

DRAFT Rural Hamilton Official Plan Amendment No. XX

The following text constitutes Official Plan Amendment No. XX 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. _____ passed on the day of month, 2018.

**The
City of Hamilton**

Fred Eisenberger
MAYOR

Janet Pilon, CMMIII, DPA, CMO
ACTING CITY CLERK