

June 15, 2018

Attention: Mr. Stephen Robichaud

Director, Planning & Chief Planner
Hamilton City Hall
71 Main Street West
Hamilton, ON L6P 4Y5

Dear Mr. Robichaud,

Reference: Proposed Changes to the Official Plans and Zoning By-law No. 05-200 – Medical Marihuana Growing and Harvesting Facilities, Aquaponics and Greenhouses (PED18120) (CI-18-D)

We are the owners of 284 and 294 Green Mountain Road East in the City of Hamilton. We have comments and concerns about the proposed changes to the Official Plans and Zoning By-Law No. 05-200 pertaining to the Medical Marihuana Growing and Harvesting Facilities, Aquaponics and Greenhouses as presented.

Our comments and concerns are as follows:

- The proposed separation distance from sensitive land uses is appropriate and recognizes the inherent impact of marijuana growing and processing facilities;
- The proposed 150 m separation distance from sensitive land uses reflects the fact that the marijuana processing and growing use is more akin to an industrial pig farm or other high impact agricultural use that are subject to OMAFRA's Minimum Distance Separation Guidelines as opposed to a traditional greenhouse use, but should be considered an absolute minimum
- Proposed amendment to policy D.2.1c states that "an appropriate setback between a medical marihuana growing and harvesting facility and a sensitive land use shall be established in the Zoning By-law". We suggest that this reference to "appropriate setback" be strengthened to add a reference to mitigating impacts and addressing incompatibility in respect to sensitive land uses;
- The "Proposed Option for Change 7" under Section 3.5 *Separation Distances from Sensitive Land Uses (Rural and Urban Areas)* in the Staff Report states "in the rural area, the separation distance would be measured from the marijuana facility to the lot line of an existing residential or sensitive institutional use of the zone boundary of the Settlement Zones (S1, S2, or S3)". We ask that you please confirm that the separation distance applies to Settlement Zone boundaries and also sensitive land uses outside of Settlement Zones, for example, residential dwelling units within Agricultural zones.

Our homes are immediately adjacent to the new proposed marijuana growing and harvesting facility at 286-288 Green Mountain Road East in Stoney Creek. As it stands, the property is surrounded by sensitive land uses, specifically single family residences. While we understand that the owner of this property will attempt to argue that the proposed use is a grandfathered use, to permit a marijuana growing operation on this site would be bad planning as it would completely disregard the sensitive nature of the surrounding land uses.

June 14, 2018
Mr. Stephen Robichaud
Page 2 of 2

Reference: Proposed Changes to the Official Plans and Zoning By-law No. 05-200 – Medical Marihuana Growing and Harvesting Facilities, Aquaponics and Greenhouses (PED18120) (CI-18-D)

The existing (20+ year old) greenhouse growing marijuana, illegally than later “legally”, at 286-288 Green Mountain Road East does not meet the current 20 m setback, let alone the new proposed 150 m setback. The proposed 150 m setback would provide better protection from a marijuana growing agricultural use to sensitive land uses, namely single family dwelling units, than the 20 m setback currently required under the Zoning By-law. However, a 150 m separation distance should be considered the minimum separation distance required to adequately buffer the inevitable negative impacts of these inherently incompatible land uses.

Our concerns about the incompatibility of sensitive land uses, such as single family residential dwellings, with medical marijuana growing and harvesting facilities are best demonstrated through the attached article from the Town of Welland in Niagara Region. The residents in this community are living through the exact concerns we are expressing in this letter. Despite the facility in their community being “fully compliant” with Health Canada standards and having setbacks much greater than 150 m, residents of this community endure constant odour, lighting, traffic, and noise impacts, which has led to a significantly diminished quality and enjoyment of life.

We are pleased to see that the City of Hamilton is making changes to strengthen protections for residents from the negative impacts created by commercial marijuana growing and harvesting operations, but we urge the Planning Committee to ensure that the proposed 150 separation distance from residential dwelling units be maintained as the absolute minimum buffer requirement for marijuana growing and harvesting facilities.

Regards,

Sasha Pejic (284 Green Mountain Road East)
Fred Mattiuz (294 Green Mountain Road East)

Attachment: Attachment
c. C.C.