

Response to Proposed Housekeeping Amendment to Sandwich South Zoning By-law 85-18

August 24, 2020

Regarding: Report Number; PBS-2020-24

Date to Council: July 14, 2020

File: D19 HOUS2020

As a concerned citizen advocating for the “balanced, sustainable community growth and development of Oldcastle,” I would like to voice my support for the need of an amendment to the current Agricultural Zone (A) in the Zoning By-law.

Zoning By-laws are the principal tool municipalities use to implement the policies of an Official Plan.

Achieving conformity with an Official Plan is not only a legislative requirement of the Planning Act, but is necessary to implement the Town’s overall vision to manage change and growth.

In accordance with Section 34 of The Planning Act, Sandwich South By-law 85-18, in 1983 came into force. The Sandwich South Official Plan was adopted by council in June 23, 1997 and approved by the province March 13, 1998.

The Official Plan was adopted 15 years after the SS By-laws came into force in 1997. Therefore, I believe the amendment to the Agriculture Zone for stricter regulatory measures on those lands designated in the OP for “Hamlet Development” (reserved for urban use) is at least twenty years overdue.

Comment: In my opinion

- 1) Insufficient content in the wording of the by-law does not clearly convey **all** the permitted use of passive farming activities versus intensive agriculture activities allowed on these lands.
 - i) Section 3- Definition- the needed inclusion and defining of **intensive agriculture** since it may apply to other farming practices other than just livestock.
 - ii) The general elimination of “Greenhouse Operations” may be somewhat prejudice since it does not acknowledge the difference between “a garden greenhouse” and a greenhouse that has a substantial number of employees, **(such as a Greenhouse for Cultivating Cannabis)**. The impact of short term growth and development vs. the impact of long term growth and development of farming practices should be reflected in this by-law.
- 2) The bias timing of this needed “Housekeeping Amendment” necessary to implement the policies in the SSOP on the lands designated for urban development and which are labeled “Hamlet Development” needs to be seriously addressed.
 - i) The citizens who support and are committed to the growth and development of a strong, healthy, balanced community in the Sandwich South area communicated with administration, beginning in the summer of 2019, the lack of conformity of the SS Agriculture zoning by-laws to the SSOP pertaining to “Hamlet Development Lands.”

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- ii) As delegates opposing, the building of a Greenhouse, for the purpose of cultivating Cannabis, on lands reserved for “Hamlet Development” (at the Oct. 22nd, 2019 Regular Council Meeting) we again brought to the forefront, the nonconformity between the thirty-seven year old zoning by-law and the twenty-three year old OP.

If this nonconformity of the SS Agricultural Zoning by-law to the SSOP had been an oversight, by administration, for the past twenty-three years, the community of Sandwich South clearly shed light on this error by Oct. 22, 2019.

It should be noted, that the delegation also requested, at this time, an interim by-law that would restrict for one year any new Cannabis Facilities until the Town of Tecumseh got their house in order. Without discussion or debate on the requested ‘Interim By-law’ council motioned to have administration do a report. (Which was never forth coming? We do not consider an amendment to the zoning by-law after the permit was issued to be the report as was described at council.)

- iii) Dec. 16th, 2019, a building permit was issued (despite ample time to implement this Housekeeping Zoning By-law) without a courtesy notification to the citizens of Sandwich South who opposed the building of a greenhouse for the use of cultivating cannabis.
- iv) July 14th Housekeeping Amendment of the SS Agricultural Zoning By-Law is now being proposed for the purpose of restricting farming uses on “Hamlet Development Lands and conform to the SS OP after the issuance of a building permit allowing the Intensive farming practice of cultivating cannabis which may have a serious long term impact on future residential development to the surrounding lands.

Summary:

Since 2016, the community of Sandwich South, the Southern portion of the Municipality, has been actively engaged with the Town of Tecumseh over the use of the “Hamlet Development Lands.” How these lands develop has been at the heart of the dispute. The people who live in this community and who have advocated for the right of a meaningful say on the growth and development of the Oldcastle settlement, believe these limited available lands should be used primarily for new home developments in order to have a balanced community with places to live for our seniors, next generation and those who work here. The Town Administration appears to view these lands in our hamlet as **employment lands** only and have conveyed through their comments and actions that they do not support a sufficient residential component in Oldcastle for long term sustainability.

In 2017, the dispute over “Hamlet Development Lands” escalated forcing the citizens to appeal a ZBA and an OPA at considerable cost to the citizens. The Town lost because their use for these lands was not in line with Provincial Policy.

I believe, that the issuance of a Building Permit inside the Oldcastle Settlement boundary (on lands reserved for urban development, that were requested in 2017 by citizens and confirmed by council in 2019, to be specifically designated primarily for residential purposes) rather than the usual and preferred amendment

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process was done to silence the voice of the Sandwich South community and to avoid a planning report that could not support the use of an Intensive Agriculture Operation.

Conclusion:

I strongly support a “House Keeping By-law” that amends the Agricultural Zoning By-law by restricting farming practices that would have a negative impact on future development on lands designated for “Hamlet Development” in the OP. However, I feel that this is a “bare-bones” by-law amendment, which in my opinion, should clearly differentiate between garden and industrial greenhouses rather than prohibit all greenhouse use. This Housekeeping Zoning By-law amendment needs more work to clearly address the real “mischief” which is the using of these lands not for urban development but rather for “ Intensive Agriculture Employment Lands.”

I strongly object to the exclusion of “The Hamlet Development Lands” on #3 Hwy due to the issuance of a permit (which I feel was granted in error of the 1985 SS Zoning by-law) for an intensive agriculture cannabis greenhouse operation on lands reserved for urban growth and development. The permit should be revoked and a ZBA and OPA are required.

Regards,

Judy Wellwood-Robson

(A citizen of Oldcastle advocating for a strong, healthy, balanced, sustainable community)