



August 31, 2018

BY E-MAIL

Ida Bedioui, Legislative Co-ordinator
City Clerks Office, 1st Floor
71 Main Street West
Hamilton, ON L8P 4Y5

sleisk@casselsbrock.com
tel: 416.869.5411
fax: 416.640.3218
file # 49694-2

Dear Ms. Bedioui:

Re: Amendments to the Rural And Urban Hamilton Official Plans and Zoning By-law 05-200

We are the solicitors for The Green Organic Dutchman Ltd. ("TGOD"), owner of the property municipally known as 1915, 1995 and 1997 Jerseyville Road West in the City of Hamilton (the "Property"). Since 2016, TGOD has been licensed operator of a facility for the growing and harvesting of medical marihuana on the Property.

While our client is pleased to see the City taking steps to update its policies to bring them into conformity with changes to legislation, and support the revised definition of a "Cannabis Growing and Harvesting Facility", our client has a number of concerns with the proposed changes to the Rural Hamilton Official Plan and Zoning By-law No.05-200, respecting cannabis growing and harvesting facilities, aquaponics and greenhouses. In particular, TGOD is concerned with the proposed policies for Building Setbacks (Rural Area) and Separation Distances from Sensitive Land Uses (Rural and Urban Areas).

The Ministry of Municipal Affairs and Housing and the Ontario Ministry of Agricultural Food and Rural Affairs have confirmed that a Medical Marihuana Growing and Harvesting Facility is classified as an agricultural use. Staff Report PED18194 also confirmed that cannabis production for either a medical or recreational purpose is considered the same land use. The existing setback for a Medical Marihuana Growing and Harvesting Facility is 20 metres. There is no proper planning justification for increasing the setback to 30 metres for cannabis facilities in the A1 (Agricultural) and A2 (Rural) zones, as there is no such restriction for general agriculture uses. Moreover, the proposed 150 m separation distance from sensitive land uses is excessive, given the wide range generally applied by other municipalities of 70 to 150 metres. Moreover, in our view, no evidence has been provided, nor any actual study undertaken, which demonstrates that a 150 m buffer is appropriate or necessary, and there is no such restriction for general agriculture uses. It is our view that there is therefore no planning basis for imposing the foregoing increased land use planning restrictions on a Cannabis Growing and Harvesting Facility, which should be subject to the same restrictions as general agriculture or greenhouse uses.



Furthermore, in our view, the amendments proposed do not go far enough to adequately support the practical greenhouse growing of cannabis. In particular, as cannabis is an agricultural crop (as noted above), amendments should be made to permit an increased lot coverage of 70% for greenhouses used to grow cannabis, consistent with other agricultural greenhouse operations.

We request to be sent written notice of any decision of the City of Hamilton in respect of the proposed amendments to the Official Plans and Zoning By-law. Please also be advised that Land Use Planner, John Ariens, will attend and make delegations on behalf of TGOD at the Public Meeting on September 4, 2018.

Yours truly,

Cassels Brock & Blackwell LLP

A handwritten signature in blue ink, appearing to read "Signe Leisk", is written over the printed name of the firm.

Signe Leisk

SL/MW