



## Planning Advisory Committee Report

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**To:** To the Chair and Members of the Planning Advisory Committee  
**From:** Ryan Cummins, Planner  
Amanda Wyszynski, Planner/Secretary Treasurer, Committee of Adjustment  
**Date:** August 4<sup>th</sup>, 2020  
**Report:** RPT-20-101  
**Subject:** Update to County Zoning By-Law re: Cannabis Production and Processing  
**Purpose:** **Staff Report** to provide preliminary information related to upcoming revisions to the County's Zoning By-Law regarding Cannabis Production and Processing.

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### Recommendation

1. That the Committee receive this report for information purposes.

### Key Strategic Priority

1. To grow in a responsible manner that protects and enhances the attributes that are unique to each individual community; and,
2. To engage citizens in a dialogue that is transparent, multi-faceted, and mutually respectful.

### Financial Considerations

Not applicable.

### Executive Summary

The purpose of this report is to provide the Committee with information related to Staff's current review of the County's Zoning policies related to Cannabis Production and Processing. Currently, the County of Brant's Zoning By-Law No. 61-16 addresses "Cannabis Production Facilities" under Section 4.23 of the General Provisions. Staff has undertaken to update these policies, with the following goals in mind:

1. To bring the County's Zoning By-Law into conformity with Provincial and Federal policies;,
2. To provide for enforceable regulations pertaining to Cannabis Production and Processing odour controls;
3. To provide for enforceable regulations pertaining to Cannabis Production and Processing light pollution; and,
4. To provide for greater protection of, and separation from, sensitive land uses (i.e. Residential, Institutional and Open Space Zones and Uses), in relation to the proximity of a Cannabis Production and Processing use.

## **Background**

The County's current Zoning provisions were adopted through the passing of Zoning By-Law 61-16, which was approved by the Ontario Municipal Board (now LPAT) in 2017. Since the passing of Zoning By-Law 61-16, Development Services Staff have processed several site plan applications for Cannabis Production Facilities, as well as numerous inquiries and potential future developments. Through consultation with internal and external agencies, members of Council and members of the Public, Staff have identified several key themes that warrant further discussion.

Staff's review of Cannabis-related policies will focus on the Cannabis Production and Processing use within the County. Staff note that Cannabis Retail Uses fall under the broader definition of "*Retail Commercial*" uses, which is consistent with Sections 41 & 42 of the *Cannabis License Act, 2018*. Specifically, S.42 (2) states that municipalities do not have the authority under Sections 34, 38, or 41 of the *Planning Act* to pass By-Laws that would have the effect of restricting the retail sale of cannabis (i.e. Zoning By-Laws, Interim Control By-Laws or Site Plan Control). Therefore, Staff will not be looking to introduce any land-use policies that would have the effect of differentiating Retail Cannabis Uses from any other Retail Uses as defined and permitted in the Zoning By-Law.

## **Next Steps**

With Council's direction, Staff are proposing to initiate a review of the County's current Zoning By-Law provisions relative to Cannabis Production and Processing. Specifically, Staff will be reviewing the current provisions against Federal and Provincial legislation, as well as comparing with neighbouring municipalities' Zoning By-Laws. Staff will be focusing this review in the areas of regulations pertaining to odour and light pollution, as well as enhanced separation and setback controls between Cannabis Production and Processing uses and sensitive land uses, such as Residential, Institutional, and Open Space Zones uses.

Staff are proposing to hold virtual and socially distanced public information sessions in order to engage members of the public on this project. Staff note that the topic of Cannabis Production and Processing within the County has been of particular concern to some members of the public, and therefore Staff will be placing emphasis on this public engagement process. Under the *Planning Act*, one public meeting is required for proposed amendments to a Zoning By-Law or Official Plan. Generally, this meeting occurs at the time Staff's recommendation is presented for Committee/Council consideration. Due to the ongoing circumstances surrounding the Covid-19 Pandemic, Staff will be looking to host a virtual Public Information Centre (PIC) prior to bringing a recommendation report to Committee/Council.

Staff are proposing the following timeline for this project, noting that if adjustments to the timeline are required, Council will be notified and updated on the progress of the project:

1. Background Research – Ongoing
2. Review Sections of the Zoning By-Law No. 61-16 to Update – Ongoing
3. Draft New Zoning Provisions – July/August 2020

4. Circulate New Zoning Provisions to Internal/External Agencies – July/August 2020
5. Information Report to Council – August 2020
6. Public Engagement Process – August/September 2020
7. Prepare Final By-Law and Report – September 2020
8. Recommendation Report to Council – October 2020

Respectfully Submitted,

**Prepared By:** Ryan Cummins, Planner  
 Amanda Wyszynski, Planner/Secretary Treasurer, Committee of Adjustment

**Reviewed By:** Mat Vaughan, BES, MPLAN, MCIP, RPP, Director of Planning

**Submitted By:** Pamela Duesling, MAES, MCIP, RPP, Ec.D., CMM3,  
 General Manager of Development Services

**Attachments**

N/A

**Copy to**

Heather Boyd, Clerk – Clerk Council Committee Services  
 Pam Duesling, General Manager of Development Services  
 Mat Vaughan, Director of Planning  
 Jennifer Mayhew, Planning Clerk

**In adopting this report, is a bylaw or agreement required?**

By-Law required	(No)
Agreement(s) or other documents to be signed by Mayor and /or Clerk	(No)
Is the necessary By-Law or agreement being sent concurrently to Council?	(No)