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March 12, 2018

*Via email only*

Joanne Hickey-Evans, MCIP, RPP  
Manager, Policy Planning and Zoning By-law Reform  
Planning Division  
Planning and Economic Development Department  
City of Hamilton  
71 Main Street West, 4th Floor  
Hamilton, Ontario L8P 4Y5

Dear Ms. Hickey-Evans:

**RE: Interpretation of Medical Cannabis / Marihuana Facilities in the Greenbelt Plan  
File No 25-OTH-189816**

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This letter is in response to your request from February 12, 2018, seeking comments from the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) and the Ministry of Municipal Affairs (MMA) on whether medical cannabis facilities can be considered an agricultural use or agriculture-related use under the Greenbelt Plan, 2017 (Greenbelt Plan). In preparing this response, we have consulted with OMAFRA technical staff. It should be noted that this response is limited to cannabis production for medical purposes. At this time, the Federal government is proposing to legalize recreational cannabis use and production. The Province of Ontario (Ontario) is continuing to consider its response to the anticipated legalization of recreational cannabis in 2018, and will continue to review input from municipalities, Indigenous communities and other stakeholders in this regard. Ontario reserves its right to comment upon cannabis production for recreational purposes as an agricultural use or an agriculture-related use at a later time if the anticipated federal amendments are enacted.

The production of medical cannabis is regulated by the Federal government under the Access to Cannabis for Medical Purposes Regulations (ACMPR). Under the ACMPR, licensed producers are permitted to conduct a number of activities, including the production of the cannabis crop. These activities result in different land uses, which are regulated through the land use planning system. Some of these uses can be considered agricultural uses, while others may be considered agriculture-related uses under the Greenbelt Plan.

As you are aware, the Greenbelt Plan provides specific policy direction to protect the agricultural land base in the long term. This includes specific policies that apply to prime agricultural areas, including specialty crop areas. Policies 3.1.2.1 and 3.1.3.1 of the Greenbelt Plan set out the following for specialty crop areas and prime agricultural areas respectively:

“All types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected and a full range of agricultural uses, agriculture-related uses and on-farm diversified uses are permitted based on the provincial Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas. Proposed agriculture-related uses and on-farm diversified uses shall be compatible with and shall not hinder surrounding agricultural operations.”

The Greenbelt Plan does not set out the crops, specific uses or practices that should be permitted on or in prime agricultural and specialty crop areas. Instead, it defines the terms agricultural uses, normal farm practices, agriculture-related uses, and on-farm diversified uses and provides examples of uses that would meet these definitions.

To provide further guidance on how to interpret provincial land use planning policies related to these uses in prime agricultural areas, OMAFRA developed the [“Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas”](#) (OMAFRA’s Guidelines). These guidelines include criteria and examples of what constitutes agricultural uses and agriculture-related uses.

### **Agricultural Uses**

Related to growing crops, OMAFRA’s Guidelines explain that in order to qualify as an agricultural use, crops should generally produce a harvestable product (e.g. fruit, vegetables, field crops, biomass, nursery crops, medicinal herbs and seeds). These crops may be used for a variety of purposes beyond food production. As outlined in the Provincial Policy Statement, 2014 (PPS) and Greenbelt Plan definition, on-farm buildings and structures associated with growing these crops are also considered agricultural uses. This includes greenhouses or other structures used for growing plants.

Based on this, the growing of medical cannabis crops qualifies as an agricultural use as per the Greenbelt Plan, including the growing of this crop in greenhouses or other structures.

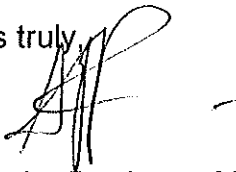
### **Agriculture-related Uses**

Agriculture-related uses are permitted in prime agricultural areas subject to certain conditions. The Greenbelt Plan defines agriculture-related uses as “farm related commercial and industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity”. To be considered an agriculture-related use in prime agricultural areas, all of the foregoing criteria must be met. Moreover, agriculture-related uses shall be compatible with, and shall not hinder surrounding agricultural operations.

As mentioned above, in addition to growing medical cannabis crops, licensed producers are allowed to conduct a number of activities under the ACMPR, which may result in different land uses. In order to determine whether these other land uses can be considered agriculture-related uses, the municipality would need to examine the specifics of an operation against the policies of the Greenbelt Plan and OMAFRA's Guidelines. Section 2.5 (Implementation) of OMAFRA's Guidelines also identifies land use planning tools that the City of Hamilton may want to consider to regulate proposed medical cannabis facilities.

If you have any questions please contact me at [Alejandra.Perdomo@ontario.ca](mailto:Alejandra.Perdomo@ontario.ca) or 416-585-6332, or Darryl Lyons, Manager, Community Planning and Development at [Darryl.Lyons@ontario.ca](mailto:Darryl.Lyons@ontario.ca) or 416-585-6048.

Yours truly,



Alejandra Perdomo, MCIP RPP  
Planner, Community Planning and Development (West)  
Municipal Services Office

Cc: John Turvey, Policy Advisor, Land Use Policy & Stewardship, OMAFRA  
Jackie Van de Valk, Rural Planner, Land Use Policy & Stewardship, OMAFRA