

# CANNABIS OPERATIONS STUDY RECOMMENDATIONS REPORT

November 2021



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## INTRODUCTION

The County of Renfrew (the “County”) is undertaking a Cannabis Operations Study (the “Study”) to inform a land use planning framework to regulate cannabis operations and provide direction to local municipalities. The Study is being undertaken in three phases. Phase 1 of the Study reviewed the legislative and policy context related to cannabis production facilities and uses, and detailed associated land use implications. A total of twelve municipalities were also reviewed to inform a best practice approach. Phase 2 of the study included a discussion of the policy, zoning and building regulatory options.

This report represents Phase 3 of the Study, which is the Final Recommendations Report based on the research from the previous phases and the direction provided by the County.

The recommendations for regulating cannabis will cover the following options:

- Official Plan Amendment;
- Zoning By-law Amendment;
- Site Plan Control By-law; and
- Nuisance By-laws;

General recommendations for policy approaches will also be included for consideration by the County and its local municipalities. For each recommendation, the language have been made general so they may be adapted as needed by the municipalities based on its local context.

## SESSION WITH LOCAL MUNICIPALITIES

The County and the project team held a session with representatives from the local municipalities on September 7, 2021. The purpose of the session was to discuss various regulatory options and to obtain feedback from municipal stakeholders. During the discussions, the following key points were expressed by the municipal stakeholders:

- Municipalities would prefer to have generalized Official Plan policies so that the local municipalities can implement various options, either through the Zoning By-law or other tools, that suits their individual needs
- The lack of clarity in existing Zoning By-laws causes issues with interpretation and result in cannabis production and cultivation facilities being permitted where land use conflicts exist
- A consistent policy approach would assist with implementation and with growers who would like to operate in the County

## OFFICIAL PLAN

As discussed in the options report, the current County Official Plan contains sufficient policies for general regulation of cannabis-related uses, specifically as it relates cannabis production and cultivation. However, the current policies provide limited guidance when it comes to options for mitigation that can be implemented, including issues presented through the site plan approval process. In addition, the Official Plan also does not differentiate cannabis production and cultivation in an agricultural context from an industrial context.

Given the diversity of municipalities across the County and their associated needs based on the input provided, it is understood that the local municipalities would prefer to have additional guidance in the Official Plan related to cannabis production and cultivation as a specific use and higher-level guidance on how and where it may be accommodated. However, it is also recognized that consistency across the County would be beneficial for economic development as it will be easier for the potential cannabis operators to navigate.

As such, it is our recommendation that the Official Plan be amended in the following manner:

- Cannabis production and cultivation should be defined and considered as an agricultural use. This would include any processing of cannabis, which would be considered an agriculture-related use, in accordance with the current policy framework and best practices among the case studies. On lands where agriculture is a permitted use, permit both indoor and outdoor cultivation, but permit only indoor storage and processing.
- Cannabis production and processing independent from any cultivation operation should be defined and considered as an industrial use. If cultivation is proposed in an industrial zone, it could be permitted as-of-right or be determined on a site-specific basis through a Zoning By-law Amendment, based on the preference of the municipality, provided that there are adequate separation distances from sensitive land uses.
- Complete application requirements for Zoning By-law Amendment and Site Plan Control should be included, as needed and applicable, to require details relating to lighting, fencing and security, and odour control/ventilation to address nuisance issues.
- Limit cannabis production and cultivation facilities to purpose-built facilities where it is proposed as an agricultural use, thus preventing any retrofit or use of existing agricultural buildings or structure to ensure that the buildings are up to standard in order to minimize land use impacts.

Appendix A of the subject report includes a draft of the recommended Official Plan Amendment.

## ZONING BY-LAW

Zoning By-laws are commonly used to regulate land uses and mitigate or eliminating land use conflicts. Zoning By-laws are controlled and implemented at the local level, resulting in a variety of different provisions that may apply to cannabis operations throughout the County. As discussed in the background and options report, there are approximately 20 separate Zoning By-laws in effect throughout the County, and many of them could be interpreted to permit cannabis related activities under existing regulations and provisions. However, existing provisions may not provide the necessary clarity, nor address land use conflicts that arise specifically from cannabis related activities. In addition, most of the local Zoning By-laws predate the legalization of cannabis and did not contemplate cannabis related activities.

As per findings of the study, it is our recommendation that personal growth of cannabis should not be regulated by the Zoning By-law as it is beyond the scope of Zoning given that it is a permitted under federal legislation. In addition, it is also recommended that retail cannabis will be permitted through existing retail store provisions within the By-law. As such, the subsequent sections will focus on cannabis production and cultivation.

In general, performance standards for cannabis production and cultivation facilities covers the following provisions:

- Defining cannabis-related terms;
- Permitting cannabis-related activities in specific zones;
- Including special provisions for mitigating measures;
- Including special provisions regulating the type of structure

Appendix B of the subject report includes a draft of the recommended Zoning By-law Amendment.

## DEFINING CANNABIS PRODUCTION AND CULTIVATION

Municipalities may choose to define cannabis-related terms in the following manner:

- No definition
- Single definition
- Multiple definitions based on scale
- Definitions that correspond with federal licensing classes

Depending on how the terms are defined, the related performance standards will have to reflect that choice. To keep a balance between ease of interpretation and functionality, it is our recommendation that cannabis production and cultivation be covered under single definition in most cases. Issues regarding large scale production, such as outdoor storage, water use, electrical use, shipping and receiving or other issues can be addressed through general provisions. As such, a single definition will be able to cover different scale of facilities and different federal licensing classes, provided that the necessary provisions are in place to address performance standards based on scale. The definition can be the same definition from the Official Plan. The local municipalities may choose to vary it depending on where they chose to permit the facilities. A sample definition is as follows:

**A Licensed Cannabis Cultivation and Production Facility** shall mean any building, structure, or use, licensed, registered, authorized, or designated to grow, process, sell, provide, ship, deliver, transport, destroy, test, produce, export and/or import cannabis for medical or non-medical purposes as the primary use of land (50% or greater), including related research as defined in applicable Federal Regulations as amended from time to time.

For the purpose of describing a Licensed Cannabis Cultivation and Production Facility, cultivation refers to the growing of cannabis, whereas production refers to the processing and producing of cannabis and cannabis related products.

## CANNABIS RELATED EQUIPMENT AND FACILITIES DEFINITIONS

In addition to defining cannabis and cannabis production and cultivation, municipalities have also defined equipment and features associated with cannabis production and cultivation facilities in the Zoning By-law to clarify direction for setbacks and minimum separation distances. It is recommended that the Zoning By-law define those terms in order to implement performance standards for those items. In particular, regulating air filtration systems and security fencing can help to reduce land use impacts and maintain the character and landscape of the rural and agricultural zones. The features can be defined as follows:

### SECURITY FENCE

**Security Fence** refers to fencing that is required by Health Canada as part of its licence requirements under the Cannabis Act.

### AIR FILTRATION SYSTEMS

**Air Filtration Systems** refers to a system designed, approved, and implemented in accordance with a license issued by Health Canada as part of its requirements under the Cannabis Act, for the purposes of controlling emissions, including odour, of a licensed cannabis cultivation and production facility.

## PERMITTING CANNABIS PRODUCTION AND CULTIVATION IN SPECIFIC ZONES

The majority of existing local Zoning By-laws within the County do not provide direction as to where cannabis production and cultivation activities are permitted. For municipalities without provisions for cannabis production

and cultivation, interpretations of the Zoning By-law can lead to inconsistent implementation and unintended consequences, resulting in real or perceived adverse impacts.

It should be noted that each option presented below should be considered with the performance standards presented in the later section of this report as it is intended to mitigate the impact the use may have in its permitted zone.

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### PERMIT CANNABIS PRODUCTION AND CULTIVATION AS AN AGRICULTURAL USE

In general terms, cannabis is an agricultural crop and is therefore interpreted as an agricultural use as contemplated by the Provincial Policy Statement (PPS). A permissive reading of the PPS would permit cannabis cultivation in agricultural areas and rural areas where farming is a permitted. As such, a prohibition of cannabis production and cultivation in agricultural areas could be interpreted as being inconsistent with the PPS. However, the municipality reserves the right to implement performance standards to regulate how the use can occur. Given the above, it is our recommendation that municipalities permit cannabis production and cultivation as-of-right as an agricultural use. If the municipalities chose not to implement it as-of-right, it can be considered on a case-by-case basis through a Zoning By-law Amendment under the provisions proposed in the Official Plan section of this report. As such, the following is recommended:

- Cannabis cultivation should be permitted as-of-right where Agriculture is a permitted use.
- Cannabis processing should be permitted as-of-right where Agricultural is a permitted use as an Agriculture-related use, provided it is associated with cultivation. It is recommended that a limited amount of processing and related activities be permitted in the context of an agricultural-related use in conjunction with any cannabis cultivation use. Large-scale operations involving the processing of cannabis products from off-site sources should not be permitted as-of-right and should require a Zoning By-law amendment to evaluate the use.
- Indoor cultivation and production only be permitted in purpose-built facilities and prohibited in retrofit facilities.

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### PERMIT CANNABIS PRODUCTION AND CULTIVATION IN INDUSTRIAL ZONES

Cannabis production and cultivation facilities may contain several activities in a single location, and these types of activities are well suited for industrial zones where similar types of activities also occur. Typically, industrial zones are already established in a location away from sensitive land uses within the municipality and would also have existing performance standards intended to mitigate industrial land use impacts. However, cultivation of cannabis is a use not generally contemplated or considered as an employment use. As such, it is recommended that cultivation in the industrial zones be considered on a case-by-case basis through a Zoning By-law Amendment application depending on the scope and scale of the proposed facility, whereas industrial activities associated with production can be permitted as-of-right. The required submission for considering the Zoning By-law Amendment have been recommended in the Official Plan section of this report.

### CANNABIS PRODUCTION AND CULTIVATION PERFORMANCE STANDARDS

The following section provides a review of performance standards that are often used to regulate cannabis production and cultivation studies as per the cast study review.

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### MINIMUM SETBACKS

Minimum setbacks are a standard zoning tool and are established in Zoning By-laws with the intent of mitigating land use impacts and conflicts. For cannabis production and cultivation, setbacks may potentially address odour,

lighting, and noise impacts. Setbacks can also be desirable to address concerns related to visual impacts related to security features or building design. Combined with the additional definition for those features, setbacks may be able to reduce impacts on the rural and agricultural landscape.

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### MINIMUM SETBACKS – AGRICULTURAL USE

A greater minimum setback is recommended for cannabis cultivation and production facility as an agricultural use. As previously described, cannabis production and cultivation facilities may have characteristics that are not contemplated as an agricultural use. To preserve the agricultural landscape and characteristics, it is recommended that municipalities implement a greater setback from the lot line to mitigate those impacts. Additional provisions may be applied to ensure the setback yards are adequately landscaped to serve as a buffer. If security fencing and air filtration systems are defined term, setbacks can also be introduced to those features.

A sample setback could be as follows:

#### **A Licensed Cannabis Cultivation and Production Facility**

##### Minimum Yard Requirements for Buildings or Structures:

- a) Front Yard – 30 metres
- b) Exterior Side Yard – 30 metres
- c) Interior Side Yard – 30 metres
- d) Rear Yard – 30 metres

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### MINIMUM SETBACKS - INDUSTRIAL ZONES

As previously described, industrial zones are typically already established in a location away from sensitive land uses within the municipality and would also have existing performance standards intended to mitigate industrial land use impacts. Depending on the existing setbacks in the Zoning By-law, a municipality could choose not to implement additional setbacks for cannabis production given that a cannabis production facility would not be out of character in those areas. Where cultivation is proposed with the production facility, it can be considered on a case-by-case basis. If a municipality chose to implement additional setbacks on cannabis production and cultivation facilities in industrial zones, a standard similar to the setback for agricultural uses can be implemented.

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### MINIMUM LOT AREA

Minimum lot area is a standard zoning tool that is already established in Zoning By-laws with the intent of ensuring the size of the lot can adequately accommodate the permitted uses of the zone. In the case of cannabis production and cultivation, a larger minimum lot area can ensure greater ability to accommodate large setbacks, accommodating site plan requirements, and maintaining rural and agricultural character. However, larger lot sizes may limit the feasibility of smaller facilities. Based on our case study review, other municipalities have incorporated a minimum lot area ranging from 8 - 10 hectares.

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### MINIMUM LOT AREA - AGRICULTURAL USE

A greater minimum lot area is recommended for cannabis production and cultivation facilities are proposed as an agricultural use. As previously described, cannabis production and cultivation facilities may have characteristics that are not contemplated for an agricultural use. It was also recommended that municipalities implement a greater setback from the lot line to mitigate those impacts. As such, a greater minimum lot area would be required to ensure that a site would be able to implement those setbacks. In addition, a larger minimum lot area can ensure

greater ability to accommodating site plan requirements A minimum lot area ranging from 8 - 10 hectares are recommended.

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### MINIMUM LOT AREA - INDUSTRIAL ZONES

As previously described, industrial zones typically already have existing performance standards suitable for industrial activities. As such, a greater minimum lot area may not be required in industrial zones. Depending on the existing provisions in the Zoning By-law, a municipality could choose not to implement changes for cannabis production facilities. Whereas cultivation is proposed with the production facility, it can be considered on a case-by-case basis.

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### MINIMUM SEPARATION DISTANCES

Many of the case study municipalities have minimum separation distance (MSD) provisions for cannabis production and cultivation facilities. MSDs are a conventional tool that is used to reduce potential compatibility conflicts by standardizing the separation of specific noxious uses from sensitive land uses. In the case of cannabis production and cultivation facilities, the distance can reduce the potential impacts of noise, odours and light on sensitive land uses. The Province’s draft *Land Use Compatibility Guideline* considers indoor cannabis production and cultivation facilities that are located in a settlement area on lands that are zoned for industrial uses to have an area of influence of 2,000 m and recommends a minimum separation distance of 500 metres. However, minimum separation distance can vary based on the size and scale of the facility, mitigating features such as an air infiltration system, and compatibility studies that are produced on a case-by-case basis. As such, a minimum separation distance of less than 500 metres can be considered when there are appropriate mitigation features or through a Zoning By-law Amendment. Through the best practice review, several municipalities have implemented different MSDs based on the scale of the facility. A sample is as follows:

	<b>Setback to any residential, commercial, institutional, or open space use/zone</b>
<b>A cannabis production and cultivation facility with a total gross floor area less than 7,000 square metres and with an air treatment control system</b>	150 metres
<b>A cannabis production and cultivation facility with a total gross floor area greater than 7,000 square metres and less than 10,000 square metres and with an air treatment control system</b>	200 metres
<b>A cannabis production and cultivation facility with a total gross floor area greater than 10,000 square metres and with an air treatment control system</b>	250 metres
<b>A cannabis production and cultivation facility of any size where an air treatment control system is not provided</b>	300 metres

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### LIMITED ACCESSORY ACTIVITIES FOR A PERMITTED CANNABIS PRODUCTION AND CULTIVATION FACILITY

As previously described, cannabis production and cultivation can include a diverse range of activities, many of which may have not been contemplated in rural and agricultural areas. Some level of processing is typically permitted as an agriculture-related use, which is characterised in the PPS as follows:

- Farm-related commercial and farm-related industrial use;
- Shall be compatible with, and shall not hinder, surrounding agricultural operations;

- Directly related to farm operations in the area;
- Supports agriculture;
- Provides direct products and/or services to farm operations as a primary activity; and
- Benefits from being in close proximity to farm operations.

One of the examples in the *Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas* include the processing of produce grown in the area. Given the above, accessory processing is contemplated and permitted by the PPS provided that it meets the above-noted criteria. As such, provisions should be provided in the Zoning By-law to ensure cannabis production and cultivation facilities in agricultural zones meet the above criteria for agriculture-related uses. A sample is as follows:

A building or structure used for a cannabis production (processing, testing, destruction, packaging and/or shipping) in an Agricultural zone shall be limited to a maximum ground floor area of 500 m<sup>2</sup>.

An alternative is as follows:

The maximum gross floor area for cannabis production (processing, testing, destruction, packaging and/or shipping) within a Licensed Cannabis Cultivation and Production Facility in an Agricultural zone shall be limited to 15% of the gross floor area of the facility.

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## OTHER ZONING CONSIDERATIONS

In addition to the performance standards described above, there are other zoning considerations that a municipality may choose to implement if the existing Zoning By-law does not already have provisions in place. The issues are as follows:

- Outdoor storage
- Loading space
- Parking

### OUTDOOR STORAGE

Federal regulations prohibit any outdoor storage for cannabis products. However, municipalities may choose to prohibit outdoor storage for packaging materials and production supplies associated with cannabis production and cultivation facilities, specifically when it is proposed as an agricultural use. A sample is as follows:

Outdoor storage is prohibited

Alternatively, municipalities may also choose to permit outdoor storage, subject to setbacks and screenings. A sample is as follows:

Outdoor storage shall be only permitted within a rear yard and is subject to the setbacks of a cannabis production and cultivation facility. Outdoor storage area shall be so located that it is not visible from a street along any line that is perpendicular to such street. Outdoor storage areas shall be screened on all sides with an opaque fence or landscaping or a combination of both.

### LOADING SPACE

If the municipality does not have existing loading space provisions, municipalities may implement performance standards for loading spaces for the loading of packaging materials and production supplies associated with cannabis production and cultivation. To preserve the character of the agricultural area, performance standards could be implemented to mitigate any impacts caused by loading and shipping. A sample is as follows:

All loading and shipping spaces must be located in an enclosed building.

Alternatively, loading spaces can be permitted outside of the building. A sample is as follows:

No loading space shall be permitted in the front yard and is subject to the same setbacks as a cannabis production and cultivation facility. Loading areas shall be screened on all sides with an opaque fence or landscaping or a combination of both.

## PARKING SPACE

Municipalities may apply existing parking standards. For example, parking requirements for cannabis cultivation may be applied based on existing parking provisions for farm or greenhouse uses, while parking rates for production uses can be considered under existing provisions for industrial uses. Municipalities may also implement provisions specifically for cannabis production and cultivation facilities. A sample is as follows:

1.0 space per 100 m<sup>2</sup> GFA up to 3,000 m<sup>2</sup> GFA, plus 0.5 spaces per 100 m<sup>2</sup> GFA over 3,000 m<sup>2</sup> GFA

## SITE PLAN CONTROL

Site Plan control is a tool that can be used to mitigate and/or eliminate land use compatibility conflicts and is included in the County's Official Plan as a tool that should be used to address cannabis production facilities. Section 41 of the Planning Act gives planning authorities the ability to control various aspects of how a particular property is developed and to regulate various features on a specific site. To use site plan control, the Official Plan must include policies defining the site plan control area, which can be all or part of a municipality, and a site plan control by-law must be developed in accordance with the Planning Act. Site plan control offers the ability to control certain external building, site, and boulevard design matters, and requires drawings to be completed that include the location, design and massing of buildings, the layout of parking and service areas, public access areas, landscaping, paving materials, and street furniture. It can also include conditions of approval, such as requiring mitigation measures to protect adjoining lands. They can also use conditions of approval to require agreements to ensure that the conditions described above are implemented, and which may be registered on title.

The existing County Official Plan contains provisions for site plan control for 'marijuana production facilities', which are expected to specifically address security fencing and requirements for buffer landscaping. As per our recommendations, it is proposed that an Official Plan amendment be implemented to provide additional guidance for site plan control requirements. It is common for site plan control by-laws to exclude rural and agricultural development from requiring site plan control as a method of encouraging and supporting agricultural uses. Where this occurs, it is recommended that local site plan control by-laws be amended to exclude cannabis cultivation and production facilities from any exceptions for site plan control approval and include it as a form of development regulated by the site plan control by-law. In addition, required submissions to support the application can also be included in the by-law. A sample for a site plan by-law amendment is provided in Appendix C. Appendix C also includes Table 1, which provides an outline of the various factors to be considered as part of a Site Plan Control application.

## OTHER MUNICIPAL BY-LAWS

### NUISANCE BY-LAW

The *Municipal Act* section 129 gives municipalities the authority to prohibit and regulate public nuisances, including odours, noise, and illumination that can be seen from outdoors. Under this authority, local municipalities in the County can pass nuisance by-laws that regulate odours, noise, lighting, and undesirable property standards caused by cannabis production and cultivation facilities and cannabis growing for personal, medical, and

commercial uses. This option can require source of nuisance activities to limit and control odour, lighting, and noise, and document and report complaints concerning the nuisance. It also can give the By-law enforcement officials to enter and inspect facilities and residences for compliance and issuance of fines and penalties.

Nuisance by-laws can be implemented in different ways depending on the context and the wishes of the local municipality. Some municipalities may have existing by-laws that deal with specific nuisances, such as a property standards by-law, noise by-law, or odour by-law. Where there are existing by-laws that deal with nuisances that are similar to those that may be caused by cannabis related activities, the by-laws can be amended to speak directly to cannabis related concerns. The local municipality may also choose to implement a nuisance by-law specifically addressing cannabis related activities.

It should be noted that enforcing a nuisance by-law of any form will require resources and commitment from the municipality. Staff resources will be required to receive, investigate, and monitor complaints. Additional equipment may also be necessary for the purpose of objectively measuring the intensity of nuisances, such as olfactometers to measure odour units, and equipment to measure light or noise impacts in order to determine whether enforcement action is necessary.

For the purpose of this report, a sample text has been provided for a general nuisance by-law that specifically addresses cannabis related activities. A sample of a cannabis nuisance by-law is provided in Appendix D.

## CONCLUSION

This report includes general recommendations for a policy and regulatory approach to be implemented by the County and its local municipalities regarding the following matters:

- Official Plan Amendment;
- Zoning By-law Amendment;
- Site Plan Control By-law; and
- Nuisance By-laws;

Sample provisions have been provided where appropriate. For each recommendation, provisions and policy language have been kept general as to be adapted by the municipalities based on its local context and desires.

**Licensed Cannabis Cultivation and Production Facility**

A Licensed Cannabis Cultivation and Production Facility means a building or land used for the cultivation, processing, testing, destruction, packaging and/or shipping of cannabis in accordance with the Cannabis Act. A Licensed Cannabis Cultivation and Production Facility is subject to other pertinent policies of this Plan and may be permitted by a local municipality in the Rural, Agricultural, Urban Community or Village Community designations.

A Licensed Cannabis Cultivation and Production Facility may be subject to site plan control pursuant to the Planning Act, R.S.O. 1990, c.P. 13. Upon receipt of an application for site plan control to permit a Licensed Cannabis Cultivation and Production Facility, local municipalities shall be satisfied that the following criteria are met:

- i. Where a Licensed Cannabis Cultivation and Production Facility is proposed as an agricultural use, only new purpose-built facilities will be permitted, and any retrofit or use of existing agricultural buildings or structure is prohibited;
- ii. That mitigation measures be taken to reduce adverse impacts on nearby residential, institutional, recreational and other sensitive land uses, and to determine the appropriate separation distance of the proposed facility to existing sensitive land uses and zones, including commercial, institutional and recreational land uses frequented by members of the public; A minimum setback of 150 metres is recommended from a sensitive land use.
- iii. Any adverse impacts generated by noise, dust, odour, light and traffic be appropriately mitigated, as demonstrated by the required studies identified in this section.
- iv. That a waste management plan will be submitted demonstrating that waste generated from the use can be appropriately managed;

Where processing, testing, destruction, packaging and/or shipping of cannabis is proposed as an agricultural use, it must be demonstrated that the Licensed Cannabis Cultivation and Production Facility meets the Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas as prepared by the Ontario Ministry of Agriculture, Food and Rural Affairs by satisfying the following criteria:

- i. Farm-related commercial and farm-related industrial use.
- ii. Shall be compatible with, and shall not hinder, surrounding agricultural operations.
- iii. Directly related to farm operations in the area.
- iv. Supports agriculture.
- v. Provides direct products and/or services to farm operations as a primary activity
- vi. Benefits from being in close proximity to farm operations

Where the cultivation of cannabis is proposed as an industrial use, the proposed Licensed Cannabis Cultivation and Production Facility is required to demonstrate conformity to the Land Use Compatibility Guidelines as prepared by the Ministry of the Environment, Conservation and Parks.

Where a Zoning By-law Amendment is required, the following studies should be submitted as part of a Zoning By-law amendment application to the satisfaction of the local municipality:

- i. Odour Impact Assessment and an Odour Mitigation Plan
- ii. Light Mitigation Plan
- iii. Agricultural Impact Assessment
- iv. Traffic Impact Study
- v. Noise and Vibration Impact Assessment

The following studies should be submitted as part of a site plan control application to the satisfaction of the local municipality:

- i. Odour Impact Assessment and an Odour Mitigation Plan
- ii. Light Mitigation Plan
- iii. Agricultural Impact Assessment
- iv. Traffic Impact Study
- v. Noise and Vibration Impact Assessment

The municipal may retain, at the applicant's expense, a qualified consultant to peer review the above noted submissions and provide professional conclusions and recommendations to the municipality.

#### **Existing Licensed Cannabis Cultivation and Production Facility**

Where there is an existing Licensed Cannabis Cultivation and Production Facility, it is a policy of this Plan to require a site plan approval for any additional floor area beyond the existing facility on the effective date of **date**.

DEFINITIONS is hereby amended by adding the following new subsection and renumbering all subsequent sections:

**A LICENSED CANNABIS CULTIVATION AND PRODUCTION FACILITY** shall mean any building or structure, structure, or use, licensed and/or, registered, authorized, or designated to grow, process, sell, provide, ship, deliver, transport, destroy, test, produce, export and/or import cannabis for medical or non-medical purposes as the primary use of land (50% or greater), including related research as defined in applicable Federal Regulations as amended from time to time.

For the purpose of describing a Licensed Cannabis Cultivation and Production Facility, cultivation refers to the growing of cannabis, whereas production refers to the processing and producing of cannabis and cannabis related products.

**SECURITY FENCE** shall mean fencing that is required by Health Canada as part of its licence requirements under the Cannabis Act.

**AIR FILTRATION SYSTEMS** shall mean a system designed, approved and implemented in accordance with a license issued by Health Canada as part of its requirements under the Cannabis Act, for the purposes of controlling emissions, including odour, of a licensed cannabis cultivation and production facility.

GENEAL PROVISIONS is hereby amended by adding the following new subsection and renumbering all subsequent sections:

**LICENSED CANNABIS CULTIVATION AND PRODUCTION FACILITY**

Where permitted as an Agricultural Use:

- a) Minimum Lot Frontage - 100 metres
- b) Minimum Lot Area - 8 hectares
- c) Minimum Yard Requirements for Buildings and Structures:
  - i. Front Yard - 30 metres
  - ii. Exterior Side Yard - 30 metres
  - iii. Interior Side Yard - 30 metres
  - iv. Rear Yard - 30 metres
- d) Maximum Building Height - 11 metres
- e) The maximum gross floor area for cannabis production (processing, testing, destruction, packaging and/or shipping) within a Licensed Cannabis Cultivation and Production Facility as an Agricultural use shall be limited to 15% of the gross floor area of the facility.
- f) A licensed cannabis cultivation and production facility shall not be permitted on any lot containing a dwelling unit
- g) All buildings or structures or portions of land thereof used for a licensed cannabis cultivation and production facility shall be located as per the Table below:

	<b>Setback to any residential, commercial, institutional or open space use/zone</b>
<b>A cannabis production and cultivation facility with a total gross floor area less than 7,000 square metres and with an air treatment control system</b>	150 metres
<b>A cannabis production and cultivation facility with a total gross floor area greater than 7,000 square metres and less than 10,000 square metres and with an air treatment control system</b>	200 metres
<b>A cannabis production and cultivation facility with a total gross floor area greater than 10,000 square metres and with an air treatment control system</b>	250 metres
<b>A cannabis production and cultivation facility of any size where an air treatment control system is not provided</b>	300 metres

- h) A security fence associated with a Licensed Cannabis Cultivation and Production Facility shall be setback a minimum of 10 metres from all lot lines.
- i) Outdoor storage is prohibited.
- j) All loading and loading spaces must be located in a wholly enclosed building
- k) Existing structures may not be converted or retrofitted for a Licensed Cannabis Cultivation and Production Facility.

Where permitted as an Industrial Use:

- a) All buildings or structures or portions of land thereof used for a licensed cannabis cultivation and production facility shall be located as per the Table # below:

	<b>Setback to any residential, commercial, institutional or open space use/zone</b>
<b>A cannabis production and cultivation facility with a total gross floor area less than 7,000 square metres and with an air treatment control system</b>	150 metres
<b>A cannabis production and cultivation facility with a total gross floor area greater than 7,000 square metres and less than 10,000 square metres and with an air treatment control system</b>	200 metres
<b>A cannabis production and cultivation facility with a total gross floor area greater than 10,000 square metres and with an air treatment control system</b>	250 metres
<b>A cannabis production and cultivation facility of any size where an air treatment control system is not provided</b>	300 metres

## APPENDIX C – DRAFT SITE PLAN BY-LAW AMENDMENT & GUIDE

For municipalities with Site Plan Control By-laws, ensure the items identified below are included within the By-law as it will allow the municipality to require mitigation of certain issues. Further, should the local municipality not have the expertise in-house to review the reports or plans, then a third party could be engaged to undertake a peer review.

Example Site Plan By-law text:

No person shall undertake the following development unless and until the Council of the municipality, has approved the plans and/or drawings for such development in accordance with Section 41 of the *Planning Act*:

- a) Licensed Cannabis Cultivation and Production Facility

A complete application for a Licensed Cannabis Cultivation and Production Facility shall include but is not limited to the following plans and/or drawings:

- a) Odour Impact Assessment and an Odour Mitigation Plan
- b) Light Mitigation Plan
- c) Traffic Impact Study
- d) Noise and Vibration Impact Assessment

TABLE 1 SITE PLAN CONSIDERATIONS

	Required Studies	Principles	Implementation	Sample Site Agreement Clause
Odour	Odour Impact Assessment Odour Mitigation Plan	<p>Pursuant to section 85 of the <i>Cannabis Regulations</i>, any building or part of a building where cannabis or anything that will be used as an ingredient is produced, packaged, labelled, stored or tested must be equipped with a system that must be able to:</p> <ul style="list-style-type: none"> <li>Filter air to prevent the escape of cannabis odours associated with cannabis plant material to the outdoors.</li> <li>Provide natural or mechanical ventilation with sufficient air exchange to provide clean air and to remove unclean air in order to prevent the contamination of the cannabis or thing that will be used as an ingredient, except in the case of any building or part of a building where the only activities being conducted in respect of cannabis and anything that will be used as an ingredient are its cultivation, propagation or harvesting.</li> <li>Be accessible and, if necessary, for its cleaning, maintenance or inspection, be disassembled, except in the case of any building or part of a building where the only activities being conducted in respect of anything that will be used as an ingredient are its cultivation, propagation or harvesting;</li> </ul>	<p>System – filtration and ventilation</p> <ul style="list-style-type: none"> <li>Any building or part of a building used for the production, packaging, labelling, storage, or testing of cannabis is equipped with an adequate system that is capable of maintaining air quality within it.</li> <li>Is designed in a manner in which the air exchange is sufficient for maintaining the air quality of the building or any area of the building with the exception of any building or part of a building where the only activities being conducted are the cultivation, propagation and harvesting of cannabis or anything that will be used as an ingredient.</li> <li>Prevents the accumulation of heat, steam, condensation or dust.</li> <li>Is equipped with close-fitting screens or filters to prevent the entry of dust, smoke, steam, odours, and contaminated air.</li> </ul> <p>Maintenance program</p> <ul style="list-style-type: none"> <li>Ventilation and air filtration should be maintained in accordance with a schedule.</li> <li>Maintenance operations are carried out in a manner that do not present any risk to the quality</li> </ul>	<ul style="list-style-type: none"> <li>The Developer agrees that the Air Filtration and Ventilation system shall be maintained in accordance with the <b>Air Filtration and Ventilation Maintenance Schedule</b>.</li> <li>The Developer shall monitor and respond to odours surrounding the building or part of a building in accordance with the <b>Odour Mitigation Plan</b>.</li> </ul>

	Required Studies	Principles	Implementation	Sample Site Agreement Clause
		<ul style="list-style-type: none"> <li>Withstand repeated cleaning, except in the case of any building or part of a building where the only activities being conducted in respect of anything that will be used as an ingredient are its cultivation, propagation or harvesting; and</li> <li>Function in accordance with its intended use, except in the case of any building or part of a building where the only activities being conducted in respect of anything that will be used as an ingredient are its cultivation, propagation or harvesting.</li> </ul> <p>Odour Mitigation Plan should address the following</p> <ul style="list-style-type: none"> <li>Sources of Odour Emission;</li> <li>Handling and Storage of Waste during Normal Operations;</li> <li>Preventative and Control Measures at the Facility;</li> <li>Implementation Schedule;</li> <li>Inspection Frequency and Checklists; and</li> <li>Monitoring Plan.</li> </ul>	<p>of the cannabis or anything that will be used as an ingredient.</p> <ul style="list-style-type: none"> <li>The presence of odours surrounding the building or part of a building are monitored in accordance to a schedule and responded to if necessary.</li> <li>Inspection and repair activities occur when required.</li> </ul>	
<b>Light</b>	Light Mitigation Plan Photometric Plan	Pursuant to section 85.2 of the <i>Cannabis Regulations</i> , any building or part of the building where cannabis or anything that will be used as an ingredient is produced, packaged, labelled, stored or tested must be equipped with natural or artificial lighting	<p>Natural or artificial lighting:</p> <ul style="list-style-type: none"> <li>The lighting used within the building or part of a building is appropriate in terms of placement and intensity for the cannabis or thing that will be used as an</li> </ul>	<ul style="list-style-type: none"> <li>The Developer shall install and maintain such lighting as the municipality may reasonably require and in such location as approved by the municipality so as to suitably and adequately illuminate same and so as not to</li> </ul>

	Required Studies	Principles	Implementation	Sample Site Agreement Clause
		<p>that is appropriate for the activity being conducted.</p> <p>Furthermore, any lighting fixtures in the building or part of the building where these activities are being conducted must be capable of withstanding repeated cleaning and, if necessary, to prevent the contamination of the cannabis or thing that will be used as an ingredient, repeated sanitizing. The lighting fixture must not present a risk of contamination of the cannabis or thing that will be used as an ingredient in the event of a breakage.</p> <p>Exterior site lighting should be Dark Sky Friendly, with minimize glare while reducing light pollution, light trespass and skyglow. Light Mitigation Plan and/or Photometric Plan should ensure lighting will not interfere with any development on, or use of, adjacent, abutting or, nearby lands.</p>	<p>ingredient and the activity being conducted (e.g., areas where cannabis, ingredients or packaging materials are inspected, may require a higher intensity of light than storage areas).</p> <ul style="list-style-type: none"> <li>• The lighting used does not alter the natural colour, affect the quality, result in the production of natural toxins and microorganisms of cannabis or anything that will be used as an ingredient, or cause them to deteriorate.</li> <li>• The effectiveness of chemical sanitizers is unaffected, as applicable (e.g., certain chemical sanitizers deteriorate during storage and exposure to light, such as chlorine dioxide and sodium hypochlorite).</li> </ul> <p>Light fixtures are:</p> <ul style="list-style-type: none"> <li>• Constructed from shatter-resistant materials.</li> <li>• Shielded with safety covers when they have materials like glass that could break, so as to contain broken materials.</li> <li>• Constructed from material that can be repeatedly cleaned and, if necessary, sanitized.</li> <li>• Installed in a manner that permits for routine cleaning.</li> </ul>	<p>interfere with any development on, or use of, adjacent, abutting or, nearby lands.</p>

	Required Studies	Principles	Implementation	Sample Site Agreement Clause
			<ul style="list-style-type: none"> <li>Cleaned, sanitized, and maintained in accordance with approved SOPs</li> </ul> <p>Exterior lighting:</p> <ul style="list-style-type: none"> <li>Lighting shall normally be Full Cut-off Dark Sky compliant LED Edge slim low-profile fixtures.</li> <li>Lighting shall be designed and/or shielded in such a way that all of the light rays emitted by the fixture are projected below the horizontal plane.</li> <li>Light fixtures should be positioned to give a uniform distribution of light to avoid the creation of “hot spots” (areas of over-illumination that make adjacent areas seem darker).</li> </ul>	
<b>Agricultural Impact</b>	Agricultural Impact Study/Assessment	<p>Where non-agricultural development is proposed on agricultural lands, an Agricultural Impact Study can be utilized to recommend ways to avoid or, if avoidance is not possible, minimize and mitigate adverse impacts.</p> <p>Can be utilized in situations where cannabis production is proposed on agricultural lands.</p>	<p>The following should be addressed per the Agriculture Impact Study/Assessment:</p> <ul style="list-style-type: none"> <li>Identifies and assesses potential impacts from development on agriculture (including impacts to farmland, farm operations and the surrounding area)</li> <li>Recommends measures or strategies to avoid impacts (e.g. consider alternative locations where possible)</li> <li>Recommends measures to minimize or mitigate impacts (e.g. through design, use of buffers, etc.)</li> </ul>	<p>Agreement to include recommendations per the Agricultural Impact Study/Assessment, where appropriate.</p> <ul style="list-style-type: none"> <li>The Developer shall implement the recommendations of the Agricultural Impact Study.</li> </ul>

	Required Studies	Principles	Implementation	Sample Site Agreement Clause
			<ul style="list-style-type: none"> <li>Addresses site rehabilitation for agriculture, where applicable</li> </ul>	
<b>Traffic</b>	Traffic Impact Study	<p>Where a proposed development will generate an increase in peak hour trips to or from the site or traffic concerns that is deemed significant as determined by the municipality.</p> <p>The onus is on the applicant to demonstrate that a Traffic Impact Study is not required.</p>	<p>The following should be addressed as per the Traffic Impact Study:</p> <ul style="list-style-type: none"> <li>Assess potential impacts of traffic changes caused by proposed development on municipal roads</li> <li>identify any infrastructure improvements or mitigation measures needed to ensure the road network will operate acceptably and safely upon completion of the proposed development</li> </ul>	<p>Agreement to include recommendations as per the Traffic Impact Study, where appropriate.</p> <ul style="list-style-type: none"> <li>The Developer shall implement the recommendations of the Traffic Impact Study.</li> </ul>
<b>Noise</b>	Noise and Vibration Study Noise Impact Assessment	<p>The Ministry of the Environment Conservation and Parks (MOECP) is responsible for protecting clean and safe air, land and water to ensure healthy communities, ecological protection and sustainable development for present and future generations. The MOECP fulfils these responsibilities, in part, by ensuring the sources of emissions to the environment are adequately controlled to prevent the potential for adverse effects, including the proper control of sources of noise emissions to the environment.</p> <p>Sound level limits that are applied by the MOECP to stationary sources, such as industrial and commercial establishments and auxiliary transportation facilities. Compliance with the sound level limits is required for existing, planned, new, expanded, or modified stationary sources of</p>	<p>Noise impact studies are to be prepared by qualified individuals with experience in environmental acoustics, preferably Professional Engineers. Noise impact studies are required by the MOECP in the context of an application for an MOECP approval. The MOECP guidance for applying for approvals includes the requirements for noise impact studies. Other approval authorities may have similar requirements.</p> <p>The impact assessment of noise produced by stationary sources is done by either prediction or measurement, or a combination of both. The noise impact assessment descriptor is the One-Hour Equivalent Sound Level (Leq), and the noise impact is evaluated at representative points of reception.</p>	<p>Agreement to include recommendations as per the Noise and vibration Study, where appropriate.</p> <ul style="list-style-type: none"> <li>The Developer shall implement the recommendations of the Noise and Vibration Study.</li> <li>The Developer shall provide Certification by the Acoustical Consultant that the mitigation measures noted in the Noise Control and Vibration Study have been satisfied.</li> </ul>

	Required Studies	Principles	Implementation	Sample Site Agreement Clause
		sound through an Environmental Compliance Approval issued under Part II.1 of the <i>Environmental Protection Act</i> , or a Renewable Energy Approval issued under section 47.3 of the <i>Environmental Protection Act</i> , Reference 7.		
<b>Security Measures</b>		<p>Pursuant to section 63 of the <i>Cannabis Regulations</i>, the site must be designed in a manner that prevents unauthorized access.</p> <p>It is up to the licence holder to indicate the proposed perimeter of the site, whether it be the fence line, the exterior building walls, or by any other means. However, defined, the perimeter must be clearly indicated on the site plans.</p> <p>The perimeter of the site must be monitored at all times by visual recording devices to detect any attempted or actual unauthorized access to the site.</p>	<p>Walls</p> <ul style="list-style-type: none"> <li>Walls are strong and sturdy enough to be considered an inefficient point of entry.</li> </ul> <p>Doors</p> <ul style="list-style-type: none"> <li>Doors, door locks and door frames are solid and strong enough to prevent easy breaching.</li> <li>Ceiling or service hatches are secured with a lock.</li> <li>Hinge pins are located on the inside of the secured area. If door hinges are exposed to the exterior, security hinges are used to prevent the removal of the door.</li> </ul> <p>Windows</p> <ul style="list-style-type: none"> <li>Windows are strong and sturdy enough so that breaching presents a challenge.</li> <li>Overall window construction such as window thickness, number of panes and window material (e.g., wire glass, laminated glass, polycarbonate, composite, etc.) results in a sturdy barrier.</li> </ul>	<ul style="list-style-type: none"> <li>The Developer agrees provide for fencing to be erected in the locations to the satisfaction of the municipality as illustrated in <b>Schedule _____</b>.</li> </ul>

	Required Studies	Principles	Implementation	Sample Site Agreement Clause
			<ul style="list-style-type: none"> <li>• Bars, steel grills and other window coverings may also be used to secure windows.</li> <li>• Window locks are located on the inside of the secured area.</li> </ul> <p>Fences</p> <ul style="list-style-type: none"> <li>• Fences are continuous without breaks and well maintained.</li> <li>• The bottom of the fence is close enough to the ground to prevent entry underneath the fence. If the fence passes over a trench or culvert, the opening is secured with fencing, metal grills or other barriers.</li> <li>• The fence is constructed in a manner that prevents someone from easily jumping or climbing over it.</li> </ul> <p>Vent openings</p> <ul style="list-style-type: none"> <li>• Vent openings are constructed to prevent an individual from crawling through.</li> <li>• Large accessible vent openings are secured with protective coverings such as metal grills, bars or expanded metal mesh to prevent entry by crawling through.</li> </ul>	
<b>Supply of Water</b>		Pursuant to section 85.1 of the <i>Cannabis Regulations</i> , any system that supplies water to a site must be appropriate for the activities being conducted with cannabis and anything that will be used as an ingredient.	<p>Water supply</p> <ul style="list-style-type: none"> <li>• The water supply is appropriate for the intended use and is of a quantity and pressure sufficient</li> </ul>	Standard water service clauses per the municipality.

	Required Studies	Principles	Implementation	Sample Site Agreement Clause
		<p>In addition, any system that supplies potable water to a site must not be cross-connected with any other system, unless measures are taken to eliminate any risk of contamination of the cannabis or anything that will be used as an ingredient, resulting from the cross-connection.</p>	<p>for the operational needs of the site.</p> <ul style="list-style-type: none"> <li>• Measures to eliminate the risk of contamination of the cannabis or anything that will be used as an ingredient are in place, such as filtration or UV lights.</li> <li>• If water is reclaimed or reused, the water is treated and maintained in a manner that will not increase the risk of contamination of cannabis or anything that will be used as an ingredient.</li> <li>• Monitoring, including chemical and microbiological testing, is conducted on a periodic basis.</li> </ul> <p>Cross-connections:</p> <ul style="list-style-type: none"> <li>• Cross-connections only exist between potable water systems that are protected against contamination, or water systems that do not present a risk of contamination of cannabis or anything that will be used as an ingredient.</li> <li>• Hoses, taps and other similar sources of possible contamination are designed to prevent back-flow or back-siphonage and have prevention devices installed as applicable.</li> <li>• Visual inspection of non-mechanical (air gaps) and mechanical prevention devices</li> </ul>	

	Required Studies	Principles	Implementation	Sample Site Agreement Clause
			and testing of back-flow preventers are conducted on a periodic frequency.	
<b>Storage Area</b>		<p>Pursuant to section 67 of the <i>Cannabis Regulations</i>, each storage area must be located within an area that satisfies the security measures set out in:</p> <p>Pursuant to subsection 68(1) of the <i>Cannabis Regulations</i>, access to each operations area and storage area must be restricted to individuals whose presence in the area is required by their duties.</p> <p>Pursuant to section 69 of the <i>Cannabis Regulations</i>, each operations area and storage area must be surrounded by a physical barrier that prevents unauthorized access for standard cultivation, standard processing and sale for medical purposes with possession licence classes.</p>	Examples provided in the ‘Security Measures’ section.	Examples provided in the ‘Security Measures’ section.
<b>Building Design</b>		The building or part of the building must be designed, constructed, and maintained in a manner that permits it to be kept clean and orderly, permits effective cleaning of all its surfaces, prevents the contamination of cannabis or anything that will be used as an ingredient and prevents the introduction of extraneous substances to the cannabis or anything that will be used as an ingredient.	<p>Design and construction of the building or part of building (e.g., doors, windows, ceilings, floors, pipes, light fittings, ventilation points):</p> <ul style="list-style-type: none"> <li>• The building or part of the building is designed or constructed in a manner that facilitates maintenance, cleaning and sanitary operations, which includes the repeated application of cleaning and disinfecting agents.</li> <li>• Brick, cement block and other porous materials are sealed and surface materials that shed</li> </ul>	N/A

	Required Studies	Principles	Implementation	Sample Site Agreement Clause
			<p>particles are not used. Joints between walls, ceilings and floors are sealed.</p> <ul style="list-style-type: none"> <li>• There are no holes or cracks in doors, windows, walls, ceilings and floors (other than those intended by design).</li> <li>• The building or part of the building prevents entry of insects and other animals or extraneous substances (or from one area to another), facilitates waste treatment and disposal, and prevents mix-ups and cross-contamination.</li> <li>• Floor plans and the building or part of the building design are laid out to allow production to take place in areas connected in a logical order, corresponding to the sequence of the operations and to the requisite cleanliness levels.</li> <li>• Doors that give direct access to the exterior from manufacturing and packaging areas are used for emergency purposes only and these doors are properly sealed.</li> <li>• Receiving and shipping areas do not allow direct access to production areas.</li> <li>• Mechanical areas such as boiler rooms, generators, and other engineering areas are segregated from production areas.</li> </ul>	

	Required Studies	Principles	Implementation	Sample Site Agreement Clause
			<ul style="list-style-type: none"> <li>Screen and trap floor drains. Drains do not cause water to pool.</li> </ul> <p><b>Maintenance program</b></p> <ul style="list-style-type: none"> <li>The building or part of the building is regularly monitored and carefully maintained.</li> <li>Regular maintenance is performed to prevent deterioration of the building or part of the building.</li> <li>Repair and maintenance operations do not present any hazard to the quality of the cannabis.</li> </ul>	
<b>Waste Management</b>	Waste Management Plan	<p>Pursuant to subsection 88.9(1) of the <i>Cannabis Regulations</i>, a holder of a licence for processing must ensure that any building or part of a building where cannabis or anything that will be used as an ingredient is produced, packaged, labelled or stored has available the means for the removal and disposal of contaminated materials and waste and, if necessary to prevent contamination of the cannabis or anything that will be used as an ingredient, that the building or part of the building is equipped with a drainage, sewage and plumbing system that functions in accordance with its intended use.</p> <p>In addition, the licence holder must ensure that contaminated materials and waste are removed and disposed of at a frequency that is sufficient to prevent contamination of the cannabis or anything that will be used as</p>	<ul style="list-style-type: none"> <li>Waste and contaminated materials are removed at a set frequency, or more often if necessary, so they do not overflow.</li> <li>Removal of contaminated materials and waste is done using predetermined routes (e.g., effluent or sewage lines are constructed so they do not pass directly over or through production areas, unless measures are taken to prevent risk of contamination of cannabis or anything that will be used as an ingredient, and the employees who remove the contaminated material and waste wear appropriate clothing, such as overalls, gloves and boots, when</li> </ul>	<p>Agreement to include recommendations per the Waste Management Plan, where appropriate.</p> <ul style="list-style-type: none"> <li>The Developer shall implement the recommendations of the Waste Management Plan.</li> </ul>

	Required Studies	Principles	Implementation	Sample Site Agreement Clause
		<p>an ingredient and in a manner that does not present a risk of contamination of the cannabis or anything that will be used as an ingredient.</p> <p>Waste Management Plan should address the following:</p> <ul style="list-style-type: none"> <li>• Identify the streams of waste</li> <li>• Determine the waste storage area</li> <li>• Determine the procedure and handling of waste</li> <li>• Creation of a waste management program</li> <li>• Creating a waste management maintenance schedule</li> </ul>	<p>removing the contaminated materials and waste).</p> <ul style="list-style-type: none"> <li>• Storage of contaminated materials and waste is separate from the production, packaging, labeling, storage (non-contaminated materials, such as cannabis products or ingredients) and testing of cannabis and ingredients.</li> <li>• The building or part of the building prevents entry of insects and other animals or extraneous substances (or from one area to another), facilitates waste treatment and disposal, and prevents mix-ups and cross-contamination.</li> <li>• Conveyances and equipment are identified for the specific purpose of handling contaminated materials or waste by the use of labelling or colour coding and are segregated from conveyances and equipment not intended for that purpose, to prevent the contamination of cannabis or anything that will be used as an ingredient.</li> </ul>	

## APPENDIX D – NUISANCE BY-LAW

Being a By-law to Prohibit and Regulate Public Nuisances related to light, noise, and odour from the cultivation of Cannabis within the Municipality and to create certain penalties related thereto.

### Part I - Interpretation

#### **Definitions:**

In this By-law:

**"Cannabis"** means cannabis as defined in the Cannabis Act (Canada).

**"Cannabis Plant"** means a plant that belongs to the genus Cannabis and, in the absence of evidence to the contrary, includes any plant described as cannabis or by a name that is commonly applied to cannabis;

**"Cannabis Products"** means any product for which cannabis is one of the principal ingredients, including cannabis derivatives.

**"Cannabis Related Activities"** means growing, processing, extracting, packaging or otherwise making ready for sale, testing, destroying, storing, shipping, permitting consumption or sale of cannabis or cannabis products.

**"Council"** means the Council of the Municipality.

**"Cultivation"** means the growing of cannabis.

**"Officer"** means a Municipal By-Law Enforcement Officer appointed under Town By-law or any other person assigned or appointed by the Town to administer or enforce this By-Law, including a person employed by the Town whose duties are to enforce this By-Law;

**"Light Trespass"** means the shining of light by a luminaire beyond the boundaries of a property on which it is located.

**"Municipality"** means The Corporation of the Town.

**"Noise"** means unwanted sound;

**"Nuisance Odour"** means an odour of cannabis or an odour from a cannabis production facility emanating from a premise that is persistent or continuous and is likely to interfere with the ordinary enjoyment of other property in the vicinity of the premises.

**"Process"** means the operation where cannabis is transformed by the application of manual, mechanical or chemical methods into another form, but does not include the application or use of a dangerous substance or method.

**"Sensitive Use"** means a school, day care, playground, sporting venue or any other place which has as its primary purpose of being a place where persons under the age of 18 years comprise the majority of persons present or intended to be present, a residential use, a place of worship, or a community center.

### **Part II - Prohibitions**

No person shall:

- a) Cause, create or permit light, noise, and odour Nuisances from the Cultivation of cannabis upon the land of others so as to be or to cause a Nuisance to any person or to the public generally.
- b) Operate a cannabis production facility and process cannabis using substances dangerous or noxious to the public except in accordance with the provisions of this By-Law;

#### Lighting & Light Trespass

- a) No cannabis related activities shall cause a Light Trespass within the Municipality from one property, impacting another property to the level of a Nuisance.
- b) All security and parking lot lighting shall be shielded, directed downward and shall not spill onto adjacent properties or create light trespass or glare so as to cause a nuisance to adjacent properties;
- c) Cannabis cultivation in greenhouse structures that require interior lighting for the growing of cannabis shall employ a light control plan and light blocking systems as to not cause a nuisance to the public generally;

#### Noise

- a) No cannabis related activities shall cause the emission of Noise which is Persistent or Continuous and clearly audible at a Point of Reception in a Sensitive Use, which has a difference between dB(A) and dB of greater than 15 decibels

#### Odour

- a) No person shall cause, create or permit the emission of an Nuisance odour from their property so as to be or to cause a Nuisance to any person or to the public generally and discernable on another property.
- b) Nothing within this By-law shall contradict those practices deemed to be part of normal farm practice as identified and accepted within the *Normal Farm Practices Protection Act* and the Ontario Ministry of Agriculture, Food and Rural Affairs.

### **PART III – Enforcement & Orders**

**As per the municipality's choice of enforcement.**