

# Cannabis Related Business Policy (A-71)

## June 25, 2019



Development Services

## **ACTION & RECOMMENDATION:**

### **ACTION:**

Electoral Area Directors review the Cannabis Related Business Policy (A-71), discuss the changes proposed by staff, and provide feedback to staff on any needed policy changes.

### **RECOMMENDATION:**

THAT: the Electoral Area Directors direct staff to bring forward a report and an updated version of the Cannabis Related Business Policy A-71 Policy to be considered for adoption at the July 18, 2019 regular Board meeting.

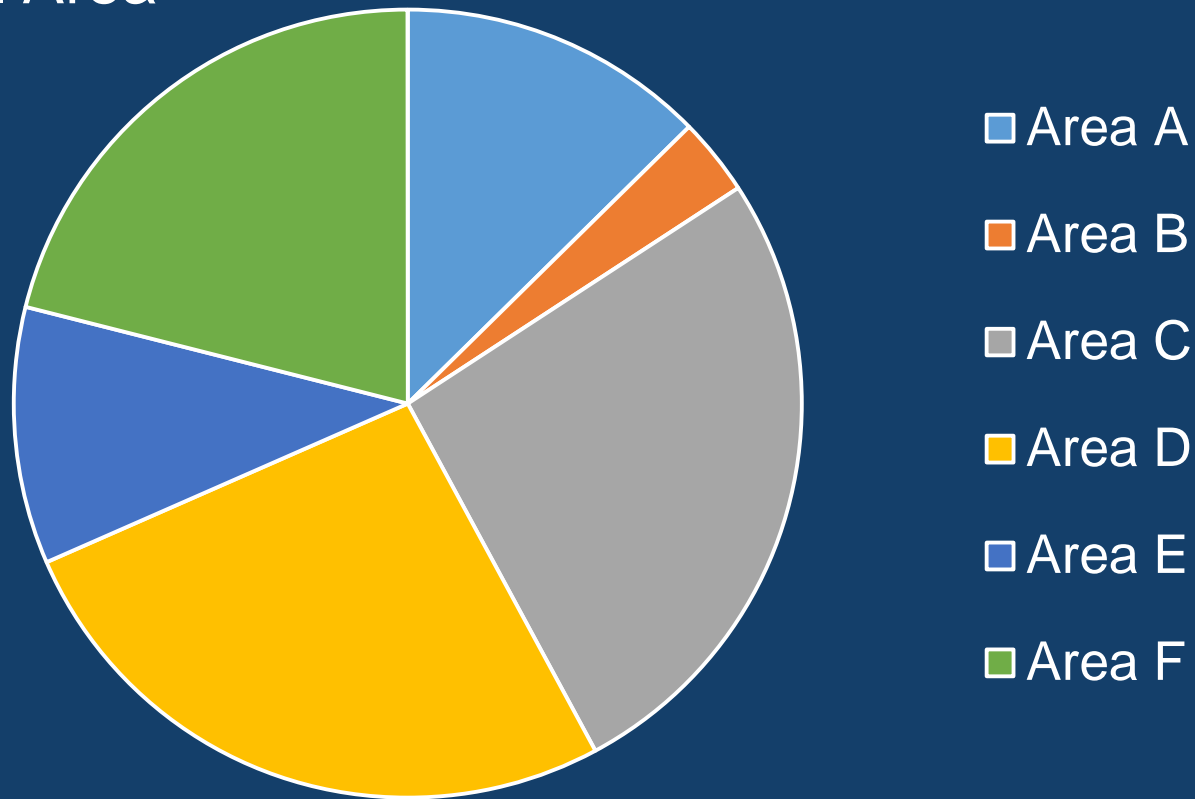
# Revisiting Cannabis Related Business Policy (A-71)

- Adopted by the Board on June 17<sup>th</sup>, 2018
- One year later – where are we at?
- Recent regulatory changes – Health Canada and ALC
- Future changes

# Cannabis Related Business Interest in the CSRD

- Cannabis Production (standard > 200 m)
  - 6 in progress or complete
  - 14 inquires
- Cannabis Production (micro < 200 m)
  - 5 in progress or complete
  - 15 inquires
- Cannabis Retail
  - 8 inquires
  - No referrals to date

## Cannabis Related Business applications and inquiries per Electoral Area



## Cannabis Legalization has required significant staff time and resources:

- Responding to public inquires
- Obtaining legal opinions
- Developing policy and procedures
- Providing info on the CSRD website
- Meeting with proponents
- Processing BPs, referrals and applications (rezoning/ALR non-farm use)
- Responding to Bylaw Enforcement complaints
- At least one full-time staff person equivalent
- Has taken time away from other projects

# Health Canada Changes



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## Statement from Health Canada on changes to cannabis licensing

May 8, 2019 - Ottawa, ON - Health Canada

Effective immediately, Health Canada will require new applicants for licences to cultivate cannabis, process cannabis, or sell cannabis for medical purposes to have a fully built site that meets all the requirements of the Cannabis Regulations at the time of their application, as well as satisfying other application criteria.

# Agriculture Land Reserve Changes

May 8, 2019 Bulletin

On February 22, 2019, s. 2(2.5) of the former regulation was repealed and the “ALR Use Regulation” was created.

This regulatory change clarifies that all forms of cannabis production are a “farm use”.

Because all forms of cannabis production are a “farm use” (i.e. soil based or non-soil based), cannabis production in the ALR does not contravene the ALCA even if engaged in without the Commission’s approval.



**INFORMATION BULLETIN 04**

**CANNABIS PRODUCTION IN THE ALR**



# Agriculture Land Reserve Changes

However:

Local governments may regulate or prohibit certain kinds of cannabis production.

- a regular zoning bylaw can prohibit non soil-based cannabis (concrete floors)
- a “farm area bylaw” can prohibit all forms of cannabis production

Certain other activities associated with cannabis production, such as fill placement or soil removal, may still require proponents to engage with the Commission.



**INFORMATION BULLETIN 04**

**CANNABIS PRODUCTION IN THE ALR**

# Cannabis edibles and drinks to become legal before October 17, 2019

No specific date about finalized regulations has been set, but the Cannabis Act is to be amended to authorize the legal sale of “edibles containing cannabis” and “cannabis concentrates.”



The legalization of edibles and drinks could result in more cannabis retail referrals from the Liquor and Cannabis Regulation Branch.

A federal processing licence from Health Canada will be required for any edible cannabis production. The CSRD may receive more referrals, TUP, rezoning applications...

# Policy Successes

- Provides Consistency: the Policy provides the CSRD a set of guidelines for the siting of Cannabis Related Businesses (including areas of the CSRD that do not have land use regulations)
- Requires that the CSRD is provided sufficient information in the cannabis licence application referral package
- Helps ensure that cannabis related business are located in such a manner that they are located in appropriate locations - sensitive to potential impacts on the surrounding community
- Proponents of Cannabis Related Businesses can review the Policy in advance of selecting a location or speaking with staff

# Policy Challenges

- Lack of communication/concern from Health Canada
  - Recent indication from HC that they have little interest in receiving CSRD comments
- Unlike most other referral processes in which the Local Government communicates with the external agency – federal cannabis licensing notifications come directly from the applicant
- Local Government has assumed the role as a referral agency - forwarding notifications to other agencies (e.g., MoTI, IHA, ALC...)
  - There is no mechanism to charge a fee for this service unless the notification leads to an application
- The Policy is not enforceable

# Policy A-71    Part 2: Criteria for Reviewing Licence Applications

## Location of Cannabis Related Businesses

- Where land use zoning exists:
  - cannabis retail sales may only be permitted in commercial zones
  - cannabis production facilities may only be permitted in industrial zones
- Cannabis related businesses are (generally) not supported on:
  - Residential properties
  - Land within the Agricultural Land Reserve (ALR)
- A minimum separation distance of 300 m is recommended between a cannabis related business and the following locations:
  - Schools
  - Libraries
  - Playgrounds
  - Parks
  - Day Cares
  - Health Care Facilities
  - Other Cannabis Related Businesses

# Policy A-71 Part 2: Criteria for Reviewing Licence Applications

## Location of Cannabis Related Businesses

- Minimum parcel boundary setbacks for cannabis production facility (includes all buildings and structures):
  - 60 m setback to exterior lot line
  - 90 m setback to front lot line
  - 30 m to other lot lines
- Minimum cannabis production facility (includes all buildings and structures) setbacks from watercourses (RAR):
  - 30 m
- Minimum parcel boundary setbacks for cannabis retail (includes all buildings and structures):
  - 5 m or as otherwise stated in the applicable zone
- Notwithstanding the above mentioned requirements, the CSRD Board may modify these criteria on a site by site basis, in consideration of local factors.

# Proposed updates to Policy A-71

- Reduce the minimum parcel boundary setbacks for cannabis production facilities – consider different criteria for “standard” and “micro” facilities
- Establish separate min parcel sizes for “standard” and “micro” production facilities
- In light of ALC regulatory changes consider removing the statements:
  - “Cannabis related businesses are not supported on Land within the Agricultural Land Reserve (ALR)”*
  - “Where land use zoning exists, cannabis production facilities may only be permitted in industrial zones”*
- Remove minimum separation distances (300 m) for retail stores – none currently exist in the CSRD for liquor stores or tobacco sales

Considerations/Questions/Discussion??



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