



PUBLIC MEETING-2019-0005

Cannabis Cultivation and Processing

Minutes of the Public Meeting Committee held on Monday, May 6, 2019, 7:56 p.m., in the Council Chambers, Town of Halton Hills, Town Hall, 1 Halton Hills Drive, Halton Hills.

Councillor C. Somerville chaired the meeting.

Councillor C. Somerville advised the following:

The purpose of this Public Meeting is to inform and provide the public with the opportunity to ask questions or to express views with respect to the Town's proposed policy approach to regulating cannabis cultivation and processing. The Councillors are here to observe and listen to your comments; however, they will not make any decisions this evening.

As the Chair, I am informing you that when Council makes a decision, should you disagree with that decision, the Planning Act provides you with an opportunity to appeal the decision to the Local Planning Appeal Tribunal for a hearing, subject to Tribunal validation of your appeal. Please note that if a person or public body does not make oral submissions at a public meeting or written submissions to the Town of Halton Hills before the decision is made, the person or public body is not entitled to appeal the decision of the Town of Halton Hills to the Local Planning Appeal Tribunal. In addition, if a person or public body does not make oral submission at a public meeting, or make written comments to the Town of Halton Hills before the decision is made the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal, unless, in the opinion of the Tribunal, there are reasonable grounds to do so. You may wish to talk to Planning staff regarding further information on the appeal process.

The Planning Act requires that at least one Public Meeting be held for each Official Plan and Zoning By-law Amendment proposal and that every person in attendance shall be given an opportunity to make representations in respect of the proposal.

The format of this Public Meeting is as follows:

- The Town will generally explain the purpose and details of the proposed Amendments;
- Next, the applicant will present any further relevant information, following which the public can obtain clarification, ask questions and express their views on the proposal.

The applicant and staff will attempt to answer questions or respond to concerns this evening. If this is not possible, the applicant and/or staff will follow up and obtain this information.

Responses will be provided when this matter is brought forward and evaluated by Council at a later date.

SPECIFIC PROPOSAL

This Public Meeting involves proposed Official Plan and Zoning By-law Amendments by Town Planning Staff to amend the Town of Halton Hills Official Plan, Zoning By-law 2010-0050, as amended, Zoning By-law 2000-0138, and By-law 2013-0070 (Site Plan Control) and to regulate cannabis cultivation and processing in Halton Hills by introducing these uses into local policy and applying development criteria and necessary approvals for proposals.

TOWN'S OPPORTUNITY

The Chair asked the Town's representative, Keith Hamilton, Planner – Policy and Nick McDonald from Meridian Planning Consultants, to come forward to explain the proposal.

K. Hamilton stated that the purpose of the public meeting is to present the Town's policy approach to regulating cannabis cultivation and processing in Halton Hills as part of the statutory requirements for town-initiated official plan and ZBL amendments and to solicit public input on the preferred policy option for cannabis cultivation and processing in Halton Hills.

K. Hamilton briefly summarized the Town's study on cannabis cultivation and processing to date. Preliminary research on cannabis production began last spring with a review of policy and operation of medical cannabis facilities and with the Cannabis Act looming on the horizon, the scope of the study broadened to include recreational cannabis production that would be governed under the Cannabis Act.

The Town retained Meridian Planning Consultants in June of 2018 to complete a background report on cannabis production and land use implications and an Interim Control By-law was passed on September 24th to prohibit any new cannabis production development for much of Halton Hills.

A background report was taken to Council on September 10th, 2018, and provided the following:

- A summary of federal regulations for cannabis and licences available under the Cannabis Act;
- An overview of potential regulatory considerations for Town policy, including odour concerns associated with production, and social considerations; and,
- A discussion on where the use(s) could be permitted within the Town and regulatory tools that could be applied, which included the Agricultural/Rural Area, General and Rural Employment Areas, and the Prestige Industrial Areas of the Premier Gateway.

The report identified options for regulation in the Halton Hills Premier Gateway Business Park, including Options for Halton Hills Premier Gateway Business Park (M7 Zone only);

- Permit as of right with special rules on facade treatment and height
- Not permit as-of-right and require re-zoning
- Permit subject to lifting of Holding provision

Similarly, the report identified options for regulation in the Halton Hills Employment areas in GT and Acton, where setbacks, re-zoning and holding provisions were considered. Options for EMPI Zone in Georgetown and Acton and RU-EMP Zone in Mansewood;

- Permit as of right with setbacks from major roads
- Not permit as-of-right and require re-zoning
- Permit subject to lifting of Holding provision

From December 18th to January 16th an online survey was available to Halton Hills residents to gather responses on retail and production-related questions. The survey also gave residents an opportunity to provide written comments on cannabis operations in Halton Hills. Survey respondents were first asked about cultivation (growing). The majority indicated both agricultural and industrial areas were acceptable. It should be noted that it would be difficult to defend the absolute prohibition of cannabis production town-wide, and questions were structured on this basis. The option for written comments did however provide residents the opportunity to voice this opinion. Similarly, respondents felt processing operations were acceptable in both agricultural and industrial areas.

‘Agricultural’ and ‘Industrial’ areas were chosen based on the municipal policy scan completed in the research phase which indicated most municipalities were permitting medical cannabis operations in agricultural and/or industrial areas. Also we identified only agricultural and industrial areas in the background report.

Another question in the survey asked where setbacks would be important from a cultivation and/or processing operation. The most common responses related to youth: schools, daycares, youth-oriented facilities; with residences also common. Those who answered ‘Other’ for this question were given the opportunity to clarify through written response. The most common responses were green spaces/environmentally sensitive areas and commercial areas, while other responses included churches, other agricultural operations and addiction/mental health services. Also of note is that several responses advocated for outright prohibition.

The majority of respondents indicated they had no concerns with permitting cultivation and processing operations. Those who answered ‘Yes’ to this question were given the opportunity to clarify through written response. Of the 107 written responses provided, the most common responses advocated for outright prohibition, cited crime-related concerns, or cited concerns over odour from production. Other, less frequent responses included concerns related to surrounding property values, substance abuse, and youth access to cannabis.

A ranking question was also included in the survey, where four themes were ranked with 1 being most important and 4 being the least. Results showed that the potential for economic benefit being the most important and threat to public safety being the least. These themes were selected based on prior research on cannabis operations and comments made by residents in the early stages of the study.

The next question asked if cannabis operations should be a part of the Town’s economic development efforts, over two thirds of respondents agreed it should be. All those who answered this question were given the opportunity to provide more information through written response.

For all those who answered 'Yes', 200 chose to provide a written response. General economic benefit was the most common theme among these responses, followed by job creation, tax revenue, and business attraction. Tourism and the potential expansion/diversification of existing businesses were also noted. For all those who answered 'No', 86 chose to provide a written response. Most common among these responses was the belief that the Town should pursue the expansion of other businesses, while some saw no economic benefit, and others noted concern over perception of Halton Hills. Some noted concerns related to substance abuse while others were concerned over potential impacts on other uses.

The final question on the survey provided respondents the opportunity to add general written comments. In total, 177 respondents chose to provide a written response. While many focused on retail, others took the time to comment on production.

The agencies were circulated the directions report for comment in mid-April. To date four agencies have responded with more expected in the coming weeks. Noted concerns include a request for case by case evaluation in the urban areas and larger setbacks. Additionally, Town staff have been working with NEC staff to identify how proposals would be evaluated in the NEPA.

An analysis of agency/stakeholder comments will be provided in the recommendation report.

The first option for consideration, Option A would require all proposals for cannabis cultivation and processing to go through a site specific rezoning. This would first require a Town-initiated Official Plan Amendment to introduce criteria for permitting operations in the Agricultural/Rural Areas and Employment Areas. This criteria would include among other things, a Zoning by-law amendment application and Site Plan Application. Rezoning guarantees public consultation and agency circulation. The issues of impacts on surrounding land uses would be properly assessed through the submission of studies and plans. Site Plan Approval, as a complement, forces the developer to adhere to a Town-approved site design established in the rezoning process.

The second option for consideration, Option B implies the same policies for the Agricultural/Rural Areas as outlined in Option A. This option takes a different approach in the Employment Areas where cultivation and processing would be permitted as-of-right, subject to a Site Plan Application and setbacks from sensitive land uses. Site Plan Approval ensures proposals would still go through Pre-Consultation and circulated to applicable agencies for comment. The application also provides these agencies to impose conditions for development that the applicant must satisfy, subject to securities held by the Town.

The third option for consideration, Option C would permit cultivation and processing as-of-right in Agricultural/Rural Areas and Employment Areas, where a Site Plan Application would still be required, and setbacks from sensitive land uses still applicable. Evaluation for all proposals would be limited to the Town's Pre-Consultation process.

In developing the options put forward today it was important that a process be established requiring, at minimum, setbacks from sensitive land uses and the requirement to come through Pre-Consultation.

All options would impose setbacks of 150m from arenas, community centres, day nurseries, dwellings, long-term care facilities, parks, places of worship, retirement homes, schools and trade and convention centres, which are not seen to be compatible with production and should have some separation. The selection of uses is based on consultant research and public and agency/stakeholder consultation.

Outdoor-only cultivation was given separate consideration as part of this study, given it's similarity to other crop production. As outdoor cannabis cultivation operations would be much different from indoor ones in terms of the infrastructure required, the use had to be evaluated differently. In the absence of cultivation buildings, rezoning and Site Plan Approval requirements would be difficult to justify.

However, it is also understood through current regulations that security requirements of physical barriers around the site and monitoring at site access points would still be required. Given the presence of this infrastructure it is staff recommendation that a 50m setback from lot lines for this use be imposed. This would be addressed separately in OPA and ZBAs.

The preferred option of Option B, would require a Town-initiated amendment to the Official Plan to establish criteria for cannabis cultivation and processing including:

- Requirement for rezoning, Site Plan Approval, and setbacks in the Agricultural/Rural Area
- Requirement for Site Plan Approval and setbacks in the Employment and Prestige Industrial Areas

An amendment to the Comprehensive Zoning By-law to:

- Define terms related to the six licences available under the Cannabis Act as outlined in the draft ZBL attached to the report
- Create parking standards for cannabis production uses
- Permit in Employment and Rural Employment (Mansewood) zones subject to setbacks
- Permit outdoor cultivation in the PC and AG areas, subject to a setback
- Permit all other activities in the Rural Employment zone, subject to setbacks

A similar Amendment would be required to Zoning By-law 2000-0138 which regulates uses in the Premier Gateway. Additionally an amendment to the Site Plan Control By-law (2013-0070) would be required so that buildings for cannabis cultivation in the Agricultural/Rural Area would not be exempt from Site Plan Approval. Currently the By-law states buildings for agricultural purposes are exempt.

PUBLIC'S OPPORTUNITY

The Chair asked if there were any persons in attendance that have questions, require further clarification or information or wish to present their views on the proposal.

The following persons came forward:

Daniel Querques of 9 Salmon Way, Acton

D. Querques stated that he has concerns with the proposed setbacks.

D. Querques provided a written submission that was given to planning staff.

FINAL COMMENT FROM STAFF

The Chair asked if there was any further information which Town Staff or the Consultant wished to provide prior to the conclusion of the meeting.

Staff and the Consultant had no further information.

CONCLUSION OF MEETING

The Chair declared the Public Meeting closed. Council will take no action on this proposal tonight. Staff will be reporting at a later date with a recommendation for Council's consideration.

If you wish to receive further notification of this proposal, please leave your name and contact information with Mr. Hamilton in the foyer outside this Council Chamber, or with the Town Clerk during regular business hours. Only those persons who leave their names and contact information will be provided further notification. If you wish to speak to the proposal when it is brought before Council in the future, you must register as a delegation with the Town Clerk prior to the meeting.

If you wish to make a written submission the deadline for comment is May 27, 2019.

The meeting adjourned at 8:27 p.m.

Rick Bonnette

MAYOR

Suzanne Jones

CLERK