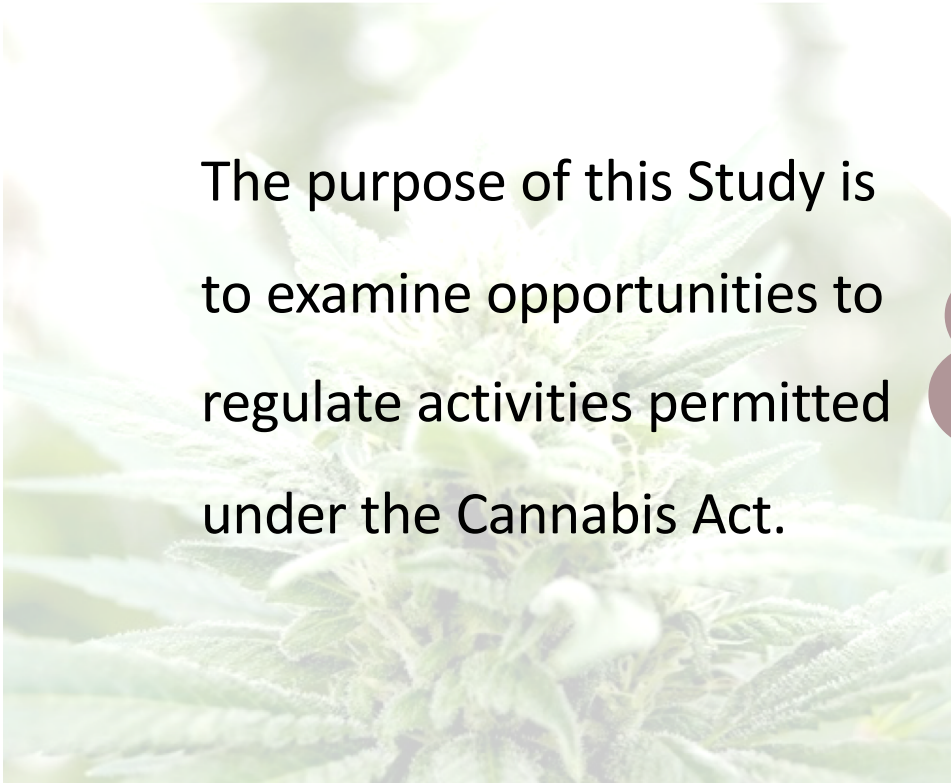


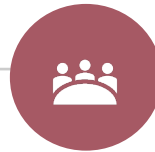
Cannabis Growing Facilities Study



The purpose of this Study is to examine opportunities to regulate activities permitted under the Cannabis Act.



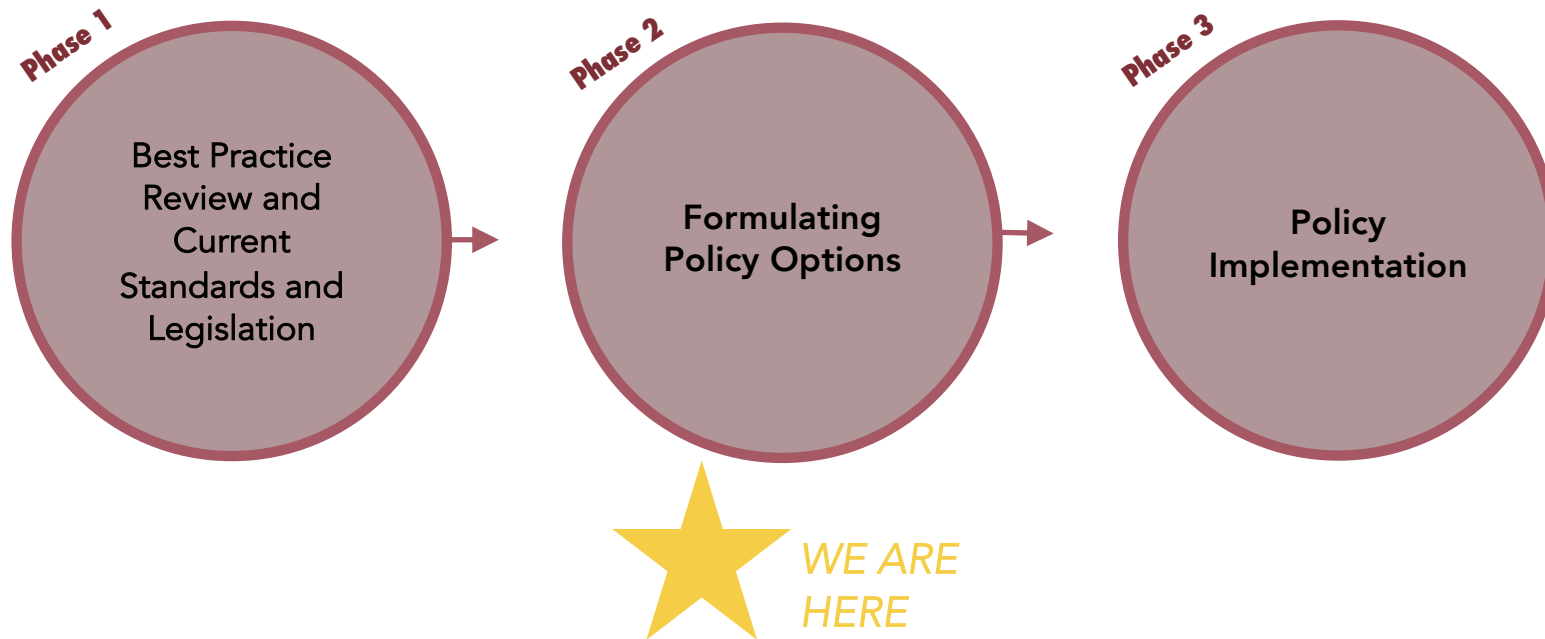
To assess and recommend changes to the Official Plan and/or Zoning By-law, as needed, to regulate cannabis production as a land use.



Phases



The study is broken down into three phases:



Project Scope

Project Scope: The land uses related to commercial cultivation and processing of recreational and medical cannabis.

Outside of Project Scope:

- Personal growth of cannabis permitted in a home (up to 4 plants permitted per dwelling) under legislation.
- Sale of cannabis in a retail store format, as Grimsby has opted out.



Legal Framework of Cannabis Production in Canada

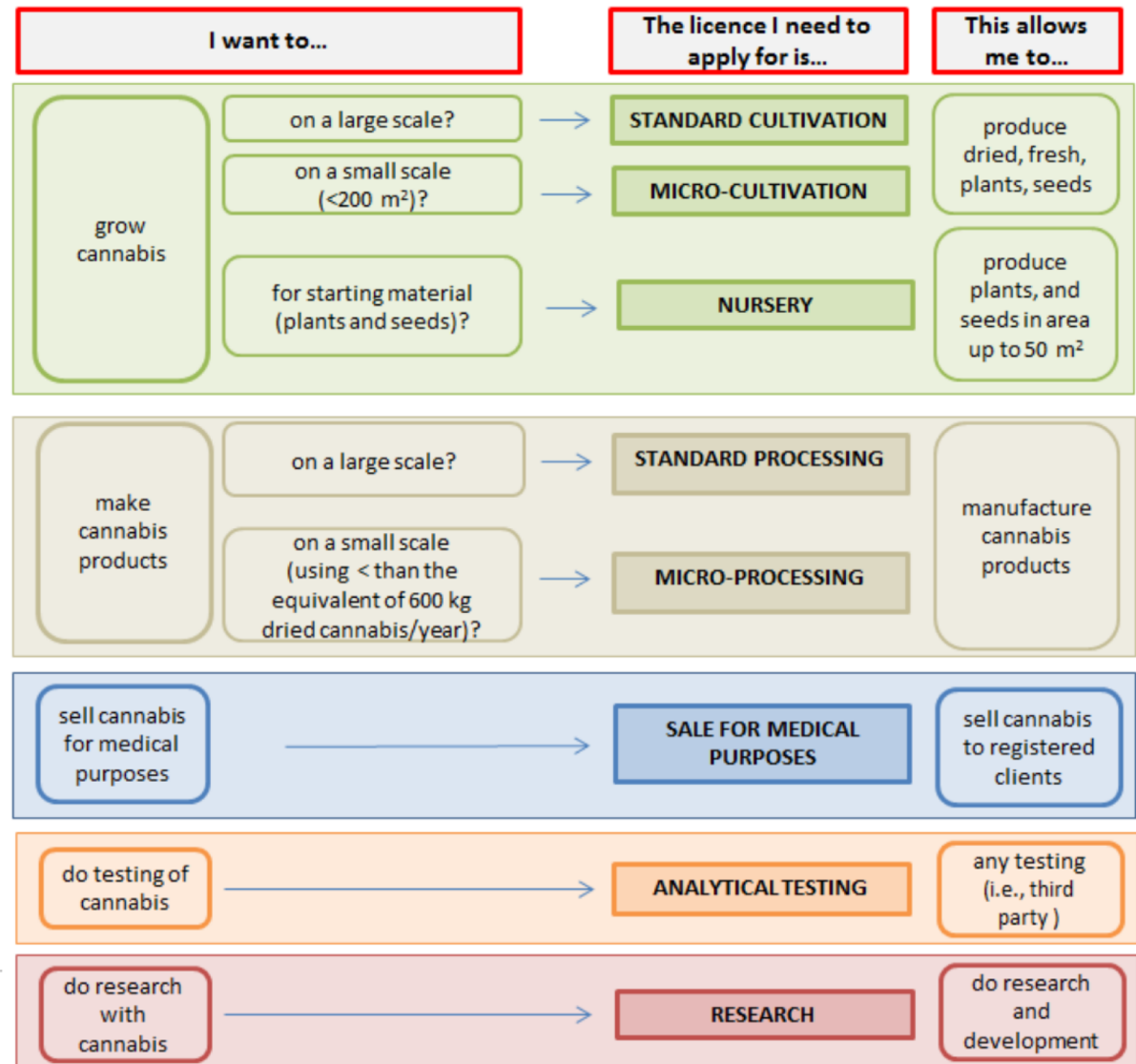


Figure 1: Types of licences under the Cannabis Act

Source: Cannabis Licencing Application Guide (Government of Canada)

Cannabis Act and Regulations



- **License**

- Prior to an application for license, when it is granted or when it is changed must be reported to local government, fire authority and police force.

- **Location of Uses**

- Only cultivation, propagation and harvesting may occur outdoors.
- No activity can take place in a dwelling.

- **Security**

- Prevent unauthorized access through:
 - visual recording
 - intrusion detection
 - physical barriers
- Must be monitored at all times.

- **Air filtration**

- Systems to prevent escape of odour.

Grimsby Planning Framework



- **Official Plan**

- Makes no direct reference to cannabis
- There is opportunity for operations to be considered in
 - **Rural and Agricultural Areas**
 - **Employment Areas**



Grimsby Planning Framework



Zoning

Medical marihuana facility:

“a facility that is licensed under the Marihuana for Medical Purposes Regulations, or successor thereto, for the growing of medical marihuana as well as for the processing, testing, packaging, distribution and destruction of medical marihuana as accessory uses”.

- Permitted in: Agricultural Zone (A), Speciality Crop Area Zone (SC) and Rural Zone (RU).
- Additional provisions:
 - Not permitted in a dwelling unit
 - A facility must be located 150 metres from a sensitive uses
 - Signs identifying medical marihuana facility are prohibited
 - Outdoor storage is prohibited

Site Plan Control

- All of Grimsby is subject to site plan control
- Exceptions include agricultural buildings and structures, except for greenhouses and help houses



Summary of Best Practice Review

- 14 municipalities reviewed
 - 6 within Niagara
- Only 3 municipalities address cannabis facilities in their Official Plan

Zoning Permissions	Indoor Cultivation			Outdoor Cultivation	
	Agriculture & Employment	Employment Only	Require Zoning By-law Amendment	Allow	Prohibit
Municipalities	<ul style="list-style-type: none"> • Pelham • Chatham-Kent • Leamington • Norfolk • Haldimand Country • Brant County 	<ul style="list-style-type: none"> • Arnprior • Halton Hills 	<ul style="list-style-type: none"> • West Lincoln 	<ul style="list-style-type: none"> • Catham-Kent • Halton Hills • Pelham 	<ul style="list-style-type: none"> • Township of West Lincoln • Municipality of Leamington • Haldimand County • Brant County

Additional Provisions

- **Minimum setback** from other uses
 - Residential, institutional and open space
 - 150m generally, couple up to 300m
- **Separation distances** to other cannabis facilities
- **Security fence** requirements
- **Loading areas** to be hidden or enclosed
- Subject to **site plan control**
- Design and operation should be **in accordance with Federal regulation**
- **Restrictions on:**
 - Outdoor signage
 - Residential uses located on the same lot as a cannabis facility

Options for Permitting the Use Indoors



Should cannabis related uses be permitted **indoors** in agricultural and/or employment areas?

Agriculture

Pros	Cons
<ul style="list-style-type: none">• Cultivation constitutes permitted use in agricultural areas• Post cultivation uses currently permitted if on same lot• Aligns with existing by-law• Medical marihuana facilities currently permitted• If prohibited, could be appealed to Normal Farm Practices Protection Board	<ul style="list-style-type: none">• Little information from Health Canada on complaint/mitigation system• Nuisance concerns may occur• Regulations and complaints may not be enough to enforce mitigation of odour nuisance

Employment

Pros	Cons
<ul style="list-style-type: none">• Constitutes permitted use since agriculture is permitted in employment zones• Lower nuisance potential since:<ul style="list-style-type: none">- post-cultivation uses are similar to industrial- employment areas removed from sensitive uses	<ul style="list-style-type: none">• Little information from Health Canada on complaint/mitigation system• Nuisance concerns may occur• Regulations and complaints may not be enough to enforce mitigation of odour nuisance

Options for Permitting the Use Outdoors



Should cannabis related uses be permitted **outdoor** in agricultural areas?

Agriculture

Pros	Cons
<ul style="list-style-type: none">• Cultivation constitutes permitted use in agricultural areas.• Post cultivation uses currently permitted as accessory use.• If prohibited could be appealed to Normal Farm Practices Protection Board.	<ul style="list-style-type: none">• Little information about nuisance effects of outdoor cultivation.• Little information from Health Canada on complaint/mitigation system.• Nuisance concerns may occur.

Options for Regulating the Use



Implement a **separation distance** requirement to sensitive uses or zones

Pros	Cons
<ul style="list-style-type: none">• Provides nuisance mitigation by separating uses not compatible.• Already a requirement for medical marijuana.• 150m to sensitive uses is standard in other municipalities.	<ul style="list-style-type: none">• Difficult to determine appropriate setbacks due to lack of studies.• Health Canada inspects air filtration and enforces where “strong odours” occur.• Provisions may be appealed to Normal Farm Practices Protection Board.• Minor variance/zoning by-law amendment applications could modify setbacks.

150m Separation Distance



Legend

- Roads
- Niagara Escarpment Development Control Area
- 150m Buffer*

* Buffers calculated from zones that permit residential and institutional uses and buildings assumed to be residential for illustrative purposes. Actual boundaries of buffers would require further confirmation of uses.

Options for Regulating the Use



Other Considerations

- Provide a **separation distance** to other cannabis facilities
- Provide a requirement for **fencing** the facility/farm
- Provide **parking rates** specific to the use
- Require **loading spaces to be enclosed** in a building
- **Restriction on outdoor signage** and advertisement of the facility
- **Restrict outdoor storage**
- **Prohibit residential uses** or dwellings located on the same lot

Implementation Options



Should cannabis related uses be permitted **as of right**?

Option 1: Require a zoning by-law amendment application to permit the use

Pros	Cons
<ul style="list-style-type: none">• Gives Town opportunity to consider use on case by case basis and involve public.• Gives Town opportunity to request studies/reports to ensure nuisance is not a concern.	<ul style="list-style-type: none">• Could be viewed as restriction of normal farm practices.

Option 2: Permit cannabis related uses in by-law so Town only requires a Building Permit

Pros	Cons
<ul style="list-style-type: none">• Better transparency for license holders.• Less challenge implementing by-laws.	<ul style="list-style-type: none">• No process to assess each individual new use.• No public process.

Implementation Options



Should the Site Plan Control By-law be updated to address cannabis related uses?

Option 1: Update the Site Plan Control By-law to specifically address the use

Pros	Cons
<ul style="list-style-type: none">• Allows Town better opportunity to mitigate nuisance potential.• Current wording of by-law not clear whether cannabis facilities classified as agriculture, exempt from site plan control, or greenhouse which is not.• Site plan assessment can address matters that allow easier enforcement.	<ul style="list-style-type: none">• Health Canada reviews site plans of proposed facilities.

Option 2: Leave the Site Plan Control By-Law as is

Pros	Cons
<ul style="list-style-type: none">• Health Canada already reviews proposed facilities.	<ul style="list-style-type: none">• Town lacks ability to control placement of buildings on site and require additional study requirements.

Summary and Next Steps



- Cannabis Act and Regulation outline that municipal by-laws apply.
- In Ontario normal farm practice is also a consideration.
- Phase 3 will include recommended options and implementation tools.

