

# The Corporation of the Township of Springwater

## By-law 2021-104

**Being a By-law to adopt Official Plan Amendment 63 (OPA 63) of the Springwater Official Plan with respect to lands within the entire geographic area of the Township of Springwater**

(OP-2021-002 - Cannabis Production Facilities)

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**Whereas** the Township of Springwater has held a public meeting for an Official Plan Amendment regarding Cannabis Production Facilities in accordance with the provisions of the Planning Act;

**Now Therefore** the Council of the Corporation of the Township of Springwater in accordance with the provisions of the Planning Act, R.S.O., 1990, c.P. 13, as amended, hereby enacts as follows:

1. That Official Plan Amendment 63 of the Township of Springwater, being the attached text, is hereby adopted.
2. That the Clerk is hereby authorized and directed to make application to the County of Simcoe for approval of the aforementioned Official Plan Amendment for the Township of Springwater and to provide such information as required by Section 17 (7) of the Planning Act, R.S.O., 1990, as amended.
3. That this By-law shall come into force and take effect upon approval by the County of Simcoe subject to the appeal provisions under the Planning Act.

**Read a First, Second and Third Time and Finally Passed this 3rd day of November, 2021.**

Original Signed By

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Don Allen, Mayor

Original Signed By

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Renée Ainsworth, Clerk

**Amendment 63 to the  
Official Plan for the  
Township of Springwater**

The attached explanatory text constituting Amendment 63 to the Official Plan for the Township of Springwater, was prepared and adopted by the Council of the Corporation of the Township of Springwater by By-law 2021-104 in accordance with the provisions of Sections 17 and 22 of the Planning Act, R.S.O. 1990 c.P. 13 as amended.

Original Signed By

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Don Allen, Mayor

Corporate Seal  
Of Municipality

Original Signed By

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Renée Ainsworth, Clerk

**Amendment 63**  
**To the Township of Springwater Official Plan**

**Introduction**

**Part A - The Preamble** does not constitute a part of this Amendment.

**Part B - The Amendment** consisting of the following text constitutes Amendment No. 63 to the Township of Springwater Official Plan.

## **Part A – The Preamble**

### **Title**

This Amendment when approved by the County of Simcoe shall be known as Amendment Number 63 to the Official Plan of the Township of Springwater.

### **Purpose**

The purpose of the Amendment is to: enable the Official Plan to provide policy guidance for legal cannabis cultivation and production on lands designated for ‘Agricultural’ or ‘Industrial’ uses in the Township of Springwater; require licensed Cannabis Production Facilities to be subject to Site Plan Approval; and require certain criteria to be met for the approval of Cannabis Production Facilities.

### **Location**

The Amendment applies to all lands within the Township of Springwater.

### **Basis**

The Township has initiated an amendment to the Official Plan to implement the recommendations of a Cannabis Production Review Study prepared by WSP Group to address an increase in concerns associated with the commercial production of cannabis. This amendment provides policies for the consideration of Cannabis Production Facilities, and associated criteria, to be implemented through the Zoning By-law and Site Plan Control process. The policies are intended to prevent and mitigate adverse impacts from Cannabis Production Facilities that may not be mitigated to a satisfactory extent by Federal regulations.

This OPA is part of a comprehensive regulatory framework being established by the Township including amendment to the Zoning By-law and the Site Plan Control By-law.

The Cannabis Act, 2018, establishes rules for the production, possession, and sale of cannabis across Canada, but permits provinces the authority to regulate the use, distribution, and sale of recreational cannabis. Following the Cannabis Act, Ontario passed the Cannabis Control Act in December 2017. Cannabis Regulations (SOR/2018-144) provides for licenses to cultivate and process cannabis including requirements for physical and personnel security at facilities.

The Cannabis Act regulations include licensing for both large-scale (“standard”) and small-scale (“micro”) cultivation and processing facilities, and authorize associated activities such as analytical testing, import/export and research. Licenses may be granted to individuals or organizations and holding multiple licenses would allow multiple activities to be conducted on one site (i.e. both cultivation and processing).

The Federal regulations, in part:

- Prohibit any licensed activity in a dwelling;
- Permit both indoor and outdoor cultivation, but permit only indoor storage and processing;
- Require reasonable measures to prevent the escape of odours and pollen from indoor areas; and
- Require physical and personnel security requirements, such as securing the perimeter to prevent unauthorized access with physical barriers and restricting access areas where cannabis is present.

In response to an increase in concerns associated with the production of cannabis, Council approved Interim Control By-law #2020-041 on June 3, 2020 to temporarily prohibit all development and crop production pertaining to cannabis production facilities until June 3, 2021. This provided the Township with the opportunity to research the issue and prepare policy and regulation related to Cannabis Production Facilities.

## **Part B – The Amendment**

### **Details of the Amendment**

#### Text Amendment(s)

1. Subsection 30.7 (Glossary of Terms) is hereby amended by adding subsection (30.7.1.12) as follows:

30.7.1.12 “Cannabis Production Facility” shall mean any building or structure, use of land, license and/or authorization to possess, sell, provide, ship, deliver, transport, destroy, produce, cultivate, process, export and/or import cannabis for medical or non-medical purposes, including related research as defined in applicable Federal Regulation as amended from time to time.

2. Subsection 17.3 (Agricultural Policies) is hereby amended by adding subsection (17.3.6) as follows:

17.3.6 Cannabis Production Facility

17.3.6.1 Licensed Cannabis Production Facilities in accordance with the Federal Cannabis Act and subject to other pertinent policies of this Plan, may be permitted, subject to the Township’s Comprehensive Zoning By-law, as amended, and approval of Site Plan Control pursuant to the Planning Act, R.S.O. 1990, c.P. 13 and the Township of Springwater Site Plan Control By-law.

- 17.3.6.2 In considering an application for a Cannabis Production Facility within the “Agricultural” designation which does not comply with the minimum requirements of the Agricultural (A) Zone, the applicant shall address the following criteria:
- i. A Zoning By-law Amendment shall be required for any proposal for a Cannabis Production Facility which does not comply with the minimum requirements of the Agricultural (A) Zone;
  - ii. New purpose-built facilities will be encouraged as the first option, and any retrofit or use of existing agricultural buildings or structures must first demonstrate suitability for such use;
  - iii. That mitigation measures be taken to reduce impacts on abutting residential, institutional, and other sensitive land uses, and, to determine the appropriate separation distance of the proposed facility to existing sensitive land uses and zones, including commercial and recreational land uses frequented by members of the public;
  - iv. That buffering and screening will preserve the agricultural character of the surroundings;
  - v. That required facilities will be installed such as, but not be limited to, on-site water storage and rate-of-flow control facilities and complete Stormwater management facilities;
  - vi. That a waste management plan will be submitted to the satisfaction of the Township describing the method and location of collection and disposal of any waste products;
  - vii. Access to municipal water supply is preferred and mandatory where available; however, in the case of a private water supply, the Township will require justification from a qualified person that there is sufficient water for daily usage (Provincial water taking permit may be required) and adequate fire suppression; and,
  - viii. Access to municipal sanitary sewer is preferred and mandatory where available, however in the case of a private septic system or other on-site disposal system, the Township will require confirmation from a qualified person that discharge from the facilities can be safely treated in a private septic system or alternative. If discharge or treatment of produce requires offsite handling, the

owner(s) will provide documentation of agreement(s) with approved handlers.

3. Subsection 12.2 (Industrial Policies) is hereby amended by adding subsection (12.2.3) as follows:

12.2.3. Cannabis Production Facility

12.2.3.1 Licensed Cannabis Production Facilities in accordance with the Federal Cannabis Act and subject to other pertinent policies of this Plan, may be permitted, subject to a site-specific Zoning By-law Amendment, and approval of Site Plan Control pursuant to the Planning Act, R.S.O. 1990, c.P. 13 and the Township of Springwater Site Plan Control By-law.

12.2.3.2 In considering an application for a Cannabis Production Facility within the "Industrial" designation which does not comply with the General Industrial (MI/MO) Zones, the applicant shall address the following criteria:

- i. A Zoning By-law Amendment shall be required for any proposal for a Cannabis Production Facility which does not comply with the minimum requirements of the General Industrial (MI/MO) Zones;
- ii. New purpose-built facilities will be encouraged as the first option, and any retrofit or use of existing industrial buildings or structures must first demonstrate suitability for such use;
- iii. That mitigation measures be taken to reduce impacts on nearby residential, institutional, and other sensitive land uses, and, to determine the appropriate separation distance of the proposed facility to existing sensitive land uses and zones, including commercial and recreational land uses frequented by members of the public;
- iv. That required facilities will be installed such as, but not be limited to, on-site water storage and rate-of-flow control facilities and complete Stormwater management facilities;
- v. That a waste management plan will be submitted to the satisfaction of the Township describing the method and location of collection and disposal of any waste products;
- vi. Access to municipal water supply is preferred and mandatory where available; however, in the case of a

private water supply, the Township will require justification from a qualified person that there is sufficient water for daily usage (Provincial water taking permit may be required) and adequate fire suppression; and,

- vii. Access to municipal sanitary sewer is preferred and mandatory where available, however in the case of a private septic system or other on-site disposal system, the Township will require confirmation from a qualified person that discharge from the facilities can be safely treated in a private septic system or alternative. If discharge or treatment of produce requires offsite handling, the owner(s) will provide documentation of agreement(s) with approved handlers.

### **Implementation**

This Amendment will be implemented by the enactment of an amending Zoning By-law to reflect the general intent of this Amendment.

### **Interpretation**

The provisions of the Official Plan, as amended from time to time, shall apply in regard to the Amendment.