



BY-LAW NO. 2019-0034

A By-law to adopt Amendment No. 35 to the Official Plan of the
Town of Halton Hills -
Cannabis Cultivation and Processing

WHEREAS the Council of the Corporation of the Town of Halton Hills is empowered to enact this By-law by virtue of the provisions of the Planning Act, 1990, R.S.O., c.p. 13, as amended;

AND WHEREAS the Regional Municipality of Halton, as the approval authority, has exempted this Official Plan Amendment from their approval;

AND WHEREAS on July 8, 2019, Council for the Town of Halton Hills approved Report No. PLS-2019-0042, June 14, 2019, in which certain recommendations were made relating to Cannabis Cultivation and Processing.

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:

1. That Amendment No. 35 to the Official Plan of the Town of Halton Hills, being the attached text and schedules is hereby approved;
2. That the Town Clerk is hereby authorized to circulate the Official Plan Amendment as provided for by the Planning Act regulating the appeal process.

BY-LAW read and passed by the Council for the Town of Halton Hills this 8th day of July, 2019.

Originally Signed By:

MAYOR – RICK BONNETTE

Originally Signed By:

CLERK – SUZANNE JONES

OFFICIAL PLAN AMENDMENT No. 35

TO THE OFFICIAL PLAN FOR THE TOWN OF HALTON HILLS

PART A: THE PREAMBLE does not constitute part of this Amendment

PART B: THE AMENDMENT consisting of the following Schedule and Text constitutes Amendment No. 35 to the Official Plan for the Town of Halton Hills.

**AMENDMENT NO. 35 TO THE OFFICIAL PLAN
OF THE TOWN OF HALTON HILLS**

The attached text and schedules constitute Amendment No. 35 to the Official Plan of the Town of Halton Hills, which was adopted by the Council of the Town of Halton Hills by By-law 2019-0034 in accordance with the provisions of the Planning Act, 1990. R.S.O., c.p. 13, as amended;

THE CORPORATION OF THE TOWN OF HALTON HILLS

Originally Signed By:

MAYOR – Rick Bonnette

Originally Signed By:

TOWN CLERK – Suzanne Jones

PART A – THE PREAMBLE

PURPOSE OF THE AMENDMENT

The main purpose of this Amendment is to include policies in the Town of Halton Hills Official Plan that control the location of cannabis cultivation and processing uses.

LOCATION

The Amendment applies to the Protected Countryside and Agricultural designations, the Prestige Industrial designation (within the Prestige Gateway Employment Area), the General Employment Area designation (in Georgetown and Acton) and the General Employment Area designation in Mansewood. The Amendment also provides policy direction in the Niagara Escarpment Plan Area.

BASIS FOR THE AMENDMENT

On April 13, 2017, the Government of Canada introduced Bill C-45 (the Cannabis Act) in the House of Commons. Based in large part on the advice provided by the Task Force on Cannabis Legalization and Regulation, the Cannabis Act created the foundation for a comprehensive national framework to provide restricted access to regulated cannabis, and to control its production, distribution, sale, importation, exportation, and possession. Following parliamentary review, the Cannabis Act received royal assent on June 21, 2018 and it became law on October 17, 2018.

The Federal Cannabis Regulation SOR-2018-144 ('the Regulation') was published in the Canada Gazette, Part II, on July 11 2018 and it also came into effect on October 17, 2018. This Regulation is one of a series of regulations that are intended to implement the Cannabis Act. The Regulation established a series of classes of licences that authorize activities that are related to cannabis and these are as follows:

- a) A licence for cultivation;
- b) A licence for processing;
- c) A licence for analytical testing;
- d) A licence for sale (medical purposes);
- e) A licence for research; and,
- f) A cannabis drug licence.

A series of subclasses of a licence for cultivation have also been established and they are:

- a) A licence for micro-cultivation;
- b) A licence for standard cultivation; and,
- c) A licence for a nursery.

In addition, the following subclasses have been established as a licence for processing:

- a) A licence for micro-processing; and
- b) A licence for standard processing

The outdoor cultivation of cannabis is considered to be an agricultural use and is currently permitted wherever agricultural uses are permitted. The processing of

cannabis may be considered an agriculture-related use. However for a use to be considered as agriculture-related, it must be a farm related commercial use and/or a farm related industrial use that satisfies all of the criteria below:

- a) Is directly related to farm operations in the area;
- b) Supports agriculture;
- c) Benefits from being in close proximity to farm operations; and
- d) Provides direct products and/or services to farm operations as a primary activity.

In addition to satisfying the above criteria, there is a need to consider a number of other potential impacts, such as odour, traffic and impacts of the required water and wastewater servicing. In some cases, setbacks will be required and in this regard, this Amendment indicates that a minimum setback of 150 metres from lot lines is desired, but can be reviewed through the zoning by-law amendment process.

In addition, the scale of the proposed facility is a consideration and should reflect the character of the surrounding agricultural area. For the above reasons, this Amendment recognizes that the cultivation of cannabis and the processing of cannabis within buildings is a permitted use, subject to the consideration of a site-specific zoning by-law amendment application. In addition, this Amendment makes it clear that indoor cultivation and cannabis processing uses are subject to site plan control, which will assist in ensuring that the site is designed appropriately and that any off-site impacts are mitigated. In addition to the above, and in recognition of the security requirements associated with outdoor cultivation, this Amendment also establishes the requirement for a 50-metre setback from lot lines for outdoor cultivation.

It is also anticipated that the cultivation of cannabis may be desired in the Town's fully serviced employment areas where industrial, manufacturing and warehouse uses are permitted; but where the cultivation of any crop is currently not permitted. In this regard, this Amendment permits indoor cannabis cultivation and processing in the Prestige Industrial designation (within the Prestige Gateway Employment Area), the General Employment Area designation (in Georgetown and Acton) and General Employment Area in Mansewood.

However, the Amendment also requires that these uses be set back a minimum of 150 metres from sensitive land uses which includes buildings, amenity spaces or open spaces where normal activities occurring at reasonable expected times would experience one or multiple adverse effects from contaminant discharges, fumes, odours, vibrations, noise or air pollutants generated from a nearby facility. Examples of sensitive land uses include, but are not limited to a place of residence, daycare centre, educational and health facility, community gathering places, parks and playgrounds. Site plan approval would also be required if the proposed use meets the 150 metre setback requirement.

PART B – THE AMENDMENT

All of this part of the document consisting of the following Schedule and Text constitutes Amendment No. 35 of the Official Plan for the Town of Halton Hills.

DETAILS OF THE AMENDMENT

The Official Plan for the Town of Halton Hills is amended as follows:

Item 1: Section D3.4.1.3 of the Official Plan is amended by adding a new sub-section g) which reads as follows: *"cannabis cultivation and processing subject to Section D3.4.1.4.8"*

Item 2: Section D3.4.1.4 of the Official Plan is amended by adding a new Section D3.4.1.4.8 as follows:

"D3.4.1.4.8 Cannabis Cultivation and Processing

Cannabis cultivation and processing is permitted within an enclosed building provided the lot on which it is located is set back a minimum of 150 metres from a lot that is the site of a child care centre (formerly known as a day nursery), a private or public school, a place of worship or other institutional use, a residential use, a long term care facility, a retirement home or a public park. Cannabis cultivation and processing shall also be subject to Site Plan Control in accordance with Section G8 of this Plan."

Item 3: Section D3.5.4.1.1 of the Official Plan is amended by adding a new sub-section g) which reads as follows: *"cannabis cultivation and processing subject to Section D3.5.4.1.6"*

Item 4: Section D3.5.4.1 of the Official Plan is amended by adding a new Section D3.5.4.1.6 as follows:

"D3.5.4.1.6 Cannabis Cultivation and Processing

Cannabis cultivation and processing is permitted within an enclosed building provided the facade of any building facing Highway 401 and Steeles Avenue is clad in brick or other suitable material that does not give the impression that the building is a greenhouse. In addition, the height of any greenhouse portion of a building should not extend higher than the front facade of a building facing Highway 401 and Steeles Avenue. Cannabis cultivation and processing shall also be subject to the setback requirement identified in Section D3.4.1.4.8 of this Plan, and Site Plan Control in accordance with Section G8 of this Plan."

Item 5: Section E1.4 of the Official Plan is amended by adding a new Section E1.4.11 as follows:

"E1.4.11 Indoor Cannabis Cultivation

The indoor cultivation of cannabis may be permitted subject to the passage of an amendment to the implementing zoning by-law and will if approved through such a process, be subject to Site Plan Control in accordance with Section G8 of this Plan. Prior to considering the approval of a zoning by-law amendment, Council shall be satisfied that:

- a) *The use shall not have a negative impact on the enjoyment and privacy of neighbouring properties;*
- b) *The proposed use will not have a negative impact on adjacent agricultural uses and is compatible with normal practices as set out in an Agricultural Impact Assessment to the satisfaction of the Town and the Region;*
- c) *The proposed use will not cause any traffic hazards or an unacceptable level of congestion on surrounding roads;*
- d) *The proposed use can be designed and sited to blend in with surrounding land uses such that the rural character of the area is maintained; and where necessary the proposed use can be appropriately buffered from adjacent uses;*
- e) *The impact of the noise, odour and dust generated by the proposed use on adjacent land uses can be appropriately mitigated;*
- f) *There will be no negative impact on the quality and quantity of groundwater and surface water;*
- g) *Adequate parking facilities are available on the lot for the proposed use;*
- h) *The use can be serviced with an appropriate water supply and an appropriate means of sewage disposal;*
- i) *Stormwater management needs can be met on site;*
- j) *The signage advertising the use is to be designed and located in accordance with the Town's sign by-law; and*
- k) *The proposed setback from adjacent land uses is appropriate, and in this regard, the minimum setback from proposed operations should be at least 150 metres. However, if a setback that is appropriate for the site can be established and if it less than 150 metres, an Amendment to this Plan will not be required. Additionally, where proposed cultivation is to be operated under a micro cultivation licence, consideration for reduced setbacks (where required) will be given.*

Notwithstanding the above, a lot on which cannabis cultivation is located shall be set back 150 metres from Urban, Hamlet, and Rural Cluster Area lots where a sensitive land use (specified in Section D3.4.1.4.8) is present.

In addition to the above, the required studies for a proposed indoor cannabis cultivation operation, that address matters identified in Section E1.4.11 of this Plan, shall take into account the impacts from other cannabis cultivation operations developing or operating in the area.

Where zoning by-laws do not apply (in the Niagara Escarpment Plan Area), the above-noted criteria will be applied in considering the suitability of the location for indoor cannabis cultivation, including setbacks from Rural Cluster Area lots where a sensitive land use (specified in section D3.4.1.4.8) is present. These criteria will be applied in addition to any other relevant municipal or provincial policy.”

Item 6: Section E1.4 of the Official Plan is amended by adding a new Section E1.4.12 as follows:

"E1.4.12 The Processing of Cannabis

The processing of cannabis may be permitted as an agriculture-related use, operating in conjunction with a cannabis cultivation operation, subject to the passage of an amendment to the implementing zoning by-law and will if approved through such a process, be subject to Site Plan Control in accordance with Section G8 of this Plan. Prior to considering the approval of a zoning by-law amendment, Council shall be satisfied that the matters listed in Section E1.4.11 a) to k) have been satisfied.

In addition to the above, and in order for the use to qualify as an agriculture-related use, it must be demonstrated that the proposed use satisfies all of the criteria below:

- e) Is directly related to farm operations in the area;*
- f) Supports agriculture;*
- g) Benefits from being in close proximity to farm operations; and*
- h) Provides direct products and/or services to farm operations as a primary activity.*

In considering the above, regard shall be given to the Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas prepared by the Ontario Ministry of Agriculture Food and Rural Affairs in 2016.

Notwithstanding the above, a lot on which cannabis processing is located shall be set back 150 metres from Urban, Hamlet, and Rural Cluster Area lots where a sensitive land use (specified in Section D3.4.1.4.8) is present.

Where zoning by-laws do not apply (in the Niagara Escarpment Plan Area), the above-noted criteria will be applied in considering the suitability of the location for cannabis processing, including setbacks from Rural Cluster Area lots where a sensitive land use (specified in section D3.4.1.4.8) is present. These criteria will be applied in addition to any other relevant municipal or provincial policy."

Item 7: Section E1.4 of the Official Plan is amended by adding a new Section E1.4.13 as follows:

"E1.4.13 Outdoor Cannabis Cultivation

The outdoor cultivation of cannabis is required to be set back a minimum of 50 metres from adjacent lot lines.

Item 8: Section E2.3 of the Official Plan is amended by adding a new sub-section w) which reads as follows: "cannabis cultivation subject to Section E1.4.11"

Item 9: Section E2.3 of the Official Plan is amended by adding a new sub-section x) which reads as follows: "cannabis processing subject to Section E1.4.12"

Item10: Section E2.3 of the Official Plan is amended by adding a new sub-section y) which reads as follows: "outdoor cannabis cultivation subject to Section E1.4.13"