

Town looking at zoning needed for medicinal marijuana production

By Bill Rea

The federal government allows the production and distribution of medicinal marijuana, but a big concern is where.

That issue has been raised a couple of times lately in Caledon.

The Town hosted a recent public information meeting to address the zoning of such operations. Several in the room were anxious to see things proceed, with some expressing concerns the controls are more strict than required.

Senior Development Planner Brandon Ward told the meeting the Town is looking at a proposed Town-wide zoning that would permit these facilities.

He said the feds have control over the production distribution and use of marijuana, through the Controlled Drugs and Substances Act. The rules for medicinal marijuana are changing, with commercial production being permitted now, subject to federal licensing requirements. Ward said the role of the Town is to evaluate the facilities, the way it would with any new legal operation seeking to set up here, and mitigate possible negative land use impacts.

Ward observed that under the former regulations, people could get permission to produce their own medical marijuana or designate someone else to do it. Or they were able to obtain it from Health Canada. He also pointed out production has been taking place in poorly-equipped facilities, and there was no obligation to inform the local authorities.

There were also safety concerns involving the use of electricity, fire hazards, poor air quality, water damage. As well, there have been worries about production taking place in dwellings, meaning potential for home invasions. There are also concerns the marijuana could be diverted to illegal markets.

The new regulations came into effect in June, and Ward said they set out a licensing protocol to permit highly regulated and sophisticated production facilities.

The old regulations are due to expire at the end of this month. After that, medical marijuana will only be produced by those licensed under the new regulations. All old licences will be invalid.

Ward said the new regulations require that local authorities be informed that a licence is being sought. The required information includes the name of the applicant and contact details, proposed activities, site location, etc. The producer is also to be required to notify local authorities within 30 days of a licence issuance, renewal, amendment, suspension, reinstatement or revocation.

Under the new regulations, the licence will be valid for up to three years, and production will not be allowed in a dwelling. All production, packaging and storage must take place indoors. As well, Ward said retail distribution won't be allowed.

People with licences to produce will be expected to keep detailed records. There will also have to be a sanitation program, and the production facilities will have to be equipped with air filtration to prevent odours or pollen from getting out. Ward also said marijuana can only be destroyed by methods that comply with all legislation and which don't create smoke.

He also said the new regulations include "very stringent" security requirements, including background checks on all who are responsible for the management of the facilities.

The bylaw the Town has been proposing would permit one production facility on a lot zoned prestige or serviced industrial. Other provisions would require signed authorization by the landowner for the proposed use, and that the facility will be at least 150 metres from a lot in an institutional or residential zone, including a nursery, school community centre, or facility aimed at children aged younger than 16.

Other provisions proposed would include at least 90 metres distance separation between facilities, no outdoor signage or advertising, and no other uses would be permitted on a lot with a production facility.

Lawyer Ron Webb, representing Cannabis Care Canada Inc., said his client applied for a licence in December and is ready to proceed. He said they are looking at a site on Highway 10, south of Highpoint Sideroad, and he said it's "a perfect location for the kind of use that is proposed," adding it's surrounded by compatible uses.

Webb said it's clear that there is a rigorous licensing process and strict rules to be followed. But he added a lot depends on who enforces the rules.

As well, Webb said his client is run by a "blue-ribbon board of directors."

Webb also said the zoning on this site permits farm operations, including the growing of tobacco, vegetables and other crops. He expressed concern about restricting these operations to industrial areas, adding that's not necessary. "That is simply a label," he argued.

Other advocates for these facilities had concerns as well.

One man said agricultural areas might be suitable for a facility, pointing out they would be easy to deal with separation and privacy

issues.

He also pointed out that anyone undertaking an operation like this is going to be very committed to security.

Councillor Allan Thompson observed farm operations are already required to identify what goes where on the property, when it comes to items like fuel or fertilizer, in case of fire. He wondered who these marijuana operations were identified as industrial uses.

Ward said that was in keeping with the federal requirements, since there will be regulations governing production, packaging, security, ventilation, distribution, etc. But Thompson suggested there are similar requirements on farms. "Are we going to be looking at agriculture as an industrial operation?" he asked.

Town staff will be sending a report to council on this issue. Ward said he was hoping it will be late in March or early April.