



**Township of Centre Wellington
Cannabis Policies and Perspectives for Cannabis Grow Operations**

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SCHOOL OF
ENVIRONMENTAL DESIGN
AND RURAL DEVELOPMENT



Centre
Wellington

Creating an Overview of Policies and Perspectives for Cannabis Grow Operations in the
Township of Centre Wellington

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- Rebecca Belanger, County Manager, Essex County
- Mat Vaughan, Principal Planner, Norfolk County
- Jeanine Lassaline-Berglund, Vice-President of Operations, 48North Cannabis Corp.

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1 EXECUTIVE SUMMARY

This report is informed by the review of three relevant case studies: Norfolk County, Municipality of Leamington and Township of Scugog. These three case studies were suggested by key informants including John Turvey (Land Use Policy Specialist, Ontario Ministry of Agriculture, Food & Rural Affairs), Rebecca Belanger (County Manager, Essex County) and Mat Vaughan (Principal Planner, Norfolk County). These case studies were used to understand cannabis grow operations and inform policy considerations and recommendations for cannabis grow operations in the Township of Centre Wellington. The information that is drawn from government documents, local case studies and news outlets cannot be representative of best practices as cannabis cultivation in Canada was recently legalized in 2018; however, the findings do provide insight into the issues and opportunities for further research on this topic. Based on the research, the team has generated policy recommendations to be considered in the Township of Centre Wellington's Official Plan and Zoning By-law review.

2 CONTEXT

2.1 Federal Guidance

The Cannabis Act, Bill C-45, was passed by the Parliament of Canada on June 20th, 2018, and received royal assent on June 21st, 2018. This bill sets out a legal and regulatory framework that manages the production, distribution, sale and possession of cannabis in Canada. The Act (2018) aims to prevent young persons from accessing cannabis; protect public health and public safety by establishing strict product safety and product quality requirements; minimize criminal activity by imposing strict fines and penalties on the production and distribution of cannabis outside of the legal framework and; reduce the burden on the criminal justice system in relation to cannabis (Government of Canada, 2018). Moreover, the Cannabis Act makes multiple references to the delegation of responsibility onto the province. Municipalities are to adhere to provincial legislation and provisions that will provide further guidance in matters such as law enforcement, as well as in determining how cannabis is distributed and sold within their jurisdictions (Government of Ontario, 2019).

2.2 Provincial Guidance

Current Ontario Cannabis Laws specifically set out provisions that are relevant to the legal usage and proper access to cannabis and cannabis related products (Ontario Provincial Police, 2019). Furthermore, the Ontario Provincial Police (OPP) plays a role with regards to law enforcement. The Provincial Policy Statement (PPS) is another policy guideline that pertains to production of cannabis. The PPS is the overarching vision for matters regarding land use planning and development in Ontario. Although there is no mention of cannabis within the PPS, neither within the 2014 version nor within the new 2020 version, the production of cannabis is still regarded as an agricultural use. Under these provisions, agricultural-related uses and agricultural resources are to be protected as well as promoted within the province. Unfortunately, there is no provincial direction as of yet pertaining to planning issues including cannabis production facilities and their proper height, density, and setbacks, which would otherwise help inform a municipality's zoning by-law and/or official plan. Although it is not the responsibility of the province to create design detail for individual land uses, the province could release statements as to

what constitutes a normal farm practice under the Farming and Food Protection Act (FFPPA).

2.3 Municipalities Role

Cannabis legalization is a growing concern at the municipal level as there is little guidance from federal and provincial authorities on how to regulate its production. These downloaded responsibilities will impact each municipality differently across the Province of Ontario. In particular, rural municipalities will experience a larger role to play in regulating this growing production industry as most cannabis production has been determined as agricultural and/or industrial activity. Municipalities will be required to prioritize the economic and social well-being of their communities when considering planning amendments and policy development. Municipalities are well-equipped to understand their individualized contexts to ensure a localized interest is acknowledged.

3 PLANNING ISSUES

Odour and light pollution are the two main planning concerns relating to cannabis grow operation facilities in Ontario (CBC News, 2019).

Cannabis cultivation produces a strong odour, which Public Health Ontario states can result in annoyance and complaints from nearby residents (Public Health Ontario, 2018). As a result, Health Canada requires licensed cannabis operations to use appropriate ventilation and filtration systems (Michelin, 2019). However, Health Canada does not specify which filtration systems must be used, creating inconsistencies in the quality of odour mitigation systems. Furthermore, John Turvey, Policy Advisor at OMAFRA, explained how Minimum Distance Separation (MDS) formulae are currently used to determine setback distances between livestock barns, manure storages or anaerobic digesters and surrounding land uses (OMAFRA, 2016). Research on cannabis in a Canadian/Ontario context was limited until its legalization in October 2018. As a result, there has been little research done on the various factors that would contribute to the odour and MDS requirements.

The amount of light required to grow cannabis, in conjunction with the diverse seasons in Ontario, make greenhouses an optimal place to grow cannabis. However, light pollution from the greenhouses can have detrimental effects on humans, as well as animals and the environment. The light can disrupt the circadian rhythm of humans, leading to obesity, diabetes and heart disease (Mortillaro, 2019).



Figure 1 Inside cannabis greenhouse in Leamington, ON



Figure 2 Light pollution from cannabis greenhouse

Some facilities have added shades to the sides of greenhouses, significantly limiting the light that is omitted into the environment. However, Health Canada nor Public Health Ontario do not currently have any regulations in place to require shades.

4 CASE STUDY REVIEW

The three case studies that are examined in this report are Norfolk County, Essex County and Township of Scugog. These three case studies were chosen for their similarities to the Township of Centre Wellington in that they were mostly rural settlements and primarily zoned for agricultural use. Further, these three case studies were suggested by key informants including John Turvey (Land Use Policy Specialist, Ontario Ministry of Agriculture, Food & Rural Affairs), Rebecca Belanger (County Manager, Essex County), Mat Vaughan (Principal Planner, Norfolk County) and Jeanine Lassaline-Berglund (Vice-President of Operations, 48North Cannabis Corp.).

4.1 Norfolk County

4.1.1 Background

Norfolk County is a single-tier municipality located along the northern shore of Lake Erie in Southwestern Ontario (see Figure 3). With a population of 64,044 according to the 2016 census, this rural municipality comprises several towns including Port Dover, Turkey Point, Long Point, Simcoe, Delhi, Waterford and Port Rowan (Statistics Canada, 2017). The legalization of cannabis, through the Cannabis Act, has presented many opportunities as well as challenges to many municipalities across Canada. Fortunately, Norfolk County is no stranger to these growing challenges, ranging from approved licensed growers to unmonitored medicinal cannabis operations. To help with guiding development related to cannabis growing operations, the county has created one of Canada's most thorough and comprehensive zoning by-laws.

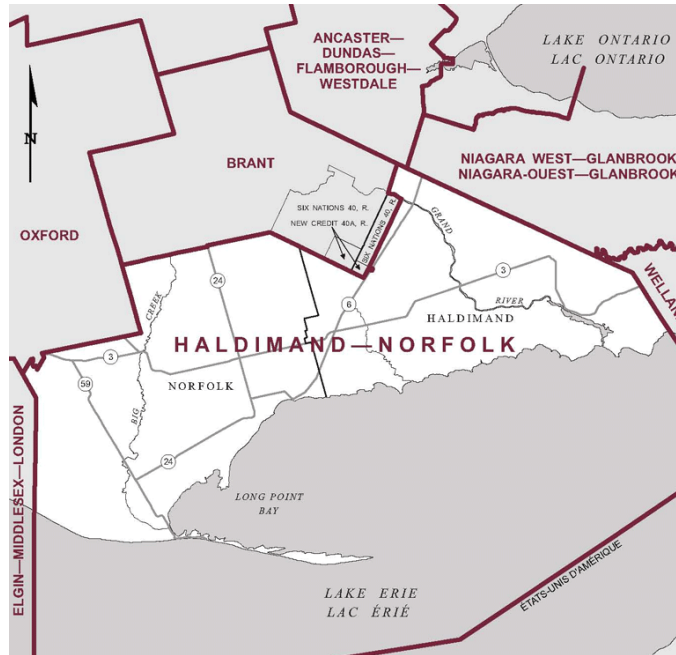


Figure 3 Map of Norfolk County, ON

4.1.2 Existing Planning Tools

Since Norfolk is a single-tier municipality, all of the towns found within the County follow the same official plan and zoning by-laws. Currently the Norfolk County Official Plan does not make any reference to cannabis grow operations. Planners and potential growers alike must refer to the County’s Zoning By-Law 1-Z-2014 for policy direction regarding cannabis matters.

4.1.3 Key Elements of Zoning By-Law-2014

As there are several sections related to cannabis grow operations found within Norfolk County’s Zoning By-Law, this section will instead provide a summary of key elements. Please refer to Appendix II for further details.

The County defines cannabis as the flowering plant that is synonymous with marijuana, but does not include the industrial or agricultural production of hemp. Cannabis production and processing refers to lands, buildings or structures used for the production, processing, testing, destroying, packaging and/or shipping of cannabis authorized by an issued license or registration by the federal Minister of Health. In addition, the definitions

of farms, garden centres, and wholesale outlets have all been amended and changed to specifically not include matters pertaining to cannabis. Moreover, General Provisions under Section 3 of the zoning by-law, limit cannabis production and processing facilities in four of the County's industrial and agricultural zones. These zones include General Industrial Zones (MG), Light Industrial Zones (ML), Rural Industrial Zones (MR), and Agricultural Zones (A). This section includes setback provisions that consider buildings that are not equipped with air treatment controls. All development related to cannabis production and processing must comply with their respective zone provisions outlined in Section 7, also found in Appendix II. Lastly, development related to cannabis production and processing are immediately declared as site plan control areas that must abide by provisions within Section 41 of the Planning Act. These facilities must also have 1 parking space for every 90 square meters of usable floor area.

4.1.4 Public Perspectives

Overall there has been a mix of attitudes with regards to the legalization of cannabis. Most noteworthy, is that public opinion has been particularly negative with unmonitored medicinal marijuana growers. Currently, according to Health Canada, there are two types of license holders, including wholesalers and distributors that supply cannabis retailers, and registered individuals who grow medicinal marijuana for patients (Government of Canada, 2020). The general consensus is that wholesalers and distributors are compliant with the relevant by-laws and setbacks to minimize disturbance, like unpleasant odours, to adjacent buildings.



Figure 4 New cannabis facility in Norfolk County, ON

This industry sector is also welcomed as a driver of economic development. In contrast, the residents of Norfolk County have voiced their concerns on the second type of license holders, the registered growers (Thompson, 2020). Individuals within this classification are not necessarily required to have odour or lighting controls in place as there are no enforcement or monitoring officers regulating these facilities. As a result, this Health Canada loophole has placed more pressure on municipalities to regulate these growers on their own with no additional resources at their disposal (Agar, 2020).

4.2 Municipality of Leamington

4.2.1 Background

Essex County is a Southwestern Ontario rural county and comprises seven municipalities that include Amherstburg, Kingsville, Lakeshore, LaSalle, Leamington, Tecumseh, and Essex (see Figure 5).

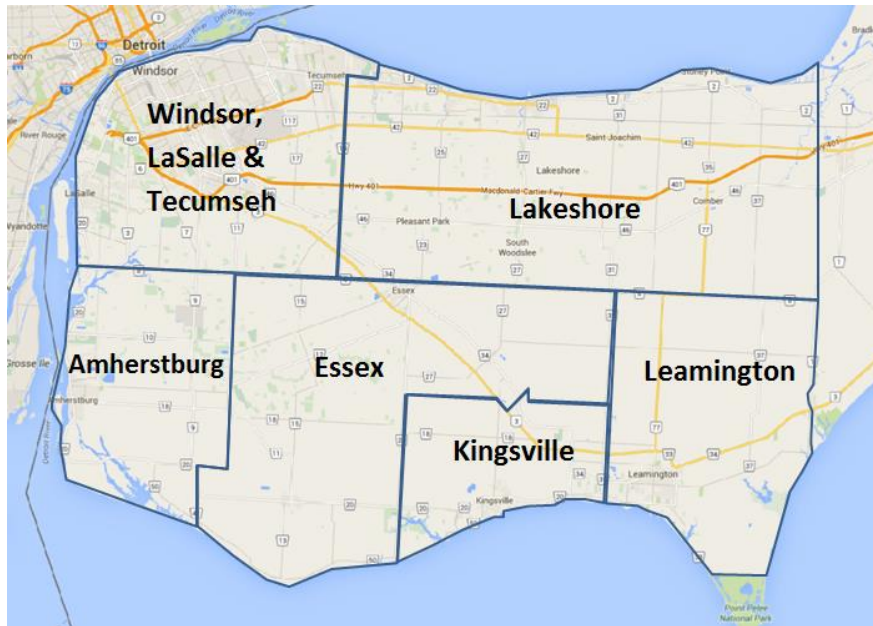


Figure 5 Map of Essex County, ON

Since the federal legalization of recreational marijuana, many cannabis companies including some of the largest in Canada have south-western Ontario operations that range from indoor greenhouses, processing and packaging plants to outdoor farms. Since sunlight hours are long and winter temperatures are moderate, the county has become a good location for cannabis grow operations within Canada. Essex County is an example where cannabis grow operations have presented both benefits and challenges that influence the social and economic growth of the community. The municipality considers cannabis to be similar to other crops and therefore, an agricultural product (Cornies, 2018). For this case study, the analysis will mainly involve the state of cannabis operations in the Municipality of Leamington, where there has been useful information on considerations for cannabis production regulation.

4.2.2 Existing Planning Tools

The Leamington Official Plan makes no reference to cannabis production facilities although has specifically defined cannabis use and regulations in the municipality's By-law 35-18 (referred to as the 2018 Cannabis Regulation By-law). Currently, cannabis production facilities are interpreted as any indoor premise on which Cannabis, Cannabis

seed or Cannabis oil is grown or processed for sale in accordance with Health Canada's licensing. Pursuant to the Planning Act, the municipality has powers of entry and powers of inspection as described in Bylaw 35-18. Further, specific restrictions are detailed in the bylaw, such as complete prohibition of the outdoor cultivation of plants. Rather, the municipality permits two types of cannabis facilities that are differentiated by zoning whereas a Part I facility can operate in agricultural designations and a Part II facility can operate in industrial designations:

Part I Cannabis Facility

A Part I Cannabis Facility shall:

- a) operate in accordance with its license from Health Canada, and any other requirements of the Province of Ontario and any other competent authority;*
- b) operate indoors;*
- c) operate only in a Zone designated for agricultural use, where a greenhouse, but not a hobby greenhouse, is permitted;*
- d) operate with an Odour Abatement Protocol to eliminate the migration of any Noxious Odour off its Premises; and*
- e) be limited to the production, processing and packaging of Cannabis on behalf of the holder of the license for the Premises on which the Cannabis Facility is located and one other person.*

Part II Cannabis Facility

A Part II Cannabis Facility shall:

- a) operate in accordance with its licence from Health Canada, and any other requirements of the Province of Ontario and any other competent authority;*
- b) operate indoors;*
- c) operate in a Zone designated for industrial use;*
- d) obtain a business licence pursuant to the provisions of the Municipality's Business Licensing By-law 03-18;*

- e) *obtain, prior to commencing operation, a Change of Use Permit, issued pursuant to section 10 of the Building Code Act, 1992, S.O. 1992, c.23;*
- f) *obtain, prior to commencing operation, Site Plan Approval and enter into a Site Plan Agreement pursuant to section 41 of the Planning Act, R.S.O. 1990, c. P.13;*
- g) *operate with an Odour Abatement Protocol to eliminate the migration of any Noxious Odour off its Premises and provide satisfactory proof thereof to the Municipality;*
- h) *operate more than **two hundred (200) metres** from the property line of the nearest Sensitive Use;*
- i) *be limited to the production, processing and packaging of Cannabis on behalf of the registered owner of the Premises and one other person; and*
- j) *be inspected by the Municipality's Fire Department and comply with the provisions of the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4.*

4.2.3 Public Perspectives

According to various news sources, the cannabis industry has existed within Leamington for several years ever since Aphria, a Canadian cannabis company, began its greenhouse production of marijuana. When cannabis was legalized and the cultivation of plants became popular, the municipality became a hub for the industry. CEO of Aphria, Vic Neufield, said his business is built on the right foundation for sustained growth, and he feels lucky to be situated in Leamington. He would like to see the "tomato capital of Canada" sign changed to "cannabis capital" at the entrance to the municipality (CBC News, 2018). While the industry perceives Leamington as a place with the right foundations for cannabis growth, the public feels the strain of cannabis production businesses.



Figure 6 Aphria in Leamington, ON

The community has several reservations and issues despite the Municipality of Leamington's Bylaw 35-18 that puts in place regulations to control the cannabis industry sprawl within the community (Veneza, 2019). One of the main issues relate to the obtaining of licenses through Health Canada to covertly produce cannabis for the black market (Veneza, 2019). In July 2019, more than 7,000 allegedly illegal cannabis plants were seized from a farm in Leamington (Veneza, 2019). Residents are expressing that the illegal production of cannabis in their neighborhoods is evident of how organized crime has adapted to the federal legislation related to cannabis (Veneza, 2019). This has forced municipalities within Essex County to manage the growth of this newly legal industry through more bylaw enforcement.

4.3 Township of Scugog

4.3.1 Background

Scugog is a township located in the Regional Municipality of Durham, south-central Ontario. In 2016, the population of Scugog was 21,617. The key industries in Scugog include agriculture, tourism and light manufacturing (Township of Scugog, 2020).



Figure 7 Map of Scugog, ON

4.3.2 Existing Planning Tools

In 2018, the Township of Scugog hired MacNaughton Hermsen Britton Clarkson Planning Limited (MHBC) to prepare a Background Report reviewing options to regulate legal cannabis growing facilities within the Township (MHBC, 2018). The Township of Scugog's Official Plan and Zoning By-law 14-14 currently make no reference to cannabis cultivation. The Report describes current Official Plan and Zoning By-law, and recommendations for how cannabis cultivation could be included based on the review of other Ontario municipalities.

1) Township of Scugog Official Plan

The existing Official Plan for the Township of Scugog currently makes no reference to cannabis growing operations. The majority of the lands outside of the settlement and environmentally protected lands are designated Agricultural.

5.1.2 Permitted Uses

The primary use of land in the Agricultural designation shall be agriculture.

Additional permitted uses are limited to:

- a) *Commercial greenhouses and nurseries*
- b) *Farm related industrial uses that directly service and support the agricultural industry and require locations in close proximity to farming operations.*

The *Background Report* (2018) suggests an Official Plan Amendment whereby:

- *Update the Official Plan to identify “Cannabis Production Facilities” as a permitted use within “Agricultural,” “Prestige Industrial,” and “General Industrial” designations.*
- *Establish Official Plan policies and criteria to evaluate applications for Site Plan Approval and Zoning-By-law Amendments to permit cannabis facilities, including land use compatibility policies.*
- *Establish site design guidelines for the establishment of cannabis production facilities.*

2) Township of Scugog Zoning By-law

The current Zoning By-law 14-14 for the Township of Scugog currently makes no reference to cannabis growing operations.

The Zoning By-law defines “Agricultural uses” as:

The growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agroforestry; 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. For the purposes of this definition, excavation of topsoil and/or peat does not constitute an agricultural

Use and shall include normal Farm practice as defined by the Farming and Food Production Protection Act, S.O. 1998.

The *Report* (2018) states that the *generality of the language and lack of specificity as it pertains to the ‘growing of crops,’ cannabis cultivation can be interpreted as an agricultural use.*

Therefore, permitted areas would include:

- *Agricultural Uses (AG)*
- *Environmental Protection (EP)*
- *Recreational (RE)*
- *Oak Ridges Moraine - Agricultural (ORM-AG)*
- *Oak Ridges Moraine - Environmental Protection (ORM-EP)*
- *Oak Ridges Moraine - Recreational (ORM-RE)*
- *Rural Industrial (M3)*
- *Extractive Industrial (M4)*
- *Open Space (OS)*

The *Background Report* (2018) suggests a Zoning By-law Amendment whereby:

- *Define a “Cannabis Production Facility” within the Zoning By-law.*
- *Permit a “Cannabis Production Facility” as-of-right in industrial zones; Permit Cannabis Production Facility as-of-right in agricultural and rural areas.*
- *Establish specific lot size requirements, building location and size requirements in the Zoning By-law. This will ensure that building sizes are an appropriate scale for a site and area.*

5 PLANNING AHEAD

5.1 General Reflections

In evaluating the current state of cannabis grow operations in Ontario, there were various discrepancies and inconsistencies across municipalities in their response to regulating cannabis grow operations. Our report contains three case studies of municipalities that

were chosen based on their similarities to the Township of Centre-Wellington in that they were predominantly rural settlements and primarily zoned for agricultural purposes. Only three case studies were examined because of the time constraints aforementioned in the executive summary (see Appendix III for additional municipalities outlined in the 2018 MHBC Scugog Report). While the case studies are limited, they provide significant examples of planning and policy tools that the Township of Centre Wellington can reflect on in the creation of their cannabis grow operation provisions.

Norfolk County has one of the most comprehensive zoning by-law provisions with regards to cannabis grow operations. These by-laws recognize first and foremost the issues of odour and lighting by addressing necessary setbacks from adjacent businesses and properties. In addition, the County does not discourage facilities that may not have air treatment controls to be built. They simply need to adhere to longer minimum distances. Although there is controversy over cannabis grow operations, this emerging industry sector is not too constrained and is still accepted within different designated zones as long as the proposed facility respects its prescribed zone provisions.

The Municipality of Leamington has been one of the most notable municipalities along Ontario's south coast in managing the growth of the cannabis grow industry. Leamington operates under a bylaw that tightly regulates Part 1 producers the same way as Part 2 producers (Cornies, 2018), restricting weed to industrial and agricultural areas. However, it was unclear how outdoor grow facilities are properly regulated for odour control, which is a big issue within communities. Currently, level one growers (such as Aphria) are tightly regulated and monitored by Health Canada. It is unclear whether smaller growers are as tightly regulated when it comes to odour issues. For this reason, it is beneficial to create an independent by-law related to odour protocol regulations, applicable licenses and permits, setbacks from sensitive uses and inspection and compliance regulations to ensure consistency across all times of producers.

While the Township of Scugog currently does not have any provisions in their Official Plan and Zoning By-law, the review completed by MHBC does make suggestions based on

best practices from other Ontario municipalities. It was clear after speaking with provincial and municipal stakeholders that the federal and provincial government have provided little oversight - leaving many decisions to municipalities. Policies and perspectives pertaining to cannabis grow operations are new to all municipalities. We can look to each other in regards to what is successful and what is deemed not.

5.2 Recommendations

Based on the case study review of Norfolk County, Municipality of Leamington and the Township of Scugog, a number of considerations are raised that should be further examined by the Municipality of Centre-Wellington. Presently, the Official Plan and the zoning by-law does not include matters of cannabis growth.

Based on the background discussed in each of the case studies, the planning team should consider:

1. If cannabis grow facilities should be permitted within agricultural and/or industrial zones as the Municipality of Leamington has allowed;
2. If outdoor cannabis grow operations should be permitted given the immense odour and light issues;
3. If cannabis grow proposals should be permitted on the basis of a site-specific zoning by-law amendment or an as-of-right, as seen in Norfolk and Leamington;
4. The requirements that can address the numerous community concerns and perspectives as seen within the case studies, including crime, black market growth, odour, light, etc.

Township of Centre Wellington Official Plan

- Require a zoning by-law amendment application to permit the development of a Cannabis Grow Facility to allow for a case by case consideration that involves the public.
- Establish criteria to assess zoning by-law amendments to permit cannabis production facilities.

Township of Centre Wellington Zoning By-law

- Define ‘Cannabis Facility.’
- Determine zoning for Cannabis Facilities whether industrial/agricultural or indoor/outdoor cultivation.
- Establish criteria for building sizes and location.
- Implement a separation distance requirement to sensitive uses or zones, such as zones involving schools or residential lots.
- Interim control by-laws can be introduced to slow down cannabis facility development, and may allow the municipality time to look for solutions.

In order to implement these recommendations, Official Plan and Zoning By-law Amendments need to be initiated by the Township of Centre Wellington planning staff in collaboration with community consultation meetings to gather public input on the matter.

6 REFERENCES

Agar, C. (2020). Gaping holes in pot legislation is hitting Norfolk hard. *Ontario Farmer*. Retrieved from <https://www.ontariofarmer.com/features/gaping-hole-in-pot-legislation-is-hitting-norfolk-hard>

CBC News. (2018). 'Cannabis capital' Leamington chosen for inaugural weed industry conference. CBC News. Retrieved from <https://www.cbc.ca/news/canada/windsor/wecann-2018-leamington-cannabis-conference-aphria-1.4894645>

CBC News. (2019). Kingsville approves rezoning requests to allow for medical cannabis greenhouses. *CBC News*. Retrieved from

Cornies, L. (2018). Cannabis industry leaves a bad smell with some counties. *The London Free Press*. Retrieved from <https://lfp.com/opinion/columnists/cornies-cannabis-industry-leaves-bad-smell-with-some-counties>

Government of Canada. (2018). Cannabis Act S.C. 2018, c. 16.

Government of Canada. (2020). Licensed cultivators, processors and sellers of cannabis under the Cannabis Act. *Cannabis*. Retrieved from <https://www.canada.ca/en/health-canada/services/drugsmedication/cannabis/industry-licensees-applicants/licensed-cultivators-processors-sellers.html>

Government of Ontario. (2019). Cannabis laws. *Law and Safety*. Retrieved from <https://www.ontario.ca/page/cannabis-laws>

Government of Ontario. (2020). Cannabis in the provinces and territories. Retrieved from <https://www.canada.ca/en/health-canada/services/drugs-medication/cannabis/laws-regulations/provinces-territories.html>

MHBC. (2018). Background report: Township considerations for regulating cannabis facilities. Retrieved from <http://calendar.scugog.ca/TownshipMeetings/Detail/2018-09-17-1830-Planning-and-Community-Affairs-Committee/1901b799-a5e3-429a-b3f7-a95900ee719c>

Michelin, L. (2019). Odour-reduction methods are left up to cannabis companies, says Health Canada. Several technologies are available: federal regulator. *Red Deer*

Advocate. Retrieved from <https://www.reddeeradvocate.com/news/odour-reduction-methods-are-left-up-to-the-cannabis-company-says-health-canada/>

Mortillaro, N. (2019). Cannabis greenhouses are creating light pollution, but there are solutions. CBC News. Retrieved from <https://www.cbc.ca/news/technology/cannabis-greenhouses-light-pollution-1.4993407>

OMAFRA. (2016). The Minimum Distance Separation (MDS) Document Formulae and Guidelines for Livestock Facility and Anaerobic Digester Odour Setbacks Publication 853. Retrieved from <http://www.omafra.gov.on.ca/english/nm/builddev/MDSAODA.pdf>

Ontario Provincial Police. (2019). Stay sharp - know the facts. *Cannabis*. Retrieved from <http://opp.ca/index.php?id=115&lng=en&entryid=5bc63694af4f930b4262a693#sec2>

Public Health Ontario. (2018). Evidence brief: Odours from cannabis production. Retrieved from <https://www.publichealthontario.ca/-/media/documents/eb-cannabis-production-odours.pdf?la=en>

Statistics Canada. (2017). Census Profile, 2016 Census. Norfolk County, City [Census subdivision], Ontario and Haldimand-Norfolk, Census division [Census division], Ontario. Retrieved from <https://www12.statcan.gc.ca/>

Thompson, B. (2020). Concerns growing over cannabis production in Norfolk. *Simcoe Reformer*. Retrieved from <https://www.simcoereformer.ca/news/local-news/concerns-growing-over-cannabis-production-in-norfolk>

Township of Scugog. (2020). About Scugog. *Explore Scugog*. Retrieved from <https://www.scugog.ca/en/explore-scugog/About-Scugog.aspx#>

Veneza, R. (2019). Police raid Leamington cannabis farm as part of investigation into Asian drug ring. CTV News. Retrieved from <https://windsor.ctvnews.ca/police-raid-leamington-cannabis-farm-as-part-of-investigation-into-asian-drug-ring-1.4541831>

7 APPENDICES

7.1 Appendix I. Terms of Reference

Policies and Perspectives for Cannabis Grow Operations for the Township of Centre Wellington

Summary of Project:

Bill C-45 (the Cannabis Act) was passed by the Parliament of Canada on June 20th, 2018, and received royal assent on June 21st, 2018. This bill sets out a legal and regulatory framework that manages the production, distribution, sale and possession of cannabis in Canada. Currently, the Township of Centre Wellington do not have any policies that regulate cannabis grow operations within the township. This project will analyze best management practices (BMP) of cannabis grow operations within the rural context through looking at places that have similar characteristics to Centre Wellington, within the province/country. The goal of this project is to assist in the development of BMP guidelines for the Township of Centre Wellington to deal with cannabis grow operations. Recommendations will be provided.

Project Goals:

Understand and review applicable legislation and policies of all levels of government

Compile research findings in a comprehensive document.

Create BMP document for cannabis grow operations.

Propose next steps for the Township of Centre Wellington.

Understand size restrictions/ limiting factors of current OP/ZBL in regards to cannabis production (ag land vs industrial)

Project Objectives:

Conduct primary (if time permits) and secondary research on cannabis grow operations.

Review of best practices from other municipalities

Liaise with the Economic Development Department at City of Bowmanville (and other relevant municipalities) to discuss their experiences in Cannabis Grow Operations.

Project Scope:

Scope will expand to include a study of policy and legislation related to cannabis grow operations at the municipal, provincial and federal levels

This will be supported by liaising with municipal and public sector representatives (i.e. City of Bowmanville Economic Development Department staff) however, will exclude liaising with industry and private sector representatives

As such, the scope will be limited to understanding the role that the Township of Centre Wellington and/or municipalities will play in supporting cannabis grow operations and will exclude industry objectives and trends within BMP report

Assumptions:

In research, we often make assumptions as to certain project dependencies (i.e. ability of certain information that the project will build on, certain data from the municipality) that would be needed in order to complete the project. In this section, assumptions we identified include:

Limited resources - since this is new to the Township of Centre Wellington, therefore assumed we must resort to resources from other communities of a similar scale (BMP) BMP for cannabis grow operations may be case-based, strengths and opportunities within one municipality may not be directly transferable to the Township of Centre Wellington The data we will be using includes Government of Canada cannabis legislation, grey literature, census data, and the project webpage.

Deliverables and milestones:

Finalized Terms of Reference.
Touch Point Meetings throughout the term.
Final BMP Report.
Potential presentation to the Centre Wellington Healthy Growth Committee.

Timeline:

Terms of Reference completed January 30, 2020.
Touch point meetings throughout the semester at the convenience of the senior planner (dates TBD).
Final Report due end of March - date TBD.
Presentation to the Centre Wellington end of March - date TBD.

U of G Project Team Members Commitment:

Chloe Spear, Preethi Anbalagan, Patrick Fung

Commitment by Client:

Mariana Iglesias

7.2 Appendix II. Norfolk County Zoning By-law: Cannabis Provisions

3.21 Cannabis Production and Processing

Notwithstanding any other provision of this By-law, any Cannabis Production and Processing shall be subject to the following provisions:

a) 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 General Industrial Zone (MG), Light Industrial Zone (ML), Rural Industrial Zone (MR) may be located closer to any Residential Zone, Institutional Zone, or Open Space Zone than 70 metres.

b) 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 Residential Zone, Institutional Zone, or Open Space Zone than 150 metres.

c) 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 General Industrial Zone (MG), Light Industrial Zone (ML), Rural Industrial Zone (MR) may be located closer to any dwelling on a separate lot, public school, private school, place of worship, campground, group home, hotel, long-term care facility, mobile home park, park, place of assembly, place of entertainment, place of sports and recreation, tent and trailer park, tourist cabin, hospital, or day care nursery than 150 metres. [5-Z-2019]

d) 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 on a separate lot, public school, private school, place of worship, campground, group home, hotel, long-term care facility, mobile home park, park, place of assembly, place of entertainment, place of sports and recreation, tent and trailer park, tourist cabin, hospital, or day care nursery than 150 metres. [5-Z-2019]

e) 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 on a separate lot, public school, private school, place of worship, campground, group home,

hotel, long-term care facility, mobile home park, park, place of assembly, place of entertainment, place of sports and recreation, tent and trailer park, tourist cabin, hospital, or day care nursery than 300 metres. [5-Z-2019]

f) A building or structure used for security purposes for Cannabis Production and Processing may be located in the required front yard and does not have to comply with the required minimum front yard, side yard, and rear yard setbacks.

g) Outdoor storage is prohibited on the property in which the Cannabis Production and Processing is located.

h) Cannabis Production and Processing shall only be permitted within the zones as explicitly indicated in this Zoning By-law.

i) All development in relation to the establishment of or expansion to a Cannabis Production and Processing shall be subject to Site Plan Control. [25-Z-2018]

j) Notwithstanding Subsections 3.21 c), d) and e), within the Agricultural Zone (A), an on-farm diversified use shall be permitted on the same lot as Cannabis Production and Processing subject to the requirements of Subsection 12.3. [5-Z-2019]

k) Illumination of Cannabis Production and Processing operations shall be subject to the requirements of Subsection 3.16. [5-Z-2019]

4.9 Number of Parking Spaces

Any *building, structure* or use shall have *parking spaces* provided and maintained in accordance with the following:

z) Industrial establishment including Cannabis Production and Processing [25-Z-2018]:

1 parking space for every 90 square meters of usable floor area

7.1 General Industrial Zone (MG)

7.1.1 Permitted Uses *In an MG Zone, no land, building or structure shall be used except in accordance with the following types of uses:*

f) Cannabis Production and Processing, subject to General Provisions 3.21 [25-Z-2018]

7.1.2 High Requirement for Municipal Public Water and Sanitary Sewage Treatment

Notwithstanding Subsection 7.1.1, uses with a high requirement for municipal treatment in either strength or quantity of waste, or a high volume requirement of municipal water shall not be permitted.

7.1.3 Exemption for Certain Industries with a High Requirement for Municipal Sewage Treatment

Any manufacturing or processing plant existing at the date of passing of this By-Law which has a high requirement of municipal sewage treatment in either strength or quantity of wastes or a high volume requirement of municipal water shall be allowed to enlarge or expand provided the enlargement or expansion does not constitute a significantly higher level of municipal sewage treatment or water requirements.

7.1.4 Zone Provisions

In an MG Zone, no building or structure shall be erected or altered except in accordance with the following provisions:

- a) minimum lot area: **1,855 square metres**
- b) minimum lot frontage: **30 metres**
- c) minimum front yard: **6 metres**
- d) minimum exterior side yard: **6 metres**
- e) minimum interior side yard: **3 metres**
 - i) abutting a residential Zone: **20 metres**
- f) minimum rear yard: **9 metres**
- g) maximum building height: subject to a **45 degree angular plane** measured from the edge of any residential, commercial or institutional Zoned lots
- h) outdoor storage: prohibited in any front yard or any required exterior side yard

7.2 Light Industrial Zone (ML)

7.2.1 Permitted Uses In an ML Zone, no land, building or structure shall be used except in accordance with the following types of uses:

- f) Cannabis Production and Processing, subject to General Provisions 3.21 [25-Z-2018]

7.2.2 High Requirement for Municipal Water and Sanitary Sewage Treatment

Notwithstanding Subsection 7.2.1, uses with a high requirement for municipal treatment in either strength or quantity of waste, or a high volume requirement of municipal water shall not be permitted.

7.2.3 Exemption for Certain Industries with a High Requirement for Municipal Sewage Treatment

Any manufacturing or processing plant existing at the date of passing of this By-Law which has a high requirement of municipal sewage treatment in either strength or quantity of wastes or a high volume requirement of municipal water shall be allowed to enlarge or expand provided the enlargement or expansion does not constitute a significantly higher level of municipal sewage treatment or water requirements.

7.5 Rural Industrial Zone (MR)

7.5.1 Permitted Uses *In an MR Zone, no land, building or structure shall be used except in accordance with the following types of uses:*

f) Cannabis Production and Processing, subject to General Provisions 3.21 [25-Z-2018]

7.5.2 Zone Provisions

In an MR Zone, no building or structure shall be erected or altered except in accordance with the following provisions:

- a) minimum lot area: **1,855 square metres***
- b) minimum lot frontage: **30 metres***
- c) minimum front yard: **13 metres***
- d) minimum exterior side yard: **13 metres***
- e) minimum interior side yard: **6 metres***
- f) minimum rear yard: **9 metres***
- g) minimum separation: from a dwelling on an adjacent lot: **30 metres***
- h) maximum building height: **11 metres***
- i) outdoor storage: prohibited in any required front yard or exterior side yard*

12.1 Agricultural Zone (A)

12.1.1 Permitted Uses *In an A Zone, no land, building or structure shall be used except in accordance with the following uses:*

d) Cannabis Production and Processing, subject to General Provisions 3.21 [25-Z-2018]

12.1.2 Zone Provisions

In an A Zone, no building or structure shall be erected or altered except in accordance with the provisions in the following Zones:

- a) minimum lot area:
 - i) lot: **40 hectares***
 - ii) residential lot surplus to a farm operation [27-Z-2016]: **2,000 square metres****
- b) minimum lot frontage:*

- i) interior and corner lots: **30 metres**
- c) minimum front yard: **13 metres**
- d) minimum exterior side yard: **13 metres**
- e) minimum interior side yard: **3 metres**
- f) minimum rear yard: **9 metres**
- g) minimum separation: between a farm processing facility and a dwelling on an adjacent lot: **30 metres**
- h) maximum building height: **11 metres**

14.0 Special Provisions

The following Special Provisions shall apply to those lands shown on Schedule A which are outlined and entitled with the following corresponding Special Provision numbers. When appropriate a detailed Special Provision Site Specific Schedules showing the location of the lands affected or other requirements is contained at the end of this Section.

14.647 Cannabis Production and Processing [25-Z-2018], subject to General Provisions 3.21, shall also be permitted.

In lieu of the corresponding provisions in the CS Zone, the following shall apply:

- a) minimum front yard setback – **1.9 metres**;
- b) minimum interior side yard (right) – **0 metres**;
- c) minimum rear yard setback – **2.5 metres**.

14.856 In addition to the uses permitted in the MG Zone, a medical marihuana production facility shall also be permitted. Further, that no building or structure or portion thereof used for Cannabis Production and Processing [25-Z-2018] purposes be located closer than 76 metres to any residential Zone or any dwelling.

14.902 In lieu of the corresponding provisions in Section 3.21(d), the following shall apply:

- a) No building or structure or portion thereof used for Cannabis Production and Processing [25-Z-2018] purposes situated in the Agricultural Zone (A) may be located closer to an existing dwelling than 100 metres. [14-Z-2016]

7.3 Appendix III. Selected Municipalities from MHBC Report (2018)

Municipality	Zones Permitted	Definition	Setback/Restriction
Port-Colborne	Ag/Rural (permitted as of right) Rural Agricultural, Light Industrial, Heavy Industrial, Gateway Industrial	“means a building or structure used for the cultivation, processing, testing, destruction, packaging and shipping of marihuana used for medicinal purposes as permitted under the Federal Government’s Marihuana for Medical Purpose Regulations (MMPR), as amended from time to time, or an successors thereto.”	<ul style="list-style-type: none"> • 150m from agricultural and sensitive rural land uses • 75m minimum lot frontage • Minimum area 3-hectare lot • Maximum lot coverage: less than 5ha is 30%, 5-10ha is 10%, greater than 10ha is 5% • Min. front yard 30m • Min. interior side yard 16m • Min. exterior side yard 30m • Min. rear yard 30m • Outdoor storage not permitted if building is 40% or more glass, an opaque fence is required
Fort Erie	Ag/Rural (permitted as of right) Industrial (permitted as of right) Rural and existing Open Spaces Agricultural (A) Rural (RU) Industrial (IN) Prestige Industrial (PI) Existing Open Space (EOS)	“means a building or structure used for the cultivation, processing, testing, destruction, packaging and shipping of marihuana used for medical purposes as permitted under the federal government’s Marihuana for Medical Purposes Regulations (MMPR) as amended from time to time, or any successors thereto.”	<ul style="list-style-type: none"> • 70m setback from residential zones and sensitive uses OR front yard of 15m, interior and rear yard of 6m, and exterior side yard of 15m • Min. lot size of 2ha • Min. 60m lot frontage • Max. lot coverage of 60% • Max. height 12m • Outdoor storage not permitted • Max. GFA for processing and packaging 20% structure with more than 40%

New-Tecumseth	<p>Industrial (permitted as of right)</p> <p>Urban Industrial Zone</p> <p>Urban Residential Exception (8, 9, 10)</p>	<p>“shall mean the use of land, building or structure to possess, produce, sell, provide, ship, deliver, transport, test or destroy medical marihuana or cannabis authorized by a license issued by the federal Minister of Health, pursuant to Section 25 of the Marihuana for Medical Purposes Regulations, SOR/2013-119, under the Controlled Drugs and Substances Act, SC 1996, as amended from time to time.”</p>	<ul style="list-style-type: none"> • Shall only be permitted on lands designated Employment Area One and/or Employment Area Two in the Town of New Tecumseth Official Plan • Outdoor storage not permitted, or restricted dependent on • Exception zone • Min. lot area 2000sq.m. • Min. 45m lot frontage • 10m front and exterior yard setbacks • 7.5m interior and rear yard setbacks, 15m if not abutting an industrial zone • Max. height 23m • Max. lot coverage 60% • 10% landscaped open space required
Chatham-Kent	<p>Ag/Rural (permitted but Zoning-Bylaw amendment needed)</p> <p>Industrial (permitted but Zoning By-law amendment needed)</p>	<p>“means any building or structure licensed and-or authorized to possess, sell, provide, ship, deliver, transport, destroy, produce, export and/or import marihuana for medical purposes, including related research under, the Marihuana for Medical Purposes Regulations under Subsection 55(1) of the Controlled Drugs and Substances Act or as amended.”</p>	<p>75m from residential, institutional or open space zone within a primary urban area. 100m from an existing residential, institutional or open space boundary not located within a primary urban area. Residential uses prohibited on lots zoned to permit a MMPF excluding a detached dwelling or mobile home accessory to an agricultural use. Must be located on, or main access must be within 100m of an arterial or collector road</p>
West Lincoln	<p>Ag/Rural (permitted but Z bylaw amendment needed)</p> <p>Agricultural Zones</p> <p>Employment Zones</p>	<p>“means a wholly enclosed building or structure used for the cultivation of medical marihuana and the processing, testing, destruction, packaging and shipping of marihuana used for medical purposes, under federal license.”</p>	<ul style="list-style-type: none"> • 150m from all lot lines in Ag zones unless otherwise specified • 45m from all lot lines in employment zones • No outdoor storage or production permitted • If the building is more than 10% glass a solid fence of a min. height of 1.8m is required along every lot line that abuts a residential or institutional use • A security fence of a min. height of 1.8m shall be required along the entire perimeter of the lot of this use
Uxbridge	<p>Rural Zone</p> <p>SPA for specific use</p> <p>medical</p>		<ul style="list-style-type: none"> • Lot size 40ha or existing undersized lots • Lot must front a regional road

	marihuana facilities review (\$2575)		<ul style="list-style-type: none"> • Provide a separate dwelling for a caretaker to provide 24/7 security • Site plan control considered where there are integration concerns with the surrounding area • MSD between MMPF is 3000m from lot lines to lot line • Max. building size of 743sq.m. (8000sq.ft.)
Township of King	Rural General (RU1)	<p>“means a building or buildings used for the commercial growing, producing, processing, testing, destroying, packaging and shipping of marihuana, cannabis oil, or cannabis used for medicinal purposes authorized by a license issued under the Federal Regulation Access to Cannabis for Medical Purposes Regulations (ACMPR), as amended from time to time, or any successors thereto.”</p>	<ul style="list-style-type: none"> • Min. lot area 10ha • 150m setback from sensitive land uses or residential zones • Open and outdoor storage not permitted • Outdoor signage and advertising not permitted
Clarington	Industrial	<p>“agricultural”, in reference to use, means land, buildings or structures used, designed or intended to be used solely for an “agricultural operation” as defined in section 1 of the Farm and Food Production Protection Act, 1998, S.O. 1998, c.1 but does not include medical marijuana facilities; “medical marijuana facility” means a building used, designed or intended for growing, producing, testing, destroying, storing or distribution of medical marijuana or cannabis authorized by a license issued by the federal Minister of Health pursuant to section 25 of the Marihuana for Medical Purposes Regulations, SOR/2013-119, under the Controlled Drugs and Substances Act, S.C. 1996, c.19;</p>	<ul style="list-style-type: none"> • Undergoes SPA process

		<p>“industrial”, in reference to use, means any land, building or structure or portions thereof used, designed or intended for or in connection with manufacturing, producing, processing, fabricating, assembling, refining, medical marijuana facilities, research and development, storage of materials and products, truck terminals, warehousing, but does not include, (a) retail service sales or rental areas, storage or warehousing areas used, designed or intended to be used in connection with retail sales, service or rental areas, warehouse clubs or similar uses, self storage mini warehouses, and secure document storage; and (b) office areas that are not accessory to any of the foregoing areas or uses or accessory office uses that are greater than 25% of the gross floor area of the building; Above definitions from the Development Charges Bylaw 2015-035</p>	
Meaford	<p>All Medical Marihuana Grow Operations are under Site Plan Control</p> <p>Restricted Industrial (M1)</p> <p>General Industrial (M2)</p> <p>Rural Industrial (M3)</p> <p>Agricultural - A</p> <p>Special Agricultural - SA</p> <p>Rural – RU</p> <p>Notwithstanding any other</p>	<p>“Medical Marihuana Grow Operation means an agricultural and/or industrial facility licensed by Health Canada for the growing and/or distribution of Medical Marihuana, having completed the prescribed Notification process under Federal Legislation for such facilities.”</p>	<ul style="list-style-type: none"> • Minimum Lot Area: 2ha (M3, A, SA, RU), 4000m2 (M1), 8000m2 (M2) • For Industrial: • Minimum Lot Frontage: 30m (M1), 60m (M2) • Front Yard: 14m • Exterior Side Yard: 11m (M1), 14m (M2), 12m (M3) • Interior Side Yard: 7.5m but 12m if abutting residential (M1, M2), 6m (M3) • Rear Yard: 7.5m but 12m if abutting residential (M1, M2, M3) • Max Height: 14m (M1, M2), 11m (M3) • For A, SA, RU: • Front Yard: 30m • Exterior Side Yard: 20m • Interior Side Yard: 20m • Rear Yard: 20m

	provision of this by-law, a minimum required interior side yard and minimum required rear yard of 20m shall be provided for all buildings associated with a Medical Marihuana Grow Operation in an M1, M2 or M3 zone		<ul style="list-style-type: none">• Setback from existing dwelling: 70m• Max Lot Coverage: 3716m2
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