

**Special Council Meeting  
October 1, 2020**

**Report #PD-2020-30 - Additional Information Memorandum**

**Additional Information to Item C.W.5 (5), Committee of the Whole Meeting of  
September 28, 2020: Direction for an Interim Control By-law Regarding Cannabis  
Operations in the Town of New Tecumseth**

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**Recommendation**

That Report #PD-2020-30 be received;

And further that the deputation of Mark Manning be received;

And further that Option #1 in Report #PD-2020-30 be approved;

And further that development applications for new cannabis operations will not be processed after September 28, 2020;

And further that the Additional Information Memorandum to item C.W.5 (5) from the Manager of Development Planning dated October 1, 2020 be received;

And further that the Interim Control By-law provided as Attachment #1 be enacted;

And further that staff be directed to retain The Planning Partnership to prepare the cannabis related study for the Interim Control By-law in the upset amount of \$25,000 exclusive of HST.

**Objective**

The purpose of this Additional Information Memorandum is to provide Council with additional information pertaining to Item C.W.5 (5) from the Committee of the Whole Meeting of September 28, 2020.

**Background**

On September 28, 2020, Report #PD-2020-30 was received by the Committee of the Whole seeking direction as to the possibility of the introduction of an Interim Control By-law regarding cannabis operations in the Town of New Tecumseth.

**Comments and Considerations**

On September 28, 2020, the Committee of the Whole recommended:

*That Report #PD-2020-30 be received;*

*And further that the deputation of Mark Manning be received;*

*And further that Option #1 in Report #PD-2020-30 be approved;*

*And further that development applications for new cannabis operations not be processed after September 28, 2020.*

The Committee of the Whole also recommended:

*Whereas Council has agreed to proceed with Option #1 in Report #PD-2020-30;*

*Now therefore be it resolved that staff be directed to obtain a cost from the Planning Partnership to investigate the cannabis matter and that staff be directed to bring back and Additional Information Memorandum to the next Council Meeting.*

Option #1 in Report #PD-2020-30 was to establish an Interim Control By-law (ICBL) on cannabis production within specific zones and require the Town to prepare a study reviewing cannabis operations.

Section 38 of the Planning Act provides that where Council of a municipality has, by by-law or resolution, directed that a review or study be undertaken in respect of land use planning policies in the municipality, the Council of a municipality may pass a by-law to be in effect for a period of time specified in the by-law. Accordingly, a draft copy of the ICBL is provided as Attachment #1.

The ICBL will define cannabis operations and prohibit the development of new cannabis operations on all lands within the Agricultural (A1), Agricultural (A2), Environmental Protection (EP), Oak Ridges Moraine - Environmental Protection (ORM EP), Oak Ridges Moraine - Natural Linkage (ORM NL); Oak Ridges Moraine - Countryside - Agricultural (ORM CS-AG) and Oak Ridges Moraine - Countryside - Rural (ORM CS-RL) in the Town Zoning By-law 2014-126. A schedule was not attached to the draft By-law due to the large number of properties in these zones throughout the Town. A Medical Marihuana Production Facility will continue to be permitted within the lands zoned Urban Industrial (UM) and Urban Industrial - Exception (UM-8, UM-9 and UM-10) in the Town Zoning By-law 2014-126.

The purpose of the ICBL is to allow sufficient time to review and undertake a study as Council has determined that it is in the public interest to prohibit the use of cannabis operations within the lands specifically identified above. With respect to the cannabis related study, Planning staff have contacted The Planning Partnership who indicated the cost to complete would be approximately \$25,000. This estimate also includes an agricultural consultant as part of the proposed work program.

It is the opinion of staff that utilizing the services of The Planning Partnership would be the most cost effective and beneficial use of the Town's operating budget. The Planning Partnership is the consultant of record that previously completed the Town's new Official Plan and are currently working through the comprehensive Zoning By-law update. Given this, it is recommended by staff that The Planning Partnership be retained to prepare the cannabis related study in accordance with the ICBL.

### Financial Considerations

The estimated cost to complete the study is approximately \$25,000. This item will be brought forward for Council's consideration as part of the 2021 budget deliberations.

Respectfully submitted:



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Derek Abbotts, MCIP, RPP, PLE  
Manager of Development Planning

Attachments:

- [Attachment No. 1 - Interim Control By-law - Cannabis Operations](#)

**Approved By:**

Bruce Hoppe, MCIP, RPP, GM,  
Infrastructure & Development  
Blaine Parkin, P. Eng., CAO

**Department:**

Infrastructure and Development  
Division  
CAO

**Status:**

Approved - 30 Sep 2020  
Approved - 30 Sep 2020

The Corporation of The Town  
of New Tecumseth

## By-law

Number 2020-xxx

### “Interim Control By-law for Cannabis Operations”

Being a by-law of the Corporation of the Town of New Tecumseth to impose interim control on the use of lands, buildings and structures within the Municipality

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**Whereas** Section 38 of the Planning Act, R.S.O. 1990 as amended, provides that where the Council of a local municipality has, by By-law or resolution, directed that a review or study be undertaken in respect of land use planning policies in the municipality or in any defined area or areas thereof, the council of the municipality may pass a By-law to be in effect for a period of time specified in the By-law, which period shall not exceed one year from the date of passing thereof, prohibiting the use of land, building or structures within the municipality or within the defined area or areas thereof for, or except for, such purposes as are set out in the By-law;

**And Whereas** the Council of the Corporation of the Town of New Tecumseth by resolution, directed that a review and study be undertaken in respect of land use planning policies relating to cannabis operations, as more particularly defined herein, within the municipality with respect to Zoning By-law 2014-126;

**And Whereas** the Council of the Corporation of the Town of New Tecumseth has determined that it is in the public interest to prohibit the use of specific lands within the Municipality for cannabis operations, as more particularly defined herein, so as to allow the Municipality to review and, if considered appropriate, implement the findings of the review and study referred to herein;

**Now Therefore** the Council of The Corporation of the Town of New Tecumseth does hereby enact as follows:

1. For the purposes of this By-law:
  - (a) “Council” shall mean the Council of the Town of New Tecumseth;
  - (b) “Town” shall mean the Corporation of the Town of New Tecumseth;  
and
  - (c) “Cannabis Operation” means any land, building or structure used for growing, producing, processing, testing, destroying, storing, packaging and/or shipping of cannabis, licensed by Health Canada under the *Cannabis Act*, SC 2018, c.16, or any successors thereto, including registrations granted by Health Canada for personal medicinal use. A Cannabis Operation does not include the growth, production or processing of four (4) or fewer cannabis plants on a lot for personal use and does not include the retailing of cannabis or cannabis products under a retail operator license issued under the Cannabis License Act, 2018;
2. Notwithstanding the permitted uses, accessory uses and regulations of the Town Zoning By-law 2014-126, as amended, no person shall within the Cannabis Interim Control Area as described in Section 3, use any land, building or structure for any cannabis operation, except for a use that lawfully

existed on the date of the passage of this by-law as long as it continues to be used for such purposes.

3. That the Cannabis Interim Control Area shall include all lands within the following Zones in Zoning By-law 2014-126, as amended: Agricultural (A1); Agricultural (A2), Environmental Protection (EP), Oak Ridges Moraine – Environmental Protection (ORM EP); Oak Ridges Moraine – Natural Linkage (ORM NL); Oak Ridges Moraine – Countryside – Agricultural (ORM CS – AG); and Oak Ridges Moraine – Countryside – Rural (ORM CS – RL).
4. That this by-law shall be cited as "Interim Control By-law for Cannabis Operations".
5. That this by-law shall come into force and take effect for a period of one (1) year from the date of final passing thereof.

**Read a first, second and third time and finally passed this 1<sup>st</sup> day of October, 2020.**

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**Mayor**

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**Clerk**