

AMENDMENT NO. 263
TO THE OFFICIAL PLAN FOR
THE TOWN OF CALEDON PLANNING AREA

THE CORPORATION OF THE TOWN OF CALEDON


BY-LAW NO. 2021-35

A By-law to Adopt Amendment No. 263 to
the Official Plan for the Town of Caledon


WHEREAS the Council of the Corporation of the Town of Caledon, in accordance with the provisions of the *Planning Act*, R.S.O. 1990, as amended, HEREBY ENACTS AS FOLLOWS:

1. Amendment No. 263 to the Official Plan for the Town of Caledon Planning Area shall be and is hereby adopted.

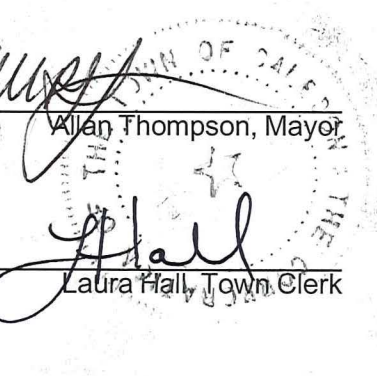
Enacted by the Town of Caledon Council this 27th day of April, 2021.



Allan Thompson, Mayor



Laura Hall, Town Clerk



THE CONSTITUTIONAL STATEMENT

PART A - THE PREAMBLE - does not constitute part of this amendment.

PART B - THE AMENDMENT - consisting of the following text constitutes Amendment No. 263 of the Town of Caledon Official Plan.

AMENDMENT NO. 263

OF THE TOWN OF CALEDON OFFICIAL PLAN

PART A - THE PREAMBLE

Purpose of the Amendment:

The purpose of this Amendment is to amend the Official Plan to include policies and permissions relating to cannabis and hemp operations including cultivation and processing, but excluding the retail sale of cannabis and hemp or cannabis-derived and hemp-derived products.

Location:

The lands subject to this Amendment apply to the entire limits of the Town of Caledon.

Basis:

The basis for this Amendment is contained in Staff Report 2021-0073, as adopted by Planning and Development Committee on April 30, 2021 and ratified by Council on April 27, 2021.

The Town of Caledon retained Meridian Planning Consultants to review and provide recommendations for permitting cannabis-related and hemp-related operations in the Prime Agricultural Area, General Agricultural Area and Rural Lands designations. The review and recommendations are outlined in detail in the Technical Report and supporting Memo prepared by Meridian Planning Consultants. The Report and Memo recognize that there are known adverse effects primarily from odour and recommend that definitions and policies be amended or inserted to reflect that:

- a) The outdoor cultivation of cannabis or industrial hemp be considered an agricultural use;
- b) That indoor cannabis-related uses and hemp-related uses associated with outdoor cultivation of cannabis or industrial hemp be considered an agricultural-related industrial or commercial use where those policies can be achieved, and be subject to Site Plan Approval, addressing and mitigating concerns and impacts to surrounding properties and uses; and,
- c) That indoor cannabis-related uses and industrial hemp-related uses be considered a high-impact agricultural use, and be subject to a site-specific Zoning By-law Amendment and Site Plan Approval, addressing and mitigating concerns and impacts to surrounding properties and uses.

The Town initiated an Amendment to the Official Plan to include this direction. The draft amendment has been circulated to internal departments and external agencies and a public meeting pursuant to the Planning Act was held on December 3, 2019. Planning staff has reviewed the amendment and is of the opinion that it is consistent with the Provincial Policy Statement and conforms to the policies of the Growth Plan, Greenbelt Plan, Oak Ridges Moraine Conservation Plan, Niagara Escarpment Plan, Region of Peel Official Plan and Town of Caledon Official Plan.

PART B - THE AMENDMENT

This part of the document, entitled "Part B - The Amendment", and consisting of the following text constitutes Amendment No. 263 of the Town of Caledon Official Plan.

Details of the Amendment

The Town of Caledon Official Plan is amended as follows:

1. A new Section 5.1.1.7.4 is inserted in chronological order:

5.1.1.7.4 All cannabis-related and hemp-related uses, excluding the outdoor cultivation of cannabis or industrial hemp, authorized by the Federal Cannabis Regulation or the Federal Industrial Hemp Regulation may be permitted subject to an amendment to the Zoning By-law and shall be subject to Site Plan Control.

2. A new Section 5.1.1.7.5 is inserted in chronological order:

5.1.1.7.5 Prior to the passing of a Zoning By-law Amendment, Council shall be satisfied that the proposed indoor cannabis-related use or hemp-related use meets the following conditions:

- a) The proposed greenhouse or other type of building can be designed and sited to blend in with surrounding land uses such that the agricultural and rural character of the area is maintained;
- b) The adverse effects of the noise, dust, odour, light and traffic generated by the proposed facility on sensitive land uses in the area can be avoided and if avoidance is not possible, minimized and appropriately mitigated, as demonstrated by the required studies identified in Section 5.1.1.7.7 of this Plan;
- c) Sensitive surface water features and sensitive groundwater features in the area will be protected, improved or restored with consideration given to the taking of water and generation of effluent;
- d) Adequate parking, loading and delivery facilities are available on the lot for the proposed facility and the traffic generated by the proposed facility can be accommodated on area roads;
- e) The proposed facility can be serviced with an appropriate water supply and an appropriate means of sewage disposal;
- f) Stormwater management needs can be met on site;
- g) The waste generated from the facility can be appropriately managed;
- h) Signage is designed and located in accordance with the Town's Sign By-law;
- i) The proposed setback, as determined by the required studies in Section 5.1.7.7 of this Plan, from sensitive land uses in the area is appropriate to avoid, and if avoidance is not possible, minimize and appropriately mitigate any adverse effects.

3. A new Section 5.1.1.7.6 is inserted in chronological order:

5.1.1.7.6 In addition to Section 5.1.1.7.5, and if a component(s) of the proposed facility includes value-added components that would make this component of the facility an agricultural-related use, it must be demonstrated that this component of the facility:

- a) Is compatible with and does not hinder surrounding agricultural operations;
- b) Is directly related to farm operations in the area;
- c) Supports agriculture;
- d) Benefits from being in close proximity to farm operations; and,

- e) Provides direct products and/or services to farm operations as a primary activity.

In considering the above, regard shall be given to the Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas prepared by the Ontario Ministry of Agriculture Food and Rural Affairs in 2016. An Amendment to this Plan is not required for a proposed agricultural-related use involving cannabis or industrial hemp.

4. A new Section 5.1.1.7.7 is inserted in chronological order:

- 5.1.1.7.7 The studies listed in this Section shall be required to satisfy the study requirements of Section 5.1.1.7.5 of this Plan. The applicant shall be responsible for the costs of any peer review undertaken by the Town of Caledon of any studies submitted by the applicant in support of an application. The Town reserves the right to request additional studies and material to support the establishment of an indoor cannabis-related and/or hemp-related facility.

In recognition of the varying types and scales of indoor cannabis-related uses or industrial hemp-related uses that may be applied for, the municipality will identify the scope of the additional supporting information needed at the required pre-consultation meeting in accordance with Section 6.2.1.6.2 of this Plan.

a) Odour Emission and Dispersion Modelling Report

- i. At no cost to the municipality, the proponent of the proposed cannabis-related use or industrial hemp-related use will submit an Emission Summary and Dispersion Modelling (ESDM) Report that is prepared by a Licensed Engineering Practitioner in accordance with the Ministry of Environment, Conservation and Parks guidance. This report will deal with contaminants including odour, chemicals and particulate matter constituents.
- ii. The ESDM Report shall include a detailed odour inventory and mitigation plan fully describing the proposed air filtration systems and other mitigation measures as well as off-property odour impact predictions that take into account known impacts from other cannabis-related uses and industrial hemp-related uses in the area to determine the extent of the potential cumulative adverse effects. In this regard, it would be the role of the Licensed Engineering Practitioner to demonstrate that the impact of the proposed use and other cannabis and industrial hemp facilities within the area will not, or is not likely to, cause adverse effects
- iii. In addition to sub-section ii) above, the ESDM Report must demonstrate that the proposed cannabis-related or industrial hemp-related facility achieves a standard of compliance and that two odour units will only be exceeded at any given sensitive use up to 0.5% of the time on an annual basis as per the MECP Technical Bulletin 'Methodology for Modeling Assessment of Contaminants with 10-Minute Standards and Guidelines, September 2016' as may be amended from time to time.
- iv. The ESDM Report must consider co-existence adverse effects associated with drift of cannabis or hemp emissions on existing farming operations in the area and provide recommendations on an appropriate greenspace separation distance to ensure that spray drift is minimized.
- v. In addition to the above, the proponent of the proposed

facility will submit a Contingency Odour Mitigation Plan, prepared by a Licensed Engineering Practitioner that considers additional air filtration systems or other mitigation measures for use in the event of substantiated future complaints after the facility has been established. Agreement on the appropriate triggers for additional mitigation will be made in advance.

b) Light Mitigation and/or Photometric Plan

- i. At no cost to the municipality, the proponent of the proposed cannabis-related use or industrial hemp-related use will submit a Light Mitigation Plan, prepared by a Licensed Engineering Practitioner that fully describes the proposed light mitigation measures and demonstrates that the proposed facility will not cause light pollution, including sky glow or light trespass, onto neighbouring properties.
- ii. In addition to sub-section i), the proponent of the proposed cannabis-related use or industrial hemp-related use will also submit a Contingency Light Pollution Mitigation Plan, prepared by a Licensed Engineering Practitioner that considers additional mitigation measures and implementation timelines for use in the event of substantiated future complaints after the facility has been established. Agreement on the appropriate triggers for additional mitigation will be made in advance.

c) Traffic Impact Study

- i. At no cost to the municipality, the proponent of the proposed cannabis-related or industrial hemp-related facility will submit a Traffic Impact Study, to the satisfaction of the Town and/or the Region, that demonstrates that the proposed facility will not cause any traffic hazards or an unacceptable level of congestion on roads in the area.

5. A new Section 5.1.1.7.8 is inserted in chronological order:

5.1.1.7.8 In recognition of the known adverse effects of odour, the avoidance of adverse effects shall be a first principles. If adverse effects cannot be avoided, the minimization and mitigation of adverse effects has to be considered. One of the ways to avoid, minimize and mitigate adverse effects is through separation of incompatible uses through the use of setbacks. The appropriate setback will be determined based on:

- a) Whether the facility is a greenhouse or an industrial-type building and if a greenhouse is proposed, whether the proposed greenhouse is purpose-built for cannabis or industrial hemp or already exists;
- b) The size and scale of the proposed cannabis-related or industrial hemp-related facility;
- c) The proximity and number of residential uses in the area including the potential for additional sensitive uses on vacant lots that are zoned to permit a sensitive use;
- d) Location of the proposed cannabis-related or industrial hemp-related facility in relation to prevailing winds;
- e) The nature of the adverse effects that exist at the time in relation to existing cannabis-related or industrial hemp-related facilities; and,
- f) The impact of topography on the dispersion of odour.

6. Section 5.1.1.10.4 is deleted and replaced as follows:

5.1.1.10.4 Cannabis-related and industrial hemp-related operations, including but not limited to, the storage, drying and processing of cannabis or industrial hemp, may be considered an agriculture-related commercial or industrial use, provided that the use is operating in conjunction with a cannabis or industrial hemp cultivation operation, providing that the policies of Sections 5.1.1.7.4 to 5.1.1.7.8 (inclusive) and 5.1.1.10 are satisfied.

7. In Section 6.7 Glossary of Terms, 11. Agricultural Use is amended by inserting the following underlined language as follows “...including nursery, cannabis and industrial hemp, biomass...Christmas trees, and maple products, but excluding the retail sale of cannabis-based and industrial hemp-based or derived products; and associated on-farm...”.
8. In Section 6.7 Glossary of Terms, 11. Agricultural Use is amended by inserting the following underlined language at the end of the definition “...operation requires additional employment. Cannabis-related uses and industrial hemp-related uses, excluding the outdoor cultivation of cannabis or industrial hemp, in all agricultural and rural areas shall be considered High Impact Agricultural Uses.”
9. In Section 6.7 Glossary of Terms, 11. *Agricultural Uses is amended by inserting the following underlined language into a) as follows “...including nursery, cannabis and industrial hemp, and horticultural crops;”.
10. In Section 6.7 Glossary of Terms, 11. *Agricultural Uses is amended by inserting the following additional statement at the end of the definition after the itemized list as follows “Cannabis-related uses and industrial hemp-related uses, excluding the outdoor cultivation of cannabis or industrial hemp, in all agricultural and rural areas shall be considered High Impact Agricultural Uses.”.
11. In Section 6.7 Glossary of Terms, 9. Agriculture-Related Commercial or Agricultural-Related Industrial Uses is amended by inserting the following underlined language to the end of the definition “..., but excluding cannabis-related uses and industrial hemp-related uses not associated with outdoor cultivation and the retail sale of cannabis-based and industrial hemp-based or derived productions.”
12. In Section 6.7 Glossary of Terms, 57. Farm-Based Home Industries is amended by deleting “...or vehicle paint shop.” at the end of the definition, and replacing it with “..., vehicle paint shop, cannabis-related uses or industrial hemp-related uses.”
13. In Section 6.7 Glossary of Terms, 77. High Impact Agricultural Uses is amended by inserting the following underlined language into the definition as follows “...commercial greenhouses; cannabis-related uses, excluding the outdoor cultivation of cannabis; industrial hemp-related uses, excluding the outdoor cultivation of industrial hemp; fur-bearing animal farms...”.

Implementation and Interpretation

The implementation and interpretation of this Amendment shall be in accordance with the policies of the Town of Caledon Official Plan.