



The Corporation of the Town of Essex

Special Council Meeting Minutes

December 21, 2020, 4:30 pm

Location: <https://www.youtube.com/user/EssexOntario>

This meeting was hosted and chaired from the Essex Municipal Building, 33 Talbot Street South, Essex. Due to the ongoing COVID-19 pandemic and the Essex Municipal Building not being open to the public at this time, this meeting was only available electronically to the public via livestream on YouTube with delegates as well only being able to participate electronically.

This statutory meeting was held for the purpose of providing background information and the purpose of a proposed site specific zoning amendment at 1110 Ridge Road, Colchester South, Ward 3.

Present:

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

Also Present:

- Chris Nepszy, Chief Administrative Officer
- Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk
- Shelley Brown, Deputy Clerk, Legal and Legislative Services
- Doug Sweet, Director, Community Services/Deputy CAO
- Jeffrey Morrison, Director, Corporate Services and Treasurer
- Lori Chadwick, Director, Development Services
- Kevin Girard, Director, Infrastructure Services

1. Call to Order

Mayor Snively called the meeting to order at 4:31 PM.

2. Declarations of Conflict of Interest

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

3. Adoption of Published Agenda

3.1 Special Council Meeting Agenda for December 21, 2020

RE: Zoning By-Law Amendment: 1110 Ridge Road, Colchester South, Ward 3

SP20-12-014

Moved By Councillor Vander Doelen

Seconded By Councillor Verbeek

That the published agenda for the December 21, 2020 Special Council Meeting be adopted as presented.

Carried

4. Presentation from Administration

RE: Site Specific Zoning Amendment at 1110 Ridge Road

Lori Chadwick, Director, Development Services, spoke to Council about a proposed site specific Zoning Amendment to an agricultural property. The property is 1110 Ridge Road and the applicant is Upper Canada Growers Land Inc.

Ms. Chadwick advised that the subject land is 10 hectares of agricultural land on the East Side of Ridge Road and is located in Ward 3. The existing zoning is District 1.1, general agricultural and farm production supporting activities. The subject property contains two single detached dwellings, one outbuilding/laboratory, one warehouse/cooler, one accessory building and Polyhouses (greenhouse). The neighbourhood profile indicates that agricultural is predominate. On the East of the subject lands is a Wetland District and a Natural Environment District. There is also a municipally owned and operated water supply and two individual on-site private septic systems on Ridge Road

Ms. Chadwick explained that the proposed zoning change is to add a special land use to that existing zoning so as to allow for the construction of two new ancillary dwellings and the use of the existing single-detached dwelling(s) to accommodate the housing of farm help. Currently, the Town of Essex Zoning By-law allows for only one single detached dwelling permitted per lot in the A.1.1 zoning district. Under the Provincial Policy Statement (PPS) and the Town of Essex Official Plan one or more ancillary dwelling for the purposes of housing farm help can be approved where the farm operation is of such a size or nature that this assistance is required and residential accommodations need to be located on or close by the farm. The ancillary dwellings need to be located on the lot and accessed in such a way to prevent the creation of a severable residential lot in the future.

Ms. Chadwick expressed that this farming operation is used for wholesale fruit tree production where apple trees are the main crop. The applicant, UCG Land Inc., owns the adjoining parcel of land which forms part of the agricultural operation. The applicant owns +54 hectares of agricultural land in the Municipality. It is important to note that the farm operation is of such a size and nature that this assistance is required and residential accommodation needs to be located on or close by the farm.

The Site Plan control application is for an agreement for the location of the bunk houses or the location of those ancillary dwellings at this time. The expansion of the greenhouse is being reviewed with the site plan control and will be coming to Council in January after a water study to ensure the greenhouse has ample water supply.

Ms. Chadwick noted that the Zoning By-Law and the agreement tonight is solely for ancillary dwelling

New ancillary dwellings should be +2-8 square metres (+2240) in total area per dwelling, 4 Metres (13 feet) in height (One Storey), accommodate up to sixteen (16) seasonal farm labourers each and be locate behind the warehouse/cooler. These dwellings will be within 550 metres of a commercial wind turbine at 1040 Ridge Road. The Zoning By-Law amendment makes for a relief of the setback requirement. The dwellings will only

be used on a seasonal basis and be located behind the warehouse to prevent severability in the future.

The Essex Fire Department and Essex Region Conservation Authority have no objections. The Department of Infrastructure Services states that units will need to be supplied with water from the existing plumbing site.

The ancillary dwellings conformity with Federal and Provincial criteria would be determined at building permit stage. There are no rentals available in the area and the farm operation thus warrants on-site accommodation. This will not be a precedent but rather each proposal is evaluated on its own merits. The farmer is not liable for any nuisance to any person from normal farm practices. The laboratory is a permitted ancillary use.

At the 6:00 PM meeting on December 21, 2020, Regular Council Meeting, Council may approve the application, deny application or defer the decision to a later date.

The site plan dated November 13, 2020 and adopted by By-Law 1979 is subject to the following provisions:

1. The height of the ancillary dwelling shall not exceed one (1) story (14 metres); and
2. The ancillary dwellings shall be permitted within 530 meters of commercial wind turbine.

Ms. Chadwick asked if anyone had any questions.

1. Deputy Mayor Meloche asked if the workers in the bunkhouse are strictly for this operation and not another one where they were be bused to a different location.

Ms. Chadwick explained that those 16 per dwelling are solely for this operation and the expansion of 3700 square feet warrants additional help onsite. Those dwellings need to be built in advance to the greenhouse expansion.

2. Deputy Mayor Meloche asked to see the roadway that would lead from the bunkhouse to Ridge Road. Deputy Mayor asked what a "lean-to" is.

Ms. Chadwick said she will review the map and advise.

4. Councillor Vander Doelen said a lean-to is similar to a pull barn without walls and attached to the main building and is like a loading area. He asked what size the septic system will be.

Ms. Chadwick Lori said she will be able to answer that after building permit review.

5. Councillor Vander Doelen asked how many residents of Ontario would this employ, how much the development is worth and how much extra tax revenue for the Town of Essex on annual basis.

Ms. Chadwick advised that she that it is unknown how many residents of Ontario this would employee. She anticipates this project to be in the millions but will have more answers at the Regular Council Meeting at 6:00 PM.

6. Councillor Vander Doelen stated that we have to weigh these things and determine how many jobs and how much money will be provided to town.

Ms. Chadwick advised that the President of Upper Canada Company currently has 20 local employees with another 27 jobs locals alone next year. It is unknown if it is in the bunkhouses but additional infrastructure could create 300+ jobs in the next 10 years.

SP20-12-015

Moved By Councillor Bowman
Seconded By Councillor Verbeek

That the presentation entitled "Site Specific Zoning Amendment at 1110 Ridge Road", be received.

Carried

SP20-12-016

Moved By Deputy Mayor Meloche
Seconded By Councillor Garon

That the correspondence included in Agenda Item 4 be received.

Carried

5. Delegations

5.1 Robert Haynes, President. Upper Canada Growers

Mr. Haynes explained that they have invested millions in more nurseries and the warehouse. He said that where they are purposing to build by the road that they are planning to build another cooler. There are 30 local employees in the lab with apple trees and there will be an increase of 60 local employees this winter. There will also be a larger portion of workers for summer employment. Besides the 135 acres they also rent another 100 some acres. Upper Canada Growers are committed to the Town and local employment. Mr. Haynes encouraged Council to come see the lab and stated that he has plans to develop a grape market. Since Upper Canada Growers work with Universities they have a lot of new technology.

Mr. Haynes addressed Ms. York and said there will be no traffic between the warehouse and Dianne's house. These bunkhouses will be looking into neighbour's farm opposed to Dianne's house.

Mr. Haynes then answered questions from Council.

1. Councillor Garon is concerned for Ms. York's privacy with the bunkhouses. He asked for if there are safe guards for them to abide to, By-Laws, or if someone is watching these men.

Mr. Haynes said that yes there had been issues but never from a neighbour. Most of his off shore help has been here for 30 years.

2. Councillor Garon asked if there is any orientation, rules to follow and how they behave in the community.

Mr. Haynes said the Canadian Charter cannot dictate what they do but there are expectations such as keeping things cleaned. Travelling will also be minimal and will mostly for grocery shopping.

5.2 Dianne York, 1120 Ridge Road

Ms. York explained that she owns the property abutting 1110 Ridge Road which is north of the existing warehouse. There is a 30 foot set back between the existing warehouse and her home. Mr. York's general concerns were addressed

in the presentation but she still worries about the negative impact on her property. Firstly, there is a concern with privacy as there are 32 seasonal workers. Secondly, her question regarding the 550 foot set back was answered during the presentation. However, Ms. York believes that sensitive land use such as sleeping should still have 550 foot set back.

Ms. York explained that bunkhouses will be for 32 working aged men which will provide no stability due to the seasonal aspect from year to year. She felt that there is no compatibility between abutting properties.

Ms. York opposed the By-Law amendment zoning 1037 due to medium density housing in a rural area. She stated that by-law amendment 1037 needs restriction to maximum size and dwellings.

Ms. York also had concerns of traffic on the north side of Ridge Road to bunk house and request restrictions to maintain a quiet peaceful and enjoyment of property.

Council was directed to for comments and questions.

1. Councillor Bjorkman advised that one of his concerns was the placement of the bunkhouses to the turbine but that is no longer a provincial standard. It still needs to be enforced at a great distance as people are living, sleeping, dinning in the buildings and they need the same restrictions as the rest of us. However, compared to what other jurisdictions are doing he is comfortable with the distance from the wind turbine to the bunkhouses.
2. Councillor Bjorkman suggested Ms. York come to an agreement with her neighbour to install some kind of a break. He advised Ms. York that the applicant has shown that he is doing what he can and we are encouraging agricultural business.
3. Councillor Verbeek questioned if the bunk houses could be moved somewhere else and if restrictions that commercial businesses use for building could be utilized instead.

Mayor Snively said that this is farm use and not commercial.

Ms. Chadwick said Councillor Verbeek is referring to a restrictive covenant which is only for the private owners. Ms. Chadwick adds that a restrictive covenant is not binding forever. Economic viability, planning regulations, agricultural land, future green house, turbines and roads have all been considered. She also mentioned that Ms. York asked about notice on the website and under our provincial guidelines notice to the abutting property owners was given. Above that the Town of Essex sent more notice to the same property owners that a discussion could be made tonight. It is also not a requirement to be posted to local website.

6. **Adjournment**

SP20-12-017

Moved By Deputy Mayor Meloche

Seconded By Councillor Vander Doelen

That the meeting be adjourned at 5:37 PM.

Carried

Mayor

Clerk