



The Corporation of the Town of Milton

Report To: Council

From: Jill Hogan, Commissioner, Development Services

Date: September 9, 2024

Report No: DS-064-24

Subject: Public Meeting and Technical Report: Application to Permit the Extension of a Temporary Use By-law by Carleton Place Plaza Inc. (Tenant: Trichome Hills Corporation) for lands located at 295 Alliance Road, Unit #10 (Town File: Z-16/24).

Recommendation: THAT Application Z-16/24 requesting permission for the extension of a Temporary Use Zoning By-law (Municipal By-law 085-2021), initially approved by Town Council on September 13, 2021, to permit the continuation of an existing Cannabis Production and Processing Facility within Unit #10 of a multi-unit industrial building, for a period of up to 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 for Council Adoption.

EXECUTIVE SUMMARY

In June 2021, an application requesting approval of a Temporary Use By-law to permit a proposed Cannabis Production and Processing Facility within a multi-unit industrial building on the subject lands, was submitted by Trichome Hills Corporation. No exterior changes to the building or parking areas were proposed.

In September 2021, Milton Town Council approved Temporary Use By-law 085-2021 permitting the proposed Cannabis Production and Processing Facility within Unit #10 of the building on the subject lands, for a period of three (3) years. Since the proposal to establish a cannabis related facility in a multi-unit industrial building was the first of its kind, staff supported the application as it provided the Town with an opportunity to: 1) monitor the impacts of the use prior to considering any updates and/or revisions to the Town's existing policies and provisions relating to Cannabis Production and Processing Facilities; and 2)

EXECUTIVE SUMMARY

inform future decisions on rezoning applications requesting the permanent establishment of the use within multi-unit buildings.

Since that time, the applicant has successfully proven that the use can be integrated within a building containing a mix of industrial uses and to staff's knowledge has had no complaints from adjacent tenants. While the preference of the applicant is to expand the use within the entire building on the subject property, the Property Owner has not provided support for the expansion to date. Given that the current By-law will expire on September 13, 2024, and the applicant has not found an appropriate option to expand his business, the applicant has made application to renew the Temporary Use By-law for an additional three (3) years.

Conclusions and Recommendations:

Staff recommends that proposed extension to 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 continuation 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 extension to the temporary timeframe will provide Town staff with additional opportunities to monitor the impacts of the cannabis facility on the subject lands throughout the additional three (3) year period, and allow the applicant to consider all options prior to committing to a permanent zoning permission on the subject lands;
4. Odours associated with the cannabis facility will continue to be mitigated by an HVAC system that is in compliance with Health Canada regulations;
5. The proposal continues to makes efficient use of land and relies on and supports existing and planned infrastructure and public services;
6. The facility will continue to contribute to the economic prosperity of the Town, particularly in the form of job creation and potential long-term investment; and,
7. The proposal continues to meets all of the technical requirements identified by internal departments and external agencies.

REPORT

Background

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

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

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, including a Cannabis Processing and Production Facility, within Unit #10.

Surrounding land 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 an extension to an existing Temporary Use By-law that permitted a Cannabis Processing and Production Facility within Unit 10 of the multi-unit building on the subject property, and expires on September 13, 2024. While the preference of the applicant (business owner and tenant of Unit #10) would be to expand the use into the entire building on the subject property, the Property Owner must authorize such a change. The applicant is uncertain at this time whether the Property Owner would be willing to do so. As a result, the applicant would like to continue to operate the existing use in Unit #10 until an appropriate permanent solution for the business owner is found.

The existing Cannabis Processing and Production Facility operating in Unit #10 was established under Temporary Use By-law 085-2021 and includes a nursery component that primarily supplies the research part of the business. Since the nursery is isolated within the unit, slight modifications to the floor plan was made to accommodate this, and the HVAC system for the unit was upgraded to address any potential odour issues. The remaining portions of the unit are used for research, shipping/receiving and offices. Shipping is limited

Background

to research-oriented functions and scheduled weekly deliveries to licensed producers. There is no retail store use, nor will the public have access to the facility. No exterior changes to the building or parking areas are being 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 existing use.

The following information has been submitted in support of the application for the requested extension to the existing Temporary Use By-law:

- Planning Justification Letter, prepared by LandPro Planning Solutions, dated June 13, 2024;
- Site Plan, Location Map and Aerial Photo, prepared by LandPro Planning Solutions, dated May 2021;
- Floor Plan, prepared by Deloitte, dated March 30, 2021; and,
- Trichome Hills Corporation License, issued by Health Canada on May 19, 2023.

Planning Policy

Staff has reviewed the application in relation to the policies of the Provincial Policy Statement 2020 (PPS), and the Region of Halton and Town of Milton Official Plans. Staff is of the opinion that the application to extend the Temporary Use By-law for an additional three (3) years is consistent with the relevant objectives and policies of the PPS and conforms to the Official Plans for the reasons noted below.

From the Provincial perspective, the cannabis facility is located within a settlement area (urban area) and contributes to the range of land uses by providing employment uses within the community. The development relies on and supports existing and planned infrastructure and public services. The facility also contributes 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 facility is located within an existing employment area and meets the required setbacks to existing sensitive land uses. In addition, a number of measures implemented under the Health Canada licenses applicable to the proposed uses, including the installation of appropriate HVAC systems have assisted in mitigating potential odours.

Region of Halton Official Plan

Background

As of July 1, 2024, Halton Region has become an upper-tier municipality without planning responsibilities; however, the Halton Region Official Plan (ROP) remains in-effect and the local municipalities are responsible for administering the plan until such time that it is revoked or amended by the respective municipality.

The subject lands are designated Urban Area and Regional Natural Heritage System (RNHS) on Map 1: Regional Structure of the 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.

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.

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

Background

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.

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.

The Town's policies also speak specifically to temporary use by-laws in Sections 5.5.3.6 and 5.5.3.7 of the Plan. Temporary use by-laws are contemplated subject to conformity with the Regional Plan and provided that the proposal fulfills reasonable planning standards, is compatible with adjacent uses, the property is appropriate for the proposed use, and services are adequate for the proposed use.

Zoning By-law 016-2014, as amended

On September 13, 2021, Town Council approved Temporary Use By-law 085-2021 under Comprehensive Zoning By-law 016-2014, as amended. This By-law changed the General Industrial (M2) Zone to a Temporary Use General Industrial (T14-M2) Zone to permit a proposed Cannabis Production and Processing Facility within a multi-unit building, specifically Unit #10, on the subject lands for a temporary period of three (3) years.



Background

Temporary Use By-law 085-2021 will expire on September 13, 2024. In order to continue the existing use within Unit #10, a request to extend the Temporary Use By-law has been submitted.

A draft amending Zoning By-law that proposes a three (3) year extension to the existing Temporary Use Zoning By-law, that would expire on September 9, 2027, is attached as Appendix 1 to this report.

Site Plan Control

Should the extension to the Temporary Use By-law be approved, the applicant will not be required to receive Site Plan Approval as all site plan matters were addressed in conjunction with the previous application in 2021, and no changes to the overall site or existing building are proposed through the current application.

Discussion

Public Consultation

Notice for the statutory public meeting to be held on September 9, 2024 was provided pursuant to the requirements of the Planning Act and the Town of Milton on August 12, 2024 through written notice to all properties within 200 metres of the subject lands, as well as a notice being posted on the Town's website on August 15, 2024. No written comments from the public have been received at the time of publication of this report in response to the public notice.

Agency Consultation

The application was circulated to internal departments and external agencies on August 15, 2024. None of the agencies have provided any objection to the approval of the application to extend the Temporary Use By-law for an additional three (3) years.

Conclusion

Based on the information provided through the initial application for the Temporary Use By-law Amendment (Z-14/21), that no change to the use has occurred since Temporary Use By-law 085-2021 was approved by Council in September 2021, there have been no reported complaints relating to the use from adjacent businesses, and the application is consistent with the Provincial Policy Statement and conforms to the Regional and Town Official Plans, staff is of the opinion that the proposed extension to the Temporary Use By-law for the



Discussion

Cannabis Production and Processing Facility within Unit #10 for an additional period of three (3) years, is appropriate.

On the basis of the foregoing, staff recommends that the amending Zoning By-law, attached as Appendix 1 be brought forward for Council adoption.

Financial Impact

None arising from this report.

Respectfully submitted,

Jill Hogan
Commissioner, Development Services

For questions, please contact: Angela Janzen, MCIP RPP
Sr. Planner, Dev. Review Phone: Ext. x2310

Attachments

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

Approved by CAO
Andrew M. Siltala
Chief Administrative Officer

Recognition of Traditional Lands

The Town of Milton resides on the Treaty Lands and Territory of the Mississaugas of the Credit First Nation. We also recognize the traditional territory of the Huron-Wendat and Haudenosaunee people. The Town of Milton shares this land and the responsibility for the water, food and resources. We stand as allies with the First Nations as stewards of these lands.