CITY OF HAMILTON

BY-LAW NO. 18-264

To Adopt:

Official Plan Amendment No. 21 to the
Rural Hamilton Official Plan

Respecting:

Cannabis Growing and Harvesting Facilities

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Amendment No. 21 to the Rural Hamilton Official Plan consisting of Schedule "1", hereto annexed and forming part of this by-law, is hereby adopted.

PASSED this 12th day of September, 2018.

F. Eisenberger                      J. Pilon
Mayor                             Acting City Clerk
Rural Hamilton Official Plan
Amendment No. 21

The following text constitutes Official Plan Amendment No. 21 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 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. 18-264 passed on the 12\textsuperscript{th} of September, 2018.

The
City of Hamilton

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F. Eisenberger              J. Pilon
MAYOR                      ACTING CITY CLERK