

REPORT

REPORT TO: Mayor Bonnette and Members of Council

REPORT FROM: Steve Burke, Manager of Planning Policy

DATE: September 12, 2018

REPORT NO.: PLS-2018-0074

RE: Proposed Interim Control By-law for Cannabis Production Related Uses

RECOMMENDATION:

THAT Report No PLS-2018-0074 dated September 12, 2018 regarding the rationale for an Interim Control By-law with respect to Cannabis Production Related Uses in the Town of Halton Hills, be received;

AND FURTHER THAT Council pass the Resolution directing the completion of the Cannabis Related Uses Study, attached as Schedule One to this report;

AND FURTHER THAT Council pass the Interim Control By-law with respect to Cannabis Production Related Uses, attached as Schedule Two to this report;

AND FURTHER THAT notice of passage of the Interim Control By-law be provided as prescribed by regulation under the Planning Act.

BACKGROUND:

With the legalization of the recreational use of marijuana on October 17, 2018, it can be expected that there will be interest from business owners in establishing cannabis production (i.e. cultivation and/or processing) uses within the Town of Halton Hills, and to date some inquiries from business owners in both the rural and urban employment areas have been received. The Town's Zoning By-laws do not currently define or regulate uses related to cannabis production.

Section 38 of the Planning Act enables municipalities to enact interim control by-laws for a period of one year (with the potential to extend for a maximum of one more year), having the effect of restricting the use of land in an area specified by the by-law, to enable a study to be undertaken. An interim control by-law appeal is limited to the Province (i.e. Minister), however a one-year extension can be appealed by any person or public body.

Section G4.4 of the Halton Hills Official Plan specifies that Council may pass an interim control by-law to provide Council with the time to study a particular land use planning issue. Pursuant to Section 38 of the Planning Act, the Official Plan specifies that the passage of such a by-law be preceded by the passage of a Council Resolution that identifies the land use planning issue and authorizes the appropriate study of the issue.

COMMENTS:

Through Report PLS-2018-0068, Council has received a status update on background research and the development of options for amendments to the Town Official Plan and Zoning By-laws pertaining to the definition and regulation of Cannabis Production Related Uses.

There are no commercially licensed producers under the current Access to Cannabis for Medical Purposes Regulations (ACMPR) currently operating in Halton Hills. As of October 17th, six types of licenses under the Cannabis Act will be available: cultivation, processing, analytical testing, sale by authorized sellers of medical cannabis to those with a prescription (Note: retail sale is the jurisdiction of the Province), research, and a drug license. According to information from the Federal government, licenses must be applied for using the Cannabis Tracking and Licensing System (CLTS) web-based tool, which will not launch until October 17th. Similar to requirements under the ACMPR, it is anticipated that prior to submitting an application in the CLTS, applicants for licenses under the Cannabis Act will be required to provide with their application a copy of the written notice to local authorities (specifically the local government, fire authority and police force) who are located in the area of the proposed site. The content of the notice is expected to include: the name of the applicant; the expected date on which the applicant will submit the application to Health Canada; the class or subclass of license that is being applied for, and the site address.

The Government of Canada periodically posts updates on its website with respect to cannabis legalization, and Town staff will continue to monitor for updates on an ongoing basis, and communicate the updates to Council, as appropriate.

As outlined in Report PLS-2018-0068, staff expects to complete the Cannabis Production Related Uses Study by the end of Q2 2019. In the intervening period between recreational cannabis legalization and completion of the Study, in order to temporarily restrict the establishment of such uses in the Town of Halton Hills, it is recommended that the Town pass an interim control by-law temporarily prohibiting the establishment of cannabis production (cultivation and processing) related uses, defined in the by-law as “any use involving the growing (cultivation), processing, testing, destroying, storing or distribution of marijuana or cannabis, with the exception of personal use allotments permitted under the Cannabis Act for recreational purposes.”

It is recommended that the temporary prohibition apply to the following geographic areas of the municipality:

- Premier Gateway Employment Area: The Prestige Industrial (M7) Zone and all Gateway (G) Zones, as well as Premier Gateway Phases 1B and 2B currently zoned Agricultural (A) and site-specific Rural Employment (RU-EMP(14));
- Rural Area: Properties zoned Agricultural (A), Protected Countryside (PC) or Protected Countryside Natural Heritage System 2 (PCNHS2).

A map of the geographic areas proposed to be covered by the interim control by-law is attached to this report as Schedule Three for information purposes.

The interim control by-law would not apply to the Niagara Escarpment Plan Area (NEPA), which is governed by the Niagara Escarpment Plan (NEP), and where municipal zoning does not apply. Niagara Escarpment Commission staff has advised that cannabis production fits the NEP definition of an agricultural use, but a development permit must be granted for all development within the NEPA, and would be assessed on a case by case basis.

RELATIONSHIP TO STRATEGIC PLAN:

There is no direct relationship to the Strategic Plan arising from this report.

FINANCIAL IMPACT:

There is no financial impact arising from this report.

CONSULTATION:

The CAO, Town Solicitor, and Zoning staff was consulted on this matter.

PUBLIC ENGAGEMENT:

Any public engagement associated with this matter will occur as part of the Cannabis Related Uses Study, as generally outlined in Report PLS-2018-0068.

SUSTAINABILITY IMPLICATIONS:

A review of the sustainability implications of this matter will form part of the Study currently underway with respect to Cannabis Production Related Uses, which will be outlined in any final recommendation report to Council.

COMMUNICATIONS:

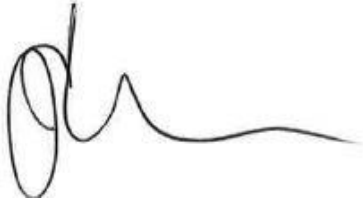
Information on cannabis legalization has been added to the Town website, covering various matters to assist residents and businesses.

CONCLUSION:

This report has addressed the rationale for the passage of an Interim Control By-law pertaining to Cannabis Production Related Uses. It is recommended that Council pass an Interim Control By-law for the lands specified in the by-law (attached as Schedule Two to this report) to restrict the use of land for Cannabis Related Production Uses

pending the completion of a planning study with respect to these uses. The status and next steps pertaining to the study were addressed in Report PLS-2018-0068.

Reviewed and Approved by,

A handwritten signature in black ink, appearing to be 'John Linhardt', written in a cursive style.

John Linhardt, Commissioner of Planning and Sustainability

A handwritten signature in black ink, appearing to be 'Brent Marshall', written in a cursive style.

Brent Marshall, CAO