



**PLANNING REPORT  
for the TOWNSHIP OF WELLINGTON NORTH**

Prepared by the County of Wellington Planning and Development Department

**DATE:** August 31, 2022  
**TO:** Darren Jones, C.B.O.  
Township of Wellington North  
**FROM:** Curtis Marshall, Manager of Development Planning  
County of Wellington  
**SUBJECT:** **Extension of Interim Control By-law  
Cannabis Production and Processing Uses**

**BACKGROUND**

On August 23, 2021, Council passed the following resolution:

RESOLUTION: 2021-263

*THAT the Council of the Corporation of the Township of Wellington North direct staff to undertake a study in respect of land use planning policies relating to Cannabis Operations within the municipality with respect to noise, odour, water usage, security, traffic, etc.*

In response to the resolution, Planning Staff prepared an Interim Control By-law (ICBL) for Council's consideration which would prohibit the establishments of "Cannabis Production Related Uses" in the Township for a 1 year period while a land use planning study was undertaken. On September 27, 2021 Township Council approved and adopted the ICBL (092-21). Unless extended by Council, the ICBL will expire on September 27, 2021.

The ICBL defines "Cannabis Production Related Uses" as:

*The use of lands, buildings or structures for the purpose of growing, cultivating, raising, producing, processing, drying, harvesting, packaging, treating, testing, destroying, storing and/or distribution of Cannabis as defined by the Cannabis Act, 2018, c. 16 as amended. A Cannabis Production Related Use does not include the growth, production or processing cannabis plants at a residence in accordance with personal use allotments permitted under the Cannabis Act, and by the Province of Ontario for recreational purposes.*

The By-law prohibits new commercial and medical cannabis production facilities from being established in the Township. Planning Staff note that the two properties in the Riverstown rural industrial area which have previously obtained zoning by-law amendments to grow cannabis can continue to exist in their current form as "legal non-conforming uses" while the ICBL is in place.

The ICBL also does not prohibit the growing of cannabis plants for recreational purposes at a residence as permitted by the *Cannabis Act* and provincial regulations (currently 4 or fewer cannabis plants).

## **CANNABIS PRODUCTION AND RELATED USES STUDY**

Late last year, Planning Staff together with Township Staff commenced a study of the Township's planning policies related to cannabis production and processing facilities. The study includes 4 main phases:

- Background Review (Completed)  
A review of applicable policy and regulations, land use impacts, and municipal best practices. A background report has been prepared (dated April 2022), completed and presented to Council.
- Review of Policy Options (Completed)  
A regulatory option report has been prepared presenting and reviewing regulatory options for cannabis production and processing uses.
- Public Consultation (Underway)  
A public meeting will be held in accordance with the *Planning Act*. Input welcomed from agencies and the public.
- Final Recommendations  
Final report which includes final policy recommendations for Council's consideration.

In June 2022 Planning Staff prepared a Regulatory Options Report for Council's consideration. This report presented and reviewed policy options to regulate cannabis production and processing uses in the Township. Planning Staff provided recommended options which were endorsed by Council.

Planning Staff are currently working on developing draft zoning by-law regulations which will be presented to the public for review and comment at a future public meeting.

## **INTERIM CONTROL BY-LAW EXTENSION**

Section 38 (2) of the *Planning Act* provides that a Council may amend an Interim Control By-law to extend the period of time during which it will be in effect, provided the total period of time does not exceed 2 years from the date of passing of the ICBL.

Public notice (including the holding of a public meeting) is not required prior to Council extending the time period an ICBL is in effect, however the extension is subject to appeal under the *Planning Act*. Notice of passing of the amended ICBL is also required under the *Planning Act*.

Planning Staff have prepared a by-law which amends Interim Control By-law 092-21 to extend the expiry date of the By-law until September 27, 2023 (1 additional year). A copy of the proposed amending by-law is attached as **Schedule 1** to this report. The extended time frame is necessary to allow for the completion of the Township's Cannabis Production and Related Uses Study.

## CONCLUSION

Planning Staff recommend that the Interim Control By-law for cannabis uses be amended to extend the expiry date of the by-law for an additional 1-year period. This extension is necessary to allow for the completion of the Township's Cannabis Production and Related Uses Study. An amending by-law has been prepared for Council's consideration and is attached to the report as **Schedule 1**.

Respectfully submitted



Curtis Marshall, RPP MCIP  
Manager of Development Planning

**Schedule 1 – ICBL Extension**

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH  
BY-LAW NUMBER \_\_\_\_\_.**

**BEING A BY-LAW TO AMMEND INTERIM CONTROL BY-LAW 092-21 (CANNABIS PRODUCTION RELATED USES) TO EXTEND THE PERIOD OF TIME DURING WHICH IT WILL REMAIN IN EFFECT TO SEPTEMBER 27, 2023.**

WHEREAS Council for the Township of Wellington North passed an Interim Control By-law on September 27, 2021, prohibiting the use of lands, buildings or structures for Cannabis Production and Related Uses in the Township for a period of 1 year;

AND WHEREAS the Township of Wellington north has commenced a Cannabis Production and Related Uses Study;

AND WHEREAS Section 38 (2) of the Planning Act, R.S.O 1990, c. P.13, as amended, allows for a municipality to extend the period of time that an Interim Control By-law can be in effect, provided the total period of time does not exceed 2 years from the date of passing of the Interim Control By-law;

AND WHEREAS Council for the Township of Wellington North has determined that it is in the public interest to extend the Interim Control By-law 092-21 for an additional year pursuant to Section 38 92) of the Planning Act, R.S.O 1990, c. P.13, as amended, to prohibit the use of specific lands within the Township for Cannabis Production Related Uses, as more particularly defined by the by-law, so as to allow the Township to review and, if considered appropriate, implement the findings and recommendations of the Cannabis Production and Related Uses;

NOW THEREFORE the Council of the Corporation of the Township of Wellington North enacts as follows:

1. Interim Control By-law 092-21, is hereby amended by deleting and replacing Section 3. with the following:
  3. This By-law shall be in effect until September 27, 2023.

READ A FIRST AND SECOND TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022

READ A THIRD TIME AND PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK