was held, where it was decided that the Parties are to prepare an Issues List of items to be discussed during the future hearing. The next CMC for this case is scheduled for February 11, 2021.

4.2 CITY OF BARRIE, ONTARIO

In April 2019, a public meeting was held to consider changes to the City of Barrie Zoning By-law to permit the production of cannabis as a result of new legislation making recreational cannabis legal. The By-law currently permits a Medical Marijuana Production Facility within the General Industrial (GI) zone, which is subject to the following key lot and building requirements:

- A parking standard of 1 space per 70 sq. m. of gross floor area;
- A minimum setback of 10 metres from residential zones; and
- A 3.0m landscape buffer area abutting lots that are not zoned industrial.

The proposed Zoning By-law amendment would update the definition of Medical Marijuana Production to Cannabis Production Facility to accommodate the production of cannabis for recreational purposes, while continuing to permit the use within the GI zone, including the existing lot and building requirements of the By-law.

On April 8, 2019, the zoning by-law amendment (File no. D14-1667) was adopted by City Council.

4.3 TOWN OF BRADFORD WEST GWILLIMBURY, ONTARIO

On June 9, 2020, the Town of Bradford West Gwillimbury Council considered proposed changes to zoning and land use permissions for cannabis at a public information meeting. The recommendations follow a comprehensive study completed under an Interim Control By-law which was enacted in June 2019 to study cannabis land use, including on lands within the Holland Marsh.

Following the review of its existing regulations, Town staff have recommended a number of changes to zoning and land use controls to regulate these uses. As it relates to the Town's zoning by-law the following changes are proposed:

- Introduction of cannabis-specific land use definitions;
- Identification of the specific Countryside zones where cannabis cultivation facilities would be permitted; and
- Introduction of specific lot, building and parking standards for cannabis cultivation facilities.

New cannabis-related definitions are proposed to be introduced and the definition of agricultural use has been clarified to exclude cannabis-related uses. The new definitions include:

CANNABIS means Cannabis as defined in subsection 2(1) of the Cannabis Act, (Canada);

AGRICULTURAL CANNABIS CULTIVATION FACILITY means the growing and harvesting of cannabis within a wholly enclosed building or structure and/or in an open-air setting for recreational or medical purposes which is authorized by a license issued by the Federal Minister of Health under the Cannabis Act (Canada) and its Regulations, as amended from time to time. An Agricultural Cannabis Production Facility may include a minimum amount of packaging and/or shipping as an accessory use which is necessary to make the product available to Federal Cannabis license holders including but not limited to cultivators, processors, wholesalers, retailers, analytical testers, researchers, and nurseries in accordance with all applicable federal licenses, but shall not include a Cannabis Micro-Cultivation Operation.; and

AGRICULTURAL CANNABIS MICRO-CULTIVATION FACILITY means any land and/or building used for the growing and harvesting of cannabis with a maximum plant surface area of 200m² (2,153 square feet), which is authorized by a license issued by the Federal Minister of Health, pursuant to the Cannabis Act as amended from time to time, or any successor thereto. A Cannabis Micro-Cultivation Operation may include a minimum amount of packaging and/or shipping as an accessory use which is necessary to make the product available to Federal Cannabis license holders including but not limited to cultivators, processors, wholesalers, retailers, analytical testers, researchers, and nurseries in accordance with all applicable federal licenses, but shall not include an Agricultural Cannabis Production Facility. A Cannabis Micro-Cultivation Operation does not include growth, production and processing of four (4) or less cannabis plants on a lot for personal use and does not include the retailing of cannabis or cannabis products under a retail operator license issued under the Cannabis License Act, 2018.

These two facility types are permitted in the Agricultural (A) and Rural (RU) zones. In addition, general use provisions have been proposed for both an agricultural cannabis

production facility and agricultural cannabis micro-cultivation facility. For both facilities, the following provisions have been introduced:

- A minimum 150 metre setback from sensitive land uses and settlement area boundaries;
- A minimum 1.8-metre-high security fence;
- A minimum parking space requirement of 1 space per 30 sq. m. of gross floor area;
- A maximum lot coverage of 30%; and
- The prohibition of temporary style growing structures.

For an agricultural cannabis micro-cultivation facility, an additional requirement for a minimum lot area of 2 hectares is introduced to ensure that the use is directed away from smaller lots on the fringe of agricultural areas in close proximity to urban residential areas.

In addition to the requirements of the zoning by-law, cannabis cultivation facilities will be subject to site plan approval and a revised Nuisance By-law.

As of November 10, 2020, the Town had not passed this zoning by-law amendment (File no. D14-20-08).

4.4 TOWN OF HALTON HILLS, ONTARIO

On July 8, 2019, the Town of Halton Hills passed an Official Plan Amendment and Zoning By-law Amendment that would allow cannabis processing operations to be established as agriculture-related uses, provided they meet four criteria:

- Is directly related to farm operations in the area;
- Supports agriculture;
- Benefits from being in close proximity to farm operations; and
- Provides direct products and/or services to farm operations as a primary activity.

Also in considering the above, regard is to be given to the Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas prepared by the Ontario Ministry of Agriculture Food and Rural Affairs (OMAFRA) in 2016.

Outdoor cultivation of cannabis is now permitted in Agricultural/Rural and Protected Countryside designations and is consistent with how other agricultural field crops are treated.

The Zoning By-law Amendment defined new terms related to cannabis cultivation and processing, and imposed setbacks for outdoor cannabis cultivation of at least 50 metres from adjacent lot lines.

4.5 HALDIMAND COUNTY, ONTARIO

On April 1, 2019, Haldimand County passed a Zoning By-law Amendment to address their concerns about industrial scale production, water use, electrical use, shipping and receiving or other issues common among large-scale agricultural uses. The zoning by-law amendment changed general provisions and setbacks applied to the cultivation and production of any agricultural product, with different setbacks depending on the size of the production facility and its adjacent use:

Table 2: Changes to Haldimand County Zoning By-law

	Setback to any residential, commercial, institutional or open space zone	Setbacks to the following uses located on a separate lot: a dwelling, dwelling house, dwelling unit, day nursery, school, community centre, place of entertainment, place of assembly, place of worship, long term care home, retirement home, campground, tent & trailer park or cultural facility	Setback to any settlement area boundary
A cannabis production facility with a total gross floor area less than 6,967 square metres and with an air treatment control system	150 metres	150 metres	150 metres
A cannabis production facility with a total gross floor area greater than 6,967 square metres and less than 9,290 square metres and with an air treatment control system	200 metres	200 metres	200 metres
A cannabis production facility with a total gross floor area greater than 9,290 square metres and with an air treatment control system	250 metres	250 metres	250 metres
A cannabis production facility of any size where an air treatment control system is not provided	300 metres	300 metres	300 metres

Other provisions included are the following:

- A cannabis production facility shall be permitted in the following agricultural and industrial zones: A, MH, MG, ML, MR, MD, MX;
- The parking requirement for a cannabis production facility shall be 1 parking space per 100 square metres of gross floor area;
- Outdoor storage is prohibited on a property on which a cannabis production facility is located;
- No outdoor signage or advertising shall be permitted;
- Where a cannabis production facility is located on a lot, no other use shall be permitted on the lot or within the building as a whole, other than the growing of agricultural crops;
- The minimum lot area must be greater than 4.0 hectares;
- Minimum setback for all structures associated with a cannabis production facility is 30 metres from all property lines;
- A building or structure used for security purposes for a cannabis production facility may be located in the front yard and does not have to comply with the required minimum front yard setback;
- Loading spaces for a cannabis production facility must be in a wholly enclosed building;
- All uses and activities associated with the cannabis production facility, with the exception of growing, must take place entirely within a building.

4.6 TOWN OF LINCOLN, ONTARIO

As part of the ongoing Zoning By-law Review that was initiated in 2019, the Town of Lincoln has taken the opportunity to implement a comprehensive update to address public concerns regarding cannabis. The Town is currently proposing an Official Plan Amendment, Zoning By-law Amendments and other measures to develop regulations associated with cannabis cultivation and production.

This includes treating cannabis production facilities as an agricultural use in the Official Plan, with a requirement to demonstrate how certain issues can be mitigated. Nuisance issues were proposed to be mitigated through the requirement of a waste management plan, as a condition of development permit approval.

The proposed amendments to the Zoning By-law include adopting the definition “Cannabis Production Facility” as used in the Interim Control By-law for Development Associated with Cannabis Cultivation and Production:

CANNABIS PRODUCTION FACILITY means lands, buildings or structures used for producing, processing or destroying of cannabis which is authorized by license

issued by the Federal Minister of Health, pursuant to the previous Access to Cannabis for Medical Purposes Regulations, SOR/2016-230, to the Controlled Drugs and Substances Act, SC 1996, c 19, as amended from time to time, or any successor thereto. This includes micro-cultivation, standard cultivation and nursery licenses issued under the current Government of Canada Cannabis Regulations (SOR/2018-144) that are enabled by the Controlled Drugs and Substances Act, the Food and Drugs Act and the Cannabis Act.

The following general provisions are proposed as they relate to setbacks and separation distance:

Table 3: Changes to Town of Lincoln Zoning By-law

	Setback to any Residential, Commercial, Institutional or Open Space zone	Setbacks to the following uses located on a separate lot: A dwelling, dwelling house, dwelling unit, day nursery, school, community centre, place of entertainment, place of assembly, place of worship, long term care home, retirement home, campground, tent & trailer park or cultural facility	Setback to any settlement area boundary
A cannabis production facility with a total gross floor area less than 6,967 square metres and with an air treatment control system	150 metres	150 metres	150 metres
A cannabis production facility with a total gross floor area greater than 6,967 square metres and less than 9,290 square metres and with an air treatment control system	200 metres	200 metres	200 metres
A cannabis production facility with a total gross floor area greater than 9,290 square metres and with an	250 metres	250 metres	250 metres

air treatment control system			
A cannabis production facility of any size where an air treatment control system is not provided	300 metres	300 metres	300 metres

For outdoor storage, screening and fencing, the following provisions are considered being amended in the Zoning By-law:

- a) No outside storage or outdoor growing or production of cannabis shall be permitted.
- b) For any cannabis production building or structure that consists of 10% glass and where artificial lighting is required, a solid fence having a minimum height of 1.8 metres shall be provided and maintenance along every lot line that abuts a lot that is used or permitted to be used for a dwelling or an institutional use.
- c) Notwithstanding Clause a) of this Subsection, a security fence having a minimum height of 1.8 metres shall be provided and maintained around the entire perimeter of the area of a lot that is used for cannabis production.

The Town of Lincoln is considering amendments to the Property Standards By-law 2016-27 and Site Plan Control By-law 92-13. Nuisance concerns and standards for odour and lighting are proposed to be addressed through the Property Standards By-law. While the Site Plan Control By-law is proposed to be amended to introduce provisions of site plan control that would be specific to all new cannabis production facilities.

The Town of Lincoln is also developing a detailed licensing framework to ensure that many of the existing facilities can be regulated by the Town.

4.7 NORFOLK COUNTY, ONTARIO

In the summer of 2017, new alternative production sites in which large greenhouses had been converted to cannabis production had started to become a land-use issue in the County. The County Civic Address By-law permits multiple addresses on one property and therefore one property could in theory be growing significant amounts of cannabis. To address the issue, the County undertook the following:

- Created a local task force which included municipal departments (planning, building, GIS, and fire), Norfolk Health Unit, County Agricultural Board, Police Services Board, local Ontario Provincial Policy Detachment, Ontario Ministry of Agriculture, Food and Rural Affairs, and Health Canada;
- Undertook public consultation and information sessions;

- Revoked land owner's extra addresses where properties didn't comply with the by-law;
- Updated their Civic Address By-law;
- Adopted a County-wide Zoning By-law update to include new definitions and general provisions for cannabis production and processing;
- Drafted a County-wide Odour Control By-law to treat the emission of odours expelled from a facility; and
- Staff attendance at cannabis information conferences and participation in provincial and municipal discussions related to cannabis.

In addition to a definition for "Cannabis Production and Processing" the County identifies new definition for "Air Treatment Control" as follows:

AIR TREATMENT CONTROL shall mean the functional use of industrial grade multi-stage carbon filtration system, or similar technology, to reduce and/or treat the emission of pollen, dust and odours expelled from a facility and sized accordingly in comparison to the facility it serves as designed by a qualified person.

The use of Air Treatment Control significantly reduces the setback for cannabis production and processing, as identified in the general provisions below:

No lands, building or structure or portion thereof used for Cannabis Production and Processing purposes that is equipped with air treatment control situated in the Agricultural Zone (A) may be located closer to any dwelling, public school, private school, place of worship, or day care nursery than 150 metres.

No lands, building or structure or portion thereof used for Cannabis Production and Processing purposes that is not equipped with air treatment control situated in the Agricultural Zone (A), General Industrial Zone (MG), Light Industrial Zone (ML), Rural Industrial Zone (MR) may be located closer to any dwelling, public school, private school, place of worship, or day care nursery than 300 metres.

4.8 TOWNSHIP OF WEST LINCOLN, ONTARIO

On January 28, 2019, the Township of West Lincoln passed a Zoning By-law Amendment which was intended to delete and replace the definition of "Medical Marihuana Production Facility" with "Cannabis Production" as well as a set of regulations which would apply. The following definition was included:

CANNABIS PRODUCTION shall mean lands, buildings or structures used for the cultivation of marihuana (or alternative names including marijuana) and/or the processing, testing, destruction, packaging and/or shipping of marihuana.

The following regulations, mostly relating to setbacks, screening and fencing, were applied to Cannabis Cultivation and/or Processing:

- a) All cannabis production where permitted in Agricultural Zones shall have a minimum setback of 150m from all lot lines of other lots, except where specially provided otherwise.
- b) All cannabis production where permitted in Employment Zones shall have a minimum setback of 45m from all lot lines abutting lots that are used or permitted to be used for a dwelling or institutional use, except where specially provided otherwise.
- c) No outside storage or outdoor growing or production of cannabis shall be permitted.
- d) For any cannabis production building or structure that consists of 10% glass and where artificial lighting is required, a solid fence having a minimum height of 1.8 metres shall be provided and maintained along every lot line that abuts a lot that is used or permitted to be used for a dwelling or an institutional use.
- e) Notwithstanding Clause c) of this Subsection, a security fence having a minimum height of 1.8 metres shall be provided and maintained around the entire perimeter of the area of a lot that is used for cannabis production.

4.9 HALIFAX REGIONAL MUNICIPALITY, NOVA SCOTIA

On September 18, 2018, Regional Plan and Land Use By-law (LUB) amendments were passed to establish a Region-wide policy to implement amendments to individual Land Use By-laws within the Region. Because cannabis-related uses are a new industry, the Regional Plan policy was incorporated within Chapter 5, Economy and Finance.

“Cannabis production facility” was added as a defined use to all community LUBs. The new definition is:

CANNABIS PRODUCTION FACILITY means premises used or occupied by a person or organization licenced by the Government of Canada for the production of cannabis or cannabis products,

(a) including:

- (i) where cannabis or any of its derivatives, such as resin or oils, is grown, cultivated, harvested, manufactured, processed, packaged, or labelled, and
- (ii) associated activities permitted by the federal licence, such as research and development, storage, and destruction, and

(b) excluding

- (i) industrial hemp, and
- (ii) premises used for personal production permitted by federal legislation.

The LUB amendments require cannabis production facilities to meet the existing zone standards for similar uses, so that cannabis production facilities are treated in the same

manner as other similar uses within the same zone. For example, in industrial zones where landscaping is required, cannabis production facilities are required to provide landscaping to the same standard as other industrial uses. Where zones to permit cannabis production facilities have maximum sizes for industrial or commercial buildings (by gross floor area), the LUB amendments direct that those maximum size requirements are met for cannabis production facilities.

The LUB amendments also include some additional requirements for cannabis production facilities. Many of the existing industrial and mixed-use zones did not require significant setbacks between industrial uses and residential or other sensitive uses. The LUB amendments, therefore, include new setback requirements in each zone for cannabis production facilities. Under the new requirements, cannabis production facilities require a setback of 70 metres from properties where residential and other sensitive uses are located. This setback has the effect of accommodating cannabis production facilities on large lots in areas with mixed-use zoning.

In zones that permit intensive agricultural uses but do not permit industrial uses, large-scale cannabis production facilities may not be appropriate. Since those zones generally do not include a maximum size of intensive agricultural uses (i.e., livestock operations), the LUB amendments limit the maximum size of cannabis production facilities to 464.5 square metres (5,000 square feet). This generally allows for cannabis production facilities with “micro” licences to operate in these zones.

4.10 CITY OF EDMONTON, ALBERTA

In the City of Edmonton’s Zoning By-law 12800, only Cannabis Retail Sales, not production and distribution, are required to meet a minimum separation distance from:

- a) Cannabis Retail Sales in order to prevent clustering of stores on one block or a particular intersection;
- b) Alcohol Stores to address public health impacts of combined consumption; and
- c) Sensitive land uses (such schools, parks, libraries, and recreational centres) to distance stores from places that children and youth gather.

The City proposes maintaining their current process followed for medical cannabis production facilities (also known as commercial licenced producers) for legal production of recreational cannabis. Cannabis production and distribution is included in the General Industrial use category in Zoning Bylaw 12800. This means commercial production and distribution activities are allowed in industrial zones, subject to federal licencing approval.

4.11 TOWN OF ONOWAY, ALBERTA

On August 16, 2018, the Town of Onoway implemented a Land-use By-law amendment which includes general provisions for cannabis production and distributions facilities. In

addition to screening and separation distance provisions, the Town of Onaway also provides direction for waste management, odour and parking. The provisions are as follows:

1. For the purposes of this subsection only, the owner or applicant shall provide as a condition of development permit a copy of the current licence and all subsequent licence renewals for all activities associated with medical cannabis production issued by Health Canada.
2. The owner or applicant shall obtain any other approval, permit, authorization, consent or licence that may be required to ensure compliance with applicable federal, provincial or municipal legislation.
3. All processes and functions of the development shall be fully enclosed within a stand-alone building, including but not limited to all loading spaces and dock, garbage containers, storage and waste material.
4. The development shall be a singular use and shall not be operated in conjunction with any other uses.
5. The development shall include equipment designed and intended to remove odours from the air where it is discharged from the building as part of a ventilation system.
6. The development shall be located a minimum of 100 metres away from any residential district.
7. The Development Authority may require, as a condition of development permit approval, a waste management plan, completed by a qualified professional that details:
 - a) The incineration of waste products and airborne emission, including odours;
 - b) The quantity and characteristics of liquid waste material discharged by the facility; and
 - c) The method and location of collection and disposal of liquid and waste material
8. The minimum number of parking stalls shall be based on the requirements for a single industrial use as per Section 4.25.2.
9. Fencing on the site shall be required, subject to the provisions of Section 4.27.
10. Notwithstanding the provisions of Section 4.41 GENERAL SIGN REGULATIONS, no sign shall be displayed on the site that identifies the use.
11. The Development may be subject to periodic inspections to ensure compliance with the Land Use Bylaw and the approved development permit and all other applicable Bylaws of the Town of Onaway.

4.12 SUMMARY

The following table summarizes the various approaches used by municipalities reviewed to provide a snapshot of the various tools and how they have been used.

Table 5: Best Practice Summary Table

Municipality	Official Plan Amendment	Zoning By-law Definitions	Use-specific Lot & Building Requirements	Use-specific Provisions	Licensing Framework
Township of Oro-Medonte		X	X	X	
City of Barrie		X	X	X	
Town of Bradford West Gwillimbury		X	X	X	
Town of Halton Hills	X	X	X	X	
Haldimand County			X	X	
Town of Lincoln	X	X	X	X	X
Township of West Lincoln		X	X	X	
Norfolk County		X	X	X	
Halifax Regional Municipality	X	X	X	X	
City of Edmonton				X	
Town of Onoway			X	X	X

The majority of case studies added new definitions to define cannabis as an agricultural use and cannabis facilities as being used for the cultivation and processing of cannabis. Most case studies also applied use-specific development standards and provisions to address minimum setback requirements, parking requirements, establish security and

fencing requirements, and regulations to address odour, lighting and other nuisances. Although few municipalities considered applying a licensing framework, this option provides an additional layer of local oversight to ensure facilities address local interests and can be applied to existing facilities.

5 CONSULTATION

The scope of this Study did not include a public engagement component. However, WSP met with Township Council and staff to discuss the project's findings and recommendations that should be considered. To consult the public, a survey was issued by the Township to gather feedback regarding cannabis and/or hemp production in Springwater. The results of the meeting with Council, as well as the public survey are discussed in this section of the Study.

5.1 COUNCIL AND STAFF

On August 24, 2020, WSP met with Township Council and staff to present the Study's initial findings. This meeting also offered an opportunity for Council to provide input on the Study's progress to date, overall direction, and survey questions to be issued to the public in September.

Some of the key topics discussed during this meeting included:

- The Township has received considerable interest from public and potential businesses regarding cannabis facilities.
- Ensure the best practice review identifies how municipalities are addressing and regulating the issues of odour, lighting, noise and security.
- Consider Clearview, ON as a best practice to review.
- Are there potential health risks or other impacts related to fumes and odours?

Following this meeting, WSP reviewed the Township of Clearview's practices regarding cannabis production to identify potential opportunities for Springwater. Research found that the current Township of Clearview Official Plan and Zoning By-law are silent on the matter of cannabis, marijuana and hemp facilities. On October 5, 2020, the Township passed Interim Control By-law 20-64 to prohibit the establishment of cannabis operations within Clearview for one year. During this time, Clearview Township is undertaking a study in respect of land use planning policies relating to cannabis operations.

As it relates to potential health risks, the evidence brief "Odours from cannabis production" published by Public Health Ontario in 2018 noted there were no studies to date on the health effects associated with exposure to cannabis cultivation and processing odours. It was noted that odours can result in annoyance and complaints, and that a potential tool for municipalities include adopting a system to report and track odours to inform the timing and extent of the occurrence of odour to assist in potentially addressing the issue. The brief also noted that current practices recommend the use of appropriate ventilation and filtrating systems at indoor cannabis production, but specific recommendations for such systems were not provided (Public Health Ontario, 2018). The

brief did not provide specific odour mitigation measures for outdoor cannabis cultivation facilities.

As it relates to outdoor cultivation odour concerns, a Health Canada representative stated in a 2019 interview that similar to other agricultural activities, outdoor cultivation of cannabis may produce some odour. It is typically limited to a short period of time during the outdoor growing season when the plants flower (Chatham This Week, 2019).²

5.2 PUBLIC SURVEY

A public survey regarding cannabis facilities in the Township of Springwater was issued on August 31, 2020 and was open for input until October 5, 2020. This survey was issued online using SurveyMonkey and received 166 responses from the public.

Following the analysis of this data, key findings include the following:

- Over half (53%) of survey respondents support cannabis and/or hemp production facilities in Springwater.
- The top three concerns regarding cannabis and/or hemp production facilities are odour, safety/security and property values.
- Respondents are divided when it comes to where production should be permitted as shown in Figure 1.
- The majority of respondents believe cannabis should be regulated more than traditional agricultural uses (64%) and industrial uses (56%).
- Generally, respondents support the activities of indoor production (62%), outdoor production (62%), and processing (54%) within an **agricultural** cannabis/hemp use. Less than half (43%) of respondents support manufacturing within this use.
- Respondents support the activities of indoor production (73%), processing (65%) and manufacturing (61%) within an **industrial** cannabis/hemp use. Just under half (47%) of respondents support outdoor production/cultivation within this use.
- In regard to permitting cannabis facilities, 54% of respondents believe they should require site specific zoning, while 28% of respondents believe facilities should be permitted “as of right” within specific zones.
- Respondents identified security, fencing and setbacks as the top three most pressing regulations the Township should implement, as shown on Figure 2.

² Morrison, Tom. "No complaints received for over 20 outdoor cannabis businesses, says Health Canada" Chatham This Week, November 19, 2019. <https://www.chathamthisweek.com/news/local-news/no-complaints-received-for-over-20-outdoor-cannabis-businesses-says-health-canada-2>

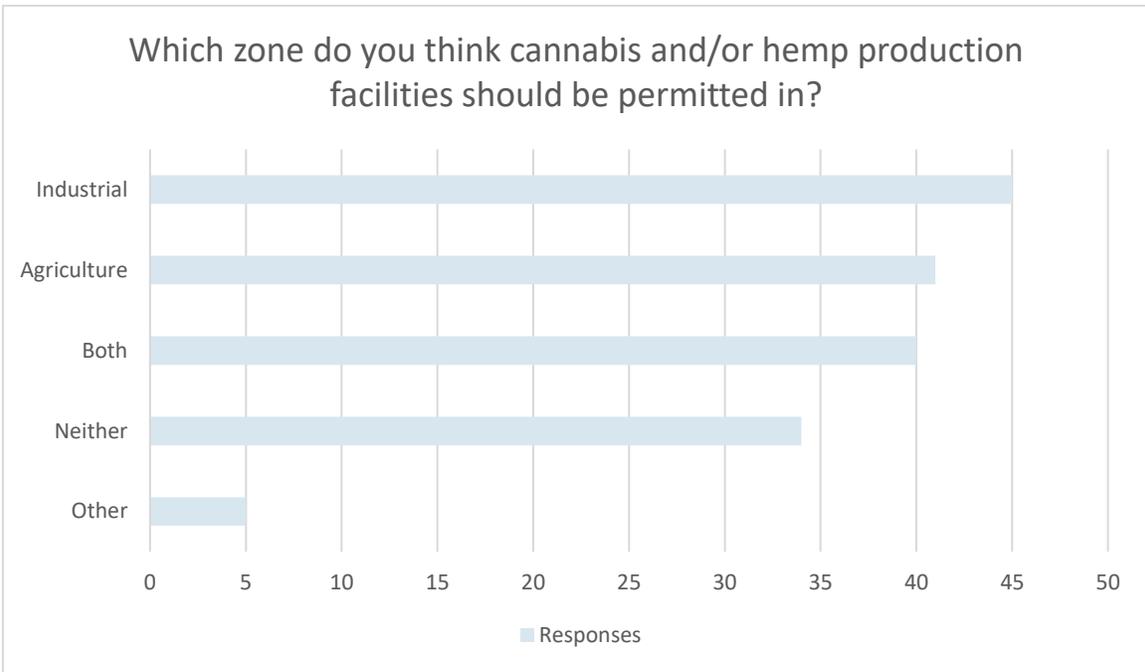


Figure 1 – Survey Results: Permitted Uses

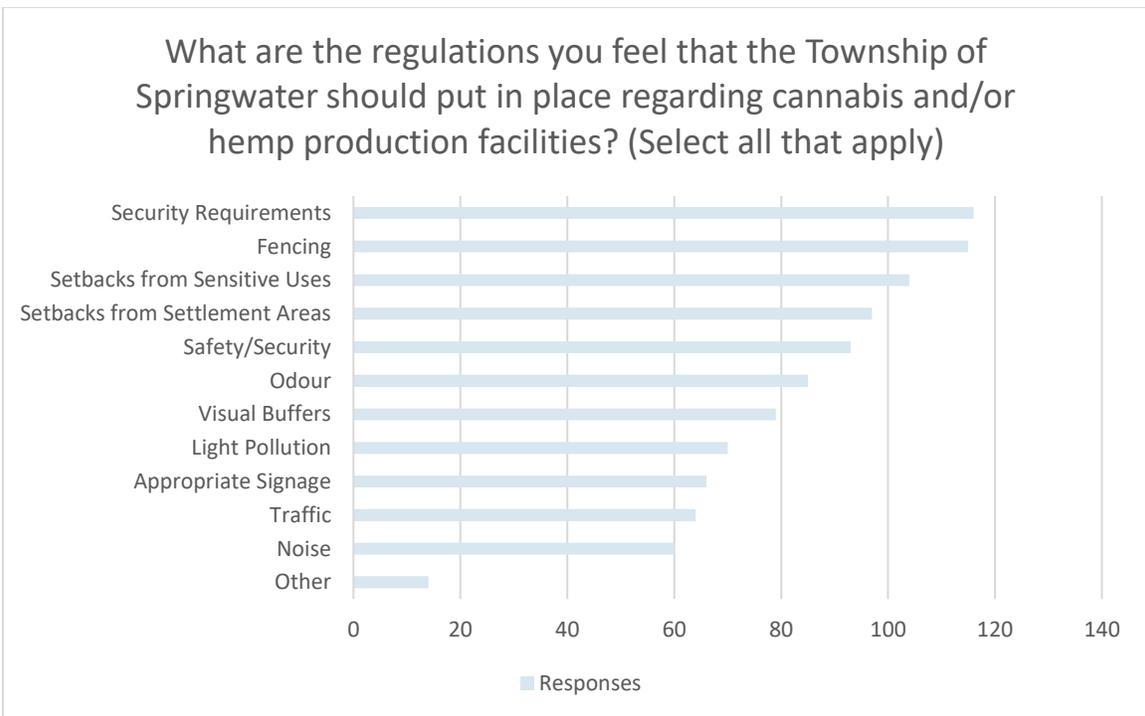


Figure 2 - Survey Results: Facility Regulations

5.3 SPECIAL COUNCIL MEETING

On December 14, 2020, a Special Council Meeting was held to present the recommended policy directions outlined in Section 7 of this Study. Feedback received during this meeting included a request to refine the recommended changes to the Township's Site Plan Control By-law to ensure provisions relating to lighting and fencing are dealt with appropriately for the context of cannabis production facilities in an Agricultural Zone. Council also inquired whether establishing minimum and maximum lot sizes to accommodate cannabis production would pose a challenge should farmers choose to change the type of crops grown on the land. Furthermore, there were concerns whether implementing additional requirements for cannabis would deter farmers from growing this crop and if there was an issue with imposing new restrictions/controls on something that is considered an agricultural use.

5.4 PUBLIC COMMENTS

During the course of the Study, the Township received one public comment regarding the proposed recommendation to permit cannabis cultivation as an agricultural use. As discussed in Section 2 of this Study, the PPS (2020) does not speak directly to cannabis, however, it includes the growing of crops as permitted agricultural uses. The policy recommendations outlined in this Study are in line with the current policy framework and best practices among municipalities. Through the provision of additional regulatory tools, such as Site Plan Control, concerns such as lighting, fencing, minimum distance separation and security can be appropriately addressed for the context of cannabis production facilities.

6 KEY FINDINGS

The key findings from the background review, best practice review and consultation from this Study are summarized below:

- The PPS (2020) does not speak to cannabis production. Its definition of an agricultural use includes the growing of crops, including horticultural crops.
- The FCM Guide states that regulations such as licensing tend to require the establishment of permitting processes, inspections and enforcement that may require additional resources beyond those allocated for existing permitting processes within the Township.
- Based on the definitions and criteria of the Guidelines, a cannabis processing facility could be considered an agriculture-related use as long as it is associated with an agricultural use (e.g. cannabis cultivation).
- The Simcoe County Official Plan, Township of Springwater Official Plan and Comprehensive Zoning By-law are silent on matters relating to cannabis for both indoor and outdoor activities.
- There is an opportunity to amend the Township's Site Plan Control By-law 2015-027 to introduce provisions that would be specific to all new cannabis production facilities including, but not limited to, lighting, screening, landscaping, access, parking, and location of certain infrastructure associated within these facilities.
- The majority of best practice case studies added new definitions in their Zoning By-law to define cannabis as an agricultural use and cannabis facilities as being used for the cultivation and processing (production) of cannabis.
- Additional measures found in the best practice review include implementing measures such as minimum setback, parking and fencing requirements and developing a nuisance by-law or amending site plan control to help mitigate common concerns such as odour, security and lighting.
- As it relates to outdoor cultivation odour concerns, it has been noted by Health Canada to be similar to other agricultural activities and may produce some odour. It is typically limited to a short period of time during the outdoor growing season when the plants flower.
- Odour is a common concern regarding cannabis production facilities. Air treatment control and ventilation and filtration standards have been implemented to mitigate odours for indoor facilities and Federal regulations require that the escape of odour be controlled. However, there are limited and less reliable options for mitigating odours from outdoor cultivation. Other than attempting to mitigate odours through minimum setbacks from sensitive land uses, there were no measures identified during the best practice review that specifically addresses potential odour from outdoor facilities. An option for municipalities include obtaining devices with the

ability to measure particles in the air to monitor odours. However, particle levels in the air can quickly change due to wind conditions, and this is not necessarily a reliable means of mitigating odours from outdoor facilities, which can create issues from an enforcement perspective.

7 DIRECTIONS AND RECOMMENDATIONS

This section will outline proposed policy and regulatory recommendations to the Township, which are informed by the background and best practice reviews discussed in the preceding sections of this report. The recommendations provide a preferred approach for permitting and regulating the cultivation and processing of cannabis. These recommendations include options for an Official Plan Amendment and/or Zoning By-law Amendment, as well as any other potential by-laws and tools that could be considered.

7.1 OFFICIAL PLAN AMENDMENT

An amendment to the Township of Springwater Official Plan could establish a high-level policy position regarding cannabis cultivation and production and provide guidance for the zoning by-law and other planning tools in the future:

- Cannabis cultivation should be defined and considered as an agricultural use. This would include any processing of cannabis, which would be considered an agriculture-related use. This is in line with the current policy framework and best practices among the reviewed municipalities.
 - Indoor cultivation could be permitted as an industrial or agricultural use. Should it be permitted indoors as an industrial use, it would need to accommodate a smaller yield and include the processing of everything grown on-site. This should also be determined on a case-by-case basis, through a rezoning, which gives the Township control over where they may be permitted as an industrial use.
 - Cannabis processing independent from any growing operation should be defined and considered as an industrial use.
 - Complete application requirements should be updated, as needed and applicable, to require details relating to lighting, fencing and security, and odour control/ventilation to address nuisance issues, which are atypical of an agricultural use. These uses should be subject to site plan control to mitigate the potential non-agricultural issues like lighting and fencing.
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7.2 ZONING BY-LAW AMENDMENT

An amendment to the Township of Springwater Zoning By-law will be necessary to provide land use regulations specific to Cannabis production facilities and related uses. This may include:

- New definitions related to Cannabis cultivation and processing should be added to the Zoning By-law.
- Cannabis cultivation and processing should not be permitted as-of-right in Industrial zones; however, it may be considered on a case-by-case basis through a rezoning depending on the scope and scale of the proposed facility.
- Cannabis cultivation should be permitted as-of-right in the Agricultural Zone. Cannabis processing should be permitted as-of-right in the Agricultural Zone provided it is associated with cultivation.
- Specific lot and building requirements, such as minimum lot area, setbacks, separation distances, security, fencing, parking, and loading spaces specific to Cannabis facilities.

7.3 OPTIONS FOR NEW AND EXISTING BY-LAWS/TOOLS

In response to concerns that cannot be addressed through zoning, the Township may want to adopt or amend the following by-laws:

- Nuisance By-law to regulate potential odour, light or noise impacts of existing facilities and establish penalties for non-compliance. It is within the authority of a municipality to enforce such a by-law for legally licensed cannabis facilities.
- Property Standards By-law is another option to address the issues of odour, light or noise impacts.
- Amend existing Site Plan Control By-law to introduce provisions that would address issues that are specific to all new cannabis production facilities, which are generally atypical of an agricultural use, including, lighting, fencing, landscaping, and location of certain infrastructure, as needed, associated within these facilities.
- Amend existing Site Plan Control By-law to apply to Cannabis production facilities within the Agricultural Zone. As outlined above, specific provisions will be introduced for cannabis production facilities within an Agricultural Zone.

8 NEXT STEPS

Following the December 2020 Council meeting, this Study has been updated to reflect comments received during the meeting, as well as comments from the public and discussions with Township staff. The final policy and regulatory recommendations outlined in Section 7 of this Study are to be considered for implementation by the Township of Springwater.