



Regular Council Meeting Agenda

April 1, 2019, 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.

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 April 1, 2019

Moved by
Seconded by

That the published agenda for the April 1, 2019 Regular Council Meeting, be adopted as presented / amended.

5. Adoption of Minutes

5.1 Regular Council Meeting Minutes for March 18, 2019

Moved by
Seconded by

That the minutes of the Regular Council Meeting held March 18, 2019, be adopted as circulated.

5.2 Special Council Meeting Minutes for March 12, 2019

Moved by
Seconded by

That the minutes of the Special Council Meeting held March 12, 2019 for Council to conduct a walking tour of the downtown Essex Centre District, be adopted as circulated.

5.3 Special Council Meeting Minutes for March 11, 2019

That the minutes of the Special Council Meeting held March 11, 2019, for Council to conduct a walking tour of the downtown Harrow Centre District, be adopted as circulated.

6. **Public Presentations**
7. **Unfinished Business**

8. Reports from Administration

8.1 Community Services Report 2019-10

RE: Significant Event Status - 27th Annual Colchester Walleye Derby - Saturday, June 8, 2019

Moved by

Seconded by

That Community Services Report 2019-10, entitled "Significant Event Status - 27th Annual Colchester Walleye Derby - Saturday, June 8, 2019", prepared and submitted by Doug Sweet, Director of Community Services, dated April 1, 2019, be received; and

That the 27th Annual Colchester Walleye Derby be approved for Significant Event Status for the purposes of applying for their Special Occasion Permit (SOP) for their event on Saturday, June 8, 2019.

8.2 Community Services Report 2019-11

RE: Significant Event Status - 32nd Essex Fun Fest - July 4,5,6 and 7, 2019

Moved by

Seconded by

That Community Services Report 2019-11, entitled "Significant Event Status - 32nd Essex Fun Fest - July 4,5,6, and 7, 2019", prepared and submitted by Doug Sweet, Director of Community Services, dated April 1, 2019, be received; and

That the 32nd Essex Fun Fest be approved for Significant Event Status for the purpose of applying for their Special Occasion Permit (SOP) for their event on July 4,5,6, and 7, 2019.

8.3 Community Services Report 2019-12

RE: Significant Event Status - McGregor Music Festival

Moved by

Seconded by

That Community Services Report 2019-12, entitled "Significant Event Status - McGregor Music Festival - Sunday, June 9, 2019", be received; and

That the McGregor Music Festival be approved for Significant Event Status for the purpose of applying for their Special Occasion Permit (SOP) for their event on Sunday, June 9, 2019.

8.4 Community Services Report 2019-13

RE: Essex Centre Sports Complex Parking Lot - Phase 3 Engineering

Moved by

Seconded by

That Community Services Report 2019-13, entitled "Essex Centre Sports Complex Parking Lot - Phase 3 Engineering", prepared and submitted by Doug Sweet, Director of Community Services, dated April 1, 2019, be received; and

That Council appoints the engineering firm of Haddad, Morgan and Associates Ltd. to provide engineering services for Phase 3 of the Replacement of the Essex Centre Sports Complex Parking Lot in accordance with the completed request under Section 22.02 (b) of the Procurement By-Law (Appendix A).

8.5 Planning Report 2019-05

RE: Canadian Tire Corporation Site Plan Control Application

- By-Law 1781
Being a by-law to enter into a Site Plan Control Agreement between The Corporation of the Town of Essex and Canadian Tire Properties Incorporated

Moved by

Seconded by

That Planning Report 2019-05, entitled "Canadian Tire Corporation Site Plan Control Application Essex Centre", prepared by Jeff Watson, Policy Planner and submitted by Chris Nepszy, CAO, Director, Infrastructure and Development, dated April 1, 2019, be received; and

That Council approves the rezoning of lands to permit the construction of a drive-through restaurant on the Canadian Tire property at 300 Maidstone Avenue West; and

That By-Law 1781, being a by-law to enter into a Site Plan Control Agreement between The Corporation of the Town of Essex and Canadian Tire Properties Incorporated, be read a first, a second and a third time and finally passed on April 1, 2019.

8.6 Planning Report 2019-15

RE: Townsview Estates Partial Release of Securities, Dillon Consulting, Agents, Essex Centre

Moved by

Seconded by

That Planning Report 2019-15, entitled "Townsview Estates Partial Release of Securities, Dillon Consulting Agents (Essex Centre)", prepared by Jeff Watson, Policy Planner and submitted by Chris Nepszy, CAO, Director, Infrastructure and Development, dated April 1, 2019, be received; and

That Council authorizes the partial release of securities for the Townsview Subdivision, Dillon Consulting, Agents, in the sum of \$15,816.33.

9. Reports from Youth Members

10. County Council Update

11. Correspondence

11.1 Correspondence to be received

That the 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 AMO Communications (Association of Municipalities of Ontario)

RE: Federal Budget Commits to One-time Doubling of Gas Tax Funds

11.1.2 Ministry of Municipal Affairs and Housing

Correspondence from Steve Clark, Minister of Municipal Affairs, dated March 20, 2019 advising of a one-time payment in the 2018-2019 fiscal

year to support small and rural municipalities' efforts to become more efficient and reduce expenditure growth in the longer term.

11.1.3 OMAFRA (Ontario Ministry of Agriculture, Food and Rural Affairs)

RE: Free Interactive Community Economic Development Workshops
Essex Centre Sports Complex - April 30, 2019 at 1:00 - 4:00 PM

11.1.4 Richard and Judy Wirch

RE: Upgrading gravel roads to hard surface - Old Malden Road

Correspondence from Richard and Judy Wirch, dated March 6, 2019, requesting that Essex Council consider upgrading Old Malden Road to a hard surface and that it be a priority for completion in 2020.

11.1.5 2018 Annual Drinking Water Reports

- **Union Water Supply System**

Annual Performance Report, Essex Distribution System

- **Ontario Clean Water Agency**

Annual Summary Report, Harrow-Colchester South Water Treatment Plant

11.2 Correspondence to be considered for receipt and support

11.2.1 City of Quinte West Resolution

RE: Promoting the use of municipal water in effort to reduce bottled water usage

Moved by

Seconded by

That correspondence from the City of Quinte West, dated March 8, 2019 asking Essex Council to consider their initiative and encourage limited use of bottled water and promote the use of municipal drinking water in our municipality; be (received/received and supported).

11.2.2 Municipality of Leamington

RE: Long-Distance Scheduled Intercommunity Transit Initiative - Request for Support

- Correspondence from the Town of Essex, dated February 23, 2018 supporting Leamington's Long-Distance Scheduled Intercommunity Project
- Email updating Council on the status of the Leamington-Kingsville-Essex-Windsor transit route, and request for letter of support to be sent to the Ontario Highway Transit Board (OHTB) for Transit Windsor to provide the transit service

Moved by

Seconded by

That correspondence from the Municipality of Leamington, dated March 26, 2019, updating Council on the status of the Leamington-Kingsville-Essex, Windsor transit route and that their request for a letter of support to be sent to the Ontario Highway Transit Board (OHTB) for Transit Windsor

to provide the transit service, be (received/received and supported); and

That a letter of support be sent to the Ontario Highway Transit Board (OHTB) to grant a licence to Transit Windsor to operate in our communities.

12. Committee Meeting Minutes

Moved by

Seconded by

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

12.1 Essex Centre B.I.A. - January 8, 2019

12.2 Essex Fun Fest - February 21, 2019

12.3 Committee of Adjustment - March 19, 2019

13. Financial

14. New Business

15. Notices of Motion

15.1 The following Notices of Motions were presented at the March 18, 2019 Regular Council Meeting and are being brought forward for consideration this evening:

15.1.1 Councillor Garon

RE: Sign By-Law Revision

Moved by Councillor Garon

Seconded by

That the Town's Sign By-Law 1350 be amended to require commercial property owners to remove or conceal business branding signs, windows and doors within a reasonable period of time following the closure of a business.

15.1.2 Mayor Snively

RE: Colchester Commercial Rezoning

Moved by Mayor Snively

Seconded by

That Administration prepare a report outlining processes and steps in a detailed plan to move forward with rezoning Colchester Centre from residential to commercial.

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 1796

Being a by-law to amend By-Law 1037, The Comprehensive Zoning By-Law for the Town of Essex

(Harrow Junior School Rezoning Application)

Moved by

Seconded by

That By-Law 1796 being a by-law to amend By-Law 1037 The Comprehensive Zoning By-Law for the Town of Essex, be read a third time and finally adopted on April 1, 2019.

17.1.2 By-Law 1798

Being a by-law to confirm the proceedings of the March 18, 2019 Regular Meeting of the Council of The Corporation of the Town of Essex

Moved by

Seconded by

That By-Law 1798 being a by-law to confirm the proceedings of the March 18, 2019 Regular Meeting of the Council of The Corporation of the Town of Essex, be read a third time, and finally adopted on April 1, 2019.

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

17.2.1 By-Law 1794

Being a by-law to adopt the 2019 Operating and Capital Budget Estimates

Moved by

Seconded by

That By-Law 1794 being a by-law to adopt the 2019 Operating and Capital Budget Estimates, be read a first, a second and a third time and finally passed on April 1, 2019.

17.3 By-Laws that require a first and second reading

17.3.1 By-Law 1800

Being a by-law to confirm the proceedings of the April 1, 2019, Regular Meeting of the Council of The Corporation of the Town of Essex

Moved by

Seconded by

That By-Law 1800 being a by-law to confirm the proceedings of the April 1, 2019, 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 April 1, 2019.

18. Adjournment

Moved by

Seconded by

That the meeting be adjourned at [TIME].

19. Future Meetings

19.1 Tuesday, April 2, 2019 - 5:00 - 6:00 PM - Special Council Meeting

Zoning By-Law Amendment (263 Talbot Street North - Essex Motel)

Location: Essex Municipal Building, Large Meeting Room, 33 Talbot Street South,

Essex

19.2 Monday, April 8, 2019 - 5:00 - 7:00 PM - Special Council Meeting

Accommodation Review

Location: Essex Municipal Building, 33 Talbot Street South, Essex

19.3 Monday, April 15, 2019 - 5:00 - 6:00 PM - Special Council Meeting

Zoning By-Law Amendment (Rizzo Nicola)

Location: County of Essex, Committee Room C., 360 Fairview Avenue West, Essex

19.4 Monday, April 15, 2019 - 6:00 - 9:00 PM - Regular Council Meeting

Location: County of Essex Council Chambers, 360 Fairview Ave. West, Essex

The Corporation of the Town of Essex
Regular Council Meeting Minutes

March 18, 2019, 6:00 pm
Essex Civic Centre
360 Fairview Avenue West
Essex, Ontario

Present: Mayor Snively
Deputy Mayor Meloche
Councillor Bjorkman
Councillor Bondy
Councillor Bowman
Councillor Verbeek
Councillor Vander Doelen

Regrets: Councillor Garon

Also Present: Jeffrey Morrison, Director, Finance & Corporate Services/Treasurer
Doug Sweet, Director of Community Services
Fire Chief Rick Arnel
Deputy Fire Chief Rick Malott
Shelley Brown, Deputy Clerk
Jeff Watson, Policy Planner
Nelson Silveira, Economic Development Officer
Alex Denonville, Manager, Communications
Ehva Hoffman, Youth Council Member
Robert Auger, Town Solicitor/Legal and Legislative Services
Lynn Moroz, Administrative Assistant

1. Call to Order

2. Closed Meeting Report

3. Declarations of Conflict of Interest

There were no declarations of conflict of interest.

4. Adoption of Published Agenda

4.1 Regular Council Meeting Agenda for March 18, 2019

Moved by Councillor Bowman
Seconded by Deputy Mayor Meloche

(R19-03-103) That the published agenda for the March 18, 2019 Regular Council Meeting, be adopted with an amendment to section 3 of the recommendations in Item 8.4 Planning Report 2019-02.

Carried

5. Adoption of Minutes

5.1 Regular Council Meeting Minutes for March 4, 2019

Moved by Councillor Bjorkman
Seconded by Councillor Vander Doelen

(R19-03-104) That the minutes of the Regular Council Meeting held March 4, 2019, be adopted as circulated.

Carried

5.2 Special Council Meeting Minutes for March 4, 2019

Moved by Councillor Vander Doelen
Seconded by Deputy Mayor Meloche

(R19-03-105) That the minutes of the Special Council Meeting held March 4, 2019 for the purpose of amending the Town of Essex Official Plan to permit land designated "Highway Commercial" and zoned C3.1 within Essex Centre and Harrow Centre, to be zoned to permit multiple dwelling units and residential care facility uses, be adopted as circulated.

Carried

5.3 Special Council Meeting Minutes for February 26, 2019

Moved by Councillor Bjorkman
Seconded by Councillor Verbeek

(R19-03-106) That the minutes of the Special Council Meeting held February 26, 2019 for the purpose of hearing submissions concerning the Rezoning Application of 2484775 Ontario Incorporated with respect to the property located at 230 Centre Street (Harrow Junior School), be adopted as circulated.

Carried

5.4 Special Council Meeting Minutes for February 25, 2019

Moved by Councillor Bowman
Seconded by Councillor Vander Doelen

(R19-03-107) That the minutes of the Special Council Meeting held February 25, 2019 Budget deliberations, be adopted as circulated.

Carried

6. Public Presentations

7. Unfinished Business

8. Reports from Administration

8.1 Legal and Legislative Services Report 2019-10

RE: Local Boards/Committees Procedures and Best Practices

- Town of Essex Local Board/Committees
Procedures and Best Practices 2018-2022 Manual

Moved by Councillor Bondy
Seconded by Councillor Bowman

(R19-03-108) That Legal and Legislative Services Report 2019-10, entitled "Local Boards/Committees Procedures and Best Practices", prepared by Shelley Brown, Deputy Clerk and submitted by Robert Auger, Town Solicitor/Clerk, dated March 18, 2019, providing Council with an updated and amended copy of the "Town of Essex Local Board/Committees Procedures and Best Practices 2018-2022" manual, be received and approved.

Carried

8.2 Building Report 2019-02

RE: February 2019 Building Report

Moved by Councillor Bjorkman
Seconded by Councillor Vander Doelen

(R19-03-109) That Building Department Report 2019-02, entitled "February 2019 Building Report", dated March 4, 2019, providing Council with an update on building activity within the Town of Essex for the month of February, be received.

Carried

8.3 Planning Report 2019-11

RE: Harrow Junior School Rezoning Application
2484775 Ontario Incorporated, Harrow (Ward 4)

- By-Law 1796
Being a by-law to amend By-Law 1037, The Comprehensive Zoning By-Law for the Town of Essex
- By-Law 1797
Being a by-law to provide that Part Lot Control shall not apply to certain lands within Registered Plan 1236 in Harrow Centre

Moved by Councillor Bowman
Seconded by Councillor Verbeek

(R19-03-110) That Planning Report 2019-11, entitled "Harrow Junior School Rezoning Application, 2484775 Ontario Incorporated, Harrow (Ward 4)", prepared by Jeff Watson, Policy Planner and submitted by Chris Nepszy, CAO, Director, Infrastructure Services, dated March 18, 2019, be received;

That Council approve the rezoning of lands comprising of the former Harrow Junior School, 230 Centre Street in Ward 4 and that By-Law 1796, being a by-law to amend By-Law 1037 The Comprehensive Zoning By-Law for the Town of Essex, be read a first and second time and provisionally adopted on March 18, 2019; and

That By-Law 1797, being a by-law to provide that Part Lot Control shall not apply to certain lands within Registered Plan 1236 in Harrow Centre, be read a first, a second and a third time and finally passed on March 18, 2019.

Carried

8.4 Planning Report 2019-12

RE: Residential Uses on Highway Commercial Lands in Essex Centre and Harrow Town of Essex Ward 1 and Ward 4

Moved by Councillor Vander Doelen

Seconded by Councillor Bondy

(R19-03-111) That Planning Report 2019-12, entitled "Residential Uses on Highway Commercial Lands in Essex Centre and Harrow Centre", prepared by Jeff Watson, Policy Planner and submitted by Chris Nepszy, CAO, Director, Infrastructure Services, dated March 18, 2019, be received; and

That the Planning Department give Public Notice for an Official Plan Amendment and Zoning Change concerning the addition of multiple dwelling units as a permitted use at Essex Motel, 263 Talbot Street North, Essex Centre; and

That Council direct Administration to review and report back on the feasibility (subject to budget constraints) of retaining a Market Planning Consultant to undertake a Local Comprehensive Review on the adequacy and sufficiency of our residential and employment land allocations within this Planning Period to 2031, to determine whether or not the reallocation of Primary Settlement Area lands for residential and employment land uses is warranted, and where new mid and higher density residential development should be prioritized by location.

Carried

8.5 Corporate Services Report 2019-04

Report Under Section 284 of the Municipal Act - Statement of Remuneration and Expenses Paid 2018

Moved by Councillor Vander Doelen

Seconded by Councillor Bjorkman

(R19-03-112) That Corporate Services Report 2019-04, entitled "Report Under Section 284 of the Municipal Act - Statement of Remuneration and Expenses Paid 2018" for the year ended December 31, 2018, prepared by Heather MacDonald, Assistant Manager Finance and submitted by Kate Giurissevich, Manager, Finance and Business Services, be received.

Carried

8.6 Community Services Report 2019-009

RE: 2019 Communities in Bloom Legacy Tree Program

Moved by Deputy Mayor Meloche

Seconded by Councillor Verbeek

(R19-03-113) That Community Services Report 2019-009, entitled "2019 Communities in Bloom Legacy Tree Program", prepared and submitted by Doug Sweet, Director of Community Services, dated March 18, 2019, be received.

Carried

8.7 Economic Development Officer's Report 2019-01

RE: Essex Tourism Development Fund

Moved by Councillor Verbeek

Seconded by Deputy Mayor Meloche

(R19-03-114) That Economic Development Officer's Report 2019-01, entitled "Essex Tourism Development Fund", prepared by Nelson Silveira, Economic Development Officer and Alex Denonville, Manager, Communications and submitted by Donna Hunter, CAO, dated March 18, 2019, providing Council with an overview of potential changes to the Essex Tourism Development Fund which provides municipal grant funding for tourism related events in Essex, be received and supported.

Carried

9. Reports from Youth Members

There were no reports by the Youth Council Member.

10. County Council Update

There were no updates on County Council.

11. Correspondence

11.1 Correspondence to be received

Moved by Councillor Bondy

Seconded by Councillor Bowman

(R19-03-115) 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 MADD Canada

Letter of appreciation for placing an advertisement in MADD Message Yearbook

11.1.2 Essex Community Services

Letter of appreciation for the grant provided by the Town's Community Partnership Fund.

11.1.3 WETRA (Windsor-Essex Therapeutic Riding Association)

Letter of thanks for the grant provided by the Town's Community Partnership Fund.

11.1.4 Union Water Supply System (UWSS)

RE: UWSS Wholesale Water Rates Increase effective April 1, 2019

Correspondence from the Union Water Supply System, dated March 5, 2019, notifying Council of the adoption of the Draft 2019 Operational and Capital Budget for the Union Water Supply System, and that the UWSS Board has endorsed an increase to wholesale water rates effective April 1, 2019.

11.1.5 Municipal Engineers Association (MEA)

RE: Municipal Engineers Association (MEA) 2019 Bursary Awards Program

Correspondence from the MEA notifying Council of their bursary, the eligibility and selection criteria, and the Bursary Application Package.

Carried

11.2 Correspondence to be considered for receipt and support

11.2.1 Town of Saugeen Shores

RE: Recreation & Culture Funding - "Investing in Canada Infrastructure Program"

Moved by Deputy Mayor Meloche
Seconded by Councillor Bowman

(R19-03-116) That correspondence from the Town of Saugeen Shores, dated February 11, 2019, asking Essex Council to consider supporting their resolution requesting that the Governments move forward with accepting applications for funding, agreed to by the Governments of Canada and the Province of Ontario under the "Investing in Canada Infrastructure Program", to help address the Recreation and Culture Capital Infrastructure deficit that currently exists across Canada, be received and supported; and

That letters of support be sent to the Federal and Provincial Governments, Tracey Ramsey MP, Taras Natyshak, MPP, Parks and Recreation Ontario and the Town of Saugeen Shores.

Carried

11.2.2 Youth Council Member Application - Cameron Soucie

Moved by Councillor Verbeek
Seconded by Councillor Vander Doelen

(R19-03-117) That the Youth Council Member Application from Cameron Soucie, dated January 20, 2019, be received; and

That in accordance with Resolution R19-03-096, passed at the March 4, 2019 Regular Council Meeting, Council grants an exemption from Section 2.5.2 of the Town's Procedural By-Law, and that Cameron Soucie be appointed as Town of Essex Youth Council Member for the term of 2019-2020.

Carried

12. Committee Meeting Minutes

Moved by Councillor Verbeek
Seconded by Deputy Mayor Meloche

(R19-03-118) That the minutes listed in Agenda Item 12, together with any recommendations noted therein, be received, approved and adopted as circulated.

12.1 Striking Committee - March 4, 2019

Recommendation to Council:

(SC19-03-004) That the verbal report regarding the resignation of a Drainage Board Member, Ray Beneteau, be received; and

That Percy Dufour be recommended to Council to sit as a member of the Drainage Board for 2018-2022, and that such recommended appointment be confirmed by verbal report at the March 4, 2019 Regular Council Meeting.

12.2 Co-An Park Committee - March 6, 2019

Carried

13. Financial

14. New Business

15. Notices of Motion

15.1 The following Notice of Motion was presented at the March 4, 2019 Regular Council Meeting and is being brought forward for consideration this evening:

Councillor Bondy

RE: Essex Fire and Rescue - Water/Ice Rescue

Moved by Councillor Bondy

Seconded by Deputy Mayor Meloche

(R19-03-119) That Council have a public discussion about the level of service they wish to see in the Fire Department when it comes to water/ice rescue, and that Council further provide direction (subject to budget constraints) as to the level of training/equipment they wish the Fire Department to possess as it relates to water/ice rescue.

Carried

15.1.1 Fire Chief Rick Arnel

Powerpoint Presentation "Essex Fire and Rescue
Ice & Water Rescue - Service Level"

Fire Chief Rick Arnel and Deputy Fire Chief Rick Malott gave a power point presentation to provide Council with information on the status of Essex Fire Department's water/ice rescue training and where they hope to be in the future.

Moved by Councillor Bjorkman

Seconded by Councillor Bondy

(R19-03-120) That the powerpoint presentation entitled "Essex Fire and Rescue, Ice & Water Rescue - Service Level", presented by Fire Chief Rick Arnel, be received.

Carried

15.2 The following Notice of Motion will be brought forward for consideration at the Regular Council Meeting on Monday, April 1, 2019:

15.2.1 Councillor Garon

RE: Sign By-Law Revision

Moved by Councillor Garon

Seconded by

That the Town's Sign By-Law 1350 be amended to require commercial property owners to remove or conceal business branding from signs, windows and doors within a reasonable period of time following the closure of a business.

15.2.2 Mayor Snively

RE: Colchester Commercial Rezoning

Moved by Mayor Snively

Seconded by

That Administration prepare a report outlining processes and steps in a detailed plan to move forward with rezoning Colchester Centre from residential to commercial.

16. Reports and Announcements from Council Members

Councillor Bjorkman announced that the Essex Centre BIA excellence awards banquet was being held on March 25th. Nominations for your favourite business can be made up to March 20th.

Councillor Verbeek wished her Mom, Joann Hayes a Happy 81st Birthday.

Councillor Bondy reminded everyone to purchase their dog tags before the price doubles on April 1st.

Councillor Bowman thanked the 73's for an excellent season and congratulated the Lakeshore Canadians for their well-deserved win.

17. By-Laws

17.1 By-Laws that require a third and final reading

17.1.1 By-Law 1795

Being a by-law to confirm the proceedings of the March 4, 2019 Regular Meeting of the Council of The Corporation of the Town of Essex

Moved by Deputy Mayor Meloche

Seconded by Councillor Bowman

(R19-03-121) That By-Law 1795 being a by-law to confirm the proceedings of the March 4, 2019 Regular Meeting of the Council of The Corporation of the Town of Essex, be read a third time and finally adopted on March 18, 2019.

Carried

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 1798

Being a by-law to confirm the proceedings of the March 18, 2019, 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 March 18, 2019.

Moved by Councillor Verbeek
Seconded by Councillor Bjorkman

(R19-03-122) That By-Law 1798, being a by-law to confirm the proceedings of the March 18, 2019, 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 March 18, 2019.

Carried

18. Adjournment

Moved by Deputy Mayor Meloche
Seconded by Councillor Vander Doelen

(R19-03-123) That the meeting be adjourned at 7:10 PM

Carried

Mayor

Clerk

The Corporation of the Town of Essex
Special Council Meeting Minutes
March 12, 2019

A Public Meeting was held on Tuesday, March 12, 2019 at 4:30 p.m. at the Essex Municipal Building on Talbot Street, Essex Centre. The meeting was held to allow Council to conduct a walking tour of the downtown Essex Centre District. The meeting was called to order at 4:30 p.m.

1. Roll Call

Present:	Mayor Larry Snively Deputy Mayor Richard Meloche Ward 1 Councillor Joe Garon Ward 1 Councillor Morley Bowman Ward 3 Councillor Kim Verbeek Ward 3 Councillor Chris Vander Doelen Ward 4 Councillor Sherry Bondy
Regrets:	Ward 3 Councillor Steve Bjorkman
Also Present:	Donna Hunter, Chief Administrative Officer Chris Nepszy, Deputy CAO/Director, Infrastructure Doug Sweet, Director, Community Services Jeffrey Morrison, Director, Corporate Services/Treasurer Nelson Silveira, Economic Development Officer Kevin Carter, Chief Building Official Rita Jabbour, Planner Jeff Watson, Policy Planner Shelley Brown, Deputy Clerk. Legislative and Legal Services

2. Declarations of Conflict of Interest

There were no declarations of conflict of interest.

3. Adoption of Published Agenda

a) March 12, 2019 Special Council Meeting Agenda

Moved by Deputy Mayor Meloche

Seconded by Councillor Vander Doelen

(SP19-03-007) That the published agenda for the March 11, 2018 Special Council be adopted as presented. "Carried"

4. Reports from Administration

a) Nelson Silveira, Economic Development Officer

Verbal report: Mr. Silveira provided verbal details regarding development in the downtown core of Essex Centre. The following were identified during the walking tour:

- Signage for business that are no longer in operation are being left for extended periods of time. Discussion ensued regarding a possible draft by-law requiring that signs are blacked out within a specific time after the business has closed.

5. Public Presentations

6. Adjournment

Moved by Councillor Verbeek

Seconded by Councillor Vander Doelen

(SP19-03-009) That the meeting be adjourned at 5:06 p.m. Carried

MAYOR

Deputy CLERK

The Corporation of the Town of Essex
Special Council Meeting Minutes
March 11, 2019

A Public Meeting was held on Monday, March 11, 2019 at 4:30 p.m. at the Harrow Parkette on King Street, Harrow Centre. The meeting was held to allow Council to conduct a walking tour of the downtown Harrow Centre District. The meeting was called to order at 4:30 p.m.

1. Roll Call

Present: Mayor Larry Snively
Deputy Mayor Richard Meloche
Ward 1 Councillor Joe Garon (arrived at 5:00)
Ward 1 Councillor Morley Bowman
Ward 2 Councillor Kim Verbeek
Ward 3 Councillor Chris Vander Doelen
Ward 3 Councillor Steve Bjorkman
Ward 4 Councillor Sherry Bondy

Also Present: Donna Hunter, Chief Administrative Officer
Chris Nepszy, Deputy CAO/Director, Infrastructure
Doug Sweet, Director, Community Services
Jeffrey Morrison, Director, Corporate Services/Treasurer
Nelson Silveira, Economic Development Officer
Kevin Carter, Chief Building Official
Paul Vlodarchyk, Building Inspector
Rita Jabbour, Planner
Jeff Watson, Policy Planner
Shelley Brown, Deputy Clerk. Legislative and Legal Services

2. Declarations of Conflict of Interest

There were no declarations of conflict of interest.

3. Adoption of Published Agenda

a) March 11, 2019 Special Council Meeting Agenda

Moved by Councillor Bjorkman
Seconded by Councillor Verbeek

(SP19-03-004) That the published agenda for the March 11, 2018 Special Council be adopted as presented. "Carried"

4. Reports from Administration

a) Nelson Silveira, Economic Development Officer

Verbal report: Mr. Silveira provided verbal details regarding development in the downtown core of Harrow Centre. The following were identified during the walking tour:

- Former Mac's Milk building is currently for sale with no known prospects
- Techs R Us has a guide cable owned by ELK Energy that needs to be removed
- Techs R Us has rebar protruding from the ground where a fence was erected
- The brick at the top of the building is crumbling where Blimey's is currently located
- 43 King Street West has bike rack in front that is coming loose and falling over
- A light has been requested to be installed at the Tourist Information Kiosk however approval is needed from Canada Post
- The marking on the pavement indicating a handicap parking space has worn off in several locations throughout Harrow Centre
- Currently working on building at 31 King Street
- Rubber mulch is being installed around trees in downtown making them safer (tripping hazard) and improved drainage

Moved by Councillor Bowman

Seconded by Councillor Vander Doelen

(SP19-03-005) That the verbal report provided by Nelson Silveira, Economic Development Officer, be received. "Carried"

5. Public Presentations

6. Adjournment

Moved by Deputy Mayor Meloche

Seconded by Councillor Bjorkman

(SP19-03-006) That the meeting be adjourned at 5:36 p.m. Carried

MAYOR

Deputy CLERK



Report to Council

Department: Community Services

Date: April 1, 2019

Prepared by: Doug Sweet, Director of Community Services

Submitted by: Doug Sweet, Director of Community Services

Report Number: Community Services Report 2019-010

Subject: Significant Event Status – 27th Annual Colchester Walleye Derby
– Saturday, June 8, 2019

Number of Pages: 2

Recommendation(s)/Conclusion(s)

The following two (2) recommendations are provided for Council's consideration:

1. That Community Services Report 2019-010 entitled "Significant Event Status – 27th Annual Colchester Walleye Derby – Saturday, June 8, 2019" be **received**, and further;
2. That Council **approves** the 27th Annual Colchester Walleye Derby for Significant Event Status for the purposes of applying for their Special Occasion Permit (SOP) for their event on Saturday, June 8, 2019.

Reason For Report

To obtain Council approval for Significant Municipal Event Status for the twenty-seventh annual Colchester Walleye Derby on Saturday June 8, 2019.

Background

The Alcohol and Gaming Commission of Ontario (AGCO) requires a municipality to designate a special event as 'Significant Event Status' for the purpose of those applying for liquor licensing permits and approval, regarding their operation of liquor services during their event. In order for the AGCO to issue the permits allowing the sale of liquor during events on municipal property, they require the municipal designation. The AGCO regulations also state that this designation must be secured annually for the organization to obtain a Special Occasion Permit.

Town Administration and the Special Events Resource Team (SERT) Committee (which also has AGCO representatives on the committee) have reviewed the request and have no objection to declaring Significant Event Status for this event.

Financial Impact

None applicable.

Link to Strategic Priorities

- Enhance Economic Development activities focusing on tourism, commercial, residential, and industrial growth.

Reviewed by:

Chris Nepszy, Chief Administrative Officer

Concur



Report to Council

Department: Community Services

Date: April 1, 2019

Prepared by: Doug Sweet, Director of Community Services

Submitted by: Doug Sweet, Director of Community Services

Report Number: Community Services Report 2019-011

Subject: Significant Event Status – 32nd Essex Fun Fest – July 4, 5, 6, and
7, 2019

Number of Pages: 2

Recommendation(s)/Conclusion(s)

The following two (2) recommendations are provided for Council's consideration:

1. That Community Services Report 2019-011 entitled "Significant Event Status – 32nd Essex Fun Fest – July 4, 5, 6, and 7, 2019" be **received**, and further;
2. That Council **approves** the 32nd Essex Fun Fest for Significant Event Status for the purposes of applying for their Special Occasion Permit (SOP) for their event on July 4, 5, 6, and 7, 2019.

Reason For Report

To obtain Council approval for Significant Municipal Event Status for the thirty-second Essex Fun Fest on July 4, 5, 6, and 7, 2019.

Background

The Alcohol and Gaming Commission of Ontario (AGCO) requires a municipality to designate a special event as 'Significant Event Status' for the purpose of those applying for liquor licensing permits and approval, regarding their operation of liquor services during their event. In order for the AGCO to issue the permits allowing the sale of liquor during events on municipal property, they require the municipal designation. The AGCO regulations also state that this designation must be secured annually for the organization to obtain a Special Occasion Permit.

Town Administration and the Special Events Resource Team (SERT) Committee (which also has AGCO representatives on the committee) have reviewed the request and have no objection to declaring Significant Event Status for this event.

Financial Impact

None applicable.

Link to Strategic Priorities

- Enhance Economic Development activities focusing on tourism, commercial, residential, and industrial growth.

Reviewed by:

Chris Nepszy, Chief Administrative Officer

Concur



Report to Council

Department: Community Services

Date: April 1, 2019

Prepared by: Doug Sweet, Director of Community Services

Submitted by: Doug Sweet, Director of Community Services

Report Number: Community Services Report 2019-012

Subject: Significant Event Status – McGregor Music Festival
Sunday June 9, 2019

Number of Pages: 2

Recommendation(s)/Conclusion(s)

The following two (2) recommendations are provided for Council's consideration:

1. That Community Services Report 2019-012 entitled "Significant Event Status – McGregor Music Festival – Sunday June 9, 2019" be **received**, and further;
2. That Council **approves** the McGregor Music Festival for Significant Event Status for the purposes of applying for their Special Occasion Permit (SOP) for their event on Sunday June 9, 2019.

Reason For Report

To obtain Council approval for Significant Municipal Event Status for McGregor Music Festival on Sunday June 9, 2019 at Co-An Park.

Background

The Alcohol and Gaming Commission of Ontario (AGCO) requires a municipality to designate a special event as 'Significant Event Status' for the purpose of those applying for liquor licensing permits and approval, regarding their operation of liquor services during their event. In order for the AGCO to issue the permits allowing the sale of liquor during events on municipal property, they require the municipal designation. The AGCO regulations also state that this designation must be secured annually for the organization to obtain a Special Occasion Permit.

Town Administration and the Special Events Resource Team (SERT) Committee (which also has AGCO representatives on the committee) have reviewed the request and have no objection to declaring Significant Event Status for this event.

Financial Impact

None applicable.

Link to Strategic Priorities

- Enhance Economic Development activities focusing on tourism, commercial, residential, and industrial growth.

Reviewed by:

Chris Nepszy, Chief Administrative Officer

Concur



Report to Council

Department: Community Services
Date: April 1, 2019
Prepared by: Doug Sweet, Director of Community Services
Submitted by: Doug Sweet, Director of Community Services
Report Number: Community Services-2019-013
Subject: Essex Centre Sports Complex Parking Lot – Phase 3 Engineering
Number of Pages: 4

Recommendation(s)/Conclusion(s)

The following two (2) recommendations are provided for Council's consideration:

1. That Community Services -2019-013 report entitled Essex Centre Sports Complex Parking Lot – Phase 3 Engineering " **be received**, and further,
2. That Council **appoints** the engineering firm of Haddad, Morgan and Associates Ltd. to provide engineering services for Phase 3 of the replacement of the Essex Centre Sports Complex parking lot in accordance with the completed request under Section 22.02 (b) of the Procurement By-Law (Appendix A).

Reason for Report

To have Council appoint the engineering firm of Haddad, Morgan and Associates Ltd. to provide engineering services for Phase 3 of the replacement of the Essex Centre Sports Complex parking lot in accordance with the completed request under Section 22.02 (b) of the Procurement By-Law (Appendix A).

Background

The Essex Centre Sports Complex was built in 2009 and while being built the plan was to develop only the back two-thirds of the parking lot as the Essex Memorial Arena was still being used, so the front third of the Essex Memorial Arena parking lot would remain. The intent is to replace the front third of the parking lot when the Essex Memorial Arena was removed. For the initial engineering work for the Essex Centre Sports Complex parking lot Haddad, Morgan, and Associates Ltd. was retained and they completed the engineering for the entire parking lot knowing it would be completed in phases. As Haddad, Morgan, and Associates Ltd. were the engineers for this project and have preliminary drawings for phase 3 of the project Administration is recommending the Town retain their services to complete the Essex Centre Sports Complex parking lot.

Financial Impact

Council has approved Three Hundred and Ninety Eight Thousand and Three Hundred Dollars (\$398,300) in the 2019 Community Services capital budget to have Phase 3 of the Essex Centre Sports Complex completed. The total cost proposed by Haddad, Morgan and Associates Ltd. to complete the engineering portion for Phase 3 of the parking lot is Twenty Five Thousand and Four Hundred and Fifty Dollars (\$25,450) excluding harmonized sales tax (HST) which is included in the total cost of the project budget.

Link to Strategic Priorities

The following work would contribute to Council's strategic priority of:

- Manage the Town's infrastructure in a responsible and efficient manner.

Reviewed by: Chris Nepszy, Chief Administrative Officer

Concur

Reviewed by: Jeffrey Morrison, Director of Corporate Services

Concur

Appendix A– Request to Council to Waive Requirement for Proposal, Tenders and Quotations



Request to Council to Waive Requirement for Proposals, Tenders and Quotations

33 Talbot St. S.
Essex, ON N8M 1A8
www.essex.ca

t 519 776 7336
f 519 776 8811

Note: Requests to waive the requirement for Proposals, Tenders and Quotations are restricted to acquisitions that are predominantly or exclusively for consulting and professional services and must be made in accordance with Section 22.02 of By-Law No. 1043, Procurement & Disposal of Goods & Services Policy. Consulting and professional services means those services requiring the skills of a professional for a defined service and may include architects, engineers, surveyors, planners, financial consultants, lawyers, real estate agents or brokers, etc. Refer to Section 1.02 of the Policy for further examples of consulting and professional services.

1. REASON FOR REQUEST

This represents a formal request to Council to waive the requirement for proposals, tenders and quotations for Consulting and Professional Services under Section 22.02 of the Procurement and Disposal of Goods and Services Policy. This request is being made on the basis of the following criteria (please select at least one of the options below):

- ☒ The works to be performed by the consultant or professional service are a continuation of a previous project (Section 22.02(a) of the By-Law)
- ☐ The firm being recommended has demonstrated unique qualifications to undertake the project (Section 22.02(b) of the By-Law)
- ☐ The project is subject to time constraints (Section 22.02(c) of the By-Law)
- ☐ Other (provide explanation in 3. below)

2. NAME AND TYPE OF CONSULTING OR PROFESSIONAL SERVICE

Name of Professional Service: Haddad, Morgan and Associates Ltd.

Type of Professional Service (select one):

- | | | | |
|--|--|--|------------------------------------|
| <input checked="" type="checkbox"/> Engineer | <input type="checkbox"/> Architect | <input type="checkbox"/> Surveyor | <input type="checkbox"/> Financial |
| <input type="checkbox"/> Planner | <input type="checkbox"/> Lawyer | <input type="checkbox"/> Real Estate Agent | <input type="checkbox"/> IT |
| <input type="checkbox"/> Appraiser | <input type="checkbox"/> Other (specify) | | |



Request to Council to Waive Requirement for Proposals, Tenders and Quotations

33 Talbot St. S. t 519 776 7336
Essex, ON N8M 1A8 f 519 776 8811
www.essex.ca

3. EXPLANATION OF REQUEST

Provide full explanation of how this request meets the criteria of Section 22.02 of By-Law No. 1043, Procurement & Disposal of Goods & Services Policy:

Haddad, Morgan and Associates Ltd. were the engineers who developed the initial engineering for the entire parking lot 10 years ago and have the preliminary documents for the 3rd Phase of the Essex Centre Complex. As the 3rd Phase has been delayed for a number of years looking at retaining Haddad, Morgan and Associates to complete the project.

4. REQUESTING DEPARTMENT INFORMATION

Name of Department Head:	Doug Sweet
Department Name:	Community Services
Date of Request:	April 1, 2019

5. APPROVAL INFORMATION *(to be completed by the Mayor and the Clerk of the Town of Essex)*

☐

Request Approved

☐

Request Not Approved

Date Approved/Not Approved: _____

Mayor's Signature: _____

Clerk's Signature: _____



Report to Council

Department: Planning

Date: April 1, 2019

Prepared by: Jeff Watson, Policy Planner

Submitted by: Chris Nepszy, P.Eng., PE
CAO, Director, Infrastructure and Development

Report Number: Planning 2019-05

Subject: Canadian Tire Corporation site plan control application
Essex Centre (Ward 1)

Number of Pages: 2

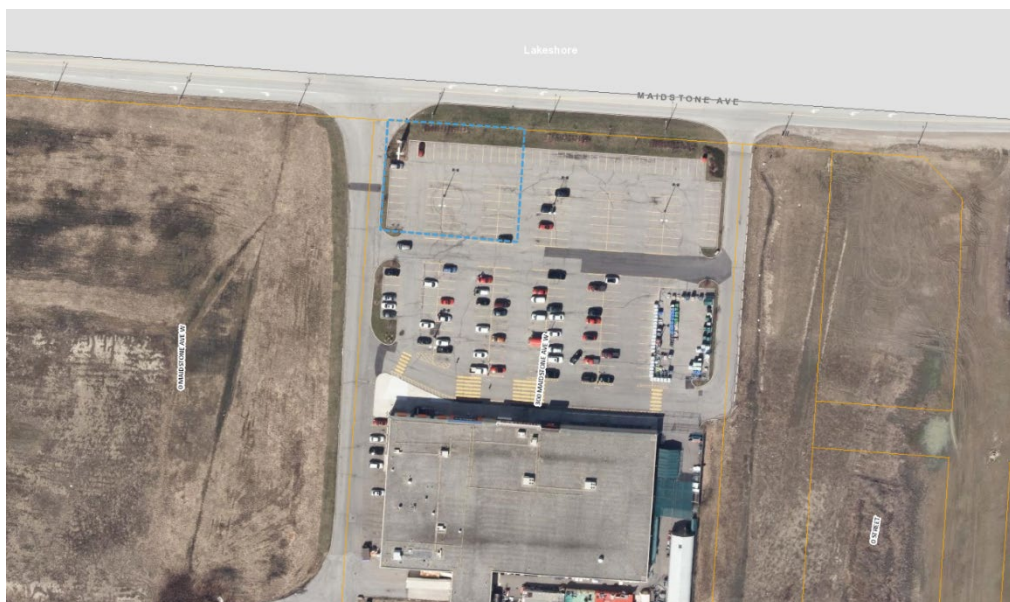
RECOMMENDATION(S)

It is recommended that:

1. Planning report Planning2019-05, entitled "Canadian Tire Corporation site plan control application, Essex Centre, Ward 1 be received.
2. By-law 1781 granting site plan control approval to permit the construction of a drive-through restaurant on the Canadian Tire property at 300 Maidstone Avenue West be approved.

REASON FOR REPORT

Site plan control approval has been requested by Canadian Tire Corporation (CTC) to permit the construction of an A+W drive-through restaurant on the CTC site.



COMMENTS

The subject lands are designated “Highway Commercial Corridor” in the Town of Essex Official Plan. Under this designation big box retail commercial and drive-through restaurants are permitted uses.

A+W Restaurants is seeking to construct a 1900 square foot drive-through restaurant on the northwest corner of the subject lands as shown on the plan attached as Appendix A. The restaurant and required parking will replace a portion of the parking area provided for the Canadian Tire store. A variance in the parking requirement for the store was granted by the Committee of Adjustment in 2018. It was noted that parking demand for the store has never reached the limits of parking available such that a reduction in parking spaces exclusively for the store was reasonable.

The existing parking layout was revised to physically separate the 14 restaurant parking spaces from the store parking area by landscaped islands. New Landscaped islands also more clearly delineate the main collector aisle in the vicinity of the restaurant from the store parking area for better line of sight and traffic control. Drive through stacking spaces and two standing spaces are also provided in a separate drive through lane.

A traffic impact assessment was undertaken at the request of the County to determine any changes to the level of service on Maidstone Avenue. It was determined that the restaurant’s effect on the level of eservice would have little impact and the County has no objections to the proposal.

Generally, the restaurant is a good fit on the site and its location does not conflict with other on site activities. Servicing is straight forward as restaurant’s facilities will connect to the existing services for the store.

FINANCIAL IMPACT

Not Applicable

LINK TO STRATEGIC PRIORITIES

New restaurant development on the existing Canadian Tire site makes better use of existing services and infrastructure and meets the objective of the Town to support economic development.

Reviewed by:

Chris Nepszy, CAO, Director of Infrastructure and Development - concurs
Rita Jabbour, Assistant Planner - concurs

The Corporation of the Town of Essex

By-Law Number 1781

Being a By-Law to enter into a Site Plan Control Agreement between:

**The Corporation of the Town of Essex and
Canadian Tire Properties Incorporated**

Whereas pursuant to Section 41 of the Planning Act, R.S.O. 1990 and Amendments thereto, the Canadian Tire Properties Incorporated is desirous of constructing tourist accommodation on lands being municipal address 300 Maidstone Avenue West, Essex Centre, and as such is required to enter into a Site Plan Control Agreement with the Town of Essex;

And Whereas the subject lands are designated as a site plan control area pursuant to Section 41 of the Planning Act, R.S.O. 1990 and Amendments thereto;

And Whereas pursuant to Section 41 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 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 Bylaw, for the purpose of executing the Site Plan Control Agreement.

Read a first, second and third time and finally passed on the 1st day of April, 2019.

Mayor

Clerk

Schedule '1' to By-law 1781

Schedule 1

The Corporation of the Town of Essex

Site Plan Control Agreement

This agreement made in triplicate, on April 1st, 2019

Between:

Canadian Tire Properties Incorporated

hereinafter called

The Owner of the First Part or Owner

And

The Corporation of the Town of Essex

hereinafter called

The Corporation of the Second Part or the Town

Whereas an application has been made by the Owner for approval of a development within the limits of the Town of Essex which lands are more particularly described in Schedule A (the subject lands);

And Whereas the proposed development is in accordance with the Official Plan of the Corporation as amended from time to time;

And Whereas the Corporation has enacted by-laws being by-laws designating the said lands as a site plan control area, pursuant to Section 41(2) of the Planning Act, R.S.O. 1990, as amended;

And Whereas where site plan control is in effect, Section 41 of the Planning Act, R.S.O. 1990, as amended requires the approval of plans and drawings by the Corporation prior to development and the Corporation may require the Owner to enter into an agreement respecting certain prescribed matters;

And Whereas the Owner wishes to undertake a development on the lands described in Schedules B and C, in accordance with the site plan prepared by MHBC Planning Urban Design and Landscape Architecture.

Now Therefore This Agreement Witnesseth that in consideration of the aforesaid mentioned premises and in consideration of the sum of Five Dollars (\$5.00) now

paid by the Owner to the Corporation (the receipt of which is hereby expressly acknowledged), the parties hereto covenant and agree one with the other as follows:

1. The Owner hereby agrees to construct, provide, install and maintain for the life of the proposed development, to the satisfaction of and at no expense to the Corporation, all buildings, structures, landscaping, fencing, light standards, walkways, vehicular and bicycle parking, garbage disposal facilities, grading and the provision for storm, surface and waste water and other facilities in accordance with the site plan shown in Schedules B and C in accordance with all the applicable provisions of the Corporation's Zoning By-law and such other relevant by-laws, as amended, and to the satisfaction of the Corporation.
2. The Owner hereby agrees to provide hard surfaced off-street parking spaces, landscaped and painted islands and manoeuvring aisles, in accordance with the Town's Comprehensive Zoning By-law Number 1037, in the areas depicted on Schedules B and C. Once completed with a hard surface, the Owner further agrees to delineate all required parking spaces by pavement markings to the satisfaction of the Corporation, as shown on Schedules B and C;
3. The Owner hereby agrees to complete an engineering analysis, prepared by a professional engineer registered by the Association of Professional Engineers of Ontario, to determine the effect of increased runoff due to the development of the site and to identify storm water management measures as necessary to control any increases in flows in downstream watercourses, up to and including the 1:100 year design storm. The storm water management plan shall be completed to the satisfaction of the Corporation of the Town of Essex;
4. All new lighting erected on light standards shall be directed inward and downward within the property and shielded so as to reduce, as much as technically possible, direct light penetration beyond the property lines. The Owner hereby agrees to orient, shield, install and maintain all other outside lighting in such a manner so as to direct all outside lighting away from abutting municipal road allowances and all other properties. The Owner further agrees to use only full cut-off fixtures for any and all new outside lighting purposes;
5. The Owner hereby agrees that in advance of obtaining a building permit for the building addition, a security deposit in the amount of \$5,000 shall be provided to the Corporation to ensure that the works as set out in this agreement are complied with. The Owner agrees to deliver the required security to the Corporation, either as an irrevocable letter of credit (in a form satisfactory to the Corporation's solicitor) or as cash

to be kept in an interest bearing account by the Corporation. The Corporation hereby agrees to return the security deposit to the Owner within 30 days of being notified by the Town's Manager of Capital Projects and Chief Building Official that all required works as set out in this agreement have been completed and any deficiencies corrected to the satisfaction of the Corporation and are in compliance with any applicable federal, provincial or municipal statute, by-law or regulation;

6. The Owner agrees to pay all outstanding Realty Taxes to the Corporation in advance of any building permit being issued for the proposed commercial building;
7. The Owner hereby agrees to remove at no expense to the Corporation all snow from all driveways, parking and access areas and to remove and dispose of all refuse from the Subject Lands;
8. The Owner shall keep the public roads adjacent to the Subject Lands free from dirt and debris caused by the construction on the Subject Lands;
9. The Owner shall, at its entire expense, restore any pavements, drains or landscaped areas on the public roads which are damaged during construction and construct any new curbs, gutters, pavements, sidewalks, drains and landscaped areas on the municipal roads abutting the Subject Lands, all to the satisfaction of the Corporation and the County of Essex;
10. The Owner agrees to commence and complete construction of the buildings, parking, landscaping and all other facilities required under this agreement and zoning by-law within three (3) years of the date of issuance of the construction permit for the first dwelling of this agreement, all to the satisfaction of the Town, unless otherwise dictated by this agreement, or this agreement may, at the option of the Corporation, be deemed to be null and void;
11. The Owner hereby agrees to obtain approval from the Town's Chief Building Official before installing any signage on the Subject Lands. As part of his approval, the Chief Building Official, in consultation with the Town Planner, will review the size, location, type and design of any signage proposed, to ensure that the signs are in accordance with the approved site plan, landscape plan and signage plans and or with the municipal sign bylaw;
12. The Owner hereby agrees to pay to the Corporation the applicable development charges, in accordance with the Town's Development Charges By-law, as may be amended from time to time, in advance of any building permit being issued by the Corporation;

13. The Owner hereby agrees to pay all costs incurred by the Corporation with respect to this Agreement, and without limiting the generality of the foregoing, shall include legal, planning, engineering and administrative costs;
14. The Owner acknowledges and agrees that pursuant to subsection (11) of Section 41 of the Planning Act, R.S.O. 1990, as amended, Section 325 of the Municipal Act applies to all requirements of this agreement. If the Owner neglects to undertake any matter or thing required to be done by this agreement and such default continues, in addition to other remedies available to it, the Corporation may direct that such matter or thing shall be done at the expense of the Owner and the Corporation may recover the expense incurred in doing it and the Owner hereby authorizes the Corporation to enter upon the said land and do such matter or thing;
15. This agreement may be amended at any time with the consent of the Corporation and the registered Owner of the said lands at the time of such amendment;
16. The Corporation shall not be required to issue a building permit for the said development until all the preconstruction provisions of this Agreement have been complied with;
17. If any term, covenant or condition of this agreement shall, to any extent, be declared invalid or unenforceable, the remainder of this Agreement shall not be affected thereby and each term, covenant or condition of this agreement shall be valid and be enforced to the fullest extent permitted by law;
18. The Owner hereby agrees to the registration of the within agreement in the Land Registry Office for the County of Essex (No. 12) by the Corporation's solicitor and at the entire expense of the Owner;
19. 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 Corporation to assume the burdens and obligations imposed upon the Owner under this Agreement and to undertake with the Corporation to observe and perform the obligations herein imposed upon the Owner;
20. This agreement shall inure to the benefit of the Corporation and shall be binding upon the Owners and their respective heirs, executors, administrators, successors and authorized agents.

In Witnesseth Whereof, the said parties hereunto affixed their signatures and corporate seals attested to by the hands of their proper officers, duly authorized in that behalf.

Signed, sealed and delivered in the presence of:

The Corporation of the Town Of Essex

Per: _____

Mayor

Per: _____

Clerk

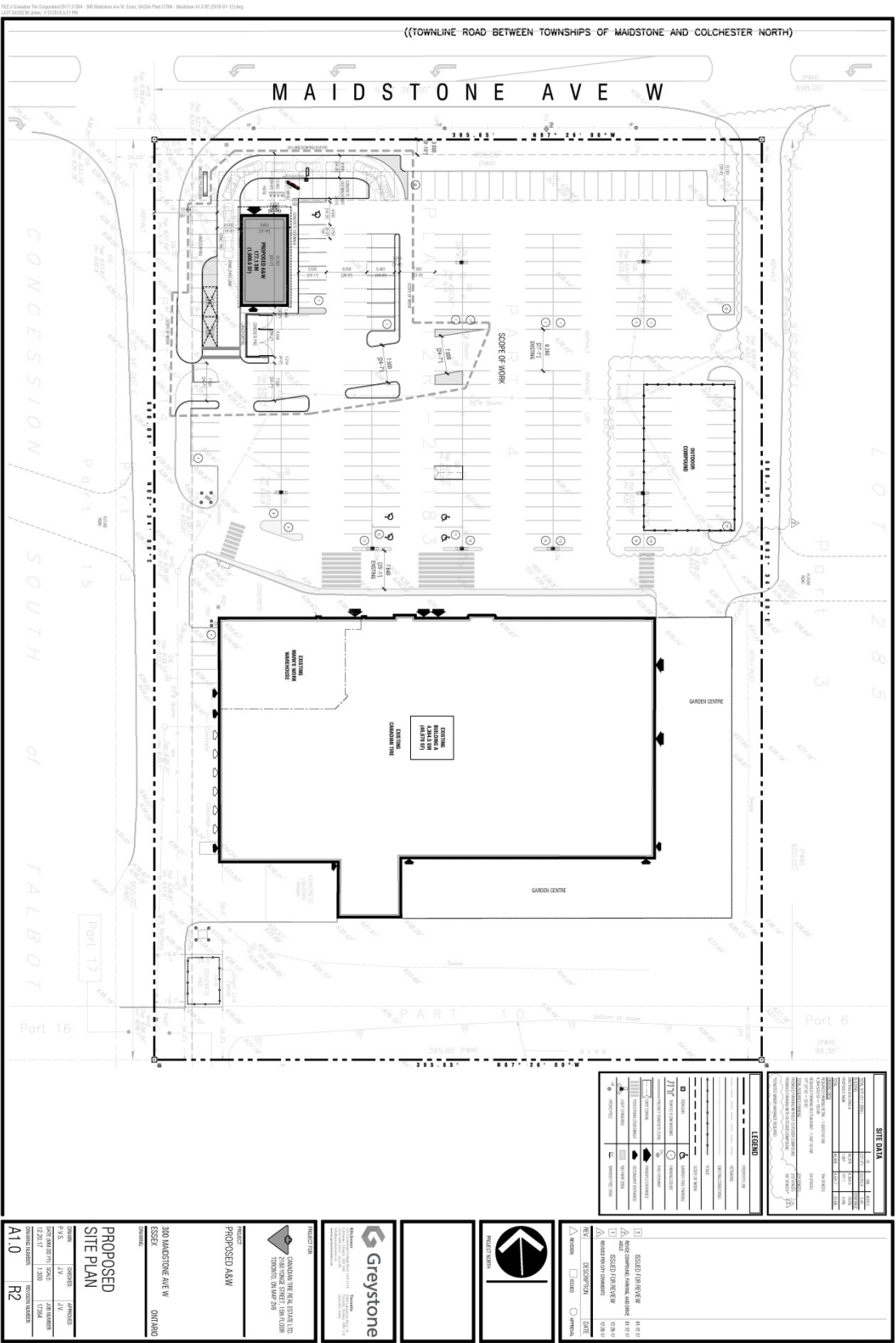
Per: _____

Canadian Tire Properties Incorporated

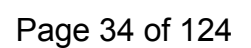
Schedule A

Municipal Address:	300 Maidstone Avenue West
Legal Description:	Part Lot 285,Con STR, designated as Parts 4, 10 14 and 18 on Plan 12R21183, on the south side of Maidstone Avenue West, east of South Talbot Road, municipal address 300 Maidstone Avenue West, in the Town of Essex, County of Essex, Ontario

Schedule B – Site Plan



Site Plan,17364 - Maidstone A1.0 R2 (2018-01-12).dwg





Report to Council

Department: Planning

Date: April 1, 2019

Prepared by: Jeff Watson, Policy Planner

Submitted by: Chris Nepszy, P.Eng.
CAO, Director, Infrastructure and Development

Report Number: Planning2019-15

Subject: Townsview Estates Partial Release of Securities
Dillon Consulting agents
(Essex Centre, Ward 1)

Number of Pages: 2

RECOMMENDATION(S)

It is recommended that:

1. Planning report Planning 2019-15, entitled "Townsview Estates Partial Release of Securities" (Essex Centre - Ward 1) be received for the information of Council.
2. Council authorize the partial release of securities for the Townsview subdivision, Dillon Consulting, agents, in the sum of \$15,816.33.

REASON FOR REPORT

Dillon Consulting on behalf of Townsview Estates Developments has requested a partial refund of securities for the Townsview subdivision off Maidstone Avenue East in Essex Centre.

COMMENTS

As part of plan of subdivision approval, monetary securities in the form of a letter of credit, for example, are given to the Town to ensure that municipal facilities are installed to the satisfaction of the Town. As works progress and a maintenance period to test the adequacy and reliability of the feature expires, a partial release of the security deposit is granted by Council. In this instance street lighting has been installed to the satisfaction of the Town and Dillon Consulting has requested a partial release of \$15,816.33. This reduces the original security deposit from \$416,561.79 to \$400,745.46.

FINANCIAL IMPACT

N/A

LINK TO STRATEGIC PRIORITIES

N/A

Reviewed by:

Chris Nepszy, CAO, Acting Director of Infrastructure and Development - concurs

Richard Beausoleil, Manager of Capital Works - concurs

Rita Jabbour, Planner - concurs

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Add Communicate@amo.on.ca to your safe list



March 20, 2019

As part of the [2019 budget](#), the federal government announced it will top-up the federal Gas Tax Fund with a one-time transfer of \$2.2 billion. Ontario's share is expected to be over \$800 million based on the [2018 allocation](#). This funding is in addition to your [2019 allocation](#). The additional one-time amount is expected to be equal to the total amount each municipality received in 2018, i.e., the sum of your July and November 2018 payments. The additional funding must be used in accordance with your [current agreement](#) with AMO for the transfer of federal Gas Tax funds.

AMO has worked with municipalities to ensure they are in compliance with the agreement and that funds can be transferred immediately upon receipt from Infrastructure Canada. We will update you as soon as we receive confirmation on the timing of this one-time payment. Payment will be conditional on passing of the budget.

Contact: Chris VanDooren, AMO Program Manager, cvandooren@amo.on.ca, 416-971-9856 ext. 410

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before printing this.

Association of Municipalities of Ontario
200 University Ave. Suite 801, Toronto ON Canada M5H 3C6



From: "Minister (MMAH)" <minister.mah@ontario.ca>
Date: March 20, 2019 at 9:06:12 AM EDT
To: "'lsnively@essex.ca'" <lsnively@essex.ca>
Subject: A message from Minister Steve Clark

**Ministry of
Municipal Affairs
and Housing**

Office of the Minister

777 Bay Street, 17th Floor
Toronto ON M5G 2E5
Tel.: 416 585-7000
Fax: 416 585-6470

**Ministère des
Affaires municipales
et du Logement**

Bureau du ministre

777, rue Bay, 17^e étage
Toronto ON M5G 2E5
Tél. : 416 585-7000
Télec. : 416 585-6470



March 20, 2019

Your Worship
Mayor Larry Snively
Town of Essex
lsnively@essex.ca

Dear Mayor Snively:

Our government for the people was elected to restore trust, transparency and accountability in Ontario's finances. As you know, the province has undertaken a line-by-line review of our own expenditures, and we have been clear that we expect our partners, including municipalities, to take steps to become more efficient as well.

Municipalities play a key role in delivering many provincial services that people across Ontario rely on. Taxpayers deserve modern, efficient service delivery that puts people at the centre and respects hard-earned dollars.

Transforming service delivery and identifying more modern, efficient ways of operating is critical and complex work. As Minister of Municipal Affairs and Housing, I recognize that many of Ontario's small and rural municipalities may have limited capacity to plan and manage transformation, depending on the resources they have available and how far they have moved on their own modernization agendas.

That is why we are providing a one-time payment in the 2018-19 fiscal year to support small and rural municipalities' efforts to become more efficient and reduce expenditure growth in the longer term.

To ensure that this investment is targeted to where it is needed most, municipal allocations are based on a formula, which takes into consideration the number of households in a municipality and whether it is urban or rural.

While this investment is unconditional, it is intended to help modernize service delivery and reduce future costs through investments in projects such as: service delivery reviews, development of shared services agreements, and capital investments. Our government believes that municipalities are best positioned to understand the unique circumstances and determine where and how this money is best spent.

I am pleased to share that Town of Essex receive a one-time payment of \$620,201 which will flow in this fiscal year.

Staff from our regional Municipal Services Offices will be in touch in the coming days for your acknowledgement of this letter and to discuss any questions that you might have. I encourage you to work with ministry staff as you begin to think about the best way to proceed for your community. The Municipal Services Offices can offer advice and point to examples that may be helpful as you contemplate local solutions. In the future, we would be interested to hear about your modernization success stories.

Thank you once again for your commitment to demonstrating value for money. I look forward to continuing to work together to help the people and businesses in communities across our province thrive.

Sincerely,

Steve Clark
Minister of Municipal Affairs and Housing

From: Kinsella, Jeff (OMAFRA) [<mailto:Jeff.Kinsella@ontario.ca>]
Sent: Wednesday, March 13, 2019 4:17 PM
To: Kinsella, Jeff (OMAFRA) <Jeff.Kinsella@ontario.ca>
Subject: CED101 - Community Economic Development Workshops

The Ontario Ministry of Agriculture, Food and Rural Affairs is pleased to announce that they will once again be offering free Community Economic Development (CED) 101 workshops in your area.

CED 101 workshops are focused on deepening council members' and volunteers' understanding of Community Economic Development (CED).

The workshop examines and explores:

- Economic Wealth Generators in your community and how to attract more
- Economic loss and how to stop it
- CED support activities and associations in your community and how to connect with them

In the workshop we will discuss:

- The definition of CED
- Infrastructure
- Workforce Development
- Research and Marketing
- Policy and Legislation
- Community Revitalization
- Business Development
- Entrepreneurship and Small business and;
- Investment Attraction

The benefits of planning will be discussed and include:

- The efficient use of resources
- Follow through on stated priorities
- Community engagement
- Data sources to support your planning activities

Finally, we look at your CED team. Your CED team is more than economic development staff. Explore who else is on your team. What is your role as a community leader in CED and building a strong team?

Why should you attend?

1. This fast paced, interactive, half-day workshop will help to directly inform a number of your work priorities as an elected official or community volunteer.
2. You will have the opportunity to network with other council members and community volunteers involved in CED, and build your networks.
3. You will learn about tools and resources to help you champion CED in your community to foster an environment that results in the creation of wealth and well-being for the benefit of your community.

Attached is a flyer noting dates and places of CED 101 sessions. Please pass this information along to any councillors staff members or volunteers that you feel may benefit. These workshops are being offered at no charge, but seating at some locations is quite limited so sign up today to avoid disappointment.

Jeff Kinsella

Agriculture and Rural Economic Development Advisor
Ontario Ministry of Agriculture, Food and Rural Affairs
P.O. Box 400, 120 Main St. E.
Ridgetown, ON N0P 2C0
Phone: 519-674-1335
Cell: 519-358-3985

Community Economic Development 101

Workshop for Municipal Councillors & Volunteers

Join us for a **Free** Interactive Workshop

Learn the basics of community economic development (CED) and take away practical tools to help your municipality develop & implement a strategy. CED is the process of fostering an environment that results in the creation of wealth and well-being for the benefit of the entire community.

During the workshop we will cover:

- What CED is and why it is important to your community
- The value of planning in your community
- Collaborative roles of individuals and organizations
- Tools and resources that are available and how they assist you

Choose a session that works for you:

to register click [HERE](#)

For further details call

1-877-424-1300 or email ag.info.omafra@ontario.ca



**Get practical tools
you can use to help
with making
economic
development**

Dates and Details for CED101

Region	Date	Time	Location
March			
Perth/ Waterloo	19-Mar-19	2:00PM — 4:00PM or 7:00PM — 9:00PM	Milverton Community Centre
Norfolk	20-Mar-19	1:30PM — 4:00PM	Simcoe OMAFRA Resource Centre Auditorium
Oxford	21-Mar-19	1:30PM — 4:00PM	Woodstock OMAFRA Resource Centre
Perth	27-Mar-19	2:00PM— 4:00PM or 7:00PM — 9:30PM	West Perth Community Center, 185 Wellington St, Mitchell
April			
Halton	3-Apr-19	1:00PM — 4:30 PM	Country Heritage Park, Milton
Wellington	17-Apr-19	9:00AM — 12:00PM	Wellington County Museum and Archives, Aboyne Hall, 536 Wellington County Rd. 18, Fergus
Chatham	17-Apr-19	9:00AM — 12:00PM	Retro Suites Hotel -The Derby Room 2 King Street, Chatham
Dorchester	23-Apr-19	9:00AM — 12:00PM	Dorchester Library 2123 Dorchester Road, Dorchester, Ontario
Essex	30-Apr-19	1:00PM — 4:00PM	Essex Centre Sports, Shaheen Room, 60 Fairview Aveue West, Essex
May			
Bruce	1-May-19	9:30AM — 12:30PM	Southampton Town Hall, 201 High Street, Southampton
Lambton	2-May-19	9:00AM — 12:00PM	Sarnia Lambton Business Development Centre, 109 Durand Street, Sarnia
North Middlesex	7-May-19	9:00AM — 12:00PM	Shared Services Centre 229 Parkhill Main St. Parkhill
Grey	8-May-19	9:30AM — 12:30PM	'The Plex', 16 Albert St., Flesherton
Niagara	22-May-19	1:00PM — 4:00PM	Rittenhouse Hall, Ministry of Agriculture Food and Rural Affairs, 4890 Victoria Avenue North, Vineland Station

From: Rich&Judy [REDACTED]

To: rauger <rauger@essex.ca>

Subject: Upgrading gravel roads to hard surface - Old Malden Road

Date: Wed, Mar 6, 2019 2:14 pm

Essex Town Council

Myself and other residents on Old Malden Road (1.9 miles in length) are very disappointed with the Town's lack of commitment to upgrading this road to hard surface. (Tar & Chip).

Three years ago this road was prepped for hard surface and was in the budget for the next 2 years, and each year was pulled out and not completed. I also understand that it is not in the 2019 budget.

I believe this road is the only road not hard surfaced in the old Colchester North area. Safety on our roads should be a priority for the town, and hard surfaced roads are definitely required to meet safe driving conditions.

This road is travelled not only by the 14 residents and 6 farm property owners, but also other area travellers, and is also a route for 3-4 school buses twice a day. With the angle of the road, it also provides a substantial travel reduction when travelling from the 12th concession to the 14th concession or visa versa..(i.e. McGregor to County Road 8- travelling east)

I realize that the tar & chip application is costly, but in the **last 6 years** the property taxes that I pay on my farm Land (no Buildings) **has gone up 62%**. This is primarily a result of sky rocketing farm land prices and the related MPAC assessments for property tax calculation. Would like you to consider earmarking some of this additional revenue (resulting from this significant MPAC change), towards farm area needs such as the completion of the Old Malden Road Hard Surfacing.

Even though the paving is not a 2019 budget item I would like the town to consider having this road at least re-prepped this year and be ready for the hard surface completion in 2020.

Thank you for your consideration
Richard Wirch

Mr Robert Auger

Could you please have this email added into the next council correspondence. Please advise if this would be included in the March 18 2019 meeting



Union Water Supply System

P.O. Box 340, 1615 Union Avenue, Ruthven, Ontario, N0P 2G0

Tele: 519-326-1668 Fax: 519-326-3490

Email: rbouchard@unionwater.ca

www.unionwater.ca

SENT BY: EMAIL

February 22, 2019 (REVISED)

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

Attention: Ms. Donna Hunter, Chief Administrative Officer

Dear Ms. Hunter,

RE: Annual Report Requirement Section 11, Reg. 170/03 and Summary Report Requirement Schedule 22, Reg. 170/03

Attached are the following items for the Essex Water Distribution System supplied by the UWSS:

1. Annual Report (Section 11, Reg. 170/03)
2. Summary Report (Schedule 22, Reg. 170/03).

Annual Report

The Annual Report must be prepared before February 28, 2019 which requirement is now satisfied. It must also be provided to all members of Council, given at no charge to the public on request and posted on the municipal website.

Summary Report

The Summary Report must be provided to all members of Council before March 31, 2019. Although the Report gives information for all parts of the UWSS, the information that refers to the Essex Water Distribution System satisfies the requirements of Schedule 22, Reg. 170/03.

Please call me if you have any questions or comments.

Yours truly,

Rodney Bouchard, Manager

kmj

cc: Jeff Morrison, Chris Nepszy, Andy Graf

Filename: c:\users\khristine johnson\documents\annual-summary\2018\02-22-19 ltr to cao essex - annual - summary (2018).docx



Ontario Clean Water Agency
Agence Ontarienne Des Eaux



Annual Performance Report

Essex Distribution System

Drinking Water System # 220003680

2018

Prepared for the Corporation of the Town of Essex

By the Ontario Clean Water Agency

Ken Penney

Process & Compliance Technician

kpenney@ocwa.com

519-326-4447

ANNUAL REPORT

Drinking-Water System Number:	220003680
Drinking-Water System Name:	Essex Distribution System (Union WSS)
Drinking-Water System Owner:	The Corporation of the Town of Essex
Drinking-Water System Category:	Large Municipal Residential
Period being reported:	01-January-2018 to 31-December 2018

Complete if your Category is Large Municipal Residential or Small Municipal Residential

Does your Drinking-Water System serve more than 10,000 people? Yes [] No [X]

Is your annual report available to the public at no charge on a web site on the Internet?
Yes [X] No []

Location where Summary Report required under O. Reg. 170/03 Schedule 22 will be available for inspection.

Town of Essex Municipal Office
33 Talbot St. South
Essex, Ontario

Complete for all other Categories.

Number of Designated Facilities served:

N/A

Did you provide a copy of your annual report to all Designated Facilities you serve?
Yes [] No []

Number of Interested Authorities you report to:

N/A

Did you provide a copy of your annual report to all Interested Authorities you report to for each Designated Facility?
Yes [] No []

List all Drinking-Water Systems (if any), which receive all of their drinking water from your system:

Drinking Water System Name	Drinking Water System Number
N/A	N/A

Did you provide a copy of your annual report to all Drinking-Water System owners that are connected to you and to whom you provide all of its drinking water?
Yes [] No [N/A]

Indicate how you notified system users that your annual report is available, and is free of charge.

- ☒ Public access/notice via the web
☐ Public access/notice via Government Office
☐ Public access/notice via a newspaper
☒ Public access/notice via Public Request
☐ Public access/notice via a Public Library
☐ Public access/notice via other method

Describe your Drinking-Water System

Stand Alone Distribution System. Serving the northern portion of the Town of Essex with a population of approx. 9,500.

List all water treatment chemicals used over this reporting period

N/A

Were any significant expenses incurred to?

- ☐ Install required equipment
☒ Repair required equipment
☒ Replace required equipment

Please provide a brief description and a breakdown of monetary expenses incurred

Miscellaneous repairs/maintenance on distribution system-\$40,000.00

Provide details on the notices submitted in accordance with subsection 18(1) of the Safe Drinking-Water Act or section 16-4 of Schedule 16 of O.Reg.170/03 and reported to Spills Action Centre

Incident Date	Parameter	Result	Unit of Measure	Corrective Action	Corrective Action Date
None					

Microbiological testing done under Schedule 10, 11 or 12 of regulation 170/03, during this reporting period.

	Number of Samples	Range of E.Coli Or Fecal Results (min #)-(max #)	Range of Total Coliform Results (min #)-(max #)	Number of HPC Samples	Range of HPC Results (min #)-(max #)
Raw	Please see the Annual Report for the Union Water Supply System # 210000853				
Treated	Please see the Annual Report for the Union Water Supply System # 210000853				
Distribution	333	0-0	0-0	166	<10-40

Operational testing done under Schedule 7, 8 or 9 of Regulation 170/03 during the period covered by this Annual Report.

	Number of Grab Samples	Range of Results (min #)-(max #)
Turbidity	Please see the Annual Report for the Union Water Supply System # 210000853	
Combined Chlorine	161	Max: 1.79 mg/l Min: 0.14 mg/l Avg: 1.31 mg/l Combined Residual (Chloramination)
Free Chlorine (On June 04, 2018 the ammonia system was shut off at the Union WTP)	203	Max: 1.36 mg/l Min: 0.13 mg/l Avg: 0.87 mg/l
Fluoride (If the DWS provides fluoridation)	N/A	

***NOTE:** For continuous monitors use 8760 as the number of samples.*

***NOTE:** Record the unit of measure if it is **not** milligrams per litre.*

Summary of additional testing and sampling carried out in accordance with the requirement of an approval, order or other legal instrument.

Date of legal instrument issued	Parameter	Date Sampled	Result	Unit of Measure
None				

Summary of Inorganic parameters tested during this reporting period or the most recent sample results

Parameter	Sample Date	Result Value	Unit of Measure	Exceedance
Nitrite	October 16, 2018	<0.1	mg/L	No
Nitrate	October 16, 2018	<0.1	mg/L	No
Nitrate + Nitrite (N)	October 16, 2018	0.1	mg/L	No
Ammonia (N) -Total	October 16, 2018	0.03	mg/L	No

*only for drinking water systems testing under Schedule 15.2; this includes large municipal non-residential systems, small municipal non-residential systems, non-municipal seasonal residential systems, large non-municipal non-residential systems, and small non-municipal non-residential systems

Summary of lead testing under Schedule 15.1 during this reporting period

(applicable to the following drinking water systems; large municipal residential systems, small municipal residential systems, and non-municipal year-round residential systems)

Location Type	Number of Samples	Range of Results (min#) – (max #)		MAC (ug/L)	Number of Exceedances
		Minimum	Maximum		
Distribution – Lead Results (ug/L)	n/a	n/a	n/a	n/a	n/a
Distribution – Alkalinity (mg/L)	6	73	81	n/a	n/a
Distribution – pH In-House	6	7.81	8.50	n/a	n/a

Summary of Organic parameters sampled during this reporting period or the most recent sample results

Parameter	Sample Date	Result Value	Unit of Measure	Exceedance
THM (NOTE: show latest annual average)	Annual Average	30.5	ug/L	No
HAA (NOTE: show latest annual average)	Annual Average	14.0	ug/L	No

List any Inorganic or Organic parameter(s) that exceeded half the standard prescribed in Schedule 2 of Ontario Drinking Water Quality Standards.

Parameter	Result Value	Unit of Measure	Date of Sample
None			

UNION WATER SUPPLY SYSTEM SUMMARY REPORT 2018

For the Union Water Supply System
(Made under Schedule 22 of Ontario Regulation 170/03, a regulation made under
the Safe Drinking Water Act, 2002)

EXPLANATION

Schedule 22 of Ontario Regulation 170/03, a regulation made under the Safe Drinking Water Act, 2002 requires that a large municipal residential drinking-water system must provide to its board members a Summary Report on various aspects of the system before March 31 of the following year. The Union Water Supply System is classed as a large municipal residential drinking-water system and all of the municipal water systems that obtain water from it are classified as large municipal residential drinking-water systems and are therefore subject to Schedule 22.

The Summary Report must list the following:

- The requirements of the Safe Drinking Water Act, 2002 that the system failed to meet during the period covered by the Summary Report
- The requirements of the regulations made under the Safe Drinking Water Act, 2002 that the system failed to meet during the period covered by the Summary Report
- Any condition of the drinking-water system's drinking water works permit or municipal drinking water license that the system failed to meet during the period covered by the Summary Report
- Any order that the system failed to meet during the period covered by the Summary Report, the duration of any such failure and any measures that were taken to correct such failure
- A summary of the quantities and flow rates of water supplied by the drinking-water system by monthly average and maximum daily flow rates and instantaneous peak flow rates
- A comparison of actual flow rates with rated capacity and flow rates in the systems approval

A drinking-water system that supplies water to another drinking water system must provide a copy of the Summary Report to that system's owner by March 31 of the year following the year covered in the Summary Report.

The sections below details the occasions on which the Union Water Supply System (UWSS) and the connected municipal water systems failed to meet the requirements of the Safe Drinking Water Act 2002, associated regulations, system approvals and provincial officer orders in 2018.

Union Water Supply System (UWSS)

The following provides details of occurrences where the Union Water Supply System was not in compliance with the requirements of the Safe Drinking Water Act 2002, associated regulations, system approvals and provincial officer orders.

Non-Compliance Item:

The following Adverse Water Quality Incident (AWQI) identified for the Union Water Supply System.

- AWQI #139437 - May 19, 2018 loss of coagulant to Clarifier #4. It was discovered that coagulant was not flowing continuously to Clarifier #4 for 51 minutes, due to PLC failure. Maintenance personnel was called in to restore the failed PLC.

Leamington Water Distribution System

Non-Compliance Item:

The following Adverse Water Quality Incident (AWQI) identified for the Leamington Distribution System that is supplied by the Union Water Supply System.

- AWQI #139992 - June 22, 2018
- AWQI #140847 - July 20, 2018
(same for both) Adverse residual at sample station SS-L-22. Town of Leamington staff flushed affected area: the residual came up to acceptable levels in both instances.

Kingsville Water Distribution System

Non-Compliance Item:

The following Adverse Water Quality Incident (AWQI) identified for the Kingsville Distribution System that is supplied by the Union Water Supply System

There were no non-compliances or AWQIs identified for the portion of the Town of Kingsville Water Distribution System that is supplied by Union Water Supply System:

Essex Water Distribution System

Non-Compliance Item:

The following Adverse Water Quality Incident (AWQI) identified for the Essex Distribution System that is supplied by the Union Water Supply System

There were no non-compliances or AWQIs identified for the portion of the Town of Essex Water Distribution System that is supplied by Union Water Supply System:

Lakeshore Water Distribution System

Non-Compliance Item:

The following Adverse Water Quality Incident (AWQI) identified for the Lakeshore Distribution System that is supplied by the Union Water Supply System

- AWQI #139698 - June 9, 2018 adverse residual during extra sampling for conversion from chloramination to free chlorine. Lakeshore staff was contacted and flushing was conducted until acceptable residual was reached.

SUMMARY OF THE QUANTITIES AND FLOW RATES OF WATER SUPPLIED DURING THE PERIOD COVERED BY THE REPORT, INCLUDING MONTHLY AVERAGE AND MAXIMUM DAILY FLOWS, AND DAILY INSTANTANEOUS PEAK FLOW RATES

The following sections provide information in regards to the Union Water Supply System's Permit to Take Water, issued under Ontario Regulation 387/04 and Drinking Water License issued under the Safe Drinking Water Act, 2002.

Permit to Take Water

The Union Water Supply System operated under Permit to Take Water (PTTW) Number 0816-9T9SVT, which expires at the end of 2025. The PTTW has the following flow conditions:

- Maximum Allowable Amount Taken per Minute (Litres/Min) 113,650
- Maximum Allowable Amount Taken Per Day (Litres/Day) 163,656,000

The maximum amounts of raw water taken during 2018 (see Table 1 below) are as follows:

- Maximum Amount Taken per Minute in 2018 (Litres/Min) 56,402
- Maximum Amount Taken Per Day in 2018 (Litres/Day) 94,256,000

The system did not exceed the PTTW limits in 2018.

Drinking Water License

The UWSS operates under Municipal Drinking Water Licence 041-01; issue Number 4 which has been issued for the period July 21, 2014 to July 20, 2019. The Certificate of Approval and licence had the following condition:

- The drinking water system shall not be operated to exceed 124,588 m³/d (27.4 MIGD) on any calendar day, conveyed from the treatment system to the distribution system.
- The maximum daily volume of water pumped into the distribution system was 82,478 m³ (18.15 MIGD).

Tables 1A through 3B below provide the monthly average, maximum and peak flows for raw and treated water for the Union Water Supply System.

Table 1A
2018 Raw Water Taking from Lake Erie in Metric Units

	Maximum Allowed Flow Rate (m3/Day)	Average Flow (m3/Day)	Maximum Flow (m3/Day)	Maximum Flow (Litres/Day)	Maximum Allowed Flow Rate (Litres/ Minute)	Peak Flow (Litres/ Minute)
January	163,656	31,887	41,547	41,547,250	113,650	28,673
February	163,656	34,478	46,742	46,742,310	113,650	28,663
March	163,656	46,745	58,846	58,846,290	113,650	39,368
April	163,656	43,556	57,854	57,854,120	113,650	40,882
May	163,656	56,401	84,355	84,355,270	113,650	56,403
June	163,656	66,429	85,454	85,453,940	113,650	55,426
July	163,656	73,878	94,256	94,256,390	113,650	55,153
August	163,656	64,561	79,579	79,579,280	113,650	54,275
September	163,656	54,206	41,687	41,687,190	113,650	43,880
October	163,656	41,687	52,795	52,795,370	113,650	34,954
November	163,656	31,583	38,362	38,362,300	113,650	48,820
December	163,656	29,462	36,738	36,738,190	113,650	28,856

Table 1B
2018 Raw Water Taking from Lake Erie in Imperial Units

	Maximum Allowed Flow Rate (MGD)	Average Flow (MGD)	Maximum Flow (MGD)	Maximum Allowed Flow Rate (Gallons/ Minute)	Peak Flow (Gallons/ Minute)
January	36.00	7.01	9.14	25,000	6,307
February	36.00	7.58	10.28	25,000	6,305
March	36.00	10.28	12.94	25,000	8,660
April	36.00	9.58	12.73	25,000	8,993
May	36.00	12.41	18.56	25,000	12,407
June	36.00	14.61	18.80	25,000	12,192
July	36.00	16.25	20.73	25,000	12,132
August	36.00	14.20	17.50	25,000	11,939
September	36.00	11.92	9.17	25,000	9,652
October	36.00	9.17	11.61	25,000	7,689
November	36.00	6.95	8.44	25,000	10,739
December	36.00	6.48	8.08	25,000	6,347

Table 2A
2018 Treated Water Flow Into Distribution System in Metric Units

	Maximum Allowed Flow Rate (m3/Day)	Average Daily Flow (m3/Day)	Maximum Daily Flow (m3/Day)	Peak Instantaneous Flow (Litres/ Second)
January	124,588	29,240	35,250	546
February	124,588	31,665	38,482	712
March	124,588	36,841	45,614	871
April	124,588	41,315	53,133	927
May	124,588	51,521	70,209	1,129
June	124,588	61,045	78,992	1,167
July	124,588	69,489	82,478	1,233
August	124,588	61,696	74,819	1,145
September	124,588	52,561	67,718	1,044
October	124,588	38,787	47,701	802
November	124,588	29,266	33,944	601
December	124,588	26,624	30,987	483

Table 2B
2018 Treated Water Flow Into Distribution System in Imperial Units

	Maximum Allowed Flow Rate (MGD)	Average Daily Flow (MGD)	Maximum Daily Flow (MGD)	Peak Instantaneous Flow (Gallons/ Second)
January	27.4	6.43	7.76	120
February	27.4	6.97	8.47	157
March	27.4	8.10	10.04	192
April	27.4	9.09	11.69	204
May	27.4	11.33	15.45	248
June	27.4	13.43	17.38	257
July	27.4	15.29	18.15	271
August	27.4	13.57	16.46	252
September	27.4	11.56	14.90	230
October	27.4	8.53	10.49	176
November	27.4	6.44	7.47	132
December	27.4	5.86	6.82	106

Table 3A
2018 Treated Flow to Local Municipalities in Metric Units

	<u>Leamington</u>		<u>Kingsville</u>		<u>Essex</u>		<u>Lakeshore</u>	
	Monthly Total (m3)	Average Day (m3/day)	Monthly Total (m3)	Average Day (m3/day)	Monthly Total (m3)	Average Day (m3/day)	Monthly Total (m3)	Average Day (m3/day)
January	449,036	14,485	307,329	9,914	59,480	1,919	37,901	1,223
February	454,972	15,689	326,663	11,264	53,984	1,862	31,957	1,102
March	543,023	17,517	419,638	13,537	52,455	1,692	30,898	997
April	649,702	21,657	671,015	22,367	70,778	2,359	39,954	1,332
May	734,691	23,700	671,518	21,662	61,525	1,985	35,141	1,134
June	992,661	33,089	720,181	24,006	80,361	2,679	52,122	1,737
July	1,165,664	37,602	935,489	30,177	93,819	3,026	57,042	1,840
August	973,568	31,405	608,791	19,638	79,418	2,562	42,631	1,375
September	1,071,255	35,709	619,877	20,663	74,901	2,497	46,108	1,537
October	680,504	21,952	385,759	12,444	58,142	1,876	34,937	1,127
November	548,265	18,276	312,427	10,414	63,862	2,129	37,901	1,263
December	379,001	12,226	282,547	9,114	47,088	1,519	33,181	1,070
Total	8,642,342	23,609	6,261,234	17,100	795,813	2,175	479,773	1,311

Table 3A
2018 Treated Flow to Local Municipalities in Imperial Units

	<i><u>Leamington</u></i>		<i><u>Kingsville</u></i>		<i><u>Essex</u></i>		<i><u>Lakeshore</u></i>	
	Monthly Total (Imperial Gallons)	Average Day (MGD)	Monthly Total (Imperial Gallons)	Average Day (MGD)	Monthly Total (Imperial Gallons)	Average Day (MGD)	Monthly Total (Imperial Gallons)	Average Day (MGD)
January	98,774,111	3.19	67,602,929	2.18	13,083,771	0.42	8,337,054	0.27
February	100,079,849	3.45	71,855,815	2.48	11,874,820	0.41	7,029,557	0.24
March	119,448,361	3.85	92,307,455	2.98	11,538,487	0.37	6,796,610	0.22
April	142,914,461	4.76	147,602,665	4.92	15,568,983	0.52	8,788,651	0.29
May	161,609,427	5.21	147,713,310	4.76	13,533,608	0.44	7,729,939	0.25
June	218,354,894	7.28	158,417,673	5.28	17,676,949	0.59	11,465,237	0.38
July	256,410,234	8.27	205,778,812	6.64	20,637,295	0.67	12,547,486	0.40
August	214,155,021	6.91	133,915,299	4.32	17,469,518	0.56	9,377,509	0.30
September	235,643,157	7.85	136,353,878	4.55	16,475,917	0.55	10,142,342	0.34
October	149,689,953	4.83	84,855,117	2.74	12,789,452	0.41	7,685,066	0.25
November	120,601,440	4.02	68,724,332	2.29	14,047,676	0.47	8,337,054	0.28
December	83,368,565	2.69	62,151,651	2.00	10,357,912	0.33	7,298,800	0.24
Total	1,901,049,473	5.19	1,377,278,936	3.76	175,054,387	0.48	105,535,306	0.29



Ontario Clean Water Agency
Agence Ontarienne Des Eaux

405 Clitherow Street
P.O. Box 909
Harrow, ON N0R 1G0
Tel: (519) 738-3038
whiggins@ocwa.com

February 20, 2019

Mr. Andy Graf
Manager, Environmental Services
Town of Essex
120 Sinasac St.
P.O. Box 359
Harrow, ON N0R 1G0

Dear Mr. Graf:

Re: Safe Drinking Water Act, O. Reg. 170/03 Schedule 22 Summary Report

Attached is the 2018 Summary Report for the Harrow-Colchester South Water Treatment Plant. This report has been completed based on the information obtained from the water treatment plant records and in accordance with Schedule 22 of O. Reg. 170/03, under the Safe Drinking Water Act, which requires a Summary Report to be prepared not later than March 31st of each year for the preceding calendar year. This report covers the period of January 1 to December 31, 2018.

Please remember that any Orders that you have received directly from the MOE should be reviewed. Where non-compliance with the Order is evident and it is not included in the attached 2018 Summary Report, then we recommend that this information be added to the Summary Report. Note: Schedule 22-2 (a) specifies that the summary report is given to, in the case of a drinking water system owned by a municipality, the members of the municipal council for the Town of Essex, and is not intended for distribution to the Ministry of the Environment.

After your review and inclusion of any additional information, these Summary Reports are to be provided to the members of the municipal council. Please ensure this distribution.

Section 12 of O. Reg. 170/03, requires the Summary Reports be made available for inspection by any member of the public during normal business hours without charge. The reports should also be made available for inspection at the office of the municipality or at a location that is reasonably convenient to the users of the water system.

Sincerely,

Warren Higgins
Process & Compliance Tech.
Ontario Clean Water Agency

cc: Chris Nepszy, Deputy Chief Administrative Officer, Town of Essex
Dave Jubenville, Regional Hub Manager, OCWA
Karen Burgess, Senior Operations Manager, OCWA



Ontario Clean Water Agency
Agence Ontarienne Des Eaux

Annual Summary Report

Harrow-Colchester South Water Treatment Plant

2018

Prepared for: The Corporation of the Town of Essex

By: Warren Higgins
Ontario Clean Water Agency

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SECTION 1

Compliance with the Safe Drinking Water Act and Regulation 170/03

This report is a summary of water quality information for the Harrow-Colchester South Water Treatment Plant and published in accordance with Schedule 22 of Ontario's Safe Drinking Water Act, Ontario Regulation 170/03 for the reporting period of January 1, 2018 to December 31, 2018. The Harrow-Colchester South Water Treatment Plant is categorized as a Large Municipal Residential Drinking Water System.

This report was prepared by the Ontario Clean Water Agency on behalf of the Town of Essex.

Compliance with the Municipal Drinking Water License 029-101

The Harrow-Colchester South Water Treatment Plant was operated and maintained in such a manner that the water supplied to the consumers serviced by the system satisfied all the requirements in the Safe Drinking Water Act, the Regulations and the MDWL 029-101.

SECTION 2

Non-Compliance with the Safe Drinking Water Act, Regulation 170/03, MDWL & DWWP

One non-compliance event was reported to the Ministry in 2018 which occurred at the Walnut Street sample station.

Incident Date	Parameter	Result	Unit of Measure	Corrective Action	Notice of Resolution
09/10/2018	Microbiological	36 Total Coliform	n/a	Resample upstream and downstream, and again 24 hours later. All results were negative.	16/10/2018

SECTION 3

Summary and discussion of quantity of water supplied

In accordance with Schedule 22-2 (3) *"the report must also include the following information for the purpose of enabling the owner of the system to assess the capability of the system to meet existing and planned uses of the system."*

1. *A summary of the quantities and flow rates of the water supplied during the period covered by the report, including monthly average and maximum daily flows and daily instantaneous peak flow rate.*
2. *A comparison of the summary referred to in paragraph 1 to the rated capacity and flow rates approved in the system's approval must be discussed.*

The rated capacity specified in the Municipal Drinking Water License 029-101 for the Harrow-Colchester South Water Treatment Plant is 10,228 m³/day. The maximum daily flow for the reporting period was 5,045 m³/day on July 18, 2018.

The Permit to Take Water (Number 4088-9KDN6D) states the maximum amount of water taken is 21,154 L/min and 30,458,000 L/day. The maximum amount of water flow taken in 2017 was 6,480 L/min on July 04. The maximum amount of water taken in 2018 was 5,045,000 L/day on July 18th. The Permit to Take Water limit was not exceeded during this reporting period.

Attached in Appendix A, are the average daily volume (m³) and maximum daily volume (m³). Also noted is the % of Design Volume for each.

The quantity of water supplied during the reporting period did not exceed the rated capacity of this facility.

Appendix A

Harrow-Colchester South Water Treatment Plant Annual Volume Record for 2018

Design Treated Flows: 10, 228 m³/day

Month	Average Daily Volume(m ³)	% of Design Volume	Maximum Daily Volume(m ³)	% of Design Volume
January	2,426	24	2,918	29
February	2,270	22	2,600	25
March	2,413	24	3,233	32
April	2,461	24	2,916	29
May	3,048	30	4,238	41
June	3,444	34	4,579	45
July	4,030	39	5,045	49
August	3,610	35	4,675	46
September	3,044	30	4,389	43
October	2,558	25	2,960	29
November	2,370	23	2,851	28
December	2,242	22	2,747	27



Drinking-Water System Number:	210000130
Drinking-Water System Name:	Harrow-Colchester South Water Treatment Plant
Drinking-Water System Owner:	Corporation of the Town of Essex
Drinking-Water System Category:	Large Municipal Residential System
Period being reported:	January 1, 2018 to December 31, 2018

Complete if your Category is Large Municipal Residential or Small Municipal Residential

Does your Drinking-Water System serve more than 10,000 people? Yes [] No [x]

Is your annual report available to the public at no charge on a web site on the Internet? Yes [x] No []

Location where Summary Report required under O. Reg. 170/03 Schedule 22 will be available for inspection.

Town of Essex Municipal Office
33 Talbot St. S.
Essex, ON

Complete for all other Categories.

Number of Designated Facilities served:

Did you provide a copy of your annual report to all Designated Facilities you serve? Yes [] No []

Number of Interested Authorities you report to:

Did you provide a copy of your annual report to all Interested Authorities you report to for each Designated Facility? Yes [] No []

Note: For the following tables below, additional rows or columns may be added or an appendix may be attached to the report

List all Drinking-Water Systems (if any), which receive all of their drinking water from your system:

Drinking Water System Name	Drinking Water System Number
Harrow-Colchester South Distribution System	210000130

Did you provide a copy of your annual report to all Drinking-Water System owners that are connected to you and to whom you provide all of its drinking water?

Yes [x] No []



Indicate how you notified system users that your annual report is available, and is free of charge.

- ☒ **Public access/notice via the web**
- ☐ **Public access/notice via Government Office**
- ☐ **Public access/notice via a newspaper**
- ☒ **Public access/notice via Public Request**
- ☐ **Public access/notice via a Public Library**
- ☒ **Public access/notice via other method As when requested**

Describe your Drinking-Water System

A surface water treatment plant, with a rated capacity of 10,228 m³/day consisting of:

1. An intake system is a rock-filled timber structure with a vertical steel bellmouth; an installed chlorination solution diffuser ring at bottom of the bellmouth for Zebra Mussel chemical control.
2. A low lift pumping station consisting of an inlet chamber, two screen chambers, two micro strainer chambers and one pump well.
3. A solids contact up-flow clarifier.
4. Two dual media type filters.
5. Chemical storage and feed equipment consisting of a storage tank and two chemical metering pumps.
6. Two clearwells following filters.
7. A two celled, in-ground treated water storage reservoir.
8. A high lift pumping station consisting of one, two-compartment, high lift pump well with three vertical turbine pumps.
9. The Harrow-Colchester South Distribution System supplies water to a population of approximately 9,900 persons. It consists of approximately 145 km of water lines ranging in size from 2" to 16". Operation and maintenance of the system is performed by the Essex Water Department. All regulatory sampling for the Distribution System is conducted by the Ontario Clean Water Agency staff. All water for this system is supplied by the Harrow-Colchester South Water Treatment Plant.

List all water treatment chemicals used over this reporting period

1. Clarion A5
2. Polymer
3. Powered Activated Carbon
4. Chlorine Gas
5. Sodium Hypochlorite
6. Cat-Floc 8103 PLUS

Were any significant expenses incurred to?

- ☒ Install required equipment
- ☒ Repair required equipment
- ☒ Replace required equipment



Please provide a brief description and a breakdown of monetary expenses incurred

Harrow-Colchester South WTP	
Repairs to HVAC Unit	\$1,133.61
Bench Top Turbidimeter	\$5,868.75
Chlorine Regulator Kits, Rotometer and Pipe Assembly	\$5,507.57
Repairs to Low Lift Pump 3	\$1,154.39
Low Range Laser Turbidimeters	\$10,277.02
Wireless Link Water Tower	\$3,851.41
Total	\$27,792.75
Distribution System:	
Miscellaneous upgrades and repairs	\$35,000.00
Total	\$62,792.75

Provide details on the notices submitted in accordance with subsection 18(1) of the Safe Drinking-Water Act or section 16-4 of Schedule 16 of O.Reg.170/03 and reported to Spills Action Centre

Incident Date	Parameter	Result	Unit of Measure	Corrective Action	Corrective Action Date
09/10/2018	Microbiological	36 Total Coliform	n/a	Resample upstream and downstream, and again 24 hrs later. All results were negative.	16/10/2018

Microbiological testing done under the Schedule 10, 11 or 12 of Regulation 170/03 during this reporting period

	Number of Samples	Range of E.Coli Or Fecal Results (min #)-(max #)	Range of Total Coliform Results (min #)-(max #)	Number of HPC Samples	Range of HPC Results (min #)-(max #)
Raw	52	1 - 14	2 - 400	N/A	N/A
Treated	52	0 - 0	0 - 0	52	10 - 30
Distribution	414	0 - 0	0 - 36	110	10 - 90



Operational testing done under Schedule 7, 8 or 9 of Regulation 170/03 during the period covered by this Annual Report.

	No. of Samples Collected for period being reported	Range of Results	
		Minimum	Maximum
Turbidity, On-Line (NTU) - Filt1	8760	0	0.25
Turbidity, On-Line (NTU) - Filt2	8760	0	0.23
Free Chlorine Residual, On-Line (mg/L) - TW	8760	0.92	1.69
Total Chlorine Residual, In-House (mg/L) - TW	365	1.14	1.74
Free Chlorine Residual, In-House (mg/L) - DW1	104	0.56	1.23
Free Chlorine Residual, In-House (mg/L) - DW2	104	0.094	1.29
Free Chlorine Residual, In-House (mg/L) - DW3	104	0.63	1.26
Free Chlorine Residual, In-House (mg/L) - DW4	52	0.6	1.24

Summary of additional testing and sampling carried out in accordance with the requirement of an approval, order or other legal instrument.

Date of legal instrument issued	Parameter	Date Sampled	Result	Unit of Measure
MDWL 029-101 Dated: April 18, 2016	Backwash Water	01/02/18	2.0	mg/L
	Decant	02/01/18	<2.0	mg/L
	Suspended Solids	03/07/18	<2.0	mg/L
	Annual Average	04/04/18	<2.0	mg/L
	<25 mg/L	05/04/18	<2.0	mg/L
		06/05/18	<2.0	mg/L
		07/02/18	<2.0	mg/L
		08/09/18	2.0	mg/L
		09/13/18	2.0	mg/L
		10/10/18	2.0	mg/L
		11/05/18	<2.0	mg/L
		12/03/18	22.0	mg/L
		Annual Average	3.08	mg/L



Summary of Inorganic parameters tested during this reporting period or the most recent sample results

TREATED WATER	Sample Date (yyyy/mm/dd)	Sample Result	MAC	No. of Exceedances	
				MAC	1/2 MAC
Antimony: Sb (ug/L) - TW	2018/04/05	0.13	6.0	No	No
Arsenic: As (ug/L) - TW	2018/04/05	<MDL 0.2	10.0	No	No
Barium: Ba (ug/L) - TW	2018/04/05	14.4	1000.0	No	No
Boron: B (ug/L) - TW	2018/04/05	16.0	5000.0	No	No
Cadmium: Cd (ug/L) - TW	2018/04/05	0.003	5.0	No	No
Chromium: Cr (ug/L) - TW	2018/04/05	0.15	50.0	No	No
Mercury: Hg (ug/L) - TW	2018/04/05	<MDL 0.01	1.0	No	No
Selenium: Se (ug/L) - TW	2018/04/05	0.15	50.0	No	No
Uranium: U (ug/L) - TW	2018/04/05	0.013	20.0	No	No
Additional Inorganics					
Fluoride (mg/L) - TW	2018/04/05	0.07	1.5	No	No
Nitrite (mg/L) - TW	2018/01/08	<MDL 0.003	1.0	No	No
Nitrite (mg/L) - TW	2018/04/05	<MDL 0.003	1.0	No	No
Nitrite (mg/L) - TW	2018/07/02	<MDL 0.003	1.0	No	No
Nitrite (mg/L) - TW	2018/10/01	<MDL 0.003	1.0	No	No
Nitrate (mg/L) - TW	2018/01/08	0.518	10.0	No	No
Nitrate (mg/L) - TW	2018/04/05	0.762	10.0	No	No
Nitrate (mg/L) - TW	2018/07/02	0.38	10.0	No	No
Nitrate (mg/L) - TW	2018/10/01	0.14	10.0	No	No
Sodium: Na (mg/L) - TW	2018/04/05	8.76	20*	No	No
<p>*There is no "MAC" for Sodium. The aesthetic objective for sodium in drinking water is 200 mg/L. The local Medical Officer of Health should be notified when the sodium concentration exceeds 20 mg/L so that this information may be communicated to local physicians for their use with patients on sodium restricted diets.</p>					



Summary of lead testing under Schedule 15.1 during this reporting period
(Applicable to the following drinking water systems; large municipal residential
systems, small
Municipal residential systems and non-municipal year-round residential systems)

Location Type	Number of Samples	Range of Results		MAC (ug/L)	Number of Exceedances
		Minimum	Maximum		
Distribution - Lead Results (ug/L)	9	0.15	0.76	10	0
Distribution - Alkalinity (mg/L)	13	57	68	n/a	n/a
Distribution - pH Lab	13	7.05	7.81	n/a	n/a

Summary of Organic parameters sampled during this reporting period or the most recent sample results

TREATED WATER	Sample Date (yyyy/mm/dd)	Sample Result	MAC	Number of Exceedances	
				MAC	1/2 MAC
Alachlor (ug/L) - TW	2018/04/05	<MDL 0.02	5.00	No	No
Atrazine + N-dealkylated metabolites (ug/L) - TW	2018/04/05	<MDL 0.01	5.00	No	No
Azinphos-methyl (ug/L) - TW	2018/04/05	<MDL 0.05	20.00	No	No
Benzene (ug/L) - TW	2018/04/05	<MDL 0.32	1.00	No	No
Benzo(a)pyrene (ug/L) - TW	2018/04/05	<MDL 0.004	0.01	No	No
Bromoxynil (ug/L) - TW	2018/04/05	<MDL 0.33	5.00	No	No
Carbaryl (ug/L) - TW	2018/04/05	<MDL 0.05	90.00	No	No
Carbofuran (ug/L) - TW	2018/04/05	<MDL 0.01	90.00	No	No
Carbon Tetrachloride (ug/L) - TW	2018/04/05	<MDL 0.16	2.00	No	No
Chlorpyrifos (ug/L) - TW	2018/04/05	<MDL 0.02	90.00	No	No
Diazinon (ug/L) - TW	2018/04/05	<MDL 0.02	20.00	No	No
Dicamba (ug/L) - TW	2018/04/05	<MDL 0.2	120.00	No	No
1,2-Dichlorobenzene (ug/L) - TW	2018/04/05	<MDL 0.41	200.00	No	No
1,4-Dichlorobenzene (ug/L) - TW	2018/04/05	<MDL 0.36	5.00	No	No
1,2-Dichloroethane (ug/L) - TW	2018/04/05	<MDL 0.35	5.00	No	No
1,1-Dichloroethylene (ug/L) - TW	2018/04/05	<MDL 0.33	14.00	No	No
Dichloromethane (Methylene Chloride) (ug/L) - TW	2018/04/05	<MDL 0.35	50.00	No	No
2,4-Dichlorophenol (ug/L) - TW	2018/04/05	<MDL 0.15	900.00	No	No
2,4-Dichlorophenoxy acetic acid (2,4-D) (ug/L) - TW	2018/04/05	<MDL 0.19	100.00	No	No
Diclofop-methyl (ug/L) - TW	2018/04/05	<MDL 0.4	9.00	No	No
Dimethoate (ug/L) - TW	2018/04/05	<MDL 0.03	20.00	No	No
Diquat (ug/L) - TW	2018/04/05	<MDL 1.0	70.00	No	No
Diuron (ug/L) - TW	2018/04/05	<MDL 0.03	150.00	No	No
Glyphosate (ug/L) - TW	2018/04/05	<MDL 1.0	280.00	No	No



Malathion (ug/L) - TW	2018/04/05	<MDL 0.02	190.00	No	No
Metolachlor (ug/L) - TW	2018/04/05	<MDL 0.01	50.00	No	No
Metribuzin (ug/L) - TW	2018/04/05	<MDL 0.02	80.00	No	No
Monochlorobenzene (Chlorobenzene) (ug/L) - TW	2018/04/05	<MDL 0.3	80.00	No	No
Paraquat (ug/L) - TW	2018/04/05	<MDL 1.0	10.00	No	No
PCB (ug/L) - TW	2018/04/05	<MDL 0.04	3.00	No	No
Pentachlorophenol (ug/L) - TW	2018/04/05	<MDL 0.15	60.00	No	No
Phorate (ug/L) - TW	2018/04/05	<MDL 0.01	2.00	No	No
Picloram (ug/L) - TW	2018/04/05	<MDL 1.0	190.00	No	No
Prometryne (ug/L) - TW	2018/04/05	<MDL 0.03	1.00	No	No
Simazine (ug/L) - TW	2018/04/05	<MDL 0.01	10.00	No	No
Terbufos (ug/L) - TW	2018/04/05	<MDL 0.01	1.00	No	No
Tetrachloroethylene (ug/L) - TW	2018/04/05	<MDL 0.35	10.00	No	No
2,3,4,6-Tetrachlorophenol (ug/L) - TW	2018/04/05	<MDL 0.2	100.00	No	No
Triallate (ug/L) - TW	2018/04/05	<MDL 0.01	230.00	No	No
Trichloroethylene (ug/L) - TW	2018/04/05	<MDL 0.44	5.00	No	No
2,4,6-Trichlorophenol (ug/L) - TW	2018/04/05	<MDL 0.25	5.00	No	No
Trifluralin (ug/L) - TW	2018/04/05	<MDL 0.02	45.00	No	No
Vinyl Chloride (ug/L) - TW	2018/04/05	<MDL 0.17	1.00	No	No
DISTRIBUTION WATER					
Trihalomethane: Total (ug/L) Annual Average - DW	2018/01/01	19.0	100.00	No	No

List any Inorganic or Organic parameter(s) that exceeded half the standard prescribed in Schedule 2 of Ontario Drinking Water Quality Standards.

Parameter	Result Value	Unit of Measure	Date of Sample
None			

CITY OF QUINTE WEST

*Office of the Mayor
Jim Harrison*



**P.O. Box 490
Trenton, Ontario, K8V 5R6**

**TEL: (613) 392-2841
FAX: (613) 392-5608**

March 8, 2019

Via Email

RE: Resolution – Bottled Water

Dear: Government Organizations,

Please be advised that the Council for the Corporation of the City of Quinte West passed the following resolution at its meeting held on March 4, 2019:

Motion No. 19-058 – Notice of Motion – Councillor Cassidy

Moved by Cassidy

Seconded by Kuntze

Whereas water is essential for human life to exist on earth, and access to clean drinkable water should be a basic human right, and water has been commodified by the sale of bottled water;

And Whereas Canada is a participant to the Paris Agreement on Climate Change;

And Whereas the United Nations has called on all countries to reduce green house gas emissions;

And Whereas single use plastics are significant items of unnecessary waste that damage our environment;

And Whereas Canada as a country and all of the provinces and territories are not likely to reach our targets to reduce green house gas emissions by 2030;

And Whereas many scientists and environmental advocates are asking us to end the fossil fuel based economy as soon as possible;

And Whereas the City of Quinte West has undertaken initiatives to limit the use of bottled water and promote the use of municipal drinking water in recent years;

Be it resolved that the City of Quinte West will undertake a review/audit in 2019 of the City facilities to identify areas where the use of municipal water can be further optimized and the use of bottled water can be reduced or eliminated wherever possible;

And further that a policy be developed to promote the use of municipal drinking water in the City;

And further be it resolved that the City of Quinte West will encourage our immediate neighbours to do the same;

And further be it resolved that the City of Quinte West will forward this motion as an aspirational objective to the following partners: All municipalities in Ontario, AMO, all other similar provincial and territorial organizations in Canada, all Premiers and the Prime Minister and the leaders of all Provincial and Federal Parties in Canada with the request that they enact legislation to do the same.

Carried

We hope that you will take such actions into consideration within your own organization in an effort to reduce bottled water usage and promote the use of municipal water.

Yours Truly,

CITY OF QUINTE WEST

A handwritten signature in black ink, appearing to read "Jim Harrison". The signature is fluid and cursive, with a large loop at the end.

Jim Harrison,
Mayor



February 23, 2018

To: Ministry of Transportation, Municipal Transit Policy Office, Transit Policy Branch

Dear Sir/Madam:

Re: Community Transportation Grant Program, Letter of Support for Leamington Long-distance Scheduled Intercommunity Project

Please accept this letter of support from the Town of Essex for the Municipality of Leamington's proposal to establish a Long-distance Scheduled Intercommunity Project under the Community Transportation Grant Program.

A regularly scheduled Transit Route between the communities of Leamington, Kingsville, Essex and Windsor will improve mobility options for individuals that do not have access to their own transportation. Historically, transit connections were once provided to our communities through bus service (Greyhound). Further back in time, a streetcar service once provided intercommunity transportation for residents in our communities. Currently, no such service exists.

This proposed transit service will provide regularly scheduled and reliable transportation for employment purposes, for education and continuing education purposes, and for access to hospitals and other medical appointments.

The need for such a service was detailed in the County of Essex "Transit Assessment Report" prepared by GENIVAR Consultants LP. However the economics of the proposed transit service prevented program implementation on a regional basis.

If implemented, this transit service will improve the quality of life for those residents currently experiencing transportation barriers, including seniors, people with disabilities, youth, and persons living on low incomes.

Respectfully,

A handwritten signature in black ink, reading "Ron McDermott". The signature is fluid and cursive, with the first name "Ron" being more prominent.

Ron McDermott, Mayor

From: Robert Sharon [<mailto:rsharon@leamington.ca>]
Sent: March 25, 2019 4:56 PM
To: Peggy Van Mierlo-West <pvmwest@kingsville.ca>; 'aplancke@kingsville.ca' <aplancke@kingsville.ca>; Nepszy, Chris <cnepszy@essex.ca>
Cc: Peter Neufeld <pneufeld@leamington.ca>
Subject: Long-distance Scheduled Intercommunity Transit Initiative

Good afternoon Peggy, Andrew and Chris,

This e-mail is to provide you with an update on the status of the Leamington-Kingsville-Essex-Windsor transit route, and to request a letter of support from your community to the Ontario Highway Transit Board (OHTB) for Transit Windsor to provide the transit service. This letter of support is required by the OHTB in order for them to grant a licence to Transit Windsor to operate in our communities.

Status Update:

- 1) The Provincial government took almost a year to confirm that the funding for the program was secured. Despite this they are not willing to extend the life of the program beyond March 31, 2023. As a result, we have accelerated the anticipated start date of the service from Late August to early July. The current targeted start date of the service is July 2, 2019. This will allow us to operate the service for approximately 42 months under the pilot/grant. (July 2019-March 2023)
- 2) Negotiations between Transit Windsor and the Municipality of Leamington have gone well. We have reached a point where both Leamington and Windsor have agreed on terms and conditions and we are ready to bring reports to our respective Councils to enter into the service agreement.
- 3) The entire program will be funded by the Municipality of Leamington and the Provincial government through the grant. Our project Manager will be in contact with your delegate over the coming weeks to do a final walkthrough of the transit stop. We will bring along someone from Transit Windsor to advise on the locations of signage, access, possible placement of benches, etc.
- 4) We are also developing a communications strategy with regards to the launch of the service. In the near future we will be in touch through our communications manager to discuss the best way to work with your staff, in order for your staff to communicate with the public in your communities. We should strive to have consistent messaging.

Letter of Support:

- 1) The OHTB requires letters of support in order for them to provide Transit Windsor a licence. My intention is to attach both the original letter of support for the program (the pdf attached), as well as the new letter found as a Word document in the attached. You will note the letters are very similar to the original but I felt there was no need to change the project description or the explanation of the need for the program.
- 2) Please have the letter put onto your respective letterhead, sign, and return it to me at your earliest convenience. These letter will then form part of the OHTB application.

I expect to be in front of Leamington Council on April 23, 2019 to receive final approval to implement the service as described above. I have been keeping them apprised as we work through this so I do not expect any obstacles to arise at that meeting.

I think that should cover most of the details for now. If you have any further questions, please do not hesitate to ask.

Warm regards,

Rob Sharon



Robert Sharon, B.Comm, MPA, CMO
Director of Infrastructure Services

111 Erie Street N | Leamington ON | N8H 2Z9
P: 519-326-5761 ext. 1301
www.learmington.ca
www.onthe42.com

(To be put on municipal Letterhead)

**Ontario Highway Transport Board
151 Bloor Street West
10th Floor
Toronto, ON
M5S 2T5**

Re: Letter of Support for Transit Windsor to provide transit services for the Long-distance Scheduled Intercommunity Project

Further to the attached letter to the Ministry of Transportation dated February 23, 2018, please accept this letter of support from the Town of Essex for Transit Windsor to provide the transit service for the Long-distance Scheduled Intercommunity Project under the Community Transportation Grant Program.

A regularly scheduled Transit Route between the communities of Leamington, Kingsville, Essex and Windsor will improve mobility options for individuals that do not have access to their own transportation. Historically, transit connections were once provided to our communities through bus service (Greyhound). Further back in time, a streetcar service once provided intercommunity transportation for residents in our communities. Currently, no such service exists.

This proposed transit service will provide regularly scheduled and reliable transportation for employment purposes, for education and continuing education purposes, and for access to hospitals and other medical appointments.

The need for such a service was detailed in the County of Essex "Transit Assessment Report" prepared by GENIVAR Consultants LP. However the economics of the proposed transit service prevented program implementation on a regional basis.

This transit service will improve the quality of life for those residents currently experiencing transportation barriers, including seniors, people with disabilities, youth, and persons living on low incomes.

Respectfully,

[NAME]

[TITLE]



**ESSEX CENTRE B.I.A.
REGULAR BOARD MEETING MINUTES**
Tuesday, January 8, 2019

1. CALL TO ORDER

Present

Shelly Hodare, Chair
Terri Grondin-Sweet, Vice Chair
Liz Semperger, Secretary
Richard Banwell, Treasurer
Mary-Anne Bjorkman
Sylene Argent, Coordinator

2. Declarations of Conflict of Interest

None

3. Adoption of Published Agenda

Motion to Accept by Mary-Ann Bjorkman
Seconded by Liz Semperger
B.I.A. 19-01-01
All in Favour-Carried

4. Adoption of Minutes

Motion to Accept the December 18, 2018 minutes as amended by Mary-Ann Bjorkman
Seconded by Terri Grondin-Sweet
B.I.A. 19-01-02
All in Favour-Carried

DEPUTATIONS

None

CORRESPONDENCE

Lionel Kernerman of Tourism Window Essex notified area BIAs that the meeting date to discuss

priorities, initiatives, marketing, events and training will be held on Wednesday, January 23, 2019 from 2-4pm. The event will be held at the Essex Civic Centre. Sylene will attend. Lunch will be hosted by EC BIA at the Old School Deli from 12-2 pm.

Essex Free Press sent a request for a reminder ad for E\$\$ex Centre Downtown Dollar\$ promotion end date of February 1, 2019. Businesses have until February 8, 2019 to redeem. This ad will be run.

Motion to accept the correspondence as presented by Mary-Anne Bjorkman

Seconded by Liz Semperger

B.I.A. 19-01-03

All in Favour-Carried

TREASURER'S REPORT

Motion to earmark \$20,000 for winter lighting repair and maintenance and \$ 10,000 for a new sound system by Mary-Ann Bjorkman

Seconded by Terri Grondin-Sweet

B.I.A 19-01-04

All in Favour-Carried

Motion to accept the Treasurer's Report as presented by Mary-Ann Bjorkman

Seconded by Liz Semperger

B.I.A 19-01-05

All in Favour-Carried

COMMITTEE REPORTS

A. Special Events

1. We are hosting the representatives from the Tecumseh, Leamington, Essex and Kingsville BIAs lunch prior to the meeting at the Civic Centre.

2. Sylene met with Stephanie Winger of the Rotary Club of Essex to begin preliminary discussion on the Business Excellence Awards to be held tentatively on a Monday evening in March.

B. Member Services

The E\$\$ex Centre Downtown Dollar\$ program report and spreadsheet are being prepared. All leftover vouchers will be destroyed.

C. Beautification

There has be no updates on the mural for the parkette from the ACT Committee and Cynthia

Cakebread.

Motion to Accept Committee Reports by Liz Semperger

Seconded by Mary-Ann Bjorkman

B.I.A. 19-01-06

All in Favour-Carried

NEW BUSINESS and UPDATES

The cannabis survey link on the Town's website was emailed to all businesses before the holiday break.

No update on the EC BIA phone number

The radio advertising program is still a work in progress

Sylene penned a letter to be sent to Council regarding the street poles.

Motion to increase the allowed purchase limit to \$500 by Mary-Ann Bjorkman

Seconded by Liz Semperger

B.I.A 19-01-07

All in Favour-Carried

Motion to investigate changing the financial institution to handle the ECDD from RBC to Libro by Mary-Ann Bjorkman

Seconded by Liz Semperger

B.I.A 19-01-08

All in Favour-Carried (Terri Grondin-Sweet did not vote as she has a conflict of interest)

Motion to approve the 2019 event dates as listed in principle by Liz Semperger

Seconded by Terri Grondin-Sweet

B.I.A 19-01-09

All in Favour-Carried

The next meeting will be on Tuesday, February 12, 2019 at 5:30 pm in the Barnett Board Room, Essex Sports Complex.

ADJOURNMENT

Motion to Adjourn by Mary-Ann Bjorkman

Seconded by Terri Grondin-Sweet

B.I.A. 19-01-10

All in Favour-Carried.



Fun Fest Committee Meeting Minutes

21 February, 2019

Minutes of a meeting of the Essex Fun Fest Committee held on Thursday 21st of February, 2019 at 6:30 PM at the Barnett Board Room. This meeting was called to order by Joe Garon, Chairperson of the Essex Fun Fest Committee at 6:30 PM.

1. Roll Call

Present: Joe Garon, Chair

Katie McGuire-Blais

Kelly McIntyre

Pam McDermott

Ron McDermott

Mike Janisse

Tanya Fryer

Jake Morassut, Recording Secretary

Doug Sweet, Director of Community Services

Regrets: Kyle Flood

Jenny Drouillard

Richard Tapping

Kim Verbeek, Vice Chair

Heather McDonald, Assistant Manager of Finance and Business Services

Absent: N/A

2. Additions to Agenda

There were no additions to the agenda.

3. Adoption of Agenda

Moved by Ron McDermott

Seconded by Katie McGuire-Blais

(FF19-02-007) The agenda of the 21st of February, 2019 be approved as circulated.

"Carried"

4. Declaration of Conflict of Interest

There were no declarations of conflicts of interest.

5. Approval of Previous Minutes

Moved by Pam McDermott

Seconded by Katie McGuire-Blais

(FF19-02-008) The minutes of the meeting on the 24th of January, 2019 be approved as circulated. "Carried".

6. Old Business:

- a) Peanut Products – Doug discussed with the legal department and the Town is protected under their coverage; and
- b) Doug contacted Festival and Events Ontario but has not heard anything back regarding peanuts, but will let us know if he hears back from them.

7. Sub-Committee Updates

a) Sponsorship (Joe, Katie)

- i. Joe is hoping to get near \$20,000 for fundraising efforts this year.

b) Vendors (Kelly, Jake, Joe)

- i. Discussion took place on pricing for 2019, which included the thought that craft vendors should not pay just to draw people in.

c) Parade (Jake, Kyle, Committee)

- i. Jake will take lead and work with Kyle for parade organization, but extra people on parade day would be great; and
- ii. Parade lineup will be included in the information package for volunteers so they can provide information if needed.

d) Entertainment and Attractions (Joe, Kim)

- i) Main Stage
 - The production company and the stage are booked; and
 - Different acts will depend on the main stage budget, which Joe will review and present to the committee next meeting.
- ii) Secondary Stage
 - No new updates.

iii) Bavarian Gardens

- Looking at using a band and include a DJ, as was done in previous years;
- The DJ is looking to add some extra stuff this year, including lights, but will work with the committee on this; and
- If you know of a band that may be interested in for Friday, please let Joe know.

iv) Kids Zone

- The recreation staff are available to be on site for the kid's zone activities. The cost for three staff members would be approximately \$800 for the weekend. This will be determined later depending on budgets; and
- Pam is willing to assist, and Natalie Sinn is willing to help during the weekend.

v) Attractions

- Fun Fest Attractions (Thrills)
 - Cra-Z-Crew BMX Stunt Team – This area of the Festival needs to be utilized, so we can always use the stunt team again. We have used them for several years so we will look at thinking of new ideas. Could look at the circus school in Detroit for trapeze acts.
 - Classic Championship Wrestling – Border City Brawlers is interested in participating this year. Joe has made connection and will keep us posted if there will be a change in companies.
 - Fireworks – The Company is booked, but Doug will reach out to see if there are additional display items that we can get.
 - NASCAR Bob – Joe will reach out.
- Fun Fest Attractions (Family Friendly)
 - The Ben Show – Three shows for the Saturday, and will participate downtown for the BIA. Cobbler Jay is another option if we are looking for something different. If anyone knows anyone else that does busker type activities let the committee know so we can consider using them.
 - Birds of Prey – This will be on hold for now, but the committee will look at some other animal attraction. Could consider using Zoo2U. Katie

and Kelly will do some research to see what they can find. Family Friendly attractions) Create a new category for thrill attractions

- Youth Talent Show – Joe’s wife will look after this but will need assistance.
- Watermelon Eating Contest – Kim will look at this.
- Pony Rides – Katie and Kelly will look at this as well. It is important that we receive a sponsorship for this attraction this year.
- Silver Stars Precision Drill Team – Katie and Kelly
- Arts Culture and Tourism Awards – Doug will touch base with Cynthia to see if this is going forward.
- New ideas – Volleyball tournament, beach night, biker’s night, Star Boys, Zumba, Yoga, pet show.
- Third Party Attractions
 - Doug will sound out letters to the third party attractions in a couple months.

8. Volunteers

- a) Doug will look into the age for volunteers as there may be interest in 14 year olds assisting;
- b) Need to be more specific with the requests for volunteers;
- c) Ron will make contact with some local service groups; and
- d) The committee will possibly hold an open house night for volunteers.

9. Admission Fees, Park Hours and Credentials

- a) Decisions on the fees will be on hold until we see what acts we can get and justify the pricing.

10. Parking

- a) Doug will work on a parking plan to see how we can best accommodate this during the weekend.

11. Amusement and Midway

- a) The Committee is entering the second year of a three year contract and they will maintain the same rates as last year.

12. Bavarian Gardens

- a) Hours of Operation**
 - i.** Will look at including the Thursday night, possibly themed as a beach night.
- b) Tents**
 - i.** Tents and site specific items are confirmed; and
 - ii.** Looking at adding shaded areas for the weekend.
- c) Serving Staff**
 - i.** To be discussed by Joe and Doug with the third party.
- d) Permit/Insurance**
 - i.** To be discussed by Joe and Doug with the third party.
- e) Product Inventory/Ordering**
 - i.** To be discussed by Joe and Doug with the third party.

13. Security

- a)** Security is booked, but Joe will have discussions with the company regarding their duties for the weekend.

14. Financial

- a)** Festival Tent - \$4,697.00

- b)** Main Stage - \$1,000.00

Moved by Ron McDermott

Seconded by Mike Janisse

(FF19-02-009) That the bills brought forward to the February Fun Fest Meeting were approved for payment. "Carried"

15. Marketing and Social Media

- a)** Doug's summer student will take care of the social media;
- b)** Joe will take care of the website updated; and
- c)** The Committee will look at having a voting contest for babies or animals to draw in additional hits to the website.

16. Operations and Site Management

- a)** Mike will look at having a misting station to cool people down.

17. New Business

- a) Monster Mural – Doug will be looking at costs to have a large mural put in place where the public can go out and colour the mural; and
- b) Theme – The committee is tasked with looking at a theme for the Festival. We can look at having a contest for a citizen to create the theme.

18. 2019 Meeting Dates:

- a) The next meeting will take place March 28th 2019, at 6:15PM.

19. Adjournment:

The meeting was adjourned at 8:00PM.

Moved by Pam McDermott

Seconded by Kelly McIntyre

(FF19-02-010) that the meeting be adjourn at 8:00PM. "Carried"

Joe Garon, Chair

Jake Morassut, Recording Secretary

The Corporation of the Town of Essex
Minutes of Regular Committee of Adjustment Meeting
Tuesday, March 19, 2019

A regular meeting of the Town of Essex Committee of Adjustment was held on Tuesday, March 19, 2019 at 4:00 PM in the Council Chambers of the Municipal Building at 33 Talbot Street South, Essex, Ontario.

1. Roll Call

Members Present: Percy Dufour, Chair
Brian Gray, Vice Chair
Ray Beneteau
Dan Boudreau
Phil Pocock

Also Present: Rita Jabbour, Planner, Secretary Treasurer
Sarah Aubin, Planning Assistant
Kevin Carter, Chief Building Official
Jeff Watson, Policy Planner

Members of Public in Attendance: See sign-in sheet attached hereto

2. Declaration of Conflict of Interest

Percy Dufour, Chair advises the Committee members of the changes that took effect on March 1st, 2019 to the Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50 under Bill 68. He advises that should a conflict of interest arise, a Declaration of Interest form is required to be filled out and sent to the Clerks department within 72 hours. He advises that a copy of the declaration form will be placed in the agenda packages.

3. Adoption of Minutes

The Regular Minutes from the Committee of Adjustment Meeting of January 15, 2019 be adopted.

Moved by Ray Beneteau

Seconded by Phil Pocock

(COA-2019-03-21) That the minutes of the January 15 meeting be adopted as amended.

“Carried”

Brian Gray notes an error in the minutes of the February 12, 2019 meeting minutes. He states that on page 4 of the minutes it states "The Committee of Adjustment is of the opinion that the four (4) tests for minor variances under Section 45(1) of the Planning Act have not been satisfied."

He states that the minutes should state that "The Committee of Adjustment is of the opinion that the four (4) tests for minor variances under Section 45(1) of the Planning Act have been satisfied."

Brian states that the minutes should be amended to reflect this.

Moved by Brian Gray

Seconded by Dan Boudreau

(COA-2019-03-22) That the minutes of the February 12, 2019 meeting be amended to state that the Committee of Adjustment is of the opinion that the four (4) tests for minor variance under Section 45(1) of the Planning Act have been satisfied.

"Carried"

4. Adoption of Published Agenda

Moved by Ray Beneteau

Seconded by Phil Pocock

(COA-2019-03-23) That the published agenda for the March 19, 2019 meeting of the Committee of Adjustment be adopted as circulated.

"Carried"

5. Applications

The following applications were heard:

a) A-11-18 Brent Klundert (Kimball Estates) 126, 124 and 122 Houghton (Essex Centre, Ward 1)

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands at 126, 124 and 122 Houghton in the Essex Centre, Ward 1. The applicants are proposing to construct a multi-unit townhome dwelling. As a result, the required front yard and rear yard setbacks will be reduced to +4.3 metres (+14 feet) and +6.1 metres (+20 feet), respectively. The required minimum front yard and side yard setback for interior lots within the Residential District 2.2 (R2.2) under Town of Essex Zoning Bylaw, Bylaw 1037, is 6 metres (20 feet) and 7.5 metres (25 feet), respectively. Thus, variances are being requested for a reduction in front and rear yard setback

Rita Jabbour, Planner, wrote:

Official Plan Designation: "Residential"

Zoning: Residential District 2.2 (R2.2) –Medium density housing, including townhomes, on urban lots

Note: This application was previously heard on Tuesday January 15 at which time, the Committee moved to defer the application.

An application for minor variance has been submitted for the lands located at 126, 124 and 122 Houghton in the Essex Centre. The subject property is designated "Residential" under the Town's Official Plan and zoned Residential District 2.2 (R2.2) for medium density housing, including townhomes, on urban lots under the Town of Essex Zoning Bylaw, Bylaw 1037.

The applicant is requesting relief from Bylaw 1037 to permit a front yard depth of +4.3 metres (+14 feet) and a rear yard depth of +6.1 metres (+20 Feet) from the proposed multi-unit townhome dwelling.

A *front yard* is defined as a yard extending across the full width of a lot between the front lot line and the nearest wall of a main building. A *rear yard* is defined as a yard extending across the full width of a lot between the rear lot line or the intersection of the side lot lines and the nearest wall of a main building on such lot.

The required minimum front yard depth is 6 metres (20 feet) for interior lots within the R2.2 zoning district. The required minimum rear yard depth is 7.5 metres (25 feet) for interior lots within the R2.2 zoning district. Thus, the applicants are requesting a reduction of 1.8 metres (6 feet) in the required front yard and 1.5 metres (5 feet) in the required rear yard.

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 townhome dwelling is a permitted main use in the R2.2 zoning district, as is a single detached dwelling and a semi-detached dwelling; however, Houghton Street is developed primarily for townhome dwellings.
- 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:
Houghton Street is developed primarily for townhome dwellings; however, the abutting lots that front on Hanlan Street are comprised of single detached dwellings. The minimum required front yard and rear yard depth for townhomes throughout the subdivision is 6 metres (20 Feet) and 7.5 metres (25 feet), respectively. The required rear yard depth for those lots that front on Hanlan and abut the rear yard of the subject parcel, is 7.5 metres (25 feet).

In May of 2018, the applicant received approval for a 1.5 metre (5 foot) reduction in front yard depth for the lands located at 138, 136 and 134 Houghton (File No. A-09-18); and,

In May of 2018, the applicant received approval for a +2.85 metre (+9.42 foot) reduction in the rear yard depth and a 1.5 metre (5 foot) reduction in the front yard depth for the townhome development located directly to the east of the subject lands, and known municipally as 128, 130 and 132 Houghton (File No. A-10-18).

With respects to these files, variances in front and rear yard setbacks were requested due to the irregularly shaped parcels, and the developer's desire to keep unit setbacks consistent throughout Houghton Street.

- d) The variance deals with circumstances particular to the site and development:
The subject parcel is irregularly shaped and is unable to accommodate a townhome dwelling that would maintain the line of site without a variance.

As a result of the giving of public notice, two written correspondences have been received from members of the public.

Edmund and Donna-Mae Curtis, 137 Hanlan Street South, wrote :

"January 15: Regarding the application for minor variance, File A-11-18, specifically regarding the proposed changes to the rear yard setback. We highly protest this change which will encroach on the existing single family home built long before this development was ever drafted. This encroachment we feel will devalue our existing home, impede on our privacy and yet be offered no restitution. We trust the Town of Essex Committee of Adjustment will do the right thing and deny this proposed change and require the developer to build within the existing zoning bylaw instead of allowing to build "too much on too little". We are unable to attend the meeting in person but most strongly protest this proposed change within the minor variance being applied for at this time."

"March 19: We do believe that the variance requested is not compatible or desirable. The plans for this area are not acceptable and should not be allowed. This encroachment will devalue our existing home and impede on our privacy. The builder should build within the existing zoning bylaw and build what will fit on Block 18."

Jamie Gault, 143 Hanlan Street South, wrote:

"I would like start off by thanking Brent Klundert / BK-Corner Stone for their continued development in the Town of Essex. The development of Kimball Estates has been a benefit to the town and residents of that area.

After looking at the site plan for the building of "Block 18" I feel the variance requested is unacceptable, and should not proceed.

I realize the amount requested seems small (5'8" Front and 4'8" Rear) however this works out to a 28.3% request in the front yard and 18.7% request in the rear. This minor variance is now a large percentage of the total building lot.

The front yard driveways of unit #126 and #128 look like they merge into one another.

I would also like to note that the existing townhouses that back onto Hanlan Street between Fairview and Houghton are not built right on the rear setback. These houses from the property line are 30' back. This would mean the new houses of "Block 18" will be 10' closer from the existing houses, to the property line. I mention this because most people look at the rear of the existing houses and think it's only 4'8" from there, which is not correct.

Due to poor site plan decisions, of this area, there has to be consequences. However the existing residents should not be the ones who "pay the price" for bad decisions. This was going to be a problem from the beginning of the build, and still is today. Unfortunately it looks like only two houses will fit that "Block 18".

I welcome the council from Ward 1 to come and see for yourselves the building site."

January 15 Meeting Minutes

As noted earlier, this application was heard on January 15 where in which the Committee decided to defer the application. Members, staff and residents expressed concerns with parking, the rear yard reduction and the convergence of the two easterly driveways. The applicant was advised to work with the Building department to re-design the units so that they will fit the bell curve without concern.

Since the January 15 meeting, the applicant has consulted the building department and has addressed the concern with the convergence of the easterly driveways with a new orientation for the townhome development. The applicant still requires the same variances, however.

No additional comments were received from members of the public as of Thursday March 14, 2019.

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 March 14, 2019.

Actions:

To be determined by the Committee.

Additional comments resulting from circulation.

Corinne Chiasson, Resource Planner, Essex Region Conservation Authority (ERCA), wrote:

The following is provided as a result of our review of Application for Minor Variance A-11-18. The applicants are proposing to construct a multi-unit townhouse dwelling. As a result

of the proposed layout, relief is being sought from the front yard and rear yard setbacks requirements.

**DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN
NATURAL HAZARDS (PPS, 2014) AND REGULATORY RESPONSIBILITIES OF THE
CONSERVATION AUTHORITIES ACT**

The following comments reflect our role as representing the provincial interest in natural hazards encompassed 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. 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, 2014**

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. 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 under the Provincial Policy Statement (PPS 2014). Based on our review, we have no objection to the application with respect to natural heritage policies.

FINAL RECOMMENDATION

We have no objections to this Minor Variance application.

Discussions:

Rita Jabbour, Planner, explains the nature of the application.

Rita advises the Committee that the applicant Brent Klundert could not be present but his agent Rob Matthers is in attendance. She advises the committee that the applicant did also provide a letter, photos and drawings for the committee to review.

She advises that in the applicants letter he states that discussion was had with the Chief Building Official and that original plans presented at the January 15, 2019 meeting were mirror imaged (flipped) which helped locate the garage on the far side away from the

congestions. That the property lines and curb cuts were altered, that a 6 ft vinyl privacy fence across the rear lot lines will be erected, and that a 5ft rear easement will be enforced by the Kimball Home Owners Association. He advises that these changes should satisfy the committees concerns.

Rob Matthers, Agent, advises that BK Corner Stone would like to maintain uniform housing in the area. He advises that if the minor variances are not accepted then the option would be for a two storey home which will disrupt the flow of the subdivision.

Kevin Carter, Chief Building Official, states that a discussion was had with the applicants and that the changes made were agreed upon. He advises that his only concern is the rear yard variance. He states that with a 5ft easement, and a shed that is 10 x 10 with only a 20 ft rear yard would pose a problem for a future resident. He advises that the Building department does not support a 20 ft rear yard.

Brian Gray states that there is a 10 ft utility easement as well as another 5 ft access easement for the interior residence. He questions where a privacy fence would be erected. He states that unit 124 would not have a rear yard or a front yard.

Rob advises that the fence would be erected directly on the lot line. He states that the incoming residents prefer smaller yards.

Phil Pocock, states that the subdivision has been planned for 15 plus years, and that this parcel should have been thought of for development during the planning stages. He asks if the agent would place a two storey unit on the subject property instead of the proposed three unit ranch.

Rob advises that the original plans for the parcel would need to be discussed with the applicant but states that the desired development is a three unit ranch. He states that should the committee not grant the variance, they would build a two storey unit on the parcel that would not conform to the existing subdivision.

Moved by Ray Beneteau

Seconded by Dan Boudreau

Opposed by Phil Pocock

(COA-2019-03-24) That application A-11-19 (A) be granted to accommodate a +4.3 metre (+14 feet) front yard

“Carried”

Reasons:

The Committee of Adjustments is of the opinion that the four (4) tests for minor variances under Section 45(1) of the Planning Act have been satisfied.

Moved by Dan Boudreau

Seconded by Ray Beneteau

(COA-2019-03-25) That application A-11-19 (B) to accommodate a +6.1 metres (+20 feet) rear yard be denied.

“Carried”

Reasons:

The Committee of Adjustments is of the opinion that the four (4) tests for minor variances under Section 45(1) of the Planning Act have **not** been satisfied.

b) A-06-19 Paul Darocy, 18 Charles Street (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 18 Charles Street in the former Township of Colchester North, Ward 2. The applicants are proposing to construct a +153.8 square metre (+1656 square foot) accessory structure. The maximum area for accessory structures in Residential District 1.1 (R1.1) is 70 square metres (750 square feet) under Town of Essex Zoning Bylaw 1037. Thus, the applicants are seeking a variance to accommodate a +84 square metre (+906 square foot) increase in total area of the accessory structure.

Rita Jabbour, 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 18 Charles Street in the former Township of Colchester North. The subject property is designated “Residential” under the Town’s Official Plan and zoned Residential District 1.1(R1.1) for low density housing on urban lots in the Town of Essex Zoning Bylaw, Bylaw 1037.

The applicant is requesting relief from Bylaw 1037 to permit the construction of a ± 153.8 square metre (± 1656 square foot) accessory building. An *accessory building* is defined as a completely detached building used for an accessory use. An *accessory use* is a 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.

The maximum area for an accessory building in Residential District 1.1 (R1.1) is 70 square metres (750 square feet). Thus, the applicants are seeking a variance to accommodate a +84 square metre (+906 square foot) increase in total area of the accessory building.

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:

An accessory use is a permitted use within the Town of Essex Official Plan for lands designated "Residential" and within the R1.1 zoning district. The main use of the property continues to be the existing dwelling. The proposed structure will not exceed one storey in height and will not be used in whole or in part as a dwelling unit or to support a home occupation.

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

Lot coverage as a result of the proposal will continue to be under the maximum allowable percentage (40 percent). No variances in front, rear or side yard depths are required. At approximately 1 166 square metres (+12500 square feet), the subject property is considerably larger than most lots within the R1.1 zoning district, where the minimum lot area is 460 square metres (5000 square feet).

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

The subject parcel is a corner lot but the proposed development will not parallel an exterior lot line.

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

The proposed development will replace an accessory structure of equal size and location that was recently destroyed in a fire.

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 March 14, 2019.

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 March 14, 2019.

Actions:

To be determined by the Committee

Additional comments resulting from circulation.

Corinne Chiasson, Resource Planner, Essex Region Conservation Authority (ERCA), wrote:

The following is provided as a result of our review of Application for Minor Variance A-06-19. The purpose of this application is to permit the construction of an accessory building 153.8 square metres in size. The relief being requested is 84 square metres above the permitted 70 square metres in the Bylaw.

**DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN
NATURAL HAZARDS (PPS, 2014) AND REGULATORY RESPONSIBILITIES OF THE
CONSERVATION AUTHORITIES ACT**

The following comments reflect our role as representing the provincial interest in natural hazards encompassed 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 SECTION 1.6.6.7 PPS,
2014 – Stormwater Management**

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, 2014**

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. 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 under the Provincial Policy Statement (PPS 2014). Based on our review, we have no objection to the application with respect to natural heritage policies.

FINAL RECOMMENDATION

We have no objections to this Minor Variance application.

Discussions:

Rita Jabbour, Planner, explains the nature of the application.

Percy Dufour asks the applicant what the proposed height of the garage is.

Paul Darocy, applicant, states that he is unsure as the drawings have not been completed.

Rita advises that under the current zoning by-law the structure cannot exceed a storey (13ft). She explains that the applicant would have to return to the Committee of Adjustment if the wish to exceed the one storey height limit.

Moved by Dan Boudreau

Seconded by Ray Beneteau

(COA-2019-03-26) That application A-06-19 be granted to permit the construction of a +153.8 square metre (+1656 square foot) accessory structure, with the following condition:

- a) That the garage height be constructed with the requirements of the Zoning By-law.

"Carried"

Reasons:

The Committee of Adjustments is of the opinion that the four (4) tests for minor variances under Section 45(1) of the Planning Act have been satisfied.

c) A-08-19 Dale and Natalie Koziana, 516 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 at 516 Queen Street in the Harrow Centre, Ward 4. The applicants are proposing to construct a +104 square metre (+1120 square foot) accessory structure. The maximum area for accessory structures in Residential District 1.1 (R1.1) is 70 square metres (750 square feet) under Town of Essex Zoning Bylaw 1037 and no combination of accessory buildings shall exceed 92 square metres (1000 square feet).

Thus, the applicants are seeking a variance to accommodate a +34 square metre (+370 square foot) increase in total area of the proposed accessory structure and a +28.7 square metre (+309.5 square foot) increase in the total gross floor area of all accessory buildings on the subject property.

Rita Jabbour, 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 516 Queen Street in the Harrow Centre. The subject property is designated "Residential" under the Town's Official Plan and zoned Residential District 1.1 (R1.1) for low density housing on urban lots under the Town of Essex Zoning Bylaw, Bylaw 1037.

The applicants are requesting relief from Bylaw 1037 to permit the construction of a +104 square metre (+1120 square foot) accessory building. An *accessory building* is defined as a completely detached building used for an accessory use. An *accessory use* is defined as a 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.

The maximum area for an accessory building in Residential District 1.1 (R1.1) is 70 square metres (750 square feet). When more than one accessory building is located or proposed to be located on the same lot, no combination of accessory buildings shall exceed 92 square metres (1000 square feet). A +17.6 square metre (+190 square foot) shed currently exists on the subject property. Thus, the total gross floor area for all accessory structures will exceed 92 square metres.

The applicants are seeking a variance to accommodate a +34 square metre (+370 square foot) increase in total area of the proposed accessory structure and a +28.7 square metre (+309.5 square foot) increase in total gross floor area of all accessory buildings on the subject property.

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:

An accessory use is a permitted use within the Town of Essex Official Plan for lands designated "Residential" and within the R1.1 zoning district. The main use of the property continues to be the existing dwelling. The proposed structure will not exceed one storey in height and will not be used in whole or in part as a dwelling unit or to support a home occupation.

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

Lot coverage as a result of the proposal will continue to be under the maximum allowable percentage (40 percent) and no variances in front, rear or side yard depths are required. At approximately 2180 square metres (+23120 square feet), the subject property is considerably larger than most lots within the R1.1 zoning district, where the minimum lot area is 460 square metres (5000 square feet).

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

The subject property is considered a corner lot as it will parallel the future roadway that will serve the Green Leaf Trail Subdivision. Access to the building will be by way of the proposed roadway, as such, the building opening will face the exterior lot line.

Bylaw 1037 requires a side yard depth of 1.2 metres (4 feet) between a detached accessory building and a side lot line.

The accessory building is proposed to be located 9 metres (30 feet) away from the exterior lot line as per the applicants' map. To satisfy the Committee that this setback will be complied with and that there will be no traffic concerns or hazards, a condition to locate the accessory building a minimum of 6 metres (20 feet) from the exterior lot line has been proposed for the Committee's consideration. This setback requirement is consistent with conditions imposed on variances for the reduction of side yard depths from a main building and an exterior lot line.

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

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 March 14, 2019.

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 March 14, 2019.

Actions:

That the Committee approve the variance subject to the following condition:

- a) The minimum separation between the vehicular entrance to the accessory building and the exterior side lot line shall be 6 metres (20 feet)

Additional comments resulting from circulation.

Corinne Chiasson, Resource Planner, Essex Region Conservation Authority (ERCA), wrote:

The following is provided as a result of our review of Application for Minor Variance A-08-19. The owners wish to construct a 104 square metre accessory structure, therefore relief is being requested from the maximum total gross floor area provision.

DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS, 2014) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards encompassed 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

SECTION 1.6.6.7 PPS, 2014 -Stormwater Management

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, 2014

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. 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 under the Provincial Policy Statement (PPS 2014). Based on our review, we have no objection to the application with respect to natural heritage policies.

FINAL RECOMMENDATION

We have no objections to this Minor Variance application

Discussions:

Rita Jabbour, Planner, explains the nature of the application.

Brian Gray states that the applicant would not be able to gain access to the proposed accessory structure.

Dale Koziana, the applicant, advises that currently there is a manmade access to where the proposed structure would be.

Rita advises that should the applicant want to install a second driveway, he would have to approach council and request the second driveway access.

Kevin Carter, Chief Building Official, advises that a detached structure does not require a driveway access.

Moved by Ray Beneteau

Seconded by Phil Pocock

(COA-2019-03-27) That application A-08-19 to construct a ± 104 square metre (± 1120 square foot) accessory structure and to accommodate a ± 28.7 square metre (± 309.5 square foot) increase in the total gross floor area of all accessory buildings on the subject property, be granted with the following condition:

- a) The minimum separation between the vehicular entrance to the accessory building and the exterior side lot line shall be 6 metres (20 feet)

"Carried"

Reasons:

The Committee of Adjustments is of the opinion that the four (4) tests for minor variances under Section 45(1) of the Planning Act have been satisfied.

d) A-07-19 Doug and Josephine Holland and Karl and Sandy Neudorf, 2135 McCormick Road (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 2135 McCormick Road in the former township of Colchester South, Ward 3. As a result of a proposed severance, the lot area for both the retained and severed parcel will decrease in size from +22.6 hectares (+56.57 acres) to +19 hectares (+48 acres) and +3.5 hectares (+8.7 acres), respectively.

The minimum lot area for lots within the Agriculture District 1.1 (A1.1) is 100 acres or as existing.

Note: An application for consent has also been received for the subject lands (File Number B-06-19). The public notice for the minor variance application has been included with this notice

Rita Jabbour, 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 submitted for the lands located at 2135 McCormick Road 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 Town of Essex Zoning Bylaw, Bylaw 1037.

The applicants are proposing to sever a ± 3.5 hectare (± 8.7 acre) parcel from the existing ± 22.6 hectare (± 56.57 acre) farm lot. The applicant is proposing this consent for the purposes of a farm split.

The severed parcel is proposed to be occupied by the existing single detached dwelling, accessory structures and accompanying infrastructure (i.e. access area and septic system). The severed lot will continue to be used for agricultural purposes primarily as a vineyard. Access to the severed lot will continue to be by way of McCormick Road.

The retained parcel is proposed to have an area of approximately ± 19 hectares (± 48 acres) and will continue to be used for agricultural purposes, primarily, the growing of cash crops. Access to the retained parcel will continue to be by way of McCormick Road.

The severance will have no impact on the agricultural productivity of the farm as the severed and retained parcels will continue to be used for the same agricultural purposes.

In accordance with the Provincial Policy Statement (PPS), lot creation in prime agricultural areas may be permitted for an agricultural use, provided the lots are of a size appropriate for

the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations.

In accordance with Bylaw 1037, a vineyard shall have a minimum lot area of 2 hectares (5 acres). At 3.5 hectares (8.7 acres), the severed parcel is sufficiently large enough to accommodate a vineyard without the requirement for a variance. The severed farm lot is also large enough to accommodate a riding stable (2 hectares), nursery (2 hectares) and a farm production support use should changing agricultural market conditions necessitate it.

A variance is required to accommodate a 3.5 hectare reduction in total lot area for the retained farm parcel.

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 main use of the subject parcel will remain agricultural.
- b) The variance(s) is minor and desirable for the appropriate use of the land;
No agricultural land used for current cash cropping operations will be taken out of production as a result of the variance.
- c) The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:
Agricultural lot sizes vary greatly in the agricultural district.
- d) The variance deals with circumstances particular to the site and development:
The variance is necessary to accommodate a farm split.

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 March 14, 2019.

Comments were received from the Essex Region Conservation Authority (ERCA).

They have noted the presence of a significant woodland on the subject property (see attached map). In accordance with Section 2.1.8 of the Provincial Policy Statement (PPS), "Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions."

With reference to the existing natural heritage feature which is located on the retained parcel, ERCA has recommended that the application be approved subject to the establishment of a conservation easement; or, defined building envelope; or, rezoning the natural heritage feature identified in the "Natural Heritage Overlay" from Agricultural to "Natural Environment District".

Representatives from ERCA have conversed with the applicants. Both applicants are in support of the recommended conditions as a demonstration of no negative impact. It is ERCA's preferred choice that the area of natural heritage be rezoned to Natural Environment.

It is the opinion of the Planning department that the area of natural heritage would be best protected through a conservation easement as a rezoning would still allow for the construction of a dwelling within the area of natural environment and any structure accessory to it. A conservation easement would prevent the alteration of the feature, unless in accordance with the easement. The conservation easement has been made a condition of this consent. The Committee may add or remove any conditions as long as they pertain to the subject property.

No comments were received from circulated internal agencies as of Thursday March 14, 2019.

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 a Conservation Easement, acceptable to the Town and the Conservation Authority, be registered on Title prohibiting development and site alteration of the natural heritage feature and reforestation area on the subject property (severed and retained lot), except in accordance with the provisions of the easement;
 - g) That all of the above conditions be fulfilled on or before March 19, 2020.

2. 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 parcel.

Additional comments resulting from circulation.

Corinne Chiasson, Resource Planner, Essex Region Conservation Authority (ERCA), wrote:

The following is provided as a result of our review of Application for Consent B-06-19 and Minor Variance A-07-19. The applicants wish to sever a 3.5 hectare parcel from the existing 22.6 hectare farm lot, as a farm split. The retained parcel will have a resulting area of 19 hectares. The Minor Variance is being applied for to recognize the resulting reductions in lot size for both the retained and severed

DELEGATED RESPONSIBILITY TO REPRESENT PROVINCIAL INTEREST IN NATURAL HAZARDS, (PPS, 2014) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards encompassed 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 Alga-Ford Drain, Taylor Drain and McCormick 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 the regulations. There is no ERCA permit or approval required for this application for consent and application for minor variance.

WATERSHED BASED RESOURCE MANAGEMENT AGENCY SECTION 1.6.6.7 PPS, 2014 - Stormwater Management

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management. Our office has no concerns relating to stormwater management.

NATURAL HERITAGE POLICIES OF THE PPS, 2014

The subject property contains a natural heritage feature that is identified as a significant woodland under the Provincial Policy Statement (PPS, 2014). Our information also indicates that the subject property may support habitat of endangered species and threatened species. This natural heritage feature has also been identified on the "Natural Heritage Overlay", (Schedule B) of the Town of Essex Official Plan. Policy Section 5.3 c) states: development and site alteration as defined in the PPS can only occur on lands adjacent to those areas within the "Natural Heritage Overlay" if it has been demonstrated to the satisfaction of the municipality that there will be no negative impacts on the natural features or their ecological functions.

Section 2.1.5 of the PPS 2014 states - Development and site alterations shall not be permitted in significant woodland...unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. Section 2.1.8 of the PPS 2014 states – “Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.” The required demonstration of no negative impact, in accordance with the relevant PPS policies outlined above, is most effectively accomplished through the completion of an Environmental Impact Assessment (EIA). However, other options may exist as an adequate demonstration of no negative impact.

Section 2.1.7 of the PPS 2014 states – “Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.” It is the proponent’s responsibility to exercise due diligence in ensuring that all issues related to the provincial Endangered Species Act and its regulations have been addressed.

We therefore advise the Committee that in order to satisfy the policies of the Town of Essex Official Plan and the natural heritage policies of the PPS, a demonstration of no negative impact to the natural heritage feature is required.

Upon our review of the proposed lot creation (farm split) which is defined as "development" under the PPS, it is our recommendation to the Committee that a demonstration of no negative impact can be adequately satisfied via one of the following conditions of approval:

1. Establishment of a Conservation Easement over the lands identified as significant woodland in the "Natural Heritage Overlay". This easement would be established between the owner/purchaser and the Town of Essex, in consultation with the ERCA. This easement would be registered on title for the protection of the natural heritage feature in perpetuity.
2. Establishment of a defined building envelope for any future residence on the retained parcel. The remaining agricultural lands located on the retained parcel would be placed under a restricted agricultural zoning to prohibit future structures within 120 metres of the natural heritage feature. The building envelope would be registered as a restrictive covenant on title, to the satisfaction of the Town of Essex, in consultation with the ERCA. Specific details for this approach can be discussed between the Town and ERCA at a later date.

FINAL RECOMMENDATION

Provided that at least one, or a combination of both of the recommendations above are included as a condition of approval of the consent application and application for minor variance, it is our opinion that the approval of this application would be consistent with the natural heritage policies of the PPS and the Town of Essex Official Plan.

Discussions:

Rita Jabbour, Planner, explains the nature of the application.

Moved by Brian Gray

Seconded by Dan Boudreau

Opposed by Percy Dufour

Opposed by Ray Beneteau

(COA-2019-03-28) That application A-07-19 be granted to accommodate a reduction in lot area for the retained farm parcel from ± 22.6 hectares (± 56.57 acres) to ± 19 hectares (± 48 acres).

"Carried"

Reasons:

The Committee of Adjustments is of the opinion that the four (4) tests for minor variances under Section 45(1) of the Planning Act have been satisfied.

e) B-06-19 Doug and Josephine Holland and Karl and Sandy Neudorf, 2135 McCormick Road (Colchester South, Ward 3)

A consent application has been received by the Town of Essex Committee of Adjustment for the lands at 2135 McCormick Road in the former township of Colchester South, Ward 3. The applicants are proposing to sever a $+3.5$ hectare ($+8.7$ acre) parcel from the existing $+22.6$ hectare ($+56.57$ acre) farm lot. The retained parcel is proposed to have an area of $+19$ hectares ($+48$ acres). The applicants are proposing this consent for the purposes of a farm split.

Note: An application for minor variance has also been received for the subject lands (File Number A-07-19). The public notice for the minor variance application has been included with this notice

Rita Jabbour, 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 submitted for the lands located at 2135 McCormick Road 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 Town of Essex Zoning Bylaw, Bylaw 1037.

The applicants are proposing to sever a ± 3.5 hectare (± 8.7 acre) parcel from the existing ± 22.6 hectare (± 56.57 acre) farm lot. The applicant is proposing this consent for the purposes of a farm split.

The severed parcel is proposed to be occupied by the existing single detached dwelling, accessory structures and accompanying infrastructure (i.e. access area and septic system). The severed lot will continue to be used for agricultural purposes primarily as a vineyard. Access to the severed lot will continue to be by way of McCormick Road.

The retained parcel is proposed to have an area of approximately ± 19 hectares (± 48 acres) and will continue to be used for agricultural purposes, primarily, the growing of cash crops. Access to the retained parcel will continue to be by way of McCormick Road.

The severance will have no impact on the agricultural productivity of the farm as the severed and retained parcels will continue to be used for the same agricultural purposes.

In accordance with the Provincial Policy Statement (PPS), lot creation in prime agricultural areas may be permitted for an agricultural use, provided the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations.

In accordance with Bylaw 1037, a vineyard shall have a minimum lot area of 2 hectares (5 acres). At 3.5 hectares (8.7 acres), the severed parcel is sufficiently large enough to accommodate a vineyard without the requirement for a variance. The severed farm lot is also large enough to accommodate a riding stable (2 hectares), nursery (2 hectares) and a farm production support use should changing agricultural market conditions necessitate it.

A variance is required to accommodate a 3.5 hectare reduction in total lot area for the retained farm parcel.

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 main use of the subject parcel will remain agricultural.
- b) The variance(s) is minor and desirable for the appropriate use of the land;
No agricultural land used for current cash cropping operations will be taken out of production as a result of the variance.
- c) The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:
Agricultural lot sizes vary greatly in the agricultural district.
- d) The variance deals with circumstances particular to the site and development:
The variance is necessary to accommodate a farm split.

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 March 14, 2019.

Comments were received from the Essex Region Conservation Authority (ERCA).

They have noted the presence of a significant woodland on the subject property (see attached map). In accordance with Section 2.1.8 of the Provincial Policy Statement (PPS), "Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions."

With reference to the existing natural heritage feature which is located on the retained parcel, ERCA has recommended that the application be approved subject to the establishment of a conservation easement; or, defined building envelope; or, rezoning the natural heritage feature identified in the "Natural Heritage Overlay" from Agricultural to "Natural Environment District".

Representatives from ERCA have conversed with the applicants. Both applicants are in support of the recommended conditions as a demonstration of no negative impact. It is ERCA's preferred choice that the area of natural heritage be rezoned to Natural Environment.

It is the opinion of the Planning department that the area of natural heritage would be best protected through a conservation easement as a rezoning would still allow for the construction of a dwelling within the area of natural environment and any structure accessory to it. A conservation easement would prevent the alteration of the feature, unless in accordance with the easement. The conservation easement has been made a condition of this consent. The Committee may add or remove any conditions as long as they pertain to the subject property.

No comments were received from circulated internal agencies as of Thursday March 14, 2019.

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 a Conservation Easement, acceptable to the Town and the Conservation Authority, be registered on Title prohibiting development and site alteration of the natural heritage feature and reforestation area on the subject property (severed and retained lot), except in accordance with the provisions of the easement;
 - g) That all of the above conditions be fulfilled on or before March 19, 2020.
2. 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 parcel.

Additional comments resulting from circulation.

Corinne Chiasson, Resource Planner, Essex Region Conservation Authority (ERCA), wrote:

The following is provided as a result of our review of Application for Consent B-06-19 and Minor Variance A-07-19. The applicants wish to sever a 3.5 hectare parcel from the existing 22.6 hectare farm lot, as a farm split. The retained parcel will have a resulting area of 19 hectares. The Minor Variance is being applied for to recognize the resulting reductions in lot size for both the retained and severed

DELEGATED RESPONSIBILITY TO REPRESENT PROVINCIAL INTEREST IN NATURAL HAZARDS, (PPS, 2014) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards encompassed 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 Alga-Ford Drain, Taylor Drain and McCormick 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 the regulations. There is no ERCA permit or approval required for this application for consent and application for minor variance.

WATERSHED BASED RESOURCE MANAGEMENT AGENCY SECTION 1.6.6.7 PPS, 2014 - Stormwater Management

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management. Our office has no concerns relating to stormwater management.

NATURAL HERITAGE POLICIES OF THE PPS, 2014

The subject property contains a natural heritage feature that is identified as a significant woodland under the Provincial Policy Statement (PPS, 2014). Our information also indicates that the subject property may support habitat of endangered species and threatened species. This natural heritage feature has also been identified on the "Natural Heritage Overlay", (Schedule B) of the Town of Essex Official Plan. Policy Section 5.3 c) states: development and site alteration as defined in the PPS can only occur on lands adjacent to those areas within the "Natural Heritage Overlay" if it has been demonstrated to the satisfaction of the municipality that there will be no negative impacts on the natural features or their ecological functions. Section 2.1.5 of the PPS 2014 states - Development and site alterations shall not be permitted in significant woodland...unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. Section 2.1.8 of the PPS 2014 states – "Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions." The required demonstration of no negative impact, in accordance with the relevant PPS policies outlined above, is most effectively accomplished through the completion of an Environmental Impact Assessment (EIA). However, other options may exist as an adequate demonstration of no negative impact. Section 2.1.7 of the PPS 2014 states – "Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements." It is the proponent's responsibility to exercise due diligence in ensuring that all issues related to the provincial Endangered Species Act and its regulations have been addressed.

We therefore advise the Committee that in order to satisfy the policies of the Town of Essex Official Plan and the natural heritage policies of the PPS, a demonstration of no negative impact to the natural heritage feature is required.

Upon our review of the proposed lot creation (farm split) which is defined as "development" under the PPS, it is our recommendation to the Committee that a demonstration of no negative impact can be adequately satisfied via one of the following conditions of approval:

1. Establishment of a Conservation Easement over the lands identified as significant woodland in the "Natural Heritage Overlay". This easement would be established between the owner/purchaser and the Town of Essex, in consultation with the ERCA. This easement would be registered on title for the protection of the natural heritage feature in perpetuity.

2. Establishment of a defined building envelope for any future residence on the retained parcel. The remaining agricultural lands located on the retained parcel would be placed under a restricted agricultural zoning to prohibit future structures within 120 metres of the natural heritage feature. The building envelope would be registered as a restrictive covenant on title, to the satisfaction of the Town of Essex, in consultation with the ERCA. Specific details for this approach can be discussed between the Town and ERCA at a later date.

FINAL RECOMMENDATION

Provided that at least one, or a combination of both of the recommendations above are included as a condition of approval of the consent application and application for minor variance, it is our opinion that the approval of this application would be consistent with the natural heritage policies of the PPS and the Town of Essex Official Plan.

Discussions:

Rita Jabbour, Planner, explains the nature of the application.

She advises the committee that ERCA has reviewed the application with the applicants and the Planning Department. It has been determined that a conservation easement over the identified significant woodland in the "Natural Heritage Overlay" is favoured over a Building Envelope.

Ray Beneteau states that he has concerns that the severed parcel will be only 8 acres. Rita advises that the zoning by-law allows for this type of severance. She states that Karl Neudorf will be farming the severed parcel and that the retained parcel will be a vineyard maintained by Doug Holland.

Corinne Chiasson, Essex Region Conservation Authority (ERCA), states that the applicants, purchaser and the Planning department have discussed the severance in detail. She states that this type of severance satisfies the Provincial Policy Statement (PPS), as well as the Town and ERCA. She states that the only concern would be the location of a future dwelling on the retained parcel. She explains that this is the reason for the conservation easement or building envelope recommendation.

She advises that this will protect the woodland area and ensure it will not be cleared out and built upon.

Percy states that he has concerns with the proposed severance as the vineyard is not currently in production and profitable.

Rita advises that the committee could classify this as a surplus dwelling severance but under the Official Plan, PPS and Zoning by-law this would be considered a farm split as both parcels will be used for farming purposes.

Moved by Brian Gray

Seconded by Dan Boudreau

Opposed by Percy Dufour

Opposed by Ray Beneteau

(COA-2019-03-29) That application B-06-19 be granted to sever a ± 3.5 hectare (± 8.7 acre) parcel from the existing ± 22.6 hectare (± 56.57 acre) farm lot, 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 a Conservation Easement, acceptable to the Town and the Conservation Authority, be registered on Title prohibiting development and site alteration of the natural heritage feature and reforestation area on the subject property (severed and retained lot), except in accordance with the provisions of the easement;
- g) That all of the above conditions be fulfilled on or before March 19, 2020.

"Carried"

Reasons:

In the opinion of the Committee, approval of this consent application is in keeping with the policies of the Town of Essex Official Plan, the requirements of the Planning Act and the policies mandated under the Provincial Policy Statement (PPS).

**f) B-07-19 Sanward Enterprises Inc. and Edward Chittle (Agent: Edwin C. Hooker),
13594 13th Concession (Colchester North, Ward 2)**

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 13594 13th Concession, in the former township of Colchester North, Ward 2. The applicants are proposing to sever a $+0.5$ hectare ($+1.36$ acre) wooded parcel from the existing $+43.56$ hectare ($+108.9$ acre) farm lot. The severed lot is proposed to be merged with the property known municipally as

the Greenway. The applicants are proposing this consent for the purpose of a lot addition.

Rita Jabbour, Planner, wrote:

Official Plan Designation: "Agricultural"

Zoning: Agricultural District 1.1 (A1.1) –general agriculture and farm production support activities

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 13594 13th Concession, in the former township of Colchester North. 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 applicants are proposing to sever a +0.5 hectare (+1.36 acre) wooded parcel from the existing +43.56 hectare (+108.9 acre) farm lot for the purposes of a lot addition. The severed lot is proposed to be merged with the property directly to the Northeast, known municipally as the Greenway and owned by the Essex Region Conservation Authority (ERCA).

In accordance with the Provincial Policy Statement (PPS), lot adjustments in prime agricultural areas may be permitted for legal or technical reasons. Legal or technical reasons include minor boundary adjustments which do not result in the creation of a new lot. No new lot creation is being proposed. To satisfy this requirement, the applicant will be responsible for submitting evidence that the severed parcel will be consolidate with the abutting Greenway, as a condition of this consent.

The minimum lot area required for lots zoned A1.1 under the Town of Essex Zoning Bylaw 1037 is the lesser of 40 hectares (100 acres) or the existing lot size. As a result of the proposed severance, the lot area for the retained parcel will be reduced by +0.5 hectares. The applicants do not require a minor variance as they will be acquiring the vacant lands owned by ERCA and located to the northwest of the subject property. The ERCA lands are of equal size to the severed lot. Thus, there will be no reduction in the total lot area of the retained farm lot.

To ensure there will be no reduction in lot area for the retained farm parcel, the Committee may require the applicant to provide evidence of the transfer of land from ERCA as a condition of this consent.

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 March 14, 2019.

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 March 14, 2019.

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 owned by the Essex Region Conservation Authority. 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 March 19, 2020.

Additional comments resulting from circulation.

Corinne Chiasson, Resource Planner, Essex Region Conservation Authority (ERCA), wrote:

The following is provided as a result of our review of Application for Consent B-07-19. The purpose of this application is to sever a 0.5 ha natural heritage feature from the property identified as 13594 13th Concession Road and add it to the adjacent Chrysler Canada Greenway, owned by the Essex Region Conservation Authority, to enhance the trail's natural heritage features.

DELEGATED RESPONSIBILITY TO REPRESENT PROVINCIAL INTEREST IN NATURAL HAZARDS, (PPS, 2014) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards encompassed 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 Pinkerton Drain and Barrette 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 the regulations.

WATERSHED BASED RESOURCE MANAGEMENT AGENCY SECTION 1.6.6.7 PPS, 2014 - Stormwater Management

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.

NATURAL HERITAGE POLICIES OF THE PPS, 2014

The subject property is within, and/or is adjacent to (within 120 metres of), a natural heritage feature that is identified as a significant woodland under the Provincial Policy Statement (PPS, 2014). Section 2.1.8 of the PPS 2014 states – “Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.”

Notwithstanding the above noted reference to PPS policies, we note that the purpose of this application for consent is for a lot addition only, whereby a vacant parcel containing a small wooded feature will be added to the adjacent property for the purpose of natural heritage protection under the ownership of the ERCA. Based on this, it is our recommendation to the Municipality that a demonstration of no negative impact is not required.

FINAL RECOMMENDATION

We have no objections to this application for Consent

Discussions:

Rita Jabbour, Planner, explains the nature of the application.

Moved by Ray Beneteau

Seconded Phil Pocock

(COA-2019-03-30) That application B-07-19 be granted 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 the severed parcel be consolidated with the lands owned by the Essex Region Conservation Authority. 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 March 19, 2020.

"Carried"

Reasons:

In the opinion of the Committee, approval of this consent application is in keeping with the policies of the Town of Essex Official Plan, the requirements of the Planning Act and the policies mandated under the Provincial Policy Statement (PPS).

6) Old Business

None

7) New Business

a) Local Planning Appeal Tribunal (LPAT) Explained

Rita explains the Local Planning Appeal Tribunal (LPAT) to the Committee. She advises that the LPAT requires more information than the previous Ontario Municipal Board (OMB). She advises that LPAT gathers all the information pertaining to the application, a meeting is held and the application is then forwarded back to the Committee or Council to reconsider the

application. Should the Committee or Council conclude the same findings as previously stated then the LPAT would make a decision regarding the application before them.

Percy asks if the LPAT would send the decision back to the Committee of Adjustment or would Council be required to make the decision for a matter regarding a Committee application.

Rita advises that currently there is no LPAT appeals for the Committee of Adjustment so she is unaware who would make the second review.

b) Easement and Right of Ways

Rita advises that the Committee may be faced with an application for an easement or right of way. She explains that an Easement if for over 21 years would have to be granted by the Committee of Adjustment. She advises that many of the easements the Committee received concern easements over access bridges in the agricultural designation.

Rita states that examples of right of ways are for public uses such as for roads.

Percy states that easements on surplus dwellings should not be placed. He advises that the new owners of the dwelling will have a cost at fixing the access bridge and access area as the equipment for farming is large and overtime, may pose a problem with maintenance.

Percy states that he would like to move away from granting easements to surplus dwelling applications.

c) Discussion of Applications

Rita advises the committee of proper conduct before Committee meetings. She states that any discussion about an application should be done at an open meeting only. She advises that should anyone be interested in an application for a severance or minor variance they be directed to the Planner for review.

d) Next Meeting

Tuesday April 16, 2019 at 4:00 pm

e) Adjournment

Moved by Ray Beneteau

Seconded by Phil Pocock

(COA-2019-03-31) That the meeting be adjourned at 5:45 pm.

"Carried"

Chair

Secretary-Treasurer/Planner

The following Notices of Motions were presented at the March 18, 2019 Regular Council Meeting and are being brought forward for consideration this evening:

15.2.1 Councillor Garon

RE: Sign By-Law Revision

Moved by Councillor Garon

Seconded by

That the Town's Sign By-Law 1350 be amended to require commercial property owners to remove or conceal business branding from signs, windows and doors within a reasonable period of time following the closure of a business.

15.2.2 Mayor Snively

RE: Colchester Commercial Rezoning

Moved by Mayor Snively

Seconded by

That Administration prepare a report outlining processes and steps in a detailed plan to move forward with rezoning Colchester Centre from residential to commercial.

The Corporation of the Town of Essex

By-Law Number 1796

Being a By-Law to Amend By-Law Number 1037

The Comprehensive Zoning By-Law for the Town of Essex

Whereas By-law Number 1037 is the Town's Comprehensive Zoning By-law regulating the use of lands and the character, location and use of buildings and structures within the Town of Essex;

And whereas the Council of the Corporation of the Town of Essex deems it expedient and in the best interest of proper planning to amend By-law Number 1037;

Now therefore the Corporation of the Town of Essex enacts as follows:

1. For the lands comprising Lots 54 to 61, 114 to 126, all inclusive, Registered Plan 1236, bounded by Munger Avenue to the north, Arthur Street to the east, Centre Street to the south and Church Street to the west, municipal address 230 Centre Street, the zoning is hereby changed from Institutional 1.1 (I1.1) to Holding Residential 2.1 (HR2.1);
2. Section 28, subsection 1, Site Specific Zoning Provisions, of By-law 1037, is hereby amended by adding the following paragraph:

"41. For the lands comprising Lots 54 to 61, 114 to 126, all inclusive, Registered Plan 1236, bounded by Munger Avenue to the north, Arthur Street to the east, Centre Street to the south and Church Street to the west, municipal address 230 Centre Street, the minimum exterior side yard width shall be 1.2 meters, except that the vehicular entrance to a garage shall be a minimum of 6 meters from an exterior lot line. ZDM 14"
2. This By-law shall come into force and take effect on the date of its passing thereof by Council.

Read a first and second time on March 18, 2019.

Mayor

Clerk

Read a third time and finally adopted on April 1, 2019.

Mayor

Clerk

The Corporation of the Town of Essex

By-Law Number 1798

Being a by-law to confirm the proceedings of the March 18, 2019, 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 March 18, 2019 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 March 18, 2019 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 March 18, 2019.

Mayor

Clerk

Read a third time and finally adopted on April 1, 2019.

Mayor

Clerk

The Corporation of the Town of Essex

By-Law Number 1794

Being a by-law to adopt the 2019 Operating and Capital Budget Estimates

Whereas Section 290 of the Municipal Act, 2001, S.O. 2001, c.25, and amendments thereto, requires that a local municipality shall prepare and adopt a budget including estimates of all sums required during the year for the purposes of the municipality;

And whereas, the Council of The Corporation of the Town of Essex ("Town of Essex") did provide notice of two Special Council Meetings to deliberate the municipal 2019 Operating and Capital Budget Estimates , which meetings were held on February 11, 2019 and February 25, 2019 ;

And whereas, at the Special Council Meeting held on February 25, 2019, the Council of the Town of Essex did adopt the municipal 2019 Operating and Capital Budget Estimates as presented and revised during that meeting, in principle;

And whereas, the Council of the Town of Essex did provide notice of its intent to formally adopt the municipal 2019 Operating and Capital Budget Estimates at the Regular Council Meeting to be held on April 1, 2019;

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

1. That the municipal Operating and Capital Budget Estimates for the year 2018 in the amounts of \$42,531,039 and \$10,334,454, respectively, and attached hereto, be approved and adopted.

Read a first, a second and a third time and finally passed on April 1, 2019.

Mayor

Clerk

The Corporation of the Town of Essex

By-Law Number 1800

Being a by-law to confirm the proceedings of the April 1, 2019, 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 April 1, 2019 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 April 1, 2019 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 April 1, 2019.

Mayor

Clerk

Read a third time and finally adopted on April 15, 2019.

Mayor

Clerk