

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. 045-2020

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or (25) of the said Act, as amended, this Official Plan Amendment comes into effect when all such appeals have been withdrawn or finally disposed of in accordance with the direction of the Land Use Planning Appeals Tribunal.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.

Gordon A. Krantz Mayor

Meaghen Reid Deputy 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”