Regular Council Meeting Agenda

October 5, 2020, 6:00 pm
Essex Civic Centre
360 Fairview Avenue West
Essex, Ontario

Accessible formats or communication supports are available upon request.Please contact the Clerk's Office at clerks@essex.ca or 519-776-7336 extension 1100 or 1101.

Pages

1. **Call to Order**

2. **Closed Meeting Report**

3. **Declarations of Conflict of Interest**

4. **Adoption of Published Agenda**

   4.1 **Regular Council Meeting Agenda for October 5, 2020**

   Moved by _____
   Seconded by _____
   That the published agenda for the October 5, 2020 Regular Council Meeting be adopted as presented / amended.

5. **Adoption of Minutes**

   5.1 **Regular Council Meeting Minutes for September 21, 2020** 1

   Moved by _____
   Seconded by _____
   That the minutes of the Regular Council Meeting held September 21, 2020 be adopted as circulated.

   5.2 **August 24, 2020 Regular Council Meeting (Revised)** 16

   - Agenda item 15.1.2 Mayor Snively RE: Hunting License Review (Original version)

     R20-08-307

     Moved by Mayor Snively

     Seconded by Councillor Vander Doelen

     That Council direct Administration to review if it is possible to remove the requirement of a Town issue hunting license and, that Administration report back to Council on the feasibility and process for Council's consideration. Carried

   - Revised Agenda item 15.1.2 Mayor Snively RE: Hunting License Review
     R20-08-307 **(Amended)**
     Moved by Councillor Bowman

Seconded by Deputy Mayor Meloche
That the Town of Essex suspend selling pheasant and rabbit licences. **Carried**

Moved by _____
Seconded by _____
That Council approves an amendment to the August 24, 2020 Regular Council Meeting minutes to include a revision to agenda item 15.1.2 Mayor Snively's Notice of Motion Re: Hunting License Review; and

That the revised August 24, 2020 Regular Council Meeting minutes, be adopted.

6. Public Presentations

7. Unfinished Business

7.1 By-Law 1950 34

- Being a by-law regulating the erection of signs in the Town of Essex (108 County Road 50 East)

At the September 21, 2020 Regular Council Meeting Council passed the following resolution:

R20-09-357

Moved by Councillor Bowman
Seconded by Councillor Vander Doelen
That By-Law 1950 being a by-law regulating the erection of signs in the Town of Essex, be read a first, a second and a third time and finally passed on September 21, 2020.
Councillor Bondy requested a recorded vote.

R20-09-359

Moved By Deputy Mayor Meloche
Seconded By Councillor Bondy
That By-Law 1950, being a by-law regulating the erection of signs in the Town of Essex, be tabled until the next regular council meeting. **Carried**

Moved by _____
Seconded by _____
That By-Law 1950, being a by-law regulating the erection of signs in the Town of Essex, be taken from the table for discussion.

7.1.1 Planning Report 2020-26 36

RE: CREW Sign By-Law Amendment (By-Law 1950)

- Sign by-law letter to Essex (8-24-20)
- Planning Report 2020-01
- Public Meeting Presentation (July 13, 2020)
- Planning Report 2020-18
- Planning Report 2020-22

Moved by _____
Seconded by _____

That Planning Report, entitled "CREW Sign By-Law Amendment (By-Law 1950)", prepared by Rita Jabbour, Manager, Planning Services, dated October 5, 2020, be received for information.

Moved by Councillor Bowman
Seconded by Councillor Vander Doelen
R20-09-357

That By-Law 1950 being a by-law regulating the erection of signs in the Town of Essex, be read a first, a second and a third time and finally passed on October 5, 2020.

Councillor Bondy requested a recorded vote.

8. Reports from Administration

8.1 Finance and Business Services Report 2020-02 98

RE: Results of Request for Proposal External Audit Services

Moved by _____
Seconded by _____
That Finance and Business Services Report 2020-02, entitled "Results of Request for Proposal External Audit Services", prepared by Katelynn Giurissevich, dated October 5, 2020 be received; and

That Council awards the Request for Proposal of External Audit Services to KPMG LLP in the total amount of $89,175.34 including non-refundable HST for a three (3) year term with an option to extend another three (3) year term, subject to satisfactory performance and price negotiation.

9. Reports from Youth Members

10. County Council Update

11. Correspondence

11.1 Correspondence to be received

Chair to ask Council Members if any correspondence to be moved to 11.2 Receive and Support.

Moved by _____
Seconded by _____
That correspondence listed in Agenda Item 11.1 be received and where indicated, to further share such information with the community using suitable methods of communication.

11.1.1 Union Water Supply System 101

Joint Board of Management - July 15, 2020 Minutes

11.1.2 Royal Canadian Legion Essex Branch 106

RE: Remembrance Day Traditional Observance Modifications - Wednesday, November 11, 2020

11.1.3 Community Schools Alliance 107

Correspondence dated September 16, 2020 providing an update on the decision by the Executive Committee that membership fees in the Community Schools Alliance for current members for both 2019-2020 and for 202-2021 have been waived, and that membership fees for all individuals and municipalities who had paid their membership fee for 2018-2019 is extended to 2021.

11.1.4 Ministry of Municipal Affairs and Housing 108

RE: Parkland Dedication, Development Charges and the Community Benefits Charges Authority

Correspondence dated September 18, 2020 advising of amendments to the Development Charges Act, and the Planning Act by Bill 109 and new regulations under the Planning Act, Development Charges Act and Building Code Act in order to finalize the framework for development charges, community benefits and parkland.

11.1.5 Ministry of the Solicitor General 110

RE: Enforcement and Amendments under the Reopening Ontario Act, 2020

Correspondence dated September 19, 2020 providing information on enforcement of orders and an update on amendments that have been made to the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020 (ROA) and O. Reg. 364/20 (Rules for Areas in Stage 3).

11.1.6 Bereavement Authority of Ontario (BAO) 114

RE: Registrar's Directive - Province-wide cemetery gathering limits (effective September 21, 2020)

11.1.7 Association of Municipalities of Ontario (AMO) 118

RE: AMO Policy Update - New Stage 3 Restrictions (dated September 25, 2020)

11.1.8 Wollaston Township 120

RE: 2018 Municipal Election

Correspondence dated September 16, 2020, to the Ministry of Municipal Affairs and Housing asking for a review of the Municipal Elections Act and to provide amendments to the Municipal Elections Act to ensure that the concerns noted in their correspondence are resolved.

11.2 Correspondence to be considered for receipt and support

11.2.1 Town of Amherstburg 122

RE: Request for Consideration of Amendments to Bill 108 re. The Ontario Heritage Act

Correspondence from the Town of Amherstburg, dated September 21, 2020 to the Minister of Heritage, Sport, Tourism and Culture Industries recommending that Schedule 11 of Bill

108 be amended to return the authority for final decisions to municipal council's as the elected representative of the communities wherein the property and its features of cultural heritage value exists.

Moved by _____
Seconded by _____
That correspondence from the Town of Amherstburg, dated September 21, 2020 to the Minister of Heritage, Sport, Tourism and Culture Industries recommending that Schedule 11 of Bill 108 be amended to return the authority for final decisions to municipal council's as the elected representative of the communities wherein the property and its features of cultural heritage value exists, be (received/received and supported); and

If Council chooses to support the Town of Amherstburg's resolution, a letter of support be sent to the Honourable Doug Ford, Premier of Ontario, Lisa McLeod the Minister of Heritage, Sport, Tourism and Culture Industries, Andrea Horwath, MPP and Leader of the Official Opposition and the Ontario NDP Party MPP John Fraser Interim Leader of the Ontario Liberal Party, Mike Schreiner MPP and Leader of the Green Party of Ontario, Taras Natyshak MPP Essex and to the Town of Amherstburg.

11.2.2 Town of Amherstburg 124

RE: AODA Website Compliance Extension Request

Correspondence from the Town of Amherstburg, dated September 21, 2020 to the Minister for Seniors and Accessibility requesting that the Province Ontario extend the compliance deadline stated in Section 14(4) of O. Reg 191/11 to require designated public sector organizations to meet the compliance standards, by a minimum of one (1) year to at least January 1, 2022 to consider funding support and training resources to meet these compliance standards.

Moved by _____
Seconded by _____
That correspondence from the Town of Amherstburg, dated September 21,2020 to the Minister for Seniors and Accessibility requesting that the Province Ontario extend the compliance deadline stated in Section 14(4) of O. Reg 191/11 to require designated public sector organizations to meet the compliance standards, by a minimum of one (1) year to at least January 1, 2022 to consider funding support and training resources to meet these compliance standards, be (received/received and supported); and

If Council chooses to support the Town of Amherstburg's resolution, a letter of support be sent to the Honourable Raymond Cho, Minister for Seniors and Accessibility, the Honourable Doug Ford, Premier of Ontario and the Town of Amherstburg.

11.2.3 Ministry of Natural Resources and Forestry 126

RE: Removal of Municipal Rabbit/Pheasant Hunting Licences in the Town of Essex

- By-Law 1954
  Being a by-law to repeal By-Law 633, a by-law to issue and charge fees for licenses to hunt ring-necked pheasants and rabbits during the open season

Moved by _____
Seconded by _____
That correspondence from the Ministry of Natural Resources and Forestry, dated September 25, 2020 acknowledging and approving that a municipal licence for hunting rabbit and pheasant in the Town of Essex will no longer be required, and that the change will be reflected in the Hunting Regulations Summary, be received and supported; and

That By-Law 1954 being a by-law to repeal By-Law 633, a by-law to issue and charge fees for licences to hunt ring-necked pheasants and rabbits during the open season, be read a first, a second and a third time and finally passed on October 5, 2020.

12. Committee Meeting Minutes

Moved by _____
Seconded by _____
That the minutes listed in Agenda Item 12, together with any recommendations to Council noted therein, be received, approved and adopted as circulated.

12.1 Committee of Adjustment Meeting 128

- July 21, 2020
- August 18, 2020

12.2 Essex Municipal Heritage Committee (EMHC) - July 9, 2020 174

12.3 Essex Climate Adaptation Team Meeting - July 14, 2020 179

13. Financial

14. New Business

15. Notices of Motion

15.1 The following Notices of Motions were presented at the September 21, 2020 Regular Council Meeting and are being brought forward this evening for Council's consideration:

15.1.1 Councillor Bjorkman

RE: "Bird Banger" Use

Moved by Councillor Bjorkman
Seconded by _____
That Administration be directed to review the Town's noise by-law, specifically to the use of "Bird Bangers" in our agricultural zoned areas, and to use Best Management Practices outlined in the Farming and Food Production Protection Act (FFPPA) 1998 for reference.

15.1.2 Deputy Mayor Meloche

RE: McGregor Sewage

Moved by Deputy Mayor Meloche
Seconded by _____
That Council direct Administration to investigate the feasibility of partnering with the Town of Amherstburg with respect to the operations and ownership of the McGregor sanitary system.

15.2 The following Notice of Motion is being presented this evening and will be brought forward at the October 19, 2020 Regular Council Meeting for Council's consideration:

15.2.1 Councillor Bondy 183

RE: Diversity Training Program for Council

That Administration be directed to come back with a diversity training program for Council which includes AODA customer services standard training to ensure Council is up to date with requirements under accessibility legislation and the human rights code.

16. Reports and Announcements from Council Members

17. By-Laws

17.1 By-Laws that require a third and final reading

17.1.1 By-Law 1951 184

Being a by-law to confirm the proceedings of the September 21, 2020 Regular Meeting of Council of The Corporation of the Town of Essex

Moved by _____
Seconded by _____
That By-Law 1951 being a by-law to confirm the proceedings of the September 21, 2020 Regular Meeting of the Council of The Corporation of the Town of Essex, be read a third time and finally adopted on October 5, 2020.

17.2 By-Laws that require a first, second, third and final reading

17.3 By-Laws that require a first and second reading

17.3.1 By-Law 1956 186

Being a by-law to acquire and assume lands for the purpose of dedication as a public highway

- Copy of By-Law 726
  Subdivision Agreement for Kimball Estates Inc.

Moved by _____
Seconded by _____
That By-Law 1956 being a by-law to acquire and assume lands for the purpose of dedication as a public highway, be read a first and a second time and provisionally adopted on October

5, 2020.

17.3.2 By-Law 1957 206

Being a by-law to confirm the proceedings of the October 5, 2020 Regular Meeting of the Council of The Corporation of the Town of Essex

Moved by _____
Seconded by _____
That By-Law 1957 being a by-law to confirm the proceedings of the October 5, 2020 Regular Meeting of the Council of The Corporation of the Town of Essex, be read a first and a second time and provisionally adopted on October 5, 2020.

18. Adjournment

Moved by _____
Seconded by _____
That the meeting be adjourned at [TIME].

19. Future Meetings

19.1 Tuesday, October 13, 2020 - 4:00 - 7:00 PM Special Council Meeting

RE: Strategy Corporation Town of Essex Service Delivery Review

Location: Zoom

19.2 Monday, October 19, 2020 - 5:00 - 6:00 PM Special Council Meeting

RE: City of Windsor Community Safety and Well-Being Plan

Location: Zoom

19.3 Monday, October 19, 2020 - 6:00 - 9:00 PM Regular Council Meeting

Location: Hybrid Council Meeting

The Corporation of the Town of Essex

Regular Council Meeting Minutes

This meeting was held electronically during a time of Declared Emergency pursuant to Town of Essex By-Law 1902

September 21, 2020, 6:00 pm
Location: https://www.youtube.com/user/EssexOntario

Present:	Mayor Larry Snively Deputy Mayor Richard Meloche Councillor Joe Garon Councillor Morley Bowman Councillor Kim Verbeek Councillor Steve Bjorkman Councillor Chris Vander Doelen Councillor Sherry Bondy
Also Present:	Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk Shelley Brown, Deputy Clerk, Legal and Legislative Services Chris Nepszy, Chief Administrative Officer Doug Sweet, Director, Community Services/Deputy CAO Jeffrey Morrison, Director, Corporate Services/Treasurer Lori Chadwick, Director, Development Services Kevin Girard, Director, Infrastructure Services Jack Barron, Manager, Information Technology Rita Jabbour, Manager, Planning Services Nelson Silveira, Economic Development Officer Rick Arnel, Fire Chief

1. Call to Order

Mayor Snively called the meeting to order at 6:02 PM.

2. Closed Meeting Report

Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk, provided a verbal report on the Closed Meeting held on Monday, September 14, 2020. He reported that Council met electronically in a Closed Session, as permitted to do so by Section 239 (2) (b) of the Municipal Act, s.o. 2001 c.25 as amended.

At the Closed meeting Council received information as it relates to discussion with regards to personnel matters about an identifiable individual(s) including

municipal or local board employee(s) and as a result of their discussion provided direction.

3. Declarations of Conflict of Interest

There were no declarations of conflict of interest noted at this time.

4. Adoption of Published Agenda

4.1 Regular Council Meeting Agenda for September 21, 2020

R20-09-333
Moved By Councillor Vander Doelen
Seconded By Councillor Bowman

That the published agenda for the September 21, 2020 Regular Council Meeting be adopted with the following amendments:

1. That Elise Harding-Davis, African Heritage Consultant be added as a delegate, and that in the event she electronically joins Council at the meeting that Agenda item 15.2.2 is brought forward for discussion at that time as part of the delegation; and

2. Deputy Mayor Meloche has a Notice of Motion to be presented this evening as Agenda item 15.3.2 for consideration at the next Regular Meeting of Council.

Carried

5. Adoption of Minutes

5.1 Regular Council Meeting Minutes for September 8, 2020

R20-09-334
Moved By Councillor Bjorkman
Seconded By Councillor Garon

That the minutes of the Regular Council Meeting held September 8, 2020, be adopted as circulated.

Carried

6. Public Presentations

6.1 Brian Curtis, DB Media

RE: Billboard Sign Request - Third Party Signs

Mr. Curtis appeared before Council asking that their request for two billboard signs be approved and to answer any questions they may have.

6.1.1 Planning Report 2020-24

RE: DB Media Billboard Sign Request

- 2015 Planning Report 2015-15 Sign By-Law, By-Law 1350 and Off-Site Sign Guidelines
- Sign Application
- By-Law 1946
  Being a by-law regulating the erection of signs in the Town of Essex

R20-09-335
Moved By Councillor Verbeek
Seconded By Deputy Mayor Meloche

That the presentation by Brian Curtis, representing DB Media asking that Council consider their request for two permanent offsite advertising signs at two locations in the Town of Essex and Planning Report 2020-24, entitled "DB Media Billboard Sign Request", prepared by Jeff Watson, Planner, dated September 21, 2020, be received; and

That Council approves the erection of two (2) permanent off-site advertising signs (billboards) on the agricultural lands at the following locations: on the farm east of 15647 County Road 8 and at 2776 County Road 20 East, with the provisions listed in the report; and

That By-Law 1946, being a by-law regulating the erection of signs in the Town of Essex, be read a first, a second and a third time and finally passed on September 21, 2020.

Carried

7. Unfinished Business

8. Reports from Administration

8.1 Chief Administrative Officer (CAO), Chris Nepszy Verbal Report

RE: COVID-19 Town Response and Updates

- Office of the CAO Report 2020-07 RE:
  Hybrid Council Meetings
  Power Point - Regular Meeting of Council During COVID-19

Chris Nepszy, CAO advised Council that this would be the last verbal update at Council meetings with respect to COVID-19 and this item would no longer be a verbal agenda item unless circumstances require otherwise. Any further updates for COVID-19 will be done as a written report.

Mr. Nepszy advised Council that his report this evening on Hybrid Council Meetings is being brought forward for their consideration, to build and possibly expand on for future Council meetings.

Jack Barron, Manager, Information Technology, provided a power point presentation on Hybrid Council Meetings.

R20-09-336
Moved By Councillor Vander Doelen
Seconded By Councillor Bowman

That the Chief Administrative Officer's update on COVID-19 Town Response and Updates and Office of the CAO Report 2020-07, entitled "Hybrid Council Meetings", prepared by Chris Nepszy, Chief Administrative Officer, dated September 21, 2020, be received; and

That Council approves a hybrid form of regular council meetings in the form and manner outlined as Option 3 in the report, commencing October 5, 2020, with such meetings to be based from and held in the County of Essex Council Chambers.

Carried

8.2 Drainage Report 2020-10

RE: Appointment of an Engineer under Section 78 of the Drainage Act to replace a bridge on the Long Marsh Drain

R20-09-337
Moved By Councillor Bowman
Seconded By Councillor Bondy

That Drainage Report 2020-10, entitled "Appointment of an Engineer under Section 78 of the Drainage Act to replace a bridge on the Long Marsh Drain", prepared by Lindsay Dean, Drainage Superintendent, dated September 8, 2020 be received; and

That Council appoint Rood Engineering Incorporated under Section 78 of the Drainage Act for a replacement bridge on the Long Marsh Drain.

Carried

8.3 Capital Works and Infrastructure Report 2020-07

RE: Engineering Services for Bridge Rehabilitation

R20-09-338
Moved By Deputy Mayor Meloche
Seconded By Councillor Bjorkman

That Capital Works and Infrastructure Report 2020-07, entitled "Engineering Services for Bridge Rehabilitation", prepared by Kevin

Girard, Director, Infrastructure Services, dated September 21, 2020, be received; and

That Council awards the Engineering Services for Bridge Rehabilitation (RFP-ID-20-019) to RC Spencer Associates Inc. in the amount of $50,371.20 including all non-refundable HST; and

That Council approves the additional funding of $10,371.20 above the approved 2020 Capital Budget of $40,000.00 for Engineering for Various Bridges and Culverts from the Town's Asset Management Lifecycle Reserve.

Carried

8.4 Infrastructure Services Report 2020-08

RE: Policy for Vulnerable Children Warning Signage

- Vulnerable Children Signage Policy (DRAFT)
- Vulnerable Children Warning Signage Application

Kevin Girard, Director, Infrastructure Services provided Council with a summary on the report

R20-09-339
Moved By Councillor Bjorkman
Seconded By Councillor Verbeek

That Infrastructure Services Report 2020-08, entitled "Policy for Vulnerable Children Warning Signage", prepared by Kevin Girard, Director, Infrastructure Services, dated September 21, 2020, be received; and

That Council adopts Infrastructure Services Policy #039 titled "Vulnerable Children Signage Policy"; subject to the following changes:

1. That the physician's statement requirement is to be only for the purpose of confirming the fact of the disability and the nature of the need to be accommodated; and

2. The maximum age for the policy be 16 years, subject to extensions when and as required, as determined by the Director, Infrastructure Services acting reasonably; and

That Council authorizes and directs the Infrastructure Services Department to only install "children at play" signs, or variations thereof, within community areas such as parks, schools, and other institutions whose main purpose is to provide services for children.

Carried

8.5 Planning Report 2020-21

RE: Release of Securities for Pollard Harrow Development (Ward 4)

- Correspondence from Rood Engineering Inc.
  RE: Pollard Harrow Development Project REI2017D013

R20-09-340
Moved By Councillor Bjorkman
Seconded By Councillor Garon

That Planning Report 2020-21, entitled "Release of Securities for Pollard Harrow Development (Ward 4)", prepared by Rita Jabbour, Manager, Planning Services, dated September 21, 2020, be received; and

That performance securities in the amount of $183,422.41, be returned to the Developer, Anderdon Developments LTD.

Carried

8.6 Planning Report 2020-23

RE: Site Specific Zoning Amendment (101 Poplar Bluff Drive, Colchester South, Ward 3)

- Power Point Zoning By-Law Presentation
- By-Law 1948
  Being a by-law to amend By-Law 1037 the Comprehensive Zoning ByLaw for the Town of Essex (101 Poplar Bluff Drive)

R20-09-341
Moved By Deputy Mayor Meloche
Seconded By Councillor Bowman

That Planning Report 2020-23, entitled "Site Specific Zoning Amendment (101 Poplar Bluff Drive, Colchester South, Ward 3)", prepared by Rita Jabbour, Manager, Planning Services, dated September 21, 2020, be received; and

That By-Law 1948, being a by-law to amend By-Law 1037, The Comprehensive Zoning By-Law for the Town of Essex, be read a first, a second and a third time and finally passed on September 21, 2020.

Carried

8.7 Fire and Rescue Services Report 2020-04

RE: Results of Request for Tender - Construction of new Fire Station 2

Rick Arnel, Fire Chief provided Council with a summary of the report and noted changes and the financial implications.

R20-09-342
Moved By Councillor Verbeek
Seconded By Deputy Mayor Meloche

That Fire and Rescue Services Report 2020-04, entitled "Results of Request for Tender - Construction of new Fire Station 2", dated September 21, 2020, be received; and

That Council awards the Request for Tender for Construction of new Fire Station 2 to Bear Construction and Engineering Inc. in the amount of $3,003,446.40 including non-refundable HST; and

That Council approves a total budget amount of $3,399,031.00 for the construction of the New Fire Station 2 (Project FD-19-0015) which had an approved capital budget amount of $2,689,849.00 and the remaining unfunded balance of $709,182.00 be funded through Long Term Debt.

Carried

8.8 Economic Development Report 2020-16

RE: Building and Development Overview August 2020

- Development Overview
- Building Report

Lori Chadwick, Director, Development Services advised Council of new information in their building report summary that provides additional monthly and year to-date totals for development charges.

R20-09-343
Moved By Councillor Vander Doelen
Seconded By Councillor Bjorkman

That Economic Development Report 2020-16, entitled "Building and Development Overview August 2020", prepared by Nelson Silveira, Economic Development Officer, dated September 21, 2020, be received.

Carried

8.9 Economic Development Report 2020-17

RE: Town of Essex Local Broadband Assessment

Nelson Silveira, Manager, Economic Development provided Council with an overview of his report.

During Council's discussion Mayor Snively asked Deputy Mayor Meloche to assume the Chair and he vacated his seat at approximately 8:10 PM. Deputy Mayor assumed the Chair.

Mayor Snively returned to his seat and assumed the Chair at approximately 8:15 PM.

R20-09-344
Moved By Deputy Mayor Meloche
Seconded By Councillor Verbeek

That Economic Development Report 2020-17, entitled "Town of Essex Local Broadband Assessment", prepared by Nelson Silveira, Economic Development Officer, dated September 21, 2020, be received for information purposes.

Carried

8.10 Operations Report 2020-04

RE: Results of Request for Tender - Supply of Bulk Winter Road Salt

R20-09-345
Moved By Councillor Bjorkman
Seconded By Councillor Bowman

That Operations Report 2020-04, entitled "Results of Request for Tender - Supply of Bulk Winter Road Salt", prepared by Norm Nussio, Manager, Operations and Drainage, dated September 21, 2020, be received; and

That Council awards the Request for Tender - Supply of Bulk Winter Road Salt to K + S Windsor Salt Ltd., in the amount of $424,850.00 including non-refundable HST; and

That Council authorizes Operations to fund the 2020-2021 Winter Control budget (Winter Control Material budget for 2020 is $260,000.00), in the event there is an over expenditure, from contingency reserves (earmarked for Winter Control) due to the unpredictable nature of winter storms.

Carried

9. Reports from Youth Members

10. County Council Update

11. Correspondence

11.1 Correspondence to be received

R20-09-346
Moved By Councillor Verbeek
Seconded By Deputy Mayor Meloche

That correspondence listed as Agenda item 11.1.1 from Debbie France be moved to Agenda item 11.2 for receipt and support.

Carried

R20-09-347
Moved By Councillor Bowman
Seconded By Councillor Bjorkman

That correspondence listed in Agenda item 11.1 be received and, where indicated, to further share such information with the community using suitable methods of communication.

Carried

11.1.1 Union Water Supply System - Joint Board of Management Agenda

- September 16, 2020

11.1.2 Oxley Estate Winery RE:

Business Relaunch Grant

Correspondence dated September 14, 2020 thanking Council for the $500 grant they received to help offset extraordinary costs of reopening the winery to ensure compliance with the Province and local regulations.

11.1.3 Tribunals Ontario

RE: Assessment Review Board Changes - Status

Correspondence dated September 15, 2020 providing an update on Assessment Review Board changes.

11.2 Correspondence to be considered for receipt and support

11.2.1 Debbie France

RE: Stop Illicit Cannabis Grow Operations

R20-09-348
Moved By Councillor Verbeek
Seconded By Deputy Mayor Meloche

That correspondence from Debbie France, dated September 13, 2020 asking that Council consider supporting the Provincial and Federal Governments working towards developing a standardized and enforceable solution to stop illicit cannabis grow operations, be received and supported; and

That a letter of support be sent to the Minister of Municipal Affairs and Housing, the Minister of Agriculture, Food and Rural Affairs, the Minister of Health, Essex MP, Chris Lewis, MPP Essex Taras Natyshak and a copy of the correspondence to Debbie France.

Carried

12. Committee Meeting Minutes R20-09-349

Moved By Deputy Mayor Meloche
Seconded By Councillor Verbeek

That the minutes listed in Agenda 12, together with any recommendations to Council noted therein, be received, approved and adopted as circulated.

Carried

12.1 Co-An Park Minutes

- August 18, 2020
- September 9, 2020
  Recommendation to Council (CAP-2020-09-37) That the 2021 Co-An Park Budget be accepted and forwarded to the Towns for approval.

12.2 Personnel Committee - August 26, 2020 (Open Meeting)

13. Financial

13.1 August 2020 Bank Payments Report

R20-09-350
Moved By Councillor Bjorkman
Seconded By Councillor Garon

That the Bank Payments Report, including the August cheque register, cheque number 51725 to cheque number 51854 inclusive in the amount of $2,561,427.85, the Preauthorized Payments for the month of August in the amount of $326,741.70; and payroll for month of August in the amount of $377,824.96, be ratified as submitted.

Carried

14. New Business

15. Notices of Motion

15.1 Notice of Motion deferred at the September 8, 2020 Regular Council Meeting until tonight's meeting for Council's consideration:

15.1.1 Councillor Verbeek

RE: School Bus Stop Arm Cameras

R20-09-351
Moved By Councillor Verbeek
Seconded By Councillor Bondy

That in light of the correspondence shared by the province regarding regulatory framework changes in the Provincial Offences Act (August 24, 2020 Agenda item 11.1.1.6) and the new

Ontario school bus stop arm cameras (August 24, 2020 Agenda item 11.1.5), that Council have a discussion on the feasibility of implementing this kind of safety measure; and

That Administration be directed to prepare a report on the feasibility of this initiative, including the provision of public education concerning the new regulations thereof.

Carried

15.2 The following Notices of Motions were presented at the September 8, 2020 Regular Council Meeting and are being brought forward this evening for Council's consideration:

15.2.1 Councillor Bondy RE: Five Year Roads Plan

That Council give direction to Administration to prepare a five year roads plan for Council discussion, public transparency and the budgeting process.
Council discussed the pros and cons of a five year roads plan.

Councillor Bondy withdrew her Notice of Motion.

15.2.2 Councillor Bondy RE: Emancipation Day

R20-09-352
Moved By Councillor Bondy
Seconded By Deputy Mayor Meloche

That August 1st be declared as Emancipation Day in the Town of Essex.

Carried

15.3 The following Notice of Motion is being presented this evening and will be brought forward at the October 5, 2020 Regular Council Meeting for Council's consideration:

15.3.1 Councillor Bjorkman RE:

"Bird Banger" Use

That Administration be directed to review the Town's noise bylaw, specifically to the use of "Bird Bangers" in our agricultural zoned areas, and to use Best Management Practices outlined in the Farming and Food Production Protection Act (FFPPA) 1998 for reference.

15.3.2 Deputy Mayor Meloche

RE: McGregor Sewage

That Council direct Administration to investigate the feasibility of partnering with the Town of Amherstburg with respect to the operations and ownership of the McGregor sanitary system.

16. Reports and Announcements from Council Members

Each Council member was provided an opportunity to discuss their latest news and activities in the municipality.

17. By-Laws

17.1 By-Laws that require a third and final reading

17.1.1 By-Law 1920

Being a by-law to provide for the Crystal Beach Drain: Repair and Improvement of Covered Drains, Geographic Township of Colchester South, Town of Essex, County of Essex, Project REI2018D012

R20-09-353
Moved By Councillor Bjorkman
Seconded By Councillor Bowman

That By-Law 1920 being a by-law to provide for the Crystal Beach Drain: Repair and Improvement of Covered Drains, Geographic Township of Colchester South, Town of Essex, County of Essex, Project REI2018D012, be read a third time and finally passed on September 21, 2020.

17.1.2 By-Law 1945

Being a by-law to confirm the proceedings of the September 8, 2020, Regular Meeting of the Council of The Corporation of the Town of Essex

R20-09-354
Moved By Deputy Mayor Meloche
Seconded By Councillor Vander Doelen

That By-Law 1945 being a by-law to confirm the proceedings of the September 8, 2020 Regular Meeting of the Council of The Corporation of the Town of Essex, be read a third time and finally passed on September 22, 2020.

Carried

17.2 By-Laws that require a first, second, third and final reading

17.2.1 By-Law 1947

Being a by-law to authorize the execution of a lease agreement between the Town of Essex and Project HOPE Windsor-Essex for property to operate a pantry adjacent to the Harrow and

Colchester South Recreation Complex located at 243 McAffee Street, Harrow, Ontario

R20-09-355
Moved By Councillor Vander Doelen
Seconded By Councillor Verbeek

That By-Law 1947 being a by-law to authorize the execution of a lease agreement between the Town of Essex and Project HOPE Windsor-Essex for property to operate a pantry adjacent to the Harrow and Colchester South Recreation Complex located at 243 McAffee Street, Harrow, Ontario, be read a first, a second and a third time and finally passed on September 21, 2020.

Carried

17.2.2 By-Law 1949

Being a by-law to authorize the borrowing of money to meet current expenditures of The Corporation of the Town of Essex

R20-09-356
Moved By Councillor Bjorkman
Seconded By Councillor Garon

That By-Law 1949 being a by-law to authorize the borrowing of money to meet current expenditures of The Corporation of the Town of Essex, be read a first, a second and a third time and finally passed on September 21, 2020.

Carried

17.2.3 By-Law 1950

Being a by-law regulating the erection of signs in the Town of Essex
(108 County Road 50 East)

R20-09-357
Moved by Councillor Bowman
Seconded by Councillor Vander Doelen
That By-Law 1950 being a by-law regulating the erection of signs in the Town of Essex, be read a first, a second and a third time and finally passed on September 21, 2020.
Councillor Bondy requested a recorded vote.

R20-09-358
Moved By Councillor Bowman
Seconded By Councillor Bjorkman
That Bernard Gorski be allowed to speak and address Council's questions. **Carried**

Mr. Gorski told Council that the illumination on the sign would not be turned on any later than 10:00 PM. He said that he has a solid state control device with a battery back-up and has the ability to control the luminance from his home. He assured Council that they do not want to offend their neighbour's with the brightness. He advised that the illumination is less than fifty percent of the sign and would be using two or three lines.

R20-09-359
Moved By Deputy Mayor Meloche
Seconded By Councillor Bondy

That By-Law 950, being a by-law regulating the erection of signs in the Town of Essex, be tabled until the next regular council meeting.

Carried

17.2.4 By-Law 1953

Being a by-law to enter into an Agreement between The Corporation of the Town of Essex and its Non-Union Employees

R20-09-360
Moved By Councillor Bowman
Seconded By Councillor Garon

That By-Law 1953 being a by-law to enter into an Agreement between The Corporation of the Town of Essex and its Non-Union Employees, be read a first, a second and a third time and finally passed on September 21, 2020.

Carried

17.3 By-Laws that require a first and second reading

17.3.1 By-Law 1951

Being a by-law to confirm the proceedings of the September 21, 2020 Regular Meeting of the Council of The Corporation of the Town of Essex

R20-09-361
Moved By Councillor Vander Doelen
Seconded By Councillor Bjorkman

That By-Law 1951 being a by-law to confirm the proceedings of the September 21, 2020 Regular Meeting of the Council of The Corporation of the Town of Essex, be read a first and a second time and provisionally adopted on September 21, 2020.

Carried

18. Adjournment R20-09-362

Moved By Deputy Mayor Meloche
Seconded By Councillor Bowman

That the meeting be adjourned at 9:53 PM.

Carried

_____

Mayor

_____

Clerk

13. Financial

13.1 June 2020 Bank Payments Report

R20-08-306
Moved By Deputy Mayor Meloche
Seconded By Councillor Garon

That the Bank Payments Report, including the June cheque register, cheque number 51491 to 51587 inclusive in the amount of $3,750,810.98; the Preauthorized Payments for the month of June of $320,580.57; and the Payroll for June 2020 in the amount of $406,455.78, be ratified as submitted.

Carried

14. New Business

15. Notices of Motion

15.1 The following Notices of Motions were brought forward at the August 4, 2020 Regular Council Meeting and are brought forward this evening for Council's consideration:

15.1.1 Councillor Bondy

RE: Council Report Tracker

Moved By Councillor Bondy
Seconded By Councillor Garon

That Council requests the Town of Essex Administration to implement a Council Report Tracker similar to the reporting spreadsheet used by the Town of Lakeshore.

Councillor Bondy asked for a recorded vote.

Recorded	**Support**	**Against**
Mayor Snively		X
Deputy Mayor Meloche	X	
Councillor Garon	X	
Councillor Bowman		X
Councillor Verbeek	X	
Councillor Bjorkman		X
Councillor Vander Doelen		X
Councillor Bondy	X	
Cameron Soucie, Youth Council Member		
Results	**4**	**4**

Defeated (4 to 4)

15.1.2 Mayor Snively

RE: Hunting License Review

- By-Law 633
  Licence Fees - Hunting Ring-Necked Pheasants Rabbits

R20-08-307
Moved By Mayor Snively
Seconded By Councillor Vander Doelen

That Council direct Administration to review if it is possible to remove the requirement of a Town issued hunting license and, that Administration report back to Council on the feasibility and process for Council's consideration.

Carried

15.2 The following Notices of Motions will be presented at the September 8, 2020 Regular Council Meeting for Council's consideration:

15.2.1 Councillor Bondy

RE: Earlier Mailout for Notices of Drain Maintenance Works

That Town of Essex Council directs Administration to send out Notices of Drain Maintenance Works in December and January if possible before planting season, to minimize the impact to our farming community during planting and harvesting season.

15.2.2 Councillor Bondy

RE: Review Regular Council Meeting Agenda and Procedural By-Law

That Town of Essex Council discuss and direct Administration to review the agenda and procedural by-law for our regular council meetings. For example the registering of delegations speaking to agenda items, roll call of votes, the notice of motion process and the submission of verbal reports to be discussed along with any other suggestions from councillors to make improvements to public service.

15.2.3 Councillor Verbeek

That in light of the correspondence shared by the province regarding regulatory framework changes in the POA (agenda item 11.1.1.6) and the new Ontario school bus stop arm cameras (agenda item 11.1.5) that Council have a discussion on the feasibility of implementing this kind of safety measure.

16. Reports and Announcements from Council Members

Each Council member was provided an opportunity to discuss their latest news and activities in the municipality.

17. By-Laws

17.1 By-Laws that require a third and final reading

17.1.1 By-Law 1939

Being a by-law to confirm the proceedings of the August 4, 2020 Regular Meeting of the Council of The Corporation of the Town of Essex

R20-08-308
Moved By Councillor Bowman
Seconded By Deputy Mayor Meloche

The Corporation of the Town of Essex

Regular Council Meeting Minutes
Revised

August 24, 2020, 6:00 pm
Location: https://www.youtube.com/user/EssexOntario

Present: Mayor Larry Snively
Deputy Mayor Richard Meloche
Councillor Joe Garon
Councillor Morley Bowman
Councillor Kim Verbeek
Councillor Steve Bjorkman
Councillor Chris Vander Doelen
Councillor Sherry Bondy

Also Present: Shelley Brown, Deputy Clerk, Legal and Legislative Services
Chris Nepszy, Chief Administrative Officer
Doug Sweet, Director, Community Services/Deputy CAO
Jeffrey Morrison, Director, Corporate Services/Treasurer
Lori Chadwick, Director, Development Services
Kevin Carter, Manager Building Services/Chief Building Official
Rita Jabbour, Manager, Planning Services

1. Call to Order

Mayor Snively called the meeting to order at 6:10 PM.

2. Closed Meeting Report

Shelley Brown, Deputy Clerk provided a verbal report on the Closed Meeting of Council which was held electronically prior to tonight's Regular Council Meeting. She reported that Council met electronically in a Closed Session, as permitted by Section 239 (2) (b) of the Municipal Act, S.O. 2001, c.25.

3. Declarations of Conflict of Interest

There were no declarations of conflict noted at this time.

4. Adoption of Published Agenda

4.1 Regular Council Meeting Agenda for August 24, 2020

R20-08-285
Moved By Councillor Bjorkman
Seconded By Councillor Garon

That the published agenda for the August 24, 2020 Regular Council Meeting, be adopted as amended:

The Deputy Clerk advised that Councillor Verbeek has a Notice of Motion that will be added as Agenda item 15.2.3. **Carried**

5. Adoption of Minutes

5.1 Regular Council Meeting Minutes for August 4, 2020

R20-08-286
Moved By Councillor Verbeek
Seconded By Councillor Bjorkman

That the minutes of the Regular Council Meeting held August 4, 2020, be adopted as circulated.

Carried

6. Public Presentations

6.1 Randy Voakes

RE: Steel Street Art in Essex Centre

Mr. Voakes was not in attendance either via online or phone for his presentation to Council.

6.2 Darrel Dufour

Seeking Council's consideration to re-instate In-Fill Permit for 6790 Concesssion 6

R20-08-287
Moved By Councillor Bowman
Seconded By Councillor Vander Doelen

That the public presentation by Darrel Dufour asking Council to consider reinstating the In-fill permit for his property at 6790 6th Concession, be received; and

That Administration be directed to prepare a report providing options to alleviate flooding concerns to the neighboring properties and that this report be brought back to Council at the next Regular Council Meeting, scheduled for September 8, 2020.

Carried

6.3 Eric Naylor

RE: Kona Ice Windsor Essex

Seeking an exemption for the provisions in the Town of Essex By-Law 629 that restricts a Transient Vendor from operating at locations in the Town of Essex other than Commercial, Industrial or Institutional zoned properties.

- By-Law 629 - Licensing of Businesses
- Application for Transient Trader Licence in the Town of Essex

R20-08-288
Moved By Councillor Bowman
Seconded By Councillor Bondy

That the public presentation by Eric Naylor, Kona Ice Windsor Essex, asking Council to consider granting an exemption for their food truck called KEV (Kona Entertainment Vehicle) to operate as a Transient Vendor within the Town of Essex on properties other than commercial,

industrial and institutional zoned properties, be received and supported; and

That the requirements of the transient vendor by-law and the Transient Vendor application be otherwise complied with.

Carried

7. Unfinished Business

8. Reports from Administration

8.1 Chief Administrative Officer (CAO), Chris Nepszy Verbal Report

RE: COVID-19 Town Response and Updates

Chris Nepszy, CAO advised Council that Administration will be having a second dry-run with CFTV for live stream testing and In-person Council meetings, and advised that he will be bringing a report to the next Regular Council Meeting providing information and seeking Council's direction regarding In-person Council Meetings.

8.2 Parks and Facilities Report 2020-07

RE: Essex Centre Sports Complex Foundation Repairs

Doug Sweet, Director, Community Services/Deputy CAO provided Council with a summary on the foundation repairs at the Essex Centre Sports Complex.

R20-08-289
Moved By Councillor Bjorkman
Seconded By Councillor Garon

That Parks and Facilities Report 2020-07, entitled "Essex Centre Sports Complex Foundation Repairs", prepared by Doug Sweet, Director of Community Services/Deputy CAO, dated August 24, 2020, be received; and

That Council awards the "Request for Tender - Slab Repair and Reconstruction at the Essex Centre Sport Complex" to Vince Ferro Construction Ltd. in the amount of $329,421.00 excluding non-refundable HST; and

That Council approves CIMCO Refrigeration to perform all refrigeration work including but not limited to draining the system, removing and installing all current refrigeration pipes in the repair area in the amount of $175,000.00 excluding non-refundable HST; and

That Council approves an overall budget for the Essex Centre Sports Complex Foundation Repair project in the amount of up to $625,000.00 which includes items number 2 and 3 above, and the consultant costs (Haddad Morgan and Associates and CT Soils), the boiler removal and installation from mechanical room, the rubber floor removal and installation and repair work from damaged underground electrical conduit for the Shaheen Rink; and

That Council approves funding for the Essex Centre Sports Complex Foundation Repair project in the amount of $625,000.00 by utilizing the $85,000 in approved project CS-20-0018 Essex Arena Floor Repairs ($42,500 coming from Asset Management Lifecycle Reserve and the other

$42,500 from property taxation) and the remaining unfunded balance of $540,000.00 being funded accordingly: $169,259.00 - General Arena Reserve, $84,600.00 - Essex Arena Expansion Reserve and the remaining $286,141.00 - Asset Management Lifecycle Reserve.

Carried

8.3 Community Services Report 2020-04

RE: Reopening of Town of Essex Indoor Recreation Facilities

Doug Sweet, Director, Community Services/Deputy CAO provided an overview regarding the plan and layout for the reopening of the Harrow arena.

R20-08-290
Moved By Councillor Bowman
Seconded By Councillor Bjorkman

That Community Services Report 2020-04, entitled "Reopening of Town of Essex Indoor Recreation Facilities", prepared by Doug Sweet, Director, Community Services/Deputy CAO, dated August 24, 2020; and

That Council approves the opening of the Harrow Arena, McGregor Community Centre, Colchester Community Centre, Maedel Community Centre, and the Essex Centre Sports Complex-Shaheen Room as of Tuesday, September 8 as per the provinces Stage 3 reopening plan and guidelines; and

That Council concurs with Administration following the Town's Ice Allocation Policy when allocating ice at the Harrow Arena, while repairs occur at the Essex Centre Sports Complex.

Carried

8.4 Economic Development Report 2020-11

RE: Building Report and Development Overview July 2020

R20-08-291
Moved By Councillor Bjorkman
Seconded By Councillor Verbeek

That Economic and Development Report 2020-11, entitled "Building Report and Development Overview July 2020", prepared by Nelson Silveira, Economic Development Officer, dated August 24, 2020, be received.

Carried

8.5 Planning Report 2020-10

RE: TELUS Communications Tower Relocation Request, Ben Van Reekum, Land Solutions, Agent

- Site Lease
- By-Law 1943

- Being a by-law to authorize the execution of an Agreement between The Corporation of the Town of Essex and Telus Communications Inc.(2225 Roseborough Road)

R20-08-292
Moved By Councillor Bjorkman
Seconded By Councillor Bowman

That Planning Report 2020-10, entitled "TELUS Communications Tower Relocation Request, Ben Van Reekum, Land Solutions Agent", prepared by Jeff Watson, Policy Planner, Development Services, dated August 24, 2020, be received; and

That By-Law 1943, being a by-law to authorize the execution of an Agreement between The Corporation of the Town of Essex and Telus Communications INC., be read a first, a second, and a third time and finally passed on August 24, 2020.

Carried

8.6 Planning Report 2020-16

RE: Redline Revisions and Street Closing and Opening Requests, Dalla Bona Construction (East Side of Queen Street, North of Colio Drive, Ward 4)

- Appendix A - Plan of Subdivision
- Appendix B - Revised Draft Plan of Subdivision
- Appendix C - Plan of Survey
- Correspondence Fazio Giorgi LLP
- By-Law 1936
  Being a by-law to close and convey a Public Right of Way
- By-Law 1935
  Being a by-law to provide that Part Lot Control shall not apply to certain lands within Registered Plan 12M-558 in Harrow

Lori Chadwick, Director, Development Services provided Council with background information and explained that the purpose of this report is to receive and approve amendments to a previously approved Plan of Subdivision.

R20-08-293
Moved By Councillor Vander Doelen
Seconded By Councillor Bjorkman

That Planning Report 2020-16, entitled "Redline Revisions and Street Closing and Opening Requests, Dalla Bona Construction (East Side of Queen North, North of Colio Drive, Ward 4), prepared by Rita Jabbour, Manager, Planning Services, dated August 24, 2020, be received; and

That By-Law 1936, being a by-law to Close and Convey a Public Right of Way, be read a first, a second and a third time and finally passed on August 24, 2020; and

That By-Law 1935, being a by-law to provide that Part Lot Control shall not apply to certain lands within Registered Plan 12M-558 in Harrow, be

read a first, a second and a third time and finally passed on August 24, 2020.

Carried

8.7 Planning Report 2020-17

RE: Reduction and Release of Securities for Phase 5 of the Kimball Estates Development (Ward1)

R20-08-294
Moved By Deputy Mayor Meloche
Seconded By Councillor Vander Doelen

That Planning Report 2020-17, entitled "Reduction and Release of Securities for Phase 5 of the Kimball Estates Development (Ward 1)", prepared by Rita Jabbour, Manager, Planning Services, dated August 24, 2020, be received; and

That the securities for the end of the maintenance period for Phase 5 of the Kimball Estates Development be reduced to $8,483.48; and

That the maintenance securities in the amount of $259,828.25 for the completion of civil construction work and street lighting, be returned to the developer, Kimball Estates INC.

Carried

8.8 Planning Report 2020-19

RE: Site Plan Control Approval for 178 County Road 50 East (Colchester South, Ward 3)

- Site Plan
- By-Law 1941
  Being a by-law to enter into a Site Plan Control Agreement between The Corporation of the Town of Essex and Magnolia Ranch INC.

R20-08-295
Moved By Councillor Verbeek
Seconded By Councillor Vander Doelen

That Planning Report 2020-19, entitled "Site Plan Control Approval for 178 County Road 50 East", prepared by Rita Jabbour, Manager, Planning Services, dated August 24, 2020, be received; and

That By-Law 1941, being a by-law to enter into a Site Plan Control Agreement between The Corporation of the Town of Essex and Magnolia Ranch INC., be read a first, a second and a third time and finally passed on August 24, 2020.

Carried

8.9 Drainage Report 2020-07

RE: Appointment of an Engineer under Section 76 of the Drainage Act to provide updated cost sharing for the Brooks Drain

R20-08-296
Moved By Deputy Mayor Meloche
Seconded By Councillor Bjorkman

That Drainage Report 2020-07, entitled "Appointment of an Engineer under Section 76 of the Drainage Act to provide updated cost sharing for the Brooks Drain", prepared by Lindsay Dean, Drainage Superintendent, dated July 29, 2020, be received; and

That Council appoints Rood Engineering Incorporated under Section 76 of the Drainage Act to provide cost sharing for future culvert replacements for the Brooks Drain.

Carried

8.10 Drainage Report 2020-08

RE: Appointment of an Engineer under Section 78 of the Drainage Act to review the Brush Drain

R20-08-297
Moved By Councillor Vander Doelen
Seconded By Deputy Mayor Meloche

That Drainage Report 2020-08, entitled "Appointment of an Engineer under Section 78 of the Drainage Act to review the Brush Drain", prepared by Lindsay Dean, Drainage Superintendent, dated August 7, 2020, be received; and

That Council appoints Rood Engineering Incorporated under Section 78 of the Drainage Act to review the Brush Drain.

Carried

8.11 Drainage Report 2020-09

RE: Appointment of an Engineer under Section 78 of the Drainage Act to install a new culvert in the Graveline Drain

R20-08-298
Moved By Councillor Vander Doelen
Seconded By Councillor Bowman

That Drainage Report 2020-09, entitled "Appointment of an Engineer under Section 78 of the Drainage Act to install a new culvert in the Graveline Drain", prepared by Lindsay Dean, Drainage Superintendent, dated August 12, 2020, be received; and

That Council appoints Rood Engineering Incorporated under Section 78 of the Drainage Act to install a new culvert in the Graveline Drain.

Carried

8.12 Development Services Report 2020-02

RE: Results of Development Standards Manual Request for Proposal

R20-08-299
Moved By Councillor Bondy
Seconded By Councillor Bowman

That Development Services Report 2020-02, entitled "Results of Development Standards Manual Request for Proposal", prepared by Lori Chadwick ,Director, Development Services, dated August 24, 2020, be received; and

That Council awards the consulting services contract for the Development Standards Manual to Dillon Consulting Limited in the amount of $79,576.32 including non-refundable HST; and

That Council approves the reallocation of $9,576.32 from Capital Project PZ-20-0002 (Official Plan Amendment) to PZ 19-0007 (Development Standard Manual).

Carried

9. Reports from Youth Members

10. County Council Update

No updates were received.

11. Correspondence

11.1 Correspondence to be received

R20-08-300
Moved By Councillor Garon
Seconded By Councillor Bjorkman

That correspondence listed in Agenda Item 11.1 be received and, where indicated, to further share such information with the community using suitable methods of communication.

Carried

11.1.1 COVID-19 Virus Correspondence

11.1.1.1 Ministry of the Solicitor General

RE: Proclamation of the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020

11.1.1.2 Bereavement Authority of Ontario (BAO)

RE: Registrar's Directive: Windsor-Essex enters Stage 3 gathering limits at funerals and visitations

11.1.1.3 Ontario Association of Cemetery and Funeral Professionals (OACFP)

RE: August 14, 2020 Recent Updates

11.1.1.4 Town of Essex Media Release - August 12, 2020

COVID-19 Response: Mayor's Message
Stage 3 is here, but citizens should continue to follow public health guidelines

11.1.1.5 Taras Natyshak MPP

Correspondence dated August 14, 2020 advising the Town of Essex Council that he will read their resolution passed by at the June 29, 2020

Special Council Meeting in the Legislature as soon as proceedings resume.

- Correspondence from Jeff Burch MPP Niagara Centre and ONDP Municipal Affairs critic, dated July 3, 2020 to the Premier calling on the Premier to provide immediate and long-term funding for municipalities.
- Copy of correspondence from the Town of Essex dated July 3, 2020

11.1.1.6 Association of Municipalities of Ontario (AMO) Policy Update - August 11, 2020

RE: Court Security Funding Review, CCTV Grant Program, Windsor-Essex Goes to Stage 3

11.1.1.7 Association of Municipalities of Ontario (AMO) Policy Update - August 12, 2020

RE: Municipal Emergency Fiscal Relief, Quarter 1 Fiscal and COVID-19 Action Plan Updates

11.1.1.8 Ministry of Municipal Affairs and Housing

RE: Safe Restart Agreement

Correspondence dated August 12, 2020 advising Council that the Town of Essex will receive a payment of $543,800 to support COVID-19 operating costs and pressures.

11.1.2 Canadian Association of Municipal Administrators (CAMA)

- RE: Long Service Recognition Awards Program

  Correspondence dated July 13, 2020 recognizing Chief Administrative Officer Chris Nepszy for his ten years of municipal services in a management capacity.

11.1.3 Town of Amherstburg

- RE: Request for Raw Data on Positive COVID-19 Cases in Essex County Resolution supporting the Town of Essex's request that the Windsor Essex County Health Unit provide a detailed breakdown of data reporting on positive COVID-19 cases in our municipality and region.
- RE: Support Federal Assistance for People with Disabilities - COVID-19 Pandemic Resolution supporting the Essex County Accessibility Advisory Committee's (ECAAC) initiative to seek additional funding from the Federal government for certified holders of the Disability Tax Credit (DTC) to assist with the added financial burden during the COVID-19 Pandemic.
- RE: Providing Tax or Other Financial Relief to Non-Profit Services Clubs as a result of COVID-19 Resolution supporting a request for the Province to look into all possible ways of providing tax and/or other financial relief to our community non-profit service clubs and organizations as a result of not being

able to operate and be open as a result of the COVID-19 pandemic.

11.1.4 Municipality of West Grey

RE: Annual Training for Council, Committee Members and Employees for Anti-Racism and Anti-Oppression

Resolution acknowledging that the Municipality of West Grey will actively work towards anti-racism and anti-oppression at every opportunity beginning with annual training for council, committee members and employees for anti-racism, anti-oppression, diversity and inclusion, and the history of Aboriginal peoples.

11.1.5 Ministry of Transportation Safety Program Development Branch

RE: School Bus Stop Arm Camera Program

- Provincial Guidelines

Correspondence from the Ministry of Transportation, Safety Program Development Branch, dated August 7, 2020 introducing a school bus stop arm camera program.

11.1.6 Ministry of Infrastructure, Director of Intergovernmental Policy

RE: Investing in Canada Infrastructure Program: Community, Culture, and Recreation Stream

Correspondence dated August 7, 2020 notifying Council that the Construction of an Outdoor Sports Complex project that was submitted under the Community, Culture and Recreation funding stream of the Investing in Canada Infrastructure Program (ICIP) was not nominated for federal review and approval.

11.2 Correspondence to be considered for receipt and support

11.2.1 County of Essex

RE: Support for Federal Assistance for People with Disabilities - COVID-19 Pandemic

R20-08-301
Moved By Councillor Verbeek
Seconded By Councillor Bjorkman

That correspondence from the County of Essex, dated July 29, 2020 supporting the request from the Essex County Accessibility Advisory Committee (ECAAC) to the Federal Government to provide additional funding for certified holders of the Disability Tax Credit (DTC) to assist with the added financial burden during the COVID-19 Pandemic, be received and supported; and

That a letter of support be sent to the Prime Minister, the Minister of Employment, Workforce Development and Disability Inclusion and a copy of the letter of be sent to the ECAAC.

Carried

11.2.2 Essex Region Conservation

RE: Essex Region Source Protection Committee - Municipal Representation

R20-08-302
Moved By Deputy Mayor Meloche
Seconded By Councillor Bowman

That correspondence from the Essex Region Conservation Authority, dated July 31, 2020 introducing municipal candidates prior to their appointment to the Source Protection Committee (SPC), be received and supported; and

That Council endorses the following individual's appointment to the Essex Region Source Protection Committee:

- Albert Dionne, Town of Lakeshore, appointment date: September 10, 2020; expiration of appointment September 10, 2025;
- Ian Wilson, City of Windsor, appointment date: September 10, 2020; expiration of appointment September 10, 2021;
- Nelson Santos, Union Water Supply System, appointment date: September 10, 2020; expiration of appointment November 30, 2022, and

That a letter of support be sent to the Essex Region Source Property Committee, prior to August 31, 2020.

Carried

11.2.3 Greater Essex County District School Board

RE: Request for support for additional funding from Province for Health and Safety Standards in schools

R20-08-303
Moved By Councillor Bjorkman
Seconded By Councillor Verbeek

That correspondence from the Greater Essex County District School Board, dated August 14, 2020 asking Council to consider supporting their efforts to have the Ministry of Education, through the provincial government, provide a substantial increase in funding for additional health and safety standards in the schools to prevent the spread of the COVID-19 virus, be received and supported; and

That a letter of support be sent to the Ministry of Education and a copy of the letter be sent to the school board.

Carried

11.2.4 City of Elliot Lake

RE: Resolution supporting Private Member Bill by Majid Jowhari, M-36, Emancipation Day

R20-08-304
Moved By Councillor Bondy
Seconded By Deputy Mayor Meloche

That correspondence from the City of Elliot Lake, supporting the Private Member Bill put forward by Majid Jowhari, that August 1 of every year be designated as "Emancipation Day" in Canada, recognizing the heritage of Canada's peoples of African descent and the contributions they have made and continue to make to Canada, be received and supported; and

That a letter of support be sent to Majid Jowhari, MP Richmond Hill and Chris Lewis, MP Essex, and a copy of the letter be sent to the City of Elliot Lake.

Carried

12. Committee Meeting Minutes

R20-08-305
Moved By Councillor Bjorkman
Seconded By Councillor Verbeek

That the minutes listed in Agenda item 12 be received, and where indicated, to further share such information with the community using suitable methods of communication.

Carried

12.1 Drainage Board - June 24, 2020

RE: Consideration of Contract Price for Shepley Drain: Replacement Bridges for Elwood Defour and Garry and Bonny Quick

12.2 Co-An Park Committee

- June 10, 2020
- July 28, 2020 (including July 27, 2020 Costing Report)
- August 6, 2020

12.3 Court of Revision - June 24, 2020

RE: James Shepley Drain: Bridge for Bolger

12.4 Committee of Adjustment Meeting - July 21, 2020

12.5 Personnel Committee - August 11, 2020

(PC-20-02) Recommendation to Council that the Personnel Committee provide the following recommendation for Council consideration regarding the final approval for CAO recruitment:

1. Approval to hire a CAO must be passed with a majority plus one (1) of those Council members in attendance.

13. Financial

13.1 June 2020 Bank Payments Report

R20-08-306
Moved By Deputy Mayor Meloche
Seconded By Councillor Garon

That the Bank Payments Report, including the June cheque register, cheque number 51491 to 51587 inclusive in the amount of $3,750,810.98; the Preauthorized Payments for the month of June of $320,580.57; and the Payroll for June 2020 in the amount of $406,455.78, be ratified as submitted.

Carried

14. New Business

15. Notices of Motion

15.1 The following Notices of Motions were brought forward at the August 4, 2020 Regular Council Meeting and are brought forward this evening for Council's consideration:

15.1.1 Councillor Bondy

RE: Council Report Tracker

Moved By Councillor Bondy
Seconded By Councillor Garon

That Council requests the Town of Essex Administration to implement a Council Report Tracker similar to the reporting spreadsheet used by the Town of Lakeshore.

Councillor Bondy asked for a recorded vote.

Recorded	**Support**	**Against**
Mayor Snively		X
Deputy Mayor Meloche	X	
Councillor Garon	X	
Councillor Bowman		X
Councillor Verbeek	X	
Councillor Bjorkman		X
Councillor Vander Doelen		X
Councillor Bondy	X	
Cameron Soucie, Youth Council Member		
Results	**4**	**4**

Defeated (4 to 4)

15.1.2 Mayor Snively

RE: Hunting License Review

- By-Law 633
  Licence Fees - Hunting Ring-Necked Pheasants Rabbits

Mayor Snively asked Council to consider whether the Town Essex should continue to issue pheasant and rabbit licences.

Director of Corporate Services/Finance, Jeffrey Morrison advised that the Town of Essex collected $930.00 in revenue for hunting licences for the last two years.

R20-08-307 (Amended)
Moved by Councillor Bowman
Seconded by Deputy Mayor Meloche
That the Town of Essex suspend selling pheasant and rabbit licences.

Carried

15.2 The following Notices of Motions will be presented at the September 8, 2020 Regular Council Meeting for Council's consideration:

15.2.1 Councillor Bondy

RE: Earlier Mailout for Notices of Drain Maintenance Works

That Town of Essex Council directs Administration to send out Notices of Drain Maintenance Works in December and January if possible before planting season, to minimize the impact to our farming community during planting and harvesting season.

15.2.2 Councillor Bondy

RE: Review Regular Council Meeting Agenda and Procedural By-Law

That Town of Essex Council discuss and direct Administration to review the agenda and procedural by-law for our regular council meetings. For example the registering of delegations speaking to agenda items, roll call of votes, the notice of motion process and the submission of verbal reports to be discussed along with any other suggestions from councillors to make improvements to public service.

15.2.3 Councillor Verbeek

That in light of the correspondence shared by the province regarding regulatory framework changes in the POA (agenda item 11.1.1.6) and the new Ontario school bus stop arm cameras (agenda item 11.1.5) that Council have a discussion on the feasibility of implementing this kind of safety measure.

16. Reports and Announcements from Council Members

Each Council member was provided an opportunity to discuss their latest news and activities in the municipality.

17. By-Laws

17.1 By-Laws that require a third and final reading

17.1.1 By-Law 1939

Being a by-law to confirm the proceedings of the August 4, 2020 Regular Meeting of the Council of The Corporation of the Town of Essex

R20-08-308
Moved By Councillor Bowman
Seconded By Deputy Mayor Meloche

That By-Law 1939, being a by-law to confirm the proceedings of the August 4, 2020, Regular Meeting of the Council of The Corporation of the Town of Essex, be read a third time and finally passed on August 24, 2020.

Carried

17.2 By-Laws that require a first, second, third and final reading

17.2.1 By-Law 1942

Being a by-law to approve the submission of an application to the Ontario Infrastructure and Lands Corporation ("OILC") for the long-term financing of certain capital work(s) of The Corporation of the Town of Essex (the "Municipality"); and to authorize entering into a Rate Offer Letter Agreement pursuant to which the Municipality will issue debentures to OILC

R20-08-309
Moved By Councillor Bjorkman
Seconded By Councillor Vander Doelen

That By-Law 1942 being a by-law to approve the submission of an application to the Ontario Infrastructure and Lands Corporation ("OILC") for the long-term financing of certain capital work(s) of The Corporation of the Town of Essex (the "Municipality"); and to authorize entering into a Rate Offer Letter Agreement pursuant to which the Municipality will issue debentures to OILC, be read a first, a second and a third time and finally adopted on August 24, 2020.

Carried

17.3 By-Laws that require a first and second reading

17.3.1 By-Law 1944

Being a by-law to confirm the proceedings of the August 24, 2020 Regular Meeting of the Council of the Corporation of the Town of Essex

R20-08-310
Moved By Councillor Bjorkman
Seconded By Councillor Verbeek

That By-Law 1944 being a by-law to confirm the proceedings of the August 24, 2020 Regular Meeting of the Council of The Corporation of the Town of Essex, be read a first and a second time and provisionally adopted on August 24, 2020.

Carried

18. Adjournment

R20-08-311
Moved By Deputy Mayor Meloche
Seconded By Councillor Bjorkman

That the meeting be adjourned at 9:10 PM.

Carried

_____

Mayor

_____

Clerk

The Corporation of the Town of Essex

By-law Number 1950

Being a By-law Regulating the Erection of Signs in the Town of Essex

Whereas Section 11(1) of the Municipal Act, R.S.O. 2001 authorizes a municipality to provide a service that the municipality considers necessary or desirable for the public;

And whereas Section 11 (3) of the Municipal Act, R.S.O. 2001 authorizes a municipality to pass by-laws respecting matters within its jurisdiction;

And whereas Council of the Town of Essex did pass By-Law Number 1350 being a by-law regulating the erection of signs in the Town of Essex on July 13, 2015;

And whereas Colchester Ridge Estate Winery wishes to erect a ground sign at 108 County Road 50 East that does not fully conform with the provisions of By-law 1350;

And whereas Council of the Town of Essex desires to permit Colchester Ridge Estate Winery to erect a site specific ground sign at 108 County Road 50 East, herein referred to as the "Winery";

Now therefore be it resolved that the Council of The Corporation of the Town of Essex permits the erection of one (1) ground sign at 108 County Road 50 East in accordance with the renderings attached herein in Schedule A and in accordance with the following regulations:

1. The sign shall be utilized for business identification and may include in combination therewith an electronic display which will be used as a lighted sign for identification of the property and the use(s) on it; conveying on-site information or direction, and or advertising an on-site product or service, an on-site or off-site charitable event or any combination of them;
2. The lighted sign shall be operational exclusively during Winery business hours and each message displayed shall not change within the permitted daily operational period.
3. Maximum height - 2.45 meters;
4. Maximum sign face area each side – 4.3 square meters;
5. A maximum of fifty percent of the permitted sign face area on each side shall be the electronic display;

Read a first, second and third time and finally adopted on October 5, 2020.

_____

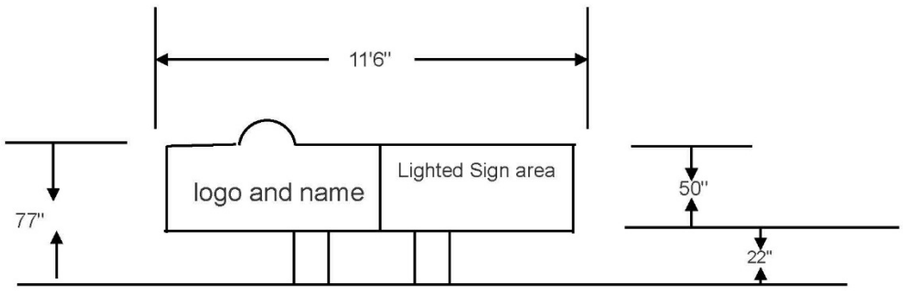
Mayor

_____

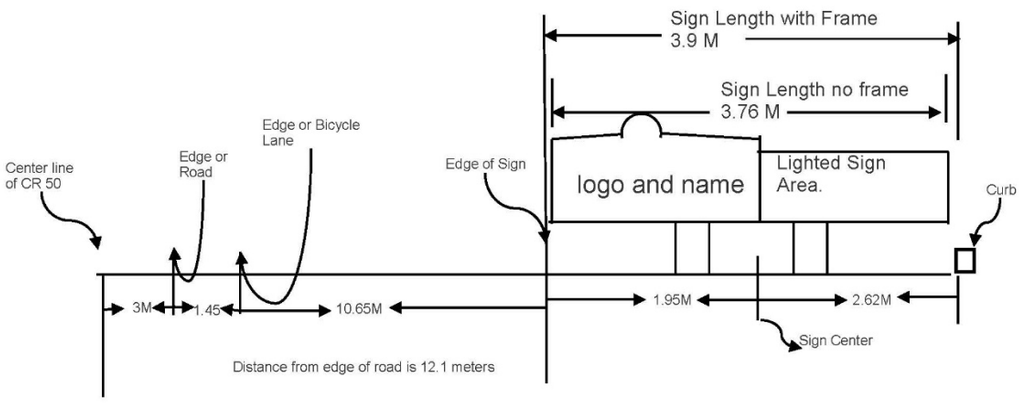
Clerk

Schedule A

The height of the sign face is 77" without the hump, 94" with the logo.
The length of the sign face is 11' 6"
The sign face area is exactly 44.8 ft sq without the logo and 46 Ft sq with the logo



The drawing is not to scale. The dimensions are accurate.



Report to Council

Department:	Development Services
Division:	Planning
Date:	October 5, 2020
Prepared by:	Rita Jabbour, RPP, Manager, Planning Services
Report Number:	PLANNING2020-26
Subject:	CREW Sign Bylaw Amendment (Bylaw1950)
Number of Pages:	54 (Including attachments)

Recommendation(s)

That Planning report PLANNING2020-26 entitled CREW Sign Bylaw Amendment (Bylaw 1950) prepared by Rita Jabbour, RPP, Manager, Planning Services dated October 5, 2020 be received, and

That Council deny or approve Bylaw 1950, Being a Bylaw Regulating the Erection of Signs in the Town of Essex, for the property located at 108 County Road 50 East.

Purpose

To obtain Council's decision on Bylaw 1950, being a Bylaw Regulating the Erection of Signs in the Town of Essex, for the property located at 108 County Road 50 East (CREW Winery) to allow for an on-site ground sign of 2.45 metres in height with a Sign Face Area (SFA) of 4.3 square metres and a lighted sign component. Any amendment to the Town of Essex Sign Bylaw, Bylaw 1350, for special regulations that differ from one (1) or more provisions of the Bylaw for a sign must be submitted to the Town for decision by Council.

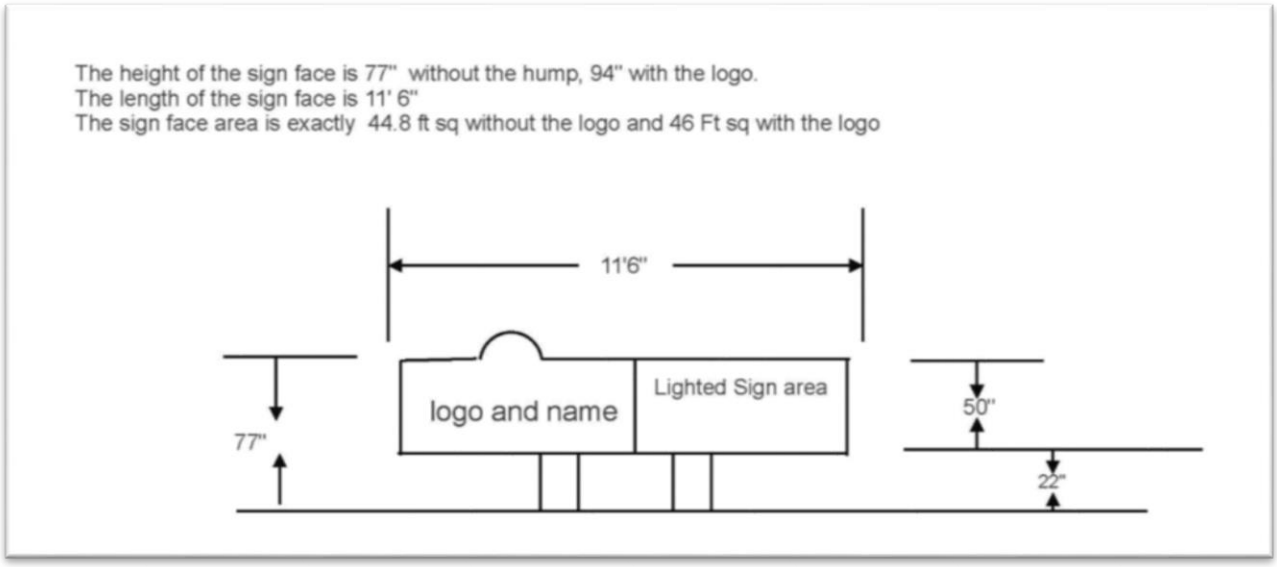
Background and Discussion

A request for site-specific amendment to By-law 1350, being a By-law regulating the erection of signs in the Town of Essex, was submitted in December 2019 by Mr. Bernard Gorski of the Colchester Ridge Estate Winery (CREW) located at 108 County Road 50 East in the former township of Colchester South to retain an existing 4.4 metre (14.4 foot) pole sign structure with electronic media component. Council subsequently resolved to defer decision on the application until Administration undertook a review of By-law 1350 specific to signage along County Road 50. **A copy of Planning report PLANNING2020-01 is attached to this report.**

At a special Council meeting on July 13, 2020, Council was presented with the results of survey submissions concerning the adequacy of signage along County Road 50. **A copy of the presentation is attached to this report.** Seventy-seven percent (77%) of survey respondents were not in favour of allowing an electronic media sign component as part of a business identification or business advertising sign along County Road 50. Seventy-two percent (72%) of survey respondents were not in favour of permitting pole signs higher than 2 metres (6.5 feet) along County Road 50. Council subsequently resolved to make no general amendments to the existing Sign Bylaw regulations and continue to receive applications for amendments on a site specific basis (**Resolution Number: SP20-07-013**).

On July 23, 2020, Council was presented with a revised application to retain the pole sign structure and utilize the existing electronic media component as a lighted sign for the display of a static message. Council deferred the application at their regular meeting on August 4, 2020, upon the request of the proponent who wished to present a further amended proposal to appease the concerns of residents and Council, and better align with the intentions of the sign bylaw for non-residential uses within agricultural districts along County Road 50. **A copy of Planning report PLANNING2020-18 is attached to this report.**

On September 8, 2020, Council was presented with the amended proposal identified below:



As identified in the **attached letter of application** to Mayor and Council, the applicant noted that the design of the sign had been changed to include a horizontal layout, rather than the previously-proposed vertical orientation which was more reflective of a pole sign structure. A portion of the proposed sign would include a lighted sign area for the conveyance of on-site information, such as opening and closing hours. Words and numbers were **not** proposed to be displayed in an animated format and therefore the lighted sign area **did not** constitute an electronic media sign.

In their report, administration stated that *lighted sign*s are signs which are lit either internally or externally to enhance the visibility of the sign, as per the definition of a *Lighted Sign* under Bylaw 1350. Although the intention of Bylaw 1350 was to clearly permit lighted signs in agricultural districts, upon further review of the Bylaw, it was noted that reference to lighted signs are absent from **any** land use district in the Bylaw and are therefore, not explicitly permitted nor prohibited in the Agricultural district. (Administration will be proposing a general amendment to Bylaw 1350 in the future to correct this omission and explicitly recognize lighted signs in various districts). **A copy of Planning report PLANNING2020-22 is attached.**

The sign presented to Council on September 8 was not in compliance with the maximum regulations for the height and Sign Face Area (SFA) of ground signs under Bylaw 1350 due

mainly to the curved portion of the CREW logo. Without the logo portion, the height of the sign would be in compliance with the sign bylaw. As noted in administration's report, the logo adds to the aesthetic design of the sign and occupies a small portion of the overall sign.

In summary, the following amendments were requested on September 8:

- An increase of 0.39 metres in the height of the sign;
- An increase of 0.27 square metres in the SFA; and,
- The use of a lighted sign.

Following discussion, Council approved the requested variances to the sign for the CREW winery and directed administration to return with an appropriate site specific amending Bylaw (**Resolution Number: R20-09-315**).

Bylaw 1950

Bylaw 1950 was presented to Council on Monday September 21, 2020. Council posed the following questions to administration and the proponent:

- Do the hours of operation for the lighted sign area include instances of special events such as weddings?
  Administration noted that the intention of the bylaw was to allow the operation of the lighted sign area during Winery business hours which would include special events such as weddings. (Interior and exterior areas for private receptions form part of the function of a winery as defined under Zoning Bylaw, Bylaw 1037)
- Could messaging for off-site events or businesses be displayed in the lighted sign area?
  Administration stated that the Bylaw would allow for the identification of on-site or off-site charitable events, similar to what is permitted for any ground sign under Bylaw 1350.
- How is the height of the sign measured?
  Administration stated that height is measured from the ground immediately below the sign to the highest point of the sign above the ground.

- How many lines or sign area will be dedicated to the display of the message in the lighted sign?

  The proponent noted that the Sign Face Area (SFA) on the lighted sign will be no larger than fifty percent (50%) of the area of the entire sign. He stated that more than one line would be needed to display a message such as “Merry Christmas” and the winery operating hours but would fall within the maximum allowable SFA.
- Is there a limit on the level of illumination or brightness for the lighted sign area? Administration noted that the Bylaw does not include regulations concerning the illumination level or brightness for the lighted sign because it would be difficult to enforce. Administration noted that the Bylaw attempts to limit the exposure on neighbouring properties by limiting the operation of the lighted sign to winery business hours only.

Following discussion, Council subsequently resolved to table the Bylaw until the next regular Council meeting (October 5) to allow for further research and discussion regarding the illumination matter.

Based on their research, Administration has since concluded that regulating illumination on a site-specific basis poses a number of issues for enforcement, namely:

- The Town’s Sign By-law 1950 does not currently incorporate municipal-wide regulations for intensity of illumination. There would be concerns with imposing a site-specific regulation for illumination without a proper municipal-wide review of the by-law and amendments to all lighted signs in the Town;
- Use of a smart phone application may not be reliable and/or accurate for measurement, however there are a number of meters that could be used to measure illumination (i.e. lumen meter, lux meter). Similar to a radar detector, the device would need to be calibrated, certified, and each person using the device would require proper training, potential additional in-house or third-party resources, and implementation of a standardized complex process (i.e. manufacturer’s certification of lumen level);
- Potential third-party advisory services to establish distances for measurement and the time of day measurements as benchmarks for consistent readings;

- The Ontario Provincial Police (OPP) would be required to enforce illumination after regular Town of Essex business hours, and would require the appropriate training and same tools to enforce illumination for consistency; and finally,
- Tickets for infractions may not be defendable in court. Other lights in the area may interfere with meters and therefore result in higher readings for the sign than what normally would be generated if it was the only light source.

Based on the information above, Bylaw 1950 has been presented without any amendments for discussion and Council's direction or decision.

Financial Impact

None.

Consultations

Kevin Carter, Manager, Building Services, Chief Building Official

Jake Morassut, By-Law Enforcement Officer

Jeff Watson, Planner

Link to Strategic Priorities

☐ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.

☐ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.

☐ Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.

☒ Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.

☐ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.

☐ Improve the Town's capacity to meet the ongoing and future service needs of its citizens while ensuring the corporation is resilient in the face of unanticipated changes or disruptions.

Report Approval Details

Document Title:	CREW Sign Bylaw Amendment (Bylaw 1950) .docx
Attachments:	- Bylaw 1950.docx - Sign By-Law letter to Essex 8-24-20.docx - Planning-2020-01.docx - SBL Public Meeting Presentation July 13 2020.pdf - PlANNING2020-18 .docx - PLANNING2020-22 .docx
Final Approval Date:	Sep 30, 2020

This report and all of its attachments were approved and signed as outlined below:

Lori Chadwick, Director, Development Services - Sep 30, 2020 - 11:09 AM

Chris Nepszy, Chief Administrative Officer - Sep 30, 2020 - 12:21 PM

Colchester Ridge Estate Winery

T: 519.738.9800
F: 519.978.1904

108 County Road 50 E
P.O. Box 609 Harrow, Ontario
N0R 1G0

www.colchesterridge.com

August 25, 2020

To the Mayor and members of Council of the Town of Essex

During these unforeseen economic circumstances, a lot of Ontario businesses find themselves struggling because of COVID-19 restrictions and as such must be careful not to overspend to stay in business. Currently, it is financially difficult for all businesses in Ontario, especially wineries, restaurants, B&Bs and other tourism businesses that depend on the public to generate revenue. We cannot make expensive changes; we must work within our means using the resources we have to stay in business. My new sign proposal has been designed to be economically feasible for CREW and will help promote local business and create jobs in our community. The Ontario Government is asking people to buy Ontario goods and services to help generate jobs and to keep our Ontario businesses viable. That is what I am trying to do, and I need your help to do this.

I have changed the design of the sign by changing the layout from vertical to horizontal. It is my intention to meet the 2 meters height regulation of the by-laws. I am sure you will find this new proposal in line with the other signs in our area. However, I will still need a site-specific minor variance for the size. The sign face is slightly larger by 9% because of the curved portion of the Logo. This feature adds to the aesthetics of the sign so I think it is important to keep it. Below I am using sign comparisons from the neighbouring wineries that the Town of Essex provided as good examples of winery signs in our area. The new sign we propose will be close to the same size as other wineries have along County Road 50. The proposed CREW sign dimensions are slightly smaller than the dimensions of Oxley's sign. And slightly smaller than Viewpointe's sign. CREW requires the same competitive advantage as its neighbouring wineries because we enjoy the same customers and I think consistency is important.
The CREW sign dimensions are in the attached drawing. I propose to have a sign which is permitted in the sign by-laws.

This sign will be mounted on the concrete pedestals that are there. This will keep the sign above the snow and the landscaping. The sign will be attractive and in line with the other signs in the area as well as maintaining the ambiance of the rural landscape of County Road 50.

I would like to conclude by thanking you for your help and for supporting agri-business and tourism in our community.

Regards

Bernard Gorski

CREW

Report to Council

Department:	Development Services
Division:	Planning
Date:	January 20, 2020
Prepared by:	Rita Jabbour, Manager, Planning Services
Report Number:	PLANING2020-01
Subject:	Planning-2020-01.docx
Number of Pages:	14

Recommendation(s)

That "Planning-2020-01" entitled "Sign By-law Amendment for 108 County Road 50 East" prepared by "Rita Jabbour, Manager, Planning Services" dated "January 20, 2020" be received, and

That the application for a site specific sign bylaw amendment, submitted by Mr. Bernard Gorski of 108 County Road 50 East, to retain the existing pole sign structure with electronic media component, be denied.

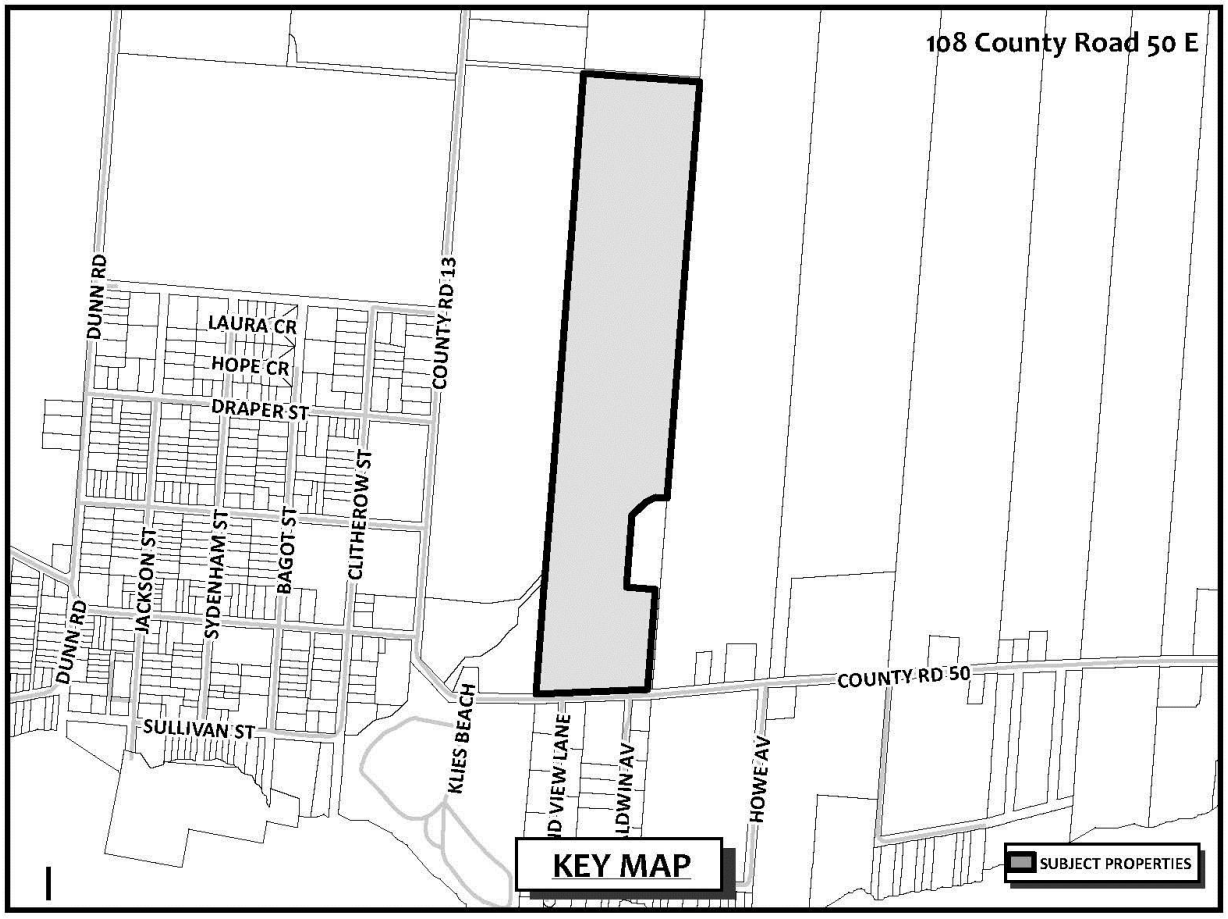
Purpose

For a non-residential use in an agricultural district, Town of Essex Sign By-law, By-law 1350, does not permit an electronic media sign or an on-site ground sign having a height which is greater than 2.0 metres. Any amendment to By-law 1350 for special regulations that differ from one or more of the provisions of the by-law for a sign that is not permitted must be submitted to the Town for approval by Council.

Background and Discussion

An application for a site specific amendment to Bylaw-1350, being a By-law regulating the erection of signs in the Town of Essex, was submitted by Mr. Bernard Gorski of the Colchester Ridge Estate Winery (CREW) for the property located at 108 County Road 50 East for the retention of the existing pole sign structure with electronic media component.

The subject property is located on the north side of County Road 50 just east of the Colchester Hamlet:



The subject property is zoned Agricultural District 1.1 (A1.1) for general agriculture and farm production support activities under Town of Essex Zoning Bylaw, Bylaw 1037. The subject property is currently occupied by a vineyard, winery and a newly constructed winery retail store and event space. (A winery in combination with a vineyard is a permitted use under the A1.1 zoning district). Residential development exists to the south of the subject property.

To compliment the new winery retail store and event space, the applicant constructed a new sign structure to replace a previous sign structure constructed in 2005 when Bylaw 355, the preceding sign bylaw, was in effect. The new sign structure is supported by two (2) 6x6 steel posts; an existing logo that was moved from the previous sign structure; and, an LED electronic media sign which occupies 2.2 square metres. The new sign structure is located in the same area as the previous sign and is setback a distance of 72 feet from the centre of County Road 50.

Figure 1. New sign structure with steel posts, logo and electronic media component

Figure 2. Previous sign structure with wood posts, logo and letter board

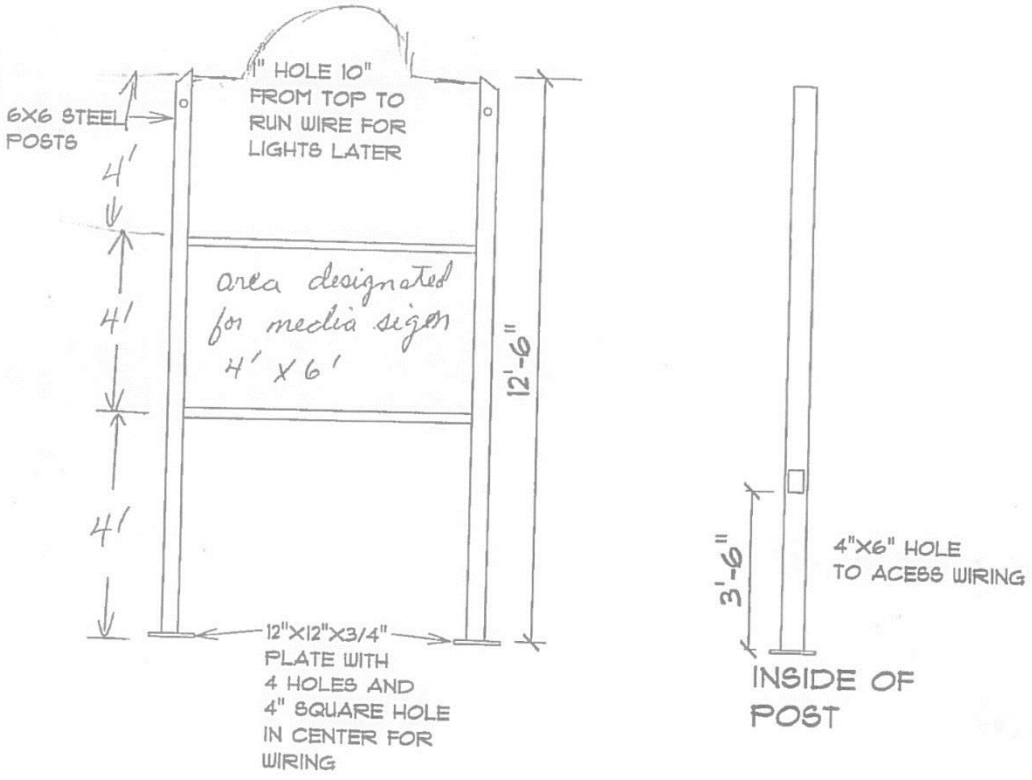


Figure 3. Measurement of new sign structure as submitted by applicant

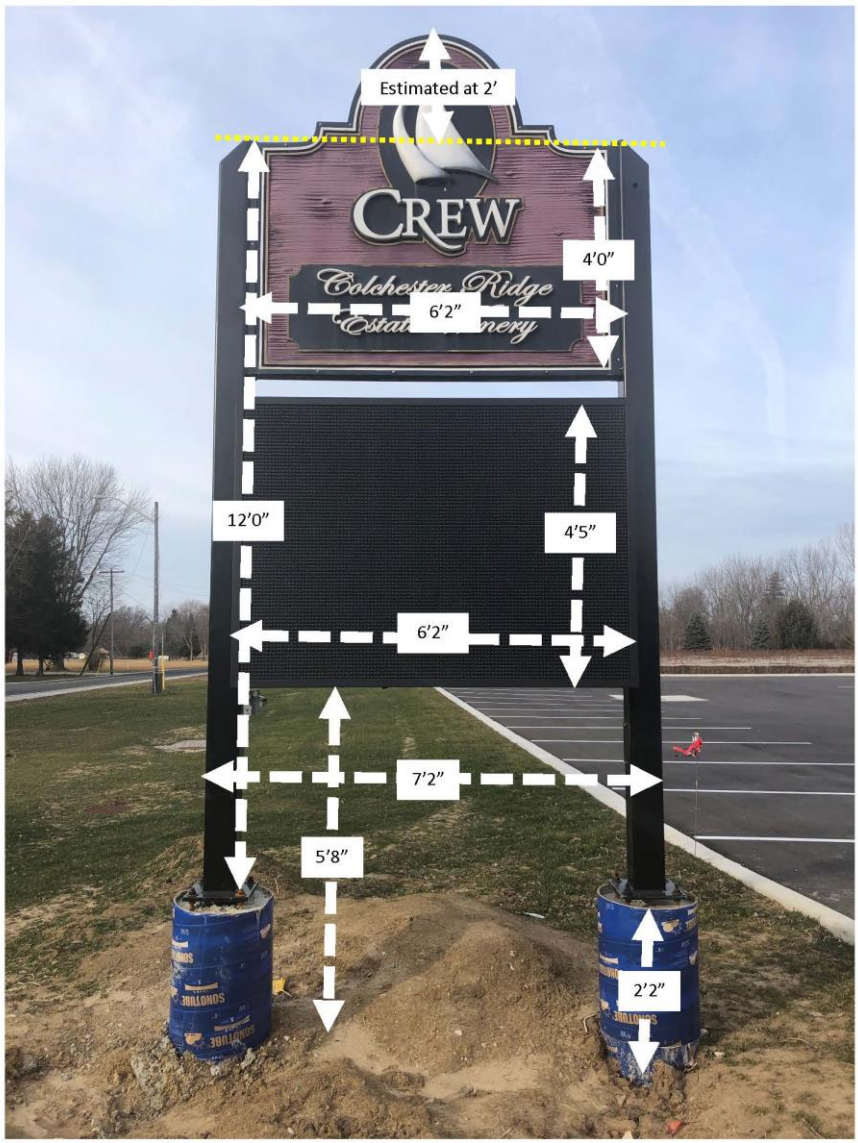


Figure 4. Measurements of new sign structure as submitted by Town of Essex Building Division

Special Regulations for Signs in Agricultural Districts under Bylaw 1350

In accordance with section 1.4 (1) of Bylaw 1350, no person shall, within the limits of the Corporation of the Town of Essex, place, erect, alter or replace a sign, whether a temporary sign or a permanent sign, except as permitted by the Bylaw and in conformity with the applicable provisions of the Ontario Building Code, as the same may be amended from time to time, and such other applicable legislation.

No sign permit from the Town of Essex or County of Essex was obtained for the construction of the new sign structure in 2019. No record of construction permit exists for the erection of the sign structure in 2005, either. (Note: Bylaw 355 did not include specific regulations for signs in agricultural zones). The applicant states that he was not aware of the necessity for a sign permit as he viewed it as being a replacement sign. (Note: the executed site plan agreement for the new retail and event facility indicated that a sign permit was required).

The sign structure erected at the subject property falls within the definition of a pole sign. Pole signs are free-standing signs permanently affixed to the ground by a pole or poles, with or without decorative cladding, and have a sign height of **more than 2.0 metres** above the ground. Pole signs are only permitted in Commercial, Institutional and Manufacturing districts under Bylaw 1350. Height regulations are dependent on the property frontage, and only 50 percent of the sign face area may be an electronic media sign.

For a non-residential use in an agricultural district, such as a winery, By-law 1350 only permits one (1) on-site *ground sign* with a **maximum height of 2.0 metres**. An *electronic media sign*, defined as a sign or part of a sign, exclusive of a flashing sign, comprising a video monitor or an electronic display for the display of images, words and or numbers in an animated format used exclusively for the purpose of conveying a message, is **not** permitted in the agricultural district under Bylaw 1350. Rather, a maximum of 70 percent of the sign face area may be a changeable copy sign, which is defined as individual letters, numbers and symbols that can be physically mounted on a display panel to convey a message (Note: the provision for the changeable copy sign face area in agricultural districts is greater than in commercial districts, which has a 50% limit).

An application for an amendment to this by-law for special regulations that differ from one or more of the provisions of this by-law or for a sign that is not permitted may be submitted to the Town for approval by Council. The application must be accompanied by an explanation as to why the applicable provisions of the by-law cannot be met.

In constructing the new sign structure, more specifically, the electronic media component, the applicant considered the economic and environmental benefit of an electronic media sign. In his application, Mr. Gorski argues that electronic media signs are important for progress and success along a tourism route that is heavily supported by the County of Essex, TWEPI and other local municipalities. He believes that the growth of this area would be hindered by enforcing signage laws that limit his ability to attract tourists that are unfamiliar with the area from the road.

In Commercial, Institutional and Manufacturing districts, there is a concentration of land uses so variety in sign types serve the purpose of distinguishing one business from another. In agricultural districts, there is a more limited range of uses, predominantly low key farm activities, and they are sparsely located. As such, businesses do not have to compete for attention using signage as one means to do so. To date, the wineries have used low key business signage more in keeping with the land use types around them. This is reflected within the sign by-law.

Figure 3. Ground sign at Coopers Hawk Winery

Figure 4. Ground Sign at Oxley Estate Winery

Figure 5. Ground Sign at Erie Shore Vineyard

County of Essex Sign Regulations

Mr. Kristoffer Balallo, Engineering Technician for the County of Essex, has had an opportunity to review the sign structure at 108 County Road 50 East. He states that the sign meets County of Essex standards for height and location. Electronic media signs are permitted by the County. They however must have a minimum display duration (frame) of 180 seconds and a transition between frames of not more than (one) 1 second. They cannot include any flashing or animation of any kind. The County of Essex does not have a sign bylaw but rather utilizes a Best Management Practice Manual as a guide. These instructions are to be used in conjunction with all municipal bylaws.

Recommendation

County Road 50 has become an important tourist destination within the Town of Essex with its burgeoning wine and agri-tourism industry. However, County Road 50 still maintains a large rural residential component. Prior to the submission of this application, administration received two (2) correspondences from a neighbouring resident who expressed concerns with the sign. The resident described the sign as a nuisance as it illuminates their front lawn and bedroom. (Note: The concerned resident has been notified of this application by way of email and invited to appear as a delegation on the matter.)

Managing responsible and viable growth while preserving and enhancing the unique rural and small town character of the community is an identified goal under the Town of Essex Corporate Strategic Plan. Bylaw 1350 does not establish special regulations for signage along County Road 50 which would take into consideration the area's unique mix of land uses (agricultural, commercial, residential).

An electronic media sign is incompatible with residential land uses to the south of the subject property without specific regulations that have regard to hours of operation for the sign and lumens levels. Electronic media signs in agricultural districts for commercial uses such as wineries and breweries commonly located in agricultural areas, should only be permitted following a general amendment to Bylaw 1350 with special regard to the uniqueness of County Road 50, and not on a site specific basis.

The applicant is eager to come to an agreement that mitigates any impact from the sign on his neighbours, while meeting the goals of his business. In order to maintain the objectives of Bylaw 1350, however, administration is recommending that the application for sign bylaw amendment as submitted by Mr. Gorski of 108 County Road 50 East, to retain the existing pole sign structure with electronic media component, be denied.

Financial Impact

None.

Consultations

Kevin Carter, Manager, Building Services/Chief Building Official

Jeff Watson, Planner

Jake Morassut, By-Law Enforcement Officer

Kristoffer Balallo, Engineering Technician, County of Essex

Link to Strategic Priorities

☐ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.

☐ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.

☐ Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.

☒ Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.

☐ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.

County Road 50
Sign By-law Review

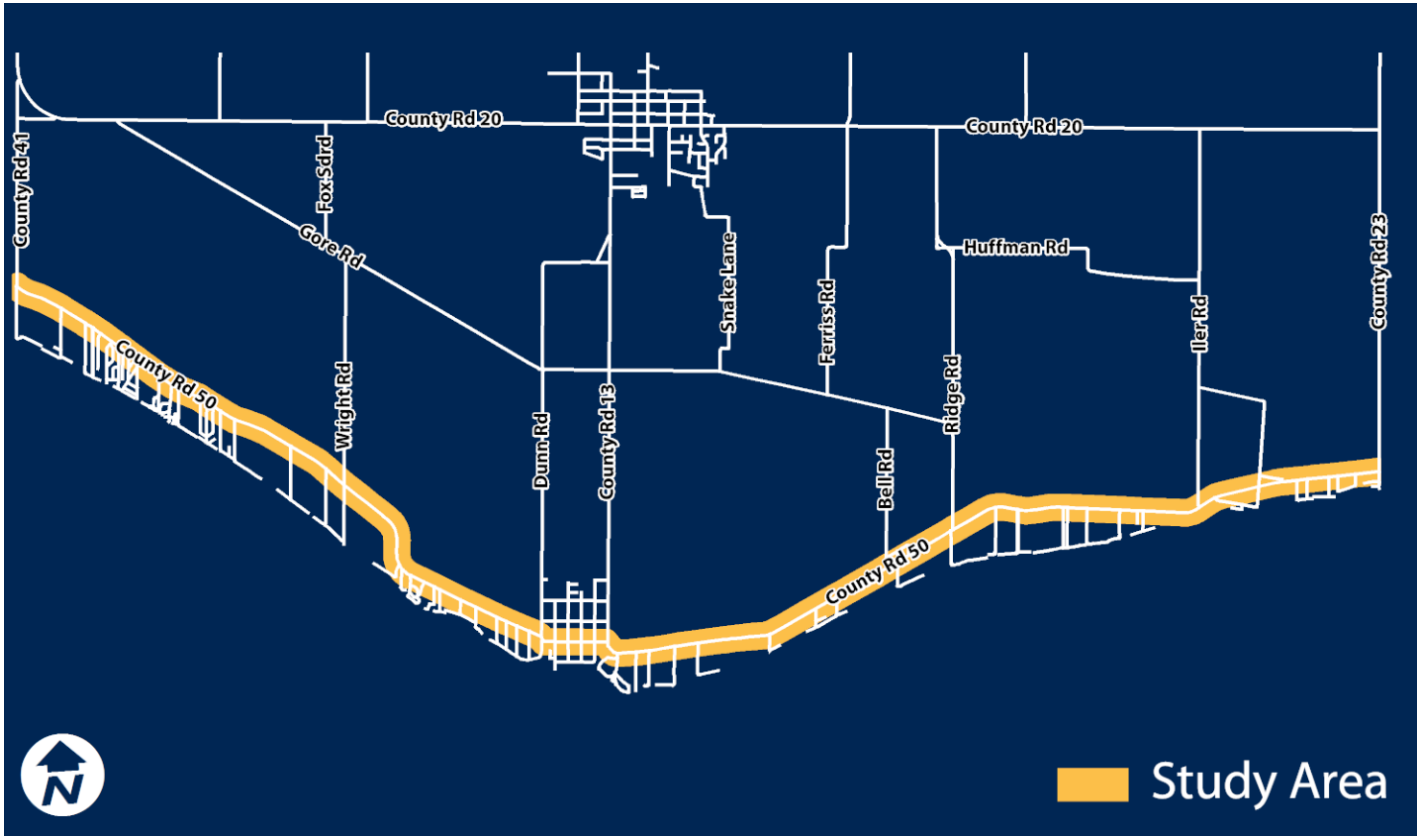
Public Meeting

Monday, July 13, 2020

The Sign By-law

- Adopted by Town Council in 2015
- Regulates the installation and maintenance of **all permanent and temporary signage** in the community whether:
  - Related to a business or a home occupation, or
  - General product, activity, or event advertising
- On January 20, 2020, Council directed Administration to review the By-law specific to signage along County Road 50

Study Area


County Rd 20
County Rd 20
County Rd 41
Fox 5 drd
Gore Rd
Huffman Rd
Snake Lane
Ferriss Rd
Ridge Rd
Ier Rd
County Rd 23
County Rd 50
Wright Rd
Dunn Rd
County Rd 13
Bell Rd
County Rd 50
N
Study Area

Character of County Road 50

- Traditionally characterized by a mix of residential, recreational, and farm operations.
- Business activity on County Road 50 has changed in recent years with the introduction of **agri-tourism activities** such as:
  - Wineries
  - Bed and Breakfast Facilities
  - Camps, Retreats, Cottages
  - Food Processing Plant

Character of County Road 50

- Regulations in the Sign By-law are currently categorized by Zoning District

Signage Currently Permitted in Agricultural Districts

Type of Sign	Maximum Height	Maximum Sign Face Area	Other Regulations
Ground Sign	2 m / 6.5 ft	4 sq. m / 43 sq. ft	Non-electronic changeable letters are permitted as part of a ground sign
Temporary Portable Sign		4 sq. m / 43 sq. ft	For special occasions and events only

2015 Rationale:

- A reflection of the existing signage in place for non-residential establishments;
- Acknowledging the predominately rural, low key character of the road, its importance as an active transportation corridor, the reduced speed limits, and the wide physical spacing between non-residential uses;
- Balancing increasingly diverse land uses.

Permitted Signage in Agricultural Districts

A business identification sign is permitted and may be located on a building wall or may be a free-standing **ground sign**, as depicted in the image above.

A **non-electronic changeable-letter sign**, as depicted above, is permitted.

A temporary special occasion **portable sign**, as in the example above, is permitted subject to the issuance of a temporary sign permit.

Signage Not Permitted in Agricultural Districts

A **pole sign,** as in the examples above, is a free standing sign and differs from a ground sign, is currently not permitted.

An **electronic media sign**, as in the examples above whether part of a free-standing pole sign or part of a ground sign, is currently not permitted.

Amendments for Consideration

- Changes in the business environment of County Road 50, particularly in relation to agri-tourism related activities, have resulted in recent requests to amend the current sign regulations to:
  - permit pole signs which are higher than ground signs, and to
  - allow electronic media identification and advertising signs.

Public Consultation Efforts

Information Package and Online Survey:

- Town of Essex Website
- Social Media Releases
- Notice in Essex Free Press and Harrow News
- Email to Stakeholders within the Harrow & Colchester South Chamber of Commerce and Explore the Shore
- Direct Mail to 300+ Property Owners fronting County Road 50

Public Consultation Efforts

essex

SURVEY:
Town of Essex
County Road 50 Sign By-law Amendments

PRIOR TO JULY 3, 2020:

- Complete the Online Survey posted to the Town's website at www.essex.ca/CR50SignSurvey; or
- Scan and email this Survey to CR50signbylaw@essex.ca; or
- Mail a hard copy of this Survey to the Planning Division at Town of Essex, 33 Talbot Street S, Essex, Ontario N8M 1A8; or
- Provide your input via telephone at (519) 776-7336 ext. 1128.

1. Do you think that the signage used by various non-residential uses along County Road 50 (CR50) could be improved? Yes No

   If yes, how can signage be improved (as it relates to business identification or advertising):

   _____
   _____
   _____
   _____
   _____

2. If signage forms a part of the community's appearance, how would you describe CR 50's visual appearance generally and how would you judge the aesthetic impact of existing business signage?

   Aesthetic appearance along CR50:
   Negative Neutral Positive

   Contribution of existing signage to the appearance of the community:
   Negative Neutral Positive

   _____
   _____
   _____
   _____
   _____

essex

Would you be in favour of an electronic media sign component as part of a business identification/business advertising sign along CR 50?

Yes

Yes with restrictions on: size? hours of operation? brightness of light?

No

Would you be in favour of permitting pole signs for a business identification/business advertising sign along CR50? Pole signs are higher than the currently-permitted sign height of 2m (6.5 feet).

Yes

Yes with restrictions on: size? sign height?

No

Do you support the use of temporary business signage such as:

A-frame signs (small signs placed in the boulevard by day and removed by night) to identify a business, a product or an event on the same property?

Large two-sided portable signs placed to advertise a business, a product or an event on the same property?

Should there be a time limit placed on the use of a portable sign –

Yes: by day? by week? by month?

No

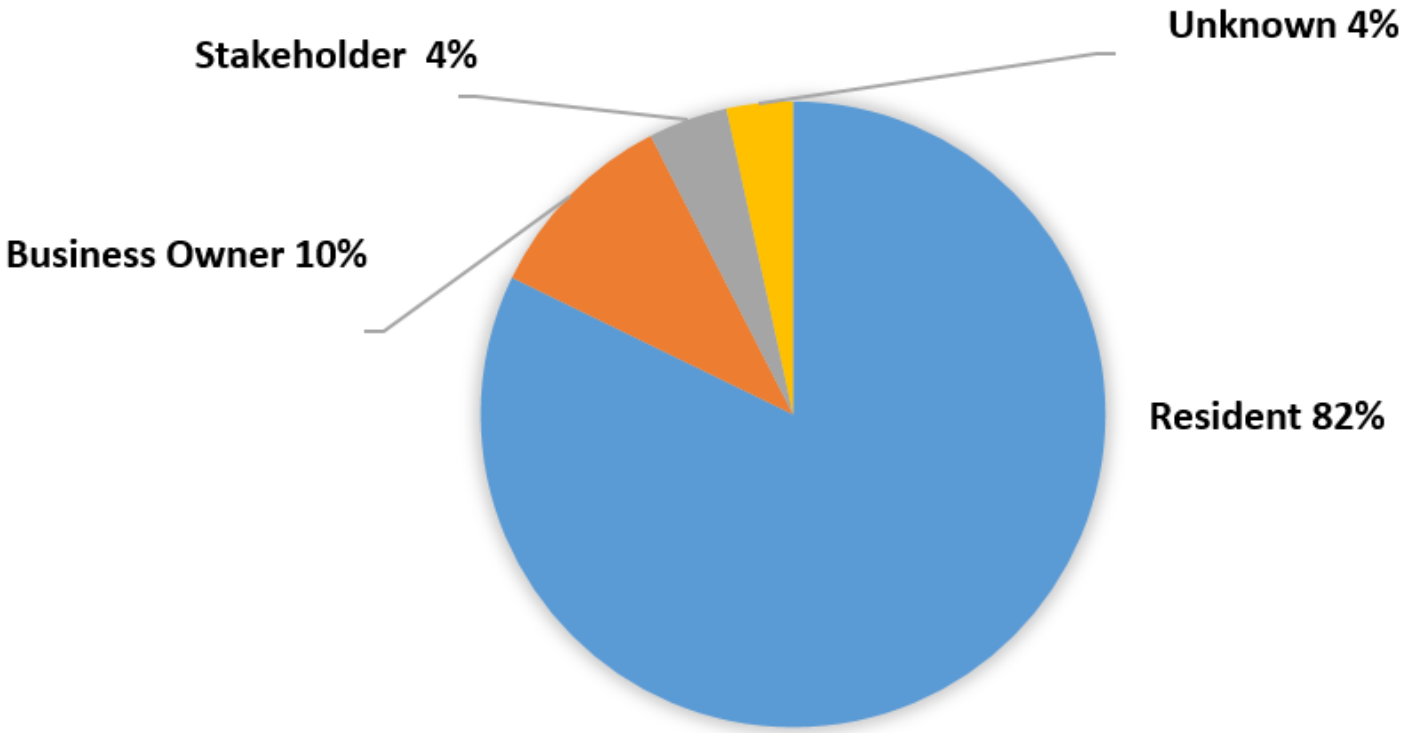
Any other comments, requests or recommendations?

_____
_____
_____
_____
_____

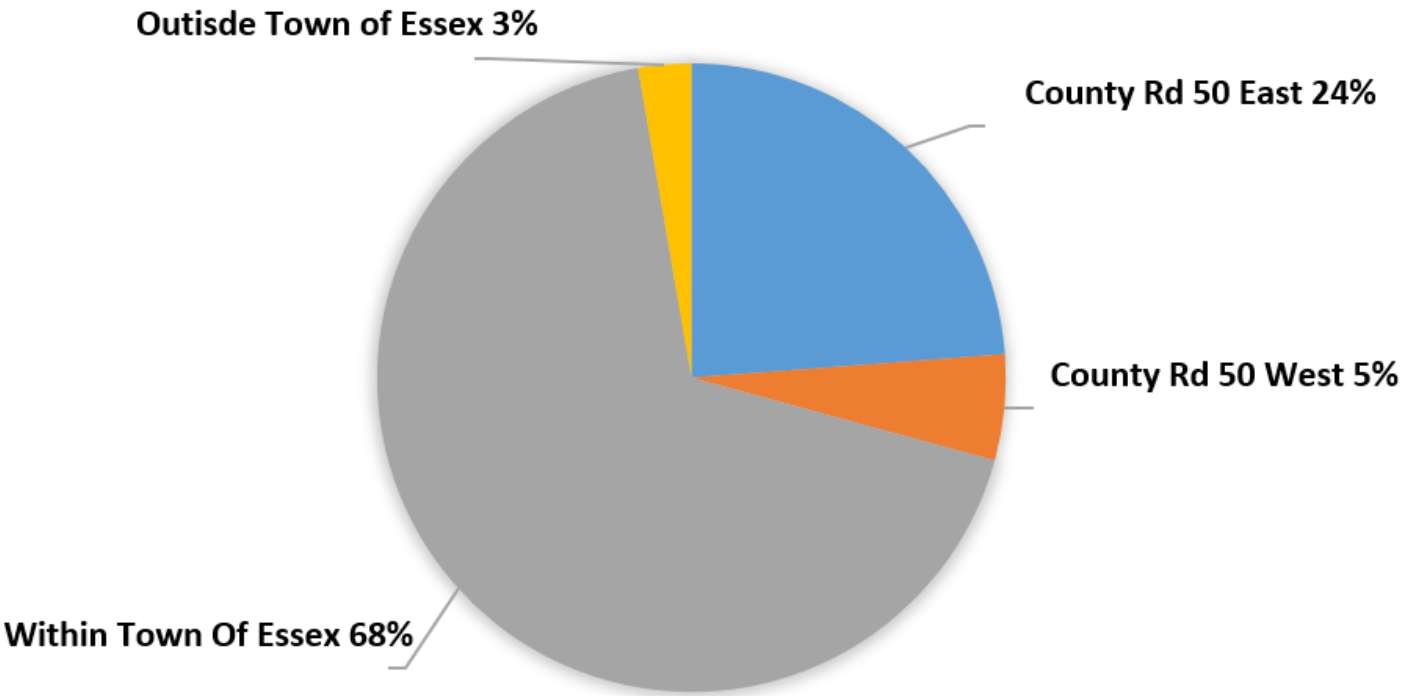
Thank-you for your participation.

essex

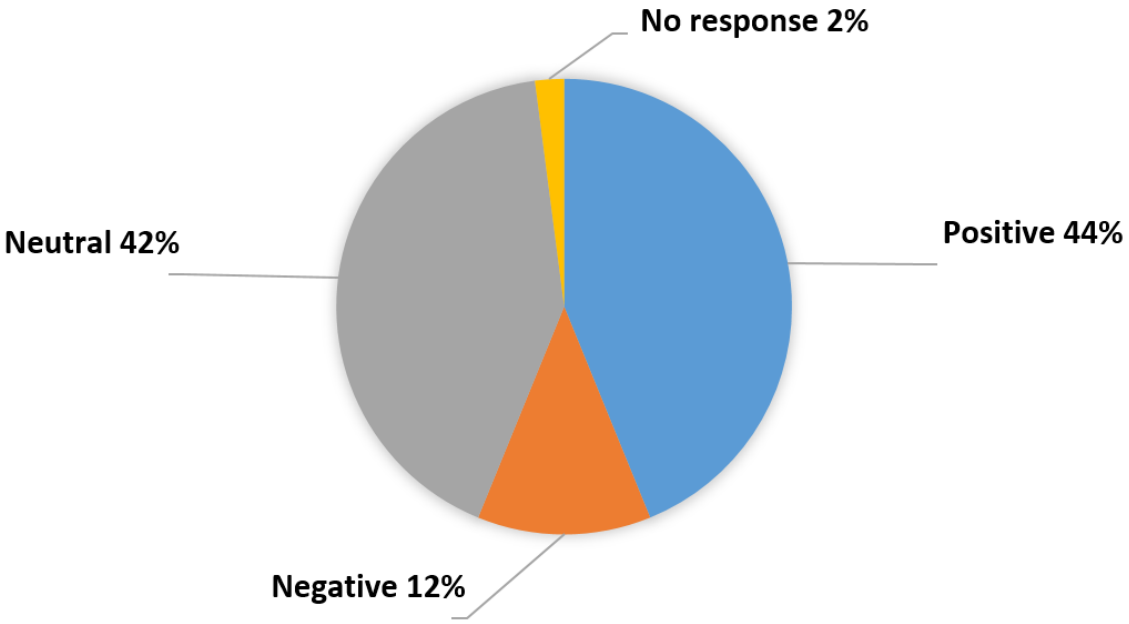
Survey Results: Demographics



Survey Results: Demographics



Survey Results:
Contribution of Existing Signage on CR 50

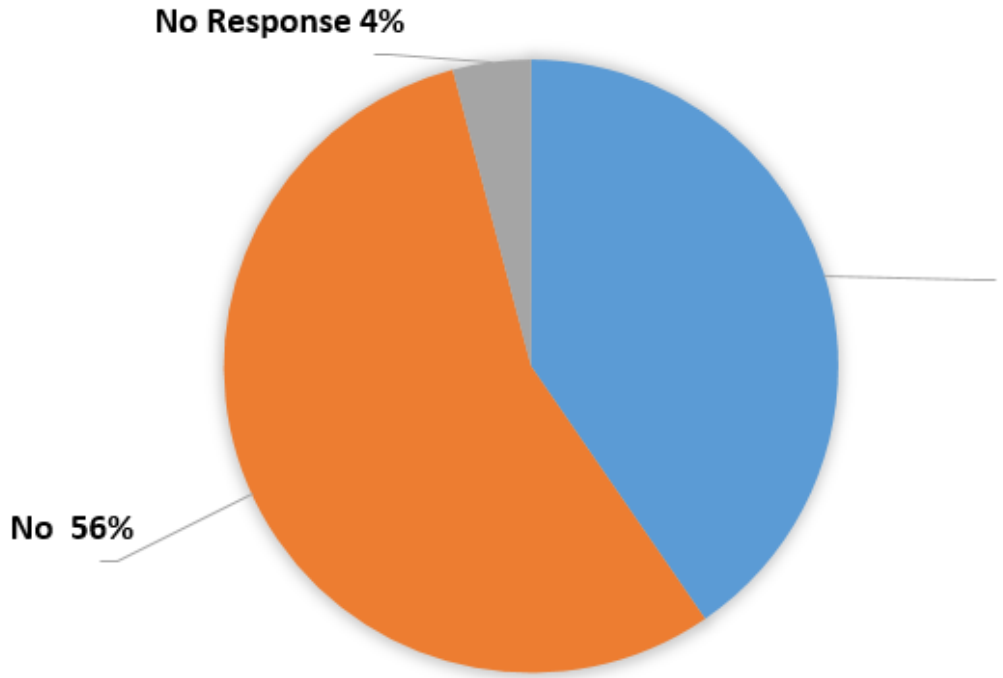


"Appealing, charming"

"Maintains rural character"

"Tasteful, unobtrusive"

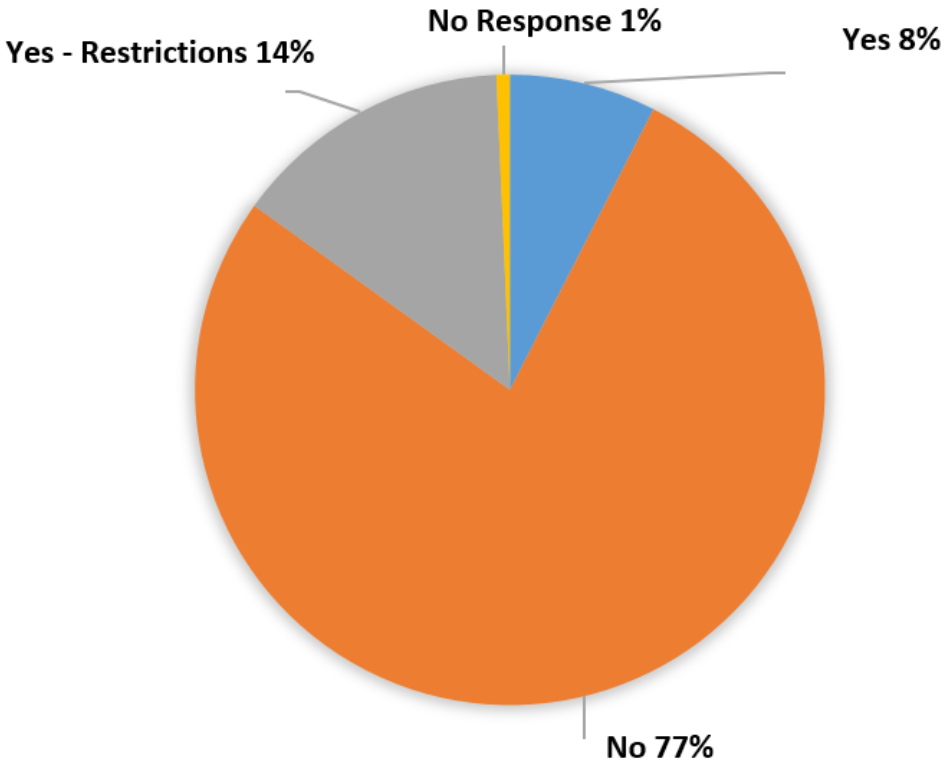
Survey Results:
Does Signage on CR 50 Need Improvement?



"Better permanent signage to eliminate temporary signs & banners"

"Better maintenance and refreshing of existing signage"

Survey Results: Electronic Media Signs



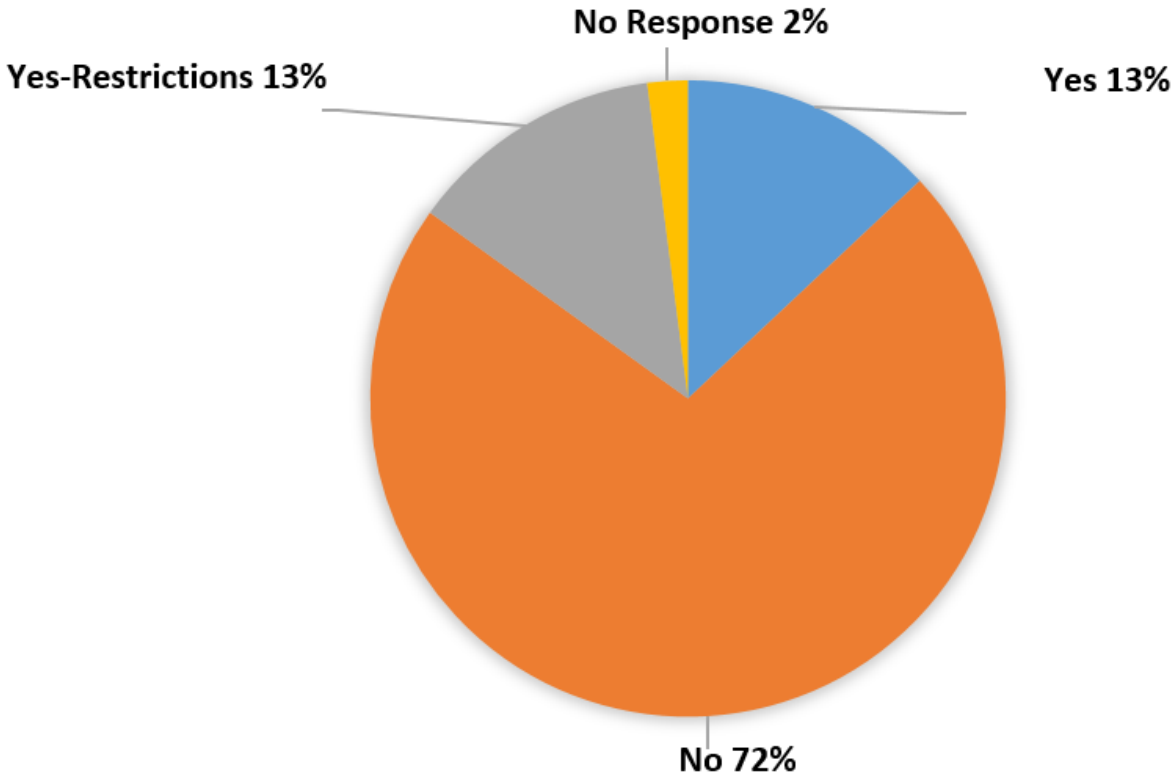
"Contrary to rural character"

"Night sky compliance"

"Concerns with animation, distraction"

"Concerns with brightness, size, and hours of operation"

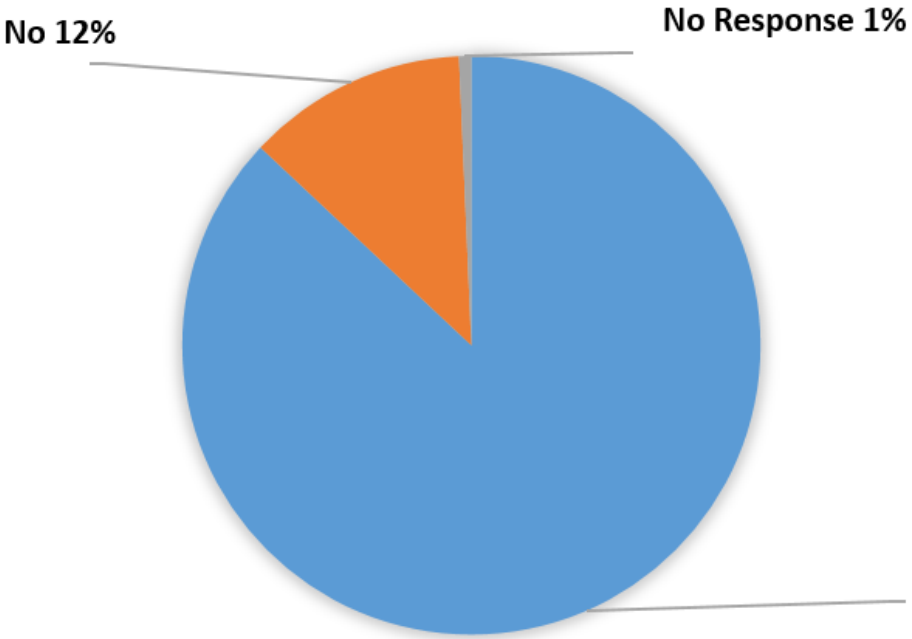
Survey Results: Pole Signs



"Contrary to rural character"

"Concerns with height"

Survey Results: Portable Signs



"Only for special events along CR 50"

"Not an alternative to permanent signage"

"Time limit by event or duration"

Survey Results:
Most Common Themes, Suggestions

- Maintain rural character
- Professionally-designed signs pleasing both customers and residents
- Accommodate business needs / permit more flexibility without pole signs or electronic media component
- Standardized signage specific to CR 50

Other Correspondence Received

- Colchester Ridge Estate Winery
- Anne Marie Grant
- Kathy Langlois
- Richard Herniman

Next Steps

- Administration to Prepare Report to Council
- Final Report and Draft Sign By-law Amendments, if any are recommended, to be presented at August 4th Regular Council Meeting for decision-making
- No appeal period
- Applications for Site-specific Sign By-law Amendments

Questions, Comments, Discussion

Report to Council

Department:	Development Services
Division:	Planning
Date:	August 4, 2020
Prepared by:	Rita Jabbour, RPP, Manager, Planning Services
Report Number:	PLANNING2020-18
Subject:	PlANNING2020-18 .docx
Number of Pages:	7

Recommendation(s)

That Planning report PLANNING2020-18 entitled Sign Bylaw Amendment Request for 108 County Road 50 East prepared by Rita Jabbour, RPP, Manager, Planning Services dated August 4, 2020 be received.

Purpose

For a non-residential use in an Agricultural District, Town of Essex Sign By-law, By-law 1350, does not permit an on-site ground sign having a height which is greater than 2.0 metres. Any amendment to By-law 1350 for special regulations that differ from one or more provisions of the By-law for a sign that is not permitted must be submitted to the Town for decision by Council.

Background and Discussion

A request for a site-specific amendment to By-law 1350, being a By-law regulating the erection of signs in the Town of Essex, was submitted in December 2019 by Mr. Bernard Gorski of the

Colchester Ridge Estate Winery (CREW) for the property located at 108 County Road 50 East for the retention of the existing 4.4 metre (14.4 feet) pole sign structure with electronic display, and was presented to Council on January 20, 2020. Council resolved to defer decision on the application until Administration underwent a review of the Town's sign bylaw specific to signage along County Road 50. A copy of Planning report PLANNING2020-01 is attached to this report.

At a special Council meeting on July 13, 2020 following the submission and presentation of survey results concerning the adequacy of signage along County Road 50, Council resolved to make no general amendments to the existing sign Bylaw regulations and continue to receive applications for amendments on a site specific basis (Resolution Number: SP20-07-013).

On July 23, 2020, Mr. Gorski submitted a revised application to remove the electronic media component of the sign, but retain the pole sign structure.

Figure 1. The new sign structure at CREW Winery constructed in 2019.

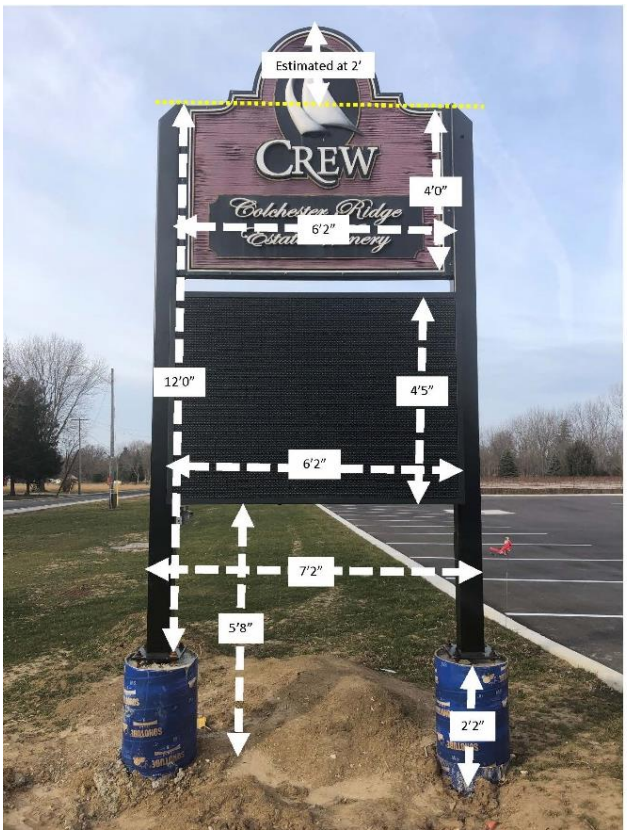


Figure 2. Dimensions of new sign structure as submitted by Town of Essex Building Division

Figure 3. Previous sign structure constructed in 2005.

For a non-residential use in an Agricultural District, such as a winery, Town of Essex Sign By-law, By-law 1350, permits one (1) on-site *ground sign* having a maximum height of 2.0 metres (6.5 feet).

- A *ground sign* is defined as a free standing sign, permanently affixed to the ground and used for identification of the property and the use(s) on it; conveying on-site information or decision, and or advertising an on-site product or service, and on-site or off-site charitable event or any combination of them.

The sign structure erected at the subject property falls within the definition of a *pole sign*.

- *Pole signs* are free-standing signs permanently affixed to the ground by a pole or poles, with or without decorative cladding, and have a sign height of more than 2.0 metres (6.5 feet) above the ground. Pole signs are only permitted in Commercial, Institutional and Manufacturing districts under Bylaw 1350, where height regulations are dependent on the property frontage.

The new sign structure is 4.4 metres (14.4 feet) in height and is supported by two (2) 6x6 steel posts; an existing logo that was moved from the previous sign structure; and, a powered-down LED electronic display which occupies 2.2 square metres (23.7 square feet).

- Therefore the new pole sign is 2.4 metres (7.9 feet) greater in height than a permitted ground sign, and 0.24 metres (0.8 feet) greater than the previous ground sign.

In an effort to lessen the impact of the height of the new sign structure, the applicant has proposed to install raised planter boxes along the base of the structure. The planters will be constructed using landscape timbers and will be two (2) feet in height, four (4) feet in width, and ten (10) feet in length. The planters will integrate flowers similar in variety to those used along the periphery of the Colchester welcome sign.

The applicant is proposing to utilize the electronic display for the display of a digital static message indicating hours of operation, only. The sign is proposed to be automatically set to turn on at 10AM and turn off at 6PM, with a black background and either green or yellow or red letters.

Figure 4. Proposed Lighted Sign

An *electronic media sign*, defined as a sign or part of a sign, exclusive of a flashing sign, comprising a video monitor or an electronic display for the display of images, words and or numbers in an animated format used exclusively for the purpose of conveying a message, is not permitted in the agricultural district under Bylaw 1350.

The proposed sign does not constitute an electronic media sign since the words and numbers are **not** proposed to be displayed in an animated format. This proposed use constitutes a *lighted sign* which is defined as a sign that is lit either internally or externally to enhance its visibility. Lighted signs are permitted in the agricultural district. One such example is the Viewpoint Winery sign as indicated below:

Photo Source: Essex Tourism Directory

The area comprising the static message- the *Sign Face Area*- is proposed to be no greater than one (1) square metre on both sides of the electronic display.

A *Sign Face Area* is defined as that part of the sign used or capable of being used for identification, the conveyance of information and or advertising. When the sign is composed of individual letters, numerals or symbols or any combination of them, the sign face area is the outside area of the sum of them. The maximum sign face area for an on-site ground sign, on one-side, is 4.0 square metres under Bylaw 1350. The sign face area for the proposed structure will total 3.3 square metres on each side, when the electronic display is combined with the existing logo board.

The Engineering Technician for the County of Essex has reviewed the sign structure at 108 County Road 50 East and has stated that the sign meets County of Essex standards for height and location. The County of Essex does not have a sign bylaw but rather utilizes a Best

Management Practice Manual as a guide. These instructions are to be used in conjunction with all municipal bylaws.

Council may choose to deny or approve the request to retain the existing 4.4 metre pole sign structure. Council may approve an amendment by resolution or by a supplementary by-law, at Council's discretion.

If it is the desire of Council to approve the amendments, it should be conditional on the applicant limiting the lighted sign face area to one (1) square metre on both sides; the installation of decorative landscaping along the base of the structure; and, the obtainment of a sign permit from the Town of Essex Building Division.

Financial Impact

None.

Consultations

Kristoffer Ballalo, Engineering Technician, County of Essex

Link to Strategic Priorities

☐ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.

☐ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.

☐ Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.

☒ Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.

☐ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.

Report Approval Details

Document Title:	Sign Bylaw Amendment Request for 108 County Road 50 East (Ward 3) .docx
Attachments:	- Sign Bylaw Amendment for 108 County Road 50 East - Planning-2020-01.docx
Final Approval Date:	Jul 27, 2020

This report and all of its attachments were approved and signed as outlined below:

Lori Chadwick, Director, Development Services - Jul 27, 2020 - 12:05 PM

Chris Nepszy, Chief Administrative Officer - Jul 27, 2020 - 12:59 PM

Report to Council

Department:	Development Services
Division:	Planning
Date:	September 8, 2020
Prepared by:	Rita Jabbour, RPP, Manager, Planning Services
Report Number:	Planning2020-22
Subject:	PLANNING2020-22 .docx
Number of Pages:	30 (includes attachments)

Recommendation(s)

That Planning2020-22 entitled Sign Bylaw Amendment Request for CREW Winery (108 County Road 50 East, Ward 3) prepared by Rita Jabbour, Manager, Planning Services dated September 8, 2020 be received, and,

That Council deny or approve the requested amendments by resolution or a supplementary by-law.

Purpose

To obtain Council's decision on an application for sign bylaw amendment for the property located at 108 County Road 50 East (CREW Winery) to allow for an on-site ground sign of 2.39 metres in height with a Sign Face Area (SFA) of 4.27 square metres and a lighted sign component. Any amendment to Town of Essex Sign Bylaw, Bylaw 1350, for special regulations that differ from one (1) or more provisions of the Bylaw for a sign must be submitted to the Town for decision by Council.

Background and Discussion

A request for site-specific amendment to By-law 1350, being a By-law regulating the erection of signs in the Town of Essex, was submitted in December 2019 by Mr. Bernard Gorski of the Colchester Ridge Estate Winery (CREW) located at 108 County Road 50 East in the former township of Colchester South. Council was presented with an application seeking the retention of an existing 4.4 metre (14.4 foot) pole sign structure with electronic media component on January 20, 2020. The proposal at that time and what currently exists is identified in **Figure 1**. Council subsequently resolved to defer decision on the application until Administration undertook a review of By-law 1350 specific to signage along County Road 50. A copy of Planning report PLANNING2020-01 is attached to this report.

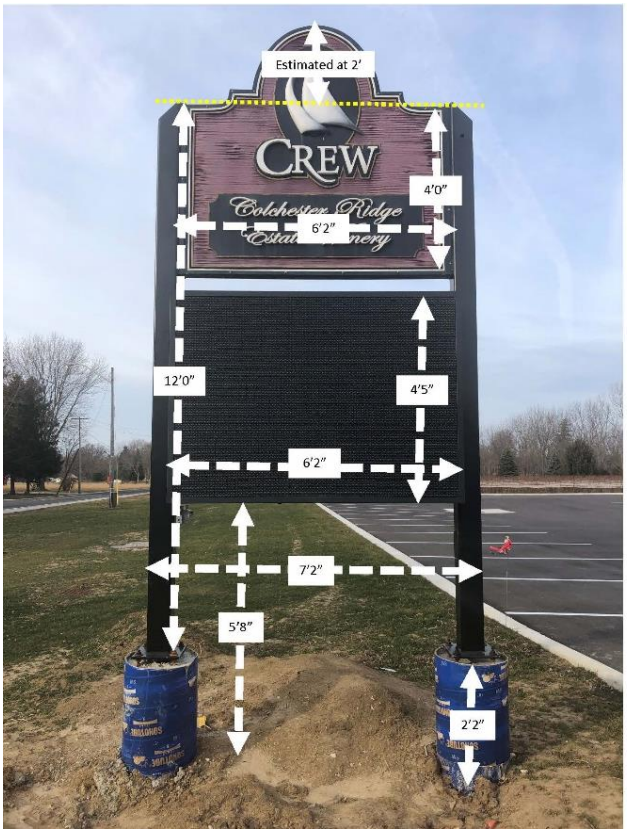


Figure 1. January 20, 2020 pole sign proposal with electronic media component

At a special Council meeting on July 13, 2020, and following the submission and presentation of survey results concerning the adequacy of signage along County Road 50, Council resolved to make no general amendments to the existing Sign Bylaw regulations and continue to receive applications for amendments on a site specific basis (**Resolution Number: SP20-07-013**).

On July 23, 2020, Mr. Gorski submitted a revised application to remove the electronic media component of the sign but retain the pole sign structure. The electronic component was proposed to be utilized for the display of a static message, as identified in **Figure 2**. Council deferred the application at their regular meeting on August 4, 2020, upon the request of Mr. Gorski who wished to present a further amended proposal to appease the concerns of residents and Council, and better align with the intentions of the sign bylaw for non-residential uses within agricultural districts along County Road 50. A copy of Planning report PLANNING2020-18 is attached to this report.

Figure 2. Electronic component proposed to be utilized for static message

September 8 Proposal

For a non-residential use in an Agricultural District, such as a winery, Town of Essex Sign By-law, By-law 1350, permits one (1) on-site *ground sign*. A *ground sign* is defined as a free standing sign, permanently affixed to the ground and used for identification of the property and the use(s) on it; conveying on-site information or direction, and or advertising an on-site product or service, and on-site or off-site charitable event or any combination of them.

A ground sign is limited to a maximum height of 2.0 metres (6.5 feet) and a maximum Sign Face Area (SFA) of 4 square metres (43 square feet). Bylaw 1350 defines "Height" as the height of the sign from the ground immediately below it to the highest point of the sign above ground. A "Sign Face Area" is defined as that part of the sign used or capable of being used for identification, the conveyance of information and/or advertising. When the sign is composed of individual letters, numerals or symbols or any combination of them, the SFA is the outside area of the sum of them.

The proposed sign structure is identified below in **Figure 4**:

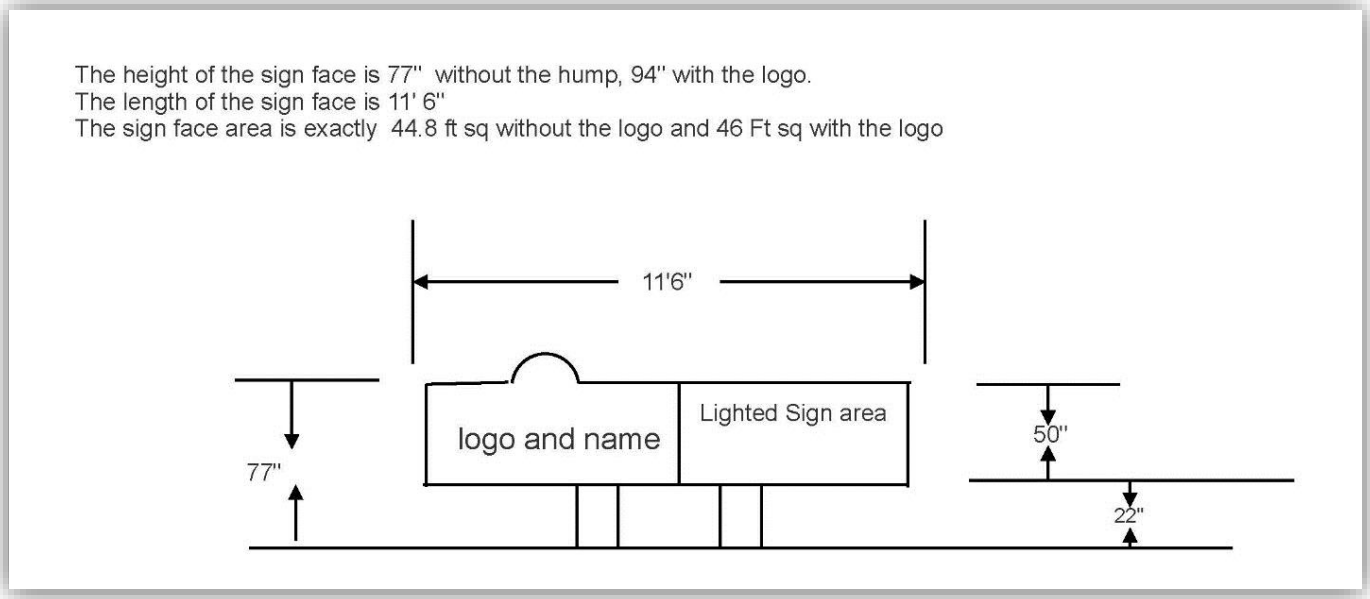


Figure 4. September 8, 2020 sign proposal

As identified in the attached letter of application to Mayor and Council, the applicant notes that the design of the sign has been changed to include a horizontal layout, rather than the previously proposed vertical orientation which was more reflective of a pole sign structure. A portion of the proposed sign will include a lighted sign area for the conveyance of on-site information, such as opening and closing hours. Words and numbers are **not** proposed to be displayed in an animated format and therefore the lighted sign area **does not** constitute an electronic media sign.

Lighted signs are signs which are lit either internally or externally to enhance the visibility of the sign. Examples of lighted signs exist in the commercial district and agricultural districts. One such example is the Viewpoint Winery sign identified in **Figure 5**. Although the intention of Bylaw 1350 was to clearly permit lighted signs in agricultural districts, upon further review of the Bylaw, it was noted that reference to lighted signs are absent from **any** land use district in the Bylaw and are therefore, not explicitly permitted nor prohibited in the Agricultural district. (Administration will be proposing a general amendment to Bylaw 1350 in the future to correct this omission and explicitly recognize lighted signs in various districts).

Figure 5. Lighted Sign at Viewpointe Winery *(Photo Source: Essex Tourism Directory)*

The proposed sign is not in compliance with the maximum regulations for the height and SFA due to the curved portion of the CREW logo. Without the logo portion, the height of the sign

would be in compliance with the sign bylaw. The logo, however, adds to the aesthetic design of the sign and occupies a small portion of the overall sign.

In summary, the following amendments are, therefore, required:

- An increase of 0.39 metres in the height of the sign;
- An increase of 0.27 square metres in the SFA; and,
- The use of a lighted sign.

The applicant is aware of the necessity for a sign permit from the County of Essex and Town of Essex Building division. Mr. Gorski has been working diligently with the Building and Planning division on the matter in hopes of presenting a sign that is attractive for residents and tourists along County Road 50, and effective for his business while still maintaining and respecting the rural landscape and ambiance of the area and better aligning with the intentions of the sign bylaw for non-residential uses within agricultural districts along County Road 50.

It is ultimately the decision of Council to deny or approve the requested amendments by resolution or a supplementary by-law.

Financial Impact

None.

Consultations

Kevin Carter, C.E.T, C.B.C.O. Manager Building Services, Chief Building Official

Jeff Watson, Planner

Link to Strategic Priorities

☐ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.

☐ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.

☐ Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.

☒ Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.

☐ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.

☐ Improve the Town's capacity to meet the ongoing and future service needs of its citizens while ensuring the corporation is resilient in the face of unanticipated changes or disruptions.

Report Approval Details

Document Title:	Sign Bylaw Amendment Request for CREW Winery (108 County Road 50 East, Ward 3) .docx
Attachments:	- Sign Bylaw Amendment for 108 County Road 50 East - Planning-2020-01.docx - Sign Bylaw Amendment Request for 108 County Road 50 East (Ward 3) .docx - Sign By-Law letter to Essex 8-24-20.docx - Horizontal Sign Drawing 8-26-20.jpg
Final Approval Date:	Aug 31, 2020

This report and all of its attachments were approved and signed as outlined below:

Lori Chadwick, Director, Development Services - Aug 31, 2020 - 11:58 AM

No Signature - Task assigned to Chris Nepszy, Chief Administrative Officer was completed by delegate Doug Sweet, Director, Community Services/Deputy CAO

Chris Nepszy, Chief Administrative Officer - Aug 31, 2020 - 3:18 PM

Report to Council

Department:	Corporate Services
Date:	October 5th, 2020
Prepared by:	Katelynn Giurissevich, Manager, Finance and Business Services
Submitted by:	Jeffrey Morrison, Director of Corporate Services
Report Number:	Finance and Business Services Report 2020-02
Subject:	Results of Request for Proposal External Audit Services
Number of Pages:	3

Recommendation(s)/Conclusion(s)

It is recommended that:

1. Finance and Business Services Report 2020-02 entitled "Results of Request for Proposal External Audit Services" be received; and
2. Council award the Request for Proposal External Audit Services to KPMG LLP in the total amount of $89,175.34 including non-refundable Harmonized Sales Tax for a three (3) year term with an option to extend another three (3) year term subject to satifactory performance and price negotiation.

Purpose

In accordance with Section 296. (1) of the Municipal Act, 2001, a municipality shall appoint an auditor licensed under the Public Accounting Act, 2004, who is responsible for,

a) annually audit the accounts and transactions of the municipality and its local boards and expressing an opinion on the financial statements of these bodies based on the audit; and

b) performing duties required by the municipality or local board.

Background

Section 296. (3) of the Municipal Act, 2001, identifies that an auditor shall not be appointed for a term exceeding five years. The five year term (2014-2019) for our current audit services has now passed.

A Request for Proposal following the guidelines as set out in the Town Procurement By-Law Number 1043, was posted on the Town's website, and closed August 19th, 2020 at 3:00:00 pm.

Two proposals were received and evaluated using a scorecard approach taking into consideration the fee proposal, Municipal audit experience, qualifications of key personnel, understanding of the proposal scope, quality of the proposal, value added and innovative concepts.

The proposal review process included a team made up of:

- Katelynn Giurissevich, Manager, Finance and Business Services
- Jeffrey Morrison, Director, Corporate Services
- Heather MacDonald, Assistant Manager, Finance Services
- Jackson Tang, Assistant Manager, Business Services

After reviewing each proposal as submitted and totaling the scores, KPMG LLP submitted the lowest price and scored the highest as well. In addition KPMG LLP's proposal addressed all areas of the scope as identified in the request for proposal, including pricing.

Financial Impact

The total cost per year including non-refundable Harmonized Sales Tax for the period of 2020 to 2022 as submitted by KPMG LLP as compared with the Town of Essex's 2020 Operating Budget and 4 Year Forecast (GL Account 1-1-12-121-53120 Professional Fees - Audit) is:

Description	2020	2021	2022	Total Amount (2020 to 2022)
Approved 2020 Operating Budget and 4 Year Forecast	$30,528.00	$30,528.00	$30,528.00	$91,584.00
Total cost per year including (1.76%) non-refundable Harmonized Sales Tax by KPMG LLP	$29,126.26	$29,725.11	$30,323.97	$89,175.34

The total amount for External Audit Services from 2020 to 2022 including non-refundable Harmonized Sales Tax is within the approved 2020 Operating Budget and 4 Year Forecast.

Link to Strategic Priorities

Not applicable.

Reviewed by:

Jackson Tang, Assistant Manager, Finance and Business Services, Concur

Jeffrey Morrison, Director of Corporate Services, Concur

JOINT BOARD OF MANAGEMENT

Wednesday, July 15, 2020
9:00 AM

Virtually in Zoom

MINUTES

Members Present:	Mayor MacDonald (Chair); Deputy Mayor Verbeke, Councillors Dunn, Jacobs, Hammond – Leamington Mayor Santos, Deputy Mayor Queen, Councillors DeYong, Neufeld, Patterson – Kingsville Councillor VanderDoelen – Essex Mayor Bain (alternate) - Lakeshore
Municipal Staff Absent:	Councillor Wilkinson - Leamington
UWSS Staff Present:	Rodney Bouchard, Manager UWSS Khristine Johnson, UWSS Recording Secretary
Municipal Staff Present:	Kevin Girard - Essex Shaun Martinho – Kingsville Albert Dionne - Lakeshore Shannon Belleau - Leamington
OCWA Staff Present:	Susan Budden Dale Dillen, Ken Penney

Call to Order: 9:05 am

Disclosures of Pecuniary Interest: none

Adoption of Board Minutes:

The Regular Minutes of the Union Water Supply System Joint Board of Management meeting held virtually on Wednesday, June 17, 2020 is received.

No. UW-33-20

Moved by: Deputy Mayor Verbeke

Seconded by: Councillor DeYong

That the Regular Meeting Minutes of the UWSS Joint Board of Management meeting of June 17, 2020 is approved..

Carried

Business Arising Out of the Minutes:

There was none.

Report UW/18/20 dated July 10, 2020 re: Status Update of the UWSS Operations & Maintenance Activities and Capital Works to June 12, 2020

The Manager thanks all members for attending the zoom meeting and reminds members that staff are continuing to work remotely as much as possible.

The Manager updates members on the projects that are ongoing and repairs taking place throughout the system.

Particularly the Manager indicated Low Lift pump #5 has been received from supplier and should be installed and commissioned during the following week.

The Manager reminds members that UWSS supplied water to the Harrow/Colchester WTP from June 8 to June 19, 2020. During the last board meeting members were informed that the interconnect should be closed by the end of the week. He confirmed that indeed the interconnects were closed and the UWSS was no longer supplying water to Harrow. Currently, he is working with OCWA staff to determine the amount of water that needs to be charged to Harrow.

At the beginning of June, while reading the billing meters, it was noted that billing meter #21 has failed. This billing meter is one of the four that are connected to the Town of Lakeshore. This particular meter was replaced and staff will be working to ensure that the flows numbers are corroborated, but the next reading is not until the end of July.

The actuator on Filter #5 "A" side failed. Staff removed the part and ordered the replacement part. It is expected that the work to re-install the new actuator will be completed by the end of this week. A spare actuator will now be ordered and kept in storage as it can be used on Filters #5-8.

The Manager informed the board that unfortunately a roof leak was detected near the operator's desk and adjacent to the SCADA server cabinet. This leak has caused some issues during heavy rain events. Repairs have been made several times, but unfortunately they do not last long. The UWSS/OCWA staff are in the process of obtaining quotes for a full roof repair. The Manager notes that the roof is not really that old, but there have been several issues. He is looking into any potential warranties that still might be viable.

The SCADA project continues to be on hold until September when flows are lower and the contractor can come in and actually work on the system. This will require lower flows as parts of the system will have to be shut down during this process. The Manager also notes that the CO2 pH Adjustment system project is complete aside from some of the land grading, which didn't take very well and will have to be adjusted. He does confirm that the system is working well and operators are liking the new system.

The Manager then explains that the project engineer for the Kingsville Water Tower (KWT) project has suggested that this project be placed on hold until 2021. This recommendation is due to a number of issues; namely, at this time costs have become prohibitive and over budget due to extra costs associated with COVID, contractors are very busy, it is getting later in the year and runs the risk of running into colder weather, shipping delays from the USA and the timing would be very tight. The Manager feels Spring 2021 might be a better consideration, with tendering occurring in the Fall of 2021.

The Manager reminds members of the hydrant retrofit project, but confirms that this project will most likely be completed the following week and he is hopeful that data will start being collected one week after installation completion. He notes that this will help with pressure fluctuations and main breaks.

Empire Communications should be on the UWSS properties on August 10th to start installing the security cameras and the controlled access to the facilities. This will allow the UWSS properties to be monitored safely.

The Manager notes that he is waiting for an update from the project engineer NJ Peralta regarding the sewer force main. The County of Essex and the Town of Kingsville are working together to get this item approved.

The Manager is hoping to acquire the services of Associated Engineering (AE) to complete a Computational Fluid Dynamics Study for the Cottam Booster Station (CBS). This is part of the capital works budget. This will help determine the best reservoir mixing strategy for the CBS.

The Manager then confirms that the flows from the WTP are very high this summer, especially during the heat wave experienced at the beginning of July. He notes that the WTP has the capacity however, at several points in time the plant was pushing out 22,000 gallons per minute, which is above production capacity. This occurred for about four (4) hours. He is now considering another reservoir on site to help with this situation, once he has further information he will bring this back to the board.

The Manager then answers several questions regarding the report. Councillor Neufeld asks how long the data will be stored from the hydrant retrofit project. The Manager notes that data is collected every 15 minutes to start and should be kept in perpetuity. The package purchased can be adjusted as things progress.

Councillor Hammond inquires about water use and how much is being used by greenhouses and residential. The Manager feels it might be as high as 50% towards greenhouses, but he will work with municipalities to determine a more accurate number. He notes that he has sent out an email to municipal colleagues and there is a meeting scheduled regarding this topic prior to the end of July. The UWSS really needs to be on top of this as the greenhouse applications keep coming in.

Councillor DeYong asks if there are any development charges assigned to the municipalities regarding the reservoir expansion. The Manager indicates that this is something that could be determined with further meetings.

Councillor Patterson commends the Manager for waiting on the KWT project. He has noted that the trend among some contractors is to try and ply extra cash for project completion, sighting being busy as the reason. He confirms that it is a good idea to wait on this project to try and keep costs down. The Manager confirms he was assured that by waiting the project would obtain better costing.

No. UW-34-20

Moved by: Councillor Patterson

Seconded by: Deputy Mayor Queen

That report UW//18/20 dated July 10, 2020 re: Status Update of the UWSS Operations & Maintenance Activities and Capital Works to July10, 2020 is received.

Carried (UW/18/20)

Report UW/19/20 dated July 10, 2020 re: Payments from June 26 to July 10, 2020

No. UW-35-20

Moved by: Mayor Santos

Seconded by: Councillor Neufeld

That report UW/19/20 dated July 10, 2020 re: Payments from June 26 to July 10, 2020 is received.

Carried (UW/19/20)

New Business

Mayor Santos asks for confirmation from the Manager that the greenhouse applications are going through the standards protocols for completion. The Manager explains that the applications are:

- received by the Municipalities from the greenhouse operations
- forwarded to the engineer and the UWSS
- Stantec Consulting reviews and assesses the greenhouse applications and creates a report
- Stantec's report is then sent back to the Municipalities and the UWSS providing their recommendations

The Manager notes that Stantec Consulting maintains the model for the pressures.

Councillor Patterson notes that the algae has been spotted at the tip of Point Pelee. The recording secretary notes that the Harmful Algae Bloom bulletins are still being

posted on the website as received and that NOAA is still predicting a smaller bloom than usual, but thanks Councillor Patterson for the observation.

Adjournment

No. UW-36-20

Moved by: Councillor Dunn

Seconded by: Councillor Jacobs

That the meeting adjourn at 9:33 am

Carried

Date of Next Meeting: Wednesday, September 16th, 2020 virtually in zoom.

/kmj

Legion
ZONE A2 ONTARIO

The Royal Canadian Legion

Capt. Brien (Ont. No 201) Branch
103 Talbot St. North
Essex Ontario

Branch Phone (519-776-8247)

Essex201@cogeco.net

September 14, 2020

Town of Essex,
33 Talbot Street South,
Essex, Ontario
N8M 1A8

RECEIVED
SEP 17 2020

Attention: Mayor

RE: Remembrance Day
Wednesday, November 11, 2020.

Essex Branch #201 of the Royal Canadian Legion has been Honoured and Remembered our Veterans, past and presents with a traditional observance of a parade, a mass and solemn ceremony at our Cenotaph.
We will once again be continuing the tradition of Remembrance, however, the ongoing protocols required to be maintained due to the ongoing pandemic has resulted in difficult decisions with this year's observance. We will not be able to conduct a formal parade and mass and our Cenotaph Ceremony will have to be modified and curtailed.
That being said, the number of wreaths to be laid will be limited to 4 or 5. However, to our partners who have yearly laid a wreath, there will be one prepositioned prior to the ceremony. We will then, at the appropriate time read aloud all names as in the past without a formal presentations. All attendees at the Cenotaph will have to observe mask wearing and social distancing protocols.

Also for future notice if you prefer an email please send us your email address and we will send all future request to you by means of this communication.
Your continued support is greatly appreciated.

Sincerely,

Erroll Caza
Poppy Chairman
Cell 519-324-7438

Community Schools Alliance
Follow us on Twitter:@csaont
Find us on Facebook
www.communityschoolsalliance.ca

September 16, 2020

Dear colleague,

This letter is being sent to all members and former members of the Community Schools Alliance. I am writing to give you and the members of your council a brief update on the activities of the Executive Committee of the CSA since our last Annual General Meeting in Ottawa on August 18, 2019.

The executive held eleven meetings either by teleconference or, more recently, by videoconference and addressed a wide range of issues affecting schools in rural Ontario and the North. We also met with Minister of Education Stephen Lecce and/or Parliamentary Assistant Sam Oosterhoff on three occasions.

Because of the pandemic and the decision of the Association of Municipalities of Ontario to hold its annual August 2020 conference virtually, the executive cancelled its 2020 Annual General Meeting and elections. The terms of all eleven executive committee members were extended for one year. It is hoped that we will be able to hold our next annual meeting and elections at the 2021 AMO conference in London on August 15 to 18, 2021.

The executive has also waived membership fees in the Community Schools Alliance for current members for both 2019-2020 and for 2020-2021. Membership for all individuals and municipalities who had paid a membership fee for 2018-2019 is extended to August, 2021 at no cost.

Should you have questions or comments for the Community Schools Alliance, please direct them to us at: communityschoolsallianceoffice@gmail.com

The executive will continue to meet regularly to monitor and review issues that impact our schools in rural Ontario and the North. Thank you for your past support of the Community Schools Alliance.

Respectfully submitted,

Doug Reycraft
Chair, Community Schools Alliance
181 Main Street
Glencoe ON N0L1M0
(519) 494-2508

Ministry of Municipal Affairs and Housing

Office of the Minister

777 Bay Street, 17th Floor
Toronto ON M7A 2J3
Tel.: 416 585-7000

Ministère des Affaires municipales et du Logement

Bureau du ministre

777, rue Bay, 17e étage
Toronto ON M7A 2J3
Tél. : 416 585-7000

Ontario
Ontario

234-2020-4019

September 18, 2020

RE: Parkland Dedication, Development Charges and the Community Benefits Charges Authority

Dear Head of Council,

As you know, our government introduced the Housing Supply Action Plan last year with the goal of increasing the supply of housing across Ontario. As part of this effort, our Government introduced the community benefits charge (CBC) authority along with changes to the *Development Charges Act* and parkland dedication under the *Planning Act*.

Over the past year, the Ministry of Municipal Affairs and Housing consulted for over 300 days with municipalities, the development industry and the public on the implementation of the framework, including several aspects of the legislation and a regulatory approach. I value the input of our municipal partners.

I am writing to inform you that on September 18th, our government proclaimed the remaining amendments that were made to the *Development Charges Act* and the *Planning Act* by Bill 108, the *More Homes, More Choice Act*, and, Bill 197, the *COVID-19 Economic Recovery Act*. In addition, we have made a new regulation under the *Planning Act* and technical changes to regulations under the *Planning Act*, *Development Charges Act* and *Building Code Act* in order to finalize the framework for development charges, community benefits and parkland.

As of September 18, 2020, municipalities will have two years to transition to the new regimes. This will enable both the municipalities and builders to adjust to these changes in light of the pressures of COVID-19.

We listened to the feedback received during consultations, and that is why we are proposing to prescribe a percentage of 4% for the CBC authority that will be applied to land values to determine the maximum CBC for any particular residential development. The CBC could be used by local governments to fund capital costs of services that are needed due to higher density development and are not being recovered through other tools.

These amendments will enable growth to pay for growth, while also providing greater predictability of development costs in order to increase the supply of housing so that it is more attainable for Ontarians.

I thank you for your continued collaboration throughout the implementation of this new and enhanced framework.

Sincerely,

Steve Clark
Minister of Municipal Affairs and Housing

c: Chief Administrative Officers
Chief Planners
Municipal Treasurers
Kate Manson-Smith, Deputy Minister, Municipal Affairs and Housing
Alex Beduz, Chief of Staff to Minister Clark, Municipal Affairs and Housing
Jonathan Lebi, Assistant Deputy Minister, Local Government and Planning Policy Division
Caspar Hall, Director, Municipal Finance Policy Branch

Ministry of the Solicitor General

Public Safety Division

25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3

Telephone: (416) 314-3377
Facsimile: (416) 314-4037

Ministère du Solliciteur général

Division de la sécurité publique

25 rue Grosvenor
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Ontario

September 19, 2020

MEMORANDUM TO: Municipal CAOs/Clerks

SUBJECT: **Enforcement and Amendments under the *Reopening Ontario Act, 2020***

The Ministry of the Solicitor General (ministry) would like to provide you with information on enforcement of orders and an update on amendments that have been made to the *Reopening Ontario (A Flexible Response to COVID-19) Act*, *2020* (ROA) as well as O. Reg. 364/20 (Rules for Areas in Stage 3).

To address ongoing risks and effects of recent increase in COVID-19 cases (see the Daily Summary of Cases in Ontario for the most recent numbers), and to protect Ontario's recovery and keep people safe across the province, the ministry encourages municipal enforcement personnel, to work collaboratively with all enforcement personnel, including police services, on appropriate enforcement of the orders. This includes considering the importance of issuing tickets under Part I and/or summonses under Part III of the *Provincial Offences Act* (POA), taking into account the severity of the infraction/violation of an order and the Government of Ontario's public health intent to limit the spread of COVID-19. As a reminder, in order to help with enforcement of orders, under O. Reg. 114/20, a police officer or any other provincial offences officer may require an individual to provide the officer with the individual's correct name, date of birth and address if the officer has reasonable and probable grounds to believe that the individual has committed an offence under subsection 10 (1) of the ROA.

O. Reg. 364/20 Amendments

Effective September 19, the new maximum number of people permitted to attend organized public events and social gatherings, except where the event is held at a place operated by a business or organization in accordance with O. Reg. 364/20, is reduced to 10 people indoors (previous limit of 50) and 25 people outdoors (previous limit of 100) in all regions (see attached). This includes functions, parties, dinners, gatherings, BBQs or wedding receptions (but not ceremonies) held in private residences, backyards, parks and other recreational areas.

Note, the new limits for indoor and outdoor gatherings described cannot be combined to form a new capacity limit. In addition, these new rules do not apply to 'monitored' social gatherings or organized public events; i.e., social gatherings or organized public events held at a place operated by a business or organization in accordance with O. Reg. 364/20. This includes gatherings or events held in staffed businesses and facilities such as cinemas, convention centres, banquet halls, or restaurants, as well as gyms, recreational sporting or performing arts events. This is in recognition of the fact that these facilities and events are mandated to follow very specific public health and safety guidelines to minimize risk and limit any spread of COVID-19.

In addition, an amendment to O. Reg. 364/20 has been made to include new enforcement provisions that would authorize a police officer, special constable or First Nations constable to temporarily close any premises where the officer or constable has reasonable grounds to believe that a gathering or event is in violation of any gathering limits (including those described above). Individuals are required to leave the premises if they have been temporarily closed (unless it is their place of residence). Individuals are not permitted to re-enter the premises on the same day the premises were closed unless a police officer, special constable or First Nations Constable authorizes the re-entry. Individuals who are required to leave the premises, but do not, may be ticketed or charged under the offence provisions of the ROA or charged with obstructing a peace officer under the *Criminal Code of Canada*.

As a reminder, all orders under the ROA are currently extended to October 22, 2020, with the following exceptions:

- The Education Sector order ended on August 31, 2020.
- The Limitation Periods order ended and limitation periods and procedural time periods that had been suspended resumed on September 14, 2020.
    - Note that this includes limitation periods related to the POA for commencing a proceeding (e.g. laying an information or filing a certificate of offence).
    - The court retains the discretion to extend POA timelines, other than those for commencing a proceeding, under s. 85 of the POA.

Please note that the following workplaces, businesses or public spaces must remain closed:

- Amusement parks and water parks;
- Buffet-style food services;
- Nightclubs, except to serve food or beverages;
- Overnight camps for children; and
- Saunas, steam rooms, bath houses and oxygen bars.

There may be additional workplaces, businesses or public spaces that are not permitted to open pursuant to municipal by-laws or First Nations by-laws.

For information about other orders that continue to be in effect and enforceable under the ROA, please visit the link to the Act on e-Laws at https://www.ontario.ca/laws/statute/20r17 and click on the "Regulations under this Act" tab.

We encourage enforcement personnel to continue to monitor www.ontario.ca/alert for information on updates to orders and order expiries/revocations.

Designated Enforcement Personnel

As was the case under the *Emergency Management and Civil Protection Act* (EMCPA), all police officers, First Nations Constables, and special constables may enforce orders that have been continued in effect under the ROA. In addition, the following enforcement personnel are designated to enforce orders that have been continued in effect under the ROA:

- All provincial offences officers designated by a minister of the Crown;
- All municipal law enforcement officers;
- All by-law enforcement officers of a municipality or local board of a municipality;
- All officers, employees or agents of a municipality or local board of a municipality whose responsibilities include enforcement of by-laws, Acts or regulations.

Offences and Penalties

The following offences and maximum penalties are set out under subsection 10(1) of the ROA:

"Every person who fails to comply with a continued section 7.0.2 order or who interferes with or obstructs any person in the exercise of a power or the performance of a duty conferred by such an order is guilty of an offence and is liable on conviction,

(a) in the case of an individual, subject to clause (b), to a fine of not more than $100,000 and for a term of imprisonment of not more than one year;
(b) in the case of an individual who is a director or officer of a corporation, to a fine of not more than $500,000 and for a term of imprisonment of not more than one year; and
(c) in the case of a corporation, to a fine of not more than $10,000,000."

The orders currently in effect are continued orders under the ROA and any enforcement of orders must be done under the ROA as of July 24, 2020, when the provincial emergency declaration under the EMCPA ended. Enforcement personnel may continue to issue a ticket under Part I of the POA or a summons under Part III of the POA.
A person is guilty of a separate offence on each day that an offence under subsection 10(1) occurs or continues (s. 10(2)). Therefore, a separate charge can be laid for each day an offence occurs or continues.

Despite the maximum fines set out in subsection 10(1), the court that convicts a person of an offence may increase a fine imposed on the person by an amount equal to the financial benefit that was acquired by or that accrued to the person as a result of the commission of the offence (s. 10(3)).

Note that no person can be charged with an offence under subsection 10(1) for failing to comply with or interference or obstruction in respect of an order that has been amended retroactive to a date that is specified in the amendment, if the failure to comply, interference or obstruction is in respect of conduct to which the retroactive amendment applies and the conduct occurred before the retroactive amendment was made but after the retroactive date specified in the amendment (s. 10(4)).

Proposed ROA Amendments

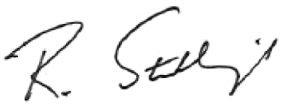
On September 17, 2020, proposed amendments to the ROA were introduced in order to deter individuals from hosting certain prohibited gatherings by:

- Creating a new offence for hosting or organizing a gathering in residential premises contrary to the size limits established in orders continued under ROA.
- The owner or occupier of premises, if present at the gathering, would be presumed, in the absence of evidence to the contrary, to have hosted or organized the gathering.
- Creating a minimum fine of $10,000 and following the existing maximum penalties under the ROA (see the Offences and Penalties section below for more information on the existing offence provisions and maximum fines).
- Creating authority for the Lieutenant Governor in Council to prescribe additional types of premises to which the new offence would apply.

The proposed legislative amendments, if passed, would come into force upon receipt of Royal Assent.

Thank you again for your continued support and collaboration during this challenging time.

Sincerely,



Richard Stubbings
Assistant Deputy Minister
Public Safety Division

View this email in your browser

BAO | Bereavement Authority of Ontario

Registrar's Directive:
Province-wide cemetery gathering limits

The Government of Ontario has announced new gathering limits for the entire province.

To ensure safety and minimize potential spread of COVID-19, this Registrar's Directive extends the restrictions for gatherings at cemeteries to the entire Province, **effective Monday, Sept. 21**.

This Registrar's Directive rescinds the Registrar's Directive of Sept. 18.

Maximum at cemeteries

Until further notice, all cemeteries in Ontario must **limit attendance to a maximum of 25 people** (not counting staff) at all gatherings, attendances, funerals, visitations, funeral receptions, and graveside services, subject to the

following exception.

Exception

Outdoor funeral services (visitations, receptions and graveside services) **up to a maximum of 100 attendees** may still take place **at a cemetery or funeral home's property**, providing:

a. The service is under the control and direction of a funeral director
b. The service has the consent of the cemetery operator for numbers over 25
c. Funeral directors have one staff member for every 10 attendees to properly manage the gathering and ensure physical distancing is maintained
d. Guests are registered/logged to enable contact tracing

Cemeteries are expected to control access to their property. Cemeteries are permitted to restrict attendance numbers to less than the maximum. (Funeral professionals should confirm these restrictions in advance of services and advise families accordingly.)

Advertise

Funeral establishments must advertise that attendance may be restricted whenever they publish death notices or obituaries that refer to any part of a service occurring at a cemetery including interment.

Funeral homes

Funeral homes will continue to follow the existing capacity directives for **indoor funeral services**, which are:

- **Indoor funeral services**, visitations and receptions are limited to **30 per cent** of the capacity of the room, while maintaining two-metre physical distancing between attendees. This applies to people gathering indoors for religious services, rites or ceremonies. Funeral establishments must ensure there is one staff member for every 10 guests.

Thank you for your cooperation in these efforts to keep families and your staff safe, and reduce the spread of COVID-19.

-Carey Smith, CEO/Registrar, BAO

100 Sheppard Avenue East, Suite 505, Toronto, Ontario, M2N 6N5
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September 25, 2020

AMO Policy Update – New Stage 3 Restrictions

New Stage 3 Restrictions

The Ontario government has amended order O. Reg 364/20: Rules for Areas in Stage 3 under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*, to tighten public health measures in response to the recent rise in cases of COVID-19.

Recently, Ontario has experienced an increase in the rate of new COVID-19 cases and these Stage 3 changes have been made to reduce the community transmission and outbreaks being observed.

This amended order will apply province-wide effective 12:01 a.m. on Saturday September 26 and will:

- apply additional measures and restrictions to restaurants, bars, and other food and drink establishments (including nightclubs) by prohibiting the sale of alcohol after 11 p.m., and prohibiting the consumption of alcohol on the premises after 12:00 a.m. until 9:00 a.m. (including employees), and requiring establishments to close by 12:00 a.m. and remain closed until 5:00 a.m. except for takeout or delivery;
- close all strip clubs across the province; and
- require businesses or organizations to comply with any advice, recommendations, and instructions issued by the Office of the Chief Medical Officer of Health on screening for COVID-19, including screening individuals who wish to enter their premises.

Additionally, the Province will continue to work with the municipal sector and other partners to encourage increased enforcement of existing businesses, facilities, workplaces, etc. to comply with all public health and workplace safety measures and restrictions in the Stage 3 regulation.

AMO's COVID-19 Resources page is being updated continually so you can find critical information in one place. Please send any of your municipally related pandemic questions to covid19@amo.on.ca.

*Disclaimer: The Association of Municipalities of Ontario (AMO) is unable to provide any warranty regarding the accuracy or completeness of third-party submissions. Distribution of these items does not imply an endorsement of the views, information or services mentioned.

90 Wollaston Lake Road
COE HILL, ON K0L 1P0
clerk@wollaston.ca
www.wollaston.ca

MAYOR: BARBARA SHAW
CLERK: BERNICE CROCKER
613-337-5731 (Phone)
613-337-5789 (Facsimile)

September 16, 2020

MINISTRY OF MUNICIPAL
AFFAIRS AND HOUSING
17th Floor, 777 Bay street
TORONTO, ON
M7A 2J3

ATTN: THE HON. STEVE CLARK

Dear Minister Clark:

At a special meeting of council held on August 24, 2020, members discussed concerns regarding the 2018 municipal election.

In the last six weeks of the 2018 municipal election in Wollaston Township, seasonal property owners presented signed leases with family members for sleeping cabins, bunkies and sheds. The $100.00 leases added a significant number of new non-resident electors to the voters' list.

Although concerns were raised regarding the Township's Comprehensive Zoning By-law and non-use of the standard lease form, the leases were used as eligibility, allowing the children of seasonal property owners access to a Township election for the first time.

Because this gave the appearance of a pay to play campaign, and because the leases were with family members, and because no people actually lived in these structures that lacked hydro, running water and washroom facilities, this was reported to the OPP, who have a duty to enforce the rules and regulations of the *Municipal Elections Act*.

The OPP did not proceed with charges because they said there was no case law.

The following Motion was adopted:

MOTION NO.: 03
MOVED BY: TIM CONLIN
SECONDED BY: DARLENE COLTON

BE IT RESOLVED, that the Council of Wollaston Township ask Minister of Municipal Affairs and Housing, the Hon, Steve Clark, to review the *Municipal Elections Act* and provide amendments to ensure that loopholes are closed on any pay to play schemes in rural communities where non-resident electors are permitted to participate in elections so that $100.00 leases do not turn into ballots for garden sheds.

AND BE IT FURTHER RESOLVED, that the County of Wollaston Township ask the Minister of Municipal Affairs and Housing, the Hon. Steve Clark, to review the Municipal Elections Act and provide amendments to provide clearer, stronger wording, to assist municipal Clerks in addressing issues to allow for a more definitive decision to be made when adding names to the voters' list.

AND BE IT FURTHER RESOLVED, that Council of Wollaston Township ask the Minister of Municipal Affairs and Housing, the Hon. Steve Clark, to ensure that there is a clear and accessible way to report election fraud.

AND BE IT FURTHER RESOLVED, that Council of Wollaston Township ask the Minister of Municipal Affairs and Housing, the Hon. Steve Clark, to ensure that the rules described in the Municipal Elections Act are actually enforceable even if there is not current case law.

AND BE IT FURTHER RESOLVED, that support for this resolution be sent to Premier Doug Ford, Daryl Kramp, M.P.P. for Hastings-Lennox and Addington, all Ontario Municipalities and the Association of Municipalities of Ontario.

CARRIED

Should you have any questions or concerns regarding the above, do not hesitate to contact me.

Sincerely,

BERNICE CROCKER
Clerk/Administrator

cc. Premier Doug Ford, Daryl Kramp, M.P.P. for Hastings-Lennox and Addington, AMO and all Ontario Municipalities.

The Corporation of The
Town of Amherstburg

September 21, 2020 VIA EMAIL

Hon. Lisa McLeod, Minister of Heritage, Sport, Tourism and Culture Industries
6th Flr, 438 University Ave,
Toronto, ON
M7A 1N3

Re: Request for Consideration of Amendments to Bill 108 re. The Ontario Heritage Act

At its meeting of September 14, 2020, Council passed the following for your consideration:

Resolution # 20200914-258:

"**WHEREAS** Royal Assent has been granted to Bill 108 entitled 'More Homes, More Choice Act, 2019' on June 6, 2019; and,
WHEREAS Schedule 11 of Bill 108 contains amendments to the Ontario Heritage Act which require appeals under the Ontario Heritage Act to be heard by the Local Planning Appeal Tribunal not the Conservation Review Board; and,
WHEREAS the Conservation Review Board is an adjudicative tribunal that, through the mandate provided by the Ontario Heritage Act, considers a number of matters such as:

- The proposed designation of a property as having cultural heritage value or interest;
- Applications for the repeal of a By-law on a specific property;
- Applications related to the alteration of a property covered by a By-law; and,
- Matters related to archaeological licensing. AND,

WHEREAS Schedule 11 of Bill 108 will come into effect on a date to be proclaimed by the Lieutenant Governor; and,
WHEREAS the Local Planning Appeal Tribunal are not experts in heritage matters unlike members of the Conservation Review Board; and,
WHEREAS the Local Planning Appeal Tribunal decisions are binding decisions unlike the Conservation Review Board non-binding recommendations; and,
WHEREAS the Ontario Heritage Act provides a means for municipalities to protect and preserve the cultural heritage value or interest of the municipality for generations to come; and,
WHEREAS the Conservation Review Board currently provides reports to municipal council's setting out its findings of fact, and its recommendations so that a final decision can be rendered by municipalities about what is valuable in their community;
WHEREAS the Town of Amherstburg remains committed to the preservation and protection of property of cultural heritage value or interest;

NOW THEREFORE BE IT RESOLVED THAT the Town of Amherstburg strongly recommends that Schedule 11 of Bill 108 be amended to remove the powers provided to the Local Planning Appeal Tribunal, retaining authority for hearing certain appeals by the Conservation Review Board; and,
BE IT FURTHER RESOLVED THAT the Town of Amherstburg strongly recommends that Schedule 11 of Bill 108 be amended to return the authority for final decisions to municipal council's as the elected representative of the communities wherein the property and its features of cultural heritage value exist; and,
BE IT FURTHER RESOLVED THAT a copy of this motion be sent to the Honourable Doug Ford, Premier of Ontario, Lisa McLeod the Minister of Heritage, Sport, Tourism and Culture Industries, Andrea Horwath, MPP and Leader of the Official Opposition and the Ontario NDP Party, MPP John Fraser Interim Leader of the Ontario Liberal Party, Mike Schreiner MPP and Leader of the Green Party of Ontario, Taras Natyshak MPP Essex County; and,
BE IT FURTHER RESOLVED THAT a copy of this motion be sent to the Association of Municipalities of Ontario (AMO), all MPP's in the Province of Ontario, the County of Essex and all Municipalities in Ontario for their consideration."

We strongly recommend that the Ontario government consider amendments to Bill 108 to return the final authority to municipal Council's to determine what is of cultural heritage value or interest in their communities with the benefits of the expert and professional advice provided by the Conservation Review Board.

Regards,

Tammy Fowkes
Deputy Clerk, Town of Amherstburg
(519) 736-0012 ext. 2216
tfowkes@amherstburg.ca

cc:

The Right Hon. Doug Ford, Premier of Ontario
Andrea Horwath, MPP, Leader of the Official Opposition and the Ontario NDP Party
John Fraser, MPP and Interim Leader of the Ontario Liberal Party
Mike Schreiner, MPP and Leader of the Green Party of Ontario
Taras Natyshak, MPP of Essex County
All Ontario Municipalities

The Corporation of The
Town of Amherstburg

September 21, 2020 VIA EMAIL

The Right Honourable Raymond Cho, Minister for Seniors and Accessibility
College Park 5th Flr, 777 Bay St,
Toronto, ON
M7A 1S5

Re: AODA Website Compliance Extension Request

At its meeting of September 14, 2020, Council passed the following for your consideration:

Resolution # 20200914-281

"1. **WHEREAS** Section 14(4) of O.Reg 191/11 under the Accessibility for Ontarians with Disabilities Act requires designated public sector organizations to conform to WCAG 2.0 Level AA by January 1, 2021;
2. **AND WHEREAS** the municipality remains committed to the provision of accessible goods and services;
3. **AND WHEREAS** the municipality provides accommodations to meet any stated accessibility need, where possible;
4. **AND WHEREAS** the declared pandemic, COVID-19, has impacted the finances and other resources of the municipality;
5. **AND WHEREAS** the Accessibility for Ontarians with Disabilities Act contemplates the need to consider the technical or economic considerations in the implementation of Accessibility Standards;
6. **BE IT THEREFORE RESOLVED THAT** the municipality requests that the Province of Ontario extend the compliance deadline stated in Section 14(4) of O.Reg 191/11 to require designated public sector organizations to meet the compliance standards, by a minimum of one (1) year to at least January 1, 2022; **AND**,
7. **BE IT THEREFORE RESOLVED THAT** the municipality requests that the Province of Ontario consider providing funding support and training resources to meet these compliance standards."

The impacts of the pandemic on municipal finances and resources affect the ability of municipalities to meet the January 1, 2021 deadline for full compliance with WCAG 2.0 Level AA.

We humbly request the Ontario government consider an extension request, in addition to financial support and training due to the unprecedented impacts of the global pandemic.

Regards,

Tammy Fowkes
Deputy Clerk, Town of Amherstburg
(519) 736-0012 ext. 2216
tfowkes@amherstburg.ca

cc:

The Right Honourable Doug Ford, Premier of Ontario
The Association of Municipalities of Ontario
All Ontario Municipalities

Ontario

Ministry of Natural Resources and Forestry

615 John Street North
Aylmer, ON N5H 2S8
Tel: 519-773-9241
Fax: 519-773-9014

Ministère des Richesses Naturelles et des Forêts

615, rue John Nord
Aylmer ON N5H 2S8
Tél: 519-773-9241
Téléc: 519-773-9014

September 25, 2020

Shelley Brown
Deputy Clerk, Legal and Legislative Services
Town of Essex
33 Talbot Street South
Essex, ON N8M 1A8

Dear Ms. Brown:

Re: Removal of Municipal Rabbit/Pheasant Hunting Licences

This letter is to acknowledge receipt of your letter dated September 25, 2020 and Council's resolution to repeal the following By-law:

- By-law 633, which requires municipal licences for the hunting of rabbit and pheasant.

Please be advised that by way of this letter, the Ministry of Natural Resources and Forestry acknowledges and approves of this change.

Hunters can be advised that these municipal licences are no longer required, and that this change will be reflected in the Hunting Regulations Summary at our next opportunity.

Sincerely,

M Wilson

Mitch Wilson
District Manager
Aylmer District

The Corporation of the Town of Essex

By-Law Number 1954

Being a by-law to Repeal By-law 633, a by-law to Issue and Charge Fees for Licenses to Hunt Ring-Necked Pheasants and Rabbits during the Open Season

Whereas the Town of Essex did on January 24, 2005 pass By-law Number 633 being a by-law to Issue and Charge Fees for Licenses to Hunt Ring-Necked Pheasants and Rabbits during the Open Season;

And whereas, the Council of The Corporation of the Town of Essex accordingly now deems it expedient and necessary to repeal By-law Number 633 as now being redundant.

Now therefore be it resolved that the Council of The Corporation of the Town of Essex enacts as follows:

1. By-Law Number 633 and all amendments hereto are hereby repealed;
2. This By-Law shall come into force and take effect upon the final passing thereof.

Read a first, a second, third and finally passed on October 5, 2020.

_____
Mayor

_____
Clerk

The Corporation of the Town of Essex

Minutes of Regular Committee of Adjustment Meeting

Tuesday July 21st, 2020

A regular meeting of the Town of Essex Committee of Adjustment was held on Tuesday, July 21st, 2020 at 4:00 PM via Virtual Zoom Meeting.

1. Roll Call:

Members Present	Percy Dufour, Chair
	Brian Gray, Vice Chair
	Phil Pocock
	Ray Beneteau
	Dan Boudreau
Also Present	Rita Jabbour, Secretary Treasurer/Manager, Planning Services
	Corinne Chiasson, Assistant Planner
	Sarah Aubin, Planning Assistant
Members of the Public	Samantha Lajeunesse
	Trudy Huber
	Don Huber
	Ken Brown
	Brandon Nascimento
	Jillian Nascimento
	Melanie Menard

2. Declaration of Conflict of Interest

None

3. Adoption of Published Agenda

3.1 That the published agenda for the July 21st, 2020 meeting of the Committee of Adjustment be adopted as circulated.

Moved by: Ray Beneteau

Seconded by: Phil Pocock

(COA-2020-07-38) That the published agenda for July 21st, 2020 meeting of the Committee of Adjustment be adopted as circulated.

"Carried"

4. Adoption of Minutes

4.1 That the minutes of the May 20th, 2020 Committee of Adjustment meeting be adopted with amendments.

Moved by: Phil Pocock

Seconded by: Dan Boudreau

(COA-2020-07-39) That the Regular Minutes from the Committee of Adjustment Meeting of May 20th, 2020 be amended to state that Percy Dufour, Chair broke the tie and moved application A-11-20 on page 20 adopted as amended..

"Carried"

5. Reports / Applications

5.1 Corinne Chiasson, Assistant Planner RE:

Application A-12-20 Petar and Caroline Brujic, 90 St James Street (Essex Centre, Ward 1

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 90 St. James Street in the Essex Centre. The applicant is proposing to build one (1) semi-detached dwelling on the property. The lot width of the subject property is ±15.231 metres (50 feet).

The lot width required for the construction of a semi-detached dwelling in Residential District 2.1 (R2.1) is 18 metres (60 feet) under Town of Essex Zoning Bylaw, Bylaw 1037. Therefore, the applicants are requesting a variance of ±2.769 metres (10 feet) to accommodate the proposed semi-detached dwelling

5.1.1 Public Presentations (if any)

Corinne Chiasson, Assistant Planner wrote:

Official Plan Designation: Residential

Zoning: Residential 2.1 (R2.1) – Medium density housing on urban lots

An application for Minor Variance has been submitted for the lands identified as 90 St. James Street in Essex Centre. The subject property is designated "Residential" under the Town of Essex Official Plan and zoned Residential District 2.1 (R2.1) for medium density residential uses under Town of Essex Zoning Bylaw, Bylaw 1037. The subject property is an *interior lot* defined as a lot other than a corner lot. The subject property fronts on a public road constructed to municipal standards, and has access to municipally owned and operated piped water, sanitary and storm sewers along the St. James Street frontage.

Residential District 2.1 (R2.1) permits a mix of housing options as a main use, specifically, a single detached dwelling, duplex dwelling or a semi-detached dwelling. The applicants are proposing to build one (1) *semi-detached dwelling* on the property. A *semi-detached dwelling* is defined as one (1) dwelling divided vertically into two (2) *dwelling units* by a common interior wall.

The lot width required for the construction of a semi-detached dwelling in Residential District 2.1 is 18 metres (60 feet). The lot width of the subject property is +15.231 metres (50 feet). Therefore, the applicants are requesting a variance of +2.769 metres (10 feet) to accommodate the proposed semi-detached dwelling.

The applicants have proposed a construction layout that satisfies all other lot and building regulations for a semi-detached dwelling in the R2.1 zoning district with respects to front, rear and side yard setbacks and lot coverage.

Note: Town of Essex Zoning Bylaw, Bylaw 1037, permits the addition of a second dwelling unit within each semi-detached dwelling unit. Although not proposed, the allowable density for a lot with a semi-detached dwelling is four (4) dwelling units.

Proposal Conformity with Town of Essex Official Plan Policies

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

a) The general intent of the Official Plan and the Zoning By-law are maintained:

Two unit dwellings are permitted uses under the Town of Essex Official Plan. The variance would allow for the construction of a semi-detached dwelling (two unit dwelling). A semi-detached dwelling is a permitted use under the R2.1 zoning.

b) The variance(s) is minor and desirable for the appropriate use of the land:

This subject property is an infill property. The Town of Essex Official Plan encourages a greater variety of housing options and residential infilling within existing developed residential areas.

c) The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:
The neighbouring lots along St. James Street are developed primarily for *single detached dwellings*. A *single detached dwelling* is defined as a dwelling having one (1) dwelling unit. In contrast, a semi-detached dwelling is comprised of two (2) dwelling units. Although Town of Essex zoning Bylaw, Bylaw 1037, permits the addition of a second dwelling unit within a single detached dwelling, there cannot be any outward indication of the existence of the second dwelling unit except as mandated by the Ontario Building Code (OBC). In contrast, the architectural style of a semi-detached dwelling (i.e. dwelling units divided vertically by a common interior wall) indicates the presence of two (2) dwelling units and provides for the opportunity to separate ownership for each dwelling unit.
The applicants have proposed a continuous hipped roof line to better align with neighbouring architectural styles, and have indicated that they do not wish to separate ownership of the dwelling units. The applicants have also proposed separate

access areas (driveways) and attached garages to serve the parking needs of each dwelling unit. Therefore, parking will be confined to the subject property.
All abutting properties to the West of the subject parcel are accessed via Brien Avenue. The access area serving the neighbouring lot to the East (94 St. James Street) does not parallel the subject property.

d) The variance deals with circumstances particular to the site and development:
The subject property does not have the required lot width to accommodate the construction of a semi-detached dwelling.

Internal Departments and External Agency Comments

Internal departments were circulated. No comments or objections on the proposal were received.

External agencies were circulated. One (1) comment was received from the Essex Region Conservation Authority (ERCA). They had no objections.

Public Comment

As a result of the giving of public notice, one (1) letter of objection was received from the owner of the property at 99 St. James Street. The resident states the following:

"I am writing you today to voice my objection to the minor variance proposed for 90 St. James Street. Our neighbourhood is an older and well established area consisting of single dwellings. Cramming in a semi-detached building onto an undersized lot will not be aesthetically pleasing to the street. We work hard to keep up the appearance of our street both financially and with lots of hard work. A semi-detached building will not benefit the area and in fact could cause lower housing values because this building will look out of place and brings to mind a possibility of rental units. I am not sure about this variance process so I will have to seek legal counsel on all my available options to stop the variance. Please advise me on your decision. Thanks for your time."
No further correspondences were received from members of the circulated public as of Thursday July 16, 2020.

Actions:

To be determined by the Committee.

Additional comments resulting from circulation:
Fernando Cirino, Resource Planner, Essex Region Conservation Authority (ERCA), wrote
DELEGATED RESPONSIBILITY TO REPRESENT PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

We have reviewed our floodline mapping for this area and it has been determined this site is **not** located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the Conservation Authorities Act). As a result, a permit is not required from ERCA for issues related to Section 28 of the Conservation Authorities Act, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservations Authorities Act, (Ontario Regulation No. 158/06).

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 Stormwater Management (PPS, 2014)

Our office has reviewed the proposal and has no concerns relating to stormwater management.

PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS

The following comments are provided from our perspective as a service provider to the Municipality on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the PPS. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Municipality as the planning authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the Provincial Policy Statement (PPS). Based on our review, we have no objection to the application with respect to natural heritage policies.

FINAL RECOMMENDATION

ERCA has no objection to this application for minor variance.

Discussion:

Corinne Chiasson, Assistant Planner, explains the nature of the application.

She advises the members that as a result of the giving of public notice, a letter of objection was received on July 20th 2020 from the owner of the property at 94 St. James Street. The resident states the following:

"Here are some questions and concerns I have...the space for parking in front of the new build looks to be small which may lead to street parking, which is already a daily issue in front of my home as there are vehicles on a daily basis that are currently parking on our street but reside on other streets in the area. There looks to be a small amount to maybe even no space between my side entrance (which I use daily) and the parking space for the new build. So will I need to step onto their property to get to mine or vis versa, will they need to step on mine? Where the new build will be situated on the property, it will take away from the already limited natural light I get through my window on that side of my home and when I go to look

out that window I will see nothing but a wall? There will be no green space in the front. The space between my fence line and the new build looks to be very minimal. What if I need to do repairs to my fence or yard, will there be enough space for work to get done without interrupting their property or vis versa, what if they need to do repairs? And lastly, what type of tenants will these be rented to? Seniors? Thank you for taking the time to speak with me today!"

Petra Brujic, Applicant, advises that the semi-detached proposal will be built of high end materials. He states that there will be a garage with a single car driveway to allow for parking on the property. He states that the structure will meet the setback requirements for the R2.1 zoning.

Phil Pocock asks the applicant if he will build a two (2) car or 1.5 car driveway to accommodate families who have more than one vehicle. He states this would assist in alleviating concerns with on-street parking.

Petra Brujic advises that the plans are for one (1) single driveway with an attached garage to allow for multiple vehicle parking.

Samantha Lajeunesse, 58 Brien Ave, advises that she has no concerns with the application as the distance from her fence to the proposed development will meet the distance requirements under the zoning.

Moved by: Ray Beneteau

Seconded by: Brian Gray

(CAO-2020-07-40) That application A-12-20 be granted to accommodate a variance of +2.769 metres (10 feet) in total lot width to permit the construction of a semi-detached dwelling

"Carried"

Reasons for Decision: The Application **is** in keeping with the general intent and purpose of the Town of Essex Zoning Bylaw and the prescribed criteria for Minor Variances under subsection 9.8 of the Town of Essex Official Plan:

a) the general intent of this Plan and the Zoning By-law are maintained;

b) the variance(s) is minor and desirable for the appropriate use of the land;

c) the variance is compatible with the established character of the neighbourhood, traffic and parking patterns;

d) the variance deals with circumstances particular to the site and development

5.2 Corinne Chiasson, Assistant Planner RE:

Application A-13-20 Ryan Drouillard & Jillian Sharp, 631 Queen Street (Harrow Centre, Ward 4)

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 631 Queen Street in the

Harrow Centre. The applicant is proposing to construct a 50.2 square metre (540 square foot) porch addition onto the existing 133 square metre (1440 square foot) accessory structure. As a result, the area of the accessory structure will increase to 184 square metres (1980 square feet). The maximum area for an accessory structure in Residential District 1.1 (R1.1) is 70 square metres (750 square feet) under Town of Essex Zoning Bylaw, Bylaw 1037.

5.2.1 Public Presentations (if any)

Corinne Chiasson, Assistant Planner wrote:

Official Plan Designation: "Residential"

Zoning: Residential District 1.1 (R1.1) – Low density housing on urban lots.

An application for Minor Variance has been submitted for the lands located at 631 Queen Street in the Harrow Centre. The applicants are proposing to construct a 50.2 square metre (540 square foot) porch addition onto the existing 133 square metre (1440 square foot) accessory structure. As a result, the area of the accessory structure will increase to 184 square metres (1980 square feet). The maximum area for an accessory structure in Residential District 1.1 (R1.1) is 70 square metres (750 square feet) under the Town of Essex Zoning By-law, By-law 1037.

An *accessory structure* is defined as a completely detached building used for an *accessory use*. An *accessory use* is defined as a use that is customarily incidental, subordinate and exclusively devoted to the main use and is carried on with such main use on the same lot.

The subject property is occupied by an existing single detached dwelling (the main use) and the existing 133 square metre accessory structure. The existing accessory structure is a restored agricultural barn constructed in approximately 1928, which once formed part of an agricultural operation. The porch will be an architectural feature that will enhance the amenity area of the property, and compliment the unique features of the existing dwelling and accessory building.

<u>Proposal Conformity with Town of Essex Official Plan Policies</u>

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning By-law, the Committee of Adjustment should be satisfied that:

a) The general intent of this Plan and the Zoning Bylaw are maintained:
   The Town of Essex Official Plan permits uses accessory to the main use in areas designated residential. The Town of Essex Zoning Bylaw, Bylaw 1037, permits the construction of any use accessory to the main use.
b) The variance is minor and desirable for the appropriate use of the land:
   The variance will not impact on neighbouring properties. The porch will complement the residential use of the property.

c) The variance is compatible with the established character of the neighbourhood, traffic and parking patterns: The existing accessory building is a unique feature to the neighbourhood and compliments the agricultural heritage of the Harrow community. The variance will not result in any disruptions to traffic or parking patterns.
d) The variance deals with circumstances particular to the site and development: The accessory building is already larger than the maximum permitted Gross Floor Area (GFA) for accessory buildings in Residential District 1.1.

Internal and External Agency Comments:

Internal departments were circulated. No comments or objections on the proposal were received.

External agencies were circulated. One (1) comment was received from the Essex Region Conservation Authority (ERCA). They had no objections.

Public Comment

As a result of the giving of public notice, no correspondences were received as of July 16, 2020.

Actions: To be determined by the Committee

Additional comments resulting from circulation:

Fernando Cirino, Resource Planner, Essex Region Conservation Authority (ERCA), wrote

DELEGATED RESPONSIBILITY TO REPRESENT PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.
We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the Conservation Authorities Act). As a result, a permit is not required from ERCA for issues related to Section 28 of the Conservation Authorities Act, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservations Authorities Act, (Ontario Regulation No. 158/06).

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 Stormwater Management (PPS, 2014)

Our office has reviewed the proposal and has no concerns relating to stormwater management.

PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS

The following comments are provided from our perspective as a service provider to the Municipality on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the

PPS. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Municipality as the planning authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the Provincial Policy Statement (PPS). Based on our review, we have no objection to the application with respect to natural heritage policies.

FINAL RECOMMENDATION

ERCA has no objection to this application for Minor Variance.

Discussion:

Corinne Chiasson, Assistant Planner, explains the nature of the application.

Moved by: Phil Pocock

Seconded by: Brian Gray

(CAO-2020-07-41) That application A-13-20 be granted to accommodate a 50.2 square metre (540 square foot) porch addition onto the existing 133 square metre (1440 square foot) accessory structure. As a result, the area of the accessory structure will increase to 184 square metres (1980 square feet)

"Carried"

Reasons for Decision: The Application **is** in keeping with the general intent and purpose of the Town of Essex Zoning Bylaw and the prescribed criteria for Minor Variances under subsection 9.8 of the Town of Essex Official Plan:

a) the general intent of this Plan and the Zoning By-law are maintained;

b) the variance(s) is minor and desirable for the appropriate use of the land;

c) the variance is compatible with the established character of the neighbourhood, traffic and parking patterns;

d) the variance deals with circumstances particular to the site and development

5.3 Corinne Chiasson, Assistant Planner RE:

Application A-14-20 Sean MacPhail, 104 Pigeon Beach Rd (Colchester South, Ward 3)

A application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 104 Pigeon Beach Road in the former township of Colchester South. The applicants are proposing to construct a ±95.1 square metre (±1024 square foot) accessory structure with a storey height of 4.2 metres (14 feet).

The maximum Gross Floor Area (GFA) for an accessory structure in Residential District 1.1 (R1.1) is 70 square metres (750 square feet) under Town of Essex Zoning Bylaw, Bylaw 1037. The maximum height of a storey is 4 metres (13 feet). Thus, the applicants are seeking a variance to accommodate a GFA increase of ±25.1 square metres (±274 square feet) over the maximum permitted size provision for an accessory structure, and a ±0.3 metre (±1 foot) increase in the maximum height of a storey

5.3.1 Public Presentations (if any)

Corinne Chiasson, Assistant Planner wrote:

Official Plan Designation: "Residential"

Zoning: Residential District 1.1 (R1.1) – Low density housing on urban lots.

An application for minor variance has been submitted for 104 Pigeon Beach Rd in the former township of Colchester South. The subject property is designated "Lakeshore Residential" under the Town of Essex Official Plan and zoned Residential District 1.1 (R1.1) for low density housing on urban lots under Town of Essex Zoning Bylaw, Bylaw 1037.

The applicant is proposing to construct a +95.1 square metre (+1024 square metre) accessory structure with a storey height of 4.2 metres (14 feet). The maximum Gross Floor Area (GFA) for an accessory structure in Residential District 1.1 (R1.1) is 70 square metres (750 square feet) under the Town of Essex Zoning By-law, By-law 1037. The maximum height of a storey is 4 metres (13 feet). Thus, the applicant is seeking a variance to accommodate a GFA increase of +25.1 square metres (274 square feet) over the maximum permitted size provision for an accessory structure, and a +0.3 metre (+1 foot) increase in the maximum height of a storey.

An *accessory structure* is defined as a completely detached building used for an *accessory use*. An *accessory use* is defined as a use that is customarily incidental, subordinate and exclusively devoted to the main use and is carried on with such main use on the same lot. The subject property is occupied by a single detached dwelling (the main use). No accessory structure presently exists on the subject property. The applicant requires the accessory structure for storage of yard maintenance machinery; a tractor, recreational vehicles and a workshop area. Relief from the storey height is required to accommodate the storage of the recreational camping trailer.

<u>Proposal Conformity with Town of Essex Official Plan Policies</u>

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

a) The general intent of this Plan and the Zoning Bylaw are maintained:
The Town of Essex Official Plan permits uses accessory to the main use in areas designated Residential. The Town of Essex Zoning Bylaw, Bylaw 1037, permits the

construction of any use accessory to the main use. The accessory structure will not exceed one (1) storey in height and will not be utilized as a dwelling unit or to accommodate a home occupation.

b) The variance(s) is minor and desirable for the appropriate use of the land:
The proposed accessory structure will satisfy all building regulations prescribed in the R1.1 zoning. The subject property is a uniquely large residential property in comparison with lots in the surrounding neighbourhood.

c) The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:

Neighbouring lots are considerably smaller in scale than the subject property. Although Bylaw 1037 only permits an accessory structure of no greater than 70 square metres (750 square feet), lots within the R1.1 zoning district may have a combination of accessory buildings of no greater than 92 square metres (1000 square feet). The variance will not result in any disruptions to traffic or parking patterns.

d) The variance deals with circumstances particular to the site and development:

The subject property is considerably larger than the average lot in residential district 1.1, but is subject to the building regulations of that district. Due to the size of the lot, larger equipment for routine yard maintenance is required.

Internal and External Agency Comments:

Internal departments were circulated. No comments or objections on the proposal were received.

External agencies were circulated. One (1) comment was received from the Essex Region Conservation Authority (ERCA). They had no objections.

Public Comment

As a result of the giving of public notice, no correspondences were received as of July 16, 2020.

Action: To be determined by Committee

Additional comments resulting from circulation:

Michael Nelson, Watershed Planner, Essex Region Conservation Authority (ERCA), wrote

DELEGATED RESPONSIBILITY TO REPRESENT PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act (Ontario Regulation No. 158/06). The parcel falls within the regulated area of Lake Erie. The property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act. To date, our office has not received an application for permit to review.

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 Stormwater Management (PPS, 2014)

Our office has reviewed the proposal and has no concerns relating to stormwater management.

PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS

The following comments are provided from our perspective as a service provider to the Municipality on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the

PPS. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Municipality as the planning authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the Provincial Policy Statement (PPS). Based on our review, we have no objection to the application with respect to natural heritage policies.

FINAL RECOMMENDATION

ERCA has no objection to the application for minor variance.

Discussion:

Corinne Chiasson, Assistant Planner, explains the nature of the application.

Moved by: Ray Beneteau

Seconded by: Phil Pocock

(CAO-2020-07-42) That application A-14-20 be granted to accommodate a +95.1 square metre (+1024 square foot) accessory structure.

"Carried"

Reasons for Decision: The Application **is** in keeping with the general intent and purpose of the Town of Essex Zoning Bylaw and the prescribed criteria for Minor Variances under subsection 9.8 of the Town of Essex Official Plan:

a) the general intent of this Plan and the Zoning By-law are maintained;

b) the variance(s) is minor and desirable for the appropriate use of the land;

c) the variance is compatible with the established character of the neighbourhood, traffic and parking patterns;

d) the variance deals with circumstances particular to the site and development

Moved by: Dan Boudreau

Seconded by: Brian Gray

(CAO-2020-07-43) That application A-14-20 be granted to accommodate a 0.3 metre (1 foot) increase in the maximum height of a storey for an accessory structure.

"Carried"

Reasons for Decision: The Application **is** in keeping with the general intent and purpose of the Town of Essex Zoning Bylaw and the prescribed criteria for Minor Variances under subsection 9.8 of the Town of Essex Official Plan:

a) the general intent of this Plan and the Zoning By-law are maintained;

b) the variance(s) is minor and desirable for the appropriate use of the land;

c) the variance is compatible with the established character of the neighbourhood, traffic and parking patterns;

d) the variance deals with circumstances particular to the site and development

5.4 Corinne Chiasson, Assistant Planner RE:

Application B-14-20 Susane Kranicz (Agent: Joe Bouzide) 1645 Huffman Road (Colchester North, Ward 2)

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 1645 Huffman Road in the former township of Colchester South. The applicant is proposing to sever a $\pm$0.37 acre parcel from the existing $\pm$59.89 acre farm lot. The applicant is proposing this consent because the residence is surplus to the needs of the farming operation.

Note: An application for minor variance has also been received for the subject lands (File Number: A-15-20).

5.4.1 Public Presentations (if any)

Corinne Chiasson, Assistant Planner wrote:

Official Plan Designation: "Agricultural"

Zoning: Agricultural District 1.1 (A1.1) – general agriculture and farm production support activities

An application for Consent and Minor Variance has been received by the Town of Essex Committee of Adjustment for the lands located at 1645 Huffman Road in Colchester South (Ward 1). The subject property is designated "Agricultural" under the Town's Official Plan and

zoned Agricultural District 1.1 (A1.1) for general agriculture and farm production support activities under the Town of Essex Zoning By-law, By-law 1037.

The applicant is proposing to sever a +0.37 acre parcel from the existing +59.89 acre farm lot. The applicant is proposing this consent because the residence is considered surplus to the needs of the farming operation. The owner's main farming operation is located at 1040 Ridge Road which consists of approximately 41 acres.
The severed parcel has an existing access driveway off Huffman Road. The property has municipal water, and has a private septic system. The owners have submitted a septic system inspection form to the Town of Essex Building Department. In accordance with the information submitted, the installation of a new septic system at 1645 Huffman Road is required.

The retained farmland parcel has an existing farm access located along the most western property line. No new buildings are proposed to be constructed on the severed parcel or retained parcels.

Proposal Conformity with Town of Essex Official Plan Policies

In accordance with section 6.4 of the Town of Essex Official Plan, in considering an application for consent, the Committee of Adjustment should have regard to:

a) The proposal's consistency with Provincial legislation, policies and guidelines;
   There are no conflicts with the Planning Act or the Provincial Policy Statement (PPS). The PPS discourages lot creation in prime agricultural areas but permits them for a residence that is surplus to the farming operation as a result of farm consolidation. As a condition of the consent, a residential dwelling will be prohibited on the retained farmland parcel.
b) The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:
   This proposal complies with Section 6.5 of the Town of Essex Official Plan, that states: where a lot has been acquired for consolidation with another farm operation and there is a dwelling on the acquired lot, a consent may be granted to permit the farmer to sever the dwelling and a surrounding portion of the acquired lot, if the dwelling is considered to be surplus to the needs of the farming operation.
   The owner has identified their main farming operation to be located at 1040 Ridge Road.
c) The continuation of an orderly development pattern:
   The severed surplus will not result in the creation of an irregular parcel, or it will not take agricultural lands out of production.
d) The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the

satisfaction of the Town and the statutory approval authority having jurisdiction: the proposed surplus dwelling has municipal water services and a private septic system. The applicants have been informed by the Town of Essex Building Department that the existing septic system requires replacement. The applicants will be required to install a new septic system and obtain satisfactory confirmation that it meets Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the consent certificate.

Requirement for Minor Variance

As a result of the associated surplus dwelling severance, the lot area of the severed and retained parcel will be reduced to +0.37 acres and +59.52 acres, respectively, and the lot width of the severed parcel will be +60 feet. The minimum lot area for lots within an Agricultural District 1.1 (A1.1) under the Town of Essex Zoning By-law 1037 is 40 hectares (100 acres) or as existing. The minimum lot width for lots within and Agricultural District 1.1 (A1.1) under By-law 1037 is 60 metres (200 feet).

Proposal Conformity with Town of Essex Official Plan Policies

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

a) The general intent of this Plan and the Zoning Bylaw are maintained;
   Severances for surplus dwellings are permitted in the agricultural district and in accordance with the policies found under Section 2.3.4.1 c) of the Town of Essex Official Plan. The main use of the retained parcel will continue to be agricultural. Construction of a new dwelling will not be permitted on the retained farm parcel.
b) The variance(s) is minor and desirable for the appropriate use of the land;
   Lot areas and lot widths in the agricultural district vary greatly. Additionally, no agricultural land will be taken out of production.
c) The variance is compatible with the established character of the neighbourhood, traffic and parking patterns; the dwelling and accompanying infrastructure are existing and there will be a prohibition against the construction of any new dwellings on the retained agricultural land. There will be no new entrances or buildings that would impact traffic patterns or neighbouring lots.
d) The variance deals with circumstances particular to the site and development; the variance is necessary in order to accommodate a surplus dwelling application.

Internal and External Agency Comments:

These applications were circulated to internal Town of Essex departments, and to external public agencies.

Comments were received from the Town of Essex Chief Building Official stating that a new septic system is required for this property, and be as a condition of the Consent.

Comments were received from the Essex Region Conservation Authority (ERCA). They have no objections to the consent application.

Public Comment

As a result of the giving of public notice, no phone calls or written correspondence objecting to the Consent or Minor Variance have been received from members of the public as of Thursday July 16, 2020.

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:

a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;

b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;

c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;

d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;

e) That a septic test report be completed and filed with the municipality by a Certified Septic System Installer confirming that the septic system(s) meet Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the certificate

f) That, prior to the granting of the consent, the requested variance be granted by the Committee of Adjustment to accommodate the reduction in minimum lot width for the severed parcel.

g) That all of the above conditions be fulfilled on or before July 21, 2021.

Additional comments resulting from circulation:

Michael Nelson, Watershed Planner, Essex Region Conservation Authority (ERCA), wrote

DELEGATED RESPONSIBILITY TO REPRESENT PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Dolson Creek and Tofflemire Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act. There is not requirement to obtain a permit for this proposed consent and minor variance application.

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 Stormwater Management (PPS, 2014)

Our office has reviewed the proposal and has no concerns relating to stormwater management.

PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS

The following comments are provided from our perspective as a service provider to the Municipality on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the

PPS. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Municipality as the planning authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the Provincial Policy Statement (PPS). Based on our review, we have no objection to the application with respect to natural heritage policies.

FINAL RECOMMENDATION

ERCA has no objection to the application for consent or the application for minor variance.

Discussion:

Corinne Chiasson, Assistant Planner, explains the nature of the application.

Moved by: Phil Pocock

Seconded by: Brian Gray

Opposed by: Ray Beneteau

(CAO-2020-07-44) That application B-14-20 be granted to sever a $\pm$0.37 acre parcel from

the existing ±59.89 acre farm lot. The residence has been rendered surplus as a result of farm consolidation with the following conditions:

a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;

b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;

c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;

d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;

e) That a septic test report be completed and filed with the municipality by a Certified Septic System Installer confirming that the septic system(s) meet Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the certificate

f) That, prior to the granting of the consent, the requested variance be granted by the Committee of Adjustment to accommodate the reduction in minimum lot width for the severed parcel.

g) That all of the above conditions be fulfilled on or before July 21, 2021.

"Carried"

Reasons: The Application **is** in keeping with subsection 2.3.4 of the Provincial Policy Statement (PPS) respecting lot creation and lot adjustment in prime agricultural areas and subsection 6.4 and 6.5 of the Town of Essex Official Plan policies respecting consents and consents in areas designated "Agricultural".

5.5 Corinne Chiasson, Assistant Planner RE:

Application A-15-20 Susane Kranicz (Agent: Joe Bouzide) 1645 Huffman Road (Colchester North, Ward 2)

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 1645 Huffman Road in the former township of Colchester South. As a result of an associated surplus dwelling severance, the lot area of the severed and retained parcel will be reduced to ±0.37 acres and ±59.52 acres, respectively, and the lot width of the severed parcel will be ±60 feet.

The minimum lot area for lots within Agricultural District 1.1 (A1.1) under the Town of Essex zoning By-law 1037 is 40 hectares (100 acres) or as existing. The minimum lot width for lots within Agricultural District 1.1 (A1.1) under Town of Essex Zoning Bylaw 1037 is 60 metres (200 feet).

Note: An application for consent has also been received for the subject lands (File Number: B-14-20).

5.1.1 Public Presentations (if any)

Corinne Chiasson, Assistant Planner wrote:

Official Plan Designation: "Agricultural"

Zoning: Agricultural District 1.1 (A1.1) – general agriculture and farm production support activities

An application for Consent and Minor Variance has been received by the Town of Essex Committee of Adjustment for the lands located at 1645 Huffman Road in Colchester South (Ward 1). The subject property is designated "Agricultural" under the Town's Official Plan and zoned Agricultural District 1.1 (A1.1) for general agriculture and farm production support activities under the Town of Essex Zoning By-law, By-law 1037.

The applicant is proposing to sever a +0.37 acre parcel from the existing +59.89 acre farm lot. The applicant is proposing this consent because the residence is considered surplus to the needs of the farming operation. The owner's main farming operation is located at 1040 Ridge Road which consists of approximately 41 acres.

The severed parcel has an existing access driveway off Huffman Road. The property has municipal water, and has a private septic system. The owners have submitted a septic system inspection form to the Town of Essex Building Department. In accordance with the information submitted, the installation of a new septic system at 1645 Huffman Road is required.

The retained farmland parcel has an existing farm access located along the most western property line. No new buildings are proposed to be constructed on the severed parcel or retained parcels.

<u>Proposal Conformity with Town of Essex Official Plan Policies</u>

In accordance with section 6.4 of the Town of Essex Official Plan, in considering an application for consent, the Committee of Adjustment should have regard to:

d) The proposal's consistency with Provincial legislation, policies and guidelines;
There are no conflicts with the Planning Act or the Provincial Policy Statement (PPS). The PPS discourages lot creation in prime agricultural areas but permits them for a residence that is surplus to the farming operation as a result of farm consolidation. As a condition of the consent, a residential dwelling will be prohibited on the retained farmland parcel.

e) The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:
This proposal complies with Section 6.5 of the Town of Essex Official Plan, that states: where a lot has been acquired for consolidation with another farm operation and there is a dwelling on the acquired lot, a consent may be granted to permit the farmer to sever the dwelling and a surrounding portion of the acquired lot, if the dwelling is considered to be surplus to the needs of the farming operation.
The owner has identified their main farming operation to be located at 1040 Ridge Road.

f) The continuation of an orderly development pattern:
The severed surplus will not result in the creation of an irregular parcel, or it will not take agricultural lands out of production.

d) The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction:
the proposed surplus dwelling has municipal water services and a private septic system. The applicants have been informed by the Town of Essex Building Department that the existing septic system requires replacement. The applicants will be required to install a new septic system and obtain satisfactory confirmation that it meets Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the consent certificate.

<u>Requirement for Minor Variance</u>

As a result of the associated surplus dwelling severance, the lot area of the severed and retained parcel will be reduced to +0.37 acres and +59.52 acres, respectively, and the lot width of the severed parcel will be +60 feet. The minimum lot area for lots within an Agricultural District 1.1 (A1.1) under the Town of Essex Zoning By-law 1037 is 40 hectares (100 acres) or as existing. The minimum lot width for lots within and Agricultural District 1.1 (A1.1) under By-law 1037 is 60 metres (200 feet).

<u>Proposal Conformity with Town of Essex Official Plan Policies</u>

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

e) The general intent of this Plan and the Zoning Bylaw are maintained;
Severances for surplus dwellings are permitted in the agricultural district and in accordance with the policies found under Section 2.3.4.1 c) of the Town of Essex Official Plan. The main use of the retained parcel will continue to be agricultural. Construction of a new dwelling will not be permitted on the retained farm parcel.

f) The variance(s) is minor and desirable for the appropriate use of the land;
Lot areas and lot widths in the agricultural district vary greatly. Additionally, no agricultural land will be taken out of production.

g) The variance is compatible with the established character of the neighbourhood, traffic and parking patterns; the dwelling and accompanying infrastructure are existing and there will be a prohibition against the construction of any new dwellings on the retained agricultural land. There will be no new entrances or buildings that would impact traffic patterns or neighbouring lots.

h) The variance deals with circumstances particular to the site and development; the variance is necessary in order to accommodate a surplus dwelling application.

Internal and External Agency Comments:

These applications were circulated to internal Town of Essex departments, and to external public agencies.

Comments were received from the Town of Essex Chief Building Official stating that a new septic system is required for this property, and be as a condition of the Consent.

Comments were received from the Essex Region Conservation Authority (ERCA). They have no objections to the consent application.

Public Comment

As a result of the giving of public notice, no phone calls or written correspondence objecting to the Consent or Minor Variance have been received from members of the public as of Thursday July 16, 2020.

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:

a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;

b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;

c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;

d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
e) That a septic test report be completed and filed with the municipality by a Certified Septic System Installer confirming that the septic system(s) meet Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the certificate
f) That, prior to the granting of the consent, the requested variance be granted by the Committee of Adjustment to accommodate the reduction in minimum lot width for the severed parcel.

g) That all of the above conditions be fulfilled on or before July 21, 2021.

Additional comments resulting from circulation:

Michael Nelson, Watershed Planner, Essex Region Conservation Authority (ERCA), wrote

DELEGATED RESPONSIBILITY TO REPRESENT PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.
The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Dolson Creek and Tofflemire Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act. There is not requirement to obtain a permit for this proposed consent and minor variance application.

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 Stormwater Management (PPS, 2014)

Our office has reviewed the proposal and has no concerns relating to stormwater management.

PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS

The following comments are provided from our perspective as a service provider to the Municipality on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the

PPS. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Municipality as the planning authority. The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the Provincial Policy Statement (PPS). Based on our review, we have no objection to the application with respect to natural heritage policies.

FINAL RECOMMENDATION

ERCA has no objection to the application for consent or the application for minor variance.

Discussion:

Corinne Chiasson, Assistant Planner explains the nature of the application.

Moved by: Phil Pocock

Seconded by: Brian Gray

Opposed by: Ray Beneteau

(CAO-2020-07-45) That application A-15-20 to accommodate a lot area of ±0.37 acres and ±59.52 acres for the severed and retained parcels, and a lot width of 60 feet for the severed parcel. The lot area and width were reduced as a result of a severance for a surplus dwelling

"Carried"

Reasons for Decision: The Application **is** in keeping with the general intent and purpose of the Town of Essex Zoning Bylaw and the prescribed criteria for Minor Variances under subsection 9.8 of the Town of Essex Official Plan:

a) the general intent of this Plan and the Zoning By-law are maintained;

b) the variance(s) is minor and desirable for the appropriate use of the land;

c) the variance is compatible with the established character of the neighbourhood, traffic and parking patterns;

d) the variance deals with circumstances particular to the site and development

6. Unfinished Business

7. Correspondence

None.

8. New Business

8.1 Update on Appeal B-17-19 (7880 County Rd 18)

Rita Jabbour advises the members that she has received the decision of the Local Planning Appeal Tribunal (LPAT) with regards to application B-17-19 (7880 County Road 18). She states that the LPAT decided in favour of the applicants.
She states that the LPAT has granted the easement over the existing access bridge in favour of the retained parcel and has removed the condition respecting the installation of a separate access bridge to the retained farm parcel.

8.2 Changes to the Provincial Police Statement

Rita Jabbour advises the members that the Provincial Policy Statement (PPS) has been amended and is now in effect. She states that severance policies for agricultural lands have not changed. She explains that the PPS is now clear on the allowance of lot creation on rural lands. She states that the Committee may see an influx of severance applications in the coming months for severances within rural lands. She also advises that an Official Plan review is being initiated in 2020 which may result in the designation of more rural lands.

9. Notices of Motion

None.

10. Adjournment

Moved by: Ray Beneteau
Seconded by: Dan Boudreau
(CAO-2020-07-46) That the meeting be adjourned at 5:24 p.m.
"Carried"

11. Next Meeting

11.1 August 18th, 2020 Virtual Zoom Meeting at 4:00 p.m.

_____

Chair

_____

Secretary-Treasurer

The Corporation of the Town of Essex

Minutes of Regular Committee of Adjustment Meeting

Tuesday August 18th, 2020

A regular meeting of the Town of Essex Committee of Adjustment was held on Tuesday, August 18th , 2020 at 4:00 PM via Virtual Zoom Meeting.

1. Roll Call:

Members Present	Percy Dufour, Chair
	Brian Gray, Vice Chair
	Phil Pocock
	Ray Beneteau
	Dan Boudreau
Also Present	Rita Jabbour, Secretary Treasurer/Manager, Planning Services
	Corinne Chiasson, Assistant Planner
	Sarah Aubin, Planning Assistant, Recording Secretary
	Lori Chadwick, Director of Development Services
Members of the Public	John and Kathy Hunt
	Andrea Grimes

2. Declaration of Conflict of Interest

None

3. Adoption of Published Agenda

3.1 That the published agenda for the August 18th, 2020 meeting of the Committee of Adjustment be adopted as circulated.

Moved by: Ray Beneteau

Seconded by: Dan Boudreau

(COA-2020-08-47) That the published agenda for August 18th , 2020 be amended so that Reports / Applications item number 5.3 with regards to Application B-16-20 be moved to the top of Reports / Applications for first discussion.

"Carried"

4. Adoption of Minutes

4.1 That the minutes of the July 21st, 2020 Committee of Adjustment meeting be adopted with amendments.

Moved by: Brian Gray

Seconded by: Phil Pocock

(COA-2020-08-48) That the Regular Minutes from the Committee of

Adjustment Meeting of July 21st, 2020 be adopted as circulated.

"Carried"

5. Reports / Applications

5.1 Corinne Chiasson, Assistant Planner RE:

Application B-16-20 Evelyn Vivier Agent: Walter Branco, Noah Homes (Essex Centre, Ward 1)

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 80 Maidstone Ave in Essex Centre (Ward 1). The applicants are proposing to sever a ±0.14 acre parcel from the existing ±4.5 acre residential lot identified municipally as 80 Maidstone Avenue. The applicant is proposing this consent for the purpose of a lot addition. The severed parcel is proposed to be merged with the lands located directly to the southeast known municipally as 61 Bell Ave.

5.1.1 Public Presentations (if any)

Corinne Chiasson, Assistant Planner wrote:

Official Plan Designation: "Residential"

Zoning: Holding Residential District 2.3 (HR2.3)–low density housing on urban lots or within a rental or plan of condominium development.

An application for consent has been submitted for the lands located at 80 Maidstone Ave in Essex Centre. The subject property is designated "Residential" under the Town's Official Plan and zoned Holding Residential District2.3 (HR2.3) for low density housing on urban lots or within a rental or plan of condominium development under the Town of Essex Zoning Bylaw, Bylaw 1037.

The applicant is proposing to sever a ±0.14 acre parcel from the ±4.5 acre residential lot. The applicant is proposing this consent for the purposes of a lot addition. The severed parcel is proposed to be merged with the property identified municipally as 61 Bell Avenue. The severed parcel contains a pole barn structure that is utilized as an accessory use to the residential property at 61 Bell Avenue. . The applicant intends to sell the retained parcel for future residential development, however no development is proposed at this time, or is a component of this application.

Proposal Conformity with Provincial and Town of Essex Policies

In accordance with the Town of Essex Official Plan (OP), consents should only be granted for lot adjustments or minor boundary changes provided both parcels comply with the provisions of the implementing Zoning By-law. The existing pole barn complies with the rear, side and front yard setback provisions of the Zoning By-law.

In accordance with section 6.4 of the Town of Essex Official Plan, in considering an application for consent, the Committee of Adjustment should also have regard to:

a) *the proposal's consistency with Provincial legislation, policies and guidelines:* This application is consistent with the policies of the Provincial Policy Statement.
b) *The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:* The lot addition will merge the pole barn with the associated main use at 61 Bell Ave. In accordance with the Town of Essex Official Plan (OP), uses accessory to the foregoing uses are permitted on lands designated "Residential". No development is proposed as a result of this Consent, and therefore there are no traffic pattern changes to adjacent properties.
c) The continuation of an orderly development pattern:
The proposed lot addition is not of a shape that would hinder adjoining land uses.

The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction: the severed portion will be added to a lot that has full municipal services.

Agency and Public Comments

As a result of the giving of public notice, no phone calls or written correspondence have been received from members of the public as of Thursday August 13, 2020. Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections. No comments were received from circulated internal agencies as of Thursday August 13, 2020. As a result of the giving of public notice, no phone calls or written correspondence have been received from members of the public as of Thursday August 13, 2020.

No comments were received from circulated internal agencies as of Thursday August 13, 2020.

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:
a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full

to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;

d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;

e) That the severed parcel be consolidated with the lands identified municipally as 61 Bell Avenue. In accordance with Subsection 3 of Section 50 of the Planning Act, the applicant shall submit to the Secretary-Treasurer satisfactory evidence that the transferee of the severed portion of the property and the owner of the abutting property are identical, together with an undertaking from the applicant's solicitor to consolidate the severed portion and the abutting into one parcel. Within thirty days of the issuance of the certificate of consent to sever, the applicant shall provide evidence to the Secretary-Treasurer that an application to consolidate parcels has been filed with the Land Registry Office.

f) That all of the above conditions be fulfilled on or before August 18, 2021.

Additional comments resulting from circulation:

Michael Nelson, Watershed Planner, Essex Region Conservation Authority (ERCA), wrote

DELEGATED RESPONSIBILITY TO REPRESENT PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the Conservation Authorities Act). As a result, a permit is not required from ERCA for issues related to Section 28 of the Conservation Authorities Act, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservations Authorities Act, (Ontario Regulation No. 158/06).

We have no objections to the application with respect to our natural hazards or regulatory perspective.

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management. Our office has reviewed the proposal and has no concerns relating to stormwater management.

PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS

The following comments are provided from our perspective as a service provider to the Municipality on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the PPS. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Municipality as the planning authority. The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the Provincial Policy Statement (PPS). Based on our review, we have no objection to the application with respect to natural heritage policies.

FINAL RECOMMENDATION

ERCA has no objection to this application

Kristopher Balallo, Engineering Technician, County of Essex wrote:

Please be advised that the County has reviewed the aforementioned application and the comments provided are engineering related only. This application has not been reviewed from a planning perspective. The subject lands have frontage on County Road No. 8. The Applicant will be required to comply with the following County Road regulations:

County By-Law Number 2481 - A By-Law to Provide for the Protection of Highways and to Provide for the Installation of Entrance Ways.

County By-Law Number 2480 - A By-Law of the Corporation of the County of Essex to Regulate the Location of Buildings and Structures on Land Adjacent to County Roads.

The minimum setback for any proposed structures on this property must be 85 feet from the centre of the original ROW of County Road No. 8. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures.

We are requesting a copy of the Decision of the aforementioned application. Should this application be approved we are requesting a copy the revised survey plan of the subject lands in order to update our mapping records. Thank you for your assistance and cooperation in this matter.

Discussion:

Corinne Chiasson, Assistant Planner, explains the nature of the application

Moved by: Phil Pocock

Seconded by: Brian Gray

(CAO-2020-08-49) That application B-16-20 be granted to sever a $\pm$0.14 acre parcel from the existing $\pm$4.5 acre residential lot. The severed parcel is proposed to be merged with the lands located directly to the southeast known municipally as 61 Bell Ave.

Conditions:

a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;

b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;

c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;

d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;

e) That the severed parcel be consolidated with the lands identified municipally as 61 Bell Avenue. In accordance with Subsection 3 of Section 50 of the Planning Act, the applicant shall submit to the Secretary-Treasurer satisfactory evidence that the transferee of the severed portion of the property and the owner of the abutting property are identical, together with an undertaking from the applicant's solicitor to consolidate the severed portion and the abutting into one parcel. Within thirty days of the issuance of the certificate of consent to sever, the applicant shall provide evidence to the Secretary-Treasurer that an application to consolidate parcels has been filed with the Land Registry Office.

f) That all of the above conditions be fulfilled on or before August 18, 2021

"Carried"

Reasons for Decision: The Application **is** in keeping with subsection 6.4 of the Town of Essex Official Plan respecting consents

5.2 Corinne Chiasson, Assistant Planner RE:

Application B-15-20 Dennis James Salter (Agent: Joseph Drouillard) (Colchester South, Ward 3)

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 2218 County Road 20 West in the former township of Colchester South. The applicant is proposing to sever a ±1.71 acre parcel from the existing ±52 acre farm lot. The applicant is proposing this consent because the residence is surplus to the needs of the farming operation.

5.2.1 Public Presentations (if any)

Corinne Chiasson, Assistant Planner wrote:

Official Plan Designation: "Agricultural"

Zoning: Agricultural District 1.1 (A1.1) –general agriculture and farm production support activities

Applications for consent and minor variance have been submitted for the lands located at 2218 County Road 20 West in the former township of Colchester South. The subject property is designated "Agricultural" under the Town's Official Plan and zoned Agricultural District 1.1 (A1.1) for general agriculture and farm production support activities under the Town of Essex Zoning Bylaw, Bylaw 1037.

The applicant is proposing to sever a ±1.71 acre parcel from the existing ±52 acre farm lot. The severed parcel contains an existing single detached dwelling, two accessory structures, and the accompanying infrastructure (i.e. septic system and access area). Access to the severed lot will continue to be by way of County Road 20 West.

The retained lot will have a resulting area of ±52 acres and will continue to be used for agricultural purposes. A new access to the retained parcel is proposed as a condition of the consent approval.

The applicant is proposing this consent due to the house being surplus to the needs of the farming operation of Mr. Joe Drouillard who has signed a purchase agreement with Mr. Salter the current owner.

Proposal Conformity with Provincial and Town of Essex Policies

The Provincial Policy Statement (PPS) states that a surplus dwelling, namely, a dwelling that is acquired as part of farm land acquisition, may be severed and sold, with the stipulation that no new dwelling will be permitted on the retained farm parcel. The Provincial Policy Statement (PPS) defines a residence surplus to a farming operation as an existing habitable farm residence that is rendered surplus as a result of farm consolidation. Farm consolidation is defined as the acquisition of additional farm parcels to be operated as one (1) farm operation. The subject lands are being purchased by Mr. Joe Drouillard. His main agricultural operation is located at 9798 Walker Road. He also owns multiple agricultural properties in the area: 4190 Smith Rd, 7043 Arner Townline, 12144 12th Concession, and 13091 13th Concession. Therefore this application for consent is consistent with the PPS policies for farm consolidation and severance of a surplus dwelling.

In accordance with Town of Essex Official Plan policies relating to consents in areas designated "Agricultural", one (1) lot creating consent will be permitted for a surplus dwelling on the condition that:

a) *No new dwelling will be permitted on the retained farm parcel:* A restricted development layer will be applied to the property upon provisional consent approval on the Town's Geographic Information System (GIS);

b) *the size of the surplus dwelling lot should not be greater than one (1) hectare, however, the choice of consolidating outbuildings with the surplus dwelling will also be considered when the size and boundaries of the surplus dwelling lot are determined and approved by consent:* the size of the proposed surplus dwelling lot will not exceed one (1) hectare and the accessory structures will be kept with the main use dwelling;

c) *the lot to be created has provision for sewage disposal, a potable water supply and stormwater management systems satisfactory to the Town and other statutory approval authority having jurisdiction:* the surplus dwelling lot has access to municipal water and road side drains (Webster Drain and Little Drain). The Building Department has confirmed that the septic system was upgraded in 2017 and satisfies Part 8 of the Ontario Building Code (OBC);

d) *the severed dwelling lot will satisfy Minimum Distance Separation 1 (MDS 1) provisions of the Official Plan:* the lot to be severed contains an existing dwelling. No additional dwellings will be permitted on this lot. Therefore, no livestock facilities will be impacted by the proposed development;

e) *the severed dwelling lot has frontage on a public road:* the severed dwelling lot has frontage on County Road 20, a public road which is owned and assumed by the County of Essex.

f) *the surplus dwelling is in habitable condition, as determined by the Town or certified by a qualified building inspector:* no objections to the application were received from the Building Department.

Requirement for Minor Variance

The minimum lot area required for lots zoned A1.1 under Bylaw 1037 is the lesser of 40 hectares (100 acres) or as existing. As a result of the proposed severance, the lot area for both the retained and severed parcel will decrease in size from 52 acres to 50.3 acres and +1.71 acres, respectively. Due to the proposed reduction in the farm parcel lot area, minor Variance application A-16-20 has been submitted concurrently for the Committee's review.

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

a) *The general intent of this Plan and the Zoning Bylaw are maintained:* The Town of Essex Official Plan (OP) permits the creation of surplus dwelling lots when in accordance with the provisions of the Provincial Policy Statement (PPS). In accordance with the Town OP, the proposed surplus dwelling lot is of a size sufficient to accommodate septic services acceptable to the Town;

b) *The variance(s) is minor and desirable for the appropriate use of the land:* Lots in the A1.1 zoning district vary greatly in lot area. No new development is proposed on the severed or retained parcel;

c) *The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:* The dwelling and accompanying infrastructure are existing and there will be a prohibition against the construction of any new dwelling on the retained agricultural land.

d) *The variance deals with circumstances particular to the site and development:* The variance is necessary in order to accommodate a surplus dwelling application.

Agency and Public Comments

As a result of the giving of public notice, no phone calls or written correspondence have been received from members of the public as of Thursday August 13, 2020.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections.

Comments were received from the County of Essex stating they have no objections to the installation of a new culvert to access the retained farm lot, however a permit approval will be necessary. They also ask that the existing second access to the surplus lot be taken out of use, whereas the driveway will be removed by top dressing with top soil and grass as a condition of the severance. No comments were received from circulated internal agencies as of Thursday August 13, 2020.

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:
a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
e) that the second access to the surplus dwelling be taken out of use by applying topsoil and grassing the driveway entrance;
f) That an access be installed for the retained farm lot parcel to the satisfaction and requirements of the Town of Essex, County of Essex and other agencies having jurisdiction;
g) That, prior to the granting of this consent, the requested variance should be granted by the Committee of Adjustment to accommodate the reduction in minimum lot area for the retained and severed parcel.

h) That all of the above conditions be fulfilled on or before August 18, 2021.

Additional comments resulting from circulation:

Michael Nelson, Watershed Planner, Essex Region Conservation Authority (ERCA), wrote

DELEGATED RESPONSIBILITY TO REPRESENT PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Little Drain and Grayer Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.

We have no objections to the applications with respect to our natural hazards or regulatory perspective.

PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS

The following comments are provided from our perspective as a service provider to the Municipality on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the PPS. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Municipality as the planning authority. The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the Provincial Policy Statement (PPS). Based on our review, we have no objection to the application with respect to natural heritage policies.

FINAL RECOMMENDATION

ERCA has no objection to this application

Kristopher Balallo, Engineering Technician, County of Essex wrote:

Please be advised that the County of Essex has reviewed the aforementioned applications and the comments provided are engineering related only. These applications have not been reviewed from a planning perspective. This road was formerly King's Highway 18 until it was downloaded to the County of Essex.

The number of allowable accesses for the severed and retained lot is one. In order to approve an access to retained portion of property, the severed lot to close one of the existing access.

The minimum setback for any proposed structures on this property must be 85 feet from the center of the original ROW of County Road No. 20 in the case of a dwelling, and 105 feet from

the centre of the right of way in the case of an commercial building. Permits are necessary for any changes to existing entrances and structures, of the construction of new structures. We are requesting a copy of the Decision of the aforementioned applications. Thank you for your assistance and cooperation in this matter.

Discussion:

Corinne Chiasson, Assistant Planner, explains the nature of the application

Ray Beneteau states that the U shaped driveway is a good selling feature for the subject property and states that he does not agree with proposed condition e).that the second access to the surplus dwelling be taken out of use by applying topsoil and grassing the driveway entrance; and states the condition should be removed.

Rita Jabbour, Planner, states that condition e) was put forth by planning department as the County of Essex requested that the second access be removed, however the committee has the authority to implement the condition or remove it.

Moved by: Ray Beneteau

Seconded by: Phil Pocock

(CAO-2020-08-50) That application B-15-20 be granted to sever a ± 1.71 acre parcel from the existing ± 52 acre farm lot. The residence has been rendered surplus as a result of farm consolidation.

Conditions:

a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;

b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;

c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;

d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;

e) ~~that the second access to the surplus dwelling be taken out of use by applying topsoil and grassing the driveway entrance;~~ removed

f) That an access be installed for the retained farm lot parcel to the satisfaction and requirements of the Town of Essex, County of Essex and other agencies having jurisdiction;

g) That, prior to the granting of this consent, the requested variance should be granted by the Committee of Adjustment to accommodate the reduction in minimum lot area for the retained and severed parcel.

h) That all of the above conditions be fulfilled on or before August 18, 2021.

"Carried"

Reasons for Decision: The Application is in keeping with subsection 2.3.4 of the Provincial Policy Statement (PPS) respecting lot creation and lot adjustment in prime agricultural areas and subsection 6.4 and 6.5 of the Town of Essex Official Plan policies respecting consents and consents in areas designated "Agricultural".

Corinne Chiasson, Assistant Planner RE:

5.3 Application A-16-20 Dennis James Salter (Agent: Joseph Drouillard) 2218 County Road 20 West (Colchester South, Ward 3)

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 2218 County Road 20 West in the former township of Colchester South (Ward 3). As a result of an associated surplus dwelling severance (B-15-20), the lot area of the severed and retained parcels will be reduced to ±1.71 acres and ±50.3 acres, respectively**.** The minimum lot area for lots within Agricultural District 1.1 (A1.1) under the Town of Essex zoning By-law 1037 is 40 hectares (100 acres) or as existing**.**

5.3.1 Public Presentations (if any)

Corinne Chiasson, Assistant Planner wrote:

Official Plan Designation: "Agricultural"

Zoning: Agricultural District 1.1 (A1.1) –general agriculture and farm production support activities

Applications for consent and minor variance have been submitted for the lands located at 2218 County Road 20 West in the former township of Colchester South. The subject property is designated "Agricultural" under the Town's Official Plan and zoned Agricultural District 1.1 (A1.1) for general agriculture and farm production support activities under the Town of Essex Zoning Bylaw, Bylaw 1037.

The applicant is proposing to sever a ±1.71 acre parcel from the existing ±52 acre farm lot. The severed parcel contains an existing single detached dwelling, two accessory structures, and the accompanying infrastructure (i.e. septic system and access area). Access to the severed lot will continue to be by way of County Road 20 West.

The retained lot will have a resulting area of ±52 acres and will continue to be used for agricultural purposes. A new access to the retained parcel is proposed as a condition of the consent approval.

The applicant is proposing this consent due to the house being surplus to the needs of the farming operation of Mr. Joe Drouillard who has signed a purchase agreement with Mr. Salter the current owner.

Proposal Conformity with Provincial and Town of Essex Policies

The Provincial Policy Statement (PPS) states that a surplus dwelling, namely, a dwelling that is acquired as part of farm land acquisition, may be severed and sold, with the stipulation that no new dwelling will be permitted on the retained farm parcel. The Provincial Policy Statement (PPS) defines a residence surplus to a farming operation as an existing habitable farm residence that is rendered surplus as a result of farm consolidation. Farm consolidation is defined as the acquisition of additional farm parcels to be operated as one (1) farm operation. The subject lands are being purchased by Mr. Joe Drouillard. His main agricultural operation is located at 9798 Walker Road. He also owns multiple agricultural properties in the area: 4190 Smith Rd, 7043 Arner Townline, 12144 12th Concession, and 13091 13th Concession. Therefore this application for consent is consistent with the PPS policies for farm consolidation and severance of a surplus dwelling.

In accordance with Town of Essex Official Plan policies relating to consents in areas designated "Agricultural", one (1) lot creating consent will be permitted for a surplus dwelling on the condition that:

a) *No new dwelling will be permitted on the retained farm parcel:* A restricted development layer will be applied to the property upon provisional consent approval on the Town's Geographic Information System (GIS);

b) *the size of the surplus dwelling lot should not be greater than one (1) hectare, however, the choice of consolidating outbuildings with the surplus dwelling will also be considered when the size and boundaries of the surplus dwelling lot are determined and approved by consent:* the size of the proposed surplus dwelling lot will not exceed one (1) hectare and the accessory structures will be kept with the main use dwelling;

c) *the lot to be created has provision for sewage disposal, a potable water supply and stormwater management systems satisfactory to the Town and other statutory approval authority having jurisdiction:* the surplus dwelling lot has access to municipal water and road side drains (Webster Drain and Little Drain). The Building Department has confirmed that the septic system was upgraded in 2017 and satisfies Part 8 of the Ontario Building Code (OBC);

d) *the severed dwelling lot will satisfy Minimum Distance Separation 1 (MDS 1) provisions of the Official Plan:* the lot to be severed contains an existing dwelling. No additional dwellings will be permitted on this lot. Therefore, no livestock facilities will be impacted by the proposed development;

e) *the severed dwelling lot has frontage on a public road:* the severed dwelling lot has frontage on County Road 20, a public road which is owned and assumed by the County of Essex.

f) *the surplus dwelling is in habitable condition, as determined by the Town or certified by a qualified building inspector:* no objections to the application were received from the Building Department.

Requirement for Minor Variance

The minimum lot area required for lots zoned A1.1 under Bylaw 1037 is the lesser of 40 hectares (100 acres) or as existing. As a result of the proposed severance, the lot area for both the retained and severed parcel will decrease in size from 52 acres to 50.3 acres and +1.71 acres, respectively. Due to the proposed reduction in the farm parcel lot area, minor Variance application A-16-20 has been submitted concurrently for the Committee's review.

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

a) *The general intent of this Plan and the Zoning Bylaw are maintained:* The Town of Essex Official Plan (OP) permits the creation of surplus dwelling lots when in accordance with the provisions of the Provincial Policy Statement (PPS). In accordance with the Town OP, the proposed surplus dwelling lot is of a size sufficient to accommodate septic services acceptable to the Town;

b) *The variance(s) is minor and desirable for the appropriate use of the land:* Lots in the A1.1 zoning district vary greatly in lot area. No new development is proposed on the severed or retained parcel;

c) *The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:* The dwelling and accompanying infrastructure are existing and there will be a prohibition against the construction of any new dwelling on the retained agricultural land.

d) *The variance deals with circumstances particular to the site and development:* The variance is necessary in order to accommodate a surplus dwelling application.

Agency and Public Comments

As a result of the giving of public notice, no phone calls or written correspondence have been received from members of the public as of Thursday August 13, 2020.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections.

Comments were received from the County of Essex stating they have no objections to the installation of a new culvert to access the retained farm lot, however a permit approval will be necessary. They also ask that the existing second access to the surplus lot be taken out of use, whereas the driveway will be removed by top dressing with top soil and grass as a condition of the severance. No comments were received from circulated internal agencies as of Thursday August 13, 2020.

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:

a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;

b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;

c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;

d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;

e) that the second access to the surplus dwelling be taken out of use by applying topsoil and grassing the driveway entrance;

f) That an access be installed for the retained farm lot parcel to the satisfaction and requirements of the Town of Essex, County of Essex and other agencies having jurisdiction;

g) That, prior to the granting of this consent, the requested variance should be granted by the Committee of Adjustment to accommodate the reduction in minimum lot area for the retained and severed parcel.

h) That all of the above conditions be fulfilled on or before August 18, 2021.

Additional comments resulting from circulation:

Michael Nelson, Watershed Planner, Essex Region Conservation Authority (ERCA), wrote

DELEGATED RESPONSIBILITY TO REPRESENT PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Little Drain and Grayer Drain. The property owner will be required to obtain a Permit and/or

Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.
We have no objections to the applications with respect to our natural hazards or regulatory perspective.

PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS

The following comments are provided from our perspective as a service provider to the Municipality on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the PPS. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Municipality as the planning authority. The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the Provincial Policy Statement (PPS). Based on our review, we have no objection to the application with respect to natural heritage policies.

FINAL RECOMMENDATION

ERCA has no objection to this application

Kristopher Balallo, Engineering Technician, County of Essex wrote:

Please be advised that the County of Essex has reviewed the aforementioned applications and the comments provided are engineering related only. These applications have not been reviewed from a planning perspective. This road was formerly King's Highway 18 until it was downloaded to the County of Essex.
The number of allowable accesses for the severed and retained lot is one. In order to approve an access to retained portion of property, the severed lot to close one of the existing access. The minimum setback for any proposed structures on this property must be 85 feet from the center of the original ROW of County Road No. 20 in the case of a dwelling, and 105 feet from the centre of the right of way in the case of an commercial building. Permits are necessary for any changes to existing entrances and structures, of the construction of new structures.
We are requesting a copy of the Decision of the aforementioned applications. Thank you for your assistance and cooperation in this matter.

Discussion:

Corinne Chiasson, Assistant Planner, explains the nature of the application

Moved by: Ray Beneteau

Seconded by: Phil Pocock

(CAO-2020-08-51) That application A-16-20 be granted the severed and retained parcel will be reduced to $\pm$ 1.71 acres and $\pm$ 50.3 acres.

Reasons for Decision: The Application **is** in keeping with the general intent and purpose of the Town of Essex Zoning Bylaw and the prescribed criteria for Minor Variances under subsection 9.8 of the Town of Essex Official Plan:

a) the general intent of this Plan and the Zoning By-law are maintained;

b) the variance(s) is minor and desirable for the appropriate use of the land;

c) the variance is compatible with the established character of the neighbourhood, traffic and parking patterns;

d) the variance deals with circumstances particular to the site and development

"Carried"

5.4 Corinne Chiasson, Assistant Planner RE:

Application A-17-20 Paul & Eva Antonel 581 County Road 50 East (Colchester South, Ward 3)

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 581 County Road 50 East in the former township of Colchester South (Ward 3). The applicants are proposing to construct a ± 126.5 square metre garage addition to the existing dwelling. As a result, the required exterior side yard width would be reduced to ±1.2 metre (4 feet). The required exterior side yard width for exterior lots within the Residential District 1.1 (R1.1) under Town of Essex Zoning By-law, By-law 1037, is 4.5 metres (15 feet). Thus the applicants are requesting ± 3.3 metre (11 foot) reduction in the exterior side yard width

5.4.1 Public Presentations (if any)

Corinne Chiasson, Assistant Planner wrote:

Official Plan Designation: "Lakeshore Residential"

Zoning: Residential District 1.1 (R1.1) –Low density housing on urban lots

An application for minor variance has been submitted for the lands located at 581 County Road 50 East in the former township of Colchester South. The subject property is designated "Lakeshore Residential" under the Town's Official Plan and zoned Residential District 1.1 (R1.1) for low density housing on urban lots under Town of Essex Zoning Bylaw, Bylaw 1037.

The applicants are proposing to construct a +126.5 square metre addition to the existing dwelling to accommodate an accessory use (an attached garage). As a result, the required exterior side yard width will be reduced to +1.2 metres (4 feet) from the private road right-of-way of Poplar Bluff Drive.

An *exterior side yard* is defined under Bylaw 1037 as a side yard of a corner lot between an *exterior side lot line* and the nearest wall of a main building on such lot. An *exterior lot line* is defined as a lot line which parallels and abuts a street. The required exterior side yard width for lots within Residential District 1.1 under Bylaw 1037 is 4.5 metres (15 feet), thus, the applicants are requesting a +3.3 metre (11 foot) reduction in the exterior side yard width.

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

a) *The general intent of this Plan and the Zoning Bylaw are maintained:* A single detached dwelling is a permitted main use for lands designated "Residential" and under the R1.1 zoning district. An accessory use is defined as use which is customarily incidental, subordinate and exclusively devoted to the main use and is carried on with such main use on the same lot. In accordance with Bylaw 1037, an accessory use may be situated within the main building (dwelling).

b) *The variance(s) is minor and desirable for the appropriate use of the land:* The garage addition will support the main use of the property which is for residential purposes. The garage addition will be located on the west side of the dwelling to satisfy County Road 50 setbacks, and Town of Essex front yard and rear yard setbacks. The addition to the dwelling will also fall within the lot coverage provisions for the R1.1 zoning district.

c) *The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:* Neighbouring residential contain attached and detached structures of relative size and use. The variance will allow accesses off of Poplar Bluff Drive, a private road, as opposed to County Road 50, a highly travelled public road with cycling infrastructure. The owner has obtained permission to have a driveway access off of Polar Bluff Drive from the Poplar Drive Homeowners Association. The site plan provided ensures setbacks from the intersection of County Road 50 and Poplar Bluff Drive are maintained and do not affect traffic patterns;

d) *The variance deals with circumstances particular to the site and development:* Due to the configuration of the Poplar Bluff Drive road right-of-way allowance, and the exterior side yard setback provision of 4.5 metres (15 feet), development on the west side of this dwelling is very restrictive.

The proposed 1.2 metre (4 foot) setback from the property line to the addition is a typical setback for interior lots (lots that are not corner lots).

Although this relief would allow the southern corner of the addition to be 4 feet from the road allowance, the majority of the addition meets the 15 foot exterior side yard width.

As a condition of approval, no openings to accommodate vehicular ingress and egress will be permitted within 6 metres (20 feet) of the exterior side lot line. .

<u>Town of Essex Internal Department Comments</u>

Comments were received from Kevin Girard, Director, Infrastructure Services. He stated the following:

"I am amicable to accepting the 25' x 50' garage addition with a minor variance for reduction in exterior side yard to 4'. This proposal would meet the criteria specified to allow for a 20 metre right of way for Poplar Bluff Drive. We would require proof of permitted access to

Poplar Bluff Drive from the homeowner's association. Driveway access beyond 25 feet wide should not be permitted within the road right of way."
In response, proposed conditions of approval will stipulate that the driveway access will be no wider than 7.5 metres (25 feet).

Comments were received from Kevin Carter, Chief Building Official and Manager of By-law Enforcement. He had no objections.

Public and Agency Comments

As a result of the giving of public notice, no phone calls or written correspondence have been received from members of the public as of Thursday August 13, 2020.
Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections.
No comments were received from circulated internal agencies as of Thursday August 13, 2020.

Actions:

The following conditions of approval are proposed:

a) The minimum separation between the vehicular entrance to a garage and the exterior side lot line shall be 6 metres (20 feet);
b) Driveway accesses will be no wider than 7.5 metres (25 feet);
c) That proof of permitted access to Poplar Bluff Drive has been obtained from the homeowner's association.

Additional comments resulting from circulation:

Michael Nelson, Watershed Planner, Essex Region Conservation Authority (ERCA), wrote

DELEGATED RESPONSIBILITY TO REPRESENT PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.
The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act (Ontario Regulation No. 158/06). The parcel falls within the regulated area of Lake Erie. The property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section

28 of the Conservation Authorities Act. To date, our office has not received an application for permit to review.

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 Stormwater Management (PPS, 2014)

Our office has reviewed the proposal and has no concerns relating to stormwater management.

PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS

The following comments are provided from our perspective as a service provider to the Municipality on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the

PPS. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Municipality as the planning authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the Provincial Policy Statement (PPS). Based on our review, we have no objection to the application with respect to natural heritage policies.

FINAL RECOMMENDATION

ERCA has no objection to the application for minor variance.

Kristopher Balallo, Engineering Technician, County of Essex wrote:

Please be advised that the County has reviewed the aforementioned application and the comments provided are engineering related only. This application has not been reviewed from a planning perspective. The subject lands have frontage on County Road No. 50. The Applicant will be required to comply with the following County Road regulations:

County By-Law Number 2481 - A By-Law to Provide for the Protection of Highways and to Provide for the Installation of Entrance Ways.

County By-Law Number 2480 - A By-Law of the Corporation of the County of Essex to Regulate the Location of Buildings and Structures on Land Adjacent to County Roads.

The minimum setback for any proposed structures on this property must be 85 feet from the centre of the original ROW of County Road No. 50. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures.

We are requesting a copy of the Decision of the aforementioned application. Thank you for your assistance and cooperation in this matter.

Discussion:

Corinne Chiasson, Assistant Planner, explains the nature of the application.

Brian Gray states that the proposed structure will have four (4) bay doors and states that there will not be enough room for the appropriate setbacks with the proposed site plan.

Paul Antonel, Applicant, advises that the doors will be moved inwards to accommodate 6 metre setback requirement.

Rita Jabbour, Planner, advises that there are conditions that planning has suggested to accompany the application.

a) The minimum separation between the vehicular entrance to a garage and the exterior side lot line shall be 6 metres (20 feet);
b) Driveway accesses will be no wider than 7.5 metres (25 feet);
c) That proof of permitted access to Poplar Bluff Drive has been obtained from the homeowner's association.

Moved by Ray Beneteau that the application be approved with the proposed conditions placed on the subject property.

"Defeated"

Moved by: Dan Boudreau

Seconded by: Ray Beneteau

(CAO-2020-08-52) That application A-17-20 be deferred and that the committee be provided with a better site plan that depicts two (2) bay doors only on the property structure.

"Carried"

Reasons for Decision: Deferral

6. Unfinished Business

None

7. Correspondence

None

8. New Business

8.1 General Discussion of Evaluating Lot Severances in Agricultural Areas

Moved by: Ray Beneteau

Seconded by: Percy Dufour, Chair

(CAO-2020-08-53) That 8.1 General Discussion of Evaluating Lot Severances in Agricultural Areas be deferred to a later meeting date.

"Carried"

8.2 Delegated Approval Authority for Certificate of Validations

Rita Jabbour, Planner advises the members that Council approved the delegation of authority By-law. Thus allowing the Secretary Treasurer of the Committee of Adjustment to review and approve Certificates of Officials. She states these items are time sensitive, the do not require circulation or an appeal period. Therefor are

not required to attend the Committee of Adjustment for re-approval. This allows the Secretary Treasurer to approve the certificate in a timely fashion.

8.3 Appointment of Secretary-Treasurer

Rita Jabbour, Planner advises the members that she will be stepping down as Secretary Treasurer of the Committee of Adjustment and that Corinne Chiasson, Assistant Planner will be taking her place. She advises that she has enjoyed being the secretary for the past 3 years.

The Committee thank Rita for her time and service to the Committee.

Moved by: Dan Boudreau

Seconded by: Phil Pocock

(CAO-2020-08-55) That Corinne Chiasson, Assistant Planner, be appointed as the Secretary Treasurer for the Town of Essex Committee of Adjustment.

"Carried"

9. Notices of Motion

None.

10. Adjournment

Moved by: Ray Beneteau

Seconded by: Brian Gray

(CAO-2020-08-55) That the meeting be adjourned at 5:09 p.m.

"Carried"

11. Next Meeting

11.1 September 15th, 2020 Virtual Zoom Meeting at 4:00 p.m.

_____

Chair

_____

Secretary-Treasurer

Essex Municipal Heritage Committee (EMHC)

A special meeting of the Essex Municipal Heritage Committee was held on Thursday, July 9, 2020 at 5:00 PM via Virtual Zoom Meeting.

"The EMHC is the resource base for information and knowledge for Council, administration and the community on all matters of heritage"

1. Roll Call

Present:	Laurie Brett, Chair
	Richard Kokovai, Vice Chair
	Phil Pocock
	Laurie Brett
	Richard Kokovai
	Laurie Kowtiuk
	Anthony Paniccia
	Joseph Lucas
	Councillor Steve Bjorkman
Also Present:	Rita Jabbour, Staff Liaison
	Sarah Aubin, Recording Secretary
	Corinne Chiasson, Assistant Planner
Regrets:	Claudette Gauthier
Members of the Public:	Anne Marie Grant, Resident
	Sherry Bondy, Councillor
	Kevin Money, Essex Region Conversation Authority
	Kris Ives, Essex Region Conservation Authority
	Danielle Stuebing, Essex Region Conservation Authority

2. Declarations of Conflict of Interest

None.

3. Adoption of Published Agenda

a) That the published Agenda for Thursday July 9, 2020 EMHC Special Meeting Agenda is adopted as amended:

i. Moved by Phil Pocock
Seconded by Richard Kokovai

(EMHC-2020-07-12) that the County Road 50 Sign By-law Review be discussed for information purposes under New Business and be made item 9.2.

"Carried"

ii. Moved by Phil Pocock

Seconded by Anthony Paniccia

(EMHC-2020-07-13) that the Agenda be adopted with the amendments.

"Carried"

4. Adoption of Minutes

a) That the Regular Minutes from the Thursday, February 27th, 2020 EMHC Regular Meeting be adopted.

Moved by Laurie Kowtiuk

Seconded by Richard Kokovai

(EMHC 2020-07-14) That the regular minutes from the February 27th, 2020 Regular EMHC Meeting, be adopted

"Carried"

5. Public Presentations

None.

6. Unfinished Business

7. Reports from Administration

None.

8. Correspondence

None.

9. New Business

9.1 Site Plan Application: John R Park Homestead (915 County Road 50 East)

Rita Jabbour advises the members that there is a Site Plan application (SPC-02-20) set to be presented to Council at the August 4th Regular Council Meeting with regards to the John P Park Homestead and their proposed Heritage Centre.

Rita advises that Kris Ives of the John R. Park Homestead would like to do a presentation for the Committee members with regards to the proposal.

Moved by Phil Pocock

Seconded by Richard Kokovai

(EMHC-2020-07-15) That Kris Ives be able to present on the proposal at the John R Park Homestead under item 9.1.

"Carried"

Ms. Ives presents on the proposal.

Rita advises the members that 915 County Road 50 East is a designated parcel under section 29 of the Ontario Heritage Act (OHA). She states that due to its designation, the owner is required to get approval from Council for any alterations that will impact the heritage attributes of the property as set out in the designation bylaw. She

explains that the Council can only make their decision after consultation with the Heritage Committee.

She advises that the Committee will need to make a recommendation with regards to the application.

Kris Ives advises the members that the proposed Heritage Centre will help alleviate some of the pressure on the historical buildings. She states that the park sees roughly 18,000 visitors per seasons. One central location reduces foot traffic, wear and tear, and vibration on the current structures. She advises that the centre will also serve as a class room, a warming shelter and a cooling shelter during the changing seasons for visitors. She states that the Heritage Centre will also allow the park to host a larger capacity of student to during field trips.

Richard Kokovai states that he believes the Heritage Centre will be a good asset to the property.

Joseph Lucas states that he is opposed to the Heritage Centre and states that it will in fact deteriorate the heritage value of the property. He states that newer structures should not be introduced to keep with the existing heritage features.

Laurie Brett states that she believes the Heritage Centre has been well considered by the Essex Region Conservation Authority and will provide a learning centre for students as well as allowing visitors to the park to remain a bit longer during the various seasons.

Phil Pocock questions the parking area that is off site from the main facility on the opposite side of County Road 50. He questions if it will remain as a gravel parking area.

Kris Ives, Essex Region Conservation Authority, states that the overflow parking lot is traditionally a dirt parking lot, however, gravel has been placed for resurfacing. She states that at this time, there will be no additional features added to the overflow parking as they are currently pursuing paved parking in the main parking location to allow for more accessibility to the park.

Moved: Richard Kokovai

Seconded: Anthony Paniccia

(EMHC-2020-07-16) That the Essex Municipal Heritage Committee supports the proposed alteration at the John R Park Homestead to allow for the construction of a new heritage centre.

"Carried"

9.2 County Road 50 Sign By-law Review

Rita Jabbour, advises that By-law 1350 regulates the location and types of signs within the districts of the Town of Essex. County Road 50 specifically is becoming a large tourist destination, popular for cyclist, heritage and winery enthusiast. It's a very unique area with mixed uses, agricultural, commercial and residential.

She states that within By-law 1350 the Town does not have any specific provisions with regards to signs along County Rd 50. She explains that administration would like to ensure they are balancing the interest of residents and businesses in the area. She states that a public meeting will be held on Monday, July 13th 2020 via Zoom to address this matter.

She states that residents along County Road 50 East and West were notified of the meeting and encouraged to attend and submit their survey to administration. She continues to state that residents within the Town of Essex that do not reside along County Road 50 were also encouraged to attend the public meeting and fill out the survey through the www.essex.ca website, Facebook page, and other media outlets.

Richard Kokovai states that he understands that the current sign by-law survey is only to gather information so administration can determine the next course of action.

Rita states that the questions on the survey are geared towards Pole Signs and Electronic Media signs and to determine if there is a desire for these types of signs along County Road 50. She states that they will only present the survey findings at the Public Meeting on July 13th and wait for Council's direction at the meeting to either draft a new Sign By-law, amend the current By-law or leave it as is.

Phil Pocock explains to the members that he was looking for a possible resolution or recommendation from the Heritage Committee with regards to the Sign By-law review that could be brought to Council at the Public Meeting on July 13th.

Steve Bjorkman advises that the meeting with regards to the Sign By-law will transpire on Monday, July 13th and should anyone want to participate they can do so by contacting the clerks department and request to be in attendance and a part of the discussion.

He states that the discussion at this meeting is only for information purposes.

10. Notices of Motion

11. Adjournment

Moved by Anthony Paniccia

Seconded by Laurie Kowtiuk

(EMHC-2020-07-17) That the meeting be adjourned at 6:03 p.m.

Next Meeting Date September 24th TBD at 5 p.m.

_____
Chair

_____
Recording Secretary

Essex Climate Adaptation Team Meeting Minutes

Tuesday, July 14th, 2020

Zoom Virtual Meeting

1. Roll Call

Present:	Councillor Kim Verbeek
	Amandeep Hans
	Andrea Descargar
	Dan Metcalfe
	Gina Pannunzio
	Maddie Peters
	Matthew Child
	Megan Balsillie
	Kelsey Amlin
	William Baker
	Brian Lennie
	Brandi Bechard
Also Present:	Niharika Bandaru, Climate Change Analyst
	Claire Sanders, Climate Change Specialist, ERCA
	Jeff Watson, Planner, Planning Services
	Corinne Chiasson, Assistant Planner, Planning Services
	Sarah Aubin, Planning Assistant, Recording Secretary
	Rita Jabbour, Manager, Planning Services
Regrets:	Tyler Oglan
	Brian Hyland
Members of the Public:	Sherry Bondy, Councillor
	Giovanni Abati
	Taiwo Balogun

2. Declarations of Conflict of Interest

None

3. Adoption of Published Agenda

Moved by: Brian Lennie

Seconded by: William Baker

(ECAT 2020-07-06) That the July 14th, 2020 Essex Climate Adaptation Team Agenda be adopted as presented.

"Carried"

4. Adoption of Minutes

Moved by: Kim Verbeek, Councillor

Seconded by: Matthew Child

(ECAT 2020-07-07) That the May 21st, 2020 Essex Climate Adaptation Team minutes be adopted as presented.

"Carried"

5. New Discussions

a. Current Status

Niharika Bandaru, Chair, advises that Administration has combined vulnerability and risk assessment data from the Essex Climate Adaptation Team (ECAT), Internal Climate Adaptation Team (ICAT), ELK Energy, Essex Region Conservation Authority (ERCA), members of the farming community, water experts, and the City of Windsor. Administration has also sought consultation from Caldwell First Nations, from whom response is pending. She advises the members that within the coming weeks there will be a public consultation component, that will be going live at www.essex.ca/ECAT, where members of the public can review their vulnerability to climate change and adaptation.

b. Next Steps

Niharika Bandaru, Chair states that the Committee will be finalizing Phase 1 and discussing Risk Prioritization and Establish a Vision Statement for the Climate Change Adaptation Plan.

c. Vision Statement and Goals Discussion

Niharika reminds the members of the Vision statement options for the Climate Change Adaptation Plan and states that the feedback provided by the members, through a feedback form previously, sparked revisions to each option of the Vision statement. The members discuss and review the revised options and were then asked to vote on the option that best aligns with their vision for the vision statement.

Option 1 received 66% of the committee vote (8 / 12 members): "***The Town of Essex will adapt to changing climate conditions and embrace new opportunities to remain a healthy, vibrant, and sustainable community for residents, businesses and visitors."***

Option 2 received 16% of the committee vote (2 / 12 members): ***"The Town of Essex will commit to building a vibrant, sustainable, resilient, and healthy community by adapting to the impacts of climate change. We will improve the physical, natural, social, cultural, and economic capacity of the community and residents through policy development, resource expansion, infrastructure investment, and community engagement."***

Option 2 received 16% of the committee vote (2 / 12 members):"***The Town of Essex will prepare for the future by implementing the Climate Change Adaptation Plan for a sustainable and resilient community. The Town will demonstrate leadership through strengthening infrastructure and policies, protecting natural and built assets, and preserving the health and well-being of its residents. By sustaining and improving livelihoods, experiences, comfort, and safety, we will continue being a place for residents, businesses, and visitors"***

Moved by: Kim Verbeek, Councillor

Seconded by: Brian Lennie

(ECAT 2020-07-08) That the Essex Climate Adaptation Team approve the Vision Statement "The Town of Essex will adapt to changing climate conditions and embrace new opportunities to remain a healthy, vibrant, and sustainable community for residents, businesses and visitors."

"Carried"

d. Goals Discussion / Interactive Presentation

Niharika Bandaru, Chair asks the members to participate in two (2) interactive activities within the program MIRO https://miro.com/app/board/o9J_kqNv43A=/ .

Activity 1: Future Forecasting. The members were asked to forecast the general hopes and fears for various sectors within the Town of Essex Community.

Activity 2: Objective Identification. The members were asked to review the impact statements and make suggestions for general goals for those impacts.

These two activities will assist Administration in creating Objectives for the Climate Change Adaptation Plan.

e. Questions and Comments

None

6. Delegations

None

7. Future Meetings

a. Essex Climate Adaptation Team Meeting August 2020

Niharika Bandaru advises the members that the results of the survey previously provided to the members determined that the new meeting date would be August 19,

2020 at 5 pm. She states that 9 of the 14 members voted in favour of this meeting date and time.

William Baker advised that the 5 p.m. meeting time does not meet his needs and suggests that the meeting time be consistent for future meetings and be at 6 p.m.

Moved by: William Baker

Seconded by: Matthew Child

(ECAT 2020-07-09) That the Essex Climate Adaptation Team Meetings be consistently held at 6 p.m.

"Ðefeated"

Moved by: Megan Balsillie

Seconded by: Dan Metcalfe

(ECAT 2020-07-10) That the August 19, 2020 at 5 p.m. Essex Climate Adaptation Team Meeting be added to the meeting schedule.

"Carried"

8. Adjournment

Moved by: Megan Balsillie

Seconded by: William Baker

(**ECAT 2020-07-11)**That the meeting be adjourned at 9:00 p.m.

"Carried"

_____

Chair

_____

Recording Secretary

From: "Bondy, Sherry" <sbondy@essex.ca>
Date: September 26, 2020 at 12:41:56 PM EDT
To: "Auger, Robert" <rauger@essex.ca>, "Nepszy, Chris" <cnepszy@essex.ca>, "Brown, Shelley" <sbrown@essex.ca>
Subject: NOM

Robert. Please add for the next council agenda that council give direction to administration to come back with a diversity training program for council which includes AODA customer service standard training to ensure council is up to date with requirements under accessibility legislation and the human rights code.

Sherry Bondy
Essex Councillor
519-566-3105
Follow me on Facebook
You Tube - Sherry Bondy
#myessex

The Corporation of the Town of Essex

By-Law Number 1951

Being a by-law to confirm the proceedings of the September 21, 2020, Regular Meeting of Council of The Corporation of the Town of Essex

Whereas pursuant to Section 5(1) of The Municipal Act, 2001, S.O. 2001, c.25 as amended, the powers of a municipality shall be exercised by its Council;

And whereas pursuant to Section 5(3) of The Municipal Act, 2001, S.O. 2001, c.25 as amended, a municipal power, including a municipality's capacity, rights, powers and privileges under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

And whereas it is deemed expedient that a by-law be passed to authorize the execution of Agreements and other documents and that the proceedings of the Council of The Corporation of the Town of Essex at its meetings be confirmed and adopted by by-law.

Now therefore be it resolved that the Council of The Corporation of the Town of Essex enacts as follows:

1. That the actions of the Council of The Corporation of the Town of Essex in respect of all recommendations in reports and minutes of committees, all motions and resolutions and all other actions passed and taken by the Council of The Corporation of the Town of Essex, documents and transactions entered into during the September 21, 2020 meeting of Council, are hereby adopted and confirmed as if the same were expressly contained in this by-law.

2. That the Mayor and proper officials of The Corporation of the Town of Essex are hereby authorized and directed to do all the things necessary to give effect to the actions of the Council of The Corporation of the Town of Essex during the said September 21, 2020 meeting referred to in paragraph 1 of this by-law.

3. That the Mayor and the Clerk are hereby authorized and directed to execute all documents necessary to the actions taken by this Council as described in Section 1 of this by-law and to affix the Corporate Seal of The Corporation of the Town of Essex to all documents referred to in said paragraph 1.

Read a first and a second time and provisionally adopted on September 21, 2020.

_____
Mayor

_____
Clerk

Read a third time and finally adopted on October 5, 2020.

_____
Mayor

_____
Clerk

The Corporation of the Town of Essex

By-Law Number 1956

Being a By-law to acquire and assume lands for the purpose of dedication as a public highway

Whereas the Municipal Act, 2001, authorizes a municipality to pass by-laws regarding highways;

And Whereas pursuant to By-Law Number 726 the Corporation of the Town of Essex entered into certain Subdivision Agreement for the development of the lands described therein on Registered Plan 12M-542 and known as the Kimball Estates Subdivision.

And whereas pursuant to the Subdivision Agreement The Town upon acceptance thereof shall assume the roads, works and services relating to the Kimball Estates Subdivision and such roads , works and services shall be conveyed to and assumed by the Town upon acceptance and as applicable dedicated as a public highway;

And whereas the Town is now satisfied that the Developer has now fulfilled the conditions of the Subdivision Agreement to now qualify for the assumption of the roads, works and services related therein under the jurisdiction of the Town of Essex.

Now therefore be it resolved that the Council of The Corporation of the Town of Essex enacts as follows:

1. That the Corporation of the Town of Essex is hereby authorized to acquire and assume the roads, works and services under the jurisdiction of the Town on the land designated as Part of Lot 282, Concession South of Talbot Road (also known as Blocks 105 & 106, Town of Essex) on Plan 12M-542 and to further dedicate the roads identified on said Plan for the purposes of use as a public highway.
2. That the mayor and the Town Clerk are hereby authorized to execute, on behalf of the Town of Essex, any partial releases of the Subdivision Agreement , if applicable for each of the lots with the registered plan of subdivision.
3. This by-law shall come into force and effect upon the final passing thereof.

Read a first and a second time and provisionally adopted on October 5, 2020.

_____
Mayor

_____
Clerk

Read a third time and finally passed on October 19, 2020.

_____
Mayor

_____
Clerk

BEARING REFERENCE

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE NORTHWESTERN LIMIT OF FAIRVIEW AVENUE SHOWN AS HAVING A BEARING OF N47°24'40"E ON PLAN 12R-21939.

"METRIC" DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

CURVE SCHEDULE				
CURVE	RADIUS	ARC	CHORD	CHORD BEARING
C1	90.00	28.58	28.46	N32°40'00"W
C2	90.00	10.17	10.17	N38°31'40"W
C3	90.00	18.41	18.38	N29°25'50"W
C4	110.00	34.93	34.79	N32°40'00"W
C5	110.00	14.89	14.87	N27°26'50"W
C6	110.00	20.05	20.02	N36°32'40"W
C7	110.00	34.93	34.79	N32°40'00"W
C8	110.00	11.23	11.22	N38°50'30"W
C9	110.00	23.70	23.66	N29°44'40"W
C10	90.00	28.58	28.46	N32°40'00"W
C11	90.00	5.21	5.21	N25°13'40"W
C12	90.00	23.37	23.31	N34°19'30"W
C13	15.24	9.81	9.64	N23°17'40"W
C14	15.24	3.61	3.60	N34°57'00"W
C15	15.24	6.20	6.16	N16°30'40"W
C16	15.24	42.82	30.06	N85°20'30"W
C17	15.24	19.09	17.87	N40°44'50"W
C18	15.24	18.46	17.36	N68°39'00"E
C19	15.24	5.26	5.23	N24°03'20"E
C20	15.24	9.81	9.64	N32°36'30"E

PLAN 12M- 542

I CERTIFY THAT THIS PLAN IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF ESSEX (12) AT 13:06 O'CLOCK ON THE 6 DAY OF Sept 20 06 AND ENTERED IN THE PARCEL REGISTER FOR PROPERTY IDENTIFIER 75218-0128 AND REQUIRED CONSENTS ARE REGISTERED AS PLAN DOCUMENT NO. CE235386

SHARON BRENNER

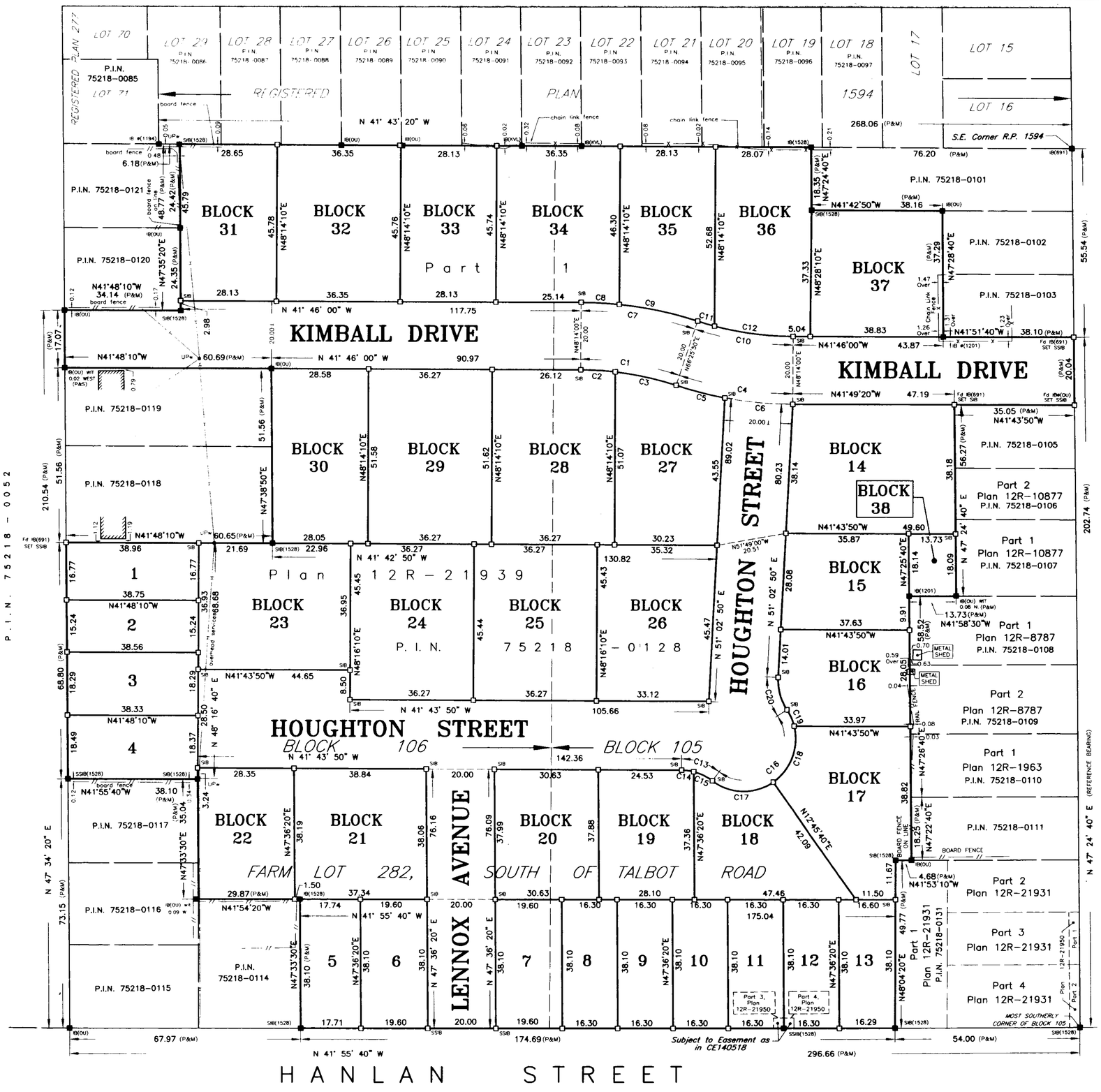
ASSISTANT DEPUTY LAND REGISTRAR

THIS PLAN COMPRISES ALL OF THE LAND IDENTIFIED BY P. I. N. 75218-0128.

PART OF LOTS 11 and 12 ARE SUBJECT TO EASEMENTS AS DESCRIBED IN INST. No. CE140518.

WESTLAWN DRIVE

(20.12m wide PER REGISTERED PLAN 1594)



BRIEN AVENUE WEST

(17.68m wide per R.P. 1538)

P. I. N. 75218 - 0052

FAIRVIEW AVENUE

(ROAD ALLOWANCE BETWEEN LOTS 281 AND 282) (20.12m wide)

P. I. N. 75218 - 0002

HANLAN STREET

(AS SHOWN ON REGISTERED PLAN 1322)

P. I. N. 75218 - 0001

PLAN OF SUBDIVISION

OF

PART OF LOT 282, CONCESSION SOUTH OF TALBOT ROAD

ALSO KNOWN AS PART OF BLOCKS 105 & 106, TOWN OF ESSEX

GEOGRAPHIC TOWNSHIP OF COLCHESTER NORTH

NOW IN THE

TOWN OF ESSEX

COUNTY OF ESSEX, ONTARIO

VERHAEGEN • STUBBERFIELD • HARTLEY • BREWER • BEZAIRE INC.

SCALE = 1:750

0 7.50 15.00 30.00 45.00 METRES 75.00

LEGEND

SIB	DENOTES 25mm X 25mm X 1.22m STANDARD IRON BAR
SSIB	DENOTES 25mm X 25mm X 0.61m SHORT STANDARD IRON BAR
IB	DENOTES 16mm X 16mm X 0.61m IRON BAR
IB ø	DENOTES 19mm diameter X 0.61m ROUND IRON BAR
CC	DENOTES CUT-CROSS
N/W	DENOTES SURVEY NAIL WITH WASHER MARKED (1528)
MAG N	DENOTES SURVEY MAGNETIC NAIL - NO WASHER
■	DENOTES SURVEY MONUMENT FOUND
□	DENOTES SURVEY MONUMENT SET AND MARKED 1528
WIT.	DENOTES WITNESS
(S)	DENOTES SET (M) DENOTES MEASURED (D) DENOTES DEED
(S/P)	DENOTES SET PROPORTIONALLY (OU) DENOTES ORIGIN UNKNOWN
(P)	DENOTES PLAN 12R-21939 (P1) DENOTES PLAN 12R-21950
(1528)	DENOTES VERHAEGEN STUBBERFIELD HARTLEY BREWER BEZAIRE INC., O.L.S.
(1201)	DENOTES CLARKE SURVEYORS INC., O.L.S.
(1194)	DENOTES JOHN B. SMEETON INC., O.L.S.
(KVL)	DENOTES VERHAEGEN AND BEZAIRE LIMITED, O.L.S.
□	DENOTES SET IRON BAR (IB) UNLESS OTHERWISE NOTED

This final plan of subdivision is approved under ss 51(58) of the Planning Act on this 31st day of AUGUST, 2006.

William J. King

WILLIAM KING, MCIP, RPP
Manager, Planning Services
County of Essex

OWNER'S CERTIFICATE

THIS IS TO CERTIFY THAT

1. LOTS 1 to 13 (Incl.), BLOCKS 14 to 38 (Incl.) AND THE STREETS NAMELY HOUGHTON STREET, KIMBALL DRIVE and LENNOX AVENUE HAVE BEEN LAID OUT IN ACCORDANCE WITH OUR INSTRUCTIONS.
2. THE STREETS ARE HERBY DEDICATED AS PUBLIC HIGHWAYS TO THE CORPORATION OF THE TOWN OF ESSEX.

DATED THE 28th DAY OF AUGUST, 2006.

KIMBALL ESTATES INC.

Mary Ellen Mullins

MARY ELLEN MULLINS - PRESIDENT

'I HAVE THE AUTHORITY TO BIND THE CORPORATION'

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THIS SURVEY WAS COMPLETED ON THE 19th DAY OF MAY, 2006.

DATE AUGUST 28, 2006

ANDREW S. MANTHA
ONTARIO LAND SURVEYOR
for VERHAEGEN · STUBBERFIELD · HARTLEY
BREWER · BEZAIRE INC.

WINDSOR
475 Devonshire Road, Suite 200
N8Y 2L5
Ph: (519)258-1772
Fax: (519)258-1791

VERHAEGEN STUBBERFIELD HARTLEY BREWER BEZAIRE INC.

LEAMINGTON
187 Talbot Street East
N8H 1L8
Ph: (519)322-2375
Fax: (519)322-2675

ONTARIO LAND SURVEYORS www.vshbbsurveys.com

MMAH FILE: 37-T-05002

DRAWN BY: KMS/ASM CAD Date: May 9, 2006 1:31:00 PM
CHECKED BY: A.S.M. CAD File: 42241109.dwg
WORK ORDER: 4-22411-X03 FILE NO. E-ESSEX-STR-282 PLAN FILE NO.: C- 2855'B'

THE CORPORATION OF THE TOWN OF ESSEX

BY-LAW # 726

BEING A BY-LAW TO ENTER INTO A SUBDIVISION AGREEMENT BETWEEN:

THE CORPORATION OF THE TOWN OF ESSEX

AND

KIMBALL ESTATES INC.

WHEREAS pursuant to Section 51(26) of the Planning Act, R.S.O. 1990 and Amendments thereto, Essex 143 Joint Venture Ltd. is desirous of developing a residential subdivision and as such require a subdivision agreement;

AND WHEREAS pursuant to Section 51(26) of the Planning Act, R.S.O. 1990 and Amendments thereto, municipalities may enter into such agreements;

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF ESSEX ENACTS AS FOLLOWS:

That the Mayor and Clerk be directed to affix their signatures, on behalf of the Corporation of the Town of Essex, to Schedule "1" attached hereto and forming part of this By-law, for the purpose of executing the subdivision agreement.

READ A FIRST AND SECOND TIME THIS 10TH DAY OF APRIL, 2006.
READ A THIRD TIME AND FINALLY PASSED THIS 10TH DAY OF APRIL, 2006.

MAYOR

CLERK

LRO # 12 **Notice Under S.71 Of The Land Titles Act** **Receipted as CE211209 on 2006 05 01 at 09:00**

The applicant(s) hereby applies to the Land Registrar. yyyy mm dd

Properties

PIN 75218 - 0128 LT

Description PT LT 282 CON SOUTH TALBOT RD COLCHESTER DESIGNATED AS PT 1 12R21939; ESSEX; S/T EASE OVER PT 3 AND 4 PL 12R-21950 AS IN CE140518 ESSEX

Address ESSEX

Consideration

Consideration $ 0.00

Applicant(s)

The notice is based on or affects a valid and existing estate, right, interest or equity in land

Name THE CORPORATION OF THE TOWN OF ESSEX

Address for Service 33 Talbot Street South
Essex, Ontario
N8M 1A8

This document is not authorized under Power of Attorney by this party.

This document is being authorized by a municipal corporation Ronald Mc Dermott, Mayor and Jerry Marion, Clerk.

Party To(s) *Capacity* *Share*

Name KIMBALL ESTATES INC.

Address for Service c/o Paul Mullins
691 Ouellette Avenue
Windsor, Ontario
N9A 4J4

I, Mary Ellen Mullins, Authorized Officer and Ben Klundert, Authorized Officer, have the authority to bind the corporation

This document is not authorized under Power of Attorney by this party.

Statements

This notice is for an indeterminate period

Schedule: See Schedules

Signed By

Elvey Bernard Marshall	22 Queens Ave Leamington N8H 3G8	acting for Applicant(s)	Signed	2006 05 01
Tel 519-326-4415				
Fax 5193261844				

Submitted By

E B MARSHALL LAW OFFICE	22 Queens Ave Leamington N8H 3G8	2006 05 01
Tel 519-326-4415		
Fax 5193261844		

Fees/Taxes/Payment

Statutory Registration Fee	$60.00
Total Paid	$60.00

File Number

Applicant Client File Number : 06-359

SCHEDULE "1"

THIS AGREEMENT made this day of 2006

BETWEEN:

KIMBALL ESTATES INC.

of the Town of Essex, County of Essex

Hereinafter called the "Owner"

OF THE FIRST PART

and

THE CORPORATION OF THE TOWN OF ESSEX

Hereinafter called the "Town"

OF THE SECOND PART

WHEREAS an application has been made by the Owner for approval of a Plan of Subdivision for residential purposes within the limits of the Town.

AND WHEREAS an approval of the draft Plan of Subdivision has been given by the Corporation of the County of Essex in file No. 37-T-05002, a copy of which is on file with the Clerk for the Town.

AND WHEREAS the draft plan of approval applies to the plans prepared under the supervision of Verhaegen, Stubberfield, Hartley, Brewer, Bezaire Inc. as certified by Andra Mantha O.L.S. dated January 11, 2005 showing a total of 13 single family lots, 36 Blocks inclusive of 25 Blocks for 14 tri-plex lots, 8 quad lots, 2 five-plex lots totaling 84 townhouse units as revised April 3, 2006. .

AND WHEREAS the Town has accepted the proposal for a Plan of Subdivision and supports the creation of residential lots to be registered with the local Land Registry Office;

AND WHEREAS the lands comprising the proposed Plan of Development, a copy of which Plan (hereinafter called the "Plans") is filed with the Clerk of the Town, including a Reference Plan on which the lands are more particularly described in Schedule "A" attached hereto.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the aforementioned premises and in consideration of the sum of Five Dollars ($5.00) now paid by the Owner to the Town (the receipt whereof is hereby expressly acknowledged) the parties hereto covenant and agree one with the other as follows:

SCOPE OF AGREEMENT

1. Owner agrees to complete at their own expense, and in a good and workmanlike manner, all the municipal services as hereinafter set forth to the entire satisfaction of the Town and to complete, perform or make payment for such other matters as may be provided for herein.

CONSULTING ENGINEER

2. The Owner shall employ, at the Owners' expense, a consulting engineer registered with the Professional Engineers of Ontario:

a) To design and submit to the Town engineering drawings of;
b) To prepare any contracts necessary for the construction of;
c) To obtain from municipal, provincial and federal authorities any approvals necessary for;
d) To submit to the Town, prior to the commencement of construction, a report showing existing elevations, proposed new elevations and the proposed method of drainage of the lands serviced by;
e) To have a stormwater management plan prepared to the satisfaction of the Town, the Essex Region Conservation Authority, the Ministry of Environment and the Ministry of Transportation..
f) To construct, inspect and supervise the construction and maintenance of the required work. The consulting engineer shall notify the Town's engineer or representative of the Town's engineer in order to insure that the Town's engineer or a representative of the Town's engineer may be on site when construction of any works is proceeding.
g) To maintain all records of construction of and to prepare all reports with respect to soil conditions required for;
h) To submit to the Town all required "as built" details, elevations and drawings of;
i) To be responsible for the co-ordination of;
j) To visit the site of the said works as required by the Town for any reason related to; all services and other matters required under this Agreement.

3. The Town at its option may retain:

i) A Professional Engineer registered by the Professional Engineers of Ontario to review all plans, specifications, engineering documents, contracts, details, elevations and any other relevant information, including the provision of inspection services if required.
ii) A Public Works Director to inspect the construction, repair and maintenance of the services and/or monitoring of the supervision of the construction, repair and maintenance of all services required under this Agreement; and

The fees, expenses and charges of the Professional Engineer and/or Public Works Director shall be payable by the Owner to the Town upon demand. The Engineer's charge with

respect to the services provided shall be in accordance with the hourly rate normally applicable in the engineering profession for like work. The Public Works Director shall be paid upon hourly rates at the same rate that the Public Works Director is paid by the Town for the inspection of buildings.

4. SERVICES

The Owner shall supply, construct and install the following services, at the Owner's expense unless otherwise provided herein, in accordance with the terms of this Agreement.

(i) STORM AND SANITARY SEWERS

a) The Owner shall construct and pay for a complete sanitary and storm sewer system or systems, including sanitary and storm connections to the street line and catchbasins and leads to service all the lands on the said plan of development and adjacent road allowances, as shown on the engineered plans which are on file with the Clerk for the Town (which plans are hereinafter called the "Plans"), maintain them including clearing the blockages until they are formally accepted by the Town. The Town may connect or authorize connection into them but such connection shall not constitute acceptance of the sewer system or systems by the Town. All sanitary sewer connections are to be 125 mm.diameter single connections and in no instance shall any "Y" connections be permitted. All sanitary sewer system construction and materials shall be according to the standard specifications and approval of the Ministry of the Environment and the Town.

b) The storm sewer system shall include a professionally engineered drainage system to adequately drain the property and road allowance. Eavestrough down spouts are to be outletted to the yard of the lot and not into the storm sewage system unless the down spouts are located over a driveway in which case the down spout shall be required to discharge into the storm sewer.

c) The Owner undertakes to conduct an engineering analysis to determine the effect of increase runoff due to the development of the site and to identify stormwater management measures as necessary to control any increases in flows in downstream watercourses, up to and including the 1:100 year design storm to the satisfaction of the Town and the Essex Region Conservation Authority.

d) The Owner shall conduct regular inspections every two weeks and after each sizeable storm event of all sediment and erosion control measures incorporated into this Plan of Subdivision and maintain an inspection log which shall be made available for review by the Town, the Ministry of the Environment and the Essex Region Conservation Authority upon request. The log shall state the name of the inspector, date of inspections and the rectification or replacement measures which were taken to maintain the sediment and erosion control measures. Inspections shall continue until the assumption of services by the Town or until site construction conditions warrant cessation of the visits.

e) The Storm Water Management Works associated with this plan of subdivision will require

approval under the Ontario Water Resources Act and not under the Drainage Act and any environmental protection measure recommended in the Storm Water Management Plan that is not capable of being addressed under the Ontario Water Resources Act shall be implemented through the provisions of this agreement.

f) The Chief Building Official may, if necessary, require a sewage ejector system to be installed in each basement as approved by the Chief Building Official of the Town or such other person as may be designated by the Town. This requirement may be included in any agreement of purchase and sale entered into between the Owner and any subsequent owners on title.

g) As part of the storm water management plan the owner shall be required, at its sole expense, to enlarge the existing storm water pond located adjacent to the lands herein. The Owner agrees to pay to the Town the fair market value of the lands which are required to enlarge the storm water management system on the same basis as the calculation set out in paragraph 8(i) hereof.

(ii) REAR YARD DRAINAGE

a) Rear yard drainage and catch basins shall be provided in the locations and according to the specifications prescribed by the Owner's Engineer and approved by the Town. Rear yard drainage shall be installed contemporaneously with the construction of the dwellings. The requirements of rear yard drainage systems shall be included as an obligation to be assumed by the purchaser in the agreement of purchase and sale of the lands from the owner.

b) The engineering drawings shall include a drainage contour plan. The Owner must ensure that when houses, townhouses and other structures are built upon the building lots, the drainage plan is adhered to.

(iii) WATERMAINS

(a) The owner shall be required to install watermains, services valves, valve chambers, fittings, blowoffs, hydrants, service connections and other appurtenances, the location of which is indicated on the said "Plans". All watermain construction and materials shall be according to the standard specifications of the Town, and to the satisfaction and approval of the Town and the Ministry of the Environment.

(b) Inaugeration or extension of a piped water supply is subject to the approval of the Ministry of the Environment under Section 23 and Section 24 of the Ontario Water Resources Act.

(iv) WATER SERVICE CONNECTIONS

a) Unless otherwise arranged with the Town, the owner shall install the Town's portion of every water service connection, namely the portion that extends from the watermain to the side

limit of the road allowance.

b) Before any water services are constructed on any particular street, the owner shall complete the watermains on that street and subject the watermains to the tests required by the standard specifications of the Town.

c) Water services connections shall be constructed under the supervision of the Town of Essex Water Department and in compliance with the standard specifications of the Town and the then current by-laws, rules and regulations.

d) All water connections are to be Type K copper 3/4"diameter single connections and in no instance shall "Y" connections be permitted.

(v) ROADWAYS AND SIGNAGE

a) ROADS - ROUGH GRADE

The Owner shall, if required by the Town or its Engineer; construct to rough grade the grades as shown on the "Plans", all road allowances as shown on the said Plans prior to the installation or construction of the relevant municipal services provided for herein.

b) ROADS - PAVED

The Owner shall construct pavement on all the roads as shown on the Plans and he shall maintain them until they are formally accepted by the Town. Roadways shall have a paved surface width as shown on the said Plans. The roads shall conform to the grades shown on the said Plans hereto. The said roads, when formally accepted by the Town, shall be conveyed to the Town gratuitously.

c) CHANGE OF ROAD GRADE

When, in the written opinion of the Town, it is necessary to change the grade of existing Town roads adjacent to or abutting the said plan of development, the Owner shall grade the roads to sub-grade, in the manner and at the time stipulated by the Town in accordance with the specification of the Town.

d) CURBS AND GUTTERS

The Owner shall construct curbs and gutters as shown on the "Plans" and shall maintain them until they are formally accepted by the Town.

e) DEAD ENDS AND OPEN SIDES

Any dead ends and open sides of road allowances created shall be terminated in 0.3 metre reserves to be conveyed to, and held in trust, by the Town.

f) ROAD SIGNAGE

The Owner shall provide and erect on the said lands all street and traffic signs required and

approved by the Town. Every such sign shall be in conformity with the then current standards designed for such type of sign on the highways of the Town and all street names must be approved by the Town. The Owner shall also provide and erect at its own costs, temporary street signs at locations designated by the Town.

g) INSPECTION OF WORK

All watermain, sewer, drainage works, road and curb work shall be constructed and installed under the full time observation of Inspectors employed by the Owner.

h) HANLAN STREET RECONSTRUCTION

The Owner acknowledges that Hanlan Street is being reconstructed by the Town. The Owner agrees to pay to the Town, its costs relating to the Hanlan Street Reconstruction as set out on the Schedule attached hereto entitled "Kimball Development Cost Share", on receipt of the invoice for such work and prior to the issuance of any Building Permit for the construction of a residence on Hanlan Street.

(vi) HYDRO SERVICE

(a) The Owner shall make satisfactory arrangements with E.L.K. Energy Inc. to provide for the installation of all power supply lines, pad mounted above-ground transformers and power distribution equipment. The Owner shall provide for the design of the system and shall engage the consulting engineer and contractor to install same. The cost of any relocation or revisions to E.L.K. Energy Inc. facilities which are necessary to accommodate the development of the subdivision will be borne by the Owner.

(b) Any existing easement rights in favour of E.L.K. Energy Inc. are to be respected.

(c) The Owner shall verify with E.L.K. Energy Inc. if any low voltage distribution lines may be affected by this development.

(d) All hydro services shall be installed in accordance with the requirements of the Town's Development Standards Manual.

(vii) STREETLIGHTS

(a) The Owner shall make satisfactory arrangements with E.L.K. Energy Inc. to provide for all streetlights to be installed on the plan of development. All hydro service shall be constructed in accordance with the requirements of E.L.K. Energy Inc. and the Development Standards Manual requirements of the Town.

(viii) TELEPHONE SERVICE

The Owner shall make satisfactory arrangements with Bell Canada to provide for a buried or underground telephone service for this development and for the granting of easements required therefore and should any conflict arise with the existing Bell Canada facilities or

easements the Owner shall be responsible for the re-alignment or relocation. The Owner shall provide to the Town upon demand, confirmation from Bell Canada that such arrangements have been made.

(ix) GAS SERVICE

The Owner shall make satisfactory arrangements with UnionGas to provide for a buried or underground gas service for this development and for the granting of easements required therefore. The Owner shall provide to the Town upon demand, confirmation from Union Gas that such arrangements have been made.

(x) CABLE T.V. SERVICE

The Owner shall allow a buried or underground cable television service for this development and provide for the granting of easements, if required, therefore. The cable company will be responsible for the provision of all labour, material and other expenses to supply and maintain the cable television service.

(xi) SUPER MAILBOX

The Owner shall make satisfactory arrangements with Canada Post to provide for a Super Mailbox located to the satisfaction of Canada Post. The Owner shall provide to the Town upon demand confirmation from Canada Post that such arrangements have been made.

(xii) EASEMENTS

The Owner agrees to transfer to the Town and the appropriate utility authorities any and all easements as required to service the lands including, but so as not to restrict the generality of the foregoing for drainage purposes.

(xiii) WATER SUPPLY EXTENSIONS

The owner acknowledges that the inauguration or extension of a piped water supply, a sewage system or a storm drainage system is subject to the approval of the Ministry of Environment under Sections 23 and 24 of the Ontario Water Resources Act RSO 1980.

5. DUMPING AND REMOVAL OF DEBRIS OR FILL

The Owner agrees neither to dump nor to permit to be dumped any fill or other debris on nor to remove nor to permit to be removed any fill from any lands, other than for the actual construction of the roads in or abutting the said lands, without the written consent of the Town.

6. VACATED LOTS

The Owner and subsequent owners of the lots upon which no buildings have been erected shall keep the grass and weeds cut. In the event that the Owner or subsequent owners fail to do so, the Town shall have the right to enter on the lot and perform such work. The

reasonable costs shall be a debt owed to the Town by the Owner of the lot at the time that such work is performed and shall be a lien on the lot. As security for the payment to the Town for performing the work of cutting the grass or cutting the weeds, the Owner undertakes and agrees to deposit with the Town the sum of $3,000.00.

7. DRIVEWAY APPROACHES

(a) The Town expressly reserves the right to determine the location of each and every driveway approach and curb cut in the subdivision.

(b) All driveway approaches must be constructed, at the option of the Owner, of concrete, asphalt or interlocking brick.

(c) The Town and the Applicant acknowledge that included in the building permit application fees is a fee for the purposes of insuring that the driveway approaches (on the unopened portion of the road allowance) are completed to the satisfaction of the Town. These monies will be held in trust by the Town and if no driveway approach is completed to the satisfaction of the Town within two (2) years of the issuance of a building permit, then the Town, at its option, shall be at liberty to use these monies to complete the necessary driveway approaches. If the driveway approaches are constructed within the two (2) year period, then the monies shall be refunded to the applicant for the building permit.

8. PARKLAND DEDICATION AND DEVELOPMENT CHARGES

(i) A monetary contribution in an amount of five percent (5%) of the value of the land included in the plan shall be paid to the Town for park purposes. The amount of the park land fee shall be determined at the time of the registration of the Plan of Subdivision. The park land fee shall be payable to the Town at the time each phase is approved by the Town for the lands included in the phase to be developed.

(ii) Development charges shall be paid by the owner to the Town for all lots in the development in accordance with the Development Charges By-Law existing at the date of the Application for the Building Permit. The owner agrees to include in the Agreement of Purchase and Sale a clause outlining all of the development charges related to the lands herein for which the owner shall be responsible.

9. SUPERVISION AND INSPECTION OF THE WORK

(i) The consulting engineer for the Owner shall supervise the works and conduct actual field inspections of the work carried out pursuant to this Agreement. In addition the Town may at its option conduct actual field inspections of the work carried out pursuant to this Agreement and for that purpose may designate the Town Public Works Director or such other person as may be designated by the Town.

(ii) The Owner shall provide and pay for all necessary testing and inspection services to guarantee and control the quality of the workmanship and materials used in the work. Copies

of all tests and certificates required by the Town shall be provided by the owner upon demand at their sole expense.

10. ESSEX REGION CONSERVATION AUTHORITY PERMIT

(a) Prior to any construction or site alteration, the Owner shall obtain from the Essex Region Conservation Authority any and all permits required. In accordance with Ontario Regulation 147/90 as amended by Ontario Regulation 535/91 the Essex Region Conservation Authoritys "fill, construction and alteration to waterways" regulations, the owner is required to obtain a permit from the Essex Region Conservation Authority prior to any new construction activities on the lands herein.

11. PERFORMANCE SECURITY

(i) So as to assure the performance by the Owner of the terms and provisions of this Agreement the Owner shall deposit, prior to the commencement of the installation of services, with the Town:

(a) Cash or a letter of credit for 50% of the value of the development; or

(b) Cash or letter of credit for 25% of the value of the development, plus a subdivision bond for the full value of the development.

Any and all interest earned on any cash deposit will be returned to the owner upon release of the Performance Security by the Town.

(ii) It is the intent herein that if the Owner shall fail in the performance of the terms and conditions of this agreement then the Town:

(a) may require the person or corporation issuing the letter of credit to pay the proceeds of the letter of credit to the Town and the Town will fulfill the terms and conditions in respect of which the owner is in default; or

(b) may require the person or corporation issuing the subdivision bond to fulfill the terms and conditions in respect of which the Owner is in default; or

(c) may fulfill the terms and conditions in respect of which the Owner is in default by utilizing the cash on deposit.

It is also the intent herein that if the Owner shall fail in the performance of any of the terms and conditions of this agreement the Town, at its option, may refuse to grant to the Owner any permission, certificate, approvals or authorities of any kind or nature which the Owner, had the Owner otherwise complied with the Town's requirements, and this Agreement, would have been entitled to receive and may continue to so refuse until the Town is satisfied that any default in question has been cured.

(iii) The said amount of the cash, letter of credit, or subdivision bond shall be based upon the contract or contracts mentioned in paragraph 15 hereof, unless such construction

shall be carried out by the Owner in which event the cost shall be estimated by the Owner's engineer and shall be approved by the Town.

(iv) The cash deposit, letter of credit or subdivision bond may be reduced to the extent of the value of the work remaining as certified by the municipal engineer.

(v) No security shall be released until the Owner has filed the security in accordance with paragraph 14 hereof, covering the services in respect of which such security was deposited.

12. INDEMNITY AND INSURANCE

Until the Town acknowledges in writing that it assumes the services herein referred to the owner shall indemnity and save the Town harmless against all actions, claims, loss, damage and liability connected with the installation of the services contemplated herein arising directly or indirectly out of the negligent or unlawful performance or the non-performance of any obligation of the owner under this Agreement.

While any of the works herein have not been accepted and assumed by the Town, the Owner shall maintain in full force and effect a policy of personal liability and property damage insurance in forms and amounts satisfactory to the Town Solicitor wherein the owner and the Town shall be insured as principals against such liability to the limits of such policy. The Owner shall provide the Town with a certified copy of such policy prior to the commencement of constructing any of the works referred to herein.

13. ACCEPTANCE OF WORK

(i) The performance by the Owner of its obligations under this Agreement to the satisfaction of the Town shall be a condition precedent to the acceptance by the Town of services and works required herein.

(ii) After the works have been installed by the owner and certified by the engineer of the owner to have been installed according to the plans and specifications and after they have been inspected by the Town and deficiencies, if any, corrected the above mentioned work shall be accepted by the Town and the period of twelve months maintenance by the Owner shall commence. At the end of the twelve month maintenance period and after any repairs or deficiencies have been corrected as the result of the use of the works during the twelve month maintenance period, the work as outlined above shall be finally assumed by the Town.

(iii) Upon applying for final assumption of the development, the Owner shall supply the Town with a Statutory Declaration that all accounts for work and materials have been paid, except normal guaranty holdbacks, and that there are no claims for liens or otherwise in connection with such work done or materials supplied for or on behalf of the Owner in

connection with the development.

(iv) No sewers will be finally assumed until they have been cleaned and inspected with video cameras and the videos provided to the Town for their approval.

14. MAINTENANCE SECURITY

The Owner shall be responsible for all materials, equipment and work until all construction and installation has been completed as aforesaid, and upon such acceptance thereof by the Town, the Owner shall deliver to the Town:

(a) Cash or letter of credit for twenty-five percent (25%) of the value of the development; or

(b) Cash or letter of credit for twelve and one-half percent (12.5%) of the value of the development plus a maintenance bond for fifty percent (50%) of the value of the development;

Upon final inspection, after the one year maintenance period has expired, and all deficiencies have been rectified, the balance of the security will be refunded.

Any and all interest earned on any cash deposit will be returned to the Owner upon release of the maintenance security by the Town.

In the event that the Owner fails to rectify any and all deficiencies the Town:

(a) may require the person or corporation issuing the letter of credit to pay the proceeds of the letter of credit to the Town and the Town will rectify the deficiencies; or

(b) may require the person or corporation issuing the maintenance bond to fulfill the terms and conditions with respect to the deficiencies outstanding; or

(c) may rectify the deficiencies by utilizing the cash on deposit.

15. TENDERS

In the event that the Owner shall call for tenders for any of the work required herein, such tenders shall be called on the basis of the specifications prescribed under this Agreement and the owner shall provide the Town with a copy of the accepted tender and an executed copy of the contract let to each successful tenderer for any such work.

16. BUILDING PERMIT

No building permit will be issued for any building until such time as storm sewers, storm drainage, sanitary sewers, water connections and hydro services have been installed.

17. GENERAL

The Owner shall repair forthwith, at its own expense, any damage done by its servants, agents, contractors or sub-contractors to any land or property of the Town during the course of or arising in any way out of the construction of the installation of the work required under this Agreement.

18. SIDEWALKS & BUS STOPS

(i) The Owner shall install, at its own expense, sidewalks in accordance with the Town Development Standards Manual.

(ii) The Owner shall construct, at its own expense, sidewalks or a hard surface pad separated from the traveled portion of any road allowance to the satisfaction of the Greater Essex County District School Board in order to facilitate bus stops and student safety.

(iii) The Owner, at its own expense will construct a sidewalk along the south side of Brien Avenue from Hanlan Avenue to its existing terminus east of Westlawn Avenue. The Owner and the Town undertake to negotiate a cost sharing agreement relating to the construction of the said sidewalk. This agreement shall be entered into between the parties hereto prior to the issuance of any Building Permits.

19. TREES

The Owner shall plant, at its own expense, one tree per lot in accordance with the provisions of the Town Development Standards Manual, unless otherwise agreed to between the owner and the Town.

20. ELEMENTARY/SECONDARY SCHOOLS

The Greater Essex County District School Board and The Windsor/Essex Catholic District School Board shall require a copy of a fully executed Subdivision Agreement between the owner and the Town, in wording acceptable to the Greater Essex County District School Board and The Windsor/Essex Catholic District School Board requiring the owner to include as a condition of the Agreement of Purchase and Sale notice to the purchasers of the lots that students may not be able to attend the closest elementary/secondary school and could be bused to a distant school with available capacity and that the present existence of such a school is not a guarantee of its future availability.

21. ROAD ALLOWANCES

The Owner and the Town agree that all road allowances included in the draft plan of sub-division shall be shown and dedicated as public highways.

22. MINISTRY OF ENVIRONMENT

The Owner acknowledges that the Ministry of Environment's review of the subdivision did not include any ground water, soil or soil atmosphere testing to fully discount the possibility that waste materials and/or contaminants are present within or in close proximity to this subdivision. If either the Town or the Owner require this assurance before proceeding any further with the Plan of Subdivision consultants should be engaged to conduct the necessary investigations. The Ministry must be advised immediately should waste materials or other

contaminants be discovered during the development of this Plan of Subdivision. If waste materials or contaminants are discovered a further approval under Section 46 of the Environmental Protection Act may be required from the Minister.

23. PHASING

In the event that the lands herein are developed in phases, the Owner undertakes and agrees to receive the written consent of the Town prior to any development taking place in each phase.

24. REALTY TAX ARREARS

The Owner shall forthwith pay to the Town all tax arrears and current taxes due and unpaid charges against the subject lands up to the date hereto.

25. AGREEMENT REGISTRATION

The Owner agrees that this Agreement shall be registered by the solicitor for the Town upon the title to the lands within the Plan of Subdivision in accordance with Section 51 (26) of the Planning Act, R.S.O. 1990. Chapter 13, prior to the registration of the Plan of Subdivision.

26. MUNICIPAL STREET NUMBERS AND NAMES

The Owner and/or its assignee shall request from the Town the designated street names and the allocation of municipal street numbers and hereby agree to inform any purchaser of a dwelling from the Owner of the correct municipal street number as so allocated. The owner further covenants and agrees to inform any purchaser of a serviced lot of the obligation of such purchaser to obtain allocation of municipal street number as aforesaid.

27. ASSIGNMENT

This Agreement is not assignable by the Owner (or any person claiming through or under the Owner) unless the assignee thereof shall first in writing covenant and agree with the Town to assume the burdens and obligations imposed upon the owner under this Agreement and to undertake with the Town to observe and perform the obligations herein imposed upon the Owner.

28. BINDING AGREEMENT

This Agreement shall enure to the benefit of the Town and shall be binding upon the Owner and the respective heirs, executors, administrators, successors, subsequent purchasers of any portion of the lands herein and authorized assigns of the Owner.

29. SOLICITORS' FEES

The owner agrees to pay forthwith on demand all solicitors' fees and disbursements incurred by the Town on a solicitor and client basis in any way arising out of this agreement, including negotiations and preparations prior to the signing of the Agreement and work done

subsequent to the signing of this Agreement.

30. PROVINCIAL OFFENCES ACT

Any person who violates any provisions of this agreement or causes or permits a violation shall be liable on conviction to a penalty exclusive of costs in accordance with the provisions of the Provincial Offences Act for each offence and every such penalty shall be recoverable under the provisions of the Provincial Offences Act.

31. The Owner shall not call into question, directly or indirectly in any proceeding whatsoever in law or in equity or before any administrator or other tribunal, the right of the Town to enter into this agreement and to enforce each and every term, covenant and condition thereof and this provision may be pleaded by the Town in any action or proceeding as a complete and conclusive estoppel of any denial of such right.

32. Unless otherwise specified in this Agreement, any notices required under the provisions of this Agreement, shall be given by prepaid registered mail or by personal delivery to the following persons at the following addresses:

Town:
The Clerk
Corporation of the Town of Essex
33 Talbot Street South
Essex, Ontario
N8M 1A8

Owners:
Kimball Estates Inc.
c/o Paul Mullins
691 Ouellette Avenue
Windsor, Ontario
N9A 4J4

IN WITNESS WHEREOF each of the parties hereto has executed this Agreement under seal.

SIGNED, SEALED & DELIVERED)
In the presence of)

THE CORPORATION OF THE TOWN OF ESSEX

Ronald McDermott – Mayor

Jerry Marion, Clerk
We have authority to bind the Corporation

KIMBALL ESTATES INC.

Per: Mary Ellen Mullins -Authorized Officer

Per: Ben Klundert -Authorized Officer
We have authority to bind the Corporation

b:/Essex3.kimballestates.subagree

8-Mar-06

HANLAN STREET RECONSTRUCTION
Kimball Development Cost Share

ITEM	UNIT	QUANTITY	UNIT PRICE	AMOUNT
SECTION A - UTILITIES				
1. Storm PDCs				
a) Short	Each	9	$ 800.00	$7,200.00
b) Long	Each	0	$ 1400.00	$0.00
2. Sanitary PDCs				
a) Short	Each	0	$ 1500.00	$0.00
b) Long	Each	9	$ 3000.00	$27,000.00
3. Sanitary Stub	m	0	$ 450.00	$0.00
4. Sanitary MH	Each	0	$ 3800.00	$0.00
5. Watermain to Valve				
a) 150mm diameter, PVC CL150	m	0	$ 115.00	$0.00
b) 200mm diameter, PVC CL150	m	53.1	$ 150.00	$7,965.00
6. Fire Hydrant and Valve	Each	1	$ 3200.00	$3,200.00
			SECTION A - TOTAL =	**$45,365.00**
SECTION B - ROAD CUTS				
7. Earth Excavation	m^3	350	--	$2,545.00
8. Granular 'A' - 350mm thick	Tonnes	435	$ 15.00	$6,525.00
9. Curb and Gutter	m	96	$ 35.00	$3,360.00
10. Subdrains	m	96	$ 15.00	$1,440.00
11. Asphalt				
a) HL4, 50mm to 135mm thick	Tonnes	88	$ 50.00	$4,400.00
b) HL3, 40mm to 50mm thick	Tonnes	43	$ 55.00	$2,365.00
12. Dead End Barricade	Each	1	$ 1000.00	$1,000.00
			SECTION B - TOTAL =	**$21,635.00**
			TOTAL =	**$67,000.00**

NOTES:
1. All unit prices are per "HANLAN STREET RECONSTRUCTION" Form of Tender from Amico Contracting and Engineering (1992), dated October 5, 2005.
2. Road Cut cost is for one cut, with new road extending to rear lot line of lots bordering road.
3. New watermain extends to end of new road.

The Corporation of the Town of Essex

By-Law Number 1957

Being a by-law to confirm the proceedings of the October 5, 2020, Regular Meeting of Council of The Corporation of the Town of Essex

Whereas pursuant to Section 5(1) of The Municipal Act, 2001, S.O. 2001, c.25 as amended, the powers of a municipality shall be exercised by its Council;

And whereas pursuant to Section 5(3) of The Municipal Act, 2001, S.O. 2001, c.25 as amended, a municipal power, including a municipality's capacity, rights, powers and privileges under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

And whereas it is deemed expedient that a by-law be passed to authorize the execution of Agreements and other documents and that the proceedings of the Council of The Corporation of the Town of Essex at its meetings be confirmed and adopted by by-law.

Now therefore be it resolved that the Council of The Corporation of the Town of Essex enacts as follows:

1. That the actions of the Council of The Corporation of the Town of Essex in respect of all recommendations in reports and minutes of committees, all motions and resolutions and all other actions passed and taken by the Council of The Corporation of the Town of Essex, documents and transactions entered into during the October 5, 2020 meeting of Council, are hereby adopted and confirmed as if the same were expressly contained in this by-law.

2. That the Mayor and proper officials of The Corporation of the Town of Essex are hereby authorized and directed to do all the things necessary to give effect to the actions of the Council of The Corporation of the Town of Essex during the said October 5, 2020 meeting referred to in paragraph 1 of this by-law.

3. That the Mayor and the Clerk are hereby authorized and directed to execute all documents necessary to the actions taken by this Council as described in Section 1 of this by-law and to affix the Corporate Seal of The Corporation of the Town of Essex to all documents referred to in said paragraph 1.

Read a first and a second time and provisionally adopted on October 5, 2020.

_____
Mayor

_____
Clerk

Read a third time and finally adopted on October 19, 2020.

_____
Mayor

_____
Clerk