

**Authority:** Item 9, Planning Committee  
Report: 18-013 (PED18194)  
CM: September 12, 2018  
Ward: City Wide

**Bill No. 264**

**CITY OF HAMILTON**

**BY-LAW NO. 18-**

**To Adopt:**

**Official Plan Amendment No. 21 to the  
Rural Hamilton Official Plan**

Respecting:

**Cannabis Growing and Harvesting Facilities**

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. Amendment No. 21 to the Rural Hamilton Official Plan consisting of Schedule “1”, hereto annexed and forming part of this by-law, is hereby adopted.

**PASSED** this 12th day of September, 2018.

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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk

## **Rural Hamilton Official Plan Amendment No. 21**

The following text constitutes Official Plan Amendment No. 21 to the Rural Hamilton Official Plan.

### **1.0 Purpose and Effect:**

The purpose and effect of this Amendment is to revise medical marihuana growing and harvesting facility policies to reflect the recent approval of the *Cannabis Act* and to include additional regulations related to the use.

### **2.0 Location:**

Lands affected by this Amendment are located within the Agricultural, Rural and Specialty Crop Land Use Designations, as identified on Volume 1, Schedule D of the RHOP.

### **3.0 Basis:**

The basis for permitting this Amendment is:

- The Federal government introduced the *Cannabis Act* which allows for the growing and harvesting of cannabis for recreational purposes. A consistent policy framework for both medical and recreational marihuana is appropriate;
- The addition of separation distances between sensitive land uses and a cannabis production facility additional regulations to separate a cannabis production facility from sensitive land uses; and,
- The proposed Amendment is consistent with the Provincial Policy Statement, 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017.

#### 4.0 Actual Changes:

#### 4.1 Volume 1 – Parent Plan

##### *Text*

##### 4.1.1 Chapter D – Rural Systems/Designations

- a. That Policy D.2.1.1.4 of Section D.2.1 – Permitted Uses, be amended by:
- i) deleting the words “medical marihuana” and replacing them with “cannabis”;
  - ii) adding three new policies, as follows:
    - “c) The testing, packaging, and shipping of cannabis shall be accessory to the cannabis production growing and harvesting facility;
    - d) An appropriate setback between a cannabis production growing and harvesting facility and a *sensitive land use* shall be established in the Zoning By-law;
    - g) In accordance with Section F.1.19 – Complete Application Requirements and Formal Consultation, the following studies shall be submitted as part of an official plan amendment, zoning by-law amendment and site plan applications:
      - i) Odour and Dust Impact Assessment;
      - ii) Light Impact Assessment;
      - iii) Transportation Impact Study;
      - iv) Hydrogeological studies; and,
      - v) any other appropriate studies, identified as part of the complete application and formal consultation process; and,”
- and renumbering the existing clauses c), d) and e) to clauses e), f) and h).
- b. That renumbered Policy D.2.1.1.4 h) of Section D.2.1 – Permitted Uses, be amended by:
- i) deleting the words “size and” between the words “building” and “location”;

- ii) replacing the word “set-backs” with the word “setbacks”; and,
- iii) adding the words “, sustainable private services, odour/dust, traffic” between the words “drainage” and “and”,

so that the policy reads, as follows:

“D.2.1.1.4 h) The establishment of a new *cannabis production growing and harvesting facility* or the expansion of an existing facility shall be subject to Site Plan approval to address the appropriate building location, setbacks, drainage, sustainable private services, odour/dust, traffic and any other matters.”

- c. That Section D.6.6 – Permitted uses be amended by adding a new clause c) as follows:

- c) a cannabis production growing and harvesting facility, in accordance with the regulations in Policy D.2.1.1.4.

and renumbering the subsequent policies.

#### 4.1.2 Chapter G – Glossary

- a. That the definition of Medical Marihuana Growing and Harvesting Facility Production Growing and Harvesting Facility be deleted and replaced with the following new definition:

“**Cannabis Growing and Harvesting Facility:** shall mean a wholly enclosed building or structure used for growing, harvesting, testing, destroying, packaging and shipping of cannabis, for a facility where a licence, permit or authorization has been issued under applicable federal law.”

## **5.0    Implementation:**

An implementing Zoning By-Law Amendment will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule "1" to By-law No. 18-264 passed on the 12<sup>th</sup> of September, 2018.

**The  
City of Hamilton**

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F. Eisenberger  
MAYOR

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J. Pilon  
ACTING CITY CLERK