

Medical pot production set for municipal approval

By Brock Weir

Medical marijuana production facilities in Aurora's new business park could get Council's green light this week, but local lawmakers aren't necessarily keen to roll out the red carpet.

Council is set to approve a new bylaw which would permit a medical marijuana production facility in two possible locations on either side of Wellington Street within the Leslie Street employment lands.

When enacted, the proposed bylaw would rule out a previously investigated site in the Industrial Parkway and Engelhard Drive area in favour of the new business park. Any incoming facility would have to be 150 metres away from any other zoning use and the same distance from sensitive land use, including residential areas.

Under wider regulations, on-site retail, advertising and outdoor storage would be prohibited, and all activities would need to take place within a wholly enclosed building.

Addressing issues raised by Councillors at a public planning meeting last month devoted to the matter, Marco Ramunno, Aurora's Director of Planning, said regulations would be in place to protect area groundwater and eliminate odour emitting from the production.

Unsanitary fencing, including issues around the prison-like barbed wire surrounding facilities in other jurisdictions, could be addressed and regulated by Council through a site plan approval process, and other worries about municipal duties and licensing would be a non-issue.

With respect to requiring municipal licenses or additional inspections for Medical Marijuana Production, staff believe this would be redundant and without benefit, he said. The new Federal regulations have imposed stringent requirements both with respect to obtaining a license and for production and security of the facility. Furthermore, by Federal law, the only inspectors that would have access to areas where cannabis is present are Federal inspectors. The Town's building inspectors would conduct their regular building inspections during the various stages of the construction process.

Members of Council, however, were not so sure and turned their attention towards the City of Mississauga to see if any of their more stringent regulations pertaining to medical pot grow ops would be applicable in Aurora.

I feel uncomfortable having no say as a municipality over marijuana growing facilities, said Councillor Harold Kim, suggesting Aurora should take on inspecting such facilities similarly to how the Region of York inspects restaurants. Given our experiences with Canada Post and other areas of jurisdiction, I think the best level of government that can protect its residents is at the municipal level. I am not sure if Mississauga set a precedent, but I think they are going that route. I think any industry where there is even a remote change of any health issues with residents, there is a regular checkup of those facilities.

I am sure this is a high tech biopharmaceutical operation and I am sure it is very clean and so on, but because it is still relatively new, I would like to have municipal control over standards to make sure they meet the requirements and are issued an annual license.

Making an amendment to investigate a licensing system aligned to Mississauga, Councillor Kim said he did not feel comfortable with such a large facility being in Aurora without the municipality having any control over inspection and safety.

Although Aurora licenses small-scale businesses such as taxi companies and mobile vendors, such regulations do not apply to manufacturing businesses, responded Techa van Leeuwen, Aurora's Director of Bylaw Services.

?I don't know if we are able to do it for a specific industry, especially if it falls outside our jurisdiction,? said Councillor Paul Pirri. ?If we wanted to develop a business license as a whole and everybody who does business needs to sign up with us so we know who is around and there is better data that can be driven from that, I am in favour of this.?

As chair of the Town's Economic Development Advisory Committee, he said the group passed a recommendation to Council this month to deny outright medical marijuana facilities because it wasn't a ?positive economic development opportunity? for Aurora, a position the Councillor said he did not support.

It was, nevertheless, an option that was discussed around the Council table.

?Residents [have asked] why we don't just ban it outright,? said Councillor Michael Thompson. ?As far as I can understand from the research I have done, most things say we're not able to ban it primarily because it is licensed or regulated by Health Canada and, in doing so, we open ourselves up to a court challenge.?

Town Solicitor Warren Mar agreed, saying the fact it is regulated, licensed and permitted by the Federal government, an outright ban would ?end up in a court challenge we would likely lose.?

?I am against this because I think it is a very poor land use,? said Councillor Wendy Gaertner, reiterating her position the lands in question should be reserved for industries which provide more jobs. ?Could we make this bylaw even more onerous to discourage? We can't say they can't locate, but could we make it even more onerous to discourage location??

Mr. Ramunno said there is little option for that, beyond that outright ban.