



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 4, 2018
SUBJECT/REPORT NO:	Proposed Changes to the Official Plans and Zoning By-law No. 05-200 Relating to Cannabis Growing and Harvesting Facilities, Aquaponics and Greenhouses (CI-18-H) (PED18194) (City Wide)
WARD(S) AFFECTED:	City wide
PREPARED BY:	Joanne Hickey Evans (905) 546-2424 Ext. 1282
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That approval be given to Official Plan Amendment No. XX to the Rural Hamilton Official Plan (RHOP-Volume 1) to amend the definition and associated regulations for a marihuana growing and harvesting facility to incorporate non-medical cannabis (recreational marihuana) production facilities, on the following basis:
 - (i) That the Draft Rural Hamilton Official Plan Amendment, attached as Appendix “A” to Report PED18194 be adopted by Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (PPS) 2014 and conforms to the Greenbelt Plan and the Growth Plan for the Greater Golden Horseshoe, 2017 (P2G).
- (b) That approval be given to Official Plan Amendment No. XX to the Urban Hamilton Official Plan (UHOP-Volume 1) to amend the definition and regulations for medical marihuana growing and harvesting facility to incorporate non-medical cannabis (recreational marihuana) production facilities, on the following basis:
 - (i) That the Draft Urban Hamilton Official Plan Amendment, attached as Appendix “B” to Report PED18194, be adopted by Council;

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- (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (PPS) 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017 (P2G).
- (c) That approval be given to City Initiative CI-18-H to amend the definition and associated regulations for a medical marijuana growing and harvesting facility in Zoning By-law No. 05-200 to incorporate non-medical cannabis (recreational marijuana) production facilities, on the following basis:
 - (i) That the Draft By-law, attached as Appendix “C” to Report PED18194, which have been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed changes in zoning will be in conformity with the Rural Hamilton Official Plan (RHOP) upon approval of Official Plan Amendment (OPA) No.____;
 - (iii) That the proposed changes in zoning will be in conformity with the Urban Hamilton Official Plan (UHOP) upon approval of Official Plan Amendment (OPA) No.____; and,
 - (iv) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS) 2014 and conforms to the Greenbelt Plan and the Growth Plan for the Greater Golden Horseshoe, 2017 (P2G).
- (d) That Item “O” be removed from the Outstanding Business List.

EXECUTIVE SUMMARY

The purpose of this Report is to report back on a direction from City Council which requested staff to review Official Plan (OP) policies and zoning regulations for recreational marijuana growing and harvesting.

The original planning policies and regulations were introduced in 2014/2015 and only referenced medical marijuana growing and harvesting facility. In the absence of specific definitions and regulations for recreational marijuana, this use is considered as an agricultural use. To ensure the same regulations apply to recreational marijuana as medical marijuana amendments to the Official Plans (OP’s) and Zoning By-law No. 05-200 are required.

In addition, changes to the OPs and zoning are also recommended for certain existing regulations to ensure clearer interpretation and to add a new setback provision from a sensitive land use. Further, in 2014, staff recommended that medical marijuana

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growing and harvesting facility, aquaponics and greenhouses be permitted with certain areas of the Airport Employment Growth District (AEGD) after the OMB appeals were resolved.

Based on the above, several changes to the Rural Hamilton and Urban Hamilton Official Plans and Zoning By-law No. 05-200 are being introduced. Specifically:

- Rural Hamilton Official Plan (RHOP) and Urban Hamilton Official Plan (UHOP) Amendments:
 - Updating the definition of Medical Marihuana Growing and Harvesting facility to reflect the new term 'cannabis' and to include references to licences, permits or authorization under federal legislation both Official Plans (both OPs)). This term will include both medical and recreational marihuana;
 - Requiring a 150 m setback from the cannabis production facility to an existing sensitive land use or to a specific zone boundary (both OPs);
 - Including a cross reference to the regulations for a Cannabis Harvesting and Growing facility in the Mineral Extractive Industrial Resource Area policies (RHOP); and,
 - Adding aquaponics, greenhouse and cannabis growing and harvesting facility to the Airport Business Park Designation and the Airport Prestige Industrial and Airport Light Industrial Designations (UHOP).

- Zoning By-law No. 05-200:
 - Updating the definition of Cannabis Growing and Harvesting facility to reflect the new term cannabis and to include references to licences, permits or authorization under federal legislation;
 - Updating the Agricultural Processing Establishment – Stand Alone definition to include cannabis products as agricultural processing;
 - Requiring a 150 m setback from the Cannabis Production Facility to an existing sensitive land use or to a specific zone boundary;
 - Adding Cannabis Growing and Harvesting and facility to the Light Industrial (M10) Zone and the Prestige Business Park (M11) Zone; and,
 - Increase the setback from any lot line from 20 m to 30 m in the A1 (Agricultural) and A2 (Rural) Zones.

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Alternatives for Consideration – See Page 16

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Municipal Properties Assessment Corporation's (MPAC) position was that medical marijuana grow operations are industrial and that they were awaiting further clarification from the Ministry of Finance on this matter. To date, staff have not received any additional information from MPAC. Staff are not aware of any facility in Hamilton (whether it operates in an agricultural area or an industrial park) that has been assessed/reassessed by reflect the use as a medical marijuana growing and harvesting facility to confirm whether or not this use is being assessed as an industrial use.

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an application for an amendment to the Official Plans and Zoning By-law.

HISTORICAL BACKGROUND

1.0 Federal Legislation

1.1 Cannabis Act, 2018

The *Cannabis Act* received Royal Assent on June 18, 2018. The Act controls the production, distribution, sale and possession of cannabis in Canada. Cannabis includes the plant and any product derived from the plant (e.g. oil, dried etc.). It is a broader term than marijuana.

1.2 Cannabis Regulations SOR 2018-144

On June 27, 2018, the Federal government introduced *Cannabis Regulations SOR 2018-144* which establishes “the rules and standards that will apply to the authorized production, distribution, sale, importation and exportation of cannabis, as well as other related activities respecting the classes of cannabis (i.e. dried, fresh, oil, plants, seeds) that will be permitted to be sold by a person authorized under the Cannabis Act...” (Executive Summary, SOR 2018-144).

These regulations are not yet in effect.

1.3 Access to Cannabis for Medical Purposes Regulations (ACMPR)

At the time of writing this report, this regulation remains in effect. In addition to this regulation, the Licensee must satisfy other federal land use related requirements. Specifically,

- The facility has to meet the applicable municipal by-laws (e.g. Official Plans and Zoning By-laws). Health Canada does not check to see if municipal by-laws are met but relies on the Licensee to determine compliance and requires the Licensee to operate in accordance with municipal by-laws; and,
- The Federal government undertakes a review of residential uses within 500 m of the site. This review is a “best practice” by the Federal Government to achieve safety, protection, etc., and is not specifically articulated in the Federal Act and/or applicable regulations.

2.0 Provincial Legislation

Provinces and territories are responsible for developing, implementing, maintaining and enforcing systems to oversee the distribution and sale of cannabis. They would also be able to add their own safety measures, such as:

- increasing the minimum age in their province or territory (but not lowering it);
- lowering the personal possession limit in their jurisdiction;
- creating additional rules for growing cannabis at home, such as lowering the number of plants per residence; and,
- restricting where adults can consume cannabis, such as in public or in vehicles.

If there are any other additional directions / regulations from the provincial government, staff would review the existing land use planning policies and regulations.

2.1 Cannabis Act, 2017

Ontario’s *Cannabis Act, 2017* for Ontario, contains regulations among others on the sale, distribution, purchase, possession, cultivation, propagation and harvesting of cannabis for the purposes of:

- protecting human health and safety;
- restricting youth access to cannabis; and,
- allowing for the retail of the product in Ontario Cannabis Stores.

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On August 13, 2018, the Provincial government announced that the *Ontario Cannabis Act* would be revised to change the retail sales model. Under the revised Act, Cannabis may be sold by private retailers but the supply would be controlled by the government. The government would also be responsible for on-line sales. To date the Act is not in effect and no date proclaimed.

3.0 Council Directions

3.1 City Council, November 8, 2017

Council, at its meeting of November 8, 2107, passed the following motion:

“WHEREAS in 2014 Council approved amendments to the City’s Official Plan and Zoning By-laws with respect to medical marijuana (cannabis) facilities;

WHEREAS since 2014 the Federal and Provincial regulatory framework regarding marijuana (cannabis) has changed;

WHEREAS the City’s vision for the rural area is a vibrant rural economy focusing on food production and sustainable stewardship of the land base, water resources and compatibility;

WHEREAS, the City encourages marijuana (cannabis) producers to reuse existing buildings within the urban area; and,

WHEREAS, the City has put in place Official Plan policies and zoning regulations to allow limited, small scale production in the rural area;

THEREFORE BE IT IS RESOLVED:

- (a) That Planning staff be directed to consult with Federal and Provincial departments and ministries regarding the regulatory and land use planning framework for the marijuana (cannabis) industry; and,
- (b) That staff review and report back to Planning Committee on the revisions to the Economic Development Strategy, Official Plan Policies and Zoning Regulations with respect to medical and recreational marijuana (cannabis) production, distribution and sales.”

3.2 City Council, June 25, 2018

On June 25, 2018, Council received report PED18120, which identified options for changes to the definition and regulations for medical marihuana growing and harvesting facility in the Official Plans and Zoning By-law No. 05-200. Council voted to receive the report and did not direct staff to take any further action.

The public input received during the public meeting on Report PED18120 (June 19, 2018 Planning Committee) included the following concerns for medical marihuana growing and harvesting facilities in the rural area:

- impacts of odour from medical marihuana growing and harvesting facilities, with specific concerns about a facility on Green Mountain Road;
- light emitted from greenhouses;
- greenhouses being built on agricultural land, in particular prime agriculture;
- traffic from the facility given the potential for a large number of employees; and,
- impacts on adjacent and downstream wells.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

1.0 Federal Regulations

The Federal Government, under the ACMPR, requires producers to receive a licence prior to production. In addition to the ACMPR, the federal government reviews applications to determine if there are any potential public health, safety and security risks including the potential for medical marihuana to be redirected to people not entitled to use medical marihuana. This “best practice” requires applicants to identify residential uses within 500 m of the proposed facility.

All facilities must comply with all provincial and municipal by-laws, including zoning. Municipalities are permitted to include policies/regulations in their planning documents to address land use impacts.

At this point in time, there are no regulations under the *Cannabis Act* or provisions within the Act detailing requirements for a licence.

2.0 Provincial Regulations and Policy

2.1 Greenbelt Plan, Growth Plan for the Greater Golden Horseshoe and Provincial Policy Statement

The Greenbelt Plan 2017, Growth Plan 2017 and the Provincial Policy Statement (PPS) use the same term for agriculture which is from the PPS 2014. It defines agriculture to include the growing of crops. As such, a cannabis growing and harvesting facility is a permitted use within the rural area.

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In the urban area, the Growth Plan definition of 'employment area' is "clusters of business and economic activities". As such, a medical marihuana growing and harvesting facilities would be considered as an economic activity.

2.1.1 Comments from Ministry of Municipal Affairs (MMA) and Ministry of Housing (MAH)

The Ministry of Municipal Affairs (MMA) in their letter dated, March 12, 2018 determined that medical marihuana growing and harvesting facility was an agricultural use. MMA left the decision to the City to determine if cannabis oil and other associated uses are considered as accessory and/or agriculturally-related uses. With respect to recreational marihuana, MMA has advised that no decisions on conformity to provincial documents will be made until the Federal Act and regulations have been approved.

2.2 Niagara Escarpment Plan

In February 2014, the Niagara Escarpment Commission (NEC) identified that a medical marihuana growing and harvesting facility would not be permitted within the Niagara Escarpment Plan since the NEC, in their opinion, does not consider this use as an agricultural or institutional use. At this time, the NEC is reconsidering its previous policy direction.

Notwithstanding the above, staff consider marihuana/cannabis as an agricultural crop.

2.3 Sale of Cannabis

As noted in the Historical Background Section of Report PED18194, on August 13, 2018, the Provincial government announced that Cannabis would be sold by private retailers but the supply would be controlled by the government. The government would also be responsible for on-line sales.

3.0 City of Hamilton OP Policies and Zoning By-law Regulations

At the present time, the Official Plans and Zoning By-law No. 05-200 contains regulations for medical marihuana only. Cannabis is considered as an agricultural use and in the absence of specific policies and regulations for cannabis growing and harvesting, this use would be subject to any policies or regulations related to agriculture.

Report PED18120 provided a detailed analysis of the medical marihuana growing and harvesting facility and related agricultural definitions and regulations. Cannabis production for either a medical or recreational purpose is considered as the same land use.

Additional RHOP or UHOP policies to Consider

Section F.1.19 - Complete Application Requirements and Formal Consultation identifies studies that may be required as part of various *Planning Act* applications. At the formal consultation stage, staff identify those studies that are required to be submitted before the application is deemed complete. These studies are intended to address land use planning, transportation, servicing/infrastructure, cultural; environmental or financial matters. The intent of these studies is to address a variety of matters that are part of the development of land. The studies inform staff if conditions and requirements should be included prior to or as part of the development. If necessary, each of these studies can be peer reviewed by an outside consultant. Staff can require any appropriate study as part of a *Planning Act* application for a cannabis harvesting and growing facility.

The Analysis and Recommendation Section of the Report details the amendments required to the OP's.

RELEVANT CONSULTATION

- Ministry of Municipal Affairs and Ministry of Housing; and,
- Corporate Services – Finance Department

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1.0 Background

City Council requested staff to report back on potential changes to both medical and recreational marihuana. Report PED18120 addressed potential changes to medical marihuana growing and harvesting facility only since the *Cannabis Act* had not received Royal assent at the time of writing the Report or the holding of the public meeting. PED18120 contained 3 broad options for Council to consider for medical marihuana growing and harvesting facility:

- maintain status quo (no changes to the regulations);
- delete the regulations; or,
- modify the existing regulations. Some of the modifications to the existing regulations were introduced to be clearer, provide consistency between uses as well as implement a previous staff recommendation respecting medical marihuana growing and harvesting facilities, aquaponics and greenhouses in the AEGD area.

Council's decision was to maintain the status quo.

2.0 Purpose of the Report

The purpose of this Report is to address land use planning changes required to ensure the growing and harvesting of recreational cannabis are subject to the same regulations as medical marijuana growing and harvesting facilities.

Any sale of recreational cannabis is considered as a “retail” use in Zoning By-law No. 05-200. At the time of the writing of the report, the Provincial government has announced that Cannabis may be sold by private retailers but the supply would be controlled by the government. The government would also be responsible for on-line sales. To date the *Cannabis Act* is not in effect and no date proclaimed.

3.0 Land Use Issues – Recreational Cannabis

As noted in the previous report, the growing and harvesting of medical marijuana is considered as an agricultural use. The definition does not describe for what purpose the crop is to be used. By extension, recreational cannabis should also be considered as a crop or agricultural use because the activities are the same as those for medical marijuana. As a result, the policies and regulations in the RHOP, UHOP and Zoning By-law would apply and not the regulations / policies for medical marijuana growing and harvesting facility.

3.1 Definitions – OP’s and Zoning (Rural and Urban Areas)

3.1.1 Medical Marijuana Growing and Harvesting Facility

The current definition, including the reference to the applicable legislation, in the OP’s and Zoning By-law No. 05-200 was based on the previous MMPR regulation and only includes medical marijuana.

Medical Marijuana Growing and Harvesting Facility shall mean a wholly enclosed building or structure used for growing, harvesting, testing, destroying, packaging and shipping of marijuana, for medical purposes as permitted under the Marijuana for Medical Purposes Regulations (MMPR) SOR/2013-119 made under the Controlled Substances Act as the MMPR read on March 31, 2014.

The definition in the RHOP and Zoning By-law No. 05-200 are slightly different as they make a direct reference to accessory uses.

Medical Marijuana Growing and Harvesting Facility shall mean a wholly enclosed building or structure used for growing, harvesting, testing, destroying, packaging and shipping of marijuana, for medical purposes as permitted under the Marijuana for Medical Purposes Regulations (MMPR)

SOR/2013-119 made under the Controlled Substances Act as the MMPR read on March 31, 2014. The testing, packaging, and shipping shall be accessory to the growing and harvesting of the marihuana for medical purposes.

Recommendation 1:

The Zoning By-law definition for a medical marihuana growing and harvesting facility be amended by deleting the words “The testing, packaging, and shipping shall be accessory to the growing and harvesting of the marihuana for medical purposes” and including as a regulation within the regulations section of the applicable rural zones. The industrial zones would allow testing, shipping, packaging as principle uses within the zones therefore it is not necessary to restrict these uses to accessory.

Rationale: The references to testing etc. are a regulation and more appropriately located within the regulation section of the zone.

Recommendation 2:

Replace the definitions in the Urban Hamilton Official Plan, the Rural Hamilton Official Plan and Zoning By-law No. 05-200 as follows:

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.

Rationale: The references to MMPR are outdated and the definition only addresses medical marihuana.

3.1.2 Agricultural Processing Establishment – Stand Alone (Zoning By-law)

MMA has advised that the City should determine if the other associated uses are considered as accessory or agriculturally related (Agricultural Processing). The Zoning By-law, under the definition of agricultural processing, allows for the transformation of raw agricultural products. Production of cannabis oil is considered as agricultural processing. This processing is permitted as part of the farm cluster (agricultural processing-secondary) or on a separate lot from the crop (agricultural processing-stand alone).

Recommendation 3:

Update the definition to delete the word “or” and add “or processing of cannabis products” after the words “Agricultural Brewery/Cidery/Winery”.

Agricultural Processing Establishment – Stand Alone Shall mean the use of land, building or structure, or portion thereof, for a stand-alone facility dedicated to the transformation of raw agricultural commodities and may include Accessory Retail, but shall not include an Abattoir, or **Agricultural Brewery/Cidery/Winery or processing of cannabis product.**

Rationale: To ensure the medical marihuana related products is on the same site as the crop, the definition of Agricultural Processing Establishment – Stand Alone should be amended.

3.2 Policies and Regulations

3.2.1 Building Setbacks (Rural Area)

In the rural area, the setbacks from a lot line for any principal use ranges from 15 m (agricultural buildings) to 30 m (agricultural processing establishment). A medical marihuana facility setback requirement is 20 m.

Recommendation 4:

Increase the setback from 20 m to 30 m from any lot line in the A1 (Agricultural) and A2 (Rural) Zones.

Rationale: The production of cannabis oil is considered as agriculturally-related use in the Rural Hamilton Official Plan and agricultural processing in Zoning By-law No. 05-200. Since cannabis oil is often located within the same building as the growing operation, the 20 m setback should be harmonized for all buildings and structure associated with this use.

To maintain consistency with the Industrial Zone regulations, the 20 m setback in the industrial areas would remain unchanged since industrial buildings have a 20 m setback from property line to property line.

3.2.2 Separation Distances from Sensitive Land Uses (Rural and Urban Areas)

The most common sensitive land use in the rural area is residential. The urban area includes additional uses such as schools, places of worship, long term care facilities, parks, etc.

The federal government reviews applications to determine if there are any potential public health, safety and security risks including the potential for medical marihuana to

be redirected to people not entitled to use medical marijuana. This “best practice” requires applicants to identify residential uses within 500 m of the proposed facility.

Based on a review of other municipalities, there are 7 municipalities (Brant, Cowichan Valley, B.C., Capital Regional District, B.C., Nanaimo, B.C., Norfolk, Ottawa, and Port Colborne) that require these facilities be separated between 50 to 300 m) from certain sensitive land uses; the most common restriction is between 70 and 150 m. The 70 m was applied in some urban areas (Norfolk). The 70 m setback was a recognition this use was considered as light industrial.

Recommendation 5:

Add an additional requirement that a medical marijuana growing and harvesting facility should not be located within 150 m of a sensitive land use (residential uses and some institutional uses) to mitigate any potential impacts from a cannabis production facility on a sensitive land use. In the rural area, the separation distance would be measured from the cannabis production facility to the lot line of an existing residential or sensitive institutional use of the zone boundary of the Settlement Zones (S1, S2 and S3). In the urban area, the cannabis production facility building would not be permitted within 150 m of a residential, institutional and certain commercial mixed use zones and any lot of an existing residential use, measured between the building of the cannabis production facility to the lot line of an existing residential use.

Rationale: To provide a buffer between this use and sensitive land uses is appropriate.

3.2.3 Other Regulations

There are a number of other regulations and site specific exceptions that include the term “medical marijuana growing and harvesting facility” the By-law must be updated to

Recommendation 6:

Replace the term to medical marijuana growing and harvesting facility with cannabis harvesting and growing facility in the definitions of agriculture and urban farm; Section 5: Parking and Special Exceptions 271 and 459

Rationale: These changes are necessary for consistency within the by-law.

3.3 Odour, Traffic and Light Impacts

As part of the June 19, 2018 Planning Committee Public meeting respecting potential OP and Zoning By-law changes to the medical marijuana growing and harvesting facilities, the public identified concerns related to odour, light and traffic. The federal

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government has stringent requirements under ACMPR for odour control. However, recent experiences with certain facilities has shown odour to be an issue.

As part of the review of any development application, staff can require the submission of various studies. Section F.1.19 of the UHOP and RHOP details a list of the studies that may be required. To ensure matters of odour, light and traffic are assessed as part of an OPA and Zoning by-law amendment or Site plan application, these studies should be identified explicitly as part of the development review process.

Recommendation 7:

The RHOP be amended to include specific requirements for the submission and approval of an Odour and Dust Impact Assessment, Light Impact Assessment, Hydrogeological Study, Transportation Impact Study and any other appropriate studies as part of any development application.

Rationale: Including new policy within the RHOP that identifies the required studies for the submission of an OPA/Rezoning or site plan applications makes it clear to the public and applicants what the upfront study requirements are. As part of the review process, the applicant will be required to determine how odour, traffic and light are being addressed, potential impacts and identify mitigation measures.

Recommendation 8:

The UHOP be amended to include specific requirements for the submission and approval of Odour and Dust Impact Assessment as part of any development application.

Rationale: Including new policy within the UHOP that identifies the required studies for the submission of an OPA/Rezoning or site plan applications makes it clear to the public and applicants what the upfront study requirements are. As part of the review process, the applicant will be required to determine how odour and dust are being addressed, identify potential impacts and identify mitigation measures.

As part of the review process, the applicant will be required to address potential odour/dust emissions from the facility. Since cannabis production facilities are only permitted in industrial areas generally traffic and light would not have a significant impact given the surrounding industrial uses. Hydrogeological studies are not required since all developments within the urban area are serviced by municipal sewer and water.

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3.4 Airport Employment Growth District

The medical marihuana growing and harvesting facility use is defined and permitted (with restrictions) within the Employment Area – Industrial Land and Business Park designations. At the time, the amendments were introduced in 2014, the Airport Employment District Secondary Plan (AEGD) was under appeal. In Report PED14037b, one of the recommendations was to include this use, greenhouses and aquaponics facilities within the AEGD once the appeal process has been concluded.

As a result, an amendment to permit this use, with restrictions, in the Airport Business Park and Prestige Industrial and Light Industrial designations in the AEGD Secondary Plan is appropriate.

4.0 Summary of Proposed Changes to the Official Plan and Zoning By-law No. 05-200

4.1 UHOP and RHOP Amendments

1. Update the definition of medical marihuana growing and harvesting facility to reflect the new term cannabis and to include references to licences, permits or authorization under federal legislation (both OP's).
2. Add a new policy to the RHOP to require the submission of an Odour and Dust Impact Assessment, Light Impact Assessment, Hydrogeological Study, and Transportation Impact Study and any other appropriate studies as part of any development application.
3. Add a new policy to the UHOP to require the submission of Odour and Dust and any other appropriate studies as part of a development application.
4. Add a new policy to Section D.6.6 to ensure the regulations for a medical marihuana growing and harvesting facility are the same as the regulations for the other rural zones.
5. Modify the UHOP, including the AEGD Secondary Plan to permit a medical marihuana growing and harvesting facility, aquaponics and greenhouses within the Airport Business Park and the Prestige Industrial and Light Industrial designations in the AEGD Secondary Plan;

4.2 Zoning By-law No. 05-200 Regulations

1. Update the definition of medical marihuana growing and harvesting facility to reflect the new term cannabis and to include references to licences, permits or authorization under federal legislation (both OP's) and to update any reference for

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a medical marihuana growing and harvesting facility to cannabis harvesting and growing facility throughout the by-law.

2. Add the marihuana growing and harvesting facility, aquaponics and greenhouses to the two (2) Airport Industrial Zones – the Light Industrial (M10) Zone and the Prestige Business Park (M11) Zone.
3. Increase the setback from any lot line from 20 m to 30 m in the Extractive Industrial (M12) Zone, A1 (Agricultural) and A2 (Rural) Zones.
4. Update the definitions of Agricultural Processing Establishment – Stand Alone to exclude cannabis products as agricultural processing in a stand-alone establishment.
5. Add new regulations to require a medical marihuana growing and harvesting facility to be setback 150 m from sensitive land uses (residential uses and some institutional uses) and Rural Settlement Areas. The regulation would be measured from the nearest point of the facility to the property line of the sensitive land use. In the urban area, the use would not be permitted within 150 m of a residential, institutional and certain commercial mixed use zones. In the rural area, the separation distance from the property line of a marihuana facility to the lot line of an existing residential or sensitive institutional use. The reason for this approach is that the A1 and A2 zones allow residential uses and the sites are very large.
6. Update other definitions and regulations that use the term medical marihuana growing and harvesting facility.

ALTERNATIVES FOR CONSIDERATION

Committee and Council could add, delete or change any of the proposed regulations for medical marihuana growing and harvesting facilities in the urban or rural areas.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Engagement & Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

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APPENDICES AND SCHEDULES ATTACHED

- Appendix "A" – Draft Amendment to the Urban Hamilton Official Plan
- Appendix "B" – Draft Amendment to the Rural Hamilton Official Plan
- Appendix "C" – Draft Amendment to Zoning By-law No. 05-200
- Appendix "D" – Letter dated March 12, 2018, from Ministry of Municipal Affairs and
Ministry of Housing

JHE:mo