

King fine tunes its bylaw regulating marijuana operations

By Mark Pavilons

As King Township readies its new bylaw governing marijuana operations, councillors are worried the municipality won't have much say in the matter.

Residents are also concerned that odors from the operations will have negative impacts on the community.

Township staff presented a revamped bylaw to councillors, fine-tuning some of the provisions.

Staff first reported to council back in 2015, when they created rules for medical marijuana operations. At the time, staff and council were weighing the options and deciding whether these were commercial or agricultural operations, and where to put them.

As the issue progressed, and with the pending legalization of marijuana for recreational use, King needed a new bylaw.

Health Canada oversees the use of cannabis and access was granted under the 2011 Marihuana Medical Access Regulation (MMAR).

This enabled individuals with the authorization of their health care practitioner to access dried marijuana for medical purposes by producing their own plants with help from websites like [BareLeaf Growing](#), designating someone to produce it for them, or purchasing it from Health Canada.

That was followed in 2013 by the Marihuana for Medical Purposes Regulation (MMPR), which created conditions for a commercial industry responsible for the production and distribution of marijuana for medical purposes.

In 2015, licenced producers were allowed to produce and sell cannabis oil, fresh marijuana buds and leaves. The Access to Cannabis for Medical Purposes Regulation (ACMPR) replaced the MMPR in 2016. This sets out provisions for individual who have registered with Health Canada to produce a limited amount of cannabis for their own purposes or to designate someone to produce it for them. Licenced producers must comply with municipal bylaws such as zoning, building code and fire code requirements. Health Canada points out that municipalities can't deny a licence.

Bill C-45, the Cannabis Act, will create a legal framework for controlling the production, distribution, sale and possession of marijuana across Canada. It's expected the new law will come into effect this fall.

Health Canada and the Canada Revenue Agency will issue licences to cultivate cannabis, produce cannabis products, package and sell marijuana to enable customers to [buy durban poison](#) and other marijuana based products online. Marijuana is really easy to get hold of if you know where to find it. There are loads of fantastic websites that you can buy good quality cannabis products from such as [I Love Growing Marijuana](#).

The new King bylaw provides definitions of cannabis production facilities and identifies where such facilities could be permitted, as well as lot, building standards and setbacks.

Staff have been struggling with deciding whether to limit such operations to agricultural areas, or put them in industrial areas in urban centres, like vacant lands in Schomberg.

Staff aren't supporting using the Holland Marsh, however.

Due to the intensive nature of farming in the Holland Marsh Specialty Crop Area and the valuable muck soils, staff has not recommended to amend the RU2 zone category to permit agricultural cannabis production facilities.

Instead, large-scale cannabis processing should be directed to the settlement areas of the Greenbelt Plan area and the Oak Ridges Moraine Conservation Plan area, they note.

Staff did point out they're using guidelines provided by the Ontario Ministry of Agriculture, Food and Rural Affairs to formulate their new bylaw.

These guidelines will assist planning staff on determining the extent of the agricultural use permitted for agricultural cannabis production facilities within the RU1 zone.

The bylaw also proposes to amend the M2 industrial zone to permit industrial and medical cannabis production facilities.

Currently, the Township considers medical marijuana facilities as agricultural uses. Staff revisited some key definitions of facilities and sites and identified setbacks and air treatment control as priorities in the new bylaw.

The draft bylaw proposes optional requirement of air treatment control. This will give an applicant the option to install adequate odour control in order to maintain a reasonable setback of 150 metres from a sensitive land use. If an applicant chooses not to install air treatment control, a greater setback requirement of 300 metres will be required to prevent odours from reaching sensitive land uses and causing land use conflicts and adverse impacts to neighbours.

Air filtration, according to Councillor Debbie Schaefer, is vital. You can't have a setback for air, she pointed out.

She added marijuana is a "product" and we have to reserve prime soil for growing food.

A resident of the Lloydtown-Aurora Road said odour is noticeable from an existing facility in the area. He urged staff to get some teeth in the new bylaw to adequately enforce the rules.

Mayor Steve Pellegrini pointed out that not a single mayor in Ontario is happy about the new laws.

"I want it controlled and I want air filtration," he stressed.

The municipality is behind the 8-ball trying to regulate these facilities and the process is becoming time-consuming and frustrating.

Tony Bajar, who's been operating a Holland Marsh greenhouse operation for decades, had another take on it. He's been approached by potential growers, offering a great deal of money for his property.

Councillor Avia Eek pointed out this property has never been used to grow food, but limited to horticulture, so it would be suitable.

Gerry Fumo, who represents a consulting firm interested in Bajar's property, pointed out the Health Canada regulations are very strict and he assures council they will abide by all the rules.

Councillor Bill Cober observed the new law will allow for individuals to own four plants in their homes and apartments. "So buckle up," he said.

He also noted many facilities are already operating. "They're here and that's an issue," he said.

Manager of Planning Gaspare Ritacca confirmed there are legally operating facilities in King. He added Health Canada doesn't have to tell the municipality where they are or share any of the details.

Pellegrini urged staff to get the revamped bylaw back before council quickly so they are prepared.