



The Corporation of the Town of Milton

Report To: Council

From: Barbara Koopmans, Commissioner, Development Services

Date: September 13, 2021

Report No: PD-072-21

Subject: Technical Report - Proposed Temporary Use Zoning By-law Amendment Application by Carlton Place Plaza Inc. (Tenant: Trichome Hills Corporation) for lands located at 295 Alliance Road to temporarily permit a Cannabis Production and Processing Facility within Unit 10 of a multi-unit industrial building (Town File: Z-14/21)

Recommendation: **THAT** Application Z-14/21 for a Temporary Use Zoning By-law Amendment to the Town of Milton Zoning By-law 016-2014, as amended, to change the current General Industrial (M2) Zone to a Temporary Use General Industrial (T14-M2) Zone to permit a Cannabis Production and Processing Facility within Unit #10 of a multi-unit industrial building for a period of three-years, on lands municipally identified as 295 Alliance Road, **BE APPROVED**;

AND THAT staff be authorized to bring forward an amending Zoning By-law in accordance with the Draft By-law attached as Appendix 1 to Report DS-072-21 for Council adoption;

AND THAT WHEREAS the Planning Act limits the ability to apply for a minor variance for a two-year period following approval of this By-law, **BE IT RESOLVED** that a privately initiated application for a minor variance may be made.

EXECUTIVE SUMMARY

Trichome Hills Corporation is seeking approval of a Temporary Use Zoning By-law Amendment to the Town of Milton Comprehensive Zoning By-law 016-2014, as amended to permit the establishment of a cannabis research facility and nursery within Unit #10 of an existing multi-unit industrial building located at 295 Alliance Road, for a period of three (3) years. No exterior changes to the building or parking areas are proposed.

As such, the proposed Temporary Use Zoning By-law Amendment seeks to replace the current General Industrial (M2) Zone with a Temporary Use General Industrial (T14-M2) Zone on the subject lands for the period of three (3) years. In addition, a slightly revised definition for a Cannabis Processing and Production Facility as well as site-specific provisions relating to the use on the subject property have been proposed.

EXECUTIVE SUMMARY

Cannabis Production and Processing Facilities are permitted within the General Industrial Zone (M2), but currently the Zoning By-law only regulates these types of facilities where they are the only principal use on a property. Since this is the first application for a cannabis related facility in a multi-unit industrial building, staff recommended that a temporary use zoning by-law amendment be applied for. Approval of the by-law will allow the applicant to obtain the required licenses from Health Canada (i.e. Research License, Nursery License, and potentially an Analytical Testing license) and also provide Town staff with an opportunity to monitor the impacts of this operation throughout the three (3) year period and determine if an extension to the permission or updates and/or revisions to the Town's Official Plan and Zoning By-law should be considered in the future.

Conclusions and Recommendations:

Staff recommends that the Temporary Use Zoning By-Law Amendment application, BE APPROVED for the following reasons:

1. The proposal conforms to Provincial, Regional and Town planning policy and facilitates the establishment of a land use that has been contemplated by the both the Town of Milton Official Plan and 401 Industrial/Business Park Secondary Plan;
2. The proposed cannabis facility is compatible with adjacent industrial land uses;
3. The proposed temporary timeframe will provide Town staff with an opportunity to monitor the impacts of the cannabis facility on the subject lands throughout the three (3) year period, and determine if an extension to the permission or updates and/or revisions to the Town's Official Plan and Zoning By-law should be considered in the future;
4. Any odours associated with the proposed cannabis facility will be mitigated by an HVAC system that is in compliance with Health Canada regulations;
5. The proposal makes efficient use of land and relies on and supports existing and planned infrastructure and public services;
6. The facility will contribute to the economic prosperity of the Town, particularly in the form of job creation and potential long-term investment; and,
7. The proposal meets all of the technical requirements identified by internal departments and external agencies.

REPORT

Background

Owner: Carlton Place Plaza Inc., 302 Queen Street South, Mississauga, Ontario

Applicant: Trichome Hills Corporation, 295 Alliance Road, Unit 10, Milton, Ontario

Background

Location/Description: The subject lands are located north of Alliance Road, west of Wheelabrator Way. The lands are legally described as Part 1, Concession 3, Esquesing, Parts 1 and 3 on Plan 20R-8010; Milton., S/T Ease H672147 Over Part 3, 20R-8010, Town of Milton, Regional Municipality of Halton, and known municipally as 295 Alliance Road. The location of the property is illustrated in Figure 1 attached to this report.

The subject lands are rectangular in shape, approximately 0.6 hectares (1.48 acres) in size, and has frontage on Alliance Road. The subject lands are accessed from both Alliance Road and Wheelabrator Way, and are currently occupied by a multi-unit building containing a variety of industrial uses.

Surrounding lands uses include industrial uses to the north, east and south, and an institutional use (Maplehurst Correctional Complex) to the west, beyond the raised rail line abutting the subject property.

Proposal:

The Applicant is requesting approval of a Temporary-Use Zoning By-law to establish a cannabis research facility within Unit #10 of the existing multi-unit industrial building located at 295 Alliance Road. This research facility will include a nursery component that will primarily supply the research part of the business. Since the nursery will be isolated within the unit, slight modifications to the floor plan will be required to accommodate it, and the HVAC system for the unit will also be upgraded to address any potential odour issues. The remaining portions of the unit will be used for research, shipping/receiving and offices. Shipping will be limited to research-oriented functions and scheduled weekly deliveries to licensed producers. There will be no retail store use, nor will the public have access to the facility. No exterior changes to the building or parking areas are proposed. Figure 2 - Site Plan, shows the existing building location, driveways and parking areas on the site, and also identifies the location of Unit #10 within the existing multi-unit building. Figure 3 contains the floor plans for the proposed use.

Since this is the first application for a cannabis related facility in a multi-unit industrial building, a temporary use by-law has been submitted in accordance with staff's recommendations. Approval of the by-law will allow the applicant to obtain the required licenses from Health Canada (i.e. Research License, Nursery License and potentially an Analytical Testing License) and also provide the Town with more insight and understanding into this area of the cannabis industry. If the application should be approved as proposed, Town staff will monitor the impacts of this use throughout the three (3) year duration of the temporary use by-law to determine if it is appropriate to consider updates and/or revisions to the existing policies and provisions relating to Cannabis Production and Processing Facilities in the Town's Official Plan and/or Zoning By-law, at a later date. Council can also authorize further extensions (prior to the expiry of this approval) of the use for periods of no more than three years at a time.

The following information has been submitted in support of the Temporary Use Zoning By-law Amendment application, and are currently under review:

Background

- Site Plan, prepared by LandPro Planning Solutions, dated May 2021;
- Planning Justification Report, by LandPro Planning Solutions, dated May 2021;
- Draft Zoning By-Law (Temporary Use), by LandPro Planning Solutions, undated;
- Traffic Impact Brief, prepared by Paradigm Transportation Solutions Limited, dated June 2, 2021 and revised August 19, 2021;
- Letter of Engagement, prepared by Deloitte, dated October 7, 2020; and,
- Trichome Hills Info Flyer, prepared by Deloitte.

Planning Policy

Provincial Policy Statement (PPS), 2020

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the PPS sets the policy foundation for regulating the development and use of land. The following sections of the PPS are applicable to the subject application.

Managing and Directing Land Use

Section 1.1.1 - Healthy, Liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns, which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.

Section 1.1.3.1 - Settlement areas shall be the focus of growth and development.

Section 1.1.3.2 - Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;

Background

- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
- d) prepare for the impacts of a changing climate;
- e) support active transportation;
- f) are transit-supportive, where transit is planned, exists or may be developed; and,
- g) are freight supportive.

Land Use Compatibility

Section 1.2.6.1 speaks to land use compatibility, stating that “major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise or other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities.” According to the PPS, major facilities are defined as facilities which may require separation from sensitive land uses, including but not limited to airports, manufacturing uses, transportation infrastructure and corridors, rail facilities, marine facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.

Employment

Section 1.3 of the PPS (2020) also contains policies related to Employment and Employment Areas and notes:

Section 1.3.1 - Planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites,
- d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities; and,

Background

- e) ensuring the necessary infrastructure is provided to support current and projected needs.

1.3.2.1 - Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs.

1.3.2.6 - Planning authorities shall protect employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations.

Economic Development

Section 1.7 of the PPS contains policies pertaining to economic development, identifying that long-term economic prosperity should be supported by:

- Promoting opportunities for economic development and community investment readiness; and,
- Optimizing the long-term availability and use of land, resources, infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities.

The proposed cannabis facility conforms to the above noted policies as it is located within a settlement area (urban area) and contributes to the range of land uses by providing employment uses within the community. The proposed development relies on and supports existing and planned infrastructure and public services. The facility will also contribute to the economic prosperity of the Town, particularly in the form of job creation. Provisions relating to cannabis facilities have also been included in the Town's Zoning By-law to create an environment for economic viability and investment readiness for those interested in establishing these uses in the Town.

With respect to land use compatibility, the proposed facility is located within an existing employment area and meets the required setbacks to existing sensitive land uses. In addition, a number of measures are required to be implemented under the Health Canada licenses applicable to the proposed uses, including the installation of appropriate HVAC systems that will assist in mitigating potential odours.

Accordingly, staff is of the opinion that the proposal achieves these objectives and is consistent with the relevant policies of the PPS 2020.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) is a regional growth plan for the Greater Golden Horseshoe (GGH) that builds on the Provincial Policy Statement (PPS). It provides a framework for where and how the region will grow and it promotes achieving complete communities that have access to transit networks, that protect employment areas, and that increase the amount and variety of housing.



Background

Section 2.2.5 of the Growth Plan speaks to Employment Lands and notes that municipalities will promote economic development and competitiveness by:

- a) making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities;
- b) ensuring the availability of sufficient land, in appropriate locations, for a variety of employment to accommodate forecasted employment growth to the horizon of this Plan;
- c) planning to better connect areas with high employment densities to transit; and
- d) integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment.

In addition, the Growth Plan notes that municipalities should identify employment areas located adjacent to or near major goods movement facilities and corridors, including major highway interchanges, as areas for manufacturing, warehousing and logistics and associated uses and ancillary facilities, and plan for their protection for appropriate employment uses over the long-term by:

- a) prohibiting residential uses and prohibiting or limiting other sensitive land uses that are not ancillary to the primary employment use;
- b) prohibiting major retail uses or establishing a size or scale threshold for any major retail uses that are permitted and prohibiting any major retail uses that would exceed that threshold; and
- c) providing an appropriate interface between employment areas and adjacent non-employment areas to maintain land use compatibility.

As noted previously, there is considerable opportunity for cannabis production and processing facilities to contribute to the economic viability of a municipality through the introduction of a use which has the potential to attract both investment and employment.

The proposed facility will be located in an existing employment area adjacent to major goods movement facilities and corridors, which allows the facility to utilize the surrounding transportation infrastructure. There is also opportunity to effectively use and adapt existing buildings to accommodate these activities.

Accordingly, staff is of the opinion that the proposal conforms to the relevant policies of the Growth Plan (2019).

Regional Official Plan

The subject lands are designated Urban Area and Regional Natural Heritage System (RNHS) in the 2009 Regional Official Plan (ROP). The Urban Area policies of the ROP provide that the range of permitted uses and the creation of new lots within the Urban Area will be in accordance with Local Official Plans and Zoning By-laws. All development, however, shall be subject to all other relevant policies of the ROP.

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The Employment Area overlay also applies to the subject lands. As outlined in Section 77.1 of the ROP, one of the objectives of the Employment Areas is to provide, in conjunction with those employment uses within the residential and mixed use areas of the communities, opportunities for a fully-diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.

Regional Planning staff has reviewed the application and offers no objection to its approval subject to the application having consideration for the Region's Land Use Compatibility Guidelines. Given that the aforementioned guidelines are consistent with and conform to the provincial policies and plans described above, and appropriate (and required) ventilation controls will be added, compatibility is likely to be achieved.

Town Official Plan

The subject lands are designated "Industrial Area" on Schedule B -Urban Land Use Plan of the Town's Official Plan and Schedule C.2.B - Milton 401 Industrial/Business Park Secondary Plan. As per Section 3.9.2.1, the "Industrial Area" designation permits a range of light and general industrial uses including a Cannabis Production and Processing Facility in accordance with Policy 3.9.3.2 of the Official Plan. In addition, accessory service, wholesale, retail and office uses directly related to the industrial use are permitted within the industrial building. Section 3.9.2.2 states that office uses and research and development and technology uses, excluding uses which produce biomedical waste, shall be permitted in a one to two storey multi-unit building within designated industrial areas.

Section 3.9.3.2 of the Official Plan states that in addition to the Industrial 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 Industrial 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;



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- 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.

Section 5.10.6 of the Official Plan defines 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 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.

Based on the information provided through this application, staff is satisfied that the proposed cannabis facility, which includes office and research and development uses, conforms to the Town's Official Plan policies.

Zoning By-law 016-2014, as amended

The subject lands are currently zoned General Industrial (M2) under Zoning By-law 016-2014, as amended, which permits a range of uses including industrial, office, and research and technology uses. In addition, Cannabis Production and Processing Facilities are also permitted subject to the following special employment provisions of Section 8.3.2:

- 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 in 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.

The Zoning By-law definition for Cannabis Production and Processing Facility is consistent with the Official Plan definition provided above.



Background

Section 4.14.2 states that waste storage areas associated with non-residential uses shall be contained within a principal building or within a detached accessory building or structure, subject to specific provisions.

While the Town Zoning By-law permits components of the proposed use within the Industrial Zone (i.e. research and development, office, and Cannabis Production and Processing Facilities), the latter is not permitted within a multi-unit building. To get a better sense of the impact of the cannabis related portion of the use within this type of building, staff recommended that the applicant seek a temporary use by-law to facilitate the above noted proposal.

The Temporary Use Zoning By-law Amendment application seeks to amend the current General Industrial (M2) Zone to a Temporary Use General Industrial (T14-M2) Zone to permit the proposed cannabis research facility for a temporary period of three (3) years.

A draft amending Zoning By-law is attached as Appendix 1 to this report.

Site Plan Control

Should the temporary use zoning by-law amendment application be approved, the applicant will be required to receive Site Plan Approval prior to the commencement of any development. However, it should be noted that since there will be no changes to the overall site or existing building, a scoped site plan review will be undertaken.

Discussion

Public Consultation

Notice for the statutory public meeting was provided pursuant to the requirements of the Planning Act and the Town of Milton on June 24, 2021 through written notice to all properties within 200 metres of the subject lands, as well as an advertisement in the Milton Canadian Champion Newspaper on June 24, 2021. The public meeting was held on July 19, 2021. No members of the public spoke at the Public Meeting nor provided written comments regarding the proposed application.

Agency Consultation

The proposed Temporary Use Zoning By-law Amendment application was circulated to internal departments and external agencies on June 22, 2021.

Halton Region clarified that the portion of the subject lands designated RNHS in the ROP was due to the presence of the floodplain regulated by Conservation Halton (CH). As a result, CH staff would provide environmental advisory services on their behalf in relation to the protection of certain natural heritage features and areas and natural hazard land management. In addition, regional staff noted that with no exterior development or site alteration proposed on the subject property as part of this application, the requirement for an Environmental Impact Assessment (EIA) (per Section 118 of the ROP) did not apply.



Discussion

Regional staff also noted that the application should have consideration for the Region's Land Use Compatibility Guidelines.

Conservation Halton (CH) regulates all watercourses, valleylands, wetlands, Lake Ontario and Hamilton Harbour shoreline and hazardous lands, as well as lands adjacent to these features under Ontario Regulation 162/06. CH confirmed that the subject property is adjacent to a tributary of Sixteen Mile Creek, and that the edge of the property contains the flooding hazard associated with the tributary. As per CH policy, no new development is permitted on the subject property within 15 metres of the flooding and erosion hazards associated with Sixteen Mile Creek and its tributaries. Permission is required from CH prior to undertaking any development within CH's regulated area. However, since no new development is proposed on the subject property as part of this application, CH staff has no objection to the approval of the application as proposed and confirmed that no further permissions are required.

Halton District School Board indicated that their closest elementary school is located approximately 400 metres from the proposed cannabis facility. As a result, the HDSB expressed their concern regarding the impact that any odour emissions could have on the quality of the school's learning environment. The HDSB also stated that should any emissions from the proposed use begin to impact the school, reports will be filed with the Ministry of the Environment, Conservation and Parks (MECP).

All other circulated agencies either offered no comment or no objections to the approval of the application.

Summary of Issues

Land Use Compatibility

Town and regional staff are satisfied based on the information available, that no sensitive (residential) land uses are located in proximity to the subject property. In addition, with the proposed use being established within an existing industrial building that is surrounded by industrial uses, the introduction of the proposed use should be minimal. Regional staff is of the opinion that with provincial oversight where necessary, and the required federal approvals, the Region's Land Use Compatibility Guidelines, especially in relation to odour, can be satisfied.

Potential Odour Impacts and Complaints

A key issue raised through the review of the application was the potential for odour impacts on surrounding land uses as well as how complaints regarding odour, if any, are addressed. Typically, the Ministry of the Environment, Conservation and Parks (MECP) is responsible for managing complaints relating to odour.

In order to gain clarity on how odours are controlled and how complaints, if any, are handled in relation to cannabis facilities, Planning staff contacted the MECP for more information. The following material was provided to Town staff by MECP staff.

Discussion

“The Cannabis Act and Cannabis Regulations are administered by Health Canada. Within the current regulatory framework, Health Canada is responsible to provide the licensing and oversight framework for legal production of cannabis. The Ministry of the Environment, Conservation and Parks (MECP) has a limited role regarding regulating licensed cannabis production, particularly that is related to cannabis odour control.

As per section 85 of the Cannabis Regulations, any building or part of a building where cannabis or anything that will be used as an ingredient is produced, packaged, labelled, stored or tested must be equipped with a system that:

- filters air to prevent the escape of cannabis odours associated with cannabis plant material to the outdoors;
- provides natural or mechanical ventilation with sufficient air exchange to provide clean air and to remove unclean air in order to prevent the contamination of the cannabis or thing that will be used as an ingredient;
- is accessible and, if necessary for its cleaning, maintenance or inspection, is capable of being disassembled;
- is capable of withstanding repeated cleaning; and,
- functions in accordance with its intended use.

The above provisions regulated by Health Canada are intended to eliminate any risks associated with cannabis odours.”

MECP staff also noted that there are two categories of permissions under Health Canada’s regulations: (1) commercial licenses; and (2) registration documents that allow an individual to produce cannabis for their own medical purposes. Licensed facilities are subject to Part V Good Production Practices in the federal Cannabis Regulation, which includes the regulatory requirements for HVAC system filtration to control odours. However, registered activities are not subject to the same odour controls.

Should complaints be received by MECP in relation to odours associated with cannabis facilities, staff has a standard operating procedure that is followed. The first step is to identify what type of facility it is and verify whether it is licensed or registered. If the facility is licensed, Health Canada is responsible for compliance and enforcement. If registered, the MECP is responsible for handling odour complaints. Operating procedures relating to agricultural operations and other incompatible land use situations were also provided but are not applicable to this application.

Given that the proposed cannabis research facility will be licensed by Health Canada (i.e. under a Research License, Nursery License and potentially an Analytical Testing License), staff understands that activities will be limited to the approved license(s), the necessary filtration system(s) will be installed in accordance with Health Canada’s regulations, and

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complaints, if any, associated with odour will be promptly transferred to and addressed by Health Canada regulators.

It should be noted that the MECP has recently proposed an updated Land Use Compatibility Guideline to help municipalities and planning authorities plan sensitive land uses and major facilities. These new guidelines, which now include provisions for Cannabis Production and Processing Facilities will help to avoid or minimize and mitigate potential adverse potential adverse effects from odour, noise, dust and other contaminants. The proposed guidelines were posted on the Environmental Registry of Ontario earlier this year and subject to public and stakeholder consultation. Concurrent with this posting, the Ministry is consulting on a draft Odour Guideline and an approach to modernize environmental compliance practices, including a draft updated Compliance Policy, referral tool and service standards. Once finalized, these guidelines will be of assistance to the municipality when making land use decisions relating to cannabis facilities, in the future.

Amending Zoning By-law (Z-14/21)

In order to permit the proposed cannabis research facility within Unit #10 of the multi-unit industrial building at 295 Alliance Road for a temporary period of time, a Temporary Use Zoning By-law Amendment containing a slightly revised definition, site-specific provisions and a three (3) year timeframe is required. The draft Temporary Use Zoning By-law Amendment is attached as Appendix 1 to this report.

A site-specific definition (made up of the current Cannabis Production and Processing Facility definition with the addition of the word “researching”) has been added to ensure that all of the activities to occur within the unit, have been clearly denoted.

The site-specific provisions, are a combination of select special employment provisions relating to cannabis facilities found in Section 8.3.2 of Comprehensive Zoning By-law 016-2014, as amended, and additional provisions relating to waste storage areas and processing activities. In general, the site-specific provisions relating to the cannabis research facility, have been implemented to achieve the following:

- permit the use within a multi-unit building, where the parent by-law only permits these facilities as the only principal use on the property.
- limit the type of processing to the research and testing activities that are being applied for. It is staff’s understanding that some processing activities can be more intense and create heavier odours.
- ensure that all operations and the storage of materials (including waste) is to be located inside the unit/building.
- allow for the establishment of accessory buildings if needed for security purposes.
- ensure that the cannabis facility meets the required setbacks from zones containing sensitive land uses.



Discussion

It should be noted that staff observed that an industrial building in proximity to the subject property did contain what appeared to be an upper floor residential unit. However, since sensitive uses (e.g. residential uses) are not permitted within the industrial area, it is likely that in the past it could have been a caretaker's unit, which was permitted under the former Zoning By-law 61-85, as amended. If it is no longer being used as a caretaker's unit, it has likely been converted to a staff or office area related to the existing industrial use, but still retains the appearance of a residential use from the exterior. Since residential and institutional uses are not permitted in the M2 Zone, and to ensure that there is no conflict in interpretation, staff removed the provision that is currently found in Section 8.3.2 for setbacks relating to sensitive land uses, but retained the provision requiring specific setbacks to residential and institutional zones.

In addition to the aforementioned, the draft temporary use zoning by-law amendment limits the proposed cannabis research facility to a three (3) year period in order to provide Town staff with an opportunity to monitor and assess the impacts of this operation in this type of setting and determine if an extension to the permission or updates and/or revisions to the Town's Official Plan and Zoning By-law should be considered in the future.

Conclusion

Planning staff is of the opinion that the proposed Cannabis Production and Processing Facility, subject to site-specific provisions and a temporary period of three (3) years, is consistent with the Provincial Policy Statement, conforms to provincial, regional and local planning policy, and achieves acceptable engineering and design standards. On the basis of the foregoing, staff recommends that the Temporary Use Zoning By-law Amendment, attached as Appendix 1, be brought forward for Council adoption.

Financial Impact

None arising from this Report.

Respectfully submitted,

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

For questions, please contact: Angela Janzen, MCIP, RPP, Phone: Ext. 2310
Development Planner

Attachments

Figure 1 - Location Map
Figure 2 - Site Plan
Figure 3 - Floor Plans
Appendix 1 - Temporary Use Zoning By-law

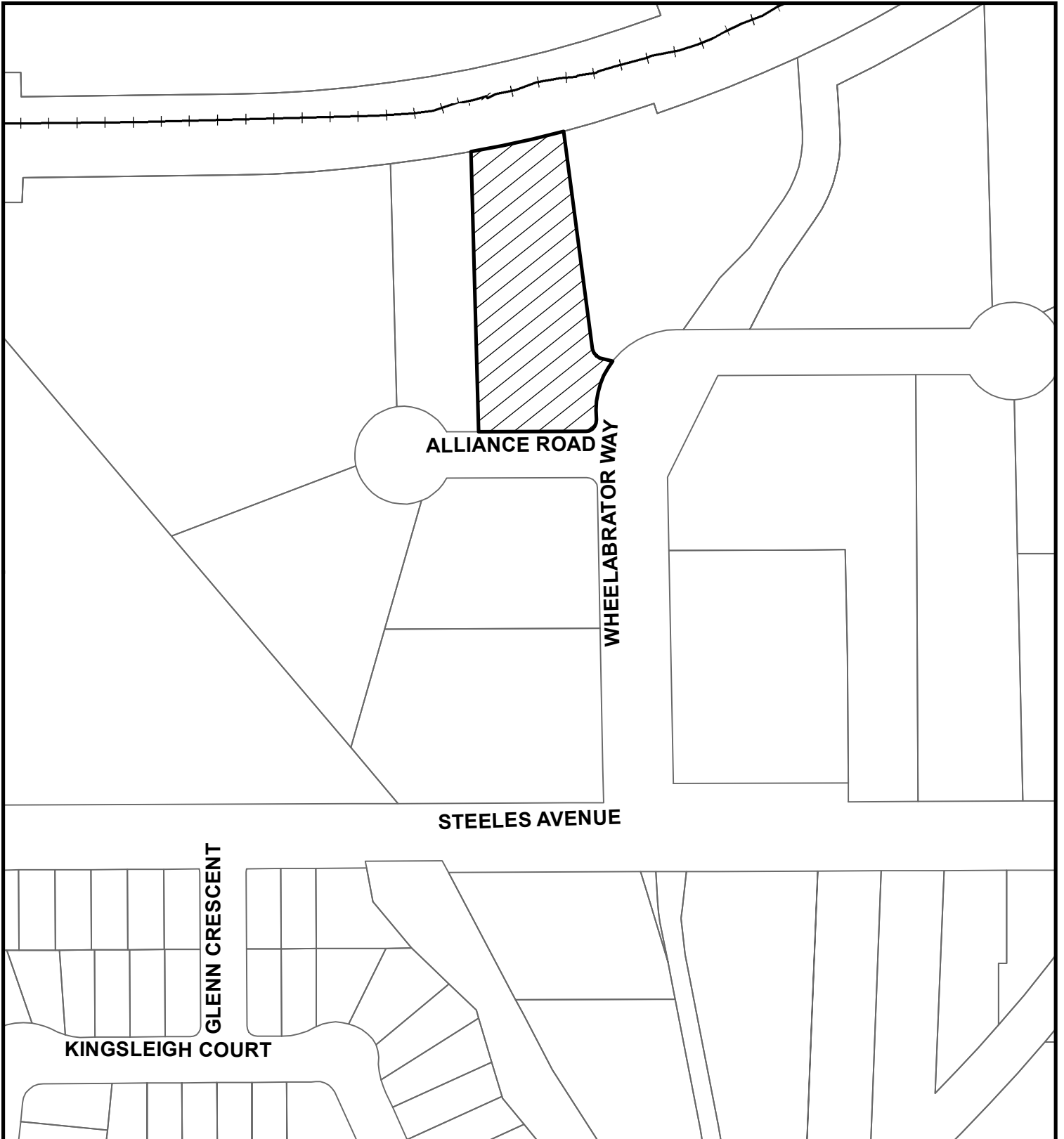


The Corporation of the Town of Milton

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CAO Approval
Andrew M. Siltala
Chief Administrative Officer

FIGURE 1 LOCATION MAP

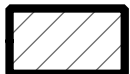


Council Meeting Date:
September 13, 2021

Scale: 1: 2,300

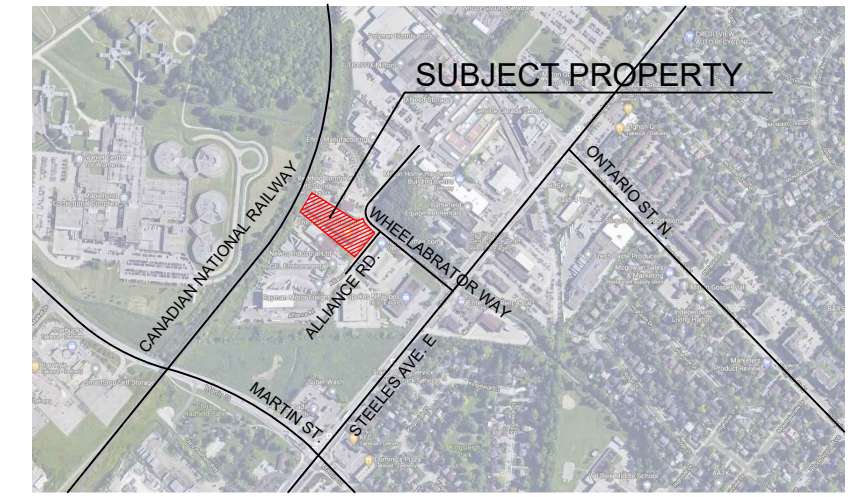
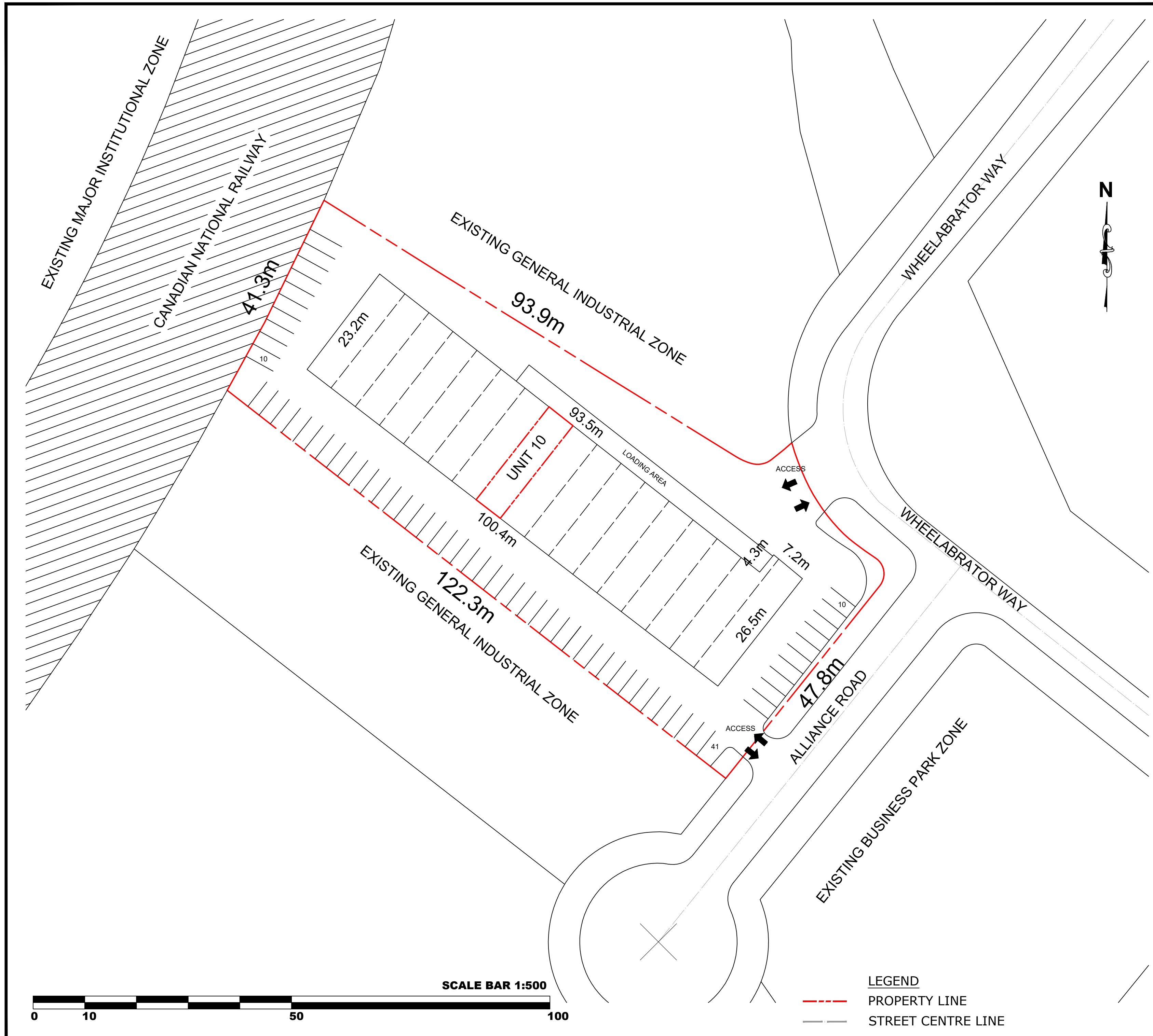
Files: Z-14/21

Development Services Department



Subject Property

FIGURE 2
DS-072-21



KEY MAP - N.T.S.

LandPRO Planning Solutions INC.
 707 East Main St., Welland, ON L3B 3Y5
 289-687-3730 www.landproplan.ca



**CONCEPT SITE PLAN
 TEMPORARY BY-LAW
 CANNABIS RESEARCH FACILITY**

295 Alliance Road, Town of Milton, Region of Halton.

PROPERTY INFORMATION	
	AREA
PROPERTY AREA	0.6 Ha.
MULTI-UNIT BUILDING AREA	2,322.26 m ²
PARKING SPACES REQUIRED [5.8.2 Non-Residential Parking Requirements - Table 5G]	47
PARKING SPACES PROVIDED (Multi-unit building)	61
UNIT 10 AREA	173 m ²
PARKING SPACES REQUIRED 1 / 30 Sq.m.	6
PARKING SPACES PROVIDED UNIT 10	6
LOADING AREA REQUIRED	0
LOADING AREA PROVIDED	1

DATE: MAY, 2021

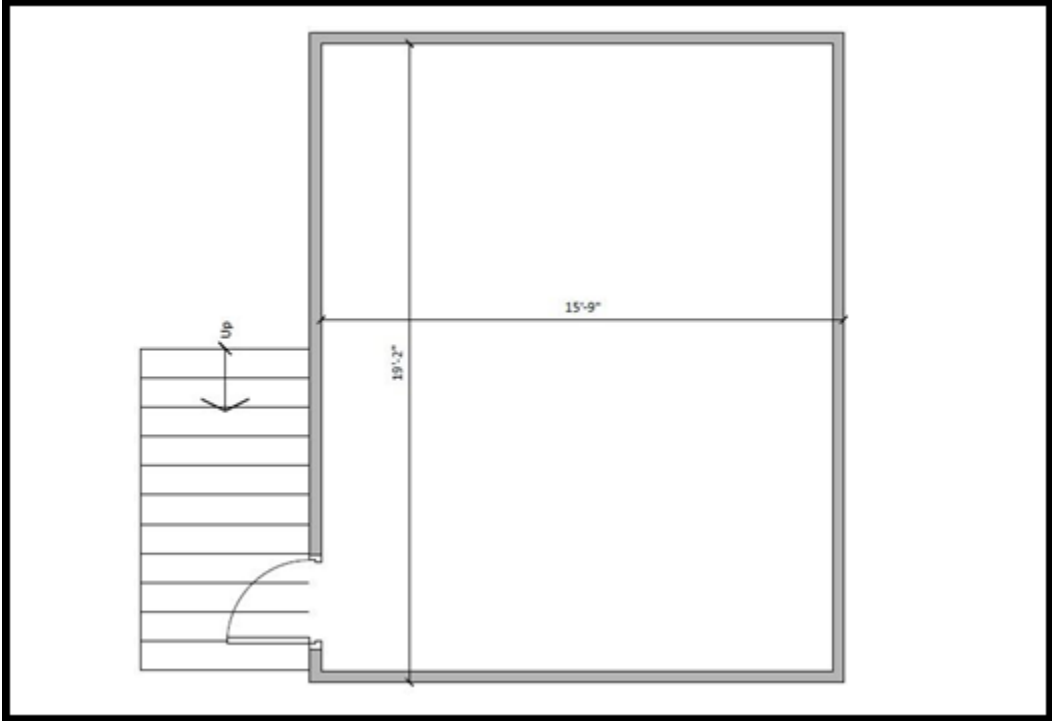
FLOOR PLANS – 295 Alliance Road, Unit #10

Detailed view of the cannabis research facility, with nursery on the main floor, and a lab on the mezzanine (excerpt from Planning Justification Report)

Main Floor



Mezzanine



THE CORPORATION OF TOWN OF MILTON
BY-LAW NO. XXX-2021

BEING A BY-LAW OF THE TOWN OF MILTON TO AMEND THE TOWN OF MILTON COMPREHENSIVE ZONING BY-LAW 016-2014, AS AMENDED, PURSUANT TO SECTIONS 34 AND 39 OF THE PLANNING ACT, AS AMENDED, IN RESPECT OF THE LANDS DESCRIBED AS PART LOT 1, CONCESSION 3, ESQUESING, PARTS 1 AND 3, PL 20R8010 AND MUNICIPALLY KNOWN AS 295 ALLIANCE ROAD, UNIT 10, TOWN OF MILTON, REGIONAL MUNICIPALITY OF HALTON (CARLTON PLACE PLAZA INC.) – Town File: Z-14/21

WHEREAS Section 39 of the Planning Act, as amended, authorizes Municipal Councils to pass by-laws to authorize the temporary use of land, buildings, and structures for a specific period of time;

AND WHEREAS the Council of the Corporation of the Town of Milton deems it appropriate to amend Comprehensive Zoning By-law 016-2014, as amended, to allow the proposed use for a period of three (3) years;

AND WHEREAS the Town of Milton Official Plan provides for the lands affected by this by-law to be zoned as set forth in this by-law;

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

1.0 THAT Schedule A to Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by changing the existing General Industrial (M2) Zone symbol to the Temporary Use General Industrial (T14-M2) Zone symbol on the lands shown on Schedule A attached hereto.

2.0 THAT Section 13.3 (Temporary Use Zones) of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding subsection 13.3.1.14 as follows:

i) Additional Permitted Use:

a) Cannabis Production and Processing Facility

For the purposes of this by-law, a Cannabis Production and Processing Facility means a premises used for the production, processing, testing, researching, 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.

ii) Special Site Provisions:

- a) Notwithstanding the definition above to the contrary, processing shall only be permitted for the purposes of conducting research or testing under a Research and/or Analytical Testing License that has been issued by Health Canada.
- b) Notwithstanding the requirements of Section 8.3.2., the following site specific provisions shall apply to the temporary use:
 - i. The facility operations 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 listed below, shall be in accordance with the following:
 From a Residential, Institutional, or Open Space Zone: 70 metres;
 - iv. 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.
- c) Notwithstanding the provisions of Section 4.14.2 to the contrary, waste storage shall be contained within a principal building.

3.0 THAT notwithstanding Sections 1.0 and 2.0 of this By-law, this by-law shall expire three (3) years from the date of the passing of the by-law by Council, unless the Council of the Corporation of the Town of Milton has provided an extension by amendment to this by-law prior to its expiry.

4.0 THAT pursuant to Section 34(21) of the Planning Act, R.S.O. 1990, c. P.13, as amended, this by-law comes into effect the day after the last day for filing a notice of appeal, if no appeal is filed pursuant to Subsection 34(19) of the Planning Act, as amended. Where one or more appeals have been filed under Subsection 34(19) of the said Act, as amended, this Zoning By-law Amendment comes into effect when all such appeals have been withdrawn or finally disposed of in accordance with the direction of the Ontario Land Tribunal.

PASSED IN OPEN COUNCIL ON SEPTEMBER 13, 2021.

 Mayor
 Gordon A. Krantz

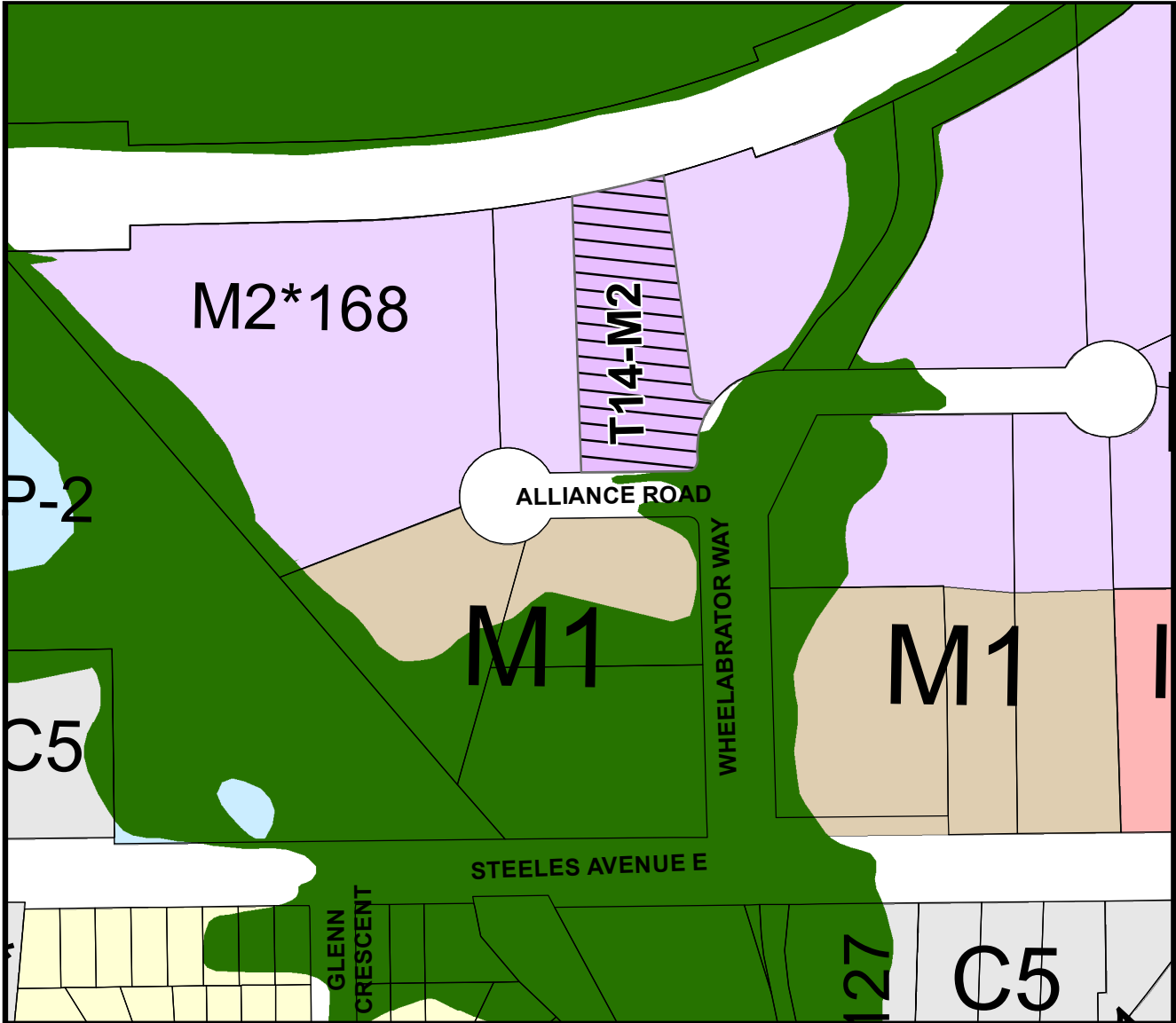
 Town Clerk
 Meaghan Reid

SCHEDULE A
TO BY-LAW No. -2021


TOWN OF MILTON

CON 3 PT LOT 1, ESQ.
PARTS 1 AND 3, PLAN 20R-8010

Town of Milton



THIS IS SCHEDULE A
TO BY-LAW NO. -2021 PASSED
THIS ___ DAY OF _____, 2021.

 T14-M2 - Temporary Use
General Industrial Zone

MAYOR - Gordon A. Krantz

CLERK - Meaghen Reid