

WITHOUT PREJUDICE

Thank you for the opportunity to address Council. We offer our comments regarding the important issue of **where** to permit cannabis cultivation or cannabis production facilities in the township.

The intent of the Cannabis Act is to ensure there is an adequate supply of quality regulated cannabis products, for both medical and recreational users, available through mail order or in person, from Licensed Producers, Licensed Cannabis Stores and Pharmacies. The goal is to eliminate the need for Medical Certificates. Medical Certificates are issued for a one year period only, and the patient must submit a new Prescription to Health Canada to renew. A costly and inefficient system!

On the other hand, if a medical patient uses a Licensed Producer, the patient only needs to provide a Licensed Producer with the actual Prescription issued by a Medical Doctor. The Licensed Producer is responsible for keeping that Prescription on file. This system is efficient and eliminates the Medical Certificate process.

Having enough Licensed Producers would eliminate the problems associated with large grow-ops in private dwellings, would eliminate the need for 3rd party growers, and would limit cannabis growth to the 4 plants per dwelling permitted by Federal law for recreational use.

Whether adequate supply of cannabis products is a reality yet, should have no bearing on municipalities determining what is best for their citizens and the municipality as a whole. Every municipality has full authority to regulate where CPFs can operate. Municipalities can even choose to not allow legal cannabis cultivation or production at all.

It is important to note that there are no increased tax benefits to municipalities on industrial, commercial and agricultural rates, as properties must be charged according to local tax rates, regardless of the use.

We ask that you take into consideration the approaches and direction of Cramahe's neighbouring townships, Brighton and Alnwick/Haldimand.

Alnwick/Haldimand Township does not provide municipal sewer service, however they do have municipal water service in some areas. They are proposing changes to the Comprehensive Zoning By-law to accommodate CPFs, as follows:

- A/H has classified the growth, cultivation or production of cannabis as industrial, and can only be located in industrial zones – **NOT** in hamlet, rural or agricultural zones. The full proposed changes are attached to this document.

We support this simple approach by A/H, although we will be asking A/H to consider increasing the setbacks & buffer zones as set out in Brighton's Cannabis By-law, which strongly takes into consideration the quality of life of its residents, and protects farmland and the environment.

Brighton Municipality has amended their Comprehensive Zoning By-law to regulate cannabis production through By-Law No. 040-2019, which passed on April 8, 2019. The key elements of the by-law are attached for your information.

In a conversation with Mayor Brian Ostrander, the Mayor said that the by-law makes it very clear that any aspect of cannabis production, whether it is just cultivation or full processing, is limited to Industrial Zones with full municipal services. It **prohibits** the growing of cannabis in agricultural, residential, commercial, open space, future development or community facility zones – leaving only Industrial Zones.

Cramahe sits between both of these municipalities. Taking a similar approach to cannabis production as A/H and Brighton, enacting a simple by-law restricting CPFs to Industrial Zones with full municipal services and appropriate setbacks & buffer zones, would make enforcement significantly easier to administer and control. In conjunction with Law Enforcement, the township would be able to eliminate the illegal grow ops already in Cramahe, some of which are known to have attack dogs and guns.

After studying the very lengthy Planning Study Report prepared by EcoVue Consultant Heather Sadler, there are a few points that bear direct scrutiny.

1. The planning report contains the following statement regarding zoning by-laws:

“In Ontario, all uses are presumed to be prohibited, except those that are explicitly permitted in a zoning by-law.”

Cramahe’s Comprehensive Zoning By-law under MG – Industrial Uses and MG- Exception 13, which is what the Lakeport site is zoned, does NOT list cannabis cultivation or CPFs as a permitted use, therefore a proposed CPF should not have prematurely been given a letter of support by Council.

2. The CZB section 3.1.2.3 HAMLET states the following:

- Care shall be taken that the commercial and industrial uses permitted in the hamlet areas are compatible with the residential nature of the hamlets...
- New industrial uses will not be permitted in areas which have developed as predominantly residential or in the path of logical residential expansion.

Lakeport is a residential Hamlet, not an industrial zone. It is not conducive to industrial uses for many reasons, and certainly meets the above criteria already existing in Cramahe’s zoning by-law.

1. We strongly oppose the recommendation in the Report to “grandfather” in a proposed land use on a one off property zoned MG Industrial, Special Exception MG 13, with no use listed for a CPF, in the residential Hamlet of Lakeport.

The parcel of land also sits in the Township of Alwicks/Haldimand with the township boundary bisecting the property. Yet in February 2018, Cramahe Council made the sole decision - without notifying or consulting A/H township or its residents, and without following due process, or having received a site plan application - to give support to a new industry. This was done without having undertaken a planning study, or having a clear understanding of the impact on residents of a CPF in that location.

Please consider the following:

- The Lakeport site does not meet the requirements for reasonable setbacks and buffers
- The Lakeport site does not have municipal water & sewer services
- The Lakeport site would require the Cramahe Volunteer Fire Department to bring in and stock expensive, specialized foam in the event of a disaster, so as not to contaminate source water feeding residential wells, or Colborne Creek
- Cramahe Council should only make decisions based on existing by-laws and site plan applications filed with the township, as is recommended in the Ecovue report.

SUMMARY

Our presentation should in no way be interpreted as an objection to the legalization of cannabis and the industry. We recognize the need for a system of legal cannabis production and supply. However, municipalities play a very crucial role in ensuring that this is done so in the appropriate location, and within established guidelines. Not doing so could leave long term negative effects capable of destroying a community.

We respectfully request that Cramahe Council undertake the following:

- 1. Reconsider the decision Council made on February 6, 2018, overturn that decision and resolve that no CPF would be allowed in the Lakeport area.**
- 2. Enact a by-law restricting cannabis cultivation and/or production to Industrial Zones with full municipal water & sewer services, thereby protecting Cramahe's citizens, vital farmland, and the integrity of the Township of Cramahe as a whole.**
- 3. We request a formal written response from Council to our requests.**

Thank you for your time and consideration of our comments.

Gritt Koehl & Femma Norton on behalf of
DEFEND LAKEPORT

ALNWICK/HALDIMAND

It is proposed that Cannabis Production Facilities only be permitted in the General Industrial (MG) Zone. The following definition will be added to the Zoning By-Law:

Cannabis Production Facility

- **Means the use of land, buildings or structures where cannabis is produced, harvested, processed, tested, destroyed, packaged, stored and distributed, and authorized by a license issued by Health Canada.**

Cannabis Production Facility Provisions

- **Within the Township of Alnwick/Haldimand, the growth, cultivation or processing of cannabis shall be classified as an industrial use and shall be subject to the following provisions:**
 - a) **Such use or uses shall only be permitted within the General Industrial (MG) Zone.**
 - b) **No building or structure for a cannabis production facility shall be located less than:**
 - I. 30 metres from a property line**
 - II. 60 metres from any property within a Residential Zone**
 - III. 60 metres from a residential use on an abutting property.**
 - c) **Other than a municipal civic address sign, no sign, identifying or advertising the cannabis production facility is permitted.**
 - d) **Outside storage, for any purpose is not permitted in association with a cannabis production facility.**
 - e) **The establishment of a cannabis production facility shall be subject to site plan control pursuant to Section 41 of the Planning Act.**

BRIGHTON

Definition for 'Agricultural Use' has been amended to prohibit CPFs

“(Notwithstanding the foregoing, an agricultural use shall not include a kennel use) ...;nor a Cannabis Production Facility (CPF)”

Definition of a Cannabis Production Facility has been added

“Means a facility comprised of one or more buildings or structures, used for the purpose of growing, producing, cultivating, testing, processing, researching, destroying, storing, packaging or shipping of cannabis by a federal government licensed commercial producer in accordance with federal legislation.”

Special Provisions have been added

- a) A Cannabis Production Facility shall only be permitted where full municipal services are available, and where there is sufficient municipal sewer and water capacity to support the facility;**
- b) Where a Cannabis Production Facility is located on a lot, no other use shall be permitted on the same lot;**
- c) A Cannabis Production Facility shall not be permitted to locate on a lot where any part of the lot is closer than 70 metres to a lot in the Residential, Commercial, Open Space, Future Development or Community Facility zones;**
- d) Where a Cannabis Production Facility abuts a non-industrial use, a landscape buffer having a minimum width of 9 metres is to be provided and maintained adjacent to all lot lines, and is uninterrupted except by driveways and railways.**