



Council Report

Report Number: LGL2021-003

Meeting Date: March 23, 2021

Title: **Regulation of Nuisance associated with Cannabis Cultivation and Processing Operations within the City of Kawartha Lakes**

Description: Proposed amendments to the Property Standards By-law to address odour and light pollution associated with Cannabis Cultivation and Processing Operations.

Author and Title: Robyn Carlson, City Solicitor

Recommendation:

That Report RS2021-003 Regulation of Nuisance associated with Cannabis Cultivation and Processing Operations within the City of Kawartha Lakes, be received; and

That an amendment to the property standards by-law, as outlined in Appendix A to Report LGL2021-003, be brought forward to Council for adoption.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

On November 17, 2020, Council passed the following resolution:

CW2020-179

That Report RS2020-011, Regulation of Nuisance associated with Cannabis Cultivation and Processing Operations within the City of Kawartha Lakes, be received;

That a by-law to amend the Property Standards By-law in the form attached as Appendix "A" be placed before the Agricultural Development Advisory Committee for review and comment;

That an amendment to the Fees and Charges By-law substantially in the form attached as Appendix "B" be forwarded to Council for adoption; and

That a further report come forward from Development Services, by the end of Q1, 2021, to discuss potential by-law amendments to the various Zoning By-laws in force and effect throughout the municipality, following statutory public consultation.

Carried

The purpose of this report is to report on the advice from the Agricultural Advisory Committee with respect to the proposed amendments to the Property Standards By-law, and to recommend that the by-law amendments, as further amended to satisfy the concerns of the Agricultural Advisory Committee, be passed by Council.

Rationale:

At the November 26, 2020 meeting of the Agriculture Development Advisory Committee, the members reviewed the council direction regarding Report LGL2020-011, Regulation of Nuisance associated with Cannabis Cultivation and Processing Operations within the City of Kawartha Lakes, and Appendix A of that report (proposed amendments to the Property Standards By-law) was to be placed before the Agricultural Development Advisory Committee for review and comment.

The Committee had a fulsome discussion of the issues, which included the following:

- Health Canada-licenced production of pharmaceutical or recreational cannabis is an agricultural activity and is appropriate on lands zoned and designated for agricultural production.

- This type of production should be differentiated from the legal growing for personal medical or recreational use, as well as illegal, unlicensed production.
- The production identified in the first bullet point may be considered an agricultural operation if it is commercial in nature (“for gain”).
- The production identified in the second point is either not legal, or not for gain, and cannot be considered an agricultural operation.
- Agricultural operations are protected from complaints relating to noise, light, odour and dust, as well as regulations by municipalities in relation to normal farm practices, by the *Farming and Food Production Protection Act*.
- The *Farming and Food Production Protection Act* protects normal farm practices on agriculturally-zoned lands. This protects all types of agriculture, including legal, commercial cannabis production.
- As proposed, the by-law amendments may impact all types of agricultural production, including legal commercial cannabis production.
- The legal, licenced, commercial production of cannabis, and other agricultural operations should be exempt from the proposed provisions within the property standards by-law.
- Definitions for “agricultural operation”, “agricultural lands” and “normal farm practice” are needed, as used in other CKL by-laws (see Site Alteration By-law as an example)

The Committee passed the following motion with respect to this matter:

MOTION: Moved by Adam Shea and seconded by Michelle Murphy-Ward,

That ADAC recommends that an exemption for normal farm practices be added to the proposed changes to the property standards by-law. **Carried Unanimously.**

As a result of that feedback, Staff have incorporated recommended amendments into the proposed amendments to the Property Standards By-law. These additional amendments are shown in track changes at Appendix A. Staff are recommending that the amendments to the Property Standards By-law, as set out as Appendix A, be passed by Council.

Other Alternatives Considered:

None.

Alignment to Strategic Priorities

This report and recommended resolutions aligns with the guiding principle of service excellence. Moreover, this report and recommendations support the strategic priority of good government.

Financial/Operation Impacts:

Additional operation impacts will be felt by the Municipal Law Enforcement Office, as the enforcement of these added Property Standards provisions will fall to them. No additional staff is being proposed for that Office, so will result in additional workload for existing staff. Staff in that department are currently at/over capacity, so this is intended to increase wait times for responses. That department currently has a wait time of 2 months for some investigative issues and response.

Consultations:

Agricultural Advisory Committee
Manager of Municipal Law Enforcement

Attachments:

Appendix A – Proposed Amendments to the Property Standards By-law to Address Nuisance Associated with Cannabis Growth and Processing Operations



LGL2021-003
Appendix A.docx

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Department Head: Robyn Carlson, City Solicitor