



# The Corporation of the Town of Milton

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Report To:	Council
From:	Barbara Koopmans, Commissioner, Development Services
Date:	June 22, 2020
Report No:	DS-014-20
Subject:	Technical Report - Proposed Cannabis Production and Processing Official Plan and Zoning By-law Amendments (Town File: LOPA-06/19 and Z-04/19).
Recommendation:	<p><b>THAT Development Services Report DS-014-20, outlining the Town Initiated Official Plan and Zoning By-law Amendments to update Town policies and regulations regarding licensed recreational cannabis production and processing facilities BE APPROVED in accordance with the Draft Amendment and By-laws attached as Appendices 1, 2 and 3 to this report;</b></p> <p><b>AND THAT Staff be authorized to bring forward the Official Plan Amendment and Zoning By-law Amendments for Council adoption.</b></p>

## EXECUTIVE SUMMARY

- This Report recommends approval of proposed Official Plan and Zoning By-law amendments that update Milton's regulatory and policy framework in accordance with federal legislation to permit production and processing of cannabis products where appropriate licenses are obtained.
- The proposed amendments reflect the recommended approach from the Council endorsed Town of Milton Cannabis Background Study, prepared for the Town by MHBC Planning in 2019.
- Although the proposed amendments are based on the principle that federally licensed cannabis production and processing facilities are not distinguished from any other agricultural or industrial uses, staff is recommending that site plan approval be required.

## REPORT

### Background



Over the last several years, the federal government has been working towards implementing a framework legalizing the production and consumption of cannabis for recreational purposes. Prior legislation permitted the production and processing of cannabis for medically related purposes and Milton's policy framework was updated to reflect those permissions at that time. Milton, along with other municipalities, is now in the process of updating the Town's policy framework to permit cannabis production and processing for recreational purposes in addition to medical purposes.

In August 2019, the Town retained MHBC Planning to review cannabis policies and regulations and provide a Background Review, Options Analysis and Recommendations, which were presented to Council on November 19, 2019. The proposed amendments reflect the recommendations of this review.

The review has recommended updates to the Official Plan, Zoning By-law, Site Plan Control By-law and Property Standards By-law. The Town held a statutory public meeting under the Planning Act on November 18, 2019 approving report PD-041-19.

## Discussion

The proposed Official Plan and Zoning By-law amendments would permit the cultivation and production of cannabis in agricultural areas. As with any crop, this would include permissions to grow outdoors or in greenhouses. Production of cannabis products would not be permitted as a standalone use within the agricultural areas. Cannabis production and processing would be permitted as an industrial use within Milton's industrially designated areas. All production and processing facilities would be subject to obtaining appropriate federal approvals and/or licensing.

The following definition would be added to the Official Plan and Zoning By-laws:

***CANNABIS PRODUCTION AND PROCESSING FACILITY*** means a premises used for the production, processing, testing, destroying, packaging, and/or shipping of cannabis where a license, permit or authorization has been issued under applicable federal law. For the purposes of this definition, production shall include the growing and harvesting of cannabis and processing shall include the extraction of cannabis oil and the manufacturing of products containing cannabis.

The Official Plan amendment introduces clear direction on development application requirements for cannabis production and processing facilities and requires all proposed facilities to obtain site plan approval. This would provide the Town with a level of control and certainty over how the facilities would develop. This process would also require the applicant to submit the following studies:

- Odour and Dust Impact Assessment;
- Light Impact Assessment;

- Transportation Impact Study;
- Hydrogeological Studies;
- Agricultural Impact Assessment and,
- Any other appropriate studies identified as a part of the complete application and pre-consultation process.

## **Public Consultation and Agency Review Comments:**

The Town received comments on the draft amendments through the November 18, 2019 Statutory Public meeting, a subsequent follow-up meeting with interested parties and through agency review. A detailed comment matrix is attached to this report as Appendix 4. Below is a summary of the general comments heard through the public consultation process with responses.

## **Agency Comments:**

The Town received comments from the Halton District School Board and the Halton District Catholic School Board regarding the proposed amendments. The two boards provided similar comments:

- Clarification that schools are a sensitive use.
  - Schools are included as a sensitive use and the setbacks from sensitive uses will apply to schools.
- Request to modify the proposed setbacks between sensitive uses and cannabis production and processing facilities from 70m to 150m in industrial areas. They note that the province requires a separate distance of 150m between schools and cannabis retail establishments.
  - The setbacks in the proposed amendments require 70 metre setbacks in industrial areas that allow for production and/or processing and 150 metre setbacks on agricultural lands that allow for production or production and processing. These setbacks are consistent with the recommendation of the best practices review produced for the Town by MHBC Planning. The 70 metre setback is derived from Ministry of Environment Guidelines for industrial uses, and is what would be applied to similar industrial uses in the same areas of Town. A setback of 150 metre would apply to A1 and A2 agricultural zones. There is no justification to single out one industrial use and not others. If a facility has production and processing with a retail component, the retail setback of 150 metre would apply. Increased setbacks could be contemplated and implemented through the site plan approval process, if warranted by the studies submitted in support of the application.

## **Public Comments:**

- How will odour from facilities be managed and properly addressed?
  - Odour mitigation is a requirement of obtaining the required federal license. The proposed Official Plan and Zoning By-law amendments require a cannabis production and processing facility to fulfill the Town's requirements for site plan approval. Applicants will be required to provide an odour and dust impact assessment to the Town, as recommended through the best practice review provided by MHBC, Town of Milton Cannabis Review: Background Review, Options Analysis and Recommendations.
- Can an agricultural impact assessment be required?
  - An agricultural impact assessment has now been included as a mandatory study requirement of site plan approval (in the rural area).
- Can a waste emissions plan be required?
  - The federal license application requires the applicant have a quality assurance person (QAP) who ensures that facilities meet all requirements, and that waste disposal is overseen. The QAP would also oversee water supply. This is documented in the Cannabis Licensing Application Guide.
- What happens if facilities do not follow the prescribed regulations of their license?
  - Health Canada is responsible for issuing and maintaining licenses for cannabis production and processing facilities. Any issues regarding facilities not following the terms of their license would be enforced at the federal level through Health Canada.
- Can facilities sell cannabis?
  - Licenses for producing and processing cannabis are issued through the federal government and licenses for cannabis retail stores are issued through the provincial government. If a facility obtained both licenses, they would be permitted to do both, and the requirements (including separation distances) of both cannabis production and processing and cannabis retail would apply.
- Can edibles be manufactured at cannabis production and processing facilities?
  - A specific license is required for production and processing of cannabis edibles. If an operator has the required license; they would be permitted to do so.
- Will facilities be required to apply for a site-specific zoning by-law amendment?
  - The purpose of these amendments is to ensure the Town policies and regulatory framework recognize and implement land use policy and the legalization of recreational cannabis production and processing. Site-specific amendments are not required.



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- Given Milton's efforts regarding climate change and conservation, how can we encourage applicants to use conservation practices for water and energy?
  - Conservation practices will be encouraged through the site plan process.

Halton Region Staff has reviewed the proposed Local Official Plan Amendment and has issued Regional Exemption as the amendments are in conformity with the Region's Official Plan.

## Next Steps:

Once the proposed Official Plan and Zoning By-law amendments have been adopted, staff will prepare an update to the Site Plan Control By-law and Property Standards By-law in accordance with the amendments.

## Financial Impact

None arising from this Report

Respectfully submitted,

Barbara Koopmans, MPA, MCIP, RPP, CMO  
Commissioner, Development Services

For questions, please contact: Megan Lovell, Senior Policy Planner      Phone: Ext. 2398

## Attachments

Appendix 1 - Draft Official Plan Amendment  
Appendix 2 - Draft Zoning By-law Amendment - Rural (144-2003)  
Appendix 3 - Draft Zoning By-law Amendment - Urban (016-2014)  
Appendix 4 - Comment/Response Matrix

CAO Approval  
Andrew M. Siltala  
Chief Administrative Officer

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. -2020

BEING A BY-LAW OF THE TOWN OF MILTON TO ADOPT AN AMENDMENT TO THE TOWN OF MILTON OFFICIAL PLAN PURSUANT TO SECTIONS 17 AND 21 OF THE *PLANNING ACT*, AS AMENDED, TO ADOPT AMENDMENT NO. 59 CANNABIS PRODUCTION AND PROCESSING FACILITIES TO THE APPROVED OFFICIAL PLAN (TOWN FILE: LOPA-06/19)

The Council of the Corporation of the Town of Milton, in accordance with the provisions of Sections 17 and 21 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, hereby enacts as follows:

1. **THAT** Amendment No. 59 to the Official Plan of the Corporation of the Town of Milton, attached hereto, is hereby adopted.
2. **THAT** pursuant to Subsection 17(27) of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, this Official Plan Amendment comes into effect the day after the last day for filing a notice of appeal, if no appeal is filed pursuant to subsections 17 (24) and (25). Where one or more appeals have been filed under Subsection 17 (24) or (25) of the said Act, as amended, this Official Plan Amendment comes into effect when all such appeals have been withdrawn or finally disposed of in accordance with the direction of the Land Use Planning Appeals Tribunal.
3. **THAT** in the event that the Regional Municipality of Halton, being the Approval Authority, has declared this Official Plan Amendment to not be exempt, the Clerk is hereby authorized and directed to make application to the Approval Authority for approval of the aforementioned Amendment Number 59 to the Official Plan of the Town of Milton.

PASSED IN OPEN COUNCIL ON JUNE 22, 2020

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Gordon A. Krantz Mayor

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Troy McHarg Town Clerk

**AMENDMENT NUMBER 59**

**TO THE OFFICIAL PLAN  
OF THE TOWN OF MILTON**

**Subject: Cannabis Policy Review**

**LOPA-06/19**

**The following text and schedules constitute  
Amendment No. 59 to the Official Plan  
Of the Town of Milton**

**June 22, 2020**

**AMENDMENT NUMBER 59 TO THE OFFICIAL PLAN OF THE TOWN OF MILTON**

**PART I- THE PREAMBLE, does not constitute part of this Amendment**

**PART II- THE AMENDMENT, consisting of the following text constitutes  
Amendment No. 59 to the Official Plan of the Town of Milton**



**PART I: THE PREAMBLE**

**THE TITLE**

This amendment, being an amendment to the Official Plan to the Town of Milton shall be known as:

Amendment No. 59 to the Official Plan of the Town of Milton- Town Wide

Town File: LOPA-04/19

**PURPOSE OF THIS AMENDMENT**

The purpose of the amendment is to incorporate revisions to various sections of the Town's Official Plan, related to Cannabis Production and Processing, which are necessary to reflect the recent approval of the *Cannabis Act* and to include additional regulations related to the use.

**LOCATION OF THE AMENDMENT**

This amendment is a Town- wide amendment.

**EFFECT OF THE AMENDMENT**

The effect of the amendment will be to modify various sections of the Official Plan to reflect the findings of the background research and analysis and implement the policy recommendations of the Town of Milton Cannabis Study prepared by MHBC Planning on behalf of the Town of Milton.

This amendment has the effect of providing policy direction with respect to:

1. Enabling and supporting the development of Cannabis Production and Processing Facilities within the Town's Industrial and Rural/ Agricultural areas, in line with Federal and Provincial policies and legislation.

## Part II: THE AMENDMENT

The various sections of the Town of Milton Official Plan, as referenced below, are amended as follows:

- 1) Subsection 3.8.2.2 is amended by:
  - Deleting the word 'and' at the end of policy 3.8.2.2 b)
  - Adding new policy 3.8.2.2 c) as follows: "*c) Cannabis Production and Processing Facility; and,*";
  - Subsequently renumbering the remaining policies within this subsection
- 2) Section 3.8 is amended by adding a new Subsection 3.8.4 in its entirety as follows:

### "3.8.4 Cannabis Production and Processing Facilities

3.8.4.1 In addition to the Business Park Area policies set out in Section 3.8.4.1, the following shall apply to a *Cannabis Production and Processing Facility*.

- a) The appropriate locations within the Business Park Area land use designation and regulations for a *Cannabis Production and Processing Facility* shall be implemented through the Zoning By-law;
  - b) A minimum setback between a *Cannabis Production and Processing Facility* and a *sensitive land use* of 70 metres shall be provided. A reduced setback of less than 70 metres may be considered by the Town, without an amendment to this Plan, where impacts are mitigated;
  - c) No outside storage shall be permitted;
  - d) A *Cannabis Production and Processing Facility* shall be subject to Site Plan Control; and,
  - e) In addition to the Complete Application requirements set out in Section 5.3.4, the following studies shall be submitted as part of any development application for a *Cannabis Production and Processing Facility*.
    - 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 pre-consultation process."
- 3) Subsection 3.9.2.1 is amended by adding 'A *Cannabis Production and Processing Facility* is also permitted in accordance with Policy 3.9.3.2 of this Section.' after the phrase "2.6.3.50 inclusive, of this Plan" and before the phrase "In addition, accessory service, wholesale, retail and office uses..."

- 4) Section 3.9 is amended by adding a new Subsection 3.9.3.2 in its entirety as follows:

“3.9.3.2 In addition to the Business Park Area policies set out in Section 3.9.3.1, the following shall apply to a *Cannabis Production and Processing Facility*.

- a) The appropriate locations within the Business Park Area land use designation and regulations for a *Cannabis Production and Processing Facility* shall be determined by the Zoning By-law;
- b) A minimum setback between a *Cannabis Production and Processing Facility* and a *sensitive land use* of 70 metres shall be provided. A reduced setback of less than 70 metres may be considered by the Town, without an amendment to this Plan, where impacts are mitigated;
- c) No outside storage shall be permitted;
- d) A *Cannabis Production and Processing Facility* shall be subject to Site Plan Control;
- e) In addition to the Complete Application requirements set out in Section 5.3.4, the following studies shall be submitted as part of any development application for a *Cannabis Production and Processing Facility*.
  - 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 pre-consultation process.”

- 5) Section 4.0 is amended by adding a new Subsection 4.1.1.19 in its entirety as follows:

#### “4.1.1.19 CANNABIS PRODUCTION AND PROCESSING FACILITIES

Where a *Cannabis Production and Processing Facility* is permitted in the Rural System Land Use designations, the following shall apply:

- a) The appropriate locations within the Rural System Land Use designation and regulations for a *Cannabis Production and Processing Facility* shall be determined by the Zoning By-law;
- b) A minimum setback between a *Cannabis Production and Processing Facility* and a *sensitive land use* of 150 metres shall be provided. A reduced setback of less than 150 metres may be considered by the Town, without an amendment to this plan, where impacts are mitigated. An existing dwelling located on the same lot as the facility shall be exempt from the distance requirement;
- c) No outside storage shall be permitted;

- d) A standalone Cannabis Processing Facility shall not be permitted;
  - e) A *Cannabis Production and Processing Facility* shall be subject to Site Plan Control; and,
  - f) In addition to the Complete Application requirements set out in Section 5.3.4, the following studies shall be submitted as part of any development application for a *Cannabis Production and Processing Facility*.
    - i. Odour and Dust Impact Assessment;
    - ii. Light Impact Assessment;
    - iii. Transportation Impact Study;
    - iv. Hydrogeological Studies;
    - v. Agricultural Impact Assessment; and,
    - vi. Any other appropriate studies identified as part of the complete application and pre-consultation process”
- 6) Subsection 4.4.2 is amended by:
- Adding new subsection 4.4.2 b) as follows: “d) *Cannabis Production and Processing Facility*, in accordance with Section 4.1.1.19 of this Plan” ; and,
  - Subsequently renumbering the remaining permitted uses within this subsection
- 7) Subsection 4.7.2.2 is amended by:
- Adding new subsection 4.7.2.2 b) as follows: “d) *Cannabis Production and Processing Facility*, in accordance with Section 4.1.1.19 of this Plan”; and,
  - Subsequently renumbering the remaining permitted uses within this subsection
- 8) Section 5.10.6 Definitions is further amended by adding Cannabis Production and Processing Facility as a defined term as follows:

***“CANNABIS PRODUCTION AND PROCESSING FACILITY means a premises used for the production, processing, testing, destroying, packaging, and/or shipping of cannabis where a license, permit or authorization has been issued under applicable federal law. For the purposes of this definition, production shall include the growing and harvesting of cannabis and processing shall include the extraction of cannabis oil and the manufacturing of products containing cannabis”***

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. -2020

BEING A BY-LAW TO AMEND THE TOWN OF MILTON COMPREHENSIVE ZONING BY-LAW 144-2003, AS AMENDED, PURSUANT TO SECTION 34 OF THE *PLANNING ACT* IN RESPECT TO CANNABIS PRODUCTION AND PROCESSING FACILITIES IN ALL LANDS WITHIN THE TOWN OF MILTON, REGIONAL MUNICIPALITY OF HALTON (TOWN FILE: Z-04/19)

**WHEREAS** the Council of the Corporation of the Town of Milton deems it appropriate to amend Comprehensive Zoning By-law 144-2003, as amended;

**AND WHEREAS** the Town of Milton Official Plan will provide for the lands affected by this by-law to be zoned as set forth in this by-law upon the approval of Official Plan Amendment No. 59;

**NOW THEREFORE** the Council of the Corporation of the Town of Milton hereby enacts as follows:

- 1.0 **THAT** Section 3 of Comprehensive Zoning By-law 144-2003, as amended, is hereby further amended by adding the new defined term 'Cannabis Production and Processing Facility' as follows:

**"Cannabis Production and Processing Facility**

Means a premises used for the production, processing, testing, destroying, packaging and/ or shipping of cannabis where a license, permit or authorization has been issued under applicable federal applicable law. For the purposes of this definition, production shall include the growing and harvesting of cannabis and processing shall include the extraction of cannabis oil and the manufacturing of products containing cannabis"

- 2.0 **THAT** Section 4 of Comprehensive Zoning By-law 144-2003, as amended, is hereby further amended by adding a new section, "Section 4.1.2.9", as follows:

"4.1.2.9 Cannabis Production and Processing Facility Uses

The following provisions apply to *Cannabis Production and Processing Facility* Uses

- i) The facility operations, with the exception of growing and harvesting, shall be located within a wholly enclosed building;
- ii) Outdoor storage is not permitted;
- iii) The minimum setbacks for a *Cannabis Production and Processing Facility* from the zones or uses listed below, where

located within an Industrial (M1, M2, MX) Zone, shall be in accordance with the following:

- a. From a Residential, Institutional or Open Space Zone: 70 metres;
  - b. From a Residential or Institutional use: 70 metres
- iv) The minimum setbacks for a *Cannabis Production and Processing Facility* located within a Rural (A1, A2) Zone shall be in accordance with the following:
- a. From a Residential, Institutional or Open Space Zone: 150 metres;
  - b. From a Residential use on a separate lot or an institutional use: 150 metres;
- v) Notwithstanding the provisions of Section 4.1.2.1 to the contrary, a building or structure used for security purposes for a *Cannabis Production and Processing Facility* is permitted in any yard and shall not be subject to required setbacks.”

3.0 THAT Section 5.13.2 i) Table 5E of Comprehensive Zoning By-law 144-2003, as amended, is hereby further amended as follows:

- By adding ‘Cannabis Production and Processing Facility’ after ‘Industrial’ under the Type or Nature of Use column; and,
- By adding ‘or Cannabis Production and Processing Facility’ after the word ‘Industrial’ and before the word ‘building’ under the Minimum Off-Street Parking Requirements column in the row for Industrial.

4.0 THAT Section 8 of Comprehensive Zoning By-law 144-2003, as amended, is hereby further amended by modifying Table 8A as follows:

- *Cannabis Production and Processing Facility* is added to the table under the Other Non-Residential Uses Column;
- A bullet point (•) and asterisk (\*9) is added to the table under the columns ‘M1’, ‘M2’, and ‘MX’ in the row containing *Cannabis Production and Processing Facility*;
- An asterisk (\*10) is added to the table under the column ‘MX’ in the row containing *Cannabis Production and Processing Facility*;
- The following footnote (\*9) is added to the Footnote(s) for Table 8A:  
*A Cannabis Production and Processing Facility must comply with the regulations set out in Section 4.1.2.9.*
- The following footnote (\*10) is added to the Footnote(s) for Table 8A:  
*Zone standards for a Cannabis Production and Processing Facility shall be in accordance with the M2 Standards contained in Table 8B*

5.0 THAT Section 10 of Comprehensive Zoning By-law 144-2003, as amended, is hereby further amended by modifying Table 10A as follows:

- *Cannabis Production and Processing Facility* is added to the table under the Permitted Uses Column;
- A bullet point (•) and asterisk (\*3) is added to the table under the columns 'A1', and 'A2' in the row containing *Cannabis Production and Processing Facility*;
- The following footnote (\*3) is added to the Footnote(s) for Table 10A:

A *Cannabis Production and Processing Facility* must comply with the regulations set out in Section 4.1.2.9. Notwithstanding any provisions of the by-law to the contrary, cannabis processing shall only be permitted as an accessory use to cannabis production

**6.0 THAT** Section 10 of Comprehensive Zoning By-law 144-2003, as amended, is hereby further amended by modifying Table 10B as follows:

- By adding 'Cannabis Production and Processing Facility' to the 'Lot Area (Minimum)' row under the 'Provisions' column; and,
- By adding 2.0 hectare in the row for 'Cannabis Production and Processing Facility' under the columns for Agricultural and Rural.

**7.0 THAT** the Table of Contents of Comprehensive Zoning By-law 144-2003, as amended, is hereby further amended by adding '4.1.2.9 Cannabis Production and Processing Facilities'.

**8.0 THAT** if no appeal is filed pursuant to Section 34 (19) of the Planning Act, RSO 1990, c. P13, as amended, or if an appeal is filed and the Land Use Planning Appeal Tribunal dismisses the appeal, this By-law shall come into force upon the day which Official Plan Amendment 59 comes into effect. If the Land Use Planning Appeal Tribunal amends the By-law pursuant to Section 34 (26) of the Planning Act, as amended, the part or parts so amended come into force upon the day of the Tribunal's Order is issued directing the amendment or amendments.

**PASSED IN OPEN COUNCIL ON JUNE 22, 2020**

\_\_\_\_\_  
Gordon A. Krantz Mayor

\_\_\_\_\_  
Troy McHarg Town Clerk

THE CORPORATION OF THE TOWN OF MILTON  
BY-LAW NO. XXX-2020

BEING A BY-LAW TO AMEND THE TOWN OF MILTON COMPREHENSIVE ZONING BY-LAW 016-2014, AS AMENDED, PURSUANT TO SECTION 34 OF THE *PLANNING ACT* IN RESPECT OF CANNABIS PRODUCTION AND PROCESSING FACILITIES IN ALL LANDS WITHIN THE TOWN OF MILTON, REGIONAL MUNICIPALITY OF HALTON (TOWN FILE: Z-04/19)

**WHEREAS** the Council of the Corporation of the Town of Milton deems it appropriate to amend Comprehensive Zoning By-law 016-2014, as amended;

**AND WHEREAS** the Town of Milton Official Plan will provide for the lands affected by this by-law to be zoned as set forth in this by-law upon the approval of Official Plan Amendment No. 59;

**NOW THEREFORE** the Council of the Corporation of the Town of Milton hereby enacts as follows:

1.0 **THAT** Section 3 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding the new defined term 'Cannabis Production and Processing Facility' as follows:

**"Cannabis Production and Processing Facility**

Means a premises used for the production, processing, testing, destroying, packaging and/ or shipping of cannabis where a license, permit or authorization has been issued under applicable federal applicable law. For the purposes of this definition, production shall include the growing and harvesting of cannabis and processing shall include the extraction of cannabis oil and the manufacturing of products containing cannabis."

2.0 **THAT** Section 3 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by deleting the defined term 'Medical Marijuana Production Facility'

3.0 B Section 5.8.2 ii) Table 5G of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended as follows:

- By adding '*Cannabis Production and Processing Facility*' after the word 'Industrial' under the Type or Nature of Use column; and,
- By adding '*Cannabis Production and Processing Facility*' after the word 'individual' and before the word 'industrial' under the 'Minimum Off-Street Parking Requirements' column in the row for 'Industrial' and '*Cannabis Production and Processing Facility*'



4.0 THAT Section 8 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by modifying Table 8A as follows:

- By adding *Cannabis Production and Processing Facility* to the table under the 'Other Non-Residential Uses' Column;
- By adding a bullet point (•) and asterisk (\*12) to the table under the columns 'EMP2', 'M1' 'M2', and 'MX' in the row containing *Cannabis Production and Processing Facility*;
- By adding an asterisk (\*14) to the table under the column 'MX' in the row containing *Cannabis Production and Processing Facility*;
- By deleting the use '*Medical Marijuana Production Facility*' from the 'Permitted Uses Column';
- By replacing the existing Footnote (\*12) of the Footnote(s) for Table 8A with the following:

“A *Cannabis Production and Processing Facility* must comply with the special employment provisions of Section 8.3.2.”; and, By adding the following footnote (\*14) to the Footnote(s) for Table 8A

“Zone standards for a *Cannabis Production and Processing Facility* shall be in accordance with the M2 Standards contained in Table 8B”

5.0 THAT Section 8.3.2 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by deleting the current text and replacing it with the following:

**“8.3.2 *Cannabis Production and Processing Facility Uses***

The following provisions apply to *Cannabis Production and Processing Facility Uses*

- i) The facility shall be the only principal use permitted on the lot on which it is located;
- ii) The facility operations, with the exception of growing and harvesting, shall be located within a wholly enclosed building;
- iii) Outdoor storage is not permitted;
- iv) The minimum setbacks for a *Cannabis Production and Processing Facility*, from the zones or uses listed below, shall be in accordance with the following:
  - a. From a Residential, Institutional or Open Space Zone: 70 metres;
  - b. From a Residential or Institutional use: 70 metres
- v) Notwithstanding any provisions of this by-law to the contrary, an accessory building or structure used for security purposes for a *Cannabis Production and Processing Facility* is permitted in any yard and shall not be subject to required setbacks.

6.0 THAT the Table of Contents of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by replacing the phrase '*Licensed*

*Medical Marijuana Production Facility Use' with 'Cannabis Production and Processing Facility Use'*

**7.0 THAT** if no appeal is filed pursuant to Section 34 (19) of the Planning Act, RSO 1990, c. P13, as amended, or if an appeal is filed and the Land Use Planning Appeal Tribunal dismisses the appeal, this By-law shall come into force upon the day which Official Plan Amendment No. 59 comes into effect. If the Land Use Planning Appeal Tribunal amends the By-law pursuant to Section 34 (26) of the Planning Act, as amended, the part or parts so amended come into force upon the day of the Tribunal's Order is issued directing the amendment or amendments

**PASSED IN OPEN COUNCIL ON JUNE 22, 2022**

\_\_\_\_\_  
Gordon A. Krantz Mayor

\_\_\_\_\_  
Troy McHarg Town Clerk

Request for Comments - Town of Milton - Cannabis Production and Processing

	Comment	Recommended Change/Response
	Public/resident	
	<p>The biggest issue for cannabis production and processing seems to revolve around odour. A quick Google search will tell you that many municipalities across Ontario are struggling with this issue as the municipalities have allowed facilities to be developed that do not meet the federal license requirement of <i>eliminating</i> the odour. <i>Mitigation</i>, the term used in the Town proposal, is not the federal requirement and may encourage lack of compliance. This has led to some municipalities stopping all such development until the current problems are dealt with. Retrofits of existing facilities are notorious for having problems and has led to some facilities requiring several upgrades. Some municipalities are pushing back against residents by relying on the Normal Farm Practices Protection Board in rural areas; however the Board recently released a decision that it cannot make a ruling about normal farm practices that is in conflict with federal legislation regarding Cannabis.</p> <p><b>RECOMMENDATION: Use Leamington by-law wording that puts onus on the applicant to come up with an odour abatement protocol that eliminates odour beyond the property.</b></p>	<p>The purpose of the proposed amendments is to update the Town’s policy framework to recognize the legalization of recreational cannabis production and processing. The proposed amendments would permit cannabis production and processing as an agricultural or industrial use. Due to the physical requirements of the required federal license, the amendments require site plan approval be obtained from the Town. The recommendations of the required odour and dust impact assessment would be implemented through the site plan process. It is important to note that odour mitigation (not elimination) is a requirement of obtaining the required federal license.</p>
	<p>Part 2 operations (smaller scale) which do not require the strict controls around odour are often a big source of odour complaints in many jurisdictions.</p> <p><b>RECOMMENDATION: Confirm that the current wording proposed will require Part 2 operators to have an odour abatement protocol; otherwise use the Leamington by-law wording that requires Part 2 operators to have an that eliminates odour beyond the property.</b></p>	<p>An applicant for a cannabis production and processing facility will be required to submit an odour and dust impact assessment as part of the site plan approval process, as well as their federal license.</p> <p>However, the requirement for site plan approval will be discretionary depending on the size and scale of Part 2 operators.</p>

	<b>Comment</b>	<b>Recommended Change/Response</b>
	<p>The proposal groups cultivation and processing together, the first being agriculture and second being an agriculture-related industrial use. The updated Greenbelt Plan applies to all planning decisions including these OPAs and ZBLAs. Large scale extraction or processing plants that use lots of water are not permitted in the Greenbelt per the provincial Guidelines. Scale, compatibility and sources of input are considerations that need to be addressed. Halton Hills has better addressed this by adding criteria around compatibility and a requirement for a ZBLA.</p> <p><b>RECOMMENDATION: Require that applicants proposing processing facilities require a ZBLA to permit a case-by-case assessment OR add additional criteria in the proposed OPA and ZBLA for the planning department to assess the acceptability of the proposal that conforms to current provincial policy and plans. This more closely aligns with the approach suggested by the Region.</b></p>	<p>The proposed amendments do not require that each application have a site specific Zoning By-law amendment. The purpose of these amendments is to bring Town policies up to date with recreational cannabis production and processing as a legal use. It is considered an agricultural or industrial use as any other type of crop growing/production or processing facility would be. Site plan approval will be required due to the security, lighting, odour and other site requirements associated with a facility obtaining their federal license. Halton Region has already provided regional exemption to the proposed Official Plan Amendment.</p>
	<p>Cannabis production and especially processing, create waste and pollution. Some processing can result in toxic emissions, effluent waste and even explosions, such as the common use of butane. The Federation of Canadian Municipalities suggested such processes are better suited to industrial areas. Studies are being conducted in the US regarding pollution caused by cannabis. A pollution/waste management plan or assessment is not required as part of the development plan. Since processing is not an agricultural use, the waste management component may not be covered by any agricultural requirements.</p> <p><b>RECOMMENDATION: Require that applicants provide a waste/emissions assessment to provide for management of emissions, solid waste and effluent water.</b></p>	<p>The Federal license application requires the applicant to have a quality assurance person (QAP) who ensures that facilities meet all requirements, and that waste disposal is overseen. The QAP would also oversee water supply. This is documented in the Cannabis Licensing Application Guide.</p> <p>All requirements that would be required for other agricultural or industrial uses would still be applicable. If necessary, further studies other than what is listed can be requested through the site plan control process.</p>

	Comment	Recommended Change/Response
	Cannabis production and processing is not green. Water usage is greater than for other crops, especially outdoor cultivation. Processing uses lots of water. Water taking permits are likely required in the rural area. I believe the largest facilities in Ontario need water levels approaching Nestle in Aberfoyle. Indoor cultivation uses tremendous amounts of energy. Given Milton's efforts regarding climate change and conservation, how can we encourage applicants to use conservation practices for water and energy?	All requirements applicable to other agricultural and industrial uses would be applicable here. Water taking permits are not issued by the Town and fall under the jurisdiction of the Ministry of Environment and Energy (MOEE).  Through the site plan process, best practices in conservation will be encouraged.
	Can additional reports be asked for at a later stage, ex. Through the site plan process?	Yes, through the site plan approval pre-consultation process, it may be determined that further studies are required.
	How will lighting issues be addresses?	A light impact assessment will be a required study through the site plan control process. Specific issues identified at that time will be addressed through the site plan process.
	How will by-law manage enforcement? Will more enforcement officers be hired?	The Town assesses staffing needs throughout the year. Any staffing increase requests are subject to Council approval through the annual budget process.
	Will it be permitted in dwellings?	An individual can obtain a license to grow cannabis for their own medical use in their home.
	What is they don't follow health Canada rules? Will licenses be revoked?	Health Canada is responsible for issuing and maintaining licenses for cannabis production and processing facilities. Any issues regarding facilities not following the terms of their license would be dealt with at the federal level through Health Canada.
	<ol style="list-style-type: none"> <li>1. Normal Farm Practices Board Decision <ol style="list-style-type: none"> <li>a. Preliminary- cannot put down a municipal by-law what is requiring the federal requirement</li> <li>b. Word the by-law stronger <ol style="list-style-type: none"> <li>i. Require air filtration systems</li> <li>ii. Strong language- can take the operation to the farm board</li> <li>iii. Box them in and force the issue</li> </ol> </li> </ol> </li> </ol>	Currently the province has not determined if it's a normal farm practice. At this time, Health Canada would be the recourse for complaints.

	Comment	Recommended Change/Response
	Not making a determination in deeming Cannabis being a normal farm practice	
	<b>Council</b>	
	Could edibles be made?	If the proper processing license is obtained - yes.
	Can these facilities sell cannabis?	Production and processing licenses are issued federally. Retail licenses are issued from the province. If a facility has obtained both licenses, they would be permitted to produce and sell.
	Who reviews the prepared studies?	Studies would be reviewed by appropriate Town Staff, with peer review if necessary.
	<b>Agencies</b>	
HDSB	The term “sensitive land uses” is scattered through the report. The report notes that under the Provincial Policy Statement, Section 1.2.6.1 indicates that the definition of “sensitive” in the PPS includes and non-industrial use where people reside or gather, such as residential uses, schools and places of worship.	Noted.
HDSB	The Provincial Policy Statement requires municipalities to take into consideration to sensitive land uses are appropriately separated from cannabis facilities to mitigate effects from odour, noise, and other contaminants.	Noted.
HDSB	On November 14, 2018, the province announced Ontario Regulation 468/18 under the retail stores and publicly funded or private schools to protect Ontario’s youth. The regulation establishes a minimum distance of 150 metres between cannabis retail stores and publicly funded schools, private schools and federal-funded First Nations schools off-reserve. O. Reg. 468/18 specifies the following proximity criteria with respect to schools under Section 11: (2) For the purposes of clause 4 (12) (a) of the Act, a proposed cannabis retail store may not be located less than 150 metres from a school or private school, as determined in accordance with the following:	Noted.

	Comment	Recommended Change/Response
	<p>i. If the school or private school is the primary or only occupant of a building, 150 metres shall be measured from the property line of the property on which the school or private school is located.</p> <p>ii. ii)If the school or private school is not the primary or only occupant of a building, 150 metres shall be measured from the boundary of any space occupied by the school or private school within the building.</p>	
HDSB	It is requested to amend any setback from sensitive land uses from 70 metres to 150 metres	The setbacks in the proposed amendments require 70m setbacks in industrial areas that allow for production and/or processing and 150m setbacks on agricultural lands that allow for production or production and processing. These setbacks are in line with the recommendation of the best practices review produced for the Town by MHBC. The 70m setback is derived from Ministry of Environment guidelines for industrial uses, and is what would be applied to similar industrial uses in the same areas of Town. Therefore, it is not recommended that this change be made. A 150m setback is proposed for A1 and A2 zones. There is no justification to single out one industrial use and not others. If a facility has production and processing with a retail component, the retail setback of 150m would apply. Increased setbacks could be contemplated and implemented through the site plan approval process, if warranted.
HDSB	It is request that the HDSB be circulated on any site places with regard to the production and processing of cannabis.	Noted.
HDCSB	<p>It is understood that the Town is considering 4 options at this time.</p> <p>Option 1 - Permit only Medical Marijuana Facilities within the Town where it's currently permitted and do not permit recreational facilities</p>	The best practice review produced for the Town by MHBC, Town of Milton Cannabis Review: Background Review, Options Analysis and Recommendations provided four options and ultimately recommended Option 3. The Town pursued Option 3, site plan control through our proposed Official Plan and Zoning By-law amendments.

	Comment	Recommended Change/Response
	<p>Option 2 - Permit Cannabis Production and Processing Facilities in the Town, only in zone where Medical Marijuana Facilities are currently permitted</p> <p>Option 3 - Permit Cannabis Production and Processing Facilities in Employment and Rural/Agricultural areas, subject to specific provisions and regulations related to use under site plan control and identify additional studies required associated for use</p> <p>Option 4 - Permit Cannabis Production and Processing Facilities in Employment and Rural/Agricultural areas, subject to individual site-specific zoning by-law amendments, place cannabis production and processing under site plan control and identify additional studies required associated for use</p>	
HDCSB	<p>2.2 FCM Guide to Cannabis Legalization</p> <p>The 'Municipal Guide of Cannabis Legalization' by the Federation of Canadian Municipalities (FCM) notes that odour has been ranked as a top concern associated with cannabis production and processing. It also notes challenges in regulating odours from such a use due to difficulty in quantifying, setting regulatory standards and usefulness of odour testing labs due to costs and questionable results. To address the concern, the report identified use of odour impact assessment and control plans as a requirement of development applications, in addition to implementation of setbacks from use.</p>	Noted. The proposed amendments require an odour and dust impact assessment through the site plan control process.
HDCSB	<p>2.3 Provincial Planning Framework and 2.5 Local Planning and Regulatory Framework</p> <p>The report identified concerns regarding impact of odour produced from cannabis production and processing on surrounding land uses.</p>	Noted.



	Comment	Recommended Change/Response
	<p>Odour from cannabis production and processing is a major adverse impact on communities. Under Ontario’s Provincial Policy Statement, 2014, the definition of “sensitive land uses” does include day care centres and education facilities, both of which are located within Board properties in urban areas of Milton. Both day care centres and schools are included in the Town of Milton’s Official Plan definition for sensitive land uses.</p> <p>The need for mitigation measures to minimize impacts on sensitive land uses has been identified in the report. The Board would like the municipality to ensure that these uses are appropriately designed, buffered and/or separated to prevent or mitigate effects from odour, noise and other contaminants, as required under provincial policy.</p> <p>It has been noted that the Business Park area, which has also been identified as being suitable for cannabis production and processing facilities, also permits retail uses directly related to the industrial use. The Board would like to indicate that minimum distance buffer between cannabis retail stores and school have been outlined in Ontario Regulation 468/18 under the Cannabis Licence Act, 2018. Additional details are provided under General Comments.</p>	
HDCSB	<p>4.0 Options for Milton</p> <p>The Board supports defining new and emerging land uses associated with cannabis production and processing within both the Official Plan and Zoning By-laws. This added clarity will ensure land use compatibility with sensitive uses, such as day care centres and schools, and provide an opportunity to</p>	<p>The best practice review produced for the Town by MHBC, Town of Milton Cannabis Review: Background Review, Options Analysis and Recommendations provided four options and ultimately recommended Option 3. The Town pursued Option 3, site plan control through our proposed Official Plan and Zoning By-law amendments.</p>

	Comment	Recommended Change/Response
	<p>properly examine with appropriate minimum distance buffers and other considerations.</p> <p>The Board expresses concern regarding the odour associated with production and processing of cannabis, and its impact on children and families in nearby schools and day care centres.</p> <p>The Board also reiterates the difficulty to quantify and set regulatory standards for odour, as identified in the referenced FCM report. As such, the Board is generally not supportive of production and processing in urban areas, given potential adverse impacts to nearby facilities, such as odour.</p> <p>However, if the above cannabis related uses were to occur within the Town's urban area, as identified in the report, the Board is supportive of Option 4 to require individual site-specific zoning by-law amendments and place facilities under site plan control. This option triggers the need for the Town to circulate school boards for such facilities to review applications early in the planning process on a case-by-case basis to determine severity of impact on nearby sensitive uses and mitigation measures for adverse impacts from use, such as odour, as well as establish criteria through the Town's Official Plan.</p>	
HDCSB	It is recommended that definition of "sensitive land uses" in the Town's Official Plan include "odour" as a factor that causes adverse effects.	Noted. The Town is currently undertaking and Official Plan review, this could considered through that process.
HDCSB	Regardless of the final option selected, the Board requests that the minimum distance separation be increased from its current proposed 70 metres to at least 150 metres, which is the highest distance separation in other municipalities included in the report's best practice review.	The setbacks in the proposed amendments require 70m setbacks in industrial areas that allow for production and/or processing and 150m setbacks on agricultural lands that allow for production or production and processing. These setbacks are in line with the recommendation of the best practices review produced for the Town by MHBC. The 70m

	Comment	Recommended Change/Response
		<p>setback is derived from Ministry of Environment guidelines for industrial uses, and is what would be applied to similar industrial uses in the same areas of Town. Therefore, it is not recommended that this change be made. A 150m setback is proposed for A1 and A2 zones. There is no justification to single out one industrial use and not others. If a facility has production and processing with a retail component, the retail setback of 150m would apply. Increased setbacks could be contemplated and implemented through the site plan approval process, if warranted.</p>
HDCSB	<p>The Board wants the opportunity to comment on such development applications through technical circulations.</p>	<p>Noted.</p>
HDCSB	<p>Ontario Regulation 468/18 under Cannabis Licence Act, 2018</p> <p>On November 14, 2018, the province announced Ontario Regulation 468/18 under the Cannabis Licence Act, 2018 to establish a minimum distance buffer between cannabis retail stores and publicly-funded or private schools to protect Ontario's youth. The regulation establishes a minimum distance of 150 metres between cannabis retail stores and publicly-funded schools, private schools and federal-funded First Nations schools off-reserve. O. Reg. 468/18 specifies the following proximity criteria with respect to schools under Section 11:</p> <p>(2) For the purposes of clause 4 (12) (a) of the Act, a proposed cannabis retail store may not be located less than 150 metres from a school or a private school, as determined in accordance with the following:</p> <p>1. If the school or private school is the primary or only occupant of a building, 150 metres shall be measured</p>	<p>Ontario Regulation 468/18 relates to separation distances between schools and cannabis retail facilities. The setbacks in the proposed amendments require 70m setbacks in industrial areas that allow for production and/or processing and 150m setbacks on agricultural lands that allow for production or production and processing. These setbacks are in line with the recommendation of the best practices review produced for the Town by MHBC. The 70m setback is derived from Ministry of Environment guidelines for industrial uses, and is what would be applied to similar industrial uses in the same areas of Town. Therefore, it is not recommended that this change be made. A 150m setback is proposed for A1 and A2 zones. There is no justification to single out one industrial use and not others. If a facility has production and processing with a retail component, the retail setback of 150m would apply. Increased setbacks could be contemplated and implemented through the site plan approval process, if warranted.</p>

	Comment	Recommended Change/Response
	<p>from the property line of the property on which the school or private school is located.</p> <p>2. If the school or private school is not the primary or only occupant of a building, 150 meters shall be measured from the boundary of any space occupied by the school or private school within the building. Based on the above regulation, the Board is of the opinion that the minimum distance separation for retail use, and production and processing use should be harmonized, given that the impact can be seen as comparable.</p>	
	<p>Lastly, it should be noted that both existing and proposed school sites within Milton be considered when determining future retail locations.</p>	Noted.
HDCSB	<p>The Board would like to ensure that all school sites designated within adopted and/or approved secondary and tertiary plans will be adequately separated from potential rural and urban zones where cannabis production and processing facilities will be permitted.</p>	Noted.
HDCSB	<p>Separate comments will be provided regarding cannabis retail stores upon request and/or part of circulation of development applications with such a use.</p>	Noted.