

Please see Part B comments (in red) below

**AMENDMENT NO. XX
TO THE
OFFICIAL PLAN (2014)
FOR THE
CORPORATION OF THE TOWN OF PELHAM**

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PART “A” – THE PREAMBE

SECTION 1

TITLE AND COMPONENTS

This document was approved in accordance with Section 17 and 21 of the Planning Act, R.S.O. 1990, as amended and shall be known as Amendment No. XX to the Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Town of Pelham Planning Area.

Part “A”, the Preamble does not constitute part of this amendment.

Part “B”, the Amendment, consisting of the following text constitutes Amendment No. XX to the Official Plan adopted by By-law 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014 for the Town of Pelham Planning Area.

SECTION 2

PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to amend Sections B2.1.3.12, B2.2.8, B2.3.4 and B3.1.1 of the Town of Pelham Official Plan to implement recommendations on cannabis production in the Town with the goal of promoting land use compatibility.

SECTION 3

LOCATION OF THE AMENDMENT

The lands that are subject to this Amendment are all lands within the Town of Pelham.

SECTION 4

BASIS OF THE AMENDMENT

The Planning Act, R.S.O. 1990, as amended, provides that amendments may be made to the Official Plan. Policies of the Official Plan have been considered in the preparation of this Amendment and the following factors:

1. The policies will ensure compatibility with the surrounding land uses.
2. This Amendment is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe and the Region of Niagara Official Plan.

SECTION 5

IMPLEMENTATION AND INTERPRETATION

The relevant policies of the Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, of the Town of Pelham Planning Area shall apply to the implementation and interpretation of this Amendment.

PART “B” – THE AMENDMENT

1. The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham Planning Area is hereby amended by adding the following to Section B2.1.2.:

l) Outdoor storage, growing and production of cannabis subject to a Zoning By-law amendment.

2. The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham Planning Area is hereby amended by adding the following to Section B2.1.3.12:

In addition to these requirements, greenhouses for cannabis production will be required to ensure compatibility with neighbouring land uses through:

a) Installation and operation of odour and light mitigation systems;

Comment: Installation and operation of an odour and light mitigation system does not by itself prevent adverse effect. Targets or objectives should be clearly defined.

Suggested Wording: Installation and operation of odour and light mitigation systems that reduce the off-property impact at sensitive receptors to a level of trivial impact (i.e. no adverse effects);

b) Odour and light control, maintenance and monitoring plans;

Comment:

- I. The Town should provide guidance on the contents and goals of these plans.
- II. The Operator of the Cannabis Facility (Operator) should be required to prepare contingency odour and light mitigation plans in the event of substantiated complaints so that the plans can be immediately implemented as necessary.
- III. The odour and light control and monitoring plans should be signed and sealed by a Licensed Engineering Practitioner (LEP) which is consistent with Ministry of the Environment, Conservation and Parks (MECP) requirements.
- IV. The Town should have the ability to peer review the Plans at the Operators expense.
- V. The Operator should be required to document, and report complaints received from neighbours to the Town and detail the corrective action that will be implemented to prevent further adverse impacts.
- VI. Ongoing odour monitoring should be at the Operators expense and conducted by trained and competent odour practitioners.
- VII. The odour monitoring results, conducted by the trained and competent odour practitioner, should be simultaneously delivered to the Town and Operator and the Operator should be required to post the report to their website for public access.
- VIII. The Town should have the ability to review and provide input into the monitoring plans.

c) Maintaining appropriate setbacks from sensitive receptors as detailed in the Zoning By-law;

Comment: The Ministry of the Environment, Conservation and Parks has guidance on setbacks. For example, the D-6 Land Use Planning guides categorizes industries into classes and based on those designations, recommends minimum separation distances between the industrial use and sensitive receptors. A facility with persistent and/or intense odour emissions, with frequent outputs of major annoyance (like a cannabis facility) would be designated Class 3 and, based on D-6, require a minimum setback of 300m and the MECP acknowledges that the potential influence area can be 1000m or larger. D-6 also requires the proponent to prepare a study (odour, noise, dust) that documents how the emissions can be effectively reduced to a level of trivial impact (i.e. no adverse effect).

Regarding this OPA and the proposed by-laws, minimum setbacks should be based on science and combined with control requirements (targets) to prevent adverse impact with contingency plans in the event of complaints.

d) A waste management plan.

3. The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham Planning Area is hereby amended by adding the following to Section B2.2.2:

k) Outdoor storage, growing and production of cannabis subject to a Zoning By-law amendment.

4. The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham Planning Area is hereby amended by adding the following to Section B2.2.8:

In addition to these requirements, greenhouses for cannabis production will be required to ensure compatibility with neighbouring land uses through:

a) Installation and operation of odour and light mitigation systems;

Comment: See 2a above

b) Odour and light control, maintenance and monitoring plans;

Comments: See 2b above

c) Maintaining appropriate setbacks from sensitive receptors as detailed in the Zoning By-law;

Comment: See 2c above

d) A waste management plan.

5. The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham Planning Area is hereby amended

by adding the following to Section B2.3.2:

k) Outdoor storage, growing and production of cannabis subject to a Zoning By-law amendment.

6. The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham Planning Area is hereby amended by adding the following to Section B2.3.4(h):

In addition to these requirements, greenhouses for cannabis production will be required to ensure compatibility with neighbouring land uses through installation and operation of odour and light mitigation systems;

Comment: consider adding to the sentence above “.... and light mitigation systems that reduces the off-property impact at sensitive receptors to a level of trivial impact (i.e. no adverse effect)”

odour and light control, maintenance and monitoring plans; maintaining appropriate setbacks from sensitive receptors as detailed in the Zoning By-law; and a waste management plan.

7. The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham Planning Area is hereby amended by adding the following to Section B3.1:

Outdoor storage, growing and production of cannabis is not supported within the Niagara Escarpment Plan Area. Cannabis production within a greenhouse or structure is supported subject to the requirements of policies B2.1.3.12 and B2.2.8.