

## Public Council Meeting Agenda

**Date:** Tuesday, April 27, 2021, 6:00 pm

**Location:** Electronic meeting live streamed at: <https://video.isilive.ca/tecumseh/live.html>.

**Pages**

**A. Roll Call**

**B. Call to Order**

**C. Disclosure of Pecuniary Interest**

**D. Introduction and Purpose of Meeting**

The purpose of the meeting is to hear public comment on a proposed Housekeeping Zoning By-law amendment to the Sandwich South Zoning By-law 85-18 pursuant to the provisions of the *Planning Act, R.S.O. 1990*. The purpose of the proposed housekeeping amendment is to restrict cannabis greenhouse operations in the Agricultural (A) Zone of Zoning By-law 85-18, in accordance with the policies of the newly-adopted Town of Tecumseh Official Plan. The newly-adopted Official Plan establishes that cannabis greenhouse operations are not permitted as-of-right in the Agricultural designation and are only permitted by way of site-specific Zoning Bylaw amendments that are required to meet a number of locational and design criteria.

**E. Delegations**

**F. Communications**

- |    |  |       |
|----|--|-------|
| 1. | Notice of Public Meeting dated April 6, 2021             | 3 - 3 |
|    | Re: Proposed Housekeeping Zoning By-law                  |       |
| 2. | Essex Region Conservation Authority dated April 12, 2021 | 4 - 4 |
|    | Re: Proposed Housekeeping Zoning By-law                  |       |
| 3. | CN Rail dated April 6, 2021                              | 5 - 5 |
|    | Re: CN Proximity   |       |

- |    |   |       |
|----|---|-------|
| 4. | Email from Judy Robson dated April 20, 2021       | 6 - 7 |
|    | Re: Cannabis Greenhouse Operations                |       |
| 5. | Email from Michelle Mitchell dated April 21, 2021 | 8 - 8 |
|    | Re: Zoning By-Law 85-18                           |       |

**G. Reports**

- |    |   |        |
|----|---|--------|
| 1. | PBS-2021-13 Housekeeping Amendment to Sandwich South Zoning By-law 85-18 Restriction of Cannabis Greenhouse Operations in the Agricultural (A) Zone in accordance with the Policies of the Tecumseh New Official Plan, Scheduling of a Public Meeting | 9 - 14 |
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**H. Adjournment**

**TOWN OF TECUMSEH  
NOTICE OF VIRTUAL/ELECTRONIC PUBLIC MEETING  
PROPOSED ZONING BY-LAW AMENDMENT**

**TAKE NOTICE** that the Council of the Corporation of the Town of Tecumseh will hold a virtual/electronic public meeting **Tuesday, April 27, 2021 at 6:00 p.m.** to consider a proposed Housekeeping Zoning By-law amendment to the Sandwich South Zoning By-law 85-18 pursuant to the provisions of the *Planning Act, R.S.O. 1990*. Please see below for information on how to provide comments or participate in the virtual/electronic public meeting.

The purpose of the proposed housekeeping amendment is to restrict cannabis greenhouse operations in the Agricultural (A) Zone of Zoning By-law 85-18, in accordance with the policies of the newly-adopted Town of Tecumseh Official Plan. The newly-adopted Official Plan establishes that cannabis greenhouse operations are not permitted as-of-right in the Agricultural designation and are only permitted by way of site-specific Zoning By-law amendments that are required to meet a number of locational and design criteria.

Zoning By-law 85-18 currently allows all types of greenhouses in the Agricultural (A) Zone as-of-right. The proposed amendment will establish that cannabis greenhouse operations are not permitted as-of-right but instead will require a site-specific Zoning By-law amendment in accordance with the policies of the newly-adopted Official Plan.

**ANY PERSON** may attend the virtual public meeting and/or make written or verbal representation either in support of or in opposition to the proposed Zoning By-law amendment.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Corporation of the Town of Tecumseh before the Zoning By-law amendment is passed, the person or public body is not entitled to appeal the decision of the Council of the Corporation of the Town of Tecumseh to the Local Planning Appeal Tribunal (LPAT).

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Corporation of the Town of Tecumseh before the Zoning By-law amendment is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal (LPAT) unless, in the opinion of the LPAT, there are reasonable grounds to do so.

**How to Provide Comments or Participate in an Electronic Public Meeting**

Due to the COVID-19 declared emergency, Public Meetings are being held virtually through electronic means and live-streamed on the Town's website. Any person who wishes **to make oral submissions** during the electronic Public Meeting **must register as a delegate**. To register as a delegate, persons may use the online registration form on the Town's website at [www.tecumseh.ca/delegations](http://www.tecumseh.ca/delegations) or by providing their contact information (name, address, email and phone number) to the Town Clerk **by 12:00 p.m. (noon) on Thursday, April 22, 2021**. Registered delegates will receive the necessary log-in details to the meeting. By registering as a delegate persons are consenting to their image, voice and comments being recorded and available for public viewing on the Town's website. **Written submissions** may also be provided to the Clerk by noon on **Thursday, April 22, 2021**.

**If you wish to be notified of the decision of the Council** of the Corporation of Town of Tecumseh on the proposed Zoning By-law amendment, **you must make a written request** to the Corporation of the Town of Tecumseh, c/o Laura Moy, Clerk, at the mailing address noted below.

**ADDITIONAL INFORMATION** and any associated reports/documents relating to this matter are available for review during regular office hours at the Town Municipal Office on Lesperance Road.

The Public Meeting Agenda regarding this application will be available on the Town's website (<https://calendar.tecumseh.ca/meetings>) on Friday, April 23, 2021.

DATED AT THE TOWN OF TECUMSEH  
THIS 6<sup>TH</sup> DAY OF APRIL, 2021.

LAURA MOY, CLERK  
TOWN OF TECUMSEH  
917 LESPERANCE ROAD  
TECUMSEH, ONTARIO  
N8N 1W9

**From:** Vitra Chodha  
**Sent:** April 12, 2021 8:51 PM

**Subject:** RE: Notice of Public Meetings - Town of Tecumseh - April 27, 2021

Good evening Enrico,

Thank you for the circulation, ERCA has no comments at this time.

Thank you,  
Vitra

**From:** Enrico De Cecco  
**Sent:** Tuesday, April 6, 2021 10:46 AM  
**Subject:** Notice of Public Meetings - Town of Tecumseh - April 27, 2021

Hello,  
Please find attached two notices of Public Meeting that has been scheduled for April 27, 2021.  
Please advise if you require any further information on these two applications.  
Regards,  
Enrico

**From:** Ashkan Matlabi **On Behalf Of** Proximity  
**Sent:** April 6, 2021 12:30 PM  
**To:** Enrico De Cecco  
**Subject:** FW: Notice of Public Meetings - Town of Tecumseh - April 27, 2021

Hello Enrico,

Thank you for circulating CN the zoning amendment mentioned in subject. This is to confirm that we have reviewed the information and CN Rail does not have any comments or objections to this amendment.

Regards

**Ashkan Matlabi**, Urb. OUQ.

Urbaniste sénior / Senior Planner (CN Proximity)  
Planning, Landscape Architecture and Urban Design  
Urbanisme, architecture de paysage et design urbain



E : [proximity@cn.ca](mailto:proximity@cn.ca)  
T : 1-438-459-9190  
1600, René-Lévesque Ouest, 11e étage  
Montréal (Québec)  
H3H 1P9 CANADA  
[wsp.com](http://wsp.com)

**From:** judy robson  
**Sent:** April 20, 2021 3:33 PM  
**To:** Laura Moy  
**Subject:** Report PBS-2021

## **PBS-2021-13**

**To:** Mayor, Members of Council and Director of Planning & Building Services

### **SUPPORT (A)**

I am writing in support of the Housekeeping Amendment to Sandwich South Zoning By-law 85-18, **Restriction of Cannabis Greenhouse Operations in Agricultural (A) Zone** in accordance with the Policies of Tecumseh New Official Plan.

#### **Reasons:**

1. Laws do not evolve. The author of Sandwich South by-laws of 1985 did not contemplate the cultivating of cannabis an illegal substance at the time of writing.
2. Land use laws of Ontario, prohibit any use of land other than that which is clearly and precisely written in law as permitted use.

#### **Opinion:**

We need to have by-laws that clearly and precisely control the cultivation of cannabis for the purpose of protecting the quality of life and safe-guarding the need for sufficient primary agricultural land for the growing of food.

### **SUPPORT (B)**

I am in support of the amendment to the Zoning By-law that specifically establishes cannabis greenhouse operation as not being permitted **as-of-right in the Agricultural Zone** and is only permitted with **a zoning amendment** and is subject to **site plan control**.

#### **Reasons:**

1. Council and administration will have the right and opportunity to weigh in the opinions of its' citizens before making a decision.
2. The people will have access to a process which will give them a meaningful say and a legal recourse to make an appeal to The Ontario Land Tribunal.

**Opinion:** This is a good first step in regulating the growth of the cannabis greenhouse in our municipality.

Regards,

Judy Wellwood-Robson

From: On Behalf Of Michelle Mitchell  
Sent: April 21, 2021 8:33 PM  
To: Laura Moy  
Subject: Public Meeting April 27, Zoning By-Law 85-18

Dear Ms. Moy,

I am submitting this email as my written submission for my approval of the zoning by-law amendment 85-18. I do not approve of cannabis greenhouse operations in the agricultural zones/vicinities. I am strongly opposed to the operations in the Town of Tecumseh at all. I do not want Tecumseh to turn into Leamington, which smells horrid in many areas. All of those homeowners have to put up with that odour and it is nauseating. This is detrimental to our well being, and our children do not need to grow up in such an environment. Please accept this as my acceptance of the amendment. Thank you.

Michelle Mitchell





## The Corporation of the Town of Tecumseh

Planning & Building Services

**To:** Mayor and Members of Council

**From:** Brian Hillman, Director Planning & Building Services

**Date to Council:** March 23, 2021

**Report Number:** PBS-2021-13

**Subject:** Housekeeping Amendment to Sandwich South Zoning By-law 85-18  
Restriction of Cannabis Greenhouse Operations in the Agricultural (A)  
Zone in accordance with the Policies of the Tecumseh New Official  
Plan  
Scheduling of a Public Meeting  
OUR FILE: D19 HOUSE202

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### Recommendations

It is recommended:

**That** Report PBS-2021-13, entitled “Housekeeping Amendment to Sandwich South Zoning By-law 85-18, Restriction of Cannabis Greenhouse Operations in the Agricultural (A) Zone in accordance with the Policies of the Tecumseh New Official Plan, Scheduling of a Public Meeting”, be **approved**;

**And that** the scheduling of a public meeting, to be held on April 27, 2021, in accordance with the *Planning Act*, for the proposed housekeeping zoning by-law amendment to the Sandwich South Zoning By-law 85-18 to restrict cannabis greenhouse operations in the Agricultural (A) zone, in accordance with the policies of the Tecumseh new Official Plan, **be authorized**;

**And further that** a by-law making the development of new mushroom, greenhouse and cannabis greenhouse operations subject to site plan control in accordance with Section 10.4.3 of the new Tecumseh Official Plan, **be adopted**.

### Background

On February 23, 2021, Town Council adopted the new Town of Tecumseh Official Plan. The Official Plan was subsequently forwarded to the County of Essex (the Approval Authority) for final approval.

As part of the new Official Plan, specific Agricultural land use and site plan control policies related to greenhouse operations, cannabis greenhouse operations and mushroom operations were established. Specifically, the following land use policies were established for lands designated Agricultural:

#### “4.1.2 Policies

The following policies shall apply to those lands designated Agricultural on the Land Use Schedules of this Plan:

...

- iv) greenhouse operations including packing and shipping facilities and on-site housing are permitted in the Agricultural designation and the agricultural zones of the Zoning By-law. The aforementioned uses, buildings, and structures are subject to site plan control;
- v) cannabis greenhouse operations including the growing, harvesting, cleaning, packaging, and shipping of cannabis and any other uses related to cannabis production are also permitted in the Agricultural designation but require an amendment to the Zoning By-law and are subject to site plan control. When an application for a by-law amendment to allow a cannabis operation is made, Council shall have due regard to the following:
  - a. the proximity of the proposed operation to existing residential uses and zones;
  - b. the location of the proposed operation and other existing uses with respect to the prevailing winds;
  - c. the introduction of appropriate design details mitigating potential adverse impacts from odour and night light, with the ability to include appropriate terms in a site plan agreement to address such issues; and
  - d. comments and recommendations of the Ministry of Agriculture, Food and Rural Affairs and the Ministry of the Environment, Conservation and Parks;
- vi) mushroom operations including the growing, harvesting, cleaning, packaging, and shipping of mushrooms and any other uses related to mushroom production are also permitted in the Agricultural designation but require an amendment to the Zoning By-law and are subject to site plan control. When an application for a by-law amendment to allow a

mushroom operation is made, Council shall have due regard to the following:

- a. the proximity of the proposed operation to existing residential uses and zones;
- b. the location of the proposed operation and other existing uses with respect to the prevailing winds;
- c. the introduction of appropriate design details mitigating potential adverse impacts from odour, with the ability to include appropriate terms in a site plan agreement to address this issue; and
- d. comments and recommendations of the Ministry of Agriculture, Food and Rural Affairs and the Ministry of the Environment, Conservation and Parks.”

With respect to the requirement for Site Plan Control, the new Official Plan establishes the following:

“10.4.3 Application of Site Plan Control

Expansions to existing and the establishment of new medium and high density residential developments, commercial, industrial, recreational and institutional developments shall be subject to site plan control. **The development of new mushroom, greenhouse and cannabis greenhouse operations shall also be subject to site plan control. The Town’s Site Plan Control By-law will be reviewed and maintained to identify those uses and parameters of the site plan control process.”**

## Comments

The existing Zoning By-law allows all types of greenhouses as a permitted use on lands zoned “Agricultural (A) Zone”. In order to implement the change in policy approach contained in the new Official Plan, it is appropriate to amend the Zoning By-law in order to establish that cannabis greenhouse operations are not permitted as-of-right in the Agricultural Zone as they are only to be permitted where the Zoning By-law is amended on a site-specific basis to permit the use. This approach is consistent with the new Official Plan policy. It is noted that the Zoning By-law currently does not allow mushroom operations as a permitted use on lands zoned “Agricultural (A) Zone”, which conforms to the new Official Plan.

Any amendment to the Zoning By-law is subject to the provisions of Section 34 of the Planning Act, which establishes the need for Council to hold a statutory public meeting. Accordingly, it is recommended that Council authorize the scheduling of a public meeting in order to offer stakeholders an opportunity to provide input on the proposed amendment to prohibit cannabis greenhouse operations as-of-right in the Agricultural Zone.

In addition, the Town’s site plan control by-law passed under Section 41 of the Planning Act should be amended to establish that mushroom operations, greenhouse operations and cannabis greenhouse operations are subject to site plan control in accordance with the new Official Plan.

It should be noted that the purpose of this housekeeping zoning by-law amendment is different from the prior housekeeping zoning by-law amendment related to placing properties currently zoned Agricultural (A) Zone **that are within an identified settlement area** into a restrictive Agricultural (A) Zone. The restrictive Agricultural (A) Zone proposed through that housekeeping amendment would continue to allow agricultural uses in settlement areas with the exception of livestock intensive agricultural uses, mushroom operations and all types of greenhouse operations. A public meeting for that housekeeping amendment was held on October 13, 2020 and a follow-up report and draft zoning by-law amendment for consideration of adoption will be brought back to Council in the near future.

## Consultations

None

## Financial Implications

None

## Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that Tecumseh’s current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh’s plans and priorities.
<input type="checkbox"/>	Steward the Town’s “continuous improvement” approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town’s leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

## Communications

Not applicable ☐

Website ☒ Social Media ☐ News Release ☐ Local Newspaper ☒

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Enrico DeCecco, BA (Hons), MCIP, RPP  
Junior Planner

Reviewed by:

Chad Jeffery, MA, MCIP, RPP  
Manager Planning Services

Reviewed by:

Brian Hillman, MA, MCIP, RPP  
Director Planning & Building Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP  
Chief Administrative Officer

<b>Attachment Number</b>	<b>Attachment Name</b>
None	