

DATE: March 12, 2018

REPORT NO: PD-040-18

SUBJECT: **Recommendation Report**
Revisions to Medical Marihuana Provisions of Township of West Lincoln Comprehensive Zoning By-law 2017-70

CONTACT: Brian Treble, Director of Planning and Building

OVERVIEW:

- In 2014, the Township of West Lincoln Council passed by-law 2014-17 which placed regulations into the former Township of West Lincoln Zoning By-law 79-14 as they related to medical marihuana growing and production.
- These regulations were prepared based on public consultation, as well as Staff and Committee's understanding of the Health Canada proposals at the time. There was also a commitment that the proposed regulations be reviewed in a few years.
- Since an application for rezoning has now been under consideration for 1374 Port Davidson Road for some time. Staff and Committee have become aware of some concerns with the current zoning regulations.
- Although these proposed changes will not apply to the complete applications that affect 1374 Port Davidson Road or 8270 Regional Road 20, staff are proposing that changes be made in a form similar to the revisions as found at Attachment 1 to this report. This will require the holding of a public meeting.
- A public meeting can be scheduled for the May 2018 Planning Committee.

RECOMMENDATION:

1. That, Report PD-040-18, regarding "Revisions to Medical Marihuana Provisions of Township of West Lincoln Comprehensive Zoning By-law 2017-70", dated March 12, 2018, be RECEIVED; and,
2. That, a public meeting be held to give consideration to changes to the medical marihuana provisions, based on the draft provisions at Attachment 1 being provided to the public for input and comment.

ALIGNMENT TO STRATEGIC PLAN

- **Value**
Strive to remain a safe, caring, and friendly community.
- **Objective**
Increase responsiveness of development approvals process.

BACKGROUND:

The Health Canada regulations changed in 2013, such that local municipalities were advised to give consideration to whether they wished to place any regulations on facilities for the growth and production of medical marihuana.

Many municipalities put regulations in place to permit these facilities in Agricultural and Industrial zones as permitted uses, subject to specific zoning regulations. Other municipalities have simply interpreted that the existing regulations for green house operations should apply. West Lincoln placed specific regulations in the Township Zoning By-law for the consideration of applications in the Agricultural and Industrial zones, subject to site specific zoning by-law amendments.

CURRENT SITUATION:

The current regulations were originally approved and consolidated into the former Comprehensive Zoning By-law 79-14 by amending by-law 2014-17. These regulations were carried forward into the new Comprehensive Zoning By-law 2017-70.

The by-law was originally adopted with an understanding that the proposed 2014 regulations should be reviewed by Committee in the future to determine if they were working adequately.

Until June 2017, no applications or proposals for medical marihuana facilities had come forward within the Township of West Lincoln. Since June, Planning Committee and Council have been dealing with 1 application for the rezoning for 1374 Port Davidson Road. This application has been fraught with challenges. Other applications are now imminent as well. As a result it is now appropriate to review the current regulations.

Staff are suggesting the following changes:

- 1) That only licensed producers (LP) and their extensions (LP Extensions) be permitted, subject to regulations as contained in the draft by-law at attachment 2 to this report;
- 2) That designated growers and individual licenses to grow on someone else's lands not be permitted. An individual could grow on their own property for their own purposes.
- 3) That regulations refer to scale, compatibility, buffering, berming, and site plan control as tools that must be applied.

A draft revised regulation is found at Attachment 2 to this report. Staff propose that a public meeting be scheduled and new regulations be considered as soon as possible.

It should be noted however that any revised regulations will not apply to the two

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complete applications currently in process by the Township of West Lincoln.

FINANCIAL IMPLICATIONS

Not applicable to this report.

INTER-DEPARTMENTAL COMMENTS

This report and the draft regulations have been reviewed and discussed with the Township Interim CAO and legal counsel.

CONCLUSION

Staff recommend that the attached draft regulations be presented to the public in the form of a public meeting as soon as possible.

ATTACHMENTS

1. By-law 2014-17
2. Draft Revised Regulations

Prepared by:

**Brian Treble, RPP, MCIP
Director of Planning and Building**

Carolyn Langley, Clerk/CAO

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